

**THE CORPORATION OF THE  
TOWN OF SHELBURNE**

**COMPREHENSIVE  
ZONING BY-LAW**

**BY-LAW NO. 38-2007**

**Office Consolidation  
May 2012**

## **OFFICE CONSOLIDATION**

This document is a consolidation of Zoning By-law No. 38-2007 as amended up to and including By-law No. 24-2012 passed by the Council of the Town of Shelburne on April 30, 2012. The list of the amendments to Zoning By-law No. 38-2007 to date, and their dates of decision by the Council of the Town of Shelburne, and the final approval dates, are identified on the following page. This consolidated document is prepared for purposes of convenience only, and for accurate reference recourse should be made to the actual Zoning By-law Amendments.

**TOWN OF SHELBURNE  
ZONING BY-LAW NO. 38-2007**

**LIST OF AMENDMENTS**

<b><u>By-Law Number</u></b>	<b><u>Date of Council Decision</u></b>	<b><u>Date of Final Approval</u></b>
14-2008	April 14, 2008	May 5, 2008
33-2008	October 27, 2008	November 17, 2008
10-2010	February 22, 2010	March 24, 2010
27-2010	April 26, 2010	May 27, 2010
36-2010	May 31, 2010	October 6, 2010 (O.M.B. File No. PL100717)
43-2010	July 26, 2010	August 24, 2010
58-2010	May 9, 2011	May 9, 2011
65-2010	October 18, 2010	June 15, 2011 (O.M.B. File No. PL101367)
74-2010	December 6, 2010	January 5, 2011
05-2011	January 24, 2011	February 28, 2011
50-2011	October 31, 2011	December 1, 2011
18-2012	March 5, 2012	April 4, 2012
24-2012	April 30, 2012	May 23, 2012

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**THE CORPORATION OF THE TOWN OF SHELBURNE**

**BY-LAW NO. 38-2007**

**BEING A BY-LAW TO REGULATE USE OF LANDS AND THE  
RESTRICTING, ERECTING, LOCATING AND USING OF BUILDINGS  
WITHIN THE TOWN OF SHELBURNE**

**WHEREAS** the Corporation of the Town of Shelburne has the authority to approve Comprehensive Zoning By-laws pursuant to Section 34 of the Planning Act;

**AND WHEREAS** the Council of the Corporation of the Town of Shelburne deems it expedient that a new set of uniform standards and provisions be adopted in regard to the use of land within the Town;

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

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## SECTION 1 ADMINISTRATION

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### 1.1 TITLE

This By-law may be referred to as “The Zoning By-law of the Town of Shelburne”.

### 1.2 AREA AFFECTED BY THIS BY-LAW

This By-law applies to all lands within the corporate limits of the Town of Shelburne.

### 1.3 BUILDING PERMITS

The requirements of this By-law must be met before a Building Permit is issued for the *erection*, additions to or *alteration* of any *building* or *structure*.

### 1.4 SEVERABILITY PROVISION

A decision of a Court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

### 1.5 REPEAL OF EXISTING BY-LAWS

Upon this By-law coming into force and effect, By-law No. 16-1992 of the Town of Shelburne and all amendments thereto are hereby repealed.

### 1.6 EFFECTIVE DATE

This By-law shall come into force the day that it was passed where there are no appeals filed, or where appeals are filed, where all of the appeals are finally disposed of by the Ontario Municipal Board.

## **1.7 USE OF LAND, BUILDINGS AND STRUCTURES**

No lands, *buildings* or *structures* within the area covered by this By-law shall be used for any purpose except as otherwise permitted by this By-law. Any *use* of land defined in this By-law but not specifically permitted in any *zone* is prohibited by the By-law.

## **1.8 APPLICATION OF OTHER REGULATIONS**

Nothing in this By-law shall serve to relieve any *person* from any obligation to comply with the requirements of any other By-law of the Town of Shelburne or any other Federal or Provincial regulation that may affect the *use* of lands, *buildings* or *structures* in the Town.

## **1.9 ENFORCEMENT**

- i) Any *person* convicted of a violation of this By-law is liable on first conviction to a fine of not more than \$25,000, and on a subsequent conviction to a fine of not more than \$10,000, for each day or part thereof upon which the contravention has continued after the day on which the *person* was first convicted in accordance with the Planning Act.
- ii) Any Corporation convicted of violation of this By-law is liable on first conviction to a fine of not more than \$50,000, and on a subsequent conviction to a fine of not more than \$25,000, for each day or part thereof upon which the contravention has continued after the day on which the *person* was first convicted in accordance with the Planning Act.
- iii) If any *buildings* or *structures* or any part thereof is to be *erected*, *altered*, reconstructed or extended, or any *lot* is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the *Municipality* pursuant to the provisions of the Planning Act and/or the Municipal Act, and/or any other legislation applicable.

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## SECTION 2 ESTABLISHMENT OF ZONES

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### 2.1 ZONES

For the purposes of this By-law, the following *zones* are established and they may be referred to by the name or by the symbol set opposite the name of the *zone* below:

R1	-	Residential Type One
R2	-	Residential Type Two
R3	-	Residential Type Three
R4	-	Residential Type Four
R5	-	Residential Type Five
C1	-	Downtown Commercial
C2	-	Mixed-Use Commercial
C3	-	Service Commercial
C4	-	Special Commercial
T	-	Special Tourism
M1	-	Employment
M2	-	General Industrial
I	-	Institutional
OSR	-	<i>Open Space</i> Recreation
NE	-	Natural Environment
D	-	<i>Development</i>

### 2.2 ZONE SCHEDULE

The *zones* and *zone* boundaries are shown on the *attached* Schedule ‘A’, which forms part of this By-law. Schedule ‘A’ is comprised of a series of maps.

### 2.3 SPECIAL ZONES

Where a *zone* symbol is followed by a dash and a number, (for example R1-1) there are special provisions that apply to the *zone*. These special provisions are contained in the section of the By-law that applies to the primary *zone*.

Where a *zone* symbol is followed by a dash and the letter F (for example M1-F) the lands are within or adjacent to a flood and/or fill regulatory area. All *development* shall be subject to the review and approval of the Nottawasaga Valley Conservation Authority.

## **2.4 DETERMINING ZONE BOUNDARIES**

- i) A *zone* boundary shown approximately at a *lot line, street* or *lane* is considered to be at the boundary of the *lot line, street* or *lane*.
- ii) A *zone* boundary shown approximately in the *centreline* of a *street* or *lane* is considered to be the *centreline* of the *street* or *lane*.
- iii) Unless the location of a *zone* boundary is specified by dimensions on the zoning map, a *zone* boundary which lies within a *lot* shall be fixed by the scale of the Schedule upon which it is shown.
- iv) A *zone* boundary shown following approximately a shoreline of a river or the *centreline* of a creek, stream or channel is considered to be the shoreline or *centreline* and moves with any natural change in the shoreline.
- v) Where lands have not been identified as being in a *zone* on the Schedules, they shall be deemed to be in the *Open Space Recreation (OSR) Zone*.

## **2.5 COMPLIANCE WITH ZONING BY-LAW**

- i) No *person* shall change the *use* of any *building, structure* or land, or *erect* or *use* any *building* or *structure* or occupy any land or *building*, except in accordance with the provisions of this By-law.
- ii) Any *use* not specifically permitted by this By-law shall not be permitted in the Town of Shelburne.
- iii) No *person* shall use any land or locate any *building* or *structure* such that the *uses, buildings* or *structures* on other lands would no longer comply with the provisions of this By-law.

## 2.6

### HOLDING PROVISIONS

Where a *zone* symbol is followed by the letter “H” in parentheses for example: “M2(H)”, the lands shall only be used for *existing uses* and the expansion of those *uses* as of the date of adoption of this By-law.

Council may pass a By-law pursuant to Section 36 of the Planning Act to remove the Holding (H) symbol, thereby placing the lands in the *zone* indicated by the *zone* symbol once the defined requirements have been met which may include but are not limited to the following:

- i) the appropriate sanitary services and *water supply* have been approved to service the land;
- ii) all conditions of consent or subdivision have been fulfilled;
- iii) where the lands are subject to *site plan* control under Section 41 of the Planning Act, a *site plan* agreement in accordance with the provisions of the Planning Act has been registered on the title of the lands; and,
- iv) the required permits from all other approval agencies have been issued.

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## SECTION 3 GENERAL PROVISIONS

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### 3.1 APPLICATION

The provisions of this section of the By-law shall apply to all lands within the Town of Shelburne unless otherwise specified.

### 3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

#### 3.2.1 Permitted Uses

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*, provided the *principal building*, *principal structure* or *principal use* is already in existence on the *lot*. The following shall not be permitted as *accessory uses* and/or *accessory buildings*:

- i) any occupation for gain or profit conducted within or *accessory* to a *dwelling unit* or on such *lot* associated therewith, except as is specifically permitted in accordance with this By-law; or
- ii) any *building* used for human habitation except in accordance with this By-law, as is specifically permitted; or
- iii) a *vehicle* or *trailer* or shipping container or any portion thereof.

Legal *non-conforming uses* shall be permitted to have *accessory uses*, *buildings* and *structures* in accordance with the provisions in this section of the By-law and the provisions of the applicable *zone*.

#### 3.2.2 Setback and Yard Requirements

Except as otherwise provided herein, in all *zones* any *accessory building* or *structure*, which is detached from the *principal building*, shall be *erected* in compliance with the *yard* and *setback* requirements of the *zone* in which such *building* is located, and shall not be closer to the *front lot line* or *exterior side lot line* than any *principal building* on the *lot*.

### 3.2.3 Lot Coverage and Height

Unless otherwise specified in this By-law the total *lot coverage* of all *accessory buildings* and *structures*, except *swimming pools*, detached *garages* and *decks* shall be 5.0 per cent. The maximum height of any *accessory building* or *structure* shall be 3.0 metres in residential *zones*.

Within a Commercial, Industrial or Institutional *Zone* the maximum *lot coverage* of all *accessory buildings* and *structures* shall be 10 per cent. The height of any *accessory building* or *structure* shall not exceed 5.0 metres.

The maximum height of goods and materials permitted in *accessory open storage* areas shall not exceed 2.5 metres.

### 3.2.4 Accessory Building and Structure Encroachments

Notwithstanding the *yard* and *setback* provisions of this By-law to the contrary, drop awnings, clothes poles, garden trellises, *retaining walls* less than 1.0 metre above the average *finished grade*, fences, *signs* or similar *uses* which comply with the By-laws of the *Town*, shall be permitted in any required *interior side* or *rear yard*. *Accessory buildings* and *structures* may encroach into the required *yard* in a *zone* as outlined in Table 1 as follows.

**Table 1**

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<b>STRUCTURAL AND ORNAMENTAL FEATURES:</b>		
Bay windows	<i>Front, rear and exterior side yards</i>	May encroach 1.0 m into the required <i>yard</i> for a maximum width of 3.0 m
Canopies/Porticos	<i>All yards</i>	May encroach 1.5 m into the required <i>front, rear and exterior side yards</i>
Balconies/Steps/Fire Escapes	<i>Front, rear and exterior side yards only in Residential Zones, all yards in all other zones</i>	May encroach 1.5 m into the required <i>yard</i>



<b>Permitted Structure or Feature</b>	<b>Applicable Required Yard(s)</b>	<b>Required Setback or Permitted Encroachment</b>
Uncovered <i>Patios</i>	<i>Rear and exterior side yards</i>	No closer than 0.6 m from the <i>lot line</i>
Uncovered <i>Decks</i> (0.6 m or less in height above <i>finished grade</i> )	<i>Side or Rear Yard</i>	Required <i>side yard setback</i> of the zone in which the <i>lot</i> is located. The <i>setback</i> shall not apply where a <i>side lot line</i> extends from a common wall dividing <i>attached dwelling units</i> .  No closer than 1.2 m from the <i>rear lot line</i> .
Uncovered <i>Decks</i> (greater than 0.6 m in height above <i>finished grade</i> )	<i>Side Yard</i>          <i>Rear Yard</i>	Required <i>side yard setback</i> of the zone in which the <i>lot</i> is located. The <i>setback</i> shall not apply where a <i>side lot line</i> extends from a common wall dividing <i>attached dwelling units</i> .          May encroach 4.0 m into the required <i>rear yard</i> .
Open Roofed <i>Porches</i> not exceeding 4.5 m in height	<i>Front, rear and exterior side yards</i>	May encroach 1.5 m into the required <i>yard</i> including eaves, cornices and steps
Sills, cornices, parapets, pilasters, or other similar ornamental <i>structures</i>	<i>Any Yard</i>	May encroach 0.6 m into the required <i>yard</i>
Eaves	<i>Interior Side Yard</i>	No closer than 0.6 m to the <i>side lot line</i>
Chimneys	<i>Any Yard</i>	May encroach 0.6 m into the required <i>yard</i> for a maximum of 2.0 m

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Drop awnings, clothes poles, flag poles, garden trellises, <i>retaining walls</i> less than 1.0 m in height, fences or other similar <i>accessory structures</i>	Permitted in any required <i>yard</i> .	n/a
Gasoline Pump Islands, canopy supports and kiosk	Any <i>street</i> or <i>lot line</i>  <i>Sight triangle</i>	Required <i>setback</i> of 9.0 m from any <i>street</i> or <i>lot line</i>  4.5 m
Wheelchair Ramps	Permitted in any required <i>yard</i> .	n/a
<b>ACCESSORY STRUCTURES:</b>		
Residential <i>Accessory Structures</i> up to 3.0 m in height	<i>Rear</i> or <i>Side Yard</i>	No closer than 1.0 m from <i>rear</i> or <i>side lot line</i>
Central Air Conditioning Units in Residential <i>Zones</i>	<i>Side</i>	May encroach 1.0 m into the required <i>side yard</i> .
Window-Mounted Air Conditioning Units in Residential <i>Zones</i>	Any <i>Yards</i>	May encroach 0.6 m into the required <i>yard</i>
Central Air Conditioners for <i>Apartments</i>	Roof Mounted Only	n/a
Gate House within an Employment <i>Zone</i>	<i>Front</i> or <i>Side Yard</i>	No closer than 3.0 m from a <i>front</i> or <i>side lot line</i> .
<b>ACCESSORY BUILDINGS:</b>		
<i>Accessory Buildings</i> other than a detached <i>private garage</i>	<i>Interior Side Yard</i> , or <i>Rear Yard Exterior Side Yard</i>	No closer than 1.2 m from <i>interior side lot line</i> . No closer than 0.6 m to <i>rear lot line</i> .
	<i>Setback from Main Building</i>	No closer than 1.2 m to the <i>main building</i>
Outdoor Furnace	<i>Rear</i> or <i>Side Yard</i>	No closer than 15.0 m from <i>rear</i> or <i>side lot line</i>

*Swimming pools* shall be constructed in accordance with the requirements of the By-law for *Accessory Buildings and Structures* except that no water circulating or pumping equipment shall be located closer than 3.0 metres to any *side* or *rear lot line*.

### 3.2.5 Private Garages

Notwithstanding the provisions of this By-law to the contrary, a *private garage* may be *erected* and used in a Residential Zone or *accessory* to a *residential use* subject to the following:

- i) The maximum height shall be 4.6 metres;
- ii) The maximum coverage shall be 10 per cent of the *lot area*;
- iii) The minimum depth shall be 5.2 metres;
- iv) The maximum *floor area* shall be 75 square metres;
- v) The minimum *floor area* shall be 16.5 square metres;
- vi) The minimum *setback* from a *lane*, *right-of-way* or private road shall be 1.2 metres;
- vii) The minimum *setback* from a *public street* shall be 6.0 metres;
- viii) Not more than one *garage structure*, *attached* or detached, shall be permitted in a Residential Zone;
- ix) No part of a *garage* that is *attached* to a *dwelling* shall be closer to the *front lot line* than the *main building facade* except where the *building* has a covered *porch* the *garage* may extend 2.5 metres beyond the *main building façade*;
- x) No *garage* shall be closer than 1.2 metres from any *side* or *rear lot line*, except where permitted otherwise by the regulations of the *zone*;
- xi) All detached *garages* shall be located a minimum of 1.2 metres from the *main building* on the same *lot*;
- xii) The provisions for the width of *attached garages* are outlined in Table 2 below:

**Table 2**

Lot Width	Minimum Garage Width	Maximum Garage Width	Special Provisions
Less than 9.0 m	3.0 m	3.0 m	
9.0 m to less than 11.0 m	3.0 m	The least permissive of 4.3 m or 40% of the <i>lot frontage</i>	
11.0 m to less	3.0 m	50% of the <i>lot</i>	i) <i>Lots with garages</i>

Lot Width	Minimum Garage Width	Maximum Garage Width	Special Provisions
than 12.2 m		<i>frontage</i>	occupying 50% of the <i>lot frontage</i> are restricted to 40% of all of the <i>lots</i> on any <i>street</i> ; ii) On <i>corner lots</i> with double car <i>garages</i> , a wraparound <i>porch</i> shall be required flush or projecting forward from the face of the <i>garage</i> .
12.2 m or greater	3.0 m	50% of the <i>lot frontage</i>	

### 3.2.6 Gate House in Industrial Zone

Notwithstanding the *yard* and *setback* provisions of this By-law, to the contrary, in an Industrial, Institutional or *Open Space Recreation Zone*, a gate house not exceeding 9 square metres in area shall be permitted in a required *front* or *side yard*.

### 3.2.7 Outdoor Furnaces

Outdoor furnaces shall only be permitted on *lots* having a minimum area of 1.0 hectare, and shall have a minimum stack height of 2.8 metres.

### 3.2.8 Wind Turbines

A single *wind turbine accessory* to a permitted *use* shall be permitted provided that the height does not exceed 30 metres and the base of the tower on which the turbine is located is *setback* 1.5 times the height of the *structure*, including the blades of the turbine.

## 3.3 ACCESSORY DWELLING UNIT OR DWELLING IN A NON-RESIDENTIAL BUILDING OR LOT

No *accessory dwelling unit* or *accessory dwelling* in a non-residential *building* or *lot* may be constructed except in accordance with the following provisions:

### 3.3.1 Setbacks and Yards

Minimum *setbacks* and *yards* shall be provided in accordance with the minimum *setback* and *yard* requirements for the *zone* in which the non-

residential building containing the *dwelling unit* is located or the non-residential *use* is located.

### **3.3.2 Facilities to be Provided**

The *dwelling unit* shall have separate bathroom and kitchen facilities and a separate entrance from those of the non-residential *uses*. Separate parking facilities shall be provided in accordance with Section 3.15 of this By-law. It must be demonstrated that suitable sewage capacity has been obtained for the *accessory dwelling unit*.

### **3.3.3 Location**

- i) Notwithstanding the provisions of this By-law to the contrary, no *dwelling unit* shall be located in a non-residential *building* for *industrial use* or for a *motor vehicle service station*, *motor vehicle repair garage*, *motor vehicle body shop*, *small engine service shop*, or *dry cleaning establishment*.
- ii) In a *Commercial Zone*, no *dwelling unit* shall be located in a non-residential *building* except on the second *storey* or in accordance with Section 4.6.2 and Section 4.7.2 of this By-law.

## **3.4 DWELLINGS AND DWELLING UNITS**

### **3.4.1 Location of Dwelling Units**

- i) Location in Garage

No *dwelling* or *dwelling unit* shall in its entirety or part thereof be located in a *private garage*, a *motor vehicle service station*, *motor vehicle repair garage*, *motor vehicle body shop*, *small engine service shop*, *dry cleaning establishment* or a building for *industrial use*.

- ii) Dwelling Unit Below Grade

No *dwelling unit* shall be located entirely in a *cellar* but may be located in a *basement* of a *single* or *semi-detached dwelling* provided the *dwelling unit* has:

- a) separate bathroom and kitchen facilities
- b) a separate *parking space*

- c) met the requirements of the Ontario Building, Fire and Electrical Safety Codes

Prior to an occupancy permit being issued, evidence satisfactory to the Municipality must be shown indicating compliance with the Ontario Fire Code, the Ontario Building Code, the Electrical Safety Code and the provisions of this By-law.

### **3.4.2 Converted Dwelling Units**

Prior to a building permit being issued for the conversion of a *single* or *semi-detached dwelling* to 2 *dwelling units*, it must be demonstrated that suitable sewage capacity has been obtained and the proposed *dwelling unit* must have:

- i) separate bathroom and kitchen facilities
- ii) a separate *parking space*
- iii) met the requirements of the Ontario Building, Fire and Electrical Safety Codes

Prior to an occupancy permit being issued, evidence satisfactory to the Municipality must be shown indicating compliance with the Ontario Fire Code, the Ontario Building Code, the Electrical Safety Code and the provisions of this By-law.

### **3.4.3 Number of Dwelling Units on One Lot**

Unless otherwise permitted in this By-law, no more than one *dwelling unit* shall be permitted on any *lot*.

## **3.5 ACCESS ON IMPROVED PUBLIC STREET**

- i) No *person* shall *erect* any *building* or *structure* in any *zone* after the date of passing of this By-law, unless the *lot* upon which such *building* or *structure* is to be *erected* has frontage upon an *improved public road* that is maintained year round and such *building* or *structure* complies with the *setback* provisions of this By-law.
- ii) Clause (i) shall not apply to prevent the *erection* of a permitted *building* or *structure* on a *lot* in a registered Plan of Subdivision where a properly executed Subdivision Agreement has been entered into with the *Town*, notwithstanding that the *street* or

*streets* will not be assumed by the *Town* until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural *alteration* of an *existing building* or *structure*, which is located on a *lot* which does not have frontage upon an *improved public road*, provided the *use* of such *building* or *structure* does not change and is permissible within the *zone* in which it is located.

- iii) Where lands form a *lot*, block or unit in an approved plan of *condominium*, a roadway owned and maintained by a registered *condominium* corporation shall be deemed to be an *improved public road* for the purposes of this By-law.

### **3.6 PROVINCIAL HIGHWAYS**

- i) The Corporation of the Town of Shelburne and the Ministry of Transportation will work cooperatively with respect to the planning of land *development* and associated access connections within the Ministry of Transportation's permit control area adjacent of all *provincial highways*, in order to protect the future capacity and operation of the *provincial highway* network.
- ii) New entrances or the upgrading of entrances within the Ministry of Transportation's permit control area of a *provincial highway* shall be subject to the approval of the Ministry of Transportation. This may well increase the access spacing requirements of the *Town*.
- iii) Entrance, Sign, Encroachment, and Building and Land Use Permits are required from the Ministry prior to any grading or construction commencing within the Ministry of Transportation permit control area. Developments which fall within the Ministry of Transportation's permit control area are subject to Ministry of Transportation policies and standards, and may increase the requirements of the *Town*.

### **3.7 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE**

Notwithstanding any other provisions of this By-law to the contrary, where a *dwelling* is to be *erected* in a Residential *Zone* between *existing dwellings* on the same *street*, such *dwelling* shall be built with a *front yard* and *setback* within 1.0 metre of the average *yard* of the adjacent *dwellings* on the same side of the *street* provided that the *dwelling* to be

*erected* is a minimum of 16.0 metres from the *centreline* of a *public street*.

### 3.8 HEIGHT EXCEPTIONS

- i) Notwithstanding the height provisions of this By-law to the contrary, nothing in this By-law shall apply to prevent the *erection, alteration, or use* of a *barn* or silo, a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a communications tower or antenna, an air conditioner duct, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment, which exceeds the maximum height requirements provided the main or *principal use* is permitted within the *zone* in which it is located and provided all other applicable provisions of this By-law are complied with.
- ii) Decorative or architectural *structures* used to screen or cover mechanical equipment shall be exempt from the height requirements of this By-law.
- iii) *Setbacks* for all towers shall be 1.5 times the tower height.

### 3.9 HOME OCCUPATION

Where a *home occupation* is permitted the following provisions shall apply:

- i) In addition to *persons* living on the *premises* not more than two (2) employees shall be engaged in the business and working from the *dwelling*. In the case of a dentist, doctor or other drugless practitioner and/or health care provider there may be one additional employee in a *home occupation*.
- ii) There shall be no display other than a non-illuminated *sign* having a maximum surface area in accordance with the Municipal Sign By-law.
- iii) There shall be no goods, wares, or merchandise offered for sale or rent on the *premises* other than what is produced on the *premises*.
- iv) There shall be no *open storage* of goods, materials, containers or animal enclosures used in conjunction with the *home occupation*.



- v) Not more than 25 percent of the *gross floor area* or 46 square metres of the *dwelling* shall be used for the purposes of the *home occupation*, and such *home occupation* shall be conducted entirely within the *dwelling*. The area of the *basement* or *attached garage* within the *dwelling* shall not be included in *gross floor area* for the purposes of calculating the *floor area* maximum for the *home occupation*.
- vi) There shall be no mechanical or other equipment used except that which is customarily used in a *dwelling* for domestic or household purposes or for *use* by a hairdresser or barber, dentist, drugless practitioner, physician, or other professional *person*.
- vii) A *home occupation* shall not include a *boarding, lodging or rooming house*, an eating establishment, or a facility offering accommodation or meals.
- viii) A *home occupation* shall be secondary to the principal residence and shall not change the residential character of the *lot*.
- ix) One *home occupation* only shall be permitted in conjunction with a *single detached dwelling*.
- x) Parking for the *home occupation* shall be provided with a minimum of three spaces in addition to the required parking for the *dwelling*, except that a *medical office* will require a minimum of six *parking spaces*. *Parking spaces* shall be located in the *side* or *rear yard* only.

### **3.10 LOADING SPACE REQUIREMENTS**

#### **3.10.1 Loading Space**

*Loading spaces* are required under this By-law, in accordance with the Loading Space Requirement Table set forth herein, and the owner of every commercial or industrial *building* or *structure erected* for any purpose involving the receiving, shipping, loading or unloading shall provide and maintain *loading spaces* on the *lot* accordingly. For the purposes of this By-law, each *loading space* shall be 9.0 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres.

### 3.10.2 Loading Space Requirement Table

**Table 3**

Gross Floor Area of Building	Loading Spaces Required
Less than 300 m <sup>2</sup>	None
300 m <sup>2</sup> to 2300 m <sup>2</sup> or less	1 space
Exceeding 2300 m <sup>2</sup>	2 spaces

### 3.10.3 Access

Access to *loading spaces* shall be by means of a *driveway* of at least 3.5 metres in width contained on the *lot* on which the spaces are located and leading to an improved year round maintained *public road*.

### 3.10.4 Loading Space Surface

*Loading spaces*, and related *driveways*, aisles and turning areas shall be surfaced with asphalt, concrete, brick or other similar material and shall include provisions for drainage facilities. The use of similar materials which provide for the infiltration of water into the ground is also permitted. Nothing in this subsection shall apply to prevent the replacement or re-location of an existing gravel loading space and related *driveways*, aisles and turning areas in a permitted location on the same *lot*.

### 3.10.5 Location

Required *loading spaces* shall not be located in the *front yard*.

### 3.10.6 Additions to or Change in Use of Existing Buildings

The *loading space* requirements referred to herein shall not apply to any *building* in existence at the date of passing of this By-law so long as the *gross floor area*, as it existed at such date, is not increased by more than 300 m<sup>2</sup>. If an addition is made to the *building* or *structure* which increases the *gross floor area* or the *use* of the *building* changes, then additional *loading spaces* shall be provided as required by this Section, in accordance with the provisions of Section 3.10.2, the Loading Space Requirement Table, for such addition.

### **3.11 MULTIPLE ZONES ON ONE LOT**

Where a *lot* is divided into more than one *zone* under the provisions of this By-law, each such portion of the *lot* shall be used in accordance with the *zone provisions* of this By-law for the applicable *zone* as if it were a separate *lot*. The *lot area* and *lot frontage* requirements of the most restrictive *zone* on the *lot* shall be applied to the entire *lot*.

### **3.12 NON-CONFORMING USES**

#### **3.12.1 Continuation of Existing Uses**

The provisions of this By-law shall not apply to prevent the *use* of any *existing lot, building or structure* for any purpose prohibited by this By-law if such *existing lot, building or structure* was lawfully used for such purpose, prior to the effective date of this By-law and provided that the *lot, building or structure* continues to be used for that purpose. Where the *use* ceases to exist for a period of two years, the *use* will be deemed to have been discontinued.

#### **3.12.2 Permitted Exterior Extension, Alteration and Reconstruction**

The exterior of any *building or structure* which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the *zone* in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 metre, reconstructed or otherwise structurally *altered*, unless such *building or structure* is thereafter to be used for a purpose permitted within such *zone*.

#### **3.12.3 Permitted Interior Alteration**

The interior of any *building or structure* which was lawfully used for a purpose not permissible within the *zone* in which it is located prior to the effective date of this By-law, may be reconstructed or structurally *altered*, in order to render the *building or structure* more convenient for the *existing* purpose for which it was lawfully used.

#### **3.12.4 Restoration to a Safe Condition**

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any *existing, legal non-conforming building or structure* or part thereof, provided that the strengthening or restoration does not increase the *building height, size or volume* or change the

*existing*, lawful *use* of such *existing building* or *structure* unless these changes are necessary to provide for flood proofing.

### **3.12.5 Building Permit Issued**

The provisions of this By-law shall not apply to prevent the *erection* or *use* of any *building* or *structure*, the plans for which have, prior to the date of passing of this By-law, been approved by the *Chief Building Official*, so long as the *building* or *structure*, when *erected*, is used and continues to be used for the purpose for which it was *erected*.

## **3.13 NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES**

### **3.13.1 Permitted Buildings or Structures**

Where a *building* or *structure* is located on a *lot* having less than the minimum frontage and/or *lot area*, and/or having less than the minimum *setback* and/or *side yard* and/or *rear yard* required by this By-law, the said *building* or *structure* may be enlarged, reconstructed, repaired and/or renovated provided that:

- i) the enlargement, reconstruction, repair and/or renovation does not further reduce the *existing front yard*, and/or *side yard* and/or *rear yard* and/or further increase the *lot coverage*;
- ii) the *building* or *structure* is being used for a purpose permissible within the *zone* in which it is located; and,
- iii) all other applicable *zone provisions* of this By-law are complied with.

### **3.13.2 Reconstruction of Existing Building**

Nothing in this By-law shall apply to prevent the reconstruction of any permitted *building* which is accidentally damaged or destroyed by causes beyond the control of the owner or where the owner has obtained a demolition permit from the *Municipality*. Such permitted *building* may be reconstructed in accordance with the previously *existing* standards, even if such *building* did not conform with one or more of the provisions of this By-law provided that the reconstruction occurs within 24 months of the damage being done, but the non-compliance may not be further increased.

### 3.13.3 Existing Undersized Lots of Record

- i) Where a *lot*, having a lesser *lot area* and/or *lot frontage* than required herein, existed on the date of passing of this By-law, or where such a *lot* is created by a *public authority*, such smaller *lot* may be used and a permitted *building* or *structure*, may be *erected, altered* and/or used on such smaller *lot* provided that all other applicable *zone provisions* of this By-law are complied with.
- ii) *Lots* which have been increased in size following passing of this By-law may also be used in accordance with this provision.

## 3.14 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no *use* shall be permitted which, from its nature or the materials used therein, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

## 3.15 PARKING AREA REGULATIONS

### 3.15.1 Parking Space Requirements

The owner of land, *building* or *structure erected* or used for any of the purposes hereinafter set forth shall provide and maintain *parking spaces* for the sole *use* of the owner, occupant, or other *persons* entering upon or making *use* of the said *premises*, from time to time.

*Parking spaces* are required under this By-law, in accordance with Section 3.15.9, the Parking Space Requirement Table. Where the calculation of required spaces exceeds a whole space by more than 0.25, the required spaces shall be the next whole number.

### 3.15.2 Parking Area Surface

Non-Residential *parking spaces*, or *parking areas* associated with *development* in the R5 Zone and *driveways* connecting the *parking*

*spaces* or area with a *street* shall be maintained with a stable surface that is treated so as to prevent the raising of dust. Such *parking spaces* or areas shall, before being used, be constructed of asphalt, brick, concrete or other similar material and shall include provisions for drainage facilities. The use of similar materials which provide for the infiltration of water into the ground is also permitted. Parking shall not be permitted on non-surfaced areas in any Residential *Zone*. Nothing in this subsection shall apply to prevent the replacement or re-location of an existing gravel parking area in a permitted parking area location on the same lot.

### 3.15.3 Ingress and Egress Provisions

- i) Ingress and egress to and from the required *parking spaces* and areas shall be provided by means of unobstructed *driveways* or passageways having a minimum and maximum width as follows:
  - a) The minimum *driveway* width shall be 3.5 metres;
  - b) In a Residential *Zone* and for a *residential use* in any *zone*, the maximum *driveway* width shall be equal to the *garage width* plus 0.5 metre or 40 per cent of the *lot width* in the *front yard* or 3.5 metres, whichever is greater, provided that no *driveway* shall exceed 9.0 metres in width.
  - c) The maximum width of any joint ingress and egress *driveway* ramp measured along the street line shall be 9.0 metres.
- ii) The *minimum distance* between any two *driveways* on one *lot* or between a *driveway* and an intersection of *street lines* measured along the *street line* intersected by such *driveway* shall be 7.5 metres. Nothing in this clause shall apply to prevent the location of a *driveway* closer than 7.5 metres to an intersection of *street lines* on a lot used for a permitted *single detached, semi-detached* or *street townhouse dwelling unit*, provided that the *driveway* complies with all other provisions of this subsection.
- iii) The minimum angle of intersection between a *driveway* and a *street line* shall be 60 degrees.
- iv) Every *lot* shall be limited to the following number of *driveways*, namely:

- a) up to the first 15.0 metres of *lot frontage*, not more than one *driveway*;
  - b) greater than 15.0 metres of *lot frontage* but not more than 30.0 metres of frontage, not more than two *driveways*; and,
  - c) for each additional 100.0 metres of *lot frontage*, not more than one additional *driveway*.
- v) *Driveways* in Residential Zones shall meet the minimum *side yard* requirement in the *zone* within the required *front yard*.
  - vi) The minimum length of a *driveway* shall be 6.0 metres from the limit of a road allowance or common road.

#### **3.15.4 Parking Space Requirements**

- i) *Parking spaces* shall have a minimum width of 2.75 metres, minimum depth of 5.5 metres and shall be located entirely within the *lot* on which the parking is required.
- ii) Designated *parking spaces* shall have a minimum width of 4.5 metres, a minimum depth of 6.0 metres and a minimum area of 25 square metres and shall be located within 20.0 metres of the *use* that is being served.

#### **3.15.5 More Than One Use on a Lot**

When a *building* or *structure* accommodates more than one type of *use*, the *parking space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate types of *use*.

#### **3.15.6 Parking Area Location on Lot**

Notwithstanding the *yard* and *setback* provisions of this By-law to the contrary, *parking areas* shall be permitted in the required *yards* or in the area between the *street line* and the required *setback* except that:

- i) where a *lot* in an Industrial, Commercial, Institutional or *Open Space Recreation Zone* contains a *parking area* that abuts a *public street* or a Residential Zone a 3.0 metre *planting strip* shall be provided in accordance with subsection 3.16;

- ii) No *parking area* in any Residential Zone shall be situated, in whole or in part, within those portions of any *front yard* or *exterior side yard* that are located a lesser distance from their respective *front* and *side lot lines* than the *minimum distances* for *front yards* and *exterior side yards* respectively that are required in the *zone* in which such parking is situate, or, except in the case of a mutual *driveway*, or where the *parking area* is in a *garage* or *carport*, within 0.5 metre of a *side* or *rear lot line*. No *parking area* shall occupy more than 50 per cent of the area of the *yard* in which it is situate.

### **3.15.7 Additions To, or Changes In, the Use of Existing Buildings and Structures**

The *parking space* requirements referred to herein shall not apply to any *building* or *structure* lawfully in existence on the date of passage of this By-law, so long as the *gross floor area* is not increased and the *use* or number of *dwelling units* does not change. If any addition is made to a *building* or *structure* which increases its *gross floor area*, then *parking spaces* for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in *use* occurs, *parking spaces* shall be provided for such new *use* in accordance with the requirements of Section 3.15.9, the Parking Space Requirement Table.

Notwithstanding the above, within the Downtown Commercial (C1) *zone* a change in *use* shall not require additional *parking spaces* to be provided.

### **3.15.8 Use of Parking Spaces and Areas**

*Parking spaces* and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed *vehicles* only and for *vehicles* used in an operation incidental to the permitted *uses* in respect of which such *parking spaces* and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any *lot*, *building* or *structure* in a Residential Zone may use the *lot* for the parking of one *commercial motor vehicle* or one *recreational vehicle* provided that the *vehicle* does not exceed a 4000 kilograms load capacity or a 5.0 metre wheelbase.



### 3.15.9 Parking Space Requirement Table

**Table 4**

<b>Type of Nature of Use</b>	<b>Minimum Number of Off-Street Parking Spaces</b>
<i>Single Detached Dwellings, Townhouse Dwellings, Accessory Dwelling Units, Converted Dwellings, Semi-Detached Dwellings, Duplex and Triplex Dwellings, Group Home Type 1 and Group Home Type 2</i>	1 space for each <i>dwelling unit</i>
<i>Rooming Units</i>	1 space for each <i>rooming unit</i>
<i>Apartment Dwelling Units and Dwelling Units Over Commercial Uses</i>	1 spaces for each <i>dwelling unit</i>
<i>Senior Citizens Homes</i>	1 space for each 2 <i>dwelling units</i>
<i>Hospital</i>	1 space for each 4 beds
<i>Homes for Long-Term Care and Rest Homes</i>	1 space for each 4 beds
<i>Fire and Police Stations</i>	1 space for each 30 m <sup>2</sup> of GFA
<i>Libraries and Community Centres</i>	1 space for each 30 m <sup>2</sup> of GFA
<i>Museums and Art Galleries</i>	1 space for each 40 m <sup>2</sup> of GFA
<i>Retail Stores, Personal Service Shops, Service Shops and Repair Shops, and Studios</i>	1400m <sup>2</sup> or less of GFA: 1 space for each 30 m <sup>2</sup> of GFA  Greater than 1400 m <sup>2</sup> of GFA: 1 space for each 20 m <sup>2</sup> of GFA
<i>Business Office, Professional Office or Administrative Office</i>	1 space for each 20 m <sup>2</sup> of GFA
<i>Financial Institutions</i>	1 space for each 20 m <sup>2</sup> of GFA
<i>Restaurants</i>	1 space for each 4 persons seating capacity or 1 space for each 9 m <sup>2</sup> of GFA, whichever is greater
<i>Drive-through and Take-out Restaurants</i>	6 spaces, plus 1 space for each 4 persons seating capacity or 1 space for each 9 m <sup>2</sup> of GFA, whichever is greater
<i>Shopping Centres</i>	1 space for each 17 m <sup>2</sup> of GFA
<i>Gas Bars</i>	1 space for each 15 m <sup>2</sup> of GFA or 5 spaces, whichever is greater
<i>Motor Vehicle Repair Garage</i>	4 spaces for each service bay

<b>Type of Nature of Use</b>	<b>Minimum Number of Off-Street Parking Spaces</b>
<i>Automotive Sales Establishment</i>	3 spaces for each 100 m <sup>2</sup> of GFA
<i>Medical Offices and Clinics</i>	5 spaces for each practitioner
<i>Veterinary Clinics</i>	1 space for each 30 m <sup>2</sup> of GFA
Places of Worship, <i>Recreational Establishments, Auditoriums, Stadiums, Arenas, Theatres, Cinemas, Banquet Halls and Assembly Halls</i>	1 space for each 5 seats or 3m of bench space Where there are no fixed seats, 1 space for each 10 m <sup>2</sup> of GFA devoted for public use. Where there is a combination of floor area containing fixed seating and floor area devoted to public use containing no fixed seating, 1 space for each 10 m <sup>2</sup> of GFA devoted to public use.
Undertaking Establishments	10 spaces, plus 1 space for each 5 persons seating capacity for attending services
<i>High Schools</i>	3 spaces for each classroom
<i>Elementary Schools</i>	1.5 spaces for each classroom
<i>Fitness Centre</i>	3.5 spaces for each 95 m <sup>2</sup> of GFA
<i>Bowling Alleys</i>	2 spaces for each lane
<i>Billiard Halls</i>	1 space for each 20 m <sup>2</sup> of GFA
<i>Hotels and Motels</i>	1 space for each guest room plus 1 space for each 10 m <sup>2</sup> of GFA devoted to public use such as dining rooms, licensed beverage rooms, banquet rooms and similar uses.
<i>Miniature Golf Courses and Golf Driving Ranges</i>	1.5 spaces for each tee
<i>Nursery Schools and Day Care Centres</i>	1.5 spaces for each employee
<i>School, Commercial</i>	5 spaces for each teaching classroom plus 1 space for each 50 m <sup>2</sup> of GFA not including places of public assembly or auditoriums. For public assembly or auditorium areas, the standards as set out elsewhere in this By-law shall apply.
<i>Food Stores</i>	1 space for each 15 m <sup>2</sup> of GFA

Type of Nature of Use	Minimum Number of Off-Street Parking Spaces
<i>Manufacturing and Processing; Manufacturing, Light and Industrial Uses</i>	<p>3000 m<sup>2</sup> or less of GFA: 1 space for each 50 m<sup>2</sup> of GFA</p> <p>Greater than 3000 m<sup>2</sup> of GFA: 1 space for each 50 m<sup>2</sup> of GFA for the first 3000 m<sup>2</sup> and 1 space for each 100 m<sup>2</sup> of GFA in excess of 3000 m<sup>2</sup></p> <p>For any office areas, the standards as set out elsewhere in this By-law shall apply.</p>
<i>Warehouses</i>	<p>2000 m<sup>2</sup> or less of GFA: 1 space for each 90m<sup>2</sup> of GFA</p> <p>Greater than 2000 m<sup>2</sup> of GFA: 1 space for each 150 m<sup>2</sup> of GFA</p> <p>For any office areas, the standards as set out elsewhere in this By-law shall apply.</p>
All other <i>commercial uses</i>	1 space for each 28 m <sup>2</sup> of GFA

*Parking space* requirements in the Downtown Commercial (C1) Zone shall be reduced by one-half the requirement outlined in the Parking Requirement Table where the owner or occupant of the *use* requiring the *parking spaces* enters into an agreement with the *Town* to provide cash in lieu of parking pursuant to Section 40 of the Planning Act.

### 3.15.10 Designated Parking Space Requirements

- i) *Parking spaces* reserved for the sole *use* of *vehicles* operated by or carrying physically disabled persons (hereinafter call “Designated *Parking spaces*”) shall be provided in accordance with Clauses (i) and (ii) of this Subsection. Each Designated *Parking Space* shall be clearly demarcated as such, and shall have a minimum width of 4.5 metres and a minimum length of 6.0 metres.

**Table 5**

Number of Parking Spaces Required	Minimum Number of Designated Parking Spaces
1 to 19	Nil
20 to 99	1
100 to 199	2
200 to 299	3
For each additional 100 or part thereof	An additional 1 to a maximum of 20

- ii) Notwithstanding the provisions of Clause (i) of this Subsection, for *hospitals, clinics, medical offices, and senior citizens homes*, designated *parking spaces* will be provided as follows:

**Table 6**

Number of Parking Spaces Required	Minimum Number of Designated Parking Spaces
1 to 30	1
31 to 60	2
61 to 100	3
For each additional 30 or part thereof	An additional 1 to a maximum of 12

### 3.16 PLANTING STRIPS

#### 3.16.1 Location

- i) Where a *lot* in an Institutional, Commercial, Industrial or *Open Space Recreation Zone* abuts an *interior side* or *rear lot line* of a *lot* in a Residential Zone, a 3.0 metre wide *planting strip* adjoining such abutting *lot line*, or portion thereof, shall be required.
- ii) Where a *parking area* is located adjacent to a *public street* or an *interior side* or *rear lot line* of a *lot* in a Residential Zone, a 3.0 metre wide *planting strip* adjoining such *street* or *lot line*, or portion thereof, shall be required.
- iii) Notwithstanding the requirements of clause (i) and clause (ii) of this subsection to the contrary, where *parking areas* are connected to *parking areas* on adjacent *lots* a *planting strip* is not required.

### 3.16.2 Contents

Such required *planting strip* shall be used for no other purposes than the planting of a continuous, unpierced hedgerow of trees, evergreens or shrubs or other natural vegetation, or solid fencing not less than 1.5 metre high, immediately adjacent to the *lot line*, or portion thereof, where such *planting strip* is required. The remainder of the *planting strip* shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds or a combination thereof.

### 3.16.3 Driveways and Walkways

In all cases where ingress and egress, *driveways*, launching ramps or walkways extend through a required *planting strip*, it shall be permissible to interrupt the *planting strip* within 3.0 metres of the edge of such *driveway* or within 1.5 metres of the edge of such walkway.

### 3.16.4 Landscaped Open Space

A *planting strip* or buffer screen referred to in this Section may form a part of any *landscaped open space* required by this By-law and may form part of a required *yard*.

## 3.17 PUBLIC USES

### 3.17.1 Location Restrictions

Notwithstanding any other provision contained in this By-law to the contrary, where a public *use* is specifically mentioned as a permitted *use* within a specific *zone* classification, then such public *use* shall only be permitted within that *zone* or *zones* and shall comply with the *zone provisions* of the *zone* or *zones* in which the public *use* is permitted, save and except that there shall be no minimum *lot area* or *lot frontage* requirement.

### 3.17.2 Provisions

- i) No goods, materials or equipment shall be stored outside a *building* or *structure* located on the *lot*, except as may otherwise be permitted under this By-law and shall not be stored closer than 60.0 metres from a Residential *Zone*.
- ii) The *zone provisions* of the *zone* in which the *use* is located shall be complied with except as otherwise provided in this By-law.

- iii) The *building* or *structure* shall be designed and maintained in general harmony with the *uses* permitted within the respective *zone*.

### **3.17.3 Public Utilities**

Except as provided in Section 3.17.2 hereof, the provisions of this By-law shall not apply to prohibit the *use* of any *lot* or the *erection* or *use* of any *building* or *structure* for the purposes of *public utilities* provided by the *Town*, *County*, or any *Public Authority* including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this section, shall include any *utility* provider, telephone, or cable company and any natural gas distribution system operated by a Company distributing gas to the residents of the *Town*, which company possesses all the necessary powers, rights, licenses and franchises. For the purposes of this By-law, public utilities shall not include any facility used for residential purposes.

### **3.17.4 Streets and Service Installations**

Nothing in this By-law shall prevent land from being used as a *street* or highway, or prevent the installation of a water main, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Hydro One or a Public Utilities Commission or their successors.

## **3.18 REDUCTION OF REQUIREMENTS**

No *person* shall change the purpose for which any land, *building* or *structure* is used or *erect* any *building*, *structure*, or addition to any *existing building* or *structure*, or reduce the area of any *lot*, if the effect of such action is to cause the original, adjoining, remaining or new *building*, *structure* or *lot* to be in contravention with this By-law.

## **3.19 SERVICES REQUIRED**

No *person* shall *erect* or use a *building* or *structure* for a *residential use* on any lands unless approved *sewage* disposal and *water supply* services are available to the *lot*.

### 3.20

### SIGHT TRIANGLES

On a *corner lot* fronting on two *public roads*, within the triangular space formed by the *street line* and a line drawn from a point on one *street line* to a point in the other limit of the road allowance, as shown on the Table below, measured along the *street line* from the point of intersection of the *street lines*, no *motor vehicle*, as defined in The Highway Traffic Act, shall be parked, no *building* or *structure* which would obstruct the vision of drivers of *motor vehicles* shall be *erected*, and no land shall be used for the purposes of growing shrubs or trees in excess of 1.0 metre in height. Such triangular space may hereinafter be referred to as a “*sight triangle*”. Where the two *street lines* do not intersect at a point, the point of intersection of the *street lines* shall be deemed to be the intersection of the projection of the *street lines* or the intersection of the tangents to the *street lines*.

**Table 7**

Required Sight Triangles	
Roads	Sight Triangle Distance
Local	6.0 m
County	9.0 m
Provincial Highways	9.0 m

### 3.21

### SIGNS

The provisions of this By-law shall not apply to prevent the *erection*, *alteration* or *use* of any *sign* provided such *sign* complies with the By-laws of the *Town* and is *accessory* to the *use* of the land on which it is located.

### 3.22

### TEMPORARY CONSTRUCTION USES

A tool shed, construction *trailer*, scaffold or other *building* or *structure* incidental to construction is permitted in all *zones* within the *Town* on the *lot* so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 30 consecutive days and/or the failure to maintain a current building permit.

### 3.23 SPECIAL SETBACKS

#### 3.23.1 Street Centrelines

- (i) Where a *lot* abuts a road allowance less than 20.0 metres in width, the minimum *setback* from the *street line* shall be 10.0 metres from the *centreline* of the *street* plus the required *front yard* or *exterior side yard* within the *zone*, except where there is an *established building line* as provided in Section 3.7 the *setback* from the *street centreline* shall be not less than 16.0 metres of the *street centreline*.
- (ii) Where a *lot* abuts a County Road, the minimum *setback* shall be 15.0 metres from the *centreline* of the *street* plus the required *front yard* or *exterior side yard* within the *zone*.
- (iii) Where a *lot* abuts a *Provincial Highway*, the minimum *setback* shall be 14.0 metres from the *street line*.

#### 3.23.2 Watercourses

All *buildings* or *structures* shall be *setback* a minimum of 30.0 metres from the *high water mark* of any river, stream, creek or municipal drain unless otherwise approved by the Conservation Authority.

#### 3.23.3 Group Homes

A *Group Home Type 1* or *Group Home Type 2* shall not be located within an 800 metre radius of the *lot line* of an existing *Group Home Type 1* or *Group Home Type 2*.

#### 3.23.4 Minimum Distance Separation: Livestock Facilities

- i) Notwithstanding any other *yard* or *setback* provisions of this By-law to the contrary, no residential, institutional, commercial, industrial, or recreation *use* located on a separate *lot* and otherwise permitted by this By-law, shall be established and no *building* or *structure* for such *use* shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using Appendix “B” to this By-law and in accordance with the MDS I Implementation Guidelines contained therein.
- ii) 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 Formula (MDS II) calculated using Appendix “B” to this By-law and in accordance with the MDS II Implementation Guidelines contained therein.

- iii) Notwithstanding the above noted provisions, where an *existing use* that was in compliance with the MDS provisions is changed, the new *use* shall also be subject to MDS I or MDS II provisions, whichever is applicable. For the purposes of this subsection, a change in the type of livestock *use* housed is considered to be a change of *use*.

### **3.23.5 Natural Environment Zones**

The Nottawasaga Valley Conservation Authority has completed mapping of the areas affected by Ontario Regulation 172/06 – Development Interference with Wetlands and Alterations to Shorelines and Watercourses. Any area adjacent to or within 50 metres of a Natural Environmental Zone may be subject to the *setbacks* and restrictions associated with Ontario Regulation 172/06 and as such any development adjacent to or within 50 metres of the Natural Environment Zone should be reviewed by the Nottawasaga Valley Conservation Authority to confirm the required *setbacks*.

### **3.24 THROUGH LOTS**

Where a *lot*, which is not a *corner lot*, has *lot frontage* on more than one *street*, the *setback* and *front yard* requirements contained herein shall apply on each *street* in accordance with the provisions of the *zone* or *zones* in which such *lot* is located.

### **3.25 RECREATIONAL VEHICLES, TRAILERS AND CAMPERS**

#### **3.25.1 Parking and Storage**

The parking and storing of *recreational vehicles, trailers, mobile homes, travel or tent trailers* shall be prohibited in all Residential Zones except that one *recreational vehicle, trailer, mobile home or travel or tent trailer* may be stored on the occupant’s *lot*, where a *dwelling* is in existence on the same *lot*, in the *rear* or *interior side yard*, provided that it meets the *setbacks* for an *accessory building* within the limits of the *lot*, or in the *driveway* in the *front yard*, provided that the *recreational vehicle, trailer, mobile home, travel or tent trailer* is set back a minimum of 0.6 metre from the *front lot line*. The parking and storing of

a *recreational vehicle, trailer, mobile home, travel or tent trailer* shall only be permitted on the *driveway* in the *front yard* between May 1<sup>st</sup> and October 31<sup>st</sup> and the required *parking spaces* for the main use shall be maintained in accordance with this By-law.

### **3.25.2 Use**

- i) The *use* of *trailers, travel trailers, recreational vehicles, truck campers, and camper trailers* for commercial purposes or habitation shall be prohibited in all *zones* except in areas where such *use* is expressly permitted by this By-law.
- ii) No other form of *trailer* or *vehicle* shall be used for human habitation unless expressly permitted by this By-law.

### **3.26 WELLHEAD PROTECTION AREAS**

Notwithstanding the *uses* permitted by this By-law to the contrary, within the areas identified as *Wellhead Protection Areas* on Schedule B to this By-law the following *uses* are specifically prohibited in the area shown as the two year time of travel:

- *bulk fuel depot*;
- storage or manufacture of solvents;
- storage or manufacture of pesticides, herbicides or fungicides;
- storage of construction or agricultural equipment;
- storage of animal manure and organic fertilizers;
- storage of road salt or identified environmental contaminants;
- *waste disposal areas* and facilities;
- organic soil conditioning sites;
- snow storage and disposal facilities; and,
- intensive agriculture.

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## SECTION 4 ZONE PROVISIONS

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### 4.1 RESIDENTIAL TYPE ONE (R1) ZONE

No *person* shall within any Residential Type One (R1) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

#### 4.1.1 Permitted Uses

- i) *Single Detached Dwelling*
- ii) *Converted Dwelling*
- iii) *Home Occupation*
- iv) *Open Space*
- v) *Park, Public*

#### 4.1.2 Regulations for Permitted Uses

- |       |  |           |
|-------|--|-----------|
| i)    | Minimum <i>Lot Area</i>                              | 1900 sq m |
| ii)   | Minimum <i>Lot Frontage</i>                          | 30.0 m    |
|       | a) <i>Corner Lot</i>                                 | 30.0 m    |
| iii)  | Minimum <i>Front Yard</i>                            | 9.0 m     |
| iv)   | Minimum <i>Exterior Side Yard</i>                    | 4.5 m     |
| v)    | Minimum <i>Interior Side Yard</i>                    | 3.0 m     |
| vi)   | Minimum <i>Rear Yard</i>                             | 7.5 m     |
| vii)  | Maximum <i>Setback</i> from <i>Street Centreline</i> | 17.5 m    |
| viii) | Maximum <i>Lot Coverage</i>                          | 30%       |
| ix)   | Maximum <i>Building Height</i>                       | 9.2 m     |

#### 4.1.3 Exceptions

##### 4.1.3.1 Residential Type One Exception One (R1-1) *Zone*

Notwithstanding the regulations in subsection 4.1.2, on the lands zoned R1-1, the following provisions shall apply:

- |     |                             |          |
|-----|-----------------------------|----------|
| i)  | Minimum <i>Lot Area</i>     | 900 sq m |
| ii) | Minimum <i>Lot Frontage</i> | 18.3 m   |
|     | a) <i>Corner Lot</i>        | 20 m     |

iii)	Minimum <i>Front Yard</i>	7.6 m
iv)	Minimum <i>Exterior Side Yard</i>	4.5 m
v)	Minimum <i>Interior Side Yard</i>	1.5 m
vi)	Minimum <i>Rear Yard</i>	7.5 m
vii)	Maximum <i>Setback</i> from <i>Street Centreline</i>	17.5 m
viii)	Maximum <i>Lot Coverage</i>	33%
ix)	Maximum <i>Building Height</i>	9.2 m

#### 4.1.3.2 Residential Type One Exception Two (R1-2) Zone

Notwithstanding the permitted *uses* and regulations in subsections 4.1.1 and 4.1.2, on the lands zoned R1-2, the following special provisions shall apply:

- i) the lands shall only be used for the protection and natural regeneration of the *existing* woodlot, including trees and vegetation, together with the planting of trees and vegetation intended to ensure the retention of the *existing* woodlot;
- ii) no *buildings* and/or *structures*, *swimming pools*, or any like recreational or other facilities shall be permitted;
- iii) no *open storage* or equipment and/or materials shall be permitted; and,
- iv) fencing shall only be permitted along the northerly *lot lines* and the most westerly and most easterly side *lot lines* of the lands.

#### 4.1.3.3 Residential Type One Exception Three (R1-3) Zone

Notwithstanding the regulations in subsection 4.1.2, on the lands zoned R1-3, the following special provisions shall apply:

i)	Minimum <i>Lot Area</i>	700 m <sup>2</sup>
ii)	Minimum <i>Lot Frontage</i>	21.0 m
iii)	Minimum <i>Front Yard</i>	
	a) <i>Dwelling</i>	4.5 m
	b) <i>Private Garage</i>	6.0 m
iv)	Minimum <i>Interior Side Yard</i>	1.2 m
v)	Maximum <i>Lot Coverage</i>	40%
vi)	Maximum <i>Building Height</i>	9.2 metres
		from lowest
		<i>grade elevation</i>
vii)	Minimum <i>Landscaped Open Space</i>	35%

- viii) *Parking Space Requirements*
  - a) Notwithstanding the provisions of s. 3.15.9 of this By-law to the contrary, the minimum number of *off-street parking spaces* required for a *single detached dwelling* on land zoned R1-3 shall be 2 spaces per *dwelling unit*
  - b) All *parking spaces* shall be located in accordance with subsection 3.15.6 (ii) of this By-law
- ix) *Private Garages*

Notwithstanding the provisions of subsection 3.2.5 (vii), (ix) and (xii) of this By-law to the contrary,

  - a) No part of a *private garage* shall be located closer to the *front lot line* than the *main building façade*, except:
    - (1) Where the *building* has a covered *porch* and the *attached private garage* has a second *storey* of *habitable living space* above it, the *attached private garage* may extend to the front limit of the covered *porch* or 2.5 metres in front of the *main building façade*, whichever is less, provided that nothing in this clause shall permit a *private garage* to be located closer than 6.0 metres to the *front lot line*. For the purposes of this clause, a front *porch* shall be *attached* to the front wall of the *dwelling*, covered only by a roof, have a minimum depth of 1.5 metres and a minimum width of 30% of the width of the *dwelling* (including the garage).
    - (2) Where the front of the *private garage* is oriented at a minimum angle of 45 degrees to the *front lot line*, the garage may encroach up to 1.5 metres into the required *front yard*.
  - b) The maximum *garage width* shall be the lesser of 50% of the *main building* width measured along the front wall of the *dwelling* or 9.2 metres, except:
    - (1) Where a detached *private garage* is located in the *rear yard*, the maximum width shall be 10.5 metres;
    - (2) Where a *private garage* is located in a *front yard* or *side yard* at a minimum angle of 45 degrees to the *front lot line*, the maximum *garage width* shall be 10.5 metres.
  - c) The interior space of a garage shall have a minimum rectangular area of 2.75 metres by 5.5 metres with no more than one step encroachment.
  - d) The garage door height shall not exceed 2.6 metres.

## 4.2 RESIDENTIAL TYPE TWO (R2) ZONE

No *person* shall within any Residential Type Two (R2) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.2.1 Permitted Uses

- i) *Single Detached Dwelling*
- ii) *Semi-Detached Dwelling*
- iii) *Converted Dwelling*
- iv) *Home Occupation*
- v) *Open Space*
- vi) *Park, Public*

### 4.2.2 Regulations for Permitted Uses

ZONE REGULATIONS	RESIDENTIAL USE	
	<i>Single Detached Dwellings / Converted Dwellings / Other Uses Permitted in the R2 Zone</i>	<i>Semi-Detached Dwelling</i>
Minimum <i>Lot Area</i>	464.0 m <sup>2</sup>	280.0 m <sup>2</sup>
Minimum <i>Lot Frontage</i>		
<i>Interior Lot</i>	15.0 m	9.0 m
<i>Corner Lot</i>	17.0 m	12.0 m
Minimum <i>Front Yard</i>	6.0 m	6.0 m
Minimum <i>Exterior Side Yard</i>	4.5 m	4.5 m
Minimum <i>Interior Side Yard</i>	1.2 m	1.2 m
With <i>attached wall</i>	Not Applicable	Nil
Minimum <i>Rear Yard</i>	7.5 m	7.5 m
Maximum <i>Setback from Street Centreline</i>	20.0 m	20.0 m
Maximum <i>Lot Coverage</i>	35 %	35%
Maximum <i>Building Height</i>	9.2 m	9.2 m

### 4.2.3 Exceptions

#### 4.2.3.1 Residential Type Two Exception One (R2-1) Zone

Notwithstanding the permitted *uses* and regulations in subsection 4.2.1 and 4.2.2, on the lands zoned R2-1, the following special provisions shall apply:

- i) A *small animal veterinary clinic* shall be permitted within a *single detached dwelling*.
- ii) Required *parking areas* and spaces shall be in accordance with Section 3.15 and *parking spaces* shall be provided at the rate of 1 space for every 30 m<sup>2</sup> of *gross floor area* of the *dwelling* used for a *small animal veterinary clinic*. A 3.0 m wide *planting strip* shall be provided and maintained between the required *parking area* and the westerly *interior side lot line*.

All other Regulations for Permitted Uses in the R2 Zone shall apply in accordance with subsection 4.2.2.

#### 4.2.3.2 Residential Type Two Exception Two (R2-2) Zone

(Reserved)

#### 4.2.3.3 Residential Type Two Exception Three (R2-3) Zone

Notwithstanding the permitted *uses* and regulations of subsections 3.4.2, 4.2.1 and 5.68 of this By-law, on the lands zoned R2-3, the following special provisions shall apply:

- i) The permitted *uses* shall include a *converted dwelling* with a maximum of three (3) *dwelling units*, subject to all other applicable regulations of this By-law.

### 4.3 RESIDENTIAL TYPE THREE (R3) ZONE

No *person* shall within any Residential Type Three (R3) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

#### 4.3.1 Permitted Uses

- i) *Single detached dwelling*
- ii) *Converted Dwelling*
- iii) *Semi-Detached Dwelling*
- iv) *Home Occupation*
- v) *Open Space*
- vi) *Park, Public*

#### 4.3.2 Regulations for Permitted Uses

	RESIDENTIAL USE	
ZONE REGULATIONS	<i>Single Detached Dwelling / Other Uses Permitted in the R3 Zone</i>	<i>Semi-Detached Dwelling</i>
Minimum <i>Lot Area</i>	400.0 m <sup>2</sup>	270.0 m <sup>2</sup>
Minimum <i>Lot Frontage</i>		
<i>Interior Lot</i>	12.2 m	9.0 m
<i>Corner Lot</i>	12.5 m	11.0 m
Minimum <i>Front Yard</i>	6.0 m	6.0 m
Minimum <i>Exterior Side Yard</i>	4.5 m	3.0 m
Minimum <i>Interior Side Yard</i>	1.2 m	1.2 m on one side; 0.6 m on the other
With <i>attached wall</i>	Not Applicable	Nil
Minimum <i>Rear Yard</i>	7.5 m	7.5 m
Maximum <i>Setback from Street Centreline</i>	16.0 m	16.0 m
Maximum <i>Lot Coverage</i>	45 %	45 %
Maximum <i>Building Height</i>	9.2 m	9.2 m

#### 4.3.3 Exceptions

##### 4.3.3.1 Residential Type Three Exception One (R3-1) *Zone*

Notwithstanding the regulations in subsection 4.3.2, on the lands zoned R3-1 the following special provisions shall apply:



i)	Minimum <i>Lot Area</i>	388 m <sup>2</sup>
ii)	Minimum <i>Lot Frontage (interior lots)</i>	11.6 m
iii)	Minimum <i>Exterior Side Yard</i>	3.0 m
iv)	Minimum <i>Interior Side Yard</i>	0.6 m on one side, 1.2 m on the other side

#### 4.3.3.2 Residential Type Three Exception Two (R3-2) Zone

Notwithstanding the regulations in subsection 4.3.2, on the lands zoned R3-2, the following special provisions shall apply:

- i) Minimum *Front Yard*
  - a) *Dwelling* 4.5 m
  - b) *Private Garage* 6.0 m
- ii) Minimum *Rear Yard*
  - a) *Interior Lot* 7.5 m
  - b) *Corner Lot* 4.5 m
- iii) *Private Garages*  
 Notwithstanding the provisions of subsection 3.2.5 (vii), (ix) and (xii) of this By-law to the contrary,
  - a) No part of a *private garage* shall be located closer to the *front lot line* than the *main building façade*, except where the *building* has a covered *porch* and the *attached private garage* has a second *storey* of *habitable living space* above it, the *attached private garage* may extend to the front limit of the covered *porch* or 2.5 metres in front of the *main building façade*, whichever is less, provided that nothing in this clause shall permit a *private garage* to be located closer than 6.0 metres to the *front lot line*. For the purposes of this clause, a front *porch* shall be *attached* to the front wall of the *dwelling*, covered only by a roof, have a minimum depth of 1.5 metres and a minimum width of 30% of the width of the *dwelling* (including the garage).
  - b) The maximum *garage width* shall be 50% of the *main building* width measured along the front wall of the *dwelling* or 6.5 metres, whichever is less.
  - c) The interior space of a garage shall have a minimum rectangular area of 2.75 metres by 5.5 metres with no more than one step encroachment.
  - d) The garage door height shall not exceed 2.6 metres.
- iv) *Corner Lots*  
 Notwithstanding the provisions of subsection 3.2.5 (xii) of this By-law to the contrary, on *corner lots* within the R3-2 Zone, a wraparound *porch* shall be provided extending from the front to

the exterior side of the *dwelling* for at least 30% of the width of the *dwelling* measured along the front wall and 20% of the length of the *dwelling* measured along the exterior side wall.

#### 4.3.3.3 Residential Type Three Exception Three (R3-3) Zone

Notwithstanding the regulations in subsection 4.3.2, on the lands zoned R3-3, the following special provisions shall apply:

- i) Minimum *Lot Area* 300 m<sup>2</sup>
- ii) Minimum *Lot Frontage* 11.0 m
- iii) Minimum *Front Yard*
  - a) *Dwelling* 4.5 m
  - b) *Private Garage* 6.0 m
- iv) Minimum *Interior Side Yard* 1.2 m on one side,  
0.6 m for an attached private garage provided that the adjoining side yard on the adjacent lot is no less than 1.2 m
- v) Minimum *Rear Yard*
  - a) *Interior Lot* 7.5 m
  - b) *Corner Lot* 4.5 m
- vi) *Private Garages*  
Notwithstanding the provisions of subsection 3.2.5 (vii), (ix) and (xii) of this By-law to the contrary,
  - a) No part of a *private garage* shall be located closer to the *front lot line* than the *main building façade*.
  - b) The maximum garage width shall be 50% of the *main building* width measured along the front wall of the *dwelling* or 6.5 metres, whichever is less, provided that *lots* with garages having a width of 50% of the *building* width shall be limited to 40% of all the *lots* on any *street*.
  - c) The interior space of a garage shall have a minimum rectangular area of 2.75 metres by 5.5 metres with no more than one step encroachment.
  - d) The garage door height shall not exceed 2.6 metres.
- vii) *Corner Lots*  
Notwithstanding the provisions of subsection 3.2.5 (xii) of this By-law to the contrary, on *corner lots* within the R3-3 Zone, a wraparound *porch* shall be provided extending from the front to the exterior side of the *dwelling* for at least 30% of the width of the *dwelling* measured along the front wall and 20% of the length of the *dwelling* measured along the exterior side wall.

#### 4.4 RESIDENTIAL TYPE FOUR (R4)

No person shall within any Residential Type Four (R4) Zone, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

##### 4.4.1 Permitted Uses

- i) *Single detached dwelling*
- ii) *Converted Dwelling*
- iii) *Semi-Detached Dwelling*
- iv) *Home Occupation*
- v) *Open Space*
- vi) *Park, Public*

##### 4.4.2 Regulations for Permitted Uses

ZONE REGULATIONS	RESIDENTIAL USE	
	<i>Single Detached Dwelling/other Uses Permitted in the R4 Zone</i>	<i>Semi-Detached Dwelling</i>
Minimum <i>Lot Area</i>	300.0 m <sup>2</sup>	270.0 m <sup>2</sup>
Minimum <i>Lot Frontage</i>		
<i>Interior Lot</i>	9.75 m	9.0 m
<i>Corner Lot</i>	11.0 m	11.0 m
Minimum <i>Front Yard</i>	6.0 m	6.0 m
Minimum <i>Exterior Side Yard</i>	3.0 m	3.0 m
Minimum <i>Interior Side Yard</i>	1.2 m on one side; 0.6 m on the other	1.2 m on one side; 0.6 m on the other
With <i>attached wall</i>	Not Applicable	Nil
Minimum <i>Rear Yard</i>	7.5 m	7.5 m
Maximum <i>Setback from Street Centreline</i>	16.0 m	16.0 m
Maximum <i>Lot Coverage</i>	45%	45 %
Maximum <i>Building Height</i>	9.2 m	9.2 m

### 4.4.3 Exceptions

#### 4.4.3.1 Residential Type Four Exception One (R4-1) Zone

Notwithstanding the regulations in subsection 4.4.2, on the lands zoned R4-1 the following special provisions shall apply:

- i) *Minimum Rear Yard:* Notwithstanding the minimum *rear yard setback* of 7.5 metres, no *buildings* or *structures* including *swimming pools* shall be permitted within 5 metres of the *rear lot line* with the exception of fencing. The rear 5 metres shall be maintained as a natural protection area and for *conservation uses* only.

## 4.5 RESIDENTIAL TYPE FIVE (R5) ZONE

No person shall within any Residential Type Five (R5) Zone, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.5.1 Permitted Uses

- i) *Apartment Building*
- ii) *Converted Dwelling*
- iii) *Duplex Dwelling*
- iv) *Triplex Dwelling*
- v) *Fourplex Dwelling*
- vi) *Townhouse Dwelling*
- vii) *Street Townhouse Development*
- viii) *Home for Long-Term Care*
- ix) *Retirement Home*
- x) *Special Needs Housing Facility*

### 4.5.2 Regulations for Permitted Uses

ZONE REGULATIONS	RESIDENTIAL USE	
	<i>Converted and Duplex Dwellings</i>	<i>Triplex and Fourplex Dwellings</i>
Minimum <i>Lot Area</i>	464.0 m <sup>2</sup>	668.0 m <sup>2</sup>
Minimum <i>Lot Frontage</i>		
<i>Interior Lot</i>	15.0 m	18.0 m
<i>Corner Lot</i>	17.0 m	18.0 m
Minimum <i>Front Yard</i>	6.0 m	6.0 m
Minimum <i>Exterior Side Yard</i>	4.5 m	4.5 m
Minimum <i>Interior Side Yard</i>	1.5 m	1.5 m
Minimum <i>Rear Yard</i>	7.5 m	7.5 m
Maximum <i>Setback from Street Centreline</i>	16.0 m	16.0 m
Maximum <i>Lot Coverage</i>	45%	45%
Maximum <i>Building Height</i>	9.2 m	9.2 m
Minimum <i>Landscaped Open Space</i>	25%	25%

<b>ZONE REGULATIONS</b>	<i>Townhouse Dwellings and Street Townhouses</i>	<i>Other Uses Permitted in the R5 Zone</i>
Minimum <i>Lot Area</i> per dwelling	185 m <sup>2</sup>	210.0 m <sup>2</sup>
Minimum <i>Lot Frontage</i>		
<i>Interior Lot</i>	6.0 m	30.0 m
<i>Corner Lot</i>	8.0 m	32.0 m
Minimum <i>Front Yard</i>	6.0 m	7.5 m
Minimum <i>Exterior Side Yard</i>	4.5 m	6.0 m
Minimum <i>Interior Side Yard</i>	1.2 m	7.5 m or ½ the height of the building, whichever is greater
Minimum <i>Rear Yard</i>	7.5 m	7.5 m or ½ the height of the building, whichever is greater
Maximum <i>Setback from Street Centreline</i>	16.0 m	16.0 m
Maximum <i>Lot Coverage</i>	45%	45%
Maximum <i>Building Height</i>	12.0 m	12.0 m
Minimum <i>Landscaped Open Space</i>	25%	25%
Maximum Number of Connected <i>Townhouse Dwellings or Street Townhouses</i>	6 Units	6 Units
Minimum Distance Between Two (2) Groups of <i>Townhouse Dwellings or Street Townhouses</i>	2.0 m	2.0 m

### 4.5.3 Exceptions

4.5.3.1.1 On lands zoned R5-1 no person shall use any land or erect, alter or use any *building or structure* for any purpose except in accordance with the provisions of subsection 4.5.2, with the following exceptions:

- i) Minimum *Front Yard*
  - a) *Dwelling* 4.5 m
  - b) *Private Garage* 6.0 m
- ii) Minimum *Exterior Side Yard* 3.0 m
- iii) *Private Garages*

Notwithstanding the provisions of subsection 3.2.5 (vii), (ix) and (xii) of this By-law to the contrary,

- a) No part of a *private garage* shall be located closer to the *front lot line* than the *main building façade*, except where the building has a covered *porch* and the *attached private garage*

has a second *storey* of *habitable living space* above it, the *attached private garage* may extend to the front limit of the covered *porch* or 2.5 metres in front of the *main building façade*, whichever is less, provided that nothing in this clause shall permit a *private garage* to be located closer than 6.0 metres to the *front lot line*. For the purposes of this clause, a front *porch* shall be attached to the front wall of the *dwelling*, covered only by a roof, have a minimum depth of 1.5 metres and a minimum width of 30% of the width of the *dwelling* (including the garage).

- b) The maximum width of a *private garage* shall be the lesser of 50% of the *main building* width measured along the front wall of the dwelling or 9.2 metres.
- c) The interior space of a garage shall have a minimum rectangular area of 2.75 metres by 5.5 metres with no more than one step encroachment.
- d) The garage door height shall not exceed 2.6 metres.”

iv) *Corner Lots*

Notwithstanding the provisions of subsection 3.2.5 (xii) of this By-law to the contrary,

- a) On *corner lots* within the R5-1 *Zone*, a wraparound *porch* shall be provided extending from the front to the exterior side of the dwelling for at least 30% of the width of the dwelling measured along the front wall and 20% of the length of the dwelling measured along the exterior side wall.

#### 4.5.3.2 Residential Type Five Exception Two (R5-2) Zone

4.5.3.2.1 On lands zoned R5-2 no person shall use any land or erect, alter or use any *building* or *structure* for any purpose except in accordance with the provisions of subsection 4.5.2 and 4.5.3.1.1, with the following exceptions:

- i) Minimum *Rear Yard* 7.0 m

## 4.6

## DOWNTOWN COMMERCIAL (C1) ZONE

No *person* shall within any Downtown Commercial (C1) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.6.1 Permitted Uses

- i) *Antique Store*
- ii) *Art Gallery*
- iii) *Assembly Hall*
- iv) *Bakery*
- v) *Banquet Hall*
- vi) *Business Office, Professional Office or Administrative Office*
- vii) *Clinic*
- viii) *Club, Non-profit*
- ix) *Commercial Fitness Centre*
- x) *Convenience Store*
- xi) *Dry Cleaner's Distribution Station or Depot*
- xii) *Dry Cleaning Establishment*
- xiii) *Dwelling Units* within a *building* containing a permitted *non-residential use*
- xiv) *Farmers' Market*
- xv) *Financial Institution*
- xvi) *Florist*
- xvii) *Food Store*
- xviii) *Hotel*
- xix) *Laundromat*
- xx) *Library*
- xxi) *Medical Office*
- xxii) *Outdoor Patio*
- xxiii) *Park, Public*
- xxiv) *Parking Lot*
- xxv) *Personal Service Shop*
- xxvi) *Pharmacy*
- xxvii) *Place of Amusement*
- xxviii) *Place of Entertainment*
- xxix) *Post Office*
- xxx) *Printing Establishment*
- xxxi) *Public Use*
- xxxii) *Recreational Establishment*
- xxxiii) *Rental Store*
- xxxiv) *Repair Shop*
- xxxv) *Residential use* within a *building* containing a permitted *non-*



- residential use*
- xxxvi) *Restaurant*
  - xxxvii) *Restaurant, Take-out*
  - xxxviii) *Retail Store*
  - xxxix) *School, Commercial*
  - xl) *Service Shop, Light*
  - xli) *Tavern*
  - xlii) *Taxi Establishment*
  - xliii) *Theatre*
  - xliv) *Tourism Information Centre*
  - xlvi) *Video Sales or Rental Outlet*

#### 4.6.2 Regulations for Permitted Uses

- |       |  |        |
|-------|--|--------|
| i)    | Minimum <i>Lot Area</i>  | Nil    |
| ii)   | Minimum <i>Lot Frontage</i>  | Nil    |
| iii)  | Minimum <i>Front Yard</i>  | Nil    |
| iv)   | Minimum <i>Exterior Side Yard</i>  | Nil    |
| v)    | Minimum <i>Interior Side Yard</i>  | Nil    |
|       | - abutting a Residential <i>Zone</i> or <i>use</i>   | 2.0 m  |
| vi)   | Minimum <i>Rear Yard</i>   | Nil    |
|       | - abutting a Residential <i>Zone</i> or <i>use</i>   | 4.5 m  |
|       | - abutting a public <i>lane</i>  | 2.5 m  |
| vii)  | Maximum <i>Setback</i> from <i>Street Centreline</i>   | 10.0 m |
| viii) | Maximum <i>Lot Coverage</i>  | 75%    |
| ix)   | Maximum <i>Building Height</i>   | 12.0 m |
| x)    | No parking is permitted in the <i>front yard</i> .   |        |
| xi)   | <i>Dwelling units</i> may be permitted in a portion of a non-residential <i>building</i> where such <i>use</i> is permitted within the Downtown Commercial (C1) <i>Zone</i> provided that the <i>dwelling units</i> are located on or above the second <i>storey</i> and that all other requirements of the <i>zone</i> are met. |        |
| xii)  | No lands or <i>structure</i> used for the storage of waste shall be located in any <i>yard</i> .   |        |
| xiii) | Where the <i>lot</i> is a <i>corner lot</i> no <i>accessory building</i> is permitted.   |        |

#### 4.6.3 Exceptions

##### 4.6.3.1 Downtown Commercial Exception One (C1-1) *Zone*

## 4.7

## MIXED-USE COMMERCIAL (C2) ZONE

No *person* shall within any Mixed-Use Commercial (C2) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.7.1 Permitted Uses

- i) *Antique Store*
- ii) *Art Gallery*
- iii) *Assembly Hall*
- iv) *Bakery*
- v) *Banquet Hall*
- vi) *Business Office, Professional Office or Administrative Office*
- vii) *Clinic*
- viii) *Club, Non-profit*
- ix) *Commercial Fitness Centre*
- x) *Convenience Store*
- xi) *Converted Dwelling*
- xii) *Day Care Centre*
- xiii) *Dry Cleaner's Distribution Station or Depot*
- xiv) *Dry Cleaning Establishment*
- xv) *Dwelling Units* within a *building* containing a permitted *non-residential use*
- xvi) *Financial Institution*
- xvii) *Florist*
- xviii) *Food Store*
- xix) *Funeral Home*
- xx) *Laundromat*
- xxi) *Library*
- xxii) *Medical Office*
- xxiii) *Outdoor Patio*
- xxiv) *Park, Public*
- xxv) *Parking Lot*
- xxvi) *Personal Service Shop*
- xxvii) *Pharmacy*
- xxviii) *Post Office*
- xxix) *Printing Establishment*
- xxx) *Public Use*
- xxxi) *Recreational Establishment*
- xxxii) *Rental Store*
- xxxiii) *Repair Shop*
- xxxiv) *Residential use* within a *building* containing a permitted *non-residential use*

- xxxv) *Restaurant*
- xxxvi) *Restaurant Take-Out*
- xxxvii) *Retail Store*
- xxxviii) *School, Commercial*
- xxxix) *Service Shop, Light*
- xl) *Semi-Detached Dwelling*
- xli) *Single Detached Dwelling*
- xl ii) *Shopping Centre*
- xl iii) *Video Sales or Rental Outlet*

#### 4.7.2 Regulations for Permitted Uses

- |       |   |                      |
|-------|---|----------------------|
| i)    | Minimum <i>Lot Area</i>   | 464.0 m <sup>2</sup> |
| ii)   | Minimum <i>Lot Frontage</i>   | 15.0 m               |
|       | a) <i>Corner Lot</i>  | 17.0 m               |
| iii)  | Minimum <i>Front Yard</i>   | 6.0 m                |
| iv)   | Minimum <i>Exterior Side Yard</i>   | 4.5 m                |
| v)    | Minimum <i>Interior Side Yard</i>   | 1.2 m                |
|       | - with <i>attached wall</i>   | Nil                  |
| vi)   | Minimum <i>Rear Yard</i>  | 7.5 m                |
| vii)  | Maximum <i>Lot Coverage</i>   | 45%                  |
| viii) | Maximum <i>Building Height</i>  | 12.0 m               |
| ix)   | Notwithstanding the regulations of Section 4.6.2 of this by-law to the contrary, <i>Single Detached, Semi-Detached and Converted Dwellings</i> shall be in accordance with the regulations of Section 4.2.2 of this by-law. |                      |

#### 4.7.3 Exceptions

##### 4.7.3.1 Mixed-Use Commercial Exception One (C2-1) Zone

Notwithstanding the permitted uses and regulations in subsections 4.7.1 and 4.7.2, on the lands zoned C2-1, the following special provisions shall apply:

- i) In addition to the *uses* permitted in subsection 4.7.1, permitted *uses* shall include those permitted in subsection 4.13.1 in the *Institutional Zone* which shall be subject to the regulations of subsection 4.13.2.
- ii) The following regulations shall apply to a *Post Office* or other government office or any *Public Use* permitted in accordance with subsection 4.7.1:
 

a)	Minimum <i>Front Yard</i>	1.7 metres
b)	Minimum <i>Exterior Side Yard</i>	1.6 metres

All other Regulations for Permitted *Uses* shall apply in accordance with subsection 4.7.2.

- iii) Notwithstanding the requirements of subsection 3.16.1 and 3.20 to the contrary, no *planting strip* shall be required between the *parking area* and William Street and the requirements of subsection 3.20 for a sight triangle shall not apply to prevent the *use* of the lands for a *Post Office* or other government office or any Public *Use* permitted in accordance with subsection 4.7.1. All other General Provisions shall apply in accordance with the regulations in Section 3.

#### 4.7.3.2 Mixed-Use Commercial Exception Two (C2-2) Zone

Notwithstanding the permitted uses and regulations in subsection 4.7.1 and 4.7.2, on the lands zoned C2-2, the following special provisions shall apply:

- i) In addition to the *uses* permitted in subsection 4.7.1, permitted *uses* shall include a *small animal veterinary clinic*.
- ii) Notwithstanding the requirements of subsection 3.15.6 (i) and 3.16.1 to the contrary, the required *planting strips* shall consist of a minimum of 122 square metres of *landscaped open space* along the *interior side lot lines* and adjacent to the *driveway* entrance, and solid fencing no less than 1.5 m high along the easterly *interior side lot line*, to be located and maintained in accordance with an approved *site plan*.
- iii) Notwithstanding the requirements of subsection 3.15.3 (i) to the contrary, the minimum width of the driving aisle providing access to the *parking spaces* located in the *front yard* shall be 3.0 metres in each direction, for a total *driveway* width of 6.0 metres.

All other Regulations for Permitted *Uses* in the C2 Zone shall apply in accordance with subsection 4.7.2.

#### 4.7.3.3 Mixed-Use Commercial Exception Three (C2-3) Zone

Notwithstanding the regulations in subsection 4.7.2, on the lands zoned C2-3, the following special provisions shall apply:

- |      |  |          |
|------|--|----------|
| i)   | Minimum <i>Exterior Side Yard</i> , existing buildings             | existing |
| ii)  | Minimum <i>Exterior Side Yard</i> , new <i>buildings/additions</i> | 6.3 m    |
| iii) | Minimum <i>Interior Side Yard</i>                                  | 0.9 m    |
| iv)  | Minimum <i>Rear Yard</i>   | 5.4 m    |

- v) Notwithstanding the requirements of subsection 3.15.3 (i) and 3.15.9 to the contrary, a minimum 7 *parking spaces* shall be provided, in accordance with the following:
  - a) A minimum of 5 *parking spaces* shall be provided for an *existing restaurant use*, provided that such *parking spaces* shall be located in the *rear yard*, delineated by permanent markings and no more than 2 *parking spaces* shall be located in the required *rear yard*.
  - b) A minimum of 2 *parking spaces* shall be provided for a permitted *dwelling* and any additions thereto, provided that such *parking spaces* shall be located in a permitted *driveway* in the *interior side yard*.
  - c) Direct access from the municipal *right-of-way* to *parking spaces* located in the *rear yard* shall be permitted for an *existing restaurant use*.
  
- vi) Notwithstanding the requirements of subsection 3.15.6 and 3.16.1 to the contrary, the required *planting strips* shall consist of the following:
  - a) *Landscaped open space* that shall include the entirety of the required *rear yard* except for permitted *parking areas*;
  - b) *Landscaped open space* that shall include the entirety of the required *interior side yard*;
  - c) *Landscaped open space* that shall include the entirety of the required *front yard* except for a permitted *driveway* and a *patio* within the *front yard* having a maximum area of 27.5 square metres;
  - d) A privacy fence having a minimum height of 1.5 metres shall be provided and maintained along the *rear lot line* from the southwest corner of the *lot* to a point approximately 14.0 metres northerly therefrom measured along the *rear lot line*;
  - e) A privacy fence having a minimum height of 1.5 metres shall be provided and maintained along the southerly *interior side lot line* from the southwest corner of the *lot* to a point approximately 16.0 m easterly therefrom measured along the southerly *interior side lot line*.

All other Regulations for Permitted *Uses* in the C2 *Zone* shall apply in accordance with subsection 4.7.2.

## 4.8 SERVICE COMMERCIAL (C3) ZONE

No *person* shall within any Service Commercial (C3) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.8.1 Permitted Uses

- i) *Business Office, Professional Office or Administrative Office*
- ii) *Clinic*
- iii) *Convenience Store*
- iv) *Dry Cleaner's Distribution Station or Depot*
- v) *Dry Cleaning Establishment*
- vi) *Financial Institution*
- vii) *Laundromat*
- viii) *Light Equipment Sales and Rental Establishment*
- ix) *Medical Office*
- x) *Outdoor Patio*
- xi) *Personal Service Shop*
- xii) *Post Office*
- xiii) *Public Use*
- xiv) *Rental Store*
- xv) *Repair Shop*
- xvi) *Restaurant*
- xvii) *Restaurant, Drive-Through*
- xviii) *Restaurant, Take-out*
- xix) *Retail Store*
- xx) *School, Commercial*
- xxi) *Service Shop, Light*
- xxii) *Shopping Centre*
- xxiii) *Taxi Establishment*
- xxiv) *Tourism Information Centre*
- xxv) *Veterinary Clinic*
- xxvi) *Video Sales or Rental Outlet*

### 4.8.2 Regulations for Permitted Uses

- i) Minimum *Lot Area* 750 m<sup>2</sup>
- ii) Minimum *Lot Frontage* 25.0 m
- iii) Minimum *Front Yard* 6.0 m
- iv) Minimum *Exterior Side Yard* 6.0 m
- v) Minimum *Interior Side Yard* 3.0 m
  - abutting a Residential *Zone* or use ½ the *building height* or 7.5m,

vi)	Minimum <i>Rear Yard</i> - abutting a Residential <i>Zone</i> or <i>use</i>	whichever is greater 4.5 m ½ the <i>building</i> <i>height</i> or 7.5m,
vii)	Maximum <i>Lot Coverage</i>	30%
viii)	Maximum <i>Building Height</i>	10.0 m
ix)	Minimum <i>Landscaped Open Space</i>	15%

### 4.8.3 Exceptions

#### 4.8.3.1 Service Commercial Exception One (C3-1) *Zone*

## 4.9

## SPECIAL COMMERCIAL (C4) ZONE

No *person* shall within any Special Commercial (C4) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.9.1 Permitted Uses

- i) *Assembly Hall*
- ii) *Auctioneer's Establishment*
- iii) *Automobile Leasing Establishment*
- iv) *Automobile Service Station*
- v) *Automotive Sales Establishment*
- vi) *Banquet Hall*
- vii) *Brewers Retail Outlet*
- viii) *Building Supply and Lumber Outlet*
- ix) *Business Office, Professional Office or Administrative Office*
- x) *Bus Terminal/Transit Station*
- xi) *Car Wash*
- xii) *Clinic*
- xiii) *Club, Non-Profit*
- xiv) *Commercial Fitness Centre*
- xv) *Conference Centre*
- xvi) *Convenience Store*
- xvii) *Drive-Through Service Facility*
- xviii) *Dry Cleaner's Distribution Station or Depot*
- xix) *Dry Cleaning Establishment*
- xx) *Farmers' Market*
- xxi) *Farm Implement Sales Outlet*
- xxii) *Farm Produce Sales Outlet*
- xxiii) *Financial Institution*
- xxiv) *Food Store*
- xxv) *Gas Bar*
- xxvi) *Heavy Equipment Sales and Rental Establishment*
- xxvii) *Hotel*
- xxviii) *Laundromat*
- xxix) *Light Equipment Sales and Rental Establishment*
- xxx) *Medical Office*
- xxxi) *Motel*
- xxxii) *Motor Vehicle Body Shop*
- xxxiii) *Nursery or Garden Supply Centre*
- xxxiv) *Outdoor Patio*
- xxxv) *Park, Public*
- xxxvi) *Personal Service Shop*



- xxxvii) *Pharmacy*
- xxxviii) *Place of Amusement*
- xxxix) *Place of Entertainment*
- xl) *Post Office*
- xli) *Printing Establishment*
- xlii) *Public Use*
- xliii) *Recreational Establishment*
- xliv) *Recreational Vehicle Sales and Service Establishment*
- xlv) *Rental Store*
- xlvi) *Repair Shop*
- xlvii) *Restaurant*
- xlviii) *Restaurant, Drive-Through*
- xlix) *Restaurant, Take-out*
- l) *Retail Store*
- li) *School, Commercial*
- lii) *Service Shop, Light*
- liii) *Shopping Centre*
- liv) *Taxi Establishment*
- lv) *Theatre*
- lvi) *Tourism Information Centre*
- lvii) *Trade and Convention Centre*
- lviii) *Veterinary Clinic*
- lix) *Video Sales or Rental Outlet*
- lx) *Wholesale Establishment*

#### 4.9.2 Regulations for Permitted Uses

- i) Minimum Lot Area 750 m<sup>2</sup>
  - Automobile/Motor Vehicle Related Uses 937 m<sup>2</sup>
- ii) Minimum Lot Frontage 25.0 m
  - Automobile/Motor Vehicle Related Uses 37.0 m
- iii) Minimum Front Yard 6.0 m
- iv) Minimum Exterior Side Yard 6.0 m
- v) Minimum Interior Side Yard 3.0 m
  - abutting a Residential Zone or use ½ the height of the building or 7.5m, whichever is greater
- vi) Minimum Rear Yard 4.5 m
  - abutting a Residential Zone or use ½ the height of the building or 7.5m, whichever is greater
- vii) Minimum Gross Leasable Area for Retail Uses 325 square metres

- viii) Maximum *Lot Coverage* 30%
- ix) Maximum *Building Height* 10.0 m
- x) Minimum *Landscaped Open Space* 15%
- xi) *Accessory Open Storage* shall be permitted in a *rear yard* only subject to maintaining a minimum *setback* from a Residential *Zone* of 15.0 m and being enclosed by *landscape screening*.

### 4.9.3 Exceptions

#### 4.9.3.1 Special Commercial Exception One [C4-1(H)] *Zone*

Notwithstanding the permitted uses and regulations in subsections 4.9.1 and 4.9.2, on the lands zoned C4-1(H), the following special provisions shall apply:

- i) In addition to the *uses* permitted in subsection 4.9.1, permitted *uses* shall include:
  - a) *Bakery*
  - b) *Funeral Home*
  - c) *Nursery School*
- ii) Council may pass a by-law under Section 36 of the Planning Act to lift the holding provision on all or part of the lands zoned C4-1(H) when the following condition has been satisfied:
  - a) The *Town* has issued *Site Plan* approval

#### 4.9.3.2 Special Commercial Exception Two (C4-2) *Zone*

Notwithstanding the permitted uses and regulations in subsections 4.9.1 and 4.9.2, on the lands zoned C4-2, the following special provisions shall apply:

- i) In addition to the uses permitted in subsection 4.9.1, permitted uses shall include:
  - a) *Bakery*
  - b) *Funeral Home*
  - c) *Motor Vehicle Service Station*
  - d) *Nursery School*
  - e) *Parking Garage*
  - f) *Parking Lot*
  - g) *Tavern*
- ii) Minimum *Lot Area* 459 m<sup>2</sup>
- iii) Minimum *Lot Frontage* 15.0 m
- iv) Minimum *Interior Side Yard* 1.5 m
- v) Minimum *Rear Yard* 3.0 m
- vi) Minimum *Gross Leasable Area* nil

- vii) Maximum *Gross Leasable Area*(Food store/supermarket) 5,574 m<sup>2</sup>
- viii) Maximum *Lot Coverage* 40%
- ix) Minimum *Landscaped Open Space*:
  - a) *Front Yard* - 3 m if parking and/ or a *driveway* are located to the front of the *building*.
  - b) *Exterior Side Yard* – 3 m.
  - c) *Interior Side Yard* abutting a *Residential Zone* – 3 m.
- x) Designated *Parking Space* dimensions shall be 4.1 metres by 5.5 metres as shown on the approved *Site Plan*.

## 4.10 SPECIAL TOURISM (T) ZONE

No *person* shall within any Special Tourism (T) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.10.1 Permitted Uses

- i) A Public *camping establishment*
- ii) *Farmers' Market*
- iii) *Parking Lot*
- iv) *Park, Public*
- v) *Public Use*
- vi) A multi-use tourism facility including a *museum*, washrooms, office *use*, meeting rooms, eating facilities, concert and *workshop* facilities, *retail stores*

### 4.10.2 Regulations for Permitted Uses

- |       |  |         |
|-------|--|---------|
| i)    | Minimum <i>Lot Area</i>                              | 16.0 ha |
| ii)   | Minimum <i>Lot Frontage</i>                          | 340.0 m |
| iii)  | Minimum <i>Front Yard</i>                            | 7.5 m   |
| iv)   | Minimum <i>Exterior Side Yard</i>                    | 7.5 m   |
| v)    | Minimum <i>Interior Side Yard</i>                    | 7.5 m   |
| vi)   | Minimum <i>Rear Yard</i>                             | 7.5 m   |
| vii)  | Minimum <i>Setback</i> from <i>Street Centreline</i> | 20 m    |
| viii) | Minimum <i>Landscaped Open Space</i>                 | 30%     |
| ix)   | Maximum <i>Building Height</i>                       | 9.2 m   |
| x)    | Maximum <i>Lot Coverage</i>                          | 30%     |

### 4.10.3 Exceptions

#### 4.10.3.1 Special Tourism Exception One (T-1) *Zone*

## 4.11 EMPLOYMENT (M1) ZONE

No *person* shall within any Employment (M1) Zone, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.11.1 Permitted Uses

- i) *Accessory Retail*
- ii) *Accessory Office*
- iii) *Accessory Open Storage*
- iv) *Assembly Operation*
- v) *Automobile Service Station*
- vi) *Automotive Leasing Establishment*
- vii) *Automotive Sales Establishment*
- viii) *Building Supply and Lumber Outlet*
- ix) *Car Wash*
- x) *Caterer's Establishment*
- xi) *Club, Non-profit*
- xii) *Commercial Self-Storage Facility*
- xiii) *Conference Centre*
- xiv) *Contractor's Yard*
- xv) *Custom Workshop*
- xvi) *Data Processing Centre*
- xvii) *Dry Cleaning Establishment*
- xviii) *Light Equipment Sales and Rental Establishment*
- xix) *Farm Implement Sales Outlet*
- xx) *Financial Institution*
- xxi) *Greenhouse, Commercial*
- xxii) *Manufacturing and Processing*
- xxiii) *Manufacturing, Light*
- xxiv) *Motor Vehicle Body Shop*
- xxv) *Motor Vehicle Repair Garage*
- xxvi) *Nursery or Garden Supply Centre*
- xxvii) *Printing Establishment*
- xxviii) *Public Use*
- xxix) *Recreational Establishment*
- xxx) *Repair Shop*
- xxxi) *Research and Development Facility*
- xxxii) *School, Commercial*
- xxxiii) *Service Shop, Light*
- xxxiv) *Towing Establishment*
- xxxv) *Transmission Establishment, Radio and Television Microwave*
- xxxvi) *Transport Terminal*

- xxxvii) Truck and *Trailer* Rental Business and Storage
- xxxviii) *Veterinary Clinic*
- xxxix) *Warehouse*
- xl) *Wholesale Establishment*
- xli) *Workshop*

#### 4.11.2 Regulations for Permitted Uses

- i) Minimum *Lot Area* 2500 m<sup>2</sup>
- ii) Minimum *Lot Frontage* 30.0 m
- iii) Minimum *Front Yard* 7.5 m
- iv) Minimum *Exterior Side Yard* 7.5 m
- v) Minimum *Interior Side Yard* 3.0 m
  - abutting a Residential *Zone* or *use* 10.0 m
- vi) Minimum *Rear Yard* 7.5 m
  - abutting a Residential *Zone* or *use* 10.0 m
- vii) Maximum *Lot Coverage* 50%
- viii) Maximum *accessory retail* 10% of *Gross Floor Area* (GFA)
- ix) Minimum *Setback* from *Street Centreline* 20.0 m
- x) Maximum *Building Height* 10.0 m
- xii) Minimum *Landscaped Open Space* 10%
 

50% of required *landscaping* shall be located in the *front yard*.

#### 4.11.3 Exceptions

##### 4.11.3.1 Employment Exception One [M1-1(H)] *Zone*

Notwithstanding the permitted uses and regulations in subsections 4.11.1 and 4.11.2, on the lands zoned M1-1(H), the following special provisions shall apply:

- i) In addition to the *uses* permitted in subsection 4.11.1, permitted uses shall include:
  - a) *Restaurant*
- ii) Notwithstanding the uses permitted in subsection 4.11.1, the following uses shall not be permitted:
  - a) *Accessory Open Storage*
  - b) *Car Wash*
  - c) *Contractors Yard*
  - d) *Farm Implement Sales Outlet*
  - e) *Motor Vehicle Body Shop*
  - f) *Motor Vehicle Repair Garage*
  - g) *Open Storage*
  - h) *Towing Establishment*

- i) *Transport Terminal*
- j) *Truck and Trailer Rental Business and Storage*
- iii) *Minimum Interior Side Yard* 12.5 m
- iv) *Minimum Landscaped Open Space, Interior Side Yard* 5.5 m
- v) *Landscaped Open Space* strips shall be provided through a combination of an earthen berm, solid wall or fence with trees or not less than 2 metres in height and additional vegetative plantings.
- vi) Council may pass a by-law under Section 36 of the Planning Act to lift the holding provision on all or part of the lands zoned M1-1(H) when the following condition has been satisfied:
  - a) The *Town* has issued *Site Plan* approval.

#### 4.11.3.2 Employment Exception Two (M1-2) *Zone*

Notwithstanding the regulations in subsection 4.11.2, on the lands zoned M1-2, the following special provisions shall apply:

- i) *Minimum Rear Yard* 1.2 metres
- ii) *Minimum Interior Side Yard (North Side)* 1.5 metres

All other Regulations for Permitted Uses shall apply in accordance with subsection 4.11.2.

## 4.12 GENERAL INDUSTRIAL (M2) ZONE

No person shall within any General Industrial (M2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

### 4.12.1 Permitted Uses

- i) Accessory Retail
- ii) Accessory Office
- iii) Accessory Open Storage
- iv) Assembly Operation
- v) Building Supply and Lumber Outlet
- vi) Bulk Fuel Depot
- vii) Bulk Storage Tank
- viii) Club, Non-profit
- ix) Commercial Self-Storage Facility
- x) Contractor's Yard
- xi) Custom Workshop
- xii) Light Equipment Sales and Rental Establishment
- xiii) Farm Implement Sales Outlet
- xiv) Feed Mill
- xv) Financial Institution
- xvi) Greenhouse, Commercial
- xvii) Manufacturing and Processing
- xviii) Manufacturing, Light
- xix) Motor Vehicle Body Shop
- xx) Motor Vehicle Repair Garage
- xxi) Printing Establishment
- xxii) Public Use
- xxiii) Recreational Establishment
- xxiv) Repair Shop
- xxv) Research and Development Facility
- xxvi) Service Shop, Light
- xxvii) Transmission Establishment, Radio and Television Microwave
- xxviii) Transport Terminal
- xxix) Warehouse
- xxx) Workshop

### 4.12.2 Regulations for Permitted Uses

- |      |                      |                     |
|------|----------------------|---------------------|
| i)   | Minimum Lot Area     | 2500 m <sup>2</sup> |
| ii)  | Minimum Lot Frontage | 30.0 m              |
| iii) | Minimum Front Yard   | 7.5 m               |



iv)	Minimum <i>Exterior Side Yard</i>	7.5 m
v)	Minimum <i>Interior Side Yard</i>	4.5 m
	- abutting a Residential or Institutional <i>Zone</i> or <i>use</i>	10.0 m
vi)	Minimum <i>Rear Yard</i>	7.5 m
	- abutting a Residential or Institutional <i>Zone</i> or <i>use</i>	10.0 m
vii)	Maximum <i>Lot Coverage</i>	50%
viii)	Maximum <i>Accessory Retail</i>	10% of <i>Gross Floor Area</i> (GFA)
ix)	Minimum <i>Setback</i> from <i>Street Centreline</i>	20.0 m
x)	Maximum <i>Building Height</i>	18.28 m
xii)	Minimum <i>Landscaped Open Space</i>	10%
	50% of required <i>landscaping</i> shall be located in the <i>front yard</i> .	

#### **4.12.3 Exceptions**

##### **4.12.3.1 General Industrial Exception One (M2-1) *Zone***

## 4.13 INSTITUTIONAL (I) ZONE

No person shall within any Institutional (I) Zone, use any land or *erect*, *alter* or use any *building* or *structure* except in accordance with the following:

### 4.13.1 Permitted Uses

- i) *Arena*
- ii) *Art Gallery*
- iii) *Assembly Hall*
- iv) *Auditorium*
- v) *Cemetery*
- vi) *Community Centre*
- vii) *Day Care Centre*
- viii) *Fairground*
- ix) *Fitness Centre*
- x) *Group Home Type 1*
- xi) *Hospital*
- xii) *Library*
- xiii) *Medical Office*
- xiv) *Nursery School*
- xv) *Open Space*
- xvi) *Parking Lot*
- xvii) *Place of Religious Assembly*
- xviii) *Post Office*
- xix) *Private Academy, Philanthropic or Religious School*
- xx) *Private School*
- xxi) *Park, Public*
- xxii) *Public School*
- xxiii) *Public Use*
- xxiv) *Public Utility*
- xxv) *Recreational Establishment, Public*
- xxvi) *Retirement Home*
- xxvii) *Senior Citizens Home*
- xxviii) *Special Needs Facility*
- xxix) *Training and Rehabilitation Centre*

### 4.13.2 Regulations for Permitted Uses

- |      |                            |                    |
|------|----------------------------|--------------------|
| i)   | Minimum Lot Area           | 950 m <sup>2</sup> |
| ii)  | Minimum Lot Frontage       | 30.0 m             |
| iii) | Minimum Front Yard         | 7.5 m              |
| iv)  | Minimum Exterior Side Yard | 7.5 m              |

v)	Minimum <i>Interior Side Yard</i>	7.5 m
vi)	Minimum <i>Rear Yard</i>	7.5 m
vii)	Maximum <i>Lot Coverage</i>	30%
viii)	Minimum <i>Setback from Street Centreline</i>	20.0 m
ix)	Minimum <i>Landscaped Open Space</i>	20%
x)	Maximum <i>Building Height</i>	10.0 m

#### **4.13.3 Exceptions**

##### **4.13.3.1 Institutional Exception One (I-1) Zone**

## 4.14 OPEN SPACE RECREATION (OSR) ZONE

No person shall within any *Open Space Recreation (OSR) Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.14.1 Permitted Uses

- i) *Arena*
- ii) *Auditorium*
- iii) *Community Centre*
- iv) *Conservation Use*
- v) *Fairground*
- vi) *Fitness Centre*
- vii) *Museum*
- viii) *Open Space*
- ix) *Playing Field*
- x) *Park, Private*
- xi) *Park, Public*
- xii) *Public Use*
- xiii) *Recreational Establishment, Public*

### 4.14.2 Regulations for Permitted Uses

- |       |   |       |
|-------|---|-------|
| i)    | Minimum <i>Lot Area</i>                       | nil   |
| ii)   | Minimum <i>Lot Frontage</i>                   | nil   |
| iii)  | Minimum <i>Front Yard</i>                     | 7.5 m |
| iv)   | Minimum <i>Exterior Side Yard</i>             | 7.5 m |
| v)    | Minimum <i>Interior Side Yard</i>             | 7.5 m |
| vi)   | Minimum <i>Rear Yard</i>                      | 7.5 m |
| vii)  | Maximum <i>Lot Coverage</i>                   | 5%    |
| viii) | Minimum <i>Setback from Street Centreline</i> | 20 m  |
| ix)   | Minimum <i>Landscaped Open Space</i>          | 50%   |
| x)    | Maximum <i>Building Height</i>                | 9.2 m |

### 4.14.3 Exceptions

#### 4.14.3.1 *Open Space Recreation Exception One (OSR-1) Zone*

## 4.15 NATURAL ENVIRONMENT (NE) ZONE

No *person* shall within any Natural Environment (NE) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### 4.15.1 Permitted Uses

- i) *Conservation Use*
- ii) *Park, Passive*
- iii) *Park, Public*
- iv) *Resource Management*

### 4.15.2 Regulations for Permitted Uses

i)	Minimum <i>Lot Area</i>	Nil
ii)	Minimum <i>Lot Frontage</i>	Nil
iii)	Minimum <i>Front Yard</i>	15.0 m
iv)	Minimum <i>Exterior Side Yard</i>	15.0 m
v)	Minimum <i>Interior Side Yard</i>	9.0 m
vi)	Minimum <i>Interior Side Yard</i> abutting a Residential <i>Zone</i>	15.0 m
vii)	Minimum <i>Rear Yard</i>	15.0 m
viii)	Maximum <i>Lot Coverage</i>	5%
ix)	Minimum <i>Setback</i> from <i>Street Centreline</i>	20 m
x)	Minimum <i>Landscaped Open Space</i>	95%
xi)	Maximum <i>Building Height</i>	4.0 m

### 4.15.3 Exceptions

#### 4.15.3.1 Natural Environment Exception One (NE-1) *Zone*

## **4.16 DEVELOPMENT (D) ZONE**

No *person* shall within any Development (D) *Zone*, use any land or *erect, alter* or use any *building* or *structure* except in accordance with the following:

### **4.16.1 Permitted Uses**

- i) *Existing Buildings and Structures*
- ii) *Public Utility*
- iii) *Resource Management*
- iv) *Single Detached Dwelling* on an *existing lot of record* in accordance with the R1 provisions of this By-law

### **4.16.2 Regulations for Permitted Uses**

- |       |   |                 |
|-------|---|-----------------|
| i)    | <i>Minimum Lot Area</i>                       | <i>existing</i> |
| ii)   | <i>Minimum Lot Frontage</i>                   | <i>existing</i> |
| iii)  | <i>Minimum Front Yard</i>                     | <i>existing</i> |
| iv)   | <i>Minimum Exterior Side Yard</i>             | <i>existing</i> |
| v)    | <i>Minimum Interior Side Yard</i>             | <i>existing</i> |
| vi)   | <i>Minimum Rear Yard</i>                      | <i>existing</i> |
| vii)  | <i>Maximum Lot Coverage</i>                   | <i>existing</i> |
| viii) | <i>Minimum Setback from Street Centreline</i> | 25 m            |
| ix)   | <i>Minimum Landscaped Open Space</i>          | 30%             |
| x)    | <i>Maximum Building Height</i>                | <i>existing</i> |

### **4.16.3 Exceptions**

#### **4.16.3.1 Development Exception One (D-1) Zone**

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## SECTION 5 DEFINITIONS

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1.	Accessory	a <i>use</i> , separate <i>building</i> or <i>structure</i> , which is usually incidental, subordinate, exclusively devoted to and located on the same <i>lot</i> as the <i>principal use</i> , <i>building</i> or <i>structure</i> .
2.	Accessory Building	any subordinate <i>building</i> or <i>structure</i> which is separate from the <i>main building</i> on the same <i>lot</i> and subordinate to a <i>principal use</i> of a <i>building</i> or <i>structure</i> and may include a <i>private garage</i> , <i>swimming pools</i> , <i>private greenhouses</i> , <i>patio shelters</i> , <i>carports</i> and <i>boathouses</i> , sheds or storage
3.	Accessory Structure	the <i>use</i> of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, a <i>principal use</i> or <i>building</i> and located on the same <i>lot</i> therewith. Residential <i>accessory structures</i> may include, but are not limited to <i>solar collectors</i> , fences over 2 metres in height, air conditioning units and heat pumps, and <i>retaining walls</i> higher than 1 metre above <i>finished grade</i> .
4.	Accessory Use	a <i>use</i> of land, <i>buildings</i> or <i>structures</i> that is normally incidental or subordinate to the <i>principal use</i> , <i>building</i> or <i>structure</i> located on the same <i>lot</i> .
5.	Alter	any change in the exterior dimensions, <i>gross floor area</i> , height or volume of a <i>building</i> or <i>structure</i> .
6.	Antique Store	any <i>building</i> or <i>premises</i> used for the sale or display of bona fide antique furniture, and other antique items.
7.	Arena	a <i>building</i> housing ice making equipment and infrastructure capable of enclosing an artificial ice surface intended for year round recreational <i>use</i> and may include <i>uses</i> such as special events and competitions, circuses, concerts, conventions, weddings/banquets/anniversaries, auctions, <i>restaurants</i> , <i>flea markets</i> and trade shows or exhibits with a retail component.
8.	Art Gallery	a <i>building</i> or <i>premises</i> used for the preservation of collections of paintings or other works of art and devoted primarily to the recreation and/or education of the public, and may include the exhibition and sale of paintings and other works of art, whether by the proprietor or others.
9.	Assembly Hall	a <i>building</i> or <i>premises</i> in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a bingo hall, a <i>banquet hall</i> , <i>non-profit club</i> or fraternal organization but does not include a <i>theatre</i> or <i>place of religious assembly</i> .

10.	Assembly Operation	a <i>building</i> used for the assembling of finished parts of materials into a final product but shall not include any large scale <i>manufacturing and processing</i> operation or any operation discharging large amounts of liquids.
11.	Attached	a <i>building</i> otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with one or more adjacent <i>buildings</i> .
12.	Attic	the unfinished space between the roof and the ceiling of the top <i>storey</i> or between a dwarf wall and a sloping roof.
13.	Auctioneer's Establishment	a <i>building</i> or <i>structure</i> or lands used for the storage of goods and materials which are to be sold on the <i>premises</i> by public auction, and for the sale of the said goods and materials by public auction on an occasional basis.
14.	Auditorium	a <i>building</i> or part thereof where facilities are provided for athletic, civic, educational, political, religious, or social events.
15.	Automobile Service Station	a <i>building</i> or premises where repairs essential to the actual operation of <i>motor vehicles</i> are executed or performed but shall not include a <i>car wash</i> , a <i>motor vehicle body shop</i> , an <i>automotive leasing establishment</i> or an <i>automotive sales establishment</i> .
16.	Automotive Leasing Establishment	a <i>building</i> and <i>lot</i> used for the leasing, servicing, repairing, cleaning, polishing and greasing of <i>motor vehicles</i> for hire, and without limiting the generality of the foregoing, including automobiles, trucks, boats, <i>utility trailers</i> , <i>recreational vehicles</i> , and <i>accessory</i> automotive sales.
17.	Automotive Sales Establishment	a <i>building</i> and <i>lot</i> , used for the display and sale of new and used <i>motor vehicles</i> and may include the sale, servicing, repairing, cleaning, polishing, greasing, body repair and repainting of <i>motor vehicles</i> , the sale of automotive accessories and related products and the leasing or renting of <i>motor vehicles</i> , <i>utility</i> or boat <i>trailers</i> , but shall not include any other defined automotive use.
18.	Bakery	a <i>building</i> or part of a <i>building</i> used for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns or any other <i>bakery</i> products of which flour or meal is the principal ingredient but does not include a <i>restaurant</i> or other <i>premises</i> where such products are made only for consumption on the <i>premises</i> .
19.	Balcony	a raised platform or <i>structure</i> in excess of 3 metres above <i>grade</i> projecting immediately from the <i>main building</i> and not supported by the ground.



20.	Banquet Hall	a <i>building</i> or part thereof, used for the gathering of groups of people for a specific function including the consumption of food and drink and shall include kitchen facilities.
21.	Barn	a <i>building</i> used for the housing of livestock or agricultural products kept or grown on the lands on which the <i>building</i> is located.
22.	Basement	that portion of a <i>building</i> below the <i>first floor</i> and which is partly underground but which has more than 50 per cent of its height, from finished floor to finished ceiling, above the adjacent <i>finished grade</i> (see Appendix A for illustration).
23.	Basement, Walkout	that portion of a <i>building</i> below the <i>first floor</i> and which is partly underground, but which has more than 50 per cent of the <i>floor area</i> not greater than 0.6 metre below <i>finished grade</i> , and which has an entrance and exit at <i>grade</i> level.
24.	Boarding, Lodging or Rooming House	a <i>dwelling</i> in which the owner or his agent resides and in which lodging for more than three persons, other than members of the owner's or agent's family, with or without meals is supplied for gain, but shall not include a <i>motel</i> , <i>hotel</i> , <i>hospital</i> , <i>children's home</i> , <i>home for long-term care</i> or other similar establishment.
25.	Brewers Retail Outlet	a <i>retail store</i> primarily devoted to the sale of beer.
26.	Building	a <i>structure</i> consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Ontario Building Code and including <i>carports</i> and cloth, plastic or vinyl materials supported by structural frames but does not include awnings.
27.	Building Inspector	the officer or employee of the Town of Shelburne who has the duty of administering the Ontario Building Code.
28.	Building Supply and Lumber Outlet	a <i>building</i> or <i>premises</i> in which <i>building</i> or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements.
29.	Building, Apartment	a <i>building</i> containing three or more <i>dwelling units</i> that share a common external access to the outside through a common vestibule and a common corridor system.
30.	Building Height	the vertical distance measured between the average <i>finished grade</i> level in the <i>front yard</i> and: 1) In the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater; 2) In the case of a mansard roof, the roof deck line; 3) In the case of a gable, hip or gambrel roof, the mean height between the eaves and ridge.

		(see Appendix A for illustration). In calculating the height of a <i>building</i> , any construction used as an ornament or for the mechanical operation of the <i>building</i> such as a chimney, cupola or steeple shall not be included.
31.	Building, Main or Principal	any <i>building</i> which is carried on the principal purpose for which the <i>lot</i> is used and shall include a <i>barn</i> or silo used in conjunction with a farm.
32.	Bulk Fuel Depot	a <i>building</i> or <i>premises</i> used for the storage, distribution of fuels and oils but not including retail sales except key lock operations.
33.	Bulk Storage Tank	a tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a <i>retail store</i> or a tank for storage incidental to some other <i>use</i> of the <i>premises</i> where such tank or container is located.
34.	Bus Terminal	a <i>building</i> where tickets are sold and a waiting room is provided for transit passengers and where buses may be stored and maintained.
35.	Business Office, Professional Office or Administrative Office	a <i>building</i> or <i>premises</i> in which one or more <i>persons</i> are employed in the management, direction or conducting of a business or where professionally qualified <i>persons</i> and their staff serve clients or patients who seek advice, consultation or treatment and may include the administration offices of a non-profit or charitable organization.
36.	Campsite	a parcel of land within a <i>camping establishment</i> that is maintained as a site for the location and temporary occupation of a <i>tent</i> , <i>travel trailer</i> , motor home, <i>recreational vehicle</i> or truck camper, but not a <i>mobile home</i> .
37.	Camping Establishment	lands used for the parking and temporary <i>use</i> for at least five (5) <i>campsites</i> occupied by <i>tents</i> , <i>trailers</i> , motor homes, truck campers and <i>recreational vehicles</i> and <i>accessory uses</i> and facilities such as administrative offices, sanitary facilities, recreational facilities and an <i>accessory convenience store</i> .
38.	Car Wash	a <i>building</i> or <i>premises</i> used for the operation only of automobile washing equipment which is automatic, semi-automatic and/or coin operated.
39.	Carport	an <i>accessory building</i> either <i>attached</i> to or detached from the <i>main building</i> and which has at least 40 per cent of the perimeter open and unobstructed by any wall, door, post or pier and which is used for the parking of passenger <i>motor vehicles</i> . For the purpose of this By-law, perimeter includes the wall of a <i>building</i> to which the <i>carport</i> is <i>attached</i> .

40.	Caterer's Establishment	a <i>building</i> in which food and beverages are prepared for consumption off the <i>premises</i> and are not served to customers on the <i>premises</i> or to take out, but does not include a restaurant.
41.	Cellar	a portion of a <i>building</i> below the <i>first storey</i> floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the <i>first floor</i> below the average <i>finished grade</i> level adjacent to the exterior walls of the <i>building</i> and/or having a floor to ceiling height of less than 1.8 metres (see Appendix A for illustration).
42.	Cemetery	the land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried within the meaning of the the Cemeteries Act.
43.	Centreline	with reference to a <i>public street</i> , a line drawn parallel to and equidistant from the limits of the <i>public street</i> and with reference to a <i>private street</i> , a line drawn parallel to and equidistant from the edges of the paved surface of the <i>private street</i> .
44.	Chief Building Official	the official employed by the <i>Town</i> appointed under the Building By-law or pursuant to the provisions of the Ontario Building Code, and shall include any Inspector likewise employed and appointed.
45.	Clinic	a <i>building</i> or portion of a <i>building</i> used for the purpose of consultation, diagnosis and treatment of patients by two (2) or more in any combination of the following legally qualified professionals - physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the <i>building</i> may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories and pharmacies used in connection and forming part of the in-patient care or operating rooms for major surgery.
46.	Club, Non-profit	<i>premises</i> used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include <i>uses</i> that are normally carried out as a commercial enterprise.
47.	Commercial Self-Storage Facility	a <i>premises</i> used for the temporary storage of household items and secured storage areas or lockers which are generally accessible by means of individual loading doors, lands and <i>buildings</i> used, rented or leased to <i>persons</i> for the storage of household and personal items, including <i>recreational vehicles</i>

		and automobiles, within separate units forming part of a wholly enclosed <i>building</i> .
48.	Community Centre	any tract of land or <i>building</i> , or <i>buildings</i> or any part of any <i>buildings</i> used for community activities whether used for commercial purposes or not, the control of which is vested in the <i>Municipality</i> , a local board or agent thereof and may include an <i>auditorium</i> , <i>swimming pool</i> , <i>arena</i> and <i>fitness centre</i> .
49.	Condominium	the ownership of individual units in a multiple unit <i>structure</i> with common elements as defined in the Condominium Act, where: 1) The unit comprises not only the space enclosed by the unit boundaries but all material parts of the land within the space; 2) The common elements means all the property except the units and private <i>parking spaces</i> ; 3) The common elements are owned by the owners as tenants in common.
50.	Conference Centre	a <i>building</i> or <i>premises</i> used for a formal meeting area comprised of meeting rooms and/or lodging for delegates or members as for political or professional purposes.
51.	Conservation	the wise <i>use</i> , protection and rehabilitation of natural resources according to principles that will assure their highest economic, social and environmental benefits.
52.	Contractor's Yard	a <i>premises</i> of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other <i>yard</i> or establishment otherwise defined or classified herein.
53.	Convenience Store	a <i>building</i> used for a retail commercial establishment, not exceeding 200m <sup>2</sup> of <i>gross floor area</i> , supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.
54.	Corporation	The Corporation of the Town of Shelburne.
55.	Crisis Residence	a single housekeeping unit licensed or funded by the Province of Ontario for the short term (averaging 30 days or less) accommodation of three to nine persons, exclusive of staff, living under supervision and who, by reason of either emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.
56.	Custom Workshop	the following:

		<p>1) a <i>building</i> or part of a <i>building</i> used by a trade, craft or guild for the manufacture and sale on the <i>premises</i> in limited quantities of made-to-measure clothes or articles, and</p> <p>2) includes upholstering but does not include furniture manufacture, woodworking or metal spinning, or any <i>manufacturing and processing</i> or any shop or factory otherwise classified or defined in this By-law.</p>
57.	Data Processing Centre	a <i>building</i> or part thereof used for the input, processing and printing of computerized data.
58.	Day Care Centre	a <i>building</i> or part thereof, other than a private home or <i>school</i> , used for the supervision of children within the meaning of the Day Nurseries Act.
59.	Deck	an uncovered and <i>unenclosed structure</i> that is <i>accessory</i> to a <i>residential use</i> and used as an outdoor living area, with a foundation holding it <i>erect</i> and a floor which is located 0.6 metre or more above <i>finished grade</i> and shall not include a landing or a stair.
60.	Development	<p>the creation of a new <i>lot</i>, a change in land <i>use</i>, or the construction of <i>buildings</i> and <i>structures</i>, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include,</p> <p>(a) the construction of facilities for transportation, infrastructure and utilities <i>uses</i>, as described in Section 41 of the Planning Act, by a public body, or</p> <p>(b) for greater certainty,</p> <p>(i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act</p> <p>(ii) the carrying out of agricultural practices on land that was being used for <i>agricultural uses</i> as of the date of this By-law, and shall not exempt expansions to such uses.</p>
61.	Drive-Through Service Facility	a <i>building</i> or <i>structure</i> or part thereof where goods and/or services are offered to the public within a parked or stationery <i>vehicle</i> by way of a service window or kiosk, where goods, money or materials are exchanged. Kiosks within a <i>parking garage</i> or associated with a surface <i>parking area</i> are not considered to be drive-through service <i>uses</i> .
62.	Driveway	a defined area providing access for <i>motor vehicles</i> from a public or <i>private street</i> or a <i>lane</i> to facilities such as a <i>parking area</i> , <i>parking lot</i> , <i>loading space</i> , <i>private garage</i> , <i>building</i> or <i>structure</i> .
63.	Dry Cleaner's Distribution Station	a <i>building</i> or part thereof which is used for the receiving and processing and distribution of articles or goods of fabric

	or Depot	which have or will be dry cleaned or dry dyed in a place other than on the <i>premises</i> .
64.	Dry Cleaning Establishment	a <i>building</i> or part thereof where dry cleaning, dry dyeing, cleaning or pressing articles of fabric is carried on but in which only non-inflammable solvents are or can be used which emit no odours or fumes and in which no noise or vibration causes a nuisance or inconvenience within or outside of the <i>premises</i> .
65.	Dwelling	a <i>building</i> or part of a <i>building</i> occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently.
66.	Dwelling Unit	one or more <i>habitable rooms</i> , occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive <i>use</i> of the occupants.
67.	Dwelling Unit, Accessory	a separate <i>dwelling unit</i> which is contained in a <i>building</i> which was originally designed as a <i>single detached dwelling</i> and continues to be occupied by the owner or a separate <i>building</i> located on lands where a <i>dwelling unit</i> is <i>accessory</i> to the <i>principal use</i> .
68.	Dwelling, Converted	a <i>dwelling</i> which has been <i>altered</i> or converted as to provide therein two (2) <i>dwelling units</i> , none of which shall be located in the <i>cellar</i> of the <i>dwelling</i> .
69.	Dwelling, Duplex	a <i>dwelling unit</i> in a <i>building</i> that is divided horizontally into two <i>dwelling units</i> , each of which has an independent entrance either directly to the outside or through a common vestibule.
70.	Dwelling, Fourplex	a <i>dwelling unit</i> in a <i>building</i> that is divided horizontally or a combination of vertically and horizontally into four <i>dwelling units</i> , each of which has an independent entrance either directly to the outside or through a common vestibule.
71.	Dwelling, Semi-Detached	a <i>building</i> divided vertically into two <i>dwelling units</i> which are <i>attached</i> above and below <i>grade</i> by either the entire length of the <i>garage</i> or by the entire length of the main common wall.
72.	Dwelling, Single Detached	a <i>building</i> that contains one (1) single <i>dwelling unit</i> sharing no common walls with any other <i>dwelling unit</i> , <i>building</i> or <i>structure</i> .
73.	Dwelling, Townhouse	a <i>dwelling unit</i> in a <i>building</i> divided vertically into no less than three or more than eight <i>dwelling units attached</i> by common walls extended from the base of the foundation to the roof line, each <i>dwelling unit</i> having a separate entrance at

		<i>grade.</i>
74.	Dwelling, Triplex	a <i>building</i> that is divided horizontally into three (3) <i>dwelling units</i> , each of which has an independent entrance either directly or through a common vestibule.
75.	Erect	to build, construct, reconstruct, <i>alter</i> or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally <i>altering</i> any <i>existing building</i> or <i>structure</i> by an addition, deletion, enlargement or extension.
76.	Established Building Line	the average distance from the <i>street line</i> to <i>existing buildings</i> in any block where more than one-half (1/2) the frontage has been built upon, at the date of the final passing of this By-law.
77.	Existing	legally <i>existing</i> , being a reality or an actuality as of the date of passing of this By-law.
78.	Fairground	an agricultural fairground where farm produce is on display for judging and for sale, and livestock shows, horseracing and other sports events are held and on occasion for auctions, <i>flea markets</i> and concession stands.
79.	Farm Implement Sales Outlet	<i>buildings</i> or <i>premises</i> used for the commercial sale, storage or repair of equipment and machinery directly associated with the farming operations and activities.
80.	Farm Produce Sales Outlet	a <i>building</i> not exceeding 20 m <sup>2</sup> or <i>structures</i> and lands <i>accessory</i> to an agricultural <i>use</i> on the same <i>lot</i> where agricultural goods, produce and products grown or produced on lands used for agricultural purposes by the owner of the produce stand are made available for sale to the public.
81.	Farm Produce Storage Area	a <i>use accessory</i> to a farm which consists of the storage of agricultural products produced on the farm where such storage is located.
82.	Farmers' Market	a specialty retail <i>commercial use</i> contained either within an enclosed <i>building</i> or on lands in the "open-air" which involves the sale of artifacts, crafts, farm produce and other goods, either new or used, which cater to the traveling public and local community.
83.	Financial Institution	a <i>building</i> or <i>premises</i> in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.
84.	Feed Mill	a <i>building</i> , <i>structure</i> or <i>lot</i> used for the storing, cleaning and sale of grains, fertilizers and related agricultural products.
85.	First Floor	the floor of a <i>building</i> approximately at, or the first above, the <i>finished grade</i> level.

86.	First Storey	the <i>storey</i> with its floor closest to <i>grade</i> and having its ceiling more than 1.8 metre above <i>grade</i> .
87.	Fitness Centre	a <i>building</i> in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna and <i>solarium</i> , but does not include a <i>commercial fitness centre</i> .
88.	Fitness Centre, Commercial	a <i>premises</i> in which facilities are provided for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a sauna, a <i>swimming pool</i> , a <i>solarium</i> , a cafeteria and <i>accessory retail uses</i> .
89.	Flea Market	a <i>building</i> or <i>premises</i> where second hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified herein.
90.	Floor Area	with reference to a <i>building</i> , the total habitable <i>floor area</i> within a <i>building</i> which area is measured between the interior faces of the interior walls, but excluding any <i>private garage</i> , breezeway, <i>porch</i> or verandah, <i>balcony</i> , sun room <i>attic</i> , <i>basement</i> or <i>cellar</i> , except where the terrain permits a <i>walkout basement</i> , fifty (50) percent of the <i>floor area</i> of the <i>walkout basement</i> may be considered as habitable <i>floor area</i> .
91.	Floor Area, Gross (GFA)	the aggregate of the areas of each floor of a <i>building</i> or <i>structure</i> above or below <i>finished grade</i> , measured between the exterior faces of the exterior walls and the <i>building</i> or <i>structure</i> excluding the sum of the areas of each floor used, or designed or intended for <i>use</i> for the parking of <i>motor vehicles</i> , unless the parking of <i>motor vehicles</i> is the <i>principal use</i> of the <i>building</i> or <i>structure</i> .
92.	Floor Area, Maximum Gross	the <i>maximum gross floor area</i> of all <i>buildings</i> on a <i>lot</i> expressed as a percentage of the <i>lot area</i> , and for the purpose of this definition the <i>maximum gross floor area</i> in each <i>zone</i> shall apply only to that portion of such <i>lot</i> which is located within the said <i>zone</i> .
93.	Florist	a <i>retail store</i> where flowers and plants or either in singular are sold or offered for sale to the public and such <i>use</i> may include the incidental raising and arranging of flowers and plants for sale in the store.
94.	Food Store	a <i>building</i> or part thereof in which food and food related products are prepared and sold.
95.	Foster Home, Group	a <i>building</i> in which not less than three (3) nor more than six (6) foster children under the age of eighteen (18) years,



		requiring sheltered, specialized, or group care are lodged, boarded or cared for, and which is maintained and operated by or under the supervision of a Corporation approved by the Lieutenant Governor in Council under the Child and Family Services Act.
96.	Funeral Home	a <i>premises</i> used for furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for interment.
97.	Garage Width	the width of a <i>private garage</i> measured between the interior faces of the walls of the <i>private garage</i> .
98.	Garage, Private	a detached <i>accessory building</i> or portion of a <i>dwelling</i> house which is designed or used for the sheltering of a private <i>motor vehicle</i> and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a <i>carport</i> or other open shelter.
99.	Gas Bar	a <i>premises</i> used for one (1) or more pump islands consisting of one (1) or more gasoline pumps and an enclosed shelter of not more than ten (10 m <sup>2</sup> ) square metres being used for the sale of fuel, lubricants and auto accessories but not for repairs, oil changes or greasing.
100.	Grade	the level of the ground adjacent to the outside wall of a <i>building</i> or <i>structure</i> .
101.	Grade, Finished	the average elevation of the finished surface of the ground at the natural ground level measured on any side of an <i>existing building</i> or <i>structure</i> .
102.	Greenhouse	a building wherein the temperature and humidity can be regulated for the cultivation of exotic or out of season plants.
103.	Greenhouse, Commercial	a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.
104.	Gross Leasable Area	the total <i>floor area</i> designed for commercial tenant occupancy and exclusive <i>use</i> , including <i>basements</i> , <i>mezzanines</i> , and upper floors, if any; measured from the <i>centreline</i> of joint partitions and from outside wall faces.
105.	Group Home Type 1	a single housekeeping unit in a residential <i>dwelling</i> in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally

		Handicapped, Satellite Residences for Seniors and Homes for Physically Disabled Seniors, in compliance with municipal by-laws.
106.	Group Home Type 2	<p>a single housekeeping unit in a residential <i>dwelling</i> or <i>dwelling unit</i> within a commercial <i>building</i> occupied by 4 to 10 unrelated residents excluding staff or receiving family, which shall be maintained and operated primarily for:</p> <ul style="list-style-type: none"> <li>- <i>persons</i> who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, or any Act passed to replace the forgoing Act, the Criminal Code of Canada, or any Act passed to replace the foregoing Acts;</li> <li>- <i>persons</i> who have been released on parole under the provisions of the Ministry of Correctional Services Act, or Parole Board of Canada or any Act passed to replace the foregoing Acts;</li> <li>- <i>persons</i> who have been charged under the Young Offenders Act but who have been placed in open or secure custody;</li> <li>- <i>persons</i> who require temporary care, and transient or homeless <i>persons</i>;</li> <li>- <i>persons</i> requiring treatment and rehabilitation for addiction to drugs or alcohol; or,</li> <li>- <i>persons</i> housed in a group home that satisfies all the requirements of a <i>Group Home Type 1</i> except that it accommodates in excess of 6 residents.</li> </ul>
107.	Habitable Living Space	any floor space used or intended to be used for living, sleeping, cooking or eating purposes as defined under the Ontario Building Code.
108.	Habitable Room	a room designed for living, sleeping, eating or food preparation, including a den, <i>library</i> , sewing room or enclosed sun room.
109.	Halfway House	a facility funded, licensed, approved, or supervised by the Province of Ontario as a detention or correctional facility under any general or special Act and amendments or replacements thereto, for the accommodation of 3 to 9 residents, exclusive of staff.
110.	Heavy Equipment Sales and Rental Establishment	a <i>building</i> or part of a <i>building</i> or <i>structure</i> in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.
111.	High Water Mark	the mark made by the action of water under natural conditions on the shore or bank of a body of water, which

		action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.
112.	Home for Long-Term Care	an institution to which the Long-Term Care Homes Act applies.
113.	Home Occupation	an occupation or profession related to the provision of services, carried on primarily by the occupant of a <i>dwelling</i> within his/her <i>dwelling</i> as an <i>accessory use</i> in connection with which there is no display, no stock in trade nor commodity sold upon the <i>premises</i> , which is not produced on the <i>premises</i> , and no <i>open storage</i> .
114.	Hospital	"a public or private institution" as defined under the Public Hospitals Act or under the Private Hospitals Act.
115.	Hotel	any <i>hotel, motel, tavern, inn, lounge, lodge</i> or public house used mainly for the purpose of catering to the needs of the traveling public by supplying food and furnishing sleeping accommodation of not less than ten (10) guest rooms, which guest rooms contain no provisions for cooking, and includes all <i>premises</i> licensed under the Liquor License Act and permanent staff accommodation.
116.	Improved Public Road	a road or highway under the jurisdiction of the Province of Ontario, County of Dufferin or the <i>Town</i> or a <i>private road</i> within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.
117.	Landscape Screening	a combination of fences, walls, berms, trees or shrubs that have a minimum height of 1.8 metres and provide a permanent opaque visual barrier.
118.	Landscaped Open Space	the <i>open space</i> from ground to sky at <i>grade</i> on a <i>lot</i> accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes, natural vegetation and other <i>landscaping</i> and includes any surfaced walk, <i>patio</i> or similar area but does not include any <i>driveway</i> or ramp, whether surfaced or not, any curb, <i>retaining wall, parking area</i> or any <i>open space</i> beneath or within any <i>building</i> or <i>structure</i> .
119.	Landscaping	any combination of trees, shrubs, flowers, grass or other such elements, together with decorative stonework, paving, screening, or other architectural elements and any surfaced walk or <i>patio</i> or similar area but does not include any <i>driveway</i> or ramp, whether surfaced or not, any curb,

		<i>retaining wall, parking area or any open space beneath or within any building structure.</i>
120.	Lane	a public thoroughfare which affords only a secondary means of access to abutting <i>lots</i> and which is not intended for general public traffic circulation and does not include a <i>street</i> .
121.	Laundromat	a <i>building</i> in which the business of a laundry is conducted on the ground floor by means of one (1) or more washers, having a capacity not exceeding thirty (30) kilograms each, and dryers, and may have ironing, finishing and incidental equipment in which: 1) Only water or detergents are or can be used; 2) No odour or fumes are emitted; and 3) No noise or vibration causes nuisance or inconvenience within or without the <i>premises</i> , and includes a business where only washing or ironing is done, a self-service laundry and laundry receiving depot.
122.	Laundry or Dry Cleaning Depot	a <i>building</i> or part thereof used for the purposes of receiving articles or goods or fabric to be subject to the process of dry cleaning, dyeing, laundering or pressing elsewhere and for the distribution of any such articles or goods which have been subject to any such process, and shall include a self-service laundry and/or self-service dry cleaning.
123.	Library	a <i>building</i> or part of a <i>building</i> containing printed, pictorial, and audio visual equipment and material for public <i>use</i> for purposes of study, reference and recreation.
124.	Light Equipment Sales and Rental Establishment	a <i>building</i> or <i>premises</i> in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.
125.	Loading Space	an off- <i>street</i> space on the same <i>lot</i> as the <i>building</i> , or contiguous to a group of <i>buildings</i> , for the temporary parking of a commercial <i>vehicle</i> while loading or unloading merchandise or materials, and which abuts upon a <i>street, lane</i>

		or other appropriate means of access.
126.	Lot	<p>a parcel or tract of land –</p> <ol style="list-style-type: none"> <li>1) Which is a whole <i>lot</i> as shown 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;</li> <li>2) Which fronts on a public highway and is a separate parcel without any adjoining lands being owned by the same owner or owners as of the date of passing of this By-law; or</li> <li>3) The description of which is the same as in a deed which has been given consent pursuant to the Planning Act. For the purpose of this paragraph no parcel or tract of land ceases to be a <i>lot</i> by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by Her Majesty in right of Canada or Her Majesty in right of Ontario or by The County of Dufferin or by The Corporation of the Town of Shelburne.</li> </ol>
127.	Lot Area	the total horizontal area within the <i>lot lines</i> of the <i>lot</i> . In the case of a <i>corner lot</i> having <i>street lines</i> rounded at one (1) or more corners with a radius of six (6) metres or less, the <i>lot area</i> is to be calculated as if the <i>lot line</i> were projected to intersection points.
128.	Lot Coverage	that proportion of the <i>lot area</i> covered by all <i>buildings</i> including <i>accessory buildings</i> which are above ground level and open-sided roofed <i>porches</i> , however, excluding uncovered <i>decks attached</i> to the <i>main building</i> , <i>patios</i> , balconies, landings, steps, <i>swimming pools</i> and hot tubs.
129.	Lot Depth	the horizontal distance between the midpoints of the <i>front</i> and <i>rear lot lines</i> , and where there is no <i>rear lot line</i> , means the length of a line within the <i>lot</i> between the midpoint of the <i>front lot line</i> and the apex of a triangle formed by the <i>side lot lines</i> (see Appendix A for illustration).
130.	Lot Frontage	the continuous horizontal distance of the <i>front lot line</i> between the <i>side lot lines</i> measures at right angles. Where the <i>front lot line</i> is not a straight line, or where the <i>side lot lines</i> are not parallel, the <i>lot frontage</i> shall be the horizontal distance of a line that is equal to the required <i>front yard</i> back from and parallel to a continuous straight line, joining the two points where the <i>side lot lines</i> intersect with the <i>front lot line</i> (see Appendix A for illustration).
131.	Lot Line	any boundary of a <i>lot</i> . For the purpose of this By-law, any

		combination of lines that meet at an interior angle of not greater than 135 degrees shall be deemed to be one line (see Appendix A for illustration).
132.	Lot Line, Exterior Side	the <i>lot line</i> of a <i>corner lot</i> , other than the <i>front lot line</i> , which divides the <i>lot</i> from a <i>public street</i> (see Appendix A for illustration).
133.	Lot Line, Front	<p>a) Where a <i>lot</i> abuts a municipally maintained road the <i>lot line</i> abutting the municipal road shall be deemed the <i>front lot line</i>.</p> <p>b) In the case of a <i>corner lot</i> or <i>through lot</i>, the shorter <i>lot line</i> that abuts a <i>street</i> shall be deemed to be the <i>front lot line</i> and the longer <i>lot line</i> that abuts a road or shall be deemed an <i>exterior side lot line</i>, but,</p> <p>c) In the case of a <i>corner lot</i> or <i>through lot</i> with two <i>lot lines</i> of equal length abutting roads, the <i>lot line</i> that abuts the wider <i>street</i> shall be deemed to be the <i>front lot line</i>, but where the roads are of equal width, the <i>lot line</i> which abuts a <i>Provincial Highway</i> shall be deemed to be the <i>front lot line</i>, and in the case of both roads being under the same jurisdiction and of the same width, the owner of the <i>lot</i> may designate which road line shall be the <i>front lot line</i>.</p> <p>d) In the case where a <i>lot</i> abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the <i>front lot line</i>.</p> <p>(See Appendix A for illustration).</p>
134.	Lot Line, Interior Side	a <i>lot line</i> , other than a <i>rear lot line</i> that does not abut a <i>public street</i> (see Appendix A for illustration).
135.	Lot Line, Rear	the <i>lot line</i> opposite the <i>front lot line</i> . For the purposes of a <i>rear lot line</i> , a single point shall be deemed to be capable of constituting a line (see Appendix A for illustration).
136.	Lot Width	the average horizontal distance between the side <i>lot lines</i> measured at right angles to the defined line indicating <i>lot depth</i> (see Appendix A for illustration).
137.	Lot, Corner	a <i>lot</i> situated at the intersection of two or more <i>streets</i> , or at the intersection of a <i>street</i> and a railway <i>right-of-way</i> , or a <i>lot</i> abutting on one or more parts of the same <i>street</i> , in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the <i>front</i> and side <i>lot lines</i> abutting by the said <i>street</i> or <i>streets</i> (see Appendix A for illustration).
138.	Lot, Interior	a <i>lot</i> other than a <i>corner lot</i> .
139.	Lot, Through	a <i>lot</i> bounded on two opposite sides by <i>streets</i> provided

		however that if any <i>lot</i> qualifies as being both a <i>corner lot</i> and a <i>through lot</i> as herein defined, such <i>lot</i> shall be deemed a <i>corner lot</i> for the purposes of this By-law.
140.	Main Building Facade	the front wall of the <i>building</i> on the ground floor that contains the front door to the house. In the case of a <i>corner lot</i> where the front door faces the <i>exterior side yard</i> , the <i>main building facade</i> shall mean the ground floor wall of the habitable (non-garage) portion of the <i>dwelling</i> .
141.	Main Wall	the exterior front, side or rear wall of a <i>building</i> , and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are outside of the said exterior wall.
142.	Manufacturing and Processing	a <i>building</i> used for the assembly or development of a product.
143.	Manufacturing, Light	a <i>building</i> used for the assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize any area for <i>open storage</i> of goods or materials except for equipment or <i>vehicles</i> which are for sale, lease or hire.
144.	Medical Office	a <i>premises</i> used for the medical, dental, surgical and/or therapeutic treatment of human beings including <i>clinics</i> operated by a number and/or variety of medical professionals, but does not include a public or private <i>hospital</i> or office located in the medical professional's residence.
145.	Minimum Distance	for the purposes of this By-law when used to determine the separation distance between one <i>use</i> to that of another of the same or different <i>use</i> or <i>zone</i> , the <i>minimum distance</i> shall mean the computation of the measurement from the nearest point on the nearest <i>lot line</i> of the property of the one proposed or present <i>use</i> , to the nearest point on the nearest <i>lot line</i> of the property containing the other aforementioned <i>use</i> or <i>zone</i> . This measurement shall be taken in a straight line from the nearest point on the nearest <i>lot line</i> of the properties containing the said <i>uses</i> or <i>zones</i> .
146.	Mobile Home	any <i>dwelling</i> that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with CSA Z240 or Z241 but does not include a <i>park model home</i> , <i>travel trailer</i> or <i>tent trailer</i> or <i>trailer</i> otherwise designed.
147.	Motel	one or more <i>buildings</i> , connected or detached designed to be used for twelve months of each year for the purposes of

		catering to the needs of the transient public by furnishing sleeping accommodations with or without supplying food, and may include meeting rooms, limited retail or service commercial facilities for the convenience of <i>motel</i> patrons, <i>banquet halls</i> , public dining room, facilities for the temporary exhibition and sale of goods on an intermittent basis and may operate under the Liquor License Act but shall not include a <i>hotel</i> .
148.	Motor Vehicle	an automobile, truck, motorcycle, and any other <i>vehicle</i> propelled or driven otherwise than by muscular power, but does not include the cars of railways, or other <i>motor vehicles</i> running only upon rails, or a motorized snow <i>vehicle</i> , traction engine, farm tractor, or road building machine within the meaning of the Highway Traffic Act.
149.	Motor Vehicle Body Shop	a <i>building</i> or <i>premises</i> used for the painting or repairing of <i>motor vehicle</i> bodies, exterior and undercarriage, and in conjunction with which there may be towing service and <i>motor vehicle</i> rentals for customers while the <i>motor vehicle</i> is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.
150.	Motor Vehicle Repair Garage	a <i>building</i> or <i>premises</i> used for the repairing of <i>motor vehicles</i> , but shall not include the sale of <i>motor vehicle</i> fuels.
151.	Motor Vehicle Service Station	a <i>building</i> or <i>premises</i> used for the sale of <i>motor vehicle</i> fuels and which may include the following <i>accessory uses</i> : the sale of <i>motor vehicle</i> parts and accessories, retail and personal service <i>uses</i> , <i>motor vehicle</i> rental, the servicing and repairing of <i>motor vehicles</i> and <i>car washes</i> .
152.	Motor Vehicle, Commercial	any <i>commercial motor vehicle</i> within the meaning of the Highway Traffic Act.
153.	Municipality	The Corporation of the Town of Shelburne
154.	Museum	a <i>building</i> or <i>premises</i> used for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical inventions, instruments, models or designs, and dedicated to the recreation of the public, together with any <i>libraries</i> , reading rooms, laboratories and other offices and <i>premises</i> used or to be used in connection therewith.
155.	Non-Complying	a <i>lot</i> , <i>building</i> or <i>structure</i> that does not fulfill the requirements of the <i>zone provisions</i> for the <i>zone</i> in which the <i>lot</i> , <i>building</i> or <i>structure</i> is located.
156.	Non-Conforming	the <i>use</i> of a <i>building</i> , <i>structure</i> or parcel of land which does not conform, comply or agree with the requirements of this By-law or is otherwise not permitted as of the date of the



		passing of this By-law.
157.	Nursery Or Garden Supply Centre	a <i>building</i> or <i>premises</i> , where young trees and other plants are grown for transplanting or sold for transplanting and may also include the sale of related <i>accessory</i> supplies.
158.	Nursery School	a day nursery within the meaning of the Day Nurseries Act, and shall include a <i>day care centre</i> .
159.	Off-Street Parking	a portion of a <i>building</i> or <i>lot</i> designated by the occupant or owner for <i>use</i> for the parking of a <i>motor vehicle</i> .
160.	Open Space	unoccupied space open to the sky on the same <i>lot</i> with a <i>building</i> .
161.	Open Storage	the uncovered storage or display of goods, materials, merchandise or equipment on a <i>lot</i> or portion thereof.
162.	Park, Passive	a park that requires minimal alteration to the natural terrain or vegetation and no <i>buildings</i> or <i>structures</i> in excess of 10 m <sup>2</sup> and shall include walking trails, natural education and appreciation areas, and picnic areas but shall exclude trails for motorized <i>vehicles</i> , outdoor skeet or trap shooting or <i>playing fields</i> .
163.	Park, Private	an <i>open space</i> or recreational area other than a <i>public park</i> , operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities: a) Areas for walking, horse-riding and cross-country skiing; b) Recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, <i>playing fields</i> and <i>accessory buildings</i> which may include change rooms, meeting rooms and washrooms.
164.	Park, Public	any <i>open space</i> or recreational area, owned or controlled by the <i>Corporation</i> or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, county and special parks or areas and may include one or more <i>playing fields</i> , field houses, <i>community centres</i> , bleachers, <i>swimming pools</i> , <i>greenhouses</i> , botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, <i>arenas</i> , or similar <i>uses</i> .
165.	Parking Area	an open area of land not located on a <i>public street</i> , <i>private street</i> or <i>lane</i> which is used for the parking of four or more <i>motor vehicles</i> , but shall not include any area where <i>motor vehicles</i> for sale or repair are kept or stored.
166.	Parking Garage	a <i>building</i> , or part thereof, used for the storage or parking of <i>motor vehicles</i> .

167.	Parking Lot	a <i>building</i> and <i>lot</i> , or either in singular, used for the parking of <i>motor vehicles</i> for gain or profit and may include facilities for the servicing, cleaning, polishing and greasing of <i>motor vehicles</i> and the sale of automotive accessories and related products, but shall not include any other defined automotive <i>use</i> .
168.	Parking Space	an area exclusive of <i>driveways</i> or aisles used for the temporary parking of one (1) <i>motor vehicle</i> , which has adequate access to permit ingress or egress of a <i>motor vehicle</i> to and from the space by means of <i>driveway</i> , aisle, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more <i>motor vehicles</i> .
169.	Patio	a platform or surfaced area without a roof, the surface of which is not more than 0.6 metre above <i>finished grade</i> , which is designed and intended for <i>use</i> as an <i>accessory</i> to a <i>dwelling</i> or a <i>commercial use</i> .
170.	Person	an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the Condominium Act, organization, trustee or agent, and the heirs, executors or other legal representatives of a <i>person</i> to whom the context can apply according to law.
171.	Personal Service Shop	a <i>building</i> or <i>premises</i> in which <i>persons</i> are employed in furnishing services and otherwise administering to individual and personal needs of patrons such as barber shops, beauty parlours, dry cleaning outlets, hair dressing shops, photograph studio and shoe <i>repair shops</i> .
172.	Pharmacy	a <i>building</i> or <i>premises</i> where drugs (especially medicinal) are prepared and dispensed, but shall not include a <i>retail store</i> .
173.	Place of Amusement	a <i>premises</i> that contains <i>amusement devices</i> and facilities that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of <i>uses</i> , but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling <i>use</i> .
174.	Place of Entertainment	a <i>building</i> or <i>premises</i> used for a motion picture or live <i>theatre</i> , <i>arena</i> , <i>auditorium</i> , planetarium, concert hall and other similar <i>uses</i> but shall not include an adult entertainment parlour, any <i>use</i> entailing the outdoor operation or racing of animals or motorized <i>vehicles</i> , a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming

		machines, or any other similar type of gambling <i>use</i> .
175.	Place of Religious Assembly	churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses recognized by the Province of Ontario for tax exempt purposes.
176.	Planting Strip	an <i>open space</i> free of <i>buildings</i> or <i>structures</i> which is used for no other purpose than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs, or other natural vegetation having a minimum height of 1.5 metre.
177.	Playing Field	an area used for the purpose of recreation, athletics, or field games.
178.	Porch	a <i>structure</i> with a roof and at least one side that is open and unenclosed, that is accessed by stairs from <i>grade</i> and which provides access to the <i>first storey</i> of a <i>dwelling unit</i> .
179.	Premises	an area of a <i>building</i> , <i>structure</i> or <i>lot</i> occupied or used by a business or enterprise. In a <i>multiple</i> tenancy <i>building</i> occupied by more than one (1) business, each business area shall be considered a separate <i>premises</i> . Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered an individual <i>premises</i> .
180.	Printing Establishment	a <i>building</i> or <i>premises</i> used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter-shop.
181.	Private Academy, Philanthropic or Religious School	a <i>school</i> , other than a public or separate <i>school</i> , where academic subjects are taught or which is maintained for philanthropic or religious purposes.
182.	Provincial Highway	an <i>improved public road</i> under the jurisdiction of the Ministry of Transportation.
183.	Public Authority	any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Planning Committee or other board or commission or committee of the Town of Shelburne or The County of Dufferin established or exercising any power or authority under any general or special statute of Ontario with respect to any of the affairs or purposes of the <i>Municipality</i> or a portion thereof, and includes any committee of local authority established by a by-law of the <i>Municipality</i> .
184.	Public Utility	any <i>building</i> and/or <i>structure</i> used for the supply of electricity, gas, steam and water and for telephone, telecommunications, cable television, transportation, drainage, <i>sewage</i> treatment and incineration services supplied to the

		public or made available for the <i>use</i> or consumption of the public.
185.	Recreational Establishment	a <i>use</i> of land, <i>building</i> or <i>structure</i> that has been designed and equipped for the conduct of athletic and leisure time activities including but not limited to a public hall, billiard or pool room, bowling alley, ice/curling or roller skating rink, <i>swimming pool</i> , miniature golf or driving range, an establishment offering three or more electronic video games for public <i>use</i> and other similar <i>uses</i> , but shall not include a <i>commercial fitness centre</i> , adult entertainment parlour, any <i>use</i> entailing the outdoor operation or racing of animals or motorized <i>vehicles</i> , a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video <i>lottery</i> or gaming machines, or any other similar type of gambling <i>use</i> , or any other sports or leisure time <i>use</i> otherwise defined in this By-law.
186.	Recreational Establishment, Public	any <i>Recreational Establishment</i> as defined by this by-law owned and operated on behalf of the Town of Shelburne, County of Dufferin or School Board recognized by the Province of Ontario.
187.	Recreational Vehicle	any <i>vehicle</i> that is suitable for being <i>attached</i> to a <i>motor vehicle</i> for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a <i>travel trailer</i> , pick-up camper, motorized camper or <i>tent trailer</i> .
188.	Recreational Vehicle Sales and Service Establishment	Means <i>buildings</i> , lands, or <i>structures</i> or part thereof used for the sale, lease or rental, and service of recreation <i>vehicles</i> including snowmobiles, boats and all terrain <i>vehicles</i> and accessories.
189.	Rental Store	a <i>building</i> or <i>premises</i> where goods are kept for the purpose of temporary loan to the public. A sum of money is paid for the <i>use</i> of the goods for a set period of time and after which the goods are returned. However, a <i>rental store</i> shall not include an <i>automotive leasing establishment</i> .
190.	Repair Shop	a <i>building</i> or <i>premises</i> used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, <i>motor vehicles</i> or other similar <i>uses</i> .
191.	Research and Development Facility	a <i>building</i> or <i>premises</i> where facilities for scientific research, investigation, testing, or experimentation are located, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.

192.	Reserve	a strip of land abutting a <i>public street</i> and owned by the authority having jurisdiction over such a <i>public street</i> .
193.	Resource Management	the preservation, protection and improvement of the natural environment through comprehensive management and maintenance, under professional direction for both the individual and society's <i>use</i> , both in the present and the future. <i>Resource Management uses</i> also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.
194.	Rest Home	any <i>building</i> in which <i>persons</i> are harboured, received or lodged and where, in addition to sleeping accommodations and meals, nursing, medical or similar care and treatment may be provided, but shall not include a <i>hospital</i> .
195.	Restaurant	a <i>premises</i> in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the <i>building</i> and which may include the preparation of food in a ready-to-consume state for consumption off the <i>premises</i> .
196.	Restaurant, Drive-Through	a <i>premises</i> in which the principal business is the preparation and serving of food and refreshments to the public who remain in their <i>motor vehicles</i> to be served.
197.	Restaurant, Take-out	a place where food and drinks are prepared and offered for sale to the public but does not necessarily provide facilities for consumption thereof on the <i>premises</i> other than in <i>parking areas</i> .
198.	Retail Store	a <i>building</i> or <i>premises</i> where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail and includes storage on or about the store <i>premises</i> of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.
199.	Retaining Wall	a wall built as a <i>grade separation structure</i> .
200.	Retirement Home	a <i>premises</i> that provides accommodation primarily to retired <i>persons</i> or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also

		be provided.
201.	Right-of-Way	a <i>private road</i> which affords access to abutting <i>lots</i> and does not include a <i>lane</i> , road or <i>street</i> .
202.	Rooming Unit	a room or rooms for accommodation other than a <i>dwelling unit</i> or other form of accommodation defined elsewhere in this By-law with sleeping facilities but without private toilet facilities.
203.	School	a public or separate <i>school</i> , a high <i>school</i> , <i>private school</i> , continuation <i>school</i> , technical <i>school</i> , vocational <i>school</i> , college, university or other educational institution, authorized by the Province of Ontario, but not a <i>School, Commercial</i> .
204.	School, Commercial	a <i>premises</i> used as a <i>school</i> conducted for gain, including a studio of a dancing teacher or a music teacher, an art <i>school</i> , a golf <i>school</i> , <i>school</i> of calisthenics, business or trade <i>school</i> and any other such specialized <i>school</i> .
205.	School, Private	a <i>premises</i> used as an academic <i>school</i> which secures the major part of its funding from sources other than government agencies.
206.	School, Public	a public or separate <i>school</i> , a high <i>school</i> , a continuation <i>school</i> , a technical <i>school</i> , a college or university or any other <i>school</i> including an independent <i>school</i> established by the public and operated on a non-profit basis.
207.	Senior Citizens Home	a <i>building</i> used to board and lodge senior citizens, with or without medical care, whether under private or public ownership, and approved under the provisions of the Long-Term Care Homes Act.
208.	Service Shop	a <i>building</i> or part of a <i>building</i> , not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for <i>accessory</i> retail sales.
209.	Service Shop, Light	a shop not otherwise classified or defined in this By-law that does not produce noise or scrap, whether conducted in conjunction with a <i>retail store</i> or not, for servicing or repairing radio and television receivers, vacuum cleaners, refrigerators, washing machines, sewing machines and other household and domestic appliances, musical instruments, sound and public address systems, garments and hosiery, shoes, cameras, toys, jewellery, watches, clocks, safes and locks, bicycles, wheelchairs, orthopedic appliances and similar article of personal <i>use</i> ; and also may include a hardware store, a computer equipment sales, service and supply outlet, and a photographic processing laboratory and supply outlet.

210.	Setback	the distance between a <i>lot line</i> and the nearest <i>main wall</i> of any <i>building</i> or <i>structure</i> , or as otherwise specified in the By-law also means the distance between a <i>street centreline</i> , <i>street line</i> , <i>lane</i> , <i>right-of-way</i> , <i>public street</i> , <i>zone</i> or other line, boundary or point and the nearest main wall of a <i>building</i> or closest part of a <i>structure</i> (see Appendix A for illustration).
211.	Sewage	the waste water and matter from any <i>use</i> .
212.	Shopping Centre	a group of <i>commercial uses</i> , which are designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants, with <i>off-street parking</i> provided on the property, as distinguished from a business area comprised of unrelated individual <i>uses</i> .
213.	Sight Triangle	a triangular area of land on a <i>corner lot</i> , free of <i>buildings</i> or <i>structures</i> , formed by measuring from the point of intersection of <i>street lines</i> to a point the distance required by this By-law along each such <i>street line</i> and joining such points with a straight line.
214.	Sign	any <i>structure</i> , device, light or natural object including the ground itself, or any part thereof, or any device <i>attached</i> thereto, or painted or represented thereon, which is used to identify, advertise or attract attention to any object, product, place, activity, <i>person</i> , institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, that is intended to be seen from off the <i>premises</i> or from a <i>parking lot</i> .
215.	Site Plan	a scaled drawing showing the relationship between <i>lot lines</i> and any <i>use</i> , <i>buildings</i> or <i>structures</i> existing or proposed on a <i>lot</i> , including such details as <i>parking areas</i> , <i>driveways</i> , walkways, landscaped areas, <i>building</i> areas, <i>lot</i> sizes, <i>building heights</i> , <i>floor areas</i> , densities, areas for special <i>uses</i> , tile beds and <i>reserve</i> areas if required, woodlots, and contour lines.
216.	Solar Collector	a <i>structure</i> used for the collection of solar energy or for the purposes of converting such energy for heating, lighting, water production or any other domestic or <i>commercial use</i> that may be obtained from such sources.
217.	Special Needs Housing Facility	a facility licensed or funded under a federal or provincial statute for the accommodation of more than eight persons, exclusive of staff, living under supervision in a single unit and who, by reason of their emotional, mental, social or physical condition, require a group living arrangement for their well being. This shall also include a <i>halfway house</i> .

218.	Storey	that portion of a <i>building</i> other than a <i>cellar</i> or <i>attic storey</i> which is included between one floor level and the next higher floor level or the ceiling.
219.	Street	a public highway subject to the provisions of the Municipal Act and which affords a principal means of access to abutting <i>lots</i> .
220.	Street Line	the limit of the <i>street</i> or road allowance and is the dividing line between a <i>lot</i> and <i>street</i> or road.
221.	Street or Road, Public	a public highway as defined by the Municipal Act and the Highway Traffic Act and shall exclude a <i>lane</i> or any private <i>right-of-way</i> or unopened road allowance, or any <i>street</i> which is shown on a Registered Plan of Subdivision that has been deemed not to be a registered plan of subdivision under the Planning Act, or has not been assumed by the <i>Town</i> .
222.	Street Townhouse Development	a minimum of four (4) <i>dwelling units</i> which are <i>attached</i> above and below <i>grade</i> by either the entire length of the <i>garage</i> or by the entire length of the main common wall and all of which front on a <i>street</i> .
223.	Structure	anything that is <i>erected</i> , built or constructed of parts joined together and <i>attached</i> or fixed permanently to the ground or any other <i>structure</i> . For the purpose of this By-law, a fence that has a <i>height</i> of 2 metres or less, a <i>retaining wall</i> that has a <i>height</i> of 1 metre or less, a light standard and a <i>sign</i> shall be deemed not to be <i>structures</i> .
224.	Swimming Pool	any body of water contained by artificial means located outdoors on privately owned property in which the depth of the water at any point can exceed 0.6 metre and shall include any <i>accessory deck</i> or support <i>structure</i> .
225.	Tavern	a <i>building</i> or <i>premises</i> or part thereof which is primarily used for the sale and service of alcoholic beverages with or without entertainment and shall not include a <i>restaurant</i> .
226.	Taxi	an automobile used for a commercial purpose that being the carrying of passengers for a fee.
227.	Tent	any kind of temporary shelter that is not permanently affixed to the site and that is capable of being easily moved and is not considered a <i>structure</i> .
228.	Theatre	a <i>building</i> or <i>premises</i> used as a place of public assembly intended for the production and viewing of the performing arts or the screening and viewing of motion pictures and consisting of an <i>auditorium</i> with permanently fixed seats solely for a viewing audience.
229.	Town	The Corporation of the Town of Shelburne.
230.	Tourism	a <i>building</i> or <i>premises</i> used for an establishment dedicated to



	Information Centre	providing resources and information for people visiting an area for recreation and vacations.
231.	Trade and Convention Centre	a <i>premises</i> where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.
232.	Trailer	a <i>trailer</i> as defined in the Highway Traffic Act and shall also include a <i>travel or tent trailer</i> ; and any vehicle designed to be towed by a motor vehicle for the purpose of transporting or storage of goods, materials, equipment or livestock such as boat, snowmobile or tool trailers.
233.	Trailer, Travel or Tent	any <i>trailer</i> which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently <i>attached</i> and a current license and is not permanently affixed to the ground, and shall also include any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being temporarily utilized for the living, sleeping or eating accommodation of persons.
234.	Training and Rehabilitation Centre	a <i>building or premises</i> with facilities providing educational, pre-vocational, vocational and life-skill training to individuals.
235.	Transit Station	a <i>building or structure</i> or a portion of a <i>building or structure</i> or an area of land that is used for the temporary parking of transit vehicles and the picking up and dropping off of passengers using a public transit system.
236.	Transmission Establishment, Radio & Television Microwave	a <i>structure</i> used for the purpose of sending and/or receiving a communications signal.
237.	Transport Terminal	the <i>use</i> of land for the purpose of storing, servicing, washing, repairing or loading of trucks and/or transport <i>trailers</i> with materials or goods which are not manufactured, assembled, warehoused, or processed on the same <i>lot</i> .
238.	Use	<ul style="list-style-type: none"> <li>a) Any purpose for which a <i>building</i> or other <i>structure</i> or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,</li> <li>b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a <i>building</i> or other <i>structure</i> or on a parcel of land.</li> </ul>

239.	Use, Commercial	the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the purpose of buying and selling commodities and supplying of services, as distinguished from such <i>uses</i> as manufacturing or assembling of goods, warehousing, <i>transport terminals</i> , construction and other similar <i>uses</i> .
240.	Use, Industrial	a <i>premises</i> used for the warehousing of goods and materials, the assembly of manufactured goods, the <i>manufacturing and processing</i> of goods, the repair and servicing of goods and similar <i>uses</i> , but does not include a <i>motor vehicle repair garage</i> , a <i>motor vehicle body shop</i> or a <i>motor vehicle service station</i> . For the purposes of this definition, research laboratories and <i>printing establishments</i> are considered to be <i>industrial uses</i> .
241.	Use, Institutional	a <i>building</i> or part of a <i>building</i> used for non-commercial, non-profit purposes by an organized body, religious group or society such as a public <i>hospital</i> , <i>library</i> , convent or similar <i>use</i> .
242.	Use, Non-Residential	a <i>building</i> or <i>premises</i> designed, intended, or used for purposes other than that of a <i>dwelling</i> .
243.	Use, Principal	the primary purpose for which a <i>lot</i> , <i>building</i> or <i>structure</i> is used, or is intended to be used.
244.	Use, Residential	the <i>use</i> of land and <i>buildings</i> for human habitation.
245.	Utility	"a <i>Public Utility</i> " as defined by the Public Utilities Corporation Act, and provides the public with electricity, gas, heat, rail transportation, water, <i>sewage</i> , collection or other public service.
246.	Vehicle	a <i>motor vehicle</i> , <i>trailer</i> , traction engine, farm tractor, road building machine and any <i>vehicle</i> drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.
247.	Vehicle, Recreational	a <i>vehicle</i> designed to provide temporary living accommodation but does not include a <i>mobile home</i> , <i>travel trailer</i> or other <i>vehicle</i> defined herein.
248.	Veterinary Clinic	a <i>premises</i> where a veterinary surgeon treats domestic animals, birds or livestock and in which such animals may be boarded as required as part of their treatment, but does not include a <i>kennel</i> .
249.	Veterinary Clinic, Small Animal	a <i>premises</i> where one or more licensed veterinarian(s) and any associated staff provide medical, surgical or similar services solely for domestic pets and may include grooming services and overnight recovery areas but shall not include a <i>kennel</i> or any facilities for the boarding of animals beyond the term

		required for treatment and recovery or for the cremation or disposal of dead animals.
250.	Video Sales or Rental Outlet	means an establishment where pre-recorded video tape, video discs, game cartridges, DVD's or other similar pre-recorded materials are offered for rent or sale and where video cameras or video players/recorders may be offered for rent, but shall not include the sale of electronic video equipment and other electronic home entertainment products or an adult video store.
251.	Warehouse	a <i>building</i> where wares or goods are stored, but shall not include a <i>retail store</i> and shall not include a truck or <i>transport terminal</i> or <i>yard</i> .
252.	Waste Disposal Area	a land fill site where garbage, refuse, domestic or industrial waste, exclusive of <i>liquid industrial waste</i> , is disposed of or dumped.
253.	Water Supply	a distribution system of underground piping and related storage facilities for water including pumping and purification facilities owned and operated by the Town of Shelburne, the County of Dufferin and/or the Ontario Ministry of the Environment.
254.	Watercourse	the natural or man-made bed and shore of a river, lake, stream or creek where the primary focus is the conveyance or containment of water whether the flow is continuous or not.
255.	Wellhead Protection Area	the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field.
256.	Wholesale Establishment	a <i>building</i> or <i>premises</i> used for the storage and sale of quantities of goods and materials for resale or business <i>use</i> .
257.	Wind Turbine	a <i>structure</i> comprised of a tower and rotating blades designed to convert wind energy to electrical power.
258.	Workshop	a <i>building</i> or <i>premises</i> where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating /air conditioning contractor's shop, a commercial welder's shop, or similar <i>uses</i> .
259.	Yard	an open, uncovered space on a <i>lot</i> appurtenant to a <i>building</i> and unoccupied by <i>buildings</i> or <i>structures</i> except as specifically permitted in this By-law (see Appendix A for illustration).
260.	Yard, Exterior Side	the <i>yard</i> of a <i>corner lot</i> extending from the <i>front yard</i> to the <i>rear yard</i> between the <i>exterior side lot line</i> and the nearest

		<i>main walls of the main building or structure on the lot (see Appendix A for illustration).</i>
261.	Yard, Front	<i>a yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required, or the nearest open storage use on the lot, or the edge or rim of an excavation (see Appendix A for illustration).</i>
262.	Yard, Interior Side	<i>a yard other than an exterior side yard which extends from the front yard to the rear yard between the interior side lot line and the nearest main walls of the main building or structure on the lot (see Appendix A for illustration).</i>
263.	Yard, Maximum	<i>the maximum distance of a yard from a lot line. In calculating the maximum yard, the minimum horizontal distance from the respective lot line shall be used.</i>
264.	Yard, Minimum Required	<i>the minimum distance of a yard required from a lot line. No part of a required minimum yard for a building or structure shall be included as part of a required minimum yard for another building or structure. In calculating minimum required yards, the minimum horizontal distance from the respective lot lines shall be used.</i>
265.	Yard, Rear	<i>a yard extending across the full width of the lot between the rear lot line and the nearest wall of any building, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot for which the yard is required (see Appendix A for illustration).</i>
266.	Yard, Side	<i>open space extending from the front yard to the rear yard between the side lot line and the nearest main side wall of any building or structure on the lot (see Appendix A for illustration).</i>
267.	Zone	<i>a designated area of land use shown on the Zoning Schedules of this By-law.</i>
268.	Zone Provisions	<i>the permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking requirements, and all other zone provisions are set out within the By-law for the respective zones.</i>

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**SECTION 6  
ENACTMENT**

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**6.1            FORCE AND EFFECT**

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Shelburne subject to the applicable provisions of the Planning Act.

**6.2            By-law 16-1992, as amended, is hereby repealed.**

**6.3            READINGS BY COUNCIL**

THIS BY-LAW READ A FIRST TIME ON THE 10<sup>th</sup> DAY OF September, 2007.

THIS BY-LAW READ A SECOND TIME ON THE 10th DAY OF September, 2007.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 10th DAY OF September, 2007.

MAYOR: \_\_\_\_\_

(MUNICIPAL SEAL)

CLERK: \_\_\_\_\_

**6.4            CERTIFICATION**

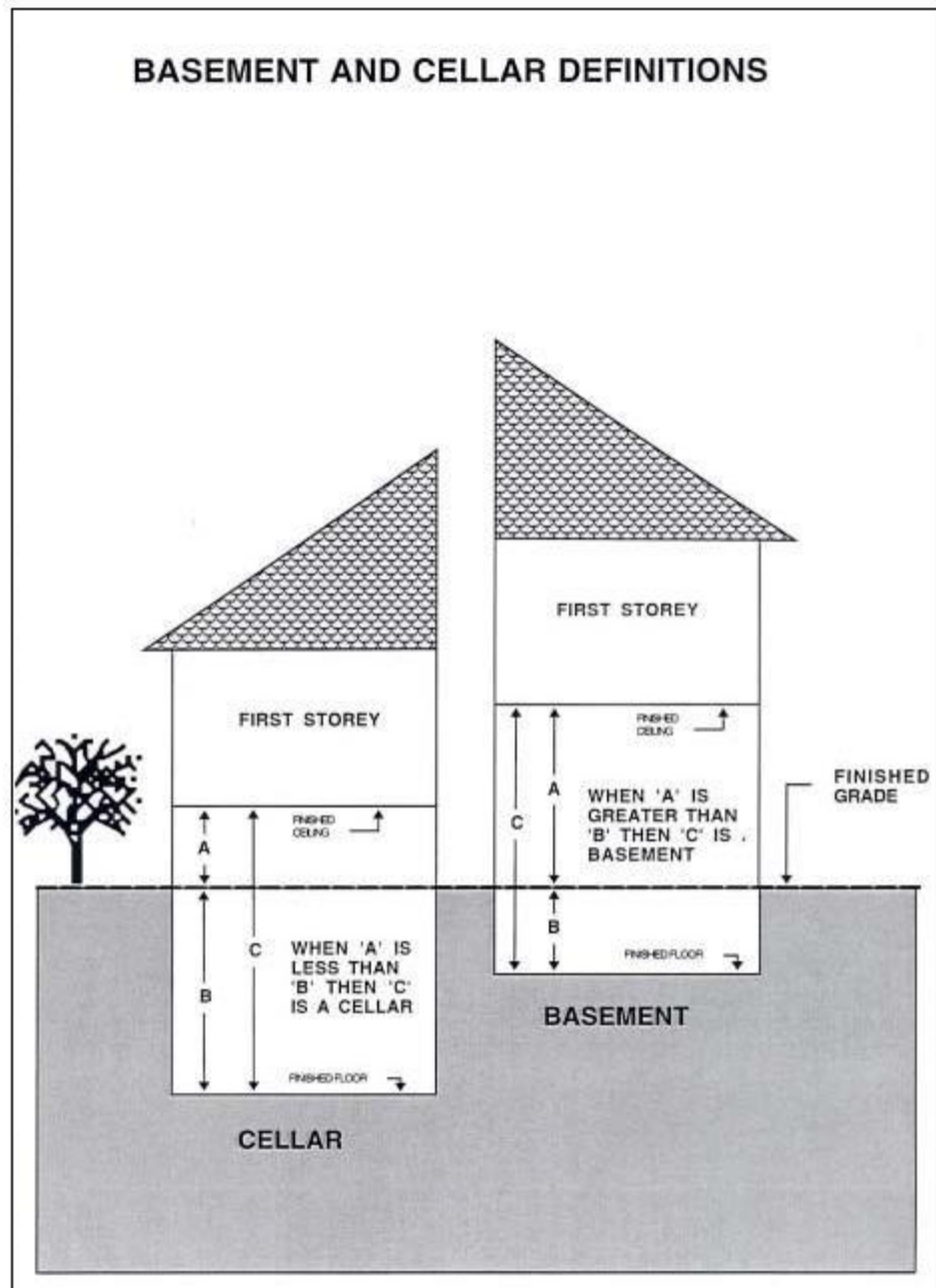
I hereby certify that the foregoing is a true copy of Zoning By-law No. 38-2007 as enacted by the Council of the Corporation of the Town of Shelburne, on the 10th day of September, 2007.

CLERK: \_\_\_\_\_

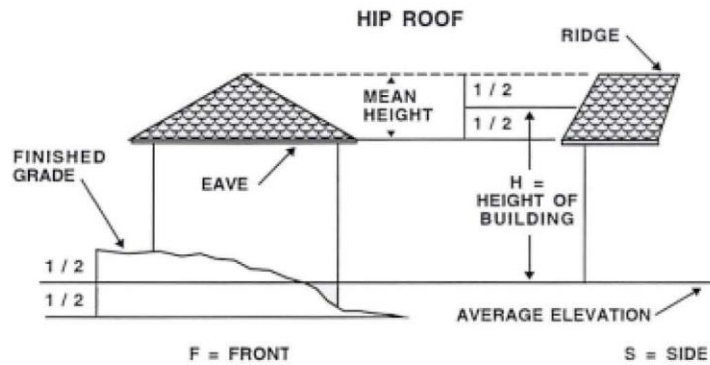
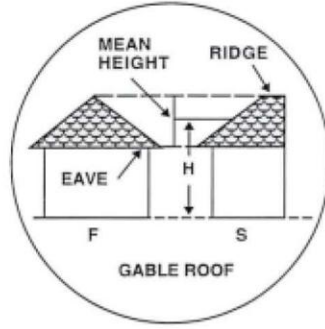
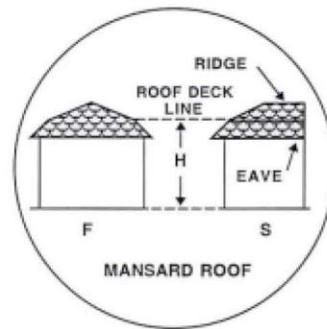
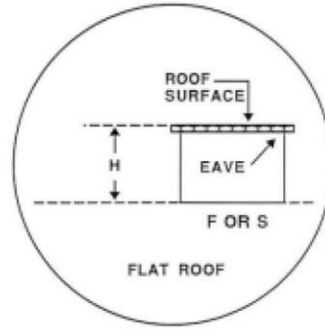
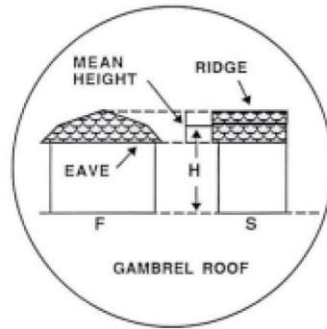
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## APPENDIX A: ILLUSTRATIONS

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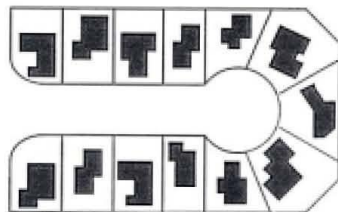
## ILLUSTRATION OF BUILDING HEIGHT



[illegible]



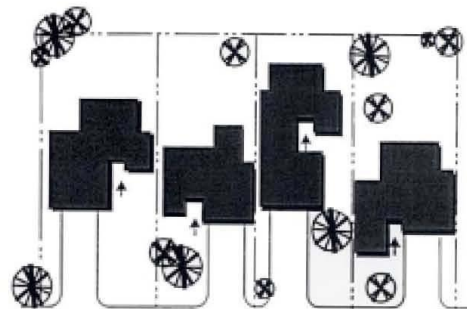
## SETBACK GUIDELINES



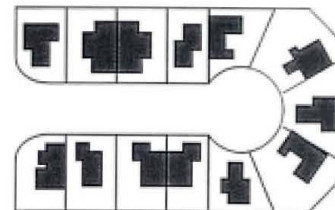
VARIED FRONT SETBACKS



INTERRUPTION OF STRAIGHT STREETS



STAGGERING OF SETBACKS TO EACH ENTRY  
CREATES VARIETY AND IDENTITY.



VARIED SIDE YARD SETBACKS

# EXAMPLE OF YARD DEFINITIONS

The diagram illustrates the definitions of various yard areas for a lot. The lot is bounded by a ROAD (Front Lot Line) and an ALLOWANCE (Rear Lot Line). The lot is divided into an EXTERIOR SIDE YARD, an INTERIOR SIDE YARD, and a REAR YARD. The lot is also divided into a FRONT YARD and a REAR LOT LINE. The diagram shows the placement of buildings and the resulting yard areas.

Labels in the diagram include:

- LOT DEPTH
- LOT FRONTAGE
- REAR LOT LINE
- REAR LOT LINE
- EXTERIOR SIDE YARD
- INTERIOR SIDE YARD
- REAR YARD
- FRONT YARD
- FRONT LOT LINE
- ROAD
- ALLOWANCE
- SIDE LOT LINE

# APPENDIX B

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**The Minimum Distance Separation (MDS) Formulae Implementation Guidelines (Publication 707), Ministry of Agriculture, Food and Rural Affairs provides detailed information on both the MDS I and MDS II formulae.**

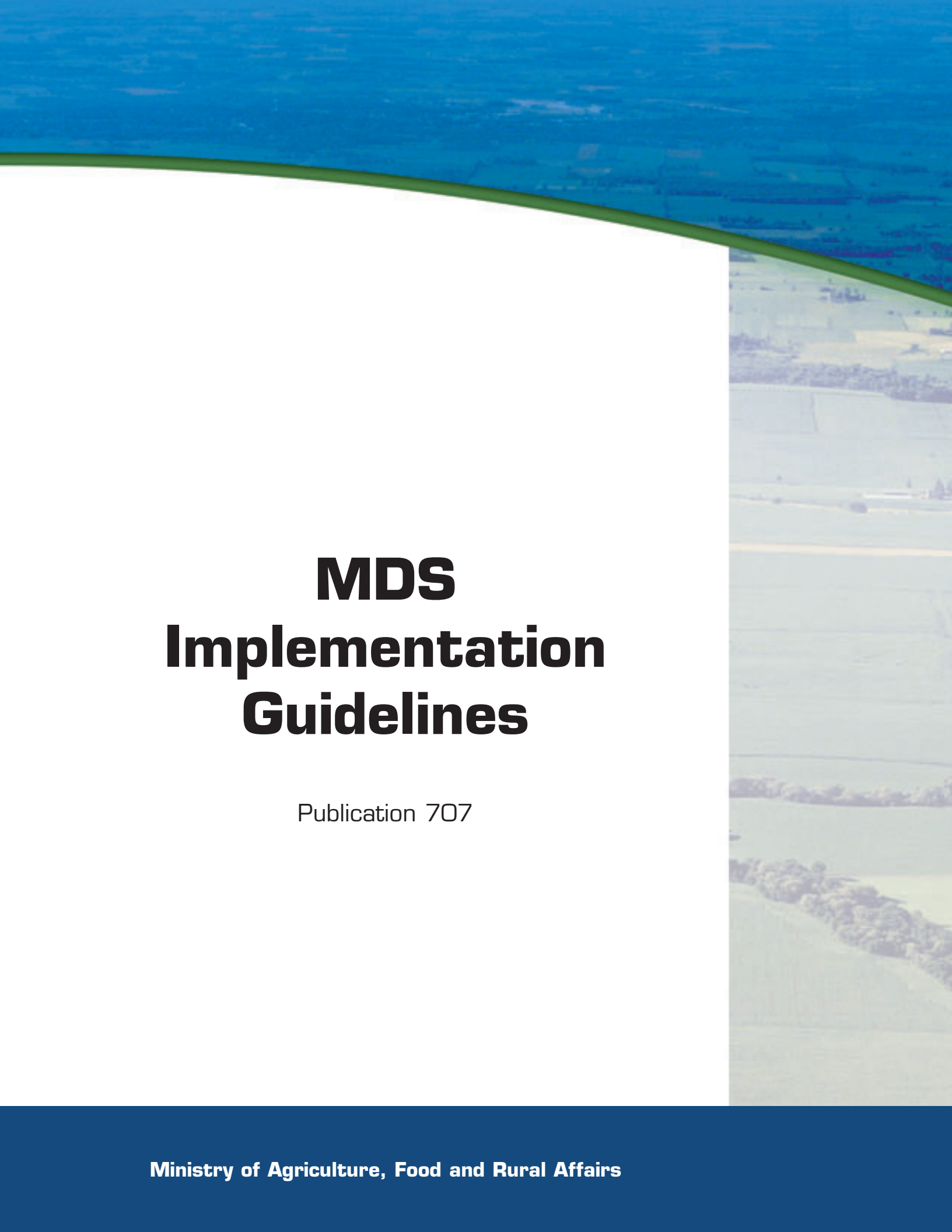
# MDS

**Minimum Distance Separation (MDS) Formulae**

## **Implementation Guidelines**

Publication 707





# **MDS Implementation Guidelines**

Publication 707





### **Need Technical or Business Information?**

Contact the Agricultural Information Contact centre at  
1-877-424-1300

or

**[ag.info@omafra.gov.on.ca](mailto:ag.info@omafra.gov.on.ca)**

For information or to obtain copies of this or any other ministry publication, please call 1-888-466-2373 from within Ontario or OMAFRA's TTY line at (519) 826-7402 for the hearing impaired; e-mail your requests to [products@omafra.gov.on.ca](mailto:products@omafra.gov.on.ca) or visit the OMAFRA website at **[www.omafra.gov.on.ca](http://www.omafra.gov.on.ca)**. Orders can be faxed to (519) 826-3633 or mailed to Service Ontario, 1 Stone Road West, Guelph, ON N1G 4Y2.

For more information on provincial acts and regulations, visit Ontario Statutes and Regulations website at **[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)**.

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09-06-4M

Separation siting of Ontario livestock barns originated in 1970, with the introduction of the document *A Suggested Code of Practice*. Ontario was experiencing what at the time seemed like a proliferation of new, large livestock and poultry barns. 'Large' at that time was 600 feeder hogs, 60 dairy cows, or 15,000 chicken broilers. These seem small by today's standards. Today, large barns are commonly triple the size of those of the past, accommodating 2,000 feeder hogs, 250 dairy cows, or 50,000 chicken broilers at one time. To address nuisance effects associated with odour, *A Suggested Code of Practice* recommended fixed minimum separation distances between livestock or poultry barns and neighbouring houses, residential zones, lot lines and roads.

*A Suggested Code of Practice* encouraged farmers to apply for a Certificate of Approval from the government. The Certificate outlined the minimum amount of land required based on the avoidance of risk to ground water pollution by compounds of nitrogen, and the number of animal units on the farm. *A Suggested Code of Practice* rationalized that the effect of objectionable odours in a neighbourhood could be reduced if livestock and poultry facilities were located as far as practically possible from nearby dwellings. It recommended simple, fixed minimum separation distances for both the proposed barn and manure storages.

Revisions were made in a subsequent edition of *A Suggested Code of Practice* in 1973. While it contained a framework for the establishment and expansion of livestock enterprises, it provided little protection from encroachment by other land uses.

In 1976, the *Agricultural Code of Practice* was published which incorporated a number of changes and provided a two-way approach to separating livestock and poultry barns from non-compatible uses and vice-versa. It introduced the concept of a sliding scale for separation distances, since fixed distances were too restrictive, or too lenient, depending on the size and type of farm.

In 1976, the Minimum Distance Separation I (MDS I) formula was established to determine the minimum separation distances between proposed new development and existing livestock facilities and/or permanent manure storages.

The Minimum Distance Separation II (MDS II) formula was developed to determine the minimum separation distances between proposed new, enlarged or remodelled livestock facilities and/or permanent manure storages and other existing or approved development.

Both formulae were updated slightly in 1995 in two documents entitled, *Minimum Distance Separation I (MDS I)* and *Minimum Distance Separation II (MDS II)* but the basic principles of the formulae remained the same.

This document replaces all earlier versions of the MDS Formulae.

A review of this document will be undertaken by OMAFRA every five years to ensure the document reflects current land use planning practices and technological innovation within the livestock industry, and continues to meet the needs of agriculture and rural communities.

NOTE TO THE USER REGARDING CD SOFTWARE – To assist municipalities, farmers, consultants and the general public, as a public service, OMAFRA has developed a software program for distribution and use with the MDS Formulae. The 2006 version distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

### **New urban development meets an existing livestock facility**





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Rural Ontario continues to evolve and change. Farms are increasing in size and complexity. Fewer people living in rural areas are farmers. In 2001, rural residents accounted for about 17 percent of Ontario's total population of 11.5 million people. Farmers made up only one percent of Ontario's total population, and only six percent of the rural population. Only about 1 in 18 people living in rural Ontario actually farms. The number of farmers continues to decrease.

Agriculture continues to evolve and change. Agriculture in Ontario is diverse with a larger number of different crops and commodities. Agriculture in Ontario contributes jobs and billions of dollars per year to the provincial economy.

Increasingly, farm operators are finding it more and more difficult to expand or establish new livestock operations, especially in parts of the province, where historically there has been a great deal of fragmentation of the agricultural land base, through lot creation. Successful livestock operations are limited in the areas where they can affectively be located on suitable agricultural land and away from potential land use conflicts with neighbouring non-farm development. In recognition of the need to protect agricultural lands for agricultural land uses, the province has adopted land use policies which protect agricultural land and farm operations.


The Provincial Policy Statement, 2005 (PPS), is issued under the *Planning Act* and provides policy direction on land use planning matters of provincial interest. The PPS provides that the primary purpose and use of prime agricultural areas is for agriculture.

Policy 2.3.1 of the statement reads:

*Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.*

The PPS sets out policies for prime agricultural areas and rural areas, which ensure that these areas are protected for agricultural uses in the long term. The *Planning Act* requires that municipal council decisions on land use planning matters be consistent with the Provincial Policy Statement. Municipalities are encouraged to adopt policies in



their official plans and zoning by-laws, that are more stringent than the PPS, and that work towards controlling or limiting future development that would not be compatible with agricultural uses and livestock operations. A principle of land use planning is the grouping together of compatible land uses and the separating of incompatible land uses. Unfortunately, in rural areas this principle of separating different and incompatible land uses has not always been applied. As in many urban areas where industry and residences are located side-by-side, conflicts about the way business is carried out sometimes arise between farmers and their rural neighbours. Even with the best management practices, noise and dust cannot be eliminated from certain agricultural operations and odours are often associated with livestock production.

The objective of Minimum Distance Separation (MDS) Formulae is to minimize nuisance complaints due to odour and thereby reduce potential land use conflicts. MDS does not account for other nuisance issues such as noise and dust.

The separation distances calculated by MDS will vary according to a number of variables including type of livestock, size of the farm operation, type of manure system and the form of development present or proposed. History shows, that where there has been sufficient separation distance between differing rural uses, there have been few odour complaints.

MDS applies in both rural areas and in prime agricultural areas of municipalities, as directed in policies 1.1.4.1(c) and 2.3.3.3 of the PPS:

*New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*

A separate document available from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), *Guide to Agricultural Land Use*, (Publication 824) contains advice on avoiding or reducing the potential for conflict between neighbouring land uses through appropriate farm practices. It explains the role of agricultural land use planning and advises on conflict avoidance and resolution. For rural non-farm residents, the guide provides an overview of agricultural practices and how to minimize their environmental impacts.

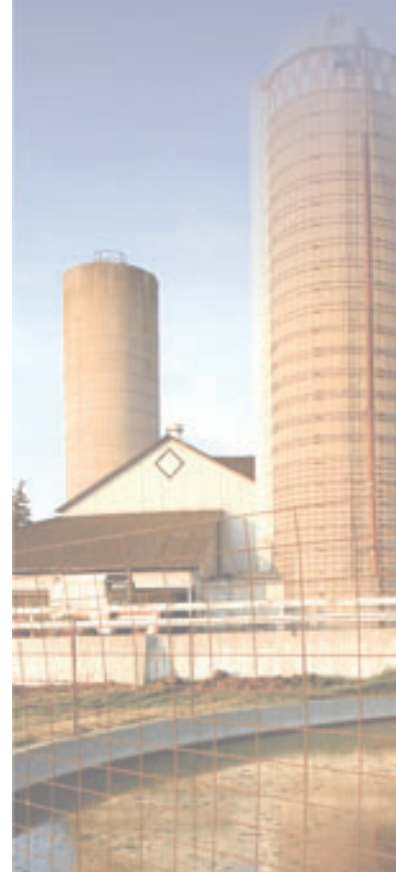
When a neighbour is bothered by what they perceive as abnormal odours, noise or dust, he or she should first try resolving the matter by speaking with the farmer believed to be creating the nuisance. If the complaint is not resolved, neighbours or farmers can seek assistance from a local Municipal Agricultural Advisory Committee, which has been established to deal with nuisance issues, if one exists. If further mediation is still necessary, neighbours or farmers can contact OMAFRA's Agricultural Information Contact Centre at 1-877-424-1300. The Contact Centre will arrange for the appropriate OMAFRA staff person to contact the parties and facilitate a conflict resolution process. For those issues that cannot be resolved through mediation, the Normal Farm Practices Protection Board, established under the *Farming and Food Production Protection Act, 1998*, provides a forum for complaint resolution other than the courts.



While MDS is an important and effective tool for dealing with nuisance issues related to odour, it will not eliminate all potential for odour complaints, nor will it address other nuisance issues such as noise, dust, light, smoke, vibration or flies. The MDS formulae is only intended to deal with odour generated from livestock facilities, such as barns and manure storages, and is not intended to address nuisance issues related to odour from land application of manure. In addition to the MDS formulae, municipalities are encouraged to develop policies in their official plans and zoning by-laws to address Policy 2.3.5.2 and Policy 1.1.3.9 of the PPS, and provide for mitigation of impacts from new or expanding settlement areas and non-agricultural uses on surrounding agricultural operations.

For additional information about resolving nuisance complaints, see the Factsheet, *The Farming and Food Production Protection Act (FFPPA) and Nuisance Complaints*, Order No. 05-013 or the *Citizen's Guide to the Farming and Food Production Protection Act and the Normal Farm Practices Protection Board* are available from OMAFRA's Agricultural Information Contact Centre, 1-877-424-1300 or the ministry's website [www.omafra.gov.on.ca](http://www.omafra.gov.on.ca).

**Anaerobic digesters are able to convert manure into methane, then into electricity for use on the farm or for sale to others**





# DEFINITIONS

Except for references to legislation which are traditionally in italics, italicized terms in this document are defined in the Definitions section below.

***Agricultural use*** – As defined in the Provincial Policy Statement, 2005, this means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

***Agricultural-related uses*** – As defined in the Provincial Policy Statement, 2005, this means farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples of this use include animal husbandry services, produce or grain storage facilities, and seed dealers.

***Anaerobic digester*** – An enclosed vessel in which micro-organisms break down organic materials (e.g. manure and other organic materials), in the absence of oxygen, resulting in the production of biogases, consisting primarily of methane and carbon dioxide. The Minimum Distance Separation Formulae is to be applied to on-farm anaerobic digesters, which utilize manure as an input. An on-farm anaerobic digester may include a *co-substrate input tank* fitted with a tight cover, in which permitted off-farm non-agricultural source materials are temporarily stored before feeding into the anaerobic digester.

***Catastrophe*** – An unanticipated, disastrous loss of part, or all, of a *livestock facility* due to fire, collapse, flood, wind, or other such event.

***Commercial use*** – The use of land, building or structure for the purpose of buying and/or selling commodities and supplying services, such as automotive service stations, car washes, convenience retail shops, hotels or motels, shopping centres and supermarkets.

***Co-substrate input tank (CSIT)*** – Storage for containing permitted non-agricultural wastes that will be blended with manure in an on-farm *anaerobic digester* in order to increase biogas production.

***Digestate*** – End product from the anaerobic digestion of manure (and possibly permitted *co-substrate input tank* materials) that has a significant reduction in pathogens and odour.

***Dwelling*** – Any building that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

***Empty facility*** – A *livestock facility* that does not currently contain any manure, house any *livestock*, or contain organic material used for *anaerobic digesters*.

***Existing livestock facility*** – A *livestock facility*, or a portion of a *livestock facility*, intended for keeping or housing of *livestock* and containing one or more barns or structures. Includes *manure or material storages*, whether associated with a *livestock facility* or not, and *anaerobic digesters*, which have already been constructed.

***Expanded livestock facility*** – Any building activity to construct or expand a *livestock facility* that requires a building permit and results in an increase, or decrease, in *Nutrient Unit* capacity on a *lot*, where there already was some existing *Nutrient Unit* capacity.

***First livestock facility*** – Any building activity to construct a *livestock facility* that requires a building permit and results in an increase in *Nutrient Unit* capacity on a *lot*, where there was no existing *Nutrient Unit* capacity.

***Housing capacity*** – Maximum *livestock* capacity for all facilities on a *lot* at any time, even if currently empty but able to house *livestock*.

***Industrial use*** – The use of land, buildings or structures for the purpose of manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods, and related accessory uses.

***Institutional use*** – The use of land, buildings or structures for public or social purposes, including religious, governmental, educational, charitable, health, or other non-commercial uses, and may include cemeteries, places of worship, municipal buildings, police and fire stations, schools, hospitals, and seniors complexes.

***Livestock*** – Includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer & elk, game animals, birds, and other animals identified in Table 1.

***Livestock facility*** – One or more barns or permanent structures with *livestock-occupied portions*, intended for keeping or housing of *livestock*. A *livestock facility* also includes all *manure or material storages* and *anaerobic digesters*.



***Livestock occupied portion*** – Areas of *livestock facilities* where *livestock* spend the majority of their time, allowing substantial amounts of manure to accumulate, but not including feed preparation rooms, milking centres, offices, washrooms, riding arenas, *livestock* loading chutes, or *livestock* assembly areas.

***Lot(s)*** – A parcel or tract of land, within a registered plan or subdivision or described in a deed or other legal document, that is capable of being legally conveyed.

***Manure or material storage*** – Permanent storages, which may or may not be associated with a *livestock facility* containing liquid manure (< 18% dry matter), solid manure ( $\geq$  18% dry matter), or digestate (< 18% dry matter). Permanent storages may come in a variety of:

- locations (under, within, nearby, or remote from barn)
- materials (concrete, earthen, steel, wood)
- coverings (open top, roof, tarp, or other materials)
- configurations and shapes
- elevations (above, below or partially above grade)

***Multiple residential*** – Three or more *residential* units in the same structure.

***Nutrient Unit (NU)*** – An amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the *Nutrient Management Act*, 2002).

***Recreational use – high intensity*** – Recreational use that usually includes buildings and/or a higher density or concentration of human activity such as golf courses, sports fields, trailer parks, campgrounds and conservation areas with facilities.

***Recreational use – low intensity*** – Recreational use that usually does not require buildings, does not alter the soil or topography, and/or has a lower density or concentration of human activity such as open space and environmental areas.

***Residential use*** – The use of land, buildings or structures for human habitation.

***Rural residential cluster*** – Four, or more, adjacent rural *lots*, generally one hectare or less in size, sharing a common contiguous boundary. *Lots* located directly across a road from one another shall be considered as having a common boundary.



**Settlement areas** – As defined in the Provincial Policy Statement, 2005, this means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

*Rural residential clusters* are not considered *settlement areas*, unless designated as such in a municipal official plan.

**Storage capacity** – Maximum storage volume (measured as cubic feet or cubic metres) of all storages for *manure*, or *digestate* treated through an *anaerobic digester*, on a *lot* at any time, even if currently empty but able to store these materials.

**Tillable hectares** – Land, including pasture that can be worked or cultivated to grow crops.

**An overhead view of a concrete liquid manure storage facility**



# IMPLEMENTATION GUIDELINES – MINIMUM DISTANCE SEPARATION FORMULAE

The following section outlines the specific implementation guidelines that need to be considered as part of the application and calculation of the Minimum Distance Separation (MDS) Formulae. To assist the user the implementation guidelines have been organized into six sections.

Implementation Guideline	MDS I	MDS II
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## General Rules and Application of the Minimum Distance Separation Formulae

The following implementation guidelines speak to some of the general rules regarding the MDS Formulae, and how they are to be referenced in planning documents and applied to land use applications and building permits. This section also highlights some of the specific instances where MDS Formulae are applied and exceptions where they are not applied.

1. Application of MDS and reference in municipal planning documents	MDS Formulae and criteria are to be referenced in official plans, included in zoning by-laws and applied in designations and zones where <i>livestock facilities</i> are a permitted use. MDS will be applied in Prime Agricultural Areas and Rural Areas as defined by the Provincial Policy Statement, 2005.
2. What MDS <u>does</u> and <u>does not</u> apply to	MDS applies to <i>livestock facilities</i> . It does not apply to abattoirs, apiaries, assembly yards, fairgrounds, feed storages, field shade shelters, greenhouses, kennels, <i>livestock facilities</i> that are less than 10 m <sup>2</sup> (108 ft <sup>2</sup> ) in floor area, machinery sheds, mushroom farms, pastures, slaughter houses, stockyards, or temporary field nutrient storage sites (as defined under the <i>Nutrient Management Act</i> , 2002).
3. MDS and manure transfer facilities	Some <i>livestock facilities</i> require small facilities for holding some manure before transfer to long-term permanent storage, or transfer to field spreading areas, or transfer off the farm entirely. Examples include: small tanks inside or just outside the barn for settling out sand from liquid dairy manure; small sumps inside or just outside the barn for collection and/or mixing of liquid manure from several barn areas; or concrete pads at the end of chicken broiler barns where solid manure is pushed outside awaiting pickup by a trucker. These facilities should be considered as part of the barn and have the same MDS setbacks as the barn.

Implementation Guideline	MDS I	MDS II
4. MDS and earthen <i>manure storages</i>	<p>MDS I is applied to earthen storages, despite the fact they are not considered to be a building.</p> <p>Best management practices recommend the MDS formula be followed for earthen <i>manure storages</i>, and this is backed up by the Provincial Policy Statement, 2005, <i>'New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae'</i>.</p>	<p>MDS II is triggered when a building permit is required, but because earthen storages are not considered to be a building, they do not require a building permit. However, this does not exclude them from the requirement for siting according to the MDS formula.</p> <p>Best management practices recommend the MDS formula be followed for earthen <i>manure storages</i>, and this is backed up by the Provincial Policy Statement, 2005, <i>'New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae'</i>.</p>
5. When are MDS Formulae implemented and applied?	<p>MDS I is applied at the time of planning and/or development review for proposed new development, such as <i>lot</i> creation, building permits for development on a <i>lot</i> in accordance with Implementation Guideline # 6, rezoning or redesignation of agricultural land to permit development, in proximity to <i>existing livestock facilities</i> on an existing or proposed separate parcel of land.</p>	<p>MDS II is applied at the time of building permit application to build a <i>first</i> or <i>expanded livestock facility</i>.</p>
6. MDS and surrounding development. When is MDS applied?	<p>MDS I is applied to all <i>livestock facilities</i> reasonably expected to be impacted by the proposed development, <i>lot</i> creation, rezoning or redesignation. For Type 'A' applications, apply MDS I for <i>livestock facilities</i> within a 1000 metre radius. For Type B application apply MDS I for <i>livestock facilities</i> within a 2000 metre radius.</p> <p>Separate MDS I calculations should be undertaken for each <i>livestock facility</i> located on a separate parcel of land. See Implementation Guidelines # 34 and # 35 for a discussion regarding Type 'A' and Type 'B' land uses.</p>	<p>MDS II is applied to all development reasonably expected to be impacted by the proposed <i>first</i> or <i>expanded livestock facility</i>.</p>

Implementation Guideline	MDS I	MDS II
7. Application of MDS to development on existing <i>lots</i>	<p>Municipalities have the option, but are strongly encouraged to apply MDS I to development proposed through building permit on an existing <i>lot</i>. Construction of a <i>dwelling</i>, or other structures that are incompatible with <i>livestock facilities</i>, on an existing <i>lot</i> can have a very detrimental impact on the ability of surrounding agricultural operations to expand in the future, and often introduces a potential new source for nuisance complaints regarding odour from a <i>livestock facility</i>, that would generally not be allowed if the <i>lot</i> were to be created today. To address the potential negative impact of nuisance complaints to surrounding <i>livestock</i> operations from development on existing <i>lots</i>, municipalities are encouraged to undertake a thorough review of this issue at the next update of their municipal planning documents. Municipalities should consider approaches to address the future use and suitability of development on existing <i>lots</i>. The application of MDS I to development on existing <i>lots</i> will take its direction from the applicable municipal planning documents.</p>	MDS II applies to <i>lot</i> lines.
8. MDS and Consent Applications	<p>MDS I is applied to a proposed <i>lot</i>, vacant or with existing structures.</p> <p>Where a new <i>lot</i> is proposed with an existing <i>dwelling</i>, and that <i>dwelling</i> is already located on a <i>lot</i> separate from the subject <i>livestock facility</i>, MDS I is not applied as the potential odour conflict is already present between the neighbouring <i>livestock facility</i> and the existing dwelling. However, municipalities may choose to apply MDS I from the neighbouring <i>livestock facility</i> to a proposed <i>lot</i> with an existing <i>dwelling</i>. Direction to apply MDS I in these circumstances should be clearly indicated in the municipality's planning documents.</p> <p>MDS I is applied to a proposed <i>lot</i> with an existing <i>dwelling</i> when the <i>dwelling</i> is presently located on the same <i>lot</i> as the subject <i>livestock facility</i>.</p>	N/A



Implementation Guideline	MDS I	MDS II
9. MDS and Zoning By-Law Amendments	MDS I is applied when new development is proposed by way of a re-zoning in a zone where agriculture is a permitted use.	N/A
10. MDS and Official Plan Amendments	MDS I is applied to lands being considered for non-agricultural designation through the official plan amendment process.	N/A
11. Application of MDS after a <i>catastrophe</i>	Where municipalities apply MDS I to buildings or structures on an existing <i>lot</i> , municipalities have the option to not apply MDS I after a <i>catastrophe</i> that destroys part or all of a <i>dwelling</i> , providing the resulting new <i>dwelling</i> is built no closer to a <i>livestock facility</i> than before the <i>catastrophe</i> .	Municipalities have the option to not apply MDS II after a <i>catastrophe</i> that destroys part or all of a <i>livestock facility</i> , providing the resulting <i>livestock facility</i> is built no closer to a surrounding development than before the <i>catastrophe</i> . However, if rebuilding results in higher values for Factor A, B and/or D than before the <i>catastrophe</i> , then MDS II applies.
12. Existing uses that do not conform to MDS	MDS I is applied to new proposed development, even though there may be existing non-agricultural uses that do not conform to MDS I requirements. Where there are four, or more, existing non-farm uses closer to the subject <i>livestock facility</i> and in immediate proximity to the current application, MDS I will not be applied. The current application must not be located closer to the <i>livestock facility</i> than the four, or more, existing non-farm uses.	MDS II is measured from the proposed new construction of an <i>expanding livestock facility(ies)</i> even though there may be parts of the existing <i>livestock facility</i> , that do not conform.
13. Non-application of MDS to accessory structures	When a municipality applies MDS I to development on an existing <i>lot</i> , it is not applied to buildings and structures, accessory to a <i>dwelling</i> , such as decks, garages, gazebos, greenhouses, outbuildings, picnic areas, patios or sheds.	MDS II is not applied to buildings and structures, accessory to a <i>dwelling</i> on an adjacent <i>lot</i> , such as decks, garages, gazebos, greenhouses, outbuildings, picnic areas, patios or sheds.

Implementation Guideline	MDS I	MDS II
14. <i>Livestock occupied portions of livestock facilities</i>	MDS is not applied to portions of the <i>livestock facility</i> where <i>livestock</i> are not normally present for a long enough time for substantial amounts of manure to accumulate. For example, this includes feed bins, feed preparation areas, field shadeshelters, <i>livestock</i> assembly areas, <i>livestock</i> loading chutes, machinery sheds, milking centres, offices, riding arenas, silos or washrooms.	
15. Setbacks - <i>dwelling</i> from <i>livestock facilities</i> , same <i>lot</i>	Neither MDS I nor MDS II are applied between a <i>dwelling</i> and a <i>livestock facility</i> located on the same <i>lot</i> .	
16. Ownership of adjacent land by same owner	MDS is applied regardless of the ownership of adjacent or adjoining legally separate <i>lots</i> . Ownership of adjacent or adjoining legally separate <i>lots</i> by the same owner does not prevent the application of MDS.	

## Determining *Livestock Facility Capacity*

The following implementation guidelines provide direction on determining the capacity of a *livestock facility* for calculating MDS; as well as, direction on applying MDS to *empty livestock facilities*.

17. Obtaining Required <i>Livestock</i> Information from Owners	Information to be used in MDS calculations, (such as capacity of the <i>livestock facility</i> , type of <i>manure storage</i> , number of <i>tillable hectares</i> , etc..) should be obtained from the owner of an <i>existing</i> or <i>first livestock facility</i> . It may be necessary to independently verify the information received from the owner of the <i>livestock facility</i> to ensure accuracy of an MDS calculation.	
18. Smallest size of <i>livestock facility</i> for MDS	For the purposes of calculations, the smallest size of <i>livestock facility</i> is deemed to be five <i>Nutrient Units</i> , regardless if there are fewer <i>Nutrient Units</i> within the <i>livestock facility</i> , or not.	
19. Capacity of <i>livestock facilities</i> for MDS	MDS calculations shall be based on the maximum <i>livestock housing capacity</i> for all <i>livestock facilities</i> on a <i>lot</i> , even if the building is not currently used, but is structurally sound and reasonably capable of housing <i>livestock</i> . This also applies for permanent <i>manure storages</i> on <i>lots</i> where there is no <i>livestock</i> generating manure.	
20. Application of MDS to <i>empty livestock facilities</i>	MDS I applies to <i>empty livestock facilities</i> if they are structurally sound and reasonably capable of housing <i>livestock</i> , or storing manure. The MDS I calculation should be based on the most probable Factors A, B and D. The Ministry of Agriculture, Food and Rural Affairs may provide municipalities with additional information to guide them in this determination. See Implementation Guidelines # 25, 26 and 28 regarding Factors A, B and D.	MDS II applies to <i>empty livestock facilities</i> that are part of an <i>expanding livestock facility</i> if they are structurally sound and reasonably capable of housing <i>livestock</i> , or storing manure. The MDS II calculation should be based on the most probable Factors A, B and D.  continued...

Implementation Guideline	MDS I	MDS II
<p>20. Application of MDS to <i>empty livestock facilities</i></p> <p>continued...</p>		<p>continued...</p> <p>See Implementation Guidelines # 25, 26 and 28 regarding Factors A, B and D.</p> <p>However, <i>empty livestock facilities</i> can be excluded from MDS II calculations for <i>expanding livestock facilities</i> if a building permit is required for altering the facilities so they are no longer capable for the housing of <i>livestock</i> (or manure). Municipalities may consider other approaches which achieve the same objective.</p>

## Anaerobic Digesters

The following implementation guidelines speak to issues related specifically to *anaerobic digesters*, such as determination of appropriate MDS factors, and setbacks for *co-substrate input tanks (CSIT)* and *anaerobic digesters (AD)*.

<p>21. Storages for <i>digestate</i> from an <i>anaerobic digester</i> and how to apply Factors B and C</p>	<p>When a <i>livestock facility</i> installs an <i>anaerobic digester</i> (AD), some supplemental agricultural or non-agricultural materials may be imported to help boost biogas production. This means a larger storage for the resulting materials treated by the AD system is required.</p> <p>If an adjacent <i>livestock facility</i> has an AD system <u>and</u> there are imported supplemental materials, then for Factor B, use the greater of the NU capacity for <i>livestock</i> on the <i>lot</i>, versus the NU capacity of <u>all</u> storage volumes using 19.8 m<sup>3</sup>/NU (700 ft<sup>3</sup>/NU) from Table 1.</p> <p>For example, a 100 NU swine farm has an AD system and imports supplemental materials to boost biogas production. There is just one storage of 2,376 m<sup>3</sup> capacity.</p> <p>For Factor B, this is <math>2,376 \text{ m}^3 \div 19.8 \text{ m}^3/\text{NU} = 120 \text{ NU}</math>, which is greater than 100 NU for swine. Use 120 NU in Table 2 to determine Factor B.</p>	<p>When a <i>livestock facility</i> installs an <i>anaerobic digester</i> (AD), some supplemental agricultural or non-agricultural materials may be imported to help boost biogas production. This necessitates the need for larger storage for the resulting <i>digestate</i> from the AD system.</p> <p>In MDS II, for Factor B, use the greater of the NU capacity for <i>livestock</i> on the <i>lot</i>, versus the NU capacity of the proposed storage volume using 19.8 m<sup>3</sup>/NU (700 ft<sup>3</sup>/NU) from Table 1.</p> <p>For Factor C, use the increased NU capacity of the proposed storage volume compared to the NU capacity for the <i>livestock</i> on the <i>lot</i>.</p> <p>continued...</p>
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Implementation Guideline	MDS I	MDS II
<p>21. Storages for <i>digestate</i> from an <i>anaerobic digester</i> and how to apply Factors B and C</p> <p>continued...</p>		<p>continued...</p> <p>For example, a 100 NU swine farm proposes to build 2,376 m<sup>3</sup> of storage for manure and other imported materials treated by an AD system.</p> <p>For Factor B, this is <math>2,376 \text{ m}^3 \div 19.8 \text{ m}^3/\text{NU} = 120 \text{ NU}</math>, which is greater than 100 NU for swine. Use 120 NU in Table 2 to determine Factor B.</p> <p>For Factor C, the NU capacity of the proposed storage is 120 NU compared to 100 NU for swine. The increase is <math>120 \text{ NU} - 100 \text{ NU} = 20 \text{ NU}</math>, or <math>20 \text{ NU} / 100 \text{ NU} \times 100 = 20\%</math>. Use 20% in Table 3 to determine Factor C.</p>
<p>22. <i>Anaerobic digesters</i> and <i>co-substrate input tanks</i></p>	<p><i>Co-substrate input tanks (CSIT)</i> <u>may</u> be installed to store imported agricultural or non-agricultural materials prior to input into an <i>anaerobic digester (AD)</i>.</p> <p>The required MDS I separation from a <i>CSIT</i> and/or AD is 125 m regardless of size or type, and whether greater or lesser MDS I setbacks are calculated based on the <i>livestock</i> NU capacity or potential NU capacity based on <i>tillable hectares</i>.</p>	<p><i>Co-substrate input tanks (CSIT)</i> <u>may</u> be installed to store imported agricultural or non-agricultural materials prior to input into an <i>anaerobic digester (AD)</i>.</p> <p>The required MDS II separation from a <i>CSIT</i> and/or AD, regardless of size or type, is:</p> <ul style="list-style-type: none"> <li>• 125 m for Type A land uses</li> <li>• 250 m for Type B land uses</li> <li>• 125 m to the nearest neighbour's house</li> <li>• 13 m to the nearest <i>lot</i> line</li> <li>• 25 m to the nearest road allowance</li> </ul>

Implementation Guideline	MDS I	MDS II
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## MDS Formulae and Factors

The following implementation guidelines provide direction on the calculation of the MDS Formulae for MDS I and MDS II. In addition, they provide a brief summary of the Factors used to calculate MDS, and specific considerations related to the calculation.

23. Calculating building base distance, 'F'	$F = \text{Factor A} \times B \times D \times E$ (Note: Factor C <u>not</u> used in MDS I)	$F = \text{Factor A} \times B \times C \times D$ (Note: Factor E <u>not</u> used in MDS II)
24. Calculating permanent <i>manure storage</i> base distance, 'S'	'S' is <u>not</u> calculated, but read directly from Table 6 by first calculating the building base distance 'F', then choosing the new added 'Permanent Manure Storage Type' from Table 5.	
25. Storage base distances ('S') when $F > 1000$ metres	If 'F' > 1000 m, the Storage Base Distance 'S' is the same as the Building Base Distance, 'F' as noted in Table 6.	
26. Factor A - Odour Potential Factor	Factor A is based on the type of livestock and its relative potential for emanating offensive odours. The higher the Factor A, the higher the odour potential, and the higher the resulting MDS separation distances, all other things being equal. See Table 1.	
27. Factor B - <i>Nutrient Units</i> Factor	Factor B is based on the number, or equivalent number, of <i>Nutrient Units (NU)</i> in <i>housing capacity</i> at a <i>livestock facility</i> . The higher the number of NU, the higher the Factor B, and the higher the resulting MDS separation distances, all other things being equal. See Table 2. In determining Factor B, it may be required to interpolate a value from Table 2. Interpolated values for Factor B should not include more than two decimal places, and may need to be rounded accordingly.	
28. Factor C - Orderly Expansion Factor	Does not apply for MDS I	Factor C only applies for MDS II, and is based on the percentage increase in the number of NU for the proposed construction. The higher the percentage increase, the higher the Factor C, and the higher the resulting MDS II, all things being equal.  Expansion of a <i>livestock facility</i> is a necessary and typical process for the economic development of most farm operations, and can reasonably be expected over time.  <i>continued...</i>

Implementation Guideline	MDS I	MDS II
<p>28. Factor C - Orderly Expansion Factor</p> <p>continued...</p>		<p><i>continued...</i></p> <p>Factor C allows for future expansion. Factor C is the highest it can be for the <i>first livestock</i> building (or first permanent <i>manure storage</i> where no <i>livestock</i> are housed) on a <i>lot</i>, resulting in a building location that will allow most subsequent <i>livestock</i> buildings to be built within a reasonable building envelope. Factor C is smallest for no increase in NU (0% increase), or decreases in NU ('negative' increase), rare on most farms, except when replacing an old building with little to no additional <i>livestock</i> capacity, downsizing, or when installing storages to increase manure holding capacity to prevent spreading at inappropriate times of the year.</p> <p>For the purposes of determining Factor C, all <i>first livestock facilities</i> are to be calculated at Factor C = 1.14.</p> <p>Where an <i>existing livestock facility</i> is to be expanded, the percentage increase shall be calculated using: the total additional <i>Nutrient Units</i> proposed as the numerator, and the total existing <i>Nutrient Units</i> as the denominator.</p> <p>For example, an <i>existing livestock facility</i> currently has 200 <i>nutrient units</i> and proposes to add 100 additional <i>Nutrient Units</i>. In this case percentage increase, would be calculated as 100 NU divided by 200 NU and then multiplied by 100 for a value of 50 %</p> <p><math>(100/200) \times 100 = 50 \%</math></p> <p><i>continued...</i></p>

Implementation Guideline	MDS I	MDS II
<p>28. Factor C - Orderly Expansion Factor</p> <p>continued...</p>		<p><i>continued...</i></p> <p>Where a <i>livestock facility</i> is to be expanded, and one or more building permits to establish or expand that <i>livestock facility</i> were already issued within the previous three years, the percentage increase shall be calculated using: the total additional <i>Nutrient Units</i> established or added by building permit issued during the previous three year period, plus the proposed expansion, as the numerator; and the total existing <i>Nutrient Units</i> prior to the previous three year period as the denominator.</p> <p>For example, an <i>existing livestock facility</i> currently has 200 <i>Nutrient Units</i> and proposes to add 100 additional <i>Nutrient Units</i>. A building permit for this <i>livestock facility</i> was issued 2 years ago, and increased the size of the operation at that time from 100 <i>Nutrient Units</i> to 200 <i>Nutrient Units</i>. In this case, percentage increase would be calculated as 200 NU (100 NU for this expansion plus 100 NU for expansion 2 years ago) divided by 100 NU (the total capacity of the <i>livestock facility</i> 3 years ago) and then multiplied by 100 for a value of 200%.</p> <p><math>[(100+100)/100] \times 100 = 200 \%</math></p> <p>See Table 3 for further information. In determining Factor C, it may be required to interpolate a value from Table 3. Interpolated values for Factor C should not include more than four decimal places, and may need to be rounded accordingly.</p>

Implementation Guideline	MDS I	MDS II
29. Factor D - Manure or Material Form in Permanent Storage Factor	Factor D is based on the type of manure or material and its relative potential for emanating offensive odours. The higher the Factor D, the higher the odour potential, and the higher the resulting MDS separation distance, all other things being equal. See Table 1.	
30. Factor E - Encroaching Land Use Factor	Factor E is based on the degree of effect an encroaching land use might have on an <i>existing livestock facility</i> . The higher the encroachment factor, the higher the potential effect on a <i>livestock facility</i> , and the higher the resulting MDS I separation distance, all other things being equal. See Table 4.	N/A
31. Calculating weighted averages for Factor A	<p>In MDS I, Factor A <u>may</u> require a weighted average, if there are more than one type of <i>livestock</i> housed with differing values for Factor A.</p> <p>For example, if an adjacent <i>livestock facility</i> houses 50 NU of chicken broilers with Factor A = 0.7, and 100 NU of swine feeders with Factor A = 1.2, then the weighted average Factor A is:  <math display="block">[(50 \times 0.7) + (100 \times 1.2)] \div (50 + 100) = 1.03</math></p> <p>When calculating a weighted average, the value of Factor A should not include more than two decimal places, and may need to be rounded accordingly.</p>	<p>In MDS II, Factor A <u>may</u> require a weighted average, if more than one type of <i>livestock</i> is <u>added</u> with differing values for Factor A.</p> <p>For example, if a farmer proposes to <u>add</u> 50 NU of chicken broilers with Factor A = 0.7, and 100 NU of swine feeders with Factor A = 1.2, to a <i>livestock facility</i>, then the weighted average Factor A is:  <math display="block">[(50 \times 0.7) + (100 \times 1.2)] \div (50 + 100) = 1.03</math></p> <p>When calculating a weighted average, the value of Factor A should not include more than two decimal places, and may need to be rounded accordingly.</p>
32. Calculating weighted averages for Factor D	<p>In MDS I, Factor D <u>may</u> require a weighted average, if there are more than one type of <i>livestock</i> housed with differing values for Factor D.</p> <p>For example, if an adjacent <i>livestock facility</i> houses 50 NU of chicken broilers with Factor D = 0.7, and 100 NU of swine feeders with Factor D = 0.8, then the weighted average Factor D is:  <math display="block">[(50 \times 0.7) + (100 \times 0.8)] \div (50 + 100) = 0.77</math> <div>continued...</div> </p>	<p>In MDS II, Factor D <u>may</u> require a weighted average, if more than one type of <i>livestock</i> is <u>added</u> with differing values for Factor D.</p> <p>For example, if a farmer proposes to <u>add</u>: 50 NU of chicken broilers with Factor D = 0.7, and 100 NU of swine feeders with Factor D = 0.8, then the weighted average Factor D is:  <div>continued...</div> </p>

Implementation Guideline	MDS I	MDS II
<p>32. Calculating weighted averages for Factor D</p> <p>continued...</p>	<p><i>continued...</i></p> <p>When calculating a weighted average, the value of Factor D should not include more than two decimal places, and may need to be rounded accordingly.</p>	<p><i>continued...</i></p> $[(50 \times 0.7) + (100 \times 0.8)] \div (50 + 100) = 0.77$ <p>When calculating a weighted average, the value of Factor D should not include more than two decimal places, and may need to be rounded accordingly.</p>
<p>33. <i>Tillable hectares</i></p>	<p>In MDS I, Factor B is based on the greater of the existing <i>Nutrient Unit housing capacity</i> of the <i>livestock facility</i>, or the potential <i>Nutrient Unit housing capacity</i> of the livestock facility based on the product of <i>tillable hectares</i> on that <i>lot</i> multiplied by 7.5 <i>Nutrient Units/tillable hectare</i> (to a maximum of 300 <i>Nutrient Units</i>).</p> <p>However, for <i>settlement area</i> expansions only, MDS I is based on the existing <i>Nutrient Unit housing capacity</i> and not <i>tillable hectares</i>. See the following examples:</p> <p>For example:</p> <p>20 NU operation on 10 hectares; <i>housing capacity</i> is 75 NU</p> <p>20 NU operation on 45 hectares; <i>housing capacity</i> is 300 NU</p> <p>300 NU operation on 10 hectares; <i>housing capacity</i> is 300 NU</p> <p>300 NU operation on 45 hectares; <i>housing capacity</i> is 300 NU.</p>	<p>N/A</p>
<p>34. Rounding of MDS calculations</p>	<p>All resulting calculated separation distances are rounded <u>up</u> to the nearest metre.</p>	

Implementation Guideline	MDS I	MDS II
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## Type A and B Land Uses

These implementation guidelines outline considerations regarding the interpretation of Type A and Type B land uses for MDS I and II, and how different land uses should be treated in MDS. They also provide specific direction on exceptions to Type A and Type B land uses.

35. Type A land uses	<p>Type A land uses are typically characterized by uses that have a lower density of human occupancy, habitation or activity.</p> <p>For the purposes of MDS I, Type A land uses include applications to rezone or redesignate agricultural lands for <i>industrial, agricultural-related or recreational use – low intensity</i> purposes.</p> <p>Type A land uses include applications to permit:</p> <ul style="list-style-type: none"> <li>• construction of a <i>dwelling</i> on an existing lot where the municipality has determined that MDS I should be applied, or the</li> <li>• creation of up to three <i>lots</i> either by consent or plan of subdivision</li> </ul>	<p>Type A land uses are typically characterized by uses that have a lower density of human occupancy, habitation or activity.</p> <p>For the purposes of MDS II, Type A land uses include areas zoned or designated <i>industrial, agricultural-related or recreational use – low intensity</i>.</p> <p>Type A land uses include <i>residential dwellings</i> on lots zoned agriculture, rural <i>residential, residential</i>, or other similar zoning. This includes existing <i>residential</i> uses on separate <i>lots</i> not recognized through Official Plan designation as a <i>residential</i> area.</p>
36. Type B land uses	<p>Type B land uses are typically characterized by uses that have a higher density of human occupancy, habitation or activity.</p> <p>For the purposes of MDS I, Type B land uses include applications to rezone or redesignate agricultural lands for <i>residential, institutional, recreational use – high intensity, commercial or settlement area</i> purposes.</p> <p>Type B land uses include applications to permit:</p> <ul style="list-style-type: none"> <li>• creation of <i>residential</i> subdivisions in rural areas, or</li> <li>• expansion of a <i>settlement area</i>, or</li> <li>• creation of <i>multiple residential</i> development, or</li> <li>• the creation of a lot which results in a <i>rural residential cluster</i></li> </ul>	<p>Type B land uses are typically characterized by uses that have a higher density of human occupancy, habitation or activity.</p> <p>For the purposes of MDS II, Type B land uses include areas zoned or designated <i>settlement area, recreational use high – intensity, institutional, or commercial</i>.</p> <p>Type B land uses include areas designated in an Official Plan as <i>residential</i> for:</p> <ul style="list-style-type: none"> <li>• <i>residential</i> subdivisions, or</li> <li>• multiple <i>residential</i>, or</li> <li>• estate <i>residential</i> development</li> </ul>

Implementation Guideline	MDS I	MDS II
37. Application to <i>settlement areas</i>	<p>MDS I does not apply to proposed non-agricultural uses in approved <i>settlement area</i> designations. However, municipalities have the option to apply MDS I from <i>livestock facilities</i> within a <i>settlement area</i> designation.</p> <p>The application of MDS I will take its direction from the applicable municipal planning documents.</p>	<p>Where municipalities permit <i>first</i> or <i>expanded livestock facilities</i> within approved <i>settlement area</i> designations, municipalities have the option, but are strongly encouraged to apply MDS II.</p> <p>The application of MDS II will take its direction from the applicable municipal planning documents.</p>
38. Cemeteries	<p>For the purposes of MDS I, cemeteries should be considered a Type B land use, as they are an <i>institutional use</i>.</p>	<p>For the purposes of MDS II, cemeteries should be considered a Type B land use, as they are an <i>institutional use</i>.</p> <p>However, cemeteries may be treated as a Type A land use when the cemetery is closed and receives low levels of visitation. Cemeteries such as this should be clearly identified in the municipality's planning documents.</p>
39. <i>Rural residential clusters</i>	<p>For the purposes of MDS I, <i>lot</i> creation which results in a <i>rural residential cluster</i> should be considered a Type B land use.</p>	<p>For the purposes of MDS II, <i>rural residential clusters</i> should be considered a Type A land use, except where they have been identified and designated in an Official Plan.</p>
40. Rear <i>lot</i> lines, side <i>lot</i> lines, and road allowances	N/A	<p>In addition to Type A and Type B land uses, MDS II setbacks are calculated from rear <i>lot</i> lines, side <i>lot</i> lines, and road allowances.</p> <p>Rear and side <i>lot</i> line MDS II setbacks are calculated as 0.1 x the Building Base Distance 'F' and Storage Base Distance 'S'.</p> <p style="text-align: right;">continued...</p>



Implementation Guideline	MDS I	MDS II
<p>40. Rear <i>lot</i> lines, Side <i>lot lines</i>, and Road Allowances</p> <p>continued...</p>		<p>continued...</p> <p>For example, an MDS II calculation yields values of 100 metres for Building Base Distance 'F' and 123 metres for Storage Base Distance 'S'. The required setback for the <i>livestock facility</i> from the <i>lot</i> lines would be 10 metres (<math>100 \times 0.1</math>). The required setback for the <i>manure storage</i> from the <i>lot</i> lines would be 12.3 metres (<math>123 \times 0.1</math>). This value should be rounded to the nearest whole number, so in this instance, the setback for the <i>manure storage</i> would be 12 metres.</p> <p>Under no circumstances should the MDS II setback from a rear or side <i>lot</i> line exceed 30 metres, see Implementation Guideline #44.</p> <p>Road allowance MDS II setbacks are calculated as <math>0.2 \times</math> the Building Base Distance 'F' and Storage Base Distance 'S'.</p> <p>For example, an MDS II calculation yields values of 100 metres for Building Base Distance 'F' and 123 metres for Storage Base Distance 'S'. The required setback for the <i>livestock facility</i> from the road allowance would be 20 metres (<math>100 \times 0.2</math>). The required setback for the <i>manure storage</i> from the road allowance would be 24.6 metres (<math>123 \times 0.2</math>). This value should be rounded to the nearest whole number, so in this instance, the setback for the <i>manure storage</i> would be 25 metres.</p>

Implementation Guideline	MDS I	MDS II
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## Applying MDS - Measurement of MDS Setbacks

The following implementation guidelines provide direction on measurement of MDS setbacks between *livestock facilities*, and other existing or proposed development, *lot* lines, and road allowances.

41. Measurement of MDS	For MDS I, measurements are taken as the shortest distance between the area to be rezoned or redesignated and the <i>livestock occupied portion</i> of the <i>livestock facility</i> (or storage).	For MDS II, measurements are taken as the shortest distance between the point of new construction for the <i>livestock occupied portion</i> of a <i>first</i> or <i>expanded livestock facility</i> and the <i>dwelling/lot line/road allowance/or</i> area zoned or designated.
42. Measurement of MDS for <i>Lot</i> Creation	For MDS I, measurements are taken as the shortest distance between the <i>lot</i> line of the <i>lot</i> being created and the <i>livestock occupied portion</i> of the <i>livestock facility</i> (or storage). Where larger lots may be permitted (generally greater than 1 ha), a suitable location must be identified for a 1 ha building envelope outside the MDS I setback.	N/A
43. Measurement of MDS for development on existing <i>lots</i>	Where a municipality chooses to apply MDS I to development proposed through building permit on an existing <i>lot</i> , measurements are taken as the shortest distance between the <i>dwelling</i> or other structure to be constructed and the <i>livestock occupied portion of the livestock facility</i> .	N/A
44. Maximum setbacks to side or rear <i>lot</i> lines	N/A	The maximum required setback from any <i>livestock facility</i> to side or rear <i>lot</i> lines is 30 m.

Implementation Guideline	MDS I	MDS II
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## Applying MDS - Minor Variances

This section of the MDS Formulae implementation guidelines speak to specific issues regarding minor variances applications under the *Planning Act*.

45. Affects of wind, etc. on MDS	The direction of prevailing wind, surrounding topography, and presence of trees, berms, or other screening do not affect MDS calculations, but could be elements considered in Minor Variance applications.	
46. Reducing MDS setbacks and minor variances	MDS I setbacks should not be reduced except in accordance with these implementation guidelines. Where a municipality applies MDS I to development on existing <i>lots</i> , minor variances to MDS I distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS I, or mitigate environmental impacts, may warrant further consideration.	Minor variances to MDS II distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration.



# MDS I CALCULATION FORM

The following outlines the 10 Steps on how to calculate setbacks to all adjacent *livestock facilities*, reasonably expected to be impacted by an applicant's proposed development. Each step is colour-coded. The applicable topics found in the Implementation Guidelines Chart on pages 9 to 25 and the applicable Tables are noted in the steps below.

<b>Step 1</b>	Location and contact information	Fill in the pertinent information about the applicant, and each adjacent <i>livestock facility</i> within 1000 m or more, of the proposed development. Each <i>livestock facility</i> must be on its own separate <i>lot</i> and should be treated as separate calculations. All barns and structures located on one <i>lot</i> should be treated as part of the same <i>livestock facility</i> . Implementation Guidelines #1 through #16 provide direction on the general rules and application of the Minimum Distance Separation Formulae.
<b>Step 2</b>	<i>Livestock facility</i> animal/material types	For the first <i>livestock facility</i> identified in Step 1, fill in all of its existing animal/material types, descriptions, the total maximum housing capacity, the number of animals/material per <i>Nutrient Unit</i> (NU) and associated manure forms. Information on the existing animal/material types, descriptions, the total number of animals/material, and associated manure forms should be obtained from the owner of the <i>livestock facility</i> . It may be necessary to verify this information independently. Information on the number of animals/material per <i>Nutrient Unit</i> (NU) can be determined from Table 1. Implementation Guidelines #17 through #20 provide guidance on determining <i>livestock facility</i> capacity. Implementation Guidelines #21 and #22 provide direction on dealing with <i>anaerobic digesters</i> .
<b>Step 3</b>	Existing <i>Nutrient Units</i> (NU)	Calculate the existing total maximum NU capacity of the <i>livestock facility</i> by dividing existing capacity of each animal/material type by the number of animals/material per NU as found in Table 1. Then, add all the existing NU together for all the types of animal/material present, to obtain the total maximum number of NU.

<b>Step 4</b>	Weighted Factor A	Determine Factor A (Odour Potential Factor) for each animal/material type present, from Table 1, and fill in the calculation form. If necessary, calculate the weighted average for Factor A, if Factor A is not the same for all animals/materials listed. See Implementation Guidelines #26 and #31 for further direction.
<b>Step 5</b>	Weighted Factor D	Determine Factor D (Manure Form in Permanent Storage Factor) from Table 1, for each animal/material type present, and fill in the calculation form. If necessary, calculate the weighted average Factor D, if Factor D is not the same for all animals/materials listed. See Implementation Guidelines #29 and #32 for further direction.
<b>Step 6</b>	<i>Tillable hectares</i> and potential NU	Fill in the maximum <i>tillable hectares</i> of land on the <i>lot</i> where the <i>livestock facility</i> is located, based on information obtained from the owner of the <i>livestock facility</i> . It may be necessary to verify this information independently. Calculate the potential total number of NU, which equals: # of <i>tillable hectares</i> x 7.5, up to a maximum of 300 NU. Implementation Guidelines #33 and #17 provide more specific information.
<b>Step 7</b>	Factor B and existing vs. potential NU	Compare the total number of existing NU calculated in Step 3 with the total number of potential NU calculated in Step 6. Using the greater of these two numbers, determine Factor B from Table 2, and fill in the correct space on the calculation form. In some circumstances, it will be necessary to interpolate Factor B from Table 2, when the number of NU is not specifically identified in the table. Implementation Guideline #27 provides more specific direction on Factor B.
<b>Step 8</b>	Determine Factor E	Determine and fill in Factor E (Encroachment Land Use Factor) on the calculation form. Factor E can be determined from Table 4. Implementation Guidelines #30 and #35 through #39 provide specific direction on Factor E and the determination of Type A and Type B land uses.
<b>Step 9</b>	F, Building Base Distance	Calculate F (Building Base Distance) = (Factor A) x (Factor D) x (Factor B) x (Factor E), which is the required MDS I setback from the proposed development to the nearest barn of the <i>livestock facility</i> . For further information, see Implementation Guidelines #23 and #34.

<b>Step 10</b>	<p>S, <i>Manure Storage</i> Base Distance</p>	<p>Establish S (<i>Manure Storage</i> Base Distance) by first using Table 5 to choose the existing storage at the <i>livestock facility</i> with the highest odour potential: Very Low, Low, Medium, and High. Then, enter Table 6 under the appropriate column and read across using 'F' calculated from Step 9. It may be necessary to interpolate. S, is the required MDS I setback from the proposed development to the nearest <i>manure storage</i> at the <i>livestock facility</i>. Implementation Guidelines #24 and #25 provide further information. Implementation Guidelines #21 and #22 provide further information on dealing with <i>anaerobic digesters</i>.</p> <p>Steps 2 through 10 should be completed for any other <i>livestock facilities</i> present, in accordance with Implementation Guideline #6.</p>
<b>Now What?</b>	<p>Using calculated MDS</p>	<p>The calculated values of MDS can now be used in the context of the land use planning application for which they have been prepared. Implementation Guidelines #35 through #40 provide direction around issues regarding Type A and Type B land uses. Implementation Guidelines #41 through #44 provide direction around issues of measurement of MDS setbacks, and, Implementation Guidelines #45 and #46 provide direction on issues regarding minor variances.</p>



### Example:

Ms. Smith proposes to create a new *lot*, on agricultural land, adjacent to Mr. Jones' *Swiney-Acres Farm*. This *livestock facility* has:

- a) 1200 head swine feeder barn over a slatted floor barn where all the swine manure is stored,
- b) 33000 bird chicken broiler barn (9-week cycle) with solid manure stored outside, uncovered, dry enough for a flowpath option; and,
- c) permanent concrete storage for imported solid dairy manure 10 metres wide x 12 metres long and 2 metre walls, with flowpath option.

The *lot* where all Mr. Jones' barns and *manure storage* are has 60 *tillable hectares*. There are no other *livestock facilities* within 1000 m of the proposed *lot*. How far must Ms. Smith's proposed *lot* be from Mr. Jones' nearest barn and nearest *manure storage*?

**Evaluator:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**File Number:** \_\_\_\_\_

**Contact Information:**

	<b>Applicant Information</b>	<b>Owner of Adjacent Livestock Facility #1</b>	<b>Owner of Adjacent Livestock Facility #2, etc.</b>
<b>File Name</b>	Jane	Jim	(No other adjacent <i>livestock facilities</i> )
<b>Last Name</b>	Smith	Jones	
<b>Farm/Company</b>	N/A	Swiney-Acres Farm	
<b>Address</b>	123 New Road	124 New Road	
<b>City/Town</b>	Somewhere	Somewhere	
<b>Province</b>	Ontario	Ontario	
<b>Postal Code</b>	NOG OJO	NOG OJO	
<b>Upper Tier</b>	Upper Somewhere	Upper Somewhere	
<b>Lower Tier</b>	Lower Somewhere	Lower Somewhere	
<b>Lot</b>	1	2	
<b>Concession</b>	2	2	
<b>911 Number</b>	12345	12346	
<b>Roll Number</b>	666	667	
<b>Telephone</b>	905-555-1111	905-555-3333	
<b>Fax</b>	905-555-2222	905-555-4444	
<b>Email</b>	jsmith@newroad.ca	jjones@newroad.ca	



## MDS I Calculation Form:

Animal Type or Material	Description	Number per NU	Manure Form	Existing Maximum Housing Capacity	Existing NU	Factor A	Factor D
Swine	Feeders (27 kg - 105 kg)	6	Liquid	1200	200	1.2	0.8
Chickens	Broilers (9 week cycle)	300	Solid	33 000	110	0.7	0.7
Imported Manure	Max Capacity (10m x 12m x 2m)	19.8	Solid	240	12	1.2	0.7
Total Number of NU					322		
Factor A (Odour Potential Factor)...a weighted average may be necessary						1.03	
Factor D (Manure Form Factor)...a weighted average may be necessary							0.76
Factor B ( <i>Nutrient Units</i> Factor)							475
Factor E (Encroaching Land Use Factor)							1.1
Maximum tillable hectares on the lot with the livestock facilities			60	X	7.5	=	300 NU (Maximum 300 NU)
F (Building Base Distance, m) = Factor A x Factor D x Factor B x Factor E							409
S (Manure Storage Base Distance, m)							409
Now What?		Repeat MDS calculation process as appropriate for other <i>livestock facilities</i> in the vicinity. Apply calculated MDS in the context of the land use planning application for which they were prepared.					

## MDS I CALCULATION BLANK FORM

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

File Number: \_\_\_\_\_

Contact Information:

	<b>Applicant Information</b>	<b>Owner of Adjacent Livestock Facility #1</b>	<b>Owner of Adjacent Livestock Facility #2, etc</b>
<b>File Name</b>			
<b>Last Name</b>			
<b>Farm/Company</b>			
<b>Address</b>			
<b>City/Town</b>			
<b>Province</b>			
<b>Postal Code</b>			
<b>Upper Tier</b>			
<b>Lower Tier</b>			
<b>Lot</b>			
<b>Concession</b>			
<b>911 Number</b>			
<b>Roll Number</b>			
<b>Telephone</b>			
<b>Fax</b>			
<b>Email</b>			

## MDS I CALCULATION BLANK FORM

Animal Type or Material	Description	Number per NU	Manure Form	Existing Maximum Housing Capacity	Existing NU	Factor A	Factor D
Swine							
Chickens							
Imported Manure							
Total Number of NU							
Factor A (Odour Potential Factor)...a weighted average may be necessary							
Factor D (Manure Form Factor)...a weighted average may be necessary							
Factor B ( <i>Nutrient Units</i> Factor)							
Factor E (Encroaching Land Use Factor)							
Maximum tillable hectares on the lot with the livestock facilities				X		=	(Maximum 300 NU)
F (Building Base Distance, m) = Factor A x Factor D x Factor B x Factor E							
S (Manure Storage Base Distance, m)							
Now What?		Repeat MDS calculation process as appropriate for other <i>livestock facilities</i> in the vicinity. Apply calculated MDS in the context of the land use planning application for which they were prepared.					



# MDS II CALCULATION FORM

The following outlines the 10 Steps on how to calculate setbacks to all development reasonably expected to be impacted by a proposed *first* or *expanded livestock facility*. Each step is colour-coded. Applicable topics are found in the Implementation Guidelines Chart on pages 9 to 25 and applicable Tables are noted.

<b>Step 1</b>	Location and contact information	Fill in the pertinent information about the applicant who is proposing a <i>first</i> , or <i>expanded</i> , <i>livestock facility</i> . Implementation Guidelines #1 through #16 provide direction on the general rules and application of the Minimum Distance Separation Formulae.
<b>Step 2</b>	<i>Livestock facility</i> animal/material types	Fill in all existing, and proposed to be added, animal/material types, descriptions, the total maximum housing capacity, the number of animals/material per <i>Nutrient Unit</i> (NU) and associated manure forms. Table 1 and Implementation Guidelines #17 through #20 provide guidance on determining <i>livestock facility</i> capacity. Implementation Guidelines #21 and #22 provide direction on dealing with <i>anaerobic digesters</i> .
<b>Step 3</b>	Existing, and proposed to be added <i>Nutrient Units</i> (NU)	Calculate the existing, and proposed to be added, NU capacity of the <i>livestock facility</i> by dividing existing, and proposed to be added, capacity of each animal/material type by the number of animals/material per NU as found in Table 1. Then, add all the existing, and proposed to be added, NU together for all the types of animal/material present, to obtain the total number of NU.
<b>Step 4</b>	Weighted Factor A	Determine Factor A (Odour Potential Factor) from Table 1, for <u>only</u> each animal/material type proposed to be <u>added</u> , and fill in the calculation form. If necessary, calculate the weighted average for Factor A, if Factor A is not the same for all animals/materials added. See Implementation Guidelines #26 and #31 for further direction.

<b>Step 5</b>	Weighted Factor D	Determine Factor D (Manure Form in Permanent Storage Factor) from Table 1, for <u>only</u> each animal/material type <u>added</u> , and fill in the calculation form. If necessary, calculate the weighted average for Factor D, if Factor D is not the same for all animals/materials added. See Implementation Guidelines #29 and #32 for further direction.
<b>Step 6</b>	Factor B	Determine Factor B from Table 2, based on the Total NU to be housed at the <i>livestock facility</i> , and fill in the space on the calculation form. In some cases, it will be necessary to interpolate Factor B from Table 2, when the number of NU is not specifically identified in the table. Implementation Guideline #27 provides more specific direction on Factor B.
<b>Step 7</b>	Determining Percentage Increase for <i>livestock facility</i>	<p>Determine if a building permit was issued on this <i>lot</i> in the past 3 years that increased the <i>livestock</i> capacity of the <i>livestock facility</i>.</p> <p>If 'No', use Approach (i) below to calculate Percentage Increase. If 'Yes', use Approach (ii) below to calculate Percentage Increase.</p> <p>Approach (i)</p> <p>Enter total Added NU as calculated in Step 3 above. Enter total Existing NU as calculated in Step 3 above. If total Existing NU is zero (i.e. this is the <i>First Livestock Facility</i> on the <i>lot</i>), then the Percentage Increase is considered to be at its maximum, or 700% as per Table 3. If total Existing NU is not zero, divide Added NU by Existing NU and multiply by 100. This value is the Percentage Increase. In rare cases of downsizing, the Added NU would actually be 'negative'. In this case, the Percentage Increase is 'negative', but considered to be at its minimum, or 0% as per Table 3.</p> <p>Approach (ii)</p> <p>Enter total Added NU as calculated in Step 3 above, as well as the total number of NU added in the past 3 years by previous building permit(s). Enter total Existing NU of the <i>livestock facility</i> as it was 3 years ago, prior to the current application date. If total Existing NU 3 years ago was zero, then the <i>livestock facility</i> in this current application <u>and</u> the one(s) constructed in the past 3 years are all considered to be the <i>First Livestock Facility</i> on the <i>lot</i>, and the Percentage Increase is considered to be at its maximum, or 700% as per Table 3. If total Existing NU 3 years ago was <u>not</u> zero, divide Added NU</p> <p style="text-align: right;">continued...</p>

<b>Step 7</b>  continued...		<p>continued...</p> <p>in this application <u>plus</u> Added NU over the past 3 years, by Existing NU 3 years ago and multiply by 100. This value is the Percentage Increase. In rare cases of downsizing, the Added NU would actually be 'negative'. In this case, the Percentage Increase is 'negative', but considered to be at its minimum, or 0% as per Table 3.</p> <p>Implementation Guideline #28 provides further direction and assistance on calculating Percentage Increase, and establishing Factor C.</p>
<b>Step 8</b>	Factor C	<p>Determine and fill in Factor C (Orderly Expansion Factor) on the calculation form, based on the Percentage Increase calculated in Step 7. Factor C can be determined from Table 3. In some instances, it may be necessary to interpolate Factor C. Implementation Guideline #28 provides direction on calculating the Percentage Increase in NU for the proposed construction.</p>
<b>Step 9</b>	F, Building Base Distance	<p>Calculate F (Building Base Distance) = (Factor A) x (Factor D) x (Factor B) x (Factor C), which is the required MDS II setback from <u>all</u> proposed <i>first</i> or <i>expanded livestock facilities</i> to the nearest development. For further information, see Implementation Guidelines #23 and #34.</p>
<b>Step 10</b>	S, Manure Storage Base Distance	<p>Establish S (<i>Manure Storage</i> Base Distance) by first using Table 5 to choose the proposed new storage at the <i>livestock facility</i> with the <u>highest</u> odour potential: Very Low, Low, Medium, and High. Then, enter Table 6 under the appropriate column and read across using 'F' calculated from Step 9. It may be necessary to interpolate from the table. 'S' is the required MDS II setback from <u>all</u> proposed new storages to the nearest development. Implementation Guidelines #24 and #25 provide further information. Implementation Guidelines #21 and #22 provide further information on dealing with <i>anaerobic digesters</i>.</p>
<b>Now What?</b>	Using calculated MDS	<p>The calculated values of MDS II can now be applied to the building permit application. Implementation Guidelines #35 through #39 provide direction around Type A and Type B land uses. For Type A land uses, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 1.0 to determine the required MDS setback. For Type B land uses, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 2.0 to determine the required MDS setback. Implementation Guideline #40 provides direction around setbacks from rear <i>lot</i> lines, side <i>lot</i> lines and road allowances. For rear and side <i>lot</i> lines, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 0.1 to determine the required</p> <p>continued...</p>

## Now What?

continued...

continued...

MDS setback. In accordance with Implementation Guideline #44, the required MDS setback from a rear or side *lot* line should never exceed 30 metres. For road allowances, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 0.2 to determine the required MDS setback. Implementation Guidelines #41 through #44 provide direction around issues of measurement of MDS II setbacks. Implementation Guidelines #45 and #46 provide direction on issues regarding minor variances.

### Example:

Mr. Jones proposes to build a second 1200 head swine feeder barn with concrete liquid *manure storage* to go along with his existing:

- 1200 head swine feeder barn over a slatted floor where all the swine manure is stored;
- 33000 bird chicken broiler barn (9-week cycle) with solid *manure storage* outside, uncovered, dry enough for a flowpath option;
- 10 m x 12 m x 2 m permanent concrete storage with flowpath option, for his imported solid dairy manure; and
- The existing facilities were constructed more than 3 years ago.

How far must the proposed barn be sited from all development reasonably expected to be impacted?

**Evaluator:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**File Number:** \_\_\_\_\_

### Applicant Information:

<b>First Name</b>	Jim	<b>Lower Tier</b>	Lower Somewhere
<b>Last Name</b>	Jones	<b>Lot</b>	2
<b>Farm/Company</b>	Swiney-Acres Farm	<b>Concession</b>	2
<b>Address</b>	124 New Road	<b>Fire Number</b>	123456
<b>City/Town</b>	Somewhere	<b>Roll Number</b>	667
<b>Province</b>	Ontario	<b>Telephone</b>	905-555-3333
<b>Postal Code</b>	NOG OJO	<b>Fax</b>	905-555-4444
<b>Upper Tier</b>	Upper Somewhere	<b>Email</b>	jjones@newroad.ca



## MDS II CALCULATION FORM

Animal Type or Material	Description	Number per NU	Manure Form	Existing Maximum Housing Capacity	Existing NU	Proposed Maximum Housing Capacity	Added NU	Total NU	Factor A	Factor AD				
Swine	Feeders (27 kg - 105 kg)	6	Liquid	1200	200	1200	200	400	1.2	0.8				
Chickens	Broilers (9 week cycle)	300	Solid	33000	110	N/A	N/A	110	N/A	N/A				
Imported Manure	Maximum Capacity (10m x 12m x 2m)	19.8	Solid	240	12	N/A	N/A	12	N/A	N/A				
Totals					322		200	522						
Factor A (Odour Potential Factor) weighted average may be necessary									1.2					
Factor D (Manure Form Factor) weighted average may be necessary										0.8				
Factor B (Nutrient Units Factor)										563				
Has a building permit been issued for the <i>livestock facility</i> on this property, in the last 3 years that has increased its <i>livestock</i> capacity? No? Yes? If No, proceed to Approach (i); if Yes, proceed to Approach (ii)														
<b>Approach (i)</b> - No Building Permits in Last 3 Years					<b>Approach (ii)</b> - Building Permit(s) issued in Last 3 Years									
Calculation of Percentage Increase					Calculation of Percentage Increase									
Total 2 - Total Added NU (From Above)				200	Total 2 - Total Added NU (From Above) + Total Added NU from building permit(s) issued in the last 3 Years									
Total 1 - Total Existing NU (From Above)				322	Total 1 - Total Existing NU at <i>Livestock Facility</i> - 3 Years Ago									
If Total 1 = Zero - Treat as a <i>First Livestock Facility</i>					If Total 1 = Zero - Treat as a <i>First Livestock Facility</i>									
% Increase: (Total 2/Total 1) x 100				62.1%	% Increase: (Total 2/Total 1) x 100									
Factor C (Orderly Expansion Factor)										0.825				
F (Building Base Distance, m) = Factor A x Factor D x Factor B x Factor C										446				
S (Manure Storage Base Distance, m)										446				
Now What?	Apply MDS calculation to building permit application as appropriate. For Type A land uses, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 1.0 to determine the required MDS setback. For Type B land uses, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 2.0 to determine the required MDS setback. Implementation Guideline #40 provides direction around setbacks from rear <i>lot</i> lines, side <i>lot</i> lines and road allowances. For rear and side <i>lot</i> lines, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 0.1 to determine the required MDS setback. In accordance with Implementation Guideline #44, the required MDS setback from a rear or side <i>lot</i> line should never exceed 30 metres. For road allowances, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 0.2 to determine the required MDS setback.													

## MDS II CALCULATION BLANK FORM

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

File Number: \_\_\_\_\_

Contact Information:

	<b>Applicant Information</b>	<b>Owner of Adjacent Livestock Facility #1</b>	<b>Owner of Adjacent Livestock Facility #2, etc</b>
<b>File Name</b>			
<b>Last Name</b>			
<b>Farm/Company</b>			
<b>Address</b>			
<b>City/Town</b>			
<b>Province</b>			
<b>Postal Code</b>			
<b>Upper Tier</b>			
<b>Lower Tier</b>			
<b>Lot</b>			
<b>Concession</b>			
<b>911 Number</b>			
<b>Roll Number</b>			
<b>Telephone</b>			
<b>Fax</b>			
<b>Email</b>			

## MDS II CALCULATION BLANK FORM

Animal Type or Material	Description	Number per NU	Manure Form	Existing Maximum Housing Capacity	Existing NU	Proposed Maximum Housing Capacity	Added NU	Total NU	Factor A	Factor AD
Swine										
Chickens										
Imported Manure										
Totals										
Factor A (Odour Potential Factor) weighted average may be necessary										
Factor D (Manure Form Factor) weighted average may be necessary										
Factor B (Nutrient Units Factor)										
Has a building permit been issued for the <i>livestock facility</i> on this property, in the last 3 years that has increased its <i>livestock</i> capacity? No? Yes? <i>If No, proceed to Approach (i); if Yes, proceed to Approach (ii)</i>										
<b>Approach (i)</b> - No Building Permits in Last 3 Years					<b>Approach (ii)</b> - Building Permit(s) issued in Last 3 Years					
Calculation of Percentage Increase					Calculation of Percentage Increase					
Total 2 - Total Added NU (From Above)					Total 2 - Total Added NU (From Above) + Total Added NU from building permit(s) issued in the last 3 Years					
Total 1 - Total Existing NU (From Above)					Total 1 - Total Existing NU at <i>Livestock Facility</i> - 3 Years Ago					
If Total 1 = Zero - Treat as a <i>First Livestock Facility</i>					If Total 1 = Zero - Treat as a <i>First Livestock Facility</i>					
% Increase: (Total 2/Total 1) x 100					% Increase: (Total 2/Total 1) x 100					
Factor C (Orderly Expansion Factor)										
F (Building Base Distance, m) = Factor A x Factor D x Factor B x Factor C										
S (Manure Storage Base Distance, m)										
Now What?	Apply MDS calculation to building permit application as appropriate. For Type A land uses, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 1.0 to determine the required MDS setback. For Type B land uses, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 2.0 to determine the required MDS setback. Implementation Guideline #40 provides direction around setbacks from rear <i>lot</i> lines, side <i>lot</i> lines and road allowances. For rear and side <i>lot</i> lines, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 0.1 to determine the required MDS setback. In accordance with Implementation Guideline #44, the required MDS setback from a rear or side <i>lot</i> line should never exceed 30 metres. For road allowances, the values of Building Base Distance 'F' and Storage Base Distance 'S' should be multiplied by 0.2 to determine the required MDS setback.									

# FACTOR TABLES

**Table 1: Factor A (Odour Potential) and Factor D (Manure or Material Form in Storage Facility)**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 < 18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg – 27 kg)	20	1.1		
	Feeders (27 – 105 kg)	6	1.2		
Dairy Cattle	<b>Milking-age cows (dry or milking)</b>		0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding & milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	- Large-framed; 545 kg – 636 kg (e.g. Holsteins)	0.7			
	- Medium-framed; 455 kg – 545 kg (e.g. Guernseys)	0.85			
	- Small-framed; 364 kg – 455 kg (e.g. Jerseys)	1			
	<b>Heifers (5 months to freshening)</b>				
	- Large-framed; 182 kg – 545 kg (e.g. Holsteins)	2			
	- Medium-framed; 148 kg – 455 kg (e.g. Guernseys)	2.4	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding & milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside
	- Small-framed; 125 kg – 364 kg (Jerseys)	2.9			
	<b>Calves (0 – 5 months)</b>				
	- Large-framed; 45 kg – 182 kg (e.g. Holsteins)	6			
Beef Cattle	- Medium-framed; 39 kg – 148 kg (e.g. Guernseys)	7	0.8	Slatted floor systems, or barns with minimal bedding & yard scraped to a liquid storage	Bedded pack barns with or without outside yard access
	- Small-framed; 30 kg – 125 kg (Jerseys)	8.5			
	Cows, including calves to weaning (all breeds)	1			
	Feeders (7 – 16 months)	3			
	Backgrounders (7 – 12.5 months)	3	0.8	Slatted floor systems, or barns with minimal bedding & yard scraped to a liquid storage	Bedded pack barns with or without outside yard access
	Shortkeepers (12.5 – 17.5 months)	2			

Animal Type, or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 Less than 18% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns
	Grain-fed	6	0.8		
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)	8	0.7	N/A	Heavily bedded pack barns
	Does & bucks (for dairy; includes unweaned offspring & replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)	8	0.7	N/A	All sheep systems
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems
	Medium-framed, mature; 227 kg – 680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts & drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	Cage or slatted floor systems
	Broilers on an 8 week cycle	350	0.7	N/A	Bedded floor systems
	Broilers on a 9 week cycle	300			
	Broilers on a 10 week cycle	250			
	Broilers on a 12 week cycle	200			
	Broilers on any other cycle, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			

Animal Type, or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 Less than 18% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Quail	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Pheasants	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Squab	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Rheas	Adults (includes replacements & market birds)	13			
Emus	Adults (includes replacements & market birds)	12			
Ostriches	Adults (includes replacements & market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Geese	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Rabbits	Breeding females (including males, replacements & market animals)	40	0.8	N/A	Cage or floor systems
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90			
Bison	Adults (includes unweaned calves & replacements)	1.3	0.7	N/A	Bedded pack barns with outside access or outside confinement areas
	Feeders (170 kg – 477 kg)	4			
Llama	Adults (includes unweaned young & replacements)	5			
	Feeders (45 kg – 86 kg)	16			
Alpaca	Adults (includes unweaned young & replacements)	8			
	Feeders (23 kg – 48 kg)	26			
Wild Boar	Breeding age sows (includes boars, replacements & weaned piglets to 27 kg)	5			
	Finishing boars (27 kg – 86 kg)	7			
					Continued...

Animal Type, or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 Less than 18% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Deer	<b>White tailed deer</b> - Adults > 24 mo (including unweaned offspring)	11	0.7	N/A	Bedded pack barns with outside access <u>OR</u> outside confinement areas
	- Feeders	21			
	<b>Red deer</b> - Adults > 24 mo (including unweaned offspring)	7			
	- Feeders	14			
	<b>Elk</b> - Adults > 24 mo (including unweaned offspring)	2			
	- Feeders	6			
	<b>Elk/deer hybrids</b> - Adults > 24 mo (including unweaned offspring)	4			
	- Feeders	10			
	<b>Fallow deer</b> - Adults > 24 mo (including unweaned offspring)	13			
	- Feeders	23			
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column	453.6 kg (1000 lbs)	0.8	All storages with liquid manure	All storages with solid manure
Manure imported to a lot not generating <i>manure</i> <sup>2</sup>	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m3 (700 ft3)	1.2	All storages with liquid manure	All storages with solid manure
Storages for <i>digestate</i> from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m3 (700 ft3)	0.5	All storages with liquid manure	All storages with solid manure

1. On farms with 100 milking-age cows (dry & milking), there are usually about 20 replacement calves and 80 replacement heifers.

2. Average value for typical types of manures that might be imported to a *lot*, such as poultry, dairy, beef, swine, horse or other manure.

N/A = Not Applicable

**Table 2: Factor B (Nutrient Units Factor)**

In using Table 2 to determine Factor B, it may be necessary to interpolate a value for Factor B. For example, you determine the total number of *nutrient units* at a *livestock facility* to be 255 NU. Table 2 provides a value for Factor B for 250 NU and for 260 NU, but not for 255 NU. The value of Factor B for 250 NU is 435 and the value of Factor B for 260 NU is 441. To determine Factor B for 255 NU interpolate between the numbers 435 and 441. In this example, the value of Factor B for 255 NU is 438.

When interpolating a value for Factor B do not include more than two decimal places. Interpolated values with more than two decimal places should be rounded accordingly. For example, if an interpolated value for Factor B is calculated as 499.238, then use a value of 499.24 for Factor B in the MDS calculation.

For operations less than 5 NU in size, do not interpolate, but use a Factor B of 150. For operations greater than 5000 NU in size, contact OMAFRA staff to determine Factor B.

Final NU	Factor B	Final NU	Factor B	Final NU	Factor B	Final NU	Factor B
Up to 5	150	46	252	124	340	390	508
6	153	47	254	126	342	400	513
7	157	48	256	128	344	410	517
8	160	49	258	130	346	420	522
9	163	50	260	135	351	430	526
10	167	52	264	140	355	440	530
11	170	54	268	145	360	450	535
12	173	56	272	150	364	460	539
13	177	58	276	155	368	470	543
14	180	60	280	160	372	480	547
15	183	62	282	165	376	490	551
16	187	64	284	170	380	500	555
17	190	66	285	175	384	520	562
18	193	68	287	180	388	540	570
19	197	70	289	185	392	560	577
20	200	72	291	190	395	580	584
21	202	74	293	195	399	600	591
22	204	76	294	200	402	620	598
23	206	78	296	205	406	640	605
24	208	80	298	210	409	660	611
25	210	82	300	215	413	680	618
26	212	84	301	220	416	700	624
27	214	86	303	225	419	750	639
28	216	88	305	230	423	800	654
29	218	90	307	235	426	850	668
30	220	92	309	240	429	900	681
31	222	94	310	245	432	950	694
32	224	96	312	250	435	1000	707
33	226	98	314	260	441	1100	731
34	228	100	316	270	447	1200	753
35	230	102	318	280	453	1300	775
36	232	104	320	290	458	1400	795
37	234	106	322	300	464	1500	815
38	236	108	324	310	469	2000	870
39	238	110	326	320	474	3000	980
40	240	112	329	330	480	4000	1090
41	242	114	331	340	485	5000	1200
42	244	116	333	350	490		
43	246	118	335	360	494		
44	248	120	337	370	499		
45	250	122	339	380	504		
						Greater than 5000	Contact OMAFRA staff



**Table 3: Factor C (Orderly Expansion Factor)**

In using Table 3 to determine Factor C, it may be necessary to interpolate a value for Factor C. For example, you determine the percentage increase at a *livestock facility* to be 155%. Table 3 provides a value for Factor C for a 150% increase, and for a 160% increase, but not for a 155% increase. The value of Factor C for a 150% increase is 0.9371 and the value of Factor C for a 160% increase is 0.9497. To determine Factor C for a 155% increase interpolate between the numbers 0.9371 and 0.9497. In this example, the value of Factor C for a 155% increase is 0.9434.

When interpolating a value for Factor C do not include more than four decimal places. Interpolated values with more than four decimal places should be rounded accordingly. For example, if an interpolated value for Factor C is calculated as 0.977643, then use a value of 0.9776 for Factor C in the MDS calculation.

For operations with a 0% increase, or a decrease, i.e. 'negative' percentage increase, use a value of 0.5000 for Factor C. Do not interpolate below a value of 0.5000. For operations with a 700% increase or greater, or for a *first livestock facility*, use a value of 1.1400 for Factor C. Do not interpolate above a value of 1.1400.

% Increase in Nutrient Units	Factor C	% Increase in Nutrient Units	Factor C	% Increase in Nutrient Units	Factor C
0% increase or decreases ('negative' increase)	0.5000	27%	0.6674	80%	0.8484
1%	0.5062	28%	0.6736	85%	0.8547
2%	0.5124	29%	0.6798	90%	0.8610
3%	0.5186	30%	0.6860	95%	0.8674
4%	0.5248	31%	0.6922	100%	0.8737
5%	0.5310	32%	0.6984	105%	0.8800
6%	0.5372	33%	0.7046	110%	0.8864
7%	0.5434	34%	0.7108	115%	0.8927
8%	0.5496	35%	0.7170	120%	0.8990
9%	0.5558	36%	0.7232	125%	0.9054
10%	0.5620	37%	0.7294	130%	0.9117
11%	0.5682	38%	0.7356	135%	0.9180
12%	0.5744	39%	0.7418	140%	0.9244
13%	0.5806	40%	0.7480	145%	0.9307
14%	0.5868	41%	0.7542	150%	0.9371
15%	0.5930	42%	0.7604	160%	0.9497
16%	0.5992	43%	0.7666	170%	0.9624
17%	0.6054	44%	0.7728	180%	0.9751
18%	0.6116	45%	0.7790	190%	0.9877
19%	0.6178	46%	0.7852	200%	1.0000
20%	0.6240	47%	0.7914	300%	1.0280
21%	0.6302	48%	0.7976	400%	1.0560
22%	0.6364	49%	0.8038	500%	1.0840
23%	0.6426	50%	0.8100	600%	1.1120
24%	0.6488	55%	0.8167	700% increase, or more, or First Livestock Facility on lot of record.	1.1400
25%	0.6550	60%	0.8230		
26%	0.6612	65%	0.8294		
		70%	0.8357		
		75%	0.8420		

**Table 4: Factor E (Encroaching Land Use Factor)**

Encroaching Land Use	Factor E
Type A Land Use	1.1
Type B Land Use	2.2

**Encroachment of urban development**



**Table 5: Permanent *Manure or Material* Storage Types**

**Solid *Manure*:** 18% dry matter, or more

**Liquid *Manure*:** Less than 18% dry matter

***Digestate*:** Less than 18% dry matter

Storage Odour Potential	Solid or Liquid System	Inside or Outside Livestock Facility	Number referred to in Table 6 (View images in Appendix A)	Description of permanent manure storages being sited by MDS II, or encroached upon through MDS I application
Very Low	Solid	Inside	V1	Solid, inside, bedded pack (manure accumulates under <i>livestock</i> over time)
		Outside	V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)
			V3	Solid, outside, no cover, greater than or equal 30% dry matter (manure is dry enough that a flowpath option can be used for runoff control ( <i>Nutrient Management Act, 2002</i> ))
			V4	Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it has a permanent, tight cover)
	Liquid	Inside	V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)
		Outside	V6	Liquid, outside, with a permanent, tight fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)
			V7	Liquid, ( <i>digestate</i> ), outside, no cover (all manure has been treated through anaerobic digestion, or a similar process that reduces odours)
	Solid	Outside	L1	Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid Low runoff storage needed, but it is uncovered, producing more odour than in V4 above)
	Liquid	Outside	L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)
Medium	Liquid	Outside	M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete, or steel storages)
			M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)
High	Liquid	Outside	H1	Liquid, outside, no cover, sloped-sided storage (earthen <i>manure storages</i> , but <u>not</u> earthen runoff storages associated with a solid manure storage which are L1 above)

# Table 6: MDS I/II Separation Distances for Permanent Manure or Material Storage Types in Table 5

In using Table 6 (see page 51) to determine a value for 'S' – Storage Separation Distance, in some instances it may be necessary to interpolate a value.

For example, you determine the value for Encroachment Base Distance 'F' to be 106 metres. From Table 5, you have determined that the *livestock facility* uses a storage facility with an odour potential that is considered medium (M1).

Table 6 provides a value for Storage Separation Distance 'S' for an M1 Storage for an Encroachment Base Distance 'F' of 100 metres and for an Encroachment Base Distance 'F' of 110 metres, but not for an Encroachment Base Distance 'F' of 106 metres. The value of Storage Separation Distance 'S' for an M1 Storage with an Encroachment Base Distance 'F' of 100 metres, is 190 metres. The value of Storage Separation Distance 'S' for an M1 Storage with an Encroachment Base Distance 'F' of 110 metres, is 199 metres. To determine the value of Storage Separation Distance 'S' for an M1 Storage, with an Encroachment Base Distance 'F' of 106 metres interpolate between the numbers 190 and 199. In this example, the value of Storage Separation Distance 'S' for an M1 Storage, with an Encroachment Base Distance 'F' of 106 metres is 195.4 metres. This value should be rounded to the nearest whole number, in this case 195 metres.

When interpolating a value for Storage Separation Distance 'S' do not include any decimal places. Interpolated values with decimal places should be rounded accordingly. For example, if an interpolated value for Storage Separation Distance 'S' is calculated as 202.83 metres, then use a value of 203 metres for Storage Separation Distance 'S'.








In all instances, where Encroachment or Building Base Distance 'F' exceeds 1000 metres, then Storage Separation Distance 'S' will be the same value as 'F'.

**Table 6: MDS I/II Separation Distances for Permanent Manure**






Building Base Distance (m) for MDS II ('F'), or Encroachment Base Distance for MDS I ('F')	Storage Separation Distances Based on Relative Odour Potential - Storage Base Distance, 'S' (m)			
	Very Low Odour Storages V1 to V7	Low Odour Storages L1 to L2	Medium Odour Storages M1 to M2	High Odour Storages H1
40	40	64	136	232
50	50	74	145	240
60	60	84	154	248
70	70	93	163	256
80	80	103	172	264
90	90	113	181	272
100	100	123	190	280
110	110	132	199	288
120	120	142	208	296
130	130	152	217	304
140	140	162	226	312
150	150	171	235	320
160	160	181	244	328
170	170	191	253	336
180	180	201	262	344
190	190	210	271	352
200	200	220	280	360
210	210	230	289	368
220	220	240	298	376
230	230	249	307	384
240	240	259	316	392
250	250	269	325	400
260	260	279	334	408
270	270	288	343	416
280	280	298	352	424
290	290	308	361	432
300	300	318	370	440
310	310	327	379	448
320	320	337	388	456
330	330	347	397	464
340	340	357	406	472
350	350	366	415	480
360	360	376	424	488
370	370	386	433	496
380	380	396	442	504
390	390	405	451	512
400	400	415	460	520
420	420	435	478	536
440	440	454	496	552
460	460	474	514	568
480	480	493	532	584
500	500	513	550	600
600	600	610	640	680
800	800	805	820	840
1000	1000	1000	1000	1000
Greater than 1000 m	Storage Base Distance, 'S', should be the same as Building Base Distance or Encroachment Base Distance – 'F'			

# APPENDIX A

## MANURE OR MATERIAL STORAGE TYPES

Type	Description	Image
V1	Solid, inside, bedded pack (manure accumulates under <i>livestock</i> over time)	 A photograph showing a group of pink pigs in a large indoor facility, likely a barn, standing on a bed of straw or hay. The pigs are clustered together, and the bedding is visible beneath them.
V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)	 A photograph showing a large pile of dark, solid material, likely manure, covered with a dark, heavy tarp or plastic sheeting. The cover is secured, preventing precipitation from reaching the material.
V3	Solid, outside, no cover, greater than or equal 30% dry matter (manure is dry enough that a flowpath option can be used for runoff control ( <i>Nutrient Management Act, 2002</i> ))	 A photograph showing a large pile of dry, light-colored material, likely manure, in an open field. The material is spread out and appears dry, with no cover visible.
V4	Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it has a permanent, tight cover)	 A photograph showing a pile of manure next to a large, green, covered structure, likely a liquid runoff storage tank. The manure is piled up, and the structure is covered with a tight, permanent cover.
V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)	 A photograph showing a view from inside a barn, looking down at a slatted floor. The slats are visible, and the area underneath them is dark, indicating the presence of liquid manure.
V6	Liquid, outside, with a permanent, tight fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)	 A photograph showing a large, dark, covered structure, likely a liquid manure storage tank, with a permanent, tight fitting cover. The cover is dark and appears to be made of a heavy material.
V7	Liquid, (digestate), outside, no cover (all manure has been treated through anaerobic digestion, or a similar process that reduces odours)	 A photograph showing a large, inflatable dome structure, likely used for storing liquid manure (digestate) without a cover. The dome is made of a dark material and is situated outdoors.



Type	Description	Image
L1	Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed, but it is uncovered, producing more odour than in V4 above)	
L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)	
M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular concrete, or steel storages)	
M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)	
H1	Liquid, outside, no cover, sloped-sided storage (earthen <i>manure storages</i> , but <u>not</u> earthen runoff storages associated with a solid manure storage which are L1 above)	

# ADDITIONAL INFORMATION

For further information and additional reading on related topics, please consult the following documents. Additional training materials on MDS may be available on OMAFRA's website [www.omafra.gov.on.ca](http://www.omafra.gov.on.ca).

## **Legislation**

*The Planning Act, 1990*

*The Farming and Food Production Protection Act, 1998*

## **Publications – Ontario Ministry of Municipal Affairs and Housing**

Provincial Policy Statement, 2005

## **Publications – Ontario Ministry of Agriculture, Food and Rural Affairs**

*Guide to Agricultural Land Use*, Publication 824

## **Factsheets**

*The Farming and Food Production Protection Act (FFPPA) and Nuisance Complaints*,  
Order No. 05-013

*Farmer and Neighbour Relations, Preventing and Resolving Local Conflicts*,  
Order No. 05-001

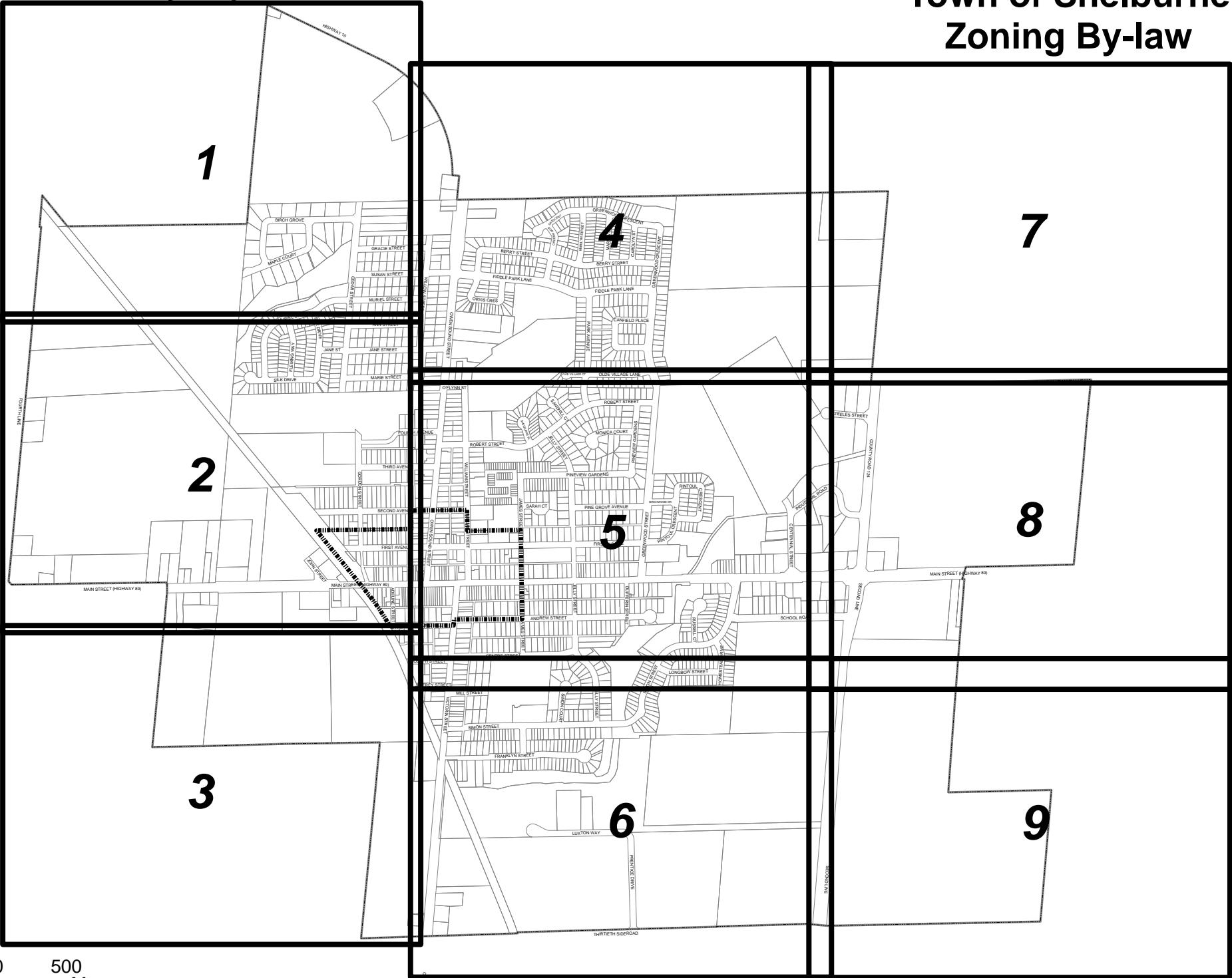
*What Rural Neighbours Can Expect From Large Livestock Operations*, Order No. 06-027

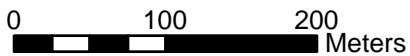
*Anaerobic Digestion Basics*, Order No. 04-097



SCHEDULE 'A' - Key Map

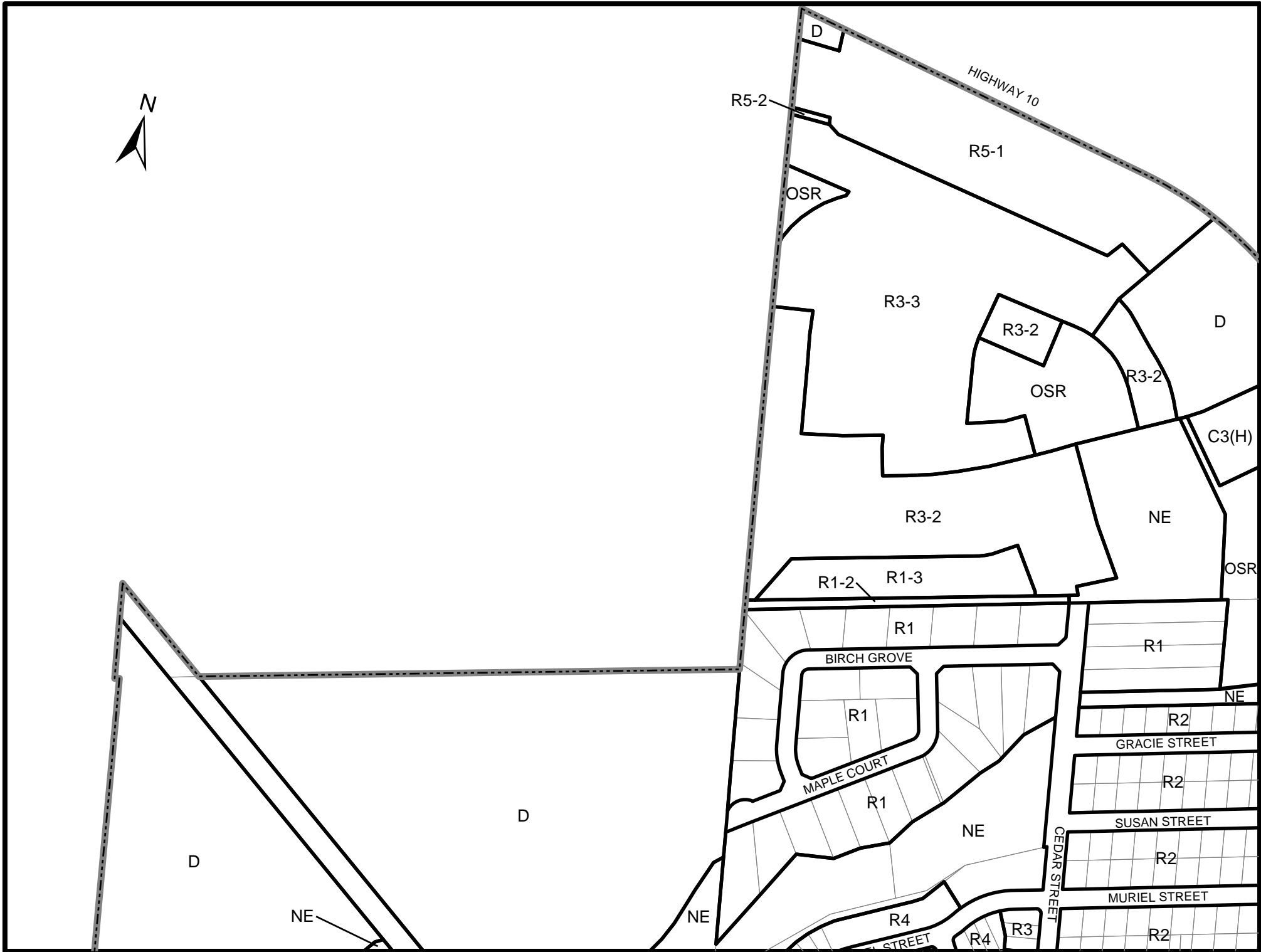
Town of Shelburne  
Zoning By-law





See Map 2

**Town of Shelburne - SCHEDULE 'A' - Map 1**



See Map 4



FOURTH LINE

See Map 1

See Map 4

See Map 5

See Map 3

# Town of Shelburne - SCHEDULE 'A' - Map 2

0 100 200 Meters

----- CBD Boundary

MAIN STREET (HIGHWAY 89)

MAIN STREET (HIGHWAY 89)

ADLINE STREET

GORDON STREET

JOHN STREET

MURIEL STREET

FLEMING WAY

SILK DRIVE

SILK DRIVE

ANN STREET

JANE STREET

MARIE STREET

THIRD AVENUE

SECOND AVENUE

FIRST AVENUE

D

NE

NE

OSR

NE

D

R1

R1

R1

C4

M2

C4

C3

C2

C1

C1

C2

C2

C1

R2

R4

C1

R2

R2

R2

R4

R2

I

R2

R4

R2

I

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R2

R2

R2

R3

R2

R3

R4

R4

R3

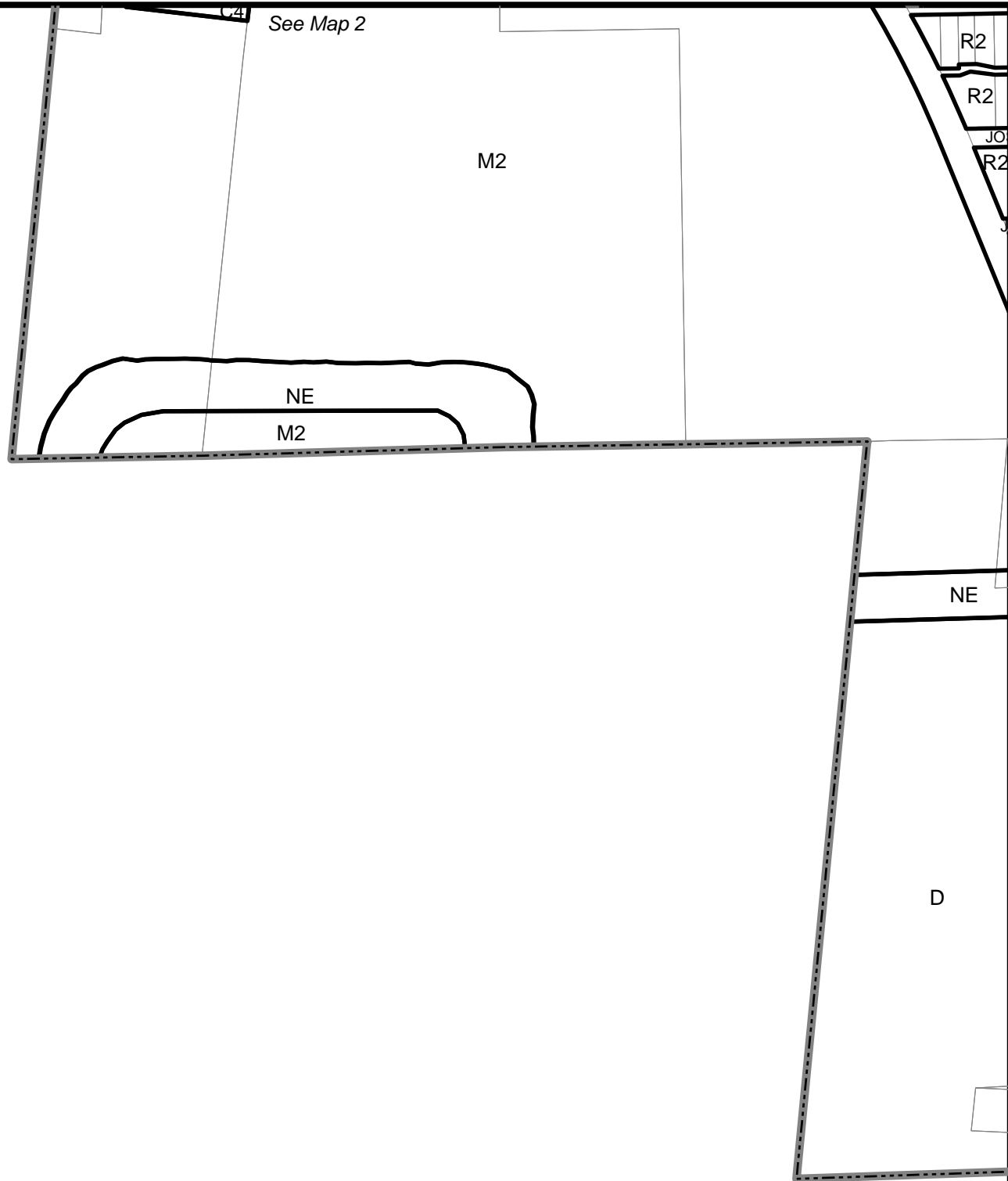
R4

R3

R4



0 100 200 Meters

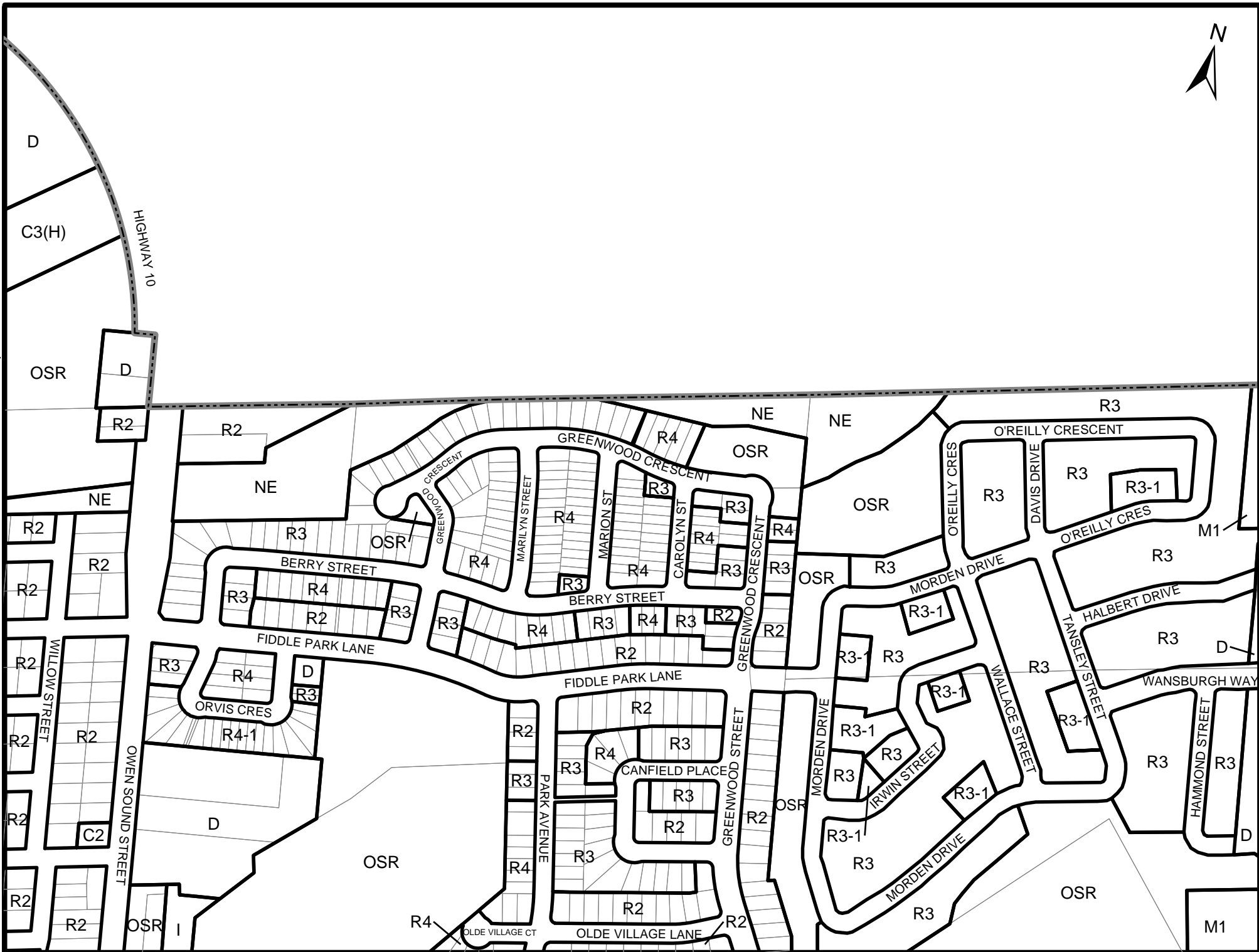


See Map 5

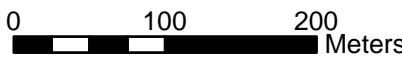
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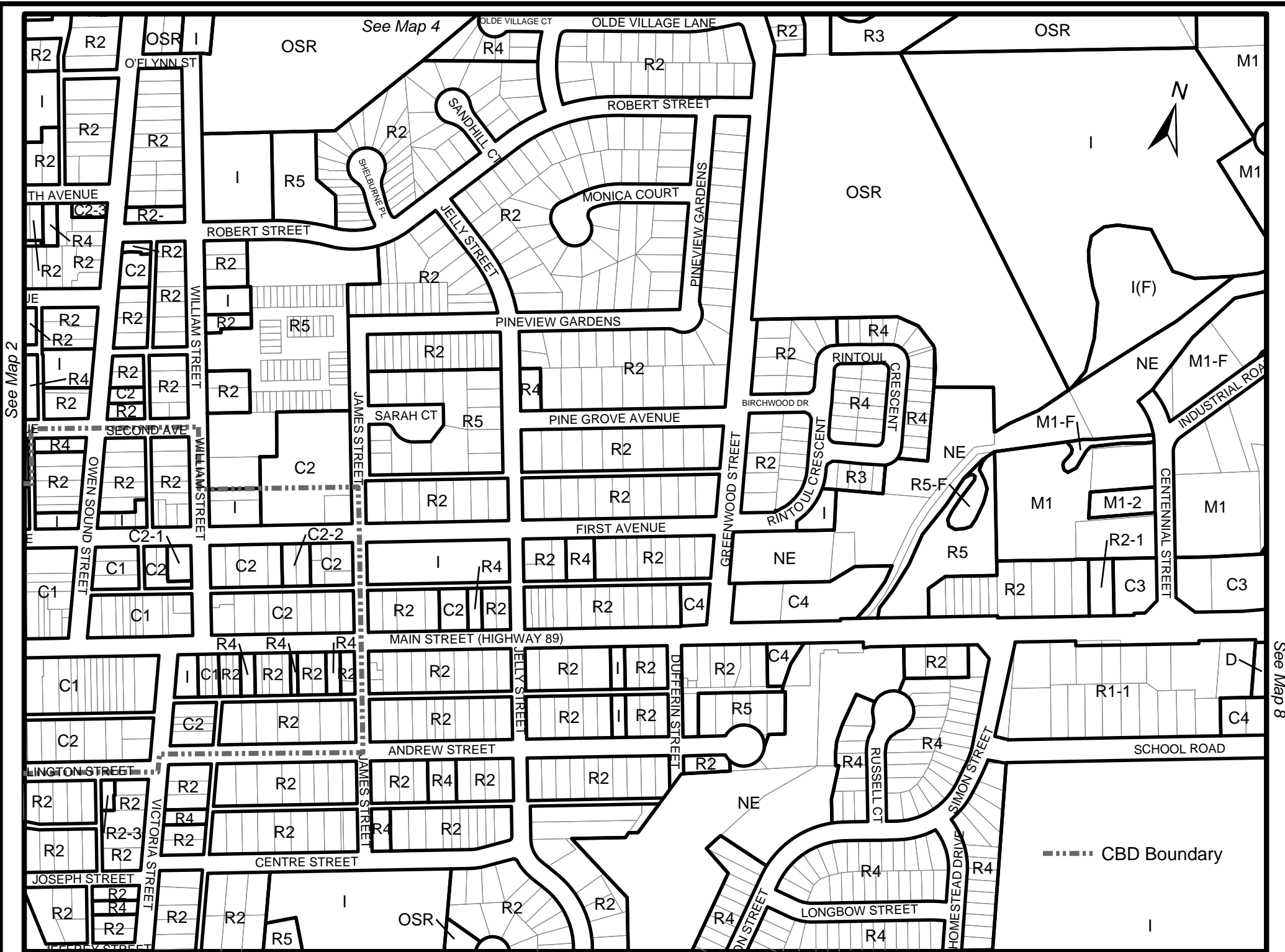
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See Map 7

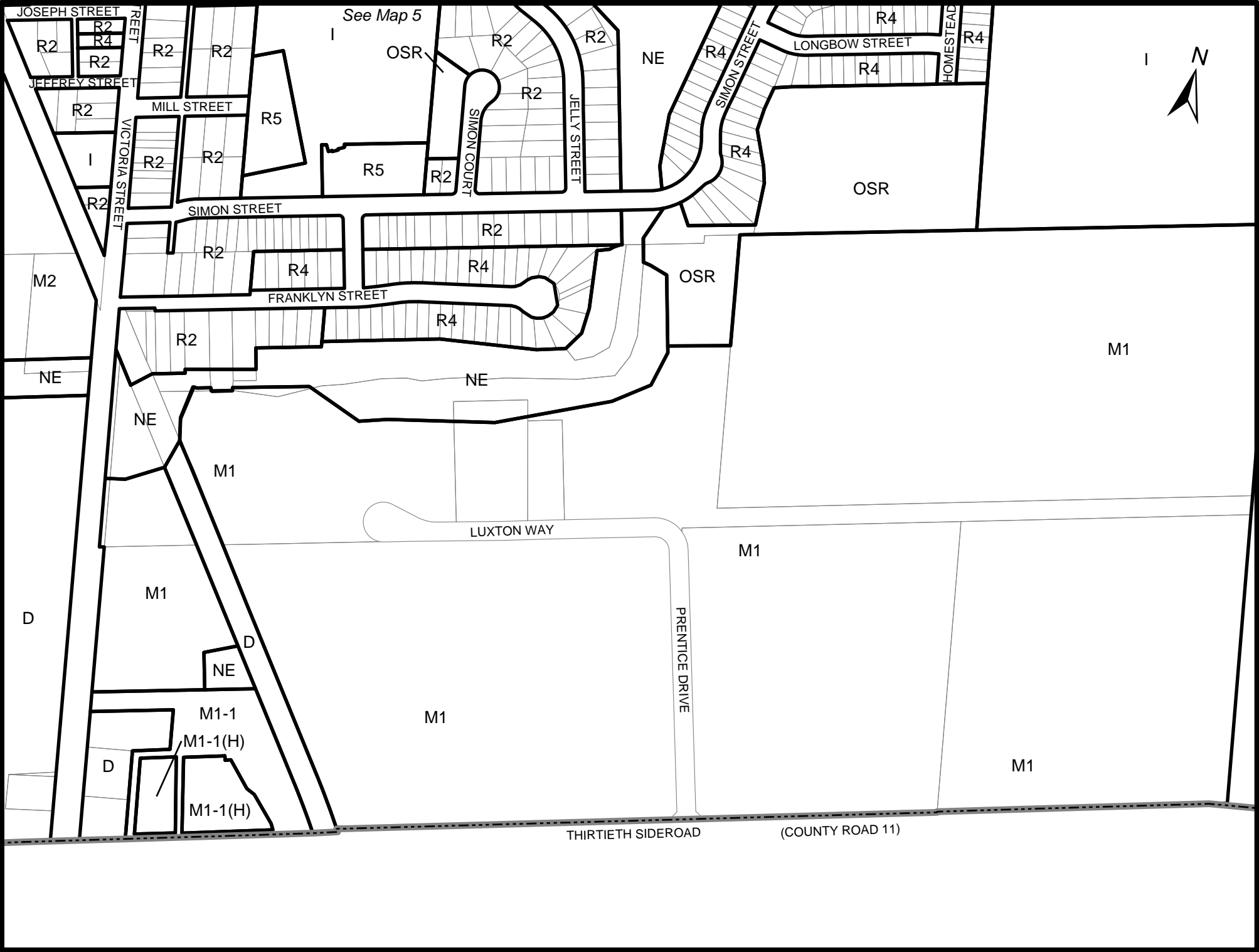


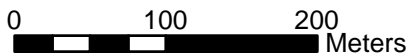
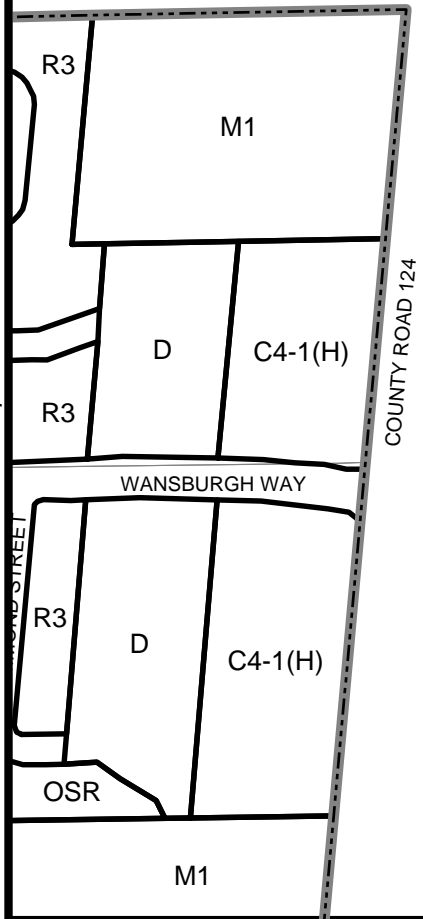
See Map 5



0 100 200  
Meters

See Map 6





See Map 8

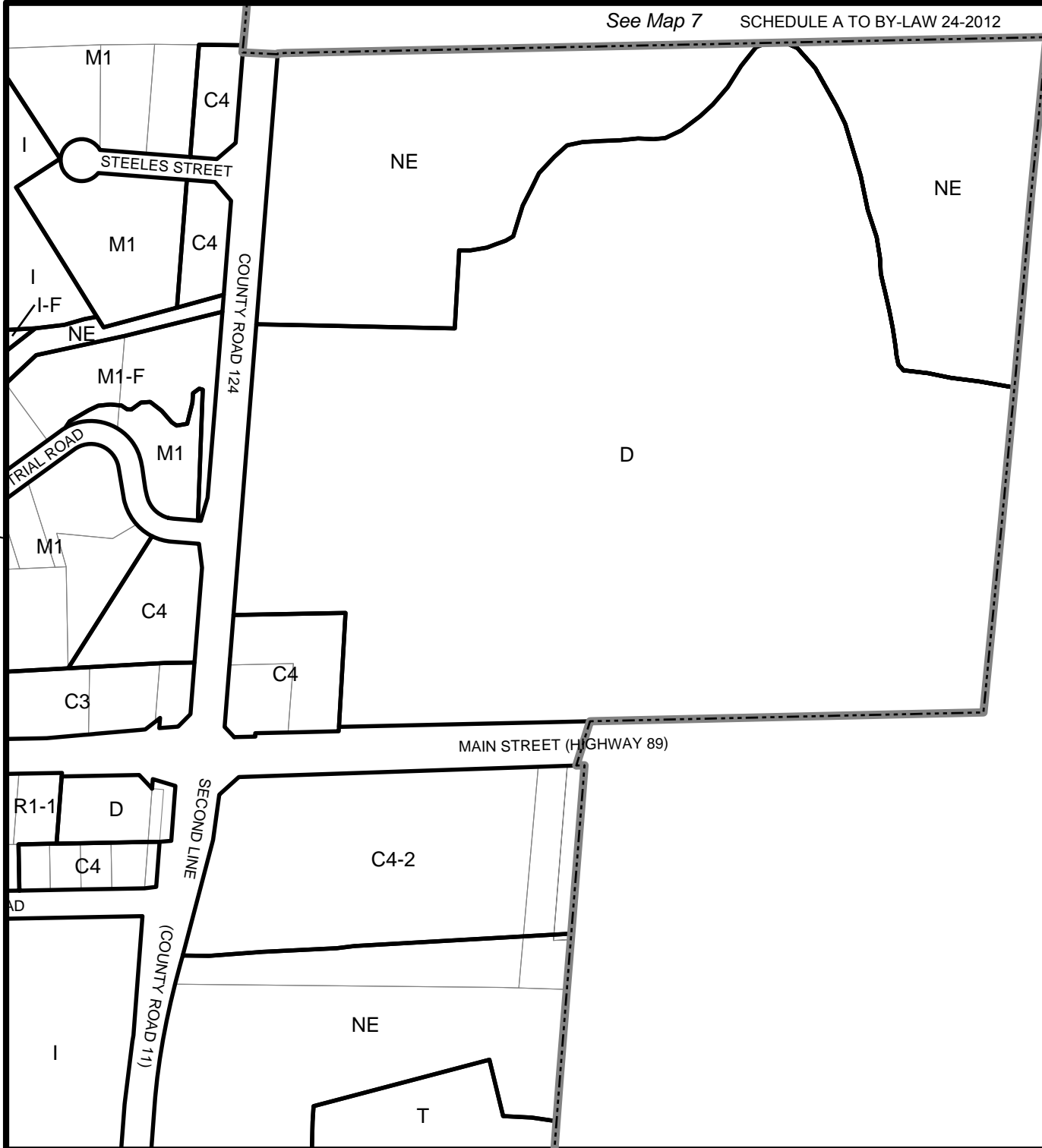


See Map 7

SCHEDULE A TO BY-LAW 24-2012

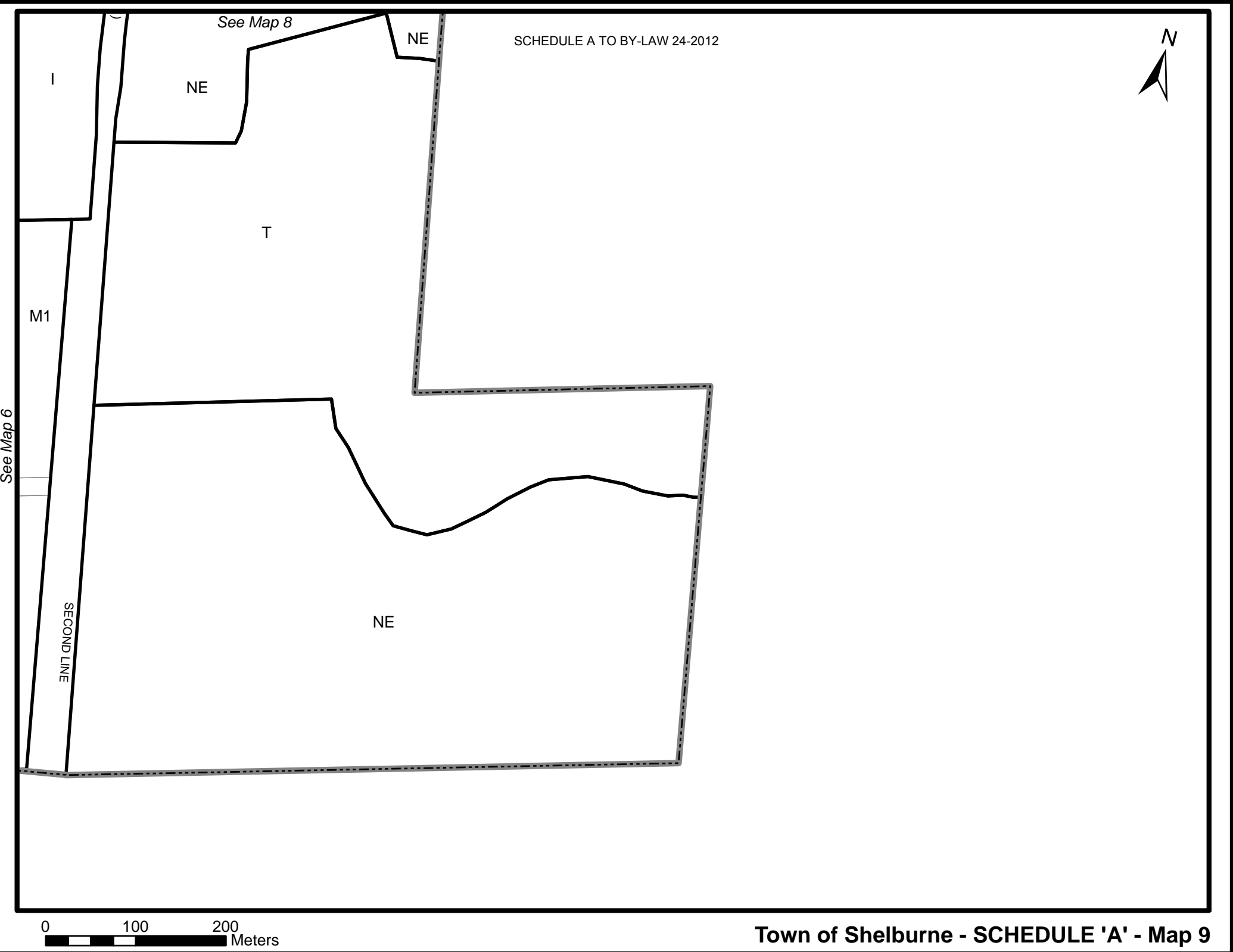


See Map 5



See Map 9

0 100 200 Meters



See Map 8

NE

SCHEDULE A TO BY-LAW 24-2012



NE

T

I

M1

See Map 6

SECOND LINE

NE

0 100 200 Meters

Town of Shelburne - SCHEDULE 'A' - Map 9

SCHEDULE 'B' - Wellhead Protection Areas

Town of Shelburne  
Zoning By-law

- 2 Years
- 5 Years
- 10 Years
- 25 Years



0 250 500  
Meters

