

## INDEX

### SECTION

- 1.0 Application, Administration and Enforcement
  - 2.0 Interpretation and Schedules
  - 3.0 Zones
  - 4.0 Definitions
  - 5.0 General Provisions
  - 6.0 Low Density Residential - Type 1 Zones (R1) & (R1A)
  - 7.0 Low Density Residential - Type 2 Zone (R2)
  - 8.0 Low Density Residential - Type 3 Zone (R3)
  - 9.0 Medium Density Residential Zone (RM)
  - 10.0 High Density Residential Zone (RH)
  - 11.0 Mobile Home Park Zone (RMH)
  - 12.0 Entrepreneurial Zone (EC)
  - 13.0 Central Commercial Zone (CC)
  - 14.0 Service Commercial Zone (SC)
  - 15.0 Neighbourhood Commercial Zone (NC)
  - 16.0 Restricted Industrial Zone (MR)
  - 17.0 General Industrial Zone (MG)
  - 18.0 Future Development Zone (FD)
  - 19.0 Minor Institutional Zone (IN1)
  - 20.0 Major Institutional Zone (IN2)
  - 21.0 Passive Use Open Space Zone (OS1)
  - 22.0 Active Use Open Space Zone (OS2)
- 
- Schedule "A" Zone Maps
  - Schedule "B" Roads Designation Plan
  - Schedule "C" Parking Space Requirements comprising Schedule "C-1" and C-2" inclusive.
  - Schedule "D" Groundwater Recharge Areas

**THE CORPORATION OF THE TOWN OF TILLSONBURG  
BY-LAW NUMBER 3295**

A BY-LAW TO REGULATE THE USE OF LANDS, BUILDINGS AND STRUCTURES  
IN THE TOWN OF TILLSONBURG.

The Corporation of the  
Town of Tillsonburg  
ENACTS as follows:

**SECTION 1.0            APPLICATION, ADMINISTRATION AND ENFORCEMENT**

**1.1            APPLICATION**

- 1.1.1 The provisions of this By-Law shall apply to all lands within the limits of the Corporation of the Town of Tillsonburg.
- 1.1.2 No person shall use any land, or erect, alter or use any building, structure or part thereof within the limits of the Corporation except in conformity with the provisions of this By-Law.
- 1.1.3 No person shall use any building, structure or part thereof, erected, or altered in contravention of this By-Law so long as such building, structure or part thereof, continues to contravene the provisions of this By-Law.
- 1.1.4 No person shall change the purpose of which any lot, building or structure is used or erect, alter or use any building or structure or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-Law.
- 1.1.5 Subsection 1.1.4 shall not apply to a lot reduced in area by the conveyance to or expropriation by the Corporation of the Town of Tillsonburg, or any other authority having the powers of expropriation.

**1.2            ADMINISTRATION**

This By-Law shall be administered and enforced by such person or persons as shall be appointed from time to time by by-law of the Corporation as the “By-Law Enforcement Officer”.

**1.3 INSPECTION**

The Zoning Officer or an officer or employee of the Corporation acting under the direction of council may enter upon any property or premises at any reasonable time for the purpose of administering or enforcing this By-Law.

**1.4 APPLICATION FOR PERMITS**

1.4.1 In addition to all the requirements of the Corporation's Building By-Law, or any other by-law of the Corporation, every application for a building permit shall be accompanied by a plan in duplicate, (a copy of which shall be retained by the Corporation), drawn to scale and showing the following:

1.4.1.1 The true dimensions of the lot to be built upon or otherwise used.

1.4.1.2 The proposed location, height and dimensions of any building, structure or use proposed for such lot.

1.4.1.3 The proposed location and dimensions of any yards, setback, landscaped open space, off-street parking spaces or off-street loading facilities required by this By-Law.

1.4.1.4 The location of all existing buildings or structures on the lot shown on the plan.

1.4.1.5 A statement signed by the owner, indicating the exact use proposed for each aforesaid building, structure, or use, and giving all information necessary to determine if such proposed or existing building, structure or use conforms with the requirements of this By-Law.

1.4.2 Notwithstanding the provisions of the Corporation's Building By-Law, or any other By-Law of the Corporation, no building permit or occupancy permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-Law.

**1.5 VIOLATIONS AND PENALTIES**

Every person who uses any lot, or erects, or alters or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirements of this By-Law or who causes or permits such use, erection, or alteration or who violates any provision of this By-Law or causes or permits a violation, shall be guilty of an offence and upon conviction therefore shall forfeit and pay a penalty in accordance with the Planning Act, R.S.O. 1990, and every such penalty shall be recoverable under the Municipal Act and the Provincial Offences Act, R.S.O. 1990.

**1.6 VALIDITY**

If any section, clause or provision of this By-Law, including anything contained in Schedules "A", "B", "C", or "D" attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

**1.7 REMEDIES**

In case any building or structure is to be erected, altered reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-Law, such contravention may be remedied at the expense of the person in default with the Corporation recovering the expenses pursuant to the provisions of the Municipal Act in that behalf.

**1.8 REPEAL OF EXISTING BY-LAWS**

By-Law #1994 of the Town of Tillsonburg and all subsequent amendments are hereby repealed.

**1.9 MINOR VARIANCES TO THE ZONING BY-LAW**

Notwithstanding Section 1.8, all minor variances granted for relief from the provisions of By-Law #1994 of the Town of Tillsonburg, The County of Oxford or the Ontario Municipal Board shall remain in full force and effect and shall be considered minor variances to this By-Law and a building permit may be issued by the Chief Building Official, provided that the terms and conditions of any decision of the Committee of Adjustment, the County or the Ontario Municipal Board have been complied with.

**2.1 SCHEDULES TO THE BY-LAW**

The following schedules are included in and form part of this By-Law.

Schedule “A”- Zone Maps comprised of the Index Map, Key Map Legend and Key Maps 1 to 42 inclusive.

Schedule “B”- Roads Designation Plan

Schedule “C”- Parking Space Requirements comprising Schedule “C-1” and “C-2” inclusive.

Schedule “D”- Groundwater Recharge and Fish Habitat Protection Areas

**2.2 INTERPRETATION****2.2.1 SHORT TITLE**

This By-Law shall be cited as the “Zoning By-Law” of the Corporation of the Town of Tillsonburg.

**2.2.2 ZONE BOUNDARIES**

Zone boundaries, where possible, are construed to be property lines, Township lot lines, street lines, railways and boundaries of Registered Plans. In the case where uncertainty exists as to the boundary of any zone, then the location of such boundary shall be determined in accordance with the scale of Schedule “A” to the original drawing scale.

**2.2.3 DEFINITIONS**

2.2.3.1 For the purposes of this By-Law, the definitions and interpretations given herein shall govern.

2.2.3.2 For the purposes of this By-Law, words used in the present tense include the future; words in singular number include the plural and words in the plural include the singular number; the word “shall” is mandatory; the word “used” shall include the words “intended to be used” and “designed to be used or occupied.”

2.2.3.3 For the purposes of this By-Law, words that appear in italic text, excluding headings or titles, are defined in Section 4.0

2.2.3.4 For the purpose of this By-Law, the word 'alter' when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls, or roof thereof. When used in reference to a lot, the word "alter" means to decrease the width, depth or area of any required yard, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The word 'altered' and 'alteration' shall have corresponding meaning.

#### 2.2.4 **BUILDINGS, STRUCTURE AND USE CLASSIFICATION**

For the purpose of reference, all buildings, structures and uses of buildings, structures and lots named as uses permitted and classified under the headings of 'Residential' or 'Non-Residential' may be referred to as Residential or Non-Residential buildings, structures or uses respectively.

#### 2.3 **INTERPRETATION OF MEASUREMENT**

Measurements are given in both metric and imperial units in this By-Law. For the purposes of interpreting the provisions of this By-Law, the metric unit shall govern.

#### 2.4 **REGULATORY FLOOD AND FILL LINES**

Mapping for the Regulatory Flood and Fill Lines is provided, or the extent of these lines has been estimated by the Long Point Region Conservation Authority and has been mapped into Schedule "A". The Regulatory Flood and Fill Lines shall be updated as new information becomes available from the Conservation Authority and Schedule "A" shall be updated accordingly without the requirement for an amendment to this Zoning By-Law.

#### 2.5 **GROUNDWATER RECHARGE AND FISH HABITAT PROTECTION AREAS**

Mapping for the Groundwater Recharge areas is provided by the County of Oxford and has been mapped onto Schedule "D". The extent of the existing Groundwater Recharge Areas shown on Schedule "D" shall be updated as new data becomes available without the requirement for an amendment to this Zoning By-Law.

Mapping for the Fish Habitat Protection Areas is provided by the Ministry of Natural Resources and is shown on Schedule 'D'. The location of Fish Habitat Protection Areas may be updated by the Ministry of Natural Resources from time to time and Schedule 'D' shall be updated accordingly with the requirement for an amendment to this Zoning By-Law.

**2.6 Minor Corrective Amendments**

Minor grammatical, cross referencing or formatting amendments to the Town of Tillsonburg Zoning By-Law #3289 may be undertaken by the Town, at their discretion, without an amendment to the By-Law.

3.1 CLASSIFICATION

3.1.1 The Provisions of this By-Law shall apply to all lands within the limits of the Corporation of the Town of Tillsonburg. For the purposes of this By-Law, said lands are divided into the following zones:

<u>SYMBOL</u>	<u>ZONE</u>
<u>Residential Zones</u>	
R1	Low Density Residential – Type 1 Zone
R1A	Low Density Residential - Type 1A Zone
R2	Low Density Residential – Type 2 Zone
R3	Low Density Residential – Type 3 Zone
RM	Medium Density Residential Zone
RH	High Density Residential Zone
RMH	Mobile Home Park
<u>Commercial Zones</u>	
CC	Central Commercial Zone
EC	Entrepreneurial Zone
SC	Service Commercial Zone
NC	Neighbourhood Commercial Zone
<u>Industrial Zones</u>	
MR	Restricted Industrial Zone
MG	General Industrial Zone
<u>Future Development Zone</u>	
FD	Future Development Zone
<u>Institutional Zones</u>	
IN1	Minor Institutional Zone
IN2	Major Institutional Zone
<u>Open Space Zones</u>	
OS1	Passive Use Open Space Zone
OS2	Active Use Open Space Zone

3.1.2 The permitted uses, the minimum size and dimensions of lots, the minimum size of yards, the maximum lot coverage, gross floor area, the minimum setback, the minimum landscaped open space, the maximum height of buildings, and all other zone provisions are set out herein for the respective zones.

3.1.3 The extent of the boundaries of all said zones are shown on Schedule “A” which form part of this By-Law and is attached hereto.



- 3.1.4 The symbols listed in subsection 3.1.1 of this Section may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-Law in the said zones, and whenever in this By-Law the word “Zone” is used, preceded by any of the said symbols, such zones shall mean any area within the Corporation within the scope of this By-Law, delineated on Schedule “A” and designated thereon by the said symbol.
- 3.1.5 Where the zone symbol designation on certain lands as shown on Schedule “A” is followed by a dash and a number, (for example MR-1), then special provisions shall apply to such lands and such special provisions will be found by reference to that section of the By-Law which deals with that particular zone. Lands designated in this matter shall be subject to all the restrictions of the zone except as otherwise provided by the special provisions.

### **3.2 HOLDING “(H)” ZONES**

Wherever a zone symbol listed in Section 3.1.1 is used in conjunction with the holding symbol “(H)” as shown on the zone maps, no buildings or structures shall be erected or altered, save and except existing buildings and structures and accessory buildings and structures permitted in the said zone and in accordance with the standards of the said zone, until the “(H)” symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.

#### **3.2.1 HOLDING ZONE PROVISIONS**

- 3.2.1.1 General Holding Zone provisions, any interim uses and requirements for the lifting of the “H” symbol shall be described within the specific Zone categories to which they apply.
- 3.2.1.2 Holding zones for site-specific properties shall be described within the special provisions of the appropriate Zone. These site-specific Holding Zones shall be designated with an “H” symbol, and any interim uses and requirements for the lifting of the “H” symbol shall be described therein.

In this By-Law, unless the context requires otherwise:

- 4.1 "ABATTOIR", means a *building* or *structure*, or portion thereof, where animals are slaughtered for the purposes of processing meat into food for human consumption: and where meat products are produced, processed, handled, stored or sold.
- 4.2 "ACCESSORY", when used to describe a *use, building* or *structure* means a *use, a building* or a *structure* that is customarily incidental, subordinate and exclusively devoted to a main *use, building* or *structure* and located on the same *lot* therewith.
- 4.3 "ACCESSORY DWELLING UNIT" – See "DWELLING UNIT, ACCESSORY"
- 4.4 "ADULT ENTERTAINMENT ESTABLISHMENT", means any premises or part thereof, that offers in the pursuance of a business,
- i) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
  - ii) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, excluding premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario.
- 4.5 "ALTER", means:
- i) when used in reference to a *building, structure* or part thereof, means to change one or more of the internal or external dimensions of such *building* or to change the type of construction of the exterior walls or roof thereof;
  - ii) when used in reference to a *lot*, the word "alter" means to decrease the width, depth or area thereof or to decrease the width, depth or area of any required *yard, setback, landscaped open space* or *parking area*, or to change the location of any boundary of such *lot* with respect to a *street* or *lane*, whether such alteration is made by conveyance or alienation of any portion of said *lot*, or otherwise. The words "altered" and "alteration" shall have corresponding meanings;
  - iii) when used in reference to a *use*, to discontinue and replace a *use*, in whole or in part, with a *use* as defined herein which is distinct and different from the discontinued *use*.

- 4.6 "AMENITY AREA", means an area or areas intended for use for recreation or aesthetic purposes within the boundaries of a *lot* and may include *landscaped open space*, patios, balconies, communal lounges, swimming pools, recreation facilities and any other areas which may be used for recreational or aesthetic purposes, but shall not include any *driveway* or *parking area*.
- 4.7 "ANIMAL SHELTER", means premises used for the care of lost, abandoned or neglected animals, but shall not include a *kennel* or *veterinary clinic* defined herein.
- 4.8 "ARTERIAL ROAD", means an arterial road as designated on Schedule "B", to this By-Law.
- 4.9 "ASSEMBLY HALL", means a *building* or part of a *building* in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and shall include a banquet hall and private club.
- 4.10 "ASPHALT OR CONCRETE BATCHING PLANT", means an industrial facility used for the production of asphalt or concrete used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.
- 4.11 "ATTACHED", shall mean a building, otherwise complete in itself, which depends for structure support, or complete enclosure, upon a divisional wall or walls shared in common with adjacent building or buildings.
- 4.12 "ATTIC", means the portion of a *building* situated wholly or in part within the roof and which is not a one-half *storey*.
- 4.13 "AUCTION ESTABLISHMENT", means a building or part thereof used for the retail sale of articles or goods to members of the public bidding the highest offer for the article or goods during the sale proceedings;
- 4.14 "AUTOBODY REPAIR SHOP", means an establishment for the repair of damage to a *motor vehicle* caused by collision, accident, corrosion or age, and without limiting the generality of the foregoing, includes the reconstruction of *motor vehicles*, the painting and repainting of *motor vehicles* and the rebuilding or conversion of automobile engines or engine parts, but does not include an *automotive service station*, an *impounding yard*, a *public garage*, a *salvage yard* or a *gas bar*.
- 4.15 "AUTOMOBILE", means a self propelled vehicle, including a passenger car or van or sport utility vehicle, a light truck and a motorcycle used for land transportation, but does not include any other type of *motor vehicle*, a bicycle, or any other device powered solely by means of human effort.

- 4.16 "AUTOMOBILE SERVICE STATION", means an establishment where the prime function is the retail sale of automotive fuels, lubricants and accessories and which may contain facilities for the repair, washing and maintenance of *motor vehicles*, excluding body and fender work and painting.
- 4.17 "BASEMENT", means that portion of a *building* between two floor levels which is partly underground but which has at least one half of its *height*, from finished floor to finished ceiling, above the adjacent *finished grade*.
- 4.18 "BED AND BREAKFAST ESTABLISHMENT", means a *single detached dwelling* in which no more than three *guest rooms* are made available by the resident of the *dwelling* for the temporary accommodation of the traveling or vacationing public and within which light meals may be offered to those *persons* temporarily residing at the establishment, but shall not include an *eating establishment, boarding or lodging house, group home or hotel or motel*.
- 4.19 "BOARDING OR LODGING HOUSE" - See "DWELLING, BOARDING OR LODGING HOUSE"
- 4.20 "BOUNDARY ADJUSTMENT", means the alteration of the lot area and/or lot frontage of an existing residential lot by a decision of the Oxford County Land Division Committee, or by other legal means, but shall not include any alteration that results in the creation of a new lot.
- 4.21 "BREW YOUR OWN ESTABLISHMENT", means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the premises, and where related ingredients and materials are purchased and equipment and storage areas are used for a fee by the same individuals.
- 4.22 "BUILDING", means any *structure*, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of *persons*, animals or chattels, but shall not include a boundary wall or fence or a *motor vehicle*.
- 4.23 "BUILDING ENVELOPE", means a buildable area on a *lot*, defined by the minimum *front yard depth, rear yard depth* and *side yard width* requirements and maximum *height* requirements, within which a *building* can be erected.
- 4.24 "BUILDING INSPECTOR/CHIEF BUILDING OFFICIAL", means any *person* or *persons* appointed by the *Council* of the *Corporation*, who is charged with the duty of enforcing the provisions of the Ontario Building Code and Town By-Laws.
- 4.25 "BUSINESS OR PROFESSIONAL OFFICE", means a *building* or part thereof in which administrative functions are carried out or in which any technical or professional service is practiced or performed and shall include service offices such as travel, insurance and/or real estate agencies, but shall not include a *medical/dental centre, a personal service establishment, a veterinary clinic, or an adult entertainment establishment*.

- 4.26 "BUSINESS OR PROFESSIONAL OFFICE - CONVERTED", means a single detached or semi-detached dwelling that has been converted for the purposes of a business or professional office.
- 4.27 "BUSINESS SERVICE ESTABLISHMENT", means an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising and mailing, building maintenance, employment services, accounting services, protective services, janitorial services, file storage and management services, computer services and blueprinting or photocopying services.
- 4.28 "CARPORT", means a covered *structure* used for the storage of vehicles. The roof of said *structure* shall be supported by piers or columns so that 50% or more of its wall area adjacent to the *lot line* is unenclosed.
- 4.29 "CELLAR", means that portion of a *building* between two floor levels which is partly or wholly underground and which has more than one half of its *height*, from finished floor to finished ceiling, below adjacent *finished grade*.
- 4.30 "CHURCH" – see "PLACE OF WORSHIP";
- 4.31 "CLASS I INDUSTRIAL FACILITY", means a place of business for a small scale, self contained plant or building which produces/stores a product that is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.
- 4.32 "CLASS II INDUSTRIAL FACILITY" means a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.
- 4.33 "CLASS III INDUSTRIAL FACILITY" means a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.
- 4.34 "COMMERCIAL RECREATION BUILDING (INDOOR SPORTS)", means a *building* designed and intended to accommodate various forms of indoor sports and recreation and shall include an arena, gymnasium, fitness centre, ice rink or curling facility, tennis, squash, handball and badminton courts and roller rinks.

- 4.35 "COMMERCIAL RECREATION FACILITY - OUTDOOR", means any lot or part of a lot used to provide outdoor commercial recreational activities for a fee, such as ice skating rinks, roller skating and/or roller-blading parks, water sport facilities, commercial swimming pools, miniature golf courses and driving ranges, baseball batting cages, ski hills, lawn bowling greens or other similar uses but shall not include a go-cart track, combat games or any other use which may create a nuisance in terms of noise or odour.
- 4.36 "COMMUNICATIONS STRUCTURE", means a *structure* that is intended for transmitting or receiving television, radio, or other telecommunications.
- 4.37 "COMMUNICATIONS ESTABLISHMENT", means any *building*, plant, works, equipment or infrastructure which is used for the purpose of providing a telephone or telecommunication service and associated office and administrative functions, including television and radio stations, cable companies, telephone and wireless service providers and other similar uses.
- 4.38 "COMMUNITY CENTRE", means a building used for community activities, the control of which is vested in the *Corporation*, a local board, or trustees;
- 4.39 "CONCRETE BATCHING PLANT", See "ASPHALT OR CONCRETE BATCHING OR MIXING PLANT".
- 4.40 "CONSERVATION PROJECT", shall mean the use of a *lot*, *building* or *structure* by the Federal or Provincial Government, the *County*, the *Corporation*, a conservation authority, or agent thereof or a educational or non-profit group, for the purpose of preserving, managing, or studying natural resources.
- 4.41 "CONTRACTOR'S SHOP OR YARD", means the use of land, buildings or structures for the purpose of storing equipment, vehicles or material used by a construction contractor or other building trade, together with any associated maintenance, assembly or shop work.
- 4.42 "CONVENIENCE STORE", means a retail food store, confectionary, delicatessen, grocery store, or groceteria having a gross floor area of less than **372 m<sup>2</sup>** (4004.1 ft<sup>2</sup>), where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of persons and may include the rental of videos, an automated banking machine, a catalogue ordering and pick-up desk, and/or depots for such items as film, laundry or dry cleaning and may include an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for such a use does not exceed ten percent (10%) of the gross floor area, to a maximum of **30 m<sup>2</sup>** (322.9 ft<sup>2</sup>).
- 4.43 "CONVERTED DWELLING", - See "DWELLING, CONVERTED".
- 4.44 "CORPORATION", means the Corporation of the Town of Tillsonburg.
- 4.45 "COUNCIL", means the Municipal Council of the Corporation of the Town of Tillsonburg.

- 4.46 "COUNTY", means the Corporation of the County of Oxford.
- 4.47 "COUNTY ROAD", means a *street* under the jurisdiction of the Corporation of the *County*.
- 4.48 "DAYCARE CENTRE", means a facility licensed under Provincial statute, which accommodates 6 or more children primarily for the purposes of providing temporary care and/or guidance for a continuous period of time not exceeding 24 hours.
- 4.49 "DAY CARE, PRIVATE HOME", means the temporary care and custody for reward or compensation of not more than 5 children under ten years of age in a private residence, other than the home of a parent or legal guardian of any such child, for a continuous period not exceeding 24 hours.
- 4.50 "DECK", means an unenclosed, uncovered, platform *structure* which exceeds an average *height* of **0.6 m** (2 ft.) above grade level, projecting from a building or freestanding, which is used as a private outdoor amenity area.
- 4.51 "DEPARTMENT STORE", means a *building* or part of a *building* used for the retail sale of a wide variety of goods, wares, merchandise and services, generally displayed or offered on a departmental basis and including, but not limited to, family clothing and apparel, furniture, appliances and home furnishings, sporting goods, pharmaceuticals, garden supplies and other similar goods and merchandise and may include, as accessory uses, an eating establishment, an automotive parts and service centre, offices, warehousing and outdoor sales and display areas.
- 4.52 "DRIVEWAY", means a vehicle access provided between a *street* or *lane* and a *parking area*, queue space or loading space, or between two *parking areas*, but does not include a *parking aisle*.
- 4.53 "DRIVE THROUGH FACILITY", means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on site for the service to be rendered. Examples include drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities such as air compressor, water, and windshield washing stations; quick lube or quick-oil change facilities.
- 4.54 "DRY CLEANING ESTABLISHMENT", means a *building* where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are or can be used which emit no odours or fumes, and in which no noise or vibration causes a nuisance or inconvenience within or without the premise.

- 4.55 "DRY CLEANING DEPOT", means a *building*, or any part thereof, used for the purpose of receiving articles or clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.
- 4.56 "DWELLING", means a *building* occupied or capable of being occupied as the home, residence or sleeping place of one or more *persons*, but shall not include a *hotel or motel, nursing home, travel trailer, a mobile home, a motor home or a recreational vehicle*.
- 4.56.1 "APARTMENT DWELLING", means a *dwelling*, two or more storeys in *height*, containing four or more *dwelling units*, which share a common entrance at street level or above the first floor and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.
- 4.56.2 "BOARDING OR LODGING HOUSE", means a *dwelling*, containing not more than four *guest rooms* used or maintained for accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three or more persons but does not include any other establishment otherwise defined or classified herein.
- 4.56.3 "CONVERTED DWELLING", means a *single detached dwelling*, which has been altered or converted to contain not more than two *dwelling units*, unless otherwise specified in this By-law.
- 4.56.4 "DUPLEX DWELLING", means the whole of a *dwelling* that is divided horizontally into two separate *dwelling units* each of which has an independent entrance either directly from the outside or through a common vestibule.
- 4.56.5 "MOBILE DWELLING" See "MOBILE HOME".
- 4.56.6 "MULTIPLE UNIT DWELLING", means a *dwelling* consisting of three or more *dwelling units*, which are horizontally and/or vertically attached, which may be entered from an independent entrance directly from the outside or from an internal common space or an access balcony and in which 50% or more of *dwelling units* have direct access to grade or a roof terrace. A multiple attached dwelling includes a triplex, a fourplex, a sixplex and a townhouse, but shall not include a *street fronting townhouse or apartment dwelling*.
- 4.56.7 "SEMI-DETACHED DWELLING", means one of a pair of two attached *dwelling units*, divided in whole or in part by a common interior vertical wall with a minimum area above grade of **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>.), each of which has an independent entrance either directly from the outside or through a vestibule.



- 4.56.8 "SINGLE DETACHED DWELLING", means a *building* that was designed and built to contain only one *dwelling unit*.
- 4.56.9 "STREET FRONTING TOWNHOUSE DWELLING", means a *dwelling* consisting of three or more *dwelling units* that are aligned horizontally and divided vertically in whole or in part by common walls, with a minimum area above grade of **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>), and each of which has an independent entrance directly from the outside and fronts onto a public street.
- 4.57 "DWELLING UNIT", means a suite of two or more rooms, designed or intended to be used for human habitation and to accommodate a single household, in which sanitary conveniences and cooking facilities are provided and which has a private entrance either from the outside of the *building* or through a common hallway.
- 4.58 "DWELLING UNIT AREA", means a habitable area contained within the inside walls of a *dwelling unit*, excluding any *private garage, carport*, porch, verandah, unfinished *attic, cellar* or sun room (unless such sun room is habitable in all seasons of the year) public or common halls or areas, and stairways.
- 4.59 "EATING ESTABLISHMENT", means a *building* or part thereof, used for the preparation and/or serving of food or refreshments to the public, with the serving and consumption of food taking place within the *building*, off of the premises or within a motor vehicle parked in a permitted *parking space* on the premises. Where specifically permitted by this by-law, an eating establishment may include a terrace or patio or other open areas adjacent to the *building* where the serving and consumption of food and refreshments may take place on a temporary or seasonal basis as well as a drive-through window.
- 4.60 "ELECTRIAL DISTRIBUTION FACILITY", means a *building* or system for distributing or transmitting electricity or telecommunications and includes any buildings, structures, or other equipment used for such purposes, but shall not include the generation of such electricity.
- 4.61 "ELEVATION, AVERAGE", means the mean *height* above sea level, calculated along the length of a *building* or *structure*.
- 4.62 "ERECT", when used in this By-Law includes building, construction, reconstruction and relocation, and without limiting the generality of the word, also includes:
- i) any preliminary physical operation, such as excavating, filling or draining;
  - ii) altering any *existing building* or *structure* by an addition, enlargement, extension or other structural change; and
  - iii) any work which requires a building permit.

- 4.63 "ESTABLISHED BUILDING LINE", means the average setback of existing *main buildings* from the *street line*, where at least two other *main buildings* have been erected on any one side of a street in either direction from the existing subject *main building*.
- 4.64 "EXISTING", means existing on the date of passing of this By-Law.
- 4.65 "FARM", means any farming or agricultural uses and includes apiaries; aviaries; berry or bush crops; flower gardening; muck farms; field crops; nurseries; orchards; tree crops; truck gardening; woodlots; and such uses or enterprises as are customarily carried on in the field of general agriculture, but shall exclude any operation devoted to the raising of animals or livestock and exclude the construction of any buildings or structures.
- 4.66 "FINISHED GRADE", see "GRADE, FINISHED".
- 4.67 "FITNESS CLUB", means a *building* in which equipment, facilities and/or instruction is available so that individuals can undertake activity to obtain physical fitness and this may include accessory lounge facilities, office space and associated retail.
- 4.68 "FRONTAGE" - See "LOT FRONTAGE".
- 4.69 "FRONT YARD" - See "YARD".
- 4.70 "FUEL STORAGE TANK", means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a *retail store* or a tank for storage accessory to some other *use* of the premises where such tank is located.
- 4.71 "GARAGE, PRIVATE", means a detached accessory *building* or portion of a *dwelling* which is designed or used for the sheltering of private *motor vehicles* and storage of household equipment incidental to the residential occupancy and which is fully enclosed, but excludes a *carport*.
- 4.72 "GARAGE, PUBLIC", means a *building* or place where *motor vehicles* are washed, cleaned, serviced, painted or otherwise repaired and/or where *motor vehicles* are leased, rented, sold or kept for hire. A *public garage* does not include any use otherwise defined or classified herein, including an *autobody repair shop*.
- 4.73 "GARAGE OR YARD SALE", means the sale by an occupant of a dwelling unit, on his/her own premises, of household goods belonging to such occupant.
- 4.74 "GARDEN SUITE", means a one-unit detached residential *structure* containing bathroom and kitchen facilities that is ancillary to an *existing* residential *structure* and that is designed to be portable.

- 4.75 "GOLF COURSE", means a public or private area operated for the purpose of playing golf and may include accessory *uses* such as driving ranges, miniature courses, club houses and similar *uses* operated for commercial purposes.
- 4.76 "GRADE FINISHED", means the average elevation of the finished surface at the ground at the base of a *structure* or of the main front wall of a *building* exclusive of any embankment in lieu of steps.
- 4.77 "GROSS FLOOR AREA", means the aggregate of the horizontal areas of each floor whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the *building* or *structure* at the level of each floor excluding any part of the *building* or *structure* which is used for the storage or parking of *motor vehicles*.
- 4.78 "GROSS LEASEABLE COMMERCIAL FLOOR AREA" means the area in which tenants pay rent for what are commonly referred to as 'demised premises' and which is exclusive to tenant occupancy including basement, mezzanines and upper floors, measured from the centre line of joint partitions, and from outside wall faces. It excludes common areas, private and public washrooms, boiler and electrical rooms, mechanical, and employee rest rooms.
- 4.79 "GROSS VEHICLE WEIGHT", means the licensed capacity of a commercial motor vehicle, and shall include combined weight of a *commercial motor vehicle*, equipment, fuel, drive, passenger and payload.
- 4.80 "GROUND FLOOR AREA", means the maximum area of a building measured to the outside walls excluding, in the case of a dwelling house, any private garage, carport, porch, veranda or sunroom (unless such sunroom is habitable at all seasons of the year).
- 4.81 "GROUP HOME", means a residence licensed, supervised, approved, or funded under federal or provincial statute for the accommodation of three to eight persons, excluding staff, living under responsible supervision in a single housekeeping unit and who, by reason of their intellectual, mental health, social or physical condition or legal status, require a group living arrangement for their well being. A Group Home may include youth on probation under provincial or federal statute.
- 4.82 "GROUP HOME, CORRECTIONAL", means a single housekeeping unit supervised by staff on a daily basis for persons who have been placed on probation, released on parole or admitted for correctional purposes. A Correctional Group Home shall be funded, licensed, approved or supervised by the Province of Ontario, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff. A Correctional Group Home may contain an office provided that the office is used only for the operation of the Correctional Group Home in which it is located. A Correctional Group Home shall not include any detention or correctional facility operated or supervised by Corrections Canada or any other Federal Government agency or by any organization on behalf of the Federal Government.

- 4.83 "GUEST ROOM", means a room or suite of rooms used or maintained for the accommodation of the public but does not provide any facilities for the cooking or preparation of meals.
- 4.84 "HABITABLE ROOM", means a room designed for living, sleeping, eating or food preparation, including a den, library, sewing room or enclosed sun room.
- 4.85 "HEIGHT", means the vertical distance between the average elevation of the finished surface of the ground at the front of the *building* and;
- i) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
  - ii) in the case of a mansard roof, the deck roof line;
  - iii) in the case of a gable, hip or gambrel roof, the mean *height* between the eaves and the ridge, exclusive of any accessory roof construction such as a chimney, tower, solar collector, steeple, television antenna or dish; and
  - iv) in the case of a quonset hut, three-quarters of the distance to the top of the *structure*.
- 4.86 "HOME-BASED ASSEMBLY / PACKAGING / STORAGE / DISTRIBUTION BUSINESS", means a business operated by a resident from the premises of his or her own home involving the packaging, storage, distribution and assembly of finished products or parts from previously prepared materials where:
- i) the use occurs within a wholly enclosed building;
  - ii) there is no external display or storage of goods or materials;
  - iii) the use does not change the residential character of the dwelling house or generate emissions such as noise, odour or discharge, or interfere with television or radio reception;
  - iv) there is no mechanical or other equipment used except that which is customarily used in dwellings for domestic or household purposes;
  - v) no more than 50% of the total floor area of the dwelling unit is used for the use; and
  - vi) the parking requirements of Section 5.20 shall apply.
- 4.87 "HOME OCCUPATION", means an occupation or business for gain or profit conducted entirely within a *dwelling*, but shall not include an *eating establishment* or uses specifically prohibited elsewhere within this By-Law.
- 4.88 "HOSPITAL, PUBLIC", means a public hospital within the meaning of the Public Hospitals Act.
- 4.89 "HOSPITAL, PRIVATE", means a private hospital within the meaning of the Private Hospitals Act.

- 4.90 "HOTEL OR MOTEL", means any hotel, motel, inn, or lodge in one main *building* or in two or more *buildings* on the same site and used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than four *guest rooms*, which *guest rooms* contain no provisions for cooking, and includes all premises licensed under The Liquor License Act and may include permanent staff accommodation.
- 4.91 "INDUSTRIAL MALL", means a *building* or group of *buildings* designed, developed, owned and managed as a unit containing at least one building with three or more separated spaces for lease or occupant.
- 4.92 "INFRASTRUCTURE", means physical *structures* that form the foundation for development. Infrastructure includes: sewage and water works, waste management systems, electric power excluding a commercial generation facility, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.
- 4.93 "INSTITUTIONAL HALL OR LODGE", shall mean a *building*, or portion thereof, designed, used, or intended for *use* as a meeting place or *assembly hall* for the members of an organization, association, fraternal order, or similar group, not operated for profit and wherein athletic facilities, dining rooms and beverage rooms may be provided.
- 4.94 "KENNEL", means any *lot*, *building* or *structure*, where household pets, excluding exotic pets, are housed or are to be housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.
- 4.95 "LANDFILL SITE", means a garbage disposal area, operated by the *County*, employing an engineering method of disposing of solid wastes and may include ancillary uses such as waste transfer stations or storage areas, recycling facilities and resource recovery or reuse operations.
- 4.96 "LANDSCAPED OPEN SPACE", means the open unobstructed space at grade on a *lot* and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and includes any surfaced walk, patio or similar area but does not include any *driveway* or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any *building* or *structure*.
- 4.97 "LANE", means a public thoroughfare which affords only a secondary means of vehicular access to abutting *lots* and which is not intended for general traffic circulation.
- 4.98 "LOADING SPACE", means an off-street space or berth located on the same lot as a permitted use and used for the parking of vehicles involved in the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise and raw materials.

- 4.99 "LOT", means a parcel or tract of land which is a whole parcel or tract as shown on a registered plan of subdivision where the said registered plan of subdivision is not subject to a deeming by-law passed pursuant to the Planning Act or, a whole parcel or tract which is held under separate ownership from adjacent lands according to the registration thereof in the Registry Office or Land Titles Office.
- 4.99.1 "CORNER LOT", means a *lot* situated at the intersection of two *streets*, of which two adjacent sides, that abut the intersecting *streets*, contain an angle of not more than one hundred and thirty-five (135) degrees and where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the *street lines*, drawn through the extremities of the *interior lot lines*, provided that:
- i) in the latter case, the corner of the *lot* shall be deemed to be that point on the *street line* nearest to the point of intersection of the said tangents; and
  - ii) any portion of a *corner lot* distant more than **30 m** (98.4 ft.) from the corner, measured along the *street line* shall be deemed to be an *interior lot*.
- 4.99.2 "INTERIOR LOT", means a *lot* other than a *corner lot* or a *through lot*.
- 4.99.3 "THROUGH LOT", means a *lot* bounded on two opposite sides by *streets*, provided, however, that if any lot qualifies as being both a *corner lot* and a *through lot*, as herein defined, such lot shall be deemed to be a *corner lot*.
- 4.100 "LOT AREA", means the total horizontal area within the *lot lines* of a *lot*, excluding the horizontal area of such *lot* covered by water, or marsh or between the rim of the banks of a river or watercourse.
- 4.101 "LOT COVERAGE", means that percentage of the *lot area* covered by the horizontal projections of the area of all *buildings*, but excluding the area covered by balconies, canopies and overhanging eaves which are two meters or more in *height* above finished grade.
- 4.102 "LOT DEPTH", means the horizontal distance between the *front* and *rear lot lines*. If the front and *rear lot lines* are not parallel, "lot depth" means the length of a straight line joining the middle of the *front lot line* with the middle of the *rear lot line*. When there is no *rear lot line*, "lot depth" means the length of a straight line joining the middle of the *front lot line* with the apex of the triangle formed by the *side lot lines*.

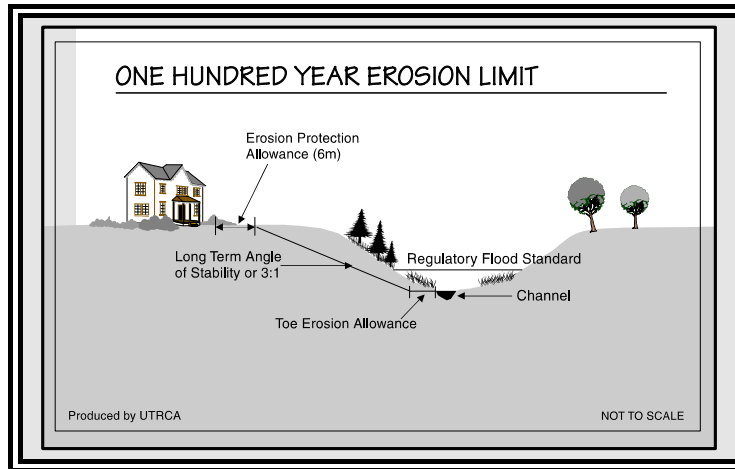
- 4.103 "LOT FRONTAGE", means the horizontal distance between the *side lot lines*, such distance being measured perpendicularly to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines* and at a point therein distant the required minimum *front yard depth* from the *front lot line*.
- 4.104 "LOT LINE", means any boundary of a *lot* or the vertical projection thereof.
- 4.104.1 "FRONT LOT LINE", means:
- (i) in the case of an *interior lot*, the line dividing the *lot* from the *street*;
  - (ii) in the case of a *corner lot*, the shorter *lot line* abutting a *street*;
  - (iii) in the case of a *through lot*, the *lot line* where the principal access to the *lot* is provided.
- 4.104.2 "REAR LOT LINE", means the *lot line* farthest from and opposite to the *front lot line*, unless the lot has only 3 lot lines, in which case the *lot* shall be deemed to have no rear lot line;
- 4.104.3 "SIDE LOT LINE", means a *lot line* other than a *front* or *rear lot line*.
- 4.104.4 "EXTERIOR SIDE LOT LINE" means a *side lot line* abutting a *street*.
- 4.105 "MAIN BUILDING", shall mean the building in which is carried on the principle purpose for which the building or lot is used.
- 4.106 "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 or partly enclosed space or a roof.
- 4.107 "MEDICAL CENTRE", means a *building* or part thereof, other than a *hospital*, used solely for the purpose of consultation, diagnosis and treatment of human patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, osteopaths, chiropractors, or drugless practitioners, together with their qualified assistants, and without limiting the generality of the foregoing, the *building* may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries accessory to and directly associated with the centre and shall not include accommodation for in-patient care or rooms for major surgery. The area for the accessory sale and display of drugs, supplements and other medical related products shall not exceed **55 m<sup>2</sup>** (592 ft<sup>2</sup>).
- 4.108 "MEDICAL CENTRE, CONVERTED", means a single detached or semi-detached which has been converted for the purposes of a medical centre.

- 4.109 "MOBILE HOME", means a prefabricated *dwelling unit* constructed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), designed and equipped for year-round occupancy and containing suitable sanitary facilities including a flush toilet, shower or bathtub within the unit, but does not include a *travel trailer* as defined in this by-law.
- 4.110 "MOBILE HOME LOT", means a parcel of land within a Mobile Home Park which shall be used only for the placement of one *mobile home* and for the exclusive use of the occupants.
- 4.111 "MOBILE HOME PARK", means an area of land, not less than **2.0 ha** (4.9 ac.), used exclusively for the siting of *mobile homes*, together with commercial and recreational uses for mobile home park residents, including any *building*, structure or enclosure of such mobile home park and which remains under single ownership.
- 4.112 "MONASTERY", means a *building* occupied as a common residence for persons of a religious order.
- 4.113 "MOTOR HOME", means a self-propelled vehicle designed for the temporary accommodation of *persons*, but does not include a *mobile home*.
- 4.114 "MOTEL", - See "*HOTEL OR MOTEL*".
- 4.115 "MOTOR VEHICLE", means an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine .
- 4.116 "MOTOR VEHICLE, COMMERCIAL", means a *motor vehicle* having attached thereto a truck or delivery body and includes ambulances, hearses, tow-trucks, motor buses, fire trucks and apparatus, motorized construction equipment, motorized farm vehicles or equipment (including farm tractors), and tractor trailers or any part thereof which are used for hauling purposes.
- 4.117 "MOTOR VEHICLE SALES AND SERVICE ESTABLISHMENT", means a *building* and/or *lot* where *motor vehicles* are kept for sale, lease or hire and where *motor vehicles* may be serviced and repairs may be conducted as an accessory use to the main function, but shall not include a *truck transport terminal*.
- 4.118 "MOTOR VEHICLE WASHING ESTABLISHMENT", means a *building* or structure containing facilities for the washing of *motor vehicles*.
- 4.119 "MUNICIPAL DRAIN", means a watercourse or sewer which carries storm surface water and drainage and does not include a *sanitary sewer* as defined herein.



- 4.120 "MUNICIPAL YARD", means any land, *buildings* or *structures* used for the purpose of storing materials, vehicles and equipment which are necessary to the daily operations of the *Corporation, County* or Province and includes such items as sand, salt, trucks, plows and a *fuel storage tank*.
- 4.121 "NOISE SENSITIVE LAND USES" means residential development, seasonal residential development, institutional uses such as hospitals, nursing homes, retirement homes, schools and day-care centres, commercial uses with overnight accommodations such as hotels or motels and active open space and recreational uses deemed to be sensitive by the Council of the area municipality in which such open space or recreational use is located.
- 4.122 "NON-CONFORMING", means a use, building, structure or any part thereof which was lawfully occupied and/or existed at the date of passing of this By-Law, which does not conform with the permitted uses or provisions of the zone in which it is now located.
- 4.123 "NURSERY", means the *use* of lands, *buildings* or *structures*, or portions thereof, where trees, shrubs, or plants are grown for the purpose of retail or wholesale trade. A *nursery* may include the accessory sale of soil, planting materials, fertilizers, garden equipment, ornaments and similar materials.
- 4.124 "NURSING HOME", means a *building* in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, may provide nursing, medical or similar care and treatment, if required, and may include a rest home, a retirement home, convalescent home, or home for the aged, but does not include any other establishment otherwise defined or classified herein.
- 4.125 "NURSING HOME, CONVERTED", means a single detached dwelling which has been converted for the purposes of a nursing home.
- 4.126 "OCCUPANCY", means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

- 4.127 "ONE HUNDRED YEAR EROSION LIMITS", for lands adjacent to ravines, river valleys and streams, the approved standards involving the combined influence of stable slope, 100 times the average annual recession rate, and an erosion allowance to define the erosion limits for regulatory purposes.



- 4.128 "OPEN STORAGE", means the storage of raw or finished goods, equipment, or other materials, but not the parking or storage of *motor vehicles*, in an area of a *lot* which is not enclosed within a *building* or *structure*.
- 4.129 "OUTDOOR DISPLAY AND SALES AREA" means an area set aside out of doors, covered or uncovered, to be used in conjunction with an established use or business located in adjacent permanent premises for the display or sale of fresh produce and new goods or merchandise.
- 4.130 "OWNER", means any person, firm or corporation controlling the property under consideration.
- 4.131 "PARK", means an area of land, consisting primarily of *landscaped open space*, used for active or passive recreational purposes or as a conservation area, with or without related recreational *buildings*, *structures* or facilities which may include a playground, a play area, a refreshment room, a community centre, a field house, a bandstand, bleachers, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a sports field, a running track, a swimming area, a wading pool, a boating pond or lake, or a picnic area, but not a *mobile home park* or any other *use* separately defined or listed herein.
- 4.131.1 "PARK, PASSIVE USE", means an area of land consisting primarily of landscaped open space, which is used solely for recreational purposes which do not involve large concentrations of people or activity on a regular basis, such as walking trails, conservation projects, ponds and picnic areas.
- 4.131.2 "PARK, PRIVATE", means a *park* other than a *public park*.

- 4.131.3 "PARK, PUBLIC", means a *park* owned or controlled by the *Corporation*, the *County*, the Province, or by any Board, Commission or other Authority established under any statute of the Province of Ontario.
- 4.132 "PARKING AISLE", means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.
- 4.133 "PARKING AREA", means an area provided for the parking of *motor vehicles* and may include *parking aisles*, *parking spaces* and ingress and egress lanes, but shall not include any part of a public *street*. A parking area may include a *private garage*.
- 4.134 "PARKING LOT", means any *parking area* whether or not such parking area is required pursuant to the provisions of this By-Law.
- 4.135 "PARKING SPACE", means an area having an adequate means of ingress and egress to and from a public *street*, *lane* or *parking aisle* for the temporary parking or storage of *motor vehicles*, and may include a *private garage*.
- 4.136 "PERMITTED", means "permitted by this By-Law".
- 4.137 "PERSON", means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a *person* to whom the context of this By-Law can apply according to law.
- 4.138 "PERSONAL SERVICE ESTABLISHMENT", means a *building*, or part thereof, in which *persons* are employed in providing services and otherwise administering to the individual and personal needs of *persons*, including but not necessarily restricted to a barber, hairdresser, aesthetician, manicurist/pedicurist, massage therapist, tailor, dressmaker and/or shoemaker, laundromat, tanning salon, pet grooming shop and formal rental shop, but does not include any establishment otherwise defined or classified herein. The sale of merchandise shall be permitted only as an *accessory use* to the personal service provided. Such a use may be subject to inspection by the Oxford County Board of Health.
- 4.139 "PLACE OF ENTERTAINMENT", means a motion picture or other theatre, amusement arcade, arena, auditorium, public hall, billiard or pool room, bingo hall, bowling alley, or dance hall; but does not include any other place of entertainment or amusement otherwise defined or classified herein.
- 4.140 "PLACE OF WORSHIP", means a *building* dedicated to religious worship and may include a hall, auditorium, Sunday School, convent, monastery, parish hall, day care or accessory dwelling unit within or directly connected to the main building.

- 4.141 "PORCH", means a covered wooden or concrete platform forming part of the main building and projecting from the face of a wall and situated on a solid foundation, which is used as outdoor living areas and can be surrounded by a railing.
- 4.142 "PROVINCIAL HIGHWAY", means a *street* under the jurisdiction of the Province of Ontario.
- 4.143 "PUBLIC LIBRARY", means a public library within the meaning of The Public Libraries Act.
- 4.144 "PUMP ISLAND", means that portion of an *automobile service station, public garage* or portion of non-residential *use* for the retail sale of gasoline, which includes the gas pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any *building* for the repair or service of *motor vehicles*.
- 4.145 "RECREATIONAL TRAIL", an area used for hiking, horseback riding, cross country skiing or other similar forms of non-motorized recreational travel.
- 4.146 "RECREATIONAL VEHICLE", means a registered vehicle which is one of the following; a snowmobile, a boat, a *motor home, a travel trailer* or any unit designed to be towed by a motor vehicle for the purpose of transporting goods, materials or things.
- 4.147 "RECYCLING FACILITY", means a facility where used or scrap materials are separated into recoverable resources for reuse, but shall not include a *salvage yard* or a *waste transfer station*.
- 4.148 "REGULATORY FLOOD PLAIN", means the standard used by the conservation authority having jurisdiction to define the limit of the flood plain for regulatory purposes. The approved Regulatory Flood Plain Standard for the LPRCA is based on the 100 event, which has a frequency of 1:100 meaning that the risk of the Regulatory Event occurring in any given year is 1 %.
- 4.149 "RENDERING PLANT", means a premises at which dead animals are processed into hides, meat, bone, meal, meat meal or inedible fats.
- 4.150 "REPAIR AND SERVICE SHOP", means a place where personal effects and household goods and appliances are repaired, but does not include the repair of durable goods such as automobiles, or heavy equipment or heavy motors. All repair or service activity shall be conducted within an enclosed structure, and no outside testing of power equipment or small engines shall be permitted.
- 4.151 "RETAIL STORE", means a *building, or part of a building, in which goods, wares, merchandise, or articles are offered for sale, but do not include any establishment otherwise defined or classified herein.*

- 4.152 "ROOMING UNIT", means a room or suite of rooms constituting a separate, independent occupancy in which a person sleeps and which might have either a kitchen or washroom but does not have both which is provided on a rental basis.
- 4.153 "SALVAGE YARD", means an establishment where goods, wares, merchandise, and articles are dismantled or recycled for further **use** and where such goods, wares, merchandise and articles are stored and kept for sale wholly or partly in the open and shall be restricted to a junk yard, a scrap metal yard, and an automobile wrecking yard, and may include an *accessory building*. Such goods, wares, merchandise, and articles shall not include hazardous waste, except compounds such as fuel, oil, and freon, which are necessarily collected as part of the dismantling or recycling operation, provided that the handling of such compounds is in accordance with all applicable Federal and Provincial environmental requirements.
- 4.154 "SAND OR GRAVEL PIT", means any pit or excavation made for the removal of any soil, sand or gravel for commercial and/or municipal purposes, but shall not include a *stone quarry* or a topsoil or peat extraction operation, an excavation incidental to the erection of a *building* or *structure* for which a building permit has been granted by the *Corporation*, an excavation incidental to the construction of any public works, or a *soil processing operation*.
- 4.155 "SANITARY SEWER", means a system of underground conduits, operated either by the *County* or the Province of Ontario, which carries sewage to a place of treatment.
- 4.156 "SCHOOL", means an educational establishment, including:
- 4.156.1 "PUBLIC SCHOOL", means a *school* under the jurisdiction of a public agency.
- 4.156.2 "PRIVATE SCHOOL", means a *school*, other than a *public school* or a *commercial school*, under the jurisdiction of a private board of trustees or governors, a religious organization or a charitable institution.
- 4.156.3 "COMMERCIAL SCHOOL", means a *school* where instruction is given for hire or gain and includes the *studio* of a dance or music teacher, an art, business or trade *school*, and any other such specialized *school* conducted for hire or gain.
- 4.157 "SEMI-DETACHED DWELLING" - See "DWELLING".
- 4.158 "SERVICE SHOP", means a *building* or part of a *building* not otherwise defined or classified herein for the servicing, repairing and renting of articles, goods or materials.

- 4.159 "SETBACK", means the horizontal distance from the centreline of the street allowance, measured at right angles to such centreline to the nearest part of any *building or structure* on the *lot*.
- 4.160 "SEWAGE TREATMENT FACILITY", means a building or structure, approved by the Ministry of the Environment, where domestic and/or industrial waste is treated.
- 4.161 "SHOPPING CENTRE", means a building or group of buildings designed, developed, owned and managed as a unit containing six or more separated spaces for lease or occupancy by commercial uses or business or professional offices.
- 4.162 "SIGN", means a name, identification, description, device, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.
- 4.163 "SOIL PROCESSING OPERATION", means the *use* of any land, *building* or *structure* for the purpose of storing, mixing, composting and packaging any soil, soil conditioning agents, wood chips and related materials, compost or manure.
- 4.164 "SPECIAL NEEDS HOME", means a residence in which 24-hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. A special needs home may include a hostel, temporary shelter or emergency shelter, but shall not include a *group home*.
- 4.165 "STOREY", means the portion of a *building*, other than an *attic*, *basement* or *cellar*, included between any floor level and the floor, ceiling or roof next above it.
- 4.166 "STOREY, FIRST", means the storey with its floor closest to grade and having its ceiling more than 1.8 m (6 ft) above grade.
- 4.167 "STORM SEWER", means a system of underground conduits which carry storm surface water and storm drainage, but which does not carry sewage or industrial waste.
- 4.168 "STREET", means a public highway or public road, **9 m** (29.5 ft) or more in width, which affords the principal means of access to abutting *lots* but does not include a *lane* or a private right-of-way. "PROVINCIAL HIGHWAY", "COUNTY ROAD" and "TOWN ROAD" mean a *Provincial Highway*, *County Road* and *Town Road* as defined herein.

- 4.169 "STREET, IMPROVED", means a *street* assumed by the *Corporation*, the *County* or the Province of Ontario which is maintained year round at a reasonable standard of construction and shall include a *street* under construction within a registered plan of subdivision for which a subdivision agreement has been entered into with The *Corporation*. The definition shall not include a *lane* or private right-of-way.
- 4.170 "STREET LINE", means the limit of the street allowance and is the dividing line between a *lot* and a *street*.
- 4.171 "STRUCTURE", means anything constructed or erected, the *use* of which requires location on the ground, or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a vehicle as defined in The Highway Traffic Act but does not include a *parking area*.
- 4.172 "STUDIO", means a *building* or part thereof used as the workplace of a sculptor, photographer, wood carver, craftsman or artist or for the instruction of art, music, dancing, languages or similar disciplines and may include the retail of related goods or items produced on site in small quantity or to special order.
- 4.173 "TOWN ROAD", means a *street* under the jurisdiction of the *Corporation*.
- 4.174 "TRAVEL TRAILER", means any portable unit so constructed as to be suitable for attachment to a *motor vehicle* and capable of being used for the temporary accommodation of *persons*, but does not include a *mobile home* as defined herein.
- 4.175 "TRUCK TRANSPORTATION TERMINAL", shall mean the *use* of land, *buildings*, or *structures* where trucks and/or transports are loaded or unloaded, stored, serviced, rented, leased, kept for hire, or parked for remuneration or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- 4.176 "USE", when used as a noun, means the purpose for which a *lot* or a *building* or *structure*, or any combination thereof is designed, arranged, intended, occupied or maintained and "USES" shall have a corresponding meaning. "USE", when used as a verb, or "TO USE" shall have a corresponding meaning.
- 4.177 "VETERINARY CLINIC", means a *building* or part thereof, wherein animals of all kinds may be treated or kept for treatment by a registered veterinarian and his or her assistants and where such animals may be temporarily boarded, but shall not include an outdoor *kennel*, except as permitted by this by-law.
- 4.178 "WAREHOUSE", means a *building* or part thereof which is used for the storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuff, substances or articles, but does not include a *fuel storage tank* except as an accessory *use*.

- 4.179 "WASTE TRANSFER STATION", means a *building* or *buildings* for the temporary storage and sorting of non-hazardous domestic or industrial waste pending removal to an authorized disposal site. All outside storage, including storage of waste, and all outside processing and manufacturing is prohibited.
- 4.180 "WATERCOURSE", is a stream of water, which flows along a defined channel, with beds and banks, for a sufficient time to give it substantial existence. This may include streams that dry up periodically.
- 4.181 "WATER SUPPLY", means a distribution system of underground piping and related storage, including pumping and purification appurtenances operated by the *Corporation*, the *County* and/or the Province of Ontario and/or any public utilities commission.
- 4.182 "WAYSIDE SAND OR GRAVEL PIT OR STONE QUARRY", means a temporary *sand or gravel pit* or *stone quarry* opened and used by a public road authority solely for the purpose of a road construction project and not located on the road right-of-way.
- 4.183 "WHOLESALE OUTLET", means a building or part of a building in which goods, wares, merchandise or articles are offered or kept for sale to persons for resale purposes and/or to industrial or commercial user resale.
- 4.184 "YARD", means an area adjacent to a *building, structure* or excavation, located on the same *lot* as the *building, structure* or excavation, and which area is open, uncovered and unoccupied from the ground to the sky, except for such accessory *buildings, structures* or *uses* as are specifically permitted elsewhere in this By-Law.
- 4.184.1 "FRONT YARD", means an area extending across the full width of the *lot* between the *front lot line* of the *lot* and the nearest part of any excavation, or main *building* on the *lot*.
- 4.184.2 "FRONT YARD DEPTH", means the least horizontal dimension between the *front lot line* of the *lot* and the nearest part of any *building, structure* or excavation on the *lot*, or the nearest *open storage* use on the *lot*.
- 4.184.3 "REAR YARD", means an area extending across the full width of the *lot* between the *rear lot line* of the *lot* and the nearest part of any excavation or main *building* on the *lot*.
- 4.184.4 "REAR YARD DEPTH" means the least horizontal dimension between the *rear lot line* of the *lot* and the nearest part of any *building, structure* or excavation on the *lot*, or the nearest *open storage* use on the *lot*.



- 4.184.5 "SIDE YARD", means an area extending from the front *yard* to the rear *yard* and from the *side lot line* of the *lot* to the nearest part of any excavation or main *building* on the *lot*. In the case of a *lot* which has no *rear lot line*, the *side yard* shall extend from the front *yard* to the opposite *side yard*.
- 4.184.6 "SIDE YARD WIDTH" means the least horizontal dimension between the *side lot line* of the *lot* and the nearest part of any *building, structure* or excavation on the *lot*, or the nearest *open storage* use on the *lot*.
- 4.184.7 "EXTERIOR SIDE YARD", means a *side yard* immediately adjoining a public *street*.
- 4.184.8 "INTERIOR SIDE YARD", means a *side yard* other than an *exterior side yard*.
- 4.185 "YARD, REQUIRED", means the minimum *front yard depth, rear yard depth* or *side yard width* required by the provisions of this By-Law. A required *side yard* shall extend from the required *front yard* to the required *rear yard*.
- 4.186 "ZONING OFFICER/BY-LAW ENFORCEMENT OFFICER", means a *person* or *persons* appointed by the *Council* of the *Corporation* and who is charged with the duties of enforcing the provisions of the Zoning By-law.

<u>SUBSECTION</u>		<u>PAGE</u>
5.1	ACCESSORY USES, BUILDINGS AND STRUCTURES	5-2
5.2	CONTROL OF ANIMALS AND BIRDS	5-4
5.3	DWELLING UNITS BELOW GRADE	5-4
5.4	EROSION HAZARD AREAS	5-5
5.5	ESTABLISHED BUILDING LINE	5-5
5.6	EXCEPTIONS FOR EXISTING LOTS	5-6
5.7	FLOOD AND FILL AREAS	5-6
5.8	GREATER RESTRICTIONS	5-8
5.9	GROUNDWATER RECHARGE AREAS	5-8
5.10	GROUP HOMES	5-9
5.11	HOME OCCUPATIONS	5-9
5.12	LOADING PROVISIONS	5-11
5.13	LOTS CONTAINING MORE THAN ONE USE	5-13
5.14	LOTS DIVIDED INTO MORE THAN ONE ZONE	5-13
5.15	MUNICIPAL SERVICES	5-13
5.16	NOISE AND VIBRATION	5-14
5.17	NON-CONFORMING USES, SITES AND BUILDINGS	5-15
5.18	OUTDOOR DISPLAY AREAS	5-17
5.19	OUTDOOR PATIOS	5-18
5.20	PARKING PROVISIONS	5-19
5.21	PLANTING STRIPS	5-26
5.22	PROHIBITED USES	5-27
5.23	PUBLIC USES	5-28
5.24	SIGHT TRIANGLES	5-29
5.25	SIGNIFICANT ENVIRONMENTAL FEATURES	5-30
5.26	SITE PLAN CONTROL	5-33
5.27	SITES OF POTENTIAL ENVIRONMENTAL CONTAMINATION	5-33
5.28	STREET FRONTAGE REQUIRED	5-33
5.29	STORAGE OR PARKING OF RECREATIONAL VEHICLES	5-34
5.30	THROUGH LOTS	5-34
5.31	USES PERMITTED IN ALL ZONES	5-34
5.32	YARD, SETBACK AND HEIGHT - PERMITTED ENCROACHMENTS	5-36

5.1 ACCESSORY USES, BUILDINGS, STRUCTURES5.1.1 **ACCESSORY USES, BUILDINGS AND STRUCTURES PERMITTED**

Where this By-Law provides that a *lot* may be used or a *building* or *structure* may be *erected* or used for a particular purpose, that purpose shall include any *accessory building* or *structure* or *accessory use*, provided that:

- 5.1.1.1 it is not to be used for any occupation for gain or profit, except as permitted in this By-Law;
- 5.1.1.2 the principal *use, building* or *structure* is specifically permitted by this By-Law and is already established on the same *lot*;
- 5.1.1.3 it is not to be used for human habitation except as specifically permitted in this By-Law; and
- 5.1.1.4 it complies with the provisions set out in Table 5.1.1.4 below, except where it is specifically regulated elsewhere in the By-Law:

TABLE 5.1.1.4 – REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES		
PROVISION	RESIDENTIAL OR ENTREPRENEURIAL ZONES	ALL OTHER ZONES
Permitted Location	Any <i>yard</i> other than a required <i>front yard</i> or <i>exterior side yard</i> .	In accordance with the <i>yard</i> and <i>setback</i> provisions of the zone in which such <i>building</i> or <i>structure</i> is located.
Distance from <i>Main Buildings</i> , Minimum	1.2 m (3.9 ft)	3.0 m (9.84 ft)
<i>Height</i> , Maximum	3.7 m (12.1 ft)	6.0 m (19.6 ft)
<i>Rear Yard</i> and <i>Interior Side Yard Setback</i> , Minimum	1.2 m (3.9 ft)	In accordance with applicable zone provisions
<i>Front Yard</i> or <i>Exterior Side Yard Setback</i> , Minimum	In accordance with the applicable zone provisions.	In accordance with applicable zone provision
<i>Setback</i> from a <i>streetline</i> , minimum	In accordance with applicable zone provision	In accordance with applicable zone provision
<i>Lot Coverage</i> , maximum for all <i>accessory buildings</i> and <i>structures</i>	A combined total of 10% of <i>lot area</i> , to a maximum of 50 m <sup>2</sup> (538.2 ft <sup>2</sup> ) of <i>ground floor area</i> .	In accordance with applicable zone provision

5.1.1.4.1 Notwithstanding any provision of Table 5.1.1.4 to the contrary, the following provisions shall also apply:

- i) where a residential or entrepreneurial zoned *lot* does not contain an attached *private garage*, one detached *private garage* may be erected on the *lot*, provided it does not exceed **4.5 m** (14.8 ft) in *height* and complies with all the other provisions of Table 5.1.1.4
- ii) a *carport* may be erected on a lot in a residential or entrepreneurial zone only where it is built over a *driveway*, is located in an *interior side yard*, does not exceed a length of **7.5 m** (24.6 ft) and complies with all the other provisions of Table 5.1.1.4.;
- ii) on a residentially or entrepreneurial zoned *lot*, one *accessory building*, not exceeding **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>) in *gross floor area*, may be excluded from the calculation of total *lot coverage*.
- iii) *accessory buildings* or *structures*, not exceeding **2.5 m** (8.2 ft) in *height*, may be located within a required *exterior side yard*, provided that a minimum *exterior side yard setback* of **3 m** (9.8 ft) is maintained and such *exterior side yard* is enclosed by a privacy fence or planting strip with a minimum *height* of **1.5 m** (6 ft).
- iv) where an existing residentially or entrepreneurial zoned *lot* exceeds **1,500 m<sup>2</sup>** (16,146.4 ft<sup>2</sup>) in *lot area*, the maximum lot coverage for all *accessory buildings* and *structures* shall not exceed **100 m<sup>2</sup>** (1,076.4 ft<sup>2</sup>) of *ground floor area* and no *accessory building* or *structure* shall exceed **4.5 m** (14.8 ft) in *height*.
- v) covered and uncovered *decks*, *patios*, *porches/verandas* and other similar structures shall only be permitted in accordance with the provisions of Section 5.30.1.2.

## 5.1.2 EXCEPTIONS

The following *accessory* uses are not subject to the provisions of Section 5.1.1.4, provided that they are in accordance with the provisions noted in Table 5.1.2:

TABLE 5.1.2 – ACCESSORY USE EXCEPTIONS AND RELATED PROVISIONS	
Structures	Specific Provisions
<ul style="list-style-type: none"> <li>- clothes poles, flag poles and basketball standards;</li> <li>- garden trellises;</li> <li>- ornamental fountains, statues, cenotaphs, monuments and memorials;</li> <li>- planters, benches and picnic tables;</li> <li>- retaining walls, sidewalks, pavements, and curbs; and</li> <li>- other similar <i>accessory</i> uses.</li> </ul>	None
<ul style="list-style-type: none"> <li>- patios, concrete pads, walkways and other similar structures comprising part of an <i>outdoor amenity area</i> and not exceeding <b>0.3 m</b> (1 ft) in height</li> </ul>	Shall not alter any drainage swale required by an approved lot grading plan.

TABLE 5.1.2 – ACCESSORY USE EXCEPTIONS AND RELATED PROVISIONS	
Structures	Specific Provisions
- Fences and similar <i>structures</i>	In accordance with the Town's Fencing By-Law and any other special provisions that are specifically noted in this By-Law;
- Attached and freestanding <i>signs</i>	In accordance with the Town's <i>Sign</i> By-Law, unless otherwise specifically noted in this By-Law
- an unenclosed, outdoor private swimming pool or hot tub, <i>accessory</i> to a residential use	a) Shall only be permitted in an <i>interior side yard</i> or <i>rear yard</i> , with a minimum <b>1.2 m</b> (3.9 ft) <i>setback</i> from a <i>side lot line</i> or <i>rear lot line</i> or in an <i>exterior side yard</i> with a minimum <b>3 m</b> (9.8 ft) setback from the <i>streetline</i> ; b) An above ground private pool shall not exceed <b>1.6 m</b> (5.25 ft) in <i>height</i> above <i>finished grade</i> , measured to the top of the pool wall; c) Any <i>deck</i> associated with an above ground private swimming pool or hot tub, shall be in accordance with the provisions for decks in Table 5.30.1. d) Such private swimming pool or hot tub shall not be included in <i>lot coverage</i> calculations;

### 5.1.3 **GARAGE AND YARD SALES**

Where this By-Law provides that a lot may be used for a dwelling(s), the permitted accessory uses to such dwelling(s) shall include a *garage sale* or *yard sale* provided that:

- a) A maximum of two *garage* or *yard sales* may be conducted per calendar year;
- b) A *garage* or *yard sale* may be up to a maximum of 3 days in duration, provided that such sale is held on consecutive days;
- c) Any *signs* shall be in accordance with the Town's Sign By-Law; and
- d) Such sales may only be conducted during daylight hours.

### 5.2 **CONTROL OF ANIMALS AND BIRDS**

Where an Animal Control By-Law has been passed by the Town, the prohibition or regulation of the keeping of animals, birds or reptiles within any Zone shall be controlled by such By-Law.

### 5.3 **DWELLING UNITS BELOW GRADE**

No dwelling unit shall in its entirety be located in a *cellar*. If any portion of a *dwelling unit* is located in a *cellar*, such portion of the *dwelling unit* shall be used as a furnace room, laundry room, storage room, recreation room, or for a similar use only and shall not be used for sleeping accommodation.

However, a *dwelling unit*, in its entirety may be located in a *basement* provided the finished floor level of such *basement* is not below the level of the sanitary or storm sewer serving the *building* or *structure* in which such *basement* is located and provided further, that the floor level of such *basement* is not more than **1.2 m** (3.9 ft) below the adjacent *finished grade*.

#### 5.4 EROSION HAZARD AREAS

##### 5.4.1 DEFINITION OF EROSION HAZARD AREAS

Erosion hazard areas shall correspond to the fill regulated areas established by the Long Point Region Conservation Authority, as indicated on Schedule "A" of this By-Law.

##### 5.4.2 PERMITTED USES

All of the uses of the underlying zone may be permitted within an erosion hazard area, subject to complying with the provisions of a geotechnical study, undertaken by the applicant pursuant to Section 3.2.8.2.1 of the County of Oxford Official Plan. Existing buildings and structures shall be recognized as permitted uses within an erosion hazard area, provided that any expansion or change of use of such buildings and structures shall also be subject to compliance with the provisions of a geotechnical study as indicated above.

Notwithstanding the uses permitted above, new institutional uses, emergency services and the disposal, manufacture, treatment or storage of hazardous substances, including manure, shall be prohibited within an erosion hazard area.

##### 5.4.3 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within erosion hazard areas, unless new provisions are recommended by the geotechnical study. Where new provisions are recommended by a geotechnical study, a Zoning By-Law amendment shall be required to incorporate such provisions into this By-Law.

#### 5.5 ESTABLISHED BUILDING LINE

Notwithstanding any provisions of this By-Law to the contrary, where a *single detached*, *semi-detached* or *duplex dwelling* or an *accessory use* thereto is to be erected in a built up area and there is an established building line, such *dwelling* or *accessory use* may be erected closer to the *street line* or the centre line of the street, as the case may be, than required by this By-Law, provided such *dwelling* or *accessory use* is not erected closer to the *street line* or to the centre line of the street, as the case may be, than the *established building line* on the date of passing of this By-Law. In no event shall any *building* or *structure* be erected closer than **3 m** (9.8 ft) to the *front lot line*.

**5.6 EXCEPTIONS FOR EXISTING LOTS**

Where a lot having a lot area, lot depth, and/or lot frontage of not more than 20% less than that required by this By-Law is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this By-Law, or where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-Law are complied with.

Where a plan of subdivision has obtained draft plan approval prior to the date of passing of this By-Law, such subdivision may proceed to final approval and registration notwithstanding that the lots contained therein may have a lot area, lot depth and/or lot frontage which are less than required by the By-Law. Upon registration of the subdivision the lots shall be considered as existing lots for the purposes of applying the provisions of this section.

**5.7 FLOOD AND FILL AREAS****5.7.1 EXTENT OF THE FLOOD PLAIN AND FILL REGULATED AREA**

The Flood Plain and Fill Regulated Area apply to lands within the Regulatory Flood Plain and Fill Regulated Area established by the Long Point Region Conservation Authority. Where the Conservation Authority has not established flood lines, proponents may be required to complete such mapping to the satisfaction of the Conservation Authority, prior to development. The Zoning Officer shall notify the Conservation authority of development plans within the Regulated Area to determine whether such flood plain mapping is required and to obtain written confirmation from the Conservation Authority that the proposed development complies with all applicable regulations.

Until Significant Valleylands have been defined through study, they will be defined as the lands associated with the Regulatory Flood Plain or Fill Regulated Area established by the Conservation Authority.

**5.7.2 IDENTIFICATION OF THE FLOOD PLAIN AND FILL REGULATED AREA**

The Regulatory Flood Line is shown by a dotted line indicating the area subject to flood regulations on Schedule "A" of this By-Law. A dashed bracket on Schedule "A" of this By-Law shows the limits of the Fill Regulated Area.

**5.7.3 PERMITTED USES WITHIN THE REGULATORY FLOOD PLAIN**

Only the following uses are permitted within the area of the Regulatory Flood Plain, provided that they are also permitted in the underlying zone:

- flood control works;
- a *park*;
- a public use in accordance with the provisions of Section 5.23 of this By-Law;
- a *sand or gravel pit*;
- a stone quarry;
- a conservation project;

except that no *buildings* or *structures* shall be permitted unless *accessory* to flood control works or a *conservation project*. All other uses not explicitly listed above, shall be prohibited within the area of the Regulatory Flood Line.

**5.7.3.1 FILL REGULATED AREA**

All uses of the underlying zone are permitted within the Fill Regulated Area, except that no *buildings*, *structures* or *site alteration* are permitted without a permit from the Conservation Authority with jurisdiction.

**5.7.4 PERMITTED USES IN SIGNIFICANT VALLEYLANDS**

All uses of the underlying zone are permitted within and adjacent to Significant Valleylands subject to the provisions of an Environmental Impact Study required by Sections 3.2.6 and 3.2.11 of the County of Oxford Official Plan. For the purposes of this provision, adjacent lands shall be defined as those lands located within **50 m** (164 ft) of a Significant Valleyland. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under Section 3.2.6 of the County of Oxford Official Plan.

**5.7.5 ZONE REQUIREMENTS**

All other zone provisions of the underlying zone shall continue to apply within the Flood Line and Regulated Area Limit, unless an Environmental Impact Study recommends new provisions. Where new provisions are recommended by an Environmental Impact Study, a Zoning By-Law amendment shall be required to incorporate such provisions into this By-Law.



**5.8 GREATER RESTRICTIONS**

This By-Law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

**5.9 GROUNDWATER RECHARGE AREAS****5.9.1 DEFINITION OF THE GROUNDWATER RECHARGE AREA**

The Groundwater Recharge Area includes the area shown on Schedule "D" of this By-Law.

**5.9.2 PERMITTED USES**

All uses existing at the date of passing of this By-Law shall be permitted uses within the Groundwater Recharge Area. All uses permitted within the underlying zone shall be permitted within the Groundwater Recharge Area, with the exception of those listed in Section 5.9.3 of this By-Law.

**5.9.3 RESTRICTED USES**

Where the following *uses* are permitted in an underlying zone, a Disclosure Report and/or a Contingency Plan must be prepared in accordance with Section 3.2.7.2 of the County of Oxford Official Plan prior to the issuance of a building permit:

- a landfill site;
- a lagoon or other putrescible waste disposal facility;
- an asphalt or concrete batching plant;
- an industrial or commercial use involving the storage or processing of chemical and/or petroleum products;
- a *public garage*;
- an automobile service station;
- a vehicle maintenance yard;
- a fuel storage tank or supply yard;
- a *salvage yard*.

**5.9.4 SITE PLAN CONTROL**

Prior to the issuance of a building permit for any of the uses listed in Section 5.9.3 of this By-Law, the Council of the Town of Tillsonburg shall pass a Site Plan Control By-Law applying to the site, where such a By-Law is not already in effect, and require the proponent to enter into a Site Plan Control Agreement.

5.9.5 **ZONE REQUIREMENTS**

All other zone provisions of the underlying zone shall continue to apply within the Groundwater Recharge Area.

5.10 **GROUP HOMES**5.10.1 **WHERE PERMITTED**

Notwithstanding any other provision of this By-Law to the contrary, a *Group Home* is permitted to occupy the whole of an individual dwelling unit, a *single detached dwelling*, a *semi-detached dwelling*, a *duplex dwelling*, a *multiple unit dwelling* and a *street fronting townhouse dwelling*, provided the total number of residents within the building structure does not exceed eight. The dwelling must have **20 m<sup>2</sup>** (216 ft<sup>2</sup>) of gross floor area per person residing within the unit.

5.10.2 **ZONE REQUIREMENTS**

A Group Home shall comply with the zone provisions for dwellings permitted in the zone in which such use is located.

5.11 **HOME OCCUPATION**5.11.1 **WHERE PERMITTED**

A home occupation is permitted, subject to complying with all appropriate zoning provisions, in all zones permitting a residential dwelling unit and shall be permitted within the residential dwelling unit.

5.11.2 **FLOOR AREA LIMIT**

Not more than the cumulative total of **25 m<sup>2</sup>** (269.1ft<sup>2</sup>) of gross floor area of the residential dwelling unit shall be used for the purposes of the home occupation use.

5.11.3 **STORAGE, DISPLAY AND SIGNAGE**

There shall be no external storage of goods or materials and no external display or advertising other than one (1) unlit sign with an area of not more than **1 m<sup>2</sup>** (10.8 ft<sup>2</sup>), directly attached to the wall of the residential dwelling unit.

**5.11.4 ADVERTISEMENT**

Media advertising of the home occupation shall be restricted to the publishing of the home occupation and telephone number, but no municipal address.

**5.11.5 EMPLOYEES**

There are no persons employed other than a member of the family residing on the lot.

**5.11.6 RETAIL SALES**

Retail sale of items shall be prohibited, except for items made as part of an approved home occupation.

**5.11.7 REPAIR USES**

Repair of goods shall be prohibited, except for household appliances and electronic equipment as part of an approved home occupation.

**5.11.8 BED AND BREAKFAST ESTABLISHMENT**

A bed and breakfast establishment shall be considered a home occupation where located in a single-detached dwelling house. Notwithstanding the gross floor area limit for a home occupation in Section 5.11.2, a bed and breakfast establishment shall be limited to three guest rooms.

**5.11.9 HOME DAYCARE**

A home daycare, located in a single-detached dwelling, a semi-detached dwelling, a duplex dwelling, a street fronting townhouse dwelling or a converted dwelling with accommodation for up to and including 5 children, shall be considered a home occupation. For the purpose of this subsection, the gross floor area limit for a home occupation in Section 5.11.2 shall not apply to a home daycare.

**5.11.10 PARKING**

Off-Street parking shall be provided in accordance with Section 5.20.

5.11.11 **ZONE REQUIREMENTS**

The home occupation shall comply with all other zone requirements of the zone in which such home occupation is located.

The home occupation shall not include the shipping or receiving of goods or materials by commercial motor vehicles greater than **4,000 kg** (8,818,3 lbs) gross vehicle weight.

Notwithstanding any provisions contained in this By-Law, no accessory buildings or yards in a residential zone shall be used for any home occupation.

5.12 **LOADING PROVISIONS**5.12.1 **LOADING SPACES REQUIRED**

The owner or occupant of any lot, building or structure in a Commercial, Institutional or Industrial Zone, erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise and raw materials shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, loading or unloading facilities in accordance with the rates set out in Table 5.12.1.

<b>TABLE 5.12.1 - LOADING SPACE REQUIREMENTS</b>		
<b>Zone</b>	<b>Gross Floor Area</b>	<b>Number of Loading Spaces Required</b>
Commercial, Institutional, Industrial, or Open Space Zone	<b>350-2,000 m<sup>2</sup></b> (3,767.5-21,528.5 ft <sup>2</sup> )	1
	<b>2,001-6,500 m<sup>2</sup></b> (21,539.3-69,967.7 ft <sup>2</sup> )	2
	<b>6,501-12,000 m<sup>2</sup></b> (69,978.5-129,171.2 ft <sup>2</sup> )	3
	Greater than <b>12,000 m<sup>2</sup></b> (129,171.2 ft <sup>2</sup> )	4

Where more than one primary building is located on a lot, the loading space requirements indicated in Table 5.12.1 shall be applied to each such building individually, with any required spaces to be located immediately adjacent to the building for which they are required.

5.12.2 **STANDARDS FOR LOADING SPACES**

All loading spaces must be rectangular and comply with the provisions of Table 5.12.2 below:

TABLE 5.12.2 - LOADING SPACE STANDARDS	
Design Provision	Minimum Standard
Length	<b>14 m</b> (45.9 ft)
Width	<b>4 m</b> (13.1 ft)
Vertical Clearance	<b>4.5 m</b> (14.7 ft)
Location	<b>1.5 m</b> (4.9 ft) from an interior side or rear lot line and <b>15 m</b> (49.2 ft) from a street line. In addition, no loading space shall be located in any portion of a required yard abutting a Residential, Future Development or Entrepreneurial Zone.
Access Driveway Width	<b>6.0 m</b> (19.7 ft)

5.12.3 **REDUCED LOADING SPACE STANDARDS**

Notwithstanding the minimum length and width standards in Table 5.12.2, where the combined gross floor area for all uses on a lot in a commercial or institutional zone does not exceed **2,000 m<sup>2</sup>** (21,528.5 ft<sup>2</sup>), the minimum length and width for the required loading space may be reduced to **9 m** (29.5 ft) and **3.5 m** (11.5 ft) respectively.

5.12.4 **LOADING SPACE CALCULATION**

The gross floor area shall be used for the purposes of calculating the requirement to provide loading spaces.

5.12.5 **LOADING SPACE SURFACE**

The driveway and loading spaces shall be constructed of asphalt, concrete, portland cement binder, recycled asphalt, or a stable surface of crushed stone or gravel which is maintained or treated so as to prevent the raising of dust or loose particles, or in accordance with the material identified in an approved site plan.

5.12.6 **ADDITIONS TO BUILDING**

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-Law so long as the gross floor area as it existed at such date is not increased. If an addition is made to the building or structure that increases the gross floor area, then additional loading spaces shall be provided as required by Section 5.12.1 of the By-Law for such addition.

5.13 **LOTS CONTAINING MORE THAN ONE USE**5.13.1 **LOT AREA AND LOT FRONTAGE REQUIREMENTS**

Where a lot contains more than 1 use, which is not an accessory use, the lot area requirement shall be the sum of the requirements for each separate use. The lot frontage requirement shall be the greatest of the lot frontage requirements for each separate use in the zone where such lot is located.

5.14 **LOTS DIVIDED INTO MORE THAN ONE ZONE**

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-Law for the zone where such portion of the lot is located. However, for the purposes of determining minimum lot area and minimum lot frontage, the entire lot shall be considered, with the exception of any areas covered by an environmental protection overlay or located within a flood plain, as identified on Schedule 'A' of this By-Law

5.15 **MUNICIPAL SERVICES**

5.15.1 No land shall be used or built upon and no *building* or *structure* shall be erected, used or expanded for any purpose unless the land is serviced by municipal services (municipal water, sanitary sewers, drainage systems and improved streets) which meet the municipal standards in effect and have adequate capacity to service the *use* or development.

5.15.2 Notwithstanding the foregoing, the following may be permitted without full municipal services:

5.15.2.1 Additions to existing residential *dwelling*s and construction of *buildings* and *structures* *accessory* to existing residential *dwelling*s, provided the said additions and/or *accessory buildings* comply will all other provisions of the zone in which the *dwelling* is located and do not require any other approval under the Planning Act, R.S.O. 1990 and that the addition has been reviewed and approved by the Oxford County Board of Health.

5.16 NOISE AND VIBRATION5.16.1 **SEPARATION OF NOISE SENSITIVE LAND USES FROM INDUSTRIAL USES**

Notwithstanding any provision within this By-Law to the contrary, the development of a *sensitive land use* shall not be permitted within the following minimum separation distances:

- **20 m** (65 ft) from a *Class I industrial facility* on an industrially zoned lot;
- **70 m** (230 ft) a *Class II industrial facility* on an industrially zoned lot; or
- **300 m** (984 ft) from a *Class III industrial facility* on an industrially zoned lot or an existing rail yard;
- **300 m** (984 ft) from an un-built lot in an industrial zone or a future development zoned lot which is designated for industrial purposes on Schedule T-1 of the County Official Plan

The above minimum separation distances shall also apply to the development of Class I, II or III industrial facilities in proximity to existing *noise sensitive land uses* located on lots in a Residential, Commercial Institutional or OS2 zone.

5.16.2 **MEASUREMENT OF SEPARATION DISTANCE**

The minimum separation distance specified in Section 5.16.1 shall be measured as the shortest distance between the lot line of the lot containing the existing or proposed *sensitive land use* and the lot line of the industrial or future development zoned lot.

5.16.3 **EXCEPTIONS**

The minimum separation distances in 5.16.1 shall not prevent the construction of a *dwelling*, provided that:

- Such dwelling is located on an appropriately zoned lot in a registered plan of subdivision, or an appropriately zoned lot created through consent; or
- Such dwelling is located on an appropriately zoned lot of record, which is not located within a registered plan of subdivision, and is located no closer to any industrial use identified in Section 5.16.1 than one or more existing *sensitive land uses* located on appropriately zoned lots, provided that such uses are located between the *lot* to contain the proposed *dwelling* and the identified industrial use.

**5.16.4 SETBACK ADJACENT TO A RAILWAY**

Notwithstanding any other provisions of this By-law to the contrary, where any lot line or portion thereof abuts a railway right-of-way, the setback and other noise mitigation measures shall be established with consultation from the owner of the Railway.

**5.17 NON-CONFORMING USES, SITES AND BUILDINGS****5.17.1 CONTINUATION OF EXISTING USES**

The provisions of this By-Law shall not 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, and provided that it continues to be used for that purpose.

For the purpose of this By-Law, a barn used for housing livestock shall be deemed to comply with this provision, provided that it continues to be used to house the same type of livestock as it did on the date of passing of the By-Law.

For the purposes of this By-Law, lawfully used will be restricted, for the purposes of proof, to existing as of April 26<sup>th</sup>, 1977.

**5.17.2 NON-CONFORMING BUILDING LOCATION**

Notwithstanding any of provisions of this By-Law to the contrary, any building or structure, which lawfully existing at the date of passing of this By-Law, shall be deemed to comply with the relevant provisions of this By-Law pertaining to setbacks from a *streetline*, yards and lot coverage, provided that no portion of any such building or structure encroaches on any abutting road allowance or lot. Extensions or additions to any such building or structure shall still be subject to the provisions of Section 5.17.7.

**5.17.3 HOW NON-CONFORMING RIGHTS LOST**

Non-conforming rights shall be considered to be extinguished in the following situations:

- (a) where a building or structure containing or otherwise used in connection with a non-conforming use is more than 50% accidentally damaged or demolished and is not repaired and reoccupied within one (1) year;
- (b) where the non-conforming use is discontinued for a period exceeding six (6) months;
- (c) where a non-conforming use is changed without the permission of the Town of Tillsonburg Committee of Adjustment.



**5.17.4 BUILDING PERMIT ISSUED**

The provisions of this By-Law shall not apply to prevent the erection or use for a purpose prohibited by this By-Law of any building or structure, the plans for which have been approved, prior to the date of passing of this By-Law by the Chief Building Official, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within 6 months after the date of passing of this By-Law.

**5.17.5 STRENGTHENING OF NON-CONFORMING BUILDINGS**

Nothing in this By-Law shall prevent the strengthening to a safe condition any building or structure or part of any building or structure which does not comply with the zone provisions provided that the alteration or repair does not increase the height, size or volume of the building or structure or change the use of the building or structure.

**5.17.6 REPLACEMENT OF NON-CONFORMING BUILDINGS**

Where a non-conforming building or structure is damaged or demolished due to an accidental cause, or is in poor state of repair, nothing in this By-Law shall prevent the replacement of the non-conforming or non-complying building or structure provided that:

5.17.6.1 the building or structure is occupied by the same use or by a permitted use;

5.17.6.2 the building or structure is located on or within the limits of the foundation walls of the building or structure as they existed prior to such destruction;

5.17.6.3 the height and gross floor area of such replacement does not exceed the height and gross floor area of the building as it existed prior to such destruction;

5.17.6.4 the building or structure does not encroach on a municipal road allowance; and

5.17.6.5 the building or structure is replaced and reoccupied within one year of such destruction.

**5.17.7 EXTENSIONS TO NON-CONFORMING BUILDINGS**

Nothing in this By-Law shall prevent an extension or an addition being made to a non-conforming use, building or structure provided that:

- 5.17.7.1 the use, building or structure existed at the date of passing of this By-Law but does not comply with one or more of the zone provisions of this By-Law; and
- 5.17.7.2 that such extension or addition does not contravene any of the zone provisions of this By-Law.
- 5.17.7.3 Notwithstanding Section 5.17.7.2, for a residential use in any residential zone or EC zone that such extension of addition does not further contravene any of the zone provisions of this By-Law.

5.17.8 **NON-CONFORMITY DUE TO PUBLIC ACQUISITION**

Where the area of a lot is reduced as a result of the public acquisition of a part of a lot and where this acquisition causes any building or structure existing on the lot to become non-conforming relative to the zone provisions, then nothing in this By-Law shall prevent the continued use of the building or structure provided that no subsequent change is made to the lot which would increase the extent of the non-conformity.

Where a vacant lot is reduced as a result of the public acquisition of part of the lot such that the zone provisions relating to lot frontage, lot depth, and/or lot area become non-conforming, then nothing in this By-Law shall prevent the erection of a building provided that all other zone provisions are complied with.

5.18 **OUTDOOR DISPLAY AREAS**

5.18.1 **PERMITTED IN ALL COMMERCIAL ZONES**

An *outdoor display area* is a permitted use in all commercial zone categories, unless otherwise indicated by an approved site plan.

5.18.2 **REGULATIONS**

An *outdoor display area* is subject to the following additional regulations:

- a) it must not be located within any required parking area, sidewalk or facility for pedestrian movement;
- b) notwithstanding any required yard setbacks of the applicable zone, an outdoor display area may project to within **1.2 m** (3.9 ft) of the lot line provided that it is outside of any corner lot sight triangle
- c) notwithstanding any provision of the applicable zone, an outdoor display area shall not be included in the calculation of gross floor area or required parking spaces.

**5.18.3 ENCROACHMENT INTO MUNICIPAL ROAD ALLOWANCE**

Despite Section 5.18.2 an outdoor display area may be permitted to encroach on an improved street only where it will not interfere with pedestrian or vehicular traffic and only with the written approval of the Corporation.

**5.19 OUTDOOR PATIOS****5.19.1 OUTDOOR PATIOS PERMITTED**

An outdoor patio is permitted where it is operated as part of an eating establishment, tavern, community complex, refreshment room, institutional hall or golf course listed as a permitted use in the applicable zone provisions.

**5.19.2 LOCATION**

An outdoor patio shall only be established in accordance with the following criteria:

- a) an outdoor patio is prohibited in a yard abutting a Residential, Entrepreneurial or Institutional Zone;
- b) an outdoor patio is prohibited within any yards abutting a street if a Residential Zone or Entrepreneurial Zone is located on the opposite side of the street; and
- c) a terraced or rooftop patio is not permitted on any property abutting a Residential Zone.

**5.19.3 PARKING**

The gross floor area of any outdoor patio shall be included for the purposes of calculating required parking in accordance with Table 5.20.2.1.

**5.19.4 ENCROACHMENT INTO REQUIRED YARDS**

Despite any required yard setbacks of the applicable zone, an outdoor patio may project to within **1.2 m** (3.9 ft) of the lot line provided that the criteria of Section 5.19.2 are complied with.

**5.19.5 ENCROACHMENT INTO MUNICIPAL ROAD ALLOWANCE**

An outdoor patio, in the Central Commercial (CC) zone, may be permitted to encroach onto an improved street only where it will not interfere with pedestrian or vehicular traffic and only where a valid encroachment agreement has been entered into with the Corporation and remains in good standing.

**5.20 PARKING PROVISIONS****5.20.1 GENERAL REQUIREMENTS FOR PARKING AREAS****5.20.1.1 OFF-STREET PARKING AREAS REQUIRED**

Unless otherwise stated in this By-Law, motor vehicle parking spaces must be provided on the same lot as the building to which such parking is associated in accordance with the parking standards set out in Section 5.20.2.

**5.20.1.2 MORE THAN ONE USE PER LOT**

In a building or structure in which more than one use is located, the total requirement for parking will be the sum of the requirements applied to each separate use, unless otherwise expressly stated.

**5.20.1.3 PARTS TO BE CONSIDERED AS REQUIRED SPACES**

Where the application of the parking standards as set out in Section 5.20.2, results in part of a *parking space* being required, such part will be considered as one required space.

**5.20.1.4 USE OF PARKING AREAS AND SPACES****5.20.1.4.1 All required parking spaces must be used exclusively for that purpose and must not be used for any other purpose.**

If one or more required parking spaces are to be provided in an attached or detached garage, each space shall have a minimum width of 2.7 m (8.86 ft) and minimum length of 6 m (19.7 ft) and shall remain unobstructed at all times.

**5.20.1.4.2 Where a parking area or space is permitted or required under this By-Law, no person shall use such area or space, in any zone, for parking any motor vehicle unless such vehicle is operative, used in operations incidental to the permitted uses in respect of which such parking area or space is provided, and bearing a motor vehicle license plate which is currently valid.**

## 5.20.1.4.3 COMMERCIAL MOTOR VEHICLES AND TRACTOR TRAILERS IN RESIDENTIAL ZONES

No person shall use any lot, building or structure in a Residential or Entrepreneurial Zone for the parking or storage of any commercial motor vehicle unless he or she is the owner or occupant of such lot, building or structure, and provided that said vehicle shall not exceed **4,600 kg** (10,140 lb.) Gross Vehicle Weight (unloaded) as registered with the appropriate regulating authority and provided that not more than one commercial vehicle is stored in accordance with this Section.

No person shall use any lot, building or structure in a Residential Zone or Entrepreneurial Zone for the parking or storage of any tractor-trailer or part thereof. The provision of this subsection shall not include *commercial motor vehicles* or tractor-trailers, which temporarily attend at residential premises for the purpose of delivery and/or service provided to the occupants of such residential premises.

## 5.20.1.5 ACCESS TO PARKING SPACE

A parking space must have unobstructed access from a public street or public lane by either a driveway or an aisle leading to a driveway.

## 5.20.1.6 PARKING SPACE AND PARKING AISLE STANDARDS

Motor vehicle parking spaces and parking aisles shall comply with the standards set out in Table 5.20.1.6 and be in accordance with Schedule "C" of this By-Law.

TABLE 5.20.1.6 - PARKING SPACE AND AISLE STANDARDS			
Angle of the Parking Spaces	Minimum Perpendicular Width of the Aisle	Minimum Depth of Parking Space	Minimum Width of Parking Space
30 degree	<b>3.4 m</b> (11.2 ft)	<b>4.6 m</b> (15.1 ft)	<b>2.7 m</b> (8.9 ft), except for parking spaces flanking a wall, fence or other obstruction, which shall be <b>3 m</b> (9.8 ft)
45 degree	<b>3.7 m</b> (12.1 ft)	<b>5.5 m</b> (18.0 ft)	
55 degree	<b>4.3 m</b> (14.1 ft)	<b>5.8 m</b> (19.0 ft)	
60 degree	<b>4.9 m</b> (16.1 ft)	<b>5.8 m</b> (19.0 ft)	
65 degree	<b>5.2 m</b> (17.1 ft)	<b>5.8 m</b> (19.0 ft)	
70 degree	<b>5.5 m</b> (18.0 ft)	<b>5.8 m</b> (19.0 ft)	
90 degree	<b>7.3 m</b> (24.0 ft)	<b>5.5 m</b> (18.0 ft)	
parallel parking	<b>4 m</b> (13.1 ft) for one way traffic and <b>6 m</b> (19.7 ft) for two way traffic	<b>6.5 m</b> (21.3 ft)	
angle other than those listed	shall meet the requirements for the angle of parking which is greater than the angle being provided		

## 5.20.1.7 DRIVEWAY STANDARDS

The following standards apply to driveways providing ingress and egress to parking spaces:

## 5.20.1.7.1 Minimum Width One-Way Access

Where the access to a parking space is provided directly by a driveway from a public street, the driveway must be at least **3.0 m** (9.8 ft) in width;

## 5.20.1.7.2 Width of Joint Access

Where a joint ingress and egress driveway is provided to a parking aisle, the driveway width measured along the street line shall be at least **6.7 m** (22 ft) in width and no more than **9 m** (29.5 ft) in width.

## 5.20.1.7.3 Maximum Driveway Width - Residential Zones

Within a residential zone, a maximum of 50% of either the area of the front yard or lot frontage, or the area or width of the exterior side yard, may be occupied by a driveway or parking area.

## 5.20.1.7.4 Number of Driveways Permitted

Every lot shall be limited to not more than 2 driveways for the first **30 m** (98.4 ft) of frontage; and not more than 1 additional driveway for each additional **30 m** (98.4 ft) of frontage.

## 5.20.1.7.5 Distance From Intersection

The minimum distance between a driveway and an intersection of street lines is **7.5 m** (24.6 ft).

## 5.20.1.8 PARKING AREA SURFACE

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, recycled asphalt, crushed brick (or tile), cinders, asphalt or concrete, or a material forming an approved site plan.

## 5.20.1.9 ADDITIONS TO BUILDINGS

The parking area requirements referred to herein shall not apply to any building in existence at the date of passing of this By-Law so long as the floor area, as it existed at such date, is not increased, and the building or structure is used for a purpose which does not require more parking spaces according to Section 5.20.2 of this By-Law than were required by its use at the date of passing of this By-Law. If an addition or change of use is made to a building or structure as it existed at the date of passing of this By-Law, then additional parking spaces shall be provided to the number required for such addition or change in use.

## 5.20.2 MOTOR VEHICLE PARKING STANDARDS

## 5.20.2.1 OFF-STREET PARKING REQUIRED

Off-street parking for motor vehicles must be provided as set out in Table 5.20.2.1.

TABLE 5.20.2.1 - PARKING STANDARDS		
Land Use Category		Number of Vehicle Parking Spaces Required
Residential Uses	- single detached dwelling - duplex dwelling - semi-detached dwelling - converted dwelling - mobile home - street fronting townhouse dwelling	- 2 per dwelling unit
	- home occupation, except a bed and breakfast	- 1
	- bed and breakfast - boarding or lodging house	- 1 per guest room
	- garden suite	- 1 per garden suite
	- residential unit in a portion of a non-residential building - multiple unit dwelling - apartment dwelling	- 1.5 per dwelling unit
Business Uses	- commercial school - financial institution - laundromat - personal service establishment - retail store - service shop - studio	- 1 per <b>20 m<sup>2</sup></b> (215.3 ft <sup>2</sup> ) of gross floor area
	- eating establishment	- 1 per <b>9 m<sup>2</sup></b> (96.9 ft <sup>2</sup> ) of gross floor area

TABLE 5.20.2.1 - PARKING STANDARDS		
Land Use Category		Number of Vehicle Parking Spaces Required
	- funeral home	- 20 for the first <b>50 m<sup>2</sup></b> (538.2 ft <sup>2</sup> ) of gross floor area plus 1 for each additional <b>1.5 m<sup>2</sup></b> (16.1 ft <sup>2</sup> ) of gross floor area used for a chapel or public visitation area.
	- wholesale establishment	- 1 per <b>90 m<sup>2</sup></b> (968.8 ft <sup>2</sup> ) of gross floor area
	- hotel or motel	- 1.2 per guestroom
Office Uses	- business or professional office - government administrative offices	- 1 per <b>20 m<sup>2</sup></b> (215.3 ft <sup>2</sup> ) gross floor area
	- animal kennel - medical centre - veterinary clinic	- Minimum of 4 spaces or 6.0 per <b>100 m<sup>2</sup></b> (1,076 ft <sup>2</sup> ) gross floor area, whichever is greater
Industrial Uses	- truck transport terminal	- 1 per <b>100 m<sup>2</sup></b> (1,076.4 ft <sup>2</sup> ) gross floor area
	- warehouse	- 1 per <b>185 m<sup>2</sup></b> (1,991.4 ft <sup>2</sup> ) of gross floor area
	- all other industrial uses	- 5 plus 1 per <b>90 m<sup>2</sup></b> (968.8 ft <sup>2</sup> ) of gross floor area
Institutional Uses	- church	- 1 for every 5 seats capacity, or 1 for each <b>10 m<sup>2</sup></b> (107.6 ft <sup>2</sup> ) of gross floor area used for a hall or auditorium, whichever is greater.
	- hospital	- 1 per 3 beds or fraction thereof
	- school	- 1 per classroom, or 1 per <b>10 m<sup>2</sup></b> (107.6 ft <sup>2</sup> ) of gross floor area in the gymnasium or auditorium, whichever is greater.
	- nursing home	- 1 per 3 beds or fraction thereof
	- group home	- 4 spaces
Leisure and recreation type uses	- museum - library - recreational or athletic facility	- 1 per <b>20 m<sup>2</sup></b> (215.3 ft <sup>2</sup> ) of gross floor area. Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking.
	- arena or community centre - assembly hall - fraternal lodge or institutional hall - place of entertainment	- 1 per <b>10 m<sup>2</sup></b> (107.6 ft <sup>2</sup> ) of gross floor area or 1 space for every 4 seats whichever is greater
	- bowling alley	- 4 per lane
	- curling facility	- 4 per curling sheet



TABLE 5.20.2.1 - PARKING STANDARDS		
Land Use Category		Number of Vehicle Parking Spaces Required
Other Uses	- All other uses permitted by this By-Law other than those listed in this table	- 1 per <b>40 m<sup>2</sup></b> (430.6 ft <sup>2</sup> ) of gross floor area

## 5.20.2.2 ACCESSIBLE PARKING

Where 10 or more motor vehicle parking spaces are required, 1 space out of the first 10 spaces and 1 space out of each additional 100 spaces, or portion thereof, shall be provided near and accessible to the point of entrance to the building and clearly marked for the **exclusive use** of persons who are physically handicapped and shall have a minimum width of **3.7 m** (12.1 ft) and minimum length of **6 m** (19.7 ft).

## 5.20.2.3 TANDEM PARKING

Where parking is provided for a dwelling unit in an individual driveway, the required parking for that dwelling may be provided by a tandem parking space.

## 5.20.3 LOCATION OF PARKING AREAS

## 5.20.3.1 YARDS AND SETBACKS

Motor vehicle parking areas must be situated in accordance with the requirements set out in Table 5.20.3.

TABLE 5.20.3 – LOCATION AND SETBACK REQUIREMENTS FOR PARKING AREAS				
Zone	Yards Where Parking is Permitted	Setback of Parking From:		
		Street Line	Interior Side Lot Line	Rear Lot Line
Single detached, duplex and 2 unit converted dwellings in all Zones	<b>All yards</b>	None	<b>1.2 m</b> (3.9 ft)	None
Semi-detached dwellings or street fronting townhouse dwellings in any zone	<b>All yards</b>	None	None	None
RM and RH Zones and all uses in an R3 zone, except for a street fronting townhouse dwelling.	<b>Interior side yard</b> <b>Rear yard</b>	n/a	<b>1.5 m</b> (4.9 ft)	<b>1.5 m</b> (4.9 ft)

Commercial, Institutional, Industrial, Development, and Open Space Zones	<b>Any yard, except for a required rear or interior side yard abutting a residential or development zone</b>	<b>1.0 m</b> (3.3 ft)	<b>1.5 m</b> (4.9 ft)	<b>1.5 m</b> (4.9 ft)
--	--	--------------------------	--------------------------	--------------------------

#### 5.20.3.2 PARKING SPACE LOCATION ON OTHER LOT

Where the owner of a building or structure proposes to provide the required parking spaces and areas at a location other than on the same lot as the use that requires such spaces and areas, then such spaces and areas shall be located not more than **75 m** (246.1 ft) from the said lot and shall be located within the same zone as the said lot and held under identical ownership. A site plan agreement shall be registered on the title of the lands used for off-site parking, committing those spaces to the related use.

#### 5.20.4 QUEUE SPACE REQUIREMENTS

Where any of the uses permitted by this By-Law offer drive-through service, off-street vehicle queue spaces leading to and from the drive-through service must be provided in accordance with Table 5.20.4.

<b>TABLE 5.20.4: REQUIRED VEHICLE QUEUE SPACE</b>	
<b>Land Use</b>	<b>Required Number of Spaces</b>
Automated Bank Machine situated on the exterior of a building or free-standing kiosk.	3.0 before each Automated Bank Machine
Automobile Service Station/Repair Garage	1.0 before each service bay 1.0 at service bay exit if a through-bay
Motor Vehicle Washing Establishment	3.0 before each wash bay 2.0 after each wash bay
Eating Establishment	10.0 before pick-up window 2.0 after pick-up window
Convenience Retail or Service Establishment	2.0 before service window

5.20.4.1 All required queue spaces must be provided in accordance with the following design standards:

- a) The minimum dimensions for each queue space must be **2.7 m** (8.87 ft) in width and **6.0 m** (19.7 ft) in length;
- b) Queue spaces must be arranged in a single waiting line in advance and behind the drive through service window offered in accordance with Table 5.20.4;
- c) A minimum inside turning radius for queue spaces forming a waiting line is **7.0 m** (23.0 ft)
- d) Queue spaces forming a waiting line must be unobstructed by parking spaces or loading spaces and must be clearly delineated by markings and barriers;
- e) Queue spaces forming a waiting line or storage space from the service offered cannot form part of a parking aisle providing access to a parking space; and
- f) Queue spaces shall not be located in a required yard abutting a Residential Zone or Entrepreneurial Zone.

#### 5.20.5 **EXCEPTIONS – PARKING SPACE REQUIREMENTS**

Notwithstanding the minimum parking requirement contained Table 5.20.2.1, within the CC zone, the following minimum parking requirements shall apply:

- a) No additional parking spaces shall be required for any change of use within an existing building;
- b) For uses located within a building or portion of a building constructed after the date of passing of this By-Law, the minimum parking requirements set out in Table 5.20.2.1 shall be applied at a rate of 50%, with the exception of a residential use, a *hotel or motel* or a *shopping centre* which shall be applied at the full rate.

#### 5.21 **PLANTING STRIPS**

##### 5.21.1 **REQUIREMENTS FOR NON-RESIDENTIAL USES**

5.21.1.1 Where a **lot** is used for any Non-Residential purpose and the interior side or rear lot line abuts a residential use or undeveloped land in a Residential Zone or Development Zone then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provision of this subsection.

5.21.1.2 Where such lot is in an Industrial Zone and the front, side or rear lot line abuts a portion of a street, the opposite side of which portion of the street abuts a residential use or undeveloped land in a Residential Zone or Development Zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

5.21.2 **WIDTH**

Where a planting strip is required in any zone and consists of landscaping or a landscaped earthen berm, the planting strip shall have a minimum width of **3 m** (9.8 ft). A planting strip consisting of a wooden privacy fence shall have a minimum width of **1 m** (3.3 ft).

5.21.3 **CONTENTS**

A planting strip shall be used for no other purpose than for a row of trees, a continuous hedgerow of evergreens or shrubs, a berm, or a wooden privacy fence, not less than **1.5 m** (4.9 ft) high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder, arranged in such a way as to form a dense or opaque screen; with the remainder of the strip used for shrubs, flower beds or grass, ground cover or a combination thereof.

5.21.4 **DRIVEWAYS AND WALKS**

In all cases where the ingress and egress of a driveway and/or walk extend through a planting strip, it shall be permissible to interrupt the planting strip within **3.0 m** (9.8 ft) of the edge of said driveway and within **1.5 m** (4.9 ft) of the edge of said walks.

5.21.5 **LANDSCAPED OPEN SPACE**

A planting strip referred to in this subsection may form part of any landscaped open space required by this By-Law.

5.22 **PROHIBITED USES**

No person shall, within the Zoned Area, use any land or construct, alter or use any building or structure for any of the following purposes:

- an arsenal;
- cement, lime or sulphur works;
- coke manufacture;
- distilling bones, blood boiling, bone boiling, tripe boiling or extracting fish from oil;

- fat, grease, lard or tallow rendering or refining but not including the manufacture of soap;
- incineration or reduction of dead animals or offal;
- kerosene refining;
- manufacturing or storing of explosives, ammunition or fireworks;
- a metal smelting use;
- *open storage*, except where specifically listed as a permitted use;
- petroleum refining;
- a rendering plant;
- a *sand or gravel pit*, other than a *wayside sand or gravel pit*;
- a tannery for the curing and storing of rawhide, skins, leather or hair;
- wool pulling or wool scouring;
- any trade, business or manufacture which is deemed to be an offensive trade within the meaning of the Public Health Act, RSO, 1990.

## 5.23 PUBLIC USES

### 5.23.1 **PUBLIC SERVICES**

The provisions of this By-Law shall not apply to the use of any lot or to the erection or use of any building or structure for the purpose of *providing* public services:

- i) by the Corporation or the County as defined by the Municipal Act, RSO 1990, as amended;
- ii) by any utility system operated by the Corporation or another body on behalf of the Corporation which provides said utility to the residents of the Corporation and possesses all the necessary powers, rights, licenses and franchise;
- iii) by any gas, oil or water pipeline, telephone line, cable television line or any similar utility service line including any substation, transformer, regulator, compressor or similar utility service building or structure;
- iv) by any Conservation Authority established by the Government of Ontario;
- v) by any department of the Government of Ontario or Canada;
- vi) by any public utility or agency operating an electrical distribution facility, but shall not include electrical or other power generation;
- vii) for any use permitted under The Railway Act or any other statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that where such lot, building or structure is located in any zone.

5.23.2 No goods, material or equipment shall be stored in the open, except as permitted in such zone;

Any height of building, yard, planting strips, parking, loading, setback and lot coverage provisions of the zone within which the use is located shall be complied with; in Residential Zones, the use shall be enclosed in a building designed and maintained in a manner that is generally compatible with residential buildings of the same type permitted in such zone;

Notwithstanding the yard and setback provisions of this By-Law to the contrary, for public water and sewage facilities in any zone, the following provisions shall apply:

5.23.3 **FRONT, REAR AND SIDE YARDS**

Minimum Depth **1.2 m (3.9 ft)**

5.23.4 **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, valve or meter, pipe line, lighting fixtures, group mail boxes, bus shelters or overhead or underground hydro, telephone or other supply line or communication line *or tower* provided that the location of such main, line, *tower* or fixture has been approved by the Corporation.

5.23.5 **EXCEPTIONS**

5.23.5.1 Where in this By-Law under the heading of "USES PERMITTED", a use is specifically permitted in a zone, which use without such reference thereto would be permitted in any zone pursuant to the provisions of Section 5.23.1, then such use shall be deemed to be permitted only within the zone or zones making such specific reference thereto and the said Section 5.23.1 shall not apply to such use.

5.23.5.2 Notwithstanding anything in this By-Law to the contrary, new infrastructure or utilities will only be permitted within any Zones or Environmental Overlay areas corresponding to the Open Space and Environmental Protection Designations and Fish Habitat Protection Areas in the County Official Plan, if they have been approved through an environmental assessment process.

**5.24 SIGHT TRIANGLES**

On a corner lot within the triangular space formed by the street lines and a line drawn from a point on one street line to a point in the other street line, each such point being **9.0 m** (29.5 ft), measured along the street line from the point of intersection of the street lines, no building, structure, planting or vehicle shall be located in such a manner as to impede vision between a height of **0.6 m** (2 ft) and **3.0 m** (9.8 ft) above the centreline grade of the intersecting streets.

Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

**5.25 SIGNIFICANT ENVIRONMENTAL FEATURES****5.25.1 ENVIRONMENTAL PROTECTION 1 OVERLAY**

The Environmental Protection 1 (EP1) Overlay shall apply to lands containing the following Provincially Significant Environmental Features which are identified in the County Official Plan:

Habitat of Endangered or Threatened Species  
Provincially Significant Wetlands.

**5.25.1.1 IDENTIFICATION OF THE OVERLAY**

The EP1 Overlay corresponds to the features listed in Section 5.25.1 and is identified on Schedule "A" of this By-Law. Section 2.5 of this By-Law provides an explanation for the interpretation of these overlay areas.

**5.25.1.2 PERMITTED USES**

Notwithstanding the provisions of the underlying zone, no development or site alteration shall be permitted within an EP1 Overlay, except for a use which legally existed on the date of passing of this By-Law, provided that no additional development or site alteration shall be permitted, except as specified in Section 5.25.1.3; and

All other uses not listed above shall be prohibited within the area of the EP1 Overlay.

## 5.25.1.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any building or structure which legally existed at the date of passing of this By-Law may be replaced, rebuilt or altered, provided that any such replacement, rebuilding or alteration thereto does not enlarge the gross floor area of such building or structure by more than 25%. Any such replacement, rebuilding or alteration shall take place within the area of the original building foundation. Any portion of a use that legally existed at the date of passing of this By-Law and is not located within existing buildings or structures shall only be permitted within existing cleared areas.

Notwithstanding the above paragraph, a covered or uncovered deck, stoop and/or landing may be attached to a residential dwelling existing at the date of passing of this By-Law, or to any residential dwelling that has been replaced, rebuilt or otherwise altered in accordance with the above paragraph. Any such covered or uncovered deck, stoop and/or landing shall be constructed in accordance with Section 5.32 and shall not exceed **23.2 m<sup>2</sup>** (250 ft<sup>2</sup>) in area.

## 5.25.1.4 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP1 Overlay areas.

5.25.2 **ENVIRONMENTAL PROTECTION 2 OVERLAY AND FISH HABITAT**

The Environmental Protection 2 (EP2) Overlay shall apply to lands containing the following Significant Environmental Features that are identified in the County Official Plan:

Significant Valleylands

Significant Woodlands

Areas of Natural and Scientific Interest for the Life Sciences

Significant Wildlife Habitat

Fish Habitat shall consist of all watercourses, ponds, lakes and reservoirs within the Town.

## 5.25.2.1 IDENTIFICATION OF THE EP2 OVERLAY AND FISH HABITAT

The EP2 Overlay corresponds to the features listed in Section 5.25.2 and is identified on Schedule "A" of this By-Law. Section 2.5 of this By-Law provides an explanation for the interpretation of these overlay areas.

Fish Habitat corresponds to all the water features listed in Section 5.25.2.



## 5.25.2.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no person shall within any EP2 Overlay, or Fish Habitat, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- A public use authorized through an *environmental assessment* process;
- A use which legally existed on the date of passing of this By-Law, provided that no additional development or site alteration shall be permitted, except as specified in 5.25.2.3;
- a single detached dwelling on a properly zoned lot of record created on or before April 17<sup>th</sup>, 1979, in accordance with the permitted uses and provisions of the underlying zone;
- a single detached dwelling on a properly zoned lot which was part of a plan of subdivision registered or draft approved on or before April 17<sup>th</sup>, 1979;
- a *building* or *structure* used for flood or erosion control purposes, or for the management of the natural environment, as approved by the Corporation, the County, the Long Point Region Conservation Authority and the Ministry of Natural Resources;
- a *passive use park*, approved by the Corporation and the County, in consultation with the Long Point Region Conservation Authority;
- a *farm* on existing cleared areas within a future development or industrial zone including the land application of nutrients, in accordance with the Nutrient Management Act
- a *conservation project*.

All other uses not explicitly listed above shall be prohibited within the area of the EP2 Overlay and Fish Habitat.

## 5.25.2.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *structure* which legally existed at the date of passing of this By-Law may be replaced, rebuilt or altered, provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of such building or structure by more than 25% and is located within an *existing* cleared area. Any portion of a use that legally existed at the date of passing of this By-Law and is not located within an *existing building* or *structure* shall be only be permitted within *existing* cleared areas.

## 5.25.2.4 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP2 Overlay areas.

**5.25.3 DISTANCE FROM THE EP1 OVERLAY, EP2 OVERLAY AND FISH HABITAT WHERE AN ENVIRONMENTAL IMPACT STUDY IS REQUIRED**

5.25.3.1 *Development, site alteration* and stockpiling of materials within **120 m** (393.7 ft) of the EP1 Overlay must comply with the Environmental Impact Study Requirements in Section 3.2.4.2 and 3.2.6 of the County of Oxford Official Plan.

Notwithstanding the above, *buildings or structures accessory* to an *existing dwelling* located within the EP1 Overlay or within **120 m** (393.7 ft) of the EP1 Overlay, may be permitted within **120 m** (393.7 ft) area adjacent to the EP1 overlay without an Environmental Impact Study, in accordance with the provisions of Section 5.1 of this By-Law, pertaining to *accessory residential buildings and structures*.

5.25.3.2 *Development, site alteration* and stockpiling of materials within **50 m** (164.0 ft) of the EP2 Overlay or edge of fish habitat, except for those uses permitted in Section 5.25.2.2, must comply with the Environmental Impact Study Requirements in Section 3.2.4.2 and 3.2.6 of the County of Oxford Official Plan.

Notwithstanding the above, *buildings and structures accessory* to an *existing dwelling* within the EP2 Overlay or within **50 m** (164.0 ft) of the EP2 overlay or fish habitat shall be permitted in accordance with the provisions of Section 5.1 of this By-Law pertaining to *accessory residential building and structures*.

**5.25.4 PERMITTED USES**

All of the uses of the underlying zone are permitted within the distances specified, subject to the provisions of an Environmental Impact Study undertaken by the applicant pursuant to Section 3.2.4.2 and 3.2.6 of the County of Oxford Official Plan. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under Section 3.2.6 of the County of Oxford Official Plan.

**5.25.4 ZONE REQUIREMENTS**

All other zone provisions of the underlying zone shall continue to apply within these areas, unless the Environmental Impact Study recommends new provisions. Where new provisions are recommended by an Environmental Impact Study, a zoning By-Law amendment shall be required to incorporate such provisions into this By-Law.

**5.26 SITE PLAN CONTROL**

Where uses located within any of the zones described in this By-Law are also within an area designated by By-Law as being subject to site plan control, they shall be subject to the provisions of the zone as well as any requirements of the Town of Tillsonburg's Site Plan Control By-Law and associated guidelines, as amended.

**5.27 SITES OF POTENTIAL ENVIRONMENTAL CONTAMINATION**

Sites of potential environmental contamination include sites presently or formerly used for industrial, utility or waste disposal, a landfill site, or a salvage yard. Known sites *and* sites formerly zoned for industrial purposes have been placed in a Holding Zone pursuant to Section 36 of the Planning Act, as amended. A zoning By-Law amendment in accordance with Section 36 of the Planning Act will be required to remove the "H" symbol.

**5.28 STREET FRONTAGE REQUIRED**

No building or structure shall be erected, altered or enlarged on any lot which does not have the minimum lot frontage on an improved street required for the zone which applies to the lot.

**5.29 STORAGE OR PARKING OF RECREATIONAL VEHICLES**

5.29.1 No person shall in any Residential Zone use any lot for the parking or storage of any *recreational vehicle* except in accordance with the following provisions:

5.29.1.1 The owner or occupant of any *lot, building or structure* in any Residential Zone may store or park not more than two *recreational vehicles*.

5.29.1.2 The *recreational vehicle* shall only be stored within a detached or attached *private garage or carport*, or in a *rear yard or interior side yard* provided that such recreational vehicle is located not closer than **1.2 m** (3.9 ft) to a side or *rear lot line*.

**5.29.2 FULLY ENCLOSED**

Notwithstanding the provisions of Section 5.29.1 of this By-Law, the limitations imposed herein shall not restrict the number of *recreational vehicles* that are fully enclosed within a private garage.

## 5.29.3 OCCUPANCY

No *recreational vehicle* shall be used for human habitation while stored on any lot.

5.30 THROUGH LOTS

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

5.31 USES PERMITTED IN ALL ZONES

5.31.1 The following uses are permitted in all zones, except (1) Zones where the use is specifically prohibited or limited, or (2) on lands within the defined Generic Regulation of the Long Point Region Conservation Authority.

5.31.1.1 a trailer, temporary construction camp, waste container, tool shed, scaffold or other such building or other such temporary work camp which is incidental to construction and provided it is located on the site where such work is underway and provided that it shall be removed from the site within 30 days of completing the work, the buildings or structures is located outside of any sight triangle, and the building or structures is not used for human habitation;

The location of a trailer, building or structures shall be subject to the following criteria:

- the trailer, building or structure is located outside of any sight triangle; and
- the trailer, building or structure is not used for human habitation

5.31.1.2 A temporary building or trailer for conducting sales of new dwelling units provided the sales building or trailer is located within the development site and that sales are restricted to dwelling units within that development only. The sales building or trailer shall be setback **30 m** (98.4 ft) and parking **6 m** (19.7 ft) from any existing off-site residential property abutting the development site. The temporary sales office shall be removed from the site within 30 days of completing all sales of dwelling units.

5.31.1.3 A temporary office for conducting sales of new dwelling units may be established within a dwelling unit located within the development site. Sales shall be restricted to dwelling units within the development only and shall be removed from the site within 30 days of completing all sales of dwelling units.

5.31.1.4 A gate house or kiosk in a residential or employment zone for security or parking lot management, provided such structure does not exceed **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>) of *gross floor area*.

5.31.1.5 A communications *structure* subject to the following;

- Not permitted on residentially zoned lands;
- Shall be setback **40 m** (131.2 ft) from the centreline of road; and
- Towers and associated *buildings* and *structures* shall be setback **150 m** (492.1 ft) from a residential zone.

## 5.32 YARD, SETBACK AND HEIGHT – PERMITTED ENCROACHMENTS

### 5.32.1 PERMITTED PROJECTIONS INTO REQUIRED YARDS

Notwithstanding the yard requirements of this By-Law, the following projections are permitted from a main building in accordance with the provisions set out in Table 5.32.1.

TABLE 5.32.1 – PERMITTED PROJECTIONS INTO REQUIRED YARDS		
Structure	Permitted Projections into Required Yards	Minimum Setback Between Projection and Lot Line
Uncovered and unenclosed steps, not exceeding <b>1.2 m</b> (3.9 ft) above grade, providing access to a basement or a ground floor, deck, stoop or landing	All Yards - no limit	Interior Side <b>0.6 m</b> (2 ft), Front, Exterior Side and Rear <b>3.0 m</b> (9.84 ft)
Fire escapes, steps providing access above the ground floor and balconies above the ground floor	Rear and Interior Side Yard, <b>1.2 m</b> (3.94 ft)	1.2 m (3.94 ft)
Ramps used for handicapped access	All Yards, unlimited	Interior Side, <b>1.2 m</b> (3.93 ft), Rear or Street Line <b>3.0 m</b> (9.84 ft)
Balconies on apartment buildings	All Yards, <b>1.5 m</b> (4.92 ft)	None
Sills, belt courses, cornices, pilasters, chimneys, eaves, gutters, parapets and pilasters and similar architectural features, provided that they are a minimum of <b>2.0 m</b> (6.56 ft) above grade	All yards, <b>0.6 m</b> (2 ft),	<b>0.6 m</b> (2 ft)

TABLE 5.32.1 – PERMITTED PROJECTIONS INTO REQUIRED YARDS		
Structure	Permitted Projections into Required Yards	Minimum Setback Between Projection and Lot Line
Air conditioning units, heat pumps, air exchangers, exhaust fan hoods and other similar mechanical structures.	All Yards, no limit	None
Bay windows, not exceeding <b>3 m</b> (9.84 ft) in width	Front, Rear and Exterior Side yards, <b>1.0 m</b> (3.3 ft)	<b>5 m</b> (16.4 ft)
Building cantilevers.	Front and Rear, <b>0.6 m</b> (2 ft)	None
Permanent window awnings, provided that they are a minimum of <b>2.0 m</b> (6.56 ft) above grade.	All Yards, <b>1.0 m</b> (3.3 ft)	<b>5 m</b> (16.4 ft)
Retractable-drop canopies and awnings	Rear yard, 3.7 m (12.1 ft)	<b>5 m</b> (16.4 ft)
Uncovered <i>decks</i> , patios, concrete pads and other similar structures comprising part of an <i>outdoor amenity area</i> , exceeding <b>0.3 m</b> (1 ft) in <i>height</i> , but not exceeding <b>0.6 m</b> (2 ft) in <i>height</i> .	Front or Exterior Side, <b>3 m</b> (9.8 ft)  Rear, No Limit	Front or Exterior Side <b>3 m</b> (9.8 ft)  Rear, <b>1.5 m</b> (4.9 ft)
Uncovered <i>decks</i> , patios and porches/verandas, exceeding <b>0.6 m</b> (2 ft) in average height, but not exceeding <b>1.5 m</b> (5 ft) in height.	Front or Exterior Side, <b>1.5 m</b> (4.9 ft)  Rear, <b>3.7 m</b> (12.14 ft)	Front or Exterior Side <b>3 m</b> (9.8 ft)  Rear, <b>4.0 m</b> (13.1 ft)
Uncovered <i>decks</i> , patios and porches/verandas, which exceed <b>1.5 m</b> (5 ft) in height and covered decks, patios and porches/verandas.	Rear, Front and Exterior Side Yards, <b>1.5 m</b> (4.92 ft)	Front and Exterior Side <b>3 m</b> (9.8 ft). Rear <b>7.5 m</b> (24.6 ft)

5.32.1.1 Notwithstanding the provisions of Section 5.32.1 the following provisions shall also apply:

- i) no projection is permitted into a required *parking area* or *driveway*;
- ii) in a zone in which the *yard setbacks* for the main *building* are less than the minimum *yard setbacks* required by Table 5.30.1 for such *structures*, then they may be erected in accordance with setback requirement for the main *building*, unless otherwise noted in this By-Law; and
- iii) no part of any *building* or *structure* on any *lot* shall project beyond any *lot line* or *street line* of such *lot*, except in the case of a projection beyond a *street line*, where an encroachment permit has been approved for such projection by the Town of Tillsonburg or, in the case of a *County Road*, the County of Oxford.

#### 5.32.2 HEIGHT EXCEPTIONS

The height provisions of this By-Law shall not apply to prevent the erection and/or use of the following uses, in zones where such uses are permitted, and provided that such features are erected only to such height as is necessary to accomplish their purpose:

- a church spire, steeple or belfry;
- a cupola, dome or other ornamental structure;
- a flag pole;
- a clock tower or bell tower;
- a chimney or smoke stack;
- a firewall,
- a lightning rod or weathervane;
- a sky light, elevator penthouse, water tank, mechanical penthouse or other heating, cooling or ventilation equipment, or structure enclosing such features;
- a communication structure, in accordance with Section 5.31;
- a radio or television antennae;
- a feed mill, commercial grain elevator or silo;
- any other similar structures.

6.1 USES PERMITTED

No person shall within any R1 or R1A Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the R1 or R1A uses presented in Table 6.1:

TABLE 6.1: USES PERMITTED	
•	a group home, in accordance with the provisions of Section 5.10 of this By-Law;
•	a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
•	a public use in accordance with the provisions of Section 5.23 of this By-Law;
•	a single detached dwelling

6.2 ZONE PROVISIONS

No person shall within any R1 or R1A Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 6.2:

TABLE 6.2: ZONE PROVISIONS		
Zone Provision	R1 Zone	R1A Zone
	Uses	Uses
Number of Dwellings Per Lot, Maximum	One	One
Lot Area, Minimum	495 m <sup>2</sup> (5,328.3 ft <sup>2</sup> ) or 610 m <sup>2</sup> (6,566.2 ft <sup>2</sup> ) in the case of a corner lot	395 m <sup>2</sup> (4,251 ft <sup>2</sup> ) or 495 m <sup>2</sup> (5,328.3 ft <sup>2</sup> ) in the case of a corner lot
Lot Frontage, Minimum	15 m (49.2 ft) or 19 m (62.3 ft) in the case of a corner lot	12.5 m (41 ft) or 16 m (52.5 ft) in the case of a corner lot
Lot Depth, Minimum	32 m (105 ft)	30 m (98.4 ft)
Front Yard, Minimum Depth and Exterior Side Yard, Minimum Width	7.5 m (24.6 ft)	7.5 m (24.6 ft) for an existing lot  6 m (19.7 ft) for a lot created after the passing of this By-Law, except where the front or exterior yard abuts an arterial road, in which case the minimum front or exterior side yard abutting such road shall be 7.5 m (24.6 ft).
Rear Yard, Minimum Depth	12 m (39.3 ft)	10.5 m (34.4 ft)



TABLE 6.2: ZONE PROVISIONS		
Zone Provision	R1 Zone	R1A Zone
	Uses	Uses
<b>Interior Side Yard, Minimum Width</b>	<b>3 m (9.8 ft)</b> on one side and <b>1.5 m (4.9 ft)</b> on the narrow side, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width shall be <b>1.5 m (4.9 ft)</b> .	<b>3 m (9.8 ft)</b> on one side and <b>1.2 m (3.9 ft)</b> on the narrow side, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width shall be <b>1.2 m (3.9 ft)</b> .
<b>Setback, Minimum Distance from the Centreline of an Arterial Road, as designated on Schedule "B" of this By-Law</b>	<b>20.5 m (67.3 ft)</b>	<b>20.5 m (67.3 ft)</b>
<b>Lot Coverage, Maximum</b>	33% of the lot area	35% of lot area
<b>Landscaped Open Space, Minimum</b>	30% of the lot area	30% of the lot area
<b>Gross Floor Area, Minimum</b>	<b>93 m<sup>2</sup> (1,001.1 ft<sup>2</sup>)</b>	<b>93 m<sup>2</sup> (1,001.1 ft<sup>2</sup>)</b>
<b>Height of Dwelling, Maximum</b>	<b>10.5 m (34.4 ft)</b>	<b>10.5 m (34.4 ft)</b>
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5	In accordance with the provisions of Section 5

### 6.2.1 EXTERIOR SIDE YARD EXCEPTION

Notwithstanding the minimum Exterior Side Yard provisions contained in Table 6.2, where two abutting corner lots share the same rear lot line and their exterior side yards abut a local road, then the minimum exterior side yard setback for such lots may be reduced to **4.5 m (14.8 ft)**. This exterior side yard reduction may also be applied where the rear lot line of a corner lot abuts a street and the exterior side yard abuts a local road.

### 6.3 SPECIAL ZONING FOR A CONVERTED DWELLING (R1-C) OR (R1A-C)

Notwithstanding the permitted uses and zone provisions in Sections 6.1 and 6.2, where a lot is zoned R1-C or R1A-C, such lot may contain a converted dwelling in accordance with the provisions contained in Section 7.2.

**6.4 HOLDING “H” ZONES**

In accordance with Section 3.2, where a property shown on Schedule ‘A’ is listed as R1 (H) or R1A (H), the symbol shall be placed in accordance with the following: no buildings or structures shall be erected or altered, save and except existing buildings and structures, until the “H” symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.

**6.4.1 HOLDING ZONE PROVISIONS:****6.4.1.1 Purpose of the Holding Symbol:**

Unless otherwise stated in a special provision, the Holding Symbol shall have the following purpose: to ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall not be removed until the County of Oxford has provided written confirmation of water and wastewater allocation. Removal of the “H” symbol shall be consistent with Section 41 of the Planning Act.

**6.4.1.2 Interim Uses Permitted Without Lifting the "H" Symbol:**

None, unless otherwise stated in a special provision.

**6.4.3** That all the provisions of the R1 and R1A Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**6.5 SPECIAL PROVISIONS****6.5.1 LOCATION: NORTH SIDE OF POTTERS ROAD, BETWEEN THE CPR LINE AND LORRAINE AVE (LOTS 5, 47 & 48, PLAN 41R-1653), R1-1 (H)**

**6.5.1.1** Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-1 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a single detached dwelling;  
a home occupation in accordance with Section 5.11 of this By-Law; and  
a public use in accordance with Section 5.23 of this By-Law,

provided the “H” symbol has been removed in accordance with Section 6.5.1.3 of this By-Law.

**6.5.1.2** Notwithstanding any provision of this By-Law to the contrary, no person shall within any R1-1 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.5.1.2.1 Number of Single-Family Dwellings:

Maximum 1 only

6.5.1.3 Removal of the Holding Symbol:

Development for any use in Section 6.5.1.1. shall be permitted at such time as the Town of Tillsonburg is satisfied that adequate sanitary and water services will be available to service the development, an access permit has been obtained as from the County of Oxford, the lands subject to the R1 (H) zone are merged as one property under single ownership, and the holding symbol has been removed in accordance with the provisions of the Planning Act, RSO 1990, as amended.

6.5.1.4 That all the provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

6.5.2 **LOCATION: HICKORY HILLS, R1-2**

6.5.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-2 zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a single-detached dwelling house

6.5.2.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-2 zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.5.2.2.1 Lot Frontage:

Minimum 15 m (49.2 ft)

except that in no case shall the lot frontage of a corner lot be less than 18 m (59.1 ft)

6.5.2.2.2 Lot Depth:

Minimum 30 m (98.4 ft)

6.5.2.2.3 Lot Area:

Minimum 555 m<sup>2</sup> 5974 ft<sup>2</sup>)

- 6.5.2.2.4 Lot Coverage:
- |                           |                     |
|---------------------------|---------------------|
| Maximum for all buildings | 30% of the lot area |
|---------------------------|---------------------|
- 6.5.2.2.5 Gross Floor Area:
- |         |  |
|---------|--|
| Minimum | <b>92 m<sup>2</sup></b> (990.2 ft <sup>2</sup> ) |
|---------|--|
- 6.5.2.2.6 Interior Side Yard:
- Minimum Width
- |            |                   |                       |
|------------|-------------------|-----------------------|
| one side   | 1 storey          | <b>1.5 m</b> (4.9 ft) |
|            | 1 1/2 storeys     | <b>1.8 m</b> (5.9 ft) |
|            | 2 storeys or more | <b>2 m</b> (6.6 ft)   |
| other side |                   | <b>3 m</b> (9.8 ft)   |
- 6.5.2.3 That all the provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.
- 6.5.3 **LOCATION: HICKORY HILLS, R1-3**
- 6.5.3.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-3 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:
- a single-detached dwelling house.
- 6.5.3.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-3 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- 6.5.3.2.1 Lot Frontage:
- |         |                        |
|---------|------------------------|
| Minimum | <b>16.75 m</b> (55 ft) |
|---------|------------------------|
- For the purposes of this By-Law, the lot frontage shall be measured at a point **3.35 m** (11 ft) from the front lot line.
- 6.5.3.2.2 Lot Area:
- |         |  |
|---------|--|
| Minimum | <b>525 m<sup>2</sup></b> (5651 ft <sup>2</sup> ) |
|---------|--|

- 6.5.3.2.3 Lot Depth:
  - Minimum **23.5 m (77 ft)**
- 6.5.3.2.4 Lot Coverage:
  - Maximum for all buildings 40% of the lot area
- 6.5.3.2.5 Front Yard:
  - Minimum depth **3.35 m (11 ft)**
- 6.5.3.2.6 Rear Yard:
  - Minimum depth **10 m (32.8 ft)**
- 6.5.3.2.7 Interior Side Yard:
  - Minimum width **1.2 m (3.9 ft)**
  - Provided that a garage is attached to or is within the main building
- 6.5.3.2.8 Height of Buildings:
  - Maximum **7.6 m (24.9 ft)**
- 6.5.3.2.9 Parking Space Width:
  - Notwithstanding the provisions of Section 5.20 of this By-Law to the contrary, the minimum width of a parking space where contained within a garage shall be **2.7 m (8.9 ft)**.
- 6.5.3.3 That all the provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

6.5.4 **LOCATION: BROADWAY AND DEVONSHIRE AVENUE, R1-4**

6.5.4.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-4 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

- a single-detached dwelling house;
- a home occupation, in accordance with the provisions of Section 6.5.4.2.1 of this By-Law.

6.5.4.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-4 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.5.4.2.1            Special Provisions for Home Occupations

6.5.4.2.1.1        The home occupation shall be permitted to employ not more than two persons who are non-family members not residing in the dwelling house, in addition to the members of the one family residing in the dwelling house.

6.5.4.2.1.2        There shall be a minimum of three on-site parking spaces provided for the single-family dwelling house and home occupation.

6.5.4.2.1.3        That all the provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

6.5.5            **LOCATION:    GLENDALE DRIVE, R1-5**

6.5.5.1        Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-5 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

- a single-detached dwelling house;
- a home occupation, in accordance with the provisions of Section 5.11 of this By-Law.

6.5.5.2        Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-5 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.5.5.2.1        No construction or buildings shall be located within 7.5 m of the top of bank as defined by the Long Point Region Conservation Authority.

6.5.5.2.2        That all the provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**6.5.6 LOCATION: SOUTHWEST CORNER OF LYNDALE ROAD AND BROOKSIDE LANE  
(PART OF LOTS 52, 53 & 54 AND BLOCK 131, PLAN 41M-147), R1-6**

6.5.6.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R1-6 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.5.6.1.1 Exterior Side Yard:

Minimum Width: **3.5 m (11.5 ft)**

6.5.6.1.2 That all other provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**6.5.7 LOCATION: BROADWAY (LOT 628, PLAN 500), R1-7**

6.5.7.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R1-7 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.5.7.1.1 Lot Frontage:

Minimum 15 m (49.2 ft)

For the single-detached dwelling house existing at the date of passing of this By-Law, the minimum Lot Frontage shall be 9.9 m (32.5 ft).

6.5.7.1.2 Lot Area:

Minimum 555 sq m (5974.2 sq ft)

For the single-detached dwelling house existing at the date of passing of this By-Law, the minimum Lot Area shall be **302.1 sq m** (3242.2 sq ft).

6.5.7.1.3 Lot Coverage:

Maximum for all buildings 30% of the lot area

For the single-detached dwelling house existing at the date of passing of this By-Law, the maximum Lot Coverage shall be 68%.

## 6.5.7.1.4 Front Yard:

Minimum depth **7.5 m (24.6 ft)**

For the single-detached dwelling house existing at the date of passing of this By-Law, the minimum Front Yard shall be 5.5 m (18.2 ft).

## 6.5.7.1.5 Rear Yard:

Minimum depth **12 m (39.3 ft)**

For the single-detached dwelling house existing at the date of passing of this By-Law, the minimum Rear Yard shall be 0.5 m (1.7 ft).

## 6.5.7.1.6 Interior Side Yard:

Minimum width	one side – 1 storey	<b>1.5 m (4.9 ft)</b>
	other side	<b>3 m (9.8 ft)</b>

For the single-detached dwelling house existing at the date of passing of this By-Law, the minimum Interior Side Yard shall be **0.13 m (0.44 ft)** on one side and **1.3 m (4.4 ft)** on the other side.

## 6.5.7.1.7 Landscaped Open Space:

Minimum 30% of the lot area

For the single-detached dwelling house existing at the date of passing of this By-Law, the minimum Landscaped Open Space shall be 24.6 %.

6.5.7.2 That all the provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

6.5.8 **LOCATION: NORTH SIDE OF ALLEN STREET AND BROOKSIDE LANE ABUTTING THE CREEK, (PART OF LOTS 125 AND LOT 124, PLAN 41M-147), R1-8**

6.5.8.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R1-8 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.5.8.1.1 No construction or buildings shall be located within 4.6 m (15 ft) of Block 130, Plan 41M-147.



6.5.8.1.2 That all the provisions of the R1 Zone in Section 6.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

6.5.9            **LOCATION:    HILLYNDALE ROAD, BETWEEN HIGHLAND STREET AND POTTERS ROAD, (PART 4, PLAN 41R-7417), R1-9**

6.5.9.1        Notwithstanding any provision of this By-Law to the contrary, no person shall within any R1-9 Zone use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

6.5.9.1.1      Accessory Buildings Permitted:

Maximum:    1 (one)

6.5.9.1.2      Coverage of Accessory Building:

Maximum:    3.7%

6.5.9.1.3      Size of Accessory Building

Maximum 107 m<sup>2</sup> (1152 ft.<sup>2</sup>)

6.5.9.1.4      Front Yard of Accessory Building:

Minimum Depth:    25.3 m (83 ft.)

6.5.9.1.5      Interior Side Yard of Accessory Building:

Minimum Width:    1.5m (4.9 ft.)

6.5.9.1.6      Height of Accessory Building:

Maximum:    6.1 m (20 ft.) to peak of building

6.5.9.1.7      No structure shall be located within 25.8m (84.6 ft.) of the Toe of Slope as defined by the Long Point Conservation Authority.

6.5.9.1.8      That all other provisions of the R1 Zone in Section 6.2 to this By-Law, shall apply, and further that all other provisions of By-Law Number 1994, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**6.5.10      LOCATION:    VICTORIA STREET (LOT 683, PLAN 500), R1-10**

6.5.9.1      Notwithstanding any provision of this By-Law to the contrary, no person shall within any R1-10 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Section 6.1. to this By-Law;  
an existing two unit converted dwelling; and  
a dwelling unit in an existing accessory building.

6.3.9.2      Notwithstanding any provision of this By-Law to the contrary, no person shall within any R1-10 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

6.3.9.2.1    Existing Buildings and Dwelling Units:

For existing buildings and dwelling units, the minimum lot frontage, yards and dwelling unit area shall be those existing at the date of passing of this By-Law.

6.3.9.2.2    That all other provisions of the R1 Zone in Section 6.2 to this By-Law shall apply, and further that all other provisions of this By-Law that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

7.1 USES PERMITTED

No person shall within any R2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the R2 uses presented in Table 7.1:

TABLE 7.1: USES PERMITTED	
	• a converted dwelling;
	• a duplex dwelling;
	• a group home, in accordance with the provisions of Section 5.10 of this By-Law;
	• a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
	• a public use in accordance with the provisions of Section 5.23 of this By-Law;
	• a semi-detached dwelling;
	• a single detached dwelling

7.2 ZONE PROVISIONS

No person shall within any R2 Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 7.2:

TABLE 7.2: ZONE PROVISIONS			
Zone Provision	Single Detached Dwelling	Semi-detached Dwelling	Duplex Dwelling, Converted Dwelling or Public Use
<b>Number of Dwellings or Dwelling Units Per Lot, Maximum</b>	1 dwelling	2 dwelling units	2 dwelling units
<b>Lot Area, Minimum</b>	<b>325 m<sup>2</sup></b> (3,498.4 ft <sup>2</sup> ) or <b>450 m<sup>2</sup></b> (4,843.9 ft <sup>2</sup> ) in the case of a corner lot	<b>325 m<sup>2</sup></b> (3,498.4 ft <sup>2</sup> ) per unit or <b>450 m<sup>2</sup></b> (4,843.9 ft <sup>2</sup> ) in the case of a corner lot	<b>620 m<sup>2</sup></b> (6,673.6 ft <sup>2</sup> )
<b>Lot Frontage, Minimum</b>	<b>10.5 m</b> (34.4 ft) or <b>15 m</b> (49.2 ft) in the case of a corner lot	<b>10.5 m</b> (34.4 ft) per unit or <b>15 m</b> (49.2 ft) in the case of a corner lot	<b>18 m</b> (59.1 ft)
<b>Lot Depth, Minimum</b>	<b>30 m</b> (98.4 ft)		

<b>TABLE 7.2: ZONE PROVISIONS</b>			
<b>Zone Provision</b>	<b>Single Detached Dwelling</b>	<b>Semi-detached Dwelling</b>	<b>Duplex Dwelling, Converted Dwelling or Public Use</b>
<b>Front Yard, Minimum Depth</b> <b>Exterior Side Yard, Minimum Width</b>	7.5 m (24.6 ft) for an existing lot 6 m (19.7 ft) for a lot created after the passing of this By-law, except where the front or exterior yard abuts an arterial road, in which case the minimum front or exterior side yard abutting such road shall be 7.5 m (24.6 ft).		
<b>Rear Yard, Minimum Depth</b>	7.5 m (24.6 ft)		
<b>Interior Side Yard, Minimum Width</b>	3.0 m (9.8 ft) on one side and 1.2 m (3.9 ft) on the narrow side, provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, the minimum width shall be 1.2 m (3.9 ft).	3.0 m (9.8 ft) for the side not attached to the other dwelling, provided that where a garage or carport is attached to or is within the main building, the minimum width shall be 1.2 m (3.9 ft).	3.0 m (9.8 ft) on one side and 1.2 m (3.9 ft) on the narrow side, provided that where a garage or carport, is attached to or is within the main building, or the lot is a corner lot, the minimum width shall be 1.2 m (3.9 ft).
<b>Setback, Minimum distance from the centreline of an Arterial Road as designated on Schedule "B" of this By-Law</b>	20.5 m (67.3 ft)		
<b>Lot Coverage, Maximum</b>	40% of the lot area		
<b>Landscaped Open Space, Minimum</b>	30% of the lot area		
<b>Gross Floor Area, Minimum</b>	83 m <sup>2</sup> (893.4 ft <sup>2</sup> )	75 m <sup>2</sup> (807.3 ft <sup>2</sup> ) for each dwelling unit	65 m <sup>2</sup> (699.7 ft <sup>2</sup> ) for each dwelling unit
<b>Height of Building, Maximum</b>	10.5 m (34.4 ft)		
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5		

**7.2.1 EXTERIOR SIDE YARD EXCEPTION**

Notwithstanding the minimum Exterior Side Yard provisions contained in Table 6.2, where two abutting corner lots share the same rear lot line and their exterior side yards abut a local road, then the minimum exterior side yard setback for such lots may be reduced to **4.5 m** (14.8 ft). This exterior side yard reduction may also be applied where the rear lot line of a corner lot abuts a street and the exterior side yard abuts a local road.

**7.2.2 SPECIAL PROVISIONS FOR A CONVERTED DWELLING**

Notwithstanding any provisions of Section 7.2 to the contrary, a converted dwelling shall only be permitted in accordance with the following provisions:

**7.2.2.1 ALTERATIONS TO DWELLING**

There shall be no alterations to the dwelling that have the effect of increasing the gross floor area of the dwelling, except for the addition of any entrances, dormers and other minor alterations that may be required to comply with building and fire code requirements. Any outside stairways that may be required shall be located in a rear yard only.

**7.2.2.2 ZONE REQUIREMENTS**

A converted dwelling shall comply with all the other zone requirements contained in Section 7.2, except that an existing single detached dwelling having a front yard, interior side yard, exterior side yard or setback which is or are less than required under the provisions of Table 7.2, may be altered into a converted dwelling, provided such alteration does not further reduce such deficient yard or setback.

**7.3 SPECIAL ZONING FOR A SINGLE DETACHED DWELLING (R2-S)**

No person shall within any R2-S zone use any lot, or erect, alter or use any building or structure for any purpose except a single detached dwelling in accordance with the provisions of Section 7.2.

**7.4 HOLDING "H" ZONES**

In accordance with Section 3.2, where a property shown on Schedule 'A' is listed as R2 (H), the symbol shall be placed in accordance with the following: no buildings or structures shall be erected or altered, save and except existing buildings, until the "(H)" symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.

**7.4.1 HOLDING ZONE PROVISIONS****7.4.1.1 PURPOSE OF THE HOLDING SYMBOL**

Unless otherwise stated in a special provision, the Holding Symbol shall have the following purpose: to ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall not be removed until the County of Oxford has provided written confirmation of water and wastewater allocation. Removal of the "H" symbol shall be consistent with Section 41 of the Planning Act.

**7.4.1.2 INTERIM USES PERMITTED WITHOUT LIFTING THE "H" SYMBOL**

None, unless otherwise stated in a special provision.

**7.4.3** That all the provisions of the R2 Zone in Section 7.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**7.5 SPECIAL PROVISIONS****7.5.1 LOCATION: LANDS EAST OF QUARTER TOWN LINE, NORTH OF BALDWIN STREET AND SOUTH OF CONCESSION STREET, R2-1 (H)**

**7.5.1.1** Notwithstanding any provision of this By-Law to the contrary, no person shall within any R2-1 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a detached single-family dwelling; and a home occupation, provided the Holding (H) symbol is removed in accordance with Section 7.4.1.1 of this By-Law.

**7.5.1.2** Notwithstanding any provision of this By-Law to the contrary, no person shall within any R2-1 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

**7.5.1.2.1** Lot Depth:

Minimum Lot Depth **28 m (91.8 ft.)**

**7.5.1.3** That all other provisions of the R2 Zone in Section 7.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**7.5.2 LOCATION: HICKORY HILLS, R2-2**

7.5.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R2-2 Zone use any lot, or erect, alter or use any budding or structure for any purpose except the following:

a detached single-family dwelling house;  
a semi-detached dwelling house.

7.5.2.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R2-2 Zone use any lot, or erect, alter or use any budding or structure except in accordance with the following provisions:

**7.5.2.2.1 Lot Frontage:**

Minimum **10 m (32.8 ft)**

except that in no case shall the lot frontage of a corner lot be less than **12 m (39.4 ft)**.

For the purposes of this by-law, the lot frontage shall be measured at a point **3.35 m (11 ft)** from the front lot line.

**7.5.2.2.2 Lot Area:**

Minimum **260 m<sup>2</sup> (2798.7 f<sup>2</sup>)**

**7.5.2.2.3 Lot Depth:**

Minimum **25.75 m (84.4 ft)**

**7.5.2.2.4 Lot Coverage:**

Maximum for all buildings **55%**

Notwithstanding the above, the maximum lot coverage for buildings or structures, which exceed 55% lot coverage, shall be deemed to be the lot coverage existing at the date of passing of this By-Law.

**7.5.2.2.5 Front Yard:**

Minimum depth **3.35 m (11 ft)**

## 7.5.2.2.6 Rear Yard:

Minimum Depth **5.65 m (18.5 ft)**

Notwithstanding the above, the minimum rear yard depth for buildings or structures shall be deemed to be the rear yard depth existing at the date of passing of this By-Law.

## 7.5.2.2.7 Gross Floor Area:

Minimum **65 m<sup>2</sup> (699.7 ft<sup>2</sup>)**

## 7.5.2.2.8 Interior Side Yard:

One side shall have a minimum width of **0 m (0 ft)**, the other side a minimum width of **1.2 m (3.9 ft)**, provided that a garage is attached to or is within the main building.

## 7.5.2.2.9 Exterior Side Yard:

Minimum width **3.2 m (10.5 ft)**

## 7.5.2.2.10 Height of Buildings:

Maximum **7.6 m (24.9 ft)**

## 7.5.2.2.11 Parking Space Width:

Notwithstanding the provisions of Section 5.20 of this By-law to the contrary, the minimum width of a parking space where contained within a garage shall be **2.7 m (8.9 ft)**.

## 7.5.2.2.12 Encroachments and Easements:

All lots used for the development of single-detached units with a **0 m (0 ft)** side yard on one side shall be permitted a maximum encroachment of **0.4 m (1.3 ft)** into abutting lands for the purpose of allowing the projection of eaves and shall have access to a **1.2 m (3.9 ft)** easement and shall give a **1.2 m (3.9 ft)** easement where required for the purpose of allowing maintenance of walls, eaves and real property.

## 7.5.2.2.13 Open, Unenclosed Porch, Balcony, Deck and Step Encroachments into Required Yards:

Notwithstanding Section 5.32 to this By-Law, open, unenclosed porches, balconies, decks and steps are permitted to encroach into the required yards as follows:



## 7.5.2.2.13.1

## Front and Exterior Side Yards –

Notwithstanding the yard and setback provisions of this By-Law to the contrary, covered porches, covered and uncovered balconies and covered and uncovered decks may project into the required front and exterior side yards **1.5 m** (5 ft) provided that, in the case of a front yard, a minimum **3 m** (9.8 ft) interior side yard is maintained on one side for parking and/or driveway.

## 7.5.2.2.13.2

## Rear Yard –

Notwithstanding the yard and setback provisions of this By-Law to the contrary, covered porches, covered and uncovered balconies and covered and uncovered decks may project into the required rear yard **2.4 m** (8 ft).

## 7.5.2.2.13.3

## Interior Side Yard –

Interior and exterior side yards shall be maintained in accordance with the zone requirements for the main dwelling, provided a minimum **1.2 m** (3.9 ft) side yard is maintained at all times.

Steps will be permitted to encroach **0.5 m** (1.6 ft) into the required interior or exterior side yards, provided such steps are not more than **1.2 m** (3.9 ft) above grade.

## 7.5.2.3

That all the provisions of the R2 Zone in Section 7.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

## 7.5.3

**LOCATION: EAST SIDE OF QUARTERTOWN LINE, BETWEEN NORTH STREET AND THE FORMER CN RAILWAY (PART BLOCK A, REGISTERED PLAN 518), R2-3 (H)**

## 7.5.3.1

Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R2-3 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a single family dwelling;

a home occupation, in accordance with the provisions of Section 5.11 of this By-Law; and

a public use in accordance with the provisions of Section 5.23 of this By-Law

provided the Holding (H) symbol is removed in accordance with Section 7.4.1.1 of this By-Law.

7.5.3.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R2-3 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

7.5.3.2.1 Rear Yard:

Minimum Depth: **9.5 m** (31.2 ft)

7.5.3.2.2 Front Yard:

Minimum Depth: **6 m** (19.7 ft)

7.5.3.2.3 Exterior Side Yard:

Minimum Depth: **6 m** (19.7 ft)

Except for the lots abutting Quartertown Line, which shall have a minimum exterior side yard depth of **7.5 m** (24.6 ft).

7.5.3.3 That all other provisions of the R2 Zone in Section 7.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

7.5.4 **LOCATION: BALDWIN PLACE, PT LOT 8, CON 12 (DEREHAM), R2-4 & R2-4 (H)**

7.5.4.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R2-4 or R2-4 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a single detached dwelling provided the Holding (H) symbol is removed in accordance with Section 7.4.1.1 of this By-Law.

7.5.4.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R2-4 or R2-4 (H) Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

7.5.4.2.1 Lot Frontage:

Minimum Width **12.2 m** (40 ft)

Except that in no case shall the lot frontage of a corner lot be less than **15 m** (49.2 ft).

7.5.4.2.2 Lot Area:

Minimum **330 m<sup>2</sup>** (3,552.2 ft<sup>2</sup>)

- 7.5.4.2.3 Lot Depth:
- Minimum **27.5 m (90.2 ft)**
- 7.5.4.2.4 Lot Coverage:
- Maximum for all buildings 50% of lot area
- 7.5.4.2.5 Front Yard:
- Minimum Depth **5 m (16.4 ft)**
- Except for the lot located at the northwest corner of Baldwin Street and Fairs Crescent where the minimum shall be **3.75 m (12.3 ft)**.
- 7.5.4.2.6 Exterior Side Yard:
- Minimum Depth **5 m (16.4 ft)**
- Except for the lots located at the northeast corner of Baldwin Street and Fairs Crescent and the northwest and southwest corner of Baldwin and Quarter Town Line, where the minimum depth shall be **3.75 m (12.3 ft)** and the lot located at the northwest corner of Baldwin Street and Fairs Crescent where the minimum depth shall be **4.5 m (14.8 ft)**.
- 7.5.4.2.7 Rear Yard:
- Minimum Depth **7.0 m (23 ft)**
- 7.5.4.2.8 Interior Side Yard:
- one side shall have a minimum width of **0 m (0 ft)**, the other side a minimum width of **1.2 m (3.9 ft)**, provided that a garage is attached to or is within the main building.
- 7.5.4.2.9 Height of Buildings:
- Maximum **7.6 m (24.9 ft)**
- 7.5.4.2.10 Gross Floor Area of Dwelling:
- Minimum **120 m<sup>2</sup> (1,291.7 ft<sup>2</sup>)**
- Provided that no dwelling shall exceed an maximum area of **230 m<sup>2</sup> (2,476 ft<sup>2</sup>)**.

## 7.5.4.2.11 Encroachments and Easements:

All lots used for the development of single-detached dwellings with a **0 m** (0 ft) side yard on one side shall be permitted a maximum encroachment of **0.4 m** (1.3 ft) into abutting lands on that side for the purpose of allowing the projection of eaves and exhaust and intake vents and shall have access to a **1.2 m** (3.9 ft) easement across the property abutting that side and shall give a **1.2 m** (3.9 ft) easement where required for the purpose of allowing the maintenance of walls, eaves and real property.

## 7.5.4.2.12 Porch, Balcony, Deck and Step Encroachments into Required Yards:

Notwithstanding Section 5.25.3 to this By-Law, porches, balconies, decks and steps are permitted to encroach into the required yards as follows:

## 7.5.4.2.12.1 Rear Yard –

Notwithstanding the yard and setback provisions of this By-Law to the contrary, for lots fronting onto the north side of Baldwin Street, covered porches, covered balconies, covered decks, sunrooms and portions of the dwelling, which do not exceed a total width of **6.2 m** (20.3 ft) in width, may project into the required rear yard **1.5 m** (5 ft). Uncovered balconies, uncovered porches and uncovered decks may project into the required rear yard **2.5 m** (8.2 ft).

## 7.5.4.2.12.2 Interior and Exterior Side Yards –

Notwithstanding the yard and setback provisions to the contrary, steps will be permitted to encroach 0.5 m (1.6 ft) into the required interior and exterior side yards, provided such steps are not more than **1.2 m** (3.9 ft) above grade.

## 7.5.4.2.13 Building Setbacks from Top of Bank or Stable Slope:

No structure of any kind other than those necessary for flood or erosion control shall be permitted in that area lying below the defined top of bank or stable slope. As well, no construction of buildings shall be located within a **6 m** (19.7 ft) setback from the defined top of bank or stable slope, except in the case of shallow ravines where the required setback from defined top of bank shall be **3 m** (9.84 ft). For the purposes of this By-Law the defined top of bank and stable slope will be as approved by the Long Point Region Conservation Authority.

7.5.4.3 That all other provisions of the R2 Zone in Section 7.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

7.5.5 LOCATION: **BALDWIN PLACE, PT LOT 8, CON 12 (DEREHAM), R2-5 & R2-5(H)**

7.5.5.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R2-5 or R2-5(H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a single detached dwelling.

7.5.5.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R2-5 or R2-5(H) Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

7.5.5.2.1 Lot Frontage:

Minimum Width **12.2 m (40 ft)**

Except for lots 47 and 49 fronting on the northeast bend of Fairs Crescent where the minimum width shall be 9.4 m (30.8 ft) and 11 m (36.1 ft) respectively. In no case shall the lot frontage of a corner lot be less than 15 m (49.2 ft) except for lot 29 on Fairs Crescent, which shall not be less than 14 m (45.9 ft).

For the purposes of this by-law the lot frontage shall be measured at a point **3.75 m (12.3 ft)** from the lot line.

7.5.5.2.2 Lot Area:

Minimum **330 m<sup>2</sup> (3,552.2 ft<sup>2</sup>)**

7.5.5.2.3 Lot Depth:

Minimum **27.5 m (90.2 ft)**

7.5.5.2.4 Lot Coverage:

Maximum for all buildings **50% of lot area**

7.5.5.2.5 Front Yard:

Minimum Depth **3.75 m (12.3 ft)**

except for lots fronting onto the north side of Esseltine Drive, where the minimum depth shall be **5 m (16.4 ft)** and lots fronting onto the south side of Esseltine Drive where the minimum depth shall be **4 m (13.1 ft)**.

7.5.5.2.6 Exterior Side Yard:

Minimum Depth **3.75 m (12.3 ft)**

## 7.5.5.2.7 Rear Yard:

Minimum Depth **7 m (23 ft)**

except for lots located on the north side of Esseltine Drive, where the minimum depth shall be 5.75 m (18.9 ft) and lots located on the south side of Esseltine Drive where the minimum shall be 6.75 m (22.1 ft).

## 7.5.5.2.8 Interior Side Yard:

one side shall have a minimum width of 0 m (0 ft) (0 ft), the other side a minimum width of 1.2 m (3.9 ft), provided that a garage is attached to or is within the main building.

## 7.5.5.2.9 Height of Buildings:

Maximum **7.6 m (24.9 ft)**

## 7.5.5.2.10 Gross Floor Area of Dwelling:

Minimum **120 m<sup>2</sup> (1,291.7 ft<sup>2</sup>)**

## 7.5.5.2.11 Encroachments and Easements:

All lots used for the development of single-detached dwellings with a 0 m (0 ft) side yard on one side shall be permitted a maximum encroachment of 0.4 m (1.3 ft) into abutting lands on that side for the purpose of allowing the projection of eaves and exhaust and intake vents and shall have access to a 1.2 m (3.9 ft) easement across the property abutting that side and shall give a 1.2 m (3.9 ft) easement where required for the purpose of allowing the maintenance of walls, eaves and real property.

## 7.5.5.2.12 Porch, Balcony, Deck And Step Encroachments Into Required Yards:

Notwithstanding Section 5.32 to this By-Law, porches, balconies, decks and steps are permitted to encroach into the required yards as follows:

## 7.5.5.2.12.1 Rear Yard –

Notwithstanding the yard and setback provisions of this By-Law to the contrary, covered porches, covered balconies, covered decks, sunrooms and portions of the dwelling, which do not exceed a total width **6.2 m (20.3 ft)**, may project into the required rear yard **1.5 m (5 ft)**. Uncovered balconies, uncovered porches and uncovered decks may project into the required rear yard **2.5 m (8.2 ft)**.

## 7.5.5.2.12.2 Interior and Exterior Side Yards –

Notwithstanding the yard and setback provisions to the contrary, steps will be permitted to encroach **0.5 m** (1.6 ft) into the required interior and exterior side yards, provided such steps are not more than **1.2 m** (3.9 ft) above grade.

7.5.5.3 That all other provisions of the R2 Zone in Section 7.2 to this By-Law, as amended, shall apply, and further that all other provisions of By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

7.5.6 **LOCATION: QUEEN STREET, PT. LOTS 132-134 AND 136, PLAN 500, R2-6**

7.5.6.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R2-6 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

7.5.6.1.1 Front Yard:

Minimum Depth **15.0 m** (49.2 ft)

7.5.6.2 That all the provisions of the R2 Zone in Section 7.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

8.1 USES PERMITTED

No person shall within any R3 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the R3 uses presented in Table 8.1:

TABLE 8.1: USES PERMITTED	
•	a converted dwelling, containing not more than 4 dwelling units.
•	a single detached dwelling, converted dwelling, duplex dwelling or semi-detached dwelling existing on the date of passing of this By-Law, in accordance with the provisions contained in Section 7.2.
•	a group home, in accordance with the provisions of Section 5.10 of this By-Law;
•	a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
•	a public use in accordance with the provisions of Section 5.23 of this By-Law;
•	a multiple unit dwelling, containing not more than 4 dwelling units;
•	a street fronting townhouse

8.2 ZONE PROVISIONS

No person shall within any R3 Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 8.2:

TABLE 8.2: ZONE PROVISIONS		
Zone Provision	Street Fronting Townhouse	Converted Dwelling, Multiple Unit Dwelling, Group Home or Public Use
<b>Number of Dwellings or Dwelling Units, Maximum</b>	8 dwelling units per building.	1 dwelling per lot, with a maximum of 4 dwelling units.
<b>Lot Area, Minimum</b>	<b>240 m<sup>2</sup></b> (2,583 ft <sup>2</sup> ) per dwelling unit or <b>330 m<sup>2</sup></b> (3,552 ft <sup>2</sup> ) for an end unit, except in no case shall the lot area for an end unit on a corner lot be less than <b>420 m<sup>2</sup></b> (ft <sup>2</sup> ).	<b>330 m<sup>2</sup></b> (3,552 ft <sup>2</sup> ) per dwelling unit,
<b>Lot Frontage, Minimum</b>	<b>8 m</b> (26.2 ft) per dwelling unit or <b>11 m</b> (36 ft) for an end unit, except in no case shall the lot frontage for the end unit on a corner lot be less than <b>14 m</b> (39.4 ft).	<b>20 m</b> (65.5 ft)
<b>Lot Depth, Minimum</b>	<b>30 m</b> (98.4 ft)	



TABLE 8.2: ZONE PROVISIONS		
Zone Provision	Street Fronting Townhouse	Converted Dwelling, Multiple Unit Dwelling, Group Home or Public Use
<b>Front Yard</b> , Minimum Depth <b>Exterior Side Yard</b> , Minimum Width	<b>6 m</b> (19.7 ft), except where the front yard or exterior side yard abuts an existing residential lot, with a front yard or exterior side yard which exceeds <b>6 m</b> (19.7 ft), or where the front or exterior yard abuts an arterial or collector road, in which case the minimum front or exterior side yard abutting such lot or road shall be <b>7.5 m</b> (24.6 ft).	
<b>Rear Yard</b> , Minimum Depth	<b>7.5 m</b> (24.6 ft)	<b>10.5 m</b> (34.4 ft), provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to <b>3 m</b> (9.8 ft), unless such rear lot line abuts an R1 or R2 zone.
<b>Interior Side Yard</b> , Minimum Width	<b>3 m</b> (9.8 ft) for end dwelling units	<b>4.5 m</b> (14.8 ft) on one side and <b>3 m</b> (9.8 ft) on the narrow side, provided that where a garage which contains the required parking is attached to or within the main building, or the lot is a corner lot, the minimum width shall be <b>3 m</b> (9.8 ft).
<b>Setback</b> , Minimum Distance from the Centreline of an Arterial Road as designated on Schedule "B" of this By-Law	<b>20.5 m</b> (67.3 ft)	<b>20.5 m</b> (67.3 ft)
<b>Lot Coverage</b> , Maximum	40% of lot area	
<b>Landscaped Open Space</b> , Minimum	30% of lot area	
<b>Gross Floor Area</b> , Minimum	<b>83 m<sup>2</sup></b> (893.4 ft <sup>2</sup> ) per dwelling unit	<b>65 m<sup>2</sup></b> (699.7 ft <sup>2</sup> ) for each unit in a converted dwelling or <b>20 m<sup>2</sup></b> (215.3 ft <sup>2</sup> ) for each roomer or boarder in a group home.
<b>Height of Building</b> , Maximum	<b>11 m</b> (36.1 ft)	
<b>Amenity Area</b> , Minimum	<b>48 m<sup>2</sup></b> (516.7 ft <sup>2</sup> ) per dwelling unit	
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5	

**8.2.1 DISTANCE BETWEEN MULTIPLE UNIT DWELLINGS ON ONE LOT**

Where more than one multiple unit dwelling is erected on a lot, the minimum distance between the exterior walls of two multiple unit dwellings shall be **12.5 m** (41 ft), where either or both walls contain a window to a habitable room shall be **12 m** (39.4 ft) and **3.6 m** (11.8 ft) where neither wall contains a window to a habitable room.

**8.3 SITE SPECIFIC ZONING FOR A CONVERTED DWELLING (R3-C)**

No person shall within any R3-C zone use any lot, or erect, alter or use any building or structure for any purpose except a converted dwelling, containing not more than 4 dwelling units, in accordance with the provisions of Section 8.2.

**8.4 SITE SPECIFIC ZONING FOR A STREET FRONTING TOWNHOUSE DWELLING (R3-T)**

No person shall within any R3-T zone use any lot, or erect, alter or use any building or structure for any purpose except a street fronting townhouse dwelling, in accordance with the provisions of Section 8.2.

**8.5 HOLDING “(H)” ZONES**

In accordance with Section 3.2, where a property shown on Schedule ‘A’ is listed as R3 (H), the symbol shall be placed in accordance with the following: no buildings or structures shall be erected or altered, save and except existing buildings, until the “H” symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.

**8.5.1 HOLDING ZONE PROVISIONS****8.5.1.1 PURPOSE OF THE HOLDING SYMBOL**

Unless otherwise stated in a special provision, the Holding Symbol shall have the following purpose: to ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall not be removed until the County of Oxford has provided written confirmation of water and wastewater allocation. Removal of the “H” symbol shall be consistent with Section 41 of the Planning Act.

**8.5.1.2 INTERIM USES PERMITTED WITHOUT LIFTING THE "H" SYMBOL**

None, unless otherwise stated in a special provision.

8.5.2 All provisions of the R3 Zone in Section 8.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

## 8.6 SPECIAL PROVISIONS

### 8.6.1 SENIOR CITIZEN'S HOUSING, R3-1

8.6.1.1 Notwithstanding any provisions of this by-law to the contrary, no person shall within any R3-1 zone use any lot or erect, alter or use any building or structure for any purpose except the following:

senior citizen housing units

8.6.1.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R3-1 zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

8.6.1.2.1 Setback:

Minimum distance from

Rolph Street	<b>6 m</b> (19.6 ft)
Brock Street	<b>6.7 m</b> (21.9 ft)
Edgewood Drive	<b>6 m</b> (19.6 ft)

8.6.1.2.2 Interior Side Yard:

Minimum width: **9 m** (29.5 ft)

8.6.1.2.3 Floor Area:

Minimum	- Bachelor Apartments	<b>36 m<sup>2</sup></b> (387.5 sq ft)
	- One Bedroom Apartments	<b>43 m<sup>2</sup></b> (462.8 sq ft)

8.6.1.2.4 Lot Coverage:

Maximum 45% of the lot area

8.6.1.2.5 Height of Buildings:

Minimum **10.5 m** (34.4 ft)

8.6.1.2.6 Accessory Buildings

Not Permitted

- 8.6.1.2.7 Parking:  
Minimum 1 space for each 3 apartments
- 8.6.1.3 That all other provisions of the R3 Zone in Section 8.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.
- 8.6.2 **LOCATION: LANDS EAST OF QUARTER TOWN LINE, NORTH OF BALDWIN STREET AND SOUTH OF CONCESSION STREET, R3-2 (H)**
- 8.6.2.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-2 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:  
  
a street fronting townhouse and a home occupation, provided the Holding (H) symbol is removed in accordance with Section 8.5.1 of this By-Law.
- 8.6.2.1.1 For purposes of this subsection, a “Street Fronting Townhouse”, means a dwelling consisting of three or more dwelling units that are aligned horizontally and divided vertically in whole or in part by common walls, with a minimum area above the grade of **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>), and each of which has an independent entrance directly from the outside and fronts onto a public street.
- 8.6.2.2 Notwithstanding any provision of By-Law Number 1994 to the contrary, no person shall within any R3-2 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- 8.6.2.2.1 Lot Area:  
  
Minimum: **240 m<sup>2</sup>** (2583.3 ft<sup>2</sup>)  
  
Except in the case of an end unit, where the minimum lot area shall be **276 m<sup>2</sup>** (2970.9 ft<sup>2</sup>) for an interior lot **420 m<sup>2</sup>** (4520.8 ft<sup>2</sup>) for a corner lot.
- 8.6.2.2.2 Interior Side Yard:  
  
Minimum: **0.0 m**  
  
Except in the case of an end unit, where the minimum interior side yard shall be **1.2 m** (4.0 ft.).

- 8.6.2.2.3 Lot Coverage:
- Minimum: 55%
- 8.6.2.2.4 Gross Floor Area:
- Minimum: **93 m<sup>2</sup>** (1001 m<sup>2</sup>) per dwelling unit
- 8.6.2.2.5 Building Height:
- Maximum: **10.5 m** (34.4 ft.)
- 8.6.2.3 That all other provisions of the R3 Zone in Section 8.2 to this By-Law, as amended, shall apply, and further that all other provisions of By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.
- 8.6.3 **LOCATION: LANDS EAST OF QUARTER TOWN LINE, NORTH OF BALDWIN STREET AND SOUTH OF CONCESSION STREET, R3-3 (H)**
- 8.6.3.1 Notwithstanding any provision of By-Law Number 1994 to the contrary, no person shall within any R3-3 (H) use any lot, or erect, alter or use any building or structure for any purpose except the following:
- a single-detached dwelling house;  
a street fronting townhouse; and  
a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
- provided the Holding (H) symbol is removed in accordance with Section 8.5.1 of this By-Law.
- 8.6.3.1.1 For purposes of this subsection, a “Street Fronting Townhouse”, means a dwelling consisting of three or more dwelling units that are aligned horizontally and divided vertically in whole or in part by common walls, with a minimum area above the grade of **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>), and each of which has an independent entrance directly from the outside and fronts onto a public street.
- 8.6.3.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-3 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- 8.6.3.2.1 SINGLE DETACHED DWELLING

8.6.3.2.1.1	Lot Frontage:	
	Minimum	<b>10.5 m</b> (34.4 ft.) or <b>15 m</b> (49.2 ft.) in the case of a corner lot
8.6.3.2.1.2	Lot Area:	
	Minimum	<b>290 m<sup>2</sup></b> (3121 ft <sup>2</sup> ) or <b>420 m<sup>2</sup></b> (4520.8 ft <sup>2</sup> ) in the case of a corner lot
8.6.3.2.1.3	Lot Depth:	
	Minimum	<b>28 m</b> (91.9 ft.)
8.6.3.2.1.4	Front Yard:	
	Minimum Depth	<b>6 m</b> (19.7 ft.)
8.6.3.2.1.5	Rear Yard:	
	Minimum Depth	<b>7.5 m</b> (24.6 ft.)
8.6.3.2.1.6	Interior Side Yard:	
	Minimum Width	<b>3 m</b> (9.8 ft.) on one side and <b>1.2 m</b> (3.9 ft.) on the narrow side, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width shall be <b>1.2 m</b> (3.9 ft.).
8.6.3.2.1.7	Exterior Side Yard:	
	Minimum Depth	<b>6 m</b> (19.7 ft.)
8.6.3.2.1.8	Lot Coverage:	
	Maximum	40%
8.6.3.2.1.9	Landscaped Open Space:	
	Minimum	30%

- 8.6.3.2.1.10 Gross Floor Area:
- Minimum **93m<sup>2</sup>** (1001 ft<sup>2</sup>) per dwelling unit
- 8.6.3.2.1.11 Height of Dwelling:
- Minimum Height: **10.5 m** (34.4 ft.)
- 8.6.3.2.2 STREET FRONTING TOWNHOUSE
- 8.6.3.2.2.1 Lot Frontage:
- Minimum **8.0 m** (26.2 ft.)
- Except in the case of an end unit, where the minimum frontage shall be **9.0 m** (29.5 ft.) for an interior lot and **14 m** (45.9 ft.) for a corner lot.
- 8.6.3.2.2.2 Lot Depth:
- Minimum **28 m** (91.9 ft.)
- 8.6.3.2.2.3 Lot Area:
- Minimum **240 m<sup>2</sup>** (2583.3 ft<sup>2</sup>)
- Except in the case of an end unit, where the minimum lot area shall be **276m<sup>2</sup>** (2970.9 ft<sup>2</sup>) for an interior lot **420 m<sup>2</sup>** (4520.8 ft<sup>2</sup>) for a corner lot.
- 8.6.3.2.2.4 Interior Side Yard:
- Minimum **0.0 m**
- Except in the case of an end unit, where the minimum interior side yard shall be **1.2 m** (4.0 ft.).
- 8.6.3.2.2.5 Lot Coverage:
- Minimum 55%
- 8.6.3.2.2.6 Gross Floor Area:
- Minimum **93 m<sup>2</sup>** (1001 m<sup>2</sup>) per dwelling unit
- 8.6.3.2.2.7 Building Height:
- Maximum **10.5 m** (34.4 ft.)

8.6.3.3 That all other provisions of the R3 Zone in Section 8.2 to this By-Law, as amended, shall apply, and further that all other provisions of By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply “mutatis mutandis”.

8.6.4 **LOCATION: SOUTHEAST CORNER OF BALDWIN STREET AND QUARTERTOWN LINE, R3-4 (H)**

8.6.4.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-4 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a row dwelling house; and  
a home occupation, in accordance with the provisions of Section 5.11 of this By-Law

provided the Holding (H) symbol is removed in accordance with Section 8.5.1 of this By-Law.

8.6.4.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-4 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

8.6.4.2.1 Number of Dwelling Houses Per Lot:

The minimum number of dwelling houses that may be constructed on the lands to which the R3-4 zone applies shall be 17, and in no case shall the number of dwelling houses on such lands exceed 25.

8.6.4.2.2 Definition of a Private Street:

For the purposes of this section, a private street means a primary means of access, by way of a private right-of-way or right of access contained in an easement or condominium agreement, and is not under the jurisdiction of the Corporation, the County or the Province.

8.6.4.2.3 Setback from a Street Line:

The minimum setback of a dwelling from a streetline shall be **7.5 m** (24.6 ft)

8.6.4.2.4 Front Yard Setback for a Row Dwelling House from a Private Street:

Minimum Depth **6 m** (19.7 ft) from the curb of the private street.



8.6.4.2.5 Setback between a Row Dwelling House and a Lot Line, other than a Streetline:

Minimum setback between a row dwelling house and an R1 zoned lot **7.5 m (24.6 ft)**

Minimum setback between a row dwelling house and any other lot line **3 m (9.8 ft)**

8.6.4.2.6 Distance between the Exterior Walls of End Dwelling Units:

Minimum Distance **3 m (9.84 ft)**

8.6.4.3 That all other provisions of the R3 Zone in Section 8.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

8.6.5 **LOCATION: LOTS 72 & 72A, PLAN 500, NORTH STREET, R3-5 (H)**

8.6.5.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R3-5 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a row dwelling house, provided the Holding (H) symbol is removed in accordance with Section 8.6.5.3 of this By-Law.

8.6.5.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-5 (H) Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

8.6.5.2.1 Rear Yard:

Minimum **15 m (49.2 ft)**

8.6.5.3 REMOVAL OF THE "H" SYMBOL

Removal of the (H) symbol the "H" symbol shall not be removed until the County of Oxford has provided written confirmation of water allocation, and occupancy permits have been issued for 50% of the lots on a previously approved phase.

8.6.5.4 That all other provisions of the R3 Zone in Section 8.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

8.6.6 LOCATION: **BALDWIN PLACE, PART LOT 8, CONCESSION 12 (DEREHAM), R3-6 & R3-6 (H)**

8.6.6.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R3-6 or R3-6 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a street fronting townhouse, provided the Holding (H) symbol is removed in accordance with Section 8.5.1.1 of this By-Law

8.6.6.1.1 For the purposes of this subsection, a "Street Fronting Townhouse", means a dwelling consisting of three or more dwelling units that are aligned horizontally and divided vertically in whole or in part by common walls, with a minimum area above grade of **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>), and each of which has an independent entrance directly from the outside and fronts onto a public street.

8.6.6.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-6 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

8.6.6.2.1 Lot Frontage:

Minimum Width **8.0 m** (26.6 ft)

Except in the case of an end unit, where the minimum frontage shall be **9.2 m** (30.1 ft) for an interior lot and **11.75 m** (38.5 ft) for a corner lot.

8.6.6.2.2 Lot Area:

Minimum **220 m<sup>2</sup>** (2,368.1 ft<sup>2</sup>)

Except in the case of an end unit, where the minimum shall be **250 m<sup>2</sup>** (2,691.1 ft<sup>2</sup>) for an interior lot and **300 m<sup>2</sup>** (3,229.3 ft<sup>2</sup>) for a corner lot.

8.6.6.2.3 Lot Depth:

Minimum **27.5 m** (90.2 ft)

8.6.6.2.4 Rear Yard:

Minimum **5.65 m** (18.5 ft)

8.6.6.2.5 Lot Coverage:

Maximum for all buildings 68% of lot area

## 8.6.6.2.6 Front and Exterior Side Yard:

Minimum Depth **3.75 m (12.3 ft)**

## 8.6.6.2.7 Interior Side Yard:

Minimum Width **0 m (0 ft)**

except in the case of an end unit, where the minimum interior side yard shall be 1.2 m (3.9 ft), provided that a garage is attached to or is within the main building.

## 8.6.6.2.8 Height of Buildings:

Maximum **8.5 m (27.9 ft)**

## 8.6.6.2.9 Gross Floor Area of Dwelling:

Minimum **120 m<sup>2</sup> (1,291.7 ft<sup>2</sup>)**

## 8.6.6.2.10 Porch, Balcony, Deck and Step Encroachments into Required Yards:

Notwithstanding Section 5.25.3 to this By-Law, porches, balconies, decks and steps are permitted to encroach into the required yards as follows:

## 8.6.6.2.10.1 Rear Yard –

Notwithstanding the yard and setback provisions of this By-Law to the uncovered balconies and uncovered decks may project into the required rear yard **3.0 m (3.3 ft)**, except for the lots fronting on the west side of Weston Drive, where they may project into the required rear yard **1.8 m (5.9 ft)**

## 8.6.6.2.10.2 Interior and Exterior Side Yards –

Notwithstanding the yard and setback provisions of this By-Law to the contrary, steps will be permitted to encroach **0.5 m (1.6 ft)** into the required interior and exterior side yards for an end unit, provided such steps are not more than **1.2 m (3.9 ft)** above grade.

8.6.6.3 That all other provisions of the R3 Zone in Section 8.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

8.6.7 LOCATION: JOHN POUND ROAD AND BIDWELL STREET, PARTS 1, 3 & 4,  
PLAN 41R-6446, (R3-7)

8.6.7.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any R3-7 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a single-detached dwelling house; and  
an apartment dwelling house, not exceeding 40 dwelling units.

8.6.7.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-7 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

8.6.7.2.1 Definition of a Private Street:

For the purposes of this By-Law, a private street means a primary means of access, by way of a private right-of-way or right of access contained either in an easement, lease or agreement, and is not under the jurisdiction of the Corporation, the County, or the Province.

8.6.7.2.2 Number of Dwelling Houses Per Lot:

Notwithstanding any provisions of this By-Law to the contrary, the maximum number of dwelling houses that may be constructed on the lands to which the R3-7 zone applies shall be 26 single-detached dwelling houses and one apartment dwelling house, containing not more than 40 dwelling units.

8.6.7.2.3 Setback of all Buildings from a Street Line:

The minimum setback for all dwellings and accessory buildings or structures, including patios and decks, from a street line shall be **4.5 m** (14.7 ft).

8.6.7.2.4 Front Yard Setback for a Single Family Dwelling House from a Private Street:

Minimum Depth **6 m** (19.7 ft) from the front wall of an attached garage to the curb of the private street

8.6.7.2.5 Distance Between Single Family Dwelling Houses:

Minimum distance: **2.4 m** (7.9 ft)

- 8.6.7.2.6 Distance Between a Single Family Dwelling House and a Lot Line:  
Minimum distance between a single-detached dwelling house and a lot line, other than a street line: **1.2 m (3.9 ft)**
- 8.6.7.2.7 Distance Between an Apartment Dwelling House and a Lot Line:  
Minimum distance between an apartment dwelling house and a lot line or street line: **4.5 m (14.7 ft)**
- 8.6.7.2.8 Number of Parking Spaces Required for a 40 Unit Apartment Dwelling House:  
Minimum **66**
- 8.6.7.3 That all other provisions of the R3 Zone in Section 8.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.
- 8.6.8 **LOCATION: BALAZS COURT, HICKORY HILLS, R3-8**
- 8.6.8.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-8 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:  
a row dwelling house;  
group housing consisting of row dwelling houses;  
a home occupation; and  
a public use in accordance with the provisions of Section 5.23 hereof.
- 8.6.8.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any R3-8 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- 8.6.8.2.1 Number of Dwellings:  
A minimum of 5 row house dwelling units shall be permitted on the subject property.
- 8.6.8.3 That all other provisions of the R3 Zone in Section 8.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

9.1 **USES PERMITTED**

No person shall within any RM Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the RM uses presented in Table 9.1:

<b>TABLE 9.1: USES PERMITTED</b>
• an apartment dwelling;
• a boarding or lodging house;
• a converted dwelling, containing 2 or more dwelling units;
• a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
• a group home, in accordance with the provisions of Section 5.10 of this By-Law;
• a multiple unit dwelling;
• a public use in accordance with the provisions of Section 5.23 of this By-Law;
• a single detached dwelling, converted dwelling, duplex dwelling or semi-detached dwelling existing on the date of passing of this By-Law, in accordance with the provisions contained in Section 7.2.
• a special needs home;
• a street fronting townhouse

9.2 **ZONE PROVISIONS**

No person shall within any RM Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 9.2:

<b>TABLE 9.2: ZONE PROVISIONS</b>				
<b>Zone Provision</b>	<b>Street Fronting Townhouse</b>	<b>Converted Dwelling, Boarding or Lodging House, Group Home, Special Needs Home or Public Use</b>	<b>Multiple Unit Dwelling</b>	<b>Apartment Dwelling</b>
<b>Number of Dwellings or Dwelling Units, Maximum</b>	8 dwelling units per building.	1 dwelling per lot	8 dwelling units per building	No Provision

TABLE 9.2: ZONE PROVISIONS				
Zone Provision	Street Fronting Townhouse	Converted Dwelling, Boarding or Lodging House, Group Home, Special Needs Home or Public Use	Multiple Unit Dwelling	Apartment Dwelling
Lot Area, Minimum	150 m <sup>2</sup> (1,614.6 ft <sup>2</sup> ) per dwelling unit or 240 m <sup>2</sup> (2,583.4 ft <sup>2</sup> ) for an end unit, except in no case shall the lot area for an end unit on a corner lot be less than 330 m <sup>2</sup> (3,552.2 ft <sup>2</sup> ).	160 m <sup>2</sup> (1,722 ft <sup>2</sup> ) per dwelling unit, or 600 m <sup>2</sup> (6,458 ft <sup>2</sup> ), whichever is greater.	160 m <sup>2</sup> (1,722 ft <sup>2</sup> ) per dwelling unit.	
Lot Area, Maximum	320 m <sup>2</sup> (3,445 ft <sup>2</sup> ) per dwelling unit	No provision	320 m <sup>2</sup> (3,445 ft <sup>2</sup> ) per dwelling unit	
Lot Frontage, Minimum	5 m (16.4 ft) per dwelling unit or 8 m (26.2 ft) for an end unit, except in no case shall the lot frontage for the end unit on a corner lot be less than 11 m (36.1 ft).	20 m (65.5 ft)		
Lot Depth, Minimum	30 m (98.4 ft)			
Front Yard, Minimum Depth  Exterior Side Yard, Minimum Width	6 m (19.7 ft)	7.5 m (24.6 ft)		
Rear Yard, Minimum Depth	7.5 m (24.6 ft)	10.5 m (34.4 ft)	10.5 m (34.4 ft), provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 3 m (9.8 ft) except that if the rear lot line abuts an R1, R2 or FD Zone then this reduction shall not apply.	

TABLE 9.2: ZONE PROVISIONS				
Zone Provision	Street Fronting Townhouse	Converted Dwelling, Boarding or Lodging House, Group Home, Special Needs Home or Public Use	Multiple Unit Dwelling	Apartment Dwelling
Interior Side Yard, Minimum Width	3 m (9.8 ft) for end dwelling units	3 m (9.8 ft) on one side and 1.5 m (4.9 ft) on the narrow side, provided that where a garage is attached to or within the main building, or the lot is a corner lot, the minimum width shall be 1.5 m (4.9 ft).	4.5 m (14.8 ft) on one side and 3 m (9.8 ft) on the narrow side, provided that where a garage containing the required parking spaces is attached to or within the main building, or the lot is a corner lot, the minimum width shall be 3 m (9.8 ft).	7.5 m (24.6 ft), provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 3 m (9.8 ft), except where the interior side lot line adjoins an R1, R2 or FD Zone.
Setback, Minimum Distance from the Centreline of an Arterial Road as designated on Schedule "B" of this By-Law	20.5 m (67.3 ft)			
Lot Coverage, Maximum	40% of lot area			
Landscaped Open Space, Minimum	30% of lot area			
Gross Floor Area, Minimum	75 m <sup>2</sup> (699.7 ft <sup>2</sup> ) per dwelling unit.	65 m <sup>2</sup> (699.7 ft <sup>2</sup> ) for each unit in a converted dwelling or 20 m <sup>2</sup> (216 ft <sup>2</sup> ) for each roomer or boarder in a group home or boarding or lodging house.	55 m <sup>2</sup> (592 ft <sup>2</sup> ) per dwelling unit.	
Height of Building, Maximum	11 m (36.1 ft)			15 m (49.2)



TABLE 9.2: ZONE PROVISIONS				
Zone Provision	Street Fronting Townhouse	Converted Dwelling, Boarding or Lodging House, Group Home, Special Needs Home or Public Use	Multiple Unit Dwelling	Apartment Dwelling
Amenity Area, Minimum	40 m <sup>2</sup> (430.6 ft <sup>2</sup> ) per dwelling unit	150 m <sup>2</sup> (1,614 ft <sup>2</sup> ) per dwelling, or 40 m <sup>2</sup> (430.6 ft <sup>2</sup> ) per dwelling unit in the case of a converted dwelling.	40 m <sup>2</sup> (430.6 ft <sup>2</sup> ) per dwelling unit	
Parking, accessory uses, permitted encroachments and other general provisions	In accordance with the provisions of Section 5			

### 9.2.1 DISTANCE BETWEEN MULTIPLE UNIT DWELLINGS ON ONE LOT

Where more than one multiple unit dwelling is erected on a lot, the minimum distance between the exterior walls of two multiple unit dwellings shall be **12.5 m** (41 ft), where either or both walls contain a window to a habitable room shall be **12 m** (39.4 ft) and **3.6 m** (11.8 ft) where neither wall contains a window to a habitable room.

### 9.2.2 DISTANCE BETWEEN APARTMENT DWELLINGS ON ONE LOT:

Where more than one apartment dwelling is erected on a lot, the minimum distance between the exterior walls of two apartment dwellings shall be **18 m** (59.1 ft) where either or both walls contain a window to a habitable room and **6 m** (19.7 ft) where neither wall contains a window to a habitable room.

### 9.3 SITE SPECIFIC ZONING FOR A STREET FRONTING TOWNHOUSE DWELLING (RM-T)

No person shall within any RM-T zone use any lot, or erect, alter or use any building or structure for any purpose except a street fronting townhouse dwelling, in accordance with the provisions of Section 9.2.

**9.4 HOLDING “(H)” ZONES**

In accordance with Section 3.2, where a property shown on Schedule ‘A’ is listed as RM (H), the symbol shall be placed in accordance with the following: no buildings or structures shall be erected or altered, save and except existing buildings, until the “H” symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.

**9.4.1 HOLDING ZONE PROVISIONS****9.4.1.1 PURPOSE OF THE HOLDING SYMBOL**

Unless otherwise stated in a special provision, the Holding Symbol shall have the following purpose: to ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall not be removed until the County of Oxford has provided written confirmation of water and wastewater allocation. Removal of the “H” symbol shall be consistent with Section 41 of the Planning Act.

**9.4.1.2 INTERIM Uses PERMITTED WITHOUT LIFTING THE "H" SYMBOL**

None, unless otherwise stated in a special provision.

9.4.2 That all the provisions of the RM Zone in Section 9.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**9.5 SPECIAL PROVISIONS****9.5.1 LOCATION: HICKORY HILLS, CLUSTER HOUSING, RM-1**

9.5.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any RM-1 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

40 townhouse units.

9.5.1.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any RM-1 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

9.5.1.2.1 Height of Building:

Maximum **8.5 m (27.9 ft)**

- 9.5.1.2.2 Number of Cluster Housing Dwellings:  
Maximum 40
- 9.5.1.2.3 Dwelling Unit Area:  
Minimum **50 m<sup>2</sup>** (538.2 ft<sup>2</sup>)
- 9.5.1.2.4 That all the provisions of the RM Zone in Section 9.2 to this By-Law, as amended shall apply, and further that all other provisions of By-Law as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.
- 9.5.2 **LOCATION: BRIDGE AND BIDWELL STREETS, RM-2**
- 9.5.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any RM-2 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:  
  
an apartment dwelling house
- 9.5.2.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any RM-2 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- 9.5.2.2.1 Height of building:  
Maximum 6 storeys
- 9.5.2.2.2 Number of Apartment Units:  
Maximum 30
- 9.5.2.2.3 Lot Frontage:  
  
For the purposes of this by-law the front lot line shall be deemed to be the property line abutting Bidwell Street.
- 9.5.2.2.4 Front Yard:  
Minimum Depth **7.6 m** (24.9 ft)
- 9.5.2.2.5 Interior Side Yard:  
Minimum Depth **8.0 m** (26.2 ft)

- 9.5.2.2.6 Exterior Side Yard:
- |               |                   |
|---------------|-------------------|
| Minimum Depth | <b>0 m (0 ft)</b> |
|---------------|-------------------|
- 9.5.2.2.7 Unobstructed Yard
- |         |                   |
|---------|-------------------|
| Minimum | <b>0 m (0 ft)</b> |
|---------|-------------------|
- 9.5.2.2.8 Landscaped Open Space:
- |         |     |
|---------|-----|
| Minimum | 30% |
|---------|-----|
- 9.5.2.2.9 Parking Stall Size:
- |             |                                       |
|-------------|---------------------------------------|
| Angle & 90% | <b>2.8 m x 5.8 m (9.2 ft x 19 ft)</b> |
|-------------|---------------------------------------|
- 9.5.2.2.10 Parking Setback from Side Lot Line or Streetline:
- |               |                   |
|---------------|-------------------|
| Minimum Depth | <b>0 m (0 ft)</b> |
|---------------|-------------------|
- 9.5.2.2.11 Number of Parking Spaces
- |         |    |
|---------|----|
| Minimum | 51 |
|---------|----|
- 9.5.2.3 That all the provisions of the RM Zone in Section 9.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.
- 9.5.3 **LOCATION: QUARTER TOWN LINE, RM-3**
- 9.5.3.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any RM-3 zone use any lot, or erect, alter or use any building or structure for any purpose except the following:
- 56 townhouse units
- 9.5.3.2 That all other provisions of the RM Zone in Section 9.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**9.5.4 LOCATION: MAPLE LANE AND CONCESSION STREET, RM-4 (H)**

9.5.4.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any RM-4 (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a maximum of 40 apartment units provided the Holding (H) symbol is removed in accordance with Section 9.5.4.2 of this By-Law.

**9.5.4.2 PURPOSE OF THE HOLDING SYMBOL**

To ensure that orderly development of land identified by the Ministry of the Environment as contaminated lands is remediated in accordance with site hydrogeological studies, site investigations, and remediation plans, and/or a Record of Site Condition, is filed against the title of the subject property.

Removal of the "H" symbol will occur once Ministry of the Environment approvals are received, and the owner of the subject land and the Town of Tillsonburg has entered into a Site Plan Agreement consistent with Section 41 of the Planning Act.

9.5.4.3 That all other provisions of the RM Zone in Section 9.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**9.5.5 LOCATION: BALAZS COURT, HICKORY HILLS, RM-5**

9.5.5.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any RM-5 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a row dwelling house;  
group housing consisting of row dwelling houses;  
a home occupation; and  
a public use in accordance with the provisions of Section 5.19 hereof.

9.5.5.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any RM-5 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

**9.5.5.2.1 Number of Dwellings:**

A minimum of 5 row house dwelling units shall be permitted on the subject property.

- 9.5.5.3 That all other provisions of the RM Zone in Section 9.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

10.1 USES PERMITTED

No person shall within any RH Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the RH uses presented in Table 10.1:

TABLE 10.1: USES PERMITTED	
•	an apartment dwelling;
•	a public use in accordance with the provisions of Section 5.23 of this By-Law;
•	a single detached dwelling, converted dwelling, duplex dwelling or semi-detached dwelling existing on the date of passing of this By-Law, in accordance with the provisions contained in Section 7.2 of this By-Law;

10.2 ZONE PROVISIONS

No person shall within any RH Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 10.2:

TABLE 10.2: ZONE PROVISIONS	
Zone Provision	Apartment Dwellings and Public Uses
Number of Dwellings Per Lot, Maximum	no provision
Lot Area, Minimum	<b>90 m<sup>2</sup></b> (968.8 ft <sup>2</sup> ) per dwelling unit. The minimum lot area shall be the sum of the areas required for each dwelling unit on the lot.
Lot Area, Maximum	<b>160 m<sup>2</sup></b> (1,722.3 ft <sup>2</sup> ) per dwelling unit. The maximum lot area shall be the sum of the areas required for each dwelling unit on the lot.
Lot Frontage, Minimum	<b>30 m</b> (98.4 ft)
Lot Depth, Minimum	no provision
Front Yard, Minimum Depth Exterior Side Yard, Minimum Width	50% of the height of the building or <b>7.5 m</b> (24.6 ft) whichever is the greater.
Rear Yard, Minimum Depth	50% of the height of the building or <b>10.5 m</b> (32.8 ft), whichever is the greater, provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to <b>3 m</b> (9.8 ft), except that if the rear lot line adjoins an R1, R2, R3 or FD Zone then this reduction shall not apply.

<b>TABLE 10.2: ZONE PROVISIONS</b>	
<b>Zone Provision</b>	<b>Apartment Dwellings and Public Uses</b>
<b>Interior Side Yard, Minimum Width</b>	50% of the height of the building or <b>10.5 m</b> (32.8 ft), whichever is the greater, provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to <b>3 m</b> (9.8 ft), except that if the interior side lot line adjoins an R1, R2, R3 or FD Zone then this reduction shall not apply.
<b>Setback, Minimum distance from the centreline of an Arterial Road as designated on Schedule "B" of this By-Law</b>	<b>20.5 m</b> (67.3 ft)
<b>Lot Coverage, Maximum</b>	40% of the lot area
<b>Landscaped Open Space, Minimum</b>	35% of the lot area
<b>Gross Floor Area, Minimum</b>	<b>55 m<sup>2</sup></b> (592 ft <sup>2</sup> ) per dwelling unit
<b>Height of Building, Maximum</b>	<b>22 m</b> (72.2 ft)
<b>Amenity Area, Minimum</b>	<b>40 m<sup>2</sup></b> (430.6 sq ft) per unit for bachelor, one bedroom and two-bedroom units and <b>80 m<sup>2</sup></b> (861.1 sq ft) per unit for units containing more than 3 bedrooms.
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5

### 10.2.1 CHILDREN'S OUTDOOR PLAY AREA FOR APARTMENT DWELLINGS

A children's outdoor play area shall be provided on-site for apartment dwellings with more than 20 dwelling units, with the minimum size of the play area to be determined by the number of dwelling units as follows:

<u>Type of Dwelling Unit</u>	<u>Requirement per Dwelling Unit</u>
Two Bedroom	<b>1 m<sup>2</sup></b> (10.8 ft <sup>2</sup> .)
Three or more Bedrooms	<b>1.5 m<sup>2</sup></b> (16.2 ft <sup>2</sup> )

In no case shall the play area be less than **50 m<sup>2</sup>** (538.2 ft<sup>2</sup>) in size and shall not be located closer than **5 m** (16.4 ft) to any door or window of a dwelling unit.



**10.2.2 DISTANCE BETWEEN APARTMENT DWELLINGS ON ONE LOT:**

Where more than one apartment dwelling is erected on a lot, the minimum distance between the exterior walls of two apartment dwellings shall be **18 m** (59.1 ft) where either or both walls contain a window to a habitable room and **6 m** (19.7 ft) where neither wall contains a window to a habitable room.

**10.3 HOLDING “(H)” ZONES**

In accordance with Section 3.2, where a property shown on Schedule ‘A’ is listed as RH (H), the symbol shall be placed in accordance with the following: no buildings or structures shall be erected or altered, save and except existing buildings, until the “H” symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.

**10.3.1 HOLDING ZONE PROVISIONS****10.3.1.1 PURPOSE OF THE HOLDING SYMBOL**

Unless otherwise stated in a special provision, the Holding Symbol shall have the following purpose: to ensure the orderly development of lands and the adequate provision of municipal services, the “H” symbol shall not be removed until the County of Oxford has provided written confirmation of water and wastewater allocation. Removal of the “H” symbol shall be consistent with Section 41 of the Planning Act.

**10.3.1.2 INTERIM USES PERMITTED WITHOUT LIFTING THE "H" SYMBOL**

None, unless otherwise stated in a special provision.

**10.3.3** That all the provisions of the RH Zone in Section 10.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**10.4 SPECIAL PROVISIONS**

**11.1 USES PERMITTED**

No person shall within any RMH Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the RMH uses presented in Table 11.1:

<b>TABLE 11.1: USES PERMITTED</b>
<ul style="list-style-type: none"> <li>• an accessory storage building</li> </ul>
<ul style="list-style-type: none"> <li>• a mobile home park</li> </ul>
<ul style="list-style-type: none"> <li>• a public use in accordance with the provisions of Section 5.23 of this By-Law;</li> </ul>
<ul style="list-style-type: none"> <li>• an accessory service building containing washer and dryer facilities and recreational facilities</li> </ul>

**11.2 ZONE PROVISIONS**

No person shall within any RMH Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 11.2:

<b>TABLE 11.2: ZONE PROVISIONS</b>		
<b>Zone Provision</b>	<b>Mobile Homes</b>	<b>Other Permitted Uses</b>
<b>Lot Area for a Mobile Home Lot, Minimum</b>	<b>372 m<sup>2</sup></b> (4,004.1 ft <sup>2</sup> ) for an interior lot or <b>527 m<sup>2</sup></b> (5,672.5 ft <sup>2</sup> ) for a corner lot.	No provision
<b>Lot Frontage for a Mobile Home Lot, Minimum</b>	<b>12 m</b> (39.4 ft) for an interior lot or <b>17 m</b> (55.7 ft) for a corner lot	No provision
<b>Lot Depth for a Mobile Home Lot, Minimum</b>	<b>30 m</b> (98.4 ft)	No Provision
<b>Front and Exterior Side Yard of a Mobile Home Lot, Minimum Depth</b>	<b>4.5 m</b> (14.7 ft), provided that no mobile home within a Mobile Home Park shall front onto a public street	No Provision
<b>Rear Yard of a Mobile Home Lot, Minimum Depth</b>	<b>7.5 m</b> (24.6 ft)	No Provision
<b>Interior Side Yard of a Mobile Home Lot, Minimum Width</b>	<b>1.2 m</b> (3.9 ft) on one side and <b>3 m</b> (9.8 ft) on the other side, except where an attached garage or carport is provided the minimum interior side yard may be reduced to <b>1.2 m</b> (3.9 ft) on both sides.	No Provision
<b>Distance between a Mobile home lot and a permanent Building, Minimum</b>	<b>4.5 m</b> (14.7 ft) from a permanent building	<b>15 m</b> (49.2 ft) from the nearest mobile home lot

TABLE 11.2: ZONE PROVISIONS		
Zone Provision	Mobile Homes	Other Permitted Uses
<b>Setback from an External Property Line, Minimum</b>	<b>6 m</b> (19.6 ft)	<b>12 m</b> (39.4 ft)
<b>Setback</b> , Minimum Distance from the Centreline of an Arterial Road as designated on Schedule 'C' of this By-Law	<b>18.5 m</b> ( ft)	<b>23.5 m</b> (77.1 ft)
<b>Landscaped Open Space, Minimum</b>	30% of the lot area	No Provision
<b>Mobile Home Size</b>	The length of a mobile home shall be a minimum of <b>12 m</b> (39.4 ft) and a maximum of <b>23 m</b> (75.5 ft), while the width of a mobile home shall be a minimum of <b>3 m</b> (9.8 ft) and a maximum of <b>7.5 m</b> (24.6 ft)	No Provision
<b>Height of Building, Maximum</b>	<b>7.5 m</b> (24.6 ft) above the crown of the internal road in front of, or which services, the mobile home lot.	<b>4.5 m</b> (14.7 ft)
<b>Internal Road Width, Minimum</b>	<b>7.5 m</b> (24.6 ft)	No provision
<b>Walkways</b>	No Provision	Walkways shall be provided through interior areas to provide access to community facilities and have a right of way with a minimum width of <b>3 m</b> (9.8 ft)
<b>Required Parking</b>	For a mobile home a minimum of 2 parking spaces, with a paved surface, shall be provided on each mobile home lot. For an accessory service buildings a minimum of 1 parking space for each <b>46.5 m<sup>2</sup></b> (500.5 ft <sup>2</sup> ) of gross floor area	
<b>Accessory Buildings, etc.</b>	In accordance with the provisions of Section 5 of this By-Law	

### 11.3 HOLDING “(H)” ZONES

In accordance with Section 3.2, where a property shown on Schedule 'A' is listed as RMH (H), the symbol shall be placed in accordance with the following: no buildings or structures shall be erected or altered, save and except existing buildings, until the “H” symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.

11.3.1 **HOLDING ZONE PROVISIONS**

## 11.3.1.1 Purpose of the Holding Symbol:

Unless otherwise stated in a special provision, the Holding Symbol shall have the following purpose: to ensure the orderly development of lands and the adequate provision of municipal services, the "H" symbol shall not be removed until the County of Oxford has provided written confirmation of water and wastewater allocation. Removal of the "H" symbol shall be consistent with Section 41 of the Planning Act.

## 11.3.1.2 Interim Uses Permitted Without Lifting the "H" Symbol:

None, unless otherwise stated in a special provision.

11.3.2 That all provisions of the RMH Zone in Section 11.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

11.4 **SPECIAL PROVISIONS**

12.1 USES PERMITTED

No person shall within any EC Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the EC uses presented in Table 12.1:

TABLE 12.1: USES PERMITTED
<b>Residential Uses:</b>
• an <i>apartment dwelling</i> ;
• a bed and breakfast establishment, with up to 5 guest rooms;
• a <i>boarding or lodging house</i> ,
• a <i>converted dwelling</i> ;
• a <i>duplex dwelling</i> ;
• a <i>dwelling unit accessory</i> to a permitted non-residential use;
• a <i>group home</i> , in accordance with the provisions of Section 5.10 of this By-Law
• a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
• a <i>multiple unit dwelling</i> ;
• a <i>nursing home</i> ;
• a <i>semi-detached dwelling</i> ;
• a <i>single detached dwelling</i> ;
• a <i>street fronting townhouse dwelling</i> ,
<b>Non-Residential Uses:</b>
• a <i>business or professional office</i>
• a <i>business service establishment</i> ,
• a <i>commercial school</i> ;
• a <i>computer and electronic data processing business</i> ;
• a <i>daycare centre</i> ;
• a government administrative office;
• a <i>home based assembly/packaging/storage/distribution business</i> ;
• a <i>medical centre</i> ;
• a <i>nursing home</i> ;

TABLE 12.1: USES PERMITTED
• a parking lot;
• a personal service establishment;
• a place of worship;
• a public use, in accordance with the provisions of Section 5.23 of this By-Law;
• a service shop;
• a studio

## 12.2 ZONE PROVISIONS

No person shall within any EC Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Tables 12.2A and 12.2B:

TABLE 12.2A: ZONE PROVISIONS				
Zone Provision	Single Detached Dwelling	Semi-Detached Dwelling	Duplex Dwelling	Street Fronting Townhouse
<b>Number of Dwellings or Dwelling Units, Maximum</b>	1 dwelling per lot	2 dwelling units per lot	2 dwelling units per lot	4 dwelling units per building, 1 building per lot
<b>Lot Area, Minimum</b>	<b>370 m<sup>2</sup></b> (3,982.8 ft <sup>2</sup> ) or <b>555 m<sup>2</sup></b> (5,974.2 ft <sup>2</sup> .) in the case of a corner lot	<b>325 m<sup>2</sup></b> (3,498.4 ft <sup>2</sup> ) per unit or <b>790 m<sup>2</sup></b> (8,503.8 ft <sup>2</sup> ) per unit in the case of a corner lot	<b>558 m<sup>2</sup></b> (6,006.5 ft <sup>2</sup> )	<b>150 m<sup>2</sup></b> (1,614.6 ft <sup>2</sup> ) per dwelling unit or <b>240 m<sup>2</sup></b> (2,583.4 ft <sup>2</sup> ) for an end unit, except in no case shall the lot area for an end unit on a corner lot be less than <b>330 m<sup>2</sup></b> (3,552.2 ft <sup>2</sup> .)
<b>Lot Frontage, Minimum</b>	<b>12 m</b> (39.4 ft) or <b>18 m</b> (59.1 ft) in the case of a corner lot	<b>12 m</b> (39.4 ft) or <b>18 m</b> (59.1 ft) in the case of a corner lot.	<b>18m</b> (59.1 ft)	<b>5 m</b> (16.4 ft) per dwelling unit or <b>8 m</b> (26.2 ft) for an end unit, except in no case shall the lot frontage for the end unit on a corner lot be less than <b>11 m</b> (36.1 ft).

TABLE 12.2A: ZONE PROVISIONS				
Zone Provision	Single Detached Dwelling	Semi-Detached Dwelling	Duplex Dwelling	Street Fronting Townhouse
Lot Depth, Minimum	30 m (98.4 ft)			
Front Yard, Minimum Depth	7.5 m (24.6 ft)			
Exterior Side Yard, Minimum Width				
Rear Yard, Minimum Depth	9 m (29.5 ft)			
Interior Side Yard, Minimum Width	3 m (9.8 ft) on one side and 1.2 m (3.9 ft) on the narrow side, provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, the minimum width shall be 1.2 m (3.9 ft).	3 m (9.8 ft) for the side not attached to the other dwelling, provided that where a garage or carport is attached to or is within the main building, the minimum width shall be 1.2 m (3.9 ft).	3 m (9.8 ft) on one side and 1.2 m (3.9 ft) on the narrow side, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width shall be 1.2 m (3.9 ft)	3 m (9.8 ft) for end dwelling units
Setback, Minimum distance from the centreline of an Arterial Road as designated on Schedule "B" of this By-Law	19.0 m (62.3 ft)			
Lot Coverage, Maximum	35% of the lot area			30% of the lot area
Landscaped Open Space, Minimum	30% of the lot area			35% of the lot area
Dwelling Unit Area, Minimum	75 m <sup>2</sup> (807.3 ft <sup>2</sup> ) per unit		65 m <sup>2</sup> (699.7 ft <sup>2</sup> ) per unit	

TABLE 12.2A: ZONE PROVISIONS				
Zone Provision	Single Detached Dwelling	Semi-Detached Dwelling	Duplex Dwelling	Street Fronting Townhouse
Height of Building, Maximum	11 m (36.1 ft)			
Amenity Area	No Provision			In accordance with the provisions of Section 12.2.1
Parking, accessory uses, permitted encroachments and other general provisions	In accordance with the provisions of Section 5			

TABLE 12.2B: ZONE PROVISIONS					
Zone Provision	Bed and Breakfast, Converted Dwelling, Boarding or Lodging House or Group Home	Multiple Unit Dwelling	Apartment Dwelling Nursing Home	Dwelling Unit in a Portion of a Non-Residential Building	Non-Residential Uses
Number of Dwellings or Dwelling Units, Maximum	1 dwelling per lot, with a maximum of 4 dwelling units or guestrooms	1 dwelling or nursing home building per lot		No provision	
Lot Area: Minimum	600 m <sup>2</sup> (6,458.5 ft <sup>2</sup> ),	175 m <sup>2</sup> (1,883.7 ft <sup>2</sup> ) per unit		No Provision	
Lot Frontage: Minimum	20 m (65.6 ft)			No Provision	No Provision
Lot Depth, Minimum	30 m (98.4 ft)	No Provision			
Front Yard, Minimum	6.0 m (19.7 ft) or in accordance	In accordance with the established building line		No Provision	Shall be the existing setback for



TABLE 12.2B: ZONE PROVISIONS					
Zone Provision	Bed and Breakfast, Converted Dwelling, Boarding or Lodging House or Group Home	Multiple Unit Dwelling	Apartment Dwelling Nursing Home	Dwelling Unit in a Portion of a Non-Residential Building	Non-Residential Uses
Depth  <b>Exterior Side Yard,</b> Minimum Width	with the established building line.				the building on the lot.
<b>Rear Yard,</b> Minimum Depth	<b>10.5 m</b> (34.4 ft)	<b>12.5 m</b> (41 ft), provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to <b>3 m</b> (9.8 ft), except that if the rear lot line adjoins an R1, R2, R3 or FD Zone then this reduction shall not apply.		No Provision	<b>12.5 m</b> (41 ft)
<b>Interior Side Yard,</b> Minimum Width	<b>3 m</b> (9.8 ft) and <b>1.2 m</b> (3.94 ft) on the narrow side, provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, or where the property has direct access to a public lane the required side yard shall be <b>1.2 m</b> (3.9 ft) on both sides	<b>6 m</b> (19.7 ft), provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to <b>3 m</b> (9.8 ft), except that if the interior side lot line adjoins an R1, R2, R3 or FD Zone then this reduction shall not apply.		<b>3 m</b> (9.8 ft) and <b>1.2 m</b> (3.94 ft) on the narrow side, provided that where the property has direct access to a public lane the required side yard shall be <b>1.2 m</b> (3.9 ft) on both sides.	
<b>Setback,</b> Minimum Distance from the Centreline of an Arterial	<b>19.0 m</b> (62.3 ft)	<b>20.5 m</b> (67.3 ft)		No Provision	No Provision

TABLE 12.2B: ZONE PROVISIONS					
Zone Provision	Bed and Breakfast, Converted Dwelling, Boarding or Lodging House or Group Home	Multiple Unit Dwelling	Apartment Dwelling Nursing Home	Dwelling Unit in a Portion of a Non-Residential Building	Non-Residential Uses
Road as shown on Schedule 'C'					
<b>Lot Coverage Maximum</b>	40% of the lot area			No Provision	35%
<b>Landscaped Open Space, Minimum</b>	30% of the lot area			No Provision	30%
<b>Dwelling Unit area, Minimum</b>	<b>55 m<sup>2</sup></b> (592 ft <sup>2</sup> ) for each unit in a converted dwelling or <b>19.5 m<sup>2</sup></b> (209.9 ft <sup>2</sup> ) for each roomer or boarder in a group home or boarding or lodging house	<b>55 m<sup>2</sup></b> (592 ft <sup>2</sup> .)		<b>45 m<sup>2</sup></b> (484.4 ft <sup>2</sup> )	No Provision
<b>Height of Building, Maximum</b>	Shall be the height existing on the date of passing of this By-law	<b>7.5 m</b> (24.6 ft)		No Provision	Shall be the height existing on the date of passing of this By-Law
<b>Amenity Area, Minimum</b>	<b>150 m<sup>2</sup></b> (1,614 ft <sup>2</sup> ) per dwelling, or <b>40 m<sup>2</sup></b> (430.6 ft <sup>2</sup> ) per dwelling unit in the case of a converted dwelling.	<b>40 m<sup>2</sup></b> (430 ft <sup>2</sup> ) per dwelling unit and in accordance with the provisions of Section 12.2.1		<b>40 m<sup>2</sup></b> (430 ft <sup>2</sup> ) per dwelling unit and in accordance with the provisions of Section 12.2.1	No Provision
<b>Planting Strip</b>	No Provision	Where a driveway or parking area abuts a Residential use or undeveloped land in an R1, R2, R3, FD or EC zone, then a planting strip with a minimum width of 1.0 m shall be provided adjoining such abutting lot line or portion thereof. The use of such planting strip will comply with Section 5.21.			

TABLE 12.2B: ZONE PROVISIONS					
Zone Provision	Bed and Breakfast, Converted Dwelling, Boarding or Lodging House or Group Home	Multiple Unit Dwelling	Apartment Dwelling Nursing Home	Dwelling Unit in a Portion of a Non-Residential Building	Non-Residential Uses
Parking, accessory uses, permitted encroachments and other general provisions	In accordance with the provisions of Section 5, unless otherwise expressly stated in this section.				

12.2.1 **AMENITY AREAS**

12.2.1.1 Private Outdoor Amenity Area for Street Fronting Townhouses

A private outdoor amenity area shall be provided immediately adjacent to each dwelling unit for the private use of the occupants of the dwelling unit. The private outdoor amenity area shall have a total area of not less than **40 m<sup>2</sup>** (430.6 sq ft) and must be enclosed along at least 50% of the perimeter by a privacy fence.

12.2.1.2 Children's Outdoor Play Area for Multiple Unit Dwellings and Apartment Dwellings

A children's outdoor play area shall be provided for Multiple Unit Dwellings and Apartment Dwellings, with a minimum size of the play area to be determined by the number of units as follows:

<u>Type of Unit</u>	<u>Requirement per Unit</u>
Two Bedroom	<b>1 m<sup>2</sup></b> (10.8 sq ft)
Three or more Bedrooms	<b>1.5 m<sup>2</sup></b> (16.2 sq ft)

In no case shall the play area be less than **50 m<sup>2</sup>** (538.2 sq ft) in size and shall not be located closer than **5 m** (16.4 ft) to any door or window of a dwelling unit.

#### 12.2.2 **SETBACK ADJACENT TO RESIDENTIAL ZONES**

Where a non-residential use in an Entrepreneurial (EC) Zone abuts any Residential Zone then a **6 m** (19.7 ft) side yard shall be required on the side that so abuts.

#### 12.2.3 **LOCATION OF PARKING AREAS**

Notwithstanding any other provisions of this By-Law to the contrary, for a bed and breakfast, rooming or boarding house, converted dwelling, retirement home-converted, apartment building and non-residential use, all parking areas with the exception of driveways shall be located within the Interior Side Yard or Rear Yard behind the required Front Yard or Exterior Side Yard Setback where applicable.

#### 12.2.4 **OPEN STORAGE REQUIREMENTS**

No open storage shall be permitted.

### 12.3 **SPECIAL ZONING - RESIDENTIAL ENTREPRENEURIAL AREAS, (EC-R)**

#### 12.3.1 Notwithstanding any provisions of this By-law to the contrary, no person shall within any EC-R Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

- an apartment dwelling;
- a bed and breakfast establishment;
- a boarding or lodging house, with a maximum of 3 guest rooms;
- a business or professional office, converted;
- a converted dwelling;
- a duplex dwelling;
- a dwelling unit accessory to a permitted non-residential use;
- a group home;
- a home occupation, in accordance with the provisions of Section 5.11;
- a medical clinic, converted
- a multiple unit dwelling;
- a nursing home, converted;
- a semi-detached dwelling;
- a single detached dwelling; and
- a street fronting townhouse dwelling;

#### 12.3.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any EC-R Zone use any building or structure except in accordance with the following provisions:

**12.3.2.1 HOLDING ZONE PROVISIONS:**

Where the symbol (H) appears on a zoning map following the zone symbol EC-R, notwithstanding the 'Uses Permitted', unless this By-law has been amended to remove the relevant "H" symbol, those lands shall not be developed or used except in accordance with the following:

**12.3.2.1.1 Purpose of the Holding Symbol:**

To ensure that development or redevelopment takes a form compatible with adjacent uses, agreements shall be entered into consistent with Section 41 of the Planning Act following public site plan review, prior to the removal of the "H" symbol.

To ensure that buildings and structures that have been identified by the Town as historically significant and that have been designated under the Ontario Heritage Act, or which are actively being pursued for such designation are not negatively impacted by development or redevelopment, agreements shall be entered into following public site plan review consistent with Section 41 of the Planning Act, prior to the removal of the "H" symbol.

**12.3.2.1.2 Interim Uses Permitted Without Lifting the "H" Symbol:**

Permitted 'Residential' uses with 3 or fewer dwelling units, rooming units or guest rooms. Notwithstanding the above, an apartment dwelling is not a permitted interim use.

12.3.3 That all the provisions of the EC Zone in Section 12.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**12.4 SPECIAL PROVISIONS****12.4.1 LOCATION: BIDWELL STREET AND RIDOUT STREET, EC-1**

12.4.1.1 Notwithstanding any provisions of By-Law Number 1994 to the contrary, no person shall within any EC-1 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a nursing home.

12.4.1.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any EC-1 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

12.4.1.2.1 Number of Nursing and Rest Home Beds:

Maximum 106 beds

12.4.1.3 That all the provisions of the EC Zone in Section 12.2 to this By-Law, as amended shall apply, and further that all other provisions of By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

12.4.2 **LOCATION: BROADWAY AT VENISON STREET AND BIDWELL STREET, NORTH OF BRIDGE STREET, EC-2**

12.4.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any EC-2 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses listed in Table 12.1; and  
an eating establishment;

12.4.2.2 That all the provisions of the EC Zone in Section 12.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

12.4.3 **LOCATION: BRIDGE STREET AT BIDWELL AVENUE, EC-3**

12.4.3.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any EC-3 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses listed in Table 12.1 and;  
a public garage.

12.4.3.2 That all the provisions of the EC Zone in Section 12.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

12.4.4 **LOCATION: BROADWAY AT BRIDGE STREET, EC-4**

12.4.4.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any EC-4 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses listed in Table 12.1; and  
an eating establishment;

- 12.4.4.2 That all the provisions of the EC Zone in Section 12.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

13.1 USES PERMITTED

No person shall within any CC Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the CC uses presented in Table 13.1:

<b>TABLE 13.1: USES PERMITTED</b>
<b>Residential Uses:</b>
• an <i>apartment dwelling</i> ;
• a <i>boarding or lodging house</i> ;
• a <i>converted dwelling</i> ;
• a <i>dwelling unit</i> in the upper portion of a non-residential building, other than an automobile service station;
• a <i>group home</i> , in accordance with the provisions of Section 5.10 of this By-Law;
• a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
• a <i>multiple unit dwelling</i> ;
• an <i>existing single detached dwelling, duplex dwelling or semi-detached dwelling</i> , in accordance with the provisions contained in Section 7.2 of this By-Law.
<b>Non-Residential Uses:</b>
• an antique shop;
• an art gallery;
• an <i>assembly hall</i> ;
• an automated banking machine;
• a <i>bakeshop</i> ;
• a <i>bank or financial institution</i> ;
• a <i>bar or tavern</i> ;
• a broadcasting station;
• a <i>brew your own establishment</i> ;
• a bus station;
• a <i>business or professional office</i> ;
• a <i>business service establishment</i> ;
• a <i>commercial recreation establishment – indoor</i>



TABLE 13.1: USES PERMITTED
• a <i>commercial school</i> ;
• a commercial use existing at the time of passage of this By-law.
• a computer and data processing business;
• a <i>convenience store</i> ;
• a <i>daycare centre</i> ;
• a <i>dry cleaning depot</i> ;
• a <i>dry cleaning establishment</i> ;
• an <i>eating establishment</i> , excluding a <i>drive through facility</i> ;
• a farm produce retail outlet;
• a film processing centre or depot;
• a fire, police or ambulance station;
• a <i>fitness club</i> ;
• a funeral home;
• a furniture and home appliance sales and service establishment;
• an <i>institutional hall or lodge</i> ;
• a government administrative office;
• a <i>hotel or motel</i> ;
• a liquor, beer and/or wine store;
• a <i>medical/dental centre</i> ;
• a <i>nursing home</i> ;
• a parking lot;
• a <i>personal service establishment</i> ;
• a <i>place of entertainment</i> , excluding a bingo hall
• a <i>place of worship</i> ;
• a printing shop;
• a <i>public garage</i> ;
• a <i>public library</i> ;
• a public use, in accordance with the provisions of Section 5.23 of this By-Law;

TABLE 13.1: USES PERMITTED	
•	a retail food store;
•	a retail nursery and garden centre;
•	a <i>retail store</i> ;
•	a <i>service shop</i> ;
•	a <i>shopping centre</i> ;
•	a <i>studio</i> ;
•	a taxi stand or station;
•	a veterinary clinic, excluding kennel facilities;
•	a video rental establishment;
•	a wholesale outlet.

### 13.2 ZONE PROVISIONS

No person shall within any CC Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 13.2:

TABLE 13.2: ZONE PROVISIONS			
Zone Provision	Converted Dwelling, Boarding or Lodging House or Group Home	Apartment Dwelling, Multiple Unit Dwelling, Nursing Home	Non-Residential Uses and dwelling units in a portion of a Non-residential building
Lot Area: Minimum	600 m <sup>2</sup> (6,458.5 ft <sup>2</sup> )	90 m <sup>2</sup> (968.8 ft <sup>2</sup> ) per dwelling unit.	90 m <sup>2</sup> (968.8 ft <sup>2</sup> ) per dwelling unit.
Lot Area, Maximum	No provision	320 m <sup>2</sup> (3,445 ft <sup>2</sup> ) per dwelling unit	No Provision
Lot Frontage: Minimum	20 m (65.6 ft)		No Provision
Lot Depth, Minimum	30 m (98.4 ft)	No Provision	No Provision
Front Yard, Minimum Depth	6.0 m (19.7 ft)	7.5 m (24.6 ft)	No Provision, except for the west side of Bidwell Street, where is shall be 3 m (9.8 ft)
Exterior Side			

TABLE 13.2: ZONE PROVISIONS			
Zone Provision	Converted Dwelling, Boarding or Lodging House or Group Home	Apartment Dwelling, Multiple Unit Dwelling, Nursing Home	Non-Residential Uses and dwelling units in a portion of a Non-residential building
Yard, Minimum Width			
Rear Yard, Minimum Depth	10 m (32.8 ft)	10.5 m (34.4 ft), provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 3 m (9.8 ft), except where the interior rear line adjoins an R1, R2, R3 or FD Zone.	6 m (19.7 ft)
Interior Side Yard, Minimum Width	3 m (9.8 ft) and 1.5 m (4.9 ft) on the narrow side, provided that where a garage or carport is attached to or is within the main building, or the lot is a corner lot, the minimum width shall be 1.5 m (4.9 ft).	6 m (19.7 ft), provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 3 m (9.8 ft), except where the interior side lot line adjoins an R1, R2, R3 or FD Zone.	No Provision
Setback, Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'	19.0 m (62.3 ft)	20.5 m (67.3 ft)	No Provision
Lot Coverage, Maximum	50% of the lot area		No Provision
Landscaped Open Space, Minimum	15% of the lot area		No Provision
Dwelling Unit area, Minimum	55 m <sup>2</sup> (592 ft <sup>2</sup> ) for each unit in a converted dwelling or 19.5 m <sup>2</sup> (209.9 ft <sup>2</sup> ) for each roomer or boarder in a group home or boarding or	55 m <sup>2</sup> (592 ft <sup>2</sup> )	55 m <sup>2</sup> (592 ft <sup>2</sup> )

TABLE 13.2: ZONE PROVISIONS			
Zone Provision	Converted Dwelling, Boarding or Lodging House or Group Home	Apartment Dwelling, Multiple Unit Dwelling, Nursing Home	Non-Residential Uses and dwelling units in a portion of a Non-residential building
	lodging house		
<b>Gross Floor Area, Maximum</b>	No Provision	4.0 times the lot area	4.0 times the lot area
<b>Height of Building, Maximum</b>	<b>11 m</b> (36.1 ft)	<b>22 m</b> (72.2 ft)	<b>22 m</b> (72.2 ft)
<b>Amenity Area, Minimum</b>	No Provision	<b>40 m<sup>2</sup></b> (430 ft <sup>2</sup> ) per dwelling unit	<b>40 m<sup>2</sup></b> (430 ft <sup>2</sup> ) per dwelling unit
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>		In accordance with the provisions of Section 5	

### 13.2.1 LOCATION OF AMUSEMENT ARCADES

Notwithstanding the permitted uses in Table 13.1, amusement arcades are not permitted on lands fronting or flanking onto Broadway in the CC zone.

### 13.2.2 RESTRICTIONS ON GROUND FLOOR RESIDENTIAL DEVELOPMENT

Notwithstanding the residential uses permitted in Table 13.1, no residential use shall be permitted on the ground floor of any building located within the lands bounded by Bidwell Street to the west, Harvey Street to the east, Bridge Street to the north and Baldwin/Oxford Streets to the south.

### 13.2.3 SETBACK ADJACENT TO RESIDENTIAL ZONES

Notwithstanding the side yard provisions contained in Table 13.2, where a lot in the Central Commercial (CC) Zone abuts any lot in any Residential or Residential Entrepreneurial Zone then a minimum **6 m** (19.7 ft) interior side yard shall be required on the side that so abuts.

**13.2.4 SPECIAL PROVISIONS FOR HOTELS AND MOTELS**

Where the exterior wall of a guest room in a hotel or motel contains a habitable room window such wall shall be located not closer than **7.5 m** (24.6 ft) to any interior side or rear lot line.

**13.2.5 OPEN STORAGE REQUIREMENTS**

No open storage shall be permitted.

**13.2.6 LOCATION OF PUBLIC GARAGES**

Notwithstanding the permitted uses in Table 13.1, a *public garage* shall not be permitted on lands fronting or flanking onto Broadway within the CC zone.

**13.3 SPECIAL PROVISIONS****13.3.1 LOCATION: BROADWAY AND BRIDGE STREET (PART OF LOTS 989, 990, 994, 1013, 1026, 1045, 1046, 1050-1052, PART OF HALE STREET, MARKET STREET & RAYNES STREET, ALL OF LOTS 991, 1047-1049 & 1053, PLAN 500), CC-1**

13.3.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any CC-1 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all non-residential uses permitted in Section 13.1 to this By-Law; and  
a home and auto supply store and outdoor garden centre.

13.3.1.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any CC-1 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

13.3.1.2.1 Setback adjacent to Residential Zones:

The required yard for that portion of the subject property abutting a Residential Zone on the west side of the ravine shall be a minimum of **1.5 m** (4.9 ft).

13.3.1.2.2 Outdoor Garden Centre:

Any portion of the lot used for an outdoor garden centre shall also comply with the following provisions:

13.3.1.2.2.1 Such outdoor garden centre shall be fully enclosed by a fence with a minimum height of 2.4 m (8 ft), and screened from street allowances and abutting properties by fencing, shrub planting or similar screening.

13.3.1.2.2.2 No portion of the outdoor garden centre shall be located closer than **5 m** (16.4 ft) to the Broadway street line, or 3 m (9.8 ft) to the Bridge Street, street line.

13.3.1.2.2.3 Number of Parking Spaces Required:

Minimum 290 parking spaces, or 1 space per **25 m<sup>2</sup>** (269.1 ft<sup>2</sup>), of gross floor area, whichever is the greater. All required spaces shall be located

13.3.1.2.2.4 Two Zone Flood Plain Area:

Any construction or site alteration within the Two Zone Flood Plain Area, as defined by the Long Point Region Conservation Authority, shall require the prior approval of the Long Point Region Conservation Authority.

13.3.1.3 That all other provisions of the CC Zone in Section 13.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

13.3.2 **LOCATION: BROADWAY AND BROCK STREET (LOT 1483, PLAN 500), CC-2**

13.3.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any CC-2 Zone use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

13.3.2.1.1 Parking Spaces On-site:

Minimum: 10

13.3.2.1.2 That all other provisions of the CC Zone in Section 13.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

14.1 USES PERMITTED

No person shall within any SC Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the SC uses presented in Table 14.1:

TABLE 14.1: USES PERMITTED
• An <i>accessory dwelling unit</i> in a portion of a non-residential building, other than an automobile service station;
• <i>an assembly hall</i> ;
• <i>an auction establishment</i> ;
• an automated banking machine;
• <i>an automobile service station</i> ;
• <i>a bar or tavern</i> ;
• <i>a brew your own establishment</i> ;
• <i>a building supply store and yard</i> ;
• <i>a commercial recreation establishment - indoor</i> ;
• <i>a commercial recreation establishment – outdoor</i> ;
• <i>a convenience store</i> , not exceeding <b>372 m<sup>2</sup></b> (4,004 ft <sup>2</sup> );
• <i>a dry cleaning establishment</i> ;
• <i>an eating establishment</i> , with or without a <i>drive through facility</i> ;
• a farm produce retail outlet;
• a fire, police or ambulance station;
• a funeral home;
• a furniture and home appliance sales and service establishment;
• <i>a gas bar</i> ;
• <i>a hotel or motel</i> ;
• a household power equipment sales and service establishment;
• <i>a kennel</i> ;
• <i>a motor vehicle sales establishment</i> ;
• a motor vehicle retail or wholesale parts outlet;
• a motor vehicle washing establishment;

TABLE 14.1: USES PERMITTED	
•	<i>a parking lot;</i>
•	<i>a personal service establishment;</i>
•	<i>a place of entertainment;</i>
•	<i>a place of worship</i>
•	<i>a public garage;</i>
•	a public use, in accordance with the provisions of Section 5.23 of this By-Law;
•	a retail food store;
•	a retail nursery.
•	<i>a service shop;</i>
•	a taxi stand or station;
•	<i>a veterinary clinic;</i>
•	a video rental establishment
•	a wholesale outlet, accessory to any permitted non-residential use.

## 14.2 ZONE PROVISIONS

No person shall within any SC Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 14.2:

TABLE 14.2: ZONE PROVISIONS			
Zone Provision	Non-Residential Uses and an Accessory Dwelling Unit	Automobile Service Station or Public Garage	Hotel or Motel
<b>Lot Area:</b> Minimum	<b>900 m<sup>2</sup></b> (9,687.8 ft <sup>2</sup> )	No Provision	<b>1,125 m<sup>2</sup></b> (12,109.8 ft <sup>2</sup> ), provided that an additional <b>200 m<sup>2</sup></b> (2,152.9 ft <sup>2</sup> ) of lot area shall be provided for each guest room in excess of 4 guest rooms
<b>Lot Frontage:</b> Minimum	<b>20 m</b> (65.6 ft)	<b>35 m</b> (114.8 ft)	<b>25 m</b> (82 ft)
<b>Lot Depth:</b> Minimum	<b>45 m</b> (147.6 ft)		



TABLE 14.2: ZONE PROVISIONS			
Zone Provision	Non-Residential Uses and an Accessory Dwelling Unit	Automobile Service Station or Public Garage	Hotel or Motel
<b>Front Yard:</b> Minimum Depth <b>Exterior Side Yard:</b> Minimum Width	<b>9 m</b> (29.5 ft)	<b>12 m</b> (39.4 ft)	<b>10 m</b> (32.8 ft)
<b>Rear Yard:</b> Minimum Depth	<b>7.5 m</b> (24.6 ft), provided that where the rear lot line abuts a Residential or FD Zone, the minimum interior side yard shall be <b>12 m</b> (39.4 ft)	<b>10 m</b> (32.8 ft), provided that where the rear lot line abuts a Residential or FD Zone, the minimum interior side yard shall be <b>12 m</b> (39.4 ft)	<b>7.5 m</b> (24.6 ft), provided that where the rear lot line abuts a Residential or FD Zone, the minimum interior side yard shall be <b>12 m</b> (39.4 ft)
<b>Interior Side Yard:</b> Minimum Width	<b>4.5 m</b> (14.8 ft), provided that where the interior side lot line abuts a Residential or FD Zone, the minimum interior side yard shall be <b>9 m</b> (29.5 ft)	<b>6 m</b> (19.7 ft), provided that where the interior side lot line abuts a Residential or FD Zone, the minimum interior side yard shall be <b>9 m</b> (29.5 ft)	
<b>Setback:</b> Minimum Distance from the Centreline of an Arterial Road as shown on Schedule "B"	<b>20.5 m</b> (67.3 ft)	<b>25 m</b> (82 ft)	<b>23 m</b> (75.5 ft)
<b>Lot Coverage for All Buildings:</b> Maximum	40% of the lot area	20% of the lot area	35% of the lot area
<b>Landscaped Open Space:</b> Minimum	15% of the lot area		
<b>Dwelling Unit Area,</b> Minimum	<b>45 m<sup>2</sup></b> (484.4 ft <sup>2</sup> )	No Provision	
<b>Number of Accessory Dwelling Units Per Lot,</b> Maximum	One		
<b>Height of Building:</b> Maximum	<b>11 m</b> (36.1 ft)		
<b>Parking, Accessory Buildings and other General Provisions</b>	In accordance with the provisions of Section 5		

**14.2.1 OPEN STORAGE REQUIREMENTS**

No storage of goods or materials is permitted outside any building except that the open storage of goods or materials may be permitted to the rear of the main building provided that:

- 14.2.1.1 such open storage is accessory to the use of the main non-residential building on the lot;
- 14.2.1.2 such open storage complies with the yard and setback requirements of this Section;
- 14.2.1.3 such open storage shall be enclosed within a wooden, rigid plastic and/or metal fence extending at least **1.5 m** (4.9 ft) in height from the ground, constructed of new materials and in such a manner as to ensure the open storage use is visibly screened from the streetline and any abutting residential uses;
- 14.2.1.4 such open storage shall not cover more than 30% of the lot area, nor exceed twice the ground floor area of the main building on the lot.
- 14.2.1.5 Notwithstanding the open storage yard, setback and enclosure requirements, the open storage of finished goods or materials shall be permitted for the purposes of display or sale.

**14.2.2 REQUIREMENTS FOR PUMP ISLANDS**

Notwithstanding any other provisions of this By-law to the contrary, a pump island and canopy may be located within any front yard or exterior side yard provided:

- 14.2.2.1 the minimum distance between any portion of the pump island and canopy and any lot line shall be **5 m** (16.4 ft); and
- 14.2.2.2 where the lot is a corner lot, no portion of any pump island and canopy shall be located closer than **3 m** (9.8 ft) to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being distant **14 m** (49.2 ft) from the intersection of such lines.

**14.2.3 DRIVEWAY REQUIREMENTS FOR USES WITH PUMP ISLANDS**

Notwithstanding the provisions of this By-Law to the contrary, the following provisions shall apply to driveways for uses with pump islands:

- 14.2.3.1 the minimum width of a driveway shall be **5 m** (16.4 ft), with the maximum width of a driveway not to exceed **10 m** (32.8 ft);
- 14.2.3.2 the minimum distance between driveways measured along the street line intersected by such driveways shall be **7.5 m** (24.6 ft);

14.2.3.3 the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be **15 m** (49.2 ft);

14.2.3.4 the minimum distance between an interior side lot line and any driveway shall be **3 m** (9.8 ft);

14.2.3.5 the interior angle formed between the street line and the centreline of any driveway shall be not less than 60 degrees.

14.2.4 **SPECIAL PROVISIONS FOR HOTELS AND MOTELS**

14.2.4.1 DISTANCE BETWEEN BUILDINGS

Where more than one building is erected on the same lot, the minimum distance between buildings shall not be less than **15 m** (49.2 ft), provided that where two external walls facing and parallel to each other contain no opening or windows to habitable rooms, the distance between such two walls may be reduced to **3 m** (9.8 ft). For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.

In the above paragraph, "angle of divergence" means the interior acute angle formed by the line between such two external walls or their projection.

14.2.4.2 COURTS

Where a building erected on a lot is built around a court, the distance between the opposite walls of the building forming the court shall not be less than **20 m** (65.6 ft).

14.2.4.3 EXTERIOR WALL

Where the exterior wall of a guest room contains a habitable room window, such wall shall be located not closer than **7.5 m** (24.6 ft) to an interior side or rear lot line.

14.2.4.4 GUEST ROOM AREA

Minimum **18 m<sup>2</sup>** (193.8 ft<sup>2</sup>)

**14.3 HOLDING “H” ZONES**

In accordance with Section 3.2, where a property shown on Schedule 'A' is listed as SC (H), the symbol shall be placed in accordance with the following: no buildings or structures shall be erected or altered, save and except existing buildings, until the "(H)" symbol is removed in accordance with the requirements of the Planning Act, RSO 1990, as amended. Holding zone provisions for specific properties are defined in Section 14.4.1, or within a Special Provision, in Section 14.5.

**14.3.1 HOLDING ZONE PROVISIONS - WEST SIDE OF TILLSON AVE, NORTH OF CONCESSION STREET**

Where the symbol "H" appears on a zoning map following the zone symbol SC, those lands shall not be developed or used except in accordance with Section 3.2, and the following:

**14.3.1.1 PURPOSE OF THE HOLDING SYMBOL**

To ensure that orderly development of land identified by the Ministry of the Environment as contaminated lands is remediated in accordance with site hydrogeological studies, site investigations, and remediation plans, and/or a Record of Site Condition, is filed against the title of the subject property.

Removal of the “H” symbol will occur once Ministry of the Environment approvals are received, and the owner of the subject land and the Town of Tillsonburg has entered into a Site Plan Agreement consistent with Section 41 of the Planning Act.

Permitted Interim Uses: Existing uses, buildings, and structures as they legally existed at the date of adoption of this By-Law.

14.3.1.2 That the provisions of the SC Zone in Section 14.2 to this By-law, as amended, shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**14.4 SITE SPECIFIC PROVISIONS FOR EXISTING COMMERCIAL PLAZAS, (SC-E)**

14.4.1 Notwithstanding the uses permitted in Table 14.1, no person shall within any SC-E zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

- any use permitted in Table 14.1;
- a medical/dental centre;
- a real estate, insurance or travel agency;
- a monument sales establishment;
- a *business professional* office

14.5 SPECIAL PROVISIONS

## 14.5.1 LOCATION: VANCE DRIVE, SC-1

14.5.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-1 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

## 14.5.1.1.1 Residential Uses:

2 dwelling units each having an area not less than 46.5 square metres in the upper portion of a non-residential building.

## 14.5.1.1.2 Non-Residential Uses:

all uses permitted in Table 14.1; and  
an upholstery shop;

14.5.1.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-1 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

## 14.5.1.2.1 Southern Interior Side Yard:

Minimum width **2.5 m (8.2 ft)**

14.5.1.3 That all the provisions of the SC Zone in Section 12.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

## 14.5.2 LOCATION: MOOSE STREET, SC-2

14.5.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-2 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Section 14.1 of this By-Law; and  
a mini-warehouse open to the general public containing storage units of various sizes, but not to exceed **30 m<sup>2</sup> (323 ft<sup>2</sup>)** per storage unit.

14.5.2.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-2 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

14.5.2.3 That all the provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

14.5.3 **LOCATION: EAST SIDE OF BROADWAY, SC-3**

14.5.3.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-3 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Table 14.1;  
 an amusement arcade with a maximum gross floor area of 112 m<sup>2</sup> (1206 ft<sup>2</sup>);  
 an antique shop;  
 a bank or financial institution;  
 a brewers' retail outlet;  
 a business or professional office;  
 a delicatessen or butcher shop;  
 an eating establishment with a maximum gross floor area of 185.8 m<sup>2</sup> (2000 ft<sup>2</sup>) if in the same building as a movie theatre/cinema;  
 a farm implement dealer;  
 a movie theatre/cinema with a maximum of 400 seats;  
 a printing shop;  
 a real estate office;  
 a sporting goods and power equipment sales and services establishment; and  
 a tire sales establishment;

14.5.3.1.1 For the purposes of this subsection, "an amusement arcade" shall mean, a building, or part of a building, in which three or more pinball machines, video games, air hockey tables, pool or billiard tables, or other similar player-operated amusement devices are provided for public amusement.

14.5.3.1.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-3 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

14.5.3.2.1 **Parking Space Size:**

The parking spaces located adjacent to all sides of the building shall have reduced size standards:

Minimum Width **2.7 m (8.9 ft)**

Minimum Depth **5.5 m (18.0 ft)**

## 14.5.3.2.2 Number of On-Site Parking Spaces:

Minimum 94 spaces

## 14.5.3.2.3 Location of Parking Spaces:

On-site parking spaces shall be located on the owner's lands in the SC-3 Zone and in the abutting SC Zone to the north.

## 14.5.3.2.4 Office/Retail/Eating Establishment Floor Space:

Total Maximum Gross Floor Area of a movie theatre/cinema located in the building **743.2 m<sup>2</sup>** (8000 ft<sup>2</sup>)

14.5.3.3 That all the provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

14.5.4 **LOCATION: BROADWAY, SC-4**

14.5.4.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-4 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Table 14.1; and  
a retail food store not exceeding 3716 m<sup>2</sup> (40,000 ft<sup>2</sup>) gross floor area;

14.5.4.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC-4 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

## 14.5.4.2.1 Height of Building:

Maximum **13 m** (42.6 ft)

14.5.4.3 That all the provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**14.5.5 LOCATION: CORNER OF YOUNG AND ROUSE STREETS, SC-5**

14.5.5.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC-5 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Table 14.1; and  
a bus service garage and yard.

14.5.5.2 That all other provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**14.5.6 LOCATION: WEST SIDE OF TILLSON AVENUE, BETWEEN CONCESSION STREET AND FIRST STREET, SC-6**

14.5.6.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC-6 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Table 14.1; and  
a motor vehicle repair garage and accessory vehicle storage.

14.5.6.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC-6 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

14.5.6.2.1 Southerly Interior Side Yard:

Minimum width **3 m (9.8 ft.)**

14.5.6.2.2 Accessory Motor Vehicle Storage Area:

A motor vehicle storage area, accessory to a motor vehicle repair garage, shall only be located in the rear yard and shall be completely enclosed by a fence.

14.5.6.3 That all other provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.



**14.5.7 LOCATION: CORNER OF VIENNA ROAD AND ROUSE STREET, SC-7**

14.5.7.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC-7 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

**14.5.7.1.1 Setback of a Church from the Railway:**

Any buildings used for a church shall be setback a minimum of 50 m (164 ft) from the closest portion of the CN railway property, located to the south of the subject property.

**14.5.7.1.2 Setback of a Church from Vienna Road (Highway #19):**

Any buildings used for a church shall be setback a minimum of 35 m (114.8 ft) from the closest portion of the Vienna Road (Highway #19) Street Line.

14.5.7.2 That all other provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**14.5.8 LOCATION: TILLSON AVENUE, SC-9**

14.5.8.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-8 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

**14.5.8.1.1 Residential Uses:**

Not permitted.

**14.5.8.1.2 Non-Residential Uses:**

any non-residential uses listed in Table 14.1;  
a cartage express or truck transport terminal or yard;  
a concrete batching or mixing plant;  
a feed mill;  
a flour mill;  
a fuel storage tank;  
a fuel storage supply yard;  
a grain elevator;  
a kennel establishment for domestic pets;  
an open storage uses of goods or materials if accessory to a permitted uses;  
a planing mill;  
a storage tank.

14.5.8.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC-8 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

14.5.8.2.1 That all the provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

14.5.9 **LOCATION: TILLSON AVENUE, SC-9**

14.5.9.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any SC-9 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

14.5.9.1.1 Residential Uses:

Not permitted.

14.5.9.1.2 Non-Residential Uses:

any non-residential uses listed in Table 14.1;  
a cartage express or truck transport terminal or yard;  
a concrete batching or mixing plant;  
a contractor office or yard;  
a propane sales and storage facility;  
open storage uses of goods or materials if accessory to a permitted uses;  
a planing mill;  
uses legally existing on the subject properties at the time of passing of this By-Law

14.5.9.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC-9 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

14.5.9.2.1 That all the provisions of the SC Zone in Section 14.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

14.5.9 **LOCATION: NORTH STREET, BETWEEN TILLSON AVENUE AND THE CP RAILWAY, SC (H)**

14.5.9.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC (H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following permitted interim uses:

- 14.5.9.1.1 Residential Uses:
- an existing detached single family dwelling house
- 14.5.9.1.2 Non-Residential Uses:
- a builder's supply shop and yard;  
a farm implement dealer;  
a farm produce retail outlet  
a motor vehicle sales establishment;  
a public use in accordance with the provisions of Section 5.19 hereof;  
a retail nursery;  
a taxi stand or station;  
a tire sales establishment;  
a real estate office;  
a Brewer's Retail Outlet; and  
all uses permitted in Table 14.1, provided the Holding (H) symbol is removed in accordance with Section 14.5.9.3.1 of this By-Law
- 14.5.9.3 Notwithstanding any provision of this By-Law to the contrary, no person shall within any SC (H) Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- 14.5.9.3.1 Removal of the Holding Provision:
- Development for uses not listed in Sections 14.5.9.1 of this By-Law, but would otherwise be permitted in Section 14.1 shall only be permitted at such time as written confirmation that the property has been connected to municipal sanitary sewer has been obtained from the County of Oxford and the holding provision has been removed in accordance with the requirements of the Planning Act, RSO 1990, as amended.
- 14.5.9.4 That all other provisions of the SC Zone in Section 14.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

15.1 USES PERMITTED

No person shall within any NC Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the NC uses presented in Table 15.1:

TABLE 15.1: USES PERMITTED	
•	an <i>accessory dwelling unit</i> in the upper storey of a building containing a permitted non-residential use.
•	an automated teller;
•	a <i>convenience store</i> ;
•	a <i>day care centre</i> ;
•	a <i>dry cleaning depot</i> ;
•	an <i>eating establishment</i> , excluding a drive through facility;
•	a <i>fitness club</i> ;
•	a <i>personal service establishment</i> ;
•	a postal outlet;
•	a <i>public library</i> ;
•	a public use, in accordance with the provisions of Section 5.23 of this By-Law;
•	a <i>studio</i> ; and
•	a video rental establishment.

15.2 ZONE PROVISIONS

No person shall within any NC Zone use any lot or erect, alter or use any building or structure for any of the uses permitted in Section 15.1, except in accordance with the provisions presented in Table 15.2:

TABLE 15.2: ZONE PROVISIONS	
Zone Provision	All Permitted Uses
Lot Frontage, Minimum	20 m (65.6 ft)
Lot Depth, Minimum	30 m (98.4 ft)
Lot Area, Minimum	500 m <sup>2</sup> (5,382 ft <sup>2</sup> )
Lot Coverage, Maximum	30% of the lot area
Front Yard, Minimum Depth	9 m (29.5 ft)

TABLE 15.2: ZONE PROVISIONS	
Zone Provision	All Permitted Uses
Exterior Side Yard, Minimum Width	6 m (19.6 ft)
Rear Yard, Minimum Depth	6 m (19.6 ft), provided that where the rear lot line abuts a Residential or Development Zone or the building contains an accessory residential dwelling unit, the minimum rear yard shall be 10.5 m (34.4 ft).
Interior Side Yard, Minimum Width	2.4 m (7.8 ft), provided that where the side lot line abuts a Residential or Development Zone the minimum side yard shall be 4.5 m (14.7 ft)
Gross Floor Area, Maximum	140 m <sup>2</sup> (1,507 ft <sup>2</sup> ) per use, except for a <i>day care centre</i> or <i>public library</i> , provided that the combined gross floor area for all non-residential uses shall not exceed 372 m <sup>2</sup> (4,004.3 ft <sup>2</sup> ).
Landscaped Open Space, Minimum	20% of the lot area
Height of Building, Maximum	10.5 m (34.4 ft)
Number of Accessory Dwelling Units Per Lot, Maximum	One
Dwelling Unit Gross Floor Area, Minimum	45 m <sup>2</sup> (484.4 ft <sup>2</sup> )
Amenity Area, Minimum	18.5 m <sup>2</sup> (199.1 ft <sup>2</sup> ) where an accessory dwelling unit is located on the lot
Accessory buildings, Parking, Permitted Encroachments and Other General Provisions	In accordance with the provisions of Section 5, unless otherwise expressly stated in this section.

### 15.3 SPECIAL PROVISIONS

#### 15.3.1 LOCATION: NORTH STREET AND TILLSON AVENUE, NC-1

15.3.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any NC-1 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Table 15.1; and  
an upholstery shop;

15.3.1.2 That all the provisions of the NC Zone in Section 15.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**15.3.2 LOCATION: EAST SIDE OF TILLSON AVENUE, BETWEEN PEARL STREET AND JOSEPH STREET, NC-2**

15.3.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any NC-2 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following

all uses permitted in Table 15.1; and  
a converted dwelling containing not more than 3 dwelling units.

15.3.2.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any NC-2 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

15.3.2.2.1 Dwelling Unit Area:

Minimum **20 m<sup>2</sup> (592 ft<sup>2</sup>)**

15.3.2.2.2 Front Yard for Existing Dwelling:

Minimum Depth **2.1 m (6.9 ft)**

15.3.2.3 That all the provisions of the NC Zone in Section 15.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**15.3.3 LOCATION: BROADWAY AND VENISON STREET WEST, NC-3**

15.3.3.1 Notwithstanding any provisions of this By-law to the contrary, no person shall within any NC-3 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a business or professional office;  
a dwelling unit located on the second storey;  
an accessory building

15.3.3.2 Notwithstanding any provisions of this By-law to the contrary, no person shall within any NC-3 Zone use any building or structure except in accordance with the following provisions:

15.3.3.2.1 Number of Accessory Buildings:

Maximum **1 only**

- 15.3.3.2.2 Height of Main Building:
- Maximum 2 storeys
- 15.3.3.2.3 Height of Accessory Garage:
- Maximum **4.5 m** (14.8 ft)
- 15.3.3.2.4 Number of Dwelling Units:
- Maximum 1 only
- 15.3.3.2.5 Gross Floor Area for Office Use:
- Maximum **280 m<sup>2</sup>** (3014 ft<sup>2</sup>)
- 15.3.3.3 That all the provisions of the NC Zone in Section 15.2 to this By-law, as amended shall apply, and further that all other provisions of this By-law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.
- 15.3.4 **LOCATION: PEARL STREET, NC-4**
- 15.3.4.1 Notwithstanding any provisions of By-Law Number 1994 to the contrary, no person shall within any NC-4 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:
- a single detached single dwelling house; and  
a non-residential use listed in Table 15.1
- 15.3.4.2 Notwithstanding any provisions of By-Law Number 1994 to the contrary, no person shall within any NC-4 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- 15.3.4.2.1 Lot Depth:
- Minimum **20 m** (65.6 ft.)
- 15.3.4.2.2 Lot Area:
- Minimum **310 m<sup>2</sup>** (3337 ft<sup>2</sup>)
- 15.3.4.2.3 Gross Floor Area:
- Minimum **70 m<sup>2</sup>** (753.4 ft<sup>2</sup>)

15.3.4.2.4 Rear Yard:

Minimum **0.9 m (3 ft.)**

15.3.4.3 That all the provisions of the NC Zone in Section 15.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

15.3.5 **LOCATION: BROADWAY AND VENISON STREET EAST, NC-5**

15.3.5.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any NC-5 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Table 15.1; and  
a funeral home;

15.3.5.2 That all the provisions of the NC Zone in Section 15.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.



16.1 USES PERMITTED

No person shall within any MR Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the MR uses presented in Table 16.1:

<b>TABLE 16.1: USES PERMITTED</b>
<b>Residential Uses:</b>
<ul style="list-style-type: none"> <li>• not permitted;</li> </ul>
<b>Non-Residential Uses:</b>
<ul style="list-style-type: none"> <li>• an <i>animal shelter</i>;</li> </ul>
<ul style="list-style-type: none"> <li>• an assembly plant;</li> </ul>
<ul style="list-style-type: none"> <li>• an <i>autobody repair shop</i>;</li> </ul>
<ul style="list-style-type: none"> <li>• a bus storage yard;</li> </ul>
<ul style="list-style-type: none"> <li>• a <i>contractor's shop or yard</i>;</li> </ul>
<ul style="list-style-type: none"> <li>• a <i>dry cleaning establishment</i>;</li> </ul>
<ul style="list-style-type: none"> <li>• a fabricating plant;</li> </ul>
<ul style="list-style-type: none"> <li>• an <i>industrial mall</i>;</li> </ul>
<ul style="list-style-type: none"> <li>• a <i>kennel</i>;</li> </ul>
<ul style="list-style-type: none"> <li>• a laundry plant;</li> </ul>
<ul style="list-style-type: none"> <li>• a lumber yard;</li> </ul>
<ul style="list-style-type: none"> <li>• a machine shop;</li> </ul>
<ul style="list-style-type: none"> <li>• a manufacturing plant;</li> </ul>
<ul style="list-style-type: none"> <li>• an open storage use in accordance with the provisions of Section 16.2.3 of this By-Law;</li> </ul>
<ul style="list-style-type: none"> <li>• a packaging plant;</li> </ul>
<ul style="list-style-type: none"> <li>• a parking lot;</li> </ul>
<ul style="list-style-type: none"> <li>• a printing plant;</li> </ul>
<ul style="list-style-type: none"> <li>• a processing plant;</li> </ul>
<ul style="list-style-type: none"> <li>• a public garage;</li> </ul>
<ul style="list-style-type: none"> <li>• a public use in accordance with the provisions of Section 5.23 of this By-Law;</li> </ul>
<ul style="list-style-type: none"> <li>• a scientific research and development establishment;</li> </ul>

TABLE 16.1: USES PERMITTED	
	• a self storage warehouse;
	• a <i>service shop</i> ;
	• a warehouse;
	• a retail or wholesale outlet, a business office or an eating establishment accessory to a permitted use;

## 16.2

ZONE PROVISIONS

No person shall within any MR Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 16.2:

TABLE 16.2: ZONE PROVISIONS	
Zone Provision	Non-Residential Uses
<b>Lot Area:</b> Minimum	<b>600 m<sup>2</sup></b> (6,458.5 ft <sup>2</sup> )
<b>Lot Frontage:</b> Minimum	<b>20 m</b> (65.6 ft)
<b>Lot Depth,</b> Minimum	<b>30 m</b> (98.4 ft)
<b>Lot Coverage,</b> Maximum	40% of Lot Area
<b>Front Yard,</b> Minimum Depth <b>Exterior Side Yard,</b> Minimum Width	<b>15.0 m</b> (49.2 ft), provided that where the lands adjoining the opposite side of that portion of the street abutting such front yard or exterior side yard are designated as a Residential or FD Zone, the minimum front yard and exterior side yard shall be <b>25.0 m</b> (82.0 ft)
<b>Rear Yard,</b> Minimum Depth	<b>7.5 m</b> (24.6 ft), provided that where the rear lot line is the boundary line between an MR Zone and a Residential or FD Zone, the minimum rear yard shall be <b>15.0 m</b> (49.2 ft).
<b>Interior Side Yard,</b> Minimum Width	<b>3 m</b> (9.8 ft), provided that where the side lot line is the boundary line between an MR Zone and a Residential or FD Zone, the minimum interior side yard shall be <b>10.0 m</b> (32.8 ft)
<b>Setback,</b> Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'	<b>27.5 m</b> (90.2 ft)
<b>Setback,</b> All other streets	<b>25.0 m</b> (82.0 ft), provided that where the lands adjoining the opposite side of that portion of the street abutting the MR Zone are designated as a Residential or FD Zone, then the required setback opposite such zone is increased by an additional <b>5 m</b> (16.4 ft).
<b>Landscaped Open Space,</b> Minimum	10% of the lot area

TABLE 16.2: ZONE PROVISIONS	
Zone Provision	Non-Residential Uses
Height of Building, Maximum	15.0 m (49.2 ft), provided that if any portion of a building or structure is erected above a height of 15 m (49.2 ft), such building or structure must be set back from the centreline of the abutting street or from the front, side or rear lot line, as the case may be, in addition to the minimum requirements of this By-law, a further distance of 0.5 m (1.6 ft) for each metre by which such building or structure is erected above a height of 15 m (49.2 ft).
Parking, accessory uses, permitted encroachments and other general provisions	In accordance with the provisions of Section 5.

#### 16.2.1 SETBACK ADJACENT TO A SENSITIVE LAND USE

Notwithstanding the provision of Table 16.2 to the contrary, where an MR zone abuts any residential, FD, IN1, IN2 or OS2 zone, then the yard so abutting such zone shall have a minimum depth of **20 m** (65.6 ft) and be used for no other purpose than landscaping or visitor parking.

#### 16.2.2 USE OF FRONT AND EXTERIOR SIDE YARD

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles, except for visitor parking areas.

#### 16.2.3 OPEN STORAGE

No storage of goods or materials is permitted outside any building except that the open storage of goods or materials may be permitted to the rear of the main building provided that:

- 16.2.3.1 such open storage is accessory to the use of the main building on the lot;
- 16.2.3.2 such open storage complies with the yard and setback requirements of this Section;
- 16.2.3.3 such open storage does not cover more than 30% of the lot area nor exceed twice the ground floor area of the main building on the lot;
- 16.2.3.4 any portion of the area used for open storage, where it does not adjoin the outside wall of a building is enclosed by a fence; and

- 16.2.3.5 the fence described in the foregoing subsection is at least **1.5 m** (4.9 ft) in height from the ground and is of permanent masonry, wood and/or rigid plastic construction with a ratio of voids to solids not greater than 50% of such length of fence as may be required so that the storage area is not visible, from a street adjoining the lot or along any line of sight that is perpendicular to the centreline of such street.

16.3 **SPECIAL PROVISIONS**

17.1 USES PERMITTED

No person shall within any MG Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the MG uses presented in Table 17.1:

TABLE 17.1: USES PERMITTED
<b>Residential Uses:</b>
<ul style="list-style-type: none"> <li>• not permitted;</li> </ul>
<b>Non-Residential Uses:</b>
<ul style="list-style-type: none"> <li>• any non-residential use permitted in an MR Zone, together with any associated open storage;</li> </ul>
<ul style="list-style-type: none"> <li>• a asphalt or concrete batching plant;</li> </ul>
<ul style="list-style-type: none"> <li>• a fire, police or ambulance station;</li> </ul>
<ul style="list-style-type: none"> <li>• a feed or flour mill;</li> </ul>
<ul style="list-style-type: none"> <li>• a fuel storage tank or supply yard;</li> </ul>
<ul style="list-style-type: none"> <li>• a grain elevator;</li> </ul>
<ul style="list-style-type: none"> <li>• a municipal sewage treatment plant;</li> </ul>
<ul style="list-style-type: none"> <li>• a municipal yard;</li> </ul>
<ul style="list-style-type: none"> <li>• an open storage use, in accordance with the provisions of Section 17.2.3 of this By-Law;</li> </ul>
<ul style="list-style-type: none"> <li>• a planing mill or sawmill;</li> </ul>
<ul style="list-style-type: none"> <li>• a public use in accordance with the provisions of Section 5.23 of this By-Law;</li> </ul>
<ul style="list-style-type: none"> <li>• a regulating station for petroleum products pipeline or natural gas pipeline;</li> </ul>
<ul style="list-style-type: none"> <li>• an adult training facility, eating establishment, daycare centre, business office, fitness club or retail, factory or wholesale outlet accessory to a permitted use;</li> </ul>
<ul style="list-style-type: none"> <li>• truck transport terminal or yard;</li> </ul>

17.2 ZONE PROVISIONS

No person shall within any MG Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 17.2:

<b>TABLE 17.2: ZONE PROVISIONS</b>	
<b>Zone Provision</b>	<b>Non-Residential Uses</b>
<b>Lot Area:</b> Minimum	<b>600 m<sup>2</sup></b> (6,458.5 sq ft)
<b>Lot Frontage:</b> Minimum	<b>20 m</b> (65.6 ft)
<b>Lot Depth,</b> Minimum	<b>30 m</b> (98.4 ft)
<b>Lot Coverage,</b> Maximum	70% of Lot Area
<b>Front Yard,</b> Minimum Depth  <b>Exterior Side Yard,</b> Minimum Width	<b>15.0 m</b> (49.2 ft), provided that where the lands adjoining the opposite side of that portion of the street abutting such front yard or exterior side yard are zoned Residential, IN1, IN2, OS2 or FD Zone, the minimum front yard and exterior side yard shall be <b>25.0 m</b> (82.0 ft)
<b>Rear Yard,</b> Minimum Depth	<b>7.5 m</b> (24.6 ft), provided that where the rear lot line is the boundary line between a MG Zone and a Residential, IN1, IN2, OS2 or FD Zone, the minimum rear yard shall be <b>20.0 m</b> (65.6 ft), and be used for no other purpose than landscaping or <i>automobile</i> parking.
<b>Interior Side Yard,</b> Minimum Width	<b>3 m</b> (9.8 ft), provided that where the side lot line is the boundary line between an MG Zone and a Residential, IN1, IN2, OS2 or FD Zone, the minimum interior side yard shall be <b>20.0 m</b> (65.6 ft), and be used for no other purpose than landscaping or <i>automobile</i> parking.
<b>Setback,</b> Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'  <b>Setback,</b> All other streets	<b>27.5 m</b> (90.2 ft)  <b>25.0 m</b> (82.0 ft), provided that where the lands adjoining the opposite side of that portion of the street abutting the MG Zone are designated as a Residential or Development Zone, then the required setback opposite such zone is increased by the addition of <b>10 m</b> (32.8 ft).
<b>Landscaped Open Space,</b> Minimum	5% of the lot area

TABLE 17.2: ZONE PROVISIONS	
Zone Provision	Non-Residential Uses
<b>Height of Building, Maximum</b>	<b>15.0 m</b> (49.2 ft), provided that if any portion of a building or structure is erected above a height of <b>15 m</b> (49.2 ft), such building or structure must be set back from the centreline of the abutting street or from the front, side or rear lot line, as the case may be, in addition to the minimum requirements of this By-law, a further distance of <b>0.5 m</b> (1.6 ft) for each metre by which such building or structure is erected above a height of <b>15 m</b> (49.2 ft).
<b>Gross Floor Area for Accessory Uses, Maximum</b>	The total combined gross floor area for all permitted accessory uses shall not exceed 20% of the <i>gross floor area</i> of the industrial use to which they are accessory
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5

#### 17.2.1 SETBACK ADJACENT TO A SENSITIVE LAND USE

Notwithstanding the provision of Table 17.2 to the contrary, where an MG zone abuts any residential, FD, IN1, IN2 or OS2 zone, then the yard so abutting such zone shall have a minimum depth of **20 m** (65.6 ft) and be used for no other purpose than landscaping or visitor parking.

#### 17.2.2 USE OF FRONT AND EXTERIOR SIDE YARD

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles, except for visitor parking areas.

#### 17.2.3 OPEN STORAGE

No storage of goods or materials is permitted outside any building except that the open storage of goods or materials may be permitted to the rear of the main building provided that:

- 17.2.3.1 such open storage is accessory to the use of the main building on the lot;
- 17.2.3.2 such open storage complies with the yard and setback requirements of this Section;
- 17.2.3.3 any portion of the area used for open storage, where it does not adjoin the outside wall of a building is enclosed by a fence; and

- 17.2.3.4 the fence described in the foregoing subsection is at least **1.5 m** (4.9 ft) in height from the ground and of permanent masonry, wood and/or rigid plastic construction; and is constructed so that the open storage use is visibly screened from the streetline and any abutting residential zones.

17.3 **SPECIAL PROVISIONS**

17.3.1 **LOCATION: HIGHWAY No. 3, MG-1**

- 17.3.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any MG-1 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

17.3.1.1.2 RESIDENTIAL USES

a single-detached dwelling if occupied by the caretaker, watchman or other similar person, employed on the lot on which such dwelling house is located, and his family.

17.3.1.1.3 NON-RESIDENTIAL USES

all uses listed in Table 17.1; and  
a motor vehicle sales establishment.

- 17.3.1.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any MG-2 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

- 17.3.1.2.1 That all other provisions of the MG Zone in Section 17.2 to this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

17.3.2 **LOCATION: ROUSE STREET AND VIENNA ROAD (PART LOT 1614, PLAN 500), MG-2**

- 17.3.2.1 Notwithstanding any provision of this By-Law to the contrary, no person shall within any MG-3 Zone shall use any lot, or erect, alter or use any building or structure for any purpose except the following:

all uses permitted in Section 17.1.2 to this By-Law; and  
a waste transfer facility adjacent to an existing rail transload facility

- 17.3.2.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any MG-2 Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:



17.3.2.2.1 That all other provisions of the MG Zone in Section 17.2 to this By-Law, as amended, shall apply, and further that all other provisions of By-Law Number 1994, as amended, that are consistent with the provisions herein contained shall continue to apply “mutatis mutandis”.

17.3.3 **LOCATION: LANDS NORTH OF JOHN POUND ROAD, BETWEEN GEORGE STREET AND BORDEN CRESCENT, MG-3**

17.3.3.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any MG-3 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

- an assembly plant
- a contractor's shop or yard
- a fabricating plant
- an industrial mall
- a machine shop
- a manufacturing plant existing on the date of adoption of this By-Law;
- a motor vehicle retail or wholesale parts outlet existing on the date of adoption of this By-Law;
- a packaging plant
- a printing plant
- a processing plant
- a self storage warehouse
- a warehouse
- a retail or wholesale outlet, a business office or an eating establishment accessory to a permitted use.

17.3.3.2 Notwithstanding any provision of this By-Law to the contrary, no person shall within any MG-3 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

17.3.3.2.1 **FLOOD AND FILL REGULATED AREAS**

Notwithstanding the use restrictions of Section 5.7.3 of this By-Law, a new or enlarged building or structure associated with the permitted use in Section 17.3.2.1 may be permitted within the flood plain, as established by the Long Point Region Conservation Authority, with the written consent of the Long Point Region Conservation Authority.

17.3.3.2.2 That all other provisions of the MG Zone in Section 17.2 of this By-Law, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

18.1 USES PERMITTED

No person shall within any FD Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the FD uses presented in Table 18.1:

TABLE 18.1: USES PERMITTED	
• a farm;	
• a home occupation, in accordance with the provisions of Section 5.11 of this By-law;	
• a public use in accordance with the provisions of Section 5.23 of this By-Law;	
• a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which sales outlet is located;	
• an <i>existing single detached dwelling</i> and any <i>existing accessory buildings</i> , together with any alterations thereto made after the passing of this By-Law, provided that such alterations do not enlarge the <i>gross floor area</i> of such <i>dwelling</i> or <i>accessory buildings</i> by more than 25%.	

18.2 ZONE PROVISIONS

No person shall within any FD Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 18.2:

TABLE 18.2: ZONE PROVISIONS		
Zone Provision	Residential Uses	Non-Residential Uses
<b>Number of Dwellings per Lot, Maximum</b>	1 dwelling	No provision
<b>Lot Area: Minimum</b>	Existing at the date of the passing of this By-law or created through a consent granted by the County Land Division Committee.	<b>1,400 m<sup>2</sup></b> (15,070.0 sq ft)
<b>Lot Frontage: Minimum</b>	Existing at the date of the passing of this By-law or created through a consent granted by the County Land Division Committee.	<b>30 m</b> (98.4 ft)
<b>Lot Coverage, Maximum for all main and accessory buildings</b>	30% of Lot Area	30% of Lot Area

<b>TABLE 18.2: ZONE PROVISIONS</b>		
<b>Zone Provision</b>	<b>Residential Uses</b>	<b>Non-Residential Uses</b>
<b>Setback</b> , Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'	<b>20 m</b> (65.6 ft)	
<b>Front Yard</b> , Minimum Depth  <b>Exterior Side Yard</b> , Minimum Width	<b>7.5 m</b> (24.6 ft)	
<b>Rear Yard</b> , Minimum Depth	<b>7.5 m</b> (24.6 ft)	<b>10.0 m</b> (32.8 ft)
<b>Interior Side Yard</b> , Minimum Width	<b>3.0 m</b> (9.8 ft) on one side and <b>1.2 m</b> (3.9 ft) on the other side  provided that where a garage or carport is attached to, or is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be <b>1.2 m</b> (3.9 ft).	<b>6.0 m</b> (18.7 ft)
<b>Height of Building</b> ,  Maximum	<b>11.0 m</b> (36.1 ft)	<b>11.0 m</b> (36.1 ft)
<b>Parking, Accessory Buildings, Permitted Encroachments and other General Provisions</b>	In accordance with the provisions of Section 5	

### 18.3 SPECIAL PROVISIONS

#### 18.3.1 **LOCATION: CRANBERRY ROAD, FD-1**

18.3.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any 'FD-1' zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a truck transport terminal or yard and accessory uses, provided this use is restricted to existing building and yard locations and setbacks.

- 18.3.1.2 That all the provisions of the FD zone in Section 18.2 to this By-Law as amended and all the other provisions of this By-Law as amended that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

19.1 USES PERMITTED

No person shall within any IN1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the IN1 uses presented in Table 19.1:

TABLE 19.1: USES PERMITTED
• an <i>accessory dwelling unit</i> in a portion of a non-residential building.
• a cemetery;
• a community centre;
• a <i>daycare centre</i> ;
• a fire, police or ambulance station;
• a home occupation, in accordance with the provisions of Section 5.11 of this By-Law;
• a nursery school;
• a nursing home, containing less than 20 beds;
• a parking lot;
• a <i>place of worship</i> , not exceeding <b>650 m<sup>2</sup></b> (7,000 ft <sup>2</sup> ) of <i>gross floor area</i> ;
• a <i>public library</i> ;
• a public use in accordance with the provisions of Section 5.23 of this By-Law;
• a <i>public or private school</i> ;
• a <i>single-detached dwelling</i> which is accessory to a permitted non-residential use;

19.2 ZONE PROVISIONS

No person shall within any IN1 Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 19.2:

TABLE 19.2: ZONE PROVISIONS		
Zone Provision	Non-Residential Uses and accessory dwelling units	Single Detached Dwelling
<b>Lot Area:</b> Minimum	<b>600 m<sup>2</sup></b> (6,458.6 ft <sup>2</sup> )	<b>450 m<sup>2</sup></b> (4,844 ft <sup>2</sup> ) or <b>600 m<sup>2</sup></b> (6,458.6 ft <sup>2</sup> ) in the case of a corner lot
<b>Lot Frontage:</b> Minimum	<b>20 m</b> (65.6 ft)	<b>15 m</b> (49.2 ft) or <b>20 m</b> (65.6 ft) in the case of a corner lot
<b>Lot Depth:</b> Minimum	<b>30 m</b> (98.4 ft)	

<b>TABLE 19.2: ZONE PROVISIONS</b>		
<b>Zone Provision</b>	<b>Non-Residential Uses and accessory dwelling units</b>	<b>Single Detached Dwelling</b>
<b>Lot Coverage</b> , Maximum	30% of Lot Area	
<b>Front Yard</b> , Minimum Depth	7.5 m (24.6 ft)	
<b>Exterior Side Yard</b> , Minimum Width		
<b>Rear Yard</b> , Minimum Depth	10.0 m (32.8 ft)	7.5 m (24.6 ft)
<b>Interior Side Yard</b> , Minimum Width	6.0 m (19.6 ft)	3.0 m (9.8 ft) on one side and 1.2 m (3.9 ft) on the other side, provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 m (4.9 ft)
<b>Setback</b> , Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'	20 m (65.6 ft)	
<b>Landscaped Open Space</b> , Minimum	35% of Lot Area	
<b>Height of Building</b> , Maximum	11.0 m (36.1 ft)	
<b>Number of accessory dwellings or dwelling units per lot</b> , Maximum	1 dwelling or dwelling unit	
<b>Parking, accessory buildings, permitted encroachments and other general provisions.</b>	In accordance with the provisions of Section 5	

### 19.2.1 **ACCESSORY SINGLE DETACHED DWELLING**

Where a single detached dwelling, accessory to a permitted non-residential use, is erected on the lot, then the minimum lot frontage and area requirements for the two uses shall be cumulative and no yard shall be required between such buildings, provided a minimum separation of **3 m** (9.8 ft) is maintained.

### 19.3 **SPECIAL PROVISIONS**

20.1 USES PERMITTED

No person shall within any IN2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the IN2 uses presented in Table 20.1:

TABLE 20.1: USES PERMITTED
• an <i>arena or community centre</i> ;
• a funeral home;
• a fire, police or ambulance station;
• a government administrative office;
• an <i>institutional hall or lodge</i> ;
• a <i>medical/dental centre</i> ;
• a nursing home;
• a <i>public or private hospital</i> ;
• a <i>public park</i> ;
• a retail outlet, business office or <i>eating establishment accessory</i> to a permitted use;
• a special needs home
• any use permitted in an IN1 zone;

20.2 ZONE PROVISIONS

No person shall within any IN2 Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 20.2:

TABLE 20.2: ZONE PROVISIONS		
Zone Provision	Non-Residential Uses and accessory dwelling units	Accessory Single Detached Dwelling
<b>Lot Area</b> , Minimum	<b>900 m<sup>2</sup></b> (9,687.8 ft <sup>2</sup> )	<b>450 m<sup>2</sup></b> (4,843.9 ft <sup>2</sup> ), or <b>600 m<sup>2</sup></b> (6,458.6 ft <sup>2</sup> ) in the case of a corner lot.
<b>Lot Frontage</b> , Minimum	<b>20 m</b> (65.6 ft)	<b>15 m</b> (49.2 ft), or <b>20 m</b> (65.6 ft) in the case of a corner lot.
<b>Lot Coverage</b> , Maximum	30% of Lot Area	

<b>TABLE 20.2: ZONE PROVISIONS</b>		
<b>Zone Provision</b>	<b>Non-Residential Uses and accessory dwelling units</b>	<b>Accessory Single Detached Dwelling</b>
<b>Front Yard,</b> Minimum Depth	<b>10 m</b> (32.8 ft)	<b>7.5 m</b> (24.6 ft)
<b>Exterior Side Yard,</b> Minimum Width		
<b>Rear Yard,</b> Minimum Depth	<b>10.0 m</b> (32.8 ft)	<b>7.5 m</b> (24.6 ft)
<b>Interior Side Yard,</b> Minimum Width	<b>6.0 m</b> (19.6 ft)	<b>3.0 m</b> (9.8 ft) on one side <b>1.2 m</b> (3.9 ft) on the other side provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be <b>1.2 m</b> (3.9 ft)
<b>Setback,</b> Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'	<b>22.5 m</b> (73.8 ft)	<b>20 m</b> (65.6 ft)
<b>Landscaped Open Space,</b> Minimum	35% of Lot Area	
<b>Height of Building,</b> Maximum	<b>12.0 m</b> (39.4 ft)	
<b>Number of Accessory Dwellings or Dwelling Units Per Lot,</b> Maximum	1 dwelling or dwelling unit	
<b>Accessory Retail Outlet, Business Office or Eating Establishment</b>	Accessory retail outlets shall have a maximum gross floor area of <b>25 m<sup>2</sup></b> (269.1 ft <sup>2</sup> ) per use and be wholly contained within the building containing the primary use.	
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5	



**20.2.1 ACCESSORY SINGLE DETACHED DWELLING:**

Where a single detached dwelling, accessory to a permitted non-residential use, is erected on the lot, then the minimum lot frontage and area requirements for the two uses shall be cumulative and no yard shall be required between such buildings, provided a minimum separation of **3 m** (9.8 ft) is maintained.

**20.3 SPECIAL PROVISIONS**

21.1 USES PERMITTED

No person shall within any OS Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the OS1 uses presented in Table 21.1:

<b>TABLE 21.1: USES PERMITTED</b>
• a conservation project
• a flood control works;
• a picnic area;
• a passive use park;
• a public use in accordance with the provisions of Section 5.23 of this By-Law;

21.2 ZONE PROVISIONS

No person shall within any OS1 Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 21.2:

<b>TABLE 21.2: ZONE PROVISIONS</b>	
<b>Zone Provision</b>	<b>Non-Residential Uses</b>
<b>Lot Frontage</b> , Minimum	<b>20 m</b> (65.6 ft)
<b>Lot Area</b> , Minimum	<b>2000 m<sup>2</sup></b> (21,528.5 ft <sup>2</sup> )
<b>Lot Coverage</b> , Maximum	20% of Lot Area
<b>Lot Depth</b> , Minimum	<b>30 m</b>
<b>Front Yard</b> , Minimum Depth	<b>10 m</b> (32.8 ft)
<b>Exterior Side Yard</b> , Minimum Width	
<b>Rear Yard</b> , Minimum Depth	<b>10.0 m</b> (32.8 ft)
<b>Interior Side Yard</b> , Minimum Width	<b>7.5 m</b> (24.6 ft)
<b>Setback</b> , Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'	<b>20.0 m</b> (65.6 ft)

<b>TABLE 21.2: ZONE PROVISIONS</b>	
<b>Zone Provision</b>	<b>Non-Residential Uses</b>
<b>Landscaped Open Space, Minimum</b>	30% of Lot Area
<b>Height of Building, Maximum</b>	<b>11 m</b> (36.1 ft)
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5
<b>Underlying Zones</b>	No part of any Flood Plain overlay shall be used to calculate any of the Zone Provisions as may be required by this By-law for uses in the underlying zone.
<b>Structures within the flood plain</b>	No structure shall be permitted within the flood plain as established by the Long Point Region Conservation Authority without the written consent of the Long Point Region Conservation Authority.

### 21.3 **SPECIAL PROVISIONS**

#### 21.3.1 **LOCATION: LISGAR HEIGHTS**

Notwithstanding any provisions of this By-Law to the contrary, no building or structure other than those necessary for flood or erosion control shall be permitted in an area designated as Block "L", Plan M-42, located east of the lots fronting on Van Norman Drive.

#### 21.3.2 **LOCATION: NORTH SIDE OF NEWELL ROAD, OS1-1**

22.3.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS1-1 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a public park, restricted to natural vegetation and ravine areas, and one or more athletic playing fields, but to exclude any buildings and structures.

a public use in accordance with the provisions of Section 5.23

21.3.2.2 That all other provisions of the OS1 Zone in Section 21.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

## 21.3.3 LOCATION: JOHN POUND ROAD, (OS1-2)

21.3.3.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS1-2 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a private park;  
a public park;  
a conservation area;  
an eating establishment;  
a hotel; and  
a gift shop.

21.3.3.2 Notwithstanding any provision of By-Law Number 1994 to the contrary, no person shall within any OS1-2 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

## 21.3.3.2.1 Location of Permitted Uses:

An eating establishment, a hotel and a gift shop shall only be permitted within the existing building.

## 21.3.3.2.2 Exterior Side Yard:

The existing building containing the restaurant, hotel and gift shop shall have a minimum exterior side yard of **3 m** (10 ft).

## 21.3.3.2.3 Easterly Interior Side Yard:

The minimum interior side yard for the enclosed deck located on the eastern side of the existing building shall be **6.5 m** (21.9 feet).

## 21.3.3.2.4 Location of Loading Spaces:

Required loading spaces for the existing building shall be permitted in the westerly exterior side yard, provided that they do not encroach on any street line or road allowance.

21.3.3.2.5 That all other provisions of the OS1 Zone in Section 21.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**21.3.4 LOCATION: SOUTHWEST CORNER OF YOUNG STREET AND HIGHWAY #3, OS1-3**

21.3.4.1 Notwithstanding any provisions of By-Law Number 1994 to the contrary, no person shall within any OS1-3 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a single-family dwelling;  
a home occupation; and  
a public use.

21.3.4.2 Notwithstanding any provision of By-Law Number 1994 to the contrary, no person shall within any OS1-3 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

21.3.4.2.1 Number of Single-Family Dwellings per Lot:

Maximum 1 only

21.3.4.2.2 Setback of Dwelling From a Railway property:

A single-family dwelling shall be setback a minimum of 50 m (164 ft) from the closest portion of the Trillium Railway property, located to the south of the subject property.

21.3.4.2.3 Setback of Dwelling From Highway #3:

A single-family dwelling shall be setback a minimum of 50 m (164 ft) from the closest portion of the Highway #3 road allowance located to the north of the subject property.

21.3.4.3 That all other provisions of the OS1 Zone in Section 21.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

**21.3.5 LOCATION: EAST SIDE OF JOHN POUND ROAD AND HIGHWAY #3, OS-4 AND OS1-4 (H)**

21.3.5.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS1-4 and OS1-4(H) Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

uses listed in Table 21.1; and  
a golf course, provided the "H" symbol is lifted in accordance with Section 21.3.6.3 of this By-Law.

## 21.3.5.2 Removal of the Holding Provision

No development or site alteration shall be permitted until such time as written approval has been obtained from the Long Point Region Conservation Authority indicating that the proposed development will not have any significant negative environmental impacts and the holding provision has been removed in accordance with the requirements of the Planning Act, RSO 1990, as amended. Such approval will require the submission of an environmental impact study which demonstrates that the proposed development or site alteration will not have any significant negative environmental impacts on environmental features, unless the requirement for such a study is waived by the Long Point Region Conservation Authority.

21.3.5.3 That all other provisions of the OS1 Zone in Section 21.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

## 21.3.5 LOCATION: EAST SIDE OF JOHN POUND ROAD (CORONATION PARK), OS1-5

21.3.5.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS1-5 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

uses listed in Table 21.1; and  
a public park

21.3.5.2 That all other provisions of the OS1 Zone in Section 21.2 of this By-Law, as amended, shall apply, and further that all other provisions of of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

## 21.3.6 LOCATION: WEST SIDE OF VIENNA ROAD, OS1-6

21.3.6.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS1-6 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

*a sewage treatment facility*

21.3.6.2 That all other provisions of the OS1 Zone in Section 21.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

22.1 USES PERMITTED

No person shall within any OS2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the OS2 uses presented in Table 22.1:

TABLE 22.1: USES PERMITTED	
•	a conservation project
•	a flood control reservoir;
•	a golf course;
•	a lawn bowling club;
•	a miniature golf course or driving range;
•	a parking lot;
•	a picnic area;
•	a playground;
•	a private park;
•	a public park;
•	a public use in accordance with the provisions of Section 5.23 of this By-Law;

22.2 ZONE PROVISIONS

No person shall within any OS2 Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions presented in Table 22.2:

TABLE 22.2: ZONE PROVISIONS	
Zone Provision	Non-Residential Uses
Lot Frontage: Minimum	20 m (65.6 ft)
Lot Area: Minimum	2000 m <sup>2</sup> (21,528.5 ft <sup>2</sup> )
Lot Coverage, Maximum	20% of Lot Area
Lot Depth, Minimum	30 m

TABLE 22.2: ZONE PROVISIONS	
Zone Provision	Non-Residential Uses
<b>Front Yard</b> , Minimum Depth <b>Exterior Side Yard</b> , Minimum Width	<b>10 m</b> (32.8 ft)
<b>Rear Yard</b> , Minimum Depth	<b>10.0 m</b> (32.8 ft)
<b>Interior Side Yard</b> , Minimum Width	<b>7.5 m</b> (24.6 ft)
<b>Setback</b> , Minimum Distance from the Centreline of an Arterial Road as shown on Schedule 'C'	<b>20.0 m</b> (65.6 ft)
<b>Landscaped Open Space</b> , Minimum	30% of Lot Area
<b>Height of Building</b> , Maximum	<b>11 m</b> (36.1 ft)
<b>Parking, accessory uses, permitted encroachments and other general provisions</b>	In accordance with the provisions of Section 5
<b>Underlying Zones:</b>	No part of any Flood Plain overlay shall be used to calculate any of the Zone Provisions as may be required by this By-law for uses in the underlying zone.
<b>Structures within the flood plain:</b>	No structure shall be permitted within the flood plain as established by the Long Point Region Conservation Authority without the written consent of the Long Point Region Conservation Authority.

## 22.3 SPECIAL PROVISIONS

### 22.3.1 LOCATION: HICKORY HILLS, OS2-1

22.3.1.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS2-1 Zone use any lot, or erect, alter or use any budding or structure for any purpose except the following:

- a private park;
- a public park;
- a recreation centre;
- buildings and structures accessory to the foregoing including a refreshment booth or pavilion, a conic, a barber shop/beauty parlour and a tuck shop, with such accessory uses not exceeding **93 m<sup>2</sup>** (1001 ft<sup>2</sup>) of gross floor area.



22.3.1.2 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS2-1 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

22.3.1.2.1 Parking Spaces:

Minimum	1 space per <b>12.5m<sup>2</sup></b> (134.6 ft <sup>2</sup> ) of gross floor area
---------	--

22.3.1.2.4 Height of Building:

Maximum	<b>9.1 m</b> (30 ft)
---------	----------------------

22.3.1.3 That all the provisions of the OS2 Zone in Section 22.2 of this By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.

22.3.2 **LOCATION: BALDWIN PLACE, OS2-2**

22.3.2.1 Notwithstanding any provisions of this By-Law to the contrary, no person shall within any OS2-2 Zone use any lot, or erect, alter or use any building or structure for any purpose except the following:

a private park;

a public park;

a recreation centre;

buildings or structures accessory to the foregoing including a refreshment booth or pavilion, a clinic, a barber shop/beauty parlour and a tuck shop, with such accessory uses not exceeding **93 m<sup>2</sup>** (1,001 ft<sup>2</sup>) of gross floor area.

22.3.2.2 Notwithstanding any provision of By-Law Number 1994 to the contrary, no person shall within any OS2-2 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

22.3.2.2.1 Height of Building:

Maximum	<b>9.1 m</b> (30 ft)
---------	----------------------

22.3.2.2.2 Parking:

Minimum	1 space per <b>12.5m<sup>2</sup></b> (134.6 ft <sup>2</sup> ) of gross floor area
---------	--

22.3.2.3 That all other provisions of the OS2 Zone in Section 22.2 to this By-Law, as amended, shall apply, and further that all other provisions of By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply mutatis mutandis.