



**Town of Kingsville  
Comprehensive Zoning  
By-law 1-2014, As Amended**

Approved by Council – April 28, 2014  
Consolidated as of January 11, 2016  
As Amended – February 8, 2016  
Consolidated as of January 4, 2019  
Consolidated as of April 6, 2020  
Consolidated as of March 6, 2023

## PREAMBLE

This **Preamble** section of the Comprehensive Zoning By-law (CZBL) is not part of the CZBL but has been included to assist you in using the document. The following information is a 'guide' to using the document as well as the supporting mapping known as Schedule A.

Should you need assistance, do not hesitate to contact the Town of Kingsville Planning and *Development* Services Department (*Building* and Planning). The Planning and *Development* Services Department is available to assist in providing the most up to date regulations, zoning provisions and mapping.

### I) OFFICIAL PLAN

The Official Plan is a policy document that provides Council and Administration direction on how land should be *used* within the *Corporation* of the Town of Kingsville (the *Corporation*). These policies also provide direction on where new *development* should be located, how new *development* should be processed, and what studies and information are *required* for new *development*.

### II) PURPOSE OF THE COMPREHENSIVE ZONING BY-LAW

Once the Official Plan policies are in place for a municipality, it is very important to have rules and regulations in place for the *use* of all the lands in the *Corporation*. Once the Official Plan policies are set, the Comprehensive Zoning By-law must fit and give the same direction provided by the policies of the Official Plan.

In 2012, Council approved an Official Plan that merged together policies of the Official Plans of the former Gosfield North, Gosfield South and the Town of Kingsville into one new Official Plan for the amalgamated *Corporation*. The Comprehensive Zoning By-law must co-ordinate with the new Official Plan and fit (conform) to the new policies of the Official Plan.

The new Comprehensive Zoning By-law must be consistent with policies of the Provincial Policy Statement (PPS). The PPS recognizes that the wise management of *development* *may* involve directing, promoting or sustaining growth. Land *use* must be carefully managed to accommodate appropriate *development* to meet the full range of current and future needs, while achieving efficient *development* patterns. eg. Policies such as the protection of natural features such as rivers and river banks become regulations (laws) found in the new CZBL under the regulations of the Natural Environment (NE) Zone.

Section 34 of *The Planning Act* specifies that a CZBL:

1. Prohibit the *use* of land or *buildings* for any *use* that is not specifically *permitted* by the By-law;
2. Prohibit the *erection* or siting of *buildings* and *structures* on a *lot* except in locations *permitted* by the By-law;
3. Regulate the type of *construction* and the *height*, bulk, location, size, *floor area*, spacing, and *use* of *buildings* or *structures*;

4. Regulate the *minimum* frontage and depth of a parcel of land;
5. Regulate the proportion of a *lot* that any *building* or *structure* *may* occupy;
6. Regulate the *minimum* elevation of doors, windows or other *openings* in *buildings* or *structures*;
7. Require parking and loading facilities be provided and maintained for a purpose *permitted* by the By-law; and,
8. *Prohibit* the *use* of lands and the *erection* of *buildings* or *structures* on land that is:
  - Subject to flooding;
  - The site of steep slopes;
  - Rocky, low-lying, marshy or unstable;
  - Contaminated;
  - A sensitive groundwater recharge area or head water area;
  - The location of a sensitive aquifer;
  - A *significant* wildlife habitat area, *wetland*, woodland, ravine, valley or area of natural and scientific interest;
  - A *significant* corridor or shoreline of a lake, river or stream;
  - A *significant* natural corridor, feature or area; or, the site of a *significant* archaeological resource.

### III) HOW TO USE THIS CZBL

#### 1. Locate your property on the Maps

In a Zoning By-law, there are maps called 'Schedules'. The first step to using this By-law is to refer to the *Zone* schedules that are contained at the back of the By-law to determine which of the *Zone* category or categories apply to your property. The *Zone* category will be indicated on the schedules by a symbol or abbreviation. For example, you *may* see a symbol such as "R1.1" that is shown on your property. This would indicate that your property is within the 'Residential (R1) Zone'.

#### 2. What are the Permitted Uses?

The next step to using this By-law is to determine what *uses* are *permitted* on your property. Sections 6.0, through 11.0 of the By-law identify the *permitted* *uses* for each *Zone* in the *Corporation*. The definitions in Section 3.0 (Definitions) can assist you if you are not sure of the nature of a *use* or how it has been defined for the purposes of this By-law. Words that are defined in Section 3.0 are italicized throughout the By-law. If a word is not italicized, it is not specifically defined. *Uses* that are not identified as *permitted uses* within a particular *Zone* are not *permitted* in that specific *Zone*.

#### 3. Regulations (Rules):

The next step is to determine what regulations (rules) *may* apply to the *uses* allowed on your property. Sections 6.0 through 11.0 of the By-law identify the standards for each *Zone* including *minimum lot area*, *minimum frontage*, *minimum yards*, *maximum lot coverage* for *buildings*, and the *maximum permitted height* of *buildings*.

Now that you are aware of the *uses permitted* on your property (2. above) and

the specific *Zone* Standards that apply to those uses, reference should be made to Section 4.0 (General Provisions) of this By-law. Section 4.0 contains a more generic set of standards known as 'General Provisions' that apply to all properties in all *Zones* throughout the *Corporation*. For example, the general provisions contain standards that regulate the *construction of accessory structures*, *height* exceptions and *non-conforming/non-complying uses* that apply to all properties regardless of where in the *Corporation* a property is located. Section 5.0 (Parking and Loading) provides the parking and loading requirements for all *permitted uses* in the *Corporation*. If you are considering changing the *use* of your property or adding a new *use* to your property, you should review Section 5.0 to ensure that you are aware of the parking requirements for the proposed *use*.

4. **Exceptions, Site-specific by-laws, Holding Zones:**

The *Zone* symbols or abbreviations are identified on the first page of Section 2.9 (Establishment of *Zones*) of the By-law. Site specific by-laws relating to a property are typically shown using a dash in the number shown on the property: 'Residential One (R1.1 – 6)'. This means that there are special rules that apply to this property. Refer to the main *zone* and then the subsection part that has a list of all the site-specific *Zone* provisions.

A Holding (h) *zone* applied to the *zone* places a freeze or hold on new *development* for the property. Council has approved the *development* in principle but there are outstanding issues that the *development* cannot proceed right away: typically a hold is put on lands that have been approved for a plan of subdivision and the hold is removed when all the servicing is available and the subdivision agreement with the Town is final.

**IV) HOW TO CHANGE THE REGULATIONS (RULES) FOR YOUR PROPERTY**

A Comprehensive Zoning By-law is not a static document; it will change (be amended) over time as demands and when the policies governing land *use* change. Sometimes these changes to the rules are requested by the Province, the *County* of Essex, Council, and Town Administration or by the property owner.

By-laws are commonly amended to change the *zone* to provide for a specific *use* or to prohibit a certain *use*. In some cases, special provisions are applied to a property or a series of properties that vary the *zone* provisions for that property. This type of modification is called an exception and exceptions to the by-law are contained at the end of each Section (eg: Section 6.1.1-9 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 9 (R1.1-9)').

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# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW NUMBER 1-2014

**A By-law to regulate the use of land and the character, location and use of *buildings* and structures in the Corporation of the Town of Kingsville.**

**WHEREAS** it is desirable to regulate and control *development* and the *use* of land, as well as to prohibit the *use* of land and the *erection* and *use* of *buildings* or *structures* except for certain purposes and to regulate the type of *Construction* and the *height*, *bulk*, *location*, *size*, *floor area*, *character* and *use* of *buildings* in the *Corporation* of the Town of Kingsville in accordance with provisions of Section 34 of The Planning Act, R.S.O. 1990, c.P. 13 as amended;

**AND WHEREAS** there is an Official Plan in effect in the *Corporation* of the Town of Kingsville and this By-law is deemed to be in conformity with the *Corporation* of the Town of Kingsville Official Plan;

**AND WHEREAS** authority is granted to the Council of The *Corporation* of the Town of Kingsville under Section 34 of The Planning Act, R.S.O., 1990, c.P.13 as amended, to pass this Comprehensive Zoning By-law;

**NOW THEREFORE** the Council of The *Corporation* of the Town of Kingsville hereby repeals By-law 1988-15 in the former Township of Gosfield North; By-law 59-1998 in the former Township of Gosfield South; and By-law 6-1987 in the former Town of Kingsville, and all amendments thereto, and enacts as follows:

## **Section 1 By-law Administration**

### **1.1 Title**

This by-law *may* be cited as "The Town of Kingsville Comprehensive Zoning By-law" or "The Zoning By-law" or "The CZBL".

### **1.2 Application**

The provisions of this By-law *shall* apply to all lands, *buildings* and *structures* in all *zones* in this by-law and within the boundaries of the *Corporation* of The Town of Kingsville unless otherwise specifically provided for in this by-law.

### **1.3 Scope**

No *person shall*, within the boundaries of The *Corporation* of the Town of Kingsville *use* any land or *erect, build, Construct, reconstruct, locate, relocate, excavate, alter, add to, enlarge, extend or use any building or structure* except for such purposes or *uses* as are set out in this by-law in conformity with this by-law for the *zone* or defined area in which such land, *building, structure* or *use* is located.

### **1.4 Replacement of Previous By-laws**

The following By-laws and all amendments thereto are hereby repealed and replaced by this Comprehensive Zoning By-law:

By-law 59-1998 being the Comprehensive Zoning By-law for the former Township of Gosfield South;

By-law 1988-15 being the Comprehensive Zoning By-law for the former Township of Gosfield North;

By-law 6-1987 being the Comprehensive Zoning By-law for the former Town of Kingsville.

### **1.5 Application of Other By-laws**

Nothing in this By-law *shall* serve to relieve any *person* from the obligation to comply with the requirements of the Ontario *Building Code* or any other By-law of the *Corporation* in force from time to time or the obligation to obtain any license, permit, authority or approval *required* under any By-law or by the *Corporation* or by any other by-law or regulation of any upper tier *Corporation* or local board or provincial or federal statute or regulation the *County*, Province of Ontario or Government of Canada.

Nothing in the By-law *shall* prevent the *erection* or *use* of any *building* or *structure* 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 *Chief Building Official*, 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*.

#### **1.6     Validity and Severability**

Should any section, clause or provision of this By-law, including any part of the *zones* as shown on Schedule “A”, be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law *shall* not be affected.

#### **1.7     Effective Date of By-law**

This By-law *shall* come into force on the date of passage by the Council of The *Corporation* of the Town of Kingsville.

## Section 2 General Administration

### 2.1 Administration

This By-law *shall* be administered by the Manager of Development Services or any other *person* designated by Council and this By-law *shall* be enforced by the Manager of Development Services, *Chief Building Official*, Planner, *By-law Enforcement Officers* or any other *person* as Council designates.

- a) In the development of this by-law, every effort is made to ensure clarity and accuracy. This By-law is a complex and detailed document, and inadvertent inconsistencies and errors *may* have occurred in its development. Notwithstanding any other provisions of this By-law, corrections to technical errors (as Defined under Section 3 of this by-law) *may* be made to this By-law without formal amendment under the Planning Act and will not require public notification.

### 2.2 Buildings To Be Moved

No *building* *shall* be moved within the limits of the *Corporation* or *shall* be moved into the *Corporation* from outside, without a permit from the *Chief Building Official* or such other *person* as the Council designates. The applicant *shall* be responsible for providing all other *required* notifications and obtaining all other *required* approvals.

### 2.3 Building Permits

In addition to fulfilling the requirements of any by-law enacted pursuant to Section 34 of *The Planning Act* no *person* *shall* erect, occupy, *alter* or enlarge any *building* or *structure* until a *building* permit, pursuant to the regulations of the Ontario *Building Code*, has been applied for and received from the *Chief Building Official*.

### 2.4 Change of Use

No *person* *shall* change the *existing* *use* of any *lands*, *building* or *structure* to a different type or class of *use* without first determining through the Planning and Development Services that the intended *use* is in accordance with the provisions of this By-law or by obtaining a change of *use* permit.

### 2.5 Change of Lot Area, Lot frontage and Open Space

No *person*, except a *public authority* by either engaging in the implementation of a public work, or by requiring a dedication of land for public purposes, *shall* reduce in area or frontage any *lot* already built upon, either by conveyance or *alteration* of any portion thereof or otherwise, so that the *lot* coverage of the *building* exceeds the *maximum permitted* by this By-law, or so that the area or frontage of the *lot* will be less than the *minimum permitted* by this By-law for the *zone* in which such *lot* is located.

## **2.6 Conveyance or alteration by a Public Authority**

Notwithstanding any other section of this By-law in conflict herewith, where a *use, building or structure* was legally established on a *lot* and such *lot* was subsequently *altered*, as a result of a project of a *public authority* (such as a road *construction* project) or by expropriation of municipal, provincial, or federal acquisition thereby causing the *use, building or structure* to contravene any regulations of this By-law, the said *use, building or structure* shall be deemed to conform with this By-law and *may* be enlarged, extended, reconstructed, repaired or renovated provided that any regulations, which are not met, are not further contravened and that all other applicable regulations are complied with.

## **2.7 Dual Zones**

Where a *lot* is divided into more than one *Zone*, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *zone*.

## **2.8 Establishment of Zones**

The maps and map parts hereto *attached* as Schedule “A” and forming part of this by-law shall be referred to as the zoning maps for The *Corporation* of the Town of Kingsville. The zoning maps shall be divided into the following *zones* and such *zones* are indicated on the zoning maps by *zone* symbols consisting of letters and numbers, as the case *may* be, as listed in Table 1 below.

In this by-law, wherever reference is made to a *zone*, as shown in Column I, it *may* also be interchangeably identified by a *zone* symbol as exemplified in Column II:

<b>Column I</b>	<b>Column II</b>
Zone Symbol (A1)	Zone Category <i>Agriculture</i>

**TABLE 1: ZONE SYMBOLS AND ZONE CATEGORIES**

ZONE SYMBOL	ZONE CATEGORY
<b>RESIDENTIAL</b>	
R1.1	Residential Zone 1 Kingsville
R1.2	Residential Zone 1 Ruthven/Cottam
R2.1	Residential Zone 2 Kingsville
R2.2	Residential Zone 2 Ruthven/Cottam
R3.1	Residential Zone 3 Kingsville
R3.2	Residential Zone 3 Ruthven/Cottam
R4.1	Residential Zone 4 Kingsville
R4.2	Residential Zone 4 Ruthven/Cottam
ER	Established Residential
RR	Rural Residential
LR	Lakeshore Residential
<b>AGRICULTURE</b>	
A1	<i>Agriculture</i>
A2	<i>Agriculture - Restricted</i>
<b>COMMERCIAL</b>	
C1	Neighbourhood Commercial
C2	Central Commercial
C3	Transitional Commercial
C4	General Commercial
C5	Waterfront Mixed Use Neighbourhood
C6	Rural Commercial
<b>INDUSTRIAL</b>	
M1	Light Industrial
M2	Medium Industrial
M3	Heavy Industrial
M4	Extractive Industrial
<b>GREEN ZONES</b>	
PG	Parkland
RG	Recreational
CG	Cemeteries
MG	Public Utilities and Facilities
TG	Campground/Trailer parks
EG	Education
<b>ENVIRONMENTAL ZONES</b>	
NE	Natural Environment
WE	Wetland

## 2.9 General Meanings

- a) Meaning of *Shall*: In this By-law, the word "*shall*" is always construed as mandatory.
- b) Number: In this By-law, words importing the singular number *shall* include more *persons*, parties, or things of the same kind than one, unless a contrary intention appears.

## 2.10 Holding (h) Zone Provisions

- a) Where the holding (h) symbol is shown on a zoning map, no *use*, *building* or other *structure* *shall* be *permitted* except:
  - i) any *use*, *building* or other *structure* *erected*, *operated* or *maintained* by The *Corporation* of the Town of Kingsville, a *public authority* or a *public utility*;
  - ii) an *existing use*, *building* or *structure*, provided such *use*, *building* or *structure* is *permitted* by the applicable *zone* to which the (h) symbol applies;
  - iii) additions or *alterations* to such *existing buildings* or *structures* and the *erection* of *accessory buildings*, all in accordance with the regulations of the applicable *zone* in which the *lot* is located and all other applicable regulations of this By-law.
- b) Where the holding (h) symbol is shown on a property on Schedule "A" to this By-law, the (h) symbol *may* be removed when the following conditions have been satisfied:
  - i) the property is on a registered plan of subdivision or *condominium*, part *lot* control exemption by-law or subject to an approved consent to sever by the Committee of Adjustment;
  - ii) where, as *required* by the Official Plan, a site plan agreement has been registered or a remediation/mitigation plan has been established;
  - iii) full municipal services (a paved road, a municipal *sanitary sewer* and an approved storm water outlet) are available or an executed agreement to provide full municipal services satisfactory to The *Corporation* of the Town of Kingsville and/or approval authority having jurisdiction is in effect;
  - iv) where applicable, a site plan control agreement and/or such other mandated agreement is authorized.

## 2.11 Inspection of Premises

The Manager of Planning & Development Services, *Chief Building Official*, Planner, *By-law Enforcement Officers* or any other employee of The *Corporation* acting under their direction *may*, at any reasonable hour, enter and inspect a property or premises where there is reason to believe that any land has been *used* or any *building* or *structure* has been *erected*, structurally *altered* or enlarged, or *used*, in violation of any of the provisions of this By-law.

## **2.12 Injunction**

In case the whole or any part of any *building* or *structure* is or is proposed to be *used*, *erected*, structurally *altered*, enlarged or extended or the whole or any part of any *lot* is or is proposed to be *used*, in contravention of this By-law, such contravention *may* be restrained by action of the *Corporation* or of any ratepayer pursuant to the applicable law in force at the time of such contravention.

## **2.13 License and Permits**

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

## **2.14 Metric**

All measurements within this By-law are based on the metric system. All conversions are approximate and are to be used as a guide only.

## **2.15 Permitted Uses**

Any *use* not specifically *permitted* by this By-law within a *zone* *shall* not be *permitted* in The *Corporation* of the Town of Kingsville. A *use* which is defined, but not specifically *permitted* by this By-law within a defined *zone* or by a *zone* exception *shall* not be *permitted*.

## **2.16 Special Use Regulations (Exceptions)**

To each defined area within any *zone*, there *shall* apply such special *use* regulations as *may* be established by this By-law with respect to such defined area and in addition to such special regulations, all provisions of this By-law, including the general regulations applicable to the *zone* within which the defined area is located *shall* apply to the defined area; provided that, unless a contrary intention appears from the special *use* regulations:

- a) If the special *use* regulations are different from the corresponding regulations of this By-law, including the general regulations applicable to the *zone* within which the defined area is located, the special regulations *shall* supersede and prevail over such corresponding regulations of this By-law.
- b) If the special *use* regulations establish one or more specifically *permitted* *uses* for the defined area, such *permitted* *use* or *uses* *shall* be the only purpose or purposes for which the defined area *may* be *used*, unless otherwise specified.
- c) If the special *use* regulations specifically permit one or more *uses* in addition to those otherwise *permitted* in the *zone* within which the defined area is located, any and all of the other special *use* regulations applicable to the defined areas *shall* apply only to the additional *permitted* *use* or *uses*, and not to *uses* otherwise *permitted* in the *zone*, unless otherwise specified.

## 2.17 Violations and Penalties

Any person convicted of a breach of any of the provisions of this By-law *shall* be liable to a fine not to exceed the *maximum* amount stipulated in the *Planning Act*, c.P. 13, R.S.O. 1990, as amended, exclusive of costs, for each offence, and every such penalty *shall* be recoverable under the *Provincial Offences Act*, R.S.O. 1990, as amended.

## 2.18 Zoning Maps and Zone Boundaries

The extent and boundaries of the *zone* are shown on *zone maps*, identified as Schedule "A", of this by-law, which together with all notations, references and other information shown thereon form part of this by-law;

In determining the location of the boundaries of the *zones*, as shown on the *zone maps*, the following provisions apply:

- a) Where a *zone boundary* is indicated as following a *highway* or *street*, such boundary is deemed to follow the *centerline* of said *highway* or *street*;
- b) Where a *zone boundary* is indicated as following a *railway right-of-way*, such boundary is deemed to follow the *centerline* of the said *railway right-of-way*, unless otherwise specifically indicated on the *zone map*;
- c) Where a *zone boundary* is without dimensions and is shown as approximately following a *lot line*, the said *lot line* is deemed to be the boundary of the *zone* for that portion of the *zone boundary* which follows the *lot line*;
- d) Where a *zone boundary* is without dimensions and does not follow the boundary of a *lot*, its location is determined by *use* of the scale indicated on the *zone map*;
- e) Where *zone boundaries* or defined area boundaries are indicated as approximately following *lot lines* shown on a registered plan of subdivision, such *lot lines* *shall* be deemed to be the said boundary;
- f) Where *zone boundaries* or defined area boundaries are indicated as approximately parallel to the *street* line and the distance from such *street* line is not indicated, such *zone boundaries* or defined area boundaries *shall* be construed as being parallel to such *street* line and the distance therefrom *shall* be determined by the *use* of the scale shown on the zoning maps.
- g) Where a *street*, *private road*, electrical transmission line *right-of-way*, open municipal drain or *watercourse* is shown on the zoning maps, it is included within the *zone* or defined area of the adjoining property on either side thereof, and where such *street*, *private road*, electrical transmission line *right-of-way*, open municipal drain or *watercourse* serves as a boundary between two or more different *zones*, defined areas or both, a line midway in such *street*, *private road*, electrical transmission line *right-of-way*, open municipal drain or *watercourse* and extending in the general longitudinal direction thereof is considered the boundary between *zones*, defined areas, or both, unless specifically indicated otherwise.

- h) Where a dedicated *street* or *right-of-way* shown on the zoning map is closed, the property formerly in the said *street* or *right-of-way* shall be included within the *zone* or defined area of the adjoining property on either side of the said closed *street* or *right-of-way* and the *zone* boundary or defined area boundary shall be the former *street centre line* of said closed *street* or *right-of-way*.
- i) Where a *zone* or defined area boundary is indicated as following the edge of an open municipal drain or *watercourse*, the boundary shall follow the *top of bank* of such open municipal drain or *watercourse* and, in the event that the *top of bank* of such open municipal drain or *watercourse* changes, the boundary shall be taken as having moved with the *top of bank*.
- j) Where a *zone* or defined area boundary is indicated as following the shoreline of Lake Erie, the boundary shall follow the water's edge and, in the event that the water's edge changes, the boundary shall be taken as having moved with the said water's edge.
- k) Where a defined area boundary appears to follow a *zone* boundary it shall be taken as following such a *zone* boundary.

## Section 3 Definitions

### 3.1 'A'

3.1.1 **Abattoir**: means a *building or structure*, or part thereof *used* for the slaughtering and processing of animals.

3.1.2 **Accessory**: when *used* to describe a *use*, *building or structure*, *shall mean* a *use*, a *building* or a *structure* that is normally incidental, subordinate and exclusively devoted to a *main use*, *building or structure* that is located on the same *lot* therewith, and includes a *private garage* which is not *attached* to the *main building* in any way.

3.1.3 **Accessory Use**: means a *use* which is customarily incidental, subordinate and exclusively devoted to the *main use* and is carried on with such *main use* on the same *lot*.

3.1.4 **Adult Entertainment Use**: *shall mean* any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations. For the purposes of this paragraph, the following *shall apply*:

- a) "Provided" includes furnished, performed, solicited or given such services;
- b) "Services" includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of a film;
- c) "Services appealing to or designed to appeal to erotic or sexual appetites or inclinations" includes the following:
  - i) services of which a principal feature or characteristic is nudity or partial nudity of any *person*
  - ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is *used* in any advertisement;
- d) "To provide" when *used* in relation to "services" includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings.

**3.1.4.1 Adverse Effect:** means one of more of:

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- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**3.1.5 Agriculture:** the science or practice of *farming*, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products but does not include a *medical marihuana production facility*.

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**3.1.6 Agricultural Related Service Uses:** means the use of land and/or *buildings* or *structures* for the manufacturing and *wholesale* and/or retail sales of goods that are necessary to support *Agricultural Uses*. These include, but are not limited to, such goods as *farm machinery and equipment* used for the tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of *livestock*, poultry and fur-bearing animals, the storage, handling and processing of milk, eggs, *greenhouse* produce and/or manure and the manufacture of subsurface drainage materials and equipment including plastic *farm drainage tile*.

**3.1.7 Agricultural Operation:** means the following activities and support facilities operated and maintained in accordance with *normal farm practices*:

- a) draining, irrigating or cultivating land;
- b) growing, producing or raising,
  - i) livestock, including poultry and ratites,
  - ii) fur-bearing animals,
  - iii) bees,
  - iv) cultured fish,
  - v) deer and elk,
  - vi) game animals and birds, or
  - vii) any additional animals, birds or fish prescribed by the Minister of *Agriculture, Farm and Rural Affairs of Ontario* (the Minister);
- c) the production of agricultural crops, *greenhouse* crops, maple syrup, mushrooms, *nursery* stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister;
- d) the production of eggs, cream and milk;

- e) the operation of agricultural machinery and equipment;
- f) the application of fertilizers, soil conditioners and pesticides;
- g) ground and aerial spraying;
- h) the storage, handling or *use* of organic *wastes* of the farm;
- i) the processing by a farmer of the products produced primarily from the farmer's *agricultural operation*;
- ii) activities that are a necessary but an *ancillary* part of an *agricultural operation*, such as the movement of transport *vehicles* for the purposes of the *agricultural operation*; and
- i) any other agricultural activity prescribed by the Minister, conducted on, in or over agricultural land, but does not include a *medical marihuana production facility*.

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**3.1.8 Agricultural Operations, Intensive:** shall mean any *Agricultural Use* consisting of ten or more *nutrient units* shall be deemed an *intensive Agricultural Use* for the purposes of this By-law, but does not include a *medical marihuana production facility*

**3.1.9 Agricultural Processing Establishment:** means the *use* of land and/or *buildings* or *structures* for the processing of products derived from *Agricultural Uses*. These shall include, but are not limited to, such products as seed grain, feed and forage processing, storage and transport, fruit and vegetable storage and treatment, *livestock* and poultry assembly, sales and transport, a cheese factory, an egg grading station, a saw mill, but excludes an *abattoir*, *medical marihuana production facility* and a *commercial* grain elevator and drying establishment. Accessory uses such as *office* uses and the packaging, packing and shipping of the products are also *permitted*.

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Establishments for the processing of animal feed using the following materials are specifically included in this definition:

- a) food *waste* from food processing plants;
- b) food *waste* from *restaurants*, hospitals or other similar facilities;
- c) forage crops, forage silage, grain crops and grain silage;
- d) soy bean meal, vitamins, minerals; and
- e) other similar products.

Establishments for the processing of animal feed using sewage, sludge, dead animals or any type of manure are specifically excluded from this definition. Also, for the purposes of this definition, the processing of food *waste* does not, in any way, include composting.

**3.1.10 *Agricultural Use:*** shall mean the cultivation of land, the production of crops and the selling of such produce on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, *fish farming*, animal husbandry, and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries, and *greenhouses*. However, *Agricultural Use* does not include medical marihuana production facilities or facilities for the permanent or temporary housing of *persons* employed on the *lot*.

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

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**3.1.11 *Aisle:*** means the area *used* by motor *vehicles* for access to and from all off-street parking spaces, but does not include an access *driveway*.

**3.1.12 *Alley:*** means a *highway*, having a *maximum* width of less than 7 m (23 ft), providing a means of access to a *lot*.

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

**3.1.14 *Amenity Area/Space:*** means an area, indoor or outdoor, which is intended for leisure, recreation, socialization, or exercise, such as a landscaped open space yard or a recreational facility, and which is an accessory use to a dwelling or dwelling unit or other land use, but does not include sleeping quarters, bathrooms, kitchens, and storage.

**3.1.15 *Amusement Arcade:*** *shall* mean any premises or part thereof containing four or more electronic or mechanical pinball or *amusement machines* operated for gain and made available for the entertainment or *amusement* of the general public. This definition *shall* not include establishments which sell such devices, provided that such devices are not made available on the premises for *use* on a *commercial* basis by the public.

**3.1.16 *Amusement Machine:*** *shall* mean any electronic or mechanical machine or device intended for *use* as a game or source of entertainment or *amusement* offered for *use* by the public by any *person* for profit or gain and *shall* include a pinball machine, video game, shooting gallery, or other similar machine or device including an automatic machine or slot machine that dispenses as prizes one or more free games, but *shall* not include any machine *used* only for the purpose of vending merchandise or services or playing recorded music or any billiard or pool table or any machine that would render the premises a common gaming house within the meaning of the Criminal Code of Canada.

**3.1.17 Ancillary Use:** means a *use*, other than an *accessory use*, which complements or otherwise provides a service to the *main uses* of the *zone* in which it is located.

**3.1.18 Aquaculture:** the culture or husbandry of marine organisms by any *person*. *Aquaculture* includes the breeding, rearing, and harvesting of plants and animals in all types of water environments including ponds, rivers, lakes, and the ocean. Researchers and *aquaculture* producers are "*farming*" all kinds of freshwater and marine species of fish, shellfish, and plants. *Aquaculture* produces food fish, sport fish, bait fish, ornamental fish, crustaceans, mollusks, algae, sea vegetables, and fish eggs. *Aquaculture* also includes the production of ornamental fish for the aquarium trade, and growing plant species used in a range of food, pharmaceutical, nutritional, and biotechnology products.

**3.1.19 Assembly Hall:** *shall mean a building or part of a building* in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social activities and *may include a banquet facility or club*.

**3.1.20 Attached:** means a *building* or *structure* that depends on structural support by a common division wall or walls supporting an adjacent *building(s)*.

**3.1.21 Automatic Car Wash:** means a *building* or part thereof where motor *vehicles* are washed in whole or in part automatically by programmed mechanical equipment.

**3.1.22 Automobile Body Repair Shop:** means a *building* or part thereof *used for any one (1) or more of the following automobile service and repair activities:*

- a) body restoration and structural reconstruction;
- b) painting and the application of body rust inhibitors;
- c) general refurbishing and reconditioning of the body of the automobile.
- d) Separate Automobile washing establishments are not *permitted* as an *accessory use*.

**3.1.23 Automobile Detailing Services:** *shall mean a building or structure used for one or more of the following services:*

- a) interior cleaning, upholstery shampooing,
- b) manual washing and waxing (not including a coin-operated or automatic car wash, unless otherwise *permitted* by this by-law);
- c) minor cosmetic repairs.

**3.1.24 Automobile Repair Establishment:** *shall mean an establishment for the repair or the replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, electrical systems, the installation of undercoating, engine turning, lubrication and engine conversion or*

replacement, a *vehicle body repair shop*, but does not include an automobile impounding yard, or an *automobile service station*.

**3.1.25 Automobile Sales and Service Establishment:** *shall* mean a *lot, building or structure* where the business of selling new and/or *used* motor *vehicles* is conducted and *may* include the display, storage and sale of such motor *vehicles*; the storage and sale of automotive accessories and related products, *offices*, show rooms and sales rooms; the leasing or renting of motor *vehicles*; the sale of gasoline; the servicing, washing, repairing, cleaning, polishing, painting of motor *vehicles*; and a towing service, all of which must be incidental to the *main use*.

**3.1.26 Automobile Service Station:** *shall* mean a *building* or a clearly defined space on a *lot* where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, and batteries for motor *vehicles* are stored or kept for sale, or where motor *vehicles* *may* be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged or where repairs essential to the actual operation of motor *vehicles* are executed or performed but *shall* not include an automobile washing establishment.

**3.2 'B'**

**3.2.1 Bakery or Bake Shop:** *shall* mean a *building* for producing, mixing, compounding or baking products of which flour, rice or meal is the main ingredient. The *bakery* products *may* be available on site for limited *wholesale* and retail sale. The *bakery or bake shop* *may* include a *restaurant* within the same *building*.

**3.2.2 Balcony:** *shall* mean a platform made of wood, concrete or other similar material, that is higher than the first *storey*, projecting from a *building*, and intended for the purpose of outdoor dining, lounging, and other similar *accessory* residential, *commercial*, industrial or recreational *uses*.

**3.2.3 Banquet Facility:** *shall* mean an establishment *used* for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are served on the premises (indoor or outdoor) but does not include a *caterer's establishment* wherein food and beverages are delivered off-site.

**3.2.4 Basement:** *shall* mean *shall* mean one or more *storeys* of a *building* located below the first *storey*.

**3.2.5 Batching Plant, Asphalt:** *shall* mean an industrial establishment *used* for the production of asphalt, or asphalt products *used* in *building* or *construction* and includes facilities for the administration and management of the business, the stockpiling of bulk materials *used* in the production process or a finished product manufactured on the premises and the storage and maintenance of *required* equipment. *Portable asphalt plant* *shall* mean a temporary asphalt *batching plant* established for a provincial or municipal road project.

**3.2.6 Batching Plant, Concrete:** *shall mean an industrial establishment used for the production of concrete, or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment.*

**3.2.7 Bed and Breakfast:** *shall mean a single detached dwelling in which a maximum of four (4) bedrooms are made available for the temporary overnight accommodation of travelling public for remuneration. Breakfast may also be provided to these guests. This does not include a hotel, motel, boarding or lodging house, or restaurant, as defined herein.*

**3.2.8 Berm:** *shall mean an earthen work or mound of earth of a specified height and width and exhibiting sloping, landscaped sides, which is intended to act as a barrier or buffer strip. The height of a berm shall be the vertical distance between the base and the highest point of the berm. The slope of the sides of the berm shall be stable and not prone to shifting and will be dependent upon the required height of the berm and shall in no case be greater than 33 percent (33%).*

**3.2.9 Bicycle Parking Space:** *means a hard surfaced area having minimum dimensions of 2.5 m (8.2 ft) by 0.75 m (2.5 ft) and having thereon a corrosion resistant metal bicycle storage rack capable of accommodating 1 bicycle in a safe and secure manner.*

**3.2.10 Bingo Hall:** *means a building or part thereof used as a main use for the operation of bingo lotteries as licensed through the Corporation.*

**3.2.11 Boarding, Lodging, and Rooming House:** *means a building, or part thereof, that contains one or more units where units and/or associated bedrooms are rented or provided to individuals for a period of twenty-eight (28) days or more. Residents of boarding, lodging, and rooming houses share bathroom and/or kitchen facilities, and occupants may be unrelated. This shall not include a hotel, hospital, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.*

There are two categories of boarding, lodging, and rooming houses:

- Boarding, lodging, and rooming house - Residential: 10 or fewer occupants
- Boarding, lodging, and rooming house - Agricultural: Any number of occupants.

**3.2.12 Boarding Kennel:** *shall mean any building or structure intended for the purpose of feeding, housing or otherwise caring for dogs or other pets for remuneration.*

**3.2.13 Boat:** *shall mean any vessel propelled by oars, paddles, sails or an engine.*

**3.2.14 Boat House:** *shall mean a building or structure intended to house, shelter, or protect a boat or other form of water transportation. When constructed in association with a residential dwelling, a boat house shall be deemed an accessory building.*

**3.2.15 Boat Dock:** *Shall mean a structure in the form of a platform, floating or fixed, including a wharf or pier used for parking or mooring, loading, unloading, repair or storage of boats, located on or adjacent to water, and includes connecting ramps, stairs, walkways and landings within 3 m (10 ft) of the landside of the highwater mark.*

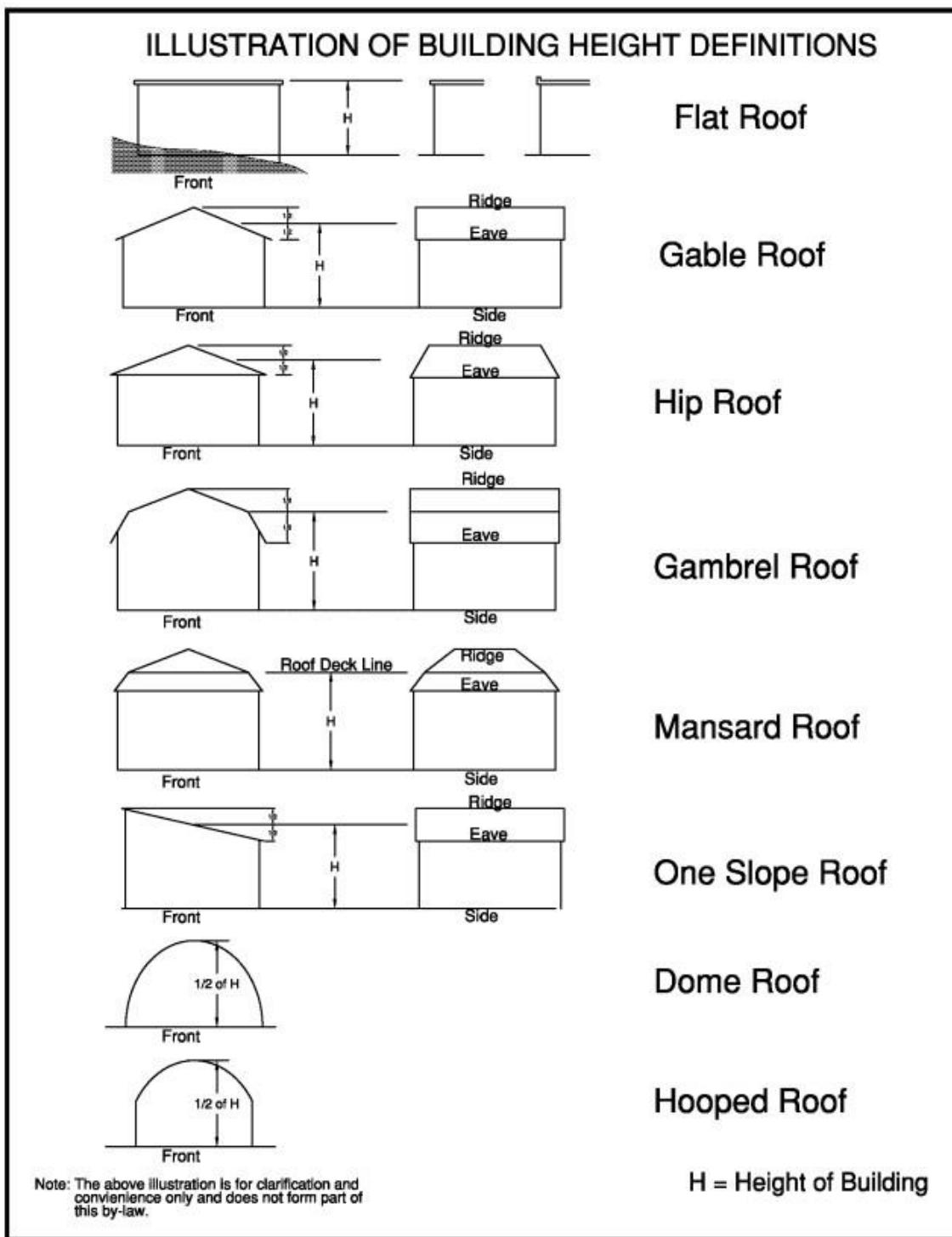
**3.2.16 Buffer Strip:** means an area used for no other purpose than for the erection of a solid fence, berm or the planting and maintaining of a continuous un-pierced hedgerow of natural shrubs which will provide a year round visual *landscaping* and the planting of ornamental shrubs, flowering shrubs, flowerbeds, or a combination thereof.

**3.2.17 Building:** shall include any *structure* greater than 9 m<sup>2</sup> (96 ft<sup>2</sup>), whether temporary or permanent, affixed to the ground, consisting of a wall, roof and floor or any two (2) or more of them or a structural system serving the same function thereof, including all the works, fixtures and service systems appurtenant thereto. It does not include the following: a *fence*, *travel trailer*, *camping trailer*, truck camper, motor home, a bus, or *tent*.

**3.2.18 Building Area:** shall mean the only area or areas on a *lot* within which any *building* or *structure* may be erected.

**3.2.19 *Building Height*:** means:

- a) the vertical distance between the *grade* and the highest point of the roof; for a *building* or that part of the *building* with a flat roof, meaning a roof having a slope of less than 20 degrees;
- b) the vertical distance between the *grade* and the mid-point between the lowest eaves and the highest point of the roof, for any other roof.



**3.2.20 Building Materials Recycling Centre**: means a retail and/or *wholesale store* for the sale of salvaged *building* products, in combination with the following salvaging activities: collection; sorting; reconditioning and/or repackaging of salvaged *building* products, exclusively for the sale of such products in the store. All salvaging activities take place entirely within a *building*. Products and materials are stored entirely within a *building* and/or, where *permitted* by this by-law, in an *outdoor storage yard*.

**3.2.21 Building Setback**: means the horizontal distance measured at right angles from a *lot* line to the closest point of any part of a *building* or *structure* on the same *lot*.

**3.2.22 Building Supply Outlet**: an industrial premises *used* for milling, storage, and *wholesale* sale of a broad range of *building* materials and *may* include an *ancillary* retail operation.

**3.2.23 Bulk Sale Establishment**: *shall* mean the *use* of any land, *structure* or *building* for the purpose of buying and selling lumber, wood, *building* materials, feed, gas, oil, fertilizer, ice, and similar material, but does not include manufacturing.

**3.2.24 Business Office**: means an *office* of any one (1) or more of the following: a *commercial* or industrial business; a professional *person*; a government; a non-profit association. A *Business Office* does not include a financial, medical or *veterinary office*.

**3.2.25 By-law Enforcement Officer**: *shall* mean the employee of the *Corporation* responsible for enforcing the by-laws, and in particular this by-law, of the *Corporation*.

### 3.3 'C'

**3.3.1 Call Centre**: *shall* mean a *building* or part of a *building* in which people are employed to provide product information services and/or direct sales to the public by way of telephone, internet, fax, video or mail.

**3.3.2 Campground or Trailer park**: means a *lot* for the *seasonal* accommodation of *recreational vehicles*, *tent* or *travel trailers* and/or tents and *may* include as *accessory uses* thereto: recreational facilities; sanitary facilities; an administrative *office*; a *caretaker's residence* and roofed shelters.

**3.3.3 Canopy**: *shall* mean a permanent, unenclosed roof *structure* erected for the purpose of sheltering motor *vehicle* fuel pumps and dispenser islands from the weather.

**3.3.4 Caretaker's Residence**: means one (1) *dwelling unit*, which is an *accessory use* to a non-residential *main use* and is *used* for the accommodation of one (1) caretaker, supervisor or watchman for the protection and care of the land, *building* or other *structure* on the same *lot*.

**3.3.5 Carport**: means a one-storey *building* or part thereof, unenclosed by *building* walls on at least two (2) sides, *used* for the parking of one or more motor *vehicles*.

**3.3.6 Caterer's Establishment, Eat-in and Take-out Restaurant:** food preparation for consumption off-site, baked products primarily for *wholesale* and distribution purposes, food preparation and sale for consumption on or off the premises.

**3.3.7 Cellar:** *shall* mean that portion of a *building* between two floors which is partly or wholly underground and which is less than 1.8 m (6 ft) in *height*.

**3.3.8 Cemetery:** *shall* mean a place for the burial of the dead and *shall* include such things as mausoleums and other *buildings required* for internment or any other *cemetery* related purpose.

**3.3.9 Centre Line of Street:** *shall* mean the *centreline* of the road allowance as opposed to the centre line of the travelled roadway.

**3.3.10 Chief Building Official:** *shall* mean the officer or employee of the *Corporation* charged with the duty of enforcing the provisions of the Ontario *Building Code Act* and the provisions of this by-law.

**3.3.11 Church:** *shall* mean a *building* dedicated to religious worship and *may* include a rectory or manse, *church* hall, *church* auditorium, *Sunday school*, parish hall, and *church* day *nursery* accessory to the *church*.

**3.3.12 Clinic:** *shall* mean a *building* or part thereof, other than a hospital, *used* by medical doctors, dentists, optometrists, podiatrists, veterinarians, chiropractors and/or drugless practitioners, the practice of a health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or *private* medical, surgical, physiotherapeutic, human health and *may* include administrative *offices*, waiting rooms, specimen collection centres and dispensaries directly associated with the *facility*, but does not include overnight accommodation.

**3.3.13 Club, Private:** means an establishment *used* as a meeting place by members and guests of members of non-profit and non-*commercial* organizations for *community*, social or cultural purposes. This definition does not include *uses* that are normally carried out as a *commercial* enterprise and *shall* not include an *adult entertainment* establishment.

**3.3.14 Coastal Wetland:** means any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometers upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**3.3.15 Coin-Operated Car Wash:** means a *building* or part thereof where motor *vehicles* are washed manually with the aid of a high-pressure water hose controlled by a metered, coin-operated water dispensing system.

**3.3.16 Collector Aisle:** means an unobstructed part of a parking area which provides direct access to a *manoeuvring Aisle*.

**3.3.17 Combined Use Building:** means a *building* having, as *main uses*, both a *dwelling unit(s)* and a *non-residential use(s)*.

**3.3.18 Commercial Motor Vehicle:** *shall mean*, whether or not it is licensed for *commercial use*, any tractor *trailer*, tow truck, dump truck, *construction vehicle*, *truck trailer* combination, or portions thereof, any *school purposes bus* or regular bus, exceeding a capacity of 24 passengers, any truck having *attached* thereto either a permanent or temporary delivery body, but *shall not include* the conventional pick-up truck, van or one step van.

**3.3.19 Commercial, Neighbourhood:** *shall mean* the *use of land or buildings* for a purpose supportive of, compatible with and *required* in close proximity to *residential uses* and *may include* but not be limited to a bank, *clinic*, day *nursery*, *office*, personal service establishment, *convenience store* or *commercial plaza*.

**3.3.20 Commercial Self-Storage Facility:** *shall mean* a *building or buildings*, consisting of individual *units*, *used* for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an *accessory use* or a *warehouse*

**3.3.21 Commercial Use:** *shall mean* the *use of land or buildings* for the purposes of *offices*, and the retail buying or selling of commodities, or both, and the supplying of services.

**3.3.22 Commercial Vehicle:** means a motor *vehicle* having permanently *attached* to a truck or delivery body that is *used* for delivery, transport, haulage or service.

**3.3.23 Communication Facilities:** *shall mean* 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.

**3.3.24 Community Centre:** *shall mean* a *building* used for *community* activities and not *used* for *commercial* purposes, the control of which is vested in the *Corporation*, a local board or trustees of the *Corporation*.

**3.3.25 Condominium:** *shall mean* a *building or buildings* in which each individual *unit* is held in separate *private* ownership and all floor space, facilities and outdoor areas *used* in common by all tenants are owned, administered and maintained by a *Corporation* created pursuant to the provisions of the *Condominium Act S.O. 1998, C.19*, as amended.

**3.3.26 Conservation Area:** means an area within which work is undertaken by a *Conservation authority* pursuant to the provisions of the *Conservation Authorities Act, R.S.O 1990, c.C.27*, as amended.

**3.3.27 Conservation Authority**: *shall mean an authority as defined in the Conservation Authorities Act, R.S.O 1990, c.C.27, as amended.*

**3.3.28 Construct**: *means to build by means of any one (1) or more of the following activities: designing, fabricating, assembly, testing or packaging, but not including stamping, forging, casting, molding, smelting, refining or extruding a product.*

**3.3.29 Construction**: *shall mean to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere. Constructing has a corresponding meaning.*

**3.3.30 Contractor's Office**: *means a combination Business Office and warehouse used by a general building contractor or any of the following trade contractors: doors and windows; electrical; fencing; flooring; glass or glazing; heating and air conditioning; insulation; landscaping; masonry; ornamental metal; painting and decorating; plastering and drywall; plumbing; roofing; siding or cladding; swimming pools.*

**3.3.31 Contractor's Shop or Yard**: *shall mean any land, building or structure used for the purposes of undertaking or managing activities engaged in maintaining and building new structures and includes the offices of general contractors, specialized trades and building maintenance services. Also includes prefabrication of building equipment and materials and wrecking and demolition contractors' offices but does not include salvage yards.*

**3.3.32 Convenience Store**: *shall mean a retail store where both household and grocery items are offered for sale primarily to serve people's daily needs, having a maximum gross floor area of 280 m<sup>2</sup> (3014 ft<sup>2</sup>), in which the main use is the retail sale of food and dairy products, beverages, bakery products and sundries.*

**3.3.33 Corporation**: *shall mean The Corporation of the Town of Kingsville.*

**3.3.34 County**: *shall mean the Corporation of the County of Essex.*

**3.3.35 County Road**: *shall mean the highway under the jurisdiction of Corporation of the County of Essex.*

**3.3.36 Coverage**: *shall mean the combined area of all buildings or structures, but not including a private outdoor swimming pool, on the lot measured at the level of the lowest storey above grade, but excluding open, unenclosed terraces or patios at grade, steps, cornices, eaves, by windows, chimney breasts, corbelling or similar projections, parking areas and permitted outside storage.*

**3.4 'D'**

**3.4.1 Day Care Facility:** *shall mean a premises that receives for temporary custody five (5) children or more that are not of common parentage primarily for the purpose of providing temporary care or guidance, for a continuous period not exceeding twenty-four hours and that is not;*

- (a) part of a *public school* or *separate school* under the *Education Act*, R.S.O. 1980, as amended;
- (b) part of a *private school* registered under the *Education Act*, R.S.O. 1980, as amended;
- (c) a children's mental health centre under the *Children's Mental Health Services Act*, R.S.O. 1980, as amended.

**3.4.2 Deck, Above 0.7 m:** *shall mean a platform made of wood, concrete or other similar material, that has a *height* at 0.7 m, or greater than 0.7 m above average *grade*, projecting from a *building* or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory uses.*

**3.4.3 Density (Gross):** means the ratio of the number of *dwelling units* to the entire subject property and expressed in *units* per hectare.

**3.4.4 Density (Net):** means the ratio of the number of *dwelling units* to the property with the dedicated *parkland*, *roadways*, *storm water management ponds* and other non-developable *detached* components removed from the land area and expressed in *units* per hectare.

**3.4.5 Detached:** means not *attached*.

**3.4.6 Development:** means the creation of a new *lot*, a change in *land use* or the *construction* of *buildings* and *structures* which require approval under The Planning Act but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b) works subject to *The Drainage Act*; or
- c) underground or surface mining of minerals or advanced exploration on mining lands in *significant* areas of mineral potential.

**3.4.7 Drive-Through:** *shall mean the use of *buildings* and *structures* for the provision of prepared food and beverages where the food or drink is served to customers who are inside their *vehicles*, or the provision of self-serve facilities which are accessed by customers who are inside their *vehicles*.*

**3.4.8 Drive-Through Food Outlet:** means a *retail store* for the sale of prepared food to persons remaining in a motor *vehicle* and *may* also include the preparation of food sold at retail.

**3.4.9 Drive-through Restaurant:** means a *restaurant* having a *drive-through food outlet* in combination with it.

**3.4.10 Driveway:** means that portion of a *lot* used to provide vehicular access from a *street* or *private road* to an off *street* parking or loading area located on the same *lot*.

**3.4.11 Dog Kennel:** means any outdoor enclosure, *building* or part of a *building* or area or other *structure* used for the harbouring of more than three (3) dogs for the purpose of breeding and/or sale of the dogs. Boarding of dogs *may* be considered an *ancillary use* to a *dog kennel use*.

**3.4.12 Dry Cleaning Establishment:** *shall* mean a *building* used for the purpose of receiving articles of clothing to be subjected to the process of *dry cleaning*, dyeing or cleaning elsewhere on the premises if the processing element is restricted to closed, unvented *dry cleaning* equipment, and for pressing and/or distribution of any such articles or goods which have been subjected to any such process.

**3.4.13 Dwelling:** *shall* mean a *building*, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one or more *persons*, but *shall* not include *hotels, boarding, lodging, and rooming houses, tourist homes, nursing or rest homes, motels, institutions, travel trailers or mobile homes*.

- a) **Apartment Building:** *shall* mean the whole of a *structure* that contains five (5) or more *dwelling units* in which *units* have a common entrance from *street* level and are served by a common corridor, and the occupants of which *units* have the right to *use* in common the corridors, stairs, elevators, *yards* or one or more of them.
- b) **Converted Dwelling:** *shall* mean a *building* originally designed as a *single family detached dwelling* which because of its size or *design* can be *converted* by partition into more than one *dwelling unit* with each one having separate and individual sanitary and cooking facilities.
- c) **Duplex Dwelling:** *shall* mean a *dwelling* that is divided horizontally into two (2) *dwelling units* each of which has an independent entrance either directly or through a common vestibule.
- d) **Seasonal:** *shall* mean a *single detached dwelling* that is not intended to permit winter occupancy and has not been modified for year-round habitation and *use*.
- e) **Semi-Detached Dwelling:** *shall* mean one *building* divided vertically into two (2) *dwelling units* by a common interior wall and each having a separate entrance and having a *minimum area* above *grade* of 10 m<sup>2</sup> (106 ft<sup>2</sup>).
- g) **Semi-Detached Dwelling Unit:** means one *unit* of a semi-detached *dwelling*.

- h) **Single Detached Dwelling**: *shall* mean a completely *detached dwelling* used, designed, or intended to be *used* for occupancy by a single group of people related or unrelated. This definition *shall* not include a *mobile home*, or *travel trailer* as defined herein.
- j) **Townhouse Dwelling**: means a *dwelling* containing three or more *dwelling units*, each *dwelling unit* having at least one separate entrance at street level, and separated from the adjoining *unit* by a common or party wall.
- k) **Town House Dwelling Unit**: means one *unit* of a *townhouse dwelling*.
- l) **Triplex Dwelling**: means a *dwelling* containing three *dwelling units* each having an independent entrance to the outside and separated from the adjoining *unit* or units by a common or party wall.

**3.4.14 Dwelling Unit:** *shall* mean one (1) or more *habitable rooms* occupied or designed to be occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the *use* of such individual or family, with a *private* entrance from outside the *building* or from a common hallway or stairway inside the *building*.

**3.4.15.1 Dwelling Unit, Additional** *shall* mean a dwelling *unit ancillary* and subordinate to a primary *single detached, semi-detached* or *townhouse dwelling unit*, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive *use* of the occupant thereof.

### 3.5 'E, F'

**3.5.1 Easement:** *shall* have the meaning attributed to it in the definition of *Right-of-way*.

**3.5.2 Eating Establishment:** *shall* mean a *building* or part of a *building* where food is offered for sale or sold to the public for immediate consumption and includes such *uses* as a *restaurant*, *café*, *cafeteria*, *ice cream parlour*, *tea or lunch room*, *dairy bar*, *coffee shop*, *snack bar*, or *refreshment room or stand*, but does not include a *boarding* or *lodging house*.

**3.5.3 Enclosed Storage:** *shall* mean an area of *outside storage* that is enclosed behind screening so the storage is not visible from the *street*. The screening can include: a *wood fence*, a *chain link fence* with mesh interwoven, a *concrete fence*, or a *fence* made of a different material all of which are approved by the *Corporation* and recognized in the *fence by-law*.

**3.5.4 Erect:** *shall* mean to do anything in the *erection, building, construction, reconstruction, addition, installation, enlargement, extension, material or structural alteration or repair of a building or structure* and *shall* include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a *building or structure*, the installation of a *building unit* fabricated or removed from elsewhere, and the demolition or removal of a *building* or any part thereof and further includes any work for which a *building* permit is *required* under the *Building Code Act*. “*Erected*” and “*erection*” *shall* have a corresponding meaning.

**3.5.5 Existing:** means a *use, building or other structure* both lawfully *existing* on the date of the passing of this by-law or such other date specifically provided by this by-law and, if a *use*, currently in operation and, if a *building or structure*, currently in *use*.

**3.5.6 Facility:** means a *lot* with a *building* or grouping of *buildings* and *structures* where a *use(s)* is carried on for a common purpose, in accordance with the applicable provisions and regulations of this By-law.

**3.5.7 Farm Building:** means a *building* for the housing or storage of *farm equipment, machinery, produce and/or animals*.

**3.5.8 Farming:** means the activity or business of growing crops and raising livestock (see *agricultural operation* above).

**3.5.9 Farm Machinery/Equipment Sales and Service Establishment:** means a *lot, building or structure* for the sale, service and repair of new or *used farm equipment, farm machinery* and prefabricated *farm buildings and structures* or any combination thereof. It *may* include related *offices, indoor and/or outdoor display areas, the storage and sale of related accessories and their servicing and repair*.

**3.5.10 Farm Produce Outlet:** *shall* mean a place, with or without permanent *buildings*, where *seasonal produce* *may* be sold to the general public by farmers to consumers. *Farm produce outlets* typically consist of a combination of booths, tables or produce stands located outdoors or inside a *building* where fruits, vegetables, meats, and sometimes prepared foods and beverages are sold for the general public.

**3.5.11 Farm Produce Support Use:** means a *facility* for the storage, processing, packaging and/or distribution of agricultural products, the storage, supply and maintenance of materials and equipment necessary for *agricultural operations* or training in *farming techniques and agricultural operations*, any one of which *may* or *may not* be on the same *lot* as an *agricultural operation*. It is intended that such *use* serve *agricultural operations* which, in turn, benefit from its location in an agricultural zone.

**3.5.12 Fence:** as defined under The Corporation of the Town of Kingsville By-law No. 127-2017.

**3.5.13 Financial Institution:** *shall* mean an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers.

**3.5.14 Finished Grade:** shall mean the average level of finished ground adjoining a *building* or *structure* at all exterior walls, as determined by the *Chief Building Official*.

**3.5.15 Fish Farm:** means a *facility* used for *aquaculture*.

**3.5.16 Fitness Centre:** means a *building* or part thereof, in which facilities are provided for recreational athletic activities including, but not limited to, *body-building* and exercise classes, and *shall* include associated facilities such as a sauna or solarium, and *may* include as an *accessory use* one *retail establishment* for the sale of athletic equipment, food or refreshments, provided that the *retail establishment* does not exceed a *floor area* equal to 25% of the *net floor area* of the *fitness centre*.

**3.5.17 Floodplain Development Control Area:** for river stream, and small inland lake systems, means the area, usually low lands adjoining a *watercourse*, which has been or *may* be subject to flooding hazards. Further, the floodplain area *shall* mean that area below the one in one hundred year (1:100) or *maximum* observed flood condition for the watershed which lies within the regulatory (1:100 year storm) floodplain of the adjacent *watercourse* shown on the *Zone Maps* of this by-law. A portion of this area is occupied by the *floodway*.

**3.5.18 Floodway:** *shall* mean the area adjacent to a *watercourse*, other than Lake Erie or a municipal drain, where flood depths and velocities are generally greater than those experienced in the flood fringe. The *floodway* represents the area *required* for the safe passage of flood flow and/or the area where flood depths and/or velocities are considered to pose a potential threat to life and/or property damage. The *floodway* comprises all lands within a *setback* area measured inland from the *top of bank*. Such *setback* *shall* be determined by the *Corporation* in consultation with the Essex Region *Conservation Authority*.

**3.5.19 Floor Area:** *shall* mean the sum of the areas of all of the floors of a *building* or *structure* measured from the outside of all outside walls or from the centreline of common or party walls, exclusive of: *attached accessory building*, terrace, veranda, unfinished attic, unfinished *basement*, open or enclosed *porch*, and any *floor area* with a ceiling *height* of less than 2 m (6.5 ft).

**3.5.20 Forestry Use:** means the general growing and harvesting of timber and without limiting the generality of the foregoing includes the production of fuel wood, pulpwood, lumber, Christmas trees.

**3.5.21 Fuel Storage Depot:** *shall* mean any *industrial use* whose primary purpose is the storage, loading/unloading or supply or sale of fuel, but does not include a *gas bar* as part of an *automobile service establishment*.

**3.5.22 Funeral Home:** *shall* mean a *building* or part thereof wherein a licensed undertaker prepares corpses for interment and *may* include a *chapel* for funeral services.

**3.6 'G,H'**

**3.6.1 Garage (PRIVATE):** shall mean a *building* or portion of a *building* not to exceed sixty-five (65) m<sup>2</sup> in size or twelve (12) meters in width designed for the sheltering or storage of not more than three (3) motor *vehicles* or *recreational vehicles* or both and the storage of household equipment incidental to residential occupancy, and wherein no service for profit is rendered; when such *structure* is attached to the *main building*, it shall be deemed to be part of the *main building* and not an *accessory building*.

**3.6.2 Garage (PUBLIC):** shall mean a *building* or *structure* other than a *private garage* which is used for the care, repair or equipping of motor *vehicles*, or where such *vehicles* are parked or stored for remuneration, hire or sale.

**3.6.3 Garden Centre:** means a *retail store* for the sale of ornamental plants and other products for lawn and garden maintenance and ornamentation in combination with an *outdoor storage yard* and/or *greenhouse* for the storage, display and sale of such products. It *may* also include an *accessory sales kiosk* and *equipment storage facilities*.

**3.6.4 Garden Suite:** shall mean a *one-unit detached residential structure* containing bathroom and kitchen facilities that is *ancillary* to an *existing residential structure* and that is designed to be portable and/or temporary.

**3.6.5 Gas Bar:** shall mean an establishment designed for the retail sale of gasoline, motor car fuel and lubricating oil and allied additives and the introduction of such materials into *vehicles* but does not include the provision of mechanical services to *vehicles*. A *gas bar* may include a *retail store* as an *accessory structure* and *use* if the *retail store* has a *maximum gross floor area* of 100 m<sup>2</sup> (1,076 ft<sup>2</sup>).

**3.6.6 General Salvage Operation:** means an indoor/outdoor *facility* used for the salvaging, crushing, processing, reprocessing, recovering and/or recycling for reuse of any one (1) or more of the following: scrap metal; oils and liquids; textiles; glass; paper; plastic; plaster; rubber; wood. It *may* include a *motor vehicle* salvage operation and, as an *accessory use*, facilities for the resale or remanufacture of salvaged or recycled products.

**3.6.7 Golf Course:** means an outdoor public or *private* area operated for the purpose of playing golf and includes a par three *golf course*, a *miniature golf course* and putting greens.

**3.6.8 Grade:** means the average elevation of the ground within 2 m (6.6 ft) of a *building* or *structure*. Where the elevation of a point on a *building* or *structure* located on the *lot* is equal to the *grade* elevation, that point is deemed to be "at *grade*".

**3.6.9 Greenhouse Facility:** means a *building* or *structure*, enclosed by glass or plastic, used for the *commercial* growing of vegetables, shrubs, trees, plants or flowers and *may* include the harvesting, transplanting and replanting of same but shall not include a *Medical Marihuana Production Facility*.

**3.6.10 Greenway:** means a recreational pathway owned or managed by the Essex Region Conservation authority for pedestrians and non-motorized vehicles and such other like activities.

**3.6.11 Group Home:** *shall* mean a *single* housekeeping *unit* in a residential *dwelling* licensed or funded under an act of the Parliament of Canada or the Province of Ontario for the accommodation of not more than ten (10) *persons*, exclusive of staff, living under supervision in a *single* housekeeping *unit* and who, by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being. Such *dwelling* is provided with responsible adult supervision consistent with the requirements of its residents and is set up in theory, size, appearance, and *structure* to resemble a family *unit*. Notwithstanding this definition such *dwellings* intended to house criminal ex-offenders *shall* not be considered as *group home dwellings* for the purposes of this By-law and are not *permitted* in the Corporation without an amendment to this By-law.

**3.6.12 Gross Floor Area:** means the total combined *floor area* of all *buildings* on a *lot*, excluding the *cellar* of any *building*, measured from the outside face of the exterior walls of each *building*. The *use* of the abbreviation "GFA" in this by-law means *gross floor area*. If reference is made to a specific *use* within a *building*, GFA means the total *floor area* occupied by the *use* and its *accessory components*.

**3.6.13 Gross Floor Area Ratio:** means the ratio of the *gross floor area* to the *lot area*.

**3.6.14 Guest Room:** means a room which contains no facilities for cooking, and is *used* or maintained for guest accommodation.

**3.6.15 Habitable Room Window:** means a window of any one (1) or more of the following rooms within a *dwelling* or *dwelling unit*: dining room; living room; family room; bedroom.

**3.6.16 Hamlet:** means an urban community designated "Hamlet" in The Corporation of the Town of Kingsville Official Plan, i.e. Ruthven and Cottam.

**3.6.17 Health Studio (fitness or athletic facility):** means a *building* or part thereof *used* for athletic or physical fitness instruction in combination with facilities for physical exercise or athletic training. It *may include*, as an *accessory use*, one (1) *retail store* for the sale of athletic equipment, if the *retail store* does not exceed a *floor area* equal to twenty (20 %) percent of the *net floor area* of the *health studio*.

**3.6.18 Heat Pump:** means equipment designed to heat the interior of *buildings* or *structures* and which are normally located outside and/or on a roof or such *buildings* or *structures*.

**3.6.19 Height:** when used with reference to a *building* or *structure* *shall* mean the vertical distance in meters between the horizontal plane through the average *finished grade* and a horizontal plane through:

- (a) the highest point of the roof assembly in the case of a *building* with a flat or *deck* roof;
- (b) the average level of a one slope roof, provided that a roof having a slope less than twenty (20) degrees with the horizontal *shall* be considered a flat roof;
- (c) the roof *deck* line, in the case of a mansard roof;
- (d) the average level between eaves and ridges in the case of a roof type not mentioned in subsection (a), (b) and (c) immediately preceding.

Notwithstanding the above, any ornamental roof *construction* features including towers, steeples or cupolas *shall* not be included in the calculation of *height*. Mechanical features such as *structures* containing the equipment necessary to control an elevator or other rooftop *structures* not containing any habitable space are *permitted* to project a *maximum* of 5 m (16 ft) above the highest point of the roof surface regardless of the *height* of the *building*.

**3.6.19.1 Holistic Wellness Centre:** shall mean a *building* or part thereof, in which facilities or offices are provided for the practice of alternative and traditional medical treatments and may include, but not be limited to, Yoga, Chiropractic, Podiatrist, Chiropodist, Meditation Classes, Reflexology, Massage, Chinese Medicine, Naturopathy, Acupuncture, Iridology, Homeopathy and Shamanism.

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**3.6.20 Home Occupation:** means an occupation for profit or gain conducted entirely within the *dwelling unit*, such occupation being incidental and secondary to the primary *residential* use without changing the character thereof.

**3.6.21 Home Industry:** means an occupation for profit or gain conducted entirely within a residential *dwelling* or *accessory building* in an *Agricultural zone* such occupation being incidental and secondary to the *residential* use of the *dwelling* and the *agricultural operation*, without changing the character thereof.

**3.6.22 Hotel:** means any *tavern*, *inn*, lounge or public house in one *main building* or in two or more connected or adjacent *buildings* designed and *used* mainly for the purpose of catering to the needs of the travelling public in which:

- a) a *minimum* of five (5) *guest rooms* or suites of rooms are provided for sleeping accommodations;
- b) all *guest rooms* or suites of rooms are accessible only from the interior of the *building*;

- c) no *guest room* or suite of rooms has self-contained cooking facilities; and
- d) a *hotel* may include such accessory uses as one (1) or more of the following: *restaurant*; a *banquet hall*; meeting room; *retail store*; *personal service shop*; one (1) *dwelling unit* for a caretaker or manager; *swimming pool*; indoor arcade or recreational facilities for the *use* of the guests but *shall not include any adult entertainment* establishments;
- e) does not include a *rooming house*, *boarding house* or apartment.

### 3.7 'I, J, K, L'

**3.7.1 Industrial Use, Heavy:** a place of business for large scale manufacturing or processing, characterized by: large physical size, *outside storage* of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions. Possible examples of this category include:

- a) Breweries;
- b) Manufacturing of paint and varnish;
- c) Manufacturing of resins and costing;
- d) Metal manufacturing;
- e) Organic chemicals manufacturing;
- f) Soaps and detergent manufacturing;
- g) Solvent recovery plants.

**3.7.2 Industrial Use, Light:** *shall mean* a place of business for a small scale, self contained plant or *building* which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and vibration. These are typically daytime operations and have limited, enclosed *outside storage*. Possible examples of this category include:

- i) Auto parts supply;
- ii) Beverage bottling;
- iii) *Call Centres* or telemarketing centres;
- iv) Computer *wholesale* and services *facility*;
- v) Convention centre;
- vi) Distribution of dairy products;
- vii) Electronics manufacture and repair;
- viii) Fine woodworking and craftsman shop;
- ix) Furniture repair and refinishing;
- x) Laundry and linen supply;
- xi) Packaging and distributing services;
- xii) *Private club* and athletic *facility*;
- xiii) Storage and warehousing facilities;
- xiv) Truck and bus depots.

**3.7.3 Industrial Use, Medium:** A place of business for medium scale processing and manufacturing with *outdoor storage* of wastes or material and /or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and vibration, and low probability of fugitive emissions. Shift operations are *permitted* and there is frequent movement of products and/or heavy trucks during daytime hours. Possible examples of this category include:

- i) *Dry cleaning* service;
- ii) Electrical production manufacturing;
- iii) Feed packing plant;
- iv) Magazine printing;
- v) Manufacturing of dairy products;
- vi) Paint spray booths.

**3.7.4 Industrial Use - Non-Effluent Producing:** *shall mean* an *industrial use* which either does not discharge *waste water* or discharges *waste water* from one or more of the following sources only: a) sanitary sewage from employee washrooms; b) storm water drainage; and c) water *used* for indirect cooling and pressure testing of equipment and for other *ancillary* purposes.

**3.7.5 Infrastructure:** means a physical *structure* (facilities and corridors) that forms the foundation for *development*. *Infrastructure* includes: sewage and water systems, septic treatment systems, *waste management* systems, electric power generation and transmission facilities, communication/telecommunications facilities, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**3.7.6 Inn:** *shall mean* a *facility* providing overnight accommodation and dining in one (1) *main building* or in two (2) or more connected or adjacent *buildings* designed and *used* mainly for the purpose of catering to the needs of the travelling public by supplying foods, refreshments or both and furnishing sleeping accommodation of not less than four (4) *guest rooms* or other accommodation with or without facilities for banquets and meetings for the general public. An “*Inn*” does not include a *rooming house*, *boarding house* or *tavern*.

**3.7.7 Institutional Use:** *shall mean* the *use* of land, *buildings* or other *structures* for some public or social purpose but not for a *commercial use* or for a *commercial business* purpose and *may* include governmental, religious, educational, charitable, philanthropic, hospital or other similar non-business *uses*.

**3.7.8 Landfill:** means a *facility*, operated by a public or *private waste management* authority under a Certificate of Approval from the Ontario Ministry of the Environment, for the disposal and storage of *waste* materials.

**3.7.9 Landscaping:** shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual *Amenity* of a property and to provide a screen to mitigate any objectionable aspects that *may* detrimentally affect adjacent land.

**3.7.10 Landscaped Area:** means an area open to the sky and maintained with any one (1) or more of the following ground covers: grass; flowers; shrubs; trees; ornamental stone, block or brick (but not including *construction grade* aggregate); wood chips; bark; a water feature. Outdoor recreational facilities *accessory* to a *dwelling* or *dwelling unit*, decks, patios, terraces and pedestrian walkways, swimming pools, tennis courts, fenced courts *may* also form a *landscaped area*.

Reference to “*minimum landscaped area*” means the percentage of the *lot required* to be maintained as *landscaped area*. *Landscaped area* *shall* not include parking areas, driveways or outdoor storage areas.

**3.7.11 Landscaped Buffer:** means a *landscaped area* or *yard* located along the perimeter of a *lot* or at the boundaries of *uses* to screen or separate land *uses* either from one another or from a *street* or to maintain sight lines.

**3.7.12 Lane:** means a subsidiary thoroughfare that is not intended for general traffic circulation and which provides a public or *private* means of vehicular access to an abutting *lot*.

**3.7.13 Laundromat:** means an establishment where laundry machines in which only water and detergents can be *used*, are made available to the general public for the purpose of cleaning clothes and other articles made of fabric.

**3.7.14 Library:** means a *facility* containing printed, electronic and pictorial material for *public* use for the purposes of study, reference and recreation.

**3.7.15 Light Repair Shop:** means a *building* or part thereof *used* for the maintenance and repair of any one (1) or more of the following goods: appliances; devices for the assistance of handicapped *persons*; barbeques; bicycles; clocks; electronic equipment; furniture; jewellery; lawn and garden equipment; luggage; musical instruments; scooters; sporting goods; watches.

**3.7.16 Loading Space:** shall mean 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 *vehicles* 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 *lane*.

**3.7.17 Lodging House:** means a *dwelling* in which a *minimum* of six (6) *persons*, not including staff, are provided with lodging for hire, with or without meals, but does not include a place of detention or correction, *residential care facility*, *group home*, *hotel* or *motel*, *private home day care*.

**3.7.18 Long Term Care Facility:** means a *facility* licensed pursuant to Provincial legislation, where a broad range of *personal care, support and health services* are provided for the elderly, disabled or chronically ill occupants in a supervised setting, and *may* include one or more *accessory uses*, such as common dining, lounging, kitchen, recreational or *medical offices/clinics*, but *shall* not include a *retirement home*.

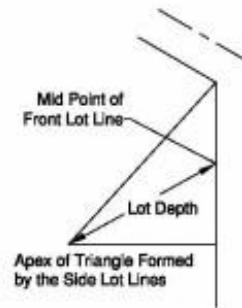
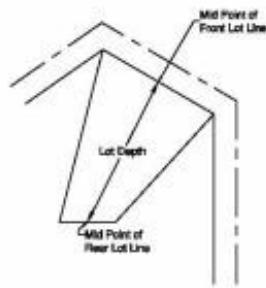
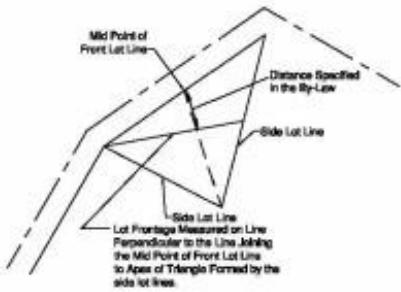
**3.7.19 Lot:** *shall* mean a parcel or tract of land which is described in a deed or other document legally capable of conveying land which:

- a) is the whole of a *lot* on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 50 of *the Planning Act*, R.S.O. 1990, c.P. 13, as amended, not to be a registered plan of subdivision, or
- b) is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.

**3.7.20 Lot:** is further defined as:

- a) **Corner Lot**: *shall* mean a *lot* situated at the intersection of, or abutting upon, two or more *streets*, provided that the angle of intersection of such *streets* is not more than one hundred thirty-five (135) degrees and where such adjacent sides are curved, the angle of intersection of the adjacent sides *shall* be deemed to be the angle formed by the intersection of the tangents to the *street* line, drawn through the extremities of the interior *lot lines*.
- b) **Lot Area**: *shall* be the total horizontal area within the *lot lines* of a *lot*.
- c) **Lot Depth**: *shall* mean the horizontal distance between the midpoints of the *front* and *rear lot lines*. Where there is no *rear lot line*, *lot depth* means the horizontal distance between the midpoints of the *front lot line* with the apex of the triangle formed by the *side lot lines*.
- d) **Lot Frontage**: *shall* mean the horizontal distance between the *side lot lines* of a *lot* 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 7.5 m (24.5 ft) 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 7.5 m (24.5 ft) 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*.
- e) **Lot Interior**: *shall* mean a *lot* other than a *corner lot* which is situated between adjacent *lots* and has access to one *street*.

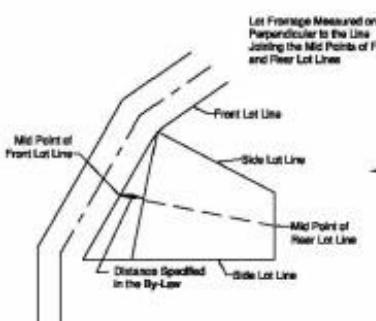
## ILLUSTRATION OF LOT DEFINITIONS



**Lot Frontage**

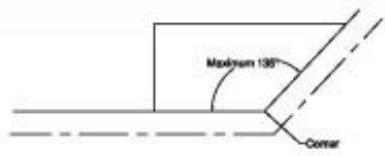
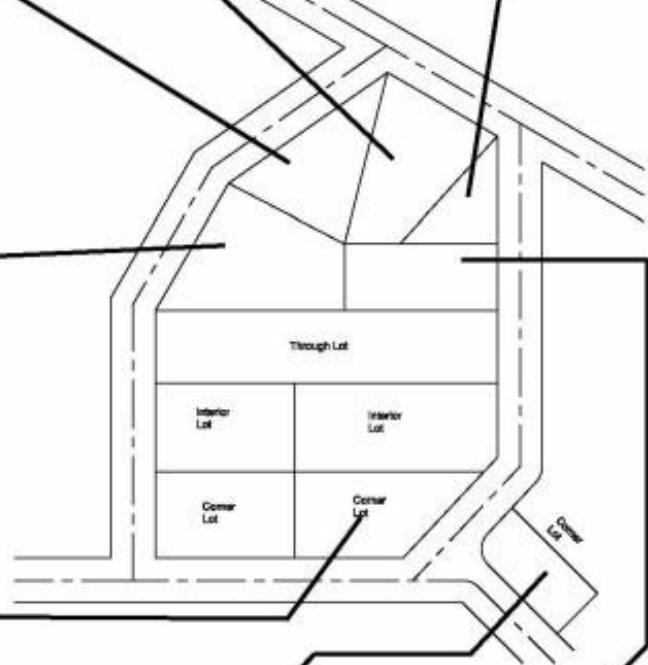
**Lot Depth**

**Lot Depth**



**Lot Frontage**

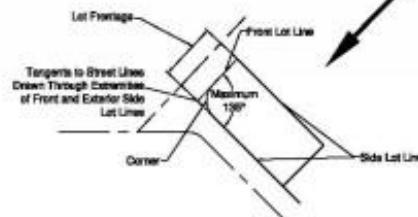
Front and Rear Lot Lines are not Parallel



**Lot Corner**

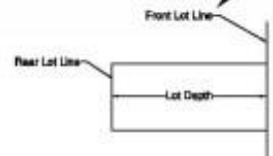
Corner Lot, Straight Sides

Note: The above illustration is for clarification and convenience only and does not form part of this by-law.



**Lot Corner**

Corner Lot, Curved Sides



**Lot Depth**

Front and Rear Lot Lines are Parallel

**3.7.21 Lot Coverage:** means

- a) the percentage of *lot area* covered by all *buildings* at *grade*, combined with:
- b) the percentage of *lot area* covered by the vertical downward projection of all roofs, cantilevered *building* walls and other projecting features;
- c) for the purposes of *lot coverage* calculations, the following are not included: balconies; chimney breasts; cornices; *patios*; eaves; fire escapes; steps and ramps; a *swimming pool* open to the sky; and unenclosed, uncovered *decks* below 0.7 m (2.5 ft).

**3.7.22 Lot Lines:** *shall* mean the boundary lines of a *lot* defined as follows:

- a) **Front Lot Line:** *shall* mean the line that divides the *lot* from a *street*. In the case of:
  - i. a **corner lot** where the shortest of the *lot lines* that divides the *lot* from a *street* *shall* be deemed the *front lot line*;
  - ii. a **corner lot** where one *lot line* abuts a *County Road* or *Provincial Highway*, the *front lot* *shall* be deemed to be that line which abuts the *County Road* or *Provincial Highway* *shall* be deemed the *front lot line*;
  - iii. a **corner lot** where such *lot lines* are of equal length and both *lot lines* abut a public *street* under the jurisdiction of the *Corporation*, the *county* or the *province* then the *front lot line* is deemed to be the *street line* where the principle access/entrance to the property is obtained;
  - iv. a *lot* that does not abut a public *street* but gains access by a *laneway* or *right-of-way* and does not have water frontage on Lake Erie, the *front lot line* *shall* be the *lot line* that divides the *lot* from the *laneway* or *right-way*;
  - v. in the case where there is a dispute on the designation of the *front lot line*, the *Corporation* *shall* designate which *lot line* is deemed as the *front lot line*; and
  - vi. a *lot* that has **water access to Lake Erie**, the *front lot line* is deemed to be the water's edge as established in a current registered survey.
- b) **Rear Lot Line:** *shall* mean the *lot line* farthest from and opposite to the *front lot line* but if there is no such *lot line*, that point furthest from and opposite the *front lot line*;
- c) **Side Lot Line, Exterior:** *shall* mean a *lot line* other than a *front* or *rear lot line* which abuts the *street* on a *corner lot*;
- d) **Side Lot Line, Interior:** *shall* mean the *side lot line* which does not abut the *street* on a *corner lot*.

**3.7.23 Lot, Shallow/Wide:** *shall* mean a *lot* that has a *lot frontage* which is greater than the *lot depth* by a *minimum* of 5 m (16 m).

**3.7.24 Lot, Through:** *shall* mean a *lot* bounded on two opposite sides by *streets* each of which is at least 10 m (33 ft) wide. However, if the *lot* qualifies as being both a *corner lot* and a *through lot*, such *lot* is deemed to be a *corner lot* for the purposes of this By-law.

**3.8 'M, N'**

**3.8.1 Main Building or Main Structure:** *shall mean the principle *building* on the *lot*.*

**3.8.2 Main Use:** *means the principal *use* or *uses* of the *lot* or *building*.*

**3.8.3 Main Wall:** *shall mean the exterior front, side or rear wall of a *building*, and all structural members essential to the support of a fully enclosed space or roof.*

**3.8.4 Main Entry Feature:** *means the principle and primary entry way.*

**3.8.5 Manoeuvring Aisle:** *means an unobstructed part of a parking area which provides direct access to a *parking space*.*

**3.8.6 Marina:** *shall mean an area or establishment, with or without *buildings*, providing facilities or services for *boats* or *persons* travelling 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* storage, the sale, rental or repair of *boats*, *boat* motors or *boat* accessories and the provision of refreshments.*

**3.8.7 Material Transfer Center:** *means a *facility* used for the salvage of materials from consumer products, other than motor *vehicles* or motor *vehicle* parts, for intended transfer or resale on or off the premises. Salvaging involves exclusively any one or more of the following activities: temporary storage; packaging; transferring and reselling. Salvaging activities take place entirely within a *building*. Products and materials are stored entirely within a *building* and/or, where *permitted* by this by-law, in an *outdoor storage yard*.*

**3.8.8 Maximum:** *means at the most or not more than.*

**3.8.9 May:** *means permissive.*

**3.8.9.1 Medical Marihuana Production Facility:** *means a *facility* used for the cultivation, processing, testing, destruction, packing and distribution of marihuana used for medical purposes as *permitted* under the federal government.*

**3.8.10 Medical Office:** *means the *office* of any one (1) or more of the following persons: chiropodist, acupuncturist; alternative medicine practitioner; chiropractor; dentist; denturist; dietician; nurse; nutritionist; occupational therapist; optometrist; osteopath; physician; physiotherapist; podiatrist; psychiatrist; surgeon; any other licensed professional *person* offering treatment services for the physical, mental or emotional health of people.*

**3.8.11 Micro Brewery:** *means a *facility*, not exceeding 300 m<sup>2</sup> (3230 square feet) in *gross floor area*, used for the manufacture and retail sale of beer or wine, produced exclusively for consumption elsewhere than on the premises, except when in combination with a *permitted restaurant* or entertainment lounge.*

**3.8.12 Minimum:** *means not less than, the least or smallest amount or quantity possible, attainable, or *required*.*

**3.8.13 Minimum Distance Separation (MDS):** *means the *minimum distance required**

between a *sensitive land use* and a livestock operation, manure storage *facility* or an anaerobic digester, as determined by the *minimum* distance formulae of the Ontario Ministry of Agriculture, Farms and Rural Affairs (OMAFRA) as amended from time to time.

**3.8.14 Minimum Yard Requirement:** means the *minimum* distance of a *yard required* from a *lot line*. No part of a *required minimum yard* for a *building or structure* shall be included as part of a *required minimum yard* for another *building or structure*. In calculating *minimum required yards*, the *minimum* horizontal distance from the respective *lot lines* shall be used.

**3.8.15 Mobile Home:** means a transportable, factory-built *dwelling* constructed in accordance with applicable Canadian Standards Association "CSA" designed to be transported on its own wheels and chassis or on a flatbed *trailer(s)* and, when in place, to be supported on wheels, jacks, posts or piers or on a permanent foundation. A *mobile home* shall be distinguished from other forms of prefabricated transportable housing by reason of a design which permits and features ready transfer from place to place whereas the latter are intended to be moved only once to a final location. A *mobile home* may also be referred to as a manufactured home or park *model home*.

**3.8.16 Mobile Home Park:** means a grouping of four (4) or more *mobile home dwellings*. It may include an internal road system and common recreational facilities for the residents and an *accessory office* and laundry facilities.

**3.8.17 Model Home:** means a *building* that is *used* on a temporary basis as a *sales office* and/or as an example of the type of *dwelling* that is for sale in a related *development* and which is not occupied or *used* for human habitation.

**3.8.18 Motel:** shall mean one *building*, or two (2) or more *detached buildings* for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food, refreshments, or both, and provided each guest or sleeping room *may* be entered from the exterior of the *building*, and shall include a motor court, auto court, and all such *buildings* operating under the *Liquor License Act*, R.S.O. 1980 and the *Tourism Act*, R.S.O. 1980, as amended from time to time.

**3.8.19 Motor Vehicle Salvage Operation:** means an indoor/outdoor *facility* used for the salvaging of motor *vehicles* and motor *vehicle* parts. Salvaging activities involve exclusively any two (2) or more of the following activities: temporary storage; disassembly; reconditioning; packaging and reselling.

**3.8.20 Natural Environment Area:** means a *lot* or part thereof reserved for the protection and conservation of environmentally *significant* and/or sensitive natural features, functions or processes and designated "Natural Environment" in The *Corporation* of the Town of Kingsville Official Plan.

**3.8.21 Natural Heritage Features and Areas:** means features and areas, including *significant wetlands*, *significant coastal wetlands*, fish habitat, *significant* woodlands south and east of the Canadian Shield, *significant* valley lands south and east of the Canadian Shield, *significant* habitat of endangered species and threatened species, *significant* wildlife habitat, and *significant* areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural *landscapes* of

an area.

**3.8.22 Naturalized Recreational Facilities:** includes but are not limited to *uses* that include naturalized ponds, new forested areas, and *significant* trail and systems including gathering areas that are of man-made features and do not include *natural heritage features* such as *significant wetlands* or woodlots.

**3.8.23 Net Floor Area:** means the total *floor area* measured from the inside face of the exterior walls of a *building* or part of a *building*, but does not include any one (1) or more of the following: *cellars* within a *dwelling*; cloakrooms; corridors; elevator shafts; hallways; indoor *Amenity* areas; kitchens, loading areas; lobbies; mechanical rooms; parking *garages*; stairwells; storerooms to a *maximum* of 20% of the total *net floor area*; washrooms.

**3.8.24 Nightclub:** means a *premises* with a *floor area* greater than 370 m<sup>2</sup> whose primary function is the provision of pre-recorded music, or live musical entertainment, whether such pre- recorded music or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose *accessory* function is the sale and consumption on the *premises* of food and alcoholic beverages, but does not include a *restaurant*.

**3.8.25 Non-Complying:** means a *building* or *structure* that does not meet a regulation of the zone in which it is located on the date of passing of this By-law.

**3.8.26 Non-Conforming:** means a *use* occurring on the property that is not recognized as a *permitted use* for that property and in the zone in which the property is situated.

**3.8.27 Non-Effluent Producing:** means an *industrial use* which does not require the direct consumption of water except for auxiliary facilities such as washrooms or cooling and pressure testing equipment and does not discharge any *waste water*, except from such auxiliary facilities.

**3.8.28 Normal Farm Practices:** means an agricultural practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar *agricultural operations* under similar circumstances; or that makes *use* of innovative technology in a manner consistent with proper advanced *farm management* practices. *Normal farm practices* will be consistent with *The Nutrient Management Act*, 2002, and other applicable regulations, as amended from time to time, made under that Act.

**3.8.29 Nursery:** means a *building* or part thereof, in combination with a *building* and/or lands for the cultivation, storage and maintenance of trees, plants and other garden and *landscaping* products, for wholesale/retail sale and distribution of such products on and off site.

**3.8.30 Nursing Home:** shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons but does not include any premises falling under the jurisdiction of the *Charitable Institutions Act, the Children's Mental Health Services Act, the Children's Residential Services Act, the Homes for the Aged and Rest Homes Act, the Mental Hospitals Act, the Private Hospitals Act, or the Public Hospitals Act.*

**3.8.31 Nutrient Unit:** means the amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the Nutrient Management Act, 2002).

**3.9 'O, P, Q'**

**3.9.1 Office:** shall mean any *building* or part of a *building* or any room or suite of rooms designed, intended or *used* for the conduct of a profession, occupation or business and where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration but *shall not include* , a *medical office*, the retailing of merchandise, the manufacturing, repairing or storage of goods or any *place of assembly* or *amusement*.

**3.9.2 Opening:** means an area of a *main wall* that is open from the outside to the inside and which is treated in a manner that offers a view to the inside from the outside.

**3.9.3 Outdoor Display and Sales Area:** means an outdoor open space area, *used* in conjunction with the *main building* or *structure* on the same *lot*, for the accessory display and/or sales of produce, merchandise or the supply of services in association with the primary *use* of the *lot*. Such a display and/or sales area *may* be wholly or partially contained within a *tent structure*.

**3.9.4 Outdoor Furnace:** means any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy *used* as a component of a heating system providing heat for any interior space or water source.

**3.9.5 Outdoor Market:** means a *lot* or part thereof, occupied for a temporary period by a collection of booths, stalls, tents or other physically defined areas, in an outdoor setting, for the retail sale of goods and/or foodstuffs by two or more individual vendors and operated solely with the approval and consent of a Business Improvement Area Board of Management or the *Corporation*.

**3.9.6 Outdoor Storage:** shall mean the storage of goods in the open air or in unenclosed portions of *buildings* that are open to the air on all sides.

**3.9.7 Park, Private:** means an open space or recreational area other than a *public park*, operated on a *commercial* or *private* member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, horse-riding and cross-country skiing; and/or,

b) Recreational or playground areas such as picnic areas, tennis courts, *swimming pools*, band shells, lawn bowling greens, outdoor skating rinks, athletic fields, refreshment stands and *accessory buildings* which *may* include change rooms, meeting rooms, storage areas and washrooms.

**3.9.8 Park, Public:** means any area of land under the jurisdiction of a *public authority* that is designed and/or maintained for recreational purposes. Without limiting the generality of the foregoing, a *public park* *may* include municipal parks and playgrounds, *golf courses*, *swimming pools*, tennis courts, bowling greens, arenas, trails, *boating* facilities and sports fields and *ancillary retail uses*. However, this definition does not imply that the *public park* will be developed for active or recreational *uses*.

**3.9.9 Parking Lot:** *shall* mean an open area of land not located on a public *street*, *private street* or *lane* that is *used* for the parking of four or more motor *vehicles* but *shall not* include any area where motor *vehicles* are for sale or repair or are kept or stored.

**3.9.10 Parking Space:** means an unobstructed space for the exclusive *use* of parking of a *vehicle*.

**3.9.11 Parking Space, Bicycle:** means an unobstructed space for the exclusive *use* of *parking a bicycle*.

**3.9.12 Patio, Commercial:** means an outside area that is *accessory* to a *restaurant* and where food and/or beverages are prepared and/or served in conjunction with the *restaurant use*. An outdoor *patio* *shall* be *used* exclusively for dining and *shall not* include any recreational or entertainment *use* or activity.

**3.9.13 Patio, Residential:** means a defined outside area with a *maximum height* of 0.3 m (11 in) above average *grade*, used as an outdoor living and recreating area and is considered to be *accessory* to a residence.

**3.9.14 Patio, Raised Residential:** *shall* mean a platform made of wood, concrete or other similar material that has a *height* less than 0.7 m (2.3 ft) above *grade*, projecting from a *building* or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar *accessory uses*.

**3.9.15 Permitted:** means as *permitted* by this by-law.

**3.9.16 Person:** *shall* include an individual, an association, a firm, a partnership or an incorporated company, municipal *Corporation*, agent or trustee and the heirs, executors, administrators, successors and assignees or other legal representative of a person to whom the context can apply according to law.

**3.9.17 Personal Service Shop:** shall mean a *building* or part thereof in which services are provided and administered to any individual, or the personal needs of that individual, or their apparel or their pets and *may* include one (1) or more of the following: barber shop; beauty salon; dress making shop; dry-cleaning receiving and delivery depot; a *dry cleaning* operation having a *maximum gross floor area* of 280 m<sup>2</sup> (3014 ft<sup>2</sup>); duplicating service; *laundromat*, which *may* include a coin-operated self-serve automatic *dry cleaning* machine; optician; picture framing shop; shoe *repair shop*; tailor shop; tanning salon; registered massage therapist *facility*; or a domestic animal grooming salon.

**3.9.18 Petroleum Operations:** means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**3.9.19 Pharmacy:** means a *retail store* in which the *main use* is the retail sale of drugs, pharmaceutical products, medicines and drug sundries.

**3.9.20 Pit:** means land or land under water from which unconsolidated aggregate is being or has been excavated but not rehabilitated, but does not include a *wayside pit*.

**3.9.21 Place Of Amusement:** means an establishment open for *use* by the public containing four or more *amusement machines* even though one or more such machines *may* not be operational, but *shall* not include a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling *use*, any other *place of entertainment* or *amusement*, or any other *use*, otherwise defined or classified in this By-law.

**3.9.22 Place Of Assembly:** means any land, *building* or *structure* or portion thereof used for the purpose of assembly, where persons *may* congregate for civic, political, religious, educational, social, or recreation purposes in any one or more places, rooms or enclosures, and whether or not seating accommodation is provided, and *may* include: a lecture room(s), concert hall, auditorium, a *club*, lodge, trade union or *assembly hall*, a *theatre* or motion picture *theatre*, dance hall, or bowling *alley*.

**3.9.23 Place Of Entertainment:** means a motion picture or live *theatre*, arena, auditorium, planetarium, concert hall and other similar uses but *shall* not include any *adult entertainment* establishment, any *use* entailing the outdoor operation or racing of animals or motorized *vehicles*, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling *use*.

**3.9.24 Place Of Worship:** means a *facility* used by a charitable religious group(s) for the practice of religious rites.

**3.9.25 Planting Strip:** means an area of a *lot* which *shall* be used for no purpose other than *landscaping*, including decorative rock treatments or other *required* structural features, a row of trees or a continuous un-pierced hedgerow of evergreens or shrubs. The remainder of such *planting strip* *shall* be used for no purpose other than *landscaping* features, planting trees, shrubs, flowers, grass or similar vegetation. Walkways and driveways accessing the *lot* from the *street* are *permitted* to cross a *planting strip*.

**3.9.26 Porch:** means an unheated *structure*, with a floor and a fixed roof directly above, primarily intended to provide sheltered access to a *building*. It *may* include perimeter guardrails, a door, *seasonal* screens or windows.

**3.9.27 Portable Asphalt Plant:** *shall* mean 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 which is to be dismantled at the completion of the *construction* project.

**3.9.28 Portable Concrete Plant:** means a *building* or *structure*:

- a) With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials *used* in the process; and,
- b) Which is not of permanent *construction*, but which is designed to be dismantled at the completion of the *construction* project.

**3.9.29 Private Home Day Care:** means the *use* of a *dwelling unit* for the temporary care for reward or remuneration of five children or less who are under ten years of age where such care is provided in a *private* residence other than the home of a parent or guardian or any related child for a continuous period and as defined in *The Day Nurseries Act*, R.S.O.1990.

**3.9.30 Private Road:** *shall* mean a *right-of-way*, *existing* on the day of passing of this Bylaw, which has not been dedicated as a *street* or accepted or assumed by the *Corporation*, but is owned *privately* and which affords the principal means of access to abutting separately owned, legally conveyable parcels of land.

**3.9.31 Public Authority:** *shall* mean the Government of Canada, Province of Ontario, *County* of Essex, The *Corporation* of the Town of Kingsville and any agency, board, or commission thereof.

**3.9.32 Public Hall:** *shall* mean a *building* or part thereof where members of the public gather together for the purpose of any meeting or entertainment whether or not an admission fee is charged and whether or not such premises are rented or leased by any organization for any such function. A "Public Hall" does not include a *private club*, a fraternal organization, a *theatre*, a *school* or a *church*.

**3.9.33 Public Parking Area:** means one (1) or more of the following:

- a) a parking area which is a *main use*;
- b) a parking area which is *accessory* to another *use*, but is not located on the same *lot* as the *use* it is intended to serve;
- c) a parking area which is located in accordance with the provisions of subsection (10) of Section 12, of this by-law.

**3.9.34 Public Services:** *shall* mean the *buildings, structures* and other related works, necessary for supplying water, gas, oil, electricity, steam, hot water, tele-communication services, sewage collection and treatment facilities.

**3.9.35 Public Use:** *shall* mean any *use* of any land, *building* or *structure* by or on behalf of a *public authority*.

**3.9.36 Public Utility:** means any agency or *Corporation* that distributes any one (1) or more of the following services or commodities to the public: telephone, telegraph, natural gas, cable television, electricity, water.

**3.9.37 Public Works Yard:** *shall* mean a *facility* where salt and/or gravel is stored and motor *vehicles* and equipment owned and operated by a *public authority*.

**3.9.38 Qualified Person:** is defined as one who by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated their ability in the field which they are employed and for which they are being engaged to provide professional advice, design or direction related but not limited to such items as noise, odour control, traffic, structural, landscaping etc.

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## 3.10 'R,S'

**3.10.1 Railway:** means a *railway* as defined in *The Canada Transportation Act, S.C. 1996*.

**3.10.2 Recreational Trailer, Vehicle or Boats:** any *vehicle* or recreational equipment such as a *boat* that is suitable for being *attached* to a motor *vehicle* for the purpose of being drawn, or that is self-propelled, or that is capable of being *used* for living, sleeping or eating and the accommodation of human beings and includes a *travel trailer*, pick-up camper or *tent trailer* and/or *boat*.

**3.10.3 Recycling Centre, Packing and Bailing Facility:** *shall* mean a *facility* where Recyclable material is received from a generator of *waste* (O. Reg. 309 of the *Environmental Protection Act*), compression of *waste* into blocks or bales and binding the blocks with wire, metal, plastic or other material.

**3.10.4 Refuse Bin:** means a *waste* receptacle designed to be emptied mechanically by a *commercial waste collection vehicle*.

**3.10.5 Repair shop:** means an establishment *used* for the servicing, repairing or renting of articles, goods or materials, and *may* include an outlet for service and repair done off premises, but does not include any *use* involving the sale, rental or servicing of motor vehicles.

**3.10.6 Required:** means mandated by this by-law.

**3.10.7 Research and Development Use:** means the *use* of *buildings* or *structures* or a portion thereof for scientific *research*, investigation, testing or experimentation, but does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the *facility*.

**3.10.8 Residential Care Facility:** *shall* mean a residential complex that is occupied or intended to be occupied by *persons* for the purpose of receiving housing and a range of supportive care services. For the purposes of this paragraph, a *residential care facility* *shall* include common dining and recreational space and amenities that assist occupants with day to day living. A *residential care facility* *shall not* include:

- a) a residence or *facility* primarily *used* for the temporary or permanent occupancy by inmates, or adults placed on probation or released on parole;
- b) a residence or *facility* primarily *used* for the temporary or permanent occupancy of transient or homeless *persons*;
- c) a residence or *facility* primarily for the treatment and rehabilitation of *persons* who are addicted to drugs or alcohol.

**3.10.9 Residential Use:** *shall* mean the *use* of a *building* or *structure* or parts thereof as a *dwelling*.

**3.10.10 Restaurant:** means a *building* or part thereof *used* primarily for the preparation and serving of food and beverages to patrons for immediate consumption therein or within a physically defined open air sit down eating area located on the same *lot* therewith.

**3.10.11 Rest Home:** *shall* mean a home for the aged or a *rest home* established and maintained under the *Homes for the Aged and Rest Homes Act*.

**3.10.12 Retail Store:** *shall* mean a *building* or part of a *building* where goods, wares, merchandise, articles or things are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any *wholesale* business or business supply *use* or any establishment otherwise defined or classified herein.

**3.10.13 Retirement Home:** means a *facility* that provide accommodation primarily to retired persons or couples where each *private* bedroom or living *unit* has a separate *private* bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care and personal service facilities *may* be provided.

**3.10.14 Riding Stable:** means facilities where horses are maintained and rented for short term recreational *use* by the public.

**3.10.15 Right-Of-Way:** means a *privately owned easement* or *right-of-way* for the purpose of providing primary access to a property, having a *minimum* width of 7.5 m (25 ft) and being *constructed* to an acceptable standard to the *Corporation*, which fronts on an assumed public *street* which *street* has a width of 20 m (66 ft) or more and which *street* is of satisfactory *construction* and maintenance to permit reasonable and safe passage of pedestrians and motor *vehicles* travelling in two directions and which *street* is maintained by the *Corporation* on a year round basis.

**3.10.16 Right-Of-Way Laneway:** means an *easement* or *right-of-way* for the purpose of providing secondary access to the rear of a property, having a *minimum* width of 5.5 m (18 ft) and being *constructed* to an acceptable standard to the *Corporation*. The *laneway* must front on an assumed public *street* which *street* has a width of 20 m (66 ft) or more and which *street* is of satisfactory *construction* and maintenance to permit reasonable and safe passage of motor *vehicles* travelling in two directions and which *street* is maintained by the *Corporation* on a year round basis.

**3.10.17 Roadside Stand:** means a *building*, *used* for the display and retail sale of products produced on the *farm* and located on the same *lot* as the *farm*.

**3.10.18 Rural Residential:** means a *lot* (outside of the designated settlement areas) that is *used* for residential and *accessory* residential purposes.

**3.10.19 Sales and Service Establishment:** *shall* mean a *lot*, *building* or *structure* where the business of selling goods and materials is conducted and *may* include the display, storage and sale of such goods and materials; the storage, display and sale of related *accessory* goods and materials, and related *offices*, showrooms and sales rooms.

**3.10.20 Salvage Yard:** means an area outside of an enclosed *building* where scrap metal and motor *vehicles* are disassembled and dismantled, or where motor *vehicles* in an inoperable condition or *used vehicle* parts, or scrap metals, are stored or resold.

**3.10.21 Sanitary Sewer:** *shall* mean 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 the approval of the Ministry of the Environment.

**3.10.22 School:** *shall* mean an educational establishment under the jurisdiction of the Essex County Board of Education, the Essex County Roman Catholic Separate School Board, Conseil Scolaire Catholique Providence or a *school* operated under charter granted by the Province of Ontario.

**3.10.23 School, Commercial:** means an establishment *used as a school* conducted for gain, including a *studio* of a dance teacher or a music teacher, an *art school*, a *golf school*, *school* of calisthenics, business or trade *school* and any other such specialized *school*.

**3.10.24 School Portable:** Means a temporary *building* or *structure* designed to serve as a classroom on a *lot* that is also the site of a *public school*.

**3.10.25 School, Private:** means an establishment *used as an academic school* which secures the major part of its funding from sources other than government agencies.

**3.10.26 Seasonal:** with reference to a *use* or *activity*, means a *use* or *activity* *permitted* exclusively from or within the period of May 1 to October 31 of any given year.

**3.10.27 Sensitive Land Use:** means *buildings* or outdoor *Amenity* areas, where occupants or *users* doing routine or normal activities, at reasonably expected times, would experience one or more adverse effects from contaminant discharges generated by a nearby *facility* or operation. *Sensitive land uses* *may* be part of the natural or built environment and include, but are not limited to *dwellings*, *day care* centres and educational and health establishments.

**3.10.28 Service Shop:** *shall* mean any *building* or part thereof where appliances and machinery are serviced, or repaired and includes a *building* trade establishment and accessory retail *uses* but excludes any manufacturing, processing, or wholesaling.

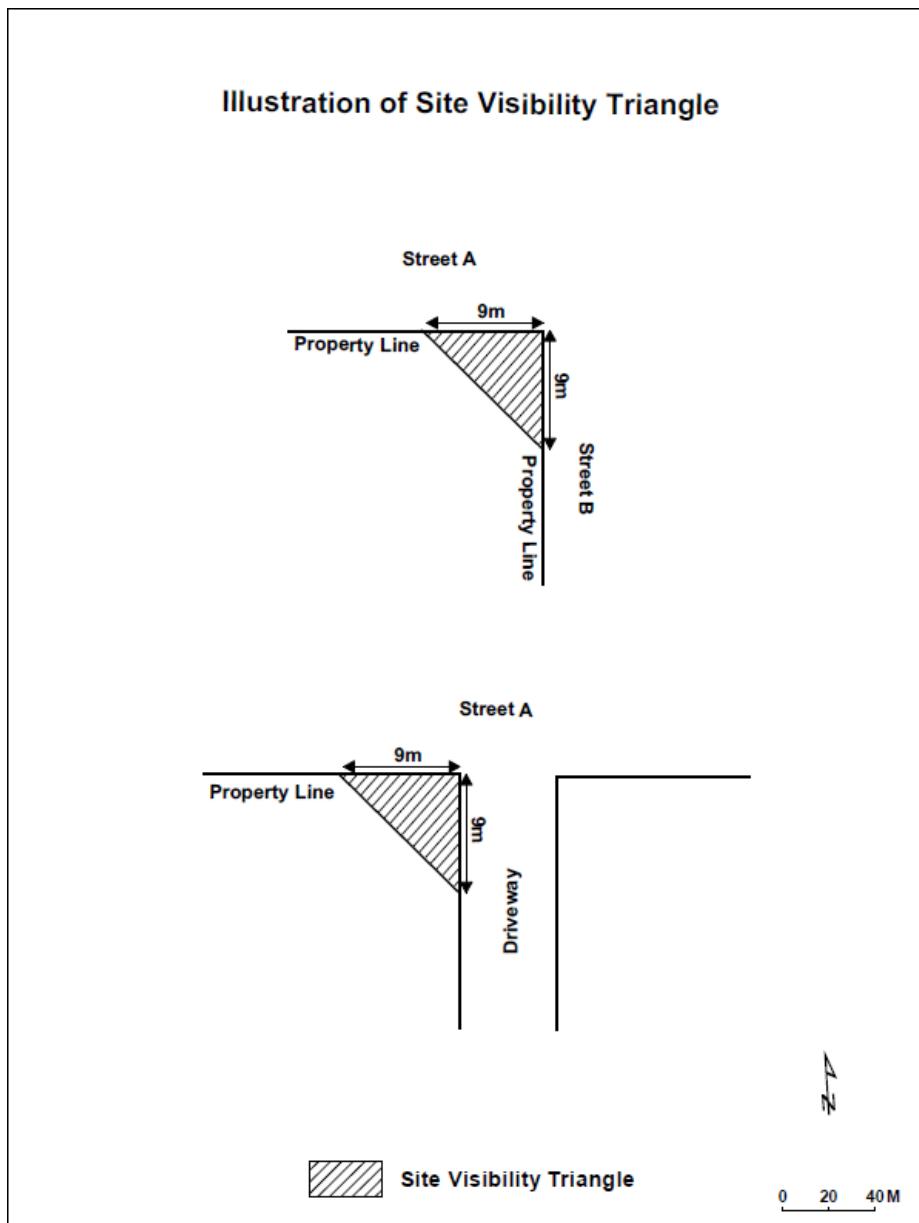
**3.10.29 Setback:** *shall* mean the horizontal distance between the *centreline* of the road and nearest part of any *main wall* of any *building* or *structure*, measured at right angles to such *centreline*, and extending the full width of the *lot*.

**3.10.30 Shall:** means mandatory.

**3.10.31 Shopping Centre:** *shall* mean a group of non-residential *uses* predominantly retail and service *commercial* in nature and *design*, developed and managed as a *unit* by a *single* owner or tenant, or group of owners or tenants, as opposed to a business area comprising unrelated individual business *uses*.

**3.10.32 Sidewalk:** means a paved or concrete area within the municipal *right-of-way* that is designed for *use by pedestrian*.

**3.10.33 Sight Triangle:** shall mean the triangular space at intersecting *streets* or *driveways*, which triangular space shall be measured at a distance of not less than 9.1 m (30 ft.) in both directions (or as more specifically outline in this by-law or by a *public authority*) from the point of intersection measured along the *lot* line formed between a *street* or *driveway*, Where the intersection is formed between a *street* and *driveway* the distance shall be measured along the intersecting *lot* line and edge of the *driveway*. (See “Illustration of *Sight Triangle*” for clarification)



**3.10.34 Sign:** means any board, plate, panel, object, surface or device upon, within, against, through or by which there is inscribed, painted, affixed, borne, or projected any declaration, demonstration, *insignia* or illustration used for the purpose of direction, information, advertisement, promotion or identification including any *sign structure* related thereto, structural trim, and advertising device related thereto.

**3.10.35 Significant:** shall mean:

- a) in regard to *wetlands* and areas of natural and scientific interest, an area identified as provincially *significant* by the Ontario Ministry of Natural Resources & Forestry (MNRF) using evaluation procedures established by the Province, as amended from time to time. While some *significant* resources *may* already be identified and inventoried by official sources, the *significance* of others can only be determined through evaluation.
- b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the MNRF, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regard to valley lands, wildlife habitat, woodlands, areas that are ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader *landscape* because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d) in regard to other features, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e) in regard to mineral potential, means an area identified as provincially *significant* through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially *Significant* Mineral Potential Index;
- f) in regard to potential for petroleum resources, means an area identified as provincially *significant* through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

**3.10.36 Small Biomass Energy System:** means a biomass energy electrical generation system, having a nameplate generating capacity of less than 5 megawatts, being an *accessory use* primarily for the generation of electrical power for direct on-site consumption by the owner/operator.

**3.10.37 Small Solar Energy System:** means a *building* mounted or ground supported solar powered electrical generating system, consisting of solar panels and all appurtenant electrical and mechanical systems, being an *accessory use* primarily for the generation of electrical power for direct on-site consumption by the owner/operator. The total land area *used* for a small solar energy *facility* is less than 2 ha (4.9 acres).

**3.10.38 Small Wind Energy System:** means a wind energy electrical generating system having a nameplate generating capacity of not more than 50 kilowatts and consisting of a bladed turbine and supporting *structure* having a *maximum hub height* of 36 m (118 ft) and all appurtenant electrical and mechanical systems, being an *accessory use* primarily for the generation of electrical power for direct on-site consumption by the owner/operator.

**3.10.39 Stacking Lane:** means an area for a temporary parking to be *used* exclusively for motor *vehicles* whose occupant(s) are awaiting drive through service or are waiting to be provided with goods, materials or services.

**3.10.40 Storage Container:** means any portable device that is open or closed, in which a material can be stored, handled, treated, transported, recycled or disposed.

**3.10.41 Storey:** *shall mean* that portion of a *building*:

- a) which is situated between the surface of any floor and the ceiling above it; and
- b) which is more than sixty percent (60%) above the average *finished grade*, and
- c) which has a *height* of not less than 2 m (6.5 ft) and includes an attic having not less than 2 m (6.5 ft) headroom for at least fifty percent (50%) of the attic *floor area*.

**3.10.42 Street:** means a public highway or public road under the jurisdiction of either the *Corporation*, *County* or the Province of Ontario, and includes any highway as defined in the Public Transportation and Highway Improvement Act or the Municipal Act or successor Legislation, but does not include a *lane* or *private right-of-way*.

**3.10.43 Street, Private:** means a *private* thoroughfare not under the jurisdiction of the *Corporation*, the *County* or the Province of Ontario or created through the registration of a plan of *condominium*.

**3.10.44 Structure:** *shall* mean 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 *permitted outside storage* of goods and materials, but not a terrace, *patio*, or *sign*.

**3.10.45 Studio:** means an establishment or part thereof *used* as a working place for the creation of paintings, sculptures, pottery, glass, wrought iron and other objects or items that are the subject of art.

**3.10.46 Supermarket:** *shall* mean a *retail store* having at least 700 m<sup>2</sup> (7,534 ft<sup>2</sup>) of *gross floor area* and in which the sales of a balanced line of groceries, *bakery* products, dairy products, canned and/or frozen foods, prepared meats, fresh meats, fish and poultry, fresh fruits and vegetables and other food lines from the dominant business activity and some of which *may* be prepared, processed or packaged on the premises. In addition, limited lines of non-food items *may* be carried including newspapers, magazines, paper products, soft drinks, tobacco items, health and beauty aids, small housewares and similar convenience goods.

**3.10.47 Swimming Pool:** *shall* mean any manmade *structure* that *may* be used to contain water for the purposes of swimming, wading or bathing purposes but *shall* not include:

- a) a manmade pond; b) irrigation lagoon that is used for agricultural purposes; c) a temporary excavation below the water table; or d) a portable wading pool that is emptied after each *use*.

## **3.11 'T, U, V, W, X, Y, Z'**

**3.11.1 Take-Out Food Outlet:** means a *retail store* for the sale, exclusively to walk-in customers, of prepared food for consumption elsewhere than on the premises and *may* also include the preparation of food sold at retail.

**3.11.2 Tavern:** *shall* mean an establishment where alcoholic beverages are sold to be consumed on the premises and *shall* include all such *buildings* operating under the *Liquor License Act*, R.S.O. 1980, as amended.

**3.11.3 Technical Errors:** may include typographical, grammatical, spelling, section numbering, metric conversion, transposition errors and minor mapping irregularities.

**3.11.4 Temporary Outdoor Vendor's Site:** means a *lot* or part thereof *used* for the temporary display and retail sale of goods by a *single* vendor licensed by the *Corporation*. It *may* include, in combination therewith, a temporary *greenhouse*, *tent* or other *structure* *erected* and maintained solely for the duration of the license period, in accordance with the provisions of the license.

**3.11.5 Tent:** means every kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved.

**3.11.6 Technology Industry:** means a *building or structure* used for the manufacturing, assembling, repair, packaging, or storage of specialized technical equipment including computers, electronics and communication devices.

**3.11.7 Theatre:** means a *building* or part thereof used as a *theatre* as defined by *The Theatre Act, R.S.O. 1990*.

**3.11.8 Top of Bank:** *shall* mean when used with reference to a *watercourse*, the highest elevation of land which ordinarily confines the waters of such *watercourse* when they rise out of the stream bed or as more specifically determined by the Essex Region Conservation Authority

**3.11.9 Trade and Convention Centre:** means a *facility* where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

**3.11.10 Trailer:** *shall* mean any *vehicle* so *constructed* that it is suitable for being *attached* to a motor *vehicle* for the purpose of being drawn or propelled by a motor *vehicle*, or is self- propelled, and capable of being *used* for temporary living, sleeping or eating accommodation of *persons* therein for *seasonal* travel, recreation and vacation activity, notwithstanding that such *vehicle* is jacked up or that its running gear is removed. This definition *shall* include *tent* trailers, motor homes, truck campers, or similar transportable accommodation but *shall* not include a *mobile home* as defined herein.

**3.11.11 Trailer Park:** See *Campground*.

**3.11.12 Transport Terminal:** a premises *used* for the transfer of goods primarily involving loading and unloading of freight-carrying trucks, and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying trucks.

**3.11.13 Travel/Tent Trailer:** means a *trailer* which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment that is permanently *attached*, has a current license and is not permanently affixed to the ground.

**3.11.14 Truck Trailer:** *shall* mean any *vehicle* so *constructed* that it is suitable for being *attached* to a truck for the purpose of being drawn or propelled by a motor *vehicle*, or is self-propelled, and capable of being *used* for transporting goods, storage of goods and merchandise notwithstanding that such *vehicle* is jacked up or that its running gear is removed.

**3.11.15 Unit:** when used in reference to a *nursing home* or *rest home* *shall* mean a room providing sleeping accommodation for not more than four individuals. For the purposes of this definition, a *single* room, double room or small ward with four (4) or fewer beds *shall* each be considered one (1) *unit*.

**3.11.16 Urban Centre:** means an urbanized area designated “*Urban centre*” in The Corporation of the Town of Kingsville Official Plan.

**3.11.17 Use:** when used as a **noun**, *shall* mean the purpose for which any land, *building* or *structure* is designed, arranged or intended to be occupied or *used*, or for which it is occupied, *used* or maintained; when used as a verb, it *shall* have a corresponding meaning.

**3.11.18 Use:** when used as a **verb** means anything done by any *person* or *permitted*, either directly or indirectly by any *person*, for the purpose of making *use* of a *lot* or part thereof, *building* or part thereof or other *structure* or part thereof.

**3.11.19 Use, Accessory:** means a *use*, customarily and normally subordinate to, incidental to and exclusively devoted to a *main use* of land or *building*, and located on the same *lot*.

**3.11.20 Vehicle:** *shall* mean a wheeled means of transport for the transportation of passengers and/or goods and without limiting the generality of the foregoing, includes automobiles, motorcycles, trucks, buses, ambulances, hearses, motor homes, tractors, self-propelled *farm machinery* and trailers, and vehicular *shall* have a corresponding meaning.

**3.8.32 Vehicle, Commercial:** means a motor *vehicle*, *used* or intended to be *used* for *commercial* purposes and having permanently *attached* thereto a truck or delivery body and *may include*, without limiting the foregoing, catering or canteen trucks, buses, cube vans, tow trucks, tilt and load trucks, dump trucks, transport tractors, hearses, fire apparatus, taxis and limousines.

**3.11.21 Veterinary Clinic and /or Office:** *shall* mean a *facility* for the veterinary care of dogs, cats and other household pets and includes provision for overnight accommodation on the premises.

**3.11.22 Warehouse:** means a *building* or part thereof *used* for the storage of parts, materials, equipment or other goods and products and *may include* their loading, unloading, packaging or unpacking.

**3.11.23 Waste:** means ashes, garbage, refuse, domestic *waste*, industrial *waste* or municipal refuse and other such materials as *may be designated* as *waste* from time to time in the regulations of the *Environmental Protection Act*, R.S.O. 1990, c. E-19, as amended.

**3.11.24 Waste Composting Facility:** means:

- a) Any land upon, into, in or through which, or *building* or *structure* in which organic *waste* that is to be diverted from *landfill* is deposited, stored, processed and recycled into compost for retail and *wholesale* purposes; and,
- b) Any operation carried out or machinery or equipment *used* in connection with the depositing, storage, transfer, processing or recycling referred to in clause (a).

**3.11.25 Waste Disposal Site:** means any land upon, into or through which, a *building* or *structure* in which, *waste* is deposited, disposed of, handled, stored, transferred, treated or processed and includes any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing of *waste*.

**3.11.26 Waste Management Facility:** means the *use* of land, *buildings* or *structures* for the management of *waste*, including the collection, handling, sorting, transportation, storage, recovery and disposal thereof, but does not include a *recycling facility*.

**3.11.27 Waste Storage Area:** means space allocated either within a *main building* or in an *accessory building, structure or enclosure* where garbage, refuse or recycling materials generated on the same *lot* are temporarily stored while awaiting disposal, but does not include any storage for hazardous *waste* or materials.

**3.11.28 Waste Transfer Station:** means the *use* of land for the collection of *waste* into bulk containers for the further transport to a land fill site, recycling *facility* or other *waste disposal facility*.

**3.11.29 Waterlot, Private:** A water *lot, private*, is a *privately owned* piece of land underlying a waterbody (MNR Publications: NRVIS/OLIW Data Management Model for Water *Lot*. [http://publicdocs.mnr.gov.on.ca/View.asp?Document\\_ID=13289&Attachment\\_ID=25982](http://publicdocs.mnr.gov.on.ca/View.asp?Document_ID=13289&Attachment_ID=25982))

**3.11.30 Watercourse:** *shall* mean the natural channel for a stream of water and for the purpose of this By-law includes any *watercourses* shown on Schedule “A”.

**3.11.31 Wayside Pit:** means a temporary *pit* opened and *used* by or for a *public authority* solely for the purpose of a particular road *construction* project.

**3.11.32 Wetland:** means lands that are *seasonally* or permanently covered by shallow water, as well as lands where the water table is close to or at the ground surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens. Such lands are designated “*Wetland*” in The *Corporation* of the Town of Kingsville Official Plan. Periodically soaked lands and former wetlands being *used* for agricultural purposes, which no longer exhibit *wetland* characteristics, are not considered to be *wetlands* for the purposes of this definition.

**3.11.33 Wholesale Store:** means a *building* or part thereof *used* for the sale of goods exclusively for resale, manufacture or *construction*, but does not include the processing, manufacturing, or assembling of those goods.

**3.11.34 Wind Turbine:** means wind driven blades *attached* to an electrical power generator all mounted on a supporting tower or other *structure*, as well as all power convertors and other on-site facilities for the storage and transmission of electrical power generated by the wind energy system.

**3.11.35 Wind Turbine Height:** means the *height* of a *wind turbine* measured from the lowest point of its base at the ground to the tip of the rotor blade at its highest point of rotation.

**3.11.36 Winery:** *shall* mean a *building* or part of a *building* where wines are produced and *may* include wine tasting, storage, display, retail and any associated outdoor *patio* area, on-site dining facilities, processing and administrative facilities, a *farm produce outlet*, a *vineyard* and *uses* normally incidental and accessory to the foregoing.

**3.11.37 Wood Chipping Establishment:** Means a *facility* in which timber from the same *lot* or from another location is fed into a wood-chipping machine for the purpose of producing woodchips and which *may* include, as an *accessory use*, the retail sale of the woodchips to the public.

**3.11.38 Workshop:** means part of a *building* where goods are crafted, fabricated, assembled and/or packaged primarily for sale in a *retail store* or a *wholesale store* located in the same *building* or on the same *lot* therewith.

**3.11.39 Yard:** *shall* mean an open space on the same *lot* with a *main building or structure*, unoccupied and unobstructed except as otherwise provided in the By-law. In determining *yard* measurements the *minimum* horizontal distance between the *main building or structure* and the respective *lot lines* measure perpendicular from the *lot line* *shall* be used:

- a) **Front Yard:** *shall* mean a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of the *main building* on the *lot*;
- b) **Rear Yard:** *shall* mean a *yard* extending across the full width of a *lot* between the *rear lot line* and the nearest wall of the *main building* on the *lot*;
- c) **Side Yard, Interior:** *shall* mean 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*);
- d) **Side Yard, Exterior:** *shall* mean a *side yard* which abuts the *street* on a *corner lot*.

**3.11.40 Zone:** *shall* mean an area delineated on a Zoning Map Schedule and established and designated by the By-law for a specific *use* or group of *uses*.

**3.11.41 Zoning Administrator:** *shall* mean the *officer* or employees of the *Corporation* charged with the duty of enforcing the provisions of the Comprehensive Zoning By- law.

## Section 4 General Provisions

### 4.1 Application of General Provisions

The provisions of this Section *shall* apply to all zones and defined areas except as *may* otherwise be indicated.

### 4.2 Accessory Buildings and Structures

- a) Where this By-law provides that land *may be used* or a *building or structure* may be erected or *used* for a purpose, that purpose *shall* include any *accessory uses, buildings or structures* located on the same *lot* as the principle *use* to which they are related;
- b) Accessory *buildings and structures* 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* unless the *lot* abuts Lake Erie. It is *permitted* to locate accessory *buildings* within 1 m (3.3 ft) of the *front lot line* (shoreline) for those *lots* that abut Lake Erie;
- c) On a *through lot*, an accessory *building* *shall* have a *minimum* setback from the *rear lot line* equal to the *minimum front yard* depth required for a *main building* on the *lot*;
- d) No accessory *building or structure* shall encroach into a *sight triangle* for a *County Road*, a *street* or a *laneway*.
- e) No accessory *building* or part thereof is *permitted* within 1.8 m (6 ft) of any other *building* located on the same *lot*;
- f) A *detached garage, detached carport* or other accessory *building* which does not contain a *dwelling* is permitted in front of a *dwelling* in an Established Residential (ER) zone subject to the *required front yard* setback and must maintain a *rear yard* and/or a *side yard* setback of 1.5 m (5 ft.) *minimum*.
- g) Accessory *buildings* *shall* be limited to a *maximum lot coverage* of 12% of the total *lot area*. Notwithstanding the *maximum lot coverage* of all accessory *buildings*, the *lot coverage* on property in a *commercial* or *industrial zone* *shall* be limited to 20% of the total *lot area* or 50% of the *gross floor area* of the *main building*, whichever is less.
- h) Accessory *buildings and structures* *shall* not exceed the following *heights*:
  - i) in all residential *zones* or *lots* with a total area of less than 2 ha where the accessory *building* does not contain a *dwelling* – 5 m (16.4 ft);
  - ii) in all residential or agricultural *zones* where an accessory *building* is constructed to include an *additional dwelling unit*, – 6.5 m (21.3 ft);
  - iii) in all other *zones* – equal to the *permitted height* of the *Main Building* unless otherwise specified.
- i) Notwithstanding any other provision of this by-law, the maximum building height for an accessory *building* which contains a *dwelling unit* is prohibited from exceeding the building height of the *Main Building*.

- j) Accessory buildings and structures shall not be built closer than 1 m (3.3 ft) to any interior side lot line and 1 m (3.3 ft) to any rear lot line except:
  - i) that common *semi-detached private garages or carports* *may* be centered on a mutual *side lot line*;
  - ii) that in the case where a side or *rear lot line* for a *commercial or industrial use* abuts a residential or holding residential *zone*, *accessory uses, buildings or structure shall* comply with the *minimum required yard* for the *main building* on the *lot*.
  - iii) that any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an *additional dwelling unit*, *shall* maintain a minimum separation of 1.2 m (4 ft) from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing building which is not being altered;
  - iv) that any *accessory building* with a *height* over 5 m (16.4 ft.) *shall* maintain a minimum separation of 1.5 m (5 ft) from a *rear lot line* or *side lot line*;
- k) Accessory buildings and structures to be located between the front and rear wall of a *dwelling shall* not be built closer to the *side lot line* than the *minimum distance required* by this By-law for the *main building*.
  - l) Notwithstanding any other provision of the by-law to the contrary all pools, for the purpose of *setbacks*, *shall* be considered an *accessory structure*.

#### **4.3 Accessory Dwelling unit in a Commercial/Industrial Zone**

The following provisions *shall* apply to an *accessory dwelling unit* in a non-residential *building* where it is *permitted* by this By-law:

- a) pedestrian access to an *accessory dwelling unit* *shall* be provided from an adjacent *street* or public *lane* and *shall* be for the sole *use* of the occupants of the said *accessory dwelling* and *shall* be separate from the access to the *commercial* portion of the *building*;
- b) in addition to the *minimum* number of *parking spaces required* for the *main use* of the *structure*, the following *parking spaces* *shall* be provided on the same *lot*.
  - i) a *minimum* of 1 *parking space* per *dwelling unit* when the *structure* is within a Central (C2) *Commercial zone*;
  - ii) a *minimum* of 1.5 *parking spaces* per *dwelling unit* when the *structure* is within any other zone categories.
- c) i) No new *commercial* or industrial *building* wherein gasoline or any other highly flammable, toxic, or explosive products are handled for *commercial* purposes in association with any non-residential *use* *shall* have a *dwelling unit* unless the *unit* can be installed in compliance with the Ontario *Building Code* (OBC) and subject to any applicable TSSA requirements. This *shall* include, but *shall* not be limited to, such *uses* as an *automobile service station*, a heavy manufacturing *use*, a propane transfer *facility*, a *transport terminal*, *recreational vehicle* sales, service and storage establishment, a bus terminal, or a *marina*.
  - ii) Where an *existing commercial* or industrial *building* contains *uses* identified

under Subsection c) i) above and contains a *dwelling unit* within the *building*, the *residential unit* is considered to exist.

- iii) Where an *existing commercial* or industrial *building* and the *use* of the *commercial* or industrial establishment changes to a new *use* involving the aforementioned products under c) i), the said *dwelling unit shall* immediately cease to be occupied as a *dwelling unit* and *shall* not be *used* as a *dwelling unit* as long as the aforesaid mentioned products are handled in association with the *non-residential use* in the *commercial* area of the *building* unless the *unit* can be retrofitted in compliance with the Ontario *Building Code* (OBC) and subject to any applicable TSSA requirements
- d) the *dwelling unit(s) shall* be either located on the upper floors, or at the rear of the main floor; and
- e) the *dwelling unit(s) shall* be subordinate provided the *dwelling unit(s)* do not occupy more than 50% of the main floor.

#### **4.4 Accessory use**

When an *accessory use* is situated within the *main building* or is situated in an *accessory building* that is *attached* to the *main building*, the *maximum lot coverage* for the *accessory* and *main uses shall* be the same as the *total lot coverage permitted* for the *freestanding main and accessory buildings*, where such separate provisions apply.

#### **4.5 Bed and Breakfast**

The following provisions *shall* apply to a *bed and breakfast* establishment, where it is *permitted* by this By-law:

- a) the *bed and breakfast* establishment must have road frontage on a maintained, year round accessible *public road*;
- b) *bed and breakfast* establishments are only *permitted* within a *single detached dwelling*;
- c) the *use* of the *dwelling* for a *bed and breakfast* establishment does not change the *residential character* of the *dwelling*;
- d) the owner or operator of the *bed and breakfast* must reside within the *dwelling* where the guest bedrooms are provided;
- e) a *maximum* of 4 *guest rooms* *shall* be *used* for the *bed and breakfast*;
- f) up to a *maximum* of 30% of the *dwelling*, with the exclusion of the *guest rooms*, *shall* be utilized for the *bed and breakfast facility*;
- g) the guest bedrooms to be *used* for the *bed and breakfast* are not located in an *accessory building* or *structure*;
- h) two *parking spaces* *shall* be provided on site for the *dwelling*;

- i) in addition to the two *parking spaces required* for the residence in h) above, the *bed and breakfast shall* have one on-site *parking space* provided for each bedroom being used by the *bed and breakfast* up to a *maximum* of four on-site *parking spaces* associated with the *bed and breakfast* establishment;
- j) the *bed and breakfast* establishment does not include a liquor licensed premise or other facilities for the servicing of alcoholic beverages to the general public;
- k) no portion of a *guest room* is located below *grade* or within a *basement, walkout basement or cellar*;
- l) the *bed and breakfast* is not combined with any other *home occupation, home industry, group home or boarding house*;
- m) outdoor *Amenity* space associated with the *bed and breakfast* is to be *used* solely for guests staying in the *guest rooms* and cannot be rented or otherwise lent for use for conventions or special occasion events;
- n) the indoor *Amenity* space associated with the *bed and breakfast shall* not be rented or otherwise lent for *use* except by the guests staying in the four guest bedrooms;
- o) one non-illuminated *sign* mounted on a post or front face of the wall is *permitted* with a *maximum* of 0.9 m x 0.9 m (3 ft x 3 ft) dimension to a *maximum sign* face of 0.8 m<sup>2</sup> (9 ft<sup>2</sup>);
- p) no portion of a *guest room* contains facilities for the preparation of meals; and
- q) all other applicable provisions of this By-law *shall* be in compliance.

#### **4.5.1 Boarding, Lodging, and Rooming Houses**

The following provisions shall apply to a boarding, lodging, and rooming house, where it is permitted by the By-law:

- a) The maximum number of persons permitted to live in a boarding, lodging, and rooming house is the lesser of the occupancy limit set by the Windsor-Essex County Health Unit, the Town of Kingsville Fire Department, or the Town of Kingsville Building Department.
- b) Boarding, lodging, and rooming houses shall not be permitted in the same building as an agricultural operation or agricultural processing establishment, with the exception of office uses.
- c) A boarding, lodging, and rooming house - Agricultural shall have a minimum setback of 10 metres (32.8 ft.) from any building that as part of an agricultural operation has the following use:
  - i. Storage of chemicals, fuels, pesticides, insecticides, or any other potentially toxic and or noxious substance;
  - ii. Storage and/or processing of solid or liquid waste;
  - iii. Packing and/or shipping or products;

- iv. Heating, ventilation, or air conditioning, co-generation, or any other activity which produces significant ambient noise or vibrations.
- d) Boarding, lodging, and rooming houses shall include a minimum of 4 square metres per occupant of outdoor *amenity area/space*.
- e) Notwithstanding section 4.5.1 (d), where a boarding, lodging, and rooming house is within a certain distance of a *public park*, the required minimum outdoor *amenity area/space* is reduced as directed in Table 1.1:

Table 1.1. Minimum Outdoor Amenity Area/Space reductions

Distance from public park Measured from lot line to lot line	Reduction of minimum outdoor amenity area/space (%)
200 m or less	50% reduction
201 m to 400 m	40% reduction
401 m to 600 m	30% reduction
601 m to 800 m	20% reduction
801 m to 1 km	10% reduction

#### 4.6 Boat Docks and Boathouses

Notwithstanding any other provision of this By-law, a *boat house*, pump house or a dock *may be erected and used in the rear yard of a lot abutting a navigable waterway provided such accessory building or structure is located no closer than 1 m (3.28 ft.) to the side lot line, and that no building or structure shall exceed 5.2 m (17 ft.) in height above the high water datum.*

#### 4.7 Commercial Patio

Where a *commercial restaurant patio* is *permitted*, the following provisions *shall apply*:

- a) The *restaurant patio* is *permitted* as an *accessory use* to a *permitted restaurant*;
- b) *Patio seating shall not exceed 50% of the capacity of the restaurant*;
- c) The *restaurant patio shall be located within 3.0 m (9.8 ft.) of the restaurant use for which it is required*;
- d) A *restaurant patio* is not *permitted* in any *yard abutting a Residential Zone*.

#### 4.8 Conversion of Seasonal Dwellings for Permanent Occupancy

The conversion of a *seasonal dwelling* for permanent occupancy as a *single detached dwelling may be permitted* provided that:

- a) the *lot* is serviced by a public water supply;
- b) the *lot* is suitable for *use* with a septic tank or other on-site sewage system on a

permanent basis as approved by the *Corporation*, or where the *lot* is located within a defined sewer service area it *shall* be serviced by a public sanitary sewage system; and

- c) the *lot* and any *buildings* thereon meet the *minimum* requirements prescribed for the applicable zone.

#### **4.9 Decks (unenclosed and uncovered)**

Unenclosed and uncovered *decks* are *permitted* to encroach:

- a) into any *required front, exterior side yard or rear yard*, without restriction when a *deck* has a *maximum floor height* of 0.7m (2.3 ft.) above the ground.
- b) When a *deck* or that part thereof has a floor *height* of greater than 0.7 m (2.3 ft.) and less than 1.2 m (4 ft.) above the ground:
  - i. *may* encroach into a *required front yard* a *maximum* of 2 m (6.5 ft.), but not within 3 m (10 ft.) of a *front lot line*;
  - ii. *may* encroach into a *required rear yard* a *maximum* of 2 m (6.5 ft.) but not within 5 m (16.4) of the *rear lot line*;
  - iii. *may* encroach into an *exterior side yard* a *maximum* 2 m (6.5 ft.) but not within 3.5 m (11.5 ft.) of the *exterior side lot line*;
  - iv. *may not* encroach into an *interior side yard*;
- c) When a *deck* or part thereof has a floor *height* of greater than 1.2 m (4 ft.) above the ground:
  - i. *may* encroach into a *required front yard* a *maximum* of 1.5 m (5 ft.), but not within 5 m (10 ft.) of a *front lot line*;
  - ii. *may* encroach into a *required rear yard* a *maximum* of 1.5 m (5 ft.) but not within 6 m (19.5 ft.) of the *rear yard*;
  - iii. *may* encroach into an *exterior side yard* a *maximum* 2 m (6.5 ft.) but not within 4 m (13 ft.) of the *exterior side yard*;
  - iv. *may not* encroach into an *interior side yard*.

#### **4.10 Enclosed Storage**

Where *accessory enclosed storage* is *permitted* in a *Zone*, the following provisions apply:

- a) *enclosed storage shall be permitted* only in a *rear or interior side yard* and *shall not be located* any closer than 9.0 m (29.5 ft.) to any *street line*;
- b) *enclosed storage shall be screened* by opaque fencing or masonry wall with a *minimum height* of 1.8 m (6 ft.);
- c) The *height* of stored materials *shall not exceed* the *height* of screening provided in accordance with 4.10(b);
- d) The *enclosed storage area* has a *maximum lot coverage* of 15 percent, 20 percent on lands zoned Light Industrial and no *maximum* on lands zoned General Industrial; and,
- e) *Enclosed storage shall not be permitted* within 7.5 m (24.6 ft.) of any adjoining *Residential Zone* or *Development Zone* boundary or any *lot* with an *existing residential use*.

Notwithstanding the above, temporary *outdoor storage* may be *permitted* for a period of no more than 1 month for display or promotional purposes.

#### **4.11 Established Building Line**

On a *lot* within an *Established Residential Zone*, Section 6.5 of this by-law, the *required front yard depth* may be reduced on the following basis:

- a) On an *interior lot* that abuts *lots* on which *dwellings* have *setbacks* from the *front lot line* of less than that *required* by this by-law, the *minimum required front yard depth* is equal to the average *front yard depth* of the *dwellings* on the abutting *lots*;
- b) On a *corner lot* that abuts a *lot* on which a *dwelling* is *setback* from the *front lot line* less than that *required* by this by-law, the *minimum required front yard depth* is equal to the *front yard depth* of the *dwelling* on the abutting *lot*, but not less than 3 m (10 ft.);
- c) The provisions of paragraphs a) and b) of this subsection also apply to an *accessory garage* or *carport*.

## 4.12 Exceptions to Maximum Height Regulations

The following architectural features or *structures* may extend above the *maximum permitted height* of any *building* in any *zone*, provided that they are erected only to such *height* as is necessary to accomplish their purpose:

- i) antenna or other communications system;
- ii) heating systems;
- iii) belfry;
- iv) chimney;
- v) church spire;
- vi) cupola;
- vii) fencing;
- viii) fire wall;
- ix) heating equipment;
- x) mechanical penthouse;
- xi) silo;
- xii) skylight;
- xiii) smoke stack;
- xiv) solar panels and their supporting *structures*;
- xv) ventilator;
- xvi) water tank;
- xvii) wind towers;
- xviii) grain handling equipment including augers and elevator legs.

## 4.13 Existing Lots

An *existing lot* having less than the *minimum* frontage or area *required* by this By-law *may* be developed for all *uses* in the applicable *zone* provided all other regulations of this By-law are satisfied; and:

- a) such *lot* could have been legally conveyed on the date of passing of this By-law without consent under Section 50 of the *Planning Act*, R.S.O. 1990, as amended from time to time. *Lots* created by consent on or before the passing of this By-law and granted subject to the fulfillment of specific conditions *shall* also be considered as being legally conveyable for the purposes of this subsection;
- b) such *lots* are serviced by municipal piped water and sanitary sewage disposal facilities or meet the requirements of the Ministry of the Environment or its designated agent;
- c) such *lots* front on an open, improved *street*; and
- d) such *lots* have a *minimum* frontage of 10.6 m (35 ft);

- e) Notwithstanding the *minimum lot* area requirement of any *Zone*, where an *existing lot* has less than the *minimum required lot* area and is the subject of an application under Section 50 (3) of the Planning Act, the retained parcel resulting from that consent application *shall* be considered to be in compliance with the *minimum lot* area requirement if the *existing undersized lot* area is not reduced by more than 10% of the original *lot* area at the time the application for consent is filed with the Town. This provision *shall* only apply to *lot* additions, *lot* line adjustments, surplus *dwelling* severance, the re-establishment of former *lots* or other severances where no new *development* is occurring.

#### **4.14 Farm Produce Outlet**

The following provisions *shall* apply to a *farm produce outlet* where it is *permitted* by this By-law:

- a) the *maximum gross floor area* of the *farm produce outlet building* *shall* be 278 m<sup>2</sup> (3,000 ft<sup>2</sup>);
- b) the majority (60% or greater) of the product processed, preserved, packed, stored and/or cooked *shall* be from the *farm*;
- c) the *farm produce outlet* *shall* be operated by the owner of the *farm*;
- d) the *farm produce outlet* *shall* be secondary to the main *Agricultural Use* on the property;
- e) employees *shall* be restricted to the owner and a *maximum* of five outside employees, full time or part time on any given shift;
- f) the *farm produce outlet* *may* be subject to site plan control if the *farm produce outlet building* is greater than 45 m<sup>2</sup> (485 ft<sup>2</sup>);
- g) all *farm produce outlets* *shall* provide parking with 1 space for each 46.5 m<sup>2</sup>(500 ft<sup>2</sup>) of *floor area* of the *farm produce outlet*;
- h) the *farm produce outlet* *may* include the selling of cooked, preserved or processed foods where the cooking, preserving and processing of the food product occurs within a kitchen on site. The kitchen must be licenced or receive a permit from the necessary health inspection agency;
- i) One *sign* is *permitted* for the *farm produce outlet*.

#### **4.15 Floodplain Development Control Area**

The Floodplain *Developmental* Control Area as shown on Schedule “A” of this By-law is that area which lies within the regulatory (1:100 Year) floodplain of the adjacent *watercourse*. Within this area, the extent of the *floodway* and floodplain can be determined from the definition of *Floodway* contained in Section 3 of this By-law. *Development* within the *Floodway*, with the exception of a permeable *fence*, is prohibited. That area within the *Floodplain Development Control Area* but outside of the *Floodway* shall only be developed in accordance with the provisions of the underlying zones and shall be flood proofed to the satisfaction of the Essex Region *Conservation authority* to ensure that *building openings* are located above the elevation of the 1:100 Year flood level at the *building* location as detailed in Ontario Regulation 147/90, as amended, and Ontario Regulation 535/91 Schedule 2, Mapping Sheets 1 to 9, 13 to 16, 20, 22, 25 and 26, dated February, 1981, all of which are on file at the *office* of the Essex Region *Conservation authority*.

#### **4.16 Greenhouse Facility Regulations and Definitions**

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The following definitions apply to greenhouse facilities in the Corporation and are provided for clarification purposes during site plan approval:

Buffering and/or Separation may include the use of fencing, Provincial or Federal separation standards, berthing or screening

Landscaped Open Space shall consist of a combination of grass, trees, shrubs, flowers and other features as illustrated in an approved site plan.

Outdoor Amenity Space is considered any green space capable of accommodating recreational space for items such as sports fields, walking paths or picnic areas.

Sensitive Land Use, for the purpose of greenhouse development and supplementary to Section 3.10.28, means any non-accessory or off-site residential use, natural heritage feature, as defined in Provincial Policy Statement, institutional use, park land or active recreational facilities.

The following regulations apply to greenhouse facilities in the Corporation:

- a) Landscaping Buffer/Separation – 5 m, minimum wide abutting the lot line of a sensitive land use.
- b) Bicycle Racks shall be provided for all housed on-site workers and locate to the rear of the housing facility or appropriately screened from view.
- c) Main Driveway Access – 10 m, minimum from an abutting sensitive land use, secondary access locations shall be determined in consultation with the Town and County.

- d) Loading Area – 100 m, minimum from the nearest residential dwelling, subject to screening and noise and light abatement during site plan approval.

#### **4.17 Hazardous Uses**

Unless otherwise specifically provided by this by-law, no new *dwelling* or other *sensitive land use* *shall be permitted* within 150 m (493 ft.) of a *lot* on which a sewage lagoon is located on the *lot* or within 500 m (1,641 ft.) of a *Landfill Zone*. This *shall not apply* to the replacement of a lawfully *existing dwelling*, provided such *dwelling* is located no closer to the sewage lagoon or *landfill* than as *existing*.

#### **4.18 Home Occupation**

Unless otherwise specifically provided in this by-law, a *home occupation* is a *permitted use* in a *dwelling unit*, provided that it is conducted in accordance with the following regulations:

- a) No more than one employee is *permitted* to engage in the business and working in the *home occupation*;
- b) Notwithstanding subsection a) above, no more than 2 employees are *permitted* to be engaged in the business and working in the *home occupation* where the subject *lot* is greater than 0.2 hectares in area or is zoned (A1);
- c) a *maximum* of 25% of the *gross floor area* or a *maximum* of 30 m<sup>2</sup> (323 ft<sup>2</sup>), whichever is the lesser *floor area*. This limitation *shall not apply* to *guest rooms* and *guest facilities* within a *bed and breakfast dwelling*;
- d) it is carried on exclusively by the inhabitants of the *dwelling unit*;
- e) it is conducted entirely within the main *dwelling*, not in a *garage* or *accessory building*;
- f) only 1 *home occupation* *shall be permitted* on a *lot*;
- g) there *shall* be no visible indication from the exterior of the *dwelling unit* that a *home occupation* is being carried on except for a *sign* having a *maximum sign* face area of 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>);
- h) there *shall* be no sale of goods other than those produced on the premises;
- i) there *shall* be no external storage of materials, goods or equipment related to the *home occupation*;
- j) there *shall* be no generation of perceptible noise, odour, fumes or dust outside the *dwelling unit*,

- k) The following *home occupations* shall only be permitted on a *lot* that has frontage or an exterior *lot* line on a *County Road* or a major arterial road:
  - i) a *medical office*;
  - ii) a dog groomer.
- l) The following *uses* are prohibited as a *home occupation*:
  - i) an *adult entertainment* establishment;
  - ii) *dating/escort services*;
  - iii) *contractors yard*;
  - iv) *tattoo parlour*;
  - v) *taxi stand, taxi dispatch, taxi establishment*;
  - vi) any *use* involving the parking, storage, repair, maintenance and/or towing of *motor vehicles, recreational vehicles, commercial trucks or engines*;
  - vii) any *use* requiring ventilation, other than ventilation typically found in a residence;
- m) a *bed and breakfast* shall operate in compliance with Subsection 4.5 of this By-law.

#### 4.19 Home Industry

A *home industry* shall only be permitted in an Agricultural Zone, in conjunction with a *single detached dwelling* in an *accessory building* in accordance with the following provisions:

- a) A *home industry* is an *accessory use* only permitted in the 'Agricultural (A1)' Zone.
- b) The *home industry* shall have no *outdoor storage* of materials, containers or finished products in the *front or side yards*;
- c) One member, at a *minimum*, of the *household residence* must be employed in the *home industry*. A *maximum* of one employee from outside the *household residence* may be employed in the *home industry*;
- d) The *home industry* shall not become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or parking;
- e) Not more than one *accessory building* with a *maximum* of 200 sq. m of *gross floor area* may be used for the purpose of the *home industry*;
- f) only 1 *home industry* shall be permitted on a *lot*;
- g) No more than three off-street parking spaces shall be associated with the *home industry*;
- h) No more than two *vehicles*, including *commercial vehicles*, shall be permitted to be associated with the *home industry* and parked on the *lot* associated with the *home industry*;

- i) A *home industry* may include, but not be limited to, the following *uses*: welding shop, *farm implement repair shop*, small engine *repair shop*, painting business for *farm implements* and things other than motor *vehicles*, *basement waterproofing*, a carpentry shop, a welding or machine or small tool and equipment *repair shop*, a tile drainage contractor, septic tank disposal contractors *facility*, home craft operations such as pottery, woodworking or weaving, furniture upholstering and refinishing, a seed or agricultural products dealer, or any other *use* similar in nature which conforms to the preceding criteria.

## 4.20 Lake Erie Setback and Frontage – Non-Residential Buildings and Structures

### **West of the *urban centre***

No part of any *building or structure*, other than a *fence*, hedge or shoreline protective work *shall* hereafter be erected in any *zone* or defined area:

- a) within 60 m (197 ft) of the *top of bank* of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the *top of bank* where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have not been *constructed*;
- b) within 10 m (33 ft) of the shore protection works along Lake Erie, measured horizontally along a line perpendicular to a line drawn along the shore protection works, where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have been *constructed* and certified by a qualified engineer as built to *design* standards.

### **East of the *urban centre***

No part of any *building or structure*, other than a *fence*, hedge or shoreline protective work *shall* hereafter be erected in any *zone* or defined area:

- a) within 75 m (246 ft) of the *top of bank* of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the *top of bank* where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have not been *constructed*;
- b) within 15 m (50 ft) of the *top of bank* of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the *top of bank*, where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have been *constructed* and certified by a qualified engineer as built to *design* standards.

#### **4.21 Lake Erie Setback and Frontage – Residential Buildings and Structures**

Notwithstanding any *required setback* in this By-law, a greater *setback shall* apply to the erection or reconstruction of a *dwelling* or any *accessory building or structure* thereto between two *existing* and immediately adjacent *dwellings* which are less than 76 m (250 ft) apart measured horizontally and parallel to a line drawn along the water's edge of Lake Erie or the top of the bank of a *watercourse*, to the extent that no person *shall erect* any *dwellings* closer to the water's edge or the *top of bank*, as the case *may be*, than the established *building line*.

For the purpose of this subsection only, the 'established *building line*' *shall* be the line joining the point on the *main wall* of the one *existing dwelling* which point is closest to the other *existing dwelling* and is closest to the water's edge or *top of bank*, as the case *may be*, to the point on the *main wall* of the other *existing dwelling* which point is closest to the other *existing dwelling* and is closest to the water's edge or *top of bank*, as the case *may be*.

Notwithstanding the preceding paragraph, an adjacent *dwelling* which is entirely situated on the front portion of the *lot*, *shall not* qualify as an adjacent *dwelling* for the purposes of determining the 'established *building line*'. In these instances, the next *dwelling* in the same direction that is within the 76 m (250 ft) requirement and is not entirely on the front portion of the *lot* *shall be used*. For the purpose of this subsection only, 'front portion of the *lot*' *shall* mean that portion of the *lot* situated between the *front lot line* and the line representing the mid-point of the depth of the *lot*.

#### **4.22 Minimum Distance Setback (MDS) Provisions**

- a) Notwithstanding any other *yard* or *setback* provision 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 requirements and *Minimum Distance Separation I* (MDSI).
- b) Notwithstanding any other *yard* or *setback* provision of this By-law to the contrary, no livestock *facility* or manure storage *facility* *shall* be erected or expanded unless it complies with the requirements and *Minimum Distance Separation* (MDSII).
- c) The requirements of subsections (a) and (b) *shall not be required* between a livestock *facility* and a *dwelling* or *accessory building* on the same *lot*.
- d) This Section *shall not apply* and separation *shall not be required* from an abandoned cemetery, a public utility, a waste disposal site or a pit quarry

#### **4.23 Municipal Drain and Watercourse Setbacks**

No part of any *building* or *structure* other than a *fence*, *shall* hereafter be erected in any *zone* or defined area:

- a) closer to an open *watercourse* or open municipal drain than 8 m (26 ft) plus the depth of the *watercourse* or drain to a *maximum* of 15 m (50 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, the Drainage Superintendent or a municipal engineer, the *minimum setback shall* be 3 m (10 ft) from the centre line of the drain;
- b) closer than a distance equal to twice the *height* of the embankment plus 8 m (26 ft) from any municipal drain or natural *watercourse* having an embankment with a slope greater than 30 degrees from the horizontal and a *height* greater than 3 m (10 ft).

#### **4.24 Non-Complying Lots, Buildings and Structures**

##### **a) Non-Complying Lots**

Notwithstanding any other provision of this By-law to the contrary, a *lot existing* prior to the passage of this *By-law* having a lesser *lot area* and/or *lot frontage* than is *required* herein, *may be used* and *buildings* thereon *may be erected*, enlarged, repaired or renovated provided that:

- i) It is held under a distinct and separate ownership from abutting *lots* on or before the date of passing of this *By-law*;
- ii) All relevant provisions of the *Planning Act*, R.S.O. 1990, c.P. 13, have been complied with;
- iii) The *lot* is in a Residential, *Private Club* or *Commercial Zone* and has a *minimum lot area* and *lot frontage* of 1,800 m<sup>2</sup> (19,375 ft<sup>2</sup>) and 30 m (98 ft), respectively;
- iv) The *lot* is adequately sized to accommodate a means of water supply and sanitary *waste disposal*. The determination of adequacy of a *lot* for *development* *may* require an on-site servicing report prepared by a qualified professional; and
- v) The *use* conforms to the *By-law* and any *erection*, *enlargement*, *repair* or *renovation* complies with all other provisions of this *By-law*.
- vi) Notwithstanding Section 4.24 a) above of this *By-law*, where a consent to land severance was granted prior to the passage of this *By-law*, but the severed and retained parcels are not created until after the passage of this *By-law*, and the resultant parcel(s) lack the *required lot area* or *lot frontage* of the applicable *zone*, then the deficient parcels *may be used* and *buildings* thereupon *erected*, enlarged, repaired or renovated provided that clauses 4.24 a) ii) through v) inclusive are complied with.

##### **b) Non-Complying Buildings and Structures:** All *buildings* or *structures* must meet the *minimum yard setback* specified elsewhere in this *By-law* and must comply with the *setback* requirements of the *zone* categories with the exception of the following:

###### **a) Horizontal Extension Permitted – Front and *Side yards***

*The enlargement or extension of a legal non-complying main dwelling that does not comply with the front yard or side yard requirements *may be permitted* after the passing of this *By-law*, provided the expansion or extension:*

- i. does not exceed 50% of the *total ground floor area* of the *main dwelling*;
- ii. if the addition is proposed in the *front or side yard*, the addition can be up to a *maximum* 50% of the length of the front or side wall, depending on the *yard* of encroachment;
- iii. when two or more walls are not in compliance, the longest wall will be *used* for calculating 50%;
- iv. the encroachment within the *front yard* and/or *side yard* is not closer than the *front yard* and/or *side yard* setback of the *existing main dwelling*;
- v. the property is *zoned* for *residential use*;
- vi. does not further contravene any other provision of this *By-law*; and
- vii. the *maximum* enlargement or extension to the *main dwelling* of 50% applies regardless of whether the enlargement or extension is located in a *front or side yard*.

**b) Vertical Extension Permitted for Dwellings**

Notwithstanding the *maximum building height* provisions of this *By-law*, the extension of any legal non-*complying dwelling* located on a *lot* zoned for *residential use* which exceeds the *maximum building height*, is *permitted*, provided that such extension does not exceed the *height* of the *existing dwelling* or 9 m (29.5 ft), whichever is the lesser, and further provided that the *total floor area* of such extension does not exceed the *ground floor area* of the *existing dwelling*.

**c) Reconstruction of Buildings or Structures**

Nothing in this *By-law* *shall* prevent the reconstruction of any *non-complying building* or *structure* that existed prior to the date of the passing of this *Bylaw* provided:

- i. the reconstruction of such *building* or *structure* does not increase the *total floor area* of the lawfully *used building* or *structure*;
- ii. the reconstruction of such *building* or *structure* occurs on the same *footprint* as the *existing structure*;
- iii. and the reconstruction of such *building* or *structure* does not further contravene the *by-law regulations*."

**d) Restoration to a Safe Condition**

Nothing in this *By-law* *shall* prevent the strengthening or restoration to a safe condition of any *non-complying building* or *structure* or part thereof that existed prior to the date of passing of this *By-law*, provided that the strengthening or restoration does not increase the *building height*, size, or volume, except where an increase in *height*, size, or volume would comply with the provisions of the *Zone* in which the *building* or *structure* is located.

**e) Interior Alteration, Permitted**

Nothing in this *By-law* *shall* prevent the interior *alteration* of a *non-complying building* or *structure*.

**f) Accessory Buildings or Structures**

Legal *non-complying* accessory buildings or structures may not be enlarged or extended.

**g) Replacement Structure**

An existing legal *non-complying* building or structure to be demolished may be replaced at the existing setback of the legal *non-complying* building or structure to be removed as long as the replacement structure is constructed on the same footprint as the existing structure and the replacement structure does not further contravene *By-law* regulations.

**h) Legal non-complying attached decks**

Legal *non-complying* attached decks to the *main structure* may be expanded by up to a maximum 50% of the *existing deck* calculated on the linear frontage of the *existing structure* and provided the *deck* does not exceed 2 m (6.5 ft) above final grade.

## 4.25 Non-Conforming Uses

- a) No lands *shall* be *used* and no *building* or *structure* *shall* be *used* except in conformity with the provisions of this *By-law* unless such *use* existed before the date of passing this *By-law* and provided that it has continued to be *used* for such purpose, and that such *use*, when established, was not contrary to any *By-law* in force at that time.
- b) Nothing in this *By-Law* *shall* prevent the strengthening to a safe condition or the reconstruction of any *building* or *structure* or part of any such *building* or *structure* that is *used* for a *non-conforming* *use*, provided such *alteration* or *repair* does not increase the *height*, *size* or *volume* or change the *use* of such *building* or *structure*.
- c) **Continuation of Existing Uses:** The provisions of this *By-law* *shall* not apply to prevent the *use* of any *lot*, *building* or *structure* for any purpose prohibited by this *By-law* if such *lot*, *building* or *structure* was lawfully *used* for such purpose on the date of passing of this *By-law*, providing such *use* has been continuous since that date.
- d) **Building Permit Issued:** The provisions of this *By-law* *shall* not apply to prevent the erection or *use* of any *building* or *structure* for a purpose prohibited by this *By-law* of any *building* or *structure* the plans for which have been submitted no more than thirty days prior to the date of the passing of the *By-law*, and have been approved for zoning requirements by the *Chief Building Official*, so long as the *building* or *structure* when erected is completed in conformity with such plans and is *used* and continues to be *used* for the purpose for which it was erected and provided the erection of such *building* or *structure* commenced within two years after the date of the passing of the *By-law* and such *building* or *structure* is completed in conformity with such plans expeditiously after the *construction* thereof is commenced.

- e) **Permitted Exterior Extension:** A *building*, which at the date of passing of this By-law was *used* for a purpose not permissible within the *zone* in which it is located, *shall* not be enlarged, extended, reconstructed or otherwise structurally *altered*, unless such *building* is hereafter to be *used* for a purpose *permitted* within such *zone* and complies with all requirements of this By-law for such *zone* or permission is obtained by approved application to the Committee of Adjustment.
- f) **Permitted Interior Alteration:** The interior of any *building* lawfully *used* on the date of passing of this By-law for a *use* that is not *permitted* within the *zone* that such *building* is located *may* be reconstructed or structurally *altered* in order to render the same more convenient or commodious for the same purpose for which, at the passing of this By-law, such *building* was *used*.
- g) **Restoration to a Safe Condition:** Nothing in this By-law *shall* prevent the strengthening or restoration to a safe condition of any *building* or *structure* or part thereof provided that the strengthening or restoration does not increase the *building height*, size or volume or change the *use* of such *building* or *structure*.

#### 4.26 Openings for Doors in a Wall Facing an Interior Side Yard

A door that provides access to the interior of a *main building* and/or an *accessory building* *shall* not be *permitted* in any portion of a wall facing the interior *side lot line* that is located less than 1.2 m (4 ft) from the interior *side lot line*.

#### 4.27 Outdoor Furnaces

*Outdoor furnaces* are only *permitted* on *lots* zoned *Rural Residential (RR)*, *Lakeshore Residential (LR)* and *Agricultural (A1)* and subject to the following provisions:

- a) *Minimum setback* from any *lot line* - 60 m (197 ft);
- b) *Minimum setback* from any *lot* zoned Residential as identified in Section 6.0 of this By-law – 100 m (328 ft);
- c) *Minimum setback* from any *building* or *structure* – 15 m (50 ft);
- d) Not located in any *front yard* or *exterior yard*;
- e) A perimeter ground area of a non-combustible surface (i.e. gravel, concrete pad) *shall* be provided around the *outdoor furnace* with a *minimum* distance of 3 m from the *unit*;
- f) No more than one *accessory outdoor furnace* is *permitted* per *lot*;
- g) *Outdoor furnaces* must be fitted with a chimney no less than 3.6 m (12 ft) in *height* measured from the ground and must be equipped with a rain cap/spark shield; and,

- h) No *outdoor furnace* shall be used for the incineration of waste.

#### **4.28 Outdoor Storage**

Where *accessory outdoor storage* is *permitted* in a *Zone*, the following provisions apply:

- a) *Outdoor storage* shall be *permitted* only in a *rear* or *interior side yard* and shall not be located any closer than 9.0 m (30 ft) to any *street line*;
- b) *Outdoor storage* shall be screened by chain link *fence* with a *minimum height* of 1.8 m (6 ft);
- c) The *height* of stored materials shall not exceed the *height* of screening provided in accordance with Subsection 4.28 (b);
- d) *Outdoor storage* areas are limited to a *maximum lot coverage* of 15%
- e) Notwithstanding item d) on lands *Zoned M1 or M2* the *maximum permitted lot coverage* is 20% and on lands *zoned M3 or M4* there is no *maximum lot coverage* limit; and,
- f) *Outdoor storage* shall not be *permitted* within 7.5 m (25 ft.) of any adjoining *Residential Zone* boundary or any *lot* with an *existing residential use*.

Notwithstanding the above, temporary *outdoor storage* may be *permitted* for a period of no more than 1 month for display or promotional purposes.

#### **4.29 Permitted Encroachments in a Required Yard**

##### **a) Architectural Features:**

Balconies and architectural features such as sills, projections of belt courses, chimneys, cornices, eaves, replacement residential exterior cladding, roof overhangs and other similar architectural features are *permitted* to encroach:

- i) a *maximum* of 0.6 m (2 ft.) into a *required yard* when the *yard* has a greater width than 1.2 m (4 ft.); or
- ii) a *maximum* 0.3 m (1 ft.) into a *required yard* of less than 1.2 m (4 ft.) in width.

##### **b) Bay Windows:**

Bay windows and other similar architectural features are *permitted* to encroach:

- i) into a *required front* or *rear yard* with a *maximum* of 1 m (3.3 ft.);
- ii) into a *required side yard* with a *maximum* of 0.3 m (1 ft.);
- iii) not within 1.2 m (4 ft.) of a *side lot line*.

c) **Balcony:**

Balconies, overhangs and other similar architectural features are *permitted* to encroach:

- i) into a *required front or rear yard*, a *maximum* of 1.5 m (4.9 ft.);
- ii) into a *required side yard*, a *maximum* depth equal to 25% of the *required side yard width*;
- iii) not within 1.2 m (4 ft.) of a *side lot line*.

d) **Below Grade Entrance Pad and Steps Leading Thereto:**

Below grade entrance pad and steps and other similar architectural features are *permitted* to encroach:

- i) into a *required rear yard*, a *maximum* of 2.5 m (8.2 ft.);
- ii) not within 1.2 m (4 ft.) of a *side lot line*;

e) **Central Air Conditioning Units, Outdoor Building Heating Units and Stand-by Power Systems:**

Central air conditioning units, *heat pumps*, stand-by generators and other similar features are *permitted* to encroach:

- i) into a *required rear yard*;
- ii) not within 1.2 m (4 ft.) of an *interior side lot line*;
- iii) into a *required front yard*, but not less than 4.5 m (15 ft.) from a *front lot line*;
- iv) not within 3 m (10 ft.) of an *exterior side lot line*.

f) **Fire Escape**

A fire escape *may* encroach:

- i) into a *required rear yard*, a *maximum* of 2.5 m (8.2 ft.);
- ii) but not within 1.2 m (4 ft.) of a *side lot line*.

g) **Rainwater Containment System (gutters)**

Gutters and eaves troughs *may* encroach:

- i) into a *required yard*;
- ii) but not within 0.6 m (2 ft.) of the *side lot line*.

h) **Signal Reception or Communications Structure**

Signal reception or communication *structure* is *permitted* to encroach into any *required side or rear yard*;

i) **Wheelchair Ramp and Lifts**

Ramps and lifts intended for the *use* of wheelchairs *may* encroach:

- i) into any *side yard or required front or rear yard*;
- ii) but not within 1.2 m (4 ft.) of a *side or rear lot line*;
- iii) but not within 2.5 m (8.2 ft.) of a *front lot line*.

j) Notwithstanding the provisions of this subsection, no projection or encroachment, except a *building* projection located a *minimum* of 2.5 m (8.2 ft.) above the ground, *shall be permitted* into a *required parking area, required parking space or access area* leading thereto;

- k) for the purpose of this subsection, "ground" *shall* mean the average elevation of the ground within 3.0 m (10 ft.) of the *main building* on the *lot*.

#### **4.30 Planting strip requirements**

##### **a) *Planting strip* location:**

A *minimum* 3.0 m (10 ft.) wide *planting strip* is *required*:

- i) between any *street line* and any *parking area* on a *lot* with a *multi-unit dwelling, apartment dwelling, commercial use, employment use or institutional use* if no *municipal boulevard* is present but at no time is a *planting strip* to be less than 1m (3 ft.) in width or,
- ii) along an *interior or rear lot line* on a *lot* with a *commercial or employment use*, where such *lot line* abuts a *residential use*.

##### **b) *Planting strip* contents:**

Any *required planting strip*, not abutting a *street line* *shall* be planted with grass, and trees that can attain a normal growth *height* of not less than 3 m (10 ft.) at a *density* that will provide sufficient screening.

#### **4.31 Ponds and Water Facilities**

Ponds and Water facilities *shall* be built in compliance with the following regulations:

- a) On any *lot* with a *Residential Zone* or where a *residential use* is *permitted*, no outdoor decorative pond, greater than 0.3 m (1 ft.) in depth, is *permitted*:
  - i) in a *required front yard*, except for a *lot* with a *rear lot line* abutting Lake Erie;
  - ii) within 7.5 m (25 ft.) of the *front lot line*, where there is no *minimum front yard depth regulation*;
  - iii) within 1.2 m (4 ft.) of a *side or rear lot line*, and provided further,
  - iii) no filter, heater or pump is *permitted* within 1 m (3 ft.) of a *side or rear lot line*.
- b) On any *lot* within a *Commercial Zone* or *Industrial Zone* no decorative pond greater than 0.3m (1 ft) in depth, or filter, heater or pump is *permitted*:
  - i) within 7.5 m (25 ft.) of any *lot line*.
- c) The provisions of paragraphs (a) and (b) of this subsection do not apply to a filter system, heater or pump located within an *accessory building*.

#### **4.32 Porch (covered, unenclosed):**

A covered, unenclosed *porch*:

- a) *may extend into a required front yard a maximum of 2 m (6.5 ft) but not closer than 3.0 m (10 ft) to a front lot line;*
- b) *may extend into a required rear yard a maximum of 2.5 m (8.2 ft.) but must maintain a setback of 5 m (16.4 ft.) minimum from the rear lot line;*

- c) *may extend into a required exterior side yard a maximum of 2.5 m (8.2 ft.) but must maintain a minimum setback of 4 m (13 ft.) minimum from the exterior side lot line and may not encroach into the sight triangle;*
- d) *may be repaired or replaced at the existing location by a new porch of the same dimensions or less when deemed a lawfully existing porch;*
- e) *may not encroach into an interior side yard.*

#### **4.33 Prohibited Uses**

The following *uses, activities and/or objects* *shall* be prohibited in any *Zone unless otherwise permitted in this By-law*:

- a) The *use of any tent, trailer, mobile home or motor vehicle for human habitation, except where such tent, trailer or vehicle is located in a campground, in a trailer park or in a mobile home park;*
- b) The *use of a truck, bus, coach body or rail car for human habitation or for storage purposes;*
- c) The *use of any accessory building or structure for human habitation unless in compliance with Subsection 4.35.1, Second Dwelling Units;*
- d) The *storage of shipping containers unless otherwise permitted by this By-law where ever outdoor storage is permitted;*
- e) The *storage of disused rail cars, streetcars, buses, truck bodies or trailers without wheels;*
- f) The *parking or storage of trailers or commercial vehicles on a vacant lot for any purpose including advertising;*
- g) *Salvage yards and the outdoor storage of partially dismantled vehicles or trailers or vehicle or trailer parts unless otherwise permitted by this By-law;*
- h) The *manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar;*
- i) The *bulk storage of industrial chemicals, fuels and oils, hazardous waste or liquid industrial waste unless specifically permitted by the Environmental Protection Act, as amended and in compliance with any applicable requirements outlined by the Technical Safety & Standard Association (TSSA)*

- j) The attaching of *buildings or structures or accessory buildings or accessory structures* (eg: duck and/or hunting blinds, rafts, unauthorized docks or floating decks) to the lake or creek bed in a *water lot* or on Crown lands with the exception that docks or other *accessory structures* that are authorized through a *building permit* will be *permitted*.
- k) The *outdoor storage* of *building materials, construction waste or other waste products* in any *yard*, except within a *permitted outdoor storage yard* in accordance with the provisions of this by-law, unless the said materials and equipment are necessary for the *construction* on the *lot* of any *building* or other *structure* for which a *building permit* has been issued;
- l) The placement of a *signal reception tower or other communications tower or structure* in a *required front yard*, unless the *lot* has a *lot line* which abuts Lake Erie.

#### **4.34 Public Utilities**

A *lot* or part thereof, located in any *zone*, *may be used* for a *use* of a Public Utility provided that:

- a) all *buildings shall* be in compliance with all regulations of the *zone* in which they are located;
- b) any *structure*, not including a *building*, *may be erected* for the purposes of the distribution of a service or commodity provided by a *public utility*, without restriction as to *height* except in a Residential Zone where the *maximum height shall* be 20 m (65 ft);
- c) an *outdoor storage yard* is not *permitted* in a Residential Zone.

#### **4.35 Public uses**

Regulations for *Public Uses*

A *public use* is *permitted* in all *zones* subject to the following provisions:

- a) Such *public use shall* comply with all applicable *zone* standards, parking and loading requirements of the *Zone* in which it is located;
- b) No *outdoor side storage shall* be *permitted* unless such *outdoor storage* is specifically *permitted* in the *Zone* in which the *public use* is located;
- c) Electric power-generating facilities, maintenance and works *yards/depots* and sewage treatment facilities *shall only be permitted* in an M1, M2, M3 *Zone*;

- d) Notwithstanding subsection (a) above, *buildings and structures* which are *used* for the storage of road maintenance materials within a *public works yard* owned by a *public authority* *shall* be exempt from the *height* requirements of this By-law;
- e) Any *accessory uses* to a *public use* *shall* be clearly incidental and *accessory* to the *principal use*;
- f) Any above-ground, utility or *public use* which is located in a Residential Zone *shall* be located and maintained in general harmony with the residential *buildings permitted* in such Zone; and
- g) No *buildings or structures* *shall* be *permitted* in any Environmental Zone, except those for flood and erosion prevention and control, *landscape* stabilization and playground equipment.

#### 4.35.1 Additional Dwelling Units

An *additional dwelling unit* shall be permitted in any zone where a *residential use* is a permitted *main use* or *accessory use* and municipal water service is available subject to the following provisions:

- a) *Additional dwelling units* will be permitted only in *Single Detached, Semi-detached* and *Townhouse Dwelling units*, and *accessory buildings* which are *accessory* to these uses;
- b) A maximum of two *additional dwelling units* will be permitted per lot;
  - Up to two *additional dwelling units* will be permitted in the *Main Building* or;
  - One *additional dwelling unit* will be permitted in the *Main Building* and one *additional dwelling unit* will be permitted in an *accessory building*;
- c) One additional parking space shall be required per *additional dwelling unit*;
- d) No additional *driveways* will be permitted;
- e) Maximum *floor area* not to exceed 100 sq. m (1076 sq. ft);
- f) *Accessory structures* which contain an *additional dwelling unit* must be located in the rear yard or an interior side yard;
- g) There shall be pedestrian access between an *additional dwelling unit* and a *street*;
- h) Where a *lot* is located in a floodplain, an *additional dwelling unit* within a *basement* or *cellar* is prohibited;
- i) An *additional dwelling unit* in an *accessory building* located in an *agriculture zone* must be constructed within 30.5 m (100 ft) of the *main building* containing a *dwelling unit* located on the same *lot*;
- j) *Additional dwelling units* must conform to all Ontario Building Code and Ontario Fire Code regulations.

#### **4.36 Sewage and Water Services**

Notwithstanding any other provisions of this By-law, no lands *shall be used* nor any *building or structure erected or used* thereon unless such municipal services as the *Corporation* ordinarily requires upon the *development or redevelopment* of land are available and capable of servicing the said land, *building or structures*. However, for lands in the Residential 1.2 or Residential 2.1 & 2.2 Zones where public water or sewage services *may not be available*, *development shall be permitted* subject to the applicable provisions of this By-law and provided the proposed *development* can be adequately serviced by appropriate *private* water and sewage services.

#### **4.37 Solar Panels and their Supporting Structures**

Solar panels are not *permitted* in the *front yard, side yard, or within a required rear yard* for lands zoned Residential.

#### **4.38 Steps**

Steps are *permitted*:

- a) for one step having a *maximum height* of 0.2 m (0.7 ft) above the ground, into any *side yard or required front or rear yard* but not within 1.2 m (4 ft) of a *lot line*;
- b) for steps having a *height* of greater than 0.2 m (0.7 ft) above the ground:
  - i. into any *side yard or required front or rear yard*, but not within 1.2 m (4 ft) of a *side or rear lot line* or within 3.0 m (10 ft) of a *front lot line*;
  - ii. the steps *shall have* a *maximum total tread area* of 5 m<sup>2</sup> (53ft<sup>2</sup>) within a *required yard*.
- c) Stairs accessing a *basement or cellar* are not *permitted* to encroach into the *required front, exterior and interior side yards* unless otherwise *permitted* in this by-law.

#### **4.39 Storm Water Management Pond (SWM Pond)**

Notwithstanding any other provisions within this By-law, a storm water management pond *shall have* a 2 m (6.5 ft.) setback from *lot lines* for the purpose of a maintenance corridor between the pond *structure* and the *lot line*.

#### **4.40 Sunroom**

A sunroom is *permitted* to encroach:

- a) into a *required rear yard*, a *maximum* of 2.5 m (8.2 ft.), exclusive of eaves and gutters. The sunroom *shall have* a *maximum gross floor area* of 10 m<sup>2</sup> (107 ft<sup>2</sup>) for that part of the sunroom located within the *required rear yard*;
- b) the *minimum* separation from each *side lot line* *shall be equal to the minimum side yard width(s) required* within the zone in which the *lot* is located.

#### **4.41 Temporary Buildings and Structures**

A temporary *building* or other *structure* customarily *required* and incidental to the erection of permanent *buildings* or other permanent *structures* is *permitted* in any zone, provided that such temporary *building* or other *structure* is removed when the permanent *building* or other *structure* is erected and capable of occupancy or use.

#### **4.42 Temporary Construction and Sales Offices**

- a) Nothing in this By-law *shall* prevent *uses* incidental to *construction*, such as a tool shed, scaffold or other *building* or *structure* incidental to the *construction*, only for so long as the same are necessary for work in progress that has neither been finished nor abandoned.
- b) Nothing in this By-law *shall* prevent the *use* of land for a temporary sales *office* for the sale of residential, industrial or *commercial suites* subject to the following provisions:
  - i) The temporary sales *office* must be located on lands that are subject to a draft approved plan of subdivision, plan of *condominium* or an approved site plan agreement under the *Planning Act*.
  - ii) A temporary sales *office* *shall be constructed* on a *lot* in accordance with following *required minimum yards*:
    - *Front and exterior side yard* - 6.0 m (20 ft.)
    - *Interior side yard* - 1.2 m (4 ft.)
    - *Rear yard* - 7.5 m (25 ft.)
  - iii) The *maximum height* of a temporary sales *office* *shall be* 6.5 m (21 ft.)
  - iv) *Maximum ground floor area* of a temporary sales *office* *shall be* 200 m<sup>2</sup> (2,150 ft<sup>2</sup>).

#### **4.43 Wetland Overlay**

An area depicted on Schedule 'A' maps *attached* hereto showing areas identified as *wetlands*. These are areas regulated by Essex Region *Conservation Authority* (ERCA) and will require approvals and permits for any works or *construction* within the areas defined as *Wetland*.

#### **4.44 Water lots**

The only *permitted structure* or *building* within a water *lot* is a *boat dock* accessory to a residence that is affixed to the shoreline.

#### **4.45 Winery**

The following provisions *shall* apply to a *winery*, where it is *permitted* by this By-law:

- a) the *winery buildings* and *accessory structures* *shall* occupy a *maximum* of 25% of the *permitted Lot coverage*;
- b) secondary *uses* *may* include a *cafe*, *restaurant*, *eating establishment*, or *event facility* associated with the *winery*;
- c) retail sales *facility* *may* include sale of secondary and associated products; and

d) the *winery* is subject to site plan control under Section 41 of the *Planning Act*.

#### **4.46 Medical Marihuana Production Facilities**

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Notwithstanding other provisions of this By-law to the contrary, the following provisions and regulations *shall* apply to medical marihuana production facilities:

- a) Require a current and valid Medical Marihuana production license issued by Health Canada under the Marihuana for Medical Purposes Regulations (MMPR) as amended from time to time or any subsequent legislation which *may* be enacted in substitution thereof;
- b) Site Plan control *shall* apply to any *medical marihuana production facility* proposed within an *existing* or future *building(s)*. In addition to all other requirements pursuant to the Planning Act, R.S.O. 1990, c.P. 13 and the Town of Kingsville Site Plan Control By-law, the Town *will* require, at the owner's sole expense,: any study/studies that will satisfy any additional concerns that the Town of Kingsville or any other commenting agency *may* have with regard to security, emanating odours, provision of municipal services and stormwater/wastewater management;
- c) Prohibit *residential uses* on *lots* having a *medical marihuana production facility*;
- d) Prohibit a *medical marihuana production facility* as a secondary/accessory use;
- e) Secondary/accessory uses must be 100% associated with the *medical marihuana production facility*;
- f) Require a *minimum distance separation* of 100m (328 ft) between a *medical marihuana production facility* and any lands *Zoned* for residential, recreational or *institutional* uses;
- g) Require a *minimum distance separation* of 100m (328 ft) between a *medical marihuana production facility* and any *structure* currently used for residential or institutional purpose (*dwellings, schools, churches, etc.*);
- h) Require that no outdoor signage or advertising *shall* be *permitted* that references cannabis, marihuana, or any other depiction of such, including on any *vehicle* associated with the *medical marihuana production facility*; and,
- i) Require that the *use* of a *medical marihuana production facility* on a *lot* not co-exist with any other *use* on the *lot*.
- j) *Shall* not be considered on any lands that are within 250m of Lake Erie.

## SECTION 5 PARKING AND MUNICIPAL SERVICES

### 5.1 Application

The provisions of this Section *shall* apply to all lands within the Corporation and all zones within this By-law and defined areas except as specifically defined.

### 5.2 Barrier Free Parking Space

- a) For every *use* requiring more than 8 *parking spaces*, the following *shall* be provided, maintained and *signed* *parking spaces* for barrier free parking:

**Table 2**

Total Number of Parking spaces provided	Required number of barrier free parking spaces
8 to 50 spaces	1
51 to 99 spaces	2
100 to 150 spaces	3
151 and over	1 additional space for 50 <i>parking spaces</i> over 150

- b) Barrier free *parking spaces* *shall* have a *minimum* width of 4.7 m (15.4 ft.) in width and 5.5 m (18 ft.) in length.
- c) Barrier free *parking spaces* *shall* be properly delineated by the International Accessibility symbol mounted both vertically on a *sign*, as well as on the surface of the *parking space* in fluorescent blue according to the following dimensions:
  - i) A painted ground accessibility *sign* *shall* be a *minimum* of 1.25 m by 1.25 m (4 ft.) in size.
  - ii) A parking control *sign* *shall* be located 1.5 m (5 ft.) above ground and *shall* be a *minimum* of 0.3 m by 0.3 m (1 ft.) in size.

### 5.3 Bicycle Parking Spaces

- d) *Bicycle parking spaces* are *required* for the *uses* listed in Table 3 below, in addition to any *required parking spaces* for motor vehicles;
- e) Each *bicycle parking space* *shall* have a *minimum* length of 1.8 m and a *minimum* width of 0.6 m (2 ft.) and will have a racking system to accommodate the bicycle;
- f) Notwithstanding Section 5.3(a) above, *bicycle parking spaces* *shall* not be *required* in the 'Central Commercial Zone';

g) The land owner will be provided the option of paying for *bicycle spaces* through cash-in-lieu of parking. The rate will be established through the fees and charges by-law of Council and the money will be *used* for providing bike *parking spaces* off-site.

**Table 3**

USE	Required Bicycle parking spaces
<i>Retail store</i> <i>Service Commercial</i> <i>Restaurants</i> <i>Institutional uses</i>	1 space/400 m <sup>2</sup> nfa to a <i>maximum</i> of 10 spaces
<i>Greenhouses</i>	4 spaces/ per hectare of greenhouse growing area
<i>Industrial uses</i>	1 space per 10 employees
<i>Private/public school</i> <i>College or trade school</i>	1 space/10 student capacity plus 1 space/30 employee capacity

#### **5.4 Cash-in-lieu of Parking**

Cash-in-lieu of parking *may* be considered by Council in lieu of providing parking and *loading spaces* as *required* under Sections 5.17 and 5.16 Parking and Loading Requirements and pursuant to Section 40 of *The Planning Act* for lands zoned 'Central Commercial (C2)'. *Residential uses* will not be *permitted* to develop on the basis of cash-in-lieu of parking.

#### **5.5 Drive-through and Stacking Regulations**

A *drive-through* *may* be *permitted* in association with a *commercial use*, where it is *permitted* by this By-law, provided that:

- a) The *minimum* number of *stacking spaces* *shall* be in accordance with the following:
  - i) For an *automatic car wash*, a *minimum* of 5 stacking spaces *shall* be provided in advance of the automatic automobile washing establishment and a *minimum* of 2 stacking spaces *shall* be provided at the terminus of each line;
  - ii) For a *coin-operated car wash*, a *minimum* of 2 stacking spaces *shall* be provided in advance of the *car wash* and a *minimum* of 1 stacking space *shall* be provided at the terminus of each wash stall;
  - iii) For an *eating establishment*, a *minimum* of 12 stacking spaces *shall* be provided, including the space at the pick-up window;
  - iv) For all other *main uses* with *drive-through* service, such as a *financial institution* or *pharmacy*, a *minimum* of 2 stacking spaces *shall* be provided in advance of each *drive-through* service window or *self-serve facility*.

- b) A *drive-through* is a secondary *use* and must be located on the same *lot* as the *main use*;
- c) Each stacking space *shall* be 5.5 m (18 ft.) in length and 3.0 m (10 ft.) in width;
- d) Where an outdoor intercom order station is proposed for a property, all stacking spaces *shall* be setback a *minimum* of 4.0 m (13 ft.) from a residentially or an institutionally zoned property line. An intercom order station *shall* comply with the Ministry of the Environment's noise levels for stationary sources of noise.
- e) Where a *drive-through* contains an intercom order station and is situated within 60.0 m (195 ft) of a residential or an institutional *building*, the *drive-through* *shall* only be *permitted* when:
  - i) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the *maximum* levels specified by the Ministry of the Environment;
  - ii) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the *maximum* levels set out in item i) above by the employment of measures to mitigate noise and such measures are employed prior to occupancy of the *drive-through*; and
  - iii) a noise wall certified by a professional engineer is installed prior to occupancy of the *drive-through* which will ensure that noise levels do not exceed the *maximum* levels set out in item i) above.
- f) Where a *dwelling* or *dwelling unit* has a *basement* window facing the stacking spaces and a window is located less than 20.0 m (65 ft.) from the stacking spaces, a *screening fence* with a *minimum height* of 1.8 m (6 ft.) *shall* be *constructed* to a length to prevent the intrusion of light from *vehicle* headlights into the window.
- g) A *drive-through* *shall* be *permitted* in (C2), (C4), and (C6) zones.

## 5.6 Driving Aisle Provision

A driving *Aisle* providing access to parking *areas* *shall* have a *minimum* un-obstructed width of 6.1 m (20 ft.)

## 5.7 Entrance Width Provisions:

### a) Residential Zones

An entrance for a residential *unit* *shall* have a *minimum* width of 3.0 m (10 ft.) and a *maximum* width of 7.3 m (24 ft.).

- b) Commercial/light and medium Industrial, Institutional, greenhouse, apartment residential, retirement home, Group home**
  - i) an entrance in a *commercial, light industrial/institutional, greenhouse (A1), apartment residential, retirement home, or group home zone* shall have a *maximum width of 7.5 m (25 ft.) for a one way driveway and 12.0 m (40 ft.) for a two-way driveway*;
- c) Heavy Industrial/Other**
  - i) an entrance in a *heavy industrial or other not identified herein* this section *shall have a maximum width of 9.0 m (30 ft.) for a one way driveway and 15 m (50 ft.) for a two-way driveway*

## **5.8 Easements – Additional requirements respecting easements**

Notwithstanding any *yard or setback* requirement of this By-law to the contrary, where there is an *easement* in existence on the date of adoption of this By-law having a width less than 6 meters, the *setback* of all *buildings and structures* from such *easement* *shall* be that distance necessary to ensure a *minimum setback* of 3 m (10 ft.) from the closest point of the *facility* to which the *easement* pertains or as is acceptable to the *public authority* to the which the *easement* applies.

## **5.9 Entrance Location Provisions**

The following provisions *shall* apply to all ingress/egress from municipal roads:

- a) only one entrance will be *permitted* for each *single, residential lot*;
- b) two entrances are *permitted* for multiple residential *unit buildings*;
- c) Multiple entrances are *permitted* for industrial, *commercial, greenhouse (A1) zoned* properties with a *minimum separation distance* between entrances of 15 m (50 ft.) *minimum*.
- d) entrances will not be *permitted* within the *sight triangle* as defined in Subsection 5.18 *Sight triangle*.
- e) entrances will not be *permitted* on a curve or in a location with restricted sight lines.

## **5.10 Location of Parking spaces**

- a) Residential zones for *single detached, semi-detached, townhouses* and multiple residential *buildings (converted)* containing a *maximum of 4 units*, parking *shall* be *permitted* to locate in the *front yard, side yard, exterior side yard or rear yard*;
- b) Residential zone for established residential areas and multiple residential *unit buildings* containing 5 or more *units* *shall* have their parking located in a *rear yard or exterior side yard* but not within a site visibility triangle

## 5.11 Lots on a Private Laneway

When a parcel of land only has access via a *private lane* or *right-of-way*, the *lot line* and *yard* abutting the *lane* or *right-of-way* *shall* be deemed to be the *front lot line* and *front yard* for the purposes of this By-law.

## 5.12 Parking lot Construction Requirements

- a) The parking *area* and approaches *shall* be surfaced with concrete, asphalt, interlocking stone, crushed stone, gravel or a combination thereof, with a stable surface treated to prevent the raising of dust or loose particles, and in the case of all *commercial zones* *shall* have a cement or asphaltic binder or any other permanent type of surfacing.
- b) Adequate drainage facilities for the parking *area* *shall* be provided and maintained in accordance with the requirements of The *Corporation* and applicable site plan agreement.
- c) All parking *areas* and their approaches in any *zone* *shall* be defined by a curb or concrete or rolled asphalt or other suitable obstruction designed to provide a neat appearance.
- d) *Driveway* entrance aprons between the municipal right of way and the property *lot line* *shall* be paved with rolled asphalt, concrete, or interlocking stone.

## 5.13 Parking of Commercial Vehicles or Buses

- a) ~~The parking or storage of one *commercial vehicle* per *dwelling unit* on a *lot* is permitted in any Residential Zone, provided the *commercial vehicle* has a registered gross *vehicle* weight of 3,400 kilograms or less. For the purposes of this paragraph, “*commercial vehicle*” *shall* mean a small, light-duty van and pick-up truck with a *maximum* carrying capacity not exceeding one (1) tonne, and *shall not* include a semi-trailer truck. (REMOVED BY BY-LAW 44-2021, SEE BY-LAW 27-2021 – Outdoor Parking or Storage of Recreational, Commercial and Motor Vehicles)~~
- a) The owner or occupant of lands zoned ‘Agriculture (A1)’ and having 8,000 m<sup>2</sup> (1.9 ac) *lot area* or less *may use* a *private garage* that will obstruct the truck from view and locate on such *lot* for the housing or storage of one (1) *commercial vehicle* owned or operated by the individual provided:
  - i) the *commercial vehicle* is only being stored and such *commercial vehicle* is not *used* in connection with any business or other *use* on the *lot*,
  - ii) Any goods, materials or contents stored on or in such *commercial vehicle* *shall* not be exposed to or be in the general view of the public.

- b) The owner or occupant of lands zoned 'Agriculture (A1)' and having 8,000 m<sup>2</sup> (1.9 ac) *lot area* or more *may use a private garage or driveway* located on such *lot* for the housing or storage of one (1) *commercial vehicle* owned or operated by the individual.

## 5.14 Parking spaces

*Parking spaces shall* be provided and maintained in accordance with the following requirements:

### a) Location:

- i) Except as herein provided, all *required parking spaces shall* be provided on the same *lot* and in the same *Zone* as the *use, building or structure* for which such spaces are *required*. A *use* within a *Commercial, Industrial or Institutional Zone Classification* shall be deemed to comply with the off-street parking provisions of this By-law if the *parking spaces required* are provided in part, or whole, on lands or a *lot* which is not in a *Residential Zone Classification*, and located a *maximum* of 90.0 m (295 ft.) from the *lot* requiring the *parking spaces* and is held in the same ownerships, provided all other provisions of this By-law are complied with. Title of both properties must be held by the same *person* and there must be registered on title an agreement with the Town to the effect that both properties will remain in the same ownership until such time as relief from the off-street parking requirement occurs.

### b) Uses:

- i) When a *building or lot* accommodates more than one *use or zone*, the *required parking spaces shall* be calculated for each *use* with the total of the *required parking spaces* for the *building or lot* being a sum of each of the separate *uses* or purposes. *Parking areas* for one *use* shall not be considered as providing *required parking* for any other *use*.
- ii) Enlargements or additions to any *buildings or uses shall* be provided with additional *parking spaces* in accordance with the provisions of Section 5.17 of this By-law. Such spaces being additional to any *existing parking spaces* but need not exceed the *minimum number required* by Section 5.17 for either the original *buildings or uses* plus the enlargements.

### c) Dimensions:

- i) Each *parking space*, with the exception of barrier free *parking spaces*, shall have a *minimum* of 2.7 m (9 ft) and a *minimum* length of 5.5 m (18 ft).

### d) Commercial Parking lot:

- i) A *structure*, not more than 3.0 m (10 ft) in *height* and not more than 4.6 m<sup>2</sup> (50 ft<sup>2</sup>) in area *may be erected* in the *parking area* of a *commercial parking facility* for the *use* of attendants in the area.
- ii) Only directional *signs*, barrier free *signs* and one *sign* providing contact name and information shall be erected in a *commercial parking lot*.

**e) Parking Adjacent to Residential use:**

- i) Where a *dwelling* or *dwelling unit* has a *basement* window facing a *parking space* and a window is located less than 20.0 m (65 ft) from the *parking space*, a *screening fence* with a *minimum height* of 1.5 m (5 ft) *shall be constructed* to a length to prevent the intrusion of light from *vehicle* headlights into the window.

**f) Parking Provisions:**

- i) If the calculation of the *required parking spaces* results in a fraction, the *required parking spaces* *shall* be the next highest whole number.
- ii) Visitor parking *shall* be provided, *signed* and maintained in compliance with Subsection 5.14.

**5.15 Parking of Travel trailers, Recreation Vehicles and Campers**

(REMOVED BY BY-LAW 44-2021, SEE BY-LAW 27-2021 – Outdoor Parking or Storage of Recreational, Commercial and Motor Vehicles)

~~The outdoor parking and storing of a *recreational vehicle*, truck camper, *camper trailer*, *trailer* and licensed off-road *recreational vehicle*, herein after referred to as a *recreational vehicle*, *shall* be prohibited in all Residential, Institutional, Open Space Zones except that a total of one *recreational vehicle* or licensed off-road *recreational vehicle*, is *permitted* to be stored outdoors provisional on:~~

- a) ~~The property where the *recreational vehicle* is to be stored is zoned Residential;~~
- b) ~~The owner of the property is also the *recreational vehicle* owner where the *recreational vehicle* is to be stored;~~
- c) ~~That the *recreational vehicle* is setback a *minimum* 1.5 m (5 ft) from the *side lot line*; 4.5 m (14.5 ft) from the *exterior side lot line*; and 1.5 m (5 ft) from the *rear lot line* of the property on which it is stored;~~
- d) ~~Shall only be permitted to be stored in the *rear yard* or *interior side yard* of the residence;~~
- e) ~~The *recreational vehicle* *shall* not be stored in the *front yard* or *exterior side yard* of the residence;~~
- f) ~~For properties with frontage on Lake Erie, the *recreational vehicle* *shall* not be stored in the *front yard* (lake side), *exterior side yard* or *rear yard* (road side) of the property but *shall* only be stored completely in an enclosed *building* on the property.~~
- g) ~~The *recreational vehicle* *may* be stored completely and totally within a *building* on the subject property; and~~

h) Notwithstanding Section (e) a *recreational vehicle* may be parked on the subject property in the *driveway* associated with the residence for a *maximum* of 5 consecutive days for three separate times over the calendar year beginning in January to the end of December and for the purposes of cleaning or stocking the *vehicle*. At no time shall the *recreational vehicle* be used for habitation while parked in the *driveway*.

## 5.16 Loading spaces Requirements

No person shall erect or use any *building* or *structure* in any *zone* for any purpose unless *loading spaces* are provided and maintained in accordance with the following provisions:

- a) A *minimum* of one (1) *loading space* shall be required for a *building* with 300 m<sup>2</sup> (3230 ft<sup>2</sup>) *floor area*;
- b) An additional *loading space* shall be required for each additional 2,000 m<sup>2</sup> (21,500 ft<sup>2</sup>) of *gross floor area* for any *non-residential use*, or fraction thereof, up to 4,300 m<sup>2</sup> (46285 ft<sup>2</sup>) of *gross floor area*.
- c) For any *non-residential use* with a *gross floor area* greater than 4,300 m<sup>2</sup> (46285 ft<sup>2</sup>) an additional *loading space* shall be required for each additional 8,000 m<sup>2</sup> (86111 ft<sup>2</sup>) of *gross floor area*, or fraction thereof.
- d) *Loading spaces* shall not be required for *residentially zoned properties* with the exception of an *apartment building* containing a *minimum* of 10 *units* where a *minimum* of 1 *loading space* is required for each *residential building*.
- e) The *loading space* shall not be less than 3.5 m (11.5 ft) wide with 13.5 m (44 ft) in *length* and 4.5 m (15 ft) in *height* for *clearance purposes*.
- f) The *loading space* shall be accessed by a *private driveway* or a *parking area*.
- g) Driving *Aisles/driveways* shall provide sufficient additional width to accommodate *truck movement* and access to the *loading space*.
- h) No *loading space* shall be located within the *front yard* of the *main structure*.

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- i) Notwithstanding item 5.16 a), b), and c) the *minimum loading space requirement* for a *greenhouse* is 1 space per 4 ha of *growing area*.
- j) Notwithstanding item h) the location of *loading spaces* will be as shown on an *approved site plan*.

## 5.17 **Parking Requirements**

- a) Unless otherwise specifically provided by this by-law, the number of *parking spaces required* for each *use* *shall* be calculated as follows:
  - i) one space for each *unit* of *gross floor area* (GFA) expressed in square meters (m<sup>2</sup>), as set out below in b);
  - ii) for the purposes of this Section, any *building* or part of a *building* designed and *used* exclusively as a *parking garage*, *parking space*, *loading space*, *an automatic car wash* or *coin operated car wash* will not be included in the calculation of *gross floor area*;
  - iii) when a *building* is occupied or proposed to be occupied by more than one main *use*, the *required* parking for each main *use* is calculated on the basis of the percentage of *gross floor area* devoted to that *use* plus the equivalent percentage of any common areas and shared accessory *uses* in the *building*;
- b) The following standards *shall* apply to all *zones* throughout the *Corporation* unless otherwise specified in subsequent sections of this By-law:

**Table 4****Residential uses:**

Use	Minimum parking space requirements
<i>Bed and breakfast</i>	1 space per room or suite used for the purposes of lodging for the travelling public in addition to the <i>required</i> parking for the residential <i>unit</i> .
<i>Boarding, lodging, and rooming house</i>	0.5 space per <i>unit</i>
<i>Group home</i>	0.5 spaces per bedroom in addition to the <i>required</i> parking for the residential <i>unit</i> .
<i>Home industry/Home occupation</i>	1 space per 15 m <sup>2</sup> of <i>floor area used for a home occupation</i> / 1 space per 40 m <sup>2</sup> of <i>floor area used for a home industry</i>
<i>Dwelling, Secondary in Commercial zones</i>	1 space/ <i>apartment unit</i>
<i>Dwelling, Secondary in the Central Commercial (C1) Zone</i>	1 space/ <i>apartment unit</i>
<i>Dwelling, Apartment building</i>	1.25 spaces/ <i>unit</i> 0.25 spaces of the <i>required</i> spaces shall be dedicated for visitor parking in a <i>building</i> containing 4 or more <i>dwelling units</i>
<i>Dwelling, Duplex</i>	1 space/ <i>unit</i>
<i>Dwelling, Multiple unit/converted building</i>	2 spaces/ <i>unit</i> 0.25 spaces of the <i>required</i> spaces shall be dedicated for visitor parking
<i>Dwelling, Semi-detached Dwelling, Single detached Dwelling, Townhouse</i>	1 space/ <i>unit</i>
<i>Long term care facility/nursing home</i>	0.5 spaces/ <i>bed</i>
<i>Retirement home</i>	0.5 <i>parking</i> spaces for each of the first 30 <i>guest rooms</i> , plus 0.25 <i>parking</i> spaces for each additional <i>guest room</i>

**Table 5****Non-residential uses:**

Use	Minimum parking space requirements (net floor area or as defined)
Arena/stadium/ <i>auditorium</i>	Where there are fixed seats than 1 space for every 5 seats or 1 space for every 3 m of bench space. Where there are no fixed seats, 1 space for every 9 m <sup>2</sup> of public area.
Art Gallery	1/90 m <sup>2</sup> (969 ft <sup>2</sup> ) GFA
Auction Sales establishment	1/10 m <sup>2</sup> (107 ft <sup>2</sup> ) GFA
<i>Automobile repair garage</i>	3 spaces per service bay
<i>Automobile sales and service</i>	1/22 m <sup>2</sup> (236 ft <sup>2</sup> ) GFA of sales area including offices and 3 spaces per service bay
<i>Bakery</i>	1 space for each 45 m <sup>2</sup> GFA for the first 2,700 m <sup>2</sup> (29,063 ft <sup>2</sup> ) GFA and 1 for each additional 180 m <sup>2</sup> (1,937 ft <sup>2</sup> ) GFA
<i>Banquet Facility</i>	1/20 m <sup>2</sup> (215 ft <sup>2</sup> ) GFA
<i>Bowling Alley</i>	2/ <i>lane</i>
<i>Club (private)</i>	1 for each 22.5 m <sup>2</sup> (242 ft <sup>2</sup> ) GFA
<i>Curling rink</i>	8 spaces/curling sheet
<i>Building Supply outlet/contractor's yard/Equipment Sales/Rental Establishment</i>	1/18m <sup>2</sup> of retail space but does not include outside or enclosed storage
<i>Campground/trailer park</i>	1 per campsite or travel <i>trailer</i> site
<i>Commercial fitness centre</i>	1/15 m <sup>2</sup> (160 ft <sup>2</sup> ) GFA
<i>Commercial/Trade school</i>	1/20 m <sup>2</sup> (215 ft <sup>2</sup> ) GFA
<i>Commercial self-storage</i>	1/5 m <sup>2</sup> of <i>office use</i> (54 ft <sup>2</sup> ) GFA
<i>Community centre</i>	1/10 m <sup>2</sup> (105 ft <sup>2</sup> ) GFA
<i>Day Nursery</i>	1.25/classroom plus 1/30 m <sup>2</sup> (322 ft <sup>2</sup> ) of GFA
<i>School, Elementary</i>	1.25 spaces/classroom and teaching area

<i>Financial institution</i>	1/18 m <sup>2</sup> (195 ft <sup>2</sup> ) GFA
<i>Funeral home</i>	1 space for each 5.5 m <sup>2</sup> (60 ft <sup>2</sup> ) GFA of public space (chapel, sanctuary, wake room, or reposing room)
<i>General industrial building</i>	1/100 m <sup>2</sup> (1075 ft <sup>2</sup> ) GFA
<i>Greenhouse</i>	1 parking space per 2 ha of growing area, plus 1 parking space per 30 sq. m of office space, plus 2 parking space per 30 sq. m of land and processing area, and 1 parking space per loading dock
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<i>Golf course</i>	10/hole
<i>Grocery store</i>	1/18 m <sup>2</sup> GFA
<i>Hotel/motel</i>	1.2/room plus parking requirement for <i>accessory restaurant</i> , meeting rooms and <i>banquet facility</i>
<i>Institutional use not specifically listed in this subsection</i>	1/20 m <sup>2</sup> (215 ft <sup>2</sup> ) GFA
<i>Library</i>	1/90 m <sup>2</sup> (969 ft <sup>2</sup> ) GFA
<i>Marina</i>	1 space for every 3 <i>boat</i> slips
<i>Medical office</i>	6 spaces per practitioner
<i>Minor commercial centre</i>	1 space for each 22.5 m <sup>2</sup> (242 ft <sup>2</sup> ) GFA and when the combined GFA of all <i>restaurants</i> and entertainment lounges exceeds 30% of the centre, 1 additional space for each 7.5 m <sup>2</sup> (80 ft <sup>2</sup> ) GFA of all <i>restaurants</i> and entertainment lounges in excess thereof.
<i>Museum</i>	1/90 m <sup>2</sup> (969 ft <sup>2</sup> ) GFA
<i>Office</i>	When <i>office</i> is <i>main use</i> - 1/20 m <sup>2</sup> of GFA When <i>office</i> is <i>accessory use</i> - 1/40 m <sup>2</sup> of GFA
<i>Place of entertainment, recreation or assembly not specifically listed in this subsection</i>	1/36 m <sup>2</sup> (388 ft <sup>2</sup> ) GFA
<i>Personal Service Shop</i>	1/14 m <sup>2</sup> (150 ft <sup>2</sup> ) GFA
<i>Place of worship</i>	1/5.5 m <sup>2</sup> (60 ft <sup>2</sup> ) GFA used as a <i>church</i> , <i>chapel</i> , <i>sanctuary</i> and 1/36 m <sup>2</sup> (388 ft <sup>2</sup> ) GFA for area not used for a <i>chapel/sanctuary</i>
<i>Public Hall</i>	1/7.5 m <sup>2</sup> (80 ft <sup>2</sup> ) GFA

<i>Restaurant/eating establishment</i>	Where there are fixed seats, 1 space for every 5 seats or where there are no fixed seats, 1 space for every 9 m <sup>2</sup> of GFA.
<i>Restaurant patios</i>	1 space for every 18 m <sup>2</sup> of area used for a patio
<i>Retail store</i>	1/22.5 m <sup>2</sup> (242 ft <sup>2</sup> ) GFA
<i>Retirement home/rest home/residential care facility</i>	0.5/bed
<i>School, Secondary</i>	3 spaces / classroom
<i>Trade School/College</i>	8 spaces/classroom
<i>Transportation terminal</i>	1/90 m <sup>2</sup> (968 ft <sup>2</sup> ) GFA
<i>Veterinary clinic</i>	6 spaces per practitioner
<i>Warehouse</i>	<p>a) 1/200 m<sup>2</sup> (2152 ft<sup>2</sup>) GFA</p> <p>b) If associated office or retail net floor area is more than 15% of the total net floor area, the standards for office and retail uses apply.</p>
<i>Wholesale store</i>	1/45 m <sup>2</sup> (484 ft <sup>2</sup> ) GFA
<i>Workshop</i>	1/45 m <sup>2</sup> (484 ft <sup>2</sup> ) for the first 2,700 m <sup>2</sup> (29063 ft <sup>2</sup> ) GFA and 1 for each additional 180 m <sup>2</sup> (1937 ft <sup>2</sup> ) GFA
<i>All other non-residential uses</i>	1/28 m <sup>2</sup> (300 ft <sup>2</sup> ) GFA

## 5.18 Sight triangle

- a) All corner lots shall provide a *sight triangle* consisting of an unobstructed triangular area on the sides of the street. Such triangle shall be measured as illustrated in the attached Diagram entitled "Illustration of Site Triangle" with dimensions as outlined in Section 5.18 (b).
- b) The dimensions of the *sight triangle* shall be a minimum of:

**Table 6**

	Subject lot has access onto a:		
	Local Street	Collector Street	Arterial Road
<b>Laneway</b>	2.0 m (6.5 ft)	3.0 m (10 ft)	N/A
<b>Local Street</b>	3.0 m (10 ft)	5.0 m (16 ft)	9.0 m (30 ft)
<b>Collector Street</b>	5.0 m (16 ft)	7.0 m (23 ft)	9.0 m (30 ft)
<b>Arterial Road</b>	9.0 m (30 ft)	9.0 m (30 ft)	9.0 m (30 ft)

c) Notwithstanding any other provision of this By-law, the following *shall* not be *permitted*, located, placed, in whole or part, in a *sight triangle* that is measured from the point of intersection of the *street/road/laneway* to form a triangle in accordance with the distances set out in Table 6 above:

- i) any *structure or building*; and,
- ii) a *fence, wall, or a sign* that is over 0.7 m (2.5 ft) in *height*; and
- iii) a *vehicle shall not be parked or stored in a sight triangle*; and
- iv) *landscaping materials* greater than 0.7 m (2.5 ft) in *height* above the average elevation of the site triangle, determined by averaging the elevations of the three corner points thereof, or being located in such a manner as to impede or obstruct in any way the field of view across such site triangle for *persons driving vehicles* on an abutting *street or lane*

## 5.19 Street, Lane or Right-of-way

Unless otherwise shown, a *street, lane or railway right-of-way*, electrical transmission line *right-of-way* or *watercourse shall* be included within the *zone* of the adjoining property on either side and where such *street, lane, right-of-way* or *watercourse* serves as a boundary between 2 or more different *zones*, the *centre line* of such *street, lane, right-of-way* or *water course* and extending in the general direction of the long dimension *shall* be deemed to be the boundary between *zones*.

## 5.20 Surface Treatment

All *required non-residential parking spaces, driveways, Aisles and loading spaces shall* be *constructed* and maintained with a stable surface such as cement, asphaltic binder or paving stones and curbed with a continuous poured concrete curb, except as provided for in Sections 7.1, 7.2, 9.3 and 10.3 or as detailed in any associated site plan approval.

## 5.21 Use of Travel Trailers, Recreational Vehicles and Campers

- a) The *use* of trailers, *travel trailers*, *recreational vehicles*, truck campers, buses and camper trailers for *commercial* purposes or habitation *shall* be prohibited in all Zones except in areas where such *use* is expressly *permitted* by this By-law.
- b) No other form of *trailer* or *vehicle* *shall* be *used* for human habitation unless expressly *permitted* by this By-law.

## SECTION 6 Residential Zone Provisions

<b>SUBSECTION 6.1.1</b>		<b>RESIDENTIAL ZONE 1 URBAN (R1.1)</b> Low Density Residential – Kingsville centre
<b>a) Permitted Uses</b>		
i) <b>Main use</b>	<i>Residential use; Boarding, lodging, and rooming house – Residential; Rest home or Nursing home; or Group home.</i>	
ii) <b>Accessory use</b>	<i>One Home occupation; Accessory uses to the Main use.</i>	
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted buildings and structures</b>	<i>One, single detached dwelling; Buildings and structures accessory to the Main use.</i>	
<b>c) Regulations</b>		
i) <b>Lot area (minimum)</b>	500 m <sup>2</sup> (5,382 ft <sup>2</sup> )	
ii) <b>Lot frontage (minimum)</b>	15 m (50 ft)	
iii) <b>Open Space (minimum)</b>	30 %	
iv) <b>Lot coverage (maximum)</b>	40 %	
v) <b>Front yard depth (minimum)</b>	5.5 m (18 ft)	
vi) <b>Rear yard depth (minimum)</b>	7.5 m (25 ft)	
vii) <b>Interior Side yard width (minimum)</b>	1.5 m (5ft) with an <i>attached garage or carport</i> ; or 1.5 m (5 ft) on one side of the <i>main building</i> and 3.0 m (10 ft) on the other side when there is no <i>attached garage or carport</i> .	
viii) <b>Exterior Side yard width (minimum)</b>	4.5 m (15 ft)	
ix) <b>Main building height (maximum)</b>	11 m (36 ft)	
<b>d) Supplementary Regulations</b>		
i)	Each <i>dwelling</i> shall be connected to full municipal services (storm water services, potable water services, sanitary sewer services) and electrical services as approved by The Corporation or any other authority having jurisdiction.	
ii)	The following supplementary regulations shall also apply to lands zoned (R1.1): Subsection 3: Definitions Subsection 4: General Regulations (ie: <i>Home occupations</i> ) Subsection 5: Parking Regulations	
iii)	Subsection 4.15 <i>Floodplain Development Control Area</i> shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": 1. <i>Natural Environment Zone</i> – Subsection 11.1; 2. <i>Wetland Zone</i> – Subsection 11.2,& 3. <i>ERCA Floodplain Development Control Area</i>	

### **Subsection 6.1.1 e) RESIDENTIAL ZONE 1 URBAN (R1.1) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall also be permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **6.1.1.1 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 1 (R1.1-1)' (R1-1 K)**

**a)** For lands shown as R1.1-1 on Map 65 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) Professional offices, personal service shops, retail establishments, *financial institutions*, small animal *veterinary clinics* and teaching *studios*.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building requirements* for the *permitted buildings and structures* *shall be as they existed on the date and passing of this By-law*;
- ii) Notwithstanding Subsection 6.1.1.1 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-1) and in accordance with regulations under Subsection 6.1.1.

#### **6.1.1.2 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 2 (R1.1-2)' (R1-2 K)**

**a)** For lands shown as R1.1-2 on Map 65 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) A radio and television *sales and service establishment* in addition to the *uses permitted* in the R1.1 zone.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building requirements* for the *permitted buildings and structures* *shall be as they existed on the date and passing of this By-law*;
- ii) Notwithstanding Subsection 6.1.1.1 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-2) and in accordance with regulations under Subsection 6.1.1.

#### **6.1.1.3 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 3 (R1.1-3)' (R1-3 K)**

**a)** For lands shown as R1.1-3 on Map 65 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) One *office* is *permitted* to be located within the *main building* on lands zoned (R1.1-3).

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.1.1.3 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-3) and in accordance with regulations under Subsection 6.1.1.

**6.1.1.4 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 4 (R1.1-4)' (R1-4 K)**

a) For lands shown as R1.1-3 on Map 65 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) One duplex and one antique shop in addition to the *uses permitted* in the R1.1 zone.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.1.1.4 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-4) and in accordance with regulations under Subsection 6.1.1.

**6.1.1.5 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 5 (R1.1-5)' (R1-5 K)**

a) For lands shown as R1.1-5 on Map 65 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) One duplex in addition to the *uses permitted* under Section 6.1 of this by-law.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.1.1.3 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-3) and in accordance with regulations under Subsection 6.1.1.

#### **6.1.1.6 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 6 (R1.1-6)' (R1-8 K)**

- a)** For lands shown as R1.1-6 on Map 68 Schedule "A" of this By-law.
- b) Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) One *retail store* in an *existing* residence in addition to the *uses permitted* under Section 6.1 of this by-law.
- c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.
- d) Zone Provisions**
  - i) All *lot and building* requirements for the *permitted buildings and structures shall* be as they existed on the date and passing of this By-law;
  - ii) Notwithstanding Subsection 6.1.1.6 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-6) and in accordance with regulations under Subsection 6.1.1.

#### **6.1.1.7 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 7 (R1.1-7)' (R1-9 K)**

- a)** For lands shown as R1.1-7 on Map 68 Schedule "A" of this By-law.
- b) Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) A *greenhouse* operation.
- c) Permitted Buildings and Structures**
  - i) Those *buildings and structures existing* at the date of passing of this by-law;
  - ii) In addition, the *greenhouse buildings and structures*.
- d) Zone Provisions**
  - i) All *lot and building* requirements for the *permitted buildings and structures shall* be as they existed on the date and passing of this By-law;
  - ii) Notwithstanding any other provision of this by-law, the following special provisions *shall apply* to lands zoned (R1.1-7):
    - a) The *maximum lot coverage* for all *buildings and structures* on lands zoned (R1.1-7) *shall* be seventy-five percent (75%);
    - b) *Front yard setback* from *County Road 50* *shall* be a *minimum* of 29 m (95 ft);
    - c) New *accessory buildings* are *permitted* on lands zoned (R1.1-7) and in accordance with regulations under Subsection 6.1.1.

#### **6.1.1.8 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 8 (R1.1-8)' (R1-10 K)**

- a)** For lands shown as R1.1-8 on Map 68 Schedule "A" of this By-law.
- b) Permitted Uses**

Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).
- c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be as they existed on the date and passing of this By-law;
- ii) Notwithstanding any other provision of this by-law, the following special provisions *shall* apply to lands zoned (R1.1-8):
  - a) *Front yard setback* from *County Road 50* *shall* be a *minimum* of 29 m (95 ft);
  - b) *New accessory buildings* are *permitted* on lands zoned (R1.1-8) and in accordance with regulations under Subsection 6.1.1.

**6.1.1.9 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 9 (R1.1-9)' (R1-11 K)**

a) For lands shown as R1.1-9 on Map 68 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* under Section 6.1 Residential Zone 1 Urban (R1.1); and

**c) Permitted Buildings and Structures**

Those *buildings* *permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).

**d) Zone Provisions**

Notwithstanding zone provisions above in Subsection 6.1., the following regulations *shall* apply to lands zoned (R1.1-9):

- a) *Front yard setback* from *County Road 50* *shall* be a *minimum* of 29 m;
- b) *New buildings* are *permitted* on lands zoned (R1.1-9) and in accordance with regulations under Subsection 6.1.1.
  - i) *Minimum Lot area* – 420 m<sup>2</sup>;
  - ii) *Minimum Lot frontage* – 15 m;
  - iii) *Maximum Lot coverage* – 35%;
  - iv) *Minimum Front yard* – 2.8 m ;
  - v) *Minimum Rear yard* – 7.5 m;
  - vi) *Minimum Interior Side yard* – 0.4 m;
  - vii) *Minimum Exterior Side yard* – 4.5 m;
  - viii) *Maximum Height of Buildings and Structures* – 10 m.

**6.1.1.10 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 10 (R1.1-10)' (R1-12 K)**

a) For lands shown as R1.1-10 on Map 71 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses* *permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) A *medical office*.

**c) Permitted Buildings and Structures**

Those *buildings* and *structures* *existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be as they existed on the date and passing of this By-law;
- ii) Notwithstanding other provisions of this by-law, *new accessory buildings* are *permitted* on lands zoned (R1.1-10) and in accordance with regulations under Subsection 6.1.1.

iii) New main residences *shall* be located in compliance with Section 6.1.1 (R1.1) zone.

**6.1.1.11 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 11 (R1.1-11)' (R1-13 K)**

- a) For lands shown as R1.1-11 on Map 71 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) A *funeral home*;
  - iii) A *secondary residential unit*.

c) **Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

d) **Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures shall* be as they existed on the date and passing of this By-law;
- ii) Notwithstanding other provisions of this by-law, new *accessory buildings* are *permitted* on lands zoned (R1.1-11) and in accordance with regulations under Subsection 6.1.1.

**6.1.1.12 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 12 (R1.1-12)' (R1-14 K)**

- a) For lands shown as R1.1-12 on Map 71 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) *Retail store, personal service shop, office, banks, and financial institutions*.
- c) **Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

d) **Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures shall* be as they existed on the date and passing of this By-law;
- ii) Notwithstanding other provisions of this by-law, new *accessory buildings* are *permitted* on lands zoned (R1.1-12) and in accordance with regulations under Subsection 6.1.1.

iii) New *main buildings* *shall* be located in compliance with Section 6.1.1 (R1.1) zone.

**6.1.1.13 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 13 (R1.1-13)' (R1-17 K)**

- a) For lands shown as R1.1-13 on Map 77 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).
- c) **Permitted Buildings and Structures**
  - Those *buildings and structures existing* at the date of passing of this by-law.
- d) **Zone Provisions**
  - i) All *lot and building* requirements for the *permitted buildings and structures shall* be as they existed on the date and passing of this By-law;

- ii) Notwithstanding Subsection 6.1.1.1 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-13) and in accordance with regulations under Subsection 6.1.1.
- iii) New *main buildings* shall be located in compliance with Section 6.1.1 (R1.1) zone.

**6.1.1.14 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 14 (R1.1-14)’ (R1-19 K)**

- a) For lands shown as R1.1-14 on Map 72 Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) A dental office.

**c) Permitted Buildings and Structures**

Those *buildings permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).

**d) Zone Provisions**

- i) Notwithstanding other provisions of (R1.1) zone, the following regulations shall apply to lands zoned (R1.1-14):
  - i) *Minimum Lot area* – 1000 m<sup>2</sup>;
  - ii) *Minimum Lot frontage* – 24 m;
  - iii) *Maximum Lot coverage* – 35%;
  - iv) *Minimum Front yard* – 5 m;
  - v) *Minimum Rear yard* – 4.5 m;
  - vi) *Minimum Interior Side yard* – 2.2 m;
  - vii) *Minimum Exterior Side yard* – 4.5 m;
  - viii) *Maximum Height of Buildings and Structures* – 10 m
  - ix) *Minimum number of parking spaces* – 12 spaces.

**6.1.1.15 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 15 (R1.1-15)’ (R1-20 and R1-21 K)**

- a) For lands shown as R1.1-15 on Map 72 Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) A professional office but excluding *medical offices*.
- c) **Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.1.1.1 above, new *accessory buildings* are *permitted* on lands zoned (R1.1-15) and in accordance with regulations under Subsection 6.1.1.
- iii) New *main buildings* shall be located in compliance with Section 6.1.1 (R1.1) zone;
- iv) A *minimum of 6 parking spaces* shall be provided for the professional office use.

**6.1.1.16 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 16 (R1.1-16)’ (R1-24 K)**

- a) For lands shown as R1.1-16 on Map 68 Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) A *parking lot*.
- c) **Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.
- d) **Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall be as they existed* on the date and passing of this By-law;
  - ii) Notwithstanding other provisions of this by-law, new *accessory buildings* are *permitted* on lands zoned (R1.1-16) and in accordance with regulations under Subsection 6.1.1.
  - iii) New *main buildings shall be located in compliance with* Section 6.1.1 (R1.1) zone
  - iv) Notwithstanding provisions under Section 5. of this by-law, the *minimum length of a parking space within the (R1.1-16) zone shall have 5.4 m length*.

**6.1.1.17 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 17 (R1.1-17)’ (R1-25 K)**

- a) For lands shown as R1.1-17 on Map 66 Schedule “A” of this By-law.
- b) **Permitted Uses**

Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).
- c) **Permitted Buildings and Structures**
  - i) One *single detached dwelling*;
  - ii) One *semi-detached dwelling*;
  - iii) *Semi-detached dwelling unit*;
- d) **Zone Provisions**
  - i) Notwithstanding *zone provisions* above in Subsection 6.1.1.3, the following regulations *shall apply* to lands zoned (R1.1-17):

	<b>Single unit detached</b>	<b>Semi-detached dwelling unit</b>	<b>Semi-detached dwelling</b>
<i>Lot area (min)</i>	800 m <sup>2</sup>	400 m <sup>2</sup>	800 m <sup>2</sup>
<i>Lot frontage (min)</i>	20 m	10 m	20 m
<i>Lot coverage (max)</i>	35%	40%	35%
<i>Open space (min)</i>	50%	35%	45%
<i>Building height (max)</i>	10.6 m	10.6 m	10.6 m
<i>Front Yard (min)</i>	4.5 m	4.5 m	4.5 m
<i>Interior Side Yard (min)</i>	1.5 meters or where there is no <i>attached garage</i> , 3 m on one side and 1.5 m on the other side	1.5 meters except where there is a common wall, a 0 m <i>side yard</i> is required.	1.5 meters except where there is a common wall, a 0 m <i>side yard</i> is required.
<i>Rear Yard (min)</i>	7.5 m	7.5 m	7.5 m

**6.1.1.18 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 18 (R1.1-18)’ (R1-26 K)**

a) For lands shown as R1.1-18 on Map 68 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).

**c) Permitted Buildings and Structures**

Those *buildings permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).

**d) Zone Provisions**

Notwithstanding *zone* provisions above in Subsection 6.1.1.3, the following regulations *shall apply* to lands zoned (R1.1-18):

- i) *Minimum Lot area* – 290 m<sup>2</sup>;
- ii) *Minimum Lot frontage* – 13.8 m;
- iii) *Maximum Lot coverage* – 35%;
- iv) *Minimum Front Yard* – 4.5 m;
- v) *Minimum Rear Yard* – 2 m;
- vi) *Minimum Interior Side Yard* – 1.5 m;
- vii) *Maximum Height of Buildings and Structures* – 10 m

**6.1.1.19 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 19 (R1.1-19)’ (R1-27 K)**

a) For lands shown as R1.1-19 on Map 73 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).

**c) Permitted Buildings and Structures**

- i) one single detached dwelling
- ii) Buildings and structures accessory to the permitted use in accordance with 4.2 of this By-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* *shall be in accordance with* Section 6.1.;
- ii) Notwithstanding other provisions of (R1.1) *zone*, the following provisions *shall apply* to lands zoned (R1.1-19):
  - a) *Minimum lot area* – 500 m<sup>2</sup>;
  - b) *Minimum lot frontage* – 14 m.

**6.1.1.20 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 20 (R1.1-20)’ (125-2018)**

a) For lands shown as R1.1-20 on Map 68 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) An *inn*, an *assembly hall*, a *banquet* and a *gift shop*, OR;
- iii) A *holistic wellness centre* and an *accessory gift shop*.

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures* *permitted* under Section 6.1 in the (R1.1) zone;
- ii) One *dwelling unit* above a *garage*;
- iii) One *single detached dwelling*;
- iv) *Buildings and structures* *accessory* to the *permitted uses*.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* *shall* be in accordance with Section 6.1;
- ii) Notwithstanding the provisions of Section 6.1 of By-law No. 1-2014 to the contrary, an *inn*, an *assembly hall* and a *banquet facility* *shall* have a *minimum front, rear, interior side and an exterior side yard dimension* of 15 m, and as *permitted* in clause (b) ii), *shall*:
  - a) Be subject to an executed site plan control agreement between the landowner and the Municipality;
  - b) Not change the residential character of the *dwelling*;
  - c) Be owner occupied;
  - d) Provide and maintain *parking spaces* in accordance with the executed site plan agreement;
  - e) Not have a portion of a *guest room* located below grade or within a *basement, walkout basement or cellar*;
  - f) Not be combined with any other *home occupation, group home or boarding house*.
- iii) Notwithstanding the provisions of Section 6.1 of By-law No. 1-2014 to the contrary, a *holistic wellness centre* as *permitted* in clause (b) iii), *shall*:
  - a) Be subject to an executed site plan control agreement between the landowner and the Municipality;
  - b) Not change the residential character of the *dwelling*;
  - c) Be owner occupied;
  - d) Provide and maintain *parking spaces* in accordance with the executed site plan agreement;
  - e) Have a maximum of 4 *guest rooms*;
  - f) Not have a portion of a *guest room* located below grade or within a *basement, walkout basement or cellar*;
  - g) Not be combined with any other *home occupation, group home or boarding house*.

**6.1.1.21 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 21 (R1.1-21)’ (R1-29 K)**

a) For lands shown as R1.1-21 on Map 75 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) A service and *repair shop*;
- iii) A contractors or tradesman’s *office, shop, yard and retail facility*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* under Section 6.1 in the (R1.1) zone.

**d) Zone Provisions**

- i) All *lot and building requirements* for the *permitted buildings and structures shall be in accordance with Section 6.1*;
- ii) Notwithstanding the provisions of Section 6.1, the following provisions *shall apply to lands zoned (R1.1-21)*:
  - a) *Maximum building height – 10 m*;
  - b) *No outside storage of goods or materials*;
  - c) *No parking of heavy construction equipment is permitted outside*.

**6.1.1.22 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 22 (R1.1-22)’ (R1-30 K)**

a) For lands shown as R1.1-22 on Map 67 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
- ii) A *personal service shop*;
- iii) A *professional office*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* under Section 6.1 in the (R1.1) zone.

**d) Zone Provisions**

- i) All *lot and building requirements* for the *permitted buildings and structures shall be in accordance with Section 6.1*;
- ii) All lands zoned (R1.1-22) and the *development* of these lands are subject to site plan control.

**6.1.1.23 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 23 (R1.1-23)’ (R1-30 K)**

a) For lands shown as R1.1-23 on Map 71 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* under Section 6.1 in the (R1.1) zone;
- ii) *Single detached dwelling*
- iii) *Semi-detached dwelling*
- iv) *Semi-detached dwelling unit*

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* shall be in accordance with Section 6.1;
- ii) Notwithstanding the provisions of Section 6.1, the following provisions *shall* apply to *single detached* residential *lots* for lands zoned (R1.1-23):
  - i) *Minimum Lot area* – 560 m<sup>2</sup>;
  - ii) *Minimum Lot frontage* – 15 m;
  - iii) *Maximum Lot coverage* – 35%;
  - iv) *Minimum Front Yard* – 4.5 m;
  - v) *Minimum Rear Yard* – 7.5 m;
  - vi) *Minimum Interior Side Yard* – 1.5 m;
  - vii) *Maximum Height of Buildings and Structures* – 10 m
- iii) Notwithstanding the provisions of Section 6.1, the following provisions *shall* apply to *semi-detached* residential *lots* for lands zoned (R1.1-23):
  - i) *Minimum Lot area* – 500 m<sup>2</sup>;
  - ii) *Minimum Lot frontage* – 12.5 m per *unit*;
  - iii) *Maximum Lot coverage* – 35%;
  - iv) *Minimum Front Yard* – 4.5 m;
  - v) *Minimum Rear Yard* – 7.5 m;
  - vi) *Minimum Interior Side Yard* – 1.5 m and 0 m on the common wall side;
  - vii) *Maximum Height of Buildings and Structures* – 10 m.

**6.1.1.24 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 24 (R1.1-24)’ (R1-31 K)(R3-10) S**

a) For lands shown as R1.1-24 on Map 78 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted under Section 6.1*  
*Residential Zone 1 Urban (R1.1)*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted under Section 6.1 in the (R1.1) zone*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings and structures* shall be in accordance with Section 6.1 with the exception of the following:

*Minimum lot area* – 720 m<sup>2</sup>

*Minimum lot frontage* – 18 m

*Maximum lot coverage* 35%

**6.1.1.25 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 25 (R1.1-25)’ (R1-32 K)**

- a) For lands shown as R1.1-25 on Map 78 Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) A *winery*;
  - iii) Accessory *uses* to the *permitted uses*.
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* under Section 6.1 in the (R1.1) zone;
  - ii) A *winery*;
  - iii) Accessory *buildings and structures* to the *permitted uses*.
- d) **Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with Section 6.1.;
  - ii) Notwithstanding the provisions of Section 6.1, the following provisions *shall* apply to lands zoned (R1.1-25)
    - i) *Minimum Lot area* – 560 m<sup>2</sup>;
    - ii) *Minimum Lot frontage* – 15 m;
    - iii) *Maximum Lot coverage* – 35%;
    - iv) *Minimum Front Yard* – 15 m;
    - v) *Minimum Rear Yard* – 10 m except where the *use* abuts a Residential (R) zone the *minimum rear yard setback shall* be 15 m;
    - vi) *Minimum Interior Side Yard* – 4.5 m except where the *use* abuts a Residential (R) zone the *minimum side yard setback shall* be 15 m;
    - vii) *Minimum Exterior side yard* – 7.6 m;
    - viii) *Maximum Height of Buildings and Structures* – 10.5 m;
    - ix) *No outside storage of goods or materials shall be permitted* in the *front yard, exterior side yard or any yard adjacent to a Residential (R) zone*.

**6.1.1.26 ‘RESIDENTIAL ZONE 1 URBAN EXCEPTION 26 (R1.1-26)’ (59-2014)**

- a) For lands shown as R1.1-26 on Map 68 Schedule “A” of this By-law.
- b) **Permitted Uses (87-2016)**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) An *Inn* in an *existing single-detached dwelling*;
  - iii) A Secondary Dwelling Unit in an accessory building.
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* under Section 6.1 in the (R1.1) zone;
  - ii) *Buildings and structures accessory* to the *permitted uses*.
- d) **Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with Section 6.1;
  - ii) Notwithstanding the provisions of Sections 3.7.6 and 6.1 of By-law No. 1-2014 to the contrary, an *Inn* as *permitted* in clause (b) ii) above, *shall*:
    - a) be subject to an executed site plan control agreement between the landowner, the commercial operator of the *Inn* and the Municipality;
    - b) Not change the residential character of the *dwelling*;

- c) Have a *maximum* of four (4) *guest rooms*;
- d) Provide and maintain *parking spaces* in accordance with the executed site plan agreement;
- e) Not include a liquor licensed premise or other facilities for the servicing of alcoholic beverages to the general public;
- f) Not have a portion of a *guest room* located below *grade* or within a *basement*, *walkout basement* or *cellar*;
- g) Not be combined with any other *home occupation*, *group home* or *boarding house*;
- h) Not provide outdoor or indoor *Amenity* space for any purpose other than for the use and enjoyment by guests staying in the *guest rooms*;
- i) Not have any portion of a *guest room* containing facilities for the preparation of meals; and
- j) Have all other applicable provisions of this By-law be in compliance.

#### **6.1.1.27 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 27 (R1.1-27)' (17-2015)**

- a) For lands shown as R1.1-27 on Map 72 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.1 Residential Zone 1 Urban (R1.1);
  - ii) Professional offices
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* under Section 6.1 in the (R1.1) zone;
  - ii) *Buildings and structures accessory to the permitted uses*.
- d) **Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with Section 6.1.1.

#### **6.1.1.28 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 28 (R1.1-28)' (72-2019)**

- a) For lands shown as R1.1-28 on Map 72 Schedule "A" of this By-law. (72-2019)
- b) **Permitted Uses**

Those uses permitted under Section 6.1 Residential Zone 1 Urban (R1.1).
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* in Section 6.1
  - ii) *Buildings and structures accessory to the permitted uses*.
- d) **Zone Provisions**

All lot and building requirements shall be in accordance with the following:

  - i) Provisions of the (R1.1) Section 6.1 shall apply to the lands Zoned (R1.1-28);
  - ii) Notwithstanding the Zone provisions of Section 6.1, the following additional provisions shall apply to lands Zoned (R1.1-28):
    - a) Minimum Rear Yard – 1.5m;
    - b) Minimum Exterior Side yard – 2.0m.

#### **6.1.1.29 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 29 (R1.1-29)'**

- a) For lands shown as R1.1-29 on Map 71 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses permitted under Section 6.1 Residential Zone 1 Urban (R1.1).  
A private school
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* in Section 6.1
  - ii) An existing dwelling for a private school
  - iii) *Buildings and structures accessory to the permitted uses.*

- d) **Zone Provisions**

- All lot and building requirements shall be in accordance with the provisions of the (R1.1) Section 6.1.1 c) for the lands Zoned (R1.1-29);
  - i) Notwithstanding the Zone provisions of Section 6.1, for lands zoned (R1.1-29) the maximum number of students attending a private school shall be limited to 20 or in accordance with the prescribed occupancy limit determined by Fire and Building Code, whichever is less.

#### **6.1.1.30 'RESIDENTIAL ZONE 1 URBAN EXCEPTION 30 (R1.1-30)'**

- a) For lands shown as R1.1 on Map 78 Schedule "A" of this By-law. (74-2020)
- b) **Permitted Uses**
  - i) Those uses *permitted* under Section 6.1 Residential Zone 1 Urban (R1.1).
- c) **Permitted Buildings and Structures**
  - i) *Semi-detached dwelling;*
  - ii) *Semi-detached dwelling unit;*
  - iii) *Buildings and structures accessory to the permitted uses.*
- d) **Zone Provisions**
  - All lot and building requirements shall be in accordance with the following:
    - i) Provisions of the (R1.1) Section 6.1 shall apply to the lands Zoned (R1.1-30);
    - ii) Notwithstanding the Zone provisions of Section 6.1, the following additional provisions shall apply to lands Zoned (R1.1-30):
      - a) Minimum Exterior Side Yard –3 m (10 ft.);

<b>SUBSECTION 6.1.2</b> <b>RESIDENTIAL ZONE 1 RURAL/URBAN (R1.2)</b> (Low Density Residential – Ruthven/Cottam)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Residential use; Boarding, lodging, and rooming – house Residential; or Group home.</i>
ii) <b>Accessory use</b>	<i>One Bed and breakfast; One Home occupation; Accessory uses to the Main use.</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted buildings and structures</b>	<i>One, single detached dwelling; Buildings and structures accessory to the Main use.</i>
<b>c) Regulations</b>	
i) <b>Lot area (minimum)</b>	<ol style="list-style-type: none"> <li><b>700 m<sup>2</sup> (7,535 ft<sup>2</sup>)</b> if the residence is connected to all three municipal water, sewer, and storm water services;</li> <li><b>1,400 m<sup>2</sup> (15,070 ft<sup>2</sup>)</b> if the residence is not connected to any one of three municipal water, sewer, and storm water services.</li> </ol>
ii) <b>Lot frontage (minimum)</b>	<ol style="list-style-type: none"> <li><b>15 m (50 ft)</b> if the residence is connected to all three municipal water, sewer, and storm water services;</li> <li><b>30 m (100 ft)</b> if the residence is not connected to any one of three municipal water, sewer, and storm water services.</li> </ol>
iii) <b>Open Space (minimum)</b>	30 %
iv) <b>Lot coverage (maximum)</b>	35 %
v) <b>Front yard depth (minimum)</b>	6 m (20 ft)
vi) <b>Rear yard depth (minimum)</b>	7.5 m (25 ft)
vii) <b>Interior Side yard width (minimum)</b>	<ol style="list-style-type: none"> <li><b>1.5 m (5ft)</b> with an <i>attached garage or carport</i>; or</li> <li><b>1.5 m (5 ft)</b> on one side of the <i>main building</i> and <b>3.0 m (10 ft)</b> on the other side when there is no <i>attached garage or carport</i>.</li> </ol>
viii) <b>Exterior side yard width (minimum)</b>	4.5 m (15 ft)
ix) <b>Main building height (maximum)</b>	11 m (36 ft)

#### d) Supplementary Regulations

- i) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.
- ii) The following supplementary regulations *shall* also apply to lands zoned (R1.2):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### **Subsection 6.1.2 e) RESIDENTIAL ZONE 1 URBAN/RURAL (R1.2) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory* thereto *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

<b>SUBSECTION 6.2.1</b>		<b>RESIDENTIAL ZONE 2 URBAN (R2.1)</b> (Low Density Residential – Kingsville Centre)			
<b>a) Permitted Uses</b>					
i) <b>Main use</b>	Residential use; Boarding, lodging, and rooming – house Residential; Group home; or Nursing or Rest home.				
ii) <b>Accessory use</b>	One Home occupation; Accessory uses to the <i>Main use</i> .				
<b>b) Permitted Buildings and Structures</b>					
i) <b>Permitted buildings and structures:</b>	One <i>single detached dwelling</i> ; One <i>converted dwelling</i> with a <i>maximum</i> of two <i>dwelling units</i> ; One <i>duplex dwelling</i> ; One <i>semi-detached dwelling</i> ; One <i>semi-detached dwelling unit</i> ; One <i>Group home</i> or <i>Nursing home</i> ; <i>Buildings and structures accessory to the Main use</i> .				
<b>c) Regulations</b>					
	<b>Single detached residence</b>	<b>Semi-detached dwelling &amp; Duplex</b>	<b>Semi-detached dwelling unit</b>		
i) <b>Lot area (minimum)</b>	400 m <sup>2</sup> (4,305 ft <sup>2</sup> )	600 m <sup>2</sup> (6,460 ft <sup>2</sup> )	300 m <sup>2</sup> (3,225 ft <sup>2</sup> )		
ii) <b>Lot frontage (min)</b>	12 m (40 ft)	15 m (50 ft) if an interior <i>lot</i> ,	7.5 m (24.5 ft) if an interior <i>lot</i> ,		
		19 m (62 ft) if an exterior <i>lot</i>	11.5 m (38 ft) if an exterior <i>lot</i>		
iii) <b>Open Space (min)</b>	30%				
iv) <b>Lot coverage (max)</b>	50%				
v) <b>Front yard depth (min)</b>	5.5 m (18 ft)				
vi) <b>Rear yard depth (min)</b>	7.5 m (25 ft)				

vii) <b>Interior Side yard width (minimum)</b>	<ol style="list-style-type: none"> <li>1. <b>1.5 m (5ft)</b> with an <i>attached garage or carport</i>, or</li> <li>2. <b>1.5 m (5 ft)</b> on one side of the <i>main building</i> and <b>3.0 m (10 ft)</b> on the other side when there is no <i>attached garage or carport</i>; and</li> <li>3. 0 m <i>side yard</i> is allowed on the common wall side.</li> </ol>
viii) <b>Exterior side yard width (minimum)</b>	4.0 m (13 ft)
ix) <b>Main building height (maximum)</b>	11 m (36 ft)
<b>d) Supplementary Regulations</b>	
<ol style="list-style-type: none"> <li>i) Each <i>dwelling shall</i> be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The <i>Corporation</i> or any other authority having jurisdiction.</li> <li>ii) The following supplementary regulations <i>shall</i> also apply to lands zoned (R2.1):           <ul style="list-style-type: none"> <li>Subsection 3: Definitions</li> <li>Subsection 4: General Provisions</li> <li>Subsection 5: Parking Regulations</li> </ul> </li> <li>iii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":           <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. <i>ERCA Floodplain Development Control Area</i></li> </ol> </li> </ol>	

## **Subsection 6.2.1 e) RESIDENTIAL ZONE 2 URBAN (R2.1) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the zone category, the provision(s) of this subsection apply; otherwise the other zone category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the zone category and any other provisions of this by-law applicable to such *accessory use*.

### **6.2.1.1 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 1 (R2.1-1)' (R1-23 K)**

- a)** For lands shown as R2.1-1 on Map 75 Schedule "A" of this By-law.
- b) Permitted Uses**  
Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1).
- c) Permitted Buildings and Structures**
  - i) Those *buildings permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
  - ii) *Semi-detached dwelling unit*.
- d) Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands zoned R2.1-1;
  - ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall apply* to a *single unit* of a *semi-detached residential lot* zoned (R2.1-1):
    - i) *Minimum Lot area* – 300 m<sup>2</sup>;
    - ii) *Minimum Lot frontage* – 7.5 m;
    - iii) *Maximum Lot coverage* – 50 %;
    - iv) *Minimum Front Yard* – 4.8 m;
    - v) *Minimum Rear Yard* – 7.5 m;
    - vi) *Minimum Interior Side yard* – 1.5 m;
    - vii) *Maximum Height of Buildings and Structures* – 10.6 m.

### **6.2.1.2 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 2 (R2.1-2)' (R2-1 K)**

- a)** For lands shown as R2.1-2 on Map 67 Schedule "A" of this By-law.
- b) Permitted Uses**  
Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1).
- c) Permitted Buildings and Structures**  
Those *buildings permitted* under Section 6.1 Residential Zone 2 Urban (R2.1).
- d) Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands zoned R2.1-2;
  - ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall apply* to a *semi-detached dwelling unit lot* zoned (R2.1-1):
    - i) *Minimum Lot area* – 239 m<sup>2</sup>.

### **6.2.1.3 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 3 (R2.1-3)' (R2-2 K)**

- a)** For lands shown as R2.1-3 on Map 75 Schedule "A" of this By-law.
- b) Permitted Uses**  
Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);

**c) Permitted Buildings and Structures**

- i) Those *buildings* *permitted* under Section 6.1 Residential Zone 2 Urban (R2.1);
- ii) 3 *townhouse dwellings* with a *maximum* of 4 *dwelling units* per *townhouse dwelling*.

**d) Zone Provisions**

- i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands *zoned* R2.1-3;
- ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall apply* to a *townhouse dwelling* on lands *zoned* (R2.1-1):
  - i) *Minimum lot frontage* – 5 m per *dwelling unit*;
  - ii) *Minimum front yard* – 4.5 m;
  - iii) *Minimum rear yard* – 4.5 m;
  - iv) *Minimum side yard* – 4.5 m;
  - v) *Parking surface* – crushed stone and gravel as surface parking treatment.

**6.2.1.4 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 4 (R2.1-4)' (R2-4 K)**

**a) For lands shown as R2.1-4 on Map 73 Schedule "A" of this By-law.**

**b) Permitted Uses**

Those *uses* *permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);

**c) Permitted Buildings and Structures**

- i) Those *buildings* *permitted* under Section 6.1 Residential Zone 2 Urban (R2.1);
- ii) *Townhouse dwellings*.

**d) Zone Provisions**

- i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands *zoned* R2.1-4.
- ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall apply* to lands *zoned* (R2.1-1):
  - i) *Minimum Lot area*:
    - Single family detached dwelling* - 500 m<sup>2</sup>;
    - Duplex dwelling* - 600 m<sup>2</sup>;
    - Semi-detached dwelling* per *dwelling unit* - 325 m<sup>2</sup>;
    - Townhouse dwelling* per *dwelling unit* - 250 m<sup>2</sup>;
  - ii) *Minimum Lot frontage*:
    - Single family detached dwelling* - 15 m;
    - Duplex dwelling* - 20 m;
    - Semi-detached dwelling* per *dwelling unit* - 10 m;
    - Townhouse dwelling* - 20m;
  - iii) *Maximum Lot coverage* – 35%;
  - iv) *Minimum front yard* – 4.5m;
  - v) *Minimum rear yard* – 7.5 m;
  - vi) *Minimum interior side yard* (*single detached, semi-detached dwelling, duplex dwelling*) – 1.5 m per side;
  - vii) *semi-detached dwelling unit duplex dwelling unit or townhouse dwelling unit* – 0 m *side yard* along the common wall;
  - viii) *Minimum interior side yard* (*townhouse dwelling*) – 4.5 m
  - ix) *Maximum height of buildings* – 10.6 m or 3 *storeys*.

#### **6.2.1.5 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 5 (R2.1-5)' (R2-5 K)**

- a)** For lands shown as R2.1-5 on Map 71 Schedule "A" of this By-law.
- b) Permitted Uses**  
Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) Permitted Buildings and Structures**  
Those *buildings permitted* under Section 6.1 Residential Zone 2 Urban (R2.1).
- d) Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands *zoned* R2.1-5.
  - ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall apply* to lands *zoned* (R2.1-5):
    - i) *Minimum Lot area* – 1200 m<sup>2</sup>;
    - ii) *Minimum Lot frontage* – 20 m
    - iii) *Maximum Lot coverage* – 35%;
    - iv) *Minimum front yard* – 4.5m;
    - v) *Minimum rear yard* – 7.5 m;
    - vi) *Minimum interior side yard* – 1 m on one side and 0 m *side yard* on the side with the common wall;
    - vii) *Maximum height of buildings* – 10 m.

#### **6.2.1.6 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 6 (R2.1-6)' (R2-7, 9, 10 K)**

- a)** For lands shown as R2.1-6 on Maps 72, 78 Schedule "A" of this By-law.
- b) Permitted Uses**  
Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) Permitted Buildings and Structures**
  - i) Those *buildings permitted* under Section 6.1 Residential Zone 2 Urban (R2.1);
  - ii) *Townhouse dwellings*, excluding *apartment style buildings*, with a *maximum* of 5 *units* in the *building*.
- d) Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands *zoned* R2.1-6.
  - ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall apply* to lands *zoned* (R2.1-6):

	<i>Single detached dwelling</i>	<i>Semi-detached dwelling</i>	<i>Semi detached dwelling unit</i>	<i>Townhouse dwelling</i>
<b>Lot area (minimum)</b>	464 m <sup>2</sup>	557 m <sup>2</sup>	223 m <sup>2</sup>	854 m <sup>2</sup>
<b>Lot frontage (minimum)</b>	15 m	18 m	7 m for interior units, 8.8 m for exterior units, 11.8 m for exterior units on corner lots	28 m
<b>Landscaped open space (minimum)</b>	30%	30%	30%	30%
<b>Lot coverage (maximum)</b>	50%	50%	50%	40%
<b>Building height (maximum)</b>	10.6 m	10.6 m	10.6 m	10.6 m
<b>Front yard (minimum)</b>	6 m	6 m	6 m	6 m
<b>Interior Side yard (minimum)</b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side, 0 m along the common wall	3 m
<b>Exterior Side yard (min)</b>	4.5 m	4.5 m	4.5 m	4.5 m
<b>Rear yard (minimum)</b>	7.6 m	7.6 m	7.6 m	7.6 m

#### **6.2.1.7 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 7 (R2.1-7)' (R2-11 K)**

- a) For lands shown as R2.1-7 on Map 71 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses permitted under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Structures**  
Those buildings permitted under Section 6.1 Residential Zone 2 Urban (R2.1).

**d) Zone Provisions**

- i) Provisions of the (R2.1) Section 6.2 *shall* apply the lands zoned R2.1-3;
- ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall* apply to a multiple residential *building* on lands zoned (R2.1-7):

	<b><i>Single detached dwelling</i></b>	<b><i>Semi-detached dwelling</i></b>	<b><i>Semi-detached dwelling unit</i></b>
<b><i>Lot area (minimum)</i></b>	580 m <sup>2</sup>	580 m <sup>2</sup>	274 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	15 m	15 m	7.2 m
<b><i>Lot coverage (maximum)</i></b>	35%	35%	40%
<b><i>Building height (maximum)</i></b>	10.6 m	10.6 m	10.6 m
<b><i>Front yard (minimum)</i></b>	4.5 m	4.5 m	4.5 m
<b><i>Interior Side yard (minimum)</i></b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side, 0 m along the common wall
<b><i>Exterior Side yard (min)</i></b>	4.5 m	4.5 m	4.5 m
<b><i>Rear yard (minimum)</i></b>	7.5 m	7.5 m	7.5 m

**6.2.1.8 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 8 (R2.1-8)' (R2-12,13 K)**

a) For lands shown as R2.1-8 on Maps 66, 71 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);

**c) Permitted Buildings and Structures**

Those *buildings permitted* under Section 6.1 Residential Zone 2 Urban (R2.1).

**d) Zone Provisions**

- i) Provisions of the (R2.1) Section 6.2 *shall* apply the lands zoned R2.1-8;
- ii) Notwithstanding *zone* provisions of (R2.1), the following regulations *shall* apply to a multiple residential *building* on lands zoned (R2.1-8):

	<b><i>Single detached dwelling</i></b>	<b><i>Semi-detached dwelling</i></b>	<b><i>Semi-detached dwelling unit</i></b>
<b><i>Lot area (minimum)</i></b>	464 m <sup>2</sup>	557 m <sup>2</sup>	269 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	15 m	18 m	7.0 m
<b><i>Lot coverage (maximum)</i></b>	35%	35%	40%
<b><i>Building height (maximum)</i></b>	10.6 m	10.6 m	10.6 m
<b><i>Front yard (minimum)</i></b>	4.5 m	4.5 m	4.5 m
<b><i>Interior Side yard (minimum)</i></b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side, 0 m along the common wall
<b><i>Exterior Side yard (min)</i></b>	4.5 m	4.5 m	4.5 m
<b><i>Rear yard (minimum)</i></b>	7.6 m	7.6 m	7.6 m

#### **6.2.1.9 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 9 (R2.1-9)' (R2-15 K) (ROBTC)**

a) For lands shown as R2.1-9 on Map 67 Schedule "A" of this By-law.

b) ***Permitted Uses***

Those *uses* *permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);

c) ***Permitted Buildings and Structures***

Those *buildings* *permitted* under Section 6.1 Residential Zone 2 Urban (R2.1).

d) ***Zone Provisions***

- i) Provisions of the (R2.1) Section 6.2 *shall* apply to the lands zoned R2.1-9;
- ii) Each *lot* must contain a *Unit A* *attached* to a *Unit B*: *Unit A*'s are only *permitted* when *attached* to a *Unit B* and *Unit B*'s are only *permitted* when *attached* to a *Unit A*;
- iii) No *Lot* *shall* contain two of the same *units*;
- iv) Each *semi-detached dwelling* is *permitted* to have its ownership separated down the common wall by either the Part *Lot* Control Exemption or the Consent to Sever process;

v) Notwithstanding zone provisions of (R2.1), the following regulations *shall* apply to lands zoned (R2.1-9):

	<i>Semi-detached dwelling</i>	<i>Semi-detached dwelling unit</i>
<b><i>Lot area (minimum)</i></b>	430 m <sup>2</sup>	215 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	12 m	6.0 m
<b><i>Lot coverage (maximum)</i></b>	52%	52%
<b><i>Building height (maximum)</i></b>	7 m	7 m
<b><i>Front yard (minimum)</i></b>	5.4 meters for <i>Unit A</i> 7.0 meters for <i>Unit B</i>	5.4 meters for <i>Unit A</i> 7.0 meters for <i>Unit B</i>
<b><i>Interior Side yard (minimum)</i></b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side and 0 m on common wall side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side and 0 m on common wall side
<b><i>Exterior Side yard (min)</i></b>	4.5 m	4.5 m
<b><i>Rear yard (minimum)</i></b>	6 m	6 m

#### 6.2.1.10 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 10 (R2.1-10)' (R2-12 K)

- a) For lands shown as R2.1-10 on Map 71 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those *uses* *permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Structures**  
Those *buildings* *permitted* under Section 6.1 Residential Zone 2 Urban (R2.1).
- d) **Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall* apply the lands zoned R2.1-10;
  - ii) Notwithstanding zone provisions of (R2.1), the following regulations *shall* apply to lands zoned (R2.1-10):
    - i) *Minimum lot frontage* – 9.5 m per *dwelling unit*;
    - ii) *Minimum lot area* – 254 m<sup>2</sup>;
    - iii) *Maximum lot coverage* - 35%.

**6.2.1.11 ‘RESIDENTIAL ZONE 2 URBAN EXCEPTION 11 (R2.1-11)’ (67-2022)**

- a) For lands shown as R2.1-11 on Map 69 Schedule “A” of this By-law.
- b) **Permitted Uses**  
Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Structures**
  - i) Those *buildings permitted* under Section 6.1 Residential Zone 2 Urban (R2.1);
  - ii) Those *buildings existing* at the date of passing of this by-law.
- d) **Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands zoned R2.1-11;
  - ii) Notwithstanding *zone provisions* of (R2.1), the following regulations *shall apply* a *single detached dwelling* or a *duplex dwelling* on lands zoned (R2.1-11):
    - i) Minimum Lot area – 400 m<sup>2</sup>;
    - ii) Minimum Lot frontage – 10.5 m
    - iii) Minimum front yard – 4.5m;
    - iv) Minimum interior side yard – 1.2 m on one side of the *main building*, and 3.0 m on the other side;
    - viii) Notwithstanding Section 5.7(a), the maximum driveway entrance width shall be 3.0 m.

**6.2.1.12 ‘RESIDENTIAL ZONE 2 URBAN EXCEPTION 12 (R2.1-12)’ (BERNATH GARDENS)**

- a) For lands shown as R2.1-12 on Map 65 Schedule “A” of this By-law.
- b) **Permitted Uses**  
Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Structures**  
Those *buildings permitted* under Section 6.1 Residential Zone 2 Urban (R2.1).
- d) **Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands zoned R2.1-12;
  - ii) Notwithstanding *zone provisions* of (R2.1), the following regulations *shall apply* to a *multiple residential building* on lands zoned (R2.1-12):

	<i>Single detached dwelling</i>	<i>Semi-detached dwelling</i>	<i>Semi-detached dwelling unit</i>
<b>Lot area (minimum)</b>	464 m <sup>2</sup>	557 m <sup>2</sup>	269 m <sup>2</sup>
<b>Lot frontage (minimum)</b>	15 m	15 m if an interior lot	7.0 m
		19 m if an exterior lot	
<b>Lot coverage (maximum)</b>	40%	50%	50%
<b>Building height (maximum)</b>	10.6 m	10.6 m	10.6 m
<b>Front yard (minimum)</b>	4.5 m	4.5 m	4.5 m
<b>Interior Side yard (minimum)</b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side, 0m on the common wall side
<b>Exterior Side yard (min)</b>	4.0 m	4.0 m	4.0 m
<b>Rear yard (minimum)</b>	7.5 m	7.5 m	7.5 m

#### **6.2.1.13 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 13 (R2.1-13)' (REMARK SUB'N)**

- a) For lands shown as R2.1-13 on Map 67 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses permitted under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Structures**
  - i) Those buildings permitted under Section 6.1 Residential Zone 2 Urban (R2.1);
  - ii) townhouse development.
- d) **Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall* apply the lands zoned R2.1-13;
  - ii) Notwithstanding zone provisions of (R2.1), the following regulations *shall* apply to buildings and structures on lands zoned (R2.1-13):

	<b><i>Single detached dwelling</i></b>	<b><i>Semi-detached dwelling</i></b>	<b><i>Semi-detached dwelling unit</i></b>
<b><i>Lot area (minimum)</i></b>	560 m <sup>2</sup>	600 m <sup>2</sup>	300 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	15 m	15 m if an interior <i>lot</i> or 19m if an exterior <i>lot</i>	7.5 if an interior <i>lot</i> and 9.5 m if an exterior <i>lot</i>
<b><i>Lot coverage (maximum)</i></b>	40%	50%	50%
<b><i>Building height (max)</i></b>	10.6 m	10.6 m	10.6 m
<b><i>Front yard (minimum)</i></b>	5.5 m	5.5 m	5.5 m
<b><i>Interior Side yard (minimum)</i></b>	1.5 m, or where there is no <i>garage</i> 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no <i>garage</i> 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no <i>garage</i> 1.5 m on one side and 3 m on the other side, 0m on the common wall side
<b><i>Exterior Side yard (minimum)</i></b>	4.0 m	4.0 m	4.0 m
<b><i>Rear yard (minimum)</i></b>	6 m	6 m	6 m
<b><i>Bldg Separation</i></b>	3 m plus 1 m per floor		
<b><i>Building Density</i></b>	That a <i>minimum</i> of 60% of the residential <i>lots</i> in the subdivision be built with <i>single</i> residential <i>units</i> and a <i>maximum</i> of 40% of the residential <i>lots</i> to comprise <i>semi-detached</i> residential <i>units</i> .		

#### 6.2.1.14 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 14 (R2.1-14)' (Conklin SUB'N)

- a) For lands shown as R2.1-14 on Map 58 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses permitted under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Structures**
  - i) Those buildings permitted under Section 6.1 Residential Zone 2 Urban (R2.1);
  - ii) *townhouse development*;
  - iii) *low rise apartment building*;
  - iv) *institutional buildings*.
- d) **Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall* apply the lands zoned R2.1-14;
  - ii) Notwithstanding zone provisions of (R2.1), the following regulations *shall* apply to buildings and structures on lands zoned (R2.1-14):
- e) Holding (h) provision will be removed after authorization of a *development* (subdivision) agreement by Council.

	<b>Single detached</b>	<b>Semi-detached dwelling</b>	<b>Townhouse dwelling</b>	<b>Semi-detached or townhouse dwelling unit</b>
<b>Lot area (minimum)</b>	560 m <sup>2</sup>	600 m <sup>2</sup> (6,450 ft <sup>2</sup> )	700 m <sup>2</sup> (7,535 ft <sup>2</sup> )	300 m <sup>2</sup> (2,150 ft <sup>2</sup> )
<b>Lot frontage (minimum)</b>	15 m	15 m if an interior lot		7.5 m if an interior lot
		19 m if an exterior lot		11.5 m if an exterior lot
<b>Lot coverage (maximum)</b>	40%	50%	50%	50%
<b>Front yard (minimum)</b>	6 m	6 m	6 m	6m
<b>Building height (max)</b>	10 m (33 ft)			10 m (33 ft)
<b>Interior Side yard (min)</b>	1.5 m (5ft) on both <i>side yard</i> with an <i>attached garage</i> or <i>carport</i> for each <i>residential unit</i> ; or 1.5 m (5 ft) on one side of the <i>main building</i> and 4.5 m (14.5 ft) on the other side when there is no <i>attached garage</i> or <i>carport</i> ; 0 m for the common wall side of a <i>multiple unit building</i> (2 or more)			<ul style="list-style-type: none"> <li>a) 1.5 m (5ft) <i>side yards</i> with an <i>attached garage</i> or <i>carport</i> for each <i>residential unit</i>, or</li> <li>b) 4.5 m (14.75 ft) on one side of the <i>main building</i> when there is no <i>attached garage</i> or <i>carport</i>;</li> <li>c) 0m <i>interior side yard</i> is required for the common wall of the <i>triplex</i> or <i>townhouse units</i>.</li> </ul>
<b>Exterior Side yard (min)</b>	4.5 m			4.5 m
<b>Rear yard (min)</b>	6 m			6 m
<b>Building Separation</b>	3 m plus 1 m per floor			

#### 6.2.1.15 'RESIDENTIAL ZONE 2 URBAN EXCEPTION 15 (R2.1-15)' (Conklin SUB'N)

- a) For lands shown as R2.1-15 on Map 58 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
  - ii) *Commercial uses ancillary* and supportive to the *residential uses*;
  - iii) *naturalized recreational facility*;
- c) **Permitted Buildings and Structures**
  - i) Those *buildings permitted* under Section 6.1 Residential Zone 2 Urban (R2.1);
  - ii) *townhouse development*;
  - iii) *low rise apartment building*;
  - iv) *institutional buildings*.
- d) **Zone Provisions**
  - i) Provisions of the (R2.1) Section 6.2 *shall apply* the lands zoned R2.1-15;
  - ii) Notwithstanding zone provisions of (R2.1), the following regulations *shall apply* to *buildings and structures* on lands zoned (R2.1-15):
    - a) **Apartment Building Regulations:**
      - i) All *commercial uses shall be restricted* to the main (ground) floor;
      - ii) *Lot area:850 m<sup>2</sup> minimum*
      - iii) *Lot frontage:30 m minimum*
      - iv) *Lot coverage:40% maximum*
      - v) *Building Separation:3 m plus 1 m per floor*
      - vi) *Interior side yard:30 m*
      - vii) *Exterior side yard:6 m*
      - viii) *Maximum density:80 apartment units/gross ha*
      - ix) *Front Yard (minimum):10 m*
      - x) *Rear Yard (minimum):10 m*
      - xi) *Height of building:*
        - 30 m-49 m *setback* - 10 m (33 ft) 3 *storeys max*;
        - 50 m plus *setback* - 16.5 m (54 ft) 5 *storeys max*
    - b) **Townhouse Regulations:**
      - i) *Lot area:700 m<sup>2</sup> minimum*;
      - ii) *Lot frontage:15 m minimum (interior lot)*  
*19 m minimum (exterior lot)*
      - iii) *Lot coverage:50% maximum*
      - iv) *Exterior Side yard:4.5 m*
      - v) *Rear Yard:7.5 m*
      - vi) *Front Yard:6 m*
      - vii) *Building height:10 m (33 ft) (3 storeys)*
      - vi) *Maximum density:50 townhouse units/gross ha*
      - vii) *Interior side yard:*
        - 1.5 m (5 ft) and
        - 0 m for the common wall side of a *multiple unit building* (2 or more).
    - c) Neighbourhood *commercial store, professional offices, medical offices, and personal service uses*;
    - d) All *commercial uses shall be restricted* to the main (ground) floor.
    - e) The Holding (h) provision will be removed after the authorization of a *development (subdivision) agreement* by Council.

**6.2.1.16 ‘RESIDENTIAL ZONE 2 URBAN EXCEPTION 16 (R2.1-16)’ (Winterberry Sub'd)**

- a) For lands shown as R2.1-16 on Map 66 Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Other Structures**
  - i) One semi-detached dwelling;
  - ii) *One semi-detached dwelling unit*;
  - iii) Buildings and structures accessory to the *permitted use(s)*.
- d) **Zone Provisions**

The regulations and provisions of Section 6.2.1 *shall* apply to the uses *permitted* in the (R2.1-16) Zone with the exception of the following provisions:

  - i) Raised bungalow style of dwelling is prohibited;
  - ii) A Semi-detached dwelling is *permitted* on one lot subject to the following:
    - i. Each lot must contain a *Unit A* attached to a *Unit B*;
    - ii. No lot *shall* contain two of the same units;
    - iii. A semi-detached dwelling *unit* is *permitted* as a *Unit A* or *Unit B*;
  - iii) The maximum height of a deck *shall* be 0.7 m (2.5 ft.) above the average grade. The height is calculated from the top of the deck floor or *porch* floor to the average grade surrounding the deck or *porch* on all sides and taken at 2 points on each side and averaged over the one side;
  - iv) The maximum height off grade of the first floor *shall* be 0.6 m (2.0 ft.) as calculated by the horizontal plane through the average finished grade (calculated and averaged for each side and a horizontal plane through the top of the first floor);
  - v) All accessory structures and buildings *shall* be located a *minimum* of 2 m (6.5 ft) from the rear lot line;
  - vi) A fence *shall* have a maximum height of 2.1 m (7 ft) from the finished grade;
  - vii) The property fronting McCallum Drive will only be used for residential purposes and a *street* is a prohibited *use* on this property;
  - viii) The following site-specific provisions *shall* also apply to lands Zoned (R2.1-16):

<b>Zone Provision</b>	<b><i>Semi-detached dwelling</i></b>	<b><i>Semi-detached dwelling unit</i></b>
<b><i>Lot area (minimum)</i></b>	580 m <sup>2</sup>	274 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	15 m	7.5 m
<b><i>Lot coverage (maximum)</i></b>	40%	53%
<b><i>Landscaped Open Space</i></b>	35%	35%
<b><i>Building height (max)</i></b>	7 m	7 m
<b><i>Front yard (minimum)</i></b>	5.5 m for <i>Unit A</i> 5.0 m for <i>Unit B</i>	5.5 m for <i>Unit A</i> 5.0 m for <i>Unit B</i>
<b><i>Interior Side yard (minimum)</i></b>	1.2 m	1.2 m, 0 m on along common wall
<b><i>Exterior Side yard (min)</i></b>	3.0 m	3.0 m
<b><i>Rear yard (minimum)</i></b>	5.0 m for <i>Unit A</i> 5.5 m for <i>Unit B</i>	5.0 m for <i>Unit A</i> 5.5 m for <i>Unit B</i>

#### **6.2.1.17 ‘RESIDENTIAL ZONE 2 URBAN EXCEPTION 17 (R2.1-17)’ (79-2019)**

- a) For lands shown as R2.1-17 on Map 73 Schedule “A” of this By-law.
- b) **Permitted Uses**  
Those uses permitted under Section 6.2 Residential Zone 2 Urban (R2.1);
- c) **Permitted Buildings and Structures**
  - i) Those buildings and structures for the permitted uses under Section 6.2.1 b);
  - ii) Buildings and structures accessory to the permitted uses.
- d) **Zone Provisions**  
All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 6.2.1 c) of this By-law.

Notwithstanding any other provisions of the by-law to the contrary a secondary dwelling unit as outlined in Section 4.35.1 is not permitted.

#### **6.2.1.18 – Liovas (Maple/Lansdowne) 27-2020 Map 75**

<b>SUBSECTION 6.2.2</b>		<b>RESIDENTIAL ZONE 2 RURAL/URBAN (R2.2)</b> (Low Density Residential – Ruthven/Cottam)
<b>a) Permitted Uses</b>		
i) <b>Main use</b>		Residential use; or Boarding, lodging, and rooming – house Residential; Group home; or Nursing or Rest home.
ii) <b>Accessory use</b>		One Bed and breakfast; One Home occupation; Accessory uses to the <b>Main use</b> .
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted buildings and structures</b>		One single detached dwelling; One converted, maximum two dwelling units; One duplex dwelling; One semi-detached dwelling; One semi-detached dwelling unit; One Group home or Nursing home; Buildings and structures accessory to the <b>Main use</b> .
<b>c) Regulations</b>		
i) <b>Lot area (minimum)</b>		1. <b>700 m<sup>2</sup> (7,500 ft<sup>2</sup>)</b> if the residence is connected to all three municipal water, sewer, and storm water services; 2. <b>1,400 m<sup>2</sup> (15,070 ft<sup>2</sup>)</b> if the residence is not connected to any one of three municipal water, sewer, and storm water services.
ii) <b>Lot frontage (minimum)</b>		1. <b>15 m (50 ft)</b> if the residence is connected to all three municipal water, sewer, and storm water services; 2. <b>30 m (100 ft)</b> if the residence is not connected to any one of three municipal water, sewer, and storm water services.
iii) <b>Open Space (minimum)</b>		30 %
iv) <b>Lot coverage (maximum)</b>		35 %
v) <b>Front yard depth (minimum)</b>		6 m (20 ft)
vi) <b>Rear yard depth (minimum)</b>		7.5 m (25 ft)
vii) <b>Interior Side yard width (min)</b>		1. <b>1.5 m (5ft)</b> with an <i>attached garage or carport</i> , or 2. <b>1.5 m (5 ft)</b> on one side of the <i>main building</i> and <b>3.0 m (10 ft)</b> on the other side when there is no <i>attached garage or carport</i> . 3. 0 m side yard is allowed on the common wall side.

viii) <b>Exterior side yard width</b> (min)	4.5 m (15 ft)
ix) <b>Main building height</b> (max)	11 m (36 ft)
<b>d) Supplemental Regulations</b>	
<ul style="list-style-type: none"> <li>i) Each <i>dwelling shall</i> be connected to full municipal services (storm water services, potable water services, and sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.</li> <li>ii) The following supplementary regulations <i>shall also apply to lands zoned (R2.2):</i> <ul style="list-style-type: none"> <li>Subsection 3: Definitions</li> <li>Subsection 4: General Provisions</li> <li>Subsection 5: Parking Regulations</li> </ul> </li> <li>iii) Subsection 4.15 <i>Floodplain Development Control Area shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": <ul style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. <i>ERCA Floodplain Development Control Area</i></li> </ul> </li> </ul>	

### **Subsection 6.2.2 e) RESIDENTIAL ZONE 2 RURAL/URBAN (R2.2) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory* thereto *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **6.2.2.1 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION1 (R2.2-1)' (R2-3 N)**

- a) For lands shown as R2.2-1 on Map 6 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those *uses permitted* under Section 6.2 Residential Zone 2 Rural/Urban (R2.2);
  - ii) A tea room, a gift shop, and other *accessory uses* to the *retail commercial*;
  - iii) One *dwelling unit*.
- c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.
- d) Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall* be as they existed on the date and passing of this By-law;
  - ii) Notwithstanding Subsection 6.2., the following provisions will apply to lands zoned R2.2-1:
    - i) Parking *shall* be restricted to the *rear yard*;
    - ii) 1 space for every 5 chairs devoted to the public;
    - iii) All new *development* will be subject to site plan control.

#### **6.2.2.2 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 2 (R2.2-2)' (R2-4 N)**

- a) For lands shown as R2.2-2 on Map 6 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) A tradesman's shop, *office* and *personal service shops*, a *single detached dwelling*, a *home occupation & buildings* and *structures accessory* to the *permitted uses*.
- c) Permitted Buildings and Structures**

Those *buildings and structures* for the *permitted uses*.
- d) Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with subsection 6.2.2

#### **6.2.2.3 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 3 (R2.2-3)' (R2-1 S)**

- a) For lands shown as R2.2-3 on Map 54 Schedule "A" of this By-law.**
- b) Permitted Uses**

Those *uses permitted* under Section 6.2 Residential Zone 2 Rural/Urban (R2.2);
- c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.2, new *accessory buildings* are *permitted* on lands zoned (R2.2-3) and in accordance with regulations under Subsection 6.2.

**6.2.2.4 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 4 (R2.2-4)' (R2-4, 5 S)**

a) For lands shown as R2.2-4 on Maps 60, 61 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses* *permitted* under Section 6.2 Residential Zone 2 Rural/Urban (R2.2);
- ii) A *contractor's shop and yard*.

**c) Permitted Buildings and Structures**

Those *buildings and structures* *permitted* in Section 6.2 Residential Zone 2 Rural/Urban (R2.2);

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* shall be in accordance with Section 6.2;

**6.2.2.5 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 5 (R2.2-5)' (R2-9 S)**

a) For lands shown as R2.2-5 on Map 58 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* under Section 6.2.2 Residential Zone 2 Rural/Urban (R2.2);

**c) Permitted Buildings and Structures**

Those *buildings and structures* *permitted* in Section 6.2.2 Residential Zone 2 Rural/Urban (R2.2);

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* shall be in accordance with Section 6.2;
- ii) Notwithstanding provisions of Section 6.2.2, the *minimum lot frontage* of lands zoned (R.2.2-5) shall be 17 m.

**6.2.2.6 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 6 (R2.2-6)' (R2-10 S) (Millbrook E)**

a) For lands shown as R2.2-6 on Map 58 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* under Section 6.2 Residential Zone 2 Rural/Urban (R2.2);

**c) Permitted Buildings and Structures**

- i) Those *buildings* *permitted* under Section 6.2 Residential Zone 2 Rural/Urban (R2.2);
- ii) *Single detached dwellings, semi-detached dwellings, semi-detached dwelling unit*.

**d) Zone Provisions**

- i) Provisions of the (R2.2) Section 6.2 shall apply the lands zoned R2.2-6.
- ii) Notwithstanding zone provisions of (R2.2), the following regulations shall apply to lands zoned (R2.2-6):

	<i>Single detached dwelling</i>	<i>Semi-detached dwelling</i>	<i>Semi-detached dwelling unit</i>	<i>Townhouse dwelling</i>
<b>Lot area (minimum)</b>	464 m <sup>2</sup>	557 m <sup>2</sup>	223 m <sup>2</sup>	854 m <sup>2</sup>
<b>Lot frontage (minimum)</b>	15 m	18 m	7 m for interior units, 8.8 m for exterior units, 11.8 m for exterior units on corner lots	28 m
<b>Landscaped open space (minimum)</b>	30%	30%	30%	30%
<b>Lot coverage (maximum)</b>	50%	50%	50%	50%
<b>Building height (max)</b>	10.6 m	10.6 m	10.6 m	10.6 m
<b>Front yard (minimum)</b>	5.5 m	5.5 m	5.5 m	5.5 m
<b>Interior Side yard (min)</b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	3 m
<b>Exterior Side yard (min)</b>	3 m	3 m	3 m	3 m
<b>Rear yard (minimum)</b>	6 m	6 m	6 m	6 m

#### **6.2.2.7 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 7 (R2.2-7)' (6-2016)**

**a)** For lands shown as R2.2-7 on Map 16 Schedule "A" of this By-law.

**b) Permitted Uses**

Those uses permitted under Section 6.2.2;

**c) Permitted Buildings and Structures**

A single detached dwelling

Buildings and structures accessory to a single detached dwelling

**d) Zone Provisions**

Notwithstanding any other provisions of the by-law to the contrary the construction of all buildings and structures on lands zoned R2.2-7 shall be subject to site plan approval including but not limited to the completion of an Environmental Impact Assessment as referenced under Section 4.2.4 of the Kingsville Official Plan, such site plan shall be completed to the satisfaction of the Town and Essex Region Conservation Authority.

**6.2.2.8 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 8 (R2.2-8)' (83-2016)**

**a) For lands shown as R2.2-8 on Map 54 Schedule "A" of this By-law.**

**b) Permitted Uses**

Those *uses permitted* under Section 6.2.2 Residential Zone 2 Rural/Urban (R2.2);

**c) Permitted Buildings and Structures**

Those buildings and structures permitted in Section 6.2.2 Residential Zone Rural/Urban (R2.2);

**d) Zone Provisions**

- i) Provisions of the (R2.2) Section 6.2 *shall apply* the lands zoned R2.2-8.
- ii) Notwithstanding provisions of Section 6.2.2, the *minimum exterior side yard setback for lands zoned (R.2.2-8) shall be 3.048 m (10 ft.)*.

**e) Holding Provisions**

The holding (h) symbol shall not be removed until such time as appropriate servicing arrangements, development agreements and any other agreement required by the Municipality are executed. Existing uses shall be the only uses permitted in the interim.

**6.2.2.9 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 9 (R2.2-9)' (27-2017)**

**a) For lands shown as R2.2-9 on Map 61 Schedule "A" of this By-law.**

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.2.2 Residential Zone 2 Rural/Urban (R2.2);
- ii) A contractor's yard and shop limited to snow-removal and landscaping operated within the permitted accessory buildings and structures on the property;

**c) Permitted Buildings and Structures**

Those buildings and structures for the permitted uses;

**c) Zone Provisions**

Provisions of the (R2.2) Section 6.2.2 *shall apply* the lands zoned R2.2-9.

**6.2.2.10 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 10 (R2.2-10)' (69-2017)**

a) For lands shown as R2.2-10 on Map 58 Schedule "A" of this By-law.

b) **Permitted Uses**

Those uses permitted under Section 6.2.2 Residential Zone 2 Rural/Urban (R2.2);

c) **Permitted Buildings and Structures**

Those buildings and structures permitted in Section 6.2.2 Residential Zone Rural/Urban (R2.2);

d) **Zone Provisions**

- i) All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 6.2.2;
- ii) Notwithstanding provisions of Section 6.2.2, the following shall apply to lands zoned (R2.2-10):
  - a) Lot Frontage - 17 m, minimum
  - b) Lot Coverage - 50%, maximum

**6.2.2.11 'RESIDENTIAL ZONE 2 RURAL/URBAN EXCEPTION 11 (R2.2-11)'**

a) For lands shown as R2.2-11 on Map 7 Schedule "A" of this By-law.

b) **Permitted Uses**

Those uses permitted under Section 6.2.2 Residential Zone Rural/Urban (R2.2);

c) **Permitted Buildings and Structures**

Those buildings and structures permitted in Section 6.2.2 Residential Zone Rural/Urban (R2.2);

d) **Zone Provisions**

Provisions of the (R2.2) Section 6.2.1 c) shall apply to the lands zoned R2.2-11; Notwithstanding Section 6.2.1 c) of the by-law to the contrary the following shall apply to lands zoned R2.2.-11:

R2.2.-11	<i>Single detached dwelling</i>	<i>Semi-detached dwelling</i>	<i>Semi-detached dwelling unit</i>
<b><i>Lot area (minimum)</i></b>	680 m <sup>2</sup>	1,000 m <sup>2</sup>	500 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	15 m	22 m	11 m
<b><i>Landscaped open space (minimum)</i></b>	30%	30%	30%
<b><i>Lot coverage (maximum)</i></b>	40%	50%	50%
<b><i>Building height (max)</i></b>	10.6 m	10.6 m	10.6 m
<b><i>Front yard (minimum)</i></b>	6 m	6 m	6 m
<b><i>Interior Side yard (min)</i></b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 2 m, 0 m along the common wall	1.5 m, or where there is no garage 2 m, 0 m along the common wall
<b><i>Exterior Side yard (min)</i></b>	3 m	3 m	3 m
<b><i>Rear yard (minimum)</i></b>	7.5 m	7.5 m	7.5 m

<b>SUBSECTION 6.3.1</b>		<b>RESIDENTIAL ZONE 3 URBAN (R3.1)</b> (Medium Density Residential – Kingsville Centre)	
<b>a) Permitted Uses</b>			
i) <b>Main use</b>		Residential; <i>Boarding, lodging, and rooming</i> – house Residential; Group home; or Nursing or Rest home.	
ii) <b>Accessory use</b>		One <i>Bed and breakfast</i> ; One <i>Home occupation</i> ; Accessory uses to the <i>Main use</i> .	
<b>b) Permitted Buildings and Structures</b>			
i) <b>Permitted buildings and structures</b>		One <i>converted dwelling</i> containing a <i>maximum</i> three <i>dwelling units</i> ; <i>Townhouse</i> complex containing a <i>maximum</i> three <i>dwelling units</i> ; <i>Triplex complex</i> ; <i>Townhouse dwelling</i> with a <i>maximum</i> of three units; <i>Townhouse dwelling unit</i> One <i>Group home</i> ; <i>Nursing or Rest home</i> ; <i>Buildings and structures</i> accessory to the <i>Main use</i> .	
<b>c) Regulations</b>			
	<b>Converted dwelling</b>	<b>Townhouse dwelling</b>	<b>Townhouse dwelling unit</b>
i) <b>Lot area (minimum)</b>	450 m <sup>2</sup> (4,844 ft <sup>2</sup> )	495 m <sup>2</sup> (5,330 ft <sup>2</sup> )	165 m <sup>2</sup> (1,776 ft <sup>2</sup> )
ii) <b>Lot frontage (minimum)</b>	16 m (53 ft)	25 m (80 ft) if an interior <i>lot</i> ;	7.5 m (25 ft) for interior <i>units</i>
		29 m if a <i>corner lot</i>	8.5 m (28 ft) for end <i>units</i> on interior <i>lots</i>
iii) <b>Open Space (minimum)</b>	30 %		
iv) <b>Lot coverage (max)</b>	50 %	55 %	
v) <b>Front yard depth (min)</b>	5.5 m (18 ft)		
vi) <b>Rear yard depth (min)</b>	7.5 m (25 ft)	7.5 m (5 ft)	7.5 m (25 ft)

	<b>Converted dwelling</b>	<b>Townhouse dwelling</b>	<b>Townhouse dwelling unit</b>
vii) <b>Interior Side yard width (minimum)</b>	<p>a) 1.5 m (5ft) on both side yards with an <i>attached garage or carport</i> for each residential unit, or</p> <p>b) 1.5 m (5 ft) on one side of the <i>main building</i> and 3.0 m (10 ft) on the other side when there is no <i>attached garage or carport</i>.</p>	<p>a) 1.5 m (5ft) on both side yards with an <i>attached garage or carport</i> for each residential unit, or</p> <p>b) 1.5 m (5 ft) on one side of the <i>main building</i> and 4.0 m (13 ft) on the other side when there is no <i>attached garage or carport</i>,</p> <p>c) 0m <i>interior side yard</i> is required for the common wall of the <i>townhouse dwelling unit</i>.</p>	<p>a) 1.5 m (5ft) side yards with an <i>attached garage or carport</i> for each residential unit, or</p> <p>b) 4.0 m (13 ft) on one side of the <i>main building</i> when there is no <i>attached garage or carport</i>,</p> <p>c) 0m <i>interior side yard</i> is required for the common wall of the <i>townhouse dwelling unit</i>.</p>
viii) <b>Exterior side yard width (minimum)</b>	4.0 m (13 ft)		
ix) <b>Main building height (maximum)</b>	11 m (36 ft)		

#### d) Supplemental Regulations

- i) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.
- ii) The following supplementary regulations *shall* also apply to lands zoned (R3.1):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule “A”:
  1. *Natural Environment Zone* – Subsection 11.1;
  2. *Wetland Zone* – Subsection 11.2,&
  3. *ERCA Floodplain Development Control Area*

### **Subsection 6.3.1 e) RESIDENTIAL ZONE 3 URBAN (R3.1) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory* thereto *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **6.3.1.1 'RESIDENTIAL ZONE 3 URBAN 1 (R3.1-1)' (R3-1)S**

**a)** For lands shown as R3.1-1 on Map 78 Schedule "A" of this By-law.

**b) Permitted Uses**

A *winery* and associated *accessory uses*;

**c) Permitted Buildings and Structures**

Those *buildings* *permitted* under Section 6.3.1 Residential Zone 2 Urban (R3.1);

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-1;
- ii) Notwithstanding the *zone* provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-1):
  - i) *Minimum front yard* – 15 m;
  - ii) *Minimum rear yard* – 10 m except where the (R3.1-1) zone abuts a Residential zone where the *minimum rear yard* *shall* be 15 m;
  - iii) *Minimum side yard* – 4.5 m except where the (R3.1-1) zone abuts a Residential zone where the *minimum side yard setback* *shall* be 15 m;
  - iv) *Minimum exterior side yard* – 7.6 m;
  - v) Parking – as established in the site plan agreement;
  - vi) No *outdoor storage* of goods or materials *shall* be *permitted* in the *required front yard*, *exterior side yard* or any *yard* adjacent a Residential zone.

#### **6.3.1.2 'RESIDENTIAL ZONE 3 URBAN 2 (R3.1-2)' (R3-2)K**

**a)** For lands shown as R3.1-2 on Map 75 Schedule "A" of this By-law.

**b) Permitted Uses**

A *rest home* with a *maximum* of 110 beds.

**c) Permitted Buildings and Structures**

Those *buildings* *permitted* under Section 6.3.1 Residential Zone 3 Urban (R3.1).

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-2;
- ii) Notwithstanding the *zone* provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-2):
  - i) *Minimum lot area* – 1 ha;
  - ii) *Minimum front, side, and rear yard* – 7.5 m;
  - iii) *Maximum height* – 1 *storey*.

**6.3.1.3 ‘RESIDENTIAL ZONE 3 URBAN 3 (R3.1-3)’ (R3-3 K)**

a) For lands shown as R3.1-3 on Map 77 Schedule “A” of this By-law.

**b) Permitted Uses**

Multiple *residential use*.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures shall* be as they existed on the date and passing of this By-law;
- ii) Notwithstanding by-law provisions, new *accessory buildings* are *permitted* on lands zoned (R3.1-3) and in accordance with regulations under Subsection 6.3.1.

**6.3.1.4 ‘RESIDENTIAL ZONE 3 URBAN 4 (R3.1-4)’ (R3-4 K)**

a) For lands shown as R3.1-4 on Map 67 Schedule “A” of this By-law.

**b) Permitted Uses**

An *apartment building* with not more than 42 residential *units* and a *rest home or nursing home/retirement home* with a *maximum* of 120 suites and *accessory uses*.

**c) Permitted Buildings and Structures**

Those *buildings permitted* under Section 6.3.1 Residential Zone 3 Urban (R3.1).

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall apply* the lands zoned R3.1-2;
- ii) Notwithstanding the *zone* provisions of (R3.1), the following regulations *shall apply* to lands zoned (R3.1-4):
  - i) *Minimum lot area* – 1.8 ha;
  - ii) *Minimum lot frontage* – 36 m;
  - iii) *Minimum front yard* – 7.5 m;
  - iv) *Minimum rear yard* – 10 m;
  - v) *Minimum side yard* – 3.0 m on the west side of the property with 7.5 m *side yards* for the east side of the property.
  - vi) *Maximum height* – 10 m;
  - vii) *Parking required* – 61 spaces *required*;
  - viii) *Landscaping* – in compliance with the site plan agreement;
  - ix) *Parking location* – no parking area *shall be located* closer than 3 m to any *lot line*.

**6.3.1.5 ‘RESIDENTIAL ZONE 3 URBAN 5 (R3.1-5)’ (R3-5 K)**

a) For lands shown as R3.1-5 on Map 66 Schedule “A” of this By-law.

**b) Permitted Uses**

An *apartment dwelling* with a *maximum* of 9 *units*.

**c) Permitted Buildings and Structures**

Those *buildings existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-5;
- ii) Notwithstanding the *zone* provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-5):
  - i) *Minimum lot area* – 1,390 m<sup>2</sup>;
  - ii) *Minimum lot frontage* – 23 m;
  - iii) *Minimum front yard* – 3.7 m;
  - iv) *Minimum rear yard* – 9 m.

**6.3.1.6 ‘RESIDENTIAL ZONE 3 URBAN 6 (R3.1-6)’ (R3-1 K)**

a) For lands shown as R3.1-6 on Map 68 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses* as *permitted* under Section 6.3.1.

**c) Permitted Buildings and Structures**

Those *buildings* *permitted* under Section 6.3.1

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-6;
- ii) Notwithstanding *zone* provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-6):
  - i) *Minimum lot area* - 345 m<sup>2</sup> for interior *units*;  
- 420 m<sup>2</sup> for exterior *units*;
  - ii) *Minimum lot frontage*
    - 8.5 m for interior *units*;
    - 10 m for exterior *units*;
    - 11 m for exterior *units* on a corner;
  - iii) *Minimum front yard*- 6 m;
  - iv) *Minimum rear yard*- 7.6 m;
  - v) *Minimum interior side yard*-1.8 m and 0 m on common wall;
  - v) *Minimum exterior side yard*- 3 m.

**6.3.1.7 ‘RESIDENTIAL ZONE 3 URBAN 7 (R3.1-7)’ (R3-7 K)**

a) For lands shown as R3.1-7 on Map 66 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses* as *permitted* under Section 6.3.1.

**c) Permitted Buildings and Structures**

- i) Those *buildings* *permitted* 3under Section 6.3.1;
- ii) Not more than three *multiple unit dwellings* and excluding *apartment style dwellings*;
- iii) *Maximum* of 5 *units* in each *multiple dwelling*.

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-7;
- ii) Notwithstanding the *zone* provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-4):
  - i) *Minimum lot area*- 1 ha;
  - ii) *Minimum lot frontage*- 26 m;
  - iii) *Maximum lot coverage*- 25%;

- iv) *Maximum building height- 1 storey;*
- v) *Minimum setback from north lot line- 17 m;*
- vi) *Minimum setback from south lot line- 35 m;*
- vii) *Minimum setback from east lot line- 12 m;*
- viii) *Minimum setback from west lot line- 94 m from the north portion of the line that abuts the street and 3 m from the balance of the line.*

**6.3.1.8 ‘RESIDENTIAL ZONE 3 URBAN 8 (R3.1-8)’ (R3-8 K)**

- a) For lands shown as R3.1-8 on Map 65 Schedule “A” of this By-law.

- b) **Permitted Uses**

An *apartment dwelling* with a *maximum* of *20 units*.

- c) **Permitted Buildings and Structures**

Those *buildings existing* at the date of passing of this by-law.

- d) **Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-8;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-8):
  - i) *Minimum lot area – 3250 m<sup>2</sup>;*
  - ii) *Minimum lot frontage – 26 m;*
  - iii) *Minimum front yard – 53 m;*
  - iv) *Minimum rear yard – 9 m;*
  - v) *Minimum interior side yard – 7 m;*
  - vi) *Minimum exterior side yard – 7.5 m*
  - vii) *Height of main buildings – 3 storeys or 10 m;*
  - viii) *Parking – 1.5 spaces per dwelling unit.*

**6.3.1.9 ‘RESIDENTIAL ZONE 3 URBAN 9 (R3.1-9)’ (R3-9 K)**

- a) For lands shown as R3.1-9 on Map 67 Schedule “A” of this By-law.

- b) **Permitted Uses**

An *apartment building*.

- c) **Permitted Buildings and Structures**

Those *buildings and structures* for the *permitted uses*.

- d) **Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-8;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-8):
  - i) *Minimum lot area – 6300 m<sup>2</sup>;*
  - ii) *Minimum lot frontage – 40 m;*
  - iii) *Minimum front yard – 10 m;*
  - iv) *Minimum rear yard – 15 m;*
  - v) *Minimum interior side yard – 6 m;*
  - vi) *Minimum exterior side yard – 9 m*
  - vii) *Height of main buildings – 3 storeys or 10 m;*
  - viii) *Lot coverage – 35 %.*

### 6.3.1.10 'RESIDENTIAL ZONE 3 URBAN 10 (R3.1-10)' (R3-10 K)

a) For lands shown as R3.1-10 on Map 67 Schedule "A" of this By-law.

b) **Permitted Uses**

An apartment dwelling with a maximum of 13 dwelling units.

c) **Permitted Buildings and Structures**

Those buildings existing at the date of passing of this by-law.

d) **Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 shall apply to the lands zoned R3.1-10;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations shall apply to lands zoned (R3.1-10):
  - i) *Minimum lot area* – 255 m<sup>2</sup> per unit;
  - ii) *Minimum lot frontage* – 6 m per unit;
  - iii) *Minimum front yard* – 4.5 m;
  - iv) *Minimum rear yard* – 6 m;
  - v) *Minimum interior side yard* – 1.5 m with 0m for a common wall;
  - vi) *Minimum exterior side yard* – 3.8 m
  - vii) *Height of main buildings* – 3 storeys or 10 m.

### 6.3.1.11 'RESIDENTIAL ZONE 3 URBAN 11 (R3.1-11)' (R3-11 K)

a) For lands shown as R3.1-11 on Map 66 Schedule "A" of this By-law.

b) **Permitted Uses**

Townhouse dwelling containing a maximum of 4 dwelling units.

c) **Permitted Buildings and Structures**

Those buildings and structures existing at the date of passing of this by-law.

d) **Zone Provisions**

- i) All lot and building requirements for the permitted buildings and structures shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding by-law provisions, additions to the existing dwelling and new accessory buildings are permitted on lands zoned (R3.1-11) and in accordance with regulations under Subsection 6.3.1.

### 6.3.1.13 'RESIDENTIAL ZONE 3 URBAN 13 (R3.1-13)' (R3-13 K)

a) For lands shown as R3.1-13 on Map 75 Schedule "A" of this By-law.

b) **Permitted Uses**

An apartment building with a maximum of 32 dwelling units.

c) **Permitted Buildings and Structures**

Those buildings and structures existing at the date of passing of this by-law.

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-13;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-13):
  - i) *Minimum lot area – as existing;*
  - ii) *Minimum lot frontage – as existing;*
  - iii) *Minimum front yard – 8.5 m;*
  - iv) *Minimum rear yard – 7.5 m;*
  - v) *Minimum interior side yard – 12 m;*
  - vi) *Minimum exterior side yard – 6 m*
  - vii) *Height of main buildings – 19 m;*
  - viii) *Lot coverage – 35 %;*
- ix) The exterior stairs, balconies, decks and *parking lot* facilities *shall* be allowed to encroach into all *required yards* and in compliance with the site plan and *shall* not be included in the *lot coverage* calculations.

**6.3.1.14 'RESIDENTIAL ZONE 3 URBAN 14 (R3.1-14)' (R3-14 K)**

a) For lands shown as R3.1-14 on Map 75 Schedule "A" of this By-law.

**b) Permitted Uses**

Those uses as *permitted* under Section 6.3.1.

**c) Permitted Buildings and Structures**

- i) Those *buildings permitted* under Section 6.3.1;
- ii) One *Townhouse dwelling unit* per *lot* up to a *maximum* of 14 *dwelling units*;
- iii) One *semi-detached dwelling unit* per *lot* up to a *maximum* of 4 *dwelling units*.

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-14;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-4):
  - i) *Minimum lot area* - *semi-detached unit* – 280 m<sup>2</sup>;  
- *townhouse dwelling unit* – 200 m<sup>2</sup>;
  - ii) *Minimum lot frontage* - *semi-detached dwelling unit* – 5.0 m;  
- *townhouse dwelling unit* – 8.2 m for *interior lots*, 4.2 m for *exterior lots* and 17 m for *exterior units* on *exterior lots*;
  - iii) *Maximum lot coverage* - 45% for *semi-detached dwelling unit*,  
- 52% for *interior townhouse dwelling units*, 45 % for *exterior townhouse dwelling units*;
  - iv) *Maximum building height* - 1 storey;
  - v) *Minimum front yard* - 6.0 m;
  - vi) *Minimum interior side yard* - 1.2 m and 0m on common wall;
  - vii) *Minimum exterior side yard* - 2.4 m;
  - viii) *Minimum rear yard* - 6 m;
  - ix) *Parking* - 1 *parking space* per *dwelling unit* is *required*.

### 6.3.1.15 'RESIDENTIAL ZONE 3 URBAN 15 (R3.1-15)' (R3-15 K)

- a) For lands shown as R3.1-15 on Map 75 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses as permitted under Section 6.3.1.
- c) **Permitted Buildings and Structures**
  - i) Those buildings permitted under Section 6.3.1;
  - ii) One townhouse dwelling per lot up with a maximum of 5 units in each block;
  - iii) Townhouse dwelling unit.
- d) **Zone Provisions**
  - i) Provisions of the (R3.1) Section 6.3.1 shall apply the lands zoned R3.1-15;
  - ii) Notwithstanding the zone provisions of (R3.1), the following regulations shall apply to lands zoned (R3.1-15):

	<b><i>Townhouse dwelling</i></b>	<b><i>Townhouse dwelling unit</i></b>
<b><i>Lot area (minimum)</i></b>	1300 m <sup>2</sup>	270 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	26 m	7 m
<b><i>Lot coverage (maximum)</i></b>	42%	55%
<b><i>Building height (maximum)</i></b>	10 m	10 m
<b><i>Front yard (minimum)</i></b>	6 m	6 m
<b><i>Interior Side yard (minimum)</i></b>	3 m	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side and 0 m on common wall side
<b><i>Exterior Side yard (min)</i></b>	4.5 m	4.5 m
<b><i>Rear yard (minimum)</i></b>	7.5 m	7.5 m

### 6.3.1.16 'RESIDENTIAL ZONE 3 URBAN 16 (R3.1-16)' (R3-16 K)

- a) For lands shown as R3.1-16 on Map 75 Schedule "A" of this By-law.

- b) **Permitted Uses**  
Uses as defined under Section 6.3.

- c) **Permitted Buildings and Structures**
  - Townhouse dwelling to a maximum of 5 units
  - Townhouse dwelling unit

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-16;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-16):
  - i. *Minimum lot area* – 370 m<sup>2</sup>;
  - ii. *Minimum lot frontage* – 3 m;
  - iii. *Minimum front yard* – 7.5 m;
  - iv. *Minimum rear yard* – 7.5 m;
  - v. *Minimum interior side yard* – 1.2 m except where there is a common wall; there is no *setback required*;
  - vi. *Height of main buildings* – 3 storeys or 10 m;
  - vii. *Lot coverage* – 45 %;
  - viii. *Decks and balconies and sunrooms are allowed to encroach into the required rear yard and shall not be included in lot coverage but must be kept to a minimum of 1.5 m from all lot lines.*

**6.3.1.17 'RESIDENTIAL ZONE 3 URBAN 17 (R3.1-17)' (R3-17 K)**

a) For lands shown as R3.1-17 on Map 75 Schedule "A" of this By-law.

**b) Permitted Uses**

*Residential Uses*

*Buildings and structures accessory to the permitted uses*

**c) Permitted Buildings and Structures**

*Townhouse dwelling to a maximum of 5 units*

*Townhouse dwelling unit*

*Semi-detached dwelling*

*Semi-detached dwelling unit*

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-17;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-17):
  - i. *Minimum lot area* – 370 m<sup>2</sup>;
  - ii. *Minimum lot frontage* – 3 m;
  - iii. *Minimum front yard* – 7.5 m;
  - iv. *Minimum rear yard* – 7.5 m;
  - v. *Minimum interior side yard* – 1.2 m except where there is a common wall; there is no *setback required*;
  - vi. *Height of main buildings* – 3 storeys or 10 m;
  - vii. *Lot coverage* – 45 %;
  - viii. *Decks and balconies and sunrooms are allowed to encroach into the required rear yard and shall not be included in lot coverage but must be kept to a minimum of 1.5 m from all lot lines.*

**6.3.1.18 'RESIDENTIAL ZONE 3 URBAN 18 (R3.1-18)' (R3-18 K)**

a) For lands shown as R3.1-18 on Map 65 (Prince Albert N) Schedule "A" of this By-law.

**b) Permitted Uses**

*Those uses permitted under Section 6.3.1.*

**c) Permitted Buildings and Structures**

*A maximum of 3 townhouse dwellings with a maximum of 13 townhouse dwelling units.*

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-18;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-8):
  - i) *Minimum lot area* – 0.45 ha;
  - ii) *Minimum lot frontage* – 36 m;
  - iii) *Minimum front yard* – 15 m;
  - iv) *Minimum rear yard* – 7.9 m;
  - v) *Minimum interior side yard* – 3 m abutting a green zone and 6 m abutting a residential zone;
  - vi) *Maximum lot coverage* – 35%;
  - vii) *Height of main buildings* – 1 storey
  - viii) *Decks and patios* will be *constructed at grade*;
  - ix) All *development* will be subject to site plan control.

**6.3.1.19 'RESIDENTIAL ZONE 3 URBAN 19 (R3.1-19)' (R3-18 K)**

a) For lands shown as R3.1-19 on Map 76 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* under Section 6.3.1

**c) Permitted Buildings and Structures**

*Semi-detached dwelling*

*Semi-detached dwelling unit*

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-19;
- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-19):
  - i) *Minimum lot area* – 370 m<sup>2</sup>;
  - ii) *Minimum lot frontage* – 3 m;
  - iii) *Minimum front yard* – 7.5 m;
  - iv) *Minimum rear yard* – 7.5 m;
  - v) *Minimum interior side yard* – 1.2 m and 0 m on common wall side;
  - vi) *Maximum lot coverage* – 45%;
  - vii) *Height of main buildings* – 10 m;
  - viii) *Decks and balconies and sunrooms* are allowed to encroach into the *required rear yard* and *shall* not be included in *lot coverage* but must be kept to a *minimum* of 1.5 m from all *lot lines*.

**6.3.1.20 'RESIDENTIAL ZONE 3 URBAN 20 (R3.1-20)' (R3-19 K)**

a) For lands shown as R3.1-19 on Map 76 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* under Section 6.3.1.

**c) Permitted Buildings and Structures**

A *maximum* of 3 *semi-detached dwellings*.

**d) Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply the lands zoned R3.1-20;

- ii) Notwithstanding the zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-20):
  - i) *Minimum lot area* – 2000 m<sup>2</sup>;
  - ii) *Minimum lot frontage* – 60 m;
  - iii) *Minimum front yard* – 9 m;
  - iv) *Minimum rear yard* – 9 m;
  - v) *Minimum interior side yard* – 2.5 m;
  - vi) *Maximum lot coverage* – 35%;
  - vii) *Height of main buildings* – 10 m;
  - viii) New development will be subject to site plan control.

#### 6.3.1.21 'RESIDENTIAL ZONE 3 URBAN 21 (R3.1-21)' (R3-20 K)

- a) For lands shown as R3.1-21 on Map 68 Schedule "A" of this By-law.

- b) **Permitted Uses**

Those uses as *permitted* under Section 6.3.1.

- c) **Permitted Buildings and Structures**

*Single detached dwelling*

*Semi-detached dwelling* or *semi-detached dwelling unit*

*Townhouse dwelling* or *townhouse dwelling unit* to a *maximum of 16 dwelling units*

- d) **Zone Provisions**

- i) Provisions of the (R3.1) Section 6.3.1 *shall* apply to the lands zoned R3.1-21;
- ii) Notwithstanding zone provisions of (R3.1), the following regulations *shall* apply to lands zoned (R3.1-21):

	<b><i>Single detached dwelling</i></b>	<b><i>Semi-detached dwelling</i></b>	<b><i>Semi-detached dwelling unit</i></b>	<b><i>Townhouse dwelling</i></b>
<b><i>Lot area (min)</i></b>	560 m <sup>2</sup>	500 m <sup>2</sup>	370 m <sup>2</sup>	0.9 ha
<b><i>Lot frontage (min)</i></b>	15 m	12.5 m	7 m	18 m
<b><i>Lot coverage (max)</i></b>	N/A	35 %	35 %	40%
<b><i>Building height (maximum)</i></b>	10 m	10 m	10 m	1 storey
<b><i>Front yard (min)</i></b>	4.5 m	4.5 m	4.5 m	4.5 m
<b><i>Interior Side yard (minimum)</i></b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side and 0 m on the common wall side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side and 0 m on the common wall side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side and 0 m on the common wall side	12 m
<b><i>Minimum setback from TOB and ERCA Greenway</i></b>	9 m	9 m	9 m	9 m

**6.3.1.22 'RESIDENTIAL ZONE 3 URBAN EXCEPTION 22 (R3.1-22)' (79-2015)**

- a)** For lands shown as R3.1-22 on Map 65 (Prince Albert St. N.) Schedule "A" of this By-law.
- b) Permitted Uses**
  - i) Those uses permitted under Section 6.3.1.
- c) Permitted Buildings and Structures**
  - i) An existing single detached dwelling;
  - ii) A maximum of 3 townhouse dwellings with a maximum of 14 dwelling units
- d) Zone Provisions**
  - i) Minimum lot area – 0.48 ha;
  - ii) Minimum lot frontage – 36 m;
  - iii) Minimum front yard – 9 m;
  - iv) Minimum side yard – 3 m;
  - v) Minimum rear yard – 7.6 m;
  - vi) Maximum lot coverage – 40 %.

**SUBSECTION 6.3.2****RESIDENTIAL ZONE 3 RURAL/URBAN (R3.2)**

(Medium Density Residential – Ruthven/Cottam)

**a) Permitted Uses**

i) <b>Main use</b>	Residential; <i>Boarding, lodging, and rooming</i> – house Residential; <i>Group home</i> ; or <i>Nursing or Rest home</i> .
ii) <b>Accessory use</b>	One <i>Bed and breakfast</i> ; One <i>Home occupation</i> ; Accessory uses to the <i>Main use</i> .

**b) Permitted Buildings and Structures**

i) <b>Permitted buildings and structures</b>	One <i>converted dwelling</i> containing a <i>maximum</i> three <i>residential units</i> ; <i>Townhouse dwelling</i> containing a <i>maximum</i> three <i>townhouse dwelling units</i> ; <i>Triplex dwelling</i> ; <i>Three unit townhouse dwelling</i> ; <i>One townhouse dwelling unit</i> ; <i>Group home</i> ; <i>Nursing or Rest home</i> ; <i>Buildings and structures accessory to the Main use</i> .
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**c) Regulations**

	<b>Converted dwelling – 3 units</b>	<b>Triplex or townhouse dwelling with 3 units</b>	<b>One unit of a townhouse dwelling</b>
i) <b>Lot area (minimum)</b>	<b>1,500 m<sup>2</sup></b> (16,000 ft <sup>2</sup> ) if the residence is <u>not</u> connected to all 3 municipal services	<b>1,500 m<sup>2</sup></b> (16,000 ft <sup>2</sup> ) if the residence is <u>not</u> connected to all 3 municipal services	<b>495 m<sup>2</sup></b> (5,330 ft <sup>2</sup> ) if the residence is <u>not</u> connected to all 3 municipal services
	<b>700 m<sup>2</sup></b> (7,535 ft <sup>2</sup> ) if the residence <u>is</u> connected to <u>all</u> 3 municipal services	<b>600 m<sup>2</sup></b> (6,460 ft <sup>2</sup> ) if the residence <u>is</u> connected to <u>all</u> 3 municipal services	<b>200 m<sup>2</sup></b> (2,150 ft <sup>2</sup> ) if the residence <u>is</u> connected to <u>all</u> 3 municipal services
ii) <b>Lot frontage (minimum)</b>	35 m (115 ft)	25 m (80 ft) if an <i>interior lot</i> ,	7.5 m (25 ft) for <i>interior units</i>
		35 m (115 ft) if a <i>corner lot</i>	8.5 m (28 ft) for <i>exterior units (end units)</i>
iii) <b>Open Space (minimum)</b>	30 %		11.5 m (37.5 ft) for <i>exterior unit (end units)</i> on a <i>corner lot</i>
iv) <b>Lot coverage (maximum)</b>	50 %	55 %	

	<b>Converted dwelling – 3 units</b>	<b>Triplex or townhouse dwelling with 3 units</b>	<b>One unit of a townhouse dwelling</b>
v) <b>Front yard depth (minimum)</b>	5.5 m (18 ft)		
vii) <b>Rear yard depth (minimum)</b>	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
viii) <b>Interior Side yard width (minimum)</b>	a) 1.5 m (5ft) on both side yards with an <i>attached garage or carport</i> , or b) 1.5 m (5 ft) on one side of the <i>main building</i> and 3.0 m (10 ft) on the other side when there is no <i>attached garage or carport</i> .	a) 1.5 m (5ft) on both side yards with an <i>attached garage or carport for each dwelling unit</i> , or b) 1.5 m (5 ft) on one side of the <i>main building</i> and 4.0 m (13 ft) on the other side when there is no <i>attached garage or carport</i> . c) 0 m <i>interior side yard</i> is <i>required</i> for the common wall of the triplex or townhouse dwelling units.	a) 1.5 m (5ft) <i>side yards</i> with an <i>attached garage or carport for each dwelling unit</i> , or b) 4.0 m (13ft) on one side of the <i>main building</i> when there is no <i>attached garage or carport</i> , c) 0 m <i>interior side yard</i> is <i>required</i> for the common wall of the triplex or townhouse dwelling units.
ix) <b>Exterior side yard width (minimum)</b>	4.0 m (13 ft)		
x) <b>Main building height (maximum)</b>	11 m (36 ft)		
<b>d) Supplemental Regulations</b>			
i) Each <i>dwelling shall</i> be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The <i>Corporation</i> or any other authority having jurisdiction.			
ii) The following supplementary regulations <i>shall</i> also apply to lands zoned (R3.2): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations			
iii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": 1. <i>Natural Environment Zone</i> – Subsection 11.1; 2. <i>Wetland Zone</i> – Subsection 11.2,& 3. <i>ERCA Floodplain Development Control Area</i>			

### **Subsection 6.3.2 e) RESIDENTIAL ZONE 3 RURAL/URBAN (R3.2) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall also be permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **6.3.2.1 'RESIDENTIAL ZONE 3 RURAL/URBAN EXCEPTION 1 (R3.2-1)' (R2-6 ) N**

a) For lands shown as R3.2-1 on Map 16 Schedule "A" of this By-law.

b) **Permitted Uses**

Those *uses permitted* under Section 6.3.2 Residential Zone 3 Rural/Urban (R3.2) and serviced with a municipal piped water supply and a municipal sanitary sewage disposal system;

c) **Permitted Buildings and Structures**

Those *buildings permitted* under Section 6.3.2 Residential Zone 3 Rural/Urban (R3.2).

d) **Zone Provisions**

- i) Provisions of the (R3.2) Section 6.2 *shall apply* the lands zoned R3.2-1;
- ii) Notwithstanding *zone* provisions of (R3.2), the following regulations *shall apply* to a multiple residential *building* on lands zoned (R3.2-1):

	<b>Single detached dwelling</b>	<b>Townhouse dwelling</b>	<b>Townhouse dwelling unit</b>
<b>Lot area (min)</b>	660 m <sup>2</sup>	854 m <sup>2</sup>	223 m <sup>2</sup>
<b>Lot frontage (min)</b>	18 m	28 m	7 meters-interior <i>units</i> 8.8 meters-exterior <i>units</i> - 11.8 meters for exterior <i>units</i> on corner lots
<b>Lot coverage (max)</b>	35%	40%	40% for exterior <i>units</i> 50% for interior lots
<b>Landscaped Open Space (min)</b>	50%	45%	35%
<b>Building height (maximum)</b>	10.6 m	10.6 m	10.6 m
<b>Front yard (min)</b>	7.6 m	7.6 m	7.6 m
<b>Interior Side yard (minimum)</b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side. 0m on common wall side.
<b>Exterior Side yard (minimum)</b>	4.5 m	4.5 m	4.5 m
<b>Rear yard (min)</b>	6 m	6 m	6 m

<b>SUBSECTION 6.4.1</b>	<b>RESIDENTIAL ZONE 4 URBAN (R4.1)</b> (High Density Residential – Kingsville Centre)	
<b>a) Permitted Uses</b>		
i) <b>Main use</b>	Residential; <i>Boarding, lodging, and rooming</i> – house Residential; Group home; or Nursing or Rest home.	
ii) <b>Accessory use</b>	One <i>Home occupation</i> ; Accessory uses to the <i>Main use</i> .	
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted buildings and structures</b>	One <i>converted dwelling</i> containing a <i>maximum 10 residential units</i> ; <i>Townhouse dwelling</i> containing a <i>maximum 10 dwelling units</i> ; <i>Apartment building</i> ; <i>One Group home</i> ; <i>Nursing or Rest home</i> ; <i>Buildings and structures accessory to the Main use</i> .	
<b>c) Regulations</b>		
	<b>Multiple unit complex</b>	<b>Multiple unit apartment building</b>
i) <b>Lot area (minimum)</b>	850 m <sup>2</sup> (9,150 ft <sup>2</sup> )	950 m <sup>2</sup> (10,225 ft <sup>2</sup> )
ii) <b>Lot frontage (min)</b>	30 m (100 ft)	25 m (80 ft)
iii) <b>Open Space (min)</b>	30 %	
iv) <b>Lot coverage (max)</b>	45 %	
v) <b>Front yard depth (min)</b>	8 m (26 ft)	
vi) <b>Rear yard depth (min)</b>	The <i>rear yard setback</i> is equal to the <i>height of the building</i> or a <i>minimum of 10 m (33 ft)</i> , whichever is greater.	
vii) <b>Interior Side yard width (min)</b>	4.5 m (14.5 ft)	
viii) <b>Exterior side yard width (min)</b>	4.5 m (14.5 ft)	
ix) <b>Main building height (maximum)</b>	11 m (36 ft.)	

#### d) Supplemental Regulations

- i) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The *Corporation* or any other authority having jurisdiction.
- ii) The following supplementary regulations *shall* also apply to lands *zoned* (R4.1):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### **Subsection 6.4.1 e) RESIDENTIAL ZONE 4 URBAN (R4.1) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

##### **6.4.1.1 'RESIDENTIAL ZONE 4 URBAN (R4.1-1)' (R4-1) K**

- a) For lands shown as R4.1-1 on Map 76 Schedule "A" of this By-law.

- b) Permitted Uses**

- i) Those *uses permitted* in Section 6.4.1;
  - ii) A *parking lot* *accessory* to a *hotel/restaurant*.

- c) Permitted Buildings and Structures**

Those *buildings* and *structures* under Section 6.4.

- d) Zone Provisions**

Those provisions of the (R4.1) Section 6.2 *shall* apply the lands *zoned* R4.1-1.

##### **6.4.1.2 'RESIDENTIAL ZONE 4 URBAN EXCEPTION 2 (R4.1-2)' (25-2016) (DUPLICATE)**

- a) For lands shown as R4.1.2 on Map 69 (Main Street West) Schedule "A" of this By-law.

- b) Permitted Uses**

Those *uses permitted* under Section 6.4.1, excluding a *nursing* or *rest home*

**c) Permitted Buildings and Structures**

An existing single detached dwelling, and  
An existing apartment building containing a maximum of 8 units, or  
An apartment building containing a maximum of 21 units, and  
Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

- i) Minimum lot area - 0.25 ha
- ii) Minimum lot frontage - 50 m
- iii) Minimum easterly side yard - 1.2 m
- iv) Minimum westerly side yard - 7.6 m
- v) Minimum rear yard - 18.2 m
- vi) Minimum loading space depth – 7.6 m

**6.4.1.2 'RESIDENTIAL ZONE 4 URBAN (R4.1-2)' (108-2017) (DUPLICATE)**

**a) For lands shown as R4.1-2 on Map 67 Schedule "A" of this By-law.**

**b) Permitted Uses**

Those *uses permitted* in Section 6.4.1;  
Neighbourhood Commercial Uses

**c) Permitted Buildings and Structures**

Two Apartment Buildings – (maximum 60 units per building) A Medical Clinic  
Office  
Personal Service Shop  
Accessory Retail or Pharmacy  
Buildings and structures accessory to the Main Use

**d) Zone Provisions**

- i) Provisions of the (R4.1 shall apply
- ii) Notwithstanding any provision of By-law 1-2014, as amended, the lands subject to the (R4.1-2) zone shall be deemed to be a single lot or parcel of land for zoning purposes.
- iii) Notwithstanding the zone provisions of (R4.1) the following regulations shall apply to lands zoned (R4.1-2)
  - i) Maximum Permitted Height 22 m
  - ii) North Lot Line Setback – equal to the height of the building

**6.4.1.3 'RESIDENTIAL ZONE 4 URBAN (R4.1-3)' (102-106-2017)**

**a) For lands shown as R4.1-3 on Maps 65, 68, 71 and 72 Schedule "A" of this By-law.**

**b) Permitted Uses**

Those *uses permitted* in Section 6.4.1;

**c) Permitted Buildings and Structures**

- Semi-detached dwellings
- Semi-detached dwelling units
- Townhouse dwelling
- Townhouse dwelling units
- Apartment Dwelling
- One Group Home Nursing or Rest Home
- Buildings and structures accessory to the Main Use

**d) Zone Provisions**

- Provisions of the (R4.1) shall apply

**6.4.1.5 'RESIDENTIAL ZONE 4 URBAN EXCEPTION 5 (R4.1-5)'**

**a)** For lands shown as R4.1-5 on Map 66 Schedule "A" of this By-law.

**b) Permitted Uses**

- An apartment building

**c) Permitted Buildings and Structures**

- i) Apartment building
- ii) Buildings and structures accessory to the permitted use.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 6.4.1 c) of this By-law.

Notwithstanding Section 6.4.1 c) of the by-law to the contrary the following shall apply:

- i) Easterly side yard setback for a permitted residential building shall be 2.8 m, minimum;
- ii) Maximum number of dwelling units for a permitted apartment building shall be 30;
- iii) Maximum height for a permitted residential building shall be 10 m or three storeys whichever is less.

**6.4.1.6 'RESIDENTIAL ZONE 4 URBAN EXCEPTIONS 6 (R4.1-6)'**

**a)** For lands shown as R4.1-6 on Map 72 (183 Main St. E.) Schedule "A" of this By-law.

**b) Permitted Uses**

- Those use permitted under Section 6.4.1 limited to an apartment dwelling

**c) Permitted Buildings and Structures**

- An apartment dwelling – (maximum 22 dwelling units)
- Buildings and structures accessory to the main use

**d) Zone Provisions**

- i) Lot Frontage – 12.5 m, minimum
- ii) Maximum Permitted Height – 12.2 m
- iii) Rear Yard Setback – 7.5 m, minimum

Notwithstanding any other provisions of the by-law to the contrary the following site-specific provisions shall apply to lands zoned R4.1-6.

**e) Location of Parking Spaces**

Notwithstanding any other provisions of the by-law to the contrary, parking for the permitted uses and structures may also be located in the interior (east) side yard.

**6.4.1.7 `RESIDENTIAL ZONE 4 URBAN EXCEPTION 7 (R4. 1- 7)'**

**a) For lands shown as R4. 1- 7 on Map 69 Schedule " A " of this By- law.**

**b) Permitted Uses**

i) Those uses permitted under Section 6. 4. 1 Residential Zone 4 Urban (R4. 1), excluding a nursing or rest home

**c) Permitted Buildings and Structures**

i) A maximum of 10 units within 2 residential buildings;  
ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

i) Provisions of the ( R4. 1) Section 6. 2 shall apply to the lands zoned R4. 1- 7.  
ii) Notwithstanding the zone provisions of ( R4. 1) the following regulations shall apply to lands zoned ( R4. 1- 7);  
iii) Minimum westerly side yard — 3 m

<b>SUBSECTION 6.4.2</b>		<b>RESIDENTIAL ZONE 4 RURAL/URBAN (R4.2)</b> (High Density Residential – Ruthven/Cottam)
<b>a) Permitted Uses</b>		
i) <b>Main use</b>	Residential; <i>Boarding, lodging, and rooming</i> – house Residential; Group home; or Nursing or Rest home.	
ii) <b>Accessory use</b>	One <i>Home occupation</i> ; Accessory uses to the <i>Main use</i> .	
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted buildings and structures</b>	One converted dwelling containing a maximum 8 dwelling units; Townhouse dwelling containing a maximum 8 residential units; Apartment building; One Group home; Nursing or Rest home; Buildings and structures accessory to the <i>Main use</i> .	
<b>c) Regulations</b>		
	<b>Townhouse dwelling</b>	<b>Apartment building</b>
i) <b>Lot area (minimum)</b>	850 m <sup>2</sup> (9,150 ft <sup>2</sup> )	950 m <sup>2</sup> (10,225 ft <sup>2</sup> )
ii) <b>Lot frontage (min)</b>	45 m (148 ft)	50 m (165 ft)
iii) <b>Open Space (min)</b>	30 %	
iv) <b>Lot coverage (max)</b>	45 %	
v) <b>Front yard depth (min)</b>	8 m (26 ft) or established setback	
vi) <b>Rear yard depth (min)</b>	The <i>rear yard setback</i> is equal to the <i>height</i> of the <i>building</i> or a <i>minimum</i> of 10 m (33 ft), whichever is greater.	
vii) <b>Interior Side yard width (minimum)</b>	4.5 m (14.5 ft)	
viii) <b>Exterior side yard width (minimum)</b>	4.5 m (14.5 ft)	
ix) <b>Main building height (maximum)</b>	11 m (36 ft)	

#### d) SUPPLEMENTAL REGULATIONS

- i) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The *Corporation* or any other authority having jurisdiction.
- ii) The following supplementary regulations *shall* also apply to lands zoned (R4.2):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### **Subsection 6.4.2 e) RESIDENTIAL ZONE 4 RURAL/URBAN (R4.2) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

##### **6.4.2.1 'RESIDENTIAL ZONE 4 RURAL/URBAN 1 (R4.2-1)' (R3-1) N**

a) For lands shown as R4.2.1 on Map 76 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* in Section 6.4.2;
- ii) One *apartment building* with a *maximum* of 40 *dwelling units*.

**c) Permitted Buildings and Structures**

Those *buildings and structures* under Section 6.4.2.

**d) Zone Provisions**

- i) Provisions of the (R4.2) Section 6.4.2 *shall* apply to lands zoned (R4.2-1);
- ii) Notwithstanding *zone* provisions of (R4.2), the following regulations *shall* apply to lands zoned (R4.2-1):
  - i) *Minimum lot area* – 127 m<sup>2</sup> per *dwelling unit*;
  - ii) *Minimum lot frontage* – 28 m;
  - iii) *Minimum front yard* – 7.5 m;
  - iv) *Minimum rear yard* – 13 m;
  - v) *Minimum interior side yard* – 5 m;
  - vi) *Maximum height* – 11 m;
  - vii) *Parking requirements* – 1.5 spaces per *dwelling unit*.

#### 6.4.2.2 'RESIDENTIAL ZONE 4 RURAL/URBAN 2 (R4.2-2)' (R3-2) N

- a) For lands shown as R4.2.2 on Map 24B Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* in Section 6.4.2;
  - ii) A *rest home and nursing home*.
- c) **Permitted Buildings and Structures**
  - Those *buildings and structures* under Section 4.2.
- d) **Zone Provisions**
  - Those provisions of the (R4.2) Section 6.2 *shall apply* the lands zoned R4.2-2.

#### 6.4.2.3 'RESIDENTIAL ZONE 4 RURAL/URBAN 3 (R4.2-3)' (R3-3) N

- a) For lands shown as R4.2.3 on Map 24B Schedule "A" of this By-law.
- b) **Permitted Uses**
  - Those *existing uses*.
- c) **Permitted Buildings and Structures**
  - Those *existing buildings and structures*.
- d) **Zone Provisions**
  - All *lot* and *building* requirements for the *existing buildings and structures* *shall be as they existed* on the date of adoption of this by-law.

#### 6.4.2.4 'RESIDENTIAL ZONE 4 RURAL/URBAN (R4.2-4)' (R2-2) N

- a) For lands shown as R4.2.4 on Map 16 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* in Section 6.4.2;
  - ii) One *townhouse dwelling* with a *maximum of 4 dwelling units*.
- c) **Permitted Buildings and Structures**
  - Those *buildings and structures* under Section 6.4.2.4
- d) **Zone Provisions**
  - Those provisions of the (R4.2) Section 6.4 *shall apply* the lands zoned R4.2-4.

<b>SUBSECTION 6.5</b>		<b>ESTABLISHED RESIDENTIAL ZONE (ER)</b> (historically <i>existing</i> residential neighbourhoods)
<b>a) Permitted Uses</b>		
i) <b>Main use</b>		<i>Residential use;</i> <i>Boarding, lodging, and rooming – house Residential;</i> <i>Group home; or</i> <i>Nursing or Rest home.</i>
ii) <b>Accessory use</b>		<i>One Bed and breakfast;</i> <i>One Home occupation;</i> <i>Accessory uses to the Main use.</i>
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted Buildings and Structures</b>		<i>Single detached dwelling</i> <i>One converted dwelling containing a maximum three dwelling units;</i> <i>Townhouse dwelling containing a maximum three dwelling units;</i> <i>One duplex dwelling;</i> <i>Three unit townhouse dwelling;</i> <i>One unit of a townhouse dwelling;</i> <i>Group home;</i> <i>Nursing or Rest home;</i> <i>Buildings and structures accessory to the Main use.</i>
<b>c) Regulations</b>		
i) <b>Lot area (minimum)</b>		<i>As existing</i> at the date of passing of this By-law
ii) <b>Lot frontage (minimum)</b>		<i>As existing</i> at the date of passing of this By-law
iii) <b>Open Space (minimum)</b>		30 %
iv) <b>Lot coverage (maximum)</b>		50 %
v) <b>Front yard depth (minimum)</b>		<i>Established building line</i>
vi) <b>Rear yard depth (minimum)</b>		7.5 m
vii) <b>Exterior Side yard (minimum)</b>		<i>Established building line on both street frontages</i>

#### d) Supplementary Regulations

- i) **Additions to the front of the *main building*:** any addition in the *front yard* must stay within the established *building line* of the two adjacent *buildings*;
- ii) **Additions to the exterior side yard side of the *main building*:** any addition in the *exterior side yard* must stay within the established *building line*;
- iii) **Replacement of a demolished, removed or destroyed *main structure*:** If a property that is zoned '(ER)' has a *main building* or *structure* demolished, removed, or destroyed, the new *structure* or replacement *building* *may* be replaced at the *setbacks* of the original *building* or *structure*;
- iv) Each *dwelling* *shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The *Corporation* or any other authority having jurisdiction.
- v) The following supplementary regulations *shall* also apply to lands zoned (ER):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- vi) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

SUBSECTION 6.6 RURAL RESIDENTIAL (RR)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	Residential; <i>Boarding, lodging, and rooming</i> – house <i>Residential</i> ; <i>Boarding, lodging, and rooming</i> – house <i>Agricultural</i> ; <i>One Home occupation</i> <i>One Bed and breakfast</i>
ii) <b>Accessory use</b>	One <i>greenhouse</i> subject to subsection 4.2 One <i>road side stand</i> <i>Accessory uses</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings and Structures</b>	One <i>single detached dwelling</i> <i>Accessory structures</i>
<b>c) Regulations</b>	
i) <b>Lot area (minimum)</b>	a) 2,000 m <sup>2</sup> (21,500 ft <sup>2</sup> ) if residence is not connected to all 3 municipal services (water/sewer/storm); b) 1,400 m <sup>2</sup> (15,070 ft <sup>2</sup> ) for a <i>single detached</i> residence on full municipal services.
ii) <b>Lot frontage (minimum)</b>	30 m (100 ft)
iii) <b>Interior Side yard (minimum)</b>	1.5 m
iv) <b>Front yard Setback (minimum)</b>	15 m
v) <b>Exterior Side yard (minimum)</b>	4.5 m
vi) <b>Rear yard (minimum)</b>	15 m
vii) <b>Lot coverage (maximum)</b>	40 % <i>maximum</i> including <i>accessory buildings/structures</i>
viii) <b>Main building height (maximum)</b>	11 m (36 ft)

#### d) Supplementary Regulations

- i) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The *Corporation* or any other authority having jurisdiction.
- ii) The following supplementary regulations *shall* also apply to lands *zoned (RR)*:  
Subsection 3: Definitions  
Subsection 4: General Land *Uses* (ie: *Home occupations*)  
Subsection 5: General Property Regulations (ie: municipal drain *setbacks*)  
Subsection 6/7: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  1. *Natural Environment Zone* – Subsection 11.1;
  2. *Wetland Zone* – Subsection 11.2,&
  3. ERCA *Floodplain Development Control Area*

### **Subsection 6.6 e) RURAL RESIDENTIAL (RR) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall also be permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **6.6.1 'RURAL RESIDENTIAL (RR-1)' (R1-1) N**

- a) For lands shown as RR-1 on Map 3 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those *uses permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
  - ii) A *townhouse dwelling* with a *maximum of 4 dwelling units*.
- c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.
- d) Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall be as they existed on the date and passing of this By-law*;
  - ii) Notwithstanding Subsection 6.6.1 above, new *accessory buildings* are *permitted* on lands zoned (RR-1) and in accordance with regulations under Subsection 6.6.

#### **6.6.2 'RURAL RESIDENTIAL (RR-2)' (R1-2) N**

- a) For lands shown as RR-2 on Map 12 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those *uses permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
  - ii) A *townhouse dwelling* with a *maximum of 7 dwelling units*.
- c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.
- d) Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall be as they existed on the date and passing of this By-law*;
  - ii) Notwithstanding Subsection 6.6.1 above, new *accessory buildings* are *permitted* on lands zoned (RR-2) and in accordance with regulations under Subsection 6.6.

#### **6.6.3 'RURAL RESIDENTIAL (RR-3)' (R1-3) N**

- a) For lands shown as RR-3 on Map 12 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those *uses permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
  - ii) A *personal service shop*;
  - iii) An *automobile gas station*;
  - iv) A *restaurant*;
  - v) Two *dwelling units*.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.6.1 above, new *accessory buildings* are *permitted* on lands zoned (RR-3) and in accordance with regulations under Subsection 6.6.

**6.6.4 'RURAL RESIDENTIAL (RR-4)' (R1-4) N**

a) For lands shown as RR-4 on Map 13 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
- ii) A *duplex dwelling* or *semi-detached dwelling* with a *maximum of 2 dwelling units*.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.6.1 above, new *accessory buildings* are *permitted* on lands zoned (RR-4) and in accordance with regulations under Subsection 6.6.

**6.6.5 'RURAL RESIDENTIAL (RR-5)' (R1-5) N**

a) For lands shown as RR-5 on Map 13 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
- ii) A *townhouse dwelling* with a *maximum of 3 dwelling units*.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.6.1 above, new *accessory buildings* are *permitted* on lands zoned (RR-5) and in accordance with regulations under Subsection 6.6.

**6.6.6 'RURAL RESIDENTIAL (RR-6)' (R1-6) N**

a) For lands shown as RR-6 on Map 17 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
- ii) An *automobile repair shop*.

**c) Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.6.1 above, new *accessory buildings* are *permitted* on lands zoned (RR-6) and in accordance with regulations under Subsection 6.6.

**6.6.7 'RURAL RESIDENTIAL (RR-7)' (R1-7) N**

a) For lands shown as RR-7 on Map 4 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses* *permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
- ii) The parking and storage of one licensed tractor *trailer* truck and trailers.

**c) Permitted Buildings and Structures**

Those *buildings and structures* *existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.6.1 above, the following provisions shall apply to lands zoned (RR-7)
  - i) New *accessory buildings* are *permitted* on lands zoned (RR-7) and in accordance with regulations under Subsection 6.6;
  - ii) Parking and indoor storage of one licensed tractor *trailer* truck is *permitted* on lands zoned (RR-7);
  - iii) Parking and indoor storage of two tractor trailers is *permitted* on lands zoned (RR-7);
  - iv) No *outside storage* is *permitted*;
  - v) No expansion of the *existing* truck storage *building* is *permitted*.

**6.6.8 'RURAL RESIDENTIAL (RR-8)' (R1-1) S**

a) For lands shown as RR-8 on Map 51 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses* *permitted* under Section 6.6 *Rural residential Zone Urban (RR)*;
- ii) Two *multiple dwellings*, each containing a *maximum* of 4 *dwelling units*.

**c) Permitted Buildings and Structures**

Those *buildings and structures* *existing* at the date of passing of this by-law.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* shall be as they existed on the date and passing of this By-law;
- ii) Notwithstanding Subsection 6.6.1 above, new *accessory buildings* are *permitted* on lands zoned (RR-8) and in accordance with regulations under Subsection 6.6.

**6.6.9 'RURAL RESIDENTIAL (RR-9)' (R1-2) S**

a) For lands shown as RR-9 on Map 54 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* under Section 6.6 *Rural residential Zone Urban (RR)*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* under Section 6.6 (RR) zone.

**d) Zone Provisions**

- i) Notwithstanding Subsection 6.6.1 above, the following provisions *shall apply* to lands zoned (RR-9):
  - i) *Minimum Lot area* – 6,856 m<sup>2</sup>;
  - ii) *Minimum Lot frontage* – 30 m;
  - iii) *Maximum Lot coverage* – 40%;
  - iv) *Maximum Building height* – 10.5 m;
  - v) *Minimum Front yard* – 15 m;
  - vi) *Minimum Interior Side yard* – 3 m;
  - vii) *Minimum Exterior Side yard* - 6 m;
  - viii) *Minimum Rear yard* – 50 m.

**6.6.10 – deleted by 17-2016**

**6.6.11 ‘RURAL RESIDENTIAL (RR-11)’ (R1-4) S**

- a) For lands shown as RR-11 on Map 58 Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) One *single detached dwelling unit* per *lot* serviced by a municipal water supply or *private* water supply and *private* sanitary sewage disposal system.
- c) **Permitted Buildings and Structures**

Those *buildings and structures existing* at the date of passing of this by-law.
- d) **Zone Provisions**

Notwithstanding Subsection 6.6.1 above, the following special provision *shall apply* to lands zoned (RR-11):

  - i) *Minimum lot frontage* – 21 m.

**6.6.12 ‘RURAL RESIDENTIAL (RR-12)’ (25-2017)**

- a) For lands shown as RR-12 on Map 7 Schedule “A” of this By-law.
- b) **Permitted Uses**

Those *uses permitted* under Section 6.6.
- c) **Permitted Buildings and Structures**

Those *buildings and structures permitted* under Section 6.6.
- d) **Zone Provisions**
  - i) Notwithstanding any other provisions of this by-law to the contrary, the following provisions shall apply to lands zoned (RR-12):
    - i. 150 m minimum rear yard setback for all buildings and structures

**6.6.13 ‘RURAL RESIDENTIAL EXCEPTION 13 (RR-13)’ (29-2020)**

a) For lands shown as RR-13 on Map 58 Schedule “A” of this By-law.

**b) Permitted Uses**

i) Residential

**c) Permitted Buildings and Structures**

- i) A single detached dwelling;
- ii) One *secondary dwelling unit*;
- iii) *Buildings and structures accessory to the permitted uses*.

**d) Zone Provisions**

Notwithstanding Subsection 6.6, the following special provisions *shall* apply to lands zoned (RR-13):

- i) *Minimum lot frontage* – 21 m.
- ii) Maximum *accessory structure height* – 6.7 m.

**6.6.14 ‘RURAL RESIDENTIAL EXCEPTION 14 (RR-14)’**

a) For lands shown as RR-14 on Map 13 on Schedule “A” of this By-law. (59-2021)

**b) Permitted Uses**

i) Those uses permitted under Section 6.6 (a)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 6.6 (b)
- ii) One Secondary Dwelling Unit.
- iii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

i) All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 6.6 of this By-law.

**6.6.15 ‘RURAL RESIDENTIAL EXCEPTION 15 (RR-15)’ (By-law 74-2021)**

a) For lands shown as RR-14 on Map 58 on Schedule “A” of this By-law.

**b) Permitted Uses**

i) Those uses permitted under Section 6.6 (a)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 6.6 (b)
- ii) One Secondary Dwelling Unit.
- iii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

Notwithstanding Subsection 6.6, the following special provisions *shall* apply to lands zoned RR-15:

*Maximum accessory structure height* – 6.58 m

<b>SUBSECTION 6.7</b> <span style="float: right;"><b>LAKESHORE RESIDENTIAL (LR)</b></span>	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Residential use; Boarding, lodging, and rooming – house Residential; Group home; or Nursing or Rest home.</i>
ii) <b>Accessory use</b>	One accessory boat dock; One Home occupation; Accessory uses to the Main use.
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted buildings and structures</b>	One, single detached dwelling; Buildings and structures accessory to the Main use.
<b>c) Regulations</b>	
i) <b>Lot area (minimum)</b>	<b>557 m<sup>2</sup> (5,995 ft<sup>2</sup>)</b> if the residence is connected to all three municipal water, sewer, and storm water services; <b>1,400 m<sup>2</sup> (15,070 ft<sup>2</sup>)</b> if the residence is not connected to any one of three municipal water, sewer, and storm water services.
ii) <b>Lot frontage (minimum)</b>	<b>18 m (59 ft)</b> if serviced by a municipal storm sewer <b>24 m (78.5 ft)</b> if not serviced by a municipal storm sewer
iii) <b>Open Space (minimum)</b>	30 %
iv) <b>Lot coverage (maximum)</b>	40 %
v) <b>Front yard depth (minimum)</b>	6 m (20 ft)
vi) <b>Rear yard depth (minimum)</b>	7.5 m (25 ft)
vii) <b>Interior Side yard depth (minimum)</b>	<b>1.5 m (5ft)</b> with an <i>attached garage or carport</i> ; or <b>1.5 m (5 ft)</b> on one side of the <i>main building</i> and <b>3.0 m (10 ft)</b> on the other side when there is no <i>attached garage or carport</i> .
viii) <b>Exterior Side yard depth (minimum)</b>	4.5 m (15 ft)
ix) <b>Main building height (maximum)</b>	11 m (36 ft)

#### d) Supplementary Regulations

- i) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, and sanitary services) and electrical services as approved by The *Corporation* or any other authority having jurisdiction.
- ii) The following supplementary regulations *shall* also apply to lands zoned (LR):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### Subsection 6.7 e) LAKESHORE RESIDENTIAL (LR) EXCEPTIONS

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### 6.7.2 'LAKESHORE RESIDENTIAL (LR-2)' (R3-2) S

- a) For lands shown as LR-2 on Map 59 Schedule "A" of this By-law.

- b) Permitted Uses**

- i) *Farm produce outlet*;
- ii) *Lawn and garden and equipment sales and services*;
- iii) *Lumber sales and building supply outlet*;
- iv) *Restoration and sale of antiques*;
- v) *Offices*;
- vi) *Retail store accessory to the above uses*;
- vii) *Accessory uses*.

- c) Permitted Buildings and Structures**

Those *buildings and structures permitted* for uses under Section 6.7.

- d) Zone Provisions**

Those provisions as they exist at the date of passing of this by-law.

**6.7.3 'LAKESHORE RESIDENTIAL EXCEPTION 3 (LR-3)' (R3-3) S**

- a) For lands shown as LR-3 on Map 59 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- c) **Permitted Buildings and Structures**  
Those *buildings and structures permitted* under Section 6.7 Lakeshore Residential (LR).
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* to the lands zoned (LR-3);
  - ii) Notwithstanding zone provisions of (LR), the following regulations *shall apply* to lands zoned (LR-3):
    - i) *Minimum lot area* – 1858 m<sup>2</sup>;
    - ii) *Minimum lot frontage* – 25 m;
    - iii) *Maximum lot coverage* – 35%;
    - iv) *Minimum front yard* – 6 m;
    - v) *Minimum rear yard* – 7.5 m;
    - vi) *Minimum interior side yard* – 1.5 m;
    - vii) *Minimum exterior side yard* – 3 m;
    - viii) *Building height* – 10.5 m.

**6.7.4 'LAKESHORE RESIDENTIAL EXCEPTION 4 (LR-4)' (R3-4) S**

- a) For lands shown as LR-4 on Map 59 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- c) **Permitted Buildings and Structures**
  - i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) A *multi-unit dwelling* containing a *maximum of 5 dwelling units*.
- d) **Zone Provisions**  
Provisions of the (LR) Section 6.7 *shall apply* to the lands zoned (LR-4).

**6.7.5 'LAKESHORE RESIDENTIAL EXCEPTION 5 (LR-5)' (R3-5) S**

- a) For lands shown as LR-5 on Map 60 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) An art gallery.
- c) **Permitted Buildings and Structures**
  - i) Those *residential uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) *Existing buildings and structures* for the art gallery.
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* to the lands zoned (LR-5);
  - ii) Notwithstanding the provisions of the (LR) zone, *building* and *lot* provisions for the art gallery are as they existed prior to the passing of the by-law.

**6.7.6 'LAKESHORE RESIDENTIAL EXCEPTION 6 (LR-6)' (R3-6) S**

- a) For lands shown as LR-6 on Map 60 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) A refinishing, display and sale of furniture and antique items.
- c) **Permitted Buildings and Structures**
  - i) Those *residential uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) *Existing buildings and structures* for the refinishing, display and sale of furniture and antique items.
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-6);
  - ii) Notwithstanding the provisions of the (LR) *zone, building* and *lot* provisions for the refinishing, display and sale of furniture and antique items are as they existed prior to the passing of the by-law and in addition, the following provisions:
    - i) The refinishing, display and sale of furniture and antique items *shall be restricted* to 58 m<sup>2</sup> of *floor area* in the *existing* residence and is restricted to the *existing garage*;
    - ii) A *minimum of 5 parking spaces* is *required* for the refinishing, display and sale of furniture and antique items in addition to the 1 *parking space required* for the *existing* residence.

**6.7.7 'LAKESHORE RESIDENTIAL EXCEPTION 7 (LR-7)' (R3-7) S**

- a) For lands shown as LR-7 on Map 60 Schedule "A" of this By-law.
- b) **Permitted Uses**

Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- c) **Permitted Buildings and Structures**

Those *buildings and structures permitted* under Section 6.7 Lakeshore Residential (LR).
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-7);
  - ii) Notwithstanding *zone* provisions of (LR), the following regulations *shall apply* to lands *zoned* (LR-7):
    - i) *Minimum lot area* – 1858 m<sup>2</sup>;
    - ii) *Minimum lot frontage* – 25 m;
    - iii) *Maximum lot coverage* – 35%;
    - iv) *Minimum front yard* – 6 m;
    - v) *Minimum rear yard* – 7.5 m;
    - vi) *Minimum interior side yard* – 1.5 m;
    - vii) *Minimum exterior side yard* – 3 m;
    - viii) *Building height* – 10.5 m.

**6.7.8 ‘LAKESHORE RESIDENTIAL EXCEPTION 8 (LR-8)’ (R3-8) S**

- a) For lands shown as LR-8 on Map 59 Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) A flower and plant growing operation;
  - iii) A retail establishment as a secondary *use* to the growing operation.
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) *Buildings and structures* for the *permitted* flower and plant growing operation.
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-8);
  - ii) Notwithstanding zone provisions of (LR), the following regulations *shall apply* to lands *zoned* (LR-8):
    - i) The *minimum building setback* for any *building used* in relation to the flower and plant growing operation *shall be a minimum* of 90 m from the south *lot line*;
    - ii) All *development* will be subject to site plan control.

**6.7.9 ‘LAKESHORE RESIDENTIAL EXCEPTION 9 (LR-9)’ (R3-9) S**

- a) For lands shown as LR-9 on Map 59 Schedule “A” of this By-law.
- b) **Permitted Uses**

Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- c) **Permitted Buildings and Structures**
  - i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) A *maximum* of four *single unit dwellings* on separate *lots* on a *private access*.
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-9);
  - ii) The *private access* *shall be considered as a street* when applying frontage and yard provisions to lands *zoned* (LR-9).

**6.7.10 – deleted by 17-2016**

**6.7.11 ‘LAKESHORE RESIDENTIAL EXCEPTION 11 (LR-11)’ (R4-1) S**

- a) For lands shown as LR-11 on Map 62 Schedule “A” of this By-law.
- b) **Permitted Uses**

Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- c) **Permitted Buildings and Structures**

Those *buildings and structures permitted* under Section 6.7 Lakeshore Residential (LR).

**d) Zone Provisions**

- i) Provisions of the (LR) Section 6.7 *shall* apply the lands zoned (LR-11);
- ii) Notwithstanding *zone* provisions of (LR), the following regulations *shall* apply to lands zoned (LR-11):
  - i) *Minimum lot frontage* – 24 m;
  - ii) The following regulations *shall* apply to lawful *fences* and *hedges* located on lands *zone* LR-11:
    - a) *Maximum height* – 1.5 m in the *front yard*,  
– 1.2 m in the *side* and *rear yard*;
    - b) *Minimum height* – 0.9 m in the *front*, *side* and *rear yard*;
    - c) A lawful *fence* or *hedge* *shall* not extend more than half the distance from the rear of the house to the point where the soil and sand meet to form the shoreline;
    - d) A lawful *fence* *shall* be *constructed* so as to allow sufficient light and air flow between properties.

**6.7.12 'LAKESHORE RESIDENTIAL EXCEPTION 12 (LR-12)' (R4-2) S**

a) For lands shown as LR-12 on Map 63 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- ii) A contractors *yard*;
- iii) A trucking operation associated with garbage collection;
- iv) A cable television signal-receiving site.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 6.7 and Section 6.7.12 a).

**d) Zone Provisions**

Provisions of the (LR) Section 6.7 *shall* apply the lands zoned (LR-12).

**6.7.13 'LAKESHORE RESIDENTIAL EXCEPTION 13 (LR-13)' (R4-3) S**

a) For lands shown as LR-13 on Map 63 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- ii) An automobile salvage operation;
- iii) A contractor's *yard*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 6.7.

**d) Zone Provisions**

Provisions of the (LR) Section 6.7 *shall* apply the lands zoned (LR-13).

**6.7.14 'LAKESHORE RESIDENTIAL EXCEPTION 14 (LR-14)' (R4-4) S**

a) For lands shown as LR-14 on Map 63 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- ii) Multi-unit *dwelling* containing not more than 4 *dwelling units*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 6.7.

**d) Zone Provisions**

Provisions of the (LR) Section 6.7 *shall apply* the lands zoned (LR-14).

**6.7.15 'LAKESHORE RESIDENTIAL EXCEPTION 15 (LR-15)' (R4-5) S**

**a) For lands shown as LR-15 on Map 64-1 Schedule "A" of this By-law.**

**b) Permitted Uses**

The *permitted uses* for lands zoned (LR-15) are limited to the following:

- i) *Residential uses serviced with a municipal piped water supply and a municipal sanitary sewage disposal system;*
- ii) *One home occupation per dwelling unit;*
- iii) *Accessory boat docks for the exclusive, non-commercial use of residents in the LR-15 zone;*
- iv) *Accessory use.*

**c) Permitted Buildings and Structures**

The *permitted buildings and structures* for lands zoned (LR-15) are limited to the following:

- i) *Townhouse dwelling with a maximum of five dwelling units*
- ii) *One townhouse dwelling unit*
- iii) *Buildings and structures accessory to the permitted uses.*

**d) Zone Provisions**

Notwithstanding provisions of Section 6.7.1, the following provisions for lands zoned (LR-15) *shall apply*:

	<b><i>Townhouse dwelling unit</i></b>	<b><i>Townhouse dwelling</i></b>
<b><i>Lot area (minimum)</i></b>	330 m <sup>2</sup>	1500 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	9 m	40 m
<b><i>Landscaped open space (minimum)</i></b>	30%	30%
<b><i>Lot coverage (maximum)</i></b>	55%	45%
<b><i>Building height (maximum)</i></b>	10 m	10 m
<b><i>Front yard (minimum)</i></b>	6 m	6 m

<b>Interior Side yard (minimum)</b>	2.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side and 0m on the common wall side	2.5 m
<b>Exterior Side yard (min)</b>	6 m	6 m
<b>Rear yard (minimum)</b>	7.6 m	7.6 m
<b>Total units</b>		34 dwelling units

**6.7.18 'LAKESHORE RESIDENTIAL EXCEPTION 18 (LR-18)' (R4-9) S**

a) For lands shown as LR-18 on Map 64-1 Schedule "A" of this By-law.

b) **Permitted Uses**

- i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- ii) A light manufacturing *use*;
- iii) A welding establishment;
- iv) A *boat* storage;
- v) Accessory *uses*.

c) **Permitted Buildings and Structures**

Those *buildings and structures* for the *permitted* in Section 6.7 and Section 6.7.18.

d) **Zone Provisions**

Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-18).

**6.7.19 'LAKESHORE RESIDENTIAL EXCEPTION 19 (LR-19)' (R4-10) S**

a) For lands shown as LR-19 on Map 64 Schedule "A" of this By-law.

b) **Permitted Uses**

- i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- ii) A *mobile home park*;
- iii) Accessory *uses*.

c) **Permitted Buildings and Structures**

Those *buildings and structures* for the *permitted* in Section 6.7 and Section 6.7.19.

d) **Zone Provisions**

- i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* LR-19;
- ii) Notwithstanding zone provisions of (LR), the following regulations *shall apply* to lands *zoned* (LR-19):
  - i) *Lot and building* regulations for the *mobile home park* *shall be* as they existed at the date of adoption of this by-law;
  - ii) *Lot and building* regulations for the *uses permitted* in section 6.7.19 *shall be* in accordance with the regulations of Section 6.7.

#### 6.7.20 'LAKESHORE RESIDENTIAL EXCEPTION 20 (LR-20)' (R4-11) S

- a) For lands shown as LR-20 on Map 64 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) *Existing uses* on lands zoned (LR-20).
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* in Section 6.7;
  - ii) *Existing buildings and structures* on lands zoned (LR-20).
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands zoned (LR-20);
  - ii) Notwithstanding provisions of Section 6.7, the *minimum lot area shall* be 600m<sup>2</sup> and a *minimum lot frontage* of 17.9m.

#### 6.7.21 'LAKESHORE RESIDENTIAL EXCEPTION 21 (LR-21)' (R4-12) S

- a) For lands shown as LR-21 on Map 64 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
  - ii) *Existing uses* on lands zoned (LR-21).
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* in Section 6.7;
  - ii) *Existing buildings and structures* on lands zoned (LR-21).
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands zoned (LR-21);
  - ii) Notwithstanding provisions of Section 6.7, the *minimum lot area shall* be 510m<sup>2</sup> and a *minimum lot frontage* of 15.24 m.

#### 6.7.22 'LAKESHORE RESIDENTIAL EXCEPTION 22 (LR-22)' (R4-13) *Golfview S*

- a) For lands shown as LR-22 on Map 64 Schedule "A" of this By-law.
- b) **Permitted Uses**

Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- c) **Permitted Buildings and Structures**

The *permitted buildings and structures* for lands zoned (LR-22) are limited to the following:

  - i) One *single detached dwelling* per *lot* serviced by a municipal water supply and a municipal sanitary sewage disposal system; or
  - ii) One *semi-detached dwelling* per *lot* serviced by a municipal water supply and a municipal sanitary sewage disposal system; or
  - iii) One *semi-detached dwelling unit* per *lot* serviced by a municipal water supply and a municipal sanitary sewage disposal system; and
  - iv) *Buildings and structures accessory* to the *permitted uses* in accordance with subsection 6.7 of this By-law.

**d) Zone Provisions**

Notwithstanding provisions of Section 6.7.1, the following provisions for lands zoned (LR-22) *shall* apply:

	<b><i>Single detached dwelling</i></b>	<b><i>Semi-detached dwelling</i></b>	<b><i>Semi-detached dwelling unit</i></b>
<b><i>Lot area (minimum)</i></b>	495 m <sup>2</sup> (5,328 ft <sup>2</sup> )	720 m <sup>2</sup>	357 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	15 m (49 ft)	20 m for an interior lot and 21.5 m for a lot with an exterior side yard	10 m for an interior lot with 11.5 m for lots with an exterior side yard
<b><i>Lot coverage (maximum)</i></b>	50%	50%	50%
<b><i>Building height (maximum)</i></b>	10.6 m	10.6 m	10.6 m
<b><i>Front yard (minimum)</i></b>	5.5 m	5.5 m	5.5 m
<b><i>Interior Side yard (minimum)</i></b>	1.5 m	1.5 m	1.5 m and 0m on the common wall side
<b><i>Exterior Side yard (min)</i></b>	4.0 m	4.0 m	4.0 m
<b><i>Rear yard (minimum)</i></b>	6.5 m	6.5 m	6.5 m

**6.7.23 'LAKESHORE RESIDENTIAL EXCEPTION 23 (LR-23)' (R4-14) S**

**a)** For lands shown as LR-23 on Map 64 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 6.7 Lakeshore Residential (LR);
- ii) Three *multiple unit dwellings* containing a combined total of a *maximum of 7 units* on lands zoned (LR-23).

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 6.7;

**d) Zone Provisions**

Provisions of the (LR) Section 6.7 *shall* apply the lands zoned (LR-23).

**6.7.24 'LAKESHORE RESIDENTIAL EXCEPTION 24 (LR-24)' (R4-15) S**

- a) For lands shown as LR-24 on Map 64 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those *uses permitted* under Section 6.7 Lakeshore Residential (LR).
- c) **Permitted Buildings and Structures**  
Those *buildings and structures permitted* in Section 6.7;
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-24);
  - ii) Notwithstanding provisions of Section 6.7, the *minimum lot area shall* be 900m<sup>2</sup> and a *minimum lot frontage* of 15 m.

**6.7.25 'LAKESHORE RESIDENTIAL EXCEPTION 25 (LR-25)' (Golfside)**

- a) For lands shown as LR-25 on Map 64 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those *uses permitted* under Section 6.7 Lakeshore Residential (LR).
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures permitted* in Section 6.7;
  - ii) *Townhouse dwelling with a maximum of four units*
  - iii) *Townhouse dwelling unit.*
  - iv) *Buildings and structures accessory to the permitted uses in accordance with subsection 6.7 of this By-law.*
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-25);
  - ii) Notwithstanding provisions of Section 6.7, the following provisions *shall apply* to lands *zoned* (LR-25)

	<b><i>Townhouse dwelling</i></b>	<b><i>Townhouse dwelling unit</i></b>
<b><i>Lot area (minimum)</i></b>	600 m <sup>2</sup>	220 m <sup>2</sup>
<b><i>Lot frontage (minimum)</i></b>	17.9 m	7 m for an interior <i>unit</i> with 8.8 m for an exterior <i>unit</i> and 12 m for an exterior <i>unit</i> on a corner <i>lot</i>
<b><i>Lot coverage (maximum)</i></b>	35%	40% for exterior <i>units</i> and 50% for interior <i>units</i>
<b><i>Building height (maximum)</i></b>	10.6 m	10.6 m
<b><i>Front yard (minimum)</i></b>	6 m	6 m
<b><i>Interior Side yard (minimum)</i></b>	1.5 m; where there is no garage, the interior yard will be 1.5m on one side and 3.0 m on the other side.	1.5 m and 0 m on the common wall side.
<b><i>Exterior Side yard (minimum)</i></b>	4.5 m	4.5 m
<b><i>Rear yard (minimum)</i></b>	7.6 m	7.6 m

#### **6.7.26 'LAKESHORE RESIDENTIAL EXCEPTION 26 (LR-26)' (R4-16) S**

- a) For lands shown as LR-26 (Montego Bay) on Map 64-1 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses permitted under Section 6.7 Lakeshore Residential (LR).
- c) **Permitted Buildings and Structures**
  - i) Those buildings and structures permitted in Section 6.7;
  - ii) Single detached dwelling.
- d) **Zone Provisions**
  - i) Provisions of the (LR) Section 6.7 shall apply the lands zoned (LR-26);
  - ii) Notwithstanding provisions of Section 6.7 the minimum lot frontage shall be 15 m.

**6.7.27 ‘LAKESHORE RESIDENTIAL EXCEPTION 27 (LR-27)’ (R4-17) S**

a) For lands shown as LR-27 on Map 64-1 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 6.7 Lakeshore Residential (LR).

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 6.7.

**d) Zone Provisions**

- i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-27);
- ii) Notwithstanding provisions of Section 6.7, the *minimum lot frontage* for a *single detached dwelling unit* not serviced by a municipal storm sewer *shall be 18 m.*

**6.7.28 ‘LAKESHORE RESIDENTIAL EXCEPTION 28 (LR-28)’ (R1-3) S**

a) For lands shown as LR-28 on Map 57 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 6.7 Lakeshore Residential (LR).

**c) Permitted Buildings and Structures**

*Semi-detached dwelling*

*Semi-detached dwelling unit*

*Townhouse Dwelling*

*Townhouse Dwelling unit*

Notwithstanding item b) no *buildings or structures are permitted* with the 6 m *required Rear Yard setback*

**d) Zone Provisions**

- i) Provisions of the (LR) Section 6.7 *shall apply* the lands *zoned* (LR-28);
- ii) Notwithstanding provisions of Section 6.7, the following provisions *shall apply* to lands *Zoned* LR-28.

	<i>Semi-detached dwelling</i>	<i>Semi-detached dwelling unit</i>	<i>Townhouse dwelling</i>	<i>Townhouse dwelling unit</i>
<b>Lot area (min)</b>	900 m <sup>2</sup>	435 m <sup>2</sup>	900 m <sup>2</sup>	285 m <sup>2</sup>
<b>Lot frontage (min)</b>	21 m	10.5 m	30 m	9 m
<b>Lot coverage (max)</b>	40%	45%	50 %	60%
<b>Building height (maximum)</b>	10.5 m			
<b>Front yard (min)</b>	5 m	4.5 m	4.5 m	4.5 m
<b>Interior Side yard (minimum)</b>	1.5 m with an <i>attached garage or carport</i> 1.5 m on one side and 3 m on the other side with no <i>attached garage carport</i>	1.5 m with an <i>attached garage or carport</i> 1.5 m on one side and 3 m on the other side with no <i>attached garage carport</i> 0 m on along a common wall	2.0 m	2.0 m on the end units 0 m along a common wall
<b>Exterior Side yard (minimum)</b>	3.0 m	3.0 m	3.0 m	3.0 m
<b>Rear yard (minimum)</b>	6 m			
<b>Open Space (minimum)</b>	30%			
<b>Setback between semi-detached or townhouse dwelling</b>	6 m ( <i>minimum</i> )			

#### 6.7.29 ‘LAKESHORE RESIDENTIAL EXCEPTION 29 (LR-29)’

a) For lands shown as LR-29 on Map 57 Schedule “A” of this By-law.

b) **Permitted Uses**

- i) Those uses permitted under Section 6.7;
- ii) Semi-detached dwellings
- iii) Semi-detached dwelling units
- iv) Apartment buildings
- v) Hotel/Motel (Stay-and-Play)

c) **Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 6.7;
- ii) Semi-detached dwellings
- iii) Semi-detached dwelling units
- iv) Apartment Buildings
- v) Hotel/Motel
- vi) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

Notwithstanding provisions of Section 6.7, the following provisions shall apply to lands zoned LR-29:

	<i>Single detached dwelling</i>	<i>Semi-detached dwelling</i>	<i>Semi-detached dwelling unit</i>	<i>Hotel/Motel</i>	<i>Apartment building</i>
<b>Lot area (minimum)</b>	464 m <sup>2</sup>	557 m <sup>2</sup>	250 m <sup>2</sup>	1.8 ha	0.9 ha/building
<b>Lot frontage (minimum)</b>	15 m	18 m	7 m for interior units, 8.8 m for exterior units, 11.8 m for exterior units on corner lots	150 m	75 m per building
<b>Landscaped open space (minimum)</b>	30%	30%	30%	30%	30%
<b>Lot coverage (maximum)</b>	50%	50%	50%	20%	40%
<b>Building height (maximum)</b>	10.6 m	10.6 m	10.6 m	8 m	20 m
<b>Maximum number of units</b>	n/a	20	40	20	96
<b>Front yard (minimum)</b>	6 m	6 m	6 m	20 m	9 m
<b>Interior Side yard (minimum)</b>	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	1.5 m, or where there is no garage 1.5 m on one side and 3 m on the other side	15 m	30 m
<b>Exterior Side yard (min)</b>	4.5 m	4.5 m	4.5 m	4.5 m	4.5 m
<b>Rear yard (minimum)</b>	6 m	6 m	6 m	7.5 m	7.5 m

**e) Other Requirements**

- a) Permitted Uses, Buildings and Structures for lands zoned 'Lakeshore Residential Exception 29, holding, (LR-29(h))' shall be limited to those uses existing on the date of passing of this by-law.
- b) For lands zoned 'Lakeshore Residential Exception 29, holding, (LR-29(h))' the zoning may be amended under Section 36 of the Planning Act to '(LR-29)' once:
  - i) A site plan and associated site plan agreement are prepared to the satisfaction of the Town, and
  - ii) The upgrading of the municipal water supply to the Lakeshore West area has been approved for construction by Council.

**6.7.30 'LAKESHORE RESIDENTIAL EXCEPTION 30 (LR-30(h))' (16-2015 – DEFERRED)**

**6.7.31 'LAKESHORE RESIDENTIAL EXCEPTION 31 (LR-31(h))' (as per OMB Order PL140547)**

No person shall, within the (LR-31(h)) zone, use any lot or erect, alter or use any buildings or structure except in accordance with the following regulations:

**a) Permitted Uses**

Those uses *permitted* under Section 6.7 (a)

**b) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 6.7(b)

**c) Zone Provisions**

Notwithstanding provisions under Section 6.7 c) the following provisions shall apply to lands zoned (LR-31):

- i) Lot area (minimum) – 464 m<sup>2</sup>
- ii) Lot Frontage (minimum) – 15 m
- iii) Lot Coverage (maximum) – 50%
- iv) Building Height (maximum) – 10.6 m
- v) Front Yard (minimum) – 6 m
- vi) Interior Side Yard (minimum) – 1.5 m on both sides for a dwelling with an attached garage, 1.5 m and 3.0 m for a dwelling with no attached garage
- vii) Exterior Side Yard (minimum) – 3 m
- viii) Combined total lots zoned (LR-31) and (LR-32) shall not exceed 750 lots.
- ix) The Holding (h) provision will be removed by by-law on a phased basis after authorization of a development agreement by Council.

### **6.7.32 'LAKESHORE RESIDENTIAL EXCEPTION 32 (LR-32(h))' (as per OMB Order PL140547):**

No person shall, within the (LR-32(h)) zone, use any lot or erect, alter or use any buildings or structure except in accordance with the following regulations:

#### **a) Permitted Uses**

The uses permitted under Section 6.7 (a) including the following:

- i) Residential Uses
- ii) Home occupation
- iii) Accessory Uses

#### **b) Permitted Buildings and Structures**

The buildings and structures permitted in Section 6.7(b) including the following:

- i) Single detached dwelling
- ii) Semi-detached dwelling
- iii) Semi-detached dwelling unit
- iv) Townhouse dwelling
- v) Townhouse dwelling unit
- vi) Accessory buildings

#### **c) Zone Provisions**

Notwithstanding provisions under Section 6.7 c) the following provisions shall apply to lands zoned (LR-32):

##### **i) Lot area (minimums)**

- Single detached dwelling – 464 m<sup>2</sup>
- Semi-detached dwelling – 557 m<sup>2</sup>
- Semi-detached dwelling unit – 269 m<sup>2</sup>
- Townhouse dwelling per unit – 223 m<sup>2</sup>

##### **ii) Lot Frontage (minimums)**

- Single detached dwelling – 15 m
- Semi-detached dwelling – 18 m
- Semi-detached dwelling unit – (interior lot) – 8.5 m  
– (corner lot) – 10.3 m
- Townhouse dwelling unit – (interior lots) – 7 m  
– (end units) – 8.5 m  
– (corner lot units) – 10.3 m

##### **iii) Lot Coverage (maximums)**

- Single detached dwelling – 50%
- Semi-detached and Townhouse dwellings – 52%

##### **iv) Front Yard (minimums)**

- Single detached dwelling – 6 m
- Semi-detached dwelling or dwelling unit:

Unit 1 – 6 m,

Unit 2 – 5.4 m

##### **Townhouse dwelling unit:**

Unit 1 – 6 m

Unit 2 – 5.4 m

Unit 3 – 5 m

Unit 4 – 5.4 m

Unit 5 – 6 m

- v) Building Height (maximum) – 10.6 m
- vi) Interior Side Yard (minimum) – 1.5 m on both sides for a single detached dwelling, semi-detached dwelling or townhouse dwelling with an attached garage or 1.5 m on one side of the main building and 4.5 m on the other side with no attached garage. No side yard setback for the common wall side of a semi-detached or townhouse dwelling unit.
- vii) Exterior Side Yard (minimum) – 3 m
- viii) Rear yard (minimum) – 6 m
- ix) Combined total lots zoned (LR-31) and (LR-32) shall not exceed 750 lots.
- x) The Holding (h) provision will be removed by by-law on a phased basis after authorization of a development agreement by Council.”

#### **6.7.33 ‘LAKESHORE RESIDENTIAL EXCEPTION 33 (LR-33)’ (62-2019)**

- a) For lands shown as LR-33 on Map 63 Schedule “A” of this By-law.
- b) **Permitted Uses**  
Those uses permitted under Section 6.7 Lakeshore Residential (LR).
- c) **Permitted Buildings and Structures**
  - i) Those buildings and structures permitted in Section 6.7
  - ii) Semi-detached dwelling
  - ii) Semi-detached dwelling unit

**d) Zone Provisions**

All lot and building requirements shall be in accordance with the following:

- i. Provisions of the (LR) Section 6.7 shall apply to the lands Zoned (LR-33);
- ii. Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-33):

	<b>Single Detached dwelling</b>	<b>Semi-detached dwelling</b>	<b>Semi-detached dwelling unit</b>
<b>Lot area (min)</b>	850 sq. m	850 sq. m	365 sq. m
<b>Lot frontage (min)</b>	24 m	24 m	19 m for an interior lot, and 15 m for a lot with an exterior side yard
<b>Lot coverage (max)</b>	50%	50%	50%
<b>Building height (max)</b>	11 m	11 m	11 m
<b>Front yard (min)</b>	6 m	4.5 m	5.48 m
<b>Interior Side yard (minimum)</b>	1.5 m	3.66 m	3.66 m
<b>Exterior Side yard (min)</b>	4.5 m	5.48 m	5.48 m
<b>Rear yard (min)</b>	7.5 m	7.5 m	3.66 m

## SECTION 7 Agriculture Zone Provisions

SUBSECTION 7.1		AGRICULTURE (A1) (general agricultural zone)	
a) Permitted Uses			
	Agricultural Uses	Rural Residential	Specialty Crops/All other Uses
i) <b>Main use</b>	<i>Agriculture</i> <i>Agricultural related service</i> <i>Agriculture research stations</i> <i>Agriculture co-op</i> <i>Agricultural operations</i> <i>Agricultural operations, intensive</i> <i>Agriculture produce storage, packaging, processing facility and/or shipping</i> <i>Aquaculture</i> <i>Dog kennel</i> <i>Farm produce outlet</i> <i>Farm machinery/equipment sales, rental, storage facility, parts and servicing facility</i> <i>Fish farm</i> <i>Forestry Use</i> <i>Fruit/vegetable processing facility</i> <i>Garden centres</i> <i>Greenhouses in compliance with Section 7.1 d)</i> <i>Hunting/gaming/wildlife preserve</i> <i>Landing strip and flying clubs</i> <i>Mushroom farm in compliance with subsection 7.1 d)</i> <i>Nursery or landscaping facility</i> <i>Orchards</i> <i>Riding stables</i> <i>Specialty crop</i> <i>Telecommunication tower</i> <i>Tree farms</i> <i>Wayside pits and quarries</i> <i>Winery</i>	Rural Residence	<i>Aquaculture</i> <i>Farm produce outlet</i> <i>Fish farm</i> <i>Forestry use</i> <i>Greenhouses in compliance with 7.1 d)</i> <i>Hunting/gaming/wildlife preserve</i> <i>Orchards</i> <i>Specialty crop as defined by Provincial Evaluation procedures</i> <i>Telecommunication tower</i> <i>Tree farms</i> <i>Wayside pits and quarries</i> <i>Winery</i>
ii) <b>Accessory use</b>	<i>Accessory uses</i> <i>Aviary or establishment for the raising/breeding of fish, poultry or fur bearing animals</i> <i>Boarding, lodging, and rooming – house Agricultural;</i> <i>Contractor's yard, office and shop</i> <i>Farm produce outlet</i> <i>One Bed and breakfast</i> <i>One Home industry</i> <i>One Home occupation</i> <i>Residential use</i> <i>Retail component</i> <i>Roadside stand</i> <i>Tradesman's yard and shop</i>	<i>Accessory uses</i> <i>Boarding, lodging, and rooming – house</i> <i>Agricultural;</i> <i>Contractor's office/shop</i> <i>Horse farm</i> <i>One greenhouse in compliance with 7.1 d) i)</i> <i>Agricultural operation</i> <i>exclusive of a Livestock Intensive Agricultural Use</i> <i>One roadside stand</i> <i>One Bed and breakfast</i> <i>One Home occupation</i> <i>Tradesman's yard and shop</i>	<i>Accessory uses</i> <i>Aviary or establishment for the raising/breeding of fish, poultry or fur bearing animals</i> <i>Boarding, lodging, and rooming – house Agricultural;</i> <i>Roadside stand</i> <i>One Bed and breakfast</i> <i>One Home industry</i> <i>One Home occupation</i> <i>Residential use</i>

**b) Permitted Buildings and Structures**

	<b>Agricultural Regulations</b>	<b>Rural residential</b>	<b>Specialty Crops/All Other Uses</b>
i) <b>Permitted Buildings and Structures</b>	Accessory structures Agricultural buildings Dog kennels Enclosed storage Farm produce outlet Fruit/vegetable processing facility Greenhouses Oil doreys Roadside stand A single detached dwelling Outdoor storage	Accessory structures greenhouse One single detached dwelling	Accessory structures Agricultural buildings Enclosed storage Farm produce outlet Road side stand Greenhouses Oil doreys A single detached dwelling Outdoor storage Roadside stand

**c) Regulations**

	<b>Agricultural Regulations</b>	<b>Rural residential</b>	<b>Specialty Crops/All Other Uses</b>
i) <b>Lot area (minimum)</b>	40 ha (100 ac)	c) 2,000 m <sup>2</sup> (21,500 ft. <sup>2</sup> ) if residence is not connected to all 3 municipal services (water/sewer/storm); d) 1,400 m <sup>2</sup> (15,070 ft. <sup>2</sup> ) for a residence on full municipal services.	16 ha (39.5 ac.) or 2 ha (5 ac.) for an <i>existing</i> greenhouse operation where a <i>minimum</i> of 0.4 ha of greenhouse exists
ii) <b>Lot frontage (minimum)</b>	30 m (100 ft.)	25 m (82 ft.)	25 m (82 ft.)
iii) <b>Interior Side Yard (min.)</b>	3 m (10 ft.)		
iv) <b>Front Yard Setback (min.)</b>	15 m (49 ft.)		
v) <b>Exterior Side Yard (minimum)</b>	4.5 m (15 ft.)		
vi) <b>Rear Yard (minimum)</b>	15 m		
vii) <b>Lot coverage (maximum)</b>	10% including all accessory buildings and structures	30% including all accessory buildings and structures	80% including all accessory buildings and structures
viii) <b>Main building height (max)</b>	15 m	10.5 m	15 m
ix) <b>Accessory structure height (max)</b>	14.5 m	See Section 4.2 (h)	15 m

#### d) Supplemental Regulations

- i) Notwithstanding any other provisions of the By-law to the contrary, the following provisions shall also apply to a greenhouse facility:
  - a) *Lot frontage:* 60 m or as shown on an approved site plan demonstrating adequate setbacks and buffering from abutting sensitive land uses but at no time less than 30 m, minimum;
  - b) *Front yard:* 20 m, minimum
  - c) *Interior side yard:* 3 m or equal to the height of the sidewall of the greenhouse, whichever is greater, when abutting a sensitive land use 15 m, minimum;
  - d) *Rear yard:* 5 m;
  - e) *Lot coverage (maximum):* 80%;
  - f) *Landscaped Open Space:* 25%, minimum of the required front yard setback area
- ii) Notwithstanding any other *yard* or *setback* provision of this By-law to the contrary, no residential, institutional, *commercial*, industrial or recreational *use* located on a separate *lot* and other wise *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 requirements of *Minimum Distance Separation I* as outlined in the Implementation Guidelines administered by the Ontario Ministry of Agriculture, Food and Rural Affairs.
- iii) Notwithstanding any other *yard* or *setback* provision of this By-law to the contrary, no livestock *facility* or manure storage *facility* *shall* be erected or expanded unless it complies with the requirements of *Minimum Distance Separation II* as outlined in the Implementation Guidelines administered by the Ontario Ministry of Agriculture, Food and Rural Affairs.
- vi) Prohibited *uses*, *structures* and *buildings*: *mobile homes* and RV's for the purpose of living accommodations;
- v) 60 % of the goods and materials sold in the *roadside stand* or *farm produce outlet* are grown on the property where the road side stand or *farm produce outlet* is placed.
- vi) a new mushroom farm *shall* not locate within 500 m of an *existing* residence.
- vii) Each *dwelling* *shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services where available and as approved by The *Corporation* or any other authority having jurisdiction.
- viii) *Dog kennels* *shall* be *permitted* in any Agricultural Zone as identified in Subsection 7.1 of this By-law provided that no part of a kennel *shall* be *permitted* closer than 300 m to any *existing dwelling* on a *lot* other than the *lot* on which such kennel is located.
- ix) The following supplementary regulations *shall* also apply to lands zoned (A1):
  - Subsection 3: Definitions
  - Subsection 4: General Regulations (ie: *Home occupations*)
  - Subsection 5: Parking Regulations
  - xi) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
    - 1. *Natural Environment Zone* – Subsection 11.1;
    - 2. *Wetland Zone* – Subsection 11.2,&
    - 3. *ERCA Floodplain Development Control Area*

By-law  
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### **Subsection 7.1 e) AGRICULTURAL EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* shall also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **7.1.1 'AGRICULTURE EXCEPTION 1 (A1-1)' (A1-1)**

- a) For lands shown as A1-1 on Map 38, Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) An indoor pistol and rifle range, archery, hunting dog training and *accessory uses*, including a clubhouse, in addition to the *uses permitted* in subsection 7.1.1 of this By-law.
- c) **Prohibitive Uses**
  - i) *Residential use* is not *permitted* on lands zoned A1-1.
- d) **Permitted Buildings and Structures** for the *permitted uses*.
- e) **Zone Provisions**
  - i) All *lot* and *building* requirements for the *permitted buildings* and *structures* shall be in accordance with Subsection 7.1 of this By-law.

#### **7.1.2 'AGRICULTURE EXCEPTION 2 (A1-2)' (A1-2)**

- a) For lands known as A1-2 as shown on Map 38, Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) *Permitted uses* for the (A1-2) *zone* are limited to a mushroom farm and all *uses accessory* to a mushroom farm; and
  - ii) *Existing dwelling units*.
- c) **Permitted Buildings and Structures**
  - i) Those *buildings* and *structures* *permitted* under Subsection 7.1;
- d) **Zone Provisions**

Notwithstanding any other provisions of this By-law to the contrary, on those lands zoned A1-2, the *lot* and *building* requirements shall be in accordance with the following:

  - i) *Minimum Lot area* 14 hectares
  - ii) *Minimum Lot frontage* 280 m
  - iii) *Maximum Lot coverage* 25% *maximum*
  - iv) *Minimum Setbacks*:
    - a) The *minimum required setback* from all *existing dwelling units* except those *dwelling units existing* on the lands zoned A1-2 for new *buildings* and *structures* associated with the production of compost such as, but not exclusive to, compost pads and pasteurization tunnels shall be 240 meters for enclosed facilities and 300 meters for open facilities;
    - b) The *minimum required setback* from all *lot lines* for new enclosed growing beds shall be 50 meters;

- c) The *minimum required setback* from all *lot lines* for all other *uses* not included in iv) a) and b) above such as but not exclusive to packing, packaging and shipping *uses* *shall* be 30 meters.
- d) All other general provisions of this By-law *shall* apply to lands zoned A1-2 except that the definition of *lot coverage* for this *zone* *shall* be as follows: *Lot coverage* *shall* mean the percentage of the *lot area* of a *lot* that is covered by the perpendicular projections onto a horizontal plane of the area of all *buildings* and any *structures* with a *height* one meter or greater above *grade*. The determination of *lot coverage* *shall* not apply to such things as internal roads, parking areas, ponds, concrete pads, or any other similar facilities.

#### **7.1.3 ‘AGRICULTURE EXCEPTION 3 (A1-3)’ (A1-3)**

- a) For lands known as A1-3 as shown on Map 41, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) A *contractor’s office* in addition to the *uses permitted* in Subsection 7.1 of this By-law;
  - ii) *Enclosed storage* of goods and materials *used* in the *contractor’s office*.
- c) **Prohibitive Uses**
  - i) *Outside storage* is not *permitted* on lands zoned A1-3.
- d) **Permitted Buildings and Structures** for the *permitted uses*:
- e) **Zone Provisions**
  - i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law.

#### **7.1.4 ‘AGRICULTURE EXCEPTION 4 (A1-4)’ (A1-4)**

- a) For lands known as A1-4 as shown on Map 41, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) A *maximum* of three (3) *residential dwelling units* in the *existing structure*.
- c) **Permitted Buildings and Structures** for the *permitted uses*:
  - i) *Existing building* containing *residential units*;
  - ii) *Buildings and structures* for the *accessory uses*.
- d) **Zone Provisions**
  - i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with subsections 7.1.3 and 7.2 of this By-law;
  - ii) **Parking Requirements** - Notwithstanding any other requirements of this By-law to the contrary, a *minimum* of 2 *parking spaces* *shall* be provided per *dwelling unit* in the A1-4 *zone*;
  - iii) *New development* for lands zoned (A1-4) *shall* be serviced by municipal piped water and are subject to site plan control.

**7.1.5 ‘AGRICULTURE EXCEPTION 5 (A1-5)’ (A1-5)**

a) For lands known as A1-5 as shown on Map 46, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted in Subsection 7.1*
- ii) A ceramic shop.

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* under Subsection 7.1;

**d) Zone Provisions**

- i) All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law.

**7.1.6 ‘AGRICULTURE EXCEPTION 6 (A1-6)’ (A1-6)**

a) For lands known as A1-6 as shown on Map 46, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted in Subsection 7.1*
- ii) A truck lettering and *sign* establishment.

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* under Subsection 7.1;

**d) Zone Provisions**

- i) All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law.

**7.1.7 ‘AGRICULTURE EXCEPTION 7 (A1-7)’ (A1-7)**

a) For lands known as A1-7 as shown on Map 47, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted in Subsection 7.1*
- ii) Storage *yard* for truck tractors
- iii) Truck transportation depot
- iv) A tool and die machine shop
- v) An *automobile body shop* and restoration shop

**c) Prohibitive Uses**

- i) *Outside storage* is not *permitted* on lands zoned A1-7.

**d) Permitted Buildings and Structures**

- i) Maintenance *building* for truck trailers
- ii) *Buildings and structures* for the *permitted uses*

**e) Zone Provisions**

Notwithstanding Subsection 7.1, all *lot* and *building* requirements for the *permitted uses* and *structures* of the (A1-7) zone *shall* be in accordance with the following:

- i) *Minimum Lot area* 2.2 hectares
- ii) *Minimum Lot frontage* 120 meters
- iii) *Maximum Floor area of Main building* 285m<sup>2</sup>
- iv) *Minimum Front yard* 30 meters
- v) *Minimum Rear yard* 30 meters
- vi) *Minimum Interior Side yard* 10 meters
- vii) *Minimum Exterior Side yard* 30 meters

All other provisions *shall* be in compliance with subsection 7.1 of this by-law.

**7.1.8 ‘AGRICULTURE EXCEPTION 8 (A1-8)’ (A1-8)**

a) For lands known as A1-8 as shown on Map 48, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted* in Subsection 7.1
- ii) A subsurface weeping system together with any necessary accessory uses, such as partially enclosed holding tanks, but not to include open ponds and above- ground spraying operations in accordance with the regulations of the Ministry of the Environment for the purpose of disposing of the *waste* water from the canning factory *existing* to the east, in addition to the uses *permitted* in Subsection 7.1 of this By-law.
- iii) Accessory uses

**c) Permitted Buildings and Structures**

- i) Those *buildings* and *structures* *permitted* under Subsection 7.1;

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law.

**7.1.9 ‘AGRICULTURE EXCEPTION 9 (A1-9)’ (A1-10)**

a) For lands known as A1-9 as shown on Map 48, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted* in Subsection 7.1
- ii) Warehousing of food products from *Agriculture* crops
- iii) Canning and jarring of food products
- iv) Spraying of and disposal of *waste* water from a canning factory

**c) Prohibited Uses**

Food processing is prohibited.

**d) Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* under Subsection 7.1;

**e) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law.

**7.1.10 ‘AGRICULTURE EXCEPTION 10 (A1-10)’ (A1-11)**

- a) For lands known as A1-10 as shown on Map 48, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1*
  - ii) *An automobile towing service and automobile storage compound.*
- c) **Permitted Buildings and Structures**  
*Those buildings and structures permitted under Subsection 7.1;*
- d) **Zone Provisions**
  - i) All *lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.11 ‘AGRICULTURE EXCEPTION 11 (A1-11)’ (A1-13)**

- a) For lands known as A1-11 as shown on Map 50, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1*
  - ii) *A television sales and service establishment.*
- c) **Permitted Buildings and Structures**  
*Those buildings and structures permitted under Subsection 7.1;*
- d) **Zone Provisions**
  - i) All *lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.12 ‘AGRICULTURE EXCEPTION 12 (A1-12)’ (A1-17)**

- a) For lands known as A1-12 as shown on Map 55, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1;*
  - ii) *Automobile, truck, industrial equipment, farm equipment, lawn and garden equipment and recreation vehicle sales and service establishment;*
  - iii) *Service shops; lumber yards and building supply outlets; bulk sales establishments;*
  - iv) *Tradesman’s and contractor’s yards and shops;*
  - v) *Warehousing;*
  - vi) *Non-effluent producing industrial uses, excluding heavy manufacturing uses;*
  - vii) *Transportation and truck terminals;*
  - viii) *Accessory uses including retail and office uses.*
- c) **Permitted Buildings and Structures**  
*Those buildings and structures permitted under Subsection 7.1;*
- d) **Zone Provisions**  
*All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.13 ‘AGRICULTURE EXCEPTION 13 (A1-13)’ (A1-18)**

- a) For lands known as A1-13 as shown on Map 59, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1*
  - ii) *A specialty workshop;*
  - iii) *Accessory retail sales.*
- c) **Permitted Buildings and Structures**
  - i) *Those buildings and structures permitted under Subsection 7.1;*
- d) **Zone Provisions**
  - i) *All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.14 ‘AGRICULTURE EXCEPTION 14 (A1-14)’ (A1-19)**

- a) For lands known as A1-14 as shown on Map 59, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1;*
  - ii) *An automobile salvage operation and automobile repair garage.*
- c) **Permitted Buildings and Structures**
  - i) *Permitted buildings of Subsection 7.1;*
  - ii) *Permitted buildings and structures for the automobile salvage operation and automobile repair garage are limited to buildings and structures existing at the date of passing of this by-law.*
- d) **Zone Provisions**
  - i) *All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:*
    - i) *All lot and building requirements of the existing buildings and structures associated with the automobile salvage operation and automobile repair garage shall be as existing on the date of adoption of this by-law.*

**7.1.15 ‘AGRICULTURE EXCEPTION 15 (A1-15)’ (A1-20)**

- a) For lands known as A1-15 as shown on Map 60, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1*
  - ii) *A welding and fabricating establishment.*
- c) **Permitted Buildings and Structures**
  - i) *Those buildings and structures permitted under Subsection 7.1;*
- d) **Zone Provisions**
  - i) *All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.16 ‘AGRICULTURE EXCEPTION 16 (A1-16)’ (A1-21)**

a) For lands known as A1-16 as shown on Map 61, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted in Subsection 7.1;*
- ii) A truck terminal.

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted under Subsection 7.1;*

**d) Zone Provisions**

- i) All *lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.17 ‘AGRICULTURE EXCEPTION 17 (A1-17)’ (A1-22)**

a) For lands known as A1-17 as shown on Map 61, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted in Subsection 7.1;*
- ii) A lawnmower and small engine *sales and service establishment.*

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted under Subsection 7.1;*

**d) Zone Provisions**

- i) All *lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.18 ‘AGRICULTURE EXCEPTION 18 (A1-18)’ (A1-23)**

a) For lands known as A1-18 as shown on Map 61, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) *Uses permitted in Subsection 7.1;*
- ii) A plumbing, heating, refrigeration, air conditioning and masonry *contractor’s yard.*

**c) Prohibited Uses:**

- i) *Outside storage of goods and materials associated with the plumbing, heating, air conditioning and masonry contractor’s yard shall be prohibited.*

**d) Permitted Buildings and Structures**

Those *buildings and structures permitted under Subsection 7.1;*

**e) Zone Provisions**

- i) All *lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.*

**7.1.19 ‘AGRICULTURE EXCEPTION 19 (A1-19)’ (A1-26)**

- a) For lands known as A1-19 as shown on Map 38, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1;*
  - ii) Small scale, dry, light *industrial uses* and *accessory uses* including *accessory retail facility*.
- c) **Permitted Buildings and Structures**  
Those *buildings and structures permitted* under Subsection 7.1;
- d) **Zone Provisions**
  - i) All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law;
  - ii) The *maximum floor area* for the *light industrial building shall* be 1,200 m<sup>2</sup>.

**7.1.20 ‘AGRICULTURE EXCEPTION 20 (A1-20)’ (A1-28)**

- a) For lands known as A1-20 as shown on Map 49, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1;*
  - ii) A *wood chipping processing and storage facility*;
  - iii) Cardboard and paper material recycling and warehousing *facility*.
- c) **Permitted Buildings and Structures**  
Those *buildings and structures permitted* under Subsection 7.1;
- d) **Zone Provisions**  
All *lot and building requirements* for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:
  - i) The *existing barn* will be the only *building used* for the cardboard and paper material recycling and warehousing *facility*.

**7.1.21 ‘AGRICULTURE EXCEPTION 21 (A1-21)’ (A1-32)**

- a) For lands known as A1-21 as shown on Map 53, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1;*
  - ii) A *Central Thermal Energy Generating Facility*
  - iii) *Ancillary and secondary uses* to the generating *facility*.
- c) **Prohibited Uses**
  - i) *Outside storage shall* be prohibited.
- d) **Permitted Buildings and Structures**  
Those *buildings and structures permitted* under Subsection 7.1;
- e) **Zone Provisions**
  - i) The *maximum building size (floor area)* for the central thermal energy generating *facility shall* be 4,654 m<sup>2</sup>;
  - ii) Truck access for the *facility* will be restricted to *County Road 34*.

**7.1.22 ‘AGRICULTURE EXCEPTION 22 (A1-22)’ (A1-33) S**

- a) For lands known as A1-22 as shown on Map 59, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection*
  - ii) *one home occupation in a detached accessory structures for a contractor’s office (including display and storage) and a contractor’s shop and yard.*

c) **Permitted Buildings and Structures**

Those *buildings and structures permitted* under Subsection 7.1.

d) **Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) *only one dwelling per lot.*
- ii) *the required lot area shall be 7.0 hectares.*

**7.1.23 ‘AGRICULTURE EXCEPTION 23 (A1-23)’ (A1-37)**

- a) For lands known as A1-23 as shown on Map 61, Schedule “A” of this By-law.
- b) **Permitted Uses**

Uses *permitted* for lands zoned (A1-23) *zone shall* be limited to the following:

  - i) *Agricultural Uses as defined in Subsection 7.1 of this By-law;*
  - ii) *Greenhouses serviced by municipal piped water in accordance with subsection 7.1 of this By-law;*
  - iii) *Single unit detached dwelling in accordance with Subsections 7.1 of this By- law;*
  - iv) *Supplementary housing to the greenhouse operations in accordance with subsection 7.1 of this By-law;*
  - v) *Uses accessory to the foregoing permitted uses;*
  - vi) *Notwithstanding the above, fruit and vegetable stands or retail outlets for the sale of goods and materials grown on-site are prohibited on lands zoned (A1-23).*

c) **Permitted Buildings and Structures**

Those *buildings and structures permitted* under Subsection 7.1;

d) **Zone Provisions**

- i) All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law.

**7.1.24 ‘AGRICULTURE EXCEPTION 24 (A1-24)’ (A1-38)**

- a) For lands known as A1-24 as shown on Map 39, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) *Uses permitted in Subsection 7.1.*
- c) **Permitted Buildings and Structures** for the *permitted uses.*

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provision:

- i) no *dwelling* *shall* be *constructed* closer than 550 m to the base of any *wind turbine*.

**7.1.25 'AGRICULTURE EXCEPTION 25 (A1-25)' (A1-40 (h)) (87-2012)**

- a) For lands known as A1-25 (h) as shown on Map 58, Schedule "A" of this By-law.

**b) Permitted Uses**

Uses *permitted* for lands *zoned* (A1-25) *zone* *shall* be limited to the following:

- i) Agricultural;
- ii) Accessory uses to *Agriculture*.

**c) Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* for lands *zoned* (A1-25) are limited to the following:

- i) One *single, detached* residential *building*;
- ii) Accessory *buildings* to the *Agricultural Uses*;
- iii) Accessory *buildings* to the *residential use*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) All *lot* and *building* requirements *shall* be in accordance with subsections 7.1 of this By-law for lands *zoned* '(A1-25)';
- ii) The holding (h) provision for this site *shall* be removed when Council authorizes an approved site plan agreement.

**7.1.26 'AGRICULTURE EXCEPTION 26 (A1-26)' (A1-36) S**

- a) For lands known as A1-26 as shown on Map 54, Schedule "A" of this By-law.

**b) Permitted Uses**

Uses *permitted* for lands *zoned* (A1-26) *zone* *shall* be limited to the following:

- i) Agricultural *Uses*;
- ii) Greenhouse *uses*;
- iii) Nursery or tree farm;
- iv) Retail nursery outlet and retail floral shop;
- v) Accessory *uses*.

**c) Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* for lands *zoned* (A1-26) are limited to the following:

- i) Agricultural accessory and secondary *buildings* for the storage and maintenance of farm equipment;
- ii) One *single, detached* residence;
- iii) Greenhouses in accordance with Subsection 7.1 of this by-law;
- iv) Accessory *buildings* to the *Agricultural Uses*;
- v) Accessory *buildings* to the *residential use*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) All *lot* and *building* requirements *shall* be in accordance with subsections 7.1 of this By-law for lands zoned '(A1-26)';
- ii) The holding (h) provision for this site *shall* be removed when Council authorizes an approved site plan agreement.

**7.1.27 'AGRICULTURE EXCEPTION 27 (A1-27)' *(A1-1) N***

a) For lands known as A1-27 as shown on Map 1, Schedule "A" of this By-law.

**b) Permitted Uses**

- i) *Uses permitted* in Subsection 7.1;
- ii) *An automobile service station;*
- iii) *Accessory uses.*

**c) Permitted Buildings and Structures** for the *permitted* uses.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) The *service station* *shall* only be allowed to expand by a *maximum* of 20% of the *total floor area* of the *existing building* as it exists on the date of passing of this By-law.

**7.1.28 'AGRICULTURE EXCEPTION 28 (A1-28)' *(A1-2) N***

a) For lands known as A1-28 as shown on Map 2, Schedule "A" of this By-law.

**b) Permitted Uses**

- i) *Uses permitted* in Subsection 7.1;
- ii) *Automobile sales and leasing;*
- iii) *Accessory uses.*

**c) Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* under Subsection 7.1;

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) No *building* will be *permitted* to be *constructed* in association with the *automobile sales and leasing use*;
- ii) the *automobile sales lot use* *shall* not exceed an area of 60 m x 60 m

**7.1.29 'AGRICULTURE EXCEPTION 29 (A1-29)' *(A1-4) N***

a) For lands known as A1-29 as shown on Map 9, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* in Subsection 7.1.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* under Subsection 7.1;

**d) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) The *minimum lot area* of lands zoned (A1-29) *shall* be 3 hectares;
- ii) The *minimum lot frontage* of lands zoned (A1-29) *shall* be 30 m.

**7.1.30 'AGRICULTURE EXCEPTION 30 (A1-30)' (A1-5) N**

- a) For lands known as A1-30 as shown on Map 12, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses permitted* in Subsection 7.1.

**c) Prohibited Uses**

mushroom farm.

**d) Permitted Buildings and Structures** for the *permitted uses*.

**e) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) The *minimum lot area* of lands zoned (A1-30) *shall* be 8 hectares;
- ii) The *minimum lot frontage* of lands zoned (A1-30) *shall* be 35 m.

**7.1.31 'AGRICULTURE EXCEPTION 31 (A1-31)' (A1-6) N**

- a) For lands known as A1-31 as shown on Map 12, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses permitted* in Subsection 7.1.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* under Subsection 7.1;

**d) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) Two *existing single, detached* residences are *permitted* on one *lot* provided that the smaller *dwelling* cannot be enlarged;
- iii) A *severance* is not *permitted* for the separation of the two *existing* residences.

**7.1.32 'AGRICULTURE EXCEPTION 32 (A1-32)' (A1-8) N**

- a) For lands known as A1-32 as shown on Map 18, Schedule "A" of this By-law.

**b) Permitted Uses**

- i) *Uses permitted* in Subsection 7.1;
- ii) An *automobile body repair shop*;
- iii) *Accessory uses* to the *automobile body repair shop*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* under Subsection 7.1;

**d) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law.

**7.1.33 'AGRICULTURE EXCEPTION 33 (A1-33)' (A1-10) N**

**a) For lands known as A1-33 as shown on Map 22, Schedule "A" of this By-law.**

**b) Permitted Uses**

*Permitted uses for lands zoned (A1-33) are limited to the following:*

- i) One *single detached residence*;
- ii) Heavy equipment storage;
- iii) Accessory uses to the *automobile body repair shop*.

**c) Permitted Buildings and Structures**

- i) *Buildings for the permitted uses*;
- ii) *Building to enclose the heavy equipment*.

**d) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following provisions that will apply to lands zoned (A1-33).

- i) *Minimum lot area* – 7,500 m<sup>2</sup>;
- ii) *Minimum lot frontage* – 115 m;
- iii) *Minimum front yard* – 7 m;
- iv) *Minimum Side yard* – 7 m
- v) All heavy equipment *shall* be within *enclosed storage*.

**7.1.35 'AGRICULTURE EXCEPTION 35 (A1-35)' (A1-12) N**

**a) For lands known as A1-35 as shown on Map 26, Schedule "A" of this By-law.**

**b) Permitted Uses**

- i) *Uses permitted* in Subsection 7.1;
- ii) A trucking and excavating operation;
- iii) Accessory uses.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* under Subsection 7.1;

**d) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 7.1 of this By-law.

### 7.1.36 'AGRICULTURE EXCEPTION 36 (A1-36)' (A1-13) N

a) For lands known as A1-36 as shown on Map 29, Schedule "A" of this By-law.

b) **Permitted Uses**

- i) *Uses permitted in Subsection 7.1;*
- ii) *Underground brine solution extraction operation;*
- iii) *Commercial sale of brine solution;*
- iv) *Outside storage of brine and brine-water in above ground tanks and in earthen ponds;*
- v) *Outside storage of heavy equipment;*
- vi) *Accessory uses.*

c) **Permitted Buildings and Structures**

Those *buildings and structures permitted under Subsection 7.1;*

d) **Zone Provisions**

All *lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law with the exception of the following provisions applying to lands zoned (A1-36):*

- i) The *yard requirement for the earthen storage pond is defined as follows:*
  - a. *Minimum Front yard – 175 m;*
  - b. *Minimum Side yard – North side – 75 m;*
  - c. *Minimum Side yard – South side – 185 m;*
  - d. *Minimum Rear yard – 350 m.*
- ii) In addition to the *yard requirements for the earthen storage pond contained above, the capacity of the earthen storage pond shall not exceed 5,450,000 litres;*
- iii) The *construction or erection of any new buildings and structures or expansions to existing buildings and structures to be used for the permitted uses identified above in this by-law, but excluding those uses permitted under Subsection 7.1, shall require an amendment to this By-law.*

### 7.1.37 'AGRICULTURE EXCEPTION 37 (A1-37)' (A1-14) N

a) For lands known as A1-37 as shown on Map 31, Schedule "A" of this By-law.

b) **Permitted Uses**

- i) *Uses permitted in Subsection 7.1;*
- ii) *Trucking operation;*
- iii) *Accessory uses.*

c) **Permitted Buildings and Structures**

- i) *Buildings and structures for the permitted uses.*

d) **Zone Provisions**

All *lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:*

- i) The *trucking operation shall only be allowed to expand by a maximum of 20% of the total floor area of the building as it exists on the date of passing of this By- law.*
- ii) *Outside storage shall be limited to the area existing on the date of passing of this by-law and will not be allowed to expand.*

**7.1.38 'AGRICULTURE EXCEPTION 38 (A1-38)' (A1-15) N**

a) For lands known as A1-38 as shown on Map 32, Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Existing automobile wrecking establishment;
- ii) Accessory uses.

**c) Permitted Buildings and Structures**

- i) Existing Buildings and structures for the permitted uses.

**d) Zone Provisions**

All *lot* and *building* requirements for the *buildings* and *structures* associated with the automobile wrecking establishment *shall* be as they existed on the date of adoption of this By-law.

All other zone provisions of the (A1) zone *shall* apply to the subject lands.

**7.1.39 'AGRICULTURE EXCEPTION 39 (A1-39)' (A1-17) N**

a) For lands known as A1-39 as shown on Map 35, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* in Subsection 7.1 and in addition:

- i) A *farm machinery sales and service establishment*;
- ii) Accessory uses to the *permitted* uses.

**c) Permitted Buildings and Structures**

- i) *Buildings* and *structures* for the *permitted* uses.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions:

- i) *Minimum lot frontage* – 78 m;
- ii) *Minimum lot area* – 2.8 ha.

**7.1.40 'AGRICULTURE EXCEPTION 40 (A1-40)' (A1-20) N**

a) For lands known as A1-40 as shown on Map 1, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* for lands *zoned* (A1-40) will be limited to the following:

- i) *Residential use*;
- ii) Accessory uses to the *permitted* use.

**c) Permitted Buildings and Structures**

- i) One *multiple dwelling*;
- ii) One *single, detached residence*;
- iii) Accessory structures.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions applies to lands *zoned* (A1-40):

- i) *maximum dwelling units* in the *multiple dwelling* – 10 units;

- ii) *Minimum lot frontage* – 15 m;
- iii) parking – the *minimum* number of *parking spaces* *shall* be 1.5 *parking spaces* per *residential unit*.

**7.1.41 ‘AGRICULTURE EXCEPTION 41 (A1-41)’ (A1-22) N**

- a) For lands known as A1-41 as shown on Map 13 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses* for lands *zoned* (A1-41) are limited to the following:

- i) *Motorcycle parts, service and sales*;
- ii) *Outside storage*;
- iii) *Accessory uses to the permitted use*.

**c) Permitted Buildings and Structures**

- i) *Buildings and structures for the permitted uses*;
- ii) *Accessory structures*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions applies to lands *zoned* (A1-41):

- i) *Maximum floor area* for the motorcycle shop – as *existing* at the date of passing of the by-law;
- ii) *Outside storage* – as *existing* at the date of passing of the by-law.

**7.1.42 ‘AGRICULTURE EXCEPTION 42 (A1-42)’ (A1-25) N**

- a) For lands known as A1-42 as shown on Map 1, Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses* for lands *zoned* (A1-40) will be limited to the following:

- i) *Uses permitted* in Subsection 7.1;
- ii) *Existing contractor’s shop*;
- iii) *Existing storage facility*;
- iv) *Existing transport truck facility*;
- v) *Accessory uses to the permitted use*.

**c) Permitted Buildings and Structures**

- i) *Buildings for the permitted uses*;
- ii) *Accessory structures*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following special provisions applies to lands *zoned* (A1-42):

- i) *Transport truck parking and storage area* is restricted to the *existing* area used at the date of passing of this by-law;
- ii) *Minimum lot* and area requirements are as the *lot* is *existing* at the date of passing of this by-law.

**7.1.43 'AGRICULTURE EXCEPTION 43 (A1-43)' (A1-26) N**

a) For lands known as A1-43 as shown on Map 31 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses* *permitted* in Subsection 7.1.

**c) Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* under Subsection 7.1;

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following:

i) The *minimum lot area* of lands *zoned* (A1-43) *shall* be 15 hectares.

**7.1.44 – deleted by 17-2016**

**7.1.45 'AGRICULTURE EXCEPTION 45 (A1-45)' (A1-30) N**

a) For lands known as A1-45 as shown on Map 6, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *Uses* *permitted* in Subsection 7.1;

**c) Prohibited Uses**

i) Intensive livestock operation is prohibited on lands *zoned* (A1-45).

**d) Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* under Subsection 7.1;

**e) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following:

i) *Existing buildings and structures* on lands *zoned* (A1-45) *shall* not be *used* for intensive livestock operations.

**7.1.46 'AGRICULTURE EXCEPTION 46(A1-46)' (A1-31) N**

a) For lands known as A1-46 as shown on Map 17, Schedule "A" of this By-law.

**b) Permitted Uses**

*Permitted uses* for lands *zoned* (A1-46):

i) *Uses* *permitted* under Section 7.1;  
ii) A trucking operation.

**c) Permitted Buildings and Structures**

i) Those *buildings* and *structures* for the *permitted uses*.

**d) Zone Provisions**

All requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following *shall* apply to lands *zoned* (A1-46):

i) A *maximum* of 2 transport tractors *shall* be *parked* on site at one time;  
ii) A *maximum* of 2 transport trailers *shall* be *parked* on site at one time.

**7.1.47 'AGRICULTURE EXCEPTION 47 (A1-47)' (A1-32) N**

a) For lands known as A1-47 as shown on Map 3, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses permitted* in Subsection 7.1.

**c) Permitted Buildings and Structures**

*Buildings and structures for the permitted uses.*

**d) Prohibited Uses**

Intensive livestock is a prohibited *use* in the (A1-47) zone.

**e) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following:

i) In accordance with Section 3.1.20, a *maximum* of 2 *animal units* are *permitted* on lands zoned (A1-47).

**7.1.48 'AGRICULTURE EXCEPTION 48 (A1-48)' (A1-38) N**

a) For lands known as A1-48 as shown on Map 19, Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses permitted* in Subsection 7.1.

**c) Permitted Buildings and Structures**

*Those buildings and structures permitted* under Subsection 7.1;

**d) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following:

i) *Minimum front yard setback* (residence) – as it existed at the date of passing of this by-law;  
ii) *Minimum rear yard setback* (barn) – as it existed at the date of passing of this by- law;  
iii) *Maximum height* (barn) – as it existed at the date of passing of this by-law.

**7.1.49 – deleted by 17-2016**

**7.1.50 'AGRICULTURE EXCEPTION 50 (A1-50)' (A1-41) N**

a) For lands known as A1-50 as shown on Map 9, Schedule "A" of this By-law.

**b) Permitted Uses**

i) Those *uses permitted* in Subsection 7.1;  
ii) The sorting, refining, blending and composting of *greenhouse* by-products for the purpose of redistribution into the market.

**c) Permitted Buildings and Structures**

*Buildings and structures for the permitted uses.*

**d) Zone Provisions**

All *lot and building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following:

- i) By-products *may* include man made mineral fiber (rock wool), vines (including fruits and vegetables *attached* thereto), cocoa and other similar materials but *shall not* include raw *greenhouse waste*, including but not limited to fruits and vegetables, except in accordance with *normal farm practices* and in compliance with applicable regulations and protocols, non bio-degradable material (excluding materials incidental to the agricultural process), fish waste or any hazardous materials and chemicals;
- ii) *Buildings and structures* associated with the sorting, refining, blending and composting of *greenhouse* by-products for the purpose of redistribution are subject to site plan control.

**7.1.51 – deleted by 17-2016**

**7.1.52 ‘AGRICULTURE EXCEPTION 52 (A1-52)’**

- a) For lands shown as A1-52 on Map 9 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 7.1 Agriculture (A1).

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* in Section 7.1.

**d) Zone Provisions**

Notwithstanding Subsection 7.1 Zone Provisions, the following *shall* apply to lands within the A1-52 zone:

- i) *Minimum Lot area* - 7,000 m<sup>2</sup>;
- ii) *Minimum Lot frontage* - 100 meters;
- iii) *Minimum Front yard Setback* - 20 meters;
- iv) *Minimum Interior Side yard* - 1.5 meters;
- v) *Minimum Exterior Side yard* - 15 meters;
- vi) *Maximum Height of All Buildings/structures* - 10 meters.

**e) Holding (H) Provision**

- i) Soil testing with necessary approvals, and if deemed *required*, remediation of the soil, will be *required* prior to the removal of the ‘Holding (h)’ provision;
- ii) In addition, a site plan agreement authorized by Council will be *required* prior to the removal of the ‘Holding(h)’ provision.

**7.1.52 ‘AGRICULTURE EXCEPTION 53 (A1-53)’ (87-2013) (Platinum Acres)**

- a) For lands known as A1-53 as shown on Map 59, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* in Subsection 7.1;
- ii) agricultural products packaging and shipping.

**c) Permitted Buildings and Structures**

- i) *Buildings and structures* for the *permitted uses*;
- ii) agricultural products packaging and shipping.

**d) Zone Provisions (AMENDED BY By-law 72-2021)**

Notwithstanding Subsection 7.1 Zone Provisions, the following *shall* apply to lands within the A1-52 zone:

- i) *Minimum Lot area* - 6,400 m<sup>2</sup>;

- ii) *Minimum Lot frontage - 50 meters.*

**7.1.53 'AGRICULTURE EXCEPTION 54 (A1-54)' (78-2014)**

- a) For lands known as A1-53 as shown on Map 49, Schedule "A" of this By-law.

**b) *Permitted Uses***

- i) Those *uses permitted* under Section 7.1 *Agriculture Zone 1 (A1)*;
- ii) Notwithstanding the provisions of Section 7.1 of By-law No. 1-2014 to the contrary an additional *permitted use* described as a *Transport Terminal* *shall be permitted*. For further clarity a *Transport Terminal* on lands Zoned A1-54 *shall be limited to the storing, parking and dispatching of freight-carrying trucks and further limited to the transportation of agricultural products including but not necessarily limited to locally grown produce, grain and seed.*

**c) *Permitted Buildings and Structures***

- i) Those *buildings and structures permitted* under Section 7.1 in the (A1) *Zone*;
- ii) *Buildings and structures accessory to the permitted uses.*

**d) *Zone Provisions***

- i) All *lot and building requirements* for the *permitted buildings and structures shall be in accordance with Section 7.1.;*
- ii) Notwithstanding the provisions of By-law No. 1-2014 to the contrary, a *Transport Terminal as permitted* in clause (b)ii) above, *shall*:
  - a) Be subject to an executed site plan control agreement between the landowner, and the *Corporation*;
  - b) Be limited to an area not to exceed 0.6 ha (1.5 ac.), and
  - c) Have all other applicable provision of this By-law be in compliance.

#### 7.1.54 'AGRICULTURE EXCEPTION 55 (A1-55)' (95-2014)

- a) For lands known as A1-55 as shown on Map 4, Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Uses *permitted* in Subsection 7.1;
- c) **Permitted Buildings and Structures**
  - i) Those *buildings* and *structures* *permitted* under Subsection 7.1 in the (A1) *Zone*;
  - ii) *Buildings* and *structures* *accessory* to the *permitted* uses.

##### d) **Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 7.1 of this By-law with the exception of the following provisions applying to the lands Zoned (A1-55):

- i) *Minimum lot area* – 2.9 ha (7.1 ac.)

#### 7.1.55 'AGRICULTURE EXCEPTION 56 (T- A1-56)' (78-2015)

- a) For lands known as A1-56 as shown on Map 56, Schedule "A" of this By-law.
- i) Notwithstanding the provisions of Subsection 4.19 of By-law No. 1-2014 to the contrary, a *home industry* *shall* include an *automobile repair establishment* as defined in the by-law and for which the following *shall* apply:
  - a) The size of an *automobile repair establishment* *shall* not exceed 180 sq. m;
  - b) The storage of unplated or derelict *vehicles* is prohibited;
  - c) The storage of licensed *vehicles* is limited to those *vehicles* being repaired and returned to the *vehicle's* owner;
  - d) All other applicable provisions of Section 4.19 *shall* be in compliance.
- ii) The authorization of the temporary *use* *shall* lapse on July 13, 2016.

#### 7.1.56 'AGRICULTURE EXCEPTION 57 (A1-57)' (103-2015)

- a) For lands shown as A1-57 on Map 53 (County Road 34 E) Schedule "A" of this By-law.

##### b) **Permitted Uses**

Those uses *permitted* under Section 7.1

##### c) **Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* under Section 7.1 in the (A1) *Zone*; *Buildings* and *structures* *accessory* to the *permitted* uses.

##### d) **Zone Provisions**

Notwithstanding any provisions of By-law 1-2014, as amended, the lands subject to the A1-57 special provisions *shall* be deemed to be a single *lot* or *parcel* of land for zoning purposes.

**7.1.57 'AGRICULTURE EXCEPTION 58 (A1-58)' (104-2015)**

- a) For lands shown as A1-58 on Map 49 (Albuna Townline) Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses *permitted* under Section 7.1
- c) **Permitted Buildings and Structures**  
*A garden suite or a secondary dwelling unit;*  
Those *buildings* and structures *permitted* under Section 7.1 in the (A1) *Zone*;  
*Buildings* and structures *accessory* to the *permitted* uses.
- d) **Zone Provisions**
  - vii) *Minimum lot area* - 0.39 ha
  - viii) *Minimum lot frontage* - 39 m
  - ix) *Minimum side yard for a garden suite or secondary dwelling unit* - 3 m
  - x) *Minimum rear yard for a garden suite or secondary dwelling unit* - 3 m

**7.1.58 'AGRICULTURE EXCEPTION 59 (A1-59)' (29-2016)**

- a) For lands shown as A1-59 on Map 4 Schedule "A" of this By-law.
- b) **Permitted Uses**  
Those uses *permitted* under Section 7.1
- c) **Permitted Buildings and Structures**  
Those *buildings* and structures *permitted* under Section 7.1 in the (A1) *Zone*; *Buildings* and structures *accessory* to the *permitted* uses.
- d) **Zone Provisions**
  - i) *Minimum lot area* – 1.6 ha
  - ii) *Minimum lot frontage* - 60 m

**7.1.59 ‘AGRICULTURE EXCEPTION 59 (A1-59)’ (31-2017)**

a) For lands shown as A1-59 on Map 43 Schedule “A” of this By-law.

**b) Permitted Uses**

Those uses *permitted* under Section 7.1 (Rural Residential)

**c) Permitted Buildings and Structures**

Those *buildings* and structures *permitted* under Section 7.1 (Rural Residential) in the (A1) *Zone*;

*Buildings* and structures *accessory* to the *permitted* uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law with the exception of the following special provisions:

i) The maximum permitted height of one accessory building shall be 7.6 m;  
ii) The maximum accessory building coverage shall be 15%;

Notwithstanding any other provisions of this by-law to the contrary the outdoor storage or display of raw material or finished product shall be prohibited.

**7.1.61 ‘AGRICULTURE ZONE 1 EXCEPTION 61 (A1-61)’ (11-2018)**

a) For lands shown as A1-61 on Map 44 Schedule “A” of this By-law.

**b) Permitted Uses**

Those uses permitted under Section 7.1

**c) Permitted Buildings and Structures**

Those buildings and structures permitted under Section 7.1 *Buildings* and structures *accessory* to the *permitted* uses

**d) Zone Provisions**

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, the lands zoned A1-61 shall be deemed to be a single existing lot or parcel of land for zoning purposes.

### **7.1.62 'AGRICULTURE ZONE 1 EXCEPTION 62 (A1-62)' (32, 33 & 84-2018)**

**a)** For lands shown as A1-62 on Map 53 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, the lands zoned A1-62 and/or A1-57 in combination shall be deemed to be a single existing lot or parcel of land for zoning setback purposes.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-62 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-62;
- iii) Item g) is deleted and replaced as follows:
  - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
  - b. an MMPF processing area shall be located a minimum of 65 m from an existing off-site residential use;
  - c. item g) shall not be applicable to an on-site bunkhouse.

All other items listed under Section 4.46 remain applicable to lands zoned A1-62.

### **7.1.63 'AGRICULTURE ZONE 1 EXCEPTION 63 (A1-63)' (33 & 84-2018)**

- a) For lands shown as A1-63 on Map 48 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those uses permitted under Section 7.1;
  - ii) A medical marihuana production facility (MMPF)
- c) Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
  - ii) Buildings and structures accessory to the permitted uses.
- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-63 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-63;
- iii) Item g) shall not be applicable to on-site residential uses including a bunkhouse on the lands zoned A1-63.
- iv) Item g) shall not be applicable to an existing off-site residential use located on lands at 1158 Road 3 E and used as part of the lands zoned A1-63.

All other items listed under Section 4.46 remain applicable to lands zoned A1-63.

### **7.1.64 'AGRICULTURE ZONE 1 EXCEPTION 64 (A1-64)' (34 & 84-2018)**

- a) For lands shown as A1-64 on Map 48 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those uses permitted under Section 7.1;
  - ii) A medical marihuana production facility (MMPF)
- c) Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
  - ii) Buildings and structures accessory to the permitted uses.
- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-64 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- a. Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF is permitted
- b. Items d), e) and i) are not applicable to lands zoned A1-64;
- c. Item g) shall not be applicable to on-site or off-site residential uses including bunkhouses under the same ownership of an individual or corporation of the lands zoned A1-64.

All other items listed under Section 4.46 remain applicable to lands zoned A1-64.

#### **7.1.65 'AGRICULTURE ZONE 1 EXCEPTION 65 (A1-65)' (52 & 84-2018)**

- a) For lands shown as A1-65 on Map 48 Schedule "A" of this By-law.

- b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
    - ii) A medical marihuana production facility (MMPF)

- c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
    - ii) Buildings and structures accessory to the permitted uses.

- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-65 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used, as part of an Air Treatment Control system, must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-65;

- iii) Item g) shall not be applicable to on-site residential uses including a bunkhouse on the lands zoned A1-65.
- iv) Item g) shall not be applicable to existing off-site residential uses located on lands at 1533, 1535, 1539 and 1543 County Road 34 E and associated with the lands zoned A1-65.

All other items listed under Section 4.46 remain applicable to lands zoned A1- 65.

#### **7.1.66 'AGRICULTURE ZONE 1 EXCEPTION 66 (A1-66)' (63-2018)**

- a) For lands shown as A1-66 on Map 53 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those uses permitted under Section 7.1;
  - ii) A medical marihuana production facility (MMPF)
- c) **Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
  - ii) Buildings and structures accessory to the permitted uses.
- d) **Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-66 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-66;
- iii) Item g) shall not be applicable to on-site residential uses including a bunkhouse on the lands zoned A1-66.

All other items listed under Section 4.46 remain applicable to lands zoned A1-66.

#### **7.1.67 'AGRICULTURE ZONE 1 EXCEPTION 67 (A1-67)' (64 & 84-2018)**

- a) For lands shown as A1-67 on Map 40 Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those uses permitted under Section 7.1;
  - ii) A medical marihuana production facility (MMPF)
- c) **Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
  - ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-67 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-67;
- iii) Item g) shall not be applicable to on-site residential uses including a bunkhouse on the lands zoned A1-67.

All other items listed under Section 4.46 remain applicable to lands zoned A1-67.

### **7.1.68 ‘AGRICULTURE ZONE 1 EXCEPTION 68 (A1-68)’ (65-2018)**

**a)** For lands shown as A1-68 on Map 47 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-68 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-68;
- iii) Item g) shall not be applicable to on-site residential uses including a bunkhouse on the lands zoned A1-68.

All other items listed under Section 4.46 remain applicable to lands zoned A1-68.

### **7.1.69 ‘AGRICULTURE ZONE 1 EXCEPTION 69 (A1-69)’ (74-2018)**

**a)** For lands shown as A1-69 on Map 52 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-69 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- iv) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- v) Items d), e) and i) are not applicable to lands zoned A1-69;
- vi) Item g) is deleted and replaced as follows:
  - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
  - b. item g) shall not be applicable to an on-site bunkhouse.

All other items listed under Section 4.46 remain applicable to lands zoned A1-69.

**7.1.70 'AGRICULTURE ZONE 1 EXCEPTION 70 (A1-70)'**

- a) For lands shown as A1-70 on Map 53 Schedule "A" of this By-law.**

- b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

- c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-70 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-70;
- iii) Item g) is deleted and replaced as follows:
  - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
  - b. item g) shall not be applicable to an on-site bunkhouse or off-site dwelling under the same ownership as the lands zoned A1-70.

All other items listed under Section 4.46 remain applicable to lands zoned A1-70.

#### **7.1.71 'AGRICULTURE ZONE 1 EXCEPTION 71 (A1-71)' (95-2018)**

- a) For lands shown as A1-71 on Map 44 Schedule "A" of this By-law.

- b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
  - ii) A medical marihuana production facility (MMPF)

- c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
  - ii) Buildings and structures accessory to the permitted uses.

- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-71 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-71;
- iii) Item g) is deleted and replaced as follows:
  - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
  - b. item g) shall not be applicable to an on-site bunkhouse or off-site dwelling under the same ownership as the lands zoned A1-71.

All other items listed under Section 4.46 remain applicable to lands zoned A1-71.

#### **7.1.72 'AGRICULTURE ZONE 1 EXCEPTION 72 (A1-72)' (96-2018)**

- a) For lands shown as A1-71 on Map 44 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-72 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-72;
- iii) Item g) is deleted and replaced as follows:
  - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
  - b. item g) shall not be applicable to an on-site bunkhouse or off-site dwelling under the same ownership as the lands zoned A1-72.

All other items listed under Section 4.46 remain applicable to lands zoned A1-72.

**7.1.73 – withdrawn**

**7.1.74 ‘AGRICULTURE ZONE 1 EXCEPTION 74 (A1-74)’ (33-2019)**

**a) For lands shown as A1-74 on Map 48 Schedule “A” of this By-law.**

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-74 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-74;

All other items listed under Section 4.46 remain applicable to lands zoned A1-74.

**7.1.75** - deferred

**7.1.76** - deferred

**7.1.77** - refused

**7.1.78 'AGRICULTURE ZONE 1 EXCEPTION 78 (A1-78)' (90-2019)**

- a) For lands shown as A1-78 on Map 49 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those uses permitted under Section 7.1 (Rural Residential);
  - ii) A bunkhouse accessory to a greenhouse located at 1755 Road 4 E (County Road 18)
- c) Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 (Rural Residential) in the (A1) zone;
  - ii) A bunkhouse
  - iii) Buildings and structures accessory to the permitted uses.
- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law with the exception of the following special provisions;

  - i) The minimum required easterly side yard setback shall be 25 m;

### **7.1.79 'AGRICULTURE ZONE 1 EXCEPTION 79 (A1-79)'**

- a) For lands shown as A1-79 on Map 23 Schedule "A" of this By-law.**
- b) Permitted Uses**
  - i) Those uses permitted under Section 7.1;
  - ii) A cannabis production facility (CPF)
- c) Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
  - ii) Buildings and structures accessory to the permitted uses.
- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-79 a cannabis production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed CPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible cannabis odour or transmission of odour control agents beyond the property line.

Odour control agents used as part of an Air Treatment Control system must be approved for use by Health Canada or demonstrate no negative impact to the satisfaction of the Town.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a CPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-79;
- iii) Item g) is deleted and replaced as follows:
  - a. item g) shall not be applicable to an on-site bunkhouse.

All other items listed under Section 4.46 remain applicable to lands zoned A1-79.

**7.1.80 'AGRICULTURE ZONE 1 EXCEPTION 80 (A1-80)'**

a) For lands shown as A1-80 on Map 53 Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1 (Rural Residential);
- ii) A non-accessory bunkhouse;

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 (Rural Residential) in the (A1) zone;
- ii) A non-accessory bunkhouse in an existing single detached dwelling in the A1-80 zone;
- iii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

**7.1.81 'AGRICULTURE EXCEPTION 81 (A1-81)' (By-law 105-2020)**

a) For lands shown as A1-81 on Map 52 (Graham Side Road) Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) Zone;
- ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

Notwithstanding any provisions of By-law 1-2014, as amended, the lands subject to the A1-81 special provisions shall be deemed to be a single lot or parcel of land for zoning purposes.

**7.1.82 'AGRICULTURE EXCEPTION 82 (A1-82)' (By-law 1-2021)**

a) For lands shown as A1-82 on Map 30 (County Rd 14 E) Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those uses permitted under Section 7.1 (a)

**c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 (b)
- ii) One Secondary Dwelling Unit
- iii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

Notwithstanding Section 4.35.1 v. and vi. of By-law 1-2014, as amended, the following shall apply to the lands subject to the A1-82 Exception:

- i) Maximum area of a secondary dwelling unit not to exceed 43% of the total building area of the existing and proposed buildings.
- ii) Maximum number of bedrooms – three (3)

**7.1.83 ‘AGRICULTURE EXCEPTION 83 (A1-83)’ (By-law 47-2021)**

**a)** For lands shown as A1-83 on Map 23 on Schedule “A” of this By-law.

**b) Permitted Uses**

i) Those uses permitted under Section 7.1 (a)

**c) Permitted Buildings and Structures**

i) Those buildings and structures permitted under Section 7.1 (b)

ii) One Secondary Dwelling Unit.

iii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

i) All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 7.1 of this By-law.

**7.1.84 ‘AGRICULTURE EXCEPTION 84 (A1-84)’ (By-law 58-2021)**

**a)** For lands shown as A1-84 on Map 44 on Schedule “A” of this By-law.

**b) Permitted Uses**

i) Those uses permitted under Section 7.1 (a)

**c) Permitted Buildings and Structures**

i) Those buildings and structures permitted under Section 7.1 (b)

ii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

Notwithstanding any other provisions of the by-law to the contrary the minimum lot frontage shall be 24 m, minimum.

**7.1.85 ‘AGRICULTURE ZONE 1 EXCEPTION 85 (A1-85)’ (By-law 58-2022; 59-2022 and 60-2022)**

**a)** For lands shown as A1-85 on Map 53 Schedule “A” of this By-law.

**b) Permitted Uses**

i) Those uses permitted under Section 7.1 (Rural Residential);

ii) A non-accessory bunkhouse;

**c) Permitted Buildings and Structures**

i) Those buildings and structures permitted under Section 7.1 (Rural Residential) in the (A1) zone;

ii) A non-accessory bunkhouse in an existing single detached dwelling in the A1-85 zone;

iii) Buildings and structures accessory to the permitted uses.

**d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

**7.1.86 'AGRICULTURE EXCEPTION 86 (A1-86)' (By-law 89-2021)**

- a) For lands shown as A1-86 on Map 61 (Seacliff Drive) Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those uses permitted under Section 7.1 (Rural Residential)
  - ii) Agriculture-related storage in combination with agriculture-related office space
- c) **Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 (Rural Residential) in the (A1) Zone;
  - ii) A building for agriculture-related storage in combination with agriculture-related office space;
  - iii) Buildings and structures accessory to the permitted uses.
- d) **Zone Provisions**

Notwithstanding any provisions of By-law 1-2014 to the contrary the following shall apply:

  - i) Total lot coverage for all buildings and structures shall be limited to 30%, and
  - ii) Section 4.2 g), h) and i) shall not apply.

**7.1.87 'AGRICULTURE EXCEPTION 87 (A1-87)' (By-law 33-2022)**

- a) For lands shown as A1-87 on Map 45 (1483 Road 4 W) Schedule "A" of this By-law.
- b) **Permitted Uses**

Those uses permitted under Section 7.1 (a)
- c) **Permitted Buildings and Structures**
  - i) Those buildings and structures permitted under Section 7.1 (b) One Secondary Dwelling Unit
  - ii) Buildings and structures accessory to the permitted uses.
- d) **Zone Provisions**

Notwithstanding Section 4.35.1 v. and vi. of By-law 1-2014, as amended, the following shall apply to the lands subject to the A1- 87 Exception:

  - i) Maximum area of a secondary dwelling unit not to exceed 43% of the total building area of the existing and proposed buildings.
  - ii) Maximum number of bedrooms one (1)

SUBSECTION 7.2		AGRICULTURE - RESTRICTED (A2) (retained farmland)
<b>a) Permitted Uses</b>		
i) <b>Main use</b>	<i>Agriculture</i> <i>Agriculture research stations</i> <i>Agricultural operations</i> <i>Agricultural Operations, intensive</i> <i>Commercial retail</i> <i>Winery</i> <i>Farm produce outlet</i> <i>Farm produce processing facilities</i> <i>Greenhouses</i> <i>Hunting/gaming/wildlife preserves</i> <i>Intensive livestock</i>	<i>Landing strip and flying clubs</i> <i>Nursery or landscaping facility</i> <i>Orchards</i> <i>Roadside stand</i> <i>Riding stables</i> <i>Specialty crop as defined by Provincial Evaluation procedures</i> <i>Tree farms</i> <i>Wayside pits and quarries</i> <i>Winery</i>
ii) <b>Accessory use</b>	<i>Aviary or establishment for the raising/breeding of fish, poultry or fur bearing animals</i> <i>Accessory uses to greenhouses</i> <i>Accessory uses to Agricultural Uses, excluding a dwelling; Boarding, lodging, and rooming – house Agricultural;</i> <i>Fruit and vegetable stand;</i> <i>Farm market;</i> <i>Retail component</i>	
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted Buildings and Structures</b>	<i>Accessory structures</i> <i>Agricultural buildings</i> <i>Dog kennels</i> <i>Farm market in compliance with iv) below</i> <i>Fruit and vegetable stand in compliance with iv) below</i> <i>Greenhouses and associated structures</i> <i>Oil doreys</i>	
<b>c) Regulations</b>		
	Agricultural Regulations	Specialty Crops/Greenhouses All Other Uses
i) <b>Lot area (minimum)</b>	40 ha (100 ac.)	16 ha (39.5 ac.) or 2 ha (5 ac.) for an <i>existing</i> greenhouse operation where a <i>minimum</i> of 0.4 ha of greenhouse exists
ii) <b>Lot frontage (minimum)</b>	30 m (100 ft)	25 m (ft)
iii) <b>Interior Side yard (minimum)</b>	3 m (10 ft)	
iv) <b>Front yard Setback (min.)</b>	15 m (50 ft)	
v) <b>Exterior Side yard (minimum)</b>	4.5 m (15 ft)	

vi) <b>Rear yard</b> (minimum)	15 m (50 ft)		
vii) <b>Lot coverage</b> (maximum)	10 % including all accessory buildings and structures	30% including all accessory buildings and structures	80% including all accessory buildings and structures
viii) <b>Main building Height</b> (maximum)	10 m (33 ft.)	7.0 m (23 ft.)	15 m (50 ft.)
ix) <b>Accessory structure height</b> (maximum)	15 m (50 ft.)	See Section 4.2(h)	15 m (50 ft.)

#### d) SUPPLEMENTAL REGULATIONS

Notwithstanding any other provisions of the By-law to the contrary, the following provisions shall also apply to a greenhouse facility:

- a) *Lot frontage:* 60 m or as shown on an approved site plan demonstrating adequate setbacks and buffering from abutting sensitive land uses but at no time less than 30 m, minimum;
- b) *Front yard:* 20 m, minimum
- c) *Interior side yard:* 3 m or equal to the height of the sidewall of the greenhouse, whichever is greater, when abutting a sensitive land use 15 m, minimum;
- d) *Rear yard:* 5 m;
- e) *Lot coverage (maximum):* 80%;
- f) *Landscaped Open Space:* 25%, minimum of the required front yard setback area
  - i) A single detached dwelling or secondary dwelling unit accessory to a permitted use is prohibited on lands zoned 'Agriculture – Restricted (A2)'
  - ii) Prohibited uses, structures and buildings: *mobile homes* and RV's for the purpose of living accommodations.
  - iii) 60 % of the goods and materials sold in the fruit and vegetable stand or farm market are grown on the property where the fruit and vegetable stand or farm market is placed.
  - iv) The following supplementary regulations *shall* also apply to lands zoned (A2):
    - Subsection 3: Definitions
    - Subsection 4: General Provisions (ie: *Home occupations*)
    - Subsection 5: Parking Regulations
  - vi) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
    - 1. *Natural Environment Zone* – Subsection 11.1;
    - 2. *Wetland Zone* – Subsection 11.2, &
    - 3. *ERCA Floodplain Development Control Area*

By-law  
89-2019

## **7.2 e) AGRICULTURE - RESTRICTED EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory* thereto *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

1. That Section 7.2 of By-law 1-2014 be amended by adding the following Subsection 7.2.1, *Agriculture – Restricted Exception 1* (A2-1):

### **7.2.1 'AGRICULTURE – RESTRICTED EXCEPTION 1' (A2-1) (By-law 71-2018)**

- a) For lands shown as A2-1 on Map 52, Schedule "A" of this By-law.

#### **b) Permitted Uses**

Notwithstanding subsection 7.2 a) ii) or 7.2 d) ii) of this by-law to the contrary, a bunkhouse accessory to a permitted greenhouse is a permitted accessory use.

### **7.2.1 'AGRICULTURE – RESTRICTED EXCEPTION 1' (A2-1) (By-law 10-2020)**

- a) For lands shown as A2-1 on Map 63, Schedule "A" of this By-law.

Notwithstanding any other provision of the by-law to the contrary the following shall apply to lands zoned A2-1:

- i) *Minimum Lot frontage* shall be 15.24 m (50 ft.)

### **7.2.1 'AGRICULTURE – RESTRICTED EXCEPTION 2' (A2-2) (By-law 14-2021)**

- a) For lands shown as A2-2 on Map 30, Schedule "A" of this By- law.

Notwithstanding any other provision of the by-law to the contrary the following shall apply to lands zoned A2-2:

- i) *Minimum Lot frontage* shall be 15.24 m (50 ft.)

## SECTION 8 Commercial Zone Provisions

SUBSECTION 8.1 NEIGHBOURHOOD COMMERCIAL (C1)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Commercial, Neighbourhood (See Definition 3.3.19)</i>
ii) <b>Accessory use</b>	Residential <i>Unit</i> in a <i>commercial building</i> in accordance with Subsection 4.3 c) of this by-law <i>Enclosed storage</i> One residential <i>unit</i>
iii) <b>Prohibited Uses</b>	<i>Outdoor storage</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted buildings and structures</b>	<i>Existing buildings</i> <i>Commercial building</i>
<b>c) Regulations</b>	
i) <b>Lot area (minimum)</b>	465 m <sup>2</sup> ;
ii) <b>Lot frontage (minimum)</b>	15 m
iii) <b>Front yard (minimum)</b>	0 m
iv) <b>Rear Yard (minimum)</b>	7.5 m
v) <b>Interior Side yard (minimum)</b>	a) 2 m when adjacent a <i>commercial zone</i> ; b) 2 m plus 1 m for each floor above the first floor when adjacent a <i>residential zone</i> .
vi) <b>Exterior Side yard (minimum)</b>	3 m
vii) <b>Accessory structure regulations:</b>	a) must be located behind the front face of the <i>main building</i> ; b) <i>maximum 1 storey in height</i> ; c) <i>a maximum of 10% lot coverage</i> ; d) must have sufficient clearance for emergency access to the main;

#### d) Supplementary Regulations

- i) *Outside storage is only permitted within an enclosed area.*
- ii) *Outside, enclosed storage, if it contains combustible materials (ie Propane tanks) must be setback 20 m from the side lot line adjacent an Education (EG) Zone and any Residential zones or a sensitive land use defined by MOE.*
- iii) *Each commercial building shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.*
- iv) *A drive-through restaurant or drive-through food outlet shall not be permitted on an interior lot when adjacent to residential land use.*
- v) *Accessory Residential Units:*
  - i) *shall be located behind the commercial on the main floor or above the commercial uses;*
  - ii) *shall comprise a maximum of 75% of the total building floor area;*
  - iii) *shall have a separate entrance from the commercial business;*
  - iv) *shall have parking in compliance with Subsection 5 of this By-law.*
- vi) *The following supplementary regulations shall also apply to lands zoned (C1):*
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- vii) *Subsection 4.15 Floodplain Development Control Area shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":*
  - 1. *Natural Environment Zone – Subsection 11.1;*
  - 2. *Wetland Zone – Subsection 11.2, &*
  - 3. *ERCA Floodplain Development Control Area*

#### Subsection 8.1 e) NEIGHBOURHOOD COMMERCIAL (C1) EXCEPTIONS

Where there is a conflict between the provisions of this subsection and the provisions of the zone category, the provision(s) of this subsection apply; otherwise the other zone category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* shall also be *permitted*, subject to the provisions of the zone category and any other provisions of this by-law applicable to such *accessory use*.

### **8.1.1 'NEIGHBOURHOOD COMMERCIAL EXCEPTION 1 (C1-1)' (28-2016)**

For lands shown as C1-1 on Map 64-1 (970 Heritage Road) Schedule "A" of this By-law.

**a) Main Uses;**

Bakery  
Convenience Store  
Day Nursery  
Office  
Personal Service Establishment

**b) Accessory Uses;**

Residential unit  
Enclosed storage

**c) Permitted Buildings and Structures;**

Existing Buildings  
Commercial building

**d) Zone Provisions;**

- i. Minimum front yard – 2 m for an existing building, otherwise 5 m
- ii. Minimum interior side yard – as given on the date of passing
- iii. Minimum exterior side yard - 4 m for an existing building, otherwise 26 m from the center line of the Heritage Road road allowance
- iv. Minimum rear yard – 7.6 m

### **8.1.2 'NEIGHBORHOOD COMMERCIAL EXCEPTION 2 (C1-2(h))'**

**(as per OMB Order PL 140547)**

No person shall, within the (C1-2(h)) zone, use any lot or erect, alter or use any buildings or structure except in accordance with the following regulations:

**a) Permitted Uses**

Those uses *permitted* under Section 8.1 (a) including the following:

- i) Convenience store;
- ii) Office;
- iii) Commercial School;
- iv) Day Nursery;
- v) Light Repair Shop (exclusive of lawn and garden equipment and scooters);
- vi) Medical Office;
- vii) Personal Service Shop;
- viii) Professional Studio;
- ix) Retail Store (exclusive of motor vehicles or heavy machinery sales and service);
- x) Restaurant or Take-out Food Outlet;
- xi) Veterinary clinic with indoor facilities only.

**b) Permitted Buildings and Structures**

Those *buildings and structures associated with the permitted uses under Section 8.1.1(a)*

**c) Zone Provisions**

Notwithstanding provisions under Section 8.1.1 the following provisions shall also apply to lands zoned (C1-2(h)):

- a) The Holding (h) provision will be removed by phase after authorization of a development agreement by Council."

**SUBSECTION 8.2****CENTRAL COMMERCIAL (C2)****a) Permitted Uses**

i) <b>Main use</b>	<p>appliance sales and service;  <i>art studio</i> and <i>art gallery</i>;  <i>assembly hall</i>, convention or conference hall;  <i>automobile service</i> establishments (<i>existing</i>);  automotive parts and supplies store;  <i>automatic car wash and detailing</i>;  <i>bakery</i> and <i>bakeshop</i>;  <i>boarding house and rooming house buildings</i> and service supply store;  <i>coin-operated car wash</i> convenience store;  <i>craft studio</i>;  <i>dental clinic</i>;  <i>drive-through facility</i> (<i>restaurant</i> or <i>financial</i>);  <i>existing residential use</i>;  <i>financial institutions</i>;</p>	<p><i>Fitness centre</i>  <i>funeral home</i> and <i>rest parlour</i>;  <i>gas bar</i> and <i>service station</i>;  <i>grocery store</i>;  <i>home supply</i> and <i>hardware store</i>;  <i>home supply specialty shop</i>;  <i>hotel or inn</i>;  <i>institutional use</i>;  <i>medical clinic</i>;  <i>municipal, provincial or federal government</i> office;  <i>personal service shop</i>;  <i>physio/chiropractic/naturopathic clinic</i>;  <i>places of amusement/entertainment/ recreation</i>;  <i>plumbing and plumbing supply facility</i>;  <i>public and municipal use</i>;  <i>private or public clubs</i> and <i>meeting hall</i>;  <i>restaurants</i> and/or <i>tavern</i>;  <i>retail store</i>;  <i>school</i>, <i>educational institution</i>, <i>trade school</i>;  <i>small goods repair shop</i>;  <i>temporary outdoor vendor</i>;  <i>veterinary clinic</i>;</p>
ii) <b>Accessory use</b>		<p><i>Enclosed storage</i>  <i>Residential Unit</i> in a <i>commercial building</i> in accordance with Subsection 4.3 c) of this by-law  <i>Outside display</i> and <i>sale</i> of goods and materials  <i>Outdoor patio accessory</i> to a <i>restaurant/bar</i>  <i>Accessory uses</i></p>

**b) Permitted Buildings and Structures**

i) <b>Permitted buildings and structures:</b>	<p><i>Existing buildings</i>;  <i>Commercial buildings</i>;  <i>Mixed Use buildings</i> containing <i>commercial</i> and <i>residential</i> uses in accordance with Subsection 4.3 c) of this by-law.</p>
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**c) Regulations**

i) <b>New building regulations:</b>	<p>a) <i>Front yard</i>: established <i>building line</i>;  b) <i>Building height</i>: average <i>height</i> of adjacent <i>buildings</i> or to a <i>maximum</i> of three <i>storeys</i> or 16.5 m (54 ft);</p>
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	<ul style="list-style-type: none"> <li>c) <i>Exterior Side yard</i>: established <i>building</i> line or 3 m (10 ft);</li> <li>d) <i>Interior Side yard</i>: 0 m <i>interior side yard</i> where infilling between two <i>buildings</i> at a 0m <i>interior side yard</i>; or 4.5 m when abutting an <i>existing residential land use</i>;</li> <li>e) <i>Rear yard</i>: established <i>building</i> line or 4.5 m (15ft) where abutting a <i>residential land use</i>.</li> </ul>
ii) <b>Accessory structure regulations:</b>	<ul style="list-style-type: none"> <li>a) must be located behind the front face of the <i>main building</i>;</li> <li>b) <i>maximum 1 storey in height</i>;</li> <li>c) <i>a maximum of 10% lot coverage</i>;</li> <li>d) must have sufficient separation clearance for emergency access to the <i>main building</i>.</li> </ul>
<b>d) Supplementary Regulations</b>	
i)	<i>Outside storage</i> is only <i>permitted</i> within an enclosed area.
ii)	<i>Each commercial building shall</i> be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.
iii)	<i>A drive-through restaurant or drive-through food outlet shall</i> not be <i>permitted</i> on an interior lot when adjacent to residential land use.
iv)	<i>Accessory Residential Units</i> :
	<ul style="list-style-type: none"> <li>i) <i>shall</i> be located behind the <i>commercial use</i> on the main floor or above the <i>commercial uses</i>;</li> <li>ii) <i>shall</i> comprise a <i>maximum of 75%</i> of the total <i>building floor area</i>;</li> <li>iii) <i>shall</i> have a separate entrance from the <i>commercial business</i>;</li> <li>v) <i>shall</i> have parking in compliance with Subsection 5 of this By-law.</li> </ul>
v)	The following supplementary regulations <i>shall</i> also apply to lands zoned (C2): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations
vi)	<i>Subsection 4.15 Floodplain Development Control Area shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": 1. <i>Natural Environment Zone</i> – Subsection 11.1; 2. <i>Wetland Zone</i> – Subsection 11.2,& 3. <i>ERCA Floodplain Development Control Area</i>

## **Subsection 8.2 e) CENTRAL COMMERCIAL (C2) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory* thereto *shall also be permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

### **8.2.1 'GENERAL COMMERCIAL EXCEPTION 1 (C2-1)' (C1-3) GN**

- a) For lands shown as C2-1 on Map 6, Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Subsection 8.2 a) Central Commercial (C2); or
  - ii) A *maximum* of 5 residential *units* within the *existing building*: 2 *units maximum* are *permitted* on the main floor;
  - iii) One *detached residence*.
- c) **Permitted Buildings and Structures**

Those *buildings and structures* for the *permitted uses* under Section 8.1.
- d) **Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings and structures* *shall be in accordance with the regulations of this (C2) By-law*.

### **8.2.2 'GENERAL COMMERCIAL EXCEPTION 2 (C2-2)' (Gosfield North Com)**

- a) For lands shown as C2-2 on Map 6, Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Subsection 8.2 a) Central Commercial (C2); or
  - ii) *residential use* as a *secondary use*.
- c) **Permitted Buildings and Structures**
  - i) Those *buildings and structures* for the *required uses*;
  - ii) One *detached residence*;
  - iii) one *multiple converted residence*.
- d) **Zone Provisions**
  - i) All *lot* and *building* requirements for the *permitted buildings and structures* *shall be in accordance with the regulations of this (C2) By-law*;
  - ii) Notwithstanding the provisions of Section 8.2, the following special provisions *shall apply to lands zoned (C2-2)*:
    - a) *Minimum side yard setback* abutting a *residential zone*:3m
    - b) *Minimum rear yard setback* abutting a *laneway*:3m
    - c) *Minimum exterior side yard*: 6m
    - d) *Maximum lot coverage*: 40%
    - e) *Minimum front yard setback*: established *building line*.

<b>SUBSECTION 8.3</b> <b>TRANSITIONAL COMMERCIAL (C3)</b>	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Bed and breakfast;</i> <i>Business Office;</i> <i>Commercial or trade school;</i> <i>Commercial storage unit;</i> <i>Convenience store;</i> <i>Day Nursery;</i> <i>Financial establishment;</i> <i>Light repair shop;</i> <i>Offices;</i> <i>Personal service shop;</i> <i>Retail store;</i> <i>Residential;</i> <i>Restaurant;</i> <i>Retirement home.</i>
ii) <b>Accessory use</b>	Residential <i>Unit</i> in a <i>commercial building</i> in accordance with Subsection 4.3 c) of this by-law Outside display and sale of goods and materials <i>Outdoor patio accessory to a restaurant</i> Accessory uses
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted buildings and structures</b>	<i>Existing buildings;</i> <i>Commercial buildings;</i> <i>Mixed Use buildings containing commercial and residential uses;</i> <i>Single detached residences;</i> <i>Duplex residences;</i> <i>Converted residence with a maximum 3 residential units.</i>
<b>c) Regulations</b>	
i) <b>Minimum Lot area</b>	418 m <sup>2</sup> (4500 ft <sup>2</sup> )
ii) <b>Minimum Lot frontage</b>	16 m (53 ft)
iii) <b>Maximum Lot coverage</b>	50%
iv) <b>Minimum landscaped space</b>	30%
v) <b>New main building regulations</b>	a) <i>Front yard:</i> established <i>building line</i> or 4 m <i>minimum</i> for the front face of the <i>building</i> ; b) <i>Building height:</i> average <i>height</i> of adjacent <i>buildings</i> or to a <i>maximum</i> of three <i>storeys</i> or 16.5 m;

	<p>c) <i>Exterior Side yard</i>: established <i>building line</i> or 4 m;</p> <p>d) <i>Interior Side yard</i>: i) when abutting an <i>existing residential land use</i>: 4.5 m for the first floor and an additional 1.5 m for each additional floor; or ii) when abutting a <i>commercial land use</i>: 2 m for the first floor and 1 m for each additional floor;</p> <p>e) <i>Rear yard</i>: established <i>building line</i> or 6 m where abutting a <i>residential land use</i>.</p>
vi) <b>Accessory structure regulations</b>	<p>a) must be located behind the front face of the <i>main building</i> in either an <i>interior side yard</i> or a <i>rear yard</i>;</p> <p>b) <i>maximum 1 storey in height</i>;</p> <p>c) <i>a maximum of 10% lot coverage</i>;</p> <p>d) must have sufficient separation clearance for emergency access to the <i>main building</i>.</p>
<b>d) Supplementary Regulations</b>	
<p>i) <i>Outside storage</i> is only <i>permitted</i> within an enclosed area.</p> <p>ii) Each <i>commercial building</i> <i>shall</i> be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.</p> <p>iii) A <i>drive-through restaurant</i> or <i>drive-through food outlet</i> <i>shall</i> not be <i>permitted</i> on an <i>interior lot</i> when adjacent to <i>residential land use</i>.</p> <p>iv) <i>Accessory Residential Units</i>:</p> <p>i) <i>shall</i> be located behind the <i>commercial use</i> on the main floor or above the <i>commercial uses</i>;</p> <p>ii) <i>shall</i> comprise a <i>maximum</i> of 75% of the total <i>building floor area</i>;</p> <p>iii) <i>shall</i> have a separate entrance from the <i>commercial business</i>;</p> <p>v) <i>shall</i> have parking in compliance with Subsection 5 of this By-law.</p> <p>v) The following supplementary regulations <i>shall</i> also apply to lands zoned (C3):</p> <p>Subsection 3: Definitions</p> <p>Subsection 4: General Provisions</p> <p>Subsection 5: Parking Regulations</p> <p>vi) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":</p> <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. <i>ERCA Floodplain Development Control Area</i></li> </ol>	

### **8.3 e) TRANSITIONAL COMMERCIAL (C3) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the zone category, the provision(s) of this subsection apply; otherwise the other zone category provisions and all other related supplementary provisions of this by-law apply.

Where an additional main use is permitted under this subsection, any use accessory thereto shall also be permitted, subject to the provisions of the zone category and any other provisions of this bylaw applicable to such accessory use.

#### **8.3.1 TRANSITIONAL COMMERCIAL EXCEPTION 1 (C3-1) (88-2017)**

- a) For lands shown as C3-1 on Map 4, Schedule "A" of this By-law.**
- c) Permitted Uses**  
Notwithstanding any other subsection of this by-law to the contrary, the permitted use shall be limited to a parking lot accessory to an existing restaurant use on abutting lands zoned 'Transitional Commercial (C3) and municipally known as 366 County Road 34 West.
- d) Other**  
For clarification purposes, a permitted parking lot shall be subject to site plan control.

**SUBSECTION 8.4****GENERAL COMMERCIAL (C4)****a) Permitted Uses**

<b>i) Main use</b>	<i>Assembly hall, convention centre automobile gas stations automobile, RV, farm/garden equipment sales and service; automatic car wash and automobile detailing facility bulk sales; coin operated car wash; commercial education facility; commercial self storage; contractor's yard; convenience stores; drive-through facility (restaurant, bank); financial institutions; fitness centre funeral home or rest home; garden centre and landscaping supply; grocery stores; home building and supply stores; home supply specialty shop (tiles, carpeting); hotels and motels;</i>	<i>laundromats; long term care facilities; lumber yards and building supply outlet; micro brewery; minor commercial centre personal service shops; pharmacy; place of amusement, entertainment facilities; private and public recreation professional or medical offices; retail establishments; recreation or community centres; restaurant, taverns, outdoor patios; retirement homes and seniors homes; roadside stand; taxi office and dispatch; trade school; warehousing and wholesale establishments;</i>
<b>ii) Accessory use</b>	<i>Secondary Residential Units Outside display and sale of goods and materials Outdoor patio accessory to a restaurant/bar Accessory uses</i>	

**b) Permitted Buildings and Structures**

<b>i) Permitted buildings and structures</b>	<i>Existing buildings; Commercial buildings; Mixed Use buildings containing commercial and residential uses.</i>
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**c) Regulations**

<b>ii) Minimum Lot area</b>	<i>464 m<sup>2</sup> (5,000 ft<sup>2</sup>)</i>
<b>iii) Minimum Lot frontage</b>	<i>15 m (50 ft)</i>
<b>iv) Maximum Lot coverage</b>	<i>60%</i>
<b>v) Minimum landscaped space</b>	<i>15%</i>

vi) <b>New main building regulations</b>	<ul style="list-style-type: none"> <li>a) <i>Front yard</i>: established <i>building line</i> or 4 m <i>minimum</i> for the front face of the <i>building</i>;</li> <li>b) <i>Building height</i>: average <i>height</i> of adjacent <i>buildings</i> or to a <i>maximum</i> of three <i>storeys</i> or 16.5 m;</li> <li>c) <i>Exterior Side yard</i>: established <i>building line</i> or 4 m;</li> <li>d) <i>Interior Side yard</i>: i) when abutting an <i>existing residential land use</i>: 4.5 m for the first floor and an additional 1.5 m for each additional floor; or ii) when abutting a <i>commercial land use</i>: 2 m for the first floor and 1 m for each additional floor;</li> <li>e) <i>Rear yard</i>: established <i>building line</i> or 6 m; 6m where abutting a <i>residential land use</i>.</li> </ul>
vii) <b>Accessory structure regulations</b>	<ul style="list-style-type: none"> <li>a) must be located behind the front face of the <i>main building</i> in either an <i>interior side yard</i> or a <i>rear yard</i>;</li> <li>b) <i>maximum 1 storey in height</i>;</li> <li>c) a <i>maximum of 10% lot coverage</i>;</li> <li>d) must have sufficient separation clearance for emergency access to the <i>main building</i>.</li> </ul>
<b>d) Supplementary Regulations</b>	
<ul style="list-style-type: none"> <li>i) <i>Outside storage</i> is only <i>permitted</i> within an enclosed area.</li> <li>ii) Each <i>commercial building</i> <i>shall</i> be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.</li> <li>iii) A <i>drive-through restaurant</i> or <i>drive-through food outlet</i> <i>shall</i> not be <i>permitted</i> on an <i>interior lot</i> when adjacent to <i>residential land use</i>.</li> <li>iv) <i>Accessory Residential Units</i>: <ul style="list-style-type: none"> <li>i) <i>shall</i> be located behind the <i>commercial</i> on the main floor or above the <i>commercial uses</i>;</li> <li>ii) <i>shall</i> comprise a <i>maximum</i> of 75% of the total <i>building floor area</i>;</li> <li>iii) <i>shall</i> have a separate entrance from the <i>commercial</i> business;</li> <li>iv) <i>shall</i> have parking in compliance with Subsection 5 of this By-law.</li> </ul> </li> <li>v) The following supplementary regulations <i>shall</i> also apply to lands zoned (C4): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations</li> <li>vi) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. <i>ERCA Floodplain Development Control Area</i></li> </ol> </li> </ul>	

#### **Subsection 8.4 e) GENERAL COMMERCIAL (C4) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory* thereto *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

##### **8.4.1 ‘GENERAL COMMERCIAL EXCEPTION 1 (C4-1)’ (C2-5)K**

a) For lands shown as C4-1 on Map 73, Schedule “A” of this By-law.

b) **Permitted Uses**

Those *uses permitted* under Subsection 8.4 a) General Commercial (C4).

c) **Permitted Buildings and Structures**

Those *buildings and structures* for the *permitted uses* under Section 8.4.

d) **Zone Provisions**

- ii) All *lot* and *building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 8.4 of this By-law;
- iii) Notwithstanding regulations and provisions for the (C4) *zone* under Subsection 8.4, the *interior side yard setback* for the lands abutting the Chrysler Canada *Greenway* *shall* be 10 meters.

##### **8.4.2 ‘GENERAL COMMERCIAL EXCEPTION 2 (C4-2)’ (C2-4)K**

a) For lands shown as C4-1 on Map 68, Schedule “A” of this By-law.

b) **Permitted Uses**

- i) Those *uses permitted* under Subsection 8.4 a) General Commercial (C4); or
- ii) A *place of worship*.

c) **Permitted Buildings and Structures**

Those *buildings and structures* for the *required uses*.

d) **Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 8.4 of this By-law.

##### **8.4.3 ‘GENERAL COMMERCIAL EXCEPTION 3 (C4-3)’ (C1-1) K**

a) For lands shown as C4-3 on Map 66, Schedule “A” of this By-law.

b) **Permitted Uses**

Those *uses permitted* under Subsection 8.4 a) General Commercial (C4).

c) **Permitted Buildings and Structures**

- i) Those *buildings and structures* for the *permitted uses*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 8.4 of this By-law with the exception of the following special provisions:

- i) *Minimum Lot area- 0 m<sup>2</sup>;*
- ii) *Minimum Lot frontage – 0 m;*
- iii) *Minimum yard Dimensions For Main buildings:*
  - *Front* 30 m
  - *Rear yard* 2 m
  - *Side yard* 4 m
  - *Exterior Side yard* 6 m
- iv) *Maximum Building height - 1 storey to a maximum of 10 m height;*
- v) *Maximum Required Parking 39 spaces*

**8.4.4 ‘GENERAL COMMERCIAL EXCEPTION 4 (C4-4)’ (C1-3) K**

**a) For lands shown as C4-4 on Map 66 Schedule “A” of this By-law.**

**b) Permitted Uses**

- i) Those *uses* *permitted* under Subsection 8.4 a) General Commercial (C4); or
- ii) An *office use* in an *existing single-family residence*.

**c) Permitted Buildings and Structures**

Those *buildings* and *structures* for the *permitted* *uses*.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with this By-law with the exception of the following special provision:  
*Minimum number of parking spaces – 5 spaces on site.*

**8.4.5 ‘GENERAL COMMERCIAL EXCEPTION 5 (C4-5(h))’ (Remark Farms/Timbercreek)**

**a) For lands shown as C4-5 on Map 78, Schedule “A” of this By-law.**

**b) Permitted Uses**

- i) Those *uses* *permitted* under Subsection 8.4 a) General Commercial (C4) and in addition, the following *uses*;
  - Accessory uses;*
  - commercial education facility;*
  - contractor’s yard;*
  - recreation or community centres;*
  - convenience stores;*
  - drive-through facility (restaurant or financial institution);*
  - financial institutions;*
  - funeral home or rest home;*
  - garden centre and landscaping supply;*
  - grocery stores;*
  - home building and supply stores;*
  - home supply specialty shop (tiles, carpeting);*
  - hotels and motels;*
  - long term care facilities;*
  - lumber yards and building supply outlet;*
  - micro brewery ;*

*personal service shops;*  
*places of amusement, entertainment or recreation;*  
*private and public park;*  
*private and public recreation facilities;*  
*professional offices;*  
*retail establishments;*  
*retirement homes and seniors homes;*  
*restaurant, taverns, outdoor patios;*  
*storage rental facilities;*  
*taxi office and dispatch;*  
*trade school;*  
*warehousing at 50% total floor area;*  
*wholesale establishments.*

**c) Permitted Buildings and Structures**

- i) Those *buildings* and *structures* for the *permitted uses* and in addition the following *buildings* and *structures*:

*Accessory structures for the permitted uses;*  
*Buildings and structures for the permitted uses;*  
*Secondary Residential unit;*  
*Outside display and sale of goods and materials;*  
*Outdoor patio accessory to a restaurant/bar.*

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 8.4 of this By-law;
- ii) Notwithstanding regulations and provisions for the (C4) zone the following special provisions *shall* apply to lands zoned (C4-5):
  - a) *Minimum lot area* – 3,000 m<sup>2</sup>;
  - b) *Minimum lot frontage* – 30 m;
  - c) *Minimum interior side yard* – 1.5 m if adjacent to a non-residential zone or 3 m for the first storey and an additional 1.5 m for each *storey* above the first when adjacent to a residential property;
  - d) *Minimum exterior side yard* – 4 m;
  - e) *Maximum height* of all *main buildings* and *structures* – 2 *storeys* or 10 meters.
  - f) *Minimum rear yard* setback – 4 m if adjacent to a non-residential zone or 6 m if adjacent to a residential zone;
  - g) *Maximum lot coverage* – 60%;
  - h) *Minimum front yard* setback - 4 m *minimum* or the established *building* line if infilling between two *existing buildings*.

**e) Special Provisions**

Notwithstanding Subsection 11.1.3 Zone Provisions, the following *shall* apply to lands within the (C4-5) zone:

**a) Accessory structures:**

- i) must be located behind the front face of the *main building* and *shall* be located in only the *interior side yard* or *rear yard* of the *main structure*;
- ii) *maximum* of 1 *storey* in *height*;
- iii) is allowed to have a *maximum* of 10% *lot coverage* of the allowable 60 % *maximum*.

b) **Parking:**

Parking is to be located in the *side yard, exterior side yard or rear yard*;

- i) a *maximum* of 10 parking spaces are *permitted* within the *County Road setback* for the *commercial building*.

c) **Accessory uses:**

*Permitted accessory uses shall* include the following, but are not limited to: *outside storage* within a confined area; outdoor garbage within a bin; parking garages or facilities; trails, walkways, patios. *Accessory uses* such as *outside storage* or *garbage shall* typically be located to screen the public from the public.

d) **Site Plan control** *shall* apply to new *commercial buildings*, new *mixed use buildings* or the introduction of *commercial uses* within an *existing building*.

e) **Holding (h)** provision will be removed:

When the site is serviced with water, sewer and storm; and Council enters into a site plan agreement for *development* of the subject property.

#### 8.4.6 'GENERAL COMMERCIAL EXCEPTION 6 (C4-6)' (64-2019)

- a) For lands shown as C4-6 on Map 64 and Map 68 Schedule "A" of this By-law.

b) **Permitted Uses**

Those *uses permitted* under Section 8.4 General Commercial (C4).

c) **Permitted Buildings and Structures**

Those *buildings and structures* for the *permitted uses*.

d) **Zone Provisions**

All lot and building requirements shall be in accordance with the following:

- i) All lot and building requirements for the *permitted buildings and structures* shall be in accordance with Subsection 8.4 of this By-law;
- ii) Notwithstanding regulations and provisions for the (C4) zone the following special provisions shall apply to lands zoned (C4-6):
  - a) *Openings* (detailed in an approved site plan) on the east and south sides of a structure within 15.24 m (50 ft) of a Residential zone shall be limited to:
    - i) fixed pane windows and/or;
    - ii) fire exits as required by the Ontario Building Code.
  - iii) Notwithstanding Section 5.17 Table 5, the minimum number of *parking spaces* required for this site shall be 30 spaces.

#### 8.4.7 'GENERAL COMMERCIAL ZONE 4 EXCEPTION 7 (C4-7)' (By-law 37-2021)

- a) For lands shown as C4-7 on Map 66 (45 & 49 Division St. N.) Schedule "A" of this By-law.

b) **Permitted Uses**

- i) Office

c) **Permitted Buildings and Structures**

- i) An Office
- ii) Buildings and structures accessory to the main use

d) **Zone Provisions**

Notwithstanding any other provisions of the by-law to the contrary the following site-specific provisions shall apply to lands zoned C4-7.

- i) Maximum Permitted Height - 8.5 m

ii) Northerly Side Yard Setback- 4.5 m, minimum

Notwithstanding any other provisions of the by-law to the contrary the northerly side yard, forward of the rear wall of the building, shall be limited to passive landscaped open space.

<b>SUBSECTION 8.5</b> <b>WATERFRONT MIXED USE COMMERCIAL (C5)</b>	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Assembly hall, convention centre</i> <i>Bed and breakfast;</i> <i>Commercial or trade school;</i> <i>Convenience store;</i> <i>Day Nursery;</i> <i>Financial establishment;</i> <i>Light repair shop;</i> <i>Micro brewery</i> <i>Offices;</i> <i>Personal service shop;</i> <i>Retail store;</i> <i>Residential;</i> <i>Restaurant.</i>
ii) <b>Accessory use</b>	<i>An caretaker residential unit</i> <i>Outside display and sale of goods and materials</i> <i>Outdoor patio accessory to a restaurant</i> <i>Accessory uses</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted buildings and structures</b>	<i>Existing buildings;</i> <i>Commercial buildings;</i> <i>Mixed Use buildings containing commercial and residential uses;</i> <i>Single detached residences;</i> <i>Duplex residences;</i> <i>Converted residence with a maximum 3 residential units.</i>
<b>c) Regulations</b>	
i) <b>Minimum Lot area</b>	371 m <sup>2</sup> (4,000 ft <sup>2</sup> )
ii) <b>Minimum Lot frontage</b>	15 m (49 ft)
iii) <b>Maximum Lot coverage</b>	50%
iv) <b>Minimum landscaped space</b>	30%
v) <b>New main building regulations</b>	a) <i>Front yard: established building line or 4 m (13 ft) minimum for the front face of the building;</i>

	<ul style="list-style-type: none"> <li>b) <i>Building height</i>: average <i>height</i> of adjacent <i>buildings</i> or to a <i>maximum</i> of three <i>storeys</i> or 16.5 m (54 ft);</li> <li>c) <i>Exterior Side yard</i>: established <i>building line</i> or 4 m (13 ft);</li> <li>d) <i>Interior Side yard</i>: i) when abutting an <i>existing residential land use</i>: 4.5 m (15 ft) for the first floor and an additional 1.5 m (5 ft) for each additional floor; or ii) when abutting a <i>commercial land use</i>: 2 m (6.5 ft) for the first floor and 1 m for each additional floor;</li> <li>e) <i>Rear yard</i>: established <i>building line</i> or 6 m (20 ft) where abutting a <i>residential land use</i>.</li> </ul>
vii) <b>Accessory structure regulations:</b>	<ul style="list-style-type: none"> <li>a) must be located behind the front face of the <i>main building</i> in either an <i>interior side yard</i> or a <i>rear yard</i>;</li> <li>b) <i>maximum 1 storey in height</i>;</li> <li>c) a <i>maximum of 10% lot coverage</i>;</li> <li>d) must have sufficient separation clearance for emergency access to the <i>main building</i>.</li> </ul>
<b>d) Supplementary Regulations</b>	
i)	Outside storage is only <i>permitted</i> within an enclosed area.
ii)	Each <i>commercial building</i> shall be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.
iii)	A <i>drive-through restaurant</i> or <i>drive-through food outlet</i> shall not be <i>permitted</i> on an <i>interior lot</i> when adjacent to residential <i>land use</i> .
iv)	<b>Accessory Residential Units:</b> <ul style="list-style-type: none"> <li>i) shall be located behind the <i>commercial</i> on the main floor or above the <i>commercial uses</i>;</li> <li>ii) shall comprise a <i>maximum</i> of 75% of the total <i>building floor area</i>;</li> <li>iii) shall have a separate entrance from the <i>commercial</i> business;</li> <li>iv) shall have parking in compliance with Subsection 5 of this By-law.</li> </ul>
v)	The following supplementary regulations shall also apply to lands zoned (C5): <ul style="list-style-type: none"> <li>Subsection 3: Definitions</li> <li>Subsection 4: General Provisions</li> <li>Subsection 5: Parking Regulations</li> </ul>
vi)	Subsection 4.15 <i>Floodplain Development Control Area</i> shall apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. <i>ERCA Floodplain Development Control Area</i></li> </ol>

**Subsection 8.5 e) WATERFRONT MIXED USE COMMERCIAL (C5) EXCEPTION REGULATIONS**  
Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

**8.5.1 ‘WATERFRONT MIXED COMMERCIAL EXCEPTION 1 (C5-1)’ (C5-1) K**

- a) For lands shown as C5-1 on Map 76, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* in subsection 8.5.a) of this By-law;
  - ii) A scale house operation.
- c) **Permitted Buildings and Structures** for the *permitted uses*.
- d) **Zone Provisions**
  - i) All *lot and building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 8.5 of this By-law.

**8.5.2 ‘WATERFRONT MIXED COMMERCIAL EXCEPTION 2 (C5-2)’ (C5-2) K**

- a) For lands shown as C5-2 on Map 76, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* in subsection 8.5.a);
  - ii) A *warehouse facility*;
  - iii) A *take-out restaurant* may be *permitted* in a *trailer* situated on the subject lands.
- c) **Permitted Buildings and Structures**  
Those *permitted* under 8.5 a) as *permitted uses*.
- d) **Zone Provisions**
  - i) All *lot and building* requirements for the *warehouse* *shall* be as they existed on the date of passing of this By-law;
  - ii) The *lot and building* requirements for all other *permitted uses* *shall* be in accordance with subsections 8.5 of this By-law;
  - iii) All other provisions that pertain to lands zoned C5 *shall* also apply to lands zoned C5-2 except that the *minimum front yard* *shall* be 4.5 meters, the *minimum rear yard* *shall* be 0 meters, the *minimum interior side yard* *shall* be 1.5 meters, the *exterior side yard* *shall* be 3 meters and the *maximum building height* *shall* be 10 meters and 3 stories.

**8.5.3 ‘WATERFRONT MIXED COMMERCIAL EXCEPTION 3 (C5-3)’ (68-2017)**

- a) For lands shown as C5-3 on Map 76, Schedule “A” of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* in subsection 8.5.a);

**c) *Permitted Buildings and Structures***

- i) Those buildings and structures permitted under Section 8.5(b).
- ii) Buildings and structures accessory to the permitted uses.

**d) *Zone Provisions***

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 8.5(c) of the By-law.

**e) *Definitions***

Notwithstanding Subsection 3.8.11 (Micro Brewery) the maximum size of a micro-brewery shall be 650 sq. m (7,000 sq. ft.)

**f) *Parking and Municipal Services***

Notwithstanding Subsection 5.20 (Surface Treatment) required parking spaces excluding required accessible spaces, shall be contracted and maintained with a compacted, graded and dust controlled gravel surface.

**SUBSECTION 8.6****RURAL COMMERCIAL (C6)****a) Permitted Uses**

i) <b>Main use</b>	<p>automobile gas stations  <i>automobile repair shop;</i>  <i>bulk sales;</i>  <i>car wash and detail facility;</i>  <i>commercial self storage</i>  <i>convenience stores;</i>  <i>contractor's yard;</i>  <i>drive-through facility (restaurant or financial institution);</i>  <i>farm produce outlet</i>  <i>funeral home;</i>  <i>garden centre and landscaping supply;</i>  <i>grocery stores;</i>  <i>home building and supply stores;</i>  <i>home supply specialty shop (tiles, carpeting);</i>  <i>hotels and motels;</i>  <i>laundromats;</i>  <i>long term care facilities;</i>  <i>lumber yards and building supply centres;</i></p>	<p><i>micro brewery</i>  <i>personal service shops</i>  <i>places of amusement, entertainment</i>  <i>private and public recreation facilities</i>  <i>offices</i>  <i>recreation or community centres</i>  <i>restaurant, taverns, outdoor patios;</i>  <i>retail establishments;</i>  <i>retirement homes and seniors homes;</i>  <i>roadside stands</i>  <i>storage rental facilities;</i>  <i>taxi office and dispatch;</i>  <i>warehousing;</i>  <i>wholesale establishments;</i></p>
ii) <b>Accessory use</b>	<p><i>Accessory Residential Units</i>          Outside display and sale of goods and materials  <i>Outdoor patio accessory to a restaurant/bar</i>  <i>Accessory uses</i></p>	

**b) Permitted Buildings and Structures**

i) <b>Permitted buildings and structures</b>	<p><i>Existing buildings;</i>  <i>Commercial buildings;</i>  <i>Mixed Use buildings containing commercial and residential uses.</i></p>
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**c) Regulations**

i) <b>Minimum retail space</b>	a) all retail <i>units</i> within the (C6) zone shall have a <i>minimum floor area</i> of 2,500 ft <sup>2</sup>
ii) <b>Minimum Lot area</b>	557 m <sup>2</sup> (6,000 ft <sup>2</sup> )
iii) <b>Minimum Lot frontage</b>	22 m (75 ft)
iv) <b>Maximum Lot coverage</b>	60%

v) <b>Minimum landscaped space</b>	30%
vi) <b>New main building regulations</b>	<ul style="list-style-type: none"> <li>a) <i>Front yard</i>: established <i>building line</i> or 4 m <i>minimum</i> for the front face of the <i>building</i>;</li> <li>b) <i>Building height</i>: average <i>height</i> of adjacent <i>buildings</i> or to a <i>maximum</i> of three storeys or 16.5 m;</li> <li>c) <i>Exterior Side yard</i>: established <i>building line</i> or 4 m;</li> <li>d) <i>Interior Side yard</i>: i) when abutting an <i>existing residential land use</i>: 4.5 m for the first floor and an additional 1.5 m for each additional floor; or ii) when abutting a <i>commercial land use</i>: 2 m for the first floor and 1 m for each additional floor;</li> <li>e) <i>Rear yard</i>: established <i>building line</i> or 6 m ( ft) where abutting a <i>residential land use</i>.</li> </ul>
vii) <b>Accessory structure regulations</b>	<ul style="list-style-type: none"> <li>a) must be located behind the front face of the <i>main building</i> in either an <i>interior side yard</i> or a <i>rear yard</i>;</li> <li>b) <i>maximum 1 storey in height</i>;</li> <li>c) a <i>maximum of 10% lot coverage</i>;</li> <li>d) must have sufficient separation clearance for emergency access to the <i>main building</i>.</li> </ul>
<b>d) Supplementary Regulations</b>	
<ul style="list-style-type: none"> <li>i) Each <i>commercial building</i> <i>shall</i> be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The Corporation or any other authority having jurisdiction.</li> <li>ii) A <i>drive-through restaurant</i> or <i>drive-through food outlet</i> <i>shall</i> not be <i>permitted</i> on an interior lot when adjacent to residential land use.</li> <li>iii) Accessory Residential Units: <ul style="list-style-type: none"> <li>i) <i>shall</i> be located behind the <i>commercial</i> on the main floor or above the <i>commercial uses</i>;</li> <li>ii) <i>shall</i> comprise a <i>maximum</i> of 75% of the total <i>building floor area</i>;</li> <li>iii) <i>shall</i> have a separate entrance from the <i>commercial</i> business;</li> <li>iv) <i>shall</i> have parking in compliance with Subsection 5 of this By-law.</li> </ul> </li> <li>iv) The following supplementary regulations <i>shall</i> also apply to lands zoned (C6): <ul style="list-style-type: none"> <li>Subsection 3: Definitions</li> <li>Subsection 4: General Provisions</li> <li>Subsection 5: Parking Regulations</li> </ul> </li> <li>v) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. <i>ERCA Floodplain Development Control Area</i></li> </ol> </li> </ul>	

## **Subsection 8.6 e) RURAL COMMERCIAL (C6) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

### **8.6.1 ‘RURAL COMMERCIAL EXCEPTION 1 (C6-1)’ (C3-1) S**

- a) For lands shown as C6-1 on Map 19, Schedule “A” of this By-law.**
- b) Permitted Uses**  
The *uses permitted* in the (C6-1) *zone* *shall* be limited to the following:
  - i) The *existing* service garage, office, truck parking and storage *yard*;
  - ii) Those *uses permitted* in subsection 8.6 a) of this By-law.
- c) Permitted Buildings and Structures**  
All *existing buildings and structures* as they existed on the day of the passing of this by-law.
- d) Zone Provisions**  
All *lot* and *building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 8.1 of this By-law.

### **8.6.2 – deleted by 17-2016**

### **8.6.3 ‘RURAL COMMERCIAL EXCEPTION 3 (C6-3)’ (C2-4) S**

- a) For lands shown as C6-3 on Map 58, Schedule “A” of this By-law.**
- b) Permitted Uses**
  - i) Those *uses permitted* in subsection 8.6 a) of this By-law;
  - ii) In addition to those *uses* in subsection 8.6 a), an *automobile body shop* and *accessory uses* to the *automobile body shop*.
- c) Permitted Buildings and Structures**  
*Buildings and structures* for the *permitted uses*.
- d) Zone Provisions**  
All *lot* and *building* requirements for the *permitted buildings and structures* *shall* be in accordance with Subsection 8.6 of this By-law.

### **8.6.4 ‘RURAL COMMERCIAL EXCEPTION 4 (C6-4)’ (C2-7) S**

- a) For lands shown as C6-4 on Map 49, Schedule “A” of this By-law.**
- b) Permitted Uses**
  - i) Those *uses permitted* in subsection 8.6 a) of this By-law;
  - ii) In addition to those *uses* in subsection 8.6 a), a truck terminal and truck service establishment.
- c) Permitted Buildings and Structures**  
*Buildings and structures* for the *permitted uses*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 8.6 of this By-law.

**8.6.5 'RURAL COMMERCIAL EXCEPTION 5 (C6-5)' (C2-3) S**

a) For lands shown as C6-5 on Map 58, Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* in subsection 8.6 a) of this By-law;
- ii) In addition to those *uses* in subsection 8.6 a):
  - *Offices*;
  - A *garage* for the restoration and storage of antique and classic automobiles;
  - *Contractor's yard* excluding the storing and operating of heavy equipment such as bulldozers, cranes and loaders;
  - *Accessory uses*

**c) Permitted Buildings and Structures**

*Buildings and structures* for the *permitted uses*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 8.6 of this By-law.

**8.6.6 'RURAL COMMERCIAL EXCEPTION 6 (C6-6)' (C3-1) N**

a) For lands shown as C6-6 on Map 10, Schedule "A" of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* in subsection 8.6 a) of this By-law;
- ii) In addition to those *uses* in subsection 8.6 a):
  - *Warehousing*;
  - *Furniture retail establishments*;
  - *Sales and service establishments*;
  - *Tradesmen shop*;
  - *Repair and service establishments*;
  - *Secondary retail and office uses*;
  - *Accessory retail and office uses*;
  - *Accessory uses*

**c) Permitted Buildings and Structures**

*Buildings and structures* for the *permitted uses*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings* and *structures* *shall* be in accordance with Subsection 8.6 of this By-law. Notwithstanding the provisions of Section 8.6 (C6), the following special provisions *shall* apply to lands zoned (C6-6):

- i) *Minimum Lot area* - 1 hectare;
- ii) *Minimum Lot frontage* - 30 m;
- iii) *Maximum Lot coverage* - 35% (includes *accessory buildings* and *structures*);
- iv) *Minimum Building setback* - 10 m from all *Lot lines*;
- v) *Maximum Height* - 10 m;

- vi) Parking Requirements – a *minimum* of 77 *parking spaces shall* be provided on those lands zoned C6-6. All *parking spaces shall* have a *minimum* of 2.7 m width by 6 m in length.

**8.6.7 ‘RURAL COMMERCIAL EXCEPTION 7 (C6-7)’ (C2-6) S (Chartwell)**

- a) For lands shown as C6-7 on Map 58, Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* in subsection 8.6 a) of this By-law;

**c) Permitted Buildings and Structures**

*Buildings and structures* for the *permitted uses*.

**d) Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 8.6 of this By-law. Notwithstanding the provisions of Section 8.6 (C6), the following special provisions *shall apply* to lands zoned (C6-7):

- i) *Minimum Front yard Setback* - 14 m;
- ii) *Minimum Interior Side yard* – 3 m;
- iii) *Minimum Exterior Side yard* – 10 m;
- iv) *Minimum Rear yard* – 3 m;

- e) Parking Requirements – 1 space for every 4 beds;

- f) The property is subject to site plan control.

**8.6.8 ‘RURAL COMMERCIAL EXCEPTION 8 (C6-8)’ (C3-1) S**

- a) For lands shown as C6-8 on Map 49, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* in subsection 8.6 a) of this By-law; and
- ii) The *existing service garage, office, truck parking and storage facilities*.

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* in Section 8.6 of this by-law;
- ii) *Buildings and structures* as they existed on the day of the passing of this by-law.

**d) Zone Provisions**

- i) *Setback* requirements for the *existing buildings shall* be as they *existing* on the date of passing of this by-law;
- ii) *Minimum Lot area* and *frontage* requirements are as they existed at the date of passing of this by-law.

- e) The property is subject to site plan control.

### 8.6.9 ‘RURAL COMMERCIAL EXCEPTION 9 (C6-9)’ (C3-2(h)) S

a) For lands shown as C6-9 on Map 49, Schedule “A” of this By-law.

b) **Permitted Uses**

Those *uses permitted* in subsection 8.6 a) of this By-law;

c) **Permitted Buildings and Structures**

*Buildings and structures for the permitted uses.*

d) **Zone Provisions**

All *lot* and *building* requirements for the *permitted buildings and structures shall* be in accordance with Subsection 8.6 of this By-law. Notwithstanding the provisions of Section 8.6 (C6), the following special provisions *shall* apply to lands zoned (C6-6):

- i) *Minimum Lot area – 4,000 m<sup>2</sup>;*
- ii) *Minimum Lot frontage - 50 m;*
- iii) *Maximum Lot coverage - 35% (includes accessory buildings and structures);*
- iv) *Minimum Building setback - 10 m from all Lot lines;*
- v) *Maximum Height of main buildings – 10.5 m;*
- vi) *Minimum rear yard – 20 m;*
- vii) *Rear yard landscape buffer – 10 m depth from rear lot line;*
- viii) *Maximum Height of accessory buildings/structures – 3 m;*
- ix) *Maximum storage size – 10 m<sup>2</sup>.*

e) **Special Provisions:**

- i) All rear bay doors will remain closed during production or processing times;
- ii) *Rear yard landscaped buffer* will include the provision of an assortment and combination of *fences, berms, trees, or shrubs, etc.* to provide a sound barrier. The location and amount will be approved at time of site plan approval and reflected in the subsequent site plan agreement;
- iii) Dust suppressants will be applied to all gravel areas to ensure minimization of air borne particulates;
- iv) Any *outside storage* will be contained within an enclosure.

### 8.6.10 ‘RURAL COMMERCIAL EXCEPTION 10 (C6-10)’ (R2-3) S

a) For lands shown as C6-10 on Map 60, Schedule “A” of this By-law.

b) **Permitted Uses**

The *permitted uses* are limited to:

- i) those uses identified under Subsection 8.6;
- ii) *residential uses.*

c) **Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* in Section 8.6 of this by-law;
- ii) *Buildings and structures* as they existed on the day of the passing of this by-law;
- iii) Single residence.

d) **Zone Provisions**

- i) *Setback requirements for the existing buildings shall* be as they *existing* on the date of passing of this by-law;
- ii) *Minimum Lot area and frontage requirements* are as they existed at the date of passing of this by-law.

**8.6.11 'RURAL COMMERCIAL EXCEPTION 11 (C6-11)' (R2-6) S (deleted by 27-2017)**

For lands shown as C6-11 on Map 61, Schedule "A" of this By-law.

**b) Permitted Uses**

- i) The *permitted uses* under Subsection 8.6;
- ii) *Residential uses*.

**c) Permitted Buildings and Structures**

- i) *Those buildings and structures permitted in Section 8.6 of this by-law;*
- ii) *Buildings and structures as they existed on the day of the passing of this by-law;*
- iii) *Single detached residence.*

**d) Zone Provisions**

- i) *Setback requirements for the existing buildings shall be as they existing on the date of passing of this by-law;*
- ii) *Minimum Lot area and frontage requirements are as they existed at the date of passing of this by-law.*

**8.6.12 'RURAL COMMERCIAL EXCEPTION 12 (C6-12)' (108-2014)**

a) For lands shown as C6-12 on Map 49, Schedule "A" of this By-law.

**b) Permitted Uses**

Automobile, RV, farm/garden equipment sales and service; Automobile rental;  
*Commercial self-storage;*  
*Contractor's yard;*  
*Garden centre and landscaping supply;*  
*Home building and supply store;*  
*Lumber yards and building supply outlet;*  
Warehousing and wholesale establishments

**c) Permitted Buildings and Structures**

- i) *Those buildings and structures permitted in Section 8.6 in the (C6) Zone;*
- ii) *Buildings and structures accessory to the permitted uses.*

**d) Zone Provisions**

- i) All lot and *building* requirements for the *permitted buildings* and structures *shall be in accordance with Subsection 8.6 of this By-law.*

**8.6.13 'RURAL COMMERCIAL (C6) EXCEPTION 13 (C6-13)'**

a) For lands shown as C6-13 on Map 54 Schedule "A" of this By-law. (92-2020)

**b) Permitted Uses**

- i) Those uses *permitted* under Section 8.6 Rural Commercial (C6); or
- ii) A *church*;

**c) Permitted Buildings and Structures**

- i) *Buildings and structures for the permitted uses;*

**d) Zone Provisions**

- i) All lot and *building* requirements for the *permitted buildings* and structures *shall be in accordance with Subsection 8.6 of this By-law.*

**8.6.14 'RURAL COMMERCIAL EXCEPTION 14 (C6-14)'**

**a)** For lands shown as C6-14 on Map 56 on Schedule "A" of this By-law.

**b) *Permitted Uses***

- i) Veterinary Clinic
- ii) Personal Service Shop
- iii) Farm Produce Outlet

**c) *Permitted Buildings and Structures***

- i) Buildings and structures for the permitted uses
- ii) Buildings and structures accessory to the permitted uses.

**d) *Zone Provisions***

- i) All lot and building requirements for the permitted buildings and structures shall be as existing on the date of passing of this By-law.

## SECTION 9 Industrial Zone Provisions

SUBSECTION 9.1		LIGHT INDUSTRIAL (M1) ZONE
<b>a) Permitted Uses</b>		
i) <b>Main use</b>	<p>Automobile, truck, industrial equipment, farm equipment, <i>landscaping equipment</i>, <i>construction equipment</i> and <i>recreation vehicle</i>:</p> <ul style="list-style-type: none"> <li>i) parts distributor and supplier;</li> <li>ii) repair and service <i>facility</i>;</li> <li>iii) rental and sales <i>facility</i>;</li> </ul> <p><i>Automatic Car wash and detailing facility;</i>  <i>Bakery;</i>  <i>Beverage bottling</i>  <i>Building Material and supply centre;</i>  <i>Building Material Recycling Centre</i>  <i>Bulk Sales and Wholesale facilities</i>  <i>Call Centres or telemarketing centres;</i>  <i>Computer wholesale and services facility;</i>  <i>Contractors office, shop and yard</i> Convention centre;  <i>Electronic manufacturing/sales/repair shop;</i>  <i>Fine woodworking and artisan shop;</i>  <i>Food catering Service;</i>  <i>Food product preparation/packaging/shipping;</i>  <i>Furniture repair and refinishing;</i>  <i>Light Industrial uses;</i>  <i>Lighting distributor and repair shop;</i>  <i>Lumber yard;</i></p>	<p>General or Medical <i>office</i>;  <i>Medical Marihuana</i> subject to Section 4.46;  <i>Machinery, Tool/Equipment Rental Facility</i>;  <i>Repair shop</i> for small, electrical products;  <i>Manufacture of musical instruments, ceramics/jewellery/toys/cutlery/glassware</i> and other small metal and glass products;  <i>Micro brewery</i>  <i>Packaging and distributing services</i>;  <i>Private club and athletic facility</i>;  <i>Office</i>;  <i>Repair and assembly of signs, billboards, and other electronic advertising fixtures;</i> <i>Restaurant</i> or take out outlet;  <i>Commercial Self-storage facility</i>;  <i>Small motor repair shop</i>;  <i>Storage and handling yards for goods, materials and products delivered or to be delivered by commercial carriers, water and/or land;</i>  <i>Tradesman's shop and contractor yard</i>;  <i>Transportation truck and bus depot</i>;  <i>Truck and bus depot</i>  <i>Vehicle gas and service station</i>;  <i>Veterinary clinic and/or office</i>;  <i>Warehouse</i>;  <i>Wholesale/bulk storage facility</i>;</p>
ii) <b>Accessory use</b>	<p><i>Outdoor storage</i>  <i>Enclosed storage</i></p>	
iii) <b>Secondary Uses</b>	<p>a. <i>offices</i>;  b. <i>retail component</i>;  c. <i>showrooms, merchandising centres and retail or wholesale outlets; cafeterias</i></p>	
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted Buildings and Structures</b>	<p><i>Industrial buildings</i>  <i>Accessory buildings and structures</i></p>	

<b>c) Regulations</b>	
i) <b>Lot area (min)</b>	1,300 m <sup>2</sup> (14,000 ft <sup>2</sup> )
ii) <b>Lot frontage (min)</b>	24 m (80 ft)
iii) <b>Open Space (min)</b>	15% <i>minimum</i>
iv) <b>Lot coverage (max)</b>	50 % including all <i>accessory buildings and structures</i>
v) <b>Front yard depth (min)</b>	7.5 m (25 ft) or established <i>building line</i>
vi) <b>Interior Side yard (min)</b>	3.0 m (10 ft.) or 10.5 m (34.5 ft) when abutting a Residential Zone
vii) <b>Rear yard depth (min)</b>	7.5 m (25 ft) or 10.5 m (34.5 ft) when abutting a Residential Zone
viii) <b>Exterior Side yard (min)</b>	6 m (20ft.)
<b>d) Supplementary Regulations</b>	
i) The following supplementary regulations <i>shall</i> also apply to lands zoned (M1): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations	
ii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2, &amp;</li> <li>3. ERCA <i>Floodplain Development Control Area</i></li> </ol>	

## **Subsection 9.1 e) LIGHT INDUSTRIAL (M1) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory* thereto *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

### **9.1.1 ‘LIGHT INDUSTRIAL EXCEPTION 1 (M1-1)’ (C3-2 (h)) S**

**a) For lands shown as (M1-1) on Map 54, Schedule “A” of this By-law.**

**b) Permitted Uses**

Those *uses permitted* in the (M1) *zone* Section 9.1 as well as those *uses* listed herein:

- i) Auto parts supply;
- ii) Beverage bottling;
- iii) *Call centers* or telemarketing centers;
- iv) Computer *wholesale* and services *facility*;
- v) Convention centre;
- vi) Distribution of dairy products;
- vii) Electronics manufacture and repair;
- viii) Fine woodworking and craftsman shop;
- ix) Furniture repair and refinishing;
- x) Laundry and linen supply;
- xi) Packaging and distribution services;
- xii) *Private club* and athletic *facility*;
- xiii) Storage and warehousing facilities;
- xiv) Truck and bus depot

**c) Permitted Buildings and Structures**

*Buildings and structures* for the *permitted uses*.

**d) Zone Provisions**

Notwithstanding Subsection 9.1 c) Regulations, the following *shall* apply to lands within the (M1-1) *zone*:

- i) *Minimum lot area* – 4,000 m<sup>2</sup>;
- ii) *Minimum lot frontage* – 50 m;
- iii) *Minimum rear yard* – 7.5 m or 20 m when abutting a Residential *Zone*;
- iv) *Rear yard landscaped buffer* – 10 m depth from *rear lot line*;
- v) *Maximum height* of *main buildings* - 10.5 m;
- vi) *Maximum height* of storage enclosure - 3 m;
- vii) *Maximum storage enclosure size* - 10 m<sup>2</sup>.

**e) Special Provisions:**

- i) All rear bay doors will remain closed during production or processing times;
- ii) *Rear yard landscaped buffer* will include the provision of an assortment and combination of fences, berms, trees, or shrubs, etc. to provide a sound barrier. The location and amount will be approved at time of site plan approval and reflected in the subsequent site plan agreement;
- iii) Dust suppressants will be applied to all gravel areas to ensure minimization of air borne particulates;
- iv) Any *outside storage* will be contained within an enclosure.

**9.1.2 ‘LIGHT INDUSTRIAL EXCEPTION 2 (M1-2)’ (M1-1) K**

a) For lands shown as M1-2 on Map 76 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 9.1 Light Industrial (M1);
- ii) *Existing uses;*
- iii) The storage of materials *used* for fishing but does not include the storage of fish or fish products.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 9.1.

**d) Zone Provisions**

- i) Provisions of the (M1) Section 9.1 *shall apply* the lands *zoned* (M1-2);
- ii) Notwithstanding provisions of Section 9.1, on those lands *zoned* (M1-2) there are no *lot frontage* or area requirements nor are there any *yard requirements* except that no part of any *building or structure shall be built closer than 1.5 m to any lot line.*

**9.1.3 ‘LIGHT INDUSTRIAL EXCEPTION 3 (M1-3)’ (M1-2) K**

a) For lands shown as M1-3 on Map 76 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 9.1 Light Industrial (M1);
- ii) A professional office and accessory *uses.*

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 9.1.

**d) Zone Provisions**

- i) Provisions of the (M1) Section 9.1 *shall apply* the lands *zoned* (LR-26);
- ii) Notwithstanding provisions of Section 9.1, the following *shall apply* to lands *zoned* (M1-3):
  - i) *Minimum front yard – 7 m;*
  - ii) *Minimum rear yard – 3 m;*
  - iii) *Minimum south side yard – 1.8 m;*
  - iv) *Minimum north side yard – 3 m.*

**9.1.4 ‘LIGHT INDUSTRIAL EXCEPTION 4 (M1-4)’ (M1-2) K**

a) For lands shown as M1-4 on Map 76 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 9.1 Light Industrial (M1);

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 9.1.

**d) Zone Provisions**

Provisions of the (M1) Section 9.1 *shall apply* the lands *zoned* (M1-4).

**9.1.5 ‘LIGHT INDUSTRIAL EXCEPTION 5 (M1-5)’ (M1-2) S**

a) For lands shown as M1-5 on Map 49 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 9.1 Light Industrial (M1);
- ii) *Residential use*;
- iii) A caretakers residential *unit*.

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* in Section 9.1;
- ii) One *single, detached residence*.

**d) Zone Provisions**

Provisions of the (M1) Section 9.1 *shall apply* the lands zoned (M1-5).

**9.1.6 ‘LIGHT INDUSTRIAL EXCEPTION 6 (M1-6)’ (M1-2) N**

a) For lands shown as M1-6 on Map 22 Schedule “A” of this By-law.

**b) Permitted Uses**

Those *uses permitted* under Section 9.1 Light Industrial (M1);

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 9.1;

**d) Zone Provisions**

Notwithstanding the provisions of the (M1) zone, Section 9.1, the *minimum lot frontage* of 17 m *shall apply* the lands zoned (M1-6).

**9.1.7 ‘LIGHT INDUSTRIAL EXCEPTION 7 (M1-7)’ (M1-2) Domric N**

a) For lands shown as M1-7 on Map 18 Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 9.1 Light Industrial (M1);
- ii) *Wholesale* sales and service outlet for petroleum equipment and supply;
- iii) Processing facilities for food and animal food are specifically prohibited.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 9.1.

**d) Zone Provisions**

Provisions of the (M1) Section 9.1 *shall apply* the lands zoned (M1-7).

**9.1.8 ‘LIGHT INDUSTRIAL EXCEPTION 8 (M1-8)’ (M1-3) N**

a) For lands shown as M1-8 on Map 18, Schedule “A” of this By-law.

**b) Permitted Uses**

- i) Those *uses permitted* under Section 9.1 Light Industrial (M1);
- ii) On site housing for not more than 30 workers in an *existing building* is *permitted* for lands zoned (M1-8).

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 9.1.

**d) Zone Provisions**

Provisions of the (M1) Section 9.1 *shall apply* the lands *zoned* (M1-8).

**9.1.9 'LIGHT INDUSTRIAL EXCEPTION 9 (M1-9)' (M1-3) Domiric N**

a) For lands shown as M1-9 on Map 18 Schedule "A" of this By-law.

**b) Permitted Uses**

Those *uses permitted* for lands *zoned* (M1-9) *shall be limited* to a mini storage and self rental *units facility*.

**c) Permitted Buildings and Structures**

Those *buildings and structures permitted* in Section 9.1.

**d) Zone Provisions**

- i) Provisions of the (M1) Section 9.1 *shall apply* the lands *zoned* (M1-9);
- ii) Notwithstanding provisions of Section 9.1, on those lands *zoned* (M1-9) the *maximum building height shall be* 12 feet; the *minimum setback* from the north property line *shall be* 8 ft; and there *shall be* no doors or entrances on the side of the *building* facing the north property line.

**9.1.10 'LIGHT INDUSTRIAL EXCEPTION 10 (M1-10)' (Agris Co-op) (94-2014)**

a) For lands shown as M1-10 on Map 15 Schedule "A" of this By-law.

**b) Permitted Uses**

Bulk Sales and Wholesale facilities – excluding the sale and/or storage of oil, gas, propane or natural gas;  
Call centers or telemarketing centers;  
Computer wholesale and service *facility*;  
Contractors' *office*, shop and yard;  
Food catering service;  
Light distributor and *repair shop*;  
Machine, tool or equipment rental *facility*;  
*Repair shop* for small electrical products;  
*Micro brewery*;  
Packing and distributing services;  
Repair and assembly of signs, billboards, and other electronic advertising fixtures;  
*Commercial* self-storage;  
Wholesale bulk storage *facility*;  
Maintenance and repair accessory to a *permitted use*;  
Those uses *permitted* under Section 8.2 Central *Commercial Zone 2 (C2)*.

**c) Permitted Buildings and Structures**

- i) Those *buildings and structures permitted* under Section 9.1 in the (M1) *Zone*;
- ii) *Buildings and structures accessory* to the *permitted* uses.

**d) Zone Provisions**

- i) All *lot* and *building* requirements for the *permitted buildings and structures* *shall be in accordance with* Section 9.1.

**9.1.11 'LIGHT INDUSTRIAL EXCEPTION 11 (M1-11)'**

- a)** For lands shown as M1-11 on Map 5 Schedule "A" of this By-law.
- b) Permitted Uses**  
A cabinet manufacturer and accessory uses, including an office accessory to the foregoing permitted uses. Notwithstanding the foregoing the existing easterly building may be used for storage purposes only. Outside storage shall be limited to an area not exceeding 54 sq. m located to the rear of the westerly most building.
- c) Permitted Buildings and Structures**  
Buildings and structures as included in the site plan agreement made the 11<sup>th</sup> day of November, 2020, and detailed on Schedule 'A-2020' of said agreement.
- d) Zone Provisions**  
All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 9.1.

**SUBSECTION 9.2****MEDIUM INDUSTRIAL (M2) ZONE****a) Permitted Uses**

i) <b>Main use</b>	<p>All the <i>uses</i> identified in the (M1) zone and in addition, the following:</p> <p>Ambulance station;  <i>Automobile body repair shop</i>  <i>Automobile Repair Establishment</i>  <i>Commercial</i> printer, engraver, stereotyping, publishing, photographic <i>studio</i>;  Dairy or soft drink distributor;  Concrete casting and statue manufacturing;  Furniture manufacturing;  <i>Dry cleaning facility</i>;  <i>Medium Industrial uses</i>;  Laboratory and RD <i>facility</i>;  Laundry, linen and uniform supply and cleaning <i>facility</i>;  Machinery, Tool/Equipment <i>Repair shop</i>;  Manufacture and/or repair of scientific or precision tools, instruments and equipment  Manufacture of goods from textiles/fur/glass/leather/plastics/wood/yarns/and tobacco;</p>	<p><i>Micro brewery</i> ;  Manufacture <i>facility</i> making tools, dies, moulds, patterns, jigs and fixtures;  Manufacture <i>facility</i> making cosmetics, pharmaceutical products and toiletries;  Manufacture <i>facility</i> for:</p> <ul style="list-style-type: none"> <li>i) electronic parts;</li> <li>ii) computer components;</li> <li>iii) technical instruments;</li> </ul> <p>Manufacture and assembly of small motors;  Meat packing and distributing <i>facility</i>;  Manufacture of <i>greenhouse</i> components;  Powder coat or protective coating application <i>facility</i>;  Plastic injection moulding shop;  Towing Service;  Welding shop for the manufacturing of metal products;</p>
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**ii) Accessory use**

*Enclosed storage*  
*Outdoor storage*

**iii) Secondary Uses**

*offices*;  
*retail component*;  
*showrooms, merchandising centres and retail or wholesale outlet*; *cafeterias*

**b) Permitted Buildings and Structures****i) Permitted Buildings and Structures**

*Industrial buildings*  
*Accessory buildings and structures*

**c) Regulations****i) Lot area (min)**

1,400m<sup>2</sup> (15,069ft<sup>2</sup>)

**ii) Lot frontage (min)**

30 m (100ft.)

**iii) Open Space (min)**

15% *minimum*

iv) <b>Lot coverage (max)</b>	50 % including all accessory <i>buildings</i> and <i>structures</i>
v) <b>Front yard depth (min)</b>	7.5 m (25 ft) or established <i>building</i> line
vi) <b>Interior Side yard (min)</b>	3.0 m (10 ft.) or 15 m (50 ft.) when abutting a Residential Zone
vii) <b>Rear yard depth (min)</b>	4.5 m (25 ft) or 15 m (50 ft) when abutting a Residential Zone
viii) <b>Exterior Side yard (min)</b>	6 m (20 ft.)

#### d) **Supplementary Regulations**

- i) The following supplementary regulations *shall* also apply to lands zoned (M2):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- ii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### **Subsection 9.2 e) GENERAL INDUSTRIAL (M2) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use* *accessory* thereto shall also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

##### **9.2.1 'GENERAL INDUSTRIAL EXCEPTION 1 (M2-1)'**

##### **9.2.2 'GENERAL INDUSTRIAL EXCEPTION 2 (M2-2)' (M1- 1) S**

- a) For lands shown as M2-2 on Map 44 Schedule "A" of this By-law.

##### **b) Permitted Uses**

Those *uses* *permitted* for lands zoned (M2-2) shall be limited to a *transfer station* for the storage, crushing and recycling of asphalt, concrete, brick and tile, an asphalt plant and accessory uses.

##### **c) Permitted Buildings and Structures**

Those *buildings* and *structures* *permitted* in Section 9.2.

##### **d) Zone Provisions**

Provisions of the (M1) Section 9.1 shall apply the lands zoned (M2-2).

**SUBSECTION 9.3****HEAVY INDUSTRIAL (M3) ZONE****a) Permitted Uses**

i) <b>Main use</b>	All the <i>uses</i> identified in the (M1) and (M2) <i>zone</i> ; <i>Building and construction material recycling facility</i> ; <i>Asphalt and Concrete batching plant</i> ; <i>Fertilizer dealerships, warehousing and processing facility</i> ; <i>Grain warehousing and processing facility</i> ; <i>General Salvage Operation</i> ; <i>Heavy Industrial uses</i> ; <i>Materials transfer facility</i> ; <i>Motor Vehicle Salvage Operation</i> <i>Petroleum resource operations</i> .
ii) <b>Accessory use</b>	<i>Outside storage</i> <i>Enclosed storage</i>
iii) <b>Secondary Uses</b>	<i>offices</i> ; <i>retail component</i> ; <i>showrooms, merchandising centres and retail or wholesale outlets; cafeterias</i> ;

**b) Permitted Buildings and Structures**

i) <b>Permitted Buildings and Structures</b>	<i>Industrial buildings</i> <i>Accessory structures and buildings</i>
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**c) Regulations**

i) <b>Lot area (min)</b>	1,400m <sup>2</sup> (15,069 ft <sup>2</sup> )
ii) <b>Lot frontage (min)</b>	30 m (100ft.)
iii) <b>Open Space (min)</b>	15% <i>minimum</i>
iv) <b>Lot coverage (max)</b>	50 % including all <i>accessory buildings and structures</i>
v) <b>Front yard depth (min)</b>	7.5 m (25 ft) or established <i>building line</i>
vi) <b>Interior Side yard (min)</b>	3 m (10 ft.) or 15m (50 ft) when abutting a <i>Residential Zone</i>
vii) <b>Rear yard depth (min)</b>	4.5 m (25 ft) or 15 m (50 ft) when abutting a <i>Residential Zone</i>
viii) <b>Exterior Side yard (min)</b>	6 m (20 ft.)

#### d) Supplementary Regulations

- i) The following supplementary regulations *shall* also apply to lands zoned (M3):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- ii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2, &
  - 3. *ERCA Floodplain Development Control Area*

#### **Subsection 9.3 e) HEAVY INDUSTRIAL (M3) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

##### **9.3.1 'HEAVY INDUSTRIAL ZONE 3 EXCEPTION 1 (M3-1)' (120-2017)**

- a) For lands shown as M3-1 on Map 54 Schedule "A" of this By-law.

- b) Permitted Uses**

All uses identified in the (M1), M2 and (M3) zone;  
A waste transfer station

- c) Permitted Buildings and Structures**

Industrial buildings  
Accessory structures and buildings

- d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with 9.3 (c).

Notwithstanding Section 9.3 (c) the easterly side yard setback shall be 15 m minimum and the permitted use shall be limited to a passive green space buffer and may include berthing, landscaping and/or fencing abutting the existing agricultural use to the east.

## e) Other Requirements

- i) Permitted Uses, Buildings and Structures for lands zoned 'Heavy Industrial Zone 3 Exception 1, holding, (M3-1(h))' shall not include a waste transfer station.
- ii) For lands zoned 'Heavy Industrial Zone 3 Exception 1, holding, (M3-1(h))' the zoning may be amended under Section 36 of the Planning Act to '(M3-1)' once:
  - a. An Environmental Clearance Approval is issued by MOECC and a site plan and associated site plan agreement are prepared, specific to the waste transfer station use, to the satisfaction of the Town.

<b>SUBSECTION 9.4</b>		<b>EXTRACTIVE INDUSTRIAL (M4) ZONE</b>
<b>a) Permitted Uses</b>		
i) <b>Main use</b>  The processing of natural materials extracted from the subject site including screening, sorting, washing, crushing, storing and other similar operations allied to an extractive industrial operation;		Pits and quarries for the purpose of extracting natural materials from the earth including soil, sand, ground, stone, rock, shale, minerals and other similar materials;
ii) <b>Accessory use</b>  Accessory uses		
iii) <b>Secondary Uses</b>  offices; retail component; showrooms, merchandising centres and retail or <i>wholesale</i> outlets; cafeterias		
iv) <b>Prohibited Uses</b>  Residential uses		
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted Buildings and Structures</b>  Industrial buildings and structures Accessory buildings and structures		
<b>c) Regulations</b>		
i) <b>Lot area (min)</b>  N/A		
ii) <b>Lot frontage (min)</b>  N/A		
iii) <b>Front yard depth (min)</b>  30 m or as <i>required</i> by the <i>Pit</i> Licence issued by the Ministry of Natural Resources & Forestry under the Aggregate Resources Act as amended.		
iv) <b>Interior Side yard (min)</b>  30 m or as <i>required</i> by the <i>Pit</i> Licence issued by the Ministry of Natural Resources & Forestry under the Aggregate Resources Act as amended.		
v) <b>Exterior Side yard (min)</b>  30 m		
<b>d) Supplementary Regulations</b>		
i) The following supplementary regulations <i>shall</i> also apply to lands zoned (M4): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations		
ii) The following Subsections <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on the Zone Maps: Natural Environment Zone – Subsection 11.1; Wetland Zone – Subsection 11.2		

### **Subsection 9.4 e) EXTRACTIVE INDUSTRIAL (M4) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **9.4.1 'EXTRACTIVE INDUSTRIAL EXCEPTION 1 (M4-1)' (M2-2) S**

- a) For lands shown as M4-1 on Map 44 Schedule "A" of this By-law.**
- b) Permitted Uses**  
The *uses permitted* in Section 9.4 a) i) Agricultural uses subject to Section 7.1  
Buildings and structures accessory to the *permitted* uses
- c) Permitted Buildings and Structures**  
Existing buildings and structures, as well as buildings and structures for the *permitted* uses.
- d) Zone Provisions**  
All lot and building requirements *shall* be in accordance with Section 9.4  
  
Notwithstanding Section 9.4 no buildings or structures used for the processing of natural materials from the earth including soil, sand, gravel, stone or rock or for the processing of chemical materials *shall* be located within 100 metres of any lot line or within 100 metres of any dwelling. No *pit* excavation *shall* be established or extended within 15 metres of a lot line, *Zone* boundary or *street* allowance or to within 60 metres of a dwelling.
- e) Other Provisions**  
Development of the property for the continuation of the exiting Parks & Open Space  
Uses *shall* be subject to site plan control.

## SECTION 10 GREEN ZONE PROVISIONS

SUBSECTION 10.1 PARKLAND (PG)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Public Park Greenway</i>
ii) <b>Accessory use</b>	Uses accessory to the <i>main use</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings and Structures</b>	Pavilion Play structures Accessory structures
<b>c) Regulations</b>	
i) <b>Lot coverage (max)</b>	30%
ii) <b>Main building height (max)</b>	15 m
iii) <b>Accessory structure height (max)</b>	7.0 m
<b>d) Supplementary Regulations</b>	
i) The following supplementary regulations <i>shall</i> also apply to lands zoned (PG): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations	
ii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule “A”: <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. ERCA <i>Floodplain Development Control Area</i></li> </ol>	

### **Subsection 10.1 e) PARKLAND (PG) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

#### **10.1.1 ‘PARKLAND EXCEPTION 1 (PG-1)’ (PG-1) K**

- a) For lands shown as PG-1 on Map 76 Schedule “A” of this By-law.
- b) **Permitted Uses**  
Those *uses permitted* for lands zoned (PG);  
A public or *private marina* ;  
Sports playing fields;  
*Conservation areas*;  
*Private and public clubs*  
Recreation or community *clubs*;  
Uses accessory to the *permitted* uses
- c) **Permitted Buildings and Structures**  
Those *buildings and structures required* for the *permitted uses* in Section 10.1.1(a).
- d) **Zone Provisions**  
All *lot* and *building* requirements for the *permitted* uses *shall* be in accordance with Section 10.1.

SUBSECTION 10.2 RECREATIONAL (RG)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	Arena Curling Club Golf course Greenway Private or Public Marina Public outdoor market Private or Public Club Private or Public Park
ii) <b>Accessory use</b>	Accessory use to the <i>main use</i> A caretakers residential <i>unit</i> Retail component
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings and Structures</b>	Buildings and structures for the <i>main use</i> Accessory structures
<b>c) Regulations</b>	
i) <b>Lot area (min)</b>	2,000 m <sup>2</sup> (21,530 ft <sup>2</sup> )
ii) <b>Lot frontage (min)</b>	15 m (50 ft)
iii) <b>Interior Side yard (min)</b>	The greater of 50% of the <i>building height</i> when adjacent to a zone that permits a residence or a <i>minimum</i> of 3 m (10 ft) from an <i>interior side yard</i> adjacent to a zone that does not permit a residence.
iv) <b>Front yard Setback (min)</b>	7.5 m (24.5 ft) or established <i>building line</i>
v) <b>Exterior Side yard (min)</b>	4.5 m (15 ft)
vi) <b>Rear yard (min)</b>	The greater of 50% of the <i>building height</i> when adjacent to a zone that permits a residence or a <i>minimum</i> of 15 m from <i>rear yard</i> adjacent to a zone that does not permit a residence.
vii) <b>Lot coverage (max)</b>	30% including all accessory <i>buildings and structures</i>
viii) <b>Main building height (max)</b>	15 m (50 ft)
ix) <b>Accessory structure height (max)</b>	7.5 m (24.5 ft)

#### d) Supplemental Regulations

- i) The following supplementary regulations *shall* also apply to lands zoned (RG):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- ii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### **Subsection 10.2 e) RECREATIONAL (RG) EXCEPTIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the *zone* category, the provision(s) of this subsection apply; otherwise the other *zone* category provisions and all other related supplementary provisions of this by-law apply.

Where an additional *main use* is *permitted* under this subsection, any *use accessory thereto* *shall* also be *permitted*, subject to the provisions of the *zone* category and any other provisions of this by-law applicable to such *accessory use*.

##### **10.2.1 'RECREATIONAL (RG-1)' (R4-7) S**

- a) For lands shown as RG-1 Map 64-1 on Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 10.2 Recreational (RG);
  - ii) A *marina* and *accessory uses*
- c) **Permitted Buildings and Structures**  
Those *buildings and structures existing* at the date of passing of this by-law.
- d) **Zone Provisions**  
All *lot and building requirements* for the *permitted buildings and structures* *shall* be in compliance with Section 10.2.

##### **10.2.2 'RECREATIONAL (RG-2)' (R4-8) S**

- a) For lands shown as RG-2 Map 64-1 on Schedule "A" of this By-law.
- b) **Permitted Uses**
  - i) Those *uses permitted* under Section 10.2 Recreational (RG);
  - ii) A *marina*;
  - iii) A *self-storage rental facility*;
  - iv) *Warehousing facility*;
  - v) *And accessory uses*
- c) **Permitted Buildings and Structures**  
Those *buildings and structures existing* at the date of passing of this by-law.
- d) **Zone Provisions**  
All *lot and building requirements* for the *permitted buildings and structures* *shall* be in compliance with Section 10.2.

SUBSECTION 10.3 CEMETERIES (CG)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	Cemetery Memorial garden
ii) <b>Accessory use</b>	Accessory uses to the <i>main use</i> Office Retail component
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings and Structures</b>	Chapel Crematorium(s) Mausoleum(s) Accessory structures
<b>c) Regulations</b>	
i) <b>Lot area (min)</b>	2,000 m <sup>2</sup> (21,530 ft <sup>2</sup> )
ii) <b>Lot frontage (min)</b>	15 m (50 ft)
iii) <b>Interior Side yard (min)</b>	The greater of 50% of the <i>building height</i> when adjacent to a zone that permits a residence or a <i>minimum</i> of 3 m from an <i>interior side yard</i> adjacent to a zone that does not permit a residence.
iv) <b>Front Yard Setback (min)</b>	7.5 m or established <i>building line</i>
v) <b>Exterior Side yard (min)</b>	4.5 m (15 ft)
vi) <b>Rear Yard (min)</b>	15 m (49 ft)
vii) <b>Lot coverage (max)</b>	30% including all accessory <i>buildings and structures</i>
viii) <b>Main building height (max)</b>	15 m (49 ft)
ix) <b>Accessory structure height (max)</b>	7.5 m (24.5 ft)
<b>d) Supplemental Regulations</b>	

<p>i) The following supplementary regulations <i>shall</i> also apply to lands zoned (CG):</p> <p>Subsection 3: Definitions</p> <p>Subsection 4: General Provisions</p> <p>Subsection 5: Parking Regulations</p>	<p>ii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":</p> <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2, &amp;</li> <li>3. <i>ERCA Floodplain Development Control Area</i></li> </ol>
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SUBSECTION 10.4		PUBLIC UTILITIES/FACILITIES (MG)
<b>a) Permitted Uses</b>		
i) <b>Main use</b>	<p>Municipal services <i>facility</i>            Storm Water Management <i>Facility</i>            Sewage Treatment  <i>Waste disposal site</i>            Water <i>facility</i>            Wind farms</p>	
ii) <b>Accessory use</b>	<p>Uses accessory to the <i>main use</i></p>	
<b>b) Permitted Buildings and Structures</b>		
i) <b>Permitted Buildings and Structures</b>	<p>Municipal <i>facility</i>  <i>Building and structures</i> accessory to the <i>main use</i></p>	
<b>c) Supplemental Regulations</b>		
i)	<p>The following supplementary regulations <i>shall</i> also apply to lands zoned (MG):            Subsection 3: Definitions            Subsection 4: General Provisions            Subsection 5: Parking Regulations</p>	
ii)	<p>Future municipal service facilities, <i>waste disposal sites</i>, sewage treatment facilities, water facilities, or other municipal <i>facility</i> will require consideration under the provincial Environmental Assessment process and will dictate <i>lot</i> regulations applicable to the <i>facility</i>.</p>	
iii)	<p>Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule “A”:</p> <ol style="list-style-type: none"> <li>1. <i>Natural Environment Zone</i> – Subsection 11.1;</li> <li>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</li> <li>3. ERCA <i>Floodplain Development Control Area</i></li> </ol>	

SUBSECTION 10.5 CAMPGROUND/TRAILER PARK (TG)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	Facilities <i>used exclusively for seasonal accommodation, comprising: a lawfully existing campground; a lawfully existing mobile home park (trailer park); lawfully existing tourist cabins</i>
ii) <b>Accessory use</b>	<i>Accessory uses to the main use</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings/Structures</b>	<i>Accessory buildings and structures</i>
<b>c) Regulations</b>	
i) <b>Lot area (min)</b>	<i>As existing at the date of passing of this By-law</i>
ii) <b>Lot frontage (min)</b>	<i>As existing at the date of passing of this By-law</i>
iii) <b>Interior Side Yard (min)</b>	3 m (10 ft)
iv) <b>Front Yard Setback (min)</b>	15 m (49 ft) or established <i>building line</i>
v) <b>Exterior Side Yard (min)</b>	4.5 m (15 ft)
vi) <b>Rear Yard (min)</b>	15 m (49 ft)
vii) <b>Lot coverage (max)</b>	30% including all <i>accessory buildings and structures</i>
viii) <b>Main building height (max)</b>	15 m (49 ft)
ix) <b>Accessory structure height (max)</b>	7.5 m (24.5 ft)
<b>d) Supplemental Regulations</b>	
i) The following supplementary regulations <i>shall</i> also apply to lands zoned (TG): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations	
ii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": 1. <i>Natural Environment Zone</i> – Subsection 11.1; 2. <i>Wetland Zone</i> – Subsection 11.2,& 3. <i>ERCA Floodplain Development Control Area</i>	

SUBSECTION 10.6 EDUCATION (EG)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<p><i>School – Elementary or Secondary</i>  <i>Church/Chapel/religious institution/place of worship</i>  College  High School  Museum  <i>School, Commercial</i>  Specialized training facility  University</p>
ii) <b>Accessory use</b>	<p>Accessory uses to the <i>main use</i>  <i>Outdoor storage</i>  <i>Office</i>  Retail component</p>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings and Structures</b>	<p>Museum  Chapel  Crematorium(s)  Mausoleum(s)  Accessory structures</p>
<b>c) Regulations</b>	
i) <b>Lot area (min)</b>	2,000 m <sup>2</sup> (21,530 ft <sup>2</sup> )
ii) <b>Lot frontage (min)</b>	15 m (50 ft)
iii) <b>Interior Side Yard (min)</b>	The greater of 50% of the <i>building height</i> when adjacent to a zone that permits a residence or a <i>minimum</i> of 3 m from an <i>interior side yard</i> adjacent to a zone that does not permit a residence.
iv) <b>Front Yard Setback (min)</b>	7.5 m or established <i>building line</i>
v) <b>Exterior Side Yard (min)</b>	4.5 m (15 ft)
vi) <b>Rear Yard (min)</b>	7.5 m
vii) <b>Lot coverage (max)</b>	30% including all <i>accessory buildings and structures</i>
viii) <b>Main building height (max)</b>	15 m
ix) <b>Accessory structure height (max)</b>	7.5 m

#### **d) Supplemental Regulations**

- i) Notwithstanding Subsection 4.2 of this By-law, new accessory *buildings* and monuments used for purposes related to a museum are *permitted* within 1 m of the exterior side-yard abutting the Chrysler Canada Greenway *Right-of-way*, and, *permitted* within 3 m of any interior *lot line* abutting a residential *Zone*.
- ii) The following supplementary regulations *shall* also apply to lands *zoned* (EG):
  - Subsection 3: Definitions
  - Subsection 4: General Provisions
  - Subsection 5: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area* *shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### **10.6 e) EDUCATION (EG) EXCEPTION REGULATIONS**

Where there is a conflict between the provisions of this subsection and the provisions of the zone category, the provision(s) of this subsection apply; otherwise the other zone category provisions and all other related supplementary provisions of this by-law apply.

Where an additional main use is permitted under this subsection, any use accessory thereto shall also be permitted, subject to the provisions of the zone category and any other provisions of this bylaw applicable to such accessory use.

##### **10.6.1 EDUCATION EXCEPTION 1 (EG-1) (126-2017) (New School Site)**

For lands shown as EG-1 on Map 67, Schedule "A" of this By-law. Notwithstanding any other provisions of the by-law to the contrary the following shall apply to lands zoned EG-1:

- i) minimum side yard abutting an existing R1.1 zone shall be 7.5 m.

##### **10.6.2 EDUCATION EXCEPTION 2 (EG-2) (455 Cty. Rd 34 W)**

## SECTION 11 ENVIRONMENT PROVISIONS

SUBSECTION 11.1 NATURAL ENVIRONMENT (NE)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Natural Environment Area</i> <i>Agricultural operations</i>
ii) <b>Accessory use</b>	<i>Accessory uses to the main use</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings &amp; Structures</b>	<i>Buildings and structures for the protection of the natural environment</i> <i>Accessory buildings and structures</i>
<b>c) Regulations</b>	
i) <b>Lot area (min)</b>	<i>As existing at the date of passing of this Comprehensive Zoning By-law</i>
ii) <b>Lot frontage (min)</b>	<i>As existing at the date of passing of this Comprehensive Zoning By-law</i>
<b>d) Supplemental Regulations</b>	
<i>i) The following supplementary regulations <i>shall</i> also apply to lands <i>zoned</i> (NE):</i> <i>Subsection 3: Definitions</i> <i>Subsection 4: General Provisions</i> <i>Subsection 5: Parking Regulations</i>	
<i>ii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":</i> <i>1. <i>Natural Environment Zone</i> – Subsection 11.1;</i> <i>2. <i>Wetland Zone</i> – Subsection 11.2,&amp;</i> <i>3. <i>ERCA Floodplain Development Control Area</i></i>	
<i>iii) Floodplain mapping has been received by Essex Region <i>Conservation Authority</i> (ERCA) in February, 2014. This mapping will remain current and be updated regularly.</i>	

SUBSECTION 11.2 <b>WETLAND (WE)</b>	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	<i>Wetland Agricultural Operations</i>
ii) <b>Accessory use</b>	<i>Accessory uses to the main use</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings &amp; Structures</b>	<i>Buildings and structures for the protection of the natural environment Accessory buildings and structures</i>
<b>c) Regulations</b>	
i) <b>Lot area (min)</b>	<i>As existing at the date of passing of this Comprehensive Zoning By-law</i>
ii) <b>Lot frontage (min)</b>	<i>As existing at the date of passing of this Comprehensive Zoning By-law</i>
<b>d) Supplemental Regulations</b>	
i) The following supplementary regulations <i>shall</i> also apply to lands zoned (WE): Subsection 3: Definitions Subsection 4: General Provisions Subsection 5: Parking Regulations  ii) Subsection 4.15 <i>Floodplain Development Control Area</i> <i>shall</i> apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A": 1. <i>Natural Environment Zone</i> – Subsection 11.1; 2. <i>Wetland Zone</i> – Subsection 11.2, & 3. <i>ERCA Floodplain Development Control Area</i>	

### **Subsection 11.3- deleted by 17-2016**