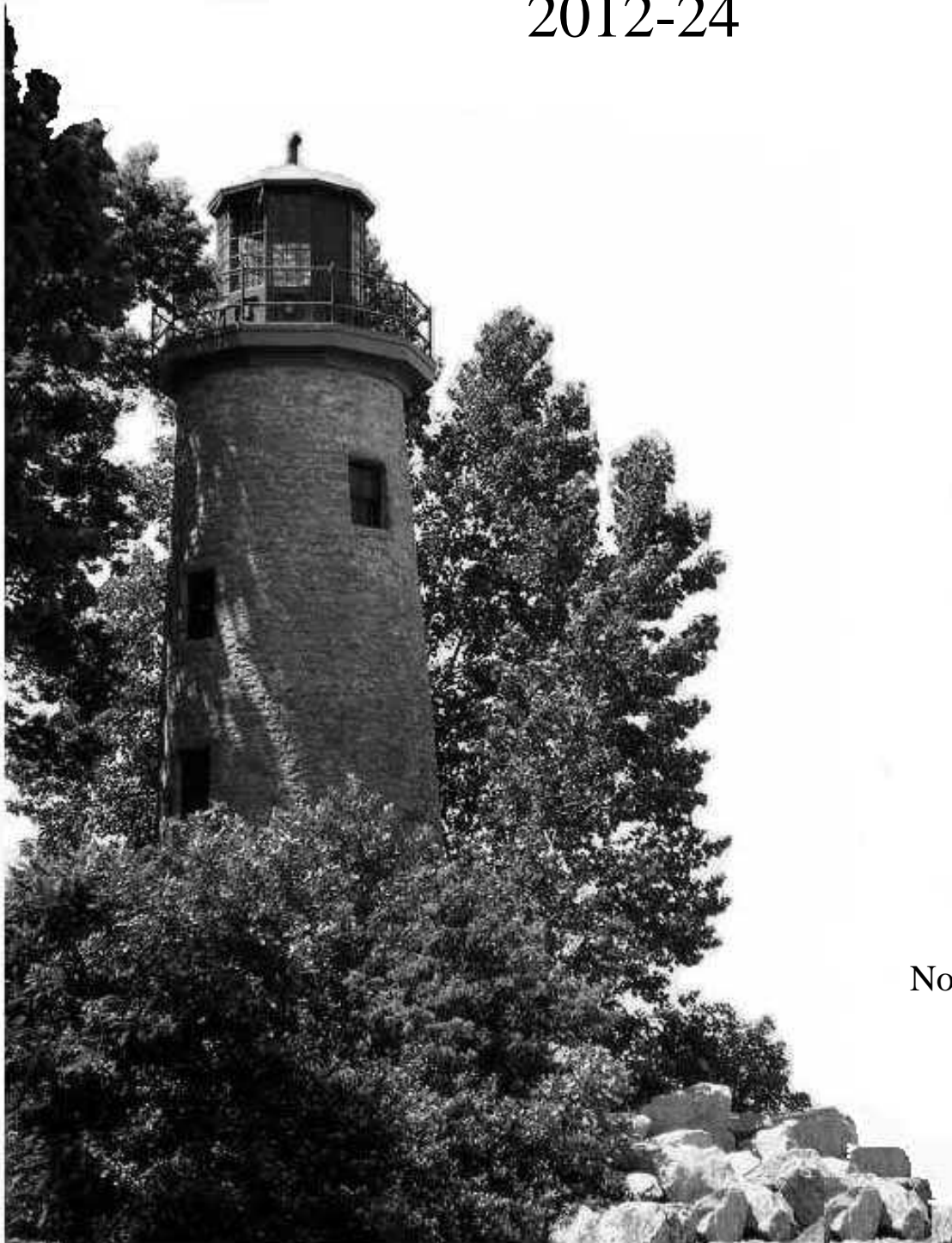


**TOWNSHIP OF PELEE**  
**ZONING BY-LAW**  
**2012-24**



November 2012

PREPARED BY  
ZELINKA PRIAMO LTD.

**TOWNSHIP OF PELEE  
ZONING BY-LAW NO 2012-24**

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**THE CORPORATION OF THE TOWNSHIP OF PELEE**

**BY-LAW NO 2012-24**

Being a By-law to regulate the use of lands and character, location and use of buildings and structures within the Township of Pelee pursuant to Section 34 of the Planning Act.

**PREAMBLE**

WHEREAS Section 34 of the Planning Act, provides that the Council of a local Municipality may pass By-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of The Corporation of the Township of Pelee has recommended that such a By-law be enacted in order to implement the policies and designations contained within the Official Plan for the Township of Pelee and to ensure proper and orderly development within the corporate limits of the Township of Pelee;

AND WHEREAS the Council of The Corporation of the Township of Pelee has deemed it to be in the public interest that such a By-law be enacted;

NOW THEREFORE the Council of The Corporation of the Township of Pelee ENACTS as follows:

**SECTION 1.0 ADMINISTRATION AND INTERPRETATION**

**1.1 TITLE OF BY-LAW**

This By-law may be cited as the Township of Pelee “Zoning By-law”.

**1.2 SCOPE OF BY-LAW**

**(a) Lands Subject to By-law**

The provisions of this By-law shall apply to all those lands lying within the Corporate Limits of the Township of Pelee.

**(b) Compliance with Zoning By-law**

No person shall, within the lands to which this By-law applies, use any land or erect or use any buildings or structures in whole or in part, except in conformity with the provisions of this By-law.

**1.3 APPLICATION**

**(a) Existing Use Continued**

Nothing in this By-law shall prevent:

- (i) The use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose.
- (ii) The erection or use of any building or structure for a purpose prohibited by the By-law, the plans of which have, prior to the day of the 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 approved and provided the building permit has not been revoked under the Building Code Act.

**(b) Compliance with Other Restrictions**

This By-law shall not be construed so as to reduce or mitigate any other restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

**1.4 INTERPRETATION OF BY-LAW**

**(a) Definitions**

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply.

**(b) Text**

Unless specified otherwise, the following shall apply throughout the text of this By-law:

- (i) The specific shall control the general;
- (ii) The word “shall” is to be construed as mandatory and not discretionary;
- (iii) In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender and vice versa.
- (iv) Words used in the present tense shall include the future tense;
- (v) A building or structure shall include any part thereof;
- (vi) Any Act or Regulation referred to in this By-law shall include any amendments or revisions made thereto or any subsequent Act or Regulation enacted in place thereof; and
- (vii) Unless the context requires otherwise, the verb “use” shall include “design to be used”, “arrange to be used”, “intend to be used”, and “permit to be used”; and the verb “occupy” shall include “design to be occupied”, “arrange to be occupied”, “intend to be occupied”, and “permit to be occupied”.

**1.5 MEASUREMENTS**

All measurements of length or area used in this By-law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:

- (a) For a WHOLE NUMBER, measurements of LESS THAN 0.5 shall be rounded DOWNWARD to the next whole unit;
- (b) For a WHOLE NUMBER, measurements of 0.5 AND GREATER shall be rounded UPWARD to the next whole unit;
- (c) For a number having ONE DECIMAL PLACE, measurements of LESS THAN 0.05 shall be rounded DOWNWARD to the next one-tenth unit;
- (d) For a number having ONE DECIMAL PLACE, measurements of 0.05 AND GREATER shall be rounded UPWARD to the next one-tenth unit.

Ratios and percentage figures shall not be subject to rounding.

**1.6 SCHEDULES FORM PART OF BY-LAW**

Schedules “A”, “B”, “C” and “D” form part of this By-law as fully and to all intents and purposes as though recited in full herein.

The location and boundaries of the zones and the special provisions established by this By-law are shown on Schedule “A”.

**1.7 ADMINISTRATION**

This By-law shall be administered by a person designated from time to time by Council as the Zoning Administrator.

**1.8 INSPECTION**

- (a) Subject to Subsection (b) the Zoning Administrator, or any other assigned officer or employee of the Corporation, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose carrying out his duties under this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 158.(1) of the Provincial Offences Act (R.S.O. 1990), Chapter P. 33.

**1.9 BUILDING PERMITS**

**(a) Application for a Building Permit**

In addition to all of the requirements of the Ontario Building Code, no building permit shall be issued in respect of the erection or alteration of a building or structure until all information required by the Municipality under any By-law of the Municipality, has been submitted to, and approved, by the Chief Building Official.

**(b) Issuance of a Building Permit**

No building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way, the Ontario Building Code, or this By-law, or any other By-law of the Municipality.

**1.10 RISK, EXPENSE AND COMPLIANCE**

The facilities, yards or other matters required by this By-law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of which such matters are required hereby.



### **1.11 VIOLATIONS AND PENALTIES**

#### **a) Persons**

Every person, other than a corporation, who contravenes this By-law is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than \$25,000 and, on a subsequent conviction, to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was convicted, as prescribed by the Planning Act.

#### **(b) Corporations**

Every corporation which contravenes this By-law is guilty of an offence and on conviction is liable on a first conviction, to a fine of not more than \$50,000 and, on a subsequent conviction, to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, as prescribed by the Planning Act.

### **1.12 ORDER OF PROHIBITION**

When a conviction is entered, in addition to any other remedy or any penalty provided by law, the Court in which the conviction has been entered, and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offense by the person convicted.

### **1.13 REMEDIES**

#### **(a) Legal Recourse**

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure that is, or is proposed to be used, in contravention of this By-law, the same may be restrained by an action of any person or of the Municipality under the Planning Act, the Municipal Act, or the Courts of Justice Act.

#### **(b) Payment of Costs and Reimbursement**

Where a person or corporation is in default of the provisions of this By-law and has been notified or directed by the Municipality to remedy this default and fails to do that matter or thing required, such matter or thing may be done by the Municipality, its employees, servants or agents at the person or corporation's expense. Where a person or corporation has refused or neglected to reimburse the Municipality for the cost of such work, thing or matter done, the same may be recovered by the Municipality by adding the cost to the tax roll and collecting them in the same manner as property taxes.

**1.14 SEVERABILITY PROVISIONS**

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

**1.15 REPEAL OF EXISTING BY-LAWS**

From the coming into force of this By-law, all previous By-laws passed under Section 34 of the Planning Act, or any predecessor thereof, shall be repealed.

**1.16 EFFECTIVE DATE**

This By-law shall become effective from the date of its passing by Council and comes into force in accordance with Section 34 of the Planning Act.

**SECTION 2.0            DEFINITIONS**

The presence of definitions of various uses contained in this Section does not necessarily mean that the use is a permitted use within the Township of Pelee unless specifically listed as a permitted use in a zone or zones.

For the purposes of this By-law, the following definitions shall apply:

“ABANDONED” means the failure, in the opinion of the Zoning Administrator, to proceed expeditiously with construction work or to undertake the construction work during any continuous 12-month period.

“ac” means acre.

“ACCESSORY”, when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith, and shall not include a residential use unless specifically stated otherwise.

“ACCESSORY DWELLING UNIT” – See “DWELLING UNIT”.

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

“services” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act;

‘services designed to appeal to erotic or sexual appetites or inclinations’ includes,

- (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
- (b) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or picture, symbol or representation having like meaning or implication as used in any advertisement;

“ADULT ENTERTAINMENT USE” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services or entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations. Adult Entertainment Use also includes an Adult Entertainment Parlour, and Adult Video Store, an Adult Specialty Shop and a principal use Body Rub Parlour.

For the purposes of the definition of Adult Entertainment Use, the following definitions also apply:

“goods” includes books, magazines, pictures, slides, film, disks, phonograph records, prerecorded magnetic tape and any other viewing or listening matter, clothing and accessories; “services or entertainment” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act;

“services or entertainment which are designed to appeal to erotic or sexual appetites or inclinations” and includes,

- (a) services or entertainment of which a principal feature or characteristic is the nudity or partial nudity of any person, including, but not limited to the nudity or partial nudity of specified body areas; and,
- (b) services or entertainment in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement.

“ADULT VIDEO STORE” means an establishment where pre-recorded video tape, video discs, film and/or slides made or designed to appeal to erotic or sexual appetites or depicting sexual acts are offered for rent or sale where the proportion of adult videotapes to non-adult videotapes offered is equal to or exceeds the ratio of 10:100 (adult videotape to non-adult videotape). An Adult Video Store shall not include facilities for the screening or viewing of such products.

“AGRICULTURAL USE” means the cultivation of land, the production of crops and the processing and selling of such produce on a lot, and the breeding, raising and care of livestock and the selling of such livestock or the produce of such livestock raised on a lot, and includes a farm greenhouse and a commercial greenhouse, and includes aquaculture, as well as one single detached dwelling accessory to the main agricultural use.

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

“AGRICULTURAL SUPPLY ESTABLISHMENT” means the use of land, 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, fertilizers and chemical products, farm machinery and equipment sales and service, and animal and poultry health and breeding services.

“AISLE” means lands used by a motor vehicle for access to and from an off-street parking space, but does not include a driveway.

“ALTER” means:

- (a) when used in reference to a building or part thereof, to change any one or more of the external dimensions of such building or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof; and
- (b) when used in reference to a lot, to change the lot area, lot frontage or lot depth, to change the width, depth or area of any required yard, setback, landscaped open space or parking area thereof, or to change the location of any lot line, whether such alteration is made by conveyance or otherwise; and
- (c) when used in reference to a use, to discontinue and replace a use, in whole or in part, with a use as defined herein which is distinct and different from the discontinued use.

“ALTERNATIVE ENERGY SYSTEM” means sources of energy or energy conversion process that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional system.

“AMUSEMENT”

- (a) “AMUSEMENT GAME ESTABLISHMENT” means a building or a part thereof within which more than three amusement game machines are available to the public.
- (b) “AMUSEMENT GAME MACHINE” means a mechanical, electrical or electronic device activated by the insertion of a coin or token for the play of a game of chance and/or skill that is not contrary to the Criminal Code of Canada.
- (c) “AMUSEMENT PARK” means an establishment regardless of whether or not it is maintained or operated for gain or profit, where rides, games of chance and/or skill and the sale of food, beverages, toys and souvenirs constitute the main uses.

“AQUACULTURE” means land and water devoted to the hatching, raising, or breeding of fish or other aquatic plants or animals for sale and/or personal use.

“ARENA / HALL” means a building or structure designed, used or intended for athletic, civic, educational, recreational, political, religious, or social events and, without limiting the generality of the foregoing, may include an assembly hall, auditorium, banquet hall, curling rink, gymnasium, ice rink, recreational centre or stadium.

“ASPHALT / CONCRETE BATCHING PLANT” means an establishment used for the production of asphalt, concrete, or ready mix 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” means a facility:

- (a) 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; and
- (b) which is not of permanent construction, but is designed to be dismantled and moved to another location as required; and
- (c) which is not operated for more than six months in any calendar year.

“ATTACHED” when used in reference to a building, means a building otherwise complete in itself which depends for structural support or for complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings.

“ATTIC” – See “STOREY”.

“AUTO BODY REPAIR SHOP” means an establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor

vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include an automobile repair shop, an impounding yard, an automobile service station or a gas bar.

“AUTOMOBILE SERVICE STATION” means an establishment where vehicle fuels, lubricants and accessories are offered for retail sale and which contains facilities for the repair and maintenance of vehicles.

“AUTOMOTIVE USE” means an automobile service station, a gas bar, a vehicle repair shop, an automobile sales and service establishment, an auto body repair shop or a vehicle sales and rental establishment, as defined herein.

“BAKERY” means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

“BAKE SHOP” means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises and may include an eating area within the same building.

“BALCONY” means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.

“BANK” – See “FINANCIAL OFFICE”.

“BASEMENT” – See “STOREY”.

“BAY, WINDOW” means a window that projects outward from the dwelling wall/face with or without foundation.

“BED AND BREAKFAST ESTABLISHMENT” means an existing single detached dwelling in which no more than three guest room are made available by resident of the dwelling for the temporary accommodation of travelers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a hotel, motel, boarding or lodging house, or restaurant as defined herein.

“BEDROOM” means a habitable room located within a dwelling unit and used primarily for sleeping.

“BERM” means a landscaped mound of earth.

“BIOMASS” means any plant derived organic matter available on a renewable basis.

“BIOMASS ENERGY SYSTEM” means a renewable electrical generation facility using renewable biomass resources and/or waste products that produces electrical power for needs of a user or to feed into the transmission or local distribution grid. A biomass energy system includes anaerobic digesters used principally for the generation of electricity.

“BOARDING HOUSE or LODGING HOUSE or ROOMING HOUSE” means a building or part thereof in which the proprietor resides and supplies, for hire or gain, to more than three other persons, lodging and/or meals, but shall not include a hotel, motel, hospital, home for the young or the aged, or other institutional use, or restaurant but includes a sorority or fraternity house.

“BOAT” means a vessel propelled by oars, sail, an engine or paddles.

“BOATHOUSE” means an accessory building built or anchored near the shore for the berthing and sheltering of boats or other marine related equipment and enclosed by more than one wall and shall not include habitable living space, the commercial storage of boats, or the sale of fuel or marine products. Boat house shall not include a marina or yacht club.

“BODY-RUB ESTABLISHMENT” includes any premises or part thereof where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

“BUILDING” means a structure occupying an area greater than 10 square m consisting of any combination of walls, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service system.

“BUILDING OR CONTRACTING ESTABLISHMENT” means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as window cleaning and extermination services. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors’ offices, but does not include salvage yards.

“BUILDING HEIGHT” – See “HEIGHT”.

“BUILDING LINE” means a line drawn parallel to a lot line which establishes the distance between the lot line and the nearest face of a building or structure. Where the lot line is a curve, the same shall apply.

“BUILDING, MAIN” means a building that functions as the building in which the main use of the lot is carried out.

“BUILDING PERMIT” means a permit required by the Building Code Act.

“BUSINESS OFFICE” means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization, including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a telegraph office, a bank or other financial institution, the premises of a real estate or insurance agent, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office.

“CAMPGROUND” means a use, consisting of camping sites, and comprising land used for seasonal recreational activity as grounds for the camping or parking of tents, travel trailers, truck campers, but not mobile homes or a mobile home park.

“CARPORT” means a covered structure used for the storage of vehicles. The roof of the said structure shall be supported by piers or columns so that 50 per cent of its wall area adjacent to the lot line is unenclosed.

“CELLAR” – See “STOREY”.

“CEMETERY” means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

“CENTRE LINE, STREET” means the centerline of the original road allowance.

“CHIEF BUILDING OFFICIAL” means the officer or employee of the Corporation charged with the duty of enforcing the provisions of the Ontario Building Code and the provisions of the By-law.

“CHURCH” means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, a church auditorium, a convent or monastery, an office of a clergyman, a cemetery, a Sunday school, a parish hall or a parsonage as uses accessory thereto.

“CINEMA” means a building or part thereof used for the showing or viewing of motion pictures.

“CLINIC” means a building or part thereof, other than a hospital, used by medical doctors, dentists, and/or drugless practitioners and their staff for the purposes of consultation, diagnosis or treatment of human patients, and may include administrative offices, waiting room, treatment room, laboratories, pharmacies and dispensaries directly associated with the clinic. The area for the sale of drugs shall not exceed 90 square m (1,000 square feet).

“CLINIC, ANIMAL” means a building or part thereof, designed, used or intended for use by a veterinarian and his assistants for the purpose of providing for the care and treatment of pets raised or housed for recreational or hobby purposes, without overnight accommodation, and without limiting the generality of the foregoing, includes dogs, cats and birds but does not include livestock.

“CLUB, PRIVATE” or “PRIVATE CLUB” means a building or premises located on privately owned lands, operated on a non-profit basis for social, literary, cultural, political, educational or recreational purposes for the exclusive use of members and their guests and not open to the general public on an equal basis. A private club includes a fraternal organization, but does not include an assembly hall, body rub parlour or adult entertainment parlour.

“COMMERCIAL RECREATION ESTABLISHMENT” means a building, or part thereof, used for the purposes of an arena, auditorium, public hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, and all places of amusement, but not including an amusement games establishment, cinema or other theatre, drive-in theatre or amusement park.

(a) “COMMERCIAL RECREATION ESTABLISHMENT, OUTDOOR” means an outdoor facility or facilities operated for gain or profit which may include, but not necessarily be restricted to, a water slide, a commercial outdoor swimming pool, a wave pool, a



baseball batting cage or a paddleboat or bumper-boat pool, but shall not include a go-kart track, a ski club or any other use separately defined or listed herein.

“COMMERCIAL STORAGE FACILITY” means a building or structure used for the temporary storage of household item in enclosed storage areas or lockers, which are generally accessible by means of individual loading doors and which are as an accessory use, includes an outdoor area for the temporary parking of seasonal recreational or commercial vehicles, boats and trailers.

“COMMERCIAL USE” means a building structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities primarily associated with an industrial use as defined herein or primarily associated with any construction work.

“COMMERCIAL VEHICLE” – See “VEHICLE”.

“COMMUNICATION FACILITIES” means any use of land that is primarily for the transmission of electronic signals through the air and includes a transmitting station, tower or dish for radio, television, telephone or other similar communication facilities and radio and television stations.

“COMMUNITY CENTRE” means any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality, a local board or agent thereof.

“COMPOSTING FACILITY” means a premises owned and operated approved by a government authority where the primary purpose is for the composting of food waste and organic materials.

“CONFERENCE FACILITIES” means room used to provide for meetings for consultation or discussion.

“CONSENT” means the approval to the severance or division of land, or the approval to the use of land for a period of 21 years or more pursuant to the provisions of the Planning Act.

“CONSERVATION AUTHORITY” means the Conservation Authority having jurisdiction or any successors thereto.

“CONSERVATION USE” means a use dedicated towards the preservation of fish and wildlife habitat including woodlot management and structures for flood/erosion control. This use does not include administration and/or operational facilities.

“CONVENIENCE STORE” means a retail store wherein various convenience goods and item of day-to-day use or necessity including, but not so as to limit the generality of the foregoing, food, beverages, pharmaceutical drugs, tobacco products and periodicals.

“COUNCIL” means the Municipal Council of The Corporation of the Township of Pelee.

“COUNTY” means the Corporation of the County of Essex.

“COVERAGE” – See “LOT COVERAGE”.

“DAY NURSERY” means a premises licensed in accordance with the Day Nurseries Act, as amended, in which more than 5 children are provided with temporary care, protection and supervision but which does not provide overnight accommodation.

“DECK” means a structure with no solid roof or walls which may be constructed on piers or a foundation and used as an outdoor living area including landings and stairs, but does not include a balcony or porch/verandah.

“DENSITY” means the ratio of the number of dwelling units located on a lot to one (1) hectare of lot area.

“DERELICT MOTOR VEHICLE” means an inoperative motor vehicle which is not currently licensed.

“DESIGNATED” means the land use designation in the Township of Pelee Official Plan.

“DEVELOPMENT” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

“DRIVE-IN THEATRE” means a theatre consisting of a screen or screens and parking area where the public is able to view projected movies from a private automobile and includes accessory structure for ticket sales, concession stand, offices, projection room and washroom.

“DRIVE-THROUGH FACILITY” means a building or structure or part thereof accessed by a designated queuing lane where goods and services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk.

“DRIVEWAY” means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

“DRY CLEANING ESTABLISHMENT” means a building used for the purpose of receiving articles or clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning on the premises or elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

“DUPLICATING SHOP” means a building or part thereof where drawings, plans, Maps or other copy, are reproduced by blueprinting, photocopying or small offset process.

“DWELLING” means a building containing one or more dwelling units but does not include a trailer or mobile home.

- (a) “CONVERTED DWELLING” means a dwelling originally designed and used as a single dwelling which because of size or design is or can be converted by partition and the addition of sanitary facilities and/or cooking facilities into more than one dwelling unit.
- (b) “DUPLEX DWELLING” means the whole of a dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

- (c) “MODULAR DWELLING” means a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than six m in width.
- (d) “MULTIPLE DWELLING” means the whole of a dwelling containing three or more separate dwelling units on one lot. This definition shall not include any dwelling otherwise defined herein or specifically named elsewhere in this By-law.
- (e) “ROWHOUSE” (Townhouse) means a building divided vertically into three or more dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.
- (f) “SEMI-DETACHED DWELLING” means one of a pair of two attached single dwellings with a common masonry wall dividing the pair of single dwelling houses vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.
- (g) “SINGLE DETACHED DWELLING” means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling.
- (h) “SINGLE DWELLING” means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.

“DWELLING UNIT” means a suite of habitable room which:

- is located in a building;
  - is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
  - contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
  - has a private entrance directly from outside the building or from a common hallway or stairway inside the building.
- (a) “ACCESSORY DWELLING UNIT” means a dwelling unit accessory to a permitted non-residential use.
  - (b) “BACHELOR DWELLING UNIT” means a dwelling unit consisting of a room containing sanitary facilities and not more than two other habitable room providing therein living, dining, sleeping and cooking accommodation.

“DWELLING UNIT AREA” – See “FLOOR AREA”.

“ENVIRONMENTAL ADVISORY COMMITTEE” means a committee established by Council, in consultation with the Ontario Ministry of Natural Resources and the Essex Region Conservation Authority, for the purpose of reviewing and advising on proposals for development or alteration which have the potential to affect natural heritage features and/or functions.

“ERECTED” and “ERECTION” have corresponding meanings.

“EXISTING” means existing on the date of the passing of this By-law.

“EXTRACTIVE USE” means the use of land licensed for the removal of gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other similar substance for construction, industrial or manufacturing purposes, and includes an aggregate storage area, accessory uses, buildings or structures. Permitted accessory uses include the blending of recovered materials that are brought to the extractive use.

“FARM PRODUCE STAND” means a premises where the products of an agricultural operation are sold at retail as an accessory use and on the same lot as the principal agricultural use.

“FAMILY” means:

- (a) a person or two or more persons interrelated by bonds of consanguinity, marriage or legal adoption, and together with not more than two persons unrelated to such persons, or
- (b) not more than five persons,

living together as a single, independent and separate housekeeping unit in one dwelling unit, and for the purpose of this paragraph, the word “family” includes and shall be deemed to include gratuitous guests and bona fide servants employed as such on the premises containing the said dwelling unit.

“FARM SALES OUTLET” means a building, structure or use accessory to a farm and used for the storage, handling and sale of farm produce or agricultural materials to the agricultural community or fresh farm produce to the general public.

“FINANCIAL OFFICE” means the premises of a bank, trust company, finance company, mortgage company or investment and financial planning company.

“FINISHED GRADE” when used in reference to a building or structure, means the average elevation of the finished surface of the ground immediately adjoining the base of the exterior walls or supports of such building or structure, exclusive of any artificial embankment.

“FLOOR AREA” means the area of the floor surface of a storey or part thereof.

- (a) “DWELLING UNIT AREA” means the aggregate of the floor areas of all habitable room, hallways and lobbies within a dwelling unit, excluding the thickness of any exterior walls.
- (b) “GROSS FLOOR AREA” means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor area of any private garage.

“FORESTRY USE” means the raising and harvesting of timber for the purpose of producing commercial or non-commercial wood products and may include the cutting of such timber for transportation purposes but shall not include the manufacturing or processing of wood products. Notwithstanding the above, the processing of firewood cut and used for domestic purposes on the same property is not considered a forestry use.

“FOSTER HOME” means a single housekeeping unit in a dwelling unit, in which individuals may be placed with Foster Parents to gain a family life experience, the said home affiliated with a social agency recognized under provincial statutes.

“FRONTAGE” – See ‘LOT FRONTAGE’

“FRONT YARD” – See “YARD”.

“ft.” means feet.

“ft.<sup>2</sup>” means square feet.

“FUNERAL HOME” means a building or part thereof wherein a licensed undertaker prepared corpses for interment and may include a chapel for funeral services.

“GAS BAR” means one or more gasoline pumps for the sale of gasoline and related products for motor vehicles, together with the associated pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of gasoline.

“GOLF COURSE” means a public or private area operated for the purpose of playing golf.

“GRADE” means the level of the ground adjacent to the outside wall of a building or structure.

“GRADE, AVERAGE FINISHED” means the average elevation of the finished surface of the ground at base of the outside walls of any building or structure.

“GREENHOUSE, FARM” means a building for the growing of fruit, vegetables, and other plants, harvested or transplanted on the same farm.

“GREENHOUSE, COMMERCIAL” means a building for the growing of fruit, vegetables, flowers, plants, shrubs, trees and similar vegetation and includes that part of the lot on which the building is located from which such vegetation is sold, at wholesale.

“GROUP HOME, CORRECTIONAL” means a detached dwelling occupied by residents who live as a single housekeeping unit, supervised on a daily basis, for persons who have been placed on probation, released on parole or admitted for correctional purposes, and which is licensed, approved, supervised or funded by the Province of Ontario.

“GROUP HOME TYPE 1” means a detached dwelling occupied by residents who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved or supervised, or funded by the Province of Ontario as:

- Home for Special Care, Homes for Special Care Act;
- Approved Home, Mental Hospitals Act;
- Children’s Residence, Child and Family Services Act;
- Approved Home, Homes for Retarded Persons Act;
- A Facility, Developmental Services Act;
- Charitable Home for the Aged, Charitable Institutions Act; or,
- Home for the Aged, Homes for the Aged and Rest Homes Act.

“GROUP HOME TYPE 2” means a detached dwelling occupied by residents who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved or supervised, or funded by the Province of Ontario under any general or specialized Act and which shall be maintained and operated primarily for:

- Person who require temporary care and transient or homeless persons; or
- Persons requiring treatment and rehabilitation for addition to drugs or alcohol.

“ha” means hectare.

“HABITABLE ROOM” means a room which:

- (a) is located within a dwelling unit;
- (b) is designed for living, sleeping or eating or for sanitary purposes;
- (c) can be used at all times throughout the year; and
- (d) is not located within a cellar;

But does not include any room specifically defined herein as a non-habitable room.

“NON-HABITABLE ROOM” means any room located within a dwelling unit but that is not a habitable room, including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a corridor, a stairway, a closet, a sun-room, a verandah, a basement recreation room, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

“HAZARD LANDS” shall mean lands which exhibit a hazardous condition as a result of their instability; susceptibility to flooding, erosion, subsidence; or the presence of organic soils; or steep slopes and includes lands lying below the regulatory flood-line as established from time to time by the Conservation Authority having jurisdiction and may include lands lying below the fill line as established from time to time by the Conservation Authority have jurisdiction.

“HEIGHT” or “BUILDING HEIGHT”, when used in reference to a building or structure, means the vertical dimension between the finished grade of such building or structure and:

- (a) in the case of a flat roof, the highest point of the roof surface or parapet wall;
- (b) in the case of a mansard roof, the deck line;
- (c) in the case of a gabled, hip, gambrel or one-slope roof, the average level between the top of the eaves and the ridge, except that a one-slope roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof for the purposes of this By-law.
- (d) in the case of a structure not having a roof, the top part of the roof of such structure; or
- (e) where a combustible exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.

“HEREAFTER” means “after the date of the passing of this By-law”.

“HEREIN” means “anywhere in this By-law”.

“HEREOF” and “HERETO” mean “of this By-law” and “to this By-law”, respectively.

“HERITAGE BUILDING” means a building designated under Part IV of The Ontario Heritage Act.

“HOME FOR THE AGED” means a home for the aged within the meaning of The Homes for the Aged and Rest Homes Act.

“HOME OCCUPATION” means an occupation or business conducted for gain or profit within a dwelling unit by a resident of that dwelling unit.

“HOSPITAL” means a hospital as defined by The Private Hospitals Act, as amended from time to time, and a sanatorium as defined by The Private Sanatoria Act, as amended from time to time, or a hospital as defined by The Public Hospitals Act, as amended from time to time.

“HOTEL” means a building or group of buildings used for the purpose of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation, and includes a motel or motel hotel.

“HOUSEHOLD SALES/GARAGE SALES” means the sale by an occupant of a dwelling unit on his own premises, of household goods belonging to him.

“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.

“IMPOUNDING YARD” means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, public garage, salvage yard or wrecker’s yard.

“INDUSTRY, DRY” means a manufacturing establishment wherein the manufacturing process does not include or require the direct consumption of water and where the only waste water discharges are from auxiliary facilities such as washroom, the indirect cooling of machinery and/or pressure testing equipment.

“INDUSTRIAL USE, LIGHT” means the use of land, buildings or structures designed, used or intended for the manufacturing, assembling, or processing of component parts to produce finished products suitable for retail, wholesale or service trade and includes repairing; servicing; distributing; warehousing; storing or adapting for sale any good, substance, article or thing but does not include operations which create a nuisance as a result of an emission that can be smelled, heard or otherwise detected outside of the building or structure in which the use is conducted.

“INSTITUTIONAL USE” means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, place of worship, public or private schools and nursery schools.

“INTERPRETIVE CENTRE” means the use of land for the conservation and study of the natural environment, and may include a limited number of accessory buildings and structures.

“KENNEL” means an agricultural use wherein three or more dogs or other domesticated animals are bred, housed, groomed, trained or sold, but does not include a boarding kennel.

“KENNEL, BOARDING” means a lot, building or structure, on or within which three or more dogs or other domesticated animals are boarded, groomed or trained for a fee, and which may include the provision of minor medical treatment for such animals. A boarding kennel may also include a kennel as defined herein.

“LABORATORY” means a building, or part thereof, used for scientific testing, experimentation and/or research, but does not include a medical facility or a dental facility.

“LANDSCAPED OPEN SPACE” means the open space area of a lot which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping and includes any surfaced walk, patio, swimming pool, or similar area but does not include any access driveway or ramp, parking lot or any open space beneath or within any building or structure.

“LANE” means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down upon a registered plan and dedicated to public use, or legally dedicated as a right-of-way for use in common by adjacent land owners.

“LAUNDROMAT” means a building or part thereof wherein machines and facilities for wet laundering, drying or finishing are available for public use at a charge.

“LIBRARY” means a building or structure, designed, used or intended to be used as a library, branch library or distributing station operated under the Public Libraries Act.

“LIVESTOCK” means animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, may include cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, ducks, mink and rabbit, but excludes household pets raised or housed for recreational or hobby purposes.

“LIVESTOCK FACILITY” means one or more barns or permanent structures with livestock occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

“LOADING SPACE” means a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial, industrial or institutional vehicle while loading or unloading persons, animals, goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or driveway.

“LODGE” means an establishment containing four or more guest room available for rent, served by a common or separate entrance directly from outside the building, and providing sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities. Accessory uses may include accommodation for permanent staff, dining facilities and recreational facilities for use by the guests.

“LOT” means a parcel or tract of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act or is described in accordance with a Registered Plan of Condominium.

“LOT AREA” means the total horizontal area within the lot lines of a lot.



“LOT, CORNER” means a lot bounded by two intersecting streets, the angle of intersection of which is not more than 135 degrees. In the case of a curved street, such angles shall be formed by their tangents drawn from the points where the interior lot lines meet the street line.

“LOT COVERAGE” means the horizontal area at grade of all buildings and roofed structures on a lot. For the purposes of this definition, decks, patios and swimming pools are not to be included within the lot coverage calculation.

“LOT DEPTH” means the horizontal distance between the front and rear lot lines but where the front and rear lot lines are not parallel the lot depth is the length of a line joining the mid points of such lines. Where there is no rear lot line, lot depth means the horizontal distance between the midpoint of the front lot line with the apex of the triangle formed by the side lot lines.

“LOT FRONTAGE” means the horizontal distance between the side lot lines measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoints of the front and rear lot lines at a point 7.6 m back from the front lot line and where such lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines at a point 7.6 m back from the front lot line, and where such lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the street lines, drawn through the extremities of the front lot line and exterior side lot line.

“LOT, INTERIOR” means a lot other than a corner lot.

“LOT LINE” means any boundary of a lot.

“LOT LINE, FRONT” means the lot line that abuts the street, but,

- (a) in the case of an interior lot, the lot line dividing the lot from the street;
- (b) in the case of a corner lot, the shorter lot line abutting the street unless each abutting lot line is of equal length in which case the front lot line shall be the lot line where the principal access to the main building is provided; and
- (c) in the case of a through lot, the front lot line shall be the lot line where the principal access to the main building is provided.

“LOT LINE, EXTERIOR” means the side lot line which abuts the street on a corner lot.

“LOT LINE, INTERIOR” means the side lot line which does not abut a street.

“LOT LINE, REAR” means the lot line farthest from and opposite to the front lot line, provided that, in the case of a triangular lot, the rear lot line shall be deemed to be the apex of the side lot lines.

“LOT, SIDE” means a lot line which is neither a front lot line or a rear lot line.

“LOT LINE, THROUGH” means a lot bounded on opposite sides by streets.

“m” means metre.

“m<sup>2</sup>” means square metres.

“MAIN”, when used to describe a use, a building or a structure, means a use or structure which constitutes, or a building in which is conducted, a principal use of the lot on which such use, building or structure is located.

“MANUFACTURING ESTABLISHMENT” means the use of land, buildings or structures for:

- (a) the manufacturing, assembling, making, producing, preparing, inspecting, grading, ornamenting, finishing, treating, cleaning, washing, altering, repairing, restoring, processing, polishing, refinishing, packing, adapting for sale, warehousing, storing, breaking up or demolishing of goods, substances, articles or things or any part or parts thereof; or
- (b) the production or storage of building or construction equipment or materials;

But does not include activities primarily associated with either a commercial use or an automotive use as defined herein or with the supplying of personal services.

“MANURE OR MATERIAL STORAGE” means permanent storages, which may or may not be associated with a livestock facility containing liquid manure (<18% dry matter), solid manure (>18% dry matter), or digestate (<18% dry matter).

“MARINA” means an area or establishment, with or without buildings, providing facilities or services for boats or persons traveling by boat, and operated on a commercial basis or by a company or group of persons such as a club organized for pleasure or recreational purposes, and may include slips, docks, moorings, waste disposal arrangements, fuelling facilities, boat ramps, boat storage, the sale, rental or repair of boats, boat motors or boat accessories and the provision of refreshments.

“MARINE FACILITY” means an establishment located on the shore of a body of water, which is used to moor, berth or store all types of marine pleasure craft and may include electricity, water and sewer services for these craft. This definition may also include those commercial functions relating to the boating public which are accessory and subordinate to the use of the site as a boating facility but does not include the service, repair or fueling of such craft.

“MERCHANDISE SERVICE SHOP” means a building or part thereof wherein articles or goods, other than vehicles or industrial tools, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale.

“MOBILE HOME” means any dwelling that is designed to be made mobile, and is constructed or manufactured to provide a permanent or seasonal residence; but does not include a travel trailer or tent trailer otherwise designed. A mobile home shall be distinguished from other forms of prefabricated transportable housing by a design which permits and features ready transportation from place to place, and not a design which intends to be moved only once to a final location.

“MOBILE HOME LOT” means a parcel of land within a mobile home park intended for occupancy by one mobile home unit and complies with all yard and open space requirements of this By-law.

“MOBILE HOME PARK” means a parcel of land containing two or more mobile home lots and which is under single management and ownership and which is designed and intended for residential or seasonal use where such residential occupancy is in mobile homes exclusively.

“MODEL HOME” means a building which is used on a temporary basis as a sales office and/or as an example the type of dwelling that is for sale in a related development and which is not occupied or used for human habitation.

“MOTOR VEHICLE” means a wheeled self-propelled vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing, includes automobiles, trucks, busses, ambulances, hearses, motor homes and tractors.

“MUNICIPAL” when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any department, board, commission or agency thereof.

“MUNICIPAL DRAIN OR DYKE” means a drainage works as defined by the Drainage Act, as amended from time to time.

“MUNICIPAL SERVICE” means a municipally operated piped water facility or sanitary sewer designed, capable and available to service a lot.

“MUNICIPALITY” means the Corporation of the Township of Pelee.

“NON-CONFORMING” means an existing use or activity of any land, building or structure that is not an identified permitted use for the zone in which it is located as of the date of passing of this By-law.

“NON-COMPLYING” means a lot, building or structure that does not meet the regulations of the zone in which it is located as of the date of passing of this By-law.

“NON-RESIDENTIAL USE” has the meaning ascribed to in the definition of ‘RESIDENTIAL USE’.

“NURSERY” means the use of land, buildings or structures or part thereof where trees, shrubs or plants are grown or stored for the purpose of transplanting, for use as stocks for building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers and similar materials.

“NURSING HOME” means a dwelling or other building in which room or lodging are provided for hire or pay in conjunction with the provision of meals, personal care, nursing services and medical care and treatment, but does not include a hospital.

“OFFICE” means any building or part of a building or any room or suite of room, designed, intended or used for the conduct of a profession, occupation or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, repairing or storage of goods or any place of assembly or amusement.

“OFFICIAL PLAN” means the Official Plan of the Township of Pelee.

“OPEN STORAGE” means the storage of raw materials, equipment, or other materials, but not the parking or storage of vehicles, in an area of a lot which is not enclosed within a building or structure.

“OPEN STORAGE AREA” means an area of a lot used for open storage purposes, but does not include a parking lot.

“PARK” means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a play area, a bandstand, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a playfield, a running track, a swimming area, a wading pool, a boating pond or lake, a watercourse, or a picnic area, but not including any other use separately defined or listed herein.

(a) “PUBLIC PARK” means a park owned or controlled by a public agency.

(b) “PRIVATE PARK” means a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park or an outdoor commercial recreation establishment.

“PARK MODEL TRAILER” means a type of recreational vehicle that is built on a single chassis mounted on wheels designed to facilitate occasional relocation, but which is not intended to be towed on a regular basis and is so designated in the Ontario Building Code.

“PARKING AISLE” means 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” means an area or areas of land or a building or structure or part thereof which is provided and maintained for the purpose of temporary parking or storing of motor vehicles.

“PARKING LOT” means a lot which contains, and the main use of which is, a parking area, whether or not such parking area is located within a structure.

“PARKING SPACE” means a portion of a parking area, exclusive of any aisles, to be used for the parking or temporary storage of a motor vehicle.

“PASSIVE RECREATIONAL USE” means enjoyment of the natural environment through low-intensity activities that are passive in nature and cause minimal impact on the natural features and functions of an area. Passive recreational uses include access trails, nature study, bird watching, outdoor education and associated facilities, but do not include recreational buildings, sports fields or golf courses.

“PERMITTED” means “permitted by this By-law”.

“PERSON” means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

“PERSONAL SERVICE ESTABLISHMENT” means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including but not necessarily restricted to, the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, as well as a dry cleaning establishment, a sun tanning shop and a formal rental shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

“PHARMACY” means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products and associated sundry item.

“PIT” means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.

“PLACE OF ASSEMBLY” means a premises used for the gathering of groups of people and may include facilities for the preparation and consumption of food or drink including a banquet facility, but shall not include a place of worship or place of entertainment.

“PLACE OF ENTERTAINMENT” means a premises where entertainment is offered for profit or gain and may include a motion picture theatre, public hall, billiard or pool room, bowling alley, dance hall or similar activity for the enjoyment of the general public, but shall not include any adult entertainment use.

“PLACE OF WORSHIP” means a premises used by religious group(s) for the practice of religious services.

“PLANTING STRIP” means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:

- (a) a continuous row of trees;
- (b) a continuous hedge-row of evergreens or shrubs;
- (c) a berm;
- (d) a wall; or
- (e) an opaque fence;

Arranged in such a way as to form a dense or opaque screen.

“PLAN OF SUBDIVISION” means the subdividing property into two or more new parcels, units, or lots and set out the boundaries of these new lots for the first time. A registered plan of subdivision shows: the surveyed boundaries, numbering and dimensions of lots, the location, width and names of streets, and the sites of future schools and parks. These plans do not show specific building locations. A plan of subdivision must be surveyed by a licensed Ontario Land Surveyor.

“POINT OF INTERSECTION” means the point at which street lines abutting a corner lot intersect, or, if the street lines do not intersect at a point, then the point of intersection shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

“PORCH/VERANDAH” means a structure abutting a main wall of a building having a roof but with walls that are generally open and unenclosed.

“PREMISES” means the area of a building or lot occupied or used by more than one (1) business, each business area shall be considered a separate premises. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered individual premises.

“PRINTING ESTABLISHMENT” means a building, or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one of the above-listed primary functions.

“PRIVATE HOME DAY CARE” means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private dwelling other than the home of a parent or guardian of any such child for a continuous period of not exceeding 24 hours.

“PRIVATE OUTDOOR RECREATION CLUB” means a premises used as a meeting place by an association of persons who are bona fide members paying dues, which owns, hires or leases the premises or part thereof, the use of such premises being restricted to members and their guests for outdoor social, recreational or athletic purposes.

“PROVINCE” means the Province of Ontario.

“PUBLIC OUTDOOR PATIO” shall mean a platform made of wood, concrete or other similar material, that has a height 0.6 metres or less above average grade, made of wood, concrete or other similar material, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory uses.

“PUBLIC USE” when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies include:

- (a) the Government of Canada, the Government of Ontario, or a municipal corporation defined by this By-law;
- (b) any ministry, department, commission, authority, board or agency established by the Government of Canada, or the Government of Ontario; or
- (c) any person providing a public utility.

“PUBLIC UTILITY” means water, artificial or natural gas, electrical power or energy, steam or hot water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services by a board, commission, corporation or person.

“QUARRY” means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

“REAR LOT LINE” – See “LOT LINE”.

"RECREATIONAL BUILDING (Indoor Sports)" means a building designed and intended to accommodate various form of indoor sports and recreation and shall include an arena, tennis, squash, handball and badminton courts and roller rinks. Playing areas in tennis, squash, handball and badminton courts are to be excluded for the purpose of calculating parking requirements.

“RECREATIONAL VEHICLE” means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or to be self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motor homes or other similar vehicles.

- (a) “RECREATIONAL VEHICLE PARK” means a campground, trailer camp or trailer park, which is a parcel of land under single ownership which has been planned and improved and providing for the use of the public for overnight or short-term accommodation sites for tents, trailers, cabin (travel), trailers, pick-up campers and other recreational vehicles that provide sleeping accommodation, but does not include a mobile home park or the keeping of mobile homes or other transportable accommodations on a year-round basis.
- (b) “RECREATIONAL VEHICLE SITE” means a parcel of land within a recreational vehicle park lay out and intended to be used by one recreational vehicle or tent.
- (c) “RECREATIONAL VEHICLE STAND” means an area within a recreational vehicle site upon which the recreational vehicle is intended to be placed.

“RECYCLING FACILITY” means a premises in which used or recyclable materials are temporarily stored, separated and/or processed into recoverable resources for reuse, but shall not include a composting facility or motor vehicle wrecking yard.

“REFRESHMENT ROOM” means a building or part thereof in which alcoholic or non-alcoholic beverages, with or without related snacks or refreshments other than full means, are offered or kept for retail sale to the public for immediate consumption therein, and does not include a refreshment vehicle.

“REFRESHMENT VEHICLE” means a vehicle from which refreshments or confections, such as French fries, hot dogs, hamburgers, ice cream and soft drinks are sold.

“RENEWABLE ENERGY SYSTEM” means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

“REQUIRED” means “required by this By-law”.

“RESEARCH & TECHNOLOGY USE” means an activity of research into the development of new products, technologies and processes that is carried out in an office or industrial building.

“RESIDENTIAL USE” means the use of land, buildings or structures primarily for the purposes associated with a dwelling.

“RESTAURANT” means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, and includes such uses as a café, cafeteria, ice cream parlour, lunch room, dairy room, coffee shop, snack bar, or refreshment room or stand.

“RETAIL STORE” means a building or structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce, articles or things are stored, offered or kept for retail sale to the public, and includes the business premises of an auctioneer, where such premises are used for the sale of merchandise by auction, but does not include vehicle sales.

“RETAIL LUMBER AND BUILDING SUPPLY YARD” means a lot, building, structure or part thereof, the primary use of which is the storage and retail sale of timber which has been sawn or split for use, with or without related building materials and supplies.

“RIDING STABLE” means an establishment which offers horses for hire or instruction in horsemanship.

“RIGHT-OF-WAY” OR “EASEMENT” means any right liberty or privilege in, over, along or under land, which the owner of one lot may have with respect to any other lot or which the Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the Township of Pelee.

“ROAD” – See “STREET”.

“ROOMERS OR BOARDERS” means persons who rent living accommodation, without separate cooking facilities, for a term of not less than one week, within the dwelling unit of a family.

“ROOMING OR BOARDING HOUSE” – See “BOARDING HOUSE”.

“SALVAGE YARD” means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, ware or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.

“SANITARY SEWER” means an adequate system of underground conduits operated either by a municipal corporation or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment.

“SCHOOL” means a school under the jurisdiction of a board as defined in The Education Act, a college, a university, or any other educational establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

- (a) “PUBLIC SCHOOL” means a school under the jurisdiction of a public agency.
- (b) “PRIVATE SCHOOL” means a school, other than a public school or a commercial school, under the jurisdiction of a private non-profit board of trustees or governors, a religious organization or a charitable institution.



- (c) "COMMERCIAL SCHOOL" means a school operated by one or more persons for gain or profit.

"SECONDARY USE", means a use located on the same lot as a main use but the secondary use is subordinate to the main use in terms of the number of employees, space devoted to the secondary use and income generated by the secondary use.

"SERVICE SHOP" means any building or part thereof where appliances and machines are sold, serviced or repaired and includes building trade establishments, but excludes any manufacturing, processing or wholesaling.

"SERVICE TRADE" means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a well driller's establishment, a furrier's shop, an upholsterer's shop, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop, but excludes any manufacturing, processing or wholesaling.

"SETBACK" means the shortest horizontal distance between what is to be set back from, and the nearest part of, any building, structure, excavation or open storage on such lot.

"SEWAGE TREATMENT FACILITY" means any facility used for the collection, transmission, treatment and disposal of sewage, but does not include individual on-site sewage treatment.

"SHORELINE" means the Lake Erie shoreline.

"SIDE LOT LINE" – See "LOT LINE, SIDE".

"SIDE YARD" – See "YARD".

"SIGHT TRIANGLE" means a triangular space, free of buildings, structures and obstruction other than those expressly permitted by this By-law, formed by the street lines abutting a corner lot and a third line drawn from a point on the street line to another point on the street line, each such point being the required sight distance from the point of intersection of the street lines.

"SITE PLAN CONTROL BY-LAW" means any By-law of the Corporation passed pursuant to the Planning Act, 1990, as amended from time to time, or any successors thereto.

- (a) "SITE PLAN CONTROL AREA" means an area of land designated by a Site Plan Control By-law as a site plan control area pursuant to the Planning Act, 1990, as amended from time to time, or any successors thereto.
- (b) "SITE PLAN AGREEMENT" or "DEVELOPMENT AGREEMENT" means any agreement entered into by an owner of land and the Corporation pursuant to a Site Plan Control By-law.

"STOREY" means a horizontal division of a building from a floor to the ceiling directly above such floor, and includes an attic, a basement or a cellar as defined herein, but does not include any mezzanine, gallery, balcony or other overhang.

## TOWNSHIP OF PEELE ZONING BY-LAW

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- (a) "ATTIC" means the topmost usable storey of a building, situated wholly or partly within a roof, where at least 50.0 percent, but not more than 66.0 percent of such storey is greater than 1.8 m (6.0 ft. in height).
- (b) "BASEMENT" means any storey below the first storey.
- (c) "CELLAR" means that portion of basement which is more than 60.0 percent below finished grade, measured from finished floor to finished ceiling.
- (d) "FIRST STOREY" or "GROUND FLOOR" means the storey having its floor level closest to finished grade and its ceiling at least 2.0 m (6.6 ft.) above finished grade.
- (e) "SECOND STOREY" means the storey directly above the first storey.

"STREET or ROAD" means a common and public street, road, lane or highway vested in the Corporation, the County, the Province of Ontario, or any other public road authority having jurisdiction over the same and shall include any bridge or structure forming part of a street or over or across which a street passes, and shall include not only the travelled portion of the street, but also ditches, driveways, sidewalks, and grassed areas forming part of the road allowance which is vested in the road authority for street purposes.

"STREET LINE" means a lot line dividing a lot from a street and is the limit of the street allowance.

"STREET WIDTH" means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.

"STRUCTURE" means anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil, any other structure or both, including a satellite dish but excluding a patio, a sign, fence or private outdoor swimming pool. Lawn item such as a flagpole, bird house, bird bath, play equipment, and other similar item shall not be considered as structures and are not regulated by the By-law.

"STUDIO" means a building or part thereof used as the workplace of a photographer, craftsman or artist or for the instruction of art, music, dancing, languages or similar disciplines.

"TAVERN" means an establishment where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating under the Liquor Licence Act, as amended from time to time.

"TERMINAL CENTRE" means an area of land, a building or a structure or part thereof used by rail and transit terminals; airport terminals; broadcasting and communication terminals; power transmission and control centres; pipeline, pumping and control stations; transport terminals; toxic dispatch centres; and other similar uses.

"TOP OF BANK" means when used in reference to a drain, dyke or lake, a line formed where the oblique plane of the slope meets the horizontal plane.

“TOURIST HOME” means a private dwelling in which there are up to five room for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally, and may include the provision of meals.

“TOWNSHIP” means the Township of Pelee.

“TOWNSHIP ROAD” means a street that is vested in and under the jurisdiction of the Municipality.

“TRAILER” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear has been removed, and shall include a Recreational Vehicle as herein defined.

“TRAILER, TRAVEL” means a structure designed, intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor vehicle or is self propelled and includes tent trailers or similar transportable accommodation, but not a mobile home.

“U-BREW ESTABLISHMENT” means a premises where the public can prepare their own beer and/or wine in a controlled setting.

“VEHICLE” includes an automobile, a truck or other motor vehicle, motorized construction equipment, a road-building machine, a farm tractor, farm equipment, a motor home, a motorcycle, snowmobile or any other motorized snow vehicle, a boat, recreational vehicles, and also includes a trailer and any vehicle drawn or propelled by any kind of power, but does not include a bicycle, a wheelchair or any other device powered solely by human effort.

- (a) “COMMERCIAL VEHICLE” means a vehicle licensed by the Province of Ontario:
- (i) as a public vehicle pursuant to the provisions of the Public Vehicles Act, as amended from time to time, or any successors thereto; or
  - (ii) as a public commercial vehicle, pursuant to the provisions of the Public Commercial Vehicles Act, as amended from time to time, or any successors thereto.

“VEHICLE REPAIR SHOP” means an establishment for the repair, replacement or customizing of parts or system in a motor vehicle and, without limiting the generality of the foregoing, includes the repair or replacement of mufflers, exhaust system, shock absorbers, transmission, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling system, ignition system, electrical system, tires, wheels, windshields, windows and other mechanical or electrical parts or system, the installation of cellular system, undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an auto body repair shop, an impounding yard, an automobile service station or a gas bar.

“VEHICLE SALES AND RENTAL ESTABLISHMENT” means land, buildings or structures where motor vehicles are stored or displayed for the purpose of sale, lease or hire from the lot and shall include the storage and sale of automotive accessories together with the repair and service of the motor vehicles.

“VIDEO RETAIL STORE” means an establishment where pre-recorded video tape, video discs, game cartridges, DVD’s or other similar pre-recorded materials are offered for rent or sale and where video cameras or video players/recorders may be offered for rent, but shall not include the sale of electronic video equipment and other electronic home entertainment products or an Adult Video Store.

“WASTE TRANSFER” means a waste transfer station, re-cycling centre and re-use centre as defined and permitted by an approval issued by the Province of Ontario.”

“WATER SUPPLY SYSTEM” means ..... public or private on-site.

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

“WHOLESALE ESTABLISHMENT” means a building or part of a building used for the selling of goods in large bulk or quantity for delivery from the premises to a person other than to the ultimate consumer.

“WIND ENERGY SYSTEM” means a renewable electrical generation facility that produces power from wind primarily to provide all or a portion of the electrical power needs for a user or to feed into the transmission or local distribution grid. A wind energy system includes all supporting infrastructure, outbuildings and access roads.

“WIND GENERATION SYSTEM – CLASS 1” means a wind turbine generating less than or equal to 3 KW and does not require a Provincial approval for renewable energy projects.

“WIND GENERATION SYSTEM – CLASS 2” means a wind turbine generating more the 3 KW but less than 50 KW and requires a Provincial approval for renewable energy projects, but is not subject to provincial mandatory setbacks from lot lines.

“WIND TURBINE” means a tubular or latticed, guyed or freestanding tower having located thereon a generator, which converts wind energy into electricity. A wind turbine, tower, foundation and any appurtenances are manufactured and erected with consideration for site soil conditions and in accordance with CSA standards, engineered designed and/or applicable industry standards. This definition shall include Structures Accessory thereto.

“WIND TURBINE, ACCESSORY” means a Class 1 or Class 2 Wind Generation System that produces electricity primarily for use on the Lot on which it is located or to produce credits for use on another Lot under the same ownership as the Wind turbine operator. It may be connected to the utility grid and/or practice net metering, and it may produce electricity for sale to the utility grid.

“WINERY” means a use on an agricultural operation on which buildings and structures are used for the making of wine produced from locally grown fruits and includes tank and barrel storage, bottling facilities and the retail selling of wine produced on site and wine tasting. The retail area for selling of wine produced on site shall be limited to 100 m<sup>2</sup> (1076 sq. ft.).

“YARD” means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures, except as may be expressly permitted in this By-law, and in determining

a yard measurement, the minimum horizontal distance from the respective lot line to the building or structure is to be used.

“YARD, EXTERIOR SIDE” means a side yard immediately adjacent to a street, other than the front lot line.

“YARD, FRONT” means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any main building or structure on the lot.

“YARD, INTERIOR SIDE” means any side yard other than an exterior side yard.

“YARD, REAR” means a yard extending across the full width of a lot between the rear lot line and nearest main wall of any main building or structure on the lot.

“YARD, REQUIRED” means the minimum permitted front rear or side yard as determined by the applicable provisions of this By-law.

“YARD, SIDE” means a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line, if no front yard is required) to the rear yard (or rear lot line, if no rear yard is required).

“ZONE” means a designated area of land use shown on Schedule “A” hereto.

“ZONED AREA” means all those lands lying within the corporate limits of the Township of Pelee.

“ZONING ADMINISTRATOR” means the officer or employee of the Corporation charged by Council with the duty of enforcing the provisions of this By-law.

## **SECTION 3.0            GENERAL PROVISIONS**

The provisions of this section shall apply to all zones except as otherwise stated in this By-law.

### **3.1      ACCESSORY USES**

Accessory uses, buildings, or structures shall be permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building or structure or use is located and provided that they:

- (i) shall not be used for human habitation, except where a dwelling unit is listed as a permitted accessory use;
- (ii) shall not be built closer to the front lot line or exterior side lot line than the minimum distance required by this By-law for the main building on the lot;
- (iii) shall not be built closer than 1.0 m (3.3 ft.) to any interior side lot line or rear lot line except that:
  - common semi-detached private garages or carports may be centred on a mutual side lot line;
  - in the case where a side or rear lot line for a commercial use abuts a Residential zone, accessory uses, buildings or structure shall comply with the minimum required yard for the main building on the lot;
- (iv) shall not exceed ten (10) percent coverage of the total lot area;
- (v) shall not exceed the following maximum heights:
  - in all Residential zones, 4.5 m (15 ft.);
  - in all other zones, 10.7 m (35 ft.);
- (vi) shall not be built within 1.8 m (6 ft.) of the main building;
- (vii) shall not be considered as an accessory building or structure if attached to the main building in any way; and
- (viii) no accessory building or structure shall be erected on a lot prior to the erection of a main building on the lot.

### **3.2      CONSTRUCTION USES**

Notwithstanding any other provisions of this By-law, uses, buildings or structures such as a work camp, a tool shed, mobile home, trailer, scaffold, or sign, or other building or structure incidental to and necessary for construction work and/or sales and marketing purposes on the premises, are permitted in any zone provided that:

- (a) such uses, buildings, or structures are used only for as long as are reasonably necessary for work in progress which has neither been finished nor abandoned, or a maximum period of one (1) year, whichever is the lesser;

- (b) such uses, buildings, or structures are removed when the construction work for which they are required is terminated; and
- (c) such buildings or structures are not used as a dwelling unit.

### **3.3 ENVIRONMENTAL REVIEW REQUIREMENT**

Within lands shown on the Environmental Review Areas Overlay depicted in Schedule 'C' to this Bylaw, no building or structure shall be erected, and no land used for any purpose permitted by the applicable zone on Schedule 'A', unless plans for the proposed use, building or structure have been reviewed by the Ontario Ministry of Natural Resources and the Essex Region Conservation Authority, or by the Environmental Advisory Committee, where it exists.

### **3.4 EXISTING LOTS**

Notwithstanding any other provisions of this By-law, an existing lot of record having less than the required frontage or area may be developed for a use permitted in the applicable zone provided:

- (a) the lot is serviced by a public or private sewage system and drinking water system approved by the appropriate regulatory authority-;
- (b) the lot fronts onto an open street; and
- (c) all other regulations of this By-law are satisfied.

### **3.5 EXPROPRIATIONS AND DEDICATIONS**

A lot altered as a result of expropriation or dedication to a public authority and, as a result, having less than the minimum lot area and/or minimum lot frontage required in this By-law, may be used and a building or structure may be erected, altered or used thereon, provided all other requirements of this By-law are complied with.

### **3.6 EXTERNAL BUILDING MATERIALS**

The following building materials shall not be used for the exterior facing of any wall of any building or structure within the Corporation: asphalt roll-type siding, building paper, mill ends, roll roofing, spray-on insulation, and tar paper.

### **3.7 FRONTAGE ON A PUBLIC ROAD**

No person shall erect any building or structure unless the lot upon which such building or structure is to be erected has lot frontage upon a street which has been assumed and is maintained by the Municipality or other road authority in such a manner as to permit its use by vehicular traffic. A building or structure may be erected upon a lot within a plan of subdivision registered subsequent to the effective date of this bylaw provided that it is in accordance with the provisions of a Subdivision Agreement, in respect of such plan of subdivision notwithstanding, that the streets within such plan of subdivision have not been assumed and are not being maintained by the Municipality or other road authority.

**3.8 GROUP HOMES**

- (a) Notwithstanding any other provision of this By-law to the contrary, a Group Home -Type 1 may be permitted in any single detached dwelling provided there is no Group Home – Type 1 or Type 2 located within 250 m from the proposed facility.
- (b) Group Homes -Type 2 are permitted only a zone which specifically permits the use. The minimum separation distance from another Type 2 Group Home and/or a school shall be 450 m in any direction.

**3.9 HAZARD LANDS, LAKE ERIE FLOODPRONE AREA AND SHORELINE SETBACK REGULATIONS**

**Hazard Lands**

No permanent buildings or structures, with the exception of those designed, used or intended for flood or erosion control purposes, shall be erected or used on lands which exhibit a hazardous condition as a result of instability, susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes unless a permit has been obtained from the Essex Region Conservation Authority.

**Lake Erie Floodprone Area**

No part of any building or structure shall be built on lands located within the Lake Erie Floodprone Area, as depicted on Schedule 'B' to this By-law, unless floodproofed to the 1:100 Year Flood Level to the satisfaction of the Essex Region Conservation Authority to ensure that the lowest opening of any such building or structure has a minimum elevation of 176.26m as prescribed by the Conservation Authority.

Within the Lake Erie Floodprone Area, no habitable building shall be built unless safe access for vehicle and pedestrian movement, for the purpose of emergency response during times of flooding, or safe and dry access in the case of institutional and essential emergency response uses, can be provided to the satisfaction of the Conservation Authority.

**Shoreline Setback Area**

No part of any building or structure, in any zone, other than a fence, hedge or shoreline protective work shall be erected along the Lake Erie Shoreline, measured horizontally along a line perpendicular to the shoreline:

- (a) West of Lighthouse Point to the Intersection of South Shore Road and Stone Road
  - (i) within 45 m (148 ft.) of the Lake Erie shoreline.
  - (ii) within 30 m (98 ft.) of the Lake Erie shoreline where adequate erosion facilities and shore protection works accounting for 1:100 year wave up rush levels as designed and/or certified by a qualified engineer and approved by the Conservation Authority and the Township.



(b) East of the Intersection of South Shore Road and Stone Road to East West Road

- (i) within 30 m (98 ft.) of the Lake Erie shoreline.
- (ii) within 15 m (49 ft.) of the Lake Erie shoreline where adequate erosion facilities and shore protection works accounting for 1:100 year wave up rush levels as designed and/or certified by a qualified engineer and approved by the Essex Region Conservation Authority and the Township.

(c) North of East West Road to Lighthouse Point

- (i) a single unit detached dwelling constructed on piles designed and/or approved by a qualified engineer and to the satisfaction of the Essex Region Authority and the Township shall have a shoreline setback as prescribed in a permit issued by the Conservation Authority.
- (ii) all other dwelling construction types, the shoreline setback shall be 75 m (246 ft.).
- (iii) accessory buildings on lands zoned R2, in accordance with Subsection 3.1, except accessory buildings constructed on piles designed and/or approved by a qualified engineer and to the satisfaction of the Essex Region Conservation Authority and the Township shall have a shoreline setback as prescribed in a permit issued by the Essex Region Conservation Authority and all other accessory building construction types shall have a shoreline setback of 75 m (246 ft.).

### **3.10 HEIGHT RESTRICTION EXCEPTIONS**

The height restrictions of this By-law shall not apply to restrict the height of any of the following structures:

- (a) a radio antenna or television receiving or transmitting equipment;
- (b) a barn for a permitted agricultural use;
- (c) a grain elevator and storage;
- (d) a grain dryer;
- (e) a belfry or cupola;
- (f) a chimney;
- (g) a church spire;
- (h) a clock tower;
- (i) an elevator or stairway penthouse;
- (j) a flag pole;
- (k) a hydro-electric transmission tower or hydro pole;
- (l) an ornamental dome or structure;
- (m) a silo;
- (n) a steeple;
- (o) a structure containing heating, cooling or other mechanized equipment pertaining to a building;
- (p) a water tower;
- (q) a structure for crushing, washing, screening or processing relating to a permitted

- aggregate operation;
- (r) a tower;
- (s) a skylight;
- (t) a wind energy generation system; or
- (u) a solar energy collection device.

### 3.11 HOME OCCUPATION

No home occupation shall be permitted within any zone, except in accordance with the following provisions:

- (a) a home occupation shall be secondary to a dwelling unit occupied by the owner or tenant thereof as the principal residence and located within a zone in which a home occupation is specifically listed as a permitted use;
- (b) a home occupation shall not employ any person who does not reside in the dwelling unit which is the site of the home occupation;
- (c) the total floor area of the dwelling unit, including basement area, used for the home occupation shall not exceed twenty-five percent (25%) of the total floor area of the dwelling unit or 40.0 m<sup>2</sup> (430 ft.<sup>2</sup>), whichever is the lesser. Notwithstanding the foregoing, a bed and breakfast establishment shall be contained within the dwelling only and shall not be subject to the maximum floor area provision;
- (d) a home occupation shall not be permitted within an accessory building or structure in any Residential Zone or any Agricultural Zone where there is a single detached dwelling;
- (e) open storage associated with a home occupation shall not be permitted;
- (f) the external character of the dwelling as a residence shall not change;
- (g) the home occupation shall not create a nuisance, particularly in regard to noise, odour, dust and refuse;
- (h) parking shall be required in accordance with Section 3.28 of this Bylaw;
- (i) there shall be no externally visible indication that a home occupation is being conducted within a dwelling unit, except that one sign no larger than 0.2 m<sup>2</sup> (2.1 ft.<sup>2</sup>) shall be permitted; and
- (j) a home occupation may include only an office or consulting room for a professional person or agent, an office for a trade such as a house builder, painter, or electrician, an office for a charitable organization, a workroom for a caterer, dressmaker or tailor, a studio for a teacher of music, art or academic subjects, a photographer or commercial artist, tool sharpening, a barber shop, a hairstylist or hairdressing establishment, a dog grooming establishment, a mail order establishment and a home child care establishment that for remuneration provides temporary day care to not more than five children, a bed and breakfast

establishment and any other use similar in nature which conforms to the preceding criteria.

### **3.12 HOME BUSINESS - AGRICULTURAL**

An agricultural home business shall comply with the following provisions:

- a) Except for any associated open storage, the agricultural home business shall be carried on entirely within a building or structure accessory to an agricultural use;
- b) An agricultural home business shall employ no more than two (2) persons who do not reside in the dwelling units;
- c) An agricultural home business shall not exceed 90 m<sup>2</sup> and no more than 25% of the Gross Floor Area of the dwelling shall be exclusively devoted to the agricultural home business; and
- d) In all other respects, Section 3.11 of this By-law shall apply.

### **3.13 LANDSCAPING AND PLANTING STRIPS**

#### **(a) Landscaped Open Space**

Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following provisions:

- (i) any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas shall be maintained as landscaped open space;
- (ii) except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space;
- (iii) where landscaped open space is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall prevent such landscaped open space from being traversed by a pedestrian walkway or a driveway;
- (iv) no part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool or space enclosed within a building, shall be considered part of the landscaped open space on a lot.

#### **(b) Planting Strips**

A planting strip shall be provided where a lot is zoned or used for Industrial, Commercial, or Institutional uses and:

- (i) where the interior side lot line or rear lot line abuts any lot used or zoned for Residential purposes;

- (ii) where such a lot is in an Industrial zone and the exterior lot line or rear lot line abuts a street line and the opposite street line abuts a Residential zone;
- (iii) the minimum width of a planting strip shall be 1.5 m (5.0 ft.) measured perpendicularly from the lot line and the ultimate height shall be 1.8 m (6.0 ft.) except that within a sight triangle the maximum height shall be 0.6 m (2.0 ft.); and
- (iv) where driveways and pedestrian walkways extend through a planting strip it shall be permissible to interrupt the planting strip to within 3.0 m (10.0 ft.) of the edge of the driveway and to within 1.0 m (3.3 ft.) of the edge of the pedestrian walkway.

### **3.14 LOTS WITH MORE THAN ONE USE OR ZONE**

- (a) More Than One Use
  - (i) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each use shall conform to the provisions of this By-law which are applicable to each use in the zone in which the said lot is located as if such use existed independently of any other use; and
  - (ii) Where standards or provisions pertaining to two or more uses on one lot are in conflict, the higher or more restrictive standard or provision shall prevail.
- (b) More Than One Zone
  - (i) Except as otherwise provided in Paragraph (ii) of this Clause, where a lot is divided into two or more zones, each portion of the said lot shall be treated as if it were a separate lot as defined herein and shall be used in accordance with the provisions of this By-law which are applicable to the zone wherein such portion of the said lot is located; and
  - (ii) Where the use or uses of a lot divided into two or more zones are permitted in all zones applying to the lot, the said lot shall be considered to be a single lot as defined herein. The more restrictive zone requirements pertaining to such use or uses in all the said zones shall apply to only the said portion of the lot found in that zone.

### **3.15 LOSS BY NATURAL CAUSES**

Notwithstanding any other provisions of this By-law, where a building or structure that does not comply with one or more regulations of this By-law is destroyed or partially destroyed by fire or other natural causes, replacement of the said building or structure to the same basic dimensions and on the same basic site shall be permitted, provided a building permit is issued within three (3) years from the date of the destruction.

Where such building or structure is within the Lake Erie Floodprone Area depicted on Schedule 'B' to this Bylaw, its reconstruction is subject to the Lake Erie Floodprone Area provisions of Section 3.8 of this Bylaw if less than fifty percent of its appraised value remains after the destruction or partial destruction.

**3.16 MINIMUM DISTANCE SEPARATION FORMULAE (MDS I &II)**

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

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial, or recreational use located on a separate lot and otherwise permitted by this By-law, shall be established and no building or structure for such use shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) as set out in Schedule D. However, MDS I shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling provided the new dwelling is situated no closer to a livestock facility than the dwelling being replaced.

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

Notwithstanding any other yard or setback provision of this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) calculated as set out in Schedule D.

**(c) Minimum Distance Separation Exemption**

The Minimum Distance Separation (MDS I and MDS II) shall not be required between a livestock facility and:

- (i) a dwelling or accessory building on the same lot;
- (ii) a public utility;
- (iii) a sewage treatment facility;
- (iv) a waste disposal site; or,
- (v) a pit.

**3.17 MINIMUM FLOOR AREA**

Minimum dwelling unit floor area requirements are:

- (j) Minimum Floor Area
  - (i) single detached dwelling, 65 m<sup>2</sup> (700 ft.<sup>2</sup>) per dwelling unit
  - (ii) multiple dwelling 40 m<sup>2</sup> (431 ft.<sup>2</sup>) per bachelor dwelling unit

55 m<sup>2</sup> (592 ft.<sup>2</sup>) per one bedroom dwelling unit.

65 m<sup>2</sup> (700 ft.<sup>2</sup>) per two bedroom dwelling unit.

85 m<sup>2</sup> (915 ft.<sup>2</sup>) per three bedroom dwelling unit.

85 m<sup>2</sup> (915 ft.<sup>2</sup>) plus 9 m<sup>2</sup> (97 ft.<sup>2</sup>) per each bedroom in excess of (3) for dwelling units containing more than three (3) bedroom.

### **3.18 MINIMUM SEPARATION FOR KENNELS**

Where permitted by this By-law, in addition to the provisions of the applicable zone, an animal kennel shall not be erected or used closer than 250 m from a separate lot on which a residential use is permitted or from a dwelling located on a separate lot, or from any Business and Institutional Zone.

### **3.19 MINIMUM SEPARATION FOR PORTABLE ASPHALT PLANT**

A portable asphalt plant shall not be erected or used closer than 300 m from a dwelling a school, a day nursery or a nursing home located on a separate lot.

### **3.20 MINIMUM SETBACKS FROM MUNICIPAL DRAINS**

No part of any building or structure other than a permeable fence, shall hereafter be erected in any zone or defined area closer to an open municipal drain than 8.0 m plus the depth of the drain to a maximum of 15.0 m (49 ft.) from the top of bank, measured horizontally along a line perpendicular to a line drawn along the top of bank, or in the case where a drain is covered or may be covered as authorized by the Council or the Municipal Engineer, the minimum setback shall be 3.0 m (10 ft.) from the centerline of the drain.

### **3.21 MINIMUM SEPARATION FROM SEWAGE TREATMENT FACILITIES**

Notwithstanding any other provisions of this By-law to the contrary, the nearest main wall of a dwelling shall not be constructed within 100.0 m (328.0 ft.) of any sewage treatment facility.

### **3.22 MOBILE HOMES**

Mobile homes are prohibited within the Township except where a temporary use by-law approved in accordance with Section 39 of the Planning Act R.S.O 1990, c. P.13, to permit them for a specified period of time has been adopted.

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

Where an existing building or structure is located on a lot having less than the minimum frontage and/or area required by this By-law, or having less than the minimum setback, front yard, side yard, rear yard, floor area and/or flood protection measures required by this By-law, the said building or structure, including foundation, may be enlarged, reconstructed, repaired or renovated provided that the enlargement, repair or renovation of the existing buildings or structures, or any part thereof, does not further increase any existing non-compliance and complies with the other setback and yard requirements of the applicable zone.

### **3.24 NON-COMPLYING USE: ADDITIONS AND ACCESSORY USES**

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

### **3.25 NUMBER OF MAIN BUILDINGS ON A LOT**

Unless otherwise stated in the applicable zone, no lot that is used for residential purposes shall be occupied by more than one (1) main building.

### **3.26 OPEN STORAGE**

Except as otherwise specifically provided in this By-law, no open storage shall be permitted in any zone, except in accordance with the following provisions:

- (a) open storage shall be accessory to a permitted non-residential use carried on in an enclosed building or portion thereof on the same lot;
- (b) no open storage area shall be permitted in any front yard or exterior side yard, except in the case of an Agricultural use;
- (c) no open storage shall be located closer than 2.0 m (6.6 ft.) to an interior side lot line or a rear lot line;
- (d) no open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in other than a Business and Institutional, Agricultural, and Extractive Industrial zone class, or from a dwelling on an adjacent lot in an Agricultural zone; and to this end, any open storage area shall be screened by a planting strip containing an opaque fence, wall or other opaque barrier not less than 1.8 m (6.0 ft.) in height, except that this provision shall not apply to any open storage area accessory to an Agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use;

- (e) any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, and treated so as to prevent the raising of dust or loose particles and drained, except that this provision shall not apply to any open storage area located on a lot whereon the main use is an agricultural use;
- (f) notwithstanding Paragraph (e) of this Clause, no open storage area shall be considered part of any landscaped open space required hereby;
- (g) no required parking space or loading space shall be used for open storage purposes.
- (h) Nothing in Clause (b) of this Subsection shall apply to prevent or otherwise restrict the use as an open storage area of any part of:
  - (i) the required front yard or the required exterior side yard on a lot containing an agricultural use, for a temporary roadside retail farm sales outlet for produce grown on the said lot; or
  - (ii) a lot containing a single dwelling, for a special occasional temporary sale, by auction or otherwise, of personal possessions belonging to the occupant thereof.

### **3.27 OUTDOOR SWIMMING POOLS AND RELATED STRUCTURES**

The following regulations shall apply with respect to the erection or use of a swimming pool or related structure, such as a hot tub or whirlpool, which is not located within a building:

- (a) no swimming pool or related structure shall be located in any front or exterior side yard in a Residential zone;
- (b) no swimming pool or related structure shall be located closer than 1.5 m (5.0 ft.) to any rear lot line or side lot line;
- (c) no part of a swimming pool or related structure shall exceed a height of 2.0 m (6.6 ft.) above grade, exclusive of related appurtenances or facilities such as diving boards or slides which shall not exceed 5.0 m (16.4 ft.) in height;
- (d) no swimming pool or related structure shall be considered part of the lot coverage of a lot, unless such swimming pool is enclosed within a building;
- (e) no part of any swimming pool deck shall be closer than 0.5 m (1.6 ft.) to any lot Line; and
- (f) no swimming pool or related structure shall be permitted unless enclosed in accordance with the Municipality's By-law governing the erection and maintenance of fences and gates around swimming pools.



**3.28 PARKING REGULATIONS**

**(a) Minimum Parking**

For every type of building listed below which is erected, altered or enlarged in any zone after the passing of this By-law, off-street parking shall be provided and maintained in accordance with the following requirements:

<b>CLASS OF USE</b>	<b>MINIMUM NUMBER OF SPACES REQUIRED</b>
<b>RESIDENTIAL</b>	
Single Detached Dwelling	2 spaces
Duplex Dwelling, Semi-Detached Dwelling	2 spaces per unit
Multiple Unit Dwelling	1.5 spaces per unit
Home Occupation (excluding Bed and Breakfast Establishment)	1 space plus the parking required for the dwelling
<b>COMMERCIAL INSTITUTIONAL RECREATION</b>	
Retail Stores, Personal and Other Service, Office	1 space per 28.0 m <sup>2</sup> (30 ft. <sup>2</sup> ) of gross floor area.
Financial Institution	1 space per 15.0 m <sup>2</sup> (161 ft. <sup>2</sup> ) of gross floor area
Gas Bar, Service Stations	1 space per service island and 2.0 spaces per service bay
Restaurant	1 space per 9.0 m <sup>2</sup> (97 ft. <sup>2</sup> ) of gross floor area
Entertainment/Recreation	1 space per 4.6 m <sup>2</sup> (50 ft. <sup>2</sup> ) of gross floor area
Golf Course	2 spaces per tee
Hotels	1 space per rental room
Bed and Breakfast Establishment	1 space per guest room, plus one for the resident
Marina	1 space per 4 berths
Place of Worship	1 spaces per 6 seats of seating capacity
School	2 spaces per classroom
Winery	1 per employee, plus 1 per every 28.0 m <sup>2</sup> (300 sq. ft.) of floor area devoted to each secondary use
<b>All other uses not specifically referred to or categorized above</b>	1 spaces per 45.0 m <sup>2</sup> (484 ft. <sup>2</sup> ) of gross floor area

**(b) Barrier Free Parking**

Within each parking area required above, barrier free parking spaces shall be provided at a location specified by the Chief Building Official or in accordance

with the corresponding site plan agreement and in accordance with the following table:

<b>Total Number of Parking Spaces In the Parking Area</b>	<b>Minimum Number of Spaces To Be Barrier Free</b>
0 to 10	0
10 to 25	1
26 and over	2

**(c) Standards for Parking Areas**

Where in this By-law parking areas are required or permitted:

- (i) the parking areas and driveway approaches shall be hard surfaced to the satisfaction of the Municipality;
- (ii) If an addition is made to the building or structure, then additional parking spaces shall be provided as required by Subsection 3.28(a) for such addition;
- (iii) 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. Parking spaces for one use shall not be considered as providing required parking for any other use.
- (iv) if calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number; and
- (v) parking areas shall be located on the same lot as the use for which such parking is required; however, in the case of any Business and Institutional zone, such parking may be provided within 100.0 m of the location which it is intended to serve and shall be in the same zone as the lot and use for which the parking is required.

**(d) Special Parking Provisions for Residential Zones**

- (i) In any Residential zone, for all lots other than a lot abutting Lake Erie, all parking spaces shall be located in a garage or carport or in a side or rear yard, or on a driveway only in the front yard.
- (ii) In a residential zone where the lots abut Lake Erie, all parking spaces shall be located in a garage or carport or in a front or side yard.
- (iii) In any Residential zone, no vehicle shall be parked on any part of a lot other than in a garage, carport, designated parking area or on a driveway.

**(e) Driveway Regulations**

- (i) A driveway serving a residential use shall have a width of 3.0 m (10.0 ft.) minimum, 7.6 m (25 ft.<sup>2</sup>) maximum. A driveway for a commercial or

industrial use shall have a maximum width of 9.0 m (30 ft.<sup>2</sup>). A driveway for any other use shall have a width of 3.0 m (10 ft.) minimum, 9.0 m (30 ft.) maximum.

- (ii) The maximum width of any joint entrance and exit driveway for residential use measured along the street line shall be 9.0 m (30 ft.). Driveways that are not joint must be 0.6 m (2 ft.) from the lot lines in the required front yard.
- (iii) The minimum distance between a driveway access and an intersection of street lines, measured along the street line, shall be 9.0 m (30 ft.).
- (iv) The minimum angle of intersection between a driveway access and a street line shall be sixty (60) degrees.
- (v) Every lot shall be limited to the following number of driveways:
  - a) Up to the first 30 metres of frontage measured along the street line not more than 1 driveway.
  - b) For each additional 30 metres of frontage measured along the street line, not more than 1 additional driveway to a maximum of three driveways.

**(f) Loading Spaces**

No person shall erect or use any building or structure in any zone for any commercial or industrial purpose involving the movement of goods or persons unless loading spaces are provided and maintained in accordance with the following provisions:

- (i) no loading space shall be required unless the total floor area exceeds 460 m<sup>2</sup> (4952 ft.<sup>2</sup>);
- (ii) a loading space shall not be less than 3.5 m wide by 9.0 m (30 ft.) long and 4.6 m (15 ft.) in height for clearance purposes;
- (iii) for each loading space, there shall be an accompanying maneuvering apron not less than 3.5 m (12 ft.) wide by 9.0 m (30 ft.) long;
- (iv) where a loading space is situated on a lot line abutting a residential zone, the loading area shall be completely screened therefrom by a building wall or uniformly painted solid fence, wall or door or any combination thereof, not less than 2.4 m (8 ft.) in height;
- (v) no loading space shall be located within 9.0 m (30 ft.) of the nearest point of intersection of any two (2) street lines;
- (vi) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality; and

- (vii) the loading space and approaches shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

### **3.29 PETROLEUM WELLS AND PETROLEUM WORKS**

- (a) Nothing in this By-law shall prevent the use of any land for any petroleum well or petroleum works subject to the regulations of the Oil, Gas and Salt Resources Act, R.S.O. 1990, Chap. P. 12, as amended.
- (b) No building or structure shall be erected, located or constructed within 75m of an existing petroleum well or works unless the well or works have been decommissioned in accordance with the *Oil, Gas and Salt Resources Act* and its regulation. No buildings or structures shall be erected, located or constructed directly on top of a decommissioned well.

### **3.30 PROHIBITED USES**

The following shall be prohibited in any zone unless specifically permitted otherwise:

- (a) the use of any land, building or structure for the purposes of wrecking yards, salvage yards, dumps, or the collection or storage of rags, junk, used tires, refuse, scrap iron, or other scrap metals;
- (b) the use of any land, building or structure for the purposes of an adult entertainment establishment, a body-rub establishment or massage parlour;
- (c) the use of any land, building or structure for the keeping of exotic animals;
- (d) the use of any land, building or structure for the refining or storage of hazardous industrial products; and
- (e) a mobile home, except as a construction use as provided for in Subsection 3.2, or a Temporary Use, as provided for in Subsection 3.2 of this By-law.

### **3.31 PUBLIC OUTDOOR PATIOS**

The following provisions shall apply to a public outdoor patio:

- a) A public outdoor patio shall be deemed to be a permitted use in a zone where the following uses are permitted:
  - (i) Place of Assembly / Hall;
  - (ii) Private Club;
  - (iii) Place of Entertainment;
  - (iv) Recreational Building; or
  - (v) Restaurant or Tavern.

- (b) No public outdoor patio shall accommodate more than 50% of the capacity of the establishment with which the patio is associated.
- (c) No public outdoor patio shall be permitted within a yard where any lot line abuts a Residential zone.
- (d) Where a public outdoor patio is used for the service and consumption of food and/or beverage, parking shall be provided at the same ratio as for the main use.
- (e) No public outdoor patio shall be permitted to occupy any required parking spaces.

### **3.32 PUBLIC USES PERMITTED**

A Public Use, as defined in Section 2.0 of this By-law, is permitted in any zone provided that:

- (a) the lot coverage, setback and yard requirements of the zone in which such land, building or structure is located are complied with; and
- (b) no open storage shall be permitted in any Residential zone, in a yard on a lot adjacent to any Residential zone or in a yard on a lot opposite to any Residential zone.

### **3.33 SEQUENCE OF DEVELOPMENT**

No accessory building or structure shall be erected on a lot prior to the erection of a main building on the lot.

### **3.34 SERVICING REQUIREMENTS FOR ALL DEVELOPMENT**

No person shall use any lot or erect, alter or use any building or structure in any zone or defined area within the Township unless such land, building or structure is serviced by a public or private sewage system and drinking water system appropriate to the use and approved by the appropriate regulatory authority.

### **3.35 SIGHT VISIBILITY TRIANGLES**

Notwithstanding any other provisions of this By-law, within the triangular space included between the street lines for a distance of 9.0 m from the point of intersection, no building or structure including a fence or sign or any outside storage or parking shall be erected or permitted, in such a manner as to obstruct vision below a height of 0.8 m (2.7 ft.) above the centerline grade of the intersecting street.

### **3.36 TRUCK, BUS AND COACH BODIES OR TRAILERS OR TENTS USED FOR HUMAN HABITATION, OFFICE OR STORAGE PURPOSES**

- (a) No truck, transport trailer, bus, coach, or other vehicle, except a recreational vehicle within a permitted campground, shall be used for human habitation within the Municipality whether or not the same is mounted on wheels.

- (b) No bus, coach, tent, trailer, or other vehicle, as defined in this By-law shall be used as a permanent office or for storage purposes within the Municipality. This does not prevent the use of a transport trailer for storage in an Extractive Industrial or Agricultural zone in accordance with the provisions of that zone. However, storage in a transport trailer is prohibited in any residential zone unless specifically permitted.
- (c) No truck or other vehicle shall be parked and used for wholesale or retail sale of goods, articles or things for a period of more than fifteen (15) days within any given calendar year.

### **3.37 USES PERMITTED IN ALL ZONES**

The following uses are permitted in all zones, or in all specified zones, provided they can meet the specified provisions of this By-law:

- (a) Uses permitted in all zones:
  - (i) Accessory use, building or structure in accordance with Subsection 3.1.
  - (ii) Construction Use in accordance with Subsection 3.2.
  - (iii) Public Use as defined in Section 2.0. and in accordance with Subsection 3.32.
  - (iv) Street as defined in Section 2.0.
- (b) Uses permitted in all Residential Zones:
  - (i) Foster Home as defined in Section 2.0.
  - (ii) Group Home Type 1 as defined in Section 2.0 and in accordance with Subsection 3.8.
  - (iii) Model Home as defined in Section 2.0.

### **3.38 WIND ENERGY GENERATION SYSTEM**

An accessory wind turbine may be located in any Agricultural zone where the minimum distance is 1.25 times the height of the wind turbine from the nearest portion of the structure to the front, side and rear lot lines and where the height is measured from the highest point of the blade rotation to the lowest grade elevation at the base of the tower. No accessory wind turbine shall be located within the required front yard or exterior side yard.

### **3.39 YARD ENCROACHMENTS AND OBSTRUCTIONS**

Every part of any required yard established by this By-law shall be open and unobstructed by any structure other than a fence, from the ground upward:

- (a) provided that those structures listed in the following table shall be permitted to

project into the required yards indicated for the distances specified.

<b>Structure</b>	<b>Required Yard In Which Projection is Permitted</b>	<b>Amount of Encroachment Allowed</b>
Sills, belt courses, cornices, eaves, gutters, chimneys or pilasters	Any yard	0.6 m (2 ft.)
Fire escapes and enclosed staircases	Exterior side and rear yards	1.5 m (5 ft.) for no more than a maximum horizontal length of 4.6 m
Window bays and awnings	Front, rear and exterior side yards	1.0 m (3.3 ft.) for no more than a maximum length of 3.0 m (10 ft.)
Balconies/decks	Any yard for multiple dwellings; rear yards and exterior side yards for all other dwelling types	1.8 m (6 ft.)
Decks/patios 0.6m or less above finished grade	Any Yard	4.5m (15ft.)
Open, roofed porches not exceeding one storey in height	Front, rear and exterior side yards	2.4 m (8 ft.) including eaves and cornices
Steps and landings	Any yard	1.0 m (3.3 ft.)
Barrier free facilities	Any yard	As required
Free-standing outdoor furnace and air conditioning units	Rear and exterior side yards	1.5 m (5 ft.)

(b) Projection Beyond Lot Lines

No part of any building or structure on any lot shall project beyond the lot line or street line of such lot.

**SECTION 4.0 ZONES AND ZONING MAP**

**4.1 ESTABLISHMENT OF ZONES**

For the purposes of this By-Law and of the maps contained in Schedule "A" hereto, the following zones are established and they may be referred to by class, symbol or name:

<b>CLASS: Symbol</b>	<b>RESIDENTIAL Name</b>
R1	Residential 1 Zone
R2	Residential 2 Zone

<b>CLASS: Symbol</b>	<b>AGRICULTURE Name</b>
A	Agricultural Zone

<b>CLASS: Symbol</b>	<b>BUSINESS AND INSTITUTIONAL Name</b>
C1	General Commercial Zone
C2	Tourist Commercial Zone
RS	Resort Commercial Zone
IN	Institutional Zone

<b>CLASS: Symbol</b>	<b>EXTRACTIVE INDUSTRIAL Name</b>
EX	Extractive Industrial Zone

<b>CLASS: Symbol</b>	<b>OPEN SPACE Name</b>
OS	Open Space Zone
EP	Environmental Protection Zone

<b>CLASS: Symbol</b>	<b>MISCELLANEOUS Name</b>
DR	Development Reserve Zone
T	Temporary Use Zone

**4.2 USE OF SYMBOLS**

The symbols listed in Subsection 4.1 shall be used to refer to lands, buildings, and structures and the uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word Zone is used, preceded by any of the said symbols, such zone means any area within the Municipality delineated on the Zoning Maps and designated thereon by the said symbol.



#### **4.3 REGULATION LIMITS**

The approximate extent of lands subject to the regulations of the Essex Region Conservation Authority are indicated by shading on Schedule 'B' to this Bylaw. Applications for building permits in these areas will be referred to the Conservation Authority for review and comment prior to the issuance of such permit.

#### **4.4 SCOPE OF ZONE REQUIREMENTS**

Except as otherwise specifically provided herein, the specific zone requirements set out herein for each zone shall apply to the zone in addition to the General Provisions set out in Section 3.

#### **4.5 SPECIAL PROVISION ZONES**

Wherever a zone symbol on Schedule "A" hereto is followed by a dash and a number, such as "R1-1", the lands so designated shall be subject to all of the provisions of this By-law applicable to the zone represented by the zone symbol except as otherwise specifically provided by the special provisions of the special zone set out in the Special Provisions subsection of the applicable zone.

#### **4.6 INTERPRETATION OF ZONE BOUNDARIES**

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on a Zoning Map, the following shall apply:

- (a) unless otherwise shown, the boundary of the zones as shown on the Zoning Maps are the centre lines of the road allowance or lot lines and the projection thereof;
- (b) where zone boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zone boundaries shall be construed as being parallel to such street and the distance therefrom shall be determined by the use of the scale shown on the Zoning Maps;
- (c) unless otherwise indicated, a street, lane, transmission line, or drain included on the Zoning Maps, is included within the zone of the adjoining property on either side thereof; and where such street, lane, transmission line or drain serves as a boundary between two or more different zones, a line midway in such street, lane, transmission line, or drain and extending in the general direction of the long division thereof is considered the boundary between zones unless specifically indicated otherwise; and
- (d) in the event a dedicated street, lane, transmission line or right-of-way shown on the Zoning Maps are closed, the property formerly in said street, lane, transmission line, or right-of-way shall be included within the zone of the adjoining property on either side of the said closed street, lane, transmission line or right-of-way, and the zone boundary shall be the former centre line of said closed street, lane, transmission line or right-of-way.
- (e) Where a zone or defined area boundary is indicated as following the centre of an

open drain, and such drain is then covered, such boundary shall be the centerline of the covered drain.

- (f) Wherever it occurs, the Lake Erie shoreline is the boundary of the zone or defined area adjacent to it.
- (g) Where a zone or defined area boundary is indicated as following a shoreline, the boundary shall follow the water's edge of such shoreline and, in the event that the water's edge of such shoreline changes, the boundary shall be taken as having moved with the water's edge.
- (h) Where a defined area's boundary appears to follow a zone boundary it shall be taken as following such zone boundary.
- (i) Where any zone boundary or defined area boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the Zoning Maps kept in the municipal office of the Municipality.

#### 4.7 HOLDING SYMBOL (h)

##### Use of Symbol

Where the Symbol 'h' appears on a zoning Map, notwithstanding the provisions for that zone, unless this By-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone for existing uses, or for such other uses set out in the relevant Holding Zone Provision.

##### Holding Zone Provisions

- (a) "h-1" Purpose: To ensure the orderly development of lands and the adequate provisions of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into with the Township of Pelee.

Permitted Interim Uses: Existing Uses

Permitted Interim Buildings and Structures: Existing Buildings and Structures

- (b) "h-2" Purpose: To ensure that development and site alteration will not have a negative impact on significant cultural and archaeological resources a report and/or study shall be prepared by a qualified individual demonstrating that development in the form proposed will not adversely affect the resource.

Permitted Interim Uses: Existing Uses

Permitted Interim Buildings and Structures: Existing Buildings and Structures

**SECTION 5.0            AGRICULTURAL (A) ZONE**

**5.1      PERMITTED USES**

Agricultural use  
Agricultural home business  
Bed and breakfast establishment  
Conservation use  
Existing grain handling facility  
Existing single detached dwelling  
Forestry use  
Farm produce retail outlet  
Home occupation  
Nursery  
Public use  
Wayside Pit or Wayside Quarry  
Winery or wine tasting establishment secondary to a viticulture operation

**5.2      REGULATIONS**

(a)	Minimum Lot Area	19.0 ha (47 ac)
(b)	Minimum Lot Frontage	60.0 m (197 ft.)
(c)	Minimum Front Yard	15.0 m (49 ft.)
(d)	Minimum Side Yard	
	(i) Interior Yard	1.5 m (5 ft.)
	(ii) Exterior Yard	6.0 m (20 ft.)
(e)	Minimum Rear Yard	6.0 m (20 ft.)
(f)	Reduced Lot Requirements	

Notwithstanding the Lot Area and Lot Frontage requirements of this Section, a lot used for an existing single detached dwelling as its main permitted use shall be subject to the following requirements:

(i)	Minimum Lot Area	2,000.0 m <sup>2</sup> (21,529 ft. <sup>2</sup> )
(ii)	Maximum Lot Area	6,000.0 m <sup>2</sup> (1.48 ac)
(iii)	Minimum Lot Frontage	30.0 m (98 ft.)
(iv)	Minimum Front Yard, Minimum Side Yards and Minimum Rear Yard in accordance with Section 5.2	

**5.3      SPECIAL USE REGULATIONS**

**5.3.1 LIVESTOCK FACILITIES**

In addition to the provisions of Section 5.2 of this By-law, livestock facilities in the Agricultural (A) Zone shall conform with Minimum Distance Separation II formula (MDS II) attached to this By-law as Schedule "D".

**5.3.2 SINGLE DETACHED DWELLING – MINIMUM DISTANCE SEPARATION I**

Notwithstanding any other provision of this By-law to the contrary, the construction of a single dwelling shall not be permitted except in accordance with Minimum Distance Separation (MDS I) as set out in Schedule 'D'; however, MDS I shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling provided the new dwelling is situated no closer to a livestock facility than the dwelling being replaced.

**5.3.43 GREENHOUSES**

Notwithstanding the zone requirements of the Agricultural Zone, a farm greenhouse or commercial greenhouse shall be subject to the following regulations:

- (a) The minimum lot area shall be 2 ha (5 ac);
- (b) The maximum lot coverage shall be 40% of the lot area;
- (c) Where ventilation fans exhaust into a side and / or rear yard the minimum side and / or rear yard requirement shall be 25 m (82 ft.);
- (d) A greenhouse having a gross floor area greater than 500 m<sup>2</sup> (5,382 ft.<sup>2</sup>) shall not be permitted unless a site plan agreement has been entered into with the Municipality;
- (e) Greenhouses that use artificial lighting for growing purposes during the night shall be located a minimum distance of 150 m (500 ft.) from any residential use on an adjacent lot;
- (f) No manure, compost or equipment may be stored within 30 m (98 ft.) of a road allowance, or a drain, or a residential use on an adjacent lot; and
- (g) A greenhouse may require an Environmental Compliance Approval for waste water treatment from the Ministry of the Environment.

**5.4 SPECIAL PROVISIONS**

- (a) A-1
  - (i) Permitted UsesAs set out in Section 5.1, except that no new residential use is permitted.
- (b) A-2

(i) Additional Permitted Uses

Automobile and farm equipment repair garage  
Repair garage associated with municipal airport  
Indoor and outdoor aircraft storage  
Offices

(ii) Additional Regulation

Minimum Lot Area 4080 m<sup>2</sup> (1 ac)

**SECTION 6.0 RESIDENTIAL 1 (R1) ZONE**

**6.1 PERMITTED USE**

Single detached dwelling  
Home occupation

**6.2 REGULATIONS**

- |     |                            |  |
|-----|----------------------------|--|
| (a) | Minimum Lot Area           | 2000.0 m <sup>2</sup> (21,529 ft. <sup>2</sup> )   |
| (b) | Minimum Lot Frontage       | 30.0 m (98 ft.)  |
| (c) | Minimum Front Yard         | 6.0 m (20 ft.)   |
| (d) | Minimum Interior Side Yard | 1.5 m (5 ft.) or where there is no attached garage, 1.5 m (5 ft.) on one side and 3.0 m (10 ft.) on the other side |
| (e) | Minimum Exterior Side Yard | 4.5 m (15 ft.)   |
| (f) | Minimum Rear Yard          | 7.0 m (23 ft.)   |
| (g) | Maximum Lot Coverage       | 35%  |
| (h) | Maximum Height             | 10.0 m (33 ft.)  |

**6.3 SPECIAL USE REGULATIONS**

**6.4 SPECIAL PROVISIONS**

- (a) R1-1
  - (i) Additional Permitted Use  
Private club
- (b) R1-2
  - (i) Additional Permitted Use  
Commercial use
- (c) R1-3
  - (i) Additional Permitted Use  
Home occupation, take out bake shop and delicatessen
  - (ii) Additional Regulation  
2 parking spaces for residential use  
1 parking space/93 m<sup>2</sup> (1001 ft.<sup>2</sup>) for home occupation use

(d) R1-4

(i) Additional Permitted Use

Tourist rental cabins

(e) R1-5

(i) Additional Permitted Use

Lodge

(ii) Regulations

In accordance with Section 10, except minimum lot frontage shall be 115 m (377 ft.)

**SECTION 7.0 RESIDENTIAL 2 (R2) ZONE**

**7.1 PERMITTED USE**

Single-detached dwelling  
Home occupation

**7.2 REGULATIONS**

- (a) Minimum Lot Area 1000.0 m<sup>2</sup> (10,764 ft.<sup>2</sup>)
- (b) Minimum Lot Frontage 36.5 m (120 ft.)
- (c) Minimum Front Yard 3.0 m (10 ft.)
- (d) Minimum Side Yard 6.0 m (20 ft.)
- (e) Minimum Rear Yard 6.0 m (20 ft.)
- (f) Maximum Height 10.0 m (33 ft.)
- (g) Maximum Lot Coverage 25 % including accessory buildings and structures
- (h) Minimum Shoreline Setbacks
  - (i) A dwelling and all accessory buildings constructed on piles designed or approved by a qualified engineer and to the satisfaction of the Essex Region Conservation Authority and the Municipality shall have a shoreline setback as prescribed in a permit issued by the Conservation Authority.
  - (ii) For all other dwelling construction types and accessory buildings the shoreline setback shall be 75 m (246 ft.).

**7.3 SPECIAL USE REGULATIONS**

**7.4 SPECIAL PROVISIONS**

- (a) DEFINED AREA R2-1 as shown on Schedule "A", Map \_\_\_ to this Bylaw.
  - (i) Permitted Uses
    - a) The uses permitted in subsection 7.1 of this Bylaw.
  - (ii) Permitted Buildings and Other Structures
    - a) Buildings and structures for the permitted uses.
  - (iii) Zone Provisions



- a) All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 7.2 to 7.3 inclusive, of this Bylaw, except that the minimum side yard shall be 1.5 metres.
- (b) DEFINED AREA R2-1 as shown on Schedule "A", Map \_\_\_ to this Bylaw.
  - (i) Permitted Uses
    - a) Tourist commercial rental cabin type uses in addition to the uses permitted in subsection 7.1 of this Bylaw
    - b) Uses accessory to the foregoing permitted uses.
  - (ii) Permitted Buildings and Other Structures
    - a) Not more than 2 tourist commercial rental cabin dwelling units
    - b) one single detached dwelling per lot
    - c) buildings and structures accessory to the permitted uses.
  - (iii) Zone Provisions
    - a) All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 7.2 to 7.3 inclusive, of this Bylaw.

**SECTION 8.0 GENERAL COMMERCIAL (C1) ZONE**

**8.1 PERMITTED USES**

Agricultural supply establishment  
Animal clinic  
Automobile service station  
Bed and breakfast establishment  
Boarding house, rooming house, or tourist home  
Clinic  
Club, private  
Commercial recreation establishment  
Communication facility  
Convenience store  
Day nursery  
Duplicating shop  
Dwelling units connected to and forming an integral part of a main building or located above the first storey  
Existing dwelling  
Financial office  
Funeral home  
Gas bar  
Home occupation accessory to an existing single dwelling  
Hotel, motel  
Laundromat  
Library  
Marina  
Marine facility  
Merchandise service shop  
Museum  
Office, general or professional  
Parking lot  
Personal service establishment  
Pharmacy  
Place of assembly  
Place of entertainment  
Place of worship  
Public or private park  
Public or private school  
Restaurant  
Restaurant, drive-thru or take-out  
Retail store  
Service shop  
Studios  
Tavern  
Video rental store  
Wayside Pit or Wayside Quarry  
Wholesale establishment

**8.2 REGULATIONS**

- (a) Minimum Lot Area 2,000.0 m<sup>2</sup> (21,529 ft.<sup>2</sup>)  
The minimum lot area shall be increased by 100 m<sup>2</sup> (1,076 ft.<sup>2</sup>) for each accessory dwelling unit.
- (b) Minimum Lot Frontage 30.0 m (98 ft.)
- (c) Minimum Front Yard 6.0 m (20 ft.)
- (d) Minimum Side Yards 4.5 m (15 ft.)
  - (i) where abutting a commercial use 3.0m (98ft)
- (e) Minimum Rear Yard 10.5 m (34 ft.)
- (f) Maximum Lot Coverage 40%
- (g) Maximum Height 10.5 m (34 ft.)

**8.3 SPECIAL USE REGULATIONS**

**8.3.1 DWELLING UNITS**

The following provisions apply where a part of a building used or intended for purposes of a commercial use in the General Commercial (C1) Zone is designed, used, or intended for use as a dwelling unit:

- (a) The minimum floor area of a dwelling unit shall be in accordance with Section 3. 17.
- (b) Access:  
  
Pedestrian access to each dwelling unit, other than an accessory dwelling unit, shall be provided from an adjacent street and shall be for the sole use of the occupants of the said dwelling unit and any other dwelling units located in the same building.
- (c) Exception:  
  
No building wherein gasoline, petroleum products or any other highly flammable, toxic, or explosive products are handled for commercial purposes shall have contiguous dwelling units. Where such dwelling units exist and a use changes to a use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

**8.4 SPECIAL PROVISIONS**

## SECTION 9.0 TOURIST COMMERCIAL (C2) ZONE

### 9.1 PERMITTED USES

Bed and breakfast establishment  
Campground  
Conference facility  
Conservation uses  
Hotel  
Lodge  
Marina  
Motel  
Outdoor education facility  
Parking lot  
Place of entertainment  
Recreational vehicle park  
Resort  
Restaurant  
Retail uses accessory to a permitted use  
Wayside Pit or Wayside Quarry  
Winery

### 9.2 REGULATIONS

(a)	Minimum Lot Area	2,000.0 m <sup>2</sup> (21,529 ft. <sup>2</sup> )
(b)	Minimum Lot Frontage	30.0 m (98 ft.)
(c)	Minimum Front Yard	6.0 m (20 ft.)
(d)	Minimum Side Yard	4.5 m (15 ft.)
(e)	Minimum Rear Yard	6.0 m (20 ft.)
(f)	Maximum Height	10.5 m (34 ft.)
(g)	Maximum Lot Coverage	40%

### 9.3 SPECIAL USE REGULATIONS

#### 9.3.1 CAMPGROUND RECREATIONAL VEHICLE PARK

(a)	Minimum Lot Area	4 ha (10 ac)
(b)	Maximum Lot Area	20.0 m (50 ac)
(c)	Minimum Lot Frontage	60 m (196 ft.)
(d)	Minimum Setback – All Lot Lines	15 m (49 ft.)

- (e) Minimum Area of Campsite 200 m<sup>2</sup> (2,153 ft.<sup>2</sup>)
- (f) Campgrounds and Recreational Vehicles Parks shall be subject to Site Plan Control in accordance with the Planning Act.

**9.4 SPECIAL PROVISIONS**

- (a) DEFINED AREA C2-1 as shown on Schedule “A”, Map \_\_\_ to this Bylaw.
  - (i) Permitted Uses
    - a) Lodge
    - b) Restaurant and tavern
    - c) Campground
    - d) Laundromat
    - e) Golf course
    - f) Taxi facility
    - g) Boat rental facility
    - h) Accessory uses including residential dwelling units accessory to a commercial use.
  - (ii) Permitted Buildings and Other Structures
    - a) Buildings and structures for the permitted uses.
  - (iii) Zone Provisions
    - a) All lot and building requirements shall be in accordance with subsections 9.2 to 9.3, inclusive, of this Bylaw.
- (b) DEFINED AREA C2-2 as shown on Schedule “A”, Map \_\_\_ to this Bylaw.
  - (i) Permitted Uses
    - a) A lodge not exceeding 20 guest rooms in capacity and accessory uses.
  - (ii) Permitted Buildings and Other Structures
    - a) Buildings and structures for the permitted uses.
  - (iii) Zone Provisions
    - a) All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 9.2 to 9.3, inclusive, of this Bylaw, except that the minimum lot area shall be 1 hectare and the minimum lot frontage shall be 100 metres.
- (c) DEFINED AREA C2-3 as shown on Schedule “A”, Map \_\_\_ to this Bylaw.
  - (i) Permitted Uses

- a) A lodge not exceeding 15 guest rooms in capacity
  - b) A restaurant
  - c) Uses accessory to the foregoing permitted uses
- (ii) Permitted Buildings and Other Structures
- a) Buildings and structures for the permitted uses.
- (iii) Zone Provisions
- a) All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 9.2 to 9.3, inclusive, of this Bylaw, except that the minimum lot area shall be 1 hectare and the minimum lot frontage shall be 100 metres.

**SECTION 10.0 RESORT (RS) ZONE**

**10.1 PERMITTED USES**

Bed and breakfast establishment  
Campground  
Conference facility  
Conservation uses  
Hotel  
Lodge  
Marina  
Motel  
Outdoor education facility  
Parking lot  
Place of entertainment  
Recreational vehicle park  
Resort  
Restaurant  
Residential Use  
Retail uses accessory to a permitted use  
Wayside Pit or Wayside Quarry  
Winery or wine tasting establishment

**10.2 REGULATIONS**

(a)	Minimum Lot Area	2,000.0 m <sup>2</sup> (21,529 ft. <sup>2</sup> )
(b)	Minimum Lot Frontage	30.0 m (98 ft.)
(c)	Minimum Front Yard	6.0 m (20 ft.)
(d)	Minimum Interior and Exterior Side Yards	4.5 m (15 ft.)
	(i) where abutting and adjoining commercial lot	not required
	(ii) where abutting a residential zone	6.0 m (20 ft.)
(e)	Minimum Rear Yard	6.0 m (20 ft.)
(f)	Maximum Height	10.5 m (34 ft.)
(g)	Maximum Lot Coverage	40%

**10.3 SPECIAL USE REGULATIONS**

**10.3.1 CAMPGROUND RECREATIONAL VEHICLE PARK**

- (a) Minimum Lot Area 4 ha (10 ac)
- (b) Maximum Lot Area 20.0 m (50 ac)
- (c) Minimum Lot Frontage 60 m (196 ft.)
- (d) Minimum Setback – All Lot Lines 15 m (49 ft.)
- (e) Minimum Area of Campsite 200 m<sup>2</sup> (2,153 ft.<sup>2</sup>)
- (f) Campgrounds and Recreational Vehicle Parks shall be subject to Site Plan Control in accordance with the Planning Act.

**10.3.1 RESIDENTIAL USE**

In accordance with Sections 6.0 Residential (R1) zone and Section 7.0 Residential (R2) zone.

**10.4 SPECIAL PROVISIONS**



**SECTION 11.0          EXTRACTIVE INDUSTRIAL (EI) ZONE**

**11.1    PERMITTED USES**

Extractive Use  
Agricultural Use  
Wayside Pit or Wayside Quarry

**11.2    REGULATIONS**

No buildings or structures used for the processing of natural materials from the earth or for the processing of materials shall be located within 90 m of any dwelling on a separate lot. No excavation shall be established or extended to within 15 m of a lot line, zone boundary or street allowance or to within 30 m of a dwelling on a separate lot.

**11.3    SPECIAL USE REGULATIONS**

**11.4    SPECIAL PROVISIONS**

**SECTION 12.0      INSTITUTIONAL (IN) ZONE**

**12.1    PERMITTED USES**

Airport  
Cemetery  
Day nursery  
Museum  
Nursing home or rest home  
Place of assembly  
Place of worship  
Public or private school  
Private Club

**12.2    REGULATIONS**

(a)	Minimum Lot Area	2,000 m <sup>2</sup> (49,420 ft. <sup>2</sup> )
(b)	Minimum Lot Frontage	30.0 m (98 ft.)
(c)	Minimum Front Yard Depth	6.0 m (20 ft.)
(d)	Minimum Exterior Side Yard Width	4.5 m (15 ft.)
(e)	Minimum Interior Side Yard Width	4.5 m (15 ft.)
(f)	Minimum Rear Yard Depth	6.0 m (20 ft.)
(g)	Maximum Lot Coverage	40%
(h)	Minimum Landscaped Open Space	25%
(i)	Maximum Height	10.0 m (39 ft.)

**12.3    SPECIAL USE REGULATIONS**

**12.4    SPECIAL PROVISIONS**

- (a) IN-1
  - (i) Permitted Uses
    - a) Waste transfer site

**SECTION 13.0 OPEN SPACE (OS) ZONE**

**13.1 PERMITTED USES**

Agricultural use  
Community centres  
Conservation lands  
Conservation works  
Golf courses  
Golf courses, miniature  
Golf driving ranges  
Outdoor educational facility  
Playgrounds  
Private outdoor recreation clubs  
Public swimming pools  
Recreational buildings  
Riding stables  
Sports fields  
Tennis courts  
Wayside Pit or Wayside Quarry

**13.2 REGULATIONS**

(a)	Minimum Lot Area	500 m <sup>2</sup> (5,382 ft. <sup>2</sup> )
(b)	Minimum Lot Frontage	15.0 m (49.0 ft.)
(c)	Minimum Front Yard Depth	6.0 m (20 ft.)
(d)	Minimum Exterior Side Yard Width	4.5 m (15 ft.)
(e)	Minimum Interior Side Yard Width	4.5 m (15 ft.)
(f)	Minimum Rear Yard Depth	6.0 m (20 ft.)
(g)	Maximum Lot Coverage	40%
(h)	Maximum Building Height	6.0 m (20.0 ft.)

**13.3 SPECIAL USE REGULATIONS**

**13.4 SPECIAL PROVISIONS**

- (a) OS-1
  - (i) Additional Permitted Use
    - Trap and skeet outdoor shooting range
  - (ii) Additional Regulations

Minimum Lot Area	2.8 ha (7.0 ac)
Minimum Lot Frontage	95 m (312 ft.)

(b) OS-2

(i) Permitted Uses Limited to:

Conservation lands  
Conservation works  
Outdoor educational facilities  
Playground

Uses and structures, but not buildings, accessory to a residential use located on a lot within 25 m of the lot zoned OS-2.

**SECTION 14.0 ENVIRONMENTAL PROTECTION (EP) ZONE**

**14.1 PERMITTED USES**

Agriculture, exclusive of new buildings and structures.  
Conservation Use  
Passive recreational use  
Existing public park  
Existing campground  
Outdoor education

**14.2 REGULATIONS**

The only buildings and structures permitted shall be existing buildings and structures.

**14.3 SPECIAL USE REGULATIONS**

**14.4 SPECIAL PROVISIONS**

(a) EP-1

(i) Additional Permitted Use  
Single-detached Dwelling

(ii) Additional Regulations  
In accordance with Section 7.0

(b) EP-2

(i) Additional Permitted Use  
Fishing lodge and accessory uses

**SECTION 15.0 DEVELOPMENT RESERVE (DR) ZONE**

**15.1 PERMITTED USES**

Agricultural use  
Conservation use  
Existing residential use

**15.2 REGULATIONS**

In accordance with Section 5.0

**15.3 SPECIAL USE REGULATIONS**

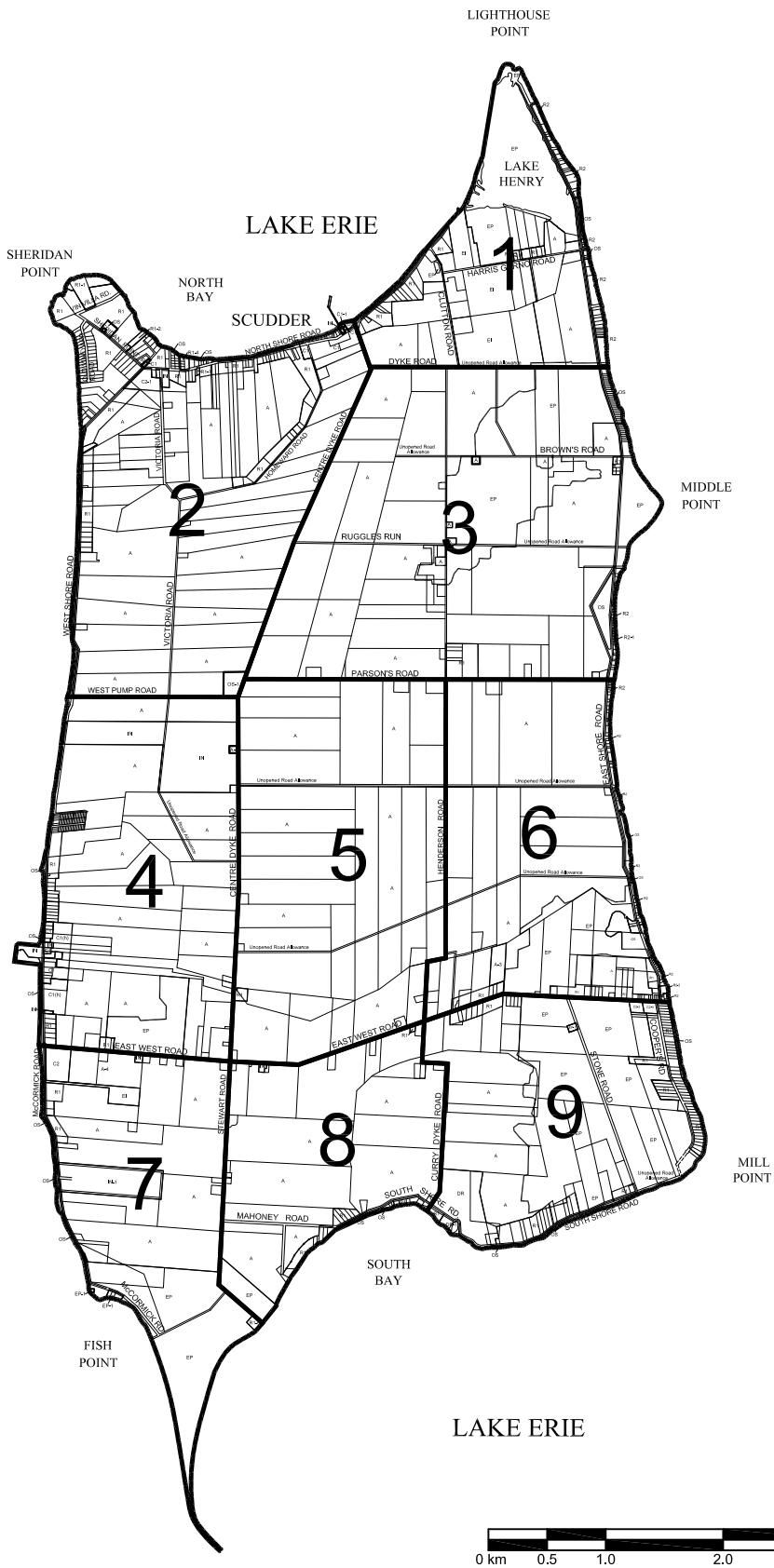
**15.4 SPECIAL PROVISIONS**

- (a) DR-1
  - (i) Additional Permitted Uses
    - Marina
    - Restaurants
    - Retail stores
  - (ii) Additional Regulations
    - In accordance with Section 9.2

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**TOWNSHIP OF PEELE**

ZONING BY-LAW No. 2012-24

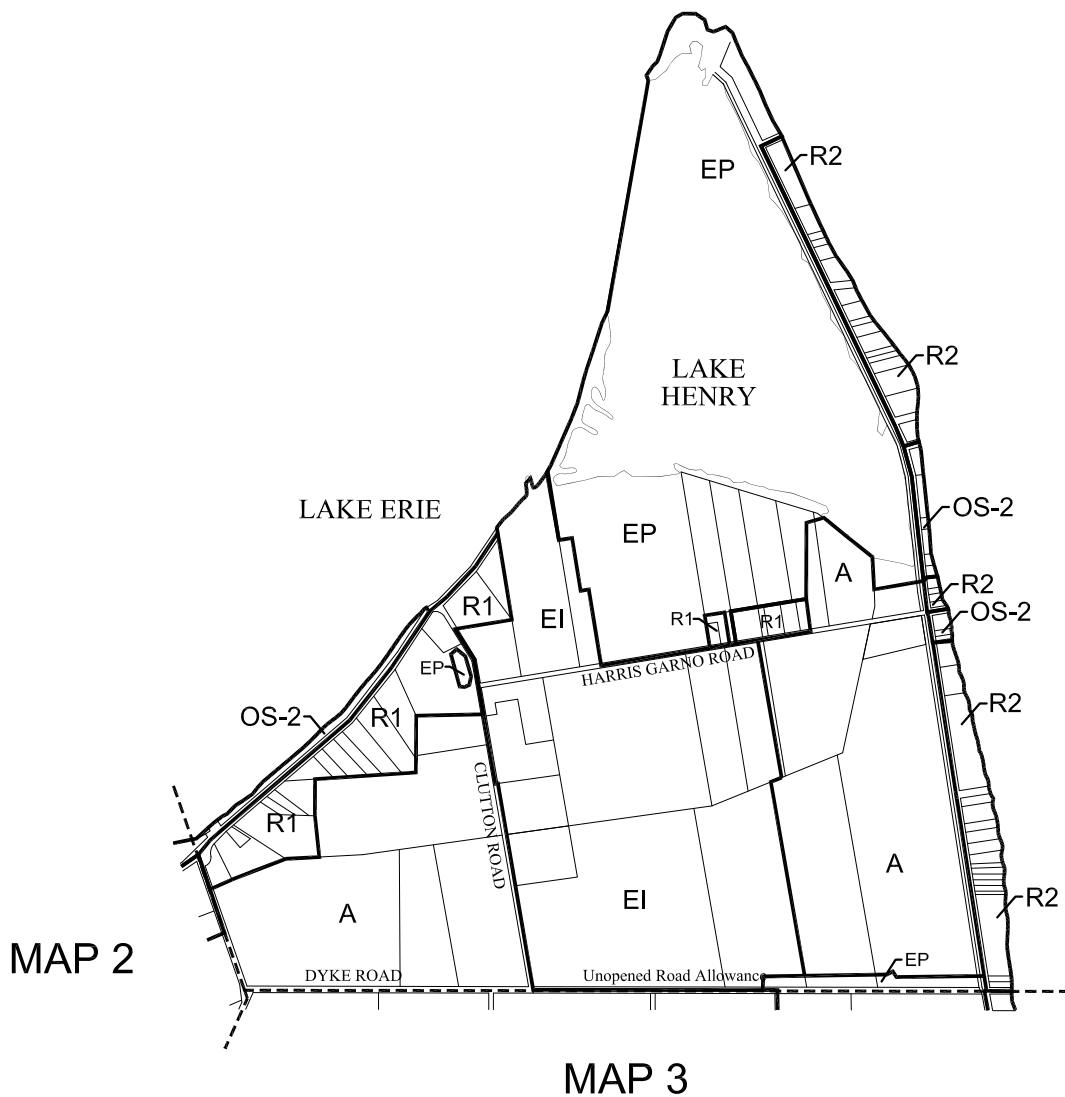
THE CORPORATION OF THE  
*Township Of Pelee*




**SCHEDULE "A"**

SCALE: 1:60,000

**INDEX MAP**

LIGHTHOUSE POINT



<p><b>TOWNSHIP OF PEELE</b></p>	<p>INDEX MAP:</p> 	<p><b>SCHEDULE "A"</b></p>
<p>ZONING BY-LAW No. 2012-24</p>		<p>SCALE: 1:20,000</p>
 <p>THE CORPORATION OF THE <i>Township Of Pelee</i></p>		 <p>MAP 1</p>



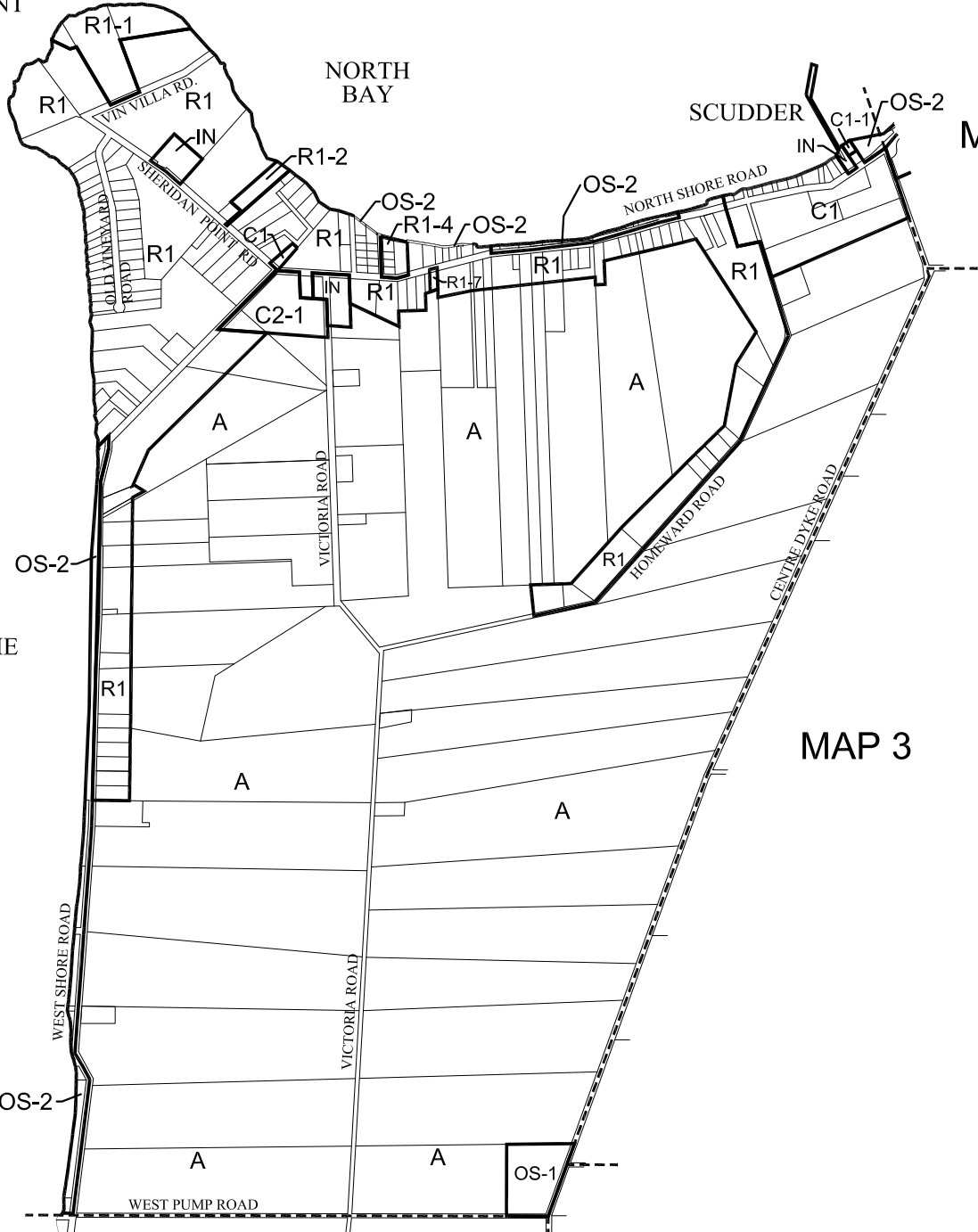
LAKE ERIE

SHERIDAN POINT

NORTH BAY

SCUDDER

MAP 1



LAKE ERIE

MAP 3

MAP 5

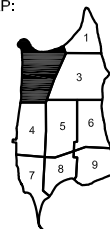
MAP 4



TOWNSHIP OF PEELE

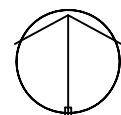
ZONING BY-LAW No. 2012-24

INDEX MAP:



SCHEDULE "A"

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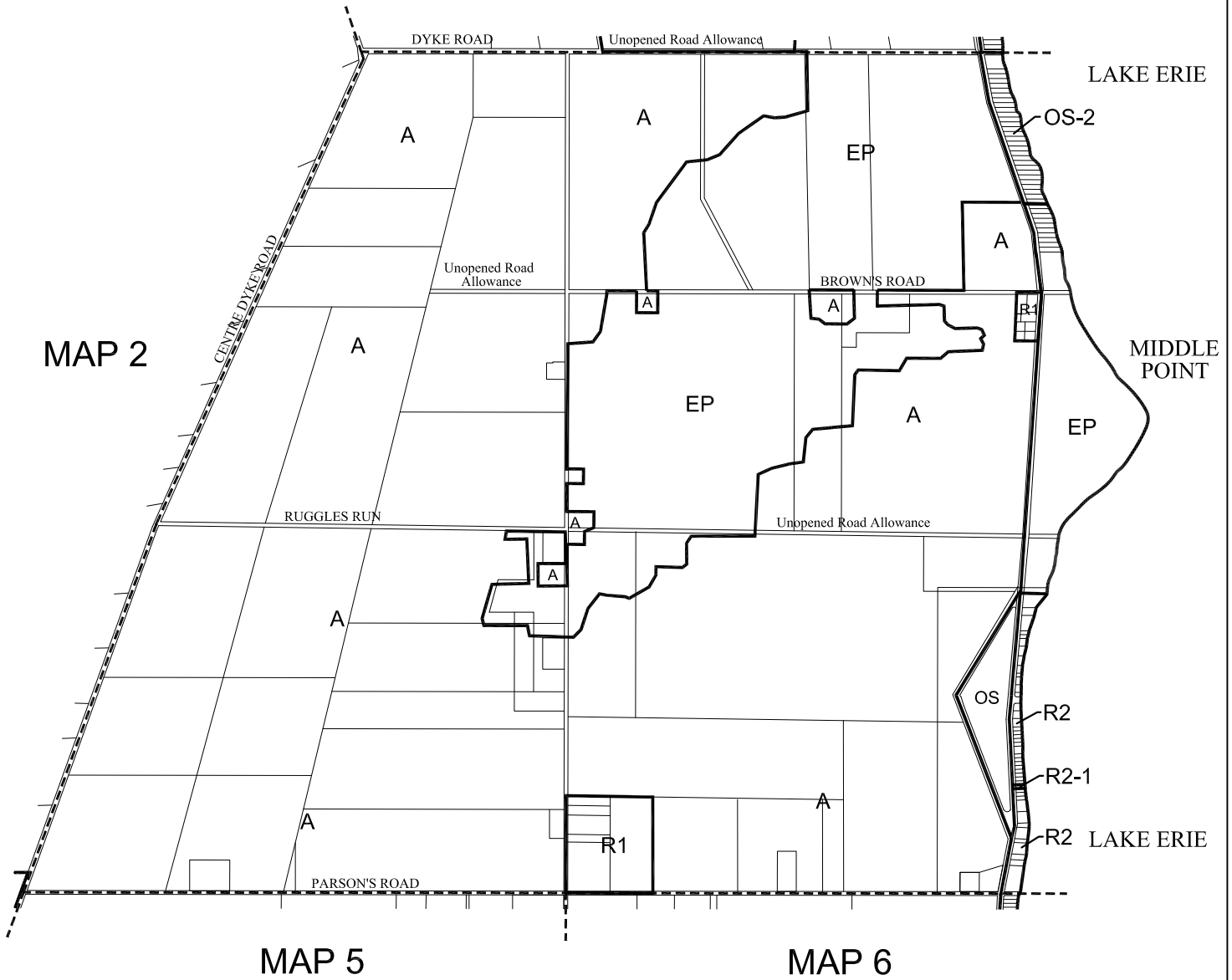


MAP 2



THE CORPORATION OF THE Township Of Pelee

# MAP 1



## TOWNSHIP OF PELEE

ZONING BY-LAW No. 2012-24

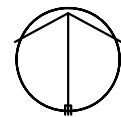


INDEX MAP:



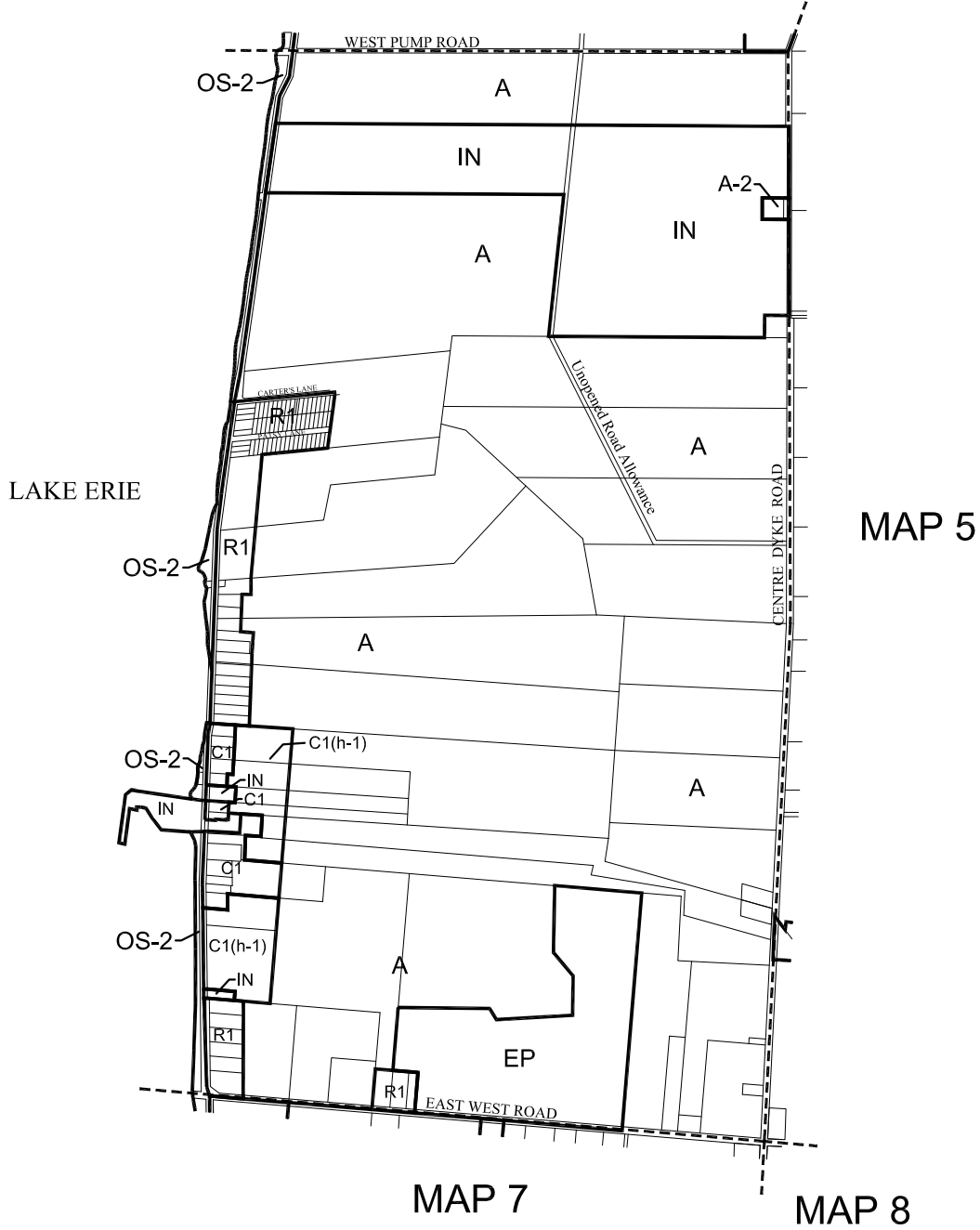
SCHEDULE "A"

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MAP 3

# MAP 2

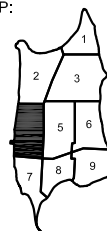


## TOWNSHIP OF PELEE

ZONING BY-LAW No. 2012-24

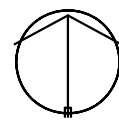


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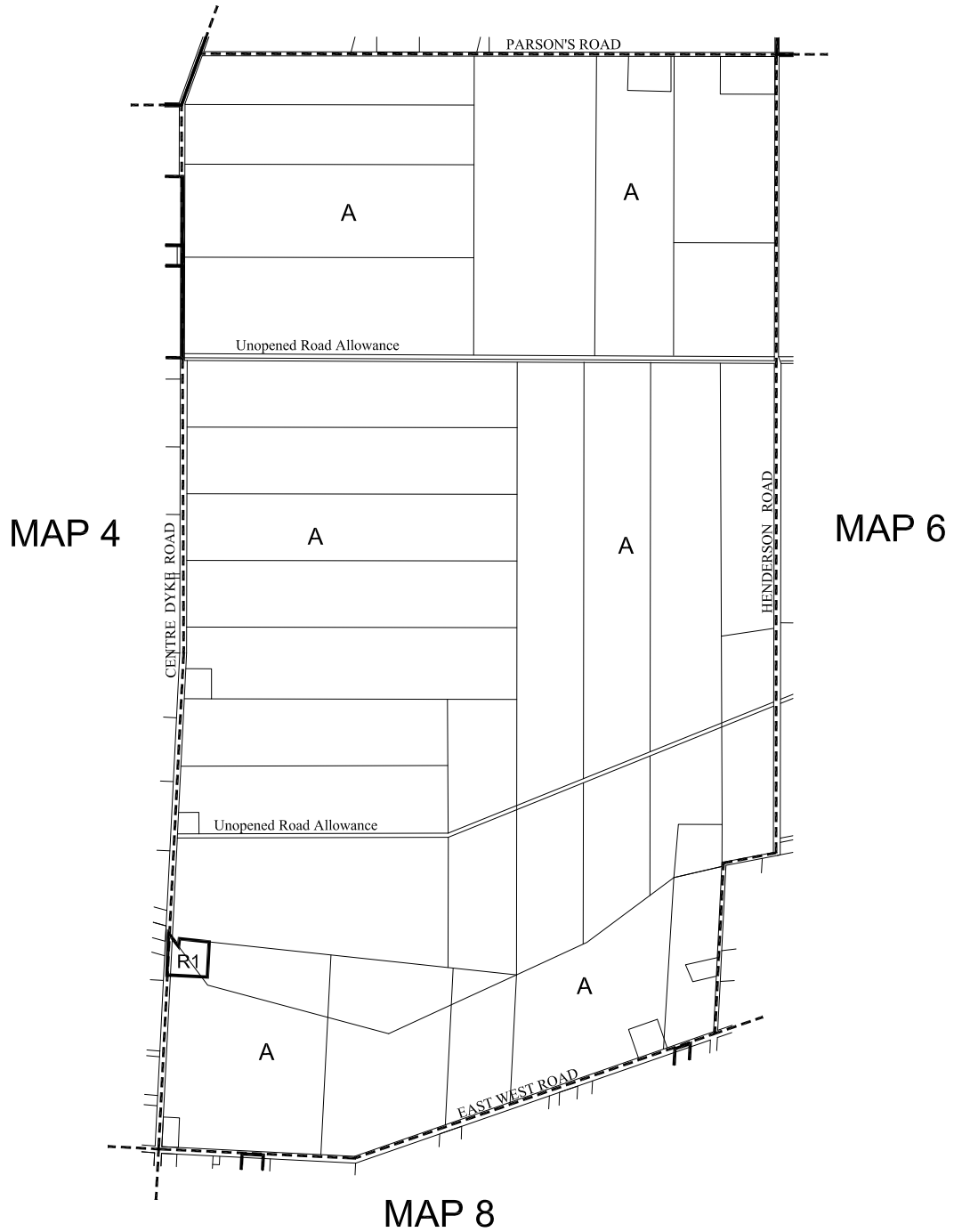
## SCHEDULE "A"

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MAP 4

# MAP 3



**TOWNSHIP OF PELEE**

ZONING BY-LAW No. 2012-24

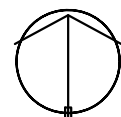


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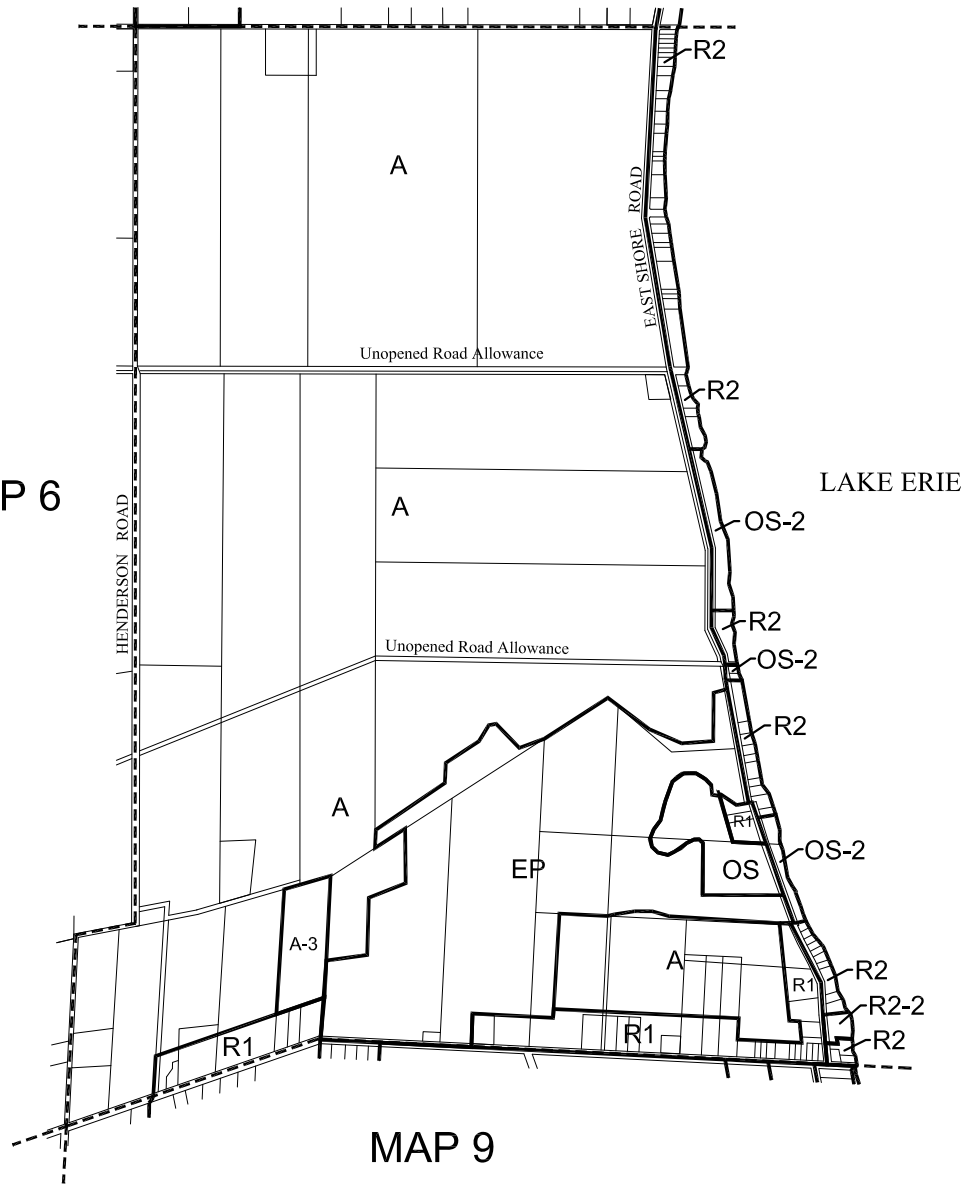
**SCHEDULE "A"**

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MAP 5

# MAP 3



**TOWNSHIP OF PELEE**

ZONING BY-LAW No. 2012-24

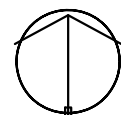


INDEX MAP:



**SCHEDULE "A"**

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**MAP 6**

# MAP 4

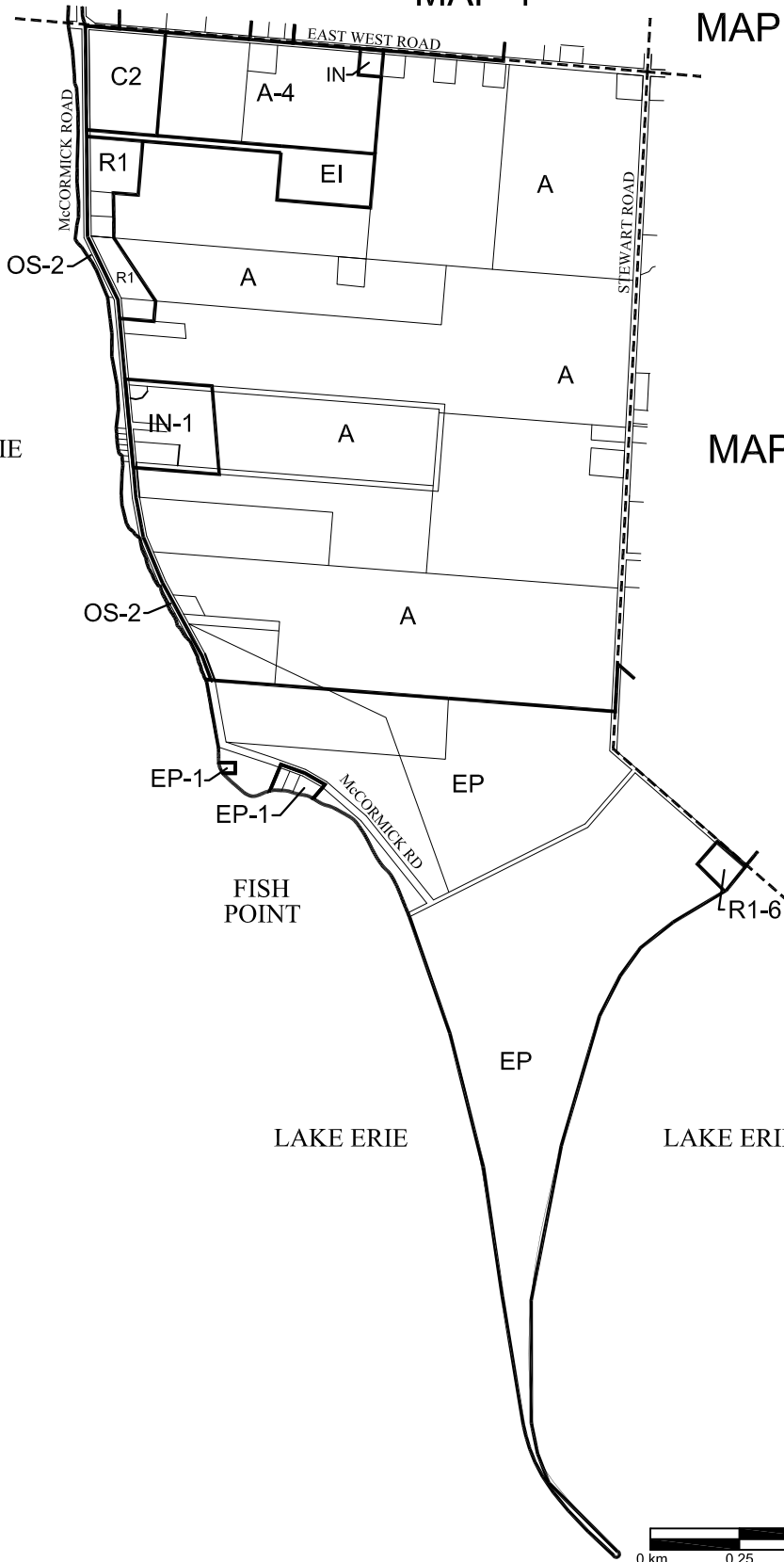
# MAP 5

# MAP 8

LAKE ERIE

LAKE ERIE

LAKE ERIE



## TOWNSHIP OF PEELE

ZONING BY-LAW No. 2012-24

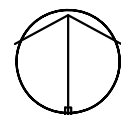


INDEX MAP:

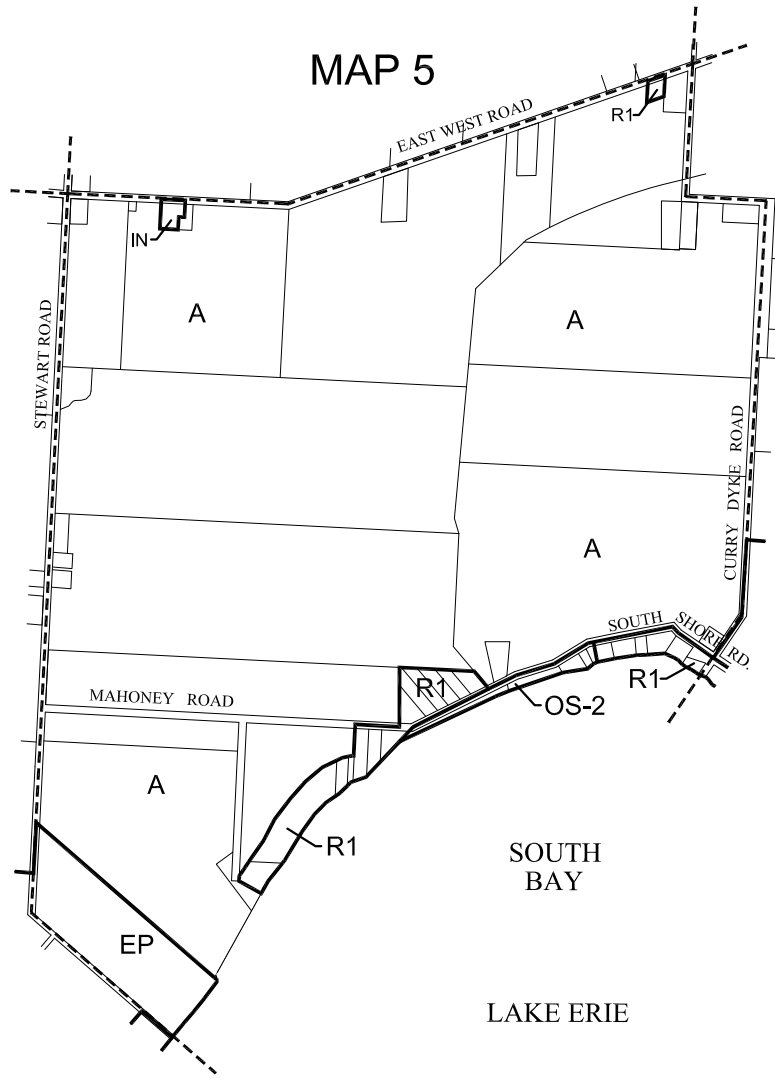


## SCHEDULE "A"

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MAP 7



MAP 7

MAP 5

MAP 9

SOUTH BAY

LAKE ERIE

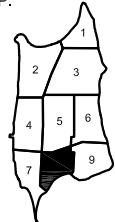


**TOWNSHIP OF PELEE**

ZONING BY-LAW No. 2012-24

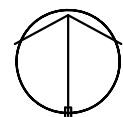


INDEX MAP:



**SCHEDULE "A"**

SCALE: 1:20,000

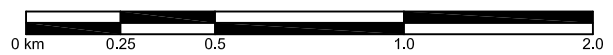
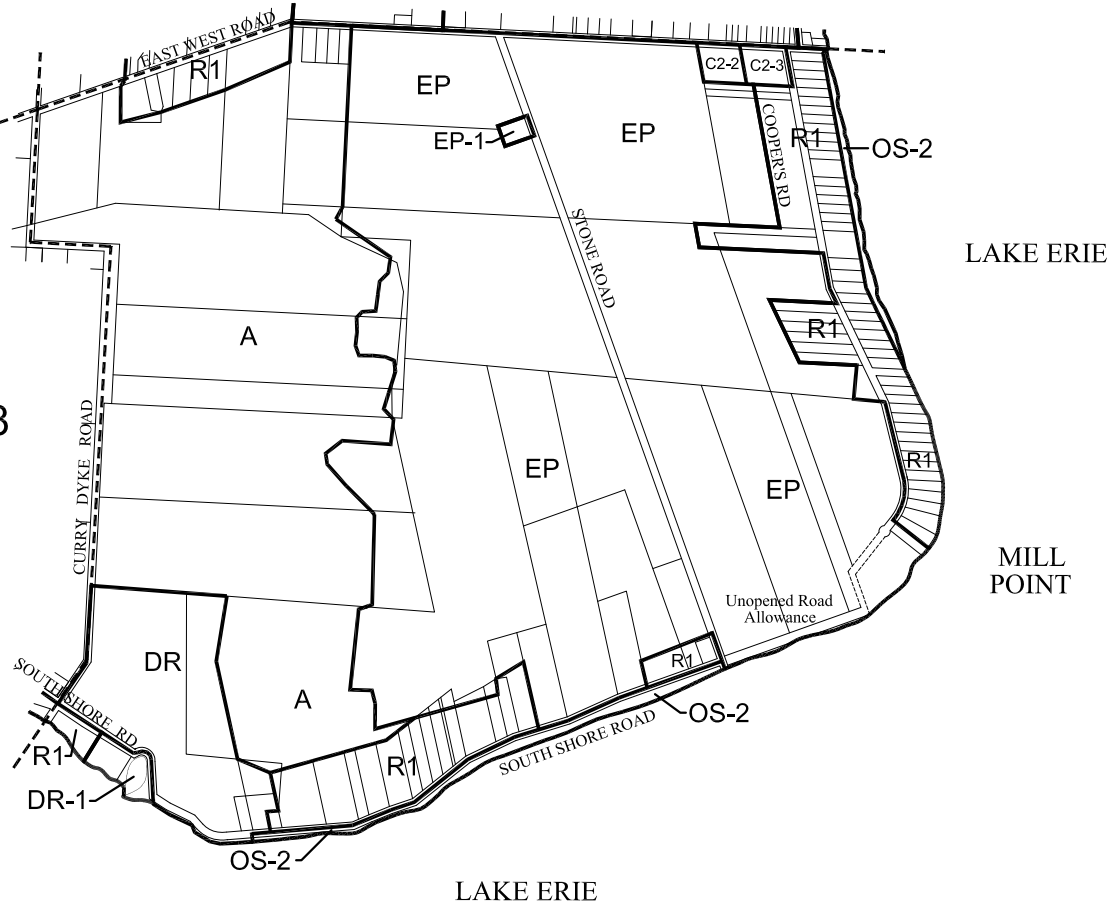


MAP 8

# MAP 6

MAP 5

MAP 8



## TOWNSHIP OF PELEE

ZONING BY-LAW No. 2012-24

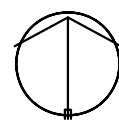


INDEX MAP:



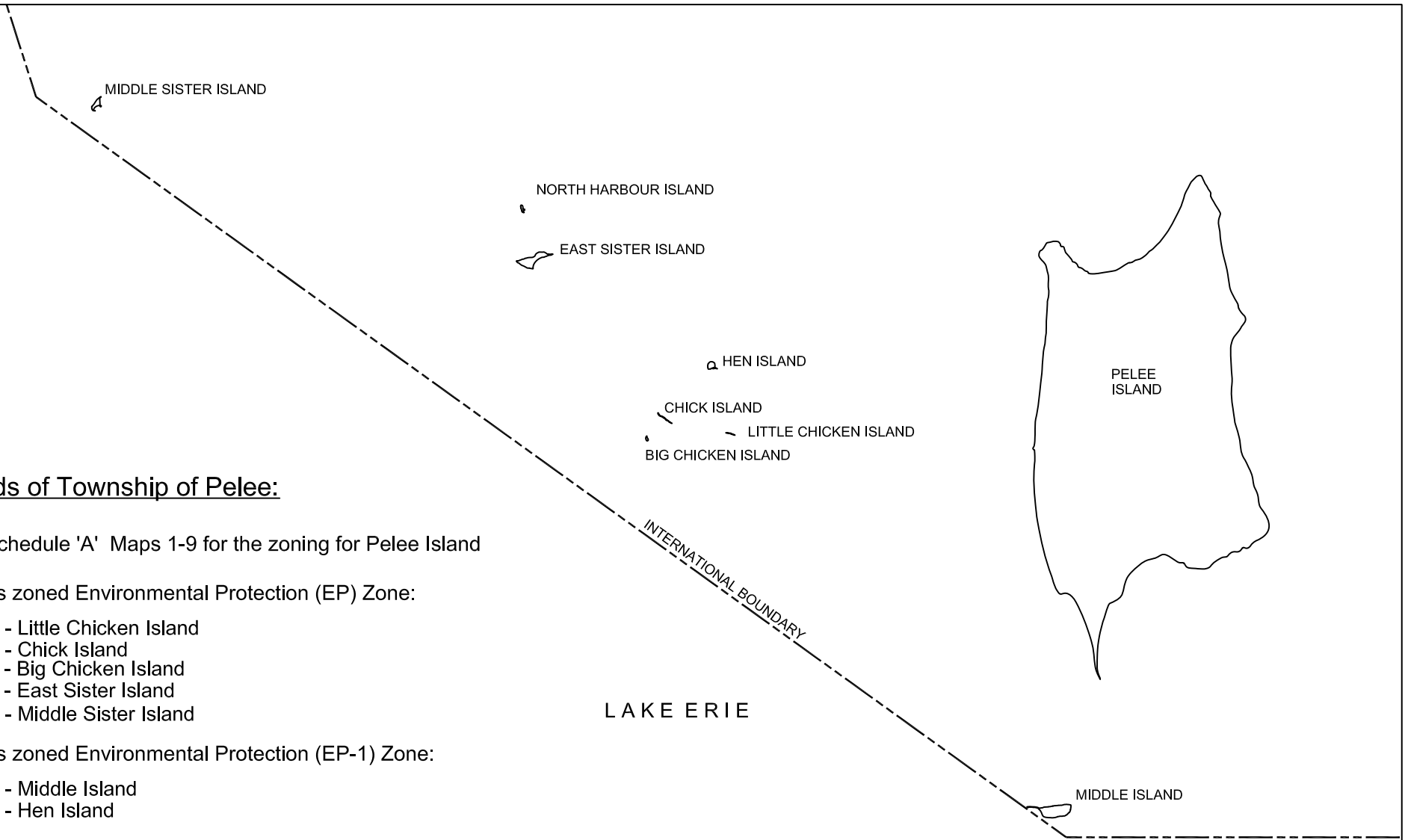
## SCHEDULE "A"

SCALE: 1:20,000



MAP 9





**Islands of Township of Pelee:**

See Schedule 'A' Maps 1-9 for the zoning for Pelee Island

Islands zoned Environmental Protection (EP) Zone:

- Little Chicken Island
- Chick Island
- Big Chicken Island
- East Sister Island
- Middle Sister Island

Islands zoned Environmental Protection (EP-1) Zone:

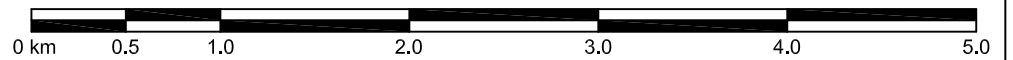
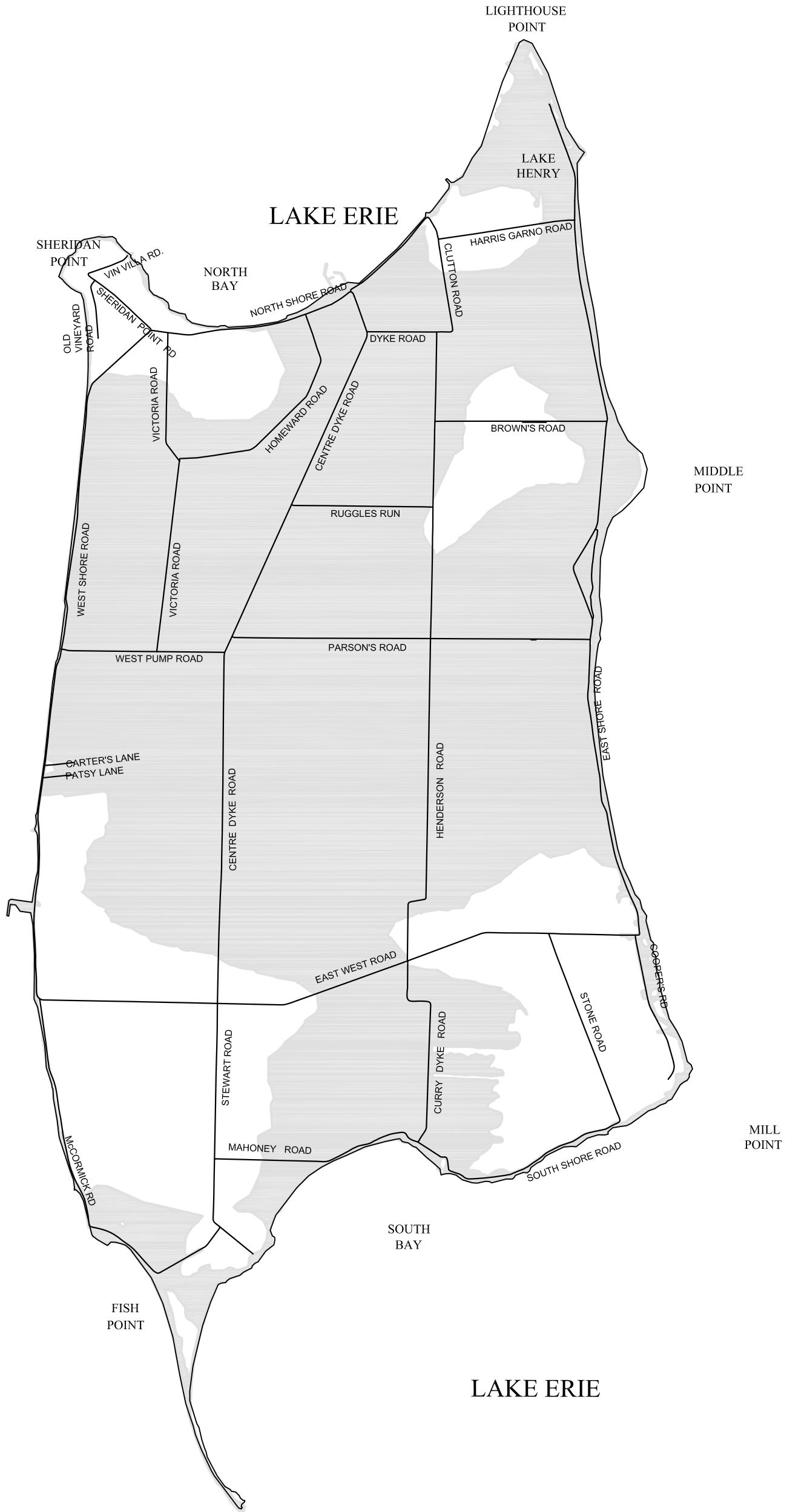
- Middle Island
- Hen Island

Island zoned Environmental Protection (EP-2) Zone:

- North Harbour Island



<b>TOWNSHIP OF PELEE</b>		<b>SCHEDULE "A"</b>	
ZONING BY-LAW No. 2012-24		SCALE: 1:150,000	
<p>THE CORPORATION OF THE <i>Township Of Pelee</i></p>			<b>MAP 10</b>



**TOWNSHIP OF PELEE**

ZONING BY-LAW No. 2012-24

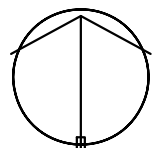
**SCHEDULE "B"**

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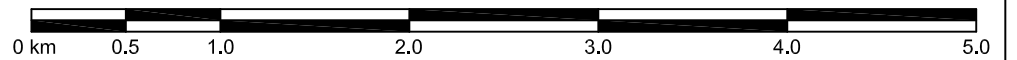
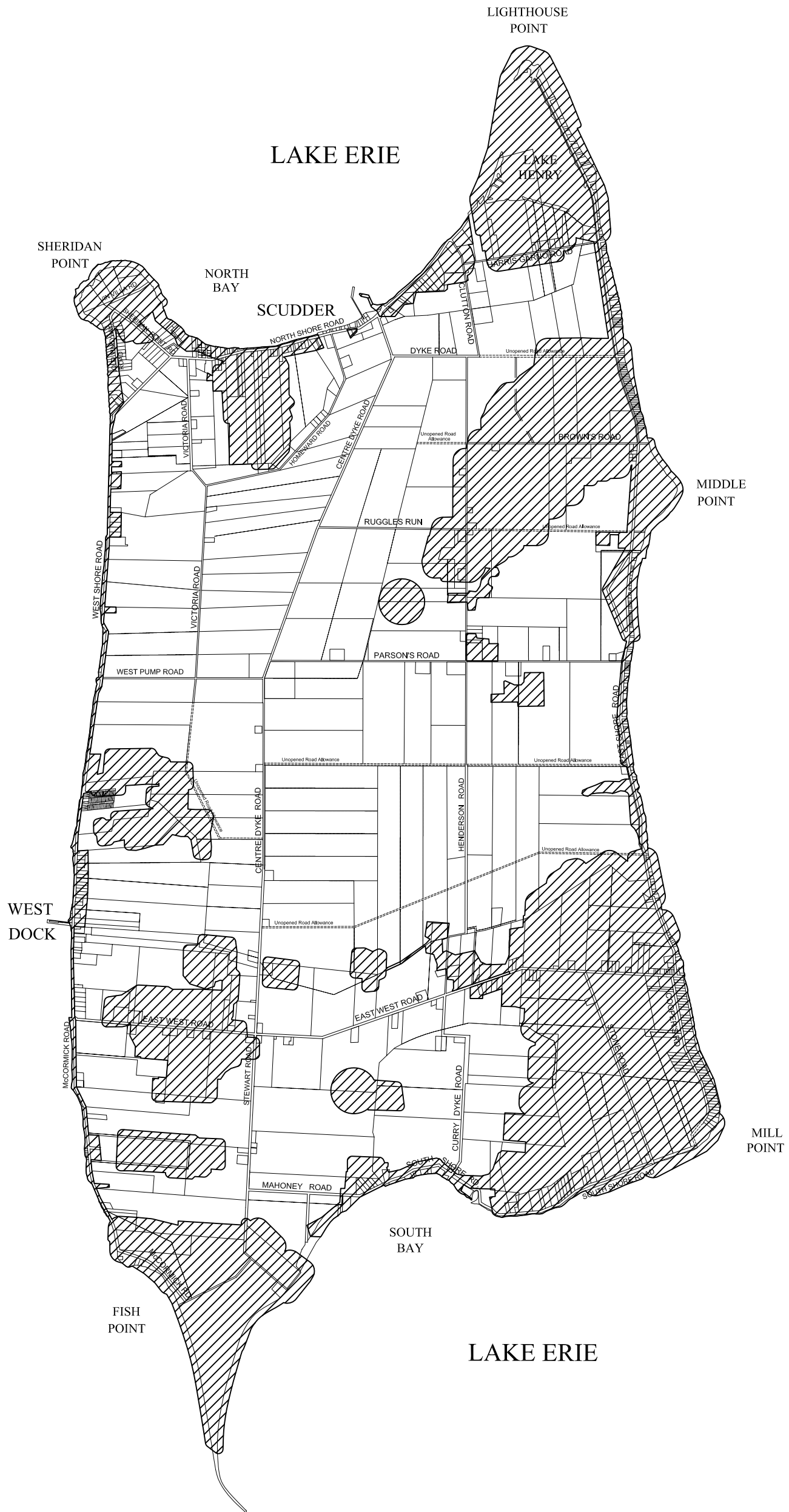


LEGEND:

 Lake Erie Floodprone Area  
1:100 yr Flood Line (175.96 m asl)



MAP 1



**TOWNSHIP OF PELEE**

ZONING BY-LAW No. 2012-24

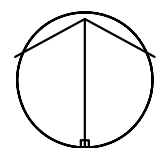
**SCHEDULE "C"**

SCALE:  
1:40,000



LEGEND:

 Lands Subject to Section 3.3



MAP 1

**APPENDIX "A" - MINIMUM DISTANCE SEPARATION**

**MINIMUM DISTANCE SEPARATION | CALCULATION FORM**

Step	Animals Type or Material & Description (Table 1)	Manure Form (Solid or Liquid)	Number/NU (Table 1)	Maximum Housing Capacity	Nutrient Units	Factor A (Table 1)	Factor D (Table 1)
1							
2	Total Nutrient Unit Capacity on Lot				Total		
3	Factor A (Odour Potential) Weight Average by NU (round to 2 decimal places)						
4	Factor D (Manure or Material Form) Weight Average by NU (round to 2 decimal places)						
5	Factor E (Encroaching Land Use - Table 4)						
6	Potential Nutrient Units: Tillable Ha on Lot ____ x 7.5 = ____ (maximum 300)						
7	Final NU: Greater of Total NU on Lot (2) and Potential NU (6) <i>expansion of a settlement area identified in the Official Plan, ignore Potential NU.</i>					(For	
8	Factor B (Nutrient Units Factor - Table 2)					(round to 2 decimal places)	
9	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor E (5) x Factor B (8)					(round up)	
10	S: Manure Storage Base Distance (m) (Tables 5 & 6)					(round up)	

Required Setback from livestock occupied portion of livestock facility = F (9)      \_\_\_\_ m      Actual: \_\_\_\_ m

Required Setback from manure or material storage area = S (10)      \_\_\_\_ m      Actual: \_\_\_\_ m

## MINIMUM DISTANCE SEPARATION II CALCULATION FORM

Step	Animals Type or Material & Description (Table 1)	Manure Form (Solid or Liquid)	Number/ NU (Table 1)	Maximum Housing Capacity 3 Years Ago (1)	NU 3 Years Ago (1)	Added Maximum Housing Capacity (1)	Added NU (1)	Final NU	Factor A (Table 1)	Factor D (Table 1)
1										
2	Total Nutrient Unit Capacity on Lot				Totals					
3	Factor A (Odour Potential) Weight Average by Added NU (round to 2 decimal places)									
4	Factor D (Manure or Material Form) Weight Average by Added NU (round to 2 decimal places)									
5	Factor B (Nutrient Units Factor - Table 2 - based on Total Final NU) (round to 2 decimal places)									
6	Percentage Increase (%) = (Total Added NU / Total NU 3 Years Ago) x 100									
7	Factor C (Orderly Expansion Factor - Table 3) (round to max 4 decimal places)									
8	F: Building Base Distance (m) = Factor A (3) x Factor D (4) x Factor B (5) x Factor C (7) (round up)									
9	S: Manure Storage Base Distance (m) (Tables 5 & 6) (round up)									

(1) Any livestock facility capacity for which a building permit was issued less than 3 years prior to the current building permit application submission date (and including the current building permit application) is to be considered added capacity.

<b>MDS II SUMMARY</b>	Factor	Livestock Occupied Portion		Manure Storage	
		Base Distance F = ____ m		Base Distance S = ____ m	
		Required Setback (m) (‘F’ x Factor)	Actual Setback (m)	Required Setback (m) (‘S’ x Factor)	Actual Setback (m)
Type A Land Uses	1				
Type B Land Uses	2				
Interior Side or Rear Lot Line (max 30m)*	0.1				
Exterior Side or Front Lot Line*	0.2				

\*Round to nearest whole number

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

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg -27 kg)	20	1.1		
	Feeders (27 -105 kg)	6	1.2		
Dairy Cattle <sup>1</sup>	<b>Milking-age cows (dry or milking)</b>		0.7	Free-stall barns with minimal bedding or sand bedding, or tie-stall barns with minimal bedding & milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	Large-framed; 545 kg - 636 kg (e.g. Holsteins)	0.7			
	Medium-framed; 455 kg - 545 kg (e.g. Guernseys)	0.85			
	Small-framed; 364 kg - 455 kg (e.g. Jerseys)	1			
	<b>Heifers (5 months to freshening)</b>				
	Large-framed; 182 kg - 545 kg (e.g. Holsteins)	2			
	Medium-framed; 148 kg - 455 kg (e.g. Guernseys)	2.4			
	Small-framed; 125 kg - 364 kg (e.g. Jerseys)	2.9			
	<b>Calves (0 -5 months)</b>				
	Large-framed; 45 kg - 182 kg (e.g. Holsteins)	6			
	Medium-framed; 39 kg - 148 kg (e.g. Guernseys)	7			
	Small-framed; 30 kg - 125 kg (e.g. Jerseys)	8.5			
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/ A	Bedded pack barns with or without outside yard access
	Feeders (7 -16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding & yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3			
	Shortkeepers (12.5 - 17.5 months)	2			
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns
	Grain-fed	6	0.8		
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)	8	0.7	N/ A	Heavily bedded pack barns
	Does & bucks (for dairy; includes unweaned offspring & replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)	8	0.7	N/ A	All sheep systems
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)	6			
	Lambs (dairy or feeder lambs)	20			

Animal Type or Material (Table 1, Page 2 of 3)	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/ A	All horse systems
	Medium-framed, mature; 227 kg – 680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts & drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/ females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	Cage or slatted floor systems
	Broilers on 8 week cycle	350	0.7	N/A	Bedded floor systems
	Broilers on 9 week cycle	300			
	Broilers on 10 week cycle	250			
	Broilers on 12 week cycle	200			
	Broilers on any other cycle, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/ A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 sq m/NU	24.8 m <sup>2</sup>			
Quail	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Pheasants	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Squab	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Rheas	Adults (includes replacements & market birds)	13			
Emus	Adults (includes replacements & market birds)	12			
Ostriches	Adults (includes replacements & market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Geese	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.8	N/A	Cage or floor systems
Rabbits	Breeding females (including males, replacements & market animals)	40			
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90	1.0		

Animal Type or Material (Table 1, Page 3 of 3)	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 <18% Dry Matter	Solid Manure: Factor D = 0.7 18 - 100% Dry Matter
Bison	Adults (includes unweaned calves & replacements)	1.3	0.7	N/ A	Bedded pack barns with outside access <u>OR</u> outside confinement areas
	Feeders (170kg - 477kg)	4			
Llama	Adults (includes unweaned young & replacements)	5			
	Feeders (45kg - 86kg)	16			
Alpaca	Adults (includes unweaned young & replacements)	8			
	Feeders (23kg – 48kg)	26			
Wild Boar	Breeding age sows (includes boars, replacements & weaned piglets to 27kg)	5			
	Finishing boars (27 kg -86 kg)	7			
Deer	<b>White tailed deer</b>				
	-Adults> 24 mo (including unweaned offspring)	11			
	-Feeders	21			
	<b>Red deer</b>				
	-Adults> 24 mo (including unweaned offspring)	7			
	-Feeders	14			
	<b>Elk</b>				
	-Adults> 24 mo (including unweaned offspring)	2			
	-Feeders	6			
	<b>Elk/deer hybrids</b>				
	-Adults> 24 mo (including unweaned offspring)	4			
	-Feeders	10			
	<b>Fallow deer</b>				
	-Adults> 24 mo (including unweaned offspring)	13			
-Feeders	23				
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column	453.6 kg (1000 lbs)	0.8	All storages with liquid manure	All storages with solid manure
Manure imported to a lot not generating manure <sup>2</sup>	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	1.2	All storages with liquid manure	All storages with solid manure
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	0.5	All storages with liquid manure	All storages with solid manure

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

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

N/A = Not Applicable



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

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

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

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

Table 2 Note: For capacities >5000 NU: consult OMAFRA, Municipal staff or, MDS Computer Program.

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

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

\*See Section 2, Definitions, in Zoning By-law.

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

Solid Manure: 18% dry matter, or more

Liquid Manure: Less than 18% dry matter

Digestate: Less than 18% dry matter

Storage Odour Potential	Solid or Liquid System	Inside or Outside Livestock Facility	Number referred to in Table 6	Description of permanent manure storages being sited by MDS II, or encroached upon through MDS I application
Very Low	Solid	Inside	V1	Solid, inside, bedded pack (manure accumulates under livestock over time)
		Outside	V2	Solid, outside, covered (cover keeps off precipitation to prevent runoff)
			V3	Solid, outside, no cover, greater than or equal 30% dry matter (manure is dry enough that a flowpath option can be used for runoff control (Nutrient Management Act, 2002))
			V4	Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid runoff storage needed but it has a permanent, tight cover)
	Liquid	Inside	V5	Liquid, inside, underneath slatted floor (manure is stored under the animals in the barn)
		Outside	V6	Liquid, outside, with a permanent, tight fitting cover (negative pressure tarp, concrete lid, inflatable dome, etc.)
			V7	Liquid, (digestate), outside, no cover (all manure has been treated through anaerobic digestion, or a similar process that reduces odours)
Low	Solid	Outside	L1	Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage (manure not dry enough to soak up precipitation, so a liquid low runoff storage needed, but it is uncovered, producing more odour than in V4 above)
	Liquid	Outside	L2	Liquid, outside, with a permanent floating cover (tarps, foam panels, etc.)
Medium	Liquid	Outside	M1	Liquid, outside, no cover, straight-walled storage (usually circular or rectangular, concrete or steel storages)
			M2	Liquid, outside, roof, but with open sides (roof keeps off precipitation, but the open sides allow wind to travel over the manure and carry odours)
High	Liquid	Outside	H1	Liquid, outside, no cover, sloped-sided storage (earthen manure storages, but not earthen runoff storages associated with a solid manure storage which are L 1 above)

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

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