

SECTION 5 - ZONES AND ZONING MAPS

5.1 General

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

5.2 Establishment of Zones

For the purpose of this By-law the maps and map parts hereto annexed as Schedule "A" and forming part of this By-law shall be referred to as the Zoning Maps for the Corporation of the Municipality of Leamington and the Zoning Maps shall be divided into the following zones and such zones are shown on the Zoning Maps by symbols consisting of letters and numbers, shading or letters only as the case may be, as listed below:

Zone	Symbol
Residential Zone	R1
Residential Zone	R2
Residential Zone	R3
Residential Zone	R4
Residential Zone	R5
Residential Zone	R6
Commercial Uptown Zone	C1
Commercial Highway Zone	C2
Commercial Shopping Centre Zone	C3
Commercial Industrial Zone	C4
Commercial Recreation Zone	C5
Commercial General Zone	C6
Industrial Light Zone	M1
Industrial Medium and Heavy Zone	M2
Recreational Zone	RE
Institutional Zone	I
Agricultural General Zone	A1
Agricultural Restricted Zone	A2
Agricultural Hobby Farm Zone	A3
Agricultural Extractive Zone	A4
Agricultural Residential Zone	A5
Environmental Protection Zone	EP
Wetland Zone	W
Floodplain Development Control Area	see map legend
Lake Erie Floodprone Area	see map legend
Holding Zone	(h)

5.3 Use of Zone Symbols

The symbols listed in subsection 6.2 shall be used to refer to land, building, and structures and the uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word "zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Corporation of the Municipality of Leamington delineated on the Zoning Maps and designated thereon by the said symbol.

5.4 Defined Areas

Certain areas within any of the various zones or within parts of more than one zone may be more specifically regulated and such areas shall be known as "Defined Areas". All zones may be subdivided into one or more defined areas which shall be designated by reference to the symbol of the zone within which each such defined area is located together with an additional symbol, either letter, number, or both so as to differentiate between defined areas within a zone from each other and from other areas within the zone.

5.5 Holding Zone (H) Provisions

Where the zoning applying to any lot includes the symbol (h) prefixed to any zone symbol, the provisions of the specific defined area pertaining to the property shall apply to such land until such time as the By-law is amended to remove the holding symbol (h).

Application of the (h) symbol indicates that development of the lands is premature at the present time. However, it does indicate the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to this By-law.

5.6 Application of Regulations

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

5.7 Interpretation of Zone and Defined Area Boundaries

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

- a) unless otherwise shown, the boundaries of the zone or defined area are the centerlines of the street, or lot lines, and the projection thereof, as shown on the Zoning Maps;
- b) where zone boundaries or defined area boundaries are indicated as approximately following lot lines shown on a registered plan of subdivision, such lot lines shall be deemed to be the said boundary;
- c) where zone boundaries or defined area boundaries are indicated as approximately parallel to the street line and the distance from such street line is not indicated, such zone boundaries

or defined area boundaries shall be construed as being parallel to such street line and the distance there from shall be determined by the use of the scale shown on the Zoning Maps;

- d) unless otherwise indicated, a street, alley, lane, railway or electrical transmission line right-of-way or watercourse included on the Zoning Maps is included within the zone or defined area of the adjoining property on either side thereof; and where such street, alley, lane, right-of-way or watercourse serves as a boundary between two or more different zones, defined areas or both, a line midway in such street, alley, lane, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, defined areas, or both, unless specifically indicated otherwise;
- e) in the event a dedicated street, alley, lane, or right-of-way shown on the map is closed, the property formerly in the said street, alley, lane, or right-of-way shall be included within the zone or defined area of the adjoining property on either side of the said closed street, alley, lane, or right-of-way, and the zone boundary or defined area boundary shall be the former centreline of the said closed street, alley, lane, or right-of-way;
- f) where a zone or defined area boundary is indicated as following the centre of an open drain, and such drain is then covered, such boundary shall be the centreline of the covered drain;
- g) where a zone or defined area boundary is indicated as following a shoreline or the edge of a watercourse, the boundary shall follow the water's edge of such shoreline or the top of the bank of such watercourses and, in the event that the water's edge of such shoreline or the top of the bank of such watercourse changes, the boundary shall be taken as having moved with the water's edge or top of bank. However, the limits of the Floodplain Development Control Area are to be determined in accordance with the definition of Floodway in this By-law;
- h) where a defined areas boundary appears to follow a zone boundary it shall be taken as following such zone boundary;
- i) wherever it occurs, the corporate limit of the Corporation of the Municipality of Leamington is the boundary of the zone or defined area adjacent to it;
- j) where any setback is related to a zone or defined area boundary which has moved under circumstances referred to in subsection (g), the point of the line of reference of such setback shall be taken as having equally moved;
- k) where any zone boundary or defined area boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the Zoning Maps kept in the office of the Land Use Planner.