



# **MUNICIPALITY OF MORRIS-TURNBERRY ZONING BY-LAW**

**OCTOBER 21, 2014**

**Consolidated November, 2023**

**PREPARED BY:**

**MUNICIPALITY OF MORRIS-TURNBERRY**

**COUNTY OF HURON PLANNING AND DEVELOPMENT DEPARTMENT**

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# MUNICIPALITY OF MORRIS-TURNBERRY

## Zoning By-law

### Consolidation

This document is a consolidation of the Municipality of Morris-Turnberry Zoning By-law 45-2014 and subsequent amendments made thereto. This compilation is for convenience for administrative purposes only and does not represent true copies of the by-laws it contains. Neither the County of Huron nor the Municipality of Morris-Turnberry is responsible for any errors or omissions which have occurred in the preparation of this consolidated copy. Any legal interpretation of this document should be verified with the Clerk-Treasurer of the Municipality of Morris-Turnberry.

**This Consolidated Zoning By-law contains:  
The following amendments to By-law 45-2014:**

By-law 80-2014	By-law 67-2019 (Temporary Use-Expires Aug 15/2024)
By-law 81-2014	By-law 68-2019
By-law 19-2015	By-law 69-2019 (Temporary Use-Expires Aug 13/2039)
By-law 42-2015	By-law 79-2019
By-law 47-2015	By-law 86-2019
By-law 71-2015	By-law 92-2019 (Temporary Use-Expires Nov 5/2022)
By-law 01-2016	By-law 94-2019
By-law 20-2016	By-law 105-2019
By-law 27-2016	By-law 24-2020
By-law 48-2016	By-law 11-2021
By-law 95-2016	By-law 32-2021
By-law 111-2016	By-law 34-2021
By-law 42-2017	By-law 35-2021
By-law 67-2017 (Deeming)	By-law 41-2021
By-law 76-2017 (Temporary Use – Expires Sept 4, 2037)	By-law 44-2021
By-law 81-2017	By-law 57-2021
By-law 87-2017	By-law 58-2021 (Temporary Use-Expires Nov 16/2024)
By-law 95-2017	By-law 38-2021
By-law 04-2018	By-law 24-2022
By-law 13-2018	By-law 27-2022
By-law 42-2018	By-law 48-2022
By-law 66-2018	By-law 16-2023
By-law 20-2019	By-law 30-2023
By-law 61-2019	By-law 37-2023
By-law 66-2019	By-law 38-2023



**MUNICIPALITY OF MORRIS-TURNBERRY**

**Zoning changes pursuant to Section 1.25 Minor Lot Enlargement,  
Section 3.21 Lot Enlargement, Minor and Section 3.43 Surplus Farm Residence Severance**

Severance File #	Address	Legal Description	Date of Decision
B59/14	40774 BROWNTOWN RD	Part Lots 6 and 7, Concession 2, Morris Ward	May 28 2015
B46/16	84446 LONDON RD	Lots 1 & 2, Concession 6, Morris Ward	Dec 22, 2016
B25/17	42451 CRANBROOK RD	Lots 27 & 28, Concession 7, Morris Ward	Sept 7, 2017
B40/17	40581 MONCRIEFF RD	Lot 5, Concession 9, Morris Ward	Sept 28, 2017
B65/17	86843 MCDONALD LINE	Lot 10, Concession A, Turnberry Ward	Sept 14, 2017
B83/17		Lot 18, Concession 6, Turnberry Ward	April 13, 2018
B19/17	41732 ST MICHAELS RD	South Pt Lot 19, Concession 7, Morris Ward	Nov 20, 2017
B03/18	41797 HARRISTON RD	N Pt Lots 39 & 40, Concession 1, Turnberry	July 25, 2018
C50/18	41928 ORANGE HILL RD	Lot 10, Concession 5, Turnberry Ward	Sept 24, 2018
B77/17	86691 CLYDE LINE	Part of Lot 30, Concession 1, Morris	Sept 5, 2018
C12/18	41779 MORRIS-TURNBERRY RD	N ½ Lots 39 & 40, Concession 1, Morris	April 6, 2018
C02/19	42370 JAMESTOWN RD	CON 1 S PT LOT 52 S PT LOT;53, Morris	Dec, 5, 2019
C55/19	41339 JAMESTOWN RD	CON 2 N PT LOT 14, Morris	Feb, 20, 2020
C06&07/20	41005 BROWNTOWN RD	MORRIS CON 3 N PT LOTS 8 TO;10 AND RP 22R6514 PART 1	March 4, 2020
C10/20	41033 CARDIFF RD	MORRIS CON 4 PT PT LOT 10 PT;RD ALLOW AND RP 22R6490 PART;2	March 6, 2020
C70/20	41016 CARDIFF RD	CON 3 S PT LOT 10	Dec 14, 2020
C84/20	42103 SALEM RD	CON 6 PT LOT 8	Feb 24, 2021
C33/20	42058 CRANBROOK RD	CON 6 S PT LOT 23	April 27, 2021
C83/20	42033 MORRIS-TURNBERRY RD	CON 1 N PT LOT 45 N PT LOT;46	April 29, 2021
C91/20	42161 SALEM RD	CON 6 LOT 7 E PT LOT 8	April 30, 2021
C19/21	39861 TURNBERRY-CULROSS ROAD WEST	CONCESSION 12, LOT 23, W PART LOT 22	April 12, 2021
C42/21	42582 AMBERLEY ROAD	CONCESSION 1, PART LOTS 58 AND 59	August 16, 2021
C55/21	42459 ORANGE HILL ROAD	LOT 2, CONCESSION 4	August 11, 2021
C64/21	42514 AMBERLEY ROAD	CONCESSION 1, PART LOTS 56 AND 57	November 8, 2021
C94/21	41666 BROWNTOWN ROAD	CONCESSION 2, S PT LOT 17, S PT LOT 18	December 9, 2021
C11-2023	26 ORCHARD LANE	CONCESSION 6, PART LOT 29	March 31, 2023



**THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY**

**BY-LAW NUMBER 45-2014**

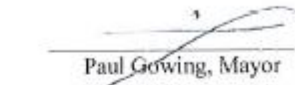
**BEING A BY-LAW TO ADOPT A COMPREHENSIVE ZONING BY-LAW FOR THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY**


**WHEREAS** the Planning Act, R.S.O. 1990 Section 34 as amended provides that zoning by-laws may be passed by the Councils of local municipalities for prohibition of the use of land and the erecting and using of buildings, for and except for the purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of highway.

**NOW THEREFORE** the Council of the Corporation of the Municipality of Morris-Turnberry in accordance with Section 34 of the Planning Act, R.S.O 1990 enacts as follows:

1. This By-law is comprised of Sections 1 to 26 and zone maps delineating the zones created by text in this By-law, all attached hereto is hereby adopted.
2. The Municipality of Morris-Turnberry hereby repeals the following zoning by-laws when this by-law comes into full force and takes effect:
  - The former Township of Morris Zoning By-law 22-1989 and all amendments thereto
  - The former Township of Turnberry Zoning By-law 14-1987 and all amendments thereto
3. This By-law shall come into force and take effect on the day of final passing thereof.

Read a first, second and third time and finally passed this 21<sup>st</sup> day of October, 2014.

  
Paul Gowing, Mayor

  
Nancy Michie, Administrator  
Clerk-Treasurer

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**EXPLANATORY NOTE  
ZONING BY-LAW NO. 45 – 2014  
OF THE  
CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY**

**PREAMBLE**

The Zoning By-law was passed under Section 34 of The Planning Act. It implements the Official Plan for the Municipality of Morris-Turnberry which was adopted by the Council of the Municipality of Morris-Turnberry on August 22, 2006.

The Zoning By-law comprises both text and zoning maps on which are delineated the various zones created in the By-law.

**PURPOSE**

The purpose of this By-law is to provide The Corporation of the Municipality of Morris-Turnberry with regulations which will affect control over all forms of land use or other related matters within the municipality. The zoning by-law implements the planning policies of the Morris-Turnberry Official Plan.

**BASIS**

Such regulations have been deemed necessary and in the public interest by Council in order that possible conflicts between existing and proposed land uses can be minimized or reduced in the future.

**AFFECTED LANDS**

The lands directly affected by this By-law consist of all lands lying wholly or partly within the corporate limits of the Municipality of Morris-Turnberry.

**EXISTING BY-LAWS**

From the coming into force of this By-law all previous By-laws of the Municipality, passed pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended or a predecessor thereof, shall be deemed to have been repealed.

**DURATION**

It is the intention of the Council that this Zoning By-law will be effective until circumstances change to such a degree that a revision and up-dating of the By-law are required. Additional uses for specific lands may be permitted by means of a rezoning or amendment to the Zoning By-law. It is the intention of the Council to accept and review applications to amend the Zoning By-law in order to allow the establishment of uses which are permitted by the Municipality of Morris-Turnberry Official Plan.

**EFFECT**

This Zoning By-law is designed to regulate by prohibition all new development, except development which is specifically allowed in the By-law. This By-law will, however, give Council the legal authority to review the merits of any new use which is not specifically allowed by the By-law. If Council, after studying a proposal for a new use, is satisfied that the new use is in the best interests of the Municipality, the new use may be permitted provided that a separate By-law amending this By-law is passed which would permit the new use on the specified parcel of land subject to appropriate regulations.

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**THE ZONING BY-LAW OF THE CORPORATION  
OF THE MUNICIPALITY OF MORRIS-TURNBERRY**

**BY-LAW NO. 45 – 2014**

BEING A BY-LAW, UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, R.S.O., 1990, AS AMENDED TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES AND TO PROHIBIT CERTAIN BUILDINGS AND STRUCTURES IN VARIOUS DEFINED AREAS OF THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY.

WHEREAS the Council of the Corporation of the Municipality of Morris-Turnberry considers it advisable to regulate the use of land situated within the defined areas, as hereinafter designated, for the purpose of preventing any further development which would create an adverse effect on the Corporation, and to prevent the use of lands that would jeopardize future orderly development and expansion, and to protect the natural environment.

NOW THEREFORE the Council of the Corporation of the Municipality of Morris-Turnberry ENACTS as follows:

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## KEY MAP SECTION

Municipality of Morris-Turnberry Schedule A  
Municipality of Morris- Turnberry Schedule A Index Map

Morris (Northeast)  
Morris (Northwest)  
Morris (Southeast)  
Morris (Southwest)  
Turnberry (East)  
Turnberry (North)  
Turnberry (West)  
Bluevale  
Lowertown  
North of Wingham  
East of Wingham  
Belmore  
Belgrave  
Adjacent to Brussels  
Walton

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# **SECTION 1: APPLICATION, ADMINISTRATION, ENFORCEMENT, INTERPRETATION AND SCHEDULES**

## **1.1 TITLE**

This By-law shall be known as the Zoning By-law of the Corporation of the Municipality of Morris-Turnberry.

## **1.2 ACTS**

All Acts as stated in this By-law are in accordance with the most recent Revised Statutes of Ontario (R.S.O.)

## **1.3 APPLICATION**

1.3.1 The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Municipality of Morris-Turnberry.

1.3.2 No person shall use any land, or erect, alter or use any building, structure or part thereof within the limits of the Corporation of the Municipality of Morris-Turnberry except in conformity with the provisions of this By-law.

1.3.3 No person shall use any building, structure or part thereof, erected or altered in contravention of this By-law so long as such building, structure or part thereof, continues to contravene the provisions of this By-law.

1.3.4 No lot shall be reduced in area by the conveyance, mortgage or other alienation of a part thereof so that any remaining yard or other open space is less than that required by this By-law. If any such reduction occurs, such lots and any building or structure thereon shall not thereafter be used by any person unless and until the said yard or requirements of this By-law are complied with.

1.3.5 The preceding subsection shall not apply to a lot reduced in area by the conveyance to or expropriation by the Corporation of the Municipality of Morris-Turnberry or any other authority having the powers of expropriation.

1.3.6 No person shall change the purpose for which any lot, building or structure is used, or erect, alter, or use any building or structure, or sever any lands from an existing lot, if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-law.

## **1.4 ADMINISTRATION AND ENFORCEMENT**

This By-law shall be administered and enforced by such person or persons as shall be appointed from time to time by By-law of the Corporation of the Municipality of Morris-Turnberry, and no permit for the use of any land, building or structure or approval of any application for any municipal license within the jurisdiction of the Council shall be issued where the proposed building, structure or use would be in violation of any provisions of this By-law.

## **1.5 ZONING COMPLIANCE OR BUILDING INSPECTION**

The Zoning Administrator, Building Inspector, or any employee of the Municipality acting under the direction of the Zoning Administrator or any peace officer having jurisdiction in the Municipality is hereby authorized to enter, with prior notification and the consent of the owner, between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m. on any day but Sunday upon any property or premises or structure for the purpose of discharging his duties and obligations under this By-law, or if there is reason to believe that the provisions of the By-law are not being complied with in whole or in part. Where the owner or occupier refuses consent, entry may be made under the authority of a search warrant issued under the *Provincial Offences Act*.

## **1.6 LICENCES AND PERMITS**

No Municipal permit, certificate, or licence shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

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## **1.7 CERTIFICATE OF ZONING COMPLIANCE**

No change may be made in the type of use of any land covered by this By-law or any building or structure on any such land until a Certificate of Zoning Compliance has been issued by the Municipality to the effect that the proposed use is not contrary to the By-law.

## **1.8 BUILDINGS TO BE MOVED**

In all zones, any building or structure which is moved from one location to another, whether within the zone or from one zone to another, or from any location beyond the boundary of the Municipality, into any zone, shall be considered as being a new building or structure and shall comply with the provisions of this By-law. No building, over 10 sq. metres, residential or otherwise, shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Chief Building Official.

## **1.9 SIGN PERMITS**

A sign permit may be required for the erection of any sign upon private or public property which shall only be issued if such sign is in conformity with the Municipal Sign By-law.

## **1.10 VIOLATION AND PENALTY**

Every person who uses or alters the use of any land or lot or alters or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection or alteration, or who violates any provisions of this By-law or causes or permits a violation, is guilty of an offence and upon conviction thereof shall be liable to a fine as set out in Section 67 of the *Planning Act*, as amended, for each offence, and each day of the occurrence of the offence shall be deemed to be a separate occurrence. Every such penalty shall be recoverable under the *Provincial Offences Act*, as amended from time to time.

## **1.11 SEVERABILITY**

If any provision of this By-law, including any part of the zoning as shown on the zoning maps, is for any reason held to be invalid, it is hereby declared to be the intention, that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

## **1.12 REMEDIES**

- 1.12.1 Where any building or structure is, or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or of the County of Huron or of the Municipality pursuant to the provisions of the *Planning Act*, the *Municipal Act*, or the *Administration of Justice Act*, as amended from time to time.
- 1.12.2 Where a person, guilty of an offence under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done at his/her expense.
- 1.12.3 Where a person has refused or neglected to reimburse the Corporation for the cost of such work, thing or matter done, the same may be recovered by the Corporation in like manner as municipal taxes.

## **1.13 LITIGATION**

This By-law shall not affect the rights of any party or any land concerned in any action, litigation or other proceeding pending on the date of the final passage thereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceedings.

## **1.14 UNLAWFUL USES**

Any use established in violation of this by-law or a predecessor of this By-law will be deemed to have been established unlawfully.

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## **1.15 REPEALS**

From the coming into force of this By-law all previous By-laws passed under Section 34 of the *Planning Act* or a predecessor thereof, shall be deemed to have been repealed.

## **1.16 MEANING OF TERMS**

### **1.16.1 Use**

Unless the context otherwise requires, the expression "use" or "to use" in this By-law shall include anything done or permitted by the owner or occupant of any land, building or structure, directly or indirectly or by or through any trustee, tenant, servant, or agent, acting with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

### **1.16.2 Tense, Plurality and Gender**

For the purpose of this By-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number. Words imparting the masculine gender shall include the feminine and the converse.

### **1.16.3 Shall**

The word "shall" will always be construed as mandatory in this By-law.

### **1.16.4 Alter**

For the purposes of this By-law, the word "alter" when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to decrease/increase the width, depth or area thereof or to decrease/increase the width, depth or area of a required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; the words "altered" and "alteration" shall have the same corresponding meaning.

### **1.16.5 Person**

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

## **1.17 APPLICATIONS FOR BUILDING PERMITS**

### **1.17.1 Application in all Zones**

1.17.1.1 Within all zones, every applicant for a building permit for a new building or an addition to a building shall, in addition to all the requirements of the Ontario Building Code, include a site plan drawn to scale showing:

- the dimensions of the lot
- the location and dimensions of all existing and proposed buildings and storage facilities
- the dimensions of all yards, drives, and parking areas
- the location of all easements which may be located on the property
- any application for the establishment of a private outdoor swimming pool will be required to submit additional information as set out in the Municipal Swimming Pool By-law
- a statement signed by the owner of the property giving the exact nature of all proposed use of all buildings and lands

1.17.1.2 In addition, the Chief Building Official may require any or all of the following information:

- the type and size of livestock buildings and manure storage, and lot area of farms within 1,000 metres
- information concerning curbing, retaining wall, or alteration to natural drainage, if applicable
- the location of any municipal or private tile drainage which may drain any neighbouring property

- 
- the location of any municipal services which are available on this property (water, sewage, telephone and gas)
  - a permit from the County of Huron Public Works/Highways Department may be required for lands adjacent to a County Highway
  - a permit may be required from the Conservation Authority for proposals within Conservation Authority Notification Areas
  - approval may be required for private sewage facilities if land is not municipally serviced
  - other information as required

#### 1.17.2 Applications in AG1 and AG2 zones

1.17.2.1 In addition to the above, applications for all buildings for livestock and all structures for manure storage will provide the following additional information:

- distances to all lot lines, proposed buildings, and/or storage facilities
- the location, distance and use of all buildings within 1,000 metres of the proposed building and/or storage facility
- type of livestock, livestock capacity, and the type of manure disposal
- will be required to submit additional information as set out in the *Nutrient Management Act*
- A statement signed by the owner of the property giving the exact nature of the proposed use of all buildings and land

### **1.18 APPLICATION FOR REZONING, MINOR VARIANCE AND EXPANSION OF LEGAL NON-CONFORMING USE**

Applications for rezoning, minor variance and expansion of legal non-conforming use are available at the Municipal Office.

In addition to all the requirements of the Corporation's Building By-law, or any other By-law of the Corporation, every application shall be accompanied by a plan, in duplicate, (a copy of which shall be retained by the Zoning Administrator), drawn to scale, and showing the following:

- The true dimensions of the lot to be built upon or otherwise used
- The proposed location, height, and dimensions of any building, structure or use proposed for such lot
- The proposed location and dimensions of any yards, setback, landscaped open space, off-street parking spaces or off-street loading facilities required by this By-law
- The location of all existing buildings or structures on the lot shown on the plan
- Information showing landscaping, curbing, drainage, retaining walls and any other physical addition to the site
- An affidavit signed by the owner, indicating the exact use proposed for each aforesaid building, structure or use, and giving all information necessary to determine if such proposed or existing building, structure or use conforms with the requirements of this By-law
- Notwithstanding the provisions of any other By-law of the Corporation, no building permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law

### **1.19 INFORMATION AS TO CONFORMITY**

1.19.1 Any person requiring written information as to whether a lot or any building erected thereon is situated in conformity with the provisions of this By-law, shall present to the Zoning Administrator or the authorized alternate:

- an application fee in an amount established by Council by resolution from time to time

- a current plan of survey signed by an Ontario Land Surveyor showing the boundaries of the lot and the location of all buildings and structures thereon
  - any other information as the Zoning Administrator or the authorized alternate may require.
- 1.19.2 Information as to conformity issued hereunder is subject to the condition that the Corporation of the Municipality of Morris-Turnberry shall not be bound by any information issued in error.
- 1.19.3 Where information as to conformity is issued with respect to a non-conforming use such information shall so state.
- 1.19.4 If an application for information as to conformity does not comply with the above Section 1.19.1, the Zoning Administrator or the authorized alternate may issue such information notwithstanding such non-compliance, if he/she is satisfied as to the correctness and adequacy of the application made.

## 1.20 ERRORS AND OMISSIONS - OBLIGATION TO COMPLY

The lack of a survey or adequate information or an error or omission does not relieve the applicant from responsibility for complying with the provisions of this By-law.

## 1.21 ZONES, SYMBOLS, SECTION NUMBERS

For the purposes of this By-law the Municipality is hereby divided into the following use zones:

Class	Zone	Symbol	Section Number
Agriculture	General Agriculture	AG1	4
	Restricted Agriculture	AG2	5
	Agricultural Commercial/Industrial	AG3	6
	Agricultural Small Holding	AG4	7
	Rural Golf Course	AG5	8
Natural Environment	Natural Environment – Full Protection	NE1	9
	Natural Environment – Limited Protection	NE2	10
	Natural Environment – Development Permitted	NE3	11
Extractive	Extractive Resource	ER1	12
	Extractive Industrial	ER2	13
Urban	Village Residential - Low Density)	VR1	14
	Village Residential - Medium Density)	VR2	15
	Residential Park	R4	16
	Village Industrial	VM1	17
	Village Commercial- General	VC1	18
	Highway Commercial	VC2	19
Special	Community Facility	CF	20
	Disposal Zone	DS	21
	Communications & Utility	U	22
	Development Zone	D	23
	Salvage Yard	C4	25
	Floodway Zone	FW	25
	Flood Fringe Zone	FF	26
	Airport Lands	AL	27

- 1.21.1 The permitted uses, the minimum size and dimensions of lots, the minimum size of yards, the maximum lot coverage, the minimum setback, the minimum landscaped open space, the maximum height of buildings and all other provisions are set out herein for the respective zones.

- 
- 1.21.2 The extent and boundaries of all the said zones are shown on Schedule “A” (Key Maps) which form part of this By-law and are attached hereto.
- 1.21.3 The symbols/zones listed in the subsection above may be used to refer to buildings and structures, the uses of lots, 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 zones shall mean any area within the Corporation within the scope of this By-law, delineated on Schedule “A” (Key Maps) and designated thereon by the said symbol.
- 1.21.4 Where the Zone symbol designating certain lands as shown on Schedule “A” (Key Maps) is followed by a dash and a number, (for example VR1-1), then special provisions apply to such lands and such special provisions will be found by reference to that section of the By-law which deals with that particular zone. Lands designated in this manner shall be subject to all the restrictions of the zone except as otherwise provided by the special provisions.

## **1.22 ZONING MAP**

The Zones set out above and the boundaries of such zones are shown upon the maps attached hereto, marked ‘Schedule “A” (Key Maps)’ and are designated as the Zoning Maps. The zones, boundaries and maps form part of this By-law.

## **1.23 BOUNDARIES OF ZONES**

Zone boundaries, are construed to be property lines, lot lines, street lines, railway right-of-way, or boundaries of Registered Plans as interpreted in accordance with Schedule “A”, Key Map Legend.

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Schedule “A” (Key Maps) the following rules shall apply:

### **1.23.1 Right-of-way Limits**

Unless otherwise indicated, the boundaries of a zone as shown on the Schedule “A” (Key Maps) are the street right-of-way lines or lane right-of-way lines. Any street right-of-way wholly within the boundary of a zone as shown on the Schedule “A” (Key Maps) are deemed not to be zoned but are to be used for public highway purposes;

### **1.23.1 Centre Line Limits**

Where any zone boundary is shown as approximately the centre line of a street, lane, watercourse or any other right-of-way, such zone boundary shall be construed to follow the centre line of the street, lane, watercourse or other right-of-way;

### **1.23.2 Lot Lines**

Where the Zone boundaries are not shown to be streets, roads or lanes, and where indicated boundaries on the Schedule “A” (Key Maps) are approximately lot lines, the said lot lines shall be construed to be the zone boundaries unless the said boundaries are otherwise indicated on the maps;

### **1.23.3 Schedule Limits**

The limit of any map forming part of this By-law as shown on the Schedule “A” (Key Maps) shall be deemed to be the boundary of the Zone adjoining such limit;

### **1.23.4 Symbol of Zones**

Where one symbol is used on the Schedule “A” (Key Maps) to indicate the zone classification of an area divided by a street, road or lane, the said symbol shall establish the classification of the whole of such area;

### **1.23.5 Closed Street, Road or Lane, Railway or Highway Right-of-Way**

In the event a street, lane, railway or highway right-of-way, shown on the Schedule “A” (Key Maps) is closed, the property formerly in said street, lane, railway or highway right-of-way shall be included within the zone of the adjoining property on either side of the said closed street, lane, railway or highway right-of-way.

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In the event the said street, lane, railway or highway right-of-way shown on Schedule “A” (Key Maps) was a zone boundary between two or more different zones, the new zone boundary shall be the former centerline of the said closed road, lane or right-of-way.

Where the land formerly included in such street, lane, railway or highway right-of-way is purchased in its entirety by an abutting landowner, the said land shall be included in the same zone as that of the abutting landowner purchasing said land; or

Where the land formerly included in such street, lane, and railway or highway right-of-way is purchased in its entirety by a person or persons other than an abutting landowner, the said land shall be included in the abutting zone which is the most restrictive in terms of use or density;

#### 1.23.6 Boundaries Other Than Streets, Roads or Lot Lines

Where a zone boundary is not a street, road or lane, nor a lot line, and a specific measurement indicating the position of the said boundary is not shown on the Key Map, or indicated in the text of the By-law, the position thereof shall be determined by scaling from the Schedule “A” (Key Maps). The middle line of the boundary line shall be used for the purposes of scaling;

#### 1.23.7 Zone Abuts Natural Watercourse

Where any zone on the Schedule “A” (Key Maps) abuts a natural watercourse, such zone shall be deemed to apply to the natural watercourse and any islands within the watercourse.

### 1.24 ADDITIONAL INFORMATION SHOWN ON SCHEDULE “A” (KEY MAPS) and APPENDIX 10

#### ▪ **Natural Environment Adjacent Lands and/or Conservation Authority Notification Area**

The Provincial Policy Statement and Conservation Authorities Act require that development on lands adjacent to natural environment areas, and land which may be subject to natural environment hazards, such as erosion or flooding, be reviewed by the Conservation Authority or applicable agency. In some cases an Environmental Impact Study or Conservation Authority permit is required. This area is shown on the Schedule “A” (Key Maps) and identified as “Conservation Authority Notification Areas” for information only. It is not a zone.

#### ▪ **Potential Influence Area of Municipal Landfills**

The potential influence area of closed and open municipal landfills as identified by the Morris-Turnberry Official Plan is a 500 metre radius around the landfill site. The distance is calculated from the boundaries of the site certified to receive waste including areas which have already received waste. This area is shown on Schedule “A” (Key Maps). It is not a zone.

#### • **Airport Lands**

The Richard W. LeVan Airport is located at Part Lot 7-14, Concession 1, Morris. There is a private airstrip located at Lot 11, 12 Concession B, Turnberry. Symbols identifying the location of these airports are provided for information purposes. Airports are regulated by the Aeronautics Act and are not regulated by the Zoning By-law.

Appendix 10: Height Restrictions Around Richard W. LeVan Airport provides recommended height restrictions for properties in proximity to the Richard W. LeVan Airport to protect the flight paths for the airport. This is not a zone.

### 1.25 MINOR LOT ENLARGEMENT

This provision applies only where a severance is granted for the purpose of minor lot enlargement. The zoning shall extend to incorporate the lands which are severed and merged.



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For example, where lands zoned AG1 are severed and merged on title with abutting lands zoned AG3 or AG4, the zoning of the receiving AG3 or AG4 property shall extend to incorporate the lands previously AG1.

### **1.26 MINIMUM REQUIREMENTS**

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the orderly, economic and attractive development of the Municipality.

### **1.27 USES NOT LISTED AS PERMITTED**

Uses not listed as permitted in a zone or otherwise provided for in this By-law shall be prohibited in such zone except as provided for under Section 3.29 Non-Conforming Uses of this By-law.

### **1.28 USE OF EXAMPLES**

Where examples are provided to explain a by-law provision, these examples are illustrative only.

### **1.29 EFFECTIVE DATE**

This By-law shall take effect from the date of passing by Council and shall come into force upon approval under the *Planning Act*, as amended from time to time.

### **1.30 TECHNICAL REVISIONS TO THE ZONING BY-LAW**

Revisions may be made to this By-law without the need for a zoning by-law amendment in the following cases:

1.30.1 correction of numbering, cross-referencing, grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision;

1.30.2 adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating or correcting lot line information; updating and correcting infrastructure information; conservation authority regulated lands and top of bank features; keys, legends or title blocks; and

1.30.3 changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers which do not form a part of this by-law and are editorially inserted for convenience of reference only. (*As per By-law 30-2023*)

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## SECTION 2: DEFINITIONS

For the purpose of this By-law the definitions and interpretation given in this section shall govern:

### **Abattoir**

shall mean a building, structure or lot 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, means a use, or a detached building or structure, that is naturally and normally incidental, subordinate and exclusively devoted to supporting the principle use, building or structure and located on the same lot therewith. This does not include an accessory residence unless otherwise specified.

### **Additional Residential Unit**

means an additional residential unit shall be an accessory dwelling unit with its own kitchen, sanitary facilities and bedroom(s)/sleeping area.

### **Adjacent Lands**

means those lands abutting a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. Examples of natural heritage features include: a wetland, water course, sinkhole or a woodlot.

### **Adult Day Center**

shall mean a facility providing activities, programs and services for adults not including residential accommodation.

### **Aggregate**

shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other similar material.

### **Agricultural Industrial Establishment**

shall mean the use of land and/or buildings or structures for the manufacturing and wholesale and/or retail sales of goods that are necessary to support agricultural uses, as defined in this by-law. These include such goods as farm machinery and equipment used for tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and fur-bearing animals, and the storage, handling and processing of milk, eggs, and manure and the manufacture of sub-surface drainage materials and equipment.

### **Agricultural Processing Establishment**

shall mean the use of land and/or buildings or structures for the processing of products derived from agricultural uses, as defined in this By-law. These shall include such products as seed, grain, feed and forage processing, storage and transport, fruit and vegetable storage and treatment, livestock and poultry assembly, sales and transport, a cheese factory, an egg grading station, a saw mill, an abattoir, a dead stock removal facility.

### **Agricultural Service Establishment**

shall mean the use of land and/or buildings or structures for the purposes of buying or selling commodities and services that are necessary to support agricultural uses as defined in this By-law. These shall include such sales and services as welding and machinery repairs, farm drainage and excavation, agricultural related trucking, well-drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting and

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harvesting services.

**Agricultural Supply Establishment**

shall mean the use of land and/or buildings or structures for the purpose of supply of goods, materials or services that are necessary to support agricultural uses as defined by this By-law. These shall include such goods and services as sale, processing and storage of seed, feed, fertilizer and chemical products, farm machinery and equipment sales and service, and animal and poultry health and breeding services.

**Agricultural Use, General**

means general farming and without limiting the generality of the foregoing shall include such uses as: the general cultivation of land and the associated production, conditioning, processing and storage of field crops, vegetables, fruit, horticultural crops and nursery stock and the selling of such produced on the premises, the breeding and care of livestock, fowl, fur-bearing animals and bees, and the selling of such stock or the product of such stock raised on the premises, and the management of forest, and the sale of forest products, including fuel wood, pulp wood, timber, Christmas trees, and maple products, and includes a farm dwelling and accessory buildings and uses but does not include a cannabis production facility.

**Agricultural Use, Limited**

means the planting and harvesting of field, bush, vine, forest, or tree crops and grazing not including an accessory residence, livestock building or cannabis production facility.

**Air Treatment Control**

shall mean the functional use of properly maintained industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it services as designed by a qualified person.

**Alter**

shall mean any alteration in a bearing wall or partition or column, beam, girder or other supporting member of a building or structure or any increase in area or volume of a building or structure. When used in reference to a lot, the word "alter" means to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" and "alteration" shall have a corresponding meaning.

**Ambulance Station**

shall mean the use of land, buildings or structures for the storage, maintenance and dispatching of ambulance vehicles and which may include amenities for staff.

**Amenity Area**

means an area or areas within the boundaries of a lot intended for use for recreation, aesthetic purposes for a multiple dwelling project and may include landscaped open areas, patios, balconies, communal lounges, swimming pools, recreation facilities and any other areas which may be used for recreational or aesthetic purposes, but shall not include any driveway or parking area.

**Animal Group**

means livestock and poultry grouped according to their manure production.

**Animal and Poultry Health and Breeding Service**

shall mean the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept, or the facility used for the insemination of livestock or poultry.

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**Antenna, Free Standing**

means the use of land, buildings or structure for the purpose of sending or receiving electromagnetic waves. Any antenna over 16.6 metres (54 feet) above grade level is considered a structure.

**Art Gallery**

shall mean a building or part thereof where works of art such as paintings, sculptures, pottery, glass and weaving are displayed for public viewing and may include sales of art and/or art supplies and art instruction.

**Asphalt/Concrete/Ready Mix Batching Plant**

means an individual establishment used for the production of asphalt, concrete, ready mix or 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 required equipment.

**Asphalt Plant, Portable**

shall mean a temporary asphalt batching plant established for a public road project.

**Assembly Hall**

means a building, or part of a building, in which facilities are provided for such purposes as meetings for charitable, civic, cultural, educational, political, religious or social purposes and shall include a banquet hall, private club or fraternal organization, or community centre.

**Attached**

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

**Auction Sales Facility**

means a building or land used for the occasional sale of items excluding livestock.

**Auction Sales Facility, Livestock**

means a building or land used for the occasional sale of livestock and related agricultural items.

**Automotive Repair Establishment**

means a building and/or lot where the rebuilding, repair, or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning, is carried on but does not include an automobile service station, or wrecking yard.

**Automotive Sales and Service Establishment**

shall mean a building and/or lot used for the display and sale of new or used motor vehicles, motorized recreational vehicles, light construction and lawn care equipment, and/or the servicing, repair, cleaning, polishing and greasing of these products, the sale of accessory and related products, the leasing or renting of motor vehicles, the retail sales of automotive lubricants and fuels, but shall not include any other automotive use defined in this By-law.

**Automotive Washing Establishment**

shall mean a building and lot 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.

**Automotive Wrecking Establishment**

includes all automotive related salvage operations as included within a "Salvage Yard" as defined in this By-law,

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in which 3 or more unlicensed derelict vehicles are stored outdoors.

**Bed and Breakfast Establishment**

means a detached dwelling, in which the proprietor resides, where no more than 4 guest rooms are made available by the residents of the dwelling to travelers or vacationers for temporary accommodation and their guest's meals. Parking requirements are noted in the General Provisions Section of this By-law. This definition does not include a hotel, motel, boarding/lodging house or restaurant.

In certain commercial zones, a bed and breakfast establishment may be permitted in conjunction with the attached or detached accessory dwelling unit as permitted in this Zoning By-law.

**Basement**

shall mean that portion of a building between two floor levels which is partly below finished grade level but which has at least fifty percent of its height from finished floor to finished ceiling above adjacent finished grade level and in which the height from adjacent finished grade level to the ceiling is less than 2 metres.

**Boarding or Lodging House**

means any house or building in which the proprietor resides and occupies at least 10 percent of the floor space used for the purposes of the boarding house as his residence, and supplies for hire or gain to persons other than members of the proprietor's family, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings, but does not include a hotel, motel, apartment dwelling or nursing home.

**Brewing Establishment**

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

**Building**

includes any structure whether temporary or permanent, used or built for any purpose other than a lawful boundary, wall or fence. Any enclosure, awning, bin, bunk or other container, or platform, used upon any land or in conjunction with or connected to any structure for any purpose shall be deemed a building.

**Building By-law**

means any building By-law within the meaning of the *Ontario Building Code Act*, as amended from time to time.

**Building Envelope**

means the buildable area on a lot, defined by the minimum front yard depth, rear yard depth and side yard width requirements and maximum height requirements, within which a building can be erected.

**Building Height** (See Appendix 2)

shall mean the vertical distance from the finished grade level to:

1. in the case of a flat roof, the highest point of the roof surface or parapet, whichever is the higher
2. in the case of a mansard roof, the roof deck line, or
3. in the case of any other roof, the mean height between the eaves and the ridge; but exclusive of any structure accommodating an elevator, staircase, water tank, ventilating fan, skylight, aerial, steeple, cupola, chimney, firewall, smoke stack or other ornamental or utilitarian structure which rises above the roof level but does not provide habitable living space.

**Building Inspector**

means the Chief Building Official or other employees of the Municipality for the time being charged with the

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duty of enforcing the provisions of the Building By-law and the Ontario Building Code, which shall mean any By-law of the Municipality from time to time in force regulating the erection, alteration or repair of building.

**Building Line**

shall mean a line, the purpose of which is to establish the closest points to a street at which the building or structures may be located. The location of the building line shall be such that it is parallel to the centre line of the street and offset from the street line, as defined in Section 2 of this By-law, a distance equal to the minimum front yard dimension.

**Building, Main or Principle**

shall mean the building designed and/or intended to accommodate the principal use permitted by this By-law.

**Building Setback**

shall mean the minimum horizontal distance between the lot line and the nearest part of any building, structure or open storage use on the lot.

**Building Supply and Sales Establishment**

see 'Lumber Yard'

**Bulk Sales Establishment**

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

**Bus Depot**

means a facility for the boarding and de-boarding of passengers from inter-municipal buses and may include a public washroom or rest area, bus ticket sales and ancillary office.

**Business Office**

means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business brokerage, or labour organization, and shall exclude such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

**By-law Enforcement Officer**

means the officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.

**Campground**

shall mean a recreational establishment operated by a private or public organization where children and adults are temporarily accommodated in tents, cabins, cottages or lodges and shall include a day camp or scout camp, but does not include a trailer campground or a mobile home park.

**Cannabis**

shall mean the plants hemp and marijuana in the family Cannabaceae.

**Cannabis Production Facility**

means lands, buildings or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereof.

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**Canopy**

shall mean a roof free of enclosing walls over an entrance to a building, structure, or gasoline pump island.

**Carport**

shall mean a parking space that is enclosed or partially enclosed and has a roof, and is for the purpose of storing one or more private vehicles.

**Catastrophe**

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

**Cellar**

shall mean that portion of a building between two floor levels which has more than fifty percent of its height from finished floor to finished ceiling below adjacent finished grade level.

**Cemetery**

means a cemetery, columbarium or mausoleum within the meaning of the *Cemetery Act* of Ontario.

**Chief Building Official (CBO)**

means a chief building official appointed by the Municipality under Section 3 or 4 of the *Building Code Act*. The CBO may also be the Municipal Building Inspector.

**Church or Place of Worship**

shall mean a building commonly used by any religious for public worship, and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with or accessory thereto.

**Clinic**

shall mean a building or part thereof, used exclusively by physicians, dentists, 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.

**Commercial Motor Vehicle**

means any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes: ambulances, hearses, motor buses and tractors used for hauling purposes.

**Commercial Storage Warehouse**

shall mean an enclosed building used for the storage of household, business and recreational goods, typically on a rental basis: the rental units may be singular or multiple.

**Commercial Use**

shall mean the use of land, structure or building for the purposes of buying or selling commodities and/or supplying services, but does not include an industrial use.

**Commercial Grouped**

means a planned commercial development consisting of a self-contained group of commercial establishments commonly known as a shopping centre or a shopping mall designed, developed and managed as an interdependent unit using common facilities, including on-site parking. Grouped commercial developments provide a wide range of general commercial uses, and in addition to the primary commercial uses, ancillary grouped commercial uses

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include an administrative office, used exclusively for the grouped commercial development, private loading, service, refuse disposal, mechanical, electrical, maintenance and storage areas.

### **Community Facility**

means a land use which provides facilities for public service and public use which are owned or operated by public, semi-public or private enterprise or regulations for the health, protection and welfare of the community. Community facilities include but are not limited to:

- a) Public utilities such as a waterworks system, sewage works system, electric power, electricity generation facilities and transmission and distribution systems, hydro corridors, gas, communications facilities, roads and railway networks, flood and erosion control works
- b) Government buildings such as administration offices, court houses, post offices, assessment and registry offices
- c) Cultural facilities such as libraries, museums, auditoriums, theaters, historic sites, and civic and convention centres
- d) Sport facilities such as arenas, race tracks, fair grounds, and stadiums, health and recreation facility
- e) Public service facilities such as police and fire stations, cemeteries, works yards and garages
- f) Institutions such as churches, schools, hospitals, day care centres, group homes, fraternal or other non-profit organizations

### **Condominium**

shall mean a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants, are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

### **Condominium Act**

means the Condominium Act, 1998, S.O. 1998, c. 19, as amended from time to time and includes the former Condominium Acts of Ontario as in force from time to time.

### **Conservation**

shall mean the use of land and/or water for the purpose of planned management of natural resources.

### **Conservation Area**

shall mean an area of land owned or leased by a public authority and used for flood and erosion control purposes and/or day use recreational purposes.

### **Conservation Authority Notification Areas**

shall mean lands regulated by the local Conservation Authority and include fill regulated areas and/or adjacent lands (as defined) to significant natural environment areas.

### **Contractors Yard or Shop**

means land or buildings used for the non-offensive performance of shop or assembly work or the non-offensive storage of heavy machinery, plant or equipment such as cranes, ploughs, tractors and road making equipment and building and construction materials.

### **Construct**

means to do anything in the erecting, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere.

### **Corporation**

means the Corporation of the Municipality of Morris-Turnberry.



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**Council**

means the Municipal Council of the Corporation of the Municipality of Morris-Turnberry.

**County**

means the Corporation of the County of Huron.

**Coverage**

see "Lot Coverage"

**Dangerous Trades**

means explosives, flammable or combustible liquids or gases, toxic substances, radioactive material, corrosive or any other product or substance that is considered dangerous to life when handled or transported.

**Day Nursery** – as defined in the *Day Nursery Act*

means a premises that receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours, where the children are,

- Under 18 years of age in the case of a day nursery for children with a developmental disability, and
- Under 10 years of age in all other cases,

But does not include part of a public school, separate school or private school under the *Education Act*.

**Daylight or Sight Triangle**

means an area free of buildings or structures and which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the daylight triangle.

**Detached**

shall mean totally separate and in no way connected.

**Development**

shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, as amended from time to time.

**Driveway**

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

**Dry Cleaner's Establishment**

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

**Dry Industry**

shall mean an industry which by nature of its operation, process, or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located, does not discharge effluent from the limits of the lot upon which the use is located or from which the only sewage effluent to be dispersed of within the limits of the said lot will be that produced from normal sanitary and eating facilities required for the employees.

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## Dwelling

means a building, or part thereof, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, constructed on-site, or off-site, in parts designed to be transported to a lot and where they are joined as integral units and placed on a permanent foundation over a cellar or basement, but shall not include travel trailers, mobile homes, double-wide mobile homes, tourist trailers, camper and motor vehicles, hotels or boarding or rooming houses, motels, institutions or living quarters for a caretaker, watchman or other persons or persons using living quarters which are accessory to a non-residential building or structure.

- a) **Accessory Dwelling** – means a dwelling which is accessory to a building or use as permitted by this By-law
- b) **Apartment Dwelling** - means a building or part thereof consisting of three or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use of common halls and/or stairs and/or elevators and yards but does not include a boarding or lodging house, a motel or a hotel.
- c) **Bed and Breakfast** – see ‘Bed and Breakfast Establishment’
- d) **Boarding, Lodging or Rooming House** - means a building, a portion of which is used as the residence of the lessee, tenant or owner, in which sleeping accommodation with or without meals is provided for consideration to persons other than such lessee, tenant, or owner or members of his family, and which is not open to the public on an equal basis, and does not include a hotel, motel or multiple-family dwelling/nursing home or home for the aged.
- e) **Converted Dwelling** – means a dwelling unit constructed for permanent use which has been converted so as to provide therein up to three additional dwelling units provided the main dwelling unit was erected prior to the passing of this By-law and further that any changes or alterations to convert the dwelling do not increase its area, height or volume or extend beyond the exterior limit of the existing building, with the exception that a stairwell, entrance, vestibule or porch may be established provided that the addition does not increase the total grand floor area by more than 5% and does not change the single family residential character of the building.
- f) **Detached Dwelling** – means a completely detached permanent dwelling to which entrance is gained only by a private entrance outside the building, and containing only one dwelling
- g) **Duplex Dwelling** - means the whole of a dwelling that is divided horizontally into 2 separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.
- h) **Enlarged Dwelling**- means a detached dwelling which is enlarged to accommodate not more than two dwelling units. The enlarged portion of the dwelling must be attached to the existing dwelling by a minimum of 25% common wall. The enlarged dwelling must appear visually as one dwelling unit, and meet the setback provisions of the AG1 zone and the provisions of the Ontario Building Code, as amended from time to time.
- i) **Farm Dwelling** - means a dwelling unit that is naturally and normally incidental and subordinate and exclusively used in conjunction with a farm and is situated on the same lot.
- j) **Home for the Aged, Dwelling** - shall mean a "home for the aged" as defined under the *Homes for the Aged and Rest Homes Act*, as amended from time to time.
- k) **Modular Home** - a pre-fabricated single detached dwelling built in a factory for transport to a permanent location for installation and constructed in conformity with CSA Standard A277
- l) **Rowhouse Dwelling** – means a separate building that is divided vertically into three or more dwelling units each of which has a separate and independent entrance at finished grade and separated from the adjoining unit by units by a common unpierced wall with no interior access between each dwelling unit and includes a row house, or a townhouse.
- m) **Multiple Family Dwelling** – means the whole of a dwelling not otherwise defined herein, which contains three or more dwelling units

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- n) **Nursing Home Dwelling** - shall mean a nursing home as defined under the *Nursing Home Act*, as amended from time to time.
  - o) **Quadruplex Dwelling** –means a pair of two attached duplex dwellings or four attached single dwelling units.
  - p) **Semi-Detached Dwelling** - means a building that is completely divided vertically into 2 dwelling units by a party wall of masonry construction, each dwelling unit having independent entrance either directly from the outside or through a common vestibule.
  - q) **Triplex** –means the whole of a building that is divided into three (3) separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

### **Dwelling Unit**

means one or more habitable rooms constituting self-contained living quarters for use of one or more individuals including the provision of kitchen and sanitary facilities and sleeping accommodation for the exclusive use of such individual or individuals, and having a private entrance from outside the building or from a common hallway or stairway inside the building.

### **Dwelling with Supports**

Means a residence for the short or long term accommodation of persons who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. This shall include, for example, a group home, transitional housing, hospice, respite care, crisis care facility but shall not include a hotel or motel.

### **Easement**

shall mean a right or privilege that one has over the lands of another, registered on title to the said lands under the *Registry Act*, R.S.O. 1990, Chap. R.20, as amended, and may pertain to access rights above, below or on the said lands.

### **Eating Establishments**

- a) **Restaurant** – shall mean a building or structure or part thereof used to prepare food and offer for sale and sell food for immediate consumption within the building or structure, or adjacent patio and may include an accessory take-out or drive through service. Refer to Section 3.39 ‘STACKING LANES’ in General Provisions.
- b) **Drive-through Restaurant** – shall mean an element of a restaurant use associated with ordering and serving food and beverages to patrons where they remain within a Motor Vehicle, and includes any associated speaker system and order board. Refer to Section 3.39‘STACKING LANES’ in General Provisions.
- c) **Take-out Restaurant** - shall mean a building or structure or part thereof where food is prepared and offered for sale to the public to be taken out and/or delivered for consumption off the premises.
- d) **Portable Food Outlet**- shall mean a trailer, tent or vehicle that is designed to be made mobile, from which food is prepared and offered for sale to the public for consumption outside. A portable food outlet may only be permitted in accordance with the corporation licensing By-law.

### **Equipment Sales & Rental**

means a building or part of a building or structure in which heavy machinery equipment is offered for sale 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**

includes build, construct, or reconstruct, alter, enlarge and relocate and without limiting the generality of the foregoing, shall be taken to include any associated physical operation such as excavating, grading, berming,

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piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**Established Building Line**

see 'General Provisions' Section

**Established Grade**

see 'Grade, Established'

**Existing**

means in existence, being an actuality as of the date of the final passing of this By-law.

**Expanded livestock facility**

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

**External Design**

means the type colour, arrangement, shape, texture or pattern of material forming the exterior of a building.

**Extractive Use**

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.

**Farm**

shall mean a parcel of land together with its dependent buildings including all associated on-farm buildings and structures held for the purpose of agricultural use.

**Farm Produce Sales Outlet**

Deleted by By-law 20-2016

**Farmers Market**

shall mean a building, part of a building, or an open outdoor area where agricultural produce, food items, plants, and craft items are offered or temporarily stored for occasional retail sale on the site by more than one vendor, but does not include a flea market.

**Farm Produce Sales Outlet**

means a fruit, vegetable, flower, or farm produce stand set up as an accessory use to an agricultural use on a farm, used for the sale of produce from that same agricultural use.

**Fence**

shall mean a barrier, comprised of wooden, metal or plastic posts, wire mesh or hedge, for example, used as a boundary or means of enclosure. For the purpose of this By-law, a fence shall not be considered as a structure.

**Fill, Construction and Alteration to Waterways**

shall mean the regulations as defined by the Maitland Valley Conservation Authority or the Ausable Bayfield Conservation Authority.

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**Financial Office or Institutions**

shall mean any building used for the premises of a bank, trust company, finance company, mortgage company or investment company.

**First livestock facility**

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

**Flea Market**

means an occasional or periodic 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 private garage sale.

**Flood Way-** (See Appendix 6)

means the area of the flood plain required to pass the deep, fast flowing flood water, and will be determined in consultation with the Conservation Authority but will not exceed the one in one hundred year flood.

**Flood Fringe -** (See Appendix 6)

means the peripheral area, typically characterized as being susceptible to low velocity, shallow flooding, and will be based on the land between the outer boundary of the flood way and the outer boundary of the regulatory flooding hazard limit, which will not exceed the regional storm flood line.

**Flood Plain -** (See Appendix 6)

means the area flooded as a result of the regional storm. The flood plain consists of the flood way and flood fringe.

**Flood, Regulatory**

means the standard of the said Conservation Authority used to define the limit of the flood plain for regulatory purposes.

**Floodline, Regulatory**

means the limits of the floodplain in the Municipality, based on a storm centred event equivalent to Hurricane Hazel of 1954.

**Floor Area**

means the sum total area of a floor or floors in the building or buildings on a lot measured from the exterior faces of the exterior walls or from the centre line of the common walls separating two buildings, provided that where a floor area is within a roof structure without external walls, the floor area shall be measured from the exterior face of the vertical perimeter wall. The floor area does not include basements, cellars, attics, garages, verandahs, porches or other similar appurtenant structures and excludes any floor area with a ceiling height less than 2 metres. Where the terrain permits a walkout basement, 25% of the floor area of the walkout basement may be considered as habitable floor area.

**Floor Area, Gross**

shall mean in the case of a dwelling, the aggregate of the areas of all habitable rooms measured from the exterior walls, but excluding any detached accessory buildings, a breezeway, unenclosed sunroom, porch and/or verandah, attic, or cellar. In the case of a building other than a dwelling, 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 excluding storage, mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms, parking structures and similar uses ancillary to the main use. The gross floor area in each zone applies only to that portion of such lot that is located within said zone.

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**Floor Area, Ground**

shall mean the floor area of the lowest storey of a building approximately at or first above the average finished grade level, excluding any basement or cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey but:

1. excludes car parking areas within the building; and
2. for the purpose of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

**Floor Area Ratio**

means the floor area in square metres of all buildings on a lot, divided by the area of the lot in square metres and expressed as a percentage.

**Floor Area, Retail**

shall mean the gross floor area of a commercial building devoted to retail purposes.

**Flowpath**

shall mean a surface channel or depression that conducts liquids away from the facility, site or area.

**Forestry**

shall mean the use of land for the growth and management of trees.

**Frontage**

means the width of a lot measured along the street line.

**Fuel Storage Tank**

means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid, but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

**Funeral Home**

shall mean a commercial use for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of deceased human bodies for interment or cremation and may include a chapel for funeral purposes.

**Garage, Attached**

shall mean a private garage, accessory to a dwelling unit on the same lot and attached by a common wall and/or common roof structure and is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing such vehicles for remuneration or commercial use and is fully enclosed and excludes a carport or other open shelter; provided however, for the purpose of determining lines of setback and side yard, an attached garage shall be considered part of the main building. Also for the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least 40% of the length of the attached garage wall is common with the dwelling wall.

**Garage, Detached**

shall mean a private garage, accessory to a dwelling unit on the same lot, which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing, or servicing such vehicles for remuneration or commercial use, and is fully enclosed and excludes a carport or other open shelter.

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**Garage, Government**

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

**Garage, Mutual**

shall mean a private garage which:

- a) contains sufficient space for the parking of not less than 2 permitted vehicles
- b) is situated astride a common side lot line between 2 adjacent lots
- c) is accessory to a main use on each of such lots

**Garage, Public**

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

**Garage Sale**

shall mean an occasional sale held by the occupants of a dwelling unit on their own premises, of household goods and not merchandise which was purchased for resale or obtained on consignment. No person shall conduct more than 6 garage sales per year at one location, with a maximum duration of one weekend per sale.

**Garden Centre**

shall mean the use of land, buildings or structures for the purpose of selling and raising plants, shrubs and trees and includes the storage and sale of products generally used for landscaping and gardening purposes.

**Garden Suite**

shall mean 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 and permitted in accordance with the provisions (Section 39) of the *Planning Act*, as amended from time to time.

**Gas Compression Station**

shall mean the use of land, buildings or structures for the storage, regulation of flow and distribution of natural gas.

**Gas Station**

see 'Motor Vehicles Sales or Service Establishment'

**Gasoline Bar**

shall mean one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 10 square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing.

**Golf Course**

means a public or private area operated for the purposes of playing golf and includes a par 3 golf course, driving ranges, miniature courses and associated recreational uses such as a club house, swimming pool and tennis court.

**Golf Driving Tee or Range**

shall mean a use which provides facilities designed and operated primarily for the practicing of golf shots but does not include a Golf Course as defined herein.

**Grade**

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shall mean the crown of the road fronting the lot that it serves.

**Grade, Established**

means the average elevation of the surface of the ground at the base of a building at the front wall exclusive of any embankment in lieu of steps. On streets where a sidewalk is provided by the Municipality of Morris-Turnberry it is the elevation of the sidewalk grade as fixed by the Municipality.

**Grade, Finished**

means the average elevation of the finished surface of the ground at ground level of a building or structure.

**Grain Elevator**

means a facility for the storage, processing and marketing of grain.

**Greenhouse, Commercial**

means a building or structure used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such building or structure, but are sold directly from such lot at wholesale or retail but does not include a cannabis production facility.

**Grouped Commercial**

means a building or structure used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such building or structure, but are sold directly from such lot at wholesale or retail but does not include a cannabis production facility.

**Guest Room**

means a room or suite of rooms in a dwelling unit used or maintained for the accommodation of the public.

**Habitable Room**

shall mean any room within a dwelling unit used or capable of being used for living, eating and sleeping, but excluding a cellar or any portion thereof, bathroom, toilet room, serving or storage pantry, laundry and corridor.

**Hazard Lands, Natural**

shall include: flooding, erosion, unstable slopes, sinkholes, and lands adjacent to ravines, river valleys, streams and water bodies.

**Height**

when used with reference to a building or structure shall mean the vertical distance between the finished grade at the front of the building or structure and:

1. in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
2. in the case of a pitched roof, the point mid-way between the eaves and the ridge.

**Heritage Conservation District**

shall mean a district as defined under Section V of the *Ontario Heritage Act*, as amended from time to time.

**Historic Site**

shall mean an area containing buildings or places in which historic events occurred, or having special public value because of notable architecture or features relating to the cultural or artistic heritage of the community.

**Home For The Aged**

See ‘Dwelling, Home for the Aged’



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**Home Industry**

shall mean a gainful occupation including an animal kennel, day nursery, carpentry, electrical, woodworking, window framing, welding, plumbing, machine or auto repair shop, service shop, or blacksmith, conducted in whole or in part in an accessory building to a single family detached dwelling by the residents, provided that:

1. there is no external advertising other than a sign erected in accordance with any By-laws of the Corporation regulating signs;
2. outside storage of goods, materials or equipment shall occur to the rear of the accessory or main building;
3. such home industry is not an obnoxious trade, business or manufacture;
4. such home industry is clearly secondary to the main residential or agricultural use and does not change the residential character of the dwelling;
5. not more than 2 persons, other than the owner, are employed therein on a full-time basis; and
6. the lot shall be an existing lot with not less than 24 metres of frontage and 60 metres of depth and a total area of not less than 1,850 square metres.
7. the maximum size of an accessory home industry (including building and outdoor storage) shall be a maximum of 10% of the lot area or 2 acres, whichever is less
8. such home industry shall not result in significant volumes of vehicular traffic or on-street parking which cause the disruption of normal activities of adjacent residential properties or negatively impact on the operating viability and safety of the highway

**Home Occupation**

shall mean any occupation which is carried out as an accessory use either within a dwelling or permitted accessory building on the same lot and operated by members of the one family residing in a dwelling or dwelling unit provided that:

1. not more than one person, other than the owner or a member of the family is employed therein on a full-time basis;
2. there is no display, other than a legal sign, to indicate to persons outside that any part of the dwelling, dwelling unit or lot is being used for a purpose other than residential.
3. such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling or dwelling unit nor create or become a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;
4. such home occupation does not interfere with television or radio reception;
5. not more than 25% of the gross floor area of the dwelling unit is used for the purposes of home occupation uses; and
6. such home occupation uses may include a service or repair shop, a personal service shop, the office of a doctor; dentist, chiropractor, drugless practitioner, lawyer, or real estate agent, insurance agent, planner, architect, photographer or engineer, day nursery, but not including a clinic, a hospital, a nursing home, and a tea room. An animal kennel and small internal combustion engine repair shall not be deemed to be a home occupation.

**Hospital**

as defined under the *Public Hospitals Act*, or under the *Private Hospitals Act*, as amended from time to time.

**Hostel**

shall mean an establishment providing accommodation for the traveling public and may include communal spaces such as a kitchen.

**Hotel**

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shall mean a building or part thereof used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without private cooking facilities provided that each guest room may only be entered from the interior of the building. A hotel may include public rooms licensed under the *Liquor Licensing Act*, as amended from time to time. This does not include boarding houses or guest cabins.

**Industry, Dry**

shall mean an industry which by nature of its operation, process, or fabrication of raw materials or services rendered does not require a water supply for processing. The only sewage effluent will be that produced from normal sanitary and eating facilities required for the employees.

**Industrial Use, General**

shall mean the use of land, building or structure for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and materials, but not including any noxious industry, pit or oil well.

**Industrial Use, Light**

shall mean the manufacturing, assembly or processing of component parts to produce finished products suitable for retail or service trade but does not include food, beverage, tobacco, rubber, leather, textile and knitting, wood printing, metal fabricating or similar industries if these operations involve stamping presses, furnaces, machinery, or the emission of any air or water pollution, that can be smelled, heard or otherwise perceived outside of the building.

**Industrial Mall**

means a building or group of buildings designed, developed, owned and managed as a unit containing two or more separated spaces for lease or occupancy by industrial uses as established by this By-law.

**Institutional Use**

see “Community Facility”

**Kennel**

means any lot, building or structure where domesticated animals are commercially housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

**Laboratory**

shall mean a building, or part thereof, used for scientific, medical and/or research purposes.

**Landscaped Open Space**

shall mean open space comprised of lawn and/or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts and patios, but shall not include parking areas, traffic aisles, driveways, ramps, or storage of equipment, vehicles or other materials.

**Landscaping**

means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land but does not include parking areas, patios, walkways, driveways, traffic aisles or ramps.

**Lane**

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

**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 coin operated Laundromat.

**Library**

shall mean a library, branch library or distribution station to which the provisions of the *Public Libraries Act*, as amended from time to time, apply.

**Livestock**

includes dairy, beef, swine, poultry, horses, goats, sheep, raptures, fur-bearing animals, deer and elk, game animals, birds, and other animals identified in Table 1 of the Minimum Distance Separation formulae.

**Livestock Housing Facility**

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

**Livestock Housing Capacity**

means the maximum livestock capacity for all facilities on a lot at any time, even if currently empty but able to house livestock.

**Loading Space**

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

**Lot-** (See Lot Illustration of Definition in Appendix 3)

In this by-law lot shall mean a contiguous parcel of land which is owned by one person, or by more persons than one as tenants in common as to the whole parcel, or as joint tenants as to the whole parcel, and which parcel of land is also:

- a) a whole of a lot or block on a registered Plan of Subdivision;
- b) a whole of a unit on a Vacant Land Condominium Plan;
- c) the whole of a contiguous parcel of common elements within a Vacant Land Condominium Plan or within a Common Elements Condominium Plan;
- d) the whole of the lands within a Standard Condominium Plan; or
- e) a parcel which may otherwise be conveyed separately without contravening the Planning Act, provided that the sub-paragraph (e) shall not apply to a unit within a Standard Condominium Plan.

- **Lot, Corner**

means a lot situated at the intersection of, or abutting upon, two or more public roads, provided that the angle of intersection of such streets is not more than 135 degrees.

- **Lot, Interior**

means a lot other than a corner lot.

- **Lot, Through**

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shall mean a lot bounded on two opposite sides by a street. If any lot qualifies as being both a "Lot, Corner" and a "Lot, Through", as hereinbefore defined, such lot shall be deemed a "Lot, Corner" for the purpose of this By-law.

### **Lot Area**

is the total horizontal area within the limits of a lot, and for the purpose of this definition the lot area in each zone shall apply only to that portion of such lot which is located within said zone unless otherwise specified.

### **Lot Coverage**

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

### **Lot Depth**

means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines; for lots with curved front lot lines, the measurement shall be taken from a line drawn parallel to the chord of the arc of the curve constituting the front lot line, lying midway between said chord and a line drawn parallel to said chord and tangent to said arc. When there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

### **Lot Frontage**

shall mean the horizontal distance between the side lot lines measured at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured by a line 7.5 metres back from, and parallel to, the chord of the lot frontage. (For the purpose of this By-law the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.)

### **Lot Line**

means any boundary of a lot or a vertical projection thereof.

#### **a) Front Lot Line**

means the lot line that abuts the street except that, in the case of a corner lot, the shorter lot line that abuts the street shall be deemed the front lot line and the longer lot line that abuts the street shall be deemed the exterior lot line. In addition:

1. in the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street or abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the Municipality may designate either street line as the front lot line;
2. in the case of a corner lot abutting a .3 metre reserve the lot line so abutting the .3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front line;
3. in the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front line and opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length the Municipality may designate either street line as the front lot line.

#### **b) Rear Lot Line**

means the lot line furthest from or opposite the front lot line.

#### **c) Lot Line, Side**

means a lot line other than a front or rear lot line.

1. Exterior Side Lot Line

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shall mean any lot line other than a front lot line or rear lot line which abuts a public street/road/lane.

2. **Interior Side Lot Line**

shall mean a side lot line other than an exterior side lot line

**Lot of Record**

shall mean a lot or parcel of land that can legally be conveyed and which includes lots on a registered plan of subdivision, parcels created by consent in accordance with *The Planning Act*, as amended from time to time, or any other distinct and separate holding, the deed to which is registered in the Land Registry Office and which lot or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, lots of record shall not include those lots on a registered plan of subdivision which been deemed not to be a registered plan of subdivision for the purposes of Section 49(4) of *The Planning Act*, as amended from time to time.

**Lumber Yard**

shall mean a place of business which retails lumber and related materials and may include open storage and warehousing.

**Main Building**

see “Building, Main or Principle”

**Main Wall**

shall mean the exterior front, side or rear wall of a building or structural members essential to the support of a fully enclosed space or roof (where such members are nearer to a lot line than the said exterior wall).

**Manure, Liquid Storage Facility**

means a building or structure in which animal waste is stored in a liquid state.

**Manure, Solid Storage Facility**

means a building or structure in which animal waste is stored in a solid state.

**Mineral Aggregate Operation**

shall mean:

1. Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto;
2. For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of this by-law including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
3. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products

**Miniature Golf Course**

shall mean a use which provides facilities designed and operated primarily for what is commonly known as miniature golf but does not include a Golf Driving Tee or Range or a Golf Course as defined herein.

**Minimum Distance Separation (MDS I):**

is a tool to determine a required distance for new development from existing livestock facilities as determined by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario (as amended from time to time).

**Minimum Distance Separation (MDS II):**

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is a tool to determine a required distance for a new or expanding livestock facility from an existing use or approved development area as determined by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario (as amended from time to time).

**Mobile Home**

shall mean a pre-fabricated dwelling unit designed for occupancy by one or more persons on a permanent basis, having a floor area of not less than 50 square metres, designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), constructed in conformity with CSA 240 Series, placed or designed to be placed on permanent foundations, and connected or designed to be connected to public utilities, but shall not include a travel trailer, tent trailer or a trailer otherwise designed.

**Mobile Home, Double Wide**

shall mean a prefabricated dwelling unit occupied or designed for occupancy by one or more persons on a permanent basis, towed or designed to be towed in two or more separate sections with each section towed or designed to be towed on its own chassis and joined together to form one dwelling unit and placed on a permanent foundation, and connected or designed to be connected to public utilities, but shall not include a travel trailer, or single-family detached dwellings constructed in parts, designed to be transported to a lot and where they are joined as integral units and placed on a permanent foundation.

**Mobile Home Park**

shall mean a lot containing two or more mobile home sites and which is under single management and ownership, used for the siting of mobile homes together with commercial-recreational and service uses for Mobile Home Park residents, including any building, structure or enclosure forming a part of such mobile home park.

**Mobile Home & Recreational Vehicle Sales & Service Establishment**

shall mean land, building or structure used for the sale and service of Mobile Homes, Modular Homes, and Travel/Tent Trailers.

**Motorized Recreational Vehicle Sales and Service**

shall mean land, building or structure used for the sale and service of motorized recreational vehicles such as: boats, motorcycles, snowmobiles and all-terrain vehicles.

**Mobile Home Site**

shall mean an area of land within a mobile home park occupied by or intended for occupancy by one mobile home together with all yards and open space required by this By-law.

**Modular Home**

see 'Dwelling, Modular Home'

**Motel**

means a separate building of two or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments. A motel may include accessory recreational facilities and each guest room may be entered directly from the exterior of the building. A motel shall not include a boarding or rooming house or a hotel.

**Motor Home**

see 'Travel Trailer'

**Motor Vehicle**

shall mean an automobile, truck, motorcycle or motorized snow vehicle, or all-terrain vehicle but does not include

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the cars of electric or steam railways, or other vehicles running only on rails, or a traction engine, farm tractor, self-propelled instrument of husbandry or road building machine.

**Motor Vehicle Body Shop**

shall mean a building and/or lot used for the repair and painting of motor vehicles but does not include any other motor vehicle uses.

**Motor Vehicle, Derelict**

shall mean a motor vehicle that is in a wrecked, discarded, dismantled, inoperative or abandoned condition; and does not have a current license plate.

**Motor Vehicle Repair Shop**

shall mean a building and/or land used for the servicing, repair, cleaning, polishing, lubrication and greasing of Motor Vehicles and may include minor vehicular body repair and re-painting, but shall not include any other Motor Vehicle Use defined in this By-law.

**Motor Vehicle Rust Proofing Establishment**

a building used for the application of rust proofing materials on motor vehicles.

**Motor Vehicle Sales or Service Establishment**

shall mean a building and/or lot used for the display and sale of new or used motor vehicles, and/or the servicing, repair, cleaning, polishing and greasing of these products, the sale of accessories and related products, the leasing or renting of motor vehicles and the retail sales of motor vehicle lubricants and fuels. This establishment may also include such minor body repair that may be incidental to the mechanical servicing and repair of motor vehicles.

**Motor Vehicle Washing Establishment**

shall mean a building and lot used for the washing or cleaning of motor vehicles by automobile washing equipment 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**

see ‘Salvage Yard’

**Municipal Drain Closed**

shall mean “drainage works” as defined by the *Drainage Act*, as amended from time to time, located entirely within the ground.

**Municipal Drain Open**

shall mean “a drainage works” as defined by the *Drainage Act*, as amended from time to time.

**Municipality**

shall mean the Corporation of the Municipality of Morris-Turnberry.

**Natural Environment**

shall mean areas of wetlands, woodlands, watercourses, valleylands, and / or environmentally sensitive areas (ESAs); ESAs may include: life science areas of natural and scientific interest (ANSIs); habitat for threatened or endangered species; wildlife habitat; earth science areas of natural and scientific interest (ANSIs).

**Navigable Waterway**

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shall mean a navigable body of water or stream as deemed under the Beds of Navigable Waters Act.

**Non-Complying**

means a legally existing lot or building or buildings that is permitted by the provisions for the zone in which such lot or building or buildings is located as of the date of passing of this by-law, which does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback, or any other provision of this By-law applicable to that zone.

**Non-Conforming**

means a legally existing use that is not permitted in the Zone in which it is located.

**Nursing Home**

See Dwelling, Nursing Home

**Nutrient Unit (NU):**

An amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the *Nutrient Management Act, 2002*) and as provided by the Minimum Distance Separation (MDS) Formulae approved by the Province of Ontario (as amended from time to time).

**Noxious Use / Contaminant**

shall mean an offensive use or trade within the meaning of The Public Health Act or any use which is a nuisance by reason of emission of airborne or waterborne odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot or waste, or the depositing or leaving of unsightly objects or chattels on land, which may be hazardous or injurious as regards health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

**Obstacle Limitation Surface**

means a surface that establishes the limit to which objects may project into the airspace associated with an aerodrome so that aircraft operations at the aerodrome may be conducted safely. The Obstacle Limitation Surface includes a Takeoff and Approach Surface, a Transitional Surface and an Outer Surface.

**Occupancy**

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

**Office**

means any building or part of a building in which business may be transacted, a service performed or consultation given, but excludes such uses as retail sale, repair, manufacture, assembly or storage of goods, or places of assembly and amusement.

**Office, Business**

means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business brokerage, or labour organization, and shall exclude such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

**Office, Professional**

means any office where professionally qualified persons, technical assistants and associated clerical staff are employed and where clients or patients go for advice, consultation or treatment. Without limiting the generality of the forgoing, professional office uses may include: business providing qualified professional services such as physicians, lawyers, drugless practitioners, and planners; and any other use of a similar nature which conforms to



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the criteria above; but shall not include the uses of a Personal Service Shop or Service Shop.

**Official Plan**

shall mean the Official Plan for the Municipality of Morris-Turnberry, including amendments thereto as adopted by Municipal Council and as approved by the County of Huron.

**On-Farm Diversified Use:**

Means uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products. On-farm diversified uses may include accessory retail of goods produced on the property or goods produced on farms location within a 50km radius.

**Open Space, Usable**

shall mean an area of land on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area, or loading space.

**Outdoor Display**

shall mean the open air display of goods or merchandise for sale.

**Outside Amenity Area**

means an outdoor rear yard amenity area within the boundaries of a lot for aesthetic and recreational use and may include landscaped open areas, patios and swimming pools but shall not include any driveway or parking area.

**Outside Storage**

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

**Outer Surface**

means a surface located in a horizontal plan above the Richard LeVan Airport and its environs. The Outer Surface at the Richard LeVan Airport is 45 metres above aerodrome elevation and extends to 4000 metres from the geographic centre (middle of main runway).

**Owner**

shall mean the person who holds legal title to a piece of property

**Park Model Trailer**

means a manufactured building used or intended to be used for residential occupancy designed and constructed in conformity with CAN/CSA-Z241 Series – M, “Park Model Trailers”.

**Park, Private**

means a non-commercial recreational area other than a public park used by the owner and their guests, and may include therein one or more swimming pools, wading pools, picnic areas, refreshment rooms, tent camping areas, tennis courts, bowling greens, or similar open space uses.

**Park, Public**

means a recreational area owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario, or any religious, charitable or philanthropic

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organizations. The Municipality may consider including a ‘naturalization’ component to all parks within Natural Environment zones.

**Parking Aisle**

shall mean a portion of a parking area which abuts on one or more sides parking spaces to which it provides access and which is not used for the parking of vehicles.

**Parking Area, Required**

shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, maneuvering areas, entrances, exists, and similar areas used for the purpose of gaining access to and egress from the said parking spaces, but shall not include any part of a highway, street or road; and
- b) is provided and maintained in accordance with all applicable provisions of this By-law.

**Parking Lot**

shall mean a lot used or intended for the temporary parking of 2 or more motor vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

**Parking Space**

shall mean a space on which a motor vehicle may be temporarily parked. For ‘Parking Area Regulations’ see General Provisions.

**Permitted**

shall mean permitted by this By-law.

**Person**

includes any individual, association, partnership, corporation, Municipal 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 Services Shop**

see “Service Shop – Personal” and “Service Shop – General”

**Petroleum Work**

shall mean as defined by the *Oil, Gas and Salt Resources Act*, as amended from time to time, a Pipeline or Petroleum Well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

**Pit**

shall mean a place where consolidated gravel, stone, earth, clay, fill, mineral, consolidated rock, or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes.

**Pit, Wayside**

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

**Place of Entertainment**

means a motion picture amusement arcade or other theatre, auditorium, billiard or pool room, bowling alley, ice or roller skating rink, curling rink, or dance hall, but does not include any place of entertainment or recreation

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otherwise defined or classified in this By-law.

**Plant, Hot Mix**

means a building or structure used for the manufacturing of asphalt in a form suitable for the immediate use in the paving of roads or driveways and the damp proofing of buildings and structures.

**Plant, Ready Mix**

means a building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads or driveways.

**Planting Strip**

means an area which shall be used for no purpose other than planting a row of trees 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.

**Playground**

means an area of landscaped open space, equipped with children's equipment, such as slides, swings or wading pools.

**Point of Reception**

"Point of reception" is a definition that is used by the Ministry of Environment in assessing an application for a Certificate of Approval for wind energy facilities. A point of reception includes the following structures/uses on separately titled lots: a dwelling; recreational residence; hotel; motel; nursing home; retirement home; hospital; campground; school; or place of worship on a separately titled lot.

**Portable Asphalt Plant**

means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process. It is not of permanent construction, but is designed to be dismantled at the completion of the construction project.

**Private Club**

means a building or part of a building used as a meeting place for members of a chartered organization, and shall include a lodge a fraternity or sorority house, hostel, and a labour union hall.

**Private Garage or Carport**

means an attached or detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy.

**Privacy Fence**

shall mean a solid and continuous fence constructed of suitable material to a height of not less than 1.5 metres (5.0 feet) so as to provide a year round visual barrier.

**Professional Office**

see 'Office, Professional'

**Public Authority**

shall mean the Council and any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Planning Committee or other board or commission

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or committee of the Municipality of Morris-Turnberry established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by By-law of the Municipality. The Federal Government of Canada and the Government of the Province of Ontario and any boards, departments, commission or agencies thereof may be considered as public authorities.

**Public Building**

shall mean any building or structure owned or leased by a municipal corporation, county corporation, Province of Ontario or the Government of Canada and in which government activities are carried out.

**Public Utility**

shall mean a waterworks, a water supply system, sewage works, electricity generation facilities and transmission and distribution systems, hydro corridors, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

**Pump Island**

means that portion of an automobile service station, public garage or portion of a non-residential use for the retail sale of automotive fuels, which includes the gas pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.

**Reconstruction**

shall mean to construct again.

**Recreation, Active**

shall mean the use of land, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course and a sports field, and motorized vehicle trails.

**Recreation, Passive**

shall mean the use of land and/or water for the purpose of passive leisure activity and shall include such uses as a park, a garden, a picnic area and the like, equestrian and hiking trails, as well as a playground with activity equipment for children.

**Recycling Centre**

shall mean a building or an area where materials, excluding motor vehicles and farm machinery, are collected, separated and processed.

**Redevelopment**

means development subsequent to the total or partial removal of buildings from land.

**Regulatory Flood**

see 'Flood, Regulatory'

**Regulatory Floodline**

see 'Floodline, Regulatory'

**Renovation**

means the repair and restoration of a building to good condition within existing external walls but shall not include its replacement.

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**Replacement**

shall mean when used in reference to a building or structure or part thereof, and the rebuilding, repairing or restoring of more than 25% of the total building or structure.

**Research and Development Facility/Laboratory**

shall mean a building or group of buildings in which are located facilities for scientific research, investigations, testing or experimentation.

**Residence**

see 'Dwelling'

**Residential Use**

means the use of a building or structure or parts thereof as a private dwelling.

**Restaurant**

see 'Eating Establishment'

**Retail Sales or Service Area**

shall mean floor area where goods and services are made available for sale but shall not include storage areas or other commercial uses.

**Retail Store**

means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise substances, articles or things sufficient only to service such stores but does not include a food or grocery store, any manufacturing, processing or construction uses.

**Retirement Home**

shall mean a building for the accommodation of senior citizens, within single or double rooms or suites which do not contain kitchens, and where central kitchen, dining and laundry facilities are provided for the residents, together with other communal facilities, under the supervision of resident and other staff, but which shall not include a Nursing Home, licensed under the *Nursing Homes Act*, as amended from time to time.

**Right-of-Way**

shall mean a legal agreement which affords access to abutting lots.

**Road (Private)**

shall mean a road which is not assumed by the Ministry of Transportation, the County of Huron or the Municipality and shall provide private access to any lots abutting thereon.

**Road, Street or Highway (Public)**

means a road which has been assumed by the Ministry of Transportation and Communications, the County of Huron or the Municipality of Morris-Turnberry and shall mean such public highway, street or road as affords the main means of access to any lots abutting thereon.

For the purpose of setbacks, an unopened or unassumed road allowance shall also be considered a road, street or highway (public).

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- a) **Road, Arterial** - are designed to facilitate through traffic. These roads will be developed, where possible, on a 100 foot road allowance and direct access will be limited so as not to impede the efficient flow of through traffic. In North Huron, all King's Highways are arterial roads.
  - b) **Road, Collector** - have the dual function of carrying moderate volumes of traffic and providing land access. Collector roads distribute traffic between local and arterial roads and carry lighter volumes for shorter trips than an arterial road. These roads will be developed, where possible, on a 100 foot road allowance. In North Huron, all County Roads are collector roads.
  - c) **Road, Local** - provide localized access and minimize through traffic. These roads will be developed, where possible, on a 66 foot road allowance. In North Huron, all Municipal roads are local roads.

### **Rural Areas**

means lands located outside of settlement areas, including natural environment and agricultural areas.

### **Salvage Yard**

includes a lot and/or premises for the storage and/or handling and/or sale of scrap or used materials, which without limiting the generality of the foregoing, shall include waste paper, rags, wood, bottles, bicycles, vehicles, tires, metal and/or other scrap material and salvage and includes a junk yard, scrap metal yard and an automotive wrecking establishment, including ancillary automotive sales and service establishment and premises.

### **Sawmill**

shall mean the use of land, building or structure for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products.

### **School**

means a school under the jurisdiction of a Board as defined in the *Education Act* or the *Universities or Colleges Act*, as amended from time to time.

- a) **School, Commercial** means a school operated by one or more persons for gain or profit.
- b) **School, Private** means a school other than a public school or commercial school under the jurisdiction of a private non-profit board of trustees or governors, a religious organization, or a charitable institution.
- c) **School, Public** means a public school under the jurisdiction of a public agency

### **Seniors Home**

see 'Home for the Aged, Dwelling'

### **Separation Distance**

means the horizontal distance between buildings or structures measured from the closest point on the exterior wall of such buildings or structures.

### **Service Shop**

#### **Service Shop, Personal**

means a building or part of a building not otherwise defined or classified herein, for the performance of personal services such as health studios, a barber shop or beauty parlor.

#### **Service Shop, General**

means a building or part of a building used for the servicing, cleaning, maintenance, renovation, or repair of articles, goods or materials, including radio, television, and appliance repair shops, and laundromats. This definition shall not include any manufacturing operation, or any establishment used for the service or repair of motor vehicles.

### **Service Station**

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means a building and/or lot used for the service and repair of motor vehicles and may include the sale of fuels, lubricants and parts for motor vehicles.

**Setback**

See 'Building Setback'

**Settlement Areas**

means towns, villages and hamlets where development is concentrated, and the surrounding land has been designated for urban development in the Official Plan.

**Sewage Treatment Plant**

shall mean the use of land and/or buildings for the purposes of treatment and disposal of sanitary sewage and includes accessory transfer stations and pumping stations.

**Shopping Centre**

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 of owners or tenants, acting in collaboration and shall include a parking lot.

**Sign**

means a name, identification, description, device, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign permit may be required for the erection of any sign up on private or public property in accordance with the Municipal Sign By-law.

**Sinkhole**

sinkholes are closed depressions that form by the dissolution of underlying soluble bedrock and they function as connections between surface and groundwater.

**Site Plan**

shall mean a scaled drawing showing the relationship between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking area, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

**Solar Collector**

shall mean a device or combination of devices and/or structures that transform solar energy into thermal, chemical or electrical energy.

**Solar Energy System**

shall mean a system designed for the collection, storage and distribution of solar energy.

**Sports and Recreation Facility**

shall mean land, buildings or structures used for the purpose of active leisure activities and shall include such uses as an arena, swimming pool, community centre, curling rink, outdoor ice rink, a sports field and uses accessory thereto.

**Stockyard**

shall mean the use of land, a building or a structure for the temporary containment of livestock.

**Storage (Commercial) Warehouse**

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see 'COMMERCIAL STORAGE WAREHOUSE'

**Storey**

shall mean that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres above average finished grade and provided also that any portion of a storey exceeding 4 metres in height shall be deemed an additional storey for each 4 metres or fraction thereof of such excess.

**Storey, Half**

shall mean the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, sidewalls not less than 1.2 metres in height and a ceiling with a minimum height of 2.3 metres over an area equal to at least 50% of its floor area.

**Street**

See 'Road, Street or Highway (Public)'

**Street Line**

means the boundary line between a street and a lot.

**Structure**

shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure, including manure storage facilities. For the purposes of this By-law "structure" does not include a fence, retaining wall, hedge, light standards, tombstones, sports screening, signs or a swimming pool.

**Swimming Pool**

means any body of water located outdoors, contained by artificial means, and having a depth of greater than .3 metres at any point, and used and maintained for the purpose of swimming, wading, diving or bathing, not including an existing or new pond built for agricultural purposes.

**Takeoff and Approach Surface**

means an inclined plan beyond the end of a runway and preceding the threshold of a runway.

**Tavern**

shall mean tavern as defined by the *Liquor License Act*, as amended from time to time.

**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.

**Temporary Use**

means the use of land, building or structure for a construction office, tool shed, or for the storage of scaffolds, equipment and material which is incidental to and necessary for construction work in progress for so long as the same are necessary for the construction work which has neither been finished nor abandoned on the same lot. 'Abandoned' means the failure to proceed expeditiously with the construction of a work.

**Temporary accommodation for aeronautics uses**

means a maximum of four lounge chairs or cots in a single room available to pilots resting at the Richard Levan Airport between flights. Adequate washroom facilities will be provided. Temporary accommodation for aeronautics uses shall not include a motel, hotel, boarding, lodging or rooming house.



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**Tenant**

means a person or group who occupies a building, structure or land by rental agreement.

**Terms**

all terms used in this By-law, which are not otherwise specifically define, shall have the meanings given to them by the *Planning Act* and the *Condominium Act* at the relevant point in time.

**Theatre**

shall mean an establishment which produces/performs plays, films and live theatre productions along with any appropriate accessory uses used in performance productions and management; in addition, an accessory art gallery and food concession may be permitted.

**Tillable Hectares**

means the total area of land including pasture that can be cultivated.

**Top-of-Bank**

means a line delineated at a point where the oblique plane of the slope meets the horizontal plane.

**Trailer**

A trailer may include a trailer for the transport of vehicles, equipment and materials.

**Trailer and Tent Park**

shall mean any land upon which overnight, short term or seasonal accommodation for 2 or more travel trailers used or intended to be used for human occupation is provided and includes ancillary commercial laundry, social and recreational facilities.

**Transitional Surface**

means a complex surface along the side of the runway strip at the Richard LeVan Airport and part of the side of the approach surface that slopes upwards and outwards up to the outer surface.

**Travel Trailer**

shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purposes of being drawn or propelled by the said motor vehicle and capable of being used for living, sleeping or eating accommodation, notwithstanding that such vehicle is jacked up or, that its running gear is removed.

**Travel Trailer Sales Establishment**

shall mean a building, structure or lot used for the display and sale of travel trailers and includes the servicing or repair of said travel trailers.

**Truck Transport Terminal**

shall mean a building or structure, or lot used for the parking, repairing or dispatching of Commercial motor Vehicles or trailers, as defined by the *Highway Traffic Act*, as amended from time to time.

**Underwing Camping**

means a maximum of 6 tent sites with access to washroom facilities as an accessory use to the Richard LeVan Airport. Tent sites are to be used by pilots and airplane passengers as temporary accommodation in tents at the Richard LeVan Airport.

**Unit in a Plan of Condominium**

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means a part of the property designated as a unit by the description and includes the space enclosed by its boundaries and all of the land, structures and fixtures within this space in accordance with the declaration and description.

**Urban**

means those land uses designated for residential, recreational, commercial, industrial, community facility or developmental within a recognized Town, Village, Hamlet or other recognized urban area.

**Urban Expansion**

means the outward expansion of settlement areas for such uses as residential, recreational, community facility, commercial and industrial.

**Use**

shall mean the purpose for which any land, building, structure, or premises, or part thereof, is arranged, designed or intended to be used, or is or may be occupied or maintained and the words 'used', 'to use' and 'uses' have a corresponding meaning.

**Utility Service Building**

shall mean a building used in connection with the supplying of local utilities services including a water or sewage pumping station, a water storage reservoir, a gas regulator building, a hydro sub-station, a telephone building for exchange, long distance or repeater purposes (but does not include major hydro corridors and transformer stations of 230kv or more).

**Veterinarian's Clinic**

shall mean a building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, and where such animals can be temporarily boarded.

**Warehouse**

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

**Waste Disposal Site**

shall mean any land approved by the Ministry of the Environment upon, into or in which waste may be deposited or processed.

**Water Supply**

shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Municipality of Morris-Turnberry and/or the Ontario Ministry of the Environment for public use.

**Water System, Communal**

shall mean a private water distribution supply system in which water is piped to more than one dwelling or business operation.

**Watercourse**

shall mean a natural/artificial channel for a stream and, for the purpose of this By-law, includes a channel for an intermittent stream.

**Wholesale Use**

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

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**Wind Energy Facility**

shall mean any device and related equipment that is used, or designed to be used, for the production of electrical power where wind is the energy source, including wind turbines, vertical axis wind turbines and horizontal axis wind turbines.

**Wind Energy Facility, Small-Scale**

wind energy facilities which are intended to generate electricity. A small-scale wind energy facility in an urban zone has a maximum nameplate capacity of 25 kW. A small-scale wind energy facility in an agricultural zone has a maximum nameplate capacity of 500 kW.

**Wind Energy Facility, Commercial Scale**

scale wind energy facilities are wind energy facilities which have a nameplate capacity exceeding 500 kilowatts (kW) and are intend to generate electricity for commercial purposes.

**Yard**

means an open area of land, unoccupied and unobstructed except as otherwise provided for or required by this By-law, located on the same lot or zone within a lot with a main building or structure. See Appendix 4, Illustration of Yard Definitions.

**Yard, Front**

means a yard extending across the full width of the lot or zone within the lot between the front 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.

- "Front Yard Depth" means 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.

**Yard, Rear**

means a yard extending across the full width of the lot or zone within the lot between the rear lot line of the lot or rear zone boundary and the nearest open storage use on the lot.

- "Rear yard Depth" means the least horizontal dimension between the rear lot line of the lot or rear zone boundary and the nearest part of any building or structure on the lot or zone, or the nearest open storage use on the lot or zone.

**Yard, Side**

means a yard extending from the front yard to the rear yard and from the side lot line of the lot or side zone boundary to the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

- "Side Yard Depth" means the least horizontal dimension between the side lot line of the lot or side zone boundary and the nearest part of any building or structure on the lot or zone, or the nearest open storage use on the lot or zone.
- "Side Yard Exterior" shall mean a side yard immediately adjoining a public street
- "Side Yard Interior" shall mean a side yard immediately adjoining a lot and does not include an exterior sideyard.

**Zone**

means an area delineated on the Zoning Map or Zoning Map Schedules and established by this By-law for a specific use.

**Zoning Administrator**

shall mean the officer or employee of the Corporation charged with the duty of administering and enforcing the provisions of this By-law.

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## **SECTION 3: GENERAL PROVISIONS**

### **3.1. APPLICATION**

The provision of this section shall apply to all zones except as otherwise indicated in the applicable zone provisions.

### **3.2. APPLICATION OF OTHER BY-LAWS, REGULATIONS, LEGISLATION**

Nothing in this By-law shall operate to relieve any person from the obligation to comply with the requirements of the *Ontario Building Code Act* or any other By-law of the Municipality in force from time to time or the obligation to obtain any other license, permit, authority or approval lawfully required by a governmental authority having jurisdiction to make such restrictions. This includes where appropriate, regulations and permits as administered by the Maitland Valley Conservation Authority.

### **3.3. ACCESSIBILITY**

All new buildings, with the exception of residences, should have regard to accessibility. Accessibility issues will be considered in accordance with the *Ontarians with Disabilities Act* and or municipal legislation regarding accessibility.

### **3.4. ACCESSORY BUILDINGS**

Private garages or other accessory buildings or structures:

- 3.4.1. shall not be used for human habitation except where a dwelling is a permitted accessory use;
- 3.4.2. shall not be built in a front yard. Where an accessory building or structure is built on a corner lot, it shall be located in the side yard which is not adjacent to the flanking street or in the rear yard and not closer to a street than the setback required for the main building, except that this provision does not apply in AG1 or AG2 Zones.
- 3.4.3. when detached, shall not exceed 6 metres in height nor contain more than two storeys except when in a VC2 zone where the maximum height is 10 metres not containing more than two storeys (as per By-law 48-2022);
- 3.4.4. shall not exceed 10 percent coverage of the total lot area;
- 3.4.5. shall not be built closer than 1.25 metres to a lot line except for semi-detached garages which may be centred on a mutual side lot line;
- 3.4.6. shall not be built closer than 2 metres to a main building
- 3.4.7. shall not be considered for the purposes of calculating lot coverage even if attached to the main building in any way, except for accessory residential uses.
- 3.4.8. in all zones except AG1 and AG2 no accessory building or accessory use shall be established on any site or lot until and unless the main building or use to which it is accessory is established.

### **3.5. BED & BREAKFAST SPECIAL PROVISIONS**

A tearoom or dining room in conjunction with an approved Bed & Breakfast shall be allowed in any zone permitting a Bed & Breakfast, provided:

- a) No commercial fat fryers or commercial exhaust fans will be allowed. Only appliances and fixtures normally used in a residence will be allowed.
- b) A maximum of 30% of the floor area of the house may be used for seating area for the tea room or dining room.
- c) The hours of operation shall be between the hours of 7:00 a.m. and 10:00 p.m.
- d) The required parking for a tearoom or dining room shall be the same as for a 'Bed and Breakfast' in the Parking Area Regulations, General Provisions. This parking will be required in addition to the parking required for the dwelling and the bed and breakfast. All parking for the tearoom or dining room shall be totally located on the property and shall not be located in the front yard or exterior side

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yard. All other provisions of this parking regulation shall be complied with.

- e) No sign except a small sign to recognize the business shall be allowed. Any sign for a bed and breakfast and a tearoom or dining room shall be approved by the Municipality prior to installation. No exterior signs with interior lighting shall be allowed.
- f) Building Code Act requirements for the septic system have been satisfied.

### **3.6 BUILDINGS PER LOT**

No person shall erect more than one main building on a lot or establish more than 1 main use on a lot unless otherwise specified within this By-law, except:

- 3.6.1 permitted buildings and uses in a General Agricultural Zone (AG1), Agricultural Commercial Industrial (AG3), Village Industrial (VM1), Community Facility (CF) or Airport Lands (AL) Zone;

### **3.7 REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES**

The Maitland Valley Conservation Authority and the Saugeen Valley Conservation Authority have jurisdiction in the Municipality of Morris-Turnberry.

The regulations of a Conservation Authority affect certain areas such as:

- floodplains
- areas subject to slope instability and soils instability
- hazardous areas along the Lake Huron shoreline
- riverine valleys
- wetlands

No development is permitted on lands shown within Conservation Authority Notification Area until it has been determined that the proposed development meets the requirements of all applicable laws regulated by the respective Conservation Authority.

Prior written permission of a Conservation Authority may be required to construct a building or structure, place or remove fill of any kind, or alter or interfere with a watercourse, shoreline or wetland. These areas are identified on the Key Maps of this By-law.

It is recommended that prior to the commencement of any of the above activities, the Conservation Authority be contacted to determine if their Regulations apply to the lands. Further information regarding these regulations is available at the Conservation Authorities' offices.

### **3.8 DANGEROUS USES**

No land, building or structure except automobile service stations, and duly licensed installations for the bulk storage of gasoline, lubricating oil, fuel oils and propane may be used for commercial or industrial purposes which are likely to create danger to health, or danger from fire or explosion which without limiting the generality of the foregoing shall include storage or manufacture of coal oil, water oil, rock oil, fuel oil, burning fluid, gas, naphtha, benzene, gasoline, dynamite, dualine, nitroglycerine, gunpowder, petroleum and petroleum products.

### **3.9 DETERMINATION OF NATURAL ENVIRONMENT ZONE BOUNDARIES**

Where a natural environment zone boundary in this by-law is to be determined, the person authorized by Council to enforce this by-law shall determine such zone boundary by reference to the zone limits as shown on this by-law and by a site inspection of the subject property.

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### 3.10 ENCROACHMENT EXPECTATION

Where a building or structure is legally established and believed to be in compliance with the Zoning By-law but is subsequently shown, by an Ontario Land Surveyor's legal survey, not to comply with the provisions of the Zoning By-law, an encroachment of 0.25 metres is permitted into any yard.

### 3.11 ENCROACHMENTS

#### 3.11.1 Encroachment in Yards, Permitted

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided however, that fences and hedges in accordance with the provisions of Section 3.17 (Fences) of this By-law shall be permitted and that those structures listed in the following table shall be permitted to project into the minimum yards indicated for the distances specified below:

<b>Structure</b>	<b>Yards in which projection is permitted</b>	<b>Maximum projection permitted from main wall</b>
Sills, belt courses, cornices, eaves, gutters, chimneys or pilasters	All yards	0.75 metres
Fire escapes and exterior staircases	Rear yard or side yard	1.5 metres
Window bays	Front, rear and exterior side yards only	1 metre over a width of 3 metres
Balconies	Front, rear and exterior side yards only for single-detached dwellings	1.5 metres
Open, roofed porches not exceeding one storey in height, uncovered terraces	All yards	2.5 metres including eaves and cornices provided that no porch or terrace extends closer than within 1.0 metres of any lot line or prevents access to any rear yard
Retaining Walls	All yards	No maximum or minimum requirements.

#### 3.11.2 Encroachment Exception

Where a building or structure is legally established and believed to be in compliance with the Zoning By-law but is subsequently shown, by an Ontario Land Surveyor's legal survey, not to comply with the provisions of the Zoning By-law, an encroachment of 0.25metres is permitted into any yard.

### 3.12 ESTABLISHED FRONT YARD

Notwithstanding the yard and setback provisions of this By-law to the contrary, a building may be erected closer to the street line than required by the zone provisions provided that the proposed building may not be established closer to the street than the average setback of the 2 nearest buildings on the same side of the street within 200 metres.

### 3.13 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this By-law shall not apply to cell towers, chimneys, church spires, clock towers, elevator enclosures, flag poles, grain elevators, silos, sky-lights, television or radio antennae, ventilators, water tanks, windmills, or wind turbines.

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### **3.14 EXISTING AGRICULTURAL LOTS**

Notwithstanding the provisions of Section 4 to the contrary, all lots zoned AG1 (General Agriculture) which are between 10 and 49 acres in size, and existed on the date of passing of the Municipal Zoning By-law, are permitted one single family residence which is not accessory to agriculture subject to the following siting provisions:

3.14.1 The residence complies with Minimum Distance Separation (MDS)

3.14.2 The residence has access to an open public road

3.14.3 There is suitable on-site sewage disposal and potable water supply.

### **3.15 EXTERIOR LIGHTING**

The type, location, height, intensity and direction of lighting shall be designed to ensure that lighting is confined to the building face, parking area and vicinity of the site and does not cast glare onto adjacent properties adversely affecting the use of the property or onto an adjacent public street which would pose a vehicular safety hazard. Energy conservation measures should be considered to ensure the site is not illuminated more than necessary.

### **3.16 EXTERNAL BUILDING MATERIALS**

The following building materials shall not be used for the exterior vertical finished facing on any wall of any building or structure within the Municipality:

- tar paper or building paper
- asphalt roll type siding or insul brick
- plain concrete or plain cinder block in Residential areas
- galvanized steel in VR1, VC1 zones.

### **3.17 FENCES**

No fence more than 2 metres in height shall be allowed in VR1, VR2, with the exception of fences surrounding pools, the maximum height which shall be 2.5 metres.

### **3.18 GARDEN SUITES**

Garden Suites are permitted in the Municipality of Morris-Turnberry in accordance with the provisions of the Planning Act, Section 39.1. A Garden Suite may transition to a permanent Additional Residential Unit provided it meets the provisions of the appropriate section of this Bylaw. (as per By-law 48-2022)

As a condition to passing a by-law authorizing the temporary use of a garden suite under the Planning Act, the Municipal Council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including:

- a) The installation, maintenance and removal of the garden suite
- b) The period of occupancy of the garden suite by any of the persons named in the agreement
- c) The monetary or other form of security that the council may require for actual or potential cost to the municipality related to the garden suite.

### **3.19 HAZARD LAND REQUIREMENTS**

In addition to the zone provisions of the applicable zones, this By-law shall regulate development on and adjacent to Hazard lands. Hazard lands include those lands that are susceptible to flooding or erosion, have steep slopes or soil instability or other environmental or human made hazard.

No development shall be permitted on hazard lands or adjacent to hazard lands until required studies have been completed to the satisfaction of, and approved by the Municipality of Morris-Turnberry and the Conservation Authority. Hazard lands may be zoned Flood Fringe (FF), Floodway (FW), Natural Environment (NE1) or Natural Environment (NE2). All hazard lands are subject to this general provision.



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### **3.20 LOADING SPACE REGULATIONS**

#### **3.20.1 Loading Space Requirements**

The owner or occupant of any lot, building or structure in a Commercial, Community Facility, or Industrial Zone, erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise and raw materials, shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, loading or unloading facilities comprising one or more loading or unloading spaces 9metres long, 3.5 metres wide and having a vertical clearance of at least 4metres, and in accordance with the following schedule:

<b>Total Floor Area of Building or Structure</b>	<b>Minimum Number of Loading Spaces</b>
0 to 200 sq. m	0
Exceeding 200 sq. m	1

#### **3.20.2 Access**

Access to loading or unloading spaces shall be by means of a driveway at least 4.0 metres wide contained within the lot on which the spaces are located and leading to a street or lane located within or adjoining the Commercial, Community Facility or Industrial Zone.

#### **3.20.3 Location**

The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of 16 metres.

#### **3.20.4 Additions to Buildings**

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area as it existed as such date is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided for each addition or change of use as required by Section 3.20.1 of this By-law for such addition or change of use.

### **3.21 LOT ENLARGEMENT, MINOR**

Where lands are severed and merged on title with abutting lands, the zoning on the abutting lands property shall apply to the lands to be merged on title. This provision applies only where a consent is granted for the purpose of a minor lot enlargement. The resulting lot area of the retained parcel is deemed to comply with the provisions of this zoning by-law.

### **3.22 LOT SIZE, AGRICULTURAL SEVERANCE**

Where a new agricultural lot is created by severance, and conforms with the Official Plan and has a minimum lot area between 18 and 38 hectares, the said lot is deemed to comply with the minimum lot area provisions of this By-law (Section 4). This provision pertains to both the severed and retained lot area.

### **3.23 LOTS, THROUGH**

Where a lot, which is not a corner lot, has frontage on two streets, the front yard setback requirements shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located. This setback provision does not apply to a through lot between a street and a lane.

### **3.24 LOTS, TWO OR MORE**

Where two or more lots in a Plan of Subdivision are used together as a single parcel on which a building or structure exists or is to be established, yards, setbacks, and other applicable provisions shall be calculated as they apply to the parcel as a whole containing such building or structure.

Where the building or structure does not meet the zoning provisions with respect to setback from the common lot line between the lots being developed as a single parcel, the lots being developed must first be deemed not to

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be a registered subdivision, pursuant to section 50(4) of The Planning Act.

### **3.25 LOTS TO FRONT ON PUBLIC ROAD**

Unless otherwise specified by this by-law, a building or structure shall not be erected nor any land, building, or structure used unless the property abuts or fronts on an open public road.

#### **3.25.1. Plan of Subdivision**

Lots in a registered plan of subdivision are deemed to meet the requirement to front on a street where the agreement registered on title between the Municipality and the subdivision developer provides for the use and development of lots in the subdivision prior to the Municipality's assumption of the roads in the subdivision.

#### **3.25.2. Plan of Condominium**

For a Plan of Condominium, only the development as a whole must front on a street provided all the units within the condominium plan have legally enforceable access to a road.

### **3.27 NON-COMPLYING BUILDINGS AND STRUCTURES**

Where a building or structure was legally established prior to the date of the passing of this By-law, and is permitted by the provisions of the zone in which such use, building or structure is located, but does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback or any other provisions of this By-law applicable to that zone, the said building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that:

3.27.1 The enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of that building or structure, with the provision(s) of the By-law to which it does not comply; and

3.27.2 Where a non-complying building is removed or destroyed, such building may only be reestablished or reconstructed, within 2 years from the date of destruction. Following this period of time the building may only be reestablished in conformity with the provisions of the by-law;

3.27.3 Where a house or barn which has been destroyed or intentionally removed is to be reestablished within a period of 2 years the establishment of a different house or barn on a neighbouring lot shall be subject to the separation distances included within Minimum Distance Separation Formulae as if the house or barn which was removed or destroyed was still present.

#### **3.27.4 MDS and Catastrophes**

- Notwithstanding any other provisions of this By-law to the contrary, where a building or structure is destroyed in whole or in part, by a catastrophe, MDS I will not be applied when the building or structure is rebuilt provided that it is built no closer to livestock facilities than before the catastrophe
- Notwithstanding any other provisions of this By-law to the contrary, where a livestock facility is destroyed in whole or in part, by a catastrophe, MDS II will not be applied when the livestock facility is rebuilt, provided it is built no closer to surrounding land uses and lot lines than before the catastrophe, and the values of Factor A, B and/or D have not been increased for the livestock facility.

#### **3.27.5 Continuation of Legal Non-Complying Status**

In the case of a rezoning or severance these provisions shall continue to apply such that the building or structure shall be deemed to comply with any applicable zoning provisions, except parking requirements, resulting from such rezoning

#### **3.27.6 Location of Reconstructed Building**

Where a non-complying building is removed or destroyed, such building may be reconstructed in a different location than the original building, on the same lot, provided that the new location does not further reduce the compliance with the provisions of the By-law to which the original building did not comply.

3.27.7 All other applicable provisions of this By-law are complied with.

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3.27.8. For the purpose of Section 3.27 a non-complying building or structure which existed on the date of passing of this By-law shall be considered legally established.

### **3.28 NON-COMPLYING LOTS, EXISTING UNDERSIZED**

Notwithstanding anything contained in this By-law, an existing legal non-complying lot which lacks the required frontage and/or area and/or depth for a lot in the respective zone, shall be deemed to be a lot that may be used for the uses permitted by this By-law and a building or structure may be erected, altered, or used thereon provided that:

3.28.1 The parcel can be legally conveyed by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent under Section 50 of the Planning Act, as amended from time to time.

3.28.2 All relevant requirements of the appropriate authority for septic systems/sanitary systems are complied with.

3.28.3 All other requirements of this By-law, including the appropriate zone, are complied with.

### **3.29 NON-CONFORMING USES**

#### **3.29.1. Continuation of Existing Uses**

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully established and used for such purpose on the date of passing of this By-law, and provided that it continues to be used for that purpose. All other applicable provisions of this by-law are complied with. *(Amended by By-law 20-2016)*

#### **3.29.2. Replacement of Buildings or structure for Non-Conforming Uses**

If a building or structure used for a non-conforming use is removed or destroyed, it may be replaced provided the non-conforming use has continued and the replacement building or structure does not further reduce the compliance with the provisions of the By-law to which the removed or destroyed building or structure did not comply, if any. *(Amended by By-law 20-2016)*

#### **3.29.3. Building Permit Issued**

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the date of passing of this By-law been approved by the Building Inspector, 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 erection of such building or structure is commenced within 2 years after the date of the passing of this By-law; and such building or structure is completed within a reasonable time after the construction thereof is commenced.

#### **3.29.4. Strengthening, Repairing or Renovating of Buildings or Structures Used for Non-Conforming Uses**

Nothing in this By-law shall prevent the strengthening to a safe condition, the repair or renovation of any building or structure or part of any building or structure which use does not conform with the provisions of this By-law, provided such strengthening, repair or renovation:

- Does not further reduce the compliance with the provisions of the By-law to which the building or structure does not comply, if any; and
- Does not involve any alteration of use and the building or structure continues to be used for the purpose. *(Amended by By-law 20-2016)*

#### **3.29.5 Conservation Authority Regulated Lands**

Within Natural Environment zones, Flood Way zones, Flood Fringe zones and areas regulated by the Conservation Authority, a Conservation Authority permit may be required. *(Amended by By-law 20-2016)*

3.29.6 *Deleted by By-law 20-2016*

3.29.7 *Deleted by By-law 20-2016*

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### 3.30 OCCUPANCY INCOMPLETE BUILDING

No new building or structure intended for human occupancy or use shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed and, where applicable, kitchen, heating and sanitary conveniences have been installed and are in satisfactory working order.

### 3.31 OUTDOOR SOLID FUEL COMBUSTION APPLIANCES

#### 3.31.1 Setbacks

No outdoor solid fuel combustion appliances shall be installed at less than 30 metres from any property line or less than 150 metres from any residence on a separate lot. No outdoor solid fuel combustion appliance shall be installed less than 10 metres from any combustible materials or fuel tanks.

#### 3.31.2 No Incineration of Waste

No outdoor solid fuel combustion appliances shall be used for the incineration of waste.

#### 3.31.3 Zone Restrictions

Outdoor solid fuel combustion appliances shall not be permitted in the VR1, VC1 zones.

#### 3.31.4 Approvals

Prior to the installation of any outdoor solid fuel combustion appliance each appliance shall be approved by the Chief Building Official and permit fees shall be as set out in the Municipal Building By-law. All outdoor solid fuel combustion appliances shall bear a C.S.A. or U.L. approval rating and be installed in accordance with the manufacturer's instructions. Prior to the use of and following installation of any outdoor solid fuel combustion appliance each appliance shall be inspected and approved by the Chief Building Official or his/her designate.

### 3.32 PARKING AREA REGULATIONS

The minimum number of parking spaces required for the uses set out in this By-law is provided as follows:

Type of Use	Minimum Parking Requirements
Assembly Hall, Auditorium, Arena, Church, Funeral Home, Sports Field, Theatre	1 per 4 persons of maximum designed capacity of the facility
Auction Sale Facility, Flea Market	Minimum 40 parking spaces.
Bowling Alley; Curling Rink; Driving Range; Social, Service, or Golf Country Club	1 per 10 square metres of total floor area devoted to public use of all club buildings, plus: <ul style="list-style-type: none"><li>• 2 per golfing green,</li><li>• 2 per lawn bowling green,</li><li>• 2 per tennis or racquetball court,</li><li>• 4 per curling ice sheet,</li><li>• 3 per indoor bowling lane,</li><li>• 1 per every driving range tee box.</li></ul> Where any one club provides seasonal recreational facilities such as golf (summer), or curling (winter), parking spaces for these activities shall only be provided for the season requiring the greatest number of parking spaces.
Clinic or Veterinary Clinic	6 per practitioner
Dwelling, Bed & Breakfast establishment	2 per dwelling unit plus 1 per guest room
Dwelling, Detached, semi-detached, duplex, converted, modular	1 space for each dwelling unit

<b>Type of Use</b>	<b>Minimum Parking Requirements</b>
Dwelling, Apartment, and other multiple unit dwellings	1.5 spaces for each dwelling unit
Dwelling, Group Home	2 per dwelling unit plus 1 per 4 group home residents
Dwelling, Home for the aged, nursing homes	1 per 3 beds
Dwelling, Lodging house, boarding or rooming house	1 per dwelling unit and 1 per room for rent
Eating establishment, restaurant, tavern	1 per 4 persons of maximum designed capacity, plus 10 for drive-in establishments
Fire hall	5 per bay
Furniture store, wholesale establishment	1 per 90 square metres of retail floor area
Grouped Commercial	6 spaces for each one hundred 100 sq. m of gross floor area.
Hospital	1 parking space for each 2 beds.
Hotel or Motel	3 plus 1 per guest room
Industrial Establishments and Warehouses	1 parking space for each 90 sq. m of gross floor area
Motor Vehicle Repair Establishment, Service Station, Sales & Service Establishment	4 plus 1 per repair bay
Offices and Government Buildings	1 parking space for each 40 sq. m or fraction thereof of floor space in the building
Public Building, except where specifically identified	1 space for each 30 sq. m of gross floor area. Minimum of 3 spaces for a library.
Retail Store, Department Store, Personal Service Shop	1 per 20 sq. m of retail and/or customer service floor area.
School, Daycare	1 space per 6 children who may be legally accommodated
School, Elementary	The greater of 1.5 per classroom or 1 per 10 square metres of auditorium assembly area
School, Secondary	The greater of 5 per classroom or 1 per 7.5 square metres of auditorium assembly area.
Supermarket, Grocery Store	1 space for each 10 sq. m of gross floor area.
Uses permitted by this By-law other than those referred to above	1 per 40 square metres of total floor area

### 3.32.2 Calculation of Spaces

- When a building or lot accommodates more than one use or purpose the required parking spaces shall be the sum of the required parking spaces for the separate uses or purposes.
- If calculation of the required parking spaces results in a number that is not a whole number, the required parking spaces shall be the next higher whole number.
- No parking lot area shall be located on a septic tank and tile bed disposal area.
- For all parking areas other than parking for VR1 and VR2 zones, a minimum of 1 accessible parking space shall be required.

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### 3.32.3 Parking Spaces for Individuals with Special Needs

3.32.3.1 Accessible parking spaces shall be provided to accommodate a varying range of abilities including those in wheelchairs, limited mobility and those caring for small children.

<b>Number of Automobile Parking Spaces</b>	<b>Number of Accessible Parking Spaces*</b>	<b>Number of Limited Mobility Parking Spaces*</b>
<b>1-50</b>	1	1
<b>51-100</b>	2	2
<b>101-200</b>	4	2
<b>201-300</b>	5	3
<b>301-500</b>	6	4
<b>501 and over</b>	6 plus 1 for each 100 over 500	4 plus 1 for each 100 over 500

\*the number of parking spaces required may not be sufficient for some facilities (e.g. seniors' centres) where increased numbers of persons with disabilities may be expected.

3.32.3.2 Designated accessible parking spaces shall:

- Be located on an accessible route that provides a safe path of travel from the parking area to the accessible entrance of the building. Where possible, the parking area should be located within 30m of the accessible entrance.
- Level and firm surface.
- Have a minimum vertical clearance of 2.75m
- Have a minimum width of 2.7m and a length of 5.5m
- Have an adjacent access aisle of a minimum of 2m, clearly indicated by markings.
- All accessible parking spaces shall be designated by painting a sign on the pavement and erecting a post mounted sign that displays the international symbol for accessibility, as illustrated in Appendix 7.

3.32.3.3 Designated limited mobility & caregivers only parking spaces shall:

- Have a minimum width of 3.2m wide and a length of 5.5m
- All limited mobility & caregivers only parking spaces shall be designated by erecting a post mounted sign that displays the international symbol for accessibility, as illustrated in Appendix 7.

3.32.4. Use of Parking Spaces and Areas

Any area where off-street parking is required under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid license plates.

For the purposes of this subsection "commercial motor vehicle" shall mean any commercial vehicles as defined in the *Highway Traffic Act*.

Notwithstanding the foregoing, no person shall within any Residential Zone use any part of any front yard except the driveway for the parking or temporary storage of tent trailers, motor homes, land cruisers, truck campers, boats or motorized snow vehicles and no person shall use any part of a front yard in a hamlet for the parking or storage of a house trailer.

No person shall in any Zone use any tourist or travel trailer for the purpose of providing temporary or permanent living or eating accommodation. Sleeping accommodation may be provided in a tourist or travel trailer, truck camper or motor home for a period not exceeding 14 days annually, notwithstanding that such trailer is jacked up or that its running gear is removed.

### 3.32.5 Parking Area Location on Lot

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

<b>Zone</b>	<b>Yards in which Required Parking Permit</b>
<b>Agricultural</b>	All yards provided that no part of any parking area, other than a driveway, is located closer than 1 metre to any street line.
<b>Residential</b>	Driveway, interior side yard and rear yard.
<b>Commercial</b>	All yards provided that no part of any parking area, other than a driveway, is located closer than 1 metre to any street line.
<b>Industrial</b>	Interior side and rear yards only except for visitor parking provided that no part of any parking area, other than a driveway, is located closer than 1 metre to any street line.

### 3.32.6 Multiple Use of Parking Area

Where two or more uses utilizing the same parking area will never occur simultaneously, the parking requirements of the use having the highest parking requirements shall govern.

### 3.32.7 Existing Buildings

The parking area requirement referred to in this By-law shall not apply to any building lawfully in existence at the date of passing of this By-law so long as:

- the building is used for a permitted use;
- the floor area as it existed at such date is not increased;
- any change of occupancy is to a use having the same or a lesser parking requirement according to this By-law;
- all parking spaces existing at the date of passing of the By-law are retained.

### 3.32.8 Additions to an Existing Building

If an addition is made to a building or structure lawfully existing at the date of passing of this By-law, then parking spaces in addition to those already existing shall be provided to the number required for such addition or change of use.

### 3.32.9 Parking Area Design Standards

All parking areas required under this By-law, in Commercial, Industrial and Community Facility Zones, shall conform with the following minimum standards:

#### 3.32.9.1 Parking Aisles

<b>Parking</b>	<b>in perpendicular width the aisle should be not less than</b>
30 degree	3.4 metres
45 degree	3.7 metres
55 degree	4.3 metres
60 degree	4.9 metres
65 degree	5.2 metres
70 degree	5.5 metres
90 degree	6.7 metres
Parallel parking	3 metres for one-way traffic 6 metres for two-way traffic
Parking at an angle other than those listed above	The aisle width shall not be less than the requirements for the angle of parking which is next greater than the angle of parking being provided

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### 3.32.9.2 Width of Parking Spaces

<b>Parking</b>	<b>Width</b>
For cars parked side by side	2.7 metres
For cars parked with wall or fence adjacent	3 metres

### 3.32.9.3 Depth of Parking Spaces

<b>Parking</b>	<b>in perpendicular width the parking space depth should be not less than</b>
30 degree	4.6 metres
45 degree	5.5 metres
55 degree	5.8 metres
60 degree	5.8 metres
65 degree	5.8 metres
70 degree	5.8 metres
90 degree	5.5 metres
Parallel parking	6.5 metres
Parking at an angle other than those listed above	The depth of the parking space shall meet the requirements for the angle of parking which is next greater than the angle of parking being provided

### 3.32.10 Use of Parking Spaces and Areas

Any area where off-street parking is required under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid license plates.

For the purpose of this subsection "commercial motor vehicle" shall mean any commercial vehicles as defined in the Highway Traffic Act, as amended from time to time.

Notwithstanding the foregoing, no person shall within any Residential Zone use any part of any front yard except the driveway for the parking or temporary storage of tent trailers, motor homes, land cruisers, truck campers, boats or motorized snow vehicles and no person shall use any part of a front yard in a hamlet for the parking or storage of a house trailer.

No person shall in any Zone use any tourist or travel trailer for the purpose of providing temporary or permanent living or eating accommodation. Sleeping accommodation may be provided in a tourist or travel trailer, truck camper or motor home for a period not exceeding 14 days annually, notwithstanding that such trailer is jacked up or that its running gear is removed.

#### 3.32.10.1 Commercial Motor Vehicles & Trailer-Tractors in Residential Zones

Notwithstanding the provisions of Section 3.32, no person shall use any lot, building or structure in a Residential Zone for the parking or storage of any commercial motor vehicle unless he or she is the owner or occupant of such lot, building or structure, the vehicle is accessory to the dwelling unit, and not more than one commercial motor vehicle is stored in accordance with this section. Further, however, a trailer-tractor or any commercial motor vehicle shall not be stored or parked in a Residential Zone if such vehicle exceeds 9 metres in length. No person shall use any lot, building or structure in a Residential Zone for the parking or storage of a tractor trailer. This provision shall not include commercial motor vehicles or tractor trailers which attend at residential premises for the purposes of delivery and service.

#### 3.32.10.2 Storage or Parking of Travel Trailers, Motor Homes and Personal Recreational Vehicles

##### a) Outdoors

Up to a total of 3 vehicles (travel trailers, motor homes, boats or personal recreational vehicles) may be parked



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or stored outdoors provided that these items are owned by the owner or occupant of the subject lands and provided the outdoor parking or storage shall be in:

- a carport
- an interior side yard or rear yard

Up to a total of 3 vehicles (travel trailers, motor homes, boats or personal recreational vehicles) may be parked or stored in an open driveway exclusive of any area covered by a sight triangle on a temporary basis for up to 2 weeks per year.

b) Fully Enclosed

This By-law shall not restrict the number of travel trailers, motor homes and personal recreational vehicles that are fully enclosed within a garage.

### **3.33 PLANTING STRIP REQUIREMENTS**

3.33.1 Planting Strip shall be provided:

- 3.33.1.1 On lands zoned or used for multiple dwellings where they abut (including along an exterior or rear lot line) lands zoned or used for detached, semi-detached, or duplex dwellings;
- 3.33.1.2 On lands zoned or used for any general commercial, highway commercial, agricultural-commercial-industrial, recreational commercial or industrial purpose where the interior or rear lot line abuts lands zoned or used for residential purposes or any public park;
- 3.33.1.3 On lands upon which a residential use or community facility use is being newly established where such lands abut (including along an exterior or rear lot line) an existing non-residential use, which is not maintaining a plant strip in accordance with Section 3.33.1.2 above;
- 3.33.1.4 Around the perimeter of outside open storage areas that may be established in the Industrial Zone, where such areas are adjacent to a building line;
- 3.33.1.5 Around the perimeter of an area zoned for disposal, salvage yard, or utilities and communications purposes;
- 3.33.1.6 On lands zoned for Community Facility uses where they abut (including along an exterior or rear lot line) lands zoned for residential purposes;
- 3.33.1.7 Where a planting strip is required adjacent to a municipal drain it shall be located in accordance with the Drainage Regulations.

3.33.2 Such planting strip shall have a width throughout of not less than 1 metre and may be included as part of the required yard.

3.33.3 Such planting strip shall be contained within the zone or on the lands for which it is a requirement, and shall run the entire length of the zone or property line or lines separating it from the abutting zone or use except that no planting strip shall be located between the street line and the building line in such a manner or of such a height as to obscure the vision of the operator of a motor vehicle travelling on a public street.

3.33.4 Such planting strip shall consist of a continuous unpierced planting of trees or shrubs, and shall be maintained at an ultimate height of not less than 1.75 metres.

3.33.5 Such planting strip shall be planted and maintained by the owner or owners of the land on which the planting strips are required.

3.33.6 Subject to the site plan approval, a solid fence or wall, of equivalent height, may be considered as an alternative to a planting strip. In any site plan agreement under Section 40 of The Planning Act using a fence or wall as an alternative to a buffer strip, the following aspects relating to the fence or wall shall be considered: location, height, porosity, materials and finishing.

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### **3.34 PROHIBITED USES**

All uses, including the following, shall be prohibited unless otherwise provided for:

#### **3.34.1 Dangerous Uses**

No land, building or structure, unless licensed, is permitted to be used for the storage or manufacture of dangerous goods for commercial or industrial purposes.

#### **3.34.2 Derelict Motor Vehicles**

No lot shall be used for the keeping of derelict motor vehicles that are in a wrecked, discarded, dismantled, unlicensed, inoperative or abandoned condition except as maybe provided for in 'Salvage Yard' (C4) Zone except that such vehicles may be stored inside a private garage.

#### **3.34.3 Keeping Livestock in Settlement Areas**

It shall be prohibited to keep livestock in Settlement Areas unless specifically permitted as in Section 3.34.3.1 (Exceptions to Keeping Livestock). The regulations, restrictions and prohibitions of all the other applicable By-laws continue to apply.

##### **3.34.3.1 Exceptions to Keeping Livestock**

Notwithstanding subsection 3.34.3 above and any other provision of this By-law to the contrary, any lot containing a dwelling unit may be used for the keeping of 2 horses, provided:

- such horse provides the primary means of transportation for the occupants of the dwelling unit
- all manure shall be contained in an enclosed building and manure shall be removed from the property at regular intervals to a suitable location in an Agricultural Zone
- the building or structure in which the horse is kept or in which the manure is enclosed shall be set back from the interior side and rear lot lines the distance required for accessory structures

Minimum Distance Separation (MDS 11) requirements shall not apply in Settlement Areas.

#### **3.34.4 Keeping Reptiles or Exotic Animals**

The keeping of reptiles, or exotic animals that are by their nature dangerous to human health or which create a noise nuisance, is prohibited within all zones; except where permitted by other provisions of this By-law.

#### **3.34.5 Keeping Stinging Insects**

It shall be prohibited to keep stinging insects in the VR1 and VC1 zones.

#### **3.34.6 Mobile Homes**

3.34.6.1 It shall be prohibited to locate or use a mobile home in any zone except in the General Agriculture (AG1), Agriculture Commercial Industrial (AG3), Agricultural Small Holdings (AG4) and Residential Park (R4) for any purpose, temporarily or permanently, unless the use of a mobile home for such purpose is listed specifically in this By-law as a permitted use with a particular use zone.

3.34.6.2 Where a mobile home is specifically listed as a permitted use within a particular use zone, each mobile home unit shall be placed on a permanent pad, substructure or permanent foundation support. All mobile homes shall be provided with durable skirting, with access where necessary, to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonize with the mobile home.

#### **3.34.7 Motorized Vehicle Racing Track**

No land shall be used for the establishment of a track for the racing of any motorized vehicle.

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### 3.34.8 Pits and Quarries

No land shall be used for pits and quarries, unless the land is within an extractive resources (ER1) or (ER2) zone, with the exception of wayside pits, portable asphalt plants and portable concrete plants as defined in the Aggregate Resources Act, which may be located in all zones except NE1 and Residential zones.

### 3.34.9 Salvage Yards/Sanitary Landfill Sites

The use of any land or the erection or use of any building or structure for the purposes of salvage yards or sanitary landfill shall be prohibited in all zones in a settlement area.

### 3.34.10 Travel Trailers on Vacant Residential Lots

It is prohibited to use vacant lots in the VR1 and NE1 zones for residential occupancy of travel trailers.

### 3.34.11 Vending From a Vehicle

No lands, streets or lanes in the municipality shall be used for the sale of food, goods or wares from the confines of a motor vehicle or trailer or cart unless the necessary permits have been issued by the Municipality and the Huron County Health Unit.

## 3.35 RESIDENTIAL SETBACKS FROM RAILWAY RIGHT-OF-WAYS

All forms of housing shall be screened from an adjacent railway right-of-way by a fence, hedge, wall or berm. The minimum distances between the nearest wall of the residential building and the boundary of the railway right-of-way shall be 15 metres.

## 3.36 SETBACK OF BUILDINGS AND STRUCTURES ALONG MUNICIPAL DRAINS AND NATURAL WATERCOURSES

3.36.1 No building or structure shall be erected closer than 7.5 metres from the centre line of a closed municipal drain or from the top-of-bank of a natural watercourse or open municipal drain having a top width of less than 4.5 metres from top-of-bank to top-of-bank;

3.36.2 No building or structure shall be erected closer than 15 metres from the top-of-bank of a natural watercourse or open municipal drain having a width of between 4.5 metres and 7.5 metres from top-of-bank to top-of-bank;

3.36.3 No building or structure shall be erected closer than 30 metres from the top-of-bank of a natural watercourse, open watercourse or open municipal drain which is more than 7.5 metres in width from top-of-bank to top-of-bank;

3.36.4 Notwithstanding the provisions of Section 3.36.1 to the contrary, in an urban zone the setback from a closed municipal drain may be reduced to 4 metres;

3.36.5 The provisions of Section 3.36 shall not apply to prohibit, in a Natural Environment Zone (NE1), the structures permitted in such zone.

## 3.37 SETBACK OF LIQUID LIVESTOCK MANURE STORAGE FACILITIES FROM WELLS AND WATERCOURSES

Notwithstanding Section 3.36 (Setback of Buildings and Structures along Municipal Drains and Natural Watercourses), covered steel, covered concrete, earthen, open concrete and open steel manure storage facilities shall be located in accordance with the setbacks in the table below.

Minimum Setback From:	covered steel or covered concrete	earthen	open steel or open concrete	To Covered, Open or Earthen Manure Storage, or Livestock Housing Facility
drilled well	15 m	50 m	20 m	15 metres
dug well	30 m	100 m	40 m	30 metres

<b>municipal well</b>				100 metres
<b>watercourse</b>	60 m	250 m	60 m	50 metre flowpath *
<b>open ditch</b>				50 metre flowpath *
<b>closed municipal drain</b>	15 m	50 m	20 m	15 metres
<b>field tile</b>				15 metres
<b>sink hole</b>				50 metre flowpath *

\* a definition of flowpath can be found in Section 2

### **3.38 SETBACKS FROM AN ACTIVE OR CLOSED WASTE DISPOSAL SITE, FOR RESIDENTIAL AND/OR LIVESTOCK BUILDING USES**

No new building or structure, or alternation to an existing building or any replacement of a building which has been accidentally destroyed that will be used for residential habitable space or livestock purposes shall be erected within 500 metres of the fill area of a Municipal landfill site or closed landfill site until it has been determined by a qualified professional to the satisfaction of the Municipality and the Ministry of Environment, that there will be no adverse off-site impacts. The assessment of impacts shall include the presence of methane/leachate and the potential for noise, odour, dust and litter complaints during operation. If there is a licensed disposal site located in an adjacent Municipality, the same setback shall apply to the lands in Morris-Turnberry. The potential influence area of municipal landfills in Morris-Turnberry is shown on the Key Maps.

### **3.39 SETBACK FROM ESTABLISHED COMMERCIAL SCALE WIND ENERGY FACILITIES**

No dwelling, recreational residence, hotel, motel, long-term care home, retirement home, hospital, campground, school, or church on a separately titled property shall be established closer to a wind energy facility than the distance established in obtaining the Ministry of Environment's Renewal Energy Approval.

### **3.40 SIGHT TRIANGLE**

3.40.1 On a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line (each such point being 7.5 metres measured along the street line from the point of intersection of the street lines), no building, structure, fence, or planting, (in excess of 0.75 metres in height) which would obstruct the vision of drivers of motor vehicles shall be erected. Such triangular space may hereinafter be called a "sight triangle".

3.40.2 Where 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.

3.40.3 This provision shall not apply to the planting of field crops.

### **3.41 STACKING LANES**

#### **3.41.1 Motor Vehicle Washing Establishment**

Every motor vehicle washing establishment shall be provided with a minimum of 3 vehicle waiting spaces measuring 2.5metres in width and 6 metres in length for each washing bay or 5 vehicle waiting spaces for an automatic motor vehicle washing establishment.

#### **3.41.2 Eating Establishments with Drive-Throughs**

Every eating establishment with a drive-through shall provide a stacking lane with adequate numbers of spaces to facilitate traffic movement. Drive through lanes shall comply with the following:

- no part of any drive through lane may be located within a parking area;
- no part of any drive through lane may be located within a parking aisle;
- drive through lanes must not obstruct parking spaces and cannot affect on-site circulation;
- drive through lanes must have a minimum storage capacity of 10 parking spaces.

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### **3.42 STATUS ZONING**

Where in this by-law a zone provides for the status zoning of existing lots, the yards and building dimensions established by the structure or site plan agreement shall be deemed to be the required yards and building dimensions for the lot in that status zone.

### **3.43 SURPLUS FARM RESIDENCE SEVERANCE**

Where the County of Huron or its delegate has approved the severance of a surplus farm residence lot the appropriate Zone Map in this by-law shall be amended to change the AG1 zone to AG2-1 for the retained farm parcel and AG4-1 for the severed residential parcel, as applicable. These administrative amendments are permitted from time to time without further public notice or Council approval.

### **3.44 SWIMMING POOLS**

Notwithstanding anything contained in this By-law, a swimming pool is permitted as an accessory use in any zone, provided that the side and rear yard provisions of that zone are maintained:

- 3.44.1 in the side yard of any lot if no part of such pool is located closer to any lot line than the minimum distance required for an accessory building located on such lot;
- 3.44.2 in the rear yard of any lot if no part of such pool is located closer to any lot line than the minimum distance required for an accessory building located on such lot;
- 3.44.3 every privately owned outdoor swimming pool shall be enclosed by a fence of at least 1.5 metres in height as set out in the Municipality of Morris-Turnberry Swimming Pool Fence By-law.
- 3.44.4 no swimming pool or part thereof shall be located above a septic tank or septic tank tile bed without a letter of approval from the local Health Authority.

### **3.45 TEMPORARY ACCOMMODATION FOR WORKERS**

Where a shack, shanty, bunk-house or other temporary structure is used for the accommodation of workers engaged in work of a temporary or seasonal nature, such building or structure:

- 3.45.1 shall be so used only for the duration of the work and removed when work is complete;
- 3.45.2 no part of such structure is located closer to any lot line than the minimum distance required for the accessory building located on such lot.
- 3.45.3 shall be locked or boarded up and not be used as accommodation when the work in connection with which they were constructed is terminated.

### **3.46 TEMPORARY BUILDINGS AND USES FOR CONSTRUCTION SITES**

In all zones, the use of land or a building for a construction office, tool shed, or for the storage of scaffolds, equipment and material which is incidental to and necessary for construction work in progress is permitted for so long as the same are necessary for construction which has neither been finished nor abandoned.

### **3.47 TRUCK BODIES AND STORAGE CONTAINERS**

- 3.47.1 No truck, bus, coach, or streetcar body, railway car caboose, or storage container shall be used for temporary or permanent human habitation.
- 3.47.2 Storage containers and similar structures may be used as an accessory use where permitted by the respective zone.
- 3.47.3 Storage containers associated with construction work shall be permitted in any zone while the main building is under construction. A storage container associated with construction work shall be removed within a period of 6 months following the issuance of an occupancy permit and any associated securities by the Chief Building Official.

### **3.48 USE OF EXISTING BUILDING DURING CONSTRUCTION**

In all residential and commercial zones the continued use of an existing building on a site during the construction of a building intended to replace such building provided that:

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- 3.48.1 In no case may such existing building remain undemolished on the site for longer than 60 days after the building intended to replace such existing building is ready in whole or in part for occupancy, or 1 year after the date of issue of the building permit for the building intended to replace such existing building, whichever comes first
  - 3.48.2 Safety and emergency access are provided and maintained to the satisfaction of the Chief Building Official and Fire Chief
  - 3.48.3 The minimum parking requirements for use of the existing building continue on the site until the existing building is vacated.

### **3.49 UTILITY SERVICES FOR THE PUBLIC**

The provisions of this By-law shall not apply to prevent the use of any land as a street or to prevent the installation of public services and utilities such as water mains, storm and sanitary sewers, gas distribution mains, railway lines, electrical sub-stations and transmission lines of 230 kv or less, pumping stations, flood and erosion control works, telephone and cable lines, and accessory utility service buildings and structures provided that:

- 3.49.1 The approval of the Municipality has been obtained;
- 3.49.2 Approval has been given under The Environmental Assessment Act, R.S.O. 1980, as amended from time to time, as required;
- 3.49.3 Utility service buildings in a residential area will require a rezoning to a Community Facility (CF) or Communication & Utilities (U) Zone;
- 3.49.4 Any building or structure shall be designed and maintained in general harmony with buildings of the type permitted in the Zone;
- 3.49.5 Any excessive noise or fumes resulting from such utility service shall be mitigated to reduce compliance issues with abutting residences;
- 3.49.6 Electric power facilities which are subject to the provisions of the Environmental Assessment Act, as amended from time to time, are permitted uses in all zones, and are not affected by the provisions of this By-law. Electric power facilities which are not approved under the Environmental Assessment Act are permitted uses in all zones and are subject to the provisions of Section 3.47 Utility Services for the Public.
- 3.49.7 Notwithstanding any other provision of this by-law, wind energy facilities are not considered a utility service for the public.

### **3.50 WATER EXTRACTION AND COMMERCIAL WATER TAKING**

Commercial water-taking operations are prohibited except where approved through an amendment to this zoning by-law.

### **3.51 CANNABIS PRODUCTION FACILITY**

Notwithstanding any other provision of this By-law, any Cannabis Production Facility shall be subject to the following provisions:

- a) Lands, buildings or structures or portion(s) thereof used for Cannabis Production Facility purposes that are equipped with air treatment control shall not be located any closer than 150 m to a Residential Zone, Community Facility Zone, park or similar recreational use, dwelling, public school, private school, place of worship, or a day care.
- b) Lands, buildings or structures or portion(s) thereof used for Cannabis Production Facility purposes that are not equipped with air treatment control shall not be located any closer than 300 m to a Residential Zone, Community Facility Zone, park or similar recreational use, dwelling, public school, private school, place of worship, or day care.
- c) Accessory buildings or structures used for security purposes for Cannabis Production Facility may be located in any yard. The minimum setback for an accessory building used for security

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purposes from a front, side, or rear lot line shall be one metre, but it shall not be located in the sight triangle.

- d) Outdoor storage is prohibited on the property in which the Cannabis Production Facility is located.
- e) Cannabis Production Facility shall only be permitted within the zones as explicitly indicated in this Zoning By-law.
- f) Setback requirements do not apply to dwellings located on the same parcel as the cannabis production facility.
- g) All development in relation to the establishment of or expansion to a Cannabis Production Facility shall be subject to Site Plan Control.

### **3.52 ON FARM DIVERSIFIED USES**

- Are secondary to the principal agricultural use of the property, are operated by the persons residing on the farm and do not interfere with the farm operation and do not conflict with the surrounding uses.
- Do not cause a traffic or safety concern and provide safe access onto an open public road.
- Obtain relevant permits from the appropriate approval authority.
- Agri-tourism uses and Value Added agricultural uses under 1 hectare in size are permitted in the AG1 zone. Uses larger than 1 hectare shall be permitted in the AG3 zone.
- The area calculation should consider the total area of buildings, structures, outdoor storage, landscaped areas, wells and septic systems, berms, laneways and parking areas but discount those areas which are shared between the agricultural uses and the on-farm diversified use.
- Buildings can occupy a maximum of 20% of the allowable area calculation. Where a building is proposed to accommodate for on-farm events, the maximum is 120 persons seated capacity or 20% of the allowable area calculation, whichever is less.
- 25% of the floor area of a building containing an agri-tourism or value added agricultural uses be used for retailing products grown/produced on the farm and goods produced on farms within a 50km radius.
- Servicing (e.g. private and/or public water & sewage services) for the agri-tourism and value added agricultural uses must be located within the maximum 1 hectare area.
- Buildings for agri-tourism uses & value added agricultural uses shall be clustered together with buildings for the principle agricultural use of the property.
- MDS shall not apply to on-farm diversified uses and these uses are encouraged to cluster with the on-farm dwelling.
- Site Plan Control will apply to agri-tourism on-farm diversified uses.

(As per By-law 48-2022)

### **3.53 WELLHEAD PROTECTION AREAS**

There are 3 Wellhead Protection Areas in Morris-Turnberry: Wingham, Belgrave and Blyth. In addition to the zone provisions of the applicable zones, this By-law shall regulate development in the 5 year time of travel in Municipal Wellhead Protection Areas. Development will be permitted within wellhead protection areas provided that the development does not include any risks as identified by the Source Water Protection Act. Any development with risk potential will require the approval of the applicable Conservation Authority. On the key maps, wells are shown in addition to the 5 year time of travel with an overlay pattern. (As per By-law 48-2022)

### **3.54 ADDITIONAL RESIDENTIAL UNIT (ARU)**

Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply to permit the construction of an Additional Residential Unit as an accessory use to a single-detached dwelling in the permitted zones:

- 
- In commercial scale agricultural settings in an AG1 zone, a maximum of two Additional Residential Units is permitted per property with one unit within or attached to the main residence and one within a detached structure.
  - In small holding agricultural settings (AG4), a maximum of one Additional Residential Units is permitted per property within or attached to the main residence.
  - In village settings (VR1 and VR2), a maximum of one Additional Residential Unit is permitted accessory to an unconverted single detached dwelling provided the minimum size of the property is 8000 square metres (2 acres). The ARU is permitted within or attached to the main residence or within a detached structure.
  - The ARU must use the same entrance/driveway as the main dwelling.
  - One (1) additional on-site parking space is provided for the ARU in addition to the parking for the main dwelling.
  - Where an ARU is contained within an accessory building, the following provisions apply:
    - The maximum separation from the main dwelling is 60 metres;
    - Section 14.4 when located in the VR2 zone.
  - Notwithstanding any other provisions of this By-law to the contrary, an ARU located within an accessory building in the agricultural area shall not be established closer to the neighbouring livestock facilities than the legally established single detached dwelling to which it is accessory to unless the ARU complies with Minimum Distance Formulae (MDS).
  - Maximum Building Size:
    - When detached and located in a VR2 zone, the structure containing the ARU shall be no greater than 75% of the gross area of the main floor of the dwelling including attached garages provided the total buildings do not exceed the maximum lot coverage.
- (As per By-law 48-2022)



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## SECTION 4: GENERAL AGRICULTURE (AG 1)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 4.1. PERMITTED USES

- agricultural use
- conservation
- forestry use, not including commercial forestry processing uses
- a farm produce sales outlet
- a wayside pit or quarry required by a road authority
- exploration, drilling for & production of oil & natural gas
- uses accessory to the permitted uses
- cannabis production facility subject to the provisions of Sections 4 and 3.51

### 4.2. ACCESSORY USES

- Detached Dwelling and/or mobile home accessory to Agriculture
- Converted dwelling
- Dwelling with Support
- On Farm Diversified Use
- Additional Residential Unit(s) (total of 2) with one (1) within the main dwelling and/or one (1) within a detached structure accessory to Main Dwelling
- Residential unites for farm labour, accessory to agriculture
- Commercial Greenhouse less than 2 acres in size
- Anaerobic Digester

(As per By-law 48-2022)

### 4.3. PERMITTED STRUCTURES

- one detached residential dwelling, converted dwelling units, enlarged dwelling and/or a mobile home accessory to an agricultural use
- more than one main building per lot is allowed
- buildings and structures for the permitted uses
- other buildings and structures, not including residences, accessory to the permitted uses
- Additional Residential Unit within a detached structure including but not limited to a mobile home.
- One multi-unit residential building for farm labour including a rowhouse to a maximum of 4 units. (As per By-law 48-2022)

### 4.4. ZONE REGULATIONS

4.4.1. Lot Area (minimum) - 38 hectares

Areas of the lot zoned "Natural Environment" may be included in the calculation of the lot area.

4.4.2. Lot Frontage (minimum) - 150 metres

4.4.3. Yard Requirements (minimum):

4.4.3.1. for buildings and structures used for livestock, poultry and fur bearing animal housing and waste storage:

4.4.3.1.1. front yard depth- 60 metres

4.4.3.1.2. rear yard depth- 30 metres

4.4.3.1.3. side yard depth- 30 metres

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4.4.3.1.4. exterior side yard depth- 60 metres

4.4.3.2. for other permitted buildings and structures, and accessory structures:

4.4.3.2.1. front yard depth 20 metres

4.4.3.2.2. rear yard depth 7.5 metres

4.4.3.2.3. side yard depth 7.5 metres

4.4.3.2.4. exterior side yard depth 20 metres

4.4.4.a Additional Residential Unit in Accessory Structure shall:

- Be permitted with a maximum separation of 60 metres measured from the main dwelling;
- Utilize the same laneway as the main dwelling;
- Comply with Minimum Distance Separation Formulae to barns on separately titled lots.

4.4.4.b Farm Labour Housing

- Where accommodation for farm labour is required, a maximum of four (4) units are permitted provided the farm labour dwelling:
  - Is a maximum distance of 60 metres from the main dwelling or if no main dwelling exists, a maximum distance of 60 metres from the largest building (eg. livestock barn, greenhouse, etc.);
  - Utilizes the same laneway as the dwelling or in the case of no dwelling, the facility served by the on-farm labour (eg. Greenhouse or barn);
  - Complies with Minimum Distance Separation Formulae to barns on separately titled lots.

(As per By-law 48-2022)

#### **4.4.5. Zone Provisions for Accessory Storage Containers**

- A maximum of 3 storage containers shall be permitted
- Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. Storage containers are not permitted in a front yard.
- Storage containers must be located a minimum of 7.5 metres from all lot lines
- Storage containers accessory to the main use shall be a maximum of 3 metres in height. Storage containers shall not be stacked.

#### **4.5. MINIMUM DISTANCE SEPARATION (LIVESTOCK HOUSING)**

Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock housing facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae. Minimum Distance Separation is not applied to or from On-Farm Diversified Uses or Agricultural Commercial Industrial (AG3) uses. (As per By-law 48-2022)

#### **Application of MDS to Cemeteries**

All cemeteries located outside of the settlement areas of the Municipality but within its geographic boundaries are considered Low Visitation Cemeteries. Low Visitation Cemeteries (whether Closed or Open) shall be classified as Type A Land Use for purposes of MDS. (As per By-law 48-2022)

#### **4.6. MINIMUM DISTANCE SEPARATION (RESIDENTIAL)**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

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#### **4.7 NUTRIENT MANAGEMENT PLAN AND MANURE STORAGE REQUIREMENTS**

No livestock operation or manure storage facility shall be established or enlarged until all the manure storage requirements comply with requirements of Provincial Legislation.

#### **4.8. EXISTING AGRICULTURAL HOLDINGS**

Notwithstanding the provisions for Section 4.4., where an existing lot has a lesser lot area and/or frontage than required under this by-law and is developed for an agricultural use, and contains existing farm buildings and accessory structures, additional farm buildings and structures may be erected, or existing farm structures may be altered providing all other requirements of this by-law are complied with. Where an existing lot is developed for agricultural uses, exists on the date of passage of this By-law, but does not meet the zone provisions with respect to minimum lot area and minimum lot frontage, the farm holding will be deemed to comply with the By-law with respect to the minimum lot area and minimum lot frontage provisions. (As per By-law 48-2022)

#### **4.9 NEW AGRICULTURAL HOLDINGS**

Where a new agricultural lot is created by consent, the said lot is deemed to comply with the minimum lot area and lot frontage provisions of this By-law. This provision pertains to both the severed and retained lot area.

#### **4.10 ON FARM DIVERSIFIED USES**

On-farm diversified uses are permitted accessory to an agriculture use in accordance with Section 3.52 and the provisions of the AG1 zone. (As per By-law 48-2022)

#### **4.11. SPECIAL ZONES**

##### **4.11.1 AG1-1 – Morris (Northeast) Key Map**

Notwithstanding the provisions of Sections 4.1 and 4.2 to the contrary, on the lands zoned AG1-1, livestock assembly, sales and transport, and accessory uses are permitted, in addition to the uses permitted in the AG1 zone. (Amended by By-law 46-2007)

##### **4.11.2 AG1-2 – Morris (Northwest) Key Map**

Notwithstanding the provisions of Section 2 the maximum number of persons employed on a full-time basis, other than the owner, shall not exceed 6 for any accessory welding and machine shop and office only. (Amended by By-law 36-2000)

##### **4.11.3 AG1-3 – Morris (Northwest) Key Map**

Notwithstanding the provisions of Section 4.5 to the contrary, for the area zoned AG1-3 the MDS II setback required from a hog barn to a residence located on the North Part Lot 3, Concession 6, Morris is 212 metres. The hog operation includes barns in the South Part of Lots 3, 4, and 5; Concession 5. (Amended by By-law 57-2013)

##### **4.11.4 AG1-4 Morris (Southeast) Key Map**

Notwithstanding the provisions of Sections 4.1, 4.2 and 4.3 to the contrary, in the area zoned AG1-4 a single family dwelling is a permitted structure and use.

Notwithstanding the provisions of Section 4.4.1.to the contrary, in the area zoned AG1-4 the minimum lot area shall be 20 hectares. Areas of the lot zoned “Natural Environment” may be included in the calculation of lot area.

##### **4.11.5 AG1-5 Turnberry (East) Key Map**

The AG1-5 zone permits agricultural uses as a main use on the property including a grain elevator and storage bins. Notwithstanding the provisions of Section 4.4 to the contrary, lot area and the setbacks for the existing buildings are deemed to comply. New agricultural storage bins shall be located no closer to the rear lot line than the existing bins on the property. On lands zoned AG1-5, livestock and livestock buildings are subject to the

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provisions of Section 7.8 (Special Provisions). All other provisions of this by-law shall apply. (Amended by By-law 07-2010)

#### 4.11.6 AG1-6 Turnberry (North) Key Map

Notwithstanding the provisions of Section 4.1 (Permitted uses) and 4.4 (Zone Regulations) to the contrary, on the lands zoned AG1-6 livestock shall be prohibited in the existing barn. All other provisions of this By-law shall apply. (Amended by By-law 4-2002)

#### 4.11.7 AG1-7 Turnberry (North) Key Map

Notwithstanding the provisions of Section 4, to the contrary, on lands zoned AG1-7, a Mennonite Parochial School is also a permitted use subject to the setback requirements of the AG1 (General Agriculture) zone. For the purposes of calculating Minimum Distance Separation requirements, the school shall be treated as a Type A land use and the distance will be measured from building to building. There shall be no requirement for Minimum Distance Separation from the school to the existing barn on the subject property. (Amended by By-law 58-2007)

#### 4.11.8 AG1-8 Turnberry (West) Key Map

Notwithstanding the fact that the actual distance between the barn located on Lot 21, Concession 8 and the residence located on Lot 20, Concession 8 is 140 metres (459.3 feet), this By-law permits a calculation under Section 4.5 of the By-law, to allow for expansion of the agricultural operation on Lot 21, Concession 8, based on a distance of 158 metres (517 feet) to the nearest residence in a different ownership. All other applicable provisions of this By-law shall apply. (Amended by By-law 22-1990)

#### 4.11.9 AG1-9 Turnberry (North) Key Map

Notwithstanding the provisions of Section 4 to the contrary, on the lands zoned AG1-9, a Mennonite Parochial School, church and cemetery are permitted uses subject to the setback requirements of the AG1 (General Agriculture) zone. For the purposes of calculating Minimum Distance Separation requirements, the school, church and cemetery shall be treated as Type A land uses. The distance will be measured from building to building for the school and church, and from the boundary of the cemetery rather than the lot line. There shall be no requirement for Minimum Distance Separation from the school, church or cemetery to a barn on the subject property. All other provisions of By-law 45-2014 shall apply. (as amended by By-law 87-2017)

#### 4.11.10 AG1-10 Turnberry (North) Key Map

Notwithstanding the provisions of Section 20, to the contrary, the lands zoned AG1-10 shall revert back to an AG1 (General Agriculture) zoning at the time that the lands cease to be used as a school. (Amended by By-law 6-97)

#### 4.11.11 AG1-11 Morris (Northwest) Key Map

Notwithstanding the provisions of Section 4.4.1 to the contrary, for the area zoned AG1-11 the minimum lot area shall be 6 ha. (Amended by By-law 81-2014)

#### 4.11.12 AG1-12 Morris (Northwest) Key Map

Notwithstanding the provisions of Section 4.4.1 to the contrary, the lot area for the area zoned AG1-12 shall be 20 ha. Areas of the lot zoned NE2 (Natural Environment Limited Protection) shall be included in the calculation of the lot area (Amended by By-law 111-2016)

#### 4.11.13 AG1-13 Turnberry (West) Key Map; and North of Wingham Key Map

Notwithstanding the definition for front lot line in Section 2 of this By-law, for the area zoned AG1-13, the front lot line shall be considered the southerly limit of the closed road allowance between Concessions 8 and 9.

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Notwithstanding Section 4.4.2 of this Zoning By-law, the minimum lot frontage for the area zoned AG1-13 shall be 20 metres (66 ft). (Amended by By-law No. 15-2017)

4.11.14 AG1-14

Notwithstanding any provisions to the contrary, in the area zoned AG1-14, the lot size and existing buildings are deemed to comply. (Amended by By-law 20-2019)

4.11.15 AG1-15

Notwithstanding the provisions to the contrary, on the lands zoned AG1-15, a Mennonite Parochial school is a permitted use; subject to the setback requirements of the AG1 (General Agriculture) zone. For the purposes of calculating Minimum Distance Separation requirements, the school shall be treated as Type A land use. There shall be no requirements for Minimum Distance Separation from the school on the subject property to a barn on the subject property. (As amended by By-law No. 68-2019)

4.11.16 AG1-16 Turnberry (Northwest) Key Map

Notwithstanding any provisions to the contrary, in the area zoned AG1-16 both the property and any legally established existing buildings are deemed to comply with the AG1 zone provisions and the minimum distance separation requirements of this By-law. (As amended by By-law No. 79-2019)

4.11.17 AG1-17 Morris Southwest Key Map

Notwithstanding any provisions of 4.5 to the contrary, for the purposes of calculating MDS II for a first or expanding livestock facility on the lands zoned AG1-17, the neighboring cemetery located at Conc 7, Pt S. Pt Lt 12 shall be treated as a Type A land use. (As amended by By-law No. 41-2021)

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## **SECTION 5: RESTRICTED AGRICULTURE (AG2)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **5.1 PERMITTED USES**

- Agricultural use, general; excluding new residential dwellings
- Conservation
- Exploration, drilling for and production of oil and natural gas
- Forestry uses, not including commercial forestry processing uses
- Wayside pit required by road authority
- Uses accessory to the permitted uses
- Cannabis production facility subject to the provisions of Sections 5 and 3.51

### **5.2 ACCESSORY USES**

- Commercial greenhouse less than 2 acres in size
- Farm produce sales outlet
- Storage containers in accordance with Section 5.5.5
- Anaerobic digester

### **5.3 PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses, not including a residence
- Buildings and structures, not including residences, accessory to the permitted uses
- More than one main agricultural building per lot is allowed

### **5.4 ZONE REGULATIONS**

The General Agriculture (AG1) Zone Regulations shall apply.

### **5.5 ACCESSORY BUILDINGS AND ACCESSORY USES**

#### **5.5.1 Use of Accessory Buildings**

The following uses shall not be permitted in accessory buildings:

- human habitation
- any occupation for profit except as may be permitted by this by-law

#### **5.5.2 Establishment of an Accessory Building or Use**

- No accessory building or use shall be established in an AG2 zone until the main building or use to which it is accessory is established.
- Buildings and structures solely devoted to and forming an integral part of a septic system and that are less than 10 square metres are permitted in any yard.

#### **5.5.3 Location of Accessory Buildings**

Accessory buildings are permitted in all yards.

#### **5.5.4 Zone Provisions for Accessory Buildings and Structures other than Livestock Barns**

5.5.4.1 Distance between main and accessory buildings (minimum) 2 metres

5.5.4.2 Front yard setback (minimum) 20 metres

5.5.4.3 Exterior side yard setback (minimum) 20 metres

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- 5.5.4.4 Interior side yard setback (minimum) 7.5 metres
  - 5.5.4.5 Rear yard setback (minimum) 7.5 metres
  - 5.5.4.6 Building height (maximum) 9 metres
  - 5.5.4.7 Accessory buildings shall not contain more than two storeys

#### **5.5.5 Zone Provisions for Accessory Storage Containers**

- A maximum of 3 storage containers shall be permitted
- Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. Storage containers are not permitted in a front yard.
- Storage containers must be located a minimum of 7.5 metres from all lot lines
- Storage containers accessory to the main use shall be a maximum of 3 metres in height. Storage containers shall not be stacked.

#### **5.6 MINIMUM DISTANCE SEPARATION (Livestock Housing)**

Notwithstanding any yard and setback provisions of this by-law to the contrary, no livestock housing facility shall be established or enlarged unless it complies with the minimum distance separation (MDS II) Formulae. Minimum Distance Separation is not applied to or from On-Farm Diversified Uses or Agricultural Commercial Industrial (AG3) uses. (As per By-law 48-2022)

#### **Application of MDS to Cemeteries**

All cemeteries located outside of the settlement areas of the Municipality but within its geographic boundaries are considered Low Visitation Cemeteries. Low Visitation Cemeteries (whether Closed or Open) shall be classified as Type A Land Use for purposes of MDS. (As per By-law 48-2022)

#### **5.7 MINIMUM DISTANCE SEPARATION (Residential)**

Notwithstanding any other provisions of this by-law to the contrary, no residential, community facility, commercial, industrial, or recreational building or structure, located on a separate lot shall be established unless it complies with the minimum distance separation (MDS I) Formulae.

#### **5.8 NUTRIENT MANAGEMENT PLAN AND MANURE STORAGE REQUIREMENTS**

No livestock operation or manure storage facility shall be established or enlarged until all the manure storage requirements comply with requirements of Provincial Legislation.

#### **5.9 EXISTING AGRICULTURAL HOLDINGS**

Notwithstanding the provisions for Section 5.4 where an existing lot has a lesser lot area and/or frontage than required under this by-law and is developed for an agricultural use, with existing farm buildings and accessory structures, additional farm buildings and structures may be erected, or existing farm structures may be altered in accordance with the following minimum requirements and all other provisions of this By-law.

- 5.9.1 Lot Area (minimum) 4 hectares (Areas of the lot zoned “Natural Environment” may be included in the calculation of lot area).
- 5.9.2 Frontage (minimum) 100 metres

#### **5.10 NEW AGRICULTURAL HOLDINGS**

Where a new agricultural lot is created by consent, the said lot is deemed to comply with the minimum lot area and minimum lot frontage provisions of this By-law. This provision pertains to both the severed and retained lot area.

#### **5.11 SPECIAL ZONES**

- 5.11.1 AG2-1 Retained Parcel from a Surplus Farm Residence Severance

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Notwithstanding any provisions to the contrary, in the area zoned AG2-1 all legally established existing buildings are deemed to comply. All other provisions of this by-law are deemed to comply.

5.11.2 AG2-2 Morris (Northwest) Key Map

‘Limited Agricultural Use’ as defined in Section 2 (Agricultural Use, Limited), notwithstanding 5.2 to the contrary, accessory uses will not be permitted in the AG2-2 zone.



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## SECTION 6: AGRICULTURE COMMERCIAL-INDUSTRIAL (AG3)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 6.1. PERMITTED USES

- an agricultural industrial establishment
- an agricultural processing establishment
- an agricultural service establishment
- an agricultural supply establishment
- an anaerobic digester
- a bulk sales establishment
- a transport terminal or yard
- cannabis production facility subject to the provisions of Sections 6 and 3.51

### 6.2. ACCESSORY USES

- One detached residential dwelling or mobile home
- Home industry
- Home occupation
- Commercial greenhouse operation greater than 2 acres covered by a greenhouse
- Storage container in accordance with Section 6.5

### 6.3. PERMITTED STRUCTURES

- an accessory dwelling unit or a mobile home detached from or part of the non-residential structure
- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted uses

### 6.4. ZONE REGULATIONS

- 6.4.1. Lot Area (minimum) - 1850 sq. m. Agricultural Commercial-Industrial uses requiring a septic tank disposal system shall have a lot of sufficient size to accommodate a sewage disposal system as approved by the appropriate approval authority
- 6.4.2. Frontage (minimum) - 30 metres
- 6.4.3. Front Yard Depth (minimum) - 20 m
- 6.4.4. Side Yard Depth (min.) - 7.5 m or 1/2 of the building height, whichever is greater
- 6.4.5. Notwithstanding the provisions of Section 6.4.4 all "Agricultural Processing" uses will require a minimum side yard of 15 metres and such buildings shall maintain a minimum separation distance of 100 metres from the nearest residence, other than a residence located on the same lot as the agricultural processing use
- 6.4.6. Exterior Side Yard Depth (min.) - 20 metres
- 6.4.7. Rear Yard Depth (min.) - 7.5 metres
- 6.4.8. Lot Coverage (maximum) - 30%
- 6.4.9. All lighting and illuminated signs shall be arranged so as to deflect light away from adjacent properties

### 6.5 Zone Provisions for Accessory Storage Containers

- A maximum of 3 storage containers shall be permitted
- Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. Storage containers are not permitted in a front yard.
- Storage containers must be located a minimum of 7.5 metres from all lot lines

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- Storage containers accessory to the main use shall be a maximum of 3 metres in height. Storage containers shall not be stacked.

## **6.6. REGULATIONS FOR ACCESSORY RESIDENTIAL USES**

6.6.1. Minimum Lot Area (in addition to the min. lot area for the Agricultural Commercial-Industrial Use):

- detached residence - 700 sq. m
- attached dwelling unit-350 sq. m

6.6.2. Minimum floor area per dwelling unit shall be in accordance with the following:

- Fully detached residence - 84.0 square metres
- A residence as part of the non-residential building or structure - 70.0 square metres
- A mobile home - 50 square metres

## **6.7 MINIMUM DISTANCE SEPARATION (LIVESTOCK HOUSING)**

Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock housing facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae. Minimum Distance Separation is not applied to or from On-Farm Diversified Uses or Agricultural Commercial Industrial (AG3) uses. (As per By-law 48-2022)

### **Application of MDS to Cemeteries**

All cemeteries located outside of the settlement areas of the Municipality but within its geographic boundaries are considered Low Visitation Cemeteries. Low Visitation Cemeteries (whether Closed or Open) shall be classified as Type A Land Use for purposes of MDS. (As per By-law 48-2022)

## **6.8 SEPARATION DISTANCE (RESIDENTIAL)**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

## **6.9 BUFFER STRIP**

A 5 metre wide buffer strip of landscaped open space shall be provided between storage and/or display areas and side and/or rear lot lines. Where an AG3 zone abuts an AG1 or AG2 zone, the required buffer strip need not be landscaped.

## **6.10 LOADING SPACES**

All loading facilities must be provided within the lot and no loading may take place on a public right-of-way. For additional loading requirements, refer to General Provisions Section for Additional Parking requirements.

## **6.11 PARKING**

All parking and storage of vehicles will be contained on the lot and no parking or storage of vehicles is permitted on a public right-of-way.

## **6.12 STATUS ZONES**

6.12.1 AG3-3 Morris (Northwest) Key Map – (deleted by By-law 13-2018)

6.12.2 AG3-4 Morris (Northwest) Key Map

Notwithstanding the provisions of Section 6.1 to the contrary, the property zoned AG3-4 may also include as a permitted use the sale and repair of vehicles and accessory uses including gasoline retail.

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## **6.13 SPECIAL ZONES**

### **6.13.1 AG3-1 Morris (Northeast) Key Map**

Notwithstanding the provisions of Sections 6.1 and 6.2, to the contrary, the permitted uses on the lands zoned AG3-1 shall be an agriculturally related trucking firm and accessory uses, buildings and structures, including buildings for office maintenance and washing for the truck terminal subject to the provisions of the AG3 zone. (Amended by By-law 59-2012)

### **6.13.2 AG3-2 Morris (Northwest) Key Map**

Notwithstanding the provisions of Section 6.1 to the contrary, the area zoned AG3-2 includes as a permitted use a motel and accessory uses, subject to the provisions of Section 6.

### **6.13.3 AG3-5 Morris (Southeast) Key Map**

Notwithstanding the provisions of Section 6.1, 6.2, and 6.3 to the contrary, buildings or structures are not permitted in the area zoned AG3-5.

### **6.13.4 AG3-6 Morris (Southeast) Key Map**

Notwithstanding the provisions of section 6.1 to the contrary, the area zoned AG3-6 may be used for the purpose of an existing auto repair facility, including rust-proofing, accessory automotive sales, and the storage of antique automobiles. It is recognized that an auto repair facility will include the accessory parking and storage of unlicensed vehicles.

### **6.13.5 AG3-7 Turnberry (East) Key Map**

Notwithstanding the provisions of Sections 6.1 and 6.2 to the contrary, the permitted use on the lands zoned AG3-7 are limited to an agricultural supply establishment, an accessory residence and accessory structures. All other provisions shall continue to apply. (Amended by By-law 13-2013)

### **6.13.6 AG3-8 East of Wingham Key Map**

Notwithstanding the provisions of Sections 6.1 and 6.2, to the contrary, the permitted uses on the lands zoned AG3-8 shall be a seed processing plant and accessory uses, buildings and structures subject to the provisions of the AG3 zone. (Amended by By-law 34-2010)

### **6.13.7 AG3-9 Turnberry (North) Key Map**

Notwithstanding the provisions of Sections 6.1, 6.2, and 6.3 to the contrary, on the lands zoned AG3-9, the permitted structures shall not include accessory residential units. All other provisions shall apply. (Amended by By-law 13-93)

### **6.13.8 AG3-10 Turnberry (East) Key Map**

Notwithstanding the provisions of Section 6.1 to the contrary, the lands zoned AG3-10 may also be used for a gas station and restaurant.

### **6.13.9 AG3-11 Turnberry (East) Key Map**

Notwithstanding the provisions of Section 6.1 to the contrary, on the lands zoned AG3-11, an automotive repair and sales establishment is a permitted use, in addition to those uses currently permitted in the AG3 zone. Notwithstanding the provisions of Section 6.4.3 to the contrary, the minimum front yard depth shall be 11.8 metres (39 feet). Notwithstanding the provisions of Section 6.2 to the contrary, an Additional Residential Unit is deemed a permitted accessory use. All other provisions continue to apply. (Amended by By-law 86-2006 & By-law 37-2023)

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## SECTION 7: AGRICULTURAL SMALL HOLDING (AG4)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 7.1 PERMITTED USES

- residential use
- uses accessory to the permitted uses

### 7.2 ACCESSORY USES

- a home industrial use
- a home occupation use
- agricultural use, general (*Amended by By-law 48-2022*)
- a bed and breakfast
- group home
- uses accessory to the permitted uses.
- A farm produce sales outlet (*Amended by By-law 20-2016*)

### 7.3 PERMITTED STRUCTURES

- one detached dwelling or one converted dwelling, or a mobile home, on a foundation wall
- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted uses

### 7.4 ZONE REGULATIONS

- 7.4.1 Lot Area (minimum) -4,046 sq. metres
- 7.4.2 Lot Area (maximum) - 4 hectares
- 7.4.3 Lot Frontage (min.) - 23 metres
- 7.4.4 Front Yard (min.) - 20 metres
- 7.4.5 Side Yard (min.) - 5 metres
- 7.4.6 Exterior Side Yard (min.) - 20 metres
- 7.4.7 Rear Yard (min.) - 7.5 metres
- 7.4.8 Lot Coverage (max.)- 30 percent

### 7.5 BUILDING REGULATIONS

#### 7.5.1 Building Height (max.) - 12 metres

##### 7.5.1.1 Existing Agricultural Building Height (max) - 30 metres

#### 7.5.2 Accessory Buildings

Accessory buildings not containing livestock are required to meet the following interior side and rear yard minimum setbacks:

- For buildings 10 square metres or less: 1.5 metres
- For buildings greater than 10 square metres but less than 100 square metres: 3 metres
- For buildings 100 square metres or greater: 5 metres

#### 7.5.3 Accessory Building Containing Livestock

Notwithstanding any provision of this by-law to the contrary, an accessory building containing livestock may be established subject to the following:

- Interior Side Yard (minimum): 10 metres
- Rear Yard (minimum): 10 metres
- Building height (maximum): 12 metres

- Must be located in rear or interior side yard
- Compliance with Minimum Distance Separation Formula. Where the yard setbacks as required by MDS are not the same as above, the larger of the two setbacks applies.

*(As per By-law 48-2022)*

## **7.6 MINIMUM SEPARATION DISTANCE (RESIDENTIAL)**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS I) Formulae. The proposed residence shall be treated as a “Type A” land use. Minimum Distance Separation is not applied to or from On-Farm Diversified Uses or Agricultural Commercial Industrial (AG3) uses.

### **Application of MDS to Cemeteries**

All cemeteries located outside of the settlement areas of the Municipality but within its geographic boundaries are considered Low Visitation Cemeteries. Low Visitation Cemeteries (whether Closed or Open) shall be classified as Type A Land Use for purposes of MDS.

*(As per By-law 48-2022)*

## **7.7 STATUS ZONE**

### **7.7.11 AG4-11**

Notwithstanding the provisions of Sections 7.4.2. and 7.4.3. to the contrary, the maximum lot area of lands zoned AG4-11 shall be 9.1 hectares and the minimum lot frontage as afforded by a laneway shall be 6.0 metres.

## **7.8 SPECIAL PROVISIONS**

Notwithstanding the provisions of Sections 7.1, 7.2, and 7.3, to the contrary, an existing barn may be used or a new barn may be established subject to the following table:

Minimum Lot Area (Hectares)	Maximum Number of Nutrient Units Permitted	Minimum Distance Separation Requirement
0.4	1	85 metres
0.8	2	85 metres
1.2	3	85 metres
1.6+	4	85 metres

## **7.9 SPECIAL ZONES**

### **7.9.1 AG4-1 Severed Parcel from a Surplus Farm Residence Severance**

Notwithstanding any provisions to the contrary, in the area zoned AG4-1 both the property and any legally established existing buildings are deemed to comply with the AG4 zone provisions and the minimum distance separation requirements of this By-law.

### **7.9.2 AG4-2 Morris (Northeast) Key Map**

Notwithstanding the provisions of Section 7.4 to the contrary, the minimum lot area for building a residence is 950 sq. metres and the minimum front yard setback is 10 metres. Development of the subject lot also requires compliance with the provisions of the Conservation Authority, septic system requirements of the Building Code Act and Huron County Engineer. The property zoned AG4-2 may also include as a permitted use the storage, repair and sale of automobiles and the sale of carpet, subject to the home industry provisions. (Amended by By-law 29-2012)

### **7.9.3 AG4-3 Morris (Northwest) Key Map**

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In addition to the permitted uses listed in Section 7.1., in the area zoned AG4-3, a fish hatchery is also a permitted use. Notwithstanding the provisions of Section 7.6 to the contrary, in the area zoned AG4-3 the required minimum separation distance between a residential dwelling and manure storage or a livestock barn shall be 185 metres.

#### 7.9.4 AG4-4 Morris (Northwest) Key Map

Notwithstanding the provisions of Section 3.4.2 to the contrary, for the area zoned AG4-4 an accessory building may be permitted in the front yard. All other provisions of this By-law shall apply. (Amended by By-law 65-2013)

#### 7.9.5 AG4-5 Morris (Southwest) Key Map

Notwithstanding the provisions of Section 7.4 and 7.7 to the contrary, on lands zoned AG4-5, the existing buildings shall be deemed to comply with the setback provisions of the AG4 zone and the existing barn shall be limited to a maximum of 20 nutrient units. (Amended by By-law 46-2001)

#### 7.9.6 AG4-6 Turnberry (East) Key Map

Notwithstanding the provisions of Section 7.6 to the contrary, in the area zoned AG4-6 a residence may be established at a separation distance of not less than 245 metres from the livestock buildings located on Lot 5, Concession 3, Turnberry, Municipality of Morris-Turnberry. All other provisions of this By-law shall continue to apply. (Amended by By-law 44-2004)

#### 7.9.7 AG4-7 Turnberry (East) Key Map

Notwithstanding the provisions of Section 7.6 to the contrary, in the area zoned AG4-7 a residence may be established at a separation distance of not less than 90 metres from the livestock buildings located on Lot 24, Concession C, Turnberry, Municipality of Morris-Turnberry. All other provisions of this By-law shall continue to apply. (Amended by By-law 65-2005)

#### 7.9.8 AG4-8 Turnberry (North) Key Map

Notwithstanding the provisions of Section 7.1 and 7.6 to the contrary, a farm machinery repair and machine shop with a total floor area of 580 square metres shall be permitted on the lands zoned AG4-8, in addition to those uses currently permitted in the AG4 zone. The home industry shall also permit the retail sale of farm related hardware. (Amended by By-Law 9-2000)

#### 7.9.9 AG4-9 Turnberry (North) Key Map

Notwithstanding the provisions of Section 7.6 to the contrary, the residence is deemed to comply with the Minimum Distance Separation requirements. Notwithstanding the provisions of Sections 7.3 and 3.4.2, accessory structures are permitted in the front yard no closer than 45 metres to the front lot line. All other provisions of this By-law shall continue to apply. (Amended by By-law 14-2013)

#### 7.9.10 AG4-10 Turnberry (West) Key Map

Notwithstanding the provisions of Section 7.6 to the contrary, in the area zoned AG4-10 a residence may be established at a separation distance of not less than 58 metres from the livestock buildings located on Lot 19, Concession 6, Turnberry, Municipality of Morris-Turnberry. All other provisions of this By-law shall continue to apply. (Amended by By-law 19-2005)

#### 7.9.12 AG4-12 Morris (Northwest) Key Map

Notwithstanding the provisions of Section 3.4.2 to the contrary, for the area zoned AG4-12 an accessory

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building may be permitted in the front yard. All other sections of this Zoning By-law shall apply. (Amended by By-law 65-2013)

#### 7.9.13 AG4-13 Morris (Southeast) Key Map

Notwithstanding the provisions of Section 7.4.2. to the contrary, the maximum lot area for the area zoned AG4-13 shall be 4.8 ha.

Notwithstanding the home industry definition in Section 2 of this By-law to the contrary:

- A home industry shall include a fencing business;
- A maximum of three full-time employees, other than the owner are permitted.

All other sections of this Zoning By-law shall apply. (Amended by By-law 1-2017)

#### 7.9.14 AG4-14

Notwithstanding the provisions of Section 7.4 to the contrary, in the area zoned AG4-14, the minimum exterior side yard setback is 10 m for main and accessory buildings. All other provisions of this By-law shall apply. (Amended by By-law 13-2018)

#### 7.9.15 AG4-15

Notwithstanding the provisions of Section 4.5 and 7.8 to the contrary, on the lands zoned AG4-15 a 38 m<sup>2</sup> chicken coop and a 76 m<sup>2</sup> horse barn are permitted uses. For the chicken coop and horse barn, the MDS II setback to the southerly lot line shall be a minimum 4 m. All other provisions of this By-law shall apply. (As amended by By-law 24-2020)

#### 7.9.16 AG4-16

Notwithstanding the provisions of Section 3.4 to the contrary, accessory buildings are permitted in the front yard, with a minimum front yard setback of 20m. All other provisions of this Zoning By-law shall apply. (Amended by By-law 44-2021)

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## **SECTION 8: RURAL GOLF COURSE (AG5)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **8.1. PERMITTED USES**

- a golf course and/or driving range and associated recreational uses including swimming pool, tennis courts, and country club facility
- an accessory dwelling unit detached from or part of any non-residential building or structure.
- agricultural use, limited

### **8.2. PERMITTED STRUCTURES**

- buildings and structures for the permitted uses
- buildings or structures accessory to permitted uses.

### **8.3. ZONE REGULATIONS**

8.3.1. Lot Size (minimum) - 4.0 hectares

8.3.2. Frontage (minimum) - 75.0 metres

8.3.3. Setbacks for buildings or structures (minimum):

8.3.3.1. Front Yard - 30 metres

8.3.3.2. Side Yard - 8.0 metres

8.3.3.3. Rear Yard - 8.0 metres

8.3.4. Lot Coverage (maximum) - 10%

8.3.5. Parking - see Section 3.32

8.3.6. All lighting and illuminating signs shall be arranged so as to deflect light away from adjacent properties.

### **8.4. BUILDING REGULATIONS**

8.4.1. Building Height (maximum) - 12 metres.

### **8.6. MINIMUM SEPARATION DISTANCE**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

### **8.7. SPECIAL ZONES**



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## **SECTION 9: NATURAL ENVIRONMENT – FULL PROTECTION ZONE (NE1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **9.1 PERMITTED USES**

- agricultural uses as existed on the date of passing of this zoning by-law
- forestry
- conservation
- natural environment
- passive recreation
- uses accessory to the permitted uses

### **9.2 PERMITTED STRUCTURES**

- accessory buildings and structures for the maintenance of the permitted uses as well as trails and footpaths, such as stiles, stairways, bridges and benches subject to the approval of the Maitland Valley Conservation Authority or the Saugeen Valley Conservation Authority or the appropriate authority
- buildings and structures necessary for flood and/or erosion control prevention subject to the approval of the local Conservation Authority or appropriate authority
- a class 1 sewage disposal facility as approved by the appropriate authority
- buildings and structures existing on the date of passage of this by-law

### **9.3 SPECIAL PROVISIONS**

#### **Placement or Removal of Fill**

The placement or removal of fill or the alteration of water courses is permitted only for the maintenance of the permitted uses and in accordance with the applicable regulations of the Maitland Valley Conservation Authority or the Saugeen Valley Conservation Authority or the appropriate authority.

#### **Clearing of Areas**

Clearing of areas is prohibited except as permitted in accordance with the County of Huron Forestry Conservation By-law No. 38-2013 or amendments thereto.

#### **Drainage**

Drainage is prohibited, other than for a direct agricultural drainage outlet, drainage required for permitted structures, and drains constructed in accordance with the Drainage Act and the Tile Drainage Act, as amended from time to time.

### **9.4 ZONE REGULATIONS**

#### **New and Expanding Buildings and Structures**

The minimum front, rear and side yards of new and expanding buildings and structures will be established and constructed in accordance with the requirements of the relevant approval authority and required studies. The Conservation Authority may recommend that the municipality require an Environmental Impact Study be completed.

### **9.5 SPECIAL ZONES**

#### **9.5.1 NE1-1 Morris (Northwest) Key Map**

Notwithstanding the provisions of Section 9.1 and 9.2 to the contrary, the area zoned NE1-1 includes an existing golf course.

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## **SECTION 10: NATURAL ENVIRONMENT – LIMITED PROTECTION ZONE (NE2)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **10.1 PERMITTED USES**

- all NE1 permitted uses
- dwelling unit in existence at the date of passage of this By-law subject to the provisions of the AG4 zone and the re-establishment of a dwelling unit in existence at the date of passage
- passive recreation
- a park, public
- maple syrup production
- uses accessory to the permitted uses

### **10.2 ACCESSORY USES to an existing residence**

- home industrial use
- home occupation use

### **10.3 PERMITTED STRUCTURES**

- buildings and structures accessory to an existing residence may be subject to the approval of the Maitland Valley Conservation Authority or the Saugeen Valley Authority or the appropriate authority.
- buildings and structures accessory to the permitted uses including trails and footpaths, such as stiles, stairways, bridges and benches may be subject to the approval of the Maitland Valley Conservation Authority or the Saugeen Valley Conservation Authority or the appropriate authority
- buildings and structures necessary for flood and/or erosion control prevention may be subject to the approval of the Maitland Valley Conservation Authority or the Saugeen Valley Authority or the appropriate authority
- a class 1 sewage disposal facility as approved by the appropriate authority
- a maple syrup evaporating facility
- buildings and structures in existence on date of passage of this by-law

### **10.4 SPECIAL PROVISIONS**

#### **Placement or Removal of Fill**

The placement or removal of fill or the alteration of water courses for the permitted uses and structures of the Natural Environment-Limited Protection (NE2) zone is permitted in accordance with the Natural Environment-Limited Protection policies of the Municipality of Morris-Turnberry Official Plan, as amended, and the applicable regulations of the Maitland Valley Conservation Authority or the Saugeen Valley Conservation Authority, or the appropriate authority.

#### **Clearing of Areas**

Clearing of areas is prohibited except as permitted in accordance with the County of Huron Forestry Conservation By-law No. 38-2013 or amendments thereto.

#### **Drainage**

Drainage is prohibited, other than for direct agricultural drainage outlet, drainage required for permitted structures, and drains constructed in accordance with the Drainage Act and the Tile Drainage Act.

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## **10.5 ZONE REGULATIONS**

### **Existing Buildings and Structures**

The minimum front, rear, side yards, existing on the date of passing of this By-law shall constitute the minimum yard requirements for existing buildings.

The maximum lot coverage and height of buildings and structures existing on the date of passing of this By-law shall constitute the maximum requirements for existing buildings.

### **New and Expanding Buildings and Structures**

The minimum front, rear and side yards of new and expanding buildings and structures will be established and constructed in accordance with the requirements of the relevant approval authority and required studies. The Conservation Authority may recommend that the Municipality require an Environmental Impact Study be completed.

## **10.6 SPECIAL ZONES**

### **10.6.1 NE2-1 Turnberry (West) Key Map**

Notwithstanding the provisions of Section 10.1 to the contrary, all uses permitted in the Agricultural Commercial Industrial (AG3) zone, including a welding and repair shop and an accessory residence shall be permitted on the lands zoned NE2-1. The existing building on the lands zoned NE2-1 shall be deemed to comply with the setback provisions of the AG3 zone. (Amended by By-law 12-2000)

### **10.6.2 NE2-2 Turnberry (East) Key Map & Turnberry (North) Key Map**

Notwithstanding the provisions of Sections 10.1 and 10.2 to the contrary, a residence is prohibited on the lands zoned NE2-2. (As amended by By-law 25-2009)

### **10.6.3 NE2-3 Belgrave Key Map**

Notwithstanding the provisions of Sections 10.1 and 10.3 to the contrary, the permitted uses and structures of land within the NE2-3 zone shall include a class 4 sewage system where required to service a dwelling on the same lot. (As amended by By-law 32-2021)

### **10.6.4 NE2-4 Lowertown Key Map**

Notwithstanding the provisions to the contrary, the permitted buildings and structures within the NE2-4 Zone shall only include a septic system setback a minimum of 20 metres from the NE1 zone boundary. (As amended by By-law 38-2021)

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## **SECTION 11: NATURAL ENVIRONMENT – DEVELOPMENT PERMITTED ZONE (NE3)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **11.1 PERMITTED USES**

- all uses permitted in the NE2 zone
- residential use
- converted dwelling
- uses accessory to the permitted uses

### **11.2 ACCESSORY USES**

- a home occupation
- a home industry
- bed and breakfast
- group home

### **11.3 PERMITTED STRUCTURES**

- buildings and structures existing on the date of the passing of this By-law
- detached dwelling
- buildings or structures for the permitted uses
- buildings or structures accessory to the permitted uses

### **11.4 ZONE REGULATIONS**

- 11.4.1 Lot Area (minimum) - 4,046 sq. metres
- 11.4.2 Lot Area (maximum) - 4 hectares
- 11.4.3 Lot Frontage (min.) - 23 metres
- 11.4.4 Front Yard (min.) - 20 metres
- 11.4.5 Side Yard (min.) - 5 metres
- 11.4.6 Exterior Side Yard (min.) - 20 metres
- 11.4.7 Rear Yard (min.) - 7.5 metres
- 11.4.8 Lot Coverage (max.) - 30 percent

### **11.5 BUILDING REGULATIONS**

- 11.5.1 Building Height (max.) - 12 metres

### **11.6 MINIMUM SEPARATION DISTANCE (RESIDENTIAL)**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS I) Formulae. The proposed residence shall be treated as a “Type A” land use.

### **11.7 SPECIAL PROVISIONS**

#### **Permitted Structures Establishment**

Permitted structures and uses shall only be established in accordance with the applicable regulations of the Maitland Valley Conservation Authority or the Saugeen Valley Conservation Authority, or the appropriate authority.

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## Clearing of areas

Clearing of areas is prohibited except as permitted in accordance with the County of Huron Forestry Conservation By-law No. 38-2013 or amendments thereto.

## Drainage

Drainage is prohibited, other than for direct agricultural drainage outlet, drainage required for permitted structures, and drains constructed in accordance with the Drainage Act and the Tile Drainage Act.

## 11.8 SPECIAL ZONES

### 11.8.1 NE3-1 Turnberry (West) Key Map

Notwithstanding the provisions of Sections 11.1 and 11.3 to the contrary, the establishment of any new barn must be in compliance with Section 7.8 (AG4, Special Provisions - New and Existing Barns). All other applicable provisions shall apply (As amended by By-law 35-2010).

### 11.8.2 NE3-2 Morris (Northwest) Key Map

In addition to the permitted uses listed in Section 9.1 the area zoned NE3-2 may include a single family dwelling and storage shed. The NE3-2 zone is subject to the zone regulations of Section 4 General Agriculture (AG1) except as noted below.

- The exterior side yard setback for the area zoned NE3-2 is 7.5 metres.
- The minimum lot area for the subject property shall be 22.6 hectares. Area of lot zoned NE1 may be included in the calculation of the lot area.
- The required minimum distance between a residential dwelling and manure storage or livestock barn shall be 205 metres.
- The minimum distance between the NE1 zone and any structure in the NE3-2 zone shall be 50 metres.

All other provisions of this By-law shall continue to apply. (Amended by By-law 38-2004)

### 11.8.3 NE3-3 Morris (Northwest) Key Map

Notwithstanding the provisions of Section 11.1, 11.2 and 11.3 to the contrary, the area zoned NE3-3 may be used for an expansion to the south of the existing residence with a maximum floor area of 139 sq. m.

The special provisions also recognize an existing accessory structure with a total floor area of 12 sq. m, and permit a secondary accessory structure to the west of the existing residence with a maximum floor area of 119 sq. m. Both accessory structures are limited to non-commercial uses and the provisions of Section 14.5.1 and 14.5.3 shall apply.

The Building Code requirements for septic systems and the construction regulations of the Maitland Valley Conservation Authority also apply. (Amended by By-Law 52-1998)

### 11.8.4 NE3-4 Turnberry (West) Key Map

Notwithstanding Section 11.4.2, for the area zoned NE3-4, the lot area shall be 40.4 ha. Areas of the lot zoned NE2 (Natural Environment Limited Protection) and NE1 (Natural Environment Full Protection) shall be included in the calculation of the lot area. (Amended by By-law 48-2016)

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## SECTION 12: EXTRACTIVE RESOURCE ZONE (ER1)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 12.1 PERMITTED USES

- Mineral aggregate operation or any other operation licensed under the *Aggregate Resources Act*
- Extractive use licensed under the *Oil, Gas and Salt Resources Act*
- The processing of extracted materials from the site including crushing, screening, washing, sorting and storing of materials, and a portable asphalt plant, but not including a permanent asphalt/concrete/ready mix batching plant
- Agricultural use, limited
- Uses permitted in the NE1 zone
- Uses accessory uses to the permitted uses

### 12.2 PERMITTED STRUCTURES

- an office and service building or structure
- storage and maintenance building or structure
- other buildings and structures accessory to the permitted uses, but not including a dwelling unit

### 12.3 ZONE REGULATIONS

- 12.3.1 Lot area (minimum) No minimum
- 12.3.2 Front Yard Depth (minimum) – 25 metres
- 12.3.3 Exterior Side Yard Depth (minimum) – 25 metres
- 12.3.4 Interior Side Yard Depth (minimum) – 17 metres
- 12.3.5 Rear Yard Depth (minimum) – 17 metres

### 12.4 SPECIAL PROVISIONS

#### Rehabilitation

The site shall be mined, managed and rehabilitated in accordance with the Regulations of the *Aggregate Resources Act* as amended, and a site plan as approved by the Ministry of Natural Resources.

#### No excavation can occur or be expanded within:

Minimum set backs

- 15 metres of the boundary of the site
- 30 metres from any road limit
- 30 metres of land in use for residential purposes
- 30 metres of land designated as a settlement area
- 30 metres from the top of bank of any body of water or water course that is not the result of excavation below the water table

Setbacks from the Natural Environment Zone shall be in accordance with the General Provisions Section (Adjacent Lands to Significant Natural Environment areas CONSERVATION AUTHORITY NOTIFICATION AREAS) of this By-law.

#### Exception to Setback from Boundary of Site

Where 2 extractive operations abut and are operated at the same time thus permitting a more efficient use of the available aggregate, the setback of 15 metres from the boundary of the site may be waived

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conditional upon a signed agreement being registered against the deeds of both properties and upon Ministry of Natural Resources approval.

### **Exception to Setback from Any Road Limit**

Where an extractive operation abuts a municipal road and a reduced setback would permit a more efficient use of aggregate, the setback from the road may be reduced conditional upon a signed agreement between the Municipality and the owner/licensee and upon Ministry of Natural Resources approval.

### **Future Uses Following Rehabilitation**

Following rehabilitation and removal of the aggregate license, where a building or structure is to be established on the rehabilitated lands, a rezoning to the appropriate zone is required prior to the establishment of a building or structure.

### **Repair, Renovation, Expansion of Existing Buildings**

Where a residence, accessory storage structure or barn was erected prior to the date of passing of this By-law the said building or structure may be repaired, renovated or expanded (maximum expansion of 25%) in accordance with the provisions of the General Agriculture (AG1) Zone.

## **12.5 SPECIAL ZONES**

### **12.5.1 ER1-1 Morris (Northwest) Key Map**

Notwithstanding the provisions of section 12.1 to the contrary, on lands zoned ER1-1, the recycling of asphalt and concrete is a permitted use, in addition to those uses currently permitted in the ER1 zone. All other provisions of this By-law shall continue to apply. (Amended by By-law 92-2007)

### **12.5.2 ER1-2 Morris (Northwest) Key Map**

Notwithstanding the provisions to the contrary, in the area zoned ER1-2, the uses permitted in the AG1 zone, are also permitted and the AG1 zone provisions apply to those uses with the exception that the minimum side yard depth for livestock buildings is 24 metres. All other provisions By-law 45-2014 shall continue to apply. (Amended by By-law 81-2017)

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## SECTION 13: EXTRACTIVE INDUSTRIAL ZONE (ER2)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 13.1 PERMITTED USES

- permanent asphalt/concrete/ready mix batching plant
- uses permitted in the ER1 zone

### 13.2 PERMITTED STRUCTURES

- Buildings and structures for the permitted uses
- Buildings and structures accessory to the permitted uses, not including a dwelling unit

### 13.3 ZONE REGULATIONS

#### 13.3.1 Lot area (minimum)                      No minimum

Setbacks for buildings or structures for permanent asphalt/concrete/ready mix batching plant (minimum) setbacks shall apply:

- 13.3.2 Front Yard Depth (minimum) – 90 metres
- 13.3.3 Exterior Side Yard Depth (minimum) – 90 metres
- 13.3.4 Interior Side Yard Depth (minimum) – 17 metres
- 13.3.5 Rear Yard (minimum) – 17 metres
- 13.3.6 Lot Coverage (maximum) – 20%
- 13.3.7 Setback from any off-site dwelling – 300 metres

Setbacks for other permitted structures:

- 13.3.8 Front Yard (minimum) – 25 metres
- 13.3.9 Exterior Side Yard (minimum) – 25 metres
- 13.3.10 Interior Side Yard (minimum) – 17 metres
- 13.3.11 Rear Yard (minimum) – 17 metres

### 13.4 SPECIAL PROVISIONS

13.4.1 The special provisions of the ER1 zone shall apply to lands zoned ER2

#### 13.4.2 Location

An extractive industrial zone is only permitted within an area licensed as a pit in accordance with the *Aggregate Resources Act*, as amended.

### 13.5 SPECIAL ZONES



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## SECTION 14: VILLAGE RESIDENTIAL - LOW DENSITY (VR1)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 14.1 PERMITTED USES

- Single detached dwelling
- Dwelling with support in single detached dwelling
- An additional residential unit (ARU) accessory to an uncovered single detached dwelling  
(Amended by By-law 48-2022)

### 14.2 ACCESSORY USES

- a home occupation
- a bed and breakfast in a detached dwelling
- uses accessory to the permitted uses

### 14.3 PERMITTED STRUCTURES

- one main structure is permitted in the VR1 Zone
- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted uses

### 14.4 ZONE REGULATIONS FOR DETACHED DWELLINGS

	<b>Full Service (Public Water &amp; Public Sewer)</b>	<b>Public Water &amp; Private Septic</b>	<b>Private Water &amp; Private Septic</b>
Interior Lot Area (min)	450 square metres	4,000 square metres	4,000 square metres
Corner Lot Area (min)	540 square metres	4,000 square metres	4,000 square metres
Interior lot frontage (min)	15 metres	23 metres	23 metres
Corner Lot Frontage (min)	18 metres	23 metres	23 metres
Lot Depth (min)	30 metres	46 metres	46 metres
Front Yard Depth (min)	7.5 metres	7.5 metres	7.5 metres
Interior Side Yard Depth (min)	3 metres	3 metres	3 metres
Exterior Side Yard (min)	7.5 metres	7.5 metres	7.5 metres
Rear Yard Depth (min)	8 metres	8 metres	8 metres
Lot Coverage (max)	35 %	35 %	35 %
Landscaped Open Space (min)	30 %	30 %	30 %
Main Building Height (max)	9 metres	9 metres	9 metres

(Amended by By-law 30-2023)

### 14.5 REGULATIONS FOR ACCESSORY BUILDINGS & STRUCTURES

#### 14.5.1. YARD REQUIREMENTS

14.5.1.1. No accessory building or structure shall be located in a front yard.

14.5.1.2. No accessory building or structure shall be located closer than 4.5 metres to an abutting street (exterior side lot line).

14.5.1.3. No accessory building or structure shall be located closer than 1.5 metres to an interior side lot line or rear lot line. However, an attached garage or attached carport with no rooms above may be erected at a distance of not less than 1 metre from a side lot line.

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#### 14.5.2. Ground Floor Area (maximum)

- For lots less than 1 acre: 90 square metres
- For lots 1 acre and greater: 115 square metres

*(As amended by By-law 48-2022)*

#### 14.5.3. Building Height (maximum) - 6 metres. *(amended by By-law 48-2022)*

### **14.6 SPECIAL PROVISIONS**

#### **14.6.1. EXISTING BUILDINGS, STRUCTURES AND DEVELOPED LOTS**

The lot area, lot frontage, lot depth, all yards, gross floor area of the main building, lot coverage, and building height of existing permitted buildings, structures and lots, where lower than the foregoing minimum or higher than the foregoing maximum requirements, shall apply as they lawfully exist on the day of the passing of this By-law.

#### **14.6.2. EXISTING UNDEVELOPED LOTS**

Where a lot having an area and/or frontage or depth less than the minimum requirement for this zone and is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry Office, at the date of the passing of the By-law, such lot may be used and a detached dwelling erected on the lot provided:

14.6.2.1. Minimum lot frontage: 18 m (with Public Water)

14.6.2.2. Minimum lot area: 1,000 sq. m

14.6.2.3 Minimum lot depth: 37 metres

### **14.7 SPECIAL ZONES**

#### 14.7.1 VR1-1 Belgrave Key Map

Notwithstanding the provisions of Section 14.4 to the contrary, the following shall apply to those lands zoned VR1-1:

- Lot Area (minimum) - the lot area existing on the date of passing of this By-law.

*(Amended by By-law 56-2013)*

#### 14.7.2 VR1-2 Belgrave Key Map

Notwithstanding the provisions of Sections 14.4 and 14.5.1.3. to the contrary, the area zoned VR1-2 shall have a minimum front yard depth of 3.8 metres and no accessory building or structure shall be located closer than 1.2 metres to an interior side lot line.

#### 14.7.3 VR1-3 Belgrave Key Map

Notwithstanding the provisions of Section 14.4, to the contrary, the following shall apply to the area zoned VR1-3:

- Lot Area – not less than 1.15 hectares (2.8 acres), which includes lands zoned VR1-3 and NE1;
- Lot frontage – not more than 92 metres (301.84 ft.)
- Easterly side yard – 42 metres (137.79 ft.) which includes the lands zoned NE1;
- Westerly side yard – 15 metres (50 feet).

*(Amended by By-law 36-2002)*

#### 14.7.4 VR1-4 Belgrave Key Map

Notwithstanding the provisions of Sections 14.3 and 14.4, to the contrary, the lot area, frontage and the setbacks, lot coverage and height of the existing building on the lands zoned VR1-4 are deemed to comply. Notwithstanding the provisions of Section 14.5, to the contrary, the east side yard setback for all buildings and structures including accessory buildings shall be 3 metres to allow access for future maintenance of the septic system. All other

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provisions of this By-law shall continue to apply. (Amended by By-law 13-2009)

#### 14.7.5 VR1-5 Bluevale Key Map

Notwithstanding the provisions of Section 14.1, to the contrary, an automotive repair establishment shall be permitted on the lands zoned VR1-5, in addition to those uses permitted in the VR1 zone. The automotive repair is limited to cars and pick-up trucks. The maximum floor area of the existing building used for automotive repair shall be limited to its current size with a maximum floor area of 71.3 square metres (768 square feet). The lands zoned VR1-5 shall be subject to the provisions of Section 2 (Home Industry). All other provisions of this By-law shall apply. (Amended by By-Law 8-2000)

#### 14.7.6 VR1-6 Bluevale Key Map

Notwithstanding the provisions of Section 14.1 to the contrary, for the area zoned VR1-6, a home industry is a permitted use. In addition to the occupations defined in Section 2 (Home Industry), farm equipment repair and the retail sale of small engines such as chain saws and lawn mowers and including used ATV's and snowmobiles is permitted. Retail sales of accessory or related products are also permitted. Retail sales of farm equipment, car and trucks are not permitted. Products will not be displayed in the front yard. All other provisions of this By-law shall continue to apply. (Amended by By-law 80-2005)

#### 14.7.7 VR1-7 Bluevale Key Map

Notwithstanding the provisions of Section 14.4 to the contrary, the area zoned VR1-7 shall have a minimum lot area of 3.96 hectares (9.8 acres). All other provisions shall apply. (Amended by By-law 52-2001)

#### 14.7.8 VR1-8 Lowertown Key Map

Notwithstanding the provisions of Section 14.1, 14.2 and 14.4 to the contrary, on the lands zoned VR1-8, a detached dwelling, an addition to the dwelling and accessory buildings are permitted subject to the setback requirements of the Village Residential – Low density (VR1) zone. All other provisions of this By-law shall continue to apply. (Amended by By-law 87-2006)

#### 14.7.9 VR1-9 Lowertown Key Map

Notwithstanding the provisions of Section 14.1 to the contrary, the area zoned VR1-9 may also be used for a mobile home as defined in Section 2. All other applicable provisions shall apply. (Amended by By-law 024-89)

#### 14.7.10 VR-10 Lowertown Key Map

Notwithstanding the provisions of Section 3.36.3 to the contrary, on the lands zoned VR1-10 a minimum top-of-bank setback of 8 metres shall be required for the establishment of all buildings and structures on the subject lands. All other applicable provisions of this By-law shall continue to apply. (Amended by By-law 13-1992)

#### 14.7.11 VR1-11 Lowertown Key Map

Notwithstanding the provisions of Section 14.5 to the contrary, in the VR1-11 zone, an accessory building is allowed with a minimum floor area to not exceed 357 square metres and a maximum building height to not exceed 6.1 metres. All other provisions of this By-law shall continue to apply. (Amended by By-law 82-2011)

#### 14.7.12 VR1-12 Lowertown Key Map

Notwithstanding the provisions of Section 14.5 to the contrary, in the VR1-12 zone, an accessory building is allowed with a maximum floor area to not exceed 180 square metres and a maximum building height to not exceed 6.1 metres. All other provisions of this By-law shall continue to apply. (Amended by By-law 82-2011)

#### 14.7.13 VR1-13 North of Wingham Key Map

On lands zoned VR1-13 the following provisions shall apply:

Notwithstanding the provisions of Section 3.32.5, to the contrary, on the lands zoned VR1-13, the parking area

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location may be permitted in the west interior side yard, and front yard. No part of any parking area shall be located closer than 1 metre to any street line. For the purpose of this rezoning, the front of the subject lot shall be deemed to be Josephine Street and the Road Allowance between Concessions 8 and 9, Turnberry;

Notwithstanding the provisions of Section 3.6 to the contrary, two main buildings shall be permitted on the subject lands. These main buildings may be joined by a covered walkway;

Notwithstanding the provisions of Section 14.1 to the contrary, the existing nursing home building may be converted to a privately operated retirement residence. The following provisions shall apply:

- The parking provisions for a nursing home, hospital and sanatorium shall apply;
- All other applicable provisions of this By-law, as amended, shall apply;

Notwithstanding the provisions of Section 3.33 to the contrary, the area zoned VR1-13 shall only provide for a planting strip as follows:

- The westerly and southerly property lines of Part 1, 2 and 3. 22R727 (area adjacent to proposed parking lot);
- The northerly 72.5 metres (238 feet) of the eastern property line;
- The provisions of subsection 3.33.2, 3.33.3, 3.33.4, 3.33.5, 3.33.6, and all other applicable provisions shall apply to the establishment of the planting strip;
- All other applicable provisions of this By-law, as amended, shall apply on those lands zoned VR1-13. (Amended by By-law 2005-91)

#### 14.7.14 VR1-14 Bluevale Key Map

Notwithstanding the provisions of Sections 14.5.2 and 14.5.3 to the contrary, on the lands zoned VR1-14 the total floor area of all accessory buildings shall not exceed 260 square metres, which shall include the existing garage which has an area of 67 square metres. The maximum building height of an accessory building shall not exceed 7 metres. Notwithstanding Section 3.32.10.1 to the contrary, on the lands zoned VR1-14 parking a transport truck (including a tractor and trailer) is permitted. All other sections of this Zoning By-law shall apply.

#### 14.7.15 VR1-15 Lowertown Key Map

Notwithstanding the provisions of Section 3.36.3 to the contrary, on the lands zoned VR1-15, no building or structure shall be erected closer than 14 metres from the top-of-bank of a natural watercourse. All other provisions of By-law 45-2014 shall apply. (Amended by By-law 94-2019)

#### 14.7.16 VR1-16 Belgrave Key Map

Notwithstanding the provisions of Section 14.4 to the contrary, the following shall apply to the area zoned VR1-16: The Minimum Lot Frontage shall be 20 metres for a maximum of one (1) new lot that is used for an existing dwelling and permitted accessory uses, buildings and structures. All other applicable provisions of this By-law, as amended, shall apply. (As amended by By-law 32-2021)

#### 14.7.17 VR1-17 Lowertown Key Map

Notwithstanding the provisions to the contrary, on each parcel zoned VR1-17, one single detached dwelling and accessory building is permitted. The maximum total ground floor area of all buildings on each lot zoned VR1-17 is 298 square metres. (Amended by By-law 34-2021)

#### 14.7.18 VR1-18 Lowertown Key Map

Notwithstanding the provisions to the contrary, the VR1-18 zone allows for one single detached dwelling and accessory building. The maximum total ground floor area of all buildings on each lot zoned VR1-18 is 187 square metres. (Amended by By-law 34-2021)

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#### 14.7.19 VR1-19 Lowertown Key Map

Notwithstanding the provisions to the contrary, the maximum total floor area for all accessory buildings shall not exceed 143m<sup>2</sup> and one accessory building is permitted to have a maximum height of 5.3 metres. (Amended by By-law 35-2021)

#### 14.7.20 VR1-20 Lowertown Key Map

Notwithstanding the provisions to the contrary, the maximum floor area for all accessory buildings shall not exceed 112 square metres and the maximum building height for one accessory building on the property is a maximum of 6.8 m. All other provisions of By-law 45-2014 shall apply. (Amended by By-law 11-2021)

#### 14.7.21 VR1-21

In the area zoned VR1-21, a reduced frontage of 18.8 metres is recognized. All other provisions apply. (Amended by By-law 24-2022)

#### 14.7.22 VR1-22

Notwithstanding provisions to the contrary, in the area zoned VR1-22, the lot area is deemed to comply provided there is only one dwelling unit. (Amended by By-law 30-2023)

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## **SECTION 15: VILLAGE RESIDENTIAL - MEDIUM DENSITY (VR2)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **15.1. PERMITTED USES**

- Uses permitted in a VR1 Zone
- Home occupation
- An Additional Residential Unit (ARU) accessory to an unconverted single detached dwelling
- Uses accessory to the permitted uses

*(Amended by By-law 48-2022)*

### **15.2. PERMITTED STRUCTURES**

- Single detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- Conversion of single detached dwelling to a total of 2 units
- Dwelling with support in single detached dwelling
- Uses accessory to the permitted uses

*(Amended by By-law 48-2022)*

### **15.3. ZONE REGULATIONS**

15.3.1 Single detached dwelling – as per Section 14.4.

15.3.2 All other dwelling types

- Lot Area (minimum): 8000 square metres (2.0 acres)
- Lot Frontage (minimum): 46 metres
- Lot Depth (minimum): 46 metres
- Front Yard (minimum): 7.5 metres
- Interior Side Yard Depth (minimum): 3 metres
- Exterior Side Yard Depth (minimum): 7.5 metres
- Lot Coverage (minimum): 35%
- Landscaped open space: 30%

*(Amended by By-law 48-2022)*

### **15.4. BUILDING REGULATIONS**

15.4.1. Building Height (maximum) - 9 metres

### **15.5 REGULATIONS FOR ACCESSORY BUILDINGS & STRUCTURES**

#### **15.5.1. YARD REQUIREMENTS**

15.5.1.1 No accessory building or structure shall be located in a front yard.

15.5.1.2 No accessory building or structure shall be located closer than 4.5 metres to an abutting street (exterior side lot line).

15.5.1.3 No accessory building or structure shall be located closer than 1.5 metres to an interior side lot line or rear lot line. However, an attached garage or attached carport with no rooms above may be erected at a distance of not less than 1 metre from a side lot line.

15.5.2. Section 14.5.2. applies.

15.5.3. Section 14.5.3 applies.

*(as amended by By-law 48-2022)*

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## **15.6. SPECIAL PROVISIONS**

### **15.6.1. Existing Buildings, Structures & Developed Lots**

The lot area, lot frontage, all yards, gross floor area of the main building, lot coverage and building height of existing permitted buildings, structures and lots, where lower than the foregoing minimum or higher than the foregoing maximum requirements, shall apply as they lawfully exist on the day of passing of this By-law.

### **15.6.2. Multiple Attached Side Yard**

Notwithstanding the provisions of Section 15.3, the abutting side yard requirements for one unit of a semi-detached or Rowhouse Dwelling on a separately titled lot shall be 0 metres.

## **15.7 SPECIAL ZONES**

### **15.7.1. VR2-1**

Notwithstanding the provisions of Section 15.1 and 15.2 to the contrary, a single-storey Rowhouse Dwelling (to a maximum of four units) is also permitted on the lands VR2-1. Notwithstanding the provisions of Section 15.3 and 14.4, in the area zoned VR2-1, the minimum frontage of the lands is 18.5 m, the minimum interior side yard along the westerly property boundary is 9 m and the maximum building height is 9 m. In addition, for a Rowhouse Dwelling, the minimum rear yard requirement shall also be 45 m and the minimum interior side yard along the easterly property line shall be 22 m. The following setbacks are required from the property lines west of the driveway and south of the residence:

- h) 15 m setback for the septic system
- i) 15 m setback for the underground storm water management infrastructure
- j) 3 m setback for the driveway

All other provisions of By-law 45-2014 shall apply. (As amended by By-law 66-2018)

### **15.7.2. VR2-2 Lowertown Key Map**

Notwithstanding the provisions to the contrary, a maximum of three dwelling units and buildings and structures accessory to the dwelling units are permitted on each parcel zoned VR2-2. The maximum total ground floor area of all buildings on each lot zoned VR2-2 is 485 square metres. (As amended by By-law 34-2021)

### **15.7.3 VR2-3**

The existing rowhouse is permitted subject to the provisions of Section 3.29. (Amended by By-law 48-2022)

### **15.7.4 VR2-4 Belgrave Key Map**

Notwithstanding provisions to the contrary, in the areas zoned VR2-4, the existing lot area is deemed to comply provided there is only two dwelling units. All other provisions continue to apply. (As amended by By-law 38-2023)

### **15.7.5 VR-5 Lowertown Key Map**

Notwithstanding the provisions to the contrary, in the VR2-5 zone, a rowhouse to a maximum of four units is permitted and a reduced frontage of 12.0 metres is recognized. All other provisions apply. (As amended by By-law 24-2022)

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## SECTION 16: RESIDENTIAL PARK (R4)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 16.1. PERMITTED USES

- Residential home park
- home occupation
- Passive and active recreation
- Uses accessory to the permitted use.

### 16.2. PERMITTED STRUCTURES

- an administrative, sales, or rental office
- a convenience retail store or a personal service store to serve the day-to-day commercial needs of the residential park residents
- mobile homes
- mobile homes - double wide
- modular homes
- a mobile home sales office
- a recreational or community centre
- one dwelling unit within the rear portion or second storey of the main office or sales facility
- a swimming pool
- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted use

### 16.3. REGULATIONS FOR RESIDENTIAL PARK:

16.3.1. Lot Area (Min.)	- 4.0 hectares
16.3.2. Lot Frontage (Min.)	- 100 metres
16.3.3. Front Yard (Min.)	- 9 metres
16.3.4. Side Yard (Min.)	- 2 metres
16.3.5. Rear Yard (Min.)	- 7.5 metres
16.3.6. Building Height (Max.)	- 9 metres

### 16.4. REGULATIONS FOR RESIDENTIAL SITE:

16.4.1. Site Area (min.)	- 420 sq. metres
16.4.2. Lot Frontage (min.)	- 13.5 metres
16.4.3. Front Yard (min.)	- 3 metres from interior road
16.4.4. Side Yard, exterior (min.)	- 3 metres
16.4.5. Side Yard, interior (min.)	- 2 metres
16.4.6. Rear Yard (min.)	- 3 metres
16.4.7. Unit Floor Area (min.)	- 55 sq. m.
16.4.8. Site Coverage (max.)	- 35 %

### 16.5. SPECIAL PROVISIONS FOR RESIDENTIAL PARKS:

#### 16.5.1. Density

The maximum density of mobile home units / modular homes in a residential park shall be 20 units per gross hectare.



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### **16.5.2. Services**

Each mobile or modular home located within a residential park shall be provided with a piped water supply, sewage disposal facilities, solid waste disposal, storm drainage, hydro, street lighting, telephone and road maintenance.

### **16.5.3. Access**

Each individual site within a residential park shall be located on an internal access road which shall have a dust free surface and shall be a minimum traveled width of 4 metres for one-way traffic flow and 6 metres for two-way traffic flow.

### **16.5.4. Unit Per Site**

Not more than one mobile or modular home unit shall be placed on any individual site.

### **16.5.5. Parking**

In addition to the provisions of Section 3.32 each site shall be provided with at least 1 car parking space and visitor parking shall be provided on the basis on 1 space for every 2 mobile home sites, and shall be dispersed throughout the residential park at locations convenient to the site which it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.

### **16.5.6. Recreation Space**

Not less than 10% of the gross area of a residential park shall be used as recreation space, placed in locations convenient to all residents. Such space shall be free of traffic hazards and shall not include areas designated as planting strips. Where recreation space exceeds 500 square metres, 2 or more such areas shall be provided.

### **16.5.7. Separation**

Mobile homes, modular homes, and any part thereof shall be separated from each other or from any other building by not less than 4 metres. Any porch, carport or addition to a mobile / modular home shall be regarded as part of the mobile / modular home for the purpose of separation.

### **16.5.8. Storage**

There shall be no outside storage of any furniture, domestic equipment or seasonally used equipment on the site. Adequate open storage shall be provided within a special communal storage area provided within the residential park. Adequate covered storage shall be provided and located either at the home site or within a special communal storage each provided within the residential park. Structures containing accessory covered storage facilities shall be located and designated so that each building provides storage space for a minimum of 8 mobile home or modular home units on the basis of 3.5 cubic metres of storage space per unit, and no site is more than 60 metres from its storage facility.

### **16.5.9. Skirting and Accessory Structures**

Each mobile home / modular home unit located on an individual site shall be placed on a continuous permanent substructure and permanent foundation supports. All units shall be provided with durable skirtings, with access where necessary, to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonize with the units.

### **16.5.10. Commercial Buildings**

Accessory commercial buildings shall not occupy more than 1% of the residential park area. The required parking spaces shall be calculated on the basis of 1 parking space for each 10 square metres of gross floor area.

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## **16.6 SPECIAL ZONES**

### **16.6.1 R4-1 Lowertown Key Map**

Notwithstanding the definition of Mobile Homes in Section 2 of this By-law to the contrary, on the lands zoned R4-1, mobile home units may be erected on the site provided that the ability to be transported is maintained.

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## SECTION 17: VILLAGE INDUSTRIAL (VM1)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 17.1. PERMITTED USES

- All permitted uses shall be dry uses as defined
- agricultural industrial establishment
- agricultural processing establishment not including dead stock removal
- agricultural service establishment
- agricultural supply establishment
- assembly, manufacturing, fabricating, packaging, printing, publishing plant or warehouse conducted and wholly contained within an enclosed building
- bottle depot
- catering service or light equipment rentals
- commercial storage warehouse
- communications facility
- contractor's yard
- dry cleaning establishment
- fire hall
- furniture refinishing, woodworking or upholstery shop
- garage, public
- indoor sports and recreational facility
- industrial mall
- laboratory or research facility
- machine shop
- motor vehicle body shop
- motor vehicle repair shop
- municipal water tower or water reservoir
- parking lot
- public park
- public works yard, garage, warehouse or storage yard
- recycling centre
- service industrial use
- textile plant
- truck transport terminal
- warehouse
- wholesale outlet
- window and plate glass establishment
- accessory uses subordinate to and located on the same lot as a permitted main use including an office, showroom, retail outlet, cafeteria, or a wholesale outlet
- cannabis production facility subject to the provisions of Sections 17 and 3.51

### 17.2. PERMITTED STRUCTURES

17.2.1. buildings and structures for the permitted uses

17.2.2. buildings and structures accessory to the permitted uses

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### **17.3. ZONE REGULATIONS FOR ALL OTHER PERMITTED USES:**

17.3.1. Lot Area (minimum): 1850 square metres

17.3.2. Lot Frontage (minimum): 25 metres

17.3.3. Front Yard Depth (minimum):

17.3.3.1. adjacent to County Road: 15 metres

17.3.3.2. adjacent to Municipal Road: 10 metres

17.3.4. Side Yard Depth (minimum): 4.5 metres

(except where abutting a Residential, Community Facility or Recreational Zone or Park Use, in which case - 7.5 metres).

17.3.5. Exterior Side Yard Depth (minimum):

17.3.5.1. adjacent to a County Road: 15 metres

17.3.5.2. adjacent to a Municipal Road: 10 metres

17.3.6. Rear Yard Depth (minimum): 7.5 metres

17.3.7. Lot Coverage (maximum): 40%

17.3.8. Landscaped Open Space (minimum): 10%

17.3.9. Building Height (maximum) 12 metres (Amended by By-law 71-2015)

### **17.4 SPECIAL PROVISIONS**

#### **17.4.1 Planting Strips**

Shall be provided in accordance with the provisions of Section 3.33.

#### **17.4.2 Open Storage**

The outdoor storage of goods or materials shall be permitted to the side or rear of the main building provided that:

17.4.2.1 such outdoor storage is accessory to the use of the main building on the lot

17.4.2.2 such outdoor storage complies with the yard and setback requirements of this zone

17.4.2.3 such open storage does not cover more than 75% of the lot area

17.4.2.4. any portion of the area used for outdoor storage, where it does not adjoin the outside wall of a building is completely concealed from view from the street or from an adjacent non-industrial zone by a fence, planting strip or decorative masonry wall or a combination thereof in conformity with Section 3.33.

#### **17.4.3. Zone Provisions for Accessory Storage Containers**

- A maximum of 3 storage containers shall be permitted
- Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. Storage containers are not permitted in a front yard.
- Storage containers must be located a minimum of 7.5 metres from all lot lines
- Storage containers accessory to the main use shall be a maximum of 3 metres in height. Storage containers shall not be stacked.

### **17.5 SPECIAL ZONES**

#### **17.5.1 VM1-1 Lowertown Key Map and East of Wingham Key Map**

The requirement of Section 17.1 that all permitted uses shall be dry industries shall not apply to the lands zoned VM1-1 upon the provision of municipal water and sewage. Notwithstanding the provisions of Section 17.1 to the contrary, the following uses shall be permitted on the lands zoned VM1-1, in addition to those uses permitted in the VM1 zone: An assembly, manufacturing, fabricating, packaging, printing, publishing plant or warehouse conducted and wholly contained within an enclosed building.

(Amended by Turnberry By-law 15 and 24-1998 and Morris By-law 14-1998)

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#### 17.5.2 VM1-2 North of Wingham Key Map

Notwithstanding the provisions of Section 17.1.to the contrary, the area zoned VM1-2 may also be used for an automotive repair establishment with a limited amount of sales and service. The sales and service component shall be limited to motor vehicles repaired on the subject lands, and for this purpose must be accessory to the automotive repair function. (Amended by By-law 018-91)

#### 17.5.3 VM1-3

Notwithstanding the provisions of Section 3.32.5 to the contrary, for the area zoned VM1-3, parking is permitted in the front yard. All other provision of this by-law shall apply. (Amended by By-law 42-2015)

#### 17.5.4 VM1-4

For the area zoned VM1-4, a residence is permitted as an accessory use to a use permitted by Section 17.1. (Amended by By-law 71-2015)

#### 17.5.5 Within the VM1-5 zone: (as amended by By-law 42-2017)

Notwithstanding the permitted uses in Section 17.1, for the area zoned VM1-5, the only permitted use is a warehouse and fabric facility for the assembly of fabric building components.

Notwithstanding Section 3.32.5, for the area zoned VM1-5 parking is permitted in the front yard.

Notwithstanding Section 17.3.2. for the area zoned VM1-5, the required minimum lot frontage is 18.2 metres.

All other provisions of the Zoning By-law shall apply.

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## **SECTION 18: VILLAGE COMMERCIAL – GENERAL (VC1)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **18.1. PERMITTED USES**

- an agricultural supply establishment, except those dealing with heavy machinery, fuels, factory equipment or building materials
- an agricultural service establishment
- a bank or a financial institution
- a clothing store
- a day nursery
- dwelling unit(s) accessory to a permitted use
- a food store
- a convenience store
- a greenhouse, commercial
- a hotel
- an office use or clinic
- a parking area
- a private club
- an eating establishment, restaurant
- an eating establishment, drive through restaurant
- an eating establishment, take out restaurant
- a service shop
- a funeral home
- a hardware store
- a retail store except those dealing with heavy machinery, fuels, factory equipment, building materials, new or used automobiles, boats, trailers, motorcycles or snowmobiles
- a gasoline bar
- uses accessory to the permitted use

### **18.2. PERMITTED STRUCTURES**

- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted uses

### **18.3. ZONE REGULATIONS**

- 18.3.1. Lot Area (minimum): 1,850 square metres
- 18.3.2. Lot Frontage (minimum): 30 metres
- 18.3.3. Front Yard Depth (minimum): 3 metres
- 18.3.4. Side Yard Depth (minimum): 3 metres
- 18.3.5. Exterior Side Yard (minimum): 3 metres
- 18.3.6. Rear Yard Depth (minimum): 7.5 metres
- 18.3.7. Lot Coverage (maximum): 40 percent
- 18.3.8. Landscaped Open Space (minimum): 10 %

### **18.4. BUILDING REGULATIONS**

- 18.4.1. Building Height (maximum): 10 metres

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**18.5. REGULATIONS FOR ACCESSORY RESIDENTIAL USE**

18.5.1 Location - other than in basement or cellar.

18.5.2 Access to dwelling units from the adjacent street shall be provided for the exclusive use of the dwelling.

**18.6. EXISTING BUILDINGS, STRUCTURES AND LOT**

The lot area, lot frontage, all yards, gross floor area of the main building, lot coverage, and building height of existing permitted buildings, structures and lots, where lower than the foregoing minimum or higher than the foregoing maximum requirements, shall apply as they lawfully exist on the day of passing of this By-law.

**18.7 SPECIAL ZONES**

18.7.1 VC1-1 Walton Key Map

Notwithstanding the provisions of Section 18.1. to the contrary, the property zoned VC1-1 also includes as a permitted use a service station. All other applicable provisions shall apply.

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## SECTION 19: VILLAGE COMMERCIAL – HIGHWAY (VC2)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### 19.1. PERMITTED USES

- Agricultural sales, service and supply establishment
- Auction sale facility excluding the sale of livestock
- Ambulance station
- Assembly Hall
- Bed & breakfast establishment
- Beer Store
- Boat, motorcycle, motor home, snowmobile, or travel trailer sales and service establishment
- Bus Depot
- Commercial storage warehouse
- Contractors' yard
- Convenience store
- Drive-in theatre
- Dwelling unit(s) within the rear portion or second storey of a commercial building
- Dwelling existing on the date of passage of this by-law and its strengthening, repair, renovation, enlargement or re-establishment in event of accidental destruction, subject to the VR2 zone provisions
- Eating establishment
- Farm Produce Sales Outlet
- Fire hall
- Funeral home
- Garden centre
- Gasoline bar
- Health Club requiring an area larger than 1000 square metres
- Hotel or motel
- Landscaping and Gardening Supply
- Laundromat
- Liquor Store
- Medical Clinic requiring an area larger than 1000 square metres
- Mobile home and/or recreational vehicle sales and service establishment
- Motor vehicle repair shop
- Motor vehicle sales and/or service establishment
- Motor vehicle washing establishment
- Parking lot
- Police facility
- Public park
- Public works yard
- Retail lumber and building supply establishment
- Service and repair shop
- Tavern
- Veterinarian's Clinic
- Uses accessory to the permitted uses



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## **19.2. PERMITTED STRUCTURES**

- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted uses

## **19.3. ZONE REGULATIONS**

19.3.1. Lot Area (minimum) -1850 sq. metres

19.3.2. Lot Frontage (min.) -25 metres

19.3.3. Front Yard Depth (min.) - 10 metres

19.3.4. Side Yard Depth (min.) - 4.5 metres

- except where abutting a Community Facility, Residential or Recreational Zone, in which case, 7.5 metres.

19.3.5. Exterior Side Yard (min.) - 10 metres

19.3.6. Rear Yard (min.) - 7.5 metres

19.3.7. Lot Coverage (max.) - 25 percent

19.3.8. Landscaped Open Space (minimum) 20 % (Amended by By-law 71-2015)

## **19.4. BUILDING REGULATIONS**

19.4.1. Building Height (max.) - 10 metres

19.4.2. Minimum Dwelling Unit Area

- for dwelling units located within a commercial building - 47 square metres

## **19.5. REGULATIONS FOR ACCESSORY RESIDENTIAL USE**

19.5.1. Location - other than in basement or cellar.

19.5.2. A separate access to dwelling units independent of the commercial establishment shall be provided for the exclusive use of the dwelling

## **19.6. REGULATIONS FOR AUTOMOTIVE SALES AND SERVICE USE**

Where an automotive sales and service use includes retail fuel sales, the following provisions shall apply:

19.6.1. the maximum width of a driveway measured along the sidewalk, where such exists, and along the street line shall be 10 metres

19.6.2. the minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5 metres

19.6.3. the minimum distance between a driveway and an intersection of street lines, measured along the street line intersection by such driveway shall be 6 metres

19.6.4. the minimum distance between an interior side lot line and any driveway shall be 3 metres

19.6.5. the interior angle formed between the street line and the centre line of any driveway shall be not less than 60 degrees

19.6.6. points of access and egress must be clearly identified.

## **19.7. SPECIAL PROVISIONS**

### **19.7.1. Off Street Parking**

No parking space or part thereof shall be located and no stand shall be used as parking for a motor vehicle or for equipment within 3 metres of any street line.

### **19.7.2. Open Storage Regulations**

The minimum setback from any front, side or rear lot line of any open storage area in this zone shall be no less than 7.5 metres for the front yard depth and 3 metres for the side yard width and rear yard depth respectively.

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### **19.7.3. Zone Provisions for Accessory Storage Containers**

- A maximum of 3 storage containers shall be permitted
- Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. Storage containers are not permitted in a front yard.
- Storage containers must be located a minimum of 7.5 metres from all lot lines
- Storage containers accessory to the main use shall be a maximum of 3 metres in height. Storage containers shall not be stacked.

## **19.8 SPECIAL ZONES**

### **19.8.1 VC2-1 Belgrave Key Map**

Notwithstanding the provisions of Section 19.1 to the contrary, the following uses are also permitted on the property zoned VC2-1 - bulk sales establishment, petroleum and propane sales and storage. All other applicable provisions shall apply.

### **19.8.2 VC2-2 East of Wingham Key Map**

Notwithstanding the provisions of Section 19.1 to the contrary, the following use shall be permitted on the lands zoned VC2-2, in addition to those uses permitted in the VC2 zone: a contractor or tradesman shop or yard which would permit the storage, sale and repair of heavy machinery, equipment and trucks, and the retail sale of lubricants and fuels for trucks, and the performance of shop or assembly work or the storage of building and construction materials and equipment. All other provisions of this By-law shall apply. (Amended by By-law 17-1999)

### **19.8.3 VC2-3 East of Wingham Key Map**

Notwithstanding any provisions of this By-law as amended to the contrary, on the lands zoned VC2-3, a communications tower is considered accessory to the permitted use. All other provisions of this By-law shall apply. (Amended by By-law 22-2003)

### **19.8.4 VC2-4 East of Wingham Key Map**

Notwithstanding the provisions of Section 3.6 and 19.1.to the contrary, the area zoned VC2-4 may be used only for the display of model homes; and accessory offices. Notwithstanding the provisions of Section 19.3.6., the minimum rear yard shall be 3 metres. All other applicable provisions shall apply. (Amended by By-law 006-89)

### **19.8.5 VC2-5 East of Wingham Key Map**

Notwithstanding the provisions of Section 19.1.to the contrary, the area zoned VC2-5 shall not permit the establishment of one dwelling unit, or a dwelling unit within the rear portion or second storey of a commercial building. Further, the regulations of Section 19.5 for an accessory residential use do not apply as such use is hereby prohibited on lands zoned VC2-5. All other applicable provisions continue to apply. (Amended by By-law 3-93)

### **19.8.6 VC2-6 East of Wingham Key Map**

Notwithstanding the provisions of Sections 19.1 and 19.2 to the contrary, on lands zoned VC2-6 the permitted uses shall include the establishment of a heliport to be used only for emergency use of air ambulances to service the Wingham and District Hospital. This property also includes an existing motorcycle sales and service establishment. All other applicable sections shall apply. (Amended by By-law 12-93)

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### 19.8.7 VC2-7 East of Wingham Key Map

Notwithstanding the provisions of Section 19.1 to the contrary, the permitted uses on the lands zoned VC2-7 are:

- an automotive sales and service establishment;
- an automotive repair establishment;
- a rust proofing establishment;
- a boat or motorized & other recreational vehicle sales establishment;
- drive-in restaurant;
- restaurant;
- service station;
- retail store;
- financial institution;
- home and auto supply store;
- uses accessory to the permitted uses.

Notwithstanding the provisions of Sections 19.3 and 19.4 to the contrary, the gross floor area for building on lands zoned VC2-7 shall be:

- |                            |                    |                  |
|----------------------------|--------------------|------------------|
| • Retail Store             | Max.: 2,787 sq. m. | Min.: 465 sq. m. |
| • Home & Auto Supply Store | Max.: 2,787 sq. m. | Min.: 465 sq. m. |
| • Other permitted uses     | Max.: 929 sq. m.   | Min.: 465 sq. m. |

19.8.7.1 Notwithstanding the provisions of Section 19.8.7 to the contrary, the total gross floor area for all buildings on the lands zoned VC2-7 shall be a maximum of 6,503 square metres.

19.8.7.2 The lands zoned VC2-7 total 4.8 hectares. The maximum number of lots which can be created from this 4.8 hectare parcel shall be 6. Individual uses will be located in separate and detached buildings with one main use per building.

19.8.7.3 Development will be staged to require development of one larger anchor store (2,787 square metres) prior to smaller stores (929 sq. m.) being permitted.

19.8.7.4 All other provisions of the VC2 zone shall continue to apply.

19.8.7.5 All other provisions of this By-law shall continue to apply to the extent that they do not conflict with the provisions of the VC2-7 zone. These provisions include, but are not limited to Section 3.32 Parking Areas Regulation; 3.20 Loading Space Regulation; 3.6 Building Per Lot; 3.33 Planting Strip Requirements. (Amended by By-law 8-2000)

19.8.7.6 Sections 3.27 (Non Complying Buildings and Structures) and 3.29 (Non-Conforming Uses) shall continue to apply at the date of passing of this amending By-law. (Amended by By-law 72-2010)

### 19.8.8 VC2-8 East of Wingham Key Map

On lands zoned VC2-8;

Notwithstanding the provisions of Section 19.1 (permitted uses), the subject lands may be used for a large retail appliance store, accessory warehouse, and accessory uses;

Notwithstanding the provisions of Section 3.32 (parking), to the contrary, a minimum of 31 parking spaces are required. All other applicable provisions shall apply. (Amended by By-law 21-2012)

### 19.8.9 VC2-9 Lowertown Key Map

Notwithstanding the provisions of Section 19.1 to the contrary, on lands zoned VC2-9 the permitted uses shall include one single family residential dwelling. All other applicable sections shall apply. (Amended by By-law 20-93)

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#### 19.8.10 VC2-10 North of Wingham Key Map

Notwithstanding the provisions of Section 19.1 to the contrary, the lands zoned VC2-10 may be used for a Self Service Storage Facility and notwithstanding the provisions of Section 3.6 to the contrary, more than one main building is allowed provided that the Self Service Storage Facility includes no more than five units and provided that these units will be the same as those established as of the date of the passing of By-law 14-1987. (Amended by By-law 007-88)

#### 19.8.11 VC2-11 North of Wingham Key Map

Notwithstanding any provisions to the contrary, in the area zoned VC2-11:

- Lot coverage (maximum) is 28%
- Landscaped Open Space (minimum) is 11.6%
- Minimum parking requirement of 78 spaces including 2 accessible spaces and 2 limited mobility spaces (As amended by By-law No. 61-2019)

#### 19.8.12 VC2-12 North of Wingham Key Map

Notwithstanding the provisions of Section 19.1 (Permitted Uses) and 19.2 (Permitted Structures) to the contrary, on the lands zoned VC2-12, the existing residential building and barn are recognized as permitted structures. The permitted uses of the property shall be limited to the existing residence, a truck transport terminal and yard, and repair shop. In the event the main residential use and/or barn cease to exist, the permitted uses and structures of Section 19.1 and 19.2 shall apply in addition to a permitted truck transport terminal and yard. All other provisions shall comply. (Amended by By-law 43-2002)

#### 19.8.13 VC2-13 North of Wingham Key Map

Notwithstanding the provisions of Section 19.1 and 19.2 to the contrary, in the area zoned VC2-13 permitted uses include:

- a mushroom growing facility
- a commercial greenhouse
- retail sales related to a mushroom growing facility and a commercial greenhouse
- a single family dwelling
- uses accessory to the permitted use

All other provisions of this By-law shall continue to apply. (Amended by By-law 19-2006)

#### 19.8.14 VC2-14 Bluevale Key Map

Notwithstanding the permitted uses in a VC2 zone in Section 19.1, for the area zoned VC2-14 the permitted uses include only: a motor vehicle sales establishment; a business office. All other provisions of this by-law shall apply. (Amended by By-law 27-2016)

#### 19.8.15 Within the VC2-15 Zone:

The VC2-15 zone recognizes an area where historical artefacts are location. Within the VC2-15 zone:

- A maximum of two soccer fields is permitted as an accessory use. The soccer fields may also be located in the area zoned VC2-16.
- No ground disturbance is permitted for any reason

All other provisions of this By-law shall continue to apply. (Amended by By-law 95-2016)

#### 19.8.16 Within the VC2-16 zone:

- In addition to the uses permitted in Section 19.1, a professional office with a minimum area of 930 m<sup>2</sup> is permitted
- A maximum of two soccer fields are permitted as an accessory use. The soccer fields may also be located in the area zoned VC2-15
- A sports field is permitted as an accessory use

- 
- Notwithstanding Section 3.20 of the Zoning By-law, a loading space is not required
  - Notwithstanding Section 3.22.2, 37 parking spaces are required
  - The minimum lot area for the subject property shall be 3.11 ha. Area of the lot zoned VC2-15 shall be included in the calculation of the lot area

All other provisions of this By-law shall continue to apply. (Amended by By-law 95-2016)

#### 19.8.17 VC2-17 Bluevale Key Map:

Notwithstanding provisions to the contrary, the lands zoned VC2-17 include the milling of flour as a permitted use, subject to the following:

- All milling operations shall occur within the 288 square metres main building, excepting however that the storage of grain shall be permitted within grain bins stored outdoors;
- No more than 64 square metres of the main building shall be used for the milling operation;
- The milling of flour shall only be permitted as long as the restaurant is in operation. (Amended by By-law 57-2021)

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## **SECTION 20: COMMUNITY FACILITY (CF)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **20.1. PERMITTED USES**

- an ambulance station
- an arena
- an art gallery
- an assembly hall
- a cemetery
- a church or religious institution
- a clinic (public)
- a community centre
- a day nursery / day care
- fairgrounds
- farmers market
- a fire hall
- garage, public
- a grandstand
- home for the aged
- a hospital
- a library
- a museum
- nursing home
- park, public
- parking lot
- a police station
- a post office
- public buildings and uses (municipal government, county, and area provincial and federal offices)
- a public swimming pool
- a sanatorium
- a school
- sports and recreational facility
- utility buildings
- uses accessory to the permitted uses

### **20.2. PERMITTED STRUCTURES**

- buildings and structures for the permitted uses
- buildings and structures accessory to the permitted uses

### **20.3. ZONE REGULATIONS**

20.3.1 Lot Area (minimum): 1400 square metres

20.3.2 Lot Frontage (minimum): 25 metres

20.3.3 Front Yard Depth (minimum): 15 metres

20.3.4 Side Yard Depth (minimum): 7.5. metres

- except where an Community Facility use abuts a Residential Zone, a 9 metre side yard is required

- 
- 20.3.5 Exterior Side Yard Depth (min.): 9 metres
  - 20.3.6 Rear Yard Depth (minimum): 7.5 metres
  - 20.3.7 Lot Coverage (maximum) 40 percent
  - 20.3.8 Landscaped Open Space (min.): 10 percent

## **20.4. Building Regulations**

- 20.4.1 Building Height (maximum): 18 metres

## **20.5. Special Provisions**

Notwithstanding the provisions of this Zone, where a Community Facility use abuts a Residential Zone, a 9 metre side yard and/or rear yard (including the planting strip) shall be required.

### **20.5.2. Separation Distance (Residential)**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

### **20.5.3. Community Facilities for Communities Relying on Horse Drawn Transportation**

A community facility serving communities who rely on horse drawn transportation are permitted in an Agricultural Special Zone or Community Facility zone subject to the following:

- The community facility cannot be separated from the farm;
- A garden suite is permitted accessory to the community facility as per Section 39 of the Planning Act;
- The dwelling is a maximum distance of 60 metres from the community facility;
- Comply with Minimum Distance Separation Formulae to barns on separately titles lots as a Type A land use (Single distance).

*(As per By-law 48-2022)*

## **20.6. Special Provisions**

### **20.6.1 CF1-1 East of Wingham Key Map**

Notwithstanding the provisions of Section 20.1 to the contrary, playing fields and parking lots are permitted uses accessory to the school uses located on the abutting lands in the Municipality of North Huron. Notwithstanding the provisions of Section 20.3 to the contrary, the abutting lands zoned CF-4 and the abutting lands zoned CF shall be included for each lot in the calculations for lot area, parking, frontage and setbacks for the purpose of meeting the requirements of this By-law. In the CF1-1 zone, no setback for the parking lot that abuts the CF-4 zone or the CF zone in the Municipality of North Huron is required; the parking area may be located abutting a street line provided that no part of the parking area, other than a driveway, is located closer than 1 metre to any street line. Notwithstanding the provisions of Section 3.32 (Parking Area Requirements), the existing high school parking area within the CF1-1 zone shall contain not fewer than 70 parking spaces. All other applicable provisions of this By-law shall apply. (Amended by By-law 72-2010)

### **20.6.2 CF1-3 North of Wingham Key Map**

Notwithstanding the provisions of Section 20.1 and 20.3 to the contrary, a Municipal Shed shall be a permitted use and the lot frontage shall be 20 metres (66 feet) along North Street for the lands zoned CF1-3. (Amended by By-law 13-2000)

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## **SECTION 21: DISPOSAL ZONE (DS)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **21.1. PERMITTED USES**

- municipal or private solid waste disposal sites
- sewage treatment works or collection facilities
- water treatment, supply or storage facilities
- garbage transfer station

### **21.2. PERMITTED STRUCTURES**

- Buildings and structures for the permitted uses
- Buildings and structures accessory to the permitted uses

### **21.3. ZONE REGULATIONS**

21.3.1 Lot Area (minimum) – 1850 sq. m.

### **21.4. SPECIAL PROVISIONS**

21.4.1 All disposal sites shall develop according to the applicable regulations of the Ontario Ministry of Health and/or Ontario Ministry of the Environment.

### **21.5. SPECIAL ZONES**



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## **SECTION 22: COMMUNICATIONS & UTILITY (U)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **22.1. PERMITTED USES**

- agriculture
- conservation
- a radio, television, microwave, or similar communications tower or towers
- railway tracks and stations
- a pipeline
- an electrical distribution or transformer station
- accessory buildings and structures

### **22.2 SPECIAL ZONES**

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## **SECTION 23: DEVELOPMENT ZONE (D)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **23.1. PERMITTED USES**

- uses existing on the date of the passing of this By-law
- uses accessory to the permitted uses, subject to the provisions in Section 3.4 (Accessory Uses)
- agricultural use, limited
- park, public

### **23.2. PERMITTED STRUCTURES**

- buildings and structures existing on the date of passage of this By-law
- buildings and structures accessory to the permitted uses, not including the establishment of new livestock buildings.

### **23.4. ZONE PROVISIONS FOR ACCESSORY BUILDINGS**

Refer to Section 3.4 (Accessory Buildings).

### **23.5. ZONE PROVISIONS FOR EXISTING RESIDENCES**

Existing residences will be allowed to expand, enlarge or re-establish provided that the provisions of the VR1 or VR2 zone are complied with and provided that the same number of dwellings or dwelling units are maintained. (Amended by By-law 71-2015)

### **23.6. SPECIAL ZONES**

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## **SECTION 24: SALVAGE YARD (C4)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **24.1. PERMITTED USES:**

- an automotive wrecking establishment
- a salvage yard
- uses accessory to the permitted uses

### **24.2. PERMITTED STRUCTURES:**

- an accessory residence to be owned and occupied by the manager of the permitted commercial operation
- a storage shed
- buildings and structures for permitted uses
- buildings and structures accessory to the permitted uses

### **24.3. ZONE REGULATIONS :**

24.3.1 Zone Area (min.) – 2 hectares

24.3.2 Zone Area (max.) – 6 hectares

24.3.3 Lot Frontage (min.) – 45 metres

24.3.4 Front Yard Depth (min.) – 30 metres

24.3.5 Side Yard Depth (min.) – 3 metres, except:

- 15 metres minimum where any side lot line abuts any Non-Industrial Zone
- 1 metre minimum where any side lot line abuts any railway right-of-way

24.3.6 Exterior Side Yard Depth (min.) – 30 m.

24.3.7 Rear Yard Depth (min.) – 3 metres, except

- 15 metres minimum where any rear lot line abuts any Non-Industrial Zone
- 1 metre minimum where any rear lot line abuts a railway right-of-way

24.3.8 Lot Coverage (max.) – 20 percent

### **24.4. BUILDING REGULATIONS:**

24.4.1. Building Height (max.) – 10 metres

### **24.5. REGULATIONS FOR ACCESSORY RESIDENTIAL USES**

24.5.1 Lot Area (to be added to the minimum lot area for the Salvage Yard Use) minimum:

- detached residence – 700 sq. m.
- attached dwelling unit – 350 sq. m.

24.5.2 Access to dwelling units from the adjacent street shall be provided for the exclusive use of the dwelling units.

24.5.3 Location - other than in basement or cellar.

24.5.4 A separate access to dwelling units independent of the commercial establishment shall be provided for the exclusive use of the dwelling

### **24.6. SEPARATION DISTANCE (RESIDENTIAL):**

Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

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## **24.7. SPECIAL PROVISIONS**

### **24.7.1. Planting Strip**

Notwithstanding the provisions of Section 3.33 the height of the planting strip shall be 3 metres

- where the side or rear lot line is adjacent to a Residential or Community Facility Zone, or a public roadway, and subject to site plan control
- a fence of equal height may be required in conjunction with or in replacement of a planting strip.

### **24.7.2. Open Storage**

No open storage, with the exception of the storage of derelict vehicles enclosed by the required fence or planting strip, will be permitted in the front, side or rear yards with the exception of parking of motor vehicles in accordance with Section 3.32 of this By-law.

### **24.7.3. Maximum Vehicle Storage Height**

No vehicles shall be piled in excess of the required planting strip or required fence.

## **24.8. SPECIAL ZONES**

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## **SECTION 25: FLOODWAY ZONE (FW)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **25.1 PERMITTED USES**

- conservation (Amended by By-law 71-2015)
- recreation, passive
- park, public
- limited agricultural use involving no buildings or structures
- uses accessory to the permitted uses

### **25.2 PERMITTED STRUCTURES**

- buildings and structures accessory to the permitted uses subject to the approval of the Maitland Valley Conservation Authority or the Saugeen Valley Conservation Authority or the appropriate authority
- buildings and structures necessary for flood and/or erosion control prevention subject to the approval of the Maitland Valley Conservation Authority or the Saugeen Valley Conservation Authority or appropriate authority

### **25.3 SPECIAL PROVISIONS**

- No buildings or structures or additions thereto and no placing or removal of fill shall be permitted except with the prior written approval of the Municipality and the applicable Conservation Authority
- The expansion or renovation of existing development shall be subject to the prior written approval of the applicable Conservation Authority. Flood damage reduction measures may be required and shall be determined in consultation with the applicable Conservation Authority

### **25.4 SPECIAL ZONES**

#### **25.4.1 FW-1**

Notwithstanding the provisions of Section 25.1 to the contrary, the area zoned FW-1 may be used for a transport truck yard and a contractor's yard or shop including the repair of such equipment and materials. The yards and building dimensions established at the date of passage of this amending By-law shall constitute the required yards within the FW-1 status zone. All other applicable provisions shall apply.

#### **25.4.2 FW-2**

Notwithstanding the provisions of Section 25.1 to the contrary, for the area zoned FW-2 a parking area is recognized as a permitted use. All other applicable provisions shall apply.

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## **SECTION 26: FLOOD FRINGE (FF)**

No person within any Flood Fringe (FF) area shall use any land, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

### **26.1 PERMITTED USES**

In accordance with the respective Zone (i.e. Residential, Commercial) found within the limits of the Flood Fringe area.

### **26.2 FILL AND CONSTRUCTION**

In the area identified Flood Fringe, placing or removal of fill will be subject to the approval of the applicable Conservation Authority. The construction of permitted buildings and structures will be subject to flood damage reduction measures determined in consultation with the applicable Conservation Authority.

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## **SECTION 27: AIRPORT LANDS (AL)**

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

### **27.1 Permitted Uses**

- Hangar
- Terminal
- Navigation infrastructure
- Fuel stations and storage
- Runway and taxi areas
- Limited Agricultural Uses
- Accessory Uses as defined in Section 26.2

### **27.2 Accessory Uses to an Aeronautics Use**

- Offices for a commercial aircraft or related companies
- Airplane mechanic
- Model air show
- Flight school
- Private clubs relating to aeronautics
- Industrial/commercial uses that rely on aviation such as: crop duster, air taxi, shipping, helicopter rides, aerial photographers
- Eating establishment in the main terminal building no greater than 800 ft<sup>2</sup>
- Temporary accommodation related to aeronautics uses located within the main terminal building
- Parking
- Aviation related special events such as air shows
- Underwing camping

### **27.3 ZONE REGULATIONS**

#### **27.3.1 Yards (minimum)**

No building or structure will be located closer than 5 metres from any lot line.

#### **27.4 Buildings per Lot**

Notwithstanding section 3.6 to the contrary, within the area zoned AL more than one building or structure is allowed per lot.

#### **27.5 Height Restrictions**

Refer to Section 1.24

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# APPENDICES



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## **LIST OF APPENDICES**

Appendix 1: Illustration of Cellar and Basement Definitions

Appendix 2: Illustration of Heights of Buildings

Appendix 3: Illustration of Lot Definitions

Appendix 4: Illustration of Yard Definitions

Appendix 5: Illustration of Parking Area Requirements by configuration

Appendix 6: Illustration of Floodway and Flood Fringe Concept

Appendix 7: Accessibility Parking Requirements

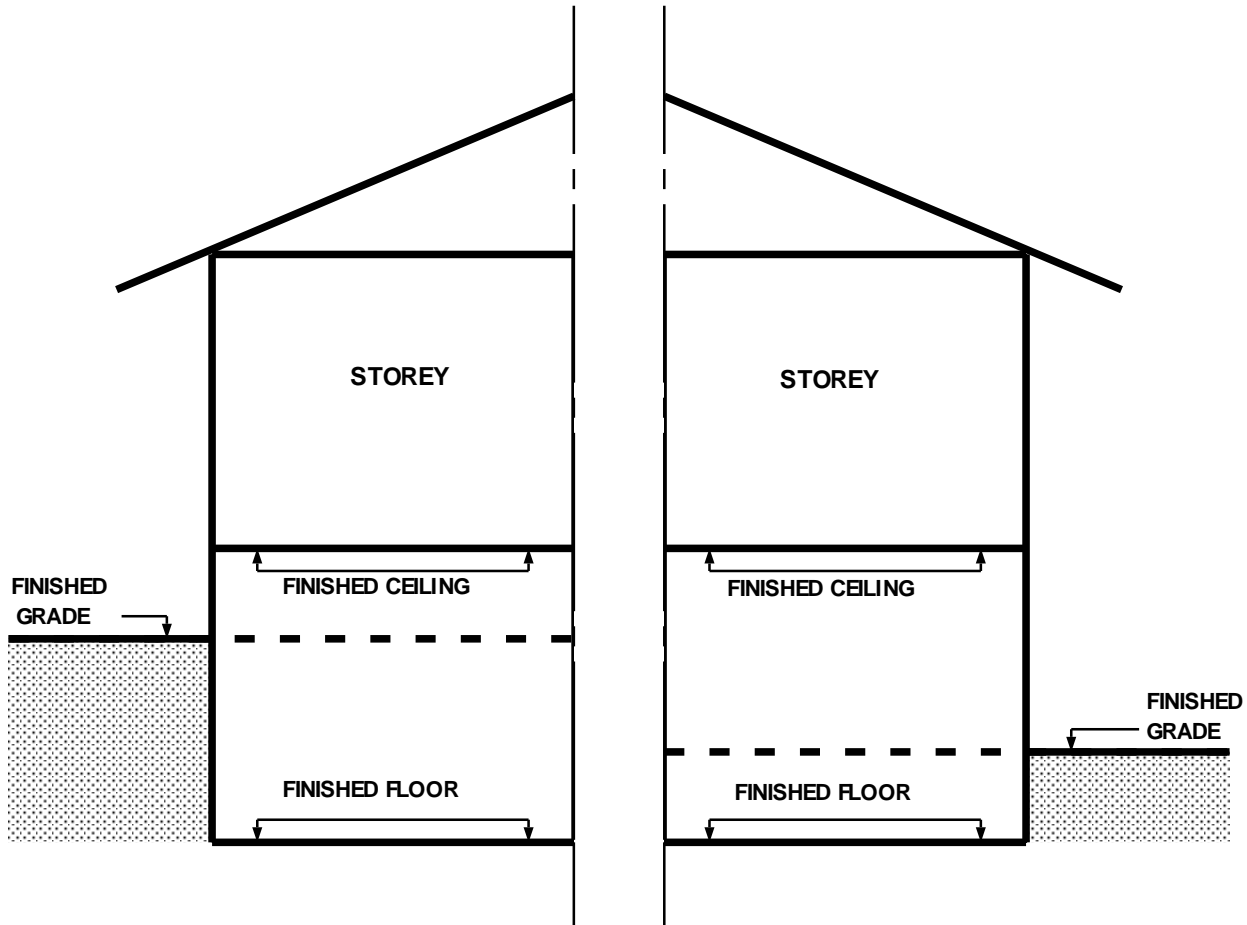
Appendix 8: Sight Triangles

Appendix 9: Metric Conversion Information

Appendix 10: Recommended Height Restrictions in Proximity to the Richard LeVan Airport

# APPENDIX 1: ILLUSTRATION OF CELLAR AND BASEMENT DEFINITIONS

## ILLUSTRATION OF CELLAR AND BASEMENT DEFINITIONS\*



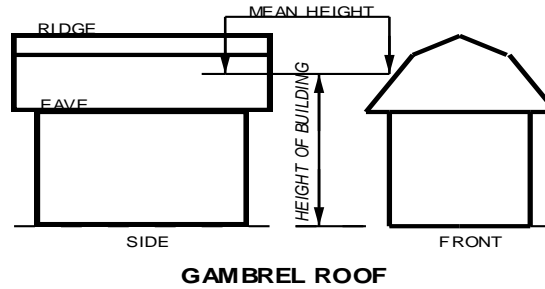
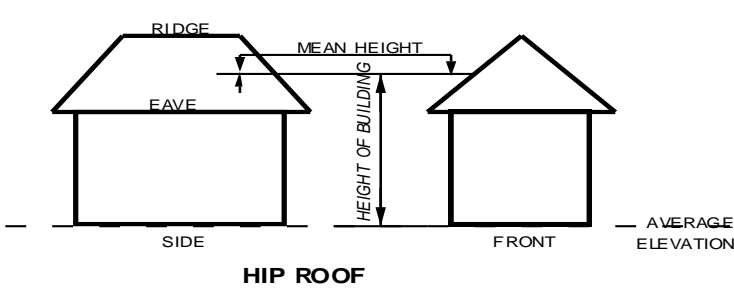
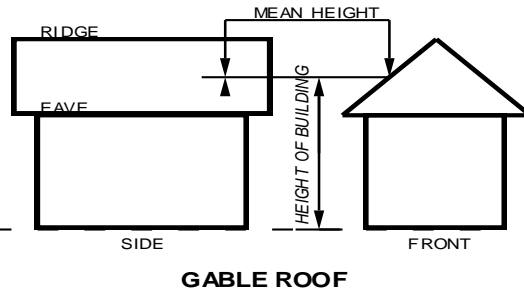
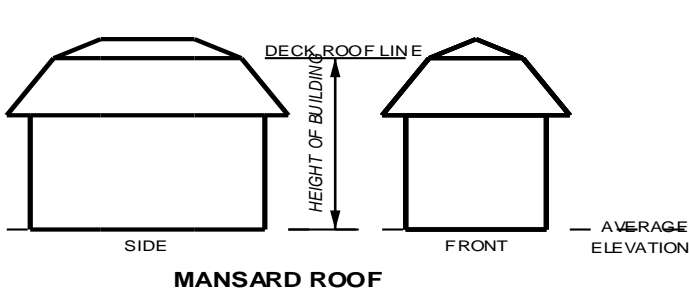
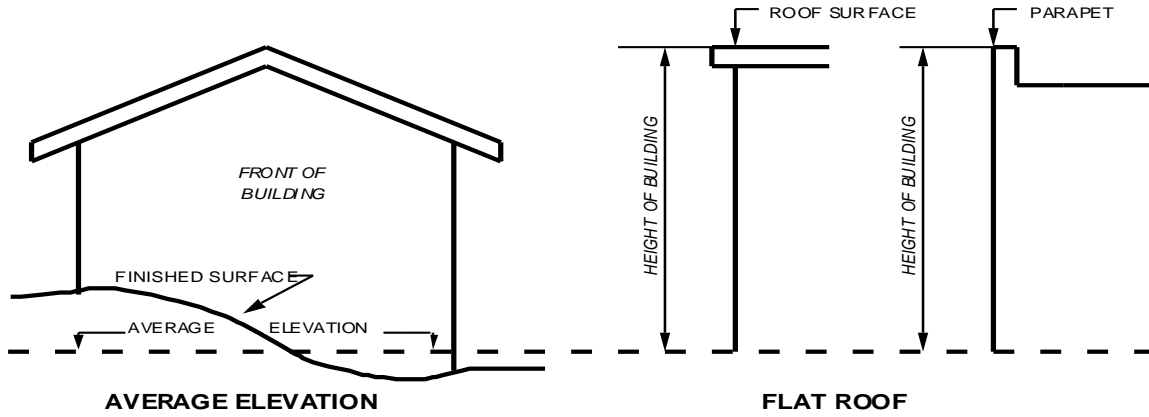
**CELLAR**  
HAS *MORE* THAN ONE HALF OF  
ITS HEIGHT, FROM FINISHED  
FLOOR TO FINISHED CEILING,  
BELOW ADJACENT FINISHED  
GRADE.

**BASEMENT**  
HAS *LESS* THAN ONE HALF OF  
ITS HEIGHT, FROM FINISHED  
FLOOR TO FINISHED CEILING,  
BELOW ADJACENT FINISHED  
GRADE.

\*THE ILLUSTRATION OF CELLAR  
AND BASEMENT DOES NOT FORM  
PART OF THIS BY-LAW, BUT IS  
PROVIDED FOR CONVENIENCE.

# APPENDIX 2: ILLUSTRATION OF HEIGHTS OF BUILDINGS

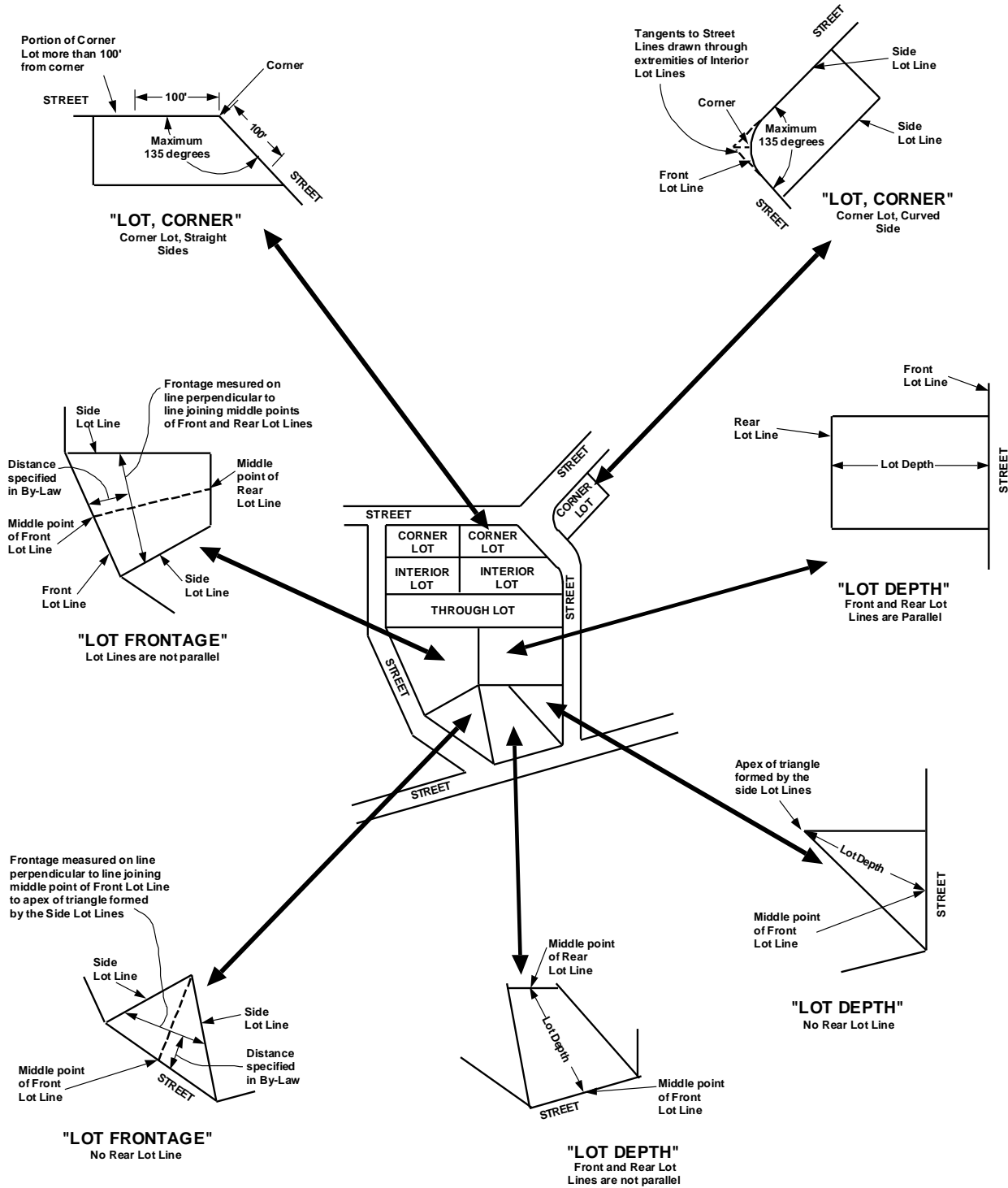
## Illustration Of Heights Of Buildings\*



\*THE ILLUSTRATIONS ARE FOR CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW.

# APPENDIX 3: ILLUSTRATION OF LOT DEFINITIONS

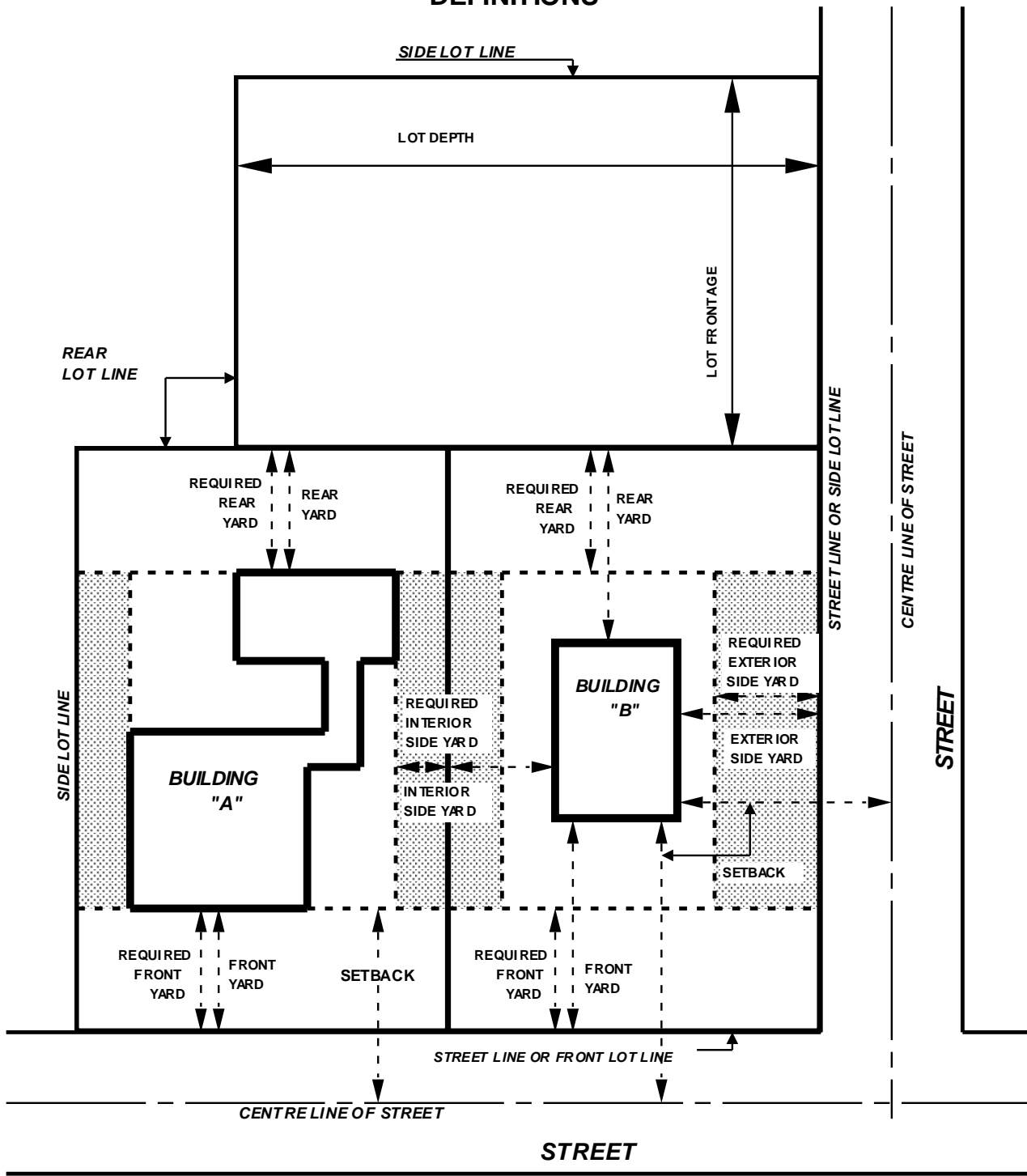
## ILLUSTRATION OF LOT DEFINITIONS\*



\*The illustrations are for convenience only and do not form part of this By-Law.

# APPENDIX 4: ILLUSTRATION OF YARD DEFINITIONS

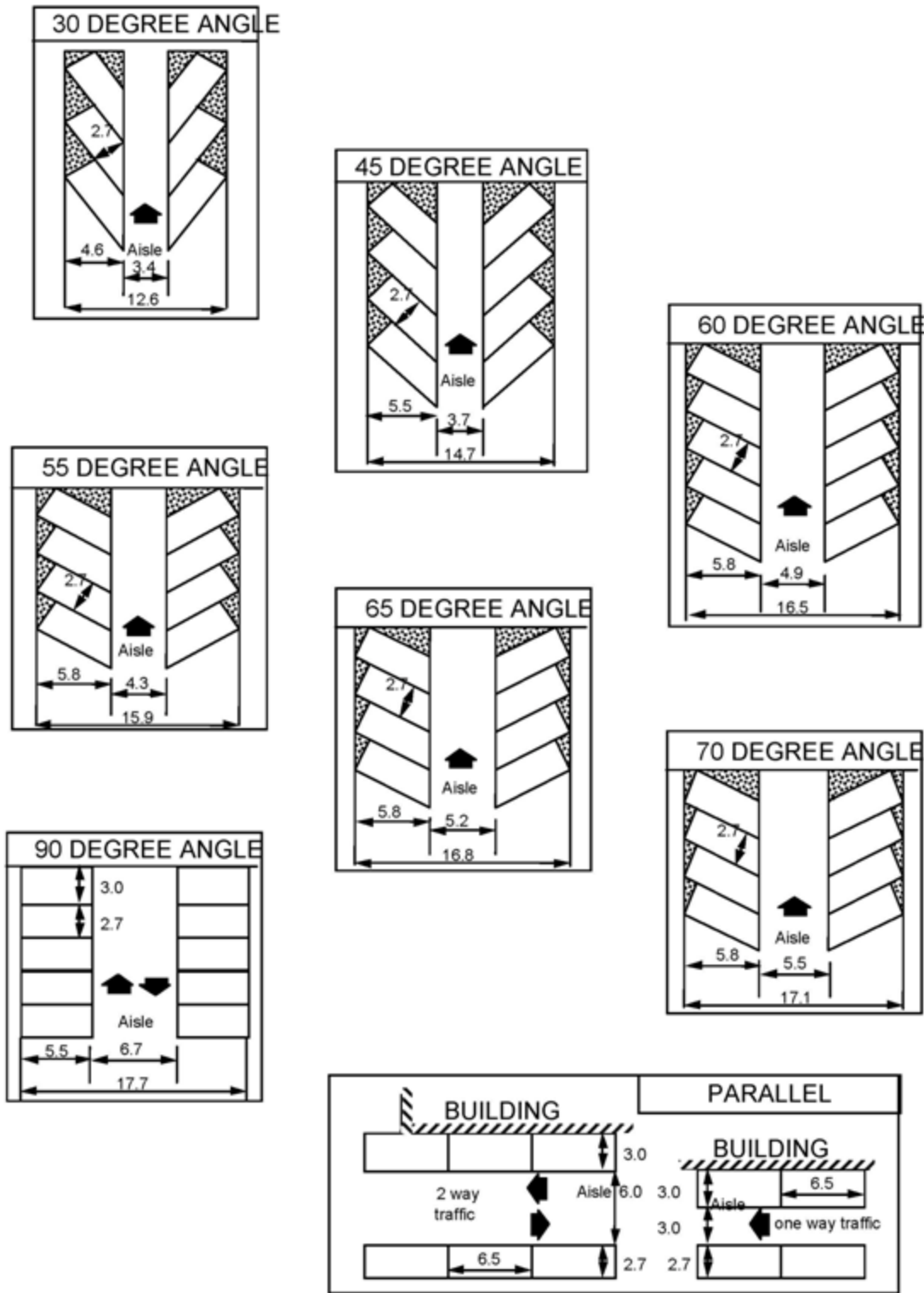
## ILLUSTRATION OF YARD DEFINITIONS\*



BUILDING "B" VOL UNTARILY INCREASED FRONT YARD, SIDE YARD, REAR YARD AND SETBACK ON CORNER LOT

\*The illustrations are for convenience only and do not form part of this By-Law.

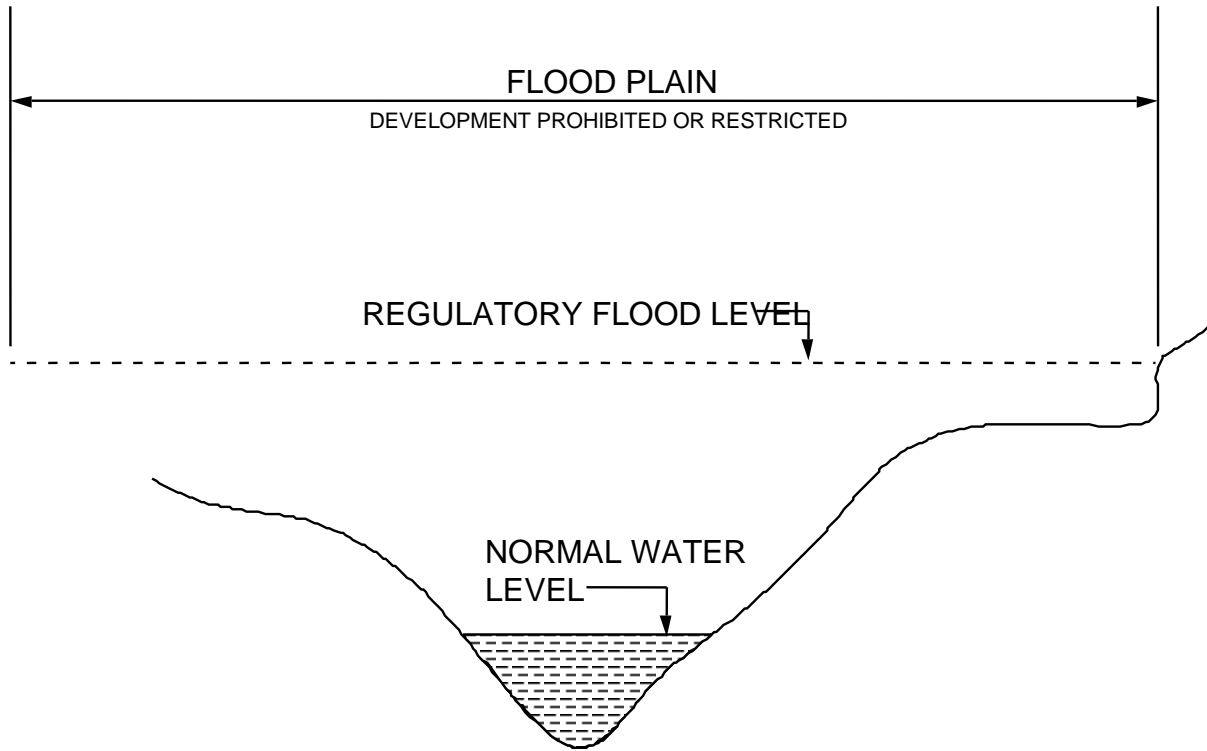
# APPENDIX 5: ILLUSTRATION OF PARKING AREA REQUIREMENTS BY CONFIGURATION



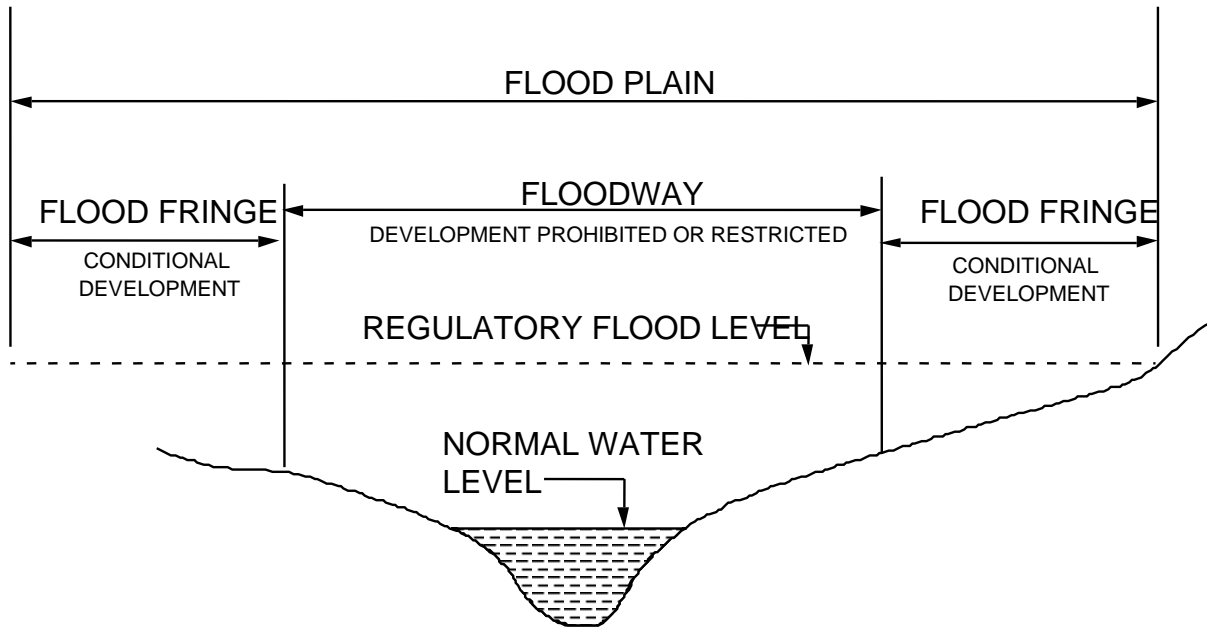
This illustration is for convenience purposes only and does not form part of this By-law.

# APPENDIX 6: ILLUSTRATION OF FLOODWAY AND FLOOD FRINGE CONCEPT

## ONE ZONE CONCEPT



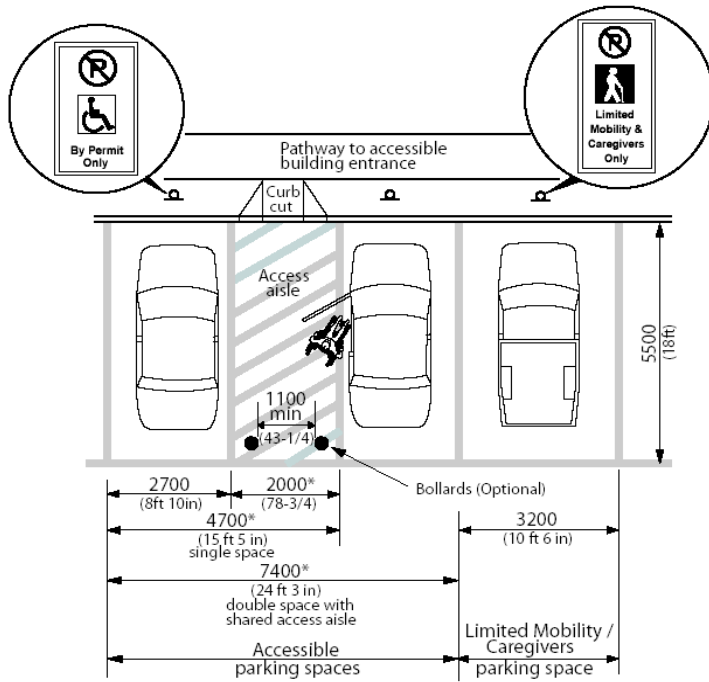
## TWO-ZONE, FLOODWAY - FLOOD FRINGE CONCEPT



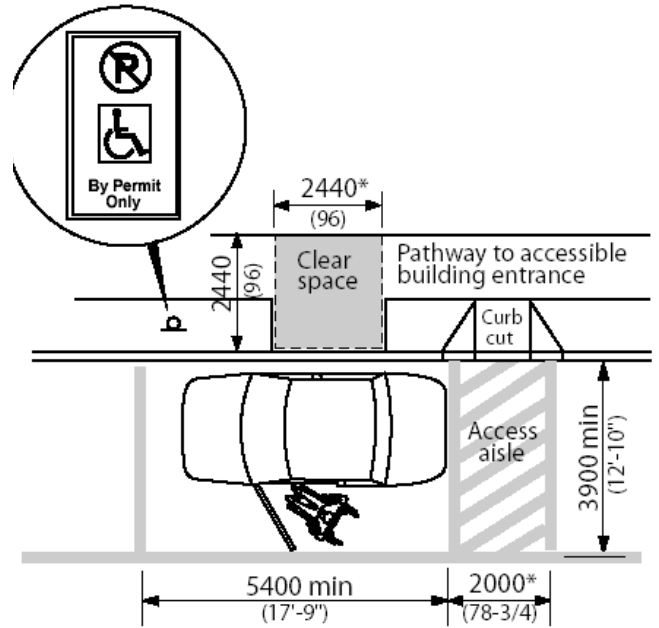
This illustration is for convenience purposes only and does not form part of this By-law.

# APPENDIX 7: ACCESSIBILITY PARKING REQUIREMENTS

## Side-by-side Parking

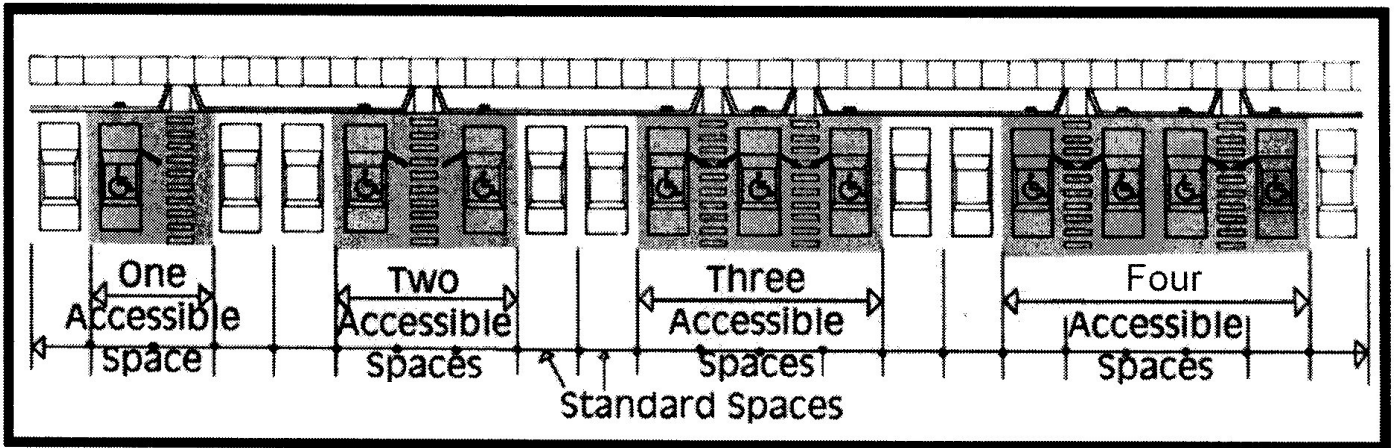


## Parallel Parking Space



\* NOTE: In a retrofit situation where it is *technically infeasible* to provide the required *access aisle* width, the aisle width may be reduced to 2000 mm (78-3/4 in.)

## Design of Multiple Side-by-side Parking Spaces



Source: City of Peterborough 2002 Access Guidelines, 3<sup>rd</sup> Edition

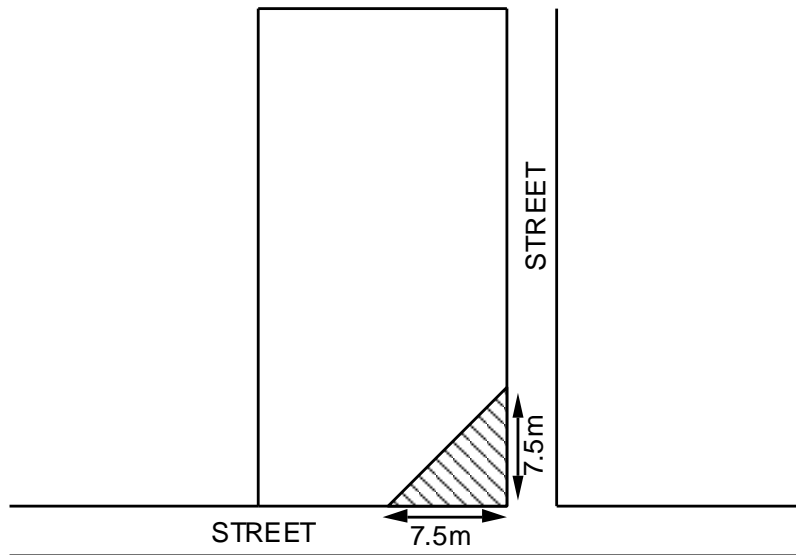
This illustration is for convenience purposes only and does not form part of this By-law.



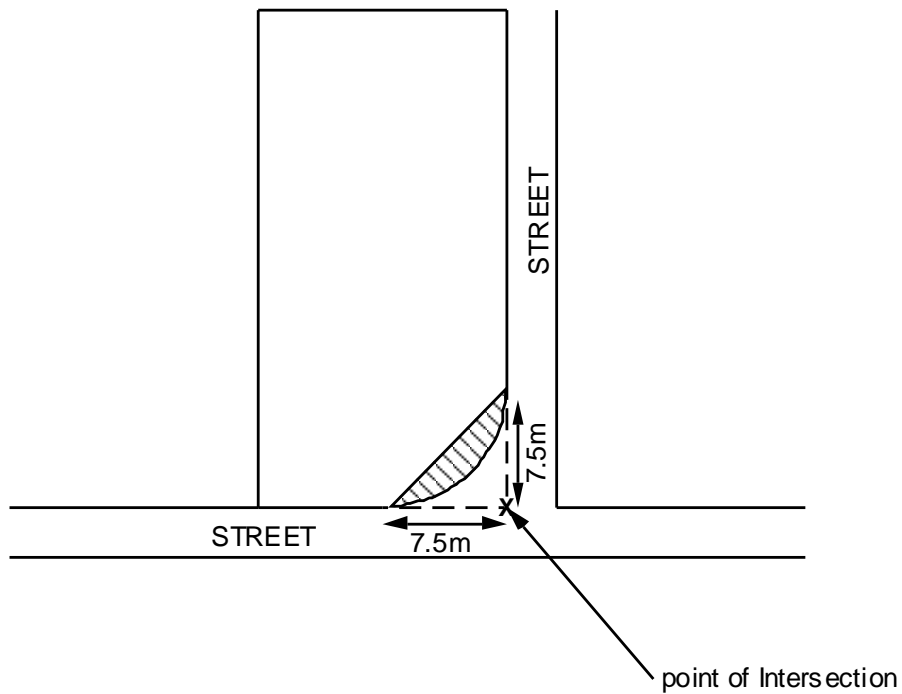
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## APPENDIX 8: SIGHT TRIANGLES

Where streets do intersect at a point



Where streets do not intersect at a point



This illustration is for convenience purposes only and does not form part of this By-law.

## APPENDIX 9: METRIC CONVERSION INFORMATION

### Metric Conversion Information

The metric conversion information is for convenience purposes only and does not form part of this by-law.

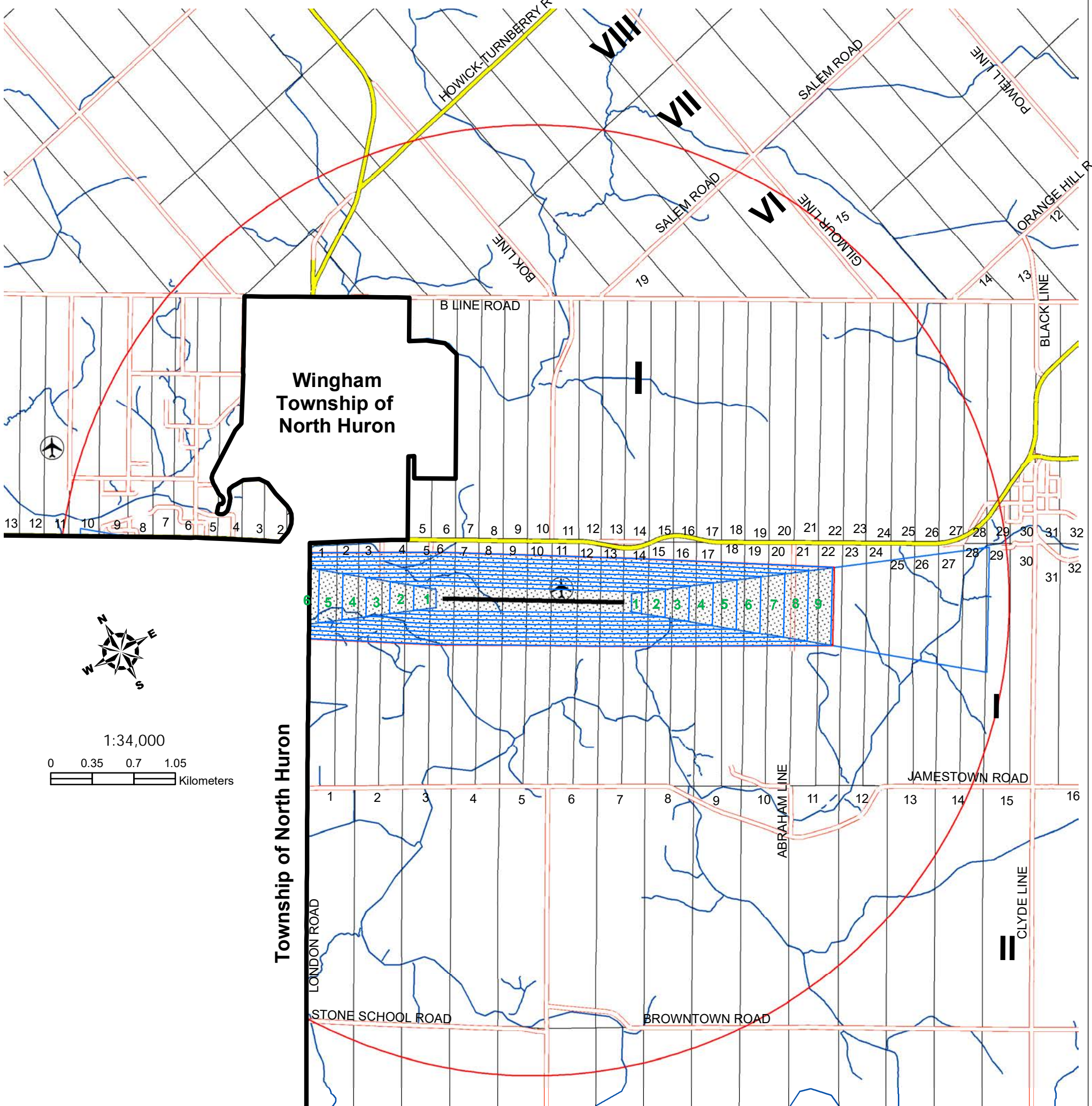
<b>Units of length</b> 1 kilometre = 1,000 metres 1 kilometre = .62 miles		<b>Conversion Factors</b> <b>Length</b> 1 metre = 3.2808 ft. 1 foot = .3048 metres	
<b>Units of Area</b> 1 hectare = 10,000 sq. metres 1 sq. kilometre = 100 hectares 1 acre = 43,560 square feet		<b>Area</b> 1 sq. metre = 10.763991 sq. ft. 1 sq. ft. = .0929034 sq. metres 1 acre = .4046856 hectares 1 hectare = 2.471054 acres	
<b>Conversions of commonly used values:</b> <b>Area</b> 1 hectare        =        2.47 acres 2 hectares      =        4.94 acres 4 hectares      =        9.88 acres 6 hectares      =        14.82 acres 38 hectares     =        93.86 acres			
<b>Metres</b>	<b>Feet</b>	<b>Square Metres</b>	<b>Square Feet</b>
1	3.28	5	53
1.5	4.92	10	108
2	6.56	20	215
3	9.84	65	700
4	13.12	70	753
4.8	15.75	75	807
5.5	18.04	84	904
6	19.68	90	969
7.5	24.61	100	1,076
8	26.24	150	1,615
9	29.52	280	3,014
10	32.81	345	3,714
11	36.08	420	4,521
12	39.36	435	4,682
15	49.21	690	7,427,
17	55.76	700	7,535
18.5	60.70	780	8,396
20	65.62	1000	10,763
23	75.44	1394	15,005
25	82	1575	16,954
30	98.43	1850	19,913
46	150.92	2000	21,528
60	196.85	4000	43,056
90	295.28	5000	53,821
100	328.08		

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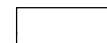






**APPENDIX 10: RECOMMENDED HEIGHT RESTRICTIONS IN PROXIMITY TO THE  
RICHARD LEVAN AIRPORT**

# MORRIS TURNBERRY

## APPENDIX 10: HEIGHT RESTRICTIONS AROUND RICHARD W. LEVAN AIRPORT



### Legend

-  County Highway
-  Municipal Road
-  Lot Boundary
- Obstacle Limitation Surfaces**
-  Outer Surface (4,000m)
-  Runway Strip
-  Approach Surface
-  Transitional Surface East-West
-  Approach Distance Separation Lines
-  Airport (See Section 1.24)

### MAXIMUM HEIGHT RESTRICTIONS IN PROXIMITY TO AIRPORT OPERATING AREA

Within the Airport Operating Area and specifically under the obstacle limitation surfaces indicated in Appendix 10 the heights of buildings or structures in proximity to the Richard LeVan Airport, located on Lots 7 to 14, Concession 1, former Morris Township, shall be directed by the maximum height restrictions below.

The green numbers 1-9 refer to Areas 1-9 listed below" above the line that starts Area 1

- 1) In Area 1, between the Runway Strip and up to and including the first 5 metre height limitation indicator, no new buildings or structures are permitted; the maximum height of any existing and future objects is limited to 325 metres Above Sea Level (ASL);
- 2) In Area 2, the maximum height of buildings or structures is 330 metres Above Sea Level (ASL);
- 3) In Area 3, the maximum height of buildings or structures is 335 metres Above Sea Level (ASL);
- 4) In Area 4, the maximum height of buildings or structures is 340 metres Above Sea Level (ASL);
- 5) In Area 5, the maximum height of buildings or structures is 345 metres Above Sea Level (ASL);
- 6) In Area 6, the maximum height of buildings or structures is 350 metres Above Sea Level (ASL);
- 7) In Area 7, the maximum height of buildings or structures is 355 metres Above Sea Level (ASL);
- 8) In Area 8, the maximum height of buildings or structures is 360 metres Above Sea Level (ASL);
- 9) In Area 9, and within the entire 4,000 metre radius of the Outer Surface, the maximum height of buildings or structures is 365 metres Above Sea Level (ASL)

*NOTE: In the hatched area referred to as the 'Airport Operating Area', shown in Appendix 10 of this By-law, regard shall be given to the maximum permitted height of structures due to their proximity to the Wingham Richard W. LeVan Airport, in order to minimize the impact of development on the safe operation of aircraft and public safety. This is not a zone.*

Municipality of Morris-Turnberry  
Schedule A  
Location Map

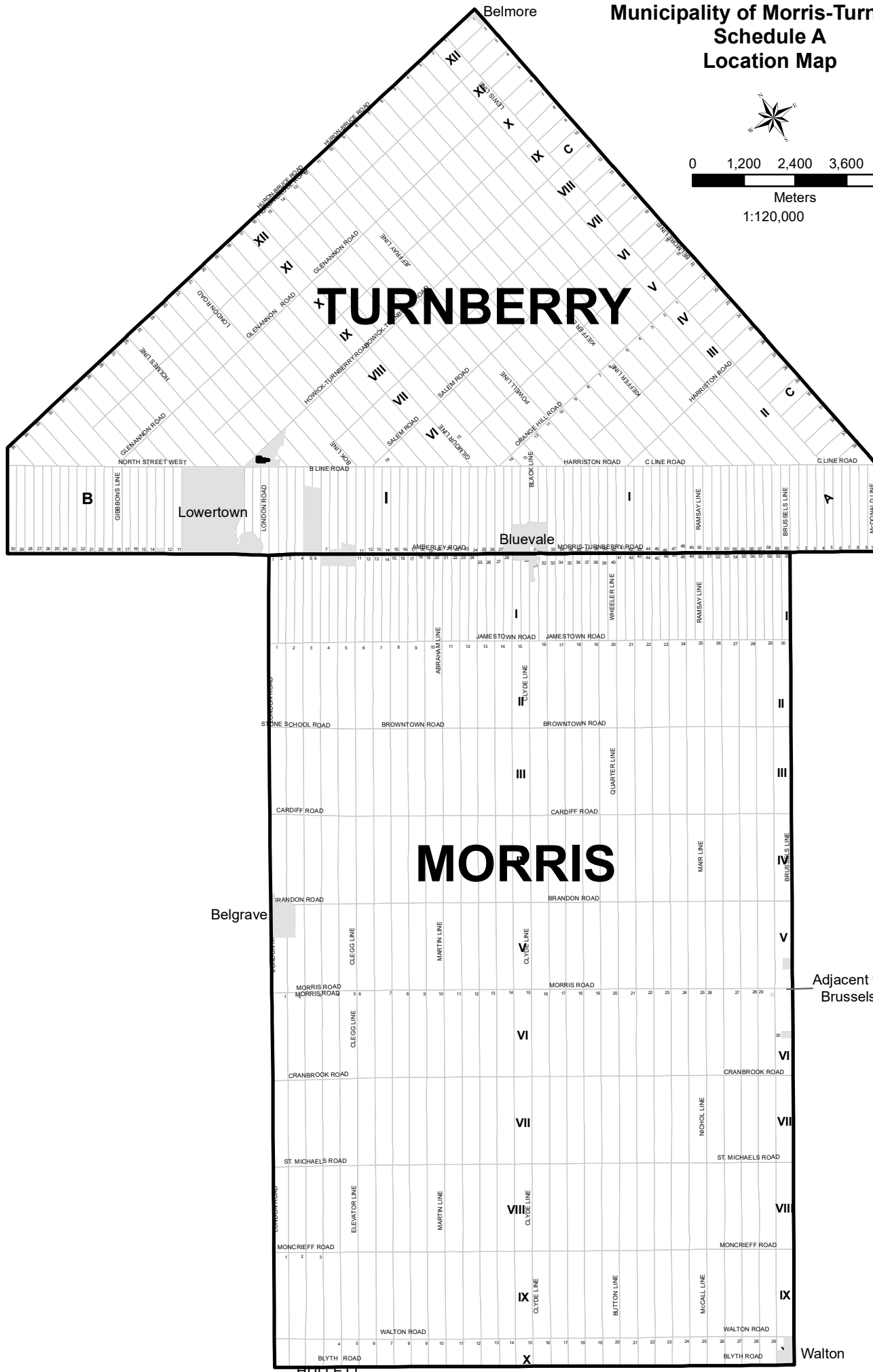


0 1,200 2,400 3,600 4,800



Meters

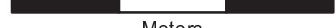
1:120,000



# Municipality of Morris-Turnberry Schedule A Index Map

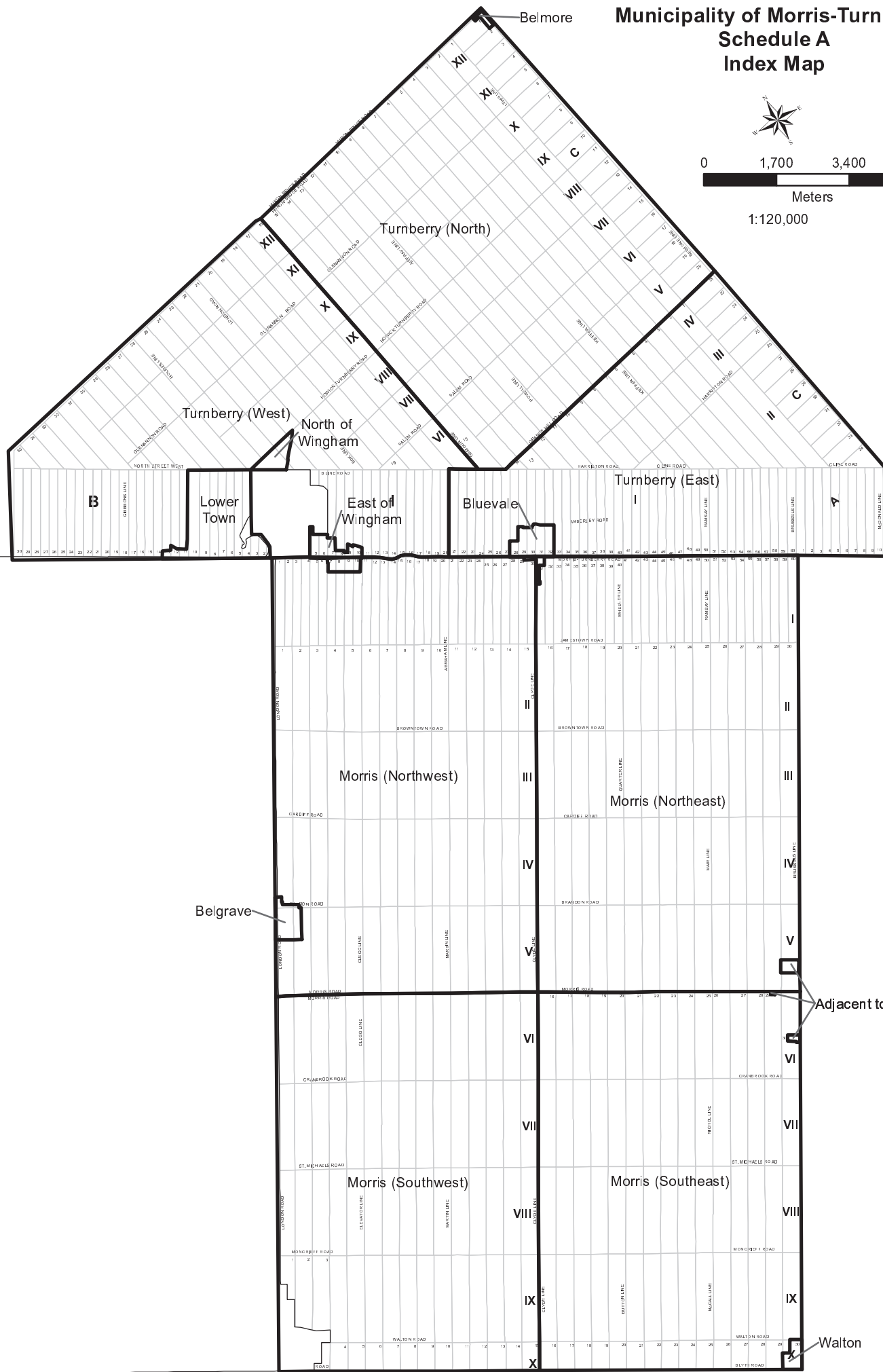


0 1,700 3,400 5,100



Meters

1:120,000



Belmore

Turnberry (North)

Turnberry (West)

North of Wingham

Lower Town

East of Wingham

Bluevale

Turnberry (East)

Morris (Northwest)

Morris (Northeast)

Belgrave

Adjacent to Brussels

Morris (Southwest)

Morris (Southeast)

Walton



Amendments

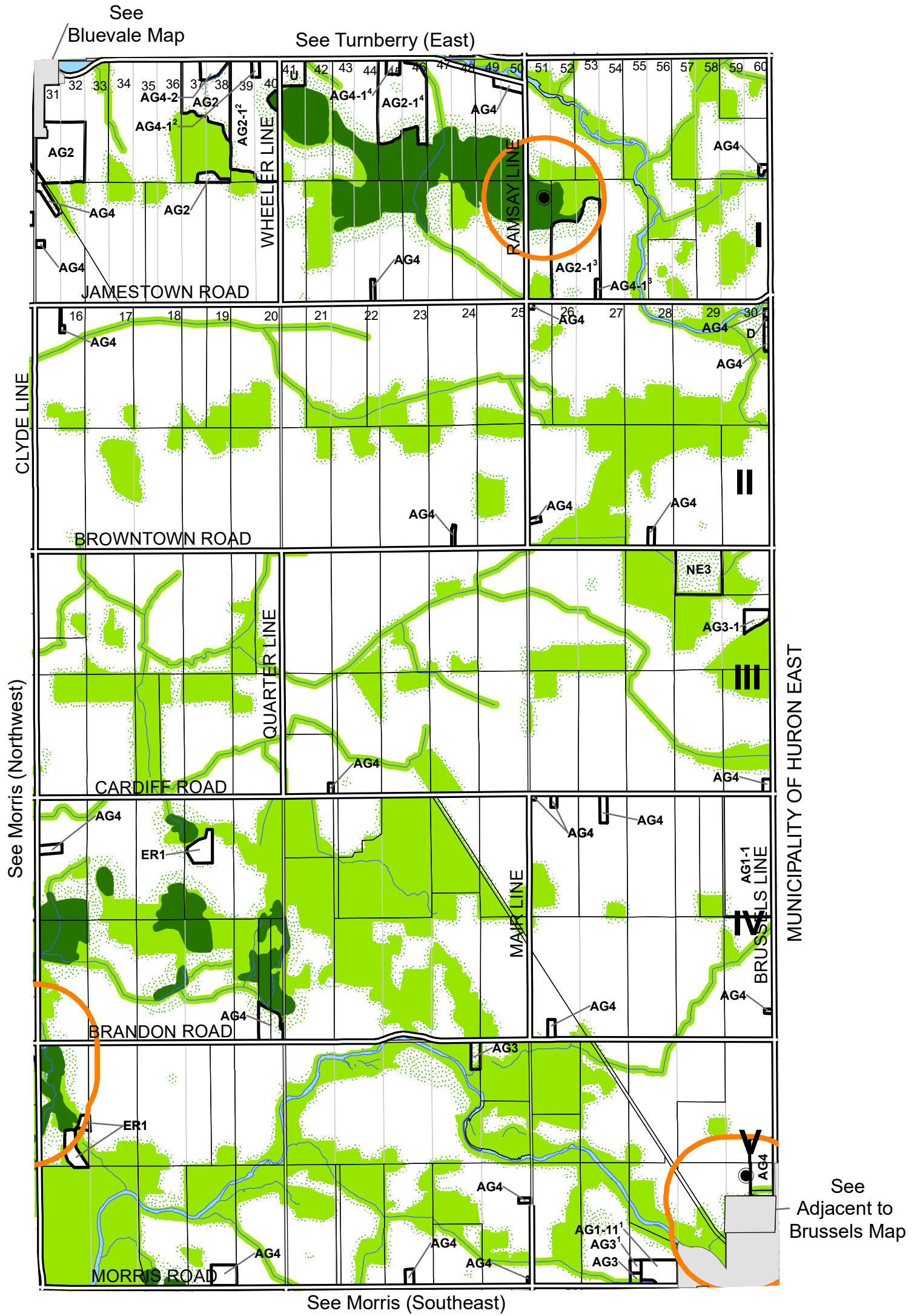
- 1 Amended by By-law 80-2014
- 2 Amendment condition of consent file C12-2018
- 3 Amendment condition of consent file C02-2019
- 4 Amendment condition of consent file C83-2020

Municipality of Morris-Turnberry  
Schedule A

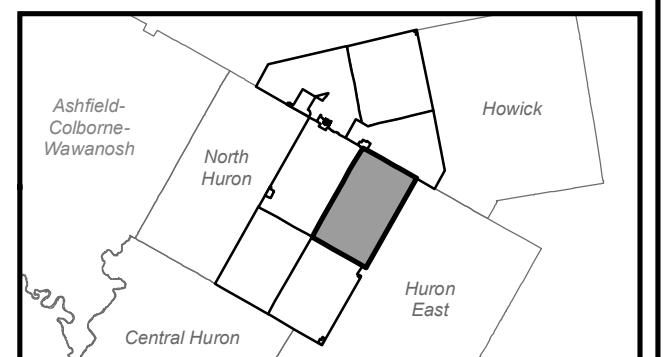
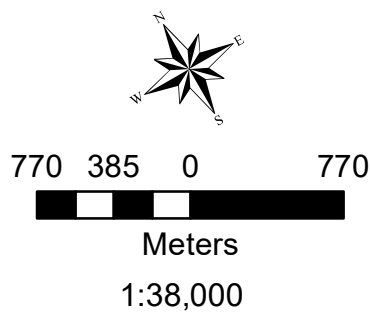
Key Map - Morris (Northeast)

REVISION DATE

May 26, 2021



- |  |   |  |                   |  |                         |
|--|---|--|-------------------|--|-------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Open Landfill           |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Closed Landfill         |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Landfill Buffer 500m    |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Floodfringe             |
|  | Former Railway Lands                      |  | Road              |  | Unopened Road Allowance |
|  | Airport Lands See provision 1.24          |  |                   |  |                         |



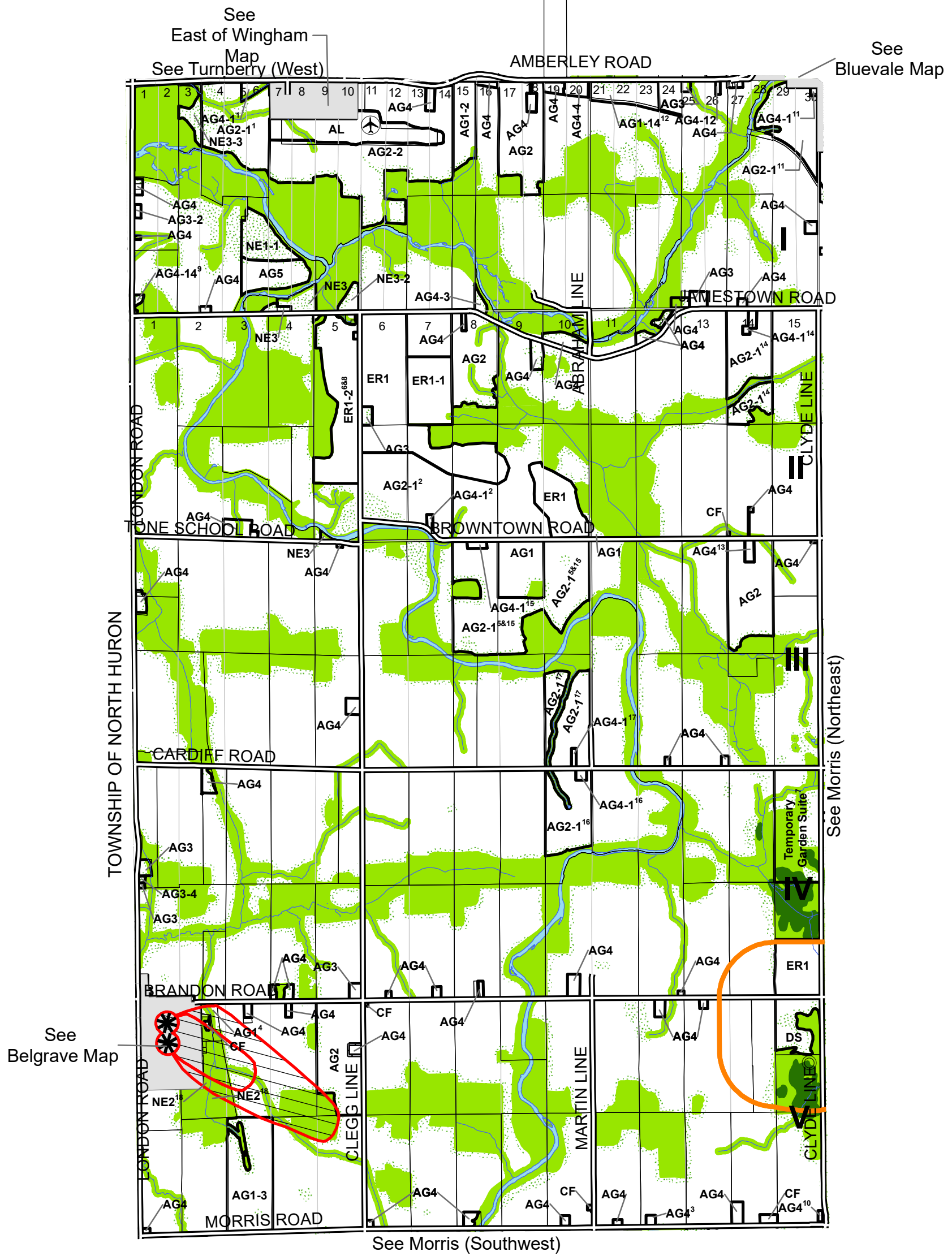
### Amendments

- |   |  |
|---|--|
| 1 Amendment condition of consent file B25-2015                    | 13 By-law 69-2019 Temporary Garden Suite (Expires August 15, 2039) |
| 2 Amendment condition of consent file B59-2015                    | 14 Amendment condition of consent file C55-2019                    |
| 3 Amendment condition of consent file B24-2015                    | 15 Amendment condition of consent file C06-2020 and C07-2020       |
| 4 Amended by By-law 71-2015                                       | 16 Amendment condition of consent file C10-2020                    |
| 5 Amended by By-law 111-2016                                      | 17 Amendment condition of consent file C70-2020                    |
| 6 Amended by By-law 86-2017                                       | 18 Amended by By-law 32-2021                                       |
| 7 By-law 76-2017 Temporary Garden Suite (Expires August 04, 2037) | Amended by By-law 48-2022  |
| 8 Amended by By-law 81-2017                                       |  |
| 9 Amended by By-law 13-2018                                       |  |
| 10 Amended by By-law 42-2018                                      |  |
| 11 Amendment condition of consent file B77-2017                   |  |
| 12 Amended by By-law 20-2019                                      |  |

# Municipality of Morris-Turnberry Schedule A

## Key Map - Morris (Northwest)

REVISION DATE January 24, 2023



	Zone - AG1 unless otherwise labeled		Property Boundary		Closed Landfill
	Zone - NE1 (Full Protection)		Lot Boundary		Landfill Buffer 500m
	Zone - NE2 (Limited Protection)		Water Body		Floodfringe
	Conservation Authority Notification Areas		River/ Stream		Unopened Road Allowance
	Former Railway Lands		Road		Municipal Wellhead Protection Area
	Airport Lands See provision 1.24		Open Landfill		5 yr Time of Travel (Zone A, B, C)
	Wells				

770 385 0 770  
Meters  
1:38,000



Amendments

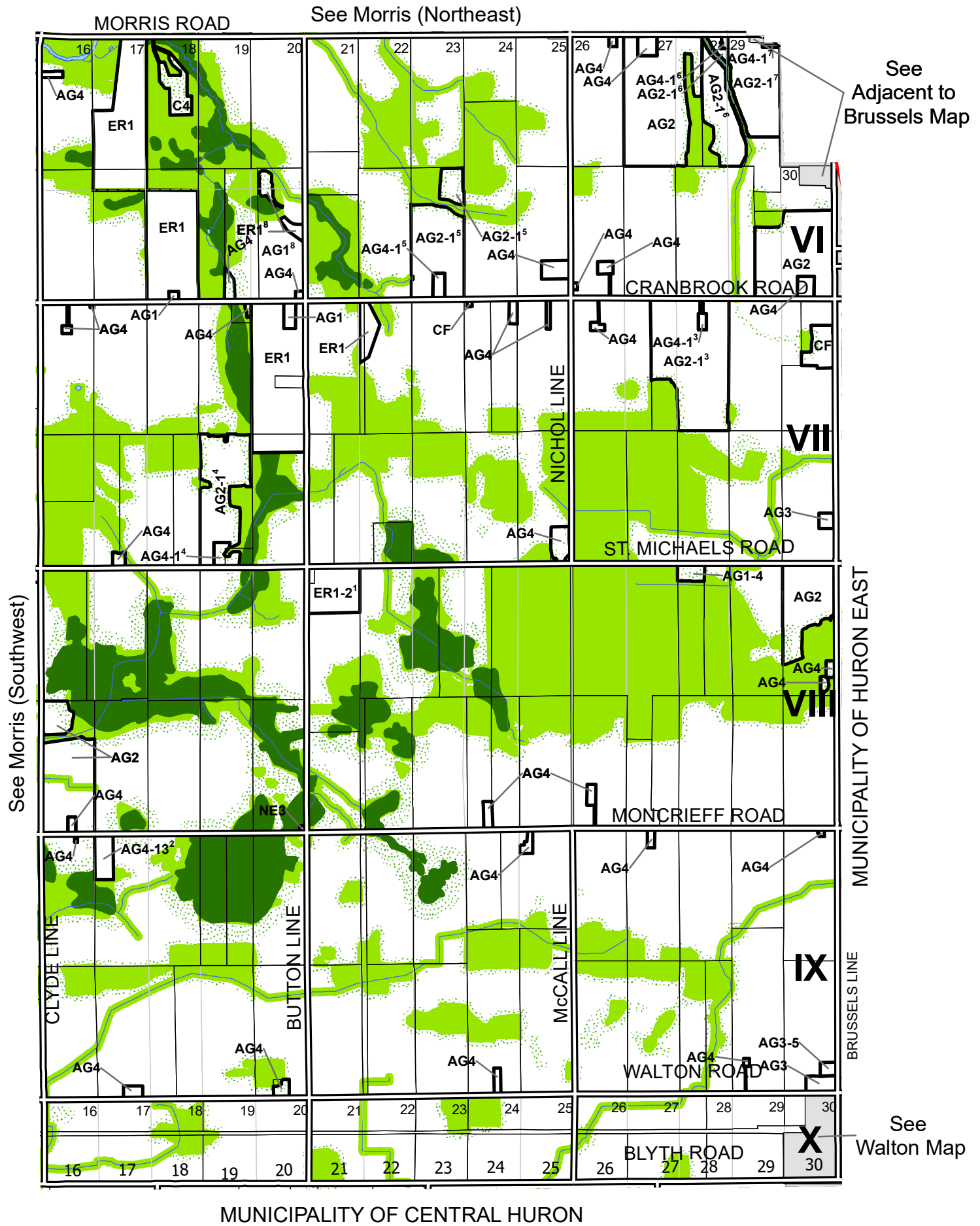
- 1 Amended by By-law 51-2015 & 52-2015
- 2 Amended by By-law 01-2017
- 3 Amendment condition of consent file B25-2017
- 4 Amendment condition of consent file B19-2017
- 5 Amendment condition of consent file C33-2020
- 6 Amendment condition of consent file C94-2020
- 7 Amendment condition of consent file C11-2023
- 8 Amended by By-law 43-2023

Municipality of Morris-Turnberry  
Schedule A

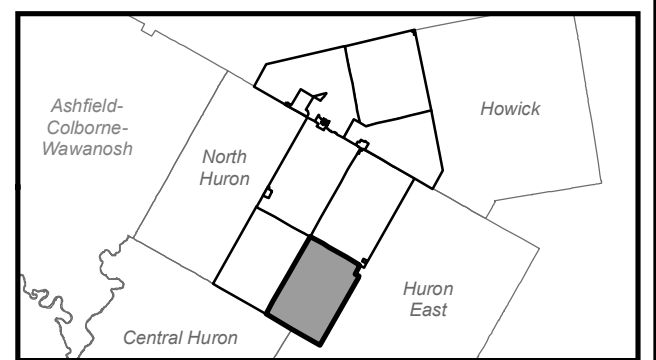
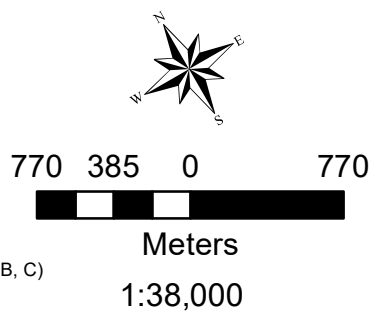
Key Map - Morris (Southeast)

REVISION DATE

September 28, 2023



	Zone - AG1 unless otherwise labeled		Property Boundary		Closed Landfill
	Zone - NE1 (Full Protection)		Lot Boundary		Landfill Buffer 500m
	Zone - NE2 (Limited Protection)		Water Body		Floodfringe
	Conservation Authority Notification Areas		River/ Stream		Unopened Road Allowance
	Former Railway Lands		Road		Municipal Wellhead Protection Area
	Airport Lands See provision 1.24		Open Landfill		5 yr Time of Travel (Zone A, B, C)
			Wells		



Amendments

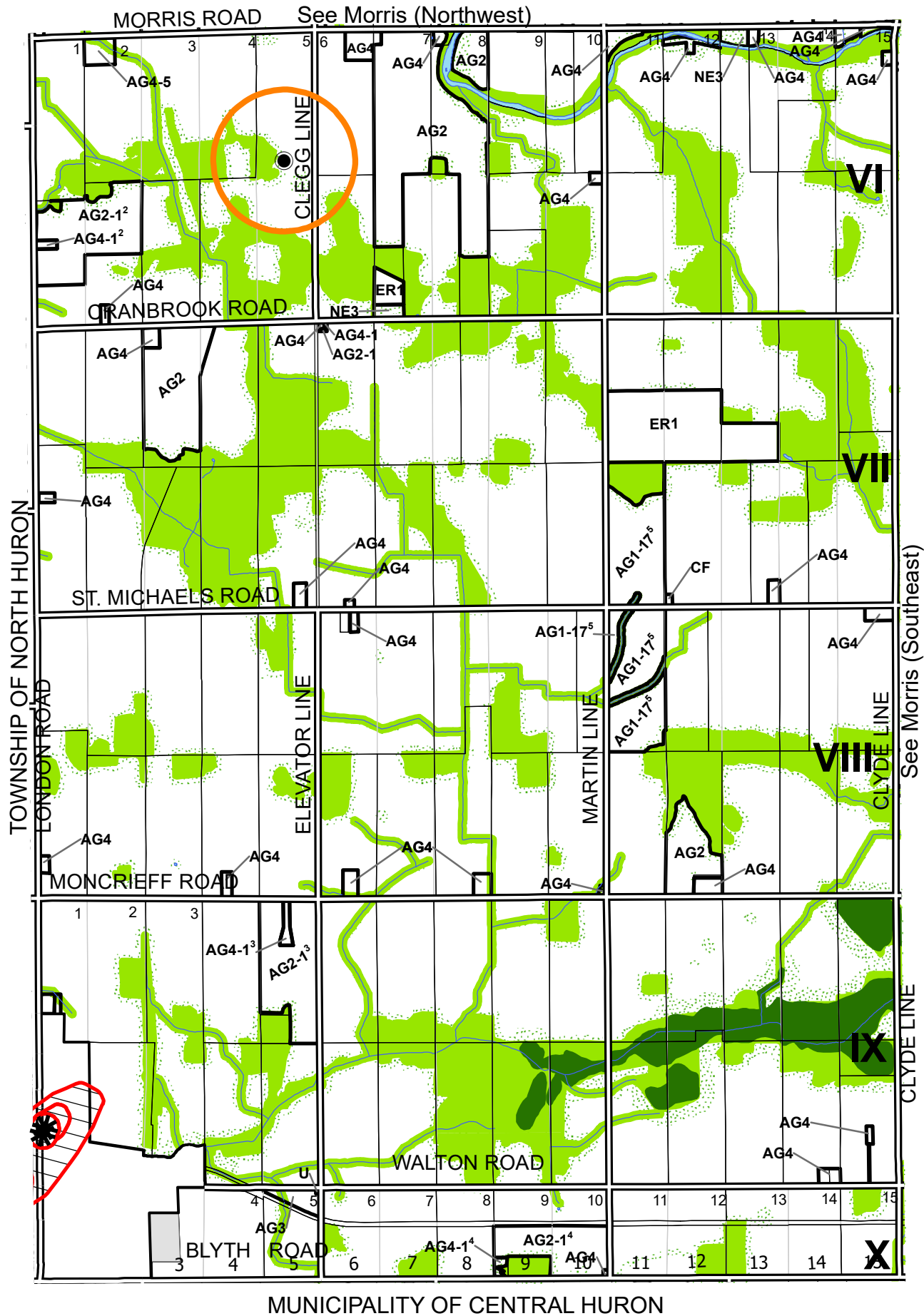
- 1 Amended by By-law 01-2016
- 2 Amendment condition of consent file B46-2016
- 3 Amendment condition of consent file B40-2017
- 4 Amended by By-law 86-2019
- 5 Amended by By-law 41-2021
- Amended by By-law 48-2022

Municipality of Morris-Turnberry  
Schedule A

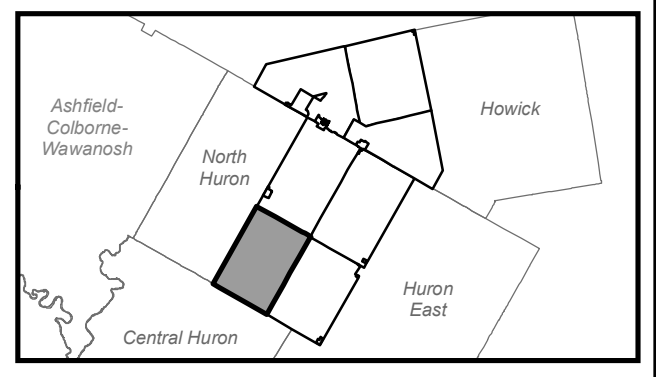
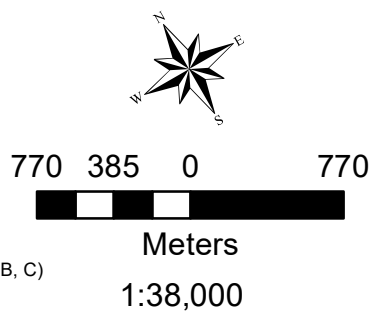
Key Map - Morris (Southwest)

REVISION DATE

January 24, 2023



- |  |   |  |                   |  |                                    |
|--|---|--|-------------------|--|------------------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Closed Landfill                    |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Landfill Buffer 500m               |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Floodfringe                        |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Unopened Road Allowance            |
|  | Former Railway Lands                      |  | Road              |  | 5 yr Time of Travel (Zone A, B, C) |
|  | Airport Lands See provision 1.24          |  | Open Landfill     |  | Wells                              |



Amendments

- 1 Amendment condition of consent file B65-2017
- 2 Amendment condition of consent file B03-2018
- 3 Amendment condition of consent file C42-2021
- 4 Amendment condition of consent file C64-2021
- 5 Amendment condition of consent file C55-2021
- 6 Amended by By-law 37-2023

Municipality of Morris-Turnberry  
Schedule A

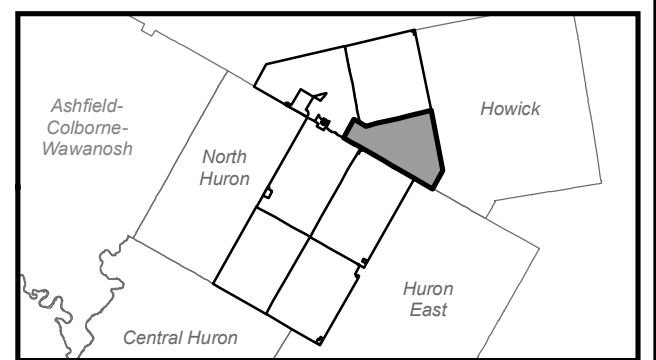
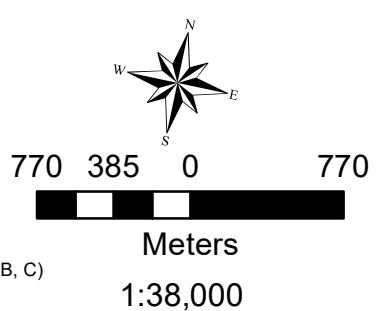
Key Map - Turnberry (East)

REVISION DATE

October 02, 2023



- |  |   |  |                   |  |                                    |
|--|---|--|-------------------|--|------------------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Closed Landfill                    |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Landfill Buffer 500m               |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Floodfringe                        |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Unopened Road Allowance            |
|  | Former Railway Lands                      |  | Road              |  | Municipal Wellhead Protection Area |
|  | Airport Lands See provision 1.24          |  | Open Landfill     |  | 5 yr Time of Travel (Zone A, B, C) |
|  |   |  | Wells             |  |                                    |





Amendments

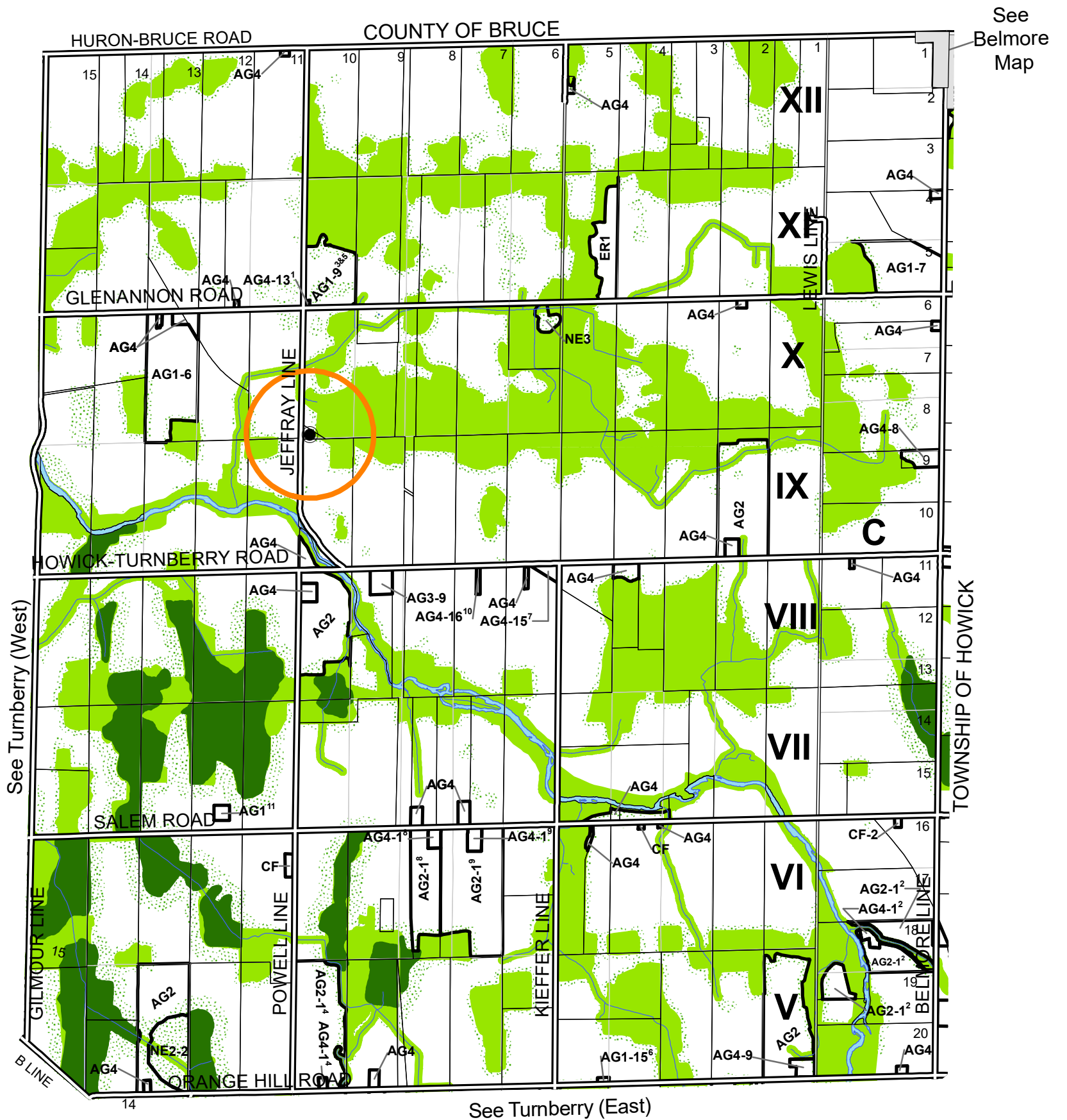
- 1 Amended by By-law 19-2015
- 2 Amendment condition of consent file B09-2017
- 3 Amended by By-law 87-2017
- 4 Amendment condition of consent file C50-2018
- 5 By-law 67-2019 Temporary Garden Suite (Expires August 15, 2024)
- 6 Amended by By-law 68-2019
- 7 Amended by By-law 24-2020
- 8 Amendment condition of consent file C84-2020
- 9 Amendment condition of consent file C91-2020
- 10 Amended by By-law 44-2021
- 11 By-law 58-2021 Temporary Use By-law (Expires November 18, 2024)

Municipality of Morris-Turnberry  
Schedule A

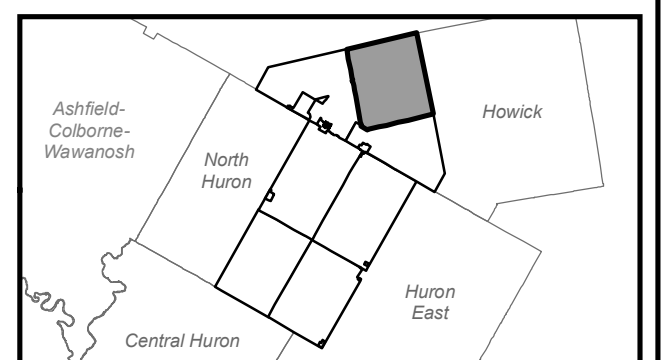
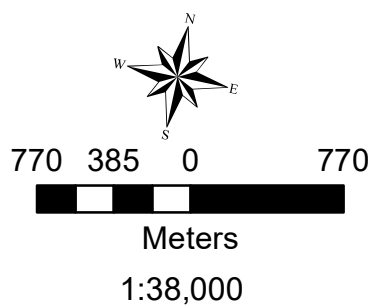
Key Map - Turnberry (North)

REVISION DATE

March 17, 2022



- |  |   |  |                   |  |                         |
|--|---|--|-------------------|--|-------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Open Landfill           |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Closed Landfill         |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Landfill Buffer 500m    |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Floodfringe             |
|  | Former Railway Lands                      |  | Road              |  | Unopened Road Allowance |
|  | Airport Lands See provision 1.24          |  |                   |  |                         |



Amendments

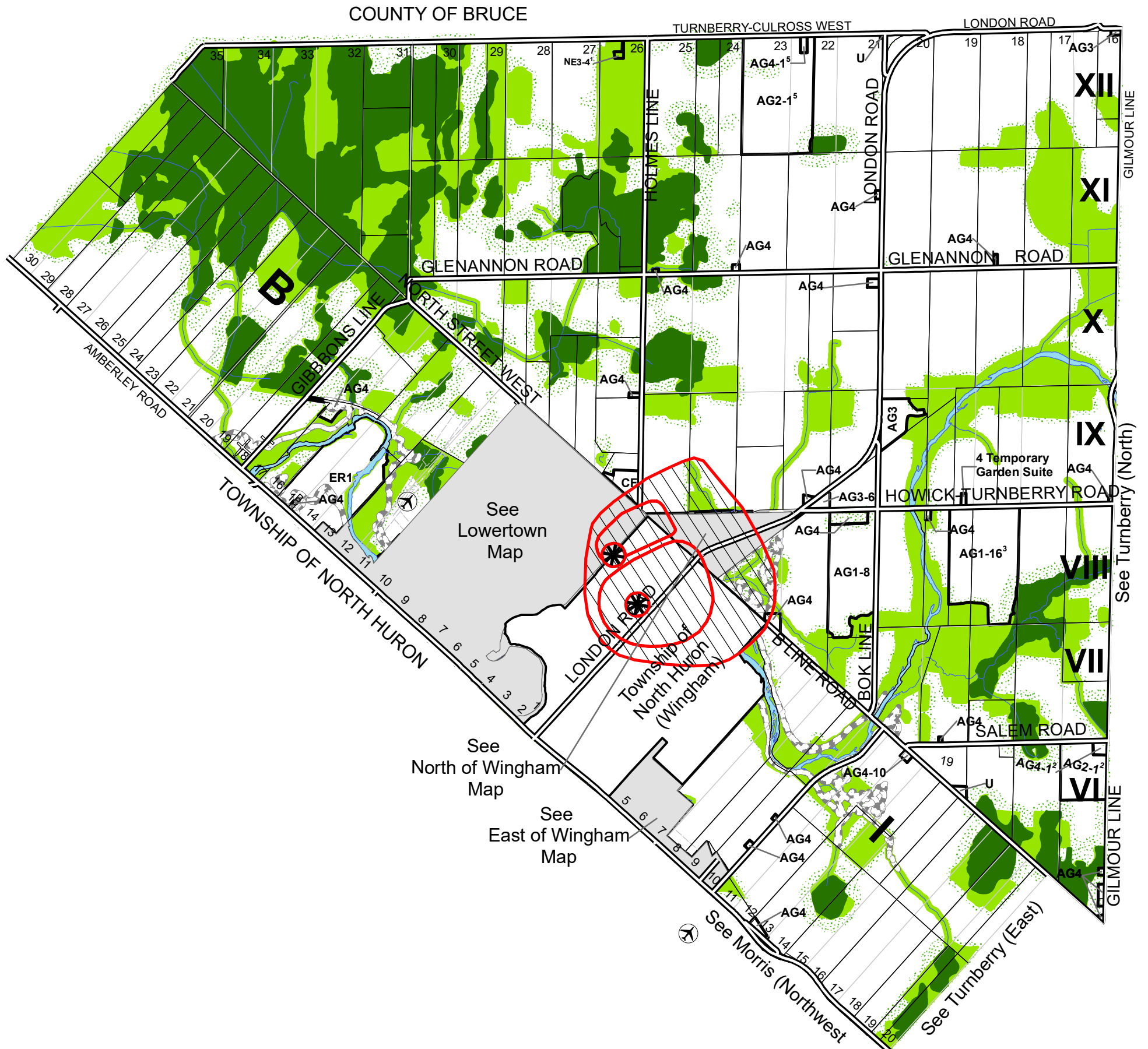
- 1 Amended by By-law 48-2016
- 2 Amendment condition of consent file B83-2017
- 3 Amended by By-law 79-2019
- 4 By-law 93-2019 Temp Garden Ste (Exp Nov 5, 2022)
- 5 Amendment condition of consent file C19-2021
- Amended by By-law 48-2022

Municipality of Morris-Turnberry  
Schedule A

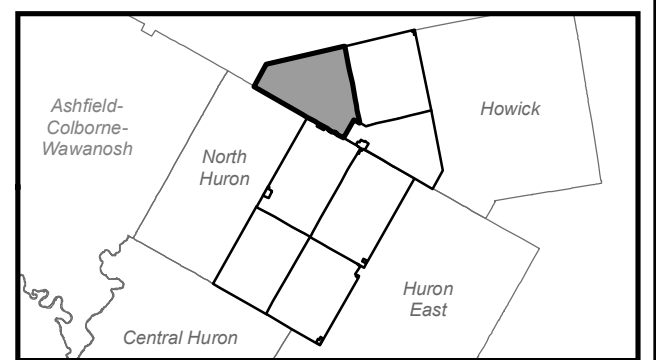
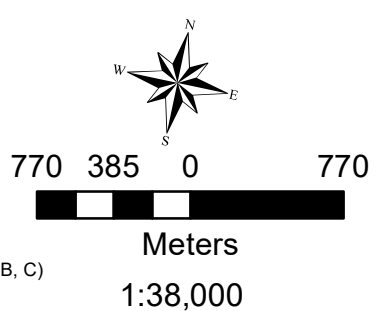
Key Map - Turnberry (West)

REVISION DATE

April 17, 2023



- |  |   |  |                   |  |                                    |
|--|---|--|-------------------|--|------------------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Closed Landfill                    |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Landfill Buffer 500m               |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Floodfringe                        |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Unopened Road Allowance            |
|  | Former Railway Lands                      |  | Road              |  | Municipal Wellhead Protection Area |
|  | Airport Lands See provision 1.24          |  | Open Landfill     |  | 5 yr Time of Travel (Zone A, B, C) |
|  |   |  | Wells             |  |                                    |



Amendments

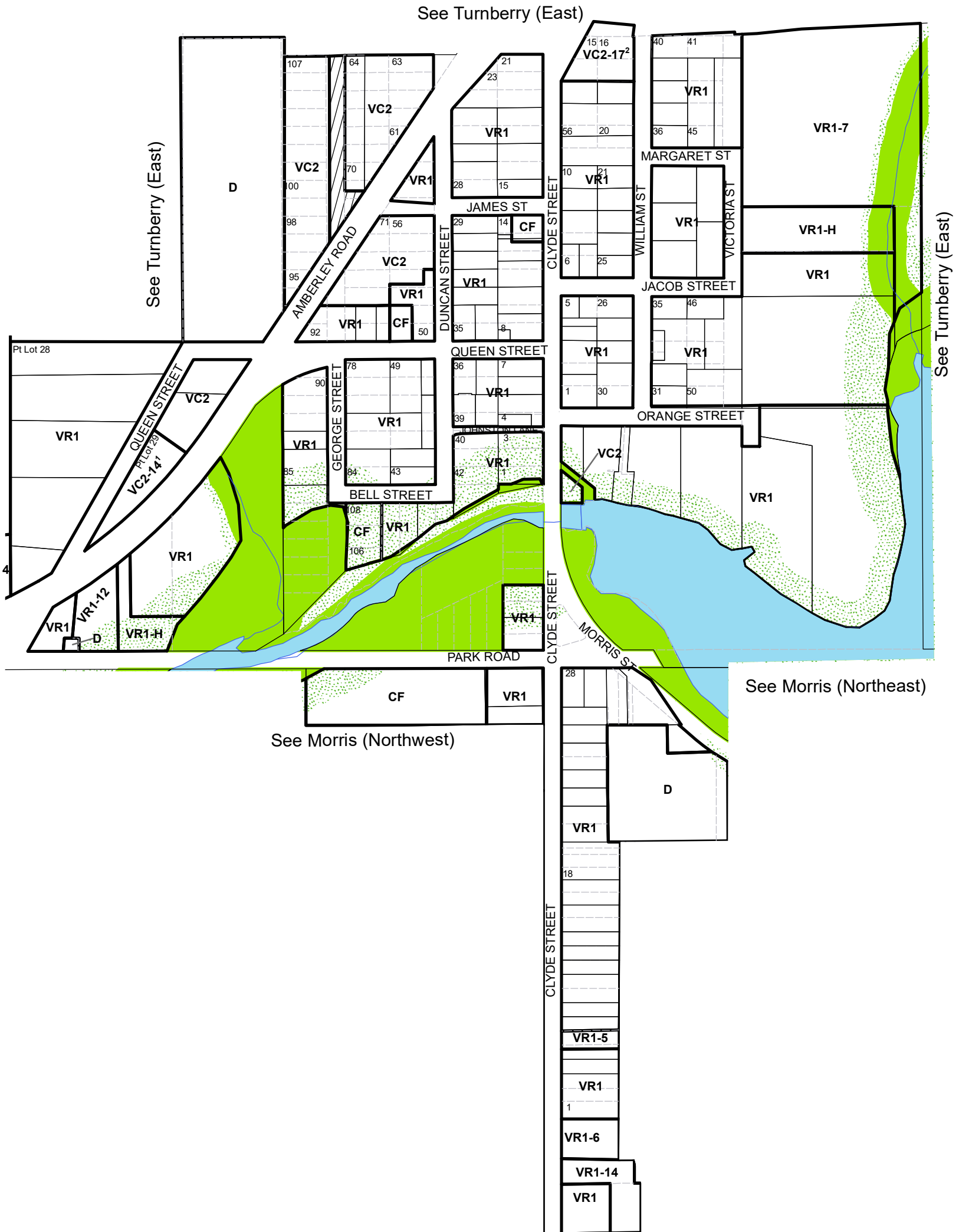
1 Amended by By-law 27-2016  
2 Amended by By-law 57-2021

Municipality of Morris-Turnberry  
Schedule A

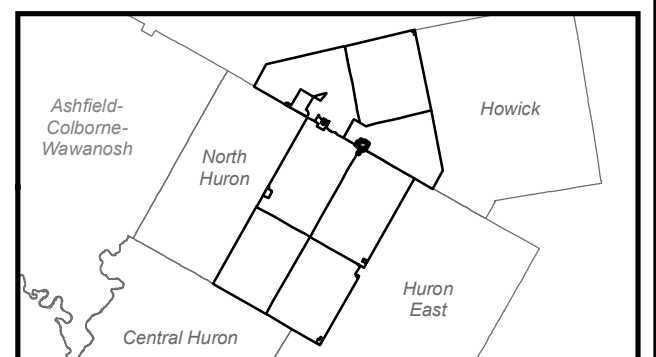
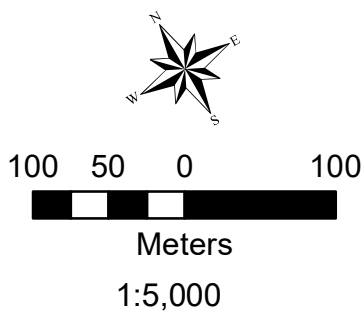
Key Map - Bluevale

REVISION DATE

March 17, 2022



- |  |   |  |                   |  |                         |
|--|---|--|-------------------|--|-------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Open Landfill           |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Closed Landfill         |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Landfill Buffer 500m    |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Floodfringe             |
|  | Former Railway Lands                      |  | Road              |  | Unopened Road Allowance |
|  | Airport Lands See provision 1.24          |  |                   |  |                         |





Amendments

- 1 Amended by By-law 71-2015
- 2 Amended by By-law 20-2016
- 3 Amended by By-law 105-2017
- 4 Amended by By-law 66-2019
- 5 Amended by By-law 94-2019
- 6 Amended by By-law 11-2021
- 7 Amended by By-law 34-2021
- 8 Amended by By-law 35-2021
- 9 Amended by By-law 38-2021
- 10 Amended by By-law 24-2022
- 11 Amended by By-law 16-2023
- 12 Amended by By-law 30-2023

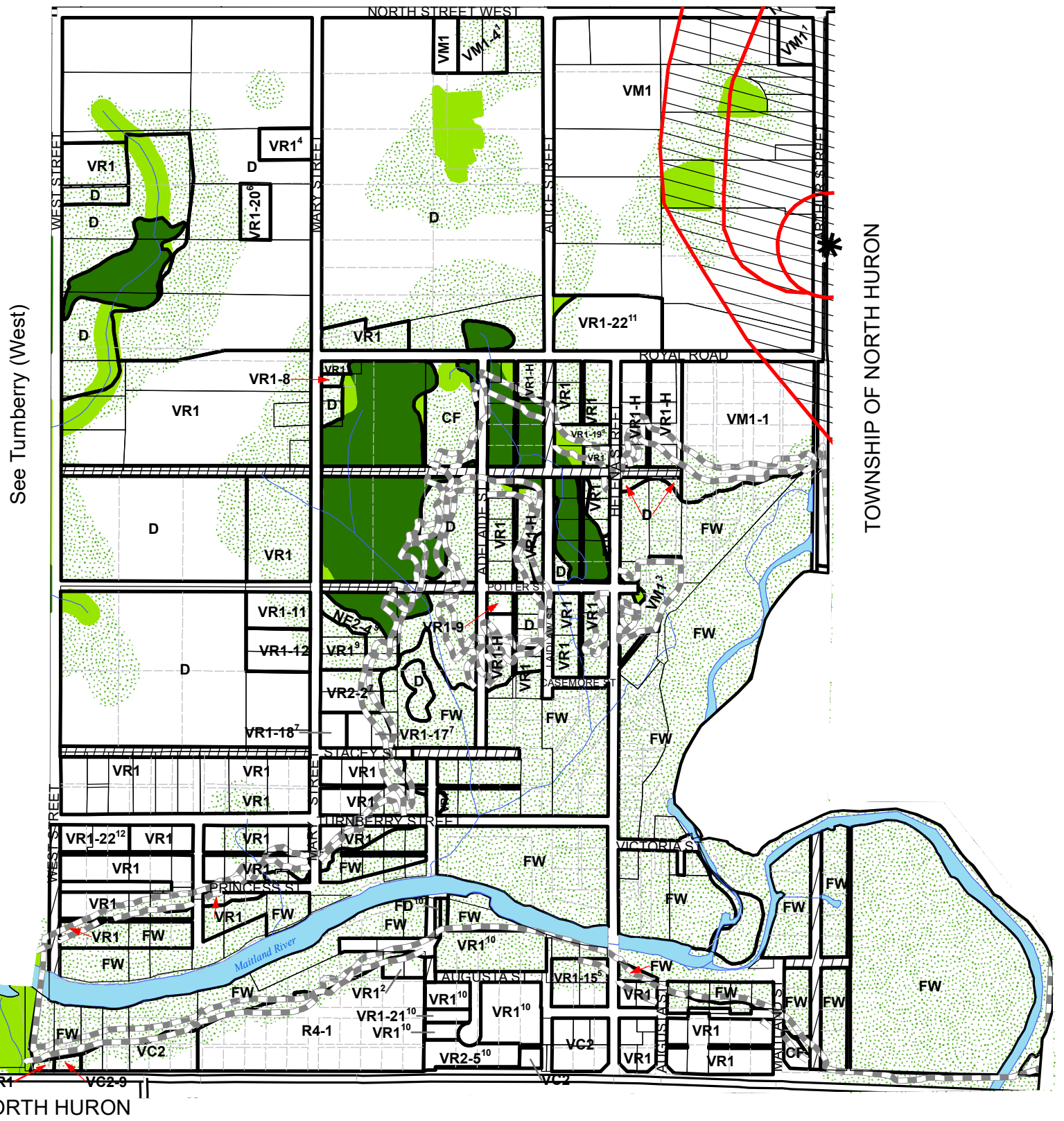
REVISION DATE

November 21, 2023

Municipality of Morris-Turnberry  
Schedule A

Key Map - Lowertown

See Turnberry (West)



	Zone - AG1 unless otherwise labeled		Property Boundary		Closed Landfill
	Zone - NE1 (Full Protection)		Lot Boundary		Landfill Buffer 500m
	Zone - NE2 (Limited Protection)		Water Body		Floodfringe
	Conservation Authority Notification Areas		River/ Stream		Unopened Road Allowance
	Former Railway Lands		Road		Municipal Wellhead Protection Area
	Airport Lands See provision 1.24		Open Landfill		5 yr Time of Travel (Zone A, B, C)
			Wells		

200 100 0 200  
Meters  
1:10,000

Ashfield-Colborne-Wawanosh, North Huron, Howick, Huron East, Central Huron

Amendments

- 1 Amended by By-law 42-2015
- 2 Amended by By-law 42-2017
- 3 Amended by By-law 15-2017
- 4 Amended by By-law 61-2019
- Amended by By-law 48-2022

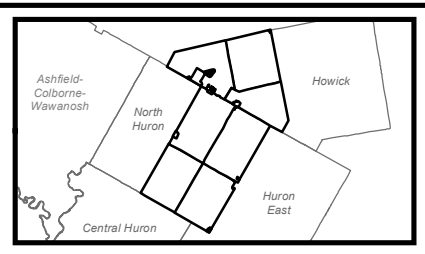
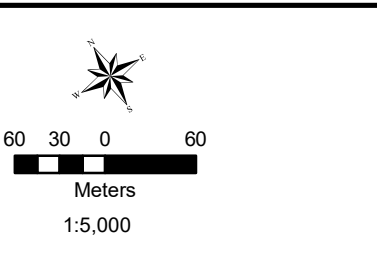
Municipality of Morris-Turnberry  
Schedule A

Key Map - North of Wingham

REVISION DATE April 17, 2023



	Zone - AG1 unless otherwise labeled		Lot Boundary		Landfill Buffer 500m
	Zone - NE1 (Full Protection)		Water Body		Floodfringe
	Zone - NE2 (Limited Protection)		River/ Stream		Unopened Road Allowance
	Conservation Authority Notification Areas		Road		Municipal Wellhead Protection Area
	Former Railway Land		Open Landfill		5 yr Time of Travel (Zone A, B, C)
	Property Boundary		Closed Landfill		Wells





Amendments  
 1 Amended by By-law 95-2016  
 REVISION DATE January 09, 2017

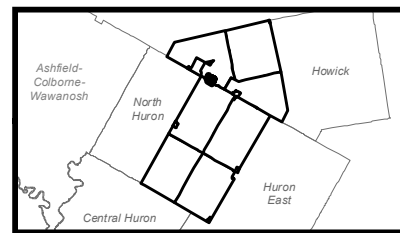
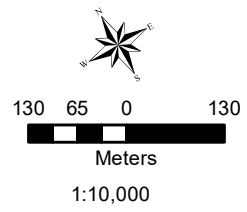
Municipality of Morris-Turnberry  
 Schedule A

Key Map - East of Wingham

TOWNSHIP OF  
 NORTH HURON  
 (WINGHAM)



- |  |   |  |                   |  |                         |
|--|---|--|-------------------|--|-------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Open Landfill           |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Closed Landfill         |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Landfill Buffer 500m    |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Floodfringe             |
|  | Former Railway Land                       |  | Road              |  | Unopened Road Allowance |



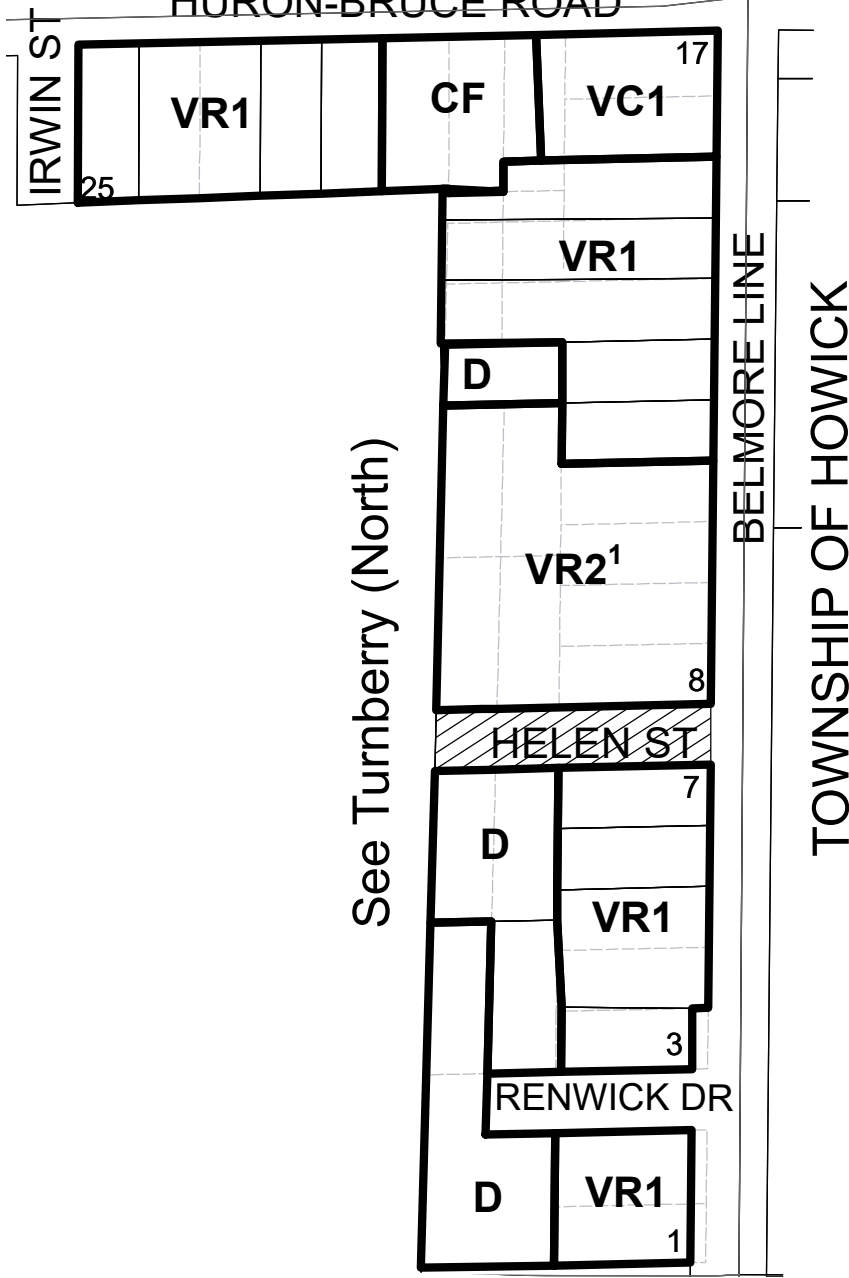
Amendments  
 1 Amended by By-law 27-2022

REVISION DATE August 16, 2022

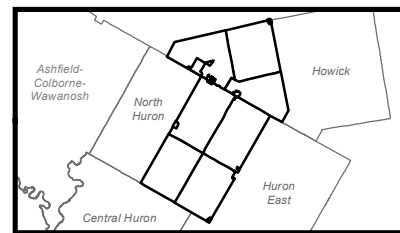
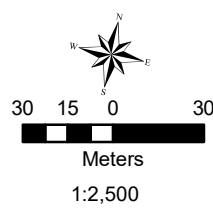
Municipality of Morris-Turnberry  
 Schedule A

Key Map - Belmore

COUNTY OF BRUCE  
 HURON-BRUCE ROAD



- |  |   |  |                   |  |                         |
|--|---|--|-------------------|--|-------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Open Landfill           |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Closed Landfill         |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Landfill Buffer 500m    |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Floodfringe             |
|  | Former Railway Land                       |  | Road              |  | Unopened Road Allowance |



Amendments

- 1 Amended by By-law 47-2015
- 2 Amended by By-law 95-2017
- 3 Amended by By-law 66-2018
- 4 Amended by By-law 32-2021
- 5 Amended by By-law 48-2022
- 6 Amended by By-law 38-2023

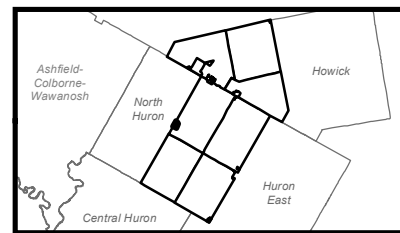
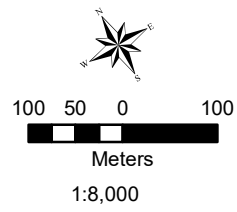
REVISION DATE October 16, 2023

Municipality of Morris-Turnberry  
Schedule A

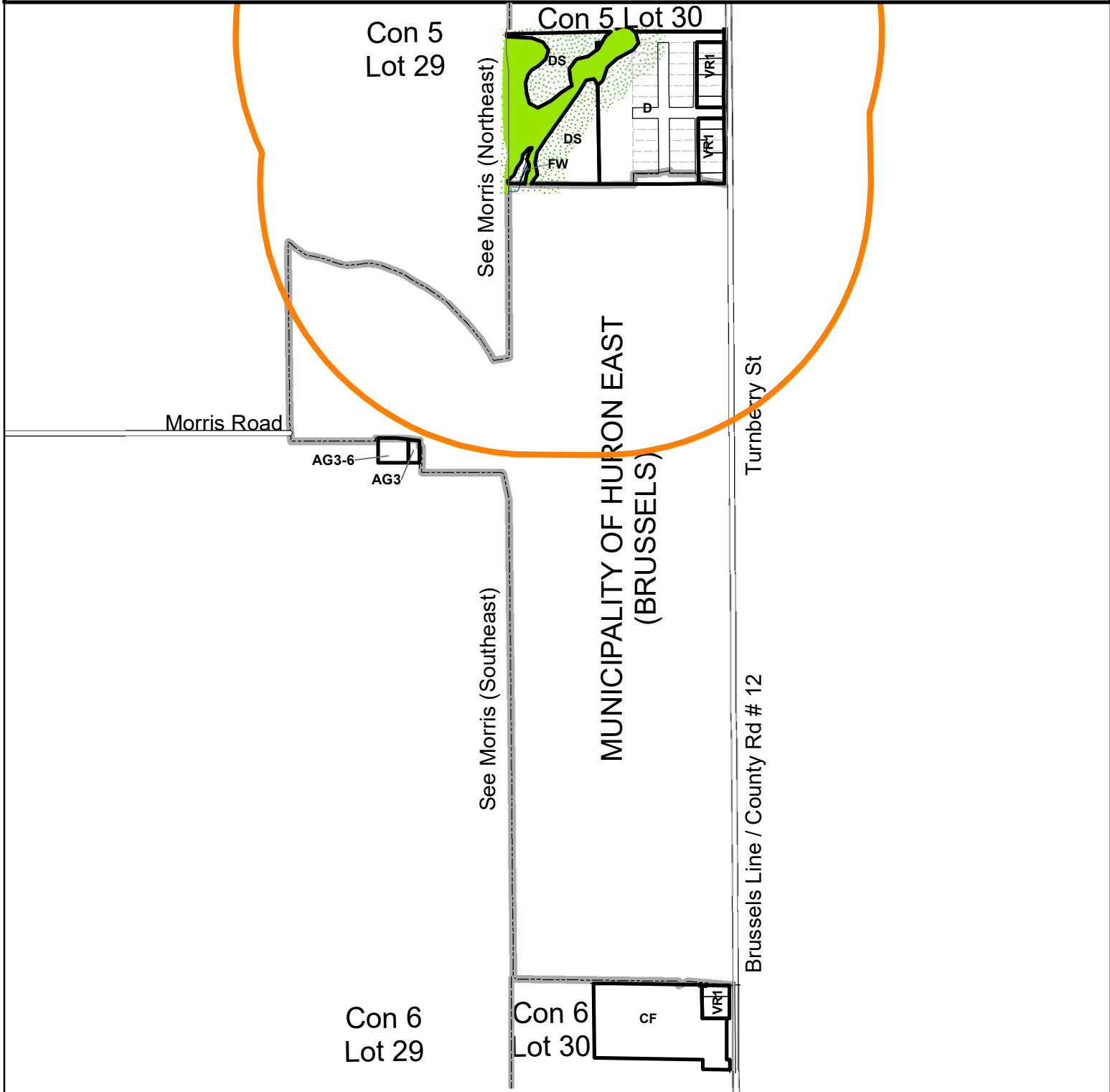
Key Map - Belgrave



- |   |                 |                                    |
|---|-----------------|------------------------------------|
| Zone - AG1 unless otherwise labeled       | Lot Boundary    | Landfill Buffer 500m               |
| Zone - NE1 (Full Protection)              | Water Body      | Floodfringe                        |
| Zone - NE2 (Limited Protection)           | River/ Stream   | Unopened Road Allowance            |
| Conservation Authority Notification Areas | Road            | Municipal Wellhead Protection Area |
| Former Railway Land                       | Open Landfill   | 5 yr Time of Travel (Zone A, B, C) |
| Property Boundary                         | Closed Landfill | Wells                              |

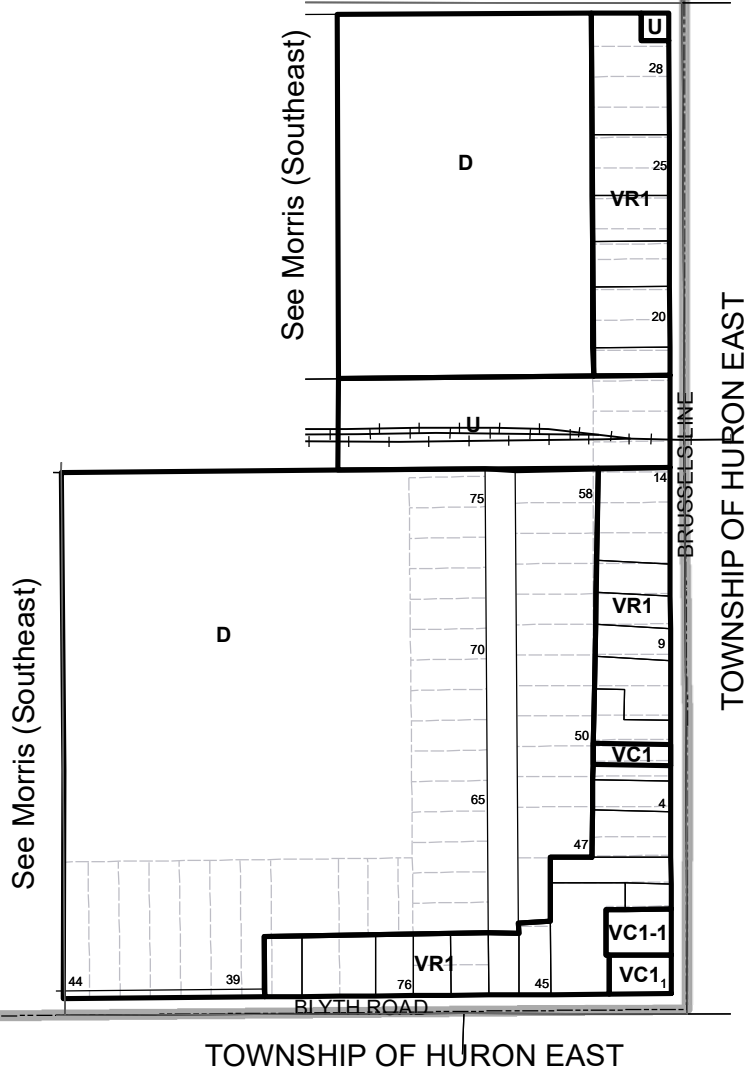


REVISION DATE October 21, 2014



	Zone - AG1 unless otherwise labeled		Property Boundary		Open Landfill
	Zone - NE1 (Full Protection)		Lot Boundary		Closed Landfill
	Zone - NE2 (Limited Protection)		Water Body		Landfill Buffer 500m
	Conservation Authority Notification Areas		River/ Stream		Floodfringe
	Former Railway Land		Road		Unopened Road Allowance

130 65 0 130  
Meters  
1:10,000



- |  |   |  |                   |  |                         |
|--|---|--|-------------------|--|-------------------------|
|  | Zone - AG1 unless otherwise labeled       |  | Property Boundary |  | Open Landfill           |
|  | Zone - NE1 (Full Protection)              |  | Lot Boundary      |  | Closed Landfill         |
|  | Zone - NE2 (Limited Protection)           |  | Water Body        |  | Landfill Buffer 500m    |
|  | Conservation Authority Notification Areas |  | River/ Stream     |  | Floodfringe             |
|  | Former Railway Land                       |  | Road              |  | Unopened Road Allowance |

