

Cannabis Production Facility

Means any land, *building* or *structure* used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis for medical or non-medical purposes but does not include the growing, producing and processing of four (4) or less cannabis plants on a lot for personal use or the retailing of cannabis or cannabis products under a retail operator license issued under the *Cannabis License Act, 2018*.

Carport

means a *building* or *structure* or part thereof, at least forty percent (40%) of the area of the perimeter faces of which are open and unobstructed by any wall, door, post or pier

- a) which is *used* for the temporary parking or storage of private passenger motor vehicles or *commercial vehicles* of less than one (1) tonne maximum capacity, and
- b) wherein neither servicing nor repairing is carried on for profit.

Cellar

means that portion of a *building* between two floor levels, which, from finished floor to underside of the floor joists of the next above *storey*, is more than 50% below *average finished grade*.

Cemetery

means land set aside to be *used* for the interment of human remains and includes a mausoleum, columbarium or other *structure* intended for the interment of human remains.

Commercial

means the *use* of land, *building* or *structure* for the purpose of buying and/or selling commodities, and supplying of services as distinguished from such *uses* as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar *uses*.

Commercial Club

means any club other than a *private club*.

Commercial Vehicle

means a motor vehicle *used* or intended to be *used* for business, employment or *commercial* purposes and includes but is not limited to a bus, catering or canteen truck, tow truck, dump truck, tractor trailer, ambulance, hearse, taxi or other similar *vehicle*.

- b) in the case of a *corner lot* the shorter *street line* shall be deemed to be the *front lot line* and the longer *street line* shall be deemed to be a *side lot line*, but
- c) in the case of a *corner lot* with two (2) *street lines* of equal length, the *lot line* that abuts the wider *street*, or abuts a Regional Road or Highway shall be deemed to be the *front lot line*, and in the case of both *streets* being under the same jurisdiction, or of the same width, the owner of such *corner lot* may designate either *street line* as the *front lot line*.

Lot Line, Rear

means the farthest *lot line* opposite the *front lot line*, or in the case of a triangular *lot*, shall mean that point formed by the intersection of the *side lot lines*.

Lot Line, Side

means the *lot lines* other than a *front lot line* or *rear lot line*.

Lot, Through

means a *lot* other than a *corner lot*, having separate *frontages* on two *streets*.

Lot of Record

means a parcel of land that was registered prior to the date of the passing of this by-law as a legally conveyable parcel of land in the Registry/ Land Titles office.

Medical and Dental Clinic

means a *building* or part thereof *used* by qualified medical practitioners, dentists, osteopaths, or other drugless practitioners.

Medical Marihuana Facility

~~means a facility that is licensed under the Marihuana for Medical Purposes Regulations, or successor thereto, for the growing of medical marihuana as well as for the processing, testing, packaging, distribution and destruction of medical marihuana as accessory uses.~~

Mobile Home

means any vehicle used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round *use* and is 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, whether or not such vehicle is jacked up or that its running gear is removed.

6.0 AGRICULTURAL AND RURAL ZONES

6.1 Permitted Uses

The *uses* permitted in the Agricultural Transition (A1), Agricultural (A2), Specialty Crop (A3) and Rural (A4) Zones are identified in Table 5 through symbols under the column related to each zone. Where a “Q” is shown in the column under a zone, a qualification applies to a permitted *use* as described following Table 5.

Table 5: Permitted Uses in the Agricultural and Rural Zones

<i>Permitted Uses</i>	A1	A2	A3	A4
<i>Agricultural use</i>	✓	✓	✓	✓
<i>Intensive animal operation</i>		✓		✓
<i>Single detached dwelling accessory to an agricultural use</i>	✓	✓	✓	✓
<i>Single detached dwelling as a principal use on an existing lot of record</i>	✓	✓	✓	✓
<i>Single detached dwelling as a principal use on any new lot</i>	Q5	Q5	Q5	Q3
<i>Accessory Agricultural Activities</i>	*	*	*	*
<i>Secondary Suite</i>	*	*	*	*
<i>Value added production uses</i>	*	*		*
<i>Value added marketing uses</i>	*	*	*	*
<i>Home occupation</i>	*	*	*	*
<i>Home industry</i>	*	*	*	*
<i>Agri-tourism uses related to agriculture</i>	*	*	*	*
<i>One farm help-house</i>	Q1	Q1	Q1	Q1
<i>Bed and breakfast</i>	*	*	*	*
<i>Kennel</i>		✓		✓
<i>Conservation uses</i>	✓	✓		✓
<i>Garden suite</i>	Q6	Q6	Q6	Q6
<i>Greenhouse</i>	✓	✓	✓	✓
<i>Group Home</i>	Q2	Q2		Q2
<i>Medical Marijuana Facility</i> <i>Cannabis Production Facility</i>	Q4	Q4	Q4	Q4

✓ Permitted use

* Permitted as an *accessory use* only

Q1 One *farm help-house* shall be permitted per *bona fide farm operation* with a minimum *lot area* of 40 hectares.

Q2 Permitted only in an existing dwelling or in a new dwelling on existing lots of record.

Q3 New lots must meet M.D.S. requirements.

Q4 Permitted only through a site specific zoning by-law amendment.

- Q5 Permitted as a surplus farm dwelling, where the dwelling existed prior to the creation of the new lot.
- Q6 Permitted only through a temporary use by-law.

6.2 Lot, Building and Structure Requirements

6.2.1 The regulations applicable to *uses* permitted in the Agricultural Transition (A1), Agricultural (A2), Specialty Crop (A3) and Rural (A4) Zones are set out in Table 6 and additional requirements applying to specific *uses* are outlined in Section 6.2.2.

Table 6: Regulations applying to Agricultural Zones

Uses	Min. Lot Area	Max. Lot Coverage	Min. Lot Frontage	Min. Front Yard	Min. Exterior Side yard	Min. Interior Side yard	Min. Rear Yard	Max. Height
<i>Agricultural use and all other permitted uses not otherwise listed below</i>	40 hectares for A1, A2 and A4 Zones 16 hectares for A3 Zone	10%	180 m.	15 m.	15 m.	15 m.	15 m.	NR
<i>Greenhouses and Medical Marijuana Facilities Cannabis Production Facilities</i>		50% for lots less than 20 hectares 25% for lots greater than 20 hectares						
<i>Single detached dwelling as a principal use on a lot</i>	1 hectare ⁽¹⁾	7% 10%	46 m.	15 m. or as existing whichever is the lessor	15 m. or as existing whichever is the lessor	3.5 m. with no attached garage 3 m. with attached garage	15 m.	9 m. 12 m.

Uses	Min. Lot Area	Max. Lot Coverage	Min. Lot Frontage	Min. Front Yard	Min. Exterior Side yard	Min. Interior Side yard	Min. Rear Yard	Max. Height
<i>Kennels</i>	10 hectares	10%	180 m.	150 m.	150 m.	75 m. except 150 from any <i>dwelling</i> or <i>institutional use</i>	75 m. except 150 from any <i>dwelling</i> or <i>institutional use</i>	NR

NR = No requirement

Note:

- (1) The minimum *lot size* shall be 1 hectare unless a hydrogeological study undertaken by an applicant demonstrates that on-site *sustainable private services* can be achieved on a smaller *lot* with no negative impacts on surface and/or ground water features, in which case the minimum *lot size* is 4,000 m².

6.2.2 Additional Provisions

6.2.2.1 For *value added production uses*:

- a) the maximum *gross floor area* for *value added production uses* shall be 500 square metres;
- b) accessory retail and *restaurants* and ancillary *agri-tourism uses* shall be permitted to maximum size of the lesser of 50% the area of the *value added production use* or 250 square metres; and
- c) such *uses* shall be subject to site plan control.

6.2.2.2 For *value added marketing uses*:

- a) the *use* must be owner operated; and
- b) the maximum *gross floor area* for the *value added marketing use* shall be 100 square metres; and
- c) such *uses* shall be subject to site plan control.

- 6.2.2.3 For *Agri-tourism uses related to agriculture*, the maximum *gross floor area* of *buildings* and or *structures* shall be 250 square metres and such *use* shall be subject to site plan control.
- 6.2.2.4 For farm-help houses:
- a) the minimum *gross floor area* shall be 90 square metres; and
 - b) a farm help house shall be located in accordance with a Site Plan Agreement with the Township of Wainfleet.
- 6.2.2.5 For livestock or poultry *uses, existing buildings* or new *buildings used* for other than livestock or poultry *uses*, shall not be subsequently *used* for livestock or poultry unless the *building* so *used* complies with the Minimum Distance Separation (M.D.S.) requirements for the *use*.
- 6.2.2.6 For ~~*medical marijuana facilities*~~ *cannabis production facilities*:
- a) A ~~*medical marijuana facility*~~ *cannabis production facility* or portion thereof shall not be permitted in a *dwelling*;
 - b) A ~~*medical marijuana facility*~~ *cannabis production facility* shall be located a minimum of 150 metres from the lot line of any Residential, ~~or Institutional~~ or *Open Space* use or Zone, including a *day nursery*;
 - c) A sign identifying the facility or property as being or containing a ~~*medical marijuana facility*~~ *cannabis production facility* shall be prohibited; and
 - d) Outdoor *growing, cultivation and* storage shall be prohibited.
- 6.2.2.7 Despite Table 6, the minimum yards for *intensive animal operations* shall be subject to the Minimum Distance Separation (M.D.S.).
- 6.2.2.8 For *garden suites*:
- a) Initial permissions for a *garden suite* shall be for no longer than ten (10) years, calculated from the date of the passing of the temporary use by-law, with extensions permitted on a three (3) year basis to a maximum of twenty (20) years;
 - b) Where a *garden suite* is to be permitted, an implementing development agreement is required dealing with such matters as the installation, maintenance and removal of the *garden suite*;

- c) *A garden suite shall be accessory to and located on the same lot used for a single detached dwelling where permitted by the applicable zone;*
- d) *A maximum of one (1) garden suite shall be permitted on a lot.*
- e) *Access to the garden suite shall be provided from the same driveway that provides access to the single detached dwelling on the lot.*
- f) *A garden suite shall comply with the Minimum Distance Separation (M.D.S.) formulae.*

6.3 Site Specific Exceptions for Permitted Uses

6.3.1 Notwithstanding the permitted *uses* in subsection 6.1, the following Site Specific Exceptions shall apply to the specific property listed in Table 7 and illustrated in Maps 1 to 40 in Section 15. These uses may be:

- a) in addition to the uses permitted in subsection 6.1
- b) solely permitted to the exclusion of all other uses in section 6.1, or
- c) not permitted, despite being listed in subsection 6.1.