

TOWNSHIP OF DALTON

BY-LAW 10-77

OFFICE CONSOLIDATION

This is an Office Consolidation of By-law 10-77, as amended, of the Corporation of the Township of Dalton. This document has been prepared for the purposes of convenience only. Accordingly, for accurate reference recourse should always be had to the original By-law and the individual amendments. Please consult the By-law History for a list of amendments and their effects.

THE CORPORATION OF THE  
TOWNSHIP OF DALTON  
BY-LAW 10-77

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THE CORPORATION OF THE TOWNSHIP  
OF DALTON

BY-LAW NUMBER 10-77

A ZONING BY-LAW

A By-Law to regulate the use of land, the erection of buildings or structures, the type of construction, the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures in the Township of Dalton.

WHEREAS it is considered desirable to control the use of land, the erection and use of buildings or structures in defined areas of the Township of Dalton in accordance with Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF DALTON ENACTS THE FOLLOWING BY-LAW:

SECTION 1

1.1 TITLE AND AREA RESTRICTED

1.1.1 This By-Law shall be known as the "Zoning By-Law" of the Township of Dalton.

1.1.2 Schedules 'A', 'B', 'C' and 'D' attached hereto, with the notations, zone boundaries, symbols and references shown thereon, illustrate the area to which this By-Law applies and are hereby declared to be part of this By-Law. The lands affected by this By-Law may hereinafter be referred to as the 'area zoned'.

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

1.2 ZONES AND ZONING MAPS

1.2.1 ZONES

For the purpose of this By-Law, the following zones shall be and the same are established within the defined area:

RR1	Rural Residential Type One Zone
RR2	Rural Residential Type Two Zone
RR3	Rural Residential Type Three Zone
LSR	Limited Service Residential
EP	Environmental Protection Zone
CF	Community Facility Zone
RG	Rural General Zone
C2	Highway Commercial Zone
C3	Commercial Recreation Zone
M2	General Industrial Zone
M3	Industrial Extractive Zone
M4	Industrial Disposal Zone

1.2.2 ZONING MAPS

The extent and boundaries of the said zones are shown on Schedules 'A', 'B', 'C' and 'D' attached hereto and may be cited as the 'Zoning Map' and is declared hereby to form part of this By-Law. Such Zones may be referred to by the appropriate symbols.

1.2.3 Where the zone symbol designating certain lands as shown on Schedules 'A', 'B', 'C' and 'D' is followed by a dash and a number, for example (RG-1), then special provisions or limitations apply to such lands. The special provisions

will be found by reference to that section of the By-Law which deals with the particular Zone. Lands designated in this manner shall be subject to all of the restrictions of the zone in addition to or except as otherwise provided by the special provisions.

SECTION 2

LIMITED SERVICE RESIDENTIAL (LSR) ZONE

2.1 LSR USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building, structure or land in a Limited Service Residential Zone, except for one of the following uses:

- a. Vacation Dwelling or Single Detached Dwelling

2.2 LSR ZONE PROVISIONS

In a Limited Service Residential (LSR) Zone, no persons shall hereafter erect or use any building except in conformity with the following requirements:

	Municipal Water Supply Provided	Individual Water Supply & Sewage Disposal
a. Minimum Lot Area	1670 sq.m	2000 sq.m
b. Minimum Lot Frontage		
i. No Shore Lot Line	24 m	30 m
ii. With Shore Lot Line	36 m	36 m
c. Minimum Front Yard	7.5 m	7.5 m
d. Minimum Side Yard	3 m	3 m
e. Minimum Rear Yard	7.5 m	7.5 m
f. Minimum Flankage Yard	7.5 m	7.5 m
g. Minimum Water Setback	30 m	30 m
h. Maximum Lot Coverage	30 %	30 %
i. Maximum Height	11 m	11 m
j. Minimum Dwelling Unit Floor Area	56 sq.m	56 sq.m
k. Maximum Number of Dwelling Units Per Lot	1	1

2.3 LSR EXCEPTION ZONES

2.3.1 LSR Exception One (LSR-1) Zone

- a. Notwithstanding the permitted uses stated in Section 2.1, on land zoned LSR-1, the only permitted uses shall be 'vacation dwelling'. All the zone requirements of the LSR Zone shall continue to apply.

2.3.2 LSR Exception Two (LSR-2) Zone

- a. Notwithstanding Section 2.1 on land zoned LSR-2, the only permitted use shall be a vacation dwelling.
- b. Notwithstanding Section 2.2, article a. and the definition of lot area, land zoned LSR-2 shall be subject to the following zone provision:
  - i. minimum lot area shall be the total horizontal area of the lot within the LSR-2 Zone boundary
- c. Notwithstanding Section 14.1, article i. a private cabin shall be a permitted accessory use.
- d. Where the zone designation on Schedule 'D' is followed by the holding symbol "(H)", the use of the lands so zoned shall be limited to existing uses, agriculture, conservation or forestry uses all uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the lot may be used in accordance with the applicable zone provisions. (B/L 3-94Z)

2.3.3 LSR Exception Three (LSR-3) Zone

- a. Notwithstanding Section 2.1 on land zoned LSR-3, the only permitted use shall be a vacation dwelling.
- b. Notwithstanding Section 2.2 articles a. and g. and subsection 14.23, land zoned LSR-3 shall be subject to the following zone provisions:
  - i. minimum lot area shall be the total horizontal area of the lot within the LSR-3 Zone boundary.
  - ii. Minimum water setback of 20 metres.  
(Note: words "from the east shoreline." deleted by By-Law 5-97Z).
- c. Where the zone designation on Schedule 'D' is followed by the holding symbol "(H)", the use of the lands so zoned shall be limited to existing uses, agriculture, conservation or forestry uses all uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By-law, the lot may be used in accordance with the applicable zone provisions. (B/L 3-94Z)
- d. Notwithstanding subsection 14.1 b. and the minimum lot area requirement of subsection 14.1 i., a private cabin is permitted on land zoned 'LSR-3' subject to the minimum water setback. (B/L 5-97Z)

SECTION 3

RURAL RESIDENTIAL TYPE ONE (RR1) ZONE

3.1 RR1 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Rural Residential Type One (RR1) Zone, except for one or more of the following uses:

- a. Single Detached Dwelling
- b. Home Occupation

3.2 RR1 ZONE REQUIREMENTS

In a Rural Residential Type One (RR1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum Lot Area 0.4 ha
- b. Minimum Lot Frontage 45 m
- c. Minimum Front Yard 7.5 m
- d. Minimum Side Yard 3 m
- e. Minimum Rear Yard 7.5 m
- f. Minimum Flankage Yard 7.5 m
- g. Minimum Water Setback 30 m
- h. Maximum Lot Coverage 30 %
- i. Maximum Height 11 m
- j. Minimum Dwelling Unit  
Floor Area 56 sq. m
- k. Maximum Number of  
Dwelling Units Per Lot 1

3.3 RR1 EXCEPTION ZONES

3.3.1 Rural Residential Type One Exception One (RR1-1) Zone

- a. Notwithstanding subsection 3.1 land zoned RR1-1 may also be used for a group home.

3.3.2 Rural Residential Type One Exception Two (RR1-2) Zone  
(Reserved D06-26-033)- Refused

3.3.3 Rural Residential Type One Exception Three (RR1-3) Zone

- a. Notwithstanding subsection 3.1, on land zoned RR1-3 the existing barn is a permitted accessory structure, exclusive of livestock use.

(B/L 2012-116)



SECTION 4

RURAL RESIDENTIAL TYPE TWO (RR2) ZONE

4.1 RR2 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Rural Residential Type Two (RR2) Zone, except for one or more of the following uses:

- a. Single Detached Dwelling
- b. Home Occupation

4.2 RR2 ZONE REQUIREMENTS

In a Rural Residential Type Two (RR2) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

	<u>Municipal Water Supply Provided</u>	<u>Individual Water Supply &amp; Sewage Disposal</u>
a. Minimum Lot Area	1670 sq. m	2000 sq. m
b. Minimum Lot Frontage		
i. No Shore Lot Line	24 m	30 m
ii. With Shore Lot Line	36 m	36 m
c. Minimum Front Yard	7.5 m	7.5 m
d. Minimum Side Yard	3 m	3 m
e. Minimum Rear Yard	7.5 m	7.5 m
f. Minimum Flankage Yard	7.5 m	7.5 m
g. Minimum Water Setback	30 m	30 m
h. Maximum Lot Coverage	30 %	30 %
i. Maximum Height	11 m	11 m
j. Minimum Dwelling Unit Floor Area	56 sq. m	56 sq. m
k. Maximum Number of Dwelling Units Per Lot	1	1

4.3 RR2 EXCEPTION ZONES

"Reserved"

SECTION 5

RURAL RESIDENTIAL TYPE THREE (RR3) ZONE

5.1 RR3 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building, structure in a Rural Residential Type Three (RR3) Zone, except for one of the following uses:

- a. Vacation Dwelling or Single Detached Dwelling

5.2 RR3 ZONE REQUIREMENTS

In a Rural Residential Type Three (RR3) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

	<u>Municipal Water Supply Provided</u>	<u>Individual Water Supply &amp; Sewage Disposal</u>
a. Minimum Lot Area	1670 sq. m	2000 sq. m
b. Minimum Lot Frontage		
i. No Shore Lot Line	24 m	30 m
ii. With Shore Lot Line	36 m	36 m
c. Minimum Front Yard	.5 m	7.5 m
d. Minimum Side Yard	3 m	3 m
e. Minimum Rear Yard	7.5 m	7.5 m
f. Minimum Flankage Yard	7.5 m	7.5 m
g. Minimum Water Setback	30 m	30 m
h. Maximum Lot Coverage	30 %	30 %
i. Maximum Height	11 m	11 m
j. Minimum Dwelling Unit Floor Area	56 sq. m	56 sq. m
k. Maximum Number of Dwelling Units Per Lot	1	1

5.3 RR3 EXCEPTION ZONES

5.3.1 Rural Residential Type Three Exception One (RR3-1) Zone

- a. In addition to the requirements of subsection 5.2 on land zoned RR3-1, the minimum exterior opening elevation for any habitable building or structure shall be 229.0 metres (G.S.C.).

5.3.2 RURAL RESIDENTIAL TYPE THREE EXCEPTION TWO (RR3-2) ZONE

(By-law 2000-22Z) **DELETED - Temporary Use expired June 26, 2005.**

SECTION 6

ENVIRONMENTAL PROTECTION (EP) ZONE

6.1 EP USES PERMITTED

No person shall hereafter change the use or use land in an Environmental Protection (EP) zone, except for one or more of the following uses:

- a. Forestry activities exclusive of buildings or structures
- b. Erosion and flood control buildings or structures
- c. Public or Private Parks exclusive of buildings or structures
- d. Agricultural uses exclusive of buildings or structures.

6.2 EP ZONE PROVISIONS

- a. In an Environmental Protection (EP) Zone, no person shall hereafter erect or use any building or structure, except for a boat dock or buildings and structures required for flood or erosion control.

6.3 EP EXCEPTION ZONES

"Reserved"

SECTION 7

COMMUNITY FACILITY SPECIAL USE (CF) ZONE

7.1 CF USES PERMITTED

No person shall hereafter change the use of any building, structure or land, or erect or use any building or structure in a Community Facility Special use (CF) zone, except for one or more of the following uses:

- a. Any use permitted in an Environmental Protection (EP) zone including buildings
- b. Cemeteries
- c. Community Centres
- d. Government Buildings
- e. Library
- f. Museum
- g. Non-Commercial Schools-Public  
-Separate
- h. Charitable Service Club or Organization
- i. Place of Worship

7.2 CF ZONE REQUIREMENTS

In a Community Facility Special Use (CF) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum Lot Frontage 45 m
- b. Minimum Lot Area 0.4 ha
- c. Minimum Front Yard 15 m
- d. Minimum Side Yard 6 m
- e. Minimum Rear Yard 6 m
- f. Maximum Height of Structures 11 m
- g. Maximum Lot Coverage 30%

7.3 CF EXCEPTION ZONES

"Reserved"

SECTION 8

RURAL GENERAL (RG) ZONE

8.1 RG USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Rural General (RG) Zone, except for one or more of the following uses:

- a. Agricultural or Forestry uses
- b. Agricultural produce storage facilities, riding and/or boarding stables
- c. Cemeteries
- d. Market Garden farms
- e. Nurseries or Commercial Greenhouses.
- f. Seasonal fruit, vegetable, flower or farm produce sales outlet
- g. Farm Implement Dealer
- h. Single Detached Dwelling
- i. Uses, buildings and structures accessory to the foregoing uses.
- j. Home Occupation
- k. Second Single Detached Dwelling is subject to Section 14.29 in the General Provisions. B/L 2007-289
- l. Seasonal Farm Residential Use is Subject to Section 14.30 in the General Provisions. B/L 2007-289
- m. Cannabis Production and Processing Facilities subject to Section 14.32 of General Provisions B/L2021-057

8.2 RG ZONE REQUIREMENTS

In a Rural General (RG) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum Lot Area 36 ha
- b. Minimum Lot Frontage 225 m
- c. Minimum Front Yard 30 m
- d. Minimum Side Yard 9 m
- e. Minimum Rear Yard 23 m
- f. Notwithstanding the above, the dwelling unit shall be subject to the setback requirements of the RR1 zone.
- g. Maximum Number of Dwelling Units per Lot 1
- h. Where a lot is created by consent such lot shall only be used in accordance with subsections 3.1 and 3.2 of this By-law but shall not exceed a lot area of 1.0 hectare.
- i. Where an existing lot having less lot area or frontage than required is located in any agricultural zone, subsection 14.4 shall not apply to permit the establishment of an agricultural use, on a lot having an area of less than 5000 square metres.
- j. Where a lot is created by consent in an agricultural zone, the retained lot shall be deemed to be an existing non-complying lot and the provisions of subsections 8.2 i. and 14.4 shall apply to such lot.

8.3 RG EXCEPTION ZONES

8.3.1 Rural General Exception One (RG-1) Zone

- a. Notwithstanding subsection 8.1, land zoned RG-1 shall only be used for a single detached dwelling, which complies with the RR1 Zone provisions, and the keeping of a maximum of 3 horses.
- b. Notwithstanding subsection 8.2, articles a., b. and i., land zoned RG-1 shall be subject to the following zone provisions:
  - i. Minimum lot area 1.8 ha
  - ii. Minimum lot frontage 165 m
  - iii. The provisions of subsection 8.2, articles c., d. and e. shall apply to any accessory building used to house horses.

8.3.2 Rural General Exception Two (RG-2) Zone

- a. Notwithstanding subsection 8.1, land zoned RG-2 may also be used for a kennel.

8.3.3 Rural General Exception Three (RG-3)

- a. Notwithstanding Section 8.1, land zoned RG-3 shall only be used for the following uses:
  - i. Private boat docking;
  - ii. Private boat launching; and
  - iii. Private parking lot.
- b. Notwithstanding Section 14.1, accessory structures located on land zoned RG-3 shall not be erected within 3 metres of the boundary of the RG-3 Zone.
- c. Notwithstanding subsection 14.1, article e., a boat house shall have a minimum water setback of 30 metres. (B/L 3-94Z)

8.3.4 Rural General Exception Four (RG-4) Zone

- a. Notwithstanding Section 8.1, land zoned RG-4 shall only be used for Agricultural uses exclusive of buildings or structures. (B/L 3-94Z)

8.3.5 Rural General Exception Five (RG-5) Zone

- b. Notwithstanding Section 8.1, land zoned RG-5 shall only be used for Agricultural uses and buildings or structures accessory to such uses.
- c. Notwithstanding Section 14.1, accessory structures located on land zoned RG-5 shall not be erected within 3 metres of the boundary of the RG-5 zone. (B/L 3-94Z)

8.3.6 Rural General Exception Six (RG-6) Zone

- a. Notwithstanding subsection 8.2, article a., land zoned RG-6 shall have a minimum lot area of 29 ha. (B/L 2004-95)

8.3.7 Rural General Exception Seven (RG-7) Zone

- b. Notwithstanding subsection 8.2, article a., land zoned RG-7 shall have a minimum lot area of 13 ha. (B/L 2004-95)

8.3.8 Rural General Exception Eight (RG-8) Zone

- a. Notwithstanding subsection 8.1, land zoned RG-8 may also be used for a single detached dwelling used by multiple families.
- b. Notwithstanding 8.2b), land zoned RG-8 shall have a minimum frontage of 0.m and a dwelling may be constructed on land that fronts onto a private road.
- c. Notwithstanding subsection 8.2, land zoned RG-8 shall have a maximum of 18 bedrooms, and a maximum gross floor area of 864 sq.m. (B/L 2011-025)

SECTION 9

HIGHWAY COMMERCIAL (C2) ZONE

9.1 C2 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Highway Commercial (C2) Zone, except for one or more of the following uses:

- a. Animal Hospitals or veterinary establishments
- b. Automobile Sales Establishments
- c. Automobile repair garage and service stations
- d. Hotels, motels or Motor Hotels
- e. Indoor Recreational establishments including premises used for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema
- f. Restaurants, including drive-in
- g. Retail Sales and service of the following:
  - i. Electrical appliances and motors
  - ii. Art and craft objects and antiques
  - iii. Automobile, boat, camper and marina accessories including the sale of trailers and motorized snow vehicles
  - iv. Broadloom and draperies
  - v. Equipment and machinery for farming, business professionals, hospitals, schools and educational institutions
  - vi. Furniture, lamps and mirrors
  - vii. Garden and nursery supplies
  - viii. Sporting Goods
  - ix. Retail lumber and home improvement supplies
  - x. Tourist information centre
  - xi. Convenience store
  - xiii. A dwelling unit in conformity with the setback and yard requirements of the RR2 Zone.

9.2 C2 ZONE REQUIREMENTS

In a Highway Commercial (C2) zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot frontage 45 m
- b. Minimum lot area 0.4 ha
- c. Minimum yards
  - front yard 6 m
  - side yard 3 m
  - rear yard 6 m
- d. Maximum height 11 m
- e. Minimum flankage yard 6 m
- f. Maximum lot coverage 30 %
- g. Maximum number of premises per lot 2



- h. Maximum number of dwelling units per lot 1
- i. No portion of any pump island or pump island canopy on a service station lot shall be located closer than six (6) metres from any street line or daylighting triangle.

9.3 C2 EXCEPTION ZONES

"Reserved"

SECTION 10

COMMERCIAL RECREATION (C3) ZONE

10.1 C3 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Commercial recreation (C3) Zone, except for one or more of the following uses:

- a. Marina
- b. Boat and Marine Motor Sales and Service
- c. Restaurant
- d. Motorized Snow vehicle sales and service
- e. Boat rentals
- f. Hotel
- g. Motel
- h. Cottage establishment
- i. Lodge
- j. Dwelling Unit provided that the setback and yard requirements of the RR2 zone are met
- k. Ancillary retail

10.2 C3 ZONE REQUIREMENTS

In a Commercial Recreation (C3) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- |  |        |
|--|--------|
| a. Minimum Lot Area  | 0.8 ha |
| b. Minimum Lot Frontage  | 60 m   |
| c. Minimum Front Yard  | 23 m   |
| d. Minimum Rear Yard   | 7.5 m  |
| e. Minimum Side Yard   | 6 m    |
| f. Minimum Water Setback   | 30 m   |
| g. Maximum Lot Coverage  | 30 %   |
| h. Maximum Height  | 11 m   |
| i. Maximum Number of Premises Per Lot  | 2      |
| j. Maximum Number of Dwelling Units Per Lot  | 1      |
| k. Notwithstanding the above, dockage and boat storage uses in conjunction with a tourist establishment or a marina may be located closer to the normal high water mark provided that adequate waste disposal and water supply systems are provided. |        |

10.3 C3 EXCEPTION ZONES

10.3.1 Commercial Recreation Exception One (C3-1) Zone

- a. Notwithstanding Section 10.1, land zoned C3-1 shall only be used for a trailer camp containing a maximum of 59 camp lots and one single detached dwelling unit.

- b. Notwithstanding Section 10.2, land zoned C3-1 shall be subject to the following zone requirements:
- |       |  |           |
|-------|--|-----------|
| i.    | Camp lot area (minimum)  | 220 sq. m |
| ii.   | Camp lot frontage (minimum)  | 12 m      |
| iii.  | Water setback (minimum)  | 30 m      |
| iv.   | Front yard (minimum)   | 15 m      |
| v.    | Side yard (minimum)  | 30 m      |
| vi.   | Distance between trailers (minimum)  |           |
|       | - parked end to end  | 3 m       |
|       | - parked side to side or end   | 6 m       |
| vii.  | Distance between trailers and trailer camp accessory buildings (minimum)                             | 4.5 m     |
| viii. | Trailers or tents per camp lot (maximum)   | 1         |
| ix.   | All required yards shall be left in a wooded condition.  |           |
| x.    | The permitted single detached dwelling unit shall comply with the zone requirements of the RR2 Zone. |           |

SECTION 11

GENERAL INDUSTRIAL (M2) ZONE

11.1 M2 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a General Industrial (M2) Zone, except for one or more of the following uses:

- a. Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building and is not considered obnoxious or hazardous by reason of sound, odour, inflammability, dust, fumes, or smoke and which shall not be detrimental in appearance or effect to surrounding uses.
- b. Boat and marine supply, storage, repair, and sales establishments.
- c. Building supply and equipment depots and sales
- d. Bulk fuel storage establishments
- e. Commercial undertakings incidental to manufacturing, contractor or tradesmen shops
- f. Farm implement dealers
- g. Farm produce storage areas
- h. Feed mills and associated sales
- i. Fertilizer mixing plants
- j. Food processing plants
- k. Garages and/or body shop
- l. Machine or welding shop
- m. Seed cleaning plants
- n. Open storage of goods and materials in rear yards only
- o. Truck and bus storage areas or terminals
- p. Warehouses
- q. Machinery storage
- r. Cannabis Production and Processing Facilities subject to Section 14.32 of General Provisions B/L2021-057

11.2 M2 ZONE REQUIREMENTS

In a General Industrial (M2) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum Lot Area 45 m
- c. Minimum Front Yard 6 m
- d. Minimum Rear Yard 12 m
- e. Minimum Side Yard 6 m
- f. Maximum Lot Coverage 50 %
- g. Maximum Height 11 m
- h. Where (M2) General Industrial uses abut, the minimum side yard requirement will be reduced to 3 metres.

11.3 M2 EXCEPTION ZONES

"Reserved"

SECTION 12

INDUSTRIAL EXTRACTIVE (M3) ZONE

12.1 M3 USES PERMITTED

No person shall hereafter change the use of any building structure or land or erect or use any building or structure in an Industrial Extractive (M3) Zone, except for the following use:

- a. Pit

12.2 M3 ZONE REQUIREMENTS

In an Industrial Extractive (M3) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum Lot Area 10 ha
- b. Minimum Lot Frontage 180 m
- c. Minimum Front Yard 30 m
- d. Minimum Side Yard 15 m
- e. Minimum Rear Yard 15 m
- f. Minimum Flankage Yard 30 m
- g. No building, plant or product stockpile shall be located within:
  - i. 30 metres of the lot line of the property; or
  - ii. 90 metres of the lot line of any abutting lot which existed when the By-law was passed or is created by the County of Victoria Land Division Committee and is under 7,500 square metres within the RG Zone and restricted to a residential use.

12.3 M3 EXCEPTION ZONES

12.3.1 Industrial Extractive Exception One (M3-1) Zone

- a. Notwithstanding subsection 12.1 land zoned M3-1 may also be used for a quarry.

SECTION 13

INDUSTRIAL DISPOSAL (M4) ZONE

13.1 M4 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Industrial Disposal (M4) Zone, except for one or more of the following uses:

- a. A scrap yard
- b. A Sanitary Landfill Site
- c. A Waste Disposal Area

13.2 M4 ZONE REQUIREMENTS

In an Industrial Disposal (M4) Zone, no person shall hereafter erect or use a building or establish a use except in conformity with the following requirements:

- a. Minimum Lot Area 1.2 ha
- b. Minimum Lot Frontage 60 m
- c. Minimum Front Yard 30 m
- d. Minimum Side Yard 30 m
- e. Minimum Rear Yard 30 m
- f. Minimum Flankage Yard 30 m
- g. Any person who establishes any use permitted in this zone shall provide visual screening around the perimeter of the land being used for such purpose.

13.3 M4 EXCEPTION ZONES

"Reserved"

SECTION 14

GENERAL PROVISIONS

14.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

a. Permitted Uses

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

- i. any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as in this By-law is specifically permitted, or,
- ii. any building used for human habitation, except as in this By-law is specifically permitted.

b. Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building.

Where the rear lot line is a shore lot line, subsection 14.23, article a. shall apply.

c. Lot coverage and Height

- i) The total lot coverage of all accessory buildings shall not exceed eight (8) per cent of the lot area.
- ii) The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof. (B/L 2002-139)

d. Accessory Structures

Notwithstanding the yard and setback provisions of this By-law, drop awnings, flag poles, garden trellises, retaining walls, fences, signs or similar uses, may be permitted in any required yard or in the area between the street line and the required setback provided they comply with all other provisions of this By-law.

- e. Boat House, Pump House  
Notwithstanding any other provisions of this By-law a boat house or pump house may be erected and used in a yard fronting on a waterway provided said pump house has a minimum water setback of four and one half (4.5) metres, except that a dock or boathouse may be permitted within the water setback provided that the approval of any other governmental authority having jurisdiction within this area has been obtained.
- f. Mutual Structures  
Notwithstanding any other provisions of this By-law a mutual private garage or a mutual boathouse may be erected on the common lot line between two lots.
- g. Fire Escapes  
Notwithstanding the yard and setback provisions of this By-law, unenclosed fire escapes, may project into any required setback a maximum distance of one (1) metre.
- h. Rear Yard with Lane Access  
Where a single detached private garage is erected in a rear yard with direct access from a lane, the structure shall not be located closer than two and one half (2.5) metres to the rear lot line.
- i. Cabins  
One private cabin, having a maximum floor area of twenty eight (28) square metres, may be permitted as an accessory use to a permitted dwelling unit on a lot which has a minimum lot area of 2.0 hectares and conforms to the requirements of this By-law for lot frontage.

14.2 CONSTRUCTION USES

A building, structure, trailer, truck camper, mobile camper trailer, tourist trailer or motorized mobile home incidental to construction on the lot where such building, structure, truck camper, mobile camper trailer, tourist trailer or motorized mobile home is situated, is permitted in all zones, but only for as long as it is necessary for the work in progress and until the work is completed, or abandoned for three (3) or more months.

14.3 DAYLIGHT TRIANGLE

Notwithstanding any other provisions of the By-Law in a Residential, Commercial or Industrial zone, on a corner lot, a fence, hedge, shrub, bush or tree or any other structure, vegetation or grade shall not be permitted to exceed a height greater than seventy five (75) centimetres above finished grade of the streets that abut the lot within the triangular area included within the street lines for a distance of six (6)



metres from their point of intersection. No sign shall be permitted within or to overhang the required daylight triangle.

14.4 EXEMPTION FOR LOT FRONTAGE AND AREA REQUIREMENTS

Where a lot has less lot area and or lot frontage than required herein at the date of passing of this By-law or where such lot is created as a result of expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that said lot has a minimum lot area of nine hundred and thirty (930) square metres, that all other requirements of this By-law are complied with, and that a certificate of approval has been obtained from the District Health Unit and/or Ministry of Environment.

14.5 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard, setback and landscaping provisions of this By-Law, where a permitted building or structure is to be erected on a lot in a built-up area, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line, or the high water mark, than required by this By-Law provided such permitted building or structure is not erected closer to the street line or the high water mark, as the case may be, than the established building line on the date of the passing of this By-Law.

14.6 EXTERNAL DESIGN

- a. The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within the Corporation:
- i. tar paper or building paper
  - ii. asphalt fibre board

14.7 FENCES

No persons shall construct a fence in any zone other than an Industrial or Agricultural Zone exceeding a height of two (2) metres.

14.8 FRONTAGE ON PUBLIC STREET

Except as provided for in this section, no persons shall erect any building or structure in any zone, unless the lot upon which such building or structure is to be erected has a lot line which abuts an improved public street, where access can be obtained off such street.

Notwithstanding the above, any lot which is in existence on or prior to the date of passing of this By-law or is an island lot or is in a LSR or LSR exception zone, shall be exempt from this provision. Further any lot within a registered plan of subdivision within the meaning of the Planning Act, R.S.O.

1990, Chapter P.13 in which the road is to be assumed by the Municipality as stated within a subdivision agreement shall be exempt from this provision.

14.9 PITS AND QUARRIES

No pit or quarry shall be established or made in any area of the corporation except in a zone where a pit or quarry is included under the heading "Uses Permitted" in this By-Law. Where this By-Law states that no land shall be used for any purpose other than planting grass, shrubs, seeded berms, trees or similar vegetation, this shall also mean that no pit or quarry shall be established in those areas. Notwithstanding any other provisions of this By-law, a wayside pit or quarry shall be considered to be a permitted use except in a residential zone. No wayside pit or quarry shall be established within ninety (90) metres of a dwelling unit.

14.10 GREATER RESTRICTIONS

This By-Law shall not reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

14.11 HEIGHT EXCEPTIONS

Notwithstanding the height provisions herein contained, nothing in this By-Law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the main use is a use permitted within the zone in which it is located; a barn, a church spire, a belfry, a flag pole, a clocktower, a chimney, a water tank, a windmill, a radio or television tower or antenna, an air conditioner duct, a grain elevator, a silo or corn crib.

14.12 ILLUMINATION

Lighting fixtures, which are not public uses and which are designed for exterior illumination, shall be installed with the light directed downward and deflected away from adjacent lots and streets. Such lighting fixtures shall not be more than nine (9) metres above finished grade and no closer than four and one half (4.5) metres to any street line.

14.13 ISLAND LOTS

Where a lot is located on an island, said lot will be exempt from the provisions of subsection 14.8 frontage on public street.

14.14 NON-CONFORMING USE AND NON-COMPLYING PROVISIONS

a. Non-conforming Uses

No person shall use any land or erect or use any building or structure except for those uses permitted in the zone in

which such land, building or structure is or is to be located. Uses existing prior to the date of passing of this By-law which were in conformity with and not forbidden by an existing By-law in force at the date of passage of this By-law may continue as an existing, legal, non-conforming use.

A non-conforming use shall not be enlarged, extended, reconstructed or otherwise structurally altered unless such building or structure is thereafter to be used for a purpose permitted within such zone, and complies with all requirements for such zone.

b. Non-complying Uses

A non-complying use, building or structure may be enlarged or extended provided that the extension or enlargement complies with the requirements of this By-law.

c. Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure, except such minor changes as may be expressly required for the restoration of the building or structure to a safe condition.

d. Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the date of passing of this By-law been approved by the By-Law Enforcement Officer, as long as the building or structure when erected is used and continues to be used for the purpose for which it was approved and provided the erection of such building or structure is commenced within six (6) months after the date of the passing of this By-law and such building or structure is completed within one (1) year after the erection thereof is commenced.

e. Discontinued Use

Any non-conforming use of land, building or structure which is discontinued or not used for an interval of more than nine (9) months shall not be resumed nor shall such non-conforming use be changed to any other non-conforming use.

f. Damaged Buildings

Nothing in this By-law shall prevent the rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to the date of passing of this By-law, provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not altered, and such rebuilding or repair is conducted within two (2) years.

14.15 PARKING OF COMMERCIAL MOTOR VEHICLES

No persons shall in any residential zone use any lot for the parking or storage of more than one (1) commercial motor vehicle and/or trailer or recreational vehicle with a registered gross weight in excess of five (5) tonnes.

14.16 PARKING REQUIREMENTS

a. Off-street Parking

For every building or structure to be erected, off-street parking having unobstructed access to a public street shall be provided and maintained in conformity with the following ratios:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Commercial, Uses	1 per 30 sq. m of gross floor area
Hotel, Motel, Tourist Establishment	1 per guest room plus additional spaces as required for eating areas, liquor licenced premises, banquet rooms and similar uses, but excluding lobbies, hallways and similar areas.
Industrial and Warehouse	For the first 2800 sq. m of the premises, 1 per 40 sq. m of gross floor area or portion thereof; for the second 2800 sq. m of the premises, 1 per 100 sq. m of gross floor area or portion thereof.
Laundry and Dry Cleaners	1 per cleaning unit Coin Operated
Liquor Licenced Premises	1 per 4 persons accommodated plus 1 per 2 employees.
Medical Clinic	1 per 30 sq. m of gross floor area or portion

thereof.

Museums and Libraries	1 per 65 sq. m of gross floor area, minimum 5
Office, Business Professional or Government	1 per 30 sq. m of gross floor area or portion thereof
Place of Assembly	1 per 6 fixed seats or 1 per 7.5 sq. m of gross floor area, whichever is greater.
Residential	1 per dwelling unit
Restaurant	1 per 5 sq. m of floor area devoted to patron use
Schools - Nursery, Elementary or Separate	1.5 per teaching classroom or equivalent
Service Shop	1 per 15 sq. m of gross floor area.
Any Other Use	1 per 100 sq. m of gross floor area.

b. Standards for Parking Lots

The following development standards shall apply to all parking lots required under this By-Law:

- i. the parking lot shall have visible boundaries and shall be suitably drained;
- ii. except as provided elsewhere in this By-Law, the parking lot shall be located on the same lot as the use for which it is intended to serve;
- iii. when a building or structure has insufficient parking on the date of passing of this By-Law to conform to the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, however, any addition shall provide the necessary parking required under this By-law;
- iv. no driveway shall be located closer than 15 metres from the limits of the right-of-way at a street intersection;
- v. where a building or structure accommodates more than one type of use, the parking requirements shall be the sum of the requirement of the separate uses;
- vi. if the use of a lot is for a place of assembly, the parking lot may be located on a separate lot not more than 150 metres from the location it is intended to serve.

14.17 MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions of this By-Law relating to each use shall be complied with.

14.18 MULTIPLE ZONES ON A LOT

- a. Where a lot which existed at the date of passing of this By-law is located within two or more zones, the provisions of the applicable zone, save and except lot area and lot frontage, shall apply to each portion of such lot provided the lot as a whole has a minimum frontage of 15 metres. In such instances, the zone boundary shall be considered a lot line for the purposes of interpreting and applying the "zone" and "general" provisions of this By-law.
- b. Notwithstanding article 14.18 a., no lot shall be created within any zone unless the lot created and the remnant lot comply with the minimum lot area and lot frontage requirements of the applicable zone.

14.19 OBNOXIOUS USES

No use shall be permitted which, from its nature or the materials used therein, is declared to be an offensive trade, business or manufacturing concern under the Health Protection and Promotion Act, R.S.O. 1990, Chapter H.10 or regulations thereunder.

14.20 PUBLIC USES PERMITTED

- a. The provisions of this By-Law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality or the County, any telephone or telegraph company or gas company, and Department of the Government of Ontario or Canada, including Ontario Hydro, provided that where such building or structure is located in a Residential Zone:
  - i. No goods, material, or equipment shall be stored in the open.
  - ii. The lot coverage and yard requirements prescribed for the Residential Zone shall be complied with, and
  - iii. Any building erected under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in such zone.
- b. Streets and Installations on Streets

Nothing in this By-Law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply and/or communication line, provided that the location of such installation has been approved by the corporation.

14.21 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land or building is used or erect any new building or addition to any existing building if the effect of such action is to cause the original adjoining or remaining buildings to be in contravention of this By-Law.

14.22 RELOCATED BUILDINGS

In all zones, no buildings, residential or otherwise, shall be moved within the area covered by this By-Law or shall be moved into the limits of the area covered by this By-Law without a permit from the By-Law Enforcement Officer.

14.23 WATER SETBACK REQUIREMENT

a. The minimum water setback which shall apply to all zones shall be 30 metres from the normal high water mark. This setback shall supersede all other setback requirements except those specified for boathouses or pumphouses.

14.24 SPECIAL REAR AND SIDE YARD SETBACK REQUIREMENT

Notwithstanding any other provisions of this By-Law no dwelling shall be located within 400 metres of a waste disposal site or sanitary land fill site.

14.25 SPECIAL USES PERMITTED

Nothing in this By-Law shall prevent the use of land or the use or erection of building or structure for a scaffold or other temporary building or structure including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of sixty (60) days.

14.26 THROUGH LOTS

Where a lot other than a corner lot has frontage on more than one (1) street, the front yard setback and other requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located. In the case of a Through Lot having boundaries dividing the lot from the streets of equal length, accessory buildings may be located in one or the other yard adjoining a street, but no closer to the street line than the minimum front yard requirement.

14.27 HOME OCCUPATION

The following requirements shall apply to any zone wherein a home

occupation is permitted:

- a. The home occupation shall be clearly secondary to the main use of the lot and shall not change the residential character of a dwelling unit or the lot upon which it is located. For the purposes of this article illuminated signs or signs greater than one square metre in area shall be deemed a change in the residential character of a dwelling unit or lot.
- b. The home occupation shall not create or become a public nuisance due to noise, dust, traffic or parking;
- c. The home occupation shall not interfere with television or radio reception of adjacent uses;
- d. The home occupation shall not occupy more than 25 percent of the gross floor area of the dwelling unit whether or not such home occupation is located within the dwelling or within an accessory structure;
- e. Parking shall be provided in accordance with subsection 14.16 of this By-law;
- f. There shall be no outside storage of goods or merchandise associated with the home occupation.

14.28 PUBLIC ACQUISITION

Any land acquired by the Municipality, County, Public Authority or Province which results in a legally conveyable lot becoming non-complying or further reducing an existing non-complying legally conveyable lot, then the lot shall be deemed to be an existing legal non-complying lot.

14.29 SECOND SINGLE DETACHED DWELLINGS

In the Rural General (RG) Zone, a second single detached dwelling shall be permitted subject to the following:

- a) The property on which the second single detached dwelling use is located has to be classed as a farm by MPAC, and shall be on a lot of at least 20 hectares.
- b) A maximum of one second single detached dwelling per lot.
- c) A covenant be registered on title that residence will be used for full-time farm help only.  
B/L 2008-279



14.30 SEASONAL FARM RESIDENTIAL USE

In the Rural General (RG) Zone, a seasonal farm residential use shall be permitted subject to the following:

- a) The property on which the seasonal farm residential use is located has to be classed as a farm by MPAC and be on a lot of at least 20 hectares.
- b) The seasonal farm residential uses cannot exceed 250 square metres in area and may be contained in more than one building.
- c) A covenant be registered on title that the residence will be used only for seasonal residential use.
- d) That the seasonal farm residential use shall not exceed eight months per seasonal worker in each calendar year.  
B/L 2007-289

14.31 ADDITIONAL RESIDENTIAL DWELLING UNITS

Notwithstanding the permitted uses, maximum densities and minimum gross floor areas listed elsewhere in this By-law, additional residential dwelling units are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the following provisions:

- i. A maximum of two (2) additional residential dwelling units, one (1) within the same building as the primary residential dwelling unit and one (1) within an accessory building or structure to the primary residential dwelling unit.
- ii. Notwithstanding subsection 14.30, a lot may have an additional residential dwelling unit in addition to a garden suite, approved through a Temporary Use By-law, or a second single detached dwelling in accordance with subsection 14.29.
- iii. Unless otherwise stated, all zone provisions continue to apply to an additional residential dwelling unit.
- iv. An additional residential dwelling unit located in an accessory building or structure shall be in accordance with the provisions in subsection 14.1. An accessory building or structure containing an accessory residential dwelling unit located on an upper storey shall have a maximum height of 10 m and minimum yard setback of 1.2 m.
- v. A lot has frontage on an improved public street, maintained year round.
- vi. A minimum lot area of 0.4 ha (4000 sq. m.) on private services.

- vii. The floor area of the additional residential dwelling unit is equal to, or less than, the gross floor area, excluding attached garage floor area of the primary residential dwelling unit without any modification to the building's bulk or massing.
- viii. At a minimum, on-site parking shall be provided in accordance with the requirements for the primary residential dwelling unit. Where there is a home occupation in an additional residential dwelling unit, parking shall be in accordance with subsection 14.16.
- ix. An additional residential dwelling unit shall be accessed from the street via a walkway or driveway.
- x. An additional residential dwelling unit or part thereof shall not be within the EP Zone, floodplain or water setback.
- xi. Compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and provincial standards.
- xii. Registration of the additional residential dwelling unit in accordance with the City's Additional Residential Unit Registration By-law.

#### 14.32 CANNABIS PRODUCTION AND PROCESSING FACILITIES

- i. Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.
- ii. The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.
- iii. Notwithstanding ii):
  - i. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.

- ii. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.

## SECTION 15

### DEFINITIONS

In this By-Law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.

ACCESSORY BUILDING OR STRUCTURE in conjunction with 'Dwelling Unit, Additional Residential' means a use, building or structure that may be used for human habitation and is customarily incidental, subordinate and exclusively devoted to the principal use or main building, and located on the same lot therein.

AERODROME means any area of land, water (including the frozen surface thereof) or other supporting surface used or intended to be used, either in whole or in part, for the arrival and departure, movement, servicing, parking or storing of aircraft and the receiving and discharging of passengers or cargo including any buildings, installations and equipment in connection therewith.

AGRICULTURAL USE means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production and processing facilities.

AGRICULTURAL USE, SPECIALIZED means land on which the predominant use is for buildings for the intensive raising or keeping of chickens, turkeys or other fowl, rabbits or other fur bearing animals, a broiler plant, the growing of mushrooms, the keeping of animals for medical purposes or the intensive feeding of hogs, sheep, goats, horses or cattle in a confined area and does not include cannabis production and processing facilities.

AIR FILTRATION CONTROL shall mean the functional use of industrial grade multi-stage carbon filtration systems or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a

facility and size accordingly in comparison to the facility it serves as designed by a qualified person.

ALTER when used in reference to a building, structure or part thereof, means:

- a. to change any one or more of the internal or external dimensions of such building or structure;
- b. to change the use of such building or structure; and
- c. to change the number of uses or dwelling units contained therein.

ALTER when used in reference to a lot shall mean:

- a. to change any dimension or area, relating to such lot, which is required within this By-law including lot coverage, setbacks, parking and landscaping;
- b. to change the use of such lots; and
- c. to change the number of uses located thereon.

ANIMAL HOSPITAL means the premises where animals, birds or other livestock are treated and kept.

ATTACHED means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

ATTIC means the portion of a building situated wholly or in part within the roof but shall not include a storey or a half storey.

AUTOMOBILE SERVICE CENTRE or SERVICE STATION means a building or part thereof used for the retail sale of lubrication oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles, a cafeteria, but excluding an automobile washing establishment or car sales lot.

AUTOMOBILE WASHING ESTABLISHMENT means a building or part thereof used for the operation of automobile washing equipment which is automatic, semi-automatic and/or coin operated.

BASEMENT means that portion of a building between two floor levels which is partly underground but which has more than one-half (1/2) of its height from finished floor to underside of floor joists of the storey next above, above the average finished grade level adjacent to the exterior walls of the building.

BLOCK means the smallest unit of land the boundaries of which consists entirely of public streets, shorelines, railroads, public parks or any combination thereof.

BOARDING, LODGING or ROOMING HOUSE means a dwelling licenced pursuant to a By-law passed under the Municipal Act, R.S.O. 1990, Chapter M.45, Section 60, in which the proprietor supplies either room or room and board for monetary gain, to more than two but not more than six persons exclusive of

the lessee owner thereof or members of the household and which is not open to the general public and is not defined or licenced as a group home under any statutes or regulations of the Provincial or Federal governments.

BOAT HOUSE (PRIVATE) means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and an accessory use for storage of household equipment incidental to the residential occupancy but shall not include habitable rooms.

BODY SHOP means a building or structure used for the painting or repairing of motor vehicle bodies and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-Law.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any tent, awning, bin, bunk or platform, vessel or vehicle used for any of the said purposes shall be deemed a 'Building'.

BUILDING (MAIN) means the building in which is carried on the principal purpose for which the lot is used.

BUILDING BY-LAW means any 'building By-law' within the meaning of the Building Code Act, R.S.O. 1990, Chapter B.13.

BY-LAW ENFORCEMENT OFFICER means the officer or employee of the Municipality from time to time charged by the Corporation with the duty of enforcing the provisions contained herein.

CABIN (PRIVATE) means a building for sleeping, containing no cooking or sanitary facilities and which is an accessory use to a dwelling unit.

CAMP means one or more buildings used for sleeping accommodation, the preparation and serving of food and/or sport or recreation facilities, operated under single ownership and intended for recreation purposes on a temporary or seasonal basis.

CAMPING LOT means a parcel of land within a trailer camp or park and is for the exclusive use of the lessee or tenant of such area.

CANNABIS shall mean a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).

CANNABIS PRODUCTION AND PROCESSING FACILITY means lands, buildings or structures used for producing, processing, testing, destroying, packaging

and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

CELLAR means that portion of a building between two floor levels which is partly or entirely underground but has more than one-half (1/2) of its height, from finished floor to underside of floor joists of the storey next above, below adjacent finished grade.

CEMETERY means a cemetery or columbarium within the meaning of the Cemeteries Act, R.S.O. 1990, Chapter C.3.

CERTIFICATE OF ZONING COMPLIANCE means a certificate issued by the Municipality stating that the building or structure conforms to the provisions of this By-Law.

CLUB, CHARITABLE SERVICE, or ORGANIZATION means an association of persons, whether incorporated or not, united in some common interest, meeting periodically for cooperation or conviviality but not for personal profit. "Club" shall also mean, where the context requires, a premises owned or occupied by the members of such association within which the activities of the club are conducted.

COMMITTEE OF ADJUSTMENT means the 'Committee of Adjustment' for the Municipality as constituted by By-Law of the Council pursuant to Section 44 of the Planning Act, R.S.O. 1990, Chapter P.13.

CONDOMINIUM means the ownership of individual units in a multiple unit structure with common elements in which:

- i. the unit comprises not only the space enclosed by the unit boundaries but all material parts of the land within the space,
- ii. the common elements means all the property except the units,
- iii. the common element is owned by all of the owners as tenants in common.

CORPORATION means the Corporation of the Township of DALTON.

COTTAGE ESTABLISHMENT means a Tourist Establishment containing two (2) or more buildings designed for human habitation having a common piped water supply which may or may not be equipped with a kitchen.

COUNCIL means the Municipal 'Council' of the Corporation of the Township of Dalton.

COUNTY means the Corporation of the County of Victoria.

COURT means an open, uncovered and unoccupied space appurtenant to a building and bounded on two or more sides thereby.

CUSTOM WORKSHOP means a building or part thereof used by a person or persons for the manufacture in small quantities of made to measure clothes or articles and shall include upholstering, repair, refinishing of antiques and other art objects, but shall not include metal spinning, furniture manufacturing and the like.

DAYLIGHTING TRIANGLE means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection the distance required by this By-Law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the 'daylighting triangle'.

DAY or SCHOOL NURSERY means a 'day nursery' within the meaning of the Day Nurseries Act, R.S.O. 1990, Chapter D.2.

DOCK means a structure which is designed or used for the mooring of a boat or other form of water transportation which stretches along the side of or projects into a body of water such as a river or lake.

DRUGLESS PRACTITIONER means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electrotherapy or by an similar method within the meaning of the Drugless Practitioners Act, R.S.O. 1990, Chapter D.18.

DRY CLEANERS DISTRIBUTION STATION OR DEPOT means a building or portion thereof used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

DRY CLEANING ESTABLISHMENT means a building or portion thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on where only non-flammable solvents are or can be used.

DWELLING means a dwelling unit.

DWELLING UNIT means one or more habitable rooms designed or intended for use by one (1) household exclusively as an independent and separate household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers, cottage establishments, lodges, or cabins.

DWELLING UNIT, ADDITIONAL RESIDENTIAL means a residential dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot as the primary residential dwelling unit. The additional residential unit includes a separate entrance, kitchen facilities, washroom facilities, and living space from the primary residential dwelling unit.

DWELLING UNIT, PRIMARY RESIDENTIAL means a single detached, semi-detached, or town house dwelling for the purpose of the definition of additional residential dwelling unit.

DWELLING, APARTMENT means a building containing three (3) or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common, halls and/or stairs and/or elevators and yards.

DWELLING, BACHELOR APARTMENT means a dwelling unit in an apartment building or converted dwelling designed for occupancy by one (1) or two (2) persons consisting of a bed-living room, a kitchen or kitchenette and a bathroom.

DWELLING, CONVERTED means a single detached dwelling existing at the time of the passing of this By-Law which because of size or design has been or can be converted by partition and the addition of sanitary facilities into more than one (1) dwelling unit.

DWELLING, DUPLEX means a building that is divided horizontally into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.

DWELLING, FOURPLEX means a building that consists of two (2) duplex dwellings attached to each other vertically.

DWELLING, MAISONETTE means a building that is divided into three (3) or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit.

DWELLING, TOWN HOUSE means a building that is divided vertically into three (3) or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

DWELLING, VACATION means a single detached dwelling used for recreation purposes that is not used for continuous habitation or as a permanent residence.

DWELLING, SEMI-DETACHED means a building that is divided vertically into two (2) building units each of which has an independent entrance either directly or through a common vestibule.

DWELLING, SINGLE DETACHED means a completely detached dwelling unit, and may include a mobile home which complies with the minimum floor area requirements of the zone within which it is located.

DWELLING, TRIPLEX means a building that is divided horizontally into three (3) separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.



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

ESTABLISHED BUILDING LINE means the average distance from street line or high water mark to existing buildings in any block where more than half the frontage has been built upon, at the date of the final passing of this By-law.

EXISTING means existing as of the date of the passing of this By-Law.

FARM PRODUCE OUTLET means an accessory use to an agricultural use which consists of the retail sale of agricultural products.

FINISHED GRADE means with reference to a building, or structure the average elevation of the finished grade of the ground immediately surrounding such structures exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Corporation or other designated authority.

FLOOR AREA means the maximum area contained within the outside walls excluding in the case of a dwelling, any private garage, porch, verandah, unfinished attic, basement or cellar.

FORESTRY ACTIVITIES means the management, development and cultivation of timber resources to ensure the continuous production of wood, provision of proper environmental conditions for wildlife, protection and production of groundwater resources and protection against floods and erosion and preservation of the recreation resource.

GARAGE, PRIVATE means an enclosed structure for the storage of one (1) or more motor vehicles in which no business, occupation or service is conducted for profit.

GARAGE, PUBLIC means a building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop. This definition shall not include an Automobile Washing Establishment, a Motor Vehicle Sales Lot or an Automobile Service Station.

GROUP HOME means a single detached dwelling in which three to six residents, excluding staff and/or the receiving household, reside as a single housekeeping unit which is licenced or approved under Provincial Statute. For the purposes of this By-law a Group Home shall only include residences established under the authority of the Mental Hospitals Act, Homes for Special Care Act, Ministry of Health Act, Children's Residential Services Act;, Homes for Retarded Persons Act, Development Services Act, Homes for

the Aged and Rest Homes Act and residences for alcoholism recovery, socially disadvantaged persons or persons with emotional problems under the Authority of the Charitable Institutions Act.

GUEST ROOM means a room or suite of rooms which contain no facilities for cooking, and which are used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for compensation.

HABITABLE ROOM means a room in a dwelling used or intended to be used primarily for human occupancy and shall include a room designed for living, sleeping, eating or preparing food, including a den, library, sewing room or enclosed sunroom.

HEIGHT means the vertical distance on a main building or structure between the finished grade and the mean level between the eaves and ridge of a roof.

HEALTH CENTRE means a building or part thereof which is used for the purpose of a gymnasium, massage room, steam room, sunroom or swimming pool.

HEREAFTER shall mean after the date of the passing of any applicable provision of this By-Law.

HEREIN shall mean in this By-Law and shall not be limited to any particular section of this By-Law.

HIGH WATER MARK means the highest elevation of the water surface of a body of water or a water course, including seasonal flooding, as evidenced by changes in shoreline vegetation or residual water marks left on buildings, structures or vegetation resulting from flood events.

HIGH WATER MARK, NORMAL, means the usual elevation of the water surface of a body of water or a watercourse excluding seasonal flooding.

HOME FOR THE AGED means a 'home' within the meaning of the Homes for the Aged and Rest Homes Act, R.S.O. 1990, Chapter H.13, which is operated by the County or Municipality.

HOME OCCUPATION means an accessory use of part of a dwelling or part of any accessory building for gainful employment secondary to and compatible with a domestic household and which is carried on by members of the one household residing in the dwelling unit.

HOTEL means a tourist establishment containing therein guest rooms served by a common entrance, generally from the street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.

HOUSEHOLD means an individual person or a group of two or more persons who reside together as a single, independent and separate unit and may include up to two roomers or boarders.

ISLAND means for the purpose of this By-Law, a piece of land completely surrounded by water having no access to the mainland via a causeway, bridge or any other physical connection capable of transferring motor vehicles.

KENNEL means a place, whether enclosed or not, where dogs are kept for purposes of breeding, boarding or commercial purposes.

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LANDSCAPED OPEN SPACE means the open, unobstructed space at grade on a lot accessible by walking from the street on which the lot is located and used exclusively for landscaping.

LANE means a public thoroughfare which affords not only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

LAUNDRY means a building or part thereof in which the business of a laundry is conducted by means of one or more washers, and drying, ironing, finishing and incidental equipment and in which only water and detergents or soaps are or can be used. This definition shall include a business where only washing or ironing is done, a self-service laundry and a laundry receiving and distribution depot.

LIQUIDATION SALE means a special sales event where predominately over production, end of line or other goods are sold at a discounted rate.

LOADING SPACE means an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principle use is located and which area is provided for the temporary parking of one (1) Commercial Motor Vehicle while merchandise or materials are being loaded or unloaded from such vehicle.

LODGE means a Tourist Establishment catering to the vacationing public by providing meals and sleeping accommodation containing guest rooms or cottages, but shall not include any establishment otherwise defined or classified herein.

LOT means a parcel of land described in a deed or other document legally capable of conveying title or shown as a lot or block on a Registered Plan of Subdivision or part thereof, and includes any parts of such parcel that are within a right-of-way or easement;  
Save and except a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-Law passed pursuant to Section 50(4) of the Planning Act, R.S.O. 1990, Chapter P.13.

LOT AREA shall mean the total horizontal area within the lot lines of a lot,

excluding the horizontal area of such lot covered by water or within an Open Space (01) Zone.

LOT, CORNER means a lot, the street line of which is composed of two (2) or more straight lines, or of one (1) or more curves, or of any combination of a straight line or straight lines and a curve or curves, such that the interior angle contained at the intersection of two (2) straight lines produces from the two (2) extremities of the street line and coincident with or tangent to such street line at such extremities is not greater than one hundred and thirty-five (135) degrees. The corner of a 'Corner Lot' shall be deemed to be the point on the street line nearest to the above mentioned point of intersection.

LOT COVERAGE, MAXIMUM means that percentage of the lot area covered by all buildings above ground level and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition, the 'maximum lot coverage' in each Zone shall be deemed to apply only to that portion of such lot which is located within said Zone.

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

LOT FRONTAGE means the horizontal distance measured back from and parallel to the chord of the 'lot frontage' a distance equivalent to the minimum front yard requirement for the zone. For the purposes of this paragraph, the chord of the 'lot frontage' is a straight line joining the two points where the side lot lines intersect the front lot line. Where the front lot line and side lot are joined by one or more curves, then the point of intersection of straight line projection of the side and front lot lines shall be used as the point where the side lot line joins the front lot line. In the case of a corner lot, the shorter of the frontages shall be deemed the 'lot frontage'.

LOT, ISLAND means a lot fronting on a body of water, being a part of or encompassing the whole island, whether or not occupied by a building or structure.

LOT LINE means any boundary of a lot.

LOT LINE, FLANKAGE means a side lot line which abuts the street on a corner lot.

LOT LINE, FRONT means, except in the case of a Corner lot, or Island Lot, the line dividing the lot from the street. In the case of a Corner Lot, the shorter boundary line abutting the street shall be deemed the Front Lot Line. In case each of such lot lines shall be of equal length, the 'front

lot line' shall be deemed to be the 'front lot line' as established in the block by prior construction. In the case of a Through Lot, the 'front lot line' shall be deemed to be the 'front lot line' as established in the block by prior construction. In the case of an island lot, the shore lot line shall be deemed the front lot line.

LOT LINE, REAR means the lot line farthest from or opposite to the front lot line. In the case of a Through Lot the 'rear lot line' shall mean the 'rear lot line' as established in the block by prior construction.

LOT LINE, SHORE means any lot line or portion thereof which abuts a lake or river.

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

LOT, THROUGH means a lot bounded on two opposite sides by streets provided, however, that if any lot qualifies as being both a Corner Lot and a 'through lot' as defined, such lot shall be deemed to be a Corner Lot for the purpose of this By-Law.

MARINA means a building, structure or place containing docking facilities and located on a navigable waterway where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

MEDICAL CENTRE means a building or portion thereof where members of the medical profession, dentists, chiropractors, osteopaths, physicians or occupational therapists, either singularly or in a union provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation, laboratory, X-ray, minor operating rooms, and a dispensary providing that all such uses have access only from the interior of the building, and shall not include any other establishment otherwise defined or classified herein.

MOBILE HOME means a detached dwelling unit designed for transportation, after fabrication, on streets on its own wheels or on a flatbed or other trailer, arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations) located on wheels, jacks or permanent foundations, and which may be connected to utilities and sanitary services, but shall not include a Modular Home.

MOBILE HOME PARK means an establishment comprising land or premises under single ownership designed and intended for residential use where residence is exclusively for two (2) or more Mobile Homes, but does not include a Trailer Camp or Park.

MOBILE HOME SITE means a parcel of land within a Mobile Home Park used to accommodate one mobile home and for the exclusive use of the lessee or

tenant of such area.

MODULAR HOME means a Single Detached Dwelling which has been fabricated in two (2) or more sections which cannot function independently from one another and are designed for transportation on streets on a flatbed or other trailer. Upon arrival at the site, the sections are placed on a foundation and are assembled to form one complete dwelling unit and generally not intended to be dismantled and relocated but shall not include a Mobile Home.

MOTEL means a Tourist Establishment containing Guest Rooms, each of which has a separate entrance from outside the building. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.

MOTORIZED MOBILE HOME means any Motor Vehicle so constructed as to be self-contained, self-propelled unit, capable of being utilized for the living, sleeping or eating accommodation of persons.

MOTORIZED SNOW VEHICLE means a 'motorized snow vehicle' within the meaning of the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M.44.

MOTOR VEHICLE means an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, Chapter H.8.

MOTOR VEHICLE, COMMERCIAL means any 'commercial motor vehicle' within the meaning of the Highway Traffic Act, R.S.O. 1990, Chapter H.8.

MOTOR VEHICLE GASOLINE BAR means one (1) or more pump islands, each consisting of one (1) or more gasoline pumps, and a shelter having a floor area of not more than two and one half (2.5) square metres, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of Motor Vehicles, but shall not include any other establishment otherwise defined or classified in this By-Law.

MOTOR VEHICLE, UNLICENSED means a Motor vehicle which is unregistered for the current year under the Highway traffic Act, R.S.O. 1990, Chapter M.44.

MUNICIPAL SEWERS means sanitary and/or storm sewers supplied by the Municipality, a Public Utilities Commission or a Municipal Authority as a Public Utility under the jurisdiction of the Municipality.

MUNICIPAL WATER means water supplied by the Municipality, a Public Utilities Commission or a Municipal Authority as a Public Utility under the jurisdiction of the Municipality.

MUNICIPALITY means the Corporation of the Township of Dalton.

NON-COMPLYING means that the building, structure or use does not meet the lot area, lot frontage, setback, lot coverage, height, floor area, parking, loading space and landscaping requirements contained herein.

NON-CONFORMING USE means the use of land, buildings or structures for a purpose which is not included with the permitted uses for the Zone in which such land, building or structure is located.

NURSING HOME means a 'nursing home' within the meaning of the Nursing Homes Act, R.S.O. 1990, Chapter N.7.

OBNOXIOUS means a use which from its nature or operation creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration; or by reason of the emission of gas, fumes, dust or objectionable odour; or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material; and without limiting the generality of the foregoing shall include any uses which under the Health Protection and Promotion Act, R.S.O. 1990, Chapter H.7 or regulations thereunder may be declared by the Local Board of Health or Council to be a noxious or offensive trade, business or manufacturing concern.

PARK, PRIVATE means any open space or recreational area, other than a Public Park, containing therein one (1) or more swimming pools, wading pools, refreshment rooms, tennis courts, bowling greens, gardens, golf courses, ski areas or similar open space uses. This definition shall not include a Mobile Home Park or Trailer Park.

PARK, PUBLIC means any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario or any Federal agency and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, bleachers, swimming pools, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, refreshment rooms, fair grounds, golf courses or similar uses.

PARKING LOT means an open area, other than a street, used for the temporary parking of two (2) or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, visitors, customers or residents.

PARKING SPACE means an area exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles which has adequate access to permit ingress or egress of a motor vehicle to and from a street. Each parking space shall not be less than two and one half (2.5) metres in width and less than seventeen (17) square metres in area.

PERMITTED means 'permitted' by this By-Law.

PERSON means an individual, association, firm, partnership, corporation,

trust, incorporated company, organization trustee or agent, and the heirs, executors or other legal representatives of a 'person' to whom the context can apply according to law.

PIT means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, manufacturing or industrial purposes. It shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

PLACE OF ASSEMBLY means a building, or part thereof, in which facilities are provided for such purposes as meeting for civic, educational, political, religious or social, recreational or athletic purposes and shall include a banquet hall, private club or charitable service club.

PLACE OF WORSHIP means a building dedicated to religious worship and may include a synagogue, a church hall, church auditorium, Sunday school, convent, monastery or parish hall.

PREMISES means the area of building(s) or part thereof and/or land(s) or part thereof used by a business enterprise or for residential purposes. In a multiple tenancy building or a lot occupied by more than one (1) business or dwelling unit, each business area or dwelling unit shall be considered a separate 'premises'.

PUBLIC AUTHORITY means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Telephone Company, Planning Board or other board or commission or committee of the Municipality or the County of Victoria 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 Municipality or a portion thereof, and includes any committee or local authority established by By-Law of the Corporation.

QUARRY means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, manufacturing or industrial purposes. It shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works. It shall include all accessory uses as defined under pit.

RESTAURANT means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure but does not include a drive-in restaurant.

SCHOOL, COMMERCIAL means a school conducted for gain, including secretarial school, language school, driving school, and the like but shall not include



a Nursery School.

SCHOOL, PUBLIC means an authorized school under the jurisdiction of the Victoria County Board of Education.

SCHOOL, SEPARATE shall mean an authorized school under the jurisdiction of a Separate School Board.

SCRAP YARD means a premise for the storage and/or handling or processing of scrap material, which, without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, unlicensed motor vehicles, tires, metal and/or other scrap material and salvage.

SEASONAL FARM RESIDENTIAL USE means a structure or structures for the housing of seasonal farm employees for no more than eight months per seasonal worker, but in no event shall be used for year round occupancy.  
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SENIOR CITIZENS' HOME shall mean any home for Senior Citizens sponsored and administered by any public agency or any service club, church or other non-profit organization either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof and such homes shall include accessory uses such as club and lounge facilities, usually associated with Senior Citizens development.

SENSITIVE LAND USE means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the built or natural environment. Examples include residences, day care centres, and educational and health centres. B/L 2021-057

SHOP means a building or part thereof used primarily for the repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

SERVICE SHOP, PERSONAL means a building or part thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair, and shoe shining shops, but excludes any manufacturing or fabrication of goods for sale.

SETBACK means the distance between a lot line and the nearest main wall or any building, structure, excavation or open storage use on the lot.

SHOPPING CENTRE means a group of commercial uses, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising

unrelated individual uses.

SIGN means a sign within the meaning of the Corporation's Sign By-Law.

SITE PLAN means a scaled drawing showing the relation between the lot lines and the uses, building or structures existing or proposed on a lot, including such details as parking areas, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

STORE, RETAIL means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

STOREY means that portion of a building other than a cellar or attic or half storey, included between the surface of any floor and the surface of the floor or roof above and shall include a basement.

STOREY, FIRST means the lowest storey of a building closest to finished grade having its ceiling two (2) metres or more above average finished grade.

STREET, ROAD, OR HIGHWAY means a 'highway' within the meaning of the Highway Traffic Act, R.S.O. 1990, Chapter M.44, and shall also include private rights-of-way; and roads in registered Plans of Subdivision that are to be assumed under a subdivision agreement.

STREET ACCESS means that any lot having a lot line or portion thereof which is also a street line shall be deemed to have 'street access'.

STREET, IMPROVED PUBLIC means a street, assumed by the Corporation, County or Province which has been constructed in such a manner so as to permit its use by normal vehicular traffic.

STREET LINE means boundary line of a Street.

STRUCTURE means anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground but does not include fences which do not exceed two (2) metres in height.

STRUCTURAL ALTERATIONS means any change in the supporting members of a building such as bearing walls, columns, beams, girders and partitions.

SWIMMING POOL means a structure which creates an artificial body of water, of more than ten (10) square metres in area, used for bathing, swimming or diving but does not include ponds.

TOURIST ESTABLISHMENT means a building or buildings designed for the accommodation of the travelling or vacationing public for gain or profit.

TOURIST HOME means a private dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are a maximum of three (3) rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

TOURIST TRAILER means a trailer that is used or intended to be used for recreational purposes and is not used for continuous habitation or as a permanent residence.

TRAILER means any vehicle that is at any time drawn upon a highway by a motor vehicle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway.

TRAILER CAMP or PARK means an establishment licenced by the authority having jurisdiction consisting of camping lots and comprising lands used or maintained as grounds for the camping or parking of tourist trailers, motorized mobile homes, truck campers or tents for recreational or vacation use designed for seasonal occupancy only.

TRAILER, MOBILE CAMPER means any vehicle in which the assembly can be erected, while stationary, using the trailer body and related components for support and utilized for living, shelter and sleeping accommodation, with or without cooking facilities which is collapsible and compact while being drawn by a motor vehicle.

TRUCK CAMPER shall mean any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being utilized for the living, sleeping or eating accommodation of individuals.

TRUCK TERMINAL means a building, structure or place where trucks or transports are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, or which is a bonded or sufferance warehouse.

USE means, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained and 'uses' shall have corresponding meanings. 'Use', when used as a verb, 'to use', or 'used' shall have corresponding meanings.

WALL, END means a main wall that forms the side of a building.

WALL, FACE means a main wall that forms the front or rear of a building.

WALL, MAIN means the exterior front, side or rear wall of a building and shall include all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot

line than the said exterior wall.

WAREHOUSE means a building where wares or goods are stored, but shall not include a retail store.

WATERCOURSE means the natural channel for a perennial or intermittent stream of water.

WATER ACCESS means an island lot having a shore lot line.

WATER SETBACK means a yard extending the full width of a lot between the high water mark of lakes or rivers and the nearest main wall of any building, structure, excavation or open storage use on the lot and 'minimum water setback' means the minimum depth of a 'water setback' on a lot between the high water mark and the nearest main wall of any building, structure, excavation or open storage use on the lot.

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

YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-Law. In determining 'yard' measurements, the minimum horizontal distance from the respective lot lines shall be used. Where a daylighting triangle is provided for a corner lot, the minimum 'yard' requirement from the hypotenuse of the daylighting triangle shall be the lesser of the 'yards' required along the exterior lot lines (street lines) of the lot.

YARD, FLANKAGE means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot and 'minimum front yard' means the minimum depth of a 'front yard' on a lot between the front lot line and the nearest main wall of the main building(s) or structure on the lot.

YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot; and the minimum rear yard means the minimum depth of a 'rear yard' on a lot between the rear lot line and the nearest main wall of the main building(s) or structure on the lot.

YARD, SIDE means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot; and 'minimum side yard' means the minimum width of a 'side yard' on a lot between a side lot line and the nearest main wall of the main building(s) or structure on the lot.

ZONE means a designated area of land use shown on the schedule of this By-Law.

SECTION 16

INTERPRETATION

16.1 SCOPE

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirement adopted for the promotion of public health, safety, convenience and general welfare.

16.2 SYMBOLS

The symbols used on the schedule attached hereto refer to the appropriate zones established by this By-law.

16.3 DEFINED

The extent and boundaries of all zones are shown on the schedule attached hereto, and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

16.4 INTERPRETATION OF ZONE BOUNDARIES

Where the boundaries of any zone, as shown on the attached schedule are uncertain, the following provisions shall apply:

- a. Where a zone boundary is indicated as following a street or lane, the boundary shall be the centre line of such street or lane.
- b. Where a zone boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lots registered in the appropriate Registry Office or Land Titles Office, the boundary shall follow such lot lines.
- c. Where a street, land, railroad or railway right-of-way, or watercourse is included on the Schedule, they shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.
- d. Where a street, lane, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the Schedule and serves as a boundary between two or more different zones, a line midway on such street, lane, right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.
- e. Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
- f. Where none of the above provisions apply, the said zone boundary shall be scaled from the attached Schedule 'A' at the scale indicated.
- g. The zone boundaries of the Environmental Protection (EP) Zone have been based upon the Ontario Ministry of Natural Resources

Topographic Maps, dated 1986, at a scale of 1:10,000. Where any boundary of an Environmental Protection (EP) Zone is in question reference shall be made to the 1:10,000 topographic maps. In general the boundaries of the "EP" Zone have been defined as representing the topographic top of bank for wetlands, ponds, rivers, streams or lakes. In some instances wooded areas, have been included due to their interrelationship with one of the above.

16.5 CERTAIN WORDS

In this By-law words used in the present tense include future; words in the singular number include a plural; words in the plural include the singular number; and the word 'used' includes 'arranged, designated, or intended to be used'; the word 'shall' is mandatory and not directory.

16.6 MEASUREMENT

The Metric system of measurement shall be the only standard to be applied in this By-law. The non-metric measurements are approximate, and are included only as a general guide for reference purposes.

SECTION 17

ADMINISTRATION AND VALIDITY

- 17.1 ENFORCEMENT No permit for the use of land or for the erection or use of any building or structure and no certificate of occupancy or approval of application for any municipal license within the jurisdiction of the Council, shall be issued or given, where the proposed building, structure or use is in violation of any provisions of this By-Law.
- 17.2 INSPECTION OF PREMISES A By-Law Enforcement Officer as is assigned the responsibility of administering and enforcing this By-Law by the Municipality may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any property or premises in or about which there is reason to believe that the provisions of this By-Law are not complied or conformed with, for the purpose of carrying out his duties under this By-Law.
- 17.3 CONTINUATION OF EXISTING REGULATIONS All By-Laws in force within the Township of Dalton prohibiting or regulating the use of land or buildings or structures shall be and the same are hereby amended insofar as it is necessary to give effect to the provisions of this By-Law and the provisions of this By-Law shall govern, provided, however, where this By-Law does not apply, existing Township By-Laws shall remain in full force and effect.
- 17.4 VIOLATION PENALTY
- Pursuant to Section 67 of the Planning Act, R.S.O. 1990:
- a. Every person or corporation who contravenes any of the provisions of this By-law is guilty of an offence, and on conviction is liable on a first conviction to a fine of not more than \$20,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which such person was first convicted;
  - b. Where a corporation is convicted of the contravention of any of the provisions of this By-law, the maximum penalty that may be imposed is on a first conviction a fine of not more than \$50,000.00 and on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted;
  - c. Each day that the person, persons or corporation contravenes any provisions of this By-law, shall constitute a separate offence; and



d. Where a conviction is entered in respect of any contravention of this By-law, in addition to any other remedy or any penalty provided by this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the persons or corporation.

17.5 VALIDITY Should any section, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the part so declared to be invalid.

No part of this By-Law shall come into force without the approval of the Ontario Municipal Board, but subject to such approval, this By-Law shall take effect from the date of passing thereof.

READ A FIRST TIME THIS 6TH DAY OF NOVEMBER, 1977  
READ A SECOND TIME THIS 6TH DAY OF NOVEMBER, 1977  
READ A THIRD TIME AND PASSED THIS 7TH DAY OF OCTOBER, 1978

'BRUCE THOMPSON'  
REEVE

'BESSIE DEWELL'  
CLERK