

TOWNSHIP OF SANDWICH SOUTH

ZONING BY-LAW

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WINDSOR AIRPORT**

**THE CORPORATION OF THE
TOWNSHIP OF SANDWICH SOUTH
BY-LAW 85-18**

A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Township of Sandwich South.

WHEREAS the Council of the Corporation of the Township of Sandwich South deems it expedient to implement the Official Plan of the Township of Sandwich South, as amended; and

WHEREAS AUTHORITY IS GRANTED UNDER Section 34 of The Planning Act, S.O. 1983, to pass this By-law;

NOW THEREFORE the Council of the Corporation of The Township of Sandwich South enacts as follows:

SECTION 1 - GENERAL

1.1 TITLE

This By-law shall be known as the Township of Sandwich South Comprehensive Zoning By-law.

1.2 APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of The Corporation of the Township of Sandwich South as now or hereafter legally constituted.

1.3 SCOPE

No lot or lands or any part thereof shall be used or altered and no buildings or structures or any part thereof shall be erected, structurally altered or enlarged, or used, within the Township of Sandwich South except in conformity with the provisions of this by-law.

1.4 REPEAL OF EXISTING BY-LAWS

From the coming into force of this By-law, all previous by-laws passed under Section 34 of The Planning Act, S. O., 1983, or a predecessor thereof, shall be deemed to have been repealed, except for By-laws No. 78-28 and 80-3, and except to the extent that any of the said by-laws prohibit the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.5 APPLCIATION OF OTHER BY-LAWS

Nothing in this By-law shall serve to relieve any person form the obligation to comply with the requirements of the Ontario Building Code or any other by-laws of the Municipality in force from time to time or the obligation to obtain any licence, permit, authority or approval required under any by-law of the Municipality.

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

Should any section, clause or provision of this By-law, including any part of the zoning as shown on the Zoning Maps, 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 take effect from the date of passage by Council and shall come into force in accordance with Section 34 of The Planning Act, S.O. 1983.

SECTION 2 – ADMINISTRATION AND ENFORCEMENT

2.1 ADMINISTRATOR

The By-law shall be administered by the By-law Enforcement Officer or such other person as the Council of the Township of Sandwich South designates.

2.2 CONSENTS, LICENCES AND PERMITS

No consent, municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

2.3 BUILDINGS TO BE MOVED

No building, residential or otherwise, shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Chief Building Official.

2.4 CERTIFICATE OF OCCUPANCY

No land is to be used or occupied, and no building or structure which has been erected or altered is to be used or changed in use, in whole or in part, until a Certificate of Occupancy has been issued by the By-law Enforcement Official pursuant to The Planning Act, S.O. 1983, stating that the proposed use and occupancy of such land, building, or structure, complies with the provisions of this By-law.

2.5 BUILDING PERMITS

In addition to fulfilling the requirements of any by-law enacted pursuant to Section 34 of The Planning Act, S.O. 1983, c.1, no person shall commence to use any lands or erect, occupy, alter, enlarge or use any buildings or structures until he has applied for and received from the Chief Building Official a building permit as herein provided.

2.6 APPLICATION FOR CERTIFICATE OF OCCUPANCY, BUILDING PERMIT, OR BOTH

An application for a certificate of occupancy, a building permit, or both coincidentally shall be accompanied by a plan in duplicate, drawn to scale in metric, and based on a survey by an Ontario Land Surveyor, showing and containing:

2.6.1 The true shape and dimensions of the lot to be built upon or otherwise developed;

2.6.2 The proposed location, grade, height and dimensions of any buildings, structures, use or work proposed for the lot;

- 2.6.3 The proposed locations and dimensions of any yards, setbacks, landscaping, off-street parking spaces or off-street loading facilities required by this By-law;
- 2.6.4 The location on the lot of every building thereon;
- 2.6.5 A statement, signed by the owner or his agent duly authorized thereunto in writing, disclosing the exact use proposed for each building aforesaid and giving all information necessary to determine whether or not such building and the proposed use thereof conforms with the requirements of this By-law;
- 2.6.6 The lack of a survey or any error in a survey or the fact that a mistake had been made by an official of the township in the issuance of a building permit and/or an occupancy permit, does not relieve any person from complying with the requirements of the within by-law;

2.7 INSEPCION OF PREMISES

The By-law Enforcement Officer or any employee of the Municipality acting under his direction may, at any reasonable hour, enter and inspect a property or premises where there is reason to believe that any land has been used or any building or structure has been erected, structurally altered or enlarged, or used, in violation of any of the provisions of this By-law.

2.8 INJUNCTION

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

2.9 VIOLATIONS AND PENALTIES

Every person who owns or uses any lot, or erects, owns or uses any building or structure Or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, is guilty of an offence, and upon conviction thereof, shall forfeit any pay a fine not exceeding the maximum permitted under the Planning Act, as amended.

SECTION 3 – DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given herein shall govern.

3.1 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 private garage which is not attached to the main building in any way.

3.2 ADULT ENTERTAINMENT PARLOURS, 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” means furnished, performed, solicited or given such services,
- b) “Services” means activities, facilities, performances, exhibitions, viewings and encounters,
- c) “Services appealing to or designed to appeal to erotic or sexual appetites or inclinations” means the following:
 - i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - ii) services in respect of which the work “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other work or any picture, symbol or representation having like meaning or implication is used in any advertisement.

3.3 AGRICULTURAL MARKET, shall mean a retail food establishment which is engaged primarily in the sale of raw agricultural products, but may include as accessory to the principle use, the sale of pre-packaged food products (including baked goods) that normally do not require refrigeration.

3.4 AGRICULTURAL USE, shall mean the cultivation of land, the production of crops and the selling of such product 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, worm farming, animal husbandry, and the raising and harvesting of field, bush, tree or vine 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 or mushroom farms.

3.4a AIRPORT OPERATING AREA shall mean all lands subject to Windsor Airport zoning Regulations pursuant to Section 5.4 of the Aeronautics Act of Canada.

(Added by B/L 265-2005, Dec. 13, 2005)

3.5 AGRICULTURAL USE, LIVESTOCK INTENSIVE, shall mean an agricultural use consisting of the raising or harbouring of a specific type of livestock in a certain type of housing situation in a manner in which the number of animal units per year would be greater than 2.5 animals units per hectare (1animal unit per acre). In addition, any combination of livestock types shall constitute a livestock intensive agricultural use if the total number of animals results in a total number of animal units greater than 2.5 per hectare. Notwithstanding the above definition, any livestock operation consisting of a total of 10 or more animal units shall be considered a livestock intensive agricultural use for the purposes of this by-law.

3.6 ALLEY, 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.

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

3.8 ANIMAL CLINIC, shall mean any building used or intended for use for the purpose of a veterinary practice.

3.9 ANIMAL UNIT, shall mean the number of that kind of livestock that would produce 68-77 kilograms (150 – 170 lbs.) of nitrogen in their manure. This amount of manure is sufficient to provide the nitrogen fertilizer requirements for one acre of corn. The following table provides information on the number of animal units associated with various types of livestock or poultry.

<u>Type of Livestock or Poultry</u>	<u>Annual Basis (365 Days)</u>
1 dairy cow (plus calf)	1 animal unit
1 beef cow (plus calf)	1 animal unit
1 bull	1 animal unit
1 horse	1 animal unit
4 sheep (plus lambs)	1 animal unit
4 goats	1 animal unit
4 sows (plus litter to weaning)	1 animal unit
125 laying hens	1 animal unit
100 female mink (plus associated males & kits)	1 animal unit
40 female rabbits (plus associated males)	1 animal unit

		Market Basis (as marketed)
2 beef feeders	(gain 181-499 kg.) (400-1, 100 lbs)	1 animal unit
4 beef feeders	(gain 181 – 340 kg.) (400-750 lbs.)	1 animal unit
15 hogs	(gain 18-91 kg.) (40 – 200 lbs.)	1 animal unit
1,000 broiler chickens or roasters	(1.8 – 2.3 kg.) (4 –5 lbs.)	1 animal unit
300 turkey broilers	(5-5.4 kg.) (11-12 lbs.)	1 animal unit
150 heavy turkey hens	(8.6-9 kg.) (19-20 lbs.)	1 animal unit
100 heavy turkey toms	(13.6 –14.5 kg.) (30 – 32 lbs.)	1 animal unit
40 veal calves	(gain 40.8 – 136 kg.) (90 – 300 lbs.)	1 animal unit
1,000 pullets		1 animal unit

- 3.9a 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.
- 3.10 ATTACHED, shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 3.11 AUTOMOBILE BODY REPAIR SHOP, shall mean a building or structure used primarily for making repairs or alterations to the body or paint work of any vehicle.
- 3.11a AUTOMOBILE RENTAL ESTABLISHMENT, shall mean premises where vehicles are stored and rented to the public.
- 3.12 AUTOMOBILE REPAIR GARAGE, shall mean a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor

vehicle diagnostic center, major and minor mechanical repairs or similar use in conjunction with which there may be a towing service, facilities for the dispensing of gasoline and oil and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other automobile use otherwise defined or classified in this By-law.

3.13 AUTOMOBILE SALES AND SERVICE ESTABLISHMENT, shall mean a lot, building or structure where the business of selling new and/or used motor vehicles is conducted and may include the display, storage and sale of such motor vehicles; the storage and sale of automotive accessories and related products; offices, show rooms and sales rooms; the leasing or renting of motor vehicles; the sale of gasoline, the servicing, washing, repairing, cleaning, polishing, body work and painting of motor vehicles or a towing service, where incidental to the main use.

3.14 AUTOMOBILE SERVICE STATION, shall mean a building or a structure where motor fuels, oil, grease, batteries, antifreeze, electric automotive light bulbs, tires and motor vehicle accessories are supplied and dispensed at retail and were in addition, the following incidental services may be rendered, and sales made:

- a) sales and service of spark plugs, batteries and distribution of parts;
- b) tire sales, servicing and repair, but not recapping or regrooving;
- c) replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, seat covers, windshield wipers and blades, wheel bearings, mirrors, and the like;
- d) radiator cleaning and flushing;
- e) lubrication of motor vehicles with oil and grease;
- f) ignition adjustment and engine tune-ups;
- g) providing and repairing fuel pumps, and lines;
- h) minor servicing and repair of carburetors;
- i) adjusting and repairing brakes;
- j) wheel alignment;
- k) minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- l) sale of cold drinks, packaged food, tobacco and similar convenience goods for customers;
- m) provision of courtesy service such as informational material and restroom facilities;

- n) warranty maintenance and safety inspections;
- o) a towing service

However, the following services may not be rendered:

- p) major mechanical or body work;
- q) straightening of body parts;
- r) painting;
- s) the storage of wrecked or partially dismantled motor vehicles

An “automobile service station” does not include any other “automobile” use defined in this By-law.

- 3.15 AUTOMOBILE WASHING ESTABLISHMENT or CAR WASH, 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 and also includes a self-serve car wash.
- 3.16 BERM, shall mean an earthen work or mound of earth of a specified height and width, and exhibiting sloping, landscaped sides, which is intended to act as a barrier or buffer strip. The height of a berm shall be the vertical distance in metres between the base and the highest point of the berm. The slope of the slides of the berm shall be stable and not prone to shifting and will be dependent upon the required height of the berm and shall in no case be greater than 45 degrees (2:1) to the horizontal.
- 3.16A BINGO HALL, shall mean a building or part thereof used as a main use for the operation of bingo lotteries.
- 3.17 BOARDING HOUSE and ROOMING HOUSE and TOURIST HOME, shall mean any building or portion thereof in which the proprietor supplies for hire or gain to more than two (2) other persons, lodging, meals, or both, but shall not include a hotel, hospital, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special act.
- 3.18 BUFFER STRIP, shall mean an area used for no other purpose than for the erection of a solid fence, earth berm or the planting and maintaining of a continuous row of natural evergreen trees or a continuous unpierced hedgerow of natural shrubs, not less than two (2.0) metres (6.56’) height, which will provide a year round visual barrier, and the remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flowerbeds, or a combination thereof. Any fence shall be decorative in nature and be designed and constructed to resist wind damage (e.g. alternating slats). (Reference should also be made to the provisions of subsection 5.25 of this By-law.)

- 3.19 BUILDING, shall include any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent.
- 3.20 BUILDING, MAIN or MAIN STRUCTURE, shall mean the building or structure designed for or in which is conducted the principal use of the lot on which it is situated. For clarity a dwelling accessory to an agricultural use is not a “main building” for the purpose of this By-law.
- 3.20a BUSINESS SERVICE ESTABLISHMENT, shall mean an establishment primarily engaged in providing services to business establishments on a fee or contract basis including advertising and mailing, building maintenance, employment services, protective services, and small equipment rental, leasing and repair.
- 3.21 BY-LAW ENFORCEMENT OFFICER, shall mean the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the Comprehensive Zoning By-law of the Corporation.
- 3.22 CARPORT, shall have the meaning attributed to it in the definition of Garage (Private).
- 3.23 CAR WASH, shall have the meaning attributed to it in the definition of Automobile Washing Establishment.
- 3.23a CATALOGUE STORE, shall mean a retail commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.
- 3.24 CHURCH, shall mean a building dedicated to religious worship and may include a rectory or manse, church hall, church auditorium, Sunday school, parish hall, and church day nursery.
- 3.24a CINEMA, shall mean a building or part thereof used for the showing or viewing of motion pictures.
- 3.25 CLINIC, shall mean a building or structure that is used or intended for use by one or more physicians, dentists, veterinarians, chiropractors and/or drugless practitioners, or any one or more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment.
- 3.26 CLUB PRIVATE, shall mean a building or premises located on privately owned lands, operated on a non-profit bases for social, literary, cultural, political, educational or recreational purposes, primarily for the exclusive use of members and their guests and not open to the general public on an equal basis. A “Private Club” includes a fraternal organization but does not include a public hall or an outdoor shooting range.
- 3.26a COMMERCIAL RECREATION ESTABLISHMENT, shall mean a building, or part thereof, used for the purposes of an arena, auditorium, assembly hall, billiard or pool

room, bingo hall, bowling alley, dance hall, gym or fitness center, ice or roller rink, indoor racquet courts, indoor swimming pool, and all places of amusement, but not including a amusement park.

- 3.26b COMMERCIAL STORAGE UNIT, shall mean a building or buildings 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.
- 3.27 COMMERCIAL USE, shall mean the use of land or buildings for the purposes of offices, or the retail buying or selling of commodities, or both, and the supply of services.
- 3.28 COMMUNITY CENTRE, shall mean a building used for community activities and not used for commercial purposes, the control of which is vested in the Municipality or a local board.
- 3.29 CONSENT, shall mean the approval of the severance of land pursuant to the provisions of Section 49 of The Planning Act, S.O. 1983, Chapter 1.
- 3.30 CONTRACTOR'S YARD OR SHOP, 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.
- 3.30a CONVENIENCE STORE , shall mean a retail food store, confectionery, delicatessen, grocery store, or groceteria having a gross floor area of 300.0 square metres (3,229 sq. ft.) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the people's daily needs and may include the rental of videos, an automated banking machine and/or depts. for such items as film, laundry or dry cleaning.
- 3.31 CORPORATION, shall mean the Corporation of the Township of Sandwich South.
- 3.32 COUNCIL, shall mean the elected Municipal Council of the Corporation of the Township of Sandwich South.
- 3.33 COUNTY, shall mean the Corporation of the County of Essex.
- 3.34 COUNTY ROAD, shall mean a street under the jurisdiction of the County of the Windsor Suburban Roads Commission.
- 3.35 COVERAGE, shall mean the combined area of all buildings or structures on the lot measured at the level of the lowest storey above grade, including all porches, verandas and decks; but excluding a private outdoor swimming pool and open, unenclosed terrace and patios, and steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections.
- 3.35a DATA PROCESSING ESTABLISHMENT, shall mean a building, or part thereof, used for the input, processing and printing of computerized data.

- 3.35b DAY CARE CENTRE, ADULT, shall mean a place that provides structured and supervised activities, which may include meals, in a group setting on a temporary basis for a continuous period not exceeding 24 hours to functionally impaired adults, but does not include a nursing home as defined herein.
- 3.36 DAY NURSERY, shall mean a place that receives for temporary custody for a continuous period not exceeding twenty-four hours more than three children under ten years of age not of common parentage and that is not;
 (a) part of a public school or separate school under The Education Act, R.S.O. 1980,
 (b) part of a private school registered under The Education Act, R.S.O. 1980, (c) a children's mental health center under The Children's Mental Health Services Act, R.S.O. 1980.
- 3.36a DECK, shall mean a platform made of wood, concrete or other similar material, that has a height greater than 0.3 metres (.98') above grade, projecting from a building or swimming pool or free-standing, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential uses.
- 3.36b DELICATESSEN, shall mean a food store having a gross leasable floor area of less than 200.0 square metres (2, 153 sq. ft.) wherein the food offered for sale may also be prepared and sold for immediate consumption on or off the premises.
- 3.37 DRIVEWAY, shall mean a vehicular passageway having at least one end thereof connected to a street and providing ingress to or egress from a lot, or both. (Reference should also be made to the provisions of subsection 5.37 of this By-law).
- 3.37a DUPLICATING SHOP, shall mean a premises engaged in reproducing drawings, plans, maps or other copy, by blueprinting, photocopying or small offset process.
- 3.38 DWELLING, shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, motels, boarding, lodging, or rooming houses, tourist homes, nursing homes, institutions, boats, travel trailers, camping trailers, truck campers, motor homes, tents or mobile homes.
- 3.39 DWELLING, GROUP HOME, shall mean a single housekeeping unit in a residential dwelling operated by a government agency or a government approved social service organization for the purpose of servicing not more than ten (10) persons who, by reason of their physical or mentally handicapped condition or their behavioural or emotional problems, require care and training while living as a family in a single housekeeping unit. Such dwelling is provided with responsible adult supervision consistent with the requirements of its residents and is set up in theory, size, appearance and structure to resemble a family unit. The home is licensed or approved under provincial statute.
- 3.40 DWELLING, SEASONAL, shall mean a detached dwelling constructed and used for seasonal vacations and recreational purposes or for seasonal farm help that is not used for continuous habitation or as a permanent residence.

- 3.41 DWELLING, SINGLE FAMILY DETACHED, shall mean a completely detached dwelling used, designed, or intended to be used for occupancy by not more than one family. This definition shall not include a mobile home or travel trailer as defined herein.
- 3.41a DWELLING, SINGLE UNIT, ATTACHED, shall mean a dwelling as defined herein designed to accommodate individuals living as one group, regardless of whether the individuals within the group are related or unrelated. Each dwelling unit shall be attached by a common wall to one or more other single unit attached dwellings and each single unit attached dwelling shall be on a separate lot. *(Currently not in effect. Pending Approval of OPA No. 5)*
- 3.41b DWELLING, TOWNHOUSE OR ROWHOUSE, shall mean a separate dwelling containing three or more dwelling units with a common wall dividing the dwelling units vertically, each of which has an independent entrance, with all dwelling units being on one lot. *(Currently not in effect. Pending Approval of OPA No. 5)*
- 3.42 DWELLING UNIT, shall mean one or more habitable rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 3.43 EASEMENT, shall having the meaning attributed to it in the definition of Right-of-Way.
- 3.44 ERECT, shall mean to do anything pertaining to the erection, 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 the demolition or removal of a building or any part thereof and further includes any work for which a building permit is required under the Building By-law of the Corporation. "Erected" and "erection" shall have a corresponding meaning.
- 3.45 EXISITNG, shall mean legally existing as of the date of the passing of this By-law.
- 3.46 FAMILY, shall mean an individual, or 2 or more persons who are related by blood or marriage, legal or common-law, or legal adoption, and for the purposes of this By-law, a maximum of 6 foster children shall be considered to be so related, or a group of not more than 5 unrelated persons exclusive of servants occupying a dwelling unit, and not more than 2 persons who receive their lodging, board or both for compensation or for hire.
- 3.47 FARM EQUIPMENT SALES AND SERVICE ESTABLISHMENT, shall mean a lot, building or structure where the business of selling new or used farm equipment, farm machinery and prefabricated farm buildings and structures or any combination thereof is conducted, and may include the display, storage and sale of such times; the servicing and repair of such items; the storage, display and sale of related accessories and products; and offices, show rooms and sales rooms.

- 3.47a FINANCIAL INSTITUTION, shall mean an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers.
- 3.48 FLOOR AREA, shall mean the sum of the areas of all of the floors of a building or structure measured from the outside of all outside walls or from the centerline of common or party walls, exclusive of any attached accessory building, terrace, veranda, unfinished attic, basement, cellar, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons, and excluding any floor area with a ceiling height of less than two (2.0) metres (6.5’).
- 3.49 FLOOR AREA, COMMERCIAL OR RETAIL, shall mean the sum of all the gross leasable area of a building or structure.
- 3.50 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.
- 3.51 GARAGE (PRIVATE) or CARPORT, shall mean a building or portion of a building designed for the sheltering or storage of private 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 to the main building, it shall be deemed to be part of the main building and not an accessory building. (Reference should also be made to the provisions of subsections 5.27 and 5.35 of this By-law.)
- 3.52 GARAGE, PUBLIC, shall mean a building or structure other than a private garage which is used for the care, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.
- 3.53 GAS BAR, shall mean an establishment designed for the retail sale of motor fuels and lubricating oil and allied additives and the introduction of such materials into vehicles but does not include the provision of mechanical services or repairs to vehicles.
- 3.54 GOLF COURSE, shall mean a public or private area operated for the purpose of playing gold including a par three golf course, driving range, miniature golf course, or combination thereof.
- 3.55 GRADE, or GRADE, ELEVATION, AVERAGE FINISHED, shall mean the average level of finished ground adjoining a building or structure at all exterior walls measured above sea level according to geodetic datum, as finally determined by the Chief Building Official.
- 3.56 GRADE LEVEL, shall mean:
- a) save as herein provided, the grade level of any lot measured above sea level according to geodetic datum shall be construed in the application of this By-law as a

level fifteen (15) centimeters (6”) above the crown level of the road, measured above sea level according to geodetic datum , upon which the lot abuts;

- b) 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;
- c) if the natural level of the ground is higher than as above stipulated, then the average natural level of the ground shall be taken as the grade level.

3.57 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.

3.57a GREENWAY, shall mean a linear, passive recreational pathway owned or managed by the Essex Region Conservation Authority.

3.57b HEALTH STUDIO, shall mean a building or part thereof used for athletic or physical exercise or athletic training and may include, as an accessory use, one (1) retail store for the sale of athletic equipment provided that the retail store does not exceed a floor area equal to twenty-five (25) percent of the net floor area of the health studio.

3.58 HEIGHT, when used with reference to a building or structure shall mean the vertical distance in metres between the horizontal plane through the average finished grade and a horizontal plane through:

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

(Reference should also be made to the provisions of subsection 5.26 of this By-law.)

3.59 HIGHWAY, shall have the meaning attributed to it in the definition of Street.

3.59a HOME AND AUTO SUPPLY STORE, shall mean a retail store devoted to the sale of merchandise for the home and automobile including such goods as paint, hardware, electrical, plumbing, housewares, home appliances, sporting goods, lawn and garden supplies, and automobile supplies, and may include an associated automobile repair garage and gas bar.

- 3.59b HOME APPLIANCE STORE, shall mean a retail store devoted to the sale of household equipment such as major and small appliances, electronic devices, computes, and audio or visual equipment.
- 3.59c HOME DECORATING STORE, shall mean a retail store devoted to the sale of goods and materials required for decorating the interior of a home or office including floor, wall and window coverings, lighting fixtures, bathroom and kitchen fixtures and accessories.
- 3.59d HOME FURNISHING STORE, shall mean a retail store devoted to the sale of movable contents of a room, home or office. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet and indoor window coverings.
- 3.59e HOME IMPROVEMENT AND FURNISHING STORE, shall mean a retail store devoted to the sale of goods or materials of a home improvement store, a home decorating store, a home furnishing store or a home appliance store.
- 3.59f HOME IMPROVEMENT STORE, shall mean a retail store devoted to the sale of goods or materials required for the construction or alteration of buildings including such merchandise as wall paneling, wood products, sheet glass products, windows and mirrors, floor, wall and ceiling tiles, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods.
- 3.60 HOTEL AND MOTOR HOTEL, shall mean any hotel, motor hotel, inn 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 traveling public by supplying food, refreshments or both and furnishing sleeping accommodation of not less than four (4) guest rooms or accommodation units, each having no facilities for cooking or housekeeping and provided that each guest room may only be entered from the interior of the building or partially from the exterior, and shall include all such buildings operating under The Liquor License Act, R.S.O., 1980 and The Tourism Act, R.S.O. 1980. A "Hotel" does not include a rooming house, boarding house, multiple family dwelling, apartment hotels or taverns.
- 3.61 HOUSEHOLD OCCUPATION, shall mean the use of a part of a dwelling, dwelling unit or accessory private garage for an occupation which provides employment for members of the family permanently residing in such dwelling or dwelling unit and not more than a maximum of one (1) non-family assistant may also be employed, and which is definition of building height definition clearly secondary to the main use of the dwelling or dwelling unit as a private residence. (Such uses shall also be subject to the provisions of subsection 5.29 of this By-law).
- 3.62 HOUSEHOLD OCCUPATION, AGRICULTURE, shall mean an occupation associated with an agricultural use or a residential use, which serves agricultural uses and which provides employment for members of the family residing on the premises and not more than a maximum of one (1) non-family assistant may also be employed. (such uses shall also be subject to the provisions of subsection 5.30 of this by-law).

3.63 INDUSTRIAL USE, shall mean the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing, packaging or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. Transportation terminals would also be considered an “Industrial Use”.

3.63a INDUSTRIAL USE, LIGHT, shall mean an industrial use which is carried out within enclosed buildings, save and except for the following prohibited uses:

- (a) Slaughtering, the processing of poultry or fish, fat rendering or vegetable oil mill, feeding pen, stockyard, feed manufacture, flour mill, bone distillation;
- (b) Leather tannery;
- (c) Sawmills veneer and plywood mills, pulp and paper mill, wood distillation;
- (d) Iron and steel mill, blast furnace, smelting and refining of metals and ores, boiler and plate works, manufacture of railroad rolling stock;
- (e) Mineral extraction, pits and quarries and manufacture of cement, lime, gypsum products, concrete or concrete products, clay and clay products, plaster of paris, brick refractory, mineral wool manufacturing, concrete or asphalt batching plant, asbestos products manufacturing, abrasives manufacturers;
- (f) The manufacturing of explosives and ammunition, acid, alkalies, asphalt, fertilizer, plastics, resins, soap and cleaning compounds, petroleum refineries, coke oven, coal and tar distillation;
- (g) A bulk fuel depot;
- (h) An automobile repair garage, an automobile body repair shop;
- (i) Waste processing, disposal and storage – including recycling centers, packing and bailing sites, transfer stations, and disposal facilities;

3.63b INDUSTRIAL USE, SPECIAL LIGHT, shall mean a non-effluent producing industrial use as set out in clause (o) of subsection 14.1.1 which is carried out within enclosed buildings, save and except for the following prohibited uses:

- (a) slaughtering, the processing of poultry or fish, fat rendering or vegetable oil mill, feeding pen, stockyard, feed manufacture, flour mill, bone distillation;
- (b) leather tannery;
- (c) sawmills, veneer and plywood mills, pulp and paper mills, wood distillation;

- (d) iron and steel mill, blast furnace, smelting and refining of metals and ores, boiler and plate works, manufacture of railroad rolling stock;
- (e) mineral extraction, pits and quarries, the manufacture of cement, lime, gypsum products, concrete or concrete products, clay and clay products, plaster of Paris, brick refractory, mineral wool manufacturing, concrete or asphalt batching plant, asbestos products manufacturing abrasives manufacturers;
- (f) the manufacturing of explosives and ammunition, acid, alkalies, asphalt, fertilizer, plastics, resins, soap and cleaning, compounds, petroleum refineries, coke oven, coal and tar distillation;
- (g) a bulk fuel depot;
- (h) an automobile repair garage, an automobile body repair shop;
- (i) waste processing, disposal and storage – including recycling centers, packing and bailing sites, transfer stations, and liquid and hazardous waste processing and disposal facilities;
- (j) a press or stamping plant.

3.64 INDUSTRIAL USE, NON-EFFLUENT PRODUCING, shall mean an industrial use which:

- a) does not include or require the direct consumption of water, except by auxiliary facilities such as washrooms;
- b) does not discharge any waste water, except for auxiliary facilities such as washrooms. The indirect cooling of and/or the pressure testing of equipment with water is permitted so long as the water is re-circulated and little or no waste water is discharged; and
- c) is characterized by minimal generation of noise and air pollution.

3.65 INSTITUTIONAL USE, shall mean the use of land, buildings or other structures, by any organization, group, or association for some public or social purpose (but not for commercial business purposes), and may include governmental, religious, educational, charitable, cultural, philanthropic, hospital or other similar but non-profit uses.

3.66 KENNEL, DOG, shall mean any lot, building or structure on or within which more than four (4) dogs over four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

3.67 LANDING STRIP, shall mean a strip of ground used or capable of being used for the landing and take-off of aircraft.

- 3.68 LANDSCAPING, shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property.
- 3.69 LANE, shall have the meaning attributed to it in the definition of Alley.
- 3.69a LIQUOR, BEER AND WINE STORE, shall mean a retail store devoted to the sale of liquor, beer and/or wine.
- 3.70 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. (Reference should also be made to the provisions of subsection 5.31 and 5.32 of this By-law).
- 3.71 LODGING HOUSE, shall mean any house or other building or portion thereof in which persons are harboured, received or lodged for hire, provided however that such facility is regulated or supervised under license from the Municipality or the County, in accordance with the provisions of Section 208, Paragraph 61 of The Municipal Act, R.S.O. 1980 but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.
- 3.72 LOT, shall mean a parcel or tract of land which,
- a) is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 49 of The Planning Act, S.O. 1983, not to be a registered plan of subdivision, or
 - b) is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.
- 3.73 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.
- 3.74 LOT, AREA, shall mean the total horizontal area within the lot lines of a lot.
- 3.75 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 15 metres (49.2') wide; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the front and exterior side lot lines.
- 3.76 LOT FRONTAGE, shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be

measured perpendicularly to the line joining the midpoints of the front and rear lot lines at a point seven and one-half (7.5) metres (24.50') back from the front lot line, and where such lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front lot line with the apex of the triangle formed by the side lot lines at a point seven and one-half (7.5) metres (24.60') back from the front lot line, and where such lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the street lines, drawn through the extremities of the front lot line and exterior side lot line.

3.77 LOT, INTERIOR, shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one street.

3.78 LOT LINES, shall mean the boundary lines of a lot defined as follows:

a) Front Lot Line, shall mean:

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

b) Rear Lot Line, shall mean the lot line farthest from and opposite to the front lot line;

c) Side Lot Line, shall mean a lot line other than a front or rear lot line;

d) Side Lot Line, Exterior, shall mean the side lot line which abuts the street on a corner lot;

e) Side Lot Line, Interior, shall mean the lot line which does not abut the street on a corner lot.

3.79 LOT, THROUGH, shall mean a lot bounded on two opposite sides by streets each of which is at least 15 metres (49.20') wide. Provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinabove defined, such lot shall be conclusively deemed to be a corner lot.

3.80 MAIN WALL, shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

3.81 MOBILE HOME, shall mean a building or structure 18.0 metres (59.04') in length or longer, with floor area in excess of 65.0 square metres (699.67'sq.), that is designed to be made mobile, either on its own wheels, in a flatbed, in or on other trailers or on detachable wheels and that is constructed, fabricated or manufactured so as to be transported thereafter and so as to provide a permanent residence or dwelling unit for one or more persons except to the extent of minor and incidental unpacking and assembly

operations, placement on a stand, or connection to utilities, but does not include a travel trailer or tent trailer or trailer otherwise designed. (Reference should also be made to the provisions of subsection 5.14 of this By-law)

- 3.82 MOTEL, shall mean one building, or two (2) or more detached buildings for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation of not less than four (4) accommodation units, with or without supplying food, refreshments, or both, and provided each guest or sleeping room may be entered from the exterior of the building only, and shall include a motor court, auto court, and all such buildings operating under The liquor Licence Act, R.S.O. 1980 and The Tourism Act, R.S.O. 1980.
- 3.83 MOTOR VEHICLE, shall mean a wheeled self-propelling vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.
- 3.84 MUNICIPALITY, shall mean The Corporation of the Township of Sandwich South.
- 3.85 NON-COMPLYING, shall mean a lot, building, or structure which is existing, is a permitted use in the zone in which the said use is situated, but does not meet or comply with the regulations of this By-law. (Further reference may be made to subsections 5.9 and 5.11 of this By-law.)
- 3.86 NON-CONFORMING, shall mean a use which is existing, but which is not a permitted use in the zone in which the said use is situated. (Further reference may be made to subsection 5.10 of this By-law).
- 3.87 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.
- 3.87a 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 building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting material fertilizers and similar materials.
- 3.88 NURSING HOME, shall mean a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and shall include only those facilities licensed, approved or supervised under The Nursing Homes Act, R.S.O. 1980, and The Homes for The Aged and Rest Homes Act, R.S.O. 1980.
- 3.89 OFFICE, GENERAL OR BUSINESS, 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 a veterinarian, the retailing of merchandise, the manufacturing, assembly, repairing or storage of goods, or any place of assembly or amusement.

- 3.90 OFFICE, PROFESSIONAL, shall mean any office used by professionally qualified persons, and related technical assistants and clerical staff, for the purposes of giving advice, consultation or treatment to clients or patients.
- 3.91 OPEN SPACE, LANDSCAPED, shall mean unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational 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 motor vehicle parking area. (Reference should also be made to the provisions of subsection 5.24 of this By-law.)
- 3.92 OUTSIDE STORAGE, shall mean the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.
- 3.93 PACKING AND BAILING SITE, means a site where there is the treatment of waste by its compression into blocks or bales and binding or sheathing the blocks with wire, metal, plastic or other material.
- 3.94 PARK, PRIVATE, shall mean park not open to the general public and may be operated for commercial gain.
- 3.94a PARCEL OF URBAN RESIDENTIAL LAND means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and municipal drinking water services as defined in the Planning Act, R.S.O 1990, C.P.13
(Amended by B/L 97-2023, August 8, 2023)
- 3.95 PARK, PUBLIC, shall mean a park controlled or owned by the Municipality or a public authority normally open to the public.
- 3.96 PARKING LOT, and AREA, shall mean an area for the parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a public street. (Reference should also be made to the provisions of subsection 5.33, 5.34 and 5.35 of this By-law.)
- 3.97 PARKING SPACE, shall mean an area of 3 metres (9.84') by 6 metres (19.68'), exclusive of aisles or driveways, enclosed in a building, or unenclosed, and set aside for the purpose of parking a vehicle and shall not include any part of a public street. (Reference should also be made to the provisions of subsection 5.33, 5.34 and 5.35 of this By-law.)
- 3.98 PERMITTED, shall mean permitted by this By-law.
- 3.99 PERSON, shall include an individual, an association, a firm, a partnership or an incorporated company, municipal corporation, agent or trustee and the heirs, executors, or

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

- 3.100 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, and shall only include barber shops, hairdressing, and hair stylist establishments, shoe repair and shoe shining shops, tailor and dressmaking shops, bakery shops, depots for collection and delivery of dry cleaning and laundry provided no laundry or dry cleaning work is done on the premises, and self-serve dry cleaning and laundry establishments.
- 3.101 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 includes the processing thereof for washing, crushing, and other similar operations, required buildings and structures.
- 3.101a PRINTING ESTABLISHMENT, shall mean a building, or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one of the above listed primary functions.
- 3.101b PROFESSIONAL STUDIO, shall mean a building or part thereof used for any one (1) of more of the following: instruction in the fine arts, photography, music, dance, or other artistic endeavor; interior decorator's studio; photography studio, portrait studio.
- 3.102 PUBLIC AUTHORITY, shall mean any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioner of police, or other board or commission or committee of local authority under any general or special Statute of Ontario with respect to nay of the affairs or purposes of a municipality or any portion thereof, and includes any committee or local authority established by by-law of the Municipality. (Further reference may be made to subsection 5.13 of this By-law).
- 3.103 PUBLIC HALL, shall mean a building or part thereof where members of the public gather together for the purpose of any meeting or entertainment whether or not an admission fee is charged and whether or not such premises are rented or leased by any organization for any such function. A "Public Hall" does not include a private club, a fraternal organization, a theatre, a school or a church.
- 3.104 PUBLIC SERVICES, shall mean the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, tele-communication services, sewage collection and treatment facilities.
- 3.105 QUARRY, shall mean a place where consolidated rock has been or is being removed by means of an open excavation, and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing and other similar operations, required buildings and structures.

- 3.105a QUONSET HUT, means a prefabricated structure having a semicircular cross section (“full arch” design) or a curved roof with straight walls cross section (“mailbox” design), and occupying an area greater than 10 square meters. (ADDED by B/L 164-2011, Oct. 20, 2011)
- 3.106 RECYCLING CENTRE, means a center where recyclable material as defined in Ontario Regulation 309 of the Environmental Protection Act is received from a generator of waste.
- 3.106a REPAIR AND RENTAL ESTABLISHMENT, shall mean a business engaged in maintaining, repairing, installing and renting articles and equipment for household and personal use, such as: radios and televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; and reupholstery and furniture repair. This does not include any other use specifically referred to or defined in this By-law.
- 3.107 RESIDENTIAL USE, shall mean the use of a building or structure or parts thereof as a dwelling.
- 3.107a RESTAURANT, shall mean a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, including a licensed dining lounge, but excluding a tavern as defined herein.
- 3.108 RETAIL STORE, shall mean a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any wholesale business or business supply use or any establishment otherwise defined or classified herein.
- 3.109 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 Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the township of Sandwich South.
- 3.110 ROAD, shall have the meaning attributed to it in the definition of Street.
- 3.111 ROAD, COUNTY, shall mean a street under the jurisdiction of the County or the Windsor Suburban Roads Commission.
- 3.112 SALVAGE 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, which without limiting the generality of the foregoing, shall include waste paper, rags, bottles, bicycles, vehicles, tires and metal, and junk or scrap metal yards and automobile wrecking yards shall also be included.
- 3.113 SCHOOL, shall mean an educational establishment under the jurisdiction of the Essex County Board of Education, the Essex County Roman Catholic Separate School Board, or the Government of Ontario.

- 3.114 SCHOOL, PRIVATE, shall mean an educational establishment which is not under the jurisdiction of a Board or the Government of Ontario as defined by The Education Act, R.S.O. 1980.
- 3.115 SENIOR CITIZEN HOUSING, shall mean any housing for senior citizens sponsored and administered by any public agency or any service club, church or other non-business organization, either of which obtains financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with a senior citizen development.
- 3.116 SERVICE SHOP, shall mean any building or part thereof where appliances, tools and small machinery such as lawn and garden equipment are sold, serviced, or repaired and includes a mechanical, electrical or plumbing contractor and/or sales and service, but excludes any manufacturing or processing.
- 3.117 SETBACK, shall mean the horizontal distance between the centerline of the road and the nearest part of any main wall of any building or structure, measured at right angles to such centerline, and extending the full width of the lot. (Reference should also be made to the provisions of subsection 5.20, 5.21 and 5.22)
- 3.118 SHOPPING CENTRE, shall mean a group of commercial uses, planned, designed, developed and managed as a unit by a single owner or tenant, or a 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.
- 3.118a SMALL WIND SYSTEM shall mean a wind energy electrical generating system consisting of a bladed turbine and supporting structure and all appurtenant electrical and mechanical systems used for the generation of electrical power for direct consumption by the owner/operator.
(ADDED by B/L 265-2005, Dec. 13, 2005)
- 3.119 STOREY, shall mean that portion of a building:
- a) which is situated between the surface or top of any floor and the surface or top 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, and
 - b) which has its ceiling more than 1.8 metres (5.91') above the average finished grade, and
 - c) which has a height of not less than 2 metres (6.56') and includes an attic having not less than 2 metres (6.56') headroom for at least 50% of the attic floor area.
- 3.120 STOREY, FIRST, shall mean the lowest storey of a building, at or immediately above grade.
- 3.121 STREET or HIGHWAY or PUBLIC ROAD, shall mean a common and public street, road, alley, lane, highway or commons vested in the Municipality, the County, the

Province of Ontario 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.

- 3.122 STREET LINE, shall mean the limit of a street allowance and is the boundary or dividing line between a street and a lot.
- 3.123 STRUCTURE, shall mean anything that is erected, built or constructed of parts joined together and which is fixed to or supported by or incorporated within the soil, any other structure or both, but not including a parking area, permitted outside storage of goods and materials, a terrace or patio, or a sign. A fence, a deck attached to a dwelling and a private outdoor swimming pool including any associated deck, will be considered as structures.
- 3.124 SWIMMING POOL, PRIVATE OUTDOOR, shall mean a privately owned structure accessory to a dwelling, erected or installed above ground or wholly or partly below ground, capable of being used for swimming, wading, diving or bathing and which, when filled, is capable of containing a depth of 0.3 metres (.984') or more of water. For the purpose of regulations pertaining to lot coverage in this By-law a "Private Outdoor Swimming Pool" is deemed not to be a building or structure.
- 3.125 TAVERN, shall mean an establishment where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating under The Liquor Licence Act, R.S.O. 1980.
- 3.126 TOP OF BANK, shall mean when used with reference to a watercourse, the highest elevation of land which ordinarily confines the waters of such watercourse when they rise out of the steam bed.
- 3.127 TOURIST CAMP, shall mean an auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof, and which is licensed under the provisions of The Municipal Act, R.S.O. 1980.
- 3.128 TOURIST HOME, shall have the meaning attributed to it in the definition of Boarding House and shall include a farm vacation home.
- 3.129 TRAILER OR RECREATION VEHICLE, shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle, or is self-propelled, and capable of being used for temporary living, sleeping or eating accommodation of persons therein for seasonal travel, recreation and vacation activity, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall include tent trailers, motor homes, truck campers, or similar transportable accommodation but shall not include a mobile home as defined herein. (Reference should also be made to subsection 5.15 of this By-law.)

3.130 TRAILER CAMP, shall mean a lot which contains sites for trailers, tent trailers, motor homes, truck campers, or similar transportable accommodation, but not including a mobile home as defined herein, and such camps shall be licensed by the Municipality under The Municipal Act, R.S.O. 1980. (Reference should also be made to subsection 5.15 of this By-law.

3.131 TRANSFER STATION, means a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.

3.131a TRANSPORT TERMINAL means *premises* used to dispatch, park, repair, service, or store freight-carrying trucks including a semi-trailer, tractor trailer, *transport trailer*, *transport truck*, truck tractor, or truck trailer, and may include as an *accessory use*, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility, truck terminal or truck or transportation terminals is a *transport terminal*. A *motor vehicle dealership*, *outdoor storage yard* or *parking area* is not a *transport terminal*.

TRANSPORT STORAGE AREA means that portion of a *transport terminal* located outdoors and being used to load, manoeuvre, park, repair, service, store, or unload a *transport truck* or *transport trailer*. It does not include any landscaped open space.

TRANSPORT TRAILER means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a *transport trailer*. A cabin trailer, camping trailer, house trailer, mobile home, motor home, *trailer or recreational vehicle*, tent trailer, travel trailer, or truck camper is not a *transport trailer*.

TRANSPORT TRUCK means a *motor vehicle* used to pull a *transport trailer* and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a *transport truck*.

[ZNG/5364]

(ADDED by B/L 168-2018, Dec. 19, 2018)

3.132 USE, (when used as a noun), shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied or used, or for which it is occupied, used or maintained.

3.133 VEHICLE, includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power, including a muscular power, but does not include a wheelchair.

3.134 VEHICLE, COMMERCIAL, shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol vehicle, motor bus and tractor used for hauling purposes on the highway. (Reference should also be made to subsection 5.35 c) of this By-law.

- 3.134a VIDEO RENTAL ESTABLISHMENT, shall mean a building or part of a building used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed 10.0 square metres (107.6 sq. ft.).
- 3.134b WAREHOUSE RETAIL STORE, shall mean a retail store or a combination retail store and wholesale store where patronage is restricted by the store owner or operator to fee paying members of an association or group and membership in the association or group is controlled and administered by the store owner or operator.
- 3.135 WAREHOUSING AND SUPPLY AND STORAGE USE, shall mean a building or structure used for the storage of any goods, wares, merchandise, substance, article or thing, and shall include whatever treatment or packaging that may be necessary for storage.
- 3.136 WAYSIDE PIT AND QUARRY, shall mean a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular public road project or contract or public road construction and not locate don't he road right-of-way.
- 3.137 WHOLESALE AND WHOLESALING BUSINESS, shall mean a lot, building or structure used for the resale of goods to persons in large quantities.
- 3.138 YARD, shall mean an open space on the same lot with a main building or structure, unoccupied, uncovered, and unobstructed from the ground upward except by such accessory buildings, structures or uses as are specifically permitted elsewhere 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 not front yard is required) to the rear yard (or rear lot line if no rear yard is required).
- 3.139 ZONE, shall mean an area delineated on a Zoning Map Schedule and established and designated by this By-law for a specific use or group of uses.

SECTION 4 – ZONES AND ZONING MAPS

4.1 GENERAL

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

4.2 ESTABLISHMENT OF ZONES

For the purpose of this By-law the maps and map parts hereto annexed as Schedule “A” and the map parts shall be referred to as the Zoning Maps for the Township of Sandwich South and the Zoning Maps shall be divided into the following zones and such zones are shown on the Zoning Maps by symbols consisting of letters and numbers or letters only as the case may be, as listed bellows:

<u>ZONE</u>	<u>SYMBOL</u>
Residential Zone 1	R1
Residential Zone 2	R2
Hamlet Residential Zone	RH
General Commercial Zone	C1
Neighbourhood Commercial Zone	C2
Hamlet Commercial Zone	CH
Industrial Zone	M1
Agricultural Zone	A
Institutional Zone	I
Parks and Open Space Zone	P
Holding Zone	(H)
Business Park Zone	BP
Highway Service Centre Zone	HS

4.3 USE OF ZONE SYMBOLS

The symbols listed in subsection 4.2 shall be used to refer to land, buildings, and structure and the uses permitted by this By-law in the said zones, and wherever in this By-law the word “Zone” is used, preceded by any of the said symbols, such zones shall mean any area within the Municipality delineated on the Zoning Maps and designated thereon by the said symbol.

4.4 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 Area”. All zones may be subdivided into one or more defined areas which shall be designated by reference of 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.

4.5 HOLDING ZONE (H) PROVISIONS

Where the zoning applying to any lot includes the symbol (H) prefixed to any zone symbol, the provisions of Section 18 shall apply to such lands until such time as the By-law is amended to remove the holding symbol (H). Application of the (H) symbol 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. The Official Plan outlines the criteria to be satisfied in order to remove the holding symbol (H).

4.6 INCORPORATION OF ZONING MAPS

The located 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, and Schedule “B”, together with everything shown thereon and all succeeding amendments thereto, are hereby incorporated in and declared to form part of this By-law.

4.7 APPLICATION OF REGULATIONS

No person shall within any zone or defined area use or alter any land, lot or any part thereof, nor erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, or any part thereof, except in conformity with the regulations of this By-law for the zone or defined area in which such land, building, structure or use is located.

4.8 INTERPRETATION OF ZONE AND DEFINED AREA BOUNDARIES

Where any uncertainty exists as to the located of the boundary of any of the said zones or defined areas as shown on the Zoning Maps, the following shall apply:

- 4.8.1 unless otherwise shown, the boundary of the zones or defined area boundaries as shown on the zoning Maps are the centerlines of the street, or lot lines, and the projection thereof;

- 4.8.2 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 said boundary;
- 4.8.3 where zone boundaries or defined area boundaries are indicated as approximately parallel to the street line and the distance from such street line is not indicated, such zone boundaries or defined area boundaries shall be construed as being parallel to such street line and the distance therefrom shall be determined by the use of the scale shown on the Zoning Maps;
- 4.8.4 unless otherwise indicated, a street, alley, lane, private road, railroad, railway or electrical transmission line right-of-way, or watercourse included on the Zoning Maps is included within the zone or defined area of the adjoining property on either side thereof; and where such street, alley, lane, private road, right-of-way, or watercourse serves as a boundary between two or more different zones, defined areas or both, a line midway in such street, alley, lane, private road, right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, defined area, or both, unless specifically indicated otherwise;
- 4.8.5 in the event a dedicated street, alley, lane, or right-of-way shown on the map is closed, the property formerly in said street, alley, lane, 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, alley, lane, or right-of-way, and the zone boundary or defined area boundary shall be the former centerline of said closed street, alley, lane, or right-of-way;
- 4.8.6 where a zone or defined area boundary is indicated as following the edge of a watercourse, the boundary shall follow the top of the bank of such watercourse and, in the event that the top of the bank of such watercourse changes, the boundary shall be taken as having moved with the top of the bank;
- 4.8.7 where a defined area boundary appears to follow a zone boundary, it shall be taken as following such zone boundary;
- 4.8.8 whenever it occurs, the corporate limit of the Municipality is the boundary of the zone or defined area adjacent to it;
- 4.8.9 where any setback is related to a zone or defined area boundary which has moved under circumstances referred to in subsection 4.8.6, the point or line of reference of such setback shall be taken as having equally moved;
- 4.8.10 where any zone boundary or defined area boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the Zoning Maps in the office of the By-law Enforcement Officer.

SECTION 5 – GENERAL PROVISIONS

5.1 INTERPRETATION

5.1.1 General

a) **Minimum Requirements**

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality.

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

b) **Meaning of Use**

Unless the context otherwise requires, the expression “use” or “to use” in this By-law shall include anything done or permitted to be done 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.

c) **Meaning Of Shall**

In this By-law, the word “shall” shall always be construed as mandatory.

d) **Meaning of Building or Structure**

A “building” or “structure” as defined herein shall include any part thereof.

e) **Number and Gender**

In this by-law, unless the contrary intention appears otherwise, words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.

5.1.1.1 Specific Use Regulations for Defined Areas

To each defined area within any zone there shall apply such specific use regulations as may be established by this By-law with respect to such defined area and, in addition to such special use 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 specific use regulations,

- a) If the specific 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 specific use regulations shall supercede and prevail over such corresponding regulations of this by-law;
- b) If the specific 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; and
- c) If the specific 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 specific use regulations applicable to the defined areas shall apply only to the additional permitted use or uses and not to uses otherwise permitted in the zone.

5.2 APPLICATION

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

5.3 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 maintained in such a manner so as to permit its use by vehicular traffic by the Municipality, the County, the Province of Ontario or some other road authority, 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 in respect of such plan of subdivision notwithstanding that the streets within such plan of subdivision have not been assumed and are not being maintained by the Municipality, County, Province or some other road authority.

5.4 YARD AND OPEN SPACE PROVISIONS FOR ALL ZONES

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

5.5 LAND WITHOUT BUILDINGS

Where land is used for or in connection with residential, commercial or industrial or institutional uses but without any buildings or structures thereon, all yards required by the By-law on a lot in the respective zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for gardening or open space purposes not prohibited by this By-law in such zone.

5.6 PERMITTED ENCROACHMENTS IN YARDS

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

- a) That those structures listed in the following table shall be permitted to project into the yards indicated for the distances specified:

<u>Structure</u>	<u>Yard in which Projection is Permitted</u>	<u>Max. Projection Permitted into the Required Yard</u>
i) Sills, belt courses, cornices, eaves gutters, chimneys or pilasters	Any yard	0.75 metres (2.46')
ii) Fire escapes and above or below grade exterior staircases	Rear Yard only	1.5 metres (4.92') over a maximum width of 4.5 metres (14.76')
iii) Window bays and awnings	Front and rear yards and a side yard abutting a public street only	1 metre (3.28') over a maximum width of 3 metres (9.84')
iv) Balconies	Front and rear yards and a side yard abutting a public street for single family dwellings	1.5 metres (4.92')

- | | | | |
|------|---|--------------------------|---|
| v) | Open, roofed porches not exceeding one storey in height; uncovered terraces | Rear yard only | 2.5 metres (8.20') including eaves and cornices |
| vi) | Free-standing outdoor furnace and air conditioning units | Rear yards only | 1.5 metres (4.92') |
| vii) | steps not exceeding | Front and rear yard only | 1 metres (3.28') |
- b) A fence, lattice work screen, or wall not more than 1.8 metres (5.91') in height or a hedge or thick growth of shrubs maintained so as not to exceed 1.8 (5.91') metres in height, may be located in any required side yard or rear yard, but shall not be more than 1.2 metres (3.93') in height when located in the required front yard or, for corner lots only along an exterior lot line, 1.0 metres (3.28') in height for that portion of the fence, lattice work screen, or wall which is in the required front yard, and 1.8 metres (5.91') for the remainder of the fence, lattice work screen, or wall. This height provision shall not apply to farm land, industrial lands or to prevent the erection of an open mesh fence enclosing a school site, public or private park site, and other institutional or recreational properties.
- c) Any accessory use, building or structure, shall be permitted in any yard, in any zone, in accordance with the requirements for Accessory Uses (Section 5.27) and any other specific requirements defined elsewhere in this By-law.
- d) Landscaping is a permitted use in any yard in any zone in the within By-law.
- e) Parking areas shall be permitted in any yard, in any zone, in accordance with the Standards for Parking Areas (section 5.34) and special Parking Provisions for Residential Zones (Section 5.35) and any other specific requirements defined elsewhere in this By-law.
- f) Notwithstanding the yard and setback provisions of this By-law to the contrary, a railway spur shall be permitted within any required yard in an industrial zone.

5.6.2 OUTDOOR FURNACE AND AIR CONDITIONING UNITS

Notwithstanding any other provisions of this By-law, a free-standing outdoor furnace or free-standing outdoor air conditioning unit, or both, shall be prohibited in the front yard and in any required side yard as defined in the applicable zone.

5.7 TEMPORARY CONSTRUCTION USES

The temporary use of buildings and structures incidental and necessary for construction work will be permitted in all zones and defined areas for a period of 6 months from the date of issuance of the building permit. At the expiry of the 6 month period, and if construction is not yet complete, Council shall review the matter and consider approval of an extension where warranted.

5.8 OCCUPANCY OF PARTIALLY COMPLETED DWELLINGS

No new residential building shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed,, and before kitchen and heating facilities and sanitary conveniences have been installed and are in satisfactory working order as determined by the Chief Building Official.

5.9 NON-COMPLIANCE WITH MINIMUM LOT OR YARD REQUIREMENTS

Where an existing building or structure is located on a lot having less than the minimum frontage or area required by this By-law, or has less than the minimum setback, from 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:

- a) it is a permitted use, building or structure within the zone or defined area in which it is situated,
- b) the reconstruction, repair or renovation of existing buildings or structures, or any part thereof, does not further reduce an existing setback, front yard, side yard, rear yard, or floor area having less than the minimum required by this By-law,
- c) any new addition or enlargement complies with the minimum setback and yard requirements of the applicable zone,
- d) any replacement on other than the original foundation complies with the minimum setback, yard and floor area requirements of the applicable zone, and
- e) all other applicable provisions of this By-law not specifically referred to in this subsection are complied with.

5.9.2 Where the movement of the top of bank of a watercourse changes a zone or defined area boundary according to the provisions of subsection 4.8.6 and 4.8.9 and such change results in a situation whereby a building or structure previously complying to the provisions of this By-law does not then comply, the affected building or structure shall be exempted from compliance with such provision(s) as is (are) thereby offended.

5.9.3 The provisions of subsection 5.9.2 above apply, with due alteration of detail according to the context, to buildings affected by the movement of the top of bank of a municipal drain or watercourse referred to in subsection 5.39.

5.10 **NON-CONFORMING USES**

The provisions of this by-law shall not apply:

5.10.1 to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, providing such use has been continuous since that date; or

5.10.2 to prevent the erection of use for a purpose prohibited by this By-law of any building or structure, for which a permit has been issued under Section 5 of the Building Code Act prior to the date of the passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 6 of the Building Code Act.

5.11 **EXISTING LOTS**

An existing lot having less than the minimum frontage or area required by this By-law may be developed for all uses in the 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 49 of The Planning Act, S.O. 1983, as amended from time to time. Lots created by consent on or before the passing of this By-law and granted subject to the fulfillment of specific conditions shall also be considered as being legally conveyable for the purposes of this subsection;
- b) such lots are serviced by municipal piped water and sanitary sewage disposal facilities or meet the requirements of the Ministry of the Environment or its designated agent;
- c) such lots front on a road;
- d) such lots have a minimum frontage of 12 metres (39.37').

5.12 **USES PERMITTED IN ALL ZONES**

5.12.1 **Streets and Installations**

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone, television or other supply line or communication line.

5.12.2 Railway Right-of-Ways

Nothing in this By-law shall prevent land to be used as an existing railway right-of-way, including any accessory buildings or structures thereto.

5.12.3 Existing Agricultural Uses

Existing agricultural uses shall be permitted in all residential, commercial and industrial zones until such time as redevelopment for the permitted uses the lands are zoned for occurs.

5.13 PERMITTED PUBLIC USES

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 public service by The Corporation of the Township of Sandwich South or by any local board thereof as defined by The Municipal Act, Chapter 302, R.S.O. 1980, the Corporation of the County of Essex, any department of the Government of Ontario or Canada, or any telephone, telegraph or communications company or gas company or Ontario Hydro, provided that:

- 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 in a lot adjacent to a residential zone;
- c) any building erected or lot used in a residential or agricultural 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;
- d) any parking and loading regulations for these uses are complied with;

5.14 MOBILE HOMES

Mobile homes shall be prohibited within the Municipality except where specifically listed as permitted uses within a particular zone or defined area.

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

- a) No truck, transport trailer, bus, coach or streetcar body shall be used for human habitation within the Municipality whether or not the same is mounted on wheels.
- b) No trailer, as defined in Section 3 of this By-law, or tent shall be used for the living, sleeping or eating accommodation of persons within the Township of Sandwich South for a period of more than 60 days in any period of 10 consecutive months, unless such

trailer or tent is located in a tourist camp or trailer camp licensed by the Municipality under The Municipal Act, R.S.O. 1980,

- c) No bus, coach or street car body, tent, trailer or mobile home, as defined in Section 3 of this By-law, shall be used as a permanent office or for storage purposes, within the Municipality. This does not prevent the use of a transport trailer for storage. However, storage in a transport trailer is prohibited in any residential zone except in the circumstance noted under Section 5.7.
- d) No truck shall be parked and used for wholesale or retail sale of goods, articles or things for a period of more than 30 days within the Municipality.

5.16 PROHIBITED USES

5.16.1 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 wrecking yards, automobile salvage yards, a waste disposal site or processing facility, a pit a quarry, the collection of rags, 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.

5.16.2 The keeping of derelict automobiles that are in a wrecked, discarded, dismantled, inoperative or abandoned condition and the sorting of automobiles for the purpose of salvaging parts therefrom is prohibited, unless specifically listed as a permitted use within a particular zone or defined area.

5.16.3 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.

5.16.4 The construction, or installation of a Quonset Hut is prohibited in the Residential Zone 1 (R1), Residential Zone 2 (R2), and Hamlet Residential Zone (RH).

(ADDED by B/L 164-2011, Oct. 20, 2011)

5.16.5 A Quonset Hut lawfully existing on a lot in any Residential Zone prior to the passing of this by-law is permitted; however, an addition, expansion, or extension to, or the replacement of an existing Quonset Hut is prohibited. (ADDED by B/L 164-2011, Oct. 20, 2011)

5.17 DANGEROUS USES AND DANGEROUS SITUATIONS

5.17.1 No land, building or structure shall be used in the Municipality 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 in this by-law.

5.18 NOXIOUS USES

Any use is prohibited which by its nature or by the materials used therein is declared under The Public Health Act, R.S.O., 1980, or The Environmental Protection Act, R.S.O., 1980, or any regulations thereunder, to be a noxious or offensive trade, business or manufacture.

5.19 SIGHT VISIBILITY TRIANGLES

a) On Corner Lots

Notwithstanding any other provisions of this By-law, within the triangular space included between the street lines for a distance of 9 metres (29.53') from the point of intersection, no building or structure including a fence or sign shall be erected and no shrubs or foliage shall be planted or maintained which obstruct the view of a driver of a vehicle approaching the intersection above a height of 0.6 metres (1.96') above the centerline grade of the intersecting streets.

b) At Railway Grade Crossings

In all zones, on a lot abutting a railway where the railway and a street intersect at the same grade, no building or structure including a fence or sign shall be erected and not shrubs or foliage shall be planted or maintained in such a manner which obstructs the view of a driver of a vehicle approaching the intersection above a height of 0.6 metres (1.96') above the centerline grade of the intersecting street in the triangular area bounded by the right-of-way limit of the railway and the street line and a line from the points along such right-of-way limit and such street line distant 30 metres (98.43') from the point of the intersection thereof.

5.20 SETBACKS ON ALL ROADS

Notwithstanding any other provisions of this By-law, when a building is being proposed in any zone on a road which is less than 20 metres (65.61') wide, the building must have a setback of 10 metres (32.81') plus the required front yard or side yard for that zone.

5.21 SETBACKS ON COUNTY ROADS

Notwithstanding any yard or setback provision of this By-law to the contrary, no part of any building or structure erected hereafter shall be closer than the setback to the centerline of a County road as prescribed in By-law 2480, as amended, of the County passed pursuant to The Public Transportation and Highway Improvement Act, R.S.O. 1980.

5.22 SETBACKS ON PROVINCIAL HIGHWAYS

Notwithstanding any setback or yard provisions of this By-law to the contrary, no part of any building or structure erected hereafter shall be closer than the setback to the centerline of a Provincial highway as prescribed by the Ontario Ministry of Transportation and Communications in a permit issued pursuant to The Public Transportation and Highway Improvement Act, R.S.O. 1980, as amended from time to time.

5.23 SEPARATION OF DWELLINGS FROM RAILWAYS

No dwelling shall be erected closer than 30 metres (98.42') to the right-of-way limit of railway; provided, however, that this requirement shall not apply to any dwelling existing on the date of passing of this By-law or to an abutting vacant lot in a residential zone existing on the date of passing of this By-law and having such dimensions that application of such setback would prevent the construction of a dwelling thereon.

5.24 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 a landscaped open space.
- b) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.
- c) 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.

5.25 BUFFER STRIPS

- a) A buffer strip shall be used for no other purpose than for the erection of a decorative fence, earth berm or the planting of a continuous row of natural evergreens 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).

5.26 HEIGHT

The height regulations of this By-law shall not apply to any ornamental dome, chimney, tower, storage silo or grain dryer or elevator, barn, cupola, steeple, church spire, water storage tank, elevator enclosure, flag pole, television or radio antennae, skylight ventilator, electrical apparatus, solar energy collection devise, or a structure which enclosed the mechanical equipment required for the operation of such building or structure.

5.27 ACCESSORY USES

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

5.27.1 Private garages, other accessory buildings, structures or uses but not parking or outside storage areas, and accessory structures and uses permitted in and regulated by subsections 5.27.2 and 5.6.1(b):

- a) shall not be used for human habitation, except where a dwelling unit is a permitted accessory use;
- b) shall not be built closer to the front lot line that the minimum distance required by this By-law for the main building on the lot for any commercial, industrial, institutional, parks and open space or agricultural zone;
- c) shall not be located in the front yard in any residential zone;
- d) shall not be built closer than one point eight (1.8) metres (5.91') to any lot line in a residential zone except:
 - i) that common semi-detached private garages or carports may be centered on a mutual side lot line;
 - ii) that were a lot line abuts a public alley an accessory building or structure may be located not less than one-half (0.5) metres (1.64') from said alley.
- e) shall not exceed ten (10) percent coverage of the total lot area, except within all R1 or R2 zones the maximum lot coverage shall not exceed the lesser of then (10) percent of the total lot area or 67 square metres (721.1 square feet).
- f) shall not exceed the following maximum heights:
 - i) in all R1, R2 & R3 zones, 3.7 metres (12.14')
 - ii) in all RH zones, 4.5 metres (14.76')

- iii) in all other zones, 10.5 metres (34.48'), except where a dwelling unit is a permitted accessory use which shall not exceed 6.0 metres (19.69') in height or contain more than two stories;
- g) shall be located to the rear of the main dwelling and not closer than 3 metres (9.84') to the rear wall of said dwelling in any residential zone and for any residential lot in an agricultural zone pursuant to subsection 15.2.4;
- h) shall not be considered as an accessory building or structure if attached to the main building in any way;
- i) shall not be considered an accessory building or structure if located completely underground.
- j) Shall not be built with a post, beam and plant type of construction or a galvanized steel type of construction in residential zones, where the floor area of the accessory building or structure exceeds 9.3 square metres (100.11').

5.27.2 Private outdoor swimming pools, including in-ground, on-ground, and above-ground pools, and decks, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- a) shall only be permitted in the rear or side yards of the lot;
- b) the height of the pool or deck shall not exceed a maximum of 2 metres (6.56') above the average finished grade level of the ground adjoining and within 4 metres (13.12') of the pool or deck;
- c) shall not be located within 2 metres (6.56') of a side or rear lot line, except on a corner lot where the minimum side yard abutting a public street shall be 4 metres (13.12');
- d) no water circulating or treatment equipment such as pumps or filters shall be located closer than 1.8 meters (5.91') to any side or rear lot line;
- e) any lighting associated with a pool shall be so arranged as to direct light away from abutting lots and adjacent residential uses;
- f) swimming pools shall not be included in determining lot coverage.

5.27.3 Accessory buildings, structures or uses are permitted in a commercial or industrial zone in accordance with the provisions of this by-law for the particular zone in which said building, structure or use is located, provided that all applicable zone regulations and development standards which apply to a main building also apply to any accessory building or structure.

5.27.4 WIND ENERGY SYSTEMS

- a) A small wind system shall be permitted as an accessory use in any Zoning District in accordance with the following regulations:
- (i) Maximum tower height - 30 metres, except as otherwise provided within the airport operating area
 - (ii) The tower of the small wind system shall have a minimum separation distance from the nearest dwelling not located on the same lot, equal to 110% of the total height of the tower, from its base to the highest blade position. When the tower of the small wind system is secured to a wall of a building, the minimum separation distance from the nearest dwelling not located on the same lot, shall be equal to 110% of the total height of the tower, measured from the uppermost tower support of the highest blade position.

(ADDED by B/L 265-2005, December 13, 2005)

5.28 COMMERCIAL ACCESSORY USES IN INDUSTRIAL ZONES

Notwithstanding any other provision of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, the floor area of the accessory use shall not exceed 10 (10) percent of the total floor area of the main building, and shall not exceed a maximum floor area of two hundred and seventy-eight (278.0) square meters (2,992.5'sq.)

5.29 REGULATIONS FOR HOUSEHOLD OCCUPATIONS

Where a household occupation is permitted in a particular zone, it shall:

- a) Have members of the family permanently residing in the dwelling or dwelling unit engaged in the business, and not more than a maximum of one (1) non-family assistant may also be employed;
- b) Have no external display or advertisement other than an unlit sign which is a maximum size of 0.2 square metres (2'sq.) indicating only the name, occupation and practicing hours of the occupant;
- c) Have no external storage of materials, containers or finished products;
- d) Not change the character of the dwelling and accessory private garage as a private residence and accessory private garage or create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or parking;
- e) Not use any mechanical equipment which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premise;
- f) Not occupy more than a total of 25% of the floor area of the dwelling or dwelling unit including in the floor area any basement area used as living quarters and any

basement area used for any household occupation(s) or eighteen and one-half (18.5) square metres (199'sq.) whichever is the lesser, except in the case of any workshop which shall not exceed 37 square metres (398'sq.);

- g) The located of any and all parts of household occupation use(s) on a lot shall be confined to a dwelling or dwelling unit or accessory private garage on the lot, except that nay office or consulting room shall be restricted to a located in a dwelling or dwelling unit only, and any workshop shall be restricted to an accessory private garage;
- h) Have no more than 3 off-street parking spaces associated with the household occupation use(s);
- i) Include only an office or consulting room for a professional person, salesperson, or agent, an office for a trade such as a general contractor, house builder, painter, or electrician, an office for a charitable organization, a workroom for a dressmaker or tailor, or the making, weaving, sewing, spinning, repair, engraving or otherwise fabrication of clothes, and clothing accessories, sports crests, trophies, toys, garden or household ornaments, including he sale of same, upholstering and repair of furniture, a studio for a teach of music, art or academic subjects, a photographer, commercial arties or drafting; tool sharpening, radio, television or typewriter repairs, a barber shop, a hairstylist or hairdressing establishment, florist and floral arranging and any other use similar in nature which conforms to the preceding criteria and which the Committee of Adjustment, upon application permits.

5.30 REGULATIONS FOR AGRICULTRUAL HOUSEHOLD OCCUPATIONS

Where an agricultural household occupation is permitted in a particular zone, it shall:

- a) Have members of the family permanently residing in the dwelling or dwelling unit engaged in the business, and not more than a maximum of one (1) non-family assistant may also be employed;
- b) Have no external display or advertisement other than an unlit sign which is a maximum size of 0.2 square metres (2' sq.) indicating only the name, occupation and practicing hours of the occupant;
- c) Not change the character of the agricultural building, dwelling or any accessory building thereto or create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or parking;
- d) Not use any mechanical equipment which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premise;
- e) Have no external storage of materials, containers or finished products;

- f) Any building or structure, excluding that for a residential use, used for any agricultural household occupations shall not exceed seventy (70) square metres (753.5'sq.) of total floor area. Not more than a total of 25% of the floor area of a dwelling or dwelling unit or eighteen and one-half (18.5) square metres (199'sq.) whichever is the lesser may be used in connection with any agricultural home occupation(s);
- g) Have no more than 3 off-street parking spaces associated with the agricultural household occupation use(s);
- h) Have no more than two vehicles specifically used for the agricultural household occupation(s).
- i) Include only a painting business for other than motor vehicles, basement waterproofing, carpentry shop, electrical, plumbing, radio or tv service establishments, a welding or machine or small tool and equipment repair shop for farm equipment and lawn and garden equipment only, a tile drainage or masonry contractor, septic tank disposal, home craft operations such as a pottery, woodworking or weaving, furniture upholstering and refinishing, a seed or agricultural products dealer, farm fuel sales, and a farm related trucking business (milk, hay), and any other use similar in nature which conforms to the preceding criteria and which the Committee of Adjustment, upon application, permits.

5.31 LOADING SPACES

No person shall erect or use any building or structure in any commercial, industrial or institutional zone which involves the movement of persons, animals, goods, merchandise, or materials unless loading spaces are provided and maintained in accordance with the following provisions:

- a) one off-street loading space maintained on the same premises with every such building, structure or use for standing, loading or unloading shall be provided for every one thousand eight hundred and fifty-eight (1,858.0) square metres (20,000'sq.) or fraction thereof of the total floor area used for any purpose in excess of two hundred and seventy-eight (278.0) square metres (2,992.5'sq.) of such area;
- b) each loading space shall have dimensions not less than three and one-half (3.5) metres (11.48') by nine (9.0) metres (29.52');
- c) each loading space shall not have less than four and one-half (4.5) metres (14.76') of vertical clearance.

5.32 STANDARDS FOR LOADING SPACES

Where in this By-law loading spaces are required or permitted:

- a) adequate driveway space to permit the safe manoeuvring, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks;
- b) adequate drainage facilities in accordance with the requirements of the Municipality;
- c) the loading space and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel, or a combination thereof with a stable surface treated to prevent the raising of dust and loose particules, and in the case of commercial zones shall have a cement or asphaltic binder or any other permanent type of surfacing;
- d) illumination of loading spaces so arranged as to be diverted away from any adjacent residential, institutional, or parks and open space zone or use;
- e) loading spaces to be located in the rear yard where a lot has access at both the front and rear to a street or road

5.33 PARKING REQUIREMENTS

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

<u>Type of Use of Building</u>	<u>Minimum Parking Required</u>
i) single family detached including accessory dwelling units, seasonal dwellings	two (2.0) parking spaces dwelling units, per dwelling unit
ii) auditoriums, restaurants, churches theatres, arena, community private clubs, and places of assembly	one (1) parking space for every five (5) seats or fraction thereof or for centers, every three (3.0) metres (9.84') or other fraction thereof of bench space of its maximum seating capacity or one (1) parking space for each nine (9.0) square metres (96.88' square) or fraction thereof of floor area devoted to public use, whichever is the greater.

- iii) hospitals, nursing home, lodging houses
one (1) parking space and for each two beds or for each forty (40.0) square metres (431'sq.) or fraction thereof of floor area, whichever is the greater.
- iv) schools
one (1) parking space for each teaching staff member or school employee plus one (1) additional parking space for each twenty (20.0) square metres (215' sq.) or fraction thereof of auditorium floor area
- v) government buildings
one (1) parking space for each two (2) employees or fraction thereof plus one (1) parking space for each nine (9.0) square metres (97'sq.) or fraction thereof of floor area devoted to public use, with a minimum capacity of ten (10) visitor parking spaces
- vi) libraries
a minimum ten (10) parking spaces or one (1) parking space per twenty-eight (28.0) square metres (301'sq.) or fraction thereof of building floor area, whichever is greater
- vii) hotels, motels and taverns
one (1) parking space per rental unit or guest room, plus one additional parking space for each nine (9.0) square metres (97'sq.) or fraction thereof of floor area devoted to public uses such as restaurants, taverns and other eating places associated with motels and staff houses
- viii) industrial establishments
one (1) parking space for establishments each ninety-three (93.0) square metres (1,001'sq.) or fraction thereof of building floor area or for each three employees or fraction thereof, whichever is greater
- ix) retail stores
one (1) parking space per eighteen and one-half (18.5) square metres (199'sq.) or fraction thereof of retail floor area

- x) offices, general and professional
one (1) parking space per eighteen and one-half (18.5) square metres (199'sq.) or fraction thereof of rentable office floor area
- xi) funeral homes
one (1) parking space for each nine (9) square metres (97'sq.) or fraction thereof of floor area devoted to public use, with a minimum of ten (10) parking spaces
- xii) bowling alleys and curling rinks
one (1) parking space for each two (2) persons of designed capacity (as hereinafter defined) of the said bowling alley or curling rink. For the purpose of this section designed capacity shall mean six (6) persons per bowling lane or eight (8) persons per curling sheet
- xiii) home occupation, agricultural home occupation
one (1) parking space for each nine (9.0) square metres (97'sq.) of floor area devoted to said use in addition to that required for the dwelling
- xiv) any uses permitted by this By-law but not specifically listed elsewhere in this Section
one (1) parking space for each eighteen and one-half (18.5) square metres (199'sq.) or fraction thereof of building floor area and one (1) parking space for each one hundred (100.0) square metres (1,076'sq.) of total area used for open storage.
- xv) senior citizen housing
one (1) parking space for each dwelling unit plus one (1) parking space for each four (4) dwelling units to be designated as visitor parking spaces.

5.33a **ACCESSIBLE PARKING SPACE PROVISIONS [ZNG/4046]**
 (AMENDED by B/L 49-2014, April 15, 2014)

5.33b **REQUIRED ACCESSIBLE PARKING SPACES**
 (ADDED by B/L 49-2014, April 15, 2014)

.1 There shall be provided accessible parking spaces as shown in Table 5.33a:

TABLE 5.33a – REQUIRED ACCESSIBLE PARKING SPACES		
TOTAL NUMBER OF PARKING SPACES IN PARKING AREA	REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES – MINIMUM	
	TYPE A	TYPE B
1 to 25	1 space	0
26 to 100	2 percent of parking spaces	2 percent of parking spaces
101 to 200	1.5 percent of parking spaces	0.5 space plus 1.5 percent of parking space
201 to 1,000	0.5 space plus 1 percent of parking spaces	1 space plus 1 percent of parking spaces
1,001 or more	5 spaces plus 0.5 percent of parking spaces	5.5 spaces plus 0.5 percent of parking spaces

.2 If the calculation of the number of required Type A and Type B accessible parking spaces results in a number containing a fraction, the number shall be rounded up to the nearest whole number.

5.33c **SIZE OF ACCESSIBLE PARKING SPACE**
 (ADDED by B/L 49-2014, April 15, 2014)

.1 A Type A accessible parking space shall have a minimum width of 3.5 metres and a minimum length of 5.5 metres.

.2 A Type B accessible parking space shall have a minimum width of 2.5 metres and a minimum length of 5.5 metres.

5.33d

ACCESS AISLES

(ADDED by B/L 49-2014, April 15, 2014)

- .1 An access aisle, that is the space between or beside accessible parking spaces that allows persons with disabilities to get in and out their vehicles, shall be provided for all accessible parking spaces.
- .2 An access aisle may be shared by two accessible parking spaces and shall have a minimum width of 1.5 metres, extend the full length of the accessible parking space and be marked with high tonal contrast diagonal lines.

5.33e

CURB CUT OR RAMP FOR ACCESSIBLE PARKING SPACE

(ADDED by B/L 49-2014, April 15, 2014)

- .1 Where a parking area is bounded by perimeter curbing which separates the principal pedestrian entrance of a building from the parking area, there shall be provided and maintained at least one curb cut or ramp that has a minimum width of 1.2 metres and a maximum slope of 1:8 where elevation is less than 7.5 cm or 1:10 where elevation is 7.5 cm to 20 cm.
- .2 The curb cut or ramp shall be designed and located to provide unobstructed access between an accessible parking space and the principal pedestrian building entrance. This provision does not preclude the construction of perimeter curbing around the parking area as required by this by-law except insofar as is required to satisfy this provision.

5.34

STANDARDS FOR PARKING AREAS

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

- 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 facilities for one use shall not be considered as providing required parking for any other use;
- b) if calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number;
- c) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality;
- d) the parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel, or a combination thereof with a stable surface treated to prevent the raising of dust or loose particles and in the case of commercial zones shall have a cement or asphaltic binder or any other permanent type of surfacing;
- e) the lights used for illumination of parking areas shall be so arranged as to divert the light away from adjacent lots;

- f) parking areas shall either be located on the same lot as the use for which such parking is required or within ninety 90.0 metres (295.28') of the location which it is intended to service and shall be situated in the same zone;
- g) a landscaped buffer strip with a minimum width of 3 metres (9.84') shall be provided abutting a front lot line, where a parking area is designed to accommodate more than four (4) automobiles, save and except those areas used as entrances and exits;
- h) all parking areas and their approaches in any zone shall be defined by a curb or concrete or rolled asphalt or other suitable obstruction designed to provide a neat appearance;
- i) each parking space shall be 3.0 metres (9.84') by 6.0 metres (19.69'), except for senior citizen housing where each parking space required shall be 3.6 metres by 6.0 metres (11.81' x 19.69'); and each parking space shall be provided with unobstructed access to a street by a driveway, aisle or lane. The minimum width of such driveway, aisle or lane shall be 5.5 metres (18.04') and the maximum width shall be 10 metres (32.81');
- j) a structure, not more than 3 metres (9.84') in height and not more than 4.6 square metres (49.52'sq.) in area may be erected in the parking area for the use of attendants in the area;
- k) no sign other than directional signs and a sign indicating the name of the owner, not exceeding 0.8 square metres (8.61'sq.) in size shall be erected on any parking area or parking lot.

5.35

SPECIAL PARKING PROVISIONS FOR RESIDENTIAL ZONES

- a) In any residential zone, all parking spaces shall be located in a garage or carport or in a side or rear yard, or only on a driveway in the front yard.
- b) 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 driveway.
- c) The parking of commercial vehicles is prohibited in residential zones except that the owner or occupant of any lot, building or structure in any residential zone may use any private garage or driveway of which he is the owner or occupant for the housing or storage of one commercial vehicle is not used in connection with any business or other use on the premises or associated with the residence which is prohibited by this By-law in any such residential zone. 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 only include small, light duty vans and pick-up trucks and one disengaged broker tractor cab regardless of weight capacity but the housing, storage or parking of the transport trailer either attached or not attached to a broker tractor cab is prohibited.
- d) In any residential zone, the owner or occupant and any lot may park or store a utility trailer and/or a boat, travel trailer, or other recreational vehicle provided that he is the owner of such utility trailer, boat, travel trailer, or other recreational vehicle and that such

parking or storage is confined to the side or rear of the dwelling, is beyond the required minimum front yard and side yard setback as established by Section 6, 6A or 7 of this zoning by-law and is in accordance with all other regulations prescribed by this zoning by-law.

5.36 PARKING OF MOTOR VEHICLES WITHOUT CURENT LICENCE PLATES

Notwithstanding ay other provisions of this By-law, no persons may use any lot in any zone for the parking or storage of any vehicle that does not have current licence plates except that one (1) such vehicle per dwelling may be stored in the open in an agricultural zone, and any number of such vehicles may be stored within a motor vehicle service establishment in a commercial zone, inside a fully enclosed private garage in a residential zone or within a building or structure in an agricultural zone. This provisions shall not apply to the parking and storage of farm machinery and equipment in an agricultural zone.

5.37 DRIVEWAY REGULATIONS

- a) A driveway for a single family dwelling shall have a width of 2.5 metres (8.20') minimum, 6.5 metres (21.33') maximum. A driveway for a commercial or industrial use shall have a width of 6 metres (19.68') minimum, 10 metres (32.80') maximum. A driveway for any other use shall have a width of 3 metres (9.84') minimum, 10 metres (32.80') maximum.
- b) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 9 metres (29.53').
- c) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- d) Every lot shall have a minimum of one driveway. A maximum of two driveways per lot may be permitted provided an entrance permit for the second driveway as been approved by the municipality of the applicable road authority.

5.38 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, or potentially exhibit, a hazardous conditions as a result of their susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes.

5.39 SETBACKS FROM MUNICIPAL DRIANS AND WATERCOURSES

No part of any building or structure other than a fence or a hedge shall hereafter be erected in any zone or defined area closer to a municipal drain or watercourse than eight (8.0) metres (26.25') plus the depth of the drain or watercourse to a maximum of fifteen (16.0) metres (49.21'), from the top of bank, measured horizontally along a line perpendicular to a line drawn along the top of bank, or in the case where a drain or watercourse may be covered as authorized by the Council, the township Drainage superintendent, or a municipal engineer, the minimum setback shall be 3 metres (9.84') from the centerline of the drain or watercourse.

5.40 FLOODPLAIN DEVELOPMENT CONTROL AREA

Notwithstanding any other provision of this By-law, no building or structure or part thereof shall be erected, enlarged, or reconstructed in the Floodplain Development Control Area as depicted on Schedule "A" without a permit issued by the Essex Region Conservation Authority pursuant to Ontario Regulation No. 730-82, as amended or revised, or without a letter from the Essex Region Conservation Authority stating that a permit is unnecessary.

It at any time the extend of the Floodplain Development Control Area as depicted on Schedule "A" should be altered as defined under Ontario Regulation No. 730-82, then the extend of the Floodplain Development Control Area as depicted on Schedule "A" shall be considered similarly altered without the necessity for a formal amendment to this By-law.

Notwithstanding the generality of the foregoing, any electric power facility that satisfies the provisions of the Environmental Assessment Act shall not be required to comply with the provisions contained in Section 5.40.

5.41 NUMBER OF BUILDINGS PER LOT

- a) Not more than one main building may be erected on a lot in a Residential Zone.
- b) Unless otherwise specified to the contrary, not more than one dwelling may be erected on a lot in an Agricultural Zone.

5.42 UNLAWFUL USES

Any uses 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 lawful or legal non-conforming.

5.43 FLY ASH AND FOUNDRY SAND STOCKPILING

The stockpiling of fly ash and foundry sand is not permitted in any zone. These materials may be used for filling construction pits, quarries and other excavations in agricultural and industrial zones but the fill material shall be covered with a minimum of 1.8 metres (5.91') of stable earth up to but not above grade.

5.44 SPECIAL HEIGHT REGULATIONS –WINDSOR AIRPORT

Notwithstanding any height restrictions contained in this By-law , the erection of any building or structure in the area shown on Schedule “B” shall also comply with the height limitations as prescribed by the Department of Transport Registered Zoning Regulations for Windsor Airport (Composite Plan No. T-2586, dated at Toronto, October 3, 1968) as amended from time to time and registered in the registry office for the County of Essex.

5.45 ADULT ENTERTAINMENT PARLOURS

Notwithstanding any other provision of this By-law respecting permitted uses, an adult entertainment parlour shall not be permitted, either as a main use or as an accessory use in any zone.

5.46 PACKING AND BAILING SITE, RECYCLING CENTRE OR TRANSFER STATION

notwithstanding any other provisions of this By-law respecting permitted uses, a packing and bailing site, recycling center or transfer station shall not be permitted, either as a main use or as an accessory use in any zone in the municipality with the exception of the following location(s):

- i) part of Lots 12 and 13, Concession VIII, more particularly described as Parts 1 and 2, Plan 12R9781.

5.47 REGULATIONS FOR GROUP HOME DWELLINGS

No group home, whether to be located in an existing single unit detached dwelling or in a newly constructed group home building, shall be located closer than 300 metres to any existing group home dwelling.

5.48 GREENWAY REGULATIONS

Notwithstanding any other provisions of this by-law to the contrary, the greenway as defined in subsection 3.57a of this By-law shall be permitted in any zone.

5.49 TRANSPORT TERMINAL

[ZNG/5364; ZNG/6194]

(AMENDED by B/L 168-2018, Dec. 19, 2018; AMENDED by B/L 55-2021, May 4, 2021)

For a *transport terminal*, the following additional provisions shall apply:

- .1 Lot Width – minimum 43.0 m
- .2 Lot Area – minimum 3,200 m²
- .50 Any lighting used to illuminate the *transport terminal* shall be full cut-off lighting.
- .55 Where an abutting *lot* is zoned Parks and Open Space Zone, Residential Zone 1, or Hamlet Residential Zone, or occupied by a *dwelling* or *dwelling unit* a *screening fence* with a minimum height of 1.80 m shall be provided

along that part of the *lot line* for the *lot* on which the *transport terminal* is located.

- .60 A *transport storage area* shall be:
- a) Setback from the *front lot line* a minimum of the required front yard depth of the zone in which the *lot* is in, or 6.0 m, whichever is greater. The setback shall be maintained as *landscaped open space*;
 - b) Setback from an exterior *lot line*, excluding a *front lot line*, a minimum of 3.0 m, except where said exterior *lot line* is located within 50 m of a Parks and Open Space Zone, Residential Zone 1, or Hamlet Residential Zone, or a *lot* containing a *dwelling*, or *dwelling unit*, the setback from the exterior *lot line* shall be a minimum of 11.30 m and said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m. The setback shall be maintained as *landscaped open space*;
 - c) Setback from an interior *lot line* a minimum of 0.90 m, except where said interior *lot line* is located within 50 m of a Parks and Open Space Zone, Residential Zone 1, or Hamlet Residential Zone, or a *lot* containing a *dwelling* or *dwelling unit*, the setback from the interior *lot line* shall be a minimum of 11.30 m and said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m. The setback shall be maintained as *landscaped open space*;
 - c) Graded and drained into a municipal sewer system to prevent the runoff of surface water onto a *street*, *alley*, or abutting property;
 - d) Paved with asphalt, concrete, or any combination thereof, for that portion of the *transport storage area* used to load, manoeuvre, repair, service, or unload a *motor vehicle*, *transport truck* or *transport trailer*. The remainder of the *transport storage area* shall be paved with asphalt or concrete, or covered in gravel or similar aggregate, or any combination thereof; and
 - e) Maintained in good condition.
- .62 Vehicular access shall be to/from a *street* by way of a driveway. Section 5.37 shall apply to such driveway and the requirement for an industrial use shall apply.
- .64 A curb shall bound the perimeter of the paved portion of the *transport storage area*. Any curb shall be constructed of poured in place concrete, shall be continuous and shall have a minimum width and height of 15.0 cm. Precast concrete, rubber, plastic or other curbing or a parking stop that is not continuous is prohibited. A curb cut or ramp for pedestrian or vehicular access, a curb cut for drainage, or a curb with a height of less than 15.0 cm as a transition between the paved and unpaved portions of a *transport storage area*, is permitted.
- .66 A *parking area* may be located within a *transport storage area* and the

provisions of Section 5.34 shall apply, with necessary modifications for the safe and efficient operation of the *transport storage area* and *parking area*.

- .68 A *refuse bin* may be located within a *transport storage area* and shall be fully screened by a *screening fence* having a minimum height of 1.80 m.
- .70 Despite Section 5.33, for a *transport terminal* the required minimum number of parking spaces shall be 5 parking spaces, or 1 parking space for every 45.0 m² of *gross floor area*, whichever is greater.
- .90 The parking, repairing, servicing, or storing of a *motor vehicle*, *transport truck*, or *transport trailer* within a required *yard*, required buffer strip, or a *landscaped open space* is prohibited.

5.50 SECOND UNITS / ADDITIONAL DWELLING UNITS

- .1 For any *zoning district* that permits a *single unit dwelling*, *semidetached dwelling*, *duplex dwelling*, or *townhome dwelling*, the following additional provisions shall apply:

.1 ADDITIONAL PERMITTED USES

- a) Two additional *dwelling units* shall be permitted on a *parcel of urban residential land*. This may be either:
 - i. Two additional *dwelling units* within the primary *dwelling unit* located in the *main building*, or
 - ii. One additional *dwelling unit* in the primary *dwelling unit* located in the *main building* and one additional *dwelling unit* in a *building* accessory to said *dwelling*.

For clarity, this provision permits a maximum of three *dwelling units* in total on a *parcel of urban residential land* as shown in Tables 5.50.11 and 5.50.12.

TABLE 5.50.11			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	3	0	3
Semi-detached Dwelling Unit	3	0	3
Duplex Dwelling	3	0	3
Townhome Dwelling Unit	3	0	3

TABLE 5.50.12			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	2	1	3
Semi-detached Dwelling Unit	2	1	3
Duplex Dwelling	2	1	3
Townhome Dwelling Unit	2	1	3

- b) For the purposes of this provision each *semi-detached dwelling unit* or *townhome dwelling unit* is considered to be located on its own *parcel of urban residential land* if it conforms with the provisions of the applicable *zoning district* and can be subdivided.

.3 PROHIBITIONS

- a) In any *development reserve district* or *industrial district*, or where a *single unit dwelling*, *semi-detached dwelling*, *duplex dwelling*, or *townhome dwelling* is not a permitted use in a *zoning district*, the uses in Section 5.50.1 are prohibited.
- b) Where a *dwelling* is located in a *floodplain*, an additional *dwelling unit* within a *basement* or *cellar* is prohibited.
- c) Where two *dwelling units* are located in a *main building* of a *single unit dwelling*, *semi-detached dwelling unit*, *duplex dwelling unit*, or *townhome dwelling unit* and one *dwelling unit* is located in an *accessory building*, an additional *dwelling unit* in any *building* is prohibited.

.5 PROVISIONS

- a) For an additional *dwelling unit* located within a *basement* or *cellar* in a *dwelling* not located in a *floodplain*,
1. Downspouts shall be disconnected from the municipal sewer system and splash to *grade*;
 2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;
 3. A sanitary backflow valve shall be installed in the *dwelling unit* located within the *basement* or *cellar*;
- all to the satisfaction of the City Engineer or Chief Building Official.
- b) For a *dwelling unit* located within an *accessory building*:

1. There shall be direct pedestrian access between said *dwelling unit* and a *highway*.
 2. Municipal sanitary sewer, municipal electrical service and municipal drinking water service shall be provided to said *dwelling unit*.
 3. Any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an additional *dwelling unit*, shall have a minimum separation of 1.20 m from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing *building* which is not being altered.
 4. Any *accessory building* which is constructed to include an additional *dwelling unit*, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum *building height* shall be 6.0 m from *grade*.
 5. Any *accessory building* which is constructed to include an additional *dwelling unit*, with a roof other than described in this by-law, the maximum *building height* shall be prohibited from exceeding 8.0 m from *grade*.
 6. The maximum *building height* for an *accessory building* which contains an *additional dwelling unit* is prohibited from exceeding the *building height* of the *main building*.
 7. For any *accessory building*, which is constructed to include an additional *dwelling unit*, the maximum *gross floor area* shall be 100 m².
- c) For any additional *dwelling unit*:
1. Where the minimum *lot area* is expressed on a per *dwelling unit* basis, the minimum *lot area* provision shall not apply to the additional *dwelling unit*;
 2. For the purpose of this provision, the *gross floor area* shall include that portion of the *main building* located within a *basement* or *cellar*.
 3. Notwithstanding Sections 5.33 and 5.34, the required number of *parking spaces* shall be as follows:
 - a) One *parking space* for the first *dwelling unit*; and
 - b) One *parking space* for the second *dwelling unit*; and
 - c) No *parking space* for the third *dwelling unit* on the *parcel of urban residential land*.

(Amended by B/L 97-2023, August 8, 2023)

SECTION 6 - RESIDENTIAL ZONE 1 (R1) REGULATIONS

6.1 GENERAL USE REGULATIONS

6.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Residential Zone 1 (R1) except for the following purposes:

- a) single family residential uses;
- b) only one household occupation per dwelling unit (Refer to subsection 5.29 for specific regulations);
- c) accessory uses;
- d) group home dwellings in accordance with the provisions of subsection 5.47 of this By-law.

6.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Residential Zone 1 (R1) except for the following purposes:

- a) one single family detached dwelling on one lot serviced by a public water supply, and where such single family detached dwelling is located within a defined sewer service area it shall be serviced by a public sanitary sewage system;
- b) accessory buildings and structures for the permitted uses;
- c) one group home dwelling on one lot serviced by a public water supply, and where such group home dwelling is located within a defined sewer service area it shall be serviced by a public sanitary sewage system.

6.1.3 Minimum Lot Area

- a) minimum lot area 929 sq. metres (10,000'sq.)

6.1.4 Minimum Lot Frontage

- a) minimum lot frontage 22.8 metres (74.80')

6.1.5 Maximum Lot Coverage 35 percent

6.1.6 Minimum Landscaped Open Space 30 percent

6.1.7	<u>Maximum Building Height</u>	10 metres (<u>32.80'</u>) for dwellings
6.1.8	<u>Minimum Floor Area</u>	92.5 sq. metres (<u>995.69' sq.</u>)
6.1.9	<u>Minimum Front Yard Depth</u>	10.5 metres (<u>34.45'</u>)
6.1.10	<u>Minimum Side Yard Width</u>	
	a) Where a private garage or carport is attached to the main building	1.8 metres (<u>5.91'</u>)
	b) Where no private garage or carport is attached to the main building	1.8 metres (<u>5.91'</u>) on one side of the main building and a minimum of 3.0 metres (<u>9.84'</u>) on the other side of the main building
	c) On a corner lot, the side yard abutting a street	5.0 metres (<u>16.40'</u>), and the side yard on the opposite side of the main building shall be a minimum of 3.0 metres (<u>9.84'</u>) where no private garage or carport is attached to the main building and 1.8 metres (<u>5.91'</u>) where a private garage or carport is attached to the main building.
6.1.11	<u>Minimum Rear Yard Depth</u>	9.0 metres (<u>29.53'</u>)

6.2 SPECIFIC USE REGULATIONS

(None until amended)

6.2 EXCEPTIONS

The specific regulations contained in this subsection 6.3 shall apply to the area or areas defined below:

6.3.1 Defined Area R1-1 as shown on Schedule “A”, Map 3 to this By-law.

- a) Notwithstanding their R1 zoning designation, where lands are delineated as R1-1 on Map 3, Schedule “A”, to this By-law, the provisions of subsection 6.1.11 shall not apply, and the minimum rear yard shall be as it lawfully existed on the effective date of the passing of this By-law.

6.3.2 Defined Area R1-2 as shown on Schedule ‘A’, Map 5 to this By-law.

a) Permitted Uses

- i) An existing single-family residence;
- ii) a printing establishment, a service shop, a machine shop, a weld shop, a repair depot, a tool and die and mould shop, manufacturing of small electrical or machine components, a warehouse or storage facility and a woodworking shop.

b) Permitted Buildings and Structures

Existing buildings and structures only.

c) Zone Provisions

All lot and building requirements shall be as they existed on the date passing of this By-law.

d) Other Provisions

- i) No additional buildings and structures (including any accessory building or structure) shall be permitted on the lands zoned R1-2, and no expansions to existing buildings and structures are allowed;
- ii) no outdoor storage associated with any of the permitted uses outlined in subsection 6.3.2 a) ii) shall be permitted.

6.3.3 Defined Area R1-3 as shown on Schedule “A”, Map 5 to this By-law.

a) Permitted Uses

- i) An existing single family residence;
- ii) A printing establishment, a service shop, a machine shop, a weld shop, a repair depot, a tool and die or mould shop, manufacturing of small electrical or machine components, a warehouse or storage facility and a woodworking shop.

b) Permitted Buildings and Structures

- i) An existing single family residential dwelling and existing accessory buildings and structures;
- ii) a building not to exceed 130 square metres (1,399.4' sq.) in floor area to be used for the uses outlined in subsection 6.3.3 a) ii).

c) Zone Provisions

- i) all lot and building requirements shall be as they existed on the date of passing of this by-law for all buildings and structures identified in subsection 6.3.3 b) i);
- ii) for the building permitted in subsection 6.3.3 b) ii), the provisions of the Residential Zone 1 (R1) and the applicable general provisions of this By-law shall apply, with the exception of the following:

- a) minimum side yard width 6.0 metres (19.69')
- b) minimum rear yard depth 15.0 metres (49.21')
from top of bank of
Pike Creek
- c) maximum building height 10.00 metres (32.80')
- d) minimum separation
distance from a dwelling unit 15.0 metres (49.21')

d) Other Provisions

- i) No additional buildings and structures (including any accessory buildings and structures) beyond what is permitted in subsection 6.3.3 b) shall be permitted on the lands zoned R1-3, and no expansions to existing buildings and structures are allowed;
- ii) No outdoor storage associated with any of the permitted uses outlined in subsection 6.3.3 a) ii) shall be permitted.

6.3.4 Defined Area R1-4 as shown on Schedule “A”, Map 5 to this By-law.

- a) Permitted Uses
 - i) All uses permitted in the Residential Zone 1 (R1)
- b) Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 6.3.4 (a);
 - ii) Accessory buildings and structures for the uses permitted in subsection 6.3.4 (a).
- c) Minimum Lot Frontage 18.2 metres (59.71')
- d) Minimum Lot Area 650 sq. metres (6996.77'sq.)
- e) Minimum Front Yard Depth 7.6 metres (24.93')

6.3.5 Defined Area R1-5 as shown on Schedule “A”, Map 3 to this By-law.

- a) Permitted Uses
 - i) All uses permitted in the Residential Zone 1 (R1)
- b) Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 6.3.5 (a);
 - ii) Accessory buildings and structures for the uses permitted in subsection 6.3.5 (a).
- c) Special Regulations
 - i) the provisions of subsection 5.23 and 6.1.11 shall not apply to lands zoned R1-5, on Map 3, Schedule “A” to this By-law.
 - ii) no dwelling shall be erected closer than 13.7 metres to the right-of-way limit of a railway.

6.3.6 Defined Area R1-6 as shown on Schedule “A”, Map 3 to this By-law.

- a) Minimum Lot Area 808 sq. metres (8697.5'sq.)

- b) Minimum Lot Frontage 22.8 metres (74.80')
- c) Minimum Front Yard Depth 7.6 metres (24.93')

6.3.7 Defined Area R1-7 as shown on Schedule “A”, Map 3 to this By-law.

- a) Minimum Lot Area 1000 sq. metres (10764.26' sq.)
- b) Minimum Lot Frontage 21 metres (68.90')
- c) Minimum Front Yard Depth 7.6 metres (24.93')

6.3.8 Defined Area R1-8 as shown on Schedule “A”, Map 3 to this By-law.

- a) Minimum Lot Frontage 19.8 metres (64.96')

6.3.9 Defined Area R1-9 as shown on Schedule “A”, Map 3 to this By-law.

- a) Minimum Lot Frontage 21.3 metres (69.88')

6.3.10 Defined Area R1-10 as shown on Schedule “A”, Map 3 to this By-law.

- a) Minimum Lot Area 700 sq. metres (7,535'sq.)

6.3.11 Defined Area R1-11 as shown on Schedule “A”, Map 3 to this By-law.

- a) Minimum Front Yard Depth 7.6 metres (24.93')

6.3.12 Defined Area R1-12 as shown on Schedule ‘A’, Map 3 to the By-law.

- a) Minimum Lot Area 880 square metres
- b) Minimum Lot Frontage 21 metres

6.3.13 Defined Area R1-13 as shown on Schedule “A”, Map 3 to the By-law.

- a) Minimum Lot Area 750 square metres
- b) Minimum Lot Frontage 18 metres
- c) Minimum Rear Yard Depth 13.7 metres

6.3.14 Defined Area R1-14 as shown on Schedule “A”, Map 3 of this by-law.

- a) Minimum Lot Frontage 18.2 metres

6.3.15 Defined Area R1-15 as shown on Schedule “A”, Map 3 of this by-law.

- a) Minimum Lot Frontage 21.9 metres
- c) Minimum Interior Side Yard Width
 - i) East side yard 1.8 metres
 - ii) West side yard 4.6 metres

6.3.16 Defined Area R1-16 as shown on Schedule “A”, Map 3 of this by-law.

- a) Minimum Lot Frontage 19.8 metres
- b) Minimum Interior Side Yard Width
 - i) East side yard 1.8 metres
 - ii) West side yard 4.3 metres

SECTION 6A - RESIDENTIAL ZONE 2 (R2) REGULATIONS

6A.1 GENERAL USE REGULATIONS

6A.1.1 Permitted Uses

No land, building or structures shall be used or erected in the Residential Zone 2 (R2) except for the following purposes:

- a) single family residential uses;
- b) only one household occupation per dwelling unit (Refer to subsection 5.29 for specific regulations);
- c) accessory uses;
- d) group home dwellings in accordance with the provisions of subsection 5.47 of this By-law.

6A.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Residential Zone 2 (R2) except for the following purposes:

- a) one single family detached dwelling on one lot serviced by a public water supply and a public sanitary sewage system;
- b) accessory buildings and structures for the permitted uses;
- c) one group home dwelling on one lot serviced by a public water supply and public sanitary sewage system.

6A.1.3 Minimum Lot Area

- a) minimum lot area 557 sq. metres (5,995.7'sq.)

6A.1.4 Minimum Lot Frontage

- a) minimum lot frontage 15 metres (49.21')

6A.1.5 Maximum Lot Coverage 35 percent

6A.1.6 Minimum Landscaped Open Space 30 percent

6A.1.7 Maximum Building Height 10 metres dwellings (32.80')

6A.1.8	<u>Maximum Floor Area</u>	130 sq. metres (<u>1,399.4'sq.</u>)
6A.1.9	<u>Minimum Front Yard Depth</u>	7.6 metres (<u>24.93'</u>)
6A.1.10	<u>Minimum Side Yard Width</u>	
	a) where a private garage or carport is attached to the main building	1.5 metres (<u>4.92'</u>)
	b) where no private garage or carports attached to the main building	1.5 metres (<u>4.92'</u>) on one side of the main building and a minimum of 3.0 metres (<u>9.84'</u>) on the other side of the main building.
	c) on a corner lot, the side yard abutting a street	4.5 metres (<u>14.76'</u>) and the side yard on the opposite side of the main building shall be a minimum of 3.0 meters (<u>9.84'</u>) where no private garage or carport is attached to the main building and 1.5 metres (<u>4.92'</u>) where a private garage or carport is attached to the main building.
6A.1.11	<u>Minimum Rear Yard Depth</u>	9.0 metres (<u>29.53'</u>)

6A.2 SPECIFIC USE REGULATION
(none until amended)

6A.3 EXCEPTIONS

The specific regulations contained in this section 6A.3 shall apply to the area or areas defined below:

6A.3.1 Defined Area R2-1 as shown on Schedule "A", Map 10 to this By-law.
(*Currently not in effect. Pending Approval of OPA No. 5*)

a) Permitted Uses

- i) Residential uses;
- ii) only one household occupation per dwelling unit (Refer to subsection 5.29 for specific regulations);

- iii) accessory;
 - iv) group home dwellings in accordance with the provisions of subsection 5.47 of this By-law.
- b) Permitted Buildings and Other Structures
- i) one single unit attached dwelling on one lot serviced by a public water supply and a public sanitary sewage system; or
 - ii) one townhouse dwelling on one lot serviced by a public water supply and a public sanitary sewage system; or
 - iii) one group home dwelling on lot serviced by a public water supply and a public sanitary sewage system; and
 - iv) accessory buildings and structures for the permitted uses.
- c) Minimum Lot Area
- | | | |
|-----|--------------------------------|---|
| i) | single unit attached dwellings | 300 square metres (<u>3,230.0'sq.</u>) for internal units and 365 square metres (<u>3,929'sq.</u>) for external units |
| ii) | townhouse dwellings | 330 square metres (<u>3,553.0'sq.</u>) per dwellings unit |
- d) Minimum Lot Frontage
- | | | |
|-----|--------------------------------|---|
| i) | single unit attached dwellings | 7.5 metres (<u>24.6'</u>) for internal units and 9 metres (<u>29.6'</u>) for external units and 12.1 metres (<u>39.7'</u>) for external units on corner lots. |
| ii) | townhouse dwellings | 8.25 metres (<u>27.1'</u>) per dwelling unit |
- e) Maximum Lot Coverage
- | | | |
|----|--------------------------------|---|
| i) | single unit attached dwellings | 45 percent for internal units and 35 percent for external units (includes accessory buildings and structures) |
|----|--------------------------------|---|

	ii) townhouse dwellings	35 percent
f)	<u>Minimum Landscaped Open Space</u>	30 percent
g)	<u>Maximum Building Height</u>	10 metres (32.8')
h)	<u>Minimum Front Yard Depth</u>	7.6 metres (24.93')
i)	<u>Minimum Interior Side Yard Width</u>	
	i) single unit attached dwellings	1.5 metres (4.92') and no requirement on the side where there is a common wall.
	ii) townhouse dwellings	1.5 metres (4.92')
j)	<u>Minimum Exterior Side Yard Width</u>	4.6 metres (15.1')
k)	<u>Minimum Rear Yard Depth</u>	9.0 metres (29.53')

SECTION 7 – HAMLET RESIDENTIAL ZONE (RH) REGULATIONS

7.1 GENERAL USE REGULATIONS

7.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Hamlet Residential Zone (RH) except for the following purposes:

- a) single family residential uses;
- b) only one household occupation per dwelling unit (Refer to subsection 5.29 for specific regulations);
- c) accessory uses;
- d) group home dwellings in accordance with the provisions of subsection 5.47 of this By-law.

7.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Hamlet Residential Zone (RH) except for the following purposes:

- a) one single family detached dwelling on one lot, and where available serviced by a public water supply;
- b) accessory buildings and structures for the permitted uses;
- c) one group home dwelling on one lot, and where available serviced by a public water supply.

7.1.3 Minimum Lot Area

- a) minimum lot area 1,858.0 sq. metres (20,000'sq.)

7.1.4 Minimum Lot Frontage

- a) minimum lot frontage 30.0 metres (98.43')

7.1.5 Maximum Lot Coverage 20 percent

7.1.6 Minimum Landscaped Open Space 30 percent

7.1.7 Maximum Building Height 2 stories or 10.0 metres (32.80') for dwellings

7.1.8	<u>Minimum Floor Area</u>	
	a) single family detached dwellings	92.5 sq. metres (<u>996'sq.</u>)
7.1.9	<u>Minimum Front Yard Depth</u>	10.5 metres (<u>34.45'</u>)
7.1.10	<u>Minimum Side yard Width</u>	
	a) Where a private garage or carport is attached to the main building	1.8 metres (<u>5.91'</u>) on each side of the main building
	b) Where no private garage or carport is attached to the main building	1.8 metres (<u>5.91'</u>) on one side of the main building and a minimum of 3.0 metres (<u>9.84'</u>) on the other side of the main building
	c) On a corner lot, the side yard abutting a street	5.0 metres (<u>16.40'</u>) and the side yard on the opposite side of the main building shall be a minimum of 3.0 metres (<u>9.84'</u>) where no private garage or carport is attached to the main building and 1.8 metres (<u>5.91'</u>) where a private garage or carport is attached to the main building.
7.1.11	<u>Minimum Rear Yard Depth</u>	9.0 metres (<u>29.52'</u>)
7.2	<u>SPECIFIC USE REGULATIONS</u>	
	(None until amended)	
7.3	<u>EXCEPTIONS</u>	
	The specific regulations contained in this subsection 7.3 shall apply to the area of areas defined below:	
7.3.1	<u>Defined Area RH – 1</u> as shown on Schedule ‘A’, Map 10 to this By-law.	
	a) <u>Minimum Lot Area</u>	0.4 hectares (<u>1 acre</u>)
	b) <u>Minimum Lot Frontage</u>	24.4 metres (<u>80.05'</u>)

7.3.2 Defined Area RH-2 as shown on Schedule “A”, Map 10 to this By-law.

a) Other Permitted Uses

The sale and storage of produce in addition to all other uses permitted in the Hamlet Residential (RH) Zone.

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 7.3.2 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 7.3.2 a).

7.3.3 Defined Area RH – 3 as shown on Schedule “A”, Map 10 to this By-law.

a) Other Permitted Uses

The previously existing uses limited to the sale at wholesale and retail of all types of electrical and plumbing hardware, supplies and equipment, the storage thereof and the operation of an electrical and/or plumbing and/or mechanical contracting firm, including accessory uses thereto, in addition to all other uses permitted in the Hamlet Residential (RH) Zone.

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 7.3.3 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 7.3.3 a).

7.3.4 Defined Area RH-4 as shown on Schedule “A”, Map 13 to this By-law.

- a) Minimum Lot Area 2090 sq. metres.(22,497.31’sq.)

7.3.5 Defined Area RH-5 as shown on Schedule “A”, Map 13 to this By-law.

- a) Minimum Lot Frontage 7.6 metres (24.93’)

7.3.6. Defined Area RH-6 as shown on Zoning Map T12 of this By-law; [ZNG-5335]

a) Other Permitted Uses

“A Bereavement Support Centre with no beds or lodging” in addition to all other uses permitted in the Hamlet Residential (RH) Zone.

b) Other Permitted Buildings and Structures

- i) Buildings and structures, lawfully existing on the subject land as of the date of the passing of this amending by-law, for the use permitted in subsection 7.3.6(a); and
- ii) Accessory buildings and structures, lawfully existing on the subject land as of the date of the passing of this amending by-law, for the use permitted in subsection 7.3.6(a).” [ZNG-5335]

(ADDED by B/L 59-2018, June 6, 2018)

SECTION 8 - GENERAL COMMERCIAL ZONE (C1) REGULATIONS

8.1 GENERAL USE REGULATIONS

8.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the General Commercial Zone (C1) except for the following purposes:

- i) amusement arcades;
- ii) ambulance service establishment;
- iii) animal hospitals;
- iv) automobile repair garage;
- v) automobile sales and service establishment;
- vi) automobile service station;
- vii) automobile washing establishment or carwash;
- viii) banks, credit unions, trust companies and other financial institutions;
- ix) boat and recreation vehicle sales, service and storage;
- x) bus terminals;
- xi) church;
- xii) clinic;
- xiii) commercial recreation and entertainment establishment;
- xiv) communication facilities;
- xv) community center or public hall;
- xvi) craft industries and specialty workshops;
- xvii) day nursery and adult day care centers;
- xviii) garden supply center;
- xix) gas bar;

- xx) gift shops;
- xxi) hotels;
- xxii) laundry or dry cleaning establishments;
- xxiii) library;
- xxiv) motels;
- xxv) offices, general or professional;
- xxvi) parking lot;
- xxvii) personal service shop;
- xxviii) post office;
- xxix) printing establishment;
- xxx) private club;
- xxxi) public garage;
- xxxii) restaurant;
- xxxiii) retail store;
- xxxiv) school;
- xxxv) service shop;
- xxxvi) a hopping center;
- xxxvii) tavern;
- xxxviii) taxi service;
- xxxix) undertaking establishment;
- xl) wholesale businesses;
- xli) accessory buildings or uses, including a dwelling unit.

8.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the General Commercial Zone (C1) except for the following purposes:

- a) buildings and structures for the permitted uses serviced by a public water supply, and where such buildings or structures are located within a defined sewer service area they shall be serviced by a public sanitary sewage system;
- b) accessory buildings and structures for the permitted uses, including only one dwelling unit located in the second storey above a commercial use or in the first storey in the rear of a commercial use.

8.1.3 Minimum Lot Area Nil

8.1.4 Minimum Lot Frontage

- a) on a County Road 61 metres (200.13')
- b) on all other roads 23.0 metres (74.46')

8.1.5 Maximum Lot Coverage 30 percent

8.1.6 Minimum Landscaped Open Space 20 percent

8.1.7 Maximum Building Height 10.5 metres (34.45')

8.1.8 Minimum Retail Floor Area 55.5 sq. metres (597.42'sq.)

8.1.9 Minimum Front Yard Depth 10.5 metres (34.45')

8.1.10 Minimum Side yard Width

- a) Where the yard abuts a commercial zone and access is available to the rear yard by a public or private lane Nil
- b) Where the yard abuts a commercial zone and no access is available to the rear yard except through the side yard. 4.5 metres (14.76') on one side of the main building
- c) Where the yard abuts a street 3.0 metres (9.84')

- d) Where the yard abuts a residential, institutional, parks and open space or industrial zone. 4.5 metres (14.76')

8.1.11 Minimum Rear Yard Depth

- a) Where the yard abuts a commercial zone or industrial zone and access is available to the rear of the building of the said lot by means of a public or private lane. Nil
- b) Where the yard abuts a commercial or industrial zone and no access is available to the rear of the said building except by means of a yard. 6.0 metres (19.69')
- c) Where the building contains residential accommodation of one or more stories in height. 10.5 metres (34.45')
- d) Where the yard abuts a residential, institutional or parks and open space zone 10.5 metres (34.45')

8.1.12 BUFFER STRIP

A buffer strip with a minimum width of three (3.0) metres (9.84') shall be provided abutting the side and rear lot lines, where the General Commercial Zone abuts a residential, institutional or parks and open space zone in compliance with subsection 5.25.

8.1.12 LOADING SPACE REGULATIONS

In addition to the requirements specified in subsection 5.31 and 5.32 of this By-law, the following provisions shall apply:

- a) No loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones then the loading space shall be allowed to open onto a side or rear yard.

8.1.13 OUTSIDE STORAGE

- a) No outside storage shall be permitted in a front yard, however, display of goods may be permitted behind the required minimum front yard setback.
- b) Outside storage shall be permitted in any side or rear yard provided it is to the rear of the front wall of any building, or where there is no building behind the minimum front yard setback.
- c) No outside storage shall be permitted in any required minimum yard setback directly abutting a residential, institutional or parks and open space zone.
- d) Any areas used for permitted outside 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 and loading spaces.
- e) The maximum height for permitted outside storage (except for machinery, equipment and trucks that are store as single units at grade) shall not exceed 5 metres (16.40').

8.1.14 OUTSIDE LIGHTING FACILITIES

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

8.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 8.1, the following additional regulations shall apply to certain specific uses permitted in subsection 8.1.1.

8.2.1 Automobile Repair Garages, Automobile Service Stations, Gas Bars, Automobile Washing Establishments or Car Washes, Public Garages, and Automobile Sales and Service Establishments

Notwithstanding any previous provisions of this By-law, where a lot is used for an automobile repair garage, automobile service station, gas bar, automobile washing establishments or car washes, public garages, and automobile sales and service establishments, the following additional regulations shall apply:

- | a) | <u>Interior Lot</u> | <u>Corner Lot</u> |
|----------------------|-----------------------------------|-----------------------------------|
| Minimum lot frontage | 48.5 metres
(<u>159.12'</u>) | 48.5 metres
(<u>159.12'</u>) |
| Minimum lot depth | 30.5 metres
(<u>100.06'</u>) | 48.5 metres
(<u>159.12'</u>) |
- b) No portion of any pump island shall be located closer than six (6.0) metres (19.69') from the street line of any street.
- c) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than fifteen (15.0) metres (49.21').
- d) 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 three (3.0) metres (9.84')
- e) The width of any ingress or egress ramp along any street line shall be not more than nine (9.0) metres (29.53') or less than seven and one-half (7.5) metres (24.61').
- f) The minimum distance between ramps shall be not less than twelve (12.0) metres (39.37').
- g) The minimum interior angle of any ramp to the street line shall be greater than sixty (60) degrees and less than ninety (90) degrees.
- h) 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.
- i) Land which is not used for buildings, ramps or paving shall be landscaped.

- j) Any permitted open 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 open 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 facilities.

8.2.2 HIGHWAY COMMERCIAL USES

- a) Any lot used for the following purposes shall be considered a highway commercial use;
 - i) automobile uses, including a gas bar;
 - ii) board and recreation vehicle sales, service and storage;
 - iii) commercial recreation and entertainment establishment;
 - iv) furniture store;
 - v) a garden supply centre;
 - vi) hotel or motor hotel;
 - vii) motel;
 - viii) restaurants;
 - ix) tavern;
 - x) wholesale retail outlets.

- b) The following additional regulations shall apply to the uses defined in subsection 8.2.2 a) ii) through x):

i) Minimum Lot Area	700.0 sq. metres (<u>7,503'sq.</u>)
ii) Minimum Lot Frontage	23.0 metres (<u>75.46'</u>)
iii) Maximum Lot Coverage	50 percent
iv) Minimum Front Yard Depth	10.5 metres (<u>34.45'</u>)

- v) Minimum Side yard Width
 - Where the yard abuts a Residential, institutional or Parks and open space zone Or use 7.5 metres (24.60')
 - Where the yard abuts a street 6.0 metres (19.69')
- vi) Minimum Rear Yard Depth 7.5 metres (24.60')

8.2.3 ACCESSORY RESIDENTIAL DWELLING UNIT

- a) Minimum Floor Area 70.0 sq. metres (753.5' sq.)

- b) Access

Pedestrian access to an accessory dwelling unit shall be provided from an adjacent street or land and shall be for the sole use of the occupants of the said dwelling unit and shall be separate from the access to the commercial portion of the building.

- c) Minimum Landscaped Open Space

Fifty percent of the floor area used for residential purposes.

- d) Parking for Dwelling Unit

In addition to the minimum number of parking spaces required for the principal use of the lot, a minimum of one and one-half parking spaces per dwelling unit shall be provided on the same lot.

- e) Exception

No commercial building wherein gasoline or any other highly flammable, toxic, or explosive products are handled in quantity shall have a contiguous dwelling unit. Where such dwelling unit exists and the use of the commercial establishment changes to a use involving the aforesaid mentioned 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 quantity in the commercial area of the building.

8.3 EXCEPTIONS

The specific regulations contained in this subsection 8.3 shall apply to the area or areas defined below:

8.3.1 Defined Area C1-1 as shown on Schedule ‘A’, Map 2 to this By-law.

a) Permitted Uses

- i) Hotel;
- ii) Motel;
- iii) Restaurant;
- iv) Tavern.

b) Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 8.3.1 a);
- ii) accessory buildings and structures for the uses permitted in subsection 8.3.1a).

8.3.2 Defined Area C1-2 as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

All those uses defined in subsection 8.1.1 with the exception of the following uses which shall be excluded:

- i) ambulance service establishments;
- ii) amusement arcade;
- iii) animal hospitals;
- iv) automobile washing establishments
- v) hotels and motels;
- vi) public halls;
- vii) undertaking establishments.

- b) Notwithstanding any other provisions of this by-law to the contrary, subsection 8.2.2 shall not apply to any lands zoned “C1-2”.

8.3.3 Defined Area C1-3 as shown on the Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

- i) Automobile uses, including a gas bar but excluding an automobile body repair shop and automobile repair garage;
- ii) board and recreation vehicle sales, service and storage;
- iii) commercial recreation and entertainment establishment;
- iv) furniture store;
- v) a garden supply centre;
- vi) hotel or motor hotel;
- vii) motel;
- viii) restaurants;
- ix) tavern;
- x) wholesale retail outlets.

b) Permitted Buildings and Structures

- xi) Buildings and structures for the uses permitted in subsection 8.3.3 a);
- xii) accessory buildings and structures for the uses permitted in subsection 8.3.3 a).

c) Other Requirements

The regulations of subsection 8.2.3 b) shall also apply to the uses permitted in subsection 8.3.3 a).

8.3.4 Defined Area C-1-4 as shown on Schedule “A”, Map 3 to this By-law.

a) Other Permitted Uses

In addition to all other uses permitted in the General Commercial Zone (C1), the purposes, both at retail and at wholesale of:

- i) a marine and sporting goods establishment;
 - ii) a power and sail boat establishment;
 - iii) a recreation vehicles and equipment establishment.
- b) Other Permitted Buildings and Structures
- i) Buildings and structures for the uses permitted in subsection 8.3.4 a);
 - ii) accessory buildings and structures for the uses permitted in subsection 8.3.4 a).
- c) Minimum Setback from Centreline of Manning Road 45.7 metres (149.93')
- d) Minimum Setback from West Limit of Subject Lands 6.0 metres (19.69')
- e) Minimum Setback from North Limit of proposed 15.2 Metre (50') Roadway 12.2 metres (40.03')
- f) Maximum Building Height 10.5 metres (34.45')

8.3.5 Defined Area C1-5 as shown on Schedule “A”, Map 5 to this By-law.

a) Permitted Uses

All those uses defined in subsection 8.1.1, with the exception of the following use which shall be excluded:

- i) Tavern;

b) Permitted Building and Structures

- i) Buildings and structures for the uses permitted in subsection 8.3.5 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 8.3.5 a);

8.3.6 Defined Area C1-6 as shown on Schedule “A”, Map 3 to this By-law.

a) Other Permitted Uses

A drive-thru restaurant.

- b) Other Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 8.3.6 a);
 - ii) Accessory buildings and structures for the uses permitted in subsection 8.3.6 a).
- c) Minimum Lot Frontage 30 metres (98.43')
- c) Subsection 8.1.12 does not apply to lands zoned C1-6.

SECTION 9 – NEIGHBOURHOOD COMMERCIAL ZONE (C2) REGULATIONS

9.1. GENERAL USE REGULATIONS

9.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Neighbourhood Commercial Zone (C2) except for the following purposes:

- a) automobile service station;
- b) banks, credit unions, trust companies and other financial institutions;
- c) gas bar;
- d) offices, general or professional;
- e) personal service shop;
- f) restaurants;
- g) retail stores;
- h) accessory buildings or uses, including a dwelling unit.

9.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Neighbourhood Commercial Zone (C2) except for the following purposes:

- a) buildings and structures for the permitted uses serviced by a public water supply and a public sanitary sewage system where available;
- b) accessory buildings and structures for the permitted uses, including only one dwelling unit located in the second storey above a commercial use or in the first storey to the rear of a commercial use.

9.1.3 Minimum Lot Area Nil

9.1.3 Minimum Lot Frontage

- a) on a County Road 61.0 metres (200.13')
- b) on all other roads 23.0 metres (75.46')

9.1.5	<u>Maximum Lot Coverage</u>	30 percent
9.1.6	<u>Minimum Landscaped Open Space</u>	20 percent
9.1.7	<u>Maximum Building Height</u>	6.0 metres (19.69')
9.1.8	<u>Minimum Retail Floor Area</u>	92.5 sq. metres (996' sq.)
9.1.9	<u>Minimum Front Yard Depth</u>	10.5 metres (34.45')
9.1.10	<u>Minimum Side Yard Width</u>	
	a) Where the yard abuts a commercial zone and access is available to the rear yard by a public or private lane	Nil
	b) Where the yard abuts a commercial zone and no access is available to the rear yard except through the side yard	4.5 metres (14.76') on one side of the main building
	c) Where the yard abuts a street	3.0 metres (9.84')
	d) Where the yard abuts a residential, institutional, parks and open space or industrial zone	4.5 metres (14.76')
9.1.11	<u>Minimum Rear Yard Depth</u>	
	a) Where the yard abuts a commercial zone or industrial zone and access is available to the rear of the building of the said lot by means of a public or private lane	Nil
	b) Where the yard abuts a commercial or industrial zone and no access is available to the rear of the said building except by means of a yard	6.0 metres (19.69')

- c) Where the building contains residential accommodation of one or more stories in height 10.5 metres (34.45')
- d) Where the yard abuts a residential, institutional or parks and open space zone 10.5 metres (34.45')

9.1.12 Buffer Strip

A buffer strip with a minimum width of three (3.0) metres (9.84') shall be provided abutting the side and rear lot lines, where the Neighbourhood Commercial Zone abuts a residential, institutional or parks and open space zone, in compliance with subsection 5.25.

This requirement shall not apply to any retail store or stores where the retail floor area is less than 95.0 sq. metres (1,023' sq.).

9.1.13 Parking Regulations

In addition to the requirements specified in subsection 5.33 and 5.34 of this By-law, the following provisions shall apply:

- a) Notwithstanding the requirements of subsection 5.34 of this By-law, only one (1) parking space for the commercial use shall be required in the case of a corner store operation where the total floor area does not exceed 95 square metres (1,022.6' sq.).

9.1.14 Loading Space Regulations

In addition to the requirements specified in subsections 5.31 and 5.32 of this By-law, the following provisions shall apply:

- a) No loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones then the loading space shall be allowed to open onto a side or rear yard.

9.1.15 Outside Storage

- a) No outside storage shall be permitted in a front yard or any yard directly abutting a residential, institutional or parks and open space zone;
- b) Any outside storage shall comply with the yard and setback requirements of this section;

- c) Any areas used for permitted outside 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 and loading spaces;
- d) The maximum height for permitted outside storage (except for machinery, equipment ,and trucks that are stored as single units at grade) shall not exceed 5 metres (16.40').

9.1.16 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

9.1.17 Location

Any Neighbourhood Commercial uses shall be restricted to a located on a collector road or at the intersection of a local road and a collector road.

9.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 9.1, the following additional regulations shall apply to certain specific uses permitted in subsection 9.1.1.

9.2.1 Automobile Service Stations and Gas Bars

Notwithstanding any previous provisions of this By-law, where a lot is used for an automobile service station or gas bar, the following additional regulations shall apply:

- | | | |
|----------------------|-----------------------------------|-----------------------------------|
| a) | <u>Interior Lot</u> | <u>Corner Lot</u> |
| Minimum lot frontage | 48.5 metres
(<u>159.12'</u>) | 48.5 metres
(<u>159.12'</u>) |
| Minimum lot depth | 30.5 metres
(<u>100.07'</u>) | 48.5 metres
(<u>159.12'</u>) |
- b) No portion of any pump island shall be located closer than six (6.0) metres (19.69') from the street line of any street.
 - c) the minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than fifteen (15.0) meters (49.21').

- d) 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 three (3.0) metres (9.84').
- e) The width of any ingress or egress ramp along any street line shall be not more than nine (9.0) meters (29.53') or less than seven and one-half (7.5) metres (24.61').
- f) The minimum distance between ramps shall be not less than twelve (12.0) metres (39.36').
- g) The minimum interior angle of any ramp to the street line shall be greater than sixty (60) degrees and less than ninety (90) degrees.
- h) 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.
- i) Land which is not used for buildings, ramps or paving shall be landscaped.

9.2.2 Accessory Residential Dwelling Unit

a) Minimum Floor Area 70.0 sq. metres
(753.5' sq.)

b) Access

Pedestrian access to an accessory dwelling unit shall be provided from an adjacent street or lane and shall be for the sole use of the occupants of the said dwelling unit and shall be separate from the access to the commercial portion of the building.

c) Minimum Landscaped Open Space

Fifty percent of the floor area used for residential purposes.

d) Parking for Dwelling Unit

In addition to the minimum number of parking spaces required for the principal use of the lot, a minimum of one and one-half parking spaces per dwelling unit shall be provided on the same lot.

e) Exception

No commercial building wherein gasoline or any other highly flammable, toxic, or explosive products are handled in quantity shall have a contiguous dwelling unit. 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 quantity in the commercial area of the building.

9.3 EXCEPTIONS

The specific regulations contained in this subsection 9.3 shall apply to the area or areas defined below:

9.3.1 Defined Area C2-1 as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

A tavern and restaurant.

c) Permitted Buildings and Structures

The existing buildings and structures only.

9.3.2 Defined Area C2-2 as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

The manufacturing of fishing bait.

b) Permitted Buildings and Structures

The existing buildings and structures only.

9.3.3 Defined Area C2-3 as shown on Schedule “A”, Map 6 to this By-law.

a) Other Permitted Uses

The highway commercial uses defined in subsection 8.2.2 a) in addition to all other uses permitted in the Neighbourhood Commercial Zone (C2).

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 9.3.3 a);

ii) accessory buildings and structures for the uses permitted in subsection 9.3.3 a).

c) Other Requirements

The regulations of subsection 8.2.3 b) shall also apply to the uses permitted in subsection 9.3.3 a).

9.3.4 Defined Area C2-4 as shown on Schedule “A”, Map 6 to this By-law.

a) Permitted Uses

i) Automobile and truck service station;

ii) restaurant

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 9.3.4 a);

ii) accessory buildings, structures and uses for the main or principal uses permitted in subsection 9.3.4. a).

c) Maximum Lot Coverage 40 percent

d) Maximum Building Height 12 metres (39.36')

e) Minimum Front Yard Depth 12 metres (39.36')

f) Minimum Side Yard Width 12 metres (39.36')

g) Minimum Rear Yard Depth 13.5 metres (44.36')

h) Landscaping

A strip of land not less than 6 metres (19.68') in width along the front lot line shall be adequately landscaped through the provision of grass, trees or shrubs.

i) Parking

A maximum of 225 vehicles.

j) Driveway Access

A maximum of two driveway accesses onto County Road 46 with each driveway at least 6 metres in width.

9.3.5 Defined Area C2-5 as shown on Schedule “A”, Map 10 to this By-law .

a) Permitted Uses

- i) Banks;
- ii) restaurants;
- iii) general and professional offices;
- iv) retail stores;
- v) personal service shops;
- vi) service shops;
- vii) gas bars;
- viii) accessory uses.

b) Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 9.3.5 a);
- ii) accessory buildings and structures for the uses permitted in subsection 9.3.5 a).

c) Maximum Building Height 10.5 metres (34.45')

d) Maximum Retail Floor Area

The provisions of subsection 9.1.8 shall not apply.

9.3.6 Defined Area C2-6 as shown on Schedule “A”, Map 10 to this By-law.

a) Permitted Uses

A clinic and an animal clinic in addition to all uses permitted in the Neighbourhood Commercial Zone (C2) as set out in subsection 9.1.1

SECTION 9A - HIGHWAY AND SERVICE COMMERCIAL ZONE (C3)

9A.1 GENERAL USE REGULATIONS

9A.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Highway and Commercial Zone (C3) except for the following purposes:

- a) cinemas, theatres, bowling alleys, bingo halls, health studios, and other commercial recreation and entertainment establishments; assembly halls; private clubs;
- b) restaurants; delicatessens; liquor, beer and wine stores;
- c) home improvement and furnishing stores; home and auto supply stores; warehouse retail stores; nursery and garden stores; catalogue stores;
- d) wholesale businesses;
- e) automobile sales and service establishments; boat and recreation vehicle sales and service establishments; automobile rental establishments; automobile repair garages; automobile service stations; gas bars;
- f) convenience stores; video rental establishments;
- g) business service establishments; data processing establishments; duplicating shops; printing establishments; repair and rental establishments; commercial storage units;
- h) clinics; animal clinics;
- i) offices, general and professional; financial institutions; professional studies, day nurseries; personal service shops;
- j) accessory uses.

9A.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Highway and Service Commercial Zone (C3) except for the following purposes:

- a) buildings and structures for the permitted uses serviced by a public water supply, and a public sanitary sewage system, where available;

- b) accessory buildings and structures for the permitted uses, including one dwelling unit located in the second storey above a commercial use or in the first storey to the rear of a commercial use.

9A.1.3	<u>Minimum Lot Area</u>	.4 hectare (.988 acres)
9A.1.4	<u>Minimum Lot Frontage</u>	30 metres (98.43')
9A.1.5	<u>Maximum Lot Coverage</u>	50 percent
9A.1.6	<u>Minimum Landscaped Open Space</u>	20 percent
9A.1.7	<u>Maximum Building Height</u>	10.5 metres (34.45')
9A.1.8	<u>Minimum Front Yard Depth</u>	12 metres (39.37')
9A.1.9	<u>Minimum Side Yard Width</u>	
	a) Where the yard abuts a commercial or industrial zone and access is available to the rear yard by a public or private lane	Nil
	b) Where the yard abuts a commercial or industrial zone and no access is available to the rear yard except through the side yard	6 metres (19.69') on one side of the main building
	c) Where the yard abuts a street	12 metres (39.37')
	d) Where the yard abuts a residential, institutional, parks and open space or agricultural zone	15 metres (49.21')
9A.1.10	<u>Minimum Rear Yard Depth</u>	
	a) Where the yard abuts a commercial or industrial zone and access is available to the rear yard by a public road or private lane	Nil

- b) Where the yard abuts a commercial or industrial zone and no access is available to the rear yard except through the side yard 6 metres (19.69') on one side of the main building
- c) Where the yard abuts a 12 metres (39.37')
- d) Where the yard abuts a residential, institutional or parks and open space, or agricultural zone 15 metres (49.21')

9A.1.11 Buffer Strip

- a) A buffer strip with a minimum width of six 6 metres (19.69') shall be provided abutting any lot line adjacent to an arterial road or a provincial highway, in compliance with subsection 5.25.
- b) A buffer strip with a minimum width of 3 metres (9.84') shall be provided abutting the side and rear lot lines, where the Highway and Service commercial Zone abuts a residential, institutional, parks and open space or agricultural zone, in compliance with subsection 5.25.

9A.1.12 Loading Space, Outside Storage, and Outside Lighting Regulations

Subsections 8.1.13, 8.1.14, and 8.1.15 of this By-law, as amended, shall apply to all lands zoned Highway and Service Commercial.

9A.2 SPECIFIC USE REGULATIONS

(None until amended)

9A.3 EXCEPTIONS

(None until amended)

SECTION 10 - HAMLET COMMERCIAL ZONE (CH) REGULATIONS

10.1 GENERAL USE REGULATIONS

10.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Hamlet Commercial Zone (CH) except for the following purposes:

- i) automobile repair garage;
- ii) automobile sales and service establishments in accordance with subsection 10.2.3;
- iii) automobile service station;
- iv) banks, credit unions, trust companies and other financial institutions;
- v) boat and recreation vehicle sales, service and storage in accordance with subsection 10.2.3;
- vi) church;
- vii) commercial recreation and entertainment establishment in accordance with subsection 10.2.3;
- viii) community center or public hall
- ix) craft industries and small, specialty workshops;
- x) furniture store in accordance with subsection 10.2.3;
- xi) gas bar;
- xii) hotel or motor hotel, in accordance with subsection 10.2.3;
- xiii) library;
- xiv) motel in accordance with subsection 10.2.3;
- xv) nurseries and garden centers in accordance with subsection 10.2.3;
- xvi) offices, general or professional
- xvii) personal service shop;
- xviii) restaurant in accordance with subsection 10.2.3;

- xix) school;
- xx) service shop;
- xxi) tavern in accordance with subsection 10.2.3;
- xxii) wholesale business, excluding a lumber yard or steel yard;
- xxiii) retail store;
- xxiv) accessory buildings or uses, including a dwelling unit.

10.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Hamlet Commercial Zone (CH) except for the following purposes:

- a) buildings and structures for the permitted uses, and where available serviced by a public water supply;
- b) accessory buildings and structures for the permitted uses, including only one (1) dwelling or dwelling unit associated with a commercial use.

10.1.3 Minimum Lot Area 1400 sq. metres (15,070'sq.)

10.1.4 Minimum Lot Frontage

- a) on a County Road 61 metres (200.13')
- b) on all other roads 23 metres (74.46')

10.1.5 Maximum Lot Coverage 40 percent

10.1.6 Minimum Landscaped Open Space 20 percent

10.1.7 Maximum Building Height 10.5 metres (34.45')

10.1.8 Minimum Retail Floor Area

- a) commercial Use – retail floor area 55.5 sq. meters (597'sq.)
- b) Dwelling 92.5 sq. metres (996' sq.)
- c) Dwelling Unit 70.0 square metres (753.5 sq.)

10.1.9 Minimum Front Yard Depth 10.5 metres (34.5')

10.1.10 Minimum Side Yard Width

- a) Where the yard abuts a residential or an agricultural zone 6.0 metres (19.68')
- b) Where the yard abuts a 4.5 metres (14.76')
- c) All other cases 7.5 metres (24.60')

10.1.11 Minimum Rear Yard Depth 7.5 metres (24.60')

10.1.12 Buffer Strip

A buffer strip with a minimum width of three (3.0) metres (9.84') shall be provided abutting the side and rear lot lines, where the Hamlet Commercial Zone abuts a residential institutional or parks and open space zone, in compliance with subsection 5.25.

10.1.13 Loading Space Regulations

In addition to the requirements specified in subsection 5.31 and 5.32 of this By-law, the following provisions shall apply:

- a) No loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones, then the loading space shall be allowed to open onto a side or rear yard.

10.1.14 Outside Storage

- a) No outside storage shall be permitted in a front yard, however, display of goods may be permitted behind the required minimum front yard setback.
- b) Outside storage shall be permitted in any side or rear yard provided it is to the rear of the front wall of any building, or where there is no building behind the minimum front yard setback.
- c) No outside storage shall be permitted in any required minimum yard setback directly abutting a residential, institutional or parks and open space zone.

- d) Any areas used for permitted outside storage shall be in addition to and separate from such areas as may be required by this By-law for the provisions of off-street parking and loading spaces.
- e) The maximum height for permitted outside storage (except for machinery, equipment and trucks that are stored as single units at grade) shall not exceed 5 metres (16.40').

10.1.15 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

10.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 10.1, the following additional regulations shall apply to certain specific uses permitted in subsection 10.1.1.

10.2.1 Automobile Repair Garages, Automobile Service Stations, and Gas Bars and Automobile Sales and Service Establishments

Notwithstanding any previous provisions of this By-law, where a lot is used for an automobile repair garage, automobile service station or gas bar, the following special regulations shall apply:

- | | | |
|----------------------|-----------------------------------|-----------------------------------|
| a) | <u>Interior Lot</u> | <u>Corner Lot</u> |
| Minimum lot frontage | 48.5 metres
(<u>159.12'</u>) | 48.5 metres
(<u>159.12'</u>) |
| Minimum lot depth | 30.5 metres
(<u>100.06'</u>) | 48.5 metres
(<u>159.12'</u>) |
- b) No portion of any pump island shall be located closer than six (6.0) metres (19.68') from the street line of any street.
 - c) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than fifteen (15.0) metres (49.21').
 - d) 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 three (3.0) metres (9.84').
 - e) The width of any ingress or egress ramp along any street line shall be not more than nine (9.0) metres (29.52') or less than seven and one-half (7.5) metres (24.60').

- f) The minimum distance between ramps shall be not less than twelve (12.0) metres (39.37').
- g) The minimum interior angle of any ramp to the street line shall be greater than sixty (60) degrees and less than ninety (90) degrees.
- h) 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.
- i) Land which is not used for buildings, ramps or paving shall be landscaped.
- j) Any permitted open 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 open storage area shall be constructed and maintained with a stable surface which shall have a cement or asphaltic binder and shall include provision for adequate drainage facilities.

10.2.2 Accessory Residential Dwelling Unit

a) Access

Pedestrian access to an accessory dwelling unit shall be provided from an adjacent street or lane and shall be for the sole use of the occupants of the said dwelling unit and shall be separate from the access to the commercial portion of the building.

b) Minimum Landscaped Open Space

Fifty percent of the floor area used for residential purposes.

c) Parking for Dwelling Unit

In addition to the minimum number of parking spaces required for the principal use of the lot, a minimum of one and one-half parking spaces per dwelling unit shall be provided on the same lot.

d) Exception

No commercial building wherein gasoline or any other highly flammable, toxic, or explosive products are handled in quantity shall have a contiguous dwelling unit. 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 quantity in the commercial area of the building.

10.2.3 Highway Commercial Uses

- a) Any lot used for the following purposes shall be restricted to a location fronting on the Provincial Highway Number 3 and County Road No. 42:
 - i) automobile uses, including a gas bar;
 - ii) boat and recreation vehicle sales, service and storage;
 - iii) commercial recreation and entertainment establishment;
 - iv) furniture store;
 - v) a garden supply center;
 - vi) hotel or motor hotel;
 - vii) motel;
 - viii) restaurants, including drive-in and fast food restaurants;
 - ix) taverns.

b) The following additional regulations shall apply to the uses defined in subsection 10.2.3 a) ii) through ix):

- i) Maximum Lot Coverage 50 percent
- ii) Minimum Front Yard Depth 10.5 metres (34.45')
- iii) Minimum Side Yard Width
 - Where the yard abuts a residential Institutional or parks and open Space zone or use 7.5 metres (24.60')
 - Where the yard abuts a street; 4.5 metres (14.76')

10.3 EXCEPTIONS

The specific regulations contained in this subsection 10.3 shall apply to the area or areas defined below:

10.3.1 Defined Area CH-1 as shown on Schedule “A”, Map 10 to this By-law.

a) Permitted Uses and Other Requirements

The property shall be developed in accordance with the requirement of, and attached site plan marked Schedule “B” attached to, By-law No. 78-28, as amended by By-law 80-3.

10.3.2 Defined Area CH-2 as shown on Schedule “A”, Map 10 to this By-law.

a) Other Permitted Uses

An electrical contracting business in addition to all other uses permitted in the Hamlet Commercial Zone (CH).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 10.3.2 a);
- ii) accessory buildings and structures for the uses permitted in subsection 10.3.2 a).

10.3.3 Defined Area CH-3 as shown on Schedule “A” Map 10 to this By-law.

a) Other Permitted Uses

- i) A landscaping contracting business in addition to all other uses permitted in the hamlet Commercial Zone (CH);
- ii) existing single family dwellings including accessory uses, buildings and structures thereto.

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 10.3.3 a) i);
- ii) accessory buildings and structures for the uses permitted in subsection 10.3.3 a) i).

c) Residential Requirements

The provisions of subsection 7.1.3 to 7.1.11 shall apply to the uses defined in subsection 10.3.3 a) ii).

10.3.4 Defined Area CH-4 as shown on Schedule “A”, Map T12 to this By-law.
(AMENDED by B/L 215-2011, Jan. 5, 2012)

a) Permitted Uses

Notwithstanding subsection 10.2.3 a) i) an automobile sales and service establishment shall be permitted in addition to the other uses permitted in subsection 10.1.1 of this by-law.

b) Permitted Buildings and Structures

Buildings and structures permitted in subsection 10.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 10.1.3 to 10.1.15, inclusive, and 10.2 of this By-law. An automobile sales and service establishment shall also be in accordance with subsection 10.2.3 b) of this By-law.

SECTION 11 - RURAL COMMERCIAL ZONE (CR) REGULATIONS

11.1 GENERAL USE REGULATIONS

11.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Rural Commercial Zone (CR) except for the following purposes:

- a) animal clinic;
- b) auction sales facilities;
- c) automobile service station;
- d) farm chemical and fertilizer sales;
- e) farm equipment sales and service establishment;
- f) farm fuel sales;
- g) farm produce outlets;
- h) farm supplies;
- i) grain and feed merchants;
- j) accessory buildings or uses.

11.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Rural Commercial Zone (CR) except for the following purposes:

- a) buildings and structures for the permitted uses;
- b) accessory buildings and structures for the permitted uses.

11.1.3 Minimum Lot Area

2000 sq. metres
(21,529.5' sq.)

11.1.4	<u>Minimum Lot Frontage</u>	
	a) on a County Road	61 metres (200.13')
	b) on all other roads	30 metres (98.43')
11.1.5	<u>Maximum Lot Coverage</u>	50 percent
11.1.6	<u>Minimum Landscaped Open Space</u>	10 percent
11.1.7	<u>Maximum Building Height</u>	10.5 metres (34.45')
11.1.8	<u>Minimum Retail Floor Area</u>	55.5 sq. metres (597.41' sq.)
11.1.9	<u>Minimum Front Yard Depth</u>	10.5 metres (34.45')
11.1.10	<u>Minimum Side Yard Width</u>	
	a) Where the yard abuts a residential, institutional or parks and open space zone	7.5 metres (25.60')
	b) Where the yard abuts a street	6.0 metres (19.68')
	c) All other cases	4.5 metres (14.76')
11.1.11	<u>Minimum Rear Yard Depth</u>	7.5 metres (24.61')

11.1.12 Buffer Strip

A buffer strip with a minimum side width of three (3.0) metres (9.84') shall be provided abutting the side and rear lot lines where the Rural commercial Zone abuts a residential, institutional or parks and open space zone in compliance with subsection 5.25.

11.1.13 Loading Space Regulations

In addition to the requirements specified in subsection 5.31 and 5.32 of this By-law, the following provisions shall apply:

- a) No loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones, then the loading space shall be allowed to open onto a side or rear yard.

11.1.14 Outside Storage

- a) No outside storage shall be permitted in a front yard, however, display of goods may be permitted behind the required minimum front yard setback.
- b) Outside storage shall be permitted in any side or rear yard provided it is to the rear of the front wall of any building or where there is no building behind the minimum front yard setback.
- c) No outside storage shall be permitted in any required minimum yard setback directly abutting a residential, institutional or parks and open space zone.
- d) Any areas used for permitted outside 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 and loading spaces.
- e) The maximum height for permitted outside storage (except for machinery, equipment and trucks that are stored as single units at grade) shall not exceed 5 metres (16.4’).

11.1.15 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

11.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 11.2, the following additional regulations shall apply to certain specific uses permitted in subsection 11.1.1.

11.2.1 Automobile Service Stations

Notwithstanding any previous provisions of this By-law, where a lot is used for an automobile service station, the following special regulations shall apply:

a)	<u>Interior Lot</u>	<u>Corner Lot</u>
Minimum lot frontage	48.5 metres (159.12’)	48.5 metres (159.12’)
Minimum lot depth	30.5 metres (100.07’)	48.5 metres (159.12’)

- b) No portion of any pump island shall be located closer than six (6.0) metres (19.69') from the street line of any street.
- c) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than fifteen (15.0) metres (49.21').
- d) 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 three (3.0) metres (9.84').
- e) The width of any ingress or egress ramp along any street line shall be not more than nine (9.0) metres (29.52') or less than seven and one-half (7.5) metres (24.60').
- f) The minimum distance between ramps shall be not less than twelve (12.0) metres (39.37').
- g) The minimum interior angle of any ramp to the street line shall be greater than sixty (60) degrees and less than ninety (90) degrees.
- h) All part so 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.
- i) Land which is not used for buildings, ramps or paving shall be landscaped.

11.3 EXCEPTIONS

The specific regulations contained in this subsection 11.3 shall apply to the area or areas defined below:

11.3.1 Defined Area CR-1 as shown on Schedule "A", Map 3 to this By-law.

- a) Permitted Uses
 - i) Construction equipment storage;
 - ii) repair of construction equipment.
- b) Other Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 11.3.1 a);
 - ii) accessory buildings and structures for the uses permitted in subsection 11.3.1 a).

- c) Minimum Building Setback from not closer than a County Road 19 (also known as perpendicular line of Manning Road) drawn at right angles to the northerly limit of the lands described in Schedule "A", Map 3 which at its point of intersection with such northerly limit is 91.4 metres (299.86') measured westerly from the west limit of County Road 19.
- d) Minimum Side Yard 12.2 metres (40.03') from the side lot line.
- e) Minimum Rear Yard 15.2 metres (49.87') from the rear lot line.
- f) Maximum Building Height 10.5 metres (34.45')
- g) Storage Limitations no storage at all permitted in the required side yard.

11.3.2 Defined Area CR-2 as shown on Schedule "A", Map T 16 to this By-law.
(AMENDED by B/L 215-2011, Jan. 5/2012)

- a) Other Permitted Uses

A drive-in theatre; contractor's offices; business offices; equipment rental and storage; a pre-cast concrete operation including outdoor storage.
(AMENDED by B/L 234-2007, December 28, 2007)
- b) Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 11.3.2 a);
 - ii) accessory buildings and structures for the uses permitted in subsection 11.3.2 a).

11.3.3 Defined Area CR-3 as shown on Schedule "A", Map T16 to this By-law.
(AMENDED by B/L 215-2011, Jan. 5/2012)

- a) Other Permitted Uses

A contractor's yard or shop for the storage and repair of construction equipment and material.
- b) Permitted Buildings and Other Structures

The existing buildings and structures only.

11.3.4 Defined Area CR-4

(Note: No area is zoned CR-4 on Schedule “A” to this By-law.)

11.3.5 Defined Area CR-5 as shown on Schedule “A”, Map 7 to this By-law.

a) Permitted Uses

A construction company.

b) Permitted Buildings and Other Structures

The existing buildings and structures only.

11.3.6 Defined Area CR-6 as shown on Schedule “A”, Map 9 to this By-law

a) Permitted Use

A trucking business.

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 11.3.6 a);

ii) accessory buildings and structures for the uses permitted in subsection 11.3.6 a).

11.3.7 Defined Area CR-7 as shown on Schedule “A”, Map 10 this By-law.

a) Permitted Use

Packaging and distributing of sandpaper loading devices and pads.

b) Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 11.3.7 a);

ii) accessory buildings and structures for the uses permitted in subsection 11.3.7 a).

c) Maximum Lot Coverage

1003 square metres
(10.797’ sq.)

- d) Maximum Building Height one storey
- e) Minimum Front Yard Depth 60.0 metres (196.85')
- f) Minimum Side Yard Width 19.8 metres (64.96')
- g) Minimum Rear Yard Depth 60.0 metres (196.85')

h) Landscaping

Landscaping by way of grass, shrubs or trees shall be provided for a width of 6 metres (19.69') from all boundaries of the said lands.

i) Outside Storage Limitations

No outside storage shall be permitted upon any part of the said lands, except within the front yard thereof, and in any event, not closer than 29.5 metres (96.78') from each side of the lot line.

j) Outside Lighting Facilities

No exterior lighting or illuminated signs are permitted.

k) Parking Limitations

Parking shall be limited to the front yard and not closer than 12 metres (39.37') to each side lot line. No more than 20 automobiles and one trailer and one tractor shall be permitted.

11.3.8 Defined Area CR-8 as shown on Schedule "A", Map 13 to this By-law.

a) Permitted Uses

- i) A tire repair and towing service operation;
- ii) truck repairs;
- iii) a truck or transport terminal.

b) Permitted Buildings and Structures

The existing buildings and structures only.

11.3.9 Defined Area CR-9 as shown on Schedule “A”, Map 13 to this By-law.

a) Permitted Uses

- i) A flower, lawn and garden center which shall include the growing of bedding plants and flowers and the manufacture of lawn ornaments, along with the storage and sale of same; together with the storage and sale of accessory items associated with flower, lawn and garden care, e.g. peat moss, fertilizer, flower pots, planters, etc.;
- ii) existing single family detached dwellings including accessory uses, buildings and structures thereto.

b) Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 11.3.9 a) i);
- iii) accessory buildings and structures for the uses permitted in subsection 11.3.9 a) i).

c) Minimum Side Yard Width

The minimum side yards shall be as they existed on the date of the passing hereof.

d) Residential Requirements

The provisions of subsection 7.1.3 to 7.1.11 shall apply to the uses defined in subsection 11.3.9 a) ii).

11.3.10 Defined Area CR-10 as shown on Schedule “A”, Map 13 to this By-law.

a) Permitted Use

A funeral home in addition to all other uses permitted in the Rural Commercial Zone (CR).

b) Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 11.3.10 a);
- ii) accessory buildings and structures for the uses permitted in subsection 11.3.10 a).

11.3.11 Defined Area CR-11 as shown on Schedule “A”, Map 13 to this By-law.

a) Other Permitted Uses

In addition to all other uses permitted in the Rural Commercial Zone (CR):

- i) an office, general or professional;
- ii) a restaurant
- iii) a tire store;
- iv) a tire repair, sales and towing service operation.

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 11.3.11 a);
- ii) accessory buildings and structures for the uses permitted in subsection 11.3.a).

11.3.12 Defined Area CR- 12 as shown on Schedule “A”, Map 12 to this By-law.

a) Permitted Use

A gas bar, including the accessory sale of cold drinks, packaged food, tobacco and similar convenience goods for customers and provision of courtesy service such as informational material and restroom facilities.

b) Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 11.3.12 a);
- ii) accessory buildings and structures for the uses permitted in subsection 11.3.12 a).

11.3.13 Defined Area CR-13 as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

- i) retail store;
- ii) offices, general or professional;

- iii) personal service shop;
- iv) restaurant;
- v) parking lot;
- vi) accessory uses.

b) Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 11.3.13 a) serviced by a public water supply and a public sanitary sewage system;
- ii) Accessory buildings and structures for the uses permitted in subsection 11.3.13a).

c) Minimum Lot Area 0.2 hectares (21,344' sq.)

d) Minimum Lot Frontage 45 metres (147.64')

e) Maximum Building Height 7.5 metres (24.61')

f) Minimum Front Yard Depth 15 metres (49.21')

g) Minimum Rear Yard Depth 7.5 metres (24.61')

h) Minimum Side Yard Width

i) where the yard abuts a residential zone 7.5 metres (24.61')

ii) all other cases 4.5 metres (14.76')

i) Maximum Lot Coverage 50 percent

j) Buffer Strip

A buffer strip with a minimum width of three metres shall be provided abutting the side and rear lot line where the Rural Commercial (CR-13) Zone abuts a residential zone, in compliance with subsection 5.25.

k) Outside Storage

No outside storage shall be permitted in any required yard setback. The maximum height for any permitted outside storage shall not exceed 5 metres.

l) Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

11.3.14 Defined Area CR – 14 as shown on Schedule “A”, Map 4 to this By-law.

a) Other Permitted Uses

- i) A golf driving range and miniature golf course;
- ii) retail use related to the sale of golf equipment and accessories;
- iii) accessory uses, including a snack bar and light lunch/refreshments area;
- iv) contractor’s offices;
- v) business offices;
- vi) Equipment rental and storage;
- vii) A pre-cast concrete operation including outdoor storage.
(AMENDED by B/L 234-2007, December 28, 2007)

b) Permitted Buildings and Structures

- viii) Buildings and structures for the uses permitted in subsection 11.3.14a);
- ix) accessory buildings and structures for the uses permitted in subsection 11.13.14 a).

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 11.1.3 to 11.2, inclusive, of this By-law, except that the minimum lot frontage shall be 45 metres and the minimum number of parking spaces shall be 50.

SECTION 12 - COMMERCIAL/INDUSTRIAL ZONE (CM) REGULATIONS

12.1 GENERAL USE REGULATIONS

12.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Commercial/Industrial Zone (CM) except for the following purposes:

- i) automobile body repair garage;
- ii) automobile repair garage;
- iii) automobile service station;
- iv) automobile sales and service establishments;
- v) banks, credit unions, trust companies and other financial institutions;
- vi) blueprinting and printing establishments;
- vii) building supplies center or lumber yard;
- viii) construction company;
- ix) contractor's yard or shop;
- x) establishments for the storage or processing of agricultural produce;
- xi) existing agricultural uses;
- xii) factory sales outlets;
- xiii) food catering services;
- xiv) gas bar;
- xv) laundry and dry cleaning establishments;
- xvi) machine or welding shop;
- xvii) manufacturing of small electrical or machine components;
- xviii) metal fabrication;

- xix) offices and retail or wholesale outlets related to permitted industrial uses, carried on in the same building;
- xx) personal service shops;
- xxi) restaurants;
- xxii) service shop;
- xxiii) the repair shop;
- xxiv) tool and die companies;
- xxv) variety store;
- xxvi) warehousing and supply of storage uses (outdoor and indoor);
- xxvii) wholesale establishments;
- xxviii) wholesale retail outlets;
- xxix) woodworking shops;
- xxx) accessory buildings or uses, including an attached dwelling unit.

12.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Commercial/Industrial Zone (CM) except for the following purposes:

- a) buildings and structures for the permitted uses serviced by a public water supply and public sanitary sewer system;
- b) accessory buildings and structures for the permitted uses.

12.1.3 Minimum Lot Area 2000 square metres
(21,529.5' sq.)

12.1.4 Minimum Lot Frontage

- a) on a County Road 61 metres (200.13')
- b) on all other roads 30 metres (98.43')

12.1.5	<u>Maximum Lot Coverage</u>	40 percent
12.1.6	<u>Minimum Landscaped Open Space</u>	10 percent
12.1.7	<u>Maximum Building Height</u>	10.5 metres (34.45')
12.1.8	<u>Minimum Front Yard Depth</u>	112.0 metres (39.37')
12.1.9	<u>Minimum Side Yard Width</u>	
	a) Where the side yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones	15.0 metres (49.21')
	b) All other cases	6.0 metres (19.69')
12.1.10	<u>Minimum Rear Yard Depth</u>	
	a) Where the rear yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones	15.0 metres (49.21')
	b) All other cases, except where the rear yard abuts a railway or railway spur, in which case no rear yard shall be required	7.5 metres (24.61')
12.1.11	<u>Buffer Strip</u>	
	A buffer strip with a minimum width of 7.5 metres (24.61') shall be provided abutting the side and rear lot lines where they abut a residential, institutional or parks and open space zone in compliance with subsection 5.25.	
12.1.12	<u>Loading Space Regulations</u>	
	In addition to the requirements specified in subsection 5.31 and 5.32 of this By-law, the following provisions shall apply:	

- a) No loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones then the loading space shall be allowed to open onto a side or rear yard.

12.1.13 Outside Storage

- a) No outside storage shall be permitted in a front yard, however, display of goods may be permitted behind the required minimum front yard setback.
- b) Outside storage shall be permitted in any side or rear yard provided it is to the rear of the front wall of any building, or where there is no building behind the minimum front yard setback.
- c) No outside storage shall be permitted in any required minimum yard setback directly abutting a residential, institutional or parks and open space zone.
- d) Any areas used for permitted outside 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 and loading spaces.
- e) The maximum height for permitted outside storage (except for machinery, equipment and trucks that are stored as single units at grade) shall not exceed 5 metres.

12.1.14 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

12.1.15 Performance Standards

All industrial uses within the Commercial/Industrial (CM) Zone shall meet the following performance standards to ensure the safety and comfort of all persons within the zone and in adjoining zones. The performance standards to be complied with shall include all municipal, provincial and federal regulations with respect to air and water pollution, industrial safety and work standards as well as the following specific standards:

- a) No dirt, dust or particulate matter shall be discharged into the air.
- b) No noise shall exceed 60 dBA (decibels) during the day or 50 dBA at night at the boundaries of the lot provided that short intermittent noise peaks are permitted.
- c) No toxic, obnoxious or corrosive fumes or gases shall be emitted.

12.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 12.1, the following additional regulations shall apply to certain specific uses permitted in subsection 12.1.1.

12.2.1 Automobile Repair Garages, Automobile Service Stations, and Gas Bars and Automobile Sales and Service Establishments

Notwithstanding any previous provisions of this By-law, where a lot is used for an automobile repair garage, automobile service station, gas bar, or automobile sales and service establishment, the following special regulations shall apply:

- | a) | <u>Interior Lot</u> | <u>Corner Lot</u> |
|----------------------|------------------------------------|-----------------------------------|
| Minimum lot frontage | 48.5 metres
(<u>159.12'</u>) | 48.5 metres
(<u>159.12'</u>) |
| Minimum lot depth | 30.15 metres
(<u>100.07'</u>) | 48.5 metres
(<u>159.12'</u>) |
- b) No portion of any pump island shall be located closer than six (6.0) metres (19.69') from the street line of any street.
- c) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than fifteen (15.0) metres (49.21').
- d) 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 three (3.0) metres (9.84').
- e) The width of any ingress or egress ramp along any street line shall be not more than nine (9.0) metres (29.53') or less than seven and one-half (7.5) metres (24.61').
- f) The minimum distance between ramps shall be not less than twelve (12.0) metres (39.37').
- g) The minimum interior angle of any ramp to the street line shall be greater than sixty (60) degrees and less than ninety (90) degrees.
- h) 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.
- i) Land which is not used for buildings, ramps or paving shall be landscaped.

- j) Any permitted open 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 open 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 facilities.

12.2.2 Standards for Certain Commercial Uses

The regulations of subsections 9.1.3 through 9.1.16 shall apply to the uses defined in subsection 12.1.1 v), xxi), xxiii) and xxvii).

12.2.3 Accessory Residential Dwelling Unit

- a) Minimum Floor Area 70.0 sq. metres (753.5' sq.)
- b) Minimum Landscaped Open Space
Fifty percent of the floor area used for residential purposes.
- c) Parking for Dwelling Unit
In addition to the minimum number of parking spaces required for the principal use of the lot, a minimum of one and one-half parking spaces per dwelling unit shall be provided on the same lot.
- d) Exception
No commercial and/or industrial building wherein gasoline or any other highly flammable, toxic, or explosive products are handled in quantity shall have a contiguous dwelling unit. Where such dwelling unit exists and the use of the commercial and/or industrial 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 quantity in the commercial and/or industrial area of the building.

12.3 EXCEPTIONS

The specific regulations contained in this subsection 12.3 shall apply to the area or areas defined below:

12.3.1 Defined Area CM-1 as shown on Schedule “A”, Map 5 to this By-law.

a) Other Permitted Uses

- i) automobile washing establishment;
- ii) clinic;
- iii) commercial recreation and entertainment establishment;
- iv) craft industries and specialty workshops;
- v) day nursery;

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 12.3.1 (a).
- ii) Accessory buildings and structures for the uses permitted in subsection 12.3.1 (a).

12.3.2 Defined Area CM-2 as shown on Schedule “A”, Map 5 to this By-law.

a) Other Permitted Uses

An automobile washing establishment or car wash;

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 12.3.3(a);
- ii) Accessory buildings and structures for the uses permitted in subsection 12.3.1(a).

12.3.3 Defined Area CM-3 as shown on Schedule “A”, Map 3 to this By-law.

a) Other Permitted Uses

An automobile washing establishment or car wash;

- b) Other Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 12.3.3 (a).
 - ii) Accessory buildings and structures for the uses permitted in subsection 12.3.3(a).

12.3.4 Defined Area CM-4 as shown on Schedule ‘A’, Map 5 to this By-law.

a) Permitted Uses

- i) The storing, parking and dispatching of truck tractors and trailers;
- ii) the uses permitted in subsection 12.1.1 of this By-law; and
- iii) accessory uses, including offices.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in accordance with subsection 12.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsection 12.1.3 to 12.2, inclusive, of this By-law.

d) Other Provisions

Notwithstanding any other provisions of this By-law to the contrary, all components of the storing, parking, and dispatching of truck tractors and trailers use shall be located a minimum of 12 metres from the front lot line and in accordance with the associated site plan control agreement.

SECTION 13 - HAMLET COMMERCIAL/INDUSTRIAL ZONE (CMH) REGULATIONS

13.1 GENERAL USE REGULATIONS

13.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Hamlet Commercial/Industrial Zone (CMH) except for such commercial and non-effluent producing industrial uses as defined herein, and shall include the following:

- a) building supply outlet;
- b) a commercial grain handling and storage facility in existence on or before July 5, 1982;
- c) establishments for the storage or processing of agricultural produce;
- d) farm equipment sales and service establishment;
- e) farm chemical and fertilizer sales;
- f) farm fuel sales;
- g) farm supply outlets;
- h) a feed mill in existence on or before July 5, 1982;
- i) fertilizer plant or storage facilities;
- j) a flour mill in existence on or before July 5, 1982;
- k) a grain drying or processing operation in existence on or before July 5, 1982;
- l) machine or welding shop for farm implements and equipment;
- m) nurseries and garden centers;
- n) accessory buildings or uses, including a dwelling or dwelling unit;
- o) accessory wholesale and retail uses related to permitted industrial uses, carried on in the same building.

13.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Hamlet Commercial/Industrial Zone (CMH) except for the following purposes:

- a) buildings and structures for the permitted uses;
- b) accessory buildings and structures for the permitted uses.

13.1.3 Minimum Lot Area 2000 sq. metres
(21,529.5' sq.)

13.1.4.1 Minimum Lot Frontage

- a) on a County Road 61 metres (200.13')
- b) on all other roads 30 metres (98.43')

13.1.5 Maximum Lot Coverage 50 percent

13.1.6 Minimum Landscaped Open Space 10 percent

13.1.7 Maximum Building Height 10.5 metres (34.5')

13.1.8 Minimum Front Yard Depth 12.0 metres (39.36')

13.1.9 Minimum Side Yard Width

- a) Where the side yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones 15.0 metres (49.20')
- b) All other cases 6.0 metres (19.68')

13.1.10 Minimum Rear Yard Depth

- a) Where the rear yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones 15.0 metres (49.20')

- b) All other cases, except where the rear yard abuts a railway or railway spur, in which case no rear yard shall be required 7.5 metres (24.60')

13.1.11 Buffer Strip

A buffer strip with a minimum width of 7.5 metres (24.60') shall be provided abutting the side and rear lot lines where they abut a residential, institutional or parks and open space zone in compliance with subsection 5.25.

13.1.12 Loading Space Regulations

In addition to the requirements specified in subsection 5.31 and 5.32 of this By-law, the following provisions shall apply:

- a) No loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones then the loading space shall be allowed to open onto a side or rear yard.

13.1.13 Outside Storage

- a) No outside storage shall be permitted in a front yard, however, display of goods may be permitted behind the required minimum front yard setback.
- b) Outside storage shall be permitted in any side or rear yard provided it is to the rear of the front wall of any building, or where there is no building behind the minimum front yard setback.
- c) No outside storage shall be permitted in any required minimum yard setback directly abutting a residential, institutional or parks and open space zone.
- d) Any areas used for permitted outside 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 and loading spaces.
- e) The maximum height for permitted outside storage (except for machinery, equipment and trucks that are stored as single units at grade) shall not exceed 5 metres (16.40').

13.1.14 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

13.2 SPECIFIC USE REGULATIONS

(None until amended)

13.3 EXCEPTIONS

(None until amended)

SECTION 14 – INDUSTRIAL ZONE (M1) REGULATIONS

14.1 GENERAL USE REGULATIONS

14.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Industrial Zone (M1) except for non-effluent producing industrial uses as defined herein and shall include the following:

- a) automobile body repair shop;
- b) automobile repair garage;
- c) blueprinting and printing establishments;
- d) building supplies center or lumber yard;
- e) commercial grain handling and storage facility;
- f) concrete or wood products factory or manufacturing use, excluding a concrete batching plant;
- g) construction company;
- h) contractor's yard or shop;
- i) establishments for the storage or processing of agricultural produce;
- j) existing agricultural uses;
- k) food catering services;
- l) machine or welding shop;
- m) manufacturing of small electrical or machine components;
- n) metal fabricating;
- o) non-effluent producing industrial uses;
- p) offices and retail or wholesale outlets related to permitted industrial uses, carried on in the same building;
- q) repair depots including machine repair shops;
- r) existing salvage yards or scrap yards;

- s) service shop;
- t) tire repair shop
- u) tool and die companies;
- v) Transport Terminal [ZNG/5364]
(Amended by B/L 168-2018, Dec. 19/2018)
- w) warehousing and supply or storage uses (outdoor and indoor);
- x) woodworking shops;
- y) accessory buildings or uses, including a dwelling or dwelling unit.

14.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Industrial Zone (M1) except for the following purposes:

- a) buildings and structures for the permitted uses;
- b) accessory buildings and structures for the permitted uses.

14.1.3 Minimum Lot Area 2000 square metres
(21,529.5' sq.)

14.1.3 Minimum Lot Frontage

- a) on a County Road 61 metres (200.13')
- b) on all other roads 30 metres (98.43')

14.1.5 Maximum Lot Coverage 40 percent

14.1.6 Minimum Landscaped Open Space 10 percent

14.1.7 Maximum Building Height 10.5 metres (34.40')

14.1.8 Minimum Front Yard Depth 12.0 metres (39.40')

14.1.9 Minimum Side Yard Width

- | | | |
|----|--|-------------------------------|
| a) | Where the side yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones | 15.0 metres (<u>49.21'</u>) |
| b) | Where the side yard abuts the greenway | 3.0 metres (<u>9.84'</u>) |
| c) | All other cases | 6.0 metres (<u>19.68'</u>) |

14.1.10 Minimum Rear Yard Depth

- | | | |
|----|--|-------------------------------|
| a) | Where the rear yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones | 15.0 metres (<u>49.21'</u>) |
| b) | Where the rear yard abuts the greenway | 3.0 metres (<u>9.84'</u>) |
| c) | All other cases, except where the rear yard abuts a railway or railway spur, in which case no rear yard shall be required | 7.5 metres (<u>24.60'</u>) |

14.1.11 Buffer Strip

A buffer strip with a minimum width of 7.5 metres (24.60') shall be provided abutting the side and rear lot lines, where they abut a residential, institutional or parks and open space zone in compliance with subsection 5.15/

14.1.12 Loading Space Regulations

In addition to the requirements specified in subsections 5.31 and 5.32 of this By-law, the following provisions shall apply:

- | | |
|----|--|
| a) | Where a lot abuts an arterial road or county road, no loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones then the loading space shall be allowed to open onto a side or rear yard. |
|----|--|

14.1.13 Outside Storage

- a) No outside storage shall be permitted in a front yard, however, display of goods may be permitted behind the required minimum front yard setback.
- b) Outside storage shall be permitted in any side or rear yard provided it is to the rear of the front wall of any building, or where there is no building behind the minimum front yard setback.
- c) No outside storage shall be permitted in any required minimum yard setback directly abutting a residential, institutional or parks and open space zone.
- d) Any areas used for permitted outside 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 and loading spaces.
- e) the maximum height for permitted outside storage (except for machinery, equipment and trucks that are stored as single units at grade) shall not exceed 5 metres (16.40’).

14.1.14 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

14.1.15 Performance Standards

All industrial uses within the Industrial (m1) Zone shall meet the following performance standards to ensure the safety and comfort of all persons within the Industrial (M1) Zone and in adjoining zones. The performance standards to be complied with shall include all municipal, provincial and federal regulations with respect to air and water pollution, industrial safety and work standards as well as the following specific standards:

- a) No dirt, dust or particulate matter shall be discharged into the air.
- b) No noise shall exceed 60 dBA (decibels) during the day or 50 dBA at night at the boundaries of the lot provided that short intermittent noise peaks are permitted.
- c) No toxic, obnoxious or corrosive fumes or gases shall be emitted.
- d) No odours shall be perceptible at the lot boundaries.
- e) Any drop or power hammer, punch press or stamping press shall be so controlled so as to prevent the transmission beyond the lot lines of ground vibrations perceptible without the aid of instruments.

14.1.16 Parking and Landscaping in Front Yard

Notwithstanding any other provision in this by-law to the contrary, no parking other than a maximum of six (6) visitor's parking spaces shall be permitted in the front yard and any front yard that is not used for driveways or visitor's parking spaces shall be used for landscaping.

14.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 14.1, the following additional regulations shall apply to certain specific uses permitted in subsection 14.1.1.

14.2.1 Automobile Repair Garages

Notwithstanding any previous provisions of this By-law, where a lot is used for an automobile repair garage, the following special regulations shall apply:

- | a) | <u>Interior Lot</u> | <u>Corner Lot</u> |
|----------------------|-----------------------------------|-----------------------------------|
| Minimum lot frontage | 48.5 metres
(<u>159.12'</u>) | 48.5 metres
(<u>159.12'</u>) |
| Minimum lot depth | 30.5 metres
(<u>100.07'</u>) | 48.5 metres
(<u>159.12'</u>) |
- b) No portion of any pump island shall be located closer than six (6.0) metres (19.69') from the street line of any street.
- c) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than fifteen (15.0) metres (49.21').
- d) 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 three (3.0) metres (9.84').
- e) The width of any ingress or egress ramp along any street line shall be not more than nine (9.0) metres (29.53') or less than seven and one-half (7.5) metres (24.60').
- f) The minimum distance between ramps shall be not less than twelve (12.0) metres (39.37').
- g) The minimum interior angle of any ramp to the street line shall be greater than sixty (60) degrees and less than ninety (90) degrees.

- h) 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.
- i) Land which is not used for buildings, ramps or paving shall be landscaped.

14.2.2 Salvage Yard or Scrap Yard

Notwithstanding any previous provisions of this By-law, where a lot is used for a salvage yard or scrap yard, the following special regulations shall apply:

- a) The storage of wrecked automobiles, scrap metal, junk, or similar materials shall not be carried out in that part of the lot or lots designated herein as the 'front yard', 'side yard' or 'rear yard'.
- b) The lot or lots occupied by the salvage yard or scrap yard shall be surrounded on all sides by a decorative fence or wall or landscaped berm erected by the owner of said salvage yard or scrap yard having a minimum height of two and one-half (2.5) metres (8.2'), and shall be constructed of permanent materials and provide a complete, year round, visual barrier and shall be maintained in a neat and visually attractive manner. The decorative fence or wall shall also be designed and constructed to resist wind damage (e.g. alternating slats) as approved by the Chief Building Official.
- c) Notwithstanding paragraph c) of this subsection, the fence or wall or landscaped berm shall not be erected closer than a minimum of nine (9.0) metres (29.53') from the street line on which the said lot fronts and where the said lot is a corner lot, the fence or wall or landscaped berm shall not be erected closer than a minimum of four and one-half (4.5) metres (14.76') from the exterior side lot line.
- d) No material used or stored in the open on the said lot or lots occupied by the salvage yard or scrap yard shall be piled higher than the elevation of the fence or wall or landscaped berm nearest to the said material.

14.2.3 Location of Uses Involving Heavy Truck Traffic

Notwithstanding any previous provisions of this By-law, the following uses shall only locate on a paved road which meets municipal standards of construction suitable for such uses:

- a) contractor's yard or shop;
- b) existing salvage yards or scrap yards;
- c) truck or transport terminals;

- d) transfer or temporary storage depots;
- e) warehousing and supply of storage uses.

14.2.4 Redevelopment of Ponds, Wayside Pits and Quarries

In undertaking the redevelopment of a pond, pit or wayside pit and quarry for industrial use, only clean, inert fill shall be used. Inert fill is defined as earth or rock fill that contains no putrescible materials or soluble or decomposable chemical substances.

14.2.5 Accessory Residential Dwelling Unit

- a) Minimum floor Area 70.0 sq. metres (753.5' sq.)

- b) Minimum Landscaped Open Space

Fifty percent of the floor area used for residential purposes.

- c) Parking for Dwelling Unit

In addition to the minimum number of parking spaces required for the principal use of the lot, a minimum of one and one-half parking spaces per dwelling unit shall be provided on the same lot.

- d) Exception

No commercial and/or industrial building wherein gasoline or any other highly flammable, toxic, or explosive products are handled in quantity shall have a contiguous dwelling unit. 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 quantity in the commercial and/or industrial area of the building.

14.3 EXCEPTIONS

The specific regulations contained in this subsection 14.3 shall apply to the area or areas defined below:

14.3.1 Defined Area M1-1 as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

- i) The manufacture of wood trusses and wood related products as well as the production of all-steel commercial buildings and the sale thereof at wholesale or retail;
- ii) an existing single family detached dwelling.

b) Permitted Buildings and Other Structures

- i) Buildings and structures for the uses permitted in subsection 14.3.1 a);
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.1a).

b) Other Requirements

The regulations of subsection 7.1.3 through 7.1.11 shall apply to the use defined in subsection 14.3.1 a) ii).

14.3.2 Defined Area M1-2 as shown on Schedule “A”, Map 6 to this By-law.

a) Other Permitted Uses

Trailer or recreation vehicle sales and service establishment in addition to all other uses permitted in the Industrial Zone (M1).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 14.3.2 a);
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.2 a).

c) Other Requirements

The regulations of subsection 7.1.3 through 7.1.11 shall apply to the use defined in subsection 14.3.1 a) ii).

14.3.3 Defined Area M1-3 as shown on Schedule “A”, Map 6 to this By-law.

a) Other Permitted Uses

A key-lock petroleum dispensing facility and a public petroleum dispensing facility designed for the wholesale or retail sale of gasoline, motor vehicle fuels, lubricating oil and allied additives and the introduction of such materials into vehicles, but does not include the provision of mechanical services or repairs to vehicles; in addition to all other uses permitted in the Industrial Zone (M1).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 14.3.3 a) i);
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.3 a) i).

c) Other Requirements

The regulations of subsections 9.2.1 shall apply to key-lock and public petroleum dispensing facilities as defined in subsection 14.3.3 a) I). Notwithstanding any other section of this By-law to the contrary, the width of any ingress and egress ramp along the street shall not be more than 18 metres and the distance between such ramps shall not be less than 4.5 metres.

14.3.4 Defined Area M1-4 as shown on Schedule “A”, Map 10 to this By-law.

a) Other Permitted Uses

A private recreation area including sports fields in addition to all other uses permitted in the Industrial Zone (M1).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 14.3.5 a);
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.5 a).

14.3.5 Defined Area M1-5, as shown on Schedule “A”, Map 10 to this By-law.

a) Other Permitted Uses

A private recreation area including sports fields in addition to all other uses permitted in the Industrial Zone (M1).

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 14.3.5 a);

ii) accessory buildings and structures for the uses permitted in subsection 14.3.5 a).

14.3.4.1 Defined Area M1-6, as shown on Schedule “A”, Map 10 to this By-law.

a) Other Permitted Uses

A garden supply center and a home improvement store, in addition to all of the uses permitted in the Industrial Zone (M1).

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 14.3.6 a);

ii) accessory buildings and structures for the uses permitted in subsection 14.3.6 a)

c) Regulations

i) The requirements of subsection 14.1.17 shall not apply to lands zone “M0-6”, on Schedule “A”, Map 10, to the By-law. However, no more than 24 parking spaces shall be permitted in the front yard of any lands zoned “M1-6”, and any front yard that is not used for driveways or parking spaces in an “M1-6” zone shall be used for landscaping;

ii) All other applicable regulations of this By-law shall apply to lands zoned “M1-6”.

d) Definition

For the purpose of this By-law, a “Home Improvement Store” is defined as follows:

“a retail store devoted to the sale of goods or materials required for the construction or alteration of buildings, including such merchandise as wall paneling, wood products, sheet glass products, windows and mirrors, floor, wall and ceiling tiles, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods. Open storage may be permitted as an accessory use.”

14.3.7 Defined Area M1-7 as shown on Schedule ‘A’, Map 5 to this By-law.

a) Permitted Use

- i) An existing salvage yard, but shall not include the mechanical recycling of materials;
- ii) Accessory uses limited to a licensed garage and repair shop and the display and sale of vehicles.

b) Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 14.3.7 a);
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.7 a).

c) Regulations

The appropriate provisions of this by-law including Section 14 and in particular subsection 14.2.2 shall apply.

14.3.8 Defined Area M1-8 as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

- i) blueprinting and printing establishments;
- ii) building supplies center or lumber yard;
- iii) commercial grain handling and storage facility;
- iv) establishments for the storage or processing of agricultural produce;

- v) existing agricultural uses;
- vi) food catering services;
- vii) manufacturing of small electrical or machine components;
- viii) offices and retail or wholesale outlets related to permitted industrial uses, carried on in the same building;
- ix) service shops;
- x) tool and die companies;
- xi) warehousing;
- xii) special light industrial uses, as defined in subsection 3.63(b) of the by-law;
- xiii) accessory buildings or uses, including a dwelling unit.

b) Permitted Buildings and Other Structures

- i) buildings and structures for the uses permitted in subsection 14.3.8(a);
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.8 (a).

c) Maximum Lot Coverage 50 percent

14.3.9 Defined Area M1-9, as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

- i) all uses permitted in the Industrial (M1) Zone, save and except a concrete products factory or concrete manufacturing use, an automobile body repair shop, and an automobile repair garage;
- ii) accessory buildings or uses, including a dwelling unit.

b) Permitted Buildings and Other Structures

- i) buildings or structures for the uses permitted in subsection 14.3.9 (a);
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.9 (a).

- c) Maximum Lot Coverage 50 percent

14.3.10 Defined Area M1-10, as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Uses

- i) all uses permitted in the Industrial (M1) zone;
- ii) accessory buildings or uses, including a dwelling unit

b) Permitted Buildings and Other Structures

No building or structure shall be used or erected in the Industrial (M1-10) zone, except for the following purposes:

- i) Buildings and structures for the uses permitted in subsection 14.310 (a), which are serviced with:
 - a) a municipal piped water supply system; and
 - c) a sanitary sewage system with rotating biological contactors, or any other piped or on-site MOE approved sanitary sewage disposal system, save and except a septic tank and tile field system.

14.3.11 Defined Area M1-11 as shown on Schedule “A”, Map T12 to this By-law.

(AMENDED by B/L 215-2011, Jan. 5/2012)

a) Permitted Uses

- i) all uses permitted in the Industrial (M1) Zone, save and except the following:
 - a) building supplies center and lumber yard;
 - b) commercial grain handling and storage facility;
 - c) concrete or wood products factory or manufacturing use;
 - d) establishments for the storage or processing of agricultural produce; and
 - e) existing agricultural uses;
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.11(a).

- b) Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 14.3.11(a);
 - ii) Accessory buildings and structures for the uses permitted in subsection 14.3.11(a).
- c) Special Regulations

A buffer strip with a minimum width of 30.0 metres (98.43') shall be provided abutting the side and rear lot lines, where they abut a residential zone in compliance with subsection 5.25.

14.3.12 Defined Area M1-12 as shown on Schedule "A", Map 6 to this By-law.

- a) Other Permitted Uses

A retail store, a gas bar, a restaurant and financial institution;
- b) Other Permitted Buildings and Structures
 - i) Building and structures for the uses permitted in subsection 14.3.12 (a);
 - iii) Accessory buildings and structures for the uses permitted in subsection 14.3.12(a).
- c) Minimum Lot Area 0.6 hectares
(64,581.2'sq.)

14.3.13 Defined Area M1-13 as shown on Schedule "A", Map 10 to this By-law.

- a) Other Permitted Uses

Offices, general or professional;
- b) Other Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 14.3.13(a);
 - ii) Accessory buildings and structures for the uses permitted in subsection 14.3.13(a)

14.3.14 Defined Area M1-14 as shown on Schedule “A”, Map 6 to this By-law.

a) Permitted Uses

- i) A key-lock petroleum dispensing facility and a public petroleum dispensing facility designed for the wholesale or retail sale of gasoline, motor vehicle fuels, lubricating oil and allied additives and the introduction of such materials into vehicles;
- ii) a restaurant;
- iii) the uses permitted in subsection 14.1.1 of this By-law;
- iv) accessory uses.

b) Permitted Buildings and Other Structures

- i) Buildings and structures for the permitted uses;
- iii) accessory buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 14.1.3 to 14.2, inclusive, of this by-law. The regulations of subsection 14.2.1 shall also apply to a key-lock and public petroleum dispensing facility.

14.3.15 Defined Area M1-15 as shown on Schedule “A”, Map T12 of this By-law.

(AMENDED by B/L 215-2011, Jan. 5/2012)

a) Permitted Uses

- i) all uses permitted in the Industrial (M1) Zone, save and except the following:
 - 1) commercial grain handling and storage facility;
 - 2) concrete or wood products factory or manufacturing use;
 - 3) establishments for the storage or processing of agricultural produce; and
 - 4) existing agricultural uses;
- ii) accessory buildings and structures for the uses permitted in subsection 14.3.15(a).

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Special Regulations

A buffer strip with a minimum width of 30.0 metres (98.43') shall be provided abutting the side and rear lot lines, where they abut a residential zone in compliance with subsection 5.25.

14.3.16 Defined Area M1-16 as shown on Schedule "A", Map 7 of this By-law.

a) Other Permitted Uses

i) General and professional offices and equipment rental establishments.

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 14.3.16(a);

ii) Accessory buildings and structures for the uses permitted in subsection 14.2.16(a).

SECTION 15 - AGRICULTURAL ZONE (A) REGULATIONS

15.1 GENERAL USE REGULATIONS

15.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Agricultural Zone (A) Except for the following purposes:

- a) agricultural uses;
- b) agricultural use, livestock intensive;
- c) dog kennel;
- d) the raising and breeding of birds, fish or fur bearing animals;
- e) forestry uses;
- f) greenhouses;
- g) game and wildlife preserves;
- h) household occupation or agricultural household occupation;
- i) landing strip;
- j) market gardens;
- k) nurseries or tree farms;
- l) riding stable, including a horse training track;
- m) single family residential uses;
- n) wayside pit and quarry;
- o) works of a conservation Authority;
- p) accessory buildings, structures or uses.

15.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Agricultural Zone (A) except for the following purposes:

- a) buildings and structures for the permitted uses;
- b) one (1) single family detached dwelling accessory to an agricultural use;
- c) one (1) single family detached dwelling for the owner or resident staff as supplementary housing to an agricultural use, in addition to an existing dwelling on a farm lot, such farm lot being a lot of record legally created and registered in a registry office for the County of Essex and in existence on or before February 3, 1969 and having the minimum lot areas as required in subsection 15.1.3;
- d) existing single family detached dwellings;
- e) one (1) single family dwelling on a lot of record legally created and registered in a registry office for the County of Essex and in existence on or before February 3, 1969;
- f) one (1) single family detached dwelling on a lot created after February 3, 1969;
- g) accessory buildings and structures for the permitted uses.

15.1.3 Minimum Lot Area 19.0 hectares (46.94 acres)

15.1.4 Minimum Lot Frontage 150.0 metres (492.13')

15.1.5 Maximum Lot Coverage 20 percent

15.1.6 Maximum Building Height 10.5 metres (34.45')

15.1.7 Minimum Floor Area

- a) single family detached dwelling 92.5 sq. metres (995.69'sq.)
- b) dwelling units 16.0 sq. metres (172.22' sq.)
one person, plus 9.0 sq. metres (96.88' sq.) for each additional person

15.1.8 Minimum Front Yard Depth 15.0 metres (49.21')

15.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 15.1, the following additional regulations shall apply to certain specific uses permitted in subsection 15.1.1.

15.2.1 New Livestock Intensive Agricultural Uses

- a) This subsection shall, notwithstanding anything herein to the contrary, only apply to livestock intensive agricultural operation which are completely new, as distinguished from remodeling, replacing or expanding thereof.
- b) Notwithstanding the requirements of subsection 15.1.8 to subsection 15.1.10 inclusive, after the date of passing of this By-law the erection of any main building or accessory manure handling and storage structure for livestock intensive agricultural use, as defined in this By-law, shall comply with the separation distances from existing, neighbouring uses derived through the application of the Minimum Distance Separation Formula II of the Agricultural Code of Practice.
- c) No building permit shall be issued for any main building or any accessory manure handling or storage structure for a livestock intensive agricultural use, as defined herein, unless the requirements of paragraph 2.5 herein are complied with and unless a certificate of compliance from the Ontario Ministry of the Environment and the Ontario Ministry of Agriculture and food (pertaining to the adequacy of the manure handling system) is delivered to the chief building official.

15.2.2 Manure and Dead Stock Handling, Storage and Disposal

The handling, storage and disposal of manure and dead animal stock shall only be done in accordance with the requirements of The Environmental Protection Act, R.S.O. 1980, as amended from time to time.

15.2.3 Dog Kennels

Notwithstanding the requirements of subsection 15.1.8 to subsection 15.1.10 inclusive, any other provision of this By-law to the contrary, any buildings or structures used for a dog kennel, save and except for an existing dog kennel locate din Part of Lot 300, South Talbot Road Concession, shall:

- (i) be prohibited within 91.4 metres (300') measured horizontally, or a residential zone or of an existing dwelling locate don a lot that is under different ownership; and
- (ii) not be used for human habitation.

15.2.4 Residential Dwellings on Lots Legally Created After the Date of By-law Adoption and on Lots of Record with a Total lot area not exceeding .5 hectare in size.

- | | | |
|----|-----------------------------------|--|
| a) | Minimum Lot Area | 1860 square metres
(<u>20.021.5' sq.</u>) |
| b) | Maximum Lot Area | .5 hectare
(<u>1.24 acres</u>) |
| c) | Minimum Lot Frontage | 30.0 metres (<u>98.43'</u>) |
| d) | Maximum Lot coverage | 25 percent |
| e) | Minimum Front Yard Depth | 15 metres (<u>49.21'</u>) |
| f) | Minimum Side Yard Width | 3 metres (<u>49.21'</u>) |
| g) | Minimum Rear Yard Depth | |
| | - Dwelling | 15 metres (<u>49.21'</u>) |
| | - Accessory Building or structure | 3 metres (<u>9.84'</u>) and in accordance with the provisions of subsection 5.27.1 |

15.3 EXCEPTIONS

The specific regulations contained in this subsection 15.3 shall apply to the area or areas defined below:

15.3.1 Defined Area A-1 as shown on Schedule "A", Map T16 to this By-law.
(AMENDED by B/L 215-2011, Jan. 5/2012)

- a) Other Permitted Uses:
- A church, and a church-related school, in addition to all other uses permitted in the Agricultural (A) Zone.
- b) Other Permitted Buildings and Structures
- i) Buildings and structures for the uses permitted in subsection 15.3.1 (a);
 - ii) Accessory buildings and structures for the uses permitted in subsection 15.3.1 (a).

- c) Minimum Lot Area - 0.4 hectares (43,054.1'sq.)
- d) Minimum Lot Frontage - 50 metres (164.04)'

15.3.2 Defined Area A-2 as shown on Schedule 'A', MapT16 to this By-law.
(AMENDED by B/L 215-2011, Jan. 5/2012)

a) Other Permitted Uses

A trucking and excavating business in addition to all other uses permitted in the Agricultural Zone (A).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 15.3.2 a);
- ii) accessory buildings and structures for the uses permitted in subsection 15.3.2 a).

15.3.3 Defined Area A-3 as shown on Schedule "A", Map 11 to this By-law.

a) Other Permitted Uses

An abattoir, meat cutting, packing and sales establishment in addition to all other uses permitted in the Agricultural Zone (A).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 15.3.3 a);
- ii) accessory buildings and structures for the uses permitted in subsection 15.3.3 a).

15.3.4 Defined Area A-4 as shown on Schedule "A", Map 5 to this By-law.

a) Other Permitted Uses

A meat cutting, packing and sales establishment in addition to all other uses permitted in the Agricultural Zone (A).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 15.3.4 a);
- ii) accessory buildings and structures for the uses permitted in subsection 15.3.4 a).

15.3.5 Defined Area A-5 as shown on Schedule “A”, Map 5 to this By-law.

a) Permitted Uses

A construction company.

b) Other Permitted Buildings and Structures

The existing buildings and structures only.

15.3.6 Defined Area A-6 as shown on Schedule “A”, Map 10 to this By-law.

a) Other Permitted Uses

A private school in addition to all other uses permitted in the Agricultural Zone (A).

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 15.3.7 a);

ii) accessory buildings and structures for the uses permitted in subsection 15.3.7 a).

15.3.7 Defined Area A-7 as shown on Schedule “A”, Map 17 to this By-law.

a) Other Permitted Uses

A private school in addition to all other uses permitted in the agricultural Zone (A).

b) Other Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 15.3.7 a);

ii) accessory buildings and structures for the uses permitted in subsection 15.3.7 a).

15.3.8 Defined Area A –8 as shown on Schedule “A”, Map 17 to this By-law.

a) Permitted Use

A truck or transport terminal.

b) Permitted Buildings and Other Structures

The existing buildings and structures only.

- 15.3.9 Defined Area A-9 as shown on Schedule “A”, Map T16 to this By-law.
(AMENDED by B/L 215-2011, Jan. 5/2012)
- a) Notwithstanding their A Zoning designation, where lands are delineated as A-9 on Map 2, Schedule “A” to this By-law, the provisions of subsection 15.1.8 and 15.1.10 shall not apply, and the minimum front and rear yards shall be as they lawfully existed on the effective date of the passing of this By-law.
- 15.3.10 Defined Area A-10 as shown on Schedule “A”, Map 6 to this By-law.
- a) Other Permitted Uses
- A church in addition to all other uses permitted in the Agricultural Zone (A).
- b) Other Permitted Buildings and Structures
- i) Buildings and structures for the uses permitted in subsection 15.3.10 a);
- ii) accessory buildings and structures for the uses permitted in subsection 15.3.10 a).
- c) Special Regulations
- i) The provisions of subsection 5.3 shall not apply to the lands delineated as A-10 on Map 6, Schedule ‘A’ to this By-law;
- ii) no building or structure shall be erected closer than 30 metres (98.43’) to the right-of-way limit of a railway.
- 15.3.11 Defined Area A- 11 as shown on Schedule “A”, Map 11 to this By-law.
- a) Other Permitted Uses
- An agricultural market in addition to all other uses permitted in the Agricultural Zone (A).
- b) Other Permitted Buildings and Structures
- i) Buildings and structures for the uses permitted in subsection 15.3.11 a);
- ii) accessory buildings and structures for the uses permitted in subsection 15.3.11 a).
- c) Other Requirements
- The maximum retail floor area for the agricultural market use permitted in subsection 15.3.11 a) shall be 250 square metres (2,691.1’ sq.)

SECTION 16 - INSTITUTIONAL ZONE (I) REGULATIONS

16.1 GENERAL USE REGULATIONS

16.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Institutional Zone (I) except for the following purposes:

- a) Churches, with or without a cemetery, on the same or a separate lot within the Township, church halls and religious institutions;
- b) day nursery and adult day care centers
- c) Federal, Provincial and Municipal government office, buildings and facilities;
- d) Historical sites, museums and associated revenue generating uses including a picnic area, gift shop and restaurant;
- e) Hospitals;
- f) Institutional uses, excluding private schools and cemeteries;
- g) Libraries and other cultural institutions;
- h) Municipal water and sewage pumping stations and treatment facilities;
- i) Navigational lights and radio equipment for aircraft;
- j) Nursing homes;
- k) Police station or firehall;
- l) Private clubs;
- m) Radio transmitting facilities;
- n) Schools;
- o) Senior citizen housing;
- p) Accessory uses.

16.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Institutional Zone (I) except for the following purposes:

- a) Buildings and structures for the permitted uses;
- b) Accessory buildings and structures for the permitted uses.

16.1.3	<u>Minimum Lot Area</u>	8000 square metres (<u>86,114' sq.</u>)
16.1.4	<u>Minimum Lot Frontage</u>	60.0 metres (<u>196.85'</u>)
16.1.5	<u>Maximum Lot Coverage</u>	50 percent
16.1.6	<u>Minimum Landscaped Open Space</u>	30 percent
16.1.7	<u>Maximum Building Height</u>	10.5 metres (<u>34.45'</u>)
16.1.8	<u>Minimum Front Yard Depth</u>	13.5 metres (<u>44.29'</u>)
16.1.9	<u>Minimum Side Yard Width</u>	6.0 metres (19.69') or one-half the building height, whichever is greater
16.1.10	<u>Minimum Rear Yard Depth</u>	7.5 metres (<u>24.60'</u>)

16.1.11 Buffer Strip

A buffer strip with a minimum width of 3.0 metres (9.85') shall be provided abutting the side and rear lot lines, where the Institutional zone abuts a residential or parks and open space zone, in compliance with subsection 5.25 of this By-law.

16.1.12 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

16.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 16.1, the following additional regulations shall apply to certain specific uses permitted in subsection 16.1.1.

16.2.1 Special Provisions for Senior Citizen Housing

Notwithstanding any other provision of this by-law to the contrary, a senior citizen housing complex may be erected and used on lands zoned Institutional (I) provided it does not exceed a maximum density of 37 dwelling units per gross hectare and provided all other applicable provisions of this by-law are complied with.

16.3 EXCEPTIONS

The specific regulations contained in this subsection 16.3 shall apply to the area or areas defined below:

16.3.1 Defined Area I-1 as shown on Schedule “A”, Map T12 to this By-law.
(AMENDED by B/L 215.2011, Jan. 5/2012)

a) Permitted Use

A cemetery.

b) Permitted Buildings and Other Structures

i) Buildings and structures for the uses permitted in subsection 16.3.1 a);

ii) Accessory buildings and structures for the uses permitted in subsection 16.3.1 a).

16.3.2 Defined Area I-2 as shown on Schedule “A”, Map 3 to this By-law.

a) Permitted Use

A nursing home.

b) Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 16.3.2 a);

ii) Accessory buildings and structures for the uses permitted in subsection 16.3.2 a).

c) Maximum Lot Coverage

25 percent

d) Maximum Building Height

10.5 metres (34.45')

e) Maximum Density

forty-five (45) rooms to a maximum of 100 beds

- | | | |
|----|--|---|
| f) | Setback from Banwell Road | not less than 30.5 metres (100.06') from the centerline of Banwell Road |
| g) | <u>Setback from the Limit between the Township of Sandwich South and the City of Windsor</u> | 6.0 metres (19.69') |
| h) | <u>Setback from the Limit Between Lots 145 and 146, Concession 2.</u> | 7.5 metres (24.60') |
| i) | <u>Setback from the most Southerly limit of the lands</u> | 15.0 metres (49.21') |
| j) | Minimum Parking Required | one (1) parking space for each two (2) beds |

16.3.3 Defined Area I-3 as shown on Schedule ‘A’, Map 10 to this By-law.

a) Permitted Use

A community and cultural center and private club, church, private school, shrine, existing single family dwelling and agricultural uses, buildings and structures, but excluding any student residence of dormitory.

b) Permitted Buildings and Structures

i) Buildings and structures for the uses permitted in subsection 16.3.3 a).

ii) Accessory buildings and structures for the uses permitted in subsection 16.3.3 a).

16.3.4 Defined Area I-4 as shown on Schedule ‘A’, Map T16 to this By-law.

(AMENDED by B/L 215-2011, Jan. 5/2012)

a) Permitted Uses

i) A cultural and religious center;

ii) Accessory uses, including one (1) accessory dwelling unit.

- b) Permitted Buildings and Structures
 - i) Buildings and structures for the uses permitted in subsection 16.3.4 (a);
 - ii) Accessory buildings and structures for the uses permitted in subsection 16.3.4 (a).
- c) Minimum Lot Area 2 hectares (4.94 acres)
- d) Minimum Lot Frontage 100 metres (328.08')
- e) Maximum Lot Coverage 20 percent
- f) Minimum Landscaped Open Space 30 percent
- g) Maximum Building Height 10.5 metres (34.45')
- h) Minimum Front Yard Depth 30 metres (98.43')
- i) Minimum Side Yard Width 40 metres (131.23')
- j) Minimum Rear Yard Depth 60 metres (196.85')
- k) Buffer Strip

A buffer strip with a minimum width of 3.0 metres (9.84') shall be provided abutting the side lot lines, in compliance with subsection 5.25 of this by-law.

- l) Outside Lighting Facilities

Illuminated signs and exterior lighting installed to illuminate parking areas, driveways, loading areas, buildings, etc. shall be so arranged as to direct light away from abutting properties.

16.3.5 Defined Area I-5 as shown on Schedule "A", Map 10 of this By-law.

- a) Permitted Uses

- i) A church, a church rectory, a church hall and accessory uses to the foregoing permitted uses including one accessory dwelling unit which contains a common kitchen and living room and not more than ten bedrooms with separate bathrooms;
- ii) The uses permitted in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and other structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for lands zoned I-5 shall be in accordance with subsection 16.1.3 to 16.2, inclusive, of this By-law.

SECTION 17 - PARKS AND OPEN SPACE ZONE (P) REGULATIONS

17.1 GENERAL USE REGULATIONS

17.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Parks and Open Space Zone (P) except for the following purposes:

- a) conservation area;
- b) golf course;
- c) gold driving range;
- d) public and private parks, including playgrounds, picnic facilities, sports fields, a bowling green and tennis courts;
- e) a public parking area;
- f) a recreation or community center;
- g) storm water collection areas;
- h) a tourist camp or trailer camp, licensed by the municipality;
- i) accessory uses.

17.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Parks and Open Space Zone (P) except for the following purposes:

- a) buildings and structures for the permitted uses;
- b) accessory buildings and structures for the permitted uses.

17.1.3 Minimum Lot Area 8000 square metres
(86,114' sq.)

17.1.4 Minimum Lot Frontage 60.0 metres (196.85')

17.1.5 Minimum Lot Coverage 35 percent

17.1.6 Maximum Building Height 10.5 metres (34.45')

17.1.7	<u>Minimum Front Yard Depth</u>	15.0 metres (<u>49.21'</u>)
17.1.8	<u>Minimum Side Yard Width</u>	4.5 metres (<u>14.76'</u>)
17.1.9	<u>Minimum Rear Yard Depth</u>	7.5 metres (<u>24.60'</u>)

17.1.10 Buffer Strip

A buffer strip with a minimum width of two (2.0) metres (6.56') shall be provided around any parking area in a park in the parks and Open Space Zone (P) except for access areas.

17.1.11 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

17.2 SPECIFIC USE REGULATIONS

(none until amended)

17.2 EXCEPTIONS

The specific regulations contained in this subsection 17.3 shall apply to the area or areas defined below:

17.3.1 Defined Area P-1 as shown on Schedule "A", Map 3 to this By-law.

a) Permitted Uses

- i) The transmission lines of Ontario Hydro;
- ii) walking trails,
- iii) bicycle paths;
- iv) active recreation areas
- v) parkland

b) Other Requirements

- i) No buildings or structures shall be permitted except for transmission lines on Ontario Hydro;

- ii) the use of any lands for any purpose other than transmission lines shall be subject to the approval and regulations of Ontario Hydro.

17.3.2 Defined Area P-2 as shown on Schedule “A”, Map 3 to this By-law.

a) Other Permitted Uses

A school and accessory uses thereto in addition to all other uses permitted in the Parks and Open Space Zone (P).

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 17.3.2 a);
- iii) accessory buildings and structures for the uses permitted in subsection 17.3.2 a).

17.3.3 Defined Area P-3 as shown on Schedule “A”, Map T17 to this By-law.

(AMENDED by B/L 215-2011, Jan. 5/2012)

a) Other Permitted Uses

- i) an agricultural use;
- ii) an accessory dwelling and/or dwelling unit

b) Other Permitted Buildings and Structures

- i) Buildings and structures for the uses permitted in subsection 17.3.3 a) i);
- ii) a dwelling unit in a portion of the administration and office building for the owner or one person and his family employed in the business operation;
- iii) one single family detached dwelling;
- iv) accessory buildings and structures for the uses permitted in subsection 17.3.3 a).

c) Accessory Dwelling or Dwelling Unit

The provisions of subsection 15.2.4 shall also apply to any accessory single family detached dwelling, and the provisions of subsection 8.2.4 a) through d) inclusive shall also apply to any accessory dwelling unit.

d) Agricultural Buildings

The provisions of Section 15 shall apply to any agricultural buildings or structures erected in connection with the use permitted in subsection 17.3.3 a) i).

SECTION 18 - HOLDING ZONE (H) REGULATIONS

18.1 GENERAL USE REGULATIONS

No land, building, or structures shall be used or erected in the Holding Zone (H) except for the following purposes:

- a) an agricultural use;
- b) agricultural household occupation;
- c) forestry use;
- d) household occupation;
- e) uses lawfully in existence as of the effective date of passing of this by-law

18.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Holding Zone (H) except for the following purposes:

- a) existing buildings and structures;
- b) buildings, structures and uses accessory to the permitted uses.

18.1.3 Regulations for Lots and Buildings

The minimum lot area and lot frontage, the minimum front, side and rear yards, the maximum lot coverage and the maximum building height shall be as they lawfully existed on the effective date of the passing of this By-law.

18.2 SPECIFIC USE REGULATIONS

In addition to the general regulations outlined in subsection 18.1, the following additional regulations shall apply to certain specific uses permitted in subsection 18.1.1.

18.2.1 Existing Dwellings

The foregoing shall not apply to prevent the enlargement of dwellings or the erection or extension of buildings accessory thereto in compliance with the regulations of subsections 6.1, 5.9 and 5.27.

18.2.2 Agricultural Buildings

The foregoing shall not apply to prevent the enlargement of farm buildings or the erection of new buildings accessory to an agricultural use in compliance with the regulations of Section 15 and subsection 5.9 and 5.27.

18.3 EXCEPTIONS

(None until amended)

SECTION 19 – BUSINESS PARK ZONE (BP) REGULATIONS

19.1 GENERAL USE REGULATIONS

19.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Business Park Zone (BP) except for the following purposes:

- a) automobile sales and service establishment, automobile rental establishment, automobile washing establishment, gas bar;
- b) an arena, swimming pool, hockey rink, baseball field and other public and private recreational and sports facilities;
- c) commercial printing, publishing, and photographic processing establishments;
- d) commercial recreation and entertainment establishments and cinemas;
- e) food catering service, including the packaging and preparation of food or foodstuffs for distribution and sales elsewhere;
- f) financial institution;
- g) general or business or professional office;
- h) light industrial uses;
- i) retail store and warehouse retail store;
- j) restaurant, motel, hotel, and tavern;
- k) truck and transport terminals, provided there is a permanent building and office in addition to loading, unloading and storage area;
- l) warehousing and wholesale business establishment;
- m) any use accessory to the foregoing uses, which may also include a day nursery use and an outside storage yard.

19.1.2 Permitted Buildings and Other Structures

No building or structure shall be used or erected in the Business Park Zone (BP) except for the following purposes:

- a) Buildings and structures for the permitted uses;
- b) Accessory buildings and structures for the permitted uses

19.1.3 Minimum Lot Area 2.02 hecatres (5 acres)

19.1.4 Minimum Lot Frontage 30 metres (98.4')

19.1.5 Maximum Building Height 22 metres (72.2')

19.1.6 Minimum Front Yard Depth 6 metres (19.7') or 10% of the lot depth, whichever is greater provided however, the minimum required front yard depth need not exceed 25 metres (82.0')

19.1.7 Minimum Side or Rear Yard Depth

- i) 6 metres (19.7') where such yard abuts a public street;
- ii) one-half the height of the building, where such yard does not abut a public street

19.1.8 Outside Storage

A permitted accessory outside storage yard is prohibited in any front, rear or side yard abutting a public street.

19.1.9 Performance Standards and Buffer Strip Requirement

All uses within the Business Park Zone (BP) shall meet the following performance standards to ensure the safety and comfort of all persons within this zone and in adjoining zones. The performance standards to be complied with shall include all municipal, provincial and federal regulations with respect to air and water pollution, industrial safety and work standards as well as the following specific standards:

- a) no dirt, dust or particulate matter shall be discharged into the air;
- b) no noise shall exceed 60 DBA (decibels) during the day or 590 DBA at night at the boundaries of the lot provided that short intermittent noise peaks are permitted;
- c) no toxic, obnoxious or corrosive fumes or gases shall be emitted;
- d) no odours shall be perceptible at the lot boundaries;

- e) any drop or power hammer, punch press or stamping press shall be controlled so as to prevent the transmission beyond the lot lines of ground vibrations perceptible without the aid or instruments;
- f) a 30 metres (98.4') wide buffer strip shall be provided abutting the side and rear lot lines where such lot lines abut Banwell Road.

19.2 SPECIFIC USE REGULATIONS

(None until amended)

19.3 EXCEPTIONS

(None until amended)

SECTION 20 - HIGHWAY SERVICE CENTRE ZONE (HS) REGULATIONS

20.1 GENERAL USE REGULATIONS

20.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Highway Service Centre Zone (HS) except for the following purposes:

- i) A highway transportation-related service center consisting of:
 - a) truck, truck trailer, and recreational vehicle repair garages, fuel depots, service stations, towing services, washing establishments;
 - b) truck, truck trailer and recreational vehicle sales, leasing and rental establishments;
 - c) vehicle and equipment leasing and rental establishment;
 - d) restaurants, motels, hotels;
 - e) warehousing and load transfer facilities;
 - f) customs facilities;
 - g) overnight accommodations and parking for trucks and recreational vehicles;
- ii) uses ancillary to the transportation-related service centers uses consisting of:
 - a) sales, leasing and servicing of communication and computer equipment;
 - b) financial institutions;
 - c) general, professional and medical offices or clinics, health and fitness centers, personal service shops, union halls;
 - d) retail stores; and
- iii) uses accessory to the foregoing uses

20.1.2 Permitted Buildings and Other Structures

No buildings or structure shall be used or erected in the Highway Service Centre Zone (HS) except for the following purposes:

- a) Buildings and structures for the permitted uses serviced by a municipal water supply system and a sanitary sewage treatment facility approved by the Ministry of the Environment;
- b) Accessory buildings and structures for the permitted uses.

20.1.3 Minimum Lot Area 46 hectares

20.1.4 Minimum Lot Frontage 100 metres

20.1.5 Maximum Building Height 15 metres

20.1.6 Minimum Front Yard Depth 30 metres

20.1.7 Minimum Side or Rear Yard Depth 20 metres

20.1.8 Minimum Landscaped Open Space 10 percent

20.2 SPECIFIC USE REGULATIONS

(None until amended)

20.3 EXCEPTIONS

(None until amended)

TOWNSHIP OF SANDWICH SOUTH

List of Temporary Use By-laws

By-law No.	Date of Adoption	Expiry Date	Comments
93-17	April 26/93	April 26/96	Allows the breeding of reptiles and amphibians in an existing one storey bldg. On part of Lot 19, Con. 10, Ofner property
98-07	January 12/98	Dec. 12/2000	Coxons, towing and equipment transportation service.
98-3	July 27/98	July 27, 2001	Maronite Church, 6 residential dormitory rooms

TOWNSHIP OF SANDWICH SOUTH

BY-LAW 85-18
(Office Consolidation)

1. Date Comprehensive By-law Adopted by Council May 21, 1985
2. This Office Consolidation includes all amendments up to and including By-law No. 2002-100 (with the exception of these By-laws passed subsequent to an Official Plan Amendment that is pending Ministry of Municipal Affairs and Housing's approval).

LIST OF ALL AMENDMENTS INCLUDED IN THIS OFFICE CONSOLIDATION

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
85-25	Oct. 15/85	15.2 14.1 12.2 14.1 14.2	3	Replaced 15.2.4(g), 14.1.1(y) Added 12.2.3, 14.1.17, 14.2.5 W/side of Manning Road, south of Highway 2 – from A to M1-1
85-26	Oct. 15/85	-	3	W/side of Manning Road, south of Highway 2 – from A to M1-1
85-36	Oct. 22/85	14.3	5	Added 14.3.7 South of County road 42, east of County Road 17 – from A to M1-7
85-38	Oct. 22/85	-	10	South of Highway 3, west of Walker Road – From A to CH
86-18	Mar. 24/86	6.3	5	Added 6.3.2 South of County Road 42, east of 12 th Concession – from R1 to R1-2
86-27	April 28/86	-	3	W/side of Manning Road, south of Highway 2 – from A and M1-1 to M1

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
86-44	Sept. 6/86	-	10	Walker Road and Highway 401 - From C2-3 to MI
86-49	Nov. 24/86	-	10	W/side of Outer Blvd. – removal of (H) symbol
87-17	Mar. 23/87	-	3	County Road 42 and Lesperance – from CI to RI
87-19	Mar. 23/87	-	7	8 th Concession and Highway 401 – from A to MI
87-21	April 23/87	-	10	Expansion to the Oldcastle Industrial Park – from A to CM and RH, from CR-2, I, I-3 and A to (H)MI, from A and P to MI
87-32	June 8/87	-	7	8 th Concession and County Road 46 – from A to MI
87-46	Sept. 28/87	5, 6, 8, 9, 10, 12, 13	3, 5	Added 5.27.1(j), Replaced 5.28, 5.34(g)li, 5.37(a), 6.17, 8.1.10(d), 8.2.4(a), 9.1.8, 9.2.2(a), 10.1.8(c), 12.2.3(*a), 14.2.5(a), Deleted 9.1.18 Banwell Road and County Road 42 – from A to R1, A to R1 and CM
87-48	Nov. 23/87	5, 16	--	Amended 5.33(xv), 5.34(i), Added 16.2.1
87-49	Nov. 23/87	3, 5	-	Added 3.2 and 5.46, Renumbered “3.12 – 3.134” to “3.3 – 3.135”
88-14	April 25/88	3	11	Added 3.3 and renumbered subsequent subsections Map change from A to A-11
88-22	May 30/88	6	5	Replaced 6.3.2, Added 6.3.3 Map change from A and RI to RI-2, and RI to RI-3

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
88-1	June 29/99	15	6	Added 15.3.10 – new “A-10” regulations Part Lot 14, Concession 7 p from A to A-10
88-42	Nov. 28/88	-	3	East of Lesperance – from A to R1
88-45	Nov. 28/88	7	13	Added 7.3.4 – new “RH-4” regulations Map Change from A to RH4
89-4	Jan. 23/89	-	7	Browning Ferris lands (8 th Con.) – from A to M1
89-8	Feb. 27/89	-	5	Map change from A to CM
89-10	Feb. 27/89	10	11	Added 10./1.1 (xxiii) D. Lafferty (Highway 3) – From A-10 to CH
89-14	May 23/89	-	3	E/side of Lesperance Rd. – from (H)R1 to R1
89-15	May 23/89	-	3	S/side of Intersection St. – from (H)R1 to R1
89-16	May 23/89	-	10	W/side of Outer Drive – from (H)M1 to M1
89-17	July 10/80	5, 10	-	Replaced 5.6.2, 5.27.2(d), 10.1.10(a)
89-20	Aug. 14/89 (as amended by OMB Order)	3, 14	3	Sylvestre Industrial Park Expansion – from A to (H)M18 and (H)M1-9 Added 3.63(b), 14.3.8, 14.3.9
89-23	Sept. 25/89	-	3	Seven Hills Subdivision – from (H) R1 to R1
89-25	Sept. 25/89	-	3	LaChance – Pt. Lot 148, Con. 3 – from A to R1

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
89-28	Dec. 11/89	8,9,10, 11, 12, 13, 1	-	New Height Resgtrictions – Replaced 8.14, 9.1.15, 10.1.14, 11.1.14, 12.1.13, 13.1.13, 14.1.13
90-12	Mar. 12/90	-	3	Docherty Subdivision – from (H) R1 to R1
90-17	Mar. 12/90	3,5	-	New Regulations fro recycling centers - Added 3.93, 3.106, 3.131, 5.47
90-28	June 11/90	6	3	Strawberry Ridge Subdivision – Added 6A – new “:R2” zone Map change from A and R1 to (H)R2
90-46	Dec. 18/90	-	3	North Pacific (Miron) – from (H) R1 to R1
91-20	Sept. 23/91	-	6	Pre-Dawn lands – Cty Road 42 from M1 to M1-4
92-2	Mar. 9/92	-	3	Strawberry Ridge Subdivision – from (H)R2 to R2
92-17	April 15/92 (as ordered by OMB)	14	10	Elmara Const. – Walker road – from M1 and M1-4 to M1-6 Added 14.3.6
91-38	Dec. 09/91	8	5	Nickerson – Cty Road 42 – from A and R1 to C1-5, added 8.3.5
92-11	May 11/92	-	2	Baillargeon – Banwell Road – from A to R1
90-3	Jan. 22/93 (as Ordered by OMB)	14	3	Windsor Creative Technologies – Desro Drive – from A & C1 to M1 – 10
93-3	Jan. 12/93	-	17	Lynncare Holdings – Malden Road – adjust A-8 zone to property lines
93-12	April 13/93	-	3	Shawnee Tavern- Shawnee Road From C2-1 to R1
90-23	April 23/90	3,19,20	2	Jantree Business Park – from A & P to (H)B1, (H)B2, (H)B2-1, (H)B2-2 Added 3.63(a)

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
93-24	July 27/93		3	Sylvestre Church – Pt. F.L. 156 Con. 2 – from A to I
93-25	July 27/93		3	Sylvestre Industrial – Pt. F.L. 156 Con. 2 – from A to M1
93-32	August 23/93	14.3.11	4	Added 14.3.11, B.O.S. Auto from M1 to M1-11
91-21	August 12/91		4	B.O.S. Auto – Baseline Road from M1 to RH
93-9	March 08/93		3	Gadomski Subdivision – from A to R1
93-11	April 13/93	6.3.4	5	Checker Flag Subdivision- Added 6.3.4, map changes from C1, R1, and (H)R1 to R1-4
93-41	October 25/93	6.3.5	3	North Pacific Residential Development Added 6.3.5, map changes from (H) R1 to R1-5
93-50	December 13/93	6.3.4	5	Checker Flag Subdivision – Changed Section 6.3.4 reducing required front yard
92-28	December 14/92		10	Blackacre, map changes from (H) M1 to M1
93-36	September 13/93	9A, 3	3	Sylvestre Industrial/Commercial added Section 9A, changes to Section 3, map changes from (H)M1-8 & (H)M1-9 to (H)C3
94-7	March 14/94		3	Sylvestre Industrial, map changes from (H) M1-8 & (H)M1-9 to M1-8 & M1-9

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
94-8	April 25/94		3	Sylvestre Industrial, map changes from (H)M1-8 & (H)M1-9 to M1-8 & M1-9
94-13	July 11/94		3	Palisco Subdivision, Calvary Court, change from (H)R1 to R1
94-12	June 27/94	9, 14		Sylvestre Industrial & Commerical, lot coverage to 50%
94-17	July 25/94		3	SouthEast Park Subdivision, map changes from A to R1 (easterly 10' strip)
94-26	November 07/94	15.3.1		Added a church and church related school to Defined Area A-1
91-25	August 26/91		10	Zanette Residential Subdivision, change from A to (H)RH
95-7	March 17/95		3	St. Louis, change from C1-3 to C1-2
95-11	April 24/95		10	Valente(Windsor Drive-In) change from (H) M1 to M1
95-13	May 08/95		3	Sylvestre Industrial, change from (H)C3 to C3
95-16	May 23/95	11.3.13	3	Garden Homes Construction Change from P to CR-13.
95-21	May 23/95		10	Valente Walker Road Change from A to M1
94-21	September 26/94		10	Lafferty, Wedgewood Change from A to RH-1
95-8	February 27/95	16	5	Sikh Cultural Centre, change from A to I-4, added Section 16.3.4
95-3	January 09/95		5	Dimu Subdivision, change A and R1 to R1 and R1-4
94-27	November 09/94	6.3.5 6.3.6	3	Chornoby Subdivision, change from (H)R1 to R1-6 and R1-7
95-20	August 14/95	12.3.1	5	Sylvestre Ct. Rd. 42, change from A & CM to CM-1 & (H)CM-1
95-30	August 29/95	12.3.2	5	Moir Crane, change from A, C1, CM to CM-2

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
95-18	May 23/95		3	Sylvestre Ct. Rd. 19, change from A to I, E.C.R.C.S.B. School Site
95-33	Oct. 23/95	Housekeeping Amendment	3,4,13	General Housekeeping Amendment
95-34	Nov. 13/95		17	Royal Estate Golf Course, change from A to P
95-35	Nov. 27/95		10	Petro Canada 5400 Walker Road, change from M1 to M1-3
96-01	March 04/96		10	Ciociaro Club, change from A to I
96-13	June 24/96	Housekeeping Amendment		General Housekeeping Amendment
96-23	October 15/96		10	Ciociaro Club, change from A to I
96-27	December 09/96		10	Lafferty, change from A to RH-1
97-16	May 12/97	9.3.6	10	Valente, change form (H)M1 to C2-6
97-28	July 28/97		10	Picadilly, change from (H) RH to RH
97-13	April 14/97		13	K of C, Change form RH to I
97-03	May 12/97	6.3.8, 6.3.9	3	Viselli, Change lot frontage req.
97-37	September 25/97	Housekeeping Amendment		General Housekeeping Amendment
97-38	October 14/97		3	Hilbamour, Change from (H)R1 to R1
97-51	December 08/97	14.3.12	6	Durocher, Change from M1 to (H)M1-12
98-05	January 12, 1998	Adds new Section 20 (HS)	8	Adds new Section entitled "Section 20, Highway Service Centre (HS)" – Coxon's
98-23	May 11, 1998	20.1.3	8	Amends minimum lot area provision- Coxon's
98-25	May 25, 1998		3	Maenpaa, Change from (H) R1 to R1
98-28	June 08, 1998		3	Sperduti, Change from (H)R1 to R1
98-27	May 25, 1998	9A.1.3 9A.1.4	3	Sylvestre Commercial /Industrial Park Re -Zoning

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
98-33	July 13, 1998	14.3.13	10	Neimar, 2130 Blackacre, Added offices, general or professional
97-31	July 13, 1998	8.3.2(b)	3	St. Louis (HJ) R1 & R1 to C1-2
98-40	July 27, 1998		10	Change zoning from M1 to C2-5 (SE corner Walker & North Talbot Road)
98-44	August 10, 1998	12.3.3	3	French, Odessa Drive CM to CM-3
98-47	September 28, 1998	8.3.6	3	roupe, Ct. Rd. 19 & 42, from R1 to C1-6
98-49	October 13, 1998	5.1.2, 5.35	7	Housekeeping Amendment
97-48	December 08, 1997		10	From A to I-1
97-50	December 08, 1997		7	From A to (H) BP
1999-18	February 23, 1999		3	Sapardanis, Corbi Lane
1999-19	February 23, 1999		3	Calvary Church, Falsetta
1999-20	February 23, 1999	4.3.14	6	N/W Corner – 8 th & Ct. Rd. 46
1999-43	June 15, 1999	10.3.4	6	Kiss – Baseline & 7 th
1999-52	June 22, 1999	12.3.4	5	Star Custom Concrete
1999-62	August 10, 1999	Housekeeping Amendment		Barrier Free Parking, Group Homes, Adult Day Care, Parking Space
1999-78	October 12, 1999	Adds 3, 41a, 3.41b Replaces 6A.3	10	Adds the definitions of ‘Dwelling, Single Unit, Attached’ & ‘Dwelling, Townhouse or Rowhouse’ Replaces Section 6A.3 with new Section 6A.3 • Subject to approval of OPA # 5 by MMAH

By-law No.	Date of Adoption	Changes Made to Section No.	Map No.	Comments
2000-15	January 25, 2000	Adds 14.3.15	4	Changes zoning from M1-11 to M1-15
2000-18	January 25, 2000		10	Changes zoning from I to M1-(Dixon)
2000-25	March 14, 2000	Adds 6.3.12, 6.3.13	3	Addition of new R1-12 and R1-13 zoning areas. R1 to R1-11 and R1-13
2000-36	March 14, 2000	Adds 3.57a, 5.48, 14.1.9, 14.1.10	10, 11, 16	Adds new definition of 'Greenway', adds "Greenway Regulations" rennumbers and adds sections to Section 14(Chrysler Greenway)
2000-43	April 11, 2000	14.3.3c	6	Adds sentence to end of Subsection 14.3.3c) – M1-3 to M1 & M1 to M1-3
2000-94	September 26, 2000	Adds 16.3.5	10	Adds new I-5 zoning classification
2000-107	December 12, 2000	Adds 9.3.5a)	10	Adds new Permitted Uses to 9.3.5a) M1 to C2-5 – (Simrak)
2000-108	December 12, 2000	Adds 20.1.1		Deletes 20.1.1 and replaces it with new 20.1.1 (Coxon)
2001-55	September 11, 2001	Adds 14.3.16	7	Adds new defined area M1-16 M1 to M1-16 (Spidalieri Development)
2001-56	September 22, 2001		7	Changes zoning of land from Agricultural Zone (A) to Industrial Zone (M1) (Vulturara Investments Inc.)
2001-75	December 11, 2001	Adds 6.3.14, 6.3.15, 6.3.16	3	Changes zoning land from Holding Residential Zone (H)R1 to Residential Zone R1-14, Residential Zone R1-15, and Residential Zone R1-16. (King Subdivision)
2002-30	March 12, 2002		3	M1 to C3 (Jamsyl Limited Partnership) Southwest Corner of Manning & Sylvestre Drive
2002-55	June 11, 2002	Adds 11.3.14	4	Collavino Golf Driving Range South Side of County Rd. 42
2002-85	October 22, 2002		6	D11 NJM – NJM Equities, North Talbot Road/Walker Road Removal of "H" Zone – "(H)M1-12" to "M1-12"

By-law No.	Date of Adoption	Changes Made to		Comments
		Section No.	Map No.	
2002-99	November 26, 2002		5	D19 GOU – John Goulet, 12 th Concession Rd. (2620 12 th Concession Rd.) – “C1” to “R1”
2002-100	November 26, 2002		4	D19BE – Bethel Romanian Pentecostal Church 5920 Baseline Road – “A” to “A-1”

INDEX OF AMENDING BY-LAWS TO ZONING BY-LAW 85-18
(After Amalgamation to City of Windsor)

BY-LAW NUMBER	PASSED BY COUNCIL	OMB APPROVAL/ CLERK'S DECLARATION
265-2005	November 7, 2005	December 13, 2005
234-2007	November 26, 2007	December 28, 2007
164-2011	September 19, 2011	October 20, 2011
215-2011	December 5, 2011	January 5, 2012
49-2014	March 27, 2014	April 15, 2014
59-2018	May 7, 2018	June 6, 2018
168-2018	November 19, 2018	December 19, 2018
55-2021	March 29, 2021	May 4, 2021