

**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*.

**Greenhouse**

means a *building* for the growing of plants, shrubs, trees and similar horticultural crops.

**Group Home**

means a supervised single dwelling unit for the accommodation of persons, who by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being, and the members of the group are referred by a hospital, court, government agency, recognized social services agency or health professional.

**Habitable Room**

means a room in a *dwelling used* or intended to be *used* primarily for human occupancy, but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

**Height**

means, with reference to a *building*, the vertical distance measured from the *average finished grade* level ~~at the front elevation~~ of such *building* to:

- a) in the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is the greater, and
- b) in the case of a pitched roof, ~~a point midway between the eaves and the ridge~~ **the top of the ridge,**

but in calculating the *height* of a *building*, any construction *used* as ornament or for the mechanical operation of the *building*, such as a mechanical penthouse, or a chimney, tower, cupola or steeple, is not to be included.

**High Aquifer Vulnerability**

means areas of groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

**Home Industry**

means a small scale *use*, providing a service primarily to the rural or farming community and which is accessory to a *single detached dwelling* or agriculture operation and performed by one or more residents of the household on the same property **and shall not permit employees**. A *home industry* may be conducted in whole or in part in an *accessory building* and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop or blacksmith's shop, etc., but does not include an auto repair or paint shop, or furniture stripping.

**Home Occupation**

means an occupation, which provides a service as an *accessory use* within a *single detached dwelling* or in an addition to the *dwelling* or in an *accessory building*, performed by one or more residents of the household on the same property **and shall not permit employees**. Such occupations may include services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser, desk top publisher or word processor, computer processing provider, teacher or day care provider.

**Intensive Animal Operation**

means the *use* of land, *buildings* or *structures* for the raising of fowl or animals where the number of *animal units*, housed or marketed per year (whichever is greater), exceeds 2.5 *animal unit* for each hectare of land *used* for such purpose.

**Kennel**

means a *building, structure* or premises or any part thereof in which domesticated animals are raised or kept for profit, gain or show, and shall also include a boarding or grooming *kennel* and an animal shelter run by the *Township* or a related organization.

**Landscaping Area**

means an area not built upon and not *used* for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and paths, walks, patios, fences and similar appurtenances, but does not include *parking spaces, parking lots, driveways, or ramps*.

**Legal Non-Conforming**

means an *existing use* or *building* which is not permitted in the zone or does not meet the regulations of the zone in which it is located and which legally existed prior to the change in the zoning by-law.

**Loading Space**

means an area provided for the temporary parking of one *commercial vehicle* while merchandise or materials are being loaded or unloaded from such vehicle.

**Lot**

means a parcel or tract of land:

- a) which
  - i) is a whole *lot* as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not

**Lot, Corner**

means a *lot* situated at the intersection of 2 or more *streets* or upon 2 parts of the same *street* having an interior angle of intersection not exceeding 135 degrees.

**Lot Coverage**

means:

- a) that percentage of the *lot area* covered by all *buildings* above ground level, but
- b) does not include that portion of the *lot area* which is occupied by a *building* or portion thereof which is completely below ground level, **uncovered decks, uncovered porches, pergolas, ornamental structures such as mailboxes or birdhouses and outdoor swimming pools;**
- c) the *lot coverage* in each zone applies and shall be deemed to apply to only that portion of such *lot* that is located within said zone; and
- d) the portion of a lot in a Hazard Overlay Zone shall be included in the calculation of lot coverage. However, in the case of a lot abutting Lake Erie, regardless of the location of any Hazard Overlay Zone, the lot area used in the calculation of the *lot coverage* shall be exclusive of any portion of the lot on the waterside **of any shorewall, or alternately where no shorewall exists, of the dynamic beach hazard.**

**Lot Frontage**

means the horizontal distance between the *side lot lines* measured along the *front lot line*, but where the *front lot line* is not a straight line or where the *side lot lines* are not parallel, the *lot frontage* is to be measured by a line 9 metres back from and parallel to the chord of the *lot frontage*, and for the purpose of this paragraph, the chord of the *lot frontage* is a straight line joining the two (2) points where the *side lot lines* intersect the *front lot line*.

**Lot, Interior**

means a *lot* other than a *corner lot*.

**Lot Line**

means any boundary of a *lot*.

**Lot Line, Front**

means:

- a) the *lot line* that divides the *lot* from the *street*, but

- 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.

**Portable Asphalt Plant**

means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material which:

- a) includes stockpiling and storage of bulk materials used in the process; and
- b) is not of permanent construction, but is designed to be dismantled and moved to another location as required.

**Private Club**

means a *building* or part of a *building used* as a meeting place for members of an organization including an athletic, social or recreational club, a lodge, a fraternity, a sorority house, a labour union hall or other similar organization but shall not provide for *residential uses*.

**Residential**

means the *use* of land, *buildings* or *structures* for human habitation.

**Resort**

means a commercial establishment that operates throughout all or part of the year, that has facilities for serving meals including indoor/outdoor dining facilities and may include overnight accommodation in guest rooms or guest suites for the travelling public and may include facilities such as conference facilities and meeting rooms, swimming pools, saunas, spas, tennis courts and other similar recreational activities.

**Restaurant**

means an establishment where food is offered for sale or sold to the public for immediate consumption either within the *building* or elsewhere. This definition may include a licensed dining room, cafe, cafeteria, lunch counter, tea room, coffee shop, drive-in *restaurant* and chip wagon.

**Retail Store**

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

**Salvage Yard**

means a *lot, building, or structure used* for wrecking, dismantling, storing or selling *used* goods, wares or materials.

**Street**

means a right-of-way owned by a public authority and which has been opened, improved, maintained and assumed for public *use* and for the purposes of this By-law does not include a lane or any *private street*.

**Street Line**

means any *lot line* that divides a *lot* from a *street*.

**Structure**

means anything that is *erected*, built or constructed of parts joined together and attached or fixed permanently to the ground or any other *structure* but a *structure* shall not include a light standard, sign or a fence.

**Sustainable Private Services**

means a sewage disposal system, other than a holding tank, that is designed and constructed in accordance with the Building Code Act.

**Tavern/bar/pub**

means an establishment which supplies alcoholic drinks and may provide food and entertainment and contains a walk-up bar or counter where patrons may order, obtain and pay for food and alcoholic drinks.

**Temporary Tent**

means a collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used as a temporary building.

**Trailer or Motor Home**

means any vehicle *used* or intended for the temporary living, sleeping or eating accommodation of persons therein, and shall not be occupied continuously as a principal residence and is constructed so 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.

**Trailer Park**

means any land in or upon which any *trailer or motor home* is *used* or intended to be *used* for temporary human habitation.

**Trailer Site**

means an area of land within a *trailer park* that is or is intended to be occupied by one (1) *trailer or motor home*, or similar vehicle within the meaning of a *trailer or motor home* with adequate access to a driveway, *private street* or a *street*, and, for the purpose of this By-law

- i) any *buildings* or *structures* shall be in substantial compliance with the relevant provisions of this By-law;
  - ii) any *building*, *structure* or *use* shall not adversely affect the character or amenity of the neighbourhood in which it is located; and
  - iii) the *use* is not industrial in nature, such as a public works *yard*.
- b) Nothing in this By-law shall prevent the *use* of any land for the *erection* of *buildings* or *structures*, or the installation of other facilities essential to the operation of water works, *street* lighting, cable and telephone lines, railways, and works for the transmission of gas, oil, water or electrical power or energy, provided that any such *use*, *building* or *structure*
- i) shall be in substantial compliance with the relevant provisions of this By-law and
  - ii) shall not adversely affect the character or amenity of the neighbourhood in which it is located.
- c) Nothing in this By-law shall prevent the *erection* of any properly authorized traffic *sign* or signal, or any *sign* or notice of any local or other government department of authority.

#### 4.3 Temporary Uses

- a) Nothing in this By-law shall prevent the *use* of any land, or the *erection* or *use* of any temporary *building* or *structure* for a construction camp, work camp, tool shed, scaffold or other temporary *building* or *structure* incidental to and necessary for construction work on the premises for which a building permit has been issued and not expired, but only for so long as such *use*, *building* or *structure* is necessary for such construction work which has not been finished or abandoned.
- b) Nothing in this By-law shall prevent the *use* of a *mobile home*, *motor home* or *trailer* for the temporary accommodation of the residents of a *lot* in the case of complete or partial destruction of a *dwelling* by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by the order of the Township of Wainfleet, the Regional Municipality of Niagara or other authority, for safety, health or sanitation requirements in an Agricultural Transition “A1” Zone, Agricultural “A2” Zone, Specialty Crop Zone “A3” or Rural Zone “A4” for a period of time not to exceed 18 months.
- c) Nothing in this By-law shall prevent the use of a *temporary tent* for a special event in any zone provided that:



- i) a building permit is obtained from the Township, where applicable;
- ii) the duration of the use and installation of the *temporary tent* is not more than 7 days; and
- iii) the temporary tent location does not interfere with any sightlines or daylight triangles for any adjacent *streets*.

#### 4.4 Uses Prohibited in all Zones

- a) Sites for the treatment and disposal of liquid waste, hazardous waste or any other waste which requires special treatment shall be prohibited.
- b) No *use* shall be permitted which from its nature or the materials *used* therein is a *noxious use*.

#### 4.5 Human Habitation

Notwithstanding anything contained in this By-law, no truck, bus, coach, street car body or *structure* of any kind, whether or not the same is mounted on wheels, a foundation or other form of mounting, shall be *used* for human habitation other than a *dwelling unit*, a *mobile home*, or a *trailer or motor home* used in accordance with this By-law.

#### 4.6 Multiple Uses on a Lot

Notwithstanding anything contained in this By-law,

- a) where any land, *building* or *structure* is *used* for more than one purpose, all provisions of this By-law relating to each *use* shall be complied with; and
- b) in no case shall a *dwelling* be located within 3 metres of any other *building* on the *lot* except a *building* accessory to such *dwelling*.

#### 4.7 Residential Uses

- a) Except as otherwise specifically permitted in this By-law, no person shall *erect* or *use* any *building* as a *dwelling* on a *lot* where another *dwelling* already exists, is in construction, or for which a *building* permit has been issued.
- b) Notwithstanding anything contained in this By-law, no person shall *use* or occupy any *dwelling* or *building* for *residential* purposes:
  - i) unless such *building* has been completed and finished in all respects in accordance with the plans and specifications filed upon application for the *building* permit; and

#### 4.14 Minimum Distance Separation (M.D.S.) formulae

- a) Notwithstanding the *building setback* and minimum *yard* requirements of any zone, the requirements of M.D.S. Formula 1 and M.D.S. Formula 2, as updated from time to time, shall prevail.
- b) The minimum acceptable separation distance shall be the distance determined in the application of M.D.S. Formula 1 or M.D.S. Formula 2.
- c) This section shall not apply to prevent the expansion of a livestock barn or structure which is restricted by a *dwelling* on an adjoining *lot* which *dwelling* forms a part of the same *farm operation* as the expanding livestock barn or structure.
- d) Any *setback* distance required from farm and non-farm *buildings* by M.D.S. Formula 1 or M.D.S. Formula 2 shall also apply from farm and non-farm *buildings* in adjacent municipalities.

#### 4.15 Supplementary Setbacks from Any Drainage Works

Notwithstanding any other provisions of this By-law, a minimum *setback* of ~~11~~ 15 metres shall be provided from any *drainage works* to permit the maintenance of said *drainage works*.

#### 4.16 Provisions for Home Occupations

A *home occupation* shall be permitted as an *accessory use* to any *single detached dwelling* permitted by this By-law, in accordance with the following:

- a) The *home occupation* is clearly secondary to the *use* of the *dwelling unit* as a private residence and shall be smaller than or equal to 25% of the of the *dwelling gross floor area*;
- b) Outdoor storage and display of **commercial vehicles, equipment**, goods and materials or products shall be prohibited;
- c) The *home occupation* does not change the character of the *dwelling unit* as a private residence;
- d) The *home occupation* does not create or become a public nuisance, in particular in respect to noise, traffic or parking; and
- e) A maximum of one non-illuminated *sign* per home occupation is permitted provided that it is:
  - i) a maximum area of 0.36 square metres;

- ii) attached to the dwelling or as a stand alone *sign* with a maximum height above the ground of 1.2 metres;
- iii) not located in a *visibility triangle*; and
- iv) no closer than 1 metre to any lot line.

#### 4.17 Provisions for Home Industries

A *home industry* shall be permitted as an *accessory use* in Agricultural and Rural Zones, subject to the provision of Section 6 and in accordance with the following:

- a) The *home industry* shall be located in an *accessory building* that is located as close to the *existing dwellings* and *agricultural buildings* as possible and that is accessed by the same driveway as the *dwelling* or farm;
- b) The *gross floor area* of a *home industry* shall be a maximum 50% of the *ground floor area* of the principal *dwelling* on *lots* less than 0.4 hectare and a maximum of 500 square metres of *lots* greater than 0.4 hectares;
- c) Outdoor storage and display of **commercial vehicles, equipment**, goods and materials or products shall be prohibited;
- d) The *home industry* is compatible with and does not hinder surrounding *agricultural uses*;
- e) The *home industry* is only permitted if it can be sufficiently supported by water supply and sewage disposal facilities;
- f) The *home industry* shall be subject to site plan control; and
- g) A maximum of one non-illuminated *sign* per home industry is permitted provided that it is:
  - i) a maximum area of 0.36 square metres;
  - ii) attached to a building or as a stand alone *sign* with a maximum height above the ground of 1.2 metres;
  - iii) not located in a *visibility triangle*; and
  - iv) no closer than 1 metre to any lot line.

#### 4.18 Farm Help-House

A *farm help-house* shall be permitted as an *accessory use* in Agricultural and Rural Zones, subject to the provision of Section 6 and in accordance with the following:

- a) The *farm help-house* is for seasonal employees and does not serve as a principal place of residence of the occupants;
- b) The *farm help-house* is only permitted if it can be sufficiently supported by water supply and sewage disposal facilities,
- c) The location of the *farm help-house* does not have a significant effect on the tillable area of the farm or its viability and is located as close to the *existing dwellings* and agricultural *buildings* as possible; and
- d) The *farm help-house* shall be subject to the yard and setback provisions of Section 6.2.1.

#### 4.19 Group Homes

A licensed *group home* and /or *group home* approved under Provincial Statute shall be permitted, with a maximum of six residents exclusive of staff, within any *residential* zone in accordance with the following:

- a) Only *group homes* of the following categories shall be permitted:
  - Approved group homes;
  - Homes for special care
  - Supportive housing programs;
  - Accommodation for adult mental health programs
  - Accommodation services for individuals with a development disability;
  - Satellite residences for seniors; and
  - Homes for individuals who have physical disabilities when the Province licenses, funds or approved such a group home program.

#### 4.20 Secondary Suites

A *secondary suite* shall be permitted within a *single detached* or *semi-detached dwelling* or within an *accessory building* on a *lot* containing a *single detached* or *semi-detached dwelling* in any zone where *single detached* and *semi-detached dwellings* are permitted provided that the other requirements of the applicable zone are adhered to and subject to the following:

- a) Only one *secondary suite* per *single detached dwelling* or *semi-detached dwelling* is permitted;
- b) The unit is clearly subordinate to the primary *residential* unit in the *dwellings*;

- ~~c) The exterior appearance of the *dwelling* is unaltered to accommodate the unit; and~~
- c) All relevant requirements of the Ontario Building Code and Fire Code are complied with.
- d) The *secondary suite* shall have a maximum of 3 bedrooms;
- e) Where a *secondary suite* is within a *single detached dwelling* or *semi-detached dwelling*, the *secondary suite* shall not exceed 40% of the *gross floor area* of the *primary residential unit* in the *dwelling*;
- f) Where a *secondary suite* is within an *accessory building* and is located entirely on the ground floor of an *accessory building*, the *secondary suite* shall not exceed 40% of the *ground floor area* of the *accessory building*;
- g) Where a *secondary suite* is within an *accessory building* and is located entirely on the second storey of an *accessory building*, the *secondary suite* shall not exceed 100% of the *ground floor area* of the *accessory building*, exclusive of any stairway servicing the *secondary suite*;
- h) Access to the *secondary suite* shall be provided from the same driveway that provides access to the *primary dwelling* on the *lot*.

#### 4.21 Accessory Buildings

*Accessory buildings* shall be permitted in any zone in accordance with the following:

- a) No *accessory building* shall be *erected* prior to the *erection* of the permitted *dwelling* or *principal building* on the same *lot* except where it is necessary for the storage of tools and materials for *use* in connection with the construction of such *dwelling* or *building* and no *accessory building* shall be *used* prior to the *erection* of such *dwelling* or *building* for any purpose other than such storage.
- b) The regulations governing the location of any *accessory building* in relation to a *lot line* shall not apply to prevent the *erection* or *use* of a jointly-owned double garage which services two *dwellings* whose common *lot line* shall be the dividing line of such garage.
- c) No *accessory building* shall be located in the *front yard* or *side yards* of Commercial Zones "C1" or "C2".
- d) In no case shall any overhang, eaves or gutter project more than 0.3 metres into any required minimum *yard*.

- e) *Accessory buildings* shall be set back from main *buildings* by a minimum distance of 3 metres in Commercial Zones and 1.5 metres in all other zones provided that in no case shall any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky.
- f) The size and placement of *accessory buildings*, including *garden suites*, are subject to the provisions outlined in Table 2:
- g) Notwithstanding subsections (a) through (f) inclusive, where the accessory building is located within the Hazard Overlay Zone, the Niagara Peninsula Conservation Authority regulations shall apply.
- h) Notwithstanding any other provision of this by-law, a private garage may be permitted in the front yard of any lakefront or riverfront lot with a minimum front yard of 7.5 metres.

Table 2: Accessory Building Requirements

Zone	Max. Lot Coverage <sup>(1)</sup>	Min. Setback from Front Lot Line	Min. Setback from Exterior Side lot line	Min. Setback from Interior Side Lot Line	Min. Setback from Rear Lot Line	Maximum Height
Agricultural and Rural Zones (A1, A2, A3, A4)	5% for lots greater than 1ha in size  For lots less than 1ha in size, the lesser of 2.5% or 100m <sup>2</sup> <del>(1)</del> 4%	12 m.	12 m.	2 m.	2 m.	5 m. 8m.
Residential Hamlet (RH)	The lesser of 2.5% or 100 m <sup>2</sup> <del>(2)</del> 4%	15 m.	15 m.	2 m.	2 m.	5 m. 6.5m <sup>(2)</sup>
Residential Lakeshore (RLS)	The lesser of 2.5% or 100 m <sup>2</sup> <del>(2)</del> 4%	6 m.	6 m.	1 m.	1 m.	5 m. 6.5m <sup>(2)</sup>
Commercial Zones (C1, C2, C3)	The lesser of 5% or 100 m <sup>2</sup> <del>(3)</del> 5%	Greater than the front yard setback of the principal building on a lot	6 m.	0.6 m. or 3 m. abutting a Residential Zone	0.6 m. or 3 m. abutting a Residential Zone	5 m. 8 m.
Industrial Zones (M1, M2)	5%	Greater than the front yard setback of the principal building on a lot	6 m.	0.6 m. or 3 m. abutting a Residential Zone	0.6 m. or 3 m. abutting a Residential Zone	8 m.

**Note:**

- (1) ~~The coverage for the accessory building and other buildings must also conform to the overall lot coverage requirement in Table 6.~~ **The lot coverage for the accessory building and other buildings must also conform to the overall lot coverage requirements for the respective zone, as identified in Table 6, Table 10, Table 14 and Table 18.**
- (2) ~~The coverage for the accessory building and other buildings must also conform to the overall lot coverage requirement in Table 10.~~ **Where a secondary suite is located on the second storey of an accessory building within the Residential Hamlet (RH) and Residential Lakeshore (RLS) zones, the maximum height shall be 8m.**

~~(3) — The *coverage* for the *accessory building* and other buildings must also conform to the overall *lot coverage* requirement in Table 14.~~



<i>Motel and Hotels</i>	1 space for each suite or bedroom plus required parking for any <i>restaurant</i> .
Municipal office, municipal operations centres, fire halls, libraries	Sufficient number to accommodate the employees of and the visitors to such use.
Physician's or dentist's <i>office</i> in private residence or <i>medical and dental clinics</i>	4 spaces for each physician or dentist using the residence or clinic.
Places of assembly such as halls, lodges, labour union halls, dance halls, community centres and other places of public assembly	1 space for each 10 square meters of <i>gross floor area</i>
<i>Places of worship</i>	1 space for each 8 seating spaces.
Post offices, museums, art galleries and libraries	1 space for each 46 square metres of <i>gross floor area</i> except for storage space not accessible to the public which shall be 1 space for each 190 square metres.
Private or <i>commercial clubs</i> , athletic and recreational establishments	1 space for every 10 square meters of <i>gross floor area</i>
Public or private hospitals, <i>nursing homes</i>	The greater of 1 space for each 93 square metres of <i>gross floor area</i> , or 1 space for each 4 beds plus one space per 4 employees which ever is the greater.
<i>Residential use</i> (including any <i>dwelling</i> or <i>mobile home</i> in any zone)	<ul style="list-style-type: none"> <li>- 2 spaces for each <i>single detached dwelling</i>, semi detached <i>dwelling</i> or <i>duplex dwelling</i>,</li> <li>- 1.5 spaces for each apartment <i>dwelling unit</i></li> <li>- 1.5 spaces for each <i>converted dwelling unit</i></li> <li>- 1 space per <i>mobile home</i> unit</li> <li>- 1 space for each <i>dwelling unit</i> in a Commercial Zone, in addition to parking required for the primary use</li> </ul>
<i>Restaurants</i> , taverns and eating establishments	<p>1 space for each 4.5 square meters or of <i>gross floor area</i> with a minimum of 10 spaces</p> <p>1 space for each 30 square meters of <i>gross floor area</i> for take-out and drive through <i>restaurants</i></p>
Retail lumber and <i>building</i> supplies outlets	1 space for each 28 square metres of <i>gross floor area</i> used for retailing of goods and 1 space for each 28 square metres of <i>gross floor area</i> used for storage or warehousing
<i>Schools</i>	1.25 spaces for each classroom

- iv) on a *corner lot*, no entrance or exit shall be located within 15 meters of the point of intersection of the intersecting *street lines* of such *lot*.

### 5.9 Additions to existing buildings with legal non-conforming parking

In the case of expansion of a *building* or *structure* that legally does not meet the parking requirements, the parking standards related to the expansion must be adhered to, but the parking deficiency of the original *building* or *structure* does not have to be corrected and can remain *legal non-conforming*.

### 5.10 Part Spaces

Where *parking spaces* are calculated by *gross floor area*, or similar calculation, and the required parking is a fraction, the number of *parking spaces* shall be rounded up to the nearest whole number.

### 5.11 Accessible Parking

Accessible *parking spaces* shall:

- a) have a minimum width of 3.7 metres and a minimum length of 6 metres;
- b) be located on level ground readily accessible to the *building* entrance served by the *parking spaces*; and,
- c) be clearly identified and reserved for the exclusive *use* of those holding an Accessible Parking Permit.

### 5.12 Off-Street Loading requirements

- a) For every *building* or *structure* to be *erected* for, altered for, or its *use* converted to a *commercial* or industrial *use*, involving the frequent shipping, loading or unloading of persons, animals, goods, wares or merchandise, off-street *loading spaces* shall be provided and maintained upon the same *lot* on which the principal *use* is located and in accordance with Table 4

**Table 4: Loading Requirements**

Loading Requirements	
Gross floor area	Minimum Requirement
<i>Commercial Uses</i>	
≅ 200 square metres	No <i>loading spaces</i> required
201-1,000 square metres	1 <i>loading space</i>

>1,000 square metres	2 <i>loading spaces</i> plus 1 additional <i>loading space</i> for each 1,400 square metres or part thereof in excess of 1,000 square metres.
<b>Institutional Uses</b>	
<500 square metres	No <i>loading spaces</i> required
500-2,500 square metres	1 <i>loading space</i>
2,500-10,000 square metres	2 <i>loading spaces</i>
>10,000 square metres	2 <i>loading spaces</i> plus 1 additional <i>loading space</i> for each 10,000 square metres of total <i>gross floor area</i> or part thereof in excess of 10,000 square metres
<b>Industrial Uses</b>	
<200 <del>500</del> square metres	No <i>loading spaces</i> required
500-1,000 <del>2,500</del> square metres	1 <i>loading space</i>
2,501-10,000 square metres	2 <i>loading spaces</i>
>1,000-10,000 square metres	2 <i>loading spaces</i> plus 1 additional <i>loading space</i> for each 1,400 <del>10,000</del> square metres of <i>total gross floor area</i> or part thereof in excess of 1,000 <del>10,000</del> square metres

- b) Any required off-street *loading space* shall:
- i) not be used for the purpose of offering commodities for sale or display;
  - ii) provide for the temporary parking of one *commercial vehicle*;
  - iii) be not less than 3.5 metres in width nor less than 9 metres in length, nor less than 4.5 metres in clear and unobstructed *height*, exclusive of any land *used* for access, manoeuvring, driveway or a similar purpose;
  - iv) not be upon or partly upon any *street*, land or alley; and,
  - v) have adequate access to permit ingress and egress of a *commercial vehicle* from a *street* by means of driveways, aisles, manoeuvring areas or similar areas, no part of which access is to be *used* for the temporary parking or storage of any motor vehicle.

### 5.13 Parking and Loading Facilities

- a) Any *parking lot*, *parking space*, *loading space*, driveway, manoeuvring area or aisle that is required or permitted according to the provisions of this By-law for any *use* in any zone, other than parking facilities for a *single detached dwelling* or for any *agricultural use*, shall be provided and maintained with a gravel or paved surface and adequate drainage facilities.
- b) All parking facilities that are required to be provided or permitted according to the provisions of this By-law for any *use* in any zone, other than parking facilities

for a *single detached dwelling*, or for a *semi-detached dwelling*, or for a *converted dwelling*, or for any *agricultural use*, shall be provided with suitable lighting facilities which shall be so installed and maintained as to ensure that the light is deflected away from all *streets* and nearby Residential Zones or *lots used for residential purposes*.

## 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
<del><i>Medical Marijuana Facility</i></del> <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**

<b>Uses</b>	<b>Min. Lot Area</b>	<b>Max. Lot Coverage</b>	<b>Min. Lot Frontage</b>	<b>Min. Front Yard</b>	<b>Min. Exterior Side yard</b>	<b>Min. Interior Side yard</b>	<b>Min. Rear Yard</b>	<b>Max. Height</b>
<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 <sup>(1)</sup>	<del>7%</del> 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.	<del>9 m.</del> 12 m.

<b>Uses</b>	<b>Min. Lot Area</b>	<b>Max. Lot Coverage</b>	<b>Min. Lot Frontage</b>	<b>Min. Front Yard</b>	<b>Min. Exterior Side yard</b>	<b>Min. Interior Side yard</b>	<b>Min. Rear Yard</b>	<b>Max. Height</b>
<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 m<sup>2</sup>.

**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.

## 7.2 Lot, Building and Structure Requirements

**7.2.1** The regulations applicable to each of the Residential Hamlet (RH) and Residential Lakeshore (RLS) Zones are set out in Table 10 with additional requirements applying to specific *uses* in Section 7.2.2.

**Table 10: Regulations applying to Residential 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
All <i>uses</i> permitted in an RLS Zone	1 ha. (1)	Refer to 7.2.2.1	46 m.	15 m.	15 m.	3 m.	15 m.	<del>9 m.</del> 12 m.
All <i>uses</i> permitted in an RLS Zone where the an <i>existing lot of record</i> is less than 4,000 m <sup>2</sup>	<i>As existing</i>	Refer to 7.2.2.1	<i>As existing</i>	9 m.	9 m.	1.5 m.	10 m.	<del>9 m.</del> 12 m.
All <i>uses</i> permitted in an RH zone	1 ha. (1)	10 %	46 m.	15 m.	15 m.	3 m.	15 m.	<del>9 m.</del> 12 m.

**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 m<sup>2</sup>

## 8.2 Lot, Building and Structure Requirements

8.2.1 The regulations applicable to *uses* permitted in the Hamlet Commercial (C1), Tourist Commercial (C2) and Resort Recreational Commercial (C3) Zones are set out in Table 14 and additional requirements applying to specific *uses* are outlined in Section 8.2.2.

**Table 14: Regulations Applying to Commercial Zones**

<b>Uses</b>	<b>Min. Lot Area</b>	<b>Max. Lot Coverage</b>	<b>Min. Lot Frontage</b>	<b>Min. Front Yard</b>	<b>Min. Exterior Side yard</b>	<b>Min. Interior Side yard</b>	<b>Min. Rear Yard</b>	<b>Max. Height</b>
<i>Uses</i> permitted in the C1 Zone, not otherwise listed below	4,000 m <sup>2</sup>	25 %	46 m.	3 m.	6 m.	1.8 m. except 5 m. abutting a Residential Zone	7.5 m. except 14 m. abutting a Residential Zone	<del>40.5 m.</del> 13 m.
<i>Uses</i> permitted in the C2 Zone not otherwise listed below	4,000 m <sup>2</sup>	25 %	46 m.	3 m.	12 m.	5 m.	7.5 m. except 14 m. abutting a Residential Zone	<del>40.5 m.</del> 13 m.
<i>Uses</i> permitted in the C3 Zone not otherwise listed below	4,000 m <sup>2</sup>	10%	46 m.	12 m.	12 m.	5 m.	7.5 m. except 14 m. abutting a Residential Zone	<del>40.5 m.</del> 13 m.
<i>Automotive service stations/gas bars</i>	4,000 m <sup>2</sup>	25%	46 m.	- 9 m. - 7.5 m. for gas bar kiosk	15 m.	7.5 m.	7.5 m. except 14 m. abutting a Residential Zone	<del>40.5 m.</del> 13 m.
<i>Seasonal trailer parks</i>	8,000 m <sup>2</sup>	20%	60 m.	12 m.	12 m.	7.5 m.	12 m.	<del>4.5 m.</del> 6 m.

**9.2 Lot, Building and Structure Requirements**

9.2.1 The regulations applicable to *uses* permitted in the Industrial (M1) and Extractive Industrial (M2) Zones are set out in Table 18 and additional requirements applying to specific *uses* are outlined in Section 9.2.2.

**Table 18: Regulations Applying to Industrial Zones**

<b>Uses</b>	<b>Min. Lot Area</b>	<b>Max. Lot Coverage</b>	<b>Min. Lot Frontage</b>	<b>Min. Front Yard</b>	<b>Min. Exterior Side yard</b>	<b>Min. Interior Side yard</b>	<b>Min. Rear Yard</b>	<b>Max. Height</b>
Uses permitted in the M1 Zone not otherwise listed below	4,000 m <sup>2</sup>	30%	46 m.	15 m.	10 m.	7.5 m. except 10 m. abutting a Residential Zone	7.5 m. except 15 m. abutting a Residential Zone abutting a railway right-of-way or siding	<del>40.5 m.</del> 17 m.
<i>Kennels</i>	10 hectare	10%	180 m.	150 m.	150 m.	75 m. except 150 m. abutting a <i>Dwelling</i> or Institutional use on another lot or parcel	75 m. except 150 m. abutting a <i>Dwelling</i> or Institutional use on another lot or parcel	<del>40.5 m.</del> 13 m.
<i>Uses permitted in the M2 Zone</i> <i>Building or Structure, excluding fence</i>	NR	NR	NR	- 30 m. from lot line - 90 m. from occupied <i>dwelling</i> or Residential Zone				NR
Excavation	NR	NR	NR	- 15 m - 30 m. from any <i>street</i> , occupied <i>dwelling</i> or Residential Zone				NR

NR = No requirement

**10.0 INSTITUTIONAL ZONE****10.1 Permitted Uses**

The *uses* permitted in the Institutional (I) Zone are identified in Table 21 through symbols under the column related to the zone. Where a “Q” is shown in the column under a zone, a qualification applies to a permitted *use* as described following Table 21.

**Table 21: Permitted Uses in the Institutional Zone**

<b>Use</b>	<b>I</b>
<i>Places of worship, Monastery, Convent</i>	✓
<i>Schools</i>	✓
<i>Day nurseries</i>	✓
<i>Nursing home,</i>	✓
Children’s home	✓
Hospitals	✓
Municipal offices	✓
Municipal arena	✓
Municipal community centre	✓
Municipal operations centre	✓
Training school	✓
Libraries	✓
Post offices	✓
Police stations	✓
Fire halls	✓
Weigh-scales and fruit and vegetable inspection stations	✓
Water and sewage treatment, pumping and storage facilities	Q1
<i>Dwellings existing prior to the passing of this by-law</i>	✓

✓ Permitted *use*

Q1 Water and sewage treatment, pumping and storage facilities shall be carried out by or on behalf of a Municipal, Provincial, or Federal Government or Utility Agency.

**12.2 Lot, Building and Structure Requirements**

12.2.1 The regulations applicable to *uses* permitted in the Mobile Park (MHP) Zone are set out in Table 30 and additional requirements applying to specific *uses* are outlined in Section 12.2.2.

**Table 30: Regulations applying to the Mobile Home Park Zone**

<b>Uses</b>	<b>Min. Lot Area</b>	<b>Max. Lot Coverage</b>	<b>Min. Lot Frontage</b>	<b>Min. Front Yard</b>	<b>Min. Exterior Side Yard</b>	<b>Min. Interior Side yard</b>	<b>Min. Rear Yard</b>	<b>Min. Floor Area</b>
<i>Mobile home park</i>	2 hectares	NA	60 m.	15 m.	15 m.	7.5 m. except 15 m. adjacent to a Residential Zone	7.5 m. except 15 m. adjacent to a Residential Zone	NA
<i>Mobile home site</i>	see Section 12.2.2.1	NA	12 m.	5 m.	1 m. on one side, 3.5 m. on the other		7.5 m.	65 m <sup>2</sup>
<b>Convenience retail store</b>	<b>2 hectares</b>	<b>5%</b>	<b>60 m.</b>	<b>15 m.</b>	<b>15 m.</b>	<b>7.5 m. except 15 m. adjacent to a Residential Zone</b>	<b>7.5 m. except 15 m. adjacent to a Residential Zone</b>	<b>NA</b>

## 15.0 MAPS