



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### ZONING BY-LAW

NO. 1999-52

### OFFICE CONSOLIDATION

This publication represents an **Office Consolidation** only of By-law No. 1999-52, as amended up to and including December 17, 2018; and is prepared for purposes of convenience only and is not to be construed as an enactment of the Town Council. The parent By-law and all of its amendments are available in the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, Ontario N9V 2A5.

**DECEMBER, 2018**

## INCLUDED IN THIS CONSOLIDATION

<b>By-law</b>	<b>Date of Passing</b>
By-law No. 1999-57	December 13, 1999
By-law No. 2000-12	March 13, 2000
By-law No. 2000-16	May 8, 2000
By-law No. 2000-22	May 23, 2000
By-law No. 2000-35	July 24, 2000
By-law No. 2000-44	September 25, 2000
By-law No. 2000-45	September 25, 2000
By-law No. 2000-60	December 18, 2000
By-law No. 2001-03	January 22, 2001
By-law No. 2001-10	February 26, 2001
By-law No. 2001-20	April 23, 2001
By-law No. 2001-26	June 11, 2001
By-law No. 2001-39	August 27, 2001
By-law No. 2001-45	October 9, 2001
By-law No. 2001-58	December 10, 2001
By-law No. 2002-14	March 11, 2002
By-law No. 2002-28	September 9, 2002
By-law No. 2002-45	September 23, 2002
By-law No. 2002-46	September 23, 2002
By-law No. 2002-48	October 15, 2002
By-law No. 2002-51	October 15, 2002
By-law No. 2003-06	February 10, 2003
By-law No. 2003-07	February 10, 2003
By-law No. 2003-08	February 10, 2003
By-law No. 2003-27	April 14, 2003
By-law No. 2003-28	June 21, 2004 <i>OMB Decision Order No. 1096</i>
By-law No. 2003-34	May 12, 2003
By-law No. 2003-35	May 12, 2003
By-law No. 2003-51	July 14, 2003
By-law No. 2003-52	July 14, 2003
By-law No. 2003-53	July 14, 2003
By-law No. 2003-66	September 8, 2003
By-law No. 2003-71	September 8, 2003
By-law No. 2003-90	October 27, 2003
By-law No. 2004-19	March 8, 2004
By-law No. 2004-32	April 26, 2004
By-law No. 2004-53	June 28, 2004

By-law No. 2004-54  
By-law No. 2004-80  
By-law No. 2004-93

July 4, 2005 *OMB Decision Order No. 1708*  
July 14, 2006 *OMB Decision Order No. 2011*  
October 25, 2004

### **INCLUDED IN THIS CONSOLIDATION CONTINUED**

<b>By-law</b>	<b>Date of Passing</b>
By-law No. 2005-16	Sept. 22, 2005 <i>OMB Decision Order No. 2487</i>
By-law No. 2005-33	April 18, 2005
By-law No. 2005-35	June 27, 2005
By-law No. 2005-36	March 29, 2005
By-law No. 2005-53	June 27, 2005
By-law No. 2005-54	June 27, 2005
By-law No. 2005-62	June 27, 2005
By-law No. 2005-63	June 27, 2005
By-law No. 2005-76	September 12, 2005
By-law No. 2005-79	September 26, 2005
By-law No. 2005-90	November 7, 2005
By-law No. 2005-108	December 12, 2005
By-law No. 2006-39	May 8, 2006
By-law No. 2006-40	May 8, 2006
By-law No. 2006-41	May 8, 2006
By-law No. 2006-43	May 23, 2006
By-law No. 2006-50	June 12, 2006
By-law No. 2006-56	July 10, 2006
By-law No. 2006-61	September 11, 2006
By-law No. 2006-71	September 25, 2006
By-law No. 2006-72	September 25, 2006
By-law No. 2006-73	September 25, 2006
By-law No. 2006-78	October 23, 2006
By-law No. 2006-79	October 23, 2006
By-law No. 2006-86	November 27, 2006
By-law No. 2007-38	May 14, 2007
By-law No. 2007-46	June 11, 2007
By-law No. 2007-48	June 25, 2007, Withdrawn by applicant and repealed by OMB
By-law No. 2007-64	September 24, 2007
By-law No. 2007-67	October 9, 2007
By-law No. 2007-68	October 9, 2007
By-law No. 2007-69	October 9, 2007
By-law No. 2007-78	November 5, 2007

By-law No. 2007-94	December 10, 2007
By-law No. 2008-13	February 25, 2008
By-law No. 2008-32	April 21, 2008
By-law No. 2008-55	August 18, 2008
By-law No. 2008-56	August 18, 2008
By-law No. 2008-57	August 18, 2008
By-law No. 2009-06	February 23, 2009

**INCLUDED IN THIS CONSOLIDATION CONTINUED**

<b>By-law</b>	<b>Date of Passing</b>
By-law No. 2009-19	March 9, 2009
By-law No. 2009-28	April 14, 2009
By-law No. 2010-03	January 11, 2010
By-law No. 2010-40	April 12, 2010
By-law No. 2010-44	April 12, 2010
By-law No. 2010-49	May 10, 2010
By-law No. 2010-64	June 28, 2010
By-law No. 2010-120	December 13, 2010
By-law No. 2011-05	January 10, 2011
By-law No. 2011-74	August 15, 2011
By-law No. 2011-75	August 15, 2011
By-law No. 2011-99	December 12, 2011
By-law No. 2012-25	April 23, 2012
By-law No. 2012-28	April 23, 2012
By-law No. 2012-30	April 23, 2012
By-law No. 2012-64	July 23, 2012
By-law No. 2012-65	July 23, 2012
By-law No. 2012-71	July 23, 2012
By-law No. 2012-79	September 10, 2012
By-law No. 2012-93	October 15, 2012
By-law No. 2012-96	November 13, 2012
By-law No. 2012-108	November 26, 2012
By-law No. 2012-110	November 26, 2012
By-law No. 2013-10	January 21, 2013
By-law No. 2013-13	February 4, 2013
By-law No. 2013-23	March 4, 2013
By-law No. 2013-25	March 4, 2013
By-law No. 2013-44	May 13, 2013
By-law No. 2013-59	June 10, 2013
By-law No. 2013-66	July 15, 2013

By-law No. 2013-67	July 15, 2013
By-law No. 2013-80	August 12, 2013
By-law No. 2013-92	September 16, 2013
By-law No. 2013-97	October 7, 2013
By-law No. 2013-100	October 21, 2013
By-law No. 2014-02	January 20, 2014
By-law No. 2014-03	January 20, 2014
By-law No. 2014-27	April 22, 2014
By-law No. 2014-33	May 5, 2014
By-law No. 2014-53	June 23, 2014
By-law No. 2014-59	July 14, 2014

### INCLUDED IN THIS CONSOLIDATION CONTINUED

<b>By-law</b>	<b>Date of Passing</b>
By-law No. 2014-72	July 14, 2014
By-law No. 2014-79	August 11, 2014
By-law No. 2014-82	August 11, 2014
By-law No. 2014-105	November 17, 2014
By-law No. 2014-113	December 15, 2014
By-law No. 2015-04	February 9, 2015
By-law No. 2015-31	April 13, 2015
By-law No. 2015-42	November 2, 2015
By-law No. 2015-63	May 25, 2015
By-law No. 2015-64	June 15, 2015
By-law No. 2015-78	July 13, 2015
By-law No. 2015-79	July 13, 2015
By-law No. 2015-92	August 17, 2015
By-law No. 2015-96	September 14, 2015
By-law No. 2015-99	September 14, 2015
By-law No. 2015-114	October 26, 2015
By-law No. 2015-119	November 9, 2015
By-law No. 2015-127	December 14, 2015
By-law No. 2016-02	January 11, 2016
By-law No. 2016-08	January 25, 2016
By-law No. 2016-09	January 25, 2016
By-law No. 2016-12	February 8, 2016
By-law No. 2016-18	February 22, 2016
By-law No. 2016-22	October 11, 2016
By-law No. 2016-32	May 9, 2016
By-law No. 2016-38	May 24, 2016

By-law No. 2016-45	July 11, 2016
By-law No. 2016-46	May 24, 2016
By-law No. 2016-59	June 13, 2016
By-law No. 2016-75	September 26, 2016
By-law No. 2016-79	September 26, 2016
By-law No. 2016-103	November 29, 2016
By-law No. 2016-104	November 29, 2016
By-law No. 2017-05	March 20, 2017
By-law No. 2017-07	June 12, 2017
By-law No. 2017-11	April 10, 2017
By-law No. 2017-23	May 8, 2017
By-law No. 2017-33	May 23, 2017
By-law No. 2017-44	June 12, 2017
By-law No. 2017-51	August 21, 2017
By-law No. 2017-52	July 10, 2017

**INCLUDED IN THIS CONSOLIDATION CONTINUED**

<b>By-law</b>	<b>Date of Passing</b>
By-law No. 2017-63	August 21, 2017
By-law No. 2017-87	October 10, 2017
By-law No. 2017-99	December 11, 2017
By-law No. 2018-11	February 12, 2018
By-law No. 2018-23	March 19, 2018
By-law No. 2018-44	May 14, 2018
By-law No. 2018-54	June 11, 2018
By-law No. 2018-55	June 11, 2018
By-law No. 2018-59	June 11, 2018
By-law No. 2018-62	June 25, 2018
By-law No. 2018-65	July 23, 2018
By-law No. 2018-75	July 23, 2018
By-law No. 2018-77	August 13, 2018
By-law No. 2018-87	September 10, 2018
By-law No. 2018-76	September 24, 2018
By-law No. 2018-86	September 24, 2018
By-law No. 2018-88	September 24, 2018
By-law No. 2018-94	October 9, 2018
By-law No. 2018-95	October 9, 2018
By-law No. 2018-81	October 23, 2018
By-law No. 2018-100	October 23, 2018
By-law No. 2018-108	November 26, 2018



## TABLE OF CONTENTS

<b>PREAMBLE</b> .....	1
<b>SECTION 1 APPLICATION, INTERPRETATION AND ENFORCEMENT</b> .....	1
(1) TITLE OF BY-LAW .....	1
(2) SCOPE OF BY-LAW.....	1
(3) ADMINISTRATION .....	2
(4) INSPECTION.....	2
(5) APPLICATION FOR BUILDING PERMITS.....	3
(6) ISSUANCE OF BUILDING PERMITS.....	3
(7) REQUESTS FOR AMENDMENTS .....	4
(8) RISK, EXPENSE AND COMPLIANCE .....	4
(9) INTERPRETATION OF BY-LAW .....	4
(10) SCHEDULES TO BY-LAW .....	5
(11) VIOLATIONS AND PENALTIES .....	5
(12) REMEDIES .....	6
(13) VALIDITY.....	6
(14) REPEAL OF EXISTING BY-LAWS.....	7
(15) MEASUREMENTS .....	7
(16) NON-CONFORMING BUILDING LOCATION.....	8
<b>SECTION 2 DEFINITIONS</b> .....	9
<b>SECTION 3 GENERAL PROVISIONS</b> .....	59
(1) ACCESSORY USES.....	59
(2) ACCESS REGULATIONS .....	60
(3) DWELLING UNITS .....	60
(4) FLOODPRONE AREAS.....	62
(5) GRADING .....	62
(6) GROUP HOMES .....	62
(7) HAZARD LANDS .....	63
(8) HEIGHT RESTRICTIONS.....	64
(9) HOME OCCUPATION - RESIDENTIAL.....	64
(10) HOME OCCUPATION - RURAL.....	66
(11) HOUSEHOLD SALES.....	67
(12) LANDSCAPING .....	67
(13) LIGHTING.....	68
(14) LOADING SPACE REGULATIONS.....	69
(15) LOTS WITH MORE THAN ONE USE OR ZONE .....	71
(16) MINIMUM DISTANCE SEPARATION.....	72
(17) MUNICIPAL SERVICES REQUIRED .....	72
(18) NON-CONFORMING USES AND LOTS .....	72
(19) OPEN STORAGE .....	74
(20) OUTDOOR PATIO ASSOCIATED WITH A RESTAURANT .....	75
(21) PARKING REGULATIONS.....	76
(22) REDUCTION OF LOT AREA.....	92



(23)	SETBACKS.....	93
(24)	SIGHT TRIANGLES/ DAYLIGHT CORNERS.....	98
(25)	SWIMMING POOLS .....	81
(26)	USES PERMITTED IN ALL ZONES.....	82
(27)	USES RESTRICTED IN ALL ZONES.....	101
(28)	YARD ENCROACHMENTS AND OBSTRUCTIONS PERMITTED .....	83
(29)	YARD REQUIREMENTS, EXTERIOR SIDE YARD CONDITION .....	105
(30)	YARD REQUIREMENT SATELLITE DISHES .....	105
(31)	WAYSIDE PITS .....	86
(32)	WIND ENERGY CONVERSION SYSTEMS AND WIND FARMS .....	86
<b>SECTION 4</b>	<b>ZONES AND ZONE SYMBOLS.....</b>	<b>109</b>
(1)	DIVISION INTO ZONES .....	109
(2)	ZONE CLASSIFICATION .....	109
(3)	ZONE SYMBOLS AND DESIGNATIONS.....	111
(4)	ZONE PROVISIONS.....	111
(5)	SPECIAL ZONES .....	112
(6)	HOLDING “h” ZONES.....	112
(7)	COMPOUND ZONES AND MULTIPLE ZONES.....	116
(8)	BONUS PROVISION .....	117
<b>SECTION 5</b>	<b>RESIDENTIAL FIRST DENSITY (R1) ZONE.....</b>	<b>119</b>
(1)	SCOPE .....	119
(2)	USES PERMITTED .....	119
(3)	ZONE REQUIREMENTS .....	119
(4)	SPECIAL PROVISIONS .....	120
<b>SECTION 6</b>	<b>RESIDENTIAL TYPE 1A (R1A) ZONE .....</b>	<b>124</b>
(1)	SCOPE .....	124
(2)	USES PERMITTED .....	124
(3)	ZONE REQUIREMENTS.....	124
(4)	SPECIAL PROVISIONS .....	125
<b>SECTION 7</b>	<b>RESIDENTIAL TYPE 1B (R1B) ZONE .....</b>	<b>129</b>
(1)	SCOPE .....	129
(2)	USES PERMITTED .....	129
(3)	ZONE REQUIREMENTS.....	129
(4)	SPECIAL PROVISIONS .....	130
<b>SECTION 8</b>	<b>RESIDENTIAL SECOND DENSITY (R2) ZONE.....</b>	<b>131</b>
(1)	SCOPE .....	131
(2)	USES PERMITTED .....	131
(3)	ZONE REQUIREMENTS.....	131
(4)	SPECIAL PROVISIONS .....	132
<b>SECTION 9</b>	<b>RESIDENTIAL THIRD DENSITY (R3) ZONE .....</b>	<b>137</b>
(1)	SCOPE .....	137

(2) USES PERMITTED .....	137
(3) ZONE REQUIREMENTS .....	137
(4) SPECIAL PROVISIONS .....	138
<b>SECTION 10 RESIDENTIAL MULTIPLE FIRST DENSITY (RM1) ZONE .....</b>	<b>141</b>
(1) SCOPE .....	141
(2) USES PERMITTED .....	141
(3) ZONE REQUIREMENTS .....	141
(4) SPECIAL PROVISIONS .....	143
<b>SECTION 11 RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE .....</b>	<b>147</b>
(1) SCOPE .....	147
(2) USES PERMITTED .....	147
(3) ZONE REQUIREMENTS .....	147
(4) SPECIAL PROVISIONS .....	148
<b>SECTION 12 RESIDENTIAL HERITAGE (RH) ZONE .....</b>	<b>152</b>
(1) SCOPE .....	152
(2) USES PERMITTED .....	152
(3) ZONE REQUIREMENTS .....	152
(4) SPECIAL PROVISIONS .....	153
<b>SECTION 13 RESIDENTIAL OFFICE (RO) ZONE .....</b>	<b>154</b>
(1) SCOPE .....	154
(2) USES PERMITTED .....	154
(3) ZONE REQUIREMENTS .....	154
(4) SPECIAL PROVISIONS .....	156
<b>SECTION 14 RESIDENTIAL MODULAR HOME PARK (RMH) ZONE .....</b>	<b>158</b>
(1) SCOPE .....	158
(2) USES PERMITTED .....	158
(3) ZONE REQUIREMENTS .....	158
(4) SPECIAL PROVISIONS .....	159
<b>SECTION 15 COMMERCIAL GENERAL (CG) ZONE .....</b>	<b>162</b>
(1) SCOPE .....	162
(2) USES PERMITTED .....	162
(3) ZONE REQUIREMENTS .....	163
(4) SPECIAL PROVISIONS .....	164
<b>SECTION 16 COMMERCIAL HIGHWAY (CH) ZONE .....</b>	<b>173</b>
(1) SCOPE .....	173
(2) USES PERMITTED .....	173
(3) ZONE REQUIREMENTS .....	174
(4) SPECIAL PROVISIONS .....	175
<b>SECTION 17 COMMERCIAL NEIGHBOURHOOD (CN) ZONE .....</b>	<b>180</b>

(1)	SCOPE .....	180
(2)	USES PERMITTED .....	180
(3)	ZONE REQUIREMENTS .....	180
(4)	SPECIAL PROVISIONS .....	181
<b>SECTION 18</b>	<b>RESORT RESIDENTIAL/RESORT COMMERCIAL (RR/RC) ZONE</b> .....	<b>186</b>
(1)	SCOPE .....	186
(2)	USES PERMITTED .....	186
(3)	ZONE REQUIREMENTS .....	186
(4)	SPECIAL PROVISIONS .....	186
<b>SECTION 19</b>	<b>RECREATION (RE) ZONE</b> .....	<b>188</b>
(1)	SCOPE .....	188
(2)	USES PERMITTED .....	188
(3)	ZONE REQUIREMENTS .....	188
(4)	SPECIAL PROVISIONS .....	189
<b>SECTION 20</b>	<b>LIGHT INDUSTRIAL (LI) ZONE</b> .....	<b>192</b>
(1)	SCOPE .....	192
(2)	USES PERMITTED .....	192
(3)	ZONE REQUIREMENTS .....	193
(4)	SPECIAL PROVISIONS .....	194
<b>SECTION 21</b>	<b>SPECIAL INDUSTRIAL (SI) ZONE</b> .....	<b>197</b>
(1)	SCOPE .....	197
(2)	USES PERMITTED .....	197
(3)	ZONE REQUIREMENTS .....	197
(4)	SPECIAL PROVISIONS .....	199
<b>SECTION 22</b>	<b>HEAVY INDUSTRIAL (HI) ZONE</b> .....	<b>201</b>
(1)	SCOPE .....	201
(2)	USES PERMITTED .....	201
(3)	ZONE REQUIREMENTS .....	202
(4)	SPECIAL PROVISIONS .....	203
<b>SECTION 23</b>	<b>EXTRACTIVE INDUSTRIAL (EI) ZONE</b> .....	<b>208</b>
(1)	SCOPE .....	208
(2)	USES PERMITTED .....	208
(3)	ZONE REQUIREMENTS .....	208
(5)	SPECIAL PROVISIONS .....	209
<b>SECTION 24</b>	<b>INSTITUTIONAL (I) ZONE</b> .....	<b>211</b>
(1)	SCOPE .....	211
(2)	USES PERMITTED .....	211
(3)	ZONE REQUIREMENTS .....	211
(4)	SPECIAL PROVISIONS .....	212

<b>SECTION 25 FUTURE DEVELOPMENT (FD) ZONE</b> .....	214
(1) SCOPE .....	214
(2) USES PERMITTED .....	214
(3) ZONE REQUIREMENTS .....	214
(4) SPECIAL PROVISIONS .....	215
<b>SECTION 26 AGRICULTURAL (A) ZONE</b> .....	216
(1) SCOPE .....	216
(2) USES PERMITTED .....	216
(3) ZONE REQUIREMENTS .....	216
(4) SPECIAL PROVISIONS .....	221
<b>SECTION 27 AGRICULTURAL RESTRICTIVE (AR)</b>	
<b>ZONE</b> .....	195
(1) SCOPE .....	232
(2) USES PERMITTED .....	232
(3) ZONE REQUIREMENTS .....	232
(4) SPECIAL PROVISIONS .....	232
<b>SECTION 28 ENVIRONMENTAL PROTECTION (EP) ZONE</b> .....	233
(1) SCOPE .....	233
(2) USES PERMITTED .....	233
(3) ZONE REQUIREMENTS .....	233
(4) SPECIAL PROVISIONS .....	233
<b>SECTION 29 WETLAND (W)</b>	
<b>ZONE</b> .....	198
(1) SCOPE .....	235
(2) USES PERMITTED .....	235
(3) ZONE REQUIREMENTS .....	235
(4) SPECIAL PROVISIONS .....	235
<b>SECTION 30 OPEN SPACE (OS) ZONE</b> .....	236
(1) SCOPE .....	236
(2) USES PERMITTED .....	236
(3) ZONE REQUIREMENTS .....	236
<b>SECTION 31 APPROVAL</b> .....	237

**SCHEDULES**

**AMENDMENTS**

# THE CORPORATION OF THE TOWN OF AMHERSTBURG

## BY- LAW NO. 1999-52

Being a By-law to regulate the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg, pursuant to Section 34 of the Planning Act.

### PREAMBLE

WHEREAS Section 34 of the Planning Act provides that the governing body of a municipal corporation may pass By-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg has deemed it to be in the public interest that such a By-law be enacted;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg ENACTS as follows:

### SECTION 1 APPLICATION, INTERPRETATION AND ENFORCEMENT

(1) TITLE OF BY-LAW

This By-law may be cited as "The Zoning By-law".

(2) SCOPE OF BY-LAW

(a) LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Town of Amherstburg.

(b) CONFORMITY WITH BY-LAW

No lands shall be used and no building or structure shall be erected, altered or used within the Corporation except in conformity with the provisions of this By-law and except as permitted by this By-law.

(c) EXISTING USE CONTINUED

Nothing in this By-law shall apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such use prior to the passing of this By-law, so long as it continued to be used for that purpose.

*For the purpose of this By-law, lawfully used will be restricted for purposes of proof to existing as of January 1, 2000. (By-law 2016-32)*

## (d) PLANS APPROVED PRIOR TO BY-LAW

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by the provisions of this By-law, if the plans for such building or structure were approved by the Corporation and either a building permit was issued or a Site Plan Agreement entered into prior to the date of passing of this By-law, so long as:

- (i) when such building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued or such Site Plan Agreement was entered into and shall not be altered in any way except in conformity with the provisions of this By-law; and
- (ii) the erection of such building or structure is commenced within two years after the date of passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

## (e) COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

(3) ADMINISTRATION

This By-law shall be administered by a person designated from time to time by Council as the By-law Enforcement Officer or such other person as the Council of the Town of Amherstburg designates.

(4) INSPECTION

- (a) Subject to Clause (b) of this Subsection, the By-law Enforcement Officer, or any other officer or employee of the Corporation acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall

enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under the Provincial Offences Act, or any successors thereto.

(5) APPLICATION FOR BUILDING PERMITS

Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under the Provincial Offences Act, or any successors thereto.

- (a) Two copies of a Site Plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:
  - (i) The true dimensions of the lot to be built upon or otherwise used;
  - (ii) The location of all existing buildings, structures or uses on the lot;
  - (iii) The proposed location, grade, height, and dimensions of any building, structure or use proposed for such lot; and
  - (iv) The proposed location and dimensions of yards, landscaped open spaces, parking areas, and loading spaces.
- (b) A statement, signed by the owner, disclosing the specific existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law; and
- (c) Two copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same will be upon completion of the proposed erection or alterations and when the re-distribution of all topsoil has been completed.

(6) ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the Building By-law or any other By-law of the Corporation to the contrary, no building permit shall be issued where a proposed

building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

(7) REQUESTS FOR AMENDMENTS

The facilities, yards or other matters required by this By-law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of which such matters are required hereby, and the said owner shall at all times bear full responsibility for ensuring compliance in all respects with this By-law.

(8) RISK, EXPENSE AND COMPLIANCE

The facilities, yards or other matters required by this By-law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of which such matters are required hereby, and the said owner shall at all times bear full responsibility for ensuring compliance in all respects with this By-law.

(9) INTERPRETATION OF BY-LAW

(a) DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply.

(b) SINGULAR AND PLURAL WORD AND GENDERS

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

- (i) words used in the singular include the plural;
- (ii) words used in the plural include the singular; and
- (iii) words used in the masculine gender include the feminine and neuter.

(c) "SHALL" IS MANDATORY

In this By-law, the word "shall" is mandatory.

(d) "USE" AND "OCCUPY"

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

- (i) the verb "use" shall include "design to be used", "arrange to be used", "intend to be used", and "permit to be used"; and



- (ii) the verb “occupy” shall include “design to be occupied”, “arrange to be occupied”, “intend to be occupied”, and “permit to be occupied”.

(10) SCHEDULES TO BY-LAW

(a) PART OF BY-LAW

Schedule “A” which is attached hereto and described in this Subsection, is hereby made a part of this By-law as fully and to all intent and purposes as though recited in full herein.

(b) SCHEDULE “A” – ZONE MAPS

The extent and boundaries of all zones and restricted areas are set out on the maps comprising Schedule “A” hereto and shall be interpreted in accordance with the following:

- (i) Boundaries of zones and restricted areas shall be construed wherever possible, to be concurrent with lot lines, property boundaries, centreline of street, street lines, high water marks, top of bank or other Conservation Authority regulation lines, boundaries of right-of-ways for railways, hydro-electric transmission corridors or pipelines, or boundaries of registered plans.
- (ii) In the event that a street or lane which forms the boundary between two or more different zones is closed, the boundary between such zones shall be construed as the former centreline of the said closed street or lane.
- (iii) Where uncertainty exists as to the location of a zone boundary on Schedule “A” hereto or on a Schedule to any amendment to this By-law, reference shall be made to the original scales of 1:7500, 1:9000, and 1:12,500, as contained in the Municipal Offices and shall be deemed to be the centrepont of the line on such Schedule which denotes the said zone boundary.

(11) VIOLATIONS AND PENALTIES

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or

structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offense, and upon conviction therefore, shall forfeit and pay a fine not exceeding Twenty Thousand (\$20,000.00) Dollars on a first conviction for each day or part thereof upon which the contravention has continued after the day upon which there was a first conviction.

- (b) Where a Corporation is convicted under Section 11, the maximum penalty that may be imposed is Fifty Thousand (\$50,000.00) Dollars for the first conviction and Twenty-five Thousand (\$25,000.00) Dollars for each day or part thereof upon which the contravention has continued after the day on which the Corporation is first convicted.

#### (12) REMEDIES

- (a) Where any building or structure is erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is used, or any lot is used, in contravention of any requirements or other provisions of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of the Planning Act, 1990, or The Municipal Act, R.S.O. 1990, in that behalf.
- (b) Where a person guilty of a violation against this By-law has been directed to remedy such violation and is in default of doing any work thus required, then such work may be done at his expense by the Corporation, at its sole discretion, and the Corporation shall have the unlimited right to recover any expenses thus incurred by action or in like manner as municipal taxes, and such expenses shall be in addition to and not in derogation of any remedy by way of mandamus, injunction or otherwise.

#### (13) VALIDITY

If any section, clause or provision of this By-law, including anything contained in the Schedules 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.

(14) REPEAL OF EXISTING BY-LAWS

(a) TOWN OF AMHERSTBURG

All previous By-laws of the former Corporation of the Town of Amherstburg passed pursuant to Section 34 of the Planning Act are hereby repealed.

(b) FORMER TOWNSHIP OF ANDERDON

All previous By-laws passed by the former Corporation of the Township of Anderdon pursuant to Section 34 of the Planning Act, as they apply to the lands formerly of the Corporation of the Township of Anderdon, are hereby repealed.

(c) FORMER TOWNSHIP OF MALDEN

All previous By-laws passed by the former Corporation of the Township of Malden pursuant to Section 34 of the Planning Act, as they apply to the lands formerly of the Corporation of the Township of Malden, are hereby repealed.

(15) MEASUREMENTS

All measurements of length or area used in this By-law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:

- (a) For a whole number, measurements of less than 0.5 shall be rounded downward to the next whole unit;
- (b) For a whole number, measurements of 0.5 and greater shall be rounded upward to the next whole unit;
- (c) For a number having one decimal place, measurements of less than 0.05 shall be rounded downward to the next one-tenth unit;

- (d) For a number of one decimal place, measurements of 0.05 and greater shall be rounded upward to the next one-tenth unit.

Ratios and percentage figures shall not be subject to rounding.

(16) NON-CONFORMING BUILDING LOCATION

Notwithstanding any other aspect of this By-law, any lot, and the location thereon of any building, or structure thereto, which existed on or before *January 1, 2006*, shall be deemed to comply with the relevant regulations for setback, building line, front yard, side yard, rear yard, and lot coverage. (*By-law 2006-61*)

## SECTION 2 DEFINITIONS

- (1) "ABANDONED" means the failure to proceed expeditiously with construction work or to undertake construction work during any continuous 12-month period.
- (2) "ABATTOIR" means a commercial building or structure, or part thereof, used for the slaughtering of animals and processing of meat.
- (3) "ACCESSORY", when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and devoted to a main use, building or structure and located on the same lot therewith, and includes a private garage which is not attached to the main building in any way but does not include a single unit dwelling in an Agricultural Zone. (*By-law 2006-61*)
- (4) "ACCESSORY DWELLING" - see "DWELLING UNIT".
- (5) "ADULT ENTERTAINMENT PARLOURS" - shall mean any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations. For the purposes of this By-law, the following shall apply:

"Provided" includes furnished, performed, solicited or given such services;

"Services" includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act.

"Services appealing to or designed to appeal to erotic or sexual appetites or inclinations" includes the following:

- (i) services of which a principal feature or characteristic is nudity or partial nudity of any person;
- (ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement."

"To provide" when used in relation to services includes to furnish, perform, solicit, or give such services and 'providing' and 'provision' have corresponding meanings.

- (6) "AGRICULTURAL RELATED COMMERCIAL USE" means agricultural industrial establishment, an agricultural processing establishment, an agricultural service establishment, or an agricultural supply establishment.

- (7) "AGRICULTURAL SERVICE ESTABLISHMENT" means premises used for the supply of goods, materials or services that support agricultural uses including the sale and storage of seed, feed, fertilizer and chemical products and the rental, sale, repair or service of agricultural equipment or implements or any combination of the foregoing.
- (8) "AGRICULTURAL SUPPLY ESTABLISHMENT" means premises used for the supply of goods, materials or services that support agricultural uses including the sale and storage of seed, feed, fertilizer and chemical products and the rental, sale, repair or service of agricultural equipment or implements or any combination of the foregoing.
- (9) "AGRICULTURAL USE" means the cultivation of land, the production of crops and the selling of such product on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, fish farming, animal husbandry, and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries, greenhouses and an accessory air strip. However, "agricultural use" does not include facilities for the permanent or temporary housing of persons employed on the lot, an abattoir or any premises used for the killing of livestock or the processing of meat.
- (10) (a) "AGRICULTURAL USE, INTENSIVE LIVESTOCK" means an agricultural use consisting of the raising, harbouring, breeding or care of a specific type of livestock or poultry in a manner in which the number of animal units at any time is greater than a ratio equal to 2.5 animal units per hectare (1 animal unit per acre). In addition, any combination of livestock or poultry types shall constitute a livestock intensive agricultural use if the total number of animals (livestock and poultry) results in a total number of animal units greater than 2.5 per hectare (1 per acre). Notwithstanding the above definition, any livestock or poultry operation consisting of a total of fifteen (15) or more animal units shall be considered a livestock intensive agricultural use for the purposes of this By-law.
- (b) "AGRICULTURAL USE, INTENSIVE" means an agricultural use on which the primary activity consists of one or more of the following:
- (i) hatching or raising chickens, turkeys, ducks, geese, or other poultry or fowl;
  - (ii) breeding or raising fur-bearing animals, swine, sheep, rabbits, or goats;
  - (iii) breeding, raising or boarding dogs, cats, horses, or ponies for commercial purposes;
  - (iv) raising cattle on a feed lot; or

(v) growing mushrooms.

(11) "ALTER" means:

- (i) when used in reference to a building or structure or part thereof, shall mean to change any one (1) or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof;
- (ii) when used in reference to a lot, the word "alter" means to change the width, depth, or area thereof or to change the width, depth, or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; or
- (iii) when used in reference to a use, to discontinue and replace a use, in whole or in part, with a use which is defined herein as being distinct from the discontinued use or to add a new use to an existing use.

"ALTERED" and "ALTERATION" have corresponding meanings.

- (12) "*ALTERNATIVE ENERGY SYSTEM*" means sources of energy or energy conservation process that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional systems. (By-law 2008-55, 56, 57)
- (13) "AMUSEMENT GAME ESTABLISHMENT" means a building or a part thereof within which more than three amusement game machines are available to the public.
- (14) "ANIMAL CLINIC SMALL" shall mean a building or structure used for a veterinary practice where animals, birds, or other livestock are treated and where small domestic animals or birds are kept for treatment only but shall not include outdoor kennels.
- (15) "ANIMAL CLINIC LARGE" shall mean a building or structure for a veterinary practice where all types of animals and birds are treated and kept for treatment.
- (16) "ANIMAL UNIT" shall mean the number of that kind of livestock or poultry that would produce 68-77 kg (150 -170 pounds) of nitrogen in their manure. This amount of manure is sufficient to provide the nitrogen fertilizer requirements for 0.4 hectare (one acre) of corn. The following table provides information on the number of animal units associated with various types of livestock or poultry. Any type of livestock or poultry not specifically referred to in the table shall be as determined by the Ministry of Agriculture, Food and Rural Affairs.

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

<u>Type of Livestock or Poultry</u>	<u>Market Basis (as marketed)</u>
2 beef feeders (gain 400-1,100 lbs)	1 animal unit
4 beef feeders (gain 400-750 lbs)	1 animal unit
4 beef feeders (gain 750-1,100 lbs)	1 animal unit
15 hogs (gain 40-200 lbs)	1 animal unit
1,000 broiler chickens or roasters (4-5 lbs)	1 animal unit
300 turkey broilers (11-12 lbs)	1 animal unit
150 heavy turkey hens (19-20 lbs)	1 animal unit
100 heavy turkey toms (30-32 lbs)	1 animal unit
40 veal calves (gain 90-300 lbs)	1 animal unit
1,000 pullets	1 animal unit

- (17) "AREA OF BUILDING" means the maximum horizontal projected area of a building, including enclosed porches, but exclusive of steps, terraces, or cornices.
- (18) "ART GALLERY" means a building or part thereof where works of art, such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing.
- (19) "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 activities, and may include a banquet hall or private club.
- (20) "ASSEMBLY PLANT" - see "MANUFACTURING AND ASSEMBLY INDUSTRY".
- (21) "ATTACHED" means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with adjacent building or buildings.



- (22) "ATTIC" - see "STOREY".
- (23) "AUCTION ESTABLISHMENT" means a building or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.
- (24) "*AUTOMOBILE BODY REPAIR SHOP*" means every place of business which restores or does maintenance to the exterior of an automobile to restore it to a good condition and shall include but is not limited to the replacement or restoration of worn out parts or the restoration of such parts but does not include the replacement, repair or restoration of any mechanical part of the automobile. Such operation shall include but is not limited to painting, repainting body filling, or refinishing of an automobile. (By-law 2010-44)
- (25) "AUTOMOBILE SERVICE STATION" means an establishment where vehicle fuels, lubricants and accessories are offered for retail sale and which contains facilities for the repair and maintenance of vehicles excluding body and fender work.
- (26) "AUTOMOBILE SUPPLY STORE" means a building or part thereof used for the purpose of retail sale of equipment and parts used to repair, service or customize motor vehicles. This does not include any installations or repairs.
- (27) "AUTOMOTIVE USE" means an automobile service station, a gasoline retail outlet, a vehicle repair shop, a car wash, a body shop or a vehicle sales or rental establishment as defined herein.
- (28) "BAKERY" means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.
- (29) "BAKE SHOP" means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.
- (30) "BALCONY" means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.
- (31) "BASEMENT" means that portion of a building partially below ground level and having fifty percent or more of its exterior wall area above the average finished grade.
- (32) "BATCHING PLANT, ASPHALT" means an industrial establishment used for the production of asphalt, or asphalt products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product

manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished asphalt.

- (a) "PORTABLE ASPHALT PLANT" means temporary asphalt batching plant established for a Provincial or Municipal road project.
- (33) "BATCHING PLANT, CONCRETE" means an industrial establishment used for the production of concrete, or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished concrete.
- (34) "BED AND BREAKFAST ESTABLISHMENT" means a single detached dwelling in which no more than three rooms are made available by the residents of the said dwelling for the temporary accommodation of travellers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a hotel, motel, boarding or lodging house, or restaurant, as defined herein.
- (35) "BEEF FEEDLOT" means an enclosure with or without structures used for the feeding and confining of cattle
- (36) "BERM" means a landscaped mound of earth.
- (37) *"BIOMASS" means peat, wood other than wood waste, or organic materials that are grown or harvested for the purpose of being burned to generate electricity. (By-law 2008-55, 56, 57)*
- (38) *"BIOMASS ENERGY SYSTEM" means a renewable electrical generation facility using renewable biomass resources and/or waste products that produces electrical power for the needs of a user or to feed into the transmission or local distribution grid. (By-law 2008-56,57,58)*
- (39) *"BIOMASS ENERGY SYSTEM" means all components, supporting infrastructure and outbuildings. A biomass energy system includes anaerobic digesters used principally for the generation of electricity. (By-law 2008-56,57,58)*
- (40) "BOARDING HOUSE" - see "LODGING HOUSE".
- (41) "BOARDING KENNEL" -means a place where dogs or other domestic animals other than poultry are kept for a fee on a temporary basis.
- (42) "BOAT" means any vessel propelled by oars, sail, an engine or paddles.

- (43) "BOAT DOCK" means any structure used or designed to moor a boat. It may be parallel to or angled from a shoreline. For the purposes of this By-law, a boat dock may be accessory to a residential use or may be a main use in certain zones. Boat docks are exempt from all yard and elevation requirements of this By-law.
- (44) "BOAT HOUSE" means a building or structure intended for use to house, shelter, or protect a boat or other form of water transportation. When constructed in association with a residential dwelling, a boat house shall be deemed an accessory building.
- (45) "BOAT RAMP" means any structure or facility used to launch and load boats. For the purposes of this By-law, a boat ramp may be accessory to a residential use or may be a main use in certain zones. Boat ramps are exempt from all yard and elevation requirements of this By-law.
- (46) "BODY SHOP" means an establishment engaged primarily in the repairing or painting of vehicle bodies.
- (47) "BREAK WALL" means a barrier constructed of sheet piling, rocks, or any combination of materials that breaks the impact of waves and separates a body of water from land. Break walls are accessory uses for the purposes of this By-law but are exempt from all yard and elevation requirements.
- (48) *"BREWERY" means a facility for the manufacture of beer and may include, in combination therewith, a retail store and a tasting room for the sale of beer produced on the same lot and interior (By-law 2016-104).*
- (49) "BREWING ON PREMISES ESTABLISHMENT" means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased, equipment and storage area is used for a fee by the same individuals.
- (50) "BUILDER'S YARD" means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business, but does not include the wholesale or retail sale of building supplies or home improvement supplies.
- (51) "BUILDING" means any structure having a roof supported by walls and/or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, but does not include any vehicle as defined herein.

- (52) "BUILDING BY-LAW" means any By-law of the Corporation passed pursuant to The Building Code Act, as amended from time to time, or any successors thereto.
- (53) "BUILDING HEIGHT" - see "HEIGHT".
- (54) "BUILDING INSPECTOR" means the officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building By-law of the Corporation.
- (55) "BUILDING LINE, ESTABLISHED" means the existing street setback of an existing main building on a lot, measured between the centreline of the street adjacent to the said lot and the nearest part of such building, excluding any stoops, sun decks, porches, verandas, balconies, exterior steps, or architectural adornments.
- (56) "BUILDING OR CONTRACTING ESTABLISHMENT" means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as landscaping services, window cleaning and extermination services. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors' offices, but does not include salvage yards.
- (57) "BUILDING SUPPLY OUTLET" means an industrial premises used for storage, milling, and wholesale sales of a broad range of building materials and which may include retail operation.
- (58) "BULK SALES ESTABLISHMENTS" means the use of land, structure or building for the purposes of buying and selling lumber, wood, building materials, feed, fertilizer, ice, and allied commodities but does not include any manufacturing, assembling or processing.
- (59) "BUSINESS OFFICE" - see "OFFICE, BUSINESS".
- (60) "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, protective services, and small equipment rental, leasing and repair.
- (61) "CAMPGROUND" means a use consisting of at least five (5) camping sites, licensed under the provisions of The Municipal Act, as amended from time to time, and comprising land used or maintained for seasonal recreational activity

- as grounds for the camping or parking of a tent, tent trailer, motor home, travel trailer, or truck camper, but not a mobile home.
- (62) "CANAL" means an artificial waterway other than a municipal drain, directly or indirectly connected to Lake Erie or the Detroit River and which is constructed for recreational or drainage purposes.
- (63) "CANOPY, WEATHER" means a permanent unenclosed roof structure erected for the purpose of sheltering motor vehicle fuel pumps and dispenser islands from the weather.
- (64) "CARPORT" means a covered structure attached to a wall of a main building and used for the storage of vehicles. The roof of the said structure shall be supported by piers or columns so that 50 percent of its wall area adjacent to the side lot line is unenclosed.
- (65) "CAR WASH" means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.
- (66) "CATALOGUE STORE" means a retail commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.
- (67) "CATERER'S ESTABLISHMENT" means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include a food service establishment.
- (68) "CELLAR" - see "STOREY"
- (69) "CEMETERY" means a cemetery as defined in The Cemetery Act.
- (70) "CHIEF BUILDING OFFICIAL" means the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the Zoning By-law of the Corporation.
- (71) "CHRONIC CARE FACILITY" means a rest home, a hospital, or licensed facility where the elderly or chronically ill reside and are cared for.
- (72) "CHURCH" means a building dedicated to religious worship and may include a rectory or manse, church hall, church auditorium, Sunday school, parish hall, and church day nursery.

- (73) "CIDERY" means a facility for the manufacture of cider and may include, in combination therewith, a retail store and a tasting room for the sale of cider produced on the same lot and interior.
- (74) "CINEMA" means a building or part thereof used for the showing or viewing of motion pictures.
- (75) "CLINIC" means a building, or part thereof, intended for the use by any or all of the following: physicians, dentists, denturists, drugless practitioners, opticians, optometrists, chiropractors, their staff and their patients, for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, waiting rooms, treatment rooms, laboratories and dispensaries, directly associated with the clinic.
- (76) "CLUB, PRIVATE" means a building or premises located on privately owned lands, operated on a non-profit basis for social, literary, cultural, political, educational or recreational purposes, primarily for the exclusive use of members and their guests and not open to the general public on an equal basis.
- (77) "COLLEGE" - see "SCHOOL".
- (78) "COMMERCIAL PARKING LOT" means an open area, other than a street, used for the temporary parking of two or more vehicles for profit or gain.
- (79) "COMMERCIAL RECREATION ESTABLISHMENT" means the use of land, building or structure for the purposes of buying and selling commercial entertainment or recreation such as bowling, billiards, arcades, miniature golf, water slides, amusement centres, etc. This definition does not include travel trailer parks or campgrounds.
- (80) "COMMERCIAL SCHOOL" see "SCHOOL"
- (81) "COMMERCIAL STORAGE UNIT" means a building or buildings consisting of individual units with personal vehicular access, used for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use.
- (82) "COMMERCIAL VEHICLE" - see "VEHICLE".
- (83) "COMMUNITY CENTRE" means any tract of land, used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality, a local board or agent thereof.
- (84) "CONSENT" means the approval to the severance of land pursuant to the provisions of The Planning Act, as amended from time to time.

- (85) "CONSERVATION AUTHORITY" means the Essex Region Conservation Authority, or any successors thereto.
- (86) "CONTINUUM-OF-CARE FACILITY" means a facility which may include a Senior Citizens Apartment Building, and/or a Nursing Home and may include in association with the Senior Citizens Apartment Building and/or Nursing Home such facilities as hospitals, clinics, retirement lodges, recreation centres, cafeterias and personal service establishment.
- (87) "CONTRACTOR'S YARD" - see "BUILDER'S YARD".
- (88) "CONVENIENCE STORE" means a retail food store, confectionery, delicatessen, grocery store, or groceteria having a gross floor area of 300.0 square metres (3,229 sq. ft.) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning.
- (89) "CORPORATION" means the Corporation of the Town of Amherstburg.
- (90) "COUNCIL" means the Municipal Council of the Corporation of the Town of Amherstburg.
- (91) "COUNTY" means the Corporation of the County of Essex.
- (92) "COUNTY ROAD" means a street under the jurisdiction of the County.
- (93) "COVERAGE" - see "LOT COVERAGE".
- (94) "CRUSHING PLANT" means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.
- (95) "DATA PROCESSING ESTABLISHMENT" means a building, or part thereof, used for the input, processing and printing of computerized data.
- (96) "DAY CARE" means a building or part thereof duly licensed by the Province of Ontario for use as a facility for the daytime care of children.
- (97) "DECK" means a platform made of wood, concrete or other similar material, that has a height greater than .6096 metres above grade, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential uses.
- (98) "DENSITY" means the ratio of dwelling units to lot area.

- (99) "DEPARTMENT STORE" means a large retail store which offers a wide selection of merchandise in departments including most or all of apparel, housewares, domestic goods, drugs, hardware, automotive supplies, sporting goods, toys, furniture and appliances, and lawn and garden supplies.
- (100) "DERELICT MOTOR VEHICLE" means an inoperative motor vehicle which is not currently licensed.
- (101) "DETACHED" means "not attached".
- (102) "DEVELOPMENT" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.
- (103) *"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 the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples include, but are not limited to: drive-up windows; ATM machines, order boards or boxes; car wash facilities; auto service facilities such as windshield washing stations; quick-lube or quick-oil change facilities. This does not include a drive-through restaurant as defined herein. (By-law 2006-61)*
- (104) "DRIVEWAY" means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.
- (105) "DRY CLEANER'S DISTRIBUTION STATION" means a building 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.
- (106) "DRY CLEANING AND LAUNDRY DEPOT" means a building used for the purpose of receiving articles of clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere or on the premises if the processing element is restricted to closed, unvented dry cleaning equipment, and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.



- (107) "DRY CLEANING AND LAUNDRY PLANT" means a building where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing is carried on.
- (108) "DRY CLEANING ESTABLISHMENT" means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or clothing is carried on, and
- (i) in which only non-inflammable solvents are or can be used which emit no odours or fumes; and
  - (ii) in which no noise or vibration causes a nuisance or inconvenience within or without the premises.
- (109) "DUPLEX DWELLING" - See "DWELLING, DUPLEX DWELLING".
- (110) "DUPLICATING SHOP" means a premises engaged in reproducing drawings, plans, maps or other copy, by computer graphics, blueprinting, photocopying or small offset process.
- (111) "DWELLING" means a building, occupied or designated to be occupied exclusively as a home, residence or sleeping place by one (1) or more persons, but shall not include hotels, boarding, lodging, or rooming houses, tourist homes, nursing homes, motels, institutions, or travel trailers.
- (a) "APARTMENT BUILDING" means a residential building containing four or more dwelling units to each of which access is obtained through a common entrance or entrances from the outside and through a corridor or hallway from the inside.
  - (b) "APARTMENT BUILDING, SPECIAL NEEDS" means an apartment building designed for the accommodation and occupancy by elderly and/or physically handicapped persons which is owned and managed by a public housing authority or non-profit organization or a charitable institution, and which may be associated with a church.
  - (c) "CONVERTED DWELLING" means an existing dwelling constructed as a single or semi-detached unit on an existing lot in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for the required fire escapes, extra windows and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser, and provided that the building, when converted, complies with the provisions of the Building By-law and the parking provisions of this By-law.

- (d) “DUPLEX DWELLING” means the whole of a dwelling other than a converted 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.
- (e) “FOURPLEX DWELLING” means the whole of a dwelling that is divided horizontally and/or vertically into four separate dwelling units, each of which has an independent entrance either directly from the outside or through a common entrance.
- (f) “MODULAR DWELLING” means a prefabricated single unit dwelling being so constructed or assembled that the shortest side of such dwelling is not less than 6.096 metres (20 feet) in width.
- (g) “MULTIPLE DWELLING” means a dwelling containing more than three dwelling units.
- (h) “ROWHOUSE” means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.
- (i) “SEASONAL FARM” means a dwelling that is used for not more than six (6) months in any given year for the housing of seasonal farm labour and their families and may include a mobile home.
- (j) “SEMI-DETACHED DWELLING” means a pair of two attached single dwellings with a common wall, dividing the pair of single dwellings vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.
- (k) “SEMI-DETACHED DWELLING UNIT” means one of a pair of two attached single dwellings with a common wall, dividing the pair of single dwellings vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.

- (l) "SINGLE DETACHED DWELLING" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.
  - (m) "SINGLE DWELLING" means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.
  - (n) "STREET ROWHOUSE" means a rowhouse with each unit on a separate lot and having legal frontage on a public street.
  - (o) "TRIPLEX DWELLING" means the whole of a dwelling that is divided horizontally and/or vertically into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance.
- (112) "DWELLING UNIT" means one (1) or more habitable rooms occupied or designed to be occupied by an individual or group of individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or group of individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- (113) "DWELLING UNIT AREA" - see "FLOOR AREA".
- (114) "EASEMENT" shall have the meaning attributed to it in the definition of Right-of-Way.
- (115) "EATING ESTABLISHMENT" means a building or part of a building where food is offered for sale or sold to the public for immediate consumption or take-out and includes such uses as a restaurant, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, or refreshment room or stand, but does not include a boarding house or lodging house.
- (116) "ELECTRICAL AND ELECTRONIC PRODUCTS INDUSTRY" means an industry involved in the production of appliances, lighting products, audio and video recording, receiving, sending and playing products, communications products, business machine products, electrical transformers and switches, energy, wire and cable products, but shall not include electrical generation equipment or battery products.

- (117) “EMERGENCY CARE ESTABLISHMENT” means an institutional use that provides a means of immediate, temporary accommodation and assistance for a short-term period, generally less than one week for the majority of the residents. “Emergency care establishments” are distinct from “group homes” in that the former has a shorter length of stay, and that their capacity usually exceeds eight residents (excluding staff or the receiving family).
- (118) “EMISSION” means any corrosive gasses, dust, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gasses or radiation issuing from a building, structure or lot.
- (119) “ERECT” means to do anything in the erection, building, construction, reconstruction, installation, enlargement, extension, material or structural alteration or repair of a building or structure and shall include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a building or structure, the installation of a building unit fabricated or removed from elsewhere, and the demolition or removal of a building or any part thereof and further includes any work for which a building permit is required under the Building By-law of the Corporation.
- “ERECTED” and “ERECTION” have corresponding meanings.
- (120) “ESTABLISHMENT”, when used as part of a definition for a specific use, means a building or structure or use that is a place of business or manufacturing or public or private institution not intended to be interpreted as a retail store for the purposes of this By-law. (By-law 2006-40)
- (121) “EXISTING”, means legally existing as of the date of the passing of the By-law.
- (122) “EXPEDITIOUSLY” means that at least 10 percent of the total project is being completed in any given month.
- (123) “FACTORY OUTLET” means a building or part thereof accessory to, and clearly secondary to, an industrial use or a service trade, wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for the delivery of such products.
- (124) “FARM SALES OUTLET” means a building, structure or use accessory to a farm and engaged in the storage, handling and sale of farm produce or agricultural materials, including landscaping and garden supplies but not necessarily from that farm.
- (125) “FARM EQUIPMENT SALES AND SERVICE ESTABLISHMENT” means a lot, building or structure where the business of selling, renting or leasing of new or

- used farm equipment and machinery, or both, is conducted and may include the display, storage and sale of such equipment; the servicing and repair of such equipment; the storage, display and sale, renting or leasing of related accessories and products; and, offices, show rooms and sales rooms.
- (126) "FINANCIAL INSTITUTION" means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers, but not including the internal offices or administrative offices which shall be considered to be offices for the purposes of this By-law.
- (127) "FINISHED GRADE" means, when used in reference to a building or structure, the average elevation of the finished surface of the ground immediately adjoining the base of the exterior walls or supports of such building or structure.
- (128) "FLOODWAY" means the area of land adjacent to a watercourse or municipal drain which is subject to deeper, faster flows, and which acts as the flood channel under regulatory storm conditions. For the purposes of this By-law, the floodway is defined as a setback area of 15.24 metres (50 feet) measured from the top of bank of a watercourse or drain.
- (129) "FLOOR AREA" means the area of the floor surface of a storey or part thereof.
- (a) "DWELLING UNIT AREA" means the aggregate of the floor areas of all habitable rooms, hallways, and lobbies within a dwelling unit, excluding the thickness of any exterior walls.
  - (b) "GROSS FLOOR AREA" means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor areas of any private garage.
  - (c) "NET FLOOR AREA" means that portion of the gross floor area of a building which is used exclusively for a non-residential use defined herein or specifically named elsewhere in this By-law, but excluding:
    - (i) any part of such building used for any other non-residential uses which are defined herein or specifically named elsewhere in this By-law;
    - (ii) any part of such building used as a dwelling unit, a public concourse, an elevator shaft, or a common

- hallway or stairway not used exclusively by the said non-residential use;
- (iii) any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool or otherwise control the environment of such building or a portion thereof;
  - (iv) any part of such building used as a lavatory, a washroom, a locker room or a cloak room; and
  - (v) the thickness of any exterior walls of such building.
- (130) "FLORIST SHOP" means a retail store devoted to the sale of flowers, indoor plants and arrangements thereof.
- (131) "FOOD PROCESSING PLANT" means a building or part thereof, other than a restaurant or catering establishment in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption, and includes a flour mill, a dairy, a bakery, a grain elevator or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.
- (132) "FOOD STORE" means a retail store selling food and associated small household items, and having a gross leaseable floor area of less than 2000.0 square metres (21,528 sq. ft.) or as determined by the zone standard.
- (133) "FOOD VEHICLE OR TRAILER" means a portable trailer or vehicle used commercially for the preparation and sale of food and may include picnic tables or an incidental eating area. (By-law 2006-61)
- (134) "FORESTRY USE" means the general raising and harvesting of wood, and without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products produced on the same lot.
- (135) "FOSTER HOME" means a single housekeeping unit in a dwelling, in which individuals may be placed with Foster Parents to gain a family life experience, the said home being affiliated with a recognized social agency. The number of individuals placed at any one time shall not exceed four persons.
- (136) "FRONTAGE" - see "LOT FRONTAGE".
- (137) "FRONT YARD" - see "YARD".

- (138) "FUEL PUMP ISLAND" means that portion of an automobile service station, public garage or portion of a non-residential use for the retail sale of automotive fuels, that includes the fuel pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.
- (139) "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 merely incidental to some other use of the premises where such tank is located.
- (140) "FUNERAL HOME" means a building or part thereof wherein a licensed undertaker prepares corpses for interment and may include a chapel for funeral services.
- (141) "GARAGE, PRIVATE" means an accessory building or structure, or a portion of a building, which is used or intended to be used for the sheltering of vehicles and in which there are no facilities for repairing or servicing such vehicles for gain or profit, and includes a partially enclosed carport.
- (a) "GARAGE, MUTUAL" means a private garage which:
- (i) contains sufficient space for the parking of not less than two vehicles;
- (ii) is situated astride a common side lot line between two adjacent lots; and
- (iii) is accessory to a main use on each of such lots.
- (b) "GARAGE, PUBLIC" means a building or structure other than a private garage which is used for the care, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.
- (142) "GARDEN CENTRE" means a lot, building or structure or part thereof, used for the wholesale and retail sale of trees, shrubs, plants, soil, landscaping supplies, fertilizers and similar materials and may include an associated landscape contracting business.
- (143) "GAS BAR" means an establishment designed for the retail sale of gasoline motor car fuel, diesel fuel, propane, other similar products, lubricating oil and allied additives and the introduction of such materials into vehicles but does not include the provision of mechanical services to vehicles.

- (144) "GENERAL MANUFACTURING" means the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and materials, but not including any mine, pit, quarry, or oil well, nor any restricted use.
- (145) "GENERAL OFFICE" means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business, brokerage, labour or fraternal organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.
- (146) "GOLF COURSE" means a public or private area operated for the purpose of playing golf including a par three (3) golf course and associated practice area but does not include driving ranges, miniature courses and similar uses operated for commercial purposes.
- (147) "GRADE or GRADE, AVERAGE FINISHED" means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Chief Building Official.
- (148) "GRADE LEVEL" means the level of any lots, measured above sea level according to Geodetic Datum, 15.24 centimetres (6 inches) above the normal crown level of the road, measured above sea level according to Geodetic Datum, upon which the lot abuts. Where a lot abuts on two (2) or more streets, the grade level shall be the mean of the grade levels calculated with reference to the different streets. If the natural level of the ground is higher than as above stipulated, then the average natural level of the ground shall be taken as the grade level.
- (149) "GRAVEL PIT" means any pit or excavation made for the purpose of searching for, or the removal of any soil, earth, clay, marl, sand or gravel for commercial and/or municipal purposes but shall not include a stone quarry as defined herein, an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.
- (150) "GREENHOUSE, COMMERCIAL" means a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from the lot either at wholesale or retail.



(151) "GREENHOUSE, FARM" means a building used for the growing of plants, shrubs, trees and similar vegetation which are transplanted outdoors on the same lot containing such greenhouse.

(152) "GROUP HOME TYPE 1 AND 2"

(a) "GROUP HOME TYPE 1" means a single housekeeping unit in which 4 to 10 residents (excluding staff or the receiving family), live as a family under responsible supervision consistent with the requirements of its residents. A Group Home Type 1 may provide accommodation, supervision and treatment for: persons with developmental (and/or physical) disabilities pursuant to the Homes for Retarded Persons Act, or the Developmental Services Act; individuals over 60 years of age as a satellite residence under the Homes for the Aged and Rest Homes Act; for children under the age of 16 under the Children's Residential Services Act; for persons under the Mental Hospitals Act and the Homes for the Special Care Act; and for persons under the Charitable Institutions Act. A Group Home Type 1 does not include an Emergency Care Establishment or a Group Home Type 2, as defined by this By-law.

(b) "GROUP HOME TYPE 2" means a residence maintained and operated primarily for: persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, the Young Offenders Act, or any Act passed to replace the foregoing Acts; or who have been released on parole under the provisions of the Ministry of Correctional Services Act or Parole Board of Canada, or any Act passed to replace the foregoing Acts; or has been charged under the Young Offenders Act but who has been placed in open or secure custody. The number of persons residing therein shall be up to eight excluding staff. A Group Home Type 2 may include a Group Home Type 1 and a Supervised Residence.

(153) "HABITABLE AND NON-HABITABLE ROOM"

(a) "HABITABLE ROOM" means a room which:

(i) is located within a dwelling unit;

- (ii) is designed for living, sleeping or eating or for sanitary purposes;
    - (iii) can be used at all times throughout the year; and
    - (iv) is not located within a cellar.
  - (b) "NON-HABITABLE ROOM" means any room located within a dwelling unit but that is not a habitable room, including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a sunroom, a verandah, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.
- (154) "HAIRDRESSING ESTABLISHMENT" means a service commercial establishment providing a personal service to men, women or children by shampooing, cutting, styling, tinting or treatment of hair, by giving manicures, pedicures, facial treatments, scalp massages or by the use of cosmetic products and, without limiting the generality of the foregoing, includes a barber shop and beauty salon.
- (155) "HEIGHT" or "BUILDING HEIGHT", when used in reference to a building or structure, means the vertical distance between the horizontal plane through the average finished grade and a horizontal plane through:
- (i) the highest point of the roof assembly in the case of a building with a flat roof or deck roof, or in the case of an accessory structure;
  - (ii) the average level of a one (1) slope roof, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
  - (iii) the roof deck line, in the case of a mansard roof;
  - (iv) the average level between eaves and ridges in the case of a roof type not mentioned in Subsections (a), (b) and (c) immediately preceding;
  - (v) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.
- (156) "HERITAGE BUILDING" means a building designated under Part IV of The Ontario Heritage Act.
- (157) "HIGHWAY", "STREET" or "ROAD" means a public way for purposes of vehicular and pedestrian travel, including the entire area within the right-of-way, with or without provision made for curbs, sidewalks, and paved gutters, and owned or maintained by a public authority.

- (158) "HOME AND AUTO SUPPLY STORE" means a retail store devoted to the sale of merchandise for the home and automobile including such goods as paint, hardware, electrical, plumbing, housewares, home appliances, sporting goods, lawn and garden supplies, and automobile supplies, and may include an associated automobile repair garage and gas bar.
- (159) "HOME APPLIANCE STORE" means a retail store devoted to the sale of household equipment such as major and small appliances, electronic devices, computers, and audio or visual equipment.
- (160) "HOME DECORATING STORE" means a retail store devoted to the sale of goods and materials required for decorating the interior of a home or office, including floor, wall and window coverings, lighting fixtures, bathroom and kitchen fixtures and accessories.
- (161) "HOME FURNISHINGS STORE" means a retail store devoted to the sale of movable contents of a room, home or office. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet and indoor window coverings.
- (162) "HOME IMPROVEMENT STORE" means a retail store devoted to the sale of goods or materials associated with the furnishing and decorating of a home and includes a home decorating store, a home furnishing store or a home appliance store.
- (163) "HOME OCCUPATION" means the use of part of a dwelling unit for an occupation which provides gain or support, for at least one (1) of the permanent residents of such dwelling unit and which is clearly secondary to the main use of the dwelling unit as a private residence. Also included as home occupations are Ministry licensed home child care establishments that, for remuneration, provide temporary care to not more than five children.
- (164) "HOME OCCUPATION, AGRICULTURAL" means the use of part of a main or accessory building for an occupation for gain or support which serves agricultural uses.
- (165) "HOMES FOR THE AGED" means a building for the aged established and maintained under the Homes for the Aged Act.
- (166) "HOMES FOR THE AGED, REST HOME" means a building for the aged established and maintained under the Homes for the Aged and Rest Homes Act.
- (167) "HOSPITAL" means a hospital as defined in The Private Hospitals Act, as amended from time to time, or a sanitorium as defined in The Private Sanitorial Act, as amended from time to time, or a hospital as defined by the Public Hospitals Act, as amended from time to time.

- (168) "HOTEL" means any hotel, motel, tavern, inn, lounge, lodge, or public house in one (1) main building or in two (2) or more connected or adjacent buildings designed and used mainly for the purposes of catering to the needs of the travelling public by supplying food, refreshments or both and furnishing sleeping accommodation of not less than six (6) guest rooms, each having no facilities for cooking or housekeeping, and provided that each guest room may only be entered from the interior of the building, and shall include all such buildings operating under the Liquor Licence Act, and the Tourism Act, as amended from time to time. A "Hotel" does not include a rooming house, boarding house, multiple family dwelling or apartment hotels.
- (169) "HOUSEHOLD SALE/GARAGE SALE" means the sale by an occupant of a dwelling unit, on his own premises, of household goods belonging to him.
- (170) "HOUSEHOLD PET" means a domestic animal that by nature of its temperament or appearance is taken into the care of one or more persons for the purpose of personal enjoyment or protection which normally spends time in the dwelling unit of the owner at least once each day, and shall include specifically, caged birds, caged rodents or rabbits, cats, dogs, tropical fish, and non-poisonous indigenous reptiles.
- (171) "IMPOUNDING YARD" means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, or salvage yard.
- (172) "INDUSTRIAL USE" means the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale, any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. Transportation terminals would also be considered as an industrial use.
- (173) "INDUSTRIAL USE, NON-EFFLUENT PRODUCING" means an industrial use which either does not discharge waste water or discharged waste water from one or more of the following sources only:
- (i) sanitary sewage from employee washrooms;
  - (ii) storm water drainage;
  - (iii) water used for indirect cooling of equipment and ancillary purposes.
- (174) "INSTITUTIONAL" means any land, building or part thereof used for a non-commercial purpose by any organization, government agency or group, for

charitable, education or benevolent objectives but excluding a private club, mental hospital or any place of detention or correction.

- (175) "INTERIOR SIDE YARD" - see "YARD".
- (176) "KENNEL" means a place where dogs or other domestic animals other than poultry are bred and raised and are sold or kept for sale.
- (177) "LABORATORY" means a building, or part thereof, used for scientific, medical and/or dental testing, experimentation and/or research.
- (178) "LANDSCAPED OPEN SPACE" means an open area of land which is:
- (i) unoccupied by any building or structure;
  - (ii) situated at ground level on a lot; and
  - (iii) used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not necessarily restricted to, planting strips, facilities for outdoor recreation, play areas, surfaced walks and patios;
- but does not include any part of a driveway or parking area, regardless of surface composition, or any roof-top terrace, balcony, or space enclosed within a building.
- (179) "LANE" means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down upon a registered plan and dedicated to public use, as a right-of-way for use in common by adjacent land owners.
- (180) "*LARGE SCALE WIND ENERGY SYSTEM*" means wind energy system comprising one or more turbines with a combined nameplate generation capacity of 500 kilowatts or more, or a height greater than 100 metres. (By-law 2008-55, 56, 57)
- (181) "LAUNDROMAT" means a self-serve clothes washing establishment containing one or more washing and drying, ironing, finishing or other incidental equipment.
- (182) "LEGAL" or "LAWFUL", when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure allowed by law, which complies with any and all restrictions lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.
- (183) "LEGAL SIGN" - see "SIGN".

- (184) "LIBRARY, PUBLIC" means a library, branch library or distributing station under The Public Libraries Act, as amended from time to time, or any successor thereto.
- (185) "LIGHT MANUFACTURING" means the manufacturing, assembly or processing of component parts to produce finished products suitable for retail trade and does not include food, beverage, tobacco, rubber, leather, textile and knitting, wood, printing, metal fabricating or similar industries if these operations involve stamping presses, furnaces or machinery that can be perceived by sound or odour outside of the building.
- (186) "LIVESTOCK FACILITY" means a barn, building or structure where animals are housed or intended to be housed, including a beef feedlot, and shall also include associated manure storage facilities.
- (187) "LIVESTOCK HOUSING CAPACITY" means the total maximum number of livestock that can be accommodated in a livestock facility at any one time.
- (188) "LIVESTOCK UNIT" means the equivalent value for various types of animals and poultry based upon manure production and production cycles, as set out in definition for Animal Unit.
- (189) "LOADING SPACE" means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle, loading or unloading merchandise or materials pertinent to such permitted use.
- (190) "LODGING HOUSE" means:
- (a) a building in which residential accommodation is provided or is intended to be provided for hire or gain in which each lodger does not have access to all the habitable areas of the building, consisting of:
    - (b) a dwelling unit, together with more than three lodging units which lodging units individually or collectively do not constitute separate dwelling units; or
    - (c) more than three lodging units, which lodging units individually or collectively do not constitute a dwelling unit; or
    - (d) a building in which lodging is provided for more than three persons, with or without meals.

A lodging house shall include a rooming house, a boarding house, a fraternity and sorority house, but shall not include a hotel, motel, hostel, hospital or nursing

- home if licensed, approved or supervised under any general or special act other than the Municipal Act, or a residence of an educational institution.
- (191) "LOT" means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision, other than a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a By-law passed pursuant to Section 51 of the Planning Act, 1990 as amended from time to time, or any successors thereto, and does not include a water lot as defined herein.
- (192) "LOT AREA" means the total horizontal area within the lot lines of a lot.
- (193) "LOT CORNER" means a lot situated at the intersection of and abutting two or more streets, provided that the angle of intersection of such streets is not more than 135°.
- (194) "LOT COVERAGE" means that percentage of the lot area of a lot covered by the perpendicular projections onto a horizontal plane of the floor areas of all buildings or mobile homes on the lot, excluding balconies, canopies and overhanging eaves which are 2 metres or more in height above finished grade.
- (195) "LOT DEPTH" means:
- (i) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;
  - (ii) the average horizontal distance between the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or
  - (iii) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot, where there is not rear lot line.
- (196) "LOT FRONTAGE" means the horizontal distance between the side lot lines of a lot, such distance being measured along a line which is parallel to the front lot line of the lot at the minimum front yard depth required hereby on such lot.
- (197) "LOT - INTERIOR" means a lot other than a corner lot.
- (198) "LOT LINE" means any boundary of a lot or the vertical projection thereof.
- (a) "FRONT LOT LINE" means:
    - (i) in the case of an interior lot, the street line of the lot;

- (ii) in the case of a corner lot, either street line of the lot, whereas the other street line shall be deemed an exterior side lot line; or
    - (iii) in the case of a through lot, either street line of the lot, whereas the other street line shall be deemed a rear lot line.
  - (b) "REAR LOT LINE" means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has only 3 lot lines there shall be deemed to be no rear lot line.
  - (c) "SIDE LOT LINE" means a lot line other than a front or rear lot line.
  - (d) "EXTERIOR SIDE LOT LINE" means a side lot line that is also a street line.
  - (e) "INTERIOR SIDE LOT LINE" means a side lot line other than exterior side lot line.
  - (f) "INTERIOR LOT LINE" means a lot line other than a street line.
- (199) "LOT OF RECORD" means a lot that legally exists at the date of passing of this By-law.
- (200) "LOT - THROUGH" means a lot bounded on two sides by a street; provided, however that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be corner lot.
- (201) "LOT, WATER" means an area of a lot or the whole of a lot that is covered by water for most of the year and although it may be conveyed, is not a lot for the purposes of building or a lot to be calculated as part of the regulations of this By-law.
- (202) "M<sup>2</sup>" means square metres.
- (203) "MACHINE SHOP" - See "SERVICE SHOP".
- (204) "MAIN", when used to describe a use, a building or a structure, means a use or structure which constitutes, or a building in which is conducted, a principal use of the lot on which such use, building or structure is located.
- (205) "MAIN WALL" means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.



- (206) *“MANUFACTURING AND ASSEMBLY INDUSTRY” means a building or part thereof used for a broad range of manufacturing, fabricating and assembly industries, and includes household waste recycling depots, but excludes paper and allied products industries, food, tobacco and beverage processing, processed goods, armaments, munitions and explosives manufacturing industries, and any noxious use. Noxious uses are such uses are listed under Section 3(27)(a) of the General Provisions Section of this By-law. (By-law 2016-32)*
- (207) *“MARINA” means an area or establishment, with or without buildings, providing facilities or services for boats or persons travelling by boat, and operated on a commercial basis or by a company or group of persons such as a club organized for pleasure or recreational purposes, and may include slips, docks, moorings, waste disposal arrangements, fuelling facilities, boat storage, the sale, rental or repair of boats, boat motors, or boat accessories and the provision of refreshments.*
- (208) *“MARKET GARDEN” means the land used for the growing of vegetables, berry fruit crops, flowers and mushrooms, nurseries and nursery sales stations and greenhouses.*
- (209) *“MEDICAL/DENTAL OFFICES” - See “OFFICES, MEDICAL/DENTAL”.*
- (210) *“MEDIUM SCALE WIND ENERGY SYSTEM” means any wind energy system with a nameplate generating capacity greater than 50 kilowatts and less than 5000 kilowatts and has a maximum height of 100 metres and may be the primary permitted use or may be ancillary to a primary permitted use. (By-law 2008-55, 56, 57)*
- (211) *“MERCHANDISE SERVICE SHOP” means a building or part thereof wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale or a depot to collect, ship and receive such articles to be repaired or renewed.*
- (212) *“MICRO-DISTILLERY” means the use of lands, buildings and structures for the production of spirits. A micro-distillery may include a production area, a warehouse and an accessory retail outlet for the sale of spirits produced on the same lot.  
(By-law 2014-113)*
- (213) *“MICRO SCALE WIND ENERGY SYSTEM” means any wind energy system with a nameplate generating capacity that does not exceed 1 kilowatt and has a maximum height of 17 metres and is ancillary to a primary permitted use. (By-law 2008-55, 56, 57)*

- (214) *“MINIATURE GOLF COURSE” means an area of land or a building, structure or premises or part thereof, operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range. (By-law 2017-11)*
- (215) “MOBILE HOME” means any dwelling that is designed to be made mobile, regardless of whether the running gear has been removed, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise defined or a recreational vehicle.
- (216) “MOBILE HOME LOT” means a parcel of land within a mobile home park which is used as the site of, and pertains to, not more than one mobile home.
- (217) “MOBILE HOME PARK” means a parcel of land containing two or more mobile home lots, with or without any buildings, structures or uses accessory thereto.
- (218) “MOTEL” means a building, a part of a building or a group of buildings used for the purpose of providing accommodation, with or without food or other refreshments, to the travelling public, including, but not so as to limit the generality of the foregoing, a motor court, auto court, motor hotel, tourist home and any hotel as defined in The Hotel Registration of Guest Act, as amended from time to time, or any successors thereto.
- (219) “MOTOR HOME” means a self-propelled vehicle designed for temporary living, sleeping and eating accommodation of persons and includes a camper pickup and camper van.
- (220) “MOTOR VEHICLE” means a wheeled, self-propelling vehicle for the transportation of passengers or goods or both passengers and goods, and without limiting the generality of the foregoing, includes automobiles, trucks, buses, ambulances, hearses, motor homes, and tractors and other self-propelled farm machinery.
- (221) “MOTOR VEHICLE, COMMERCIAL” means a motor vehicle as defined above that is used for commercial, industrial or any other non-private purposes.
- (222) “MUNICIPAL DRAIN” means drainage works constructed and maintained under the provisions of The Drainage Act, as amended from time to time.
- (223) “MUNICIPALITY” means The Corporation of the Town of Amherstburg.
- (224) “NAVIGABLE WATERWAY” means a navigable body of water or stream as deemed under the Beds & Navigable Waters Act or its successor.

- (225) "NON-COMPLYING" means a lot, building, or structure which is existing but does not meet, comply or agree with the regulations of this By-law.
- (226) "NON-CONFORMING" means a use which is existing but not permitted in the zone in which the said use is situated.
- (227) "NURSERY AND GARDEN STORE" means the use of land, buildings or structures, or part thereof, where trees, shrubs or plants are grown or stored for the purpose of transplanting for use as stocks for building or grafting or for the purpose of retail or wholesale.
- (228) "NURSING HOME" means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment may be provided for gain or profit or as a charitable public service and includes a rest home or a convalescent home, but does not include a hotel, motel or hospital as defined herein.
- (229) "OFFICE, BUSINESS" means a building or part thereof in which the administrative functions of agencies, foundations, brokers, labour or fraternal organizations are carried out and includes a service office, but does not include medical/dental offices, professional offices, support offices, financial or general offices, unless specified as permitted within this definition.
- (230) "OFFICE, GENERAL" means a building or part of a building or any room or suite of rooms designed, intended or used for the conduct of a profession, occupation or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, repairing or storage of goods or any place of assembly or amusement.
- (231) "OFFICE, MEDICAL/DENTAL" means an office or offices in which the practice of the professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out.
- (232) "OFFICE, PROFESSIONAL" means any office used by professionally qualified persons, for the purposes of giving advice, consultation or treatment to clients or patients.
- (233) "OFFICE, SERVICE" means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency.
- (234) "OFFICE SUPPLY OUTLET" means a retail store devoted to wholesale and retail sale of office supplies and school supplies, such as paper products, information processing supplies, files and furniture.

- (235) "OPEN STORAGE" means the storage of goods and materials, or the display and sale of goods and materials, including vehicles for hire or sale, outside a building as defined herein.
- (236) "OPEN STORAGE AREA" means an area of land used for open storage purposes.
- (237) "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.
- (238) "OUTDOOR PATIO" means an area set aside out of doors, covered or uncovered, for the use of patrons as a licensed restaurant in connection with, and in addition to, the operation of an adjacent restaurant.
- (239) "OUTDOOR RECREATIONAL USES" means any form of play, amusement or relaxation, such as games or sports, carried on completely in the open air and not requiring any buildings for the recreational use itself although accessory buildings for related facilities may be required such as for administrative or office purposes, storage, and accessory food facilities; but does not include war games as defined in Section 2(339) of this By-law.
- (240) "PAPER AND ALLIED PRODUCTS INDUSTRY" include pulp and paper industries; the asphalt roofing industry; the paper box and bag industry; and other converted paper products industries.
- (241) "PARK" means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to a recreational playground, a golf course, a driving range, a play area, a band stand, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a play field, a race track, a swimming area, a wading pool, a boating pond or lake, a watercourse, a campground, a refreshment booth, or a picnic area.
- (a) "PUBLIC PARK" means a park owned or controlled by a public agency.
- (b) "PRIVATE PARK" means a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park in which rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main uses.

- (c) "AMUSEMENT PARK" means a recreational and amusement facility or site that may include a variety of buildings or structures directly related to recreational and amusement uses.
- (242) "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.
- (243) "PARKING AREA" means an area or structure, including a private garage, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane.
- (244) "PARKING LOT" means a lot which contains, and the main use of which is, a parking area, whether or not such parking area is located within a structure.
- (245) "PARKING SPACE" means a portion of a parking area, exclusive of any aisles, to be used for the parking or temporary storage of a motor vehicle.
- (246) "*PARKING SPACE, QUEUING*" means a parking space arranged in a line with other parking spaces such that access to each parking space may require travelling over another or other spaces, which are provided in advance of a drive-through facility, drive-through restaurant or car wash to provide for the queuing of automobiles through such drive-through or car wash facility. (By-law 2006-61)
- (247) "PATIO, PRIVATE OUTDOOR" means a platform made of wood, concrete or other similar material, that has a height of 0.6096 metres (2 feet) or less above grade, made of wood, concrete, or other similar material, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential uses.
- (248) "PERMITTED" means "permitted by this By-law".
- (249) "PERSON" means any individual, an association, a firm, a partnership or an incorporated company, municipal corporation and the agent, trustee, heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- (250) "PERSONAL SERVICE SHOP" means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes a barber shop, hairdressing establishments, shoe repair and shoe shining shop, tailor shops, bakery shops, depots for collection and delivery of dry cleaning and laundry, self serve dry cleaning and laundry establishments.

- (251) "PHARMACEUTICAL AND MEDICAL PRODUCTS INDUSTRY" means a building or part thereof used for the manufacture, fabrication and processing of drugs in pharmaceutical preparations for human or veterinary use, and the manufacture of orthopaedic, prosthetic and surgical appliances and supplies.
- (252) "PHARMACY" means a retail store which dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.
- (253) "PIT" means any pit or excavation made for the purpose of searching for, or the removal of any soil, earth, clay, marl, sand, gravel or rock for commercial purposes but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.
- (254) "PIT, WAYSIDE OR WAYSIDE QUARRY" means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- (255) "PLACE OF ENTERTAINMENT" means a motion picture or other theatre, auditorium, assembly hall, billiard or pool room, bingo hall, bowling alley, amusement arcade, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.
- (256) "PLACE OF WORSHIP" means a building, including synagogues, mosques and rectories, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, church auditorium, convent, monastery, office of a clergyman, cemetery, church school, parish hall, day care or a parsonage as uses accessory thereto.
- (257) "PLANTING STRIP" means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:
- (i) a continuous row of trees;
  - (ii) a continuous hedgerow of evergreens or shrubs;
  - (iii) a berm;
  - (iv) a wall; or
  - (v) an opaque fence,
- arranged in such a way as to form a dense or opaque screen.

- (258) "PORCH" or "VERANDAH" means a partially enclosed stoop having a roof but lacking any enclosing walls greater than 1.5 metres in height from the top of the platform of the said stoop.
- (259) "PRINTING ESTABLISHMENT" means a building or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one of the above-listed primary functions.
- (260) "PRINTING, REPRODUCTION AND DATA PROCESSING INDUSTRY" means a building or part thereof, used by printing industries; reproduction industries such as tape, film and records; data processing industries; and binding and related industries with similar impacts.
- (261) "PRIVATE" means "not public".
- (262) "PRIVATE CLUB" means a private athletic, recreational or social club which is not operated for gain or profit, and includes the premises of a fraternal organization.
- (263) "PRIVATE GARAGE" - see "GARAGE, PRIVATE".
- (264) "PRIVATE ROAD" means a right-of-way existing on the day of passing of this By-law, which has not been dedicated as a street or accepted or assumed by the Corporation, but is owned privately and which affords the principal means or access to abutting, separately owned, legally conveyable parcels of land.

*"Private Well" A hole made in the ground to locate or to obtain groundwater or to test or to obtain information in respect of groundwater or an aquifer, and includes a spring around or in which works are made or equipment is installed for collection or transmission of water and that is or is likely to be used as a source of water for human consumption.*

*There are three parts to the definition:*

*a.) a hole used to locate or obtain groundwater is a well*

*b.) a hole to test or obtain information with respect to groundwater or an aquifer is a well*

*c.) a spring (natural groundwater discharge at ground surface) where works or equipment are installed and where the water will, or is likely to be used for human consumption is a well. (By-Law 2018-86)*

- (265) "PROCESSED GOODS INDUSTRY" means a building or part thereof used by textiles, leather and rubber industries; plastics and synthetic resins industries;

- paper and wood products industries; metal products industries; oil and coal by-products industries; chemical products industries; and non-metallic products industries. Processed goods industries exclude pulp and paper industries and primary metal industries.
- (266) “PROFESSIONAL OFFICE” means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given, including, but not so as to limit the generality of the foregoing, a clinic and the offices of a lawyer, an architect, a surveyor, an engineer, a planner, a real estate agent, investment counsellor or a chartered accountant, but does not include a personal service shop, a business office, a veterinarians’ clinic, a body-rub parlour or any adult entertainment parlour as defined in The Municipal Act, as amended from time to time, or any successors thereto.
- (267) “PROPANE TRANSFER FACILITY” means a facility at a fixed location having not more than one storage container and such container shall not have an aggregate propane storage capacity in excess of 50 000 litres (10,994 gallons) and from which no retail sale of propane fuel to the public is or may be effected.
- (268) “PUBLIC”, when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.
- (269) “PUBLIC AGENCY” means:
- (i) the Government of Canada, the Government of Ontario or any municipal corporation;
  - (ii) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
  - (iii) any public utility; or
  - (iv) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto.
- (270) “PUBLIC AUTHORITY” means any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning board or other board or commission or committee of local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or any portion thereof, and includes any board, commission or committee or local authority established by By-law of the Municipality.



- (271) "PUBLIC HALL" means a building or part thereof where members of the public gather together for the purpose of any meeting or entertainment whether or not an admission fee is charged and whether or not such premises are rented or leased by any organization for any such function. A "Public Hall" does not include a private club, a theatre, a school or a church.
- (272) "PUBLIC SERVICES" means the buildings, structures and other related work necessary for supplying transportation services, water, gas, oil, electricity, steam, hot water, telecommunication services, storm drainage, sewage collection and treatment facilities.
- (273) "PUBLIC UTILITY" means:
- (i) any public agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage, or sewage or waste collection and disposal services to the public; or
  - (ii) a use pertaining to any such agency, corporation, board, or commission.
- (274) "QUARRY" means a place where consolidated rock has been or is being removed by means of an open excavation, and includes the processing thereof including screening, sorting, washing, crushing, and other similar required operations, buildings and structures.
- (275) "REAR LOT LINE" - see "LOT LINE".
- (276) "REAR YARD" - see "YARD".
- (277) "*RECREATIONAL VEHICLE*" means a portable vehicular unit designed for travel, camping or recreational use which may be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, tent trailer, boat, boat trailer, pick-up campers, motorized campers, motorized homes, ATVs, snowmobiles, personal watercraft or other similar vehicles. (By-law 2015-114)
- (278) "REDEVELOPMENT" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.
- (279) "RENOVATION" means the repair and restoration of a building to an improved condition but shall not include its replacement.
- (280) "REPAIR AND RENTAL ESTABLISHMENT" means a business engaged in maintaining, repairing, installing and renting articles and equipment for household and personal use, such as: radios and televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; and re-upholstery and

- furniture repair. This does not include any other use specifically referred to or defined in this By-law.
- (281) “RESEARCH AND DEVELOPMENT ESTABLISHMENT” means a building or part thereof used by raw material development and testing firms; processed products development and testing firms; and chemical and biological products development and testing firms.
- (282) (a) “RESIDENTIAL”, when used in reference to a building, structure or use, means  
any dwelling or mobile home as defined herein or any accessory building, structure or use exclusively devoted thereto.
- (b) “NON-RESIDENTIAL”, when used in reference to a building, structure or use, means a building, structure or use other than a residential building, structure or use.
- (c) “RESIDENTIAL LOT” means a lot containing a residential use or a vacant lot that is zoned for a residential use and meets the zone provisions for the permitted residential use.
- (283) “RESIDENTIAL USE” means the use of a building or structure or parts thereof as a dwelling.
- (284) “RESTAURANT” means a building or part thereof where food and beverage is prepared and offered for retail sale to the public for immediate consumption on the premises, including a dining room, but does not include a refreshment room or any building or part thereof where pre-packed foods or beverages requiring no further preparation before consumption are offered for sale.
- (a) “DRIVE-THROUGH RESTAURANT” means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking-up food from a vehicle. (By-law 2006-61)
- (b) “FAST FOOD RESTAURANT” means an establishment primarily engaged in preparing specialty foods in bulk and in providing customers with a take-out and/or delivery service which may or may not be consumed on or off the premises.
- (285) “RETAIL STORE” means a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for retail sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store

but does not include any wholesale business or business supply use, or any establishment otherwise defined or classified.

- (286) "RETIREMENT LODGE" or "RETIREMENT HOME" means a residence providing accommodation primarily for persons or couples over 60 years of age where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.
- (287) "RIGHT-OF-WAY or EASEMENT" means any right, liberty or privilege in, over, along or under land, which the owner of one (1) lot may have with respect to any other lot or which the Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the Municipality.
- (288) "ROAD" shall have the meaning attributed to it in the definition of Street.
- (289) "ROAD, COUNTY" shall mean a street under the jurisdiction of the County or the Windsor Suburban Roads Commission.
- (290) "ROOMING HOUSE" - See "LODGING HOUSE".
- (291) "SALVAGE OR SCRAP YARD" means an establishment, lot or premises used for the storage wholly or partly in the open, handling, processing, or any combination thereof, of scrap material for reuse for the purpose of commercial gain, which without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, bicycles, vehicles, tires, and metal, and junk or scrap metal yards and automobile wrecking yards shall also be included.
- (292) "SANITARY SEWER" means an adequate system of underground conduits, operated either by a municipal corporation or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment.
- (293) "SATELLITE DISH" means a device designed to receive communication signals from a satellite.
- (294) "SCHOOL" means an educational establishment under the jurisdiction of the **Greater Essex County District School Board, the Windsor-Essex Catholic District Separate School Board** or a school operated under charter granted by the Province of Ontario.
- (a) "PUBLIC SCHOOL" means a school under the jurisdiction of a public agency.

- (b) "PRIVATE SCHOOL" means a school, other than a public school or a commercial school, under the jurisdiction of a private non-profit board of trustees or governors, a religious organization or a charitable institution.
  - (c) "COMMERCIAL SCHOOL" means a school operated by one or more persons for gain or profit.
- (295) "SEASONAL PRODUCE" means products harvested or capable of being harvested within the County of Essex during the season at which it is offered for sale.
- (296) "SENIOR CITIZEN HOUSING" means any housing for senior citizens sponsored and administered by any public agency or any service club, church or other non-business organization, either of which obtains financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses as club and lounge facilities, usually associated with senior citizens development.
- (297) "SERVICE AND REPAIR ESTABLISHMENT" means a premises engaged in maintaining, repairing and installing machinery and equipment for household and personal use, such as air conditioners, appliances, watches, clocks, jewellery, re-upholstery and furniture repair.
- (298) "SERVICE SHOP" means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a battery storage and recharging shop, a well driller's establishment, a furrier's, an upholsterer's shop, a bakery, a dairy, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop.
- (299) "SETBACK" means the shortest horizontal distance between the centreline of a street adjacent to a lot and the nearest part of any building, structure, excavation or open storage on such lot.
- (300) "SHOPPING CENTRE" means one or more buildings, or part thereof containing a group of separate permitted commercial uses having a total floor area in excess of 550 square metres, which is maintained as a single comprehensive unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, as amended from time to time, or any successors thereto.
- (301) "SIDE LOT LINE" - see "LOT LINE".

- (302) "SIDE YARD" - see "YARD".
- (303) "*SIGHT LINE*" means an imaginary line extending from an observation point of view to a view beyond the point. The angle of the view line and the location of the observation point shall be determined by the zone to which it has been applied." (By-law 2012-96)
- (304) "SIGHT TRIANGLE" means the triangular space formed by the intersecting lot lines, at least one of which is also a street line, of a lot located at an intersection of two or more streets or at an intersection at grade of a street and a railway right-of-way, and a line drawn from a point in one such lot line to a point in the other lot line, each such point being a specified distance from the point of intersection of such lot lines measured along the said lot lines, provided that where the said lot lines do not intersect at a point, the point of intersection thereof shall be deemed to be the intersection of the projected tangents thereto, drawn through the extremities of the interior lot lines.
- (305) "SIGN" means a name, identification, description, advertising 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, institute, organization or business.
- (306) "SITE PLAN CONTROL BY-LAW" means any By-law of the Corporation passed pursuant to Section 41 of the Planning Act, as amended from time to time, or any successors thereto.
- (a) "SITE PLAN CONTROL AREA" means an area of land designated by a Site Plan Control By-law as a site plan control area pursuant to Section 41 of the Planning Act, as amended from time to time, or any successors thereto.
- (b) "SITE PLAN AGREEMENT" or "DEVELOPMENT AGREEMENT" means any agreement entered into by an owner of land and the Corporation pursuant to a Site Plan Control By-law.
- (307) "*SMALL SCALE SOLAR ENERGY SYSTEM*" means any solar energy system that is mounted to an existing building or any ground installed facilities that occupy a maximum. (By-law 2008-55, 56, 57)
- (308) "*SMALL SCALE WIND ENERGY SYSTEM*" means any wind energy system with a nameplate generating capacity that does not exceed 50 kilowatts and has a maximum height of 36 metres and is ancillary to a primary permitted use. (By-law 2008-55, 56, 57)

- (309) "SOLAR COLLECTOR" means a device or combination of devices and or structures that transforms solar energy into thermal, chemical or electrical energy and that contributes to a structure's energy supply.
- (310) "*SOLAR ENERGY SYSTEM*" means a renewable electrical generation facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A solar energy system includes all arrays, supporting infrastructure and outbuildings. (By-law 2008- 56, 57, 58)
- (311) "SOLAR ENERGY SYSTEM" means a system designed for the collection, storage and distribution of solar energy.
- (312) "*STOCKPILING OF CLEAN CLAY, CLEAN TOP SOIL AND GRANULAR MATERIAL*" means non-hazardous waste material consisting of earth particles, such as rock, minerals and organic matter (humus). The stockpiled earth materials are temporarily stored and will be transferred to other locations for subsequent use. (By-law 2012-96)
- (313) "STONE QUARRY" means any open excavation and/or underground mine made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial, or manufacturing purposes, but shall not include a gravel pit, an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works.
- (314) "STOOP" means a roofless, unenclosed structure, with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling, regardless of whether or not a cellar or part thereof is located underneath such structure.
- (315) "STORAGE DEPOT" means an area including reservoir, silo and tank storage; hangers; open air parking; and open air storage. Storage depots exclude salvage yards, resource extraction operations, and wayside pits.
- (316) "STOREY" means a horizontal division of a building from a floor to the ceiling directly above such floor, and includes an attic, a basement or a cellar as defined herein, but does not include any mezzanine, gallery, balcony or other overhang.
- (a) "FIRST STOREY" or "GROUND FLOOR" means the storey having its floor level closest to finished grade and its ceiling at least 2 metres above finished grade.

- (b) "SECOND STOREY" or "SECOND FLOOR" means the storey directly above the first storey.
  - (c) "ATTIC" means the topmost usable storey of a building situated wholly or partly within a roof, where at least 50 percent, but not more than 66 percent, of such storey is greater than 2 metres in height.
  - (d) "CELLAR" means that portion of a basement which is more than 60 percent below finished grade, measured from finished floor to finished ceiling.
- (317) "STREET" means a public highway or public road under the jurisdiction of either the Corporation, the County or the Province of Ontario, and includes any highway as defined in The Municipal Act, but does not include a lane or private right-of-way.
- (a) "STREET ALLOWANCE" means land held under public ownership for the purpose of providing a street.
  - (b) "HIGHWAY" means a street under the jurisdiction of the Province of Ontario.
  - (c) "COUNTY ROAD" means a street under the jurisdiction of the County.
  - (d) "TOWN ROAD" means any street that is both owned and maintained by the Corporation.
  - (e) "IMPROVED STREET" means a Highway, a County Road, or a Town Road.
- (318) "STREET LINE" means a lot line dividing a lot from a street and is the limit of the street allowance.
- (319) "STREET WIDTH" means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.
- (320) "STRUCTURE" means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, any paved surface located directly on the ground, a fence, sign, or light fixtures.
- (321) "STUDIO" means a building or part thereof, used as the workplace of a photographer, craftsman or artist, or for the instruction of art, music, dancing, languages or similar disciplines. The sale of any artifacts produced therein shall be permitted only as an accessory use.

- (322) "SUN DECK" means a roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised above finished grade, with or without steps.
- (323) "SUPERMARKET" means a retail store devoted to the sale of food and associated small household items.
- (324) "SUPPORTIVE COMMUNITY HOME" means a residential building with central kitchen, administrative, and possibly medical, facilities and a number of housekeeping units or rooms where not more than 20 senior citizens reside and receive care consistent with their needs, either by on-site staff or through the visitation of various health care professionals.
- (325) "SWIMMING POOL, PRIVATE OUTDOOR" means a privately owned pool whether or not in the ground, capable of being used for swimming, wading, diving, or bathing and which when filled is capable of containing a depth of 0.6 metres or more of water. For the purpose of regulations pertaining to lot coverage in this By-law a "Private Outdoor Swimming Pool" is deemed not to be a building or structure.
- (326) "TAVERN" means an establishment where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating under the Liquor Licence Act, as amended from time to time.
- (327) "TAXI ESTABLISHMENT" means a property, site or building used as a dispatch office or an area, site or location intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.
- (328) "THEATRE" means a building, or part thereof, used for the presentation of the performing arts.
- (329) "TILLABLE HECTARES" means the total area of land (in hectares) including pasture that can be worked or cultivated.
- (330) "TOP OF BANK" means when used with reference to a watercourse, the highest elevation of land which ordinarily confines the waters of such watercourse when they rise out of the stream bed.
- (331) "TRADESMAN'S SHOP" means an establishment where an individual who performs electrical, plumbing, carpentry, landscape, or other similar trade work, primarily off site, may store his materials and may have an office.
- (332) "TRAILER" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle, or is self-propelled, and capable of being used for temporary living or sleeping of persons therein for seasonal travel, recreation and vacation activity,



- notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall include tent trailers, motor homes, truck campers, or similar transportable accommodation but shall not include a mobile home as defined herein.
- (333) “TRANSPORT TERMINAL” means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying trucks, and accordingly, involving the storing, parking, servicing and dispatching of freight-carrying trucks.
- (334) *“TRANSPORT TRUCK PARKING LOT” means “a premise where trucks or transports are rented, leased, kept for hire, or stored or parked for remuneration or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers”. (By-Law 2018-77)*
- (335) “TRAVEL TRAILER PARK” means a parcel of land providing overnight or short-term accommodation for travel trailers, recreational vehicles, campers or tent trailers.
- (336) “TRIPLEX” - See “DWELLING, TRIPLEX DWELLING”.
- (337) “USE” means:
- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained; or
  - (ii) when used as a verb, to put to such purpose.
- (338) “VEHICLE” means a passenger automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a commercial vehicle as defined herein, but does not include a bicycle or any other device, other than a boat, powered solely by means of human effort.
- (a) “COMMERCIAL VEHICLE” means a vehicle licensed by the Province of Ontario,
    - (i) as a public vehicle pursuant to the provisions of The Public Vehicles Act, as amended from time to time, or any successors thereto, or
    - (ii) as a public commercial vehicle, pursuant to the provisions of The Public Commercial Vehicles Act, as amended from time to time, or any successors thereto.

- (339) "VEHICLE REPAIR GARAGE" means an establishment for the repair or replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, electrical systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an automobile body shop, an impounding yard, an automobile service station or a gas bar.
- (340) "VEHICLE REPAIR SHOP" means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations, including the repairing or painting of vehicle bodies and the servicing of farm implements and related equipment, are performed in return for remuneration, but does not include a body shop, wherein the repairing or painting of vehicle bodies constitutes the primary activity, or any establishment engaged in the retail sale of vehicle fuels.
- (341) "VEHICLE SALES OR RENTAL ESTABLISHMENT" means an establishment engaged primarily in the sale, rental or leasing of vehicles and vehicle accessories, with or without an accessory vehicle repair shop or an accessory gasoline retail outlet, and includes an establishment engaged in the sale of farm implements and related equipment.
- (342) "VETERINARIAN'S CLINIC" means a building or part thereof, with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.
- (343) "VIDEO RENTAL ESTABLISHMENT" means a building or part of a building used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed 10.0 square metres (107.6 sq. ft.).
- (344) "WAR GAMES" means any form of play, sport or amusement which simulates war, armed conflict or military operations.
- (345) "WAREHOUSE" means a building or part of a building used for the storage and distribution of goods, merchandise, substances, or materials.
- (346) "WAREHOUSE, PUBLIC SELF-STORAGE" means a building or part thereof where individual storage areas are made available to the public for the storage or keeping of goods.

- (347) "WAREHOUSE, RETAIL" means a commercial establishment which has as a principal use, the sale of merchandise to the public in a warehouse format, where all areas are accessible to the public except for areas with accessory uses.
- (348) "WAREHOUSING" means the storage of goods for remuneration or the storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption. This does not include any other use specifically referred to or defined in this By-law.
- (349) "*WASTE BIOMASS*" means *agricultural waste, sewage, wood waste and gases generated from the decomposition of organic material but does not include biogas or landfill gas. (By-law 2008-55, 56, 57)*
- (350) "*WASTE DISPOSAL SITE - CONSTRUCTION AND DEMOLITION PROCESSING AND TRANSFER FACILITY*" means *a facility that processes non-hazardous materials from construction and demolition projects and other sources including wood, drywall, concrete, asphalt, glass, and scrap metals including the metal shell of automobiles for the purpose of marketing for use as raw materials in the manufacturing process of new, reused and reconstituted products. The processed materials are for transfer to other locations for subsequent manufacturing to reconstituted products. (By-law 2012-71)*
- (351) "WASTE TREATMENT" means a building or part thereof, used by waste processing plants, water pollution control plants, sanitary landfill sites, and hazardous substance treatment plants.
- (352) "WATERCOURSE" means the natural or man-made channel of a body of water including, but not so as to limit the generality of the foregoing, natural watercourses, open municipal drains, ponds, reservoirs and lakes.
- (353) "WATER SYSTEM, PUBLIC" means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality or the Ministry of the Environment.
- (354) "WETLAND" means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

- (355) "WHOLESALE ESTABLISHMENT" means any establishment which sells merchandise to others for resale and/or to industrial and commercial users.
- (356) "*WIND ENERGY CONVERSION SYSTEM, LARGE*" means a single mechanical power generating device or turbine which converts wind to electrical power, producing name plate capacity rating of 50 kilowatts (50,000 watts) or more. (By-law 2006-41)
- (357) "*WIND ENERGY CONVERSION SYSTEM, SMALL*" means a single mechanical power generating device or turbine which converts wind to electrical power that produces less than nameplate capacity rating of 50 kilowatts (50,000 watts) and is intended only to generate electricity for the use of the individual lot upon which the system is located. (By-law 2006-41)
- (358) "*WIND FARM*" means one or more lots used to accommodate Large Wind Energy Conversion Systems intended to feed electricity into the transmission grid. (By-law 2006-41)
- (359) "*WIND TESTING FACILITY*" means a tower erected on a temporary basis, normally not exceeding one year, for the purpose of testing the potential wind strength for generating electricity. (By-law 2006-41)
- (360) "*WINERY*" means the use of land, buildings or structures for the processing of fruit, fermentation, production, aging and storage of wine and wine related products as a secondary use to a vineyard, where the fruit used in the production of the wine shall be predominantly from the vineyard located on the same land as the farm winery. A winery may also include an accessory licensed retail outlet, winery office and a laboratory. Buildings and structures utilized as part of a Winery shall not be defined as farm buildings and structures for the purposes of site plan control. Banquet halls and conference facilities shall not be included as accessory uses to a winery. (By-law 2006-61 & 2014-105)
- (361) "YARD" means an area of land which:
- (i) is appurtenant to, and located on the same lot as a building, structure or excavation; and
  - (ii) is open uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in this By-law.
    - (a) "FRONT YARD" means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building, structure or excavation on such lot.

- (b) “FRONT YARD DEPTH” means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building, structure open storage or excavation on such lot.
  - (c) “REAR YARD” means a yard extending across the full width of a lot between the rear lot line of such lot, or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.
  - (d) “REAR YARD DEPTH” means the shortest horizontal dimension of a rear yard between the rear lot line of a lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.
  - (e) “SIDE YARD” means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building, structure or excavation on such lot.
  - (f) “SIDE YARD WIDTH” means the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any building, structure or excavation on such lot.
  - (g) “EXTERIOR SIDE YARD” means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.
  - (h) “INTERIOR SIDE YARD” means a side yard other than an exterior side yard.
  - (i) “REQUIRED YARD” means that part of a yard which:
    - (iii) is located adjacent to a lot line;
    - (iv) has the minimum front yard depth, rear yard depth or side yard width required hereby or is situated closer to the centerline than the setback required therefrom; and
    - (v) does not contain or include any buildings, structures, open storage or excavations except where this By-law specifically provides otherwise.
- (362) “ZONE” means a designated area of land use shown on Schedule “A” hereto.

- (363) "ZONE, PRIVACY" means an area within the minimum yard depth in which communal activities are discouraged or prevented by means of surface finishing, landscaping or physical barriers.
- (364) "ZONED AREA" means all those lands lying within the corporate limits of the Town of Amherstburg.
- (365) "ZONING ADMINISTRATOR" means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

## SECTION 3 GENERAL PROVISIONS

### (1) ACCESSORY USES

#### (a) ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that no home occupation, open storage or accessory dwelling unit shall be permitted in any zone other than a zone in which such a use is specifically listed as a permitted use.

#### (b) LOT COVERAGE

The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10 percent of the lot area of the said lot and to a maximum of 100 square metres (1076 sq ft) for accessory buildings and structures in any Residential Zone other than the Residential Type 1A (R1A) Zone where accessory buildings will be permitted on a lot not to exceed 10 percent of the lot area. The total area of an accessory building may not exceed the gross floor area of the main building except in the Agricultural or Industrial zones. The area of an open swimming pool shall not be calculated in determining lot coverage.

*(By-law 2016-32, By-law 2017-33)*

#### (c) HEIGHT RESTRICTIONS

No accessory building or structure in any zone other than an Industrial or Agricultural zone shall exceed *5.5 metres* in height measured to the peak of the roof for any accessory structure. *(By-law 2006-40)*

#### (d) YARD REQUIREMENTS

Any accessory building or structure shall comply with the zone requirements and all other provisions hereof applicable to the zone in which such accessory building or structure is located, except that nothing in this By-law shall apply to prevent the erection of:

- (i) a building or structure accessory to a single dwelling, anywhere in an interior side yard or a rear yard, provided that such accessory building or structure is not located closer than 1.0 metre to any lot line. *An accessory structure is not permitted in a required exterior side yard. (By-law 2016-32)*
- (ii) a mutual garage with a party wall astride a side lot line in a Residential Zone, shall be constructed to provide a proper fire separation, and, such mutual

garage is not located in a required front yard, nor closer than 1.5 metres to any portion of a rear lot line, unless that portion of the rear lot line adjoins the interior side yard of the adjoining lot, the distance shall be no closer than 4 metres, and in no case shall any such accessory building be built closer than 7 metres to any street line;

- (iii) a gatehouse, anywhere in a front yard or exterior side yard in any Industrial Zone;
- (iv) a swimming pool, in accordance with the provisions of Section 3(25) of this By-law;
- (v) a boat house or boat dock at the edge of a watercourse;
- (vi) a garage in a front yard, but not a required front yard, within any Residential Zone.

## (2) ACCESS REGULATIONS

No person shall hereafter erect any main building or structure on any lot in any zone unless such lot or an adjacent lot held under the same ownership abuts an improved street or a reserve on the opposite side of which is located an improved street, except that this provision shall not apply to a lot located on a plan of subdivision registered subsequent to the date of the passing of this By-law.

Private streets in a Residential Zone that existed on the date of passage of this By-law shall be considered as improved streets despite the fact that such private streets have not been assumed by the Corporation. This provision shall only have the effect for the purpose of applying certain regulations of this By-law and not to consideration and granting of consents. This provision shall not imply any obligation on the Corporation to assume and/or develop any private street into an improved street, or to maintain it for private or public purposes.

## (3) DWELLING UNITS

### (a) LOCATION WITHIN NON-RESIDENTIAL BUILDING

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-law which apply to the said non-residential building provided that any wall containing a window of a habitable room shall be located not less than 2.5 metres from any side lot line.



(b) LOCATION ABOVE PRIVATE GARAGE OR WITH AUTOMOTIVE USE

No dwelling unit shall be located in its entirety above a private garage, except where such private garage is located within a basement or cellar of a dwelling, or within the same building as an automotive use.

(c) LOCATION WITHIN BASEMENT OR CELLAR

- (i) No dwelling unit shall be located in its entirety within a cellar. If any portion of a dwelling unit is located in a cellar, such portion shall be for non-habitable rooms only.
- (ii) A dwelling unit or part thereof may be located in a basement provided the finished floor level of such basement is not below the level of any sanitary or storm sewer servicing the building or structure in which such basement is located.

(d) DWELLING UNIT AREA (MINIMA)

No dwelling unit shall be erected or used unless:

- (i) a dwelling unit constituting a single dwelling - 70 square metres;
- (ii) a mobile home - 55 square metres, except that the minimum dwelling unit area of an existing mobile home shall be 44 square metres;
- (iii) any other dwelling unit - 40 square metres for a bachelor dwelling unit plus an additional 15 square metres for each bedroom.

(e) DWELLING UNITS PER LOT (MAXIMUM)

No lot shall be used for or a unit erected upon it, save then:

One only, except:

- (i) in the case of a lot which contains more than one dwelling unit on the date of passing of this By-law, in which case the maximum number of dwelling units permitted on such lot shall be the number of existing dwelling units on the said lot; and

- (ii) in a zone where more than one dwelling unit is specifically permitted hereby.

(4) FLOODPRONE AREAS

Floodprone Areas, as shown on Schedule "B" of this By-law, is that area which lies within the regulatory (1:100 Year) floodplain or the maximum observed floodplain of the adjacent watercourse. Development within the Floodway, with the exception of a permeable fence, is prohibited. That area within the Floodplain Development Control Area but outside of the Floodway shall only be developed in accordance with the provisions for the underlying zones and shall be floodproofed to the satisfaction of the Essex Region Conservation Authority to ensure that building openings are located above the elevation of the appropriate flood level at the building location as detailed in Ontario Regulation 147/90, as amended, by 535/91, all of which are on file at the office of the Essex Region Conservation Authority and the Regional Office of the Ministry of Natural Resources in London, Ontario.

(5) GRADING

(a) EXCAVATIONS

No person shall make any excavations or remove any topsoil, earth, sand or gravel from any lot, alone or in conjunction with any construction work, unless the written permission of the Chief Building Official or a building permit with respect to such construction work has first been obtained, and except in accordance with any requirements of the Corporation with respect to retention of topsoil, grading and finished elevations.

(b) DUMPING

No person shall use any lot for dumping or otherwise depositing or storing any topsoil, earth, sand, gravel or fill unless written permission has first been obtained from the Chief Building Official.

(c) EXEMPTION FOR AGRICULTURAL USES

Nothing in this Subsection shall apply to restrict any activity normally associated with a permitted agricultural use, except in the case of construction work for which a building permit is required in accordance with the Building By-law.

(6) GROUP HOMES

Notwithstanding any other provisions of this By-law to the contrary, a Group Home Type 1 may be permitted in any single dwelling unit provided there is no Group Home Type 1 or Group Home Type 2 within 100 metres from the pro-

posed facility and the dwelling unit has a minimum floor area of 18.5 square metres per person residing within the unit. Group Homes Type 1 must be registered with the municipality as per the Municipal Act.

Group Homes Type 2 and Supervised Residences are permitted only within the zones as specified as a permitted use. In order to prevent concentrations of Group Home Type 2 uses within specific areas, and notwithstanding their being listed as a permitted use, a minimum separation between facilities shall be 300.0 metres measured in any one direction.

(7) HAZARD LANDS

For lands lying within 100 metres of the Detroit River, the following development limitations shall apply:

The elevation of the lowest opening to any structure for a minimum horizontal distance of two metres around all external walls shall be a minimum of:

- (a) 176.2 metres Canadian Geodetic Datum for the first tier of development along the Detroit River Shoreline where Conservation Authority approved shore protection works have been installed;
- (b) 176.6 metres Canadian Geodetic Datum for the first tier of development along the Detroit River Shoreline where shore protection works have not been installed;
- (c) 176.05 metres Canadian Geodetic Datum for all inland areas potentially susceptible to Detroit River flood levels; and
- (d) 175.5 metres Canadian Geodetic Datum for the elevation of fill beyond two metres of all external walls, for all areas potentially susceptible to Detroit River flood levels.

or as approved by the Essex Region Conservation Authority.

Where in this By-law a front, side or rear yard is required, and any part of the area of the lot is, covered by water or marsh for more than two (2) months in the year, or is beyond the top of bank of a watercourse, or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building on the lot to the nearest edge of the said area covered by water or marsh, or to the top of bank of said watercourse, or to the top of the said cliff or embankment.

(8) HEIGHT RESTRICTIONS

Unless otherwise specifically provided elsewhere herein, no building or structure anywhere within the zoned area shall exceed 10 metres in height, except that neither this provision nor any other provision of this By-law shall apply to restrict the height of any of the following structures:

- (i) an antenna;
- (ii) a barn;
- (iii) grain elevators;
- (iv) grain dryers;
- (v) a belfry;
- (vi) a chimney;
- (vii) a church spire;
- (viii) a clock tower;
- (ix) an elevator or stairway penthouse;
- (x) a flag pole;
- (xi) a hydro-electric transmission tower;
- (xii) an ornamental structure;
- (xiii) a radio or television antenna;
- (xiv) a silo;
- (xv) a steeple or cupola;
- (xvi) a structure containing heating, cooling, or other mechanized equipment attached to such building;
- (xvii) a water tower;
- (xviii) a precipitating tower;
- (xix) a cracking tower.

(9) HOME OCCUPATION - RESIDENTIAL

No home occupation shall be permitted within any Residential Zone except in accordance with the following provisions:

- (i) A home occupation shall be accessory to a dwelling occupied by the owner or tenant thereof as his principal residence and located within a zone in which a home occupation is specifically listed as a permitted use.

- (ii) At no time shall any home occupation employ anyone other than a member of the family<sup>1</sup> residing within the dwelling unit to which such home occupation is accessory.
- (iii) The home occupation shall be clearly incidental and secondary to the main residential use to which it is accessory, shall not change the residential character of the dwelling and shall be contained within the dwelling unit. No more than 25% of the dwelling unit may be devoted to a home occupation use.
- (iv) There shall be no display of sign or product to indicate to persons outside that any part of the dwelling unit is being used for a purpose other than residential other than a non-illuminated sign located on the dwelling no larger than 1 square metre.
- (v) No home occupation shall create or become a public nuisance, as defined by Council, particularly with regard to noise, traffic, emissions, parking or radio or television interference, nor shall any open storage be permitted in conjunction with a home occupation.
- (vi) Home occupations shall be limited to such occupations as insurance agents, sales agents, accountant, telephone sales, computer graphics, seamstress/tailor, artists, music teacher, crafts, hobbies, tradesman, hairdresser/barber, caterer/baker, and child care.
- (vii) A home occupation may also include a bed and breakfast establishment, as defined in Section 2(34), conditional on the site being able to supply one parking space for each bedroom utilized for the bed and breakfast.
- (viii) For a Residential Zone located on Texas Road or the 2<sup>nd</sup> Concession, home occupations may be located within an accessory structure and may employ up to two persons who do not reside on the property. Livestock for personal use may also be kept but must be housed no closer than 100 metres to the closest adjoining dwelling and must be contained in livestock facility no larger than twenty (20) square metres.
- (ix) *A small engine repair as identified in Section 8(4)(d)(i)(2). (By-law 2016-09)*

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<sup>1</sup> Family shall mean, for the purpose of this Subsection, one or more human beings related by blood, marriage or legal adoption.

(10) HOME OCCUPATION - RURAL

No rural occupation shall be permitted anywhere within an Agricultural Zone, except in accordance with the following provisions:

- (i) A rural occupation shall be clearly secondary to a single dwelling located within an Agricultural Zone.
- (ii) At no time shall any rural occupation employ more than two persons who do not reside in the dwelling to which such rural occupation is secondary and who attend or work on-site.
- (iii) A rural occupation may be located within the dwelling unit. Not more than 25 percent of the dwelling unit area of any dwelling unit above grade shall be used primarily for a rural occupation, and any area so used shall be greater than the minimum dwelling unit area required hereby for such dwelling unit; or not more than 50 percent of the dwelling unit area of any dwelling unit below grade if limited to a basement or cellar only shall be used primarily for a rural occupation, and any area so used shall be greater than the minimum dwelling unit area required hereby for such a dwelling unit; or  
not more than 25 percent of the dwelling unit area of any dwelling unit if both the basement and upper floor(s) are used shall be used primarily for a rural occupation, and any area so used shall be greater than the minimum dwelling unit area required hereby for such a dwelling unit.
- (iv) A rural occupation may be located within an accessory building or structure to the main residential or agricultural use. The rural occupation shall be wholly contained within buildings and structures that shall not exceed ten percent coverage of the lot area or a total of 930 square metres of gross floor area, whichever is the lesser. Any open storage shall be considered as part of the lot coverage and shall not exceed the maximum permitted.
- (v) A rural occupation, operated by a person not residing on the lot, shall only be for the renting or leasing of space within buildings or structures for storage purposes only or for a service shop.
- (vi) Only one rural occupation shall be permitted on a lot.
- (vii) No rural occupation shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking, or radio or television interference, nor shall any open storage be permitted in conjunction with a rural occupation, except in accordance with the provisions of the Agricultural Zone.
- (viii) Retail sales are restricted to goods manufactured as part of the rural occupation. The area devoted to retail sales shall be no more than 10 percent of the floor area of the rural occupation.

- (ix) None of the following uses shall be considered rural occupations, except where such uses are specifically permitted herein:
- (a) a hospital;
  - (b) a funeral home;
  - (c) a restaurant;
  - (d) a refreshment room;
  - (e) a salvage yard;
  - (f) a variety store.

(11) HOUSEHOLD SALES

- (a) other than a planting strip Household sales are permitted in any zone, except that there shall not be more than two such sales per annum at one location and no such sale shall exceed three consecutive days in duration.

(12) LANDSCAPING

(a) LANDSCAPED OPEN SPACE

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

- (i) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural use or permitted outdoor storage areas shall be maintained as landscaped open space.
- (ii) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.
- (iii) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
- (iv) No part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming

pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot

(b) **PLANTING STRIPS**

- (i) Where the lot line of a lot containing a non-residential use and located in a Commercial Zone or Industrial Zone abuts a lot in a Residential Zone, or abuts a street on the opposite side of which is located a lot in a Residential Zone, then that part of the lot containing such non-residential use or directly adjoining the said lot line shall be used for no purpose other than having a minimum width of 3 metres measured perpendicularly to the said lot line.
- (ii) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 1.5 metres above the elevation of the ground at the nearest lot line, except that within a sight triangle the maximum height of any landscaping materials shall be 0.6 metre.
- (iii) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway, in accordance with Paragraph (iii) of Clause (a) of this Subsection, such planting strip shall not be required to extend closer than 1 metre to the edge of such walkway or 2 metres closer to the edge of such driveway, provided that any intervening space between the said planting strip and the said walkway or driveway is maintained as landscaped open space.

(13) **LIGHTING**

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets and shall not be similar to traffic lights.



(14) LOADING SPACE REGULATIONS(a) **LOADING SPACES REQUIRED**

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping loading or unloading of animals, goods, wares, merchandise or raw materials, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provision of this Subsection.

(b) **LOADING SPACE REQUIREMENTS (MINIMA)**

*The number of loading spaces required on a lot shall be based on the total net floor areas of all the uses on the said lot for which loading spaces are required by Clause (a) of this Subsection, in accordance with the following:*

- (i) *less than 250 square metres of total net floor area - 0 loading spaces;*
- (ii) *over 250 square metres up to and including 2,500 square metres of net floor area – 1 loading space;*
- (iii) *over 2,500 square metres up to and including 7,500 square metres of net floor area – 2 loading spaces;*
- (iv) *over 7,500 square metres of net floor area – 2 loading spaces plus 1 additional loading space for each 10,000 square metres or part thereof of total net floor area in excess of 7,500 square metres.*

*(By-law 2006-61)*

(c) **DIMENSIONS OF LOADING SPACES**

A loading space required hereby shall have minimum dimensions of 3.5 metres by 10 metres and a minimum vertical clearance of 4 metres.

(d) **LOCATION OF LOADING SPACES**

Required loading spaces shall be provided on the same lot occupied by the building or structure for which the said loading spaces are required, and shall not form a part of any street or lane.

(e) **YARDS WHERE PERMITTED**

Loading spaces shall be permitted in any yard, except that:

- (i) no part of any loading space shall be located in the front yard or closer than 3 metres to any lot line; and
- (ii) in the case of a through lot, no loading spaces shall be permitted in any part of the front yard.

(f) ACCESS TO LOADING SPACES

Access to loading spaces shall be provided by means of one or more unobstructed driveways which:

- (i) have a minimum unobstructed width of at least 3.5 metres, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- (ii) are contained within the lot on which such loading spaces are located and lead either to an improved street or to a lane; and
- (iii) comply in all other respects with the requirements for driveways providing access to parking areas and spaces set out in Subsection (21) of this Section.

(g) SURFACE AND DRAINAGE OF LOADING SPACES AND DRIVEWAYS

- (i) All loading spaces and driveways providing access thereto shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, and including, but not so as to limit the generality of the foregoing, the following surfacing materials:
  1. crushed stone or gravel; and
  2. any asphalt, concrete or other hard surfaced material.
- (ii) All loading spaces and driveways providing access thereto shall be drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots.

- (iii) The access point to the loading area shall be well defined.

(h) ADDITION TO EXISTING USE

When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, (this By-law shall not be interpreted to require that the deficiency be made up) prior to the construction of any addition, any loading spaces required by this By-law for such addition shall be provided in accordance with all provisions hereof respecting loading spaces.

(i) EXEMPTION FOR CG ZONES

Notwithstanding any other provision hereof to the contrary, no loading spaces shall be required for any building, structure or use located within a CG Zone on Richmond Street or Murray Street west of Sandwich Street, on Dalhousie Street, on Bathurst Street, or Ramsey Street.

(15) LOTS WITH MORE THAN ONE USE OR ZONE

(a) MORE THAN ONE USE

- (i) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of this By-law which are applicable to such use in the zone in which the said lot is located as if such use existed independently of any other use.
- (ii) Where standards or provisions pertaining to two or more uses on one lot are in conflict, the highest or most restrictive standards or provisions shall prevail.

(b) MORE THAN ONE ZONE

Where the use or uses of a lot divided into two or more zones are permitted in all such zones, Subsection (a) does not apply and the said lot shall be considered to be a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the said zones shall apply throughout the said lot.

(16) MINIMUM DISTANCE SEPARATION

- (a) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial, or recreational use located on a separate lot and otherwise permitted by this By-law, shall be established and no building or structure for such use shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using Schedule "C" to this By-law.
- (b) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) calculated using Schedule "D" to this By-law.
- (c) The Minimum Distance Separation (MDS I and MDS II) shall **not** be required between:
  - (i) a livestock facility and a dwelling or accessory building on the same lot;
  - (ii) a cemetery;
  - (iii) a public utility;
  - (iv) a sewage treatment facility;
  - (v) a waste disposal site; or
  - (vi) a pit or quarry.

(17) MUNICIPAL SERVICES REQUIRED

Notwithstanding any other provisions of this By-law, no land shall be used nor any buildings or structures erected or used unless, pursuant to an agreement made or condition imposed under Sections 41, 45, 51 or 53 of the Planning Act or Section 50 of the Condominium Act, dealing with the provision of any of the municipal services as are set out in this By-law, the municipal services to be provided are available to service the land, buildings or structures, as the case may be

(18) NON-CONFORMING USES AND LOTS(a) REBUILDING OR REPAIR PERMITTED

Nothing in this By-law shall prevent the rebuilding or repair of an existing permitted building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions

of the original building or structure are not increased, the use thereof is not altered, and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law.

(b) EXTENSIONS PERMITTED AND EXISTING YARDS  
RECOGNIZED

Nothing in this By-law shall prevent a vertical or horizontal extension or addition from being made to an existing or permitted building or structure on a lot, even though such building, structure or lot or the use thereof does not conform to one or more of the provisions of this By-law, provided such extension or addition itself is designed, located, used and otherwise is in compliance with the provisions of this By-law, except that all yards appurtenant to an existing building or structure shall be deemed to conform to the yard and setback requirements of this By-law, notwithstanding that the width or depth of such yards might be less than that required elsewhere herein.

(c) LOT AREA OR LOT FRONTAGE LESS THAN REQUIRED

Where a lot having a lesser lot area or lot frontage than that required hereby:

- (i) is or has been held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-law; or
- (ii) is created as a result of an expropriation; and
- (iii) if within an Agricultural Zone has at least 12.0 m frontage or if within a Residential Zone has at least 6.0 m frontage;

then the said lot shall be deemed to conform to the requirements of this By-law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of a permitted building or structure thereupon, in accordance with all other provisions hereof.

(d) SUBSEQUENT CONSENT AND/OR CONDOMINIUM ACT

Where the development of any land is approved under Section 41 of the Planning Act, and pursuant to a consent subsequently given under Section 53 of the Act, or pursuant to an approval or exemption subsequently given under Section 50 of the Condominium Act, any part of the land is conveyed or otherwise dealt with, the regulations of this By-law

are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved.

(19) OPEN STORAGE

(a) OPEN STORAGE REGULATIONS

Except as otherwise provided in Clause (b) of this Subsection, or specifically listed as a permitted use in a zone, no open storage shall be permitted on any lot in any zone, except in accordance with the following provisions:

- (i) *Any open storage must be associated with a main use and as regulated by any other provisions of this By-law.*

(By-law 2016-32)

- (ii) No open storage area shall be permitted in any required yard or, except in the case of an agricultural use or the outside display and sale of goods and materials in conjunction with a permitted commercial use, in any part of a front yard or exterior side yard.
- (iii) No open storage area shall be located closer than 3 metres to any lot line.
- (iv) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than 2 metres in height, except that this provision shall not apply to any storage area accessory to an agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use.

- (v) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Corporation, except that this provision shall not apply to any storage area located on a lot whereon the main use is an agricultural use.
- (vi) Notwithstanding Paragraph (v) of this Clause, no open storage area shall be considered part of any landscaped open space required hereby.
- (vii) No parking spaces or loading spaces required by this By-law shall be used for open storage purposes.

(b) SPECIAL EXCEPTIONS

Nothing in Clause (a) of this Subsection shall apply to prevent or otherwise restrict the use as an open storage area of any part of:

- (i) the front yard on a lot containing an agricultural use, for a temporary roadside retail farm sales outlet for produce grown on the said lot; or
- (ii) a lot containing a single dwelling, for a special temporary sale, by auction or otherwise, of personal possessions belonging to the occupants thereof.

(20) OUTDOOR PATIO ASSOCIATED WITH A RESTAURANT

Notwithstanding any other provisions of this By-law, the following shall apply to an outdoor patio associated with a permitted restaurant:

(a) CAPACITY

No outdoor patio shall accommodate more than 50 percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.

(b) LOCATION

- (i) No outdoor patio shall be permitted where any lot line adjoins lands which are in a residential zone

class which is not in combination with another zone, or is separated therefrom by a lane.

- (ii) Notwithstanding the provisions of paragraph (i), where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard.
- (iii) No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.

(c) LIGHTING

Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets.

(d) LOADING

Notwithstanding Subsection (14), no loading space shall be required for an outdoor patio restaurant.

(e) ENTERTAINMENT

No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted.

(f) PARKING

Parking spaces shall be required for the gross floor area associated with the outdoor patio at the same ratio as for restaurants.

(21) PARKING REGULATIONS

(a) PARKING SPACES REQUIRED

Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Clause (b) and Clause (c) of this Subsection, shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection. In addition to the parking spaces required by Section 3(21)(b) and 3(21)(c)



where the parking requirement for any use is in excess of twenty (20) spaces, one (1) space out of the first twenty (20) spaces required and one additional space out of each additional one hundred (100) spaces or portion thereof, shall be provided near and accessible to the building and clearly marked for the parking of vehicles used by the physically handicapped person or persons. Parking spaces for the physically handicapped shall have a minimum width of 3.7 metres and a minimum length of 6.0 metres.

(b) PARKING SPACE REQUIREMENTS FOR RESIDENTIAL USES (MINIMA)

(i)	Apartment Building	1 per unit
(ii)	Boarding Dwelling	0.33 per unit
(iii)	Boarding House	See Lodging House
(iv)	Converted Dwelling	1 per unit
(v)	Duplex	1 per unit
(vi)	Fourplex	1.5 per unit
(vii)	Group Home	2 spaces
(viii)	Lodging House	0.33 per unit
(ix)	Mobile Home	1 per unit
(x)	Rooming Dwelling	0.33 per unit
(xi)	Rooming House	See Lodging House
(xii)	Rowhouse	1 per unit
(xiii)	Semi-Detached Dwelling	2 per unit
(xiv)	Single Detached	2 per unit
(xv)	Special Needs Apartment Building	0.25 per unit
(xvi)	Street Rowhouse	2 per unit
(xvii)	Triplex	1 per unit

## (c) PARKING SPACE REQUIREMENTS FOR NON-RESIDENTIAL USES (MINIMA)

Agricultural Service Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
Agricultural Supply Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.) for retail showroom, plus 1 per 200 m <sup>2</sup> 2,153 sq. ft.) for warehousing/ wholesaling
Amusement Game Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)
Animal Hospital	1 per 45 m <sup>2</sup> (484 sq. ft.)
Arena (No Seats)	1 per 35 m <sup>2</sup> (376 sq. ft.)
Arena (With Seats)	1 per 8 seats
Art Gallery	1 per 50 <sup>2</sup> (538 sq. ft.)
Assembly Hall	1 per 8 seats or 1 per 35 m <sup>2</sup> (376 sq. ft) whichever is greater
Auction Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
Auditorium	1 per 8 seats
Automobile Rental Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)
Automobile Sales & Service Establishment	See Vehicle Sales and Rental Establishment
Automobile Service Station	6 per bay
Automobile Supply Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
Bake Shop	1 per 25 m <sup>2</sup> (269 sq. ft.)
Bakery	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
Banquet Hall	See Assembly Hall

Body Shop	1 per 30 m <sup>2</sup> (323 sq. ft.)
Bowling Alley	See Commercial Recreation Establishment
Building or Contracting Establishment	See Manufacturing Establishment
Building Supply Outlet	1 per 30 m <sup>2</sup> (323 sq. ft.) for retail/showroom plus 1 per 200 m <sup>2</sup> (2,153 sq. ft.) for warehousing/ wholesaling
Bulk Beverage Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
Bulk Sales Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
Business Service Establishment	1 per 50 m <sup>2</sup> (538 sq. ft.)
Car Wash	<i>3 queuing spaces in advance of each service bay or area for a manual car wash; 6 queuing spaces in advance of each service bay for an automated car wash (By-law 2006-61)</i>
Catalogue Store	See Retail Store
Caterer's Establishment	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
Chronic Care Facility	See Nursing Home
Church	See Place of Worship
Cinema	See Auditorium
Clinic and Outpatient Clinic	1 per 20 m <sup>2</sup> (215 sq. ft.)
Commercial Outdoor Recreation Facility	1 per 1000 m <sup>2</sup> (10,764 sq. ft.)
Commercial Recreation Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
Commercial School	See School

Commercial Storage Unit	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
Community Centre and Hall	1 per 8 seats or 1 per 35 m <sup>2</sup> (376 sq. ft.) whichever is greater
Continuum-of-Care Facility	See Appropriate Components as Proportioned
Convenience Store	See Variety Store
Data Processing Establishment	1 per 40 m <sup>2</sup> (430 sq. ft.)
Day Care	1 per 40 m <sup>2</sup> (430 sq. ft.)
Department Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
<i>Drive-Through Facility</i>	<i>3 queuing spaces in advance of each drive-through window or service outlet (By-law 2006-61)</i>
Driving Range (Golf)	1.5 per tee
Drug Store	See Pharmacy
Dry Cleaning and Laundry Depot	1 per 25 m <sup>2</sup> (269 sq. ft.)
Dry Cleaning and Laundry Plant	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
Dry Cleaning Establishment	1 per 50 m <sup>2</sup> (538 sq. ft.)
Duplicating Shop	1 per 25 m <sup>2</sup> (269 sq. ft.)
Electrical and Electronic Products	See Manufacturing Establishment
Emergency Care Establishment	1 per 40 m <sup>2</sup> (430 sq. ft.)
Film Processing Depot	1 per 25 m <sup>2</sup> (269 sq. ft.)
Financial Institution	1 per 30 m <sup>2</sup> (323 sq. ft.)

Fire Station	1 per 1.5 employees
Florist Shop	See Retail Store
Food Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
Food, Tobacco and Beverage Processing	See Manufacturing Establishment
Funeral Home	Greater of 1 per 20 m <sup>2</sup> (215 sq. ft) or 20 spaces
Gallery	See Art Gallery
Gas Bar	3 spaces
General Offices	1 per 40 m <sup>2</sup> (430 sq. ft.)
Grocery Store	See Food Store
Hardware Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
Home and Auto Supply Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
Home Appliance Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
Home Decorating Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
Home Furnishings Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
Home Improvement Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
Homes for the Aged	See Rest Home
Hospital	1.25 per bed
Hotel	1.25 per unit
Industrial and Agricultural Equipment and Service	1 per 30 m <sup>2</sup> (323 sq. ft.)
Kennel	1 per 25 m <sup>2</sup> (269 sq. ft.)

Laboratory	1 per 45 m <sup>2</sup> (484 sq. ft.)
Laundromat/Laundry	1 per 25 m <sup>2</sup> (269 sq. ft.)
Library	1 per 50 m <sup>2</sup> (538 sq. ft.)
Liquor, Beer and Wine Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
Manufacturing and Assembly	See Manufacturing Establishment
Manufacturing Establishment	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
Marina (Transient)	1 per 10 slips
Marina (Seasonal)	1 per slip
Miniature Golf Course	1 per tee
Motel	1.25 per unit
Museum	1 per 50 m <sup>2</sup> (538 sq. ft.)
Music School	1 per 45 m <sup>2</sup> (484 sq. ft.)
Nursery and Garden Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
Nursing Home	1 per 3 beds
Office, Business, Service and Professional	1 per 40 m <sup>2</sup> (430 sq. ft.)
Office, Medical/Dental	1 per 20 m <sup>2</sup> (215 sq. ft.)
Office Supply Outlet	See Retail Store
Office, Support	1 per 45 m <sup>2</sup> (484 sq. ft.)
Open Storage	1 per hectare (2.5 acres)
Paper and Allied Products Industry	See Manufacturing Establishment

Personal Service Establishment	1 per 20 m <sup>2</sup> (215 sq. ft.)
Pharmaceutical and Medical Products Industry	See Manufacturing Establishment
Pharmacy	1 per 25 m <sup>2</sup> (269 sq. ft.)
Place of Worship	1 per each 5 persons seating capacity
Police Station	1 per 1.5 employees
Post Office	1 per 30 m <sup>2</sup> (323 sq. ft.)
Printing Establishment	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
Printing Plant	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
Printing, Reproduction and Data Processing Industries	See Manufacturing Establishment
Printing Shop	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
Private Club	1 per 20 m <sup>2</sup> (215 sq. ft.)
Private Outdoor Recreation Club	1 per 700 m <sup>2</sup> (7,535 sq. ft.) of lot area for the first 10 ha (25 ac.), plus 1 per 5000 m <sup>2</sup> (53,820 sq. ft.) of lot area over 10 ha (25 ac.)
Processed Goods Industry	See Manufacturing Establishment
Public Hall	See Assembly Hall
Public Recreation Facility	1 per 35 m <sup>2</sup> (376 sq. ft.)
Public Use	1 per 45 m <sup>2</sup> (484 sq. ft.)
Public Utility	See Public Use
Racquet Facility	2 per court

Raw Materials Processing	See Manufacturing Establishment
Recreational Establishment	1 per 20 m <sup>2</sup> (215 sq. ft.)
Repair and Rental Establishment	1 per 20 m <sup>2</sup> (215 sq. ft.)
Research and Development Establishment	See Manufacturing Establishment
Resource Extraction Operation	2 spaces
Rest Home	1 per 3 beds
<i>Restaurant, Drive-Through</i>	<i>1 per 10 m<sup>2</sup> plus 6 queuing spaces in advance of each drive-through window or service outlet (By-law 2006-61)</i>
Restaurant, Eat-In and Outdoor Patio	1 per 15 m <sup>2</sup> (161 sq. ft.)
Restaurant, Fast-Food, and Take-Out	1 per 10 m <sup>2</sup> (107 sq. ft.)
Restricted Manufacturing and Assembly	See Manufacturing Establishment
Retail Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
Retirement Lodge	1 per 3 beds
School, Commercial	1 per 45 m <sup>2</sup> (484 sq. ft.)
School, Community College	1 per 100 m <sup>2</sup> (1,076 sq. ft.) plus 1 per 15 students
School, Elementary	3 plus 1 per classroom
School, Private	3 per classroom
School, Secondary	3 per classroom
Service and Repair Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)



Service Shop	1 per 25 m <sup>2</sup> (269 sq. ft.)
Shopping Centre (Greater than 2000 m <sup>2</sup> and with 4 or more individual business establishments)	1 per 30 m <sup>2</sup> (323 sq. ft.) Gross Leaseable Floor Area
Stadium	See Auditorium
Storage Depot	See Warehousing
Studio	1 per 45 m <sup>2</sup> (484 sq. ft.)
Supermarket	See Food Store
Supervised Residence	1 per 4 residents
Tavern	1 per 6 m <sup>2</sup> (65 sq. ft.)
Taxi Establishment	1 per 6 m <sup>2</sup> (65 sq. ft.)
Tennis Club	2 per court
Tennis Court (Outdoors)	2 per court
Textile Processing	See Manufacturing Establishment
Theatre	See Auditorium
Tourist Establishment	1 per available unit
Transport Terminal	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
Variety Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
Vehicle Repair Garage	6 per bay
Vehicle Sales and Rental Establishment	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
Veterinarian's Clinic	See Animal Hospital

Video Rental Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)
Warehousing	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
Wholesale Establishment	1 per 150 m <sup>2</sup> (1,614 sq. ft.)
Wholesale Outlet/Uses	1 per 125 m <sup>2</sup> (1,345 sq. ft.)
<i>Winery</i>	<i>1 per 100 m<sup>2</sup> plus 1 per 45 m<sup>2</sup> of accessory office/retail/laboratory space (By-law 2006-61)</i>

(d) CALCULATION OF PARKING REQUIREMENTS

- (i) Where a part of a parking space is required in accordance with this By-law for a use listed in Clause (b) or Clause (c) of this Subsection, such part shall be considered 1 parking space for the purpose of calculating the total parking requirements for the said use.
- (ii) Where a building, structure or lot accommodates more than one type of use as set out in Clause (b) or Clause (c) of this Subsection, the total parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.
- (iii) Parking spaces required in accordance with this By-law shall not include any parking space used or intended to be used primarily for the storage or parking of vehicles for hire or gain, display or sale.

(e) DIMENSIONS OF PARKING SPACES

A parking space required hereby shall have minimum rectangular dimensions of 2.8 metres by 5.5 metres (9 ft. X 18 ft.), except that:

- (i) the minimum width of a parking space accessory to a single dwelling shall be 2.5 metres; and
- (ii) where the principal access to a parking space is provided on the longest dimension of such parking

space, the minimum dimensions of the said parking space shall be 2.5 metres by 6.7 metres.

(f) LOCATION OF PARKING AREAS

With the exception of the Commercial Zones, all required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street or lane. Within the Commercial Zones, the required parking spaces may be supplied within 90 metres (288 ft.) of the main pedestrian access of the building, structure or use for which the parking spaces are required, provided a Site Plan Agreement is registered on title of the lands used for parking committing said parking spaces to the related commercial site.

(g) YARDS WHERE PERMITTED

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the required road allowance and the required setback as follows:

<u>Zone</u>	<u>Yard in Which Required Parking Area Permitted</u>
Commercial, Institutional	All yards provided that no part of any parking area, other than a driveway, is located closer than 3 metres (9.8ft) to any street line, except in the CG Zones or the RO Zones where parking shall not be permitted in the front yard.
Residential – single dwelling, semi-detached, duplex, triplex, converted, fourplex street rowhouse	(a) The side yard and rear yard, except for a side yard immediately adjacent to a street, provided that no part of any parking area is located closer than one metre (3.3 ft) to any street line; and  (b) Driveways in the front yard or driveways in the side yard immediately adjacent to a street
Multiple Residential Dwelling	All yards provided that no multiple residential dwelling, part of any parking area, rowhouse other than a driveway, is

<u>Zone</u>	<u>Yard in Which Required Parking Area Permitted</u>
	located closer than 6 metres (19.68 ft.) to any street line and no closer than one metre (3.3 ft.) to any side lot line.
Industrial	All yards provided that no part of any parking area, other than a driveway, is located closer than one metre (3.3 ft.) to any street line.

#### (h) PARKING STRUCTURES

Where a parking area located in a structure is accessory to a permitted use on a lot, then such structure shall conform to all the provisions for accessory uses set out in Subsection (1) of this Section.

#### (i) ACCESS TO PARKING AREAS AND SPACES

- (i) Access to parking areas shall be provided from an improved street by means of one or more unobstructed driveways at least 3 metres and not more than 7.62 metres in width for a driveway accessory to a single dwelling and not more than 10 metres in width for any other driveway, measured parallel to the said street, at any point on the lot closer to the said street than the street setback required therefrom. *(By-Law 2018-88)*
- (ii) Driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both, except that the minimum width required for any driveway accessory to a single dwelling shall be 3 metres. *(By-Law 2018-88)*
- (iii) Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall be not impeded by any obstruction except as provided in Paragraph (iv) of this Clause except that this provision shall not

apply to prevent the use as a parking space of any part of a driveway accessory to a single dwelling, provided that no parking space shall obstruct access to a parking area on any other lot.

- (iv) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a well identified recognizable temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle.
- (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (vi) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (vii) The minimum distance between a point of intersection of street lines, such point of intersection being determined in the manner set out in Section 2 Definitions for sight triangle and Section 3 (24) thereof, and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be 8 metres.
- (viii) Where a two-way driveway is divided into two one-way driveways by a curb, an area of landscaped open space or any other obstruction, such driveway shall, for the purpose of this Subsection, be considered a single driveway, albeit divided, provided that such driveway does not exceed 10 metres in total width, measured in accordance with Paragraph (i) of this Clause.
- (ix) *For agricultural uses, driveways to parking areas shall be provided from an approved street by means of one or more unobstructed driveways not less than 3 metres in width and not more than 10 metres in width. The maximum number of driveways shall be not more than two driveways for the first 100 metres of lot frontage plus one*

*driveway for each additional 100 metres of lot frontage thereafter. (By-Law 2018-88)*

- (x) Nothing in this Subsection shall apply to prevent the use of a right-of-way as a means of obtaining access to a parking area, provided the said right-of-way has been specifically established for such purpose, or to prevent the establishment of abutting driveways or parking aisles along a common lot line, provided the combined width of any abutting driveways does not exceed 10 metres measured in accordance with Paragraph (i) of this Clause.

(j) **SPECIAL PARKING PROVISIONS FOR RESIDENTIAL ZONES**

- (i) In any residential zone, all parking spaces shall be located in a garage or carport or in a side or rear yard, or only on a driveway in the front yard.
- (ii) In any residential zone, no vehicle shall be parked on any part of a lot other than in a garage, carport, required parking area or on a driveway.
- (iii) There shall only be one entrance permitted for each single, residential lot in any residential zone, other than the R1A Zone where two driveways may be permitted based on a minimum of 30 metres of frontage on the streetline. Two entrances are permitted for multiple residential unit buildings.
- (iv) Entrances will not be permitted within the sight triangle as defined in the General Provisions and definitions as Sight triangle.
- (v) Entrances will not be permitted on a curve or in a location with restricted sight lines.

*(By-law No. 2017-33)*

(k) **SURFACE AND DRAINAGE OF PARKING AREAS AND DRIVEWAYS**

- (i) All parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, using such surfacing materials as any asphalt,

concrete or other hard-surfaced material. In the Heavy and Extractive Industrial Zones, Agricultural Zone and Residential Zones R1, R1A, R1B, R2, R3 and RH, crushed stone or gravel may be used.

- (ii) *Only asphalt surfaces, crushed stone or gravel shall extend to the road edge where curbs are not present. Concrete, brick and other hard surfaces shall terminate at point as not to interfere with winter operations. (By-Law 2018-88)*
- (iii) All parking areas and driveways shall be drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots.
- (iv) The access point to parking areas shall be clearly defined by a curb of concrete or rolled asphalt.

(l) ADDITION TO EXISTING USE

Where a building or structure has insufficient parking spaces on the date of passing of this By-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-law for such addition or change of use are provided in accordance with all provisions thereof respecting parking spaces and parking areas.

(m) OTHER PARKING REGULATIONS

- (i) Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a sight triangle, provided such shelter is not more than 4.5 metres in height and has a floor area of not more than 5 square metres.
- (ii) No gasoline retail outlet or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-law.
- (iii) *Recreational Vehicle Storage*  
*In any residential zone, the owner or occupant of any lot may store a maximum of two (2) recreational vehicles, provided that they are the owner of such recreational vehicles and that such storage is prohibited in the front yard for the period of November 1 to April 30. During the period of May 1 to October 31, the parking of a*

*recreational vehicle in the front yard shall be limited no closer than three (3) metres to the travelled portion of the road allowance. Recreational vehicles may be stored in any rear or side yard behind or beside the main building provided the vehicle is no closer than one and a half (1.5) metres to any property line of any property located in a Residential Zone.*

(By-law 2015-114)

(iv) No commercial vehicle or motorized construction equipment shall be parked or stored on any part of a Residential Zone, except for commercial vehicles which:

1. have dimensions not greater than 2.4 metres (7.9 ft.) of width, 2.4 metres (7.9 ft.) of height above ground, nor 6 metres (20 ft.) of length; or
2. are parking or stored within a building or carport or within a yard other than a front yard, or exterior side yard, or a required interior side yard;

or except for the purpose of making deliveries or otherwise providing services, on a temporary basis, to a Residential lot.

(v) Motor vehicles and trailers lacking current valid license plates shall be parked or stored only within a private garage or other building, except that this provision shall not apply to a permitted vehicle sales or rental establishment or salvage yard nor to the storage of agriculture related vehicles.

## (22) PRIVATE WELLS

### 1. Well Drilling Prohibition' Area

A private well shall only be permitted within the 'Well Drilling Prohibition' area (Schedule E) for the purposes of environmental site remediation, water monitoring or site de-watering, heating and cooling or manufacturing purposes.

### 2. All Other Areas of the Municipality

- i. The addition of Regulations in the General Provisions that for all other areas of the municipality, a private well may be permitted for non-residential uses other than human consumption such as irrigation, cooling, heating, manufacturing, water monitoring, environmental site remediation, and site de-watering.



- ii. Within the area outside of the 'Well Drilling Prohibition' area (remainder of the municipality) a well which legally existed on the date of the adoption of this by-law shall also be permitted as existing.

(23) REDUCTION OF LOT AREA

(a) PROHIBITION

No person shall reduce the lot area, or make any changes in the dimensions, of a lot by the conveyance or alienation of any portion thereof or otherwise, except by a conveyance in accordance with Clause (b) of this Subsection, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard depth, side yard depth, rear yard depth, lot frontage, lot area or area of landscaped open space that is less than that permitted by this By-law for the zone in which such lot is located.

(b) LOTS REDUCED BY PUBLIC ACQUISITION

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

- (i) no change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said nonconformity; and
- (ii) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all the provisions hereof for the zone in which such lot is located.

(24) SETBACKS

(a) SPECIAL SETBACK SELECT ROADS

Notwithstanding any other provisions of this By-law, where a building or structure is located adjacent to a road listed below, setbacks shall be provided and maintained for each road as listed below or the front yard depth provision of the appropriate zone, whichever is the greater.

<u>Road</u>	<u>Location</u>	<u>Setback</u>
Sandwich St.	Brunner Road to Fort St	25 m
Sandwich St.	Fort St. to Park St.	11.5 m
Sandwich St.	Park St. to Southern limit of Corporation	30 m
Alma St.	Sandwich St. easterly to Corporation limits	25m
Simcoe St.	Sandwich St. easterly to Corporation limits	25m
Richmond St.	Seymour St. easterly to Corporation limits	No minimum
Murray St.	Sandwich St. to Dalhousie St.	No minimum
Dalhousie St.	Rankin St. to Park St.	No minimum

Notwithstanding any yard or setback provisions of this By-law to the contrary, no part of any building or structure erected hereafter shall be closer than twenty-six (26) metres to the centreline of a County Road and, where a municipal drain running parallel to the direction of the road lies within the road allowance or adjacent to it, the building setback shall be thirty-four (34) metres from the said road centreline on the side containing the municipal drain. This provision does not apply to County Road 20 between Brunner Avenue and Lowe Sideroad.

For all other streets within the Corporation, the front yard depth provision of the zone shall apply.

#### (b) EXEMPTION IN BUILT-UP AREAS

The minimum setback required on a lot that is between two adjacent lots on which are located existing buildings not more than 90 metres apart shall be the average of the established building lines on the said adjacent lots, provided that no setback requirement calculated in accordance with

this Clause shall exceed the applicable setbacks required of the appropriate zone provisions.

(c) SETBACKS FROM LAKE ERIE

Notwithstanding any other provisions of the By-law to the contrary, no part of any building or structure, other than a fence, hedge or shoreline protection wall, shall be erected in any zone or defined area:

- (i) within thirty (30) metres of the water's edge of Lake Erie where erosion facilities and shore protection works described below have not been constructed;
- (ii) within fifteen (15) metres of the water's side of the erosion facility or the shoreline protective work where adequate erosion facilities and shore protective works as recommended by the Essex Region Conservation Authority or a qualified professional engineer have been constructed.

iii) 1. *Rear Yard Depth*

*In addition to the setback requirements in the Subsections above, on any lot that abuts Lake Erie the required rear yard depth shall be the rear yard depth required by the zone regulation applicable to the site, or the established waterfront building line or the setback as determined in the Subsections above, whichever is the greater. For the purpose of this Subsection, established waterfront building line shall be calculated by taking the average depth of the existing main building on the two adjacent lots as measured from the water's edge to the closest exterior wall of the main building and parallel to the front lot line. Where there is an existing building on only one side of the lot, the established waterfront building line will be calculated by taking the average depth of the existing main building on the adjacent lot as measured from the water's edge to the closest exterior wall of the main building and the measurement of 7.5 m for the vacant adjacent lot.*

(By-law 2006-61)

2. *Accessory Buildings and Structures*

*Notwithstanding Section 3(1) of the General Provisions, no person shall construct an accessory building or structure within the prescribed rear yard limits, except a deck, boat lift, boat well, boat*

*house, dock, steps and/or shoreline protective works, provided that the said facilities are constructed as prescribed in a permit issued by the applicable Conservation Authority in consultation with the Town.*

(By-law 2015-114)

(d) SETBACK FROM DETROIT RIVER SHORELINE

Notwithstanding any other provisions of this By-law to the contrary, no part of any building or structure, other than a fence, hedge or shoreline protection work shall hereafter be erected in any zone or defined area:

- (i) within fifteen (15.0) metres of the water's edge of the Detroit River, measured horizontally along a line perpendicular to a line drawn along the water's edge, where adequate erosion facilities and shore protection works as recommended by the Essex Region Conservation Authority or a qualified professional engineer have **not** been constructed;
- (ii) within eight (8.0) metres of the water's edge of the Detroit River, measured horizontally along a line perpendicular to a line drawn along the water's edge, where adequate erosion facilities and shore protection works as recommended by the Essex Region Conservation Authority or a professional hydrological engineer **have** been constructed;
- (iii) in addition to the setback requirements in the Subsections above, on any lot that abuts the Detroit River, west of County Road 20 (former Highway No. 18), south of County Road 10 and north of Texas Road, the following regulations shall also apply:
  - a) On the north half of part Lot 14 and Part of Lots 15, 16, 17, and 18, Concession 1, no part of any building or structure shall be erected beyond a line measured forty-seven (47) metres from the centreline of County Road 20 road allowance. The General Provision on Yard Encroachment does not apply to this area;
  - b) On the southern half of Part of Lot 14 and Part of Lots 13, 12, 11, and 10, Concession 1, no part of any building or

structure shall be erected beyond an established building line. For the purpose of this Section, an established building line shall be drawn from the closest existing single dwelling to the north of the proposed development to the closest existing single dwelling to the south of the proposed development. That part of the existing single dwelling that is to be used when drawing the established building line is that point of each dwelling that is closest to the Detroit River. The General Provisions Section on Yard Encroachments in required yards does not apply to development in this area;

- c) Notwithstanding the section above, on Lot described as Parts 1, 2, 3, and 4 of Registered Plan 12R-6025, Part of Lot 11, Concession 1, no part of any building or structure shall be erected beyond an established building line. For this lot only, the established building line shall be drawn from the existing single dwelling two (2) lots to the north (municipally known as 600 Front Road N) of the subject property to the existing single dwelling to the south of the proposed development. That part of the existing single dwelling that is to be used when drawing the established building line is that point of the foundation of each dwelling that is closest to the shoreline of the Detroit River. The General Provisions Section on Yard Encroachment in required yards does not apply to development on the lot described as Parts 1,2,3, and 4 of Registered Plan 12R-6025, Part of Lot 11, Concession 1;
- d) Nothing in this Section shall apply to the construction of an unenclosed boat dock not greater than one (1) metre above the high water datum.

(e) **SETBACKS FROM INLAND WATERCOURSES AND MUNICIPAL DRAINS**

No part of any building or structure, other than a permeable fence, shall hereafter be erected in any zone or defined area closer to an inland watercourse not affected by the Floodplain Development Control Area or an open municipal drain than six (6) metres (20 feet) plus the depth of the watercourse or drain to a maximum of fifteen (15) metres (50 feet), from the top of bank, measured horizontally along a line perpendicular to a line drawn along the top of bank, or in the case where a drain may be covered, the minimum setback shall be six (6) metres (20 feet) from the centreline of the drain, except that the minimum setback shall be one and a half (1.5) metres (5 feet) from a covered drain for accessory buildings or structures in Residential zones.

(f) **CAR WASHES AND DRIVE-THROUGHS - SETBACKS FROM RESIDENTIAL**

*Drive-through facilities, drive-through restaurants and car washes, as defined herein, shall be separated from any boundary of a Residential Zone by a minimum distance of 10 metres, measured from the nearest point along the lane providing access to and egress from the drive-through or car wash facility, and any part of the associated buildings or structures including speakers and menus/display boards, to the nearest point along the Residential Zone boundary.*

*(By-law 2006-61)*

(25) **SIGHT TRIANGLES/DAYLIGHT CORNERS**

(a) **PROHIBITION OF OBSTRUCTIONS**

Notwithstanding any other provisions hereof to the contrary, within any area defined herein as a sight triangle, no building or structure shall be erected, no vehicle shall be parked, no land shall be graded and no landscaping materials shall be permitted to grow above the height of 0.6 metres above the elevation of the centreline of the said street, in such manner as to impede or obstruct the vision of persons driving vehicles on an abutting street.

(b) **EXTENT OF SIGHT TRIANGLES**

For the purpose of calculating the extent of a sight triangle, the distance between the point of intersection of the two lot lines and their respective points of intersection with the line constituting the third side of the triangle shall be 6 metres and 23 metres where a street intersects a railway right-of-way at grade in an area with speed limits of 50 kilometres per hour or less and 50 metres where a street intersects a railway right of way at grade in an area with speed limits greater than 50 kilometres per hour, or such greater distance as may be required from time to time by the Canadian Transportation Commission.

(26) **SWIMMING POOLS**

(a) **PRIVATE OPEN SWIMMING POOLS**

Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not enclosed or otherwise located within a building:

- (i) No private open swimming pools or related structures shall be permitted anywhere within the zoned area except:
  1. in an interior side yard or rear yard on a lot containing a permitted dwelling unit; or
  2. in any yard other than a required yard on a lot containing a permitted motel or private club.
- (ii) No interior wall surface of any open swimming pool, nor any related structure other than a fence, shall be located closer than 1.5 metres to any lot line or closer to any street than the setback required therefrom.
- (iii) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 1.0 metres to any lot line. (*By-law 2006-40*)
- (iv) No part of any open swimming pool shall be greater than 2 metres in height, exclusive of related structures which shall not exceed 5 metres in height.
- (v) Every open swimming pool shall be enclosed in accordance with the Corporation's By-law governing the erection and maintenance of fences and gates around private outdoor open swimming pools.

(b) LOT COVERAGE EXEMPTION

Notwithstanding any other provisions of this By-law to the contrary, no open swimming pools or any related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed with a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set out herein for the zone in which such building is located, but shall be exempt from the lot coverage requirements for accessory uses set out in Section 3(1) hereof.

## (c) INDOOR SWIMMING POOLS

Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in Section 3(1) hereof, where such swimming pool is located within an accessory building, or with the zone requirements set out herein for the zone in which such swimming pool is located, where such swimming pool is located within a main building.

## (d) PUBLIC SWIMMING POOLS

Any public swimming pool and any related buildings or structures shall comply with the zone requirements set out herein for the zone in which such swimming pool is located.

## (e) COMPLIANCE WITH SWIMMING POOL BY-LAWS

All swimming pools shall comply with any By-laws of the Corporation specifically regulating swimming pools.

(27) USES PERMITTED IN ALL ZONES

## (a) PUBLIC AND INSTITUTIONAL USES

Nothing in this By-law shall apply to prevent or otherwise restrict in any way any of the following:

- (i) the use of land for a street or a public railway, including any installations, structures appurtenant thereto, or as a site for a public memorial or ornamental structure including, but not so as to limit the generality of the foregoing, a statue, a monument, a cenotaph or a fountain;
- (ii) the installation or maintenance of a watermain, sanitary sewer main, storm sewer main, pumping station, gas main, pipeline, lighting fixture or overhead or underground electrical, cable television, telegraph or telephone line or associated tower or transformer, together with any installations or structures appurtenant thereto, provided that any lot or structure so used shall be designed, landscaped and maintained in general harmony with the neighbouring uses; or



- (iii) the use of any lot in any zone as a public park or for an existing cemetery, an existing church or any existing public building, structure or use, including, but not so as to limit the generality of the foregoing, a public school, a municipal office building, a community centre or other public auditorium, a public library and a public works garage, in accordance with the General Provisions of this By-law set out in Section 3 hereof and with the Zone Requirements for Institutional Zones set out in Section 24(3) hereof.

(b) CONSTRUCTION USES

Nothing in this By-law shall prevent the use of any part, other than a sight triangle, of any lot in any zone for the erection of a legal temporary sign not greater than 3 square metres in area, the excavation of soil or earth or the erection or use of any temporary building or structure where such sign, excavation, building or structure is directly incidental to, and necessary for, construction work on the same lot or work relating to a public utility or a street including, but not so as to limit the generality of the foregoing, a construction trailer, a tool shed, or a scaffold, but only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force, where applicable and in accordance with the Corporation's Sign By-law.

(28) USES RESTRICTED IN ALL ZONES

(a) NOXIOUS USES PROHIBITED

Notwithstanding any other provision hereof to the contrary, no use shall be permitted anywhere within the zoned area which, from its nature, materials used therein or emissions issuing therefrom, is declared to be a noxious trade, business or manufacture under The Public Health Act, as amended from time to time.

(b) RESTRICTED USES

The following uses are prohibited throughout the zoned area, either alone or in conjunction with other uses, unless specifically listed as a permitted use in a specific zone:

- (i) the making or establishment of pits and quarries;
- (ii) the tanning or storage of uncured hides or skins;

- (iii) the boiling of blood, tripe, bones or soaps for commercial purposes;
- (iv) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- (v) an abattoir, stockyard, livestock exchange, or dead stock depot, except where specifically listed herein as a permitted use in a specific zone;
- (vi) the extracting of oil from fish;
- (vii) a track for the racing or testing of automobiles, motorcycles, snowmobiles or any other motorized vehicles;
- (viii) a salvage yard;
- (ix) a disposal site for solid wastes;
- (x) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, bensole, benzine, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted hereby or in conjunction with a permitted industrial use. This provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use or for commercial or industrial uses;
- (xi) an occupied vehicle for human habitation other than a mobile home where specifically permitted;
- (xii) a campground, except as a temporary use within a public park, with the approval of the Corporation;
- (xiii) an airport;

- (xiv) the keeping or raising of any livestock or poultry on any lot or in any building or structure except where agriculture is a permitted use. This provision shall not prevent the keeping of up to three of any type of household pets such as dogs, cats, gerbils, birds, etc., or as provided in Section 3(9)(viii);
- (xv) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any zone other than an Industrial Zone, of electromagnetic fields, heat, glare, dust, dirt, fly ash or smoke, or which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
- (xvi) use any land or building, except those lands within the Commercial Highway (CH) Zone or the Heavy Industrial (HI) Zone for the repair or servicing of any motor vehicle unless such motor vehicle is owned by and registered in the name of an owner or occupant of such land or building;
- (xvii) carry out any but minor repairs and servicing such as the changing of tires or oil, outside of a garage or other suitable building, on any motor vehicle within the Corporation, except on lands lawfully occupied and used as a motor vehicle service station, body shop, commercial garage or radiator shop;
- (xviii) any establishment used as an adult entertainment parlours as defined in this By-law.

(29) YARD ENCROACHMENTS AND OBSTRUCTIONS PERMITTED

(a) PROJECTION INTO REQUIRED YARDS

No part of any required yard or required court shall be obstructed by any building or structure or part thereof except one or more of the following:

- (i) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-law;

- (ii) architectural adornments including, but not necessarily restricted to, sills, belt courses, chimneys, bay windows, cornices, eaves, gutters, parapets and pilasters, projecting not more than 0.5 metres into any required yard;
- (iii) roofless functional and ornamental structures including, but not necessarily restricted to, drop awnings, clothes poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs projecting into any required yard;
- (iv) stoops, sun decks, porches, verandahs, balconies, balconies on top of porches or verandahs, uncovered terraces, and exterior steps providing access between finished grade and either the basement or the first storey of a building, where such structures project not more than 1.5 metres into a required front yard, a required rear yard or a required exterior side yard;
- (v) unenclosed fire escapes which do not project more than 1.5 metres into a required rear yard or a required side yard;
- (vi) unenclosed ramps for physically handicapped persons into any required yard;
- (vii) underground structures such as basements or parking structures into any required yard; and
- (viii) heat pumps, air conditions, and/or air exchangers 1.5 metres (4.9 ft.) into any required yard provided the projection is no closer than 0.9 metres (3.0 ft.) to the lot line.

(b) PROJECTION BEYOND LOT LINES

No part of any building or structure on a lot shall project beyond any lot line or street line of such lot.

## (c) RAILWAY SPUR

Notwithstanding the yard and setback provisions of this By-law to the contrary, a railway spur shall be permitted within any required yard.

(30) YARD REQUIREMENTS, EXTERIOR SIDE YARD CONDITION

Notwithstanding the minimum exterior side yard requirements of this By-law, when a corner lot is sited so that its rear lot line abuts an adjacent interior side yard, the exterior side yard shall be subject to the regulations of a front yard. When a corner lot is sited so that its rear lot line abuts an adjacent rear lot line, the exterior side yard shall be subject to the regulations of an interior side yard.

(31) YARD REQUIREMENT SATELLITE DISHES

No satellite dish shall be located within the front or the required exterior side yard.

(32) WAYSIDE PITS

Wayside pits or wayside quarry to be used for temporary public road works shall be permitted in any Agricultural or Industrial Zone. Portable Asphalt plants shall also be permitted if a permit has been obtained from the Ministry of the Environment, is no closer than 400 metres to an existing dwelling unit and is only temporarily at the location.

(33) WIND ENERGY CONVERSION SYSTEMS AND WIND FARMS(a) *Small Wind Energy Conversion Systems (S.W.E.C.S.)*

*Small Wind Energy Conversion Systems, as defined by this By-law, shall be permitted as an accessory use in the Agricultural, Industrial and Institutional Zones in accordance with the following regulations:*

- |    |  |  |
|----|--|--|
| a) | <i>Minimum lot area</i>  | <i>0.4 ha (1acre)</i>  |
| b) | <i>Maximum height, measured from the finished grade to the furthest vertical extensions of the generating system (typically the blade)</i> | <i>19.8 metres (65 feet) on lots between 0.4 ha and 2.0 ha in lot area (1 - 5 acres)</i> |
|    |  | <i>24.4 metres (80 feet) on lots greater than 2.0 ha (5 acres) in lot area</i>           |
| c) | <i>Minimum setback from any Residential Zone and any existing dwelling located</i>   | <i>91 metres (300 feet)</i>  |

*on a separate lot, measured from the base of the wind energy conversion system to the nearest Residential Zone boundary or the nearest part of an existing dwelling, as applicable*

- |    |   |                                      |
|----|---|--------------------------------------|
| d) | <i>Minimum setback from a dwelling located on the same lot, measured from the base of the wind energy conversion system to the nearest part of the dwelling</i> | Same as S.W.E.C.S. height            |
| e) | <i>Minimum setback from a County Road</i>   | S.W.E.C.S. height multiplied by 1.25 |
| f) | <i>Minimum setback from any lot line</i>  | Same as S.W.E.C.S. height            |
| g) | <i>Maximum number of Small Wind Energy Conversion Systems per lot</i>   | 1                                    |

(b) *Large Wind Energy Conversion System (L.W.E.C.S.)*

*Large Wind Energy Conversion Systems, as defined herein, shall only be permitted where specifically listed as a permitted use in a Zone, and in accordance with the following regulations:*

- |    |   |                        |
|----|---|------------------------|
| a) | <i>Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (typically the blade)</i>   | 120 metres (400 feet)  |
| b) | <i>Minimum setback from any Residential Zone and any existing dwelling located on a separate lot, measured from the base of the wind energy conversion system to the nearest part of the dwelling</i> | 600 metres (2000 feet) |
| c) | <i>Minimum setback from a dwelling located on the same lot, measured from the base of the wind energy conversion system to the nearest</i>  | 250 metres (820 feet)  |

*part of the dwelling*

- |    |   |                              |
|----|---|------------------------------|
| d) | <i>Minimum setback from a County Road</i>                             | <i>250 metres (820 feet)</i> |
| e) | <i>Minimum setback from any lot line</i>                              | <i>250 metres (820 feet)</i> |
| f) | <i>Maximum number of Large Wind Energy Conversion Systems per lot</i> | <i>1</i>                     |

(c) *Wind Farms*

*Wind Farms, as defined herein, shall only be permitted where specifically listed as a permitted use in a Zone, and in accordance with the following regulations:*

- |    |   |                               |
|----|---|-------------------------------|
| a) | <i>Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (typically the blade)</i>   | <i>120 metres (400 feet)</i>  |
| b) | <i>Minimum setback from any Residential Zone and any existing dwelling located on a separate lot, measured from the base of the nearest wind energy conversion system to the nearest Residential Zone boundary or the nearest part of an existing dwelling, as applicable</i> | <i>600 metres (2000 feet)</i> |
| c) | <i>Minimum setback from a dwelling located on the same lot, measured from the base of the nearest wind energy conversion system to the nearest part of the dwelling</i>   | <i>250 metres (820 feet)</i>  |
| d) | <i>Minimum setback from a County Road</i>   | <i>250 metres (820 feet)</i>  |

- e) *Minimum setback from any lot line* 250 metres (820 feet)
- f) *Nothing in this By-law shall apply to prevent the use of a lot in any Zone for a Wind Farm by a public utility licensed by the Ontario Energy Board in accordance with the regulations of clauses (a) to (d) above.*

(d) *Wind Testing Facility*

*A Wind Testing Facility, as defined herein, shall only be permitted where specifically listed as a permitted temporary use in a Zone, except that a Wind Testing Facility for a Small Scale Wind Energy Conversion System shall be permitted in the Agricultural, Industrial and institutional Zones subject to the regulations of clause (a) of this Subsection.*

*(By-law 2006-41)*



## SECTION 4 ZONES AND ZONE SYMBOLS

### (1) DIVISION INTO ZONES

For the purposes of this By-law, all lands within the zoned area are divided into zones and classified in accordance with Subsection (2) of this Section.

### (2) ZONE CLASSIFICATION

#### (a) RESIDENTIAL ZONES

The following zone designations and symbols represent Residential Zones:

- |        |   |    |
|--------|---|----|
| (i)    | Residential First Density Zone                  | R1 |
| (ii)   | Residential Type 1A Zone<br>R1A                 |    |
| (iii)  | Residential Type 1B Zone<br>R1B                 |    |
| (iv)   | Residential Second Density Zone<br>R2           |    |
| (v)    | Residential Third Density Zone<br>R3            |    |
| (vi)   | Residential Multiple First Density Zone<br>RM1  |    |
| (vii)  | Residential Multiple Second Density Zone<br>RM2 |    |
| (viii) | Residential Heritage Zone<br>RH                 |    |
| (ix)   | Residential Office Zone                         | RO |
| (x)    | Residential Modular Home Park Zone<br>RMH       |    |

#### (b) COMMERCIAL ZONES

The following zone designations and symbols represent Commercial Zones:

- |     |                               |  |
|-----|-------------------------------|--|
| (i) | Commercial General Zone<br>CG |  |
|-----|-------------------------------|--|

(ii) Commercial Highway Zone  
CH

(iii) Commercial Neighbourhood Zone  
CN

(c) RECREATION

The following zone designations and symbols represent Recreation Zones:

(i) Resort Residential/Resort Commercial Zone  
RR/RC

(ii) Recreation Zone RE

(d) INDUSTRIAL ZONES

The following zone designations and symbols represent Industrial Zones:

(i) Light Industrial Zone  
LI

(ii) Special Industrial Zone SI

(iii) Heavy Industrial Zone  
HI

(iv) Extractive Industrial Zone  
EI

(e) INSTITUTIONAL ZONE

The following zone designations and symbols represent Institutional Zones:

(i) Institutional Zone  
I

(f) FUTURE DEVELOPMENT

The following zone designations and symbols represent Future Development Zones:

(i) Future Development Zone  
FD

## (g) AGRICULTURAL

The following zone designations and symbols represent Agricultural Zones:

- (i) Agricultural Zone  
A
- (ii) Agricultural Restrictive Zone  
AR

## (h) ENVIRONMENTAL PROTECTION AND OPEN SPACE

The following zone designations and symbols represent Environmental Protection Zones:

- (i) Environmental Protection Zone  
EP
- (ii) Wetland Zone  
W
- (iii) Open Space Zone  
OS

(3) ZONE SYMBOLS AND DESIGNATIONS

## (a) USE OF SYMBOLS AND DESIGNATION

The Zone symbols and designations listed in Subsection (2) of this Section may be used to refer to buildings and structures and to the uses of lots, buildings and structures permitted by this By-law in the said zones.

## (b) INTERPRETATION OF SYMBOLS AND DESIGNATIONS

Wherever in this By-law and the word “zone” is used, preceded by any of the said zone symbols and designations, such reference shall mean any part of the zoned area delineated on Schedule “A” and designated thereon by the said symbol.

(4) ZONE PROVISIONS

## (a) USES PERMITTED AND ZONE REQUIREMENTS

For each zone listed in Subsection (2) of this Section, a separate section of this By-law sets out the uses permitted in, and the specific provisions relating to, such zone under the headings “USES PERMITTED” and “ZONE REQUIREMENTS”, respectively.

## (b) SCOPE OF ZONE REQUIREMENTS

Except as otherwise specifically provided herein, the specific zone requirements set out herein for each zone shall apply to such zone in addition to the general provisions set out in Section 3 hereof.

(5) SPECIAL ZONES

Wherever a zone symbol on Schedule "A" hereto is followed by a dash and a number, such as "R2-1", the lands so designated shall be subject to, and used in accordance with all the provisions of this By-law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in the applicable Special Provisions section of the zone.

(6) HOLDING "H" ZONES

## (a) USE OF SYMBOL

Where the symbol "h" appears on a zoning map as a prefix to a single zone or a compound zone applying to certain lands, notwithstanding the provisions of that zone or zones, unless this By-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone for existing uses, or for such other uses set out in the relevant Holding Zone Provisions below. The relevant Holding Zone Provisions are denoted by the number (if any) immediately following the symbol "h" on the zoning map.

- (i) h Purpose: To ensure the orderly development lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Amherstburg.

Permitted Interim Uses: Existing Uses.

- (ii) h-1 Purpose: To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, covering requirements for incorporating appropriate attenuation measures into the design of the development, prior to the removal of the "h" symbol.

Permitted Interim Uses: Existing uses; any non-residential uses permitted by the applicable zones.

- (iii) h-2 Purpose: To ensure that development will not have a negative impact on an environmentally sensitive area, or natural feature, an agreement shall be entered into specifying any necessary preventative measures, based on study(ies) to the satisfaction of the Town of Amherstburg conducted by qualified professional(s) demonstrating that development in the form proposed will not adversely affect the area or feature, prior to the removal of the “h” symbol.  
Permitted Interim Uses: Existing uses.
- (iv) h-3 Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, 1990, prior to the removal of the “h” symbol.  
Permitted Interim Uses: Existing uses.
- (v) h-4 Purpose: To ensure that buildings and structures that have been identified by the Town as historically significant and that are being actively pursued for a designation under the Ontario Heritage Act are not negatively impacted by development or redevelopment of the site or buildings, and to ensure that the development or redevelopment is in a form compatible with the heritage buildings, the following conditions must be satisfied prior to the removal of the holding provisions:
1. The site and/or building and/or portions thereof must be designated under the Ontario Heritage Act by the Town of Amherstburg;
  2. The site, buildings or portions thereof must be subject to an easement or easements to provide for municipal services, heritage preservation and conservation in favour of the Town of Amherstburg and to the satisfaction of the Town of Amherstburg;
  3. The affected lands will be subject to Site Plan Control under Section 41 of the Planning Act, and a development agreement must be entered into by the owner of the subject lands and the Town of Amherstburg.
- Permitted Interim Uses: Existing uses, buildings and

structures as they legally existed at the date of adoption of this By-law.

- (vi) h-5 *Purpose: To ensure that buildings and structures and the development and/or redevelopment of a site or building within areas that have been identified as having historical characteristics are designed to conform with heritage building design features or be compatible to the heritage characteristics of the area, the following conditions must be satisfied prior to the issuance of any building permits:*
1. *Perspective drawings of any building addition, alteration or redevelopment shall be prepared to the satisfaction of Council;*
  2. *Site Plan Control under Section 41 of the Planning Act and a development agreement must be entered into by the owner and the Town of Amherstburg.*

*Permitted Interim Uses: Existing buildings and structures; uses permitted by the applicable Zone.*

(By-law 2006-61)

- (vii) h-6 *Purpose: To ensure that buildings and structures and the development and/or redevelopment of a site or building within areas that have been identified as having historical characteristics are designed to conform with heritage building design features or be compatible to the heritage characteristics of the area, the following conditions must be satisfied prior to the issuance of any building permits:*
1. *Perspective drawings of any building addition, alteration or redevelopment shall be prepared to the satisfaction of Council;*
  2. *Site Plan Control under Section 41 of the Planning Act and a development agreement must be entered into by the owner and the Town of Amherstburg and registered on title.*

*Permitted Interim Uses: Existing building and structures; uses permitted by the applicable Zone.*

(By-law 2009-06)

- (viii) h-7 *Purpose: To ensure that development and redevelopment will not take place until the necessary mitigating measures*

have been undertaken to the Town and to the Ministry of the Environment's satisfaction including the demolition of the existing factory structures. In addition, prior to the finalization of any site plan for development the Town is satisfied that a drainage study has been completed by a qualified hydrologist, that archeological reports have been completed, and that any necessary traffic studies have been completed.

Permitted Interim Uses: Existing uses and any activities necessary for an environmental cleanup.

(By-law 2010-03)

(ix) h-8 Purpose: to have necessary studies completed; to ensure that development takes a form compatible with adjacent land uses; to ensure all provisions of the Planning Act, R.S.O. 1990, c.P. 13 Section 41 are satisfied and to ensure that a site plan agreement or condominium agreement is entered into prior to the removal of the Holding (h). The following studies are to be completed to Council's satisfaction:

- a) Stage 1 Archeological Study;
- b) Shadow Impact Study;
- c) Traffic Impact Study;
- d) Geo-technical Study;
- e) Site Servicing and Storm Water Management Report;
- f) Scoped Environmental Impact Statement;

The Holding (h) provision may be removed from the subject lands in phases or for the entire parcel once the above noted studies are completed, a condominium agreement is entered into or provisions under Section 41 of The Planning Act, R.S.O. 1990, c.P. 13 are satisfied and a site plan agreement is entered into between the developer and Council.

Permitted Interim uses: Existing uses.

(By-law 2010-03)

(x) h-9 Purpose: to have necessary municipal and provincial licenses are obtained to ensure that development takes a form compatible with adjacent land uses; to ensure all provisions of the Planning Act, R.S.O. 1990, c.P. 13 Section 41 are satisfied prior to the removal of the Holding

(h). The following are to be obtained to Council's satisfaction:

- a) Town of Amherstburg Fire Inspection Report;
- b) Ministry of the Environment approval;
- c) County of Essex – Entrance permit;
- d) Town of Amherstburg Building Permit;
- e) Town of Amherstburg Business License.

The Holding (h) provision may be removed from the subject lands once the above noted licenses and permits are obtained to Council's satisfaction.

Permitted Interim uses: existing uses.

(By-law 2010-44)

(xi) h-10 Purpose: To ensure that no development takes place on the land until an Environmental Compliance Approval has been obtained and a site plan agreement as allowed for under Section 41 of the Planning Act, 1990, has been entered into prior to the removal of the "h" symbol. (By-law 2012-71)

(xii) h-11 Purpose: To ensure that development and redevelopment will not take place until necessary mitigating measures have been undertaken to the Town and the Province's satisfaction; to ensure that necessary municipal and provincial approvals are obtained to confirm that development takes a form compatible with adjacent land uses; to ensure all provisions of the Planning Act, R.S.O. 1990, c.P. 13 Section 41 are satisfied prior to the removal of the Holding (h).

Permitted interim uses: Existing building and structures; uses permitted by the applicable zone.

(By-Law 2018-109)

## (7) COMPOUND ZONES AND MULTIPLE ZONES

### (a) COMPOUND ZONES

Notwithstanding any other provision of this By-law, where two or more zoning symbols divided by a "/" are shown on the zoning maps as applying to a lot or as compounded by a Special Provision, that lot may be used exclusively for any use permitted in any one of the zone included in the compound zone symbol, or for any combination of uses permitted in any



of the zones included in the compound zone symbol, subject to the following regulations:

- (i) The site development specifications prescribed in this By-law for the selected zone in the compound zone symbol in which the use is permitted shall be observed in the development of the lands. In the case of a conflict when selecting a combination of uses from two or more zones, the more restrictive zone regulation applies.
- (ii) The parking and loading required by this By-law for each of the uses included in the development of the lands, whether for a single use or a combination of uses, shall be provided.

(b) **MULTIPLE ZONES**

- (i) Where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-law which are applicable to the zone wherein such portion of the said lot is located.
- (ii) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where a use or uses are permitted by the zones applying to two or more portions of the lot, those portions shall be considered to constitute a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the pertinent zones shall apply throughout.

(8) **BONUS PROVISION**

Notwithstanding the density and height provisions which apply to a lot, the maximum permitted density and/or height may be increased in accordance with the provisions set out in this Section on having entered into a Bonusing Agreement with the Town. Notwithstanding the gross floor area and parking requirements of the By-law, calculations of floor area and parking may be altered in accordance with the provisions of this Section on entering into a Bonusing Agreement with the Town. The accumulative impact of utilizing this Section shall not result in a density more than 25 percent greater than the density permitted by the non-bonused site.

- (a) For structures designated under The Ontario Heritage Act or for structures and/or districts identified as historically significant by the Town of Amherstburg, in consideration for their designation under The Ontario Heritage Act, a 25.0 percent increase in density may be granted. Increased density may be achieved through an increase in height of not greater than 50.0 percent for Medium Density Residential Zones and 25.0 percent of that allowed under the By-law for other zones, and/or increased coverage and/or reduced setbacks.
- (b) For every 100.0 square metres (1,074 sq. ft.) of public open space which is dedicated to the Town (in excess of the required parkland dedication and any undevelopable floodplain lands), the density of the residential development may be increased by one unit per hectare up to 25.0 percent (25%) of the total number of units that would otherwise be permitted by this By-law.
- (c) Where day care facilities are provided within commercial or mixed-use buildings of larger than 1858.0 square metres (20,000 sq.ft.), the floor area devoted to the day care facilities shall not be included in the floor area ratio, the maximum gross or gross leaseable floor area permitted, or in the calculation of the parking requirements for the building.

(d) **SITE SPECIFIC BONUS PROVISIONS**

Notwithstanding the density and height provisions which apply to a lot where a B (Bonus) Zone also applies to the lot, the maximum permitted density and/or height and/or parking may be altered in accordance with the provisions set out below on having entered into a Bonusing Agreement with the Town of Amherstburg.

The number following the letter "B" on the Zone Maps indicates the number of the applicable Bonus Zone provision set out below.

- (i) B.1

## SECTION 5 RESIDENTIAL FIRST DENSITY (R1) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential First Density (R1) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any R1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

- (i) single detached dwelling;
- (ii) existing duplex or converted dwellings;
- (iii) existing places of worship;
- (iv) home occupation;
- (v) accessory uses;
- (vi) public use.

### (3) ZONE REQUIREMENTS

No person shall within any R1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	Lot Area (Minimum)	540 m <sup>2</sup>
(b)	Lot Frontage (Minimum)	15 m
(c)	Front Yard Depth (Minimum)	7.5 m
(d)	Interior Side Yard Width (Minimum)	
	- With attached garage or carport	1.5 m
	- Without attached garage or carport 2.5 m on one side and 1.5 m on the other side	
(e)	Exterior Side Yard Width (Minimum)	7.5 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum)	35%
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	90 m <sup>2</sup>
(j)	Height (Maximum)	8.5 m

- (k) Dwelling Units Per lot (Maximum) 1 only
- (l) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.
- (m) *Notwithstanding the minimum lot frontage requirements of Subsection 3(b) above, the minimum lot frontage may be reduced to 12 metres for infilling lot creation provided the minimum lot area requirement of Subsection 3(a) can be met. (By-law 2006-61)*

(4) SPECIAL PROVISIONS

(a) R1-1 (HOLD FOR FUTURE USE)

(b) R1-2 (EXTERIOR SIDE YARD)

Notwithstanding the provisions of Section 3(25)(a)(i)1. lands zoned R1-2 may have a swimming pool within an exterior side yard. All other requirements of the By-law shall apply as well as the regulations of the R1-8 Zone.

(c) R1-3 (SUPERMARKET)

Notwithstanding any provisions of this By-law to the contrary, within any area designated R1-3 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. a supermarket;
2. any use permitted in an R1 Zone.

(d) R1-4 (VARIETY STORE/COLD STORAGE/CARTAGE)

Notwithstanding any provisions of this By-law to the contrary, within any area designated R1-4 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. a variety store;
2. a cold storage facility;
3. any use permitted in an R1 Zone;
4. a butcher shop;
5. a multiple dwelling containing three dwelling units.

## (e) R1-5 (CONTRACTOR'S YARD)

Notwithstanding any provisions of this By-law to the contrary, within any area designated R1-5 on Schedule "A" hereto the following special provisions shall apply:

## (i) Uses Permitted

1. a cartage establishment;
2. any use permitted in an R1 Zone.

## (f) R1-6 (ASSEMBLY HALL/PRIVATE CLUB)

Notwithstanding any provisions of this By-law to the contrary, within any area designated R1-6 on Schedule "A" hereto the following special provisions shall apply:

## (i) Uses Permitted

1. an assembly hall;
2. a private club;
3. any use permitted in an R1 Zone.

## (g) R1-8 (RESTRICTED RESIDENTIAL)

Notwithstanding any provisions of this By-law to the contrary, within any area designated R1-8 on Schedule "A" hereto the following special provisions shall apply:

## (i) Uses Permitted

1. single detached dwelling;
2. existing duplex or converted dwelling;
3. accessory uses;
4. public utilities.

## (h) R1-9 (LIMITED COMMERCIAL/RESIDENTIAL)

Notwithstanding any other provisions of this By-law to the contrary, on those lands zoned R1-9 on Schedule "A" of this By-law the following special provisions shall apply:

## (i) Uses Permitted

1. antique shop to a maximum of 35 square metres (368 square feet) within an accessory structure;

2. craft and gift shop to a maximum of 28 square metres (304 square feet);
3. residential dwelling unit.

(ii) Other Provisions

1. Parking

A minimum of two parking spaces shall be provided on those lands zoned R1-9.

2. Signs

All signs erected on those lands zoned R1-9 shall be in accordance with Section 6 of the Town's Sign By-law.

(i) R1-10

Notwithstanding the provisions of Section 5(3)(b) of this By-law to the contrary, within any area zoned R1-10 on Schedule "A" hereto, the land may be used for any use permitted in an R1 Zone.

(j) R1-11

Notwithstanding the provisions of Sections 5(3)(d) and 5(3)(f) of this By-law to the contrary, within any area zoned R1-11 on Schedule "A" hereto, the land may be used for any use permitted in an R1 Zone.

(k) R1-12

Notwithstanding the provisions of Sections 5(2) and 5(3) of this By-law to the contrary, within any area zoned R1-12 on Schedule "A" hereto, the following special provision shall apply:

(i) Uses permitted

1. Uses permitted within the R1-8 Zone as provided in Section 5(4)(g) hereto;
2. Bed and breakfast establishment.

(ii) Other Provisions

1. Parking

A minimum of one parking space for each bedroom utilized for the bed and breakfast in addition to a minimum of two parking spaces for the single unit dwelling.

2. Signs

Any sign erected shall be a non-illuminated sign located on the dwelling no larger than 1 square metre.

*(By-law 2001-39)*

*(I) R1-13 (8035 Gardiner Crescent)*

*Notwithstanding any other provisions of this By-law to the contrary including Sections 3(1)(d)(i) and 3(29), within any area zoned R1-13 on Schedule "A" hereto, the zone requirements of Section 5 of the By-law shall apply with the exception of the following:*

- |             |  |              |
|-------------|--|--------------|
| <i>(i)</i>  | <i>Exterior Side Yard Width for an<br/>Accessory Structure (Minimum)</i> | <i>1.5 m</i> |
| <i>(ii)</i> | <i>Maximum Lot Coverage for Accessory Structures</i>                     | <i>11.6%</i> |

*THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Commercial General Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.*

## SECTION 6 RESIDENTIAL TYPE 1A (R1A) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential First Density Type 1A (R1A) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

- (i) single unit residential uses;
- (ii) home occupation;
- (iii) accessory uses;
- (iv) public use.

### (3) ZONE REQUIREMENTS

No person shall within any R1A Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	Lot Area (Minimum)	
	- With municipal Sanitary Services	900 m <sup>2</sup>
	- Without municipal Services	1800 m <sup>2</sup>
(b)	Frontage (Minimum)	20 m
(c)	Front Yard Depth (Minimum)	7.5 m
(d)	Interior Side Yard Width (Minimum)	
	- With attached garage or carport	1.5 m
	- Without attached garage or carport 2.5 m on one side and 1.5 m on the other side	
(e)	Exterior Side Yard Width (Minimum)	7.5 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum)	30%
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	90 m <sup>2</sup>
(j)	Height (Maximum)	10.5 m
(k)	Dwelling Units Per lot (Maximum)	1 only



- (l) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

In addition to the general regulations outlined in Section 6, the following additional regulations shall apply to certain specific uses permitted in Subsection 6(2).

- (a) R1A-1 as shown on Schedule "A".

(i) Uses Permitted

A trailer park with not more than 6 trailers in addition to the uses permitted in Section 6(2).

- (b) R1A-2 shown on Schedule "A".

(i) Uses Permitted

Not more than 10 dwelling units on one lot. The dwelling units may be used for either residential purposes or for tourist commercial cabin rental type use.

(ii) Permitted Buildings and Other Structures

The existing buildings and structures only or the buildings and structures permitted in Subsection 6(2) of this By-law.

(iii) Lot and Building Requirements

All lot and building requirements for the rental dwelling units shall be as they existed on the date of passing of this By-law. All lot and building requirements for the uses permitted in Subsection 6(2) shall be in accordance with Subsections 6(3) of this By-law.

- (c) R1A-3 shown on Schedule "A".

(i) Uses Permitted

A welding shop in addition to all other uses permitted in Subsection 6(2) of this By-law.

(ii) Permitted Buildings and Other Structures

The existing buildings and structures only in addition to the buildings and structures permitted in Subsection 6(3) of this By-law.

## (d) R1A-4

## (i) Uses Permitted

A tree nursery, accessory uses to a tree nursery, together with uses permitted in Section 6(2).

## (e) R1A-5

## (i) Uses Permitted, Buildings and Structures

A maximum of 22 single dwelling units, that may only be renovated, enlarged and constructed in accordance with Section 6(3).

## (ii) Renovations and Enlargements

Main buildings may be renovated, enlarged and constructed in accordance with the following:

## 1. Minimum Yard Requirements

Notwithstanding any other provision of this By-law to the contrary, no part of any building or structure shall be erected closer than 5 feet to any lot line or to the private right-of-way.

## 2. Other Regulations

a. Notwithstanding any other requirements of this By-law to the contrary, the single unit dwellings may be renovated, enlarged or constructed provided the distance between such dwellings, after the renovation, enlargement or reconstruction, is not less than 10 feet or, if the existing distance is less than 10 feet, that the distance between the dwellings is not further reduced due to the renovation, addition or reconstruction;

b. Subsection 3(23)(c) of this By-law does not pertain to lands zoned R1-10. The minimum setback from Lake Erie shall be established by the Essex Region Conservation Authority;

c. Subsection 3(4) of this By-law does not pertain to lands zoned R1A-5. The elevation of the lowest opening to any structure and the fill elevation for a minimum distance of 6 feet around all external walls shall be established by the Essex Region Conservation Authority;

d. All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1A-5.

## (f) R1A-6

## (i) Uses Permitted

1. The uses permitted in Subsection 6(2) of this By-law;
2. Agricultural uses, excluding livestock intensive uses and excluding mushroom farms;
3. Uses accessory to the foregoing permitted uses.

## (ii) Permitted Buildings and Other Structures

Building and structures for the permitted uses.

## (iii) Zone Provisions

All lot and building requirements shall be in accordance with Subsection 6(3) of this By-law except that the minimum lot area shall be 4,047 square metres and the minimum lot frontage shall be 35.05 metres.

## (iv) Other Provisions

All other provisions applying to lands zoned R1A shall also apply to lands zoned R1A-6.

## (g) R1A-7

## (i) Uses Permitted

A former landfill site only with buffer area.

## (ii) Permitted Buildings and Other Structures

No buildings and structures.

## (iii) Zone Provisions

The minimum lot frontage shall be 6.4 metres and minimum lot area shall include the former landfill site together with a 30-metre buffer.

## (h) R1A-8

*Notwithstanding any other provisions of this By-law to the contrary, within any area zoned R1A-8 on Schedule "A" hereto, the requirements of Section 6 of this By-law shall apply with the exception of the following provisions:*

## (i) Uses Permitted

1. Any use permitted in a R1A Zone;
2. Duplex dwelling.

*(By-law 2016-12)*

- (i) R1A-9 (465 Texas Road)

*Notwithstanding any other provisions of this By-law to the contrary, within any area zoned R1A-9 on Schedule "A" hereto, the zone requirements of Section 6 of the By-law shall apply with the exception of the following:*

*Maximum Lot Coverage for Accessory Structures 16.2%*

*Maximum Height for Accessory Structures*

*Measured to the Peak of the Roof 7.52 m"*

*(By-Law 2018-75)*

## SECTION 7 RESIDENTIAL TYPE 1B (R1B) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential First Density Type 1B (R1B) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

- (i) single unit residential uses;
- (ii) home occupation;
- (iii) accessory uses;
- (iv) public use.

### (3) ZONE REQUIREMENTS

No person shall within any R1B Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |   |                    |
|-----|---|--------------------|
| (a) | Lot Area (Minimum)  | 690 m <sup>2</sup> |
| (b) | Frontage (Minimum)  | 18 m               |
| (c) | Front Yard Depth (Minimum)  | 7.5 m              |
| (d) | Interior Side Yard Width (Minimum)  |                    |
|     | - With attached garage or carport   | 1.5 m              |
|     | - Without attached garage or carport 2.5 m on one side and 1.5 m on the other side                    |                    |
| (e) | Exterior Side Yard Width (Minimum)  | 7.5 m              |
| (f) | Rear Yard Depth (Minimum)   | 7.5 m              |
| (g) | Lot Coverage (Maximum)  | 30%                |
| (h) | Landscaped Open Space (Minimum)   | 30%                |
| (i) | Dwelling Unit Area (Minimum)  | 90 m <sup>2</sup>  |
| (j) | Height (Maximum)  | 10.5 m             |
| (k) | Dwelling Units Per lot (Maximum)  | 1 only             |
| (l) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. |                    |

(4) SPECIAL PROVISIONS

## (a) R1B-1

Notwithstanding any provisions of this By-law to the contrary, within any area zoned R1B-1 on Schedule "A" hereto, the minimum front yard depth shall be 18.288 metres.

## SECTION 8 RESIDENTIAL SECOND DENSITY (R2) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential Second Density (R2) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) 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 following R2 uses, namely:

- (i) single detached dwelling;
- (ii) semi-detached dwelling;
- (iii) duplex dwelling;
- (iv) home occupation;
- (v) accessory uses;
- (vi) public use.
- (vii) supportive community home.

### (3) ZONE REQUIREMENTS

No person shall within any R2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |                            |                               |                          |
|----------------------------|-------------------------------|--------------------------|
| (a) Lot Area (Minimum)     |                               |                          |
| (i)                        | Single detached dwelling unit | 460 m <sup>2</sup>       |
| (ii)                       | Duplex dwelling               | 560 m <sup>2</sup>       |
| (iii)                      | Semi-detached dwelling        | 650 m <sup>2</sup>       |
|                            | Semi-detached dwelling unit   | 310 m <sup>2</sup>       |
| (b) Lot Frontage (Minimum) |                               |                          |
| (i)                        | Single detached dwelling unit | 12 m<br>(By-law 2006-61) |
| (ii)                       | Duplex dwelling               | 15 m                     |
| (iii)                      | Semi-detached dwelling        | 20 m                     |
|                            | Semi-detached dwelling unit   | 9.5 m                    |
| (c)                        | Front Yard Depth (Minimum)    | 6 m                      |

(d)	Interior Side Yard Width (Minimum)	1.5 m
	Provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side	
(e)	Exterior Side Yard Width (Minimum)	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum)	35%
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	
	(i) Single detached unit	75 m <sup>2</sup>
	(ii) Semi-detached and duplex unit	65 m <sup>2</sup>
(j)	Height (Maximum)	8.5 m
(k)	Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.	

(4) SPECIAL PROVISIONS

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-1 on Schedule "A" hereto, the zone requirements of Section 8 of this By-law shall apply with the exception of the following:

(a) R2-1

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-1 on Schedule "A" hereto, the zone requirements of Section 8 of this By-law shall apply with the exception of the following:

(i) Zone Requirements

1.	Lot Area (Minimum)	
	a. Single detached dwelling unit	460 m <sup>2</sup>
	b. Duplex dwelling	560 m <sup>2</sup>
	c. Semi-detached dwelling	650 m <sup>2</sup>



2. Lot Frontage (Minimum)
  - a. Single detached dwelling 15 m
  - b. Duplex dwelling 18 m
  - c. Semi-detached dwelling 21.3 m  
 PROVIDED that, on a lot where the side lot lines are not parallel and the lot frontage is less than the length of the rear lot line, the minimum frontage shall be reduced to 18 m
  
3. Front Yard Depth (Minimum)
  - a. Single detached dwelling 6 m
  - b. Duplex dwelling 6 m
  - c. Semi-detached dwelling 6 m  
 PROVIDED that, on a lot where the side lot lines are not parallel and the lot frontage is less than the length of the rear lot line, the minimum frontage shall be reduced to 18.0 metres.

- |    |  |       |
|----|--|-------|
| 4. | Interior Side Yard Width (Minimum)   |       |
| a. | Single detached dwelling   | 1.5 m |
|    | PROVIDED that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side                             | 1.5 m |
| b. | Duplex dwelling  |       |
|    | PROVIDED that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side                             | 1.3 m |
| c. | Semi-detached dwelling   |       |
|    | PROVIDED that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side                             |       |
| 5. | Exterior Side Yard Width (Minimum)   | 5 m   |
|    | PROVIDED that, when the rear yard of a corner lot abuts a rear yard of an adjoining lot, a lane, a multiple dwelling use, or a non-residential use, the exterior side yard requirements shall be 4.0 metres. |       |
| 6. | Rear Yard Depth (Minimum)  |       |
| a. | Single detached dwelling unit  | 7.5 m |
| b. | Duplex dwelling  | 7.5 m |
| c. | Semi-detached dwelling   | 6 m   |

- |    |                               |     |
|----|-------------------------------|-----|
| 7. | Lot Coverage (Maximum)        |     |
| a. | Single detached dwelling unit | 35% |
| b. | Duplex dwelling               | 35% |
| c. | Semi-detached dwelling        | 45% |

## (b) R2-2

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-2 on Schedule "A" hereto, the zone requirements of Section 8 of the By-law shall apply with the exception of the following:

## (i) Zone Requirements

- |    |   |     |
|----|---|-----|
| 1. | Exterior Side Yard  | 5 m |
|    | PROVIDED that, when the rear yard of a corner lot abuts the rear yard of an adjoining lot, a multiple dwelling use, a lane, or a non-residential use, the exterior side yard shall be 4.0 metres. |     |

## (c) R2-3

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-3 of Schedule "A" hereto, the zone requirements of Section 8 of the By-law shall apply with the exception of the following:

## (i) Zone Requirements

- |    |                             |                    |
|----|-----------------------------|--------------------|
| 1. | Lot Area (Minimum)          |                    |
| a. | Semi-detached dwelling      | 545 m <sup>2</sup> |
|    | Semi-detached dwelling unit | 260 m <sup>2</sup> |
| 2. | Lot Frontage (Minimum)      |                    |
| a. | Semi-detached dwelling      | 17.84 m            |
|    | Semi-detached dwelling unit | 8.9 m              |
| 3. | Lot Coverage (Maximum)      |                    |
| a. | Semi-detached dwelling      | 40%                |

*(By-law 1999-57)*

## (d) R2-4

*Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-4 on Schedule "A" hereto, the zone requirements of Section 8 of this By-law shall apply with the exception of the following special provisions:*

(i) *Uses Permitted*

1. *Any use permitted in R2 Zone.*
2. *A small engine repair shop as a home occupation, where the home occupation and the dwelling unit together have a maximum gross building area based upon existing conditions over two floors of 400 sq m. This shall be in accordance with Subsection 3(9) of this By-law.*
3. *The fourplex dwelling unit as existing and the single detached dwelling unit.*

*(By-law 2016-09)*

(e) *R2-5*

*Notwithstanding the provisions of this By-law to the contrary, within any area zoned R2-5 on Schedule "A" hereto, the following special provisions shall apply:*

(i) *Zone Requirements*

- |    |                                     |             |
|----|-------------------------------------|-------------|
| 1. | <i>Lot Frontage (Minimum)</i>       |             |
|    | a. <i>Semi-detached dwelling</i>    | <i>18 m</i> |
| 2. | <i>Exterior Side Yard (Minimum)</i> |             |
|    | a. <i>Semi-detached dwelling</i>    | <i>4 m</i>  |
| 3. | <i>Lot Coverage (Maximum)</i>       |             |
|    | a. <i>Semi-detached dwelling</i>    | <i>60%</i>  |

*(By-law 2016-79)*

## SECTION 9 RESIDENTIAL THIRD DENSITY (R3) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential Third Density (R3) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) 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 following R3 uses, namely:

- (i) single detached dwelling;
- (ii) semi-detached dwelling;
- (iii) duplex dwelling;
- (iv) lodging house;
- (v) bed and breakfast establishment;
- (vi) converted dwelling;
- (vii) existing places of worship;
- (viii) home occupation;
- (ix) accessory uses;
- (x) public use.

### (3) ZONE REQUIREMENTS

No person shall within any R3 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

#### (a) Lot Area (Minimum)

- |  |                    |
|--|--------------------|
| (i) Single detached dwelling unit, converted,<br>lodging house | 460 m <sup>2</sup> |
| (ii) Duplex dwelling   | 560 m <sup>2</sup> |
| (iii) Semi-detached dwelling                                   | 650 m <sup>2</sup> |
| Semi-detached unit   | 280 m <sup>2</sup> |

#### (b) Lot Frontage (Minimum)

- |  |                              |
|--|------------------------------|
| (i) Single detached dwelling unit, duplex,<br>converted, lodging house | 12 m<br>(By-law 2006-<br>61) |
| (ii) Semi-detached dwelling  | 18 m                         |
| Semi-detached dwelling unit  | 8.5 m                        |

- |     |  |                   |
|-----|--|-------------------|
| (c) | Front Yard Depth (Minimum)   | 6 m               |
| (d) | Interior Side Yard Width (Minimum)   | 1.5 m             |
|     | Provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side |                   |
| (e) | Exterior Side Yard Width (Minimum)   | 6 m               |
| (f) | Rear Yard Depth (Minimum)  | 7.5 m             |
| (g) | Lot Coverage (Maximum)   | 35%               |
| (h) | Landscaped Open Space (Minimum)  | 30%               |
| (i) | Dwelling Unit Area (Minimum)   |                   |
|     | (i) Single detached unit   | 75 m <sup>2</sup> |
|     | (ii) Semi-detached and duplex unit   | 65 m <sup>2</sup> |
|     | (iii) Converted, lodging house or tourist establishment per unit   | 30 m <sup>2</sup> |
| (j) | Height (Maximum)   | 8.5 m             |
| (k) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.  |                   |

(4) SPECIAL PROVISIONS

(a) R3-1 (DETROIT RIVER RESIDENTIAL LOTS)

Notwithstanding any provisions of this By-law to the contrary, within any area designated R3-1 on Schedule "A" hereto, the following special provisions shall apply:

(i) Zone Requirements

1. Rear Yard Depth (Minimum)

7.5 m or the established waterfront building line, whichever is the greater. For the purpose of this Section, established waterfront building line shall be calculated by taking the average depth of the existing main building on the two adjacent lots as measured from water's edge to the closest

exterior wall of the main building and parallel to the front lot line. Where there is an existing building on only one side of the lot, the established waterfront building line will be calculated by taking the average depth of the existing main building on the adjacent lot as measured from the water's edge to the closest exterior wall of the main building and the measurement of 7.5 m for the vacant adjacent lot.

2. **Lot Depth (Maximum)**  
40 m for the purpose of locating all buildings and structures measured commencing at the road allowance.
3. **Height (Maximum)**  
No building shall be constructed so as to be more than 5 metres above 178 metres Canadian Geodetic Datum.
4. **Accessory Buildings and Structures**  
Notwithstanding Section 3(1) of the General Provisions, accessory buildings and structures including boat houses shall not locate within the required rear yard. Nothing in this Section shall prohibit the building of a dock at the water's edge. Fences shall be limited to a maximum height of 1.2 m and shall be constructed of materials that do not impede sight.
5. **Landscape Open Space**  
The planting of trees and shrubs within the rear yards shall be limited so as to not produce an unpierced landscaped hedgerow higher than 0.9 m.

(b) R3-2 (BIG CREEK)

<u>Zone Requirement</u>	<u>Single Unit Detached</u>	<u>Semi Detached</u>
Minimum Lot Area	520 square metres	260 per unit
Minimum Lot Frontage	15 metres	7.5 metres per unit
Minimum Front Yard	6 metres	6 metres
Minimum Interior Side Yard	1.2 metres	1.2 metres
Minimum Exterior Side Yard	3 metres	3 metres

<u>Zone Requirement</u>	<u>Single Unit Detached</u>	<u>Semi Detached</u>
Minimum Rear Yard	9 metres except 12 metres for lots on the east side of lot 20 and both sides of lots 21, 22, 23 and 24 shall be 12 metres	9 metres except 12 metres for lots on the east side of lot 20 and both sides of lots 21, 22, 23 and 24 shall be 12 metres
Maximum Lot Coverage	45 percent	50 percent
Minimum Dwelling Unit Minimum Floor Area	65 square metres	65 square metres
Maximum Building Height	8.5 metres	8.5 metres

*R3-3*

*Notwithstanding any other provisions of this By-law to the contrary, within any zoned R3-3, the minimum lot frontage of a semi-detached dwelling may be 16.8 metres and the minimum lot frontage of a semi-detached unit may be 8 metres.*

*(By-law 2002-28)*



## SECTION 10 RESIDENTIAL MULTIPLE FIRST DENSITY (RM1) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential Multiple First Density (RM1) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any RM1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RM1 uses, namely:

- (i) triplex building;
- (ii) rowhouse dwelling;
- (iii) street rowhouse dwelling;
- (iv) fourplex dwelling;
- (v) home occupation;
- (vi) accessory uses;
- (vii) public use.

*(By-law 2005-62)*

### (3) ZONE REQUIREMENTS

No person shall within any RM1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |                                   |  |                                |
|-----------------------------------|--|--------------------------------|
| (a)                               | Lot Area (Minimum)   | 185 m <sup>2</sup> per<br>unit |
| (b) <i>Lot Frontage (Minimum)</i> |  |                                |
| (i)                               | <i>Triplex, Rowhouse or Fourplex Dwelling</i>  | 25 m                           |
|                                   | <i>or</i>  |                                |
|                                   | <i>In infilling situation, the frontage requirement may be reduced to 10.0 metres provided no buildings are located in any part of the lot less than 25.0 metres in width.</i> |                                |
| (ii)                              | <i>Street Rowhouse dwelling</i>  | 25 m                           |
|                                   | <i>Provided the minimum lot frontage for each unit in a street rowhouse dwelling shall be 6.0 metres.</i>  |                                |

*(By-law 2005-62)*

(c)	Front Yard Depth (Minimum)	6 m
(d)	<i>Interior Side Yard Width (Minimum)</i> <i>Provided that no side yard is required for a street rowhouse on the side where a dwelling unit is attached to another dwelling unit.</i>	3 m
	<i>(By-law 2005-62)</i>	
(e)	Exterior Side Yard Width (Minimum)	6 m
(f)	Rear Yard Depth (Minimum)	6 m
(g)	<i>Lot Coverage (Maximum)</i> <i>Except on the lots where a dwelling unit of a street rowhouse is attached on each side, in which case the maximum Lot Coverage will be 51%.</i>	40%
	<i>(By-law 2005-62)</i>	
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	60 m <sup>2</sup>
(j)	Height (Maximum)	10 m
(k)	Privacy Yards (Minimum) A privacy yard shall be provided adjoining each exterior wall of every dwelling unit that contains habitable room windows.	6 m
(l)	Building Separation (Minimum)	
	(i) between two primary windows	15 m
	(ii) between a primary window and a secondary window	12 m
	(iii) between a primary window and an ancillary window	9 m
	(iv) between a primary window and a blank wall	7.5 m
	(v) between two secondary windows	9 m

- |       |   |     |
|-------|---|-----|
| (vi)  | between a secondary window and an ancillary window  | 6 m |
| (vii) | between a secondary window and a blank wall   | 4 m |
| (m)   | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. |     |

(4) SPECIAL PROVISIONS

(a) RM1-1 (RETIREMENT HOME)

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM1-1 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses permitted

A retirement home and related senior citizen care facility and accessory uses.

(ii) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

(iii) Minimum Lot Area  
1.2 hectares

(iv) Minimum Lot Frontage  
12 metres

(v) Minimum Front Yard  
80 metres

(vi) Minimum Side Yard  
4.6 metres

(vii) Minimum Rear Yard  
4.6 metres

(viii) Maximum Lot Coverage  
46.17%

(ix) Maximum Building Height  
2 storeys

## (x) Parking Requirements

Notwithstanding any provisions of this By-law to the contrary, a minimum of 47 parking spaces shall be required in the RM1-1 Zone.

## (xi) Loading Space Regulations

Loading space regulations for lands zoned RM1-1 shall be exempt from Subsection 3(14) of this By-law. Regulations pertaining to loading spaces in the RM1-1 Zone shall be addressed by Council through site plan control.

## (xii) Number of Units Permitted

Notwithstanding any provisions of this By-law to the contrary on lands zoned RM1-1, a maximum of 66 rest home beds on the main floor and 36 seniors apartment dwelling units on the second floor shall be permitted.

## (xiii) Privacy Yard Requirements

Lands zoned RM1-1 shall be exempt from the Privacy Yard regulations of Section 10(3)(k) of the By-law.

## (xiv) Building Separation Requirements

Lands zoned RM1-1 shall be exempt from the Building Separation regulations of Section 10(3)(l) of this By-law.

## (b) RM1-2

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM1-2 on Schedule "A" hereto, the following special provisions shall apply:

- (i) Uses Permitted
  1. rowhouse;
  2. street rowhouse;
  3. triplex;
  4. fourplex.
- (ii) Zone Requirements

- |    |  |                                   |
|----|--|-----------------------------------|
| 1. | Lot Area per Unit (m <sup>2</sup> ) (Minimum)  | 180 m <sup>2</sup> (1937 sq. ft.) |
| 2. | Lot Frontage per Unit (m) (Minimum)  | 6.0 m (19.7 ft.)                  |
| 3. | Front Yard Depth and Exterior Side Yard Width (m) (Minimum)  | 6.0 m (19.7 ft.)                  |
| 4. | Rear Yard Depth (m) (Minimum)  | 7.0 m (22.96 ft.)                 |
| 5. | Interior Side Yard Depth (m) (Minimum)   | 3.0 m (9.84 ft.)                  |
|    | Except that no side yard is required on the side where a dwelling unit is attached to another dwelling unit.                 |                                   |
| 6. | Landscaped Open Space (Minimum)  | 30%                               |
| 7. | Lot Coverage (Maximum)   | 35%                               |
|    | Except on the lots where a dwelling unit is attached on each side the maximum Lot Coverage will be 51%.                      |                                   |
| 8. | Height (m) (Maximum)   | 10 m (32.8 ft.)                   |
| 9. | Privacy Yard and Building Separation Requirements  |                                   |
|    | Lands zoned RM1-2 shall be exempt from the Privacy Yard and Building Separation regulations of Section 10(3) of this By-law. |                                   |

(c) RM1-3 (MOTEL)

Notwithstanding any provision of this By-law to the contrary, within any area designated RM1-3 on Schedule "A" hereto, the following special provisions shall apply.

(i) Uses Permitted

A motel and a variety store in addition to uses permitted in Section 10(2) of this By-law.

(ii) Zone Regulations

In accordance with Section 10(3) of this By-law.

## (d) RM1-4

Notwithstanding any provision of this By-law to the contrary, within any area designated RM1-4 on Schedule "A" hereto, the following special provisions shall apply.

## (i) Uses Permitted

Street rowhouse in addition to the uses permitted in the RM1 Zone.

(ii) Minimum Lot Frontage  
6 metres(iii) Maximum Lot Coverage  
58% for interior units

## (iv) Privacy Yard Requirements

Lands zoned RM1-4 shall be exempt from the Privacy Yard regulations of Section 10(3)(k) of this By-law.

## (v) Building Separation Requirements

Lands zoned RM1-4 shall be exempt from the Building Separation regulations of Section 10(3)(l) of this By-law.

*(By-law No. 2000-45)*

## SECTION 11 RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential Multiple Second Density (RM2) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RM2 uses, namely:

- (i) multiple dwelling;
- (ii) continuum-of-care facility;
- (iii) home occupation;
- (iv) accessory uses;
- (v) public use.

### (3) ZONE REQUIREMENTS

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	Lot Area (Minimum)	840 m <sup>2</sup>
(b)	Lot Frontage (Minimum)	30 m
(c)	Front Yard Depth (Minimum)	7.5 m
(d)	Interior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(e)	Exterior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum) including parking structures	40%
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	
(i)	Bachelor dwelling unit	35 m <sup>2</sup>
(ii)	Dwelling unit containing one bedroom	50 m <sup>2</sup>

- |       |   |                   |
|-------|---|-------------------|
| (iii) | Dwelling unit containing two bedrooms   | 65 m <sup>2</sup> |
| (iv)  | Dwelling unit containing three bedrooms   | 80 m <sup>2</sup> |
| (v)   | Dwelling unit containing more than three bedrooms<br>- 80 m <sup>2</sup> plus 10 m <sup>2</sup> for each bedroom in excess of 3 |                   |
| (j)   | Height (Maximum)  | 22 m              |
| (k)   | Privacy Yards (Minimum)   | 7 m               |
|       | A privacy yard shall be provided adjoining each exterior wall of every dwelling unit that contains habitable room window.       |                   |
| (l)   | Building Separation (Minimum)   |                   |
| (i)   | between two primary windows   | 15 m              |
| (ii)  | between a primary window and a secondary window   | 12 m              |
| (iii) | between a primary window and an ancillary window  | 9 m               |
| (iv)  | between a primary window and a blank wall   | 7.5 m             |
| (v)   | between two secondary windows   | 9 m               |
| (vi)  | between a secondary window and an ancillary window  | 6 m               |
| (vii) | between a secondary window and a blank wall   | 4 m               |
| (m)   | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.                           |                   |

(4) SPECIAL PROVISIONS

(a) RM2-1 (UNION HALL)

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM2-1 on Schedule "A" hereto, the following special provisions shall apply:

- (i) Uses Permitted
1. an assembly hall;
  2. offices accessory to a permitted use;



3. any use permitted in an RM2 Zone.

(ii) Zone Requirements

1. Assembly Hall

For the purposes of this Zone, an assembly hall shall mean a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a private club or fraternal organizations.

2. Interior Side Yard Width (Minimum)

3 m or half the height of the building, whichever is the greater.

3. Landscaped Open Space (Minimum) 15%

(b) RM2-2

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM2-2 on Schedule "A" hereto the following special provisions shall apply:

(i) Height (Maximum)  
15 m (49.2 ft.)

(c) RM2-3

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM2-3 on Schedule "A" hereto, the following special provisions shall apply:

(i) Exterior Side Yard (Minimum)  
5 m

(ii) Interior Side Yard (Minimum)  
4.87 m

(iii) Landscaped Open Space (Minimum)  
24%

(iv) Parking Area Setback  
1 m

## (d) RM2-4

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM2-4 on Schedule "A" hereto, the following special provisions shall apply:

## (i) Interior Side Yard Width (Minimum)

7.6 m

## (ii) Planting Strips

The part of the lot containing the residential use or directly adjoining the adjacent commercial use shall be used for no purpose other than a planting strip having a minimum width of 3 metres measured perpendicularly to the said lot line.

## (iii) Compound Zone

*Notwithstanding the regulations of Section 3(15), 4(7)(a) or 4(7)(b) to the contrary, lands zoned as "CH-8/RM2-4" on Schedule "A" to this By-law shall only be used in accordance with one of the permitted zones and the selected zone regulations shall apply. (By-law 2005-90)*

## RM2-5

*Notwithstanding any provisions of this By-law to the contrary, within any area designated RM2-5 on Schedule "A" hereto, the following special provisions shall apply:*

## (iv) Rear yard Depth

*No setback shall be required from the EP-4 zone line*

## (v) Environmental Impact Study Provisions

*The provisions of the Environmental Impact Study shall be incorporated into a Site Plan Control Agreement*

*(By-law 2005-79)*

## (e) RM2-6

*Notwithstanding any provisions of this By-law to the contrary, within any area zoned RM2-6 on Schedule "A" hereto, the following special provisions shall apply:*

## (i) Height (maximum) – 12.2 metres

## (ii) Environmental Assessment – The provision for an environmental assessment and the enactment

*thereof shall be addressed as part of the Site Plan approval process.*

- (iii) *Servicing – The provision for extension of the required servicing shall be addressed as part of the Site Plan approval process.*

*(By-law 2007-94)*

(f) RM2-7 (365 Sandwich Street South)

*Notwithstanding any other provisions of this By-law to the contrary, within any area zoned RM2-7 on Schedule “A” hereto, the zone requirements of Section 11 of the By-law shall apply with the addition of the following special provisions:*

- |       |  |                         |
|-------|--|-------------------------|
| (i)   | <i>Uses Permitted</i>                            |                         |
|       | (a) <i>multiple dwelling;</i>                    |                         |
|       | (b) <i>home occupation;</i>                      |                         |
|       | (c) <i>accessory uses.</i>                       |                         |
| (ii)  | <i>Lot Frontage (Minimum)</i>                    | <i>10 metres</i>        |
| (iii) | <i>Rear Yard Depth (Minimum)</i>                 | <i>6 metres</i>         |
| (iv)  | <i>Dwelling Unit Area (Minimum)</i>              |                         |
|       | i. <i>Dwelling unit containing one bedroom</i>   | <i>45 m<sup>2</sup></i> |
|       | ii. <i>Dwelling unit containing two bedrooms</i> | <i>60 m<sup>2</sup></i> |
| (v)   | <i>Height (Maximum)</i>                          | <i>10.5 metres</i>      |
| (vi)  | <i>Privacy Yards (Minimum)</i>                   | <i>4.6 metres.</i>      |
| (vii) | <i>Building Separation (Minimum)</i>             | <i>4.6 metres.</i>      |

*(By-Law 2018-95)*

## SECTION 12 RESIDENTIAL HERITAGE (RH) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential Heritage (RH) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) 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 following RH uses, namely:

- (i) single detached dwelling;
- (ii) semi-detached dwelling;
- (iii) duplex dwelling;
- (iv) converted dwelling;
- (v) lodging house;
- (vi) bed and breakfast establishment;
- (vii) existing place of worship, including associated place of public assembly;
- (viii) building or use accessory to the above provided that the building is not used for human habitation;
- (ix) public use.

### (3) ZONE REQUIREMENTS

No person shall within any RH Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |  |            |
|-----|--|------------|
| (a) | Lot Area (Minimum)   | No minimum |
| (b) | Lot Frontage (Minimum)   | No minimum |
| (c) | Front Yard Depth (Minimum)   |            |
|     | The average of the adjacent properties to both sides or the existing front yard depth. |            |
| (d) | Interior Side Yard Width (Minimum)   | 1.5 m      |
| (e) | Exterior Side Yard Width (Minimum)   |            |
|     | The front yard depth of the adjacent property or 6 m whichever is the lesser.          |            |
| (f) | Rear Yard Depth (Minimum)  | 6 m        |

(g)	Lot Coverage (Maximum)	40%
(h)	Landscaped Open Space (Minimum)	20%
(i)	Dwelling Unit Area (Minimum)	
	(i) Single detached unit	75 m <sup>2</sup>
	(ii) Semi-detached and duplex unit	65 m <sup>2</sup>
	(iii) Converted, lodging house	30 m <sup>2</sup> per unit

## (j) Height

Parapet line for buildings located on a corner: The top of the highest projection along the facade may be no more than 50 cm higher than the highest parapet line along the block in which the building is situated. Any new building replacing a damaged building should be built to the height of the original building.

Parapet line for buildings located between two other buildings: The top of the highest projection along the facade may be no more than 50 cm higher than the higher parapet line of the two adjacent buildings.

Roof line: If a roof is flat, it shall be located lower than the parapet. If a roof is sloped, its ridge shall be parallel to the street and shall be no higher than the highest ridge or parapet on the block on which the building is situated.

Chimneys are not included in these height restrictions.

## (k) Additions

No additions shall be constructed in the front yard or exterior side yard but shall be restricted to the rear and interior side yards.

## (l) Replacement

If a building or structure that is designated as a Heritage Building is demolished, removed, or destroyed, the new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.

## (m) Accessory Use, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 thereof.

(4) SPECIAL PROVISIONS

## SECTION 13 RESIDENTIAL OFFICE (RO) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Residential Office (RO) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any RO Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RO uses, namely:

- (i) uses permitted within a Residential Heritage Zone as provided in Section 12 hereto;
- (ii) professional office;
- (iii) working room for a tailor, dressmaker and draftsman;
- (iv) studio for an artist, music teacher, academic tutor, and author;
- (v) public use;
- (vi) personal service shop (excluding laundry, laundromat, and dry cleaning establishment)<sup>2</sup>;
- (vii) existing uses<sup>2</sup>;
- (viii) dwelling unit;
- (ix) medical/dental office;
- (x) business office;
- (xi) service office.

### (3) ZONE REQUIREMENTS

No person shall within any RO Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |  |                    |
|-----|--|--------------------|
| (a) | Lot Area (Minimum)   |                    |
|     | (i) Single detached dwelling unit, converted board or rooming dwelling | 465 m <sup>2</sup> |
|     | (ii) Duplex dwelling   | 560 m <sup>2</sup> |
|     | (iii) - Semi-detached dwelling   | 600 m <sup>2</sup> |
|     | - Semi-detached unit   | 280 m <sup>2</sup> |

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<sup>2</sup> By-Law No. 1772.

(iv)	- Non-residential uses and residential combination - Dwelling unit (Per unit)	465 m <sup>2</sup> 185 m <sup>2</sup>
(b)	Lot Frontage (Minimum)	
(i)	Single detached dwelling unit, converted board or rooming dwelling	15 m
(ii)	Duplex dwelling	18 m
(iii)	- Semi-detached dwelling - Semi-detached unit	18 m 8.5 m
(iv)	- Non-residential uses and residential combination	15 m
(c)	Front Yard Depth (Minimum)	6 m
(d)	Interior Side Yard Width (Minimum)  provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard width shall be 2.5 m on one side and 1.5 m on the other side	1.5 m
(e)	Exterior Side Yard Width (Minimum)	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum)	40%
(h)	Landscaped Open Space (Minimum)	20%
(i)	Dwelling Unit Area (Minimum)	
(i)	Single detached unit	75 m <sup>2</sup>
(ii)	Semi-detached and duplex unit	65 m <sup>2</sup>
(iii)	Converted, boarding, or rooming establishment per unit	30 m <sup>2</sup>
(j)	Height (Maximum)	8.5 m
(k)	Parking and Loading  No parking or loading areas shall be located in the front yard	
(l)	Non-Residential Permitted Uses Restrictions  No non-residential use permitted in this Section shall create or become a nuisance in regard to noise, odour, vibration, radiation, traffic generated or parking.	

## (m) Replacement

If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.

## (n) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

## (a) RO-1 (CLINIC)

Notwithstanding any provisions of this By-law to the contrary, within any area designated RO-1 on Schedule "A" hereto the following special provisions shall apply:

## (i) Uses Permitted

1. a clinic;
2. any use permitted in an RO Zone.

## (b) RO-2

Notwithstanding any provisions of this By-law to the contrary, within any area designated RO-2 on Schedule "A" hereto the zone requirements of Section 13(3) shall apply with the exception of Section 13(3)(b)(ii). A permitted non-residential use may occupy up to 100 percent of the total gross floor area of the building.

(c) *RO-3 (193 Simcoe Street)*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated RO-3 on Schedule "A" hereto, the requirements of Subsection 13 of this By-law shall apply with the exception of the following special provisions:*

(i) *Uses Permitted*

1. *Any use permitted in an RO Zone;*
2. *Day care.*

(ii) *Parking Provision*

*Notwithstanding the parking requirements of Section 3(21), the parking requirements for any area zoned RO-3 on Schedule "A"*



*shall allow parking areas in the front yard. All other parking regulations shall apply.*

*(By-law 2015-96)*

**SECTION 14 RESIDENTIAL MODULAR HOME PARK (RMH) ZONE**

(1) SCOPE

The provisions of this Section shall apply in all Residential Modular Home Park (RMH) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) 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 following RMH uses, namely:

- (i) mobile home park;
- (ii) mobile home;
- (iii) modular home.

(3) ZONE REQUIREMENTS

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

- (a) Lot Area (Minimum)
  - (i) mobile home park - not less than 4 ha and not more than 20 ha
  - (ii) modular/mobile home lot - not less than 325 m<sup>2</sup>
- (b) Lot Frontage (Minimum)
 

(i)	mobile home park	30 m
(ii)	modular/mobile home lot	12 m
- (c) Front Yard Depth (Minimum)
 

(i)	mobile home park	10 m
(ii)	modular/mobile home lot	3.5 m
- (d) Interior Side Yard Width (Minimum)
 

(i)	mobile home park	5 m
(ii)	modular/mobile home lot	2.5 m on one side and 1.2 m on the other side
- (e) Exterior Side Yard Width (Minimum)
 

(i)	mobile home park	10 m
-----	------------------	------

- |   |  |       |
|---|--|-------|
| (ii)  | modular/mobile home lot  | 3.5 m |
| <br>(f) Rear Yard Depth (Minimum)   |  |       |
| (i)   | mobile home park   | 5 m   |
| (ii)  | modular/mobile home lot  | 3.5 m |
| <br>(g) Lot Coverage (Maximum)  |  |       |
|   |  | 30%   |
| <br>(h) <i>Height (Maximum)</i>   |  |       |
|   | <i>(By-law 2016-32)</i>  | 10 m  |
| <br>(i) Landscaped Open Space (Minimum)   |  |       |
|   | 30% of each mobile home lot plus 8% for use in common by all persons living within the mobile home park.   |       |
| <br>(j) Clarification of Yard Requirements for Mobile Home Lots   |  |       |
|   | Notwithstanding the definitions contained in Section 2 hereof, the lot area, lot frontage and yards pertaining to mobile home lots shall be determined as if such mobile home lots were separate lots as defined herein and as if any driveways providing access to the said mobile home lots were improved streets. |       |
| <br>(k) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. |  |       |

(4) SPECIAL PROVISIONS

(a) *RMH-1*

(i) Uses Permitted

1. no more than 300 single modular dwelling units on one lot;
2. a retail store;
3. a gas bar;
4. an eating establishment;
5. recreational facilities;
6. sanitary sewage treatment facility;
7. accessory uses including an office.

*(By-law 2016-32)*

(ii) Permitted Buildings and Other Structures

Buildings and structures for the uses permitted in Subsection 14(4)(a)(i) for lands zoned RMH-1.

## (iii) Lot and Building Requirements

- |    |   |   |
|----|---|---|
| 1. | Minimum Lot Area  | 45 acres                                |
| 2. | Minimum Lot Frontage  | 1000 feet                               |
| 3. | Maximum Lot Coverage  | 35%(including buildings and structures) |
| 4. | Minimum Front Yard<br>(Measured from the 5 <sup>th</sup> Concession Road) | 25 feet                                 |
| 5. | Minimum Rear Yard   | 25 feet                                 |
| 6. | Minimum Interior Side Yard  | 25 feet                                 |
| 7. | Minimum Exterior Side Yard<br>(Measured from Essex County Road 18)        | 125 feet                                |

## (iv) In addition to the foregoing requirements, the following separation requirements shall apply to buildings and structures in the RMH-1 Zone:

1. No part of any single unit dwelling or accessory residential building or structure shall be closer than 8 feet to any other single unit dwelling or accessory residential building or structure;
2. No part of any non-residential building or structure or accessory non-residential building or structure shall be closer than 50 feet to any single unit dwelling.

## (v) Accessory Use Requirements

Each residential accessory building shall not exceed 100 square feet in area.

## (vi) Servicing Requirements

No person shall use any lot or erect, alter, or use any building or structure in the RMH-1 zone unless such land, building, or structure is serviced with a private communal piped water system and a private communal sanitary sewage treatment facility in accordance with the requirements of the Town of Amherstburg and the Ministry of Environment or its designated agent.

(b) *h-RMH-1*

## (i) Uses Permitted

Those uses existing on the date of adoption of the By-law.

## (ii) Permitted Buildings and Other Structures

Existing buildings and structures for the uses permitted in Subsection 14(4)(a)(ii), except that tents and trailers shall be permitted in the campground, notwithstanding that the tents and trailers may not have been situated in the campground on the date of adopt of the By-law. Once the (h) is removed, camping (tents and trailers) shall no longer be permitted.

## (iii) Lots and Building Requirements

All lot and building requirements for lands zoned RMH-1(h) shall be as they existed on the date or adoption of this By-law, except that tents and trailers shall be permitted in the existing campground.

## (iv) Holding Requirements

In those areas zoned RMH-1(h), the (h) symbol may be removed at such time as the necessary site plan and other agreements are in place in keeping with the requirements more specifically established in the Town of Amherstburg Official Plan.

*(By-law 2016-32)*

## SECTION 15 COMMERCIAL GENERAL (CG) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Commercial General (CG) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any CG Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following CG uses, namely:

- (i) amusement game establishment;
- (ii) animal hospital;
- (iii) art gallery;
- (iv) assembly hall;
- (v) bakery shop;
- (vi) catalogue store;
- (vii) cinema;
- (viii) clinic;
- (ix) commercial recreation establishment;
- (x) commercial school;
- (xi) continuum of care facility;
- (xii) data processing establishment;
- (xiii) day care;
- (xiv) department store;
- (xv) *drive through facility; (By-law No. 2012-65)*
- (xvi) dry cleaning or laundry establishment or distribution centre;
- (xvii) dwelling units restricted to above the first floor;
- (xviii) existing place of worship;
- (xix) financial establishment;
- (xx) florist shop;
- (xxi) food store;
- (xxii) funeral home;
- (xxiii) hardware store;
- (xxiv) home and auto supply store;
- (xxv) home appliance store;
- (xxvi) home decorating store;
- (xxvii) home for the aged;
- (xxviii) home furnishing store;
- (xxix) home improvement store;
- (xxx) hotel or motel;

- (xxxi) institutional use;
- (xxxii) laboratory;
- (xxxiii) laundromat;
- (xxxiv) library;
- (xxxv) medical/dental office;
- (xxxvi) merchandise service shop;
- (xxxvii) marina;
- (xxxviii) nursing home;
- (xxxix) office;
- (xl) parking lot;
- (xli) personal service shop;
- (xlii) pharmacy;
- (xlili) place of entertainment;
- (xliv) printing shop;
- (xlv) public use;
- (xlvi) recreational establishment;
- (xlvii) repair and rental establishment;
- (xlviii) restaurant;
- (xlix) restaurant, fast-food;
- (l) retail store;
- (li) retirement lodge;
- (lii) studio
- (liii) supermarket;
- (liv) tavern;
- (lv) theatre;
- (lvi) taxi establishment;
- (lvii) vehicle repair shop;
- (lviii) veterinarian clinic;
- (lix) video rental establishment;
- (lx) wholesale use accessory to a permitted CG use;
- (lxi) any existing automotive use.

(3) ZONE REQUIREMENTS

No person shall within any CG Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |                            |   |
|-----|----------------------------|---|
| (a) | Lot Area (Minimum)         | No minimum  |
| (b) | Lot Frontage (Minimum)     | No minimum  |
| (c) | Front Yard Depth (Minimum) | No Minimum<br>except as pro-<br>vided in Section<br>3(23) thereof |

- |     |   |                                 |
|-----|---|---------------------------------|
| (d) | Interior Side Yard Width (Minimum)<br>provided that where the interior side lot line abuts land in a zone other than a Commercial or Institutional Zone, the minimum interior side yard width shall be 7 m.   | No Minimum                      |
| (e) | Exterior Side Yard Width (Minimum)  | No Minimum                      |
| (f) | Rear Yard Depth (Minimum)   | 7.5 m                           |
| (g) | Dwelling Unit Area (Minimum)  | 55 m <sup>2</sup>               |
| (h) | Height (Maximum)  | 10 m<br><i>(By-law 2012-65)</i> |
| (i) | <p>Heritage Buildings</p> <p>If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.</p> |                                 |
| (j) | <p>Open Storage</p> <p>No open storage of goods, materials or waste shall be permitted.</p>   |                                 |
| (k) | <p>Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.</p>  |                                 |

(4) SPECIAL PROVISIONS

(a) CG-1 (BUILDING SUPPLIES)

(i) Uses Permitted

1. a building supply yard;
2. any use permitted in the CG Zone.

(b) CG-2 (SUPERMARKET AND ASSOCIATED RETAIL)

Notwithstanding any provisions of this By-law to the contrary including Section 3(23), within any area zoned CG-2 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:



(i)	Frontage on Sandwich Street	30 m contiguous
(ii)	Front Yard Depth (Minimum) Sandwich	6 m from the street
(iii)	Interior Side Yard Width (Minimum)	7 m
(iv)	Exterior Side Yard Depth (Minimum)	3 m from Fort Street
(v)	Rear Yard Depth (Minimum)	7 m
(vi)	Minimum Widths for Landscaped Planting Strips	
	Abutting Sandwich Street	6 m
	Abutting Fort Street	3 m
	Abutting East Boundary	0 m
	Abutting existing residential Interior Side Yards	6 m
	Abutting all other boundaries	3 m
(vii)	Loading Spaces Required	1
(viii)	Location of Parking	
	Access and limited front yard parking shall be permitted on Part Lots 14 and 15, subject to the required landscaped planting strips as provided for in Subsection (vi) of By-law 2001-58. No access will be permitted from Part Lot 12.	
(ix)	Lot Area	1.5 hectares

*(By-law 2001-58)*

*(By-law 2002-14)*

(c) CG-3 (AUTOMOBILE SERVICE STATION)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CG-3 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. an automobile service station;
2. any use permitted in a CG Zone.

## (d) CG-4 (PARKING SPECIAL PROVISION)

Notwithstanding the parking requirements of Section 21(a) (b) or (c), the parking requirements for any area zoned CG-4 on Schedule "A" for residential units shall be 0.33 per unit and there shall be not parking requirements for non-residential land uses. All other parking regulations shall apply.

*(By-law 2002-51)*

*The minimum height shall be 7 metres and the maximum height shall be 18 metres.*

*(By-law 2012-65)*

## (e) CG-5 (DEPARTMENT STORE AND ASSOCIATED RETAIL)

## 1. Zone Requirements

*Notwithstanding any provision of this By-law to the contrary including Section 3(23), within any area zone CG-5 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:*

- |       |  |  |
|-------|--|--|
| (i)   | <i>Frontage on Sandwich Street</i>                   | <i>30 m contiguous</i>   |
| (ii)  | <i>Front Yard Depth (Minimum)</i>                    | <i>6 m from Sandwich St, however, at least 25% of buildings fronting on to Sandwich Street shall not be setback further than 25 metres maximum</i> |
| (iii) | <i>Interior Side Yard Width (Minimum)</i>            | <i>7 m</i>   |
| (iv)  | <i>Exterior Side Yard Depth (Minimum)</i>            | <i>3.0 from Brunner Ave.</i>   |
| (v)   | <i>Rear Yard Depth (Minimum)</i>                     | <i>7 m</i>   |
| (vi)  | <i>Minimum Widths for Landscaped Planting Strips</i> |  |
|       | <i>Abutting Sandwich Street</i>                      | <i>6 m</i>   |
|       | <i>Abutting Brunner Ave</i>                          | <i>3 m</i>   |
|       | <i>Abutting East Boundary</i>                        | <i>0 m</i>   |

*Abutting all other boundaries*

*0 m*

*(vii) Restricted Build Area*

*The land area at the north east corner of Sandwich Street and Brunner Ave., within the CG-5 zone, shall be a Restricted Build Area. Such "Restricted Build Area" shall not be used for a restaurant or a restaurant, fast-food. Parking for uses permitted within the "Restricted Build Area" shall be prohibited within the front yard and exterior side yard. The "Restricted Build Area" shall extend northward a minimum of 18 m from the Brunner Ave. property line and extend a minimum of 138 m eastward from the Sandwich Street property line.*

*(viii) Restricted Uses*

*Notwithstanding Section 15(2) no lands zoned CG-5 may be used for a continuum of care facility, day care, home for the aged, hotel or motel, nursing home, retirement home, a dwelling unit or any land use involving overnight accommodation.*

*Notwithstanding Section 15(2) or the provisions of Section 15(4)(e)(ix), a department store will not be permitted until such time as the site plan has been approved and a building permit issued for the use.*

*(ix) Gross Floor Area*

*Maximum gross floor area for all permitted uses within the CG-5 Zone shall be 9000 square metres.*

*Individual retail uses shall have a minimum gross floor area of not less than 250 square metres, with the exception of a car wash accessory to a convenience store which shall have a minimum gross floor area of not less than 150 square metres.*

*Supermarkets, home and auto supply stores shall not be permitted unless support for such use is substantiated by a retail market study that has determined to Council's satisfaction that no negative impact on the planned function of established commercial development will result.*

*(x) Height*

*Maximum building height for a department store shall be 15 metres.*

(xi) *Permitted Uses*

*Notwithstanding Section 15(2) or 15(4)(viii) additional uses permitted in the CG-5 Zone include automobile service, business/professional office and convenience store.*

*(By-law 2004-80)*

*(By-law 2015-119)*

## (f) CG-6

*Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-6 on Schedule 'A' hereto, the following special provisions shall apply:*

(i) *Uses Permitted*

- (a) Any use permitted in a CG zone;*
- (b) A maximum of 14 dwelling units including units on the first floor.*

(ii) *Other Provisions*

- (a) Rear Yard Depth (minimum)  
4.5 m*
- (b) Building Height to roof peak 14 m maximum and 10 m minimum*
- (c) Heritage Building replacement shall be as approved on a site plan under Section 41 of the Planning Act with Council approval to drawings being required as per Section 41(4) of the Planning Act.*
- (d) Access to Parking Area and Required Spaces*  
*Notwithstanding Section 3(21)(i)(i) access to the underground parking structure may be provided from a right of way that does not access an improved street and notwithstanding Section 3(21)(a)(b) or (c) the parking requirement for a residential unit shall be 0.33 spaces per unit and there shall not be parking requirements for non-residential land uses. All other parking requirements shall apply.*

*(By-law 2005-16)*

## (g) CG-7

*Notwithstanding any other provisions of Section 15(3) and Section 3(23) to the contrary, within any area zoned CG-7 on Schedule "A" hereto, the minimum setback from the front lot line shall be 6 metres and the maximum setback from the front lot line shall be 15 metres. The minimum building height shall be 6 metres and the maximum building height shall be 10 metres. All other general provision and regulations of By-law 1999-52, as amended from time to time shall apply.*

*(By-law 2005-36)*

## (h) CG-8 (Sandwich at Crownridge)

- (i) The following special provisions shall apply to lands zoned (CG-8):

<i>Height (Maximum)</i>	<i>29 metres</i>
<i>Maximum residential density</i>	<i>50 units</i>
<i>Maximum hotel units</i>	<i>70 bedroom units</i>

*All other provisions under Subsection 15(3) Zone Regulations shall apply to lands zoned (CG-8).*

*(By-law 2010-28)*

## (i) CG-9 (SPECIAL PROVISION- FRONT YARD DEPTH/ PARKING)

*The following special provisions shall apply to lands zoned (CG-9):*

*Notwithstanding Section 15(3)(c), the front yard depth within the CG-9 zone shall be a minimum of 14m and a maximum front yard depth of 34m.*

*Notwithstanding Section 3(21)(g) parking may be provided in the front yard in the CG-9 zone.*

*All other provisions under Section 3 and Section 15, as amended from time to time shall apply.*

*(By-law 2012-79)*

## (j) CG-10

*Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-10 on Schedule 'A' hereto, the following special provisions shall apply:*



*0m minimum rear yard is permitted for commercial uses.*

(iv) *Residential Units*

*The location of residential units is restricted to above the commercial units. Entrances and stairways for the residential units are permitted to be located on the ground floor of the structure. The residential units may have road frontage associated with the units.*

*(By-law 2015-63)*

(l) *CG-12 (83 Sandwich Street South)*

*Notwithstanding any other provisions of this By-law to the contrary including Section 3(23), within any area zoned CG-12 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:*

- |        |   |                             |
|--------|---|-----------------------------|
| (iii)  | <i>Frontage on Sandwich Street</i>  | <i>30 m contiguous</i>      |
| (iv)   | <i>Front Yard Depth (Minimum)</i>   | <i>6 m from the street</i>  |
| (v)    | <i>Interior Side Yard Width (Minimum)</i>   | <i>6 m</i>                  |
| (vi)   | <i>Exterior Side Yard Depth (Minimum)</i>   | <i>3 m from Fort Street</i> |
| (vii)  | <i>Rear Yard Depth (Minimum)</i>  | <i>7 m</i>                  |
| (viii) | <i>Minimum Widths for Landscaped Planting Strips</i>  |                             |
|        | <i>Abutting Sandwich Street</i>   | <i>6 m</i>                  |
|        | <i>Abutting Fort Street</i>   | <i>3 m</i>                  |
|        | <i>Abutting East Boundary</i>   | <i>0 m</i>                  |
|        | <i>Abutting Existing Residential Interior Side Yards</i>  | <i>3 m</i>                  |
|        | <i>Abutting all other boundaries</i>  | <i>3 m</i>                  |
| (ix)   | <i>Loading Spaces Required</i>  | <i>1</i>                    |
| (x)    | <i>Notwithstanding Section 3(21)(c) the minimum number of parking spaces required shall be 211.</i> |                             |
| (xi)   | <i>Location of Parking</i>  |                             |

*Access and limited front yard parking shall be permitted on Lot 14 and Part Lot 15, subject to the required landscaped planting strips as provided for in Subsection (vi). No access will be permitted from Part Lot 12.*

(xii) *An outdoor patio associated with a restaurant shall be permitted on lands adjoining a residential zone class with a maximum gross area of 44 sq m. All other provisions in Section 3(20) shall apply.*

(xiii) *Lot Area* 1.5  
*hectares*

*(By-Law 2018-44)*

(m) *CG-13 (253, 257-265 Dalhousie Street)*

*Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-12 on Schedule "A" hereto, the zone requirements of Section 16 of the By-law shall apply with the addition of the following special provisions:*

(viii) *Uses Permitted*

(d) *a brewery accessory to a main use;*

(e) *any use permitted in a CG Zone.*

(ix) *Notwithstanding the parking requirements of Section 21(a) (b) or (c), the parking requirements for any area zoned CG-12 on Schedule "A" for residential units shall be 0.33 per unit and there shall be not parking requirements for non-residential land uses. All other parking regulations shall apply.*

(x) *The minimum height shall be 7 metres and the maximum height shall be 18 metres.*



## SECTION 16 COMMERCIAL HIGHWAY (CH) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Commercial Highway (CH) Zones except as otherwise provided in Schedule "A" hereto.

### (2) USES PERMITTED

No person shall within any CH Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following CH uses, namely:

- (i) animal hospital;
- (ii) assembly hall;
- (iii) automobile service station;
- (iv) automotive use;
- (v) bake shop;
- (vi) bulk sales establishment;
- (vii) business office;
- (viii) catalogue store;
- (ix) clinic;
- (x) *drive-through facility; (By-law 2006-61)*
- (xi) dry cleaning establishment or distribution station;
- (xii) duplicating shop;
- (xiii) dwelling unit accessory to a permitted CH Zone;
- (xiv) financial establishment;
- (xv) florist shop;
- (xvi) funeral home;
- (xvii) furnishing store;
- (xviii) home appliance store;
- (xix) home and auto supply store;
- (xx) home improvement store;
- (xxi) hotel or motel;
- (xxii) liquor, beer and wine store;
- (xxiii) medical/dental office;
- (xxiv) nursery;
- (xxv) office, professional;
- (xxvi) office, service;
- (xxvii) office supply outlet;
- (xxviii) personal service establishment;
- (xxix) place of worship;
- (xxx) printing establishment;
- (xxxi) public use;
- (xxxii) recreational establishment;
- (xxxiii) repair and rental establishment;
- (xxxiv) restaurant;

- (xxxv) restaurant, *drive-through* or fast-food; (*By-law 2006-61*)
- (xxxvi) retail store;
- (xxxvii) variety store;
- (xxxviii) video rental establishment.

(3) ZONE REQUIREMENTS

No person shall within any CH Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) Lot Area (Minimum)
  - (i) automobile services station or motor vehicle service establishment 1100 m<sup>2</sup>
  - (ii) motels, hotels plus an additional 45 m<sup>2</sup> for each guest room in excess of 4 700 m<sup>2</sup>
  - (iii) other No Minimum
- (b) Lot Frontage (Minimum)
  - (i) automobile services station or motor vehicle service establishment 35 m
  - (ii) motels, hotels 20 m
  - (iii) other No Minimum
- (c) Front Yard Depth (Minimum)
  - (i) automobile services station or motor vehicle service establishment 15 m
  - (ii) other uses 7 m
- (d) Interior Side Yard Width (Minimum) 7 m  
 provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard width shall be 10 m.
- (e) Exterior Side Yard Width (Minimum)
  - (i) automobile services station or motor vehicle service establishment 15 m
  - (ii) other uses 7 m
- (f) *Rear Yard Depth (Minimum)* 7 m  
 provided that where the rear lot line abuts a

Residential Zone, the minimum rear yard depth shall be 10 m (*By-law 2016-32*)

- |     |  |                    |
|-----|--|--------------------|
| (g) | Lot Coverage (Maximum)   |                    |
|     | (i) automobile services station<br>or motor vehicle service establishment  | 30%                |
|     | (ii) other uses  | 50%                |
| (h) | Landscaped Open Space (Maximum)  |                    |
|     | (i) automobile services station<br>or motor vehicle service establishment  | 5%                 |
|     | (ii) other uses  | 10%                |
| (i) | Dwelling Unit Area (Minimum)   | 55 m <sup>2</sup>  |
| (j) | Dwelling Units Per Lot (Maximum)<br>but not accessory to an automotive service station<br>or motor vehicle service establishment | 1 only             |
| (k) | Height (Maximum)   | 7.5 m              |
| (l) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the<br>provisions of Section 3 hereof.                         |                    |
| (m) | Gross Leasable Floor Area (Maximum)<br>Retail stores not specifically listed   | 800 m <sup>2</sup> |

(4) SPECIAL PROVISIONS

(a) CH-1 (RESTRICTED HIGHWAY COMMERCIAL)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CH-1 on Schedule "A" hereto the following special provisions shall apply:

- |     |  |
|-----|--|
|     | (i) Uses Permitted   |
| 1.  | any use permitted in CH Zone with the exception of automobile sales. |
| (b) | CH-2 (HOLD FOR FUTURE USE)   |
| (c) | CH-3 (HOLD FOR FUTURE USE)   |

- (d) CH-4 (HOLD FOR FUTURE USE)
- (e) CH-5 (HOLD FOR FUTURE USE)
- (f) CH-6 (HOLD FOR FUTURE USE)
- (g) CH-7 (DEVELOPMENT LIMITATION)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CH-7 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

No building or structure shall be permitted until such time as any environmental concerns have been resolved to the satisfaction of the Ministry of the Environment.

(h) *CH-8 (SHOPPING CENTRE)*

(i) Uses Permitted

1. retail stores not restricted by Section 16(3)(m);
2. a theatre;
3. any use permitted in a CH Zone;
4. *art gallery;*
5. *institutional use;*
6. *laboratory;*
7. *laundromat;*
8. *commercial recreational establishment;*
9. *place of entertainment.*

(ii) *Rear Yard Depth (minimum)*  
0 m

(iii) *Interior Side Yard Depth (minimum)*  
0 m

(iv) *Exterior Side Yard Depth (minimum)*  
0 m

(v) *Setback from Sandwich Street (minimum)*  
11.6 m

(vi) *Planting Strip*

*A planting strip shall not be required adjacent to Pickering Street.*

(vii) *Loading Space Requirement*

*Loading space number and locations shall be determined at the time of Site Plan Approval.*

(viii) *Length of Handicapped Parking*

*Handicapped parking spaces shall be a minimum of 5.5 metres in length.*

(ix) *Location of Parking*

*Parking may be located adjacent to a property line save and except for Sandwich Street in which case the provisions of the By-law apply.*

(x) *Compound Zone*

*Notwithstanding the regulations of Section 3(15), 4(7)(a) or 4(7)(b) to the contrary, lands zoned as "CH-8/RM2-4" on Schedule "A" to this By-law shall only be used in accordance with one of the permitted zones and the selected zone regulations shall apply.*

(xi) *Site Plan Agreement*

*Approval of the site plan shall be to Council's satisfaction and shall include details on fencing, landscaping and building materials to be used adjacent to the abutting apartment building and adjacent to Pickering Street as well as all other matters contained in Section 41 of the Planning Act*

(xii) *All other appropriate regulation for the use of land and the character, location and use of buildings and structures shall conform to the regulations of Highway Commercial Zone and all other general provisions or regulations of By-law 1999-52, as amended, from time to time.*

*(By-law 2005-90)*

- (i) CH-9 (HOLD FOR FUTURE USE)
- (j) CH-10 (HOLD FOR FUTURE USE)
- (k) CH-11 (SPECIALTY RETAIL FOOD STORE)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CH-11 on Schedule "A" hereto the following special provision shall apply.

- (i) Uses Permitted
  1. Specialty retail food stores with a maximum combined gross leaseable floor area not to exceed 140 square metres.
  2. Any use permitted in a CH Zone.
- (l) *CH-12 (SPECIAL PROVISION- 380 SANDWICH ST. S. REDUCED PARKING TO ALLOW OUTDOOR DISPLAY AND STORAGE)*

*The following special provisions shall apply to lands zoned (CH-12):*

*Notwithstanding Section 3(21)(c) the minimum number of parking spaces required shall be 143.*

*All other provisions under Section 3 and Section 16, as amended from time to time shall apply.*

*(By-law 2012-93)*

- (m) *CH-13 (365 Sandwich St. S., COMMERCIAL PLAZA)*

*Within any area zoned CH-13 on Schedule "A" hereto, the zone requirements of Section 16 of the By-law shall apply with the exception of the following:*

- (i) *Interior Side Yard Width (Minimum)*  
*6.1 m*
- (ii) *Notwithstanding Section 3(21)(c) the minimum number of parking spaces required shall be 114.*

*All other provisions under Section 3 and Section 16, as amended from time to time shall apply.*

*(By-law 2013-92)*

- (n) *CH-14 (433 Sandwich Street South)*

*Notwithstanding any other provisions of this By-law to the contrary including Section 3(23), within any area zoned CH-14 on Schedule "A"*

*hereto, the zone requirements of Section 16 of the By-law shall apply with the exception of the following:*

- (i) *Interior Side Yard Width (Minimum) 0.2 m*  
*provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard/ rear yard width shall be 7 m.*
  
- (ii) *Height Maximum 7.5 m*
  - (i) *within the front (west) 25 m of the Zone- 3 storeys to a maximum of 14 m*
  - (ii) *within the rear (east) 50 m of the Zone- 2 storeys to a maximum of 12 m”*

*THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Commercial General Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.*

*(By-Law 2018-62)*

## **SECTION 17 COMMERCIAL NEIGHBOURHOOD (CN) ZONE**

### **(1) SCOPE**

The provisions of this Section shall apply in all Commercial Neighbourhood (CN) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **(2) USES PERMITTED**

No person shall within any CN Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following CN uses, namely:

- (i) business office;
- (ii) day care;
- (iii) dry cleaner's distribution station;
- (iv) dwelling unit;
- (v) medical/dental office;
- (vi) personal service shop;
- (vii) professional office;
- (viii) public use;
- (ix) retail store;
- (x) convenience store;
- (xi) video rental establishment.

### **(3) ZONE REQUIREMENTS**

No person shall within any CN Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |   |            |
|-----|---|------------|
| (a) | Lot Area (Minimum)  | No minimum |
| (b) | Lot Frontage (Minimum)  | 15 m       |
| (c) | Front Yard Depth (Minimum)  | 7 m        |
| (d) | Interior Side Yard Width (Minimum)<br>provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard width shall be 10 m | 7 m        |
| (e) | Exterior Side Yard Width (Minimum)  | 10 m       |
| (f) | Rear Yard Depth (Minimum)<br>provided that where the rear lot line abuts a Residential Zone, the minimum rear yard depth shall be 10 m                            | 7 m        |



(g)	Lot Coverage (Maximum)	30%
(h)	Landscaped Open Space (Minimum)	20%
(i)	Dwelling Unit Area (Minimum)	55 m <sup>2</sup>
(j)	Gross Commercial Floor Area Per Permitted Use (Maximum)	140 m <sup>2</sup>
(k)	Height (Maximum)	10 m
(l)	Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.	

(4) SPECIAL PROVISIONS

(a) CN-1 (AUTOMOTIVE SERVICE STATION)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CN-1 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. an automobile service station;
2. any use permitted in CN Zone.

(b) CN-2 (BICYCLE REPAIR AND SALES)

Notwithstanding any provisions of this By-law to the contrary, within any designated CN-2 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. bicycle repair and sales;
2. any use permitted in CN Zone.

(c) CN-3 (WATER TOWER)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CN-3 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. Uses permitted shall be restricted to a public water tower.

## (d) CN-4 (RESTAURANT/TAVERN)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CN-4 on Schedule "A" hereto, the following special provisions shall apply:

## (i) Uses Permitted

1. Uses permitted shall also include a restaurant and/or tavern and marina as it exists on the date of passage of this By-law in addition to the uses permitted in Section 17(2).

## (e) CN-5 (VIDEO SALES RENTAL &amp; REPAIR)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CN-5 on Schedule "A" hereto, the following special provisions shall apply:

## (i) Uses Permitted

1. Uses permitted shall be restricted to a video sales, rental and repair establishment, and accessory uses.

## (ii) Zone Requirements

1. Gross Floor Area 200 m<sup>2</sup>

## (f) CN-6 (TRUCK CAPS)

Notwithstanding any provisions of this By-law to the contrary, within any area designated CN-6 on Schedule "A" hereto, the following special provisions shall apply:

## (i) Uses Permitted

1. Uses permitted shall also include a manufacturing, assembly and retail sale of truck caps, a contractor's shop and an automobile repair shop in addition to the uses permitted in Section 17(2).

## (g) CN-7 (MOTEL)

Notwithstanding any provisions of this By-law to the contrary, any area zoned CN-7 on Schedule "A" hereto, the following special provisions shall apply:

## Uses Permitted

1. Motel;
2. Any use permitted in the CN Zone.

## (h) CN-8 (CAR WASH)

Notwithstanding any provisions of this By-law to the contrary, any area zoned CN-8 on Schedule "A" hereto, the following special provisions shall apply:

## (i) Uses Permitted

1. Car wash;
2. Garden and landscaping centre;
3. Any use permitted in the CN Zone.

## (i) CN-9

*Notwithstanding any provisions of this By-law to the contrary, within any area zoned CN-9 on Schedule "A" hereto, the following special provisions shall apply:*

(i) *Uses Permitted*

1. *Hardware Store;*
2. *Home Improvement Store;*
3. *Any Use Permitted in the CN Zone.*

(ii) *Regulations*

1. *There shall be no outside storage;*
2. *Permitted uses shall be within the existing structure;*
3. *Commercial Gross Floor Area may exceed the 140 square metres per use restriction of Section 17(3)(j).*

*(By-law 2003-90)*

## (j) CN-10

*Notwithstanding the provisions of this By-law to the contrary, within any area zoned CN-10 on Schedule "A" hereto, the following special provisions shall apply:*

(i) *Uses Permitted*

1. *Fitness Centre*
2. *Any use permitted in the CN Zone.*

(ii) *Regulation*

1. *Commercial Gross Floor Area may exceed the 140 square meters per use restriction of Section 17(3)(j) for the fitness centre. All other regulations of the By-law apply.*

*(By-law 2012-25)*

*(k) CN-11*

*Notwithstanding the provisions of this By-law to the contrary, within any area zoned CN-11 on Schedule "A" hereto, the following special provisions shall apply:*

*(i) Uses Permitted*

1. *Place of worship*
2. *Any use permitted in the CN Zone.*

*(ii) Regulation*

1. *Gross Floor Area may exceed the 140 square meters per use restriction of Section 17(3)(j) for the place of worship. All other regulations of the By-law apply.*

*(By-law 2013-59)*

*(l) CN-12*

*Notwithstanding the provisions of this By-law to the contrary, within any area zoned CN-12 on Schedule "A" hereto, the following special provisions shall apply:*

*(i) Commercial Gross Floor Area  
558 m<sup>2</sup>*

*Per Permitted Use (Maximum)*

*All other regulations of the By-law apply.*

*(By-law 2016-59)*

*(m) CN-13*

*Notwithstanding any other provisions of this by-law to the contrary, within any area zoned CN-13 on Schedule "A" hereto, the following special provisions shall apply:*

*(i) Uses permitted:*

1. *An automobile service station;*
2. *A miniature golf course;*

3. *Any use permitted in the CN Zone.*

*(By-law 2017-11)*

## SECTION 18 RESORT RESIDENTIAL/ RESORT COMMERCIAL (RR/RC) ZONE

### (1) SCOPE

The provisions of this Section should apply in all Resort Residential/Resort Commercial (RR/RC) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any RR/RC Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RR/RC uses, namely:

#### (a) Resort Residential Uses

- (i) single unit dwellings;
- (ii) two unit dwellings;
- (iii) multiple unit dwellings;
- (iv) one home occupation per dwelling unit;
- (v) accessory uses.

#### (b) Resort Commercial Uses

- (i) parks;
- (ii) golf courses;
- (iii) marinas;
- (iv) hotels and motels;
- (v) restaurants, taverns, snack bars and retail stores;
- (vi) other public or private commercial recreational facilities as defined herein;
- (vii) uses accessory to the foregoing uses.

### (3) ZONE REQUIREMENTS

All development within the RR/RC Zone shall be in accordance with the associated development and site plan agreements, except that no building or structure shall be permitted within 50 feet of lands zoned R1A-4 of this By-law.

#### (a) Holding (h) Provisions

In those areas zoned RR/RC(h), the (h) symbol may be removed at such time as development and site plan agreements are in place and servicing is provided to the satisfaction of the Town.

### (4) SPECIAL PROVISIONS

- (a) *Within any area designated RR/RC and h-RR/RC the following provisions apply:*

- (i) *Development within 150 metres of the eastern shoreline of the island will be limited in height to 6 storeys. Multi Family Development elsewhere on the island will be limited to 10 storeys.*
  
- (ii) *Commercial Recreation Establishment means a place designed and equipped for the conduct of sports, leisure time activities and other recreational activities. Such establishment may include facilities where entertainment may be offered for gain or profit such as places of entertainment defined herein, arcades, gaming establishment, miniature golf courses and all other similar places of amusement, sport or entertainment.*

*(By-law 2007-64)*

## **SECTION 19 RECREATION (RE) ZONE**

### **(1) SCOPE**

The provision of this Section shall apply in all Recreation (RE) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **(2) USES PERMITTED**

No person shall within the RE Zone use any lot or erect, alter or use any building or structure for any purposes except one or more of the following RE uses, namely:

- (i) campground licensed by the municipality, including a trailer camp, in accordance with Subsection 19(3)(h);
- (ii) conservation area;
- (iii) golf course;
- (iv) a marina;
- (v) golf driving range;
- (vi) public and private parks, including playgrounds, picnic facilities, sports fields, a bowling green and tennis courts;
- (vii) a public parking area;
- (viii) a recreation or community centre;
- (ix) meeting house, clubhouse or fraternal hall;
- (x) accessory uses.

### **(3) ZONE REQUIREMENTS**

No person shall within any RE Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	Lot Area (Minimum)	2000 m <sup>2</sup>
(b)	Lot Frontage (Minimum)	30 m
(c)	Lot Coverage (Maximum)	40%
(d)	Front Yard Depth (Minimum)	15 m
(e)	Rear Yard Depth (Minimum)	15 m
(f)	Interior Side Yard Width (Minimum)	15 m
(g)	Exterior Side Yard Width (Minimum)	10 m



## (h) Trailer Camps

Notwithstanding any previous provisions of this By-law, where a lot is used for a trailer camp, the following regulations apply:

- |      |                        |      |
|------|------------------------|------|
| (i)  | Lot Area (Minimum)     | 1 ha |
| (ii) | Lot Frontage (Minimum) | 60 m |

## (i) Outside storage

- (i) Any outside storage shall comply with yard, setback and coverage requirements of this Section;
- (ii) Any areas used for permitted outside storage shall be in addition to and separate from such areas as may be required by the By-law for the provision of off-street parking and loading spaces.

(4) SPECIAL PROVISIONS

The general regulations contained in the Subsection shall apply to the area or areas defined below:

## (a) RE-2

## (i) Uses Permitted

- a parking lot and boat launch/docking for Bois Blanc Island.

## (b) RE-3

## (i) Uses Permitted

- uses permitted shall be restricted to a gun club only together with existing buildings and structures.

## (c) RE-4

## (i) Uses Permitted

- a neighbourhood park including walking paths, baseball diamonds, play equipment, basketball courts, benches, picnic areas, and accessory uses.

## (ii) Lot and Building Requirements

All lot requirements shall be as they existed on the date of passing of this By-law. No part of any building or structure shall be erected closer than 30 feet to any lot line, and closer than 12.0 metres feet

to the westerly lot line. In addition, the placing of any tables, benches and play equipment shall be prohibited within 12.0 metres feet of the westerly lot line.

The parking of vehicles will be prohibited, except that two parking spaces will be permitted for vehicles of handicapped people at McLeod Avenue.

(d) *RE-5*

*Notwithstanding any other provision of this By-law to the contrary, within any area zoned RE-5 on Schedule 'A' hereto, the following special provisions shall apply:*

(i) *Uses Permitted*

1. *An 18 hole golf course;*
2. *An existing single detached dwelling.*

(ii) *Other Provisions*

- (a) *a minimum setback for buildings and structures of 200 metres shall be required from the lot lines of the existing Girl Guide of Canada camp;*
- (b) *a minimum setback for buildings and structures of 200 metres shall be required from existing dwelling units on adjacent properties;*
- (c) *site plan approval shall be required to address matters relating to the layout and design of the golf course, the location of buildings and structures and providing adequate servicing, including the preparation of a drainage study by a qualified hydrologist demonstrating that: (1) there will be no impact on the drainage of adjacent properties; and (2) there will be no run-off from the golf course lands onto adjoining properties or into the drain along Howard Avenue; and (3) the soil composition/profile and geology of the site will allow for the accumulation of water on the site and will prevent the infiltration of pesticides and fertilizers below the water table; and (4) water accumulated in the proposed ponds will be sufficient to serve as the sole water supply for the irrigation of the golf course.*

*(By-law 2004-54)*

(e) *RE-6*

(i) *Uses Permitted*

1. *Recreation limited to trails and walking paths*
2. *Works of the Conservation Authority*
  - (ii) No buildings or structures are permitted unless for flood control and/or in accordance with the regulations of the Conservation Authority.

*(By-law 2007-64)*

(f) *RE-7*

*Notwithstanding any provision of this By-law to the contrary, within any areas zoned RE-7 the following special provisions apply:*

(i) *Uses Permitted*

*Uses restricted to a marina and related activities including a snack bar and gas bar.*

(ii) *Regulation*

*Notwithstanding Section 3(2) development is permitted without direct frontage on a public street. All other regulations of the By-law apply.*

*Building Height shall be restricted to 8 metres.*

*(By-law 2010-03)*

## **SECTION 20 LIGHT INDUSTRIAL (LI) ZONE**

### **(1) SCOPE**

The provisions of this Section shall apply in all Light Industrial (LI) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **(2) USES PERMITTED**

No person shall within any LI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following LI uses, namely:

- (i) agricultural service establishment;
- (ii) agricultural supply establishment;
- (iii) animal hospital
- (iv) assembly hall;
- (v) auction establishment;
- (vi) body shop;
- (vii) building or contracting establishment;
- (viii) building supply outlet;
- (ix) bulk beverage establishment;
- (x) bulk sales establishment;
- (xi) commercial recreational establishment;
- (xii) commercial storage unit;
- (xiii) data processing establishment;
- (xiv) dry cleaning and laundry plant;
- (xv) duplicating shop;
- (xvi) electrical and electronic products industry;
- (xvii) fitness club;
- (xviii) food processing plant;
- (xix) industrial and agricultural equipment sales and service industry;
- (xx) manufacturing and assembly industry;
- (xxi) nursery and garden store;
- (xxii) office;
- (xxiii) office, business;
- (xxiv) office, support;
- (xxv) pharmaceutical and medical products industry;
- (xxvi) printing reproduction and data processing industry;
- (xxvii) printing establishment;
- (xxviii) processed goods industry;
- (xxix) public use;
- (xxx) repair and rental establishment;
- (xxxi) research and development establishment;
- (xxxii) service and repair establishment;
- (xxxiii) service shop;
- (xxxiv) warehousing.

(3) ZONE REQUIREMENTS

No person shall within any LI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |       |   |  |   |
|-------|---|--|---|
| (a)   | Lot Area (Minimum)  |  | 1100 m <sup>2</sup>                     |
| (b)   | Lot Frontage (Minimum)  |  | 30 m                                    |
| (c)   | Required Yards (Minimum)  | <u>Lots Abutting<br/>Industrial<br/>Zone</u> | <u>Lots Abutting<br/>Any Other Zone</u> |
| (i)   | Front Yard Depth  | 9 m  | 18 m                                    |
| (ii)  | Exterior Side Yard Width  | 9 m  | 18 m                                    |
| (iii) | Interior Side Yard Width  | 3 m  | 15 m                                    |
| (iv)  | Rear Yard Depth<br>provided that no interior side<br>yard or rear yard is required<br>along any portion of a lot line<br>which abuts a railroad right-of-<br>way  | 8 m  | 15 m                                    |
| (d)   | Landscaped Open Space (Minimum)   |  | 10%                                     |
| (e)   | Lot Coverage (Maximum)  |  | 60%                                     |
| (f)   | Height of Building (Maximum)<br>provided that if any other portion of any building is<br>erected above a height of 12 m, the required side yard<br>dimensions shall be increased by 1 m for each 1 m by<br>which such portion of the building exceeds 12 m. |  | 12 m                                    |
| (g)   | Use of Front and Exterior Side Yard<br><br>Required front and exterior side yards shall be kept open and<br>unobstructed by any structure or parking area for motor vehicles, except<br>for visitor parking areas.  |  |   |
| (h)   | Open Storage<br><br>No open storage of goods or materials shall be permitted except in<br>accordance with the following provisions:   |  |   |

- (i) Such open storage is accessory to the use of the main building on the lot;
- (ii) Such open storage complies with the yard and setback requirements of this Section;
- (iii) Such open storage does not cover more than 35 percent of the lot area nor exceed twice the ground floor area of the main building on the lot;
- (iv) Any portion of the area used for open storage, is concealed from view from the street by a fence or wall;
- (v) Such open storage shall be located only to the rear of the main building and shall not be located in the front or exterior side yard.

(i) Noxious Trade

No use shall be permitted which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under the Public Health Act or regulations thereunder.

(j) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

(a) LI-1

Notwithstanding any provisions of this By-law to the contrary, within any area designated LI-1 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses Permitted

1. any use permitted in an LI Zone except retail sales of fuel oil, gas, or grain.

(b) LI-2 (CHEMICAL PLANT)

Notwithstanding any provisions of this By-law to the contrary, within any area designated LI-2 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses Permitted

1. any use permitted in an LI Zone;
2. a chemical plan/processed goods industries;
3. a precipitating and/or cracking tower.

(c) LI-3 (BUS STORAGE)

Notwithstanding any provisions of this By-law to the contrary, within any area designated LI-3 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses Permitted

1. any use permitted in an LI Zone;
2. bus storage depot.

(d) LI-4 (RADIO TOWER AND EXTRACTION)

(i) Uses Permitted

1. Uses permitted are restricted to radio towers and exploration and extraction of oil and other similar materials with building and structures restricted to those existing at the date of passage of this By-law.

(e) LI-5 (STOCKPILING)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned LI-5 on Schedule "A", no buildings may be erected and uses permitted shall be restricted to stockpiling and accessory uses such as conveyor belts.

(f) LI-6

(i) Uses Permitted

1. The uses permitted are restricted to the manufacturing and wholesale of fishing tackle.

(ii) Zone Requirements

2. Notwithstanding any provisions of this By-law to the contrary, within any area zoned L1-6 on Schedule "A" hereto, the zone requirements of Section 20(3) of the By-law shall apply with the exception of the following:

- |    |                          |         |
|----|--------------------------|---------|
| a. | Interior Side Yard Width | 3.66 m  |
| b. | Rear Yard Depth          | 6.096 m |

*(By-law 2000-22)*

(g) LI-7

(i) *Uses Permitted*

*A Transport Terminal and Vehicle Repair Shop, in addition to the other uses permitted by Subsection 20(2) of this By-law.*

(ii) *Zone Requirements*

*A minimum easterly yard depth of 91 metres (300 feet) shall be required abutting the street line of Concession Road 8 North and shall be maintained as landscaped open space.*

*(By-law 2006-79)*

(h) LI-8

*Notwithstanding the provisions of this By-law to the contrary, within any area zoned LI-8 on Schedule "A" hereto, the following special provisions shall apply:*

(i) *Uses Permitted*

1. *Transport Terminal*
2. *Any use permitted in the LI Zone*

*(By-law 2013-67)*

(i) LI-9 (864 Alma Street)

*Notwithstanding any other provisions of this By-law to the contrary, within any area zoned LI-9 on Schedule "A" hereto, the zone requirements of Section 20 of the By-law shall apply with the addition of the following special provisions:*

*(i) Uses Permitted:*

- (a) *Impounding Yard;*
- (b) *Any use permitted in the LI Zone.*

*(By-Law 2018-109)*



**SECTION 21 SPECIAL INDUSTRIAL (SI) ZONE**

(1) SCOPE

The provisions of this Section shall apply to all Special Industrial (SI) Zones except as otherwise provided in the Special Provision Subsection of this Section.

(2) USES PERMITTED

No person shall within the SI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following SI uses, namely:

- (i) any use permitted in the LI Zone;
- (ii) funeral home;
- (iii) hardware store;
- (iv) home and auto supply store;
- (v) home appliance store;
- (vi) home decorating store;
- (vii) home furnishing store;
- (viii) home improvement store;
- (ix) medical/dental office;
- (x) offices;
- (xi) a dwelling unit accessory to a permitted use.

(3) ZONE REQUIREMENTS

No person shall within any SI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Lot Area (Minimum)	1100 m <sup>2</sup>		
(b)	Lot Frontage (Minimum)	30 m		
(c)	Required Yards (Minimum)	<table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center; padding-right: 20px;"><u>Lots Abutting Industrial Zone</u></td> <td style="text-align: center;"><u>Lots Abutting Any Other Zone</u></td> </tr> </table>	<u>Lots Abutting Industrial Zone</u>	<u>Lots Abutting Any Other Zone</u>
<u>Lots Abutting Industrial Zone</u>	<u>Lots Abutting Any Other Zone</u>			
(i)	Front Yard Depth	9 m                      18 m		
(ii)	Exterior Side Yard Width	9 m                         18 m		
(iii)	Interior Side Yard Width	3 m                         15 m		
(iv)	Rear Yard Depth provided that no interior side yard or rear yard is required along any portion of a lot line	8 m                         15 m		

which abuts a railroad right-of-way

- |     |   |      |
|-----|---|------|
| (d) | Landscaped Open Space (Minimum)   | 10%  |
| (e) | Lot Coverage (Maximum)  | 60%  |
| (f) | Height of Building (Maximum)<br>provided that if any other portion of any building is erected above a height of 12 m, the required side yard dimensions shall be increased by 1 m for each 1 m by which such portion of the building exceeds 12 m.  | 12 m |
| (g) | <p>Use of Front and Exterior Side Yard</p> <p>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.</p>   |      |
| (h) | <p>Open Storage</p> <p>No open storage of goods or materials shall be permitted except in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>(i) such open storage is accessory to the use of the main building on the lot;</li> <li>(ii) such open storage complies with the yard and setback requirements of this Section;</li> <li>(iii) such open storage does not cover more than 35 percent of the lot area nor exceed twice the ground floor area of the main building on the lot;</li> <li>(iv) any portion of the area used for open storage, is concealed from view from the street by a fence or wall;</li> <li>(v) such open storage shall be located only to the rear of the main building and shall not be located in the front or exterior side yard.</li> </ul> |      |

## (i) Noxious Trade

No use shall be permitted which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under the Public Health Act or regulations thereunder.

## (j) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

The special regulations contained in this Subsection shall apply to the area or areas defined below.

(a) *SI-1 (Car Wash)*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated SI-1 on Schedule "A" hereto the following special provisions shall apply:*

(i) *Uses Permitted*

1. *Car Wash*
2. *Any use permitted in an S1 Zone.*

(ii) *Zone Requirements*

1. *The orientation of the openings to the car wash bays will not be permitted to front on Alma Street.*

*(By-law 2003-34)*

(b) *T-SI-2 (Temporary Open Storage)*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated T-SI-2 on Schedule "A" hereto, the following special provisions shall apply:*

(i) *Permitted Uses*

1. *Temporary open storage will be permitted on the property prior to the main use,*
2. *Any use permitted in an SI Zone.*

(ii) *Zone Provisions*

- *Relief from the yard, lot coverage and setback requirements of the SI Zone will be permitted.*
- *Relief from the requirement to conceal the open storage from view from the street by a fence or wall will be permitted.*

*All lot and building requirements for the permitted use and for the uses permitted in Subsection 21(4)(b) of this By-law shall be in accordance with 21(3) and 21(4) of this By-law.*

(iii) Zone Requirements for the setbacks of the temporary open storage

1. A minimum easterly depth of 115 metres
2. A minimum southerly depth of 60 metres (from Alma Street);
3. A northerly depth of 118 metres and;
4. A westerly depth of 12 metres.

(iv) Temporary (T) Zone

*The zone symbol on Schedule "A" is preceded by a "T" which stands for a Temporary Zone as permitted under Section 39 of the Planning Act. When the date of expiry specified in subclause (iv) below is reached, and if no extension has been granted by Council, the zoning of the land shall revert to the base "SI" Zone and the use permitted by the Temporary Zone that is not permitted by the base "SI" Zone shall be removed.*

(v) Expiry

*The Permitted Uses and Zone Provisions of the T-SI-2 Zone shall expire on August 21, 2020.*

*(By-law 2017-51)*

## SECTION 22 HEAVY INDUSTRIAL (HI) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Heavy Industrial (HI) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any HI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following HI uses, namely:

- (i) agricultural service establishment;
- (ii) agricultural supply establishment;
- (iii) animal hospital
- (iv) assembly plant;
- (v) auction establishment;
- (vi) body shop;
- (vii) building supply yard;
- (viii) bulk sales establishment;
- (ix) chemical plant;
- (x) commercial storage unit;
- (xi) commercial garage;
- (xii) contractor's yard;
- (xiii) data processing establishment;
- (xiv) dry cleaning and laundry plant;
- (xv) electrical and electronic products industry;
- (xvi) existing waste settling ponds;
- (xvii) industrial and agricultural equipment sales and service;
- (xviii) impounding yard;
- (xix) manufacturing and assembly industry;
- (xx) municipal or provincial garage or storage yard;
- (xxi) nursery and garden store;
- (xxii) office, support;
- (xxiii) open storage use of goods or materials if accessory to a permitted use;
- (xxiv) parking lot;
- (xxv) pharmaceutical and medical products industry;
- (xxvi) printing plant;
- (xxvii) printing reproduction and data processing industry;
- (xxviii) processed goods industry;
- (xxix) propane transfer facility;
- (xxx) repair and rental establishment;
- (xxxi) research and development establishment;
- (xxxii) service and repair establishment;
- (xxxiii) service shop;
- (xxxiv) transport terminal;

- (xxxv) vehicle repair garage;
- (xxxvi) warehousing;
- (xxxvii) wholesale establishment.

(3) ZONE REQUIREMENTS

No person shall within any HI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- | (a)   | Lot Area (Minimum)  | 1100 m <sup>2</sup>   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
|-------|---|---|--|--|---|-----|------------------|---------------|------|--------------------------|---------------|-------|--------------------------|---------------|------|--|---------------|
| (b)   | Lot Frontage (Minimum)  | 30 m  |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (c)   | Required Yards (Minimum)  | <table border="0" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;"><u>Lots Abutting<br/>Industrial<br/>Zone</u></th> <th style="text-align: center;"><u>Lots Abutting<br/>Any Other Zone</u></th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">(i)</td> <td style="vertical-align: top;">Front Yard Depth</td> <td style="vertical-align: top;">9 m      18 m</td> </tr> <tr> <td style="vertical-align: top;">(ii)</td> <td style="vertical-align: top;">Exterior Side Yard Width</td> <td style="vertical-align: top;">9 m      18 m</td> </tr> <tr> <td style="vertical-align: top;">(iii)</td> <td style="vertical-align: top;">Interior Side Yard Width</td> <td style="vertical-align: top;">3 m      15 m</td> </tr> <tr> <td style="vertical-align: top;">(iv)</td> <td style="vertical-align: top;">Rear Yard Depth<br/>provided that no interior side<br/>yard or rear yard is required<br/>along any portion of a lot line<br/>which abuts a railroad right-of-<br/>way</td> <td style="vertical-align: top;">8 m      15 m</td> </tr> </tbody> </table> |  | <u>Lots Abutting<br/>Industrial<br/>Zone</u> | <u>Lots Abutting<br/>Any Other Zone</u> | (i) | Front Yard Depth | 9 m      18 m | (ii) | Exterior Side Yard Width | 9 m      18 m | (iii) | Interior Side Yard Width | 3 m      15 m | (iv) | Rear Yard Depth<br>provided that no interior side<br>yard or rear yard is required<br>along any portion of a lot line<br>which abuts a railroad right-of-<br>way | 8 m      15 m |
|       | <u>Lots Abutting<br/>Industrial<br/>Zone</u>  | <u>Lots Abutting<br/>Any Other Zone</u>   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (i)   | Front Yard Depth  | 9 m      18 m   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (ii)  | Exterior Side Yard Width  | 9 m      18 m   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (iii) | Interior Side Yard Width  | 3 m      15 m   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (iv)  | Rear Yard Depth<br>provided that no interior side<br>yard or rear yard is required<br>along any portion of a lot line<br>which abuts a railroad right-of-<br>way  | 8 m      15 m   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (d)   | Landscaped Open Space (Minimum)   | 10%   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (e)   | Lot Coverage (Maximum)  | 60%   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
| (f)   | <i>Height of Building (Maximum)</i>   | 15 m  |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |
|       | <i>with any minimum side yard, if any other portion of any building is erected above a height of 15 m, the required side yard dimensions shall be increased by 1 m for each 1 m by which such portion of the building exceeds 15 m.</i> |   |  |  |   |     |                  |               |      |                          |               |       |                          |               |      |  |               |

*(By-Law 2018-88)*

- (g) Open Storage

Any part of any lot used for a permitted open storage shall be fenced.

- (h) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

(a) HI-1

Notwithstanding any provisions of this By-law to the contrary, within any areas designated HI-1 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses Permitted

1. feed and flour mill;
2. feed storage and supply yard;
3. grain elevator;
4. lumber mill yard;
5. paper and allied products industry;
6. storage depot;
7. transport terminal;
8. any use permitted in an HI Zone.

(b) HI-2

*Notwithstanding any provisions of this By-law to the contrary, within any areas zoned HI-2 on Schedule "A" hereto, the following special provisions shall apply:*

(i) *Uses Permitted*

*Any use permitted in the HI Zone OR a solar energy system and associated accessory uses*

(ii) *Zone requirements*

- i. All lot requirements shall be as existing for the HI Zone on the date of passing of this By-law.*
- ii. No part of any building, structure, or solar panel shall be erected closer than 10 metres to any lot line.*
- iii. No solar panel or tracking equipment shall exceed 5 metres in height.*

*(By-law 2008-57)*

## (c) HI-3

*Notwithstanding any provision of this By-law to the contrary, within any areas zoned HI-3 the following special provisions apply:*

## (i) Uses Permitted

*For the lands located to the west of Concession 3 North known as the Soda Ash Settling Bed, the uses permitted shall be restricted to passive opens space uses and any use necessary in the rehabilitation of the site in accordance with the requirements of the Ministry of the Environment.*

*For all other lands within the HI-3 Zone the uses permitted in the HI Zone are allowed subject to added zone requirements as provided below.*

*Required Yards (Minimum) Abutting any Non Industrial Zone shall be 50 metres.*

*Landscaped Opens Space abutting Sandwich Street shall be required and no open storage shall be permitted and no access shall be permitted to Brunner Ave.*

*(By-law 2010-03)*

## (d) HI-4

*Notwithstanding any provisions of this By-law to the contrary, within any area designated HI-4 on Schedule "A" hereto, the following special provisions shall apply:*

## (i) Uses Permitted Restricted To

1. *Waste disposal site restricted to a processing and transfer facility for non-hazardous solid construction and demolition waste and scrap metal shells of automobiles;*
2. *A weight station;*
3. *Offices for the permitted uses within the existing former dwelling unit.*

## (ii) Zone Requirements

1. *For a waste disposal site for the processing and transfer of construction and demolition waste and scrap metal shells of automobiles, the front yard setback shall be 300 metres and the interior and rear yard setback shall be 15 metres.*
2. *No open storage shall occur within the required setbacks.*



3. *The weigh station shall be permitted within the required front yard.*
4. *The office for the permitted uses shall be permitted within the existing dwelling unit located within the required front yard.*
5. *All other provisions of the HI zone shall apply.*

*(By-law 2012-71)*

*(e) HI-5*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated HI-5 on Schedule "A" hereto, the following special provisions shall apply:*

*(i) Uses Permitted*

1. *Any use permitted in an HI Zone and the stockpiling of clean clay, clean top soil and granular material as an accessory use to a contractor's yard.*

*(ii) Zone Requirements*

1. *All stockpiling shall be restricted to an area established by a sight line calculated from the observation point of the centreline of both Howard Avenue and North Sideroad. The angle of the sight line shall be 25 degrees. No stockpiling shall occur above the sight line and in no case shall stockpiling exceed 12 metres.*
2. *For a contractor's yard with accessory stockpiling, the front yard depth, rear yard depth, exterior side yard width and interior side yard width shall be 9 metres.*
3. *No stockpiling or open storage shall occur within the required setbacks.*
4. *All other provisions of the HI Zone shall apply.*

*(By-law 2012-96)*

*(f) HI-6 (7781 Howard Ave)*

*Notwithstanding any provisions of this By-law to the contrary, within any area zoned HI-6 on Schedule "A" hereto, the following special provisions shall apply:*

*(i) Uses Permitted*

1. *Any use permitted in an HI Zone;*

2. *A micro-distillery;*
3. *A facility for the manufacture of beverage alcohol including a brewery as licensed by the Alcohol and Gaming Commission of Ontario, in combination therewith a retail store and a tasting room for the sale of the beverage alcohol produced on the same lot.*

*(By-law 2014-113)*

*(By-law 2016-104)*

*(g) T-HI-7 (Temporary Waste Disposal Site)*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated T-HI-7 on Schedule "A" hereto, the following special provisions shall apply:*

*(i) Permitted Uses*

1. *Waste disposal site restricted to processing and a facility for non-hazardous solid construction and demolition waste;*
2. *Any use permitted in an HI Zone;*

*(ii) Zone Provisions*

*The permitted waste disposal and concrete crushing activity shall be restricted to removal of the existing piles on the site. All lot and building requirements for the permitted use and for the uses permitted in Subsection 22(4)(d) of this By-law shall be in accordance with 22(3) and 22(4)(d) of this By-law.*

*(iii) Temporary (T) Zone*

*The zone symbol on Schedule "A" is preceded by a "T" which stands for a Temporary Zone as permitted under Section 39 of the Planning Act. When the date of expiry specified in subclause (iv) below is reached, and if no extension has been granted by Council, the zoning of the land shall revert to the base "HI" Zone and the use permitted by the Temporary Zone that is not permitted by the base "HI" Zone shall be removed.*

*(iv) Expiry*

*The Permitted Uses and Zone Provisions of the T-HI-7 Zone shall expire on December 31, 2015.*

*(By-law 2015-42)*

(h) *HI-8 (7981 Howard Avenue)*

(i) *Uses Permitted*

1. *Transport truck parking lot*

*(By-Law 2018-77)*

## SECTION 23 EXTRACTIVE INDUSTRIAL (EI) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Extractive Industrial (EI) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any EI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following EI uses, namely:

- (i) aggregate storage area;
- (ii) crushing plant;
- (iii) office;
- (iv) sand or gravel pit;
- (v) stone quarry.

### (3) ZONE REQUIREMENTS

No person shall within any EI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Lot Area (Minimum)	1100 m <sup>2</sup>
(b)	Lot Frontage (Minimum)	30 m <sup>2</sup>
(c)	Required Yards (Minimum)	
	(i) Front Yard Depth	18 m
	(ii) Exterior Side Yard Width	18 m
	(iii) Interior Side Yard Width	15 m
	(iv) Rear Yard Depth	15 m
(d)	Landscaped Open Space (Minimum)	10%
(e)	Open Storage	

Any part of any lot used for a permitted open storage shall be fenced.

- (f) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

## (a) EI-1 (EXTRACTION)

Notwithstanding any provisions of this By-law to the contrary, no land within any area designated EI-1 on Schedule "A" hereto shall be used for a stone quarry, blasting, extraction or excavation. Uses permitted shall be limited to agriculture, conservation, and existing uses.

## (b) EI-2 (BRINE EXTRACTION)

Notwithstanding any provisions of this By-law to the contrary, uses permitted to shall be limited to facilities for the extraction of brine and use accessory to the extraction of brine. Agricultural uses are also permitted.

(c) *EI-3 (Solar Energy System)*

*Notwithstanding any provisions of this By-law to the contrary within any areas zoned EI-3 on Schedule "A" the following special provisions shall apply:*

(i) *Uses Permitted*

1. *Brine Extraction;*
2. *A Solar Energy System and associated accessory uses.*

(ii) *Zone Requirements*

1. *All lot requirements shall be as existing for the EI Zone on the date of passing of this By-law.*
2. *No part of any building, structure, or solar panel shall be erected closer than 10 metres to any lot line.*
3. *No solar panel or tracking equipment shall exceed 5 metres in height.*
4. *Notwithstanding Subsection ii above, no part of any building, structure or solar panel or tracking equipment shall be located within 24 metres of a Wetland Zone.*
5. *Notwithstanding Subsection 3(24) of the By-law, no part of any building or structure or solar panel or tracking equipment shall be located within a sight triangle create by a setback of 91 metres measured along the property line abutting Essex Terminal Railway and 110 metres measured along Northside Road."*

*(By-law 2008-55 & 2008-56)*

(d) *EI-4*

*Notwithstanding any other provisions of this by-law to the contrary, within any area zoned EI-4 on Schedule "A" hereto, the requirements of Section 23 of this By-law shall apply with the exception of the following special provisions:*

(i) *Uses Permitted*

1. *Any use permitted in an EI Zone.*
2. *An asphalt plant.*

(ii) *Zone Requirements for an asphalt plant and accessory buildings associated with the asphalt plant.*

1. *A minimum easterly depth of 100 metres (from County Road 9);*
2. *a minimum southerly depth of 300 metres;*
3. *a northerly depth of 500 metres; and*
4. *a westerly depth of 800 metres.*

*All other provisions of the EI Zone shall apply.*

*(By-law 2016-45)*

## SECTION 24 INSTITUTIONAL (I) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Institutional (I) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### (2) USES PERMITTED

No person shall within any I Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following I uses, namely:

- (i) cemeteries;
- (ii) colleges;
- (iii) day nurseries;
- (iv) government buildings;
- (v) hospitals;
- (vi) marina;
- (vii) manse;
- (viii) museums;
- (ix) nursing home;
- (x) parks;
- (xi) places of worship;
- (xii) recreational facilities owned and operated by a public authority;
- (xiii) schools.

### (3) ZONE REQUIREMENTS

No person shall within any I Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |            |
|--|------------|
| (a) Lot Area (Minimum)                 | No minimum |
| (b) Lot Frontage (Minimum)             | No minimum |
| (c) Front Yard Depth (Minimum)         | 15 m       |
| (d) Interior Side Yard Width (Minimum) | 10 m       |
| (e) Exterior Side Yard Width (Minimum) | 15 m       |
| (f) Rear Yard Depth (Minimum)          | 10 m       |
| (g) Lot Coverage (Maximum)             | 50%        |
| (h) Landscaped Open Space (Minimum)    | 30%        |
| (i) Height of Building (Maximum)       |            |

- (i) Accessory Uses, Parking etc. in accordance with the provisions of Section 3 hereof.

(4) SPECIAL PROVISIONS

(a) I-1 (TREATMENT PLANT/GARAGE)

Notwithstanding any provisions of this By-law to the contrary, within any area designated I-1 on Schedule "A" hereto the following special provisions shall apply:

(i) Uses Permitted

1. a sewage treatment facilities;
2. a municipal garage;
3. any use permitted in an I Zone.

(b) I-2 (CULTURAL CENTRE)

Notwithstanding any provisions of this By-law to the contrary, within any area designated I-2 on Schedule "A" hereto the following special provisions shall apply:

(i) Zone Requirements

- |    |                                     |       |
|----|-------------------------------------|-------|
| 1. | Lot Coverage (Maximum)              | 50%   |
| 2. | Height (Maximum)                    | 8.5 m |
| 3. | Accessory Building Height (Maximum) | 4.5 m |

(c) I-3 (PARK)

*Notwithstanding any provisions of this By-law to the contrary, within any area designated I-3 on Schedule "A" hereto the permitted uses shall be limited to:*

- (i) *parks;*
- (ii) *recreational facilities owned and operated by a public authority.*

*(By-law 2005-76)*

(d) I-4 (STORMWATER MANAGEMENT)

*Notwithstanding any provisions of this By-law to the contrary, within any area designated I-4 on Schedule "A" hereto the permitted uses shall be limited to:*

- (i) *stormwater management pond.*

*(By-law 2005-76)*



(e) *I-5 (PARKING LOT)*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated I-5 on Schedule "A" hereto, the following special provisions shall apply;*

(i) *Uses Permitted*

*Parking lot, in addition to the uses permitted by Section 24 (2).*

*(By-law 2006-71)*

## **SECTION 25 FUTURE DEVELOPMENT (FD) ZONE**

### **(1) SCOPE**

The provisions of this Section shall apply in all Future Development (FD) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **(2) 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 following FD uses, namely:

- (i) agricultural;
- (ii) cemetery;
- (iii) forestry;
- (iv) home occupation;
- (v) retail farm sales outlet;
- (vi) works of a Conservation Authority;
- (vii) any existing dwelling.

### **(3) ZONE REQUIREMENTS**

No person shall within any FD Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |   |                     |
|-----|---|---------------------|
| (a) | Lot Area (Minimum)  | 2000 m <sup>2</sup> |
| (b) | Lot Frontage (Minimum)  | 30 m                |
| (c) | Front Yard Depth (Minimum)  | 15 m                |
| (d) | Interior Side Yard Width (Minimum)  | 10 m                |
| (e) | Exterior Side Yard Width (Minimum)  | 15 m                |
| (f) | Lot Coverage (Maximum)  | 30%                 |
| (g) | Height of Building (Maximum)  | 10 m                |
| (f) | Accessory Uses, Parking etc. in accordance with the provisions of Section 3 hereof. |                     |

(4) SPECIAL PROVISIONS

## (a) FD-1 (ARCHERY CLUB)

Notwithstanding any provisions of this By-law to the contrary, within any area designated FD-1 on Schedule "A" hereto the following special provisions shall apply:

## (i) Uses Permitted

1. an archery club;
2. a private club.

## (ii) Zone Requirements

- |             |                    |
|-------------|--------------------|
| 1. Lot Area | 1 ha               |
| 2. Building | 450 m <sup>2</sup> |

## SECTION 26 AGRICULTURAL (A) ZONE

### (1) SCOPE

The provisions of this Section shall apply in all Agricultural (A) Zones except as otherwise provided in the Special Provision Subsection of this Section.

### (2) USES PERMITTED

No person shall within any A Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A uses, namely:

- (i) an agricultural use, including a dwelling unit and including an intensive agricultural use subject to Subsection 26(3)(k) of this By-law;
- (ii) an existing dwelling;
- (iii) a single detached dwelling including a dwelling on an undersized lot in accordance with Subsection 26(3)(j);
- (iv) an existing mobile home;
- (v) a mobile home accessory to an agricultural use, subject to Subsection 26(3)(l);
- (vi) a rural home occupation; in accordance with Section 3(10);
- (vii) a retail farm sales outlet;
- (viii) a veterinary clinic;
- (ix) a wayside pit;
- (x) animal burial grounds, dog kennels and boarding kennels, in accordance with Subsection 26(3)(m) of this By-law;
- (xi) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (xii) greenhouses subject to Subsection 26(3)(n);
- (xiii) greenhouse, commercial subject to Subsection 26(3)(n);
- (xiv) hunting, game and wildlife preserves;
- (xv) grass landing strips;
- (xvi) nurseries or tree farms;
- (xvii) the exploration and extraction of oil and other similar materials;
- (xviii) a bed and breakfast establishment;
- (xix) works of a Conservation Authority;
- (xx) a public use;
- (xxi) uses accessory to the foregoing permitted uses;
- (xxii) *a winery, brewery or cidery in accordance with Subsection 26(3)(o). (By-law 2006-61, By-law 2017-07)*

### (3) ZONE REQUIREMENTS

No person shall, within any A Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |   |                           |
|-----|---|---------------------------|
| (a) | Lot Area (Minimum)  |                           |
|     | (i) agricultural and accessory uses   | 40 ha<br>(By-law 2006-61) |
| (b) | Lot Frontage (Minimum)  |                           |
|     | (i) agricultural and accessory uses   | 140 m                     |
|     | (ii) other uses   | 30 m                      |
| (c) | Front Yard Depth (Minimum)  |                           |
|     | (i) residential uses  | 15 m                      |
|     | (ii) non-residential uses   | 25 m                      |
| (d) | Interior Side Yard Width (Minimum)  |                           |
|     | (i) residential uses  | 7.5 m                     |
|     | (ii) non-residential uses   | 15 m                      |
| (e) | Exterior Side Yard Width (Minimum)  |                           |
|     | (i) residential uses  | 15 m                      |
|     | (ii) non-residential uses   | 25 m                      |
| (f) | Rear Yard Depth (Minimum)   |                           |
|     | (i) residential uses  | 15 m                      |
|     | (ii) non-residential uses   | 30 m                      |
| (g) | Lot Coverage (Minimum)  |                           |
|     | (i) agricultural and accessory uses   | 10%                       |
|     | (ii) other uses   | 30%                       |
| (h) | Landscaped Open Space (Minimum)   |                           |
|     | For non-agricultural uses   | 30%                       |
| (i) | <i>Height (Maximum)</i>   | 10 m<br>(By-law 2006-61)  |
| (j) | Undersized Lots   |                           |
|     | On an existing undersized lot complying with the conditions of Section 3(18)(c), or on a lot legally created subsequent to the passage of this By-law, a maximum of one single detached dwelling shall be permitted whether or not it is accessory to a permitted agricultural use. Such dwelling shall be located no closer than 300 metres from any lot |                           |

containing an existing intensive agricultural use, and shall be subject to the following requirements:

- |       |  |      |
|-------|--|------|
| (i)   | Front Yard Depth (Minimum)               | 10 m |
| (ii)  | Interior Side Yard Width (Minimum)       | 4 m  |
| (iii) | Exterior Side Yard Width (Minimum)       | 10 m |
| (iv)  | Rear Yard Depth (Minimum)                | 10 m |
| (v)   | Lot Coverage (Maximum)                   | 20%  |
| (vi)  | <i>Accessory buildings or structures</i> |      |

*A building or structure accessory to a single detached dwelling may locate anywhere within an interior side yard or rear yard provided that such accessory building or structure is not located closer than 3.0 metres to any lot line. All other regulations of the Accessory Uses provision of Section 3(1) shall apply. (By-law 2006-40)*

All other relevant provisions of the A Zone apply.

*The provisions of this Subsection shall apply to the construction of a new dwelling on an existing undersized lot in the Agricultural Zone, and to the alteration or replacement of an existing dwelling on an existing undersized lot in the Agricultural Zone except as otherwise provided in Subsection 3(18)(a) and 3(18)(b). (By-law 2006-61)*

(k) Separations for Intensive Agricultural Uses

No non-residential building or structure directly associated with an intensive agricultural use shall be established and no building or structures for such use shall be erected or altered or expanded unless it complies with the Minimum Distance Separation (MDS II) calculation using Schedule "D" to this By-law.

No facility for the storage of liquid manure in association with an intensive agricultural use shall hereafter be erected or altered except where such facility

- (i) is constructed of concrete or steel;
- (ii) is constructed
  1. with wall that extend a minimum of 1.5 metres above the surrounding grade level; or

2. with walls that extend 0.6 metre or more above the surrounding grade level, above which a chain-link fence enclosure extends to a total of no less than 1.5 metres above the surrounding grade level; or
  3. on grade with a solid concrete cover that is capable of carrying loads consistent with the weight of farm vehicles and local climatic conditions;
    - (iii) is sufficient size to accommodate the total amount of manure generated by the intensive livestock farm in any 250-day period.
- (l) Mobile Homes as Supplementary Housing to an Agricultural Use

No person shall use or permit the use of any mobile home or trailer for the purposes of supplementary housing to an agricultural use on any lot in the A Zone for the living, sleeping or eating accommodation of temporary seasonal employees unless a seasonal permit has been obtained from the Town.

(m) Regulations for Boarding Kennels

Unless located within a single unit dwelling or attached garage, no boarding kennel, as defined herein, shall be permitted closer than two thousand (2,000) feet to an existing dwelling on a lot other than the lot upon which the boarding kennel is proposed.

(n) Greenhouse Regulation

- (i) Greenhouses or commercial greenhouses *having a gross floor area greater than 500 square metres shall not be permitted unless a development agreement has been entered into with the Town regarding stormwater management and lighting.*
- (ii) *Where ventilation fans associated with any greenhouse exhaust into a side and/or a rear yard the minimum side and/or rear yard requirement shall be 25 metres;*
- (iii) *All greenhouses that use artificial lighting for growing purposes during the night shall be located a minimum distance of 150 metres from any residential use;*

- (iv) *All greenhouses shall be located a minimum distance of 45 metres from any residential use located on a separate lot;*
- (v) *No manure, compost or equipment may be stored within 30 metres of a street allowance, a watercourse, or a residential use located on a separate lot;*
- (vi) *All greenhouses shall be subject to site plan control.*

*(By-law 2006-61)*

(o) *Winery, Brewery and Cidery Regulations*

*A winery, brewery or cidery shall only be permitted subject to the following provisions:*

(i) *Lot Area (Minimum)* 4 ha

*Provided that the minimum lot area shall only apply to the consideration of establishing a new winery, brewery or cidery and not the severance or creation of a new lot;*

(ii) *Gross Floor Area (Maximum)* 1.5% of the lot area  
or 2323 m<sup>2</sup>,  
whichever is lesser

*(iii) All wines, beers and ciders produced shall be from locally grown fruit and crops, with a minimum of 2 hectares of the farm parcel capable of and committed to the production of grapes or other crops used in the local winery, brewery, or cidery;*

*(iv) Accessory display and retail sale of wine, beer or cider produced on site shall not exceed 25% of the gross floor area of the winery, brewery or cidery but may be in addition to the winery, brewery or cidery floor area;*

*(v) Accessory retail sale of other goods shall not exceed 20% of the gross floor area of ancillary retail permitted under clause (iv) above;*

*(vi) Accessory educational and/or historical displays or areas directly related to the wine and grape producing*



*industry shall be permitted accessory to a permitted winery, brewery or cidery provided the maximum floor area dedicated to such purpose is limited to 10 percent of the winery, brewery or cidery gross floor area; and,*

*(vii) all wineries, breweries and cideries shall be subject to site plan control.*

*All other provisions of the Agricultural Zone shall apply.*

*(By-law 2006-61, By-law 2017-07)*

(4) SPECIAL PROVISIONS

The special regulations contained in the Subsection shall apply to the area or areas defined below:

(a) A-1 (TRUCKING TERMINAL)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned A-1 on Schedule "A" hereto, the following Special Provision shall apply:

(i) Uses Permitted

- the uses permitted in the A Zone
- a trucking terminal

(ii) Zone Regulations

- existing buildings and structure for a trucking terminal or the regulations of Section 26(3) with the indoor and outdoor components of the operation to not exceed 1 hectare.

(b) A-2 (CONTRACTOR'S YARD)

(i) Uses Permitted

A contractor's yard in an area not to exceed one-half acre in addition to all other uses permitted in Subsection 26(2) of this By-law.

(ii) Other Lot and Building Requirements

All lot and building requirements for the contractor's yard shall be as they existed on the date of adoption of this By-law provided the area used, including all outdoor components of the operation, does not exceed one and one-half acre. All lot and building requirements

for uses permitted in Subsection 26(2) shall be in accordance with Subsections 26(3) of this By-law.

(c) A-3 (ABATTOIR)

(i) Uses Permitted

A poultry killing and processing establishment in addition to the uses permitted in Subsection 26(2) of this By-law.

(ii) Lot and Building Requirements

All lot and building requirements shall be in accordance with Subsection 26(3) of this By-law with the following exceptions:

- |    |   |      |
|----|---|------|
| 1. | minimum setback requirement for all yards | 50 m |
| 2. | maximum building size<br>m <sup>2</sup>   | 650  |
| 3. | maximum lot coverage                      | 10%  |

(d) A-4 (FOUNDRY)

(i) Uses Permitted

A foundry, uses accessory to a foundry and uses permitted in Subsection 26(2) of this By-law.

(e) A-5 (SANITATION EQUIPMENT)

(i) Uses Permitted

A storage yard for sanitation equipment, uses accessory to a storage yard and uses permitted in Subsection 26(2) of this By-law.

(f) A-6 (PETROLEUM EQUIPMENT)

(i) Uses Permitted

A storage yard for petroleum equipment, uses accessory to the storage yard and uses permitted in Subsection 26(2) of this By-law.

(g) A-7 (TRUCK CAP MANUFACTURER)

(i) Uses Permitted

A truck cap manufacturer in addition to all other uses permitted in Subsection 26(2) of this By-law.

(h) A-8 (AUTOMOBILE BODY REPAIR SHOP)

(i) Uses Permitted

An automobile body repair shop, uses accessory to an automobile body repair shop and uses permitted in Subsection 26(2) of this By-law.

(i) A-9 (HEATING SALES)

(i) Uses Permitted

An establishment for the retail sale of heating equipment and the storage of related material in addition to all other uses permitted in Subsection 26(2) of this By-law.

(j) A-10 (INDOOR STORAGE)

(i) Uses Permitted

The indoor storage of heating equipment in existing buildings only in addition to all other uses permitted in Subsection 26(2) of this By-law.

(k) A-11 (ANTIQUÉ STORE)

(i) Uses Permitted

An antique store in the existing buildings only in addition to all other uses permitted in Subsection 26(2) of this By-law.

(ii) Lot and Building Requirements

All lot and building requirements for the antique store shall be as they existed on the date of adoption of this By-law except that expansion to the existing buildings used in conjunction with the fish outlet shall be allowed to expand provided the expansion does not exceed 10 percent of the floor area of the building as the building existed on the date of adoption of this By-law. The required yard setbacks for such expansions shall be as outlined in Subsection 26(3) of this By-law. All lot and building requirements for uses permitted in Subsection 26(2) shall be in accordance with Subsection 16(3) of this By-law.

## (l) A-12 (INDOOR GUN CLUB)

## (i) Uses Permitted

An indoor gun club in addition to all other uses permitted in Subsection 26(2) of this By-law.

## (m) A-13 (RETAIL STORE)

## (i) Uses Permitted

A retail store, uses accessory to a retail store in addition to all other uses permitted in Section 26(2) of this By-law.

## (n) A-14 (AUCTION FACILITY)

## (i) Uses Permitted

An auction facility, uses accessory to an auction facility in addition to all other uses permitted in Section 26(2) of this By-law.

## (o) A-15 (CLOCKS, CLOCK WORKS AND CERAMICS)

## (i) Uses Permitted

An establishment for the manufacture and retail sale of clocks, clock works and ceramics, accessory uses in addition to all other uses permitted in Section 26(2) of this By-law.

## (p) A-16 (EMPTY TRUCK STORAGE)

## (i) Uses Permitted

An empty truck storage area not to exceed two (2) acres in area, uses accessory to the truck storage area in addition to all other uses permitted in Section 26(2).

## (q) A-17 (AUTOMOBILE SALES ESTABLISHMENT)

## (i) Uses Permitted

An automobile sales establishment with not more than 15 automobiles on display at any given time, a semi-detached dwelling and accessory uses only.

## (ii) Zone Provisions

All lot and building requirements shall be as they existed on the date of passing of this By-law. The outside storage and/or display of automobiles shall not exceed 1715 square metres in area and shall be located in the front yard only. All other outside storage or outside display is prohibited.

(iii) Other Provisions

A buffer strip used for no other purpose than landscaped open space with a minimum width of 3 metres shall be provided as follows:

1. abutting the front lot line where the automobile sales establishment fronts on the street; and
2. abutting the southern side lot line.

(r) A-19 (SPRAY DEALERSHIP)

(i) Uses Permitted

A commercial farm spraying dealership and accessory uses in addition to the other uses permitted in Subsection 26(2) of this By-law, including one single unit dwelling only.

(ii) Permitted Buildings and Structures

The Existing buildings and structures in addition to the building and structures permitted in Subsection 26(2) of this By-law.

(iii) Lot and Building Requirements

All lot and building requirements for uses permitted in subsection 26(2) shall be in accordance with Subsection 26(3) of this By-law.

(s) A-23 (OUTDOOR RECREATION FACILITY)

(i) Uses Permitted

An outdoor recreation facility in addition to all other uses permitted in Subsection 26(2) of this By-law.

(ii) Lot and Building Requirements

All lot and building requirements for the outdoor recreation facility shall be as they existed on the date of adoption of this By-law. All lot and building requirements for uses permitted in Subsection 26(2) shall be in accordance with Subsection 26(3) of this By-law.

## (t) A-24 (MECHANIC'S TOOLS)

## (i) Uses Permitted

An establishment for the packaging and shipping of small mechanic's tools in addition to all other uses permitted in Subsection 26(2) of this By-law.

## (ii) Permitted Buildings and Structures

Buildings and structures for the permitted uses provided the total floor area for all buildings used in conjunction with the packaging and shipping operation permitted in Subsection (i) above shall not exceed 2,500 square feet.

## (iii) Lot and Building Requirements

All lot and building requirements shall be in accordance with Subsection 26(3) of this By-law.

## (u) A-30 (CABLE TELEVISION RECEPTION TOWER)

## (i) Uses Permitted

A cable television reception tower, a maximum of two satellite dishes, radio transmission towers and accessory uses, including one structure having a maximum floor area of 70 square metres, in addition to the other uses permitted in Subsection 26(2) of this By-law.

## (ii) Permitted Buildings and Structures

Buildings and structures for the permitted uses as well as existing buildings and structures.

## (iii) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 26(3) of this By-law, except that the cable television reception tower, satellite dishes and associated structure shall have a minimum side yard requirement of 15 metres.

## (v) A-31 (AGRICULTURAL RELATED COMMERCIAL)

## (i) Uses Permitted

- animal clinic;
- auction sales facilities;

- farm produce outlet;
- garden supply centre
- farm chemical and fertilizer sales establishment;
- farm supply sales and equipment services establishment;
- farm fuel sales;
- residential accessory use.

## (w) A-32 (TWO DWELLINGS)

## (i) Uses Permitted

1. two dwelling units on the existing lot.

## (x) A-33 (RECORDING STUDIO)

## (i) Uses Permitted

1. recording studio; and
2. a day care centre in addition to all other uses permitted in Section 26(2).

## (y) A-34

*Notwithstanding any other provision of Section 26(2) and Section 26(3) to the contrary, within any area zoned A-34 on Schedule "A" hereto, the permitted uses shall include the relining, refurbishing and rebuilding of clutches, brakes and friction products for tractors, trailers, wagons, and construction equipment and protective painting of related metal components. The use shall be limited to a maximum gross floor area of 356 square metres (3,840 square feet) in an existing non-residential building. Body work and vehicle repair shall be prohibited. The business shall be owned and operated by a resident of the property and the number of employees shall not exceed a maximum of six (6) persons who do not reside on the property. Open storage areas shall be restricted to the rear yard. A minimum 3 metre wide landscaped planting strip shall be provided along both the northerly and southerly interior lot lines. The location of any structures, driveways, parking and other facilities shall be subject to site plan control and all setbacks shall be as specified on the site plan. All other general provisions and regulations of By-law 1999-52, as amended from time and time shall apply.*

(By-law 2005-35)

## (z) A-35 (2701 County Road 20)

*The following special provisions shall apply to lands zoned (A-35):*

(i) *Uses Permitted*

- *a single detached dwelling in accordance with Subsection 26(3)(j);*
- *an automobile body repair shop as a home occupation;*
- *residential accessory use.*

(ii) *Prohibited Uses*

- *vehicle repair garage;*
- *vehicle repair shop;*
- *vehicle sales or rental establishment;*
- *outside storage of materials associated with the home occupation;*
- *outside storage of automobiles.*

(iii) *Permitted Buildings and Structures*

- *a single detached dwelling;*
- *residential accessory structures;*
- *an accessory structure containing a home occupation;*

(iv) *Lot and Building requirements*

- a) *maximum total floor area for a home occupation in an accessory structure – 158 m<sup>2</sup> (1,700 ft<sup>2</sup> TGFA)*
- b) *maximum lot coverage for a home occupation in an accessory structure – 4.4 %*
- c) *only the owner of the residence and home occupation may be an employee of the home based business, no other employees are permitted;*
- d) *all other provisions of Section 3(10) Home Occupation – Rural shall apply.*

*All other provisions under Subsection 26(3) Zone Regulations shall apply to lands zoned (A-35).*

*(By-law 2010-44)*

## (aa) A-36

*Uses Permitted*

*All uses permitted in Subsection 26(2) of this By-law with the exception of residential uses which are prohibited.*



*(By-law 2010-49)*

*(bb) T-A-37 (Construction Staging Area)*

*Notwithstanding any other provisions of Section 26(2) to the contrary lands zoned T-A-37 on Schedule "A" hereto in accordance with Sections 34 and 39 of the Planning Act, a temporary use of the land as a construction staging area for the construction of the permitted solar energy system to be developed on the lands immediately to the south. The temporary construction staging site shall too consist of a parking area for employees and contractors; truck turn around; guard trailer; construction-related trailers; construction staging area; un-surfaced miscellaneous area (used for overflow of staging area); concrete washout pit; and, construction mud mat/truck wheel washing system.*

*Once the solar energy system is complete the temporary construction area use will cease. This temporary use provision for a construction area shall expire a maximum of three (3) years after the date of passing of the amendment to the Zoning By-law, at which time further application may be made requesting an extension of the temporary provision for up to a maximum of an additional three (3) years.*

*(By-law 2011-05)*

*(cc) T-A-38*

*Notwithstanding any other provisions of Section 26(2) to the contrary lands zoned T-A-38 on Schedule "A" hereto in accordance with Sections 34 and 39 of the Planning Act, a temporary use of the land for a second dwelling. The amendment will permit the construction and temporary residency of a second dwelling on the subject property.*

*This temporary use provision for a second dwelling shall expire a maximum of three (3) years after the date of passing of the amendment to the Zoning By-law, at which time: (a) the temporary use zoning must be reapplied for; or, (b) one of the two dwellings must be demolished.*

*(By-law 2014-27)*

*(dd) A-39 (7258 County Road 50 W)*

*Notwithstanding any other provisions of this By-law to the contrary, within an area zoned A-39 on Schedule "A" hereto, the following special provisions shall apply:*

*(i) Uses Permitted*

- (a) Any use permitted in the A zone;*
- (b) A restaurant/event space accessory to a winery.*

(By-law 2014-105)

(ee) *T-A-40 (Temporary Accessory Structure)*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated T-A-40 on Schedule "A" hereto, the following special provisions shall apply:*

(ii) Permitted Uses

1. *A temporary accessory structure (30 ft by 40 ft) without a dwelling unit to be used until the dwelling unit is constructed;*
2. *Any use permitted in an A Zone.*

(ii) Zone Provisions

*All lot and building requirements for the permitted use and for the uses permitted in Subsection 26(4)(ee) of this By-law shall be in accordance with 26(3) and 26(4) of this By-law.*

(iii) Temporary (T) Zone

*The zone symbol on Schedule "A" is preceded by a "T" which stands for a Temporary Zone as permitted under Section 39 of the Planning Act. When the date of expiry specified in subclause (iv) below is reached, and if no extension has been granted by Council, the zoning of the land shall revert to the base "A" Zone and the use permitted by the Temporary Zone that is not permitted by the base "A" Zone shall be removed.*

(iv) Expiry

*The Permitted Uses and Zone Provisions of the T-A-40 Zone shall expire on July 10th, 2020.*

(By-Law 2017-52)

(ff) *Letter not used\*\**

(gg) *A-42 (2376 Front Rd N)*

(ii) *Uses Permitted*

2. *Any use permitted in an A Zone.*
3. *A contractor's yard.*

- (iii) *Zone Requirements for a contractor's yard and accessory buildings associated with the contractor's yard.*
- a. *That the contractor's yard be restricted to a maximum area of 2.5 acres which will include approximately 0.5 acres of business building(s) and 2.0 acres of open storage; and,*
  - b. *That the maximum number of employees to attend or work at the site will be ten (10).*

*(By-Law 2018-81)*

## **SECTION 27 AGRICULTURAL RESTRICTIVE (AR) ZONE**

### **(1) SCOPE**

The provisions of this Section shall apply in all Agricultural Restrictive (AR) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **(2) USES PERMITTED**

No person shall within any AR Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following AR uses, namely:

- (i) agricultural;
- (ii) cemetery;
- (iii) forestry;
- (iv) home occupation;
- (v) retail farm sales outlet;
- (vi) works of a Conservation Authority;
- (vii) any existing dwelling.

### **(3) ZONE REQUIREMENTS**

No person shall within any AR Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |     |   |                     |
|-----|---|---------------------|
| (a) | Lot Area (Minimum)  | 2000 m <sup>2</sup> |
| (b) | Lot Frontage (Minimum)  | 30 m                |
| (c) | Front Yard Depth (Minimum)  | 15 m                |
| (d) | Interior Side Yard Width (Minimum)  | 10 m                |
| (e) | Exterior Side Yard Width (Minimum)  | 15 m                |
| (f) | Lot coverage (Maximum)  | 30%                 |
| (g) | Height of Building (Maximum)  | 10 m                |
|     | (h) Accessory Uses, Parking etc. in accordance with the provisions of Section 3 hereof. |                     |

### **(4) SPECIAL PROVISIONS**

## **SECTION 28 ENVIRONMENTAL PROTECTION (EP) ZONE**

### **(1) SCOPE**

The provisions of this Section shall apply in all Environmental Protection (EP) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

### **(2) USES PERMITTED**

No person shall within any EP Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following EP uses, namely:

- (i) agriculture;
- (ii) a boat dock;
- (iii) a boat ramp;
- (iv) cemetery;
- (v) public or private park;
- (vi) public uses;
- (vii) works of a Conservation Authority.

### **(3) ZONE REQUIREMENTS**

No person shall within any EP Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

#### **(a) Buildings or Structures**

Other than buildings and structures existing at the date of passing of this By-law, no buildings or structures are permitted unless for flood control purposes and/or in accordance with the regulations of the local Conservation Authority or other appropriate government agency. Boat ramps and boat docks shall require the approval of the local Conservation Authority.

### **(4) SPECIAL PROVISIONS**

#### **(a) EP-1**

Notwithstanding any provisions of this By-law to the contrary, within any area zoned EP-1 on Schedule "A", greenhouses, garages, storage sheds and other accessory uses to residential uses are also permitted within the EP-1 Zone. Minimum setback for yard requirement is 1.5 metres.

#### **(b) EP-2**

Notwithstanding any provisions of this By-law to the contrary, within any area zoned EP-2 on Schedule "A" in addition to the uses permitted in

Section 28(2), the lands may be used for existing uses and existing buildings and structures are permitted.

(c) *EP-3*

*Notwithstanding any other provisions of Section 28(2) and Section 28(3) to the contrary, within any area zoned EP-3 on Schedule "A" hereto, a single detached dwelling unit shall be permitted. The location of any buildings or structures shall be subject to site plan control. The maximum lot coverage shall be 10% and all setbacks shall be as specified on the site plan. All other general provisions and regulations of By-law 1999-52, as amended from time to time shall apply.*

*(By-law No. 2003-66)*

(d) *EP-4*

*Notwithstanding any provisions of this By-law to the contrary, within any area designated EP-4 on Schedule "A" hereto, the following special provisions shall apply:*

(i) *Storm Water Management*

*The lands may be used for storm water management in accordance with the Environmental Impact Study and agreements with the Town and the Conservation Authority.*

*(By-law No. 2005-79)*

## **SECTION 29 WETLAND (W) ZONE**

### **(1) SCOPE**

The provision of this Section apply to all Wetland (W) Zones except as otherwise provided in the Special Provision Subsection of this Section.

### **(2) USES PERMITTED**

No person shall within any W Zone use any lot or erect, alter or use any buildings or structures for any purpose except one or more of the following W uses, namely:

- (i) agriculture;
- (i) works of a Conservation Authority;
- (ii) conservation;
- (iii) forestry;
- (iv) wildlife management.

### **(3) ZONE REQUIREMENTS**

No person shall within any W Zone use any lot or erect, alter or use any buildings or structures for any purpose except one or more of the following provisions:

#### **(a) Building Structures**

No buildings or structures are permitted unless for flood control purposes in accordance with the regulations of the land Conservation authority or appropriate government agency.

### **(4) SPECIAL PROVISIONS**

#### **(a) W-1**

Notwithstanding any provisions of this By-law to the contrary, within any area designated W-1 on Schedule "A" hereto, the following special provisions shall apply:

#### **(ii) Uses Permitted**

A non-commercial hunting/fishing lodge and accessory uses including accessory boat docks in addition to uses permitted in Section 29(2) of this By-law.

#### **(iii) Zone Regulations**

All buildings and structures associated with the hunting/fishing lodge and its accessory uses shall be set back a minimum of 50 metres from all lot line.

## SECTION 30 OPEN SPACE (OS) ZONE

### (1) SCOPE

*The provisions of this Section shall apply in all Open Space (OS) Zones except as otherwise provided in the Special Provisions Subsection of this Section.*

### (2) USES PERMITTED

*No person shall within the OS Zone, use any lot or erect, alter or use any building or structure for any purpose except for one or more of the following OS uses, namely:*

- (i) conservation area;*
- (ii) forestry uses excluding any establishments that either process forestry products or sell processed forestry products;*
- (iii) golf course;*
- (iv) open space;*
- (v) public park;*
- (vi) wildlife preserve;*
- (vii) works of a Conservation Authority;*
- (viii) uses accessory to the foregoing permitted uses.*

### (3) ZONE REQUIREMENTS

*No person shall, within any OS Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:*

<i>(a) Lot Area (Minimum)</i>	<i>No Minimum</i>
<i>(b) Lot Frontage (Minimum)</i>	<i>No Minimum</i>
<i>(c) Front Yard Depth (Minimum)</i>	<i>15 m</i>
<i>(d) Interior Side Yard Width (Minimum)</i>	<i>15 m</i>
<i>(e) Exterior Side Yard Width (Minimum)</i>	<i>15 m</i>
<i>(f) Rear Yard Depth (Minimum)</i>	<i>15 m</i>
<i>(g) Lot Coverage (Maximum)</i>	<i>10% of lot area</i>
<i>(h) Landscaped Open Space (Minimum)</i>	<i>30% of lot area</i>
<i>(i) Height (Maximum)</i>	<i>10 m</i>

*(By-law 2006-61)*



**SECTION 31 APPROVAL**

This By-law shall come into force on the date it is passed by the Council of the Town of Amherstburg.

*(By-law 2015-114)*

This By-law given its first, second and third reading and finally passed on the 8<sup>th</sup> day of November, 1999.

(signed) "Wayne Hurst" Mayor

(signed) "David Mailloux" Clerk

## **SCHEDULES**