

**CONSOLIDATED COMPREHENSIVE ZONING BY-LAW**

The Town of Saugeen Shores Comprehensive Zoning By-law is prepared by the Development Services Department. This online edition is prepared for the purposes of convenience only. For accurate reference, recourse should be had to the original by-law and amendments thereto.

Zoning By-law 75-2006 (Original) has been consolidated with Amendments

**THE CORPORATION OF  
THE TOWN OF SAUGEEN SHORES**

**BY-LAW NUMBER 75-2006**  
as amended

**A BY-LAW TO REGULATE  
THE USE OF LANDS AND THE CHARACTER, LOCATION  
AND USE OF BUILDINGS AND STRUCTURES  
IN THE TOWN OF SAUGEEN SHORES**

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**SCHEDULES**

- “A” Zoning Maps
- “B” Minimum Distance Separation I (MDS I)
- “C” Minimum Distance Separation II (MDS II)

**THE CORPORATION OF THE  
TOWN OF SAUGEEN SHORES**

**BY-LAW NO. 75-2006**

**A BY-LAW TO REGULATE THE USE OF LAND AND THE ERECTION, USE, BULK, HEIGHT, SPACING OF AND OTHER MATTERS RELATING TO BUILDINGS AND STRUCTURES AND TO RESTRICT CERTAIN USES OF LAND AND THE ERECTION AND USE OF CERTAIN BUILDINGS AND STRUCTURES IN THE TOWN OF SAUGEEN SHORES.**

**WHEREAS** the Council of the Corporation of the Town of Saugeen Shores considers it advisable to restrict the use of land and the erection of buildings and structures on land situated within the Town of Saugeen Shores.

**AND WHEREAS** The Municipal Council further considers it advisable to restrict and regulate the use of land situated within the defined areas, as hereinafter designated, for the purpose of regulating and prohibiting development of particular lands that would create an adverse effect on The Corporation, or would jeopardize future orderly development and expansion, to produce areas of compatible characteristics, and to provide protection for the residents against undesirable uses.

**AND WHEREAS** authority is granted under Section 34 of The Planning Act, 1990, to the Council of the Town of Saugeen Shores to exercise such powers;

**NOW THEREFORE** the Council of the Corporation of the Town of Saugeen Shores enacts as follows:

# SECTION 1 APPLICATION, ADMINISTRATION AND INTERPRETATION

## 1.1 BY-LAW TITLE

This By-law may be cited as the Comprehensive Zoning By-law of the Town of Saugeen Shores.

## 1.2 APPLICATION OF BY-LAW

### 1.2.1 Conformity with By-law

No building or structure shall be erected or altered, and the use of any building, structure or lot shall not be changed in whole or in part except in conformity with the provisions of this By-law.

### 1.2.2 Lands Subject to By-law

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Town of Saugeen Shores.

### 1.2.3 Existing Use Continued

Nothing in this By-law shall apply to prevent the use of any existing 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 passing of this By-law, so long as it continues to be used for that purpose.

For the purposes of this By-law, the phrase “lawfully used” will be restricted for the purposes of proof to existing as of December 31st, 1986.

### 1.2.4 Plans Approved Prior to Passing of By-law

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by the provisions of this By-law, if the plans for such building or structure were approved by the Corporation and either a building permit was issued or a Site Plan Agreement entered into prior to the date of passing of this By-law, so long as:

- a) when such building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued or such Site Plan Agreement was entered into and shall not be altered in any way except in conformity with the provisions of this By-law; and
- b) the erection of such building or structure is commenced within six (6) months after the date of passing of this By-law and such building or structure is completed within a reasonable time, or within the timeframe established in a Site Plan Control Agreement, after the erection thereof is commenced.

### 1.2.5 Compliance with Other Restrictions

- a) This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Corporation or by any appropriate Approval Authority having jurisdiction to make such restrictions or regulations.
- b) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law and the Building Code or any other By-law in force with the Corporation or from obtaining any license, permission, permit, authority or approval required by this or any other By-law of the Corporation unless hereinafter specifically stated.
- c) Nothing in this By-law shall reduce the severity of restrictions lawfully imposed by an appropriate Approval Authority having jurisdiction to make such restrictions.

### 1.2.6 Issuance of Building Permits

- a) A building permit will only be issued where the proposed building, structure or use is in compliance with the provisions of this By-law and the Corporation's Building By-law.
- b) Where a building permit is required to facilitate a development, no excavation shall occur until the building permit has been issued.
- c) In addition to all other requirements of the Corporation, every application for a building permit shall be made in compliance with the Ontario Building Code Act.
- d) Every application for a building permit must also be accompanied by the required Municipal permits and/or permits from an appropriate Approval Authority for sewer or septic and/or water connections/wells, and/or permits for street entrance, and/or any other permits required by any appropriate Approval Authority. Where the issuance of a permit for a building or structure or change of use of an existing building or structure may affect any sewage disposal system, either on the subject land or on adjacent lands or any water supply, no building permit shall be issued for such building or structure unless the building permit application is accompanied by approval in writing from the appropriate Approval Authority for the proposed method of sewage disposal and water supply. A Nutrient Management Plan may also be required before any permit is issued for a livestock facility.

## 1.3 INSPECTION OF PREMISES

The Chief Building Official, By-law Enforcement Officer, or Zoning Administrator or any officer or employee appointed by the Corporation, upon producing proper identification, may enter at all reasonable times to inspect and examine any building or premises for which a permit or order has been issued. However, no officer or person acting under his/her instruction shall enter any room or place used as a dwelling unit without the consent of the owner or without a warrant issued pursuant to The Provincial Offences Act.



## **1.4 VIOLATIONS AND PENALTIES**

- a) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable,
  - i) on a first conviction to a fine of not more than twenty-five thousand dollars (\$25,000); and,
  - ii) on a subsequent conviction to a fine of not more than ten thousand dollars (\$10,000) for each day or part thereof upon which the contravention has continued after the day on which he/she was first convicted.
- b) Where a corporation contravenes any of the provisions of this By-law, the maximum penalty that may be imposed is:
  - i) on a first conviction a fine of not more than fifty thousand dollars (\$50,000); and
  - ii) on a subsequent conviction to a fine of not more than twenty-five thousand dollars (\$25,000) for each day or part thereof upon which the contravention continued after the day on which the corporation was first convicted.
- c) Every such fine shall be recoverable under the Provincial Offences Act, all the provisions of which apply, except that any imprisonment shall be as set out in The Municipal Act.

## **1.5 REMEDIES**

- a) Where any building or structure is, or is proposed to be, erected, altered, reconstructed, extended or enlarged or used in contravention of any requirement of this By-law, such contravention may be removed or altered by action of the Corporation pursuant to the relevant provisions of The Planning Act, R.S.O. 1990, or The Municipal Act, R.S.O. 2001, as amended, in that behalf.
- b) Where a person guilty of an offence under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done by the Corporation at the expense of such person.
- c) Where a person has refused or neglected to reimburse the Corporation for the cost of such work, thing or matter done, the same may be recovered by the Corporation by an action or otherwise and such amount shall be added to the collectors roll and form a lien in a like manner as municipal taxes.
- d) Where any By-law of the municipality, passed under the authority of The Planning Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or persons convicted.

## **1.6 VALIDITY**

Should any section, clause or provision of this By-law be held by a court of competent

jurisdiction to be invalid, the validity of the remainder of the By-law shall not be altered.

## **1.7 REQUESTS FOR AMENDMENTS**

Every request for an amendment to this By-law shall be in conformity with the Official Plan of the Town of Saugeen Shores and the County of Bruce. "Applications for Zoning By-law Amendment" shall be provided by and available from the Corporation of the Town of Saugeen Shores and the County of Bruce.

## **1.8 INTERPRETATION**

### **1.8.1 By-Law Text**

- a) The particular shall control the general;
- b) The word "shall" is mandatory and not discretionary; and the word "may" is permissive;
- c) Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary;
- d) A "Building" or "Structure" includes any part thereof.

### **1.8.2 Measurements**

All measurements of length, width, height, depth or area used in this By-law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:

- a) For a WHOLE NUMBER, measurements of LESS THAN 0.5 shall be rounded DOWNWARD to the next whole unit;
- b) For a WHOLE NUMBER, measurements of 0.5 AND GREATER shall be rounded UPWARD to the next whole unit;
- c) For a number having ONE DECIMAL PLACE, measurements of LESS THAN 0.05 shall be rounded DOWNWARD to the next one-tenth unit;
- d) For a number of ONE DECIMAL PLACE, measurements of 0.05 AND GREATER shall be rounded UPWARD to the next one-tenth unit.
- e) Ratios and percentage figures shall not be subject to rounding.
- f) All measurement figures used in the By-law shall be metric measurement.

## SECTION 2 DEFINITIONS

For the purposes of this By-law, the definitions and interpretations given in this section shall govern unless the context requires otherwise.

"ACCESSORY" means a use, building or structure subordinate, incidental and exclusively devoted to the principal use, building or structure located on the same lot therewith and not designed or intended for human habitation unless specifically permitted elsewhere in this By-law.

"ACCESSORY RETAIL STORE" means a retail store that is accessory to the principal use on a property and where the products sold are primarily and directly associated with the principal use of the property.

"ABATTOIR" means a building or structure, or part thereof, used for the slaughtering of animals.

"ADULT ESTABLISHMENT":

- a) "ADULT ENTERTAINMENT ESTABLISHMENT" means any premises or part thereof in which is provided, in pursuance of a business, services by an entertainer appealing to or designed to appeal to erotic or sexual appetites or inclinations.
- b) "ADULT STORE" means any business involving the sale and/or rental of adult videos, adult goods, adult magazines, or the showing or viewing of adult videos, or any combination thereof, but does not include a store where the provision of adult videos, adult goods, adult magazines, or any combination thereof is only incidental to the carrying on of the business of the provision and display of videos, magazines or goods. For the purposes of this definition, "Adult Goods" means goods appealing or designed to appeal to erotic or sexual appetites or inclinations that, due to their sexual nature, are described or advertised as appropriate only for use by adults, including any pictorial photographic or graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involving or engaging in sexual activities, or by emphasis on the display of human body areas; and any other goods referred to as "adult" in a sexual context. "Adult Magazine" means any magazine, the content or cover of which is designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in sexual activities, or by emphasis on the display of human body areas. "Adult Video" means any video media, the content or container of which is designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject-matter distinguished or characterized by the portrayal of one or more persons involved in sexual activities, or by an emphasis on the display of human body areas, and any video classified by the Ontario Film Review Board as "restricted", with the added information piece "adult sex film".
- c) "BODY-RUB PARLOUR" means any premises or part thereof where a body-rub is performed, offered, or solicited in pursuance of a business or occupation. "Body-rub" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed and registered to do so

under the laws of the Province of Ontario. "Body-rubber" means an individual person who, in pursuance of a business or calling, provides, performs, offers or solicits body-rubs, or engages in a business involving the provision or receiving of body-rubs by such person.

"AGRICULTURAL USE" shall mean the use of land, buildings and structures for the growing of field crops, berry crops, tree crops, flower gardening, truck gardening; for nurseries and aviaries, apiaries and bee-keeping; farms for the grazing, breeding, raising, boarding or training of poultry and/or livestock; forestry and reforestation; for fish farms and aquaculture; for mushroom farms; and for greenhouses; and includes the sale of such produce, crops, livestock or poultry on the same lot and may include a detached dwelling accessory to the above, but shall not include kennels, abattoirs and meat processing.

"AGRICULTURALLY RELATED COMMERCIAL/INDUSTRIAL USE" shall mean a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets and shall include a "Farm Implement Establishment" and a "Bulk Sales Establishment – Agricultural" as defined herein.

"AIR STRIP" means the land area containing one or more runways plus additional graded land on both sides and both ends of the runway or runways.

"AIRCRAFT HANGAR" means a building or structure designed and used for the shelter of aircraft.

"AIRPORT" means any area of land, water (including frozen surface thereof) or other supporting surface, used or designed, prepared, equipped or set apart for use either in whole or in part for the arrival and departure, movement or servicing of aircraft, and includes any buildings, installation and equipment in connection therewith, including aircraft hangars, for which an airport license has been issued by Transport Canada.

"ALTER" when used in reference to a building or part thereof, means to change any one or more of the internal or 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 width, depth, or area of any required yard setbacks, landscaped open space or parking area, to change the location of any boundary of such lot with respect to a street or land, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The word ALTERED and ALTERATION shall have a corresponding meaning.

"AMUSEMENT GAME ESTABLISHMENT" means a commercial establishment where three or more manual, mechanical, electrical or computerized machines are made available for the entertainment and/or amusement of the general public.

"APPROPRIATE APPROVAL AUTHORITY" means a government agency that has the authority to grant approvals, and may include any Department of the Federal Government, any Ministry of the Provincial Government, the County of Bruce, the Saugeen Valley Conservation Authority and the Grey Bruce Health Unit.

"ART GALLERY" means a building or part thereof where works of art, such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing and includes retail sales related thereto.

"ASSEMBLY HALL" means a building or structure used for the assembly of persons, and without limiting the generality of the foregoing includes assembly for religious, charitable, philanthropic, cultural, recreational or educational purposes.

"ATTACHED" when used in reference to a building, means a building otherwise complete in itself which depends for structural support or complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings. A breezeway, or similar unenclosed structure connecting two buildings or structures is not considered attached.

"AUCTION ESTABLISHMENT" means a building and/or lands or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

"AUTOMOBILE" means a self-propelled vehicle including a car, a light truck or a motorcycle, used for land transportation, but does not include motorized construction equipment or farm equipment, a motor home, a snowmobile, a boat, recreational vehicles, a trailer or farm implement, a truck tractor or tractor trailer or any other device which is capable of being driven, propelled or drawn by any kind of power, a bicycle or any other device powered solely by means of human effort.

"AUTOMOBILE BODY SHOP" means a building and/or lands, or part thereof, used for the repair of damage to an automobile caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of automobiles, the painting or repainting of automobiles and the rebuilding or conversion of automotive engines or engine parts, but does not include an automobile repair garage, an impounding yard, an automobile service station or a gasoline bar.

"AUTOMOBILE GAS BAR" means a building or place with one or more fuel pumps for the sale of motor fuels and related products for automobiles, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of fuel but where no servicing, repair or equipping of automobiles is carried on and does not include a car wash establishment.

"AUTOMOBILE REPAIR ESTABLISHMENT" means a building and/or lot used for the servicing, repair, cleaning, polishing and greasing of automobiles and gas pumps, and shall include motorcycle repair establishment and shall not include recreational vehicle repair establishment or tractor trailer repair establishment and shall not include any other automotive use defined in this By-law.

"AUTOMOBILE SALES ESTABLISHMENT" means a building and/or lot used for the display and sale of new or used automobiles and may include the servicing, repair, cleaning, polishing and greasing of automobiles, the sale of automotive accessories and related products and the leasing or renting of automobiles, but shall not include any other automotive use defined in this By-law.

"AUTOMOBILE SERVICE STATION" means a lot, building or structure, where such goods are sold and such minor services are provided as are essential to the running operation of automobiles and may include the selling of refreshments to the travelling public by way of vending machines, and may include a coffee shop, but does not include a retail store, an automobile repair shop, the business of selling cars or other vehicles, and does not include a mechanical or coin-operated car washing establishment except that cars may be washed by the operator or an employee of the station with or without the aid of semi-automatic equipment.

"BAIT AND/OR FISHING SUPPLY ESTABLISHMENT" means a building or structure or part thereof used solely for the sale of bait and tackle to the general public.

"BAKERY" means a building or part thereof for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

"BAKE SHOP" means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.

"BALCONY" means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.

"BASEMENT" means that portion of a building between two floor levels which has at least 50%, but not more than 80% of its height below average finished grade.

"BATCHING PLANT" means an industrial establishment used for the production of asphalt, concrete, or asphalt or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished asphalt or concrete.

"BATCHING PLANT, PORTABLE" means a temporary asphalt or concrete batching plant established for a Provincial or Municipal road project.

"BED & BREAKFAST ESTABLISHMENT" means an owner-occupied detached dwelling, containing not more than three (3) rooms available for sleeping accommodation of the vacationing or travelling public for not more than eight (8) persons in which breakfast may be offered. A bed and breakfast establishment shall not include a restaurant and the owner/operator must occupy said dwelling.

"BOARDING HOUSE" means a dwelling unit containing greater than four (4) and not more than ten (10) guest rooms rented for the accommodation of the public, in which the owner or head lessee supplies lodgings with or without meals, and in which occupants share facilities, but does not include any other establishment otherwise defined in the By-law.

"BOAT" means any marine vessel propelled by oars, sail, an engine or paddles.

"BOAT HOUSE" means an accessory building or structure or portion thereof used to house, shelter, or protect boats.

"BREEZEWAY" means a roofed, open or enclosed passage connecting two or more buildings.

"BREWING ON PREMISES ESTABLISHMENT" means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased, equipment and storage area is used for a fee by the same individuals.

"BUILDING" shall mean any structure other than a fence being a permanent edifice fixed to, or supported by the soil, and used or intended to be used for the shelter, accommodation or

enclosure of persons, animals or chattels.

"BUILDING, PRINCIPAL" or "PRINCIPAL STRUCTURE" means the building or structure in which is conducted the principal use of the lot on which it is situated.

"BUILDING BY-LAW" means any "Building By-law" within the meaning of the Planning Act and the Building Code Act.

"BUILDING LINE, ESTABLISHED" means the existing street setback of an existing main building on a lot, measured between the centreline of the street adjacent to the said lot and the nearest part of such building, excluding any stoops, sun decks, verandahs, balconies, exterior steps, or architectural adornments.

"BUILDING SETBACK" means the minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot.

"BUILDING SUPPLY AND SALES ESTABLISHMENT" means the use of land, buildings or structures for the sale, storage and/or display of goods, merchandise or equipment used in building and construction.

"BULK SALES ESTABLISHMENT" means the use of land, a structure or a building for the purposes of buying and selling fuels, oil, wood, coal, or nursery stock, but does not include manufacturing, assembling or processing uses.

"BULK SALES ESTABLISHMENT - AGRICULTURAL" means the use of land, a structure or a building for the purposes of buying and selling agricultural products, nursery stock and/or garden supplies.

"BUSINESS SERVICE ESTABLISHMENT" means an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising and mailing, building maintenance, employment services, and protective services.

"CAMPGROUND" means a lot used for not more than seven (7) months in any consecutive ten (10) month period, for the parking and use of travel trailers, tent-trailers, tents or similar transportable accommodation together with all yards and open space defined in this By-law, but shall not include off-season storage of additional travel trailers, tent trailers, or similar transportable accommodation.

"CANOPY" means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

"CAR WASH ESTABLISHMENT" means a lot, building or structure used solely for the washing and cleaning of automobiles, and shall include a "Car Wash Establishment – Automated" and a "Car Wash Establishment – Manual" as defined herein, but shall not include any other automotive use defined in this By-law.

"CAR WASH ESTABLISHMENT - AUTOMATED" means a building containing automated facilities for the washing, waxing and/or detailing of automobiles for a fee.

"CAR WASH ESTABLISHMENT - MANUAL" means a lot or building containing facilities for the

washing, waxing and/or detailing of automobiles by hand for a fee but does not include a “Car Wash Establishment – Automated” as defined herein.

"CARPORT" means a covered structure attached to the wall of the principal building and used for the storage of automobiles. The roof of said structure shall be supported only by piers or columns. A decorative wall may be attached to the supporting piers of columns provided no part of any such wall which is adjacent to the lot line is constructed above the-mid-way point of the height of the supporting piers or columns.

“CATERER'S ESTABLISHMENT” means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, and does not include a restaurant.

“CELLAR” means that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to ceiling below adjacent finished ground surface or grade.

"CEMETERY" means a cemetery or columbarium within the meaning of The Cemetery Act of Ontario.

“CENTRE LINE" means the centre line of any street, railway, roadway, lane or railway right-of-way.

“CERTIFICATE OF OCCUPANCY” means a certificate issued by the Chief Building Official certifying that the subject building or structure has been constructed in accordance with the Building Code Act and meets applicable Municipal or Provincial regulations and may be occupied and used for the use requested.

“CHILD CARE” means the temporary care for or supervision of a child including providing for a child’s safety, well-being or development, in the absence of the child’s parent and for a continuous period that does not exceed 24 hours, in accordance with the Child Care and Early Years Act, 2014, including any amendments, or its successor, and provided at one of the following:

- a) “CHILD CARE CENTRE” means a premises operated by a person who is licensed by the province to operate a child care centre at the premises.
- b) “HOME BASE CHILD CARE” means a premises operated at a dwelling by one or more child care provider(s) that are regulated by a home child care agency. Home-based Child Care is provided by one (1) child care provider for no more than six (6) children; or, if regulations allow, two (2) child care providers for no more that twelve (12) children.
- c) “UNLICENSED CHILD CARE” means child care provided at a premises that is not a “child care centre” or “home child care” or a private school within the meaning of the Education Act. Unlicensed Child Care is provided for no more than five (5) children, where the group of children does not include more than two (2) children who are younger than two (2) years old.

"CHIEF BUILDING OFFICIAL" means the officer or employee appointed by By-law of the Corporation of the Town of Saugeen Shores charged with the duty of enforcing the provisions of the Building By-law of the Corporation, Building Code Act and its applicable regulations.



"CHRONIC CARE FACILITY" means, a hospital, a hospice, or licensed facility where the elderly or chronically ill reside and are cared for.

"COMMERCIAL USE" means the use of any land, building or structure for the purpose of offices or retail buying or selling of commodities and services, but does not include use for warehousing, wholesaling, manufacturing or assembling of goods.

"COMMERCIAL RECREATION ESTABLISHMENT" means a building, or part thereof, used for the purposes of an arena, assembly hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, splash pad, or sports simulation, but not including a place of entertainment, an amusement games establishment, cinema, theatre, drive-in theatre, amusement park or any other place of entertainment or amusement otherwise defined or classified herein.

"COMMERCIAL VEHICLE" means a vehicle defined or licensed by the Province of Ontario as a commercial motor vehicle, pursuant to the provisions of The Highway Traffic Act, as amended from time to time, or any successors thereto.

"CONSERVATION AREA" means an area of land owned by a public authority and managed for the purposes of preserving and improving the natural features of the environment.

"CONSERVATION AUTHORITY" means any Conservation Authority with jurisdiction.

"CONSERVATION USE" means lands used solely for the preservation and enhancement of the natural environment.

"CONSTRUCTION TRAILER" means a building or structure that is designed to be made mobile and drawn by a separate vehicle, and is used for the purpose of storage or administration on a site while building construction is taking place.

"CONTINUUM-OF-CARE FACILITY" means a nursing home in association with such facilities as hospitals, clinics, retirement homes, recreation centres, cafeterias and personal service establishments.

"CONTRACTOR'S YARD" means a lot, building or structure where mechanical, electrical, structural, plumbing or general contractors conduct their businesses and may include office space and outdoor storage of heavy equipment and building materials in accordance with the provisions of this By-law.

"CONVENIENCE STORE" means a retail food store, confectionery, delicatessen, grocery store, or groceteria having a gross floor area of 300 m<sup>2</sup> or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning, and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of food preparation does not exceed 10 percent of the gross floor area to a maximum of 30 m<sup>2</sup>.

"CORPORATION" means the Corporation of the Town of Saugeen Shores.

"COUNCIL" means the Municipal Council of the Corporation.

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"COUNTY" means the Corporation of the County of Bruce.

"COUNTY ROAD" means a road under the jurisdiction of the Corporation of the County of Bruce.

"COURT" means with respect to a motel or hotel, an open area bounded on all sides by buildings and used for such uses as a passive recreational area, swimming pool and deck, and/or children's play area.

"CRUSHING PLANT" means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.

"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 thereof, or the laying out and establishment of a commercial parking lot.

"DRIVEWAY" means a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/or egress from a lot.

"DRIVE-THROUGH FACILITY" means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples include but are not limited to: drive-up windows; ATM machines, order boards or boxes; car wash facilities; auto service facilities such as windshield washing stations; quick-lube or quick-oil change facilities. This does not include a drive-through restaurant as defined herein.

"DRY CLEANING ESTABLISHMENT" means a building where any one or more of dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is or are carried on.

"DRY CLEANING DISTRIBUTION OUTLET" means a building used for the purpose of receiving articles of goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the distribution of any such articles or goods which have been subjected to any such process.

"DUPLICATING ESTABLISHMENT" means an establishment offering photocopying and similar duplicating services using equipment in which offensive odours and/or excessive noise are not emitted. Printing presses and similar devices used in the printing production of newspapers or other newsprint products shall not be permitted.

"EMERGENCY CARE ESTABLISHMENT" means a dwelling which is used to provide a temporary residence for not more than six (6) adult persons (exclusive of staff) and their dependents, who, because of physical abuse, require immediate emergency shelter and assistance for a short period of time, generally not more than three (3) weeks.

"EMPLOYEE, FARM, SEASONAL" means a person, including the family thereof, engaged by the owner of the lot to assist in the production and/or harvesting of crops on such lot for a period of at least thirty (30) days during the growing and harvesting season.

"EQUIPMENT RENTAL ESTABLISHMENT" means a building in which equipment generally used for construction and maintenance is offered for rental or leasing.

"ERECT" when used in this By-law includes building, construction, reconstruction and relocation and, without limiting the generality of the word, also includes:

- a) Any preliminary physical operation, such as excavating, filling or draining;
- b) Altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- c) Any work for which a building permit is required under The Ontario Building Code.

"ERECTED" AND "ERECTION" shall have a corresponding meaning.

"EXISTING LOT" unless otherwise indicated, means existing on the date of passing of this By-law. For the purposes of this By-law, any existing lot which is of a lesser lot area or frontage than that required by this By-law and which has been increased in lot area or frontage through consent of the Bruce County Land Division Committee shall be deemed to be an 'existing lot'.

"FARM IMPLEMENT ESTABLISHMENT" means a retail establishment which deals in the sale of new and used agricultural machinery and may include the servicing of such machinery and farm vehicles as a secondary use but does not include the sale of new and used automotive vehicles or supplies.

"FARM, FISH" or "FISH FARM" means the use of land for the creation of ponds, waterways, tanks and other facilities for the spawning, growing, feeding and sale of fish.

"FARM, MUSHROOM" or "MUSHROOM FARM" means a farm upon which mushrooms or spores are grown for the purpose of gain or profit.

"FARM SALES OUTLET" means the sale of products that have been processed by a farmer, where the products are primarily from the farmer's agricultural operation. Processed shall mean cutting, cleaning, treating, grading and packaging to the extent that these activities relate to products primarily from and are conducted as a part of an agricultural operation.

"FEED MILL" means a building, structure or lot used for the storing, cleaning, processing and sale of grains, feeds, fertilizers and related agricultural products.

"FINANCIAL ESTABLISHMENT" means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stockbrokers, but not including the internal offices or administrative offices which shall be considered to be offices for the purposes of this By-law.

"FLOOR AREA, GROSS" shall mean the sum of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but shall not include:

- a) Any floor area of the building or structure which is used for heating equipment, storage or parking of automobiles, locker storage and laundry facilities, children's play areas and

other accessory uses.

- b) Enclosed malls when used as a common area between stores.

"FLOOR AREA, GROSS LEASABLE" means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centerline of partition walls and the exterior face of outside walls, and includes all such floor area on a main floor, mezzanine and upper storey, basement or cellar, but does not include any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any automobile parking facilities provided within the building.

"FLOOR AREA, GROUND" or "GROUND FLOOR AREA" means the maximum area of a building measured to the outside walls at grade excluding in the case of a residential dwelling, areas such as a private garage, carport, porch, veranda, cellar or sunroom (unless such sunroom is habitable at all seasons of the year), and any other non-habitable areas.

"FOOD PROCESSING PLANT" means a building or part thereof, other than a restaurant or catering establishment in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption, and includes a flour mill, a dairy, a bakery, a grain elevator or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of food, tripe or bones.

"FOOD STORE" means a retail store selling food and associated small household items.

"FORESTRY USE" means the general raising and harvesting of wood, and without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, trees, and other forest products produced on the same lot.

"FOSTER HOME" means a single housekeeping unit in a dwelling, in which individuals may be placed with Foster Parents to gain a family life experience, the said home being affiliated with a recognized social agency. The number of individuals placed at any one time shall not exceed four (4) persons.

"FUEL PUMP ISLAND" means that portion of an automobile service station, gasoline bar or portion of a non-residential use for the retail sale of automotive fuels that includes the fuel pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of automobiles or other vehicles.

"FUEL STORAGE FACILITY" shall refer to facilities where gasoline or an associated product (any other liquid product used as a fuel) is stored, handled, loaded or dispensed to be used as a fuel in motor vehicles, or as a fuel oil.

"FUNERAL HOME" means a commercial use for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of dead human bodies for interment or cremation.

"GARAGE, PRIVATE" or "PRIVATE GARAGE" means a detached accessory building or portion of a dwelling designed and used for the sheltering of private automobiles, travel trailers, boats,

and the storage of household equipment incidental to the residential occupancy and in which no business, occupation or service is conducted.

"GARAGE, PUBLIC" or "PUBLIC GARAGE" shall mean a municipal or provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.

"GARDEN CENTRE" means a lot, building or structure or part thereof, used for the wholesale and retail sale of trees, shrubs, plants, soil, landscaping supplies, garden ornaments, fertilizers and similar materials.

"GOLF COURSE" means a public or private area operated for the purpose of playing golf and may include a clubhouse, driving range and miniature golf course if located on the same property and is considered as a secondary use.

"GOLF COURSE, MINIATURE" means an area of land or a building, structure or premises or part thereof operated for profit or gain as a commercial place of entertainment or amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf driving tee or range as defined herein.

"GOLF DRIVING TEE OR RANGE" means a use which provides facilities designed and operated primarily for the practicing of golf shots but does not include a golf course or miniature golf course as defined herein.

"GRADE"

- a) When used with reference to a building or structure, means the average finished ground elevation immediately adjoining the wall or walls in question or the base of the structure exclusive of any artificial embankment.
- b) When used with reference to a street, means the finished elevation of such street, road or highway as established by the Corporation or other authority having jurisdiction.

"GREENHOUSE" means a building used for the growing of plants indoors, which may be transplanted to or from the outdoors on the same lot.

"GROUP HOME, TYPE ONE" means a single housekeeping unit in a residential dwelling in which three (3) residents with special care needs, such as seniors, individuals who are developmentally and/or physically challenged or mentally ill live under responsible supervision consistent with the requirements of its residents. "Residents" do not include staff or the receiving family. A group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

"GROUP HOME, TYPE TWO" means a single housekeeping unit in a residential dwelling in which three (3) or more residents with special care needs, such as seniors, individuals who are developmentally and/or physically challenged or mentally ill live under responsible supervision consistent with the requirements of its residents. "Residents" do not include staff or the receiving family. A type two group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

"GUEST ROOM" shall mean a room or suite of rooms used or designed for gain or profit by providing accommodation to the travelling or vacationing public, which may contain limited cooking facilities including a microwave, hot plate, and/or refrigerator.

"HABITABLE ROOM" means any room within a dwelling unit used or intended to be used for living, sleeping, eating or food preparation, but does not include a washroom, laundry room, closet, sunroom, porch, garage, basement, cellar, furnace room, or any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

"HEALTH CARE CLINIC" means a building in which two (2) or more rooms are used by the health care professions and their staff for the purpose of consultation, diagnosis and office treatment of human patients, but does not include a hospital. Without limiting the generality of the foregoing, a clinic may include chiropractic services, dental services, or other personal care services, administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic.

"HEIGHT" when used in reference to any building or structure, including an accessory building or structure, means the vertical distance measured between the horizontal plane through the average finished grade and a horizontal plane through:

- a) the highest point of a flat roof;
- b) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall;
- c) the deck line of a mansard roof; or
- d) the mean height between the eaves and ridge of a gabled or hip roof;

but exclusive of roof or penthouse structure accommodating an elevator, staircase, tank, ventilating fan, or other similar equipment, a smoke stack, barn, silo, communications tower or other utilitarian structure which does not provide habitable space.

Where a dormer, dormers or similar features exist or are proposed and where those features exceed 50% of the total roof area, the height of the roof shall be measured as the mean height between the lowest part of the dormer and topmost part of the roof.

"HOME FOR THE AGED" means a 'home for the aged' as defined in the Homes for the Aged and Rest Homes Act, as amended.

"HOME INDUSTRY" means a business of an industrial nature that includes manufacturing, processing, assembly or repair of goods which may be carried on within a building or part of a building that is accessory to a single detached dwelling that is occupied by the proprietor.

"HOME OCCUPATION" means any occupation or business providing personal or professional services which are carried on, as an accessory use within a dwelling, occupied by the proprietor.

"HOSPITAL" means a hospital as defined under The Public Hospitals Act, or under The Private Hospitals Act, as amended.

"HOUSEHOLD SALE/YARD SALE" means the sale by an occupant of a dwelling unit, on his or  
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her own premises, of used household goods belonging to the occupant.

"HOTEL" means any hotel, tavern, inn, lodge or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by

supplying food and furnishing sleeping accommodation of not less than ten (10) guest rooms and includes all premises licensed under The Liquor License Act and permanent staff accommodation but does not include any other establishment otherwise defined or classified in this By-law.

"INDIVIDUAL LAND PARCEL" means a parcel of land under common ownership which is described in a deed and is legally capable of being conveyed.

"INDUSTRIAL USE" means the use of any land, building or structure for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building or construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services.

"INDUSTRY, NON-EFFLUENT PRODUCING" or "NON-EFFLUENT PRODUCING INDUSTRY" means an industrial use which does not utilize process waters and which does not produce waste waters during the manufacturing process.

"INN" means an owner-occupied detached dwelling, containing not more than ten (10) rooms available for sleeping accommodation of the vacationing or travelling public, and may contain an accessory dining facility serving meals but not necessarily exclusively to the overnight guests.

"INSTITUTION" shall mean any land, building or structure or part thereof, used by any organization or association, for the promotion of charitable, educational, religious or benevolent objectives and not for profit or gain.

"KENNEL" means a place where dogs or other household pets other than poultry are bred and raised and are sold or kept for sale or boarded.

"LANDSCAPED OPEN SPACE" means the open unobstructed space on a lot accessible from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes any surfaced walk, patio, planting area, or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

"LANE" means a public or private access which affords a secondary means of access to abutting property, and may include Class 1 or 2 Municipal Streets as set out in Schedule "A".

"LAUNDROMAT" shall mean a building or structure where the service of coin-operated dryers or laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

"LAUNDRY ESTABLISHMENT" means a building or part of a building used for the purpose of receiving articles or goods of fabric or leather and subjecting such articles or goods to a cleaning and drying process.

"LEGAL" or "LAWFUL", when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure allowed by law, which complies with any and all restrictions lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

"LIBRARY" means a library, branch library to which the provisions of The Public Libraries Act, R.S.O. 1980, apply.

"LIVE/WORK" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas.

"LIVESTOCK HOUSING CAPACITY" shall mean the total maximum number of livestock that can be accommodated in a livestock facility at any one time.

"LIVESTOCK UNIT" shall mean the equivalent values for various types of animals and poultry based upon manure production and production cycles.

"LIVESTOCK VETERINARY CLINIC" means a building or structure used by a veterinarian who is a member of the Ontario Veterinarian Association and his or her assistants for the treatment and care of livestock and other farm-related animals. Without limiting the generality of the foregoing, a veterinary clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic.

"LOADING SPACE" shall mean an off-street space on the same lot as the building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which is accessible to a street, lane or other appropriate means of access.

"LODGE" means one or more buildings used mainly for the purpose of catering to the needs of the vacationing or travelling public by supplying food and furnishing sleeping accommodation and recreation facilities, and includes any portion of the premises used for staff accommodation but does not include any other establishment otherwise defined in this By-law.

"LOT" means a parcel of land or contiguous parcels of land under common ownership, having frontage on a Class 1 or 2 Municipal street or private road, and which is described in a deed or other document legally capable of conveying an interest in land and which deed is on record in the Registry Office or land titles office for the Bruce Registry Division; or

Means a parcel of land shown as a lot or block on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to The Planning Act, or a predecessor thereof.

Any such lot which legally existed on the day of passage of this By-law and has a lesser lot area and/or frontage than required by this By-law, and has been increased in size through consent of the appropriate Approval Authority or a conveyance pursuant to Section 50 (3) (c) or 50 (5) (d) of the Planning Act shall be deemed to be an "Existing Lot".

"LOT, CORNER" or "CORNER LOT" means a lot situated at the intersection of two or more streets or two parts of the same street of which the two adjacent sides upon the street line or street lines  
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include an angle of not more than one hundred and thirty-five (135) degrees and where such adjacent sides shall be deemed to be the angle formed by the intersection of the tangents of the street lines drawn through the extremities of the interior lot lines.

"LOT, INTERIOR" or "INTERIOR LOT" means a lot other than a corner lot and having frontage on one street only.

"LOT, THROUGH" or "THROUGH LOT" means a lot bounded on two opposite sides by streets but does not include a corner lot.

"LOT AREA" means the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or between the rim of the banks of a river or watercourse, provided that and except as otherwise provided only the lot area lying within the zone in which a proposed use is permitted may be used in calculating the minimum lot area under the provisions of this By-law for such permitted use. In the case of corner lots having a street line rounding of a radius six (6) m or less, the lot area of such lot shall be calculated as if the lot lines were produced to their point of intersection.

"LOT COVERAGE" means that percentage of the total lot area covered by buildings or structures, including accessory buildings or structures, above finished grade level but shall not include swimming pools, pergolas, uncovered decks, porches, patios or septic systems.

"LOT DEPTH" means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. Where there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

"LOT FRONTAGE" means the horizontal distance between the side lot lines, such distance being measured perpendicularly to a line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines at the minimum distance from the front lot line at which erection of buildings or other structures is permitted by this By-law.

"LOT LINE" means any boundary of a lot.

"LOT LINE, FRONT" or "FRONT LOT LINE" in the case of an interior lot, means the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line. In the case of a through lot, only one of the shorter lot lines shall be deemed to be the front lot line and the opposite shorter lot line shall be the rear lot line. Where the "Lot" does not abut a public street, the "Front Lot Line" shall be that lot line that abuts the vehicle access to the lot.

"LOT LINE, INTERIOR" means a lot line other than a street line.

"LOT LINE, REAR" or "REAR LOT LINE" means the lot line farthest from and opposite to the front lot line in the case of a lot having four (4) or more lot lines. If a lot has less than four (4) lot lines, there shall be deemed to be no rear lot line. Where there is no rear lot line, "lot line, rear" shall be determined by the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines at which erection of buildings or other structures is

permitted by this By-law.

"LOT LINE, SIDE" or "SIDE LOT LINE" means any lot line other than a front lot line or rear lot line.

"LOT LINE, EXTERIOR" or "EXTERIOR LOT LINE" means any lot line other than a front lot line or rear lot line abutting a public street.

"LOT OF RECORD" means a lot that legally existed at the date of passing of this By-law.

"MARINA" means a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided. A marina building or structure used for the storage, repair and sales of boats does not have to be located on a navigable waterway.

"MARINE EQUIPMENT SALES ESTABLISHMENTS" shall mean a building and/or lot used for the display, sale and storage of new or used boats and may include as an accessory use, buildings or structures for the servicing, repair, cleaning, polishing and lubricating of boats, the sale of marine accessories and related products, or the leasing or renting of boats and motors.

"MINERAL AGGREGATE OPERATION" means lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto.

"MOBILE HOME" means any dwelling unit that is designed to be made mobile, and constructed or manufactured to provide a permanent or seasonal residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed. A mobile home shall be distinguished from other forms of prefabricated transportable housing by reason of a design which permits and features ready transfer from place to place whereas the latter are intended to be moved once only to a final location.

"MOBILE HOME LOT" means a parcel of land within a mobile home park intended for occupancy by one mobile home unit together with all yards and open space required by this By-law.

"MOBILE HOME OPEN SPACE" means a space within a mobile home park designed and intended as a place of recreation for the common use by the residents of such mobile home park, and which may or may not be open to the general public on an equal basis.

"MOBILE HOME PARK" means a parcel of land containing two or more mobile home lots and which is under single management and ownership and which is designed and intended for residential or seasonal use where such residential occupancy is in mobile homes exclusively.

"MOBILE HOME PARK ROAD" means a space within a mobile home park designed and intended as a means of vehicular access to abutting mobile home lots; such mobile home park road may or may not be open to the general public on an equal basis.

"MODEL HOME" means a dwelling temporarily used for the purposes of promotion and real estate sales in conjunction with a residential development.

"MOTEL" means one or more buildings used primarily for the purpose of catering to the travelling public by furnishing temporary or transient sleeping accommodation of not less than six (6) guest rooms having independent entrances to a front or rear yard. A motel may include permanent staff quarters and/or an accessory restaurant, but does not include any other establishments otherwise defined or classified in this By-law.

"MOTOR HOME" shall mean a self-propelled mobile dwelling unit.

"MUNICIPAL DRAIN" shall mean drainage works as defined by The Drainage Act, as amended from time to time.

"MUNICIPALITY" means the Corporation of the Town of Saugeen Shores.

"MUSEUM" means a public museum within the meaning of The Museums Act, as amended from time to time.

"NON-COMPLYING USE" shall mean a permitted use of land, building or structure existing at the date of passing of this By-law which does not comply with a provision or provisions of their respective zone.

"NON-CONFORMING USE" shall mean a use of land, building or structure existing at the date of passing of this By-law which is used for purposes not permitted by this By-law.

"NON-RESIDENTIAL" means designed, intended or used for a purpose other than a dwelling.

"NURSING HOME" as defined in the Nursing Homes Act, as amended, shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two (2) or more unrelated persons, but does not include any premises falling under the jurisdiction of the Homes for the Aged and Rest Homes Act, the Private Hospitals Act, or the Public Hospitals Act, as amended.

"OFFICE" means a room or suite of rooms designed, intended or used for the conduct of a profession, occupation, or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, repairing, or storage of goods or any place of assembly or amusement.

"OPEN SPACE" means, when listed as a permitted use, an outdoor recreation area, a passive park, or forestry use.

"OPEN STORAGE" means the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on the sides.

"OUTDOOR PATIO" means an area set aside out of doors, covered or uncovered, for use by patrons and customers in connection with, and in addition to, the operation of an adjacent commercial use.

"OWNER" means a person, as defined herein, holding legal title to a lot and/or building.

"PARK" means an area of land, playground or play fields, which may include therein one or more athletic fields, field houses, bleachers, swimming pools, wading pools, greenhouses, bandstands, skating rinks, tennis or badminton courts, bowling greens, fairgrounds or similar uses.

"PARKING AREA" means an area provided for the parking of automobiles and includes aisles, parking spaces and related ingress and egress lanes but shall not include any part of a public street.

"PARKING LOT" means any commercial parking area other than a parking area required under the provisions of this By-law.

"PARKING SPACE" means an area, enclosed in a main building, in an accessory building, or unenclosed, exclusive of any aisle, or ingress or egress lanes, which is accessible from a street, intended for the temporary parking or storage of one automobile for purposes other than sale or display for retail purposes.

"PERSON" means any human being, association, firm or partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

"PERSONAL SERVICE SHOP" means a building or part thereof in which services are provided and administered to the individual and personal needs of persons and without limiting the generality of the foregoing shall include a barber shop, hairdresser, shoe repair shop, a tailor and a photographic studio.

"PIT" means a place 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.

"PIT, WAYSIDE OR WAYSIDE QUARRY" means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

"PLACE OF ENTERTAINMENT" means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, but does not include any place of entertainment or amusement otherwise defined or classified in this By-law.

"PLACE OF WORSHIP" means a building, including churches, synagogues, mosques and rectories, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, church auditorium, convent, monastery, office of a clergyman, cemetery, church school, parish hall, child care centre or a parsonage as accessory uses.

"PLANTING AREA" or "PLANTING STRIP" means an area or strip of land used for no other purpose than planting a hedgerow or screen of shrubs and/or evergreen trees located immediately adjacent to the lot line or portion thereof along which a planting area is required by this By-law. The remainder of the ground surface of any required planting area shall be planted with any combination of shrubs, flower beds or grass.

"PORTABLE FOOD OUTLET" means a trailer, tent or vehicle that is designed to be made mobile, from which food is prepared and offered for sale to the public for consumption outside. A Portable Food Outlet may only be permitted in accordance with the Corporation's Licensing By-law.

"PRIVATE CLUB" means a building or part of a building or lot used as a meeting place for

members of a chartered organization.

"PRINCIPAL" means a use, building or structure to which any other is subordinate and constitutes the main use of a lot therewith.

"PRINTING ESTABLISHMENT" means a business which furnishes a service of printing or for the publication of periodical or otherwise written material.

"PROPRIETOR" means an owner or manager who is granted authority by the owner to operate a business.

"PUBLIC USE" means any use, building or structure owned or leased by a municipal corporation, the County of Bruce, any local board or commission of either the Corporation or the County, any Conservation Authority, any Ministry or Commission of the Province of Ontario or the Government of Canada, and in which government activities are conducted.

"PUBLIC UTILITY" means any water works, sewerage works, gas works, electric heat, light or power works, telegraph and telephone lines, cable television lines, and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessary services or conveniences.

"QUARRY" means a place where consolidated rock has been or is being removed by means of an open excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

"QUEUING SPACE" shall mean a parking space arranged in a line with other parking spaces such that access to each parking space may require travelling over another or other spaces, which are provided in advance of a drive-through facility, drive-through restaurant or car wash to provide for the queuing of automobiles through such drive-through or car wash facility.

"RECREATION, ACTIVE" shall mean the use of lands, water and/or buildings for the purpose of organized active leisure activities and shall include an arena, golf course and a sports field.

"RECREATION, PASSIVE" shall mean the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like as well as a playground with activity equipment for children.

"RECREATION CENTRE" means land, buildings or structures used for the purpose of active leisure activities and shall include an arena, swimming pool, community centre, curling rink, outdoor ice rink, a sports field or court, fitness facility, and uses accessory thereto.

"RECREATIONAL TRAILER" means any vehicle so constructed that it is suitable for being attached to an automobile for the purpose of being drawn or propelled by the automobile and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear has been removed and shall include a recreational vehicle as defined herein.

"RECREATIONAL TRAILER CAMP" means a parcel of land containing two or more recreational trailer sites which is used for temporary or seasonal occupancy by recreational trailers, recreational vehicles and tents and which is under single management and ownership and includes all accessory buildings and accessory structures.

"RECREATIONAL VEHICLE" means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind an automobile, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

"RECREATIONAL VEHICLE REPAIR ESTABLISHMENT" means a building and/or lot used for the servicing, repair, cleaning, polishing and greasing of recreational vehicles, and shall not include any other automotive use defined in this By-law.

"RECYCLING DEPOT" means a building or structure or lot used for temporary storage of recyclable materials and does not include a building or structure where materials are recycled.

"RECYCLING FACILITY" means a facility that separates and processes source-separated secondary materials (such as glass, metals, plastics, paper, etc.) which shall be transported off-site for remanufacturing. Such facility shall not be used to store or process hazardous waste of liquid industrial waste.

"REPAIR AND RENTAL ESTABLISHMENT" means a business engaged in maintaining, repairing, installing and/or renting articles and equipment for household, personal, construction and industrial use such as: radios and televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; re-upholstery and furniture repair; power tools; mobile construction equipment and moving equipment. This does not include any other use specifically referred to or defined in this By-law.

"RESIDENTIAL BUILDING" means a building designed for residential occupancy, but shall exclude mobile homes, construction trailers, travel trailers, hotels, motels, retirement homes, nursing homes, hospitals, or living quarters for a caretaker, watchman or other person or persons which are accessory to a non-residential building.

a) "ACCESSORY RESIDENTIAL BUILDING" means a detached, self-contained residential building that is subordinate and incidental to the principal use, building, or structure located on the same lot.

~~b) "APARTMENT BUILDING" means a building consisting of three (3) or more residential units, each with an independent entrance either directly from the outside, or through a common vestibule or common halls.~~

~~b) "APARTMENT BUILDING" means a building consisting of five (5) or more residential units, each with an independent entrance either directly from the outside, or through a common vestibule or common halls.~~

~~c) "DUPLEX BUILDING" means a building that is divided horizontally into two (2) residential units, each with an independent entrance either directly from the outside or through a common vestibule.~~

~~e)d) "FOURPLEX BUILDING" means a building containing four (4) residential units, each with an independent entrance either directly from the outside, or through a common vestibule or common halls.~~

d)e) "MODULAR RESIDENTIAL BUILDING" means a prefabricated single-unit residential building constructed or assembled such that the shortest side of such building is no less than 6.1 m in width.

~~e) "MULTI-UNIT BUILDINGS" means buildings located on a lot that collectively consist of three (3) or more residential units, and may include one or more of the following buildings: single-detached building, semi-detached building, duplex building or townhouse building.~~

~~"MULTI-UNIT BUILDING" means a building located on a lot that consists of a maximum of (4) residential units, and may include: single-detached building, semi-detached building, duplex building, triplex building or fourplex building.~~

f) "SEMI-DETACHED BUILDING" means a building that is divided vertically into two (2) residential units that are joined by a common wall for the full height of the building, each with an independent entrance.

g) "SINGLE-DETACHED BUILDING" means a detached, free-standing building designed for and containing one (1) residential unit, but does not include a mobile home.

h) "STREET TOWNHOUSE BUILDING" means a townhouse building with each unit on a separate lot and having legal frontage on a public street.

i) "TEMPORARY RESIDENTIAL BUILDING" means an accessory residential building of temporary use; includes garden suites and temporary farm residences.

~~j) "TOWNHOUSE BUILDING" means a building that is divided vertically into a minimum of three (3) residential units by common walls extending from the base of the foundation to the roof line, each with an independent entrance to a yard immediately abutting the unit.~~

~~j) "TOWNHOUSE BUILDING" means a building that is divided vertically into between a minimum of three (3) residential units and a maximum of six (6) residential units by common walls extending from the base of the foundation to the roof line, each with an independent entrance to a yard immediately abutting the unit.~~

~~k) "TRIPLEX BUILDING" means a building containing three (3) residential units, each with an independent entrance either directly from the outside, or through a common vestibule or common halls.~~

"RESIDENTIAL UNIT" shall mean a suite of one or more rooms designed for residential occupancy, in which bathroom and kitchen facilities are provided, and with an independent entrance, either directly from outside the building or from a common corridor inside the building.

a) "ACCESSORY RESIDENTIAL UNIT" shall mean a residential unit which is part of a permitted non-residential use.

~~b) "ADDITIONAL RESIDENTIAL UNIT" means a residential unit either wholly contained within a single-detached building, a semi-detached building or a townhouse building, or wholly contained within an accessory residential building on a lot containing a single-detached building, a semi-detached building or a townhouse building. Bathroom and kitchen facilities must be provided within the building containing the residential unit.~~

- b) “ADDITIONAL RESIDENTIAL UNIT” means a residential unit either entirely contained within a single-detached building, semi-detached building, duplex building, triplex building or a townhouse building, or entirely contained within an accessory residential building on a lot containing a single-detached building, semi-detached building, duplex building, triplex building or a townhouse building containing bathroom and kitchen facilities within the building containing the residential unit.

"RESIDENTIAL UNIT FLOOR AREA" means the habitable area contained within the inside walls of a residential unit excluding, but not limited to, non-habitable areas such as any garage, carport, porch, veranda, unfinished attic, cellar or sunroom, and excluding common hallways, common stairways or other common areas and the thickness of exterior walls.

"RESTAURANT" means a building or part thereof where food and beverage is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, and may include any of the following:

- a) "RESTAURANT, COFFEE SHOP" means a portion of a building in which coffee and other non-alcoholic beverages, baked goods, soups, sandwiches and snack foods are offered for sale for consumption on the premises and which is not licensed under the Liquor Licence Act and does not have kitchen facilities for the preparation of meals.
- b) "RESTAURANT, DRIVE-THROUGH" means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking-up food from a vehicle.
- c) "RESTAURANT, SIT-DOWN" means a building or part thereof where food and beverage is prepared and offered for retail sale to the public for immediate consumption on the premises, including a licensed dining room, and may include a coffee shop but shall not include a drive-through restaurant as defined herein.
- d) "RESTAURANT, TAKE-OUT" means a building or structure or part thereof where food is prepared and offered for sale to the public to be taken out and/or delivered, for the consumption off the premises, but shall not include a drive-through restaurant as defined herein.
- e) "RESTAURANT, FOOD TRUCK" means a vehicle or trailer or part thereof where food is prepared and/or offered for sale to the public to be taken out, for the consumption off the premises.

"RETAIL STORE" means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail but does not include any establishment otherwise defined or classified in this Section.

"RETIREMENT HOME" means a premises that is licensed under the *Retirement Homes Act, RSO. 2010*.

"RURAL RESIDENTIAL CLUSTER" shall mean four or more adjacent non-farm residential lots sharing a common boundary. Lots located directly across the road from one another shall be considered as having a common boundary.



"SALVAGE YARD" means an establishment licensed by the corporation where goods, wares, merchandise, articles or things are processed for further use, and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk or scrap metal yard and an automotive wrecking establishment.

"SAWMILL" means a building, structure or area where timber is cut, sawed or processed, either to finished lumber or as an intermediary step.

"SCHOOL" means an institution for education or instruction as defined by the Education Act, or the Ministry of Colleges and Universities Act, normally under the jurisdiction of a Board, or under the jurisdiction of the Bluewater District School Board, or the Bruce-Grey Catholic District School Board, or a school operated under charter granted by the Province of Ontario.

"SCHOOL, ADULT SECONDARY" means a secondary school identified as a centre for learning for persons who are mature students (not of compulsory school age), attending to complete some or all of their secondary education.

"SCHOOL, COMMERCIAL" means a commercial establishment which provides instruction in any subject for profit or gain; and, without limiting the generality of the foregoing, includes a secretarial college or school, and specialized schools such as a dance school or studio, a school of music, a modelling school, a charm or finishing school, a ceramics or other crafts school or studio, a golf school or similar school, but does not include a public school, separate school or private school as defined in The Education Act or a child care centre, as defined in this By-law.

"SCHOOL, ELEMENTARY" means a school under the jurisdiction of the Bluewater District School Board or the Bruce-Grey Catholic District School Board, used primarily for the instruction of students receiving primary education.

"SCHOOL, POST SECONDARY" means a school under the jurisdiction of a Board as defined in the Ministry of Colleges and Universities Act.

"SCHOOL, PRIVATE ELEMENTARY" means a school, other than a public school, or a vocational school or a commercial school, under the jurisdiction of a private board of trustees or governors, a religious organization or a charitable institution that is recognized under the Education Act and offers the subjects of the Elementary School course of study and may or may not offer an extended curriculum.

"SCHOOL, PRIVATE SECONDARY" means a school, other than a public school, or a vocational school or a commercial school, under the jurisdiction of a private board of trustees or governors, a religious organization or a charitable institution that is recognized under the Education Act and offers the subjects of the Secondary School course of study and may or may not offer an extended curriculum.

"SCHOOL, SECONDARY" means a school under the jurisdiction of the Bluewater District School Board or the Bruce-Grey Catholic District School Board used primarily for the instruction of students receiving a secondary education.

"SCHOOL BUS" means a vehicle for transporting persons to or from school as defined in the Highway Traffic Act, as amended.

"SCHOOL BUS STORAGE" includes a lot and/or premises for the storage of school buses.

"SERVICE ESTABLISHMENT" An establishment which provides a service or craft to the general Public, including, a custom print or copy shop, a dry cleaning or laundering establishment, a monument engraving shop or the business premises of a printer, plumber, tinsmith, craftsman, painter, carpenter, cabinet maker, electrician, taxidermist, pest exterminator, roofer, insulation installer, furrier, weaver, upholsterer, interior decorator, caterer, engraver, cleaner or locksmith, plumber, welder, pet grooming, small engine repair, appliance and electronics repair, but does not include any other manufacturing, a building supply yard, contractor's yard, automotive use, transport terminal or personal service shop. A Service Establishment may include accessory retail sales of goods and products produced on the premises.

"SETBACK" means the shortest horizontal distance from a specified line to the nearest part of any building or structure on a lot.

"SEWAGE":

- a) "Communal Sewage Disposal System" means a system of underground conduits operated privately which takes sewage to a place of treatment which meets with the approval of the appropriate Approval Authority.
- b) "Privy" means a Class I System as defined by regulations made under the Environmental Protection Act.
- c) "Sanitary Sewer" or "Municipal Sewer" means a system of underground conduits, operated by a municipal corporation or by the Ministry of the Environment which carries sewage to a place of treatment which meets with the approval of the Ministry of the Environment.
- d) "Sewage Disposal System" means a Class 4 or Class 6 system or any other system deemed acceptable as defined by regulations under the Building Code Act and/or the appropriate Approval Authority.
- e) "Sewage Treatment Works" means a facility that meets the approval of the appropriate Approval Authority used for treatment of domestic, commercial and/or industrial sewage.

"SHOPPING CENTRE" means a group of non-residential uses predominantly retail commercial in nature and designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants.

"SIGHT VISIBILITY TRIANGLE" means an area free of automobiles, buildings, planting areas or structures and which does not contain a fence, hedge or trees over 0.5 m in height and which area is to be determined by measuring from the point of intersection of property lines on a corner lot, the distance required by this By-law along such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines.

"SITE PLAN" shall mean a scale drawing prepared to illustrate the relation between the lot lines and the uses, buildings or structures existing or proposed on a lot, including but not limited to

such details as parking areas, walkways, landscaped areas, lighting, building areas, minimum yards, floor areas, easements, drainage contours, and areas for special uses.

"SITE PLAN CONTROL BY-LAW" means any By-law of the Corporation passed pursuant to Section 41 of the Planning Act, as amended from time to time, or any successors thereto.

"STOREY" means that portion of a building which is situated between the surface of any floor and the surface of the floor next above and directly over it and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it. A "Storey" includes an attic having a height of more than 2 m for at least 2/3 (two-thirds) of the area of the floor next below ground if the ceiling of such part is 2 m or more above finished grade.

"STREET, CLASS ONE (1) MUNICIPAL" means roads under the jurisdiction of the Corporation for which the Corporation provides year-round snow ploughing and/or garbage/recycling collection, and roads that have been assumed by the Ministry of Transportation and County of Bruce and Corporation as public highways and have been constructed in such a manner so as to permit use by vehicular traffic.

"STREET, CLASS TWO (2) MUNICIPAL" means roads under the jurisdiction of the Corporation for which the Corporation does not provide snow ploughing and/or garbage/recycling collection or other routine maintenance on a year-round basis.

"STRUCTURE" means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground or on water, and without limiting the generality of the foregoing, includes walls, floors, roofs, signs and billboards, private outdoor swimming pools, satellite dishes, and an object designed and intended to float, but does not include hedges and fences or sewage disposal systems.

"SWIMMING POOL" or "POOL" means an excavation, structure or product, which is:

- a. Located outdoors on private property;
- b. Capable of being used for the purposes of swimming, wading, paddling or bathing; and
- c. Capable of holding water in excess of 0.76 m (2 feet 6 inches) in depth at any point; and

Includes a landscape pond meeting the above criteria, but for the purposes of this By-law does not include any pool which is:

- a. A pond or reservoir to be utilized for farming purposes or as part of a golf course;
- b. A hydro massage pool with locking cover;
- c. A pool owned by any public or governmental body, agency or authority, or is under the jurisdiction of the Ontario Building Code;
- d. An existing natural body of water or stream; or
- e. A privately owned stormwater management facility.

"TEMPORARY BUILDING" shall mean a building or structure intended for removal or demolition within a prescribed time not exceeding two years as set out in a building permit.

"TENT" means a temporary structure used for temporary human shelter that is not permanently fixed to the ground and is capable of being moved.

"TILLABLE HECTARES" shall mean the total area of land including pasture that can be worked or cultivated.

"TRACTOR TRAILER REPAIR ESTABLISHMENT" means a building and/or lot used for the servicing, repair, cleaning, polishing and greasing of tractor trailers and trucks, and shall not include any other automotive use defined in this By-law.

"TRADE RETAIL ESTABLISHMENT" shall mean a business or service operated by a self-employed plumber, electrician, carpenter, or general contractor who, as a secondary component of the business, sells supplies used in their trade.

"TRANSMISSION TOWER" means a structure, over 20 m in height, designed and erected for the purpose of transporting or carrying hydro-electric power in quantities equal to, or greater than, 100,000 volts.

"TRANSPORTATION DEPOT" shall mean the use of land, buildings or structures where commercial vehicles pick up and discharge fare paying passengers, and may include as an accessory use a ticket office, a restaurant, luggage checking and/or parcel shipping facilities, and offices accessory to the main use, but does not include the display or sale of any automobile or vehicle.

"TRAVEL TRAILER" means a structure designed, intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by an automobile and includes tent trailers or similar transportable accommodation excepting a mobile home.

"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" as a noun, means any of the following depending on the context:

- a) Any purpose for which land, buildings or other structures may be arranged, designated, designed, intended, maintained, or occupied, or
- b) Any occupation, business, activity, or operation carried on, or intended to be carried on, in a building or other structure or on land, or
- c) The 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.

"VETERINARY CLINIC" means a building in which two (2) or more rooms are used by a veterinarian who is a member of the Ontario Veterinarian Association and his or her assistants for the treatment and care of domestic and other small animals. Without limiting the generality of the foregoing, a veterinary clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic.

"VIDEO RENTAL ESTABLISHMENT" means a building or part of a building used for the rental of video tapes, digital media and related equipment. Accessory uses may include the sale of video tapes, digital media and video equipment or convenience foods.

"WAREHOUSE" shall mean a building used or intended to be used for the bulk storage of goods, merchandise or materials and shall include wholesale establishments.

"WAREHOUSE, PUBLIC SELF-STORAGE" means a building or part thereof where individual storage areas are made available to the public for the storage or keeping of goods.

"WASTE DISPOSAL SITE" means any land upon, into or through which waste is deposited or processed and any machinery or equipment or operation for the treatment or disposal of waste, but does not include the treatment or disposal of liquid industrial waste or hazardous waste.

"WATER FRONTAGE" means that part of a piece of land that fronts on and provides access to a bay or lake.

"WATER SUPPLY, PIPED" or "MUNICIPAL WATER" means a distribution system of underground piping and related storage, including pumping and purification appurtenances operated by a municipal corporation and/or the Ministry of the Environment and/or any public utilities commission for public use and which have been approved by the appropriate Approval Authority.

"WATERCOURSE" means the natural or altered channel for a stream or water body and for the purposes of this By-law includes the channel for intermittent streams and may include a ditch but does not include a Town approved ditch or other Town approved stormwater management system for the purpose of draining a street.

"WAYSIDE PIT OR WAYSIDE QUARRY" shall mean a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

"WELL" means an underground source of water which has been rendered accessible by the drilling or digging of a hole from ground level to the water table and may include a private piped water system from a surface water source

"WHOLESALE USE" means any establishment which sells merchandise to others for resale and/or to industrial or commercial users.

"WIND ENERGY CONVERSION SYSTEM, LARGE" means one or more mechanical power generating devices or turbines which convert wind to electrical power, singly or collectively

producing more than nameplate capacity rating of 50 kilowatts.

"WIND ENERGY CONVERSION SYSTEM, SMALL" means a single mechanical power generating device or turbine which converts wind to electrical power that produces less than nameplate capacity rating of 50 kilowatts and is intended only to generate electricity for the use of the individual lot upon which the system is located.

"WIND FARM" means one or more lots used to accommodate Large Wind Energy Conversion Systems intended to feed electricity into the transmission grid.

"YARD" means a space appurtenant to a building or structure located on the same lot therewith and which space is open, uncovered and unoccupied from the ground upward except for such accessory buildings, structures, or uses as are specifically permitted elsewhere in this By-law.

"YARD, EXTERIOR SIDE" or "EXTERIOR SIDE YARD" means a side yard abutting a street or

reserve.

"YARD, FRONT" or "FRONT YARD" means a yard extending across the full width of a lot between the front lot line and the nearest main wall of a principal building or structure on such lot, but does not include any portion of an exterior side yard. In the case of a through lot, the front yard shall be considered that yard abutting the street that provides primary vehicle access to the lot. In the case of a corner lot, the front yard shall be considered that yard abutting the shorter street frontage.

"YARD, INTERIOR SIDE" or "INTERIOR SIDE YARD" means a side yard other than an exterior side yard.

"YARD, REAR" or "REAR YARD" means a yard extending across the full width of a lot between the rear lot line of such lot and the nearest part of a principal building or structure on such lot.

"YARD, REQUIRED" means that part of a yard which:

- a) is located adjacent to a lot line;
- b) has the minimum front yard depth, rear yard depth or side yard width required hereby or is situated closer to the street centerline than the setback required therefrom; and
- c) does not contain or include any buildings, structures, open storage or excavations except where this By-law specifically provides otherwise.

"YARD, SIDE" or "SIDE YARD" means a yard extending from the front yard to the rear yard between the side lot line of a lot and the nearest part of a principal building or structure on such lot.

"ZONE" means an area delineated on Zoning Map Schedule "A" and established and designated by this By-law for a specific use.

"ZONING ADMINISTRATOR" means the officer or employee of the Corporation for the time being charged with the duty of administering and enforcing the provisions of the Zoning By-law of the Corporation.

## **SECTION 3 GENERAL PROVISIONS FOR ALL ZONES**

### **3.1 ACCESSORY USES**

#### **3.1.1 Where Permitted**

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 or structure or accessory use. An accessory use shall not include (1) any occupation for gain or profit conducted within a dwelling unit on the lot, except as specifically permitted in this By-law or (2) any building or structure used for human habitation except as specifically permitted in this By-law, or (3) open storage.

For the purposes of this section, mobile homes, travel trailers, construction trailers, transport trailers, shipping containers, railway cars and buses shall not be used as accessory buildings or structures.

#### **3.1.2 Lot Coverage in Residential Zones**

In a Residential zone, accessory buildings and structures shall be subject to the following regulations for lot coverage:

- a) the total lot coverage of all buildings and structures shall not exceed the permitted maximum lot coverage of the applicable Zone;
- b) the area of an open swimming pool and/or an open deck shall not be included in calculating lot coverage.

Nothing in this section shall be deemed to permit a lot coverage greater than the maximum lot coverage provision of the applicable Zone, which shall include both main and accessory buildings and structures.

#### **3.1.3 Height Restrictions**

No accessory building or structure in any zone other than an Industrial or Agricultural Zone shall exceed 6.0 m in height. Nothing in this section shall be deemed to permit an accessory building or structure having a height greater than the maximum height provision of the applicable Zone, except in accordance with subsection 3.10.

#### **3.1.4 Number of Accessory Buildings**

In no case shall the number of accessory buildings in any Zone, other than an Agricultural Zone, exceed two (2) on one lot, excluding an accessory building associated with a swimming pool which houses the pump and other pool equipment. When a pump house exceeds 9.29 m<sup>2</sup> in floor area, it shall be counted as an accessory building.

#### **3.1.5 Location**

In any zone other than a Residential zone, the yard requirements herein shall apply to both main and accessory structures and no part of an accessory structure shall be located in front of any portion of the main building or structure.

### 3.1.6 Yard Requirements

- a) i) An accessory building or structure located in a Residential zone shall have the following yard requirements:  
~~Except as may be more specifically outlined elsewhere in this by-law, a building or structure, accessory to a single detached dwelling, semi-detached dwelling, duplex dwelling, townhouse dwelling:~~
- |                                      |       |
|--------------------------------------|-------|
| Front yard (minimum)                 | 4.5 m |
| Exterior side yard (minimum)         | 4.5 m |
| Interior side or rear yard (minimum) | 0.9 m |
- ii) a mutual detached garage erected across the side lot line common to any two adjoining lots used for single detached ~~dwelling~~ buildings provided that:
1. The garages for both lots are designed as one building;
  2. A common wall, on and along the side lot line, shall divide the garages; and,
  3. The garages for both lots shall be erected simultaneously;
- iii) A private swimming pool in accordance with the provisions of section 3.30 of this By-law;
- iv) A satellite dish in an interior side yard or rear yard, provided that any satellitedish greater than 0.75 m in diameter shall be subject to the minimum yard requirements for the principal building on the lot;
- v) A small wind energy conversion system in accordance with section 3.34;
- vi) A gatehouse or kiosk having a maximum floor area of 15 m<sup>2</sup> and a maximum height of 5 m, anywhere in a front or exterior side yard in a Commercial, Institutional or Industrial Zone, for the purposes of regulating entry to parking and/or loading areas.
- b) Detached garages and accessory buildings on lots which adjoin a body of water, may be located in the front yard provided the lot upon which such building or structure is to be erected fronts upon an improved public street and provided that such garage or accessory building is not located closer than 6.0 m from the front lot line and 1.2 m from any side lot line. A boat house or boat dock may be constructed at the edge of a watercourse or water body provided the required permits are obtained from the appropriate Approval Authority; and the Town's Chief Building Official, in consultation with the Saugeen Valley Conservation Authority, is satisfied no negative environmental impacts will result and the proposal conforms to the natural hazard policies of the Town's Official Plan.



For the purposes of this By-law, any lot which is separated from a body of water only by an unopened Municipal road allowance shall be considered to be a lot which adjoins a body of water. However, the provisions of this section shall not be

deemed to permit the construction of privately owned buildings or structures on publicly owned lands.

#### 3.1.7 When Permitted

Notwithstanding any of the provisions of this By-law, no accessory building, structure or accessory use shall be erected or used until the principal building, structure or use is erected to the satisfaction of the Chief Building Official and in compliance with the provisions of this By-law.

### 3.2 ADULT ENTERTAINMENT ESTABLISHMENTS AND BODY-RUB PARLOURS

Notwithstanding subsection 3.32 to the contrary, adult entertainment establishments and body-rub parlours may be permitted by site-specific zoning amendment subject to the provisions of the applicable Zone and the following provisions:

- a) Adult entertainment establishments and body-rub parlours must be separated from each other by a minimum distance of 300 m measured from building to building;
- b) Adult entertainment establishments and body-rub parlours are permitted only in freestanding, single use structures;
- c) No body-rub parlour shall have a gross leasable floor area greater than 300 square m;
- d) No adult entertainment establishment shall have a gross leasable floor area greater than 500 m<sup>2</sup>;
- e) No adult entertainment establishment or body-rub parlour shall be permitted within 500 m of any Residential, Institutional or Open Space zone, as measured from the nearest lot line to the boundary of any Residential, Institutional or Open Space zone;
- f) No adult entertainment establishment or body-rub parlour shall be permitted within 500 m of any dwelling, school, place of worship, public park, trail or community facility, as measured from the nearest lot line of the lot proposed for the adult entertainment establishment or body-rub parlour to the nearest lot line of the lot containing any of the aforementioned uses;
- g) All signage for an adult entertainment establishment or body-rub parlour shall comply with the Corporation's Sign By-law.

### 3.3 ADULT STORES

Adult stores shall be permitted in any zone where a retail store is a permitted use, subject to the provisions of the applicable Zone and the following provisions:

- a) No adult store shall be located closer than 100 m from any other adult store;
- b) No adult store shall be located closer than 300 m from an adult entertainment establishment or body-rub parlour, school or public park;
- c) All signage for an adult store shall comply with the Corporation's Sign By-law.

### **3.4 BED AND BREAKFAST ESTABLISHMENTS**

A bed and breakfast establishment shall be permitted only where specifically listed as a permitted use in a Zone, and shall be subject to the following regulations in addition to the regulations of the applicable Zone:

- a) A bed and breakfast establishment shall be clearly secondary and located entirely within a single detached dwelling and shall not change the residential character of the dwelling;
- b) No more than three (3) guest rooms shall be made available to accommodate the traveling and vacationing public;
- c) Guest rooms shall not occupy more than 25% of the gross floor area of the dwelling;
- d) No open storage shall be permitted in conjunction with a bed and breakfast establishment;
- e) The bed and breakfast establishment shall be operated only by a person or persons residing in the dwelling as their permanent residence.

### **3.5 DRIVE-THROUGHS AND CAR WASHES – MINIMUM SEPARATION FROM RESIDENTIAL ZONES**

A drive-through facility, a drive-through restaurant, an automated car wash establishment and a manual car wash establishment, as defined herein, shall be separated from any boundary of a Residential Zone by a minimum distance of 10 m measured from the nearest point along the lane providing access to and egress from the drive-through or car wash facility, the building and any related structures including speakers and menus/display boards, to the nearest point along the Residential Zone boundary.

### **3.6 DWELLING UNITS**

#### **3.6.1 Accessory Dwelling Units Contained Within a Non-Residential Building**

No person shall use any part of a non-residential building as an accessory dwelling unit except where an accessory dwelling unit is specifically listed as a permitted use

in the Zone and in accordance with the following provisions:

- a) Minimum setbacks and yards shall be provided in accordance with the minimum setback and yard provisions for the non-residential building or structure in which the dwelling unit is located;
- b) The minimum lot area provisions for non-residential buildings or structures shall be increased by 500 m<sup>2</sup> for each accessory dwelling unit contained therein save and except in Commercial Core (CC) Zones.
- c) The minimum lot frontage provisions for non-residential buildings or structures shall be increased by 15 m for each accessory dwelling unit contained therein save and except in Commercial Core (CC) Zones.

### 3.6.2 Location within Basement or Cellar

- a) No dwelling unit shall be located in its entirety within a cellar. If any portion of a dwelling unit is located in a cellar, such portion shall be for non-habitable rooms only.
- b) A dwelling unit or part thereof may be located in a basement provided the finished floor level of such basement is not below the level of any sanitary or storm sewer servicing the building or structure in which such basement is located.

### 3.6.3 Dwelling Units per Lot (Maximum)

A maximum of one (1) dwelling unit per lot shall be permitted except in the case where:

- a) A lot contains more than one (1) dwelling unit on the date of passing of this By-law, in which case the maximum number of dwelling units permitted on such lot shall be the number of existing dwelling units on the said lot; and
- b) In a Zone which specifically permits more than one (1) dwelling unit per lot.
- c) An Additional Residential Unit is being provided in accordance with this by-law.

## 3.7 ENTRANCE REGULATIONS

- a) No person shall hereafter erect any main building or structure on any lot in any zone unless such lot or an adjacent lot held under the same ownership abuts a Class 1 Municipal Street, except that this provision shall not apply to a lot located on a registered Plan of Subdivision. For the purposes of satisfying lot frontage requirements, private streets that existed on the date of passage of this By-law shall be considered as Class 1 Municipal Streets despite the fact that such private streets have not been assumed by the Corporation. This provision shall only have the effect for the purpose of applying the zone regulations of this By-law and not for consideration of granting consents. Furthermore, this provision shall not imply any obligation on the Corporation to assume and/or develop any private street into a Class 1 or 2 Municipal Street, or to maintain it for private or public purposes.

- b) No building permits shall be issued for construction of buildings or structures where access to individual properties is provided only by Class 2 Municipal Streets.

### **3.8 GREENHOUSES**

Notwithstanding the zone requirements of an Agricultural Zone, where a Greenhouse is listed as a permitted use it shall be subject to the following regulations:

- a) Where ventilation fans exhaust into a side and/or a rear yard the minimum side and/or rear yard requirement shall be 25 m.
- b) A greenhouse having a gross floor area greater than 500 m<sup>2</sup> shall not be permitted unless a development agreement has been entered into with the Municipality regarding stormwater management and lighting, and shall be subject to site plan control.
- c) All greenhouses that use artificial lighting for growing purposes during the night shall be located a minimum distance of 150 m from any residential use on an adjacent lot.
- d) All greenhouses shall be located a minimum distance of 45 m from any residential use on an adjacent lot.
- e) No manure, compost or equipment may be stored within 30 m of a street allowance, a watercourse, or a residential use on an adjacent lot.

### **3.9 GROUP HOMES**

- a) Notwithstanding any other provisions of this By-law to the contrary, a Group Home Type 1 may be permitted in any single unit dwelling provided there is no Group Home Type 1 or Group Home Type 2 located within 100 m from the proposed facility and the dwelling unit has a minimum floor area of 18.5 m<sup>2</sup> per person residing within the unit.
- b) Group Homes Type 2 are permitted only within those Zones which specifically permit the use. In order to prevent concentrations of Group Home Type 2 uses within specific areas, and notwithstanding their being listed as a permitted use, the minimum separation distance between facilities shall be 300 m measured in any direction.

### **3.10 HEIGHT REGULATIONS**

#### **3.10.1 General**

Unless specifically provided elsewhere herein, or as set out below, no building or structure anywhere within the zoned area shall exceed a height limit of 10.0 m.

#### **3.10.2 Exceptions**

With the exception of the Airport Height Regulation set out in subsection 3.10.3 below, the maximum height provision established in subsection 3.10.1 above and any other maximum height provision of this By-law shall not, in any Zone, apply to antennas and radio or television receiving or transmitting equipment, grain elevators, farm silo or barns, church spires, belfries, cupolas, towers or domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulk heads, firewalls, and similar features and necessary mechanical appurtenances accessory to the building on which they are erected; provided however, that such features are erected only to such heights as is necessary to accomplish their purposes. In no event shall any structure exceed 20 m in a Residential Zone, or 45 m in any other Zone.

### 3.10.3 Airport Height Restrictions

On lands located in the vicinity of the Port Elgin Municipal Airport, the maximum height of buildings and structures shall be as follows:

- a) on lands located within 200 m of the airport runways, no buildings or structures shall be permitted except those related to the use and/or operation of the airport which shall be subject to the maximum height provisions of the applicable zone and the provisions of section 3.1 of this By-law for accessory buildings and structures;
- b) on lands located within 201 m to 500 m of the airport runways, the maximum height of any building or structure shall be 10 m;
- c) on lands located within 501 m to 1,000 m of the airport runways, the maximum height of any building or structure shall be 20 m;
- d) on lands located within 1,001 m to 1,500 m of the airport runways, the maximum height of any building or structure shall be 30 m.

Nothing in this section shall be deemed to permit a greater maximum height than otherwise permitted under the regulations of the applicable Zone or any other applicable provisions of this By-law.

### 3.10.4 Maximum Permit Height

All lands shown on Schedule C – Map 1 with a Maximum Permit Height overlay as indicated are subject to the following additional provisions:

- a) No non-residential buildings and residential apartment buildings shall exceed a height limit of 20.0 metres subject to:
  - i. Buildings at 10.0 metres shall have an interior side yard setback of 3 m
  - ii. Buildings at 12.5 metres shall have an interior side yard setback of 5 m
  - iii. Buildings at 15.0 metres shall have an interior side yard setback of 7 m

- iv. Buildings at 17.5 metres shall have an interior side yard setback of 9 m and a rear yard setback of 10 metres
  - v. Buildings at 20.0 metres shall have an interior side yard setback of 11 and a rear yard setback of 12 metres
  - vi. All other setbacks shall be required as outlined in the zone in which the main building or structure is located
- b) For greater clarity buildings may be tiered so that each successively higher portion of the building maintains the required interior side yard setback as noted in subsections i) through v)

### **3.11 HOME INDUSTRY**

Where a Home Industry is permitted the following provisions shall apply:

- (a) Permitted Home Industry Uses:
  - i. A carpenter's shop;
  - ii. A contractors shop;
  - iii. An electrician's shop;
  - iv. A farm animal breeding establishment;
  - v. A farm implement and equipment service establishment;
  - vi. A farm related tourist establishment;
  - vii. A farrier;
  - viii. A pet grooming shop;
  - ix. A pest control establishment
  - x. A plumber's shop;
  - xi. The sale and storage of grains, feeds, fertilizers and related agricultural products;
  - xii. A small engines repair shop;
  - xiii. A tack shop, including the sale and storage of equine products;
  - xiv. A welder's shop; and
  - xv. Home appliance or electronic service shop.
- (b) Such Home Industry shall only be located in a part of a dwelling or an accessory building located on a lot on which a single dwelling is in existence,
- (c) The minimum lot size for a home industry shall be 0.8 ha,
- (d) The total gross floor area utilized by the Home Industry does not exceed 100m<sup>2</sup> in an accessory building or 30 per cent of the gross floor area of the dwelling on the lot, whichever is the lesser.
- (e) Such Home Industry shall be clearly accessory to the residential or agricultural use on the lot and shall not change the residential or agricultural character of the dwelling or the lot.
- (f) There shall be no product on display except within the building.

- (g) Only currently licensed motor vehicles or trailers used in the operation of the Home Industry may be parked or stored on the lot within an interior side or rear yard. Not more than three commercial vehicles shall be permitted on a lot.
- (h) Retail sales of goods processed or produced on the lot are permitted, but shall not exceed 10% of the gross floor area of the accessory building used for the Home Industry.
- (i) Home Industry Uses shall not include the generation of or storage of hazardous waste, liquid industrial waste, or any severely toxic contaminant listed in Schedule 3 to Ontario Regulation 347 under the Environmental Protection Act RSO, 1990.
- (j) There shall be no outside storage of goods, materials, garbage, debris or equipment associated with the Home Industry Use within a front or exterior side yard. Any outdoor storage shall be enclosed by a solid fence or landscaping sufficient to provide a visual screen from the adjacent land.
- (k) In addition to the parking spaces specifically used by the dwelling on the lot, not more than two additional parking spaces shall be assigned to and specifically dedicated to the Home Industry use.

### **3.12 HOME OCCUPATION**

Where a Home Occupation is permitted, the following provisions shall apply:

- (a) Permitted Home Occupation Uses:
  - i. An artisan's, dance or music studio;
  - ii. A business, professional or administrative office;
  - iii. A baker's premises;
  - iv. A caterer's kitchen;
  - v. A home appliance or electronics service shop;
  - vi. A pet grooming shop;
  - vii. A personal service shop; and
- (b) Only one Home Occupation shall be permitted in a dwelling unit.
- (c) Not more than 30% of the gross floor area of the dwelling unit to a maximum of 50 sq m shall be used for the purposes of the Home Occupation use, except where the Home Occupation is a private home daycare. A private home daycare may be conducted within the principal residence and within the rear yard and exterior side yard.
- (d) Such Home Occupation shall be clearly secondary to the main residential use, shall not be conducted within an attached garage and shall not change the residential character of the dwelling unit nor create or become a public nuisance.
- (e) Any home occupation that includes home visitation, such as music lessons or home daycare shall be restricted to six (6) persons who are not residents of the

dwelling at any one time.

- (f) There shall be no goods, wares or merchandise offered for sale or rent on the premises other than what is produced on the premises.
- (g) There shall be no on-site consumption of food products produced for retail sale as part of any Home Occupation.
- (h) There shall be no mechanical or other equipment used within the home occupation except what is customarily employed in a dwelling unit for domestic or household purposes or for use by a professional person.
- (i) There shall be no outside storage of goods, materials, garbage or debris associated with a Home Occupation use.
- (j) In addition to the parking spaces specifically assigned to the dwelling unit on the lot, a maximum of one parking spot shall be provided for and exclusively dedicated to the home occupation.

### **3.13 HOUSEHOLD SALES/YARD SALES**

Household sales/yard sales are permitted in any Zone, except that there shall not be more than two (2) such sales per annum at one (1) location and no such sale shall exceed three (3) consecutive days in duration.

### **3.14 KENNELS**

Notwithstanding the setbacks of any Zone where a kennel is a permitted use, no kennel shall be erected or used closer than:

- a) thirty (30) m from a side lot line;
- b) sixty (60) m from a road allowance;
- c) three hundred (300) m from a dwelling located on a separate lot;
- d) three hundred (300) m from a Residential or Institutional Zone;
- e) three hundred (300) m from another kennel.

### **3.15 LANDSCAPING**

#### **3.15.1 Landscaped Open Space**

Landscaped open space shall be provided in accordance with the Zone provisions setout in this By-law for each Zone and the following general provisions:

- a) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas shall be maintained as landscaped open space.



- b) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.
- c) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
- d) No part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.
- e) Any area used for the tilling of soil, growing of crops or grazing of livestock shall be considered as part of the landscaped open space requirement when associated with an agricultural use.
- f) Where, in any yard in any Zone, a parking area which is required to provide for more than four off-street parking spaces adjoins a street, then a landscaped area of a minimum width of 3 m shall be provided within the lot requiring such parking area along the lot line adjoining such street.
- g) Walkways, when constructed, shall not terminate on Town-owned land, except where a sidewalk exists, in which case, walkways may terminate at the sidewalk.

### 3.15.2 Planting Strips

Planting strips shall be provided in accordance with the Zone provisions set out herein for each Zone and the following general provisions:

- a) Where the lot line of a lot containing a non-residential use and located in a Commercial Zone, Institutional Zone, or Industrial Zone abuts a lot in a Residential Zone, or abuts a street on the opposite side of which is located a lot in a Residential Zone, then a planting strip having a minimum width of 3.0 m measured perpendicular to the said lot line shall be provided.
- b) Planting strips shall be landscaped and planted with indigenous vegetation, shrubs, plants, flowering shrubs, flower beds, man-made landscape materials, trees or a combination thereof, appropriate for the location considering overhead utilities and opportunities to screen parking and other structural elements, having a minimum height of 1.5 m at the time of planting, and shall, where a Non-Residential use abuts a Residential zone, contain a closed board, picket or chain linked fence. Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 2.0 m above the elevation of the ground at the nearest lot line and shall have a continuous, uninterrupted form except where a driveway or walkway is required.

- c) Where required on a street corner of a corner lot, a planting area shall be located in such a way as not to form an obstruction to traffic and as required by the sight visibility triangles required by this By-law. Within a sight visibility triangle the maximum height of any landscaping or other materials used for the planting strip shall be 0.6 m.
- d) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway in accordance with clause (c) of subsection 3.15.1, such planting strip shall not be required to extend closer than 1.5 m to the edge of such walkway or closer than 3.0 m to the edge of such driveway, provided that any intervening space between the said planting strip and the said walkway or driveway is maintained as landscaped open space.

### **3.16 LIGHTING**

Lighting fixtures designed to provide exterior illumination on any lot shall be installed in accordance with the Town of Saugeen Shores Development Manual.

### **3.17 LOADING SPACES**

#### **3.17.1 Loading Spaces Required**

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping loading or unloading of animals, goods, wares, merchandise or raw materials, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the following regulations.

#### **3.17.2 Location of Loading Spaces**

Required loading spaces shall be provided on the same lot occupied by the building or structure for which the said loading spaces are required, and shall not form a part of any street or lane or required parking area. Loading spaces shall be permitted in any yard, except the front yard. On a corner lot loading spaces may be located between the main building and the flanking street but not within the required exterior side yard.

#### **3.17.3 Number of Loading Spaces (Minimum)**

Number of loading spaces required shall be determined through Site Plan Control

#### **3.17.4 Loading Space Dimensions (Minimum)**

A required loading space shall have minimum dimensions of 3.5 m by 10 m and a minimum vertical clearance of 4.5 m.

#### **3.17.5 Access to Loading Spaces**

Access to loading spaces shall be provided from a public street by means of one or more unobstructed driveways which:

- a) have a minimum unobstructed width of at least 3.5 m, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the maneuvering of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- b) are contained within the lot on which such loading spaces are located and lead either to a Class 1 Municipal Street; and
- c) comply in all other respects with the requirements for driveways providing entrance to parking areas and spaces set out in sections 3.7 and 3.24.

#### 3.17.6 Surface and Drainage of Loading Spaces and Driveways

Loading spaces and driveways thereto shall be constructed in accordance with the Town of Saugeen Shores Development Manual.

#### 3.17.7 Addition to Existing Use

When a building or structure has insufficient loading spaces on the date of passing of this By-law to conform to the provisions herein, this by-law shall not apply to require that the deficiency be made up prior to the construction of any addition. In the case of an expansion or enlargement of an existing building or structure, the requirement for the provision of additional loading spaces shall be based on said expansion or enlargement. Notwithstanding section 3.17.1, where the building or structure is deficient in loading spaces, a loading space shall be required for an expansion of 25 m<sup>2</sup> or greater and less than 100 m<sup>2</sup>.

#### 3.17.8 Screening

Loading spaces shall be screened in accordance with Section 3.22.1c).

### 3.18 MANURE STORAGE FACILITIES

In any Agricultural Zone, no facility for the storage of manure intended to serve a livestock agricultural use shall hereafter be constructed or altered except in accordance with the Nutrient Management Act, 2002.

### 3.19 MINIMUM DISTANCE SEPARATION

- a) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted in the Zone in which the lot is situated, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS 1) using Schedule "B" to this By-law.
- b) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) using Schedule "C" to this By-law.

- c) The Minimum Distance Separation (MDS I and MDS II) shall not be required between a livestock facility and:
  - i) a dwelling or accessory building on the same lot;
  - ii) a public utility;
  - iii) a waste disposal site; or
  - iv) a pit or quarry.
- d) No livestock operation or manure storage facility shall be established or enlarged until a nutrient management plan is completed where required by the Corporation's Nutrient Management By-law and/or the Nutrient Management Act.

### **3.20 MUNICIPAL SERVICES**

Notwithstanding any other provisions of this By-law, no land shall be used, nor any buildings or structures erected or used unless, pursuant to an agreement made or condition imposed under Sections 41, 45, 51 or 53 of the Planning Act or Section 50 of the Condominium Act, dealing with the provision of any of the municipal services as are set out in this By-law, unless the municipal services to be provided are available to service the land, buildings or structures, as the case may be.

### **3.21 NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND NON-CONFORMING USES**

#### **3.21.1 Rebuilding, Repairs and Renovations**

The rebuilding of an existing permitted building or structure shall be in accordance with the provisions of this By-law even where such existing building or structure or the lot on which such building or structure is located does not comply with the provisions of this By-law. Renovations and repairs shall be permitted with an existing building or structure despite the non-compliance of said building or structure or the lot on which the building or structure is located with the provisions of this By-law, provided that the dimensions of the original building are not increased, there is no change in the use of such building or structure, and the pertinent yards are not reduced except in accordance with the provisions of this By-law.

#### **3.21.2 Additions and Extensions**

Extensions or additions being made to an existing or permitted building or structure on a lot shall be in accordance with the provisions of this By-law, even where an existing building, structure or lot or the use thereof does not comply with one or more of the provisions of the By-law.

#### **3.21.3 Change of Use**

A use of a lot, building or structure which under the provisions of this By-law 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 such other compatible or similar uses as may be approved under Section 45 of The Planning Act.

#### 3.21.4 Lot Area or Lot Frontage Less than Required

Where a lot having a lesser lot area or lot frontage than that required hereby:

- a) is or has been held under distinct and separate ownership from abutting lots or was legally created; or
- b) is created as a result of an expropriation; and
- c) is located within a Residential Zone and has a minimum 8.0 m frontage or is located within an Agricultural Zone and has a minimum 15.0 m frontage and is able to obtain a potable water supply and a septic tank permit; or

then the said lot shall be deemed to comply with the requirements of this By-law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of a permitted building or structure thereupon, in accordance with all other provisions hereof.

- 3.21.5 In the case of a rezoning or severance, permitted and legally established existing buildings or structures or driveways shall be deemed to comply with any applicable zone provisions, except parking and loading requirements, resulting from such rezoning or severance.

### 3.22 OPEN STORAGE

#### 3.22.1 Open Storage Regulations

Except as otherwise provided in subsection 3.22.2, or specifically listed as a permitted use in a Zone, no open storage shall be permitted on any lot in any Zone, except in accordance with the following provisions:

- a) No open storage area shall be permitted in any required yard or, except in the case of an agricultural use or the permitted outside display and sale of goods and materials in conjunction with a permitted commercial use, in any part of a front yard or exterior side yard.
- b) No open storage area shall be located closer than 3 m to any lot line.
- c) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a Zone other than a Highway Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing a fence, wall or other visual barrier not less than 2 m in height, except that this provision shall not apply to any storage area accessory to an agricultural use or to the permitted outside display and sale of goods and materials in conjunction with a permitted commercial use.
- d) Any open storage area shall be maintained a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the

requirements of the Municipality, except that this provision shall not apply to any storage area located on a lot where the main use is an agricultural use.

- e) No open storage area shall be considered part of any landscaped open space required herein.
- f) open storage shall not cover more than 35% of the lot area of any lot nor exceed twice the ground floor area of the main building on the lot.
- g) No parking spaces or loading spaces required by this By-law shall be used for open storage purposes.
- h) No open storage of hazardous substances shall be permitted in any Zone.

### 3.22.2 Special Exceptions

Nothing in subsection 3.22.1 shall apply to prevent or otherwise restrict the use as an open storage area of any part of:

- a) the front yard on a lot containing an agricultural use, for a permitted temporary roadside retail farm sales outlet for produce grown on the said lot; or
- b) a lot containing a single dwelling, for a special temporary household/yard sale subject to the regulations of section 3.13.

## 3.23 OUTDOOR PATIOS ASSOCIATED WITH A COMMERCIAL USE

Notwithstanding any other provisions of this By-law, the following shall apply to an outdoor patio associated with a permitted commercial use:

### 3.23.1 Location

- a) Where any lot line adjoins lands which are in a Residential Zone, a 6 m minimum setback from the outdoor patio to the boundary of the Residential Zone is required.
- b) Notwithstanding the provisions of clause (a), where only the rear lot line adjoins Residential Zone an outdoor patio shall be permitted in the front yard.
- c) Where the lot adjoins a Residential Zone, no outdoor patio shall be located above the elevation of the floor of the first storey of the principal building.
- d) Notwithstanding clause (a), (b) and (c), nothing in this subsection shall prevent an outdoor patio from being located in any yard where the adjoining Residential Zone is in combination with any other Zone or is separated therefrom by a street or lane.

### 3.23.2 Loading Space Not Required

Notwithstanding section 3.17, no loading space shall be required for an outdoor patio.

### 3.23.3 Parking

Parking spaces shall be required for the gross floor area associated with the outdoor patio at the same ratio as required for the main commercial use to which the outdoor patio is accessory, and parking is not required for the use as provided in subsection 3.24.1 of this By-law.

#### 3.23.4 Commercial Core

Outdoor Patios on land owned by the Town in the Commercial Core zone shall be in accordance with the Town of Saugeen Shores Sidewalk Patio and Sidewalk Café Encroachment Policy.

### **3.24 PARKING REGULATIONS**

#### 3.24.1 Parking Spaces Required

- a) Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in subsection 3.24.2 shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this subsection.
- b) Notwithstanding any of the requirements of this subsection to the contrary, no parking spaces shall be required for any building, structure or use located within the Commercial Core (CC) Zone, except that this exemption shall not apply to buildings or structures associated with a residential use, including dwelling units accessory to a non-residential use, a hotel, motel, inn or other use providing overnight accommodations.

### 3.24.2 Required Number of Parking Spaces

Except where noted otherwise, required parking spaces identified below are expressed in number of spaces per gross floor area.

<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
Abattoir	1 per 100 m <sup>2</sup>
Adult Entertainment Establishment	1 per 4 persons licensed capacity
Adult Store	See Retail Store
Agriculturally Related Commercial/Industrial Use	1 per 30 m <sup>2</sup> for retail showroom plus 1 per 200 m <sup>2</sup> for warehousing / wholesaling
Amusement Game Establishment	1 per 20 m <sup>2</sup>
Art Gallery	1 per 50 m <sup>2</sup>
Assembly Hall, auditorium, convention or meeting hall, community centre, sports arena, fairground, stadium, private club, fraternal society, or any institutional or non-profit use or place of assembly not otherwise specified herein	1 per 5 persons of fixed seating capacity or fraction thereof, or where no fixed seats are provided, 1 space for each 35 m <sup>2</sup> of floor area
Auction Establishment	1 per 30 m <sup>2</sup>
Automobile Body Shop	1 per 30 m <sup>2</sup>
Automobile Gas Bar	2 spaces
Automobile Repair Establishment	1 space per 20 m <sup>2</sup>
Automobile Sales Establishment	1 per 20 m <sup>2</sup>
Automobile Service Station	6 per service bay
Bait and/or Fishing Supply Establishment	See Retail Store



<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
Bake Shop	See Retail Store
Bakery	1 per 100 m <sup>2</sup>
Bed and Breakfast Establishment, Lodge, or Inn	1 space per guest room plus the 2 parking spaces required for the detached dwelling, plus 1 space for each 20 m <sup>2</sup> used as kitchen and/or dining facilities
Boarding House	1 per bedroom associated with the boarding house
Brewing on Premises Establishment	1 per 40 m <sup>2</sup> of processing area
Bulk Sales Establishment - Agricultural	1 per 30 m <sup>2</sup>
Business Service Establishment	1 per 40 m <sup>2</sup>
Campground	1 space for each campground site plus 1 space for every 4 campground sites, or fraction thereof, to be set aside for and visually identified as visitor's parking
Car Wash Establishment, Automated	6 queuing spaces in advance of each bay
Car Wash Establishment, Manual	3 queuing spaces in advance of each bay
Caterer's Establishment	1 per 200 m <sup>2</sup>
Cemetery	1 per 30 m <sup>2</sup> of accessory office space
Chronic Care Facility	See Hospital
Clinic or office for any of the health care professions	1 per 20 m <sup>2</sup>
Clinic, Veterinary or Livestock Veterinary Clinic	1 per 40 m <sup>2</sup>
Club, Private	See Assembly Hall
Continuum-of-Care Facility	See appropriate components as proportioned

<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
Contractor's Yard	1 per 100 m <sup>2</sup>
Convenience Store	See Retail Store
Child Care Centre	1 per 40 m <sup>2</sup>
Drive-Through Facility	3 queuing spaces in advance of each drive-through service window or outlet
Dry Cleaning Establishment, Laundry Establishment or Laundromat	1 space for each four machines, or 1 space per 20 m <sup>2</sup> whichever is greater
Dry Cleaning Distribution Outlet	1 per 25 m <sup>2</sup>
Duplicating Establishment	1 per 20 m <sup>2</sup>
Emergency Care Establishment	1 per 40 m <sup>2</sup>
Equipment Rental Establishment	1 per 25 m <sup>2</sup>
Farm Implement Establishment	See Agriculturally Related Commercial/Industrial Use
Financial Establishment	1 per 40 m <sup>2</sup>
Food Processing Plant	1 per 100 m <sup>2</sup>
Food Store	See Retail Store
Funeral Home	1 per 20 m <sup>2</sup>
Garden Centre	See Retail Store
Golf Course	8 per hole
Golf Course, Miniature	1.5 per hole
Golf Driving Tee or Range	1.5 per tee
Greenhouse	1 per 50 m <sup>2</sup>
Group Home	1 plus 0.25 per bed

Use	Minimum Number of Parking Spaces
Home-based Child Care	6 children or less: requirements for applicable residential dwelling; more than 6 children: 1+ requirements for applicable residential dwelling
Home for the Aged	2 per 5 beds
Hospital	3 per bed
Hotel and Motel	1 per guest room, plus 1 space for each 20 m <sup>2</sup> used for assembly, restaurant or the dispensing of food or drink
Industrial Use, Industry, Non-Effluent Producing	1 per 100 m <sup>2</sup>
Kennel	1 per 30 m <sup>2</sup>
Marina Equipment Sales Establishment	See Retail Store
Mobile Home Park Museum	1 per mobile home site 1 per 50 m <sup>2</sup>
Nursing Home	2 per 5 beds
Office, including Business or Professional or Support Offices	1 per 40 m <sup>2</sup>
Outdoor Patio associated with a commercial use	Refer to section 3.24
Personal Service Shop Place of Entertainment	1 per 15 m <sup>2</sup> Greater of 1 space for each 5 persons of fixed seating capacity or 1 per 35 m <sup>2</sup>
Place of Worship	1 for each 10 persons fixed seating capacity, or if no fixed seats, 1 space for each 10 m <sup>2</sup> or fraction thereof, used for seating
Printing Establishment	1 per 100 m <sup>2</sup>
Recreation Centre	See Assembly Hall
Recreational Trailer Camp	1 per site

Use	Minimum Number of Parking Spaces
Recycling Depot	1 per 100 m <sup>2</sup>
Repair and Rental Establishment	1 per 20 m <sup>2</sup>
Residential Building, Accessory Residential Unit	1 per residential unit
Residential Building, Accessory Residential Unit located in a Commercial Core Zone	1 per 5 accessory residential units
Residential Building, Additional Residential Unit	1 space <u>per residential unit</u>
Residential Building, Apartment	1 space per residential unit; plus 1 space for every 4 residential units, or fraction thereof, to be set aside for and visually identified as visitor parking
<u>Residential Building, Single Detached, Semi-Detached, Duplex, Townhouse, Mobile Home</u>	<u>2 spaces per residential unit, except where:</u> <u>- an Additional Residential Unit is provided on the same lot, then 1 space per residential unit (refer separately to Additional Residential Unit parking rate)</u>
	<u>Or</u>
	<u>a common visitor parking is provided for a townhouse development, then 1 space per residential unit plus 1 space for every 8 residential units, or fraction thereof, to be set aside for and visually identified as visitor parking</u>
<del>Residential Building, Single Detached, Semi-detached, Duplex, Triplex, Fourplex, Townhouse, Modular or Mobile Home</del>	<del>2 spaces per residential unit, except where a common visitor parking is provided for a townhouse development, then 1 space per unit plus 1 space per every 4 units are required</del>
<u>Residential Building, Triplex, Fourplex</u>	<u>1 space per residential unit</u>
Restaurant	1 per 10 m <sup>2</sup>

<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
Restaurant, Drive-Through	1 per 10 m <sup>2</sup> plus 6 queuing spaces in advance of each drive-through window
Retail Store	1 per 20 m <sup>2</sup> of sales or service area
Salvage Yard	1 per 20 m <sup>2</sup> for retailing and 1 per 100 m <sup>2</sup> for warehousing
Sawmill	1 per 65 m <sup>2</sup>
School, Commercial	1 per 45 m <sup>2</sup>
School, Elementary (Public or Private)	1 space for each classroom, plus either one additional space for each office or, if the school contains a place of assembly, parking spaces as required for place of assembly, whichever is greater.

<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
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	Education facilities with a gymnasium and/or auditorium may utilize hard surface play areas to meet such additional parking requirements provided such hard surfaced areas are adjacent to and have direct access from the required parking areas.
School, Secondary (Public or Private), Post Secondary, Adult	8 spaces for each classroom, plus either one additional space for each office, or if the school contains a place of assembly, the number of parking spaces as required for place of assembly, whichever is greater.
	Education facilities with a gymnasium and/or auditorium may utilize hard surface play areas to meet such additional parking requirements provided such hard surfaced areas are adjacent to and have direct access from the required parking areas.

Seniors Home	See Home for the Aged
Service Establishment	1 space per 25 m <sup>2</sup>
Shopping Centre	See Retail Store
Trade Retail Establishment	1 space per 20 m <sup>2</sup> of retail use
Transportation Depot	1 space per 20 m <sup>2</sup>
Unlicensed Child Care	1 additional space unless premises is a residential building with parking available
Uses not otherwise specified herein	1 space per 20 m <sup>2</sup>
Video Rental Establishment	1 space per 25 m <sup>2</sup>
Wholesaling, Warehousing or Storage Use	1 space for each 100 m <sup>2</sup> gross floor area for the wholesaling, warehousing or storage uses plus 1 space for each 40 m <sup>2</sup> to office use

### 3.24.3 Parking for Persons with a Disability

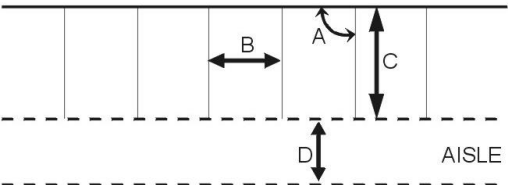
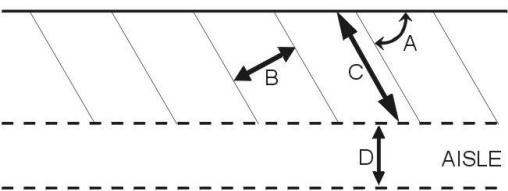
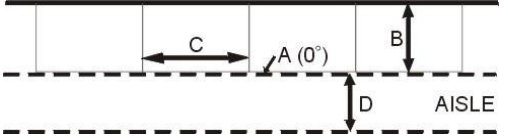
Included in the number of parking spaces required herein for all uses, save and except for Residential uses, shall be parking spaces designed for persons with a physical disability, in accordance with the Accessibility for Ontarians with Disabilities Act and its regulations.

### 3.24.4 Calculation of Parking Spaces

- When a building or lot accommodates more than one use or purpose the required parking spaces shall be the sum total of the required parking spaces for the separate uses or purposes. Parking facilities for one use shall not be considered as providing required parking for any other uses.
- If calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.
- Where seating accommodation is provided by benches, 0.5 m of bench space shall be considered as equivalent to one (1) seat.

### 3.24.5 Parking Space and Aisle Dimensions

- A parking space required hereby shall have the following minimum rectangular dimensions:

	PARKING ANGLE	MINIMUM SPACE WIDTH	MINIMUM SPACE LENGTH	MINIMUM AISLE WIDTH	
	A	B	C	D	
1	90°	2.75 m	5.5 m	7.3 m	(1) 90° PARKING SPACES: 
2	60°	2.75 m	6.1 m	5.0 m	(2-4) ANGLED PARKING SPACES: 
3	45°	2.75 m	5.8 m	4.5 m	
4	30°	2.75 m	5.1 m	4.0 m	(5) PARKING SPACES PARALLEL TO AISLE: 
5	0° (parallel)	2.75 m	6.7 m	3.0 m	

- Parking spaces for persons with a physical disability shall be in accordance with the Accessibility for Ontarians with Disabilities Act and its regulations.

### 3.24.6 Timing of Parking Space Provision

Parking spaces shall be provided at the time of erection of any building or structure, at the time any building or structure is enlarged or at the time any change of use occurs.

### 3.24.7 Location and Access

- a) Parking spaces shall be located on the same lot or within the same building as the use for which said parking is required.

However, 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 parking shall be located not more than 150 m from the said lot and shall be located within the same Zone as the said lot. Such parking shall not be considered as required parking for the use of the lands upon which the parking spaces are situated.

Should it not be possible to accommodate the required number of parking spaces on site or within 150 m of the site, Council may, if appropriate, require the owner to enter into an agreement under Section 40 of the Planning Act for the payment of cash in lieu of parking.

Parking spaces shall not be provided on Town-owned land or road allowances, unless they are parking spaces provided by the Town.

- b) Access to parking areas shall be provided from a public street unless otherwise provided for in a site plan agreement, condominium agreement or registered plan of subdivision agreement.
- c) Parking spaces shall be permitted in the following yards, subject to the setbacks identified below, and shall be accessible from a Class 1 Municipal street by one or more unobstructed driveways in accordance with the following:



ZONE CLASS	YARD(S) IN WHICH PARKING AREAS PERMITTED	DRIVEWAY AND ACCESS REQUIREMENTS	
<p><u>Residential Zone (4 residential units or less)</u> <del>Residential Zone (3 dwelling units or less)</del></p>	<ul style="list-style-type: none"> <li>- The interior side yard and rear yard, provided that no part of any parking area is located closer than one(1.0) m to any lot line;</li> <li>- Driveways in the front yard or driveways in the exterior side yard.</li> <li>- No more than 50% of the area of a front or exterior side yard of any lot in a Residential Zone shall be devoted to parking areas.</li> </ul>	<p>Driveway Width (minimum) 3.0m</p> <p>Driveway Width (maximum) 7.5 m, or no more than 50% of lot frontage for lot less than 15 m</p> <p>Number of Driveways (maximum) 1 driveway for the first 15 m of street line, 2 driveways for the first 30 m of street line plus 1 additional driveway for each additional 30 m of street line thereafter</p>	
<p><u>Residential Zone (more than 4 residential units)</u> <del>Residential Zone (more than 3 dwelling units)</del></p>	<ul style="list-style-type: none"> <li>- All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any streetline.</li> <li>- No more than 40% of the area of a front yard or an exterior side yard of any lot in a Residential Zone shall be devoted to parking areas.</li> </ul>	<p>Driveway Width (minimum) 3.0m</p> <p>Driveway Width (maximum) 7.5 m, or no more than 50% of lot frontage for lots less than 15 m</p> <p>Number of Driveways (maximum) 1 driveway for the first 30 m of frontage plus 1 additional driveway for each additional 30 m of frontage thereafter, to a maximum of 3 driveways.</p>	
<p>Agricultural</p>	<ul style="list-style-type: none"> <li>- All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any streetline.</li> </ul>	<p>Driveway Width (minimum) 3.0 m</p> <p>Driveway Width (maximum) 10.0 m</p> <p>Number of Driveways (maximum) 1 driveway for the first 30 m of frontage plus 1 additional driveway for each additional 30 m of frontage thereafter, to a maximum of 3 driveways.</p>	

ZONE CLASS	YARD(S) IN WHICH PARKING AREA PERMITTED	DRIVEWAY AND ACCESS REQUIREMENTS	
Commercial, Institutional, Open Space, and any zone class not specified	<ul style="list-style-type: none"> <li>- All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any streetline.</li> <li>- Notwithstanding the above, in the Office Residential (OR) Zone, parking areas and spaces other than a driveway shall be located in the rear yard.</li> </ul>	Driveway Width (minimum)	3.0 m for one-way traffic 6.0 m for two-way traffic
		Driveway Width (maximum)	10.0 m provided that in the Office Residential (OR) Zone, the maximum width of any driveway shall be 6.0 m.
		Number of Driveways (maximum)	1 driveway for the first 30 m of frontage plus 1 additional driveway for each additional 30 m of frontage thereafter, to a maximum of 3 driveways.
Industrial	<ul style="list-style-type: none"> <li>- The side yard and rear yard provided that no part of any parking area, other than a driveway, is located closer than three (3.0) m to any street line.</li> <li>- No more than 50% of the area of a front yard or an exterior side yard of any lot in an Industrial Zone shall be used for parking areas and driveways.</li> </ul>	Driveway Width (minimum)	3.0 m for one-way traffic 6.0 m for two-way traffic
		Driveway Width (maximum)	10.0 m
		Number of Driveways (maximum)	1 driveway for the first 30 m of frontage plus 1 additional driveway for each additional 30 m of frontage thereafter, to a maximum of 3 driveways.

- d) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 6 m.
- e) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- f) A residential use not fronting on a Provincial Highway or County Road may have a "U" shaped driveway provided the lot has a minimum frontage of 30 m.
- g) Parking areas and associated driveway systems servicing any use other than detached dwellings and semi-detached dwellings shall be designed in such a manner that any vehicle entering or leaving a street need not travel in a backwards motion.
- h) A driveway serving a non-residential use shall not be located closer than 3 m to a lot containing a dwelling as a principle use.
- ~~i) A driveway serving a residential use shall not be located closer than 1 m to the side lot line, save and except for a joint driveway servicing two lots in which case the driveway shall not require any setback. A joint driveway shall not exceed 10 m.~~
- ~~i) Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction. This provision shall not apply to prevent the use as a parking space of any part of a driveway accessory to a single detached building, semi-detached building, duplex building, townhouse building, triplex building or fourplex building provided that no parking space shall obstruct access to a parking area on any other lot or for any other unit.~~
- ~~j) Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction. This provision shall not apply to prevent the use as a parking space of any part of a driveway accessory to a single dwelling, semi-detached dwelling, duplex dwelling or townhouse provided that no parking space shall obstruct access to a parking area on any other lot or for any other unit.~~
- k) No gas bar or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-law.
- l) Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a sight visibility triangle, provided such shelter is not more than 4.5 m in height and has a floor area of not more than 5 m<sup>2</sup>.

#### 3.24.8 Addition to Existing Use

When a building or structure has insufficient parking on the date of passing of this By-

law to conform to 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. In the case of the expansion or enlargement of an existing building or structure, the requirement for the provision of additional parking spaces shall be based on said expansion or enlargement. In the case of a change in use, the number of parking spaces required will be determined by calculating the difference between that which would be required by the new and the existing uses. This subsection shall not apply to require parking for an addition, enlargement or change of use in a Commercial Core (CC) Zone for a use that is exempt from the requirement to provide parking as provided in subsection 3.24.1 of this By-law.

#### 3.24.9 Surfacing and Drainage of Parking Areas and Access Lanes

- a) Surfacing and Drainage of Parking areas requirements shall be in accordance with the Town of Saugeen Shores Development Manual.

#### 3.24.10 Illumination of Parking Areas or Driveways

- a) Illumination of Parking Areas and Driveways shall be in accordance with the Town of Saugeen Shores Development Manual.

#### 3.24.11 Special Parking Restrictions

- a) A recreational vehicle, travel trailer, or boat may be parked or stored:
  - i) within a building, or other lawful covered structure;
  - ii) within an interior side or rear yard but not the required yard;
  - iii) within a front or exterior side yard provided it is located on a lawful driveway or parking area not located on a road allowance or within a site visibility triangle.
- b) No commercial vehicle or motorized construction equipment shall be parked or stored on any part of a lot in a Residential Zone, except commercial vehicles which:
  - i) have dimensions not greater than 2.6 m of height above ground, nor 6 m of length; or
  - ii) are parked or stored within a building or carport or within a yard other than a front yard, or exterior side yard, or a required interior side yard;
  - iii) or except for the purpose of making deliveries or otherwise providing services, on a temporary basis, to a Residential lot.
- c) Automobiles, vehicles and trailers lacking current valid license plates shall be parked or stored only within a private garage or other building, except that this provision shall not apply to a permitted automobile or vehicle sales or rental establishment or salvage yard, nor to the storage of agriculture related vehicles and farm implements in an Agricultural Zone.

#### 3.24.12 Bicycle Parking

The minimum number of parking spaces for bicycles, in addition to the required vehicle parking, must be provided as set out in the following table:

<b>Use</b>	<b>Number of Bicycle Parking Spaces required</b>
Apartment dwellings, triplex dwelling, fourplex dwelling, townhouse and street townhouse dwellings (excepting freehold townhouse dwellings)	10% of required vehicle parking
Schools	1 space per 20 sq.m of classroom area, plus 1 space per 800 m <sup>2</sup> of office area
Commercial uses including restaurants, excluding uses in the CC zone and take out restaurants, unless otherwise noted below	5% of required parking, or 4 spaces, whichever is greater
Place of Entertainment	10% of vehicle parking, or 4 spaces, whichever is greater
Hotel or motel	1 space per 20 guest rooms
Industrial use	4% of required vehicle parking

### 3.24.13 Bicycle Parking Space Design Standards

Bicycle parking shall be provided in an area having a minimum of 1.8 m in length. The minimum number of bicycle parking spaces shall be accommodated by a rack, which will determine the width of the bicycle parking area.

## 3.25 PUBLIC USES

### 3.25.1 Services and Utilities

- a) Nothing contained in this By-law shall prevent the Corporation, any telephone or telegraph company, any cable T.V. company, any natural gas company, any transportation system owned or operated by or for the Corporation, any Department of the Federal or County Government, or Ministry of the Provincial Government, a local hydro-electric service provider, any railway company and any local or County Board or Commission from installing a watermain, sanitary sewer main, pumping station, storm sewer main, gas main, electric power facilities, pipeline or overhead or underground hydro, cable T.V. service, telephone line, or other communications lines, road or street and any required accessory service buildings, provided that the location of any accessory building conforms to all yard, lot coverage and height restrictions of the Zone in which it is located. Any municipally owned and operated sewage and/or water pumping station may be erected within 0.5 m of the front lot line and may be exempt from the lot coverage provisions of the Zone in which it is located.

Notwithstanding the generality of the foregoing, municipal approval does not apply to any undertaking that has been approved under the Environmental Assessment Act.

- b) Any electric power facilities, Public Utilities Commission of the Town of Saugeen Shores facilities, a local hydro-electric service provider and any receiving or transmitting tower and facilities of any radio or television station existing on the date of passing of this By-law are permitted.
- c) Despite clause (a) of this subsection, the erection of any building or structure designed for the use of office, storage or other uses, the construction or erection of transmission towers, and the use of land for outside storage, by the Corporation, any local or County Board or Commission, or Corporation, any telephone or telegraph company, any transportation system owned or operated by or for the Corporation, any Department of the Federal, Provincial or County Government, a local hydro-electric service provider, any cable T.V. or communications company, any natural gas company and any railway company must conform to the provisions of this By-law. This requirement shall not apply to any electric power facility of an electric utility licensed by the Ontario Energy Board and any works approved under the Environmental Assessment Act.

### 3.25.2 Institutional Uses

The provisions of this By-law shall not apply to prevent the use of any land or the erection or use of any building or structure for the purpose of public service by the Corporation of the Town of Saugeen Shores, The County of Bruce, or by any local board as defined in the Municipal Affairs Act, the Saugeen Valley Conservation Authority, any Department or Ministry of the Government of Canada or Ontario, provided that:

- a) any lot used in any Zone as a public park or for an existing cemetery, an existing place of worship or any existing public building, structure or use, including, but not so as to limit the generality of the foregoing, a municipal office building, a community centre or other public auditorium, and a public works garage, shall be in accordance with the General Provisions of this By-law set out in section 3 hereof and with the regulations for Institutional Zones set out in section 20 of this By-law;
- b) notwithstanding any of the foregoing provisions, the construction or operation of an incinerator, pollution control plant, sewage lagoon, waste stabilization pond or other work or facility for storing or treating sewage, sludge lagoon, sludge storage or transfer site, service garage, sanitary landfill or disposal area of any kind shall not be permitted on lands in any Residential Zone or Wetland Zone established in this By-law;
- c) notwithstanding any of the provisions of clause (a) or (b) of this section, no open storage shall be permitted accessory to a public or institutional use that is adjacent or opposite to a Residential Zone; and,
- d) notwithstanding any of the provisions of clause (a) of this section, no institutional uses shall be permitted on any lands in the Wetland (W) Zone established in this

By-law.

### 3.25.3 Streets and Installations

Nothing in this By-law shall apply to prevent the use of land for a public street and related traffic signals, signage and street lighting, or to prevent the construction, installation, operation and maintenance of water and gas pipes and mains, sanitary and storm sewers, pipes and mains, electrical transmission and distribution lines, cables and conduits, telephone and television lines.

## 3.26 REDUCTION OF REQUIREMENTS

### 3.26.1 Prohibition

No person shall:

- a) change the purpose for which any lot, building or structure is used, or
- b) erect any new building or structure, or
- c) add to or take away from any existing building or structure, or
- d) reduce any lot in area by conveyance or alienation of any portion thereof or otherwise,

If the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-law.

In the event that a contravention of this By-law occurs as a result of any action described above, no lot, building or structure in contravention of this By-law shall thereafter be used until such lot, building or structure complies with the requirements of this By-law applicable thereto.

### 3.26.2 Lots Reduced by Public Acquisition

Notwithstanding subsection 3.26.1 above, where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure lawfully existing on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

- a) no change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said nonconformity; and
- b) no building or structure or addition thereto is erected on the lot as reduced,

subsequent to the date of such acquisition, except in accordance with all the provisions hereof for the zone in which such lot is located.

### **3.27 SETBACKS**

#### **3.27.1 County or Provincial Road Right-Of-Way Setbacks**

Notwithstanding any other provisions of this By-law, no person shall hereafter, in any zone:

- a) erect any permanent residential building or structure closer than 30 m the centre line of any County or Provincial Road except for County or Provincial Roads where the speed limit is posted at 50 km/h or less, such setbacks shall be the setbacks required elsewhere in this by-law, or
- b) erect any agricultural building or structure or any building or structure for an industrial use closer than 45.7 m to the centre line of any County or Provincial Road, or
- c) erect any permanent building or structure or use any land for the purposes of a gravel pit or salvage yard closer than 45.7 m to the limit of any County or Provincial Road.

#### **3.27.2 Exemptions in Built-Up Areas: Established Building Lines**

The minimum front yard setback required for a lot that is situated between two abutting lots shall be the average of the established building lines on the said abutting lots. All other provisions for the zone shall apply.

#### **3.27.3 Deleted – By-law 30-2008**

#### **3.27.4 Watercourse Setbacks**

Notwithstanding any yard provisions of this By-law, no person shall erect any permanent building or structure in any zone, other than a permeable fence, boat docking facilities, or those buildings or structures associated with a public use or flood or erosion control measures:

- a) closer than 15 m from an open municipal drain measured horizontally along a line perpendicular to a line drawn along the top of bank;
- b) closer than 8 m to any other watercourses or enclosed municipal drain, measured horizontally along a line perpendicular to a line drawn along the top of bank of a watercourse or the centerline of an enclosed municipal drain.

Nothing in this section shall permit a building, structure or use that is otherwise not permitted within an area zoned as Environmental Protection (EP) on Schedule "A" to this By-law.



### 3.27.5 Setbacks from Waste Disposal Areas

- a) No building or structure intended for human habitation shall be located closer than 500 m from the perimeter of the fill area of a licensed operating waste disposal site;
- b) No building or structure intended for human habitation shall be located closer than 150 m to any area zoned for a licensed municipal sewage treatment works either within or outside of the limits of the Corporation;
- c) Notwithstanding clause (a) and (b) of this subsection, additions, enlargements and alterations to existing buildings and structures shall be permitted in accordance with the requirements of the applicable zone.

### 3.27.6 Setbacks from Airport

Notwithstanding any other provisions of this By-law to the contrary, no buildings or structures shall be erected within 200 m of the runways at the Port Elgin Municipal Airport or any runway licensed as an airport runway under the Air Regulations of the Aeronautics Act.

## 3.28 SIGHT VISIBILITY TRIANGLES

In all zones, on a corner lot, no buildings, structures or plantings shall be erected in such a manner as to materially impede vision of the intersection between a height of 0.5 m and 3.0 m above the centre line grade of the intersecting street in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines distant:

- a) 10 m from the point of intersection of said street lines in the case of a corner lot having frontage on a municipal street; or
- b) 30 m from the point of intersection of the said street lines in the case of a corner lot having frontage on a County or Provincial Road.

## 3.29 SWIMMING POOLS

### 3.29.1 Private Open Swimming Pools

Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not located within a building:

- a) No private open swimming pools or related structures shall be permitted anywhere within the zoned area except:
  - i) in an interior side yard or rear yard on a lot containing a permitted residential use; or
  - ii) in any yard other than a required yard on a lot containing a permitted

hotel, motel or private club.

- b) No interior wall surface of any open swimming pool, nor any related structure other than a fence, shall be located closer than 1.5 m to any lot line or closer to any street than the setback required therefrom.
- c) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 1 m to any lot line.
- d) No part of any open swimming pool shall be greater than 2 m in height, exclusive of related structures which shall not exceed 5 m in height. For the purpose of this subsection of the By-law, related structures include hot tubs, saunas, pump houses and changerooms.
- e) The owner of every privately owned outdoor swimming pool shall erect and maintain a fence completely enclosing the pool, which fence shall conform to the specification of the applicable municipal swimming pool by-law.

#### 3.29.2 Lot Coverage Exemption

Notwithstanding any other provisions of this By-law to the contrary, no open swimming pools, decks or any other related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed within a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set out herein for the Zone in which such building is located, but shall be exempt from the lot coverage requirements for accessory uses set out in section 3.1 hereof.

#### 3.29.3 Indoor Swimming Pools

Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in section 3.1 hereof, where such swimming pool is located within an accessory building, or with the Zone requirements set out herein for the Zone in which such swimming pool is located, where such swimming pool is located within a main building. For the purposes of this section, "building" shall include an air-supported structure.

#### 3.29.4 Public Swimming Pools

Any public swimming pool and any related buildings or structures shall comply with the Zone requirements set out herein for the Zone in which such swimming pool is located.

#### 3.29.5 Compliance with Swimming Pool By-laws

All swimming pools shall comply with any by-laws of the Municipality specifically regulating swimming pools.

### 3.30 TEMPORARY STRUCTURES

### 3.30.1 Construction Facilities

Nothing contained in this By-law shall prevent the use of any part, other than a sight visibility triangle, of any lot in any Zone for the erection or location of a legal temporary sign, the excavation of soil or earth or the erection or use of any temporary buildings or structures incidental to building construction on the same lot, or work relating to a public utility or street, including, but not so as to limit the generality of the foregoing, a construction trailer, a tool shed, or a scaffold, but only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force, where applicable and in accordance with the Municipality's Sign By-law. In any Residential zone, such temporary construction facilities shall be permitted for a period lasting no longer than twelve (12) months commencing on the date in which the Building Permit is issued.

### 3.30.2 Model Homes

Model homes shall be permitted in all R1, R2 and R3 Zones subject to the following:

- a) the lands on which the model homes are to be constructed have received draft plan approval under the Planning Act and the subdivision agreement has been executed;
- b) the model homes shall comply with the provisions and regulations of this By-law upon registration of the plan of subdivision; and
- c) the number of model homes for any draft approved plan of subdivision shall not exceed the lesser of three (3) dwelling units or ten percent (10%) of the total number of lots.

### 3.31 USES PERMITTED IN LISTED ZONES

The uses listed in this subsection shall be permitted in the listed Zones and subject to specific regulations as follows:

USE	ZONE(S,) WHERE PERMITTED	APPLICABLE REGULATIONS
Accessory building, structure or use	All Zones, except EP and W zones	Subsection 3.1
Foster Homes	All Residential and Agricultural Zones (restricted to a single unit dwelling)	Regulations of applicable Zone
Group Home Type 1	All Residential Zones (restricted to a single unit dwelling)	Subsection 3.9 and regulations of applicable Zone
Public Use	All Zones	Subsection 3.25

Wayside Pit or Quarry	All Agricultural Zones and Extractive Industrial (EX) Zones	Subsection 3.35
Wind Energy Conversion System, Small	Agricultural, Industrial and Institutional Zones	Subsection 3.36
Libraries and Post Offices	Commercial Core Zone	Section 12

### 3.32 USES PROHIBITED IN ALL ZONES

The following uses are prohibited throughout the zoned area, either alone or in conjunction with other uses, unless specifically listed as a permitted use in a specific Zone:

- a) the making or establishment of pits and quarries;
- b) the tanning or storage of uncured hides or skins;
- c) the boiling of blood, tripe, bones or soaps for commercial purposes;
- d) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- e) an abattoir, livestock yard, livestock exchange, or dead stock depot, except where specifically listed herein as a permitted use in a specific Zone;
- f) the extracting of oil from fish;
- g) a track for the driving, racing or testing of automobiles, motorcycles, snowmobiles or any other motorized vehicles;
- h) a salvage or scrap yard, or the collection, storage or sale of:
  - i) automobiles which are not in running condition,
  - ii) partially or completely dismantled automobiles or other vehicles, or
  - iii) parts of automobiles or other vehicles;

except where any of (i), (ii) or (iii) above are accessory to a permitted automotive use;
- i) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzole, benzine, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted hereby or in conjunction with a permitted

industrial use. This provision shall not apply to prevent the above ground storage of such substances in an Agricultural “A” or “AC” Zone, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use or for commercial or industrial uses;

- j) an occupied vehicle for human habitation other than a mobile home where specifically permitted;
- k) an airport;
- l) the keeping or raising of any livestock or poultry, including a kennel, on any lot or in any building or structure except where agriculture is a permitted use or as provided in By-law 42-2017. This provision shall not prevent the keeping of up to three of any type of domestic household pets such as dogs, cats, gerbils, birds, etc.
- m) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any Zone other than an Industrial Zone, of electromagnetic fields, heat, glare, dust, dirt, fly ash or smoke, or which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
- n) the location or storage on any land for any purpose whatsoever any disused railroad car or part thereof, street car or part thereof, truck body or part thereof, busbody or part thereof, whether or not the same is situated on a foundation;
- o) use of any land or building, except those lands appropriately zoned for the repair or servicing of any automobile unless such automobile is owned by and registered in the name of an owner or occupant of such land or building;
- p) undertaking any but minor repairs and servicing such as the changing of tires or oil, outside of a garage or other suitable building, on any automobile within the Municipality, except on lands lawfully occupied and used for an automotive use;
- q) any establishment used as an adult entertainment or body-rub parlour as defined in this By-law;
- r) any form of the following:
  - i) underground transmission of oil, gasoline, or other petroleum liquid products;
  - ii) outdoor storage of road salt, or other de-icing materials and dumping of salt-laden snow;
  - iii) petroleum production, refining and manufacturing;
  - iv) furniture and wood stripping and refinishing;
  - v) peat extraction;
  - vi) chemical/biological laboratory;
  - vii) chemical manufacturing;
  - viii) electroplaters and metal fabricators;

- ix) asphalt/concrete/tar plants;
- x) bulk fuel oil storage yards;
- xi) cemeteries;
- xii) dry cleaning facilities;
- xiii) gasoline service stations;
- xiv) underground storage tanks.

**3.33 WAYSIDE PITS AND QUARRIES**

- a) Minimum lot area 0.4 ha
- b) Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (top of blade)
  - 19.8 m on lots between 0.4 ha and 2.0 ha in lot area
  - 24.4 m on lots greater than 2.0 ha in lot area
- c) Minimum setback from any Residential Zone and any existing dwelling in any other Zone, including a dwelling located on the same lot 91 m
- d) Minimum setback from a County Road or Provincial Highway S.W.E.C.S. height multiplied by 1.25
- e) Minimum setback from any lot line Same as S.W.E.C.S. height
- f) Maximum number of Small Wind Energy Conversion Systems per lot 1

Any wayside pit or wayside quarry to be used for temporary public road works shall be permitted in any Agricultural or Extractive Industrial (EX) Zone. Portable Asphalt plants shall also be permitted in these zones provided they are located no closer than 400 m to any dwelling unit and are only temporarily at the location. In accordance with the Aggregate Resources Act, as amended, wayside pit permits issued by the Ministry of Natural Resources are not subject to this 400 m requirement.

**3.34 WIND ENERGY CONVERSION SYSTEMS AND WIND FARMS**

**3.34.1 Small Wind Energy Conversion System (S.W.E.C.S.)**

Small Wind Energy Conversion Systems, as defined herein, shall be permitted as an accessory use to a permitted agricultural, industrial or institutional use in accordance with the following regulations:

**3.34.2 Large Wind Energy Conversion System (L.W.E.C.S.)**

Large Wind Energy Conversion Systems, as defined herein, shall only be permitted where specifically listed as a permitted use in a Zone, and in accordance with the following regulations:

- |  |                                     |
|--|-------------------------------------|
| a) Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (top of the blade)     | 120 m                               |
| b) Minimum setback from any Residential Zone and any existing dwelling in any other Zone, including a dwelling located on the same lot | 600 m                               |
| c) Minimum setback from a County Road or Provincial Highway  | L.W.E.C.S. height multiplied by 1.5 |
| d) Minimum setback from any lot line   | L.W.E.C.S. height multiplied by 1.5 |
| e) Maximum number of Large Wind Energy Conversion Systems per lot  | 1                                   |

### 3.34.3 Wind Farms

Wind Farms, as defined herein, shall only be permitted where specifically listed as a permitted use in a Zone, and in accordance with the following regulations:

- |  |                                     |
|--|-------------------------------------|
| a) Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (top of the blade)     | 120 m                               |
| b) Minimum setback from any Residential Zone and any existing dwelling in any other Zone, including a dwelling located on the same lot | 600 m                               |
| c) Minimum setback from a County Road or Provincial Highway  | L.W.E.C.S. height multiplied by 1.5 |
| d) Minimum setback from any lot line   | L.W.E.C.S. height multiplied by 1.5 |

Nothing in this By-law shall apply to prevent the use of a lot in any Zone for a Wind Farm by a public utility licensed by the Ontario Energy Board in accordance with the regulations of clauses (a) to (d) above.

### 3.34.4 Environmental Assessment and Certificate of Approval Requirements

Nothing in this By-Law derogates from requirements for wind energy systems and wind farms which generate 2 MW or more from adhering to Environmental Assessment and Certificate of Approval requirements.

### 3.35 YARD ENCROACHMENTS

Except as otherwise provided, no obstruction or occupation of the space in any yard required by this By-law shall be permitted except the following:

- a) Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, bay windows and other ornamental architectural features may project into any required yard but not more than 0.6 m provided any encroachment into the required side yard maintains a minimum side yard of 0.6 m.
- b) Unenclosed porches, unenclosed decks, sundeck patios and awnings may project into a required front, side or rear yard but not more than 3.0 m provided any encroachment into the required side yard or rear yard maintains a minimum setback of 1 m from any lot line. No patio, unenclosed deck or unenclosed porch shall exceed 50% of the gross floor area of the dwelling unit for which the patio, unenclosed deck or unenclosed porch is provided. Covered and uncovered steps may encroach an additional 1.5 m and must maintain a minimum 1 m setback from all lot lines.
- c) Open steel fire escapes may project into any required side or rear yard but not more than 1.5 m provided any encroachment into the required side yard maintains a minimum side yard of 1 m.
- d) Balconies may project into any required yard but not more than 1 m provided any encroachment into the required side yard maintains a minimum side yard of 1 m.
- e) Awnings, flag poles, garden trellises, fences, and retaining walls shall be permitted in a required yard, but not closer than 7.5 m from the centre line of a municipal street.
- f) Clothes poles, satellite dishes and recreational equipment and similar accessories to a residential dwelling shall only be permitted in the interior side and rear yards, provided any encroachment into the required side yard maintains a minimum side yard of 1 m. Any satellite dish greater than 0.75 m in diameter shall be subject to the minimum yard requirements for the principal building on the lot. There are no encroachment limitations for generators and air conditioners.
- g) any ramp, railing, or other feature or structure that is to be installed for the purposes of improving or addressing the accessibility for persons with a disability of any building or structure (except a building or structure in an EP zone) shall be permitted to encroach into any required yard and may provide a 0 metre setback from any lot line.



### 3.36 SIGNS

The erection, installation, or alteration of all signs on private property shall be regulated by the Town of Saugeen Shores Sign By-law.

### 3.37 ADDITIONAL RESIDENTIAL UNITS

No person shall, within any zone except a zone which lists Additional Residential Units as a permitted use, use any lot or erect, alter or use any building or structure for an Additional Residential Unit except in accordance with the following provisions.

#### 3.37.1 Number of Units

Additional Residential Units shall be permitted on a lot which contains only one principal residential building and is connected to municipal water and sanitary services:

- a) Principal building is a single-detached ~~building~~, semi-detached ~~building, duplex, triplex, or street~~ townhouse
  - i) ~~Number of total residential units on a lot, including the principal unit and Additional Residential Unit(s) (maximum) – 4~~
  - i) ~~Number of Additional Residential Units on the lot (maximum) – 3~~
  - ii) ~~Number of Additional Residential Units on a lot (maximum) – 3~~
  - ii) ~~Number of Additional Residential Units contained within the principal building – 2~~
  - iii) ~~Number of Additional Residential Units contained within the principal building (maximum) – 3~~
  - iv) ~~Number of Additional Residential Units contained within an accessory residential building (maximum)~~  
~~if principal building is a single-detached, semi-detached, duplex building:~~
    - ~~- 2, if lot area is greater than 450 m<sup>2</sup>~~
    - ~~- 1, otherwise~~~~if principal building is a triplex or street townhouse building:~~
    - ~~- 1, if the principal building is a triplex or street townhouse~~
    - ~~- None, otherwise~~
  - iii) ~~Number of Additional Residential Units contained within an accessory residential building (maximum)~~  
~~if principal building is a single-detached and semi-detached building:~~
    - ~~- 2, if lot area is greater than 500 m<sup>2</sup>~~
    - ~~- 1, otherwise~~

if principal building is a townhouse:  
-1, if the principal building is a street townhouse  
-None, otherwise

### 3.37.2 Dimensions

- a) Lot area (minimum) - as per the lot area of the applicable zone
- b) Lot frontage (minimum) - as per the lot frontage of the applicable zone
- c) Lot coverage (maximum) - as per the lot coverage of the applicable zone
- ~~d) Gross floor area of Additional Residential Units (maximum) - 40% of total gross floor area~~
- e)d) Setbacks of the Additional Residential Units (minimum)
  - i) Front yard, exterior side yard, and interior side yard - as per the principal building setbacks of the applicable zone
  - ii) Rear yard – 3.0 m

### 3.37.3 Form

- a) Entrances for Additional Residential Units shall be accessible from the street via a walkway or a driveway
- b) Maximum driveway width for lots with Additional Residential Units shall be no more than 60% of the frontage
- ~~c) External features of Additional Residential Units shall utilize materials and styles that are compatible with the principal building and other residential buildings on the same block.~~

### 3.37.4 Other

- a) A lot containing an Additional Residential Unit must front on a Class 1 Municipal Street
- b) Additional Residential Units within the Settlement Area, as defined in the Official Plan - Schedule A, shall be situated a maximum distance of 30 m from the principal building
- ~~b) Notwithstanding Section 3.37.1:  
- one 1) Additional Residential Unit shall be permitted on a lot that is not connected or partially connected to municipal water and sanitary services within the Settlement Area, as defined in the Official Plan – Schedule A, if the lot area is greater than 0.4 ha or if private servicing is supported by a Nitrate Study (groundwater quality impact assessment) that demonstrates that the development~~

can be accommodated on the lot without adverse impacts to groundwater

- two (2) Additional Residential Units shall be permitted on a lot that is not connected or partially connected to municipal water and sanitary services within the Settlement Area, as defined in the Official Plan - Schedule A, if the lot area is greater than 0.6 ha or if private servicing is supported by a Nitrate Study (groundwater quality impact assessment) that demonstrates that the development can be accommodated on the lot without adverse impacts to groundwater

~~e) Notwithstanding Section 3.37.1, one Additional Residential Unit shall be permitted on a lot that is not connected or partially connected to municipal water and sanitary services within the Settlement Area, as defined in the Official Plan - Schedule A, if the lot area is greater than 0.4 ha or if private servicing is supported by a Nitrate Study in accordance with Section 4.7.5.8 of the County Official Plan~~

### **3.38 FUEL STORAGE IN EVENTS BASED AREAS**

Applications involving a fuel storage facility will be screened by the Town's Risk Management Official in the Southampton Drinking Water Intake Events Based Area, EBA-13,000 and EBA-22,500 Overlay as shown on Schedule 'A', subject to the appropriate source protection plan policies.

## SECTION 4 ESTABLISHMENT OF ZONES

### 4.1 GENERAL

For the purposes of this By-law, the land area of the Corporation is hereby divided into various generalized and specific “Zones” to which the provisions and regulations herein shall respectively apply.

### 4.2 ZONE SYMBOLS

The following Zones are hereby established and are designated on Schedule “A” by symbols consisting of letters and numbers, or letters only, as the case may be:

<b>Zone</b>	<b>Symbol</b>
<b>AGRICULTURAL ZONES:</b>	
Agricultural	A
Agricultural Commercial	AC1 and AC2
<b>RESIDENTIAL ZONES:</b>	
Residential First Density	R1
Residential Second Density	R2
Residential Third Density	R3
Residential Fourth Density	R4
Mobile Home Park	MHP
<b>COMMERCIAL ZONES:</b>	
Commercial Core	CC
Highway Commercial	HC
Neighbourhood Commercial	NC
Office Residential	OR
Commercial Recreation	CR
Lifestyle Commercial	LC
Resort Recreational	RR
Business Park	BP
<b>INDUSTRIAL ZONES:</b>	
Light Industrial	LI
Extractive Industrial	EX
Waste Disposal	WD
<b>INSTITUTIONAL ZONES:</b>	
Institutional	I
<b>OPEN SPACE ZONES:</b>	
Open Space	OS
<b>ENVIRONMENTAL PROTECTION ZONES:</b>	
Environmental Protection Zone	EP

Wetland Zone	W
FUTURE DEVELOPMENT ZONES:	
Planned Development Zone	PD

Whenever in this By-law the term “Zone” is used, preceded or followed by any symbol, as the case requires, such combination shall refer to any area delineated on Schedule “A” and designated therein by said symbol.

#### 4.3 SPECIAL USE PROVISIONS

Where any of the Zone symbols described in Section 4.2.1 are shown on Schedule “A” followed by a dash and a number (e.g. R1-1) then special provisions and/or uses to the normal zone provisions apply to such lands. Such special provisions will be found by reference to that section of the By-law which deals with that particular zone. Lands designated in this manner shall be subject to all the restrictions of the Zone, except as otherwise provided by the special provisions.

#### 4.4 SPECIAL HOLDING PROVISIONS

The symbol “h” when used in conjunction with a zone designation (e.g. “h-R1”) can denote areas in which the use of land and the erection of buildings or structures will not be permitted in accordance with the provisions for such Zone designation. The removal of the holding symbol “h” by Council By-law will permit the use of land and erection of buildings and structures in accordance with the Zone designation and its provisions. Until such time as the “h” symbol is removed, any lands so designated may be used for lawfully existing uses or as otherwise provided in the applicable “h” symbol variation (h-1, h-2, etc.).

Notwithstanding the provisions of this section, alterations, additions or enlargements to existing residential building or structures and accessory structures will be permitted provided such buildings and structures were lawfully used for residential purposes on the date of the passing of this By-law and provided such alterations, additions or enlargements conform to the relevant sections of this By-law.

a) h

Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be removed until a Subdivision Agreement or Development Agreement is entered into with the Corporation for the subject lands.

Permitted Interim Uses: Existing Uses.

b) -H1

Purpose: To ensure areas of high archaeological potential are identified and assessed prior to site alteration or construction.

1. Notwithstanding their underlying zoning designation, on those lands identified as being subject to the “-H1” holding symbol, lot grading; excavation; and/or

construction shall not be permitted unless the “-H1” holding symbol is removed. The area of the “-H1” holding symbol that may be lifted shall be limited to the area included in the assessment and may only be removed by Council upon:

- a. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
  - i) Conducted by an archaeologist licensed in the Province of Ontario;
  - ii) Confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and,
  - iii) Included engagement with the Saugeen Ojibway Nation in accordance with its process and standards; and,
- b. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the Archaeological Assessment (if any) have been implemented.

2. Where a Consent application for lot creation or lot enlargement has been approved by the County of Bruce, or its delegate, and/or when a Minor Variance is approved by the Town of Saugeen Shores, the appropriate Zone Map in this By-law shall be amended for areas of the land that are within an area noted as “High Archaeological Potential” in the Bruce County screening maps and will be zoned with a “-H1” holding symbol. The “-H1” holding symbol may be removed in accordance with Section 4.4. The appropriate Zone Map will not be updated with a “-H1” holding symbol where:

- a. An Archeological Assessment has been conducted by an archaeologist in the Province of Ontario, that includes engagement with the Saugeen Ojibway Nation in accordance with its process and standards, confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports and the recommendations of the assessment implemented to the satisfaction of the Zoning Administrator;
- b. It has been demonstrated, in consultation with the Saugeen Ojibway Nation, and to the satisfaction of the Zoning Administrator, that deep ground disturbance has recently occurred;
- c. In consultation with the Saugeen Ojibway Nation, a Minor Variance is proposed that does not facilitate new construction; or
- d. The Consent facilitates the re-creation of merged original township lots.

Permitted Interim Uses: Existing uses, buildings and structures as they legally existed at the date of passing of this By-law.

b) — h-1

~~Purpose: To ensure that mitigating measures are undertaken in areas located adjacent to transportation and utility corridors, an Agreement shall be entered into with the Corporation covering requirements for incorporating appropriate attenuation measures into the design of the development, prior to the removal of the “h” symbol.~~

~~Permitted Interim Uses: Existing Uses; any non-residential uses permitted by the applicable Zone(s).~~

c) h-2

Purpose: To ensure that development will not have a negative impact on an environmentally sensitive area, or natural feature, an Agreement shall be entered into specifying any necessary preventative measures, based on study(ies) to the satisfaction of the Corporation, in consultation with the appropriate Approval Authority, conducted by qualified professional(s) demonstrating that development in the form proposed will not adversely affect the area or feature, prior to the removal of the “h” symbol.

Permitted Interim Uses: Existing Uses.

d) h-3

Purpose: To ensure that development takes a form compatible with adjacent land uses, Agreements shall be entered into with the Corporation following a public site plan review process specifying the issues allowed for under Section 41 of the Planning Act, as amended from time to time, prior to the removal of the “h” symbol.

Permitted Interim Uses: Existing Uses.

e) h-4

Purpose: To ensure that buildings and structures that have been identified by the Municipality as being historically significant and that are being actively pursued for a designation under the Ontario Heritage Act, as amended from time to time, are not negatively impacted by development or redevelopment of the site or buildings, and to ensure that the development or redevelopment is in a form compatible with the heritage buildings, the following conditions must be satisfied prior to the removal of the holding provisions:

- i) The site and/or building and/or portions thereof must be designated under the Ontario Heritage Act, as amended from time to time, by the Corporation;
- ii) The site, buildings or portions thereof must be subject to an easement or easements to provide for municipal services, heritage preservation and conservation in favour of and to the satisfaction of the Corporation;
- iii) The affected lands will be subject to Site Plan Control under Section 41 of the Planning Act, and a Development Agreement must be entered into by the owner of the subject lands and the Corporation.

Permitted Interim Uses: Existing uses, buildings and structures as they legally existed at the date of passing of this By-law.

f) h-5

Purpose: To ensure that a Stormwater Management Plan is approved by the appropriate Approval Authority and the Town of Saugeen Shores prior to development.

Permitted Interim Uses: Existing uses, buildings and structures as they legally existed at the date of passing of this By-law.

g) h-6

Purpose: To ensure that a permit is obtained from the appropriate Approval Authority for a private sewage system, and that development is subject to site plan approval under the Planning Act.

Permitted Interim Uses: Existing uses, buildings and structures as they legally existed at the date of passing of this By-law.

h) h-7

Purpose: To ensure that full municipal sanitary sewer and water services are available and connected to service the lands prior to development.

Permitted Interim Uses: Existing uses, buildings and structures as they legally existed at the date of passing of this By-law.

i) h-8

Purpose: To ensure that mitigating measures are undertaken in areas located adjacent to transportation and utility corridors, an Agreement shall be entered into with the Corporation covering requirements for incorporating appropriate attenuation measures into the design of the development, prior to the removal of the "h" symbol.

j) h-9

Notwithstanding their underlying zoning designation, on those lands identified as being subject to the "h-9" holding symbol, lot grading; excavation; and/or construction shall not be permitted unless the "h-9" holding symbol is removed. The area of the "h-9" holding symbol that may be lifted shall be limited to the area included in the assessment and may only be removed by Council upon:

- i. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
  - a. Conducted by an archaeologist licensed in the Province of Ontario;
  - b. Confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and,
  - c. Included engagement with the Saugeen Ojibway Nation in



- accordance with its process and standards; and,
- ii. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the Archaeological Assessment (if any) have been implemented.

#### **4.5 INCORPORATION OF ZONING MAP**

The locations and boundaries of the Zones established by this By-law are shown on the map appended hereto and which is referred to as Schedule "A" and comprises the sectional parts of the zoning map and such maps together with everything shown therein and all succeeding amendments thereto are hereby incorporated into and are declared to form part of this By-law.

#### **4.6 ZONING MAPS**

##### **4.6.1 Boundaries of Zones**

- a) Where any uncertainty exists as to the boundary of any Zone as shown on Schedule "A", the following provisions shall apply:
  - i) where a Zone boundary is indicated as following and is within the boundary of a street, lane, railway right-of-way or watercourse, the boundary shall be the centre line of such street, lane, railway right-of-way or watercourse.
  - ii) where a Zone boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lot lines of the original Town survey fabric, the boundary shall follow such lot lines.
  - iii) where a Zone boundary is indicated as approximately parallel to any street line and the distance from the street line is not indicated, such boundary shall be construed as being parallel to such street line, and the distance there from shall be according to the scale shown on Schedule "A".
  - iv) where a Zone boundary is indicated as following a shoreline, 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.
  - v) where any Zone boundary is left uncertain after application of the provisions of clauses a), b), c) and d) above, then the boundary shall be determined by the scale shown on the Zoning Map Schedule measured from the centre of the Zone line.
- b) Wherever it occurs, the municipal limit is the boundary of the Zone adjacent to it;
- c) The Environmental Protection (EP) Zone boundaries identified on Schedule "A" to this By-law are subject to minor changes without a formal amendment to this By-law when approved in writing by the appropriate Approval Authority and the Town's Chief Building Official.

#### **4.7 STREETS AND RIGHTS-OF-WAY**

A street, electrical transmission right-of-way, or watercourses shown on Schedule “A”, unless otherwise indicated, shall be included within the Zone of adjoining property on either side thereof and where such street, right-of-way or watercourse serves as a boundary between two or more different Zones, the centre line of such street, right-of-way, or watercourse, and extending in the general direction of the long dimension thereof, shall be considered the boundary between Zones unless otherwise indicated.

#### **4.8 MORE THAN ONE ZONE ON A LOT**

Where a lot has two or more of its parts classified in different Zones, then the provisions for each Zone shall apply to each part as if said part was a separate lot, excepting however that where a portion of a property is zoned ‘EP’ such portion may be used to satisfy the side yard, rear yard or front yard setback requirements and shall not be treated as if it were a separate lot.

#### **4.9 COMPOUND ZONES**

Notwithstanding any other provision of this By-law, where two or more zoning symbols divided by a “/” are shown on the zoning maps as applying to a lot or as compounded by a Special Provision, that lot may be used exclusively for any use permitted in any one of the Zones included in the compound zone symbol, or for any combination of uses permitted in any of the zones included in the compound zone symbol, subject to the following regulations:

- a) The site development specifications prescribed in this By-law for the selected Zone in the compound Zone symbol in which the use is permitted shall be observed in the development of the lands. In the case of a conflict when selecting a combination of uses from two or more Zones, the more restrictive Zone regulation applies.
- b) The parking and loading required by this By-law for each of the uses included in the development of the lands, whether for a single use or a combination of uses, shall be provided.

#### **4.10 TEMPORARY USE ZONES**

Where the zone symbol on Schedule “A” is preceded by a “T” and followed by a date, such as T-A-3-8-22-2003, the “T” stands for a Temporary Zone as permitted under Section 38 of the Planning Act, as amended from time to time. When the time period specified within the Zone has passed and if an extension has not been granted by Council, the property reverts to the base zone. In the example given, the “A-3” stands for the use permitted (a mobile home, for example), and the 8-22-2003 stands for when the Zone will cease to be in effect, with the order of the numbers being the month, the day, and the year. Once the temporary time period has lapsed, the base Zone would then apply. In the example given the base Zone would be the Agricultural (A) Zone.

#### **4.11 TEMPORARY SECOND DWELLING**

In the case where a dwelling is proposed to be constructed, a second dwelling may be permitted on any lands within the Town, subject to the provision of the zoning By-law, provided that a lawfully existing dwelling is on the lot, and such existing dwelling is removed upon the completion of a new dwelling.

The land owner shall enter into an agreement with the Chief Building Official for the removal of the existing dwelling prior to the issuance of a building permit.

FOR REVIEW

## **SECTION 5 AGRICULTURAL (A) ZONE**

### **5.1 SCOPE**

The provisions of this section shall apply in all Agricultural (A) Zones except as otherwise provided in the Special Provisions subsection of this section.

### **5.2 PERMITTED USES**

No person shall within any Agricultural (A) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following A Zone uses, namely:

- a) agricultural use;
- b) agriculturally-related commercial/industrial use;
- c) bed and breakfast establishment subject to subsection 3.4;
- d) existing cemetery;
- e) existing mobile home;
- f) greenhouse subject to subsection 3.8;
- g) farm sales outlet subject to subsection 5.4.3;
- h) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- i) home industry subject to subsection 3.11;
- j) home occupation subject to subsection 3.12;
- k) kennel subject to subsection 3.14;
- l) landing strip;
- m) horse riding school;
- n) Additional Residential Units in accordance with subsection 5.4.4;
- o) single detached dwelling;
- p) single detached dwelling on an undersized lot in accordance with section 3.19 and subsection 5.4.5;
- q) wildlife preserve;
- r) works of a Conservation Authority;
- s) home based child care;
- t) unlicensed child care;
- u) child care centre;
- v) live/work uses.

### 5.3 REGULATIONS

No person shall, within any Agricultural (A) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                 |
|---|-----------------|
| a) Lot Area (minimum)                           | 39.0 ha         |
| b) Lot Frontage (minimum)                       | 100.0 m         |
| c) Front and Exterior Side Yard Depth (minimum) | 20.0 m          |
| d) Interior Side Yard Width (minimum)           | 20.0 m          |
| e) Rear Yard Depth (minimum)                    | 20.0 m          |
| f) Lot Coverage (maximum)                       | 15% of lot area |
| g) Building Height (maximum)                    | 10.0 m          |
| h) Landscaped Open Space (minimum)              | 30% of lot area |
| i) Number of Dwellings Per Lot (maximum)        | 1 only          |

### 5.4 SPECIAL USE REGULATIONS

#### 5.4.1 Additional Setbacks for New and Expanding Livestock Buildings, Structures and Manure Storage Areas

- a) Notwithstanding the minimum yard setbacks established in subsection 5.3 or subsection 5.4.2 of this section, all livestock buildings and structures and manure storage areas and facilities shall be subject to a minimum setback of three hundred (300) m from an Institutional (I) Zone, a Residential (R) Zone, a Planned Development (PD) Zone or a Commercial Recreation (CR) Zone, measured from the nearest point along the Zone boundary to the nearest main wall of the livestock building or structure or the nearest point of the manure storage area or in accordance with the Minimum Distance Separation, whichever is the greater.
- b) Notwithstanding the minimum yard setbacks established in subsection 5.3 or subsection 5.4.2 of this section, all livestock buildings or structures shall be no closer than fifty (50) m from a watercourse measured from the nearest point along the edge of the watercourse to the nearest main wall of the livestock building or structure.

#### 5.4.2 Livestock Agricultural Uses – Minimum Distance Separation (MDS)

No non-residential building or structure directly associated with the keeping of livestock or an intensive livestock agricultural use shall be established and no building, structure

or manure storage area for such use shall be erected or altered or expanded unless it complies with the Minimum Distance Separation (MDS II) calculation using Schedule "C" to this By-law. In no case shall the separation distances required by this subsection provide relief from meeting the minimum setback requirements of subsection 5.4.1.

#### 5.4.3 Farm Sales Outlet

Seasonal farm produce display for sale is restricted to a maximum of 95 m<sup>2</sup> including both floor area and outside display and shall be set back from the front lot line a minimum of 15 m for a building or structure that is erected so not to be moved and 7.5 m for a building or structure that is portable and removed at the end of the growing season.

#### 5.4.4 Additional Residential Units

Notwithstanding Section 3.37, Additional Residential Units may be permitted on a lot in the Agricultural (A) Zone subject to all other provisions of this By-law and the following:

- a) One Additional Residential Unit is permitted within a principal residential building or an accessory residential building;
- b) Other Additional Residential Units are permitted within temporary residential buildings to accommodate part-time or seasonal operations of the farm;
- c) Shall be situated on lots with a lot area of 0.8 ha or greater;
- d) Shall be situated a maximum distance of 45 m from the principal building.

#### 5.4.5 Undersized Lots

- a) On an existing undersized lot of less than 4.0 ha in size complying with the conditions of subsection 3.21.4, a maximum of one single detached dwelling shall be permitted whether or not it is accessory to a permitted agricultural use, subject to the following requirements:
  - i) Front and Exterior Side Yard Depth (minimum) 10.0 m
  - ii) Interior Side Yard Width (minimum) 4.0 m
  - iii) Rear Yard Depth (minimum) 10.0 m
  - iv) Lot Coverage (maximum) 20% of lot area
- b) Dwellings shall not be erected or used except in accordance with Schedule "B", Minimum Distance Separation I (MDS I) to this By-law, and in no case shall a dwelling on an undersized lot be located closer than 300 m from any livestock buildings and/or manure storage facility on any lot containing an existing livestock agricultural use. The foregoing shall not apply to the alteration of existing dwellings or the replacement of an existing dwelling with a new dwelling on the same foundation thereof.
- c) Notwithstanding any section to this By-law to the contrary, a secondary farm dwelling shall not be permitted on any undersized lot.

- d) Permitted accessory buildings, structures and uses to a dwelling on an undersized lot of less than 4.0 ha in size shall be in accordance with the regulations of section 3.1 for accessory buildings, structures and uses in a Residential Zone.

## 5.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard “A” Zone. If a regulation or use is not specified, the permitted uses of subsection 5.2 and the regulations of subsections 5.3 and 5.4 shall apply. If the use is restricted to a limited range of uses only those uses are permitted. If regulations are different than those specified in section 5.3 then the specified regulation applies and all other regulations of section 5.3 not specified also apply.

### 5.5.1 A-1

Notwithstanding the provisions of section 5.2 of this By-law to the contrary, no dwellings shall be permitted on any lands delineated as “A-1” on Schedule “A” to this By-law.

### 5.5.2 A-2

Notwithstanding the provisions of sections 5.2 and 5.3 of this By-law to the contrary, those lands delineated as “A-2” on Schedule “A” to this By-law may contain a visitor centre used in conjunction with the outdoor educational, recreational and conservation use of the subject property. Such building shall be designed primarily to provide shelter from the weather for users of the property and shall not exceed 223 m<sup>2</sup> in ground floor area. The visitor centre shall not provide for overnight accommodation.

### 5.5.3 A-3

#### a) Permitted Uses

Notwithstanding the provisions of section 5.2 of this By-law to the contrary, those lands zoned as “A-3” on Schedule “A” to this By-law may be used only for the following uses:

- i) bed and breakfast establishment subject to section 3.4;
- ii) existing dwelling;
- iii) home industry subject to subsection 3.11;
- iv) single detached dwelling including a dwelling on an undersized lot in accordance with subsection 5.4.5.

#### b) Regulations

Notwithstanding the provisions of sections 3.1 and 5.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “A-3” on Schedule “A” to this By-law:

- i) The minimum rear yard setback for accessory structures shall be the rear

yard setback existing at the date of the passing of this By-law;

- ii) The minimum side yard setback for accessory structures shall be the side yard setback existing at the date of the passing of this By-law.

5.5.4 A-4

Notwithstanding the provisions of section 5.4.2 of this By-law to the contrary, on lands zoned "A-4" on Schedule "A" to this By-law, the maximum number of livestock units shall be 3.7 units per ha.

5.5.5 A-5

Notwithstanding the provisions of section 5.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "A-5" on Schedule "A" to this By-law:

- a) The minimum lot area shall be 0.55 ha;
- b) The minimum "Total Lot Area" shall be 18.9 ha. Total Lot Area shall mean the total horizontal area within the lot lines, excluding the horizontal area of the lot that is permanently covered by water;
- c) The minimum lot frontage shall be 91.85 m.

5.5.6 A-6

Notwithstanding the provisions of section 5.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "A-6" on Schedule "A" to this By-law:

- a) The minimum lot area shall be 0.88 ha; and,
- b) The minimum "Total Lot Area" shall be 7.05 ha. Total Lot Area shall mean the total horizontal area within the lot lines, excluding the horizontal area of the lot that is permanently covered by water.

5.5.7 A-7

Notwithstanding the provisions of section 5.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "A-7" on Schedule "A" to this By-law:

- a) The minimum lot area shall be 0.2 ha; and,
- b) The minimum "Total Lot Area" shall be 0.64 ha. Total Lot Area shall mean the total horizontal area within the lot lines, excluding the horizontal area of the lot that is permanently covered by water.

5.5.8 A-8

Notwithstanding the provisions of sections 3.1 and 5.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "A-8" on Schedule "A" to this By-law:

- a) The minimum rear yard setback for accessory buildings and structures shall be 6.13 m;
- b) The maximum number of livestock units shall be 3.7 units per ha.



5.5.9 A-9

Notwithstanding the provisions of sections 5.2 and 5.3 of this By-law to the contrary, those lands zoned as “A-9” on Schedule “A” to this By-law may be used for the following uses within the existing buildings and structures:

- a) a truck, automobile and farm equipment repair establishment,
- b) a bulk milk transport depot, and related operation for the sale of dairy supplies and products, and related communications system for two way radio contact,
- c) an off-road equipment repairs service,
- d) a propane conversion service for trucks, cars and equipment, retailing of propane fuels, a vehicle and trailer rental servicing establishment and
- e) accessory uses related to the foregoing

in accordance with the provisions of section 5.3 of this By-law provided however that all parking areas shall be located within the area shown as

5.5.10 A-10

Notwithstanding the provisions of sections 5.2 and 5.3 of this By-law to the contrary, for lands zoned as “A-10” on Schedule “A” to this By-law, the minimum front yard setback shall be 38.1 m.

5.5.11 A-11

Notwithstanding the provisions of sections 5.2 and 5.3 of this By-law to the contrary, for lands zoned as “A-11” on Schedule “A” to this By-law, the maximum number of livestock units on one lot shall be 3.7 units per ha.

5.5.12 A-12

Notwithstanding the ‘A’ zoning designation, those lands delineated as ‘A-12’ on Schedule ‘A’ to this by-law may be used in accordance with the permitted uses and the zone provisions of the ‘A’ zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be .88 ha;
- b) The minimum lot frontage shall be 60 m;
- c) The minimum rear yard setback for the existing accessory structure shall be 12.2 m; and,
- d) The minimum side yard setback for the existing accessory structure shall be 15.2 m.
- e) The maximum number of animal units shall be 3.7 units per ha.

5.5.13 A-13

Notwithstanding the ‘A’ zoning designation, those lands delineated as ‘A-13’ on Schedule ‘B’ to this by-law may be used in accordance with the permitted uses and the zone regulations of the ‘A’ zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be 0.53 ha;
- b) The minimum lot frontage shall be 36.6 m; and,

- c) The maximum number of animal units shall be 3.7 units per ha.

#### 5.5.14 A-14

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-14' on Schedule 'B' to this by-law may be used in accordance with the permitted uses and the zone regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be 1.38 ha;
- b) The minimum lot frontage shall be 94.6 m; and,
- c) The maximum number of animal units shall be 3.7 units per ha.

#### 5.5.15 A-15

##### a) Permitted Uses

Notwithstanding the provisions of section 5.2 to the contrary, additional permitted uses shall include the retailing of seed, feed and similar agricultural products as a secondary use to the main agricultural use of the subject lands zoned "A-15" on Schedule "A" to this By-law.

##### b) Regulations

Notwithstanding the regulations of section 5.3 to the contrary, the following additional regulations shall apply to lands zoned "A-15" on Schedule "A" to this By-law:

- i) the retail establishment shall be limited to 167.22 m<sup>2</sup> of floor area;
- ii) the maximum number of employees working at any given time shall be two (2); and,
- iii) one (1) new building (a building erected after December 6, 1993) having a maximum floor area of 333 m<sup>2</sup> may be erected no closer than 32.3 m from the centre line of County Road 17.

#### 5.5.16 A-16

Notwithstanding the provisions of sections 5.2 and 5.3 to the contrary, lands zoned "A-16" on Schedule "A" to this By-law may be used for two single detached dwellings, as they existed on the date of passage of this by-law, and the minimum lot area shall be 2 ha.

#### 5.5.17 A-17

Notwithstanding the provisions of subsection 3.27.4 of this By-law to the contrary, watercourse setbacks shall not apply to lands zoned "A-17" on Schedule "A" to this By-law.

#### 5.5.18 A-18

##### a) Permitted Uses

Notwithstanding the provisions of section 5.2 to the contrary, the permitted uses on lands zoned "A-18" on Schedule "A" to this By-law shall include the existing storage shed in addition to the uses listed in section 5.2.

b) Regulations

Notwithstanding the provisions of section 5.3 to the contrary, on lands zoned "A-18" on Schedule "A" to this By-law the following regulations shall apply:

- i) The minimum side yard width for the existing storage shed shall be 10 m.

5.5.19 A-19

Notwithstanding the 'A' zoning designation, those lands delineated as "A-19" on schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be 0.7 ha;
- b) The minimum lot frontage shall be 92 m;
- c) The minimum front yard depth shall be 15.7 m; and,
- d) The minimum side yard width shall be 6.8 m.

5.5.20 A-20

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-20' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The Lot Area (minimum) shall be no less than 20 ha.

5.5.21 A-21

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-21' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The Lot Area (minimum) shall be no less than 19 ha;
- b) The setbacks for all existing buildings and structures shall be no less than as they existed as of the date of the passing of this By-law.

5.5.22 A-22

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-21' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The number of livestock units shall be limited to 3.74 livestock units per ha;
- b) The minimum lot area shall be no less than 0.39 ha

5.5.23 A-23

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-23' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 1.08 ha;
- b) The minimum lot frontage shall be no less than 60 m.

5.5.24 A-24

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-24' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 38.67 ha.

5.5.25 A-25

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-25' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this by-law, excepting however that:

- a) The minimum lot area shall be no less than 38.17 ha.

5.5.26 A-26

Notwithstanding the 'A' zoning designation, those lands delineated as A-26 on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The lands may be used for two (2) single detached dwellings for the duration of the temporary use. Once expired, the lands may be used for one (1) single detached dwelling only, in addition to the permitted accessory building and structures;
- b) The minimum lot area shall be no less than as existed on the date of passage of the By-law, that being 1.39 ha;
- c) The minimum lot frontage shall be no less than as existed on the date of passage of the By-law, that being 81.18 m;
- d) The existing setbacks for accessory buildings and structures shall be no less as existed on the date of passage of the By-law;
- e) The Council of the Corporation of the Town of Saugeen Shores may require the owner of the subject lands to enter into an Agreement with the Municipality;
- f) The period of time for which this By-law shall be in effect, shall not exceed three (3) years from the day of the passing of the By-law (that being the 26<sup>th</sup> day of July, 2013) or sooner should the occupant no longer require the temporary use of the original single detached dwelling.

5.5.27 A-27

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-27' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The minimum lot area shall be no less than 0.98 ha;
- b) The minimum lot frontage shall be no less than 70.0 m;
- c) The minimum rear yard setback shall be no less than 5.0 m;
- d) The minimum side yard setback shall be no less than 4.0 m ;
- e) The lands shall comply with MDS I.

5.5.28 A-28

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-28' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The minimum lot area shall be no less than 1.64 ha ;
- b) The minimum rear yard setback shall be no less than 15.24 m;
- c) The minimum side yard setback shall be no less than 18.59 m;
- d) The lands shall comply with MDS I.

5.5.29 A-29

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-29' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The minimum lot area shall be no less than 38.79 ha;
- b) No residential dwellings or structures shall be permitted.

5.5.30 A-30

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-30' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The minimum lot area shall be no less than 38.7 ha;
- b) No residential dwellings or structures shall be permitted.

5.5.31 A-31

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-31' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 0.73 ha;
- b) The minimum lot frontage shall be no less than 7.3 m ;
- c) The minimum rear yard setback shall be no less than 4.7 m;
- d) The minimum side yard setback shall be no less than 4.0 m;
- e) The minimum front yard setback shall be no less than 9.3 m;
- f) The lands shall comply with MDS I.

5.5.32 A-32

Notwithstanding the 'A' zoning designation, those lands delineated as A-32 on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The lands may be used for two (2) single detached dwellings for the duration of the temporary use. Once expired, the lands may be used for one (1) single detached dwelling only, in addition to the permitted accessory building and structures;
- b) The Council of the Corporation of the Town of Saugeen Shores may require the owner of the subject lands to enter into an Agreement with the Municipality;

The period of time for which this By-law shall be in effect, shall not exceed one (1) year from the date of issuance of a building permit for a dwelling and in no case shall the By-law exceed three (3) years from the date of passage of the By-law

#### 5.5.33 A-33

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-33' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) Notwithstanding the lands subject to the 'A-35' zone, the minimum lot area shall be no less than 1.32 ha;
- b) The minimum lot frontage shall be no less than 80.46 m;
- c) The number of livestock units shall be limited to 1.23 units/ha;
- d) The minimum yard setbacks shall be no less than 6.0 m.

#### 5.5.34 A-34

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-34' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) Notwithstanding the lands subject to the 'A-35' zone, the minimum lot area shall be no less than 36.85 ha;
- b) The construction of residential buildings or structures shall be prohibited.

#### 5.5.35 A-35

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-35' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The construction of buildings or structures shall be prohibited, unless the lands have been cleared of archaeological potential through submission and review of an Archaeological Assessment, if deemed necessary by the appropriate approval authority.

#### 5.5.36 A-36

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-36' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The minimum lot area shall be no less than 1.20 ha;
- b) The minimum lot frontage shall be no less than 20.0 m;
- c) The number of livestock units shall be limited to 1.23 units/ha;
- d) The minimum yard setbacks shall be no less than 6.0 m.

5.5.37 A-37

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-37' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) Notwithstanding the lands subject to the 'A-38' zone, the minimum lot area shall be no less than 39.0 ha;
- b) The construction of residential buildings or structures shall be prohibited.

5.5.38 A-38

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-38' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The construction of buildings or structures shall be prohibited, unless the lands have been cleared of archaeological potential through submission and review of an Archaeological Assessment, if deemed necessary by the appropriate approval authority

5.5.39 A-39

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-39' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The minimum lot area shall be no less than 0.91 ha;
- b) The minimum lot frontage shall be no less than 7.03 m ;
- c) The number of livestock units shall be limited to 1.23 units/ha;
- d) The minimum yard setbacks shall be no less than 6.0 m.

5.5.40 A-40

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-40' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) Notwithstanding the lands subject to the 'A-41' zone, the minimum lot area shall be no less than 39.0 ha;
- b) The construction of residential buildings or structures shall be prohibited.

5.5.41 A-41

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-41' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The construction of buildings or structures shall be prohibited, unless the lands have been cleared of archaeological potential through submission and review of an Archaeological Assessment, if deemed necessary by the appropriate approval authority.

5.5.42 A-42

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-42' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By law, excepting however that:

- a) The minimum lot area shall be no less than 2.2 ha
- b) The minimum lot frontage shall be no less than 33.5 m
- c) The number of livestock units shall be limited to 1.23 units/ha;
- d) The minimum yard setbacks shall be no less than 6.0 m

#### 5.5.43 A-43

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-43' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) Notwithstanding the lands subject to the 'A-44' zone, the minimum lot area shall be no less than 38.18 ha (94.37 ac);
- b) The construction of residential buildings or structures shall be prohibited.

#### 5.5.44 A-44

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-44' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The construction of non-residential buildings or structures shall be prohibited, unless the lands have been cleared of archaeological potential through submission and review of an Archaeological Assessment, if deemed necessary by the appropriate approval authority.
- b) The construction of residential buildings or structures shall be prohibited.

#### 5.5.45 A-45

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-45' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 6.4 ha (15.8 ac).
- b) Access by driveway entrance shall be restricted to Anglesia Street South only.

#### 5.5.46 A-46

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-46' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 5.0 ha (12.4 ac).

#### 5.5.47 T-A-47-4-13-2018

Notwithstanding the 'A' zoning designation, those lands delineated as 'T-A-47-4-13-2018' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:



- a) The minimum side yard setback shall be no less than 6.1 m (20.0 ft) for the detached accessory building;
- b) The lands may be used for two (2) single detached dwellings for the duration of the temporary use. Once expired, the lands may be used for one (1) single detached dwelling only, in addition to the permitted accessory building and structures;
- c) The Council of the Corporation of the Town of Saugeen Shores may require the owner of the subject lands to enter into an Agreement with the Municipality;
- d) The period of time for which this By-law shall be in effect, shall not exceed three (3) years from the day of the passing of the By-law or sooner should the occupant no longer require the temporary use of the original single detached dwelling.

#### 5.5.48 A-48

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-48' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The maximum height for the proposed accessory building shall be no greater than 6.93 m;
- b) The maximum ground floor area of the proposed accessory building shall be no greater than 178.37 sq m.

#### 5.5.49 A-49-H

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-49-H' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-Law, excepting however that:

- a) The 'H – holding' symbol shall be lifted once the following condition has been met:
  - i) An Archaeological Assessment has been submitted, if deemed necessary by the appropriate Approval Authority, and any subsequent required works have been completed.
- b) No residential buildings or structures shall be permitted

#### 5.5.50 A-50

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-50' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 0.74 ha
- b) The minimum lot frontage shall be no less than 67.05 m

#### 5.5.51 A-51

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-51' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than +/- 0.77 ha;

- b) The minimum lot frontage shall be no less than +/- 53.34 m.

#### 5.5.52 A-52

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-52' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 0.8 ha; and,
- b) The minimum lot frontage shall be no less than 80.0 m.

#### 5.5.53 A-53

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-53' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 37.88 ha; and,
- b) Residential buildings and structures shall be prohibited.

#### 5.5.54 A-54

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-54' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 0.53 ha;
- b) The minimum lot frontage shall be no less than 36.6 m.

#### 5.5.55 A-55

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-55' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 0.84 ha;
- b) The minimum lot frontage shall be no less than 58.0 m.

#### 5.5.56 A-56

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-56' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 8.09 ha;
- b) The minimum lot frontage shall be no less than 86 m.

#### 5.5.57 A-57

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-57' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) Residential buildings and structures shall be prohibited;
- b) Prior to the issuance of a building permit for agricultural buildings or structures, an Archaeological Assessment will be required to be submitted to the appropriate Approval Authority for development on lands that exhibit high archaeological potential.

#### 5.5.58 A-58

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-58' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of 'A' zone contained in this By-law, excepting however that:

- a) No residential development shall be permitted.

#### 5.5.59 A-59

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-59' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of 'A' zone contained in this By-law, excepting however that:

- a) The minimum lot area shall be no less than 0.69 ha;
- b) The minimum lot frontage shall be no less than 44 m.
- c) That the Minimum Distance Separation from the existing livestock facility at Pt Lot 28, Concession A (Elderslie) shall be 68 metres.

#### 5.5.60 A-60

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-60-H' on Schedule 'A' to this By-law shall be limited to single detached residential uses (and associated uses subject to Section 7.2) contained within this By-law and those uses subject to Section 21.2 contained within this By-law. The following regulations shall apply to lands zoned 'A-60-H' on Schedule 'A' to this By-law:

- a) The 'H – holding' symbol shall be lifted once the following condition has been met:
  - i. A Nitrate Study, Hydrogeological Impact Study, Stormwater Management Plan and Comprehensive Grading Plan has been submitted to the satisfaction of Town Staff;
- b) The minimum lot area shall be no less than 0.42 ha;
- c) The minimum lot frontage shall be no less than 50 m.

#### 5.5.61 A-61

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-61' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however

that:

- a) The minimum lot area be no less than 0.6 hectares;
- b) That the minimum frontage be no less than 73 metres;
- c) That the minimum rear yard setback for the existing shed be no less than 7 metres;
- d) That the minimum side yard setback for the existing pump house be no less than 2 metres.

#### 5.5.62 A-62

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-62' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this by-law, excepting however that:

- a) The minimum lot size shall be no less than 32 ha

#### 5.5.63 A-63

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-63' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this by-law, excepting however that:

- a) The minimum lot size shall be no less than 2 ha;
- b) The minimum frontage shall be no less than 30 m;
- c) The minimum interior side yard setback shall be no less than 12 m

#### 5.5.64 A-64 (a)

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-64' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this by-law, excepting however that:

- a) The minimum lot size be no less than 1.2 hectares
- b) The minimum side yard setback be no less than 16 m
- c) The minimum rear yard setback be no less than 18 m

#### 5.5.64 A-64 (b)

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-64' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this by-law, excepting however that:

- a) The minimum lot size shall be no less than 19.35 ha
- b) No dwellings shall be permitted

#### 5.5.65 A-65

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-65' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this by-law, excepting

however that:

- i. The minimum lot size shall be no less than 0.69 ha;
- ii. The minimum frontage shall be no less than 53.6 m;
- iii. The minimum interior side yard setback shall be no less than 4 m.

#### 5.5.66 A-66

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-66' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- i. The minimum lot area shall no less than 0.48 hectares;
- ii. The minimum front yard shall be no less than 14.2 m; and
- iii. The minimum side yard shall be no less than 18.2 m

#### 5.5.67 A-67

Notwithstanding the 'A' zoning designation, those lands delineated as 'A-67' on Schedule A to this By-law may be used in accordance with permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) Residential development shall be prohibited.

#### 5.5.68 A-68

Notwithstanding the provisions of Section 5.2 Permitted Uses, on lands zoned A-68, only the following uses shall be permitted:

- a) Single detached dwelling and accessory buildings / structures;
- b) A maximum of three (3) medium sized horses for pleasure riding; and
- c) Horse barn and paddock.

Notwithstanding the provisions of Section 5.3 Regulations, on lands zoned A-68, the following shall also apply:

Filling, clearing, or alterations save and except in relation to construction of the permitted buildings / structures shall be prohibited unless a subdivider's agreement has been entered into with the Town of Saugeen Shores, with the agreement including a detailed site development plan and lot grading and drainage provisions, approved by the Saugeen Valley Conservation Authority.

#### 5.5.69 A-69-H

Notwithstanding the 'A' zoning regulations, the following regulations shall apply to lands zoned 'A-69-H' on Schedule 'A' to this By-law:

- a) In addition to the permitted uses of the 'A-69-H' zone, a landscaping business is permitted, subject to the following:
  1. Access shall continue to be provided via Chappell Sideroad until June 1, 2024. After that date, uses permitted by the 'A-69-H' zone are permitted only where access is provided directly from Concession 10 or pursuant to an agreement with

- the Town for the use of Chappell Sideroad.
- b) The setbacks to zone boundaries shall be as follows:
    - 1. Partially enclosed storage structure – 5 metres to north side zone boundary;
      - (a) Drive shed – 5 metres to north side zone boundary and 15 metres to east side zone boundary;
      - (b) Quonset hut and two existing storage containers – 5 metres to the west side zone boundary.
  - c) The H-Holding zone provision may be removed for all or part of the lands, subject to:
    - 1. The Owner must enter into an agreement with the Town of Saugeen Shores to permit access to the proposed landscaping business via Chappell Sideroad, which includes provisions for:
      - (a) Shared operational maintenance of Chappell Sideroad, including dust suppression and other operational standards.

#### 5.5.71 A-70

Notwithstanding the provisions of sections 3.37 and 5.4 to the contrary, the following regulations shall apply to lands zoned 'A-68' on Schedule 'A' to this By-law:

- a) That a maximum of three additional residential units located more than 45 m from the principal building, are permitted.

#### 5.5.71 A-71-H

Notwithstanding the 'A' zoning regulations, those lands delineated as 'A-71-H' on Schedule 'A' to this By-law may be used in accordance with permitted uses and the regulations of the 'A' zone contained in this By-law, excepting however that:

- a) On those lands zoned 'A-71-H', additional permitted uses include an existing shed, and a driveway to provide access to the lands zoned 'A-69';
- b) The existing shed shall be set back 0 metres from the lands zoned 'A-69';
- c) No dwellings shall be permitted;
- d) No further development or site alteration including the construction of a driveway shall occur until the H-Holding zone provision is removed;
- e) The H-Holding zone provision may be removed for all or part of the lands, subject to:
  - 1. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
    - i. Conducted by an archaeologist licensed in the Province of Ontario;
    - ii. Confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports;
    - iii. Includes engagement with the Saugeen Ojibway Nation in accordance with its process and standards; and,
    - iv. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological report (if any) and/or Saugeen Ojibway Nation have been implemented."

#### 5.5.72 A-72-H

Notwithstanding the 'A' zoning regulations, those lands shown as 'A-72-H' on Schedule 'A' of this Zoning By-law shall be used in accordance with the 'A' zone provisions excepting however that:

- a) The minimum lot area shall be 0.5 hectares;
- b) The minimum lot frontage shall be 65 metres; and,
- c) The H-Holding zone provision may be removed for all or part of the lands subject to:
  - a. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
    - i. Conducted by an archaeologist licensed in the Province of Ontario;
    - ii. Confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports;
    - iii. Includes engagement with the Saugeen Ojibway Nation in accordance with its process and standards; and,
  - b. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the Archaeological Assessment (if any) and/or Saugeen Ojibway Nation have been implemented.

#### 5.5.72 A-72-H

Notwithstanding the 'A' zoning regulations, those lands shown as 'A-73-H' on Schedule 'A' of this Zoning By-law shall be used in accordance with the 'A' zone provisions excepting however that:

- a) The barn existing on December 1, 2023 shall not be used for livestock; and,
- b) The H-Holding zone provision may be removed for all or part of the lands subject to:
  - a. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
    - i. Conducted by an archaeologist licensed in the Province of Ontario;
    - ii. Confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports;
    - iii. Includes engagement with the Saugeen Ojibway Nation in accordance with its process and standards; and,
  - b. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the Archaeological Assessment (if any) and/or Saugeen Ojibway Nation have been implemented.

## **SECTION 6 AGRICULTURAL COMMERCIAL (AC) ZONE**

### **6.1 SCOPE**

The provisions of this section shall apply in all Agricultural Commercial (AC1 and AC2) Zones except as otherwise provided in the Special Provisions subsection of this section.

### **6.2 PERMITTED USES**

#### **6.2.1 AC1 Zone**

No person shall within any Agricultural Commercial (AC1) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following AC1 Zone uses, namely:

- a) agriculturally related commercial/industrial use;
- b) auction establishment;
- c) bulk sales establishment;
- d) greenhouse subject to section 3.8;
- e) existing dwelling;
- f) farm implement establishment;
- g) forestry use excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- h) grain elevator and drying facility;
- i) kennel, subject to subsection 3.14;
- j) market garden;
- k) garden centre;
- l) horse riding school;
- m) veterinary clinic;
- n) wildlife preserve;
- o) works of a Conservation Authority.

#### **6.2.2 AC2 Zone**

No person shall within any Agricultural Commercial (AC2) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following AC2 Zone uses, namely:

- a) any use permitted in the AC1 Zone;
- b) contractor's yard;
- c) feed mill;
- d) flour mill;
- e) food processing plant;
- f) industrial use;
- g) office, support;
- h) repair and rental establishment;
- i) sawmill;
- j) service establishment;
- k) tradesman's shop;
- l) truck terminal;



- m) warehouse.

### 6.3 REGULATIONS

No person shall, within any Agricultural Commercial (AC1 and AC2) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                      |
|---|----------------------|
| a) Lot Area (minimum)                           | 4,000 m <sup>2</sup> |
| b) Lot Frontage (minimum)                       | 30.0 m               |
| c) Lot Depth (minimum)                          | 40.0 m               |
| d) Front and Exterior Side Yard Depth (minimum) | 15.0 m               |
| e) Interior Side Yard Width (minimum)           | 10.0 m               |
| f) Rear Yard Depth (minimum)                    | 10.0 m               |
| g) Lot Coverage (maximum)                       | 15% of lot area      |
| h) Building Height (maximum)                    | 12.0 m               |
| i) Landscaped Open Space (minimum)              | 10% of lot area      |

### 6.4 SPECIAL REGULATIONS

#### 6.4.1 Required Planting Strips

A planting strip having a minimum width of 3.0 m shall be provided along every lot line abutting a lot containing a dwelling and/or a lot zoned to permit a dwelling, and along every lot line abutting a street on the opposite side of which a lot contains a dwelling or is zoned to permit a dwelling, including undersized lots in an Agricultural Zone. The requirements of subsection 3.15.2 (b), (c) and (d) of this By-law shall apply.

### 6.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "AC1" or "AC2" Zone. If a regulation or use is not specified, the permitted uses of subsection 6.2 and the regulations of subsections 6.3 and 6.4 shall apply.

#### 6.5.1 AC1-1

Notwithstanding the regulations of subsection 6.3 to the contrary, those lands delineated as AC1-1 on Schedule "A" to this By-law, may be used in accordance with the AC1 zone provisions except that the maximum lot coverage may be increased to 20% of the lot area.

#### 6.5.2 AC1-2

Notwithstanding the provisions of section 6.2 to the contrary, the permitted uses on lands zoned “AC1-2” on Schedule “A” to this By-law shall be limited to an automobile body shop and/or similar automotive repair establishments, and uses accessory thereto.

#### 6.5.3 AC1-3

Notwithstanding the regulations of section 6.3 to the contrary, on lands zoned “AC1-3” on Schedule “A” to this By-law, the maximum number of permitted principal buildings on the existing lot shall be five (5), provided that: such buildings are limited to those existing on March 1, 1995, and no more than two (2) of the existing buildings may be used for detached dwellings. For the purposes of this paragraph, “existing lot” shall mean the lot existing on March 1, 1995.

#### 6.5.4 AC2-1

Notwithstanding the ‘AC’ zoning designation, those lands delineated as ‘AC2-1’ on Schedule ‘A’ to this By-Law may be used in accordance with the permitted uses and the regulations of the ‘AC2’ zone contained in this By-law, excepting however that:

- i) The minimum interior side yard setback shall be no less than 3.0 m.
- ii) The minimum MDS I setback be no less than 29.0 m.

## SECTION 7 RESIDENTIAL FIRST DENSITY (R1) ZONE

### 7.1 SCOPE

The provisions of this section shall apply in all Residential First Density (R1) Zones except as otherwise provided in the Special Provisions subsection of this section. R1 Zones are intended for lots with both municipal water and sanitary sewer services, except as otherwise provided in subsection 7.5.2.

### 7.2 PERMITTED USES

No person shall within any Residential First Density (R1) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following R1 Zone uses, namely:

- a) single detached ~~building~~dwelling;
- b) bed and breakfast establishment subject to subsection 3.4;
- c) home occupation, subject to subsection 3.12.
- d) additional residential units in accordance with subsection 3.37
- e) home-based child care
- f) unlicensed child care
- g) child care centre
- h) office
- i) health care clinic
- j) semi-detached ~~building~~dwelling
- k) duplex ~~building~~dwelling
- l) ~~triplex building~~
- ~~k)m) fourplex building~~
- ~~l) converted dwelling, to a maximum of (2) dwelling units~~

### 7.3 REGULATIONS

No person shall, within any Residential First Density (R1) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Lot Area (minimum)
  - i. Single detached, ~~semi-detached, duplex,~~ 450 m<sup>2</sup>  
~~triplex or fourplex building dwelling~~ 450 m<sup>2</sup>
  - ii. Semi-detached ~~building~~dwelling 250 m<sup>2</sup> per unit where each

- unit is on a
- iii. ~~Duplex dwelling~~ separate lot  
450 m<sup>2</sup>
- b) Lot Frontage (minimum)
- i) Single detached ~~dwelling, semi-detached, duplex, triplex or fourplex building~~ 12.0 m
- ii) Semi-detached dwelling 10.0 m per unit where each unit is on a
- separate lot
- iii) ~~Duplex dwelling~~ 12.0 m
- c) Front Yard setback (minimum) 6.0 m
- d) Exterior side yard setback (minimum) 4.5 m
- e) Interior side yard setback (minimum)
- i) Interior side yard setback 1.2 m
- ii) interior side yard setback where a common wall divides individual ~~dwelling units in a semi-detached dwelling~~ 0 m
- f) Rear Yard Depth (minimum) 7.5 m
- g) Lot Coverage (maximum) 45% of lot area
- h) Building Height (maximum) 10.0 m
- i) Landscaped Open Space (minimum) 30% of lot area
- j) Number of Dwellings Per Lot (maximum) 1 only
- i) ~~Single Detached, semi-detached, duplex triplex or fourplex-~~ 1 ~~dwelling unit~~ per lot
- ii) ~~Duplex dwelling or~~ Semi-Detached subject to minimum lot area provisions of clause (a) where each unit is on a separate lot
- k) i) Office' and 'Health Care Clinic' uses shall be no more than 200 squaremetres in floor area,  
 ii) the location shall be on properties adjoining collector or arterial roadsand,  
 iii) the use shall occupy the existing residential structure.

## 7.4 SPECIAL REGULATIONS

### 7.4.1 Existing Residential Lots with Frontage on an Existing Private Road

- a) Notwithstanding the requirements of this By-law for frontage on a Class 1 Municipal street, existing lots zoned as "R1" on Schedule "A" to this By-law that only have frontage onto a private road may be used in accordance with the provisions of the R1 Zone, provided the private street on which they are located legally existed at the date of passing of this By-law.
- b) Existing lots fronting only a private road that contain an existing dwelling may have such dwelling and accessory buildings altered, enlarged or reconstructed in accordance with the provisions of the "R1" zone, provided the private street on which they are located legally existed at the date of passing of this By-law.
- c) Nothing in this subsection shall permit the creation of a new lot having frontage only on a private road.

### 7.4.2 Other Zone Provisions

- a) Notwithstanding the required lot line setbacks of this By-law, the minimum setback from the lot line abutting the unopened portion of Front Street south of High Street shall be 3 m
- b) Notwithstanding the rear yard requirements of this By-law, the minimum rear yard requirement of those lots zoned "R1", abutting the Lake Huron shoreline and situated between Deer Run Court and Cameron Drive shall be 3 m

## 7.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "R1" Zone. If a regulation or use is not specified, the permitted uses of subsection 7.2 and the regulations of subsection 7.3 shall apply.

### 7.5.1 R1-1

Notwithstanding the provisions of section 7.3 to the contrary, on lands zoned "R1-1" on Schedule "A" to this By-law the maximum building height shall be 8 m.

### 7.5.2 R1-2

- a) Notwithstanding the provisions of section 7.2 and 7.3 to the contrary, lands zoned "R1-2" on Schedule "A" to this By-law may be used in accordance with the "R1" Zone provisions for a single

detached building, provided the area of the lot is sufficient to accommodate a septic system and obtain a potable water supply, a minimum 3.0 m side yard is provided on one side, and the remaining regulations of subsection 7.3 for minimum lot frontage, front and exterior side yard depth, minimum rear yard depth, maximum building height, minimum landscaped open space and maximum number of residential units per lot can be met.

- a) ~~Notwithstanding the provisions of section 7.2 and 7.3 to the contrary, lands zoned "R1-2" on Schedule "A" to this By-law may be used in accordance with the "R1" Zone provisions, provided the area of the lot is sufficient to accommodate a septic system and obtain a potable water supply, a minimum 3.0 m side yard is provided on one side, and the remaining regulations of subsection 7.3 for minimum lot frontage, front and exterior side yard depth, minimum rear yard depth, maximum building height, minimum landscaped open space and maximum number of dwellings per lot can be met.~~
- b) All other requirements of this By-law and other required Municipal permits and/or appropriate Approval Authority permits for sewer or septic and/or water connections/wells shall apply.
- b)c) Where appropriate access is provided from a Class 1 Municipal Road, the private septic system can be installed in the front yard, to the satisfaction of the Chief Building Official and in accordance with the Ontario Building Code requirements, a minimum 3.0 m side yard setback is not required on one side. The minimum interior/exterior side yard setbacks for the zone apply.

#### 7.5.3 R1-3

- a) Notwithstanding the provisions of section 7.2 and 7.3 to the contrary, lands zoned "R1-3" on Schedule "A" to this By-law may be used for Tourist Cottage Parks, as outlined in Section 16.4.2, subject to the following provisions:
- i) Permitted uses include those tourist cottage parks existing on the date of the passing of this By-law.
  - ii) Any expansion of those tourist cottage parks shall be in accordance with the regulations of the CR Zone found in section 16.4.2 of this By-law.

#### 7.5.4 R1-4

- a) Notwithstanding the requirements of this By-law for frontage on a Class 1 Municipal street, lands zoned "R1-4" on Schedule "A" to this By-law may be used in accordance with the provisions of the R1 Zone, excepting however that the minimum front yard depth shall be 5.29 m.

7.5.5 R1-5

- a) Notwithstanding the provisions of sections 7.2 and 7.3 to the contrary, lands zoned "R1-5" on Schedule "A" to this By-law may be used in accordance with the "R1" zone provisions, excepting however that a "tea room" shall also be permitted. For the purposes of this paragraph, a "tea room" shall be defined as a room within a detached dwelling where a small selection of food and non-alcoholic drinks is sold for immediate consumption to seated customers, and where no cooking facilities are required other than those normally associated with a detached dwelling. The "tea room" shall be limited in size to 26.2 m<sup>2</sup> of floor area. In addition to the normally applicable parking requirements for the detached dwelling and, if applicable, an accessory use, a minimum of 4 parking spaces shall be required for the "tea room".

7.5.6 R1-6

- a) Notwithstanding the provisions of section 7.2 to the contrary, lands zoned "R1-6" on Schedule "A" to this By-law may be used in accordance with the "R1" zone provisions, excepting however that a hardware store may also be permitted.

7.5.7 R1-7

- a) Notwithstanding the provisions of section 7.2 to the contrary, lands zoned "R1-7" on Schedule "A" to this By-law may be used in accordance with the "R1" zone provisions, excepting however that a convenience store may also be permitted.

7.5.8 R1-8

- a) Notwithstanding the provisions of sections 7.2 and 7.3 to the contrary, lands zoned "R1-8" on Schedule "A" to this By-law may be used for a detached dwelling, excepting however that:
- i) the maximum number of detached dwellings per lot shall be 32;
  - ii) the maximum lot coverage shall be 35% of the area zoned "R1-8" and shall include building areas, driveways, private parking areas and private internal roadways;
  - iii) the minimum separation distance between all buildings and structures shall be 5 m;
  - iv) the minimum setback from the centre line of any internal road shall be 12.5 m on each side;
  - v) the minimum setback from South Street shall be 10 m;
  - vi) the maximum building height shall be 7 m;
  - vii) the minimum ground floor area shall be 80 m<sup>2</sup> ;
  - viii) no accessory buildings or structures shall be permitted;
  - ix) a minimum of two (2) parking spaces per detached dwelling shall be required, with one space located behind the front building line of each detached dwelling; and.

- x) a minimum of 0.38 visitor parking spaces per detached dwelling shall be required.

7.5.9 R1-9

- a) Notwithstanding the provisions of sections 7.2 and 7.3 to the contrary, lands zoned "R1-9" on Schedule "A" to this By-law shall be used in accordance with the "R1" zone, excepting however that a motel may be permitted in accordance with the regulations of section 13.3 for the "HC" Zone.

7.5.10 R1-10

- a) Notwithstanding the provisions of sections 7.2 and 7.3 to the contrary, lands zoned "R1-10" on Schedule "A" to this By-law shall be used in accordance with the "R1" zone provisions, excepting however that a restaurant may be permitted.

7.5.11 R1-11

- a) Notwithstanding the provisions of sections 7.2 and 7.3 to the contrary, lands zoned "R1-11" on Schedule "A" to this By-law shall be used in accordance with the "R1" zone, excepting however that a gravel, sand and topsoil storage and screening operation may be permitted in accordance with the regulations of section 17 for the "LI" Zone.

7.5.12 R1-12

- a) Notwithstanding the provisions of sections 7.2 and 7.3 to the contrary, lands zoned "R1-12" on Schedule "A" to this By-law shall be used in compliance with the "R1" zone provisions contained in this By-law, excepting however that:
  - i) the maximum number of detached dwellings permitted on the lot shall be three; and
  - ii) the "minimum rear yard" shall be 6.7 m for an existing detached dwelling.

7.5.13 R1-13

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, on lands zoned "R1-13" on Schedule "A" to this By-law the minimum rear yard depth shall be 4.88 m.

7.5.14 R1-14

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "R1-14" on Schedule "A" to this By-law:
  - i) The minimum lot area shall be 1,542 m<sup>2</sup>;
  - ii) The minimum front yard setback shall be 5.49 m;



- iii) The minimum setback from the centre line of County Road #3 shall be 25.3 m.
- b) Any proposed development in the “R1-14” Zone that is not on full municipal services shall be subject to the requirements of subsection 7.5.2 for development on private services.

7.5.15 R1-15

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-15” on Schedule “A” to this By-law:
  - i) The minimum lot frontage shall be 13 m ;
  - ii) The minimum lot area shall be 270 m<sup>2</sup>;
  - iii) Minimum yard requirements shall be recognized as existing on the date of passage of this By-law.

7.5.16 R1-16

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, on lands zoned “R1-16” on Schedule “A” to this By-law the minimum lot frontage shall be 19.82 m.
- b) Any proposed development in the “R1-16” Zone that is not on full municipal services shall be subject to the requirements of subsection 7.5.2 for development on private services.

7.5.17 R1-17

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-17” on Schedule “A” to this By-law:
  - i) The minimum front yard depth shall be 4.57 m;
  - ii) The minimum rear yard depth shall be 6.09 m.

7.5.18 R1-18

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-18” on Schedule “A” to this By-law:
  - i) The minimum lot area shall be 322 m<sup>2</sup> ;
  - ii) The minimum front yard depth shall be 4.09 m from the north-east corner of the detached dwelling;
  - iii) The side yard setbacks on the south and west side of the detached dwelling shall be 1.22 m;
  - iv) The detached dwelling, including the garage shall have a maximum building footprint of 111.48 m<sup>2</sup>.

7.5.19 R1-19

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-19” on Schedule “A” to this By-law:
  - i) The minimum rear yard setback shall be 3.32 m;
  - ii) Expansions, additions or alterations to existing buildings and structures or the erection of new buildings or structures on the subject lands shall be granted only by a Minor Variance by the Committee of Adjustment of the Town of Saugeen Shores.

7.5.20 R1-20

- a) Notwithstanding the provisions of section 3.1 and 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-20” on Schedule “A” to this By-law:
  - i) The minimum side yard setback for the existing cottage on the north side of the lot shall be 0.95 m;
  - ii) The minimum side yard setback for the existing detached garage on the south side of the lot shall be 1.0 m.

7.5.21 R1-21

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-21” on Schedule “A” to this By-law:
  - i) Development on the subject lands shall be in accordance with the engineered site plan as approved by the Saugeen Valley Conservation Authority;
  - ii) The finished floor elevation of the first floor shall be no lower than 182.40 m Geodetic Survey Canada (G.S.C.);
  - iii) The finished floor elevation of the garage shall be no lower than 182.0 m G.S.C.;
  - iv) The footings shall be on suitable native soils;
  - v) An operational sump pump shall be installed in the crawl space of the dwelling;
  - vi) The finished ground elevation around the dwelling shall be no lower than 182.10 m G.S.C.;
  - vii) The crawl space floor shall be no lower than 181.20 m G.S.C. (1.2 m below the first floor elevation);
  - viii) The location Benchmark to be used for this site is the top nut of the fire hydrant west of Lot 33 which is at an elevation of 182.34 m G.S.C, as of November 24, 2003.

7.5.22 R1-22

Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-22” on Schedule “A” to this By-law:

- a) Development on the subject lands shall be in accordance with the engineered site plan as “Approved by the Saugeen Valley

Conservation Authority” on January 27, 2004. Notwithstanding section 7.3 all building setbacks shall be in accordance with the site plan;

- b) The finished floor elevation of the first floor and/or garage floor shall be no lower than 182.14 m Geodetic Survey Canada (G.S.C.);
- c) The footings shall be on suitable native soils;
- d) An operational sump pump shall be installed in the crawl space of the dwelling;
- e) The finished floor ground elevation around the dwelling shall be no lower than 182.14 m G.S.C.;
- f) The crawl space floor shall be no lower than 180.94 m G.S.C. (1.2 m below the first floor elevation);
- g) The location Benchmark to be used for this site is the top nut of the fire hydrant west of Lot 28 which is at an elevation of 182.29 m G.S.C, as of November 14, 2003.

#### 7.5.23 R1-23

Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-23” on Schedule “A” to this By-law:

- a) The minimum lot area shall be 743.2 m<sup>2</sup>;
- b) The minimum lot frontage shall be 24.38 m ;
- c) The minimum front yard

#### 7.5.24 setback shall be 5.6 m R1-24

Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-24” on Schedule “A” to this By-law:

- a) Development on the subject lands shall be in accordance with the engineered site plan as approved by the Saugeen Valley Conservation Authority on March 26, 2004. The Chief Building Official may permit a deviation from the site plan provided that a clearance letter is submitted to the Chief Building Official from the Saugeen Valley Conservation authority;
- b) The Chief Building Official shall be provided with a certification from the engineer that the development was completed in accordance with the site plan, as approved by the Saugeen Valley Conservation Authority.

#### 7.5.25 R1-25

Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-25” on Schedule “A” to this By-law:

- a) The minimum rear yard setback for the detached dwelling shall be 3 m;
- b) The minimum rear yard setback for the raised deck shall be 1.5 m;
- c) The minimum side yard setback on the north side shall be 1.83 m;
- d) The minimum setback from the top of the bank of a watercourse shall be 2.13 m;

- e) The “total maximum lot coverage” shall be 37.5%. The total maximum lot coverage shall be based on the total horizontal area within the lot lines, including those lands that are zoned EP.

7.5.26 R1-26

Notwithstanding the provisions of section 3.7 of this By-law to the contrary, for lands zoned “R1-26” on Schedule “A” to this By-law, frontage upon an opened and maintained public street shall not be required.

7.5.27 R1-27

Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-27” on Schedule “A” to this By-law:

- a) The minimum rear yard depth shall be 6.09 m;
- b) The minimum building setback from the centre line of Knowles Lane shall be 10.6 m.

7.5.28 R1-28

Notwithstanding the provisions of section 7.2 of this By-law to the contrary, for lands zoned “R1-28” on schedule “A” to this By-law, the erection of buildings or structures requires a Construction Permit from the appropriate Approval Authority before construction begins. For permit information, refer to the SVCA.

7.5.29 R1-29

Notwithstanding the provisions of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-29” on Schedule “A” to this By-law:

- a) Expansions, additions or alterations to existing buildings or structures or the erection of new buildings or structures on the subject lands shall be granted only by a Minor Variance by the Committee of Adjustment of the Town of Saugeen Shores;
- b) Existing lots that do not have direct access onto a Class 1 or 2 Municipal street shall be in accordance with section 3.7;
- c) The minimum rear yard setback shall be 3.3 m for existing buildings or structures except for Part 4, west of Part Lot 12, Reference Plan 3R-7223, the minimum rear yard setback shall be 2.1 m.

7.5.30 R1-30

Notwithstanding the provisions of section 7.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R1-30” on Schedule “A” to this By-law:

- a) Lot coverage shall be permitted to increase from 35% to 45%;
- b) The minimum rear yard depth shall be 0.6 m ;

- c) The minimum front yard depth shall be 3.4 m;
- d) The minimum side yard width on the east side of the lot shall be no less than 2.4m if no parking structure is provided.

7.5.31 R1-31

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, for lands zoned “R1-31” on Schedule “A” to this By-law the minimum lot frontage shall be 21 m. For the purposes of this By-law, the westerly lot line shall be the front lotline.
- b) Any proposed development in the “R1-31” Zone that is not on full municipal services shall be subject to the requirements of subsection 7.5.2 for development on private services.

7.5.32 R1-32

- a) Notwithstanding the provisions of section 7.3 of this By-law to the contrary, on lands zoned “R1-32” on Schedule “A” to this By-law, the finished ground elevation around any building shall be no lower than 180.0 m Geodetic Survey of Canada (G.S.C.).
- b) Any proposed development in the “R1-32” Zone that is not on full municipal services shall be subject to the requirements of subsection 7.5.2 for development on private services.

7.5.33 R1-33

Notwithstanding the provisions of sections 3.27.4 and 7.3 of this By-law to the contrary, on lands zoned “R1-33” on Schedule “A” to this By-law, the maximum lot coverage shall be 35.5%, and no permanent building or structure shall be located closer than 6 m to the top of bank of a watercourse.

7.5.34 R1-34

Notwithstanding the provisions of this by-law to the contrary, the lands zoned “R1-34” on Schedule “A” to this By-law may be used in accordance with sections 7.2 and 7.3 contained in this By-law, excepting however that:

- (i) A written approval must be received from the Saugeen Valley Conservation Authority before any building permits can be issued.
- (ii) Section 3.28.4 Watercourse Setbacks shall not apply.
- (iii) The driveway entrance servicing the lot shall be off of Walnut Street.

7.5.35 R1-35

7.5.36 R1-36

'R1-36' on Schedule 'B' to this by-law may be used in accordance with the permitted uses and the zone provisions of the 'R1' zone contained in this By-law, excepting however that:

- (i) Section 3.7 Entrance Regulations shall not apply.
- (ii) For the purpose of this by-law, the travelled right of way shall be used for calculating the front yard setback.
- (iii) The minimum front yard setback for the existing accessory building shall be 0.62m.

7.5.38 R1-38

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-38' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the zone provisions of the 'R1' zone contained in this By-law, excepting however that 'Section 3.28.4 Watercourse Setbacks' shall not apply.

Schedule 'A' to By-Law No. 75-2006 as amended, is hereby further amended by changing thereon the zoning designation of Lot 1, Plan 3M-205, Town of Saugeen Shores (geographic Township of Saugeen) from 'Environmental Protection Special (EP-4)' zone to 'Residential First Density Special (R1-38)' zone, as shown on Schedule 'A'.

7.5.39 R1-39

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-39' on Schedule 'B' to this by-law may be used in accordance with the permitted uses and zone regulations of the 'R1' Zone contained in this By-law, excepting however that:

- (i) The minimum lot area shall be 464.5 m<sup>2</sup>,

7.5.40 R1-40

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-39' on Schedule 'B' to this by-law may be used in accordance with the permitted uses and zone regulations of the 'R1' Zone contained in this By-law, excepting however that:

- (i) The minimum front yard setback shall be 5.9 m, with the exception of the existing deck, which shall be setback 2.4 m.

7.5.41 R1-41

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-41' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and zone provisions of the 'R1' Zone contained in this By-law, excepting however that:

- (i) Section 3.7 Entrance Regulations shall not apply.

7.5.42 R1-42

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-42' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) The minimum front yard setback for the existing single detached dwelling shall be 4.88m;
- (ii) The minimum side yard width on the north side of the existing single detached dwelling shall be 1.22 m;
- (iii) The minimum side yard width on the south side of the existing accessory buildings shall be 0.9 m; and,
- (iv) The special provisions of section 7.5.2 for 'R1-2' zones shall apply.

#### 7.5.43 R1-43

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-43' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) The minimum side yard width on the north side of the existing single detached dwelling shall be 0.49 m; and,
- (ii) The special provisions of section 7.5.2 for "R1-2' zones shall apply.

#### 7.5.44 R1-44

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-44' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) The minimum lot area shall be 385.8 m<sup>2</sup>;
- (ii) The minimum front yard depth shall be 3.96m; and,
- (iii) The minimum rear yard depth shall be 5.49 m .

#### 7.5.45 R1-45

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-45' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) The minimum lot area shall be 334.4 m<sup>2</sup>;
- (ii) The minimum lot frontage shall be 14.6 m
- (iii) The minimum front yard depth shall be 2.13 m; and,
- (iv) The minimum side yard width shall be 0.46 m.

#### 7.5.46 R1-46

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-46' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this

By-law, excepting however that:

- (i) Development on the subject lands shall be in accordance with the engineered site plan prepared by Pryde Schropp McComb Inc. (dated September 23, 2009) as approved by the SVCA.
- (ii) Upon completion of the dwelling, the owner provides an engineer's certificate that the site plan has been completed in compliance with the engineers site plan identified in provision (i).

#### 7.5.47 R1-47

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-47' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) Notwithstanding Section 7.3 Regulations, a second dwelling unit is a permitted use;
- (ii) Notwithstanding Section 7.3 Regulations, the south interior side yard setback shall be no less than 3.0m
- (iii) Notwithstanding Section 7.3 Regulations, the rear yard setbacks shall be no less than 4.6m for the residential addition, and no less than as existed on the date of passage of the By-law (being 7.3m for the existing dwelling;
- (iv) Notwithstanding Section 3.4(a) Bed & Breakfast Establishments, only one Bed & Breakfast Establishment may be operated per lot; all remaining provisions of Section 3.4 apply.

#### 7.5.48 R1-48

Those lands delineated as 'R1-48-H' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, except that:

- (i) The 'H – holding' symbol shall be lifted once the following conditions have been met:
  1. A Site Plan Agreement between the Owner and the Town of Saugeen Shores has been registered on title. The site plan will address items such as tree retention and building envelopes.
  2. That service allocation has been completed to the satisfaction of the Town of Saugeen Shores.

#### 7.5.50 R1-50

Those lands delineated as 'R1-50' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, except that:

- (i) The minimum lot frontage shall be no less than 14.48 m.

#### 7.5.51 R1-51

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-51' on Schedule 'A' to this By-law may be used in accordance with the following:



- (i) Development or site alteration is permitted only in accordance with the approved Landscape Buffer plan contained in the subdivision agreement for the subject lands.

7.5.52 R1-52

Notwithstanding the 'R1' zoning designation, those lands delineated as 'h/h-5 R1-52' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- (i) The minimum exterior side yard setback shall be no less than 4.5 m.

7.5.53 R1-53

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-53' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- a) The minimum front yard setback shall be no less than 3.05 m; and
- b) The maximum height shall be no greater than 12.3 m at the peak of the roof on the 'lake-side' only.

7.5.54 R1-54

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-54' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- a) A Site Plan Control Agreement shall be entered into between the Owner and the Town of Saugeen Shores. Lands shall be developed in accordance with the following:
  - (i) *Section 6 Mitigation* of the Natural Heritage EIS and Tree Retention Plan prepared by AWS Environmental Consulting (dated October 2010); and
  - (ii) Site Plan prepared by Pryde Schropp McComb (dated January 19, 2011).

7.5.55 R1-55

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-55' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this by-law, excepting however that:

- (i) the front yard setback shall be no less than 1.5m for a detached accessory building.
- (ii) Construction of a detached accessory building in the front yard shall be in accordance with a geotechnical study conducted by a professional engineer, to the satisfaction of the municipal Chief Building Official.
- (iii) Prior to the issuance of a building permit, all encroachments shall be removed from the municipal shore road allowance.

- (iv) All other requirements of this By-law and other require Municipal permits and/or appropriate Approval Authority permits for sewer or septic and/or water connections /wells shall apply.

7.5.56 R1-56

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-56' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) An accessory apartment unit is a permitted use;
- (ii) All other requirements of this By-law and other required Municipal permits and/or appropriate Approval Authority permits for sewer or septic and/or water connections/wells, to ensure a potable water supply, shall apply.

7.5.57 R1-57

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-57' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) An accessory apartment unit is a permitted use.

7.5.58 R1-58

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-58' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and theregulations of the 'R1' zone contained in this By-Law, excepting however that:

- (i) The minimum lot area shall be no less than 420.0 m<sup>2</sup>;
- (ii) The minimum lot frontage shall be no less than 12.43 m;
- (iii) The minimum front yard setback shall be no less than 4.5 m;
- (iv) The minimum side yard setback shall be no less than 1.2 m;
- (v) The minimum rear yard setback shall be no less than 3.0 m.

7.5.59 R1-59

Notwithstanding the 'R1' zoning designation, those lands delineated as 'h/h-5 R1-59' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses andthe regulations of the 'R1' zone contained in this By-Law, excepting however that:

- (i) The minimum rear yard setback shall be no less than 13.0 m.

7.5.60 R1-60

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-60' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses andthe regulations of the 'R1'

zone contained in this By-Law, excepting however that:

- (i) The minimum rear yard setback shall be no less than 6.0 m;
- (ii) All encroachments shall be removed from the municipal or shore road allowance;
- (iii) All other requirements of this By-law and other required Municipal permits and/or appropriate Approval Authority permits for sewer or septic and/or water connections/wells shall apply.

7.5.61 R1-61

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-61' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- (i) A Tree Retention Plan, prepared by a qualified professional, shall be submitted to the satisfaction of the Town of Saugeen Shores.
- (ii) Access for driveways and parking areas shall only be provided from a Class One
  - (1) Municipal Street.

7.5.63 R1-63-H

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-63-H' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- a) Lands shall remain in a natural and undisturbed state where site alteration through filling, excavating or re-grading shall be prohibited, until the 'H – holding' symbol has been lifted;
- b) The 'H – holding' symbol shall be lifted once the following condition has been met:
  - (i) An Archaeological Assessment has been submitted, and any subsequent required works have been completed.

7.5.64 R1-64 – By-law was never passed

7.5.65 R1-65 – Deleted by By-law 44-2016

7.5.66 R1-66

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-66' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- (i) Municipal water and a private septic system may be used to service the lot, in the absence of a municipal sewer system;
- (ii) The maximum east side yard setback for the dwelling shall not be greater than 6.0m and not less than 1.5 m.
- (iii) Accessory buildings and/or structures shall only be permitted in the rear yard behind the dwelling or in the east side yard.

#### 7.5.67 R1-67

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-67' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- (i) Uses accessory to the abutting Church, excluding buildings and permanent structures, may be permitted only until such time as a single detached dwelling is constructed; all accessory institutional uses shall then cease to exist.

#### 7.5.68 R1-68

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-68' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-Law, excepting however that:

- (i) The minimum lot area shall be no less than 473 m<sup>2</sup> (Lots 9-11 only);
- (ii) The minimum lot frontage shall be no less than 14 m (Lots 9-11 only).

#### 7.5.69 R1-69

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-69' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- (i) Any development or alteration on the subject property will require a permit in accordance with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06);
- (ii) The finished grade elevation around any building within the Residential Zone shall be no lower than 181.2 m (relative to the Benchmark on the Site Plan dated August 9, 2013 prepared by Genivar, which is a bolt in the hydro pole located at the northerly corner of the intersection of Baker Road and George Street that is an elevation of 183.25 m).

#### 7.5.70 R1-70

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-70' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The number of accessory buildings shall be limited to one (1);
- ii. The maximum ground floor area of the accessory building shall be no greater than 1,046.0 m<sup>2</sup>;
- iii. The maximum height of the addition to the accessory building shall be no greater than 7.9 m

- iv. The accessory building shall have a minimum interior side yard setback (west) of no less than 2.0 m
- v. The accessory building shall have a minimum front yard setback of no less than 35.7 m;
- vi. Storage containers are not a permitted accessory structure

7.5.71 R1-71

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-71' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The minimum interior side yard setback shall be no less than 1.42 m.
- ii. The minimum front yard setback shall be no less than 3.05 m.
- iii. The maximum amount of space dedicated to parking in the front yard be no more than 60% of the area of the front yard.

7.5.72 R1-72-H

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-72-H' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The 'H – holding' symbol shall be lifted once the following condition has been met:
  - a. An Archaeological Assessment has been submitted, if deemed necessary by the appropriate Approval Authority, and any subsequent works have been completed.
- ii. The minimum front yard setback shall be no less than 3.0 m;
- iii. The minimum rear yard setback shall be no less than 37.0 m.

7.5.73 R1-73

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-73' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The minimum rear yard setback shall be no less than 6.0 m.
- ii. The maximum lot coverage shall not exceed 25%.

7.5.74 R1-74

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-74' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. A building permit may be issued on a Class 2 Municipal Road provided the Owners enter into an Access Agreement with the Town, to the satisfaction of the Town

7.5.75 R1-75

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-75' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The minimum exterior side yard setback shall be no less than as it exists on the day of passing of this By-law.

7.5.76 R1-76

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-76' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The maximum lot coverage shall not be 25%.

7.5.77 R1-77

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-77' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The maximum height shall be no greater than 10.0m.

7.5.78 R1-78

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-78' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. Two single detached dwelling units are permitted, as exist on the date of passing this By-law.
- ii. The minimum front yard setback shall be no less than 0.0 m and the exterior side yard setback shall be no less than 0.02 m, as it exists on the date of passing of this By-law.
- iii. The minimum front yard setback shall be no less than 1.44 m, as it exists on the date of passing of this By-law.
- iv. The minimum rear yard setback for the detached accessory structure shall be no less than 0.3 m, as it exists on the date of passing of this By-law.

7.5.79 R1-79

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-79' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The minimum lot area shall be no less than 470.2 sq m.
- ii. The minimum front yard setback shall be no less than 5.18 m, as it exists on the date of passing of this By-law.

7.5.80 R1-80

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-80' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The minimum separation distance between dwelling units shall be no less than 4.57 m;
- ii. The minimum front yard setback shall be no less than 3.35 m, as it exists on the date of passing of this By-law;
- iii. The maximum height of the proposed cottages shall be no greater than 4.57 m;
- iv. The minimum amount of landscaped open space shall be no less than 430.79 sqm; and
- v. The minimum rear yard setback be no less than 3.0 m.

7.5.81 R1-81-h

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-81-h' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. Prior to the removal of the 'h – Holding' provision and issuance of a building permit, an Archaeological Assessment will be required to be submitted to the appropriate Approval Authority for development on lands that exhibit high archaeological potential.

7.5.82 R1-82

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-82' on Schedule 'A' to the By-law may be used in accordance with the permitted uses and regulations of the 'R1-21' zone contained in this By-law, excepting however that:

- i) Development on the subject lands shall be in accordance with the engineered site plan as approved by the Saugeen Valley Conservation Authority;
- ii) The finished floor elevation of the first floor shall be no lower than 182.40 m Geodetic Survey Canada (G.S.C.);
- iii) The finished floor elevation of the garage shall be no lower than 182.0 m G.S.C.;
- iv) The footings shall be on suitable native soils;
- v) An operational sump pump shall be installed in the crawl space of the dwelling;
- vi) The finished ground elevation around the dwelling shall be no lower than 182.10 m G.S.C.;

- vii) The crawl space floor shall be no lower than 181.20 m G.S.C. (1.2 m below the first floor elevation);
- viii) The location Benchmark to be used for this site is the top nut of the fire hydrant west of Lot 33 which is at an elevation of 182.34 m G.S.C., as of November 24, 2003.
- ix) That a detached garage may be permitted prior to the construction of the primary dwelling.

7.5.83 R1-83

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-83' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i) the area of the lot is sufficient to accommodate a septic system and obtain a potable water supply, a minimum 3.0 m side yard is provided on one side, and the remaining regulations of subsection 7.3 for maximum lot frontage, front and exterior side yard depth, minimum rear yard depth, maximum building height, minimum landscaped open space can be met.
- ii) All other requirements of this By-law and other required Municipal permits and/or appropriate Approval Authority permits for sewer or septic and/or water connections/wells shall apply.
- iii) Notwithstanding subsection 3.6.3, a second detached dwelling in a building existing as of the date of passage of this By-law and located to the rear of the dwelling located on Part Lots 6, 7 & 8, Plan 363 shall be permitted subject to the following provisions:
  - a. No expansion or enlargement shall be permitted beyond the building existing as of the date of passing of this By-law.
  - b. Rebuilding, repairs, and renovations shall be permitted in accordance with subsection 3.21.1.

7.5.84 R1-84

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-84' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. The maximum lot coverage shall be 45 % of lot area.

7.5.85 R1-85

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-85' on Schedule 'A' to this By-law shall be used in accordance with the permitted uses of the 'R1' zone excepting however

- i. the minimum rear yard shall be 5.0 metres.



7.5.86 R1-86

Notwithstanding the 'R1' zoning designation, those lands delineated as 'T-R1-86-2-11-2022' on Schedule 'A' to this By-law shall be used in accordance with the 'R1' zone excepting however that:

- i. the two buildings existing on the day of passing on this Zoning By-law Amendment shall be permitted without a detached dwelling on the property for a maximum period of three years, despite Section 3.1.7 of the Zoning By-law.

7.5.87 R1-87

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-87' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. No tree cutting or vegetation removal shall occur from April 1 to August 31 each year in accordance with the federal *Migratory Birds Act*.
- ii. A grading and drainage plan must be prepared prior to development and lot alteration to the satisfaction of the Saugeen Valley Conservation Authority and the Town of Saugeen Shores.

7.5.88 R1-88

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-88' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:

- i. No tree cutting or vegetation removal shall occur from April 1 to August 31 in accordance with the federal *Migratory Birds Act*.
- ii. A grading and drainage plan must be prepared prior to development and lot alteration to the satisfaction of the Saugeen Valley Conservation Authority and the Town of Saugeen Shores.
- iii. The existing tree area situated within 3 metres of the easterly lot line shall remain. Additional tree planting within this area for the purposes of enhancing the forested area shall be permitted.
- iv. Within 1.5 metres of this tree retention area trees may be removed, however, no below-grade excavation will be allowed. Fill placement may be permitted provided the depth of fill does not exceed 20 cm in depth.

7.5.89 R1-89

Notwithstanding the 'R1' zoning designation, those lands delineated as 'R1-

89' on Schedule 'A' to the By-law may be used in accordance with the permitted uses and relations of the 'R1' zone contained in this By-law, excepting however that:

- i. The maximum building height for an accessory building be 7.9 meters.

7.5.90 R1-90-H

Notwithstanding the provisions of Section 7.2, to the contrary, the following shall apply to lands zoned R1-90-H:

- i. A maximum of three (3) single detached dwelling units shall be permitted.

7.5.91 R1-91-H

Notwithstanding the provisions of Section 7.2, to the contrary, the following shall apply to lands zoned R1-91-H:

- i. A maximum of 7 single detached dwelling units shall be permitted

7.5.92 R1-92-h

Notwithstanding the provisions of section 7.3, 3.1.6 and 3.24.5 to the contrary, lands zoned 'R1-92-h' on Schedule 'A' to this By-law may be used in accordance with the 'R1' Zone provisions, provided the area of the lot is sufficient to accommodate a septic system. The following shall apply:

- a) The minimum front yard setback shall be nil;
- b) The minimum interior side yard setback shall be 2.4 m on the south side and 0.9 m on the north side;
- c) The minimum parking space width shall be 2.4 m;
- d) A small garden shed may be located in the rear yard and shall have a minimum interior side yard setback and rear yard setback of 0.6 m.

7.5.93 R1-93-h

Notwithstanding the provisions of Section 7.3 Regulations, on lands zoned R1-93:

- a) A minimum exterior side yard setback of 2 m to the unopened road allowance / right of way on the north side shall be permitted.
- b) A Tree Preservation Plan approved by the Town shall be required prior to issuance of a building permit.
- c) No buildings / structures shall be permitted within the 'Tree Preservation Area' and associated 1.5 m buffer.
- d) Within the 1.5 m buffer, tree cutting and lot grading can occur but no excavation or fill placement greater than 20 cm shall occur.
- e) No tree cutting or vegetation removal should occur from April 1st to August 31<sup>st</sup>.

7.5.94 R1-94

- ii) Notwithstanding Section 2 Definitions, on those lands delineated as 'R1-94' on Schedule 'A' to this By-law, Turner Street may be deemed to be the Front Lot Line.
- iii) Notwithstanding Section 7.3 Regulations, on those lands delineated as 'R1-94' on Schedule 'A' to this By-law, a minimum rear yard depth of 2 m shall be permitted. All other provisions of the 'R1' Zone shall apply.
- iv) Notwithstanding Section 3.27 Setbacks, on those lands delineated as 'R1-94' on Schedule 'A' to this By-law, the minimum setback of any permanent residential building or structure shall be 28 m from the centre line of any County or Provincial Road.
- v) Development shall be in accordance with the conceptual lot design and shall be floodproofed to the satisfaction of the Saugeen Valley Conservation Authority.
- vi) Clearing of any regenerating vegetation shall only occur in accordance with Provincial and Federal legislation and best practices.
- vii) During construction, temporary exclusion fencing along the construction limits shall be installed to prevent Turtle Species at Risk from migrating to or near the construction site.
- viii) Sediment and erosion control fencing shall be installed around the work area prior to any earth works.

7.5.95 R1-95

Notwithstanding any provisions to the contrary, the following regulations shall apply to lands zoned 'R1-95.' on Schedule 'A' to this By-law:

- a) Development shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system
- b) If the tertiary sewage disposal system is provided in the rear yard, a minimum 3.0 m side yard is required on one side.

## SECTION 8 RESIDENTIAL SECOND DENSITY (R2) ZONE

### 8.1 SCOPE

The provisions of this section shall apply in all Residential Second Density (R2) Zones except as otherwise provided in the Special Provisions subsection of this section. R2 Zones are intended for lots with both municipal water and sanitary sewer services.

### 8.2 PERMITTED USES

No person shall within any Residential Second Density (R2) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following R2 Zone uses, namely:

- a) semi-detached dwellingbuilding;
- b) single detached dwellingbuilding;
- ~~c) converted dwelling, to a maximum of two (2) dwelling units;~~
- c) duplex dwellingbuilding;
- d) triplex building;
- ~~d)e) fourplex building;~~
- e)f) bed and breakfast establishment in a single detached buildingdwelling, subject to subsection 3.4;
- f)g) home occupation, subject to subsection 3.12.
- g)h) additional residential units in accordance with subsection 3.37
- h)i) home-based child care
- i)j) unlicensed child care
- j)k) child care centre

### 8.3 REGULATIONS

No person shall, within any Residential Second Density (R2) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Lot Area (minimum)
  - i) single detached, semi-detached, duplex, triplex or fourplex building-dwelling 450 m<sup>2</sup>
  - ii) semi-detached buildingdwelling 250325 m<sup>2</sup> per unit where each unit is on a separate lot
  - ~~iii) converted dwelling 500 m<sup>2</sup>~~
  - ~~iv) duplex dwelling 520 m<sup>2</sup>~~
- b) Lot Frontage (minimum)
  - i) single detached, semi-detached, duplex, triplex or fourplex 12.0 m
  - ii) semi-detached dwellingbuilding 10.0 m per unit where each unit is

	iii) <del>converted dwelling</del>	<u>on a separate lot</u> 15.0 m
	iv) <del>duplex dwelling</del>	15.0 m
c)	Front Yard Depth (minimum)	4.5 m
d)	Exterior Side Yard Depth (minimum)	4.5 m
e)	Interior side yard setback:	
	i) Interior side yard setback (minimum)	1.2 m
	ii) <del>Interior side yard setback where a common wall divides individual units dwelling</del> <del>units in a semi-detached dwelling</del>	0 m <u>common wall divides</u>
f)	Rear Yard Depth (minimum)	7.5 m
g)	Lot Coverage (maximum)	45% of lot area
h)	Building Height (maximum)	10.0 m
i)	Landscaped Open Space (minimum)	30% of lot area
j)	Number of Dwellings Per Lot (maximum)	
	i) <del>Single Detached, semi-detached, duplex, triplex or fourplex building</del>	1 dwelling unit per lot
	ii) <del>Converted dwelling</del>	2 dwelling units per lot
	iii) <del>i) Duplex dwelling or area Semi-Detached Dwellings</del>	<u>subject to minimum lot area provisions of clause (a) subject to minimum lot area provisions of clause (a) where each unit is on a separate lot</u>

### 8.3.1 SPECIAL REGULATIONS

None

### 8.4 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not

the standard "R2" Zone. If a regulation or use is not specified, the permitted uses of subsection 8.2 and the regulations of subsection 8.3 shall apply.

8.4.1 R2-1

Notwithstanding the provisions of section 8.3 of this By-law to the contrary, on lands zoned R2-1 on Schedule 'A' to this by-law, a maximum of 4 semi-detached dwelling units shall be permitted.

8.4.2 R2-2

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-2' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-law, excepting however that:

- (i) The minimum exterior side yard setback shall be no less than 4.57 m;
- (ii) The minimum interior side yard setback shall be no less than 1.2 m.

8.4.3 R2-3

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-3' on Schedule 'A' to this By-law may be used in accordance with the permitted used and the regulations of the 'R2' zone contained in this By-law, excepting however that:

- (i) The maximum number of dwelling units shall be no greater that two (2);
- (ii) Two (2) parking spaces per dwelling unit shall be provided, in accordance with Section 3.24;
- (iii) The front yard setback and exterior side yard setback for the existing single detached dwelling shall be no less than as existed on the date of passage of the By-law;
- (iv) The exterior side yard setback and rear yard setback for the existing accessory structure shall be no less than as existed on the date of passage of the By-law.

8.4.4 R2-4

Those lands delineated as 'R2-4' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-Law, except that:

- (i) The minimum lot area shall be no less than 425 m<sup>2</sup>;
- (ii) The minimum exterior side yard setback shall be no less than 4.5 m.

8.4.5 R2-5

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-5' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-law, except that:

- (i) The minimum exterior side yard setbacks shall be no less than 4.5m.

8.4.6 R2-6

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-6' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-Law, excepting however that:

- (i) The permitted use shall be limited to a duplex dwelling; the maximum number of dwelling units shall be no greater than 2;
- (ii) The minimum lot frontage shall be no less than 9.2 m;
- (iii) The minimum front yard setback shall be no less than 21.336 m.

#### 8.4.7 R2-7

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-7' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-Law, excepting however that:

- (i) The lands shall develop in accordance with a registered Subdivision Agreement.

#### 8.4.8 R2-8

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-8' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-Law, excepting however that:

- (i) The permitted use shall be limited to a semi-detached dwelling; the maximum number of dwelling units shall be no greater than 1;
- (ii) The minimum lot frontage shall be no less than 9.2 m ;
- (iii) The minimum front yard setback shall be no less than 19.812 m;
- (iv) A balcony projecting from the front exterior wall shall not be permitted.

#### 8.4.9 R2-9

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-9' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-Law, excepting however that:

- (i) The existing apartment dwelling be permitted, as it exists on the date of passing of the By-law;
- (ii) The maximum number of dwelling units be no greater than 4;
- (iii) The maximum area of front yard dedicated to parking be no greater than 58.3%;
- (iv) Enhanced landscaping features shall be incorporated to screen the parking area, to the satisfaction of the Town.

#### 8.4.10 R2-10

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-10' on

Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-Law, excepting however that:

- (i) The front yard setback shall be 12.8 m.
- (ii) A privacy fence, of no less than 2.0 m, shall be constructed to municipal standards along the easterly-most property line abutting 485 Market Street and northerly-most property line abutting 476 Crawford Street.
- (iii) Prior to the issuance of a building permit, an enhanced landscaping plan shall be approved to the satisfaction of the Town.

#### 8.4.11 R2-11

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R2-11' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-law, excepting however that:

- (i) The minimum exterior side yard setback shall be no less than 4.5 m.
- (ii) The minimum interior side yard setback shall be no less than 1.2 m. In instances where an attached garage exists, the minimum interior side yard setback on the garage side of the lot shall be no less than 1.0 m.

#### 8.4.12 R2-12

Notwithstanding the 'R2' zoning designation, those lands delineated as 'R- 12' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R2' zone contained in this By-law, excepting however that:

- i. The principal dwelling shall be a semi-detached bungalow only, and no further dwelling units shall be permitted;
- ii. The front yard of the semi-detached dwelling shall not be less than 8.84 m;
- iii. The minimum Easterly most and Westerly most side yard setbacks shall be no less than 1.5 m;
- iv. Any garage shall be in line with the front of the dwelling;
- v. The semi-detached dwelling shall be substantially completed within six (6) months of commencement of the construction;
- vi. There shall be a fence 1.85 m high erected on the east and west side exteriors of the semi-detached dwelling;
- vii. Any existing trees at the time of passing of this Bylaw shall remain;
- viii. A native maple tree, with a caliper of no less than 100 mm, shall be planted in the front yard of the easterly lot;
- ix. The driveways shall be located no more than 1.5 m from



- the exterior side lot lines; and
- x. The façade treatment of the semi-detached dwelling shall be substantially in accordance with document entitled “Elevation Option2” attached as Schedule ‘B’.

#### 8.4.13 R2-13

Notwithstanding the ‘NC’ zoning designation, those lands delineated as ‘R2-13’ on Schedule A to this By-law may be used in accordance with the permitted uses and the

regulations of the R2 zone contained within this By-law, excepting however that:

- i. A Chiropractic Office is also a permitted use;
- ii. That no more than 50% of the lot frontage shall be used for parking;

#### 8.4.14 R2-14

Notwithstanding the provisions of section 8.3 of this By-law to the contrary, those lands delineated as ‘R2-14’ on Schedule ‘A’ to this By-law may be used in accordance with the permitted uses and the regulations of the ‘R2’ zone contained in this By-law, excepting however that the minimum lot area shall be no less than 406.12 m<sup>2</sup>.

#### 8.4.15 R2-15

Notwithstanding the provisions of section 8.3 of this By-law to the contrary, those lands delineated as ‘R2-15’ on Schedule ‘A’ to this By-law may be used in accordance with the permitted uses and the regulations of the ‘R2’ zone contained in this By-law, excepting however that:

- i. The minimum lot area shall be no less than 406.12 m<sup>2</sup>;
- ii. The minimum front yard setback for the existing dwelling shall be no less than 2.5 m;
- iii. The minimum rear yard setback for the existing dwelling shall be no less than 6.5 m;
- iv. A zero (0) m exterior side yard is permitted for the existing dwelling; and
- v. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of the By-law.

## SECTION 9 RESIDENTIAL THIRD DENSITY (R3) ZONE

### 9.1 SCOPE

The provisions of this section shall apply in all Residential Third Density (R3) Zones except as otherwise provided in the Special Provisions subsection of this section. R3 Zones are intended for lots with both municipal water and sanitary sewer services.

### 9.2 PERMITTED USES

No person shall within any Residential Third Density (R3) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following R3 Zone uses, namely:

- a) apartment ~~dwelling building~~;
- b) ~~multi-unit dwellings~~;
- e)b) ~~street townhouse building dwelling~~;
- c) ~~townhouse dwelling building~~;
- d) ~~triplex building~~;
- e)e) ~~fourplex building~~;
- e)f) ~~home occupation in a street townhouse building dwelling~~, subject to section 3.12;
- f)g) ~~additional residential units in accordance with subsection 3.37~~;
- g)h) ~~home-based child care (limited to street townhouse buildings dwellings)~~;
- h)i) ~~unlicensed child care (limited to street townhouse buildings dwellings)~~;
- i)j) ~~child care centre~~.

### 9.3 REGULATIONS

No person shall, within any Residential Third Density (R3) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Lot Area (minimum)
  - i) apartment ~~dwelling building~~ 275 m<sup>2</sup> per unit for the first four (4) units, plus 100 m<sup>2</sup> for each additional unit thereafter up to a maximum density of 40 units per gross ha;
  - ii) ~~Triplex, fourplex, multi-unit, street townhouse, or townhouse building dwelling~~ 160 m<sup>2</sup> for each interior ~~row dwelling~~ unit  
200 m<sup>2</sup> for each end ~~row dwelling~~ unit
- b) Lot Frontage (minimum)

- i) ~~apartment, multi-unit or townhouse dwelling building~~ 30.0 m
- ii) ~~Triplex, fourplex, street townhouse or townhouse dwelling building~~ 4.5 m per unit; ~~5.7 m for an end row dwelling unit; an additional 0.6 m for each additional or partial story above the first storey.~~
- c) Front Yard Depth (minimum) 4.5 m
- d) Exterior Side Yard Depth (minimum) 4.5 m
- e) Interior side yard setback:
  - i) ~~Interior side yard setback (minimum) 1.2 m~~
  - ii) ~~interior side yard setback where a common wall divides individual dwelling units in a multi-unit dwelling, street townhouse dwelling or townhouse dwelling~~ 0 m
  - i) ~~Apartment or townhouse building~~ 5.0 m
  - ii) ~~Triplex, fourplex or street townhouse building~~ 1.2 m, provided that no side yard shall be required between the common wall dividing individual units
- f) Rear Yard Depth (minimum) 7.5 m
- g) Lot Coverage (maximum) ~~35~~45% of lot area
- h) Building Height (maximum) 12.0 m
- i) Landscaped Open Space (minimum) 30% of lot area
- j) Number of Dwellings Per Lot (maximum)
  - i) ~~Apartment, townhouse, triplex or fourplex subject to the minimum lot area provisions of clause (a) dwelling, multi-unit subject to the minimum lot dwelling or townhouse dwelling area provisions of clause (a)~~
  - ii) street townhouse ~~dwelling~~ 1 dwelling unit per lot

**9.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "R3" Zone. If a regulation or use is not specified, the permitted uses of section 9.2 and the regulations of section 9.3 shall apply.

9.4.1 R3-1

- a) Notwithstanding the provisions of section 9.3 to the contrary, on lands zoned "R3-1" on Schedule "A" to this By-law the minimum interior side yard setback shall be 5.5 m and the minimum exterior side yard setback shall be 7.3 m.

9.4.2 R3-2

Notwithstanding the 'R3' zoning designation, those lands delineated as 'h/R3-2' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-Law, except that:

- a) With reference to Section 2.0 Definitions, any reference to 'street' shall include a 'Private Street' for the purposes of this By-law;
- b) With reference to Section 3.7 Entrance Regulations, a 'Class 1 Municipal street' shall include a 'Private Street' for the purposes of this By-law. The minimum right-of-way width shall be no less than 9.0 m;
- c) The permitted uses may also include semi-detached dwelling units; each half of a semi-detached dwelling unit may be located on a separate lot;
- d) The minimum front yard setback shall be no less than 2.5 m for dwelling units containing a 2-car garage, and no less than 6.0 m for dwelling units containing a single-car garage;
- e) The minimum interior side yard setback shall be no less than 1.5 m, provided that no side yard shall be required between the common wall dividing individual dwelling units; this provision applies to 'end units', but not 'exterior units' that abut an exterior side yard;
- f) The minimum exterior side yard setback shall be no less than 2.5 m;
- g) The maximum lot coverage for 'street townhouse' dwelling units or semi-detached dwelling units shall be no greater than 45%.

9.4.3 R3-3

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-3' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-Law, excepting however that:

- a) The minimum front yard setback shall be no less than 4.5 m;
- b) The minimum side yard setback shall be no less than 2.5 m;
- c) The minimum exterior side yard setback shall be no less than 4.5 m;
- d) The minimum rear yard setback shall be no less than 6.0 m;
- e) The maximum lot coverage shall be no greater than 55%.

9.4.4 R3-4-H

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-4-H' on

Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-Law, excepting however that:

- a) No site alteration is permitted after the date of passage of this By-law, until the 'H – Holding' symbol has been lifted;
- b) The 'H – holding' symbol shall be lifted once the following conditions have been met:
  1. 'Mitigation' and 'Woodlands Restoration Plan' shall be in accordance with the Natural Heritage Scoped EIS dated December 2010, and the Addendum June 25, 2012.
  2. A Stormwater Management Plan has been completed to the satisfaction of the Town of Saugeen Shores, in consultation with the Saugeen Valley Conservation Authority.
  3. A Site Plan Control Agreement has been registered. The Site Plan may address building envelopes; grading and drainage; landscaping; capital contributions, local off-site improvements, parkland dedication; protection of natural heritage features, details deemed necessary by the Town, to the satisfaction of the Municipality.
  4. A Development Agreement has been registered, if deemed necessary by the Town. The Development Agreement may require tree planting in addition to that identified under item ii.1 above.

#### 9.4.5 R3-5

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-5' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-Law, excepting however that:

- i) Notwithstanding provision 9.4.5.ii. the lot coverage for any townhouse dwelling shall not exceed 41%;
- ii) If lots are created permitting the construction of individual street townhouse dwelling units, the maximum lot coverage shall not exceed 51.9% for any interior townhouse dwelling unit and 39.1% for any exterior townhouse dwelling unit abutting two residential lots;
- iii) The minimum lot area shall be no less than 237.8 m<sup>2</sup> (2,560.0 ft<sup>2</sup>);
- iv) The minimum front yard setback shall be no less than 5.18 m (17.0 ft);
- v) The minimum exterior side yard setback shall be no less than 4.72 m (15.5 ft);
- vi) The minimum rear yard setback shall be no less than 6.2 m (20.5 ft);

#### 9.4.6 R3-6

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-6' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-Law, excepting however that:

- a) Permitted uses may also include semi-detached dwelling units and duplex dwelling units;

- b) The minimum lot area shall be no less than 247 m<sup>2</sup> ;
- c) The minimum interior side yard setback shall be no less than 1.5 m (Lots 21, 22, 32 and 33 only);
- d) The maximum lot coverage shall be no greater than 42% for townhouse dwelling units only; semi-detached dwelling units and duplex dwelling units shall have a coverage of no greater than 35%.

#### 9.4.7 R3-7

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-7' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-law, excepting however that:

- a) Permitted uses may include semi-detached dwellings;
- b) The minimum setback from the perimeter of the property be no less than 6.1 m;
- c) The front wall of a dwelling on an interior, paved private road shall be no closer than 6.0 m to the paved private road;
- d) The rear wall of a dwelling shall be no closer than 11.0 m from the rear wall of another dwelling where both rear walls face one another;
- e) The exterior side wall of a dwelling shall be no closer than 4.0 m from the paved private road;
- f) The side wall of a dwelling shall be no closer than 6.0 m from the side wall of another dwelling where both side walls face one another;
- g) The number of dwelling units shall not exceed 52 units.

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-7' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-law, excepting however that:

- a) The maximum lot coverage shall be no greater than 40%;
- b) The minimum interior side yard setback shall be no less than 1.5 m.

#### 9.4.9 R3-9

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-9' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of 'R3' zone contained in this By-law, excepting however that:

- a) No buildings or additions shall be permitted west of the primary building existing as of the date of passing of this By-law.

#### 9.4.10 R3-10

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-10' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-law, excepting however that:

- i. The maximum lot coverage shall be 55 % of lot area;

- ii. The minimum exterior side yard depth shall be not less than 4.5 metres;
- iii. The minimum rear yard depth shall be not less than 6.75 metres.

#### 9.4.11 R3-11

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-11' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-law, excepting however that:

- i) The minimum lot area for street townhouse dwellings be no less than 235 sq. m;
- ii) The minimum required frontage for street townhouse dwellings be no less than 5.8 metres;
- iii) That the maximum permitted building height be no greater than 10 metres.

#### 9.4.12 R3-12

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-12' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this By-law, excepting however that:

- i. The minimum lot area shall be 275 sq. metres per dwelling unit;
- ii. The minimum lot frontage shall be 8 metres;
- iii. A maximum of 58 townhouse units shall be permitted and such townhouses may be in the form of stack townhouses, which are defined as a townhouse (as defined in the Zoning By-law) which also includes one or two separate dwelling units on the second floor;
- iv. The minimum setback from the front wall of the townhouse units from the private road shall be 6.0 metres;
- v. The minimum separation distance between the end units of two townhouse clusters shall be 10.0 metres;
- vi. The minimum setback of the rear wall of the townhouse units from the property boundary shall be 6.5 metres; and,
- vii. The minimum setback of the end wall of the townhouse units from the property boundary shall be 5 metres.

#### 9.4.13 R3-13

Notwithstanding the 'R3' zoning designation, those lands delineated as 'R3-13' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'R3' zone contained in this by-law, excepting however that:

- i. The minimum lot size shall be no less than 212 sq. metres.
- ii. That the maximum lot coverage be no greater than 50% of the lot area.

#### 9.4.14 R3-14

Notwithstanding the provisions of Section 9.2 Permitted Uses, on lands delineated as 'R3-14' on Schedule 'A' to this By-law, the following shall apply:

- i) An apartment dwelling shall have a maximum of 3 units; and,

Notwithstanding Section 9.3 Regulations, on those lands delineated as 'R3-14' on Schedule 'A' to this By-law, a minimum lot frontage of 21.9 m shall be permitted. All other provisions of the R3 Zone shall apply.

Notwithstanding Section 3.1.6 Yard Requirements, on those lands delineated as 'R3-14', on Schedule 'A' to this By-law, a minimum interior side yard setback of 1 m shall be permitted for an existing accessory structure (shed).

Notwithstanding Section 3.24.2 Required Number of Parking Spaces, a minimum of five (5) parking spaces shall be provided, 4 for the 3-unit apartment dwelling and 1 space for a Heating and Air Conditioning Business. The required parking shall be provided outside the 2-car garage for as long as the business exists.



## SECTION 10 RESIDENTIAL FOURTH DENSITY (R4) ZONE

### 10.1 SCOPE

The provisions of this section shall apply in all Residential Fourth Density (R4) Zones except as otherwise provided in the Special Provisions subsection of this section. R4 Zones are intended for lots with both municipal water and sanitary sewer services.

### 10.2 PERMITTED USES

No person shall within any Residential Fourth Density (R4) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following R4 Zone uses, namely:

- a) apartment ~~dwelling;building;~~
- b) ~~multi-unit dwelling~~
- b) triplex
- c) fourplex
- e)d) nursing home;
- e)e) home for the aged
- e)f) retirement home
- f)g) street townhouse ~~dwellingbuilding;~~
- g)h) townhouse ~~dwellingbuilding;~~
- h)i) home occupation in a street townhouse ~~dwellingbuilding,~~ subject to section 3.12:-
- i)j) additional residential units in accordance with subsection 3.37:
- j)k) home-based child care (limited to street townhouse ~~dwellingbuilding;~~
- k)l) unlicensed child care (limited to street townhouse ~~dwellingbuilding;~~
- l)m) child care centre.

### 10.3 REGULATIONS

No person shall, within any Residential Fourth Density (R4) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |  |
|---|--|
| a) Lot Area (minimum)   |  |
| i) apartment <del>dwellingbuilding</del>  | 230 m <sup>2</sup> per unit for the first four (4) units, plus 100 m <sup>2</sup> for each additional unit <del>thereafter up to a maximum density of 90 units per gross ha;</del> |
| ii) <u>Triplex, fourplex, street townhouse <del>or,-</del> townhouse <u>building</u> <del>or</del> <u>dwelling</u>s</u> | 160 m <sup>2</sup> for each interior <del>row-</del> <u>dwelling-unit</u> , 200 m <sup>2</sup> for each end <del>row dwelling-</del> <u>unit</u>                                   |
| iii) nursing home, home for the aged or retirement home   | 1,200 m <sup>2</sup>   |

b) Lot Frontage (minimum)		
i) Apartment or townhouse <del>dwellingbuilding</del>		30.0 m
ii) <del>Triplex, fourplex or</del> street townhouse <del>dwellingbuilding</del>		4.5 m per unit; 5.7 m for an end <del>row</del> <del>dwelling</del> -unit; an additional 0.6m for each additional or partial storey above the first storey.
iii) nursing home, home for the aged or retirement home		30.0 m
c) Front Yard Depth (minimum)		4.5 m
d) Exterior Side Yard Depth (minimum)		4.5 m
e) Interior Side Yard Width (minimum)		
i) Apartment or townhouse <del>dwellingbuilding</del>		5.0 m
ii) <del>Triplex, fourplex or</del> street townhouse <del>dwelling</del>		<del>3.0</del> <u>1.2</u> m, provided that no side-yard shall be required between the common wall dividing individual <del>dwelling</del> units;
iii) nursing home, home for the aged or retirement home		3.0 m or 7.5 m if abutting a R1 or R2 Zone;
f) Rear Yard Depth (minimum)		7.5 m
g) Lot Coverage (maximum)		<del>35</del> <u>45</u> % of lot area;
h) Building Height (maximum)		12.0 m
i) Landscaped Open Space (minimum)		30% of lot area;
j) Number of Dwellings Per Lot (maximum)		
i) Apartment <del>or</del> townhouse <del>Triplex or Fourplex dwelling</del>		subject to the minimum lot area provisions of clause (a);
ii) street townhouse <del>dwelling per lot.</del>		1 <del>dwelling</del> unit per lot

#### 10.4 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the

standard "R4" Zone. If a regulation or use is not specified, the permitted uses of section 10.2 and the regulations of section 10.3 shall apply.

#### 10.4.1 R4-1

- a) Notwithstanding the provisions of sections 10.2 and 10.3 to the contrary, additional permitted uses on lands zoned "R4-1" on Schedule "A" to this By-law shall include:

a chiropractic office as a home occupation within the existing residential dwelling in accordance with the "R4" zone provisions and the provisions of section 3.12 for home occupations.

#### 10.4.2 R4-2

- a) Notwithstanding the provisions of subsections 10.2 and 10.3 to the contrary, lands zoned "R4-2" on Schedule "A" to this By-law may be used for a seniors complex consisting of one or more of those uses normally permitted in the "R4" zone, in addition to a retirement lodge, retirement home, community centre and a continuum-of-care facility in accordance with the "R4" zone provisions.

#### 10.4.3 R4-3

- a) Notwithstanding the provisions of sections 3.24 and 10.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "R4-3" on Schedule "A" to this By-law:
- i) A maximum of 26 dwelling units shall be permitted;
  - ii) An individual driveway entrance for each dwelling unit or a joint driveway entrance shall be permitted on one lot;
  - iii) The required parking spaces shall be provided in the front yard of each dwelling unit;
  - iv) The minimum lot area for each dwelling unit shall be 300 m<sup>2</sup>;
  - v) The minimum lot frontage for an interior dwelling unit shall be 10.06 m;
  - vi) The minimum lot frontage for an exterior dwelling unit shall be 17.68 m.

#### 10.4.4 R4-4

- a) Notwithstanding the provisions of sections 10.2 and 10.3 of this By-law to the contrary, on lands zoned "R4-4" on Schedule "A" to this By-law, a maximum of 22 dwelling units per gross ha shall be permitted.

#### 10.4.5 R4-5

- a) Notwithstanding the provisions of sections 3.1, 10.2 and 10.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "R4-5" on Schedule "A" to this By-law:
- i) A maximum of 25 dwelling units shall be permitted;
  - ii) An individual driveway entrance for each dwelling unit or a joint driveway entrance shall be permitted on one lot;

- iii) The required parking spaces shall be provided in the front yard of each dwelling unit;
- iv) A solid maintenance-free fence of a minimum height of 1.83 m shall be provided along the full length of any lot line abutting an OS Zone;
- v) The minimum lot area shall be 2,098 m<sup>2</sup> for a townhouse dwelling and 221 m<sup>2</sup> per dwelling unit in a street townhouse dwelling;
- vi) The minimum lot frontage shall be 63.6 m for a townhouse dwelling, and 14 m per unit for a street townhouse dwelling;
- vii) The minimum front yard depth shall be 7.5 m;
- viii) The minimum rear yard depth shall be 10 m;
- ix) The minimum interior side yard width shall be 5 m provided that no side yard shall be required between the common wall dividing individual dwelling units;
- x) The minimum exterior side yard width shall be 7.5 m ;
- xi) The maximum building height shall be 10 m for a main building and 3 m for accessory buildings;
- xii) The maximum lot coverage shall be 45% of the lot area; and,
- xiii) The minimum landscaped open space shall be 50% of the lot area.

#### 10.4.6 R4-6

- a) Notwithstanding the provisions of sections 3.1, 10.2 and 10.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "R4-6" on Schedule "A" to this By-law:
  - i) A maximum of 18 dwelling units shall be permitted and may include semi-detached dwelling units;
  - ii) An individual driveway entrance for each dwelling unit or a joint driveway entrance shall be permitted on one lot;
  - iii) The required parking spaces shall be provided in the front yard of each dwelling unit;
  - iv) A solid maintenance-free fence of a minimum height of 1.83 m shall be provided along the full length of any lot line abutting an OS Zone;
  - v) The minimum lot area shall be 2,112 m<sup>2</sup> for a townhouse dwelling and 297 m<sup>2</sup> per dwelling unit for a street townhouse dwelling;
  - vi) The minimum lot frontage shall be 64 m for a townhouse dwelling and 9 m per unit for a street townhouse dwelling;
  - vii) The minimum lot frontage (corner lot) shall be 33 m for a townhouse dwelling and 14 m for the corner dwelling unit of a street townhouse dwelling;
  - viii) The minimum front yard depth shall be 7.5 m;
  - ix) The minimum rear yard depth shall be 10 m ;
  - x) The minimum interior side yard shall be 5 m provided that no side yard shall be required between the common wall dividing individual dwelling units;
  - xi) The minimum exterior side yard shall be 7.5 m;
  - xii) The maximum building height shall be 10 m for a main building and 3 m for accessory buildings;
  - xiii) The maximum lot coverage shall be 45% of the lot area; and,
  - xiv) The minimum landscaped open space shall be 50% of the lot area.

#### 10.4.7 R4-7

- a) Notwithstanding the provisions of sections 10.2 and 10.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R4-7” on Schedule “A” to this By-law:
- i) A maximum of 36 dwelling units shall be permitted;
  - ii) A solid maintenance-free fence of a minimum height of 1.83 m shall be provided along the full length of any lot line abutting an OS Zone.

#### 10.4.8 R4-8

- a) Notwithstanding the provisions of sections 10.2 and 10.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “R4-8” on Schedule “A” to this By-law:
- i) A maximum of 18 dwelling units shall be permitted;
  - ii) An individual driveway entrance for each dwelling unit or a joint driveway entrance shall be permitted on one lot;
  - iii) The required parking spaces shall be provided in the front yard of each dwelling unit;
  - iv) A solid maintenance-free fence of a minimum height of 1.83 m shall be provided along the full length of any lot line abutting an OS Zone;
  - v) The minimum lot area shall be 2,112 m<sup>2</sup> for a townhouse dwelling and 297 m<sup>2</sup> per dwelling unit for a street townhouse dwelling;
  - vi) The minimum lot frontage shall be 64 m for a townhouse dwelling and 9 m per unit for a street townhouse dwelling;
  - vii) The minimum lot frontage (corner lot) shall be 33 m for a townhouse dwelling and 14 m for the corner dwelling unit of a street townhouse dwelling;
  - viii) The minimum front yard depth shall be 7.5 m ;
  - ix) The minimum rear yard depth shall be 10 m;
  - x) The minimum interior side yard shall be 5 m provided that no side yard shall be required between the common wall dividing individual dwelling units;
  - xi) The minimum exterior side yard shall be 7.5 m;
  - xii) The maximum building height shall be 10 m for a main building and 3 m for accessory buildings;
  - xiii) The maximum lot coverage shall be 45% of the lot area; and,
  - xiv) The minimum landscaped open space shall be 50% of the lot area.

#### 10.4.9 R4-9

- a) Notwithstanding the provisions of section 10.3 of this By-law to the contrary, on lands zoned R4-9 on Schedule “A” to this By-law, the minimum interior side yard shall be 2.5 m on one side and 5 m on the other side.

#### 10.4.10 R4-10

Notwithstanding the ‘R’ zoning designation, those lands delineated as ‘R4-10’ on Schedule ‘B’ to this by-law may be used in accordance with the permitted uses and the

zone provisions of the 'R4' zone contained in this By-law, excepting however that:

- (i) A maximum of 4 apartment dwellings (buildings) shall be permitted. For the

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purposes of this by-law, apartment dwelling shall be defined as follows:

**APARTMENT DWELLING:** means a building consisting of three (3) or more dwelling units, which units may have a common entrance or individual entrances from the street level.

- (ii) A maximum of 45 dwelling units shall be permitted;
- (iii) The minimum side yard setback from the west lot line shall be 3 m ;
- (iv) The minimum landscaped buffer along the eastern and southern lot lines shall be 1.5 m;
- (v) A fence of a minimum height of 1.85 m shall be provided along the eastern and southern lot lines;
- (vi) The minimum landscaped open space shall be 35%; and,
- (vii) The minimum number of parking spaces shall be 50.

#### 10.4.11 R4-11

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-11' on Schedule 'B' to this by-law may be used in accordance with the permitted uses and the zone provisions of the 'R4' zone contained in this By-law, excepting however that:

- (a) A maximum of 25 dwelling units shall be permitted.
- (b) A maximum of 25 'individual land parcels' shall be 159.4 sq.m ;
- (b) The minimum area for an 'individual land parcel' shall be 159.4 m<sup>2</sup>;
- (c) The minimum width of the western individual property boundary abutting the common driveway shall be 7.43 m;
- (d) The minimum setback from the western individual property boundary abutting the common driveway shall be 5.49 m;
- (e) Each 'individual land parcel' shall be exempted from Section 3.7 Entrance Regulations;
- (f) The minimum rear yard setback shall be 9.6 m;
- (g) No yard setback shall be required between the common wall dividing a dwelling unit on 'individual land parcel';
- (h) Two (2) parking spaces shall be provided on an 'individual land parcel';
- (i) The minimum landscaped buffer along the eastern lot line (Goderich Street) shall be 2.5 m;
- (j) For the purposes of this by-law, an 'individual land parcel' shall be defined as follows:

**INDIVIDUAL LAND PARCEL:** means a parcel of land under one ownership which is described in a deed or other document and is legally capable of being conveyed.

#### 10.4.12 R4-12

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-12' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the zone provisions of the 'R4' zone contained in this By-law, excepting however that:

- (i) A maximum of 17 dwelling units shall be permitted;

- (ii) The minimum rear yard setback shall be 3 m;
- (iii) The minimum side yard setback shall be 4.66 m;
- (iv) The minimum landscaped open space shall be 27%;
- (v) The maximum building height shall be 12 m at the peak of the roof, with the exception of a 58 sq. m rooftop terrace access area which shall have a maximum height of 15 m;
- (vi) The maximum lot coverage shall be 48%, and

Notwithstanding the provisions of **subsections** 3.24.5 and 3.15.1 of this By-law to the contrary, the following regulations shall apply to lands zoned 'R4-12' on Schedule 'A' to this By-law;

- i) The minimum parking aisle width shall be 6.67 m and such parking aisle shall be permitted within 0 m of the front lot line.

**BY-LAW 62-2007 AS AMENDED BY OMB DECISION ORDER NO. 20080024**

10.4.13 R4-13

Notwithstanding the R4 zoning designation, those lands delineated as R4-13 on Schedule 'C' to this by-law may be used in accordance with the permitted uses and the zone provisions of the R4 zone contained in this by-law, excepting however that:

- (i) The maximum building height shall be 18.4 m to the top of the roof along High Street and 15.1 m to the top of the roof along Scott Street; and
- (ii) A maximum of 50 dwelling units shall be permitted.

10.4.14 R4-14

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-14' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R4' zone contained in this By-Law, excepting however that:

- (i) The minimum lot area shall be no less than 1,300 m<sup>2</sup> ;
- (ii) The maximum density shall be no greater than 100 units per gross ha;
- (iii) The minimum lot frontage shall be no less than 19.2 m ;
- (iv) The minimum front yard setback shall be no less than 3.03 m to the existing building, and 1.81 m to the existing balcony;
- (v) The minimum north side yard setback shall be no closer than 0.03 m at the NW corner of the existing building, and 0.08 m at the NE corner of the existing building;
- (vi) That the minimum aisle width for 45 degree angle parking shall be no less than 4.58 m
- (vii) That the minimum number of parking spaces shall be 14;
- (viii) That the minimum landscaped open space shall be no less than 23%;
- (ix) The lands are subject to Site Plan Control.



#### 10.4.15 R4-15

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-15' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'R4' zone contained in this By-Law, excepting however that:

- i. The lands shall develop in accordance with a registered Subdivision Agreement, and shall be subject to site plan control.
- ii. For townhouse dwelling units, the maximum lot coverage shall be no greater than 50%.

#### 10.4.16 R4-16

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-16' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'R4' zone contained in this By-law, excepting however that:

- i. The minimum exterior side yard setback shall be no less than 4.5 m.
- ii. The maximum lot coverage shall not be greater than 57%.

#### 10.4.17 R4-17

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-17' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R4' zone contained in this By-law, excepting however that:

- i. The minimum exterior side yard setback shall be no less than 4.5 m.
- ii. The maximum lot coverage shall not be greater than 45%.

#### 10.4.18 R4-18

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-18' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'R4' zone contained in this By-law, excepting however that:

- i. The minimum exterior side yard setback shall be no less than 4.5 m.
- ii. The maximum lot coverage shall not be greater than 45%.
- iii. The minimum rear yard setback for the primary structure shall be no less than 10.5 m.

#### 10.4.19 R4-19

Notwithstanding the 'R4' zoning designation, those lands delineated as 'R4-19' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of 'R4' zone contained in this By-law, excepting however that:

- i. For the purposes of this By-law, the property shall be considered to front onto Emma Street.
- ii. The minimum lot area per unit shall be 130 sq. m;
- iii. The minimum rear yard depth shall be 5.5 m;
- iv. The minimum interior side yard width shall be 3 m.

#### 10.4.20 R4-20

Notwithstanding the provisions of section 10.3, to the contrary, the following shall apply:

- a) An apartment dwelling shall not be permitted
- b) A townhouse dwelling with a maximum of 4 units shall be permitted.
- c) A maximum of one individual land parcel shall be 211.44 m<sup>2</sup>.
- d) A maximum of one individual land parcel shall be 215.17 m<sup>2</sup>.
- e) The minimum rear yard setback for one land parcel shall be 6.01 m.
- f) The maximum lot coverage for the individual land parcels shall be 41.68%, 51.82%, 54.28% and 45.43%.
- g) The maximum lot coverage for the overall site shall be 52.98%.
- h) The maximum height shall be 8 m.
- i) The development shall be subject to site plan control.

#### 10.4.21 R4-21

Notwithstanding the provisions of section 10.3 to the contrary, the following regulations shall apply to lands zoned 'R4-21' on Schedule 'A' to this By-law:

- a) For the purposes of this by-law, the property shall be considered to front onto Bruce Street;
- b) The building height (maximum) for an apartment dwelling shall be 21.0 m subject to:
  - i. An apartment dwelling at a building height of 12.5 m (maximum) shall have a minimum interior side yard setback of 5.0 m;
  - ii. An apartment dwelling at a building height of 15.0 m (maximum) shall have a minimum interior side yard setback of 7.0 m to the southern lot line and 5.0 m to the northern lot line;
  - iii. An apartment dwelling at a building height of 17.5 m (maximum) shall have a minimum interior side yard setback of 9.0 m to the southern lot line and 5.0 m to the northern lot line;
  - iv. An apartment dwelling at a building height of 20.0 m (maximum) shall have a minimum interior side yard setback of 11.0 m to the southern lot line and 5.0 m to the northern lot line;
  - v. An apartment dwelling at a building height of 21.0 m (maximum) shall have a minimum interior side yard setback of 13.0 m to the southern lot line and 5.0 m to the northern lot line;
  - vi. All other setbacks shall be required as outlined in the 'R4' zone;
  - vii. For greater clarity, buildings may be tiered so that each successively higher portion of the building maintains the required interior side yard setback as noted in subsections i) through v);
- c) Where the lot line abuts a lot in a Residential Zone or abuts a street on the opposite side of which is located a lot in a Residential Zone, then a planting strip having a minimum width of 3.0 m measured perpendicular to the said lot line shall be provided; and
- d) The lands are subject to Site Plan Control.

#### 10.4.22 R4-22

Notwithstanding the provisions of section 10.3 to the contrary, the following regulations shall apply to lands zoned 'R4-22' on Schedule 'A' to this By-law:

- a) The minimum interior side yard width for a street townhouse dwelling shall be 1.2 m;
- b) The maximum lot coverage for a street townhouse dwelling shall be 60%.

#### 10.4.23 R4-23

Notwithstanding the provisions of section 10.3 to the contrary, the following regulations shall apply to lands zoned 'R4-23' on Schedule 'A' to this By-law:

- a) The minimum interior side yard width for a street townhouse dwelling shall be 1.2 m;
- b) The maximum lot coverage for a street townhouse dwelling shall be 45%.

#### 10.4.24 R4-24

Notwithstanding the provisions of sections 3.24.2 and 10.3 to the contrary, the following regulations shall apply to lands zoned 'R4-24' on Schedule 'A' to this By-law:

- a) The minimum lot area for an apartment dwelling shall be 19,700 m<sup>2</sup>;
- b) The maximum density shall be no greater than 110 units per gross ha (121 units per net ha);
- c) The minimum front yard depth shall be 4.0 m;
- d) The minimum landscaped open space shall be 22% of the lot area;
- e) The minimum number of parking spaces for an apartment dwelling shall be 1 space per dwelling unit; plus 1 space for every 5 dwelling units, or fraction thereof, to be set aside for and visually identified as visitor parking.

#### 10.4.25 R4-25-H

Notwithstanding the provisions of sections 3.24 and 10.3 to the contrary, the following regulations shall apply to lands zoned 'R4-25-H' on Schedule 'A' to this By-law:

- a) The minimum lot area for an apartment dwelling shall be 10,390 m<sup>2</sup>;
- b) The maximum density shall be no greater than 110 units per gross ha (121 units per net ha);
- c) The minimum number of parking spaces for an apartment dwelling shall be 1 space per dwelling unit; plus 0.097 spaces for every dwelling unit to be set aside for and visually identified as visitor parking.
- d) A parking area shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than 2.0 m to any street line;
- e) A parking area may occupy more than 40% of the area of the front yard;
- f) The 'H – holding' symbol shall be lifted once the following conditions have been met:
  - i. A Stormwater Management Plan is approved by the appropriate Approval Authority and the Town of Saugeen Shores prior to development;
  - ii. Full municipal sanitary sewer and water services are available and connected to service the lands prior to development;
  - iii. Full road access is constructed to service the lands prior to development.

#### 10.4.28 R4-28

Notwithstanding the provisions of sections 3.24 and 10.3 to the contrary, the following regulations shall apply to lands zoned 'R4-28' on Schedule 'A' to this By-law:

- a) The minimum lot area for an apartment building(s) shall be 230 m<sup>2</sup> per unit for the first four (4) units, plus 100 m<sup>2</sup> for each additional unit thereafter up to a maximum density

- of 102 units per gross ha;
- b) The maximum number of apartment buildings per lot shall be subject to the minimum lot area provisions of subclause i.;
  - c) The minimum rear yard shall be 4.32 m;
  - d) The maximum area of an exterior side yard devoted to parking shall be 72%;
  - e) The maximum driveway width shall be 15.0 m; and
  - f) The maximum number of driveways shall be four.

#### 10.4.29 R4-29

Notwithstanding the provisions of sections 3.24 and 10.3 to the contrary, the following regulations shall apply to lands zoned 'R4-29' on Schedule 'A' to this By-law:

- a) The minimum lot area shall be no less than 1263 sq. m.;
- b) The minimum lot frontage shall be no less than 25 m;
- c) The maximum density shall be no greater than 95 units per gross ha;
- d) The interior side yard shall be no less than 3 m;
- e) The rear yard shall be no less than 5 m;
- f) The maximum area of front yard devoted to parking shall be 66%.

## SECTION 11 MOBILE HOME PARK (MHP) ZONE

### 11.1 SCOPE

The provisions of this section shall apply in all Mobile Home Park (MHP) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 11.2 PERMITTED USES

No person shall within any Mobile Home Park (MHP) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following MHP Zone uses, namely:

- a) mobile homes;
- b) mobile home park.

### 11.3 REGULATIONS

No person shall, within any Mobile Home Park (MHP) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                         |
|---|-------------------------|
| a) Lot Area (minimum)                           |                         |
| i) mobile home park                             | 4.0 ha                  |
| ii) mobile home site                            | 335 m <sup>2</sup>      |
| b) Lot Frontage (minimum)                       |                         |
| i) mobile home park                             | 30.0 m                  |
| ii) mobile home site                            | 13.0 m                  |
| c) Front and Exterior Side Yard Depth (minimum) |                         |
| i) mobile home park                             | 15.0 m                  |
| ii) mobile home site                            | 3.0 m                   |
| d) Interior Side Yard Width (minimum)           |                         |
| i) mobile home park                             | 15.0 m                  |
| ii) mobile home site                            | 3.0 m                   |
| e) Rear Yard Depth (minimum)                    |                         |
| i) mobile home park                             | 15.0 m                  |
| ii) mobile home site                            | 4.0 m                   |
| f) Lot Coverage (maximum)                       |                         |
| i) mobile home park                             | 35% of lot area         |
| ii) mobile home site                            | 30% of mobile home site |
| g) Building Height (maximum)                    | 5.0 m                   |

- h) Landscaped Open Space (minimum) 10% of lot area for use in common by all persons living within the mobile home park, plus 30% of the area of each mobile home site
- i) Number of Dwellings (maximum)
  - i) mobile home park 25 mobile homes per ha
  - ii) mobile home site 1 mobile home per mobile home site

**11.4 SPECIAL REGULATIONS**

**11.4.1 Clarification of Yard Requirements for Mobile Home Sites**

Notwithstanding the definitions contained in section 2 hereof, the lot area, lot frontage and yards pertaining to mobile home sites shall be determined as if such mobile home sites were separate lots as defined herein and as if any driveways or internal mobile home park roads providing access to the said mobile home sites were Class 1 Municipal streets. However, no mobile home shall be located within a mobile home park except in compliance with the minimum yard requirements applying to the lot as a whole, as established in subsection 11.3.

**11.4.2 Mobile Home Park Roads**

All roads within a mobile home park shall have a minimum width of 6 m and shall be constructed and maintained in such a manner as to eliminate dust.

**11.4.3 Provisions for an Accessory Detached Dwelling**

One (1) accessory detached dwelling may be permitted accessory to a mobile home park as the principal residence for an owner, manager or caretaker of the mobile home park.

**11.4.4 Required Planting Strips**

A planting strip having a minimum width of 1.0 m shall be provided along every lot line abutting a lot in a Residential Zone, and along every lot line abutting a street on the opposite side of which is a lot in a Residential Zone. The requirements of subsection 3.15.2 (b), (c) and (d) of this By-law shall apply.

**11.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "MHP" Zone. If a regulation or use is not specified, the permitted uses of section 11.2 and the regulations of subsections 11.3 and 11.4 shall apply.

## SECTION 12 COMMERCIAL CORE (CC) ZONE

### 12.1 SCOPE

The provisions of this section shall apply in all Commercial Core (CC) Zones except as otherwise provided in the Special Provisions subsection of this section. CC Zones are intended for lots with both municipal water and sanitary sewer services.

### 12.2 PERMITTED USES

No person shall within any Commercial Core (CC) Zone, use any lot or erect, alter or use any building for any purpose except for one or more of the following CC Zone purposes:

- a) accessory dwelling units, subject to subsection 12.4.1;
- b) art gallery;
- c) assembly hall;
- d) bake shop;
- e) caterer's establishment;
- f) child care centre;
- g) dry cleaner's distribution outlet;
- h) duplicating establishment;
- i) financial establishment;
- j) funeral home;
- k) health care clinic;
- l) hotel;
- m) laundromat;
- n) museum;
- o) office;
- p) parking lot;
- q) personal service shop;
- r) place of entertainment;
- s) printing establishment;
- t) private club;
- u) restaurant, excluding a drive-through restaurant;
- v) retail store;
- w) video rental establishment
- x) library
- y) post office
- z) home based child care (limited to legally existing single detached and semi-detached dwellings)
- aa) unlicensed child care (limited to legally existing single detached and semi-detached dwellings)

### 12.3 REGULATIONS

No person shall, within any Commercial Core (CC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Lot Area (minimum) 550 m<sup>2</sup>

b)	Lot Frontage (minimum)	15.0 m
c)	Front and Exterior Side Yard Depth (minimum/maximum)	0.0 m/1.22 m
d)	Interior Side Yard Width (minimum)	0.0 m;
e)	Rear Yard Depth (minimum)	10.0 m
f)	Lot Coverage (maximum)	50% of lot area;
g)	Building Height (maximum)	10.0 m
h)	Building Height (minimum)	7.5 m
i)	Landscaped Open Space (minimum)	10% of lot area.
j)	Maximum ground floor height	4.5 m
k)	Minimum ground floor height	3.6 m
l)	Maximum upper floor height	4 m
m)	Minimum upper floor height	3 m
n)	Minimum percentage of windows and doors on ground floor façade	80%
o)	Minimum percentage of windows on upper floor façade	25%
p)	Maximum windowsill height above ground level	0.76 m
q)	Minimum windowsill height above ground level	0.46 m
r)	All rooftop mechanical shall be screened from abutting streets	

## 12.4 SPECIAL USE REGULATIONS

### 12.4.1 Accessory Dwelling Unit

Accessory dwelling units shall be permitted on a lot in the CC Zone, subject to the following regulations;

- a) The dwelling unit(s) shall be located behind a non-residential unit on the first floor or below a non-residential unit on the first floor or entirely above the first floor of the building, with exception to the entrance or entrances to the dwelling unit, all in accordance with Section 3.6.



## 12.4.2 Food Trucks

Food Trucks shall be permitted in a lot in the CC zone, subject to the following regulations:

- a) are only permitted in the CC Zone on lots that do not have any non-residential vacancies;
- b) cannot occupy more than 25 m<sup>2</sup>, including any space for serving, lineups, signage, etc.;
- c) for the purposes of special events approved by the Town of Saugeen Shores.

## 12.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "CC" Zone. If a regulation or use is not specified, the permitted uses of section 12.2 and the regulations of sections 12.3 and 12.4 shall apply.

### 12.5.1 CC-1

- a) Notwithstanding the provisions of subsection 12.2 to the contrary, lands zoned "CC-1" on Schedule "A" to this By-law shall be used only for the purposes of a parking lot.

### 12.5.2 CC-2

- a) Notwithstanding the regulations of section 12.3 to the contrary, the following regulations shall apply to lands zoned "CC-2" on Schedule "A" to this By-law:
  - i) the minimum lot area shall be 185 m<sup>2</sup>
  - ii) the minimum lot frontage shall be 6 m
  - iii) the minimum rear yard shall be 6 m
  - iv) the minimum front yard shall be 0 m;
  - v) the minimum side yard shall be 0 m; and,
  - vi) the minimum exterior side yard shall be 0 m.

### 12.5.3 CC-3

- a) Permitted Uses

Notwithstanding the provisions of section 12.2 to the contrary, the permitted uses on lands zoned "CC-3" on Schedule "A" to this By-law shall be limited to the following:

- i) accessory dwelling units subject to subsection 12.4.1;
- ii) bed and breakfast within an existing detached dwelling, subject to section 3.4;
- iii) commercial school;
- iv) child care centre;
- v) dry cleaning distribution outlet;

- vi) existing detached dwelling;
- vii) funeral home;
- viii) health care clinic;
- ix) home occupation within an existing detached dwelling, subject to section 3.12;
- x) office;
- xi) parking lot;
- xii) personal service shop;
- xiii) public parks;
- xiv) restaurant (excluding a drive-through restaurant);
- xv) retail store.

#### 12.5.4 CC-4

- a) Notwithstanding the provisions of section 12.3 of this By-law to the contrary, on lands zoned "CC-4" on Schedule "A" to this By-law, the minimum rear yard setback shall be 1.5 m .

#### 12.5.5 CC-5

##### a) Permitted Uses

Notwithstanding the provisions of section 12.2 of this By-law to the contrary, the permitted uses on lands zoned "CC-5" on Schedule "A" to this By-law are limited to the following:

- i) bakery;
- ii) business or professional offices;
- iii) health care clinic;
- iv) personal service shop;
- v) post office;
- vi) printing establishment;
- vii) professional office;
- viii) restaurant;
- ix) specialty shop;
- x) home occupation within the detached dwelling existing as of September 10, 2001, subject to section 3.12;
- xi) bed and breakfast within a detached dwelling existing as of September 10, 2001, subject to section 3.4

##### b) Regulations

Notwithstanding the regulations of section 12.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "CC-5" on Schedule "A" to this By-law:

- i) The minimum side yard width shall be 1.46 m;
- ii) The maximum lot coverage shall be 35%;
- iii) The minimum front yard depth shall be 4.75 m;

- iv) The commercial unit must be setback a minimum of 1.46 m from the nearest Residential Zone boundary;
- v) A planting strip having a minimum width of 0.533 m shall be provided along the westerly lot line.

#### 12.5.6 CC-6

Notwithstanding the 'CC' zoning designation, those lands delineated as 'CC-6' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'CC' zone contained in this By-Law, excepting however that:

- (i) The existing single detached dwelling is a permitted use;
- (ii) A Bed and Breakfast Establishment, in accordance with Section 3.4, may also be a permitted use;
- (iii) The existing exterior side yard setback for the single detached dwelling shall be no less than as of the date of passage of the By-law;
- (iv) The minimum interior side yard setback shall be no less than 1.5 m;
- (v) Notwithstanding Section 3.1.6 Yard Requirements (Accessory Uses) the minimum exterior side yard setback shall be no less than 8.5 m ;
- (vi) Notwithstanding Section 3.1.6 Yard Requirements (Accessory Uses) the minimum rear yard setback shall be no less than 1.5 m ;
- (vii) Notwithstanding Section 3.24.7 Location and Access (Parking Regulations), the parking area abutting the exterior side lot line may be reduced to 2.4 m
- (viii) Notwithstanding Section 3.15.1 Landscaped Open Space (Landscaping) the landscaped area abutting the exterior side lot line may be reduced to 2.4 m
- (ix) The lands may be subject to site plan control.

#### 12.5.7 CC-7

Notwithstanding the 'CC' zoning designation, those lands delineated as 'CC-7' on Schedule 'A' to this By-law shall be used in accordance with the permitted uses of the 'CC' zone contained in this By-law and, in addition, an apartment building comprising a maximum of six dwelling units, in accordance with the provisions of the 'CC' zone.

#### 12.5.8 CC-8

Notwithstanding the 'CC' zoning designation, those lands delineated as 'CC-8' on Schedule 'A' to this By-law shall be used in accordance with the 'CC' zone excepting however that:

- i. The minimum lot area shall be no less than 490 square metres;
- ii. The minimum rear yard shall be no less than 7.5 metres

#### 12.5.9 CC-9

Notwithstanding the 'CC' zoning designation, those lands delineated as 'CC-9' on

Schedule 'A' to this By-law shall be used in accordance with the 'CC' zone excepting however that:

- i. A multi-unit residential building consisting of 9 units is permitted;
- ii. The minimum rear yard setback shall be no less than 2.4 metres;
- iii. The parking entrance should be located as far from the intersection as possible and parked vehicles are required to be outside the visibility triangle of the intersection.

#### 12.5.10 CC-10

Notwithstanding the 'CC' zoning regulations, the following regulations shall apply to lands zoned 'CC-10' on Schedule 'A' to this By-law:

- i. That an apartment building is a permitted use with a maximum density of 120 units per gross ha;
- ii. The minimum front yard shall be no greater than 3.5 m;
- iii. The minimum number of on-site parking spots shall be no less than 14;
- iv. The driveway width shall be no greater than 7.5 m;
- v. The maneuvering isle shall be no less than 5.5 m;
- vi. The minimum setback between the parking area and the street line shall be no less than 2.6 m.
- vii. Section 12.3 regulations h, j to r do not apply

#### 12.5.11 CC-11

Notwithstanding the 'CC' zoning regulations, the following regulations shall apply to lands zoned 'CC-11' on Schedule 'A' to this By-law:

- i. The existing single detached dwelling is a permitted use;
- ii. That the minimum lot area shall be no less than 490 sq. m;
- iii. The exterior side yard setback for the dwelling shall be no greater than 3.4 m;
- iv. The front yard setback for the dwelling shall be no greater than 5.9 m;
- v. The rear yard setback to the accessory building shall be no less than 1 m.

## SECTION 13 HIGHWAY COMMERCIAL (HC) ZONE

### 13.1 SCOPE

The provisions of this section shall apply in all Highway Commercial (HC) Zones except as otherwise provided in the Special Provisions subsection of this section. HC Zones are intended for lots with both municipal water and sanitary sewer services, except as otherwise provided in subsection 13.4.1.

### 13.2 PERMITTED USES

No person shall within any Highway Commercial (HC) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following HC Zone uses, namely:

- a) accessory dwelling unit, subject to subsection 13.4.2;
- b) automobile gas bar;
- c) automobile repair establishment;
- d) automobile sales establishment;
- e) automobile service station;
- f) building supply and sales establishment;
- g) bulk sales establishment, subject to subsection 13.4.3;
- h) car wash establishment, automated;
- i) car wash establishment, manual;
- j) drive-through facility, subject to section 3.5;
- k) dry cleaning establishment;
- l) dry cleaning distribution outlet;
- m) equipment rental establishment;
- n) food store, subject to subsection 13.4.3;
- o) financial establishment;
- p) garden centre;
- q) hotel;
- r) marine equipment sales establishment;
- s) motel;
- t) office, subject to subsection 13.4.3;
- u) place of entertainment;
- v) restaurant, including a drive-through restaurant subject to section 3.5;
- w) retail store, subject to subsection 13.4.3;
- x) veterinarian clinic;
- y) video rental establishment.
- z) home-based child care (limited to legally existing single detached and semi-detached dwellings)
- aa) unlicensed child care (limited to legally existing single detached and semi-detached dwellings)
- bb) child care centre
- cc) automobile body shop

### 13.3 REGULATIONS

No person shall, within any Highway Commercial (HC) Zone, use any lot or erect, alter

or use any building or structure except in accordance with the following provisions:

- |     |                                    |                                  |
|-----|------------------------------------|----------------------------------|
| a)  | Lot Area (minimum)                 | 1,000 m <sup>2</sup>             |
| b)  | Lot Frontage (minimum)             | 30.0 m                           |
| c)  | Front and Exterior Side Yard Depth | 10.0 m minimum<br>20.0 m maximum |
| d)  | Interior Side Yard Width (minimum) |                                  |
| i)  | side yard abuts a Residential Zone | 10.0 m                           |
| ii) | all other cases                    | 4.5 m                            |
| e)  | Rear Yard Depth (minimum)          | 10.0 m                           |
| f)  | Lot Coverage (maximum)             | 35%                              |
| g)  | Building Height (maximum)          | 10.0 m                           |
| h)  | Landscaped Open Space (minimum)    | 30% of lot area                  |

### 13.4 SPECIAL USE REGULATIONS

#### 13.4.1 Existing Unserviced and Partially Serviced Highway Commercial Lots

- a) Notwithstanding the requirements for full municipal servicing in the HC Zone, existing lots zoned as “HC” on Schedule “A” hereto that are not serviced by full municipal water and sanitary sewer services may be used in accordance with the permitted uses of subsection 13.2, and existing unserviced or partially serviced dwellings may be altered, enlarged or reconstructed in accordance with the following Zone regulations:

	Lots with no municipal services available	Lots with municipal water service only	Lots with municipal sewer service only
i) Lot Area (minimum)	4,000 m <sup>2</sup>	3,000 m <sup>2</sup>	2,000 m <sup>2</sup>
ii) Side Yard (minimum)	10.0 m	see subsection 14.3 (d)	see subsection 14.3 (d)
iii) Lot Coverage (maximum)	10% of lot area	25% of lot area	25% of lot area

- b) The remaining regulations of subsection 13.3 shall apply.
- c) The provisions of this section shall only apply to permit the use of existing un-serviced or partially serviced lots for a permitted HC Zone use and not to the creation of new lots for highway commercial uses which shall only be permitted where full municipal services are available or where a holding provision is applied to the lot requiring the provision of municipal services prior to development.
- d) All other requirements of this By-law and other required Municipal permits and/or permits for sewer or septic and/or water connections/wells from an appropriate Approval Authority shall apply.
- e) Notwithstanding the provisions of this subsection and the permitted uses in the HC Zone, no car wash establishment shall be permitted unless the lot containing the car wash establishment is serviced by both municipal water and sanitary sewer facilities.

#### 13.4.2 Accessory Dwelling Unit

One (1) accessory dwelling unit shall be permitted on a lot in the HC Zone, subject to the following regulations;

- a) The dwelling unit(s) shall be located behind a non-residential unit on the first floor or below a non-residential unit on the first floor or entirely above the first floor of the building, with exception to the entrance or entrances to the dwelling unit, all in accordance with Section 3.6.

#### 13.4.3 Minimum Floor Area for Retail and Office Uses and Food Stores

- a) The minimum gross floor area for stand-alone retail, office and food stores in the Highway Commercial (HC) Zone shall be 300 m<sup>2</sup>.
- b) In buildings where more than one (1) commercial unit is proposed to be less than 300 m<sup>2</sup>, at least one (1) commercial unit shall have a minimum gross floor area of 464 m<sup>2</sup>.
- c) Retail or office uses having a lesser gross floor area than 300 m<sup>2</sup> shall not be permitted in the HC Zone, with exception to lawfully existing uses at the date of passing of this By-law.

#### 13.4.4 Landscaping Special

At least 50% of the required landscaped open space shall be located in the front yard or in front of the main building on the lot, whichever is farther from the front lot line.

### 13.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "HC" Zone. If a regulation or use is not specified, the permitted uses of section 13.2 and the regulations of sections 13.3 and 13.4 shall apply.

13.5.1 HC-1

a) Permitted Uses

Notwithstanding the provisions of section 13.2 to the contrary, lands zoned as “HC-1” on Schedule “A” to this By-law may be used for a Shopping Centre in accordance with the permitted uses of the “HC” Zone as well as for personal service shops and financial establishments.

b) Regulations

Notwithstanding the provisions of section 13.3 to the contrary, on lands zoned “HC-1” on Schedule “A” to this By-law, the following regulations shall apply to the shopping centre use:

- i) the maximum building height shall be 7.5 m ;
- ii) a minimum of 400 parking spaces shall be provided;
- iii) unless otherwise specified herein, all other provisions of this By-law shall apply.

13.5.2 HC-2

- a) Notwithstanding the provisions of section 13.2 to the contrary, the permitted uses on lands zoned “HC-2” on Schedule “A” to this By-law shall be limited to offices.

13.5.3 HC-3

- a) Notwithstanding the provisions of section 13.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “HC-3” on Schedule “A” to this By-law:
- i) The area used for concrete manufacturing shall be limited to its present area of 55 m<sup>2</sup> and shall be limited to the manufacturing of lawn ornaments, benches and tables;
  - ii) One (1) addition having a maximum floor area of 181.1 m<sup>2</sup> shall be permitted. No future additions, alterations or expansions will be permitted as of the date of passing of this By-law;
  - iii) All trailers on the property must be removed to the satisfaction of the Chief Building Official.

13.5.4 HC-4

- a) Notwithstanding the provisions of section 13.2 to the contrary, on lands zoned “HC-4” on Schedule “A” to this By-law, the existing concrete manufacturing operation and contractor’s yard are recognized as permitted uses.

13.5.5 HC-5

- a) Notwithstanding the provisions of section 13.2 to the contrary, the permitted uses on lands zoned “HC-5” Zone on Schedule “A” to this By-law shall be limited to the following:
- i) gift shop;



- ii) convenience store;
- iii) dry cleaning establishment;
- iv) dry cleaning distribution outlet;
- v) laundromat;
- vi) parking lot; and,
- vii) personal service shop.

#### 13.5.6 HC-6

- a) Notwithstanding the provisions of section 13.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “HC-6” on Schedule “A” to this By-law:
  - i) A planting area/visual screening shall be provided along the full length of any lot line abutting any Residential or Open Space Zone. The planting area/visual screening shall consist of a solid maintenance free fence of a minimum height of 2.4 m together with a 3 m dense screen of shrubs and/or evergreen trees planted or designed in such a manner as to provide a year round visual barrier. One (1) pedestrian walkway or emergency vehicle access may be incorporated into the planting area/visual screening.

#### 13.5.7 HC-7

- a) Permitted Uses

Notwithstanding the provisions of section 13.2 to the contrary, the permitted uses on lands zoned “HC-7” on Schedule “A” to this By-law shall be limited to:

- i) retail market;
- ii) restaurant;
- iii) office space;
- iv) warehousing and storage operations;
- v) light manufacturing, processing or assembly operations;
- vi) residential apartment units.

- b) Regulations

The aforementioned uses shall only be permitted in accordance with the “HC” zone provisions, excepting however that:

- i) residential apartment units shall be permitted only on the second and third storeys of the building where the building is a mixed use building;
- ii) once residential development has commenced on a floor, all non-residential uses shall be prohibited from that floor of the building;
- iii) the maximum building height provision for the main building shall be increased as required to allow for an alteration or expansion, provided the height of the altered or expanded building does not exceed the height of the existing building;
- iv) the maximum lot coverage provision shall be increased as required to allow for an addition having a ground floor area equivalent to 10% of the ground floor area of the existing building; and,

- v) for the purposes of issuing change of use permits, the structures may be considered as two buildings in accordance with the definition contained in this By-law. For the purposes of this paragraph, the following definitions shall apply:

"Retail Market" shall mean the displaying and selling of products by one or more vendors from within an area of a building having no partitions. Areas defined as "retail market" may also include wholesale, light manufacturing, storage areas, ancillary office space and a restaurant;

"Partition" shall mean an interior wall having a height of one storey or part of a storey, and is considered to be non-load bearing;

"Light manufacturing" shall mean the use of an area within the existing building for the purpose of preparing, assembling, finishing, treating, altering, repairing, storing or adapting for sale any goods, substance, article or thing or any part thereof. Light manufacturing may include warehousing, shipping as well as ancillary office space; and,

"Existing Building" shall mean a building which existed on June 15, 1998 and shall also mean the existing uses of the floor areas as defined by paragraph (e) and reflected in the Site Plan Agreement passed per Section 41(4) of the Planning Act.

#### 13.5.8 HC-8

- a) Notwithstanding the provisions of section 13.2 to the contrary, lands zoned "HC-8" on Schedule "A" to this By-law may be used for the repair and servicing of agricultural implements and equipment repair, and the servicing of small engines, cars and trucks provided this use is secondary to the primary use of the lot. Any expansions, alterations or enlargements to the existing buildings and structures shall comply with the regulations of the AC1 zone contained in section 6 of this By-law for lots on private services.

#### 13.5.9 HC-9

Notwithstanding the regulations of section 13.3 to the contrary, the following regulations shall apply to lands zoned "HC-9" on Schedule "A" to this By-law:

- i) the minimum lot area shall be 1 ha;
- ii) the minimum lot frontage shall be 12.1 m;
- iii) vehicular access from the provincial highway shall be prohibited;
- iv) a maximum of two buildings may be permitted;
- v) a landscaped open space area having a minimum width of 4.87 m shall be provided

- vi) where the lands abut the provincial highway;
- vii) no buildings or structures shall be erected within 14 m of the provincial highway;
- viii) no more than twenty (20) automobiles or vehicles may be stored overnight outside of the buildings; and,
- viii) the maximum lot coverage shall be 10%.

#### 13.5.10 HC-10

Notwithstanding the regulations of section 13.3 to the contrary, the following additional regulations shall apply to lands zoned “HC-10” on Schedule “A” to this By-law:

- i) the minimum lot area shall be 3,734 m<sup>2</sup>;
- ii) a maximum of two buildings may be permitted;
- iii) a landscaped open space area having a minimum width of 4.87 m shall be provided where the lands abut a provincial highway;
- iv) no buildings or structures shall be erected within 14 m of a provincial highway;
- v) no more than two (2) motor vehicles may be stored overnight outside of the buildings; and,
- vi) the maximum lot coverage shall be 10%.

#### 13.5.11 HC-11

##### a) Permitted Uses

Notwithstanding the provisions of section 13.2 to the contrary, the permitted uses on lands zoned “HC-11” on Schedule “A” to this By-law shall include personal service shops and financial establishments in addition to the uses permitted in the HC Zone.

##### b) Notwithstanding the provisions of section 13.2 to the contrary, on lands zoned “HC-11” on Schedule “A” to this By-law, the following regulations shall apply:

- i) the maximum gross floor area shall be 16,506 m<sup>2</sup>;
- ii) all retail stores, personal service shops and food stores shall have a minimum gross leasable floor area of 186 m<sup>2</sup> ;
- iii) for the purposes of clause (i) and (ii) above, the calculation of gross floor area and gross leasable floor area shall not include an outdoor seasonal area and outdoor seating areas accessory to any permitted use;
- iv) a maximum of five (5) main buildings shall be permitted;
- v) the minimum landscaped open space shall be 15% of the lot area
- vi) landscaping shall be provided along any lot line abutting a Residential Zone and shall consist of a solid fence having a minimum height of 1.8 m together with a dense screen of shrubs and/or evergreen trees having minimum width and height in accordance with Section 3.15.2 (a) and (b) of this By-law, and planted in such a manner as to provide a year round visual barrier;

##### c) Notwithstanding the provisions of section 3.24 to the contrary, on lands zoned “HC-11” on Schedule “A” to this By-law, the following parking provisions shall apply:

- i) Parking Space and Aisle Dimensions

PARKING ANGLE	MINIMUM SPACE WIDTH	MINIMUM SPACE LENGTH	MINIMUM AISLE WIDTH
90°	2.75 m	6.1 m	6.1 m

- ii) a minimum of 1 parking space shall be required for every 20 m<sup>2</sup> of gross leasable floor area;
- iii) the maximum driveway width shall be 14 m measured a distance of 35 m from the centerline of Goderich Street (Highway 21);
- d) Notwithstanding the provisions of section 3.17 to the contrary, on lands zoned “HC-11” on Schedule “A” to this By-law, the following loading space provisions shall apply:
  - i) Number of Loading Spaces (minimum)

Gross Floor Area of Building or Structure	Number of Loading Spaces Required
2,500 m <sup>2</sup> or less	1
Over 2,500 m <sup>2</sup>	2

- e) The provisions of this By-law shall apply to the entirety of the lands zoned HC-11 as if it were one lot, regardless of any future land division.

#### 13.5.12 HC-12

Notwithstanding the provisions of section 13.3 to the contrary, on lands zoned “HC-12” on Schedule “A” to this By-law, a maximum of two (2) main buildings shall be permitted.

#### 13.5.13 HC-13

##### a) Permitted Uses

Notwithstanding the provisions of sections 13.2, 13.3 and 13.4 to the contrary, the permitted uses on lands zoned “HC-13” on Schedule “A” to this By-law shall be limited to the following:

- i) an accessory dwelling unit forming an integral part of the building or structure containing a permitted non-residential use;
- ii) automotive use;
- iii) place of entertainment;
- iv) business or professional office;
- v) retail store having a maximum floor area of 186 m<sup>2</sup>;
- vi) retail establishment and/or rental building supplies, trailers, motorcycles, snowmobiles, and boats, but shall not include outside repairs;

- vii) beer and/or liquor store;
- viii) dry-cleaning distribution outlet;
- ix) nursery and greenhouse;
- x) restaurant;
- xi) financial establishment;
- xii) hotel/motel;
- xiii) uses, buildings and structures accessory to a permitted use.

b) Regulations

Notwithstanding the regulations of section 13.3 to the contrary, the following regulations shall apply to lands zoned "HC-13" on Schedule "A" to this By-law:

- i) A maximum of three (3) principal commercial units shall be permitted;
- ii) The minimum lot area shall be 0.87 ha;
- iii) A maximum of one (1) entrance shall be permitted.

13.5.14 HC-14

- a) Notwithstanding the regulations of section 13.3 to the contrary, on lands zoned "HC-14" on Schedule "A" to this By-law the minimum lot area shall be 1,517.15 m<sup>2</sup>.

13.5.15 HC-15

- a) Notwithstanding the regulations of section 13.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "HC-15" on Schedule "A" to this By-law:
  - i) The minimum lot frontage shall be 2.63 m;
  - ii) The minimum front yard setback shall be 9.4 m.

13.5.16 HC-16

- a) Notwithstanding the provisions of section 13.2 to the contrary, on lands zoned "HC-16" on Schedule "A" to this By-law the permitted uses shall be limited to the following:
  - i) place of entertainment
  - ii) convenience store
  - iii) dry cleaning establishment
  - iv) laundromat
  - v) parking lot
  - vi) personal service shop
  - vii) restaurant
  - viii) retail store
  - ix) an accessory dwelling unit forming an integral part of the building or structure containing a use permitted above
  - x) accessory uses, buildings and structures

#### 13.5.17 HC-17

- a) Notwithstanding the provisions of section 13.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “HC-17” on Schedule “A” to this By-law:
  - i) A solid maintenance free fence of a minimum height of 1.83 m shall be provided along the full length of any lot line abutting an OS Zone.

#### 13.5.18 HC-18

- a) Notwithstanding the provisions of sections 13.2 and 13.3 of this By-law to the contrary, on lands zoned “HC-18” on Schedule “A” to this By-law the three (3) storage units shall not exceed a maximum ground floor area of 836 m<sup>2</sup>.

#### 13.5.19 HC-19

- a) Notwithstanding the provisions of section 13.2 of this By-law to the contrary, on those lands zoned as “HC-19” on Schedule “A” to this By-law the permitted uses shall include a convenience store in addition to the uses permitted under section 13.2.

#### 13.5.20 HC-20

- a) Notwithstanding the provisions of sections 3.1 and 13.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “HC-20” on Schedule “A” to this By-law:
  - i) The minimum lot area shall be 0.348 ha;
  - ii) The minimum side yard width shall be 9.75 m;
  - iii) The minimum rear yard depth for the existing accessory structures shall be 1.83 m.

#### 13.5.21 HC-21

Notwithstanding the ‘HC’ zoning designation, those lands delineated as ‘HC-21’ on Schedule ‘A’ to this by-law may be used for a specific mixed-use commercial and residential development comprising of a minimum commercial floor space of 300 m<sup>2</sup> and a maximum of 24 dwelling units, in accordance with the zone provisions of the ‘HC’ zone contained in this by-law, excepting however, that:

- (i) The commercial floor space shall be restricted to the ground floor level;
- (ii) No person shall within the ‘HC-21’ zone use the commercial floor space of the building for any purpose except for one or more of the following uses; business or professional office, financial establishment, retail store, dry cleaning distribution outlet, video rental establishment, fitness centre and restaurant;
- (iii) Subsection 13.4.3 shall not apply to retail stores, offices and food stores;
- (iv) A maximum of one (1) building shall be permitted;
- (v) The Minimum rear yard setback shall be 7.5 m ; and;
- (vi) The maximum building height shall be 12.19 m

#### 13.5.22 HC-22

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-22' on Schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-law, excepting however that:

- a) A model home with a maximum ground floor area of 160 m<sup>2</sup> shall be permitted;

#### 13.5.23 HC-23

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-23' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-law, excepting however that:

- a) Notwithstanding Section 13.4.2 Accessory Dwelling Unit, a minimum of four (4) accessory dwelling units shall be permitted.

#### 13.5.24 HC-24-h

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-24-H' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-Law, excepting however that:

- a) The minimum front yard setback shall be no less than 40.842 m for all Open Storage. For the purposes of this By-law, 'Open Storage' may include the display of merchandise. The display of merchandise may be located within the front yard setback, but shall be located no closer than 10.0 m to the front lot line;
- b) Open Storage shall be an accessory use to a permitted Highway Commercial use;
- c) The 'H – holding' symbol shall be lifted once the following condition has been met:
  1. A site plan agreement between the Owner and the Town of Saugeen Shores has been registered on title. The site plan will address items such as access, landscaping, lighting, loading, open storage and display of merchandise, parking, and any other applicable provisions in accordance with the By-law.

#### 13.5.25 HC-25

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-25' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-law, excepting however that:

- a) Notwithstanding Section 13.2 Permitted Uses an 'Automobile Body Shop' and 'Outdoor Public Storage' are also permitted uses.
- b) For the purpose of this By-law 'Outdoor Public Storage' is subject to the following provisions:
  - i. Defined as the storage of boats, trailers, vehicles, and other similar objects that do not require indoor storage, which may be used by members of the public
  - ii. Located within a defined area in the rear yard not exceeding 3,504.0 m<sup>2</sup> enclosed by a fence and screened by landscaping.
  - iii. Shall be no closer than 4.8 m to the exterior side lot line; the setback area shall be used as landscaped open space.

- iv. Shall contain items to a height not exceeding 5.5 m
- c) A maximum of two (2) buildings may be permitted.
- d) The maximum lot coverage shall be no greater than 10%
- e) No permanent buildings or structures shall be erected within 14.0 m of the provincial highway
- f) Vehicular access to the provincial highway shall be prohibited.
- g) With the exception of the existing building, the lands are subject to site plan control, and may include provisions for drainage, fencing, landscaping, parking, signage, and septic system approval.

#### 13.5.26 HC-26

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-26' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-law, excepting however that:

- i. A 'Dog Daycare and Training Facility' may also be a permitted use. The use may include dog grooming. Kennel and/or boarding facilities shall be prohibited.

#### 13.5.27 HC-27

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-27' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-Law, excepting however that:

- i. A 'Day Nursery' shall also be a permitted use.

#### 13.5.28 HC-28

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-28' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-law, excepting however that:

- i. A maximum of 24 residential dwelling units shall be permitted, provided that the building contains a minimum of 846 sq m of commercial floor area on the ground level;
- ii. The minimum front yard setback shall be no less than 5.0 m;
- iii. The minimum setback from the Provincial Highway centreline shall be no less than 20.0 m;
- iv. The minimum exterior side yard setback shall be no less than 5.0 m;
- v. The maximum lot coverage shall be no greater than 45%;
- vi. The maximum building height shall be no greater than 17.0 m; and
- vii. The requirement for at least 50% of the landscaped open space to be located in the front yard shall not apply, so long as the minimum landscaped open space for the entire property is achieved.
- viii. A buffer area within the setbacks between any development on the subject lands and the property to the north shall be provided with trees, hedgerows or other vegetation together with a wooden privacy fence along the property boundary



- with a minimum height of 2.0 m. The buffer area will be required to be detailed in the Site Plan Control Agreement.
- ix. The buffer area shall exclude any required parking area or any other required feature for the development necessary to comply with all other provisions of the Zoning By-law.

#### 13.5.29 HC-29

Notwithstanding the 'HC' zoning designation, those lands delineated as 'HC-29' on Schedule 'A' to the By-law may be used in accordance with the permitted uses and the regulations of the 'HC' zone contained in this By-law, excepting however that:

- i. The minimum lot frontage shall be no less than 15.5 meters;
- ii. The minimum lot area shall be no less than 685 square meters.

#### 13.5.30 HC-30-H

Notwithstanding the provisions of section 13.2, to the contrary, the following shall apply:

- i. A maximum of four (4) commercial buildings shall be permitted.
- ii. A Seasonal Outdoor Sales Area up to 273 m<sup>2</sup> in size shall be permitted in conjunction with a commercial use permitted on the site.

Notwithstanding the provisions of section 13.3, to the contrary, the following shall apply:

- i. The minimum landscaped open space shall be 28% of lot area.
- ii. A minimum of 273 parking spaces shall be provided plus up to 11 additional parking spaces associated with the queuing lane of a restaurant use.
- iii. The development shall be subject to site plan control.

#### 13.5.31 HC-31-h-5

a) Permitted Uses

Notwithstanding the provisions of section 13.2, the permitted uses on lands zoned 'HC-31-h-5' on Schedule 'A' to this By-law shall also include:

- i) apartment dwelling.

b) Uses Not Permitted

Notwithstanding the provisions of section 13.2, the following uses shall not be permitted on lands zoned 'HC-31-h-5' on Schedule 'A' to this By-law:

- i) automobile gas bar;
- ii) automobile repair establishment;
- iii) automobile service station;
- iv) bulk sales establishment;
- v) car wash establishment, automated;
- vi) car wash establishment, manual;
- vii) automobile body shop.

c) Regulations

Notwithstanding the provisions of section 13.3 and 13.4 to the contrary, the following regulations shall apply to lands zoned 'HC-31-h-5' on Schedule 'A' to this By-law:

- i) An apartment dwelling shall be permitted in accordance with the regulations of the 'Residential Fourth Density (R4)' zone;
- ii) The minimum combined gross floor area for Highway Commercial uses shall be 929 m<sup>2</sup>;
- iii) The lands are subject to Site Plan Control.

13.5.32 HC-32

Notwithstanding the 'HC' zoning provisions, the following provisions shall apply to lands zoned 'HC-32' on Schedule 'A' to this By-law:

- i. A health care clinic is an additional permitted use;
- ii. The minimum gross floor area for a retail, office, clinic, or commercial unit shall be 129 m<sup>2</sup>;
- iii. The minimum lot area shall be 1464 m<sup>2</sup>;
- iv. The minimum lot frontage shall be 31 m;
- v. Buildings and structures existing as of the date of passage of the By-law which do not comply with the provisions of the By-Law are hereby recognized. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of the By-Law; and
- vi. Parking spaces and driveways existing as of the date of passage of the By-law which do not comply with the provisions of the By-Law are hereby recognized. All future parking spaces and driveways, or amendments to existing parking spaces and driveways, shall comply with the provisions of the By-Law.

13.5.33 HC-33

Notwithstanding the 'HC' zone provisions, the following provisions shall apply to lands zoned 'HC-33' on Schedule 'A' to this By-law:

- i) Contractor's Yard shall be an additional permitted use;
- ii) Outdoor storage shall be prohibited;
- iii) The minimum lot frontage shall be no less than 66 m;
- iv) Four accessory dwelling units shall be permitted.

## SECTION 14 NEIGHBOURHOOD COMMERCIAL (NC) ZONE

### 14.1 SCOPE

The provisions of this Section shall apply in all Neighbourhood Commercial (NC) Zones except as otherwise provided in the Special Provisions Subsection of this Section. NC Zones are intended for lots with both municipal water and sanitary sewer services.

### 14.2 PERMITTED USES

No person shall within any Neighbourhood Commercial (NC) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following NC Zone uses, namely:

- a) accessory dwelling unit, subject to subsection 14.4.1
- b) automobile gas bar;
- c) convenience store;
- d) dry cleaning distribution outlet;
- e) dry cleaning establishment;
- f) food store;
- g) office;
- h) personal service shop;
- i) restaurant, not including a drive-through restaurant;
- j) video rental establishment.

### 14.3 REGULATIONS

No person shall, within any Neighbourhood Commercial (NC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                    |
|---|--------------------|
| a) Lot Area (minimum)                           | 500 m <sup>2</sup> |
| b) Lot Frontage (minimum)                       | 15.0 m             |
| c) Front and Exterior Side Yard Depth (minimum) | 7.0 m              |
| d) Interior Side Yard Width (minimum)           |                    |
| i) side yard abuts a Residential Zone           | 10.0 m             |
| ii) all other cases                             | 7.0 m              |
| e) Rear Yard Depth (minimum)                    |                    |
| i) rear yard abuts a Residential Zone           | 10.0 m             |
| ii) all other cases                             | 7.0 m              |
| f) Lot Coverage (maximum)                       | 30% of lot area    |

- |    |                                 |                    |
|----|---------------------------------|--------------------|
| g) | Building Height (maximum)       | 10.0 m             |
| h) | Landscaped Open Space (minimum) | 20% of lot area    |
| i) | Gross Floor Area (maximum)      | 200 m <sup>2</sup> |

**14.4 SPECIAL USE REGULATIONS**

**14.4.1 Accessory Dwelling Unit**

One (1) accessory dwelling unit shall be permitted on a lot in the NC Zone, subject to the following regulations;

- a) The dwelling unit(s) shall only be permitted as a secondary and ancillary use to the main permitted use;
- b) The gross floor area of the dwelling unit shall not exceed 50% of the gross floor area of the main building and shall be attached thereto.

**14.5 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “NC” Zone. If a regulation or use is not specified, the permitted uses of subsection 14.2 and the regulations of subsection 14.3 shall apply.

**14.5.1 NC-1**

Notwithstanding the ‘NC’ zoning designation, those lands delineated as ‘NC-1’ on Schedule ‘A’ to this By-law may be used in accordance with the permitted uses and the regulations of the ‘NC’ zone contained in this By-law, excepting however that:

- a) A Chiropractic Office is also a permitted use, which shall not exceed 200 square meters of ground floor area and be fully contained within the single detached dwelling;
- b) A single detached dwelling is also a permitted use;
- c) No more than two (2) additional dwelling units may be permitted in the accessory building to the single detached dwelling, existing on the date of passage of the By-law;
- d) The minimum yard setbacks shall be no less than as exist on the date of passage of the By-law;
- e) The maximum coverage shall be no greater than as exists on the date of passage of the By-law.

## SECTION 15 OFFICE RESIDENTIAL (OR) ZONE

### 15.1 SCOPE

The provisions of this section shall apply in all Office Residential (OR) Zones except as otherwise provided in the Special Provisions subsection of this section. OR Zones are intended for lots with municipal water and sanitary sewer services.

### 15.2 PERMITTED USES

No person shall within any Office Residential (OR) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following OR Zone uses, namely:

- a) bed and breakfast establishment;
- ~~b) converted dwelling, to a maximum of two (2) dwelling units;~~
- ~~e)b) child care centre;~~
- ~~e)c) institutional use with a minimum of one (1) dwelling residential unit;~~
- ~~e)d) office, with a minimum of one (1) dwelling residential unit;~~
- ~~f)e) single detached dwelling building;~~
- ~~g)f) studio for the creation of arts & crafts, with a minimum of one (1) dwelling residential unit;~~
- ~~h)g) Additional residential unit in accordance with subsection 3.37;~~
- ~~i)h) Semi-detached dwelling building;~~
- ~~i) Duplex dwelling building;~~
- ~~j) triplex building;~~
- ~~j)k) fourplex building;~~
- ~~k)l) home based child care;~~
- ~~l)m) unlicensed child care.~~

### 15.3 REGULATIONS

No person shall, within any Office Residential (OR) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                    |
|---|--------------------|
| a) Lot Area (minimum)                           | 600 m <sup>2</sup> |
| b) Lot Frontage (minimum)                       | 20.0 m             |
| c) Front and Exterior Side Yard Depth (minimum) | 6.0 m              |
| d) Interior Side Yard Width (minimum)           | 3.0 m              |
| e) Rear Yard Depth (minimum)                    | 7.5 m              |
| f) Lot Coverage (maximum)                       | 40% of lot area    |
| g) Building Height (maximum)                    | 10.0 m             |

- h) Landscaped Open Space (minimum) All of the front and exterior side yard, excluding driveway
- i) Number of Dwelling Units Per Lot (maximum)
  - ~~i) Single Detached Dwelling~~  
~~1 dwelling unit per lot~~
  - ~~ii) Converted Dwelling~~  
~~2 dwelling units per lot~~

See Number of Residential Buildings per Lot (maximum) in the Residential First Density (R1) zone

#### 15.4 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard “OR” Zone. If a regulation or use is not specified, the permitted uses of subsection 15.2 and the regulations of subsection 15.3 shall apply.

##### 15.4.1 OR-1

Notwithstanding the ‘OR’ zoning designation, those lands delineated as ‘OR-1’ on Schedule ‘A’ to this By-Law may be used in accordance with the permitted uses and the regulations of the ‘OR’ zone contained in this By-Law, excepting however that:

- a) The minimum interior side yard setback shall be no less than 2.4m.

##### 15.4.2 OR-2

Notwithstanding the ‘OR’ zoning designation, those lands delineated as ‘OR-2’ on Schedule ‘A’ to this By-Law may be used in accordance with the permitted uses and the regulations of the ‘OR’ zone contained in this By-Law, excepting however that:

- a) The maximum height shall be no greater than 10.67m;
- b) The minimum interior side yard setback shall be no less than 1.76m as exists on the day of approval;
- c) That parking shall be permitted to continue as exists on the day of approval.

## SECTION 16 COMMERCIAL RECREATION (CR) ZONE

### 16.1 SCOPE

The provisions of this section shall apply in all Commercial Recreation (CR) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 16.2 PERMITTED USES

No person shall within any Commercial Recreation (CR) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following CR Zone uses, namely:

- a) accessory dwelling unit, subject to subsection 16.4.4;
- b) assembly hall;
- c) bait and/or fishing supply stores;
- d) campground, subject to subsection 16.4.3;
- e) commercial recreation establishment;
- f) golf course;
- g) golf course, miniature;
- h) golf driving tee or range;
- i) inn;
- j) lodge;
- k) marina, subject to subsection 16.4.1;
- l) motel;
- m) park, private or public;
- n) place of entertainment;
- o) recreational trailer camp, subject to subsection 16.4.3;
- p) restaurant, not including a drive-through restaurant;
- q) tourist cottage parks, subject to subsection 16.4.2.

### 16.3 REGULATIONS

No person shall, within any Commercial Recreation (CR) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Lot Area (minimum)
  - i) lot with both municipal water and sanitary sewer service 500 m<sup>2</sup>
  - ii) lot with municipal water and/or sanitary sewer service 1,800 m<sup>2</sup>
  - iii) lot with no municipal services available 4,000 m<sup>2</sup>
- b) Lot Frontage (minimum)
  - i) lot with both municipal water and sanitary sewer service 15.0 m

ii)	lot with municipal water and/or sanitary sewer services	30.0 m
iii)	lot with no municipal services available	40.0 m
c)	Front and Exterior Side Yard Depth (minimum)	7.5 m, except lands adjoining Highway 21 the setback shall be 14 m
d)	Interior Side Yard Width (minimum)	5.0 m
e)	Rear Yard Depth (minimum)	10.0 m
f)	Lot Coverage (maximum)	30% of lot area
g)	Building Height (maximum)	10.0 m
h)	Landscaped Open Space (minimum)	20% of lot area

## 16.4 SPECIAL USE REGULATIONS

### 16.4.1 Marina Development

In addition to all other requirements of this By-law, any marina development must contain a minimum of 30 m of frontage on a navigable waterway. No habitable building shall be located within 15 m of an EP Zone boundary. A permit from the appropriate Approval Authority shall be required for any works in or near a watercourse.

### 16.4.2 Provisions for Tourist Cottage Parks

In addition to all other requirements of this By-law, the use of any land, buildings or structures for tourist cottages shall comply with the following provisions:

- a) A minimum of 3 cottages and a maximum of 10 cottages shall be permitted on one lot;
- b) Each cottage shall provide a minimum of 185.8 m<sup>2</sup> of landscaped open space per building;
- c) A separation distance of 5 m is required between any structures or buildings used for human habitation;
- d) A 3 m minimum planting area shall be provided along any side or rear lot line in accordance with the requirements of subsection 3.15.2 (b), (c) and (d) of this By-law shall apply;



- e) The minimum ground floor area per cottage shall be 50 m<sup>2</sup>
- f) The maximum height of a building or structure shall be 6 m
- g) The minimum rear and side yards shall be 3.0 m
- h) The minimum front yard depth shall be 6.0 m
- i) For the purposes of this section, cottage shall mean a suite of rooms for the short term accommodation of people and may include bedrooms, washrooms or kitchen facilities but shall not include a dwelling unit.

#### 16.4.3 Provisions for Campgrounds and Recreational Trailer Camps

- a) Notwithstanding the minimum lot area provisions of the CR Zone, campgrounds and recreational trailer parks shall have a minimum lot area of 1 ha and a minimum lot frontage of 60 m. The minimum lot area for each individual tent or trailer site shall be 235 m<sup>2</sup> and the maximum number of sites per location shall be 300. The minimum side yard and rear yard provision shall be 15 m
- b) The maximum density of campground sites shall not exceed 25 sites per ha
- c) A minimum of 10% of the lot shall be developed for passive recreation purposes.
- d) A landscaped buffer strip at least 1 m in width shall be provided along the side and rear boundaries of each campground site.
- e) Any accessory building, including a detached dwelling, shall be set back a minimum of 10 m from the front lot line, 3 m from any side lot line, 6 m from any exterior side lot line, and 4 m from the rear lot line.
- f) An accessory detached dwelling within an CR zone shall be separated from any campsite by a minimum distance of 15 m and shall be setback a minimum of 15 m from all lot lines.

#### 16.4.4 Accessory Dwelling Unit

One (1) accessory dwelling unit shall be permitted on a lot in the CR Zone, subject to the following regulations;

- a) The dwelling unit(s) shall only be permitted as a secondary and ancillary use to the main permitted use;
- b) The gross floor area of the dwelling unit shall not exceed 25% of the gross floor area of the main building and shall be attached thereto, with exception to a detached dwelling permitted as accessory to recreational trailer camp under subsection 16.4.3.

## 16.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "CR" Zone. If a regulation or use is not specified, the permitted uses of section 16.2 and the regulations of section 16.3 shall apply.

### 16.5.1 CR-1

#### a) Regulations

Notwithstanding the regulations of section 16.3 to the contrary, those lands zoned "CR-1" on Schedule "A" to the By-law shall be used in accordance with the "CR" zone provisions contained in the By-law, excepting however that:

- i) the minimum lot area shall be 5234 m<sup>2</sup>;
- ii) the minimum lot frontage shall be 58.8 m;
- iii) a maximum of ten (10) trailer sites shall be permitted;
- iv) additions of any type (e.g. add-a-rooms) to the trailers on the three (3) trailer sites situated closest to the rear lot line shall be prohibited;
- v) a minimum buffer area of 7.6 m shall be provided along the easterly side lot line, excepting however that this requirement may be reduced in order to allow for one (1) trailer to be situated within 3 m of the easterly side lot line;
- vi) the minimum buffer area adjacent to the existing front lot line shall be 1 m;
- vii) the minimum area of a trailer site shall be 167.22 m<sup>2</sup>;
- viii) the minimum width of a trailer site shall be 9 m;
- ix) the minimum buffer area between each trailer site shall be 1 m;
- x) the minimum side yard for the detached dwelling/administrative office shall be 5 m; and,
- xi) the minimum side yard for the existing maintenance shed shall be 4.57 m.

### 16.5.2 CR-2

- a) Notwithstanding the provisions of section 16.2 and 16.4.2 (a) to the contrary, the permitted uses on lands zoned "CR-2" on Schedule "A" to this By-law shall be limited to a maximum of 18 detached dwellings and shared common grounds maintained as open space, all in accordance with the provisions of subsection 16.3 and 16.4.2 (b) to (g) applicable to tourist cottage parks.

### 16.5.3 CR-3

#### a) Permitted Uses

Notwithstanding the provisions of sections 3.1 and 16.2 of this By-law to the contrary, the permitted uses on lands zoned "CR-3" on Schedule "A" to this By-law shall be limited to the following:

- i) campground;

- ii) uses, buildings and structures accessory to a campground including one (1) accessory detached dwelling, a swimming pool, convenience store, laundromat, and maintenance buildings.

b) Regulations

Notwithstanding the regulations of section 16.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "CR-3" on Schedule "A" to this By-law:

- i) The maximum density of campground sites shall not exceed 25 sites per ha;
- ii) A minimum of 10% of the total lot area shall be developed for passive recreation purposes;
- iii) A buffer strip at least 1 m in width shall be provided along the side and rear boundaries of each campground site and each housekeeping cottage site;
- iv) All campground sites shall have a minimum lot frontage of 15 m;
- v) Each housekeeping cottage site shall provide a minimum of 185.8 m<sup>2</sup> of open space per housekeeping cottage;
- vi) A separation distance of 5 m is required between a housekeeping cottage and any structure or building not used for human habitation;
- vii) No buildings, structures, or development of any type including camping in tents shall be permitted within 30 m of the watercourse;
- viii) For an accessory detached dwelling, the minimum setback from any lot line shall be 7.5 m.

16.5.4 CR-4

- a) Notwithstanding the provisions of section 16.2 to the contrary, lands zoned "CR-4" on Schedule "A" to this By-law may be used in accordance with the permitted uses and zone provisions of the CR Zone contained in this By-law, excepting however that the existing detached dwelling may be permitted.

16.5.5 CR-5

Notwithstanding the 'CR' zoning designation, those lands delineated as 'CR-5' on Schedule 'B' to this by-law may be used in accordance with the permitted uses and zone provisions of the CR Zone contained in this By-law, excepting however that a detached dwelling may be permitted.

16.5.6 CR-6

Notwithstanding the provisions of sections 16.3 and 16.4 of this By-law to the contrary, those lands delineated as "CR-6" on schedule 'A' to this by-law may be used in accordance with the permitted uses and the regulations of the 'CR' zone contained in this By-law, excepting however that:

- (i) An accessory dwelling shall be prohibited; and,

- (ii) The permitted yard set-backs for the existing recreational trailer camp, including setbacks for accessory buildings or structures, are those setbacks that existing on the date of passing of this By-law. Any new development on lands zoned 'CR-6' shall comply with the provisions of sections 16.3 and 16.4 of this By-law.

#### 16.5.7 CR-7

Notwithstanding the provisions of Sections 16.2 and 16.3 to the contrary, on lands zoned "CR-7" on Schedule 'A' to this By-law:

- (i) Permitted uses shall be limited to the following:
  - a. the renting and/or retailing of kayaks, canoes, related accessories, apparel, and other goods typically found in an outfitters store including paddle boards, surfboards, fishing equipment, camping equipment and bicycles;
  - b. a detached dwelling;
  - c. an inn, with a maximum of eight guest rooms;
  - d. uses, buildings and structures accessory to a detached dwelling.
- (ii) A minimum front yard setback of 4.22 m for the existing development shall be permitted. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of the Zoning By-law.

## SECTION 17 LIGHT INDUSTRIAL (LI) ZONE

### 17.1 SCOPE

The provisions of this section shall apply in all Light Industrial (LI) Zones except as otherwise provided in the Special Provisions subsection of this section. LI Zones are intended for lots with municipal water and sanitary sewer services.

### 17.2 PERMITTED USES

No person shall within any Light Industrial (LI) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following LI Zone uses, namely:

- a) Accessory retail store in accordance with Section 17.3
- b) automobile repair establishment
- c) bakery;
- d) brewing on premises establishment;
- e) bulk sales establishment;
- f) fuel storage;
- g) industry, non-effluent producing;
- h) office;
- i) printing establishment;
- j) recreational vehicle repair establishment
- k) tractor trailer repair establishment
- l) repair and rental establishment;
- m) service establishment;
- n) trade retail establishment;
- o) veterinarian clinic;
- p) warehouse;
- q) warehouse, public self-storage;
- r) wholesale use
- s) pest control establishment
- t) school bus storage
- u) automobile body shop

### 17.3 REGULATIONS

No person shall, within any Light Industrial (LI) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                      |
|---|----------------------|
| a) Lot Area (minimum)                           | 2,000 m <sup>2</sup> |
| b) Lot Frontage (minimum)                       | 30.0 m               |
| c) Front and Exterior Side Yard Depth (minimum) |                      |
| i) zone boundary abuts an Industrial Zone       | 15.0 m               |

ii)	all other cases	18.0 m
d)	Interior Side Yard Width (minimum)	
i)	side yard abuts an Industrial Zone	6.0 m
ii)	all other cases	18.0 m
e)	Rear Yard Depth (minimum)	
i)	rear yard abuts an Industrial Zone	10.0 m
ii)	all other cases	18.0 m
f)	Lot Coverage (maximum)	50% of lot area;
g)	Building Height (maximum)	12.0 m
h)	Landscaped Open Space (minimum)	10% of lot area;
i)	Open Storage (maximum)	25% of lot area.
j)	Minimum Gross Floor Area	300 m <sup>2</sup>
k)	Not more than 10% of the gross floor area devoted to the main use may be used as an accessory retail store	

#### 17.4 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "LI" Zone. If a regulation or use is not specified, the permitted uses of section 17.2 and the regulations of section 17.3 shall apply.

##### 17.4.1 LI-1

Notwithstanding the provisions of section 17.2 to the contrary, lands zoned "LI-1" on Schedule "A" to this By-law shall be used only for the purposes of a warehouse and/or existing uses.

##### 17.4.2 LI-2

Notwithstanding the provisions of section 17.2 to the contrary, the permitted uses on lands zoned "LI-2" on Schedule "A" to this By-law may include an existing assembly hall or private club in addition to the uses permitted in the LI Zone.

##### 17.4.3 LI-3

Notwithstanding the provisions of section 17.2 of this By-law to the contrary, lands zoned as "LI-3" on Schedule "A" to this By-law may be used for a motel and shall be subject to site plan control.

#### 17.4.4 LI-4

Notwithstanding the provisions of section 17.2 of this By-law to the contrary, lands zoned as "LI-4" on Schedule "A" to this By-law may include a 'Recreational Vehicle Sales Establishment'.

#### 17.4.5 L1-5

Notwithstanding the 'L1' zoning designation, those lands delineated as 'L1-5' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'L1' zone contained in this By-law, excepting however that:

- (i) A 'Personal Training Studio' shall be a permitted use;
- (ii) For the purposes of this By-law, a 'Personal Training Studio' shall be defined as a facility where personal training and group exercise classes are administered, and includes accessory office space as well as the sale of goods related to the permitted use.
- (iii) Notwithstanding Section 17.3 the Front and Exterior Side Yard Depth (minimum) shall be no less than as existed on the date of passage of the By-law.

#### 17.4.6 L1-6

Notwithstanding the 'LI' zoning designation, those lands delineated as 'T-LI on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'LI' zone contained in this By-Law, excepting however that:

- (i) A 'Day Nursery' shall also be a permitted use. Notwithstanding the definition in the Zoning By-law, for the purposes of this By-law, 'Day Nursery' shall mean a place that receives for temporary custody for a continuous period not exceeding six (6) hours, more than five (5) children under ten (10) years of age who may be of common parentage.
- (ii) Permitted 'LI' uses on the ground floor of the existing building shall be limited to the following while a 'Day Nursery' is located on the second floor of the existing building:
  - 1. Industry, non-effluent producing as exists on the day of passage of the By-law
  - 2. Office
  - 3. Office, support
  - 4. Printing establishment
  - 5. Repair and rental establishment
  - 6. Service establishment
  - 7. Trade retail establishment
  - 8. Warehouse
  - 9. Warehouse, public self-storage
  - 10. Wholesale use
- (iii) The Council of the Corporation of the Town of Saugeen Shores may require the owner of the subject lands to enter into an Agreement with the Municipality;
- (iv) The period of time for which this By-law shall be in effect, shall not exceed three

(3) years from the day of the passing of the By-law (that being the 25<sup>th</sup> day of June, 2015) or sooner should the occupant no longer require the temporary use on-site.

#### 17.4.7 LI-7

Notwithstanding the 'LI' zoning designation, those lands delineated as 'LI-7' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'LI' zone contained in this By-Law, excepting however that:

- (i) A 'Towing Business' may also be a permitted use. The Towing Business may include a towing dispatch office, a tow truck garage and warehouse; an outdoor parking area; and, a fenced area for the short term storage of temporarily impounded vehicles. Indoor storage of equipment and materials is permitted, and may include equipment for the tow trucks; cleaning equipment/supplies for the tow trucks; extra safety-related equipment; floodlights; office equipment, supplies and archival storage; radio equipment for the dispatch system; uniforms, coveralls, and protective clothing for drivers; and, impounded vehicles that cannot be stored outside.
- (ii) Repairs, service and sales of automobiles and commercial motor vehicles is not a permitted use.
- (iii) The lands are subject to site plan control.
- (iv) Notwithstanding the 'Open Storage' regulations of Section 3.22.1, a solid privacy fence shall be constructed.

#### 17.4.8 LI-8

Notwithstanding the 'LI' zoning designation, those lands delineated as 'LI-8' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'LI' Zone contained in this By-law, excepting however that:

- (i) Permitted uses shall include a retail outlet for the sale of donated furniture, building supplies and other household goods; and, for the collection of electronic waste, scrap metal and other recyclable materials.
- (ii) Notwithstanding Section 3.22 Open Storage, Open Storage shall be limited to a maximum of three (3) storage containers and one (1) garbage disposal bin, and may be permitted in the front yard; the minimum front yard setback requirement shall be no less than 15.0 m.
- (iii) Notwithstanding Section 3.22 Open Storage, storage containers shall be visually screened on all sides with a wood screening fence or other similar type of fencing that achieves the same objective, and may include a gate.
- (iv) Notwithstanding Section 3.22 Open Storage, storage containers shall be located entirely over a hard surfacing such as asphalt, or other surfacing that achieves the same objective.

#### 17.4.9 LI-9

Notwithstanding the 'LI' zoning designation, those lands delineated as 'LI-9' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'R1' zone contained in this By-law, excepting however that:



- i. School Bus Storage is also a permitted use.
- ii. That the lands be subject to Site Plan Control and that the Site Plan Agreement include:
  - a. That a vegetated buffer of 4 metres be included along the property line adjacent to a residential zone;
  - b. That a site grading and drainage plan be completed to the satisfaction of the Town and the Saugeen Valley Conservation Authority, for any major site alteration.
  - c. That all parking/development be located no less than 120 metres from the watercourse, or if located closer, that an EIS be prepared demonstrating no negative impact on fish habitat.
  - d. That the Site Plan Agreement be implemented on a phased basis.

## SECTION 18 EXTRACTIVE INDUSTRIAL (EX) ZONE

### 18.1 SCOPE

The provisions of this section shall apply in all Extractive Industrial (EX) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 18.2 PERMITTED USES

No person shall within any Extractive Industrial (EX) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following EX Zone uses, namely:

- a) crushing plant;
- b) pit;
- c) quarry;
- d) wayside pit or quarry;
- e) stockpiling of aggregate material;
- f) mineral aggregate operation;
- g) agricultural use.

### 18.3 REGULATIONS

No person shall, within any Extractive Industrial (EX) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                  |
|---|------------------|
| a) Lot Area (minimum)                           | 1 ha             |
| b) Lot Frontage (minimum)                       | 30.0 m           |
| c) Front and Exterior Side Yard Depth (minimum) | 30.0 m           |
| d) Interior Side Yard Width (minimum)           | 15.0 m           |
| e) Rear Yard Depth (minimum)                    | 15.0 m           |
| f) Landscaped Open Space (minimum)              | 10% of lot area; |
| g) Height (maximum)                             | 10.0 m           |

### 18.4 SPECIAL REGULATIONS

- a) The maximum height for any conveyors or similar accessory machinery shall be 25 m
- b) No part of any excavation for a gravel pit or stone quarry shall be located closer than:
  - i) 30 m to any street line;

- ii) 30 m to the boundary of any Residential Zone;
- c) Where an interior lot line in an EX Zone abuts land held in separate ownership but is also zoned EX, no setback from the common lot line shall be required.
- d) Every face of a gravel pit or stone quarry that is excavated to the limit established by clause (b) above shall be sloped from that limit no less than 45 degrees off horizontal.
- e) Except for entrances and exits, planting areas having a minimum width of 15 m shall be provided and shall consist of a dense screen of shrubs and evergreen trees having a minimum height of one m when planted and of a type that will attain an minimum height of 6 m at maturity and will provide a year round visual barrier, shall be planted and maintained along any street lot line or any lot line abutting any Residential Zone.

## 18.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard “EX” Zone. If a regulation or use is not specified, the permitted uses of subsection 18.2 and the regulations of subsection 18.3 shall apply.

### 18.5.1 EX-1

#### a) Permitted Uses

The following uses are permitted on lands zoned “EX-1” on Schedule “A” to this By-law in addition to the uses specified in section 20.2:

- i) Batching plant.

#### b) Regulations

- i) The minimum setback for a batching plant and accessory buildings and structures shall be 30 m from all lot lines;
- ii) The maximum height for a batching plant and accessory buildings and structures shall be 20 m

### 18.5.2 EX-2

- a) Notwithstanding the provisions of section 18.2 to the contrary, lands zoned “EX-2” on Schedule “A” to this By-law may be used for a pit licensed per the Aggregate Resources Act, in accordance with the “EX” zone provisions, excepting however that the area to be extracted shall not exceed 9.9 ha

### 18.5.3 EX-3

- a) Notwithstanding the provisions of section 18.2 to the contrary, lands zoned “EX-3” on Schedule “A” to this By-law shall be used only for the purposes of parking, repairing and re-fuelling of machinery and trucks used in the gravel extraction operation permitted per the “EX-2” zone.

FOR REVIEW

## SECTION 19 WASTE DISPOSAL (WD) ZONE

### 19.1 SCOPE

The provisions of this section shall apply in all Waste Disposal (WD) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 19.2 PERMITTED USES

No person shall within any Waste Disposal (WD) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following WD Zone uses, namely:

- a) recycling depot;
- b) recycling facility;
- c) waste disposal site.

### 19.3 REGULATIONS

No person shall, within any Waste Disposal (WD) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Lot Area (minimum) 4 ha
- b) Lot Frontage (minimum) 20.0 m
- c) Front and Exterior Side Yard Depth (minimum) 15.0 m
- d) Interior Side Yard Width (minimum) 15.0 m
- e) Rear Yard Depth (minimum) 15.0 m
- f) Lot Coverage (maximum) 1% of lot area;
- g) Height (maximum) 10.0 m

### 19.4 SPECIAL REGULATIONS

#### 19.4.1 Additional Buffers and Setbacks Required

- a) A year-round visual barrier consisting of planting areas having a minimum width of 15 m and consisting of a dense screen of shrubs and evergreen trees, with a minimum height of 1 m when planted and 6 m at maturity, shall be planted and maintained along any street lot line and along any lot line abutting any Residential Zone.
- b) The minimum setback for any area used for the dumping or disposal of any waste shall be 30 m from all lot lines.

## 19.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard “WD” Zone. If a regulation or use is not specified, the permitted uses of section 19.2 and the regulations of section 19.3 shall apply.

### 19.5.1 WD-1

#### a) Permitted Uses

Notwithstanding the provisions of section 19.2 to the contrary, the permitted uses on lands zoned “WD-1” on Schedule “A” to this By-law shall be limited to a recycling facility.

#### b) Regulations

Notwithstanding the provisions of section 19.3 to the contrary, the following regulations shall apply to lands zoned “WD-1” on Schedule “A” to this By-law:

- i) Lot coverage (maximum) 2.7% of lot area;
- ii) The minimum setback for any dumping, disposal or storage shall be 30 m from any lot line.

### 19.5.2 WD-2

#### a) Permitted Uses

Notwithstanding the provisions of section 19.2 to the contrary, the permitted uses on lands zoned “WD-2” on Schedule ‘A’ to this By-law shall be limited to:

- i) recycling depot;
- ii) recycling facility;
- iii) waste receiving and transfer but shall not include waste disposal.

#### b) Regulations

Notwithstanding the provisions of section 19.3 to the contrary, the following regulations shall apply to lands zoned “WD-2” on Schedule ‘A’ to this By-law:

- i) The maximum lot coverage shall be 10% of the lot area;
- ii) The minimum setback for any dumping, disposal or storage shall be 30 m from any lot line.

## SECTION 20 INSTITUTIONAL (I) ZONE

### 20.1 SCOPE

The provisions of this section shall apply in all Institutional (I) Zones except as otherwise provided in the Special Provisions subsection of this section. Institutional Zones are intended for lots with municipal water and sanitary sewer services, except as otherwise provided in subsection 20.4.1.

### 20.2 PERMITTED USES

No person shall within any Institutional (I) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following I Zone uses, namely:

- a) assembly hall;
- b) cemetery;
- c) community centre;
- d) continuum-of-care facility;
- e) child care centre;
- f) emergency care establishment;
- g) funeral home;
- h) group home type 2;
- i) health care clinic;
- j) home for the aged;
- k) institutional use;
- l) museum;
- m) nursing home;
- n) place of worship;
- o) public buildings and uses;
- p) private club;
- q) public park;
- r) retirement home/lodge;
- s) school, commercial;
- t) school, elementary (public);
- u) school, music;
- v) school, secondary (public);
- w) home-based child care (limited to legally existing single detached and semi-detached dwellings);
- x) unlicensed child care (limited to legally existing single detached and semi-detached dwellings);
- y) small-scale commercial office (rental).<sup>3</sup>

### 20.3 REGULATIONS

No person shall, within any Institutional (I) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Lot Area (minimum) 550 m<sup>2</sup>

- b) Lot Frontage (minimum) 15 m
- c) Front and Exterior Side Yard Depth (minimum) 7.5 m
- d) Interior Side Yard Width (minimum) 5.0 m
- e) Rear Yard Depth (minimum) 10.0 m
- f) Lot Coverage (maximum) 30% of lot area
- g) Building Height (maximum) 10.0 m
- h) Landscaped Open Space (minimum) 25% of lot area

**20.4 SPECIAL USE REGULATIONS**

**20.4.1 Existing Un-serviced or Partially Serviced I Lots**

- a) Notwithstanding the requirements for full municipal servicing in the I Zone, existing lots zoned as “I” on Schedule “A” hereto that are not serviced by full municipal water and sanitary sewer services may be used in accordance with the permitted uses of subsection 20.2, and existing un-serviced or partially serviced buildings may be altered, enlarged or reconstructed in accordance with the following Zone regulations:

	Lots with no municipal services available	Lots with municipal water service only	Lots with municipal sewer service only
i) Lot Area (minimum)	4,000 m <sup>2</sup>	1,800 m <sup>2</sup>	1,800 m <sup>2</sup>
ii) Lot Frontage (minimum)	40.0 m	30.0 m	30.0 m

- b) The remaining regulations of subsection 20.3 shall apply.
- c) The provisions of this section shall only apply to permit the use of existing un-serviced or partially serviced lots for a permitted I Zone use and not to the creation of new lots for residential uses which shall only be permitted where full municipal services are available or where a holding provision is applied to the lot requiring the provision of municipal services prior to development.
- d) All other requirements of this By-law and other required Municipal permits and/or appropriate Approval Authority permits for sewer or septic and/or water connections/wells shall apply.



## 20.4.2 Community Events

- a) Community events and special events may be permitted in the Institutional (I) Zone from time to time, provided such event has been licensed or authorized by the Town of Saugeen Shores.

## 20.5 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "I" Zone. If a regulation or use is not specified, the permitted uses of subsection 20.2 and the regulations of subsection 20.3 shall apply.

### 20.5.1 I-1

#### a) Permitted Uses

- i) Notwithstanding the "I" zoning designation, the lands delineated as h I-1 on Schedule "A" may be used in accordance with the permitted uses and the zone provisions of the "I" zone contained in this By-Law, excepting however that:
  - 1. "Labour Union Education Centre" shall be permitted in accordance with the "I" provisions contained in this By-Law, except however that:
- ii) The minimum lot area shall be 15 ha; and
- iii) The minimum lot frontage shall be 152 m.
- iv) A Commercial Wind Generating System (CWGS) consisting of no more than one (1) Wind Generating System shall also be permitted.
- v) The Commercial Wind Generating System shall be located within 8 m of the UTM WGS84 Zone 17 East 457,335 North 4,919,406.
- vi) The Maximum Total WGS Height shall not exceed 100 m.
- vii) No advertising signs or logos shall be permitted on any WGE.
- viii) Notwithstanding any other provision of this By-Law, new habitable buildings or structures shall not be permitted on the land located east of the area zoned 'Environmental Protection – EP' as shown on Schedule "A" to this by-law. All other buildings or structures within the I-1 zone shall be setback from the Commercial Wind Generating System in accordance with the Ministry of the Environment Guidelines for Noise Assessment in Land Use Planning.
- (ix) The following definitions shall apply to lands zone I-1:
  - 1. "Labour Union Education Centre" means a centre which provides facilities for such purposes as meetings for civic, educational, political or social purposes and may include assembly halls, administrative offices, overnight accommodations and recreational uses. Overnight accommodation shall not include the use of the property for the purpose of accommodating the traveling public.
  - 2. "Commercial Wind Generating System" means a Wind Generating system (WGS) that singly or collectively produces more than a total of 40 kilowatts (KW) based in "nameplate rating capacity" and are connected to the provincial transmission grid.
  - 3. "Wind Generating System" means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

4. "Wind Generation System Accessory Facilities" means those facilities, equipment, machinery, and other devices necessary to the proper operation and maintenance of a wind energy conversion system, including access roads, collector and feeder lines, and substations.
  5. "Maximum Total WGS Height" means for the purposes of establishing setbacks, the height measured from the average grade to the centre of the hub. The total height for all other purposes shall include the uppermost extension of any blade.
- (x) The "h" holding provision may be removed once the following conditions have been met:
1. An "Operational Protocol" for dealing with extreme weather conditions to include potential icing and high wind situations has been filed with the Town of Saugeen Shores.
  2. A Site Plan Agreement under Section 41(7) of the Planning Act has been registered as per Section 41(10) of the Planning Act.
  3. That any turbines to be erected obtain "type certification/type certificate" from a certified approval body indicating conformity with provincial, national or international standards, and
  4. Detailed construction drawings of the turbine foundations have been filed with the Town of Saugeen Shores and that the turbine foundations have been designed and certified by a professional engineer who holds a license or temporary license under the Professional Engineers Act of Ontario.

20.5.1 I-2

- a) Notwithstanding the provisions of section 20.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "I-2" on Schedule "A" to this By-law:
- i) The minimum lot area shall be 2,766.56 m<sup>2</sup>;
  - ii) The minimum front yard setback shall be the front yard setback existing as of November 11, 2002;
  - iii) The minimum setback from the centre line of County Road #3 shall be the setback existing as of November 11, 2002.

20.5.2 I-3

Notwithstanding the provisions of section 20.2 of this By-law to the contrary, the permitted uses on lands zoned "I-3" on Schedule "A" to this By-law shall be limited to a parking lot. A Site Plan Control Agreement shall be entered into with the Town of Saugeen Shores.

#### 20.5.4 I-4

Notwithstanding the 'I' zoning designation, those lands delineated as 'I-4' on Schedule 'A' to this by-law may only be used as a 'child care centre' and accessory buildings, structures or uses in accordance with the zone provisions of the 'I' zone contained in this By-law. The following definition shall apply:

**CHILD CARE CENTRE AND ADMINISTRATION OFFICE:** means a place that receives for temporary custody of a continuous period not exceeding twenty-four (24) hours, more than five (5) children under ten (10) years of age not of common parentage, and that is not part of any school, and may include an administration and/or information office that provides various programs and/or services to parents and children, either as the principal use or as an accessory use.

#### 20.5.5 I-5-H

Notwithstanding the 'I' zoning designation, those lands delineated as 'I-5-H' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'I' zone contained in this By-Law, excepting however that:

- (i) Permitted uses shall be limited to a Christian Counselling Centre, an administration office, a 'Shop Program', overnight camping, residential uses, a 'mechanical shop', and animal shelters.
  - a. For the purposes of this By-law, the 'Shop Program' includes the construction of garden sheds and other related items. The finished products are available for off-site sale to the public; limited sales are permitted on-site;
  - b. The mechanical shop is limited to the maintenance and repair of personal and Eagle Wings Discipleship Ministries-related vehicles;
  - c. Overnight camping is limited to program participants and staff;
  - d. Residential uses are permitted in single detached dwellings, seasonal cabins and dormitories. A maximum of two (2) single detached dwellings and one (1) dormitory are permitted, for the purpose of housing staff and/or program participants;
  - e. All structures shall comply with the MDS requirements;
  - f. For the purposes of this By-law, the 'front lot line' shall be considered the easterly extent of the 'I-5' zone;
  - g. Notwithstanding Section 20.3 Regulations, the following shall apply:
    - i. The lot area shall be no greater than 1.0 ha;
    - ii. The minimum lot frontage shall be no less than 15.0 m;
    - iii. The minimum front, side and rear yard setbacks shall be no less than as exist as of the date of passage of the By-law;
    - iv. The maximum lot coverage shall be no greater than exists as of the date of passage of the By-law;
    - v. The maximum building height shall be no greater than as exists as of the date of passage of the By-law.
- (ii) The 'H – holding' symbol shall be lifted once the following conditions have been met:

- a. Building permits shall be obtained for all existing structures, to the satisfaction of the municipal Chief Building Official;
- b. Septic approvals shall be obtained for all existing septic systems, to the satisfaction of the appropriate Approval Authority;
- c. Should permits not be obtained, existing structures shall be removed and existing systems shall be decommissioned, to the satisfaction of the appropriate Approval Authority.

20.5.6 I-6

Notwithstanding the 'I' zoning designation, those lands delineated as 'I-6' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'I' zone contained in this By-law, excepting however that:

- a) The maximum lot coverage shall not exceed 30.5%;
- b) The minimum setback from the Grey Street road allowance shall be no less than 3.66 m;
- c) The lands are subject to site plan control.
- d) Sections 3.15.1 Landscaped Open Space and 3.15.2 Planting Strips do not apply to the side yard abutting Grey Street road allowance.

20.5.7 I-7

Notwithstanding the 'I' zoning designation, those lands delineated as 'I-7' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'I' zone contained in this By-law, excepting however that:

- a) The permitted uses shall be limited to a parking lot;
- b) Section 20.3 h) Landscaped Open Space (minimum) shall not apply;
- c) Notwithstanding Sections 3.15.1 Landscaped Open Space and 3.15.2 Planting Strips, the minimum width shall be no less than 1.045 m;
- d) The lands are subject to site plan control.

20.5.8 I-8

Notwithstanding the 'I' zoning designation, those lands delineated as 'I-8' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of 'I' zone contained in this By-law, excepting however that:

- a) Permitted uses shall include a food store, personal service shop, convenience store, restaurant, or office;
- b) The minimum number of required parking spaces shall be 6;
- c) The minimum interior side yard width shall be 3.6 m
- d) The minimum front yard depth shall be 5.4 m;
- e) The minimum exterior side yard depth shall be 3.5 m.

## SECTION 21 OPEN SPACE (OS) ZONE

### 21.1 SCOPE

The provisions of this section shall apply in all Open Space (OS) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 21.2 PERMITTED USES

No person shall within any Open Space (OS) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following OS Zone uses, namely:

- a) conservation use;
- b) forestry use;
- c) golf course;
- d) open space;
- e) public park;
- f) wildlife preserve;
- g) works of a Conservation Authority.

### 21.3 REGULATIONS

No person shall, within any Open Space (OS) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                  |
|---|------------------|
| a) Lot Area (minimum)                           | No Minimum;      |
| b) Lot Frontage (minimum)                       | No Minimum;      |
| c) Front and Exterior Side Yard Depth (minimum) | 15.0 m           |
| d) Interior Side Yard Width (minimum)           | 15.0 m           |
| e) Rear Yard Depth (minimum)                    | 15.0 m           |
| f) Lot Coverage (maximum)                       | 25% of lot area; |
| g) Building Height (maximum)                    | 10.0 m           |
| h) Landscaped Open Space (minimum)              | 10% of lot area. |

### 21.4 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "OS" Zone. If a regulation or use is not specified, the permitted uses of section 21.2 and the regulations of section 21.3 shall apply.

#### 21.4.1 OS-1

##### a) Permitted Uses

In addition to those uses permitted in section 21.2, the permitted uses on lands zoned “OS-1” on Schedule “A” to this By-law shall include a restaurant, recreational facilities, boat and bicycle rentals, and a boat clubhouse leased by the Town of Saugeen Shores or the Federal Government and any accessory retail facilities existing on the date of passing of this By-law. Community events and special events may be permitted from time to time, provided such event has been licensed or authorized by the Town of Saugeen Shores.

#### 21.4.2 OS-2

##### a) Permitted Uses

In addition to those uses permitted in section 21.2, the permitted uses on lands zoned “OS-2” on Schedule “A” to this By-law shall include any campgrounds owned and operated by a public authority on the date of passing of this By-law. However, any expansion of such campgrounds shall conform to the provisions of section 16 for the “CR” Zone.

#### 21.4.3 OS-3

##### a) Permitted Uses

Notwithstanding the provisions of section 21.2 to the contrary, lands zoned “OS-3” on Schedule “A” to this By-law may be used in accordance with the “OS” zone provisions contained in this By-law excepting however that the lands shall be left in their natural state. Filling, clearing or alterations within the zone shall be prohibited, unless a subdivider’s agreement has been entered into with the Town of Saugeen Shores, with the agreement including a detailed site development plan and lot grading and drainage provisions, approved by the Saugeen Valley Conservation Authority.

#### 21.4.4 OS-4

##### a) Permitted Uses

Notwithstanding the provisions of section 21.2 of this By-law to the contrary, the permitted uses on lands zoned “OS-4” on Schedule “A” to this By-law shall be limited to the following:

- i) fitness centre and accessory uses, buildings and structures;
- ii) retail store;
- iii) office for a health care professional, but not including a doctor, dentist, optometrist, or orthodontist;
- iv) a meeting room;
- v) washrooms;

- vi) kitchen;
- vii) storage space.

b) Regulations

Notwithstanding the provisions of section 21.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "OS-4" on Schedule "A" to this By-law:

- i) The maximum floor area of the building shall be 374 m<sup>2</sup>;
- ii) The minimum lot area shall be 0.32 ha;
- iii) The minimum building setback shall be 6 m along the southern lot boundary;
- iv) The maximum lot coverage shall be 11.56%;
- v) A fence having a maximum height of 1.8 m shall be provided along the western and eastern lot lines, in addition to the required landscaped area having a minimum width of 3 m .

21.4.5 OS-5

a) Permitted Uses

Notwithstanding the provisions of section 21.2 of this By-law to the contrary, the permitted uses on lands zoned "OS-5" on Schedule "A" to this By-law shall include:

- i) municipal airport;
- ii) aircraft hangar;
- iii) accessory uses, buildings and structures including a fuel pump island, maintenance garage, open storage area, parking lot, warehouse, restaurant and business office.

b) Regulations

Notwithstanding the regulations of section 21.3 of this By-law to the contrary, the following regulations shall apply to lands zoned "OS-5" on Schedule "A" to this By-law:

- i) The minimum lot frontage shall be 30 m
- ii) The minimum building setback shall be 5 m from any lot line
- iii) The minimum setback for parking areas shall be 3 m to any lot line,
- iv) No part of any fuel pump shall be located closer than 30 m to any lot line and any area used for the storage of combustible materials (e.g. fuels, etc.) shall be setback a minimum of 30 m to any lot line;
- v) No open storage areas shall be permitted in a front yard or exterior side yard. Open storage areas are permitted in a rear yard or side yard, provided the yard does not abut a Residential Zone, and further provided that permitted open storage areas shall be screened from view from adjacent lots by a wall or fence having a minimum height of 2 m and constructed of uniform material.

21.4.6 OS-6

Notwithstanding the 'OS' zoning designation, those lands delineated as 'OS-6' on

Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'OS' zone contained in this By-Law, excepting however that:

- (i) The minimum lot area shall be no less than 116.149 ha (287 ac).

#### 21.4.7 OS-7

Notwithstanding the 'OS' zoning designation, those lands delineated as 'OS-7' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'OS' zone contained in this By-Law, excepting however that:

- i. The lands shall develop in accordance with a registered Subdivision Agreement, and may be subject to site plan control.
- ii. In addition to a golf course, permitted uses and structures may include accessory uses normally associated with a golf course, such as a clubhouse, restaurant, pro shop, driving range, maintenance facilities, parking areas, pumping stations, and a stormwater management pond.
- iii. Notwithstanding the definition of "Lot", the parcel of land south of the 'Rail Trail' in the southwest portion of the land holding shall be considered a contiguous parcel of land under one ownership, having frontage on a Class 1 Municipal street.

#### 21.4.8 OS-8

Notwithstanding the 'OS' zoning designation, those lands delineated as 'OS-8' on Schedule A to this By-law may be used in accordance with the permitted uses and the regulations of the 'OS' zone contained in this by-law, excepting however that:

- i. A sports field complex is permitted
- ii. 'Public Use' and 'Public Utility' uses are permitted, including Public Works use



## **SECTION 22 ENVIRONMENTAL PROTECTION (EP) ZONE**

### **22.1 SCOPE**

The provisions of this section shall apply in all Environmental Protection (EP) Zones except as otherwise provided in the Special Provisions subsection of this section.

### **22.2 PERMITTED USES**

No person shall within any Environmental Protection (EP) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following EP Zone uses, namely:

- a) boat dock or ramp;
- b) conservation use;
- c) existing agricultural use;
- d) wildlife preserve;
- e) works of a Conservation Authority.

### **22.3 REGULATIONS**

No person shall, within any Environmental Protection (EP) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Other than buildings and structures existing at the date of passing of this By-law, no buildings or structures are permitted unless for flood control purposes and/or in accordance with the regulations of the Conservation Authority or other appropriate Approval Authority. Boat ramps and docks shall require the approval of the Conservation Authority.

Note: (the following text does not form part of this By-law and is provided for information purposes only)  
*Some of the lands within the Environmental Protection Zone on Schedule "A" to this By-law may be subject to the Saugeen Valley Conservation Authority's Ontario Regulation No. 169/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Where development or site works are proposed within a Regulated Area, as shown on schedules filed with the Conservation Authority where such mapping exists, a permit from the Conservation Authority may be required. The SVCA should be contacted to determine the extent of the Regulated Area. The SVCA should be consulted before development, including construction, conversion, grading, filling or excavating occurs to determine whether the Authority Regulations apply.*

### **22.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "EP" Zone. If a regulation or use is not specified, the permitted uses of subsection 22.2 and the regulations of subsection 22.3 shall apply.

#### 22.4.1 EP-1

- a) Notwithstanding the provisions of subsection 22.2 and 22.3 of this By-law to the contrary, permitted uses on lands zoned “EP-1” on Schedule “A” to this By-law shall include a golf course on the tablelands east of the Mill Creek valley and specific portions of the gully, provided that no buildings or structures shall be permitted, and the development is in accordance with the terms and conditions set out in the Site Plan Agreement.

#### 22.4.2 EP-2

- a) Notwithstanding the provisions of section 22.2 and 22.3 of this By-law to the contrary, lands zoned as “EP-2” on Schedule “A” to this By-law may be used for residential purposes in accordance with section 7 of this By-law if written approval regarding site-specific requirements is obtained from the appropriate Approval Authority prior to any filling, grading or other site alteration or building permits being issued.

#### 22.4.3 EP-3

- a) Permitted Uses

Notwithstanding the provisions of section 22.2 of this By-law to the contrary, the permitted uses on lands zoned as “EP-3” on Schedule “A” to this By-law may include the following uses on the lowest floor level:

- i) workshop;
- ii) storage;
- iii) laundry facilities.

- b) Regulations

Notwithstanding the regulations of section 22.3 of this By-law to the contrary, the following regulations shall apply to lands zoned “EP-3” on Schedule “A” to this By-law:

- i) The finished grade around the entire perimeter of the house shall be no lower in elevation than 178.50 m G.S.C.;
- ii) The finished grade shall extend out from the foundation wall a horizontal distance of at least 2 m . The finished grade shall slope away from the foundation to allow for surface drainage. The finished grade at all property boundaries shall match existing grades;
- iii) All foundation walls, and down to the footing, shall be waterproofed with a waterproof membrane;
- iv) A sump pump shall be installed;
- v) A doorway shall be permitted on the lakeside where there is an existing gap in the concrete block wall and it shall have an exterior door well up to a height or 178.50 m G.S.C.;
- vi) A door entrance on the northeast side of the basement shall be permitted provided the doorsill is no lower than 178.50 m G.S.C.;

- vii) One deck on the southwest side (5.79 m) and a second deck on the north side (4.88m) shall be permitted;
- viii) The local Benchmark to be used for this site is the top of the concrete block foundation which is at an elevation of 178.56 m G.S.C.

#### 22.4.4 EP-4

- a) Notwithstanding the provisions of sections 22.2 and 22.3 of this By-law to the contrary, lands zoned “EP-4” on Schedule “A” to this By-law shall remain in a natural and undisturbed state where filling, excavating or re-grading shall be prohibited.

#### 22.4.5 EP-5

- a) Notwithstanding the provisions of sections 22.2 and 22.3 of this By-law to the contrary, the permitted uses on lands zoned “EP-5” on Schedule “A” to this By-law shall include “camping in tents” provided that no buildings or structures or development including tent camping shall occur within 30 m of the watercourse.

#### 22.4.6 EP-6

- a) Notwithstanding the provisions of section 22.2 and 22.3 of this By-law to the contrary, the permitted uses on lands zoned “EP-6” on Schedule “A” to this By-law shall include stormwater management facilities, storm drains and other municipal infrastructure functions including walkways, hydro transmission. Notwithstanding subsection 3.27.4 of this By-law, the required setbacks from a watercourse shall not apply to the lands zoned as “EP-6”.

#### 22.4.7 EP-7

- a) Notwithstanding the provisions of sections 22.2 and 22.3 of this By-law to the contrary, the permitted uses on lands zoned “EP-7” on Schedule “A” to this By-law shall include:
  - i) a single detached garage with a maximum floor area of 28.6 m<sup>2</sup> , and
  - ii) a single detached shed with a maximum floor area of 17.3 m<sup>2</sup> provided the minimum side yard setback on the west side shall be 0.83 m.

#### 22.4.8 EP-8

Those lands delineated as ‘EP-8’ on Schedule ‘A’ to this By-Law may be used in accordance with the permitted uses and the regulations of the ‘EP’ zone contained in this By-Law, except that:

- (i) Permitted uses shall include public lavatories and a parking area.

#### 22.4.9 EP-9

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-9' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- (i) Lands shall remain in a natural and undisturbed state, where development, excavation, filling, or grading are prohibited.

#### 22.4.10 EP-10

Notwithstanding the "EP" zoning designation, those lands delineated as "EP-10" on Schedule A to this by-law may be used in accordance with the permitted uses and the regulations of the EP zone contained in this by-law excepting however that:

- (i) No development, filling, grading or excavation works for the dwellings or septic treatment area shall occur within this buffer zone, which shall be maintained in a natural state and undisturbed state.

#### 22.4.11 EP-11

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-11' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Lands shall remain in a natural and undisturbed state where vegetation removal and site alteration along the valley slope shall be prohibited.

#### 22.4.12 EP-12

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-12' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Any development or alteration on the subject property will require a permit in accordance with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06);
- ii. Vegetation removal is to be kept to a minimum. No filling, excavation or re-grading will be permitted except as necessary and approved by the SVCA.

#### 22.4.13 EP-13

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-13' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. A 'Restaurant' may also be a permitted use within the existing one-storey commercial building, provided this building is not increased in size or used for any type of residential accommodation;
- ii. All remaining 'EP' lands shall remain in a natural and undisturbed state, where filling, excavating or re-grading shall be prohibited.

#### 22.4.14 EP-14

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-14' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and thereregulations of the 'EP' zone contained in this By-Law, excepting however that:

- i. No site alteration is permitted, excepting however dead or dying trees may beremoved for the safety of the public or property.

#### 22.4.15 EP-15

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-15' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and thereregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Trees may be removed; however, no below-grade excavation will be allowed.
- ii. The depth of fill shall not exceed 20 cm in depth.

#### 22.4.16 EP-16

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-16' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and thereregulations of the 'EP' zone contained in this By-law excepting however that:

- i. Site alteration shall be prohibited, excepting however dead or dying trees may beremoved as required for the safety of the public or property
- ii. Minimal site alteration associated with servicing, limited to an area located withinthe servicing easement, will be permitted.

#### 22.4.17 EP-17

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-17' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and thereregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. No site alteration is permitted until such time as a detailed development proposalhas been approved for these lands, excepting however that road construction and servicing may be permitted, with minimal tree cutting taking place.

#### 22.4.18 EP-18

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-18' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Minor site alteration for walkways, paths, fire pits, similar items and structures that do not require a building permit shall be permitted.
- ii. The removal of trees within this area shall be permitted; however, at least 30% of mature tree cover shall be maintained.

#### 22.4.19 EP-19

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-19' on Schedule 'A' to this By-law, may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. No development or site alteration of any sort shall be permitted excepting however that dead or dying trees may be removed as required for the safety of the public or property.

#### 22.4.20 EP-20

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-20' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Trees may be removed, however no below-grade excavation will be allowed. Fill placement may be allowed provided the depth of the fill does not exceed 20 cm in depth.

#### 22.4.21 EP-21

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-21' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. No development or site alteration except for proper forest management activities shall be permitted.

#### 22.4.22 EP-22

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-22' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and the regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Trees may be removed but no below-grade excavation is allowed. Fill placement may be allowed provided the depth of the fill does not exceed 20 cmin depth.

#### 22.4.23 EP-23

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-23' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. No development or site alteration shall be permitted excepting however that dead or dying trees may be removed as required for the safety of the public orproperty.

#### 22.4.24 EP-24

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-24' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Trees may be removed; however, no below-grade excavation will be allowed. Fill placement may be allowed provided the depth of the fill does not exceed 20cm in depth.

#### 22.4.25 EP-25

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-25' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Dead or dying trees may be removed as required for the safety of the public orproperty.
- ii. One driveway having a maximum width of four metres may be constructed on alot.

#### 22.4.26 EP-26

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-26' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. No development or site alteration shall be permitted except for proper forestmanagement activities.

#### 22.4.27 EP-27

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-27'

on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. One driveway, having a maximum width of four metres may be constructed nocloser than 20 m to the north lot line.

#### 22.4.28 EP-28

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-28' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Minor site alteration such as tree cutting and/or minor fill placement may bepermitted, but excavation is prohibited.

#### 22.4.29 EP-29

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-29' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. No development or site alteration will be permitted.

#### 22.4.30 EP-30

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-30' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Residential uses shall be permitted in accordance with the 'R1-2' zoneprovisions.

#### 22.4.31 EP-31

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-31' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and theregulations of the 'EP' zone contained in this By-law, excepting however:

- i. That the 'EP-31' zone be measured at 6.5 meters inward from the front lot line and the front lot line of Lots 1 to 7, Lots 11 to 14 and the front of Lot 10 excepting allowances necessary for the construction for the public street on Lot 14.
- ii. Only dead or dying trees may be removed; and



- iii. A 'clearing' for the purposes of a driveway, services and utilities shall be permitted provided the 'clearing' does not exceed a width representing more than 30% of the width of the lot at the street line; and
- iv. The separation distance between 'clearings' on abutting lots shall be no less than five metres.

#### 22.4.32 EP-32

Notwithstanding the 'EP' zoning designation, those lands delineated as 'EP-32' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. Only proper forest management activities shall be permitted including, but not limited to, the removal of dead or dying trees and the removal of other trees as required for the safety of the public or property.

#### 22.4.33 EP-33

Notwithstanding the EP zoning designation, those lands delineated as 'EP-33' on Schedule 'A' to this By-law may be used in accordance with the permitted uses and regulations of the 'EP' zone contained in this By-law, excepting however that:

- i. An un-enclosed roof structure shall be a permitted use.
- ii. The maximum height of the un-enclosed roof structure shall be 4 meters.

#### 22.4.34 EP-34

Notwithstanding the provisions of section 22.2 to the contrary, on lands zoned 'EP-34' on Schedule 'A' to this By-law, a replacement dwelling and accessory buildings / structures are permitted. The following shall apply:

- a. The minimum rear yard setback shall be 2.0 m.

#### 22.4.35 EP-35

Notwithstanding Section 22.2 Permitted Uses, those lands delineated as "EP-35" on Schedule A to this By-law, are a wetland buffer. Tree replanting with species native to Ontario shall be provided to the satisfaction of the Saugeen Valley Conservation Authority.

## **SECTION 23 WETLAND (W) ZONE**

### **23.1 SCOPE**

The provisions of this section shall apply in all Wetland (W) Zones except as otherwise provided in the Special Provisions subsection of this section.

### **23.2 PERMITTED USES**

No person shall within any Wetland (W) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following W Zone uses, namely:

- a) conservation use;
- b) wildlife preserve;
- c) works of a Conservation Authority.

### **23.3 REGULATIONS**

No person shall, within any Wetland (W) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) No buildings or structures are permitted unless for flood control purposes in accordance with the regulations of the appropriate Approval Authority.

Note: (the following text does not form part of this By-law and is provided for information purposes only) *Some of the lands within the Wetland Zone on Schedule "A" to this By-law may be subject to the Saugeen Valley Conservation Authority's Ontario Regulation No. 169/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Where development or site works are proposed within a Regulated Area, as shown on schedules filed with the Conservation Authority where such mapping exists, a permit from the Conservation Authority may be required. The SVCA should be contacted to determine the extent of the Regulated Area. The SVCA should be consulted before development, including construction, conversion, grading, filling or excavating occurs to determine whether the Authority Regulations apply.*

*Where development is proposed on lands located within 120 m of a Provincially Significant Wetland, as defined by the Wetland (W) Zone on Schedule A to this By-law, the owner may be required to prepare an Environmental Impact Study (EIS) in accordance with the County of Bruce Official Plan and in consultation with the appropriate approval authority, which demonstrates that there will be no negative impacts on the natural features or the ecological functions from which the area is defined. Upon the recommendation of the applicable Conservation Authority, Council may consider waiving this requirement if the proposal is minor in nature, or if the site conditions indicate that the preparation of an Environmental Impact Study would serve no useful purpose for the protection of the natural features of the ecological functions for which the area is defined.*

### **23.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard “W” Zone. If a regulation or use is not specified, the permitted uses of subsection 23.2 and the regulations of subsection 23.3 shall apply.

FOR REVIEW

## **SECTION 24 PLANNED DEVELOPMENT (PD) ZONE**

### **24.1 SCOPE**

The provisions of this section shall apply in all Planned Development (PD) Zones except as otherwise provided in the Special Provisions subsection of this section.

### **24.2 PERMITTED USES**

No person shall within any Planned Development (PD) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following PD Zone uses, namely:

- a) A lawfully existing use;
- b) existing agricultural use, provided that a new building or structure shall not be permitted.

### **24.3 REGULATIONS**

No person shall, within any Planned Development (PD) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) The minimum lot area and frontage, front, side and rear yard requirements, the maximum lot coverage and building height shall remain as they lawfully existed as of the day of the passing of this By-law.
- b) Where a single detached dwelling existed on the date of passage of this by-law, Clause (a) above shall not apply to prevent the reconstruction or alteration of a single detached dwelling or the erection or alteration of buildings accessory thereto in compliance with the regulations of Residential One (R1) Zone.
- c) Dwelling Units Per Lot (maximum) 1 only

### **24.4 SPECIAL PROVISIONS**

The following site-specific Zones apply to existing or unique situations that are not the standard "PD" Zone. If a regulation or use is not specified, the permitted uses of subsection 24.2 and the regulations of subsection 24.3 shall apply.

#### **24.4.1 PD-1**

Notwithstanding the 'PD' zoning designation, those lands delineated as 'PD-1' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'PD' zone contained in this By-Law, excepting however that:

- i. A motor vehicle inspection station servicing only the vehicles associated with the principle, legal non-conforming use of the property shall be permitted as an accessory use.

24.4.2 PD-2

Notwithstanding the 'PD' zoning designation, those lands delineated as 'T-PD-2-7-01-2019' on Schedule 'A' to this By-law shall be used in accordance with the permitted uses of the 'PD' zone excepting however:

- i. That 'School Bus Storage', as defined in the zoning By-law, shall be a permitted use.
- ii. That buses not defined as "school buses" under the Highway Traffic Act are also permitted to be stored on the property.
- iii. That the subject lands be subject to Site Plan Control.

## SECTION 25 LIFESTYLE COMMERCIAL (LC) ZONE

### 25.1 SCOPE

The provisions of this section shall apply in all Lifestyle Commercial (LC) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 25.2 PERMITTED USES

No person shall within any Lifestyle Commercial (LC) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following LC Zone uses, namely:

- a) Commercial Uses
  - i. Convenience Store
  - ii. Financial Establishment
  - iii. Golf Course, miniature
  - iv. Hotel
  - v. Motel
  - vi. Museum
  - vii. Office
  - viii. Personal Service Establishment
  - ix. Place of Entertainment
  - x. Place of Worship
  - xi. Recreation, active
  - xii. Recreation, passive
  - xiii. Recreation Centre
  - xiv. Restaurant (excluding drive-through)
  - xv. Retail Store
  
- b) Residential Uses
  - i. Accessory Dwelling Units

For the purposes of the LC zone, accessory dwelling units shall only be permitted entirely above ground floor retail uses, excluding single-use, detached retail uses, with exception to the entrance(s) to the dwelling units.

### 25.3 REGULATIONS

No person shall, within any Lifestyle Commercial (LC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Commercial Uses only
  - i. Lot Area (minimum) 1,000 m<sup>2</sup>
  - ii. Lot Frontage (minimum) 30.0 m
  - iii. Front and Exterior Side Yard Depth (minimum) 6.0 m
  - iv. Interior Side Yard Width (minimum) 4.5 m
  - v. Interior Side Yard Width abutting a Residential use (minimum) 10.0 m

- vi. Rear Yard Depth (minimum) 10.0 m
  - vii. Lot Coverage (maximum) 35%
  - viii. Building Height (maximum) 10.0 m
  - ix. Landscaped Open Space (minimum) 20.0%
  - x. Minimum Separation Distance 50% of building between buildings height
- b) Commercial with Residential Uses
- i. First storey of Dwelling Units (maximum) 80% of commercial Ground Floor Area
  - ii. Subsequent storeys of Dwelling Units 10% less GFA for each additional storey
  - iii. Building Height (minimum) 9.0 m
  - iv. Landscaped Open Space (minimum) 18 m<sup>2</sup> per unit

Landscaped Open Space may include balconies and rooftop terraces, as well as planting strips abutting municipal rights-of-way.

## 25.4 SPECIAL PROVISIONS

### 25.4.1 LC-1

Notwithstanding the 'LC' zoning designation, those lands delineated as 'LC-1' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'LC' zone contained in this By-Law, excepting however that:

- a) The lands shall develop in accordance with a registered Subdivision Agreement, and shall be subject to site plan control.
- b) New single-use, detached retail, office and food stores must have a ground floor area greater than 300 m<sup>2</sup>. In buildings where more than one unit is proposed to be less than 300 m<sup>2</sup>, at least one unit shall be greater than 300 m<sup>2</sup>.
- c) The maximum ground floor area shall be no greater than 1,500 m<sup>2</sup> per unit to a maximum of two (2) units, and to a maximum commercial coverage of 30% across the zoned area.
- d) Accessory dwelling units are a required component of no less than 25% of retail units at final build-out across the zoned area. Accessory dwelling units shall be constructed concurrently with applicable ground floor retail uses.

## SECTION 26 RESORT RECREATIONAL (RR) ZONE

### 26.1 SCOPE

The provisions of this section shall apply in all Resort Recreational (RR) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 26.2 PERMITTED USES

No person shall within any Resort Recreational (RR) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following RR Zone uses, namely:

- a) Cabin, subject to subsection 26.4.2
- b) Campground, subject to subsection 26.4.1
- c) Convenience store
- d) Golf course, and uses accessory thereto
- e) Park
- f) Recreation, active
- g) Recreation, passive
- h) Recreation centre
- i) Travel Trailer, RV and Mobile Home, subject to subsection 26.4.1

### 26.3 REGULATIONS

No person shall, within any Resort Recreational (RR) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |             |
|---|-------------|
| a) Lot Area (minimum)                           | 1 ha        |
| b) Lot Frontage (minimum)                       | 60 m (40 m) |
| c) Front and Exterior Side Yard Depth (minimum) | 7.5 m       |
| d) Interior Side Yard Width (minimum)           | 5.0 m       |
| e) Rear Yard Depth (minimum)                    | 10.0 m      |
| f) Lot Coverage (maximum)                       | 35%         |
| g) Building Height (maximum)                    | 10.0 m      |
| h) Landscaped Open Space (minimum)              | 30%         |

### 26.4 SPECIAL USE REGULATIONS

#### 26.4.1 Seasonal Campground for Tent, Travel Trailer, RV, and Mobile Home Sites

- a) The minimum lot area for each tent site shall be 100 m<sup>2</sup>; and for each trailer, RV and mobile home site shall be 165 m<sup>2</sup>.
- b) The minimum side yard and rear yard setbacks shall be 15 m.
- c) The maximum density shall not exceed 25 sites per ha.
- d) A minimum of 10% of the zoned area shall be developed for passive recreation purposes.
- e) A landscaped buffer strip at least 1 m in width shall be provided along the side and rear boundaries of each site.



- f) A separation distance of 5 m is required between any structures or buildings used for human habitation.
- g) Units shall be separated from any building used for recreational or commercial purposes by a minimum distance of 15 m and shall be setback a minimum of 15 m from all lot lines.

#### 26.4.2 Year-round Cabin Sites

- a) The maximum density of cabin sites shall not exceed 25 sites per ha.
- b) The minimum front yard setback from the private road shall be 6.0 m.
- c) The minimum side and rear yard setbacks from the individual site limits shall be 2.5 m.
- d) The maximum building height shall be 5 m.
- e) The maximum floor area of the upper storey shall be no greater than 50% of the ground floor area.
- f) The minimum ground floor area per cabin shall be 50 m<sup>2</sup>.
- g) Cabin construction shall be limited to slab on grade.
- h) Each cabin site shall provide a minimum of 185.8 m<sup>2</sup> of landscaped open space per building. Landscaped open space shall include a deck or patio.
- i) A 3 m minimum planting area shall be provided along any side or rear site line.
- j) A separation distance of 5.0 m shall be required between any structures or buildings used for human habitation.
- k) Cabins shall be separated from any building used for recreational or commercial purposes by a minimum distance of 15 m and shall be setback a minimum of 15 m from all lot lines.

### 26.5 SPECIAL PROVISIONS

#### 26.5.1 RR-1

Notwithstanding the 'RR' zoning designation, those lands delineated as 'RR-1' on Schedule 'A' to this By-Law may be used in accordance with the permitted uses and the regulations of the 'RR' zone contained in this By-Law, excepting however that:

- i. The lands shall develop in accordance with a registered Subdivision Agreement and shall be subject to site plan control.
  - a. The Site Plan Control Agreement shall contain provisions for landscaping, occupancy, tenure and building characteristics of year-round cabin sites.
  - b. A densely vegetated Planting Strip of no less than 10.0 m shall encircle the 'RR-1' zone.
- ii. The minimum lot area shall be no less than 5.0 ha.
- iii. Lands zoned 'RR-1' must be used for a combination of at least two of the three permitted uses (categorized as 1. summer Travel Trailer, RV and Mobile Home use; 2. year-round Cabin use; and 3. Recreational and Commercial uses in accordance with the remaining uses in Section 26.2) with no single use exceeding 66% of the area zoned. A single use, not in combination with a second use, shall not exceed 33% of the area zoned.

- iv. The maximum number of recreational dwelling unit sites across the zoned area shall be no greater than 235.
- v. Time-share arrangements ('fractional ownership') shall apply to units that are owned by two or more owners and not occupied by any one owner for more than 185 days per calendar year. Units may be owned by one or more unrelated owners and owner-occupied for no more than 185 consecutive days per calendar year, with a minimum required unoccupied period of 30 consecutive days and a maximum aggregate owners' occupancy of no more than 325 days per calendar year.

FOR REVIEW

## SECTION 27 BUSINESS PARK (BP) ZONE

### 27.1 SCOPE

The provisions of this section shall apply in all Business Park (BP) Zones except as otherwise provided in the Special Provisions subsection of this section.

### 27.2 PERMITTED USES

No person shall within any Business Park (BP) Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following BP Zone uses, namely:

- a) Accessory retail store
- b) Accessory food and beverage uses
- c) Conference Centre
- d) Facilities for Education, Training and Skills Development
- e) Research and Development uses
- f) Data-processing centres
- g) Offices
- h) Businesses and activities associated with green technology or renewable energy
- i) Businesses and activities supportive of the nuclear service industry
- j) Business incubator uses
- k) Public utilities
- l) Industry, non-effluent producing

### 27.3 REGULATIONS

No person shall, within any Business Park (BP) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |                      |
|---|----------------------|
| a) Lot Area (minimum)                         | 2,000 m <sup>2</sup> |
| b) Lot Frontage                               | 20 m                 |
| c) Front & Exterior Side Yard Depth (Minimum) | 6 m (see Footnote a) |
| d) Interior Side Yard Depth (Minimum)         | 4 m                  |
| e) Rear Yard Depth (Minimum)                  | 4 m                  |
| f) Lot Coverage (maximum)                     | 50%                  |
| g) Building Height (maximum)                  | 12 m                 |
| h) Landscaped Open Space (minimum)            | 10%                  |
| i) Open Storage (maximum)                     | 30%                  |

Footnote a:

Notwithstanding the above setback provisions, when any Front, Exterior, or Rear Yard abuts Concession 6, the minimum yard setback shall be 10 metres.

### 27.4 SPECIAL PROVISIONS

The following site-specific Zones apply to existing or unique situations that are not the standard "BP" Zone. If a regulation or use is not specified, the permitted uses of section 27.2 and the regulations of section 27.3 shall apply.

#### 27.4.1 BP-1-h

Notwithstanding the uses permitted in Section 27.1, the lands zoned BP-1-h may also permit Class III Industrial Uses, as defined by the Ontario D-6 Guideline 'Compatibility between Industrial Facilities', as amended from time to time.

A vegetative screening buffer having a minimum width of 3.0 m shall be provided along every lot abutting Concession 6.

The holding provision – h may be removed once the following matters have been addressed:

- a) D-6 Assessment;
- b) Archaeological Assessment, if deemed necessary by a licenced Archaeologist; and
- c) A Site Plan Agreement between the Municipality and the Application, to the satisfaction of Council.

#### 27.4.2 BP-2-h

Notwithstanding the uses permitted in Section 27.1, the lands zoned BP-2-h may also permit Class III Industrial Uses, as defined by the Ontario D-6 Guideline 'Compatibility between Industrial Facilities', as amended from time to time.

A vegetative screening buffer having a minimum width of 3.0 m shall be provided along every lot abutting Concession 6

The holding provision – h may be removed once the following matters have been addressed:

- a) D-6 Assessment; and
- b) A Site Plan Agreement between the Municipality and the Application, to the satisfaction of Council.

#### 27.4.3 BP-3-h

Notwithstanding the uses permitted in Section 27.1, the lands zoned BP-3-h may also permit Class III Industrial Uses, as defined by the Ontario D-6 Guideline 'Compatibility between Industrial Facilities', as amended from time to time.

The holding provision – h may be removed once the following matters have been addressed:

- a) Archaeological Assessment, if deemed necessary by a licenced Archaeologist; and
- b) A Site Plan Agreement between the Municipality and the Application, to the satisfaction of Council.

#### 27.4.4 BP-4-h

Notwithstanding the uses permitted in Section 27.1, the lands zoned BP-4-h may also

permit Class III Industrial Uses, as defined by the Ontario D-6 Guideline 'Compatibility between Industrial Facilities', as amended from time to time.

The holding provision – h may be removed once the following matters have been addressed:

- a) A Site Plan Agreement between the Municipality and the Application, to the satisfaction of Council;

FOR REVIEW

## **SECTION 28 ENACTMENT**

### **28.1 CONFLICT WITH OTHER BY-LAWS**

In the event of any conflict or inconsistency between this By-law and any other general or special By-law of the Corporation, the provisions of this By-law shall prevail.

### **28.2 REPEAL OF EXISTING BY-LAWS**

All previous by-laws of the Corporation of the Town of Saugeen Shores passed pursuant to section 34 of the Planning Act are hereby repealed.

### **28.3 EFFECTIVE DATE**

This By-law shall come into force on the date it is passed by Council subject to the provisions of the Planning Act, 1990, as amended.

READ A FIRST AND SECOND TIME THIS 26<sup>th</sup> DAY OF JUNE, 2006.

READ A THIRD TIME AND FINALLY PASSED AND SEALED THIS 26<sup>th</sup> DAY OF JUNE, 2006.