

**TOWNSHIP OF ST. CLAIR**  
**COMPREHENSIVE**  
**ZONING BY-LAW**



BY-LAW 17 OF 2003

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Prepared by  
County of Lambton Planning  
and Development Department  
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**TOWNSHIP OF ST. CLAIR**

**ZONING BY-LAW 17 OF 2003**

**WHEREAS** Section 34 of the Planning Act, S.O. 1996, C.4 as amended from time to time, allows a governing body of a municipal corporation to pass By-Laws to regulate the use of land and the character, location and use of buildings and structures;

**BE IT THEREFORE ENACTED** by the Municipal Council of the Corporation of the Township of St. Clair as follows:

**SECTION 1 - ADMINISTRATION, ENFORCEMENT & INTERPRETATION**

**1.1 ADMINISTRATION**

This By-Law shall be administered by the person designated by the Council of the Township of St. Clair as the "By-Law Enforcement Officer".

**1.2 TITLE**

This By-Law shall be known as the Zoning By-Law of the Corporation of the Township of St. Clair.

**1.3 APPLICATION**

The provisions of this By-Law shall apply to all lands within the boundaries of the Corporation of the Township of St. Clair except for those lands subject to By-Law No. 36 of 2002.

**1.4 SCOPE**

No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Township of St. Clair except in conformity with the provisions of this By-Law.

**1.5 REPEAL OF EXISTING BY-LAWS**

From the coming into force of this By-Law, all previous By-Laws passed under Section 34 of the Planning Act, S.O. 1996, c.4, as amended, or a predecessor thereof, shall be deemed to have been repealed for those lands subject to this By-Law.

**1.6 VALIDITY / SEVERABILITY**

Should any section, clause or provision of this By-Law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-Law shall not be affected.

**1.7 EFFECTIVE DATE**

This By-Law shall be deemed to be valid and to have come into force on the day of passing hereof.

**1.8 COMPLIANCE WITH OTHER RESTRICTIONS**

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

**1.9 ENTRY AND INSPECTION OF PREMISES**

Pursuant to Section 49 of the Planning Act, S.O. 1996, C.4, as amended, the Clerk or the Clerk's Designate or a person acting under the Clerk's instructions, at all reasonable times and upon producing proper identification, enter and inspect any property in respect of which he believes a contravention of this By-Law is occurring.

An officer or any person acting under instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant issued under Section 158 of the Provincial Offences Act, R.S.O. 1990, Chap. P.33 as amended.

**1.10 VIOLATIONS AND PENALTIES**

Pursuant to Section 67 of the Planning Act, S.O. 1996, c.4 as amended, any person who contravenes this By-Law is guilty of an offence and on conviction is liable:

- a) on a first conviction to a fine of not more than \$25,000; and
- b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

Where a corporation is convicted for contravening this By-Law the maximum penalty that may be imposed is:

- a) on a first conviction a fine of not more than \$50,000; and
- b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

**1.11 LICENSES AND PERMITS**

No municipal permit, certificate or license shall be issued in contravention of this By-Law.

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## **SECTION 2: DEFINITIONS**

### **General**

- a) For the purposes of this By-Law, the definitions and interpretations given in this Section shall govern.
- b) In this By-Law the word “shall” is mandatory and not directory; words in the singular include the plural; words in the plural include the single number; words used in the present tense include the future.

**“ABANDONED”** shall mean the failure to proceed expeditiously with new construction work.

**“ABATTOIR”** means the use of lands, buildings, structures or part thereof used for the slaughter of livestock or other animals for the purpose of processing or rendering.

**“ACCESSORY”** when used to describe a use, building or structure it shall mean a use, building or structure which is incidental, subordinate and exclusively devoted to the main use, building or structure and located on the same lot therewith. An accessory building shall not be considered a principle or primary permitted use.

**“ADULT ENTERTAINMENT PARLOUR”** means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

**“AGRICULTURE”** shall mean the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food or fur, including poultry and fish; horses; aquaculture; agro-forestry; apiaries; maple syrup production; and associated on-farm buildings and structures.

**“AGRICULTURAL BUILDING”** see livestock facility or farm implement shed

**“AGRICULTURAL HOME INDUSTRY”** means an operation or business conducted for gain or profit as an accessory use and located within a building which is part of or accessory to the main farming operation.

**“AGRICULTURAL PROCESSING ESTABLISHMENT”** shall mean the use of lands, buildings or structures for the processing and storage of agricultural produce, such as feed and grain mills.

**“AGRICULTURALLY RELATED USE”** shall mean those farm-related commercial and farm-related industrial uses that are small scaled and directly related to the farm operation and are required in close proximity to the farm operation.

**“AGRICULTURAL SERVICE ESTABLISHMENT”** shall mean the use of lands, buildings or structures for the purpose of providing a non-personal service which supports the agricultural industry that includes, but not necessarily restricted to, the repair of farm machinery, farm



drainage and excavation, trades related to farm buildings and structures, and, custom spray, tillage, planting and harvesting.

**“AGRICULTURAL SUPPLY ESTABLISHMENT”** shall mean the use of lands, buildings, structures for the purpose of the sale and/or storage of seeds, fertilizers, farm equipment or other goods or materials used in agriculture as defined in this By-Law.

**“AISLE”** shall mean the area traveled by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.

**“ALTER”** when used in reference to a building or part thereof, shall mean to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word “alter” means to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or land whether such alteration is made by conveyance or alienation of any portion of such lot, or otherwise.

**“AMENITY AREA”** shall mean an area within a lot used for recreational or aesthetic purposes and may include landscaped open spaces, patios, balconies, swimming pools, recreational courts, but does not include driveways and parking areas.

**“ANAEROBIC DIGESTER”** means an enclosed vessel in which microorganisms breakdown organic materials (i.e. manure or biomass) in the absence of oxygen, resulting in the production of biogases, consisting primarily of methane and carbon dioxide. The Minimum Distance Separation Formulae is to be applied to on-farm anaerobic digesters, which utilize manure as an input. An on-farm anaerobic digester may include a co-substrate input tank fitted with a tight cover. (B/L 24/2011)

**“ANTENNAE”** shall mean the use of land, building or structure for the purpose of sending or receiving electromagnetic waves.

**“APIARY”** means a place where bees are kept.

**“AQUACULTURE”** means the propagation, cultivation or rearing of captive aquatic organisms (fish) under controlled conditions using husbandry and management techniques appropriate for the species being cultured.

**“ART GALLERY”** shall mean a building or part thereof where works of art such as paintings, sculptures, pottery pieces, glass objects, and weaving articles are displayed for public viewing and may include the sales of art and/or art supplies.

**“ASPHALT BATCHING PLANT”** means an industrial establishment used for the production of asphalt, or asphalt products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of materials used in the production process or finished products, and the storage and maintenance of required

equipment, but does not include the retail sale of finished asphalt. “PORTABLE ASPHALT PLANT” means a temporary “asphalt batching plant” established for a public road project.

“**ASSEMBLY HALL**” shall mean a building or structure used for the assembly of persons for religious, charitable, philanthropic, cultural, private recreational or private educational purposes.

“**ATTACHED**” shall mean a building otherwise complete in itself that depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building(s). (B/L 56/07)

“**ATTIC**” shall mean that portion of a building situated wholly or partly within the roof of such building and which is not a one-half storey.

“**AUCTION ESTABLISHMENT**” shall mean a building or structure where a public sale is conducted by an auctioneer through a series of competing bids and may include the storage of such articles to be sold at auction.

“**AUDITORIUM**” shall mean a building or structure where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, Community Centre, gymnasium, stadium, theatre or similar use.

“**AUTOMOTIVE**” See “Motor Vehicle”

“**BAKERY**” shall mean the use of lands, buildings and structures or parts therein for the purpose of manufacturing or producing of bread, biscuits, cakes or other baked products.

“**BAKE SHOP**” shall mean the use of lands, buildings and structures or parts therein for the purpose of the retail sale of bakery goods in which some or all the retail goods are prepared on the premises.

“**BALCONY**” shall mean an unenclosed platform projecting from a building surrounded by a railing being considered part of the main or principle building.

“**BANK OR FINANCIAL INSTITUTION**” shall mean any Federally or Provincially chartered financial institution or business. A “Credit Union” shall mean a corporation incorporated as a credit union or caisse populaire under The Credit Unions and Caisses Populaire Act, R.S.O., 1990, as amended or its successor.

“**BANQUET HALL**” shall mean a building used for the assembly of persons where private social functions are held and where facilities are provided for the preparation of food. This use shall not include a Restaurant or any other recreational use as defined in this By-Law.

“**BASEMENT**” shall mean that portion of a building that is partly underground, but which has at least one-half of its height (measured from finished floor to finished ceiling) above the adjacent Finished Grade.

**“BED AND BREAKFAST ESTABLISHMENT”** shall mean a Home Occupation within a Single-detached Dwelling in which not more than three (3) rooms are made available by a resident of said Dwelling for temporary accommodation of travelers. Meals or food are served only to overnight guests. This definition does not include a Hotel, Motel or Restaurant.

**“BEVERAGE ROOM”** shall mean a building or premises, other than a restaurant, which is licensed under the Liquor License Act R.S.O.1990 or its successor.

**“BINGO HALL”** shall mean a building used for the assembly of persons for the playing of bingo. This use shall not include any other recreational use a defined in this By-Law.

**“BOARDING HOUSE”** shall mean any Building or part thereof in which the owner resides and supplies for hire or gain to not more than six persons exclusive of the owner thereof or members of owner's housekeeping unit, lodging and/or meals; but this use shall not include a hotel, motel, hospital, or nursing home. (B/L 11/13)

**“BOATDOCK”** shall mean any spiles, piles and or structures located on a watercourse which are used or intended to be used to moor or berth watercraft. This definition shall not include any building nor any boat service, boat repair or boat sales.

**“BOATHOUSE”** shall mean a marine facility enclosed by walls, located on, over or adjacent to a watercourse and used or intended for sheltering of boats. (Boathouses may be considered as a permitted use subject to an amendment to this By-Law).

**“BOATLAUNCH”** shall mean a structure free of enclosing walls, located on a watercourse and used for the launching of boats into the water and elevating of boats above the water level.

**“BOATLIFT”** shall mean a marine facility free of enclosing walls, located on, over or adjacent to a watercourse and used or intended to be used for elevating boats above the level of the water. A flat roof of a hip or gable roof with a pitch not exceeding 1:12 may be included as part of the boat lift structure.

**“BREEZEWAY”** shall mean a roofed, open or closed passage connecting two or more buildings.

**“BREWING-ON-SITE ESTABLISHMENT”** means a commercial establishment where customers produce beer, wine or cider for personal consumption off the premises; where beer, wine or cider ingredients are purchased; and where equipment and storage is used for a fee by the same customers.

**“BUILDING”** shall mean any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home, or tent.

**“BUILDING ENVELOPE”** means the buildable area on a lot, defined by the minimum front yard depth, rear yard depth, side yard width requirements and the maximum height requirements, within such buildings can be erected.

**“BUILDING HEIGHT”** shall mean the vertical distance from the **Finished Grade** level to:

- a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the higher;
- b) in the case of a mansard roof, the roof deck line; or
- c) in the case of any other roof, the mean height between the eaves and the ridge;

but exclusive of any accessory roof structures such as antenna, chimney, steeple or tower.

**“BUILDING OFFICIAL, CHIEF”** shall mean the officer or employee of the Corporation of the Township of St. Clair or the County of Lambton appointed or constituted under Section 3 or 4 of the Building Code Act, R.S.O., 1990 or its successor and having jurisdiction for the enforcement of this Act.

**“BUILDING, MAIN”** shall mean the building or buildings designed and/or intended to accommodate the principal use permitted by this By-Law.

**“BUILDING SETBACK”** shall mean the minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot.

**“BULK FUEL ESTABLISHMENT”** shall mean the use of lands, buildings or structures for the purpose of buying and selling petroleum fuels for distribution.

**“BULK SALES ESTABLISHMENT”** shall mean the use of land, building or structure for the purpose of buying or selling coal, fuel oil, wood, lumber, building materials, ice or allied commodities, but does not include any manufacturing, assembling or processing use.

**“BY-LAW ENFORCEMENT OFFICER”** shall mean the clerk or his designate of the Corporation of the Township of St. Clair charged with the duty of enforcing the provisions of this By-Law.

**“CABIN, SLEEPING”** means a building designed and built for temporary human accommodation containing separate heating facilities but no culinary or sanitary facilities and having an area of not less than 10 square metres in gross floor area and not more than 30 square metres in gross floor area.

**“CAMPGROUND, TENT AND TRAILER”** shall mean land used for the seasonal parking of travel trailers, tents or similar transportable accommodation, but not including a single-wide mobile home or double-wide mobile home.

**“CAMPSITE”** shall mean a portion of land in a campground designed and intended for the accommodation of one recreational vehicle, tent or park model unit.

**“CANOPY”** shall mean a roof free of enclosing walls.

**“CARPORT”** shall mean an accessory covered structure attached to the wall of the main building or attached to the wall of a dwelling and used for the storage of passenger motor vehicles wherein servicing for profit is not conducted. The roof of said structure shall be supported only by piers or columns so that 50% of its wall area adjacent to the lot line is unenclosed.

**“CARPENTER’S YARD”** shall mean any land, building or structures used for the purposes performing carpentry work or related wood working and shall include the storage of equipment and materials.

**“CELLAR”** shall mean that portion of a building which is partly or wholly underground and which has more than one-half of its height (measured from finished floor to finished ceiling) below the adjacent finished grade.

**“CEMETERY”** shall mean land set aside to be used for the internment of human remains and includes a mausoleum, columbarium or other structure intended for the internment of human remains, as per the Cemeteries Act R.S.O. 1990 or its successor.

**“CHIEF BUILDING OFFICIAL”** see **“BUILDING OFFICIAL, CHIEF”**.

**“CHURCH OR PLACE OF WORSHIP”** means the use of lands and buildings set aside by any religious organization used by any recognized religious organization for public worship, and may include a rectory or manse, religious hall, day nursery or religious school associated with or accessory thereto.

**“CLINIC”** shall mean the use of lands, buildings or part thereof, used exclusively by physicians, dentists, drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

**“COLUMBARIUM”** shall mean a structure designed for the purpose of interring cremated human remains in sealed compartments.

**“COMMERCIAL USE”** shall mean the use of lands, structures or buildings for the purposes of buying or selling commodities and supplying services, but does not include Industrial Uses.

**“COMMUNITY FACILITY”** shall mean the use of lands and buildings for community activities, including: government buildings (such as administration offices, court houses, post offices, and registry offices); cultural facilities (such as libraries, museums, theatres, and civic centres); sports facilities (such as arenas, race tracks, fair grounds, and stadiums); public service facilities (such as police halls, fire stations, public works yards and garage); and, institutions (such as schools, hospitals, and residential care facilities).

**“COMPOSTING, PRIVATE”** means an accessory use for the storage and decomposing of household organic materials that was generated on-site, for the fertilizing and conditioning of on-

site soils. The private composting shall ensure that there are no discharges of contaminants that may contribute to the biological, chemical, physical or aesthetic pollution of land, water or air and that such use will not interfere with the normal use of any land, building or structure. Such private composting facility shall not exceed a height of 1.1 metres and a diameter of 3 metres.

**“COMPOSTING, COMMERCIAL”** means the commercial use of lands, buildings and structures for the storage and decomposition of organic materials into fertilizer or soil conditioning materials which may be placed for sale.

**“COMPRESSOR STATION”** shall mean a facility for raising the pressure of natural gas or similar hydrocarbons during its movement of natural gas or similar hydrocarbon products back into a gas/petroleum-bearing underground storage layers(s) for the purposes of commercial storage.  
(B/L 28/2012)

**“CONCRETE BATCHING PLANT”** shall mean an industrial establishment used for the production of concrete or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment.

**“CONDOMINIUM”** means an individual ownership in a multiple unit dwelling with common elements in which the unit comprises not only of the space enclosed by the individual dwelling boundaries, but includes the land within the common element where the common element is owned by all the owners as tenants in common.

**“CONSERVATION”** shall mean the use of lands for the sole purpose of enhancing and protecting the natural environment.

**“CO-SUBSTRATE”** means storage for containing permitted non-agricultural materials that will be blended with manure in an on-farm anaerobic digester in order to increase biogas production.  
(B/L 24/2011)

**“CONTRACTOR'S YARD OR SHOP”** shall mean the use of lands, buildings or structures used for the purpose of storing contractor's equipment and materials or performing shop work or assembly work by any construction trade or other contractor.

**“CONVENIENCE STORE”** shall mean a retail store supplying groceries and other daily household necessities to an immediate surrounding residential area.

**“CORPORATION”** shall mean a group of people organized as to operate a business, under a charter granting them as a body some of the legal rights and liabilities of an individual.

**“COUNCIL”** shall mean the Council of the Corporation of the Township of St. Clair.

**“COUNTY”** shall mean the Corporation of the County of Lambton.

**“COURT OR COURTYARD”** shall mean an open, unoccupied space adjoining a building, such space being bounded on two or more sides by walls of the said building.

**“COVERAGE”** - see **“LOT COVERAGE”**.

**“CREDIT UNION”** - see **“BANK OR FINANCIAL INSTITUTION”**

**“CREMATORIUM”** shall mean a building fitted with appliances for the purpose of cremating human remains and includes everything incidental and ancillary thereto.

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

**“CUSTOM WORKSHOP”** - Means a building or part thereof used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles, and includes upholstering, but does not include metals, spinning, wood-working, or factory, otherwise classified or defined in this By-Law.

**“DANGEROUS GOODS”** shall mean explosives, flammable or combustible liquids or gases, toxic substances, radioactive material, corrosives or any other product or substance that is considered dangerous to life when handled or transported.

**“DAY CARE FACILITY”** shall mean a dwelling unit that receives individuals for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours.

**“DAY NURSERY”** shall mean a dwelling unit that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours, where the children are under eighteen years of age in the case of a developmental handicap and under ten years of age in all other cases.

**“DECK”** means a raised platform without roof or walls which is not part of the principle building but is considered an accessory structure.

**“DERELICT MOTOR VEHICLE”** shall mean a motor vehicle is inoperable or does not have valid license plate sticker.

**“DETACHED”** means totally separate and in no way connected.

**“DINING ROOM”** shall mean that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.

**“DRY CLEANING DEPOT”** means a building or part thereof for the purposes of receiving articles of goods of fabric to be subjected, off the premises, to a process of dry cleaning or dyeing. Such a

depot may also be used for pressing and distributing any article of fabric received at such an outlet.

**“DRY CLEANING ESTABLISHMENT”** shall mean a building, or part thereof, in which the business of dry cleaning, dye drying, cleaning or pressing of articles or goods of fabric is carried on, in which only non-combustible and non-flammable solvents are used, which emits no odours, fumes, noise or vibration causing a nuisance or inconvenience within or outside the premises. A dry cleaning establishment may include a self-service dry cleaning establishment.

**“DWELLING”** shall mean a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include any travel trailer, hotel, motel, private garage, a home for the aged, nursing home, hospital, or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a non-residential use.

**“BOARDING HOUSE”** shall mean any Building or part thereof in which the proprietor resides and supplies for hire or gain to not more than six persons exclusive of the leasee or owner thereof or members of leasee’s housekeeping unit, lodging and/or meals, but shall not include a hotel, motel, hospital, or nursing home.

**“CLUSTER HOUSING”** means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling may not have frontage on a public street and more than one dwelling unit may exist on a lot. cluster housing development shall have frontage on a public street.

**“CONVERTED DWELLING-1”** means a lawfully established single detached dwelling that is altered or converted so as to provide up to a maximum of one additional dwelling unit.

**“CONVERTED DWELLING-2”** means a lawfully established single detached dwelling that is altered or converted so as to provide up to a maximum of two additional dwelling units.

**“DUPLEX DWELLING”** shall mean a dwelling divided horizontally into two (2) separate dwelling units, each of which has an independent entrance;

**“GROUP HOME”** means a residential dwelling in which three to ten unrelated residents live as single housekeeping unit under responsible supervision consistent with the requirements of its residents. “RESIDENTS” excludes staff. The home is licensed or approved under Provincial Statute.

**“MOBILE HOME, DOUBLE WIDE”** shall mean a C.S.A. approved factory built dwelling occupied or designed for occupancy by one (1) Housekeeping unit on a permanent basis, towed or designed to be towed in two or more separate sections with each section on its own chassis and joined together to form one dwelling unit and placed on a permanent foundation with or without a basement or cellar and connected or designed to be connected to Public Utilities, but shall not include a single wide mobile home or a travel trailer.



**“MOBILE HOME, SINGLE WIDE”** shall mean a C.S.A. approved factory built dwelling occupied or designed for occupancy by one (1) Housekeeping unit on a permanent basis having a floor area of not less than sixty-five (65) square metres, designed to be towed on its own chassis, notwithstanding that its running gear is or may be removed, placed or designed to be placed on permanent foundations, and connected or designed to be connected to Public Utilities, but shall not include a double wide mobile home or a travel trailer.

**“MODULAR HOME”** shall mean a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than six metres in width.

**“MULTIPLE DWELLING”** shall mean a building designed as a residence and containing four or more dwelling units, all of which have access from a common and/or independent entrances from the outside and may be situated on one lot or over several lots. All of the units in a “Multiple Dwelling” must be “Dwelling Units”, as defined in this By-Law. It shall not, however, include any other Dwelling otherwise defined herein or specifically named elsewhere in this By-Law

**“PARK MODEL UNIT”** means a manufactured building used or intended to be used as a seasonal recreational building or residential occupancy designed and constructed in conformance with CAN/CSAZ241 Series M, “park model trailers”

**“SEMI-DETACHED DWELLING”**, shall mean one of a pair of single dwellings, such dwellings being attached together along a common vertical wall in whole or in part both above and below grade.

**“SINGLE-DETACHED DWELLING”** shall mean a detached dwelling on a lot containing only one (1) dwelling unit and occupied by not more than one (1) housekeeping unit. This definition shall not include a single wide or double wide mobile home.

**“TOWNHOUSE”** shall mean the whole of a dwelling divided vertically (vertical wall) into three (3) or more separate dwelling units, each such dwelling unit having an independent entrance from outside the building;

**“TOWNHOUSE, FREEHOLD”** shall mean a townhouse with each dwelling unit on a separate lot.

**“TRIPLEX DWELLING”** shall mean the whole of a dwelling divided horizontally into three (3) separate Dwelling Units, each such dwelling unit having an independent entrance from the outside or from a common hallway or stairway inside the building.

**“DWELLING UNIT”** shall mean a suite of two (2) or more habitable rooms, occupied by not more than one (1) housekeeping unit, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the building or from a common corridor inside

the building. This definition shall not include a motor home, or a travel trailer or a private garage unless the private garage is in part or entirely converted to an approved second dwelling unit. (B/L 11/13)

**“DWELLING UNIT AREA”** shall mean the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, deck, patio, porch, verandah, unfinished attic, cellar or sun room (unless such sun room is habitable in all seasons of the year), and excluding common hallways, common stairways or other common areas.

**“EASEMENT”** means a right or privilege that one has over the lands of another, registered on title to the said lands under the *Land Registry Act*, R.S.O. 1990, or its successor, and may pertain to access rights above, below or on the said lands.

**“ELECTRIC SHOP”** shall mean the use of lands, buildings and structures or a portion thereof, which is utilized by a professional electrician in the storage of material and supplies for the business including an office.

**“EMERGENCY DISPATCH ESTABLISHMENT”** shall mean the use of lands, buildings or structures for the storage, maintenance and dispatching of ambulance, fire, paramedic, police, marine or air rescue vehicles and which may include amenities for staff.

**“EQUIPMENT SALES AND RENTAL”** - Means a building or part of a building or structure in which heavy machinery equipment is offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-Law.

**“ERECT”** shall mean to build, construct, reconstruct or relocated and, without limiting the generality of the word, also includes:

- a) any preliminary operation such as excavation, infilling or draining;
- b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- c) any work which requires a building permit under the *Building Code Act*, R.S.O., 1990 or its successor.

**“ESTABLISHED BUILDING LINE, FRONT OR STREET”** shall mean the average of all the distance values measured from the front/street property lot line(s) to the closest point of the existing principle building(s) on one side of one block where more than one-half of the lots having street access upon the said side or block have been built upon.

In the case of built up areas along the St. Clair Parkway, the average of all the distance values measured from the front/property lot lines(s) to the closest point of the existing principle buildings(s) on one side of the street 60 metres from each side of the proposed building lot.

In the case of detached accessory buildings in built up areas between the St. Clair Parkway and the St. Clair River, the average of all the distance values measured from the front/property lot line(s) to the closest point of the existing buildings(s) on one side of the street 60 metres from each side of the proposed building lot, shall be the Established Building Line, Front for accessory buildings. Notwithstanding the above, such accessory buildings shall not be closer than 10 metres from the front lot line. (B/L 64/06)

**“ESTABLISHED BUILDING LINE, REAR”** shall mean the average of all the distance values measured between the rear lot lines(s) to the closest point of the existing principle building(s) on one side of one block where more than one-half of the lots having street access upon the side or block have been built upon.

In the case of built up areas along the St. Clair Parkway and the St. Clair River, the average of distance values measured between the shortest of the water’s edge & the rear lot line to the existing principle building on one side of the street 60 metres from each side of the proposed building lot.

On lots east of the St. Clair Parkway, the established building line rear shall mean the average of distance values measured between the rear lot line(s) and the existing building(s) on one side of the street 60 metres from the proposed building lot on each side. (B/L 64/06)

**“EXISTING”** shall mean existing on the date of passing of this By-Law.

**“EXTRACTIVE USE”** shall mean the use of land and/or buildings or structures for the removal of gravel, stone, sand, earth, clay, fill, mineral or other similar substance for construction, industrial or manufacturing purposes; and includes accessory uses. This definition does not include Resource Extraction.

**“FARM”** - See **“AGRICULTURE”**.

**“FARM IMPLEMENT SALES ESTABLISHMENT”** shall mean lands, buildings or structures used for the display and sales of new and/or used farm implements and includes the servicing, repair, cleaning, polishing and greasing of farm implements, the sale of accessories and related products and the leasing or renting of farm implements.

**“FARM IMPLEMENT SHED”** means a building used for the storage of farm implements, farm inputs or farm products specifically for the property owner’s farm operation and includes the servicing, repair, cleaning and greasing of farm implements or materials used in the property owner’s farm operation. This building shall not include uses associated with a manufacturing, contractors yard, truck depot and the like as well as excluding office uses.

**“FARM PRODUCE OUTLET”** shall mean a use, accessory to a permitted farm, which consists of the retail sale of agricultural goods produced on the farm where such outlet is located.

**“FINISHED GRADE”** shall mean the median elevation between the highest and lowest point of the finished surface of the ground measured around the perimeter of the base of a building or structure exclusive of any embankment in lieu of steps.

**“FENCE”** see the Township of St. Clair fencing By-Law

**“FLEA MARKET”** means a market held in an open area or in a building or structure where groups of individual sellers display and offer goods for sale to the public, but does not include a garage sale.

**“FLOOD PLAIN”** means the horizontal area bordering a river, stream or watercourse which is subject to flooding and the limits of such flood plain as defined by the St. Clair Region Conservation Authority.

**“FLOOR AREA, GROSS”** shall mean the sum total area of the floors excluding internal parking areas in the building or buildings on a site measured from the exterior walls or from the centre line of common walls separating the buildings provided that where the floor area is within a roof structure without exterior walls the gross floor area shall be the area covered by the roof.

or

in the case of a building other than a dwelling shall mean the aggregate of the area of all floors devoted to retail sales, customer service and/or office use measured from the outside face of exterior walls but shall not include storage, mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms, and parking structures.

**“FLOOR AREA, GROUND”** shall mean the area of a building or structure measured from the outside of its exterior walls at grade and exclusive of any attached accessory building, terrace, unenclosed sunroom, porch or verandah.

**“FORESTRY”** means the use of lands for the growing, maintenance and cultivation of trees for profit or gain.

**“FUNERAL HOME”** shall mean a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of human remains for interment or cremation.

**“FURTHER CONTRAVENE”** in reference to a proposed addition to an existing non-complying building or structure shall mean that any such part of the said addition does not comply with the required setbacks or any other provisions of the By-Law.

**“GARAGE, COMMERCIAL”** see “Motor Vehicle Service Establishment”

**“GARAGE, PUBLIC WORKS”** means a municipal, county or provincial facility used for the storage of servicing of road construction and maintenance equipment and materials.

**“GARAGE, PRIVATE”** see “Private Garage”.

**“GARAGE/YARD SALE”** means a sale held by the occupant of a dwelling unit on his own premises, of household goods belonging to him and not merchandise which was purchased for resale or obtained on consignment. No person shall conduct more than two garage sales per calendar year at one location; and, no garage sale shall exceed two days duration.

**“GARDEN CENTRE”** shall mean the use of lands, buildings or structures for the purpose of buying, selling and raising plants, shrubs and trees and includes the storage and sale of accessory products generally used for landscaping and gardening purposes.

**“GARDEN SUITE”** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

**“GAS BAR”** means one or more fuel pumps for the sale of motor fuels and related products for motor vehicles, together with the necessary pump islands, light standards, kiosk, concrete aprons, regulation of flow and distribution of natural gas.

**“GAS COMPRESSOR STATION”** means the use of lands, buildings or structures for the storage, regulation of flow and distribution of natural gas.

**“GASOLINE PUMP ISLAND”** shall mean that portion of a lot where a pump or pumps used to transfer fuel from storage tanks to Motor Vehicles are situated.

**“GASOLINE RETAIL FACILITY”** shall mean premises where the retail sale of fuels or lubricants for motor vehicles constitutes either the sole use, such as a gas bar, or an accessory use, such as a gasoline pump island. This definition shall not include an automotive service establishment.

**“GOLF COURSE”** shall mean a public or private area operate for the purpose of playing golf including a par 3 golf course but excluding Golf Driving Ranges, Miniature Golf Courses, or combination thereof.

**“GOLF COURSE, MINIATURE”** shall mean a use which provides facilities for what is commonly known as miniature golf but does not includes a Golf Driving Range or a Golf Course as defined herein.

**“GOLF DRIVING RANGE”** shall mean a use which provides facilities for the practicing of golf shots but does not include miniature golf courses or golf courses as defined herein.

**“GRADE”** - See **“FINISHED GRADE”**.

**“GRAIN ELEVATOR”** shall mean a building or structure used for the storage and shipment of grain.

**“GROSS VEHICLE WEIGHT”** means the total weight in kilograms transmitted to the highway by a vehicle or combination of vehicles, and load.

**“GROUP HOME”** - See **“DWELLING”**.

**“HAULAGE BUSINESS”** means lands, buildings and structures used for the storage of vehicles and equipment that are used in the transportation or carrying of material or products.

**“HEALTH AND FITNESS ESTABLISHMENT”** means a private fitness facility, including uses such as reducing salons, weight control establishments, exercising rooms and equipment, locker rooms, jacuzzi, sauna and or pro-shop.

**“HOLDING SYMBOL”** can be applied to lands to delay their development until specific conditions have been fulfilled. The Planning Act enables Council to place these restrictions on the use of land. Holding symbols are depicted by the letter (h) which can be added as a suffix to any zone symbol. The Council has the authority to remove the (h) symbol once the conditions for the proper development of the affected land have been achieved.

**“HOME FOR THE AGED”** shall mean a Home for the Aged established or maintained under the *Home for the Aged and Rest Homes Act*, R.S.O., 1990, or its successor, or a Rest Home established and maintained under the same Act.

**“HOME OCCUPATION”** shall mean any occupation conducted for gain or profit as an accessory use within a permitted dwelling or a permitted dwelling unit and shall include a bed and breakfast establishment. (also see General Provisions)

**“HOSPITAL”** shall mean any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury or for the treatment of convalescent or chronically ill persons which is approved under the *Public Hospitals Act*, R.S.O., 1990, or its successor, as a public hospital. This definition shall also include a “Private Hospital” which shall mean, as defined in the *Private Hospitals Act*, R.S.O., 1990, or its successor, a Dwelling in which four (4) or more patients are or may be admitted for treatment.

**“HOTEL”** shall mean a building in which a minimum of four (4) Guest Rooms is provided for transient lodgers, without private cooking or housekeeping facilities but which may include dining and other public rooms, and provided that each Guest Room may only be entered from the interior of the building and may be licensed by the Liquor Control Board of Ontario. This definition shall not include a Vacation Farm.

**“HOUSEKEEPING UNIT”** means one or a group of people under one tenancy agreement with a single payment, as opposed to a boarding, lodging, or room house, and no occupant has exclusive possession of any part of the dwelling unit, there are no individual leases and everyone has equal access to all areas and share areas as in a traditional family. (B/L 11/13)

**“INDUSTRIAL USE”** means the use of lands, buildings or structures for the purpose of manufacturing, assembling, processing, preparing, dismantling, finishing, treating, repairing, warehousing or recovering of articles or substances.

**"INDUSTRIAL USE, TYPE 1"** shall mean the use of land, structure or building for light-scaled industrial uses without outdoor storage, whether or not a finished article results therefrom, including the repairing and servicing of vehicles and machinery in which the processes carried on, the material used or stored, the machinery employed, and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the following restrictions:

1. Water usage being restricted to the provision of employee washrooms, the indirect cooling and pressure testing of equipment, the cleaning of vehicles and/or equipment and similar uses ancillary to the manufacturing process.
2. No effluent discharges or contaminants that may contribute to the biological, chemical, physical or aesthetic pollution of land, water or air. (No flare stacks)
3. No emission of sound of which creates more than 2dbA decibels increase in the hourly sound levels measured in any area, and at any critical time, as designated by a competent public authority.

**"INDUSTRIAL USE, TYPE 2"** shall mean a place of business for light to medium-scaled industrial uses with outdoor storage that will not affect the amenity of the locality and includes the following. No discharges of contaminants that may contribute to the biological, chemical, physical or aesthetic pollution of land, water or air; no flare stacks; no noise that will interfere with the normal use of any land, building or structure; no vibrations perceived off the property; light water usage and specifically no water for cooling purposes; no odours perceived off the property; landscaped front yard; and, no dangerous materials which pose a hazard to the public. Type 2 industrial uses may include the repairing and servicing of vehicles and machinery, the storage of materials used for the on-site industrial operation, and the transportation of materials, goods and commodities to and from the premises.

**"INDUSTRIAL USE, TYPE 3"** shall mean a place of business for medium to heavy-scaled industry or any business or industry which by reason of the process involved or the method of manufacture or the nature of the material or goods used, produced or stored is likely to cause or causes by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, waste or other material, a condition which may be or become hazardous or injurious as regards health or safety or which prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure. Type 3 industrial uses may include the repairing and servicing of vehicles and machinery, the storage of materials used for the on-site industrial operation, and the transportation of materials, goods and commodities to and from the premises. Without limiting the generality of the foregoing, a type 3 industrial use shall include an electrical generation facility.

**"INFILLING, RESIDENTIAL"** means the creation of a residential lot between two existing non-farm residences which are on separate lots of similar size and which are situated on the same side of a road and are not more than 100 metres apart.

**“INTENSIFICATION, RESIDENTIAL”** means the creation of new residential units or accommodation in existing buildings or on previously developed, serviced land and includes infilling, accessory apartments and rooming houses.

**“INSTITUTIONAL USE”** shall mean the use of any land and/or building or part thereof by a government, educational, charitable or non-profit organization in the carrying out of its function and without limiting the generality of the foregoing, shall include libraries, firehalls, churches, hospitals, schools, community centres, private clubs and assembly halls.

**“KENNEL”** shall mean a building and yard where dogs and/or cats are bred and raised, and are sold or kept for sale, or boarded.

**“LABORATORY”** shall mean the use of a building or part thereof for the purposes of scientific or medical research.

**“LANDSCAPING BUSINESS”** shall mean the use of lands, buildings or structures for the purpose of growing trees, shrubs, plants and sod where landscaping and gardening supplies are kept and may include the storage of necessary machinery and vehicles used in connection with such a business.

**“LANDSCAPED OPEN SPACE”** shall mean the open, unobstructed space, on a lot, accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio or similar area but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, or any parking area; nor any open space beneath or within a building or structure.

**“LANE”** shall mean a public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

**“LARGE-SCALE GREENHOUSE”** means a building or structure whose roof and sides are made largely of glass or other transparent or translucent material, in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants and where the total land coverage of greenhouses are 2 hectares or greater. (B/L 39/08)

**“LARGE-SCALE GREENHOUSE FACILITY”** means the use of lands, buildings and structures where the predominant economic activity involves the growing of plant materials in large-scale greenhouses for subsequent replanting or sale, and includes the packaging, temporary storage and shipping of on-site goods but does not include dwellings or on-site residential accommodations. (B/L 39/08)

**“LAUNDROMAT”** shall mean an establishment containing one or more washers, and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service dry cleaning establishment.



**“LIBRARY”** shall mean a library, branch library or distribution station to which the provisions of the Public Libraries Act, R.S.O., 1990 or its successor.

**“LIQUID PROPANE/LHG RAIL LOADING-DISTRIBUTION FACILITY** shall mean the use of land, infrastructure and buildings used in transferring liquid propane or liquid hydrocarbon gases from underground hydrocarbon storage features to rail cars for bulk distribution and accessory uses shall include a rail marshalling yard, above ground tanks storing liquid propane or liquid hydrocarbon gases, repair garages and offices for employees of the facility. (B/L 54/10)

**“LIVESTOCK”** means farm animals kept for use, for propagation, or intended for profit or gain, and without limiting the generality of the foregoing includes dairy and beef cattle, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other animals identified in Appendix "A", Table 1. (B/L 24/2011)

**“LIVESTOCK FACILITY”** means one or more buildings or structures designed, used or intended for housing, feeding or keeping livestock including feedlots, anaerobic digesters, manure transfer facilities and manure storages. Portions not storing manure or not intended or able to be occupied by livestock are not subject to MDS I or MDS II measurements. (B/L 24/11)

**“LIVESTOCK HOUSING CAPACITY”** means the number of livestock that can be accommodated by all livestock facilities on a lot at any one time, including those that are empty but able to house livestock. (B/L 24/11).

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

**“LOT”** means a parcel of land within a registered plan of subdivision (but not including plans deemed not to be registered pursuant to Section 50(4) of the *Planning Act*, R.S.O 1990) or any parcel of land that may be legally conveyed where the boundaries of which are recorded in the Registry Office for the Registry Division of the County of Lambton or a parcel of land described as a whole registered description by the Condominium Act, except for: a vacant land condominium, in which a unit is considered to be a lot. **(B/L 68/20)**

- a) **“CORNER LOT”** shall mean a lot situated at the intersection of two streets where the angle of intersection is not more than one hundred and thirty-five degrees.
- b) **“INTERIOR LOT”** shall mean a lot, abutting upon one street or situated at the intersection of two streets where the angle of intersection of such streets is more than one hundred and thirty-five degrees.
- c) **“THROUGH LOT”** shall mean any lot, having more than one lot line abutting a street that does not meet the criteria mentioned above.

**“LOT AREA”** shall mean the total horizontal area within the lot lines of a lot exclusive of areas that are covered by a watercourse.

**“LOT COVERAGE”** means the percentage of the total lot area covered by buildings or structures, including accessory buildings or structures above finished grade level. **“LOT COVERAGE”** shall not include balconies, canopies decks, and overhanging eaves provided none of the foregoing are less than 2.4 metres above finished grade and private swimming pools.

**“LOT DEPTH”** shall mean 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. If 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”** shall mean the horizontal distance between the side lot lines, measured perpendicularly from a line joining the middle of the front and rear lot lines and at a point thereon, a distance equal to the minimum front yard depth required by this By-Law. Where there is no rear lot line, lot frontage shall mean the horizontal distance between the side lot lines, measured perpendicularly from a line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines. **“Lot Frontage”** shall not include the extent to which a lot abuts the end of a street, other than a street that terminates in a cul-de-sac.

**“LOT LINE”** shall mean any boundary of a lot or the vertical projection thereof. It shall be deemed to be two lot lines in cases where a lot line changes by a direction which is less than 135 degrees. It shall be deemed to be one continuous lot line in cases where the change in direction is greater than 135 degrees.

- a) **“FRONT LOT LINE”** shall mean in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot or through lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side. In the case of a through lot or a corner lot whose exterior lot lines are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. In case of a lot on an island with no public streets, the lot line dividing the lot from the main water access shall be deemed the front lot line.
- b) **“REAR LOT LINE”** shall mean in the case of a Lot having four or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than four lot lines, there shall be deemed to be no rear lot line.
- c) **“SIDE LOT LINE”** shall mean a lot line other than a front or rear lot line.
- d) **“EXTERIOR SIDE LOT LINE”** on a corner or through lot, means the side lot line which abuts an open public street.
- e) **“INTERIOR SIDE LOT LINE”** means the side lot line which does not abut an open public street.

**“LUMBER YARD”** shall mean the use of lands, buildings or structures for the purpose of buying, selling and storing of wood and wood products and lumber but does not include any manufacturing or processing uses.

**“MANURE STORAGEES”** as listed in Appendix "A" Table 5, means land, building or structures designed, used or intended to be used as permanent storages for manure of "digestate" produced from an anaerobic digester. It does not include manure transfer facilities, anaerobic digesters or temporary field storages. (B/L 24/11)

**“MARINA”** shall mean the commercial use of a building or structure or land containing marine facilities and located on a navigable waterway, where boats and boat accessories are stored, repaired, serviced or kept for sale or rent and may include facilities for the sale of marine fuels and lubricants.

**“MARINE FACILITY”** shall mean a building or structure which is used to place a boat into or take a boat out of a navigable waterway or used to moor, berth or store a boat accessory to residential, commercial, institutional or industrial uses. This definition shall not include any dwelling or habitable room or any boat repair, service or rental facilities.

**“MARINE POLLUTION CONTROL CENTRE”** shall mean a premise used for the storage and dispatching of petrochemical spill containment equipment and shall include accessory storage buildings, marine facilities and office uses.

**“MARINE SALES AND SERVICE ESTABLISHMENT”** means the use of lands, buildings or structures for the display and sale of new and or second-hand boats and watercraft, and may include the servicing, repair and cleaning of such and the sale of accessories and related products.

**MEDICAL MARIHUANA FACILITY**" shall mean any lands, building or structure licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import marihuana for medical purposes, including related research under the Marihuana for Medical Purposes Regulations or any subsequent legislations (ie. Access to Cannabis for Medical Purposes Regulations (ACMPR)) under Subsection 55(1) of the Controlled Drugs and Substances Act or as amended. This facility shall not include a shop for walk-in retail sales. (B/L 9/17)

**"MINIMUM DISTANCE SEPARATION" or "MDS"** shall mean the setbacks that non-agricultural uses must meet from livestock facilities (MDS I) and that livestock facilities must meet from non-agricultural uses (MDS II) as required in Section 5.2 of this By-Law and calculated in Appendix "A" to this By-Law. (B/L 24/11)

**“MOBILE HOME”** - See **“DWELLING”**.

**“MOBILE HOME LOT”** shall mean a parcel of land within a mobile home park occupied by or intended for occupancy by one double-wide mobile home or one single-wide mobile home together with all yards and open space required by this By-Law.

**“MOBILE HOME PARK”** shall mean a parcel of land containing two or more mobile home lots and which is under single management and ownership.

**“MODULAR HOME”** - See **“DWELLING”**

**“MOTEL”** means a building in which a minimum of four (4) Guest Rooms is provided for transient lodgers, without private cooking or housekeeping facilities but which may include dining and other public rooms, and provided that each Guest Room may only be entered from the exterior of the building and may be licensed under the Liquor Control Board of Ontario. This definition shall not include a Vacation Farm.

**“MOTOR HOME”** shall mean a self-propelled vehicle capable of being used for the temporary sleeping or eating accommodation of persons.

**“MOTOR VEHICLE”** shall mean an automobile, 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.

**“MOTOR VEHICLE, COMMERCIAL”** shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highway.

**“MOTOR VEHICLE REPAIR ESTABLISHMENT”** shall mean a building and/or land used for the servicing, repair, cleaning, polishing and greasing of motor vehicles and may include vehicular body repair and re-painting but shall not include any other automotive use defined in this By-Law.

**“MOTOR VEHICLE SALES ESTABLISHMENT”** shall mean a building and/or land used for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other automotive use defined in this By-Law.

**“MOTOR VEHICLE SERVICE ESTABLISHMENT”** shall mean a building and/or land used for the sale of fuels for motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this By-Law.

**“MOTOR VEHICLE WASHING ESTABLISHMENTS”** shall mean a building and land used for the washing or cleaning of motor vehicles by automobile washing equipment with a capacity greater than five cars per hour, and may include the sale of fuels to motor vehicles, but shall not include any other automotive use defined in this By-Law.

**“MOTOR VEHICLE WRECKING ESTABLISHMENT”** shall mean a building and/or lot used for the wrecking or dismantling of motor vehicles and for the storage and sale of scrap material, salvage and parts obtained therefrom, but shall not include any other automotive use defined in

this By-Law. The motor vehicle wrecking establishment must be licensed or recorded by the Province of Ontario.

**“MUNICIPALITY”** shall mean the Corporation of the Township of St. Clair.

**“MUNICIPAL DRAIN, CLOSED”** means “drainage work” as defined by the *Drainage Act* R.S.O. 1990 or its successor, located entirely within the ground and designed, used or intended for use for the conveyance of precipitation.

**“MUNICIPAL DRAIN, OPEN”** means “drainage work” as defined by the *Drainage Act* R.S.O. 1990, or its successor which includes a drain constructed by any means including the improving of a natural watercourse and includes the works necessary to regulate the water table within or on any lands or to regulate the level of the waters of any drain, reservoir, lake or pond and includes a dam, embankment, wall, protective works or any combination thereof.

**“NAVIGABLE WATERWAY”** shall mean waterbody deemed as navigable by the *Navigable Waters Protection Act*, R.S.C., 1990, or a successor thereof.

**“NON-COMPLYING”** shall mean a permitted use which does not comply with one or more provisions of this By-Law for the zone in which such building or structure is located on the date of passing of this By-Law or amendments thereto.

**“NON-CONFORMING”** shall mean a lawfully existing use, building or structure prohibited by this By-Law in the zone in which it is situated

**“NON-RESIDENTIAL USE”** shall mean any building, structure or part thereof, other than a dwelling.

**“NOTICE”** shall mean the formal Notice pursuant to Section 59(2) of the Clean Water Act regarding: a Notice that a Risk Management Official involvement is not required; or a Notice of Risk Management Plan is not required, or a Notice that a Risk Management Plan is required. Where a Notice identifies that a Risk Management Plan is required, such a use is deemed a prohibited use in an area of significant drinking water threat in the absence of a negotiated risk management plan pursuant to the Clean Water Act. (B/L 18/17)

**“NURSERY”** means the use of lands, buildings or structures or part thereof where trees, shrubs, sod or plants are grown or stored for the purpose of transplanting, for use as stock for building or grafting or for the purpose of wholesale or retail sale, together with the sale of soil, planting materials, fertilizers and similar materials and may include the storage of necessary machinery and vehicles used in connection with such business. Landscaping and garden supplies may also be kept or be offered for sale or rent.

**NURSING HOME”** shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two (2) or more unrelated persons, but does not include any premises falling under the jurisdiction of *The Homes for the Aged and Rest Homes*

Act, R.S.O., 1990, the *Private Hospitals Act*, R.S.O., 1990, and the *Public Hospitals Act*, R.S.O., 1990, or its successor.

**"NUTRIENT UNIT"** means a measure based on nutrient quantities for comparing sizes of livestock facilities of differing livestock types as listed in Appendix "A" Table 1. (B/L 24/11)

**"OCCUPANCY"** shall mean to reside in as owner or tenant on a permanent or temporary basis.

**"OCCUPANT LOAD"** means the number of persons for which a building or part thereof is designed.

**"OFFICE"** means a building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, or the conduct of public administration.

**"OIL AND GAS WELL SUPPLY ESTABLISHMENT"** shall mean a premise used for the repair, fabrication, machining, and threading of oil and gas well supplies, the indoor and outdoor storage of pipes and supplies and accessory office uses.

**"OPEN SPACE"** means an unoccupied space, open to the sky, except such land used or required for parking purposes by this By-Law and shall include recreational facilities, landscaped areas, patios, and walkways.

**"OPEN STORAGE"** shall mean the storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. Open Storage shall include the parking of commercial vehicles or vehicles used in construction.

**"OUTBUILDING"** means a building or structure other than the main building and may include a garage, garden shed gazebo or any other accessory building.

**"OUTDOOR DISPLAY"** means an area set aside outside of a building or structure used in conjunction with a business located within the building on the same property, for the display of goods.

**"PARK"** shall mean an area, consisting largely of open space, which may include a recreational area, playground, playfield or similar use, but shall not include a mobile home park or campground.

a) **"PUBLIC PARK"** shall mean a Park owned or controlled by the Corporation of the Township of St. Clair or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.

b) **"PRIVATE PARK"** shall mean a park other than a public park.

**"PARKING AREA"** shall mean an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces or driveways, but shall not include any part of a street. This definition may include a private garage. (also see General Provisions)

**“PARKING LOT”** shall mean any Parking Area other than a parking area accessory to a permitted use on the same lot.

**“PARKING SPACE”** shall mean a portion of a parking area, exclusive of any aisles or driveways, which may be used for the temporary parking or storage of a vehicle. (also see General Provisions)

**“PERMITTED”** shall mean permitted by this By-Law only.

**“PERSON”** shall mean any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representative of a person to whom the context can apply according to law.

**“PERSONAL SERVICE SHOP”** shall mean an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.

**“PETROLEUM WELL”** shall mean a hole drilled into a geographical formation of Cambrian or more recent age for the purpose of oil or gas exploration; the storage of oil, gas or other hydrocarbons; the disposal of oil fluid in a geological formation; solution mining; or, geological evaluation or testing.

**“PETROLEUM WORK”** shall mean a pipeline or a well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

**“PLACE OF ENTERTAINMENT”** shall include an auditorium, billiard room, or video game arcade, but does not include any place of entertainment or recreational use otherwise defined in this By-Law.

**“PLANTING STRIP”** shall mean an area which shall be used for no purpose other than planting a row of evergreen trees and/or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting shrubs, flowers, grass or similar vegetation.

**“PLANTING STRIP WIDTH”** shall mean the least horizontal dimension of a planting strip measured perpendicularly to the lot line adjoining such planting strip.

**“PLAYGROUND”** means any land used for the purpose of recreation or field games and not operated for profit.

**“PORCH”** shall mean a covered entrance to an entrance to a building.

**“POULTRY PROCESSING PLANT”** means the use of lands, buildings and structures for the slaughtering, processing, manufacture or packaging of poultry or poultry products and may include as an accessory use, the wholesale or retail sales of poultry and poultry products.

**“PRIVATE BOAT CLUB FACILITY”** means a building or part thereof used as a meeting place for members of a boating organization and may include a clubhouse and docking facilities.

**“PRIVATE GARAGE”** shall mean an accessory building or portion of a dwelling which is fully enclosed and used for the sheltering of permitted vehicles and storage of household equipment incidental to the residential occupancy. This definition shall not include a carport or other open shelter.

**“PRIVATE CLUB”** shall mean a building or part of a building used as a meeting place for members of a chartered organization and may include a lodge, a fraternity or sorority, or a labour union hall.

**“PUBLIC RECREATIONAL USE”** shall mean the use of lands and/or Buildings for the purpose of passive recreation, as defined in this By-Law, owned or controlled by the Corporation of the Township of St. Clair or by any Ministry, Board, Commission or Authority established under any Statute of Ontario or Canada.

**“PUBLIC USE, NON-RECREATIONAL”** shall mean a building, structure or lot used for public services by the Corporation of the Township of St. Clair or the County of Lambton, any local board of either the Township or the County, and Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada.

**“PUBLIC UTILITY”** shall mean any water, artificial or natural gas, electrical power or energy, steam or hot water.

**“RAIL MARSHALLING YARD”** shall mean the use of lands to store empty rail cars but includes the shunting of loaded rail tankers within approximately 24 hours or tanker arrival; and includes rail spurs and associated rail infrastructure. The number of rail cars to be situated on the said rail marshalling yard shall be limited to 48. (B/L 54/10)

**“RECREATION, ACTIVE”** shall mean a recreational activity or use with buildings or requires alteration of soil or topography and includes such activities such as golf courses, playing fields, and conservation areas involving built structures.

**“RECREATIONAL CAMP FACILITY”** shall mean the use of lands, buildings and structures for recreational activities operated by a private organization where children or adults may be accommodated in sleeping cabins. Other related structures shall include, amongst others, a recreational hall, a building containing cooking and eating facilities and swimming pools.

**“RECREATION, COMMERCIAL”** shall mean the commercial use of lands and/or buildings for the purpose of sport and leisure entertainment and shall include a fitness club, racquet courts, bowling alley, roller rink and the like.



**“RECREATION, PASSIVE”** shall mean an activity or use of land carried out for recreational purposes which does not require the construction of buildings or the alteration of soil or topography and includes open space, landscaped areas, conservation or environmental areas.

**“RECREATIONAL VEHICLE”** means a portable structure or motor vehicle which provides accommodation for travel, vacation, or recreation and may include the following: a Motor Home which means a self-propelled recreational vehicle capable of being used for temporary sleeping and eating accommodations; a Travel Trailer; and, a Truck Camper which means a portable structure designed to be loaded onto or affixed to the bed or chassis of a truck, constructed to provide temporary living accommodations.

**“RECYCLING DEPOT”** shall mean the use of lands, structures or Buildings for the accumulation and distribution of reusable materials including paper, cardboard, aluminum, steel, plastic and glass. Storage of such materials after packaging shall be short term until the materials are shipped out. Open storage areas used in conjunction with a “Recycling Depot” may be used to store limited quantities of old appliances, rubber tires and constructed materials. On-site processing of such articles or materials shall be prohibited.

**“RENOVATION”** shall mean the repair and restoration of lands, buildings or structures to good condition but shall not include its replacement.

**“REPLACEMENT”** shall mean the removal and rebuilding, repairing or restoring of more than 25 percent of the total building or structure.

**“RESEARCH & DEVELOPMENT ESTABLISHMENT”** means the use of lands, buildings and structures of parts thereof, for the purpose of developing and testing raw materials, processed products, or chemical and biological products.

**“RESIDENTIAL CARE FACILITY”** means the use of lands and buildings or portion of a building other than a Public or Private Hospital with provisions for accommodation and care for persons in return for compensation.

**“RESOURCE EXTRACTION”** means the use of lands for the drilling, production from the ground, and storage of natural gas, brine, or salt but excluding the refining of said products. This is separate from petroleum well as defined herein.

**“RESTAURANT”** shall mean a building or part of a building where food is prepared and offered or kept for retail sale to the public for consumption either on or off the premises and includes such uses as a cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, refreshment room or accessory drive-through window. This definition shall not include a drive-in restaurant.

**“RESTAURANT, DRIVE-IN”** shall mean an establishment where food is offered for sale or sold to the public for consumption, such establishment being designed for consumption of the food within a motor vehicle.

**“RESTAURANT, DRIVE-THROUGH”** means an element of a restaurant use associated with ordering and serving food and beverages to patrons where they remain in a motor vehicle, and includes any associated speaker system and order board.

**“RESTAURANT - SMALL SCALE”** shall mean a building or part of a building where food is prepared and offered or kept for retail sale to the public for consumption either on or off the premises but shall not include a drive through. The gross floor area of the use shall not exceed 225 square metres. (B/L 59 of 2022)

**“REST HOME”** shall mean a rest home established or maintained under the *Home for the Aged and Rest Homes Act*, R.S.O., 1990, as amended or its successor.

**“RETAIL STORE”** shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public.

**“RETAIL WAREHOUSE”** shall mean a building or part of a building for the storage and display of goods, merchandise, or materials and may include the carrying out of commercial transactions involving the sale of such goods, merchandise or materials by retail sale to the general public.

**“RETAIL SALES OR SERVICE AREA”** shall mean a floor area where goods and/or services are made available for sale but shall not include storage.

**“RETIREMENT HOME”** see Rest Home or Home for the Aged

**“RIDING SCHOOL / EQUESTRIAN CENTRE”** means the commercial use of lands, buildings and structures for the instruction of persons in a manner of riding houses and may include the boarding or stabling of horses.

**“ROAD”** shall mean a Street as defined in this By-Law.

**“SALVAGE YARD”** means the use of lands, buildings and structures for the wrecking, dismantling, storing or selling of second-hand goods, wares, or materials including” but not so as to limit the generality of the foregoing, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.

**“SANITARY SEWER”** shall mean a system of underground conduits operated by the Corporation of St. Clair, another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

**“SATELLITE DISH”** shall mean any accessory structure designed to receive communications signals from satellites.

**“SAWMILL”** means the use of lands, buildings or structures for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood, or related products.

**“SCHOOL”** shall mean a school under the jurisdiction of the Lambton-Kent District School Board, the St. Clair Catholic District School Board, or a school operated on a non-profit basis and under charter granted by the Province of Ontario.

**“SEAWALL”** see “Shoreline Protection”

**“SECOND DWELLING UNIT”** shall mean an additional dwelling unit pursuant to Subsection 35.1(1) of the *Planning Act* that is ancillary to the principle dwelling unit within the principle building or within a private garage where such garage is accessory and ancillary to normal dwelling uses and directly accessory to the principle dwelling on the same lot. (B/L 11/13)

**“SERVICE AND REPAIR SHOP”** shall mean an establishment wherein articles of goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of motor vehicles.

**“SERVICE SHOP, PERSONAL”** see Personal Service Shop

**“SERVICE TRADE”** shall mean an establishment other than a motor vehicle use, that provides a non-personal service or craft to the public, including but not necessarily restricted to a printer’s shop, a tinsmith shop, a plumber’s shop, a painter’s shop, a merchandise service shop, a furrier’s shop, an upholsterer’s shop, a bakery, a catering establishment, a machine shop, or a monument engravers shop.

**“SETBACK”** shall mean the minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot or the nearest open storage use on the lot.

**“SHOPPING MALL”** shall mean an enclosed building containing four or more retail stores and other uses, conceived, designed, developed, and managed as an independent and inter-related unit whether by a single owner or tenant or by a group. Said retail stores are connected by a common interior pedestrian walkway which provides the main point of entry to each retail store.

**“SHOPPING PLAZA”** shall mean a group of commercial establishments conceived, designed, developed, and managed as an interdependent and inter-related unit whether by a single owner or tenant or by a group acting in collaboration where access to each establishment is from an individual exterior entrance.

**“SHORELINE PROTECTION”** shall mean a wall constructed of armourstone, sheetpiling pressure-treated wood, gabion basket or similar material located at the base of the shoreline bank which provides protection against erosion. In the event of a dispute concerning whether adequate protection against erosion is provided a qualified engineer shall be consulted.

**“SIGHT TRIANGLE”** shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres from the point of intersection of the street lines (measured along the street line). Where the two street lines do not intersect at a point, the point of intersection of the street lines

shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

**“SIGN”** shall mean a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot which directs attention to an object, product, place, activity, person, institute, organization or business.

**“SITE PLAN”** means a scaled drawing showing the relationship between the lot lines and their uses, buildings, and structures existing and/or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor area, densities, septic tank and tile fields, utility lines, and currents.

**“SPECIAL NEEDS FACILITY”** shall mean premises that receives special needs or developmentally challenged persons who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours.

**“STACKED PARKING”** does not mean a parking space for the purposes of this By-Law but refers to the vehicular space required to queue up for a drive-through facility. A single stacked parking space located in the drive-through lane shall be 6 metres long by 2.7 metres wide.

**“STOCK YARD”** means the use of land, buildings and structures for the temporary containment of livestock.

**“STOREY”** shall mean that portion of a building or structure between any floor level of such building and the floor, ceiling or roof next above such floor level. In the case of a dwelling, this definition shall not include:

- a) an Attic, if such attic contains no habitable rooms; or
- b) a Basement, if such basement contains no habitable rooms; or
- c) a Cellar.

**“STOREY, ONE-HALF”** shall mean that portion of a building situate wholly or partly within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.29 metres over a floor area equal to at least 50% of the area of the floor next below.

**“STORM SEWER”** shall mean a pipe or conduit located entirely within the ground and designed, used, or intended for use for the conveyance of precipitation.

**“STREET”** shall mean a public thoroughfare which has been constructed in such a manner so as to permit its use by normal vehicular traffic, which is open on a year-round basis and which is under the jurisdiction of either the Corporation of the Township of St. Clair, the County or the Province of Ontario. This definition shall not include any lane or private right-of-way.

**“STREET ACCESS”** shall mean, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.

**“STREET LINE”** shall mean the limit of the street allowance and is the dividing line between a lot and a street.

**“STRUCTURE”** shall mean anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it erect, but shall not include free standing walls and fences.

**“SWIMMING POOL, PRIVATE”** shall mean a structure located on privately owned property, used and maintained for the purpose of swimming or wading.

**“TAVERN”** means an establishment operation under the *Liquor Licenses Act*, R.S.O., 1990 or its successor, where alcoholic beverages are sold to be consumed on the premises and may or may not include the preparation and sale of food to the public for consumption on the premises.

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

**“TENT”** includes every kind of temporary shelter for sleeping that is not permanently affixed to the site and is capable of being easily moved and is not considered a structure, a vehicle or a trailer.

**“TENT AND TRAILER CAMPSITE AREA”** means the total horizontal area within the boundary of the campsite.

**“TENT AND TRAILER CAMPSITE FRONTAGE”** means the width of the campsite between the side lines of the site measured along a line at right angle to the centre line of the campsite with the front of the site being that point at which primary vehicular or pedestrian access is provided to the site.

**“THEATRE”** means a building or part thereof, used for the presentation of the performing arts.

**“THEATRE, DRIVE-IN”** means the use of lands, buildings or structures for the purpose of the outdoor showing of motion pictures in consideration of payment.

**“TILLABLE HECTARES”** means the total area of land including pasture that can be worked or cultivated.

**“TOP-OF-BANK”** means a line delineated at a point where the oblique plane of the slope associated with a watercourse, meets the horizontal plane.

**“TOWNHOUSE”** See **“DWELLING”**

**“TRACK, RACE”** means a private course or line of motion laid out on the surface of the land used for the competition of automobile races, motorcycle races, snowmobile races or other

motorized vehicles or the testing or recreational driving of motor vehicles; however, this definition shall not include venues used for sanctioned motorized vehicle events that are held within a community fairground or an appropriately zoned, temporary-events venue (*such as the Brigden Pull and Shine*). This definition shall not include trails used for hiking, horseback riding, cross-country skiing or running or other forms of non-motorized travel.

**“TRAVEL TRAILER”** shall mean a structure or vehicle designed, intended and used exclusively for travel, recreation and vacation and which is either capable of being drawn by a passenger vehicle or is self-propelled, and shall include tent trailers, vans, motor homes and similar transportable accommodation excepting a single or double wide mobile home.

**“TRAVEL TRAILER SALES ESTABLISHMENT”** shall mean land and/or building used for the display for sale of travel trailers and includes the servicing, repair, cleaning, polishing and greasing of such vehicles and the sale of accessories and related products and the leasing or renting of such vehicles, but does not include an automotive sales establishment as defined in this By-Law.

**“TRUCK TRANSPORT TERMINAL”** shall mean a building, structure, or lot used for the parking, repairing, or dispatching of commercial motor vehicles or trailers.

**“TYPE A LAND USES”** includes industrial except landfill or Type 3 Industrial uses or zones, agricultural commercial and passive recreation uses and/or zones permitting such uses. For the purposes of MDS I, a dwelling or a non-agricultural lot creation up to three new non-agricultural lots are also Type A land uses. For the purposes of MDS II, Dwellings on separate lots zoned agricultural, non-farm residential, agricultural or rural cemeteries located in an Agricultural Zone are also Type A Uses. (B/L 24/11)

**“TYPE B LAND USES”** includes institutional, settlement uses, active recreation and non-farm related commercial uses and/or zones permitting such uses. For the purposes of MDS I, cemetery expansion, erecting a building with three or more dwelling units, expansion of a settlement area or residential cluster, more than three new non-agricultural lots, zones for residential use, or a consent that would result in four contiguous residential lots are also Type B land uses. For the purposes of MDS II, cemeteries not in an agricultural zone and areas specifically designated in the Township Official Plan as residential or settlement areas are also Type B land uses. (B/L 24/11)

**“USE”** when used as a noun, shall mean the purpose for which a lot, building or structure, or any combination thereof is designed, arranged, occupied or maintained. **“USES”** shall have a corresponding meaning.

**“UTILITY SERVICE BUILDING”** shall mean a building used in connection with the supplying of Public Utilities including a water and sewage pumping station, a water storage reservoir, a gas regulator building, a hydro sub-station, a telephone exchange building or similar buildings.

**“VACATION FARM”** is a privately owned, active agricultural operation which provides guests with temporary sleeping and eating accommodations as well as providing rural, vacation

activities. Notwithstanding any other definitions to the contrary, sleeping accommodations will be restricted to not more than 4 guest rooms (not including the owner's family bedrooms) within the existing farm dwelling without changing the character of the main use of the dwelling as a private residence. In addition, no person, other than a member of the family shall be employed in the farm vacation operation; there shall be no external display other than a non-illuminated sign no larger than 3 square metres; each guest room has a minimum of 10 square metres of floor area; no food or drink is offered or kept for sale for persons who are not overnight guest; and, in private service areas the proposed use must be approved under Part 8 of the Ontario Building Code.

**“VEHICLE”** shall mean an automobile, a boat, a commercial motor vehicle, a farm implement, a motorcycle, a snowmobile or a travel trailer.

**“VETERINARY ESTABLISHMENT”** means the use of lands, buildings or/and structures under the control and supervision of a veterinarian registered under the Veterinarian Act or its successor, where animals and birds are given medical treatment or care but there are no outdoor kennels.

**“VIRTUAL REALITY FACILITY”** shall mean a building, or part thereof, used for simulations for commercial recreational purposes and may consist of interactive computer-generated experiences taking place within an indoor simulated environment that incorporates mainly auditory and visual, but may also include other types of sensory feedback. This immersive environment can be similar to the real world or it can be fantastical, creating an experience that is not possible in ordinary physical reality. (B/L 42/18)

**“WALL, MAIN”** shall mean an outside wall of a building that supports a roof and shall include a wall under a gable end.

**“WAREHOUSE”** shall mean a building and/or enclosed structure intended to be used for the storage and display of goods, merchandise or materials, and may include the carrying out of commercial transactions involving the sale of such goods, merchandise and materials by wholesale.

**“WASTE DISPOSAL SITE”** shall mean: (a) any land upon, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed; or, (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to a clause in (a).

**“WATERCOURSE”** shall mean a lake, river, stream, canal, or drain provided such feature contains water or flow for 6 months of the year.

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

**“WHOLESALE USE”** means any establishment which sells merchandise to others for resale and or to industrial or commercial users.

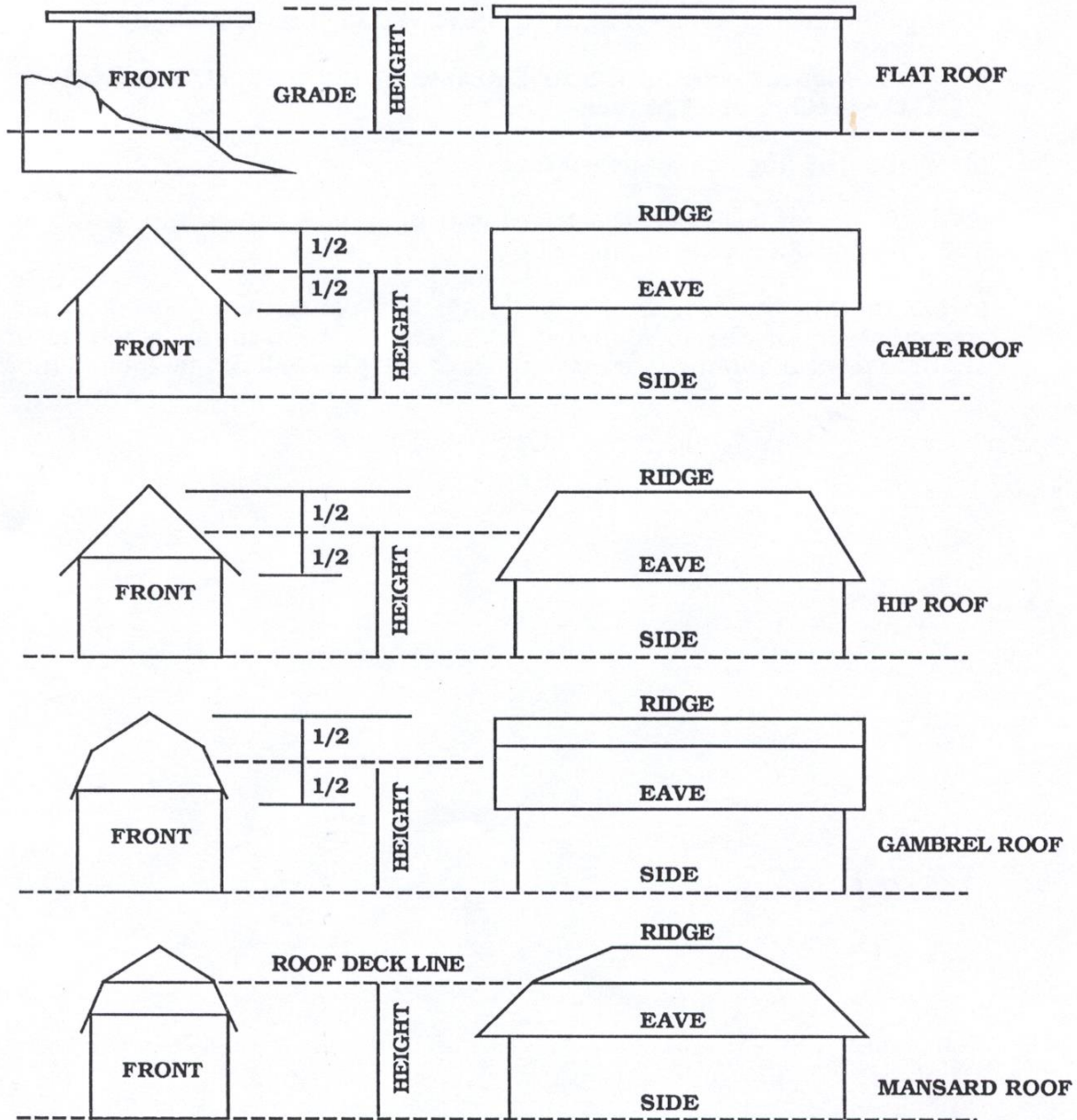
**“YARD”** shall mean a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in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

- a) **“FRONT YARD”** shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- b) **“FRONT YARD DEPTH”** shall mean the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- c) **“REAR YARD”** shall mean a yard extending across the full width of the lot between the rear lot line and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- d) **“REAR YARD DEPTH”** shall mean the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- e) **“SIDE YARD”** shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest open storage use on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.
- f) **“SIDE YARD WIDTH”** shall mean the least horizontal dimension between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- g) **“EXTERIOR SIDE YARD”** shall mean a side yard immediately adjoining a street.
- h) **“INTERIOR SIDE YARD”** shall mean a side yard other than an exterior side yard.
- i) **“REQUIRED YARD”** shall mean a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this By-Law. A required side yard shall extend from the required front yard to the required rear yard, or in the case of a lot which has no rear lot line, the required side yard shall extend from the required front yard to the opposite required side yard.

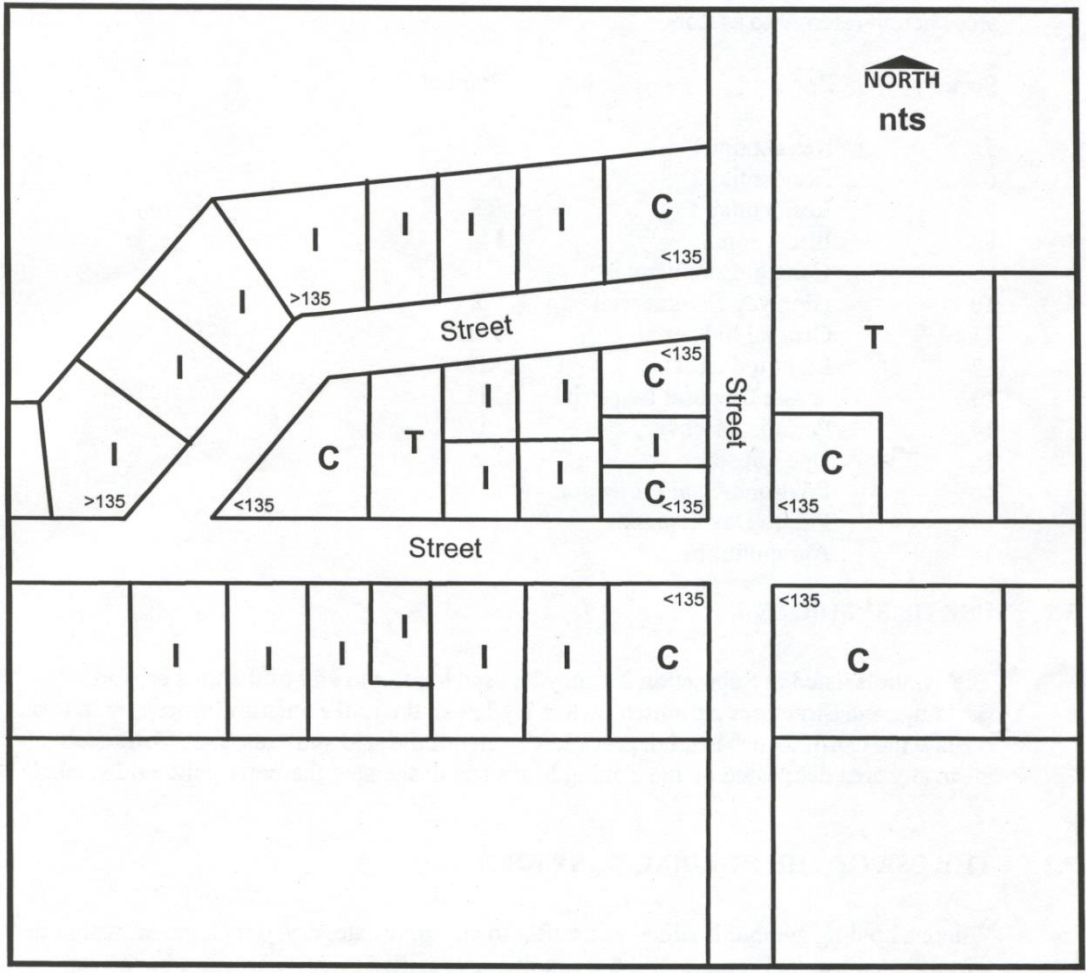
**“ZONE”** shall mean a designated area of land use shown of Schedule 'A' hereto.



## GUIDE TO HEIGHT DEFINITIONS



### Illustration of the Basic Types of Lots



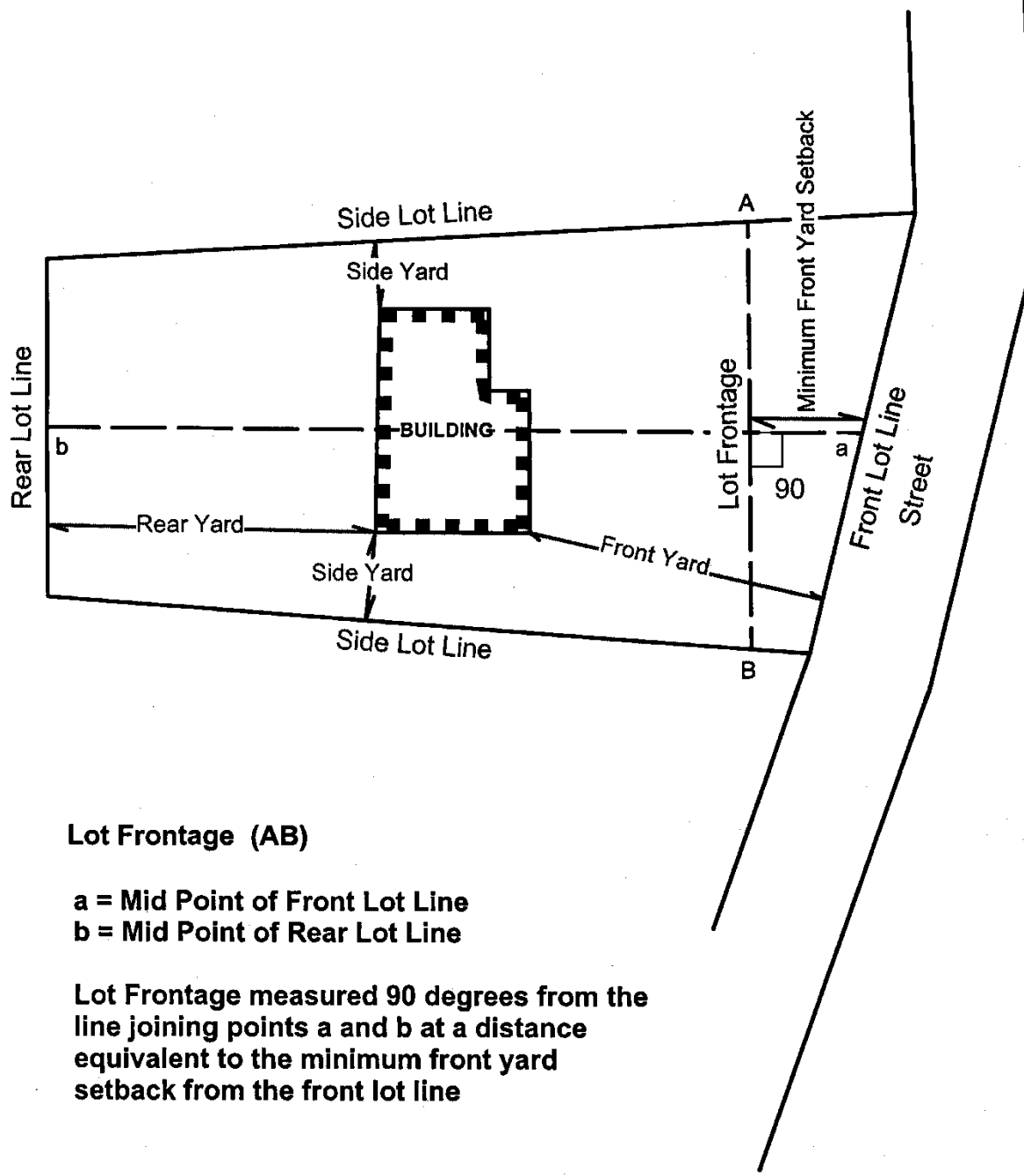
**C = CORNER LOT**  
**I = INTERIOR LOT**  
**T = THROUGH LOT**

>135 = Intersection angle greater than 135 degrees

<135 = Intersection angle less than 135 degrees



### Lot Frontage Measurements



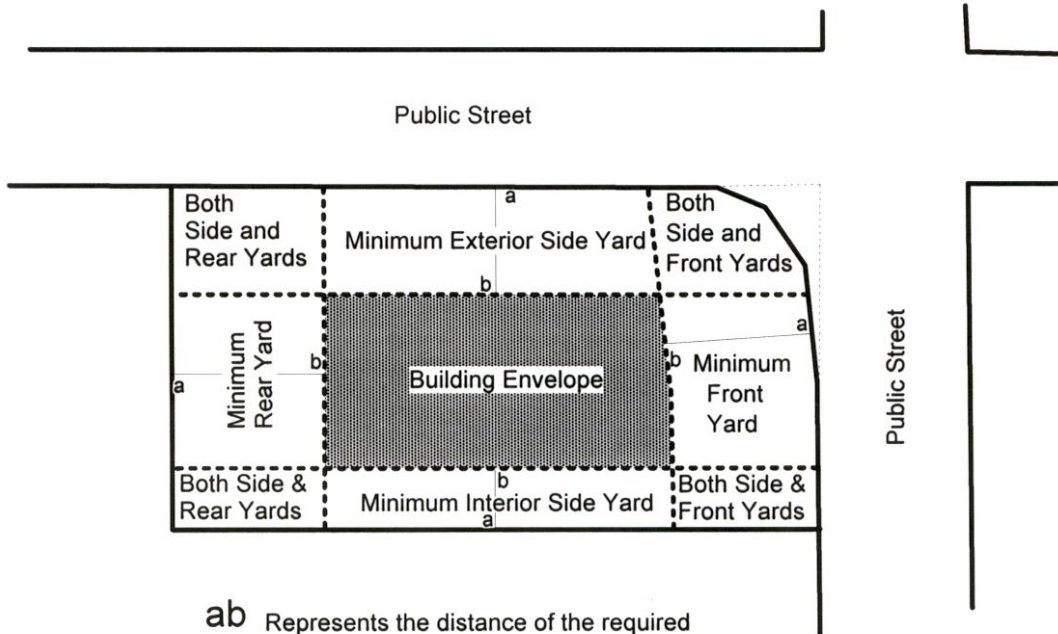
**Lot Frontage (AB)**

**a = Mid Point of Front Lot Line**  
**b = Mid Point of Rear Lot Line**

**Lot Frontage measured 90 degrees from the line joining points a and b at a distance equivalent to the minimum front yard setback from the front lot line**

## Yard Definitions

### Corner Lot Situation on a Curved Corner

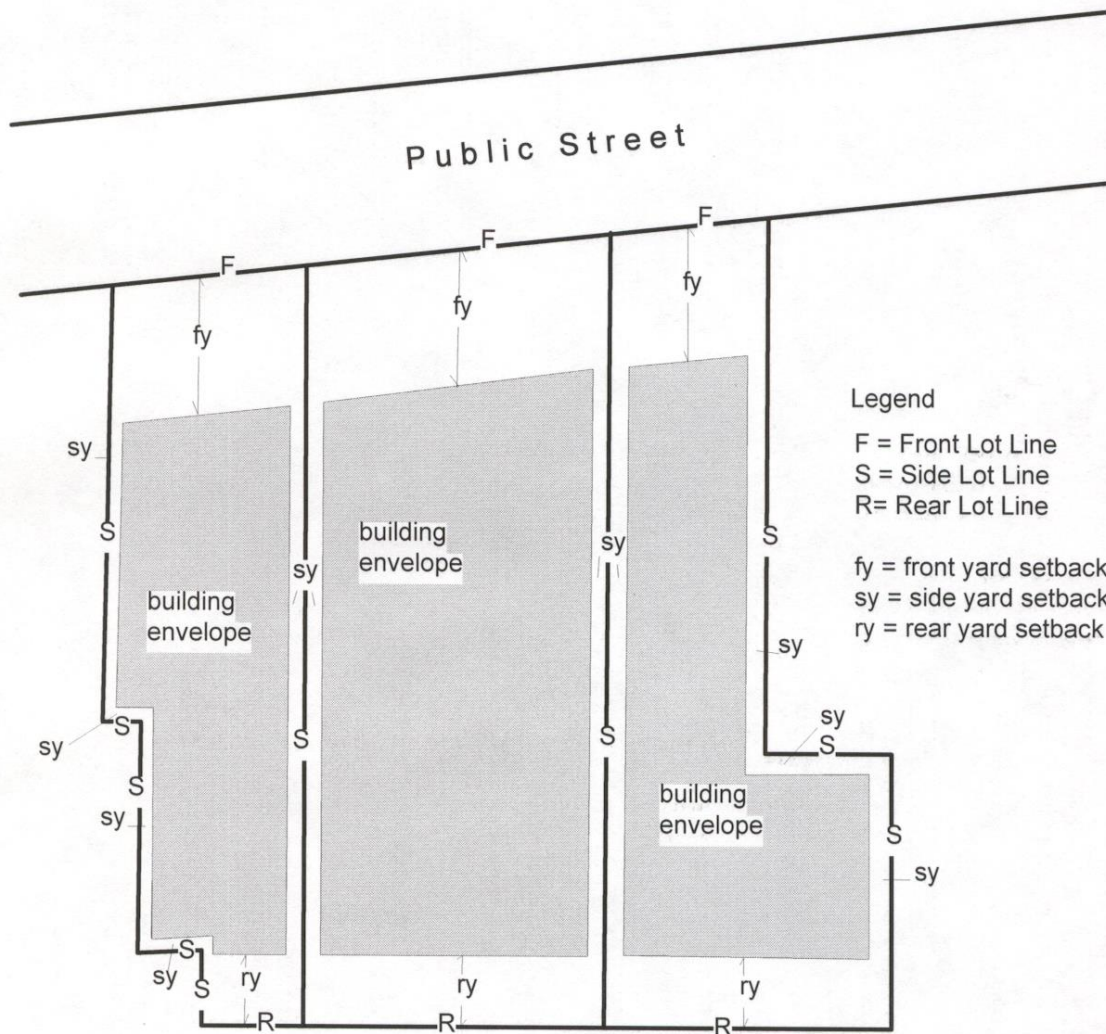


**ab** Represents the distance of the required yard setbacks

measured as the least horizontal dimension between a lot line and the nearest part of a main building

Distance ab must be the minimum distance specified in the By-law.

### Illustration of Side Lot Lines



## **SECTION 3 - ZONES, ZONE SYMBOLS & ZONE MAPS**

### **3.1 ESTABLISHMENT OF ZONES**

For the purpose of this By-Law the Township of St. Clair is divided into the following defined areas herein referred to as Zones:

<u>Section</u>	<u>Zone</u>	<u>Symbol</u>
5.1	Agricultural-1	A1
6.1	Residential-1	R1
6.2	Residential-2	R2
6.3	Residential-3	R3
6.4	Residential-4	R4
6.5	Residential-5	R5
6.6	Residential-6	R6
7.1	Suburban Residential	RS
8.1	Institutional-1	I1
9.1	Central Commercial	C1
9.2	Highway Commercial	C2
9.3	Agricultural Commercial	C3
9.4	Waterfront Commercial	C4
9.5	Neighbourhood Commercial	C5
10.1	Industrial Type 1	M1
10.2	Industrial Type 2	M2
10.3	Industrial Type 3	M3
10.4	Waste Disposal Industrial	M4
10.5	Agricultural Industrial	M5
11.1	Environmental Protection – Hazard	EP-H
11.2	Environmental Protection – Wetland	EP-WET
11.3	Environmental Protection – Woodlot	EP-WD
11.4	Environmental Protection – Natural	EP-N
12.1	Open Space – 1	OS1
12.2	Open Space – 2	OS2
13	Future Development	FD1

### **3.2 USE OF SYMBOLS**

The symbols listed in Subsection 3.1 may be used to refer to any of the uses of land, Buildings and Structures permitted by this By-Law in the said Zones and whenever in this By-Law the word "Zone" is used, preceded by any of the said symbols, such Zone shall mean any area delineated on the Zoning Maps and designated thereon by the said symbol.

### **3.3 THE USE OF THE HOLDING (h) SYMBOL**

Where a holding symbol is added as a suffix to any zone category, development within the area affected cannot proceed until the conditions specified in the provisions have been fulfilled. Council will remove the (h) Holding Provisions once the conditions restricting development have been satisfied.

### **3.4 APPLICATION OF ZONES**

No Person shall, within any of the Zones defined in the By-Law and delineated on the Zoning Maps hereto appended, erect or use any Building or Structure, or use any land in whole or part except in such manner and for such purposes as are set forth in this By-Law.

### **3.5 INCORPORATION OF ZONING MAP**

The location and boundaries of the Zones established by this By-Law are shown on the Zoning Map hereto appended as Schedule "A" are hereby incorporated in and declared to form part of this By-Law.

### **3.6 INTERPRETATION OF ZONING MAP**

Where uncertainty exists with respect to the boundaries of the various Zones as shown on the Zoning Maps, the following provisions shall apply:

#### **a) Street, Lane, Right-of-Way, or Watercourse**

Unless otherwise shown, a Street, Lane, railway Right-of-Way, electrical transmission line Right-of-Way, creek or watercourse shall be included within the Zone of the adjoining property on either side thereof and where such Street, Lane, Right-of-Way, creek or watercourse serves as a boundary between two or more different Zones, the centre line of such Street, Lane, Right-of-Way, creek or watercourse extending in the general direction of the long dimension thereof, shall be deemed to be the boundary between Zones.

#### **b) Lot Lines**

Where any Zone boundary is not shown to be a Street, Lane, Right-of-Way, creek or watercourse, and where the boundary approximately follows lot lines, such lot lines shall be deemed to be the Zone boundary.

#### **c) Closed Street, Lane or Right-of-Way**

In the event a Street, Lane or Right-of-Way and the limits of any portion thereof is closed, the property formerly within such Street, Lane or Right-of-Way shall be included within the Zone adjoining the property, and where such Street, Lane, or Right-of-Way was a Zone



boundary, the new Zone boundary shall be the former centre line of the closed Street, Lane or Right-of-Way.

**d) Conservation Authority Fill & Construction Lines**

Certain lands exhibiting natural hazards and natural heritage features within the Municipality are subject to Conservation Authority Regulations. Where any Zone boundary is shown as following the limits of a Conservation Authority Regulated area, the Zone boundary shall be deemed to correspond with the limits of such Regulated area. In the event that an application is made to, and approved by, the Conservation Authority for a permit pursuant to their Development Regulations, the delineated lands as identified in such issue for which such permit is issued shall be deemed to be included within the same Zone as the adjoining non-Regulated lands, subject to appropriate study.

**e) Scale From Zoning Map**

Where any Zone boundary is left uncertain after application of the provisions of Section 3.6, subsections a), b) c) and d), of this By-Law, then the boundary shall be determined by scale from the zoning maps to the centre of the Zone boundary line.

**3.7 INCORPORATION OF TABLE “A”**

The site regulation provisions of the Zones established by this By-Law are shown on the chart hereto appended as Table “A” and are hereby incorporated in and declared to form part of this By-Law.

**3.8 INCORPORATION OF APPENDIX “A”**

The site regulations of the Minimum Distance Separation (I and II) are hereto appended as Appendix “A” and are hereby incorporated in and declared to form part of this By-Law.

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## **SECTION 4 - GENERAL PROVISIONS**

### **4.1 USES PERMITTED IN ALL ZONES**

The following uses are permitted in all zones within the Corporation of the Township of St. Clair.

#### **4.1.1 Public Services**

Despite any other provisions of this By-Law, the County of Lambton, the Corporation of the Township of St. Clair, the St. Clair Region Conservation Authority and any Ministry of the Government of Canada or Province of Ontario may for the purpose of public service, use any land or any building or structure in any zone in spite of the fact that such use of any building or structure does not conform with the provisions of this By-Law for such zone.

#### **4.1.2 Utilities and Essential Services**

This By-Law permits the use of lands, buildings or structures in any zone for the provision of essential services, utilities or drainage work by the Township, County, Conservation Authority or any telephone, telegraph, cable television, natural gas, energy or electricity company provide that:

- a) buildings or structures are designed and maintained in general harmony with the buildings and structures permitted within the zone in which it is located in;
- b) such building or structure (*not including those directly used in the movement of a public utility commodity such as a conduit*) shall comply with the setback, lot coverage and open space regulations of that zone; and
- c) there shall be no external outside storage of goods, materials or equipment in any residential zone.

#### **4.1.3 Public Recreational Uses**

Parks, Community Facilities and golf courses operated by or for the Township of St. Clair including uses accessory thereto.

#### **4.1.4 Construction Uses**

A temporary construction or work camp, tool shed, scaffold, or other building or structure incidental to and necessary for the construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work which has not been finished or abandoned.

#### **4.1.5 Pipelines**

Nothing in this By-Law shall prevent the use of any land for any gas, oil, brine or other liquid or gaseous product transmission or distribution pipeline and appurtenance thereto.

#### **4.1.6 Petroleum Well and Petroleum Work**

Nothing in this By-Law shall prevent the use of any land for any "Petroleum Well", "Petroleum Work" or "Brine Extraction" and accessory uses subject to the regulations of the *Oil, Gas and Salt Resources Act*, R.S.O. 1990 or its successor.

### **4.2 USES PROHIBITED IN ALL ZONES**

Unless specifically permitted in this By-Law, all uses, including the following uses, are specifically prohibited and shall be permitted only by amendment to this By-Law:

- (a) Offensive industrial uses including the boiling of blood, tripe or soap, tanning of hides and skins and other similar uses may be declared by the local Board of Health or Council to be a noxious or offensive trade, business or manufacture.
- (b) The operation of year-round, privately-owned travel trailer campgrounds or privately-owned tent and trailer campgrounds, but not including the operation of mobile home parks as defined in this By-Law.
- (c) A mobile home in any zone other than a zone which specifically permits a mobile home park as defined in this By-Law.
- (d) Salvage Yard or Motor Vehicle Wrecking Yard.
- (e) The outdoor keeping or storage of any derelict motor vehicle.
- (f) A track for the racing or testing of automobiles, snowmobiles, motorcycles or any motorized vehicle.
- (g) Adult Entertainment Parlour.

#### **4.2.1 Uses Prohibited in Areas of Significant Drinking Water Threat (IPZ3 or EBA) as identified on Schedule B: (B/L 18/17)**

- (a) Any use involving fuel handling or fuel storage greater than 34,000 litres without a "notice" from the risk management official office; or
- (b) Any use involving the handling of fertilizer that could exceed 124,000 kilograms without a "notice" from the risk management official office.

## 4.3 ACCESSORY USES

### 4.3.1 Uses Permitted

Where this By-Law provides that land may be used for a building or structure or may be erected or used for a purpose, that purpose shall include any accessory building, structure or use, but shall not include any of the following uses:

- (a) any occupation for gain or profit conducted within or accessory to a dwelling unit; nor
- (b) any building used for human habitation except for a second dwelling unit approved by the municipality/building inspector.

### 4.3.2 Structures and Uses Permitted in all Yard Setbacks

Despite any other yard provisions of this By-Law, drop-awnings, flag-poles, garden trellises, fences, retaining walls, legal signs, legal septic systems or similar accessory uses shall be permitted in any yard.

### 4.3.3 Yards

All accessory uses shall comply with the yard provisions of the zone in which such accessory use is located, except that in any (*Residential*) **R** or **RS** Zone, an accessory use shall comply with the following provisions:

- (i) an accessory building or structure, which is not attached to the main building, shall not be erected in any yard other than the interior side yard or rear yard except where the residential property abuts the St. Clair River, the North Sydenham River, the Chenal Ecarte or its abutting canals, the accessory building or structure may be permitted in the front yard.

Notwithstanding the above clause, a detached accessory building greater than 67 square metres on lots abutting the St. Clair River or its abutting canals shall not be located in the front yard or the yard abutting the watercourse. (B/L 56/07)

- (ii) No detached accessory building (not including a deck) shall be located closer than 1.2 metres to the main building on the same lot.
- (iii) An attached-accessory building or structure may be erected in a front yard or exterior side yard provided it is not located in a required yard and provided that it is constructed of the same type of material as the main building and is of similar design.

- (iv) When an accessory building or structure is located in an interior side yard, it shall be no closer than 1 metre to the interior side lot line except where a mutual private garage is erected on the common lot line between two lots, in which case no interior side yard is required. A deck that is not accessed on the ground storey shall apply to the setbacks of the principle use.

Notwithstanding the above clause, a detached accessory building greater than 67 square metres shall be located no closer than 3 metres from the lot line. (B/L 56/07)

- (v) When an accessory building or structure is located in the rear yard, it shall be no closer than 1 metre to the rear lot line. A deck that is not accessed on the ground storey shall apply to the setbacks of the principle use.
- (vi) In cases along the St. Clair River or the Chenal Ecarte, where an accessory building or structure is located in the front yard, it shall be no closer to the street than the established building line and where there is no established building line, the accessory building or structure shall be a minimum of 30 metres from the front lot line.
- (vii) No accessory building shall be located closer to the exterior side lot line than the exterior side yard setback required for the zone in which each lot is located.

#### **4.3.4 LOT COVERAGE AND HEIGHT (B/L 56/07)**

- (a) The total lot coverage of all (detached and attached) accessory uses on a lot in any Residential (R1, R2, R3...) Zone shall not exceed 10% of the lot area to a maximum of 67 square metres, nor shall the height of any detached accessory building exceed 5 metres. For the purposes of this provision, the height of the detached accessory building or structure shall be measured from the finished grade to the highest point of the building or structure. A rural residential use shall be a lot zoned A1-R or A1 (with or without exceptions numbers) that is less than 2 hectares in area used for a single-detached residence but shall not include lands zoned A1-R1.  
(B/L 55/07)
- (b)(i) The total lot coverage of all (detached and attached) accessory uses on a lot in any Suburban Residential (RS-1, RS-2, RS-3...) Zone or any Rural Residential use shall not exceed 10% of the lot area to a maximum of 186 square metres, nor shall the height of any detached accessory building exceed 5 metres. For the purposes of this provision, the height of the detached accessory building or structure shall be measured from the finished grade to the highest point of the building or structure.

- (b)(ii) All detached accessory buildings on a lot zoned Suburban Residential or Rural Residential uses shall be limited to only one storey, and shall be (subordinate) smaller than the ground floor area of the principle use.
- (b)(iii) All detached accessory buildings on a lot zoned Suburban Residential or on a Rural Residential lot shall be normal and incidental to a residential use on the same lot and shall not be considered an accessory building if there are commercial/industrial activities therein including the warehousing of items used in a business or parking of vehicles used in a business.
- (b)(iv) All detached accessory buildings on a lot zoned Suburban Residential or on a Rural Residential lot shall not be a nuisance in terms of emissions or noise, (no noise sounds greater than 2dbA increased in the hourly sound levels measured in any area, and at any critical time, as designated by a competent public authority).

#### **4.3.5 PRIVATE SWIMMING POOLS AND DECKS**

A private swimming pool or deck shall not be considered as part of the lot coverage. Fences surrounding private swimming pools shall comply with the By-Laws of the Corporation of the Township of St. Clair regulating such fences.

#### **4.3.6 BOAT DOCKS AND LIFTS**

- (a) Private Boat Docks and Private Boat Lifts shall be considered as accessory uses in conjunction with a residential dwelling and permitted in the Environmental Protection – Hazard Zone with appropriate federal and provincial approvals.
- (b) Only one boat dock/ lift shall be permitted per lot.
- (c) A boat dock or lift shall have a minimum setback of 2.45 metres measured from the projection of the Side Lot Lines into the watercourse.
- (d) Along the St. Clair River, accessory boat docks and lifts shall meet the following:
  - (i) such use is accessory to a single detached residential lot either on-site or directly across the St. Clair Parkway on the east side; and
  - (ii) such lot, located on the west side of the St. Clair Parkway, has attached to it a water Lot and/or an area of river bottom for which a license of occupation has been issued by the Ministry of Natural Resources to the Owner and any appropriate

approvals from the Coast Guard-Department of Fisheries and Oceans or their designated agent.

- (e) No Industrial Dock shall be constructed in front of an Existing Dwelling.

#### **4.3.7 MANURE STORAGE AREAS**

A liquid manure storage area shall be fenced. Fences surrounding manure storage areas shall comply with the By-Laws of the Corporation of the Township of St. Clair regulating such fences.

#### **4.4 HEIGHT RESTRICTIONS**

- (a) The height provisions of this By-Law shall not apply to the following:  
air conditioning works, radio antennas, television antennas, bridges, church spires, belfries, cupolas, elevators, light standards, staircases, chimneys, smokestacks, ventilators, skylights, water tanks, bulkheads, firewalls, farm buildings, flag poles, grain elevators and;  
  
any feature necessary for mechanical appurtenances accessory to the building on which they are erected provided the feature is erected only to the height necessary to accomplish their purpose.
- (b) The height provisions of this By-law shall not apply to the following in industrial zones:  
Petrochemical processing vessels, equipment and structures which would include boilers, heaters and associated infrastructure, cooling towers, distillation/fractionation towers, reforming processes, vessels for hydrolysis, rehydration or extrusion/stripper towers, silos, packed beds, reactors or other petrochemical structures and the like. (B/L 49/17)

#### **4.5 NON-CONFORMING USES**

This By-Law acknowledges that Section 34(9) of the *Planning Act*, R.S.O.1990 or its successor, provides that "no By-Law passed under this section applies:

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the By-Law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-Law, so long as it continues to be used for that purpose; or
- (b) to prevent the erection or use for a purpose prohibited by the By-Law of any building or structure for which a permit has been issued under Section 5 of the *Building Code Act*, R.S.O. 1990, or its successor, prior to the day of the passing of the By-Law, so long as the building or structure when erected is used and

continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 6 of the *Building Code Act*, R.S.O. 1990, or its successor.

Furthermore, Section 34(10) of the *Planning Act*, R.S.O 1990, or its successor provides as follows:

Despite any other provision of Section 34 of the *Planning Act*, any By-Law passed may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the By-Law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such By-Law was passed.

No new non-conforming buildings will be permitted to a non-conforming use and no increase in lands will be permitted to a non-conforming use without an amendment or variance to this By-Law.

#### **4.6 RESTORATION OF NON-CONFORMING USES**

- (a) Where in any Zone, a building or structure exists as a legal non-conforming use and the said building or structure is destroyed by fire or natural disaster, this By-Law does not prevent the reconstruction of said building or structure to its prior dimensions at its exact prior location. Should the exact prior location be impossible to build upon for legal, technical or insurance reasons, then the location may be adjusted only to the extent necessary to overcome such reasons.
- (b) Nothing in this By-Law shall prevent the strengthening or restoration to a safe condition of any non-conforming use, building or structure provided that such repair or restoration will not increase the height, size or volume or change the use of such building or structure or constitute a replacement.

#### **4.7 NON-COMPLYING BUILDINGS OR STRUCTURES**

##### **(a) Rebuilding or Repair Permitted**

Where in any zone, a non-complying use, building or structure is destroyed by fire or natural disaster, such non-complying building or structure shall be reconstructed in compliance with this By-Law unless it is not possible for legal, technical or insurance reasons. In such case, the reconstruction shall comply as close as possible with the By-Law and if this is not possible due to legal, technical or insurance reasons, the non-complying use, building or structure may be reconstructed to its prior dimensions at its exact prior location.



(b) **Strengthening to a Safe Condition**

Nothing in this By-Law shall prevent the repair or restoration to a safe condition of any non-complying building or structure provided that such repair or restoration does not further contravene any of the provisions of this By-Law.

(c) **Additions and Accessory Uses Permitted**

(i) Nothing in this By-Law shall prevent an addition to a non-complying use, building or structure, provided that such addition does not further contravene any of the provisions of this By-Law.

(ii) Nothing in this By-Law shall prevent the erection or enlargement of buildings, structures and uses accessory to a non-complying use, building or structure, provided that such erection or enlargement does not further contravene any of the provisions of this By-Law.

(d) **Recognition of Non-Complying Buildings and Structures**

Notwithstanding any other provisions of this By-Law and any predecessors thereto, where a building or structure was established prior to April 21, 2003 and the use of such building or structure is a permitted use by the provisions of the zone in which it is located but does not meet the zone regulations with respect to lot area, lot frontage, separation distance, setbacks, landscaped open space and lot coverage for that zone, the said building or structure shall be deemed to comply with this By-Law provided that:

(a) Any future enlargement, extension, reconstruction, repair or renovation does not further contravene the compliance of the building or structure with any of the provisions of this By-Law to which it does not comply; and

(b) All other applicable provisions of this By-Law are complied with.

Notwithstanding any other provisions to this By-Law, the intent of minor variances approved since January 1, 1996 shall be deemed to conform with this By-Law.

## **4.8 DWELLING UNITS**

### **4.8.1 Yard Provisions for Non-Residential Buildings**

Where a dwelling unit is located in a non-residential building, such dwelling unit shall comply with the yard provisions of this By-Law which apply to the said non-residential building.

#### **4.8.2 Basement Location**

A dwelling unit, in its entirety, may be located in a basement, provided that the finished floor level of such basement is not below the level of any sanitary sewer or storm sewer serving the building in which such basement is located and there is at least one storey located above such basement containing habitable space.

### **4.9 LOT DEVELOPMENT REQUIREMENTS**

#### **4.9.1 Frontage on a Street**

Notwithstanding any provision of this By-Law, no lot shall be used and no building on a lot erected or used unless the lot abuts or fronts on a street, except on Stag Island and Fawn Island; or such lot fronts onto a private lane in an approved vacant land condominium with an approved site plan registered in the Registry Office for the Registry Division of the County of Lambton. **(B/L 68/20)**

#### **4.9.2 More than One Use on a Lot**

When a lot contains more than one use, each such use shall conform to the provisions of this By-Law for such use in the zone where it is located.

#### **4.9.3 More than One Zone on a Lot**

When a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-Law for the applicable zones. The minimum lot frontage and the minimum lot area shall be measured along the entire lot regardless of which portion is in one zone or another and the most restrictive zone provision applies to minimum lot area and frontage. Furthermore, a zone boundary shall not be considered a lot line for setback purposes.

#### **4.9.4 Number of Main Buildings on a Residential Lot**

Unless otherwise stated, no lot shall be occupied by more than one (1) main building in any Zone which permits residential uses.

### **4.10 EXISTING LOTS**

- a) At the date of passing of this By-Law, where one or more lots exist and are held in separate ownership in any zone including lots which have insufficient lot area and/or frontage, then this By-Law shall not prevent the erection of a permitted use thereon provided that all other provisions of this By-Law are complied with and the lot can be serviced with a potable water supply and sanitary sewerage system / approved septic system.

- b) Notwithstanding the above clause a), the erection of new dwellings containing more than one dwelling unit shall comply with the lot area and frontage provisions per dwelling unit.
- c) Notwithstanding the above clause a), the erection of principle farm implement sheds or storage buildings within an Agricultural Zone shall comply with the lot area and lot frontage provisions. The above-noted clause shall not prevent the erection of an accessory garage to an existing dwelling on the subject lot, where said lot has insufficient lot area and/or frontage, provided that all other provisions of this By-Law are complied with and the lot can be serviced with a potable water supply and sanitary sewerage system.

#### **4.11 LOTS REDUCED BY PUBLIC ACQUISITION**

Where the area of a Lot is reduced by means of an acquisition of part of the lot by any authority having power of expropriation, and where such acquisition causes the lot as reduced, or any building or structure existing on the lot on the date of such acquisition, to not comply with one or more provisions of this By-Law, then nothing in this By-Law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provide that:

- a) no further change is made in the dimensions, area or any other characteristic of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
- b) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with the provisions of this By-Law as it applies to the reduced lot.

#### **4.12 HOME OCCUPATIONS**

No home occupation shall be permitted in any zone unless such use complies with the following provisions:

- (a) The home occupation shall be clearly secondary to the main residential use, be operated and contained entirely within the dwelling, and shall not change the residential character of the dwelling or the lot.
- (b) No person other than a member of the housekeeping unit, and not more than two persons not residing on the premises shall be employed except as is necessary for housekeeping purposes.
- (c) There shall be no open storage or display of materials, containers or finished products.

- (d) The home occupation may involve the sale of goods associated with a craft that is produced in the dwelling, but a use that is primarily a retail store is prohibited.
- (e) Except for a Bed and Breakfast Establishment, not more than 25% of the gross floor area of the dwelling shall be exclusively devoted to the home occupation and it shall not occupy more than 28 square metres of gross floor area.
- (f) No home occupation use shall include the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, or metal fabrication.
- (g) A sign shall be permitted in accordance with this By-Law.
- (h) The use shall not create or become a public nuisance in regard to noise, traffic, parking or interference with radio or television reception.
- (i) No more than one physician, dentist or drugless practitioner shall practice in a Clinic where such clinic constitutes a home occupation. Such physician, dentist or drugless practitioner shall reside in the dwelling unit, where such clinic is located.
- (j) No above normal pedestrian or vehicular traffic
- (k) Except for a Bed and Breakfast Establishment or a Clinic, the Home Occupation shall not require the creation of additional on-site parking spaces unless the said Home Occupation occupies more than 56 square metres of the Dwelling Unit Area. If such is the case, one parking space shall be provided for every 28 square metres exclusively devoted to the Home Occupation.
- (l) A Bed and Breakfast Establishment shall require 1 parking space per guestroom. A clinic shall require 5 parking spaces or 1 parking space for every 28 square metres exclusively devoted to the clinic whichever is the greater.
- (m) Except for a Bed and Breakfast Establishment, where food is served to overnight guests only or a catering business, where food is prepared on site for delivery to another location, no food preparation of food service shall be permitted as a home occupation.

#### **4.13 AGRICULTURAL HOME INDUSTRY**

An agricultural home industry shall be permitted in any Agricultural Zone and must comply with the following:

- (a) The Agricultural Home Industry shall be carried on entirely within an accessory building.
- (b) The Agricultural Home Industry shall not exceed 90 square metres.

- (c) The Agricultural Home Industry shall not include a contractors yard, a truck depot and similar uses.
- (d) No person other than a member of the housekeeping unit, and not more than two persons not residing on the premises shall be employed except as is necessary for housekeeping purposes.
- (e) A sign shall be permitted in accordance with this By-Law.
- (f) The home industry shall be clearly secondary to the main agricultural use and shall not change the character of the farm or the lot.
- (g) The use shall not create or become a public nuisance in regard to noise, traffic, parking or interference with radio or television reception.
- (h) The Home Industry shall not require the creation of additional on-site parking spaces unless the said Home Occupation occupies more than 56 square metres of an accessory building. If such is the case, one parking space shall be provided being exclusively devoted to the Home Industry.

#### **4.14 GROUP HOMES**

Group Homes, as defined in this By-Law, shall be separated by a minimum distance of 4,500 metres in the Agricultural and Suburban Residential Zones. In all other zones where a single detached residential dwelling are permitted, there shall be a minimum separation distance of 500 metres. *New Group Homes may be permitted by a Zoning By-Law amendment.*

#### **4.15 OCCUPANCY OF VEHICLES**

No truck, coach or streetcar body shall be used for human occupancy within the Township of St. Clair, whether or not the same is mounted on wheels;

No travel trailer, truck camper, or motor home shall be used for the living, sleeping or eating accommodation of persons within any residential zone for a period of more than thirty days in any period of ten consecutive months.

#### **4.16 MINIMUM DISTANCE SEPARATION FOR AGRICULTURE**

Notwithstanding any other yard or setback provision of this By-Law to the contrary, a residential, institutional, commercial, industrial or recreational use, will comply with the MDS1 calculation, see appendix.

Notwithstanding any other yard or setback provision of the By-Law to the contrary, a residential use to be located upon an existing lot of record one hectare or less in area and permitted its zoning, will not be required to comply with the MDS1 calculation.

Notwithstanding any other provisions of this By-Law to the contrary, a new or expanding livestock facility in an Agricultural Zone, will comply with MDS2 see appendix.

#### **4.17 YARD ENCROACHMENTS**

Unless otherwise specified by this By-Law, every part of any yard required by this By-Law shall be open and unobstructed by any building or structure from the ground to the sky provided however, those structures listed below shall be permitted to project into the required yards indicated for the distances specified.

(a) **Architectural Features**

The projection of window sills, chimneys, cornices, eaves, gutters, and similar architectural features shall be permitted to project into any required yard a maximum distance of 0.5 metres.

(b) **Outdoor Heating and Air Conditioning Units**

An outdoor heating unit, within an Agricultural Zone, may project into any required yard a maximum distance of 1 metre.

(c) **Porches**

An enclosed or unenclosed (walled) porch may project into any required front, exterior side yard or rear yard a maximum distance of 2 metres excluding eaves. Notwithstanding the aforementioned, an enclosed or unenclosed porch may not be closer than 4 metres from the street lot line.

(d) **Unenclosed Balconies and Steps**

Unenclosed balconies and steps may project into any required front, exterior side or rear yard a maximum of 2 metres.

(e) **Bay Windows and Awnings**

Any bay window or awning may project into the required front, exterior side and rear yards a maximum of 1 metre.

(f) **Building in Built-Up Areas**

Where a building is to be erected within a built-up area where there is an established building line, as defined in this By-Law, such building may be erected closer to the street line or the rear lot line than required by this By-Law provided that such building is not erected closer to the lot line than the established building line and all other general provisions of this By-Law, such as environmental concerns, site triangles, etc., shall apply.

## **4.18 YARD DEPTH NON-COMPLIANCE**

Where in any Zone, a Building or Structure existed prior to April 21, 2003, and is used for a permitted use and the existing Building or Structure does not comply with the minimum required yard setback for the Zone in which it is situated, the existing yards setbacks shall be deemed to conform to this By-Law; however, any expansions to the existing Building or Structure shall comply with all provisions of this By-Law. (also see Non Complying Subsection 4.7 d).

## **4.19 ADDITIONAL BUILDING SETBACKS**

### **4.19.1 Setbacks from Ditches and Drains**

- (a) No buildings or structures shall be erected closer than 15 metres from the Top of Bank of any open municipal drain or natural watercourse.
- (b) No buildings or structures shall be erected over an easement containing a closed municipal drain, storm sewer, sanitary sewer, or water main. As well, no building or structure shall be erected: closer than 5 metres (measured perpendicular from the centre line) of a closed municipal drain, storm sewer, sanitary sewer or water main; closer than the actual depth of the facility in the ground, where such closed municipal drain, storm sewer, sanitary sewer or water main is located more than 5 metres below grade.
- (c) Notwithstanding the aforementioned provision, development shall be prohibited within the Regulatory Flood Plain and development adjacent to ravines, streams and river valleys shall be restricted to outside the One Hundred Year Erosion Limit.
- (d) Notwithstanding top of bank provisions, no building or structure shall be erected south of Bickford Line within 15 metres of an open watercourse west of the St. Clair Parkway, except where there is shoreline protection, the setback is 6 metres from the edge of the shoreline protection.
- (e) The minimum setback from the Roberts Drain shall be 8 metres for lands zoned RS-6. (B/L 20/06)

In combination to any other setback, the minimum residential setback from the St. Clair River shall be the established building line, rear. (B/L 64/06)

### **4.19.2 Sight Triangles**

Within any area defined as a Sight Triangle, the following shall be prohibited:

- (a) any vegetation, shrubs or foliage planted or maintained higher than 50 centimetres above Finished Grade. This requirement shall not apply to Agricultural Uses.

- (b) a Finished Grade exceeding the elevation of the centre line of the adjoining Street by more than 60 centimetres;
- (c) Buildings, Structures, Signs or fences, the top of which exceeds the elevation of the centre line of the adjoining Streets by more than 1 metre in height;
- (d) In all Zones, other than the Central Commercial or Agricultural Zones, a Sight Triangle of 9 metres shall be required from the point of intersection of the Street Lines.
- (e) In the Agricultural Zone, a Sight Triangle of 75 metres shall be required from the point of intersection of the Street Lines.

#### **4.19.3 ROAD SETBACKS**

(a) **Minimum Setbacks from Provincial Highways**

Where a proposed building or structure is within 400 metres of Provincial Highway No. 40, also see the Ontario Ministry of Transportation.

(b) **Minimum Setbacks from County Roads**

In addition to any other provision of this By-Law, where a building or structure is erected adjacent to a County Road, and in the absence of an Established Building Line within a built-up community, the minimum setback shall be (23) twenty-three metres from the centreline or the required front yard or exterior yard setback, whichever is greater.

(c) **Minimum Setbacks from the St. Clair Parkway**

In addition to any other provisions of this By-Law, where a building is erected adjacent to the St. Clair Parkway, and **in the absence** of an Established Building Line or within a built-up community, the minimum setback shall be (30) thirty metres from the street line. For the purposes of this Subsection, a built-up community shall be lands zoned residential, commercial or institutional within in Corunna, Mooretown, Courtright, Sombra Village or Port Lambton.



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#### **4.19.4 RAILWAY SETBACKS**

##### **(a) Residential Setbacks**

- (i) In addition to any other provisions of this By-Law, when a residential dwelling is erected adjacent to a rail line, it shall have a minimum setback of 30 metres from the boundary of the railway property and an earth berm with a minimum height of 2 metres above track level constructed between the residential use and the railway property, except for the infilling of single detached dwellings in the built up areas of Corunna, Mooretown, Courtright, Sombra Village, and Port Lambton.
- (ii) Notwithstanding the above clauses, Lots within Plan 729 (Paddock Green) and Plan 723 (Riviera Estates) are exempt from the setback and berm requirement;
- (iii) Notwithstanding the above clauses, Lots within Plan 746 are exempt from the berm requirement but must maintain a 30 metre setback from the railway property.
- (iv) Notwithstanding the above clauses, suburban residential lots are exempt from the berm requirement but must maintain a 30 metre setback from the railway property.
- (v) Notwithstanding the above clauses, Lots referred as the Youseff Subdivision (lands subject to this amendment) shall not require a 2 metre berm above track level rather it shall require the berm as existing at the date of passage of this By-Law being approximately 1.5 metres above ground grade.  
(B/L 55/07)

##### **(b) Setbacks from the Canadian National Railway**

- (i) The minimum building setback for residential, institutional, commercial (ie. Office, retail, services, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational uses (ie. Parks, outdoor assembly, sports arenas) from a CN railway right-of-way is 15 metres in conjunction with a 2 metre high earthen berm. In the absence of a safety berm, a 60 metres setback is required.
- (ii) For any new residential, institutional or commercial development adjacent to the railway right-of-way, a 1.83 metre chain link security fence is required along the mutual property line with the railway right-of-way, to be installed and maintained at the applicant / owners's own expense.

**(c) Railway Crossings**

- (a) Where a street crosses a railway at the same grade, no building or structure shall be erected closer to the point of intersection of the centre lines of both the railway and street right-of-way than:
- (i) 75 metres in all Agricultural Zones, Suburban Residential Zones and Industrial Zones;
  - (ii) 30 metres in all other zones.

**4.19.5 Setbacks from Petroleum Pipelines**

No building, structure or excavation shall be permitted 10 metres from the limits of a petroleum pipeline right-of-way used for the movement of bulk quantities rather than the local distribution to individual users.

**4.20 ENVIRONMENTAL CONCERNS AND SETBACKS****4.20.1 General Regulations**

Despite any other provisions of this By-Law, no permanent Buildings or Structures shall be erected or used on lands which exhibit, or potentially exhibit a hazardous condition as a result of their susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes, or on land where, by reason of its low lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage, or drainage facilities is prohibitive.

**4.20.2 St. Clair River Shoreline Minimum Building Openings**

For all Buildings and Structures located on property adjacent to the St. Clair River, the minimum elevation for all openings shall be in accordance with the Flood Elevations listed below:

Location	Recommended Flood Elevation
Lots A to D of Concessions 5 to 15	177.3m
Fawn Island	177.3m
Lot 1, Concession 15 (former Sombra)	177.3m
Lots 1 to Lot 12 of the Front Concession	177.6m
Lots 13 to Lot 28 of the Front Concession	177.7m
Lots 29 to Lot 43 of the Front Concession	177.8m
Lots 44 to Lot 62 of the Front Concession	177.9m
Lots 63 to Lot 72 of the Front Concession	178.0m
Stag Island	178.0m

Fill shall be placed for a minimum horizontal distance of 1.6 metres from the external walls or structure to the prescribed elevation.

This provision does not apply to industrially related facilities such as docks, wharves, pumping stations, water intake or outlet appurtenances, electrical and sub-station apparatus or gatehouses.

#### **4.20.3 St. Clair River Development Area 1**

Development Area 1 shall consist of lands between Moore Line and LaSalle Line and west of the St. Clair Parkway.

In addition to all other requirements and setback provisions of this By-Law, all proposals for new development shall be accompanied by a site by site assessment regarding slope stability before a building permit may be issued within 15 metres of Top-of-bank. Where beyond the 15 setback, a slope study may be required if deemed necessary by the Building Inspector. The Corporation of the Township of St. Clair will require a geological, geo-technical or such other study as the Township deems necessary and consultation with the St. Clair Region Conservation Authority prior to the issuance of a building permit.

The slope study shall address all slope stability issues deemed necessary and may require a peer review at the property owners' expense.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out and indicates that greater setbacks are required than found in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out, a professional geo-technical engineer in conjunction with the building inspector shall monitor the implementation of the study and the development. Following construction, the geotechnical engineer will provide certification that the new development has been carried out as per the design. The costs for design, monitoring and certification are to be borne by the proponent.

#### **4.20.4 St. Clair River Development Area 2**

Development Area 2 shall consist of lands between Whitebread Line and Pointe Line, west of the St. Clair Parkway.

A high water table risk to structures is present in the St. Clair River Shoreline Development Area 2 due to the low lying nature of the area, high water table and or surficial flooding conditions. In addition to the requirements of the sections above listed in Section 4.20, for lands within the St. Clair River Shoreline Development Area 2, proposals consisting of full basements or cellars (non-crawl space type) may be accompanied by engineering floodproofing design for the structure as per

the Township (building inspector) deems necessary. The St. Clair Conservation Authority will be forwarded floodproofed designs for their review and comment, as requested by the Municipality and where required by the Conservation Authority in Regulated Areas.

#### **4.20.5 Gas Pump Setbacks**

No portion of any gasoline pump island shall be located closer than 6 metres from a residential property or lands zoned Residential or Residential Suburban. No portion of any gasoline pump island shall be located closer than 4.5 metres from a street line.

### **4.21 OPEN STORAGE REGULATIONS**

#### **(a) Minimum Setbacks**

- (i) The minimum setback from any front, side or rear lot line of any permitted open storage in any zone shall be no less than the respective minimum front, side or rear yard of the zone in which the said open storage is located, unless otherwise specified hereinafter.
- (ii) In any lot in an Industrial Zone where any side or rear lot lines abut a lot in the same zone as the zone in which the said lot is located, a 3 minimum setback from said side or rear lot line shall be required.
- (iii) In any lot in an Industrial Zone where a side or rear lot lines abut Provincial Highway No. 40, the minimum setback for such side or rear lot line of any permitted open storage shall be 152.4 metres.

#### **(b) Parking**

Any areas used for permitted open storage shall be in addition to and separate from such areas as may be required by this By-Law for the provision of off-street parking spaces.

#### **(c) Lighting**

Where lighting facilities are provided in conjunction with any permitted open storage, such lighting shall be so arranged as to deflect light onto the open storage area and away from any adjoining properties.

#### **(d) Screening**

Any portion of a lot used for open storage shall be enclosed by a fence. If such use abuts a residential, institutional, recreational or open space use, then the required fence shall be constructed of solid and opaque materials at least 1.8 metres in height.

(e) **Surface Treatment**

Any open storage area shall be maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Municipality.

#### 4.22 OPEN DISPLAY AREA

Where outside display and sale of goods and materials is permitted the following provisions shall be complied with:

- (a) Such outside display is accessory to a commercial use carried on in an enclosed building, or portion thereof, on the same lots except in the case of a private garage sale;
- (b) The area used for outside display and sale shall not be more than twice the floor area above grade of the commercial building, or portion of any such building constructed upon the lot, and used for the commercial purposes for which outside display and sale is permitted, and in any event, such area for outside display and sale shall not be more than thirty-five (35) percent of the lot area.
- (c) If the interior side lot line or rear lot line of a lot upon which such outside display and sale is permitted abuts a Residential or Development Zone, then a planting strip shall be provided along such abutting lot line, or portion thereof, in accordance with the requirements for planting strips;
- (d) Where lighting facilities are provided they shall be so arranged as to deflect the light onto the outside display and sale area, and away from adjoining properties and streets;
- (e) The area used for outside display shall provide side and rear yards in accordance with the provisions for the zone in which the land is situated, but in any event shall not be closer to any side or rear lot line than 3.0 metres (9.8 feet);
- (f) The area used for outside display and sale shall be surfaced and maintained with either concrete, asphalt, crushed stone and other hard surface and dust free materials, or maintained as a lawn in a healthy growing condition;
- (g) Prior to the establishment of an area for the outside display and sale, the owner shall file in writing with the municipality giving full particulars including a sketch of survey of the lands to be used in relation to all buildings or other structures on the same lot.

- (h) Prior to the establishment of an area for the outside display/sale, the owner shall amend their site plan to identify the outdoor display area dimensions and particulars and receive approval from the Corporation of the Township of St. Clair.

#### **4.23 LANDSCAPING**

Except as otherwise specifically provided herein, no part of any required front yard or exterior side yard shall be used for any purpose other than landscaped open space. Nothing in this By-Law shall apply to prevent such land from being crossed by pedestrian walkways or permitted driveways.

#### **4.24 PLANTING STRIPS**

A planting strip shall be planted, nurtured and maintained by the owner of the lot on which the planting strip is located. The responsibility of maintenance of trees and plants rests with the owner.

##### **4.24.1 Required Location**

Where a lot is for a non-residential purpose and:

- (a) the interior side lot line or rear lot line abuts any residential use or undeveloped land in a residential zone; or
- (b) where such lot is in an industrial zone and the front, side or rear lot line abuts a street line and the opposite street line abuts any residential use or undeveloped land in any residential zone then the land adjoining such abutting lot line or street line shall be used for no purpose other than a planting strip in accordance with the provisions of this subsection.

##### **4.24.2 Width**

Where, in any zone, land is required to be used for no purpose other than a planting strip, it shall have a minimum width of 3 metres, measured perpendicularly to the lot line adjoining such planting strip.

##### **4.24.3 Height**

The minimum height of a planting strip shall be 1.5 metres at the time of planting.

##### **4.24.4 Interruption for Driveway or Walk**

Where a driveway or walk extends through a planting strip it shall be permissible to interrupt the planting strip within 3 metres of the edge of such driveway or within 1.5 metres of such walk.

#### 4.24.5 Landscaped Open Space

A planting strip may form part of any landscaped open space required by this By-Law. Except as otherwise specifically provided herein, no part of any required front yard or exterior side yard shall be used for any purpose other than landscaped open space. Nothing in this By-Law shall apply to prevent such land from being crossed by pedestrian walkways or permitted driveways.

#### 4.25 SIGNS

- (a) Nothing in this By-Law shall apply to prevent the erection, alteration or use of any sign, provided such sign complies with the By-Laws of the Corporation of the Township of St. Clair regulating signs and provided such sign complies with the provisions of this By-Law (sight triangles).
- (b) Signs that are lawfully erected and maintained, directly related to, and pertinent to the function of any of the permitted uses of this By-Law are permitted; provided that in any Residential (R or RS) Zone only the following shall be permitted:
  - (i) One non-illuminated real estate sign having a maximum area of 0.75 square metres advertising the sale, rental or lease of the building, structures of lot upon which the sign is displayed. The support of the sign shall not be calculated as part of the minimum area provided it only serves to support the sign.
  - (ii) One non-illuminated sign having a maximum area of 0.5 square metres displaying the name and address of a doctor, dentist, drugless practitioner, or person engaged in a permitted home occupation, residing on the lot on which the sign is displayed. The support of the sign shall not be calculated as part of the minimum area provided it only serves to support the sign.
  - (iii) One non-illuminated sign having a maximum area of 2 square metres advertising the name and particulars of a subdivision or similar development project provided such sign shall be removed upon completion of the project. The support of the sign shall not be calculated as part of the minimum area provided it only serves to support the sign.

For any permitted occupation located in an Agricultural Zone, one non-illuminated sign having a maximum area of 2 square metres displaying the name, address of a person engaged in a permitted home occupation, residing on the said property on which the sign is located, shall be permitted.

- iv) election signs will be permitted in accordance with existing By-Laws.

#### **4.26 MOVEMENT OF BUILDINGS**

No Building or Structure shall be moved in whole or in part to, or within the area defined by this By-Law unless:

- (a) every portion of the building or structure is made to conform to all the regulations of this By-Law applying to the Zone in which it is to be located; and
- (b) a permit is received from the Corporation of the Township of St. Clair.

#### **4.27 COMMERCIAL AND INDUSTRIAL ZONES ABUTTING OR ADJACENT TO RESIDENTIAL, INSTITUTIONAL, AND OPEN SPACE ZONES**

Where any Commercial Zone or Industrial Zone fronts on a street or road opposite to, or directly abuts any Residential Zone, Institutional, or Open Space Zone, the following provisions shall be complied with:

- (a) no Loading Space shall be located in, nor open onto any yard adjacent to a neighbouring zone as listed above;
- (b) exterior lighting and illuminated signs shall be so arranged as to deflect light away from the adjacent zone;
- (c) Open Storage shall be prohibited in any front yard or side yard adjacent to the neighbouring zone. Where permitted, the provisions of this By-Law shall apply.
- (d) a planting strip shall be provided in accordance with the provisions of this By-Law.

##### **4.27.1 Residential Development Adjacent to Non-Residential Zones**

Where any residential zone abuts a non-residential zone a fence shall be required for lands subject to this By-Law. (B/L 75/07)

#### **4.28 OCCUPANCY**

No Building or Structure or any part thereof shall be occupied until the whole of the exterior of such Building has been completed according to the plans and specifications thereof filed with the Chief Building Official and the whole of the interior has been completed with the exception of minor details not exceeding ten (10) percent of the value of the Building as set out in the building permit issued by the Chief Building Official thereof. All sanitary facilities shall be installed, inspected and approved in writing and an occupancy permit obtained from the Chief Building Official prior to the occupancy of any Building.



#### **4.29 ACCESS**

All uses, buildings or structures shall have access to a public street, except on Fawn Island or Stag Island, however, such use, buildings or structure shall have water access.

#### **4.30 CONVERSION OF EXISTING DWELLINGS**

An existing dwelling may be altered, remodelled, enlarged and used for purposes of a converted dwelling in a Zone where permitted, provided that:

- (a) no dwelling unit so created contains a floor area of less than fifty (50) square metres and this shall be in addition to the minimum Gross Floor area requirements established by this By-Law for the residence prior to conversion;
- (b) no more than two (2) additional dwelling units are permitted;
- (c) there is no increase in the cubic content of the building for habitable purposes except for the addition of sun porches, entranceways and dormers;
- (d) any outside stairways (except for required fire escapes) be located in the rear yard;
- (e) no building may be converted into two units unless the lot has a minimum of 100 square metres of landscaped open space located in the rear yard. No building may be converted into three units unless the lot has a minimum of 135 square metres of landscaped open space located in the rear yard.
- (f) the off-street parking requirements of this By-Law are complied with;
- (g) where the Building cannot be connected to an existing sanitary sewer system, alternative sewage treatment facilities approved under Part VIII of the Environmental Protection Act shall be provided.

## 4.31 PARKING AREA REGULATIONS

### 4.31.1 Requirements

- (a) The owner or occupant of every building or structure erected or used for any of the purposes hereinafter set forth except shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, one or more parking spaces each such parking spaces having a minimum width of 2.7 metres, and minimum length of 6 metres, in accordance with the following:

<b>TYPE OF USE</b>	<b>MINIMUM PARKING SPACE_REQUIRED</b>
<b>Residential Use</b>	
Boarding House	1 parking space per dwelling unit, plus 1 parking space per guest room
Dwellings on Fawn or Stag Islands	no requirement
Group Home	2 parking space
Multiple Dwelling	1.5 parking spaces per dwelling unit
Home for the Aged/Rest Home	1 parking space per bed
Townhouse	1.5 parking spaces per dwelling unit
Other Residential Uses permitted by this By-Law	1 parking space per dwelling unit
<b>Non Residential Use</b>	
Assembly Hall, Auditorium	1 parking space for every 8 fixed seats plus 1 parking space for each 18.5 square metres of gross floor area (excluding area occupied by fixed seating)
Auction Hall or Flea Market	1 parking space for every 5 square metres of gross floor space open to the public
Bank	1 parking space per 37 square metres of gross floor area

Beverage Room		1 parking space per 4 persons permitted capacity
Bingo Hall	a)	1 parking space per 14 square metres of gross floor area
	b)	1 parking space for 4 person design capacity of the establishment
Church		1 parking space per 10 square metres of gross floor area
Clinic		The greater of:
	a)	5 parking spaces per practitioner; or
	b)	1 parking space per 18.5 square metres of gross floor area
Day Nursery		1 parking space per staff member
Funeral Home		1 parking space for every 5 fixed seats and 1 space for every 5 square metres floor area where non-fixed seating can be made available for chapel purposes; or 1 space for every 5 square metres of floor area devoted to reposing rooms, whichever is the greater.
Hospital		0.75 parking spaces per bed
Hotel		1 parking space per bed plus 1 parking space per 20 square metres of communal eating or entertainment area
Industrial Use		unless otherwise stated in the By-Law, the number of off-street parking required shall be sufficient to accommodate all workers
Laundromat		1 space per 20 square metres
Library		1 parking space for each 37 square metres of gross floor area
Motel		1.25 parking space per unit plus 1 parking space per 20 square metres of communal eating or entertainment area

Motor Vehicle Repair Establishment	3 parking spaces per staff member
Motor Vehicle Sales	1 space per 30 square metres gross floor area plus 1 space per 10 motor vehicles on display
Motor Vehicle Service Establishment	5 spaces per working bay
Motor Vehicle Washing Establishment	
i) Self-Serve Operation	4 parking spaces per wash stall
ii) Conveyor Operation	8 parking spaces per wash stall
Nursing Home	1 space per bed
Office	1 parking space per 37 square metres of ground floor area, plus one space for each 70 square metres of remaining gross floor area
Private Club	1 parking space for every 8 fixed seats and/or 1 space for each 18.5 square metres of gross floor area (excluding areas occupied by fixed seating)
Recreation, Commercial	The greater of: <ul style="list-style-type: none"> <li>a) 1 parking space per 14 square metres of gross floor area</li> <li>b) 1 parking space per 4 persons design capacity of the establishment</li> </ul>
Restaurant, Unlicensed	The greater of: <ul style="list-style-type: none"> <li>a) 1 parking space per 14 square metres of gross floor area, plus one space per working employee; or</li> <li>b) 1 parking space per 4 persons seating design capacity of the dining room, plus one space per working employee</li> </ul>
Restaurant, Drive-In	10 parking spaces per lot

Restaurant, Licensed or Tavern	1 parking space per 4 persons seating design capacity of the dining room plus one space per working employee. If there are areas used by patrons, not specifically for eating, then 1 parking space is required per 4 persons as calculated by occupancy from the Building Code plus one space per working employee.
Retail Store, Service And Repair Shop, Service Trade, Personal Service Shop	1 parking space per 37 square metres of ground floor area plus 1 space for each 70 square metres of remaining gross floor area plus 1 parking space for 37 square metres of outdoor display area
School	1.5 parking spaces per classroom, or teaching area
Shopping Centre	1 parking space per 28 square metres of gross floor area
Veterinarian Clinic	1 parking space for each 28 square metres of gross floor area
Warehouse	5 parking spaces minimum for the first 1,858 square metres of gross floor area and 1 parking space for each additional 300 square metres of gross floor area
Other Non-Residential Uses Permitted	1 parking space per 37 square metres of gross floor area

- b) Parking spaces shall be provided at the time of construction according to the provisions of this By-Law.
- c) If calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.

#### 4.31.2 Addition to Existing Use

In the case of the expansion or enlargement of an existing building or structure, the requirement for provision of additional parking spaces shall be based on said expansion or enlargement. When an existing building or structure has insufficient parking spaces at the date of passing of this By-Law to comply with the

requirements herein, this By-Law shall not be construed to require that the deficiency be made up prior to the construction of any addition.

#### **4.31.3 Change of Use**

Where a change of permitted uses takes place in a Commercial Zone within an existing building or structure no additional parking facilities shall be required provided that:

- (i) no existing parking spaces are lost due to the change;
- (ii) the previous use was not residential
- (iii) the gross floor area is not increased.

#### **4.31.4 More than one use on a lot**

When a building, structure or lot accommodates more than one type of use the parking space requirement for such building structure or lot shall be the sum of the requirements for the separate uses thereof.

#### **4.31.5 Location**

The required parking area shall not form a part of any street or lane. The required parking area shall be provided on the lot occupied by the building, structure or use for which said parking area is required, except in the case of a Non-Residential use, the required parking area may be provided on another lot if such parking area is not more than 150 metres from the lot requiring the parking area.

#### **4.31.6 Yards Where Permitted**

Despite any yard provisions of this By-Law to the contrary, uncovered surface parking areas shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than the minimum required front yard or exterior side yard depth to any street line. Notwithstanding the above provision, for lands zoned C1, the parking area may be located within one metre of the front lot line or the exterior side lot line.

#### **4.31.7 Access to Parking**

##### **(a) Location**

The minimum distance between a driveway and the intersection of street lines measured along the street line intersected by such driveway shall be 9 metres.

(b) **Width**

Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways at least 3 metres but not more than 9 metres in width, measured along the street line.

In the case of a driveway with combined ingress and egress serving 3 to 10 parking spaces, the minimum width shall be 6 metres and the maximum width shall be 9 metres measured along the street line.

In the case of a driveway with combined ingress and egress serving more than 10 parking spaces, the minimum width shall be 7 metres and the maximum width shall be 9 metres along the street line. A driveway leading to any parking area or loading area shall be defined by a curb or concrete or rolled asphalt and be maintained with a cement or asphaltic binder or any other permanent surfacing.

(c) **Aisles**

The aisles between parking spaces within a parking area shall have a minimum width of 6 metres.

(d) **Angle of Intersection**

The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

(e) **Number of Driveways**

Every lot shall be limited to the following number of driveways:

(i) two driveways, with a combined width not exceeding 30% of the lot frontage, for the first 30 metres of lot frontage or portion thereof; and

(ii) one additional driveway for each additional 30 metres of lot frontage.

**4.31.8 Surface**

For any commercial, industrial or institutional use, each parking area and driveway connecting the parking area and driveway connecting the parking area with a street shall be paved with an asphaltic or concrete surface and be bounded by curbs.

For any residential structure containing up to three (3) dwelling units, gravel, or any surface listed above is permitted for a parking area surface.

For any residential structure containing more than three (3) dwelling units the parking area shall be surfaces with an asphaltic or concrete surface.

#### **4.31.9 Movement Lanes for Automotive Washing Establishment**

- (a) Automatic automotive washing establishments shall have on their premises sufficient space for the storage and movement of at least 5 automobiles in advance of the three automobiles at the terminus of each wash line.
- (b) Self-service automotive washing establishments shall have on their premises sufficient space for the storage and movement of at least three automobiles in advance of and one automobile at the terminus of each wash stall.

#### **4.31.10 Drive-through Facilities**

Any drive through service facility (such as a drive through bank or restaurant, etc.) shall have on the same lot there within a minimum of 7 stacked parking spaces in advance of the drive through window or any other structure which is designed to serve patrons within a motor vehicle.

#### **4.31.11 Restrictions in Residential Zones**

- (a) No Commercial Motor Vehicle that carries dangerous goods as defined in this By-Law shall be parked or stored in any Residential Zone.
- (b) No commercial motor vehicle with a (GVW) gross vehicle weight of 4,500 kilograms or more shall be parked or stored in any Residential Zone.
- (c) The parking or storage of a boat, snowmobile, travel trailer or motor home is permitted in any residential zone provided that none of the above are parked or stored in a sight triangle, a required parking space, a front yard or exterior side yard. Where a boat, snowmobile, travel trailer or motor home is parked or stored in an interior side yard or rear yard it shall comply with the setbacks imposed on accessory buildings and structures as stated this By-Law. Notwithstanding the above, the above noted vehicles may be parked in the front yard for loading and unloading purposes only.



#### **4.31.12 Barrier Free Parking Spaces (physically challenged parking)**

Where the parking requirement for any of the following uses:

- retail commercial or office use
- public building or public park
- home for the aged
- nursing home
- hospital
- school
- public hall
- social or service club
- library
- hotel or motel
- funeral home
- restaurant
- apartment dwelling
- assembly hall
- clinic
- veterinarian clinic
- church

is in excess of 20 parking spaces,

1 space out of the first 20 spaces required and 1 space out of each additional 100 spaces or portion thereof shall be provided near and accessible to the point of entrance to the building and clearly marked for the parking of vehicles used by disabled person or persons.

Parking spaces for the disabled shall have a minimum width of 4.4 metres (14.4 feet) and a minimum length of 6 metres (19.6 feet).

### **4.32 LOADING SPACE REGULATIONS**

#### **4.32.1 Spaces Required**

The owner or occupant of any lot, building or structure erected or used for any purpose, involving the receiving, shipping, loading or unloading of persons, animals, goods wares, merchandise or raw materials, shall provide and maintain at the premises, facilities for loading. Loading spaces shall measure at least 9 metres long, 3.5 metres wide and have a vertical clearance of at least 4.5 metres.

The number of loading spaces required shall be sufficient to address the needs of the operation.

#### **4.32.2 Location**

The required loading space shall be provided on the lot occupied by the building or structure for which the said loading spaces are required and shall not form part of any street or lane.

#### **4.32.3 Access**

Access to loading spaces shall be by means of a driveway at least 6 metres wide contained within the lot on which the spaces are located.

### **4.33 SECOND DWELLING UNIT PROVISIONS (B/L 11/13)**

#### **4.33.1.1**

A second dwelling unit is permitted in any detached, semi-detached or duplex dwelling that has direct street access, in any zone where that dwelling type is a listed permitted use provided:

- (a) there is no exterior alteration in the front of the dwelling or flanking a public street;
- (b) there is no exterior alteration of a window where such window is within 2.4 metres from another window on a different lot;
- (c) the appearance and general character of the building is not changed;
- (d) the second dwelling is clearly ancillary to the principle dwelling (not capable of being severed);
- (e) it is located on the same lot as its principal dwelling unit;
- (f) it only exists along with, and must be contained within the same building as its principal dwelling unit except for approved second dwelling units in private garages; and
- (g) the principle dwelling unit complies with the minimum gross floor area provisions of the By-Law.

#### **4.33.1.2**

A second dwelling unit is not permitted on a lot that is legally non-complying with respect to lot width or lot area unless all other provisions applicable to second dwelling units can be complied with.

**4.33.1.3**

A maximum of one second dwelling unit is permitted per principal dwelling in the case of a detached or semi-detached dwelling unit and a maximum of one second dwelling unit is permitted in the whole of a duplex dwelling building.

**4.33.1.4**

If located at or above grade, the gross floor area of the second dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, the second dwelling unit may occupy the whole of the basement.

**4.33.1.5**

Where located both at or above grade, and in the basement, the second dwelling unit must not be greater in size than an amount equal to a total gross floor area, of its principal dwelling unit including the gross floor area of the basement, of 40%. This does not apply where the second dwelling unit is located entirely within the basement save and except for its entrance located on the ground floor.

**4.33.1.6**

Where an attached garage is converted to accommodate the second dwelling unit or a portion of the second dwelling unit, such attached garage is included in the calculation of the gross floor area of the dwelling.

**4.33.1.7**

The creation of a second dwelling unit must not result in any new doorway entrance added to the wall facing a street, whether before, during or after the creation of the secondary dwelling unit.

**4.33.1.8**

The doorway entrance that leads to a second dwelling unit is limited to locations on the ground floor only, except where building and/or fire codes specifically requires otherwise.

**4.33.1.9**

The principal and second dwelling units must share the parking area and yards provided for the principal dwelling unit, and no new driveway may be created.

**4.33.1.10**

The creation of the secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit.

**4.33.1.11**

Where a second dwelling unit is located on a lot, neither a garden suite nor any boarding/rooming units are permitted on that lot.

**4.33.1.12**

A second dwelling unit may be in a basement/cellar provided that the finished floor level of such basement is not below the level of any sanitary sewer or storm sewer serving the building in which such basement is located, there is at least one storey located above such basement containing habitable space, and the second dwelling unit has two means of egress. The second means of egress may be a window space which is designed and capable of providing an exit of the resident(s) and complies with the Building Code.

**4.33.1.13**

A second dwelling unit must contain a gross floor area of at least fifty (50) square metres.

**4.33.1.14**

Outside stairways (except for required/non-conforming fire escapes) shall be located in the rear yard only.

**4.33.1.15**

The lot has a minimum of 100 square metres of landscaped open space located in the rear yard.

**4.33.1.16**

Standard municipal off-street parking requirements of the By-Law will be required and in addition there shall be a minimum of one parking space for the second dwelling unit in addition to the minimum requirements of the principal dwelling.

**4.33.1.17**

The dwelling units must be connected to an existing sanitary sewer system, or alternative sewage treatment facilities approved under Part VIII of the *Environmental Protection Act* shall be provided.

Second dwelling units must be connected to public services where such services are available; however, where only private services are available, new secondary dwelling units may be connected to private services subject to approval, to provide opportunity to review water quality and servicing capacity.

**4.33.1.18**

Second dwelling units in an accessory building shall not be located in the required front yard setback and shall be in character of the local neighbourhood.

**4.33.1.19**

Second dwelling units in an accessory building shall have a minimum gross floor area of 50 m<sup>2</sup> and a maximum gross floor area of 67 m<sup>2</sup>.

**4.33.1.20**

An accessory building must have a minimum side yard setback being the same as the setback for the principal dwelling and a minimum rear yard setback the same as the minimum rear yard setback of the principal dwelling to qualify for a second dwelling unit.

**4.33.1.21**

Prior to conversion of an accessory building for second dwelling unit, documentation to the satisfaction of the municipality is required to address mitigation of vehicle fumes, noise, vibrations, emissions and storage of volatiles where the building will be capable to store vehicles or accessory storage items.

**4.33.1.22**

In areas zoned A1 or RS, a second dwelling unit shall not be separated farther than 10 metres from the principle dwelling.

**4.33.1.23**

A second dwelling unit dwelling shall comply with MDS 1.

**4.33.1.24**

A second dwelling unit dwelling shall not be permitted in areas zoned EP-H, within 15 metres of a watercourse or in an area of building constraints.

**4.33.1.25**

A second dwelling unit in an accessory building shall not be located in the basement of an accessory building.

**4.33.1.26**

A second dwelling unit in an accessory building shall not be located in a second floor of an accessory building and shall maintain the maximum height provision of accessory buildings.

**4.33.1.27**

A second dwelling unit in an accessory building shall not be located in a yard abutting the St. Clair River.

**4.34 MEDICAL MARIHUANA FACILITIES (B/L 9/2017)**

**4.34.1** Medical Marihuana Facilities shall comply with the following:

- (a) must be a listed permitted use in the zone it is located,
- (b) must comply with the provisions of the zone it is located in,
- (c) must be located completely within a building, and
- (d) must not be located in a building that is within 300 metres of a residential, institutional, suburban residential zone nor within 300 metres of a dwelling.

## AGRICULTURAL ZONES

### 5.1 AGRICULTURAL-1 (A1) ZONE (general farming)

#### 5.1.1 Permitted Uses

- (a) Agriculture
- (b) Farm produce outlet
- (c) Single-detached Dwelling (one per lot)
- (d) Bed & Breakfast Establishment or Vacation Farm
- (e) Conservation
- (f) Forestry
- (g) Agricultural Home Industry
- (h) Home Occupation
- (i) Nursery
- (j) Commercial Greenhouse
- (k) Kennel
- (l) Existing Churches / Cemeteries
- (m) Riding School/Equestrian Centre
- (n) Commercial Communications Tower
- (o) Buildings, Structures and Uses accessory to a permitted use

#### 5.1.2 Gross Floor Area

80 square metres minimum for a one storey single detached dwelling; 70 square metres on the ground floor for a single detached dwelling with more than one storey.

#### 5.1.3 Minimum Distance Separation (B/L 24/11)

- a) No new dwelling or non-agricultural use, building, or structure is permitted closer to a Livestock Facility on a separate Lot than 300m or the MDS I Setback calculated using **Appendix "A"** to this By-Law whichever is greater.
- b) No new livestock Facility or Livestock Facility addition or reconstruction is permitted closer to a dwelling on a separate Lot, a Lot Line or a non-Agricultural Use, Building or Structure on a separate Lot, than the distance calculated using the MDS II formula found in **Appendix "A"** to this By-Law.
- c) No Livestock facility including a manure storage area or conditioning pit is permitted within 60 metres of a lot line abutting a public street and 30 metres from an interior side or rear lot line. Expansion of an existing livestock facility that contravenes this clause is permitted provided that the required setback is not further reduced in any fashion and that all other requirements of the By-Law are met.

- d) Application of subsections a) and b) shall be read in accordance with the specific provisions of this By-Law and Appendix "A" to the By-Law and including the following:
- i) The MDS I only, and not the 300m shall be the minimum required setback from a livestock facility with a livestock housing capacity of fewer than 25 Nutrient Units.
  - ii) An existing dwelling may be replaced, despite not complying with subsection a) provided that the existing separation is not further reduced.
  - iii) A livestock facility destroyed by fire or natural disaster may be replaced to the same general location despite not meeting MDS II, provided the existing separation is not further reduced and the factors A, B and D for the new livestock facility are no greater than those of the previous livestock facility.
  - iv) A new non-agricultural lot, whether or not containing a dwelling, shall comply with subsection a) even for livestock facilities already located on a separate lot.
  - v) Subsection a) shall not apply where 4 or more dwelling units on separate lots are already closer to the livestock facility than the use under consideration and where the use under consideration is also closer to the same 4 or more non-farm dwellings or uses than it is to the livestock facility.
  - vi) Cemeteries located in an agricultural zone shall be considered a Type A land use for the purposes of MDS II.
  - vii) MDS I & MDS II shall not apply to buildings or structures accessory to a dwelling or buildings or structures 10 m<sup>2</sup> or less in ground floor area.
  - viii) The required MDS I from an anaerobic digester or an associated co-substrate input tank shall be 125m.
  - ix) The required MDS II for an anaerobic digester or an associated co-substrate input tank shall be 125m from a Type A land use, 250m from a Type B land use, 13m from an interior side lot line or rear lot line and 25m from a front or exterior side lot line.
  - x) Even if no building permit is required, MDS II shall apply to the conversion of any non-livestock building or structure to use as a livestock facility.

- xi) Where no building permit is required, existing livestock facilities may be converted for use for a type of livestock for which the building was not previously used, designed or suited, despite not complying with MDS II, provided there is no increase in non-compliance through a resultant MDS II that is greater than that of the previous use.
- xii) The capacity of manure storages that hold manure produced by livestock not located on the lot or "digestate" produced from an anaerobic digester shall be considered in determining the required MDS I and MDS II.
- xiii) Calculations made using the MDS Computer Program Version 1.0.0 provided by the Ministry of Agriculture, Food and Rural Affairs shall be considered equivalent to calculations made using Appendix "A".

#### **5.1.4 A1-1 Exception 1 to the Agricultural-1 Zone**

Lands described as Part Lot 1, Concession IX geographic Township of Moore, within the A1-1 Zone, shall permit a Poultry Processing Establishment in addition to the uses permitted in the A1 Zone. Any new or expanding buildings, structures, uses, within the A1-1 Zone, shall be subject to the building provisions of the A1 Zone. Notwithstanding the above, buildings and structures used for the Poultry Processing Establishment shall have: a minimum interior side yard of 9 metres, a minimum exterior side yard of 23 metres, a minimum front yard of 23 metres, a minimum rear yard of 9 metres and a maximum lot coverage of 25 percent.

#### **5.1.5 A1-2 Exception 2 to the Agricultural-1 Zone**

Lands described as Part Lot 3, Concession XI, geographic Township of Moore, within the A1-2 Zone, shall permit Type 1 and Type 2 Industrial uses in addition to the uses permitted in the A1 Zone except for the housing of livestock. Any new or expanding buildings, structures or uses, within the A1-2 Zone, shall be subject to the building provisions of the A1 Zone.

#### **5.1.6 A1-3 Exception 3 to the Agricultural-1 Zone**

Lands described as Part Lot 19, Concession V, geographic Township of Moore, within the A1-3 Zone, shall permit a Contractor's Yard in addition to the uses permitted in the A1 Zone except for the housing of livestock. Any new or expanding buildings, structures or uses, within the A1-3 Zone, shall be subject to the building provisions of the A1 Zone.

#### **5.1.7 A1-4 Exception 4 to the Agricultural-1 Zone**

Lands described as Part Lots 49 & 50, Front Concession, geographic Township of Moore, within the A1-4 Zone shall permit a Landscaping Business in addition to the



uses permitted in the A1 Zone except for the housing of livestock. Any new or expanding buildings, structures or uses, within the A1-4 Zone, shall be subject to building provisions of the A1 Zone.

**5.1.8 A1-5 Exception 5 to the Agricultural-1 Zone**

Lands described as Part Lot 7, Concession IV, Brigden, within the A1-5 Zone, shall permit the uses of the A1 Zone except that no more livestock units may be permitted than the existing number of livestock units for which the facility is designed for at the date of passage of this By-Law. Any new or expanding buildings, structures or uses, within the A1-5 Zone, shall be subject to the building provisions of the A1 Zone.

**5.1.9 A1-6 Exception 6 to the Agricultural-1 Zone**

Lands described as Part Lot 5, Concession VIII, geographic Township of Sombra, within the A1-6 Zone, shall permit the uses of the A1 Zone, but notwithstanding any provisions to the contrary, the following provisions shall apply to the lands zoned A1-6. The communications tower structure, not including guy lines, shall not be any closer than 135 metres from the front lot line, 45 metres from the interior side lot line, 500 metres from the rear lot line, 545 metres from the exterior lot line. Furthermore, any buildings or guy lines, shall be located within 40 metres from the tower base. Furthermore, the tower base and all anchors shall be surrounded by a perimeter fence. In addition, the anchors or guy lines shall not be located closer than 12 metres from a lot line. The maximum height of the commercial tower shall be 92 metres.

**5.1.10 A1-7 Exception 7 to the Agricultural-1 Zone**

Lands described as Part Lot 28, Concession 15, geographic Township of Sombra, within the A1-7 Zone, shall permit the uses of the A1 Zone, but notwithstanding any provisions to the contrary, the minimum front yard depth shall be 15 metres and any other provisions of the A1 Zone shall apply to lands zoned A1-7.

**5.1.11 A1-8 Exception 8 to the Agricultural-1 Zone**

Lands described as Part Lot "B", Concession 12, geographic Township of Sombra, within the A1-8 Zone, shall permit the uses of the A1 Zone except for any residential dwellings. Any new or expanding buildings, structures or uses, within the A1-8 Zone, shall be subject to the building provisions of the A1 Zone.

**5.1.12 A1-9 Exception 9 to the Agricultural-1 Zone**

Lands described as Part Lot 10, Concession 8 in the former geographic Township of Moore, shall permit a Fencing Depot in addition to the uses of the A1 Zone. Any new or expanding buildings, within the A1-9 Zone, shall be subject to the provisions

of the A1 Zone except the lot coverage shall be a maximum of 6 percent of the lot area. Furthermore, a Fencing Depot shall be defined as the use of lands buildings and structures for the warehousing of materials and equipment used in the business of building fences and similar off-site projects.

#### **5.1.13 A1-10 Exception 10 to the Agricultural-1 Zone**

Lands described as Part Lot 27, Concession 5 of the former geographic Township of Moore and zoned A1-10 shall permit a small-scaled industrial type-2 use, accessory commercial uses, commercial warehousing, accessory open storage, and uses, building or structures accessory thereto, in addition to any other permitted use of the A1 Zone.

The agricultural site regulations of the A1 Zone shall apply to the small-scaled Industrial Type 2 use, the accessory commercial uses and open storage. Notwithstanding any provision to the contrary, a maximum gross floor area of all industrial / commercial buildings, in the A1-10 Zone, shall not exceed 300 square metres. Notwithstanding any provision to the contrary, the open storage of lands within the A1-10 Zone shall only be permitted directly behind the industrial / commercial buildings. All other A1 uses shall comply with the site regulations of the A1 Zone.

Furthermore, "Small-Scaled" when used in conjunction with industrial or commercial uses shall be defined as those commercial or industrial uses which exceed the provisions of a Home Occupation or Home Industry, but do not exceed the following: employ no more than the equivalent of five full time employees in addition to the owner or his family; occupies a structure not exceeding 300 square metres in area; is recognized through an appropriate zoning By-Law amendment; and outdoor storage and display is limited to an area not greater than 750 square metres.

#### **5.1.14 A1-11 Exception 11 to the Agricultural-1 Zone (B/L 63/03)**

For lands zoned A1-11 in Becher, open space and agricultural uses that are exclusive of buildings shall be the only permitted uses on lands zone A1-11. Notwithstanding any provision to the contrary, the lands zoned A1-11 shall not require a minimum lot area nor a minimum lot frontage.

#### **5.1.15 A1-12 Exception 12 to the Agricultural -1 Zone (B/L 3/04)**

For lands zoned A1-12, a truck transport terminal shall be considered a permitted use in addition to uses of the A1 Zone.

In addition to the A1 Zone provisions, the Truck Transport Terminal shall have a minimum of 1 parking space per 100 square metres of gross floor area. Notwithstanding any provision to the contrary, the access lane and parking may be

surfaced with dust controlled gravel with the exception of a 60 metre asphalt portion abutting the public street.

The front yard setback for a Truck Transport Terminal buildings and structures in the A1-12 Zone shall be a minimum of 100 metres; however, the front yard setback for the Truck Transport Terminal Open Storage (truck storage) Area in the A1-12 Zone shall be a minimum of 76 metres.

The side yard setback for a Truck Transport Terminal buildings or structures in the A1-12 Zone shall be a minimum of 80 metres; however, the side yard setback for the open storage (truck parking) area in the A1-12 Zone shall be a minimum of 18 metres.

The minimum rear yard setback for a Truck Transport Terminal buildings, structures or open storage (truck parking) area shall be limited by the extent of the A1-12 Zone.

There shall be a minimum of one loading space.

There shall be no outside storage of derelict vehicles.

The entrance of the Transport Truck Terminal shall not be any closer than 70 metres to a residential dwelling.

**5.1.17 A1-ND (Agricultural – No Dwelling) (B/L 77/05)**

Notwithstanding Subsection 15.1.1(c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND. All other provisions of the A1 Zone and By-Law 17 of 2003 shall apply for lands zoned A1-ND.

**5.1.18 A1-14 Exception 14 to the Agricultural -1 Zone (B/L 20/06)**

Notwithstanding any provisions to the contrary, the minimum lot area shall be 11.6 hectares and the minimum lot frontage shall be 120 metres, in addition to all other provisions of the A1 zone for lands zoned A1-14.

**5.1.19 A1-ND1 Exception 1 to the Agricultural –No Dwelling Zone (B/L 15/08)**

Notwithstanding Subsection 5.1.1(c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND1. The minimum size of a lot in the A1-ND1 zone is 29.1 hectares.

**5.1.20 A1-ND2 Exception 2 to the Agricultural –No Dwelling Zone (B/L 32/08)**

Notwithstanding Subsection 5.1.1(c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND2. The minimum size of a lot in the A1-ND2

zone is 18.6 hectares. All other provisions of the A1 Zone and By-Law 17 of 2003 apply for lands zoned A1-ND2.

**5.1.21 A1-15 Exception 15 to the Agricultural -1 Zone (B/L 34/08)**

Notwithstanding Subsection 4.9.4 and any other provisions of By-Law 17 of 2003 to the contrary, two single-detached dwellings shall be permitted on lands described as East ½ Lot 19, Concession 3, geographic Township of Moore, Township of St. Clair (1194 Oil Springs Line) for a period of 10 years from the date of the passing of this By-Law.

For the purposes of this By-Law, the dwelling that existed prior to this By-Law shall be considered a “garden suite” and subject to a temporary use agreement. Notwithstanding any provisions of this By-law to the contrary, the existing front yard, side yard and rear yard setbacks of the existing buildings shall be deemed to be in conformity with this By-Law. Any new buildings, including the new dwelling, shall be subject to all the provisions of the A1 Zone.

**5.1.22 A1-16 Exception 16 to the Agricultural -1 Zone (B/L 11/11)**

Notwithstanding Section 5.1.1(a) to the contrary, no livestock facilities shall be permitted on the parcel known as 149 Mandaumin Road and created by consent application B-08/10 granted by the St. Clair Township Committee of Adjustment on June 28, 2010, and further no existing structures shall have legal non-conforming status as livestock facilities as per the conditions of the said consent.

**5.1.23 A1-17 Exception 17 to the Agricultural -1 Zone (B/L 5A/12)**

Notwithstanding Section 5.1.1(a) to the contrary, no livestock facilities shall be permitted on the parcel known as 2877 Waterworks Road and created by consent application B-05/11 granted by the St. Clair Township Committee of Adjustment on August 24, 2011, and further no existing structures shall have legal non-conforming status as livestock facilities as per the conditions of the said consent.

**5.1.24 A1-ND3 Exception 3 to the Agricultural - No Farm Dwelling Zone (B/L 31/12)**

Notwithstanding Subsection 5.1.1(c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND3. The minimum size of a lot in the A1-ND3 zone is 37.7 hectares. No livestock facilities shall be permitted. All other provisions of the A1 Zone and By-Law 17 of 2003 apply for lands zoned A1-ND3.

**5.1.25 A1-18 Exception 18 to the Agricultural -1 Zone (B/L 31/12)**

Lands described as North Part Lot A, Concession 5, geographic Township of Sombra (63 West Pointe Line), within the A1-18 Zone, shall permit the uses of the A1 Zone but, notwithstanding any provisions to the contrary, the minimum rear yard

depth shall be 5 metres and any other provisions of the A1 Zone shall apply to lands zoned A1-18. The minimum size of a lot in the A1-18 zone shall be 2 acres.

**A1-18 Exception 18 to the Agricultural -1 Zone (B/L 35/13)**

Notwithstanding any provisions to the contrary, the Minimum Lot Area shall be 10 hectares, the Minimum Lot Frontage shall be 5.7 metres and the Minimum Front Yard shall be 88 metres, in addition to all other provisions of the A1 Zone and the Comprehensive Zoning By-Law, for A1 permitted uses within lands zoned A1-20. (Part Lot D, Con 9, geographic Township of Sombra)

**5.1.26 A1-19 Exception 19 to the Agricultural -1 Zone (B/L 28/13)**

Notwithstanding Section 5.1.1(a) to the contrary, no livestock facilities shall be permitted on the parcel known as 1887 Lasalle Line and created by consent application B-01/13 granted by St. Clair Township Committee of Adjustment on April 24, 2013, and further no existing structures shall have legal non-conforming status as livestock facilities as per the conditions of said consent.

**5.1.27 A1-ND4 Exception 4 to the Agricultural - No Farm Dwelling Zone (B/L 53/13)**

Notwithstanding Subsection 5.1.1(c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND4. The minimum size of a lot in the A1-ND4 zone is 29.3 hectares. All other provisions of the A1 Zone and By-Law 17 of 2003 apply for lands zoned A1-ND4.

**5.1.28 A1-20 Exception 20 to the Agricultural -1 Zone (B/L 53/13)**

Notwithstanding Section 5.1.1(a) to the contrary, no livestock facilities shall be permitted on the parcel known as 950 Stanley Line and created by consent application B-04/13 granted by St. Clair Township Committee of Adjustment on August 26, 2013, and further no existing structures shall have legal non-confirming status as livestock facilities as per the conditions of said consent.

**5.1.29 A1-ND5 Exception 5 to the Agricultural - No Farm Dwelling Zone (B/L 2/14)**

Notwithstanding Subsection 5.1.1(c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND5. The minimum size of a lot in the A1-ND5 zone is 7.97 hectares. All other provisions of the A1 Zone and By-law 17 of 2003 apply for lands zoned A1-ND5.

**5.1.30 A1-21 Exception 21 to the Agricultural -1 Zone (B/L 22/14)**

Notwithstanding any provisions to the contrary, the minimum lot area shall be 29.5 hectares and the minimum lot frontage shall be 341 metres, in addition to all other provisions of the A1 zone for lands zoned A1-21.

**5.1.31 A1-ND6 Exception 6 to the Agricultural - No Farm Dwelling Zone (B/L 22/15)**

Notwithstanding Subsection 5.1.1(a), to the contrary, no livestock facilities shall be permitted on the parcel known as South Part Lot 26, Concession 9, geographic Township of Sombra, Township of St. Clair, and created by consent application B14/14 granted by the St. Clair Township Committee of Adjustment on December 22, 2014, and further no existing structures shall have legal non-conforming status as livestock facilities as per the conditions of said consent.

**5.1.32 A1-ND7 Exception 7 to the Agricultural - No Farm Dwelling Zone (B/L 59/15)**

Notwithstanding Section 5.1.1(a) to the contrary, a single detached dwelling is not included in an A1-ND7 zone on the parcel known as South Part Lot 15, Concession 5, geographic Township of Sombra, Township of St. Clair, and created by consent application B-13/14 granted by the St. Clair Township Committee of Adjustment on November 24, 2014. The minimum size of a lot in the A1-ND7 is 20 hectares and all other provisions of the A1 Zone and By-law 17 of 2003 apply.

**5.1.33 A1-22 Exception 22 to the Agricultural -1 Zone (B/L 59/15)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands known municipally as 189 Kimball Road, North Part Lot 15, Concession 5, geographic Township of Sombra, Township of St. Clair:

- i) minimum lot area of 20 hectares
- ii) no livestock facilities shall be permitted on the subject parcel

All other provisions of the A1 Zone shall apply to this property.

**5.1.34 A1-23 Exception 23 to the Agricultural -1 Zone (B/L 51/17)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands known municipally as Concession 10, East Part Lot 22, East ½ Lot 22 (885 Petrolia Line):

- i) A minimum lot area of 10.1 hectares
- ii) Existing livestock facilities shall be permitted to continue with no expansion permitted (as of November 6, 2017).

**5.1.35 A1-ND8 - Exception 8 to the Agricultural - No Farm Dwelling Zone**  
(B/L 51/17)

Notwithstanding Subsection 15.1.1 (c), a single detached dwelling is not included as a permitted use for the subject lands. The minimum size of a lot in the A1-ND8 zone is 20.2 hectares. All other provisions of the A1 Zone and By-law Number 17 of 2003 apply.

**5.1.36 Temporary Use By-law** (B/L 51/17)

Notwithstanding any provision in this by-law to the contrary, two single detached dwellings shall be permitted on a lot identified in Schedule A-51 for a period of no greater than fifteen (15) years from the passing of the implementing by-law and subject to the general provisions of the by-law. (expires July 16, 2033)

**5.1.37 A1-ND9 - Exception 9 to the Agricultural - No Farm Dwelling Zone**  
(B/L 19/19)

Notwithstanding Subsection 15.1.1 (c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND9. The minimum size of the lot shall be 36.3 hectares. All other provisions of the A1 Zone and By-law 17 of 2003 apply.

**5.1.38 A1-ND10 - Exception 10 to the Agricultural - No Farm Dwelling Zone**  
(B/L 32/19)

Notwithstanding Subsection 15.1.1 (c), a single detached dwelling is not included as a permitted use for lands zoned A1-ND10. The minimum size of the lot shall be 38.7 hectares. All other provisions of the A1 Zone and By-law 17 of 2003 apply.

**5.1.39 A1-24 - Exception 24 to the Agricultural - 1 Zone** (B/L 47/19)

Notwithstanding any provision of By-law 17 of 2003 to the contrary, for lands zoned A1-38 in rural St. Clair Township, a second dwelling unit, no larger than 75 m<sup>2</sup> in floor, situated in a detached accessory building, no larger than 328 m<sup>2</sup> in floor area and not separated any farther than 32 metres from the principal dwelling, shall be permitted in addition to the uses of the A1 zone.

**5.1.40 A1-ND11 – Exception 11 to the Agricultural -No Farm Dwelling Zone**  
(B/L 58 of 2022)

Notwithstanding Subsection 5.1.1(a), to the contrary, no livestock facilities shall be permitted on the parcel known as Concession 8, South Part Lot B, Township of St. Clair, and created by consent application B17/21 granted by the St. Clair Township Committee of Adjustment on November 22, 2021, and further no existing structures shall have legal non-conforming status as livestock facilities as per the conditions of said consent.

**5.1.41 A1-25 – Exception 25 to the Agricultural -1 Zone (B/L 58 of 2023)**

For lands zoned A1-25 on CON 11 E PT LOT 3 PT LOT 2 PT W ¼ LOT 2 PT E ¼ LOT 3, 2782 Petrolia Line, geographic township of Moore, Township of St. Clair, County of Lambton, an existing kennel and uses accessory thereto shall be permitted on the undersized parcel.



## 5.2 AGRICULTURAL-A1-R (Agricultural-Non-Farm Rural Residential) (B/L 33/06)

### 5.2.1 Permitted Uses

- (a) Single Detached Dwelling
- (b) Day Nursery
- (c) Day Care Facility
- (d) Bed & Breakfast Establishment
- (e) Home Occupation
- (f) Buildings, structures and uses accessory to a permitted use including a garage/yard sale

### 5.2.2 Gross Floor Area

85 square metres minimum for a one storey dwelling, 70 square metres on the ground floor for a dwelling with more than one storey.

### 5.2.3 Provisions

- |     |   |                    |
|-----|---|--------------------|
| (a) | Minimum Lot Area                                      | 8000 square metres |
| (b) | Minimum Lot Frontage                                  | 50 metres          |
| (c) | Maximum Lot Coverage                                  | 30 percent         |
| (d) | Minimum Front Yard Setback                            | 20 metres          |
| (e) | Minimum Interior Side Yard                            | 3 metres           |
| (f) | Minimum Interior Side Yard<br>without attached garage | 1.2 metres         |
| (g) | Minimum Exterior Side Yard Setback                    | 20 metres          |
| (h) | Minimum Rear Yard Setback                             | 7.5 metres         |
| (i) | Maximum Building Height                               | 10.5 metres        |
| (j) | Minimum Landscaping                                   | 40 percent         |

### 5.2.4 A1-R1 Exception 1 to Agricultural-Non Farm Rural Residential (B/L 33/07)

Notwithstanding any provisions to the contrary, the minimum permitted lot size will be 5500 m<sup>2</sup>, the minimum required rear yard setback for accessory structures will be 1 metre and the minimum interior side yard setback for accessory structures will be 1 metre, in addition to all other provisions of the A1-R zone, for lands zoned A1-R1.

### 5.2.5 A1-R2 Exception 2 to Agricultural-Non Farm Rural Residential (B/L 15/08)

For lands zoned A1-R2 the minimum lot size will be 6.6 hectares. Only one dwelling will be permitted on any lot zoned A1-R2. All other provisions of the A1-R zone apply to lots in the A1-R1 zone.

**5.2.6 A1-R3 Exception 3 to Agricultural-Non Farm Rural Residential (B/L 64/08)**

Notwithstanding the minimum size requirement of 8000 m<sup>2</sup> for a lot in the A1-R zone, the minimum size of a lot in the A1-R3 zone shall have a minimum of 0.4 hectares (4000 m<sup>2</sup>). All other provisions of the A1-R zone apply to properties in this zone.

**5.2.7 A1-R4 Exception 4 to Agricultural-Non Farm Rural Residential (B/L 75/08)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands described as Concession 10, North Part Lot 16, geographic township of Sombra, Township of St. Clair:

- i) minimum frontage of 170 metres
- ii) minimum lot area of 7.9 acres

Only one single detached residential unit per lot is permitted in this zone. Before the issuance of any building permit in this zone, the location and working condition of the private sewage system must be confirmed to the satisfaction of the Building Department. Any required upgrades must be completed prior to the issuance of a “change of use” permit.

Only the remediated section of the former auction hall can be converted into liveable space.

**5.2.8 A1-R5(h) Exception 5 to Agricultural-Non Farm Rural Residential Zone with Holding Symbol (B/L 47/10)**

For lands zoned A1-R5(h), the existing single-detached dwelling and the existing accessory buildings as located at the date of passing of the By-Law, shall be permitted; however no replacement or expansion shall be permitted without removing the holding symbol.

Notwithstanding provisions to the contrary, for lands zoned A1-R5, the permitted uses shall include a single-detached dwelling and accessory buildings/uses, the minimum front yard shall be 9 metres and the minimum exterior side yard shall be 7.5 metres in addition to the remaining provisions of the A1-R zone.

The holding (h) symbol of the A1-R5(h) Zone shall be removed pursuant to Section 36 of the Planning Act S.O. 1996, c. 4 only upon the completion of a brownfield study to the satisfaction of the Township of St. Clair.

**5.2.9 A1-R6 Exception 6 to Agricultural-Non Farm Residential Zone (B/L 52/13)**

For lands zoned A1-R6, the existing principal building, as located at the date of passing of the by-law, shall be permitted as a single-detached residential dwelling, notwithstanding any provisions to the contrary.

Notwithstanding any provisions to the contrary, the following provisions shall apply to a new principal building:

Minimum Lot Area	2000 square metres
Minimum Lot Frontage	45 metres
Minimum Front Yard	12.6 metres
Minimum Exterior Yard	12.6 metres
Minimum Rear Yard	7.5 metres
Minimum Interior Side Yard	3 metres
Minimum Lot Coverage	35%
Minimum Distance Separation	210 metres

**5.2.10 A1-R7 Exception 7 to Agricultural-Non Farm Rural Residential (B/L 22 /15)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands known municipally as 2566 Tulloch Line, South Part Lot 26, Concession 9, geographic Township of Sombra, Township of St. Clair:

- i) minimum lot area of 0.78 hectares
- ii) no livestock facilities shall be permitted on the subject parcel and further no existing structures shall have legal non-conforming status as livestock facilities.

All other provisions of the A1-R Zone shall apply to this property.

**5.2.11 A1-R8 Exception 8 to Agricultural-Non Farm Rural Residential (B/L 22 /16)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands known municipally as 2758 Rokeby Line, Part Lot 2, South ½ and Part North ½ Lot 3, Concession 9, geographic Township of Moore, Township of St. Clair:

- i) minimum lot area of 0.79 hectares

**5.2.12 A1-R9 Exception 9 to Agricultural-Non Farm Rural Residential (B/L 41/18)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands known municipally as 450 Lambton Line, South Part Lot 5, Concession 7, Geographic Township of Sombra, Township of St. Clair:

- i) minimum lot area of 0.58 hectares
- ii) interior side yard setback of 1.8 metres
- iii) rear yard setback of 3 metres

All other provisions of the A1-R Zone shall apply to this property.

**5.2.13 A1-R10 Exception 10 to Agricultural-Non Farm Rural Residential (B/L 10/20)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands known municipally as 1731 Baby Road, Concession 13, Part Lots 13 & 14, Township of St. Clair:

- i) minimum lot area of 0.44 hectares
- ii) rear yard setback of 3 metres

**5.2.14 A1-R11 Exception 11 to Agricultural-Non Farm Rural Residential (B/L 52/21)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands known municipally as 2742 Burman Line, South Part Lot 28, Concession 13, Township of St. Clair:

- i) no livestock facilities shall be permitted on the subject parcel and further no existing structures shall have legal non-conforming status as livestock facilities.

All other provisions of the A1-R Zone shall apply to this property.

**5.2.15 A1-R13 Exception 13 to the Agricultural - Non-Farm Rural Residential Zone (B/L 40 of 2023)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands municipally known as 793 Brigden Road, Concession 8, North ½ Lot 25, Township of St. Clair:

- i) no livestock facilities shall be permitted on the subject parcel and further no existing structures shall have legal non-conforming status as livestock facilities.

All other provisions of the A1-R Zone shall apply to this property.

## **6 RESIDENTIAL ZONES**

### **6.1 RESIDENTIAL-1 (R1) ZONE** (low-density residential)

#### **6.1.1 Permitted Uses**

- (a) Single Detached Dwelling;
- (b) Day Nursery;
- (c) Day Care Facility;
- (d) Bed and Breakfast Establishment;
- (e) Home Occupation; and
- (f) Buildings, Structures and Uses accessory to a permitted use including a Garage/Yard Sale.

#### **6.1.2 Gross Floor Area**

85 square metres minimum for a one storey single detached dwelling; 70 square metres on the ground floor for a single detached dwelling with more than one storey.

#### **6.1.3 R1-SC Residential-1 with a Shoreline Constraint (SC) Provision**

Lands within a Residential-1 Zone with a SC suffix shall permit uses of the R1 zone subject to the provisions of the Residential-1 Zone and the following shoreline constraint provisions.

In addition to all other requirements and setback provisions of this By-Law, all proposals for new development shall be accompanied by a site by site assessment regarding slope stability before a building permit may be issued within 15 metres of Top-of-bank. Where beyond the 15 setback, a slope study may be required if deemed necessary by the Building Inspector. The Corporation of the Township of St. Clair will require a geological, geo-technical or such other study as the Township deems necessary and consultation with the St. Clair Region Conservation Authority prior to the issuance of a building permit. Where a geological, geo-technical or such other study as the Township deems necessary is carried out and indicates that greater setbacks are required than found in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations. The slope study shall address all slope stability issues deemed necessary and may require a peer review at the property owners' expense.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out, a professional geo-technical engineer in conjunction with the building inspector shall monitor the implementation of the study and the development. Following construction, the geotechnical engineer will provide

certification that the new development has been carried out as per the design. The costs for design, monitoring and certification are to be borne by the proponent.

**6.1.4 R1-h1 Residential-1 with Holding Provision 1**

Lands within the R1-h1 Zone shall permit uses lawfully existing on the date of passing of this By-Law. The holding (h1) symbol of the R1-h1 Zone shall be removed pursuant to Section 36 of the *Planning Act* S.O. 1996, c.4 only upon the granting of draft approval of a plan of subdivision on the subject lands.

**6.1.5 R1-h2 Residential-1 with Holding Provision 2**

Lands within the R1-h2 Zone shall permit uses lawfully existing on the date of passing of this By-Law. The holding (h2) symbol of the R1-h2 Zone shall be removed pursuant to Section 36 of the *Planning Act* S.O. 1996, c.4 only upon obtaining appropriate sewage capacity as well as the granting of draft approval of a plan of subdivision on the subject lands.

**6.1.6 R1-1 Exception 1 to the Residential-1 (low-density) Zone**

Lands described as Block “A” of Plan 600, Corunna, and zoned R1-1, shall permit a funeral parlour and chapel in addition to the uses permitted by the R1 Zone. Any new or expanding buildings, structures or uses, within the R1-1 Zone, shall be subject to the building provisions of the R1 Zone.

**6.1.7 R1-2 Exception 2 to the Residential-1 (low-density) Zone**

Lands described as Lots 1, 11 & 12 of 25R-6978, Port Lambton, and zoned R1-2, shall permit the uses of the R1 Zone, but notwithstanding any provisions to the contrary, the minimum exterior side yard shall be 4 metres. Any new or expanding buildings, structures or uses, within the R1-2 Zone, shall be subject to all other provisions of the R1 Zone.

**6.1.8 R1-3 Exception 3 to the Residential-1 (low-density) Zone**

(Fromfield, riverfront and Wilkesport) Notwithstanding the minimum lot size and lot frontage requirements of the R1 Zone, lands zoned R1-3 shall have a minimum lot size for new lots measuring 0.8 hectares and a minimum lot frontage of 40 metres until such time as the lands are serviced by municipal sanitary infrastructure.

**6.1.9 R1-4 Exception 4 to the Residential-1 (low-density) Zone**

In addition to the permitted uses of the R1 Zone, lands described as Part Lot 58, Front Concession, Part 1 of 25R-7140 in Corunna and within the R1-4 Zone shall permit a church or school subject to the provisions of the I1 Zone.

**6.1.10 R1-5 Exception 5 to the Residential-1 (low-density) Zone (B/L 47/04)**

For lands zoned R1-5, a group home as well as the uses of the R1 Zone shall be permitted within the R1-5 Zone. Furthermore, the provisions of the R1 zone shall apply to the permitted uses of the R1-5 Zone.

For the purposes of this By-Law, a Group Home shall mean a residential dwelling in which up to 4 unrelated residents who have developmental disabilities, live as a single housekeeping unit with responsible supervision consistent with the requirements of the residents. Residents exclude staff. The home is licensed or approved under provincial statute(s). This facility shall not include persons who have been placed on probation under the provisions of Acts such as the Criminal Code, the *Young Offenders Act*, the *Ministry of Correctional Services Act*, or the *Parole Act*.

**6.1.12 R1-6 Exception 6 to the Residential-1 (low-density) Zone (B/L 19/06)**

Notwithstanding Subsection 6.1.1(a), a second dwelling unit is permitted within the principle building, in addition to a single-detached dwelling, for lands zoned R1-6. All other provisions concerning a single detached dwelling within a R1 Zone and provisions of By-Law 17 of 2003 shall apply to the single-detached dwelling and/or second dwelling for lands zoned R1-6. In addition the following provisions shall apply to lands zoned R1-6:

No Dwelling Unit shall be less than 65 square metres gross floor area.

**6.1.13 R1-7 Exception 7 to the Residential-1 (low-density) Zone (B/L 44/07)**

Notwithstanding any provisions to the contrary, the minimum permitted lot size will be 3841 square metres, the minimum frontage will be 30 metres, the minimum rear yard setback will 7.5 metres, and the required side yard setbacks will be 2 metres on one side and 4 metres on the other (with or without an attached garage). The minimum exterior side yard setback is 6 metres. The front yard setback will be the established building line or 6 metres if no existing established building line.

The maximum lot coverage is 25% and the minimum open landscape area is 40%. The maximum building height is 10.5 metres.

**6.1.14 R1-8 Exception 8 to the Residential-1 (low-density) Zone (B/L 55/07)**

For lands zoned R1-8, the uses of the R1 Zone shall be permitted for lots within a plan of subdivision created under the Planning Act and where acoustical measures are in place, including a sound wall a minimum of 2 metres in height along St. Clair Boulevard and an earthen berm along the CSX Rail approximately 1.5 metres in height.

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**6.1.15 R1-SC1 Exception 1 to the Residential-1 with a Shoreline Constraint (SC) Provision (B/L 27/09)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands described as Plan 413, Lot 381, geographic township of Moore, Township of St. Clair.

Only one single detached residential unit per lot is permitted in this zone. All provisions of the R1-SC Zone apply in addition to the following:

- Front Yard setback is the Established Building Line measured from the lots within 60 meters to the north on the west side of Beresford Street;
- Any setbacks recommended by required geo-technical studies supersede setbacks found in this By-Law and become the requirements
- Each lot must have separate vehicular access and room for at least one parking space
- Any dwelling which pre-dates the By-Law in 2003 is deemed to comply.

**6.1.16 R1-9 Exception 9 to the Residential-1 (low-density) Zone (B/L 39/10)**

For lands zoned R1-9, the uses of the R1 Zone shall be permitted without a berm provided a fence is erected along the lot line abutting the CSX Rail or St. Clair Boulevard in accordance to the required acoustic measures of the subdivision and to the satisfaction of the Township; and, any dwelling is a minimum of 30 metres from the rail property line.

**6.1.17 R1-10 Exception 10 to the Residential-1 Zone (B/L 39/15)**

For lands zoned R1-10, a "second dwelling unit" shall be permitted on top of an accessory building subject to the "second dwelling unit provisions" of Section 4.33 of the comprehensive zoning by-law, notwithstanding those provisions of the by-law contrary to the following:

- a) A second dwelling unit may be permitted on a second storey on top of an accessory building in a new building,
- b) A second dwelling unit may include doorways accessing the front of the building,
- c) A second dwelling unit in an accessory building shall not be higher than 6.8 metres to the peak of the roof,
- d) The side yard setback for an accessory building with a second unit shall be 1.2 metres, and



- e) The rear yard setback for an accessory building with a second unit shall be 2.4 metres.
- f) The maximum lot coverage for accessory buildings with a second unit shall be 67 square metres notwithstanding any provision in the zoning by-law.

**6.2. RESIDENTIAL-2 (R2) ZONE**  
(transition towards medium-density residential)

**6.2.1 Permitted Uses**

- (a) Single Detached Dwelling; or
- (b) Semi-Detached Dwelling; or
- (c) Duplex Dwelling; or
- (d) Converted Dwelling-1 additional unit.
- (e) Day Nursery;
- (f) Day Care Facility;
- (g) Boarding House;
- (h) Bed and Breakfast Establishment;
- (i) Home Occupation; and
- (j) Buildings, structures and uses accessory to a permitted use including a Garage/Yard Sale.

**6.2.2 Gross Floor Area:**

85 square metres minimum for a one storey single detached dwelling; 70 square metres on the ground floor for a single detached dwelling with more than one storey; 70 square metres minimum for each unit in a duplex dwelling or semi-detached dwelling unit; and 55 square metres minimum per dwelling unit in a converted dwelling.

**6.2.3 R2-SC Residential-2 with a Shoreline Constraint Provision**

Lands within a Residential-2 Zone with a SC suffix shall permit uses of the R2 zone subject to the provisions of the Residential-2 Zone and the following shoreline constraint provisions.

In addition to all other requirements and setback provisions of this By-Law, all proposals for new development shall be accompanied by a site by site assessment regarding slope stability before a building permit may be issued within 15 metres of Top-of-bank. Where beyond the 15 setback, a slope study may be required if deemed necessary by the Building Inspector. The Corporation of the Township of St. Clair will require a geological, geo-technical or such other study as the Township deems necessary and consultation with the St. Clair Region Conservation Authority prior to the issuance of a building permit

The slope study shall address all slope stability issues deemed necessary and may require a peer review at the property owners' expense.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out and indicates that greater setbacks are required than found

in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out, a professional geo-technical engineer in conjunction with the building inspector shall monitor the implementation of the study and the development. Following construction, the geotechnical engineer will provide certification that the new development has been carried out as per the design. The costs for design, monitoring and certification are to be borne by the proponent

**6.2.4 R2-h1 Residential-2 with Holding Provision 1**

Lands within the R2-h1 Zone shall permit uses lawfully existing on the date of passing of this By-Law. The holding (h1) symbol of the R2-h1 Zone shall be removed pursuant to Section 36 of the *Planning Act* S.O. 1996, c.4 only upon the granting of draft approval of a plan of subdivision on the subject lands.

**6.2.5 R2-h2 Residential-2 with Holding Provision 2**

Lands within the R2-h2 Zone shall permit uses lawfully existing on the date of passing of this By-Law. The holding (h2) symbol of the R2-h2 Zone shall be removed pursuant to Section 36 of the *Planning Act* S.O. 1996, c.4 only upon obtaining appropriate sewage capacity as well as the granting of draft approval of a plan of subdivision on the subject lands.

**6.2.6 R2-1 Exception 1 to the Residential-2 Zone**

Lands described as Part Lots 239 & 240, Plan 413, Corunna, and zoned R2-1 shall permit townhouses and freehold townhouses in addition to the uses of the R2 Zone. Notwithstanding any zone regulation to the contrary, the following provisions shall apply to the lands zoned R2-1:

**Provisions for Townhouses**

- (a) Minimum Lot Area:
  - (i) First 4 dwelling Units - 1000 square metres
  - (ii) Additional Dwellings - 100 square metres per unit
- (b) Minimum Lot Frontage - 9 metres per dwelling unit
- (c) Minimum Front Yard - 7.5 metres
- (d) Minimum Side Yard:
  - (i) Exterior - 6 metres
  - (ii) no side yard is required when a freehold townhouse dwelling unit is attached to another freehold townhouse unit.

(iii) The minimum interior side yard setback shall be 1.2 metres between any eave projection and the side lot line when the opposing lands are zoned the same zone, otherwise the minimum interior side yard setback shall be 3 metres.

- (e) Minimum Rear Yard - 6.8 metres
- (f) Maximum Lot Coverage - 30 percent
- (g) Minimum Open Space - 30 percent
- (h) Parking for each dwelling unit shall require a minimum of 2 spaces for parking but may include stacked parking spaces permitted in the front yard.
- (i) In addition to the height provisions of the **R2 Zone**, the townhouse shall be limited to one storey.
- (j) A fence constructed of solid opaque materials and measuring at least 1.5 metres in height shall be required along the side or rear lot lines where such lot lines do not abut another parcel of land zoned with the same zone.

**Provisions for Semi-detached Dwellings**

- (a) Minimum Lot Area - 275 square metres per unit
- (b) Minimum Lot Frontage - 9 metres per dwelling unit
- (c) Minimum Front Yard 6 metres
- (d) Minimum Side Yard
  - (i) Exterior - 6 metres

(ii) no side yard is required when a freehold dwelling unit is attached to another freehold semi-detached dwelling unit.

(iii) The minimum interior side yard setback shall be 1.2 metres between any eave projection and the side lot line when the opposing lands are zoned the same zone, otherwise the minimum interior side yard setback shall be 3 metres.

- (e) Minimum Rear Yard - 6.8 metres
- (f) Maximum Lot Coverage - 30 percent
- (g) Minimum Open Space - 30 percent
- (h) Parking for each dwelling unit shall require a minimum of 2 spaces for parking but may include stacked parking spaces permitted in the front yard.
- (i) A fence constructed of solid opaque materials and measuring at least 1.5 metres in height shall be required along the side or rear lot lines where such lot lines do not abut another parcel of land zoned the same zone.

**6.2.7 R2-2 Exception 2 to the Residential -2 Zone**

Lands described as Lots 1-11, Lots 34-48, Blocks 51 and 52, Oak Court and part of Maple Drive Plan 25M-21, may permit single detached dwellings, semi-detached

dwelling, and duplex dwellings, and uses accessory thereto, using the following development standards.

**6.2.7.1**

Notwithstanding any provisions to the contrary, the following provisions shall apply to single detached dwellings, semi-detached dwellings, and duplex dwellings on lands zoned R2-2:

Interior Side Yard Width (minimum):

1.2 metres (if attached garage)

0.0 metres (common wall, for semi-detached dwellings)

Exterior Side Yard Width (minimum): 4.5 metres

Lot Coverage (maximum): 35%

All other provisions for single detached dwellings, semi-detached dwellings and duplex dwellings on lands zoned R2-2 shall comply with the regulations for the Residential-2 Zone, as identified in Table "A" to this By-law.

### **6.3 RESIDENTIAL-3 (R3) ZONE** (transition from medium to high density residential)

#### **6.3.1 Permitted Uses**

- (a) Triplex Dwelling; or
- (b) Townhouse Dwelling; or
- (c) Freehold Townhouse; or
- (d) Multiple Dwelling; or
- (e) Converted Dwelling-2 additional units.
- (f) Day Nursery;
- (g) Day Care Facility;
- (h) Boarding House;
- (i) Bed and Breakfast Establishment;
- (j) Home Occupation; and
- (k) Buildings, Structures and Uses accessory to a permitted use including a Garage/Yard Sale.

#### **6.3.2 Gross Floor Area**

55 square metres minimum per dwelling unit (For example, in a Triplex Dwelling, the minimum gross floor area shall be (3x55) 165 square metres in total or 55 square metres per level.) (In a Four-unit Multiple Dwelling, the minimum gross floor area shall be 220 square metres in total or 55 square metres per dwelling unit).

#### **6.3.3 R3-SC Residential-3 with a Shoreline Constraint (SC) Provision**

Lands within a Residential-3 Zone with a SC suffix shall permit uses of the R3 zone subject to the provisions of the Residential-3 Zone and the following shoreline constraint provisions.

In addition to all other requirements and setback provisions of this By-Law, all proposals for new development shall be accompanied by a site by site assessment regarding slope stability before a building permit may be issued within 15 metres of Top-of-bank. Where beyond the 15 setback, a slope study may be required if deemed necessary by the Building Inspector. The Corporation of the Township of St. Clair will require a geological, geo-technical or such other study as the Township deems necessary and consultation with the St. Clair Region Conservation Authority prior to the issuance of a building permit. The slope study shall address all slope stability issues deemed necessary and may require a peer review at the property owners' expense. Where a geological, geo-technical or such other study as the Township deems necessary is carried out and indicates that greater setbacks are required than found in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out, a professional geo-technical engineer in conjunction with the building inspector shall monitor the implementation of the study and the development. Following construction, the geotechnical engineer will provide certification that the new development has been carried out as per the design. The costs for design, monitoring and certification are to be borne by the proponent

#### **6.3.4 R3-1 Exception 1 to the Residential-3 Zone**

Lands described as Lots 7 & 8 E/S Merrit of Plan 6, Port Lambton, and zoned R3-1, shall only permit townhouses with a maximum of four dwelling units and uses accessory thereto. Notwithstanding any zone regulation to the contrary, the following provisions shall apply to the lands zoned R3-1: Minimum lot area and frontage as existing at the date of passing of this By-Law, minimum front yard of 7 metres, minimum interior side yard of 4.5 metres, minimum exterior side yard of 7 metres, minimum rear yard of 7 metres, maximum lot coverage of 35 percent, minimum landscaped open space of 35 percent, maximum building height of one storey, and parking may be permitted in the front yard.

#### **6.3.5 R3-2 Exception 2 to the Residential-3 Zone**

Lands described as Part Lot "E", Concession 6, Port Lambton, and zoned R3-2 shall only permit townhouses with a maximum of 4 dwelling units and uses accessory thereto. Notwithstanding any provisions to the contrary, the following provisions shall apply to the land Zone R3-2: Minimum lot area and frontage shall be as existing at the date of passing of this By-Law, minimum front yard of 5.8 metres, minimum interior side yard of 9 metres, minimum exterior side yard of 6 metres, minimum rear yard of 2 metres, maximum lot coverage of 35 percent, maximum building height of 1 storey, and a minimum of 7 on-site parking spaces in the front yard.

#### **6.3.6 R3-3 Exception 3 to the Residential-3 Zone**

Lands described as Part Lot 415 of Plan 413, Corunna, and zoned R3-3, shall only permit a multiple-dwelling (apartment) building and uses accessory thereto. Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands zoned R3-3: Minimum lot area and frontage shall be as existing at the date of passing, minimum front yard shall be 8.9 metres, minimum interior side yard of 6.6 metres for the main building and 0 metres for the parking structure, minimum exterior side yard of 6.7 metres, minimum rear yard of 14 metres, maximum lot coverage of 50 percent, minimum landscaped open space of 30 percent, maximum main building height of 13 metres, maximum parking structure height of 4.5 metres, minimum gross floor area of 100 square metres per dwelling unit, a minimum of 3 metres planting strip adjacent to a single-detached residential properties, a minimum elevation for all openings in any buildings or structures of 177.6 metres CGD, and the top of bank setback shall be from the waters edge.

**6.3.7 R3-4 Exception 4 to the Residential-3 Zone**

Lands described as Part Lots 225 & 226 of Plan 413, Corunna, and zoned R3-4, shall only permit townhouses or freehold townhouses and uses accessory thereto. In regard to the freehold townhouse, the minimum lot area shall be 175 square metres, except that on parts 26 and 27 the minimum lot area shall be 145 square metres and on parts 13, 14, 17, 31 and 32 the minimum lot area shall be 160 square metres, the minimum lot frontage shall be 6 metres, the interior side yard shall be 3 metres except where there is a common wall the minimum side yard shall be 0 metres, the minimum exterior side yard shall be 5 metres, the minimum rear yard shall be 6 metres except that parts 10, 11, 15, 24 and 39 shall have a minimum rear yard of 4.5 metres and parts 16, 17, 19, 20 and 38 shall have a minimum rear yard of 3 metres, a maximum lot coverage of 40 percent, a minimum landscaped open space of 30 percent, and a maximum height of 11 metres. In regard to a (leasehold) townhouse, the minimum lot area shall be 1000 square metres for the first four dwelling units and 100 square metres for each additional dwelling unit, a minimum lot frontage of 30 metres, a minimum front, side, or rear yard of 9 metres, a maximum lot coverage of 30 percent, and a maximum height of 4.5 metres. Furthermore, a detached garage may be permitted in the front yard.

**6.3.8 R3-5 Exception 5 to the Residential-3 Zone**

Lands described as Part Lot 55, Front Concession, Corunna, and zoned R3-5 shall only permit semi-detached dwellings or freehold townhouses, comprising not more than four dwelling units. Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands zoned R3-5: minimum lot area of 481 square metres per dwelling unit, minimum lot frontage of 9.75 metres, minimum front yard setback of 7.5 metres, minimum interior side yard of 1.2 metres unless there is a common wall, a minimum exterior side yard of 6 metres, a maximum lot coverage of 40 percent, a minimum landscaped open space of 30 percent, a maximum building height of 11 metres, and a minimum gross floor area of 100 square metres per dwelling unit.

**6.3.9 R3-6 Exception 6 to the Residential-3 Zone with Holding Symbol(B/L-33 of 2022)**

Lands described as Part Lot 415 of Plan 413, Corunna, and zoned R3-6, may permit single-detached dwellings, townhouses, freehold townhouses dwellings, and uses accessory thereto.

Notwithstanding any provisions to the contrary, the front lot line for lands zoned R3-6 shall mean the lot line located adjacent to the Beckwith Street right-of-way, lot frontage shall mean the length of the front lot line, and top of bank setback shall be measured from the water's edge.



**6.3.9.1** Notwithstanding any provisions to the contrary, a maximum of two waterfront lots may be subdivided for single detached dwellings on lands zoned R3-6, subject to the following provisions:

- |     |  |  |
|-----|--|--|
| (A) | Lot Frontage (minimum):                        |  |
|     | A1 (as shown on Figure 1)                      | 35.0m (for Lot I)                                    |
|     | A2 (as shown on Figure 1)                      | 5.0m (for Lot II)                                    |
| (B) | Front Yard Depth (minimum):                    | 3.0m (6.0m for an attached garage facing the street) |
| (C) | Side Yard Width from East Lot Line (minimum):  | 7.5m   |
| (D) | Rear Yard Depth from North Lot Line (minimum): | 1.5m   |
| (E) | Setback from Water's Edge (minimum):           | 15.0m  |
| (F) | Floodproofing:                                 |  |

Minimum elevation for all openings in any buildings or structures shall be 178.0m Canadian Geodetic Datum (C.G.D.)

- (G) All other provisions for Single Detached Dwellings on lands zoned R3-6 shall comply with the regulations for a Single Detached Dwelling in the Residential-1 Zone, as identified on Table 'A' to this By-law.
- (H) Development of the lands located within 15 metres of the St. Clair River shall not proceed without removing the holding symbol. The holding (h) symbol of the R3-6 Zone shall be removed pursuant to Section 36 of the Planning Act only upon the completion of a Geotechnical Assessment, which addresses the long-term stability of the slope and seawall and the inclusion of recommendations of the Geotechnical Assessment in the Subdivision Agreement to the satisfaction of the Township of St. Clair and the St. Clair Region Conservation Authority.

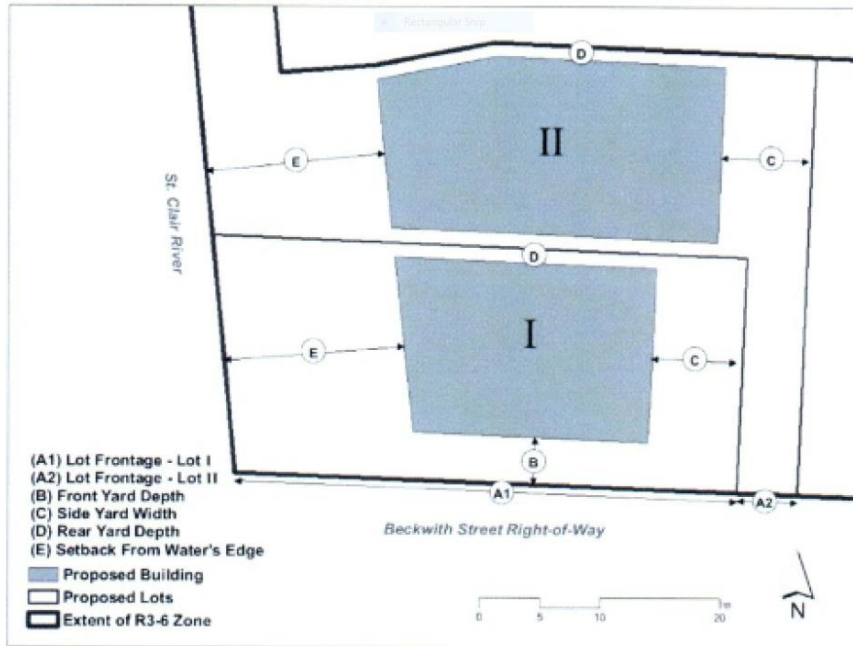


Figure 1- Enlarged Map of R3-6 Zone Adjacent to St. Clair River

**6.3.9.2** Notwithstanding any provisions to the contrary, the following provisions shall apply to freehold townhouse dwellings on lands zoned R3-6:

Interior Side Yard Width (minimum):	3.0m (unattached side) 0.0m (attached side)
Exterior Side Yard Width (minimum):	6.0m
Front yard Depth (minimum):	4.0m
Rear Yard Depth (minimum):	8.5m
Lot Coverage (maximum):	48%

All other provisions for Freehold Townhouse Dwellings on lands zoned R3-6 shall comply with the regulations for a Freehold Townhouse Dwelling in the Residential-3 Zone, as identified on Table "A" to this By-law.

**6.3.10 R3-7 Exception 7 to the Residential-3 Zone (B/L 12/05)**

Lands zoned R3-7 shall only permit townhouses or freehold townhouses. Notwithstanding any provisions to the contrary, the minimum front yard setback shall be 4.9 metres for the northernmost corner of the building envelope and 12.9 metres for the southernmost corner of the building envelope, the minimum interior side yard setback where there is no attached wall shall be 3.7 metres, the minimum exterior side yard shall be 3.5 metres, in addition to all other provisions of the R3 zone, shall apply to the R3-7 zone.

## **6.4 RESIDENTIAL-4 (R4) Zone** (Chenal Ecarte Residential)

### **6.4.1 Permitted Uses**

- (a) Single-detached Dwelling
- (b) Day Nursery
- (c) Home Occupation
- (d) Park
- (e) Buildings, structures and uses accessory to a permitted use including a garage/yard sale

### **6.4.2 Additional Provisions**

- (a) See Environmental Concerns Subsection
- (b) For lots 14 to 155, Plan 27 along the Chenal Ecarte/St. Clair River, the rear yard setback shall be 32 metres.

### **6.4.3 Gross Floor Area:**

85 square metres minimum for a one storey single detached dwelling; 70 square metres on the ground floor for a single detached dwelling with more than one storey.

### **6.4.4 R4-h1 Residential – 4 with a holding 1 symbol**

Lands within the R4-h1 Zone shall permit uses lawfully existing on the date of passing of this By-Law. The holding (h1) symbol of the R4-h1 Zone shall be removed pursuant to Section 36 of the *Planning Act* S.O. 1996, c.4 only upon obtaining appropriate sewage capacity as well as the granting of draft approval of a plan of subdivision on the subject lands.

### **6.4.5 R4-1 Exception 1 to the Residential-4 (Chenal Ecarte) Zone**

Notwithstanding any provisions to the contrary, no basements or cellars are permitted and no building shall be erected unless all of the lot which abuts a watercourse are protected by seawall for those lands zoned R4-1. Any development shall comply with the regulations of the R4 Zone.

### **6.4.6 R4-2 Exception 2 to the Residential-4 (Chenal Ecarte) Zone**

Notwithstanding any provisions to the contrary, a minimum front yard of 3 metres, a minimum exterior side of 3 metres, a minimum setback from a watercourse with shoreline protection of 4.5 metres and a minimum rear yard of 3 metres for an accessory marine facility, in addition to the other provisions of the R4 Zone, shall apply to the lands zoned R4-2.

**6.4.7 R4-3 Exception 3 to the Residential-4 (Chenal Ecarte) Zone (B/L 65/03)****6.4.7.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Home Occupations
- (c) Buildings, Structures and uses accessory to a dwelling

**6.4.7.2 Provisions**

- (a) Minimum Lot Area: 1,900 square metres
- (b) Minimum Lot Frontage: 33 metres
- (c) Minimum Front Yard: 30 metres
- (d) Minimum Interior Side Yard: 2.5 metres
- (e) Minimum Exterior Side Yard: 6 metres
- (f) Minimum Rear Yard: 6 metres
- (g) Maximum Lot Coverage: 35 percent
- (h) Maximum Dwelling Height: 10 metres
- (i) Minimum Gross Floor Area: 85 square metres for a one storey single detached dwelling and 73 metres for a dwelling with more than one storey

**6.4.8 R4-4 Exception 4 to the Residential-4 (Chenal Ecarte) Zone****6.4.8.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Home Occupations
- (c) Buildings, Structures and uses accessory to a dwelling

**6.4.8.2 Provisions**

- (a) Minimum Lot Area: 1,450 square metres
- (b) Minimum Lot Frontage: 20 metres
- (c) Minimum Front Yard: 6 metres
- (d) Minimum Interior Side Yard: 2.5 metres
- (e) Minimum Exterior Side Yard: 6 metres
- (f) Minimum Rear Yard: 6 metres
- (g) Maximum Lot Coverage: 35 percent
- (h) Maximum Dwelling Height: 10 metres
- (i) Minimum Gross Floor Area: 85 square metres for a one storey single detached dwelling and 73 metres for a dwelling with more than one storey

**6.5 RESIDENTIAL-5 (R5) Zone**  
(Stag Island Residential)

**6.5.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Buildings, structures and uses accessory to a permitted use including a garage/yard sale

**6.5.2 Additional Regulations**

See Environmental Concerns Subsection

**6.5.3 Gross Floor Area:**

60 square metres minimum for a one storey single detached dwelling; 55 square metres on the ground floor for a single detached dwelling with more than one storey.

**6.5.4 Parcel as a Lot**

In addition to the definition of a Lot provided in this By-Law for the purposes of this section, the term lot shall mean any parcel of property that can be legally conveyed, the boundaries of which are shown on the map drawn by W. J. Fletcher O.L.S. recorded on July 1921 and entitled Plan of Subdivision on Stag Island.

**6.6 RESIDENTIAL-6 (R6) ZONE**  
(Fawn Island Residential)

**6.6.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Buildings, structures and uses accessory to a permitted use including a garage/yard sale

**6.6.2 Site Regulations**

See Environmental Concerns Subsection

**6.6.3 Gross Floor Area:**

80 square metres minimum for a one storey single detached dwelling; 70 square metres on the ground floor for a single detached dwelling with more than one storey.

**6.7 RESIDENTIAL-7 (R7) ZONE (B/L 33/08)**  
(Courtright Multiple Unit - Conversion)

**6.7.1 Permitted Uses**

- (a) Multiple Dwelling
- (b) Buildings, structures and uses directly accessory to a permitted use listed above

**6.7.2 Provisions for Buildings**

- (a) Minimum Lot Area: 1.1 acres
  - (i) First 10 dwelling units 510m<sup>2</sup>
  - (ii) Addition dwelling units 80m<sup>2</sup>/unit
- (b) Minimum Lot Frontage: 55 metres
- (c) Minimum Front Yard: 10 metres
- (d) Minimum Side Yard:
  - (i) Exterior: 10.5 metres
  - (ii) Interior: A multiple dwelling may be located no closer than 6 metres from an interior side lot line, except where the use is placed within an existing building, it may be located closer to the lot line provided it is no closer than 2.9 metres.
- (e) Minimum Rear Yard: 10.5 metres
- (f) Maximum Lot Coverage: 30%
- (g) Minimum Landscaped Open Space: 30%

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**6.8 RESIDENTIAL-8 (R8) ZONE (B/L 8/15)**  
(Corunna Cluster)**6.8.1 Permitted Uses**

- (a) Cluster Housing
- (b) Multiple Dwelling
- (c) Residential Care Facility
- (d) Buildings, structures and uses accessory to a permitted use; and
- (e) Service Commercial Uses subordinate or ancillary to a Residential Care Facility and without limiting the foregoing may include: personal service shops, transportation facilities for seniors, community or private club, housekeeping services establishment, therapy services establishment, medical services establishment, and residential care services establishment.

**6.8.2 Building Provision**

- (a) Minimum Lot Frontage: 30 metres
- (b) Minimum Lot Area: 39,000 square metres
- (c) Maximum Lot Coverage: 30%
- (d) Minimum Lot Frontage: 10.5 metres
- (e) Minimum Side Yard (interior or exterior): 10.5 metres
- (f) Minimum Rear Yard Setback: 10.5 metres
- (g) Maximum Building Height: 15.5m and limited to 4 storeys
- (h) Minimum Landscaped Open Space: 30%
- (i) Minimum Setback from a Railway:  
30 metres, and notwithstanding Section 4.19.4 an earth berm with a minimum height of 2 metres above track level constructed between the residential use and the railway property is not required. A security fence is required along the mutual property line with the railway right-of-way, to be installed and maintained at the applicant/owner's own expense.
- (j) Minimum Separation between Buildings: 2.4 metres
- (k) Notwithstanding Section 4.3.4 of 17 of 2003, the total Lot Coverage of Accessory Buildings shall be a maximum of 520 square metres.



- (l) In addition to all other requirements and setback provisions of this by-law, all proposals for new buildings may require a site by site assessment regarding soil stability and the replacement of disturbed lands if requested by the building inspector.

### **6.8.3 Number of Dwelling Buildings on a Lot**

Notwithstanding Section 4.9.4 of 17 of 2003, more than one dwelling building is permitted on lands zoned R8.

**6.9 RESIDENTIAL-9 (R9) ZONE (B/L 2/19)**

Residential Exception Zone - (St. Clair Boulevard Vacant Lot Condominium)

**6.9.1 Permitted Uses**

- (a) Townhouses/Townhouse, Freehold
- (b) Cluster Housing
- (c) No Buildings accessory to a permitted use
- (d) Uses and structures accessory to a permitted use

**6.9.2 Vacant Lot Condominium Provisions**

- (a) Minimum Lot Frontage:
 

Vacant lot condominium lot (VLCL)	7.77 metres
Whole Registered Description Lot by the <i>Condominium Act</i> (WRDL)	30 metres
- (b) Minimum Lot Area (VLCL): 229 square metres
- (c) Maximum Lot Coverage (VLCL): 63.5%
- (d) Minimum Front Yard (VLCL)
 

6 metres from Public Street
2 metres from Private Lane
- (e) Minimum Side Yard (interior) (VLCL):
 

0 metres for common wall
1.2 metres for non-common wall
- (f) Minimum Side Yard (exterior) (VLCL) 2 metres from Private Lane
- (g) Minimum Rear Yard Setback (VCLC):
 

8.7 metres from a R1 Zone
8.59 metres from a VLCL
- (h) Maximum Building Height: 10.5m (~3 storeys)
- (i) Minimum Landscaped Open Space (VCLC): 14%
- (j) Notwithstanding Section 4.31.7(b) a private lane shall be no less than 6 metres in width.
- (k) Notwithstanding Section 4.19.4 a berm shall not be required abutting a railway.
- (l) Minimum building setback from a railway limit - 30 metres

- (m) Notwithstanding 4.31.6 and the definition of parking space; parking spaces may be permitted within the front yard regardless of the minimum front yard setback (VLCL) and may be stacked parking.
- (n) Notwithstanding provisions for VLCLs to the contrary, parcels or VLCLs on an approved vacant lot condominium plan that are necessary for communal access or for stormwater management and/or drainage matters, such VLCLs are exempt from minimum area but must have a minimum of 2 metre of frontage on a private lane or public street.

**6.10 RESIDENTIAL-10 (R10) ZONE (B/L 68/20)**  
 Residential Exception Zone - (Vacant Lot Condominium)

**6.10.1 Permitted Uses**

- (a) Townhouses / Townhouse, Freehold
- (b) Cluster Housing
- (c) No Buildings accessory to a permitted use
- (d) Uses and structures accessory to a permitted use

**6.10.2 Vacant Land Condominium Provisions**

- (a) Minimum Lot Frontage
 

Vacant land Condominium Lot (VLCL)	8.8 metres
Whole Registered Description Lot by the Condominium Act (WRDL)	30 metres
- (b) Minimum Lot Area (VLCL) 312 square metres
- (c) Maximum Lot Coverage (VLCL) 46 %
- (d) Minimum Front Yard (VLCL)
 

11 metres from Public Street
10.5 metres from Private Lane
- (e) Minimum Side Yard (interior) (VLCL)
 

0 metres for common wall
2 metres for non-common wall
- (f) Minimum Side Yard (exterior) (VLCL)
 

2 metres from Private Lane
5.97 metres from a public street
- (g) Minimum Rear Yard Setback (VLCL) –
 

6.5 metres
8 metres from a I1 Zone
8 metres from a R3 Zone
- (h) Maximum Building Height 1 storey
- (i) Minimum Landscaped Open Space (VLCL) 30 %
- (j) Notwithstanding Section 4.31.7(b) a private lane shall be no less than 6 metres in width

- (k) Notwithstanding 4.31.6 and the definition of parking space; parking spaces may be permitted within the front yard regardless of the minimum front yard setback (VLCL) and may be stacked parking
  
- (l) Notwithstanding provisions for VLCLs to the contrary, parcels or VLCLs on an approved vacant lot condominium plan that are necessary for communal access or for stormwater management and/or drainage matters, such VLCLs are exempt from minimum area but must have a minimum of 1.5 metre of frontage on a private lane or public street.

## **7 SUBURBAN RESIDENTIAL**

### **7.1 SUBURBAN RESIDENTIAL (RS) ZONE**

#### **7.1.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Buildings, structures and uses accessory to a permitted use including a garage/yard sale

#### **7.1.2 Gross Floor Area:**

85 square metres minimum for a one storey single detached dwelling; 70 square metres on the ground floor for a single detached dwelling with more than one storey.

#### **7.1.3 RS-SC - Suburban Residential with a Shoreline Constraint (SC) Provision**

Lands within a Suburban Residential Zone with a SC suffix shall permit uses of the RS zone subject to the provisions of the Suburban Residential Zone and the following shoreline constraint provisions.

In addition to all other requirements and setback provisions of this By-Law, all proposals for new development shall be accompanied by a site by site assessment regarding slope stability before a building permit may be issued within 15 metres of Top-of-bank. Where beyond the 15 setback, a slope study may be required if deemed necessary by the Building Inspector. The Corporation of the Township of St. Clair will require a geological, geo-technical or such other study as the Township deems necessary and consultation with the St. Clair Region Conservation Authority prior to the issuance of a building permit. Where a geological, geo-technical or such other study as the Township deems necessary is carried out and indicates that greater setbacks are required than found in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations. The slope study shall address all slope stability issues deemed necessary and may require a peer review at the property owners' expense.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out, a professional geo-technical engineer in conjunction with the building inspector shall monitor the implementation of the study and the development. Following construction, the geotechnical engineer will provide certification that the new development has been carried out as per the design. The costs for design, monitoring and certification are to be borne by the proponent

**7.1.4 RS-1 Exception 1 to the Suburban Residential Zone**

Notwithstanding any provisions to the contrary, the minimum frontage shall be 22 metres and the minimum interior side yard shall be 2.5 metres, in addition to any other provisions of the RS Zone for those lands zoned RS-1.

**7.1.5 RS-2 Exception 2 to the Suburban Residential Zone**

Notwithstanding any provisions to the contrary, the minimum frontage shall be 15 metres and the minimum lot area shall be 800 square metres in addition to any other provisions of the R1 Zone for those lands zoned RS-2

**7.1.6 RS-3 Exception 3 to the Suburban Residential Zone**

Notwithstanding the Top of Bank or any other provisions to the contrary, the following provisions shall apply to the lands, described as Part Lot 51, Front Concession, Corunna and zoned RS-3. The minimum lot area shall be 2600 square metres, the minimum lot frontage shall be 26.8 metres, the minimum front yard shall be 9 metres, the minimum interior side yard shall be 2 metres on one side and 4 metres on the other, the minimum exterior side yard shall be 9 metres, the minimum rear yard shall be 51.8 metres for Part 1 of 25R-7363, 48.9 metres for Part 2 of 25R-7363, 45.1 metres for Part 3 of 25R-7363 and a maximum building height of 11 metres.

**7.1.8 RS-4 Exception 4 to the Suburban Residential Zone**

Notwithstanding the minimum lot size and lot frontage requirements of the RS Zone, lands zoned RS-4 shall have a minimum lot size for new lots measuring 0.8 hectares and a minimum lot frontage of 40 metres until such time as the lands are serviced by municipal sanitary infrastructure.

**7.1.9 RS-SC-1 Exception 1 to the Suburban Residential with a Shoreline Constraint (B/L 24/08)**

Notwithstanding any other provisions to the contrary, the following provisions shall apply to the lands described as South Part Lot 50, Front Concession, geographic township of Moore, Township of St. Clair: minimum frontage of 48 metres; minimum lot area of 2.2 acres; maximum lot coverage for accessory uses of 5540 square feet (515 square metres).

For these lands, one habitable loft will be permitted to a maximum size of 790 square feet (72.8 square metres). No accessory structures shall be permitted closer than 60 metres from the St. Clair Parkway. There will be no tree removal permitted between the building furthest East and the St. Clair Parkway. No commercial activity, including storage of goods for retail sale, will be permitted anywhere in this zone.

**7.1.10 RS-5(h) Exception 5 to the Suburban Residential Zone with Holding**  
(B/L 5B/12)

For lands zoned RS-5(h), no new development shall be permitted without removing the holding zone.

For lands zoned RS-5, the permitted uses shall include the uses of the RS Zone and such uses shall comply with the following provisions in addition to the other non-conflicting provisions of the By-Law:

Notwithstanding Section 4.19.1, the minimum setback from the top-of-bank setback shall be 3.8 metres where there is a seawall, tie rod protection and engineered fill. For the purpose of the RS-5 Zone, the top-of-bank shall be deemed at the seawall.

Notwithstanding Table A, the Minimum Front Yard shall be 18 m.

Notwithstanding Table A, the Minimum Rear Yard shall be 8 m.

Notwithstanding Subsection 4.20.2, the minimum building opening shall be 177.3 metres except for existing building openings and openings for non-habitable buildings or structures which shall be deemed to comply with the By-Law.

The holding (h) symbol of the RS-5(h) Zone shall be removed pursuant to Section 36 of the *Planning Act* S.O. 1996, c.4, only upon the completion of a development agreement with the Township of St. Clair to ensure implementation of the engineering site plan, appropriate integration onto municipal road allowances and a demonstration that the recommendations of the studies can be implemented to the satisfaction of the Township of St. Clair and the St. Clair Region Conservation Authority.

**7.1.11 RS-6 Exception 6 to the Suburban Residential (RS) Zone** (B/L 51 of 2023)

Lands described as Lot 1; Plan 29 have a front set back of 21.4m(70.5ft), rear set back of 10.6m (35 ft), south side set back 1.2m (4 ft) and a north side set back of 2.5m (8 ft).

Lands described as Lot 2; Plan 29 have a front set back of 22m (72.2 ft), rear set back of 18m (59 ft), south side setback of 2.5m (8 ft) and a north side setback of 1.2m (4 ft).



## 7.2 SUBURBAN RESIDENTIAL – SOMBRA (RS-6) ZONE (B/L 20/06)

### 7.2.1 Permitted Uses

- (a) Single Detached Dwelling
- (b) Buildings, structures and uses accessory to a permitted use including a garage/yard sale

### 7.2.2 Gross Floor Area:

85 square metres minimum for a one storey single detached dwelling; 70 square metres on the ground floor for a single detached dwelling with more than one storey.

### 7.2.3 Provisions

- |     |  |                                   |
|-----|--|-----------------------------------|
| (a) | Minimum Lot Area                                   | 835 square metres                 |
| (b) | Minimum Lot Frontage                               | 22 metres                         |
| (c) | Maximum Lot Coverage                               | 30 percent                        |
| (d) | Minimum Front Yard Setback                         | established front building line   |
| (e) | Minimum Interior Side Yard with attached garage    | 1.2 metres                        |
| (f) | Minimum Interior Side Yard without attached garage | 1.2 m on one side & 2.5m on other |
| (g) | Minimum Exterior Side Yard Setback                 | 6 metres                          |
| (h) | Minimum Rear Yard Setback                          | established rear building line    |
| (i) | Maximum Building Height                            | 10.5 metres                       |
| (j) | Minimum Landscaping                                | 40 percent                        |

**7.3 SUBURBAN RESIDENTIAL – SHORELINE CONSTRAINT (RS-7-SC) ZONE**  
(B/L 76/06)

**7.3.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Buildings, structures and uses accessory to a permitted use including a garage/yard sale

**7.3.2 Gross Floor Area**

- (a) 85 square metres minimum gross floor area for a single detached dwelling

**7.3.3 Shoreline Constraint**

The shoreline provisions of Subsection 7.1.3 shall apply to lands zoned RS-7-SC.

**7.3.4. Principle Building Provisions**

- (a) Minimum Lot Area 1500 square metres
- (b) Minimum Lot Frontage 30 metres
- (c) Maximum Lot Coverage 25 percent
- (d) Minimum Side Yard Setbacks as per Schedule A-2-3
- (e) Minimum Front Yard Setback as per Schedule A-2-3
- (f) Minimum Rear Yard Setback as per Schedule A-2-3
- (g) Minimum Landscaped Open Space 30 percent
- (h) Maximum Height 12 metres

**7.3.5 Accessory Provisions**

The provisions of the accessory buildings in residential R zones shall apply.

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**7.4 SUBURBAN RESIDENTIAL – (RS-8) ZONE (B/L 35/13)****7.4.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Buildings, structures and uses accessory to a single -detached dwelling use including a garage/yard sale use

**7.4.2 Gross Floor Area**

- (a) 85 square metres minimum gross floor area for a single detached dwelling

**7.4.3 Principle Building Provisions**

- (a) Minimum Lot Area 1780 square metres
- (b) Minimum Lot Frontage 21.3 metres
- (c) Minimum Front Yard Setback 30 metres
- (d) Minimum Side Yard Setbacks 2.5 metres
- (e) Maximum Rear Yard Setback 12 metres
- (f) Maximum Lot Coverage 25 percent
- (g) Minimum Open Space 30 percent
- (h) Maximum Building Height 10.5 metres

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**7.5 SUBURBAN RESIDENTIAL – (RS-9) ZONE (B/L 35/13)****7.5.1 Permitted Uses**

- (a) Single Detached Dwelling
- (b) Buildings, structures and uses accessory to a single -detached dwelling use including a garage/yard sale use

**7.5.2 Gross Floor Area**

- (a) 85 square metres minimum gross floor area for a single detached dwelling

**7.5.3 Principle Building Provisions**

- (a) Minimum Lot Area 1380 square metres
- (b) Minimum Lot Frontage 21.3 metres
- (c) Minimum Front Yard Setback 18.3 metres
- (d) Minimum Side Yard Setbacks 2.5 metres
- (e) Maximum Rear Yard Setback 12 metres
- (f) Maximum Lot Coverage 25 percent
- (g) Minimum Open Space 30 percent
- (h) Maximum Building Height 10.5 metres

## **8 INSTITUTIONAL ZONES**

### **8.1 INSTITUTIONAL-1 (I1) ZONE**

#### **8.1.1 Permitted Uses**

- (a) Ambulance Facility
- (b) Community Facility
- (c) School
- (d) Hospital
- (e) Assembly Hall
- (f) Auditorium
- (g) Home for the Aged
- (h) Nursing Home
- (i) Rest Home
- (j) Residential Care Facility
- (k) Special Needs Facility
- (l) Church
- (m) Cemetery
- (n) Institutional Use
- (o) Public Use
- (p) Buildings, structures and uses accessory to a permitted use.

#### **8.1.2 I1-1 Exception 1 to the Institutional Zone (B/L 4/04)**

For lands zoned I1-1, the following uses, in addition to uses of the I1 Zone, shall be permitted within the I1-1 Zone. Furthermore, the provisions of the I1 zone shall apply to the additional uses of the I1-1 Zone.

Clinic

Day Care Facility

For-Profit Instructional Facility; and

An Electronic Gaming Service & Repair Shop/Programming Establishment

In addition to the provisions of the I1 Zone, there shall be no outdoor storage or open display of materials.

Furthermore, parking spaces shall be required as per the By-Law for each use as applicable; however, a Day Care Facility shall have one space per twenty square metres of floor area (not including washrooms or utility rooms), a For-Profit Instructional Facility shall have one space per instructor plus one space per thirty square metres of classroom floor space; and, an Electronic Gaming Service & Repair Shop/Programming Establishment shall have one parking space per 37 square metres of ground floor area (not including washrooms or utility rooms).

In addition, one loading area is required for an Electronic Gaming Service & Repair/Programming Establishment.

For the purpose of this By-Law, "DAY CARE FACILITY" shall mean a portion of a building and/or lands that receives individuals for the purpose of providing temporary care and/of guidance for a continuous period not exceeding twenty-four hours

For the purpose of this By-Law, "ELECTRIC GAMING SERVICE & REPAIR SHOP/PROGRAMMING ESTABLISHMENT" shall mean the use of lands, buildings or part of a building wherein electronic articles related to Bingo or Electronic Gaming Establishments may be programmed, serviced or repaired in addition to some assembly or sales accessory thereto.

For the purpose of this By-Law, "FOR PROFIT-INSTRUCTIONAL FACILITY" shall mean the use of lands, buildings or portions of buildings used as a meeting place for educational or instructional purposes that are not part of a chartered organization and may include such private instructional facilities such as: Art School, Dance School, Ballet School, Gymnastics School, Martial Arts School, Self-Defense School, Business School, Beauty School, Cosmetology School, Hair Dressing School, Music School, Driving School and the like operated for profit but shall not include offensive uses by nature of noise, vibrations, dust or outdoor storage.

**8.1.3 I1-2 Exception 2 to the Institutional Zone (B/L 24/05)**

Notwithstanding any provisions to the contrary, the minimum exterior side yard setback for parking spaces shall be 2 metres, in addition to all other provisions of the I1 zone, for lands zoned I1-2.

**8.1.4 Temporary Use By-law (B/L 50 of 2022)**

Notwithstanding any provision in this by-law to the contrary, temporary parking shall be permitted on lands identified in Schedule A-1-16 for a period of no greater than two (2) years from the passing of the implementing by-law and subject to the general provisions of the by-law.

**9 COMMERCIAL ZONES****9.1 CENTRAL COMMERCIAL (C1) ZONE****9.1.1 Permitted Uses**

- (a) Art Gallery
- Assembly Hall
- Auditorium
- Bake Shop
- Bank
- Beverage Room
- Brewing-on-site Establishment/Vintner
- Church
- Clinic
- Convenience Store
- Community Facility
- Day Care Facility
- Dry Cleaning Establishment
- Funeral Home
- Hotel
- Institutional Use
- Laundromat
- Office
- Parking Lot
- Personal Service Shop
- Place of Entertainment
- Private Club
- Public Recreational Use
- Public Use, Non-Recreational
- Recreation, Commercial (eg. bowling alleys or fitness facility)
- Recreation, Passive
- Restaurant
- Retail Store
- Service and Repair Shop
- Special Needs Facility
- Tavern
- Taxi Dispatch or Office
  
- (b) Buildings, structures and uses accessory to a permitted use
  
- (c) Dwelling Unit located above or behind a permitted commercial use
  
- (d) Existing Dwellings
  
- (e) Existing Gasoline Retail Facility

**9.1.2 Dwelling Unit Area:**

(a)	Bachelor -	40 square metres minimum
(b)	One Bedroom -	45 square metres minimum
(c)	Two Bedroom -	55 square metres minimum
(d)	Three or more Bedrooms -	70 metres minimum

**9.1.3 Existing Residential Dwellings**

Notwithstanding any provisions of this By-Law to the contrary, existing single-detached, semi-detached or duplex dwellings shall be permitted to be altered or expanded in accordance with the provisions of the R1 Zone. Accessory uses, structures or building may be permitted to an existing dwelling in accordance with the general provisions of this By-Law. Existing triplexes, multiple-dwellings or townhouses shall be permitted to be altered or expanded in accordance with the provisions of the R3 Zone.

**9.1.4 Existing Gas Pump Facility**

Notwithstanding any provisions of this By-Law to the contrary, existing gas pump facilities shall be permitted to be altered or expanded in accordance with the provisions of the C1 Zone and additional gas pump provisions.

**9.1.5 C1-SC Central Commercial with Shoreline Constraint (SC) Provisions**

Lands within a Central Commercial Zone with a SC suffix shall permit uses of the C1 zone subject to the provisions of the Central Commercial Zone and the following shoreline constraint provisions.

In addition to all other requirements and setback provisions of this By-Law, all proposals for new development shall be accompanied by a site by site assessment regarding slope stability before a building permit may be issued within 15 metres of Top-of-bank. Where beyond the 15 setback, a slope study may be required if deemed necessary by the Building Inspector. The Corporation of the Township of St. Clair will require a geological, geo-technical or such other study as the Township deems necessary and consultation with the St. Clair Region Conservation Authority prior to the issuance of a building permit. Where a geological, geo-technical or such other study as the Township deems necessary is carried out and indicates that greater setbacks are required than found in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations. The slope study shall address all slope stability issues deemed necessary and may require a peer review at the property owners' expense.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out, a professional geo-technical engineer in conjunction with



the building inspector shall monitor the implementation of the study and the development. Following construction, the geotechnical engineer will provide certification that the new development has been carried out as per the design. The costs for design, monitoring and certification are to be borne by the proponent

**9.1.6 C1-1 Exception 1 to the Central Commercial Zone**

For lands zoned C1-1 in Sombra Village, a warehouse shall be permitted in addition to the uses of the Central Commercial C1 Zone. Any expansion of the warehouse or new development shall be in accordance with the regulations of the C1 Zone.

**9.1.7 C1-2 Exception 2 to the Central Commercial Zone**

For lands zoned C1-2 in Port Lambton, a motor vehicle washing establishment and uses accessory thereto shall be permitted in addition to the uses of the C1 Zone. Any expansion of the motor vehicle washing establishment or new development shall be in accordance with the regulations of the C1 Zone.

**9.1.8 C1-3 Exception 3 to the Central Commercial Zone**

For lands zoned C1-3 in Brigden, a lawn ornament business and uses accessory thereto shall be permitted in addition to the uses of the C1 zone. Any expansion of the lawn ornament business or new development shall be in accordance with the regulations of the C1 Zone.

**9.1.9 C1-4 Exception 4 to the Central Commercial Zone**

For lands zoned C1-4 in Corunna, only active and passive recreational uses, refreshment vehicles, parking, boat launch/lift facilities and an existing single detached dwelling is permitted. Any development: must be 3 metres from the sided lot line except for the boat launch/lift facility, must be 4.5 metres from the rear lot line except for the boat facility, must have a lot coverage of no greater than 30 percent of all buildings and structures, and no buildings can exceed a maximum of 11 metres in height.

**9.1.10 C1-5 Exception 5 to the Central Commercial Zone (217 Hill Street)**

For lands zoned C1-5 in Corunna, a veterinary establishment and uses accessory thereto shall be permitted in addition to the uses of the C1 Zone. Any expansion of the veterinary establishment or new development shall be in accordance with the regulations of the C1 Zone. For clarification, a crematorium or an outside kennel is not a permitted use accessory to a veterinary establishment.

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## 9.2 HIGHWAY COMMERCIAL (C2) ZONE

### 9.2.1 Permitted Uses

- (a) Agricultural Supply Establishment
- Auction Hall
- Auditorium
- Banquet Hall
- Bingo Hall
- Brewing-on-site Establishment
- Bulk Fuel Establishment
- Bulk Sales Establishment
- Clinic
- Commercial Storage
- Convenience Store
- Dry Cleaning Establishment
- Farm Implement Sales Establishment
- Flea Market
- Garden Centre
- Gasoline Retail Facility
- Golf Driving Range
- Institutional Uses
- Laundromat
- Landscaping Business
- Lumber Yard
- Service and Repair Shop
- Miniature Golf
- Motel
- Motor Vehicle Repair Establishment
- Motor Vehicle Sales & Rental Establishment
- Motor Vehicle Service Establishment
- Motor Vehicle Washing Establishment
- Parking Lot
- Place of Entertainment
- Private Club
- Recreation, Commercial
- Restaurant
- Restaurant, Drive in
- Retail or Food Store with a gross floor area greater than 300 m<sup>2</sup>
- Service Trade
- Veterinary Establishment
- Wholesale Use
- Taxi Depot

- (b) Buildings, structures and uses accessory to a permitted use.
- (c) Open Display to a permitted use
- (d) Open Storage to a permitted use
- (e) Office accessory to a permitted use
- (f) Dwelling Unit accessory to a motel.

**9.2.2 C2-h1 Highway Commercial with a Holding (h1) Symbol**

Lands within the C2-h1 Zone shall permit uses lawfully existing on the date of passing of this By-Law. The holding (h1) symbol of the C2-h1 Zone shall be removed only when it has been demonstrated to Council that the development will not compromise future development of the site and adequate sewage capacity and water supply exist.

**9.2.3 C2-1 Exception 1 to the Highway Commercial Zone (B/L 3/11)**

For lands zoned C2-1, all uses listed in Section 9.2.1 are permitted subject to the following provisions:

Existing dwellings may not be used as a residential unit, and may only be converted to a permitted use or used as office space for a permitted use.

Any permitted use in this zone requires a 6 foot tall privacy fence along the south zone boundary.

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## **9.3 AGRICULTURAL COMMERCIAL (C3) ZONE**

### **9.3.1 Permitted Uses**

Abattoir  
Agricultural Service Establishment  
Agricultural Supply Establishment  
Farm Implement Sales Establishment  
Farm Produce Outlet  
Farmers Market  
Veterinary Clinic  
Stock Yard  
Uses, Buildings and Structures accessory to a Permitted Use  
Open Display accessory to a Permitted Use  
Office accessory to a Permitted Use

### **9.3.2 C3-1 Exception 1 to the Agricultural Commercial Zone**

For lands zoned C3-1 in Becher, an existing motor vehicle repair establishment and accessory dwelling unit shall be permitted in addition to the uses of the C3 Zone. Any expansion of the existing motor vehicle repair establishment and accessory dwelling or new development shall be in accordance with the regulations of the C3 Zone.

### **9.3.3 C3-2 Exception 2 to the Agricultural Commercial Zone**

For lands zoned C3-2 on Part Lot 16, Concession 10, Geo. Twp. Sombra, an existing auction centre, open display, and uses accessory thereto shall be permitted in addition to the uses of the C3 Zone. Any expansion of the auction centre or new development shall be in accordance with the C3 Zone. Notwithstanding any provisions of this By-Law, the minimum number of parking spaces shall be 30 for an auction centre on lands zoned C3-2.

### **9.3.4 C3-3 Exception 3 to the Agricultural Commercial Zone (B/L 60 of 2023)**

For lands zoned C3-3 on Con 15 N Pt Lot 6 RP 25R3151 Parts 1 &2, formerly Sombra Township, currently St. Clair Township, County of Lambton, 521 Bickford Line an existing shooting range and uses accessory thereto shall be permitted in addition to the uses of the C3 Zone.

## **9.4 WATERFRONT COMMERCIAL (C4) ZONE**

### **9.4.1 Permitted Uses**

- (a) Marina
- (b) Motel
- (c) Restaurant
- (d) Office Accessory to a permitted use
- (e) Retail uses accessory to a permitted use
- (f) Uses, structures and buildings accessory to a permitted use.

## **9.5 NEIGHBOURHOOD COMMERCIAL (C5)**

### **9.5.1 Permitted Uses**

- (a) Bank, Credit Union or Financial Institution
- (b) Clinic, Doctors Office
- (c) Convenience Store
- (d) Day Nursery
- (e) Gasoline Retail Facility
- (f) Library
- (g) Service and Repair Shop
- (h) Office
- (i) Personal Service Shop
- (j) Private Club
- (k) Restaurant
- (l) Retail store (one per lot)
- (m) Veterinary Clinic
- (n) Uses, buildings and structures accessory to a permitted use.

**9.6 COURTRIGHT COMMERCIAL (C6) (B/L 91/04)****9.6.1 Permitted Uses with the (h) Holding Symbol in place**

- (a) Uses of the C1 Zone (see listed under 9.1.1 of 17 of 2003)
- (b) Accessory uses thereto including a dwelling unit behind or above a permitted commercial use

**Permitted Uses with the (h) Holding Symbol removed**

- (c) Uses of the C1 Zone (see listed under 9.1.1 of 17 of 2003)
- (d) Multiple Dwelling, Townhouse, Townhouse-Freehold
- (e) Accessory uses thereto including dwelling units behind or above a permitted commercial use

**9.6.2 Site Provisions for New Multiple Residential Dwelling Buildings or Additions to Multiple Dwelling Buildings**

- (a) 55 m<sup>2</sup> Minimum Gross Floor Area/Dwelling Unit
- (b) 30 m Minimum Lot Frontage
- (c) 300 m<sup>2</sup> Minimum Lot Area/Dwelling Unit
- (d) 40% Maximum Lot Coverage
- (e) 6 m Minimum Front Yard Setback
- (f) 6 m Exterior Side Yard Setback
- (g) 3 m Interior Side Yard Setback
- (h) 10.5 m Rear Yard Setback
- (i) 30% Minimum Landscaped Open Space
- (j) 12 m Maximum Building Height
- (k) Minimum two storey building height

**9.6.3 Site Provisions for Existing Buildings Converted into Multiple Dwelling Buildings**

- (a) 50 m<sup>2</sup> Minimum Gross Floor Area/Dwelling Unit
- (b) 300 m Minimum Lot Area/Dwelling Unit
- (c) as existing Minimum Lot Frontage
- (d) 40% or as existing Maximum Lot Coverage
- (e) as existing Minimum Yard Setbacks
- (f) There is no increase in volume of the building except for the addition of sun porches, decks, patios, balconies and entranceways
- (g) There is a minimum of 170 square metres of landscaped open space located in the rear yard
- (h) Off-street parking requirements of this By-Law are complied with.

**9.6.4 Site Provisions for Commercial Buildings**

- (a) The site provisions of the C1 zone shall apply to commercial uses within the C6 zone.

**9.6.5 Site Provisions for Accessory Buildings**

- (a) The site provisions of the principle use shall apply to uses accessory thereto.



**9.7 COMMERCIAL EXCEPTION ZONE (C7) (B/L 42/18)**  
(394 Alfred Street)

**9.7.1 Permitted Uses**

- (a) Assembly Hall
- (b) Bank, Credit Union, Financial Institution
- (c) Clinic
- (d) Convenience Store
- (e) Day Nursery
- (f) for Profit Instructional Facility (which would include art school, theatre arts school, dance school, gymnastics school, martial arts school, business school, beauty school, music school, yoga facility or a personal training studio)
- (g) Library
- (h) Office
- (i) Personal Service Shop
- (j) Private Club
- (k) Restaurant, small scale
- (l) Service & Repair Shop
- (m) Virtual Reality Facility
- (n) Buildings, Structures and Uses accessory to a permitted use

**9.7.2 Building Provisions**

- |     |                               |   |
|-----|-------------------------------|---|
| (a) | Minimum Lot Frontage          | 30 metres   |
| (b) | Minimum Lot Area              | 2000 square metres  |
| (c) | Maximum Lot Coverage          | 25%   |
| (d) | Minimum Front Yard            | 6 metres  |
| (e) | Minimum Side Yard (interior)  | 6 metres  |
| (f) | Minimum Side Yard (exterior)  | 6 metres  |
| (g) | Minimum Rear Yard Setback     | 6 metres  |
| (h) | Maximum Building Height       | 5.5 m (one storey); notwithstanding, permitted uses may be located in buildings that existed at the time of this by-law |
| (i) | Minimum Landscaped Open Space | 25%   |

**9.7.3 Building Use Restrictions**

Lands or buildings in the C7 Zone shall prohibit lounges or facilities used for smoking hooka apparatuses or using cannabis.

## **10 INDUSTRIAL ZONES**

### **10.1 INDUSTRIAL TYPE 1 (M1) ZONE**

(Light industrial uses)

#### **10.1.1 Permitted Uses**

- (a) Commercial Storage  
Industrial Type 1 Uses  
Institutional Uses  
Motor Vehicle Repair Shop  
Motor Vehicle Sales & Service Establishment  
Motor Vehicle Washing Establishment  
Parking Lot  
Research and Development Establishment  
Service and Repair Shop  
Service Trade  
Truck Transport Terminal  
Veterinary Clinic  
Warehouse
- (b) Open Storage to a permitted use
- (c) Open Display to a permitted use
- (d) A commercial use or office accessory to a permitted use
- (e) Buildings, structures and uses accessory to a permitted use.

#### **10.1.2 M1-1 Exception 1 to the Industrial Type 1 Zone**

Lands described as Part Lot "D", Concession 7, Port Lambton and zoned M1-1 shall permit a Single-Detached Residential Dwelling.

Any non-residential development shall comply with the following regulations:

Minimum front yard of 80 metres,  
Minimum east side yard of 8 metres,  
Minimum west side yard of 4 metres,  
Minimum rear yard of 15 metres, and  
Maximum building height of 12 metres.

Any development or redevelopment of the Single-Detached Residential Dwelling shall comply with the following regulations:

Minimum front yard of 20 metres,  
Minimum side yard of 3 metres,  
Minimum rear yard of 7 metres, and  
Maximum height of 12 metres.

**10.1.3 M1-2 Exception 2 to the Industrial Type 1 Zone with Holding Symbol**

(B/L 54/10)

For lands zoned M1-2(h), no new development shall be permitted without removing the holding symbol.

Notwithstanding provisions to the contrary, for lands zoned M1-2, the permitted uses shall include a Liquid Propane/LHG Rail Loading-Distribution Facility and accessory buildings/uses. Rail Loading infrastructure including above ground tanks for the storage of compressed hydrocarbon gases (ie compressed butane/propane) shall comply with the following provisions in addition to the general provision of the By-Law:

- |     |                               |            |
|-----|-------------------------------|------------|
| (a) | Minimum Front Yard            | 890 metres |
| (b) | Minimum Interior Side yard    | 70 metres  |
| (c) | Minimum Rear Yard             | 70 metres  |
| (d) | Minimum Exterior Side Yard    | 153 metres |
| (e) | Maximum Height                | 14 metres  |
| (f) | Minimum Landscaped Open Space | 20 percent |
| (g) | Minimum Lot Area              | 100 ha     |
| (h) | Minimum Lot Frontage          | 750 metres |

Notwithstanding provisions to the contrary, a Rail Marshalling Yard and accessory uses thereto shall comply with the following provisions in addition to the general provisions of the By-Law:

- |     |                            |            |
|-----|----------------------------|------------|
| (a) | Minimum Front Yard         | 153 metres |
| (b) | Minimum Interior Side yard | 30 metres  |
| (c) | Minimum Rear Yard          | 30 metres  |
| (d) | Minimum Exterior Side Yard | 153 metres |

Berming with landscaping shall be required including berming that addresses recommendations of the noise studies accepted by the Township in addition to berming with landscaping that addresses visual screening, safety and aesthetics to the satisfaction of the Township in yards abutting a public street or facing residential uses within one kilometer of the Liquid Propane/LHG Rail Loading - Distribution infrastructure.

Notwithstanding provisions to the contrary, an office or repair garage and uses accessory thereto shall comply with the provisions of the M1 Zone and the general provisions of the By-Law.

The height of the berms shall be a minimum height of the top of the rail tanker car (4.7m) and address sound study recommendations.

Notwithstanding any provisions to the contrary, the provisions of the M1 Zone shall apply to office buildings.

The holding (h) symbol of the M1-2(h) Zone shall be removed pursuant to Section 36 of the Planning Act S.O. 1996, c.4 only upon the completion of a noise study, storm water study, emissions study, traffic study, hazard distance, risk & safety management plan and archeological study to the satisfaction of the Township of St. Clair and a demonstration that the recommendations of the studies can be implemented to the satisfaction of the Township of St. Clair.

## **10.2 INDUSTRIAL TYPE 2 (M2) ZONE** (Medium-scaled industrial uses)

### **10.2.1 Permitted Uses**

- (a) Auction Hall  
Commercial Storage  
Contractors Yard  
Dry Cleaning Establishment  
Industrial Type 2 Uses  
Light Industrial Uses  
Lumber Yard  
Motor Vehicle Repair Establishment  
Motor Vehicle Sales & Service Establishment  
Research and Development Establishment  
Service and Repair Shop  
Service Trade  
Parking Lot  
Truck Transport Terminal  
Warehouse  
Wholesale Use
- (b) Buildings, structures and uses accessory to a permitted use.
- (c) Open Storage to a permitted use.
- (d) Open Display to a permitted use.
- (e) A commercial or office use accessory to a permitted use.
- (f) Medical Marihuana Facility. (B/L 9/17)

### **10.2.2 M2-1 Exception 1 to the Industrial Type 2 Zone**

Lands described as Part Lot "D", Concession 10, Sombra, and zoned M2-1 shall only permit a gravel dock, gravel storage area, parking lot, and buildings, uses and structures accessory thereto including accessory offices and open storage. Any development or redevelopment shall comply with the following provisions: minimum lot area of 4,000 square metres, minimum lot frontage of 30 metres, minimum front yard of 15 metres, minimum side yard of 12 metres, minimum rear yard of 15 metres, a maximum height of 12 metres. Notwithstanding the above clause, a marine facility may be permitted to be built up the rear lot line and extend into the watercourse.

### **10.2.3 M2-2 Exception 2 to the Industrial Type 2 Zone**

Lands described as Part Lot 23, Front Concession, geographic Township of Moore, and zoned M2-2 shall permit a Terminal Grain Elevator, buildings, structures and uses accessory there and dwelling units for the sole use of the employees of the Grain Elevator. Any development shall comply with the following provisions:

minimum lot area of 21.5 hectares; minimum lot frontage of 200 metres; minimum front yard depth of 150 metres; minimum side yard width of 30 metres; minimum rear yard of 10 metres; a minimum gross floor area of 60 square metres for a dwelling unit and no open storage is permitted.

**10.2.3 M2-3 Exception 3 to the Industrial Type 2 Zone (B/L 68/07)**

Lands described as Concession 10, E Pt Lot C, geographic Township of Sombra, and zoned M2-3 shall permit a contractor’s yard, buildings, structures and outdoor storage accessory thereto. Any developments shall comply with the following provisions:

Minimum lot area of	5560 m <sup>2</sup>
Minimum lot frontage of	86 metres
Minimum front yard depth of	15 metres
Minimum interior side yards of	3 metres
Minimum rear yard of	0 metres

Open storage is permitted on site but shall comply with the following provisions:

Minimum front yard setback of	15 metres
Minimum side yard setback of	3 metres from side lot lines

Any area used for outdoor storage shall be in addition to and separate from such areas as may be required by this By-Law for the provision of off-street parking spaces. All open storage areas will be enclosed by a fence.

**10.2.3 M2-4 Exception 4 to the Industrial Type 2 Zone (B/L 3/11)**

For lands zoned M2-4 described as Con 4 Pt Lot 7, RP 25R330 Pt 7 Pts 4 to 6, geographic Township of Moore, all permitted uses from Section 10.2.1 are permitted subject to the following restrictions:

Minimum lot area for the M2-4 zone is 7.5 acres

No dwellings are permitted anywhere on lands zoned M2-4

No open storage is permitted within 100 metres of Courtright Line. Any outdoor storage must be completely enclosed by a fence and locked gate. Any area used for outdoor storage shall be in addition to and separate from such areas as may be required by this By-Law for the provision of off-street parking.

The existing access from Courtright Line is exclusively for passenger traffic; all heavy trucks shall use the existing accesses from Brigden Road. Future development shall not include a parking area to be accessed by Courtright Line. All parking areas for future expansion shall be accessed from Brigden Road.

No new accesses shall be permitted from Courtright Line.

The only developments permitted within 70 metres of 2361 and 2389 Courtright Line shall be limited to a Type One Industrial use. No development shall be permitted within 30 metres of 2361 and 2389 Courtright Line.

Existing farm buildings may only be used for storage. Livestock facilities are not permitted in any building in this zone. No processing is permitted in such buildings.

Any painting facility shall have a 200 metre setback from the property line abutting Courtright Line.

No flammable or volatile materials to be stored within 250 metres of the lot line abutting Courtright Line and 100 metres from the lot line abutting Brigden Road.

Any future development will require a privacy fence (of poly materials) between it and both Courtright Line and the Baptist Church.

In the event of future development proposed on lands zone M2-4, the Township may require a traffic impact study to determine whether upgrades are required to Brigden Road to accommodate truck traffic. In addition, a noise study may also be required at the time of proposed new development if determined necessary by the Township.

Despite 24 hour operations being permitted, any new development shall have regard for acceptable noise levels as determined by required noise studies during evening and night hours with respect to the nearby community.

### **10.3 INDUSTRIAL TYPE 3 (M3) ZONE** (large-scaled or dangerous industrial uses)

#### **10.3.1 Permitted Uses**

- (a) Motor Vehicle Repair Establishment
- (b) Industrial Type 3 Uses
- (c) Industrial Type 2 Uses
- (d) Industrial Type 1 Uses
- (e) Lambton College Industrial Fire School
- (f) Truck Transport Terminal
- (g) Buildings, structures and uses accessory to a permitted use.
- (h) Open Storage to a permitted use.
- (i) Open Display to a permitted use.
- (j) A commercial or office use accessory to a permitted use.
- (k) Medical Marihuana Facility. (B/L 9/17)

#### **10.3.2 M3-1 Exception 1 to the Industrial Type 3 Zone**

Lands described as Part Lot "C", Concession 10, Sombra, and zoned M3-1 shall only permit a Type-3 Industrial Uses or Extractive Industrial Uses and uses, buildings or structures accessory thereto. Any development or redevelopment shall comply with the following provisions: minimum lot area of 8 hectares, minimum lot frontage of 200 metres, minimum front yard of 15 metres, minimum side yard of 20 metres except where abutting a railway, and minimum rear yard of 30 metres. Notwithstanding the above, no part of the lands within the M3-1 Zone shall be used for the production of trimethylanime other than a portion thereto bounded on the north side by a line drawn parallel to and distant 250 metres south of the north limit of the said zone, on the south side by a line drawn parallel to and distant 30 metres north of the north limit of public street and on the east side by a line drawn parallel to and distant 100 metres west of the east limit of the said zone.

The manufacturing of Trimethylamine shall be a prohibited use in the M3-1 zone on the subject lands. (B/L 48/08)

Notwithstanding any provisions in By-Law 17 of 2003, the subject lands shall be deemed to conform with the minimum lot area and frontage and yard requirements of the M3-1 zone. (B/L 48/08)

#### **10.3.3 M3-2 Exception 2 to the Industrial-Type 3 Zone**

Notwithstanding the minimum lot size and lot frontage requirements of the M3 Zone, lands zoned M3-2, described as Part Lot 24, Concession 9, Moore, shall have a minimum lot size for new lots measuring 10 hectares and a minimum lot frontage of 40 metres in addition to any other provision of the M3 Zone.



**10.3.4 M3-3 Exception 3 to the Industrial-Type 3 Zone (B/L 13/07)**

Notwithstanding any provisions to the contrary, lands zoned M3-3 and described as Part Lot 68 and Water Lot 68, Front Concession, Moore, shall permit a marine facility and uses accessory thereto (Oil Spill Response Facility with housing of response vessels and equipment and hydraulic reel and boom jetty and storage facilities). Notwithstanding Subsection 4.19 or any provisions to the contrary, buildings may be erected no closer than 27 metres from the front lot line, no closer than 30 metres from the south side lot line or its projection onto the water, and no higher than 5.5 metres. Parking areas may be located as existing at the date of passage of this By-Law or within the M3-3 building envelope.

**10.3.5 M3-4 Exception 4 to the Industrial-Type 3 Zone with Holding (OMB Order PL120961 - August 18, 2015) (B/L 40/21)**

For lands zoned M3-4(h1) and (h2), no new development shall be permitted without removing the holding symbol. For lands zoned M3-4(h4), no new development shall be permitted without the removal of the hold symbol with the exception that all Industrial Recycling Facility uses other than the crushing of steel, asphalt, cement and/or concrete shall be permitted in accordance with the provisions of the M3-4 Zone.

**Permitted Uses**

Industrial Recycling Facility

Office and Maintenance uses accessory to a permitted use

**Definition**

"Industrial Recycling Facility" shall mean the use of lands, buildings and structures for the processing, crushing or drying of asphalt, drilling mud, cement, steel, and/or concrete, and shall include the open storage of these materials in both raw and finished form. No raw or processed materials, solids, or liquids shall be landfilled on the site. For greater clarity, this use shall not include the processing or bulk storage of volatile, dangerous, or hazardous materials and shall be subject to Environmental Compliance Approvals under Part 5 (Waste) of the Environmental Protection Act, where required.

For lands zoned M3-4, the permitted uses shall include an "Industrial Recycling Facility" and such use shall comply with the following provisions in addition to the other non-conflicting provisions of the by-law:

**Surface Treatment**

All driveway, parking, loading, vehicular access and vehicle waiting areas shall be paved with an asphalt or concrete surface.

## **Regulations**

### **Setback for Crusher**

Minimum setback of 300 metres from existing off-site residential dwellings  
Minimum rear yard setback of 153m  
Minimum side yard setback of 20m

### **Setbacks for Open Storage or Processing Uses of the Industrial Recycling Facility**

Minimum setback of 300 metres from existing off-site residential dwellings  
Minimum rear yard setback of 153 metres  
Minimum side yard setback of 15 metres

### **Setbacks for Office and Repair Uses of the Industrial Recycling Facility**

Minimum front yard setback of 20 metres  
Minimum side yard setback of 4.5 metres  
Minimum rear yard setback of 15 metres

### **Setback from the Hydro Corridor**

Minimum building setback from hydro corridor shall be 15 metres

### **Setback for Acoustic Barrier**

Minimum setback of the height of berm or the acoustic fence shall be 280 metres from existing off-site residential dwellings.  
Minimum side yard setback to the base of the acoustic barrier shall be 5 metres

### **Acoustic Barrier**

Minimum acoustic barrier height shall be 7.6 metres from grade

The acoustical barrier may be constructed with either a full-height earth berm (7.6m high) or a combination earth berm/acoustic wood fence (7.6m high), with the minimum height of the earth berm being 3.1m.

Notwithstanding any provisions/definition to the contrary, all lands zoned on Schedule A-25 and in the same ownership at the date of the passing of the amendment by-law, shall be deemed a single lot for the purpose of zoning.

Notwithstanding Subsection 4.9.1, (lot frontage on a public street) structures may be erected and processing may be performed on lands south of the hydro corridor provided they are in compliance with the provisions of M3-4 Zone.

That all equipment related to the operation of the crusher and processing of raw materials shall be restricted to operating on weekends only, excluding statutory holidays between the hours of 7:30 am to 5:30 pm.

Maximum height of material storage shall be no higher than the acoustic barrier. The minimum lot area and lot frontage shall be as existing at the date of passing of this by-law.

All other M3 provisions and general provisions of the zoning by-law shall apply.

#### Holding (h) Provisions

In the M3-4 Zone, those lands affected by the (h1)(h2) holding provisions are subject to the following:

##### Purpose

To ensure that development does not occur until an Environmental Impact Study is completed to the satisfaction of the Township, St. Clair Region Conservation Authority (SCRCA) and Ontario Ministry of Natural Resources and Forestry (MNR).

##### Interim Uses

Existing uses are permitted in accordance with the A1 Agricultural Zone.

##### Conditions

The (h1)(h2) holding provision shall not be removed until the following conditions have been satisfied:

1. Preparation of a Terms of Reference and an Environmental Impact Study addressing potential impacts to the woodlands, provincially significant wetlands and endangered species to the satisfaction of the Township, St. Clair Region Conservation Authority and MNR.
2. Preparation of a Site Plan which implements the recommendations of the Environmental Impact Study and obtaining of site plan approval pursuant to Section 41 of the *Planning Act*.
3. Registration on title of a fully executed Site Plan and/or Development Agreement with the Township which includes all requirements for the development of the lands, financial and otherwise, to the satisfaction of the Township.

In the M3-4 Zone, those lands affected by the (h4) are subject to the following:

### Purpose

To ensure that any lands, buildings and structures for the crushing of asphalt, cement and/or concrete implements the specialized zoning regulations of the M3-4 Zone and that development does not occur until:

- (1) approval has been granted for a Site Plan,
- (2) a Site Plan Agreement or amending agreement has been entered into; and
- (3) any required Environmental Compliance Approvals have been issued by the Ontario Ministry of the Environment Conservation and Parks (MECP).

### Permitted Uses for a M3-4(h4) Zone

- Existing uses in accordance with the A1 Agricultural Zone;
- All Industrial Recycling Facility uses other than the crushing of steel, asphalt, cement and/or concrete in accordance with the provisions of the M3-4 Zone;
- Open storage to a maximum height of 4.5m, with the exception that equipment may be stored in excess of this limit.

### Conditions

The (h4) holding provision shall not be removed until the following conditions are satisfied:

1. Preparation of a Site Plan which implements the specialized zoning regulations of the M3-4 Zone to the satisfaction of the Township and obtaining of site plan approval pursuant to Section 41 of the *Planning Act*.
2. Registration on title of a fully executed Site Plan Agreement and/or Development Agreement with the Township, which includes all requirements for the development of the lands, financial and otherwise, to the satisfaction of the Township, including but not limited to the following provisions:
  - a) Operation of the crusher and processing of raw materials shall be restricted to operating on weekdays only, excluding statutory holidays, between the hours of 7:30 am to 5:30 pm.
  - b) All required Environmental Compliance Approvals (ECA) shall be obtained from MECP for the Crusher including, but not limited to, ECA's for receipt of waste, noise, dust and fugitive emissions.
  - c) A Best Management Practices Dust Control and Management Plan for the crushing component shall be prepared and submitted with the Environmental Compliance Approval (ECA) application to the satisfaction of the MECP and the Township.

- d) A horizontal impact crusher that is no larger or louder than the McCloskey I54 Impactor unit shall be used. The owner\operator shall ensure that the crusher used for the facility will not exceed the operating noise levels set out in the specifications for the I54 unit.
- e) The Crusher, whenever in operation, shall be orientated such that the small (and quieter) side is pointing towards the receptor at 535 Courtright Line.
- f) A noise audit shall be completed within 90 days of commencing operation, to the satisfaction of the MECP and the Township (including the horizontal impact crusher (Crusher), front-end loader (Loader) and trucks (Trucks) as a condition of the Environmental Compliance Approval (ECA). Any required mitigation shall be completed to the satisfaction of the MECP and the Township.
- g) An acoustic barrier with a total height of 7.6m shall be installed prior to commencement of the operation of the crusher, in the location stipulated in the specialized zoning regulations of the M3-4 Zone. This acoustical barrier may be constructed with either a full-height earth berm (7.6m high) or a combination earth berm/acoustic wood fence (7.6m high), with the minimum height of the earth berm being 3.1m.
- h) The fence component of the noise barrier may be constructed of a wood, metal, masonry, or plastic material with a minimum surface density of 20 kg per square metre and will be free of gaps or cracks. If the fence component is constructed of wood, the following construction shall be used to meet the surface density requirement:
  - 1 layer or 1" thick T&G wood fencing on one side of the fence;
  - 2 layers of ½" thick T&G wood fencing on the other side of the fence, with edges offset,
  - 4" blocking between fencing for airspace,
  - No openings or gaps in the fence,
  - Minimize air gap below the fence (2" or less).
- i) A provision to ensure that the noise barrier will be maintained in good repair at all times to the satisfaction of the Township.
- j) Any storage, loading/unloading, processing and staging of materials to be crushed occur in a location separated from the sensitive receptors by the required acoustical barrier.
- k) Provision of any required financial securities in favour of the Township to ensure implementation of the requirements of the Site Plan Agreement and/or Development Agreement to the satisfaction of the Township.

**10.3.6 M3-5 Exception 5 to the Industrial-Type 3 Zone (B/L 71/20)**

Notwithstanding Subsection 4.31.8 in the comprehensive zoning by-law, for lands zoned M3-5, an existing parking area may be gravel surfaced instead of the asphalted up till December 7, 2022 provided the parking area is for a contractor or maintenance user, the parking area is located a minimum of 153 metres from a public Street, and the parking area is physically separated by a berm, and the front yard is tree cover a minimum of 153 metres from Beckwith Street.

**10.3.7 M3-6 Exception 6 to the Industrial-Type 3 Zone (B/L 9/22)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands municipally known as 403 Lasalle Line, West ½ Lot 26, Concession 12, in the Township of St. Clair:

- i) Shall have a minimum lot area of 32 ha;
- ii) Shall have a minimum front yard setback of 38.0 m
- iii) Shall have a minimum interior west side yard setback of 9m from an industrial zone;
- iv) Shall have a minimum interior west side yard setback of 7m when not abutting an industrial zone;
- v) Shall have a minimum interior side yard setback from pipeline substations in the EP-WD Zone of 20m;
- vi) Shall have a minimum interior side yard setback from pipeline substations within 200m of Lasalle Line of 3m;
- vii) Shall have a minimum setback from a petroleum pipeline right-of-way of 2m;
- viii) Each parking area and driveway connecting the parking area and driveway connecting the parking area with a street can be gravel in addition to any surface permitted in Section 4.31.8.

All other provisions of the M3 Zone shall apply to this property.

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## 10.4 WASTE DISPOSAL INDUSTRIAL (M4) ZONE

### 10.4.1 Permitted Uses

- (a) Waste Disposal Site
- (b) Buildings, structures and uses accessory to a permitted use.

### 10.4.2 Waste Disposal M4-1 Zone - (Deleted by B/L 26/15)

### 10.4.3 Waste Disposal Industrial - 2 M4-2 Zone (Hazardous Waste Disposal) (B/L 26/2015) (B/L 63/2015)

#### 10.4.3.1a Permitted Uses

- a) *Waste Disposal Site uses*, as existing at the date of passing of this by-law, including specialized on-site services associated with and accessory to the waste disposal site including but not limited to the administrative offices, laboratories for waste testing and/or analysis, and pre-treatment systems;
- b) The *identified expansion* of the waste disposal site;
- c) Incineration of industrial waste materials uses as approved and specified by Certificate of Approval A031813 in 1986;
- d) Buildings, structures and uses accessory to a permitted use;
- e) Agricultural subject to the regulations of the A1 Zone.

#### 10.4.3.1b Permitted Uses within a holding symbol

- (a) Waste Disposal Site uses, as existing at the date of passing of this by-law, including specialized on-site services associated with and accessory to the waste disposal site including but not limited to the administrative offices, laboratories for waste testing and/or analysis, and pre-treatment systems;
- (b) Incineration of industrial waste materials uses as approved and specified by Certificate of Approval A031813 in 1986;
- (c) Buildings, structures and uses accessory to a permitted use;
- (d) Agricultural subject to the regulations of the A1 Zone.

**10.4.3.2 Landfill and Building Provisions**

- |  |   |
|--|---|
| a) Lot Area  | 40 hectares minimum   |
| b) Lot Frontage  | 153 metres minimum  |
| c) Front Yard Depth  | 153 metres minimum  |
| d) Side Yard Width   | 15 metres except:   |
| i) where abutting any non-industrial zone or street                    | 153 metres minimum  |
| ii) for an Office Building, laboratory Building and maintenance garage | 30 metres minimum from the side lot line abutting Telfer Road |
| e) Rear Yard Depth   | 30 m. min. except:  |
| where abutting any non-industrial zone or street                       | 153 metre minimum   |
| f) Lot Coverage  | 50 percent maximum  |
| g) Landscaped Open Space   | 10 percent minimum  |
| h) Height Regulations  |   |

Peak elevation of the waste is limited to the height of the existing perimeter berm 211 metres above mean sea level not including the addition of the cap of 1.45 metres.

10.4.3.3 Notwithstanding the definition of front yard depth, side yard width, rear yard depth of this By-Law, the front yard, side yard and rear yard in this zone shall be taken from the property line to the nearest part of the limits of the excavated area used for land filling.

10.4.3.4 The Minimum setback from any front, side or rear lot line of any open storage area in this zone shall not be less than the respective minimum front yard, side yard or rear yard depth specified in this zone.

10.4.3.5 Definition of "**Identified Expansion**"  
 "Identified expansion" shall mean the additional landfill capacity to be predominantly through a vertical expansion of the existing landfill area



with an exception of new landfilling outward extents in the south as shown on the attached Schedule as those lands zoned M4-2 and the peak elevation of the waste is limited to the height of the existing perimeter berm 211 metres above mean sea level not including the addition of the cap of a maximum of 1.45 metres and where the acceptable landfill materials are listed in Certificate of Approval A031806 dated in 1986.

- 10.4.3.6 Definition of "**Waste Disposal Site uses, as existing**" shall mean the use of and operation of a landfill site with a no land filling at a height greater than the original ground level and where the acceptable items are listed in Certificate of Approval A031806 dated in 1986.

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## **10.5 AGRICULTURAL INDUSTRIAL (M5) ZONE**

### **10.5.1 Permitted Uses**

- Abattoir
- Agriculturally Related Bulk Sales Establishment
- Agricultural Processing Establishment
- Agricultural Service Establishment
- Agricultural Supply Establishment
- Farm Implement Sales Establishment
- Grain Elevator

- An Office Accessory to a Permitted Use
- Commercial Uses Accessory to a Permitted Use
- Open Storage accessory to a Permitted Use
- Open Display accessory to a Permitted Use

### **10.5.2 M5-1 Exception 1 to the Industrial Type 5 Zone**

Lands described as Part Lot 19, Concession 7, Moore, and zoned M5-1 shall only permit a gas compressor station and building, uses and structures accessory thereto. Any development or red-development shall be in accordance with the following provisions: minimum lot area of 4 hectares, minimum lot frontage of 270 metres, minimum front yard of 14 metres to the Offices and Control Building, minimum front yard of 18 metres to the water coolers, minimum front yard of 40 metres to the compressor building, minimum side yard of 15 metres, minimum rear yard of 15 metres, maximum lot coverage of 50 %, and minimum landscaped open space of 10%.

### **10.5.3 M5-2 Exception 2 to the Industrial Type 5 Zone (B/L 14/07)**

Notwithstanding any provisions to the contrary, lands zoned M5-2 and described as Part Lot 19 of Concession 8, geographic Township of Moore, shall permit warehouse buildings and/or administrative buildings accessory to a gas compressor station and uses accessory to the above noted buildings. Notwithstanding any provisions to the contrary, development shall be in accordance with the following provisions: minimum lot area of 4 hectares, minimum lot frontage of 115 metres, minimum setback from Tecumseh Road of 15 metres, minimum top of bank setback from the Lauer/Jarvis Drain(s) of 15 metres, minimum interior side yard of 15 metres, minimum rear yard of 15 metres, minimum landscaped open space of 10 percent; and a maximum building height of 12 metres. In addition, the requirements of the Woodlot Assessment of June 2006 shall be implemented at the time of Site Plan Control for any building construction in the M5-2 Zone.

**10.5.4 M5-3 Exception 3 to the Agricultural Industrial Type 5 Zone (B/L 28/12)**

Notwithstanding any provisions to the contrary, lands zoned M5-3 shall permit a gas compressor station including warehouse buildings and/or administrative buildings accessory to a gas compressor station and uses accessory to the above noted permitted uses.

For lands zoned M5-3 the permitted uses shall comply with the following provisions in addition to the other non-conflicting provisions of the By-Law:

Minimum Lot Area	4 ha
Minimum Lot Frontage	140 m
Minimum Front Yard Setback	130 m
Minimum Side Yard	
Compressor building	30 m
Storage/other buildings	4.5 m
Open storage	3 m
Minimum Rear Yard Setback	
Compressor building	30 m
Storage/other buildings	4.5 m
Open storage	3 m
Maximum Lot Coverage	50%
Minimum Landscaped Open Space	30%
Maximum Building Height	14 m

Landscaped berming shall be required between Burman Line and any processing areas of the industrial facility as well as west of any compressor station.

Maximum height of items in open storage shall be no higher than the berm.

Notwithstanding the above provisions, all buildings and structures existing at the date of passing of this By-Law shall be deemed to comply with the provisions of the By-Law.

Notwithstanding Subsection 4.31.8, a graveled parking area and lane shall be permitted for a compressor station, warehouse, storage use for lands zoned M5-3.

**10.5.5 M5-4 Exception 4 to the Agricultural Industrial Type 5 Zone (B/L 44/13)**

For lands zoned M5-4, uses accessory to a compressor station including an office building, warehouse building, instrumentation control building associated with the compressor station shall be permitted, subject to the provisions of the by-law and the following:

Notwithstanding any provisions to the contrary, the following provisions shall apply:

Minimum Lot Area	4 hectares
Minimum Lot Frontage	200 metres
Minimum Front Yard	30 metres
Minimum Rear Yard	15 metres
Minimum Interior Side Yard	15 metres, except where lands abut another industrial zone the minimum interior side yard shall be 3 metres
Maximum Lot Coverage	30%

**10.6 LARGE SCALE GREENHOUSE (M-6h) ZONE (B/L 39/08)**

**10.6.1 (i) Permitted Uses With a Holding (h) Symbol**

- (a) Conservation uses
- (b) Passive open space recreational uses

**10.6.1 (ii) Permitted Uses Without the Holding Symbol**

- (a) Large Scale Greenhouse Facility
- (b) An Office Accessory to a Permitted Use
- (c) Commercial Uses Accessory to a Permitted Use

**10.6.2 Building and Structure Regulations**

- a) Lot Frontage minimum 150 metres
- b) Lot Area minimum 36 hectares
- c) Bickford Line or Front Yard minimum 30 metres
- d) Interior Side Yard minimum 15 metres
- e) Stanley Line Side Yard minimum 30 metres
- f) St. Clair Parkway Setback minimum 96 metres north of the Terra Outlet  
minimum 60 metres south of the Terra Outlet
- g) Lot Coverage maximum 68%
- h) Open Space 20 percent %
- i) Building Height maximums from peak to average grade: 9.5m for greenhouses  
11m for service buildings  
17m for water tower/tanks  
9m for other buildings not listed

**10.6.3 Parking Space Numbers**

Minimum of 67 spaces for first 102,000 m<sup>2</sup> of lot coverage and 12 spaces for each additional 200,000 m<sup>2</sup> gross floor area.

**10.6.4 Loading Spaces**

5 spaces per 450 square metres of general packaging, shipping floor area. No loading space shall be located closer to a public street than any building on site or the minimum yard setback from a street.

**10.6.5 Used Plant (Vine) Outdoor Storage**

All used or unwanted plant material or compost shall not be stored in yards abutting a street.

- 10.6.6 Parkway Appearance**  
Berming will be required to buffer development along the St. Clair Parkway, where the development abuts the St. Clair Parkway. Landscaping-tree plantings will be required in the yard abutting the St. Clair Parkway.
- 10.6.7 Outdoor Water Reservoirs**  
Outdoor water reservoirs shall be a minimum of 7.5 metres from all lot lines and shall be a minimum of 30 metres from the nearest dwelling on a separate lot.
- 10.6.8 Storm Water Management Ponds**  
Storm water management ponds shall be a minimum of 7.5 metres from all lot lines and shall be a minimum of 30 metres from the nearest dwelling on a separate lot.
- 10.6.9 Waste Management Facilities**  
Waste management facilities or compost shall be a minimum of 7.5 metres from all lot lines and shall be a minimum of 30 metres from the nearest dwelling on a separate lot.
- 10.6.10 Emission Stacks**  
Smoke stacks (Infrastructure for the outlet or dispersion of emissions into the atmosphere) shall be a minimum of 153 metres from a street line.

## **11 ENVIRONMENTAL PROTECTION ZONES**

### **11.1 ENVIRONMENTAL PROTECTION – HAZARD (EP-H) ZONE**

#### **11.1.1 Permitted Uses**

Active Recreation, exclusive of buildings and structures  
Accessory Industrial Uses, exclusive of buildings and structures  
Agriculture, exclusive of buildings and structures  
Conservation  
Passive Recreation, exclusive of buildings and structures  
Marine facilities

#### **11.1.2 Prohibited Uses**

The erection of buildings or structures are prohibited except:

- 1) those required for flood and erosion control purposes;
- 2) those required for the safety of persons living in or adjacent to the Environmental Protection Zone.
- 3) those required for marine facilities.

#### **11.1.3 EP-H-1 Exception 1 to the Environmental Protection – Hazard Zone**

Lands described as Part Lot 52, Front Concession, geographic Township of Moore, and Zoned EP-H-1 shall permit a boat lift with a maximum of 0.8 metres wall enclosure, in addition to any other uses permitted by the EP.1 Zone.

## **11.2 ENVIRONMENTAL PROTECTION - WETLAND (EP-WET) ZONE**

### **11.2.1 Permitted Uses**

Conservation, exclusive of buildings and structures  
Existing Agriculture, exclusive of buildings and structures  
Passive Recreation, Exclusive of buildings and structures



## **11.3 ENVIRONMENTAL PROTECTION - WOODLOT (EP-WD) ZONE**

### **11.3.1 Permitted Uses**

Active Recreation, exclusive of buildings and structures  
Conservation, exclusive of buildings and structures  
Existing Agriculture, exclusive of buildings and structures  
Passive Recreation, Exclusive of buildings and structures

### **11.3.2 Tree Removal**

No trees may be removed or cleared within the EP-WD being in accordance with accepted woodlot management practices and tree savings plan and the County of Lambton Tree Cutting By-Law.

## **11.4 ENVIRONMENTAL PROTECTION - NATURAL (EP-N) ZONE**

### **11.4.1 Permitted Uses**

No lands shall be used or no buildings or structures erected in the Environmental Protection – Natural Zone except for the following purposes:

- (a) Conservation

### **11.4.2 Prohibited Uses**

The erection of buildings or structures including fences are prohibited except for gage wire fencing

### **11.4.3 Tree Removal**

No trees may be removed or cleared within the EP-N without being in accordance with accepted woodlot management practices and tree savings plan and the County Tree Cutting By-Law.

### **11.4.4 Exception 1 to the “Environmental Protection Natural Zone” –EP-N1 (B/L 68/08)**

Notwithstanding any provisions to the contrary, the following provisions shall apply to the lands described as Concession 1, North Part Lot 4, geographic Township of Moore, Township of St. Clair:

Minimum frontage of 320 metres; minimum lot area of 200,000 square metres.

Lands zoned EP-N1 will be permitted to construct an 80 foot by 400 foot storage building in addition to the other permitted uses in Section 11.4.1. The required front yard setback is 35 metres. All other setbacks for buildings in an A1 zone apply. No additional buildings will be permitted. Until such time as the land owner has applied for a “Replanting Permit” with the County of Lambton Land Division Committee, no building permit will be issued for the storage building.

## **12 OPEN SPACE ZONES**

### **12.1 OPEN SPACE – 1 (OS1) ZONE** (parkland and passive greenspace)

#### **12.1.1 Permitted Uses**

- (a) Conservation  
Passive Recreation  
Public Park
- (b) Washrooms accessory to a park
- (c) Picnic areas and pavilions accessory to a park

#### **12.1.2 OS1-1 Exception 1 to the Open Space –1 Zone**

For the lands Zoned OS1-1 in Corunna, the parking of boats and boat trailers, a pumping station and water intake / outlet appurtenances and an office used for water pollution control shall be permitted subject to the building provisions of the OS1 Zone.

All proposals for new development shall be accompanied by a site by site assessment regarding slope stability before a building permit may be issued. The Corporation of the Township of St. Clair will require a geological, geo-technical or such other study as the Township deems necessary and consultation with the St. Clair Region Conservation Authority prior to the issuance of a building permit.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out and indicates that greater setbacks are required than found in the specific zone within which the subject property is located, the setbacks established in the study shall take precedence over other zone regulations. The slope study shall address all slope stability issues deemed necessary and may require a peer review at the property owners' expense.

Where a geological, geo-technical or such other study as the Township deems necessary is carried out, a professional geo-technical engineer in conjunction with the building inspector shall monitor the implementation of the study and the development. Following construction, the geotechnical engineer will provide certification that the new development has been carried out as per the design. The costs for design, monitoring and certification are to be borne by the proponent

#### **12.1.3 OS1-2 Exception 2 to the Open Space-1 Zone**

For lands zoned OS1-2 in Part Lot "C", Con 10, Sombra, a single dock may be erected, not accessory to a dwelling, subject to the provisions of the OS1 Zone.

**12.1.4 OS1-3 Exception 3 to the Open Space-1 Zone (B/L 16/2008)**

For the lands zoned OS1-3 in Lot E and Lot F, Concession 6, Sombra, all docks existing on the date of the passing of this By-Law shall be deemed to be legal non-confirming. Any new dock will have to be 2.45 metres from either side lot line projected into the watercourse. The minimum frontage for a lot in the OS1-3 zone is 12 metres and the minimum lot area is 400 square metres.

**12.2 OPEN SPACE-2 (OS2) ZONE**

(active recreation and commercial greenspace)

**12.2.1 Permitted Uses**

- (a) Active Recreation
- (b) Fairground
- (c) Golf Course
- (d) Golf Driving Range
- (e) Public Park
- (f) Private Park
- (g) Institutional Uses and Public Campgrounds
- (h) Accessory uses, buildings or structures

## **13 FUTURE DEVELOPMENT ZONES**

### **13.1 FUTURE DEVELOPMENT (FD) ZONE**

#### **13.1.1 Permitted Uses**

- (a) The purpose for which any land, building or structure was being used on the day of passing of this By-Law shall be a permitted use for such land, building or structure, so long as said land, building and structure continues to be used for such purpose.
- (b) Agriculture exclusive of buildings
- (c) Forestry
- (d) Home Occupation
- (e) Building, structures and uses accessory to a permitted existing residential use.

#### **13.1.2 Site Regulations**

- (a) The minimum lot area and frontage, the minimum front, side and rear yard depths, maximum height, maximum gross floor area and the maximum lot coverage shall remain as it lawfully existed on the effective date of this By-Law.
- (b) The foregoing shall not apply to prevent the alteration or enlargement of existing dwellings provided they are in compliance with the regulations of the R1 Zone or the erection or enlargement of buildings or structures accessory thereto in compliance with the regulations of the general provisions.

#### **13.1.3 FD-1 Exception 1 to the Future Development Zone (B/L 46/04)**

For lands zoned FD-1, a Single-detached dwelling shall be permitted within the FD-1 Zone in accordance with the following provisions:

- a) Minimum Front Yard Setback of 6 metres
- b) Minimum Setback from the Railway of 30 metres
- c) Minimum Setback of 73 metres from the west side lot line
- d) Minimum Rear Yard Setback of 7.5 metres
- e) All existing buildings situated on the lands subject to the FD-1 Zone shall be deemed to conform to this By-Law and its predecessors in terms of lot coverage, setbacks and height
- f) All other provisions of the R1 Zone shall apply

**13.1.4 FD-2 Exception 2 to the Future Development Zone (B/L 53/05)**

Notwithstanding Subsection 13.1.2, the minimum lot frontage shall be 6 metres and the minimum lot area shall be 9 hectares for lands zoned FD-2. All other provisions of Subsection 13.1.2, the FD Zone and By-Law 17 of 2003 shall apply for lands zoned FD-2.

**13.1.5**

Notwithstanding any provision in By-law 17 of 2003 to the contrary, a greenhouse building no greater than 84 m<sup>2</sup> shall be permitted for a period of no greater than 3 years from the passing of the temporary use by-law. The temporary greenhouse shall be subject to the general provisions of the by-law, save an except Section 4.9.1 and setback a minimum of: 66 metres from the west lot line, 44 metres from the north lot line, 54 metres from the south lot line, and 30 metres from the eastern lot line. (B/L 2/18)

**ADOPTION**

This By-Law read a first time this 21st day of April, 2003.

This By-Law read a second time this 21st day of April, 2003.

This By-Law read a third time and finally passed this 21st day of April, 2003.

SIGNED :

\_\_\_\_\_  
Mayor, Joseph Dedecker

\_\_\_\_\_  
Clerk, John DeMars

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I hereby certify that the foregoing is a true copy of By-Law No. 17 of 2003 as enacted by the Council of the Corporation of the Township of St. Clair on the 21<sup>st</sup> day of April, 2003..

Signed :

\_\_\_\_\_  
Clerk

**APPENDIX "A" - MINIMUM DISTANCE SEPARATION**

**(By-law 24 of 2011)**

**MINIMUM DISTANCE SEPARATION I CALCULATION FORM**

Step	Animals Type or Material & Description (Table 1)	Manure Form (Solid or Liquid)	Number/NU (Table 1)	Maximum Housing Capacity	Nutrient Units	Factor A (Table 1)	Factor D (Table 1)
1							
2	Total Nutrient Unit Capacity on Lot				Total		
3	Factor A (Odour Potential)	Weight Average by NU (round to 2 decimal places)					
4	Factor D (Manure or Material Form)	Weight Average by NU (round to 2 decimal places)					
5	Factor E (Encroaching Land Use - Table 4)						
6	Potential Nutrient Units: Tillable Ha on Lot ____ x 7.5 = ____ (maximum 300)						
7	Final NU: Greater of Total NU on Lot (2) and Potential NU (6) <i>expansion of a settlement area identified in the Official Plan, ignore Potential NU.</i>					(For	
8	Factor B (Nutrient Units Factor - Table 2)				(round to 2 decimal places)		
9	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor E (5) x Factor B (8)					(round <u>up</u> )	
10	S: Manure Storage Base Distance (m) (Tables 5 & 6)					(round <u>up</u> )	

Required Setback from livestock occupied portion of livestock facility = F (9) \_\_\_\_\_ m Actual: \_\_\_\_\_ m

Required Setback from manure or material storage area = S (10) \_\_\_\_\_ m Actual: \_\_\_\_\_ m

**TYPE A LAND USES** - see by-law definitions.

**TYPE B LAND USES** - see by-law definitions.



## MINIMUM DISTANCE SEPARATION II CALCULATION FORM

Step	Animals Type or Material & Description (Table 1)	Manure Form (Solid or Liquid)	Number/NU (Table 1)	Maximum Housing Capacity 3 Years Ago (1)	NU 3 Years Ago (1)	Added Maximum Housing Capacity (1)	Added NU (1)	Final NU	Factor A (Table 1)	Factor D (Table 1)
1										
2	Total Nutrient Unit Capacity on Lot				Totals					
3	Factor A (Odour Potential) Weight Average by Added NU (round to 2 decimal places)									
4	Factor D (Manure or Material Form) Weight Average by Added NU (round to 2 decimal places)									
5	Factor B (Nutrient Units Factor - Table 2 - based on Total Final NU) (round to 2 decimal places)									
6	Percentage Increase (%) = (Total Added NU / Total NU 3 Years Ago) x 100									
7	Factor C (Orderly Expansion Factor - Table 3) (round to max 4 decimal places)									
8	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor B (5) x Factor C (7) (round <u>up</u> )									
9	S: Manure Storage Base Distance (m) (Tables 5 & 6) (round <u>up</u> )									

(1) Any livestock facility capacity for which a building permit was issued less than 3 years prior to the current building permit application submission date (and including the current building permit application) is to be considered added capacity. Added capacity could be negative.

<b>MDS II SUMMARY</b>	Factor	Livestock Occupied Portion		Manure Storage	
		Base Distance F = ____ m		Base Distance S = ____ m	
		Required Setback (m) (‘F’ x Factor)	Actual Setback (m)	Required Setback (m) (‘S’ x Factor)	Actual Setback (m)
Type A Land Uses	1				
Type B Land Uses	2				
Interior Side or Rear Lot Line (max 30m)*	0.1				
Exterior Side or Front Lot Line*	0.2				

\*Round to nearest whole number

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

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg -27 kg)	20	1.1		
	Feeders (27 -105 kg)	6	1.2		
Dairy Cattle <sup>1</sup>	<b>Milking-age cows (dry or milking)</b>		0.7	Free-stall barns with minimal bedding or sand bedding, or tie-stall barns with minimal bedding & milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	Large-framed; 545 kg - 636 kg (e.g. Holsteins)	0.7			
	Medium-framed; 455 kg - 545 kg (e.g. Guernseys)	0.85			
	Small-framed; 364 kg - 455 kg (e.g. Jerseys)	1			
	<b>Heifers (5 months to freshening)</b>				
	Large-framed; 182 kg - 545 kg (e.g. Holsteins)	2			
	Medium-framed; 148 kg - 455 kg (e.g. Guernseys)	2.4			
	Small-framed; 125 kg - 364 kg (e.g. Jerseys)	2.9			
	<b>Calves (0 -5 months)</b>				
	Large-framed; 45 kg - 182 kg (e.g. Holsteins)	6			
	Medium-framed; 39 kg - 148 kg (e.g. Guernseys)	7			
Small-framed; 30 kg - 125 kg (e.g. Jerseys)	8.5				
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/ A	Bedded pack barns with or without outside yard access
	Feeders (7 -16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding & yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3			
	Shortkeepers (12.5 - 17.5 months)	2			
Veal	Milk-fed	6	1.1		Slatted floors or slatted stall system
	Grain-fed	6	0.8		
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)	8	0.7	N/ A	Heavily bedded pack barns
	Does & bucks (for dairy; includes unweaned offspring & replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)	8	0.7	N/ A	All sheep systems
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)	6			
	Lambs (dairy or feeder lambs)	20			



Township of St. Clair Comprehensive Zoning By-Law

Animal Type or Material (Table 1, Page 2 of 3)	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage			
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter		
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/ A	All horse systems		
	Medium-framed, mature; 227 kg – 680 kg (including unweaned offspring)	1					
	Small-framed, mature; < 227 kg (including unweaned offspring)	2					
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts & drying, or floor systems		
	Layer pullets (day olds until transferred into layer barn)	500	0.7				
	Broiler breeder growers (males/ females transferred out to layer barn)	300	0.7				
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7				
	Broilers on 8 week cycle	350	0.7			N/A	Bedded floor systems
	Broilers on 9 week cycle	300					
	Broilers on 10 week cycle	250					
	Broilers on 12 week cycle	200					
Broilers on any other cycle, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>						
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/ A	Bedded floor systems		
	Turkey breeder layers (males/females transferred in from grower barn)	67					
	Breeder toms	45					
	Broilers (day olds to 6.2 kg)	133					
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105					
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75					
	Turkeys at any other weights, or if unknown, use 24.8 sq m/NU	24.8 m <sup>2</sup>					
Quail	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.7	N/A	Bedded floor systems		
Partridge	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>					
Pheasants	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>					
Squab	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>					
Rheas	Adults (includes replacements & market birds)	13					
Emus	Adults (includes replacements & market birds)	12					
Ostriches	Adults (includes replacements & market birds)	4					
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems		
	Muscovy, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>					
Geese	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.8	N/A	Cage or floor systems		
Rabbits	Breeding females (including males, replacements & market animals)	40					
Chinchillas	Breeding females (including males, replacements & market animals)	320					
Fox	Breeding females (including males, replacements & market animals)	25					
Mink	Breeding females (including males, replacements & market animals)	90	1.0				



Animal Type or Material (Table 1, Page 3 of 3)	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Bison	Adults (includes unweaned calves & replacements)	1.3	0.7	N/ A	Bedded pack barns with outside access <u>OR</u> outside confinement areas
	Feeders (170kg - 477kg)	4			
Llama	Adults (includes unweaned young & replacements)	5			
	Feeders (45kg - 86kg)	16			
Alpaca	Adults (includes unweaned young & replacements)	8			
	Feeders (23kg – 48kg)	26			
Wild Boar	Breeding age sows (includes boars, replacements & weaned piglets to 27kg)	5			
	Finishing boars (27 kg -86 kg)	7			
Deer	<b>White tailed deer</b>				
	-Adults> 24 mo (including unweaned offspring)	11			
	-Feeders	21			
	<b>Red deer</b>				
	-Adults> 24 mo (including unweaned offspring)	7			
	-Feeders	14			
	<b>Elk</b>				
	-Adults> 24 mo (including unweaned offspring)	2			
	-Feeders	6			
	<b>Elk/deer hybrids</b>				
	-Adults> 24 mo (including unweaned offspring)	4			
	-Feeders	10			
	<b>Fallow deer</b>				
	-Adults> 24 mo (including unweaned offspring)	13			
-Feeders	23				
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column	453.6 kg (1000 lbs)	0.8	All storages with liquid manure	All storages with solid manure
Manure imported to a lot not generating manure <sup>2</sup>	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	1.2	All storages with liquid manure	All storages with solid manure
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	0.5	All storages with liquid manure	All storages with solid manure

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

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

N/A = Not Applicable



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

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

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

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

Table 2 Note: For capacities >5000 NU: consult OMAFRA, Municipal staff or, MDS Computer Program.



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

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

\*See Section 2, Definitions, in Zoning By-law.

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

Solid Manure: 18% dry matter, or more

Liquid Manure: Less than 18% dry matter

Digestate: Less than 18% dry matter

Storage Odour Potential	Solid or Liquid System	Inside or Outside Livestock Facility	Number referred to in Table 6	Description of permanent manure storages being sited by MDS II, or encroached upon through MDS I application
Very Low	Solid	Inside	V1	Solid, inside, bedded pack (manure accumulates under livestock over time)
		Outside	V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)
			V3	Solid, outside, no cover, greater than or equal 30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (Nutrient Management Act, 2002))
			V4	Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed but it has a permanent, tight cover)
	Liquid	Inside	V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)
		Outside	V6	Liquid, outside, with a permanent, tight fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)
			V7	Liquid, (digestate), outside, no cover (all manure has been treated through anaerobic digestion, or a similar process that reduces odours)
Low	Solid	Outside	L1	Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid low runoff storage needed, but it is uncovered, producing more odour than in V4 above)
	Liquid	Outside	L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)
Medium	Liquid	Outside	M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular, concrete or steel storages)
			M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)
High	Liquid	Outside	H1	Liquid, outside, no cover, sloped-sided storage (earthen manure storages, but not earthen runoff storages associated with a solid manure storage which are L 1 above)

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

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

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
63 of 2003	Sept 15/03	Southwest Agriculture Partners Part Lot 16, Con 7 A.1 to C.3 & A.1-11 Zone (site specific)	Clerk's Affidavit
65 of 2003	Sept. 2/03	1375404 Ontario Limited (Benedict) Pt Lts D & E, Con 5 R.4 & EP-H to R.4-3, R.4-4 & EP-H (site specific)	Clerk's Affidavit
3 of 2004	Jan. 5/04	John Ford Trucking 3214 Brigden Road Part Lot 6, Con 6 A1 to A12	Signed By-Law
4 of 2004	Jan. 5/04	EGA Systems Canada 389 Murray Street Lots 335-339 & Pt Lt 347, PI 413 I1 to I1-1	Signed By-Law
39 of 2004	May 3/04	Township of St. Clair Lot 26, Concessions 5 thru 8 Boundary/zoning adjustment	Signed By-Law
46 of 2004	July 19/04	Robert & Joan Rymal 445 West Ward Line FD to FD-1	Signed By-Law
47 of 2004	July 19/04	Lambton County Development Services 368 Brooktree Drive R1 to R1-5	Signed By-Law
69 of 2004	Sept 7/04	Dantiki Holdings 1031075 Ontario Limited Pt lot 55, Front Con Parts 1-63 & Part 72, Plan 25R7496 R3-5 to R1	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
78 of 2004	Oct 4/04	Tom & Mikla Gvozdenovic Part Lot B, Con 12 I1 to R1	Signed By-Law
<b>*Rescinded by B/L 103 of 2004</b>			
91 of 2004	Nov 15/04	Township of St. Clair Courtright Commercial Area C1 & R1 to C6-h & R1	Signed By-Law
92 of 2004	Nov 15/04	Royal Canadian Legion 350 Albert St, Pt Lts 230 & 231, PI 413 I1 to R1 & R2-1	Signed By-Law
103 of 2004	Dec 20/04	Tom Gvozdenovic Part Lot B, Con 12 I1 to R1	Signed By-Law
11 of 2005	Feb 7/05	Pristine Power Part Lots 22 & 23, Con 11 A1 & EP-WD to M3	Signed By-Law
12 of 2005	Feb 7/05	Monitech Limited Lts 1, 2, & 8 of Plan 3 & Lts 6, & 69 of Plan 5	Signed By-Law
24 of 2005	Mar 7/05	St. Andrews Presbyterian Church 437 Colborne Street R1 to I1 & I1-2	Signed By-Law
25 of 2005	Mar 7/05	Tekoa Farms Part Lot 26, Con 9 (Moore) A1 to M2	Signed By-Law
26 of 2005	Mar 7/05	Esther & William Waybrant Pt Blk B & Blk C, Plan 574 Remove H2 zone (R1h2 to R1)	Signed By-Law
34 of 2005	Mar 21/05	J. Rink Farms Part Lot 26, Con 2 (Moore) A1 to M3	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
51 of 2005	June 13/05	Loblaws Properties Ltd. Part 54, Front Concession Remove H1 zone (C2-h1 to C2)	Signed By-Law
53 of 2005	June 28/05	Eric Allaer Part Lots E & F, Con 6 FD to R1 & FD-2	Signed By-Law
77 of 2005	Sept 19/05	Robbins Farms Limited Part Lot 18, Con 12 A1 to A1-ND	Signed By-Law
90 of 2005	Nov 7/05	2052689 Ontario Inc. Pt Lts 218-220 & Pt of Alfred Street (Closed) of Plan 412 I1 to R1	Signed By-Law
19 of 2006	Apr 3/06	Roger Durfy 426 Broadway Street R1 to R1-6	Signed By-Law
20 of 2006	April 3/06	Bessie Roberts 4166 St. Clair Pkwy Part Lts D & E, Con 8 A1 to RS-6 & A1-14	Signed By-Law
33 of 2006	July 17/06	Bernard Kraayenbrink 37 Smith Line Part Lot 1, Con 10 A1 to A1-R and A1-ND	Signed By-Law
64 of 2006	October 16/06	Housekeeping By-Law re: Front Yard Setback/St. Clair Pkwy	Signed By-Law
76 of 2006	Dec. 18, 2006	Sanj Kaila 697 St. Clair Parkway RS-SC to RS-7-SC	Signed By-Law
13 of 2007	February 19, 2007	Colt Engineering a/f Shell Canada 130 St. Clair Parkway OS1 to M3-3	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
14 of 2007	Feb. 19, 2007	912176 Ontario Limited c/o Enbridge Pt Lt 19, Con 8, 1191 Rokeby Line & Pt. Lts 20 & 21, Con 9 A1 & EP-WD to M5-2 & EP-WD & A1 to EP-WD	Signed By-Law
15 of 2007	February 19, 2007	Wayne & Ruth Annett 2637 Bentpath Line Pt Lot 27, Con 11 A1 to A1-ND & A1-R	Signed By-Law
63 of 2006	October 16, 2007	Mark & Anne Marie Lumley 1982 Lasalle Line Part Lot 11, Con 1 A1 to A1-ND & A1-R	Signed By-Law
33 of 2007	May 22, 2007	Bruce Dramnitzke a/f Cross Roads Christian Fellowship 1504 Kerr Line Part Lot 16, Con 8 I1 to A1-R1	Signed By-Law
44 of 2007	July 16, 2007	Robert & Joan Rymal 459 West Ward Line Part Lot E, Con 7 FD-1 to R1-7	Signed By-Law
55 of 2007	Sept. 4, 2007	Durocher/Youseff Blocks C & D, Plan 600 R3-H2 to R1-8	Signed By-Law
56 of 2007	Sept. 4, 2007	Township of St. Clair Accessory Buildings In Suburban or Rural Residential areas	Signed By-Law
68 of 2007	Nov. 26, 2007	Chinook Global Limited 224 West Holt Line M3-1 to M1 & M2-3	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
69 of 2007	Dec. 3, 2007	Moore Presbyterian Foundation Lot172, Plan 413 I1 to R1-H2	Signed By-Law
75 of 2007	Dec. 17, 2007	Paddock Green Development Plan 730 & 731, Lots inclusive R1-h2 to R1, OS1 to R1-h2, C5 to OS1 and R1 to R1-h2	Signed By-Law
15 of 2008	March 17, 2008	J. Lang a/f Christopher Lang 1833 Tennyson Line A1 to A1-ND1 and A1 to A1-R2	Signed By-Law
16 of 2008	March 17, 2008	Eric Allaer Pt Lots E & F, Con 6 Fd-2 to R1 and OS1 to OS1-3	Signed By-Law
24 of 2008	April 7, 2008	Raymond & Thelma Sohn 769 St. Clair Parkway RS-SC to RS-SC-1	Signed By-Law
32 of 2008	May 20, 2008	Brian & Lori Rosseel 1157 Lambton Line A1 to A1-R and A1-ND2	Signed By-Law
33 of 2008	May 20, 2008	Marcel Beaubien & Mike Bourque 1590 St. Clair Parkway C1 to R7	Signed By-Law
34 of 2008	May 20, 2008	David & June DeRooy 1194 Oil Springs Line A1 to A1-15	Signed By-Law
39 of 2008	June 16, 2008	Envirofresh Produce Inc. a/f Terra Industries Pt of Lot 1, Con 15, Bickford Line M3 to M6-H	Signed By-Law
48 of 2008	July 21, 2008	Chinook Global Limited 224 West Holt Line M3-1 to M3-1 & M2-3 <b>(OMB ruling)</b>	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
49 of 2008	July 21, 2008	L & B Donahue 115 Main Street, Courtright I1 to R1	Signed By-Law
61 of 2008	Sept. 22, 2008	Durco Construction Lintied Pt Lot 27, Con 11, Hill Street R1-H2 to R1 (remove H symbol)	Signed By-Law
64 of 2008	Sept. 22, 2008	Chris Palocz 419 Ward Line A1 to A1-ND & A1-R3	Signed By-Law
68 of 2008	October 20, 2008	Glen & Jennifer Curts 2368 Waterworks Road AP-N to EP-N1	Signed By-Law
75 of 2008	Dec. 15, 2008	Great West Auction Company 1188 Kimball Road C3-2 to A1-R3	Signed By-Law
20 of 2009	April 20, 2009	T-Mag Marketing - Albert Viscount Lot 172, Plan 413 R1-h2 to R1	Signed By-Law
27 of 2009	May 29, 2009	Jeff & Lynda Beauchamp 393 Beresford Street C1-4 to R1-SC1	Signed By-Law
40 of 2009	June 22, 2009	Brad Nicholson 3121 Waubuno Road A1 to A1-ND and A1-R	Signed By-Law
4 of 2010	January 18, 2010	2052689 Ontario Inc. (A. Mesko) Pt Lots 218 & 219, Plan 413 I1 to R1	Signed By-Law
39 of 2010	August 23, 2010	1560906 Ontario Inc. (S. Youssef) Lots 1-14, PI 25M21, Maple Drive R1-8 to R1-9	Signed By-Law



**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
47 of 2010	Sept. 20, 2010	David Clark 1962 Plank Road C2 to A1-R-5(h)	Signed By-Law
54 of 2010	Nov. 22, 2010	Provident Energy 4391 Highway 40 M1 to M1-2(h)	Signed By-Law
3 of 2011	January 10, 2011	Ryan Scott/St. Clair Mechanical 2371 Courtright Line A1-5 to M2-4 & C2-1	Signed By-Law
11 of 2011	February 14, 2011	Philip Johnson 149 Mandaumin Road A1 to A1-ND & A1-16	Signed By-Law
24 of 2011	April 18, 2011	MDS Revisions Municipal-wide	Signed By-Law
5A of 2012	January 8, 2012	Scott & Susan Stephens 2877 Waterworks Road A1 to A1-ND & A1-17	Signed By-Law
5B of 2012	February 6, 2012	Dennis Marcus 4011 St. Clair Parkway EP-H & RS to RS-5(h)	Signed By-Law
27 of 2012	July 9, 2012	Provident Energy 4391 Highway 40 M1-2(h) to M1-2	Signed By-Law
28 of 2012	July 9, 2012	Enbridge Gas Distribution Inc. 2204 Burman Line A1 to M5-3	Signed By-Law
31 of 2012	July 23, 2012	Campbell a/f Jack Renders 63 West Pointe Line A1 to A1-ND & A1-18	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
32 of 2012	July 23, 2012	Helen & Elliott Langstaff 2132 Bentpath Line A1 to A1-ND	Signed By-Law
11 of 2013	March 4, 2013	Second Dwelling Unit Policies Municipal-wide	Signed By-Law
28 of 2013	May 21, 2013	Sugarland & Cattle Company 1887 Lasalle Line A1 to A1-ND & A1-19	Signed By-Law
35 of 2013	June 17, 2013	Bert Vandendool Pt Lt D, Con 9, St. Clair Pkwy A1 to RS-8, RS-9 & A1-18	Signed By-Law
44 of 2013	Sept. 9, 2013	Enbridge Gas Distribution Inc. 1154 Moore Line A1 to M5-4	Signed By-Law
52 of 2013	Dec. 2, 2013	Stephen Miller 2400 Lasalle Line I1 to A1-R6	Signed By-Law
53 of 2013	Dec. 2, 2013	Michael & Renee Card 950 Stanley Line A1 & EP-W to A1-ND4, A1-20 & EP-W	Signed By-Law
2 of 2014	January 6, 2014	Chris Slote-Anderson 2564 Courtright Line A1 to A1-ND5 & A1-R	Signed By-Law
9 of 2014	March 4, 2014	Edward & Betty Johnson 60 West French Line A1 to A1-ND & A1-R	Signed By-Law
22 of 2014	April 29, 2014	Ronald Rosseel 457 Smith Line A1 to A1-ND & A1-R	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
4 of 2015	January 5, 2015	Shirley Thompson/Johnathan Zimmerman 2678 Oil Springs Line A1 to A1-ND & A1-R	Signed By-Law
5 of 2015	January 5, 2015	P&A Vandersteen Farms Ltd 2249 Brigden Road A1 to A1-ND & A1-R	Signed By-Law
8 of 2015	January 19, 2015	Nautical Lands Group Pt Lts 1, 2 & 3, Pt Blk A, Plan 573 & Parts 1- 3, Pt Lt 54, Front Concession C2 & C2-h1 to R8	Signed By-Law
15 of 2015	March 16, 2015	Anderson a/f BF Environmental Consultants Pt Lot E, Con 5, Old River Road R4(h) to R4	Signed By-Law
22 of 2015	April 20, 2015	Kerr a/f Frye Farms Ltd 2566 Tulloch Line A1 to A1-ND6 & A1-22	Signed By-Law
26 of 2015	May 19, 2015	Clean Harbours Canada Inc 4090 Telfer Road M4-1 to M4-2(h) & EP-WD	Signed By-Law
39 of 2015	July 20, 2015	David Swartz 3480 Water Street R1 to R1-10	Signed By-Law
OMB Order PL120961	August 18, 2015	James Seward 497 Courtright Line EP-WD & A1 to M3-4(h1)(h2), M3-4(h3), EP-WET & EP-WD	
59 of 2015	Sept. 21, 2015	Anderson/Lucier 1403 Charlemont Li/189 Kimball Rd A1 to A1-ND7 & A1-22	Signed By-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
63 of 2015	Oct. 19, 2015	Clean Harbours Canada Inc. 4090 Telfer Road Remove (h) - M4-2(h) to M4-2	Signed By-Law
5 of 2016	January 18, 2016	Paddock Green Ltd./Brousseau Plan 30 Remove (h) - R1(h2) to R1	Signed By-Law
16 of 2016	March 21, 2016	Adam Harris 1650 Kent Li/80 Kimball Rd A1 to A1-R	Signed By-Law
22 of 2016	June 6, 2016	William Brunton 2758 Rokeby Line A1 to A1-ND	Signed By-Law
32 of 2016	September 6, 2016	Tammy Humer Wirtz 3502 St. Clair Parkway C1 to R1	Signed By-Law
9 of 2017	February 6, 2017	Municipal Medical Marihuana Regulations Municipal-wide	Signed By-Law
10 of 2017	February 21, 2017	Helen Palocz 268 Ward Line A1 to A1-ND & A1-R	Signed By-Law
18 of 2017	March 20, 2017	Municipal Source Water Protection policies Municipal-wide	Signed By-Law
39 of 2017	September 5, 2017	James Seward 497 Courtright Line M3-4(h3) to M3-4	Signed By-Law
49 of 2017	November 6, 2017	Municipal Maximum height requirements - Type 3 Industrial Uses Municipal-wide	Signed by-Law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
50 of 2017	November 6, 2017	J. Rink Farms Ltd. A1 to A1-ND & A1-R 6 & 66 Lambton Line	Signed by-Law
51 of 2017	November 6, 2017	Tom Wilson A1 to A1-23 & A1-ND8 885 Petrolia Line	Signed By-law
2 of 2018	January 8, 2018	Ben Arnold Pt Lots E & F, Con 7 (Grove St) Temporary Use By-law	Signed By-law
12 of 2018	February 20, 2018	Bill Wray 1757 Lasalle Line A1 to A1-ND & A1-R	Signed By-law
21 of 2018	April 16, 2018	Jesse Kraayenrink 364 Moore Line A1 to A1-ND & A1-R	Signed By-law
22 of 2018	April 16, 2018	2540849 Ontario Limited (Swartz) 3461 St. Clair Parkway C1 to R1	Signed By-law
41 of 2018	June 22, 2018	Serkka Farms Inc. 450 Lambton Line A1 to A1-ND and A1-R9	Signed By-law
47 of 2018	July 16, 2018	Mathew Campbell 557 East River Road Temporary Use By-law to allow for a second dwelling building Expires July 16, 2023	Signed By-law
2 of 2019	January 21, 2019	Sifton Properties Inc. Pt Blk E, Plan 506, St. Clair Blvd R3 to R9	Signed By-law
19 of 2019	April 15, 2019	Russell Park Farms Inc. 1623 & 1647 Lasalle Line A1 to A1-ND9 & A1 to A1-R	Signed By-law

**ZONING BY-LAW AMENDMENTS**

<b><u>By-Law No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
20 of 2019	April 15, 2019	Yi Suchun 217 Hill Street C1 to C1-5	Signed By-law
42 of 2018	March 18, 2019	2594765 Ontario Limited 394 Alfred Street I1 to C7	Signed By-law
32 of 2019	June 17, 2019	Patricia Carter 4558 Kimball Road A1 to A1-ND10 & A1-R	Signed By-law
47 of 2019	Sept. 16, 2019	DS Commercial Inc. 1951 Brigden Road A1 to A1-24	Signed By-law
10 of 2020	Feb. 18, 2020	Joseph, Karen & James Fournie 1731 Baby Road A1 to A1-ND & A1-R10	Signed By-law
18 of 2020	March 16, 2020	Donald & Susan Martin 1832 Kent Line A1 to A1-R	Signed By-law
19 of 2020	March 16, 2020	Derek & Jennifer Van Leerzem 2824 Waubuno Road A1 to A1-R	Signed By-law
20 of 2020	March 16, 2020	TimberMart 79 Courtright Line A1 to C2	Signed By-law
41 of 2020	July 13, 2020	Paul & Julie Vandersteen 3420 Brigden Road A1 to A1-ND & A1-R	Signed By-law
67 of 2020	Nov. 16, 2020	Mary Elizabeth Card Pt Lt 14, Con 12, Douglas Street A1 to R1	Signed By-law

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68 of 2020	Nov. 16, 2020	Kendel Homes Inc. Lts 225 & 226, PI 413, Queen Street R3-4 to R10	Signed By-law
71 of 2020	Dec. 7, 2020	Performance Science Materials 291 Albert Street M3 to M3-5	Signed By-law
3 of 2021	Jan. 18, 2021	Charles Nantais 1218 Oil Springs Line A1 to A1-ND & A1-R1	Signed By-law
4 of 2021	Jan. 18, 2021	Lester & Kathryn Baxter 1895 Courtright Line A1 to A1-R	Signed By-law
28 of 2021	June 7, 2021	Triny Bruin 947 Bentpath Line A1 to A1-R1	Signed By-law
39 of 2021	Sept. 7, 2021	Tom Wilson Farms Ltd. 1378 Rokeby Line A1 to A1-R1 & A1-ND	Signed By-law
40 of 2021	Oct. 4, 2021	James Seward 497 Courtright Line M3-4(h3) to M3-4(h4)	Signed By-law
44 of 2021	Oct. 4, 2021	Eric & Laura Smit 2044 Burman Line A1 to A1-ND	Signed By-law
52 of 2021	Nov. 15, 2021	AGInvest Farmland IV Inc. 2742 Burman Line A1 to A1-ND & A1 to A1-R11	Signed By-law
9 of 2022	February 7, 2022	WSP Canada Inc. (Cando Rail & Terminals Ltd.) 403 Lasalle Line M3 & EP-WD to M3-6, EP-H & EP-WD	Signed By-law
19 of 2022	April 4, 2022	Gerhard Franz CON 9 W PT LOT 1 PT W ½ LT 1 A1 to A1-ND & A1 to A1-R	Signed By-law

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23 of 2022	April 19, 2022	Storey Samways Planning Ltd LT 335-339, 347 PL 413 Except PT 1 & 2, 25R7514 389 Murray Street. I1-1 to C1	Signed By-law
33 of 2022	June 6, 2022	Beckwith Development Inc. 168 Beckwith Street, Corunna R3-6 to R3-6 -h. Section R3-6 Replaced.	Signed By-law
34 of 2022	June 6,2022	St. Clair Twp.& Paddock Green Limited Plan 731 BLK 153 and 154 C5 to OS1 & OS1 to R1-h2	Signed By-law
45 of 2022	August 8, 2022	Michael Scott 2350, 2332 Kimball Rd, Sombra A1 to A1-ND & A1 to A1-R	Signed By-law
47 of 2022	August 8, 2022	James Ronald Scott Mayhew 1595 Third St, Courtright C2-1 to R3	Signed By-law
50 of 2022	September 12,2022	Storey Samways Planning Ltd. 389 Murray St. Corunna Temporary Use By-law	Signed By-law
57 of 2022	November 7, 2022	806430 Ontario Inc. 953 Brigden Rd A1 to A1-ND & A1 to A1-R	Signed By-law
58 of 2022	November 7, 2022	J.Rink Farms 142 West Ward Line A1 to A1-ND11 & A1- A1-R	Signed By-law
59 of 2022	December 5, 2022	2594765 Ontario Limited 394 Alfred St. Corunna Definition change "Restaurant – Small Scale"	Signed By-law
9 of 2023	February 6, 2023	Russell Park Farms Inc. 2662 Petrolia Line A1 to A1-ND & A1 to A1-R	Signed By-law



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18 of 2023	March 6, 2023	William, Sharon, Owen & Calla Nicol 259 Moore Line A1 to A1-R12	Signed By-law
19 of 2023	March 6, 2023	Roy VanDamme 1532 Kerr Line A1 to A1-ND12	Signed By-law
34 of 2023	June 5 2023	Frank Hickling 2513 Petrolia Line C2 to A1-R	Signed By-law
40 of 2023	July 10 2023	Bryon and Paula Kerr 793 Brigden Rd A1 to A1-R13	Signed By-law
41 of 2023	July 10 2023	Riley & Colin Eyre 902 Oil Springs Line A1- A1-ND & A1 to A1-R	Signed By-law
50 of 2023	October 3 2023	R.J. Myers & D.J Myers 357 Bentpath Line A1 to A1-ND & A1 to A1-R	Signed By-law
51 of 2023	October 3 2023	Michael Smith 3877 St. Clair Pkwy RS to RS-6	Signed By-law
52 of 2023	October 3 2023	Lambton Rural Childcare 437 Colbourne I-2 to I-3	Signed By-law
58 of 2023	November 6, 2023	L.Carter and B. Spelt 2782 Petrolia Line A1 to A1-25	Signed By-law
59 of 2023	November 6,2023	Darrin Rosseel 1037 Pointe Line A1 to A1-ND & A1 to A1-R	Signed By-law
60 of 2023	November 6,2023	Lambton Sportsman Ltd 521 Bickford Line A1- C3-3	Signed By-law

61 of 2023	November 6,2023	Birchwood London Inc. Maple Drive R2-2	Signed By-law
65 of 2023	December 18,2023	Chris Lang Inc. 2504 Telfer Rd A1 to A1-R	Signed By-law
66 of 2023	December 18, 2023	Racher Ag. Inc 2879 Petrolia Line A1-ND & A1 to A1-R	Signed By-law
2 of 2024	January 15, 2024	Kimcor Farms Ltd. 1383 Courtright Line A1 to A1-ND & A1 to A1-R	Signed By-law