

## Preamble

This Section provides an overview of the structure of this By-law and describes generally how each Section of this By-law should be used. This Section is provided for information purposes only and does not form part of the By-law.

## Sections of the By-law

The Zoning By-law is comprised of the following Sections, which are described briefly as follows:

### Section 1.0: General

Section 1.0 addresses legal matters of the By-law, including its name, scope and other matters.

### Section 2.0: Interpretation

Section 2.0 addresses how the By-law is to be interpreted with respect to the use and meaning of terms, and the interpretation of special use regulations.

### Section 3.0: Administration

Section 3.0 addresses the administration of the By-law and the relationship of the By-law to issuance of building permits, certificates of occupancy and other administrative or legal matters.

### Section 4.0: Definitions

The Zoning By-law is a legal document, and as such, it must be clear and easily interpreted in order to be effective. Section 4.0 provides the definitions for terms and uses identified within this By-law. In some cases, the definition of a term may be technical in nature, and as such, understanding the definitions is critical to ensuring conformity with the Zoning By-law. For some technical or complex definitions, a diagram may be provided to help clarify the meaning of a term, for illustration purposes only. Where a definition for a term is provided in Section 4.0, the term is *italicized* in the text of the By-law.

### Section 5.0: Zones and Zoning Maps

Section 5.0 establishes the zones, zone symbols and the zoning maps (Schedule A). Section 4.0 also provides provisions regarding the interpretation of the zoning maps, as well as holding symbol (h) provisions. For convenience, each zone established in the By-law is given a zone symbol, usually consisting of one or two capitalized letters and possibly a number, and written with no spaces (e.g., R1 is the zone symbol for the Residential Type 1 zone). The zoning maps illustrate the zoning of the Town by assigning zone symbols to delineated areas in the Town.

Since there may be some degree of uncertainty regarding the interpretation of the zoning maps (i.e., the exact extent of the zones), Section 5.0 also provides direction on how the zoning maps shall be interpreted.

**Section 6.0: General Provisions**

Section 6.0 contains the provisions that are applicable to all of the zones, and may be applicable to particular uses, buildings or structures. All forms of development and all changes in land use must comply with all of the applicable general provisions. The general provisions regulate such matters as: general requirements for setbacks, yards, lot frontage, etc.; uses permitted or prohibited in all zones; specific use regulations; requirements for parking, access, driveways, and loading; regulations for accessory uses, buildings and structures; permitted yard encroachments; regulations regarding landscaping and buffering; regulations regarding development in floodplains and hazard lands; regulations for development within or in close proximity of woodlots, wetlands, significant valley lands and environmentally significant areas; and other provisions.

**Section 7.0: Permitted Uses**

Section 7.0 identifies the uses that are permitted in each of the zones. The permitted uses are organized in a tabular format for ease of reference and to allow a comparison of the permitted uses across all of the zones. Each of the permitted uses are subject to the applicable Zone Regulations provided in Section 8.0 in addition to the General Provisions and the site specific use qualifications provided in Section 6.0, where applicable.

**Section 8.0: Zone Regulations**

Section 8.0 identifies the zoning regulations for each of the zones. Each Section provides regulations for one or more zones, which are grouped by land use category (i.e., residential zones, hamlet zones, commercial zones, mixed use zones, employment zones, institutional zones, agriculture zone, environmental protections, parks and open space zones, and urban reserve zone). The regulations for similar zones are arranged in tabular format to allow a comparison of the zones. Users should refer to Section 7.0 for a list of the uses that are permitted in each of the zones.

**Section 9.0: Zone Exceptions**

Each zone may also include a number of exception zones, which are listed in Section 9.0 and organized by zone category. Exception zones are usually applied to a single property, but may be applicable to more than one property. Exception zones may provide specific regulations, additional permitted uses, or a restricted list of permitted uses that apply to all properties that are zoned with the exception. Unless specifically stated in the regulations for each exception zone, the zone regulations that apply to the parent zone, the General Provisions (Section 6.0), the list of Permitted Uses (Section 7.0) and the applicable zone regulations (Section 8.0) will

still apply to the exception zone. Exception zones are in the format of the zone symbol followed by a dash (“-”) and a unique exception number. For example, R1-1 is Residential Exception 1 to the R1 zone. Unless otherwise stated, these exception zones are subject to the General Provisions (Section 6.0), Permitted Uses (Section 7.0) and the applicable zone regulations (Section 8.0).

### **Schedules**

**Schedule A** illustrates the zoning in the Town. Schedule A also illustrates, as overlays, the following natural heritage features and natural hazards which are subject to the General Provisions of Section 6.0: the Lake St. Clair Floodprone Areas/Inland Floodplain Development Control Area, Limit of the Regulated Area, and a natural heritage system overlay (which includes Woodlands and Significant Valley Lands, as identified in the Town of Lakeshore Official Plan). Regulations related to development within or in close proximity to the natural heritage overlay are included in the General Provisions. It is noted that evaluated wetlands and environmentally significant areas, which are also identified in the Official Plan, are zoned Wetland (W) and Environmental Protection (EP), respectively, and therefore are not included in the natural heritage overlay. General provisions are provided to regulate development in zones that are adjacent to or in close proximity to wetlands and environmentally significant areas. The zone regulations for the W and EP zones regulate development within these identified features.

**Schedule B** illustrates the required intermittent and continuous street frontages in the County Road 22 Corridor Special Planning Area, which establishes minimum and maximum front yard setbacks and building frontage areas on lots that fall within the County Road 22 Corridor. This schedule must be read in conjunction with the general provisions for the County Road 22 Corridor (Section 6.17).

**Schedule C** illustrates the Central Area zone within Belle River, within which the Town may consider the collection of cash-in-lieu or parking in accordance with the provisions of Section 6.41.2 u) (Parking Areas and Other Parking Provisions).

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**THE CORPORATION OF THE  
TOWN OF LAKESHORE  
COMPREHENSIVE ZONING BY-LAW**

**BY-LAW NUMBER**

**2 – 2012**

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

**WHEREAS** it is considered desirable to regulate the use of land, and the character and location of buildings and structures for the promotion of public health, safety, general convenience and well-being of the Town of Lakeshore;

**AND WHEREAS** there is an Official Plan in effect in the Town of Lakeshore;

**AND WHEREAS** this By-law is deemed to be in conformity with the Town of Lakeshore Official Plan;

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

**NOW THEREFORE** the Council of the Corporation of the Town of Lakeshore hereby repeals By-law 245 in the former Town of Belle River, By-law 4170-ZN-94 in the former Township of Maidstone, save and except for By-law 4170-ZN-94 as it relates to the properties municipally described as 1467, 1469, 1477, 1481, 1483, and a portion of 1489 County Road 22 as shown on Schedule “A” Map 17 and Map 20 of By-law 2-2012, By-law 231-Z-93 in the former Township of Rochester, By-law 6-86 in the former Township of Tilbury North and By-law 1711 in the former Township of Tilbury West, and all amendments thereto, and enacts as follows:

**1.0 General**

**1.1 Title**

This By-law may be cited as the “Town of Lakeshore Zoning By-law”.

**1.2 Application**

The provisions of this By-law shall apply to all lands, *buildings* and *structures*, within the boundaries of the *Town*.

### **1.3 Scope**

No person shall within any *zone* or defined area *use* any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any *building* or *structure*, except in conformity with this by-law for the zone or defined area in which such land, *building*, *structure* or use is located.

### **1.4 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 *Town* 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 *Town* or by any other regulation of the *County*, Province of Ontario or Government of Canada.

### **1.5 Permitted Uses**

Any *use* not specifically permitted by this By-law within a defined *zone* shall not be permitted in the *Town*. 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.

### **1.6 Greater Restrictions of Others to Govern**

Nothing in this By-law shall reduce the severity of restrictions lawfully imposed by a governmental authority having jurisdiction to make such restriction.

### **1.7 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.

### **1.8 Effective Date**

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

## 2.0 Interpretation

### 2.1 General

- a) Minimum Requirements: In interpreting and applying the provisions of this By-law, the said provisions are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the *Town*.

Except for those specifically stated as being maximum, any numerical figures in this By-law shall be the minimum requirements.

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

Meaning of *Shall*: In this By-law, the word "shall" will always be construed as mandatory.

Meaning of *Building* or *Structure*: A "*building*" or "*structure*" as defined herein shall include any part thereof.

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.

### 2.2 Special Use Regulations for Defined Areas

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.

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

## 2.0 INTERPRETATION

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permitted *use* or *uses*, and not to uses otherwise permitted in the *zone*, unless otherwise specified.

## **3.0 Administration**

### **3.1 Administration**

This By-law shall be administered by the *Chief Building Official*, or any other *person* as the *Council* designates, and shall be enforced by the *Chief Building Official*, *By-law Enforcement Officers* or any other person as *Council* designates.

### **3.2 Licenses and Permits**

No municipal 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.



## 4.0 Definitions

In this By-law,

1. ABATTOIR – shall mean a *building* or *structure*, or part thereof used for the slaughtering and processing of animals.
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* and that is located on the same *lot* therewith, and includes a detached garage or carport but does not include a *dwelling unit* in the Agriculture zone.
3. ADULT ENTERTAINMENT ESTABLISHMENT – 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 purpose of this paragraph, the following shall apply:
  - a) Provided shall mean furnished, performed, solicited or given such services;

Services shall mean activities, facilities, performances, exhibitions, viewings and encounters; and

Services appealing to or designed to appeal to erotic or sexual appetites or inclinations shall mean services of which a principal feature or characteristic is the nudity or partial nudity of any *person* or 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, and includes an *adult video store*.

4. ADULT VIDEO STORE – shall mean an establishment having, as a substantial or significant portion of its stock-in trade, videos which are distinguished or related to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.
5. 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, the raising of birds, fish and fur bearing animals, horses, riding stables, horse training tracks, agricultural research stations and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries, and *greenhouses*. However, agricultural use does not include facilities for the permanent or temporary housing of persons employed on the *lot* and, does not include a *marihuana for medical purpose production facility* and *industrial hemp production facility*.

#### 4.0 DEFINITIONS

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6. AGRICULTURAL USE – VALUE ADDED – shall mean a use *accessory* to an *agricultural use*, used for processing and refining of crops and produce, such as fruits, vegetables, nuts, seeds, corn, wheat, flowers, and plants, produced on properties which form part of the *farm* to a final retail product. The final retail product shall primarily consist of the crops and produce produced on the *farm*.
7. AGRICULTURAL COMMERCIAL and/or INDUSTRIAL ESTABLISHMENT – shall mean the use of land and/or *buildings* or *structures* for the manufacturing and wholesale and/or retail sales of goods that are necessary to support *agricultural uses*. 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, and manure and the manufacture of subsurface drainage materials and equipment including plastic farm drainage tile and sites for the packing and bailing of agricultural waste into blocks.
8. AGRICULTURAL LAND USE, GUIDE TO – shall mean Publication 824 by the Ontario Ministry of Agriculture, Food and Rural Affairs, as may be updated or reissued from time to time, which explains the role of agricultural land use planning and describes agricultural practices which minimize environmental impacts and promotes good farming practices and land use compatibility in rural areas.
9. AGRICULTURAL PROCESSING ESTABLISHMENT – shall mean 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, and excludes an *abattoir* 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.

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

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

10. AGRICULTURAL SERVICE AND SUPPLY ESTABLISHMENT – shall mean premises used for the buying, supply or selling of goods, materials or services that support *agricultural uses*, including the sale and *storage* of seed, feed, fertilizer and chemical products, the rental, sale, repair or service of agricultural equipment or implements, sales and service of welding and machinery repair, a farm equipment sales and service establishment, farm fuel sales, farm drainage and excavation, well drilling, custom spraying, tillage, planting and harvesting services, or any combination of the foregoing.
11. AISLE – shall mean the area used by motor vehicles for access to and from all off-street *parking spaces*, but does not include an access *driveway*.
12. ALTER – when used in reference to a *building, 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 increase or decrease the width, depth or area thereof or to increase or decrease the width, depth of area of any *yard, setback, landscaped open space* or *parking area*, or to change the location of any boundary of such *lot* with respect to a *street*, whether such alteration is made by conveyance or alienation of any portion of said *lot*, or otherwise.
13. AMUSEMENT PARK – shall mean a commercial recreational establishment with or without permanent *buildings* or *structures* where rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the *main use*.
14. ANIMAL CLINIC – shall mean a *building* or *structure* under the control and supervision of a qualified veterinarian where the animals or birds are given medical treatment but has no outdoor kennels, but does permit a veterinarian office.
15. ANIMAL SHELTER – shall mean land and *buildings* used for the care of lost, abandoned or neglected animals and operated by a *public authority* or by a non-profit private organization.
16. 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 hall or *private club*.
17. ATTACHED – when used in reference to a *building*, shall mean a *building* otherwise complete in itself which depends for structural support or for complete enclosure upon

#### 4.0 DEFINITIONS

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an above *grade* division wall or division wall shared in common with adjacent *building* or *buildings*.

18. AUCTION ESTABLISHMENT – shall mean a *building* or part thereof, or a *lot*, used for the retail sale of articles or goods by way of public auction, and may include the auctioning of motor vehicles on an incidental basis only.
- 18.1 AUTOMATIC COMMERCIAL VEHICLE WASHING ESTABLISHMENT – means a building or structure or part thereof, containing facilities for washing, cleaning or drying of commercial vehicles by production methods, typically exceeding 1 tonne, which shall include trucks, buses, farm machinery or other similar vehicles for the delivery, haulage or service of a similar use.
19. AUTOMOBILE RENTAL ESTABLISHMENT – shall mean a premise where *vehicles* are stored and rented to the public.
20. 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*.
21. AUTOMOBILE SALES AND SERVICE ESTABLISHMENT – shall mean premises where new and/or used vehicles are stored or displayed for the purpose of sale, lease or hire and shall include the *storage* and sale of automotive accessories together with the repair and service of vehicles. For the purpose of this definition, *vehicles* shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors, or tractor trailers.
22. AUTOMOBILE SERVICE STATION – shall mean a *building* or place where gasoline or other motor fuels are kept for sale and for delivery directly into motor vehicles, and may also include a *building* or place where minor running repairs, cleaning and maintenance essential to the actual operation of motor vehicles and the sale to the motoring public of goods usual to the trade are performed, and may also include an *automobile washing establishment* and the retail sale of convenience items as an *accessory use*.
23. AUTOMOBILE WASHING ESTABLISHMENT – Shall mean a *building* or *structure*, or part thereof, containing facilities for washing, cleaning or drying motor vehicles, which includes a self-service or coin-operated *automobile washing establishment*.

24. AUTOMOBILE WASHING ESTABLISHMENT, AUTOMATIC – shall mean a *building* or *structure*, or part thereof, containing facilities for washing, cleaning or drying motor vehicles by production line methods which may include a conveyor system, or similar mechanical devices, but does not include a self-service or coin operated *automobile washing establishment*.
25. BAKERY, COMMERCIAL – shall mean a *building* for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products, but does not include a *bake shop* or *eating establishment*.
26. BAKE SHOP – shall mean a *building* where products of a bakery are sold or offered for sale by retail, and shall also include incidental baking of products for retail sale on the premises to a maximum *gross floor area* of 500 m<sup>2</sup>.
27. BALCONY – shall mean an unenclosed or partially enclosed attached platform projecting from the face of a wall that is only directly accessible from within a building, surrounding by a partial wall or railing where required and without direct access to grade. *See also the definition for Deck or Patio.*
28. BASEMENT – shall mean one or more *storeys* of a *building* located below the *first storey*.
29. BATCHING OR RECYCLING PLANT, CONCRETE OR ASPHALT – an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction and includes facilities for administration or management of the business, the stockpiling of bulk materials used in the productions process or of finished products manufactured on the premises and the *storage* and maintenance of required equipment, and shall also include the processing of aggregate material through a crushing and sorting operation, but does not include the retail sale of finished asphalt or concrete products.
30. BED AND BREAKFAST ESTABLISHMENT – shall mean a *single detached dwelling* in which no more than three rooms are made available by the residents of the said dwelling for the temporary accommodation of travelers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a *hotel, motel, or eating establishment*, as defined herein.
31. BERM – shall mean a landscaped mound of earth.
32. BUFFER STRIP – shall mean an area used for no other purpose than for the *erection* of a solid *fence, berm* or the planting and maintaining of a continuous unpierced 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.

#### 4.0 DEFINITIONS

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33. BUILDING – shall include any *structure* greater than 10.0 m<sup>2</sup>, whether temporary or permanent, used or intended for sheltering any *use* or *occupancy* but shall not include a *fence, mobile home, holiday trailer, or tent*.
34. BUILDING, APARTMENT – shall mean the whole of a *structure* that contains three or more *dwelling units* which units have a common entrance from street level and are served by a common corridor, and the occupants of such units have the right to use in common the corridors, stairs, elevators, *yards* or one or more of them.
35. BUILDING, MAIN – shall mean the *building or structure* in which is conducted the *main use* of the *lot* on which it is situated. For clarity, a *single detached dwelling accessory* to an *agricultural use* is a *main building* for the purpose of this definition.
36. BUILDING SUPPLY OUTLET – shall mean a premise used for milling, *storage*, and wholesale sales of a broad range of building materials and which may include a retail operation.
37. BUS TERMINAL – shall mean any premises for the transient housing or *parking* of buses and the loading and unloading of passengers.
38. BY-LAW ENFORCEMENT OFFICER – shall mean any *Town* employee responsible for enforcing the By-laws.
39. 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 and mail.
40. CAMPGROUND – shall mean a parcel of land used or maintained as an overnight tenting or camping area, where people are temporarily accommodated in tents, *holiday trailers* or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a *mobile home* or a *mobile home park*.
41. CANAL – shall mean an artificial waterway that is not a *watercourse*, directly or indirectly connected to Lake St. Clair or any *watercourse* and its tributaries, and which is constructed for recreational or drainage purposes.
- 41.1 CANNABIS - Cannabis means the substance set out in Item I of Schedule II to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended.
42. CANOPY, WEATHER – shall mean a permanent, unenclosed roof *structure* erected for the purpose of sheltering motor vehicle fuel pumps and dispenser islands from the weather.

43. CELLAR – shall mean that portion of a *building* which is partly or wholly underground and which has more than one-half of its *height*, from floor to ceiling, below adjacent finished *grade*.
44. CEMETERY – shall mean a place for the burial of the dead and shall include such things as mausoleums, crematoria and other *buildings* required for internment or any other cemetery-related purpose.
45. CEMETERY, ANIMAL – shall mean a *cemetery* for the burial of animals.
46. CHIEF BUILDING OFFICIAL – shall mean the Chief Building Official appointed by Council under the *Building Code Act*, S.O. 1992 c.23, as amended.
47. CLUB – shall mean a *building* or part thereof used exclusively by an association of persons who are bonafide members and their guests for social, cultural, recreational or athletic purposes.
48. COMMITTEE OF ADJUSTMENT – shall mean a committee appointed under Section 44.(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
49. COMMERCIAL OUTDOOR RECREATION FACILITY – shall mean an outdoor facility or facilities which may include, but not necessarily be restricted to a water slide, a commercial outdoor swimming pool, a wave pool, a baseball batting cage or a paddleboat or bumper-boat pool, and a mini golf course, but shall not include a *golf course*, go-kart track, a ski club or any other use as otherwise defined or listed herein.
50. COMMUNITY CENTRE – shall mean a public *building* and associated lands used for community recreation or social activities, meetings or other leisure activities and not used for commercial purposes, and the control of which is vested in the *Town*, a non-profit organization, a local board or agent thereof.
51. COMPOSTING OPERATION – shall mean an open windrow waste processing facility in which leaf and yard waste is processed into compost through an aerobic biological process, conducted under controlled, engineered conditions designed to produce stabilized humus.
52. 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.
53. CONSENT – shall mean the approval to the severance of land pursuant to the *Planning Act*, R.S.O., 1990, c.P.13, as amended.

#### 4.0 DEFINITIONS

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54. CONSERVATION AREA – shall mean 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.
55. CONSERVATION AUTHORITY – shall mean an authority as defined in the *Conservation Authorities Act*, R.S.O 1990, c.C.27, as amended.
56. CONTRACTOR'S YARD – shall mean any land, *building* or *structure* used for the purpose of storing contracting or construction equipment and material or performing shop work or assembly work by any building trade or other contractor, and shall include facilities for the administration or management of the contracting business.
57. COUNCIL – shall mean the Council of the Corporation of the Town of Lakeshore.
58. COUNTY – shall mean the Corporation of the County of Essex.
59. CULTURAL FACILITY – any *building*, room or area and designed or utilized primarily for the presentation to the general public of live theatre, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material which are not characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities, and without limiting the scope of the foregoing definition, shall include art galleries, museums, libraries and exhibition halls.
60. DAY CARE CENTRE – means a day nursery as defined in the *Day Nurseries Act*, R.S.O. 1990, c.D.2, as amended.
61. DECK or PATIO – means an attached or freestanding platform or area not covered by a roof or structure, except a balcony, which is made of wood, concrete, or other similar material, and which is accessed directly from grade and which may also be accessed from the associated building. *See also the definition for balcony.*
62. DENSITY, GROSS – shall mean the ratio of *dwelling units* to the *lot area*.
63. DERELICT VEHICLE - shall mean an inoperative *vehicle* or an unlicensed *vehicle*.
64. DETACHED – shall mean not *attached*.
65. DEVELOPMENT – shall mean the creation of a new *lot*, a change in land *use*, or the construction of *buildings* or *structures*, requiring approval under the *Planning Act* R.S.O. 1990, c.P.13, as amended, but does not include:
- a) activities that create or maintain infrastructure authorized under an environmental assessment process;

works subject to the Drainage Act, R.S.O. 1990, c.D.17, as amended; or

underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential where advanced exploration has the same meaning as under the Mining Act, R.S.O. 1990, c.M.14, as amended.

66. 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, such as an Automated Teller Machine as part of a *financial institution*, a drive-through *pharmacy* or an *automobile washing establishment*.
67. DRIVEWAY – shall mean 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*.
68. DRY CLEANING DEPOT – shall mean a *building* or part of a *building* used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to a process of dry cleaning or dyeing, including transport to a *dry cleaning establishment*. A dry cleaning depot may also be used for pressing and/or distributing any articles or goods of fabric which have been received therein, but shall not include the on-site use of chemicals normally used in dyeing or dry cleaning processes.
69. 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.
70. DWELLING – shall mean a *building* or part of a *building*, *occupied*, or designed to be *occupied* exclusively as a home, residence or sleeping place by one (1) or more *persons*, but shall not include *hotels*, *retirement homes*, *motels*, institutions, *holiday trailers* or *mobile homes*.
  - a) DWELLING, APARTMENT – shall mean a *dwelling unit* contained within an *apartment building*.
  - b) DWELLING, CONVERTED – shall mean a *building* converted into one or more *dwelling units* from a *building* originally constructed or used for *non-residential* purposes.
  - c) DWELLING, DUPLEX or DUPLEX – shall mean a *dwelling* with two *dwelling units* designed to accommodate two separate groups of individuals, regardless of whether the individuals within the groups are related or unrelated. Each

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*dwelling unit* shall be divided by a horizontal common wall to only one other *dwelling unit* with separate entrances on one *lot*.

- d) DWELLING, GROUP HOME – shall mean a licensed or approved or federally or Provincially-funded single housekeeping unit in a *dwelling* in which three to ten residents (excluding staff), by reason of their emotional, mental, social or physical condition or legal status are required to live as a unit under responsible supervision, but does not include a place maintained and operated primarily for the care of or occupation by inmates or persons placed on probation or released on parole or for any other correctional purpose.
- e) DWELLING, SEASONAL – shall mean a *single detached dwelling* that is not intended to permit winter occupancy and has not been modified for year-round use.
- f) DWELLING, SECONDARY FARM – shall mean a *dwelling unit* that is used for temporary housing of seasonal farm labour and their families and may include a *mobile home*.
- g) DWELLING, SEMI-DETACHED – shall mean a *dwelling* attached by a vertical common wall to only one other *semi-detached dwelling* and each *semi-detached dwelling* shall be on a separate *lot*.
- h) DWELLING, SINGLE DETACHED – shall mean a *dwelling* designed as one *dwelling unit* with all parts of the *building* being accessible to and from all other parts of the *building*.
- i) DWELLING, TOWNHOUSE – shall mean a *dwelling* attached by a common wall to one or more other *townhouse dwellings* and each *townhouse dwelling* shall be on a separate *lot*, unless otherwise arranged through a Plan of Condominium.
- j) DWELLING, TRIPLEX or TRIPLEX – shall mean a *dwelling* containing three *dwelling units*, each having an independent entrance to the outside and separated from the adjoining unit or units by a horizontal common wall.
- k) DWELLING UNIT – shall mean one or more *habitable rooms* each of which is accessible from the others and which function as an independent and separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of the occupants, with a private entrance from outside the *building* or from a common hallway or stairway inside the *building*.
- l) DWELLING UNIT, ACCESSORY – shall mean a *dwelling unit* which is *accessory* to a *non-residential use*.



- m) DWELLING UNIT, SECONDARY – shall mean a second *dwelling unit* constructed within an existing *single detached dwelling*, located within the *main dwelling* and designed such that the outward appearance as a single detached dwelling is maintained, except for any alterations which are required by the Ontario Building Code.
71. 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 or take-out 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. An *outdoor patio* may be included as an *accessory use*.
72. EATING ESTABLISHMENT, DRIVE-THROUGH – shall mean an *eating establishment* which is also designed to serve patrons while they remain in a motor vehicle.
73. EMPLOYMENT USE, NON-EFFLUENT PRODUCING – shall mean an *employment use* which either does not discharge wastewater or discharges wastewater from one or more of the following sources only:
- a) sanitary sewage from employee washrooms; storm water drainage; and water used for indirect cooling and pressure testing of equipment and for other ancillary purposes.
74. ERECT – shall mean to do anything pertaining to the *building*, construction, reconstruction, installation, enlargement, 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 demolition or removal of a *building* or any part thereof, and further includes any work for which a building permit is required. “Erected” and “erection” shall have a corresponding meaning.
75. EXISTING – shall mean legally existing as of the date of the passing of this By-law.
76. FAIR OR EXHIBITION GROUNDS – shall mean the use of land, or *building*, or *structure* where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and *amusement park*.
77. FARM - shall mean land used for an *agricultural use*.
78. FARM WINERY – shall mean a *farm* on which buildings and structures are used for the making of wines from crops grown exclusively on the property.

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79. FARM PRODUCE OUTLET – shall mean a place, with or without permanent *buildings*, where *seasonal produce* may be sold to the general public.
80. FENCE – shall mean any continuous barrier made of chain, wood, stone, masonry, lattice work screen or other such material, or a hedge or other such thick growth of shrubs or trees, constructed, installed or grown along the perimeter of lands, whether the lands are occupied or not, so as to give the inference that the barrier is intended to delineate the boundaries of the said lands. Any berm or other such man-made structure upon which a *fence* is built shall be deemed to be a part of the *fence*.
81. 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.
82. FITNESS CENTRE – shall mean 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.
83. FLOODWAY – shall mean the area adjacent to a watercourse, other than Lake St. Clair 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 *Town* in consultation with the applicable *Conservation Authority*.
84. FLOODPLAIN – shall mean the area below the one in one hundred year (1:100) or maximum observed flood condition for the Essex Region watersheds and the one in two hundred and fifty year (1:250) or maximum observed flood condition for the Lower Thames Valley watersheds, as established by the *Conservation Authority* or other designated Authority. See also Limit of Regulated Area.
85. FLOOR AREA – shall mean the space on any *storey* of a *building* between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces and their enclosing assemblies.
86. FLOOR AREA, GROSS – shall mean the total *floor area* in a *building* or *structure* measured between the exterior faces of the exterior walls of the *building* or *structure* at

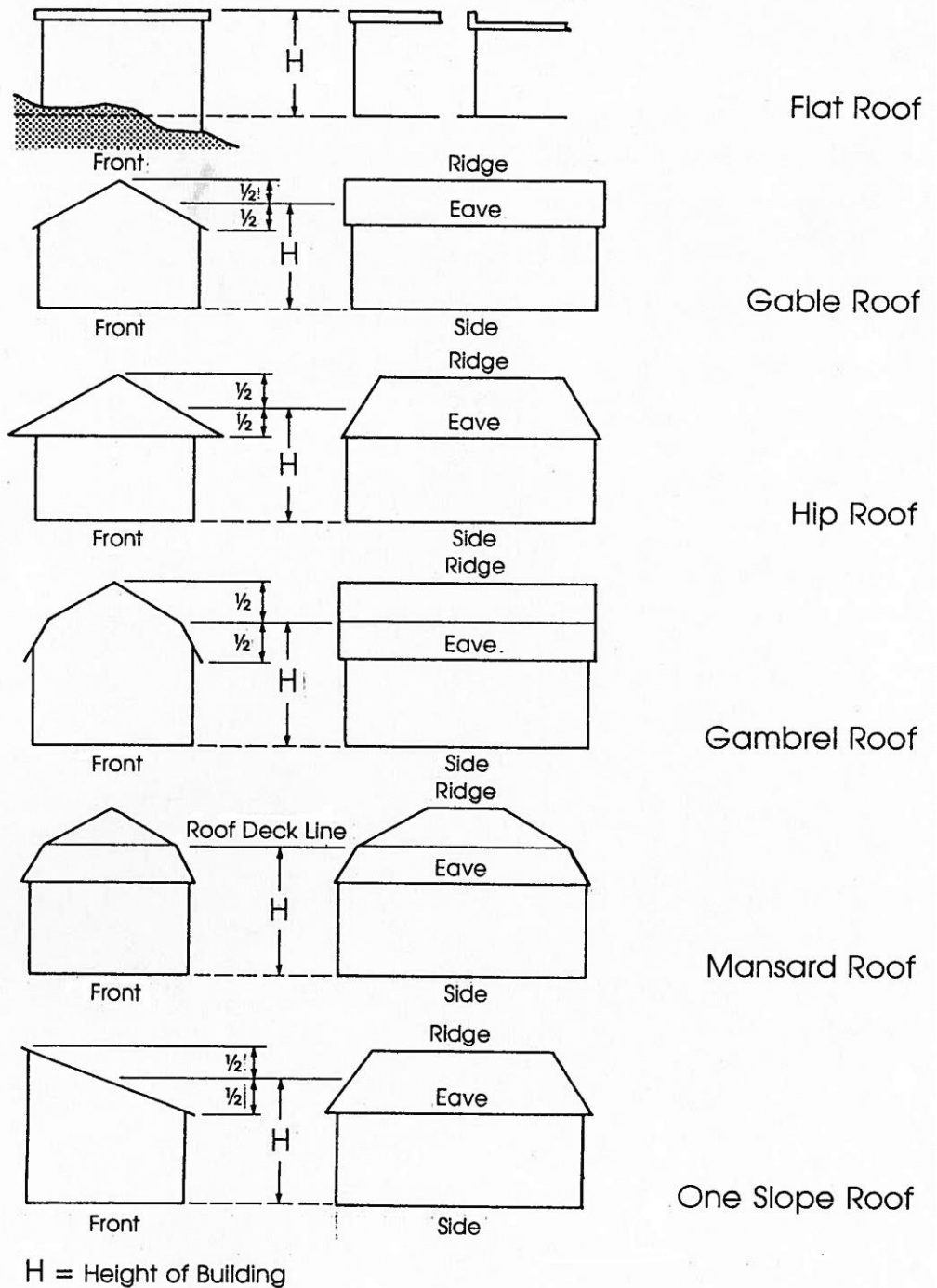
- the level of each *storey* below, at and above *grade*, including the area used for enclosed off-street unloading, *parking*, mechanical equipment, stairways or shafts.
87. FLOOR AREA, NET – shall mean the total *floor area* in a *building* or *structure* measured between the exterior faces of the exterior walls of the *building* or *structure* at the level of each *storey* below, at and above *grade*, excluding the area used for enclosed off-street unloading, *parking*, mechanical equipment, stairways or shafts.
88. FOOD CART – shall mean a non-motorized/motorized vehicle from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public. Shall include but is not limited to push carts, wheeled vehicles, or similar vehicle excluding catering trucks.
89. FORESTRY USE – shall mean the general raising and harvesting of wood, and without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products produced on the same *lot*.
90. FUEL STORAGE DEPOT - shall mean any *employment 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*.
91. 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.
92. GARAGE or CARPORT – shall mean an *accessory building* or portion of a *building* designed for the sheltering or *storage* of passenger 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 where such *structure* is *attached*.
93. GOLF COURSE – shall mean a public or private area operated for the purpose of playing golf including a driving range, *miniature golf course*, or combination thereof.
94. GOLF COURSE, MINIATURE – also known as mini-golf, crazy golf or Putt-Putt, shall mean a novelty version of golf played with a putter and a golf ball on a miniature course (consisting of only a putting surface), and featuring obstacles such as ramps, bunkers, alleys, bridges and tunnels in a “fantasy-like setting.”
95. 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*.
96. GRADE, CENTRELINE – shall mean the average level of the *street centreline*.

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97. GRADE LEVEL – shall mean the level of any *lots* above the normal crown level of the *street*, measured above sea level according to Geodetic Datum, upon which the *lot* abuts. Where a *lot* abuts on two or more streets, the *grade level* shall be the mean of the *grade levels* calculated with reference to the different *streets*. If the natural level of the ground is higher than as stipulated above, then the average natural level of the ground shall be taken as the *grade level*.
98. GREENHOUSE – shall mean a *building* or *structure* or land constructed of, or covered by, glass or plastic and used exclusively for the growing or *storage* of vegetables, shrubs, plants or flowers and may include the subsequent transplanting or replanting of same, or sale of the produce grown.
99. GREENHOUSE FARM – shall mean an *agricultural use* in which the predominant economic activity involves the growing of plant materials in large scale *greenhouses*, for which the *use* comprises a minimum of 2.0 hectares, for subsequent replanting or sale.
100. GREENHOUSE WASTE PROCESSING OPERATION – shall mean an agricultural-related *employment use* for the sorting, refining, blending and composting of greenhouse by-products for the purpose of redistribution.
101. HABITABLE ROOM – shall mean any room within a *dwelling used* or intended to be *used* for living, sleeping, eating or food preparation, but does not include a washroom, laundry room, closet, sunroom, *porch*, *garage*, *cellar*, furnace room, or any space *used* for the service and maintenance of such *dwelling* or for vertical travel between *storeys*.
102. HEIGHT – when used with reference to a *building* or *structure*, shall mean the vertical distance between the horizontal plane through the *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 of less than twenty degrees with the horizontal shall be considered a flat roof;
  - c) the roof deck line, in the case of a mansard roof; or
  - d) the average level between eaves and ridges in the case of a roof type not mentioned in subsections a), b) and c) immediately preceding.

**Illustration of building height definitions (for illustration purposes only):**



103. HOME INDUSTRY - shall mean a gainful occupation which may include an electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use, conducted in whole or in part in an *accessory building* to a *single detached dwelling*, and is in accordance with the provisions of Section 6.26 of this By-law.

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104. HOME OCCUPATION – shall mean the *use* of part of a *dwelling, dwelling unit* or *attached garage* for an occupation which provides gain or support for individuals permanently residing in such *dwelling* or *dwelling unit* and is clearly secondary to the *main use* of the *dwelling unit* as a private residence, and is in accordance with the provisions of Section 6.27 of this By-law.
105. HOME OCCUPATION, AGRICULTURAL – shall mean the *use* of part of a *dwelling unit* or an *accessory building* or *structure*, for an occupation which provides gain or support, for at least one of the permanent residents of such *dwelling unit* and which is clearly secondary to the *agricultural uses* being carried out on the *farm*.
106. HOSPITAL - shall mean any institution, *building* or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended, as a public hospital.
107. HOTEL – shall mean any hotel, 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 by supplying food, refreshments or both and furnishing sleeping accommodation of not less than six guest rooms, each having no facilities for cooking or housekeeping, and provided that each guest room may only be entered from the interior of the *building*, and shall include all such *buildings* operating under the *Liquor License Act*, R.S.O. 1990, c.L.19, as amended. A hotel does not include a, *group home dwelling* or *apartment dwelling*.
108. HOUSEKEEPING COTTAGE – shall mean one or a group of *buildings* that provides temporary accommodations to overnight guests for a fee and is equipped with a kitchen, which has a common piped water supply with other such *buildings*.
109. HUNTING, TRAPPING AND FISHING – shall mean the *use* of land for the hunting or trapping of animals or the catching of fish in accordance with the regulations of the Ministry of Natural Resources and in accordance with all other applicable law. Such a *use* may include *buildings* or *structures* used for periodic overnight accommodation during the hunting season, including hunt camps, hunting cabins or a commercial hunting lodge.
- 109.1 INDUSTRIAL HEMP - means the plants and plant parts of the genera *Cannabis*, the leaves and flowering heads of which do not contain more than 0.3% THC w/w, and includes the derivatives of such plants and plant parts. It also includes the derivatives of non-viable cannabis seed. It does not include plant parts of the genera *Cannabis* that consist of non-viable cannabis seed, other than its derivatives, or of mature cannabis stalks that do not include leaves, flowers, seeds or branches, or of fibre derived from those stalks under the *Controlled Drugs and Substances Act* or as

amended and as regulated by the *Industrial Hemp Regulations* (SOR/98-156) or as amended.

- 109.2 INDUSTRIAL HEMP PRODUCTION FACILITY - means any land, building or structure licensed and / or authorized to cultivate, import, export, process, sell, provide, test for viability, possess and/or produce a derivative or product of industrial hemp, as defined in Section 1 of the *Industrial Hemp Regulations* (SOR/98-156).
110. IMPOUNDING YARD – shall mean a place to which disabled vehicles, and vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an *automobile service station* or *salvage yard*.
111. IINLAND FLOODPLAIN DEVELOPMENT CONTROL AREA – shall mean the lands identified as Floodplain Development Control Area on Schedule "A" which are subject to regulatory flood level protection (1: 100 Year or maximum observed) and are adjacent to a watercourse. This area contains both the floodfringe and the *floodway* and is subject to the *Conservation Authorities Act*, R.S.O 1990, c.C.27, as amended, permitting requirements, in advance of development proceeding..
112. KENNEL or KENNEL, BOARDING – shall mean any *building* or *structure* or part thereof *used* or intended for *use* for the purpose of breeding, boarding and/or raising three or more domesticated animals.
113. LABORATORY OR SCIENTIFIC RESEARCH FACILITY – shall mean a *building* or group of *buildings* which are facilities *used* for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as *accessory* to the main purpose of the laboratory.
114. LAKE ST. CLAIR SHORELINE FLOODPRONE AREA - shall mean the area impacted by the 1:100 year flood level, the 1:100 year wave runup level, wind setup and wind generated waves plus a 0.3 metres increase in elevation for freeboard. In addition, and within this area there are allowances for erosion limits and effects of such things as ice and other coastal issues. The *Conservation Authority* has jurisdiction for natural hazard issues covered in Section 28 of the *Conservation Authorities Act*, R.S.O 1990, c.C.27, as amended, for any proposed development within this area.
115. LANDING STRIP – shall mean a defined strip of ground or grass used for the landing and take-off of aircraft.
116. LANDSCAPING – shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, screening or other architectural elements, excluding *driveways*, *parking areas* and *aisles*, all of which is

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designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

117. LAUNDROMAT – shall mean a premises where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning, or a premises for the purpose of receiving articles or goods of fabric are subjected to the process of laundering, using only water, detergents and additives. Dry cleaning is not permitted on-site; however, goods of fabric may be received for dry cleaning at another location.
118. LIMIT OF THE REGULATED AREA – shall mean the area in which a *Conservation Authority* has jurisdiction for hazard issues covered in SECTION 28 OF THE *CONSERVATION AUTHORITIES ACT*, R.S.O 1990, C.C.27, as amended.
119. LIVESTOCK – shall mean farm animals kept for *use*, for propagation, or intended for profit and includes dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, ducks, mink and rabbit.
120. 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 vehicle while loading or unloading persons, animals, goods, merchandise, or materials *used* in connection with the *main use* of the *lot* or any *building* thereon, and which has unobstructed access to a *street* or *lane*.
121. LONG TERM CARE HOME – shall mean a facility which provides care and services for people who are no longer able to live independently or who require on-site nursing care, 24-hour supervision or personal support and licensed under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8, as amended.
122. LOT – shall mean a parcel or tract of land: (i) that is described, in a deed or other document legally capable of conveying land, as a separately conveyable parcel or tract of land; (ii) that is the whole of a *lot* on a registered plan of subdivision which has not been deemed, pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, as amended, not to be a registered plan of subdivision; (iii) for which a consent has been granted pursuant to Section 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and which consent remains in effect; or (iv) that is a whole unit or common element within the meaning of Section 9 of the *Condominium Act*, S.O. 1998, c.19, as amended.
- a) LOT AREA – shall be the total horizontal area within the *lot lines* of a *lot*.
- b) LOT, CORNER – 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 135 degrees and each of which is at least 9.0 m wide, where such intersecting 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 lines*, drawn through the extremities of the *interior lot lines*.

- c) LOT COVERAGE – shall mean the percentage of *lot* area covered by all *buildings* or *structures* and *accessory buildings* or *structures* on the *lot* measured at ground level, including all enclosed and/or unenclosed roofed *porches* and *verandas*; but excluding a *private outdoor swimming pool* and open, *unenclosed terraces*, *patios*, *decks*, *steps*, *cornices*, *cantilevers*, *eaves*, *bay windows*, *chimney breasts*, *corbelling* and similar projections. Any *lot area* located under water shall not be included in the calculation of *lot coverage*.
- d) 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 midpoint of the *front lot line* with the apex of the triangle formed by the *side lot lines*.
- e) LOT FRONTAGE – shall mean the horizontal distance between the *side lot lines*, such distance being measured at a right angle to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines*, and at a point therein distance 7.5 m from the *front lot line*.
- f) LOT, INTERIOR – shall mean a *lot* other than a *corner lot* which is situated between adjacent *lots* and has access to one *street*.
- g) LOT, THROUGH – shall mean a *lot* bounded on two opposite sides by *streets*, each of which is at least 9.0 m wide. Provided, however, that if any *lot* qualifies as being both a *corner lot* and a *through lot* as defined, such *lot* shall be conclusively deemed to be a *corner lot*.

123. LOT LINES – shall mean the boundary lines of a *lot*.

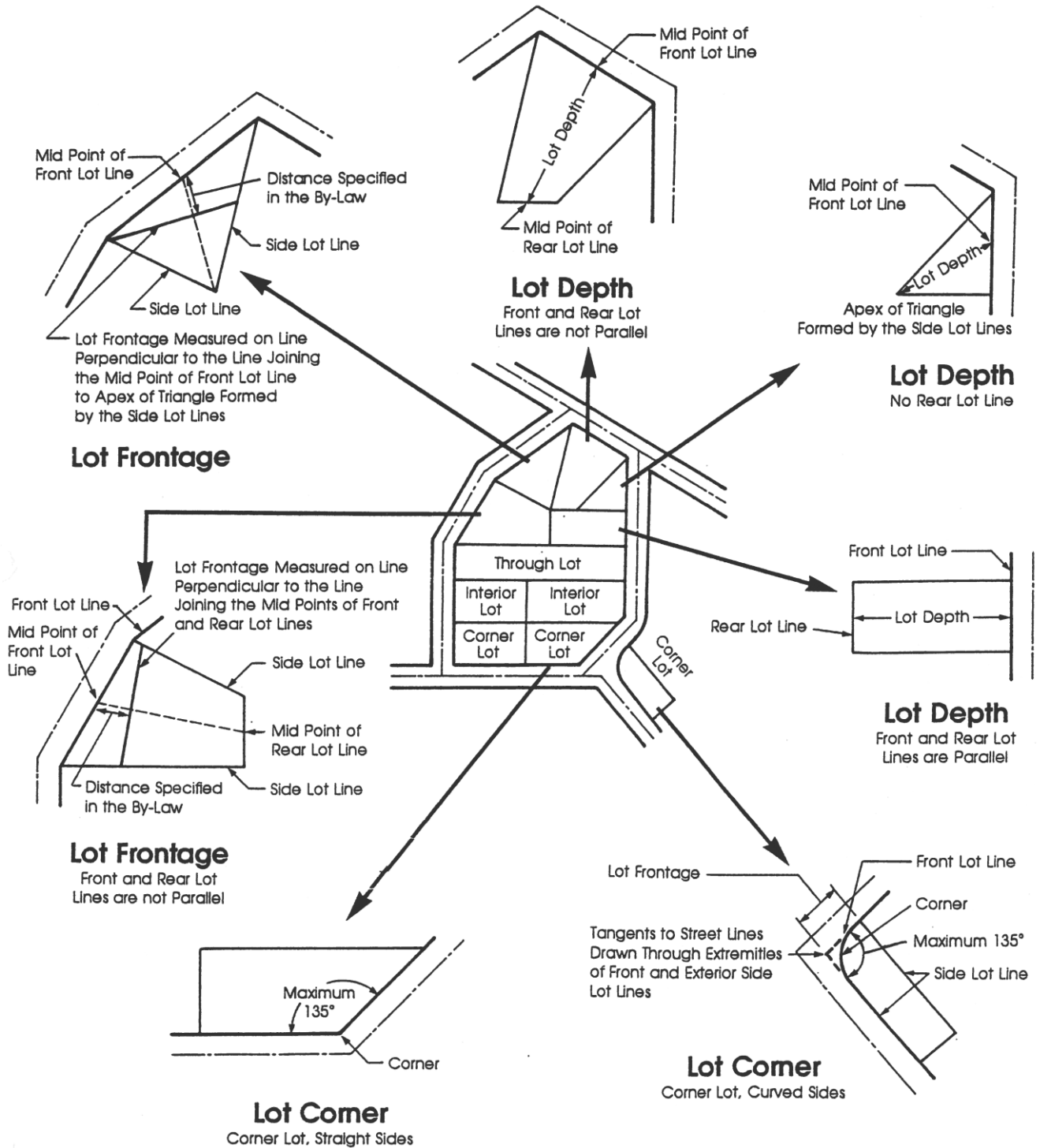
- a) LOT LINE, FRONT – shall mean:
  - i) The *lot line* that divides the *lot* from the *street*;
  - ii) In the case of a *corner lot*, the shortest *lot line* that abuts a *street* shall be deemed to be the *front lot line*, and the longer *lot line* that so abuts shall be deemed to be a *side exterior lot line*.
  - iii) In the case of a *corner lot* where both such *lot lines* that abut a *street* are equal length, the Town may deem any of the *lot lines* that divide the *lot* from the *street* as the *front lot line*, and the other *lot line* as an *side exterior lot line*;

#### 4.0 DEFINITIONS

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- iv) In the case of a *through lot*, the shortest *lot line* that abuts a *street* shall be deemed to be the *front lot line*, and the longer *lot line* that so abuts shall be deemed to be the *rear lot line*; or
- v) In the case of a *through lot* where both such *lot lines* that abut a *street* are equal length, the Town may deem any of the *lot lines* that divide the *lot* from the *street* as the *front lot line*, and the other *lot line* as a *rear lot line*.
- b) LOT LINE, REAR – shall mean the *lot line* farthest from and opposite to the *front lot line*.
- c) LOT LINE, SIDE – shall mean a *lot line* other than a *front* or *rear lot line*.
- d) LOT LINE, SIDE EXTERIOR – shall mean the *side lot line* of a *corner lot* which abuts the street on a *corner lot*.
- e) LOT LINE, SIDE INTERIOR – shall mean the *side lot line* of a *corner lot* which does not abut a *street*.

**Illustration of lot type and lot line definitions (for illustration purposes only):**



#### 4.0 DEFINITIONS

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124. LOT OF RECORD – shall mean a *lot* legally capable of being conveyed from one person to another person as of the date of the passing of this By-law.
125. MAIN WALL – shall mean the exterior front, side and rear wall of a *building*, and all structural members essential to the support of a fully enclosed space or roof.
126. MANUFACTURING, HEAVY – shall mean any *employment use* which is not *light manufacturing* as defined in this By-law.
127. MANUFACTURING, LIGHT – shall mean the manufacturing, assembly or processing of component parts to produce finished products suitable for retail trade and does not include food, beverage, tobacco, rubber, leather, textile, wood, printing, *concrete or asphalt batching or recycling plant*, metal fabricating and the manufacturing or processing of raw materials or similar industries if these operations involve furnaces or machinery that emit noxious fumes or gases, discharge dirt, dust or particle matter into the air or result in noise or vibration beyond the limits of the property in excess of the Ministry of Environment’s guidelines or if these operations involve stamping presses. All manufacturing or assembly activities shall be conducted entirely within one or more wholly enclosed *buildings*. A *light manufacturing use* may also include an *accessory retail use* of the goods manufactured on the same *lot* as the *main use*.
128. MARINA – shall mean an area of 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*, and may include slips, docks, moorings, boat waste disposal arrangements, fuelling facilities, boat *storage*, the sale, rental or repair of boats, boat motors or boat accessories and the provision of refreshments.
129. MEDICAL OFFICE – shall mean a *building* or part thereof, other than a *hospital*, used by medical doctors, nurse practitioners, dentists, optometrists, podiatrists, registered and licensed massage therapists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation, except for sleep clinics, in which patients and required staff members may remain overnight for the diagnosis or treatment of sleep disorders.
- 129.1 MARIJUANA - Marijuana means the substance referred to as “Cannabis” in sub item I(2) of Schedule II to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended.

- 129.2 MARIHUANA FOR MEDICAL PURPOSES PRODUCTION FACILITY - means any building or structure licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import *marihuana* for medical purposes, including related research under, the *Marihuana for Medical Purposes Regulations* (SOR/2013-119) under Subsection 55(1) of the *Controlled Drugs and Substances Act* or as amended.
130. METHADONE CLINIC – shall mean a *medical office* used for the dispensing of methadone and associated treatment of addiction patients and is licensed in accordance with Provincial legislation.
131. MOBILE HOME – shall mean any vehicle or portable *dwelling* so constructed that it is suitable for being attached to a motor *vehicle* for the purpose of being drawn or propelled by the motor *vehicle* and capable of being *used* for the living, sleeping or eating accommodation for persons, notwithstanding that the said *vehicle* or portable *dwelling* has been jacked up or its running gear removed.
132. MOBILE HOME PARK – shall mean a parcel of land under single or *condominium* ownership which has been designed for the placement of *mobile homes* for non-transient *uses*, together with ancillary facilities.
133. MOBILE HOME SITE – shall mean a parcel of land within a *mobile home park* which is individually serviced and intended for the placement of one *mobile home*.
134. MOTEL – shall mean one *building*, or two or more *detached buildings* used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without a supply of food, refreshments, or both, and provided each guest or sleeping room may be entered from a separate entrance, and shall include associated parking facilities, and all such *buildings* operating under the *Liquor License Act*, R.S.O. 1990, c.L.19, as amended.
135. MUNICIPAL DRAIN – shall mean drainage works assumed, constructed and maintained under the provisions of the *Drainage Act*, R.S.O. 1990, c.D.17, as amended, and including both open and closed drain channels.
136. MUNICIPAL SERVICES – shall mean such services as curbs, gutters, sidewalks, pavement and roadworks, sewage systems, sanitary and drainage systems, water treatment plants, pumping stations, sewage treatment plants, private drain connections, watermains, service pipes, electrical services, street lights, and stormwater management controls and systems designed to service or capable of servicing a *lot*.

#### 4.0 DEFINITIONS

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137. MUSHROOM FARM OR MUSHROOM OPERATION – shall mean an operation involved in the growing, harvesting, cleaning, packaging and/or shipping of mushrooms.
138. NON-COMPLYING – shall mean a *lot, building, or structure* which is *existing* but does not meet, comply or coincide with the *building, lot, yard, parking* and other regulations of this By-law.
139. NON-CONFORMING – shall mean a *use* which is *existing* on the date of passing of this By-law, but not permitted in the *zone* in which the said *use* is situated.
140. NON-RESIDENTIAL – when used with reference to a *building, structure or use*, shall mean designed, intended or *used* for purposes other than those of a *dwelling*.
141. NOXIOUS USE – shall mean any *use* which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter, beyond the boundaries of the *lot*.
142. NURSERY AND GARDEN STORE – shall mean the *use* of land, *buildings or structures* or part thereof where trees, shrubs or plants are grown or stored for the purpose of transplanting, for *use* as stocks for *buildings* or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting material, fertilizers and similar materials.
143. OCCUPY AND OCCUPANCY– shall mean the *use* of a *building* or part thereof for the shelter or support of persons, animals or property.
144. 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, but shall not include the office of an *animal clinic*, the retailing of merchandise, the manufacturing, repairing or *storage* of goods, a *financial institution, medical office*, or any place of assembly or amusement.
145. OPEN AIR FARMERS MARKET AND FLEA MARKET – shall mean an establishment or premises where the farm products of a local farming community are sold at retail from open air areas designated for individual retailers, and shall also include an occasional or periodic sales activity held within an open air area where individual sellers offer goods, new and used, for sale to the public, not to include private garage sales. For clarity, preparation of food for consumption on the premises is not permitted.
146. OPEN SPACE, LANDSCAPED – shall mean open unobstructed space on the site which is suitable for *landscaping*, including any part of the site occupied by recreational *accessory buildings*, any surfaced walk, any balcony, deck, patio which is less than 0.2 m in height and not attached to a building or structure, any sports or

recreation area, any ornamental or swimming pool, and the roof or other part of a *building* or *structure* open to the air and suitable for *landscaping* and *used* as a recreational area, but excluding any *driveway* or ramp, whether surfaced or not, any curb, retaining wall, or *parking area*.

147. ORGANIC SOIL CONDITIONING – shall mean incorporating processed organic waste into the soil to improve its characteristics for crop or ground cover growth. Such activities are subject to approval by the Ontario Ministry of Environment.
148. OUTDOOR DISPLAY AND SALES AREA – shall mean an area set aside out of doors covered or uncovered, to be *used* in conjunction with an established *use* or business located, in adjacent permanent premises for the display or sale of fresh produce or new goods or merchandise, but does not include an *automobile sales and service establishment*.
149. OUTDOOR PATIO – shall mean an area set aside out of doors, covered or uncovered for the *use* of patrons of a licensed *eating establishment* as an *accessory use* to the operation of an adjacent *eating establishment*.
150. OUTDOOR STORAGE – shall mean the *storage* of goods or materials in the open air and in unenclosed portions of *buildings* which are open to the air on the sides.
151. PARK, PRIVATE – shall mean a park not open to the general public and may be operated for commercial gain.
152. PARK, PUBLIC – shall mean a park controlled or owned by the *Town* or a *public authority* normally open to the public.
153. PARKING or PARKED – shall mean the temporary *storage* of a motor vehicle, boat, motor home, *trailer* or other similar recreation vehicles.
154. PARKING AREA – shall mean an area or areas of land or a *building* or *structure* or part thereof which is provided and maintained for the purpose of temporary *parking* or storing of motor *vehicles* *accessory* to a permitted *use*.
155. PARKING LOT or PARKING STRUCTURE, PUBLIC – shall mean a non-*accessory parking area* which is an open area, other than a street, or a *building* or *structure* *used* for the temporary *parking* of two (2) or more motor *vehicles* for profit or gain.
156. PARKING SPACE – shall mean a defined area, exclusive of *aisles* or *driveways*, enclosed in a *building* or *structure* or unenclosed, and set aside for the *parking* of a motor *vehicle*.
157. PERSON – shall include an individual, an association, a firm, a partnership or an incorporated company, municipal corporation and the agent, trustee, heirs, executors,

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or other legal representatives of a person to whom the context can apply according to law.

158. PERSONAL SERVICE SHOP – shall mean a *building* or part thereof in which services are provided and administered to the individual and personal needs of persons or their pets, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments, dog grooming establishments, spas, shoe repair and shoe shining shops, tailor shops, *bake shops*, *dry cleaning depots* and *laundromats*, wherein machines and facilities for wet laundering, drying or finishing are available for public use at a cost, but shall not include a *dry cleaning establishment*.
159. PHARMACY – shall mean a *retail establishment* which dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products and associated sundry items.
160. PIT – shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill mineral or other material is being or has been removed by means of an open excavation, and may include the processing thereof for commercial purposes including screening, sorting, washing, crushing and other similar operations, *buildings* and *structures*.
161. PLACE OF ENTERTAINMENT – shall mean a motion picture or other theatre, amusement arcade including amusement game machines, arena, auditorium, *assembly hall*, billiard or pool room, bingo hall, drive-in theatre, bowling alley, indoor racquet courts, indoor swimming pool, ice or roller rink, *studio*, dance hall or music hall, but does not include an *adult entertainment establishment* or any place of entertainment or amusement otherwise defined or classified herein.
162. PLACE OF WORSHIP – shall mean a *building* dedicated to religious worship and includes a church, synagogue, temple, mosque, hermitage or *assembly hall* and may include such *accessory uses* as a nursery school, a school of religious education, convent, monastery, parish hall or an *assembly hall*.
163. POINT OF INTERSECTION – shall mean the point at which *street lines* abutting a *corner lot* intersect, or, if the *street lines* do not intersect at a point, then the point of intersection shall be deemed to be the intersection of the projection of the *street lines* or the intersection of the tangents of the *street lines*. Refer to the definition and illustration for *sight triangle*.
164. PORCH – shall mean a roofed open area attached to the outside of a *building* and with direct access to or from a *building*.
165. PORTABLE BATCHING OR RECYCLING PLANT, CONCRETE OR ASPHALT – shall mean equipment for the crushing, screening or washing of sand and gravel aggregate



materials which is capable of being readily drawn or readily propelled, and capable of producing product.

166. PRINTING ESTABLISHMENT – shall mean a *building*, or part thereof, *used* for the primary purpose of printing, lithographing, duplicating or publishing.
167. PRIVATE HOME DAY CARE – shall mean the temporary care for reward or compensation 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 of any such child, for a continuous period not exceeding twenty-four hours, in accordance with the *Day Nurseries Act*, R.S.O. 1990, c.D.2, as amended.
168. PRIVATE ROAD – shall mean a *right-of-way*, *existing* on the day of passing of this By-law, which has not been dedicated as a street or assumed by the *Town*, but is owned privately and which affords the principal means or access to abutting, separately owned, legally conveyable parcels of land.
169. PROPANE OPERATION – shall mean an operation in respect of which a person is required to prepare a risk and safety management plan under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act*, 2000, S.O. 2000, c.16, as amended.
170. PROPANE OPERATOR – shall mean a person who is required to prepare a risk and safety management plan under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act*, 2000, S.O. 2000, c.16, as amended.
171. PROPANE TRANSFER FACILITY – shall mean a facility at a fixed location having not more than one *storage* container and such container shall not have an aggregate propane *storage* capacity in excess of fifty thousand litres and from which no retail sale of propane fuel to the public is permitted.
172. PUBLIC AUTHORITY – shall mean any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning board or other board of commission or committee of local authority established or exercising any power or authority under any general or special statute of Ontario or Canada with respect to any of the affairs or purposes of the *Town* or any portion thereof, and includes any board, commission or committee or local authority established by By-law of the *Town*.
173. PUBLIC LANE – shall mean a public thoroughfare which affords only a secondary means of access to abutting *lots* and which is not intended for general traffic circulation.

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174. PUBLIC STORAGE – shall mean a *building* or *building* consisting of individual units with personal vehicular access, *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*.
175. PUBLIC UTILITIES – shall mean the *buildings*, *structures* and other related work necessary for supplying transportation services, water, gas, oil, electricity, steam, hot water, communication/telecommunication services, storm drainage, sewage collection and treatment facilities and other similar services but does not include solid waste management facilities, waste transfer operations, recycling facilities or a *composting operation*.
176. QUARRY – shall mean land or land under water from which consolidated gravel, stone, sand, earth, clay, fill mineral or other material is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a *building* or *structure* on the excavation site.
177. RECREATIONAL VEHICLE – shall mean a portable vehicular unit designed for travel, camping or recreational use and includes a *holiday trailer*, motorized camper, boat and boat trailer.
178. RECREATIONAL VEHICLE SALES, SERVICE AND STORAGE ESTABLISHMENT – shall mean premises where new and/or used *recreational vehicles*, are stored or displayed for the purpose of sale, lease or hire and shall include the storage and sale of accessories together with the repair and service of *recreational vehicles* and boats.
179. RECYCLING CENTRE – shall mean land and one or more *buildings* where recyclable material is received from a generator of waste for the purpose of sorting and consolidating, and resale or delivery to another location. The *outdoor storage* of recyclable material is not permitted.
180. REDEVELOPMENT – shall mean the removal of *buildings* or *structures* from land and the construction or *erection* of other *buildings* or *structures* thereon.
181. REFRESHMENT ROOM – shall mean a *building* or part thereof in which alcoholic or non-alcoholic beverages, with or without related snacks or refreshments other than full meals, are offered or kept for retail sale to the public for immediate consumption therein, and does not include mobile fast food outlets.
182. RESOURCE EXTRACTION OPERATION – shall mean a place where gravel, rock, sand, earth, clay, fill, mineral, petroleum resources or other minerals being or has been removed by means of an open excavation or ground extraction to supply material for construction, industrial, manufacturing or refining purposes, but does not include a *wayside pit* or *wayside quarry*.

183. RETAIL AND SERVICE USES RELATED TO RECREATION – shall include such *uses* as boat and watercraft rentals, snack bars, *refreshment rooms*, a *miniature golf course*, and other similar recreational *uses*.
184. RETAIL ESTABLISHMENT – shall mean a *building* or part of *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 establishment or business supply *use*, *large format retail establishments*, or any establishment otherwise defined or classified.
185. RETAIL ESTABLISHMENT, CONVENIENCE – shall mean a *retail establishment* where both household and grocery items are offered for sale primarily to serve people’s daily needs and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning.
186. RETAIL ESTABLISHMENT, LARGE FORMAT – shall mean any *retail establishment*, including *supermarkets*, home improvement stores, department stores and other *retail establishments* over 3,000 m<sup>2</sup> in gross floor area.
187. RETAIL USE, ACCESSORY – shall mean a *retail establishment* which is clearly associated with and subordinate to a *main use* of a *lot*, *building* or *structure*.
188. RETIREMENT HOME – shall mean a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall or directly to outside and where common facilities for the preparation and consumption of food shall be provided, and common lounges, recreation rooms and medical care facilities shall also be provided.
189. RIGHT-OF-WAY or EASEMENT – shall mean any right, liberty or privilege, in, over, along or under land, which the owner of one *lot* may have with respect to any other *lot* or which the *Town*, any other governmental authority or agency, private company or individual may have with respect to any land in the *Town*.
190. ROAD, COUNTY – shall mean a street under the jurisdiction of the *County*.
191. SALVAGE YARD or SCRAP YARD – shall mean an establishment, *lot* or premises used for the *storage*, wholly or partly in the open, handling, processing, or any combination thereof, of scrap material for reuse for the purpose of commercial gain, which, without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, bicycles, vehicles, tires, metal, and junk. Scrap metal yards and automobile salvage yards shall also be included.

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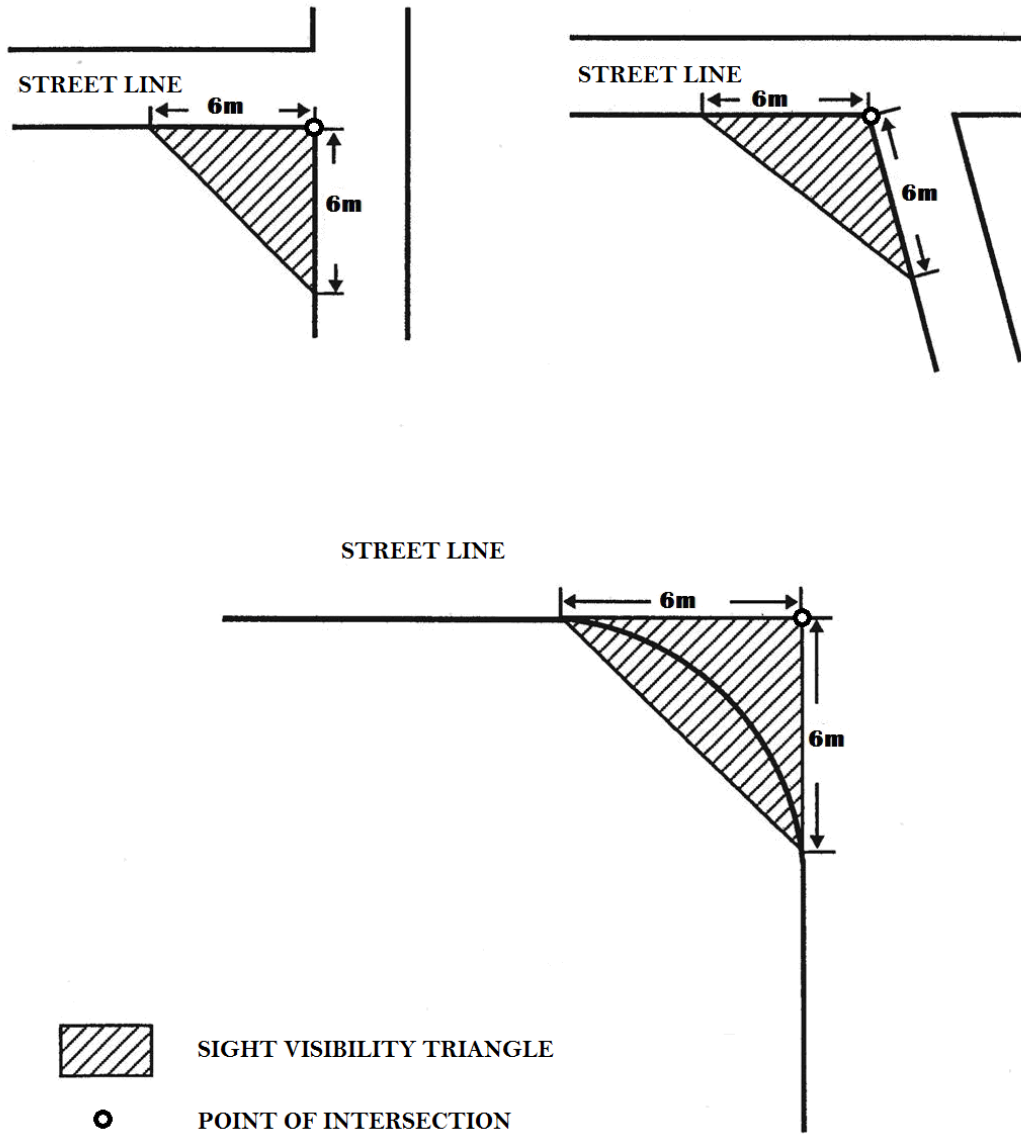
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192. SANITARY SEWER – shall mean an adequate system of underground conduits, operated either by the *Town* or by the Ministry of the Environment or their agents, which carries waste water to an adequate place of treatment which meets with the approval of the Ministry of the Environment.
193. SATELLITE DISH – shall mean a device designed to receive communication signals from a satellite.
194. SCHOOL – shall mean any educational establishment operating under the jurisdiction of a Board as defined in the *Education Act, R.S.O., 1990, c.E.2, as amended*, or a college or university including a nursery or boarding school which may or may not have accessory dormitory facilities.
- a) SCHOOL, COMMERCIAL – shall mean an educational establishment not under jurisdiction of any school board or the Government of Ontario, operating for gain or profit.
- b) SCHOOL, PRIVATE – shall mean an educational establishment which does not operate under the jurisdiction of a Board or the Government of Ontario.
- c) SCHOOL, PUBLIC – shall mean an educational establishment operating under the jurisdiction of the Greater Essex County District School Board, the Windsor-Essex Catholic District School Board, Conseil Scolaire de district du Centre-Sud-Ouest, or a school operated under charter granted by the Province of Ontario.
195. SEASONAL PRODUCE – shall mean products harvested or capable of being harvested within the County of Essex and surrounding area during the season at which it is offered for sale, and which shall include evergreen trees.
196. SERVICE AND REPAIR ESTABLISHMENT – shall mean a premise engaged in maintaining, repairing and installing machinery and equipment for household and personal use, such as air conditioners, appliances, watches, clocks, jewellery, reupholstery, *small engine repair* and furniture repair.
197. SERVICE TRADE ESTABLISHMENT – shall mean an establishment where an individual who performs electrical, plumbing, carpentry or other similar trade work, primarily off-site, may store materials and may have an *accessory* office.
198. SETBACK – shall mean the horizontal distance between the nearest part of any *main wall* of any *building* or *structure* and what it is to be set back from, measured at right angles and extending the full width or depth of the *lot*.
199. SHOPPING CENTRE – shall mean a group of *commercial uses*, planned, designed, 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*, and having off-street *parking* provided on the same *lot*.

200. SIGHT DISTANCE – shall mean a length of distance measured along a *street line* from the *point of intersection* of two *street lines*.
201. SIGHT TRIANGLE – shall mean a triangular space, free of *buildings, structures* and obstruction other than those expressly permitted by this By-law, formed by the *street lines* abutting a *corner lot* and a third line drawn from a point on a *street line* to another point on a *street line*, each such point being the required *sight distance* from the *point of intersection* of the *street lines*.

*Illustration of sight triangles (provided for illustration purposes only):*



- 202. SMALL-SCALE GENERATING SYSTEMS – shall mean systems that generate electricity only for the property owner and do not contribute to the electricity grid.
- 203. SMALL ENGINE REPAIR – shall mean a *building* or part thereof *used* for the repair and maintenance of motors and engines used in small appliances and equipment, such as lawnmower engines, generators, forklifts and other such equipment, and does not include the repair of engines used in *vehicles*.

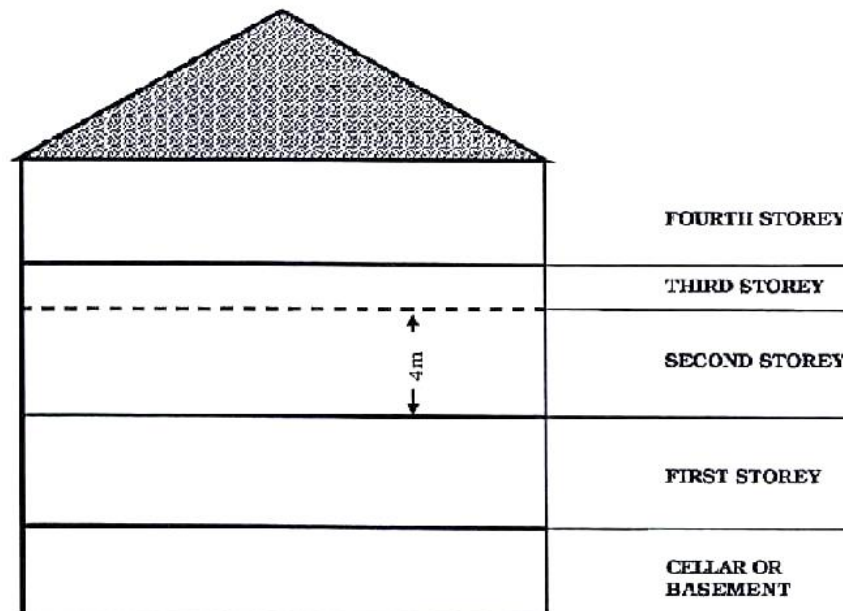
204. STACKING SPACE – shall mean a portion of a *parking area*, other than a parking aisle or a *parking space*, which provides standing room for vehicles in a queue and, without limiting the generality of the foregoing, includes a queue for a *drive-through eating establishment*, *drive-through automobile washing establishment*, *drive-through financial institution*, or *drive-through pharmacy*, where permitted by this By-law.
205. STORAGE – shall mean the keeping of goods and materials. When used in reference to the keeping of a *recreational vehicle* or *utility trailer*, *storage* shall not include the keeping of such *recreational vehicle* or *utility trailer* for fourteen (14) days or less in any given calendar year. Store and storing shall have corresponding meanings.
206. STOREY – shall mean that portion of a *building*:
- a) which is situated between the surface of any floor and the surface of the floor next above it, and if there is no floor above it, that portion between the surface of any floor and the ceiling above it;

which is more than fifty percent above the *grade*; and

which has a *height* of not less than 2.1 metres and includes an attic having not less than 2.1 metres headroom for at least fifty percent of the attic's *floor area*, and is in accordance with the Building Code.

207. STOREY, FIRST – shall mean the lowest story of a *building*, at or immediately above *grade*.

**Illustration of Storey Definitions (provided for illustration purposes only):**



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208. STREET, HIGHWAY, OR ROAD – shall mean a common and public *street, road, highway* or commons vested in the *Town, the County, the Province* or any other *public authority* having jurisdiction over the same and includes a bridge or any other *structure* forming part of a street on, over or across which a street passes, but does not include a *private road*.
209. STREET CENTRELINE – shall mean the centerline of the original *road* allowance as opposed to the centreline of the traveled roadway, or any widened *road* allowance.
210. STREET LINE – shall mean the limit of a *street* allowance and is the boundary or dividing line between a *street* and a *lot*.
211. STRUCTURE – shall mean anything, including all component parts that is *erected, built, constructed* and affixed to or supported by the ground.
212. STUDIO – shall mean a *building* or part thereof *used* as the workplace of a photographer, craftsman or artist or for the instruction of art, music, dancing, photography, languages or similar disciplines and artistic endeavours. The sale of any artifacts produced therein shall be permitted only as an *accessory use*.
213. SUPERMARKET – shall mean a *retail establishment* having at least 700 m<sup>2</sup> of *gross floor area* but not more than 3,000 m<sup>2</sup> of *gross floor area*, in which the sales of a balanced line of groceries, bakery products, dairy products, canned and/or frozen foods, prepared meats, meats, fish and poultry, fresh fruits and vegetables and other food lines form 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.
214. SWIMMING POOL, PRIVATE OUTDOOR – shall mean a privately owned pool whether or not in the ground, capable of being *used* for swimming, wading, diving or bathing and which, when filled, is capable of containing a depth of point three metres or more of water. For the purpose of regulations pertaining to *lot coverage* in the by-law, a “private outdoor swimming pool” is deemed not to be a *building* or *structure*.
215. TAXI ESTABLISHMENT – shall mean a *lot* or *building* *used* as a dispatch office or an area, site or location *used* for the *parking* of taxis and/or limousines when not engaged in transporting persons or goods.
216. TOP OF BANK – shall mean, when used with reference to a *watercourse* or *municipal drain*, the highest elevation of land which ordinarily confines the waters of such *watercourse* or *municipal drain*.



217. TOURIST INFORMATION SERVICES – shall mean a *lot or building used* to provide information to the travelling public, either as a *main use* or as an *accessory use*.
218. TOWN – shall mean the Corporation of the Town of Lakeshore.
219. 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 the motor *vehicle*.
220. TRAILER, HOLIDAY – shall mean a *trailer* that is capable of being used for temporary living or sleeping of persons therein for seasonal travel, recreation and vacation activity, notwithstanding that such *vehicle* is jacked up or that its running gear is removed. Without limiting the generality of the foregoing, this definition shall include tent trailers, motor homes, pick-up truck campers, or similar transportable accommodation but shall not include a *mobile home* as defined herein.
221. TRAILER, PORTABLE – shall mean a *structure* constructed in such a manner to form a transportable room or rooms to provide temporary shelter as a classroom or office.
222. TRAILER, TRANSPORT – shall mean a *trailer* which is capable of being attached to a *commercial vehicle*.
223. TRAILER, UTILITY – shall mean a non-motorized trailer, whether or not enclosed, and intended to be towed by a light-duty vehicle for hauling building materials, small motorized vehicles, goods, finished products or similar objects. A utility trailer shall not include a *recreational vehicle, holiday trailer, or a trailer* portion of a commercial semi-trailer truck.
224. TRANSPORT TERMINAL – shall mean a premises *used* for the transfer of goods primarily involving loading and unloading of freight-carrying trucks, and/or involving the storing, *parking*, servicing and dispatching of freight-carrying trucks.
225. UNENCLOSED – when used in reference to a deck, terrace or patio shall mean a *structure* with no walls and no roof.
226. UNIT – when used in reference to a nursing 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 or fewer beds shall each be considered one unit.
227. USE or MAIN USE – when used as a noun, shall mean the purpose for which any land, *building, structure* or premises, or part or combination thereof, is *used* or arranged, designed or intended to be *used* and “*uses*” shall have a corresponding meaning. “*Use*”, when used as a verb, or “*to use*” shall have a corresponding meaning.

#### 4.0 DEFINITIONS

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228. USE, COMMERCIAL – shall mean the use of land, buildings or structures or parts thereof for the uses identified and listed in Table 7.1 c) of this By-law.
229. USE, EMPLOYMENT – shall mean the *use* of land, *buildings* or *structures* or parts thereof for the *uses* identified and listed in Table 7.1 d) of this By-law. An Industrial use shall not include a *marihuana for medical purpose production facility* or *industrial hemp production facility*.
230. USE, INSTITUTIONAL – shall mean the *use* of land, *buildings* or *structures* or parts thereof for the *uses* identified and listed in Table 7.1 e) of this By-law.
231. USE, RESIDENTIAL – shall mean the *use* of land, *buildings* or *structures* or parts thereof for the *uses* identified and listed in Table 7.1 a) of this By-law.
232. UTILITY YARD – shall mean any above-ground *structures* or facilities, other than *buildings*, unless such *buildings* are used as *storage* incidental to the operation of such *structures* or facilities, owned by a governmental entity, a non-profit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or *storage* of water, sewage, electricity, gas oil, or electronic signals.
233. VEHICLE – shall mean a self-propelled 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.
234. VEHICLE, COMMERCIAL – shall mean small, light duty vans and pick-up trucks or other *vehicle* having permanently attached thereto a truck or delivery body not exceeding one (1) tonne and used for delivery transport, haulage or service and shall include any automobile used for commercial purposes.
235. WAREHOUSE – shall mean a *building* or part thereof which is used primarily for the housing, *storage*, adapting for sale, packaging or wholesale distributing of goods, wares, merchandise, foodstuff, substances, articles or things, but does not include a fuel storage tank except as an *accessory use*.
236. WASTE DISPOSAL SITE – shall mean any land upon, into or through which waste is deposited including the processing and any machinery or equipment or operation for the treatment or disposal of waste, but does not include a *greenhouse waste processing operation*.
237. WASTE PROCESSING FACILITY – shall mean lands, *buildings* or *structures* in or upon which waste is shredded, baled, pulverized, composted, separated or otherwise

treated or altered to facilitate its further transfer, processing, utilization or disposal, and in accordance with a Certificate of Approval issued by the Ontario Ministry of the Environment where such certificate is required.

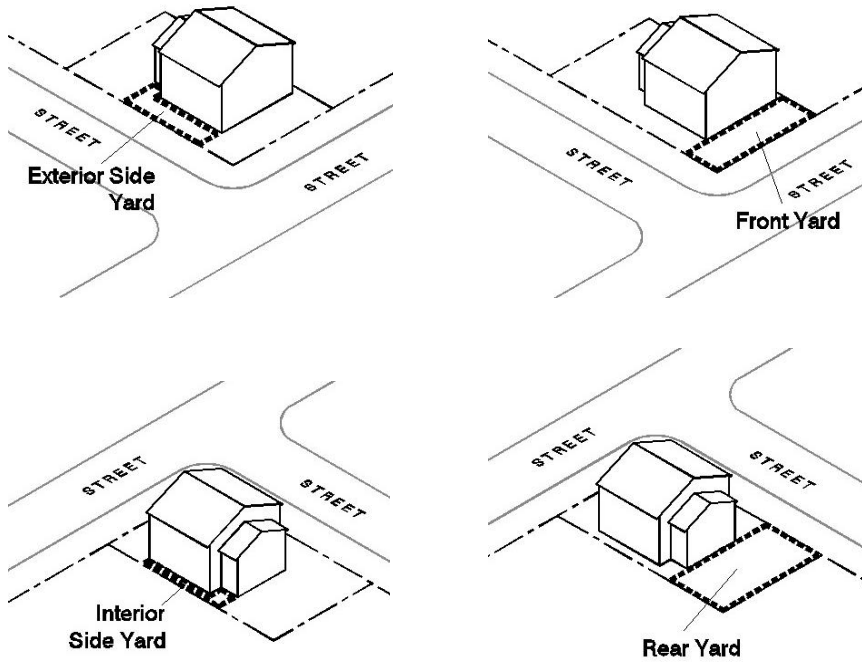
238. WASTE TRANSFER SITE – shall mean lands where waste is collected and temporarily stored so that it can be batched and shipped to a *recycling centre* or *waste disposal site*.
239. WASTE AREA ENCLOSURE – shall mean a fully enclosed *accessory structure* used to contain and screen garbage, recycling, compost and refuse, or a solid opaque wall or fence and gate that is used to screen garbage containment.
240. WATERCOURSE – shall mean an identifiable depression in the ground in which a flow of water regularly or continuously occurs. This may include rivers, streams, creeks, ditches and *municipal drains*. *Watercourses* may be natural or they may be human-made as the case with *municipal drains*.
241. WAYSIDE PIT or WAYSIDE QUARRY – shall mean a temporary *pit* or *quarry* opened and used for *public authority* projects solely for the purpose of a particular project or contract of *road* construction and is not located within the *road right-of-way*.
242. WHOLESALE ESTABLISHMENT – shall mean a *lot, building* or *structure* used for the resale of goods to *persons* in large quantities.
243. YARD – shall mean an open space on the same *lot* with a *main building* or *structure*, unoccupied and unobstructed except as otherwise provided in this by-law. In determining yard measurements, the minimum horizontal distance between the *main building* or *structure* and the respective *lot lines* measured 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* or *structure* 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* or *structure* on the *lot*.
- c) SIDE YARD – 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* exists) to the *rear yard* (or the *rear lot line*, if no rear yard exists).
- d) SIDE YARD, EXTERIOR – shall mean a *side yard* immediately adjoining a *street*.

4.0 DEFINITIONS

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- e) SIDE YARD, INTERIOR – shall mean any *side yard* other than an *exterior side yard*.

**Illustration of yard definitions (for illustration purposes only):**



- 244. ZONE – shall mean an area delineated on the zoning maps attached hereto as Schedule “A” and established and designated by this By-law for a specific *use* or group of *uses*.

## 5.0 Zones and Zoning Maps

### 5.1 General

For the purpose of this By-law all the lands within the boundaries of the *Town* are hereby divided into various *zones* to which the provisions and regulations herein shall respectively apply.

### 5.2 Establishment of Zones

For the purpose of this By-law the map and map parts hereto attached as Schedule “A” shall be referred to as the zoning maps for the *Town*. 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 below:

<b>Zone Symbol</b>	<b>Zone Title</b>
<i>Residential Zones</i>	
R1	Residential – Low Density
R2	Residential – Medium Density
R3	Residential – High Density
RM	Residential Mobile Home Park
RW1	Residential Waterfront – Watercourse
RW2	Residential Waterfront – Lake St. Clair
<i>Hamlet Zones</i>	
HR	Hamlet Residential
HC	Hamlet Commercial
HE	Hamlet Employment
<i>Commercial Zones</i>	
CS	Service Commercial
CR	Rural Commercial/Employment
CN	Neighbourhood Commercial
CT	Recreational/Tourist Commercial

## 5.0 ZONES AND ZONING MAPS

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<b>Zone Symbol</b>	<b>Zone Title</b>
<i>Mixed Use Zones</i>	
CA	Central Area
MU	Mixed Use
<i>Employment Zones</i>	
M1	General Employment
M2	Business Park
<i>Institutional Zones</i>	
I1	Major Institutional
I2	Minor Institutional
<i>Agriculture Zone</i>	
A	Agriculture
<i>Environmental Protection, Parks and Open Space Zones</i>	
EP	Environmental Protection
W	Wetland
P	Parks and Open Space
<i>Urban Reserve Zone</i>	
UR	Urban Reserve

### 5.3 Use of Zone Symbols

The *zone* symbols listed in Section 5.2 (Establishment of Zones) shall be used to refer to land, *buildings*, and *structures* and to the *use* thereof permitted by this by-law in the said *zones*, and whenever in this by-law the word “*zone*” is used, preceded by any of the said *zone* symbols, such *zone* shall mean any area within the *Town* delineated on the zoning maps and designated thereon by the said *zone* symbol.

### 5.4 Defined Areas

Certain areas within any of the various *zones* or within parts of more than one *zone* may be more specifically regulated and such areas shall be known as “defined areas”. All *zones* may be subdivided into one or more defined areas which shall be designated by reference to the symbol of the *zone* within which each such defined area is located together with an additional

symbol, either letter, number, or both, so as to differentiate different defined areas within a *zone* from each other and from other areas within the *zone*.

### 5.5 Holding Zone (h) Provisions

Where the zoning applying to any *lot* or area includes the holding symbol (h) suffixed to any *zone* symbol, only *existing uses* shall be permitted until such time as the holding symbol (h) is removed. Application of the holding symbol (h) indicates that *development* of the lands is premature at the present time. However, it does indicate the *use* to which lands, *buildings* or *structures* may be put at such time in the future as the holding symbol is removed by amendment to this by-law in accordance with Section 36 of the *Planning Act*. Section 8.3.2.1 of the Town of Lakeshore Official Plan outlines the criteria to be satisfied in order to remove the holding symbol (h); however, more specific criteria or holding provisions may be included in the Zoning By-law, provided that such criteria is in conformity with the Town of Lakeshore Official Plan.

The following table establishes the holding *zone* provisions, including the extent of permitted *uses* while the holding symbol (h) is in place, and the conditions that must be satisfied for the removal of the holding symbol (h).

<b>Holding Symbol</b>	<b>Permitted Uses Until the Holding Symbol Is Removed</b>	<b>Conditions For Removal of the Holding Symbol</b>
h1	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	Provision of municipal services (storm drainage, water and sanitary sewage) in accordance with Section 7.0 of the Town of Lakeshore Official Plan.
h2	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	That site plan approval has been granted by the <i>Town</i> and a site plan agreement has been entered into, pursuant to the provisions of the <i>Planning Act</i> .
h3	In the CR-39 zone the uses identified as i) and vi) through xv) shall be permitted in addition to existing uses.	That site plan approval has been granted by the <i>Town</i> and a site plan agreement has been entered into, pursuant to the provisions of the <i>Planning Act</i> .
h4	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	The holding symbol shall not be removed until such time as the subdivision agreement is executed by the owner and the <i>Town</i> and the development receives final approval by the <i>County</i> .
h5	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	That a fully executed subdivision, condominium, development or site plan control agreement is executed by the owner and the <i>Town</i> and if required, that the development receives final approval by the <i>County</i> .
h6	<i>Existing uses</i> shall be the only <i>uses</i> permitted	That adequate sewage disposal and the provision of other services has been accommodated in accordance with

Holding Symbol	Permitted Uses Until the Holding Symbol Is Removed	Conditions For Removal of the Holding Symbol
	in the interim.	Section 7.0 of the Town of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary.
h7	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim	A <i>consent</i> approval to provide an appropriate access easement (permanent) over the subject lands in favour of the lands to the east; and a site plan has been approved and a site plan agreement entered into, including among other items the conveyance of sufficient lands for the widening of Patillo Road.
h8	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	<p>That zoning approval has been granted by the <i>Town</i> to rezone the lands to an MU zone.</p> <p>That draft plan of subdivision, draft plan of condominium, and/or site plan approval has been granted by the <i>Town</i> and an agreement has been entered into, pursuant to the provisions of the <i>Planning Act</i>.</p> <p>That the land use compatibility and built form policies of Section 3.4.3 of the Town of Lakeshore Official Plan and the guidelines of the Corridor Transformation Strategy - County Road 22 Special Planning Area Design Guidelines have been addressed to the satisfaction of the Town.</p> <p>Provision of municipal services (storm drainage, water and sanitary sewage) in accordance with Section 7.0 of the Town of Lakeshore Official Plan.</p>
h9	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	The holding symbol shall not be removed until such time as the subdivision agreement is executed by the owner and the <i>Town</i> and the development receives final approval by the <i>County</i> .
h10	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	<p>The Owner has paid to the <i>Town</i> all costs associated with the installation of a new water service on the <i>lot</i> containing the rectory from the municipal water main to the property line (right of way limit).</p> <p>The Owner has installed new private septic systems on both the <i>lot</i> containing the rectory and the <i>lot</i> containing the church building, to the satisfaction of the <i>Town</i>.</p>
h11	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	<p>A Site Plan and Site Plan Agreement between the owner and the <i>Town</i> has been approved and registered on title.</p> <p>A Certificate of Approval from the Ministry of Environment</p>



Holding Symbol	Permitted Uses Until the Holding Symbol Is Removed	Conditions For Removal of the Holding Symbol
		has been received.
h12	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	Three additional soil test sample pits have been investigated by a qualified person along the east and north property lines to the satisfaction of the <i>Town</i> .  A Record of Site Condition (RSC) has been filed in the Environmental Site Registry under Section 168.3.1 of the <i>Environmental Protection Act</i> and a written acknowledgement from the Ministry of Environment confirming the filing of the RSC has been provided to the <i>Town</i> ,  Issues related to servicing and access to County Road No. 46 have been addressed to the satisfaction of the <i>Town</i> and the <i>County of Essex</i> ,
h13	<i>Existing uses</i> shall be the only <i>uses</i> permitted in the interim.	The Owner has either connected to the municipal waterline on County Road 42 or has obtained a permanent easement for the private waterline to the north of the subject property, to the satisfaction of the municipality.
h14	Cultivation of land and the production of crops only (excluding: the breeding and care of livestock uses or other farm animals, mushroom operations etc. and buildings or structures for the same)	Provision of municipal services to the satisfaction of the <i>Town</i> (storm drainage, water and sanitary sewage) in accordance with Section 7.0 of the <i>Town of Lakeshore Official Plan</i> .  Certificate of Approval.  That a subdivision agreement between the Owner and the <i>Town</i> has been executed and registered.
h15	Existing uses shall be the only uses permitted.	Provision of access acceptable to the <i>Town</i> from Lot 277, Plan 1624, to Haven Avenue be established.
h16	In the CR-48 zone, a single detached dwelling shall be permitted, in addition to any existing uses.	That Site Plan Approval has been granted by the <i>Town</i> and a site plan agreement has been entered into, pursuant to the provisions of the <i>Planning Act</i> .
h17	In the CR-49 zone, the use identified as, a) warehouse, shall be permitted, in addition to existing uses.	Hard surfacing (cement or asphaltic binder or any other permanent type of surfacing) and curbing (concrete or rolled asphalt or other suitable obstruction, designed to provide a neat appearance) of parking areas and their approaches.

Holding Symbol	Permitted Uses Until the Holding Symbol Is Removed	Conditions For Removal of the Holding Symbol
h18	Existing uses shall be the only uses permitted.	Provision of full municipal services in accordance with Section 7.0 of the Town of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary.
h19	Existing uses shall be the only uses permitted in the interim	The holding symbol shall not be removed until such time as a Transportation Impact Assessment (TIA) has been reviewed and approved to the satisfaction of the County of Essex and the Town of Lakeshore.
h20	Existing uses shall be the only uses permitted in the interim	<p>The holding symbol shall not be removed until such time as the following have been completed to the satisfaction of the Town of Lakeshore:</p> <ul style="list-style-type: none"> <li>• comply with the <i>Endangered Species Act</i>;</li> <li>• submit for approval and implement the recommendations from an Environmental Impact Assessment, Geotechnical Study, Environmental Site Assessment and Archaeological Assessment;</li> <li>• enter into an agreement for the construction and opening of the southerly abutting unopened road allowance (Admiral's Drive).</li> </ul>
h21	Existing uses shall be the only uses permitted in the interim	<p>The holding symbol shall not be removed until such time as the following have been completed to the satisfaction of the Town of Lakeshore:</p> <ul style="list-style-type: none"> <li>• That site plan approval and / or related agreements have been granted by the Town for the commercial development;</li> </ul> <p>That site plan agreement, subdivision agreement or other development agreements have been granted by the Town for the residential development.</p>

## 5.6 Incorporation of Zoning Maps

The location and boundaries of the *zones* and defined areas established by this By-law as shown on the zoning maps hereto appended as Schedule “A” and map parts together with everything shown thereon and all succeeding amendments thereto, are hereby incorporated in and declared to form part of this By-law.

## 5.7 Application of Regulations

No *person* shall within any *zone* or defined area *use* any land or *erect*, build, construct, reconstruct, relocate, excavate for, *alter*, add to, enlarge, extend or *use* any *building* or *structure*, except in conformity with this by-law for the *zone* or defined area in which such land, *building*, *structure* or *use* is located.

## 5.8 Interpretation of Zone and Defined Area Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said *zones* or defined areas as shown on the zoning maps, the following shall apply:

- a) The boundary of the *zones* are defined as the *street centrelines* or the *lot lines* and the projection thereof, unless otherwise shown.

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.

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 there from shall be determined by the *use* of the scale shown on the zoning maps.

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.

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 centerline* of said closed *street* or *right-of-way*.

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*.

## 5.0 ZONES AND ZONING MAPS

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Where a *zone* or defined area boundary is indicated as following the shoreline of Lake St. Clair, 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.

Where a defined area boundary appears to follow a *zone* boundary it shall be taken as following such a *zone* boundary.

## 6.0 General Provisions

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### 6.1 Application of General Provisions

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

### 6.2 Abattoir

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

- a) all waste shall be dealt with in accordance with the requirements of the Ministry of the Environment;
- b) no *abattoir* shall be located within 150 m of a *street*; and
- c) no *abattoir* shall be located within 300 m of an *existing residential use* on a *lot* or where a *residential use* is permitted, other than the *lot* where the *abattoir* is located.

### 6.3 Accessory Dwelling Unit

The following provisions shall apply to an *accessory dwelling unit*, 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) minimum *landscaped open space* shall be 50% of the total *floor area used* for the *residential use* plus the minimum *landscaped open space* required for the *lot* in accordance with the *zone* regulations. This provision shall not apply in the CA *zone*;
- c) in addition to the minimum number of *parking spaces* required for the *main use* of the *lot*, a minimum of 1.5 *parking spaces* per *dwelling unit* shall be provided on the same *lot*;
- d) no commercial *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 contiguous *dwelling unit*. 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*, a *recreational vehicle sales, service and storage establishment*, a *bus terminal*, a *marina*, a *hospital* or *medical office*. Where such *dwelling unit* exists and the *use* of the commercial establishment changes to a *use* involving the



aforementioned products, 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*; and

- e) the *dwelling unit(s)* shall be either located on the upper floors, or at the rear of the main floor provided the *dwelling unit(s)* do(es) not *occupy* more than 50% of the main floor.

#### 6.4 Accessory Retail Use

The following provisions shall apply to an *accessory retail use*, where it is permitted by this By-law:

- a) The *accessory retail use* shall be subordinate, but clearly related to, the *main use* of the *lot, building or structure*.
- b) The *gross floor area* of the *accessory retail use* shall be a maximum of 15% of the *gross floor area* of the *main building*.

#### 6.5 Accessory Uses, Buildings and Structures

*Accessory uses, buildings, or structures*, are permitted in any *zone* subject to the provisions of this By-law, and provided that:

- a) *Detached garages, carports or other accessory uses, buildings or structures*:
  - i) shall not be considered as an *accessory building* if *attached* to the *main building* in any way;
  - ii) shall not be considered as an *accessory building* if located completely underground;
  - iii) shall only be permitted where there is a *main building* located on the *lot*;
  - iv) shall not be *used* for human habitation, except where a *dwelling unit* is a permitted *accessory use*;
  - v) shall not be built closer to the *front lot line* than the minimum distance required by this By-law for the *main building* on the *lot*. Notwithstanding the above, for lands *zoned* RW2, *detached garages, carports or other accessory uses, buildings or structures* may be permitted with a minimum *front yard* setback of 3.0 m where a *garage door* does not face the *street*; where a *garage door* faces the *street* a minimum *front yard* of 6.0 m is required;

## 6.0 GENERAL PROVISIONS

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- vi) shall not be located in the *exterior side yard* in the case of a *corner lot*;
  - vii) shall not be built closer than 1.5 m from any *lot line* except that common semi-detached private *garages* or *carports* may be centred on a mutual *side lot line*;
  - viii) shall not exceed 15% *lot coverage* in all *zones*;
  - ix) shall not exceed a gross floor area of 55.0 m<sup>2</sup>, for each *accessory building* on a *lot* in an R1, R2, R3, RW1, RW2, RM or HR *zone*;
  - x) shall not be *erected* within 3.0 m of the *main building*;
  - xi) shall not exceed 5.0 m in *height* unless within an *Agriculture Zone*; *and*
  - xii) shall not be built within the *rear yard* in an RW2 *zone* where the lot abuts Lake St. Clair.
- b) *Private outdoor swimming pools*, and associated decks may be constructed and maintained as *accessory uses* to a *dwelling*, provided that such a *use*:
- i) shall not be located in the *front yard*;
  - ii) shall not be located within 1.5 m of a *side* or *rear lot line*, except on a *corner lot* where the minimum *exterior side yard* shall be 4.5 m;
  - iii) shall not have water circulating or treatment equipment such as pumps or filters, or pool heaters, located closer than 1.5 m to any *side* or *rear lot line*; and
  - iv) shall not be included in determining *lot coverage*.
- c) An *outdoor display and sales area* may be permitted as an *accessory use*, provided that:
- i) the *outdoor display and sales area* is associated only with a retail *use* which is the primary or main *use* of the *lot, building or structure*; and
  - ii) the *outdoor display and sales area* is temporary in nature, and the goods or articles for sale are only on display during the operating hours of the business.
- d) Outdoor free-standing heat pumps and air conditioning units shall be permitted as *accessory uses* provided that:
- i) they are not located in any *front yard* or *interior side yard*, except that any legally existing free-standing heat pump or air conditioning unit located in an *interior side yard* shall be permitted; and

- ii) they shall be permitted to encroach into *yard setbacks* in accordance with Section 6.42.

## 6.6 Additional Requirements Respecting Easements

Notwithstanding any *yard* or *setback* requirement of this By-law to the contrary, where there is an *existing easement* having a width less than 6 m, the *setback* of all *buildings* and *structures* from such *easement* shall be that distance necessary to ensure a minimum *setback* of 1.0 m from the closest point of the *building* or *structure* to which the *easement* pertains.

## 6.7 Agricultural Land Use Guide

Notwithstanding any other provisions of this By-law to contrary, all new *buildings*, *structures* and *uses* to be established in the *Agricultural zone* shall be in accordance with the *Guide to Agricultural Land Use*.

## 6.8 Agricultural Home Occupation

The following provisions shall apply to an *agricultural home occupation*, where it is permitted by this By-law:

- a) The *agricultural home occupation* shall have no *outdoor storage* of materials, containers or finished products in the *front* or *side yards*.
- b) The *agricultural home occupation* shall not change the rural character or create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or *parking*.
- c) The *agricultural home occupation* shall not *occupy* more than 25% of the *gross floor area* of the *dwelling unit* including any *basement area used* as living quarters and any *basement area used* for an *agricultural home occupation*, or 18.5 m<sup>2</sup>, whichever is the lesser.
- d) The location of all parts of an *agricultural home occupation*, other than *parking* and *external storage* as regulated in subparagraph a) above, shall be confined to a *dwelling unit* and/or *attached garage*. An *agricultural home occupation* may be permitted within a *detached accessory building* or *structure* subject to a site specific amendment to this By-law. Those *agricultural home occupations* lawfully *existing* within a *detached accessory building* or *structure* shall continue to be permitted within such *buildings* or *structures*.
- e) No more than three *off-street parking spaces* shall be associated with the *agricultural home occupation*.

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- f) No more than two *vehicles*, including *commercial vehicles* shall be permitted to be associated with the *agricultural home occupation*.
- g) An *agricultural home occupation use* shall only include a painting business for things other than motor vehicles, *basement waterproofing*, a carpentry shop, a welding or machine or small tool and equipment repair shop for farm equipment only, a tile drainage contractor, septic tank disposal, 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 and which the *Committee of Adjustment*, upon application, permits.
- h) *Agricultural home occupations* shall be subject to site plan control under Section 41 of the *Planning Act*.

## 6.9 Agricultural Irrigation Ponds

Outdoor water reservoirs and irrigation ponds *used* for agricultural purposes shall be located in accordance with the minimum setbacks identified below. The setback distance shall be measured from the top of the pond or the landside toe of the berm or other structure associated with the pond, whichever is greater. The following setbacks shall apply:

- a) 7.5 m from all *lot lines* or 30.0 m from the nearest *dwelling* on a separate *lot*, whichever is greater; and/or
- b) 15.0 m from a *watercourse* and/or *municipal drain*.

## 6.10 Agricultural Use – Value Added

The following provisions shall apply to an *agricultural use – value added*, where it is permitted by this By-law:

- a) the maximum *gross floor area* of the *agricultural use – value added* shall be 557.5 square metres;
- b) the majority of the product processed, preserved, packaged and/or stored shall be from the farm;
- c) the *agricultural use – value added* shall be operated by the owner of the *farm*;
- d) the *agricultural use – value added* shall be secondary to the main *agricultural use* (i.e., the growing of crops) 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; and

- f) the *agricultural use – value added* is subject to site plan control under Section 41 of the *Planning Act*.

### 6.11 Automobile Service Station, Automobile Repair Establishment and Automobile Sales and Service Establishment

The following provisions shall apply to an *automobile service station*, *automobile repair establishment*, and an *automobile sales and service establishment*, where these are permitted by this By-law:

- a) The minimum *lot frontage* shall be 45.0 m.
- b) The minimum *exterior lot frontage* shall be 55.0 m.\
- c) The minimum *lot depth* shall be 40.0 m.
- d) No portion of any pump island shall be located closer than 8.0 m from the *street line*.
- e) The minimum distance from any portion of any ingress or egress ramp to any *side lot line* which abuts any other *lot* shall not be less than 3.0 m.
- f) The width of any ingress or egress ramp along any *street line* shall be not more than 10.5 m or less than 7.5 m.
- g) The minimum distance between ingress or egress ramps shall not be less than 9.0 m.
- h) The minimum interior angle of any ramp to the *street line* shall be greater than 60 degrees and no less than or equal to 90 degrees.
- i) All parts of the ingress and egress ramps shall be maintained with a cement or asphalt binder or any other type of permanent surfacing to prevent the raising of dust or loose particles.
- j) Land which is not *used* for *buildings*, *ingress or egress ramps* or paving shall be landscaped.
- k) Any permitted *outdoor storage area*, or *vehicular* access thereto, involving the storage, *parking* or display of motor *vehicles* for the purpose of sale, lease, rental, washing, service or repair, or any primary means of *vehicular* access to any permitted *outdoor storage area*, shall be constructed and maintained with a stable surface which shall have a cement or asphaltic binder and shall include provisions for adequate drainage.

- l) *Automobile sales and service establishments* which sell only used *vehicles or vehicles* not directly acquired from a manufacturer, shall be subject to the following provisions:
  - i) sufficient on-site *parking spaces* shall be provided for all *vehicles parked* on the site;
  - ii) no more than 40% of the required *parking spaces* shall be provided in the *front yard*; and
  - iii) the *use* shall be subject to site plan control under Section 41 of the *Planning Act*.
- m) *Automobile washing establishments* shall comply with the *stacking space* requirements of Section 6.19 (Drive-Through and Stacking Spaces).

### 6.12 Balconies, Decks and Patios

*Balconies, decks and patios* (with the exception of decks associated with *private outdoor swimming pools*, the provisions for which are contained in Section 6.5 (Accessory Uses, Buildings and Structures)), shall be permitted in association with any permitted *residential use*, in accordance with the following provisions:

- a) A *deck or patio* having a maximum height of 0.2 m from *grade* or less shall be permitted to encroach into any *yard setback* without restriction, provided it is located no closer than 0.6 m to the *rear or interior side lot line* and no closer than 2.0 m to the *front or exterior side lot line*.
- b) A *deck or patio* having a maximum *height* greater than 0.2 m from *grade* shall be permitted to encroach up to 1.5 m into the *rear yard setback*.
- c) A *balcony* associated with an *apartment dwelling* shall be permitted to encroach up to 2.5 m into any *front, rear or exterior side yard setback*, provided it located is no closer than 1.5 m to any *lot line*. For clarity, a *balcony* shall be permitted in the *interior side yard* but shall not be permitted to encroach into the *interior side yard setback*.
- d) A *balcony* shall be permitted to encroach up to 2.0 m into the *rear yard* when associated with any other *dwelling* other than an *apartment dwelling*, provided it is no closer than 1.5 m to any *lot line*.
- e) Where a *balcony, deck or patio* is associated with a common wall, the *balcony, deck or patio* may be located at the *lot line* where the common wall is shared.

### 6.13 Bed and Breakfast Establishment

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

- a) *bed and breakfast establishments* are only permitted within a *single detached dwelling*;
- b) the *bed and breakfast establishment* has no more than three off-street *parking spaces* associated with the *bed and breakfast establishment*, accommodated on the same *lot*;
- c) the *bed and breakfast establishment* does not include a liquor licensed premises or other facilities for the servicing of alcoholic beverages to the general public;
- d) the *bed and breakfast establishment* complies with the *Building Code Act* and such other by-laws and regulations as may be applicable for the *Town*;
- e) no portion of a guest room is located below *grade* or within a *basement*, *walkout basement* or *cellar*;
- f) no portion of a guest room contains facilities for the preparation of meals; and
- g) all other applicable provisions of this By-law shall apply and be complied with.

### 6.14 Buffer Strip

Where required by this By-law, *buffer strips* shall be provided in accordance with the following provisions:

- a) A *buffer strip* shall be used for no other purpose than for the *erection* of a decorative *fence*, *berm*, or the planting of a continuous row of natural trees or natural shrubs, immediately adjacent to the *lot line* or portion thereof along which such *buffer strip* is required hereunder; the remainder of the strip shall be *landscaped* and planted with ornamental shrubs, flowering shrubs flower beds, sodded or seeded grass, or a combination thereof. Any *fence* shall be decorative in nature and be designed and constructed to resist wind damage (e.g., alternating slats).
- b) Where a *buffer strip* is required in any *zone*, it shall be of a minimum width as specified in the regulations for that *zone* or as specified in an approved site plan agreement.
- c) A *buffer strip* shall be located within the *zone* for which it is required; it shall be planted, nurtured and maintained by the owner of the *lot* on which the *buffer*

*strip* is located and the replacement of trees and plants shall be made as necessary.

- d) A *buffer strip* may form part of any required *landscaped open space*.
- e) Where required on a *street* corner of a *corner lot* or at a railway intersection, a *buffer strip* shall comply with Section 6.53 (Sight Triangles).

### 6.15 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 *Town*, 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*.

### 6.16 Converted Dwelling

The conversion of a *single detached dwelling* to a *converted dwelling* may be permitted in *zones* where it is permitted by this By-law, provided that:

- a) the *single detached dwelling* was legally in existence prior to the date of passing of this By-law;
- b) each *dwelling unit* after conversion contains a minimum *floor area* of 55 m<sup>2</sup>;
- c) there is a maximum total of three (3) *dwelling units* after conversion;
- d) the *building* is certified by the *Chief Building Official* to be structurally suitable for the proposed conversion; and
- e) the external appearance of the *building* as a *single detached dwelling* is preserved.

### 6.17 County Road 22 Street Frontages

Schedule B attached to this By-law, and showing the continuous and intermittent street frontages required by this By-law in the County Road 22 Special Planning Area, is hereby incorporated in and declared to form part of this By-law. Notwithstanding any other setback



requirement of this By-law, where lands are identified as intermittent and continuous street frontage on Schedule B, the following provisions shall apply:

- a) Where a continuous street frontage is required, as shown on Schedule B, the maximum *front yard setback* shall be the greater of the minimum *front yard setback* as established by the County's minimum building setback requirement or 3.0 m. This maximum *front yard setback* requirement shall apply to 75% of the length of the *lot frontage*. There shall be no maximum *front yard setback* requirement for the remaining 25% of the length of the *lot frontage*.
- b) Where an intermittent street frontage is required, as shown on Schedule B, the maximum *front yard setback* shall be the greater of the minimum *front yard setback* as established by the County's minimum building setback requirement or 10.0 m. This maximum *front yard setback* requirement shall apply to 50% of the length of the *lot frontage*. There shall be no maximum *front yard setback* requirement for the remaining 50% of the length of the *lot frontage*.
- c) For the purposes of this section, for any *corner lot* or *through lot* that has frontage on County Road 22 and is subject to the continuous or intermittent street frontage, the *lot line* that abuts County Road 22 shall be deemed to be the *front lot line*.

### 6.18 Dangerous Uses

No land, *building* or *structure* shall be *used* for the industrial manufacture, *storage* or distribution of coal, oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitroglycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create danger to health, or danger from fire or explosion, except as otherwise provided for this By-law.

No land, *building* or *structure* shall be *used* which by its nature or *use* is likely to create a dangerous situation with regards to health, traffic or pedestrian safety, or danger from fire or explosion.

### 6.19 Drive-Through and Stacking Spaces

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 *automobile washing establishment*, a minimum of 10 *stacking spaces* shall be provided in advance of the *automatic*

- automobile washing establishment* and a minimum of 3 *stacking spaces* shall be provided at the terminus of each line;
- ii) For a coin-operated *automobile washing establishment*, a minimum of 2 *stacking spaces* shall be provided in advance of the *automobile washing establishment* 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; or
  - iv) For all other *main uses* with *drive-through* service, such as a *financial institution* or *pharmacy*, a minimum of 3 *stacking spaces* shall be provided in advance of each *drive-through* service window or self-serve facility.
- b) *Stacking spaces* shall be provided on the same *lot* as the *main use*;
  - c) *Stacking spaces* shall be 5.5 m in length and 3.0 m in width;
  - d) In the case of an *automobile washing establishment* intended for *commercial vehicles* or buses, *stacking spaces* shall be a minimum of 10.0 m in length and 3.5 m in width;
  - e) Where an intercom order station is present, all *stacking spaces* shall be located a minimum of 3.0 m from a residential or an institutional *zone*. An intercom order station shall comply with the Ministry of the Environment's noise levels for stationary sources of noise. Where a *drive-through* contains an intercom order station and is situated within 60.0 m of a residential or an institutional *zone*, the *drive-through* shall not be permitted unless:
    - 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*; or
    - 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 from the *stacking spaces*, a

screening *fence* with a minimum height of 1.2 m 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 the HC, CS, CT, MU and CA zones. Notwithstanding the above, within the CA zone, the *drive-through* shall be located at the rear of the building, and access to a *drive-through* shall not be permitted in the *front yard*.

## 6.20 Dwelling Units Per Lot

Only one *dwelling unit* is permitted on a *lot*, except:

- a) in the case of a *lot* which contained more than one *dwelling unit* on the date of passing of this By-law, in which case the maximum number of *dwelling units* permitted on such *lot* shall be the number of legally existing dwelling units on such *lot*; and/or
- b) in a *zone* where more than one *dwelling unit* on a *lot* is specifically permitted.

## 6.21 Existing Lot

An *existing lot* or a *lot* created as a result of a project of a *public authority* (such as a *road* construction project) having less than the minimum frontage or area required by this By-law may be developed for all *uses* permitted in the appropriate *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 53 of the *Planning Act*, or was created as a result of a *public authority* project. For the purposes of this Section, a *lot* shall be deemed to be legally conveyable if a provisional consent under Section 53 of the *Planning Act*, has been granted as of the passing of this By-law, notwithstanding the conditions have not been fulfilled.
- b) Such *lots* are serviced by municipal piped water and sanitary sewage disposal facilities or meet the requirements of the *Town*;
- c) Such *lots* front on a *public street*; and
- d) Such *lots* have a minimum *lot frontage* of 12.0 m.

## 6.22 Farm Winery

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

- a) all wines produced shall be made from crops, of which the majority are grown at the *farm winery*, and shall be crushed and fermented at the *farm winery*;

- b) All wines shall be bottled at the *farm winery*;
- c) the *farm winery* shall be secondary to the main *agricultural use* (i.e., the growing of crops) on the property and the maximum *gross floor area* shall be 232 square metres;
- d) retail sale of wines produced at the *farm winery* shall be permitted and the retail sales area shall not exceed 18.5 square metres of the total *gross floor area* of the *farm winery*; and
- e) the *farm winery* is subject to site plan control under Section 41 of the *Planning Act*.

### 6.23 Greenhouse Farm

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

- a) The following regulations shall apply to all *buildings* and *structures* associated with a *greenhouse farm*:
  - i) the minimum *lot frontage* shall be 120 m;
  - ii) the minimum *front yard* shall be 30 m;
  - iii) the minimum *side yard* shall be 15 m or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater;
  - iv) the minimum *rear yard* shall be 15 m or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater; and
  - v) maximum *lot coverage* shall be 80%.
- b) Notwithstanding a) iii), iv) and v), the *setback* for all *greenhouse farm building* and *structures* from all Residential Zones, shall be 300 m.
- c) Employment shall be limited to a maximum capacity of 2.5 employees per acre of *greenhouse*.
- d) Packing, shipping and loading facilities shall be located a minimum of 15 m from all *lot lines* or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater.
- e) *Driveways* shall be located a minimum of 7.5 m from any *side* or *rear lot line*.
- f) *Parking areas* shall be located a minimum of 7.5 m from all *lot lines*.
- g) Storm water management ponds:

- i) shall be located a minimum of 7.5 m from all *lot lines* or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater; and
  - ii) shall be located a minimum of 10.0 m between the *top of bank* of a *municipal drain* and the *top of bank* of a stormwater management pond.
- h) Outdoor water reservoirs shall be located a minimum of 7.5 m from all *lot lines* or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater.
  - i) Waste management facilities shall be located a minimum of 7.5 m from all *lot lines* or 30 m from the nearest *dwelling* on a separate *lot*, whichever is greater.
  - j) *Greenhouse farms* are subject to site plan control under Section 41 of the *Planning Act*.

## 6.24 Group Home Dwelling

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

- a) The *group home dwelling* shall be permitted in a *dwelling*, where it is permitted by this By-law, and provided that it complies with the regulations of the *zone* within which the *group home dwelling* is located.
- b) A *group home dwelling* shall comprise the sole *use* of the *dwelling*.
- c) Approval of a site-specific Zoning By-law Amendment shall be required to accommodate a *group home dwelling* for more than 6 persons, to a maximum of 10 persons (exclusive of supervisory or attendant staff).
- d) Any *existing group home dwelling* which satisfies Provincial standards of operation but which fails to comply with the requirements of this By-law on the date that this By-law comes into effect, will be allowed to continue in operation, but will not be permitted to increase its number of occupants (exclusive of supervisory or attendant staff). Physical *building* expansion that otherwise complies with the provisions of this By-law shall be permitted.

## 6.25 Height Restriction Exceptions

The *height* regulations shall not apply to any ornamental dome, chimney, communications/telecommunications tower, storage silo, grain elevator, windmill, barn, cupola, steeple, church spire, belfry, water storage tank, elevator enclosure, flag pole, television or radio antenna, skylight, ventilator, electrical apparatus, solar energy collection device, or a *structure* which encloses the mechanical equipment required for the operation of such *building* or *structure*.

## 6.26 Home Industry

*Home industries* shall be permitted in the Agriculture (A) Zone. *Home industries* may also be permitted in a Residential Zone by way of a site-specific Zoning By-law Amendment, and provided that:

- a) not more than two persons, other than the owner, are employed therein on a full-time basis;
- b) where a *home industry* is proposed on a *lot* less than 4.04 hectares (10 acres), the *gross floor area* of the *home industry* shall not exceed 25% of the *gross floor area* of the *dwelling* or 5% of the *lot area*, whichever is less;
- c) there shall be no external display or advertisement other than an unlit sign which is a maximum size of 2.0 m<sup>2</sup> indicating only the name, occupation and practicing hours of the occupant;
- d) there shall be no *outdoor storage* of materials, containers or finished products;
- e) mechanical equipment which results in any undue noise, fumes, dust, or odour escaping to any adjoining premises shall not be *used*;
- f) such *home industry* is clearly secondary to the main *use* and does not change the character or create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or *parking*;
- g) the *lot* shall have not less than 20.0 m of *lot frontage* and 40.0 m of *lot depth*;
- h) the *accessory building used* for the *home industry* shall only be located in the *rear yard* of the *lot*;
- i) there shall be a minimum of two off-street *parking spaces* in addition to any residential *parking* requirements. A maximum of 1 *parking space* may be accommodated for *commercial vehicle* parking. All the *parking* for the *home industry* must be accommodated on the same *lot* as the *dwelling* wherein the *home industry* occurs. The *parking* shall not be located in the *front yard setback*; and
- j) *home industries* are subject to site plan control under Section 41 of the *Planning Act*.

## 6.27 Home Occupation

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

- a) only individuals permanently residing in the *dwelling unit* are engaged in the business;

- b) there will be no external display or advertisement other than an unlit sign which is a maximum size of 0.2 m<sup>2</sup> indicating only the name, occupation and practicing hours of the occupant;
- c) there will be no *outdoor storage* of materials, containers or finished products;
- d) the residential character is not changed and that the *home occupation* does not create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or *parking*;
- e) there is no *use* of mechanical equipment which results in any undue noise, fumes, dust, or odour escaping to any adjoining premises;
- f) the *home occupation* does not *occupy* more than 25% of the *floor area* of the *dwelling unit* including any *basement area used* as living quarters and any *basement area used* for a *home occupation*;
- g) all parts of a *home occupation*, other than *parking*, are confined to a *dwelling unit* and/or attached *garage*. A *home occupation* may be permitted within a *detached accessory building* or *structure* subject to a site specific amendment to this by-law. Those *home occupations* lawfully existing within a *detached accessory building* or *structure* shall continue to be permitted within such *buildings* or *structures*;
- h) no more than three off-street *parking spaces* are associated with the *home occupation*; and
- i) other than *parking*, the *home occupation* includes only an office or consulting room for a professional person or agent, an office for a trade such as a house builder, painter, or electrician, an office for a charitable organization, a workroom for a dressmaker or tailor, a *studio* for a teacher of music, art or academic subjects, a photographer or commercial artist, tool sharpening, a barber shop, a hairstylist or hairdressing establishment, a mail order establishment and a *private home day care* in accordance with the *Day Nurseries Act*, and any other *use* similar in nature which conforms to the preceding criteria.

## 6.28 Kennel

No *kennel* shall be permitted closer than 600 m to a *dwelling* constructed prior to the *kennel* on a *lot* other than the *lot* upon which the *kennel* is proposed.

## 6.29 Landscaped Open Space

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

- a) Any part of a *lot* which is not occupied by *buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses* or permitted *outdoor storage areas* shall be maintained as *landscaped open space*;
- b) Where *landscaped open space* of any kind, including a *buffer strip*, is required adjacent to any *lot line* or elsewhere on a *lot*, nothing in this By-law shall apply to prevent such *landscaped open space* from being traversed by pedestrian walkways or permitted *driveways*; and
- c) No part of any *driveway, parking area, loading space, roof-top terrace, balcony, deck, patio, private outdoor swimming pool* or space enclosed within a *building*, other than a landscaped area located above an underground *parking area*, shall be considered part of the *landscaped open space* on a *lot*.

### 6.30 Landscaping and Buffering

All *landscaping* and buffering requirements shall be established through the use of Site Plan Control in accordance with Section 41 of the *Planning Act*.

### 6.31 Lands Exhibiting Hazardous Conditions

Notwithstanding any other provisions of this By-law, no *buildings* or *structures* shall be *erected* or *used* on lands which exhibit a hazardous condition, or a potentially hazardous condition, as a result of their susceptibility to flooding, erosion, subsidence, inundation, soil contamination, or the presence of organic soils or unstable and steep slopes. Additional *setbacks* from these hazardous conditions shall be identified and established in consultation with the *Town* and the *Conservation Authority*.

### 6.32 Minimum Distance Separation

The following shall apply to *agricultural uses*, where they are permitted by this By-law:

- a) New and expanded livestock facilities, manure storage facilities and anaerobic digesters are subject to the Minimum Distance Separation II (MDS II) requirements according to the Minimum Distance Separation (MDS) Formulae;
- b) The location of a new *dwelling* on a *lot* of less than 19 ha in *lot area*, within the Agriculture (A) *Zone*, is subject to Minimum Distance Separation I (MDSI) requirements according to the Minimum Distance Separation (MDS) Formulae. An existing off-site *dwelling*, destroyed by a catastrophic event, may be replaced by a new *dwelling* provided that the new *dwelling* is sited no closer to the *lot* on which the livestock facility is located than the previously existing *dwelling*; and



A new livestock facility may replace a former livestock facility destroyed by a catastrophic event, provided that the new livestock facility does not result in increases in the values of Factors A, B or D, of the MDS Formulae, compared to what existed at the livestock facility prior to the catastrophic event, such that there is no switch to a livestock type with a higher odour potential, there is no increase in the number of nutrient units housed and there is no switch to a manure system type with a higher odour potential.

### **6.32.1 Marihuana for Medical Purposes Production Facility and Industrial Hemp Production Facility**

Marihuana for Medical Purposes Production Facility and an Industrial Hemp Production Facility shall be permitted on a site-specific basis (zoning by-law amendment), subject to the criteria of Section 4.2.5 and 4.2.6 of the Town of Lakeshore Official Plan and:

- a) A Medical Marihuana Production Facility and an Industrial Hemp Production Facility, will be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O., 1990;
- b) A Medical Marihuana Production Facility must comply with the zone provisions of the zone it is located within;
- c) A Industrial Hemp Production Facility must comply with the zone provisions of the zone it is located within;
- d) Parking Requirement: **1 per 93 m<sup>2</sup>** of gross floor area;
- e) Outdoor storage is prohibited on a property on which a medical marihuana production facility is located;
- f) No building or structure or portion of land thereof used for medical marihuana production facility purposes or industrial hemp production facility purposes may be located closer to any residential or institutional zone or parks and open space zone than 150 metres or from any day nursery, school, community centre or training facility aimed primarily at children less than 16 years of age;
- g) The minimum separation distance between medical marihuana production facilities shall be at least 500 metres;
- h) No outdoor signage or advertising shall be permitted;
- i) Where a medical marihuana production facility or an industrial hemp production facility use is located on a lot, no other use shall be permitted on the lot or within the building as a whole, other than the growing of accessory "legal" agricultural crops;

- j) For a medical marihuana production facility or an industrial hemp production facility, the minimum lot area must **not be less than 4 hectares**;
- k) Minimum setback for all structures associated with a medical marihuana production facility is 30 metres from all property lines;
- l) A building or structure used for security purposes for a medical marihuana production facility may be located in the front yard and does not have to comply with the required minimum front yard setback;
- m) Loading spaces for a medical marihuana production facility must be in a wholly enclosed building;
- n) All uses associated with the medical marihuana production facility must take place entirely within a building.

### 6.33 Mushroom Farm

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

- a) The recycling of irrigated water by *mushroom farms* shall be required to reduce the primary water use.
- b) The following regulations shall apply to all *buildings* and *structures* and manure waste storage stock piles and facilities hereafter *erected* and *used* for *mushroom farming* purposes:
  - i) the minimum *front yard* shall be 60.0 m;
  - ii) the minimum *side yard* shall be 30.0 m;
  - iii) the minimum *rear yard* shall be 30.0 m; and
  - iv) such *uses* shall be prohibited within 150.0 m, measured horizontally, of a *dwelling* constructed prior to the *mushroom farm* and located on a *lot* that is under different ownership.
- c) *Mushroom farms* are subject to Site Plan Control in accordance with Section 41 of the *Planning Act*.

## 6.34 Natural Hazards and Flood Protection Provisions

### Fill and Flood Control Regulations

- a) *Inland Floodplain Development Control Area:*
  - i) With the exception of a permeable *fence* of a design satisfactory to the applicable *Conservation Authority*, the construction or reconstruction of any *building* or *structure*, within the *floodway* is prohibited; and
  - ii) Lands that are within the *Inland Floodplain Development Control Area*, as shown on Schedule A of this By-law, but outside of the *floodway*, may be *used* in accordance with the provisions of the underlying *zone* in which the *lot* is located. However, all habitable spaces of *buildings* shall be flood-proofed in a manner satisfactory to the *Town* in consultation with the applicable *Conservation Authority* in accordance with all applicable Ontario Regulations to ensure that *building* openings are located above the elevation of the 1:100 Year flood level at the *building* location.
- b) *Lake St. Clair Shoreline Floodprone Area:*
  - i) Notwithstanding any other provision of this By-law to the contrary, no part of any *building* or *structure* shall be *erected* on lands located within the *Lake St. Clair Shoreline Floodprone Area*, as shown on Schedule A of this By-law, unless:
    - 1. the lowest opening of any such *building* or *structure* has a minimum *building* elevation prescribed in a permit issued by the applicable *Conservation Authority* in consultation with the *Town*;
    - 2. the *setback* of the nearest wall of any such *building* or *structure* from the water's edge is prescribed in a permit issued by the applicable *Conservation Authority* in consultation with the *Town*;and
  - ii) No person shall construct an *accessory building* or *structure* within the prescribed *setback* limits, except a patio, deck, boat lift, boat well, dock, steps and/or shoreline protective works, provided that the said facilities are constructed as prescribed in a permit issued by the applicable *Conservation Authority* in consultation with the *Town*.
- c) *Setbacks from inland Watercourses and Municipal Drains:*

- i) Except for those lands affected by *Inland Floodplain Development Control Area* regulations, no part of any *building* or *structure*, other than a permeable *fence* of a design satisfactory to the *Town* in consultation with the applicable *Conservation Authority*, shall be constructed closer to an inland *watercourse* or *municipal drain* than the minimum distance established by the applicable *Conservation Authority*, measured inland from the *top of bank*; and
  - ii) Where a permit or a minimum separation from the *Town* in consultation with the applicable *Conservation Authority* is not required, the minimum *setback* between any *building* or *structure* from a covered *municipal drain* shall be 8.0 m from the centreline of the covered *municipal drain*, and 8.0 m from the nearest *top of bank* for an open *municipal drain* plus the depth of the open *municipal drain*, measured from the nearest *top of bank* of the open *municipal drain*. This *setback* provision shall not apply to a *fence* of water permeable design and construction.
- d) *Dykes*
- i) Notwithstanding any other provision of this By-law to the contrary, no part of any *building* or *structure*, including a *private outdoor swimming pool*, shall be erected on lands within 15.0 m to the land side toe of a dyke or 30.0 m from the waters' edge of the contained lake or watercourse, whichever is greater, except a *building* or *structure* associated with drainage works or for protection against flooding or erosion.
- e) *Vegetation*
- i) Notwithstanding any other provision of this By-law to the contrary, no person shall plant vegetation with a significant root system within 6.0 m of the *top of bank* of an open *municipal drain*; within 3.0 m of the centerline of a covered *municipal drain*; or within 6.0 m from a dyke, starting from the base of the toe of the dyke's slope. This applies to all dykes including those adjacent to open *municipal drains* or natural *watercourses* or surrounding stormwater management and irrigation ponds.

### 6.35 Natural Heritage Overlay

Where the Natural Heritage Overlay is shown on Schedule A, the following provisions shall apply:

- a) Notwithstanding any other provisions of this By-law to the contrary, no *person* shall remove or alter a woodland or other Provincially identified significant natural heritage feature or area except in a manner specified by the *Town* in consultation with the applicable *Conversation Authority*.
- b) *Development* may be subject to the completion of an Environmental Impact Assessment in accordance with the policies of the Official Plan and shall be subject to approval by the *Town* in consultation with the applicable *Conservation Authority*.
- c) Subject to subparagraphs (a) and (b) above, all permitted *uses*, *lot* and *building* requirements shall be in accordance with the underlying *zone* where the Natural Heritage Overlay is shown and in accordance with any other applicable provisions of this By-law.

## 6.36 Non-Compliance with Minimum Lot or Yard Requirements

### 6.36.1 Permission and Enlargements of Legal Non-Complying Buildings and Structures

Where a lawfully *existing building* or *structure* was legally existing on the date of the passing of this By-law is located on a *lot* having less than the minimum frontage or area required by this By-law, or having less than the minimum *setback*, *front yard*, *side yard*, *rear yard* or *floor area* required by this By-law, the said *building* or *structure*, may be enlarged, reconstructed, repaired, renovated, or replaced provided that the enlargement, reconstruction, repair, renovation, or replacement, or any part thereof, maintains the established non-compliance or complies with the By-law requirement and complies with all other *setback* and *yard* requirements of the applicable *zone*. For example, where a 1.0 m *side yard* exists and a two metre *side yard* is required by the By-law, the *existing building* can be enlarged maintaining a 1.0 m *side yard* but must satisfy the *rear*, *front*, and opposite *side yard* requirements. Notwithstanding the preceding, such enlargement, reconstruction, repair, renovation, or replacement shall not be allowed if the same results in the continuation of an existing or the establishment of a new encroachment onto abutting property.

### 6.36.2 Permitted Exterior Extension

A *building*, with an *existing use* that is 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 from the Committee of Adjustment in accordance with the *Planning Act*.

### 6.36.3 Permitted Interior Alteration

The interior of any *building* with an *existing 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 *existing use*.

## 6.37 Non-Conforming Uses

### 6.37.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent an *existing use* on or in any *lot*, *building*, or *structure* for any purpose prohibited by this By-law, so long as such *existing use* continues.

### 6.37.2 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, the plans for which have been submitted no more than thirty days prior to the date of the passing of this By-law, and approved for zoning requirements by the *Chief Building Official*, so long as the *building* or *structure* is *used* and is completed in conformity with such plans and is *used* and continues to be *used* for the purpose upon which the approval of the *Chief Building Official* was based, and provided the *erection* of such *building* or *structure* is commenced within 6 months after the date of the passing of this By-law and is completed expeditiously thereafter.

### 6.37.3 Discontinued Non-Conforming Use

Where an *existing building* or *structure* has been *used* for a purpose not permitted in the *zone* in which it is situated but the *use* has been discontinued, the *existing building* or *structure* may only be *used* for a *use* that conforms to this By-law.

## 6.38 Noxious Uses

Any *use* is prohibited which by its nature or by the materials used therein is declared under any legislation or any regulations there under, to be a *noxious use* as defined herein.

## 6.39 Nursery and Garden Store

The following provisions shall apply to a *nursery and garden store*, where it is permitted by this By-law:

- a) the produce offered for sale must be grown or produced on the same *lot*, or a *lot* in the same ownership as the individual operating the *nursery and garden store*; and

- b) sufficient off-street parking shall be provided.

## 6.40 Outdoor Storage

*Outdoor storage* may be permitted in the Hamlet Employment (HE), Rural Commercial/Employment (CR), General Employment (M1), Agriculture (A) and Urban Reserve (UR) zones (not including residential lots in the A and UR zones), provided that:

- a) The location and extent of *outdoor storage* areas shall be established in the site plan agreement which shall also establish appropriate buffering, *landscaping* and/or *fencing* to screen the *outdoor storage* from public view, especially where the lot abuts a Residential, Commercial, Mixed Use or Institutional zone.
- b) In addition to the requirements established in the site plan agreement, no *outdoor storage* shall be permitted in the *front yard* or in any *yard* which abuts a Residential Zone.
- c) The minimum *setback* from any *side lot line* or *rear lot line* of any permitted *outdoor storage* in any zone shall be no less than the respective minimum *side yard* or *rear yard* of the zone in which the said *outdoor storage* is located unless otherwise specifically specified in this By-law.
- d) No *outdoor storage* is permitted in any *front yard* or *exterior side yard* except where permitted as an outdoor display of goods and materials in conjunction with a permitted *employment use* or a *commercial use* but not closer to any lot line than the *yard setbacks* as required in the applicable Zone provisions. Under no circumstances shall *outdoor storage* be permitted in a *sight triangle*.
- e) Any permitted *outdoor storage* area, or vehicular access thereto, involving *storage*, *parking* or display or any primary means of vehicular access to any permitted *outdoor storage* area, shall be constructed and maintained with a stable surface of asphalt, cement, gravel or crushed stone with dust control, and drained in accordance with the requirements of the Town.
- f) Any areas used for permitted *outdoor storage* shall be in addition to, and separate from, such areas as may be required by this By-law for the provision of off-street parking or loading spaces.

## 6.41 Parking, Loading and Access Requirements

### 6.41.1 Parking Requirements

For every type of *building* or *use* listed below which is *erected*, *altered*, or enlarged in any zone after the passing of this By-law, off-street parking shall be provided and maintained in accordance with the table below. In computing the requirement, no regard shall be had for any

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fraction or part of a whole number. Where *uses* are combined on one *lot*, the total *parking space* requirement shall be calculated by adding the individual requirements of each *use*.

<b>Purpose or Use</b>	<b>Minimum <i>Parking Spaces</i> Required</b>
<b>Residential Uses</b>	
<i>Single detached dwelling, semi-detached dwelling</i>	2.0 <i>parking spaces</i> per <i>dwelling unit</i> .
<i>Duplex dwelling, triplex dwelling, townhouse dwelling, converted dwelling</i>	1.5 <i>parking spaces</i> per <i>dwelling unit</i>
<i>Apartment dwelling and accessory dwelling unit (in combination with a non-residential use)</i>	1.25 <i>parking spaces</i> per <i>dwelling unit</i> plus 0.25 <i>parking spaces</i> per <i>dwelling unit</i> for exclusive use by visitors
<i>Group home dwelling</i>	1.0 <i>parking spaces</i> per 3 supervised group home residents that can be accommodated in the <i>group home dwelling</i>
<i>Home occupation</i>	2.0 <i>parking spaces</i> per <i>home occupation use</i> , in addition to any required <i>parking</i> for the permitted use
<i>Home industry, agricultural home occupation</i>	2.0 <i>parking spaces</i> per <i>home industry use</i> , in addition to any required <i>parking</i> for the permitted use
<b>Commercial Uses</b>	
<i>Animal clinic</i>	6.0 <i>parking spaces</i> per practitioner
<i>Auction establishment</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Automobile rental establishment</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Automobile sales and service establishment and automobile repair establishment</i>	For the sales use, 1.0 <i>parking spaces</i> per 20.0 m <sup>2</sup> of indoor display <i>floor area</i> shall be required; for service areas and <i>automobile repair establishments</i> , the greater of 8.0 <i>parking spaces</i> or 1.0 <i>parking space</i> per 9.0 m <sup>2</sup> of service area or 3.0 <i>parking spaces</i> per service bay.
<i>Automobile service station</i>	2.0 <i>parking spaces</i> ; this requirement shall not include the <i>parking</i> required for any service area, <i>automobile repair establishment</i> or <i>automobile washing establishment</i> associated with the <i>automobile service station</i> .
<i>Automobile washing establishment</i>	4.0 <i>parking spaces</i> on the <i>lot</i> , in addition to the required number of <i>stacking spaces</i> as indicated in Section 6.19 (Drive-Through and Stacking Spaces).



<b>Purpose or Use</b>	<b>Minimum <i>Parking Spaces</i> Required</b>
<i>Bed and breakfast establishment</i>	1.0 <i>parking spaces</i> per guest room (in addition to the required number of <i>parking spaces</i> for the <i>single detached dwelling</i> )
<i>Kennel</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Building supply outlet</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Day care centre</i>	1.0 <i>parking spaces</i> per 5 children capacity
<i>Dry cleaning establishment</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i> (dry cleaning) or 1.0 <i>parking spaces</i> per 15.0 m <sup>2</sup> of <i>gross floor area</i> (laundry)
<i>Eating establishment, drive through eating establishment, bake shop</i>	Where there are fixed seats, 1.0 <i>parking spaces</i> for every 5 seats or for every 3.0 m of bench space of its maximum seating capacity; where there are no fixed seats, 1.0 <i>parking spaces</i> for each 9.0 m <sup>2</sup> of <i>floor area</i> devoted to public use.
<i>Financial institution</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> <i>gross floor area</i> or 10 spaces, whichever is the greater.
<i>Fitness centre</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Funeral home</i>	1.0 <i>parking spaces</i> per 6.0 fixed seats or 4.0 m of bench space, or 1.0 <i>parking spaces</i> per 9.0 m <sup>2</sup> of <i>assembly floor area</i> , whichever is greater (where the <i>funeral home</i> is located on same <i>lot</i> as a <i>place of worship</i> , the greater of the requirements [seating or hall area] are only required)
<i>Greenhouse</i>	1.0 <i>parking spaces</i> for every 2 ha of growing area
<i>Hotel, motel</i>	Current standard: 1.0 <i>parking spaces</i> per rental unit, plus 1.0 additional <i>parking spaces</i> for each 9.0 m <sup>2</sup> of <i>floor area</i> devoted to public uses such as <i>eating establishments</i> and other <i>accessory uses</i> associated with <i>motels</i> .
<i>Personal service shop</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Pharmacy</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Place of entertainment</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Printing establishment</i>	1.0 <i>parking spaces</i> per 25.0 m <sup>2</sup> of <i>gross floor area</i>
<i>Private club, public club</i>	1.0 <i>parking spaces</i> per 6.0 fixed seats or 4.0 m of bench space, or 1.0 <i>parking spaces</i> per 9.0 m <sup>2</sup> of <i>assembly floor area</i> , whichever is greater (where the club is located on the same <i>lot</i> as a <i>place of worship</i> , the greater of the requirements [seating or hall area] are only required)

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<b>Purpose or Use</b>	<b>Minimum Parking Spaces Required</b>
<i>Recreational vehicle sales, service and storage establishment</i>	1.0 parking spaces per 25.0 m <sup>2</sup> of gross floor area
<i>Retail establishment and convenience retail establishment</i>	1.0 parking spaces per 18.0 m <sup>2</sup> of retail floor area.
<i>Service and repair establishment</i>	1.0 parking spaces per 25.0 m <sup>2</sup> of gross floor area
<i>Supermarket</i>	1.0 parking spaces per 18 m <sup>2</sup> of retail floor area
<i>Taxi establishment</i>	1.0 parking spaces per taxi
<i>Other commercial uses</i>	1.0 parking spaces per 25.0 m <sup>2</sup> of gross floor area
<b>Employment Uses</b>	
<i>Bus terminal</i>	1.0 bus parking spaces per bus arriving or departing within 10 minutes of another bus, plus 10 transient parking spaces
<i>Contractor's yard and service trade establishment</i>	1.0 parking spaces per 95.0 m <sup>2</sup> of gross floor area
<i>Manufacturing, heavy and manufacturing, light</i>	1.0 parking spaces per 95.0 m <sup>2</sup>
<i>Medical office</i>	1.0 parking spaces per 10.0 m <sup>2</sup> of gross floor area
<i>Office, accessory office, call centre, or laboratory or scientific research facility</i>	1.0 parking spaces per 25.0 m <sup>2</sup> gross floor area or 6.0 parking spaces, whichever is the greater
<i>Transport terminal</i>	1.0 parking spaces per 20.0 m <sup>2</sup> of gross floor area
<i>Warehouse</i>	1.0 parking spaces per 140.0 m <sup>2</sup> up to 2,000.0 m <sup>2</sup> of gross floor area plus 1.0 parking spaces per 450.0 m <sup>2</sup> of gross floor area over 2,000.0 m <sup>2</sup>
<i>Wholesale establishment</i>	1.0 parking spaces per 45.0 m <sup>2</sup> of gross floor area
<i>Other employment uses</i>	1.0 parking spaces per 45.0 m <sup>2</sup> of gross floor area up to and including 2,800.0 m <sup>2</sup> gross floor area plus 1.0 parking spaces for each additional 190.0 m <sup>2</sup> of gross floor area over 2,800.0 m <sup>2</sup> of gross floor area
<b>Institutional Uses</b>	
<i>Assembly hall, community centre, or cultural facility</i>	Where there are fixed seats, 1.0 parking spaces for every 5 seats or for every 3.0 m of bench space of its maximum seating capacity; where there are no fixed seats, 1.0

Purpose or Use	Minimum <i>Parking Spaces</i> Required
	<i>parking spaces</i> for each 9.0 m <sup>2</sup> of <i>gross floor area</i> devoted to public use
<i>Hospital</i>	2.5 <i>parking spaces</i> per bed based on maximum capacity
<i>Library</i>	10.0 <i>parking spaces</i> or 1.0 <i>parking spaces</i> for every 93.0 m <sup>2</sup> of <i>gross floor area</i> , whichever is greater
<i>Place of Worship</i>	Where there are fixed seats, 1.0 <i>parking spaces</i> for every 5 seats or for every 3.0 m of bench space of its maximum seating capacity; where there are no fixed seats, 1.0 <i>parking spaces</i> for each 9.0 m <sup>2</sup> of <i>gross floor area</i> devoted to public use
<i>Private school, public school, commercial school</i>	1.5 <i>parking spaces</i> per classroom in a private or public elementary school and 2.5 spaces per classroom in a public or private secondary school or commercial school, plus an additional 1.0 <i>parking spaces</i> per 25 m <sup>2</sup> of assembly floor area for all schools.
<i>Retirement home</i>	1.0 <i>parking spaces</i> for each 2 beds or for each 46 m <sup>2</sup> of <i>gross floor area</i> , whichever is greater
<i>Other institutional uses</i>	1.0 <i>parking spaces</i> per 35.0 m <sup>2</sup> of <i>gross floor area</i> ; or one <i>parking space</i> for each four employees plus a <i>parking area</i> for visitors with a minimum capacity of 10.0 <i>parking spaces</i> (for government offices, buildings and facilities)
<b>Parks and Open Space Uses</b>	
<i>Cemetery</i>	A minimum of 5.0 <i>parking spaces</i>
<i>Golf course</i>	5.5 <i>parking spaces</i> per hole plus such <i>parking</i> required for any other purposes
<i>Marina</i>	1.0 <i>parking spaces</i> per 2 boat slips

**6.41.2 Parking Areas and Other Parking Provisions**

Where in this By-law *parking areas* are required or permitted, the following regulations shall apply:

- a) When a *building* or *lot* accommodates more than one use or purpose, the required *parking spaces* shall be the sum of the required *parking spaces* for the separate uses or purposes. *Parking areas* for one use shall not be considered as providing required *parking* for any other use.

**6.0 GENERAL PROVISIONS**

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- b) If the calculation of the required *parking spaces* results in a fraction, the required *parking spaces* shall be the next highest whole number.
- c) Within each *parking area* required there shall be provided, maintained and signed reserved *parking spaces* for persons with disabilities in accordance with the following table:

<b>Total Number of <i>Parking Spaces</i> in the <i>Parking Area</i></b>	<b>Required Number of <i>Parking Spaces</i> for Persons with Disabilities in the <i>Parking Area</i></b>
9 or less	0
10 to 25	1
26 to 99	2
100 to 149	3
150 to 199	4
200 and over	1 space for every 50 <i>parking spaces</i> in the <i>parking area</i>

- d) *Parking spaces* for persons with disabilities shall be properly designated 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 in size.
  - ii) A parking control sign shall be located 1.5 m above ground and shall be a minimum of 0.3 m by 0.3 m in size.
- e) *Parking spaces* shall be a minimum of 3.0 m in width and 6.0 m in length.
- f) Where parallel *parking spaces* are provided, *parking spaces* shall be a minimum of 3.0 m in width and 7.0 m in length.
- g) *Parking spaces* for persons with disabilities shall be a minimum of 4.5 m in width and 6.0 m in length.
- h) *Parking areas* shall be located no closer to any *lot line* than the greater of 1.5 m or the applicable *buffer strip* requirement as specified in the Zone provisions.
- i) The width of parking *aisles* shall be in accordance with the following provisions:

	Orientation of Parking Spaces	Required <i>Parking Aisle</i> Width (Two-Way)	Required <i>Parking Aisle</i> Width (One-Way)
i)	90-degree parking (parking spaces perpendicular to the aisle)	6.7 m	5.5 m
ii)	Greater than or equal to 60 degrees	6.7 m	5.5 m
iii)	Less than 60 degrees	6.7 m	4.0 m
iv)	Parallel Parking Spaces	6.7 m	4.0 m

- j) Adequate drainage facilities for the *parking area* shall be provided and maintained in accordance with the requirements of the *Town*.
- k) In the case of any R2, R3, HC, HE, CS, CN, CT, CA, CR, MU, M1, M2, I1 or I2 Zone, the parking area and approaches shall have a cement or asphaltic binder or any other permanent type of surfacing. In all other cases, 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.
- l) The use of sensitive lighting practices that do not interfere with or spill onto adjacent lots is required for all *parking areas*.
- m) *Parking areas* shall either be located on the same *lot* as the *use* for which such *parking* is required or within 90.0 m of the location which it is intended to
- n) Where a *dwelling* or *dwelling unit* has a basement window facing a *parking space* and a window is located less than 20.0 m from the *parking space*, a screening *fence* with a minimum height of 1.2 m shall be constructed to a length to prevent the intrusion of light from vehicle headlights into the window.
- o) A *structure*, not more than 3.0 m in *height* and not more than 4.6 m<sup>2</sup> in area may be *erected* in the *parking area* for the *use* of attendants in the area.
- p) No sign other than directional signs and a sign indicating the name of the owner, not exceeding 0.8 m<sup>2</sup> in size shall be *erected* on any *parking area*.

- q) Where *parking* is to be provided for sole *use* by visitors for a *use* or purpose as set out in Section 6.41.1 (Parking Requirements), such spaces shall be designated, clearly signed and maintained exclusively for visitor *parking*.
- r) In any Residential *zone* but excluding *apartment buildings*, all *parking spaces* shall be located in a *garage* or *carport* or in a *side* or *rear yard*, or only on a permitted *driveway* in the *front yard*.
- s) In any Residential *zone*, no vehicle shall be parked on any part of a *lot* other than in a *garage*, *carport*, required *parking area* or on a permitted *driveway*.
- t) The *parking of commercial vehicles* is prohibited in Residential *zones* and residential *lots* in the Agriculture and Urban Reserve *zones* except that the owner or occupant of any *lot*, *building* or *structure* in any residential *zone* and residential *lots* in the Agriculture and Urban Reserve *zones*, may use a *private garage* or *driveway* located on such *lot* or on the same *lot* as such *building* or *structure* for the housing or *storage* of one (1) *commercial vehicle*, provided that:
  - i) the *commercial vehicle used* for commercial purposes is owned or operated by the individual residing on the *lot*;
  - ii) such *commercial vehicle* is not *used* in connection with any business or other *use* on the premises or associated with the residence that is prohibited by this By-law in any such residential *zone* and residential *lots* in the Agriculture and Urban Reserve *zones*. For clarity, a *commercial vehicle* associated with a *home occupation* or *home industry* on the *lot* shall be permitted;
  - iii) 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.

For the purposes of this paragraph, "*commercial vehicle used for commercial purposes*" shall mean small, light duty vans and pick-up trucks with a maximum carrying capacity not exceeding one (1) tonne, a taxi cab, limousine, passenger van (or small buses) or similar light duty commercial *vehicle*, but shall not include a semi-trailer truck.

- u) Notwithstanding the parking requirements of Section 6.41 (Parking, Loading and Access Requirements), for the lands identified on Schedule C, the Town at its sole discretion may collect cash-in-lieu of parking pursuant to Section 40 of the *Planning Act* to be used expressly for the provision of additional parking spaces within the area defined on Schedule C. Residential uses will not be permitted to develop on the basis of cash-in-lieu of parking.

### 6.41.3 Loading Regulations

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 any *non-residential use* with a *gross floor area* equal to or greater than 300 m<sup>2</sup>, and an additional *loading space* shall be required for each additional 2,000 m<sup>2</sup> of *gross floor area*, or fraction thereof, up to 4,300 m<sup>2</sup> of *gross floor area* (i.e., a required minimum of three (3) *loading spaces*). For any *non-residential use* with a *gross floor area* greater than 4,300 m<sup>2</sup>, an additional *loading space* shall be required for each additional 8,000 m<sup>2</sup> of *gross floor area*, or fraction thereof.
- b) No *loading space* shall be required for any *dwelling* except an *apartment building*.
- c) No *loading space* shall be required for an *apartment building* with less than 750 m<sup>2</sup> of *gross floor area*. One (1) *loading space* shall be required for an *apartment building* with a *gross floor area* of 750 m<sup>2</sup> or greater, and an additional *loading space* shall be required for each additional 8,000 m<sup>2</sup> of *gross floor area* or fraction thereof.
- d) The *loading space* shall not be less than 3.5 m by 13.5 m and 4.5 m in *height* for clearance purposes.
- e) The *loading space* shall be accessed by a private *driveway* or a *parking area*.
- f) There shall be sufficient *driveway* space to permit maneuvering of vehicles on the *lot* so that they do not cause an obstruction or a hazardous condition on adjacent *streets*.
- g) *Loading spaces* shall not be permitted within a *front yard*.

### 6.41.4 Driveway Regulations

*Driveways* shall be located, designed and erected in accordance with the following provisions:

- a) A *driveway* for a residential use shall have a minimum width of 3.0 m and a maximum width of 7.6 m at the *lot line* and at the curb, edge of pavement, or edge of the travelled portion of the road, as determined by the *Town*. The *driveway* for a residential use shall have a minimum length of 6.0 m.
- b) No *driveway* shall be permitted within a *sight triangle*.
- c) No *driveways* shall be permitted within 8.0 m of the curb or edge of pavement intersection of two *streets*.

## 6.0 GENERAL PROVISIONS

- d) Within the R1, R2, RW1, RW2 and HR zones, not more than one *driveway* shall be permitted per *lot*. Within the A zone, *lots* with more than 30.0 m of *lot frontage* shall be restricted to not more than two *driveways*.
- e) *Parking areas* and associated *driveway* systems serving any use other than single unit, two unit and three unit *residential development* shall be designed in such a manner that any *vehicle* entering or leaving a *street* or public land need not travel in a backward motion.
- f) The following *front yard landscaping* requirements shall be required for residential *dwelling lots* zoned R1 and R2:
  - i) For *lots* with a frontage of 30.0 m or less, a minimum of 40% of the *front yard* shall be maintained as *landscaping*; and
  - ii) For *lots* with a frontage of more than 30.0 m, a minimum of 60% of the *front yard* shall be maintained as *landscaping*.

### 6.42 Permitted Encroachments in Yard Setbacks

Every part of any *yard setback* required by this By-law shall be open and unobstructed by any *structure*, other than a *fence* or hedge, provided however that those *structures* listed in the following table shall be permitted to project into the *yard setback* indicated for the distances specified.

	<b>Structure</b>	<b>Yard Setback in Which Projection is Permitted</b>	<b>Amount of Encroachment Allowed</b>
a)	Balconies, Decks or Patios	Refer to the provisions of Section 6.12.	
b)	Canopies	<i>Front yard</i> in M1 zone only	7.6 m
c)	Cantilevers	<i>Front and rear yards</i>	1.0 m
d)	Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or other non-structural architectural elements	<i>Any yard</i>	1.0 m
e)	Fire escapes and exterior staircases	<i>Rear yard</i> only	1.5 m
f)	Above or below grade entrances, steps or staircases	<i>Side yard</i> only	0.5 m
g)	<i>Porches</i>	<i>Front and rear yards</i> only	2.5 m including eaves and cornices



	<b>Structure</b>	<b>Yard Setback in Which Projection is Permitted</b>	<b>Amount of Encroachment Allowed</b>
h)	<i>Small-scale generating systems</i>	<i>Rear and interior side yards only</i>	2.5 m
i)	Steps including landings, above or below grade entrances and staircases	<i>Front, rear and side yards</i>	2.5 m
j)	Television antennas, <i>satellite dishes</i> (equal to or less than 1.0 m in diameter)	<i>Rear and side yards</i>	1.0 m
k)	Unenclosed barrier-free ramps	<i>Any yard</i>	No restriction
l)	Window bay and awnings	<i>Front, rear and side yards</i>	1.0 m
m)	Window or wall-mounted furnaces, heat pumps and outdoor free-standing air conditioning units	<i>Rear yards and exterior side yards only</i>	1.5 m, provided it is no closer than 0.5 m to a <i>rear lot line</i> or 1.0 m to an <i>exterior side lot line</i>

#### 6.42.1 Encroachment and Height of Landscaping

A hedge or thick growth of shrubs maintained so as not to exceed 1.8 m in *height*, may be located in any *side yard* or *rear yard setback*, but shall not be more than 1.2 m in *height* when located in the *front yard setback*. *Landscaping* is a permitted *use* in any *yard* in any *zone*.

#### 6.43 Permitted Public and Other Services

The provisions of this By-law shall not apply to the *use* of any land or to the *erection* or *use* of any *building* or *structure* for the purpose of providing public services by the *Town* or by any local Board thereof as defined by the *Municipal Act*, or the *County*, a *Conservation Authority* or the Province of Ontario, or the Government of Canada, or by Hydro One, and the provisions of this By-law shall not apply to the *use* of any land or to the *erection* or *use* of any *building* or *structure* for the purpose of communication towers and other *uses* not regulated by the *Town*, provided that, with respect to all of the foregoing:

- a) The *lot coverage*, *setback* and *yard* requirements prescribed for the *zone* in which such land, *building* or *structure* is located shall be complied with;
- b) No goods, material, or equipment shall be stored in the open in a Residential *Zone*, or on a *lot* adjacent to a Residential *Zone*;

- c) Any *building erected* or *lot used* in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with residential *buildings* and *uses* of the type permitted in the zone at the discretion of the *Chief Building Official*; and
- d) Any *parking* and loading regulations for these *uses* are complied with.

#### 6.44 Portable Batching or Recycling Plant, Concrete or Asphalt and Wayside Pits and Quarries

*Portable batching or recycling plant, concrete or asphalt, and wayside pits and quarries* may be permitted in the Agriculture (A) and Rural Commercial and Employment (CR) zones, subject to the following provisions:

- a) *Portable batching or recycling plant, concrete or asphalt, and wayside pits and quarries* shall be subject to Site Plan Control under Section 41 of the *Planning Act*.
- b) The proposed *portable batching or recycling plant, concrete or asphalt, and/or wayside pits and quarries* shall only be permitted in support of the work of a public authority or a delegated agent or contractor.
- c) *Portable batching or recycling plant, concrete or asphalt, and wayside pits and quarries* shall not be permitted in the Wetland (W) zone, the Environmental Protection (EP) zone or within or adjacent to which the Natural Heritage Overlay applies, as illustrated on Schedule A, in accordance with Section 6.35 (Natural Heritage Overlay) of this By-law and the Town of Lakeshore Official Plan.

#### 6.45 Propane Storage and Handling

*Propane operations* and *propane operators* are regulated under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act*, and shall comply with all applicable regulations, provisions, and required approvals. Propane operations may be permitted as an accessory use in the commercial zones, employment zones, institutional zones, Mixed Use zone, Hamlet Commercial zone, Hamlet Employment zone, and the Agricultural zone.

#### 6.46 Recreational Vehicle and Utility Trailer Storage

In any Residential zone, the owner or occupant of any *lot* may store, in any rear or side yard behind or beside the *dwelling*, a maximum of two (2) *recreational vehicles* or two (2) *utility trailers* or a combination of one (1) *recreational vehicle* and one (1) *utility trailer*,, provided that they are the owner of such *recreational vehicles* or *utility trailers*. For clarity, the storage of *recreational vehicles* and *utility trailers* is prohibited in any front yard of any Residential zone.

For the purposes of this section, the temporary keeping of *recreational vehicles* and *utility trailers* for loading and unloading in a *driveway* for up to fourteen (14) days in the given calendar year shall not be considered *storage*.

Notwithstanding the above, the *storage* of any *recreational vehicle* and *utility trailer* may be permitted within the *front yard* on a *lot* abutting Lake St. Clair, Puce River, Ruscom River and Belle River, provided it is not located within the *front yard setback*.

Notwithstanding the above, where an existing *lot* abutting the water is bisected by a *street*, the *storage* of any *recreational vehicle* may be permitted on the *lot* abutting the water.

#### **6.47 Resource Extraction Operation or Resource Exploration Use**

The following provisions shall apply to a *resource extraction operation* or a *resource exploration use*, or the facilities for the compressing, treating and *storage* of petroleum resources, where they are permitted by this By-law:

- a) A copy of the a permit obtained from the Ministry of Natural Resources under the *Oil, Gas and Salt Resources Act*, shall be delivered to the *Chief Building Official*;
- b) All *buildings* and *structures* and activities to be undertaken in conjunction with the permitted *exploration use* or *resource extraction operation* shall comply with all of the conditions which may be imposed as part of the required permit by the Ministry of Natural Resources, and comply with all of the applicable statutes, regulations and by-laws which may be imposed from time to time by an and all federal, provincial and local government ministries, agencies and boards, including but not limited to the Ministry of Environment, the Ministry of Natural resources, and the local *Conservation Authority*; and
- c) All *main buildings* and *accessory buildings* and *structures* shall not be located within 150 m of a *dwelling unit* in any *zone*.

#### **6.48 Satellite Dishes**

No *satellite dish* larger than 1.0 m in diameter shall be located in a *front yard* or *side yard setback*, or at such an elevation that the top of the *satellite dish* is higher than the *main building* on the *lot* on which the *satellite dish* is situated. *Satellite dishes* are considered *accessory structures* and as such must satisfy the *accessory use* provisions contained in Section 6.5 (Accessory Uses, Buildings and Structures) of this By-law.

#### **6.49 Secondary Farm Dwelling**

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

## 6.0 GENERAL PROVISIONS

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- a) a *secondary farm dwelling* shall only be permitted where the size and nature of the agricultural operation requires additional employment, and the *secondary farm dwelling* shall only be used for full time farm help;
- b) the *secondary farm dwelling* shall be located on the same *lot* and accessory to the *main dwelling*;
- c) servicing shall be provided to the satisfaction of the appropriate approval authority;
- d) a *consent* for land division for a *secondary farm dwelling* shall not be permitted; and
- e) a *secondary farm dwelling* may include the use of bunkhouses or *mobile homes*.

### 6.50 Separation of Dwellings from Railways

No *dwelling* shall be *erected* closer than 30.0 m to the *right-of-way* of any railway; provided, however, that this requirement shall not apply to any *existing dwelling* or to an *existing vacant lot* abutting a railway *right-of-way* in a Residential Zone having such dimensions that the application of such *setback* would prevent the construction of a *dwelling* thereon.

### 6.51 Servicing Requirements for all Development

No *person* shall *erect, alter* or *use* any *building* or *structure* in any *zone* or defined area within the *Town* unless such land, *building*, or *structure* is serviced with water and a sanitary system satisfactory to the *Town* or its designated agent.

### 6.52 Setbacks on Streets

In addition to any *yard* or *setbacks* required by this By-law, all *lot* and *building* requirements shall be in accordance with the following additional *setback* provisions.

- a) On All *Private Roads*: Notwithstanding any other provisions of this By-law, when a *building* or *structure* is being proposed in any *zone* on a *private road* or *driveway* providing access to multiple *lots*, which is less than 20.0 m wide (save and except in those instances where Section 6.52 (b) of this By-law applies), the *building* or *structure* must have a *setback* of 10.0 m from the centerline of the *private road* or *driveway* providing access to multiple *lots*, plus the lesser of 6.0 m or the *front yard* or *exterior side yard setback* for that *zone*.
- b) On Provincial Highways / Rural Regional Roads: In addition to any other *setback* or *yard* requirements of this By-law, any *building* or *structure* that is to be *erected* on a *lot* that abuts a Provincial Highway or Rural Regional Road,

as identified in the Town of Lakeshore Official Plan, shall maintain a *setback* from said *road* that is in accordance with the *development* standards of the Ministry of Transportation and the *County*, as appropriate.

### 6.53 Sight Triangles

*Sight triangles* shall be provided in accordance with the following provisions.

- a) Notwithstanding any other provisions of this By-law, no *building* or *structure*, including a *fence*, sign or *driveway*, shall be *erected* within a *sight triangle*, the size of which is specified below, and no shrubs or foliage shall be planted or maintained which exceed *height* of 0.5 m above the *centreline grade* of the intersecting *streets*.
  - i) For Urban Residential Local *Roads*, Urban Commercial/Employment Local *Roads*, Urban Residential Collector *Roads*, Urban Commercial/Employment Collector *Roads* and Rural Local *Roads*, as identified in the Town of Lakeshore Official Plan, the minimum *sight triangle* shall be 6.0 m; and
  - ii) For Urban Arterial *Roads*, Rural Regional *Roads*, Rural Secondary *Roads* and Rural Collector *Roads*, as identified in the Town of Lakeshore Official Plan, the minimum *sight triangle* shall be 10.0 m.
  - iii) For the purposes of this Section, a railway shall be deemed to be a *street* and where a railway and any other *street* intersect, the minimum sight triangle shall be 50.0 m.

### 6.54 Signs and Fences

All signs and *fences* shall be in accordance with the *Town's* Sign and Fence By-laws passed under the authority of the *Municipal Act*.

### 6.55 Street Frontage Required

No *person* shall *erect* any *building* or *structure* unless the *lot* upon which such *building* or *structure* is to be *erected* has *lot frontage* upon a *street* which has been assumed and opened by the *Town*, the *County*, or the Province of Ontario and is maintained by such authority in such a manner so as to permit its *use* by *vehicular* traffic, provided that a *building* or *structure* may be *erected* upon a *lot* within a registered plan of subdivision in accordance with the provisions of a subdivision agreement entered into by the *Town* in respect of such plan of subdivision notwithstanding that the *streets* within such plan of subdivision have not been assumed and are not being maintained by the *Town*.

Notwithstanding the previous paragraph, for the purposes of this Section, *existing private roads* that are in or abut any Residential zone shall be considered as *streets* despite the fact that such *private roads* have not been assumed by the *Town*. This provision shall only have effect for the purpose of applying certain requirements and regulations of this By-law and not to the consideration and granting of *consents*. The provision shall also not imply any obligation on the *Town* to assume and/or develop any *private road* into a public *street* or to maintain it for private or public purposes.

### 6.56 Through Lots

Where a *lot* which is not a *corner lot* has *lot frontage* on more than one (1) street, the *setback* and *front yard* requirements contained herein shall apply on each *street* in accordance with the provisions of the *zone* in which such *lot* is located.

### 6.57 Yard and Open Space Provisions for all Zones

No part of a *yard* or other open space required around any *main building* for the purpose of complying with the provisions of this By-law shall be included as a part of a *yard* or other open space similarly required for another *main building*.

### 6.58 Temporary Construction Uses

The temporary *use of buildings and structures* incidental and necessary for construction work will be permitted in all *zones* (provided such work is proceeding expeditiously), but only for so long as the same are necessary for construction work. Any temporary construction *use* must be removed within two months of *occupancy* or commencement of the *use* of the work under construction, or within two (2) months after. Permitted temporary construction *uses* shall also include *portable batching or recycling plant, concrete or asphalt*, as well as *wayside pits and quarries*.

### 6.59 Truck, Bus and Coach Bodies, Recreational Vehicles, Trailers or Tents or Shipping Containers Used for Human Habitation or Storage

The *use* of trucks, buses, coach bodies, *recreational vehicles, trailers, tents*, or shipping containers, for human habitation or *storage* shall be in accordance with the following provisions.

- a) No truck, bus, coach or streetcar body, *recreational vehicle, trailer* or tent, or shipping container, shall be *used* for human habitation within the *Town* whether or not the same is mounted on wheels, except on a temporary basis, such as the *use of recreational vehicles, trailers* and tents within a *campground*, where it is permitted in accordance with this By-law.

- b) No *trailer* shall be *used* for *storage* within any Residential Zone or for advertising purposes in any zone.
- c) No bus, coach or streetcar body, tent, *recreational vehicle*, *trailer*, boat, *mobile home*, or shipping container, shall be *used* as a permanent office or for *storage*, within the *Town*. This does not prevent the *use* of a *transport trailer* or shipping container, for temporary storage of goods or materials that are being transported. However, *storage* in a *transport trailer* or shipping container is prohibited in any residential zone, except when such storage is required to facilitate a repair or renovation, for which a building permit has been obtained for a dwelling, in which case temporary storage of construction materials in a transport trailer or shipping container will be permitted for a maximum period of one hundred and twenty (120) days from the day such transport trailer or shipping container is first located on the lot.
- d) No truck shall be parked and *used* for the wholesale or retail sale of goods, articles or things for a period of more than thirty (30) days.
- e) No boat shall be *used* for human habitation within the *Town* from the month of November to the month of April and provided such boat is docked in a *marina*.

### 6.60 Unlawful Uses

Any *use* established in violation of a predecessor of this By-law will be deemed to have been established unlawfully. The passing of this By-law shall in no way render any unlawful *use* as a lawful or legal *non-conforming use*.

### 6.61 Uses Permitted in all Zones

Nothing in this By-law shall apply to prevent or otherwise restrict in any way the following *uses* and *structures*:

- a) *streets* or the installation of a watermain, *sanitary sewer main*, storm sewer main, gas main, pipeline, or overhead or underground hydro, communications/telecommunications, television, or other supply or communication line;
- b) *existing railway rights-of-way*, including any *accessory buildings* or *structures* thereto;
- c) *existing agricultural uses*, until such time as redevelopment for the permitted use that the lands are *zoned* for occurs; and
- d) fish, wildlife and forest management.

## 6.62 Uses Prohibited in all Zones

The establishment of any *use* of land, *buildings* or *structures* shall be in accordance with the following provisions, which apply to prohibit particular *uses*, *buildings* or *structures* in all *zones* unless otherwise stated.

- a) It shall be prohibited to *use* any land or to *erect* and *use* any *building* or other *structure* in any *zone* or defined area for the purpose of a *salvage* or *scrap yard*, *wrecking yard*, *automobile salvage yard*, a *waste disposal site* or *waste processing facility*, a *waste transfer site*, a *recycling centre* or a *composting operation*, the collection of junk, any refuse, scrap iron, or other scrap metals, unless such *uses* are specifically listed as permitted *uses* within a particular *zone* or defined area or unless this By-law is amended to specifically permit the *use*.
- b) The refining, *storage* or *use* in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzene, gasoline, ethanol, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted *use* and unless such substances are protected by adequate firefighting and fire prevention equipment and by such safety devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent *uses* to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground *storage* of such substances by a farmer, where such *storage* is incidental and *accessory* to an *agricultural use*, or the *use* of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a *residential use*;
- c) The keeping of *derelict vehicles* is prohibited, unless it specifically forms part of a permitted *use* in a *zone*.
- d) *Mobile homes* shall be prohibited in the *Town*, except where they are specifically listed as a permitted *use* in a *zone* or defined area.
- e) *Uses* not listed as permitted *uses* in a *zone* or defined area in this By-law shall be prohibited in such *zone* or defined area.

## 6.63 Waste Area Enclosures

- a) *Waste area enclosures* shall not be required in association with any *lot* zoned R1, R2, RW1, RW2, RM, HR, A, EP, W or UR. In any other *zone*, no person shall store garbage or refuse on any *lot* except within the *main building* on the *lot* or within a *waste area enclosure*.



- b) No *waste area enclosure* shall be located closer than 6.0 metres from any *Residential Zone*.
- c) No *waste area enclosure* shall be located in the *front yard* or *exterior side yard* of any *lot*.

## 7.0 Permitted Uses

Subject to compliance with this By-law, the following *uses* shall be permitted within the *zones* corresponding to the columns identified with a “●” in Table 7.1. Where a superscript “E” (E) is identified next to a “●” symbol, only *existing uses* shall be permitted. All permitted uses shall be subject to the applicable *Zone Regulations* provided in Section 8.0 and the General Provisions including the site specific qualifications provided in Section 6.0, where applicable.

The *zone* symbols are defined and described in Section 5.2, and consist of letters and numbers, as the case may be, as listed below:

<b>Zone Symbol</b>	<b>Zone Title</b>
<i>Residential Zones</i>	
R1	Residential – Low Density
R2	Residential – Medium Density
R3	Residential – High Density
RM	Residential Mobile Home Park
RW1	Residential Waterfront – Watercourse
RW2	Residential Waterfront – Lake St. Clair
<i>Hamlet Zones</i>	
HR	Hamlet Residential
HC	Hamlet Commercial
HE	Hamlet Employment
<i>Commercial Zones</i>	
CS	Service Commercial
CR	Rural Commercial/Employment
CN	Neighbourhood Commercial
CT	Recreational/Tourist Commercial
<i>Mixed Use Zones</i>	
CA	Central Area
MU	Mixed Use
<i>Employment Zones</i>	
M1	General Employment

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<b>Zone Symbol</b>	<b>Zone Title</b>
M2	Business Park
<i>Institutional Zones</i>	
I1	Major Institutional
I2	Minor Institutional
<i>Agriculture Zone</i>	
A	Agriculture
<i>Environmental Protection, Parks and Open Space Zones</i>	
EP	Environmental Protection
W	Wetland
P	Parks and Open Space
<i>Urban Reserve Zone</i>	
UR	Urban Reserve

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7.0 PERMITTED USES

Table 7.1 – Permitted Uses																									
	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR	
<b>(a) Residential Uses</b>																									
Single detached dwelling	•	•			•	•	•					• <sup>E</sup>		• <sup>E</sup>	• <sup>E</sup>									•	• <sup>E</sup>
Semi-detached dwelling		•					•					• <sup>E</sup>			• <sup>E</sup>										
Duplex dwelling		•										• <sup>E</sup>			• <sup>E</sup>										
Triplex dwelling		•										• <sup>E</sup>			• <sup>E</sup>										
Townhouse dwelling		•										• <sup>E</sup>			•										
Apartment dwelling			•									•			•										
Secondary dwelling unit												•			•										
Seasonal dwelling					•	•																			
Accessory dwelling unit(s) in combination with a non-residential use								•		•	•	•	•	•	•										
Converted dwelling		•	•									•			•									•	• <sup>E</sup>
Mobile home park				•																				• <sup>E</sup>	
Mobile home				•																				• <sup>E</sup>	• <sup>E</sup>
Group home dwelling	•	•	•		•	•	•								•									•	• <sup>E</sup>
Home occupation	•	•			•	•	•					• <sup>E</sup>												•	•
<b>(b) Agricultural and Rural Uses</b>																									
Agricultural use															• <sup>E</sup>	• <sup>E</sup>			• <sup>E</sup>					•	•
Agricultural use – Value Added																								•	
Abattoir																								•	• <sup>E</sup>
Agricultural commercial and/or industrial establishment								•		•														• <sup>E</sup>	
Agricultural processing establishment								•		•					•										
Agricultural service and supply establishment								•		•															
Farm produce outlet								•		•														•	•
Farm winery																								•	
Forestry use																								•	•
Greenhouse farm																								•	• <sup>E</sup>
Home occupation, agricultural																								•	•
Home industry																								•	• <sup>E</sup>
Kennel																								•	
Mushroom farm																								•	• <sup>E</sup>

Table 7.1 – Permitted Uses																									
	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR	
Organic soil conditioning																								•	• <sup>E</sup>
Resource extraction operation																								•	• <sup>E</sup>
Secondary farm dwelling																								•	• <sup>E</sup>
<b>(c) Commercial Uses</b>																									
Animal clinic											•	•	•			•									
Animal shelter												•													
Auction establishment											•	•													
Automobile rental establishment											•					•									
Automobile repair establishment								•	•	•		• <sup>E</sup>			•	•									
Automobile sales and service establishment										•	• <sup>E</sup>				•										
Automobile service station								•		•	•	• <sup>E</sup>			•										
Automobile washing establishment								•									•								
Automobile washing establishment, Automatic								•		•	•	•			•										
Bed and breakfast establishment	•	•			•	•	•	•				•			•									•	• <sup>E</sup>
Bake shop												•	•		•										
Building supply outlet								•	•	•					•	•									
Commercial school											•				•										
Day care centre								•				•	•		•				•	•					
Dry cleaning establishment								•		•		•	•		•										
Eating establishment								•		•	• <sup>E</sup>	•			•	•									
Financial institution								•		•		•			•										
Fitness centre								•		•		•			•										
Funeral home								•		•		•			•										
Greenhouse											•													•	• <sup>E</sup>
Hotel										•		•			•	•									
Laundromat								•		•		•	•		•										
Motel										•					•	•									
Nursery and garden store										•	•				•										

7.0 PERMITTED USES

Table 7.1 – Permitted Uses																								
	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR
Parking lot or structure, public												•			•									
Personal service shop								•		•		•	•		•									
Pharmacy								•		•		•			•									
Place of entertainment								•		•		•		•	•									
Printing establishment								•		•						•								
Private club								•				•		•	•					•			•	
Public club								•				•		•	•					•			•	
Public storage									•						• <sup>E</sup>	•								
Recreational vehicle sales, service, and storage establishment										•	•			•										
Retail establishment								•		•		•			•									
Retail establishment, convenience								•		•		•	•		•									
Retail and service uses related to recreation														•										
Retail use, accessory									•							•	•							
Service and repair establishment								•		•		•			•									
Shopping Centre								•		•		•	•		•									
Supermarket								•		•		•			•									
Taxi establishment										•														
<b>(d) Employment Uses</b>																								
Batching or recycling plant, concrete or asphalt																•								
Bus terminal										•														
Call centre																•	•							
Contractor's yard									•							•								
Laboratory or scientific research facility																•	•							
Landing strip																							•	
Manufacturing, heavy																•								
Manufacturing, light									•							•	•							
Office								•		•	•	•	•		•		•							
Propane transfer facility																•								

Table 7.1 – Permitted Uses																								
	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR
Service trade establishment										•	•					•	•							
Studio								•		•		•			•									
Transport terminal									•		•					•								
Utility yard																•								
Warehouse																•								
Wholesale establishment									•	•					•	•								
<b>(e) Institutional Uses</b>																								
Assembly hall								•				•			•			•	•				• <sup>E</sup>	
Community centre								•				•			•			•	•			•		
Cultural facility								•				•			•			•	•					
Hospital																		•						
Library								•							•			•	•					
Medical office								•		•					•			•	•					
Place of worship								•				•			•			•	•				• <sup>E</sup>	
Private school								•				•			•			•	•					
Public school								•				•			•			•	•					
Retirement home							•								•			•	•					
<b>(f) Parks, Open Space and Outdoor Recreation Uses</b>																								
Campground								• <sup>E</sup>							•								•	
Cemetery																		•	•				• <sup>E</sup>	
Conservation area																				•	•	•	•	• <sup>E</sup>
Fairs or exhibition grounds																		•					•	
Golf course								• <sup>E</sup>			•				•								•	
Hunting, trapping and fishing or Hunting, game and wildlife preserve																				•	•		•	• <sup>E</sup>
Marina								• <sup>E</sup>			•				•								•	
Park, Public or Private															•					•			•	
Tourist information services												•			•									

## 8.0 Zone Regulations

### 8.1 Urban Residential Zone Regulations

The following regulations shall apply to the Residential – Low Density (R1), Residential – Medium Density (R2), and Residential – High Density (R3) zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Residential – Low Density (R1)	Residential – Medium Density (R2)	Residential – High Density (R3)
Permitted Uses	As indicated in Table 7.1		
Minimum Lot Area	500 m <sup>2</sup>	500 m <sup>2</sup> ( <i>single detached dwelling</i> ); or 270 m <sup>2</sup> ( <i>semi-detached dwelling</i> ); or 223 m <sup>2</sup> ( <i>townhouse dwelling</i> ); or 550 m <sup>2</sup> ( <i>duplex dwelling</i> ); or 600 m <sup>2</sup> ( <i>triplex dwelling</i> )	165 m <sup>2</sup> per <i>dwelling unit</i>
Minimum Lot Frontage	15.0 m	15.0 m ( <i>single detached dwelling</i> ); or 9.0 m, except on a <i>corner lot</i> where it shall be 12.0 m ( <i>semi-detached dwelling</i> ); or 8.0 m for interior units, 9.5 m for exterior units and 12.5 m for exterior units on a <i>corner lot (townhouse dwelling)</i> ; or 18.0 m ( <i>duplex dwelling</i> ); or 20.0 m ( <i>triplex dwelling</i> )	20.0 m



<b>Zone Regulations</b>	<b>Residential – Low Density (R1)</b>	<b>Residential – Medium Density (R2)</b>	<b>Residential – High Density (R3)</b>
Maximum <i>Lot Coverage</i> (including <i>accessory buildings</i> )	35%	35% ( <i>single detached dwelling and semi-detached dwelling</i> ); or 40% ( <i>townhouse dwelling, duplex dwelling and triplex dwelling</i> )	35%
Minimum <i>Landscaped Open Space</i>	30%	30%	35%
Minimum <i>Setbacks (main buildings)</i> :			
<i>Front Yard</i>	7.5 m	6.0 m	7.5 m
<i>Rear Yard</i>	7.5 m	7.5 m	7.5 m
<i>Interior Side Yard</i>	1.5 m (where a <i>private garage</i> is <i>attached or detached</i> from the <i>main building</i> ); or 3.0 m on one side and 1.5 m on the other side (where no <i>private garage</i> is <i>attached or detached</i> from the <i>main building</i> )	1.5 m (where a <i>private garage</i> is <i>attached or detached</i> from the <i>main building</i> ); or 3.0 m on one side and 1.5 m on the other side (where no <i>private garage</i> is <i>attached or detached</i> from the <i>main building</i> ) 0.0 m where two <i>dwellings</i> share a common wall	6.0 m
<i>Exterior Side Yard</i>	4.5 m	4.5 m	6.0 m
Maximum <i>Height of Buildings and Structures</i>	10.5 m	10.5 m	10.5 m
Other <i>Provisions</i>			Maximum <i>Gross Density</i> : 62.0 <i>dwelling units</i> per gross

7.0 PERMITTED USES

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Zone Regulations	Residential – Low Density (R1)	Residential – Medium Density (R2)	Residential – High Density (R3)
			hectare. <i>Buffer Strip: 4.5 m where the zone abuts any Residential Zone.</i>

## 8.2 Residential Mobile Home Park Zone Regulations

The following regulations shall apply to the Residential Mobile Home Park (RM) zone. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Residential Mobile Home Park (RM)	
	<i>Mobile Home Park</i>	<i>Mobile Home Site</i>
Permitted Uses	As indicated in Table 7.1	
Minimum Lot Area	2.0 ha	370 m <sup>2</sup>
Minimum Lot Frontage	60.0 m	12.0 m
Maximum Lot Coverage (including accessory buildings)	30%	30%
Minimum Landscaped Open Space	N/A	N/A
Minimum Setbacks (main buildings):		
<i>Front Yard</i>	15.0 m	1.5 m
<i>Rear Yard</i>	8.0 m	1.5 m
<i>Interior Side Yard</i>	8.0 m	1.5 m
<i>Exterior Side Yard</i>	15.0 m	4.5 m
Maximum Height of Buildings and Structures	10.5 m	4.5 m

### 8.3 Residential Waterfront Zone Regulations

The following regulations shall apply to the Residential Waterfront – Watercourse (RW1) and Residential Waterfront – Lake St. Clair (RW2) zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Residential Waterfront – Watercourse (RW1)	Residential Waterfront– Lake St. Clair (RW2)
Permitted <i>Uses</i>	As indicated in Table 7.1	
Minimum <i>Lot Area</i>	1,400 m <sup>2</sup> (where municipal sanitary servicing is available) 2,000 m <sup>2</sup> (where municipal sanitary servicing is unavailable)	800 m <sup>2</sup> (where municipal sanitary servicing is available) 1,400 m <sup>2</sup> (where municipal sanitary servicing is unavailable)
Minimum <i>Lot Frontage</i>	23.0 m (where municipal sanitary servicing is available) 30.0 m (where municipal sanitary servicing is unavailable)	18.0 m (where municipal sanitary servicing is available) 23.0 m (where municipal sanitary servicing is unavailable)
Maximum <i>Lot Coverage</i> (including <i>accessory buildings</i> )	35%	35%
Minimum <i>Landscaped Open Space</i>	30%	30%
Minimum <i>Setbacks (main buildings)</i> :		
<i>Front Yard</i>	7.5 m (where municipal sanitary servicing is available); or 15.0 m (where municipal sanitary servicing is unavailable)	7.5 m (where municipal sanitary servicing is available); or 15.0 m (where municipal sanitary servicing is unavailable)
<i>Rear Yard</i>	7.5 m	7.5 m
<i>Interior Side Yard</i>	1.5 m (where a private <i>garage</i> is <i>attached</i> or <i>detached</i> from the <i>main building</i> ); or 3.0 m on one side and 1.5 m on the other side (where no private <i>garage</i> is	1.5 m

Zone Regulations	Residential Waterfront – Watercourse (RW1)	Residential Waterfront– Lake St. Clair (RW2)
	<i>attached or detached from the main building</i>	
<i>Exterior Side Yard</i>	4.5 m	4.5 m
<i>Maximum Height of Buildings and Structures</i>	10.5 m	10.5 m

### 8.4 Hamlet Zone Regulations

The following regulations shall apply to the Hamlet Residential (HR), Hamlet Commercial (HC) and Hamlet Employment (HE) zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Hamlet Residential (HR)	Hamlet Commercial (HC)	Hamlet Employment (HE)
Permitted Uses	As indicated in Table 7.1		
Minimum Lot Area	550 m <sup>2</sup> ( <i>single detached dwelling</i> , where municipal sanitary servicing is available); or 2,000 m <sup>2</sup> ( <i>single detached dwelling</i> , where municipal sanitary servicing is unavailable); or 270 m <sup>2</sup> ( <i>semi-detached dwelling</i> , where municipal sanitary servicing is available); or 1,100 m <sup>2</sup> ( <i>semi-detached dwelling</i> , where municipal sanitary servicing is unavailable)	2,000 m <sup>2</sup>	2,000 m <sup>2</sup>

Zone Regulations	Hamlet Residential (HR)	Hamlet Commercial (HC)	Hamlet Employment (HE)
Minimum Lot Frontage	15.0 m ( <i>single detached dwelling</i> , where servicing available); or 23.0 m ( <i>single detached dwelling</i> , where municipal sanitary servicing is unavailable); or 9.0 m, except on a <i>corner lot</i> where it shall be 12.0 m ( <i>semi-detached dwelling</i> , where servicing available); or 12.0 m, except on a <i>corner lot</i> where it shall be 15.0 m ( <i>semi-detached dwelling</i> , where municipal sanitary servicing is unavailable)	23.0 m	23.0 m
Maximum Lot Coverage (including accessory buildings)	35%	30%	30%
Minimum Landscaped Open Space	30%	25%	25%
Minimum Setbacks (main buildings):			
Front Yard	7.5 m	3.0 m	3.0 m
Rear Yard	7.5 m	10.5 m (where the <i>building</i> contains residential <i>dwellings</i> ); or 9.0 m (where the yard abuts a residential <i>zone</i> ); or 7.5 m for all other cases	10.5 m (where the <i>building</i> contains residential <i>dwellings</i> ); or or 9.0 m (where the yard abuts a residential <i>zone</i> ); or 7.5 m for all other cases

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Zone Regulations	Hamlet Residential (HR)	Hamlet Commercial (HC)	Hamlet Employment (HE)
<i>Interior Side Yard</i>	1.5 m (where a private <i>garage</i> is attached or detached from the <i>main building</i> ); or 3.0 m on one side and 1.5 m on the other side (where no private <i>garage</i> is attached or detached from the <i>main building</i> )	6.0 m (where the <i>building</i> contains residential <i>dwellings</i> ); or 9.0 m (where the yard abuts a residential <i>zone</i> ); or 3.0 m for all other cases	6.0 m (where the <i>building</i> contains residential <i>dwellings</i> ); or 9.0 m (where the yard abuts a residential <i>zone</i> ); or 3.0 m for all other cases
<i>Exterior Side Yard</i>	4.5 m	3.0 m	3.0 m
Maximum <i>Height of Buildings and Structures</i>	10.5 m	10.5 m	10.5 m
Other Provisions		<i>Buffer Strip</i> : 4.5 m shall be provided abutting the side and <i>rear lot lines</i> , where <i>zone</i> abuts a residential, institutional or recreational <i>zone</i>	<i>Buffer Strip</i> : 4.5 m shall be provided abutting the side and <i>rear lot lines</i> , where <i>zone</i> abuts a residential, institutional or recreational <i>zone</i>



## 8.5 Commercial Zone Regulations

The following regulations shall apply to the Service Commercial (CS), Rural Commercial/Employment (CR), Neighbourhood Commercial (CN) and Recreational/Tourist Commercial (CT) Zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Service Commercial (CS)	Rural Commercial/Employment (CR)	Neighbourhood Commercial (CN)	Recreational/Tourist Commercial (CT)
Permitted Uses	As indicated in Table 7.1			
Minimum Lot Area	N/A	1,858 m <sup>2</sup> (subject to suitability of servicing)	697 m <sup>2</sup>	N/A
Minimum Lot Frontage	15.0 m	30.0 m	15.0 m	15.0 m
Maximum Lot Coverage (including accessory buildings)	50%	30%	30%	35%
Minimum Landscaped Open Space	20%	20%	N/A	N/A
Minimum Setbacks (main buildings):				
Front Yard	6.0 m	7.5 m	3.0 m	4.5 m
Rear Yard	N/A (where a yard abuts a commercial zone or employment zone and access is available to the rear yard by a public lane or private road); or 7.5 m (where the yard abuts a commercial or	7.5 m	N/A (where a yard abuts a commercial zone or employment zone and access is available to the rear yard by a public lane or private road); or 7.5 m (where the yard abuts a commercial or	N/A (where a yard abuts a commercial zone or employment zone); or 4.0 m (where a yard abuts a residential, institutional or parks and open space zone)

7.0 PERMITTED USES

Zone Regulations	Service Commercial (CS)	Rural Commercial/ Employment (CR)	Neighbourhood Commercial (CN)	Recreational/ Tourist Commercial (CT)
	<p>employment zone and no access is available to the rear of the said <i>building</i> except by means of a <i>yard</i>); or 10.5 m (where the <i>building</i> contains residential <i>dwellings</i> of one or more <i>stories</i> in <i>height</i>); or 10.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space zone)</p>		<p>employment zone and no access is available to the rear of the said <i>building</i> except by means of a <i>yard</i>); or 10.5 m (where the <i>building</i> contains residential <i>dwellings</i> of one or more <i>stories</i> in <i>height</i>); or 10.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space zone)</p>	
<p><i>Interior Side Yard</i></p>	<p>N/A (where a <i>yard</i> abuts a commercial zone and access is available to the rear <i>yard</i> by a <i>public lane</i> or <i>private road</i>); or 4.5 m on one side (where the <i>yard</i> abuts a commercial zone and no access is available to the rear <i>yard</i> except through the <i>side yard</i>); or 4.5 m (where</p>	<p>7.5 m (where a <i>yard</i> abuts a residential, institutional or parks and open space zone); or 4.5 m (all other cases)</p>	<p>N/A (where a <i>yard</i> abuts a commercial zone and access is available to the rear <i>yard</i> by a <i>public lane</i> or <i>private road</i>); or 4.5 m on one side (where the <i>yard</i> abuts a commercial zone and no access is available to the rear <i>yard</i> except through the <i>side yard</i>); or 4.5 m (where</p>	<p>N/A (where a <i>yard</i> abuts a commercial zone or employment zone); or 4.0 m (where <i>yard</i> abuts a residential, institutional or parks and open space zone)</p>

Zone Regulations	Service Commercial (CS)	Rural Commercial/ Employment (CR)	Neighbourhood Commercial (CN)	Recreational/ Tourist Commercial (CT)
	the <i>yard</i> abuts a residential, institutional or parks and open space zone)		the <i>yard</i> abuts a residential, institutional or parks and open space zone)	
<i>Exterior Side Yard</i>	4.5 m	6.0 m	6.0 m	4.5 m
Maximum Height of Buildings and Structures	10.5 m	10.5 m	7.5 m (unless residential <i>dwelling unit</i> [s] are located above, in which case the maximum <i>height</i> shall be 10.5 m)	10.5 m
Other Provisions	Maximum Gross Floor Area: 3,000 m <sup>2</sup>		Minimum Retail Floor Area: 55.5 m <sup>2</sup> ; Maximum Retail Floor Area: 300 m <sup>2</sup> (within any grouping); <i>Buffer Strip</i> : 4.5 m shall be provided abutting a residential, institutional or parks and open space zone; and Location: Any CN Zone shall be located no more than 50 m from the intersection of an Urban Residential Collector Road	

7.0 PERMITTED USES

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Zone Regulations	Service Commercial (CS)	Rural Commercial/ Employment (CR)	Neighbourhood Commercial (CN)	Recreational/ Tourist Commercial (CT)
			or Urban Arterial Road, as identified in the Town of Lakeshore Official Plan.	

## 8.6 Mixed Use Zone Regulations

The following regulations shall apply to the Central Area (CA) and Mixed Use (MU) zones. Refer to Section 9.0 for a list of *zone* exceptions.

Zone Regulations	Central Area Commercial (CA)	Mixed Use (MU)
Permitted Uses	As indicated in Table 7.1	
Minimum Lot Area	N/A	N/A
Minimum Lot Frontage	N/A	15 m
Maximum Lot Coverage (including accessory buildings)	80%	50%
Minimum Landscaped Open Space	N/A	20%
Minimum Setbacks (main buildings):		
Front Yard	N/A (subject to any required County setbacks)	Where the lot fronts on County Road 22: Shall be in accordance with the County's minimum building setback requirements Where the lot fronts on any other road: 4.5 m
Rear Yard	4.5 m	N/A (where a yard abuts a commercial zone or employment zone and access is available to the rear yard by a public lane or private road); or 7.5 m (where the yard abuts a commercial or employment zone and no access is available to the rear of the said building except by means of a yard); or 10.5 m (where the building contains residential dwelling units of one or more storeys in height); or 10.5 m (where the yard abuts a residential, institutional or parks and

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Zone Regulations	Central Area Commercial (CA)	Mixed Use (MU)
		open space zone)
<i>Interior Side Yard</i>	<p>N/A (where a <i>yard</i> abuts a commercial zone and access is available to the <i>rear yard</i> by a <i>public lane</i> or <i>private road</i>); or</p> <p>4.5 m on one side (where the <i>yard</i> abuts a commercial zone and no access is available to the <i>rear yard</i> except through the <i>side yard</i>); or</p> <p>4.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space zone)</p>	<p>N/A (where a <i>yard</i> abuts a commercial zone and access is available to the <i>rear yard</i> by a <i>public lane</i> or <i>private road</i>); or</p> <p>4.5 m on one side (where the <i>yard</i> abuts a commercial zone and no access is available to the <i>rear yard</i> except through the <i>side yard</i>); or</p> <p>7.5 m (where the <i>yard</i> abuts a residential, institutional or parks and open space zone)</p>
<i>Exterior Side Yard</i>	4.5 m	4.5 m
Maximum Setbacks ( <i>main buildings</i> ):		
<i>Front Yard</i>	3.0 m (subject to any required County setbacks)	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17
<i>Exterior Side Yard</i>	3.0 m (subject to any required County setbacks)	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of Section 6.17
Maximum Height of Buildings and Structures	<p>10.5 m</p> <p>(Exception: Minimum height of 10.5 m [3 storeys] on the south side of Notre Dame Street in Belle River and maximum height of 7.5 m [2 storeys] on north side of Notre Dame Street)</p>	10.5 m
Other Provisions	<i>Buffer Strip</i> : 3.0 m shall be provided in a <i>yard</i> abutting an R1 Zone.	<p>Maximum Gross Floor Area: 3,000 m<sup>2</sup>; and</p> <p><i>Buffer Strip</i>: 4.5 m shall be provided in a <i>yard</i> abutting a residential, institutional or the parks and open space zone.</p>

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Zone Regulations	Central Area Commercial (CA)	Mixed Use (MU)
		Zone regulations for <i>townhouse dwellings</i> will be in accordance with the R2 Zone.

### 8.7 Employment Zone Regulations

The following regulations shall apply to the General Employment (M1) and Business Park (M2) zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	General Employment (M1)	Business Park (M2)
Permitted Uses	As indicated in Table 7.1	
Minimum Lot Area	500 m <sup>2</sup>	500 m <sup>2</sup>
Minimum Lot Frontage	18.0 m	18.0 m
Maximum Lot Coverage (including accessory buildings)	50%	50%
Minimum Landscaped Open Space	20%	20%
Minimum Setbacks (main buildings):		
Front Yard	7.5 m	4.5 m
Rear Yard	10.0 m; or 15.0 m (where the yard abuts a residential, institutional or open space zone)	10.0 m; or 15.0 m (where the yard abuts a residential, institutional or open space zone)
Interior Side Yard	4.5 m; or 15.0 m (where the yard abuts a residential, institutional or open space zone)	4.5 m; or 15.0 m (where the yard abuts a residential, institutional or open space zone)
Exterior Side Yard	4.5 m	4.5 m
Maximum Height of Buildings and Structures	15.0 m	15.0 m
Other Provisions	Buffer Strip: 6.0 m shall be provided abutting a residential, institutional or parks and open space zone	Buffer Strip: 6.0 m shall be provided abutting a residential, institutional or parks and open space zone



## 8.8 Institutional Zone Regulations

The following regulations shall apply to the Major Institutional (I1) and Minor Institutional (I2) zones. Refer to Section 9.0 for a list of zone exceptions.

<b>Zone Regulations</b>	<b>Major Institutional (I1)</b>	<b>Minor Institutional (I2)</b>
Permitted Uses	As indicated in Table 7.1	
Minimum Lot Area	2.0 ha	500 m <sup>2</sup>
Maximum Lot Area	N/A	2.0 ha
Minimum Lot Frontage	15.0 m	15.0 m
Maximum Lot Coverage (including accessory buildings)	35%	35%
Minimum Landscaped Open Space	30%	30%
Minimum Setbacks (main buildings):		
Front Yard	10.0 m	7.5 m
Rear Yard	10.0 m	7.5 m
Interior Side Yard	6.0 m	6.0 m
Exterior Side Yard	10.0 m	6.0 m
Maximum Height of Buildings and Structures	10.5 m	10.5 m
Other Provisions	<i>Buffer Strip: 6.0 m shall be provided abutting a residential, institutional or parks and open space zone</i>	<i>Buffer Strip: 4.5 m shall be provided abutting a residential, institutional or parks and open space zone</i>

### 8.9 Agriculture Zone Regulations

The following regulations shall apply to the Agriculture (A) zone. Refer to Section 9.0 for a list of zone exceptions.

<b>Zone Regulations</b>	<b>Agricultural Uses and Accessory Uses</b>	<b>Residential Lots</b>
Permitted Uses	As indicated in Table 7.1	As indicated in Table 7.1 (a) Residential Uses
Minimum Lot Area	19.0 ha	3,000 m <sup>2</sup>
Maximum Lot Area	N/A	4.0 ha
Minimum Lot Frontage	75 m	30 m
Maximum Lot Coverage (including accessory buildings)	20%	30%
Minimum Landscaped Open Space	N/A	20%
Minimum Setbacks (main buildings):		
Front Yard	15.0 m	15.0 m
Rear Yard	15.0 m	15.0 m
Interior Side Yard	3.0 m	3.0 m
Exterior Side Yard	6.0 m	6.0 m
Maximum Height of Buildings and Structures	10.5 m	10.5 m
Other Provisions	A dwelling is prohibited on a lot that was created as a result of a consent to sever a dwelling, on or after March 1, 2005.	

### 8.10 Environmental Protection, Parks and Open Space Zone Regulations

The following regulations shall apply to the Environmental Protection (EP), Wetland (W) and Parks and Open Space (P) zones. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Environmental Protection (EP)	Wetland (W)	Parks and Open Space (P)
Permitted Uses	As indicated in Table 7.1		
Minimum Lot Area	N/A (where no buildings are constructed); or 1,000 m <sup>2</sup> (where buildings are constructed)	N/A	N/A
Minimum Lot Frontage	N/A (where no buildings are constructed); or 30 m (where buildings are constructed)	N/A	15.0 m
Maximum Lot Coverage (including accessory buildings)	10%	N/A	35%
Minimum Landscaped Open Space	N/A	N/A	30%
Minimum Setbacks (main buildings):		N/A	
Front Yard:	15.0 m	N/A	7.5 m
Rear Yard:	15.0 m	N/A	7.5 m
Interior Side Yard:	15.0 m	N/A	7.5 m
Exterior Side Yard:	15.0 m	N/A	7.5 m
Maximum Height of Buildings and Structures	10.5 m	N/A	10.5 m
Other Provisions	N/A	All lot and building requirements for lands zoned W shall be as they existed on the date of adoption of this By-law; and Uses are subject to	N/A

7.0 PERMITTED USES

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Zone Regulations	Environmental Protection (EP)	Wetland (W)	Parks and Open Space (P)
		the approval of the <i>Town</i> , in consultation with the <i>Conservation Authority</i> .	

## 8.11 Urban Reserve Zone Regulations

The following regulations apply to the Urban Reserve (UR) zone. Refer to Section 9.0 for a list of zone exceptions.

Zone Regulations	Urban Reserve (UR)	
	Agricultural Uses and Accessory Uses	Residential Lots
Permitted Uses	As indicated in Table 7.1	As indicated in Table 7.1 (a) Residential Uses
Minimum Lot Area	19.0 ha	3,000 m <sup>2</sup>
Maximum Lot Area	N/A	4.0 ha
Minimum Lot Frontage	75 m	30 m
Maximum Lot Coverage (including accessory buildings)	20%	30%
Minimum Landscaped Open Space	N/A	20%
Minimum Setbacks (main buildings):		
Front Yard	15.0 m	15.0 m
Rear Yard	15.0 m	15.0 m
Interior Side Yard	3.0 m	3.0 m
Exterior Side Yard	6.0 m	6.0 m
Maximum Height of Buildings and Structures	10.5 m	10.5 m
Other Provisions	A dwelling is prohibited on a lot that was created as a result of a consent to sever a dwelling, on or after March 1, 2005.	



## 9.0 Zone Exceptions

**[Replace this Page with the separate Section 9.0 Document]**





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READ A FIRST TIME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

READ A SECOND TIME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

READ A THIRD TIME AND FINALLY PASSED ON THE

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

## 9.0 Zone Exceptions

### 9.1 Residential Type 1 (R1) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

#### 9.1.1 Residential Type 1 Zone Exception 1 (R1-1) (Map 64)

- a) Zone Regulations: The minimum *lot area* shall be 630.0 m and the minimum *lot frontage* shall be 17.0 m.

#### 9.1.2 Residential Type 1 Zone Exception 2 (R1-2) (Map 74)

- a) Permitted Uses: An establishment for the sharpening of instruments or tools including saw blades, scissors, knives, etc. in an *accessory building* shall be an additional permitted use. No new *buildings* and *structures* that are associated with the establishment for the sharpening of instruments or tools will be permitted.
- b) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with the requirements for the R1 zone.

#### 9.1.3 Residential Type 1 Zone Exception 3 (R1-3) (Map 33)

- a) Permitted Uses: A boat storage facility and *accessory uses* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for the uses permitted in the R1 zone shall be in accordance with the requirements of this By-law.

#### 9.1.4 Residential Type 1 Zone Exception 4 (R1-4) (Map 33)

- a) Permitted Uses: The existing *automobile service station* and *accessory uses* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for the uses permitted in the R1 zone shall be in accordance with the requirements for the R1 zone.

#### 9.1.5 Residential Type 1 Zone Exception 5 (R1-5) (Map 75)

- a) Permitted Uses: One *retirement home* and *accessory uses* shall be the only permitted use.

## 9.0 ZONE EXCEPTIONS

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- b) Zone Regulations: All lot and building requirements shall be in accordance with the following provisions:
- i) The minimum *lot area* shall be 4,000 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 45.0 m.
  - iii) The maximum number of *dwelling units* shall be 20.
  - iv) The minimum *front yard* shall be 9.0 m.
  - v) The minimum *rear yard* shall be 6.5 m.
  - vi) The minimum *side yard* shall be 6.5 m.
  - vii) The minimum *floor area* shall be 42.0 m<sup>2</sup> per *dwelling unit*.
  - viii) 0.4 *parking spaces* per *dwelling unit* shall be provided on the same *lot* and will be permitted in the required *yards*.

### **9.1.6 Residential Type 1 Zone Exception 6 (R1-6) (Map 34)**

- a) Permitted Uses: A storage facility shall be an additional permitted use. *Outdoor storage* including the parking of automobiles awaiting service from an *automobile repair garage* shall not be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for the uses permitted in the R1 zone shall be in accordance with the requirements of this By-law.

### **9.1.7 Residential Type 1 Zone Exception 7 (R1-7) (Map 64)**

- a) Permitted Uses: A *retirement home* shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements for the existing *buildings* and *structures* shall be in accordance with the following:
- i) The minimum *lot area* shall be 22,500 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 160.0 m.
  - iii) The minimum *front yard* shall be 40.0 m.
  - iv) The minimum *rear yard* shall be 35.0 m.
  - v) The minimum *side yard* shall be 20.0 m.
  - vi) The maximum *total floor area* for all *accessory buildings* shall be 115.0 m<sup>2</sup>.
  - vii) The maximum *lot coverage* for the *main building* shall be 15%.

- viii) The maximum *building height* shall be 3 *storeys* or 12.0 m.
- ix) A minimum of 63 *parking spaces* shall be provided.
- x) All other lot and building requirements pertaining to lands zoned R2 shall also apply to lands zoned R1-7.

**9.1.8 Residential Type 1 Zone Exception 8 (R1-8) (Map 34)**

- a) Permitted Uses: An *eating establishment, professional offices, dwelling units, retail establishments, personal service shops* and *accessory uses* only.
- b) Zone Regulations: All lot and building requirements for the permitted *buildings* and *structures* shall be in accordance with the requirements for the CA zone.

**9.1.9 Residential Type 1 Zone Exception 9 (R1-9) (Map 34)**

- a) Permitted Uses: One *converted single unit dwelling* with not more than four *dwelling units* and *accessory uses*.
- b) Zone Regulations: The *front yard* and the *west side yard* requirements shall be as they legally existing on the date of the passing of this By-law.

**9.1.10 Residential Type 1 Zone Exception 10 (R1-10) (Map 1 and Map 2)**

- a) Zone Regulations: The minimum *lot area* shall be 1,400.0 m<sup>2</sup> and the minimum *lot frontage* shall be 30.0 m.

**9.1.11 Residential Type 1 Zone Exception 11 (R1-11) (Map 19)**

- a) Permitted Uses: Shall include the light manufacturing, assembly and processing of component parts (Styrofoam / Stucco) to produce finished products related to decorative molding products within an existing building and uses accessory to this permitted use only. Only the *existing buildings* and *structures* will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.1.12 Residential Type 1 Zone Exception 12 (R1-12) (Map 64)**

- a) Permitted Uses: A *single detached dwelling, a multiple dwelling, a bed and breakfast establishment, one home occupation* and *accessory uses* shall be the only permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.
- c) For the purposes of this By-law, those lands zoned R1-12 shall be considered to be a *lot*.

**9.1.13 Residential Type 1 Zone Exception 13 (R1-13) (h8) Map 15)**

- a) Permitted Uses: A *semi-detached dwelling* and *accessory uses* and one home occupation per *dwelling unit* shall be the only permitted uses.
- b) Zone Regulations: The lot and building requirements shall be in accordance with the requirements for the R1 zone, with the following exceptions:
  - i) The minimum *lot area* shall be 325 m<sup>2</sup> per *dwelling unit*.
  - ii) The minimum *lot frontage* shall be 9.0 m per *dwelling unit*.
  - iii) The minimum interior side width shall be 1.5 m.

**9.1.14 Residential Type 1 Zone Exception 14 (R1-14) (Map 45)**

- a) Zone Regulations: The minimum *front yard* for the *main building* shall be 33.2 m.

**9.1.15 Residential Type 1 Zone Exception 15 (R1-15) (Map 16)**

- a) Permitted Uses: A boat storage facility and one *single detached dwelling*.
- b) Zone Regulations: Only the existing boat storage facility shall be permitted, an expansion of the existing boat storage facility or construction of a new boat storage facility will require relief from this by-law.

**9.1.16 Residential Type 1 Zone Exception 16 (R1-16) (Map 45)**

- a) Zone Regulations: All lot and building requirements shall be in accordance with the following exceptions.
  - i) The minimum *lot area* shall be 557.4 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 15.2 m, except where the lot abuts County Road 2; the minimum *lot frontage* shall be 18.2 m.

**9.1.17 Residential Type 1 Zone Exception 17 (R1-17) (Map 16)**

- a) Permitted Uses: *Medical offices* shall be an additional permitted use.
- b) Zone Regulations: All lot requirements shall be in accordance with the requirements for the R1 zone and in accordance with the site plan for this property.

**9.1.18 Residential Type 1 Zone Exception 18 (R1-18) (Map 15)**

- a) Permitted Uses: A secondary emergency vehicular access shall be the only *permitted use*.
- b) Zone Regulations: All lot and building requirements for the permitted emergency vehicular access shall be in accordance with the corresponding site plan agreement.

**9.1.19 Residential Type 1 Zone Exception 19 (R1-19) (Map 15)**

- a) Permitted Uses: A *retirement home* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be as follows:
  - i) The minimum *lot area* shall be as *existing*.
  - ii) The minimum *lot frontage* shall be as *existing*.
  - iii) The maximum *lot coverage* shall be 45% (includes *accessory buildings* and *structures*).
  - iv) The minimum *front yard* depth shall be as *existing*.
  - v) The minimum *rear yard* depth shall be 30.0 m.
  - vi) The minimum *side yard* width shall be as *existing*.
  - vii) The maximum *building height* shall be 10.5 m.
  - viii) Notwithstanding any other provisions of this By-law, on-site parking shall be provided in the ratio of 1 space per 4 beds, assuming the maximum number of beds that should be accommodated and under no circumstances should be fewer than 68 spaces.

**9.1.20 Residential Type 1 Zone Exception 20 (R1-20) (h8) (Map 18)**

- a) Permitted Uses: An existing automobile repair establishment shall be an additional permitted use.
- b) Zone Regulations: For the buildings and structures associated with the existing automobile repair establishment, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. For the uses permitted in the R1 zone, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.1.21 Residential Type 1 Zone Exception 21 (R1-21) (Map 17)**

- a) Permitted Uses: A two unit *dwelling* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be as follows:
  - i) The minimum *lot area* shall be 555.0 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 18.0 m.
  - iii) The maximum *lot coverage* shall be 30% (includes *accessory buildings* and *structures*).

## 9.0 ZONE EXCEPTIONS

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- iv) The minimum *front yard* depth shall be 7.5 m.
- v) The minimum *rear yard* depth shall be 10.5 m.
- vi) The minimum *side yard* width shall be as 3.0 m in the case of an interior or *thorough lot*; or, in the case of a *corner lot*, 6.0 m on the side abutting a public street and 1.5 m on the other side.
- vii) The maximum *building height* shall be 3 *storeys* or 10.5 m.
- viii) The minimum floor area shall be 70.0 m<sup>2</sup> per *dwelling unit*.
- ix) The maximum density shall be 50 *dwelling units* per hectare.

### **9.1.22 Residential Type 1 Zone Exception 22 (R1-22) (Map 17)**

- a) Permitted Uses: *Single detached dwellings*, two-unit *dwellings* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be as follows:
  - i) The minimum *lot area* shall be 555.0 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 18.0 m.
  - iii) The maximum *lot coverage* shall be 30% (includes *accessory buildings* and *structures*).
  - iv) The minimum *front yard* depth shall be 7.5 m.
  - v) The minimum *rear yard* depth shall be 10.5 m.
  - vi) The minimum *side yard* width shall be as 3.0 m in the case of an interior or *thorough lot*; or, in the case of a *corner lot*, 6.0 m on the side abutting a public street and 1.5 m on the other side.
  - vii) The maximum *building height* shall be 3 *storeys* or 10.5 m.
  - viii) The minimum floor area shall be 70 m<sup>2</sup> per *dwelling unit*.
  - ix) The maximum density shall be 50 *dwelling units* per hectare.

### **9.1.23 Residential Type 1 Zone Exception 23 (R1-23) (Map 73)**

- a) Permitted Uses: *Single detached dwellings* and *semi-detached dwellings* and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following provisions:
  - i) The minimum *lot area* shall be 560 m<sup>2</sup> for *single detached dwellings* and 370 m<sup>2</sup> per unit for two unit *dwellings*.

- ii) The minimum *lot frontage* shall be 18.0 m for *single detached dwellings* and 9.0 m per unit for two unit *dwellings*.
- iii) The maximum *lot coverage* shall be 35% (includes *accessory buildings* and *structures*).
- iv) The minimum *front yard* shall be 9.0 m.
- v) The minimum *rear yard* shall be 10.0 m.
- vi) The minimum *interior side yard* shall be 2.0 m for a *single detached dwelling*; where there is an *attached garage*, no *interior side yard* shall be required for a *semi-detached dwelling* on the side divided by the common wall on the *lot line* and 2.0 m on the other side.
- vii) The maximum *height* of *buildings* and *structures* shall be 10.0 m.

#### **9.1.24 Residential Type 1 Zone Exception 24 (R1-24) (Map 19)**

- a) Permitted Uses: Shall include *single detached dwellings*, one *home occupation* per *dwelling unit* and *uses accessory* to the foregoing uses. One *accessory building* may be permitted where there is no *main building* existing on the *lot*.
- b) Zone Regulations: The minimum *exterior side yard* shall be 1.5 m.

#### **9.1.25 Residential Type 1 Zone Exception 25 (R1-25) (Map 73)**

- a) Permitted Uses: Two residential *dwelling units* on one *lot* shall be an additional permitted use.

#### **9.1.26 Residential Type 1 Zone Exception 26 (R1-26) (Map 64)**

- a) Permitted Uses: A *semi-detached dwelling* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for the existing *buildings* and *structures* shall be in accordance with the following:
  - i) The minimum *lot area* shall be 490 m<sup>2</sup> per *dwelling unit*.
  - ii) The minimum *lot frontage* shall be 8.5 m per *dwelling unit*.
  - iii) The minimum *front yard* shall be 12.8 m.
  - iv) The minimum *rear yard* shall be 15.0 m.
  - v) The minimum *side yard* shall be 3.0 m, except that no *side yard* shall be required for a *semi-detached dwelling* between the common vertical wall dividing one *dwelling unit* from the adjoining *dwelling unit*.
  - vi) The minimum *floor area* shall be 70.0 m<sup>2</sup> per *dwelling unit*.



**9.1.27 Residential Type 1 Zone Exception 27 (R1-27) (Map 73 and 75)**

- a) Permitted Uses: An *existing building* consisting of an *eating establishment* and *bake shop* and two *dwelling units* to the rear in the first *storey* and a third *dwelling unit* above in the second *storey* shall be the only *uses* permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.1.28 Residential Type 1 Zone Exception 28 (R1-28) (Map 64)**

- a) Zone Regulations: The minimum *front yard setback* shall be 9.0 m and the minimum eastern *side yard* requirement for the eastern *side yard* shall be 3.5 m.

**9.1.29 Residential Type 1 Zone Exception 29 (R1-29) (Map 10)**

- a) Zone Regulations: The southerly *side yard* requirement for an *existing accessory building* shall be as it legally existed on the date of the passing of this By-law.

**9.1.30 Residential Type 1 Zone Exception 30 (R1-30) (Map 16)**

- a) Permitted Uses: Shall include only a *semi-detached dwelling*, one *home occupation per dwelling unit* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the regulations for the R1 zone.

**9.1.31 Residential Type 1 Zone Exception 31 (R1-31) (Map 1 and 4)**

- a) Permitted Uses: Shall include only single unit *attached dwellings* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for lands zoned R1-31 shall be in accordance with the following:
  - i) The minimum *lot area* shall be 220 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 7.0 m for interior units, 8.8 m for *exterior units* and 11.8 m for *exterior units on corner lots*.
  - iii) The maximum *lot coverage* shall be 50% for interior units and 40% for exterior units (includes *accessory buildings* and *structures*).
  - iv) The minimum *landscaped open space* shall be 35%.
  - v) The minimum *front yard* shall be 6.0 m.
  - vi) The minimum *rear yard* shall be 7.5 m.

- vii) The minimum *interior side yard* shall be 1.5 m, except where there is a common wall, there shall be no requirement.
  - viii) The minimum *exterior side yard* shall be 4.5 m.
  - ix) The maximum *building height* shall be 10.0 m.
  - x) Maximum *gross density* shall be 20 units per hectare.
- c) The development of the lands zoned R1-31 shall be subject to site plan control and is required to be in accordance with the corresponding site plan agreement.

**9.1.32 Residential Type 1 Zone Exception 32 (R1-32) (h12) (Map 74)**

- a) Permitted Uses: For lands zoned R1-32(h12), permitted uses shall be existing uses only. For lands zoned R1-32, the permitted uses shall be in accordance with the R1 zone.
- b) Zone Regulations: For lands zoned R1-32(h12), only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. For lands zoned R1-32, the lot and building requirements shall be in accordance with the following provisions:
- i) The minimum *lot frontage* shall be 13.2 m.
  - ii) The minimum *exterior side yard* shall be 4.0 m.
  - iii) All other requirements for the R1 zone shall apply.

**9.1.33 Residential Type 1 Zone Exception 33 (R1-33) (Map 64)**

- a) Permitted Uses: A *duplex dwelling*. Only existing buildings and structures shall be permitted.

**9.1.34 Residential Type 1 Zone Exception 34 (R1-34) (h2) (Map16)**

- a) Permitted Uses: A *Day Care Centre* as defined in Section 4 (Definitions) (61) with a maximum licensed capacity of 85 children shall be an additional permitted use. Any increase (i.e. number of children) in the licensed capacity for the Day Care Centre will require an amendment to this By-law.
- b) Zone Regulations: An expansion of an existing building or construction of a new building will require an amendment to this By-law. All lot and building requirements for the uses permitted in the R1 zone shall be in accordance with the requirements of this By-law.

## 9.2 Residential Type 2 (R2) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.2.1 Residential Type 2 Zone Exception 1 (R2-1) (Map 33)

- a) Permitted Uses: A multiple dwelling with a maximum of 4 *dwelling units* and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for the uses permitted in the R2 zone shall be in accordance with the requirements for the R2 zone.

### 9.2.2 Residential Type 2 Zone Exception 2 (R2-2) (Map 33)

- a) Permitted Uses: A *motel* and *accessory uses* including one *dwelling unit*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *lot area* shall be 1,300.0 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 21.0 m.
  - iii) The maximum *lot coverage* shall be 33% (includes *accessory buildings* and *structures*).
  - iv) The minimum *front yard* shall be 7.5 m.
  - v) The minimum *side yard* shall be 0.76 m.
  - vi) The minimum *rear yard* shall be 0.76 m.
  - vii) The maximum *height* of buildings and structures shall be 10.5 m.

### 9.2.3 Residential Type 2 Zone Exception 3 (R2-3) (Map 33)

- a) Zone Regulations: Minimum *lot area* shall be 300.0 m<sup>2</sup> per unit.

### 9.2.4 Residential Type 2 Zone Exception 4 (R2-4) (Map 17)

- a) Permitted Uses: Permitted uses shall include only one two-unit *dwelling* per *lot*, one *semi-detached dwelling* per *lot*, one *home occupation* per *dwelling unit*, and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be as follows:

- i) The minimum *lot area* shall be 600 m<sup>2</sup> for two unit dwellings and 290 m<sup>2</sup> for single unit attached dwellings including both two unit dwellings and *semi-detached dwellings*.
- ii) The minimum *lot frontage* shall be 18.0 m for two unit dwellings and 8.5 m for *semi-detached dwellings*.
- iii) The maximum *lot coverage* shall be 35% (includes *accessory buildings* and *structures*).
- iv) The minimum *landscaped open space* shall be 45%.
- v) The maximum *building height* shall be 10.5 m.
- vi) The minimum *front yard* shall be 6.0 m.
- vii) The minimum *interior side yard* shall be 1.5 m or 3.0 m where there is no *attached garage*.
- viii) The minimum *rear yard* shall be 7.5 m.

#### **9.2.5 Residential Type 2 Zone Exception 5 (R2-5) (Map 33)**

- a) Permitted Uses: A multiple *dwelling* with a maximum of four (4) *dwelling units* and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the requirements for the R2 zone, save and except the minimum *lot area* requirement which shall not apply.

#### **9.2.6 Residential Type 2 Zone Exception 6 (R2-6) (Map 34)**

- a) Permitted Uses: Shall include a *retirement home*, one *accessory dwelling* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *lot area* shall be 0.2 hectares.
  - ii) The minimum *lot frontage* shall be 34.0 m.
  - iii) The maximum *lot coverage* shall be 25% (includes *accessory buildings* and *structures*).
  - iv) Yard and setback requirements shall be in accordance with the requirements for the R2 zone.
  - v) The maximum *height* of *buildings and structures* shall be as they legally existed on the date of the passing of this By-law. This means that only

existing buildings shall be permitted, and any expansion of an existing building or construction of a new building resulting in a greater height will require relief from this by-law

**9.2.7 Residential Type 2 Zone Exception 7 (R2-7) (h4) (Map 18)**

- a) Permitted Uses: One *single detached dwelling* per lot, one two unit dwelling per lot, one *semi-detached dwelling* per lot, one *home occupation* per dwelling unit and uses accessory to the foregoing uses.
- b) Zone Regulations: For lands zoned R2-7(h4) only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for lands zoned R2-7 shall be in accordance with the following:
  - i) The minimum *lot area* shall be 464.0 m<sup>2</sup> for *single detached dwellings*, 557.0 m<sup>2</sup> for two unit dwellings and 269.0 m<sup>2</sup> for *semi-detached dwellings*.
  - ii) The minimum *lot frontage* shall be 15.0 m for *single detached dwellings*, 18.0 m for two unit dwellings and 8.8 m for *semi-detached dwellings*, except where a *semi-detached dwelling* is on a *corner lot*, the minimum *lot frontage* shall be 11.8 m.
  - iii) The maximum *lot coverage* (including *accessory buildings and structures*) shall be 35% for *single detached dwellings*, 35% for two unit dwellings and 40% for *semi-detached dwellings*.
  - iv) Minimum *landscaped open space* shall be 50% for *single detached dwellings*, 45% for two unit dwellings and 35% for *semi-detached dwellings*.
  - v) The maximum *building height* shall be 10.6 m.
  - vi) The minimum *front yard* shall be 7.5 m.
  - vii) The minimum *interior side yard* for *single detached dwellings* and two unit dwellings shall be 1.5 m, except where there is no attached garage, the minimum *interior side yard* shall be 3 m on one side and 1.5 m on the other side. For *semi-detached dwellings*, the minimum *interior side yard* shall be 1.5 m.
  - viii) The minimum *exterior side yard* shall be 4.5 m.
  - ix) The minimum *rear yard* shall be 7.6 m.

**9.2.8 Residential Type 2 Zone Exception 8 (R2-8) (Map 33)**

- a) Permitted Uses: A three (3) unit multiple *dwelling* and *accessory uses* shall be additional permitted uses.

- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) The minimum *lot area* shall be 580.0 m<sup>2</sup>;
  - ii) The minimum *lot frontage* shall be 18.0 m;
  - iii) The maximum *lot coverage* shall be 33% (includes *accessory buildings and structures*);
  - iv) The minimum *front yard* shall be 5.3 m;
  - v) The minimum *Interior side yard* shall be 1.5 m;
  - vi) The minimum *exterior side yard* shall be 1.2 m;
  - vii) The minimum *rear yard* shall be 12.1 m;
  - viii) The maximum *building height* shall be 7.5 m; and
  - ix) A minimum of 5 off-street parking spaces shall be provided.

**9.2.9 Residential Type 2 Zone Exception 9 (R2-9) (Map 33)**

- a) Permitted Uses: Permitted uses shall include *semi-detached dwellings*, one *home occupation per dwelling* in accordance with the requirements of this By-law and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) The minimum *lot area* shall be 410 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 9.1 m per *dwelling unit*.
  - iii) The minimum *front yard* shall be 6.0 m.
  - iv) The minimum *rear yard* shall be 22.8 m.
  - v) The minimum *interior side yard* shall be 1.5 m where a *private garage or carport* is attached to the *semi-detached dwelling*, or 3.0 m where there is no *attached garage or carport*.
  - vi) The minimum *exterior side yard* shall be 4.5 m.
  - vii) The maximum *building height* shall be 10.5 m.
  - viii) No *side yard* shall be required between the common vertical wall dividing one *semi-detached dwelling unit* from the adjoining *dwelling unit*.

- ix) Section 6.50, pertaining to separation of dwellings from railways, shall not apply.

**9.2.10 Residential Type 2 Zone Exception 10 (R2-10) (Map 33)**

- a) Permitted Uses: Shall include one *triplex dwelling* or one *semi-detached dwelling* or one *single detached dwelling* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:
  - i) The minimum *lot area* shall be 250.0 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 7.0 m.
  - iii) The maximum *lot coverage* shall be 50% (includes *accessory buildings* and *structures*).
  - iv) The minimum *front yard* shall be 7.6 m.
  - v) The minimum *rear yard* shall be 4.5 m.
  - vi) The minimum *interior side yard* shall be 1.5 m.
  - vii) The minimum *exterior side yard* shall be 4.5 m.

**9.2.11 Residential Type 2 Zone Exception 11 (R2-11) (Map 34)**

- a) Permitted Uses: Shall include single unit attached dwellings (*townhouses*), *semi-detached dwellings*, *triplex dwellings*, and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *lot area* shall be 464 m<sup>2</sup> for *single detached dwellings*, 269 m<sup>2</sup> for *semi-detached dwellings* and 223 m<sup>2</sup> for *triplex dwellings* and *townhouse dwellings*.
  - ii) The minimum *lot frontage* shall be 15.24 m for *single detached dwellings*; 8.84 m for *semi-detached dwellings*; 11.88 m for *semi-detached dwellings* on *corner lots*; 7.30 m for interior *triplex* and *townhouse dwellings*; 8.84 m for exterior *triplex* and single unit attached dwellings; and 11.88 m for exterior *triplex* and *townhouse dwellings* on *corner lots*.
  - iii) The maximum *lot coverage* (includes *accessory buildings* and *structures*) shall be 35% for *single detached dwellings*, 45% for *semi-detached dwellings*, 50% for interior *triplex* and single unit attached dwellings and 45% for exterior *triplex* and *townhouse dwellings*.

- iv) The minimum *landscaped open space* shall be 50% for *single detached dwellings* and 35% for *semi-detached, triplex and townhouse dwellings*.
- v) The maximum *building height* shall be 10.67 m.
- vi) The minimum *front yard* shall be 6.09 m.
- vii) The minimum *interior side yard* shall be 1.5 m, except where there is no *garage attached* to a *single detached dwelling*, 3.0 m on one side and 1.5 m on the other side shall be required. Where two *dwelling units* share a common wall, the *interior side yard* shall be 0.0 m.
- viii) The minimum *exterior side yard* shall be 4.57 m.
- ix) The minimum *rear yard* shall be 7.6 m.
- c) The development of the lands shall be subject to site plan control and is required to be in accordance with the corresponding site plan agreement.

#### **9.2.12 Residential Type 2 Zone Exception 12 (R2-12) (Map 33)**

a) Permitted Uses:

A multiple dwelling with a maximum of five (5) dwelling units and accessory uses shall be additional permitted uses.

b) Zone Regulations:

- i) Notwithstanding Section 6.41.1, Parking Requirements, the minimum number of required parking spaces shall be six (6) parking spaces for a multiple dwelling with a maximum of (5) dwelling units.
- ii) Notwithstanding Section 6.41.4 d), Driveway Regulations, a maximum of two (2) driveways shall be permitted and Section 6.41.4 e) which shall not apply.
- iii) All lot and building requirements shall be in accordance with the requirements of the R2 zone, save and except the minimum lot area requirements which shall not apply.

#### **9.2.13 Residential Type 2 Zone Exception 13 (R2-13) (Map 3)**

- a) Permitted Uses: Shall include *single detached dwellings*, two unit dwellings, single unit attached dwellings, and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *lot area* shall be 490 m<sup>2</sup> for *single detached dwellings*, 270 m<sup>2</sup> for two unit dwellings and 235 m<sup>2</sup> for single unit attached dwellings.



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- ii) The minimum *lot frontage* shall be 15.0 m for *single detached dwellings*, 8.2 m for two unit dwellings, 7.0 m for interior single unit attached dwellings and 8.2 m for exterior single unit attached dwellings.
- iii) The maximum *lot coverage* (including *accessory buildings and structures*) shall be 35% for *single detached dwellings*, 40% for two unit dwellings, 45% for interior single unit attached dwellings, and 40% for exterior single unit attached dwellings.
- iv) The maximum *building height* shall be 10.5 m.
- v) The minimum *front yard* shall be 6.0 m.
- vi) The minimum *interior side yard* shall be 1.5 m.
- vii) The minimum *exterior side yard* shall be 4.5 m.
- viii) The minimum *rear yard* shall be 7.5 m.
- ix) The minimum *landscaped open space* shall be 30%.

### **9.2.14 Residential Type 2 Zone Exception 14 (R2-14) (Maps 3 and 4)**

- a) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *lot area* shall be 490 m<sup>2</sup> for *single detached dwellings*.
  - ii) The minimum *lot frontage* shall be 15.0 m for *single detached dwellings*.
  - iii) The maximum *lot coverage* (including *accessory buildings and structures*) shall be 35% for *single detached dwellings*.
  - iv) The maximum *building height* shall be 10.5 m.
  - v) The minimum *front yard* shall be 6.0 m.
  - vi) The minimum *interior side yard* shall be 1.5 m.
  - vii) The minimum *exterior side yard* shall be 4.5 m.
  - viii) The minimum *rear yard* shall be 7.5 m.
  - ix) The minimum *landscaped open space* shall be 30%.

### **9.2.15 Residential Type 2 Zone Exception 15 (R2-15) (Map 15)**

- a) Permitted Uses: Permitted uses shall include one *single detached dwelling per lot*, one *single unit attached dwelling per lot*, only one *home occupation per dwelling unit*, and *uses accessory to the foregoing uses*.

- b) Zone Regulations: All lot and building requirements shall be as follows:
- i) The minimum *lot area* shall be 464.0 m<sup>2</sup> for *single detached dwellings*, 200.0 m<sup>2</sup> for *internal single unit attached dwellings* and 290.0 m<sup>2</sup> for *external single unit attached dwellings*.
  - ii) The minimum *lot frontage* shall be 15.0 m for *single detached dwellings*, except that any *lot* that abuts property that fronts on East Puce River Road shall have a minimum *frontage* of 18.0 m; 7.0 m for *internal single unit attached dwellings*; 10.0 m for *external single unit attached dwellings*; and 11.5 m for *external single unit attached dwellings on corner lots*.
  - iii) The minimum *lot coverage* (includes *accessory buildings and structures*) shall be 35% for *single detached dwellings*, 50% for *internal single unit attached dwellings*, and 35% for *external single unit attached dwellings*.
  - iv) The minimum *landscaped open space* shall be 50% for *single detached dwellings* and 35% for *single unit attached dwellings*.
  - v) The maximum *building height* shall be 10.5 m.
  - vi) The minimum *front yard* shall be 6.0 m.
  - vii) For *single detached dwellings*, minimum *interior side yard* shall be 1.5 m, or where there is no *attached garage*, 3.0 m on one side and 1.5 m on the other side. For two *unit dwellings*, the minimum *interior side yard* shall be 1.5 m. For *attached dwellings* with more than two *units*, 3.0 m shall be the minimum *interior side yard*.
  - viii) The minimum *exterior side yard* shall be 4.5 m.
  - ix) The minimum *rear yard* shall be 7.5 m.
  - x) A maximum of 322 dwelling units shall be permitted within the subdivision located on lands zoned R2-15.

#### **9.2.16 Residential Type 2 Zone Exception 16 (R2-16)(h4) (Map 19)**

- a) Permitted Uses: On lands zoned R2-16(h4), permitted uses shall include *existing uses* only. On lands zoned R2-16, permitted uses shall include one *single detached dwelling per lot*, one *two unit dwelling per lot*, one *semi-detached dwelling per lot*, one *single unit attached dwelling per lot*, multi unit dwellings excluding apartment-style buildings greater than three *storeys* in height, one *home occupation per dwelling unit* and *uses accessory* to the foregoing uses.
- b) Zone Regulations: For lands zoned R2-16(h4), only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will

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require relief from this by-law. All lot and building requirements for lands zoned R2-16 shall be in accordance with the following:

- i) The minimum *lot area* shall be 464.0 m<sup>2</sup> for *single detached dwellings*; 557.0 m<sup>2</sup> for two unit dwellings; 269.0 m<sup>2</sup> for semi-detached dwellings; 223.0 m<sup>2</sup> for single unit attached dwellings; and 854.0 m<sup>2</sup> for multi unit dwellings.
- ii) The minimum *lot frontage* shall be 15.0 m for *single detached dwellings*; 18.0 m for two unit dwellings; 8.8 m for semi-detached dwellings or 11.8 m where a *semi-detached dwelling* is on a *corner lot*; 7.0 m for interior single attached dwellings; 8.8 m for exterior single unit attached dwellings; 11.8 m for exterior single attached dwellings on *corner lots*; and 28 m for multi unit dwellings.
- iii) The maximum *lot coverage* shall be 35% for single detached, two unit dwellings and multi unit dwellings; 40% for *semi-detached dwellings*; 50% for interior single unit attached dwellings; and 40% for exterior single attached dwellings (includes *accessory buildings and structures*).
- iv) The minimum *landscaped open space* shall be 50% for single unit attached dwellings, 45% for two unit dwellings and multi dwellings, and 35% for semi-detached and single unit attached dwellings.
- v) The maximum *building height* shall be 10.6 m.
- vi) The minimum *front yard* setback shall be 7.5 m.
- vii) For *single detached* and two unit *dwellings*, the *interior side yard* shall be 1.5 m, or where there is no *attached garage*, 3.0 m on one side and 1.5 m on the other side.
- viii) For *semi-detached* and single unit *attached dwellings*, the minimum *interior side yard* shall be 1.5 m.
- ix) The minimum *interior side yard* shall be 3.0 m for multi unit *dwellings*.
- x) The minimum *exterior side yard* shall be 4.6 m.
- xi) The minimum *rear yard* shall be 10.5 m.

### **9.2.17 Residential Type 2 Zone Exception 17 (R2-17) (Map 34)**

- a) Permitted Uses: *Townhouse dwellings* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for the permitted buildings and structures shall be as follows:
  - i) The minimum *lot area* shall be 240.0 m<sup>2</sup> per *dwelling unit*.

- ii) The minimum *lot frontage* shall be 6.5 m per *dwelling unit*.
- iii) The maximum *lot coverage* shall be 35% (includes *accessory buildings* and *structures*).
- iv) The minimum *landscaped open space* shall be 30%.
- v) The minimum *front yard* shall be 5.4 m.
- vi) The minimum *rear yard* shall be 7.6 m.
- vii) The minimum *side yard* shall be 1.5 m.
- viii) No *side yard* shall be required between the common vertical wall dividing one *townhouse dwelling* from the adjoining *dwelling unit*.

#### **9.2.18 Residential Type 2 Zone Exception 18 (R2-18) (Map 34)**

- a) Permitted Uses: No more than 6 *townhouse dwelling units* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for the permitted buildings and structures shall be as follows:
  - i) The minimum *lot area* shall be 280.0 m<sup>2</sup> per *dwelling unit*.
  - ii) The minimum *lot frontage* shall be 6.5 m per *dwelling unit*.
  - iii) The minimum *front yard* shall be 6.0 m.
  - iv) The minimum *rear yard* shall be 10.0 m.
  - v) The minimum *side yard* shall be 1.5 m.
  - vi) The maximum *lot coverage* shall be 40% (includes *accessory buildings* and *structures*).

#### **9.2.19 Residential Type 2 Zone Exception 19 (R2-19) (Map 15)**

- a) Permitted Uses: One *single detached dwelling* per *lot*, one single unit attached dwelling per *lot*, one *home occupation* per *dwelling unit* and *uses accessory* to the foregoing uses.
- b) Zone Regulations: All lot and building requirements shall be as follows:
  - i) The minimum *lot area* shall be 464 m<sup>2</sup> for *single detached dwellings*, 200 m<sup>2</sup> for internal single unit attached dwellings and 290 m<sup>2</sup> for external single unit attached dwellings.
  - ii) The minimum *lot frontage* shall be 15.0 m for *single detached dwellings*, except that any lot that abuts property that fronts on East Puce River Road shall have a minimum frontage of 17.3 m; 7.0 m for internal single

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unit attached dwellings; 10.0 m for external single unit attached dwellings; and 11.5 m for external single unit attached dwellings on *corner lots*.

- iii) The minimum *lot coverage* (includes *accessory buildings and structures*) shall be 35% for *single detached dwellings*, 50% for internal single unit attached dwellings, and 35% for external single unit attached dwellings.
- iv) The minimum *landscaped open space* shall be 50% for *single detached dwellings* and 35% for single unit attached dwellings.
- v) The maximum *building height* shall be 10.5 m.
- vi) The minimum *front yard* shall be 6.0 m.
- vii) For *single detached dwellings*, minimum *interior side yard* shall be 1.5 m, or where there is no *attached garage*, 3.0 m on one side and 1.5 m on the other side. For single unit attached dwellings with two units, the minimum *interior side yard* shall be 1.5 m. For single unit attached dwellings with more than two units, 3.0 m shall be the minimum *interior side yard*.
- viii) The minimum *exterior side yard* shall be 4.5 m.
- ix) The minimum *rear yard* shall be 7.5 m.

### **9.2.20 Residential Type 2 Zone Exception 20 (R2-20) (Map 33)**

- a) Permitted Uses: One *single detached dwelling* or semi-detached dwelling, group home and home occupation shall be the only permitted uses.
- b) Zone Regulations: All lot and building requirements shall be as follows:
  - i) Notwithstanding Section 8.1 of this By-law to the contrary, the Maximum Lot Coverage (including accessory buildings) shall be 36%.

### **9.2.21 Residential Type 2 Zone Exception 21 (R2-21) (Map 33)**

- a) Permitted Uses: One single detached dwelling or semi-detached dwelling, group home and home occupation shall be the only permitted uses.

### **9.3 Residential Type 3 (R3) Zone Exceptions**

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

**[none at this time]**

#### **9.4 Residential Mobile Home Park (RM) Zone Exceptions**

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

**[none at this time]**

## 9.5 Residential Waterfront – Watercourse (RW1) Zone Exceptions

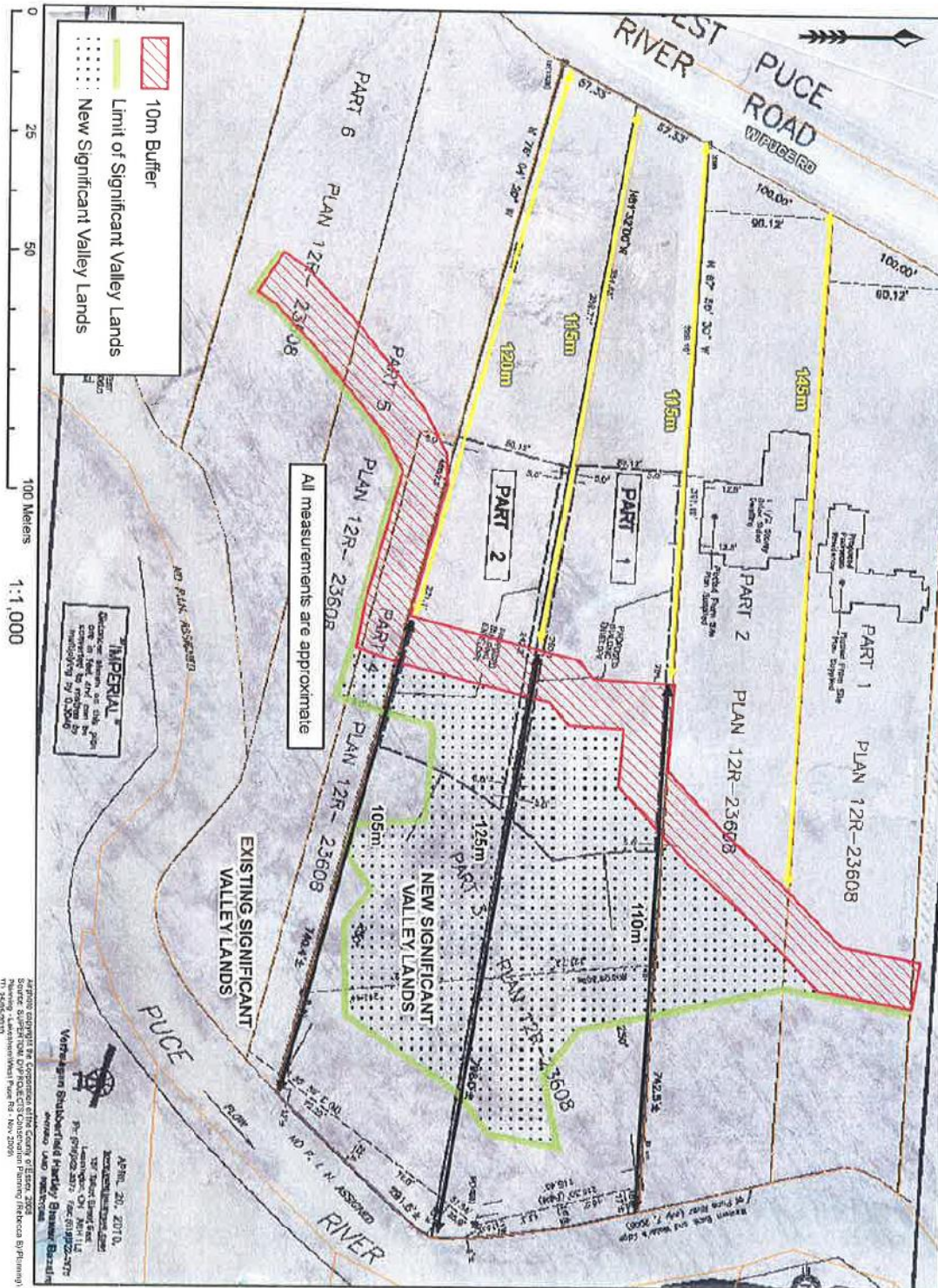
Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.5.1 Residential Waterfront – Watercourse Zone Exception 1 (RW1-1) (Map 14)

- a) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *lot frontage* shall be 16.98 m;
  - ii) The minimum *front yard* setback for the main building shall be 60.96 m;
  - iii) The minimum *rear yard* setback for the main building shall be in accordance with the map below, as established by the Essex Region Conservation Authority:



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**9.5.2 Residential Waterfront – Watercourse Zone Exception 2 (RW1-2)  
(Map 15)**

- a) Permitted Uses: Permitted uses shall be limited to the *existing single detached dwellings, existing accessory buildings and structures, one home occupation per dwelling* and the *existing bait sales and boat rental and storage operation*.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.5.3 Residential Waterfront – Watercourse Zone Exception 3 (RW1-3)  
(Map 18)**

- a) Permitted Uses: An existing *contractor's yard, a single detached dwelling, and accessory uses*.
- b) Zone Regulations: For the *contractor's yard*, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for the other permitted uses shall be in accordance with the requirements for the RW1 zone.

**9.5.4 Residential Waterfront – Watercourse Zone Exception 4 (RW1-4)  
(Map 34)**

- a) Permitted Uses: A communication tower and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the requirements for the RW1 zone, except that there shall be no height regulation for the communication tower and the tower anchors shall not be located closer than 0.5 m to any *lot line*.

**9.5.5 Residential Waterfront – Watercourse Zone Exception 5 (RW1-5)  
(Map 37)**

- a) Permitted Uses: A service club shall be the only permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.5.6 Residential Waterfront – Watercourse Zone Exception 6 (RW1-6)  
(Map 39)**

- a) Permitted Uses: An *accessory non-habitable building* not to exceed 70.0 m<sup>2</sup> in *total floor area* shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements for the *accessory non-habitable building* shall be in accordance with the following:

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- i) The minimum *front yard* shall be 7.5 m.
  - ii) The minimum *side yard* shall be 2.0 m.
  - iii) The minimum setback distance from any watercourse shall be 4.0 m from the *top of bank*.
  - iv) The maximum *height* shall be 5.0 m.
- c) All other lot and building requirements shall be in accordance with the requirements for the RW1 zone.

### **9.5.7 Residential Waterfront – Watercourse Zone Exception 7 (RW1-7) (Map 12)**

- a) Permitted Uses: All uses permitted in the RW1 zone and the parking of (2) commercial vehicles within an enclosed private garage. Such commercial vehicles shall not be used in connection with any business or other use on the premises which is prohibited by this By-law.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the RW1 zone, except that a private garage housing two (2) commercial vehicles must be setback a minimum of 228.6 m from the *front lot line*.

### **9.5.8 Residential Waterfront – Watercourse Zone Exception 8 (RW1-8) (Map 35)**

- a) Permitted Uses: A small engine repair shop shall be an additional permitted *use*. Small engine repair shall include the repair of lawn and garden equipment, snow removal equipment, small personal recreational equipment and other similar type equipment. The retail sale of new and used small engine equipment, parts, and accessories, in conjunction with, and as *accessory* to, an existing *home occupation* (small engine repair) is an additional permitted use on lands zoned RW1-8.
- b) Zone Regulations: On lands zoned RW1-8, an *outdoor display and sales area* is permitted and shall be limited to a maximum contiguous area of 83.6 m<sup>2</sup> and shall be located abutting the southerly wall of the existing building in which the existing *home occupation* is carried out, and shall not extend beyond the limits of the easterly or westerly walls of the said building. For the purposes of this By-law, the outdoor display and sales area shall be limited to the display and sales of new and used small engine equipment, parts and accessories, as outlined in Subsection (a). Section 6.27 shall apply to the small engine repair shop as if it were a *home occupation*.
- c) Parking: The size, number and locations of parking spaces shall be as they existed on the date of the passing of this By-law.

**9.5.9 Residential Waterfront – Watercourse Zone Exception 9 (RW1-9)  
(Map 36)**

- a) Permitted Uses: The keeping of not more than four horses for non-commercial purposes, including one horse barn with a capacity of not more than four houses, shall be an additional permitted use.
- b) Zone Regulations: The horse barn shall be in accordance with Minimum Distance Separation Formulae contained within Provincial Policy.
- c) All areas associated with the keeping of horses on lands zoned RW1-9 shall be adequately fenced.

**9.5.10 Residential Waterfront – Watercourse Zone Exception 10 (RW1-10)  
(Map 4)**

- a) Permitted Uses: Shall include only single unit attached *dwelling*s and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for lands zoned RW1-10 shall be in accordance with the following:
  - i) The minimum *lot area* shall be 220 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 7.0 m for interior units, 8.8 m for exterior units and 11.8 m for exterior units on *corner lots*.
  - iii) The maximum *lot coverage* shall be 50% for interior units and 40% for exterior units.
  - iv) The minimum *landscaped open space* shall be 35%.
  - v) The minimum *front yard* shall be 6.0 m.
  - vi) The minimum *rear yard* shall be 7.5 m.
  - vii) The minimum *interior side yard* shall be 1.5 m.
  - viii) The minimum *exterior side yard* shall be 4.5 m.
  - ix) The maximum *building height* shall be 10.5 m.
  - x) Maximum *gross density* shall be 20 units per hectare.
- c) The development of the lands zoned RW1-10 shall be subject to site plan control and is required to be in accordance with the corresponding site plan agreement

**9.5.11 Residential Waterfront – Watercourse Zone Exception 11 (RW1-11)  
(Map 1)**

- a) Permitted Uses: Shall include only a multi unit dwelling with not more than five *dwelling units* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for lands zoned RW1-11 shall be in accordance with the following:
  - i) The minimum *lot area* shall be as *existing*.
  - ii) The minimum *lot frontage* shall be as *existing*.
  - iii) The maximum *lot coverage* shall be 35% (includes *accessory buildings* and *structures*).
  - iv) The minimum *front yard* depth shall be 7.5 m.
  - v) The minimum *rear yard* depth shall be 1.5 m.
  - vi) The minimum *side yard* width shall be 7.5 m.
  - vii) The maximum *building height* shall be 10.5 m.
- c) The development of the lands zoned RW1-11 shall be subject to site plan control and is required to be in accordance with the corresponding site plan agreement.

**9.5.12 Residential Waterfront – Watercourse Zone Exception 12 (RW1-12)  
(Map 4)**

- a) Permitted Uses: Shall include an existing landscaping contractor's yard and one single unit dwelling, and *accessory uses*.
- b) Zone Regulations: For the landscaping contractor's yard, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for the other permitted uses shall be in accordance with the requirements for the RW1 zone.

**9.5.13 Residential Waterfront – Watercourse Zone Exception 13 (RW1-13)  
(Map 12)**

- a) Permitted Uses: Shall include only a maximum of six *dwelling units* within the existing *building*, one home occupation per *dwelling unit* and *accessory uses*.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.5.14 Residential Waterfront – Watercourse Zone Exception 14 (RW1-14)  
(Map 8)**

- a) Zone Regulations:
- i) Minimum Lot Area: 1,754 m<sup>2</sup> (where municipal sanitary servicing is unavailable)
  - ii) Minimum Lot Frontage: 25.91 m (where municipal sanitary servicing is unavailable)
  - iii) Other Provisions: An agreement has been registered on title with the municipality as a result of consent condition; File: B/37/38/39/2011, requiring the Owner to immediately take all necessary steps to connect the subject lands to the sanitary sewer and will pay all costs associated with connecting to the sanitary sewers, including any connection costs imposed by the Corporation when sanitary sewers become available to service the subject lands.

**9.5.15 Residential Waterfront-Watercourse Zone Exception 15 (RW1-15)  
(Map 8)**

- a) Zone Regulations:
- i) Other Provisions: An agreement has been registered on title with the municipality as a result of consent condition; File: B/37/38/39/2011, requiring the Owner to immediately take all necessary steps to connect the subject lands to the sanitary sewer and will pay all costs associated with connecting to the sanitary sewers, including any connection costs imposed by the Corporation when sanitary sewers become available to service the subject lands.

**9.5.16 Residential Waterfront-Watercourse Zone Exception 16 (RW1-16)  
(Map 49)**

- a) Permitted Use:
- i) New Accessory structure (agriculture pole barn) for agriculture purposes (storage of equipment/ supplies) that does not include housing of livestock.
- b) Zone Regulations:
- i) Notwithstanding Subsection 6.5 a) xi), Accessory Uses, Buildings and Structures within the General Provisions of this By-law, the Maximum height for the new accessory structure shall not exceed 7 metres.

## 9.6 Residential Waterfront – Lake St. Clair (RW2) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.6.1 Residential Waterfront – Lake St. Clair Zone Exception 1 (RW2-1) (Map 62)

- a) Permitted Uses: An *existing duplex dwelling*. Only the existing *buildings* and *structures* shall be permitted.

### 9.6.2 Residential Waterfront – Lake St. Clair Zone Exception 2 (RW2-2) (Map 62)

- a) Permitted Uses: An existing mobile trailer campground, club house and *accessory uses* including an office shall be additional permitted uses.
- b) Zone Regulations: For the existing mobile trailer campground, club house and *accessory uses*, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.6.3 Residential Waterfront – Lake St. Clair Zone Exception 3 (RW2-3) (Map 17)

- a) All lot and building requirements for the permitted buildings and structures shall be in accordance with the requirements for the RW2 zone, except that in those instances where the actual Zone Regulations that result from the recent approval of the Committee of Adjustment to create new lots within this defined area are less than the requirements of the RW2 zone, the lesser Zone Regulations that exist once the deeds are stamped shall be the Zone Regulations required by this By-law.

### 9.6.4 Residential Waterfront – Lake St. Clair Zone Exception 4 (RW2-4) (Map 15)

- a) Permitted Uses: Not more than 50 *single detached dwellings* and *accessory uses* shall be permitted.
- b) Zone Regulations: No *buildings* or *structures* shall be permitted within 6.0 m of any *lot line*. In addition, all *buildings* and *structures* shall be separated by a minimum distance of 3.0 m.

### 9.6.5 Residential Waterfront – Lake St. Clair Zone Exception 5 (RW2-5) (Map 33)

- a) Permitted Uses: Only existing *uses* shall be permitted. For clarity, this includes only uses that existed legally on October 22, 1979.



- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.6.6 Residential Waterfront – Lake St. Clair Zone Exception 6 (RW2-6)  
(Map 16)**

- a) Permitted Uses: Not more than 16 *single detached dwellings* and *accessory uses* shall be permitted.
- b) Zone Regulations: No *buildings* or *structures* shall be permitted within 6.0 m of any *lot line*. In addition, all buildings and structures shall be separated by a minimum distance of 3.0 m.

**9.6.7 Residential Waterfront – Lake St. Clair Zone Exception 7 (RW2-7)  
(Map 33)**

- a) Permitted Uses: Four *housekeeping cottages* and one *single detached dwelling* and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements shall be in accordance with the RW2 zone.

**9.6.8 Residential Waterfront – Lake St. Clair Zone Exception 8 (RW2-8)  
(Map 83)**

- a) Permitted Uses: *Uses accessory to a marina*, but not located on the same *lot* as the marina, including the *docking* and *outdoor storage* of boats, shall be an additional permitted use.
- b) All development on lands zoned RW2-8 shall be subject to site plan control.

**9.6.9 Residential Waterfront – Lake St. Clair Zone Exception 9 (RW2-9)  
(h6) (Map84)**

Section deleted in its' entirety by Bylaw 65-2016 on May 24/16  
(rezoned to RW2(h20))

**9.6.10 Residential Waterfront – Lake St. Clair Zone Exception 10 (RW2-10)  
(Map 45)**

- a) Permitted Uses: An additional *dwelling unit* in an existing detached garage shall be an additional permitted use.
- b) The additional *dwelling unit* in an existing detached garage shall not be permitted following the expiration of the Temporary Use By-law on July 12, 2014. On and from the day after the expiration date referred to in this clause, Subsection 34(9)(a) of the *Planning Act*, R.S.O. 1990, c.P.13, does not apply so as to permit the continued use of the land for the purpose temporary authorized.



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- c) Zone Regulations: The overall height of an existing fabric roof affixed to an existing single detached garage shall be as it existed on the date of passing of this By-law.

### **9.6.11 Residential Waterfront – Lake St. Clair Zone Exception 11 (RW2-11) (Map 85)**

- a) Definition of a Lot:

LOT shall mean a parcel or tract of land: (i) that is described, in a deed or other document legally capable of conveying land, as a separately conveyable parcel or tract of land; (ii) that is the whole of a lot on a registered plan of subdivision, so long as such registered plan has not been deemed, pursuant to the Planning Act, R.S.O. 1990, c.P.13, as amended, not to be a registered plan of subdivision; (iii) for which a consent has been granted pursuant Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and which consent remains in effect; or (iv) that is a whole unit or common element within the meaning of Section 9 of the Condominium Act, S.O. 1998, c.19, as amended.

- b) Zone Regulations: Minimum lot area – 1,390 sq. m (where sanitary servicing is unavailable)

- c) Other Provisions:

Permitted uses and all other regulations shall be as set out for the RW2 Zone classification.

## 9.7 Hamlet Residential (HR) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.7.1 Hamlet Residential Exception 1 (HR-1) (Map 47)

- a) Zone Regulations: The minimum lot area shall be 1,400.0 m<sup>2</sup> and the minimum *lot frontage* shall be 23.0 m.

### 9.7.2 Hamlet Residential Exception 2 (HR-2) (Map 50)

- a) Permitted Uses: A *retirement home* or nursing home shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.7.3 Hamlet Residential Exception 3 (HR-3) (Map 50)

- a) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *front yard* shall be 15.2 m.
  - ii) The minimum *rear yard* shall be 15.2 m.
  - iii) The minimum *interior side yard* shall be 9.1 m.
  - iv) The minimum *exterior side yard* shall be 12.2 m.

### 9.7.4 Hamlet Residential Exception 4 (HR-4) (Map 41 and Map 50)

- a) Permitted Uses: A multiple *unit dwelling* with a maximum of four *dwelling units* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.7.5 Hamlet Residential Exception 5 (HR-5) (Map 79)

- a) Permitted Uses: A *duplex dwelling* shall be an additional permitted use provided there is only one *main building* on the *lot*.

### 9.7.6 Hamlet Residential Zone Exception 6 (HR-6) (h5) (Map 48 and Map 66)

- a) Permitted Uses: *Semi-detached dwellings*, *townhouse dwellings* and *accessory uses* shall be additional permitted uses.

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- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) The minimum *lot area* shall be 557.4 m<sup>2</sup> for single detached dwellings, 270 m<sup>2</sup> for semi-detached dwellings and 223 m<sup>2</sup> for townhouse dwellings.
  - ii) The minimum *lot frontage* shall be 18.2 m for *single detached dwellings*, 9 metres for semi-detached dwellings not on a corner lot, 12 m for *semi-detached dwellings* on a corner lot, 8 m for interior townhouse *dwelling units*, 9 m for exterior townhouse dwelling units and 12 m for exterior townhouse *dwelling units* on a corner lot.
  - iii) The maximum *lot coverage* shall be 35%, except for townhouse *dwellings*, which shall be 40%.
  - iv) The minimum *landscaped open space* shall be 35%.
  - v) The minimum *front yard* shall be 7.6 m.
  - vi) The minimum rear yard shall be 7.6 m.
  - vii) The minimum *exterior side yard* width shall be 4.5 m.
  - viii) The minimum *interior side yard* width shall be 1.5 m where a private garage or carport is attached to the main building or 3.0 m on one side of the building and 1.5 m on the other side where no private garage or carport is attached to the main building.
  - ix) The maximum height of main buildings shall be 10.5 m.

### **9.7.7 Hamlet Residential Exception 7 (HR-7) (Map 41)**

- a) Permitted Uses: A machine repair shop shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### **9.7.8 Hamlet Residential Exception 8 (HR-8) (Map 41)**

- a) Permitted Uses: A multiple unit dwelling with a maximum of six *dwelling units* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### **9.7.9 Hamlet Residential Exception 9 (HR-9) (Map 42)**

- a) Permitted Uses: A *duplex dwelling* shall be an additional permitted use.

- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.7.10 Hamlet Residential Exception 10 (HR-10) (Map 42)**

- a) Permitted Uses: A multiple unit *dwelling* with a maximum of 5 *dwelling units* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.7.11 Hamlet Residential Exception 11 (HR-11) (Map 42)**

- a) Zone Regulations: All lot and building requirements for the existing *buildings* and *structures* shall be in accordance with the following:
  - i) The minimum *lot area* shall be 695 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 15 m.
  - iii) All other lot and building requirements shall be in accordance with the requirements for the HR zone.

## 9.8 Hamlet Commercial (HC) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.8.1 Hamlet Commercial Exception 1 (HC-1) (Map 48)

- a) Permitted Uses: A commercial outdoor recreational facility, recreational golf course, a golf course, a marina, a trailer park and *accessory uses* including a maximum of one (1) *accessory dwelling unit* shall be the only uses permitted.
- b) Zone Regulations: All lot and building requirements for the trailer park shall be in accordance with the following:
  - i) Maximum number of trailer sites shall be 282.
  - ii) Minimum number of *parking spaces* shall be 282.
  - iii) Minimum front yard depth shall be 26 m from the *street centreline* of County Road No. 2.
- c) The parking of trailers/recreational vehicles shall be allowed for twelve months of the year, but their use for seasonal accommodation shall be restricted to not more than seven (7) months in any consecutive ten (10) month period.

### 9.8.2 Hamlet Commercial Exception 2 (HC-2) (Map 50)

- a) Permitted Uses: An *automobile sales and service establishment*, and a marine sales and service establishment shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for new or expanded buildings shall be in accordance with the HC zone, except that outdoor storage and display shall be permitted on lands zoned HC-2. The location and size of permitted outdoor storage and display areas shall be as depicted in an approved site plan agreement.
- c) Notwithstanding any other provision of this By-law to the contrary, an *outside storage and display area* will be permitted. The location and size of the permitted *outside storage and display area* shall be in accordance with the location and size of such areas depicted in an approved site plan control agreement.

### 9.8.3 Hamlet Commercial Exception 3 (HC-3) (Map 50)

- a) Permitted Uses: A *motel* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.8.4 Hamlet Commercial Exception 4 (HC-4) (Map 50)**

- a) Permitted Uses: A *parking lot* and an *open air farmers market and flea market* shall be additional permitted uses. An engineered temporary tent structure shall be permitted as *accessory* to an *open air farmers market and flea market*.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for the uses permitted in the HC zone shall be in accordance with the HC zone regulations. With respect to an open air farmers market and flea market, the following regulations shall apply:
  - i) Permitted buildings and structures shall include an engineered temporary tent structure shall be permitted as *accessory* to an open air farmers market and flea market.
  - ii) The minimum *front yard* setback shall be 28 m.
  - iii) The *side yard* and *rear yard* setbacks shall be 0.9 m.
  - iv) The width of the required *buffer strip* in those yards abutting a residential zone shall be 0.9 m.
  - v) The maximum *lot coverage* shall be 40%.
  - vi) A minimum of twenty (20) parking spaces shall be provided.

**9.8.5 Hamlet Commercial Exception 5 (HC-5) (Map 50)**

- a) Permitted Uses:
  - i) Notwithstanding Section 4.0, (Definitions), Subsection No. 57 of this By-law to the contrary, a Contractor's Business / Yard shall mean: property management, property maintenance, lawn care, landscaping and snow removal. In addition to, and accessory to the Contractor's Business / Yard, the applicant wishes to display, store, sell, service and repair small engines, which shall include, commercial lawn and garden equipment, trailers, parts and accessories.
  - ii) All uses permitted in the HC, Hamlet Commercial Zone shall also be permitted as additional uses with the exception of a convenience retail establishment, which shall not be permitted.
- b) Zone Regulations: All lot and building requirements for the permitted uses listed in Section 9.8.5 shall be in accordance with the following:
  - i) Minimum rear yard setback shall be 3.6 metres for the most westerly building (existing);

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- ii) Minimum of ten (10) parking spaces, including one (1) parking space for persons with disabilities shall be provided;
  - iii) Minimum parking aisle width on westerly side of the existing building and the rear lot line for a one-way aisle shall be 3.6 metres;
  - iv) The width of the required buffer strip in the interior side yard and the rear yard shall be 0.0 metres.
- c) Other Provisions: All lot and building requirements for the permitted uses listed in Section 9.8.5 shall be in accordance with the following:
- i) Section 6.4, Accessory Retail Use shall not apply;
  - ii) Section 6.5 c), Outdoor Display and Sales Area shall not apply;
  - iii) Section 6.41.3, Loading Regulations shall not apply;
  - iv) Notwithstanding Section 6.59 c), storage in a transport trailer or shipping container shall be prohibited;
  - v) For the purposes of this By-law, the contiguous parcels zoned HC-5 shall be considered to be a single lot;
  - vi) All other lot and building requirements for permitted uses listed in Section 9.8.5 shall be in accordance with the requirements of the HC, Hamlet Commercial zone.

### **9.8.6 Hamlet Commercial Exception 6 (HC-6) (Map 41)**

- a) Permitted Uses: Shall be restricted to the following:
- i) truck trailer parking, truck transfer depot;
  - ii) tank truck water station;
  - iii) *warehousing*;
  - iv) *automobile service station*;
  - v) *automobile washing establishment*;
  - vi) *convenience retail establishment*;
  - vii) a maximum of one *accessory dwelling unit* for each permitted commercial use, save and except an automobile service station or *automobile washing establishment*; and
  - viii) *accessory offices*.

- b) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with the following:
  - i) Minimum *front yard* shall be 15 m.
  - ii) Minimum *interior side yard* shall be 7 m.
  - iii) Minimum *exterior side yard* shall be 15 m.
  - iv) Minimum *rear yard* shall be 15 m.
  - v) Maximum *lot coverage* for all buildings and structures shall be 10%.
  - vi) Maximum *height* shall be 10 m.

**9.8.7 Hamlet Commercial Exception 7 (HC-7) (Map 48)**

- a) Permitted Uses: A *marina* with a maximum of 400 boat slips, *accessory uses*, including one *accessory dwelling unit* located on the second floor of the main marina office building, shall be the only uses permitted.
- b) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with the following:
  - i) Minimum *front yard* shall be 20.0 m.
  - ii) Minimum *side and rear yard* shall be 15.0 m.
  - iii) Maximum *building height* shall be 10.0 m.
  - iv) 1 *parking space* shall be provided for each boat slip.

**9.8.8 Hamlet Commercial Exception 8 (HC-8) (Map 42)**

- a) Zone Regulations: Notwithstanding any other regulations of this By-law to the contrary, a minimum of 20 off-street *parking spaces* must be provided and maintained on-site in conjunction with the existing building.

**9.8.9 Hamlet Commercial Exception 9 (HC-9) (Map 50)**

- a) Permitted Uses: A retirement home shall be an additional use.



## 9.9 Hamlet Employment (HE) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.9.1 Hamlet Employment Exception 1 (HE-1) (Map 58)

- a) Permitted Uses: A seed mill shall be the only permitted use. Only existing *buildings* and *structures* shall be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.9.2 Hamlet Employment Exception 2 (HE-2) (Map 58)

- a) Permitted Uses: A machine repair shop. Only existing *buildings* and *structures* will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.9.3 Hamlet Employment Exception 3 (HE-3) (Map 42)

- a) Permitted Uses: One *accessory dwelling unit* located in the second *storey* to the *main building* shall be an additional permitted use. No industrial building wherein gasoline or any other highly flammable, toxic or explosive products are handled in quantity shall have an *accessory dwelling unit*.
- b) Zone Regulations: In addition to the minimum number of *parking spaces* required for the principal use of the *lot*, a minimum of two *parking spaces* shall be provided on the same lot or the *accessory dwelling unit*. In addition to the required *landscaped open space* for the industrial building, a *landscaped open space* area in an amount that is equal to the total *floor area* used for the *accessory dwelling unit* shall be provided on the same *lot*, and shall be used exclusively for the permitted *accessory dwelling unit*.

## 9.10 Commercial Service (CS) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.10.1 Commercial Service Zone Exception 1 (CS-1) (Map 23)

- a) Permitted Uses: A *contractor's yard* and accessory uses associated with the contractor's yard (i.e. showroom, warehousing, vehicle/equipment storage and repair, offices and retail); a vehicle sales establishment; a vehicle repair establishment; a sign shop; an office(s); an existing single detached dwelling as it existed on the passing of this By-law, and accessory uses shall be the only permitted uses.
- b) Zone Regulations
  - i) The interior side yard setback shall be 14.6 m and the rear yard setback shall be 1.8 m for main and accessory uses;
  - ii) The minimum landscaped open space shall be 1,073 m<sup>2</sup>.
- c) Other Provisions
  - i) Notwithstanding Section 6.5 c) i) and ii), *an outdoor display and sales area*, shall be permitted, in all required yards, associated with a *vehicle sales establishment*, on a permanent basis;
  - ii) Notwithstanding Section 6.40, *outdoor storage* shall be permitted strictly, in the northerly interior side and rear yards only;
  - iii) Notwithstanding Section 6.41.1, the minimum number of required *parking spaces* shall be fifteen (15);
  - iv) Section 6.11 shall not apply.

### 9.10.2 Commercial Service Zone Exception 2 (CS-2) (Map 64)

- a) Permitted Uses: Existing *light manufacturing* and repairs in existing wholly enclosed *buildings*, provided said use is not noxious by reason of the emission of odour, dust, smoke, gas, fumes, noise, cinders, vibrations, refuse matter or water-carried waste, and uses *accessory* thereto, shall be an additional permitted use.
- b) Zone Regulations: For the additional permitted use in Subsection 9.10.2 (a), only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. For all other permitted uses, the lot and building requirements shall be in accordance with the CS Zone.

**9.10.3 Commercial Service Zone Exception 3 (CS-3) (Map 63)**

- a) Permitted Uses: An *automobile sales and service establishment* and *accessory uses* shall be the only uses permitted.

**9.10.4 Commercial Service Zone Exception 4 (CS-4) (Map 12)**

- a) Permitted Uses: Commercial grain handling and storage facilities shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.10.5 Commercial Service Zone Exception 5 (CS-5) (Map 73)**

- a) Permitted Uses: A motel, all truck related facilities and *accessory uses* shall be additional permitted uses.

**9.10.6 Commercial Service Zone Exception 6 (CS-6) (Map 64)**

- a) Permitted Uses: One single detached dwelling and accessory uses, structures and buildings shall be an additional permitted use.

## 9.11 Rural Commercial/Employment (CR) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.11.1 Rural Commercial/Employment Zone Exception 1 (CR-1) (Map 45)

- a) Permitted Uses: A recreational vehicle sales and service establishment and accessory uses, including an accessory dwelling unit, shall be the only permitted uses. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.11.2 Rural Commercial/Employment Zone Exception 2 (CR-2) (Map 46)

- a) Permitted Uses: A travel trailer sales establishment shall be the only permitted use. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.11.3 Rural Commercial/Employment Zone Exception 3 (CR-3) (Map 47)

- a) Permitted Uses: A contracting and trucking business, the sale of construction equipment and the sale and repair of trucks shall be the only permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.11.4 Rural Commercial/Employment Zone Exception 4 (CR-4) (h11) (Map 35)

- a) Permitted Uses: On those lands zoned CR-4 (h11), the permitted uses shall be limited to those uses permitted in the CR zone. Upon removal of the holding symbol (h11), a wooden cabinet manufacturing facility shall be an additional permitted use.
- b) Zone Regulations: Upon removal of the holding (h11), a 117 m<sup>2</sup> (1,250 ft<sup>2</sup>) showroom, a 131 m<sup>2</sup> (1,410 ft<sup>2</sup>) lower residential dwelling unit and a 75 m<sup>2</sup> (800 ft<sup>2</sup>) upper residential dwelling unit located in the existing building will be additional permitted uses.
- c) For the purposes of this By-law, the contiguous parcels zoned CR-4 shall be considered to be a single lot.

### 9.11.5 Rural Commercial/Employment Zone Exception 5 (CR-5) (Map 35)

- a) Permitted Uses: A trucking operation including the storing, parking, servicing and dispatching of freight carrying trucks (but not including the transfer of goods for the

loading and unloading of freight carrying trucks) and an outdoor storage facility shall be additional permitted uses.

**9.11.6 Rural Commercial/Employment Zone Exception 6 (CR-6) (Map 23)**

- a) Permitted Uses: An *automobile repair establishment* and *accessory dwelling* shall be an additional permitted use.
- b) Only existing buildings and structures shall be permitted.

**9.11.7 Rural Commercial/Employment Zone Exception 7 (CR-7) (Map 37)**

- a) Permitted Uses: A commercial grain elevator. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.11.8 Rural Commercial/Employment Zone Exception 8 (CR-8) (Map 58)**

- a) Permitted Uses: A building or contracting establishment serviced by a public water supply system and a sanitary sewage disposal system approved by the Ministry of Environment or its designated agent and *accessory uses*.
- b) Prohibited Uses: Notwithstanding any other provision of this By-law to the contrary, it shall be prohibited to use any land or to erect and use any building or structure in a CR-8 zone for the purpose of a *concrete or asphalt batching plant* or a crushing plant.
- c) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with the following:
  - i) Minimum *lot area* shall be 2 hectares.
  - ii) Minimum *lot frontage* shall be 60.0 m.
  - iii) Notwithstanding any other provision of this By-law to the contrary, outside storage of finished or unfinished goods, products, materials, trucks and equipment shall be permitted, provided that it does not exceed 5.0 m in *height* and 30% of the total *lot area*, and the location of outdoor storage areas comply with the yard and setback requirements for the CR zone.
- d) All other lot and building requirements shall be in accordance with the requirements for the CR zone.
- e) All lands zoned CR-8 are considered to be a single *lot*.

**9.11.9 Rural Commercial/Employment Zone Exception 9 (CR-9) (Map 53)**

- a) Permitted Uses: A camper sales establishment shall be the only permitted use. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.11.10 Rural Commercial/Employment Zone Exception 10 (CR-10) (Map 53)**

- a) Permitted Uses: Additional permitted uses shall include:
  - i) a *building supply outlet*;
  - ii) a boat, trailer, motorcycle, snowmobile or similar motorized vehicle sales establishment;
  - iii) a fuel sales establishment;
  - iv) a *nursery and garden store*;
  - v) a farm produce outlet; and
  - vi) an *accessory dwelling unit*.
- b) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with the following:
  - i) Minimum *front yard* shall be 15.0 m.
  - ii) Minimum *interior side yard* shall be 7.0 m.
  - iii) Minimum *exterior side yard* shall be 15.0 m.
  - iv) Minimum *rear yard* shall be 15.0 m.
  - v) Maximum *lot coverage* for all *buildings and structures* shall be 10%.
  - vi) Maximum *height* shall be 10.0 m.

**9.11.11 Rural Commercial/Employment Zone Exception 11 (CR-11) (Map 54)**

- a) Permitted Uses: Shall include only the following:
  - i) *automobile service station, automobile repair garage, automobile washing establishment, gas bar, and automobile sales and service establishment*;
  - ii) a commercial recreation establishment;
  - iii) a *nursery and garden store*;
  - iv) a farm produce outlet;

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- v) an *eating establishment*;
  - vi) a *convenience retail store*; and
  - vii) an *accessory dwelling unit*.
- b) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with the following:
- i) Minimum *front yard* shall be 15.0 m.
  - ii) Minimum interior *side yard* shall be 7.0 m.
  - iii) Minimum exterior *side yard* shall be 15.0 m.
  - iv) Minimum *rear yard* be 15.0 m.
  - v) Maximum *lot coverage* for all buildings and structures shall be 10.0%.
  - vi) Maximum height shall be 10.0 m.

### **9.11.12 Rural Commercial/Employment Zone Exception 12 (CR-12) (Map 63)**

- a) Permitted Uses: Shall include a *contractor's yard* or shop and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) The maximum *lot coverage* shall be 15%.
  - ii) The minimum *front yard* setback shall be 25 m.
  - iii) The minimum *rear yard* setback shall be 3 m.
  - iv) The minimum *side yard* setback (easterly) shall be 3.5 m.
  - v) The minimum *side yard* setback (westerly) shall be 35 m.
  - vi) The maximum *building height* is 10.5 m.
- c) *Outdoor storage* will be permitted anywhere within the *rear yard*. *Outdoor storage* will be permitted within the *front yard* provided it is no closer than 40 m from a *residential use*. The maximum height of *outdoor storage* will be 3.5 m, except where the *outdoor storage* is located within 5.0 m of a *lot line*, in which case the maximum height will be 1.8 m.

### **9.11.13 Rural Commercial/Employment Zone Exception 13 (CR-13) (Map 87)**

- a) Permitted Uses: A trucking and excavating business including the stockpiling of granular materials, and accessory uses thereto.
- b) Only existing buildings and structures shall be permitted.

**9.11.14 Rural Commercial/Employment Zone Exception 14 (CR-14) (Map 90)**

- a) Permitted Uses: An office, ambulance dispatch centre and *accessory uses*, including fuel storage and dispensing, a wash bay and lube shop, temporary parking and other *accessory uses* associated with a trucking company shall be the only permitted uses.
- b) Zone Regulations: No parking, display or storage of trucks or other vehicles shall be permitted closer than 10.0 m to any *lot line*.

**9.11.15 Rural Commercial/Employment Zone Exception 15 (CR-15) (Map 90)**

- a) Permitted Uses: An *Automatic Commercial Vehicle Washing Establishment* shall be an additional permitted use.
- b) Zone Regulations:
  - i) Notwithstanding Section 6.41.1, Parking Requirements, the minimum number of required parking spaces shall be four (4) parking spaces (includes one (1) space for persons with disabilities) for the use of an *Automatic Commercial Vehicle Washing Establishment*.
  - ii) Section 6.41.3, Loading Regulations shall not apply for the use of an *Automatic Commercial Vehicle Washing Establishment*.
  - iii) Notwithstanding Section 6.19, Drive-Through and Stacking Spaces, a minimum of three (3) stacking spaces shall be provided in advance of the *Automatic Commercial Vehicle Washing Establishment* and a minimum of 3 stacking spaces shall be provided at the terminus of each line for the use of an *Automatic Commercial Vehicle Washing Establishment*.
  - iv) Notwithstanding Section 6.63 c), Waste Area Enclosures, a waste area enclosure is permitted in the front yard.
  - v) All lot and building requirements shall be in accordance with the CR zone.

**9.11.16 Rural Commercial/Employment Zone Exception 16 (CR-16) (Map 90)**

- a) Permitted Uses: A new *single detached dwelling* shall be permitted provided that an existing single unit dwelling is converted to a dog sales and grooming facility. It is noted that once the existing *single detached dwelling* is converted to a dog sales and grooming facility, it will no longer enjoy any non-conforming use status that it may have enjoyed prior to the passing of this By-law.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the CR zone and the corresponding site plan agreement.



**9.11.17 Rural Commercial/Employment Zone Exception 17 (CR-17) (Map 92)**

- a) Permitted Uses: A *dwelling unit* located above an *automobile repair establishment* shall be an additional permitted use.

**9.11.18 Rural Commercial/Employment Zone Exception 18 (CR-18) (Map 92)**

- a) Permitted Uses: Offices and a *personal service shop* shall be an additional permitted uses. The uses permitted in the CR zone shall also be permitted.

**9.11.19 Rural Commercial/Employment Zone Exception 19 (CR-19) (Map 92)**

- a) Permitted Uses: Shall include only an automobile body repair shop, automobile repair garage, automobile sales and service establishment, automobile service station, automobile washing establishment, gas bar, beer and liquor outlets, boat and recreation vehicle sales, service and storage, building supply sales centre, commercial recreation and entertainment establishments, farm equipment sales and service establishment, farm produce sales outlet, furniture store, a garden supply centre, hotel or motor hotel, motel, restaurants tavern, tourist camp, trailer camp, a *contractor's yard or shop, warehousing* and other indoor storage facilities, *non-effluent producing light industrial uses* restricted to packaging operations or operations that assemble or process component parts to produce finished products suitable for retail trade and does not include any establishment that assembles or processes food beverage, tobacco, rubber, leather or similar products and an *accessory dwelling unit* in association with a tourist/trailer camp or a hotel, motel or motel hotel. Uses that involve stamping presses or uses that involve machinery that can be perceived by sound or odour outside of the building shall not be permitted. *Accessory uses* to the foregoing uses shall also be permitted.
- b) Zone Regulations: For the additional permitted uses listed in (a) above, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. Notwithstanding any other provisions of this By-law, the maximum *lot coverage* for all buildings, structures and paved or asphalted areas shall be 35%. A minimum of 65% of the *lot area* must be uncovered to accommodate septic tank requirements.

**9.11.20 Rural Commercial/Employment Zone Exception 20 (CR-20) (Map 67)**

- a) Permitted Uses: A canning factory and one *accessory mobile home* on a permanent foundation shall be additional permitted uses.

**9.11.21 Rural Commercial/Employment Zone Exception 21 (CR-21) (Map 96)**

- a) Permitted Uses: All of the uses permitted in the Agriculture (A) zone shall be permitted, excluding any *residential uses*, in addition to an animal feed processing plant and *accessory uses*. The permitted *accessory uses* shall be restricted to office, packing, packaging, loading, shipping, parking, storing, weighting, marketing, mixing

of feed products and the on-site production of wood chips to be used for fuel for the processing plant only. The production of wood chips, including the storage of all the material to be used in their production, must be in a totally enclosed building. When determining the effect the *Environmental Protection Act* shall have on this operation, none of the uses permitted herein shall be determined to be agricultural uses as defined in the *Environmental Protection Act*.

- b) Permitted *buildings* and *structures* shall include:
- i) the *buildings* and *structures* associated with the uses permitted in the A zone;
  - ii) one *building* used for the purpose of processing animal food from waste;
  - iii) three existing cattle barns;
  - iv) one existing lagoon;
  - v) one waste reception building;
  - vi) one truck storage and maintenance building;
  - vii) one totally enclosed building to be used for the purpose of producing wood chips (wood hogging);
  - viii) *accessory* office facilities;
  - ix) bio filter facilities;
  - x) *loading, parking, driveway* and access areas; and
  - xi) *accessory* storage buildings and structures including pit silos and concrete storage pads.
- c) Zone Regulations: No part of any building or structure other than a parking area or driveway shall be located closer than 45.0 m to the east and south property lines and no closer than 9.0 m to the west and north property lines. The minimum *lot area* shall be the existing *lot area*.
- d) Those materials allowed to be used in the production of animal feed may be stored on site. All of the material used in conjunction with the production of fuel must be stored inside of buildings, however, the processed fuel (wood chips) may be stored outside in the location shown on the site plan. Fish waste must also be stored inside of buildings. Outside storage for sweet corn silage, wood chips and the finished product, shall be restricted to those areas shown on the site plan.
- e) All access for the processing operation shall be restricted to County Road No. 1.
- f) All development on lands zoned CR-21 shall be subject to site plan control.

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- g) The uses permitted shall not commence operation until the permits and certificates required under the *Environmental Protection Act* or any other relevant legislation pertaining to this operation are obtained and provided to the Town.

### **9.11.22 Rural Commercial/Employment Zone Exception 22 (CR-22) (Map 87)**

- a) Permitted Uses: A *printing establishment* and *accessory uses* thereto including an existing *single detached dwelling* shall be the only uses permitted. Only existing *buildings* and *structures* are permitted.

### **9.11.23 Rural Commercial/Employment Zone Exception 23 (CR-23) (Map 69)**

- a) Permitted Uses: A *salvage or scrap yard*, including an automobile wrecking yard and uses *accessory* thereto. Only existing buildings and structures are permitted.
- b) Zone Regulations: No salvage, scrap or wrecking yard operation or storage of wrecked or dismantled vehicles shall be permitted within 183 m of the road allowance between lots 6 and 7.

### **9.11.24 Rural Commercial/Employment Zone Exception 24 (CR-24) (Map 71)**

- a) Permitted Uses: A truck or transport terminal and *warehousing* shall be additional permitted uses.
- b) Section 6.41.3(g) does not apply to lands zoned CR-24.

### **9.11.25 Rural Commercial/Employment Zone Exception 25 (CR-25) (Map 69)**

- a) Permitted Uses: A *convenience retail establishment* and *accessory single detached dwelling* shall be additional permitted uses.

### **9.11.26 Rural Commercial/Employment Zone Exception 26 (CR-26) (Map 23)**

Section deleted in its' entirety by By-law 93-2016 on Oct. 25, 2015  
(rezoned to CS-1)

### **9.11.27 Rural Commercial/Employment Zone Exception 27 (CR-27) (Map 88)**

- a) Permitted Uses: Light manufacturing, storage and warehousing shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the CR zone. Any new development will require the execution of a site plan agreement to address all aspects of servicing.

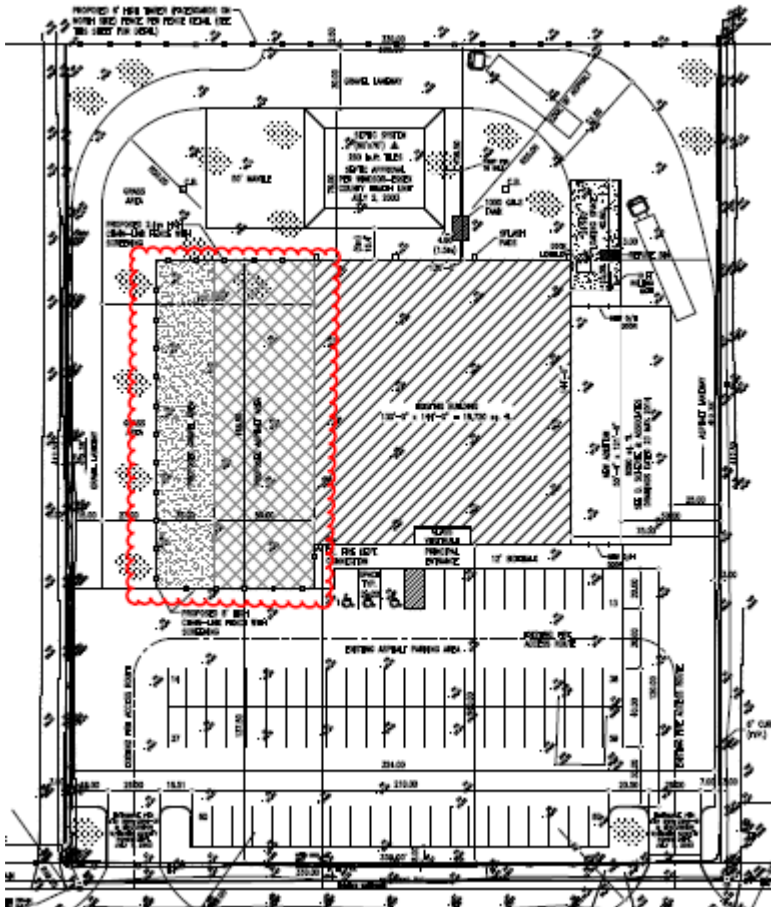
### **9.11.28 Rural Commercial/Employment Zone Exception 28 (CR-28) (Map 30)**

- a) Permitted uses shall include:

- i) Sales and service establishments related to automobiles, recreational vehicles and farm and garden equipment;
  - ii) Automobile service stations, including washing establishment or a body shop;
  - iii) Eating establishments and motels;
  - iv) Wholesale establishments;
  - v) Building supply outlets;
  - vi) Tradesmen's shop and contractor's shop or yard;
  - vii) Entertainment establishments excluding amusement arcades;
  - viii) Warehousing;
  - ix) Light manufacturing; and
  - x) Accessory uses for the above permitted uses including residential, retail and office uses accessory to one of the permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) The minimum *lot area* shall be 500 m<sup>2</sup>;
  - ii) The minimum *lot frontage* shall be 15.0 m;
  - iii) The maximum *lot coverage* shall be 50% including *accessory buildings*;
  - iv) The minimum *front yard* shall be 15.0 m;
  - v) The minimum *rear yard* shall be 10.0 m;
  - vi) The minimum interior *side yard* shall be 4.0 m;
  - vii) The minimum exterior *side yard* shall be 15.0 m;
  - viii) The maximum height of buildings and structures shall be 10.0 m;
- c) No *outside storage* shall be permitted in the *front yard* or in any yard which abuts a Residential or Agriculture zone or defined area.

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- i) Notwithstanding Section 9.28.11 c), outside storage shall be permitted only in accordance with the drawing (below), located on the westerly side of the existing building:



- d) Where the CR-28 zone abuts a Residential or Agricultural zone or defined area, the following provisions shall apply:
- i) No part of any building within the CR-28 zone shall be located within 15 m of any Residential or Agricultural zone or defined area.
- e) No parking or loading space shall be located in a required *side yard* or *rear yard* adjacent to any Residential or Agricultural zone or defined area.

### 9.11.29 Rural Commercial/Employment Zone Exception 29 (CR-29) (Map 30)

- a) Permitted Uses: Permitted uses shall include:
- i) *automobile service station, gas bar, bulk sales establishment, and animal clinic;*

- ii) *places of amusement, entertainment or recreation including amusement arcade;*
  - iii) *hotel, motel, and eating establishment;*
  - iv) *funeral home;*
  - v) *parking lot;*
  - vi) *automobile washing establishment;*
  - vii) *assembly hall and places of worship;*
  - viii) *office or financial institution;*
  - ix) *building supply outlet;*
  - x) *an accessory dwelling unit in accordance with Section 6.5 of this By-law; and*
  - xi) *accessory uses.*
- b) Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law, except that the minimum *rear yard* for any permitted use shall be 12.2 m.

**9.11.30 Rural Commercial/Employment Zone Exception 30 (CR-30) (Map 30)**

- a) Permitted Uses: Permitted uses shall include:
- i) *automobile service station;*
  - ii) *wholesale establishment;*
  - iii) *animal clinic;*
  - iv) *funeral home;*
  - v) *parking lot;*
  - vi) *service and repair establishment;*
  - vii) *assembly hall;*
  - viii) *place of worship;*
  - ix) *offices, general or professional;*
  - x) *automobile washing establishment;*
  - xi) *building supply outlet;*
  - xii) *equipment storage;*

xiii) *retail establishment*; or

xiv) *accessory uses*, including a *dwelling unit* above a permitted *commercial use*.

**9.11.31 Rural Commercial/Employment Zone Exception 31 (CR-31) (Map 30)**

- a) Permitted Uses: Automobile sales and service establishment shall be an additional permitted use.
- b) Zone Regulations:
  - i) For the purposes of this By-law, lands zoned CR-31 are considered to be a single lot;
  - ii) Section 6.11, Automobile Sales and Service Establishment of the General Provisions of the By-law shall not apply as it relates to the use of the Automobile Sales and Service Establishment;
  - iii) All lot and building requirements shall be in accordance with the requirements for the CR zone and in accordance with the corresponding site plan agreement.

**9.11.32 Rural Commercial/Employment Zone Exception 32 (CR-32) (Map 30)**

- a) Permitted Uses: The sale and repair of trucks, a communication tower and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.11.33 Rural Commercial/Employment Zone Exception 33 (CR-33) (Map 31)**

- a) Permitted Uses: A livestock sales receiving and shipping yard and *accessory uses*.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.
- c) A minimum of four *parking spaces* for employee and visitor parking shall be provided.
- d) A driveway adjacent to the eastern boundary of the property shall be permitted to a maximum width of 18.0 m.

**9.11.34 Rural Commercial/Employment Zone Exception 34 (CR-34) (Map 34)**

- a) Permitted Uses: A metal cutting and manufacturing establishment shall be additional permitted uses.

**9.11.35 Rural Commercial/Employment Zone Exception 35 (CR-35) (Map 30)**

- a) Permitted Uses: One contractor's shop and *accessory uses*.

**9.11.36 Rural Commercial/Employment Zone Exception 36 (CR-36) (Map 30)**

- a) Permitted Uses: Notwithstanding any other provision of this By-law, one *dwelling unit* located above a contractor's shop shall be permitted.

**9.11.37 Rural Commercial/Employment Zone Exception 37 (CR-37) (Map 30)**

- a) Permitted Uses: A *motel* and *eating establishment* shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.11.38 Rural Commercial/Employment Zone Exception 38 (CR-38) (Map 31)**

- a) Permitted Uses: Shall include an *automobile service station*, *personal service shops*, an *eating establishment* or snack bar, a *convenience retail establishment* and *accessory uses*.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.11.39 Rural Commercial/Employment Zone Exception 39 (CR-39) (h3) (Map 31)**

- a) Permitted Uses: Permitted uses shall include:
- i) an establishment for the assembly of wood into building-related finished products and accessory uses shall be additional permitted uses;
  - ii) recreational vehicle motor vehicle, trailer and equipment sales and/or service establishment;
  - iii) bus yard depot;
  - iv) truck and freight terminal;
  - v) light-dry manufacturing;
  - vi) automotive uses including repair garages, sales and service establishments, service stations, washing establishments and gas bars;
  - vii) sales and service establishments;
  - viii) restaurants, taverns, hotels and motels;
  - ix) bulk sales and wholesale establishments;
  - x) lumber yards and building supplies centres including garden centres;
  - xi) places of amusement, entertainment or recreation excluding amusement arcades;



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- xii) trademan's shops and contractor's yards;
  - xiii) warehousing;
  - xiv) laundromats; and
  - xv) uses *accessory* to the foregoing uses including retail and office uses but excluding *dwelling units* above commercial uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require that site plan approval has been granted by the *Town* and a site plan agreement has been entered into, pursuant to the provisions of the *Planning Act*. An *outdoor display and sales area* shall be permitted in the front and side yards. *Outdoor storage* in the front or side yards shall be prohibited.

### **9.11.40 Rural Commercial/Employment Zone Exception 40 (CR-40) (Map 31)**

- a) Permitted Uses: Shall include an *animal clinic*, *auction establishment*, *automobile service station*, farm chemical and fertilizer sales, farm equipment sales and service establishments, farm fuel sales, farm produce outlets, farm supplies and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the requirements for the CR zone.

### **9.11.41 Rural Commercial/Employment Zone Exception 41 (CR-41) (Map 31)**

- a) Permitted Uses: Shall include a flea market operation for the wholesale and retail sale or auction of antique furniture, farm produce, baked goods, clothing, handicrafts, flowers and potted plants; a snack bar, light refreshment or concessions facility; a parking area accessory to the flea market operation; an accessory single detached dwelling; an office for the flea market operation; and uses accessory to the foregoing permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) Minimum *front yard* shall be 12.2 m;
  - ii) Minimum *side yard* shall be 6.1 m;
  - iii) Minimum *rear yard* shall be 7.6 m; and
- c) The maximum height of the main building shall be 10.7 m.

**9.11.42 Rural Commercial/Employment Zone Exception 42 (CR-42) (Map 27)**

- a) Permitted Uses: A garden supply centre and take-out restaurant shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the Site Plan agreement and the CR zone.

**9.11.43 Rural Commercial/Employment Zone Exception 43 (CR-43) (Map 31)**

- a) Permitted Uses: Permitted uses shall include:
  - i) *automobile repair establishment*;
  - ii) automobile service station;
  - iii) building supply outlet;
  - iv) commercial grain handling and storage facilities;
  - v) concrete products factory or manufacturing use;
  - vi) construction company;
  - vii) contractor's yard or shop;
  - viii) establishments for the storage or processing of agricultural produce;
  - ix) existing agricultural uses;
  - x) gas bar;
  - xi) machine or welding shop;
  - xii) non-effluent producing industrial uses;
  - xiii) offices and retail or wholesale outlets related to permitted industrial uses, carried on in the same building;
  - xiv) printing establishments;
  - xv) service shop;
  - xvi) tire repair shop;
  - xvii) *transport terminal*;
  - xviii) warehousing and supply or storage uses;
  - xix) *accessory uses*, including an *accessory dwelling unit*; and

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- xx) office uses including an insurance office with a drive-in appraisal facility and other insurance-related facilities, and accessory uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the M1 zone and in accordance with the corresponding site plan agreement.

### **9.11.44 Rural Commercial/Employment Zone Exception 44 (CR-44) (Map 30)**

- a) Permitted Uses: A golf driving range shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the CR zone and the corresponding site plan agreement.

### **9.11.45 Rural Commercial/Employment Zone Exception 45 (CR-45) (Map 30)**

- a) Permitted Uses: *Public storage* shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the CR zone and the corresponding site plan agreement.

### **9.11.46 Rural Commercial/Employment Zone Exception 46 (CR-46) (Map 30)**

- a) Permitted Uses: *Automobile sales and service establishment* shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the CR zone.

### **9.11.47 Rural Commercial/Employment Zone Exception 47 (CR-47) (Map 27)**

- a) Permitted Uses: Notwithstanding Section 6.19 f), the existing *eating establishment, drive-through* shall be an additional permitted use.

### **9.11.48 Rural Commercial/Employment Zone Exception 48 (CR-48) (Map 30)**

- a) Permitted Uses: A single detached dwelling shall be an additional permitted use. A Service and Repair Establishment, exclusively for hot tubs, which shall mean a premise primarily engaged in maintaining and repairing of hot tubs for household and personal use. The retail sale of parts and new or used hot tubs shall be permitted as accessory uses.
- b) Zone Regulations: Notwithstanding Section 8.5 (CR) of this By-law to the contrary, the Minimum interior side yard setback (east side) shall be 3 metres for the additional permitted use of a single detached dwelling only.
- c) Other: Outdoor storage shall be in accordance with the implementing Site Plan Agreement. (Service and Repair Establishment, exclusively for hot tubs)

### **9.11.49 Rural Commercial/Employment Zone Exception 49 (CR-49) (Map 35)**

- a) Permitted Uses: a warehouse shall be an additional permitted use.
- b) Zone Regulations:
  - i) All lot and building requirements shall be in accordance with the CR zone.
  - ii) Section 6.42.2 k) of this By-law (Parking Areas and Other Parking Provisions) shall not apply to a warehouse use, as identified in the CR-49 zone.

**9.11.50 Rural Commercial/Employment Zone Exception 50 (CR-50) (Map 74)**

- a) Permitted Uses: A contractor's yard and accessory uses, structures and buildings shall be an additional permitted use, however, all residential uses in the CR, Rural Commercial/ Employment Zone are excluded.

## 9.12 Tourist / Recreational Commercial (CT) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.12.1 Tourist / Recreational Commercial Zone Exception 1 (CT-1) (Map 39)

- a) Permitted Uses: A *golf course* and *accessory uses*.
- b) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with the following:
  - i) The minimum *lot area* shall be 17.8 hectares.
  - ii) The minimum *lot frontage* shall be 182.0 m.
  - iii) The maximum *lot coverage* shall be 5%.
  - iv) The minimum landscaped open space shall be 70%.
  - v) The minimum *front yard* for all buildings and structures shall be 20.0 m.
  - vi) The minimum *rear yard* for all buildings and structures shall be 30.0 m.
  - vii) The minimum *side yard* for all buildings and structures shall be 15.0 m.
  - viii) The maximum building height shall be 10.5 m.
  - ix) A *buffer strip* with a minimum width of 6.0 m shall be provided abutting all *lot lines* where the *lot line* abuts or is directly opposite a residential zone, in accordance with Section 6.14 of this By-law.
  - x) Illuminated signs and exterior lighting installed to illuminate *parking areas, driveways, buildings, driving ranges* and all other permitted *golf course facilities* shall be so arranged as to direct light away from abutting *lots* and adjacent *residential uses*.
  - xi) No outdoor storage of any equipment, materials or supplies shall be permitted

### 9.12.2 Tourist / Recreational Commercial Zone Exception 2 (CT-2) (Map 6 and 15)

- a) Permitted Uses: Shall include a *marina* restricted to the following:
  - i) boat docking, launching and hoisting facilities;
  - ii) a restaurant and an existing patio without outdoor amplified music but no new unenclosed patio area;

- iii) indoor and outdoor off-season boat storage In accordance with the corresponding site plan agreement;
  - iv) boat sales, service and storage in the existing building;
  - v) a boat display area in accordance with the corresponding site plan agreement;
  - vi) marine fuel sales;
  - vii) a marine communication facility within an existing building and outdoor antennae and satellite dishes;
  - viii) a marine accessories establishment and specialty marine gift shop;
  - ix) a private club, including a swimming pool and activity area without outdoor amplified music;
  - x) a bait shop; and
  - xi) uses *accessory* to the foregoing uses, including one *dwelling unit* in the western commercial building, parking and storage facilities, *accessory office uses*, one security facility located in a permanent building not exceeding 70 m<sup>2</sup> in floor area and signs in accordance with the Town's Sign By-law.
- b) Zone Regulations: All lot and buildings shall be in accordance with the following:
- i) The minimum *lot area* shall be 1.5 hectares;
  - ii) The minimum *lot frontage* shall be 30.0 m;
  - iii) The maximum building *height* shall be 2 *storeys* or 11.0 m, except that any building or structure used for the storage of boats shall not exceed a height of 7.5 m;
  - iv) The minimum *front yard* shall be 45.0 m;
  - v) The minimum north *side yard* shall be 12.0 m;
  - vi) The minimum south *side yard* shall be 4.5 m;
  - vii) The minimum *rear yard* shall be 2.0 m; and
  - viii) The maximum *lot coverage* shall be 20%.
- c) Section 6.34 c) of this By-law, Setbacks from Inland Watercourses and Municipal Drains, shall not apply to those lands zoned CT-2 and the required parking and storage areas shall be in accordance with the corresponding site plan agreement.

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- d) Notwithstanding Section 6.41.1 of this By-law, a minimum of 170 *parking spaces* shall be provided on site. However, during the months of October to April, inclusive, not more than 100 of these parking spaces may be used for outdoor boat storage.
- e) Section 6.12, Balconies, Decks and Patios, shall not apply to lands zoned CT-2.

### **9.12.3 Recreational/Tourist Commercial Zone Exception 3 (CT-3) (Map 33)**

- a) Permitted Uses: A *building supply outlet* and *accessory uses* shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements for the uses permitted in the CT zone shall be in accordance with the requirements for the CT zone. The lot and building requirements for a *building supply outlet* shall be as it legally existed on the date of the passing of this By-law.

### **9.12.4 Tourist / Recreational Commercial Zone Exception 4 (CT-4) (Map 64)**

- a) Permitted Uses: A *private club* and *accessory uses* shall be the only uses permitted.

### **9.12.5 Tourist / Recreational Commercial Zone Exception 5 (CT-5) (Map 90 and Map 92)**

- a) Permitted Uses: An antique mall shall be additional permitted uses.

### **9.12.6 Tourist / Recreational Commercial Zone Exception 6 (CT-6) (Map 83)**

- a) Permitted Uses: A *private club* and *accessory structures*, including a 27.8 m<sup>2</sup> deck addition to the existing club house.
- b) Zone Regulations: The minimum *lot frontage* and *interior side yard* abutting a residential zone to the north shall be as they legally existed on the date of the passing of this By-law. This means that an expansion of an existing building or construction of a new building into the *interior side yard* abutting a residential zone to the north will require relief from this by-law, and any change to the *lot frontage* will require relief from this by-law.

### **9.12.7 Tourist / Recreational Commercial Zone Exception 7 (CT-7) (Map 83)**

- a) Permitted Uses: Specialty retail shops shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements for the existing buildings and structures shall be in accordance with the following:
  - i) The minimum *lot area* shall be 1,300 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 45.0 m.
  - iii) The maximum *lot coverage* shall be 35%.

- iv) The minimum *front yard* shall be 12.0 m.
  - v) There shall be no minimum *rear yard* requirement.
  - vi) The minimum *side yard* shall be 3.0 m.
  - vii) The maximum *building height* shall be 10.5 m.
- c) All development shall be subject to site plan control.



### 9.13 Neighbourhood Commercial (CN) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

#### 9.13.1 Neighbourhood Commercial Zone Exception 1 (CN-1) (Map 64)

- a) Permitted Uses: A *parking lot* associated with a *private club*.

#### 9.13.2 Neighbourhood Commercial Zone Exception 2 (CN-2) (Map 74)

- a) Permitted Uses: An automobile service station, an automobile sales establishment, a specialty workshop that manufactures, stores and sells concrete building and landscaping products, and *accessory buildings or uses*, shall be additional permitted uses.

## 9.14 Central Area (CA) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.14.1 Central Area Exception 1 (CA-1) (Map 33)

- a) Permitted Uses: A multiple dwelling with a maximum of 4 *dwelling units* and *accessory uses* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.14.2 Central Area Exception 2 (CA-2) (Map 33)

- a) Permitted Uses: Not more than one (1) *dwelling unit* in the first *storey* of the existing *accessory building* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. The requirements for the CA zone shall not apply to the existing *accessory building*.

### 9.14.3 Central Area Exception 3 (CA-3) (Map 73)

- a) Permitted Uses: One multiple *dwelling* consisting of not more than 3 *dwelling units*, *single detached dwellings*, *converted dwellings* and *group home dwellings*, excluding *group home dwellings* operated primarily for persons on probation, released on parole or admitted for correctional purposes, one *home occupation* per *lot* and uses *accessory* to the permitted uses shall be the only uses permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All lot and building requirements for other uses shall be in accordance with the CA zone regulations, except that the minimum *lot frontage* shall be 14 m.

### 9.14.4 Central Area Exception 4 (CA-4) (Map 33)

- a) Permitted Uses: A medical office shall be an accessory use to the main use at 330 Notre Dame Street and a parking lot at 332 Notre Dame Street shall be an accessory to the commercial use at 330 Notre Dame Street.
- b) Permitted Buildings and Structures: No buildings or structures shall be permitted on lands at 332 Notre Dame Street.
- c) Zone Regulations:
  - i) The frontage at 330 Notre Dame Street shall be deemed to be Notre Dame Street.

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- ii) Off-street parking spaces for the uses permitted at 330 Notre Dame Street and 332 Notre Dame Street may be located on both lands, or in combination, provided that title to said lands are held by the same owner and there is registered on title an agreement with the Town to the effect that these properties will remain in the same ownership until such time as relief from the off-street parking requirements occur.
- iii) The total number of off-street parking spaces provided on lands at 330 Notre Dame Street and 332 Notre Dame Street shall be deemed to be the number required for the uses permitted on lands at 330 Notre Dame Street.
- iv) The total number of off-street parking spaces provided for lands at 330 Notre Dame Street shall be 92.

### **9.14.5 Central Area Exception 5 (CA-5) (Map 33)**

- a) Zone Regulations:
  - i) The lot line abutting Notre Dame Street shall be deemed to be the *front lot line*.
  - ii) The *rear yard* for the existing building at 376 Notre Dame Street shall be as it legally existed on the date of the passing of this By-law.
  - iii) The requirement that a 3.0 m buffer be provided where the lot abuts a residential zone shall not apply.
  - iv) Notwithstanding any other provisions of this By-law to the contrary, lands within the CA-5 zone are deemed to be a single *lot* for zoning purposes.
  - v) The dimensions for a required *parking space* shall be 2.7 m by 6.0 m.

### **9.14.6 Central Area Exception 6 (CA-6) (Map 33)**

- a) Permitted Uses: A *converted dwelling* containing a maximum of two (2) dwelling units shall be an additional permitted use.

### **9.14.7 Central Area Exception 7 (CA-7) (Map 33)**

- a) Permitted Uses: An existing multiple *dwelling* with a maximum of five (5) *dwelling units*.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### **9.14.8 Central Area Exception 8 (CA-8) (Map 64)**

- a) Zone Regulations: All lot and building requirements for the existing buildings and structures shall be in accordance with the following:

- i) The minimum *front yard* shall be 3.96 m.
- ii) The minimum *side yard* abutting a public street shall be as existing.
- iii) The minimum *rear yard* abutting any Residential Zone shall be as existing.
- iv) Off-street parking in accordance with the requirements of this By-law shall be provided to the rear of the commercial use on Lot 98 of Registered Plan 1257. On-street parking along Maple Avenue immediately adjacent to the commercial use shall be prohibited.
- v) An *accessory* residential use shall be permitted in the rear portion of the principal building.

#### **9.14.9 Central Area Exception 9 (CA-9) (Map 64)**

- a) Permitted Uses: Multiple *dwelling*s and *accessory uses* shall be an additional permitted use, and may be combined with the *commercial uses* permitted in accordance with the CA zone.
- b) Zone Regulations: All lot and building requirements for the existing buildings and structures shall be in accordance with the following:
  - i) The minimum *lot area* shall be 1,275 m<sup>2</sup>.
  - ii) The minimum lot frontage shall be 19.0 m.
  - iii) The minimum *front yard* shall be 7.5 m.
  - iv) The minimum *side yard* shall be 4.5 m.
  - v) The minimum *rear yard* shall be 7.5 m.
  - vi) The maximum *gross density* shall be 62 units per gross hectare.
  - vii) The maximum *building height* shall be 3 *storeys*.
- c) Commercial uses shall not be permitted above residential uses in a multiple *storey* building.
- d) Notwithstanding the foregoing, no *dwelling*s units shall be permitted in conjunction with *automobile service stations* or other motor vehicle service establishments.

#### **9.14.10 Central Area Exception 10 (CA-10) (Map 64)**

- a) Permitted Uses: A rest home or *retirement home* or nursing home facility, or some combination thereof, with not more than 65 beds in total and *uses accessory* to the foregoing permitted uses only.

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- b) Zone Regulations: All lot and buildings shall be in accordance with the following provisions:
- i) The minimum *lot area* shall be 2,700.0 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 45.0 m.
  - iii) The maximum *lot coverage* shall be 57%.
  - iv) The minimum *building height* shall be 10.5 m.
  - v) The minimum *front yard* shall be 6.0 m.
  - vi) The minimum *rear yard* shall be 4.0 m.
  - vii) The minimum westerly *side yard* shall be 3.0 m.
  - viii) The minimum easterly *side yard* shall be 1.5 m.
- c) The required *parking* shall be 1 space for every 4 beds.

### **9.14.11 Central Area Exception 11 (CA-11) (Map 64)**

- a) Permitted Uses: A two-unit *dwelling* and *accessory uses* shall be additional permitted uses.

### **9.14.12 Central Area Exception 12 (CA-12) (Map 33)**

- a) Zone Regulations: The minimum lot area shall be 200 m<sup>2</sup> per *dwelling unit*.

### **9.14.13 Central Area Exception 13 (CA-13) (Map 33)**

- a) Permitted Uses: Notwithstanding Section 6.19 g), the *existing* access to an *existing drive-through* associated with an *existing eating establishment* shall be permitted in the *front yard*.

### **9.14.14 Central Area Exception 14 (CA-14) (Map 33)**

- a) Permitted Uses: Notwithstanding Subsection 8.6, Central Area Commercial of this By-law to the contrary, a medical office shall be an additional use.

### **9.14.15 Central Area Exception 15 (CA-15) (Map 64)**

- a) Permitted Uses: A *Medical Office* and (2) *two existing Accessory Dwelling Units located above the medical office (second storey)* shall be an additional permitted use.
- b) Zone Regulations:
- i) Section 6.3, Accessory Dwelling Unit provisions shall not apply for the (2) two existing Accessory Dwelling Units.

- ii) Notwithstanding Section 6.41.1, Parking Requirements, the minimum number of required parking spaces shall be twelve (12) parking spaces (includes one (1) space for persons with disabilities) for the use of a *Medical Office and Two Accessory Dwelling Units*.
- iii) Section 6.41.2 h) shall not apply.
- iv) Notwithstanding Section 6.41.2 i), the one-way required parking aisle shall be a minimum of 4.4 metres.
- v) Section 6.41.3, Loading Regulations shall not apply for the use of a *Medical Office*.

## Mixed Use (MU) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.15.1 Mixed Use Exception 1 (MU-1) (Map 4)

- a) Permitted Uses: A commercial recreation establishment shall be an additional permitted use. In addition, any existing industrial and employment uses will be permitted.

### 9.15.2 Mixed Use Exception 2 (MU-2) (Map 3)

- a) Permitted Uses: *Large format retail uses* shall be an additional permitted use.

### 9.15.3 Mixed Use Exception 3 (MU-3) (Map 4)

- a) Permitted Uses: Retail establishments with more than 186 m<sup>2</sup> of floor area, and accessory uses shall be additional permitted uses. In addition, any existing industrial and employment uses will be permitted.

### 9.15.4 Mixed Use Exception 4 (MU-4) (Map 15)

- a) Permitted Uses: Two *single detached dwellings* on one *lot* serviced by a municipal water supply and municipal sanitary sewage disposal system, one *home occupation* per *dwelling unit*, and *uses accessory* to the foregoing uses.

### 9.15.5 Mixed Use Zone Exception 5 (MU-5) (Map 4)

- a) Permitted Uses: Any existing industrial and employment uses and *accessory uses* and all uses permitted in the MU zone shall be the uses permitted on lands zoned MU-5.
- b) Zone Regulations: All lot and building requirements for the uses permitted in the MU zone shall be in accordance with the MU zone. For existing industrial and employment uses not explicitly permitted in the MU zone, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.15.6 Mixed Use Exception 6 (MU-6) (Map 4)

- a) Permitted Uses: Retail establishments with more than 186 m<sup>2</sup> of floor area and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: Where the lot abuts Croft Drive, the *lot line* abutting Croft Drive shall be deemed to be the front *lot line*, and the minimum *front yard* shall be 6.0 m.

**9.15.7 Mixed Use Exception 7 (MU-7) (h1) (Map 3)**

- a) The development of lands zoned MU-7 shall be subject to site plan control. The holding (h1) symbol shall not be removed until such time as agreements are executed regarding the provision of adequate servicing for the type of development being proposed. Also, access shall be restricted to County Road 22 and/or from new internal roads to be constructed to the south. The only access permitted from lands zoned MU-7 onto West Pike Creek Road is a secondary emergency access not to exceed 9.2 m in width.

**9.15.8 Mixed Use Exception 8 (MU-8) (Map 17)**

- a) Permitted Uses: A *public storage* use shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the MU zone, except that the minimum *interior side yard* and minimum *rear yard* shall be one half the height of the building. Landscaped open space shall be in accordance with the site plan agreement.

**9.15.9 Mixed Use Exception 9 (MU-9) (Map 4 and Map 5)**

- a) Permitted Uses: Retail establishments with more than 186 m<sup>2</sup> of floor area and *accessory uses* shall be additional permitted uses.

**9.15.10 Mixed Use Exception 10 (MU-10) (Map 17)**

- a) Permitted Uses: A three unit dwelling and *accessory uses*.
- b) Zone Regulations: All lot and building requirements shall be as follows:
  - i) The minimum *lot area* shall be 555 m<sup>2</sup>.
  - ii) The minimum lot frontage shall be 18.0 m.
  - iii) The maximum lot coverage shall be 30%.
  - iv) The minimum *front yard* depth shall be 7.5 m.
  - v) The minimum *rear yard* depth shall be 10.5 m.
  - vi) The minimum *side yard* width shall be as 3.0 m in the case of an interior or thorough lot; or, in the case of a corner lot, 6.0 m on the side abutting a public street and 1.5 m on the other side.
  - vii) The maximum *building height* shall be 3 *storeys* or 10.5 m.
  - viii) Minimum *floor area* shall be 70 m<sup>2</sup> per dwelling unit.
- c) Maximum density shall be 50 *dwelling units* per hectare.



**9.15.11 Mixed Use Zone Exception 11 (MU-11) (Map 4)**

- a) Zone Regulations: The maximum area for any single retail use shall be 3,350 m<sup>2</sup>. For the purposes of this By-law, lands zoned MU-11 are considered to be a single lot.

**9.15.12 Mixed Use Exception 12 (MU-12) (Map 4)**

- a) Permitted Uses: Retail establishments with more than 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup>) of floor area; commercial recreation centres; and a *parking lot accessory* to a permitted commercial recreation use on those lands zoned MU-18 shall be additional permitted uses. In addition, any existing industrial and employment uses will be permitted.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) For the purposes of this By-law, lands zoned MU-18 and MU-12 shall be considered a single *lot* for the purpose of providing the minimum number of 250 *parking spaces* required for a combined *miniature golf course* / indoor driving range / outdoor beach volleyball complex located on those lands zoned MU-18.
  - ii) The minimum required *parking space* dimensions shall be 3 m by 5.79 m.
  - iii) The minimum *landscaped open space* shall be 18% of the *lot area*.
  - iv) The minimum *front yard* shall be 6 m.
  - v) All other lot and building requirements shall be in accordance with the MU zone.

**9.15.13 Mixed Use Exception 13 (MU-13) (Map 15)**

- a) Permitted Uses: An existing *automobile service station* and an existing hardware store in addition to the uses permitted in the MU zone.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.15.14 Mixed Use Exception 14 (MU-14) (Map 15)**

- a) Permitted Uses: A trucking operation and associated general repair shop, wash bays, offices, trailer parking, storage of stone, sand and dirt in accordance with the site plan agreement, fuelling facilities and other *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements for the trucking operation and associated uses shall be in accordance with the corresponding site plan agreement. All lot and building requirements for the other uses permitted in the MU zone shall be in accordance the requirements for the MU zone.

**9.15.15 Mixed Use Exception 15 (MU-15) (Map 15)**

- a) Permitted Uses: A two-bay truck service facility, *outdoor storage* of trucks and other *vehicles* and *accessory uses* including fuelling facilities shall be additional permitted uses. *Outdoor storage* of any other materials shall be prohibited.
- b) Zone Regulations: For the existing two-bay truck service facility, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law. All requirements for the outdoor storage of trucks and other vehicles shall be in accordance with the corresponding site plan agreement. All lot and building requirements for the uses permitted in the MU zone shall be in accordance with the requirements for the MU zone.

**9.15.16 Mixed Use Exception 16 (MU-16) (Map 15)**

- a) Permitted Uses: Outdoor storage of trucks and other vehicles, one single unit dwelling with an office and accessory uses including fuelling facilities shall be additional permitted uses. Outdoor storage of other materials shall be prohibited.
- b) Zone Regulations: All requirements for the outdoor storage of trucks and other vehicles shall be in accordance with the corresponding site plan agreement. All lot and building requirements for the other permitted uses shall be in accordance with the requirements for the MU zone.

**9.15.17 Mixed Use Exception 17 (MU-17) (Map 16)**

- a) Permitted Uses: A *retirement home* and a long term care home shall be additional permitted uses.

**9.15.18 Mixed Use Exception 18 (MU-18) (Map 4)**

- a) Permitted Uses: Retail establishments with more than 186 m<sup>2</sup> of floor area and *accessory uses* shall be additional permitted uses. A *miniature golf course* and amusement arcade and *accessory uses* to the foregoing uses shall also be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) the minimum required *parking space* dimensions shall be 3 m by 5.79 m;
  - ii) the minimum *landscaped open space* shall be 18% of the *lot area*;
  - iii) minimum *front yard* shall be 6.0 m and the *lot line* abutting Croft Drive shall be deemed to be the front *lot line*;
  - iv) all other lot and building requirements shall be in accordance with the MU zone.

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- c) For the purposes of this By-law, lands zoned MU-18 and MU-12 shall be considered a single *lot* for the purpose of providing the minimum number of 250 *parking spaces* required for a combined *miniature golf course* / indoor driving range / outdoor beach volleyball complex located on those lands zoned MU-18.

### **9.15.19 Mixed Use Exception 19 (MU-19) (Map 17)**

- a) Permitted Uses: Light manufacturing, non-effluent producing industrial uses, bulk sales and wholesale establishments, *building supply outlet*, tradesman's shops and contractor's yards, warehousing, service shops, automobile service establishments, automobile washing establishments, body repair shops, gas bars, eating establishments and *accessory uses* shall be additional permitted uses. Only existing *buildings* and *structures* will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### **9.15.20 Mixed Use Exception 20 (MU-20) (Map 17)**

- a) Permitted Uses: A *retirement home* and a long term care home shall be an additional permitted use.
- b) No *development* can occur unless access to a municipal road is provided.
- c) The setback for a *retirement home* and a long term care home from the westerly *lot line* shall be 235 m.
- d) Section 6.50, Separation of Dwellings from Railways, shall apply to a *retirement home* and a long term care home.

### **9.15.21 Mixed Use Zone Exception 21 (MU-21) (h2) (Map5)**

- a) Permitted Uses: Existing uses only until such time as the (h2) is removed. Upon removal of the (h2), permitted uses shall include religious institutions including *places of worship*, *assembly halls* and *cemeteries* and *accessory uses*, in addition to the uses permitted in the MU zone.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law until such time as the (h2) is removed. Upon removal of the (h2), development shall be in accordance with the MU zone.
- c) The holding (h2) symbol shall not be removed until such time as appropriate servicing arrangements, including stormwater management access, road improvements, railway noise, vibration and safety mitigation measures and any other agreements required by the Municipality are executed. Existing uses shall be the only uses permitted in the interim.

**9.15.22 Mixed Use Exception 22 (MU-22) (Map 17)**

- a) Permitted Uses: *Residential uses* shall be permitted above or on the main floor of a non-automotive use, provided that not more than four *apartment type dwelling units* shall be permitted on the main floor of the existing building. All other uses in the MU zone shall be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.15.23 Mixed Use Exception 23 (MU-23) (Map 17)**

- a) Permitted Uses: A welding shop and an *accessory dwelling* shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the requirements for the MU zone, and in accordance with the corresponding site plan agreement.

**9.15.24 Mixed Use Exception 24 (MU-24) (Map 17)**

- a) Permitted Uses: An *automobile repair establishment* and *accessory dwelling* shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the requirements for the MU zone, and in accordance with the corresponding site plan agreement.

**9.15.25 Mixed Use Exception 25 (MU-25) (Map 17 and Map 20)**

- a) Permitted Uses: An antique shop, a nursery or tree farm shall be additional permitted uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the MU zone and the corresponding site plan agreement.

**9.15.26 Mixed Use Exception 26 (MU-26) (Map 15)**

- a) Permitted Uses: Notwithstanding Subsection 8.6, of this By-law to the contrary, a light employment use, exclusive of industrial-related uses such as manufacturing, warehousing, processing, assembly, trucking and storage uses, in compliance with the permitted uses of the Lakeshore Official Plan "Mixed Use" designation shall be an additional use.

**9.15.27 Mixed Use Exception 27 (MU-27) (Map 16)**

- a) Zone Regulations:

- i) For the purposes of this By-law, lands zoned MU-27 are considered to be a single lot;
- ii) Notwithstanding Section 8.6, Mixed Use, the minimum landscaped open area shall be 17.86%
- iii) Notwithstanding Section 8.6, Mixed Use (Other Provisions) and Section 6.14, Buffer Strip of this By-law, a minimum 1.2 metre buffer strip is required for the rear yard. No buffer strip is required for the interior side yard;
- iv) Notwithstanding Section 6.17, County Road 22 Street Frontages and Section 6.29, Landscaped Open Space, the lands zoned MU-27 shall not apply;
- v) Notwithstanding Section 6.42.1, Parking Requirements and Section 6.42.2 c), Parking Areas and Other Parking Provisions, the minimum number of parking spaces shall be one hundred and thirty-two (132), which includes three (3) parking spaces for persons with disabilities;
- vi) Notwithstanding Section 6.42.2 e) and f), Parking Areas and Other Parking Provisions, parking spaces shall be a minimum of 2.83 m in width and 5.71 m in length, and parking spaces for persons with disabilities shall be a minimum of 4.5 m in width and 5.71 m in length.

**9.15.28 Mixed Use Exception 28 (MU-28) (Map 16)**

- a) Mixed Use Exception 28 (MU-28) Zone:

No person shall, within the (MU-28) zone, use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

- b) Permitted Uses:

The uses permitted in Subsection 7.0 Permitted Uses, Table 7.1, save and except exclusion of home occupations as it relates to "Apartment Dwelling". The following residential uses with home occupation will be additional permitted uses:

- i) semi-detached dwelling;
- ii) duplex dwelling;
- iii) triplex dwelling;
- iv) home occupation for the above permitted uses.

## 9.16 General Employment (M1) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.16.33 General Employment Zone Exception 1 (M1-1) (Map 4)

- a) Permitted Uses: Shall include stormwater retention facilities. Only existing *buildings* and *structures* shall be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.16.34 General Employment Zone Exception 2 (M1-2) (h2) (Map 7 and Map 11)

- a) Permitted Uses: Existing uses only until such time as the (h2) is removed. Upon removal of the (h2), permitted uses shall include only *non-effluent producing industrial uses* that have a dependency on the rail line, rail-related storage facilities and *uses accessory* to the foregoing permitted uses including *accessory* retail and office uses.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following regulations:
  - i) The maximum *lot coverage* shall be 50%.
  - ii) The maximum *height of main buildings* shall be 10.5 m.
  - iii) No building, structure or *outdoor storage* shall be located closer than 10 m to any *lot line* except the south *lot line* where there is no *yard* requirement.
  - iv) Vehicular access shall be restricted to County Road No. 19.

### 9.16.35 General Employment Zone Exception 3 (M1-3) (Map 3)

- a) Permitted Uses: An *animal clinic* shall be an additional permitted use.

### 9.16.36 General Employment Zone Exception 4 (M1-4) (Map 9)

- a) Permitted Uses: A *medical office* shall be an additional permitted use.

### 9.16.37 General Employment Zone Exception 5 (M1-5) (Map 5)

- a) Zone Regulations:
  - i) Minimum landscape open space at 5%, whereby 20% is required for the M1 Zone;
  - ii) Minimum front yard setback at 1 ft (.3 m) whereby 7.5 m is required in the M1

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Zone;

- iii) Minimum rear yard setback at 2 ft (.6 m) whereby 10 m is required in the M1 Zone;
- iv) Section 6.5 Accessory Uses, Buildings and Structures, V, VII and X shall not apply;
- v) A minimum of 5 parking spaces (including 1 space for persons with disabilities);
- vi) No loading space shall be required for a Public Storage facility;
- vii) Section 6.63 Waste Area Enclosures c) shall not apply;
- viii) Section 6.41.2 h) shall not apply; and
- ix) Section 6.41.2 i) shall not apply and the minimum aisle width between the two most easterly buildings is required to be 20 ft (6 m).

## 9.17 Business Park (M2) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.17.1 Business Park Zone Exception 1 (M2-1) (h2) (Map 72 and Map 73)

- a) Permitted Uses: Upon removal of the holding (h2), permitted uses shall include the following:
  - i) a motor speedway and motor sport facility;
  - ii) entertainment establishments;
  - iii) retail establishments;
  - iv) *hotels and motels*;
  - v) *eating establishments*;
  - vi) commercial uses permitted in the CS zone;
  - vii) industrial uses permitted in the M2 zone; and
  - viii) uses *accessory* to the foregoing uses, including a *dwelling unit* in a portion of a non-residential building, in accordance with the provisions of Section 6.3.
- b) Zone Regulations: All lot and building requirements for the uses permitted in Subsection 9.17.1 a) shall be in accordance with the following:
  - i) The minimum *lot area* shall be 1,850 m<sup>2</sup>.
  - ii) The minimum *lot frontage* shall be 30 m.
  - iii) The maximum *lot coverage* (including *accessory buildings* but not *accessory structures*) shall be 50%.
  - iv) The minimum *front yard* shall be 15 m.
  - v) The minimum *rear yard* shall be 15 m.
  - vi) The minimum *side yard* shall be 10 m.
  - vii) The minimum *exterior side yard* shall be 10 m.
  - viii) The maximum *building height* shall be as it is established in the site plan agreement.



**9.17.2 Business Park Zone Exception 2 (M2-2) (h2) (Maps 70, 71, 72 and 73)**

- a) Permitted Uses: Upon removal of the holding symbol (h2), permitted uses shall include the following:
- i) A motor speedway and motor sport facility;
  - ii) Entertainment facilities;
  - iii) Campgrounds;
  - iv) Hotels and motels;
  - v) Concession stands and eating establishments;
  - vi) Auto and auto parts sales and services establishments;
  - vii) Automobile service station;
  - viii) Trial production and test facilities for automotive and farm implement manufacturers;
  - ix) Uses permitted in the M2 zone; and
  - x) Uses accessory to the foregoing uses, including a *dwelling unit* in a portion of a non-residential building, in accordance with the provisions of Section 6.3.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) Minimum *lot area* shall be 1,850 m<sup>2</sup>.
  - ii) Minimum *lot frontage* shall be 30 m.
  - iii) Maximum *lot coverage* (including *accessory buildings* but not *accessory structures*) shall be 50%.
  - iv) Minimum *front yard* shall be 15 m.
  - v) Minimum *rear yard* shall be 15 m.
  - vi) Minimum *side yard* shall be 10 m.
  - vii) Minimum *exterior side yard* shall be 10 m.
  - viii) Maximum *building height* shall be as it is established in the site plan agreement.

**9.17.3 Business Park Zone Exception 3 (M2-3) (Map 71 and Map 73)**

- a) Permitted Uses: The uses permitted in the CS zone, a *motel* and all truck related facilities and *accessory uses* shall be additional permitted uses.

**9.17.4 Business Park Zone Exception 4 (M2-4) (Map 24)**

- a) Permitted Uses: Movie studios, automotive uses including repair garages, sales and service establishments, service stations, washing establishments, gas bars, eating establishments, hotels, motels, bulk sales and wholesale establishments, lumber yards, building supply outlets, places of entertainment, tradesman's shops, contractor's yards, warehousing, Laundromats, and *accessory uses* to the foregoing uses, shall be additional permitted uses.

## 9.18 Major Institutional (I1) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.18.1 Major Institutional Zone Exception 1 (I1-1) (Map 18 and Map 19)

- a) Permitted Uses: Permitted uses shall include a school, uses of a public authority and accessory uses only.
- b) Zone Regulations: The minimum interior side yard abutting the westerly limit of the lot or limit of the I1-1 zone may be 0 m provided that the abutting use of the land to the west is developed or guised in conjunction with a use by a public authority, including the Town of Lakeshore. In addition, the parking areas developed or used in conjunction with a use by a school and a public authority may be 0 m abutting the westerly limit of the lot or limit of the I1-1 zone. The maximum height of main buildings shall be 16 m. All other regulations of the I1 zone shall apply.
- c) A *parking space* shall mean an area measuring 2.7 m by 6 m, exclusive of *aisles* or *driveways*, enclosed in a *building* or unenclosed, and set aside for the parking of a vehicle.

### 9.18.2 Major Institutional Zone Exception 2 (I1-2) (Map 71)

- a) Permitted Uses: Permitted uses shall include a *place of worship* and accessory uses only.

### 9.18.3 Major Institutional Zone Exception 3 (I1-3) (Map 22 and 25)

- a) Permitted Uses: Permitted uses shall include an *existing closed waste disposal site* and accessory uses only.

## 9.19 Minor Institutional (I2) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.19.33 Minor Institutional Zone Exception 1 (I2-1) (h10) (Map 50)

- a) Zone Regulations: All lot and building requirements shall be in accordance with the following:
- i) Minimum *lot frontage* shall be 27 m.
  - ii) Minimum interior *side yard* setback for an existing place of worship shall be 2.0 m.
  - iii) An existing ornamental statute may be permitted 5.5 m from the *front lot line*.
- b) Parking may be provided in whole or in part on the easterly abutting property, for which a permanent parking easement is registered on title.

### 9.19.34 Minor Institutional Zone Exception 2 (I2-2) (h10) (Map 50)

- a) Zone Regulations: The minimum *interior side yard* setback for an *existing accessory structure* (garage) shall be 1.4 m.

### 9.19.35 Minor Institutional Zone Exception 3 (I2-3) (Map 15)

- a) Minor Institutional Exception 3 (I2-3) Zone:

No person shall, within the (I2-3) zone, use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

- b) Permitted Uses:

The uses permitted in Subsection 7.0 Permitted Uses, Table 7.1 and an Arts and Cultural Facility as well as the following accessory uses to an Arts and Cultural Facility which include:

- i) Theatre
- ii) Talent agency
- iii) Art studio
- iv) Recording studio
- v) Music studio
- vi) Photography, dance, yoga
- vii) Music, art, cultural education
- viii) Cultural activities
- ix) Retail, daycare, offices, café, artisan bakery (accessory only to the above uses i) through viii)

c) Zone Provisions:

In addition to the regulations under Subsection 8.8, Institutional (I2) zone the lot and building requirements of the (I2-3) zone shall be in accordance with the following:

- i) A registered easement in favour of the St. Williams's Cemetery to provide an access to the cemetery.

**9.19.36 Minor Institutional Zone Exception 4 (I2-4) (Map 15)**

a) Minor Institutional Exception 4 (I2-4) Zone:

No person shall, within the (I2-4) zone, use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

b) Zone Provisions:

In addition to the regulations under Subsection 8.8, Institutional (I2) zone the lot and building requirements of the (I2-4) zone shall be in accordance with the following:

- i) Minimum lot frontage of 0 metres;
- ii) Access through a registered easement.

## 9.20 Agriculture (A) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.20.1 Agriculture Zone Exception 1 (A-1)

- a) Permitted Uses: A *single detached dwelling* shall be prohibited.
- b) Zone Regulations: The minimum *lot area* shall be it legally existed on the date of the passing of this By-law. All other lot and building requirements shall be in accordance with the A zone.

### 9.20.2 Agriculture Zone Exception 2 (A-2) (Map 71)

- a) Permitted Uses: The permitted uses shall include only:
  - i) A *single detached dwelling*;
  - ii) An existing woodworking shop;
  - iii) A *home occupation*;
  - iv) An *agricultural home occupation*; and
  - v) Uses *accessory* to the foregoing uses.

### 9.20.3 Agriculture Zone Exception 3 (A-3) (Map 24)

- a) Permitted Uses: A truck or *transport terminal* and *accessory uses*.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.20.4 Agriculture Zone Exception 4 (A-4) (Map 27)

- a) Zone Regulations: The minimum *lot area* shall be 11 ha (27.18 acres).

### 9.20.5 Agriculture Zone Exception 5 (A-5) (Map 11)

- a) Permitted Uses: Shall be restricted to the following:
  - i) an asphalt plant and uses *accessory* to the asphalt plant including but not restricted to the production, storage and sale of asphalt and a truck and transport terminal;
  - ii) a portable cement mixing establishment;
  - iii) an establishment for the production, storage and sale of commercial aggregate or aggregate related material. Such an establishment may include a waste processing facility as defined and approved by the Ministry of

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Environment, provided the waste processing facility processes only aggregate or aggregate related material or material that is to be added to aggregate material;

- iv) an establishment for the sale and repair of trucks or heavy equipment;
  - v) warehousing;
  - vi) manufacturing facilities for bricks or concrete products;
  - vii) a nursery and garden supply centre;
  - viii) tradesman's shops and contractor's yards; and
  - ix) uses *accessory* to the foregoing permitted uses including offices and retail wholesale outlets related to permitted uses carried on in the same building.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the A Zone Regulations and the corresponding Site Plan Agreement. Access to lands zoned A-5 shall be restricted to County Road 19.

### **9.20.6 Agriculture Zone Exception 6 (A-6) (Map 11)**

- a) Permitted Uses: A *single detached dwelling* and *accessory uses* including one *home occupation per dwelling unit*.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the A zone, except that the minimum *front yard* shall be 9.0 m for the most westerly *lot*.

### **9.20.7 Agriculture Zone Exception 7 (A-7) (Map 55)**

- a) Permitted Uses: Facilities for the compressing, treating, storage of oil, gas and brine produced by the operator shall be an additional permitted use.

### **9.20.8 Agriculture Zone Exception 8 (A-8) (Map 23)**

- a) Permitted Uses: A *salvage or scrap yard* and *accessory uses* shall be an additional permitted use.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.
- c) Only existing buildings and structures shall be permitted.

### **9.20.9 Agriculture Zone Exception 9 (A-9) (Map 69)**

- a) Permitted Uses: An existing four-unit multiple *dwelling* and *accessory uses* including one detached garage shall be the only permitted uses.

- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.10 Agriculture Zone Exception 10 (A-10) (Map 22)**

- a) Permitted Uses: A commercial grain handling and storage facility and *accessory uses* shall be additional permitted uses. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.11 Agriculture Zone Exception 11 (A-11) (Map 22)**

- a) Permitted Uses: Shall include:
- i) a single detached dwelling;
  - ii) a private garage;
  - iii) the storage of 2 bulldozers, 1 backhoe, 2 tractors, 1 truck, 1 tag along trailer;
  - iv) the storage of dirt, fill, sand and gravel used for landscaping purposes; and
  - v) the use of part of the single detached building as an office, provided that only one person resident in the said dwelling, plus one assistant who may or may not reside in the dwelling, may operate in and from the said office; that not more than 35% of the total floor area of the dwelling, or a maximum of 18.6 m<sup>2</sup> which is the lesser, is devoted to such office use; that there shall be no advertising other than a plate or sign which is not flashing and is not larger than 0.1 m<sup>2</sup> indicating only the name, occupation, and practicing hours of the occupant; and that the plate or sign shall be attached and parallel to the main wall of the dwelling.
- b) Nothing in this By-law shall prevent the replacement of the motor vehicles and equipment listed as a permitted use in the A-11 zone, provided that such replaced vehicles or equipment are of a similar kind.

**9.20.12 Agriculture Zone Exception 12 (A-12) (Map 36)**

- a) Permitted Uses: A woodworking establishment and *accessory uses* only. Only *existing buildings* and *structures* will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.13 Agriculture Zone Exception 13 (A-13) (Map 27)**

- a) Permitted Uses: A livestock sales, receiving and shipping yard and *accessory uses*.



- b) Only existing buildings and structures will be permitted.
- c) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.14 Agriculture Zone Exception 14 (A-14) (Map 28)**

- a) Permitted Uses: The display, storage, sale, servicing and repair of prefabricated farm buildings and structures and related accessories and products, including offices, showrooms and sales rooms for such items and *accessory uses*.
- b) Only existing buildings and structures will be permitted.
- c) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.15 Agriculture Zone Exception 15 (A-15) (Map 25)**

- a) Permitted Uses: Shall be the uses permitted in the A zone, provided that an environmental impact study is completed and proves that the permitted use will not unduly affect the abutting wetland.

**9.20.16 Agriculture Zone Exception 16 (A-16) (Map 30)**

- a) Permitted Uses: A canning company and *accessory uses* shall be an additional permitted use. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.17 Agriculture Zone Exception 17 (A-17) (Map 30)**

- a) Permitted Uses: A drum and barrel restoration business shall be an additional permitted use. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.18 Agriculture Zone Exception 18 (A-18) (Map 30)**

- a) Permitted Uses: A multi unit residential building with not more than five *dwelling units* shall be permitted. Only existing buildings and structures will be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.19 Agriculture Zone Exception 19 (A-19) (Map 30)**

- a) Zone Regulations: The minimum *lot frontage* shall be 20 m and the minimum *lot area* shall be 77,000 m<sup>2</sup> (7.7 hectares).

**9.20.20 Agriculture Zone Exception 20 (A-20) (Map 7)**

- a) Permitted Uses: An existing trucking business, including the storage and sale of earth, topsoil, fill, sand, gravel and stone shall be an additional permitted use. Only existing buildings and structures shall be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

**9.20.21 Agriculture Zone Exception 21 (A-21) (Map 72)**

- a) Permitted Uses: A commercial boarding kennel and cattery in combination with permanent living quarters for a kennel supervisor shall be an additional permitted use. For greater clarity a single detached dwelling is also a permitted use.
- b) Zone Regulations: Notwithstanding any other provision of this By-law to the contrary, no commercial boarding kennel and cattery shall be closer than 75.0 m to the westerly *lot line* and 525 m to the easterly *lot line*.

**9.20.22 Agriculture Zone Exception 22 (A-22) (Map 7)**

- a) Permitted Uses: A contractor's yard including a pole barn contractor, light manufacturing of trusses, doors and other building products, the retail sale of any of the items produced from a permitted use including the retail sale of pole barn accessories and lumber, repair of surgical instruments, a sand blasting operation in a wholly enclosed building, and the storage of any material related to one of the permitted uses, shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) The minimum *front yard* shall be 7.5 m.
  - ii) The minimum *rear yard* shall be 7.5 m.
  - iii) The minimum *side yard* shall be 7.5 m.
  - iv) The maximum *building height* shall be 12 m.
- c) The portion of the subject property that is allowed to be used for the non-agricultural permitted uses will be in accordance with the corresponding Site Plan Control Agreement.

**9.20.23 Agriculture Zone Exception 23 (A-23) (Map 22)**

- a) Permitted Uses: A truck maintenance, repair and dispatch operation shall be additional permitted uses. A *single detached dwelling* shall not be permitted.

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- b) Zone Regulations: All lot and building requirements shall be in accordance with the requirements for the A zone and the corresponding Site Plan Agreement.

### **9.20.24 Agriculture Zone Exception 24 (A-24) (Map 25)**

- a) Permitted Uses: A restoration facility shall be an additional permitted use.
- b) The portion of the subject property that is allowed to be used for the permitted non-agricultural uses shall be in accordance with the corresponding Site Plan Agreement.

### **9.20.25 Agriculture Zone Exception 25 (A-25) (Map 9 and Map 13)**

- a) Permitted Uses: A trucking operation and *accessory uses* shall be an additional permitted use.
- b) The portion of the subject property that is allowed to be used for the non-agricultural permitted uses will be in accordance with the corresponding site plan agreement.

### **9.20.26 Agriculture Zone Exception 26 (A-26) (Map 88)**

- a) Permitted Uses: An in-ground municipal water storage reservoir and pumping station and *accessory uses* shall be an additional permitted use.

### **9.20.27 Agriculture Zone Exception 27 (A-27) (Map 69)**

- a) Permitted Uses: An establishment that manufactures roof trusses and other building products such as wood trim flooring, etc.; a lumber yard and associated sales facilities; a nursery and landscaping establishment which includes the preparation and treatment of wood chips for resale; and *accessory uses* shall be additional permitted uses.
- b) Zone Regulations: The minimum *lot area* shall be 8.0 hectares and the minimum *lot frontage* shall be 120 m. *Outdoor storage, landscaped open space, buffering* and other site details shall be in accordance with the corresponding Site Plan Agreement.

### **9.20.28 Agriculture Zone Exception 28 (A-28) (Map 21)**

- a) Permitted Uses: The exterior parking of 10 employee vehicles and 2 commercial vehicles associated with an existing foundation water-proofing and excavation business and the parking of 3 commercial vehicles within an existing building shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### **9.20.29 Agriculture Zone Exception 29 (A-29) (Map 69)**

- a) Zone Regulations: The minimum *lot area* shall be 12.0 hectares and the minimum *lot frontage* shall be 140.0 m.

**9.20.30 Agriculture Zone Exception 30 (A-30)(Map 86)**

- a) Permitted Uses: A new *single detached dwelling* shall be prohibited.
- b) Zone Regulations: The minimum *lot area* shall be 6.8 ha.

**9.20.31 Agriculture Zone Exception 31 (A-31) (Map 90)**

- a) Permitted Uses: A *waste processing facility* shall be an additional permitted use. Only buildings and structures legally existing on the date of passing of this By-law are permitted. An expansion of an existing building or construction of a new building will require relief from this by-law. Notwithstanding the above, a 222.5 m<sup>2</sup> addition to the rear of the existing main building will be permitted. *Outdoor storage* of material not associated with an *agricultural use* is not permitted.

**9.20.32 Agriculture Zone Exception 32 (A-32) (Map 29)**

- a) Permitted Uses: Two *dwellings* shall be an additional permitted use until March 23, 2012. Following the expiration of the Temporary Use By-law, only one *dwelling* shall be permitted.

**9.20.33 Agriculture Zone Exception 33 (A-33) (Map 29)**

- a) Zone Regulations: The minimum *lot area* shall be 16.75 hectares.

**9.20.34 Agriculture Zone Exception 34 (A-34) (Map 95)**

- a) Permitted Uses: A church and *accessory uses* thereto shall be additional permitted uses.

**9.20.35 Agriculture Zone Exception 35 (A-35) (Map 78)**

- a) Permitted Uses: An excavation business shall be an additional permitted use.

**9.20.36 Agriculture Zone Exception 36 (A-36) (Map 45 and 51)**

- a) Permitted Uses: A nursery and landscaping establishment which includes the preparation and treatment of wood chips for resale shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements for the permitted uses shall be in accordance with requirements for the A zone and the corresponding site plan agreement.

**9.20.37 Agriculture Zone Exception 37 (A-37) (Map 80)**

- a) Permitted Uses: The storage of liquid oxygen, oxygen concentrators and associated items such as masks and tanks within a shed are additional permitted uses.

**9.20.38 Agriculture Zone Exception 38 (A-38) (Map 31)**

- a) Zone Regulations: The minimum *front yard* of the *dwelling* shall be as it existed on the date of the passing of this By-law.

**9.20.39 Agriculture Zone Exception 39 (A-39) (Map 70)**

- a) Zone Regulations: The minimum *lot area* shall be 3.6 hectares.

**9.20.40 Agriculture Zone Exception 40 (A-40) (Map 70)**

- a) Permitted Uses: Two *single detached dwellings* on one *lot* shall be an additional permitted use.

**9.20.41 Agriculture Zone Exception 41 (A-41) (Map 87)**

- a) Zone Regulations: The minimum lot area shall be 6.07 hectares.

**9.20.42 Agriculture Zone Exception 42 (A-42) (Map 82)**

- a) Permitted Uses: A *private club*, *seasonal dwelling* and *accessory uses* thereto shall be the only uses permitted. Only existing buildings and structures shall be permitted.

**9.20.43 Agriculture Zone Exception 43 (A-43) (Map 61)**

- a) Permitted Uses: A tool and die manufacturing plant. Existing buildings and structures will be permitted.

**9.20.44 Agriculture Zone Exception 44 (A-44) (Map 89)**

- a) Permitted Uses: A *private club* shall be an additional permitted use.

**9.20.45 Agriculture Zone Exception 45 (A-45) (Map 81, 87 and 90)**

- a) Permitted Uses: A municipal sewage treatment facility including lagoons and *accessory uses* shall be additional permitted uses.

**9.20.46 Agriculture Zone Exception 46 (A-46) (Map 82 and 87)**

- a) Permitted Uses: A *single detached dwelling*, a contractor's yard including a machine shop for the repair of related equipment and the *outdoor storage* of contractor's equipment and materials including the stockpiling of dirt and stone and *uses accessory* thereto shall be the only uses permitted.
- b) Zone Regulations: The minimum lot frontage shall be 161.5 m and the minimum lot area shall be 1.7 hectares.

**9.20.47 Agriculture Zone Exception 47 (A-47) (Map 76)**

- a) Permitted Uses: An observatory shall be an additional permitted use. All lot and building requirements shall be in accordance with the site plan agreement.

**9.20.48 Agriculture Zone Exception 48 (A-48) (Map 86)**

- a) Zone Regulations: The minimum lot area shall be 7.0 hectares.

**9.20.49 Agriculture Zone Exception 49 (A-49) (Map 90)**

- a) Permitted Uses: A four unit multi *dwelling*. Only existing *buildings* and *structures* shall be permitted.

**9.20.50 Agriculture Zone Exception 50 (A-50) (Map 89)**

- a) Permitted Uses: A duplex *dwelling* shall be an additional permitted use.

**9.20.51 Agriculture Zone Exception 51 (A-51) (Map 94)**

- a) Permitted Uses: A *salvage or scrap yard*, including an automobile wrecking yard and uses accessory thereto. Only existing buildings and structures will be permitted.

**9.20.52 Agriculture Zone Exception 52 (A-52) (Map 67)**

- a) Permitted Uses: A machine repair shop shall be an additional permitted use.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the A Zone and the corresponding site plan agreement.

**9.20.53 Agriculture Zone Exception 53 (A-53) (Map 67)**

- a) Permitted Uses: A golf driving range shall be an additional permitted use.
- b) A minimum of one parking space per 1.25 golf tee stations shall be required for the golf driving range use.
- c) All other provisions applying to lands zoned A shall also apply.

**9.20.54 Agriculture Zone Exception 54 (A-54) (Map 68)**

- a) Permitted Uses: A model home sales and display centre consisting of not more than two model homes on a sanitary holding tank and accessory uses shall be an additional permitted use. Conversion of the model homes to single unit dwellings are not permitted on the sanitary holding tanks.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the provisions for the A zone unless established otherwise in the site plan control agreement. The parking requirements shall be in accordance with the site plan control agreement.

**9.20.55 Agriculture Zone Exception 55 (A-55) (Map 96)**

- a) Zone Regulations: The minimum *front yard* setback for an existing *single detached dwelling* shall be 7 m.

**9.20.56 Agriculture Zone Exception 56 (A-56) (Map 70)**

- a) Zone Regulations: The minimum *front yard* setback for an existing *single detached dwelling* shall be 7.5 m and the minimum westerly side yard of an existing *accessory structure* shall be 1.0 m.

**9.20.57 Agriculture Zone Exception 57 (A-57) (Map 21)**

- a) Zone Regulations: The minimum *lot area* shall be 18.67 ha.

**9.20.58 Agriculture Zone Exception 58 (A-58) (Map 31)**

- a) Permitted Uses: A *single detached dwelling* shall be prohibited.
- b) Zone Regulations: The minimum *lot area* shall be 13.7 ha.

**9.20.59 Agriculture Zone Exception 59 (A-59) (Map 70)**

- a) Permitted Uses: Shall include only a *single detached dwelling*, a home occupation, and a *group home dwelling* which does not include a *group home dwelling* maintained and operated primarily for the care of or occupation by inmates or persons placed on probation or released on parole or for any other correctional purpose, plus *accessory uses* to the foregoing permitted uses.
- b) Zone Regulations: The minimum *lot frontage* and minimum *lot area* shall be as it existed on the date of the passing of this By-law.

**9.20.60 Agriculture Zone Exception 60 (A-60) (Map 24)**

- a) Zone Regulations: A *dwelling* shall be located in accordance with the Minimum Distance Separation I Formula, including the Minimum Distance Separation Formula Guidelines.

**9.20.61 Agriculture Zone Exception 61 (A-61) (Maps 43 and 44)**

- a) Permitted Uses: Shall include only a *single detached dwelling*, a maximum of one *home occupation* and *accessory uses*.

**9.20.62 Agriculture Zone Exception 62 (A-62) (Map 94)**

- a) Permitted Uses: Notwithstanding Subsection 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures: Notwithstanding Subsection 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.
- c) Zone Regulations: i) Notwithstanding Subsection 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 8.82 hectares and the Minimum Lot Frontage shall be 30.48 metres.

**9.20.63 Agriculture Zone Exception 63 (A-63) (Map 94)**

- a) Permitted Uses: Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses
- b) Permitted Buildings and Structures: i) Buildings and structures for the permitted uses; ii) Accessory buildings and structures for the permitted uses.
- c) Zone Regulations: Notwithstanding Subsection 8.9 of this By-law to the contrary, the Minimum Front Yard Setback for the main building shall be 8.2 metres.

**9.20.64 Agriculture Zone Exception 64 (A-64) (Map 68)**

- a) Zone Provisions: Notwithstanding Subsection 8.9 of this By-Law to the contrary, the Minimum Front Yard Setback for the main building shall be 10.26 metres.

**9.20.65 Agriculture Zone Exception 65 (A-65) (Maps 26 and 39)**

- a) Permitted Uses: Notwithstanding Subsection 7, Table 7.1 (a) Residential Uses and Subsection 8.9, Agriculture Zone regulations or any other provisions of this by-law to the contrary, a single detached dwelling shall be prohibited.
- b) Permitted Buildings and Structures: Notwithstanding Subsection 7, Table 7.1 (a) Residential Uses and Subsection 8.9, Agriculture Zone regulations or any other provision of this by-law to the contrary, a single detached dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.
- c) Zone Regulations: Notwithstanding Subsection 8.9, Agriculture Zone regulations or any other provision of this by-law to the contrary, the minimum lot area shall be 16.77 hectares.

**9.20.66 Agriculture Zone Exception 66 (A-66) (Maps 26 and 39)**

- a) Permitted Uses: Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses.



- b) Permitted Buildings and Structures:
  - i) Buildings and structures for the permitted uses;
  - ii) Accessory buildings and structures for the permitted uses.
- c) Zone Regulations: Notwithstanding Subsection 8.9, Agriculture Zone regulations of this By-law to the contrary, the Minimum Front Yard Setback for the main building shall be 11.25 metres.

**9.20.67 Agriculture Zone Exception 67 (A-67) (Map 77)**

- a) Permitted Uses: Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses
- b) Permitted Buildings and Structures:
  - i) Buildings and structures for the permitted uses;
  - ii) Accessory buildings and structures for the permitted uses.
- c) Zone Regulations: All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 8.9, Agriculture Zone regulations of this By-law, except as follows:
  - i) Minimum Lot Area shall be 2,210 m<sup>2</sup>;
  - ii) Front Yard Setback for the main building shall be 1.95 metres;
  - iii) Exterior Side Yard Setback for the main building shall be 4.66 metres.

**9.20.68 Agriculture Zone Exception 68 (A-68) (Maps 24, 27 and 28)**

- a) Permitted Uses
  - i) Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses;
  - ii) (2) Two horses within an existing accessory structure.
- b) Permitted Buildings and Structures
  - i) Buildings and structures for the permitted uses;
  - ii) Accessory buildings and structures for the permitted uses.

**9.20.69 Agriculture Zone Exception 69 (A-69) (Maps 24, 27 and 28)**

- a) Permitted Uses: Notwithstanding Subsection 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures: Notwithstanding Subsection 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.
- c) Zone Regulations:

i) Notwithstanding Subsection 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 16.72 hectares.

**9.20.70 Agriculture Zone Exception 70 (A-70) (Map 68)**

- a) Permitted Uses: Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses.
- b) Permitted Buildings and Structures:
  - i) Buildings and structures for the permitted uses;
  - ii) Accessory buildings and structures for the permitted uses.
- c) Zone Regulations: Notwithstanding Subsection 8.9, Agriculture Zone regulations of this By-law to the contrary, the Minimum Front Yard Setback for the main building shall be 12 metres.

**9.20.71 Agriculture Zone Exception 71 (A-71) (Maps 42 & 57)**

- a) Zone Regulations:
  - i) Notwithstanding Subsection 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 37.6 hectares.

**9.20.72 Agriculture Zone Exception 72 (A-72) (Map 57)**

- a) Zone Regulations:
  - i) Notwithstanding Subsection 8.9 of this By-Law to the contrary, the Minimum Lot Area shall be 10.1 hectares.

**9.20.73 Agriculture Zone Exception 73 (A-73) (Map 56)**

- a) Permitted Uses: Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses.
- b) Permitted Buildings and Structures:
  - i) Buildings and structures for the permitted uses;
  - ii) Accessory buildings and structures for the permitted uses.
- c) Zone Regulations: Notwithstanding Subsection 8.9, Agriculture (Residential Lots) Zone regulations of this By-law to the contrary, the Minimum Lot Area shall be 2,529 m<sup>2</sup> (.63 acres) and the Front Yard Setback for the main building shall be 7.5 metres (25 feet).

**9.20.74 Agriculture Zone Exception 74 (A-74) (Map 21)**

- a) Permitted Uses: Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses.
- b) Permitted Buildings and Structures:
  - i) Buildings and structures for the permitted uses;

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- ii) Accessory buildings and structures for the permitted uses.
- c) Zone Regulations: Notwithstanding Subsection 8.9, Agriculture (Residential Lots) Zone regulations of this By-law to the contrary, the Front Yard Setback for the main building shall be 13.1 metres (43 feet).

### **9.20.75 Agriculture Zone Exception 75 (A-75) (Map 68)**

- a) Zone Regulations:
  - i) Notwithstanding Subsection 8.9 of this By-law to the contrary, the Minimum Lot Frontage shall be 68.37 metres and the Minimum Lot Area shall be 17.161 hectares.

### **9.20.76 Agriculture Zone Exception 76 (A-76) (Map 28)**

- a) Permitted Uses: Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses.
- b) Permitted Buildings and Structures:
  - i) Buildings and structures for the permitted uses;
  - ii) Accessory buildings and structures for the permitted uses.
- c) Zone Regulations: Notwithstanding Subsection 6.5 a) vii), Accessory Uses, Buildings and Structures within the General Provisions of this By-law, the Minimum West Side Yard Setback for the above ground pool shall be 0.609 m (2 feet).

### **9.20.77 Agriculture Zone Exception 77 (A-77) (Map 21)**

- a) Permitted Uses: Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures: Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.
- c) Zone Regulations:
  - i) Notwithstanding Section 8.9 of this by-law to the contrary, the Minimum Lot Area shall be 17.3 hectares.

### **9.20.78 Agriculture Zone Exception 78 (A-78) (Map 24)**

- a) Permitted Uses:
  - i) Notwithstanding Section 8.9, Agriculture Zone Regulations, for Residential Lots in an Agriculture Zone, Permitted Uses shall also include a maximum of two (2) miniature donkeys and one (1) miniature horse and accessory buildings and structures for same.

**9.20.79 Agriculture Zone Exception 79 (A-79) (Map 89)**

- a) Permitted Uses:
  - i) Notwithstanding Section 8.9, Agriculture Zone Regulations, for Residential Lots in an Agriculture Zone, Permitted Uses shall also include (2) existing single detached dwellings and accessory buildings and structures for same.

**9.20.80 Agriculture Zone Exception 80 (A-80) (Map 66)**

- a) Permitted Uses: Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures: Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.
- c) Zone Regulations:
  - i) Notwithstanding Section 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 18.2 hectares and the Minimum Lot Frontage shall be 74 metres.

**9.20.81 Agriculture Zone Exception 81 (A-81) (Map 21)**

- a) Permitted Uses: Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures: Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.
- c) Zone Regulations:
  - a. Notwithstanding Section 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 17.6 hectares.

**9.20.82 Agriculture Zone Exception 82 (A-82) (Map 28)**

- a) Permitted Uses: Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures: Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.

- c) Zone Regulations:
  - a. Notwithstanding Section 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 17.8 hectares.

**9.20.83 Agriculture Zone Exception 83 (A-83) (Map 77)**

- a) Permitted Uses:
  - i) Uses permitted in Subsection 7, Table 7.1 (a) Residential Uses;
  - ii) (3) Three horses within an existing accessory structure.
- b) Permitted Buildings and Structures:
  - i) Buildings and structures for the permitted uses;
  - ii) Accessory buildings and structures for the permitted uses.

**9.20.84 Agriculture Zone Exception 84 (A-84) (Map 77)**

- a) Permitted Uses:

Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures:

Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Building and structures for the permitted uses are permitted.

**9.20.85 Agriculture Zone Exception 85 (A-85) (Map 92)**

- a) Permitted Uses:

Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures:

Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Building and structures for the permitted uses are permitted.

**9.20.86 Agriculture Zone Exception 86 (A-86) (Map 29)**

- a) Permitted Uses:

Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.
- b) Permitted Buildings and Structures:

Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Building and structures for the permitted uses are permitted.

- c) Zone Regulations:  
Notwithstanding Section 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 8.7 hectares.

**9.20.87 Agriculture Zone Exception 87 (A-87) (Map 93)**

- a) Permitted Uses: Notwithstanding Section 7, Table 7.1 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. All other uses are permitted.

- b) Permitted Buildings and Structures

Notwithstanding Section 7 or any other provision of this by-law to the contrary, a single unit dwelling shall be prohibited. Buildings and structures for the permitted uses are permitted.

- c) Zone Regulations

Notwithstanding Section 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 7.28 hectares.

**9.20.88 Agriculture Zone Exception 88 (A-88) (Map 94)**

- a) Zone Regulations

Notwithstanding Section 8.9 of this By-law to the contrary, the Minimum Lot Area shall be 17.66 hectares.

## 9.21 Parks and Open Space (P) Zone Exceptions

Notwithstanding any other provisions of this By-law, the special regulations contained in this Section shall apply to the area or areas defined below and as shown on Schedule A:

### 9.21.33 Parks and Open Space Zone Exception 1 (P-1) (Map 42)

- a) Permitted Uses: A *library, community centre and day care centre* shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.21.34 Parks and Open Space Zone Exception 2 (P-2) (Map 85)

- a) Permitted Uses: The uses permitted shall be in accordance with the P zone, except that tennis courts, swimming pools, boat docks and pavilions are specifically excluded. A picnic shelter or a wading pool may be permitted.

### 9.21.35 Parks and Open Space Zone Exception 3 (P-3) (Map 12)

- a) Permitted Uses:

Notwithstanding Subsection 8.10, Parks and Open Space of the By-law to the contrary, a Recreational Vehicle Storage Establishment shall be an additional use, which shall mean a premise where recreational vehicles are stored inside existing buildings or outdoors, on existing paved areas.

- b) Zone Regulations:

An expansion of an existing building or existing paved area, or construction or a new building or new paved area will require relief from this by-law.

- c) Other

The definition of a "Recreational Vehicle" shall mean a portable vehicle unit designed for travel, camping or recreational use, including, but not limited to, a travel trailer or fifth wheel trailer utilized for recreational purposes and designed to be towed by a vehicle, motor home, pick-up camper, motorized camper, tent trailer, boat or boat trailer or other personal watercraft, horse trailers, utility trailers for storing recreational equipment or other equipment and all-terrain vehicles stored on trailers, pick-up truck camper shells which have been removed from the vehicle and golf carts.

## 9.22 Urban Reserve (UR) Zone Exceptions

### 9.22.1 Urban Reserve Zone Exception 1 (UR-1) (Map 3 and Map 6)

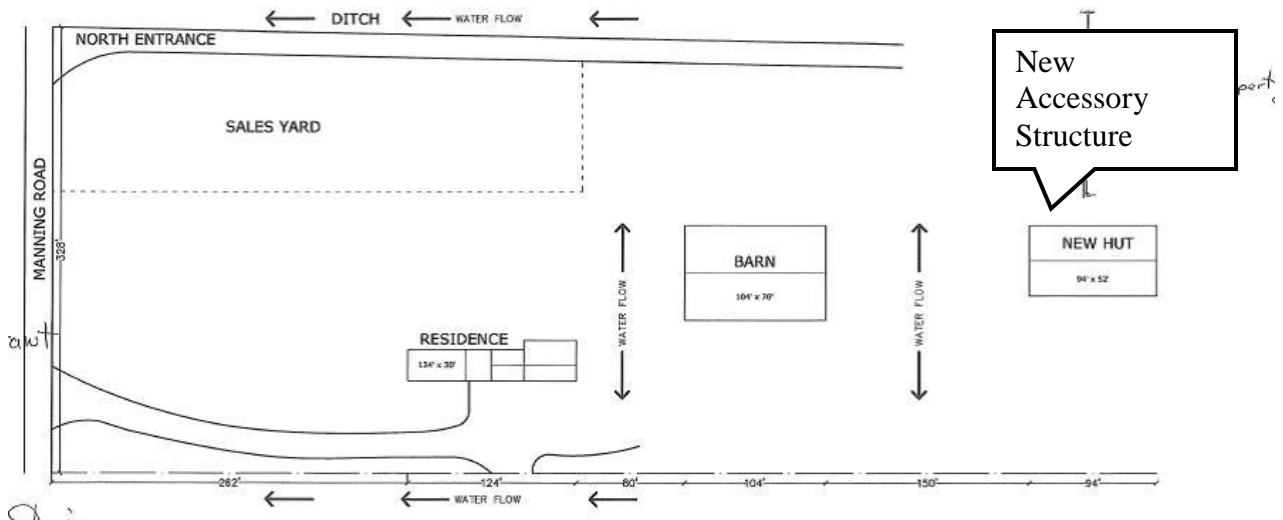
- a) Permitted Uses: An existing trucking business and *accessory uses* shall be additional permitted uses. Only existing buildings and structures shall be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.22.2 Urban Reserve Zone Exception 2 (UR-2) (Map 11)

- a) Permitted Uses: A septic tank cleaning business and a portable toilet rental business, shall be additional permitted uses. Only existing buildings and structures shall be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.

### 9.22.3 Urban Reserve Zone Exception 3 (UR-3) (Map 7)

- a) Permitted Uses: An existing trucking business, including the storage and sale of earth, topsoil, fill, sand, gravel and stone, shall be additional permitted uses. Only existing buildings and structures shall be permitted.
- b) Zone Regulations: Only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law.
- c) Additional Uses: One (1) accessory structure shall be permitted as identified in the drawing below:





- d) Notwithstanding Section 6.5 a) xi), the one (1) accessory structure identified above shall have a maximum height of 8.6 metres.

**9.22.4 Urban Reserve Zone Exception 4 (UR-4) (Map 7)**

- a) Permitted Uses: In addition to the uses permitted in the UR zone, a *contractor's yard or shop* including a pole barn contractor, light manufacturing of trusses, doors and other building products, the retail sale of any of the items produced from a permitted use including the retail sale of pole barn accessories and lumber, repair of surgical instruments, a sand blasting operation in a wholly enclosed building, and the storage of any material related to one of the permitted uses, shall be permitted.
- b) Zone Regulations: All lot and building requirements shall be in accordance with the following:
  - i) Minimum *front yard* shall be 7.5 m.
  - ii) Minimum *rear yard* shall be 7.5 m.
  - iii) Minimum *side yard* shall be 7.5 m.
  - iv) Minimum *building height* shall be 12 m.
- c) The portion of the subject property that is allowed to be used for the non-agricultural permitted uses will be in accordance with the corresponding site plan control agreement.

**9.22.5 Urban Reserve Zone Exception 5 (UR-5) (Map 7)**

- a) Permitted Uses: The processing and wholesaling of wood chips and other landscaping material shall be permitted, but any processing or wholesaling that involves any form of composting shall be prohibited. The uses permitted in the A zone shall also be permitted.