

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. Z###-2026

Being a By-law pursuant to the provisions of Section 34 of the Planning Act to amend By-law No. Z1-1997, as amended, which may be cited as “The Zoning By-law of the Town of St. Marys”, affecting all lands located in the Town of St. Marys.

WHEREAS the **Council** of the **Corporation** of the Town of St. Marys deems it necessary in the public interest to pass a By-law to amend By-law No. Z1-1997, as amended;

NOW THEREFORE THE **COUNCIL** OF THE **CORPORATION** OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:

1. That Section 1 of By-law No. Z1-1997 is hereby amended by adding the following sections:

1.8 NON-CONFORMING BUILDINGS AND STRUCTURES

The following provisions shall apply to **legal non-conforming uses, buildings, and structures**:

1.8.1 Existing Uses, Buildings, and Structures

Nothing in this By-law shall prevent a **legal non-conforming use, building, or structure** to continue being used for the same **use** and to the same **development** standards as existed prior to the passing of this By-law.

1.8.2 Replacement of Non-Conforming Uses, Buildings, and Structures

Where a lawfully existing **building** or **structure** is used for a purpose not permitted in the **zone** in which such **building** or **structure** is located and such **building** or **structure** is partially or totally destroyed by fire or similar natural cause or peril, such **building** or **structure** may be replaced or repaired and the non-conforming **use** re-established provided that the following conditions are met:

- (a) the owner must make application to the **Corporation** for a **building** permit to replace the **building** or **structure** within one (1) year of the date on which the partial or total destruction occurred;
- (b) the replacement or repair of the **building** or **structure** must be completed within one (1) year of the date on the **building** permit for such replacement or repair was issued by the **Corporation**;
- (c) the replacement or repair of the **building** or **structure** occurs at approximately the same location on the **lot**. In no case shall any encroachment into a required **yard**, other than that which existed on the date of passing of this By-law, be permitted. For the purpose of determining required **yards**, the most restrictive **yard** provision for that **zone** shall apply;
- (d) the replacement or repair does not increase the **gross floor area**, height, and **lot coverage** of the **building** or **structure** as it existed prior to the partial or total destruction;

- (e) the **use** of the **building** or **structure** is not changed and continues in the same manner as previously existed; and
- (f) the owner obtain approval from the Upper Thames River Conservation Authority prior to the replacement or repair of **buildings** and **structures** within the Flood Plain (FP) **Zone**.

1.8.3 End of Legal Non-Conforming Status

Notwithstanding the provisions of Sections 1.8.1, if a **legal non-conforming use** ceases to function or operate for a period of six (6) months or more, the legal non-conforming status of said **use** shall be deemed to end as determined by the Town.

1.9 NON-COMPLYING BUILDINGS AND STRUCTURES

The following provisions shall apply to legal **non-complying uses, buildings, and structures**:

1.9.1 Existing Uses, Buildings, and Structures

Nothing in this By-law shall prevent a legal **non-complying use, building, or structure** to continue being used for the same **use** and to the same **development** standards as existed prior to the passing of this By-law.

1.9.2 Replacement of Non-Complying Uses, Buildings, and Structures

Where a legal **non-complying use, building or structure** is partially or totally destroyed by fire or similar natural cause or peril, such **use, building or structure** may be replaced or repaired and the **non-complying use, building or structure** re-established provided that the following conditions are met:

- (a) the owner must make application to the **Corporation** for a **building** permit to replace the **use, building or structure** within one (1) year of the date on which the partial or total destruction occurred;
- (b) the replacement or repair of the **use, building or structure** must be completed within one (1) year of the date on the **building** permit for such replacement or repair was issued by the **Corporation**;
- (c) the replacement or repair of the **use, building or structure** occurs at the same location on the **lot**. In no case shall any encroachment into a required **yard**, other than that which existed on the date of passing of this By-law, be permitted; and
- (d) the replacement or repair does not increase the **gross floor area**, height, and **lot coverage** of the **building or structure** as it existed prior to the partial or total destruction.

1.9.3 Expansion of Non-Complying Buildings and Structures

The extension, enlargement or expansion of a **non-complying building or structure** shall be permitted provided that such extension, enlargement or expansion to the **non-complying building or structure** is located on the **lot** so that it is in compliance with the zoning provisions of this By-law for the **zone** classification for where it is located.

1.10 TRANSITION PROVISIONS

1.10.1 Planning Applications and Approvals

1.10.1.1 Nothing in this By-law prevents the approval of the following applications where the application was filed and deemed complete in accordance with the *Planning Act* on or before [date by-law is passed] provided that the application is in accordance with all prior zoning by-laws and minor variance approvals that affected the lot immediately before [date by-law is passed]:

- (a) **site plan** approval;
- (b) consent to sever;
- (c) draft plan of subdivision;
- (d) plan of **condominium**;
- (e) part-lot control exemption approval; and
- (f) minor variance.

1.10.1.2 This By-law is deemed to be modified to the extent necessary to permit a **building** or **structure** that is erected in accordance with a planning application approved under provision 1.10.1.1. However, provision 1.10.1.1 shall be repealed in five (5) years after [date the by-law]. This provision shall not require an amendment to this By-law to take effect.

1.10.1.3 Applications for zoning by-law amendment that were submitted prior to the approval of this Zoning By-law will, if approved, be incorporated via an amendment into this Zoning By-law.

1.10.1.4 All minor variances applied for prior to the final approval of amending By-law No. ##, and subsequently approved, shall continue to apply and remain in force as if they are variances to By-law No. Z1-1997 as amended by By-law No. ##.

1.10.2 Building Permit Issued

1.10.2.1 Nothing in this By-law shall apply to prevent the erection of a **legal non-conforming building** or **structure**, where a **building** permit has been lawfully issued under the *Building Code Act* on or before [date by-law is passed], provided that the following are met:

- (a) the **building** or **structure**, when erected, is used and continues to be used for the purpose for which the permit was issued; and
- (b) the erection of such **building** or **structure** is commenced within one [(1) year after the date of passing of this By-law] and is completed within one (1) year of the date that the erection commenced.

1.10.2.2 Nothing in this By-law shall apply to prevent the erection or **use** of a **building** or **structure** that does not satisfy or fulfill the provisions of the **zone** in which such **building** or **structure** is located where a **building** permit has been lawfully issued under the *Building Code Act*, prior to [date by-law is passed], provided that the following are met:

- (a) the **building** or **structure**, when erected, is used and continues to be used for the purpose for which the permit was issued unless a new **use** is permitted

within the **zone** and the extent of non-conformity to the provision(s) of this By-law will not increase as a result of the new **use**; and

- (b) the erection of such **building** or **structure** is commenced within one (1) year after the date of passing of this By-law and is completed within one (1) year of the date that the erection commenced.

1.11 TECHNICAL REVISION

Revisions may be made to this Zoning By-law without the need for a Zoning By-law Amendment in the following cases:

- (a) Changes to appendices, footnotes, headings, table of contents, page numbering, and reference information, which do not form a component of this by-law and are editorially inserted for convenience of reference only.
- (b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands, including but not limited to color, scale, legend and infrastructure information such as a street name or a highway;
- (c) Correction of grammar, punctuation, typographical errors or revisions to format in a manner that does not change the intent of the provisions.

1.12 REQUIRED SETBACKS FOR BUILDINGS AND STRUCTURES LOCATED ON PARCELS OF URBAN RESIDENTIAL LAND

1.12.1 Notwithstanding the minimum and maximum setback requirements outlined in this Zoning By-law, the required minimum/maximum setback distance from a property line in respect of a **building** or **structure** located on a **parcel of urban residential land** may be reduced up to 10 percent of the required setback of this By-law without the need for a Planning Act Application as provided under the Planning Act R.S.O. 1990, c.P.13 as amended or any successor legislation.

1.12.2 The aforementioned provision will not be applicable to:

- (a) Any area that is within 300 metres of an active **railway line**. However, this does not include **railway lines** that only operate an urban rail transit system.
 - (b) Any area that is within 120 metres of:
 - (i) a wetland
 - (ii) an inland lake, or
 - (iii) a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a **watercourse**.
2. That Section 2.1 of By-law No. Z1-1997 is hereby amended by replacing “by such **person** or **persons** as shall be appointed from time to time by by-law or resolution” with “under the authority of the Chief Building Official or by such an employee as designated by the Chief Building Official”.
3. That Section 2.2 of By-law No. Z1-1997 is hereby amended by adding the following paragraph after the last paragraph:

Nothing in this By-law shall operate or cause to relieve any **person** from the obligation to obtain any license, permit, authority or approval lawfully required by a government

authority having the jurisdiction to make such requirements and/or regulations. This By-law shall not be effective to reduce or mitigate any regulations lawfully imposed by a government authority having the jurisdiction to make such requirements and/or regulations.

4. That Section 2.5 of By-law No. Z1-1997 is hereby deleted in its entirety.
5. That Section 2.6 of By-law No. Z1-1997 is hereby deleted in its entirety.
6. That Section 2.7.1 of By-law No. Z1-1997 is hereby amended by replacing "Planning Act R.S.O. 1990, as amended" with "Planning Act R.S.O. 1990, c.P.13, as amended, or any successor legislation."
7. That Section 2.7.2 of By-law No. Z1-1997 is hereby amended by replacing "Planning Act R.S.O. 1990, as amended" with "Planning Act R.S.O. 1990, c.P.13, as amended, or any successor legislation."
8. That Section 2.7.4 of By-law No. Z1-1997 is hereby amended to read as follows:
 - 2.7.4 Where a **person** is guilty of an offence under the provisions of this By-law and has been directed to remedy any violation and is in default of doing such matter or thing required, such matter or thing shall be done at the expense of the **person** or **corporation**, as provided under Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, or any successor legislation.
9. That Section 2.7.5 of By-law No. Z1-1997 is hereby amended by replacing "Section 326 of the Municipal Act, R.S.O. 1990, as amended" with "446 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended or any successor legislation."
10. That Section 2.8 of By-law No. Z1-1997 is hereby deleted in its entirety.
11. That Section 2.9 of By-law No. Z1-1997 is hereby deleted in its entirety.
12. That Section 3 of By-law No. Z1-1997 is hereby amended by adding the following definitions:

Adult Day Service Facility means a facility that provides day programs and care services for adults.

Agricultural Animal Clinic means premises where animals associated with normal farm practices are given on-site medical or surgical treatment and may include overnight or long-term medical treatment but shall not include a **kenel**. Accessory **office uses**, laboratory and/or mobile veterinary services are also permitted.

Agricultural Products Processing Establishment means premises used for the processing of products derived from **agricultural uses** including seed, grain, feed, and forage processing, storage, and transport; fruit and vegetable storage and treatment.

Agricultural Research and Training Facility means premises for the study and research of agriculture and training activities and may include related activities and **uses** accessory to agricultural research.

Agricultural Use, Value Added means any activity or process that is completed by the farm operator, which alters the original agricultural product or commodity grown or raised on site and may be supplemented by off-farm inputs, and may

include bagging, packaging, grain drying and milling, bio-product production, bundling, pre-cutting, cooking, baking and marketing activities.

Agriculture-Related Use means those farm-related commercial and farm-related **industrial uses** that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Agri-tourism Use means farm-related tourism **uses** that promote the enjoyment, education or activities related to the principal farm operation on a **lot** such as farm machinery and equipment exhibitions (on a temporary basis), farm tours, petting zoos, hay rides and sleigh rides, processing demonstrations, pick-your-own produce operations, small-scale farm theme playgrounds and small-scale educational establishments that focus on farming instruction, and may include accessory small-scale vendors associated with the **agri-tourism use**.

Amenity Area means that area of the lot or block not occupied by buildings, parking and driveway areas which may include patios and landscaped areas on the site, swimming pools and other outdoor areas which can be used for recreational purposes, the area devoted to the private outdoor balconies and the floor area devoted to the indoor entertainment, social and/or recreational common rooms within a Residential Building – Apartment or Residential Building – Multiple or Residential Building – Mixed Use. The types of amenity areas include:

Private Amenity Area means an amenity area, excluding a walkway, play area or other communal area, which is accessory to and not in the enclosed portions of a dwelling unit, and is for the exclusive use and only accessible by occupants of the dwelling unit.

Common Amenity Area means an amenity area which is accessible to and available for the use and enjoyment of the residents and guests of a residential development in common.

Batching Plant, Asphalt or Cement means an industrial facility used for the production of asphalt or cement, or asphalt or cement products, used in **building** or construction, and includes facilities for the administration or management of the **business**, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or cement products.

Cellar means a **storey** or **storeys** of a **building** located below the first **storey**, having a ceiling height of 1.8 metres or more and having less than 50 per cent of the wall area above **finished grade level**.

Communications Facility means an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower, fibre optic communication infrastructure or similar facility.

Conservation Use means activities and **uses** associated with land and water conservation management including fisheries management, flood and erosion

control measures, wetland management, wildlife habitat areas management, and forestry management.

Data Processing Facility means a **building, structure**, or series of **structures** on a property, used to house computer systems and associated components of a group of networked servers typically used for remote storage, processing, or distribution of data, and includes **accessory structures** and infrastructure necessary to support the **use**.

Dwelling, Row or Townhouse – Back-to-Back means a separate **building** that has been divided vertically into four (4) or more **dwelling units** each of which has a separate and independent entrance and which are separated from the adjoining unit or units by a common wall, including a common rear wall with no interior access between the units.

Dwelling, Row or Townhouse - Stacked means a **building** containing three (3) or more **dwelling units**, with each **dwelling unit** may be separated either or both vertically and horizontally, and may have a private independent entrance from a **yard** or a shared entrance from a common corridor, vestibule, or landing.

Dwelling, Row or Townhouse – Street means a **Row or Townhouse Dwelling**, except for a **Row or Townhouse Dwelling – Back-to-Back** or **Row or Townhouse - Stacked Dwelling** in which each **dwelling unit** fronts onto a public road and has a private independent entrance directly from a **yard**.

Emergency Service Facility means fire, emergency, police and ambulance facilities and distress centre.

Equipment Sales and Rental Business means a premise where machinery and construction equipment are offered or kept for sale, rent, lease or hire under agreement for compensation.

Erosion Hazard means the loss of land, due to human or natural processes, that poses a threat to life and property. The **erosion hazard** limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Farm Equipment Repair Shop means the repair and sale of farm implements and agricultural equipment including the sale of fuel, lubricants and related items for agricultural equipment.

Farm Stand means a **structure** that is accessory to an agriculture **use** and is used for the display and sale of produce, flowers, or other related agriculture products, but where all products shall originate and be sourced from the same **lot** as the principal **use**.

Forestry Use means the **use** of land for the growing, management, harvesting, and removal of trees, and may include activities undertaken to maintain forest health, wildlife habitat, and environmental functions.

Fuel Storage and/or Supply Business means a premises for the bulk storage of petroleum, petroleum products, chemicals, gases or similar substances. This

definition shall not include an **automotive gas bar** or a storage tank which is accessory to another **use** on the **lot** where such tank is located.

Grain Elevator means a **building**, container, **structure** or receptacle in which grain is received for storage.

Hazardous Land means land that could be unsafe for **development** because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.

Laboratory or Research Facility means a **building** used for scientific and technological research and **development** including laboratories, plants used to test manufacturing processes for **use** in production, software **development**, and engineering services and includes an agricultural research station.

Landfill means a site used for the final disposal of waste by deposition or burial in or on land, typically operated under engineered and regulated conditions.

Lumber Yard means a **lot** and **accessory buildings** where the primary **use** is the storage of construction grade wood and **building** supplies for sale at retail or wholesale.

Minimum Distance Separation Formulae means formulae and guidelines developed by the Province, as amended from time to time, to separate **uses** so as to reduce incompatibility concerns about odour from **livestock** facilities.

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

On-Farm Shop or Café means a small-scale café or shop that is an **on-farm diversified use**, and may include the sale of antiques and a tack shop, that is accessory to the permitted **agricultural uses** on the **lot** and shall primarily include the sale of value-added products produced by the farm.

Parcel of Urban Residential Land means a parcel of land located within a designated settlement area where residential **use**, other than accessory residential **use** including an additional **dwelling unit**, is permitted and which is serviced by municipal sewage works and a municipal drinking water system.

Pet Shop means a shop or place where animals or birds for **use** as pets are sold, kept for sale or groomed, where pet supplies and pet foods are sold but does not include a **kennel**.

Planing Mill or Saw Mill means a **building** or facility used for the processing of wood, including the cutting of logs into lumber and/or the planing, shaping, or finishing of wood products, and may include a **lumber yard**.

Production Studio means premises used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a **production studio**.

Public Works and Utility Facilities means a **building** or **structure** used by the **Corporation**, **Conservation Authority**, or other authorized provided by the **Corporation** for the production, treatment, storage, transmission, distribution, collection, operation, maintenance, or management of water, wastewater, stormwater, electricity, natural gas, telecommunications, or district energy.

Private Home Daycare means the **accessory use** of a **dwelling unit** by a resident of the **dwelling unit** for the temporary care of five (5) or fewer children who are under ten years of age, in exchange for reward or compensation and where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

Regulatory Flood Plain for river, stream and small inland lake systems, means the area, usually low lands adjoining a **watercourse**, which has been or may be subject to flooding hazards. The limits of the Regulatory Flood Plain shall be established by the applicable Conservation Authority.

Remote Work means the **accessory use** of a **dwelling unit** by a resident of the **dwelling unit** for conducting employment-related work, including administrative, professional, clerical, or similar work, and where the **use** does not involve the provision of goods or services to clients, customers, or members of the public at the dwelling.

Sewage Treatment Facility means a sewage works that treats or disposes of sewage but does not collect or transmit sewage, but does not include an individual on-site septic system.

Studio means a premise used by one or more **persons** engaged in the production, creation, teaching or practice of an art form, craft, or skill, including but not limited to visual arts, performing arts, photography, film, audio recording, or personal fitness, and may include ad an **accessory use** the display or retail sale of goods or services produced on the premises.

Top-of-Bank/Valley Top of Slope means the break in slope point between the valley side slope and the tableland.

Transit Station means premises used for the temporary parking of transit buses, railcars or other transit **vehicles** which are engaged in the pickup and drop-off of passengers and transferring of passengers.

Waste Disposal Facility means a **building** or site used for the handling, transfer, processing, treatment, or disposal of waste, including **landfill** sites, transfer stations, and recycling or composting facilities.

Winery means premises used on a farm for the making of beers, spirits, ciders and wines from grains, hops, crops, and/or fruit grown primarily as part of the principal **agricultural use** and may include an accessory tasting and hospitality area and commercial **patio**, and retail sales of the products produced on-site.

13. That Section 3 of By-law No. Z1-1997 is hereby amended by amending the following definitions to read as follows:

Accessory Apartment means a self-contained **dwelling unit** located within the same **building**, or on the same **lot**, as an existing **dwelling unit**. Self-contained means that

it has its own kitchen and washroom facilities, and a separate entrance. For the purposes of this Zoning By-law, an **Accessory Apartment** shall include an Additional Residential Unit as defined under the *Planning Act*.

Basement means a **storey** or **storeys** of a **building** located below the first **storey**, having a ceiling height of 1.8 metres or more and having more than 50 per cent of the wall area above **finished grade level**.

Building Height when used in reference to a **building** or **structure**, means the vertical distance measured from lowest point on finished grade around the **structure** to the peak, except:

- (a) In the case of a flat or shed roof, the highest point of the roof's surface;
- (b) In the case of a **structure** not having a roof, the uppermost part of such **structure**; or
- (c) Where an exterior wall other than a required fire wall extends above the top of the roof of a **building**, the topmost part of such exterior wall.

The **building height** definition shall not apply to any ornamental projection, ornamental dome, elevating device, tower, cupola, steeple, **church** spire, chimney, smoke stack, silos, ventilating device, air conditioning duct, skylight, aerial which rises above roof level, transmission reception tower provided same is attached to the **building**, and **satellite dishes** when located on the roof of a non-residential **building**.

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

- (a) Activities that create or maintain infrastructure authorized under an environmental assessment process or identified in provincial standards;
- (b) Works carried out under the Drainage Act; or
- (c) Underground or surface mining of minerals, or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act.

Dwelling Unit means a unit that,

- (a) consists of a self-contained set of rooms located in a **building** or **structure**,
- (b) is used or intended for **use** as residential premises, and
- (c) contains kitchen and bathroom facilities that are intended for the **use** of the unit only.

Farm Implement Sales and Service Establishment means a **building** or part of a **building** or place where machinery or equipment for **use** in agriculture, agricultural or **commercial vehicles**, and other similar goods are kept for sale at retail or wholesale.

Flood Fringe for river, stream and small inland lake systems, means the outer portion of the flood plain between the **floodway** and the flooding hazard limit.

Depths and velocities of flooding are generally less severe in the **flood fringe** than those experienced in the **floodway**.

Floodway for river, stream and small inland lake systems, means the portion of the flood plain where **development** and site alteration would cause a danger to public health and safety or property damage.

(a) Where the one **zone** concept is applied, the **floodway** is the entire contiguous flood plain.

(b) Where the two **zone** concept is applied, the **floodway** is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two **zone** concept applies, the outer portion of the flood plain is called the **flood fringe**.

Home Occupation means an occupation and/or a profession conducted entirely within a **dwelling unit** in a **single-detached dwelling** or a **semi-detached dwelling** by a person residing permanently in the **single-detached dwelling** or a **semi-detached dwelling**. A home occupation does not include **remote work**, **private home daycare**, or **bed and breakfast establishment**.

Kennel means a place, **building**, or confine where dogs are bred and raised and registered in accordance with the *Animal Pedigree Act*.

Liquor, Beer and Wine Store means a **retail store** devoted to the sale of spirits, beer, ciders, wine and/or other alcoholic beverages and licensed under the *Liquor License and Control Act*, as amended.

Mobile Home means a prefabricated **dwelling unit** designed and intended to be transported or portable for movement from site to site, notwithstanding that its running gear is or may be removed, and the frame of such **dwelling unit** is integral to its **structure**, according to specifications from the Canadian Standards Association (CSA).

Motor Vehicle Commercial means any **motor vehicle** having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes catering trucks, ambulances, hearses, buses, farm tractors and/or **trailers** used for hauling, and delivery trucks, but excludes recreational **vehicles**.

Pet Hotel means an establishment where the care of not more than 25 domestic animals, not including **livestock**, is provided for gain and includes such activities as boarding, grooming, and walking, where the stay may include both day care or overnight accommodation, and where breeding is prohibited.

Resource Extraction Operation means:

(a) lands under license or permit, other than for **wayside pits** and **quarries**, issued in accordance with the *Aggregate Resources Act*;

(b) for lands not designated under the *Aggregate Resources Act*, established **pits** and **quarries** that are not in contravention of municipal zoning by-laws and

including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

(c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Site Plan means a scaled drawing showing the relationship between the **lot lines** and the **uses, buildings, and structures** existing or proposed on a **lot**; including such details as **building areas, parking areas, parking spaces, driveways, aisles, walkways, sidewalks, landscaped open space, minimum required yards, building heights**, waste collection facilities, outdoor storage areas, storm water drainage facilities, and hazard lands and regulated areas. Depending upon the circumstances, grading information and **building** cross-sectional information may also be required as a part of a **site plan**.

Special Policy Area means an area of the flood plain below the regulatory flood elevation where specific **development** policies apply to **development** or redevelopment, as approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry.

Watercourse means a defined channel, having a bed and **banks** or sides, in which a flow of water regularly or continuously occurs.

14. That Section 3 of By-law No. Z1-1997 is hereby amended by deleting the definitions for **“Converted Dwelling”, “Farm Market”, “Farmer’s Market,” “Mini-Storage Facility,” “Motor Home/Travel Trailer,”** and **“Nursery School”**

15. That Section 3 of By-law No. Z1-1997 is hereby amended by replacing **“Postal Ounlet”** with **“Postal Outlet.”**

16. That all references to **“Converted Dwelling”, “Farm Market”** and **“Farmer’s Market”** throughout By-law No. Z1-1997 shall be deleted.

17. That all references to **“Church”** throughout By-law No. Z1-1997 shall be replaced with **“Place of Worship.”**

18. That all references to **“Nursery School”** and **“Day Nursery”** throughout By-law No. Z1-1997 shall be replaced with **“Child Care Centre.”**

19. That Section 4.1 of By-law No. Z1-1997 is hereby amended by modifying the list of **zone** classifications to read as follows:

Zone	Zone Symbol
Agricultural Zone One	A1
Residential Zone One	R1
Residential Zone Two	R2
Residential Zone Three	R3
Residential Zone Four	R4
Residential Zone Five	R5

Residential Zone Six	R6
Residential Zone Seven	R7
Residential Zone Eight	R8
Central Commercial Zone	C1
Limited Commercial Zone	C2
Highway Commercial Zone	C3
Special Commercial Zone	C4
Light Industrial Zone	M1
General Industrial Zone	M2
Extractive Industrial Zone	M3
Environmental Constraint Zone	EC
Institutional Zone	I
Open Space Zone	OS
Flood Plain Zone	FP
Special Policy Area Constraint Overlay	-SPA
Conservation Authority Regulation Limit Overlay	Conservation Authority Regulation Limit Overlay
Holding Zone	H
Development Zone	D or RD
Natural Heritage	NH
Wellhead Protection Area A	WHPA-A
Wellhead Protection Area B	WHPA-B

20. That Section 5.01 of By-law No. Z1-1997 is hereby amended to read as follows:

5.01 Accessory Apartments

5.01.1 In a single-detached, semi-detached or row or townhouse dwelling

- (a) A maximum of two (2) **accessory apartments** is permitted in any **single-detached, semi-detached, row or townhouse dwelling**, or row or townhouse – back-to-back dwelling provided that:
- (b) One (1) **parking space** is provided for each **accessory apartment** in addition to any **parking spaces** required for the primary dwelling.

5.01.2 In an accessory building or structure

Where an **accessory apartment** is permitted in accordance with Section 5.01.1, up to one (1) of the **accessory apartments** may be permitted in an **accessory building or Structure** on the **lot** provided that:

- (a) There is a maximum of one (1) **accessory apartment** located in the main dwelling;
 - (b) The **accessory apartment** is not located on **hazardous land**.
 - (c) One (1) **parking space** is provided for the **accessory apartment** in addition to any **parking spaces** required for the primary dwelling.
21. That Section 5.1.3(e) of By-law No. Z1-1997 is hereby amended by deleting “above and no closer to the **exterior side lot line** than the minimum **exterior side yard** distance required for the **main building** under this By-law.”
22. That Section 5.1.3 of By-law No. Z1-1997 is hereby amended by adding Subsection (f) to read as follows:
- (f) Notwithstanding clause 5.1.3(b), an **accessory building or structure** with a height of 4.5 metres is permitted to be setback 3 metres from an exterior **lot line**, provided the **accessory building or structure** is located behind the rear wall of the dwelling.
23. That Section 5.1.4 of By-law No. Z1-1997 is hereby amended by replacing “4.5” with “6.0”.
24. That Sections 5.2 of By-law No. Z1-1997 is hereby deleted.
25. That Subsection 5.3(a) and (b) of By-law No. Z1-1997 is hereby amended to read as follows:
- (a) a bed and breakfast shall only be permitted in a **single-detached dwelling**.
 - (b) the bed and breakfast shall be operated by the **person or persons** whose principal residence is in the single detached dwelling.
26. That Section 5.3 of By-law No. Z1-1997 is hereby amended by adding 5.3 (f) to read as follows:
- (f) the **bed and breakfast establishment** shall be conducted entirely within the **single-detached dwelling**.
27. That Section 5.3 of By-law No. Z1-1997 is hereby amended by deleting the last two paragraphs that start with “Where a **bed and breakfast establishment** existed prior to September 24, 1996...” and end with “...regulation established by the Federal, Provincial, or Local Government”.
28. That Section 5.6 of By-law No. Z1-1997 is hereby amended by deleting the period in the last period in the last sentence of the first paragraph and replacing it with “or identified in Table ## below.”
29. That Section 5.6 of By-law No. Z1-1997 is hereby amended by adding the following after the first paragraph:

Where identified in Table ##, distances used to establish a **daylight triangle** or **sight triangle** shall be measured along the **lot lines** abutting a street, as follows:

Table ## - Distances along Street Lines Used to Establish a Daylight Triangle or Sight Triangle

Road Classification	Interesting Road Class	Daylighting Dimension	Triangle

Local	Local	5.0 metres
	Collector	7.5 metres
	Arterial	10.8 metres
Collector	Local	7.5 metres
	Collector	10.0 metres
	Arterial	10.8 metres

30. That Section 5.8 of By-law No. Z1-1997 is hereby amended by deleting the last sentence as follows: “However, a **dwelling unit**, in its entirety, may be located in a **basement** subject to applicable Building Code requirements.”

31. That Section 5.9 of By-law No. Z1-1997 is hereby deleted.

32. That Subsection 5.11(a) of By-law No. Z1-1997 is hereby amended to read as follows:

- (a) such **home occupation** must be clearly secondary to the main **use** of the single-detached or **semi-detached dwelling** used for residential purposes;

33. That Section 5.11 of By-law No. Z1-1997 is hereby amended by adding 5.11 (m) to read as follows:

34. A home occupation is not permitted in an Accessory Apartment That Section 5.12.1(i) of By-law No. Z1-1997 is hereby amended by replacing “500” with “300”.

35. That Section 5.12.1(ii) of By-law No. Z1-1997 is hereby amended by replacing “500” with “301”.

36. That Sections 5.15 and 5.16 of By-law No. Z1-1997 are hereby deleted.

37. That Section 5.18 of By-law No. Z1-1997 is hereby amended to read as follows:

5.18 One Dwelling on One Lot

Not more than one (1) dwelling shall be permitted on a **lot**, except in the case of **accessory apartments** or where otherwise permitted specifically by other provisions of this By-law or other Provincial legislation.

38. That Section 5.20 of By-law No. Z1-1997 is hereby amended to read as follows:

5.20 Outdoor Display and Sales Area

Where an outdoor display and sale area is permitted by the **zone** provisions of this By-law, it shall be permitted in any **yard** on a **lot** provided that the following provisions are satisfied:

- (a) such **outdoor display and sales area** is accessory to the main **use** on the **lot** and is for merchandise kept for sale, lease, or rent on the premises;
- (b) the total area for outdoor display and sale is not to be more than 35% of the **lot area**;

- (c) such **outdoor display and sales area** shall be set back a minimum distance of 3.0 metres from a front or **exterior side lot line** and a minimum distance of 1.0 metres from an interior side or **rear lot line**;
- (d) notwithstanding the provisions of Clause (b) above, no **outdoor display and sales area** shall be permitted to be located within:
 - i. required **parking space**;
 - ii. required **loading space**;
 - iii. **driveway**, access aisle or **stacking lane**;
 - iv. required **yard** or minimum setback;
 - iv. daylight or **sight triangle**; and
 - v. required landscape strip.
- (e) the **outdoor display and sales area** shall be setback a minimum of 12 metres from any Residential **Zone Boundary**.
- (f) such **outdoor display and sales area** shall not block-off or restrict access to the **lot**;
- (g) such **outdoor display and sales area** is kept in a neat and attractive manner.

39. That Subsection 5.21.1.1(B) is hereby amended to read as follows:

B	Fourplex	6 per dwelling
B.1	Row or Townhouse – Street	2 per dwelling unit
B.2	Dwelling, Row or Townhouse Dwelling, Row or Townhouse – Back-to-Back Dwelling, Row or Townhouse – Stacked	2 per plus 0.25 visitor per dwelling unit

40. That Subsection 5.21.1.1(F) of By-law No. Z1-1997 is hereby amended by amending “2 per **dwelling unit** plus 1 per 4 group home residents” to read as “2 per **dwelling unit** plus 1 per 4 group home residents beyond the first 4 group home residents.”

41. That Subsection 5.21.1.1(P) of By-law No. Z1-1997 is hereby amended by amending “**warehouse** including **mini-storage facility**” to read as “**warehouse** and **self-storage establishment**.”

42. That Subsection 5.21.1.1(Y) of By-law No. Z1-1997 is hereby deleted.

43. That Section 5.21.1.1 is amended by deleting the following text “In addition to the minimum number of required parking spaces set forth above, electric vehicle charging station rough-ins shall be provided for a minimum of 5 percent of all required parking spaces. This requirement does not apply to the uses in A, B, D, E, F, G, H, H1 and X above.”

44. That Section 5.21.2 of By-law No. Z1-1997 is hereby amended by adding an “(a)” prior to the first sentence to read as “(a) Ingress and egress to **parking spaces** required...”

45. That Section 5.21.2 of By-law No. Z1-1997 is hereby amended by adding an “(b)” prior to the second paragraph to read as “(b) The number of **driveways** serving a **lot** shall...”
46. That Section 5.21.2 of By-law No. Z1-1997 is hereby amended by replacing “(a)” with “i.”, “(b)” with “ii.”, and “(c)” with “iii.” following the sentence “The number of **driveways** serving a **lot** shall be limited in accordance with the following:”
47. That Section 5.21.2 of By-law No. Z1-1997 is hereby amended by adding 5.21.2(c) and 5.21.2(d) to read as follows:
- (c) Notwithstanding 5.21.2 (b), a **corner lot** is permitted to have a minimum of one **driveway** on each street frontage, provided that the **lot** has a minimum **lot frontage** of 15 metres and a minimum **lot area** of 500 square metres.
 - (d) Notwithstanding 5.21.2 (b), a **semi-detached dwelling** or a townhouse dwelling located on one **lot** shall be permitted to have one **driveway** for each **dwelling unit** that is not an **accessory apartment**.
48. That Subsection 5.21.3 of By-law No. Z1-1997 is hereby amended by adding 5.21.3(c) to read as follows:
- (c) in any Residential Zone, the minimum driveway setback from an interior Side Lot Line being 1.0 metre except where the interior side lot line coincides with a common wall between dwelling units, in which case no minimum setback would be required.

49. That Section 5.21.4 of By-law No. Z1-1997 is hereby amended to read as follows:

5.21.4 Parking Area Location

All required **parking spaces** and areas shall be provided on the same **lot** as the **building** or **structure**. Required **parking spaces** and areas may be located on an adjacent **lot** provided that such **lot** is appropriately zoned so as to permit such parking **use** with an agreement registered on title for such an arrangement, and provided that no part of such **parking space** or area is located further than 150.0 metres from the **lot** on which the **building** or **structure** requiring the parking is located. The above exception shall not apply in the case of **parking spaces** required for a residential **use** in a Residential **Zone**.

Parking areas in the Central Commercial **Zone** shall be located in the **interior side yard** or **rear yard**. Where a required **parking space** abuts a public street, a **planting strip** with a minimum width of 1.5 metres shall be provided between the **parking space** and street.

Notwithstanding any other provision of this By-law to the contrary, uncovered surface **parking spaces** shall be permitted in any required **yard** in the R1, R2, R3, and R4 **zones** and within 1.5 metres of a **lot line** in any other **zones** provided the **parking spaces** and **parking areas** are not located in the daylight or **sight triangle** or within any required **planting strip**.

50. That Section 5.21.5 of By-law No. Z1-1997 is hereby amended by amending the second paragraph that starts with “**Tandem Parking** shall be permitted...” and ends with “...and for **bed and breakfast establishments.**” to read as follows:

Tandem Parking shall be permitted for **Accessory Apartments**, for a **single-detached dwelling**, for one unit of a **semi-detached dwelling**, street front townhouse dwelling, and for **bed and breakfast establishments.**

51. That Section 5.21 of By-law No. Z1-1997 is hereby amended by adding the following sections:

5.21.15 Landscaping and Buffers in Parking Areas

Where a **lot line** is shared between a lot in a Commercial, Institutional, Agricultural, or Industrial **Zone** and a lot in a Residential **Zone**, a minimum three (3) metre wide **planting strip** shall be provided along the full length of any Parking Area abutting the shared **lot line** on the **lot** in the Commercial, Institutional, Agricultural, or Industrial Zone.

Where a surface **parking area** in any zone contains 50 or more **parking spaces**, a minimum of 15% of the **parking area** must be provided as **landscaped open space.**

52. That Subsection 5.23(a)(i) of By-law No. Z1-1997 is hereby amended to read as follows:

(i) **Recreational Vehicle**

53. That Subsection 5.23(a)(ii) is hereby of By-law No. Z1-1997 is hereby deleted.

54. That Section 5.23(b) of By-law No. Z1-1997 is hereby amended to read as follows:

(b) the location of recreational **vehicles** shall be regulated as follows:

i. recreational **vehicles** may only be located within a **carport**, a garage or within a **driveway** or **parking area** but outside of any **daylight triangle** or **sight triangle**;

ii. recreational **vehicles** shall not occupy a required **parking space**;

iii. recreational **vehicles** shall be located a minimum of one (1) metre away from a **front lot line**, **side lot line** and **rear lot line.**

55. That Section 5.24.3 of By-law No. Z1-1997 is hereby amended by amending the text “Air conditioning/ventilation devices shall be permitted:...” to read as “Air conditioning/ventilation devices and generators shall be permitted:...”

56. That Section 5.26(a)(ii) of By-law No. Z1-1997 is hereby amended to read as follows:

(ii) a **trailer** camp as defined in Section 164(4) of the Municipal Act, S.O. 2001, as amended from time to time;

57. That Section 5.28 of By-law No. Z1-1997 is hereby amended to read as follows:

Notwithstanding anything contained in this By-law, the following shall apply in respect to **buildings** erected in proximity to railways:

(a) The minimum distance from the principle main line railway right-of-way and the nearest wall of a **dwelling unit** shall be 30 metres.

- (b) An earthen **berm** designed with a slope of 2.5 to 1 and minimum height of 2.5 metres shall be erected where any residential, commercial, institutional, or open space **use** abuts a principle main line.
- (c) A chain link security **fence** with a minimum height of 1.83 metres shall be designed and maintained by the property owner at the mutual property line with any right-of-way of a secondary main line railway.
- (d) Safety **structures** and noise/vibration attenuation measures such as earthen **berms**, fencing, and sound walls can be erected within the required setback.

58. That Section 5.31 of By-law No. Z1-1997 is hereby amended to read as follows:

- (a) no **building** or **structure** shall be permitted within a Conservation Authority regulated area except as specifically permitted by the Conservation Authority.
- (b) no **building** or **structure** shall be permitted within 10 metres of the **top-of-bank** of an open municipal drain;
- (c) no **building** or **structure** shall be permitted within 5.0 metres of the vertical projections of the edges of an enclosed municipal drain; and,
- (d) no **building** or **structure** shall be permitted within 15 metres of an open **watercourse**.

59. That Section 5 of By-law No. Z1-1997 is hereby amended by adding the following sections:

5.38 Schools Permitted in Residential Zones within Settlement Area

Notwithstanding any provision to the contrary, an elementary or secondary **school** of a district **school** board including any **accessory uses** to such **schools**, such as the **use** of a **child care centre** located in the **school**, is permitted on any **parcel of urban residential land**.

5.39 Group Homes

A group home shall be permitted in any **dwelling unit** in accordance with the following provisions:

- (a) Parking shall be provided in accordance with Section 5.21 **Parking Area** and Space Requirements.
- (b) The group home shall comprise the sole **use** of the **dwelling unit**.
- (c) Group homes shall be in accordance with all other provisions of By-law No. Z1-1997, including the provisions of the applicable **Zone**.

5.40 Agriculture-Related Uses

Agriculture-related uses may only be permitted in accordance with the following:

- (a) The **lot** fronts on an existing street or has access to a street by means of a right-of-way existing on the date of enactment of this By-law;
- (b) Adequate servicing including water, wastewater and stormwater shall be available;
- (c) The minimum **lot area** shall be 1.0 hectares;

- (d) The **use** and the associated required parking shall not exceed a maximum area of 0.4 hectares for the **use** and associated parking;
- (e) Ancillary retail/commercial sales and services activities shall be limited to the lesser of 100 m² or a maximum of 20% of the **gross floor area** of the **building** in which the **agriculture-related use** is located;
- (f) The **use** shall comply with the parking requirements of Part 5 of the Town's Zoning By-law; and
- (g) Site Plan Control shall apply to the **development** of all agricultural-related **uses**.

5.41 On-Farm Diversified Uses

Where permitted by this by-law, **on-farm diversified uses** shall be in accordance with the following provisions:

- (a) An **on-farm diversified use** must be located on the same **lot** and secondary to an **agricultural use**;
- (b) An **on-farm diversified use** must be compatible with and not hinder surrounding agricultural operations or constrain future agricultural activities on adjacent lands, including through impacts related to noise, odour, dust, traffic, or lighting in compliance with the *Farming and Food Production Protection Act, 1998*;
- (c) The area of operation for a non-farm diversified use shall not exceed a combined total of 1.0 hectares or 2% of the **lot area** on which the **use** proposed, whichever is lesser, including **buildings**, **parking areas**, landscaped areas, **berms**, well and septic systems;
- (d) The **gross floor area** of **buildings** used for **on-farm diversified uses** shall be limited to 20% of the total area for the proposed **on-farm diversified use**;
- (e) The total enclosed floor area of a **building** or **structure** devoted to retail sales shall not exceed 50% of the floor area of all **buildings** and **structures** used in conjunction with the **on-farm diversified use**;
- (f) **On-farm diversified uses** shall be subject to the Minimum Distance Separation (MDS) I Formulae where an **on-farm diversified use** includes an **agri-tourism use**, **on-farm shop** or **café**;
- (g) Required servicing for the proposed **on-farm diversified use** shall be provided on the same **lot**, to the satisfaction of the Town; and
- (h) Site Plan Control shall apply to the **development** of all **on-farm diversified uses**.

5.42 Minimum Distance Separation (MDS) Formula

- (a) Notwithstanding any other **yard** or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or **recreational use**, located on a separate **lot** and permitted within a **zone**, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) setback from a **livestock** facility, calculated using the Formulas published by the Ontario Ministry of Agricultural, Food and Agribusiness (OMAFRA), as may be amended from time to time.

- (b) Notwithstanding any other **yard** or setback provisions of this By-law no new or expanded **livestock** facilities, manure storage facilities and anaerobic digesters shall be erected or altered unless it complies with the Minimum Distance Separation II (MDS II) calculated using the Formulas published by OMAFA, as may be amended from time to time.
- (c) An existing dwelling on a separate **lot**, destroyed by a catastrophic event, may be replaced by a new dwelling provided that the new dwelling is sited no closer to the **lot** on which the **livestock** facility is located than the previously existing dwelling.
- (d) Notwithstanding the MDS I requirements, where new **development** on a vacant **lot of record** is unable to comply with the MDS I requirements, a dwelling may be permitted on the **lot** provided the dwelling is located on the **lot** the furthest distance reasonably feasible from the impacted **livestock** facilities
- (e) A new **livestock** facility may replace a former **livestock** facility destroyed by a catastrophic event, provided that the new **livestock** facility does not result in increases in the values of the MDS Formulae, compared to what existed at the **livestock** facility prior to the catastrophic event, such that there is no switch to a **livestock** type with a higher odour potential, there is no increase in the number of nutrient units housed and there is no switch to a manure system type with a higher odour potential.
- (f) For the purposes of this By-law and application of MDS II, existing **cemeteries** which are closed or inactive and receive low levels of visitation shall be treated as Type A land **uses**.

5.43 Cellars

Where a **cellar** is constructed, it shall:

- (a) be included in the calculation of **lot coverage**; and
- (b) comply with all minimum **yard** and setback requirements applicable to the **lot**.

5.44 Automobile Repair Establishment

Where an **Automobile Repair Establishment** is permitted by this By-law, the removal and reuse of automobile parts shall be subject to the following criteria:

- (a) the removal and reuse of automobile parts shall only occur as an **Accessory Use** to the **Automobile Repair Establishment**;
- (b) there shall be a maximum of one (1) car per week and at a time on a lift where working parts are removed;
- (c) following the removal of working parts, the automobile shall immediately removed from the site and taken to a **Salvage Yard** or **Wrecking Yard**, where such **use** is permitted; and
- (d) a salvage or **wrecking yard** is not permitted in conjunction with the **Automobile Repair Establishment**.

5.45 Uses Permitted in All Zones

Notwithstanding any provision of this By-law, any **lot** may be used or **developed** and any **building** or **structure** may be erected, altered, enlarged, renovated, maintained, or used in any zone for the following purposes:

- (a) Remote work
- (b) **Private home daycare as an accessory use to a permitted single-detached dwelling unit, semi-detached dwelling unit, or row or townhouse – street dwelling unit.**

60. That Section 6.1 of By-law No. Z1-1997 is hereby amended to read as follows:

- (a) **Agricultural Uses**
 - I. **agricultural uses;** and
 - II. **commercial greenhouse.**
- (b) **Residential Uses**
 - I. **a bed and breakfast establishment** within an existing **single-detached dwelling;**
 - II. **a home occupation** within an existing single detached dwelling; and
 - III. **an existing single detached dwelling.**
- (c) **Agriculture-Related Use**
 - I. **farm equipment repair shop;**
 - II. **winery;**
 - III. **agricultural research and training facility;** and
 - IV. **farm stand.**
- (d) **On-Farm Diversified Use**
 - I. **agri-tourism use;**
 - II. **agricultural animal clinic;**
 - III. **on-farm shop** or **café;**
 - IV. **value added agricultural use;** and
 - V. **agricultural products processing establishment.**
- (e) **Accessory uses building, and structures.**

61. That Section 8.1 of By-law No. Z1-1997 is hereby deleted and replaced with the following:

8.1 Permitted Uses, Buildings, and Structures

Uses permitted in a Residential **Zone** are denoted by the symbol '✓' in the column applicable to the **Zone** and corresponding with the row for a specific permitted **use** in Table 8A. A number(s) following the symbol '✓' or identified permitted **use** indicates that one or more special provisions apply, which are listed below **Table 8A**.

Table 8A Residential Zones – Permitted Uses								
Use	R1	R2	R3	R4	R5	R6	R7	R8
Apartment dwellings					✓		✓	
Bed and breakfast establishment	✓	✓	✓	✓				
One boarding or lodging house dwelling on one lot				✓ (5)	✓ (5)			
Continuum-of-care facility						✓		
One duplex dwelling on one lot			✓	✓				
One fourplex dwelling on one lot				✓				
Home for the aged dwellings						✓		
Home occupation	✓	✓	✓ (1)	✓ (1)				✓
Nursing home dwellings						✓		
Row or townhouse dwellings					✓			
One semi-detached dwelling on one lot			✓	✓				
One dwelling unit of a semi-detached dwelling on one lot			✓	✓				
Senior citizen dwellings						✓		
One single detached dwelling on one lot	✓	✓	✓	✓				✓
One triplex dwelling on one lot				✓				
Public park	✓	✓	✓	✓	✓	✓	✓	✓
Accessory uses, buildings and structures	✓	✓	✓	✓	✓	✓	✓	✓
School	✓	✓	✓	✓	✓	✓	✓	✓

Table 8A Residential Zones – Permitted Uses								
Use	R1	R2	R3	R4	R5	R6	R7	R8
Row or Townhouse – Stacked Dwelling							✓	
Row or Townhouse – Back-to-Back Dwelling on one lot							✓	
One dwelling unit of a – Back-to-Back Dwelling on one lot							✓	

Table 8A Additional Regulations:

- (1) Only permitted in a single detached dwelling or **semi-detached dwelling unit**
- (2) **Converted dwelling** can contain not more than two **dwelling units**
- (3) **Converted dwelling** can contain not more than four **dwelling units**
- (4) **Converted dwelling** can contain between five and seven **dwelling units**
- (5) **Boarding or lodging house dwelling** can contain accommodation for not more than four tenants

62. That Section 8.2, Table 8B of By-law No. Z1-1997 is hereby deleted and replaced with the following:

Table 8B Residential Zone Standards – R1, R2, R6 and R8				
Standard	R1	R2	R6 (5)(6)	R8
Lot Area, Minimum (m²) (Interior lot)	900.0	666.0	(4)	200
Lot Area, Minimum (m²) (Corner lot)	1,102.5	795.5	(4)	250
Lot Frontage, Minimum (m) (Interior lot)	22.0	18.0	20.0	9
Lot Frontage, Minimum (m) (Corner lot)	24.5	21.5	20.0	11.5
Lot Depth, Minimum (m)	45.0	37.0	37.0	20
Front Yard, Minimum (m)	7.5	6.0	7.5	3.5
Interior Side Yard, Minimum (m)	(1)	(2)(3)	6.0	1.2
Exterior Side Yard, Minimum (m)	7.5	6.0	7.5	3.5
Rear Yard, Minimum (m)	7.5	7.0	10.5	6
Building Height, Maximum (m)	10.5	10.5	13.5	10.5
Number of Storeys, Maximum	N/A	N/A	3	2

Table 8B Residential Zone Standards – R1, R2, R6 and R8				
Standard	R1	R2	R6 (5)(6)	R8
Lot Coverage , Maximum (%)	40.0	40.0	35.0	45.0
Gross Floor Area , Minimum (m ²)	125.0	100.0	N/A	N/A
Landscaped Open Space , Minimum (%)	25.0	25.0	30.0	25

63. That Section 8.2, Table 8B Additional Regulations, Subsection (7) of By-law No. Z1-1997 is hereby deleted.

64. That Section 8.2, Table 8F of By-law No. Z1-1997 is hereby amended by amending row **Standard** and row **Lot Area**, Minimum to read as follows:

Table 8F Residential Zone Standards – R5					
Standard	Apartment Dwellings (3)(4)(5)(18)	Converted Dwellings (3)(4)(8)	Row or Townhouse Dwellings (3)(4)(11)	One Dwelling Unit of a Row or Townhouse Dwelling on One Lot (4)	One Dwelling Unit of a Row or Townhouse Dwelling on One Lot (4)
Lot Area , Minimum (m ²)	111 per unit	(6)	250 per unit	(12)	666.0

65. That Section 8.2, Table 8F Additional Regulations, Subsections (1) and (9) of By-law No. Z1-1997 are hereby deleted.

66. That Subsection (18) is hereby added to By-law No. Z1-1997, under Table 8F Additional Regulations to read as follows:

(18) The minimum common amenity area per dwelling unit is one (1) square metre.

67. That Section 8.2 of By-law No. Z1-1997 is hereby amended by adding “Table 8G Residential **Zone** Standards – R7” and “Table 8G Additional Regulations” following Section Table 8F Additional Regulations to read as follows:

Table 8G Residential Zone Standards – R7			
Standard	Apartment Dwellings (1)(2)(3)(5)	Row or Townhouse – Stacked Dwelling (1)(2)(4)	Row or Townhouse – Back-to-Back Dwelling (1)(2)(4)
Lot Area, Minimum (m ²)	111 per unit	111 per unit	111 per unit
Lot Frontage, Minimum (m)	30	30	30
Front Yard Minimum (m)	6	4.5	4.5
Interior Side Yard, Minimum (m)	3	3	3
Exterior Side Yard, Minimum (m)	7.5	7.5	6
Rear Yard, Minimum (m)	7.5	6	6
Building Height, Minimum (m)	10.5	N/A	N/A
Building Height, Maximum (m)	20	12	12
Number of Storeys, Maximum	6	N/A	N/A
Lot Coverage, Maximum (%)	35	40	40
Landscaped Open Space, Minimum (%)	25	25	25

(1) A **planting strip** shall be required in accordance with the provisions of Section 5.25 where an interior side or **rear lot line** of a **lot** being developed abuts a **lot** that is:

- (a) in a Residential **Zone** or a Residential (-H) **Zone**;
- (b) used for residential purposes; or
- (c) used for a non-residential purpose and on which no **planting strip** exists adjacent to the mutual **lot line**.

(2) No ingress or egress **driveway** shall be located closer than 1.5 metres to any side or **rear lot line**.

(3) More than one (1) **apartment dwelling** may be erected on a **lot** provided that the following provisions are met:

- (a) The minimum **lot area** requirement shall be calculated on the basis of the provisions of Section 8.2, Table 8G above.
- (b) The minimum **lot frontage** requirement shall be 30.5 metres.
- (c) The front, side, and **rear yard** requirements as set out in Section 8.2, Table 8G above shall be applied.
- (d) Notwithstanding the provisions of Clause (c) above, where internal vehicular access to a **lot** being developed or used for an **apartment dwelling development**

is provided through an **interior side yard**, that **side yard** shall have a minimum width of 7.5 metres.

- (e) Setbacks between **buildings** within an **apartment dwelling** project shall be as follows:
- I. the minimum distance between two exterior walls of different **buildings** facing each other, neither of which is an end wall, where either or both of the exterior walls contain a living room window, shall be 21.0 metres.
 - II. the minimum distance between two exterior walls of different **buildings** facing each other, neither of which is an end wall, where either or both of the exterior walls contain windows to **habitable rooms** other than living room windows, shall be 15.0 metres.
 - III. the minimum distance between an exterior wall containing a living room window in one **building** and the end wall of another **building**, which end wall contains no windows to **habitable rooms**, shall be 10.5 metres.
 - IV. the minimum distance between an exterior wall containing a window to a **habitable room**, other than a living room window, and the end wall of another **building** containing no windows to **habitable rooms** shall be 7.5 metres.
 - V. the minimum distance between two end walls of different **buildings**, where neither end wall contains windows to **habitable rooms**, shall be 4.5 metres.

(4) More than one Row or Townhouse – Back-to-Back Dwelling or more than one Row or Townhouse – Stacked Dwellings or a combination of said dwelling types may be erected on a **lot** provided that the following provisions are met:

- (a) The minimum **lot area** requirement shall be calculated on the basis of the provisions of Section 8.2, Table 8F above.
- (b) The front, side, and **rear yard** requirements as set out in Section 8.2, Table 8G above shall apply to the **development** as a whole.
- (c) Notwithstanding the provisions of Clause (c) above, where internal vehicular access to a **lot** being developed or used for a row or townhouse **development** is provided through an **interior side yard**, that **side yard** shall have a minimum width of 7.5 metres.
- (d) Separation distances between **buildings** shall be according to all applicable requirements of the Ontario **Building Code**, as amended.

(5) The minimum common amenity area per dwelling unit is one (1) square metre.

68. That Section 9.1 of By-law No. Z1-1997 is hereby deleted and replaced with the following:

9.1 Permitted Uses, Buildings, and Structures

Uses permitted in a Commercial **Zone** are denoted by the symbol '✓' in the column applicable to the **Zone** and corresponding with the row for a specific permitted **use** in Tables 9A and 9B. A number(s) following the symbol '✓' or identified permitted **use** indicates that one or more special provisions apply, which are listed below Table 9A and 9B.

Table 9A Commercial Zones C1, C2 and C4 – Permitted Uses			
Use	C1	C2	C4
Adult Day Service Facility	✓		
Assembly hall	✓		
Antique store	✓		
Artisan's establishment	✓		✓
Automotive gas bar	✓(1)	✓	
Automobile parts supply store	✓		
Bakery	✓		✓
Bank or a financial institution	✓		✓
Barber shop or a hairdresser shop	✓		✓
Beer parlour or a cocktail bar or a tavern	✓		✓
Bed and Breakfast Establishment	✓(3)		
Transit station			✓
Business or professional office	✓		✓
Place of Worship	✓		✓
Convenience or variety store	✓	✓	
Convenience business services establishment	✓		
Clinic, medical	✓		✓
Club, private	✓		✓
Club, commercial	✓		✓
Commercial use, excluding adult entertainment parlours, billiards parlours and video arcades	✓		
Community centre or a banquet hall or a dance hall or an auditorium	✓		✓
Child Care Centre	✓		
Department store	✓		
Dressmaking or tailor shop	✓		✓
Dry cleaning outlet	✓		✓
Laundry Plant	✓		✓

Table 9A Commercial Zones C1, C2 and C4 – Permitted Uses			
Use	C1	C2	C4
Dwelling units (only permitted in the upper portion or upper floor levels of a commercial building)	✓(2)		✓(2)
Eating establishment, restaurant	✓	✓	✓
Eating establishment, take-out	✓		✓
Emergency Service Facility	✓		✓
Florist shop	✓		
Funeral home	✓		
Government administrative office	✓		✓
Home decorating store	✓		
Home improvement store	✓		
Hospital	✓		
Hotel	✓		✓
Laundromat	✓		
Library	✓		
Liquor, beer or wine store	✓		
Office	✓		
Office, business	✓		
Office, medical/dental	✓		
Office, support	✓		
Parking lot			✓
Parking lot, commercial	✓		
Personal service shop	✓	✓	
Pet Hotel	✓		
Pet shop	✓		
Pharmacy	✓		
Place of entertainment	✓		
Postal outlet	✓		
Public library	✓		✓
Public park	✓		✓
Commercial Recreational Use	✓		✓

Table 9A Commercial Zones C1, C2 and C4 – Permitted Uses			
Use	C1	C2	C4
Rental shop	✓		
Repair shop	✓		
Retail store	✓		✓
Service commercial centre	✓		
School, commercial	✓		
Shopping centre	✓		
Shopping plaza	✓		
Supermarket	✓		
Studio	✓		
Taxi stand and office	✓		
Theatre	✓		✓
Accessory uses, buildings and structures	✓	✓	✓

Table 9A Additional Regulations:

(1) Existing only.

(2) **Dwelling Unit Gross Floor Area, Minimum**

- (a) Bachelor unit 40.5 square metres
- (b) 1 bedroom unit 54.0 square metres
- (c) 2 bedroom unit 72.0 square metres
- (d) 3 bedroom unit 90.0 square metres
- (e) Additional bedrooms beyond 3 9.0 square metres per bedroom

(3) Only permitted within an existing **single-detached dwelling**.

Table 9B Commercial Zone C3 – Permitted Uses			
	Uses are permitted subject to minimum Commercial Zone Standards identified in columns of Table 9D Commercial Zone Standards – C3 as follows:		
Use	Column A	Column B	Column C
Assembly Hall	✓		
Auction Establishment	✓		
Automotive gas bar	✓		

Table 9B Commercial Zone C3 – Permitted Uses			
	Uses are permitted subject to minimum Commercial Zone Standards identified in columns of Table 9D Commercial Zone Standards – C3 as follows:		
Use	Column A	Column B	Column C
Automobile parts supply store	✓		
Automobile rental establishment	✓		
Automobile repair establishment	✓(1)	✓	
Automobile sales and service establishment			✓
Automobile service station		✓	
Automobile washing establishment		✓	
Building supply outlet	✓		
Transit Station	✓		
Convenience or variety store	✓		
Convenience business services establishment	✓		
Clinic, animal	✓		
Department store (3)			✓
Eating establishment, restaurant	✓		
Eating establishment, take-out	✓		
Factory Outlet (3)			✓
Farm implement sales and service			✓
Funeral home	✓		
Fuel pump island		✓	
Golf course, miniature	✓		
Greenhouse, commercial	✓		
Home decorating store			✓
Home improvement store			✓
Hotel or motel	✓		
Landscaping business and/or garden centre	✓		
Lumber Yard			✓

Table 9B Commercial Zone C3 – Permitted Uses			
	Uses are permitted subject to minimum Commercial Zone Standards identified in columns of Table 9D Commercial Zone Standards – C3 as follows:		
Use	Column A	Column B	Column C
Liquor, beer or wine store	✓		
Office, business	✓		
Office, medical/dental			✓
Parking lot, commercial	✓		
Pet Hotel	✓		
Place of entertainment			✓
Recreational commercial use	✓		
Rental shop	✓		
Repair shop	✓		
Self-storage establishment	✓		
Service commercial centre	✓		
Supermarket			✓
Taxi stand and office	✓		
Tire sales establishment	✓		
Accessory uses, buildings and structures	✓ (2)	✓(2)	✓(2)

Table 9B Additional Regulations:

(1) Excluding body and fender **repair shops**

(2) **Accessory uses, buildings and structures** are permitted in accordance with the standards for **accessory uses, buildings and structures** applicable to the Table 9D column for the main use.

(3) Maximum **Gross Floor Area** for use shall be limited to 1,000 m².

69. That Subsection 9.6.1.1(b)(iv) is hereby amended to read as follows:

(iv) **emergency service facility**

70. That Subsection 9.6.2.1(b)(xvii) and (xviii) of By-law No. Z1-1997 is hereby amended to read as follows:

(xvii) **artisan's establishment**

(xviii) **emergency service facility**

71. That Subsection 9.6.3.9(b)(ii) and of By-law No. Z1-1997 is hereby amended to read as follows:

- (ii) **emergency service facility**

72. That Section 9.6.3 of By-law No. Z1-1997 is hereby amended by adding the following special provision:

9.6.3.## C3-##

- (a) In addition to the permitted **uses** identified in Section 9.1, Table 9B, **Dwelling Units** shall be permitted above the first floor of a **building** containing a permitted **use** within the **C3 Zone**.
- (b) Notwithstanding the Maximum **Building Height** requirements of Section 9.2, Table 9D, the maximum **building height** on lands zoned C3-## shall be the lesser of 4 **storeys** and 15 metres.

73. That Subsection 9.6.3.6 (d) of By-law No. Z1-1997 is hereby amended by amending “grocery store” to read as “**supermarket.**”

74. That Subsection 9.6.3.7 (b) (i) of By-law No. Z1-1997 is hereby amended by amending “grocery store” to read as “**supermarket.**”

75. That Subsection 9.6.3.7 (c) (vi)(A) of By-law No. Z1-1997 is hereby amended by amending “Grocery Store” to read as “**Supermarket.**”

76. That Subsection 10.1 (l) and (s) of By-law No. Z1-1997 are hereby deleted.

77. That Subsections 10.1 (i.1),(l), (s.1) and (z) of By-law No. Z1-1997 are hereby amended to read as follows:

- (i.1) convenience **business** services establishment
- (s.1) **Office**, Support
- (z) **accessory uses, buildings, and structures**, including accessory **office uses, restaurants, and retail store**, but excluding any accessory residential **uses**.

78. That Section 10.1 of By-law No. Z1-1997 is hereby amended by adding the following subsections:

- (aa) **Business or Professional Office**
- (bb) **Commercial Recreational Use**
- (cc) Conference or **Banquet Facility**
- (dd) **Hotel**
- (ee) **Manufacturing and Assembly Industry**
- (ff) **Place of Entertainment**
- (gg) **Production Studio**
- (hh) **Service Trade**
- (ii) **Transportation Terminal**

79. That Section 10.2.14 of By-law No. Z1-1997 is hereby amended to read as follows:

10.2.14 Outdoor Storage

The outdoor storage of goods or materials is prohibited.

80. That Section 10.4.3.(b) is amended by to read as follows:

Notwithstanding the provisions of Section 10.1 of this By-law to the contrary, the only **uses** permitted within the "M1-3" **zone** as shown on Schedule "A" to this By-law shall be:

an **assembly hall**; an **auction establishment**, excluding a **livestock auction facility**; an **automobile washing establishment**; a **communications facility**; a **contractor's yard** or shop; an **equipment sales and rental business**; a **farm implement sales and service establishment**; a furniture refinishing, woodworking, and/or upholstery shop; a laboratory or **research facility**; a **laundromat**; a **laundry plant**; a **machine shop**; a **self-storage establishment**; a **parking area**; a **recycling depot**; a **rental shop**; a **repair shop**; a **wholesale establishment**; a **warehouse**; **accessory uses, buildings, and structures**, including accessory **office uses** and retail outlets but excluding any accessory residential **uses**.

81. That Section 11.1 of By-law No. Z1-1997 is hereby amended by adding the following subsections:

(ii) **Service Trade**

82. That Subsections 11.1 (w.1) and (hh) of By-law No. Z1-1997 are hereby amended to read as follows:

(w.1) **Office, Support**

(hh) **accessory uses, buildings, and structures**, including accessory **office uses, restaurants, and retail store**, but excluding any accessory residential **uses**.

83. That Subsections 11.1 (g), (j), (n), (p),(w) and (bb) of By-law No. Z1-1997 are hereby deleted.

84. That Subsection 12.1 (b) of By-law No. Z1-1997 is hereby amended to read as follows:

(b) **Batching Plant, Asphalt or Cement**

85. That Subsection 12.1 (c) of By-law No. Z1-1997 is hereby deleted.

86. That Section 12.1 of By-law No. Z1-1997 is hereby amended by adding the following subsections:

(d.3) **Office, Support**

(f.2) **Park, Public**

87. That Subsections 13.1 (a), (a.1), (a.2), C1) and (C.2) are hereby deleted.

88. That Section 14.1 of By-law No. Z1-1997 is hereby deleted and replaced with the following:

(a) **adult day service facility**

- (b) a **cemetery**;
- (c) a club, private;
- (d) a recreation or **community centre**;
- child care centre**(f) a **dog park**;
- (g) **emergency service facility**
- (h) a **government administrative office**;
- (i) a **hiking trail**;
- (j) a **hospital**;
- (k) a **museum**;
- (m) a **passive recreational use**;
- (n) a **place of worship**
- (o) a **public library**;
- (p) a **public park**;
- (q) a **public works garage**;
- (r) **recreational use**
- (s) a **school**;
- (t) an **institutional use**;
- (u) **accessory uses, buildings, and structures**.

89. That Subsection 14.4.5 (b) of By-law No. Z1-1997 is hereby amended by amending “day nursery, **nursery school**” to read as “**child care centre**.”

90. That Subsections 15.1 (b.2), (d), (e), and (f) are hereby deleted.

91. That Section 15.1 of By-law No. Z1-1997 is hereby amended by adding the following subsection:

- (a.2) existing residential **use**
- (c.1) **recreational use**

92. That Section 16.1 of By-law No. Z1-1997 is hereby amended by adding the following subsection:

- (f.1) **passive recreational use**

93. That Section 16.3 of By-law No. Z1-1997 is hereby deleted.

94. That the title of Section 17 of By-law No. Z1-1997 is hereby amended to read as “Section 17 – **Special Policy Area** Constraint Overlay (SPA).”

95. That Section 17.2 of By-law No. Z1-1997 is hereby amended to read as follows:

The erection of a **building** or **structure** will not be allowed unless the written approval of the Conservation Authority has been obtained.

96. That the introductory paragraph in Section 18.1 of By-law No. Z1-1997 is hereby amended to read as follows:

The "Conservation Authority Regulation Limit Overlay" applies to the "flood plain" (which includes **floodway** and the **flood fringe**), natural slopes (e.g. fill lines), steep slopes, unstable soils (muck), and wetlands (for their flood control). The "Conservation Authority Regulation Limit Overlay" boundaries are intended to be coincident with the boundaries of the "Natural Hazard Constraint Area" designation as shown on Schedule "C" to the Town of St. Marys Official Plan and demonstrate the extent of the Conservation Authority Regulation Limit. The provisions of the "Conservation Authority Regulation Limit Overlay" as established by this By-law are to be applied in conjunction with the **zone** provisions for the "underlying" **zones** as established by this By-law.

97. That Section 18.2 of By-law No. Z1-1997 is hereby amended to read as follows:

The erection of a **building** or **structure** will not be allowed unless the written approval of the Conservation Authority has been obtained.

98. That the title of Section 20 of By-law No. Z1-1997 is hereby amended to read as "Section 20 **Development** (D) and Residential **Development** (RD) **Zones**."

99. That Section 20.3.2 of By-law No. Z1-1997 is hereby deleted in its entirety.

100. That Section 21 is hereby added to By-law No. Z1-1997 to read as follows:

Section 21 – NATURAL HERITAGE (NH) ZONE

No **person** shall within any NH **zone** **use** any land or erect, alter, or **use** any **building** or **structure** for any purpose except in accordance with the following provisions:

21.1 Permitted Uses, Buildings and Structures:

- (a) **buildings** and **structures** necessary for flood or erosion control work;
- (b) **passive recreational uses**; and
- (c) existing **buildings** at the date of the passing of this by-law

21.2 Requirements for Permitted Uses

The addition and/or modification of an existing **building** or **structure** is not allowed without planning approvals.

101. That Section 22 is hereby added to By-law No. Z1-1997 to read as follows:

Section 22 – SOURCE WATER PROTECTION OVERLAYS

22.1 Use Prohibitions within Vulnerable Areas – WHPA-A Overlay

Notwithstanding the land **uses** permitted by the underlying **zone** category in this By-law, the following **uses** are prohibited in vulnerable areas identified as WHPA-A Overlay in Schedule ## to this By-law:

- (a) Disposal of Hauled Sewage to Land;
- (b) Storage, Treatment and Discharge of Tailings from Mines;
- (c) Waste Disposal Sites;

- (d) Application of Processed Organic Waste to Land;
- (e) Storage of Processed Organic Waste or Waste Biomass;
- (f) Storm Water Management Facilities and Drainage Systems
- (g) Wastewater Collection Facilities and Associated Parts
- (h) On-site Sewage Works
- (i) Septic Systems
- (j) Industrial Effluent Discharge
- (k) Application of Agricultural Source Material (ASM) to Land
- (l) Application of Non-Agricultural Source Material (NASM) to Land
- (m) Non-Agricultural Source Material (NASM) Storage
- (n) Application of Commercial Fertilizer
- (o) Commercial Fertilizer Storage
- (p) Application of Pesticides to Land
- (q) Pesticide Storage (greater than 2500 kg)
- (r) Road Salt Storage At Aggregate Operations
- (s) Handling and Storage of Road Salt (Exposed to Precipitation or Runoff)
- (t) Storage of Snow at a Snow Disposal Facilities
- (u) Handling and Storage of Fuel in Wellhead Protection Areas and Intake Protection **Zones**
- (v) Handling and Storage of Dense Non-Aqueous Phase Liquids (DNAPLs)
- (w) Handling and Storage of Organic Solvents
- (x) Agricultural Source Material (ASM) Generation Through **Livestock** Grazing or Pasturing Land, an Outdoor Confinement Area or a Farm Animal **Yard**

22.2 Use Prohibitions within Vulnerable Areas – WHPA-B Overlay

Notwithstanding the land **uses** permitted by the underlying **zone** category in this By-law, the following **uses** are prohibited in vulnerable areas identified on Schedule ## to this By-law:

- (a) All **uses** as outlined in section 22.1, except for the application of commercial fertilizer and the application of agricultural source materials (ASMs).

22.3 Septic Systems within vulnerable areas

Notwithstanding any other provision of this By-law to the contrary, the following shall apply to WHPAs A & B as identified on schedule ##:

- (a) Any **use, building or structure** that requires a new septic system to be located within a WHPA A or B shall be prohibited;
- (b) shall not apply to new septic systems required for a municipal water supply well.

102. The Zoning By-law shall be renumbered and all internal references revised as necessary to maintain the correct numbering, sequence, and cross-references resulting from the enactment of this By-law.
103. All other provisions of By-law No. Z1-1997, as amended, shall apply.
104. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act, as amended, and to Regulations thereunder.
105. When no notice of appeal is filed pursuant to the provisions of the Planning Act, this By-law shall be deemed to have come into force on the day it was passed.

Read a first, second and third time this ##th day of ####, 2026.

Mayor Al Stratheedee

Jenna McCartney, Clerk

By signing this by-law on Month Day, 2026, Mayor Al Stratheedee will not exercise the power to veto this By-law.