THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

ZONING BY-LAW 890-09

As Adopted by Council
January 12, 2009

Please Note that amendments to the Zoning By-law are common. Accordingly, all information contained herein should be confirmed with Municipal Staff.

Prepared by:
Municipality of Leamington

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Schedule “B” Areas subject to cash-in-lieu of parking by-law

THE CORPORATION OF THE

MUNICIPALITY OF LEAMINGTON

ZONING BY-LAW

NO. 890-09

A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Corporation of the Municipality of Leamington.

WHEREAS the Council of the Corporation of the Municipality of Leamington deems it expedient to implement the Official Plan for the Corporation of the Municipality of Leamington;

AND WHEREAS authority is granted under the Planning Act to pass this By-law.

NOW THEREFORE the Council of the Corporation of the Municipality of Leamington enacts as follows:

SECTION 1 - GENERAL

1.1 Title

This By-law shall be known as the Corporation of the Municipality of Leamington Zoning By-law.

1.2 Application

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

1.3 Scope

No lot or lands or any part thereof shall be used or altered and no buildings or structures or any part thereof shall be erected, structurally altered or enlarged, or used, within the Corporation of the Municipality of Leamington except in conformity with the provisions of this By-law.

1.4 Replacement of Existing By-laws

From the coming into force of this By-law, all previous zoning by-laws passed under the Planning Act, shall be replaced by the provisions of this By-law except to the extent that any of the said by-laws prohibit the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.5 Application of Other By-laws

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

1.6 Greater Restrictions of Others to Govern

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

1.7 Validity

Should any section, clause or provision of this By-law, including any part of the zoning as shown on the Zoning Maps, Schedule "A", be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.8 Effective Date

This By-law shall take effect from the date of passage by the Council of the Corporation of the Municipality of Leamington and shall come into force in accordance with the Planning Act.

1.9 Interpretation

1.9.1 General

a) Minimum Requirements

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

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

b) Meaning of Use

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

c) Meaning of Shall
In this By-law, the word "shall" shall always be construed as mandatory.

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

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

1.9.2 Special Regulations for Defined Areas

To each Defined Area within any zone there shall apply such special regulations as may be established by the By-law with respect to such Defined Area and, in addition to such special regulations, all provisions of this By-law including the general regulations applicable to the zone within which the Defined Area is located shall apply to the Defined Area, provided that, unless a contrary intention appears from the special regulations:

a) if the special regulations are different from the corresponding regulations of this By-law, including the general regulations applicable to the zone within which the Defined Area is located, the special regulations shall supersede and prevail over such corresponding regulations of this By-law;

b) if the special regulations establish one or more specifically permitted uses for the Defined Area, such permitted use or uses shall be the only purpose or purposes for which the Defined Area may be used; and

c) if the special regulations specifically permit one or more uses in addition to those otherwise permitted in the zone within which the Defined Area is located, any and all of the special regulations applicable to the Defined Area shall apply only to the additional permitted use or uses and not to uses otherwise permitted in the zone.

SECTION 2 - ADMINISTRATION AND ENFORCEMENT

2.1 Administration

This By-law shall be administered by the Manager of Planning Services or such other person as the Council of the Corporation of the Municipality of Leamington designates.

2.2 Consents, Licences and Permits

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

In particular, no lot shall be changed in area, depth or width, either by the conveyance of land or otherwise, so that the lot coverage exceeds the maximum permitted by this By-law, or so that the existing or resulting lot area, lot width or yards will be less than the minimum permitted by the provision of this By-law unless the necessary variances have been granted by the Corporation of the Municipality of Leamington's Committee of Adjustment.

2.3 Buildings to be Moved

No building shall be moved within the limits of the Corporation of the Municipality of Leamington or shall be moved into the Corporation of the Municipality of Leamington from outside, without a permit from the Chief Building Official or such other person as the Council of the Corporation of the Municipality of Leamington designates. The applicant shall be responsible for providing all other required notifications and obtaining all other required approvals.

2.4 Building Permits

In addition to fulfilling the requirements of this By-law, no person shall erect, occupy, alter or enlarge any building or structure until a building permit, pursuant to the Building Code Act and regulations thereto has been applied for and received from the Chief Building Official.

2.5 Inspection of Premises

a) Subject to subsection 2.5 (b) of this By-law, the Chief Building Official or any employee of the Corporation of the Municipality of Leamington acting under direction may, at any reasonable hour, enter and inspect a property where there is reason to believe that any land has been used or any building or structure has been erected, structurally altered or enlarged, or used, in violation of any of the provisions of this By-law.

b) Except under the authority of a search warrant issued under The Planning Act, an officer or any person acting under his or her instructions shall not enter any room or place actually

used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

2.6 Injunction

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

2.7 Violations and Penalties

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine not to exceed the maximum amount stipulated in the Planning Act, as amended, exclusive of costs, for each offence, and every such penalty shall be recoverable under the Provincial Offences Act, as amended.

2.8 Lands under Water

All lands under water of Lake Erie and various watercourses within the Corporation of the Municipality of Leamington are subject to this By-law in addition to the requirements of both federal and provincial legislation. All lands under water not zoned Environmental Protection (EP) shall be used in accordance with the zoning of abutting or riparian lands and the regulations of this By-law.

Where an encroachment onto the bed of the waterbody is proposed, permission to construct or install the in-water and/or shoreline structure or facility shall only be permitted if approval to occupy the area has been obtained from relevant Conservation Authority and/or the Provincial or Federal Government having jurisdiction.

SECTION 3 - DEFINITIONS

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

3.1 **ACCESS AISLE,** shall mean the space between parking spaces that allows persons with disabilities to get in and out of their vehicles.

3.2 **ACCESSORY,** when used to describe a use, building or structure, shall mean a use, a building or a structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and that is located on the same lot therewith, and includes a detached private garage, a detached portable storage shelter, a bed and breakfast establishment, a farm occupation, a home occupation or a road side stand and does not include a fence or a sign and does not include a single unit detached dwelling in an Agricultural Zone.

3.3 **ADDITIONAL RESIDENTIAL UNIT**, shall mean a dwelling unit located on a Parcel of Rural Residential Land ancillary and subordinate to a Primary Residential Unit (Rural), in which food preparation, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupant.

3.4 **ADDITIONAL RESIDENTIAL UNIT (DETACHED)**, shall mean dwelling unit located on a Parcel of Rural Residential Land in an Accessory Structure which is ancillary and subordinate to a Primary Residential Unit (Rural), in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupant.

3.5 **ADULT ENTERTAINMENT ESTABLISHMENT,** shall mean any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations. For the purpose of this paragraph, the following shall apply:

a) "to provide" when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and "Providing" and "provision" shall have a corresponding meaning;

b) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "Providing" and "Provision" shall have a corresponding meaning;

c) "services" includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of films under the Theatres Act;

d) "services designed to appeal to erotic or sexual appetites or inclinations" includes:
   i. services of which a principal feature or characteristic is the nudity or partial nudity of any person;
   ii. services in respect of which the 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;

e) but does not include premises or part of them where body rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Provinces of Ontario as defined in subsection 151 (2) of the Municipal Act.

3.6 **ADULT VIDEO RENTAL ESTABLISHMENT**, shall mean an establishment where pre-recorded video tape, video disks, CD's, DVD's, game cartridges, video cameras or video players/recorders or similar electronic materials are offered for rent or rented as a principal or accessory business activity and/or includes the sale of electronic home entertainment products, computer disks, software, CD-ROMS or other computerized systems designed or advertised as designed to appeal to erotic or sexual appetites or inclinations, and is not considered as a retail store as a permitted use.

3.7 **ADVERSE EFFECTS,** shall mean one or more of:

i) impairment of the quality of the natural environment for any use that can be made of it;
ii) injury or damage to property or plant or animal life;
iii) harm or material discomfort to any person;
iv) an adverse effect on the health of any person;
v) impairment of the safety of any person;
vi) rendering any property or plant or animal life unfit for human use;
vii) loss of enjoyment of normal use of property; and
viii) interference with normal conduct of business.

3.8 **AGGREGATE,** shall mean gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock or other prescribed material under the Aggregate Resources Act.

3.9 **AGRICULTURAL USES,** shall mean the growing of crops, including nursery and horticultural crop; greenhouses, raising of livestock, raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

3.10 **AGRICULTURAL USE, LIVESTOCK INTENSIVE,** shall mean an agricultural use consisting of the harbouring of a specific type of livestock or poultry in a certain type of housing situation in a manner in which the number of animals units per year would be greater than one nutrient unit per acre. In addition, any combination of livestock or poultry types shall constitute a livestock intensive agricultural use if the total number of nutrient units is greater than one nutrient unit per acre. Notwithstanding the foregoing, any agricultural use consisting of ten or more nutrient units shall be a livestock intensive agricultural use for the purposes of this By-law.

3.11 **AGRICULTURALLY-RELATED USES,** shall mean those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in proximity to the farm operation.

3.12 **ALLEY,** shall mean a commons vested in the Corporation of the Municipality of Leamington which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

3.13 **ALTER,** shall mean:

a) When used in reference to a building, structure or part thereof, it shall mean:
   i) to change any one or more of the external dimensions of such building or to change the structural components of a building such as a bearing wall, partition, column, beam, girder or other supporting member; or
   ii) to increase or change the area or cubic contents of a building or structure; or
   iii) to change the type of construction of the exterior walls or roof of such building or structures; or
   iv) to change the use of such building or structure or the number or types of uses or dwelling units contained therein.

b) When used in reference to a lot it shall mean:
   i) to change the boundary of such lot with respect to a highway, street or road or lane, whether such alteration is made by conveyance or alienation of any portion of the lot; or
   ii) to change any dimension or area, relating to such lot including the lot depth, lot area, lot frontage; or
   iii) to change a required zone standard, setback, required yard, landscaped open space or parking area; or
   iv) to change the use of such lot or the number of uses located thereon.

c) When used in reference to a shoreline it shall mean:
   i) to change, straighten, divert or interfere in any way with the channel of any water course.

"Altered" and "Alteration" shall have a corresponding meaning.

3.14 **AMENITY AREA,** shall mean an area upon a lot or within a building which is used for active or passive recreational purposes and includes, for example, patios, landscaped open space, walkways, balconies, swimming pools, and communal rooms and similar uses but does not include parking or driveway areas.

3.15 **AMUSEMENT ARCADE,** shall mean any premises or part thereof containing four or more electronic, mechanical pinball or amusement game machines operated for gain and made available for the entertainment or amusement of the general public. This definition shall not include establishments which sell such devices, provided that such devices are not made available on the premises for use on a commercial basis by the public.

3.16 **AMUSEMENT GAME MACHINE,** shall mean a mechanical, electrical or electronic device activated by the insertion of a coin, token or credit card for the play of a game of chance and/or skill that is not contrary to the Criminal Code of Canada.

3.17 **ANAEROBIC DIGESTER**, shall mean an enclosed vessel in which micro-organisms break down organic materials (e.g. manure and other organic materials), in the absence of oxygen, resulting in the production of biogases, consisting primarily of methane and carbon dioxide. The Minimum Distance Separation Formulae (MDS) I and II, is to be applied to on-farm anaerobic digesters, which utilize manure as an input. An on-farm anaerobic digester may include a co-substrate input tank fitted with a tight cover, in which permitted off-farm nonagricultural source materials are temporarily stored before feeding into the anaerobic digester.

3.18 **ANIMAL HOSPITAL OR ANIMAL CLINIC,** shall mean a building or structure under the control and supervision of a qualified veterinarian who is a member of the Ontario Veterinarian Association, where the animals or birds are given medical treatment but have no outdoor kennels.

3.19 **APARTMENT BUILDING,** shall mean the whole of a structure that contains four or more dwelling units which units have a common entrance from the street level and are served by a common corridor and the occupants of such units have the right to use the common corridors, stairs, elevators, yards or one or more of them.

3.20 **ASSEMBLY AND MACHINE SHOP,** shall mean a building or part thereof used for a broad range of manufacturing, fabricating and assembly industries, including processing ancillary to the permitted manufacturing and assembly uses and includes household waste recycling depots, but excludes paper and allied products industries, food, tobacco and beverage processing, processed goods industries, raw materials processing industries, primary metals industries, waste treatment industries, armaments, munitions and explosive manufacturing industries, and any obnoxious use.

3.21 **ASSEMBLY HALL**, shall mean a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social activities and may include a banquet hall or private club.

3.22 **ATTACHED**, when used in reference to a building, shall mean a building otherwise complete in itself which depends for structural support or for complete enclosure upon a division wall or division wall shared in common with adjacent building or buildings.

3.23 **ATTIC,** shall mean the space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.

3.24 **AUCTION ESTABLISHMENT,** shall mean a building or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest for the article or goods during the sale proceedings.

3.25 **AUTOMOBILE BODY SHOP,** shall mean a building or structure used primarily for making repairs or alterations to the body or paint work of any vehicle.

3.26 **AUTOMOBILE IMPOUND SHOP/YARD**, shall mean 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, lasting for a limited time, until reclaimed, but does not include an automobile service station, gas bar, or salvage yard.

3.27 **AUTOMOBILE RENTAL ESTABLISHMENT,** shall mean premises where vehicles, including a recreational vehicle, are stored and rented/leased to the public.

3.28 **AUTOMOBILE REPAIR GARAGE,** shall mean an establishment for the repair or the replacement of parts in a motor vehicle requiring a licenced mechanic or technician but does not include an automobile body shop, an automobile impound shop/yard, an automobile service station, or a gas bar as defined herein.

3.29 **AUTOMOBILE SALES AREA,** shall mean an open area used for the display, sale, leasing or rental of motor vehicles and recreational vehicles.

3.30 **AUTOMOBILE SALES AND SERVICE ESTABLISHMENT,** shall mean premises where new and used vehicles are stored or displayed for the purpose of sale, lease or hire and shall include the storage and sale of automotive accessories together with the repair and service of vehicles. For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors, or tractor trailers.

3.31 **AUTOMOBILE SALVAGE OPERATION,** shall mean a facility used for the disassembly and/or crushing of automobiles, the collection, sorting or salvage of automobile parts, or any one or combination of the former, for resale or remanufacture and licenced by the Corporation of the Municipality of Leamington.

3.32 **AUTOMOBILE SERVICE STATION**, shall mean a building or place where gasoline or other motor fuels are kept for sale and for delivery directly into motor vehicles, and may also include a building or place where minor running repairs, cleaning and maintenance essential to the actual operation of motor vehicles and the sale to the motoring public of goods usual to the trade are performed but does not include an automobile body repair shop, an automobile washing establishment or works requiring a licenced mechanic.

3.33 **AUTOMOBILE WASHING ESTABLISHMENT,** shall mean a building or structure, or part thereof, containing facilities for washing, cleaning, vacuuming or drying automobiles, trucks, boats and other similar vehicles by production line methods which may include a conveyor system, or similar mechanical devices and also includes a self-service automobile washing establishment.

3.34 **AUTOMOTIVE AND HOME SUPPLY STORE,** shall mean an establishment engaged in the retail sale and service of items such as home supplies, auto supplies, nursery or garden supplies, hardware, building supplies, recreation and sporting goods and may also include a gas bar or automobile repair garage.

3.35 **AWNING,** shall mean an attached structure built as a shelter against rain or sun.

3.36 **BAKERY,** shall mean a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products for limited wholesale and retail sale and may include an eating area within the same building but does not include a facility that produces and packages baked goods primarily for wholesale purposes.

3.37 **BALCONY,** shall mean a platform made of wood, concrete or other similar material, which is higher than the first storey, projecting from a building, and intended for the purpose of outdoor dining, lounging and other similar accessory residential, commercial, industrial or recreational uses.

3.38 **BARRIER FREE,** shall mean when applied to a building and its facilities, that the building and its facilities can be approached, entered and used by persons with physical or sensory disabilities and meets the requirements of the Accessibility for Ontarians with Disabilities Act, 2005, as amended.

3.39 **BASEMENT,** shall mean that portion of a building between two floors which is partly underground but which has at least one half of its height, from floor to ceiling below the adjacent finished grade, and is at least 2 m (6.56 ft) measured from floor to ceiling.

3.40 **BATCHING PLANT, ASPHALT**, shall mean an industrial establishment used for the production of asphalt, or asphalt products used in construction and include 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. Portable asphalt plant shall mean a temporary asphalt batching plant established for a provincial or municipal road project.

3.41 **BATCHING PLANT, CONCRETE,** shall mean an industrial establishment used for the production of concrete, or concrete products used in building or construction and include 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.

3.42 **BED AND BREAKFAST ESTABLISHMENT,** shall mean a single unit detached dwelling in which breakfast is supplied to guests and in which no more than 3 guest suites within the principle dwelling 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. A bed and breakfast establishment does not include a hotel, motel, boarding or lodging house, group home dwelling or restaurant, as defined herein.

3.43 **BERM**, shall mean an earthen work or mound of earth of a specified height and width and exhibiting sloping, landscaped sides, which is intended to act as a barrier or buffer strip. The height of a berm shall be the vertical distance between the base and the highest point of the berm. The slope of the sides of the berm shall be stable and not prone to shifting and will be dependent upon the required height of the berm and shall in no case be greater than 33 %.

3.44 **BILLIARD HALL,** shall mean any building or part thereof where a minimum of three billiard or bagatelle tables are provided and maintained for public use.

3.45 **BINGO HALL,** shall mean any building or premise or part thereof used for bingo or a bingo event and is duly registered under the Gaming Control Act and is in compliance with municipal by-laws and approvals.

3.46 **BOARDING HOUSE, LARGE** shall any building or portion of a building which the owner supplies to eight (8) persons or more (which number shall include the owner or the owner's agent if the owner or the owner's agent lives within the boarding house), lodging, meals, or both in return for remuneration, the provision of services or some other form of consideration, but shall not include a hotel, hospital, group home dwellings, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.

3.47 **BOARDING HOUSE, SMALL,** shall mean any building or portion of a building which the owner supplies to more than four (4) up to seven (7) persons (which number shall include the owner or the owner's agent if the owner or the owner's agent lives within the boarding house), lodging, meals, or both in return for remuneration, the provision of services or some other form of consideration, but shall not include a hotel, hospital, group home dwellings, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.

3.48 **BOARDING KENNEL,** shall mean any building or portion of a building, structure and outdoor area intended for the purpose of feeding, housing or otherwise caring for dogs and other pets for remuneration.

3.49 **BOAT,** shall mean any watercraft, propelled by oars, sail, an engine or paddles.

3.50 **BOAT HOUSE,** shall mean a building or structure intended 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.

3.51 **BUFFER STRIP,** shall mean an area to be used for the purpose of screening land, buildings, land uses or other structures by the planting and maintenance of trees or shrubs or by the construction and maintenance of a berm or fence or a combination thereof, or a compatible intervening use that serves the foregoing purpose.

3.52 **BUILDING,** shall include any structure greater than 10 m^2 (107.62 ft^2), whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, travel trailer, camping trailer, truck camper, motor home, or tent.

3.53 **BUILDING AREA OR BUILDING ENVELOPE,** shall mean the only area or areas on a lot within which any building or structure may be erected.

3.54 **BUILDING FOOTPRINT,** shall mean the horizontal area of a building, including enclosed porches, excluding decks, steps, terraces, and cornices

3.55 **BUILDING LINE,** shall mean a line in the interior of a lot drawn parallel to a lot line for the purpose of establishing the minimum distance that must exist between a building or structure erected on a lot and a lot line.

3.56 **BUILDING, MAIN OR MAIN STRUCTURE,** shall mean the building or structure designed for or in which is conducted the principal purpose for which the lot is used or intended to be used. For clarity a residential dwelling is a "main building" for the purpose of this By-law.

3.57 **BUILDING SEPARATION,** shall mean the least horizontal distance permitted between two buildings on a lot measured between their respective main walls.

3.58 **BUILDING SUPPLY OUTLET,** shall mean an establishment used for milling, storage, and wholesale sales of a broad range of building materials and which may include a retail component.

3.59 **BULK SALES ESTABLISHMENT**, shall mean the use of land, structure or building for the purpose of buying and selling lumber, wood, building materials, feed, fertilizer, ice, and similar material, but does not include manufacturing.

3.60 **CALL CENTRE,** shall mean a building or part thereof where quantities of incoming and/or outgoing calls are handled by people, telephones and computers which are related to customer support, credit services, card services, inbound and outbound telemarketing, interactive voice response and web-based or similar services.

3.61 **CAMPGROUND, OR TRAILER PARK,** shall mean a parcel of land used and maintained for campers who provide their own sleeping facilities such as travel trailers, campers, tents or mobile homes, provided such campers are provided with sanitary and waste disposal facilities and a campsite.

3.62 **CANOPY**, shall mean a roof construction or cantilevered roof, free of enclosing walls, over an entrance to a building or a gasoline pump island.

3.63 **CARTAKER'S RESIDENCE,** shall mean one dwelling unit located on the same lot as, and accessory and subordinate to, a permitted commercial, industrial or institutional use, and occupied by a person employed or engaged in the management, operation,

maintenance, supervision or security of the principal use, and may include members of that person's household. A caretaker's residence may include an accessory office or check-in area used for controlling access to the property, receiving visitors, and signing in persons entering the premises, provided that such office or check-in area is incidental to the principal use and shall not constitute a separate office, commercial use, or public service area. It shall not include the following as defined in this By-law: Bed and Breakfast Establishment, Boarding House (large and small), Boat House, Farm Worker Dwelling (on-site and off-site), Group Home, Hotels, Inn, Lodging House, Mobile Homes, Motels, Nursing Home, Tavern, Travel Trailer.

3.64 **CATERING ESTABLISHMENT,** shall mean a commercial establishment in which food and/or beverages are prepared for consumption off premises.

3.65 **CELLAR,** shall mean that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from floor to ceiling, below adjacent finished grade, and is less than 2 m (6.56 ft) measured from floor to ceiling.

3.66 **CEMETERY,** shall mean a cemetery within the meaning and as regulated by the Cemeteries Act.

3.67 **CENTRELINE, STREET,** shall mean the centreline of the road allowance as opposed to the centreline of the travelled roadway.

3.68 **CHIEF BUILDING OFFICIAL,** shall mean the officer or employee of the Corporation of the Municipality of Leamington charged with the duty of enforcing the provisions of the Building Code Act.

3.69 **CHURCH,** shall mean a building or part thereof used for religious worship and includes churches, synagogues, temples, mosques, rectory and associated schools, day care centre, auditoriums and other similar uses.

3.70 **CLINIC,** shall mean a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological or laser technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physio, therapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but shall not include accommodation for in-patient care or operating rooms for major surgery for humans.

3.71 **CLUB,** shall mean a building or part thereof used exclusively by a chartered non-profit organization for a social, cultural, recreational, philanthropic or patriotic purpose, and does not include biker bunkers.

3.72 **COMMERCIAL DECK,** shall mean a deck, patio, or balcony that is associated with a commercial use (e.g. a restaurant).

3.73 **COMMERCIAL MOTOR VEHICLE,** shall mean a motor vehicle used or designed for use for commercial purposes and includes, but is not limited to, a limousine, a truck, delivery or service vehicle, ambulance, hearse, bus, tractors or back-hoe, the gross vehicle weight of any of which exceeds than 4,500 kg GVWR (Gross Vehicle Weight Ratio) (9,920.80 lbs).

3.74 **COMMERCIAL RECREATION ESTABLISHMENT,** shall mean a building, or part thereof, used for the purposes of an arena, auditorium, assembly hall, billiard or pool room, bingo hall, bowling alley, dance hall, golf driving range and miniature golf facility, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, and all places of amusement, including an outdoor recreation establishment as defined herein, but does not include an amusement arcade, cinema or other theatre, drive-in theatre or amusement park.

3.75 **COMMERCIAL SELF STORAGE UNIT,** shall mean a building or buildings, consisting of individual units, used for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things.

3.76 **COMMERCIAL USE,** shall mean the use of any land or buildings for the purpose of offices, financial institutions, and the retail buying or selling of commodities, or both, and/or the supply of services including restaurants.

3.77 **COMMUNICATION FACILITIES**, shall mean any use of land that is primarily for the transmission of electronic signals through the air and includes a transmitting station, tower or dish for radio, television, telephone, or other similar communication facilities and radio and television stations.

3.78 **COMMUNITY CENTRE,** shall mean any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Corporation of the Municipality of Leamington, a non-profit organization, a local board or agent thereof.

3.79 **CONSERVATION USE,** shall mean the use of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational facilities only if conservation of the resource is not jeopardized.

3.80 **CONSTRUCT,** shall mean to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere. “Construction” shall have a corresponding meaning.

3.81 **CONTRACTOR'S YARD OR SHOP,** shall mean any land, building or structure used for the purpose of storing contracting or construction equipment and material or performing shop work or assembly work by any building trade or other contractor.

3.82 **CONTRACTOR'S YARD, AGRICULTURAL,** shall mean a lot, building or structure used by a contractor or service provider whose primary activity is the provision of direct products or services to farm operations in the area, for the storage of materials, supplies, vehicles and equipment, and for the maintenance or repair of equipment used in connection with such agricultural support services.

For the purposed of this definition, the use shall only be directly related to and support agricultural operations, shall benefit from being located in close proximity to farm operations, and shall not include a Salvage Yard, waste transfer station, Transportation Depot, retail sales establishment, manufacturing use, processing plant, or the stockpiling of aggregate, fill, scrap, waste or recyclable materials, and shall not include the parking or dispatch of commercial vehicles unrelated to the agricultural support business carried on from the lot.

All materials and supplies shall be stored wholly within an enclosed building, and any outdoor storage shall be limited to operable vehicles and equipment associated with the permitted use, unless otherwise expressly permitted by this By-law.

3.83 **CONVENIENCE STORE**, shall mean a retail store not exceeding 200 m^2 (2,152.85 ft^2) where both household and grocery items are offered for sale primarily to serve people's daily needs and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning.

3.84 **COUNTY,** shall mean The Corporation of the County of Essex.

3.85 **CREMATORIUM,** shall mean a building fitted with appliances for the purpose of cremating human or animal remains and includes everything incidental and ancillary thereto.

3.86 **DAY CARE CENTRE,** shall mean a "day nursery" as defined in accordance with the provisions of the Day Nurseries Act and shall mean a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

(a) under eighteen years of age in the case of a day nursery for children with a developmental disability; and

(b) under ten years of age in all other cases;

(c) but does not include, part of a public school, separate school or private school under the Education Act ("garderie").

3.87 **DECK**, shall mean a platform made of wood, concrete or other similar material, that has a height greater than 0.6 m (1.96 ft) above grade, projecting from a building or freestanding, with no roof or walls except for visual partitions, and intended for the purpose of outdoor dining, lounging, and other similar accessory uses.

3.88 **DEPARTMENT STORE,** shall mean a large retail building which offers a wide selection of merchandise in departments including most or all of apparel, housewares, domestic goods, pharmaceuticals, hardware, automotive supplies, sporting goods, toys, pets and pet supplies, furniture and appliances and may include associated automobile repair garages and lawn and garden centres and restaurants.

3.89 **DERELICT VEHICLE,** shall mean a vehicle that is unlicenced or abandoned or left to fall into disrepair.

3.90 **DETACHED**, when used in reference to a building, shall mean a building which is not dependent on any other building for structural support or enclosure.

3.91 **DEVELOPMENT,** shall mean 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 or industrial parking lot or of sites for the location of three or more trailers as defined in the Municipal Act, 2001, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act or of sites for the construction, erection or location of three or more land lease community homes.

3.92 **DOCK,** shall mean an accessory structure used for the mooring of marine vessels which is secured to the shoreline and/or the bottom of the water body by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent structure.

3.93 **DOG KENNEL,** shall mean any building or structure used or intended for use for the purpose of breeding and/or raising three or more dogs and licensed by the Corporation of the Municipality of Leamington, but does not include a boarding kennel defined herein.

3.94 **DONATION CENTRE,** shall mean an establishment owned and operated by a registered non-profit or charitable organization which is attended by employees to receive donations from the public of primarily used or secondhand housewares, furniture, appliances, equipment, toys and clothing and where these goods are sorted and re-used in part, but does not include a retail store.

3.95 **DRIVE-THROUGH,** shall mean the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in a motor vehicle that are in a designated stacking lane. A drive-through may be in combination with other

uses such as laundromat, dry cleaning establishment, financial institution, restaurant, retail store or automobile service station.

3.96 **DRIVEWAY,** shall mean a vehicular passageway having at least one end thereof connected to a street, a private road or an alley and providing ingress to or egress from a lot, or both but does not include a parking lot aisle as defined herein.

3.97 **DRY CLEANING AND LAUNDRY ESTABLISHMENT,** shall mean 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, un-vented dry cleaning equipment, and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

3.98 **DWELLING,** shall mean a building or part of a building designed to be occupied as a home, residence or sleeping place by one or more persons but shall not include mobile homes, hotels, boarding, lodging, or rooming houses, tourist homes, nursing homes, motels, institutions or travel trailers.

3.99 **DWELLING, ACCESSORY TO PROCESSING PLANT,** shall mean a dwelling accessory to a food processing plant that is occupied by its employees during the tomato harvest season only and under no circumstances shall be occupied before July 1st or later than November 30th in any given year.

3.100 **DWELLING, CONVERTED,** shall mean a dwelling originally designed and constructed as a single unit detached dwelling which because of size or design has been converted by partition into more than one dwelling unit, not exceeding more than two dwelling units, with each dwelling unit having separate and individual sanitary and cooking facilities.

3.101 **DWELLING, FARM WORKER, OFF-SITE,** shall mean a dwelling on a farm that is used for the housing of farm workers and is inspected by the relevant public health authority as a condition of its use as such and where those workers are primarily employed on a different farm. (OLT-21-001104)

3.102 **DWELLING, FARM WORKER, ON-SITE,** shall mean a dwelling on a farm that is used for the housing of farm workers and is inspected by the relevant public health authority as a condition of its use as such and where those workers primarily work on the farm upon which the dwelling is situated.

3.103 **DWELLING, GROUP HOME,** shall mean a dwelling that is licenced or funded under an act of the Parliament of Canada or the Province of Ontario for the accommodation of three (3) to ten (10) persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well being. This does not include a nursing home, bed and breakfast, rooming house, boarding house,

farm help dwelling, hotel or motel.

3.104 **DWELLING, MULTI UNIT**, shall mean a dwelling containing three or more dwelling units with all dwelling units being on one lot.

3.105 **DWELLING, SEMI-DETACHED,** shall mean a dwelling as defined herein designed to accommodate individuals living as one group, regardless of whether the individuals within the group are related or unrelated. Each dwelling unit shall be attached by a common wall to only one other dwelling unit and each dwelling unit shall be on a separate lot.

3.106 **DWELLING, SINGLE UNIT ATTACHED,** shall mean a dwelling as defined herein designed to accommodate individuals living as one group, regardless of whether the individuals within the group are related or unrelated. Each dwelling unit shall be attached by a common wall, directly or indirectly, to two or more other single unit attached dwellings and each single unit attached dwelling shall be on a separate lot.

3.107 **DWELLING, SINGLE UNIT DETACHED,** shall mean a dwelling as defined herein designed to accommodate individuals living as one group, regardless of whether the individuals within the group are related or unrelated. Such dwelling shall be designed as one dwelling unit to accommodate one group of individuals only as evidenced by all parts of the building being accessible to and from all other parts of the building.

3.108 **DWELLING, TWO UNIT,** shall mean a building situated on one lot and containing two dwelling units.

3.109 **DWELLING UNIT,** shall mean one or more habitable rooms that include kitchen and sanitary facilities and which has a door with a locking mechanism between the room or rooms and the rest of the building.

3.110 **DWELLING UNIT, ADDITIONAL,** shall mean a dwelling unit ancillary and subordinate to a Primary Residential Unit, in which food preparation, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupant.

3.111 **DWELLING UNIT, ADDITIONAL (DETACHED),** shall mean a dwelling unit in an Accessory Structure which is ancillary and subordinate to a Primary Residential Unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupant.

3.112 **DWELLING UNIT, SECOND** shall mean a self-contained residential dwelling unit with private kitchen, bathroom facilities, sleeping areas and entrance, which is accessory (or subordinate) to a principal dwelling unit located on the same lot.

3.113 **EASEMENT,** shall have the meaning attributed to it in the definition of “right-of-way”.

3.114 **EATING ESTABLISHMENT,** shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption or take-out and includes

such uses as a restaurant, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, donut shop, snack bar, or refreshment room, food vehicle or stand, but does not include a boarding house or lodging house.

3.115 **ERECT,** shall mean to do anything pertaining to the erection, building, construction, reconstruction, installation, enlargement, structural alteration or repair of a building or structure, and shall include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a building or structure, the installation of a building unit fabricated or removed from elsewhere, the installation of a back flow preventer, septic system or automatic lawn watering system and the demolition or removal of a building or any part thereof, and further includes any work for which a building permit is required. "Erected" and "Erection" shall have a corresponding meaning.

3.116 **EXISTING,** shall mean legally existing as of the date of the passing of this By-law and has continued to exist and is still in existence.

3.117 **FARM, HOBBY,** shall mean a lot used primarily for residential purposes where accessory uses may include small scale market gardening for retail and in keeping with the Minimum Distance Separation Formulae (MDS) I and II.

3.118 **FARM EQUIPMENT SALES AND SERVICE ESTABLISHMENT,** shall mean 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.

3.119 **FARM OCCUPATION,** shall mean the use of part of a main or accessory building for an occupation for gain or support that is clearly secondary and subordinate to the agricultural uses being carried out on the farm.

3.120 **FARM PRODUCE SALES OUTLET,** shall mean a use which consists of the retail sale of agricultural produce.

3.121 **FARMER'S MARKET,** shall mean an establishment or premises where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

3.122 **FENCE,** shall mean any barrier constructed of chain link, wood, stone, metal, brick or other similar materials or combinations thereof which is erected for the purpose of screening, safeguarding, retaining or enclosing property, a swimming pool or delineating property lines.

3.123 **FINANCIAL INSTITUTION,** shall mean a chartered bank, finance company office, co-operative, trust company, loan company or similar establishment.

3.124 **FIRST NATION COMMUNITY FACILITY**, shall mean a building, structure, or lot used primarily as an administrative centre for a First Nation community and will include such accessory uses as:

i. assembly type uses for First Nation functions;

ii. occasional private rental for assembly type uses, including but not limited to banquets, receptions, weddings and auctions;

iii. limited retail, other commercial, personal service and office uses secondary to the main administrative use and part of community related program or initiative.

3.125 **FISH HABITAT**, shall mean spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

3.126 **FITNESS CENTRE,** shall mean an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasia, band shell or open theatre, and other similar uses except as otherwise specifically defined in this By-law.

3.127 **FLEA MARKET**, shall mean a building, structure or open space area where stalls or sales areas are leased, rented or otherwise are provided for the sale of articles that are either homemade, hand crafted, old, second hand, antique or obsolete and may include a limited range of new products, merchandises or wares, fresh produce or preserves, but does not include a factory outlet, shopping centre or retail outlet.

3.128 **FLOODWAY ZONE,** for river, stream and small inland lake systems, shall mean the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe. For the purposes of this By-law, the floodway is defined as a setback area of 8 m (26.24 ft) plus the depth of the watercourse or drain to a maximum of 15 m (49.21 ft) measured from the top of bank.

3.129 **FLOOR AREA,** shall mean the space on any storey of a building between exterior walls and required fire walls, including the space occupied by interior walls and partitions.

3.130 **FOOD VEHICLE,** shall mean an outdoor wheeled contrivance not permanently affixed to the ground and capable of being moved, from which food intended for immediate

consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (e.g. a food truck), a vehicle that is not self-propelled, but that can be easily towed (e.g. a food trailer) and a vehicle moved by human exertion (e.g. a food cart). Some other examples include, but are not limited to, a chip wagon, mobile food preparation vehicle, hot dog cart, or refreshment vehicle.

3.131 **FORESTRY USE,** shall mean the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, sawlogs, Christmas trees, other forestry products and other culture practices.

3.132 **FUNERAL HOME**, shall mean a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, memorial services, crematorium, provided such activities are clearly secondary or incidental to the main undertaking services.

3.133 **GARDEN CENTRE,** shall mean a building, portion of a building, structure which is used for the purpose of selling garden material and supplies.

3.134 **GARAGE, PRIVATE OR CARPORT,** shall mean a building or portion of a building designed for the sheltering or storage of passenger motor vehicles or recreational vehicles or both and the storage of household equipment incidental to residential occupancy, and wherein no service for profit is rendered. Where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building.

3.135 **GARDEN SUITE,** shall mean a one-unit, detached residential structure, containing bathroom and kitchen facilities, that is accessory to an existing residential structure and is designed to be portable and temporary.

3.136 **GAS BAR,** shall mean an establishment designed for the retail sale of gasoline, diesel fuel, propane, other similar products, lubricating oil and additives and the introduction of such materials into vehicles but does not include the provision of mechanical services to vehicles. A gas bar may also include a retail kiosk and a gasoline card lock facility.

3.137 **GASOLINE CARD LOCK FACILITY**, shall mean one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

3.138 **GOLF COURSE,** shall mean a public or private area operated for the purpose of playing golf including a par three golf course, driving range, miniature golf course or combination thereof and includes restaurant, entertainment and meeting facilities as accessory uses.

3.139 **GRADE, OR AVERAGE FINISHED GRADE**, shall mean the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Chief Building Official.

3.140 **GREENHOUSES,** shall mean a structure made of plastic or glass that is used for growing plants in regulated temperatures, humidity, and ventilation. A greenhouse can range from a small room carrying a few plants over the winter, to an immense heated building called a hothouse or conservatory, covering acres of ground and used for growing fruits, vegetables or flowers and includes parking, shipping and warehousing facilities as an accessory use.

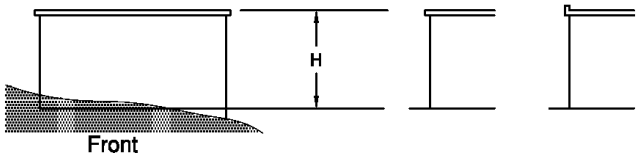
3.141 **GROCERY STORE,** shall mean a retail store selling food and associated small household items.

3.142 **GROSS FLOOR AREA**, shall mean the total space on all storeys of a building between exterior walls and required fire-walls, including the space occupied by interior walls and partitions.

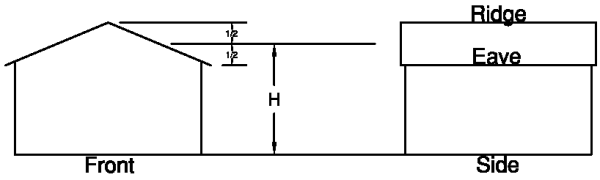
3.143 **HEIGHT,** when used with reference to a building or structure, shall mean the vertical distance between the horizontal plane through the average finished grade and a horizontal plane through (see illustration):

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

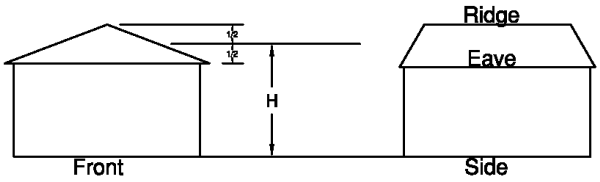
ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS



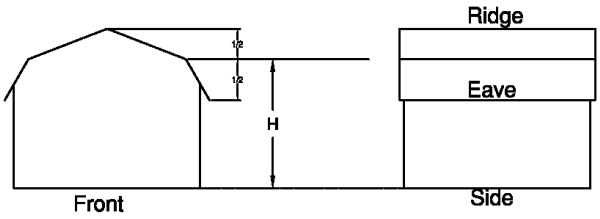
Flat Roof



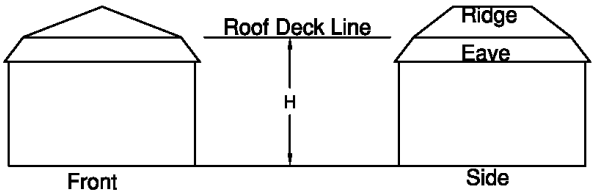
Gable Roof



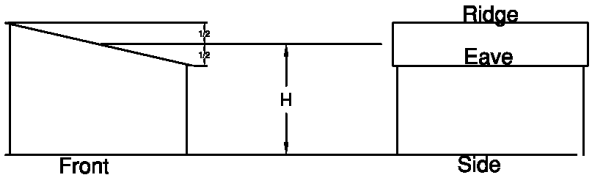
Hip Roof



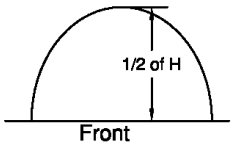
Gambrel Roof



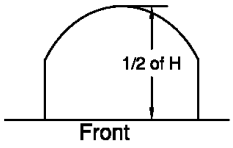
Mansard Roof



One Slope Roof



Dome Roof



Hooped Roof

H = Height of Building

Note: The above illustration is for clarification and convienience only and does not form part of this by-law.

3.144 **HIGH WATER MARK,** shall mean the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

3.145 **HOME OCCUPATION,** shall mean the use of part of a dwelling unit or accessory building for an occupation which provides gain or support, for at least one of the permanent residents of such dwelling unit and which is clearly secondary and subordinate to the main use of the dwelling unit as a private residence.

3.146 **HORSE RACING TRACK AND TRAINING FACILITIES,** shall mean an establishment which offers horses for hire or instruction in horsemanship, stabling, training, and racing.

3.147 **HOSPITAL,** shall mean any institution, building or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under The Public Hospitals Act as a public hospital.

3.148 **HOTEL,** shall mean any hotel, tavern, inn, lounge or public house in one main building or in two or more connected or adjacent buildings designed and used mainly for the purpose of catering to the needs of the travelling public by supplying food, refreshments or both and furnishing sleeping accommodation of not less than six guest rooms, each having no facilities for cooking or housekeeping, and provided that each guest room may only be entered from the interior of the building, and shall include all such buildings operating under the Liquor Licence Act, and the Tourism Act, as amended from time to time. A "Hotel" does not include a rooming house, boarding house, multi unit dwelling or apartment hotels.

3.149 **HUNTING, GAME AND WILDLIFE PRESERVE,** shall mean an area in which game propagated under a licence are released for hunting purposes and are regulated under the Fish and Wildlife Conservation Act, 1997.

3.150 **INDUSTRIAL USE,** shall mean the use of land, building or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, 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. This definition does not include a mine, pit or quarry or obnoxious industry. Accessory uses may include transportation, wholesaling, storage, shipping and receiving incidental to the industrial use.

3.151 **INDUSTRIAL USE, NON-EFFLUENT PRODUCING,** shall mean an industrial use which either does not discharge waste water or discharges waste water from one or more of the following sources only:

a. sanitary sewage from employee washrooms;

b. storm water drainage;

c. water used for indirect cooling of equipment and ancillary purposes.

3.152 **INDUSTRY, CLASS I - LIGHT INDUSTRIAL USES,** shall mean a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

3.153 **INDUSTRY, CLASS II - MEDIUM INDUSTRIAL USES,** shall mean a place of business for medium scale process and manufacturing with outside storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, and a contractor's yard.

3.154 **INDUSTRY, CLASS III - HEAVY INDUSTRIAL USES,** shall mean a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit and potential adverse effects on the environment or the surrounding areas and public health.

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

3.156 **IRRIGATION POND**, shall mean a man-made or natural waterbody which holds water for the purpose of allowing irrigation.

3.157 **LAND LEASE COMMUNITY HOME,** shall mean any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a mobile home.

3.158 **LANDSCAPED OPEN SPACE,** shall mean open unobstructed space on the site which is suitable for landscaping. This shall include the following: any part of the site occupied by recreational accessory buildings, any surfaced walk, permeable Patio (i.e. patio

stones, interlocking brick, pea gravel, etc.) or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area.

This shall exclude the following: any driveway or ramp, whether surfaced or not, any curb, loading space, balcony, non-permeable Patio (i.e. concrete, asphalt, etc), retaining wall, or parking area.

3.159 **LABORATORY,** shall mean a place equipped for experimental study, testing and analysis.

3.160 **LANDING STRIP,** shall mean an area used for the landing of airplanes and helicopters.

3.161 **LANDSCAPING,** shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, excluding driveways and fences, all of which is designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

3.162 **LAUNDROMAT, COIN-OPERATED,** shall mean a building or structure where coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

3.163 **LOADING SPACE,** shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial, industrial or institutional vehicle while loading or unloading persons, animals, goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or driveway.

3.164 **LOT,** shall mean a parcel or tract of land described in a deed or other document legally capable of conveying land:

a. which is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to the Planning Act, as amended, not to be a registered plan of subdivision; or

b. which is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.

3.165 **LOT AREA,** shall be the total horizontal area within the lot lines of a lot.

3.163 **LOT, CORNER,** shall mean a lot situated at the intersection of, or abutting upon, two or more streets, provided that, the angle of intersection of such streets is not more than one hundred and thirty-five degrees and each street is at least 9 m (29.52 ft) wide; where such intersecting sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the front lot line and exterior side lot line. “Lot Exterior” shall have a corresponding meaning.

3.164 **LOT COVERAGE,** shall mean the combined areas of all the buildings on the lot measured at the level of the lowest floor above grade in relationship to the area of the lot and expressed as a percentage. Decks and non-permeable Patios (i.e. Concrete, asphalt, etc.) shall also be included in the calculation of lot coverage. Swimming pools, permeable Patios, outside storage of goods and materials, fences, signs, satellite dishes and parking areas shall not be included in the determination of lot coverage.

3.165 **LOT DEPTH,** shall mean the horizontal distance between the midpoints of the front and rear lot lines. Where there is no rear lot line, lot depth means the horizontal distance between the midpoint of the front lot line with the apex of the triangle formed by the side lot lines.

3.166 **LOT FRONTAGE,** shall mean the horizontal distance between the interior side and/or exterior side lot lines, with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at a point on that line 6 metres from the front lot line.

a. In the case of a lot with no rear lot line, the point where two interior side lot lines intersect shall be the point from which a line is drawn to the mid-point of the front lot line.

b. In the case of a corner lot with a daylighting triangle, the exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the front lot line for the purposes of calculating lot frontage.

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

3.168 **LOT LINES,** shall mean the boundary lines of a lot defined as follows (see illustration):

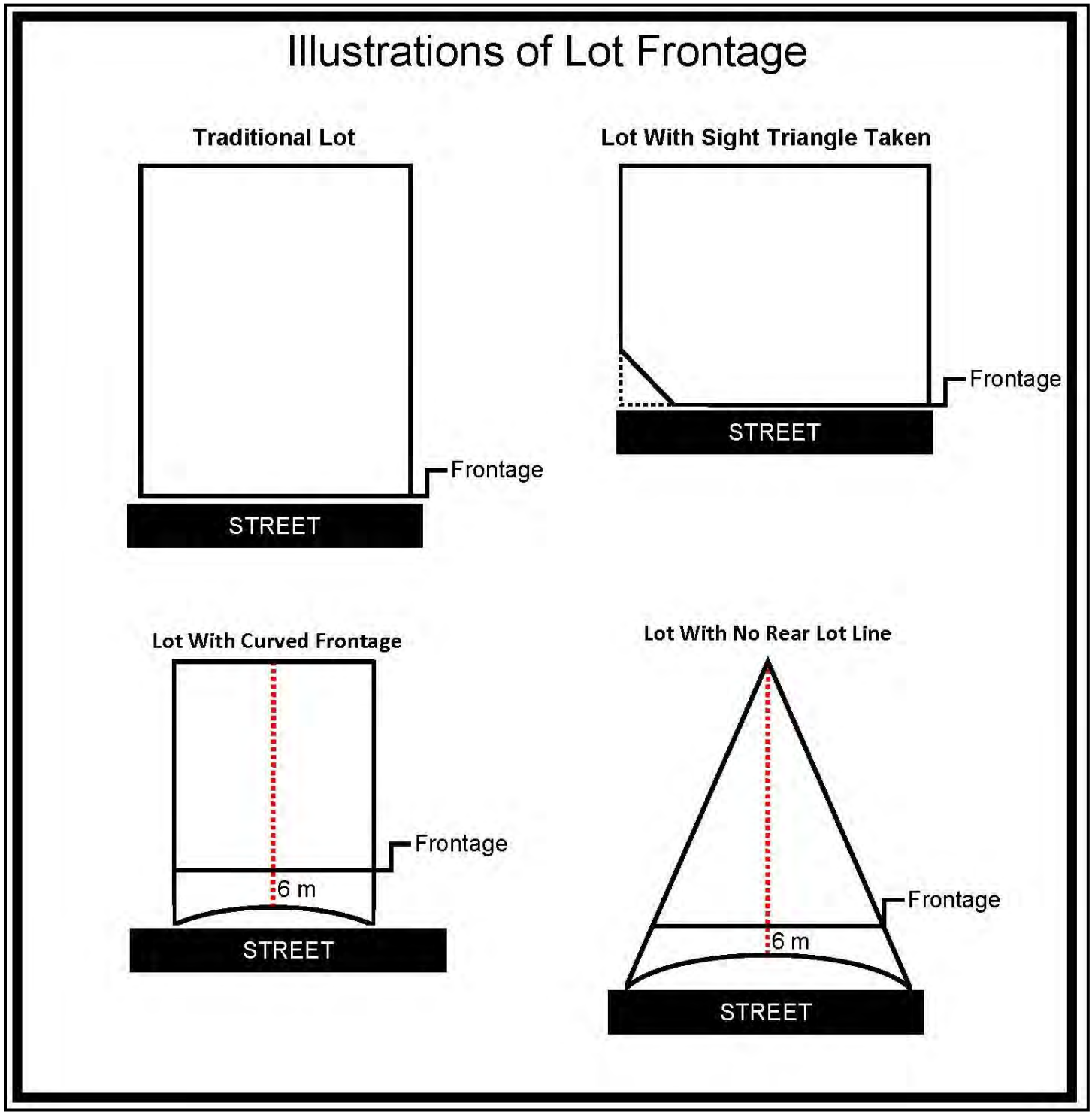
a. **LOT LINE, FRONT,** shall mean:
   i. in the case of an interior lot, the lot line dividing the lot from the street;
   ii. in the case of a corner lot, the shorter lot line abutting the street unless each lot line is of equal length in which case the front lot line shall be the lot line where the principal access to the lot is provided;
   iii. in the case of a through lot, the front lot line shall be the lot line where the principal access to the lot is provided;

b. **LOT LINE**, **REAR,** shall mean the lot line farthest from and opposite to the front lot line;

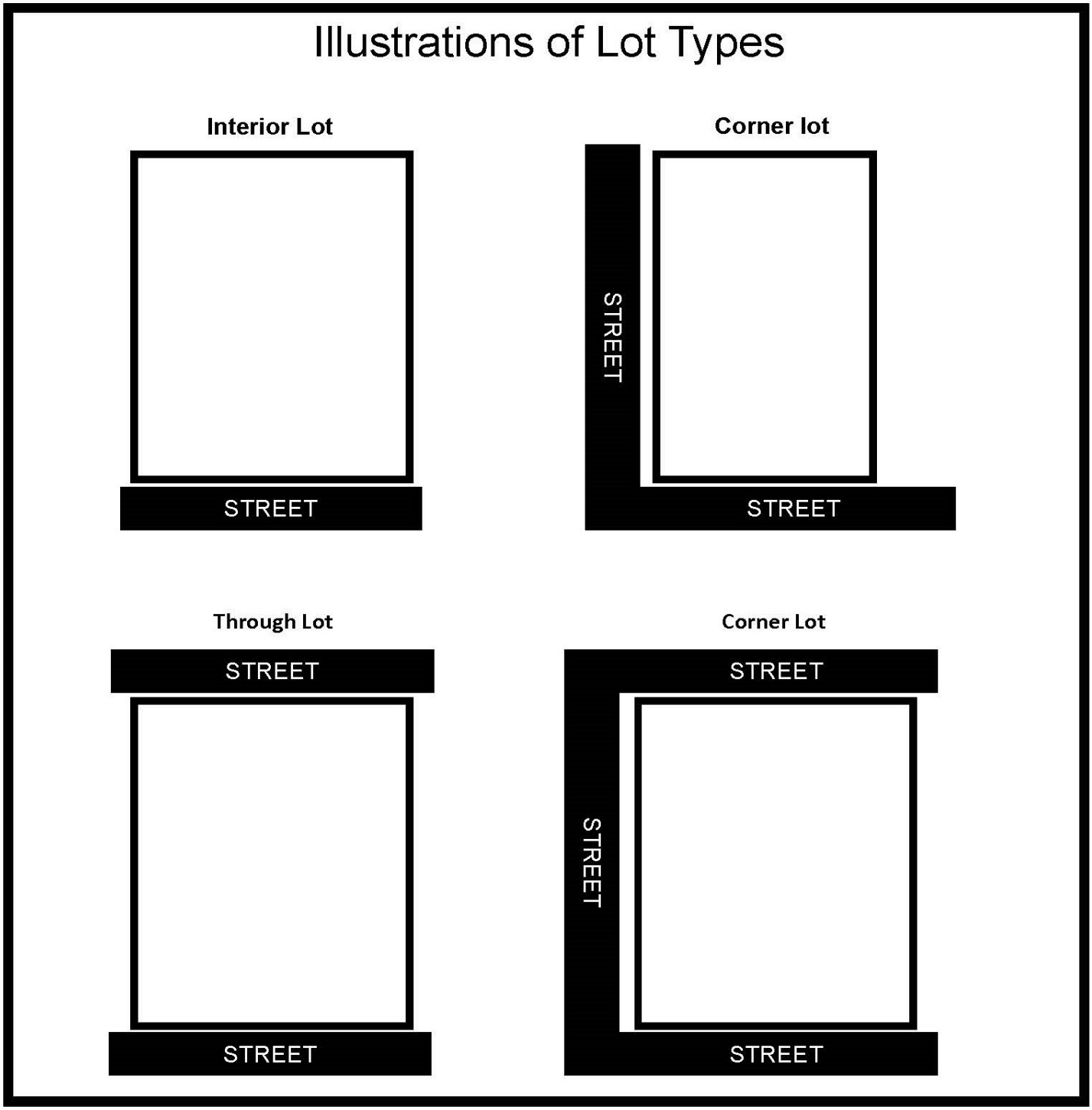
c. **LOT LINE, SIDE,** shall mean a lot line other than a front or rear lot line;

d. **LOT LINE, EXTERIOR SIDE,** shall mean the side lot line which abuts the street on a corner lot;

e. **LOT LINE, INTERIOR SIDE,** shall mean the side lot line which does not abut a street.


Illustrations of Lot Frontage
Traditional Lot
Frontage
STREET
Lot With Sight Triangle Taken
Frontage
STREET
Lot With Curved Frontage
Frontage
6 m
STREET
Lot With No Rear Lot Line
Frontage
6 m
STREET

Illustrations of Lot Types



3.169 **LOT, THROUGH,** shall mean a lot bounded on two opposite sides by streets each of which is at least 9 m (29.52 ft) wide. Provided, however, that if any lot qualifies as being a corner lot and a through lot as defined, such lot shall be conclusively deemed to be a corner lot.

3.170 **MAIN USE,** means the principal use or uses of the lot or building.

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

3.172 **MARINA,** shall mean an area or establishment adjacent to water, 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.

3.173 **MECHANICAL UNITS,** shall mean equipment or systems used for heating, ventilation, air conditioning (HVAC), or other mechanical operations that are part of the infrastructure of a building or property. This includes, but is not limited to, air conditioning units, ventilation fans, heating systems, pumps, electrical transformers, gas trains, backup generators or any other mechanical machinery required to maintain the building's environment or functionality.

3.174 **MIXED USE BUILDING,** shall mean a building or structure in which the entire first floor is made up of commercial uses with one or more stories of residential above. Uses ancillary to the residential uses are permitted on the first floor including garbage rooms, lobbies with elevator banks, staircases, mechanical rooms and like uses are permitted on the ground floor provided 70% of the ground floor is occupied by a commercial use.

3.175 **MIXED-USE DEVELOPMENT**, shall mean a development that includes a combination of residential and commercial uses within the same development and zone. The residential and commercial uses shall be in stand-alone buildings that are integrated through shared infrastructure.

3.176 **MOBILE HOME,** shall include any portable dwelling designed to be drawn by a motor vehicle, but does not include a recreational vehicle.

3.177 **MOTEL,** shall mean one building, or two or more detached buildings for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food, refreshments, recreation, and provided each guest or sleeping room may be entered from a separate entrance and all such buildings operating under the Liquor License Act and the Tourism Act, as amended from time to time.

3.178 **MOTOR HOME**, shall mean a self-propelled, completely self-contained motor vehicle that contains all the conveniences of a home, including cooking and sleeping.

3.179 **MOTOR VEHICLE,** shall mean a wheeled, self-propelling vehicle for the transportation of passengers or goods or both, and without limiting the generality of the foregoing, includes automobiles, trucks, buses, ambulances, hearses, motor homes, and tractors and other self-propelled farm machinery.

3.180 **MUNICIPAL DRAIN,** shall mean drainage works constructed and maintained under the provisions of the Drainage Act.

3.181 **MUNICIPAL SEWAGE SERVICES,** shall mean a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

3.182 **MUNICIPAL TRAIL,** shall mean land owned by the Corporation of the Municipality of Leamington for the purpose of linear recreation.

3.183 **MUNICIPAL WATER SERVICES,** shall mean a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

3.184 **MUSHROOM FARM OR MUSHROOM OPERATION,** shall mean an operation involved in the growing, harvesting, cleaning, packaging and/or shipping of mushrooms.

3.185 **NATURAL HERITAGE FEATURES AND AREAS,** shall mean features and areas including significant wetlands, fish habitat, significant habitat of endangered and threatened species, significant wildlife habitat, significant woodlands and areas of natural and scientific interest.

3.186 **NEGATIVE IMPACTS,** shall mean:

a. in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity;

b. in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

3.187 **NON-COMPLYING,** shall mean that which does not conform, comply or agree with the regulations of this By-law as of the date of adoption thereof, other than the regulations which set out the permitted uses.

3.188 **NON-CONFORMING,** shall mean a use of land, building or structures which does not conform or comply with the permitted uses of this By-law as of the date of the passing thereof, or thereafter.

3.189 **NON-RESIDENTIAL,** when used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.

3.190 **NURSERIES, WHOLESALE AND RETAIL FLORAL SHOPS OR TREE FARMS,** shall mean a building and/or outdoor area primarily used for the growing of flowers, sod, vegetables, shrubs or bushes, trees, landscaping or orchard stock and similar vegetation for wholesale or retail sale on or off the premises and may include the incidental sale of gardening supplies, planting materials, fertilizers and equipment.

3.191 **NURSING HOME,** shall mean a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and shall include only those facilities licenced, approved or supervised under the Nursing Homes Act or the Homes for the Aged and Rest Homes Act. "Home For The Aged", "Retirement Home", "Rest Home" Or "Long-Term Care Facility" shall have a corresponding meaning.

3.192 **NUTRIENT UNIT,** shall mean an amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the Nutrient Management Act, 2002). The term "nutrient unit" is defined in the Nutrient Management Act, 2002 and is also used within Minimum Distance Separation Formulae (MDS) I and II.

3.193 **OFFICE,** shall mean any building or part of a building or any room or suite of rooms designed, intended or used for the conduct of a profession, occupation or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, repairing or storage of goods or any place of assembly or amusement.

3.194 **OFFICE, OFF-SITE SERVICE,** small mean an office that characteristically provides a service off-site, such as a real estate agent, and shall have a lower parking provision than on-site offices.

3.195 **OFFICE, ON-SITE SERVICE,** small mean an office that characteristically provides a service on-site, such as a chiropractor, and shall have a higher parking provision than off-site offices.

3.196 **OFFICIAL PLAN,** shall mean the Official Plan of the Corporation of The Municipality of Leamington or parts thereof and amendments thereto.

3.197 **ON-FARM DIVERSIFIED RETAIL USE** shall mean a retail use that sells primarily value added agricultural products and is located on a farm that is actively in agricultural use, secondary to the principal agricultural use of the property, and limited in area. The area of the retail use includes all buildings, parking areas, loading areas and septic systems related to the retail use.

3.198 **ONE HUNDRED YEAR FLOOD, FOR RIVER, STREAM AND SMALL INLAND LAKE SYSTEMS**, shall mean that flood, based on an analysis of precipitation, snow melt, or

a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

3.199 **ONE HUNDRED YEAR FLOOD LEVEL**, shall mean:

a. for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year; and

b. for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

3.200 **OTHER WATER-RELATED HAZARDS,** shall mean water-associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

3.201 **OUTDOOR SEATING AND SERVING FACILITY,** shall mean any area that is not within a building and that is used for serving refreshment to customers.

3.202 **OUTDOOR RECREATION ESTABLISHMENT,** shall mean any recreational activity carried out primarily outdoors with buildings required for accessory purposes only.

3.203 **OUTSIDE STORAGE,** shall mean the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides but shall not include a display of goods and products for advertising and demonstration.

3.204 **PARCEL OF RURAL RESIDENTIAL LAND**, shall mean a parcel of land within the Municipality of Leamington on which a residential use, other than an ancillary residential use, is permitted by by-law and that is served by, partial municipal services or private services.

3.205 **PARCEL OF URBAN RESIDENTIAL LAND,** shall mean a parcel of land that is within an area of settlement on which a residential use, other than an ancillary residential use, is permitted by by-law and that is served by, Municipal Sanitary Sewers, Municipal Drinking Water System and Municipal Stormwater Systems.

3.206 **PARK, PUBLIC,** shall mean an area of land, whether enclosed or not, maintained by the Corporation of the Municipality of Leamington or other public authority for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a Provincial Park.

3.207 **PARKING LOT OR AREA,** shall mean an area or clearly Defined Area for the parking of vehicles enclosed in a building, or unenclosed, and includes aisles, parking spaces, islands, and related entrance, exit, and circulatory lanes, but shall not include any part of a public street.

3.208 **PARKING LOT AISLE,** shall mean an area with a minimum width within a parking lot or area which abuts a parking space on one or more sides and which provides access from the parking space to a street or land, and which is not used for vehicular parking.

3.209 **PARKING SPACE,** shall mean an area not smaller than 3 m (9.84 ft) by 6 m (19.68 ft), exclusive of aisles or driveways, enclosed in a building, or unenclosed, and set aside for the parking of a vehicle.

3.210 **PARKING SPACE, BARRIER FREE,** shall mean a type A or a Type B space as defined below:

Type A, a wider parking space which has a minimum width of 3.4m (11.16 ft) and signage that identifies the space as “van accessible”.

Type B, a standard parking space which has a minimum width of 2.4 m (7.87 ft).

3.211 **PARKING SPACE, BICYCLE,** must be provided on the same lot as the use or building for which it is provided. Bicycle parking spaces must be located in order to provide convenient access to entrances. A bicycle parking space may be located in any side or rear yard. Where applicable, bicycle parking space must have access from an aisle having a minimum width of 1.5 metres. Bicycle parking spaces must be provided a parking rack that is securely anchored to the ground.

3.212 **PARKING SPACE, TANDEM,** shall mean a parking space that can only be accessed by passing through one other parking space from a street, lane or driveway and shall be the size of a standard parking space.

3.213 **PATIO,** shall mean a platform made of wood, concrete or other similar material, that has a height of 0.6 m (1.96 ft) or less above average grade, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory uses.

3.214 **PEDESTRIAN CONNECTING LINK,** shall mean a pedestrian pathway from the main pedestrian entrance of the farm worker dwelling to the main pedestrian entrance of the main employment area, such as a greenhouse, or the work site such as a row crop farm. If such Pedestrian Connecting Link is not completely located on the subject farms it shall include a constructed Active Transportation route, either on or off of the road, or a registered easement permitting pedestrian access over lands and shall be located on or abutting the property where farm workers live and primarily work; and shall generally be no greater that 800 metres distance or as approved by site plan control or as approved by a minor variance.

3.215 **PERSON,** shall include an individual, a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

3.216 **PERSONAL AND OTHER SERVICE USES,** shall mean a building or part thereof in which services are provided and administered to a corporation, an individual or the personal needs of persons or their pets, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments, dog grooming establishments, shoe repair and shoe shining shops, tailor shops, bakery shops, depots for collection and delivery of dry cleaning and laundry and self serve dry cleaning and laundry establishments, photocopying and reprographic services, photo development and computer services and does not include adult entertainment establishment as defined herein.

3.217 **PIT OR QUARRY,** shall mean land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site.

3.218 **PLACE OF AMUSEMENT, ENTERTAINMENT OR RECREATION,** shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, bingo hall, ice or roller rink, dance hall, fitness centre or music hall.

3.219 **PORCH OR VERANDAH,** shall mean a covered entrance to a building usually with a separate roof and unenclosed and is used as an outdoor living space.

3.220 **PORTABLE STORAGE SHELTER**, shall mean a detached or attached structure made of canvas or plastic sheet stretched by supports from walls or posts as shelter against sun and rain.

3.221 **PRIMARY RESIDENTIAL UNIT,** shall mean the dwelling having the largest floor area located on a lot or parcel of which an Additional Dwelling Unit is a part of or to which it is attached. Such a Primary Residential Unit is further defined as a building that provides complete, independent living facilities for one or more persons and permanent provisions for living, sleeping, eating, cooking, and sanitation. The Primary Residential Unit, independent of any Additional Dwelling Unit, shall meet all applicable requirements of the underlying zone.

3.222 **PRIMARY RESIDENTIAL UNIT (RURAL)**, shall mean the dwelling having the largest floor area located on a Parcel of Rural Residential Land of which an Additional Residential Unit is a part of or to which it is attached. Such a Primary Residential Unit (Rural) is further defined as a building that provides complete, independent living facilities for one or more persons and permanent provisions for living, sleeping, eating, cooking, and sanitation. The Primary Residential Unit (Rural), independent of any Additional Residential Unit, shall meet all applicable requirements of the underlying zone.

3.223 **PRINTING AND PHOTOGRAPHY FACILITIES,** shall mean a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and

servicing of printing and duplicating equipment.

3.224 **PRIVATE CLUB OR HALL,** shall mean a meeting place normally restricted to persons who are members and who meet to participate in a specific activity, but does not include biker bunkers.

3.225 **PRIVATE ROAD,** shall mean a right-of-way existing on the day of passing of this By-law, which has not been dedicated as a street or accepted or assumed by the Corporation of the Municipality of Leamington, but is owned privately and which affords the principal means or access to abutting, separately owned, legally conveyable parcels of land.

3.226 **PROVINCIAL HIGHWAY,** shall mean a highway under the jurisdiction and control of the Ministry of Transportation. Ministry of Transportation permits related to land use, buildings and structures, sign and entrances are required prior to the commencement of any construction within prescribed permit control areas under the Public Transportation and Highway Improvement Act. In some instances, the requirements of the Ministry of Transportation are more limiting or restrictive than this By-law. In those instances, the requirement of the Ministry of Transportation shall take precedence.

3.227 **PUBLIC AUTHORITY,** shall mean any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning advisory board or other board of commission or committee of local authority established or exercising any power or authority under any general or special Statute of Ontario 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 Corporation of the Municipality of Leamington.

3.228 **PUBLIC SERVICES,** shall mean 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 and other similar services but does not include solid waste management facilities, waste transfer operations, recycling or composting facilities and does not include private and commercial use.

3.229 **RECREATIONAL SHOOTING FACILITY,** shall mean land buildings, structures or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization.

3.230 **RECREATIONAL VEHICLE,** shall mean a portable vehicular unit designed for travel, camping or recreational use, including but not limited to a travel trailer, motor home, pick-up camper, motorized camper, tent trailer, boat or boat trailer, utility trailer, but does not include a mobile home.

3.231 **RESERVE,** shall mean a strip of land, 0.3 metres (one foot) in width, conveyed to a

public road authority for the purpose of preventing direct access to a public street from adjoining lands.

3.232 **RECYCLING FACILITY OR TRANSFER STATION,** shall mean any operation where used material is separated, stored and/or processed for another purpose. This material may be reprocessed on site or shipped to another site for the manufacture of new products.

3.233 **RESIDENTIAL USE,** shall mean the use of a building or structure or parts thereof as a dwelling.

3.234 **RESTAURANT, DRIVE-THROUGH, FAST FOOD OR TAKE OUT,** shall mean a building or part thereof or a commercial motor vehicle where prepared foods are sold and consumed on or off the premises. Customers may also be served while they remain in a motor vehicle.

3.235 **RESTAURANT, FULL SERVICE,** shall mean a building or part thereof where foods and beverages are prepared and served for immediate consumption on the premises, including a dining room, but excluding drive-through, fast-food, and takeout restaurants, and restaurants where pre-packaged foods or beverages requiring no further preparation before consumption are offered for sale.

3.236 **RETAIL STORE,** shall mean a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any wholesale business or business supply use, adult entertainment establishment or any establishment otherwise defined or classified.

3.237 **RETAIL STORE, SPECIALTY,** shall mean a retail store catering to the interest of the travelling public and tourists and includes such things as antique shops, gift and souvenir shops, food establishments, and other similar retail uses.

3.238 **RIGHT-OF-WAY OR EASEMENT,** shall mean any right, liberty or privilege in, over, along or under land, which the owner of one lot may have with respect to any other lot or which the Corporation of the Municipality of Leamington, any other governmental authority or agency, private company or individual may have with respect to any land in the Corporation of the Municipality of Leamington.

3.239 **ROAD SIDE STAND,** shall mean a structure used to sell fruits, vegetables or flowers, is accessory to the agricultural use of the site and a minimum of 60 % of the goods and materials for sale are grown or produced on site.

3.240 **SALES AND RENTAL FACILITIES,** shall mean a business engaged in maintaining, repairing, installing and renting articles and equipment for household, personal, construction and industrial use such as: radios and televisions; refrigeration and air

conditioning; appliances; watches, clocks and jewellery; and upholstery and furniture repair; power tools, mobile construction equipment and moving equipment.

3.241 **SALES AND SERVICE ESTABLISHMENT,** shall mean the use of land, buildings, or structures, or portions thereof, where vehicles and equipment are stored for purposes of sale, rent, lease, or hire and where such vehicles and equipment are repaired or serviced for purposes of being maintained in an operable condition.

3.242 **SALVAGE YARD,** shall mean the use of land, buildings or structures where merchandise, articles and goods or things are stored wholly or partly in the open, kept for sale/and or processed for further use and, without limiting the generality of the foregoing, may include a junk yard, a scrap metal yard, and a motor vehicle wrecking yard, but shall not include the disposal of tires, lubricants, refrigerants, petroleum products and other industrial waste and pollutants.

3.243 **SATELLITE DISH,** shall mean a device designed to receive communication signals from a satellite and are considered accessory structures, if detached from the main dwelling.

3.244 **SCHOOL,** shall mean an educational establishment under the jurisdiction of the Greater Essex County District School Board, the Windsor-Essex Catholic District School Board, Conseil De District Du Centre Sud-Ouest, Conseil Scolaire De District Des Ecoles Catholiques De Sud-Ouest or a private school operated under charter granted by the Province of Ontario.

3.245 **SENSITIVE LAND USES,** shall mean buildings, amenity area, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment and may include, but are not limited to, residences, day care centres and educational or health facilities.

3.246 **SEPARATION DISTANCE,** shall mean the horizontal distance between buildings or structures or physical features measured from the closest point of the exterior wall of such building or structure, or of such physical structure.

3.247 **SERVICE SHOP,** shall mean any building or part thereof where appliances and machinery are sold, serviced, or repaired and includes building trade establishments but excludes any manufacturing, processing, or wholesaling.

3.248 **SETBACK,** shall mean the horizontal distance between the nearest part of any main wall of any building or structure and what it is to be set back from, measured at right angles to that which it is to be set back from and extending the full width or depth of the lot.

3.249 **SERVICES, INDIVIDUAL ON-SITE**, shall mean individual autonomous water supply and sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five residential units/lots.

3.250 **SERVICES, PARTIAL,** shall mean a connection to one communal service or municipal service where the other connection will be to an individual on-site system.

3.251 **SHOPPING CENTRE,** shall mean a group of commercial uses, which may include freestanding buildings, planned, designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants, as opposed to a business area comprising unrelated individual business uses, and having off-street parking provided on the same lot.

3.252 **SIGN,** shall mean any device, including all of its component parts and supporting structure, erected to convey information and to attract the attention of the public by means of letters, numerals, symbols, characters, logos, lights, colours, designs, textures or objects.

3.253 **SIGHT VISIBILITY TRIANGLE**, shall mean the triangular space formed by the intersecting lot lines.

3.254 **SKATEBOARD PARK,** shall mean a building, structure or open area containing or developed with slopes, hills, passageways and other challenges where people using skateboards may practice the sport and may include the rental or sale of skateboards and related equipment.

3.255 **SMALL SCALE,** shall mean limited extend, small in scope or a small scale enterprise.

3.256 **STACKING LANE,** shall mean an on-site queuing lane for motor vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

3.257 **STORAGE,** shall mean the keeping of goods and materials.

3.258 **STORAGE CONTAINERS,** shall mean Sea Cans, shipping containers, cargo containers, Conex boxes, steel containers, ISO containers, container boxes, freight containers, or any other large, durable metal containers used for shipping or storage and shall be considered an accessory structure under the provisions of this By-law.

3.259 **STORAGE TANKS,** shall mean containers that hold liquid or compressed gases and are licensed/approved/authorized by a third party regulator (e.g., TSSA, CSA, Clean Water Act (Risk Management Officer)). This includes both above-ground and below-ground tanks. Excluding Water Storage Tanks for a Greenhouse.

3.260 **STORM WATER MANAGEMENT POND,** shall mean a facility for the treatment, retention, infiltration or control of storm water.

3.261 **STORAGE AND WAREHOUSING FACILITY,** shall mean a commercial building or part of a building wherein general merchandise, vehicles, furniture and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual doors.

3.262 **STORE,** shall mean the keeping of goods and materials.

3.263 **STOREY,** shall mean that portion of a building:

a. which is situated between the surface of any floor and the surface of the floor next above it, and if there is no floor above it, that portion between the surface of any floor and the ceiling above it; and

b. which is more than 50 % above the average finished grade; and
c. which has a height of not less than 2.1 m (6.88 ft) and includes an attic having not less than 2.1 m (6.88 ft) headroom for at least 50% of the attic floor area.

3.264 **STREET, HIGHWAY, OR ROAD,** shall mean a common and public street, road, highway or commons vested in by the Corporation of the Municipality of Leamington, the County, the Province or any other public authority having jurisdiction over the same and includes a bridge or any other structure forming part of a street on, over or across which a street passes, but does not include a private road or alley as defined in this By-law.

3.265 **STREET LINE,** shall mean the limit of a street allowance and is the boundary or dividing line between a street and a lot.

3.266 **STRUCTURE,** shall mean anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil, any other structure or both, including a satellite dish, a fence, a parking area, a sign and permitted outside storage or goods and materials but excluding a patio or private outdoor swimming pool. Lawn items such as a flagpole, bird house, bird bath, play equipment, and other similar items shall not be considered as structures and are not regulated by this By-law.

3.267 **SWIMMING POOL, PRIVATE OUTDOOR,** shall mean a privately owned pool whether or not in the ground, capable of being used for swimming, wading, diving or bathing and which, when filled, is capable of containing a depth of one foot or more of water.

3.268 **TAVERN,** shall mean an establishment where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating under the Liquor Licence Act, as amended from time to time.

3.269 **TAXI SERVICE,** shall mean 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.

3.270 **TEMPORARY BUILDING,** shall mean a building or structure used on a temporary basis for a short-term requirement.

3.271 **TOP OF BANK,** shall mean, when used with reference to a watercourse, the highest elevation of land which ordinarily confines the waters of such watercourse when they rise out of the stream bed.

3.272 **TOURIST CABIN OR LODGE ESTABLISHMENT,** shall mean premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a motel, lodge or bed and breakfast, and rental cottage or cabin where more than 3 such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses.

3.273 **TOWNHOUSE,** means a building that has three or more dwelling units attached by a common walls on separate parcels of land, and no dwelling unit is entirely or partially above another. A detached house or semi-detached house that has one or more secondary dwelling units is not a townhouse.

3.274 **TRADESMAN SHOP,** shall mean an establishment where manufacturing is performed by an individual requiring manual or mechanical skills including electrical, plumbing, carpentry or other similar trade work, primarily off-site and where such tradesman may store materials and may have an office.

3.275 **TRAILER, TRAVEL,** shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn by the motor vehicle, 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 and/or that its running gear is removed or screened from view. This definition shall include tent trailers, motor homes, truck campers, or similar transportable accommodation but shall not include a mobile home as defined herein or a transport trailer.

3.276 **TRAILER, TRANSPORT,** shall mean a vehicle towed by a tractor and used for carrying goods and materials.

3.277 **TRANSPORT AND TRUCK TERMINAL,** shall mean a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying trucks, and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying trucks.

3.278 **TRANSPORTATION DEPOT,** shall mean land, structures or buildings used to store, repair, service or dispatch trucks or vehicles and shall include a transport and truck terminal for the loading of transport vehicles, but shall not include an industrial use for which trucks or vehicles are an accessory use.

3.279 **USE,** shall mean the purpose for which any lot, building or structure is designed, arranged, occupied or used.

3.280 **UTILITY TRAILER,** small mean a vehicle used for hauling such items as landscaping material, motorcycle, dirt bike, snowmobile or golf cart.

3.281 **VALUE ADDED AGRICULTURAL PRODUCTS** shall mean a product that has been grown or produced on a farm**,** including outdoors in fields and indoors in farm buildings, greenhouses or other controlled environments, and may have been, but not necessarily, processed into a finished product suitable for retail sale**.**

3.282 **WAREHOUSING,** shall mean a building or structure used for the storage of any goods, wares, merchandise, substance, article or thing, and shall include whatever treatment or packaging that may be necessary for storage but does not include the storage of used tires or hazardous materials.

3.283 **WASTE DISPOSAL SITE OR PROCESSING FACILITY,** shall mean any land, buildings or parts of buildings in which refuse or domestic or industrial waste is deposited or processed and any machinery or equipment or operation for the treatment or disposal of waste.

3.284 **WATERCOURSE,** shall mean the natural channel for a stream of water.

3.285 **WHOLESALE**, shall mean a lot, building or structure used for the resale of goods to persons in large quantities.

3.286 **WIND FARM, COMMERCIAL,** shall mean a development of two or more wind turbines on one or more lots, together with any appurtenances, electrical transmission infrastructure and accessory facilities, where said development is connected to the provincial transmission grid and generating electricity for sale off-site.

3.287 **WIND FARM ACCESSORY FACILITIES,** shall mean those buildings, structures, equipment, machinery, and other devices required for the operation and maintenance of a wind farm, including but not limited to access roads, collector and feeder lines, transformers, transmissions lines, maintenance and control buildings, and sub stations.

3.288 **WIND TURBINE,** shall mean a structure including a tower, nacelle, blades, internal transformers and related appurtenances which is designed to convert wind into useable energy and which its sole purpose is to provide electricity to a building which exists on the same site as the turbine where any excess electricity would be retained on the property or sold into the grid system operated by Ontario Power Authority.

3.289 **WIND TURBINE, COMMERCIAL,** shall mean a structure including a tower, nacelle, blades, internal transformers and related appurtenances which is designed to convert wind into useable energy for the purpose of inclusion into the electrical grid system or an electrical grid system operated by Ontario Power Authority.

3.290 **WIND TURBINE HEIGHT,** shall mean the distance measured from the uppermost vertical extension of any turbine blade to the average finished grade at the base of the tower.

3.291 **YARD,** shall mean an open space on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided in this By-law. In determining the following yard measurements, the minimum horizontal distance between the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used (see illustration):

a. **FRONT YARD,** shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of the main building or structure on the lot;

b. **REAR YARD,** shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of the main building or structure on the lot;

c. **SIDE YARD,** shall mean a yard between the nearest wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line, if no front yard is required) to the rear yard (or rear lot line, if no rear yard is required).

3.292 **YARD, EXTERIOR SIDE,** shall mean a side yard immediately adjoining a street.

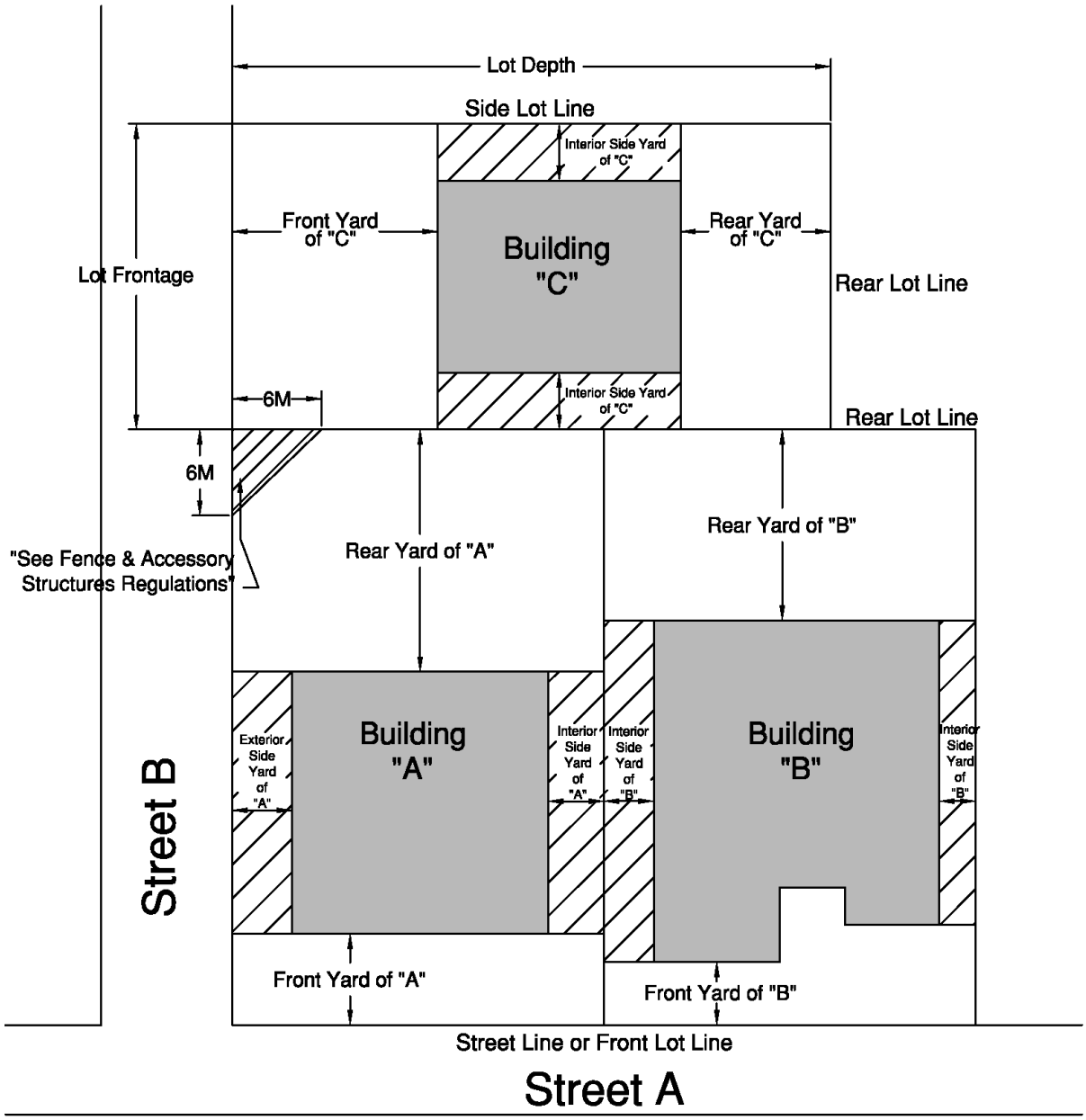
3.293 **YARD, INTERIOR SIDE,** shall mean any side yard other than an exterior side yard.

3.294 **YARD, REQUIRED,** shall mean the minimum yard requirements as established for the various zones contained within this By-law.

3.295 **YOUTH ENGAGEMENT CENTRE** shall mean an institutional facility, funded in whole or in part under an act of the Parliament of Canada or the Province of Ontario or by a not-for-profit organization, with a focus on the provision of various social services to youth. It is a multi-service and multi-agency hub providing a wide range of services for youth in a single location and may include accessory dwellings specifically for the housing of youth participating in the social services provided by the Youth Engagement Centre. Other accessory uses may include services that exclusively support and/or complement the Youth Engagement Centre by providing opportunities for the practicing of life skills.

3.296 **ZONE,** shall mean an area delineated on a zoning map schedule and established and designated by this By-law for a specific use or group of uses.

ILLUSTRATIONS OF YARD DEFINITIONS



Note: The above illustration is for clarification and convienience only and does not form part of this by-law.

SECTION 4 - GENERAL PROVISIONS

4.1 Accessory Uses, Buildings and Structures

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

a) shall not be used for human habitation, except where a residential dwelling unit is a permitted accessory use;

b) shall not be built closer to the front lot line or exterior side lot line than the minimum distance required by this By-law for the main building on the lot unless the lot abuts Lake Erie. Accessory buildings or structures shall not be built closer than 1 m (3.28 ft) from the front lot line for lots that abut Lake Erie;

c) shall not be built closer than 1 m (3.28 ft) to any interior side lot line and 1 m (3.28 ft) to any rear lot line except:
    i) that common semi-detached private garages, decks or carports may be centred on a mutual side lot line;
    ii) that in the case where a side or rear lot line for a commercial or industrial use abuts a residential or holding residential zone, accessory uses, buildings or structure shall comply with the minimum required yard for the main building on the lot;

d) shall not exceed 10 % coverage of the total lot area;

e) shall not exceed 1 storey and the following maximum heights:
    i) in all residential zones, 4.5 m (14.76 ft);
    ii) in all agricultural zones, 6 m (19.68 ft);
    iii) in all other zones, 10 m (32.80 ft);

f) shall not be built within 2 m (6.56 ft) of the main building or from another accessory building, structure or use;

g) shall not be considered as an accessory building or structure if attached to the main building in any way;

h) shall not be permitted without a main building or structure;

i) where a required rear yard abuts a required front yard of an abutting property, the accessory building or structure shall not be located within a triangular space for a distance of 6 m (19.68 ft) measured along the exterior lot line and the interior lot line of the abutting lot (see illustration of “Yard” in the definitions);

j) If a Storage Container as defined herein is intended to be made permanent, it must meet the requirements of the Ontario Building Code;

k) Storage Containers are permitted to have no setback from other Storage Containers; however, Storage Containers shall be setback 2 metres (6.56 feet) from other buildings and structures;

l) Storage Containers, when used as storage buildings, shall have an 8 metres (26.25 feet) wide aisle in front of any doors.

4.1.1 Urban Additional Dwelling Units

An Additional Dwelling Unit shall be permitted on any parcel of urban residential land where a residential use is a permitted main use and adequate municipal water services, sanitary sewer services, and stormwater services are available.

a) A Primary Residential Unit must be existing prior to an Additional Dwelling Unit being constructed;

b) Additional Dwelling Unit(s) will be permitted only in single unit detached, two unit detached, semi-detached, and single unit attached dwellings;

c) Detached Additional Dwelling Units are prohibited from having basements or a second story;
   - An underground utility room with a maximum floor area of 7.43 m^2 (80 ft^2)

d) A maximum of two additional dwelling units will be permitted per lot;
   - Up to two Additional Dwelling Units will be permitted in the Main Building or;
   - One Additional Dwelling Unit will be permitted in the Main Building and one Additional Dwelling Unit will be permitted in an accessory building;

e) One additional standard Parking Space shall be required per additional dwelling unit;
   - A Tandem Parking Space may be utilized for the parking required by the Additional Dwelling Unit;

f) A minimum of one and a maximum of two driveways shall be permitted for Additional Dwelling Units subject to the following:
   - The driveways shall have a minimum width of 3 m (9.84 ft) and a maximum width of 7.5 m (24.61 ft) measured along the street line;
   - The minimum distance between a driveway access and an intersection of street lines, measured along the street line, shall be 9 m (29.53 ft);
   - The minimum angle of intersection between a driveway access and a street line shall be 60 degrees;
   - All driveways/driveway locations are subject to approval of the road authority.
   - Proposed driveways off alleys are subject to review and approval by Engineering Services and may require that upgrades be made to the alley.

g) Provisions for Additional Dwelling units contained in main buildings are the same as the requirements for the main building in the zone;

h) Additional Dwelling Units contained in main buildings are permitted to have a maximum floor area less than or equal to the floor area of the Primary Residential Unit;

i) Additional Dwelling Units must not change the characteristics of the neighbourhood:
- No exterior staircases in the front yard to provide access to the secondary units;
- If the Additional Dwelling Unit is in a zone that does not permit a Two unit Dwelling, only one front door will be permitted. Therefore, access to the secondary and tertiary units must be from the side or rear yard;

j) Setbacks for detached Additional Dwelling Units;

Provisions	Detached Additional Dwelling Unit
Interior Side Yard Setback	1.5 metres (4.92 ft)
Exterior Side Yard Setback	Same as main building requirement in the underlying zone
Rear Yard Setback	1.5 metres (4.92 ft) unless subject to item k) below
Maximum Lot Coverage	15%, including other accessory buildings
Maximum Height	4.5 metres (14.76 ft)
Maximum Floor Area	75% of the existing Dwelling Unit Building Footprint, excluding all attached garages
Setback From Other Structures	2 metres (6.56 ft)

k) Where a Detached Additional Dwelling Unit abuts a street excluding an exterior side yard, the setback from the street shall be 6 metres (19.69 ft), and where it abuts an Alley, the setback shall be 3 metres (9.84 ft);

l) The rear wall of a Detached Additional Dwelling Unit shall be a maximum of 45 metres (147.64 ft) from the street centerline;

m) Detached Additional Dwelling Units are prohibited from being located in a Front Yard, or a Required Exterior Side Yard;

n) There shall be pedestrian access between an Additional Dwelling Unit and a street;
- This access must be 1.5 metres (4.92 ft) wide for emergency personnel to reach a Detached Additional Dwelling Unit if, applicable;

o) Where a Primary Residential Unit is located in a floodplain, an Additional Dwelling Unit within a basement or cellar is prohibited;

p) Additional dwelling units must conform to all Ontario Building Code and Ontario Fire Code regulations.

4.1.2 Rural Additional Residential Units:

Two Additional Residential Units shall be permitted on any Parcel of Rural Residential Land where a residential use is permitted, except for a Farm Help Dwelling or Boarding House and only where adequate services are available subject to this by-law.

a) A Primary Residential Unit (Rural) must be existing prior to an Additional Residential Unit being constructed;

b) A maximum of two Additional Residential Units will be permitted per lot;
   - Up to two Additional Residential Units will be permitted in the Main Building; or
   - One Additional Residential Unit will be permitted in the Primary Residential Unit (Rural) and one Additional Residential Unit will be permitted in an accessory building;

c) One additional standard Parking Space shall be required per Additional Residential Unit; A Tandem Parking Space may be utilized for the parking required by the Additional Residential Unit;

d) Additional Residential Units are prohibited from having a new Driveway.

e) Provisions for Additional Residential Units contained in Main Buildings are the same as the requirements for the Main Building in the zone;
   - Agricultural General Zone (A1) use 22.1.3;
   - Agricultural Restricted Zone (A2) use 23.1.3; and
   - Agricultural Hobby Farm Zone (A3) use 24.1.3;

f) Setbacks for detached Additional Residential Units;

Provisions	Detached Additional Dwelling Unit
Interior Side Yard Setback	Same as main building requirement in the underlying zone
Exterior Side Yard Setback	Same as main building requirement in the underlying zone
Rear Yard Setback	Same as main building requirement in the underlying zone
Maximum Height	Equal to the Height of Primary Dwelling Unit (Rural) to a maximum height of 10 metres (32.81 ft).
Maximum Floor Area	Equal to the existing dwelling building envelope or a maximum of 102.19 m^2 (1100 ft^2), whichever is the lesser.

Setback From Other Structures	2 metres (6.56 ft)

g) The proposed Additional Residential Unit must be built entirely within 45 metres (147.64 feet) of the existing Primary Residential Unit (Rural);

h) Detached Additional Residential Units are prohibited from being located in the Required Exterior Side Yard or the Required Front Yard;

i) Where the Primary Residential Unit (Rural) is located in a floodplain, an Additional Residential Unit within a basement or cellar is prohibited;

j) Additional Residential Units are prohibited from being used as Boarding Houses or Farm Help Dwellings;

k) Additional Residential Units are prohibited from being severed from the Parcel of Rural Residential Land which contains the Primary Residential Unit (Rural); and

l) Additional Residential Units must conform to all Ontario Building Code and Ontario Fire Code regulations.

4.2 Automobile Service Stations, Automobile Washing Establishments, Gasoline Bars or Gasoline Card Lock Facilities

Despite any other provisions contained in this By-law, for all zones within which an automotive service station, automotive washing establishment, gasoline bar, and/or gasoline card lock facility is permitted the following shall apply:

a) Pump Island Location
The minimum setback between the pump island or pumps and any front lot line shall be 4.5 m (14.76 ft) or, where the lot is a corner lot, the minimum setback shall be 3 m (9.84 ft) from an exterior lot line, provided the sight visibility triangle requirements in subsection 4.54 are met.

b) Overhead Canopy Setback
The minimum setback of an overhead pump island canopies shall be 3 m (9.84 ft) from any lot line.

c) Propane Tanks and Gasoline Storage Tanks
No person shall erect or use a bulk propane storage tank at an automobile service station, gasoline card lock facility or gasoline bar, or on any other property where vehicle fuel may be dispensed, unless a license has been obtained from the provincial body having jurisdiction and provided the location is in compliance with the requirements of the Ontario Propane Code and the Gasoline Handling Code, respectively.

d) Separation of an Automotive Washing Establishment from a Residential Zone

Where an Automotive Washing Establishment abuts a Residential Zone, the following requirements shall apply:

i) Despite any other requirements of this By-law for a lot abutting lands zoned for residential use, a drive-through Automotive Washing Establishment shall not be permitted on any lot having a lot area of less than 3,000 m² (32,292.78 ft²) and shall not be located closer than 20 m (65.61 ft) to any lot line abutting such Residential Zone;

ii) No washing or drying operations shall be permitted except within the building designed for the purpose of the Automotive Washing Establishment;

iii) For a drive-through mechanical Automotive Washing Establishment, the building shall be so designed that drying machinery and equipment within the building is furthest removed from the lot line(s) abutting a residential zone, and that cars exiting the building do so also from the side of the building which is furthest removed from the lot line(s) abutting a residential zone.

e) Vacuum and Air Filling Stations

Are permitted in accordance to the approved site plan control agreement and are subject to the sight visibility triangle requirements in subsection 4.54 of this By-law.

f) Required Vehicle Queue Space

On lots where a drive-through Automotive Washing Establishment is to be erected, off-street vehicle queue spaces shall be provided in accordance with the following provisions:

i) Required number and location of queue spaces:

Type of automobile washing establishment	Before each wash bay	After each wash bay
conveyor or mechanical type	10	2
manual type	3	1

ii) Each required queue space shall be at least 3 m (9.84 ft) in width and 6 m (19.68 ft) in length.

4.3 Balconies, Decks and Patios

Patios as defined herein, are not governed by the provisions of this By-law and shall not be included in the calculation of lot coverage. Structures, such as gazebos, on patios will be included in the lot coverage calculation. Outdoor patios on public right of ways are permitted, subject to written permission from the Corporation of the Municipality of Leamington.

Decks, balconies, and commercial decks as defined herein:

a) shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot;

b) shall comply with the side and rear yard requirements of the zone as modified by subsection 4.46 of this By-law;

c) shall be included in the calculation of lot coverage;

d) shall be considered when determining the required parking. The required parking for decks and balconies accessory to commercial uses shall be in accordance with the corresponding site plan agreement.

4.4 Bed and Breakfast Establishments

A bed and breakfast establishment, as defined herein, shall be established in the permitted uses and considered an accessory use, in accordance with the following requirements:

a) that the number of guest suites does not exceed 3 excluding any un-rented bedroom for the use of the owner or operator. The maximum occupancy load for the dwelling unit shall be 10 persons;

b) that the use of the dwelling does not change the residential character of the dwelling;

c) that the use be located only in the main dwelling and not in an accessory building or structure;

d) that the lot fronts on a public and year-round maintained public road;

e) that the use shall only be allowed in a single unit detached dwelling;

f) have at least 1 parking space per guest suite in addition to the main building requirements set out in this By-law;

g) have no external display or advertisement other than an unlit sign attached to the building main wall which is a maximum size of 0.5 m^2 (5.38 ft^2) indicating only the name, occupation and practicing hours of the occupant;

h) that the bed and breakfast establishment is not combined with any other farm occupation, home occupation, group home dwelling or boarding house.

4.5 Boarding House Large and Small

A Large Boarding House and a Small Boarding House as defined herein, shall be established in the permitted uses, in accordance with the following requirements:

a) The establishment of all new Large Boarding Houses and the expansion of existing Boarding Houses are subject to site plan control.

b) The provision of a minimum of 0.5 Bicycle Parking spaces per bed.

c) The provision of required parking spaces in accordance Section 4.41 of this By-law.

d) Home occupations, secondary dwelling units and bed and breakfast establishments are not permitted in or on the same property as Large Boarding House or a Small Boarding House. A secondary dwelling unit in an accessory building is not permitted on a property with the use of a Large Boarding House or a Small Boarding House.

e) Large Boarding Houses, as defined in Section 3 shall include a minimum of 1 loading space per 7 beds of capacity.

f) All other zoning provisions that pertain to single unit detached dwelling on lands zoned R1 through R3 respectively shall apply to Small Boarding Houses.

g) All other zoning provisions that pertain to multi-unit dwellings on lands zoned R4 through R6 respectively shall apply to Large Boarding Houses.

4.6 Boat Docks and Boat Houses

Notwithstanding any other provision of this By-law to the contrary, a boat house, pump house or a dock may be erected and used in the rear yard of a lot abutting a navigable waterway provided such accessory building or structure is located no closer than 1 m (3.28 ft) to the side lot line, and that no building or structure shall exceed 5.2 m (17.06 ft) in height above the high water datum. Proponents will be required to obtain a permit from the Conservation Authority and the Ministry of Natural Resources prior to undertaking work.

4.7 Bus, Transport Trailers or Recreational Vehicles “Parking”

a) In any zone, where the sale of goods are permitted, no bus, transport trailer, recreational vehicle or other similar vehicle shall be parked and used for wholesale or retail sale of goods, articles or things for a period of more than 15 days within any given calendar year.

b) In any Residential Zone, parking of a recreational vehicle shall be permitted between the months of April to October. The lot on which the vehicle is parked must have a residential dwelling unit.

4.8 Bus, Transport Trailers or Recreational Vehicles “Storage”

a) In any zone, no bus, transport trailer or other similar vehicle shall be used for the living, sleeping or eating accommodation within the Corporation of the Municipality of Leamington whether or not the same is mounted on wheels.

b) In any zone, no recreational vehicle shall be used for the living, sleeping or eating accommodation of persons for a period of more than 15 consecutive days or unless such vehicle is located within a licenced trailer campground. The lot on which the vehicle is used must have a residential dwelling unit.

c) In any zone, no bus, transport trailer, recreational vehicle or other similar vehicle shall be used as a permanent office or for storage purposes.

d) In any zone, the owner or occupant of any lot shall not store a recreational vehicle or other similar vehicle in any front yard or exterior side yard. Such vehicle may be stored in any rear or interior side yard behind or beside the main building within 0.5 m (1.64 ft) of the interior side lot line and 1m (3.28 ft) from the rear lot line. Notwithstanding this, owners or occupants of any lot abutting Lake Erie may store such vehicles in the front or interior side yards only. The lot on which the vehicle is stored must have a dwelling unit.

4.9 Change of Use

A permit is required from the Corporation of the Municipality of Leamington prior to a change of use in an existing building. Subsection 4.41 of this By-law regarding the provision of parking also applies to a change of use.

4.10 Conformity With Existing Setbacks

Notwithstanding any other provisions of this By-law, in any zone where a building is erected on a lot between existing buildings on lots not more than 45 m (147.63 ft) apart and within the same block and fronting on the same street, the minimum setback may be equal to the average setback of the adjacent buildings, provided that this depth is not less than 3 m (9.84 ft) from the front lot line. This setback need not be greater than the setback required for the zone in which said building is located.

4.11 Converted Dwellings

A converted dwelling, as defined herein, shall comply with the following provisions:

a) each unit after conversion contains a minimum floor area of 50 m^2 (538.21 ft^2);

b) the building is structurally suitable for the proposed conversion;

c) the external appearance of the building as a single unit detached dwelling is preserved;

d) municipal services are available for all units; and

e) provided there is no change in the external appearance or addition of the dwelling as a result of the conversion and provided all other requirements of this By-law are met;

Units located within single unit attached dwellings, multi unit dwellings, semi detached dwellings and two unit dwellings shall not be permitted to be converted.

4.12 Cumulative Standards

Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.

When a building, structure or lot accommodates more than one use, the delivery space requirements, loading space requirements and parking space requirements for such a building, structure or lot shall be the sum of the requirements for the separate uses thereof, unless exempted elsewhere in this By-law.

4.13 Driveway Regulations

Driveways shall be permitted in any yard, in any zone, in accordance with the requirements of this By-law or corresponding site plan agreements provided they comply with the provisions for sight visibility triangles of this By-law:

a) a driveway serving a residential use shall have a minimum width of 3 m (9.84 ft) and a maximum width of 7.5 m (24.60 ft) measured along the street line. A driveway for a commercial or industrial use shall be a maximum of 9 m (29.52 ft) and subject to the approved site plan control agreement. A driveway for any other use shall have a width of 3 m (9.84 ft) minimum, 9 m (29.52 ft) maximum, measured along the street line;

b) the minimum distance between a driveway access and an intersection of street lines, measured along the street line, shall be 9 m (29.52 ft);

c) the minimum angle of intersection between a driveway access and a street line shall be 60 degrees;

d) each dwelling unit, excluding dwelling units contained in a multi unit dwelling, shall be limited to one driveway access. Every other lot shall be limited to a minimum of 1 driveway access and a maximum of 2 driveway accesses, unless approved by Site Plan Control.

e) Driveways for Additional Dwelling Units are as per section 4.1.1

4.14 Dwelling Units in a Non-Residential Buildings or on Non-Residential Lots

Where an accessory dwelling or accessory dwelling unit is a permitted use in a non-residential building or on a non-residential lot, the following requirements shall apply:

a) the dwelling or dwelling unit complies with Section 4.51;

b) the dwelling or dwelling unit shall have a separate parking space as set out in Section 4.41;

c) the dwelling shall comply with all applicable setbacks and other zone standards in the zone in which the dwelling is located;

d) no dwelling unit shall be permitted in a commercial building used for an automotive service i.e. auto body shop, auto repair garage, automotive service station, automotive sales establishment, automotive washing establishment, gasoline bar, gasoline card lock facility, commercial parking lot, a recreational vehicle sales, storage and repair establishment, or a sales, storage and repair establishment for boats, snowmobiles, all terrain vehicles or similar sports equipment;

e) accessory buildings and structures associated with residential uses are subject to 4.1 of this By-law.

4.15 Existing Lots

An existing lot having less than the minimum lot frontage or lot area required by this By-law may be developed for all uses in the appropriate zone provided all other regulations of this By-law are satisfied; and:

a) such lot could have been legally conveyed on the date of passing of this By-law without consent under the Planning Act, as amended from time to time. Lots created by consent on or before the passing of this By-law and granted subject to the fulfillment of specific conditions shall also be considered as being legally conveyable for the purposes of this subsection;

b) such lots are serviced by municipal water and sanitary sewage facilities or meet the requirements for private services;

c) such lots front on a public road or a private road in a residential zone;

d) such lots have a minimum lot frontage of 12 m (39.37 ft.); and

e) notwithstanding any other regulations of this By-law, where a use, building or structure was legally established on a lot, and such lot was subsequently altered as a result of a project of a public authority (such as a road construction project or a easement or right-of-

way) or by expropriation of municipal provincial or federal acquisition thereby causing the use, building or structure to contravene any regulations of the By-law, the said use, building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that any regulations which are currently not met, are not further contravened and that all regulations which are complied with, are not contravened by any works undertaken.

4.16 Farm Occupations

Farm occupations, as defined herein, shall be established in the permitted uses and considered an accessory use, and shall be permitted in accordance with the following provisions:

a) the farm occupation does not change the character or use of the farm for agricultural purposes and does not significantly alter the appearance of the farm operation, dwelling or accessory structure;

b) the farm occupation does not create or become a nuisance, particularly with respect to noise, traffic or parking;

c) the farm occupation does not have any external storage of materials or containers in the front or exterior side yard;

d) be clearly secondary to the agricultural use of the property and have only members of the family permanently residing at the property and no more than one assistant at any given time engaged in the business;

e) have no external display or advertisement other than an unlit sign attached to the building main wall which is a maximum size of 0.5 m^2 (5.38 ft^2) indicating only the name, occupation and practicing hours of the occupant;

f) not use mechanical equipment, the operation of which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premise;

g) if located in the dwelling unit, not occupy more than 25 % of the gross floor area of the dwelling unit including in the gross floor area any basement or attached garage, or 30 m^2 (322.92 ft^2) whichever is the lesser. If located in an accessory building, not occupy more than 200 m^2 (2,152.85 ft^2) within the accessory building;

h) have the location of all parts of a farm occupation, other than parking, confined within a building;

i) have at least but no more than two off-street parking spaces associated with the farm occupation in addition to the main building requirements;

j) not be used to assemble or rally such persons for transportation to a work site;

k) not have more than five persons present in the dwelling at any time to receive treatment, services or instructions;

l) not include any on-site retail store as part of the farm occupation, except for a specialty retail store or a road side stand;

m) not include any commercial vehicles, parked outdoors, in association with the farm occupation;

n) includes such occupations or activities but is not limited to: road side stands, equestrian schools, carpentry shops, welding shops, small scale packing and shipping facilities, tradesman's shops, specialty retail stores, small tool and equipment repair shops, a tile drainage contractor, a seed corn or an agricultural products dealer and any other use similar in nature which conforms to the preceding criteria or which the Committee of Adjustment, upon application, permits.

4.17 Farm Worker Dwelling, On-Site And Off-Site

An Off-site Farm Worker Dwelling and On-site Farm Worker Dwelling , as defined herein, shall be established in the permitted uses of the applicable agricultural zones (A1, A2, A3, A5), in accordance with the following requirements:

a) Site Plan Control is required for the development of an On-site Farm Worker Dwelling, as part of a site plan control submission for greenhouses;

b) Site Plan Control is required for the establishment of all new Farm Worker Dwellings and the expansion of existing Farm Worker Dwellings;

c) A minimum of 0.5 Bicycle Parking spaces per bed shall be provided on-site;

d) Required parking shall be provided in accordance with the provisions of Section 4.41 of this By-law;

e) For A5 zones only, an amendment to the Zoning By-law where required to permit an Off-Site Farm Worker Dwelling pursuant to Policy 3.1.2.1 of OPA 8;

f) All other zoning provisions that pertain to main building on lands zoned A1, A2 and A3 and A5 respectively shall apply to Off-site Farm Worker Dwellings and On-site Farm Worker dwellings, except that:

    i) the maximum Lot Coverage, including required parking and bicycle parking areas shall be a maximum of 4.0%;

    ii) the provision of a minimum of 1 Loading space per dwelling unit.

4.18 Fences

Fences, as defined herein, shall be permitted subject to the following regulations:

a) within any area zoned Residential (R1, R2, R3, R4, R5, R6) fences are permitted in any required rear, interior side and exterior side yards and the maximum height shall be 2 m (6.56 ft) and in no case, shall be located less than 6 m (19.68 ft) from the front lot line. Where a required rear yard abuts a required front yard of an abutting property, the maximum height of the fence within a triangular space shall be 1.2 m (3.93 ft) for a distance of 6 m (19.68 ft) measured along the exterior lot line and the interior lot line of the abutting lot, or has no visual obstruction (see illustration of “Yard” in the definitions);

b) within any area zoned Agricultural (A5), fences are permitted in any required rear, interior side and exterior side yards and the maximum height shall be 2 m (6.56 ft);

c) within any area zoned Agricultural (A1, A2, A3, A4), fences are permitted around the entire parcel with no maximum height;

d) within any other zone, fences are permitted in any required rear, interior and exterior yards and the maximum height shall be 3 m (9.84 ft) and shall be required in the corresponding site plan agreement;

e) fences must comply with the provisions of section 4.54 of this By-law for sight visibility triangles and the Corporation of the Municipality of Leamington Swimming Pool By-law;

f) if the property is abuts Lake Erie, fences will not be permitted in the required rear yard, unless the fence is less than 1.2 m (3.93 ft) or has no visual obstructions.

4.19 Floodplain Development Control Areas

The Floodplain Development Control Area as shown on Schedule "A" of this By-law is that area which lies within the regulatory (1:100 Year) floodplain of the adjacent watercourse. Notwithstanding any other provisions within this By-law, no building or structure or part thereof shall be erected, enlarged or reconstructed in the Floodplain Development Control Area without a permit/clearance issued by the relevant Conservation Authority.

Within this area, there is a Floodway Zone, the extent of which can be determined from the definition in this By-law. Development within the Floodway will only be permitted provided that it is consistent with works of a conservation authority, public or private passive parks. No buildings or structures shall be erected or used in the Floodway, except buildings or structures used for flood control and passive recreational purposes.

That area within the Floodplain Development Control Area but outside the Floodway Zone shall only be developed in accordance with the provisions for the underlying zones and shall be floodproofed to the satisfaction of the relevant Conservation Authority to ensure that structures satisfy minimum Provincial flood hazard requirements and that the proposed works do not

adversely impact existing conditions at the building location as detailed in relevant Conservation Authorities Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

4.20 Flood Protection Measures - Lake Erie

Development on all lands within Lake Erie Floodprone Area shown on Schedule "A" of this By-law shall be subject to the following additional regulations:

a) For the West Side of Point Pelee

The lowest opening to any building or structure shall be above the minimum elevation of 176.44 m (578.87 ft) Geodetic Survey Canada (GSC) only when combined with a setback of 60 m (196.85 ft) where no shore protection works are installed. Should the owner request a lesser setback, the flood protection measures will need to be increased based on the preparation of a coastal engineering study, prepared by a qualified professional engineer to the satisfaction of the Conservation Authority. All protective works must be installed in accordance with the findings of the approved engineering report. The minimum finished grade elevation within a minimum horizontal distance of 2 m (6.56 ft) of all external walls shall be at or above elevation 176.14 m (577.88 ft).

b) For the East Side of Point Pelee

The lowest opening to any building or structure shall be above the minimum elevation of 176.36 m (578.60 ft) Geodetic Survey Canada (GSC) only when combined with a setback of 125 m (410.10 ft) where no shore protection works are installed. Should the owner request a lesser setback, the flood protection measures will need to be increased based on the preparation of a coastal engineering study, prepared by a qualified professional engineer to the satisfaction of the Conservation Authority. All protective works must be installed in accordance with the findings of the approved engineering report. The minimum finished grade elevation within a minimum horizontal distance of 2 m (6.56 ft) of all external walls shall be at or above elevation 176.06 m (577.62 ft).

4.21 Frontage on Streets, Highways or Roads or Private Roads and Exemptions

a) Street, Highway or Road

Except for a condominium project where the condominium agreement provides for the ongoing maintenance of any highway, street or road providing direct access to a dwelling therein or land uses on one lot with multiple ownership and/or multiple use, no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a highway, street or road (developed in accordance with municipal standards) as per the requirements of the respective zone within which the lot is situated. For the purposes of this By-law a street, highway or road does not include an unopened road allowance. In the case of Natural Hazards, matters

shall satisfy ingress and egress standards as referenced in the Provincial Policy Statements under the Planning Act.

b) Exemptions

The requirements for frontage on a highway, street or road shall be exempted for the following circumstances:

i) for a public utility;
ii) for any passive outdoor recreational use or activity (e.g. recreational trails or similar activities);
iii) for a landlocked parcel accessed by a registered easement or right-of-way existing on the effective date of this By-law;
iv) for a lot of record where access is via an existing private road or registered easement or right-of-way.

c) Maintenance or Subdivision Agreement

Despite subsection (a) above, where a maintenance or subdivision agreement exists between the Corporation of the Municipality of Leamington and a land owner(s) and is registered on title, frontage on an unopened or unmaintained street, highway or road or right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the zone standards set out in the corresponding zone or an exception thereto.

4.22 Garden Suites

Subject to the passing of a site specific temporary use by-law under Section 39 of the Planning Act, a maximum of one garden suite shall be permitted as a separate dwelling unit to a permitted main residential use on the same lot, provided that:

a) the minimum lot area is 460 m^2 (4,951.56 ft^2);
b) the maximum floor area of the garden suite is 60 m^2 (645.85 ft^2);
c) the maximum height of the garden suite is 6 m (19.68 ft);
d) the garden suite is located in a rear or interior side yard and meets the minimum yard and lot coverage requirements set out in the corresponding zone; and
e) the dwelling unit is set back a minimum of 3 m (9.84 ft) from any rear or side lot line.

A garden suite shall only be permitted where the owner of the property has entered into an agreement with the Corporation of the Municipality of Leamington under the Municipal Act to register the name(s) of the occupant(s), to govern the appearance and maintenance of the structure and its removal when the dwelling has been vacated, the occupant(s) die or the temporary use By-law expires, whichever is applicable. A separate dwelling cannot be a recreational vehicle or a mobile home.

4.23 Group Home Dwellings

Group home dwellings in the form of single unit detached dwellings shall be permitted anywhere single unit dwellings are permitted. A lot that is occupied by a group home dwelling shall be at least one 100 m (328.08 ft) from another lot that is occupied by a group home dwelling.

4.24 Height Exceptions

The height regulations of this By-law shall not apply to prevent the erection, alteration or use of the following accessory buildings or structures provided the main use is a use permitted within the zone in which it is located: ornamental dome, chimney, tower, barn on a farm, cupola, steeple, church spire, belfry, water storage and fuel tanks, elevator enclosure, flag pole, television or radio antennae, ventilator, electrical apparatus, solar energy collection device, skylight, grain elevator, or a structure which encloses the mechanical equipment required for the operation of such building or structure.

4.25 Home Occupations

Home occupations, as defined herein shall, shall be established in the permitted uses, considered an accessory use, and shall be permitted in accordance with the following provisions:

a) the home occupation does not change the character or use of the dwelling for residential purposes and does not significantly alter the appearance of the dwelling or accessory building;

b) not create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or parking;

c) have no external storage of materials, containers or finished products;

d) be clearly secondary to the residential use of the property and have only members of the family permanently residing at the property and no more than one assistant at any given time engaged in the business;

e) have no external display or advertisement other than an unlit sign attached to the building main wall which is a maximum size of 0.5 m^2 (5.38 ft^2) indicating only the name, occupation and practicing hours of the occupant;

f) not use mechanical equipment, the operation of which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premise;

g) if located in the dwelling unit, not occupy more than 25 % of the gross floor area of the dwelling unit including in the gross floor area any basement or attached garage, or 30 m^2 (322.92 ft^2) whichever is the lesser. If located in an accessory building, not occupy more than 30 m^2 (322.92 ft^2) within the accessory building;

h) have the location of all parts of a home occupation, other than parking, confined within a building;

i) have at least but no more than two off-street parking spaces associated with the home occupation, in addition to the main use requirements;

j) not be used to assemble or rally such persons for transportation to a work site;

k) not have more than five persons present in the dwelling at any time to receive treatment, services or instructions;

l) not include any on-site retail store as part of the home occupation;

m) not include any commercial vehicles, parked outdoors, in association with the home occupation;

n) includes such occupations or activities but is not limited to: an office or consulting room for business or professional people, agents, computer and other communication technicians, house builders, painters, electricians, charitable organizations; a workroom for caterers, dressmakers or tailors; a studio for teachers of music, art or academic subjects; ceramic and other home crafts, photographers, commercial artist, tool sharpeners, barber shops, hairstylists, hairdressers, aesthetic shops, massage therapists, mail order establishments, home child care establishments that for remuneration provides temporary day care centre to not more than five children; and any other use similar in nature which conforms to the preceding criteria or which the Committee of Adjustment, upon application, permits.

4.26 Illuminations

Illumination of buildings and grounds shall be permitted provided that:

a) illumination shall not cause direct or indirect glare on a street, highway or road that may interfere with traffic or pedestrian safety;

b) illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals;

c) illumination shall not cause direct or indirect glare on land or buildings in a residential zone;

d) illumination shall be directed downward; and

e) illumination shall not create a nuisance for abutting properties.

Lighting direction and location may also be addressed through site plan control under the provisions of the Planning Act.

4.27 Keeping of Animals

The keeping of livestock shall only be permitted in an Agricultural Zone.

The keeping of all other animals shall be subject to Animal Control By-laws of the Corporation of the Municipality of Leamington.

4.27.1 Keeping Chicken and Fowl in the Agricultural Residential (A5) Zone

In the A5 zone, the keeping of chicken and fowl is permitted in accordance with the following provisions:

a) Chicken and fowl including but not limited to:
   - i) Chickens
   - ii) Cornish hens
   - iii) Duck
   - iv) Geese
   - v) Grouse
   - vi) Guinea fowl
   - vii)Partridge
   - viii) Pheasant
   - ix) Quail

b) Roosters, Cassowaries, Emus, Kiwis, Ostriches, Rheas, Peafowl, Swans, Turkeys, and other like animals are prohibited.

c) A minimum of 3 chicken or fowl on properties over 0.12 ha and;

   i. A maximum of 6 chicken or fowl in any combination are permitted on properties under 0.2 ha.
   ii. A maximum of 10 chicken or fowl in any combination are permitted on properties over 0.2 ha.

d) The sale of Chicken and fowl, Chicken and fowl products, and Chicken and fowl by-products is prohibited.

e) All manure and deceased animals are to be disposed of in accordance with Ontario Ministry of Agricultural Food and Rural Affairs (OMAFRA) guidelines and are not to be stored on site.

f) Chicken and fowl are to be contained within a coop or run at all times on properties equal to or less than 0.2 ha) in area.

g) Free-range chicken and fowl are permitted on properties greater than 0.2 ha in area; properties are required to be fenced to contain chicken and fowl on the property, if they are to be free-range.

h) A minimum of 0.5 m^2 per animal is required for the Coop, along with a minimum of 1 m^2 per animal for the run; coops and runs shall not exceed the maximum accessory building height, shall be a minimum of 4.5 m from any abutting lot line, and shall be a minimum distance of 4.5 m from all windows and doors of dwelling units. Coops shall not exceed 10 m^2 in area.

i) The care of animals is to be in accordance with the OMAFRA guidelines.

j) All coops and runs are to be setback from municipal drains and watercourses in accordance with Section 4.52 of this by-law.

k) Keeping of pigeons is to be in accordance with By-law 04-20 and shall not be affected by this By-law.

4.28 Kennels

Dog kennels and boarding kennels, as defined herein, shall be established in the permitted uses, in accordance with the following provisions:

a) Unless located within a dwelling, no new dog kennel shall be permitted closer than 60 m (196.85 ft) to an existing residential dwelling on a lot other than the lot upon which the dog kennel is proposed and must be licensed by the Corporation of the Municipality of Leamington.

b) No proposed residential dwellings shall be permitted closer than 60 m (196.85 ft) to an existing licensed dog kennel.

4.29 Lake Erie Shoreline Setback Regulations

No part of any building or structure, other than a fence, hedge or shoreline protective work shall hereafter be erected in any zone or Defined Area:

a) within 30 m (98.42 ft) of the water's edge of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the water's edge where adequate erosion facilities and shore protection works accounting for 1:100 year wave run-up levels as designed or approved by a qualified engineer have not been constructed;

b) within 7.5 m (24.60 ft) of the water's edge of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the water's edge, where adequate erosion facilities and shore protection works accounting for 1:100 year wave run-up levels as designed or approved by a qualified engineer have been constructed and certified by a qualified engineer as built to design standards.

4.30 Land Suitability For Uses

Despite any other provision of this By-law, no habitable building or structure shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome, that the development is approved by the Corporation of the Municipality of Leamington, and that the requirements of the Ontario Building Code with respect to construction or the installation of an individual on-site sewage and water system, where required, can be met. This provision does not apply to lands identified as having natural heritage features and areas.

4.31 Landscaped Open Spaces

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

a) any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations or permitted outdoor storage areas shall be maintained as landscaped open space, except that this provision shall not apply to any Agricultural Zone;

b) except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space;

c) shall be subject to the sight visibility triangle requirements in subsection 4.54 of this By-law;

d) 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; and

e) if the property abuts Lake Erie, landscaping will not be permitted in the required rear yard, unless the landscaping is less than 1.2 m (3.93 ft) or has no visual obstructions.

4.32 Loading Spaces

No person shall erect or use any building or structure in any Zone for any commercial or industrial purpose involving the movement of goods or persons unless loading spaces are provided and maintained in accordance with the following provisions:

a) no loading space shall be required unless the total floor area exceeds 450 m^2 (4,842.91 ft^2);

b) required loading spaces shall not be less than 3.5 m (11.48 ft) wide by 9 m (29.52 ft) long and 4.5 m (14.76 ft) in height for clearance purposes;
c) for each loading space, there shall be an accompanying apron not less than 3.5 m (11.48 ft) wide by 9 m (29.52 ft) long;

d) where a loading area is situated on a lot line abutting a Residential Zone or an intervening lane separating such loading area from a Residential Zone, the loading area shall be completely screened therefrom by building walls or a uniformly constructed and solid fence, wall or door or any combination thereof, not less than 2.5 m (8.20 ft) in height;

e) no loading area shall be located within 9 m (29.52 ft) of the nearest point of intersection of any 2 street lines;

f) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Corporation of the Municipality of Leamington;

g) the loading space and approaches shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

h) the lights used for illumination of the loading space shall be so arranged as to divert the light away from adjacent lots and from interference with street traffic.

4.33 Mechanical Units

Mechanical Units and Storage Tanks as defined herein, shall be permitted in any yard, in any agricultural, commercial, or industrial zone, in accordance with the requirements of this By-law, and corresponding site plan agreement, provided they comply with the provisions of this By-law for the following:

a) Sight Visibility Triangles
b) Inland Watercourses
c) Municipal Drains
d) Minimum Separation Distances
e) Easements and Right-of-Ways

All Mechanical Units and Storage Tanks are required to be setback a minimum of 4 metres from the Street Line.

Mechanical Units and Storage Tanks shall also be required to meet the requirements of the Ontario Building Code and the requirements of any other approval authority (Ministry of Transportation, Technical Standards and Safety Authority, Electrical Safety Authority, etc. or their successors).

Mechanical Units and Storage Tanks, when located in an area regulated by a conservation authority or an event-based area, shall be required to contact the relevant conservation authority to determine if a permit or clearance is required. If a permit or clearance is required, it must be submitted as part of a complete application.

4.34 Minimum Separation Distances

No person shall use any land, building or structure for a sensitive land use (e.g. residential use, daycare centre, educational or health facility) or for the use that would impact the sensitive land use as identified unless it complies with the following minimum separation distance. Separation distances shall be measured as set out for the respective requirement.

a) Industrial Uses

i) for a Class I Light Industrial, the minimum separation distance from a sensitive land use shall be 20 m (65.61 ft);

ii) for a Class II Medium Industrial, the minimum separation distance for this industrial classification from a sensitive land use shall be 70 m (229.65 ft);

iii) for a Class Ill Heavy Industrial, the minimum separation distance from a sensitive land use shall be 300 m (984.25 ft);

iv) no buildings, truck parking, loading and unloading area or outside storage will be permitted within 60 m (196.85 ft) of any lot line of the Mount Carmel/Blytheswood Public School. Further, no Class III Industry – Heavy Industrial Use as defined will be permitted within 500 m (1,640.41 ft) of any lot line of the Mount Carmel/ Blytheswood Public School.

v) the separation distance shall be measured as the shortest horizontal distance from property line to property line. The separation distance may be measured from the closest distance from the property line of a sensitive land use to the building line of an industrial building, or an approved outside storage area under the following circumstances:

i. where the intervening area is devoted to and exclusively used for landscaping;

ii. where the intervening area is used exclusively as a non-employee parking area.

b) Pits and Quarries

i) The minimum separation distance between the boundary of a pit and a sensitive receptor shall be 150 m (492.12 ft) measured as the shortest horizontal distance from the zone boundary of the A4 Zone or the maximum approved limit of the excavation, whichever is the lesser, and the closest property line of the sensitive land use. The separation distance shall apply on a reciprocal basis with respect to establishing a new pit. This provision shall not apply to infill on any existing lot of record approved or zoned for a sensitive use as of the effective date of this By-law.

ii) The minimum separation distance between the boundary of the quarry and a sensitive receptor shall be 500 m (1,640.41 ft) measured as the shortest horizontal distance from the zone boundary of the A4 Zone or the maximum approved limit of the excavation, whichever is the lesser, and the closest property line of the sensitive land use. The separation distance shall apply on a reciprocal basis with respect to establishing a new quarry. This provision shall not apply to infill on any existing lot of record approved or zoned for a sensitive use as of the effective date

of this By-law.

iii) The minimum setback between any pit or quarry excavation and the boundary of the site, also known as an excavation setback area, shall be 15 m (49.21 ft).

iv) The minimum setback between a pit or quarry excavation and the boundary of the site, also known as an excavation setback area, shall be 30 m (98.42 ft) from any part of the boundary of the site that abuts a highway, land in use for residential purposes at the time the licence was issued, land restricted to residential use by a zoning by-law when the licence was issued, or from any body of water that is not the result of excavation below the water table.

c) Agricultural Use

Any livestock facility, manure facility or dwelling shall comply with the Minimum Distance Separation Formulae (MDS) I and II, where applicable. This provision shall not apply to infill on any existing lot of record approved or zoned for a sensitive use as of the effective date of this By-law and which is 2 ha (4.94 ac) or less in size. For the purposes of the MDS, any cemetery shall be classified as a Class B land use. Existing non-farm residential uses may be replaced where destroyed by a catastrophic event and will be exempted from MDS I and II. MDS I shall not limit the expansion of an existing use or the construction of accessory buildings and structures on the property.

d) Setback from Oil Wells

No dwelling or structure shall be erected within 75 m (246.06 ft) from an existing oil well.

No development shall occur directly over a well which has been decommissioned and every well shall be decommissioned to Provincial standards.

e) Hydro Electric Power Transmission Corridor

No building or structure shall be erected within 30 m (98.42 ft) of the right-of-way limit of a power transmission corridor carrying a 250 KV line or greater, unless approval from the power authority having jurisdiction has been received.

f) Municipal Trails

No building or structure shall be erected within 4.5 m (14.76 ft) of the right-of way limit of a municipal trail.

g) Irrigation and Storm Water Management Ponds

No irrigation or storm water management ponds shall be constructed within 3 m (9.84 ft) of any lot lines, in any zone.

4.35 Mobile Homes

Mobile homes shall be prohibited within the Corporation of the Municipality of Leamington, unless listed as a permitted use within the zone or Defined Area or specifically permitted by a temporary

use by-law passed by the Council of the Corporation of the Municipality of Leamington or in accordance with subsection 4.57 of this By-law.

4.36 Multiple Uses

Notwithstanding anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, but no dwelling shall be located within 3 m (9.84 ft) of any other building on the lot except a building accessory to such dwelling.

4.37 Natural Heritage Features and Areas

a) development and site alteration shall not be permitted in significant habitat of endangered species and threatened species or provincially significant wetlands;

b) development and site alteration shall not be permitted in significant wildlife habitat or significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions;

c) development and site alteration shall not be permitted in significant fish habitat except in accordance with provincial and federal requirements or approvals;

d) development and site alterations shall not be permitted on adjacent lands within 30 m (98.4 ft) of fish habitat, within 50 m (164.0 ft) of significant wildlife habitat, within 50 m (164.0 ft) of areas of natural and scientific interest and within 120 m (393.7 ft) of provincially significant wetlands unless the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or their ecological functions.

4.38 Non-Compliance with Minimum Lot or Yard Requirements

Where an existing building or structure is located on a lot having less than the minimum lot frontage and/or lot area required by this By-law, or having less than the minimum setback, front yard, side yard, rear yard, or flood protection measures required by this By-law, the said building or structure, including foundation, may be reconstructed, repaired, enlarged or renovated provided that the repair or renovation of the existing said buildings or structures, or any part thereof, does not further increase any existing non-compliance and complies with the other setback and yard requirements of the applicable zone. Notwithstanding the preceding, such enlargement, repair or renovation shall not apply to the construction of an additional storey, an accessory building or structure or be allowed if the same results in the continuation of an existing or the establishment of a new encroachment onto abutting property.

4.39 Non-Conforming Uses

a) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, providing such use has been continuous since that date or interrupted by fire damage or natural disaster for a period of less than 3 years and not used for any other purpose.

b) Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use of any building or structure for a purpose prohibited by this By-law of any building or structure the plans for which have been submitted no more than thirty days prior to the date of the passing of the By-law, and have been approved for zoning requirements by the Planner, so long as the building or structure when erected is completed in conformity with such plans and is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure commenced within two years after the date of the passing of the By-law and such building or structure is completed in conformity with such plans expeditiously after the construction thereof is commenced.

c) Permitted Exterior Extension

A building, which at the date of passing of this By-law was used for a purpose not permissible within the zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building is hereafter to be used for a purpose permitted within such zone and complies with all requirements of this By-law for such zone.

d) Permitted Interior Alteration

The interior of any building lawfully used on the date of passing of this By-law for a use that is not permitted within the zone that such building is located may be reconstructed or structurally altered in order to render the same more convenient or commodious for the same purpose for which, at the passing of this By-law, such building was used.

e) Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure.

4.40 Outside Storage, Sales and Displays

Outside storage, sales and display of goods and materials shall be in accordance with subsection 4.1 of this By-law and with the following provisions:

a) The area used for outside display and sale in Commercial and Industrial Zones shall not be more than twice the floor area above grade of the commercial building or portion of any such building constructed upon the lot and used for the commercial purposes for which outside display and sale is permitted and in any event, such area for outside display and sale shall not be more than 35 % of the lot area.

b) Any areas used for permitted outside display and sale in Commercial and Industrial Zones shall be in addition to and separate from such areas as may be required by this By-law for the provision of parking and loading spaces. Prior to the establishment of an area for the outside display and sale of goods and materials, the owner shall file in writing with the Corporation of the Municipality of Leamington a notice thereof giving full particulars including a sketch or survey of the lands to be used in relation to all buildings or other structures on the same lot. If outside storage is abutting a Residential Zone, a privacy fence will be required.

c) Outside storage of goods and materials in Residential Zones which is not associated with landscaping is permitted in the required rear yard only or in the required interior side yard if the area is surrounded by a privacy fence.

d) Outside storage, sales and display area are subject to the sight visibility triangle requirements in subsection 4.54 of this By-law.

4.41 Parking Area Requirements

Parking areas shall be permitted in any yard, in any Zone, in accordance with the requirements of this By-law or corresponding site plan agreements provided they comply with the provisions for sight visibility triangles of this By-law.

For every type of building listed below which is erected, altered or enlarged in any Zone after the passing of this By-law, or for which the use is being changed, off-street parking shall be provided and maintained in accordance with the following provisions, except that land within the areas shown on Schedule "B" to this By-law, shall be exempt from the parking requirements of this subsection if cash-in-lieu of parking is paid in accordance with the Corporation of the Municipality of Leamington’s Cash-In-Lieu of Parking By-law:

Type of Use/Building	Minimum Number of Spaces Required
Single Unit Detached Dwelling	2.0 spaces
Two Unit Dwelling	2.0 spaces per dwelling unit
Semi-Detached Dwelling	2.0 spaces per dwelling unit
Single Unit Attached Dwelling	2.0 spaces per dwelling unit
Converted Dwelling	2.0 spaces per dwelling unit
Multiple Unit Dwelling	1.5 spaces per dwelling unit
Nursing Home	1.0 space per 2 beds of capacity
Apartment/Condominium	1.5 spaces per dwelling unit

Type of Use/Building	Minimum Number of Spaces Required
Dwelling	
Rooming House	1.0 space for 2 beds of capacity
Boarding House, Large	1.0 space for 3 beds of capacity
Boarding House, Small	1.0 space for 2 beds of capacity
Group Home Dwelling	1.0 space per unit plus 1.0 space per worker
Dwelling Unit above a Commercial Use	1.5 spaces per unit
Farm Worker Dwelling, Off-site	1.0 space per 6 beds of capacity
Farm Worker Dwelling, On-site	1.0 space per 6 beds of capacity
Farm Occupations	2.0 spaces
Home Occupations	2.0 spaces
Bed and Breakfast Establishment	1.0 space per guest suites
Retail Store	3.3 spaces per 93 m² (1,001.07 ft²) of gross floor area
Grocery Store	5.0 spaces per 93 m² (1,001.07 ft²) of gross floor area
Office: On-Site Service Off-Site Service	 6.1 spaces per 93 m² (1,001.07 ft²) of floor area 3.3 spaces per 93 m² (1,001.07 ft²) of floor area
Personal and Other Service	3.3 spaces per 93 m² (1,001.07 ft²) of gross floor area
Financial Institution	6.0 spaces per 93 m² (1,001.07 ft²) of gross floor area
Gas Bar and Service Station	1.0 space per service island and 2.0 spaces per service bay
Convenience Store	5.0 spaces per 93 m² (1,001.07 ft²)of gross floor area
Automobile Rental Establishment	3.3 spaces per 93 m² (1,001.07 ft²) of gross floor area
Restaurant: Full-Service Drive-through/Fast-Food Restaurant: Take-out Only	 15.0 spaces per 93 m² (1,001.07 ft²) of gross floor area 15.0 spaces per 93 m² (1,001.07 ft²) of gross floor area 12.0 spaces per 93 m² (1,001.07 ft²) of gross floor area
Entertainment/Recreation and Other Assembly Occupancy Places not Specifically Listed	20.0 spaces per 93 m² (1,001.07 ft²) of gross floor area
Taxi Service	1.0 space for every taxi plus 1.0 space for every employee

Type of Use/Building	Minimum Number of Spaces Required
Auction Establishment	5.0 spaces per 93 m² (1,001.07 ft²) of display area
Motel and Hotel	1.0 space per rental room plus 11.0 spaces per 93 m² (1,001.07 ft²) of assembly areas.
Furniture and Appliance Store	2.0 spaces per 93 m² (1,001.07 ft²) of gross floor area
Department Store	4.5 spaces per 93 m² (1,001.07 ft²) of gross floor area
Shopping Centre	4.5 spaces per 93 m² (1,001.07 ft²) of gross floor area
Industrial Storage/Warehousing	1.0 space per 93 m² (1,001.07 ft²) of gross floor area for the first 20 spaces after which the required spaces shall be as established in the corresponding site plan agreement
Self Storage/Warehousing	0.5 space per 93 m² (1,001.07 ft²) of gross floor area for the first 5 spaces after which the required spaces shall be as established in the corresponding site plan agreement
All Industrial Uses Other Than Those Specifically Listed in This Table	3.0 space per 93 m² (1,001.07 ft²) of gross floor area for the first 50 spaces after which the required spaces shall be as established in the corresponding site plan
Greenhouse	1.0 space per every 2 ha (4.94 ac) of growing area
Religious Institution	1.0 space per 5 seats of seating capacity
Elementary School	1.0 space per classroom plus 1.0 space for every 9 m² (96.87 ft²) of gross floor area for any gym or auditorium
Secondary School	7.5 space per classroom plus 1.0 space for every 9 m² (96.87 ft²) of gross floor area for any gym or auditorium
Library	1.0 space for every 2 employees plus a parking area for visitors with a minimum capacity of 10 parking spaces or 1 space for every 200 m² (2,152.85 ft²) of building floor area, whichever is greater
Funeral Home	1.0 space per 5 seats of seating capacity
Hospital	2.5 spaces for every 1 bed of capacity
On-farm diversified retail use	3.3 spaces per 93 m² (1001.07 ft²) of gross floor area

The parking requirements for any new use not specifically listed in the foregoing table shall be in accordance with the corresponding site plan agreement.

Barrier Free Parking:
In addition to each parking area required above, with the exception of low density residential dwellings, parking for people with physical disabilities shall be provided at a location specified through site plan control or by the Chief Building Official and in accordance with the following:

a) One parking space for the use of persons with disabilities, which meets the requirements of a Type A parking space, where there are 12 parking spaces or fewer.

b) Four percent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:

    i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
    ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.

c) One parking space for the use of persons with disabilities and an additional three percent of parking spaces for the use of persons with disabilities, where there are between 101 and 200 parking spaces must be parking spaces for the use of persons with disabilities, calculated in accordance with ratios set out in subparagraphs 2 i and ii, rounding up to the nearest whole number.

d) Two parking spaces for the use of persons with disabilities and an additional two percent of parking spaces for the use of persons with disabilities, where there are between 201 and 1,000 parking spaces must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number.

e) Eleven parking spaces for the use of persons with disabilities and an additional one percent of parking spaces for the use of persons with disabilities, where more than 1,000 parking spaces are provided must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number.

All Barrier free spaces must be accompanied by Access Aisles. Access Aisles may be shared by two parking spaces for the use of persons with disabilities in an off-street parking facility and must meet the following requirements:

a) They must have a minimum width of 1.5 m (4.92 ft).

b) They must extend the full length of the parking space.

c) They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

All Barrier-free parking spaces shall be accompanied by a sign indicating that they are for the use of persons with disabilities.

a) The sign is to be an RB-93 Parking By Permit Only, Regulatory Sign.

Exceptions are permitted in accordance with current AODA regulations.

4.42 Parking Area Standards

Parking areas shall be permitted in any yard, in any Zone, in accordance with the requirements of this By-law or corresponding site plan agreements provided they comply with the provisions for sight visibility triangles of this By-law.

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

a) the parking areas, driveways and driveway approaches in all Zones other than the Agricultural Zones not subject to site plan control shall be hard surfaced to the satisfaction of the Corporation of the Municipality of Leamington. Agricultural Zones not subject to site plan control require only driveway approaches to be hard surfaced from the paved portion of the right of way to at least the right of way limits;

b) if an addition or a change of use is made to the building or structure, then additional parking spaces shall be provided as required by subsection 4.41 for such addition;

c) when a building or lot accommodates more than one use or purpose, the required parking spaces shall be the sum of the required parking spaces for the separate uses or purposes. Parking facilities for one use shall not be considered as providing required parking for any other use. Parking for freestanding buildings on shopping centre sites shall be provided at the applicable rate for the shopping centre. Big box retail store shall provide parking at the rate applicable to a comparably sized shopping centre;

d) if calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number;

e) additional requirements for parking areas will be determined through the use of site plan control.

4.43 Parking Provisions for Residential Zones

a) in any Residential Zone, for all lots other than a lot abutting Lake Erie, all parking spaces shall be located in a garage or carport or on a driveway in a side, rear, or front yard;

b) in a Residential Zone where the lots abut Lake Erie, all parking spaces shall be located in a garage or carport or in a front or side yard;

c) in any Residential Zone, no vehicle shall be parked on any part of a lot other than in a garage, carport, designated parking area or on a driveway.

4.44 Parking of Commercial Motor Vehicles in Residential Zones

The parking of commercial motor vehicles as defined herein is prohibited in Residential Zones except that the owner or occupant of any lot, building or structure may park a maximum of one commercial motor vehicle on the lot provided the vehicle has a dimension not greater than 2.5 m (8.20 ft) of width, 2.5 m (8.20 ft) of height above ground and 6 m (19.68 ft) of length or parked within an enclosed garage.

4.45 Parking of Transport Tractors and Transport Trailers Used for Non-Agricultural Purposes in the Agricultural Zones

Notwithstanding any other provisions of this By-law to the contrary, the parking of not more than one transport tractor used for non-agricultural purposes and not more than one transport trailer used for non-agricultural purposes is permitted in the Agricultural Zone provided:

a) the truck is operated only by those residing on the subject property;

b) an access permit is obtained from either the Corporation of the Municipality of Leamington, Ministry of Transportation or the County depending on the road jurisdiction (access upgrades may be required in many instances);

c) on-site truck and trailer parking is not located closer than 9 m (29.52 ft) to any lot line.

Nothing in this subsection is intended to restrict the operation or use of any transport truck or transport trailer used and operated in association with a permitted agricultural use being carried out on the subject property.

Provisions pertaining to the parking of transport trucks in Residential Zones are addressed in subsection 4.43 of this By-law and is entitled, Parking of Commercial Motor Vehicles in Residential Zones.

4.46 Permitted Encroachments in Required Yards

Every part of any required yard established by this By-law shall be open and unobstructed by any structure, other than a fence, from the ground upward, provided that those structures listed in the following table shall be permitted to project into the required yards indicated for the distances specified provided the building location complies with the minimum required yard setbacks of the applicable zone:

Structure	Required Yard In Which Projection Is Permitted	Amount of Encroachment Allowed
sills, belt courses, cornices, eaves, gutters, chimneys or pilasters	any yard	0.6 m (1.96 ft)
fire escapes, enclosed staircases and grade entrances	exterior side and rear yards	1.5 m (4.92 ft) subject to a maximum width of 4.5 m (14.76 ft)
window bays, canopies and awnings	front, rear and exterior side yards	0.9 m (2.95 ft) over a maximum width of 3 m (9.84 ft)
balconies and decks	any yard for multiple dwellings; rear yards and exterior side yards for all other dwelling types	2.5 m (8.20 ft), except where there is a common dwelling wall there is no interior side yard requirement 2.5 m (8.20 ft)
open, roofed porches not exceeding one storey in height	rear yards only	2.5 m (8.20 ft) including eaves and cornices
satellite dishes attached to the main structure	any yard	0.6 m (1.94 ft)
steps and landings	any yard	1 m (3.28 ft)
barrier free access	any yard, however must stay out of the sight visibility triangle	as required
free-standing outdoor furnace, air conditioning units and other such devices	rear and exterior side yards	1.5 m (4.92 ft)

4.47 Permitted Public and Other Uses

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Corporation of the Municipality of Leamington, the Essex Power Corporation or by any local Board thereof as defined by the Municipal Act, the Corporation of the County of Essex, any department of the Government of Ontario or Canada, Bell Telephone, Union Gas or Hydro One, and the provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of communication towers and other uses not regulated by the Corporation of the Municipality of Leamington, provided that with respect to all of the foregoing:

a) any building erected or lot used in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings and uses of the type permitted in the zone;

b) and satisfies the setback requirements of all zones, including sight visibility triangle; and

c) any parking and loading regulations for these uses are complied with.

4.48 Previously Approved Variances

The provisions of this By-law shall not apply to prevent the erection of any building or structure on a lot which, when such building or structure is constructed, would comply with a minor variance to By-law 4300-96 or By-law 4380 for that same lot, granted by the Committee of Adjustment for the Corporation of the Municipality of Leamington, the Township of Mersea or the Town of Leamington.

4.49 Prohibited Uses

a) it shall be prohibited to use any land or to erect and use any building or other structure in any zone or Defined Area for the purpose of salvage yards, wrecking yards, automobile salvage yards, used tire warehousing, a waste disposal site or processing facility, concrete or asphalt batching plants, the collection of rags, junk, any refuse, hazardous material, scrap iron, or other scrap metals unless such uses are specifically listed as permitted uses within a particular zone or Defined Area;

b) uses not listed as permitted uses in a zone or Defined Area in this By-law shall be prohibited in such zone or Defined Area;

c) drive-through associated with uses permitted in the C1 Zone or abutting a Residential Zone shall be prohibited;

d) the temporary storage of material and equipment in the road allowance particularly when development is occurring on abutting property shall be prohibited.

4.49.1 Reserve

Where a lot is separated from a street or a highway by a reserve and for the purpose of determining compliance with this By-law:

a) such reserve shall be deemed to constitute part of the said lot;

b) any required yard or setback shall be measured to the boundary of the road allowance of the street or highway; and

c) the lot and lot lines shall be interpreted to be as they existed prior to the taking of the reserve."

4.50 Screening and Buffering

Screening and buffering is a permitted use in any yard in any zone within this By-law provided it complies with the provisions of this By-law for sight visibility triangles and shall be required in the corresponding site plan agreement.

4.51 Servicing Requirements for all Developments

No person shall use any lot or erect, alter or use any building or structure in any zone or Defined Area within the Corporation of the Municipality of Leamington unless such land, building or structure is serviced with municipal water and municipal sanitary sewers or some other sewage and water system in compliance with the Building Code Act or the Environmental Protection Act, whichever applies.

4.52 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 or an open municipal drain than 8 m (26.24 ft) plus the depth of the watercourse or drain to a maximum of 15 m (49.21 ft), 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 is covered, the minimum setback shall be 3 m (9.84 ft) from the centerline of the drain. Note that this provision may not satisfy development within lands under the jurisdiction of the Conservation Authority. The Conservation Authority should be contacted to determine the actual limit of Regulation.

4.53 Setbacks from Easements or Right-Of-Ways

No part of any building or structure other than a fence shall hereafter be erected in any zone or Defined Area on a registered easement or right-of-way.

4.54 Sight Visibility Triangles

Notwithstanding any other provisions of this By-law, within the triangular space included between the street lines for a distance of 7 m (22.96 ft) in Agricultural Zones and 9 m (29.52 ft) in all other Zones, from the point of intersection, or 4.5 m (14.76 ft) where an alley intersects another alley or where an alley intersects a street, no building or structure including a sign or fence, unless of open mesh or unobstructed construction, or any outside storage or parking shall be erected or permitted. No shrubs or foliage shall be planted or maintained which obstruct the view of a driver of a vehicle approaching the intersection unless they are below a height of 0.8 m (2.62 ft) above the centreline grade of the intersecting street.

4.55 Site Plan Control

The development of all new buildings and establishments listed as a permitted uses in this By-law shall be subject to site plan control according to Section 41 of the Planning Act.

4.56 Street Frontage Requirements

No person shall erect any building or structure unless the lot upon which such building or structure is to be erected has lot frontage upon a street which has been assumed and maintained by the Corporation of the Municipality of Leamington, the County, the Province of Ontario or some other road authority in such a manner so as to permit its use by vehicular traffic. A building or structure may be erected upon a lot within a registered plan of subdivision provided that it is in accordance with the provisions of a Subdivision Agreement, in respect of such plan of subdivision notwithstanding that the streets within such plan of subdivision have not been assumed and are not yet being maintained by the Corporation of the Municipality of Leamington, the County, the Province or some other road authority. The same shall apply to development of lots created through the consent process where a development agreement has been executed.

Notwithstanding the previous paragraph, for the purposes of this subsection, private roads that existed on the date of adoption of this By-law shall be considered as streets despite the fact that such roads have not been assumed by the Corporation of the Municipality of Leamington. This subsection shall only have effect for the purpose of applying provisions of this By-law and not to the consideration and granting of consents. This subsection shall also not imply any obligation on the Corporation of the Municipality of Leamington to assume and/or develop any private road into a public street or to maintain it for private or public purposes.

4.57 Temporary Buildings

Temporary buildings are not permitted with the exception of those permitted in subsection 4.58 of this By-law and those permitted as a result of the execution of a temporary use by-law. In no case shall the building or structure be permitted for more than 1 year from the issuance of a Building Permit.

4.58 Temporary *Construction Uses*

The temporary use of buildings and structures incidental and necessary for construction or restoration work will be permitted in all zones and Defined Areas, but only for so long as the same are necessary for construction or restoration work.

Notwithstanding any other section of this By-law to the contrary, a mobile home may be used as a temporary dwelling for a period not to exceed 180 days after a building permit has been issued in those instances where a dwelling is being constructed, reconstructed or restored on the same lot, provided:

a) the mobile home is connected to the existing water and sanitary facilities to the satisfaction of the Corporation of the Municipality of Leamington;

b) the mobile home complies with specifications CAN/CSA-Z240.2.1 or CAN/CSA-Z241 Series-M contained within the Ontario Building Code;

c) an agreement is executed between the land owner and the Corporation of the Municipality of Leamington ensuring, among other things, that the mobile home is removed by a specified date.

4.59 Uses Permitted in all Zones

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

4.60 Walls, Antennae, Signs, Light Standards, Etc.

Notwithstanding any other provision of this By-law, freestanding walls, antennae, signs, light standards with lighting deflected away from adjacent residential lots, and similar accessory buildings or structures are permitted in any required rear and required side yard provided that they comply with the provisions of this By-law for sight visibility triangles. Where a required rear yard abuts a required front yard of an abutting property, the similar accessory buildings or structures shall not be located within a triangular space for a distance of 6 m (19.68 ft) measured along the exterior lot line and the interior lot line of the abutting lot (see illustration of “Yard” in the definitions).

4.61 Wayside Pits and Portable Asphalt Plants

Wayside pits and portable asphalt plants shall be permitted in all zones except for Residential, Floodplain Development Control Area and Environmental Protection Zones without an amendment to this By-law provided all other necessary approvals are obtained.

4.62 Wind Energy and Renewable Energy Systems

Wind energy and other renewable energy systems such as solar, biomass, anaerobic digester shall be permitted in all zones, in accordance with provincial and federal requirements.

All wind turbine or wind farm developments shall only be permitted if the following provisions have been satisfied:

a) a Wind Resources Assessment has been completed by the proponent to the satisfaction of the Corporation of the Municipality of Leamington and any approval agency;

b) all site requirements have been met to the satisfaction of the Corporation of the Municipality of Leamington.

This section shall not be deemed to limit the Corporation of the Municipality of Leamington's authority to impose other measures through the site plan control process under Section 41 of the Planning Act.

4.63 Yard and Open Space Provisions for All Zones

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

4.64 Zone

Where a lot is divided into more than one zone under the provisions of this By-law, each portion of the said lot shall be used in accordance with the most similar zone requirements of this By-law for the applicable zone.

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.

SECTION 6 - RESIDENTIAL ZONE (R1) REGULATIONS

6.1 General Use Regulations

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

6.1.1 Permitted Uses

a) Residential uses;

b) garden suite, in accordance with subsection 4.22 of the By-law;

c) one home occupation per dwelling unit in accordance with the provisions of subsection 4.25 of this By-law;

d) one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;

e) accessory use, including only one detached hobby greenhouse smaller than 10 m² (107.64 ft²) in floor area.

f) one small boarding house per lot in accordance with the provisions of Section 4.5 of this By-law;

6.1.2 Permitted Buildings and Other Structures

a) One single unit detached dwelling per lot;

b) buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law.

6.1.3 Zone Provisions

Zone Provision	Single Unit Detached Dwelling Requirement
Minimum Lot Area	465 m² (5,005.38 ft²) or 1,400 m² (15,069.96 ft²) for lots without municipal sanitary sewers
Minimum Lot Frontage	15 m (49.21 ft) or 30 m (98.42 ft) for lots without municipal sanitary sewers

Zone Provision	Single Unit Detached Dwelling Requirement
Maximum Lot Coverage	35 % (includes accessory buildings and structures)
Maximum Lot Coverage with ADU	45% (includes accessory buildings and structures)
Minimum Landscaped Open Space	50 %
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	6 m (19.68 ft) or 15 m (49.21 ft) for lots without municipal sanitary sewers
Minimum Interior Side Yard	1.5 m (4.92 ft) or where there is no attached garage, 1.5 m (4.92 ft) on one side and 3 m (9.84 ft) on the other side
Minimum Exterior Side Yard	4.5 m (14.79 ft) or 6 m (19.68 ft) where any garage door opening is located 15 m (49.21 ft) for lots without municipal sanitary sewers
Minimum Rear Yard	6 m (19.68 ft)

6.2 Exceptions

The special regulations contained in subsection 6.2 shall apply to the area or areas defined below.

6.2.1 Defined Area R1-1 as shown on Schedule "A", Map 1 to this By-law

a) Permitted Uses
A tradesman's shop and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 6.1.3 of this By-law.

d) Other
All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-1.

6.2.2 Defined Area R1-2 as shown on Schedule "A", Map 1 to this By-law

a) Permitted Uses
One two unit dwelling and accessory uses or the uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i) Minimum Lot Area	1,400 m² (15,069 ft²) per dwelling unit;
ii) Minimum Lot Frontage	6 m (19.68 ft) per dwelling unit;
iii) Maximum Lot Coverage	35 % (including accessory buildings and structures);
iv) Minimum North Yard	15 m (49.21 ft);
v) Minimum South Yard	6 m (19.68 ft²);
vi) Minimum West Yard	6 m (19.68 ft²);
vii) Minimum East Yard	1.5 m (4.92 ft).

d) Other Requirements
Notwithstanding any other requirement of this By-law to the contrary, no minimum yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit. All other requirements pertaining to lands zoned R1 shall also apply to lands zoned R1-2.

6.2.3 Defined Area R1-3 as shown on Schedule "A", Map 13 to this By-law

a) Permitted Uses
A surplus goods sales establishment and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law.

d) Other
All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-3.

6.2.4 Defined Area R1-4 as shown on Schedule “A”, Map 17 to this By-law

a) Permitted Uses
An automobile body repair shop, an automobile sales and service establishment and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law.

d) Other
All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-4.

6.2.5 Defined Area R1-5 as shown on Schedule "A", Map 35 to this By-law

a) Permitted Uses
One multiple dwelling with a maximum of 4 dwelling units and accessory uses.

b) Permitted Buildings and Other Structures
The existing building and the addition of a second storey above the existing building resulting in a building having not more than two storeys for the multiple dwelling, and accessory buildings and structures in accordance with subsection 4.1 of this By-law.

c) Zone Provisions
All lot and building requirements shall be in accordance with the following requirements:

i)	Minimum Lot Area	924 m² (9,946.17 ft²);
ii)	Minimum Lot Frontage	24 m (78.74 ft);
iii)	Maximum Building Height	2 storeys;
iv)	Minimum Front Yard	7 m (22.96 ft);
v)	Minimum Side Yard	2.5 (8.20 ft);
vi)	Minimum Rear Yard	6 m (19.68 ft).

d) Other Requirements
All those provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-5, except that all parking area standards, landscaping, buffering and other similar items shall be governed through site plan control and not the provisions of this By-law.

6.2.6 Defined Area R1-6 as shown on Schedule "A", Map 47 to this By-law

a) Permitted Uses
Offices, excluding legal, medical and veterinarian offices and accessory uses in addition to the uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The existing building and additions only and their expansion in accordance with subsection 6.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law.

d) Other
All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-6.

6.2.7 Defined Area R1-7 as shown on Schedule "A", Map 47 to this By-law

a) Permitted Uses
A parking lot accessory to the restaurant on the south west corner of the Erie Street and Coronation Avenue intersection or the uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 6.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the uses permitted in subsection 6.1.1 of this By-law shall be in accordance with subsections 6.1.3 of this By-law. Notwithstanding any other provisions of this By-law to the contrary, all requirements for the parking lot shall be as follows:

i) the area used for parking shall be set back a minimum distance of:
   i. 4 m (13.12 ft) from the southern lot line;
   ii. 4 m (13.12 ft) from the western lot line;
   iii. 1 m (3.28 ft) from the northern lot line; and
   iv. 1 m (3.28 ft) from the eastern lot line;

ii) each parking space shall be at least 3 m (9.84 ft) by 6 m (19.68 ft) and shall be provided with unobstructed access to a street by a driveway, the minimum driveway width shall be 6 m (19.68 ft);

iii) the parking area shall have a finished cement or solid asphalt or any other permanent type of surfacing and the limits of said parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance, and to prevent the encroachment of vehicles on adjoining property;

iv) all other details regarding the parking area and the balance of the subject property shall be addressed through site plan control.

d) Other
All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-7.

6.2.8 Defined Area R1-8 as shown on Schedule "A", Map 54 to this By-law

a) Permitted Uses
A small vacation resort lodge with a maximum of eleven dwelling units designed to accommodate not more than twenty-two guests at any one time and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law. Building permits for the vacation resort lodge shall not be issued until such time as site plan agreements are signed and adequate sewage facilities are approved.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law.

d) Other
All other provisions that pertain to lands zoned R1 shall also pertain to lands zoned R1-8.

6.2.9 Defined Area R1-9 as shown on Schedule "A", Map 43 to this By-law

a) Permitted Uses
A small equipment repair shop in addition to the uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law.

d) Other
All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-9.

6.2.10 Defined Area R1-10 and R1-10 (h) as shown on Schedule "A", Map 46 to this By-law

a) Permitted Uses
Uses permitted in subsection 6.1.1 for lands zoned R1-10 and existing uses and the

extraction of sand and gravel and accessory uses, except that no facility or equipment associated with the crushing, washing and screening of aggregate shall be permitted on land zoned R1-10 (h).

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law for the residential uses and in accordance with the licence issued for the extractive uses. Access to and from the extractive area shall be from Essex Road 20.

d) Other
On those lands zoned R1-10 (h), the h symbol shall be removed in accordance with the criteria established in the Official Plan. All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-10.

6.2.11 Defined Area R1-11 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses
A maximum of ten fully serviced mobile homes and the uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses and not more than ten mobile homes.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law.

d) Other
All other provisions pertaining to lands zoned R1 shall also apply to lands zoned R1-11.

6.2.12 Defined Area R1-12 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
Not more than two multiple dwellings with a maximum of 18 dwelling units and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 6.1.3 of this By-law.

d) Other
All other provisions that pertain to lands zoned R1 shall also pertain to lands zoned R1-12.

6.2.13 Defined Area R1-13 as shown on Schedule "A", Map 67 to this By-law

a) Permitted Uses
A restaurant and one dwelling unit and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 6.1.3 of this By-law.

d) Other
All other provisions that pertain to lands zoned R1 shall also pertain to lands zoned R1-13.

6.2.14 Defined Area R1-14 as shown on Schedule "A", Map 68 to this By-law

a) Permitted Uses
A variety store, gas bar and bicycle rental establishment and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 6.1.3 of this By-law.

d) Other
All other provisions that pertain to lands zoned R1 shall also pertain to lands zoned R1-14.

6.2.15 Defined Area R1-15 as shown on Schedule "A", Map 58 to this By-law

a) Permitted Uses
An ambulance dispatch and storage establishment and accessory uses in addition to the

uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 6.1.3 of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R1 shall also apply to lands zoned R1-15.

6.2.16 Defined Area R1-16 as shown on Schedule "A", Map 58 to this By-law

a) Permitted Uses
A variety store, automobile service station and accessory uses in addition to the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 6.1.3 of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R1 shall also apply to lands zoned R1-16.

6.2.17 Defined Area R1-17 as shown on Schedule "A", Map 57 to this By-law
(By-law 422-14, ZBA No. 97, 26-282 Seacliff Drive West – as approved by OMB Order)

a) Permitted Uses

i) retail store, including an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sale of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records and musical instruments, paint and wallpaper, photo equipment and processing, sewing apparatus, sporting goods, stationery, and wearing apparel.

This term includes, but is not limited to, a grocery store, specialty food store, antique store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business.

This term does not include an adult retail establishment, lumber yard, building supply outlet or bulk sales establishment, secondhand store, wholesale business, convenience store, department store, flea market, auction establishment, or shopping centre.

ii) office uses, including professional and medical offices, excluding medical offices with dispensaries, accommodation for in-patient care or operating rooms for major surgery for humans and offices for veterinarians.

iii) the existing residential use within the existing single detached dwelling;

b) Permitted Buildings and Other Structures
The permitted structures shall be those existing on the date of the passing of the by-law

c) Zone Provisions
All zone provisions shall be as they existed on the date of the passing of the by-law;

d) Other
Required parking shall be provided for the permitted uses in accordance with Sections 4.41 and 4.42 of this by-law.

6.2.18 Defined Area R1-18 as shown on Schedule "A", Map 57 to this By-law

a) Permitted Uses
The uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i) no minimum lot frontage requirement;
ii) main buildings shall be setback a minimum of 12 m (39.37 ft) from all lot lines;
iii) accessory buildings and structures shall be in accordance with subsection 4.1 of this By-law except that a swimming pool shall be permitted in the south yard only, shall not be located within 1.5 m (4.92 ft) of any lot line and shall not have water circulating or treatment equipment such as pumps or filters located closer than 3 m (9.84 ft) to the east, west or south lot lines.

d) Other Provisions
All other provisions that pertain to lands zoned R1 shall also apply to lands zoned R1-18.

6.2.19 Defined Area R1-19 as shown on Schedule "A", Map 58 to this By-law

a) Permitted Uses
The uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i)	Minimum Lot Area	1,400 m² (15,069.96 ft²);
ii)	Minimum Lot Frontage	15 m (49.21 ft);
iii)	Maximum Lot Coverage	35 % (including accessory buildings and structures);
iv)	Minimum North Yard	40 m (131.23 ft);
v)	Minimum South Yard	6 m (19.68 ft);
vi)	Minimum West Yard	1.5 m (4.95 ft);
vii)	Minimum East Yard	1.5 m (4.95 ft);
viii)	Other Requirements	All other requirements pertaining to lands zoned R1 shall also apply to lands zoned R1-19 except that subsection 4.29, Lake Erie Shoreline Setback Regulations shall not apply to lands zoned R1-19. In addition, notwithstanding any other provisions of the R1-19 Zone to the contrary, no building or (cont'd) structure shall be located within 60 m (196.85 ft) of the water's edge.

d) Other Provisions
All other provisions that pertain to lands zoned R1 shall also apply to lands zoned R1-19.

6.2.20 Defined Area R1-20 as shown on Schedule "A", Map 58 to this By-law

a) Permitted Uses
The uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
No part of any building or structure shall be located:

i) closer than 30 m (98.42 ft) to the foot of the Lake Erie embankment, measured horizontally along a line perpendicular to a line drawn along the foot of the embankment;

ii) closer than 1 m (3.28 ft) to the southern limit of the registered right-of-way;
iii) further than 60 m (196.85 ft) from the foot of the Lake Erie embankment, measured horizontally along a line perpendicular to a line drawn along the foot of the embankment;
iv) closer than 1.5 m (4.92 ft) to any side lot line.

d) Other Provisions
Subsection 4.29, Lake Erie Shoreline Setback Regulations do not apply to lands zoned R1-20. All other provisions that pertain to lands zoned R1 shall also apply to lands zoned R1-20.

6.2.21 Defined Area R1-21 as shown on Schedule "A", Map 66 to this By-law

a) Permitted Uses
The uses permitted in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in section 6.1.2 of this By-law

c) Zone Provisions
Zone provisions for the permitted buildings and structure shall be in accordance with subsection 6.1.3 except the minimum frontage shall be according to the approved application for plan of subdivision.

d) Other Provisions
All other provisions that pertain to lands zoned R1 shall also apply to lands zoned R1-21.

6.2.22. Defined Area R1-22 and R1-22(H) as shown on Map 43, Schedule "A" of this By-law

(By-law 297-13, ZBA No. 67, S/S Oak Street West & 54-80 Oak Street West)

a) Permitted Uses
A school and accessory uses or the uses permitted in the R1 Zone as indicated in subsection 6.1.1 of this By-law. However, in the event the lands are used for a school, no other permitted use may occupy the same site.

b) Permitted Buildings and Other Structures
i) Buildings and structures for the permitted uses
ii) Accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 6.1.3 except in the case of a school, the following shall apply:

i) Minimum Lot Area: 7.9 hectares;
ii) Minimum Required Parking Spaces: 250 or as approved by site plan;
iii) All other requirements of subsection 21.1.3 (Institutional Zone Provisions) shall apply.

d) Other

The Holding (H) provision in relation to school development will be removed by Council upon receipt of satisfactory verification of suitable environmental condition and an acceptable site plan agreement has been approved by Council.

6.2.23 Defined Area R1-23 as shown on Map 57, Schedule "A" of this By-law.

(By-law 360-14, ZBA No. 86, 468 & 474 Seacliff Drive West)

a) Permitted Uses

The uses permitted in the R1 zone as indicated in subsection 6.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 6.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 6.1.3 of this By-law, except as follows:

i) **East Interior Side Yard Setback**

Notwithstanding any other provisions of this By-law, the required side yard setback from the eastern property line shall be 10.6 m for all main and accessory structures.

ii) **Sight Visibility Triangle**

Notwithstanding any other provisions of this By-law, a sight line visibility triangle shall be measured within the triangular space between Seacliff Drive West and Pine Crest Drive for a distance of 9 m (29.52 ft) along the property line. No building or structure including a sign or fence, unless of open mesh or unobstructed construction, or any outside storage or parking shall be erected or permitted. No shrubs or foliage shall be planted or maintained which obstruct the view of a driver of a vehicle approaching the intersection unless they are below a height of 0.8 m (2.62 ft) above the centreline grade of the intersecting street.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned R1 shall also pertain to lands zoned R1-23.

6.2.24. Defined Area R1-24 as shown on Map 38, Schedule "A" of this By-law.

(By-law 77-18, ZBA No. 180, 156 Talbot Street West)

a) Permitted Uses

A two unit residential dwelling in addition to the uses permitted in the Residential Zone (R1), as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R1 shall also pertain to lands zoned R1-24.

6.2.25. Defined Area R1-25 as shown on Map 44, Schedule "A" of this By-law.
~~(By-law 19-22, ZBA No. 249, 6 Georgia Avenue – as per OLT Order OLT-22-003916)~~
(By-law 24-25, ZBA No. 333, 6 Georgia Avenue – as per OLT Order OLT-25-000314)

a) Permitted Uses
The uses permitted in the Residential Zone (R1), as indicated in subsection 6.1.1 of this By-law or a total of two (2) Large Boarding Houses to accommodate a total of 29 occupants as follows:

i) One (1) Large Boarding House within the existing Single detached Dwelling; and
ii) One (1) Large Boarding House within the existing Accessory Building.

The use of the Boarding Houses shall be permitted until January 31, 2028.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 6.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions
A minimum of two (2) standard parking spaces, sixteen (16) bicycle parking spaces and a total of zero (0) loading spaces shall be provided.

All other provisions of this By-law pertaining to lands zoned Residential Zone (R1) shall also pertain to lands zoned Residential Zone (R1-25).

6.2.26 Defined Area R1-26 as shown on Schedule "A", Map 67 of this By-law.
(By-law 103-25, ZBA No. 361, 918 and VL East of 918 Point Pelee Drive)

a) Permitted Uses
The uses permitted in the Residential Zone (R1) as indicated in subsection 6.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 6.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i)	Minimum Lot Area	557.42 m^2 (6,000.00 ft^2);
ii)	Minimum Lot Frontage	19.55 m (64.15 ft);
iii)	Maximum Lot Coverage	35 % (including accessory buildings and structures);
iv)	Max Building Height	2 storeys
v)	Minimum Front Yard	0.23 m (2.50 ft);
vi)	Minimum East Yard	1.5 m (4.92 ft) or where there is no attached garage,1.5 m (4.92 ft) on one side and 3 m (9.84 ft) on the other side;
vii)	Minimum West Yard	1.5 m (4.92 ft);
viii)	Minimum Rear Yard	6 m (19.68 ft).

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned Residential Zone (R1) shall also pertain to lands zoned Residential Zone (R1-26), save and except parking shall be a minimum of one space per dwelling unit."

6.2.27 Defined Area R1-27 as shown on Schedule "A", Map 67 of this By-law.
(By-law 103-25, ZBA No. 361, 918 and VL East of 918 Point Pelee Drive)

a) Permitted Uses
The uses permitted in the Residential Zone (R1) as indicated in subsection 6.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 6.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i)	Minimum Lot Area	244.98 m^2 (2,637.00 ft^2);
ii)	Minimum Lot Frontage	19.55 m (64.15 ft);
iii)	Maximum Lot Coverage	35 % (including accessory buildings and structures);
iv)	Max Building Height	2 storeys
v)	Minimum Front Yard	0.61 m (2.00 ft);
vi)	Minimum East Yard	1.5 m (4.92 ft)
vii)	Minimum West Yard	1.5 m (4.92 ft);
viii)	Minimum Rear Yard	6 m (19.68 ft).

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned Residential Zone (R1) shall also pertain to lands zoned Residential Zone (R1-27), save and except parking shall be a minimum of one space per dwelling unit.

6.2.28 Defined Area R1-28 as shown on Schedule "A", Map 67 of this By-law.

(By-law 103-25, ZBA No. 361, 918 and VL East of 918 Point Pelee Drive)

a) Permitted Uses

The uses permitted in the Residential Zone (R1) as indicated in subsection 6.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 6.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i)	Minimum Lot Area	243.87 m^2 (2,625.00 ft^2);
ii)	Minimum Lot Frontage	19.55 m (64.15 ft);
iii)	Maximum Lot Coverage	35 % (including accessory buildings and structures);
iv)	Max Building Height	2 storeys
v)	Minimum Front Yard	0.51 m (1.7 ft);
vi)	Minimum East Yard	1.5 m (4.92 ft)
vii)	Minimum West Yard	1.5 m (4.92 ft);
viii)	Minimum Rear Yard	6 m (19.68 ft).

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned Residential Zone (R1) shall also pertain to lands zoned Residential Zone (R1-28), save and except parking shall be a minimum of one space per dwelling unit.

SECTION 7 - RESIDENTIAL ZONE (R2) REGULATIONS

7.1 General Use Regulations

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

7.1.1 Permitted Uses

a) Residential uses;

b) one home occupation per dwelling unit in accordance with the provisions of subsection 4.25 of this By-law;

c) one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;

d) accessory uses, including only one detached hobby greenhouses smaller than 10 m² (107.64 ft²) in floor area, in accordance with the provisions of subsection 4.1 of this By-law.

7.1.2 Permitted Buildings and Other Structures

a) One single unit detached dwelling per lot; or

b) one converted dwelling per lot; or

c) one two unit dwelling per lot; or

d) one semi-detached dwelling per lot;

e) buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law;

f) one small boarding house per lot in accordance with the provisions of Section 4.5 of this By-law.

7.1.3 Zone Provisions

Zone Provision	Single Unit Detached Dwelling	Converted Dwelling	Two Unit Dwelling	Semi-Detached Dwelling
Minimum Lot Area	465 m² (5,005.38 ft²)	465 m² (5,005.38 ft²)	550 m² (5,920.34 ft²)	280 m² (3,013.99 ft²)

Zone Provision	Single Unit Detached Dwelling	Converted Dwelling	Two Unit Dwelling	Semi-Detached Dwelling
				per lot
Minimum Lot Frontage	15 m (49.21 ft)	15 m (49.21 ft)	18 m (59.05 ft), or 24 m (79.74 ft) where a dwelling unit is on a corner lot	9 m (29.52 ft), or 12 m (39.37 ft) where a dwelling unit is on a corner lot
Maximum Lot Coverage	35 % (includes accessory buildings and structures)	35%(includes accessory buildings and structures)	40%(includes accessory buildings and structures)	40%(includes accessory buildings and structures)
Maximum Lot Coverage With ADU	45% (includes accessory buildings and structures)	45% (includes accessory buildings and structures)	45% (includes accessory buildings and structures)	45% (includes accessory buildings and structures)
Minimum Landscaped Open Space	50 %	50 %	35 %	35 %
Maximum Building Height	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft) or where there is no attached garage, 3 m (9.84 ft) on one side and 1.5 m (4.92 ft) on the other side	1.5 m (4.92 ft) or where there is no attached garage, 3 m (9.84 ft) on one side and 1.5 m (4.92 ft) on the other side	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement
Minimum Exterior Side Yard	4.5 m (14.76 ft), or 6 m (19.68 ft) where any garage door opening is	4.5 m (14.76 ft), or 6 m (19.68 ft) where any garage door opening is	4.5 m (14.76 ft), or 6 m (19.68 ft) where any garage door opening is	4.5 m (14.76 ft), or 6 m (19.68 ft) where any garage door opening is

Zone Provision	Single Unit Detached Dwelling	Converted Dwelling	Two Unit Dwelling	Semi-Detached Dwelling
	located	located	located	located
Minimum Rear Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)

7.2 Exceptions

The special regulations contained in subsection 7.2 shall apply to the area or areas defined below.

7.2.1 Defined Area R2-1 as shown on Schedule "A", Map 39 to this By-law

a) Permitted Uses
A furniture store and accessory uses or the uses permitted in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The existing building, and additions thereto, for the furniture store, accessory buildings and structures or buildings and structures permitted in subsection 7.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for all the permitted uses shall be in accordance with subsections 7.1.3 of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-1.

7.2.2 Defined Area R2-2 as shown on Schedule "A", Map 39 to this By-law

a) Permitted Uses
Permitted uses are restricted to a nursing home, clinic, all types of offices, residential uses and accessory uses to the foregoing permitted uses.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 7.1.3 of this By-law.

d) Other Requirements
All provisions pertaining to lands zoned R2 not specifically addressed in previous subparagraphs of this subsection shall also apply to lands zoned R2-2.

7.2.3 Defined Area R2-3 as shown on Schedule "A", Map 39 to this By-law

a) Permitted Uses
A hairdressing establishment and beauty salon or the uses permitted in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The existing building, and additions thereto, for the hairdressing establishment and beauty salon and accessory buildings and structures or buildings and structures permitted in subsection 7.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for all the permitted uses shall be in accordance with subsections 7.1.3 of this By-law.

d) Other Provisions
A minimum of 4 parking spaces shall be provided. All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-3.

7.2.4 Defined Area R2-4 as shown on Schedule "A", Map 39 to this By-law

a) Permitted Uses
Offices including both on-site service and off-site service and accessory uses in addition to the uses permitted in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for all the permitted uses shall be in accordance with subsections 7.1.3 of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-4.

7.2.5 Defined Area R2-5 as shown on Schedule “A”, Map 39 to this By-law

a) Permitted Uses
An office building and accessory uses.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

i)	Minimum Lot Area	2,000 m^2 (21,528.55 ft^2);
ii)	Minimum Lot Frontage	50 m (164.04 ft);
iii)	Maximum Lot Coverage	35 %;
iv)	Minimum Landscaped Open Space	35 %;
v)	Maximum Building Height	1 storey;
vi)	Minimum Front Yard Depth	3.5 m (11.48 ft);
vii)	Minimum Interior Side Yard	4 m (13.12 ft) ;
viii)	Minimum Exterior Side Yard	3.5 m (11.48 ft);
ix)	Minimum Rear Yard Depth	18 m (59.05 ft).

d) Other

A minimum of 26 parking spaces, 2.5 m by 5.5 m (8.20 ft by 18.04 ft) in size, shall be provided. All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-5.

7.2.6 Defined Area R2-6 as shown on Schedule “A”, Map 39 to this By-law

a) Permitted Uses

A residential care facility or the uses permitted in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures

The existing building, and additions thereto, for the residential care facility, accessory buildings and structures or buildings and structures permitted in subsection 7.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for all the permitted uses shall be in accordance with subsections 7.1.3 of this By-law.

d) Other Provisions

All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-6.

7.2.7 Defined Area R2-7 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses

Professional offices in the existing building and accessory uses or the uses permitted in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures

The existing building, and additions thereto, for the professional office use, accessory buildings and structures or buildings and structures permitted in subsection 7.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for all the permitted uses shall be in accordance with

subsections 7.1.3 of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-7.

7.2.8 Defined Area R2-8 as shown on Schedule "A", Map 40 to this By-law
(By-law 320-13, ZBA No. 76, 63 Robinson Street)

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
One two unit dwelling and accessory buildings and structures.

c) Zone Provisions
All lot and building requirements shall be as they existed on the date of adoption of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-8.

7.2.9 Defined Area R2-9 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses
A driving school in addition to all other uses permitted in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsection 7.1.3 of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-9.

7.2.10 Defined Area R2-10 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses
The uses permitted in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 7.1.3 of this By-law, except the minimum lot frontage shall be 12.5 m (41.01 ft), the minimum lot area shall be 507 m² (5,457.48 ft²) and the minimum open space requirement shall be a minimum of 35%.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-10.

7.2.11 Defined Area R2-11 as shown on Map 40, Schedule "A" of this By-law.
(By-law 302-13, ZBA No. 76, 63 Robinson Street)

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
One single unit detached dwelling.

c) Zone Provisions
All lot and building requirements shall be as they existed on the date of adoption of this By-law.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-11."

7.2.12 Defined Area R2-12 as shown on Map 39, Schedule "A" of this By-law.
(By-law 457-15, ZBA No. 110, 102 Talbot Street West)

a) Permitted Uses
An Animal Clinic or the residential uses permitted in subsection 7.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Existing buildings and structures.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 7.1.3 of this By-law except that the required on-site parking for an animal clinic shall be as existed on the date of the passing of the amending by-law.

d) Other Provisions
All other provisions that pertain to lands zoned R2 shall also apply to lands zoned R2-12.

7.2.13 Defined Area R2-13 as shown on Map 45, Schedule "A" of this By-law.
(By-law 67-17, ZBA No. 156, 1 Pickwick Drive)

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
Three (3) two unit dwellings on one (1) lot.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 7.1.3 of this By-law except that the following shall apply:

i)	Front yard setback (Oak Street East)	9.14 metres (30 feet)
ii)	Exterior side yard setback (Pickwick Drive)	6.10 metres (20 feet)
iii)	Rear yard setback (abutting Parking Lot)	1.5 metres (4.92 feet)
iv)	Interior side yard setback	8.82 metres (29 feet)
v)	Lot coverage	45 %

d) Other
Notwithstanding any other requirements of Section 4.13 of this By-law, each dwelling unit shall be permitted one (1) driveway access, the location of such driveway to be approved by Site Plan Control.

Notwithstanding any other requirements of Section 4.52 of this By-law, the minimum required setback from the centerline of the drain shall be 0 metres (0 feet).

All other provisions of this By-law pertaining to lands zoned Residential (R2) shall also pertain to lands zoned R2-13.

7.2.14 Defined Area R2-14 as shown on Map 40, Schedule "A" of this By-law.
(By-law 03-22, ZBA No. 245, 27-29 Orange Street)

a) Permitted Uses
The uses permitted in the R2-14 zone as indicated in subsection 7.1.1 of this by-law, including one two unit semi-detached dwelling per lot;

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 7.1.2 of this By-law,

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 7.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned R2 shall also pertain to lands zoned R2-14.

Notwithstanding the provisions of Section 4.41, 1.5 parking spaces per unit shall be required for lands zoned R2-14.

7.2.15 Defined Area R2-15 as shown on Map 39, Schedule "A" of this By-law.
(By-law 15-22, ZBA No. 248, 29 Marlborough Street West)

a) Permitted Uses
The uses permitted in the R2 zone as indicated in subsection 7.1.1 of this by-law, including one multi-unit dwelling containing three units.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 7.12 of this by-law, including one multi-unit unit dwelling containing three units.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 7.1.3 of this By-law except the following shall apply to a multi-unit dwelling containing three dwelling units:

i)	Minimum lot area	581.94 m^2 (6,264 ft^2)
ii)	Minimum lot frontage	21.21 m (69.60 ft)
i)	Maximum lot coverage	45%
ii)	Minimum landscaped open space	35%
iii)	Maximum building height	10 m (32.80 ft)
iv)	Minimum interior side yard setback (east)	1.5 m (4.92 ft)
v)	Minimum exterior side yard setback (west, Fox Street)	4.47 m (14.68 ft)
vi)	Minimum rear yard	6 m (19.68 ft)

d) Other
A total of 1.5 standard parking spaces be provided per dwelling unit for a multi-unit dwelling containing three dwelling units.

Development of the property for a multi-unit dwelling containing three dwelling units shall be subject to site plan control.

All other provisions of this By-law pertaining to lands zoned Residential (R2) shall also pertain to lands zoned R2-15.

7.2.17 Defined Area R2-17 as shown on Map 39, Schedule "A" of this By-law.
(By-law 11-24, ZBA No. 298, 34 Askew Street)

a) Permitted Uses
The uses permitted in the R2 Zone as indicated in subsection 7.1.1 of this By-law.

b) Permitted Buildings and Other Structures

i) Buildings and structures for the permitted uses in subsection 7.1.2 of this By-law including one multi-unit dwelling containing five units.

ii) Accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions
All lot and building requirements for single unit detached dwellings, converted dwellings, two unit dwellings and semi-detached dwellings shall be in accordance with subsection 7.1.3 of this by-law.

All lot and building requirements for a multi-unit dwelling containing five-units shall be in accordance with subsection 7.1.3 of this by-law for a two unit dwelling.

Notwithstanding the provisions of Section 4.41 of this by-law, the minimum number of required barrier-free spaces shall be zero.

d) Other
All other provisions of this by-law pertaining to lands zoned Residential Zone (R2) shall also pertain to lands zoned R2-17.

7.2.18 Defined Area R2-18 as shown on Map 40, Schedule "A" of this By-law.
(By-law 53-24, ZBA No. 309, 21 Montgomery Street)

a) Permitted Uses
The uses permitted in the R2 zone as indicated in subsection 7.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 7.1.2 of this By-law, including one multi-unit dwelling containing four dwelling units.

c) Zone Provisions
All lot and building requirements for the single unit detached dwellings, converted dwellings, two unit dwellings and semi-detached dwellings shall be in accordance with subsection 7.1.3 of this By-law.

All lot and building requirements for a multi-unit dwelling containing four units shall be in accordance with subsection 7.1.3 of this By-law for a two unit dwelling.

d) Other

All other provisions of this By-law pertaining to lands zoned Residential Zone (R2) shall also pertain to lands zoned R2-18.

7.2.19 Defined Area R2-19 as shown on Map 39, Schedule "A" of this By-law.

(By-law 15-25, ZBA No. 334, 4 White Street and 8 Askew Street and 10 Askew Street)

a) Permitted Uses

A parking area for the exclusive use of permitted buildings and structures located on the property zoned C6-16.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

a) All lots and building requirements for the permitted uses shall be in accordance with subsection 17.2.16 of this By-law.

b) The lands subject to the R2-19 and C6-16 Zones shall be deemed to be a single lot or parcel of land for zoning purposes.

d) Other

All other provisions of this By-law pertaining to lands zoned Residential Zone (R2) shall also pertain to lands zoned R2-19.

SECTION 8 - RESIDENTIAL ZONE (R3) REGULATIONS

8.1 General Use Regulations

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

8.1.1 Permitted Uses

a) Residential uses;

b) one home occupation per dwelling unit in accordance with the provisions of subsection 4.25 of this By-law;

c) one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;

d) accessory uses, including one detached hobby greenhouse smaller than 10 m^2 (107.64 ft^2) in floor area.

8.1.2 Permitted Buildings and Other Structures

a) One single unit detached dwelling per lot; or

b) one converted dwelling per lot; or

c) one two unit dwelling per lot; or

d) one semi-detached dwelling per lot; or

e) one single unit attached dwelling per lot; or

f) multi unit dwellings excluding apartment style buildings; or

g) nursing homes;

h) buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law.

i) one small boarding house per lot in accordance with the provisions of Section 4.5 of this By-law;

8.1.3 Zone Provisions

Zone Provision	Single Unit Detached Dwelling	Converted Dwelling	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Nursing Homes
Minimum Lot Area	465 m² (5,005.38 ft²)	465 m² (5,005.38 ft²)	550 m² (5,920.34 ft²)	280 m² (3,013.99 ft²) per lot	225 m² (2,421.95 ft²) per lot	670 m² (7,212.05 ft²)	930 m² (10,010.76 ft²)
Minimum Lot Frontage	15 m (49.21 ft)	15 m (49.21 ft)	18 m (59.05 ft), except where a dwelling is on a corner lot, 24 m (79.74 ft)	9 m (29.52 ft), except where a dwelling unit is on a corner lot, 12 m (39.37 ft)	7.5 m (24.60 ft) for interior units 9 m (29.52 ft) for exterior units 12 m (39.37 ft) for exterior units on corner lots	25 m (82.02 ft), except where a dwelling is on a corner lot, 28 m (91.86 ft)	20 m (65.61 ft)
Maximum Lot Coverage	35% (includes accessory buildings and structures)	35% (includes accessory buildings and structures)	40% (includes accessory buildings and structures)	40% (includes accessory buildings and structures)	50% for interior units 40 % for exterior units (includes accessory buildings and structures)	45% (includes accessory buildings and structures)	33% (includes accessory buildings and structures)
Maximum Lot Coverage With ADU	45% (includes accessory buildings and structures)	45% (includes accessory buildings and structures)	45% (includes accessory buildings and structures)	45% (includes accessory buildings and structures)	50% for interior units 45% for exterior units (includes accessory buildings	N/A	N/A

Zone Provision	Single Unit Detached Dwelling	Converted Dwelling	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Nursing Homes
					and structures)		
Minimum Landscaped Open Space	50 %	50 %	35 %	35 %	35 %	35 %	35%
Maximum Building Height	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	7.5 m (24.60 ft
Minimum Interior Side Yard	1.5 m (4.92 ft) or where there is no attached garage, 3 m (9.84 ft) on one side and 1.5 m (4.92 ft) on the other side	1.5 m (4.92 ft) or where there is no attached garage, 3 m (9.84 ft) on one side and 1.5 m (4.92 ft) on the other side	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	3 m (9.84 ft)	one half of the building height, but not less than 3.5 m (11.48 ft)
Minimum Exterior Side Yard	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft)
Minimum Rear Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)

8.2 Exceptions

The special regulations contained in subsection 8.2 shall apply to the area or areas defined below.

8.2.1 Defined Area R3-1 as shown on Schedule "A", Map 37 to this By-law

a) Permitted Uses
Residential uses in accordance with subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for lands zoned R3-1 shall be in accordance with the following:

i) the requirements of subsections 8.1.3 for single unit detached dwellings, two unit dwellings and semi detached dwellings;
ii) the following requirements for single unit attached dwellings:

i.	Minimum Lot Area	200 m² (2,150.85 ft²);
ii.	Minimum Lot Frontage	5.5 m (18.04 ft);
iii.	Maximum Lot Coverage	50 %;
iv.	Minimum Landscaped Open Space	40 %;
v.	Maximum Building Height	10.5 m (34.44 ft);
vi.	Minimum Floor Area	70 m² (753.49 ft²);
vii.	Minimum Front Yard	6 m (19.68 ft);
viii.	Minimum Exterior Side Yard	3 m (9.84 ft);
ix.	Minimum Interior Side Yard	1.2 m (3.93 ft) except that no side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit ;
x.	Minimum Rear Yard	7.5 m (24.60 ft);
xi.	Parking Requirements	notwithstanding any other

		requirements of this By-law to the contrary, each single unit attached dwelling shall provide a parking area with minimum dimensions of 3.5 m by 9 m (11.48 ft by 29.52 ft); and
xii.	Other Provisions	notwithstanding the above requirements, certain lots shall have lesser requirements as established in the decision of the Corporation of the Municipality of Leamington's Committee of Adjustment to application A/5/94.

8.2.2 Defined Area R3-2 as shown on Schedule "A", Map 39 to this By-law

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
Not more than 11 units in a townhouse dwelling and accessory buildings and structures.

c) Zone Provisions
All lot and building requirements in the R3-2 Zone shall be in accordance with the following:

i)	Minimum Lot Area	250 m^2 (2,691.06 ft^2) per unit;
ii)	Minimum Lot Frontage	9 m (29.52 ft);
iii)	Maximum Lot Coverage	55 %;
iv)	Minimum Landscaped Open Space	30 %;
v)	Minimum Front Yard	6 m (19.68 ft);
vi)	Minimum Interior Side Yard	1.8 m (5.90 ft) except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit;
vii)	Minimum Exterior Side Yard	4.5 m (14.76 ft);
viii)	Minimum Rear Yard	7.5 m (24.60 ft); and

ix)	Accessory Buildings	no accessory buildings or structures shall be permitted except in accordance with the corresponding site plan agreement.

d) Parking Requirements
Notwithstanding any other requirements of this By-law to the contrary, a minimum of 2 parking spaces shall be provided for each dwelling unit.

e) Regulations Pertaining to Building Permit Issuance
At the time the building permits are applied for, the entire lot will be under one ownership. After the buildings are constructed, the individual units will be severed. It is these 'after severance' requirements that are established above. Accordingly, at the time of building permit issuance and prior to the severance of individual units within the R3-2 Zone, the required lot and building provisions shall be those necessary to result in individual lots and units that will ultimately satisfy the above-noted requirements.

8.2.3 Defined Area R3-3 as shown on Schedule "A", Map 41 to this By-law

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
One townhouse dwelling with not more than 5 dwelling units or one apartment style multiple dwelling with not more than 6 dwelling units and accessory buildings and structures.

c) Zone Provisions
All lot and building requirements for the permitted uses shall be in accordance with subsections 8.1.3 of this By-law. Accessory buildings and structures shall be in accordance with subsection 4.1 of this By-law.

d) Other Provisions
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-3.

8.2.4 Defined Area R3-4 as shown on Schedule "A", Map 45 to this By-law

a) Permitted Uses
Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions
Zone provisions shall be as follows:

i)	Minimum Lot Area	1,485 m² (15,984.93 ft²);
ii)	Minimum Lot Frontage	30 m (98.42 ft);
iii)	Maximum Lot Coverage	50 %;
iv)	Minimum Landscaped Open Space	30 %;
v)	Minimum Front Yard	3 m (9.84 ft);
vi)	Minimum Side Yard	1.5 m (4.92 ft);
vii)	Minimum Rear Yard	3 m (9.84 ft); and
viii)	Parking Requirements	1 space per dwelling unit.

d) Other Provisions
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-4.

8.2.5 Defined Area R3-5 as shown on Schedule "A", Map 45 to this By-law

a) Permitted Uses
Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions
Zone provisions shall be as follows:

i)	Minimum Lot Area	1,485 m² (15,984.93 ft²);
ii)	Minimum Lot Frontage	30 m (98.42 ft);
iii)	Maximum Lot Coverage	50 %;
iv)	Minimum Landscaped Open Space	30 %;
v)	Minimum Front Yard	3 m (9.84 ft);
vi)	Minimum Side Yard	1.5 m (4.92 ft);
vii)	Minimum Rear Yard	3 m (9.84 ft); and
viii)	Parking Requirements	1 space per dwelling unit.

d) Other Provisions
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-5.

8.2.6 Defined Area R3-6 as shown on Schedule "A", Map 45 to this By-law

a) Permitted Uses
Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Not more than 56 townhouse dwelling units and accessory buildings and structures.

c) Zone Provisions
All lot and building requirements for lands zoned R3-6 shall be in accordance with subsections 8.1.3 of this By-law except that the minimum lot frontage of each single unit attached dwelling shall be 6.5 m (21.32 ft).

d) Other Provisions
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-6.

8.2.7 Defined Area R3-7 as shown on Schedule "A", Map 45 to this By-law

a) Permitted Uses
Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for lands zoned R3-7 shall be in accordance with subsections 8.1.3 of this By-law except that the minimum rear yard for any lot abutting an Industrial Zone shall be 30 m (98.42 ft)

d) Other Provisions
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-7.

8.2.8 Defined Area R3-8 as shown on Schedule "A", Map 44 to this By-law

a) Permitted Uses
Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Single unit detached attached and single unit attached dwellings and accessory buildings and structures.

c) Zone Provisions

All lot and building requirements for lands zoned R3-8 shall be in accordance with subsections 8.1.3 of this By-law except that the maximum lot coverage for interior single unit attached dwellings shall be 54 %, the minimum rear yard for all units shall be 7 m (22.96 ft) and the minimum landscaped open space for all interior single unit attached dwellings shall be 34 %.

d) Other Provisions

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-8.

8.2.9 Defined Area R3-9 as shown on Schedule "A", Map 48 to this By-law

a) Permitted Uses

Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for lands zoned R3-9 shall be in accordance with subsections 8.1.3 of this By-law except that the maximum lot coverage for interior single unit attached dwellings shall be 52 % and the maximum lot coverage for exterior single unit attached dwellings shall be 42 %.

d) Other Provisions

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-9.

8.2.10 Defined Area R3-10 as shown on Schedule "A", Map 43 to this By-law

a) Permitted Uses

Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions

With the exception of the those provisions listed below, zone provisions for the permitted buildings and other structures shall be in accordance with subsections 8.1.3 of this By-law and in accordance with subsection 4.1 for accessory buildings and other structures:

i) maximum lot coverage for single unit attached dwellings shall be 54% for interior units and 45% for exterior units (includes accessory buildings and structures);
ii) minimum front yard setback shall be 4.5 m (14.76 ft) for the first unit within the development and 5.5 m (18.04 ft) for a second unit and 6 m (19.68 ft) for all other units;
iii) minimum rear yard setback shall be 7 m (22.96 ft) for first 4 units and 7.5 m (24.60 ft)

for all other units;

iv) the measurement for sight visibility triangles shall be 7.5 m (24.60 ft).

d) Other Provisions

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-10.

8.2.11 Defined Area R3-11 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses

Uses permitted in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Townhouse dwellings not exceeding a total of 28 units.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 8.1.3 except that the minimum lot area shall be 0.4 ha (0.98 ac) and the minimum side yard shall be 5 m (16.40 ft).

d) Other Provisions

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-11.

8.2.12 Defined Area R3-12 as shown on Schedule "A", Map 60 to this By-law

a) Permitted Uses

Residential uses and accessory uses.

b) Permitted Buildings and Other Structures

Not more than 18 townhouse dwelling units and accessory uses.

c) Zone Provisions

All lot and building requirements in the R3-12 Zone shall be in accordance with the following:

i)	Minimum Lot Area	170 m² (1,829.92 ft²) per unit;
ii)	Minimum Lot Frontage	7.3 m (23.95 ft);
iii)	Maximum Lot Coverage	60% including accessory buildings and structures;
iv)	Minimum Front Yard	3.4 m (11.15 ft);
v)	Minimum Interior Side Yard	0.9 m (2.95 ft) except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from

		the adjoining dwelling unit;
vi)	Minimum Rear Yard	4 m (13.12 ft); and
vii)	Minimum Landscaped Open Space	20 %.

d) Regulations Pertaining to Building Permit Issuance
Notwithstanding any other requirement of this By-law to the contrary, at the time of building permit issuance and prior to the severance of individual units within the R3-12 Zone, the following regulations shall apply:

i) no part of any building or structure shall be built closer than 4 m (13.12 ft) to the north lot line;
ii) no part of any building or structure shall be built closer than 3.4 m (11.15 ft) to the south lot line.

e) Other
All development shall be in accordance with the corresponding site plan agreement.

8.2.13 Defined Area R3-13 as shown on Schedule "A", Map 60 of this By-law

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
Not more than 16 single unit attached dwelling units and accessory uses.

c) Zone Provisions
All lot and building requirements in the R3-13 Zone shall be in accordance with the following:

i)	Minimum Lot Area	180 m^2 (1,937.56 ft^2) per unit;
ii)	Minimum Lot Frontage	7.3 m (23.95 ft) per unit;
iii)	Maximum Lot Coverage	55 % including accessory structures;
iv)	Minimum Front Yard	3.4 m (11.15 ft);
v)	Minimum Interior Side Yard	0.9 m (2.95 ft) except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit;
vi)	Minimum Exterior Side Yard	5 m (16.40 ft);

vii)	Minimum Rear Yard	5.5 m (18.04 ft);
viii)	Minimum Landscaped Open Space	20 %.

d) Regulations Pertaining to Building Permit Issuance
Notwithstanding any other requirement of this By-law to the contrary, at the time of building permit issuance and prior to the severance of individual units within the R3-13 Zone, the following regulations shall apply:

i) no part of any building or structure shall be built closer than 3.4 m (11.15 ft) to the north lot line;
ii) no part of any building or structure shall be built closer than 5.5 m (18.04 ft) to the south lot line.

e) Other
All development shall be in accordance with the corresponding site plan agreement.

8.2.14 Defined Area R3-14 as shown on Schedule "A", Map 44 of this By-law

a) Permitted Uses
Uses permitted in section 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for lands zoned R3-14 shall be in accordance with section 8.1.3 of this By-law, except for the following provisions to be applied to single unit attached dwellings:

i)	Maximum Lot Coverage	Interior Units – 54%; Exterior Units – 45%;
ii)	Minimum Exterior Side Yard	2.8 m (9.18 ft).

c) Sight Visibility Triangle
All requirements for sight visibility triangles for lands zoned R3-14 shall be in accordance with section 4.54 of this By-law, except that the minimum required distance from the point of intersection of two streets shall be 5.5 m (18.04 ft).

8.2.15 Defined Area R3-15 as shown on Schedule "A", Map 44 of this By-law

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
Single unit detached dwellings, single unit attached dwellings and buildings and other structures for the accessory uses only.

c) Zone Provisions
Zone provisions for the permitted buildings and other structures shall be in accordance with the relevant columns of the table contained within subsection 8.1.3 of this By-law, with the exception that, for single unit attached dwellings, the Minimum Lot Frontage shall be 6 m (19.68 ft) for interior units and 6 m (19.68 ft) for exterior units, Maximum Lot Coverage shall be 54% for interior units, Minimum Landscaped Open Space shall be 34% for interior units, Minimum Front Yard setback shall be 3.5 m (11.48 ft), Minimum Rear Yard setback shall be 6 m (19.68 ft) and the Sight Visibility Triangle for driveways shall be 6.5 m (21.32 ft).

8.2.16 Defined Area R3-16 as shown on Schedule "A", Map 62 of this By-law

a) Permitted Uses
The uses permitted in the R3 Zone as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
Zone provisions for the permitted buildings and other structures shall be in accordance with the relevant columns of the table contained within subsection 8.1.3 of this By-law, with the exception of the following.

Zone Provision	Single Unit Detached Dwelling	Semi-Detached Dwelling	Multi-Unit Dwelling
Minimum Front Yard	4.5 m (14.76 ft), except 6 m (19.68 ft) where any garage door opening is located.	4.5 m (14.76 ft), except 6 m (19.68 ft) where any garage door opening is located.	4.5 m (14.76 ft), except 6 m (19.68 ft) where any garage door opening is located.
Minimum Interior Side Yard	1.5 m (4.92 ft), except 3 m (9.84 ft) on one side where garage is not attached.	1.5 m (4.92 ft), except 3 m (9.84 ft) on one side where garage is not attached. Where there is a common wall	1.5 m (4.92 ft), except 3 m (9.84 ft) on one side where garage is not attached. Where there is a common wall

		there is no side yard requirement.	there is no side yard requirement.
Minimum Exterior Side Yard	3 m (9.84 ft), except 6 m (19.68 ft) where any garage door opening is located.	3 m (9.84 ft), except 6 m (19.68 ft) where any garage door opening is located.	3 m (9.84 ft), except 6 m (19.68 ft) where any garage door opening is located.
Minimum Rear Yard	7.5 m (24.60 ft)	7.5 m (24.60 ft)	7.5 m (24.60 ft)

d) Other Provisions

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-16, except front porches may encroach 2 m (6.56 ft) from the building wall into the required minimum front yard setback of 4.5 m (14.76 ft). Steps from the front porch may encroach an additional 0.6 m (1.94 ft).

In addition, detached garages at the rear of the residential dwellings may have an interior side yard setback and a rear yard setback of a minimum of 0.6 m (1.96 ft) and an exterior side yard setback of 3 m (9.84 ft). A 9 m (29.52 ft) sight triangle at the intersection must be maintained.

8.2.17 Defined Area R3-17 as shown on Map 44, Schedule "A" of this By-law.

(By-law 492-15, ZBA 118, 81-97 Carolina Woods Crescent)

a) Permitted Uses

The uses permitted in the R3 zone as indicated in subsection 8.1.2 of this By-law.

b) Permitted Buildings and Other Structures

Semi-detached dwellings and accessory buildings and structures.

c) Zone Provisions

All lot and building requirements for lands zoned R3-17 shall be in accordance with subsections 8.1.3 of this By-law except that the maximum lot coverage for semi-detached dwellings shall be 44%.

d) Other

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-17.

8.2.18 Defined Area R3-18 as shown on Map 61, Schedule "A" of this By-law.

(By-law 521-15, ZBA 91, Destiny Estates)

a) Permitted Uses

The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 8.1.3 of this By-law, except:

a) That the maximum lot coverage for semi-detached dwellings shall be 50%;

b) That the minimum front yard setback for semi-detached dwellings shall be 5.49 metres;

c) That the minimum exterior side yard setback shall be 4.19 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned R3 shall also pertain to lands zoned R3-18.

8.2.19 Defined Area R3-19 as shown on Map 44, Schedule "A" of this By-law.
(By-law 58-16, ZBA 136, Georgia Avenue)

a) Permitted Uses
The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law except that the rear yard setback shall be 3.05 m (10.0 ft) along the eastern side of the lot;

d) Other
All other provisions of this By-law pertaining to lands zoned Residential (R3) shall also pertain to lands zoned R3-19.

8.2.20 Defined Area R3-20 as shown on Map 41, Schedule "A" of this By-law.
(By-law 56-17, ZBA No. 155, 111–115 Oak Street East)

a) Permitted Uses
The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law except for the following:

j)	Minimum Interior Side Yard	2.44 m (8 ft)
ii)	Minimum Landscaped Open Space	20 %

d) Other

All other provisions of this By-law pertaining to lands zoned Residential (R3) shall also pertain to lands zoned R3-20.

8.2.21 Defined Area R3-21 as shown on Map 61, Schedule "A" of this By-law.

(By-law 18-18, ZBA No. 158, Bevel Line Village)

a) Permitted Uses

The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law except for the following:

i) The following requirements shall apply for single unit detached dwellings:

1.	Maximum lot coverage	40%

ii) The following requirements shall apply for semi-detached dwellings:

1.	Minimum lot frontage – corner lot	21m (68.9')
2.	Minimum front yard	6m (19.68')
	Maximum front yard	7m (23')

Each semi-detached dwelling unit shall have a front yard setback a minimum of 0.5m greater or lesser than the abutting dwelling unit.

3.	Minimum rear yard	6m (19.68')

For those semi-detached dwelling units with a front yard setback of 7m, the minimum rear yard shall be 5m.

4.	Maximum lot coverage	50%

iii) The following requirements shall apply for single unit attached (townhouse) dwellings:

1. Minimum front yard 6m (19.68')

   Maximum front yard 7m (23')

   Each single unit attached (townhouse) dwelling unit shall have a front yard setback a minimum of 0.5m greater or lesser than the abutting dwelling unit.

2. Minimum rear yard 6m (19.68')

   For those single unit attached (townhouse) dwelling units with a front yard setback of 7m, the minimum rear yard shall be 5m.

3. Maximum lot coverage 50%

d) Other

All other provisions of this By-law pertaining to lands zoned Residential (R3) shall also pertain to lands zoned R3-21, excepting the following:

i) Permitted encroachments for single detached, semi-detached and single unit attached (townhouse) dwelling units: An open and unenclosed porch, with a maximum floor area of $3m^2$ ($32.3\ ft^2$), shall be permitted to project a maximum of 1.2m (3.93') into the required front yard setback, provided that this area is not utilized as a habitable part of the dwelling unit.

8.2.22 Defined Area R3-22 as shown on Map 42, Schedule "A" of this By-law.

(By-law 57-19, ZBA 197, 40 Camelot Avenue)

a) Permitted Uses

The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned R3 shall also pertain to lands zoned R3-22.

Parking shall be established in accordance with Section 4.41, except that the required parking for the existing 25 residential units shall be established as 36 standard parking spaces and 2 barrier free parking spaces.

8.2.23 Defined Area R3-23 as shown on Map 42, Schedule "A" of this By-law.
(By-law 48-20, ZBA No. 203, 203 Woodsit Avenue)

a) Permitted Uses
In addition to the uses permitted in the R3 zone as indicated in subsection 8.1.1 of this By-law, Boarding House(s) shall also be permitted.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned R3 shall also pertain to lands zoned R3-23.

Parking shall be established in accordance with Section 4.41, except that the minimum number of standard parking spaces for the boarding house use shall be one (1) parking space per six (6) beds.

8.2.24 Defined Area R3-24 as shown on Map 40, Schedule "A" of this By-law.
(By-law 32-25, ZBA No. 322, 88 and 92 Victoria Avenue South)

a) Permitted Uses
The uses permitted in the Residential Zone (R3) as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
No more than four (4) multi unit dwellings and a total of twenty-one (21) dwelling units in addition to the permitted buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law, with the exception of the following for a Multi Unit Dwelling:

i) The maximum Building Height shall be 8.5 m; and

ii) The minimum Side Yard shall be:

a. 2.40 m from the northern property line abutting 86 Victoria Avenue South;

b. 1.80 m from the western property line abutting 86 Victoria Avenue South; and

c. 1.65 m from the southern property line abutting 33 Oak Street East.

d) Other

All other provisions of this By-law pertaining to lands zoned R3 shall also pertain to lands zoned R3-24, with the exception of the following:

a. The area of a parking space shall be no smaller than 2.74 m x 6.00 m;
b. The minimum number of off-street parking spaces required shall be 1.28 spaces per dwelling unit to a maximum of twenty-seven (27) spaces;
c. The required number of barrier free parking spaces shall be two (2);
d. Ten (10) bicycle parking spaces shall be provided on-site; and
e. Servicing shall be provided by a registered easement over 45 Oak Street East to the satisfaction of the Municipality.

8.2.25 Defined Area R3-25 as shown on Map 45, Schedule "A" of this By-law.

(By-law 73-25, ZBA No. 353, 420 Oak Street East)

a) Permitted Uses

The uses permitted in the Residential Zone (R3) as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures

i) One (1) Existing Single Unit Detached Dwelling; and
ii) One (1) Multi Unit Dwelling, excluding apartment style buildings; or
iii) Two (2) Multi Unit Dwellings, excluding apartment style buildings.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law, with the following exceptions:

i) The Minimum Lot Frontage shall be 23.77 m (78 ft);
ii) The Minimum Landscaped Open Space shall be 35%;
iii) The Minimum Front Yard Shall be 15 m (50 ft); and
iv) The Minimum Rear Yard for a Single Unit Dwelling and Multi Unit Dwelling shall be 5.5 m (18 ft).

d) Other

All other provisions of this By-law pertaining to lands zoned Residential Zone (R3) shall also pertain to lands zoned Residential Zone (R3-25), with the following exceptions:

i) The minimum number of required parking spaces for the existing Single Unit Detached Dwelling shall be one (1);

ii) The minimum number of required parking spaces for a Multi-Unit Dwelling shall be 1.25 spaces per dwelling unit;
iii) The minimum number of Barrier Free parking spaces shall be one (1); and
iv) The minimum width of a standard parking space shall be 2.74 metres.

8.2.26 Defined Area R3-26(h) as shown on Map 49, Schedule "A" of this By-law.
(By-law 22-26, ZBA No. 351, 921 Mersea Road 1)

a) Permitted Uses
The uses permitted in the R3-26(h) as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with 8.1.3 save and except the following:

Zone Provisions	Single Detached Dwelling	Semi-Detached Dwelling
Minimum Lot Area	465 m^2 (5,005.38 ft^2)	280 m^2 (3,013.9 ft^2)
Minimum Lot Frontage	15 m (49.21 ft)	Interior Lot: 9 m (29.52 ft) Exterior Lot: 12 m (39.37 ft)
Maximum Lot Coverage	50%	50%
Minimum Landscaped Open Space	50%	35%
Maximum Building Height	10 m (32.80 ft)	10 m (32.80 ft)
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)
Minimum Interior Side Yard	1.22 m (4 ft)	1.22 m (4 ft)
Minimum Exterior Side Yard	3 m (9.84 ft)	3 m (9.84 ft)
Minimum Rear Yard	6 m (19.68 ft)	6 m (18.68 ft)

d) Other
All other provisions of the By-law pertaining to lands zoned Residential Zone (R3) shall also pertain to lands zoned Residential Zone (R3-26(h)).

i. The holding zone provision is to remain in place until the property is adequately serviced to the satisfaction of the Municipality of Leamington, and the development agreement is in place.

8.2.27 Defined Area R3-27(h) as shown on Map 61, Schedule "A" of this By-law.
(By-law 72-26, ZBA No. 378, Vacant Land Bevel Line Village Phase 2)

a) Permitted Uses
The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law, except for the following:

i. The following requirements shall apply for single unit detached dwellings:

Maximum Lot Coverage	40%

ii. The following requirements shall apply for semi-detached dwellings:

Minimum Lot Frontage – Corner Lot	21 m (68.9 ft)
Minimum Front Yard	6 m (19.68 ft)
Maximum Front Yard	7 m (23 ft)
Minimum Rear Yard	6 m (19.68 ft) For those semi-detached dwelling units with a front yard setback of 7 m, the minimum rear yard shall be 5 metres
Maximum Lot Coverage	55%
Minimum Interior Side Yard	1.21 m (3.96 ft)

iii. The following requirements shall apply for single unit attached (townhouse) dwellings:

Minimum Front Yard	6 m (19.68 ft)
Maximum Front Yard	7 m (23 ft)
Minimum Rear Yard	6 m (19.68 ft) For those single unit attached (townhouse) dwelling units with a front yard setback of 7 m, the minimum rear yard shall be 5 metres
Maximum Lot Coverage	50%

d) Other
All other provisions of this By-law pertaining to lands zoned Residential Zone (R3) shall also pertain to lands zoned Residential Zone (R3-27(h)), except the following:

i. Permitted encroachments for single detached, semi-detached and single unit attached (townhouse) dwelling units: An open and unenclosed porch, with a maximum floor area of 3m2 (32.3 ft2), shall be permitted to project a maximum of 1.2 m (3.93 ft) into the required front yard setback, provided that this area is not utilized as a habitable part of the dwelling unit.

8.2.28 Defined Area R3-28(h) as shown on Map 61, Schedule "A" of this By-law.
(By-law 76-26, ZBA No. 380, Vacant Land Southwest of Bevel Line)

a) Permitted Uses
The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 8.1.3 of this By-law, except for the following:

i. The following requirements shall apply for single unit detached dwellings:

Maximum Lot Coverage	55% for interior units 45% for exterior units (includes accessory buildings and structures)
Minimum Exterior Side Yard	3.0 m (9.84 ft)

d) Other
All other provisions of this By-law pertaining to lands zoned Residential Zone (R3) shall also pertain to lands zoned Residential Zone (R3-28(h)).

SECTION 9 - RESIDENTIAL ZONE (R4) REGULATIONS

9.1 General Use Regulations

No person shall within the R4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

9.1.1 Permitted Uses

a) Residential uses;

b) Accessory uses.

9.1.2 Permitted Buildings and Other Structures

a) One two unit dwelling per lot; or

b) one semi-detached dwelling per lot; or

c) one single unit attached dwelling per lot; or

d) multi unit dwellings excluding apartment style buildings greater than three storeys in height; or

e) nursing homes;

f) buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law;

g) one large boarding house or one small boarding house, per lot in accordance with the provisions of Section 4.5 of this By-law.

9.1.3 Zone Provisions

Zone Provision	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Nursing Homes
Minimum Lot Area	550 m² (5,920.34 ft²)	280 m² (3,013.99 ft²) per lot	225 m² (2,421.95 ft²) per lot	670 m² (7,212.05 ft²)	930 m² (10,010.76 ft²)

Zone Provision	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Nursing Homes
Minimum Lot Frontage	18 m (59.05 ft), except where a dwelling unit is on a corner lot, 24 m (79.74 ft)	9 m (29.52 ft), except where a dwelling unit is on a corner lot, 12 m (39.37 ft)	7.5 m (24.60 ft) for interior units 9 m (29.52 ft) for exterior units 12 m (39.37 ft) for exterior units on corner lots	25 m (82.02 ft) except where a dwelling unit is on a corner lot, 28 m (91.86 ft)	20 m (65.61 ft)
Maximum Lot Coverage	40 % (includes accessory buildings and structures)	40 % (includes accessory buildings and structures)	50 % for interior units 40 % for exterior units (includes accessory buildings and structures)	45 % (includes accessory buildings and structures)	33 % (includes accessory buildings and structures)
Maximum Lot Coverage With ADU	45% (includes accessory buildings and structures)	45% (includes accessory buildings and structures)	50% for interior units 45% for exterior units (includes accessory buildings and structures)	N/A	N/A
Minimum Landscaped Open Space	35 %	35 %	35 %	35 %	35 %
Maximum Building Height	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	7.5 m (24.60 ft)

Minimum Interior Side Yard	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	3 m (9.84 ft)	one half of the building height, but not less than 3.5 m (11.48 ft)
Minimum Exterior Side Yard	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft)
Minimum Rear Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)

9.2 Exceptions

The special regulations contained in subsection 9.2 shall apply to the area or areas defined below.

9.2.1 Defined Area R4-1 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law and the existing uses.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 9.1.2 of this By-law and the existing buildings and structures.

c) Zone Provisions
All lot and building requirements for the existing buildings and structures shall be as they existed on the date of adoption of this By-law. All lot and building requirements for the other permitted uses shall be in accordance with subsections 9.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-1.

9.2.2 Defined Area R4-2 as shown on Schedule “A”, Map 59 to this By-law

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 9.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements shall be in accordance with the corresponding site plan.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-2.

9.2.3 Defined Area R4-3 as shown on Schedule “A”, Map 41 to this By-law

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law with a maximum of 32 dwelling units.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 9.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 9.1.3 of this By-law except that the minimum rear yard requirement shall be 7 m (22.96 ft).

d) Other Provisions
Notwithstanding the parking requirements of this By-law, a minimum of 39 parking spaces shall be required. All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-3.

9.2.4 Defined Area R4-4 as shown on Schedule "A", Map 44, to this By-law

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 9.1.2 of this By-law except that the maximum number of dwelling units shall be 14.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 9.1.3 of this By-law except that there is no minimum rear yard required and the maximum lot coverage is 28 %.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-4 except that the parking and landscaping requirements shall be in accordance with the corresponding site plan.

9.2.5 Defined Area R4-5 as shown on Schedule "A", Map 45 to this By-law

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law and a recreation/heritage centre.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 9.1.2 of this By-law and buildings and structures for the recreation/heritage centre.

c) Zone Provisions
All lot and building requirements shall be in accordance with the corresponding site plan.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-5.

9.2.6 Defined Area R4-6 as shown on Schedule "A", Map 45 to this By-law

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 9.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements shall be in accordance with the corresponding site plan.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-6.

9.2.7 Defined Area R4-7 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law and a medical clinic.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 9.1.2 of this By-law and buildings and structures for the medical clinic not exceeding 190 m^2 (2,045.20 ft^2) in area.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 9.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-7.

9.2.8 Defined Area R4-8 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses
Residential uses and accessory uses.

b) Permitted Buildings and Other Structures
Townhouse and apartment dwelling units except that the maximum number of dwelling units shall not exceed 50.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 9.1.3 of this By-law except that there is no maximum building height restriction.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-8.

9.2.9 Defined Area R4-9 as shown on Map 47, Schedule “A” of this By-law.
~~**(By-law 302-13, ZBA No. 68, 1 Henry Avenue)**~~
(By-law 499-15, ZBA No. 119, 1 Henry Avenue)

a) Permitted Uses
A 92 bed Retirement Home, as defined in Section 3.175 of this By-law. This use shall be in effect until September 28, 2018.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 9.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 9.1.3 of this By-law, except that the minimum parking spaces to be provided on-site shall be 41 spaces, in an addition to 5 parking spaces provided off-site.

This relief from the required parking shall be in effect until September 28, 2018.

d) Other

All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-9.

9.2.10 Defined Area R4-10(h) as shown on Map 38, Schedule "A" of this By-law. (By-law 48-22, ZBA No. 258, 125 Talbot Street West)

a) Permitted Uses

a. Residential uses;
b. Day care centre;
c. Personal and other service uses;
d. Community centre;
e. Accessory uses to the permitted residential and commercial uses listed above.

b) Permitted Residential Buildings and Other Structures

a) One single unit detached dwelling per lot;
b) One two unit dwelling per lot;
c) One semi-detached dwelling per lot;
d) One single unit attached dwelling per lot;
e) Multi-unit dwellings;
f) Buildings and structures for the permitted commercial uses; including free standing buildings for the permitted commercial uses not exceeding 500m^2 in Gross Floor Area;
g) Permitted commercial uses located in the first floor of Apartment Buildings;
h) Apartment buildings, excluding buildings greater than six storeys in height;
i) Buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law;

c) Zone Provisions for Residential Uses

All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

Zone Provision	Single Unit Detached Dwelling	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Apartment Building (and apartment with main floor commercial)
Minimum Lot Area	372 m² (4,004.17 ft²)	550 m² (5,920.34 ft²)	280 m² (3,013.99 ft²) per lot	225 m² (2,421.95 ft²) per lot	670 m² (7,212.05 ft²)	No requirement

Zone Provision	Single Unit Detached Dwelling	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Apartment Building (and apartment with main floor commercial)
Minimum Lot Frontage	12 m (39.37 ft)	18 m (59.05 ft), except where a dwelling unit is on a corner lot, 24 m (79.74 ft)	9 m (29.52 ft), except where a dwelling unit is on a corner lot, 12 m (39.37 ft)	7.5 m (24.60 ft) for interior units 9 m (29.52 ft) for exterior units 12 m (39.37 ft) for exterior units on corner lots	25 m (82.02 ft) except where a dwelling unit is on a corner lot, 28 m (91.86 ft)	No requirement
Maximum Lot Coverage	50% (includes accessory buildings and structures)	40 % (includes accessory buildings and structures)	40 % (includes accessory buildings and structures)	50 % for interior units 40 % for exterior units (includes accessory buildings and structures)	45 % (includes accessory buildings and structure)	50% (includes accessory buildings and structures)
Minimum Landscaped Open Space	35 %	35 %	35 %	35 %	35 %	35%
Maximum Building Height	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	18 m (59.05 ft)
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	9m (29.52 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft) or where there is no	1.5 m (4.92 ft), except where there is a	1.5 m (4.92 ft), except where there is a common	1.5 m (4.92 ft), except where there is a common	3 m (9.84 ft)	One half the height of the building

Zone Provision	Single Unit Detached Dwelling	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Apartment Building (and apartment with main floor commercial)
	attached garage, 3 m (9.84 ft) on one side and 1.5 m (4.92 ft) on the other side	common wall there is no side yard requirement	wall there is no side yard requirement	wall there is no side yard requirement		
Minimum Exterior Side Yard	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft) 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	One half the height of the building
Minimum Rear Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	10m (32.80 ft)

d) Other Residential Use Zone Provisions

All other provisions of this By-law pertaining to lands zoned R4 shall also pertain to lands zoned R4-10(h).

i. Notwithstanding all other provisions of Section 4.41 Parking Area Requirements, parking for the permitted residential uses and buildings shall be provided in accordance with the following provisions:

Structure	Parking Ratio
Single Detached Unit	1.21 standard spaces per dwelling unit
Two Unit Dwelling	1.21 standard spaces per dwelling unit
Semi-Detached Dwelling	1.21 standard spaces per dwelling unit
Single Unit Attached Dwelling	1.21 standard spaces per dwelling unit

Multiple Unit Dwelling	1.21 standard spaces per dwelling unit, in addition to required barrier free spaces
Commercial uses	3.3 standard spaces per 93 m² (1,001.07 ft²) of gross floor area, subject to shared parking and in addition to required barrier free spaces

ii. Shared Parking: a maximum of 20 spaces can be shared and count towards both commercial and residential parking rates. These spaces are subject to conditions of Site Plan Approval for adequate identification and suitable location. Parking for single detached unit, two unit dwellings, semi-detached dwellings, single unit attached dwellings, shall not be included in shared parking calculations.

iii. Single detached unit, two unit dwellings, semi-detached dwellings, single unit attached dwellings, shall be prohibited from having direct frontage or access along Talbot Street West;

iv. One home occupation shall be permitted within each unit of a two unit dwelling, semi-detached dwelling, single unit attached dwellings in accordance with Section 4.25 of this by-law.

v. One second dwelling unit within semi-detached and single unit attached dwellings, as defined by Section 3.99 a) of this by-law upon the provision of 1 additional on-site standard parking space and upon obtaining a zoning by-law amendment supported by a sanitary servicing report.

vi. Removal of the Holding Provision:

Undeveloped lands zoned R4-10 will be subject to a Holding Provision until such time as the Holding Provision can be removed. Removal of the Holding Provision shall be considered upon confirmation of full municipal servicing capacity, including sanitary and storm sewer, to the satisfaction of the Municipality and upon final approval of a plan of subdivision, including registration of such plan or upon the approval and execution of a site plan control agreement with the Municipality.

e) Zone Provisions for permitted standing alone Commercial Uses

All lot and building requirements for the permitted commercial buildings and structures shall be in accordance with the following:

Zone Provision	Requirement
Minimum Lot Area	N/A
Minimum Lot Frontage	15 m
Maximum Lot Coverage	35%
Minimum Landscaped Open Space	N/A
Maximum Building Height	10 m
Minimum Front Yard	N/A
Maximum Front Yard	6 m

Zone Provision	Requirement
Minimum Interior Side Yard Interior Side Yard Abutting a Residential or Holding Residential Zone All Other Cases	 4.5 m (14.76 ft) No requirement
Minimum Rear Yard Rear Yard Abutting a Residential or Holding Residential Zone All Other Cases	4.5 m (14.76 ft) No requirement
Maximum Retail Floor Area	500 m^2
Buffer Strip	4.5 m shall be provided abutting a residential, institutional or parks and open space zone;

9.2.11 Defined Area R4-11 as shown on Map 59, Schedule "A" of this By-law.

~~**(By-law 65-22, ZBA No. 261, 4 Bruce Avenue – as per OLT Order OLT-22-004618)**~~
(By-law 96-24, ZBA 330, 4 Bruce Avenue)

a) Permitted Uses
The uses permitted in the Residential Zone (R4) as indicated in subsection 9.1.1 of this By-law, as amended.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 9.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 9.1.3 of this By-law except that the minimum lot frontage shall be 18.69 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned Residential Zone (R4) shall also pertain to lands zoned Residential Zone (R4-11) except that the minimum required parking for a 9 unit residential apartment building will be 12 standard parking spaces and 1 barrier free parking space.

i) The standard parking spaces on the property will measure 2.75 m wide by 6 m long;
ii) The parallel parking spaces on the property will measure 2.4 m wide and 6 m long.

9.2.12 Defined Area R4-12(h) as shown on Map 47, Schedule "A" of this By-law.
(By-law 06-24, ZBA No. 297, VL East of 5 Coronation Avenue (3 Coronation Ave))

a) Permitted Uses
Uses permitted in subsection 9.1.1 of this By-law.

b) Permitted Buildings and Other Structures
i) Buildings and structures for the permitted uses in subsection 9.1.2 of this By-law.
ii) Accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 9.1.3 of this By-law, except for the following:
i) Minimum Lot Frontage is 24.5 metres;
ii) Minimum eastern interior side yard setback is 1.5 metres;
iii) Minimum landscaped open space is 25%.

d) Other
All other provisions of this By-law pertaining to lands zoned Residential (R4) shall also pertain to lands zoned R4-12(h) save and except the following:

The parking requirement shall be 1.25 standard parking spaces per dwelling unit. Standard parking spaces shall have a minimum width of 2.7 metres.

9.2.13 Defined Area R4-13 as shown on Map 35, Schedule "A" of this By-law.
(By-law 12-24, ZBA No. 299, 33 Hodgins Street)

a) Permitted Uses
The uses permitted in the R4-13 Zone as indicated in subsection 9.1.1 of this By-law.

b) Permitted Buildings and Other Structures
i. Semi-detached dwellings

c) Zone Provisions

Zone Provision	Semi-Detached Dwelling	Multi-Unit Dwelling
Minimum Lot Area	280 m² (3,013.99 ft²)	670 m² (7,212.05 ft²)
Minimum Lot Frontage	9 m (29.52 feet), except where a dwelling unit is on a corner lot, 12 m (39.37 feet)	25 m (82.02 feet) except where a dwelling unit is on a corner lot, 28 m (91.86 feet)

Maximum Lot Coverage	55% (includes accessory buildings and structures)	55% (includes accessory buildings and structures)
Minimum Landscaped Open Space	30%	30%
Maximum Building Height	11m	11m
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)
Minimum Interior Side Yard	1.2 m (3.93 ft), except where there is a common wall there is no side yard requirement	1.2 m (3.93 ft)
Minimum Exterior Side Yard	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located
Minimum Rear Yard	6 m (19.68 ft)	6 m (19.68 ft)

d) Other

All other provisions of this By-law pertaining to lands zoned Residential (R4) Zone shall also pertain to lands zoned R4-13. Save and except the following:

i. The standard parking requirement shall be 2 standard parking spaces per dwelling unit.

9.2.14 Defined Area R4-14 as shown on Map 35, Schedule "A" of this By-law.

(By-law 12-24, ZBA No. 299, 33 Hodgins Street)

a) Permitted Uses

The uses permitted in the R4-14 Zone as indicated in subsection 9.1.1 of this By-law.

b) Permitted Buildings and Other Structures

i) Single Unit Attached Dwellings
ii) Multi-unit Dwellings, excluding apartment style buildings greater than three storeys in height.

c) Zone Provisions

Zone Provision	Single Unit Attached Dwelling	Multi-Unit Dwelling
Minimum Lot Area	225 m² (2,421.95 ft²)	670 m² (7,212.05 ft²)
Minimum Lot Frontage	7.5 m (24.60 feet) for interior units, 9 m (29.52 feet) for exterior units,	25 m (82.02 ft) except where a dwelling unit is on a corner lot, 28 m (91.86 ft)

	12 m (39.37 feet) for exterior units on corner lots	
Maximum Lot Coverage	55% (includes accessory buildings and structures)	55% (includes accessory buildings and structures)
Minimum Landscaped Open Space	30%	30%
Maximum Building Height	11m	11m
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)
Minimum Interior Side Yard	1.2 m (3.93 ft), except where there is a common wall there is no side yard requirement	1.2 m (3.93 ft)
Minimum Exterior Side Yard	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located
Minimum Rear Yard	6 m (19.68 ft)	6 m (19.68 ft)

d) Other

All other provisions of this By-law pertaining to lands zoned Residential (R4) Zone shall also pertain to lands zoned R4-14. Save and except the following:

i. The standard parking requirement for a multi-unit dwelling shall be 1.25 standard parking spaced per dwelling unit.

9.2.15 Defined Area R4-15 as shown on Map 43, Schedule "A" of this By-law.

(By-law 69-24, ZBA No. 308, 84 Oak Street West)

a) Permitted Uses

i) Residential uses;

ii) Accessory uses.

b) Permitted Buildings and Other Structures

i) Two (2), single-unit attached dwellings consisting of 4 individual units each;

ii) Two (2), apartment-style multi-unit dwellings not exceeding three storeys in height;

iii) Buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law.

c) Zone Provisions

Zone Provision	Single Unit Attached Dwelling
Minimum Lot Area	11,500 m^2 (2.97 acres)
Minimum Lot Frontage	40 m (147.64 ft)

Maximum Lot Coverage	45%
Minimum Landscaped Open Space	35%
Maximum Building Height	13 m (42.35 ft)
Minimum Front Yard	6 m (19.68 ft)
Minimum Interior Side Yard (East)	6 m (19.68 ft)
Minimum Interior Side Yard (West)	11 m (36.09 ft)
Minimum Rear Yard	6 m (19.68 ft)
Minimum Density	36 Units Per Gross Hectare (14.6 Units Per Gross Acre)
Maximum Density	45 Units Per Gross Hectare (18.2 Units Per Gros Acre)

d) Other

All other provisions of this By-law pertaining to lands zoned Residential Zone (R4) shall also pertain to lands zoned Residential Zone (R4-15) save and except the following:

i) The parking requirements shall be 1.25 standard parking spaces per dwelling unit for apartment-style multi-unit dwellings.

9.2.16 Defined Area R4-16 as shown on Map 63, Schedule "A" of this By-law.
(By-law 66-26, ZBA No. 376, 538 Bevel Line)

a) Permitted Uses

i. Residential Uses

ii. Accessory Uses

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 9.1.2 of this By-law, and not more than 87 Single Unit Attached Dwellings and Townhouse Dwelling Units, buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 9.1.3 of this By-law, save and except the following:

i. For Two Unit Dwellings, Semi-Detached Dwellings, Single Unit Attached Dwellings, and Townhouse Dwellings, the Minimum Lot Frontage for an Interior Lot shall be 8.2 metres.

d) Other

All other provisions of this By-law pertaining to lands zoned Residential Zone (R4) shall also pertain to lands zoned Residential Zone (R4-16).

9.2.17 Defined Area R4-17 as shown on Map 63, Schedule "A" of this By-law.

(By-law 66-26, ZBA No. 376, 538 Bevel Line)

a) Permitted Uses

i. Residential Uses

ii. Accessory Uses

b) Permitted Buildings and Other Structures

i. Apartment Style Multi Unit Dwelling

c) Zone Provisions

Zone Provisions	Apartment Style Multi Unit Dwelling
Minimum Lot Area	670 m^2
Minimum Lot Frontage	28 m
Maximum Lot Coverage	45%
Minimum Landscaped Open Space	35%
Building Maximum Height	14 m
Minimum Front Yard	6 m
Minimum Interior Side Yard	3 m
Minimum Exterior Side Yard	4.5 m
Minimum Rear Yard	6 m

d) Other

All other provisions of this By-law pertaining to lands zoned Residential Zone (R4) shall also pertain to lands zoned Residential Zone (R4-17).

SECTION 10 - RESIDENTIAL ZONE (R5) REGULATIONS

10.1 General Use Regulations

No person shall within the R5 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

10.1.1 Permitted Uses

a) Residential uses;

b) Accessory uses.

10.1.2 Permitted Buildings and Other Structures

a) Multi unit dwellings excluding apartment style buildings greater than six storeys in height;

b) Buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law.

c) one large boarding house or one small boarding house, per lot in accordance with the provisions of Section 4.5 of this By-law.

10.1.3 Zone Provisions

Zone Provision	Multi Unit Dwelling
Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Maximum Lot Coverage	50 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	35 %
Maximum Building Height	18 m (59.05 ft)
Minimum Front Yard	9 m (29.52 ft)
Minimum Interior Side Yard	one half the height of the building
Minimum Exterior Side Yard	one half the height of the building
Minimum Rear Yard	10 m (32.80 ft)
Maximum Density	120 Units Per Gross Hectare

10.2 Exceptions

The special regulations contained in subsection 10.2 shall apply to the area or areas defined below.

10.2.1 Defined Area R5-1 as shown on Schedule "A", Map 42 to this By-law

a) Permitted Uses
Uses permitted in subsection 10.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Single unit detached dwellings, not more than 3 two unit dwellings (total of 6 dwelling units), not more than 6 dwelling units in one or 2 single unit attached dwellings and the buildings and structures permitted in subsection 10.1.2 of this By-law provided not more than 4 dwelling units access Oak Street in any building other than a multi unit dwelling.

c) Zone Provisions
Zone provisions for the permitted buildings and other structures shall be in accordance with the following:

i) single unit detached dwellings, two unit dwellings and single unit attached dwellings shall be subject to the relevant columns in the table contained within subsection 9.1.3 of this By-law except that the minimum front yard setback shall be 10.5 m (34.44 ft) for any unit accessing Oak Street;

ii) buildings and structures permitted in subsection 10.1.2 of this By-law shall be subject to subsection 10.1.3 of this By-law;

iii) accessory buildings and structures shall be subject to subsection 4.1 of this By-law.

10.2.2 Defined Area R5-2 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses
Uses permitted in subsection 10.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 10.1.2 of this By-law except that the maximum number of dwelling units shall be 28.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 10.1.3 except that the minimum lot front yard shall be 4.5 m (14.76 ft), the minimum interior side yard shall be 7.5 m (24.60 ft), the minimum exterior side yard shall be 7.5 m (24.60 ft) and the minimum rear yard shall be 15 m (49.21 ft).

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R5 shall also pertain to lands zoned R5-2.

10.2.3 Defined Area R5-3 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses
Uses permitted in subsection 10.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 10.1.2 of this By-law except that the maximum number of dwelling units shall be 28.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 10.1.3 except that the minimum front yard shall be 5 m (16.40 ft), the minimum exterior side yard shall be 7.5 m (24.60 ft), the minimum interior side yard shall be 25 m (82.02 ft) and the minimum rear yard shall be 10 m (32.80 ft).

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R5 shall also pertain to lands zoned R5-3.

10.2.4 Defined Area R5-4(h) as shown on Schedule "A", Map 46 to this By-law (By-law 59-24, ZBA 315, Vacant Lot Ellison Avenue)

a) Permitted Uses
The uses permitted in the R5 zone as indicated in subsection 10.1.1 of this By-law.

The uses permitted in the R3 zone as indicated in subsection 8.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Multi-unit dwellings excluding apartment style buildings greater than eight storeys in height.

Permitted buildings and structures in the R3 zone as outlined in section 8.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted multi-unit dwelling excluding apartment style buildings greater than eight storeys in height shall be in accordance with the following:

i) The minimum Landscaped Open Space shall be 30%;
ii) The minimum Front Yard shall be 7 m;

iii) The maximum Building Height shall be 32 m;
iv) The minimum Interior Side Yard setback shall be 7.5 m;
v) The minimum Exterior Side Yard setback shall be 6 m; and
vi) The minimum Rear Yard depth shall be 9 m.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned R5 shall also pertain to lands zoned R5-4(h).

Notwithstanding all other provisions of Section 4.41 Parking Area Requirements, parking for the multi-unit dwellings excluding apartment stye buildings greater than eight storeys in height shall be required to provide 1.21 standard spaces per dwelling unit.

Lands will be subject to a holding provision until final approval of a draft plan of subdivision, including registration of such plan or upon the approval and execution of a site plan control agreement with the Municipality.

10.2.5 Defined Area R5-5(h) as shown on Schedule "A", Map 60 to this By-law

(By-law 76-25, ZBA No. 323, 151 Robson Road – as per OLT Order OLT-24-001176)

a) Permitted Uses

Uses permitted in subsection 10.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures permitted in subsection 10.1.2 of this By-law except that the maximum number of dwelling units shall be 28.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 10.1.3 except:

i) The maximum height of the building and structure shall be 14 m; and
ii) The maximum density shall be 70 units per gross hectare.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned R5 shall also pertain to lands zoned R5-5(h).

SECTION 11 - RESIDENTIAL ZONE (R6) REGULATIONS

11.1 General Use Regulations

No person shall within the R6 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

11.1.1 Permitted Uses

a) Residential uses;

b) Accessory uses.

11.1.2 Permitted Buildings and Other Structures

a) Multi unit dwellings excluding apartment style buildings less than six storeys in height;

b) Buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law.

c) one large boarding house or one small boarding house, per lot in accordance with the provisions of Section 4.5 of this By-law.

11.1.3 Zone Provisions

Zone Provision	Multi Unit Dwelling
Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Maximum Lot Coverage	50 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	35 %
Maximum Building Height	45 m (147.63 ft)
Minimum Front Yard	15 m (49.21 ft)
Minimum Interior Side Yard	one half the height of the building
Minimum Exterior Side Yard	one half the height of the building
Minimum Rear Yard	15 m (49.21 ft)
Maximum Density	120 Units Per Gross Hectare

11.2 Exceptions

The special regulations contained in subsection 11.2 shall apply to the area or areas defined below.

11.2.1 Defined Area R6-1 as shown on Schedule "A", Map 60 to this By-law

a) Permitted Uses
Uses permitted in subsection 11.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements shall be in accordance with the corresponding site plan agreement.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R6 shall also pertain to lands zoned R6-1.

11.2.2 Defined Area R6-2 as shown on Schedule "A", Map 47 to this By-law
(By-law 47-20, ZBA No. 199, 302 Sherk St)

a) Permitted Uses
Uses permitted in subsection 11.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsection 11.1.3 of this By-law, except that the minimum landscaped open space shall be 30%.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned R6 shall also pertain to lands zoned R6-2. Parking requirements shall be a minimum of 1.2 standard parking spaces per dwelling unit.

11.2.3.1 Defined Area R6-3(h) as shown on Schedule "A", Map 46 to this By-law
(By-law 86-24, ZBA No. 321, 73 Seacliff Drive West)

a) Permitted Uses
i) Residential uses
ii) Accessory uses
iii) Mixed-Use Developments

b) Permitted Buildings and Other Structures

i) Mixed use buildings, excluding mixed use buildings less than six storeys in height;
ii) Commercial Buildings in association with a Multi-Unit Dwelling greater than six storeys

in height;

iii) Existing residential uses permitted in subsection 6.1.2 of this By-law; and

iv) Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsection 11.1.3 of this By-law, except that existing residential uses shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions

The (h) symbol may be removed by By-law once adequate services are available. In the interim, the permitted uses shall be restricted to existing uses. All other provisions of this By-law pertaining to lands zoned Residential Zone (R6) shall also pertain to lands zoned R6-3(h).

11.2.3.2 Defined Area R6-3 as shown on Schedule "A", Map 46 to this By-law

~~(By-law 87-24, ZBA No. 324, 97 Seacliff Drive West)~~
(By-law 34-26, ZBA No. 370, 97-99 Seacliff Drive West)

a) Permitted Uses

i) Residential uses
ii) Accessory uses
iii) Mixed-Use Developments

b) Permitted Buildings and Other Structures

i) Mixed use buildings, excluding mixed use buildings less than six storeys in height;
ii) Commercial Buildings in association with a Multi-Unit Dwelling greater than six storeys in height;
iii) Existing residential uses permitted in subsection 6.1.2 of this By-law; and
iv) Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsection 11.1.3 of this By-law, except that existing residential uses shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned Residential Zone (R6) shall also pertain to lands zoned R6-3.

11.2.3.3 Defined Area R6-3(h) as shown on Schedule "A", Map 46 to this By-law

(By-law 88-24, ZBA No. 325, 101 Seacliff Drive West)

a) Permitted Uses

i) Residential uses
ii) Accessory uses
iii) Mixed-Use Developments

b) Permitted Buildings and Other Structures

i) Mixed use buildings, excluding mixed use buildings less than six storeys in height;
ii) Commercial Buildings in association with a Multi-Unit Dwelling greater than six storeys in height;
iii) Existing residential uses permitted in subsection 6.1.2 of this By-law; and
iv) Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsection 11.1.3 of this By-law, except that existing residential uses shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions

The (h) symbol may be removed by By-law once adequate services are available. In the interim, the permitted uses shall be restricted to existing uses. All other provisions of this By-law pertaining to lands zoned Residential Zone (R6) shall also pertain to lands zoned R6-3(h).

11.2.3.4 Defined Area R6-3(h) as shown on Schedule "A", Map 46 to this By-law
(By-law 89-24, ZBA No. 326, 111 Seacliff Drive West)

a) Permitted Uses

i) Residential uses
ii) Accessory uses
iii) Mixed-Use Developments

b) Permitted Buildings and Other Structures

i) Mixed use buildings, excluding mixed use buildings less than six storeys in height;
ii) Commercial Buildings in association with a Multi-Unit Dwelling greater than six storeys in height;
iii) Existing residential uses permitted in subsection 6.1.2 of this By-law; and
iv) Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsection 11.1.3 of this By-law, except that existing residential uses shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions

The (h) symbol may be removed by By-law once adequate services are available. In the interim, the permitted uses shall be restricted to existing uses. All other provisions of this By-law pertaining to lands zoned Residential Zone (R6) shall also pertain to lands zoned R6-3(h).

11.2.3.5 Defined Area R6-3(h) as shown on Schedule "A", Map 46 to this By-law
(By-law 90-24, ZBA No. 327, 125 Seacliff Drive West)

a) Permitted Uses

i) Residential uses
ii) Accessory uses
iii) Mixed-Use Developments

b) Permitted Buildings and Other Structures

i) Mixed use buildings, excluding mixed use buildings less than six storeys in height;
ii) Commercial Buildings in association with a Multi-Unit Dwelling greater than six storeys in height;
iii) Existing residential uses permitted in subsection 6.1.2 of this By-law; and
iv) Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsection 11.1.3 of this By-law, except that existing residential uses shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions

The (h) symbol may be removed by By-law once adequate services are available. In the interim, the permitted uses shall be restricted to existing uses. All other provisions of this By-law pertaining to lands zoned Residential Zone (R6) shall also pertain to lands zoned R6-3(h).

11.2.3.6 Defined Area R6-3(h) as shown on Schedule "A", Map 46 to this By-law
(By-law 91-24, ZBA No. 328, 129 Seacliff Drive West)

a) Permitted Uses

iv) Residential uses
v) Accessory uses
vi) Mixed-Use Developments

b) Permitted Buildings and Other Structures

v) Mixed use buildings, excluding mixed use buildings less than six storeys in height;
vi) Commercial Buildings in association with a Multi-Unit Dwelling greater than six storeys in height;
vii) Existing residential uses permitted in subsection 6.1.2 of this By-law; and
viii) Buildings and structures permitted in subsection 11.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements shall be in accordance with subsection 11.1.3 of this By-law, except that existing residential uses shall be in accordance with subsection 6.1.3 of this By-law.

d) Other Provisions

The (h) symbol may be removed by By-law once adequate services are available. In the interim, the permitted uses shall be restricted to existing uses. All other provisions of this By-law pertaining to lands zoned Residential Zone (R6) shall also pertain to lands zoned R6-3(h).

11.2.4 Defined Area R6-4(h) as shown on Map 49, Schedule "A" of this By-law.
(By-law 22-26, ZBA No. 351, 921 Mersea Road 1)

a) Permitted Uses

a. Mixed Use Buildings
b. Accessory Uses

b) Permitted Buildings and Other Structures

a. Mixed use buildings, excluding mixed use buildings less than six storeys in height;
b. Buildings and structures required for accessory uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 11.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Residential Zone (R6) shall also pertain to lands zoned Residential Zone (R6-4(h)).

i. The holding zone provision is to remain in place until the property is adequately serviced to the satisfaction of the Municipality of Leamington, and the development agreement is in place.

SECTION 12 –COMMERCIAL UPTOWN ZONE (C1) REGULATIONS

12.1 General Use Regulations

No person shall within the C1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

12.1.1 Permitted Uses

a) Retail stores;

b) grocery stores;

c) offices including both on-site service and off-site service;

d) personal and other service uses;

e) financial institutions;

f) automotive and home supply stores;

g) convenience stores;

h) restaurants including fast-food, take-out and full service;

i) places of amusement, entertainment or recreation;

j) bakeries;

k) assembly halls and clubs;

l) communication facilities;

m) clinics;

n) post offices;

o) schools, cultural uses, art galleries and other institutional uses;

p) taverns;

q) funeral homes;

r) existing residential uses, residential uses in buildings designed and constructed as single unit detached dwellings and one additional dwelling unit in any existing residential building subject to complying with section 4.14 of this By-law, and dwelling units above a commercial use other than an automobile use;

s) parking lots;

t) motels and hotels;

u) accessory uses including outside display and sale of goods and materials but not outside storage, in accordance with Section 4.40.

v) Donation Centre

w) Food Vehicle

x) Mixed Use Building

12.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) Dwelling units on the second storey or above and existing dwellings including any alterations thereto made after the date of passing of this By-law in accordance with the requirements of subsection 6.1.3 of this By-law;

c) Accessory buildings and structures for the permitted uses, in accordance to section 4.1 of the By-law.

12.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Maximum Lot Coverage	100 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	no requirement
Minimum Building Height	6 m (19.68 ft)
Maximum Building Height	17 m (55.77 ft)
Minimum Front Yard	no requirement
Maximum Front Yard	1 m (3.28 ft)

Zone Provision	Requirement
Minimum Interior Side Yard Interior Side Yard Abutting a Residential or Holding Residential Zone All Other Cases	 4.5 m (14.76 ft) no requirement
Minimum Exterior Side Yard	no requirement except that requirements for sight visibility triangles (subsection 4.54) must be satisfied
Minimum Rear Yard Rear Yard Abutting a Residential or Holding Residential Zone All Other Cases	 4.5 m (14.76 ft) no requirement

12.2 Exceptions

The special regulations contained in subsection 12.2 shall apply to the area or areas defined below.

12.2.1 Defined Area C1-1 as shown on Schedule “A”, Map 35 of this By-law

a) Permitted Uses
A automobile washing establishment and accessory uses in addition to the uses permitted in the C1 Zone as indicated in subsection 12.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 12.1.2 of this By-law.

12.2.2 Defined Area C1-2 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses
An establishment for the sale and installation of exhaust systems, automobile parts and materials in addition to the uses permitted in subsection 12.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the sale and installation establishment in addition to the buildings and structures permitted in subsection 12.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 12.1.3 of this By-law.

d) Other

The parking provisions of this By-law shall not apply to lands zoned C1-2. All other provisions pertaining to lands zoned C1 shall also apply to lands zoned C1-2.

12.2.3 Defined Area C1-3 as shown on Schedule "A", Map 40 to this By-law

(By-law 61-23, ZBA No. 282, 31-35 Victoria Avenue South)

a) Permitted Uses

A dairy or the uses permitted in subsection 12.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the dairy or the buildings and structures permitted in subsection 12.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 12.1.3 of this By-law.

d) Other

All other provisions pertaining to lands zoned C1 shall also apply to lands zoned C1-3.

12.2.4 Defined Area C1-4 as shown on Schedule "A", Map 40 to this By-law

(By-law 892-09, ZBA No. 1, 91-95 Talbot Street East)

a) Permitted Uses

Three (3) residential dwelling units on the main floor in the existing building and accessory uses in addition to the uses permitted in the C1 zone as indicated in subsection 12.1.1 of this by-law.

b) Permitted Buildings and Other Structures

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

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 12.1.3 of this By-law.

d) Other

Parking requirement reduced from 18 to 13 spaces.

12.2.5 Defined Area C1-5 as shown on Map 36, Schedule "A" of this By-law
(By-law 60-19, ZBA 109, 9 and 13 Foundry Street)

a) Permitted Uses
The uses permitted in the C1 zone as indicated in subsection 12.1.1 of this by-law, including an auto sales and service establishment.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 12.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 12.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned C1 shall also pertain to lands zoned C1.

Outside storage, sales and display of goods and materials shall be in accordance with subsections 4.1 and 4.40 of this By-law except that the maximum area used for outside display and sale of automobiles shall be established by the corresponding site plan agreement.

12.2.6 Defined Area C1-6 as shown on Map 40, Schedule "A" of this By-law.
(By-law 35-22, ZBA 255, 121 Talbot Street East)

a) Permitted Uses
A catering establishment, in addition to the uses permitted in the C1 zone as indicated in subsection 12.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 12.1.2 of this By-law,

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 12.1.3 of this By-law.

d) Other
A minimum of 4 parking spaces shall be established for the use as a catering establishment.

All other provisions of this By-law pertaining to lands zoned C1 shall also pertain to lands zoned C1-6.

SECTION 13 - COMMERCIAL HIGHWAY ZONE (C2) REGULATIONS

13.1 General Use Regulations

No person shall within the C2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

13.1.1 Permitted Uses

a) Convenience stores;

b) retail stores, greater than 465 m² (5,005.38 ft²);

c) restaurants including drive-through, fast-food, take-out and full service;

d) offices including both professional and medical, greater than 465 m² (5,005.38 ft²);

e) motels, hotels, taverns;

f) transportation depots including facilities for taxi, bus and ambulance services;

g) personal and other service uses;

h) funeral homes;

i) gas bars, service stations and automobile repair garages;

j) sales and service establishments for automobiles, trucks, industrial equipment, farm equipment and recreation vehicles;

k) automobile rental establishments, automobile washing establishments;

l) commercial self-storage units;

m) service shops;

n) lumber yards and building supply outlets;

o) places of amusement, recreation or entertainment, assembly halls and clubs;

p) bulk sales establishments;

q) animal hospitals, clinics;

r) garden supply centres;

s) bakeries;

t) auction establishments;

u) parking lots;

v) day care centres;

w) printing and photography facilities;

x) financial institutions;

y) dwelling units above a commercial use, subject to complying with Section 4.14 of the By-law;

z) accessory uses including the outside storage and display and sale of goods and materials, in accordance with Section 4.40.

aa) Food Vehicle

bb) Mixed Use Building

13.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with Section 4.1 of this By-law.

13.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	930 m² (10,010.76 ft²)
Minimum Lot Frontage	30 m (98.42 ft)
Maximum Lot Coverage	50 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	30 %
Maximum Building Height	10.5 m (34.44 ft)

Zone Provision	Requirement
Minimum Front Yard	12 m (39.37 ft)
Minimum Interior Side Yard Interior Side Yard Abutting a Residential or Holding Residential Zone All Other Cases	 7.5 m (24.60 ft) 4.5 m (14.76 ft)
Minimum Exterior Side Yard Automobile Uses, Hotel, Motel All Other Uses	 12 m (39.37 ft) 7.5 m (24.60 ft)
Minimum Rear Yard	10.5 m (34.48 ft)

13.2 Exceptions

The special regulations contained in subsection 13.2 shall apply to the area or areas defined below.

13.2.1 Defined Area C2-1 as shown on Schedule "A", Map 34 to this By-law

a) Permitted Uses
A day care centre in addition to the uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the corresponding site plan.

d) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-1.

13.2.2 Defined Area C2-2 as shown on Schedule "A", Map 35 to this By-law

a) Permitted Uses
A convenience store and accessory uses including a one-way driveway through the said lands to an adjacent automobile washing establishment.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses except that no structures shall be allowed

between the proposed building and the westerly limit of the C2-2 Zone.

c) Zone Provisions
The lot and building requirements for lands zoned C2-2 shall be in accordance with the following:

i) Minimum Yard Setbacks:

a)	west side	7.5 m (24.60 ft);
b)	north side	3 m (9.84 ft);
c)	east side	0 m (0 ft);
d)	south side	10.5 m (34.44 ft).

d) Other Provisions
Requirements regarding details such as landscaping, location of garbage bins, driveways, heating and cooling units and the treatment of the west wall of the convenience store shall be addressed in the site plan agreement. A minimum of 5 parking spaces shall be maintained on site at all times.

13.2.3 Defined Area C2-3 as shown on Schedule "A", Map 35 to this By-law

a) Permitted Uses
A restaurant, gas bar and automobile washing facility in addition to the uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the corresponding site plan.

d) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-3.

13.2.4 Defined Area C2-4 as shown on Schedule "A", Map 37 to this By-law.
(By-law 495-15, ZBA No. 115, 139-141 Talbot Street East)

a) Permitted Uses

a) Convenience stores;
b) retail stores
c) restaurants, fast-food, take-out and full service;
d) offices including both professional and medical
e) motels, hotels, taverns;
f) personal and other service uses;
g) funeral homes;

h) commercial self-storage units;
i) service shops;
j) places of amusement, recreation or entertainment, assembly halls and clubs;
k) bulk sales establishments;
l) animal hospitals;
m) clinics;
n) garden supply centres;
o) bakeries;
p) auction establishments;
q) parking lots;
r) day care centres;
s) financial institutions;
t) dwelling units above a commercial use, subject to complying with Section 4.14 of the By-law;
u) a maximum of 32 residential main floor units in freestanding residential buildings;
v) accessory uses including the outside storage and display and sale of goods and materials, in accordance with Section 4.40.

b) Permitted Buildings and Other Structures

The buildings and structures for the permitted uses,
Freestanding residential dwelling units shall include two unit and multi-unit dwellings, excluding apartment style buildings;

c) Zone Provisions

All lot requirements for the subject property shall be as they existed on the date of the passing of the by-law;

Zone Provision	Requirement
Maximum Lot Coverage	50 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	35 %

All building requirements for the permitted **commercial** buildings and structures shall be in accordance with the following:

Zone Provision	Requirement
Maximum Building Height	10.5 m (34.44 ft)
Minimum Front Yard	1.0 m (3.2 ft)
Minimum Interior Side Yard abutting a Commercial Zone	2.0 m (6.56 ft)
Minimum Rear Yard	10.5 m (34.48 ft)
Minimum required separation between an on-site commercial structure and an on-site residential structure	7.62 m (25 ft)

All building requirements for the permitted **residential** buildings and structures shall be in accordance with the following:

Zone Provision	Requirement
Maximum Building Height	5.9 m (19.5 ft)
Minimum Front Yard Setback	39.6 m (130 ft)
Minimum Side Yard Setback for easterly and westerly property lines abutting a Commercial Zone	4.5 m (15 ft)
Minimum Side Yard Setback for southerly property line abutting a Commercial Zone	6.0 m (20 ft)
Minimum Rear Yard Abutting Residential Zone	6.0 m (20 ft)

d) Other
Parking shall be provided in accordance to Section 4.41.

All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-4.

13.2.5 Defined Area C2-5 as shown on Schedule "A", Map 38 to this By-law

a) Permitted Uses
Commercial retail store and rental establishment in addition to the uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law except that the minimum interior side yard shall be 1 m (3.28 ft) and the minimum landscaped open space shall be in accordance with the corresponding site plan agreement.

d) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-5.

13.2.6 Defined Area C2-6 as shown on Schedule "A", Map 38 to this By-law

a) Permitted Uses
Uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 13.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law except that the minimum rear yard shall be 0.15 m (0.49 ft).

d) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-6.

13.2.7 Defined Area C2-7 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses
Uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 13.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law except that the minimum front yard shall be 4.5 m (14.76 ft), the minimum interior side yard shall be 3 m (9.84 ft), the minimum exterior side yard shall be 7.5 m (24.60 ft) and the minimum rear yard shall be 1.5 m (4.92 ft).

d) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-7.

13.2.8 Defined Area C2-8 as shown on Schedule "A", Map 45 to this By-law

a) Permitted Uses
The following permitted uses shall be permitted in the first storey only:

i) building supply outlet;
ii) bulk sales establishments;
iii) farm produce sales outlet;
iv) garden supply centre;
v) laundry establishment, coin-operated;
vi) office;
vii) parking lot;
viii) service shop;
ix) a grocery store;
x) accessory uses to the foregoing permitted commercial uses including restaurant facilities which primarily serve patrons of one of the other permitted commercial uses.

The following residential uses shall only be permitted above the foregoing commercial

uses located on the first storey:

i) not more than 8 dwelling units;
ii) accessory uses to the foregoing residential uses.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i)	Minimum Lot Area	3,849 m² (41,440 ft²);
ii)	Minimum Lot Frontage	46 m (150.91 ft);
iii)	Maximum Lot Coverage	25 %;
iv)	Minimum Landscaped Open Space	20 %;
v)	Maximum Building Height	2 storeys;
vi)	Minimum Front Yard	30 m (98.42 ft);
vii)	Minimum Side Yard	4.5 m (14.76 ft);
viii)	Minimum Rear Yard	10.5 m (34.44 ft).

d) Parking Requirements

Notwithstanding any other requirements of this By-law to the contrary, a minimum of 39 parking spaces shall be provided on lands zoned C2-8. All other matters relating to parking areas shall be in accordance with the site plan agreement and not the requirements of this By-law.

e) Other

All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-8.

13.2.9 Defined Area C2-9 as shown on Schedule "A", Map 47 to this By-law
(By-law 32-22, ZBA No. 252, 279 Erie Street South)

a) Permitted Uses

A hotel, including an assembly hall as an accessory use to the main hotel use.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 13.1.3 of this By-law, with the exception of the following:

i)	Minimum Landscaped Open Space	22.3%

ii)	Maximum Building Height of the 5 storey hotel addition in accordance with the approved site plan agreement	14.89 m
iii)	Minimum Interior Side Yard Setback (south) abutting a residential zone	5.7 m
iv)	Minimum Interior Side Yard Setback (south) abutting a commercial zone	3.8 m
v)	Minimum Interior Side Yard Setback (north)	0.3 m
vi)	Minimum required standard parking spaces, for the 72 hotel rooms and 462.6 m^2 assembly hall, and in accordance with the approved site.	116 spaces

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Highway (C2) shall also pertain to lands zoned C2-9.

13.2.10 Defined Area C2-10 as shown on Schedule "A", Map 47 to this By-law

a) Permitted Uses
Uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 with the following exceptions:

i)	Minimum Lot Frontage	27 m (88.58 ft);
ii)	Minimum Landscaped Open Space	16 %;
iii)	Minimum Interior Side Yard	3.5 m (11.48 ft).

d) Parking Requirements
A minimum of 5 parking spaces shall be provided with a minimum parking space size of 2.6m by 5.4m (8.53 ft by 17.71 ft).

e) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-10.

13.2.11 Defined Area C2-11 as shown on Schedule "A", Map 57 to this By-law

a) Permitted Uses
A shopping centre including grocery stores and drive through restaurants and accessory uses in addition to the uses permitted in the C2 Zone as indicated in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 13.1.3 of this By-law unless stipulated otherwise in the corresponding site plan agreement.

d) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-11.

13.2.12 Defined Area C2-12 as shown on Schedule "A", Map 37 to this By-law

a) Permitted Uses
The uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The buildings and structures permitted in subsection 13.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law except that the minimum front yard shall be 7.5 m (24.60 ft), the minimum rear yard shall be 10 m (32.80 ft) and the minimum side yard shall be 3 m (9.84 ft).

d) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-12.

13.2.13 Defined Area C2-13 as shown on Schedule "A", Map 47 to this By-law

a) Permitted Uses
The commercial uses permitted in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The buildings and structures permitted in subsection 13.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in

accordance with subsections 13.1.3 of this By-law.

d) Parking Requirements
Notwithstanding any other requirements of this By-law to the contrary, a minimum of 40 parking spaces shall be required in the C2-13 Zone.

e) Other
All other provisions pertaining to lands zoned C2 shall also apply to lands zoned C2-13.

13.2.14 Defined Area C2-14 as shown on Schedule "A", Map 43 to this By-law

a) Permitted Uses
Manufacturing process of labels, in addition to the permitted uses in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures
The buildings and structures permitted in subsection 13.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law.

13.2.15 Defined Area C2-15 as shown on Map 38 Schedule “A” of this By-law.
(By-law 310-13, ZBA No. 71, 20 Grace Avenue)

a) Permitted Uses
The uses permitted in the C2 zone as indicated in subsection 13.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 13.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be as they existed on the date of the passing of this by-law, unless stipulated otherwise in the corresponding site plan agreement.

d) Other
All other provisions of this By-law pertaining to lands zoned C2 shall also pertain to lands zoned C2-15.

13.2.16 Defined Area C2-16 as shown on Map 59 Schedule “A” of this By-law.
(By-law 476-15, ZBA No. 113, W/S Cherry Lane)

a) Permitted Uses

i) Residential and Nursing Home/Long Term Care Facility, in addition to the uses permitted in the C2 Zone as indicated in subsection 13.1.1 of this By- law;

ii) Accessory uses;

b) Permitted Buildings and other structures

i) Buildings and structures for the permitted uses permitted in subsection 13.1.1

ii) Multi-unit residential dwellings, including apartment style buildings six storeys or less in height;

iii) Buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law;

c) Zone Provisions

All lot requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law except that the minimum lot area and frontage requirements shall be as follows:

Zone Provisions	
Min. Lot Area	10,000 m^2
Min. Lot Frontage along Cherry Lane	118 m
Min. Lot Frontage	0 m

All building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law except that the minimum lot area and frontage requirements for the permitted residential and nursing home/long term care facility shall be as follows:

Zone Provision	
Max. Building Height	20 m
Min. Side Yard Setback abutting Cherry Lane	15 m
Min. Side Yard Setback abutting lands zoned Residential	15 m
Notwithstanding Section 4.34 Min. Side Yard Setback abutting municipal trail	15 m
Min. Side Yard Setback abutting lands zoned C2	0 m
Max. Lot Coverage	50%
Min. Landscaped Area	30%
Min. Parking Requirement	158 standard parking spaces, plus 3 additional barrier free spaces

d) Other

Notwithstanding Section 4.54 of this by-law, fences shall be permitted in any yard. The location and height of any fence shall be established under site plan approval.

13.2.17 Defined Area C2-17 as shown on Schedule "A", Map 17 to this By-law
(By-law 43-20, ZBA No. 212, 636 Mersea Road 8)

a) Permitted Uses
One dwelling unit as an accessory use to the uses permitted in the C2 Zone as indicated in subsection 13.1.1 of this By-law, in addition to the uses permitted in subsection 13.1.1 of tis By-law.

b) Permitted Buildings and Other Structures
a.) The buildings and structures permitted;
b.) accessory buildings and structures for the permitted uses in accordance with Section 4.1 of this By-law, except that a dwelling unit as an accessory use shall be a single unit detached dwelling that is a maximum of 2 storey.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 13.1.3 of this By-law, except that a single unit detached dwelling shall be in accordance with subsection 6.1.3, unless stipulated otherwise in the corresponding site plan agreement.

d) Other
All other provisions of this By-law pertaining to lands zoned C2 shall also pertain to lands zoned C2-17.

~~13.2.18 Defined Area (C2-18(H)) as shown on Map 47, Schedule "A" of this By-law.~~
~~**(By-law 28-21, ZBA No. 222, 320 Erie Street South)**~~
(DELETED as per By-law 39-26, ZBA No. 368, 320 Erie Street South)

13.2.19 Defined Area C2-19 as shown on Map 59, Schedule "A" of this By-law.
(By-law 62-21, ZBA No. 234, 30 Seacliff Drive East)

a) Permitted Uses
Nursing Home/Long Term Care Facility;

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 13.2.19 of this By-law, as amended;

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 13.1.3 of this By-law with the exception of the following;

Min. Lot Area	10,000 m^2
Min. Lot Frontage	0m

Max. Building Height	20m
Min. Side Yard Setback abutting lands zoned Residential	15 m
Min. Side Yard Setback abutting lands zoned C2	0 m
Max. Lot Coverage	50%
Min. Landscaped Area	30%

Notwithstanding Section 4.34 of this By-law, the minimum side yard setback abutting municipal trail shall be 9.5m.

Notwithstanding the provisions of Section 4.41 of this By-law, the minimum parking space requirement for a nursing home/long term care facility shall be 78 standard parking spaces, plus 3 additional barrier free spaces

d) Other

All other provisions of this By-law pertaining to lands zoned C2 shall also pertain to lands zoned C2-19.

13.2.20 Defined Area C2-20 as shown on Map 43, Schedule "A" of this By-law.

(By-law 79-21, ZBA 237, 124 Oak Street West)

a) Permitted Uses

An automobile impound shop/yard, in addition to the uses permitted Section 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

The lot and building requirements for lands zoned C2-20 shall be in accordance with subsection 13.1.3 of this By-law, except that:

i)	Minimum Lot Frontage	18.29m
ii)	Minimum Landscaped Open Space	0%

All lot and building requirements for an automobile impound shop/yard shall be in accordance with subsection 13.1.3 of this By-law, and as follows:

i) Outdoor automobile impound yard to be setback a minimum of 60 m from front lot line;

ii) Outdoor automobile impound yard be a maximum of 1700m^2 in area;

iii) Subject to site plan control approval, including the provision of visual screening to the satisfaction of the Municipality along the eastern and southern property lines;

iv) The provision of 5 standard parking spaces, in accordance with Section 4.41 of this By-law;

d) Other
All other provisions of this By-law pertaining to lands zoned (C2) shall also pertain to lands zoned C2-20.

13.2.21 Defined Area C2-21 as shown on Map 41, Schedule "A" of this By-law
(By-law 86-21, ZBA No. 244, 357 Oak Street East)

a) Permitted Uses
The uses permitted in the C2 zone as indicated in subsection 13.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 13.1.2 of this By-law, including two (2) temporary structures. The two (2) temporary structures shall be permitted until December 14, 2024.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 13.1.3 of this By-law.

All lot and building requirements for the permitted temporary structures shall be in accordance with subsection 4.1 of this By-law save and except that the separation distance between the two temporary structures shall be 0 m (0 ft).

d) Other
All other provisions of this By-law pertaining to lands zoned C2 shall also pertain to lands zoned C2-21.

13.2.22 Defined Area C2-22 as shown on Schedule "A", Map 47 of this By-law.
(By-law 24-23, ZBA No. 272, 282 Erie Street South)

a) Permitted Uses
a) Convenience Stores (being retail less than 200m^2)
b) Retail Stores
c) Offices
d) Personal and other service uses
e) Animal Hospitals, clinics
f) Bakeries

g) Printing and photography facilities
h) Financial institutions

b) Permitted Buildings and Other Structures

i. Buildings and structures for the permitted uses.
ii. Accessory buildings and structures for the permitted uses in accordance with subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 13.1.3 of this By-law.

d) Parking Requirement

Notwithstanding any other provisions of this By-law to the contrary, a minimum of 4.1 parking spaces per 93 m² (1001.07 ft²) of gross floor area shall be provided in the C2-22 Zone.

e) Other

All other provisions of this By-law pertaining to lands zoned C2 shall also pertain to lands zoned C2-22.

13.2.23 Defined Area C2-23 as shown on Schedule "A", Map 47 of this By-law.

(By-law 23-24, ZBA No. 301, 311 Erie Street South)

a) Permitted Uses

The uses permitted in the Commercial Highway Zone (C2) Zone as indicated in subsection 13.1.1 of this By-law.

b) Permitted Buildings and Other Structures

i. Buildings and structures for the permitted uses in subsection 13.1.2 of this Bylaw.
ii. Accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 13.1.3 of this By-law, except for the following:

Minimum landscaped open space is 24.3%
Minimum front yard is 9.6 m
Minimum exterior side yard is 5.9 m

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Highway Zone (C2) shall also pertain to lands zoned C2-23 save and except the following:

i. A drive-through restaurant abutting a Residential Zone shall be a permitted use.
ii. The minimum number of standard parking spaces shall be 18.

iii. The minimum number of required barrier-free spaces shall be two.
iv. The dimensions for the two barrier-free parking spaces shall be 3.4 m x 6 m (Type A) and 3 m x 6 m (Type B) and shall include 1.6 m for the accessible aisle.

13.2.24 Defined Area C2-24 as shown on Map 47, Schedule "A" of this By-law.
(By-law 39-26, ZBA No. 368, 320 Erie Street South)

a) Permitted Uses

i. The uses permitted in the Commercial Highway Zone as indicated in subsection 13.1.1 of this by-law.
ii. Mixed-Use Development

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 13.1.3 of this By-law save and except for the following:

i.	Maximum Building Height	22.0 m (72.18 ft)

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Highway Zone (C2) shall also pertain to lands zone Commercial Highway Zone (C2-24) save and except the following:

i. Notwithstanding Subsection 4.41 Parking Area Requirements: The minimum required parking shall be 185 parking spaces inclusive of the required Barrier Free Parking.

SECTION 14 - COMMERCIAL SHOPPING CENTRE ZONE (C3) REGULATIONS

14.1 General Use Regulations

No person shall within the C3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

14.1.1 Permitted Uses

a) Commercial uses;

b) gas bars;

c) restaurants;

d) accessory uses including outside storage and display and sale of goods and materials, in accordance with Section 4.40.

e) Food Vehicle

14.1.2 Permitted Buildings and Other Structures

a) Shopping centres and commercial buildings, including freestanding commercial buildings on the same lot;

b) accessory buildings and structures for the permitted uses, in accordance with section 4.1 of this By-law.

14.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	930 m² (10,010.76 ft²)
Minimum Lot Frontage	30 m (98.42 ft)
Maximum Lot Coverage	50 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	30 %
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	9 m (29.52 ft)

Zone Provision	Requirement
Minimum Interior Side Yard	9 m (29.52 ft)
Minimum Exterior Side Yard	9 m (29.52 ft)
Minimum Rear Yard	9 m (29.52 ft)

14.2 Exceptions

The special regulations contained in subsection 14.2 shall apply to the area or areas defined below.

14.2.1 Defined Area C3-1 as shown on Schedule "A", Map 37 to this By-law

a) Permitted Uses
A gas bar in addition to the uses permitted in subsection 14.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 14.1.3 of this By-law except for the following:

i)	Minimum Lot Area	3.5 ha (8.64 ac);
ii)	Minimum Lot Frontage	20 m (65.61 ft);
iii)	Minimum Front Yard	15 m (49.21 ft);
iv)	Minimum Side Yard	0 m (0 ft);
v)	Minimum Rear Yard	5 m (16.40 ft).

d) Other
All other provisions pertaining to lands zoned C3 shall also apply to lands zoned C3-1.

14.2.2 Defined Area C3-2 as shown on Schedule "A", Map 37 to this By-law

a) Permitted Uses
A gas bar in addition to the uses permitted in subsection 14.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 14.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 14.1.3 of this By-law except for the following:

i)	Maximum Lot Area	3 ha (7.41 ac);

ii)	Minimum Lot Frontage	115 m (377.29 ft);
iii)	Maximum Lot Coverage	50 %;
iv)	Maximum Building Height	10 m (32.80 ft);
v)	Minimum Front Yard	15 m (49.21 ft);
vi)	Minimum Side Yard	4.5 m (14.76 ft);
vii)	Minimum Rear Yard	4.5 m (14.76 ft).

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C3 shall also apply to lands zoned C3-2 except development of this site shall be subject to site plan control. The corresponding site plan agreement will require that:

i) All necessary permits have been obtained from the Essex Region Conservation Authority and that prior to development the Essex Region Conservation Authority shall be satisfied with the storm water management proposal;
ii) The applicant contribute to the cost of any improvements required to the existing sanitary sewer system and/or the sewage pump serving the property if such improvements are required as a result of the proposed development;
iii) All parking requirements, loading area requirements, landscaping, buffering, and other similar items shall be governed through site plan control and not the provisions of this By-law.

14.2.3 Defined Area C3-3 as shown on Schedule "A", Map 47 to this By-law

a) Permitted Uses

Uses permitted in subsection 14.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures permitted in subsection 14.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 14.1.3 of this By-law except for the following:

i)	Minimum Lot Area	1 ha (2.47 ac);
ii)	Minimum Lot Frontage	50 m (164.04 ft);
iii)	Minimum Front Yard	16 m (52.49 ft);
iv)	Minimum Side Yard	4 m (13.12 ft);
v)	Minimum Rear Yard	4 m (13.12 ft).

d) Other

Notwithstanding any other provisions to the contrary, the minimum number of parking spaces shall be 100. All other provisions pertaining to lands zoned C3 shall also apply to lands zoned C3-3.

14.2.4 Defined Area C3-4 as shown on Schedule "A", Map 47 to this By-law

a) Permitted Uses
Uses permitted in subsection 14.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 14.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 14.1.3 of this By-law except for the following:

Maximum Floor Area	4,500 m² (48,439.18 ft²);
Minimum Front Yard	12 m (39.37 ft);
Minimum Side Yard	3.5 m (11.48 ft);
Minimum Rear Yard	13.5 m (44.29 ft).

d) Other
Minimum parking space size for lands zoned C3-4 shall be 3 m x 5.5 m (9.84 ft by 18.04 ft). All other provisions pertaining to lands zoned C3 shall apply to lands zoned C3-4.

14.2.5 Defined Area C3-5 as shown on Map 29, Schedule "A" of this By-law.
(By-law 491-15, ZBA No. 117, 324 Erie Street North)

a) Permitted Uses
The uses permitted in the C3 zone as indicated in subsection 14.1.1 of this by-law, including greenhouses.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection14.1.2 of this By-law,

Buildings and structures for the permitted greenhouse use, including three temporary buildings. The three temporary buildings shall be in permitted until August 24, 2018.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures for the permitted uses in subsection 14.1.2 shall be in accordance with subsection 14.1.3 of this By-law.

All lot and building requirements for the permitted greenhouses shall be in accordance with subsections 24.1.4 and 4.1 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned C3 shall also pertain to lands zoned C3-5

14.2.6 Defined Area C3-6 as shown on Map 47, Schedule "A" of this By-law.
(By-law 05-18, ZBA No. 163, 291 & 295 Erie Street South & South Side of Parkdale Avenue)

a) Permitted Uses
The uses permitted in the C3 zone as indicated in subsection 14.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 14.2.6 a) of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 14.1.3 of this By-law, except that the following Zone provisions shall apply for a drive-through restaurant use:

i)	Minimum Landscaped Open Space	20%
ii)	Minimum Interior Side Yard	3.5 m (11.48 ft)

d) Other
i) Notwithstanding the provisions of Section 4.41 of this By-law, a minimum of 24 on-site parking spaces shall be provided for a drive-through restaurant.
ii) Notwithstanding the provisions of Section 4.49 c), a drive-through may be permitted in conjunction with a restaurant on the subject lands.
iii) All other provisions of this By-law pertaining to lands zoned C3 shall also pertain to lands zoned C3-6.

14.2.7 Defined Area C3-7 as shown on Map 45, Schedule "A" of this By-law.
(By-law 60-21, ZBA No. 235, 250 Oak Street East)

a) Permitted Uses
The uses permitted in the C3 zone as indicated in subsection 14.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 14.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 14.1.3 of this By-law.

d) Other
i) Notwithstanding the provisions of Section 4.41 of this By-law, the minimum number of parking spaces required shall be 46 standard spaces and one barrier free space for the existing gross floor area of the existing building.

ii) All other provisions of this By-law pertaining to lands zoned C3 shall also pertain to lands zoned C3-7.

14.2.8 Defined Area C3-8 as shown on Map 47, Schedule "A" of this By-law. (By-law 78-21, ZBA No. 242, 297 Erie Steet South)

a) Permitted Uses
The uses permitted in the C3 zone as indicated in subsection 14.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 14.1.2 of this By-law,

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 14.1.3 of this By-law except for the following:

i) Minimum interior side yard (south) 4 m (13.12 ft)

d) Other

i) Notwithstanding any other provisions to the contrary, the minimum number of barrier free parking spaces shall be 1 for the gross floor area of the existing use as a financial institution.

ii) All other provisions of this By-law pertaining to lands zoned C3 shall apply to lands zoned C3-8.

14.2.9 Defined Area C3-9(h) as shown on Map 29, Schedule "A" of this By-law. (By-law 98-24, ZBA No. 314, 806 and 810 Mersea Road 4)

a) Permitted Uses
The uses permitted in the C3 zone as indicated in subsection 14.1.1 of this By-law and in addition an Off-site Farm Worker Dwelling within the existing dwelling on a temporary basis. The use of the Off-site Farm Worker Dwelling shall be permitted until November 12, 2027, for the exclusive use of the greenhouses at 824, 828-836, 834 and vacant land on the south side of Mersea Road 4.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 14.1.2 of this By-law or an Off-site Farm Worker Dwelling within the existing dwelling shall be permitted on a temporary basis until November 12, 2007.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned (C3) or (C3(h)) shall also pertain to lands zoned (C3-9(h)).

The removal of the holding zone symbol shall not be required for the temporary use of the existing dwelling as an Off-site Farm Worker Dwelling. The provisions of subsections 4.17 (a)-(e), inclusive, shall not apply to the use of the Off-site Farm Worker Dwelling. Subsection 4.17(f) shall continue to apply to the use of the Off-site Farm Worker Dwelling, including:

i. the maximum Lot Coverage, including required parking and bicycle parking areas shall be a maximum of 4.0%;
ii. the provision of a minimum of 1 Loading space per dwelling unit.

14.2.10 Defined Area C3-10(h) as shown on Map 29, Schedule "A" of this By-law.
(By-law 43-26, ZBA No. 367, 320 Erie Street North)

a) Permitted Uses

In addition to the uses permitted in the Commercial Shopping Centre Zone (C3) as indicated in subsection 14.1.1 of this By-law, the following uses are permitted:

i. One off-site farm worker dwelling

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 14.1.2 of this By-law; Existing dwelling

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 14.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Shopping Centre Zone (C3) shall also pertain to lands zoned Commercial Shopping Centre Zone (C3-10(h)) in addition to the following:

Off-site farm worker dwellings shall also be subject to the following requirements:

- Site Plan Control is required for the establishment of all new Farm Worker Dwellings and the expansion of existing Farm Worker Dwellings;
- A minimum of 0.5 Bicycle Parking spaces per bed shall be provided on-site;
- The provision of a minimum of 1 Loading space per dwelling unit.

The holding (h) symbol shall only apply to commercial industrial development and/or the establishment of a commercial or industrial use in the C3-10 zone and shall not apply to site plan control requirements or building code requirements for Farm Worker Dwellings. The holding symbol can be removed when municipal sanitary sewers are available to service commercial or industrial development to the satisfaction of the Municipality.

SECTION 15 – COMMERCIAL INDUSTRIAL ZONE (C4) REGULATIONS

15.1 General Use Regulations

No person shall within the C4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

15.1.1 Permitted Uses

a) Sales and service establishments for automobiles, trucks, industrial equipment, farm equipment and recreation vehicles;

b) automobile service stations, gas bars, washing establishments or body shops;

c) bulk sales and wholesale establishments;

d) lumber yards and building supplies centres;

e) tradesman's shops and contractors' yards;

f) retail stores requiring large buildings;

g) warehousing;

h) wholesale sales and service outlets for petroleum equipment and supply;

i) light manufacturing;

j) trucking depots;

k) fertilizer dealerships and grain processing and other agricultural produce service establishments;

l) private sports facilities;

m) exhibitions halls, places of amusement, entertainment or recreation;

n) assembly halls and clubs;

o) auction establishments;

p) animal hospitals;

q) storage and warehousing facilities;

r) garden supply centres;

s) printing establishments;

t) transportation depots;

u) offices, financial institutions;

v) merchandising outlets and other retail activities that are space extensive;

w) restaurants including drive-through, fast-food, take-out and full service;

x) convenience stores;

y) accessory uses and outside storage and display of the sale of goods and materials, in accordance with Section 4.39 of this By-law.

z) Food Vehicle

15.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

15.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	1,400 m² (15,069.96 ft²)
Minimum Lot Frontage	30 m (98.42 ft)
Maximum Lot Coverage	35 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	30 %
Maximum Building Height	10.5 m (34.44 ft)
Minimum Front Yard	15 m (49.21 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft)
Minimum Exterior Side Yard	15 m (49.21 ft)
Minimum Rear Yard	6 m (19.68 ft)

15.2 Exceptions

The special regulations contained in subsection 15.2 shall apply to the area or areas defined below.

15.2.1 Defined Area C4-1 and C4-1 (h) as shown on Schedule "A", Map 28 to this By-law

a) Permitted Uses

i) Agricultural bulk sales and wholesale establishments;
ii) farm equipment and service establishments;
iii) boiler sales and service establishments;
iv) a trucking depot;
v) warehousing;
vi) an establishment for the storage of equipment used for the exploration and extraction of gas and other similar products;
vii) the uses permitted in the Agricultural Zone;
viii) a light manufacturing establishment of a non-effluent producing nature not requiring large amounts of water that is engaged in the manufacturing, assembly, packing, packaging, sorting, storing, servicing, repairing, wholesaling or shipping of agricultural products or agricultural supplies and shall include the following provided they are light manufacturing and non-effluent producing:
ix) an establishment for packing, packaging, sorting, storing, wholesaling and the shipping of agricultural products or produce;
x) an establishment for the manufacturing, assembly, packing, packaging, storing, wholesaling, shipping, repair and servicing of agricultural machinery and implements or parts thereof, agricultural supplies, including packaging materials and equipment or parts thereof, including specialized equipment for greenhouses;
xi) an establishment for mixing, packing, packaging, storing, sorting, wholesaling and shipping of fertilizers, herbicides, insecticides, pesticides and chemicals or non-organic matter used to assist in the production of crops but does not include any use that involves any form of sewage sludge as one of its materials;
xii) an establishment for the manufacturing, assembly, packing, packaging, sorting, storing, wholesaling, shipping, repair and servicing of building products for agricultural uses including building products for greenhouses, barns, garages, storage bins, silos and fences but does not include a cement manufacturing facility;
xiii) accessory uses to the foregoing permitted uses including accessory retail sales.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 15.1.3 of this By-law.

d) Other

The (h) symbol may be removed by by-law once site plan agreements have been signed. In the interim, the permitted uses shall be restricted to uses permitted in the Agricultural Zone of this By-law. All other provisions pertaining to lands zoned C4 shall also apply to lands zoned C4-1.

15.2.2 Defined Area C4-2 as shown on Schedule "A", Map 28 to this By-law

a) Permitted Uses

Uses permitted in the C4 zone in addition to accessory uses excluding fertilizer dealership and grain processing and other agricultural service establishments.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

Zone provisions for the permitted buildings and other structures shall be in accordance with subsection 15.1.3 of this By-law and in accordance with subsection 4.1 for the accessory buildings and other structures.

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C4 shall also apply to lands zoned C4-2.

15.2.3 Defined Area C4-3 as shown on Schedule "A", Map 29 to this By-law

a) Permitted Uses

An automobile salvage establishment and accessory uses in addition to the uses permitted in the C4 Zone as indicated in subsection 15.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 15.1.3 of this By-law.

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C4 shall also apply to lands zoned C4-3.

15.2.4 Defined Area C4-4 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses

Not more than three dwelling units, accessory to the canning factory to house, in total, no more than 21 seasonal employees in addition to the uses permitted in the C4 Zone as indicated in subsection 15.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 15.1.3 of this By-law.

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C4 shall also apply to lands zoned C4-4.

15.2.5 Defined Area C4-5 as shown on Schedule "A", Map 29 to this By-law

(By-law 34-25, ZBA No. 339, 468 Highway 77)

a) Permitted Uses

An Automobile Rental Establishment and accessory uses in addition to the uses permitted in the C4 Zone as indicated in subsection 15.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 15.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 15.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Industrial Zone (C4) shall also pertain to lands zoned Commercial Industrial Zone (C4-5).

15.2.6 Defined Area C4-6(h) as shown on Map 29, Schedule “A” to this By-law.

(By-law 77-25, ZBA No. 273, Vacant Land on the East side of Highway 77)

a) Permitted Uses

The uses permitted in the C4 Zone (C4) as indicated in subsection 15.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 15.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 15.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Industrial Zone (C4) shall also pertain to lands zoned C4-6(h). The holding zone symbol may be

removed through the completion of a Floodplain Characterization Study to the satisfaction of the Essex Region Conservation Authority and the Municipality.

15.2.7 Defined Area C4-7 as shown on Map 28, Schedule "A" of this By-law.
(By-law 82-25, ZBA No. 354, 305 Erie Street North)

a) Permitted Uses

The uses permitted in the C4 zone as indicated in subsection 15.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 15.1.2 of this By-law, including one (1) On-Site Farm Worker Dwelling.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 15.1.3 of this By-law, in addition to the following provisions:

The On-site Farm Worker Dwelling shall be established in accordance with the following requirements:

a) Site Plan Control is required for the development of an On-site Farm Worker Dwelling;
b) Site Plan Control is required for the establishment of all new Farm Worker Dwellings and the expansion of existing Farm Worker Dwellings;
c) A minimum of 0.5 Bicycle Parking spaces per bed shall be provided on-site;
d) Required parking shall be provided in accordance with the provisions of Section4.41 of this By-law;
e) All other zoning provisions that pertain to the greenhouse building shall apply to the On-site Farm Worker Dwelling, except that:
    i) the maximum Lot Coverage, including required parking and bicycle parking areas, shall be a maximum of 4.0%; and
    ii) the provision of a minimum of one (1) Loading Space per dwelling unit.

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Industrial Zone (C4) shall also pertain to lands zoned Commercial Industrial Zone (C4-7). The holding zone symbol shall not apply to the change of use for the existing Farm Help Dwelling.

15.2.9 Defined Area C4-9 as shown on Map 27, Schedule "A" of this By-law.
(By-law 21-26, ZBA No. 363, 421 Highway 77)

a) Permitted Uses

In addition to the uses permitted in the Commercial Industrial (C4) Zone as indicated in subsection 15.1.1 of this By-law, a Small Boarding House shall be permitted as a temporary use until February 10, 2029.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 15.1.2 and 15.2.9 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 15.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Industrial Zone (C4) shall also pertain to lands zoned Commercial Industrial Zone (C4-9).

15.2.10 Defined Area C4-10(h) as shown on Map 28, Schedule "A" of this By-law.
(By-law 44-26, ZBA No. 375, 339 Erie Street North)

a) Permitted Uses

In addition to the uses permitted in the Commercial Industrial Zone (C4) as indicated in subsection 15.1.1 of this By-law the following uses are permitted:

i. Existing Agricultural uses

b) Permitted Buildings and Other Structures

i. Buildings and structures for the permitted uses in subsection 15.1.2 of this By-law;

ii. Existing Agricultural Buildings;

iii. A maximum of three (3) on-site farm worker dwellings or off-site farm worker dwellings in the existing residential buildings.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 15.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial Industrial Zone (C4) shall also pertain to lands zoned Commercial Industrial Zone (C4-10(h)) in addition to the following:

On-site and Off-site Farm Worker Dwellings shall also be subject to the following requirements:

i. Site Plan Control is required for the development of a Farm Worker Dwellings, as part of a site plan control submission for greenhouses;

ii. Site Plan Control is required for the establishment of all new Farm Worker Dwellings and the expansion of existing Farm Worker Dwellings;

iii. A minimum of 0.5 Bicycle Parking spaces per bed shall be provided on-site;

iv. The maximum Lot Coverage, including required parking and bicycle parking areas shall be a maximum of 4.0%;

v. The provision of a minimum of 1 Loading space per dwelling unit.

The holding (h) symbol shall only apply to commercial or industrial development in the C4-10 zone and shall not apply to site plan control requirements or building code requirements for Farm Worker Dwellings. The holding symbol can be removed when municipal sanitary sewers are available to service commercial or industrial development to the satisfaction of the Municipality.

SECTION 16 - COMMERCIAL RECREATION ZONE (C5) REGULATIONS

16.1 General Use Regulations

No person shall within the C5 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

16.1.1 Permitted Uses

a) Marinas;

b) private or public clubs;

c) eating establishments;

d) public or private parks;

e) driving range and/or a miniature golf courses;

f) convenience stores;

g) motels and hotels;

h) sporting goods or marine accessory stores;

i) tourist cabins or lodge establishments;

j) storage facilities for automotive and recreational equipment;

k) specialty retail stores;

l) auction establishments;

m) places of amusement, entertainment or recreation;

n) campgrounds or trailer parks;

o) accessory uses.

p) Food Vehicle

16.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

16.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	1,400 m² (15,069.96 ft²)
Minimum Lot Frontage	30 m (98.42 ft)
Maximum Lot Coverage	35 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	30 %
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	15 m (49.21 ft)
Minimum Interior Side Yard	15 m (49.21 ft)
Minimum Exterior Side Yard	15 m (49.21 ft)
Minimum Rear Yard	6 m (19.68 ft)

16.2 Exceptions

The special regulations contained in subsection 16.2 shall apply to the area or areas defined below.

16.2.1 Defined Area C5-1 as shown on Schedule "A", Map 24 to this By-law

a) Permitted Uses
Trailers and mobile homes within a campground and accessory uses, in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law with the following exceptions and additions:

i) Minimum Lot Area shall be 4 ha (9.88 ac);
ii) Minimum Site Area shall be 130 m² (1,399.35 ft²) for the seasonal sites and 300

m² (3,229.27 ft²) for the year round sites;

iii) Minimum No. of Sites shall be 30;

iv) Minimum width of buffer strip on all boundaries of park is 3 m (9.84 ft) except where a natural buffer already exists in the form of a permanent creek or watercourse of forested area;

v) a minimum of 5 % of the lot shall be provided for park and playground areas for the common use of the park residents. Such areas shall not form part of the trailer sites or the park's internal streets;

vi) the maximum number of trailers or mobile homes shall be 1 per site;

vii) the maximum permissible site coverage by a trailer of mobile home and accessory uses shall be 30 %;

viii) the minimum distance between a trailer or mobile home and an internal street shall be 3 m (9.84 ft);

ix) notwithstanding any other provisions of this By-law to the contrary, a maximum of 20% of the sites in a park may be used for year round residential purposes;

x) all lands within the C5-1 Zone are subject to site plan control.

d) Other

In addition to the other requirements of this By-law to the contrary, all other provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-1.

16.2.2 Defined Area C5-2 as shown on Schedule "A", Map 27 to this By-law

a) Permitted Uses

Trailers and mobile homes within a campground and accessory uses.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law with the following exceptions and additions:

i)	Minimum Lot Area	8 ha (26.24 ac);
ii)	Minimum Site Area	no requirement;
iii)	Minimum Distance from:	
	North Lot Line	6 m (19.68 ft);
	South Lot Line	6 m (19.68 ft);
	East Lot Line	6 m (19.68 ft);
	West Lot Line	6 m (19.68 ft);
iv)	Maximum Height of Buildings And Structures (see subsection 5.19 for exceptions)	1 storey;
v)	Minimum Site Area	135 m² (1,453.17 ft²);
vi)	Maximum Number of Trailers	1 per site;

vii)	Maximum Site Coverage by a Trailer and Accessory Uses	30 %;
viii)	Minimum Distance Between a Trailer and an Internal Street	3 m (9.84 ft);
ix)	Minimum Distance Between Trailer	3 m (9.84 ft);
x)	Minimum Distance Between Trailers and Accessory Uses	1.5 m (4.92 ft).

d) Access Requirements
Access to lands zoned C5-2 shall be by right-of-way from 5th Concession Road. Access to site shall be provided from an adjacent internal street with no sites having direct access to a public street.

e) Other
Notwithstanding any other requirements of this By-law to the contrary, a maximum of 20 % of the sites in a park may be used for year round residential purposes.

f) Site Plan Control
All other requirements shall be addressed in the corresponding site plan agreement.

16.2.3 Defined Area C5-3 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
A multiple dwelling with a maximum of 8 dwelling units plus one single unit dwelling and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-3.

16.2.4 Defined Area C5-4 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
One single unit dwelling and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-4.

16.2.5 Defined Area C5-5 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
One single unit detached dwelling and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-5.

16.2.6 Defined Area C5-6 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
Warehousing and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-6.

16.2.7 Defined Area C5-7 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
A fish cleaning, packing and storage facility and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-7.

16.2.8 Defined Area C5-8 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
Trailers and mobile homes within a campground and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law with the following exceptions and additions:

i) Minimum Lot Area shall be 4 ha (9.88 ac);
ii) Minimum Site Area shall be 130 m² (1,399.35 ft²) for the seasonal sites and 300 m² (3,229.27 ft²) for the year round sites;
iii) Minimum No. of Sites shall be 30;
iv) Minimum width of buffer strip on all boundaries of park is 3 m (9.84 ft) except where a natural buffer already exists in the form of a permanent creek or watercourse of forested area;
v) a minimum of 5 % of the lot shall be provided for park and playground areas for the common use of the park residents. Such areas shall not form part of the trailer sites or the park's internal streets;
vi) the maximum number of trailers or mobile homes shall be 1 per site;
vii) the maximum permissible site coverage by a trailer of mobile home and accessory uses shall be 30 %;
viii) the minimum distance between a trailer or mobile home and an internal street shall be 3 m (9.84 ft);

ix) notwithstanding any other provisions of this By-law to the contrary, a maximum of 20% of the sites in a park may be used for year round residential purposes;
x) all lands within the C5-8 Zone are subject to site plan control.

d) Other
In addition to the other requirements of this By-law to the contrary, all other provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-8.

16.2.9 Defined Area C5-9 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
One single unit detached dwelling and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-9.

16.2.10 Defined Area C5-10 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
One single unit detached dwelling and accessory uses in addition to the uses permitted in the C5 Zone as indicated in subsection 16.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 16.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned C5 shall also apply to lands zoned C5-10.

SECTION 17 – COMMERCIAL GENERAL ZONE (C6) REGULATIONS

17.1 General Use Regulations

No person shall within the C6 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

17.1.1 Permitted Uses

a) Retail stores;

b) grocery stores;

c) offices including professional and medical offices, greater than 3,000 square feet;

d) personal and other service uses;

e) automotive and home supply stores;

f) gas bars and service stations;

g) convenience stores;

h) restaurants including drive-through, fast-food, take-out and full service;

i) places of amusement, entertainment and recreation;

j) bakeries;

k) assembly halls and clubs;

l) communication facilities;

m) clinics;

n) taverns;

o) taxi services, subject to providing on-site parking;

p) funeral homes;

q) existing residential uses, residential uses in buildings designed and constructed as single

unit detached dwellings and one additional dwelling unit in any existing residential building subject to complying with the parking requirements of this By-law, and dwelling units above a commercial use other than an automobile use;

r) parking lots;

s) motels and hotels;

t) accessory uses including outside display and sale of goods and materials but not outside storage, in accordance with Section 4.40.

u) Food Vehicle

v) Mixed Use Building

17.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) dwelling units in the second storey or above and existing dwellings including any alterations thereto made after the date of passing of this By-law in accordance with the requirements of subsection 6.1.3 of this By-law;

c) accessory buildings and structures for the permitted uses.

17.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	465 m² (5,005.38 ft²)
Minimum Lot Frontage	15 m (49.21 ft)
Maximum Lot Coverage	35 %(includes accessory buildings and structures)
Minimum Landscaped Open Space	30 %
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	6 m (19.68 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft)
Minimum Exterior Side Yard	4.5 m (14.79 ft)
Minimum Rear Yard	6 m (19.68 ft)

17.2 Exceptions

The special regulations contained in subsection 17.2 shall apply to the area or areas defined below.

17.2.1 Defined Area C6-1 as shown on Schedule "A", Map 39 to this By-law

a) Permitted Uses
A gas bar in addition to the uses permitted in subsection 17.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the gas bar in addition to the buildings and structures permitted in subsection 17.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 17.1.3 of this By-law.

d) Other
All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-1.

17.2.2 Defined Area C6-2 as shown on Schedule "A", Map 39 to this By-law

a) Permitted Uses

i) retail stores;
ii) grocery stores;
iii) restaurants;
iv) clinics;
v) offices;
vi) financial institutions;
vii) personal service shops;
viii) commercial recreational facilities;
ix) private clubs or halls;
x) a recreational/health centre, which may consist of the uses stated in paragraphs i) to ix), inclusive, above;
xi) uses set out in minor variance application A/74/03;
xii) uses accessory to the foregoing permitted uses.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures in the C6-2 Zone shall be in accordance with the following requirements:

i)	Minimum Lot Area	362 m² (3,896.66 ft²);
ii)	Minimum Lot Frontage	48.5 m (159.12 ft);
iii)	Maximum Lot Coverage	50 %;
iv)	Landscaped Open Space	in accordance with the corresponding site plan;

v)	Maximum Building Height	1 storey above grade;
vi)	Minimum Front Yard	5 m (16.40 ft);
vii)	Minimum North Interior Side Yard	1.5 m (4.92 ft);
viii)	Minimum South Interior Side Yard	1.5 m (4.92 ft);
ix)	Minimum Rear Yard	3 m (9.84 ft) from the centreline of the sewer.

d) Parking Requirement

Notwithstanding any other provisions of this By-law to the contrary, a minimum of 3.8 parking spaces per 93 m² (1001.07 ft²) of gross leasable floor area shall be provided in the C6-2 Zone. All other matters relating to parking areas shall be in accordance with the site plan agreement and not the requirements of this By-law.

e) Other

Notwithstanding any other provisions of this By-law to the contrary, all matters relating to buffering and other amenity area shall be in accordance with the site plan agreement and not the requirements of this By-law. All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-2.

Reference to minor variance application A/11/96 is required.

17.2.3 Defined Area C6-3 as shown on Map 40, Schedule "A" of this By-law.

(By-law 71-18, ZBA No. 177, 118 and 120 Erie Street South)

a) Permitted Uses

The uses permitted in the Commercial General (C6) zone as indicated in subsection 17.1.1 of this by-law including the following:

i. Offices, including professional and medical offices;
ii. Financial Institutions;
iii. Animal Clinics;

Notwithstanding, the following uses shall not be permitted:

i. Gas Bars;
ii. Service Stations; and
iii. Automobile Repair Garages.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 17.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 17.1.3 of this By-law with the exception of the following:

Minimum Landscaped Open Space	14%
Minimum Exterior Side Yard	2.5 m (8.20 ft.)

d) Parking Requirements

Notwithstanding any other requirements of this By-law to the contrary, 1 standard parking space shall be provided per 33.5 m^2 (360.6 ft^2) gross commercial floor area. Barrier Free Spaces and parking for residential uses must be provided in accordance with the parking requirements established within the By-law.

e) Other

Outdoor Storage shall not be permitted.

All other provisions of this By-law pertaining to lands zoned Commercial General (C6) shall also pertain to lands zoned C6-3.

17.2.4 Defined Area C6-4 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses
The uses permitted in subsection 17.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 17.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i)	Minimum Front Yard	4.5 m (14.76 ft);
ii)	Minimum Interior Side Yard	4 m (13.12 ft);
iii)	Minimum Exterior Side Yard	4.5 m (14.76 ft);
iv)	Minimum Rear Yard	10.5 m (34.44 ft);
v)	Maximum Lot Coverage	35 %.

d) Parking Requirements
Notwithstanding any other provisions of this By-law to the contrary, the minimum required parking for lands zoned C6-4 shall be 3.4 spaces per 90 m^2 (968.78 ft^2) of floor area.

e) Other
All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-4.

17.2.5 Defined Area C6-5 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses
A manual automobile washing establishment with not more than 6 bays and accessory uses, in addition to the uses permitted in subsection 17.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the automobile washing establishment and the buildings and structures permitted in subsection 17.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with the corresponding site plan agreement.

e) Other
All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-5.

17.2.6 Defined Area C6-6 as shown on Schedule "A", Map 44 to this By-law

a) Permitted Uses
Retail store, convenience store, personal service establishments, service shops, accessory uses including outside display and sale of goods and material but not outside storage.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 17.1.3 of this By-law except that the maximum lot coverage shall be 40 %.

d) Parking Requirements
Notwithstanding any other requirements of this By-law to the contrary, a minimum of 24 parking spaces shall be provided in the C6-6 Zone and such spaces shall be a minimum size of 2.6 m (8.53 ft) by 6 m (19.68 ft)

e) Other
All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-6.

17.2.7 Defined Area C6-7 as shown on Schedule "A", Map 44 to this By-law

a) Permitted Uses

i) clinics including animal clinics in wholly enclosed buildings but excluding any animal clinic that includes the boarding of animals;
ii) financial institutions;
iii) retail stores but excluding convenience store as defined herein and excluding any retail store that sells food;
iv) music studios or any type of teaching or training studio;
v) general or professional offices;
vi) uses accessory to the foregoing permitted uses.

b) Permitted Buildings and Other Structures

One building with not more than 400 m² (4,305.70 ft²) of floor area. Permitted structures shall include parking, loading and garbage receptacle facilities as outlined in the corresponding site plan agreement.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with the following:

i)	Minimum Lot Area	1,019.57 m² (10,975 ft²);
ii)	Minimum Lot Frontage	38 m (124.67 ft);
iii)	Maximum Building Height	1 storey and 5 m (16.40 ft);
iv)	Minimum Front Yard	12 m (39.37 ft);
v)	Minimum Interior Side Yard	1 m (3.28 ft);
vi)	Minimum Rear Yard	1 m (3.28 ft).

d) Parking Requirements

Notwithstanding any other requirements of this By-law to the contrary, a minimum of one parking space for every 32 m² (345 ft²) of floor area shall be provided.

e) Other

All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-7.

17.2.8 Defined Area C6-8 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses

Boat and recreational vehicle sales, service and storage, commercial recreation and entertainment establishments, hotels, motels, taverns, residential dwelling units in a mixed use building with any one or more of the foregoing uses, provided that all dwelling units, not including entrances, are located entirely above the non-residential uses in addition to the uses permitted in subsection 17.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 17.1.3 of this By-law except that the minimum landscaped open space shall be 10 %, the interior side yard shall be the greater of 4.5 m (14.76 ft) or one-half the height of the building, the exterior side yard shall be the greater of 7.5 m (24.60 ft) or one-half the height of the building and there shall be no restriction on building height. The residential density for development in the C6-8 Zone shall be 40 dwelling units per gross acre.

d) Other

All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-8.

17.2.9 Defined Area C6-9 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses

A restaurant and not more than 8 dwelling units in the existing building only, and accessory uses, in addition to the uses permitted in subsection 17.1.1 of this By-law.

b) Permitted Buildings and Other Structures

The existing building and structures only. Notwithstanding the foregoing sentence, the following additions to the existing building shall also be permitted:

i) the addition of not more than 5.2 m^2 (55.97 ft^2) of floor area to the first storey of the existing building;
ii) an addition of not more than two second storey balconies to the south side of the existing building, each with an area not exceeding 12 m^2 (129.17 ft^2); and
iii) an addition of not more than one second storey balcony to the east side of the existing building provided no part of the balcony is situated closer to the front lot line than the existing building nor closer than 1.5 m (4.92 ft) to any other lot line.

c) Zone Provisions

All lot and building requirements shall be as they existed on the date of adoption of this By-law, except as outlined below:

i) not more than 2 balconies may encroach into the existing south side yard up to a maximum of 2.5 m (8.20 ft) from the main wall of the existing building;
ii) the minimum front yard shall be 4.5 m (14.76 ft); and
iii) one balcony may encroach into the existing south eastern side yard provided no part of the balcony is situated closer to the front lot line than the existing building nor closer than 1.5 (4.92 ft) to any other lot line.

d) Other

All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-9.

17.2.10 Defined Area C6-10 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses

i) A restaurant including an outdoor seating and serving facility; or

ii) commercial recreation and entertainment establishments; hotels; motels; taverns and restaurants; retail store and office uses; and residential dwelling units in a mixed use building with any one or more of the foregoing uses, provided that all dwelling units, not including entrances, are located entirely above the non-residential uses; and uses accessory to the foregoing permitted uses in this subparagraph ii).

For lands zoned C6-10, an outdoor seating and serving facility shall mean any area that is not within a building and is used for serving refreshments to customers.

b) Permitted Buildings and Other Structures

i) That portion of the existing building that is located entirely within the boundaries of the subject property and that is in accordance with the zone provisions, subparagraph c) of this subsection, in addition to an outdoor seating and serving facility; or

ii) buildings and structures for the uses permitted in subparagraph a) ii) above.

c) Zone Provisions

All lot and building requirements for buildings and structures permitted in subparagraph b) i) above shall be as follows:

i)	Minimum Lot Area	3,800 m² (40,904 ft²);
ii)	Minimum Lot Frontage	33.8 m (111 ft);
iii)	Maximum Lot Coverage	50 % including the area used as an outdoor seating and serving facility;
iv)	Minimum Landscaped Open Space	10 %;
v)	Maximum Building Height	1 storey;
vi)	Minimum Front Yard	no requirement;
vii)	Minimum Side Yard	12 m (39.37 ft) on the east; 0.7 m (2.29 ft) on the west;
viii)	Minimum Rear Yard	no requirement for an outdoor seating and serving facility and 15 m (49.21 ft) for all other permitted uses.

All lot and building requirements for buildings and structures permitted in subparagraph b) ii) above shall be as follows:

i)	Minimum Lot Area	3,800 m² (40,904 ft²);

ii)	Minimum Lot Frontage	33.8 m (111 ft);
iii)	Maximum Lot Coverage	50 %;
iv)	Maximum Number of Dwellings	88 units;
v)	Minimum Landscaped Open Space	10 %;
vi)	Maximum Building Height	12 storeys;
vii)	Minimum Front Yard	15 m (49.21 ft);
viii)	Minimum Side Yard	12 m (39.37 ft) on the east; 3 m (9.84 ft) on the west;
viii)	Minimum Rear Yard	15 m (49.21 ft).

d) Other Requirements

Notwithstanding any other provisions of this By-law, the following shall apply to lands zoned C6-10:

i) Site Plan Control
For development where site plan control is required, parking standards, landscaping and buffering requirements shall be in accordance with the site plan agreement. For development where site plan control is not required, compliance with all provisions of this By-law shall be required.

ii) All other provisions pertaining to lands zoned C6 shall also pertain to lands zoned C6-10.

17.2.11 Defined Area C6-11 as shown on Schedule "A", Map 59 to this By-law

a) Permitted Uses

The uses permitted in subsection 17.2.8 of this By-law except that boat and recreational vehicle sales, service and storage establishments shall not be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 17.2.8 c) of this By-law.

d) Other

All other provisions pertaining to lands zoned C6 shall also apply to lands zoned C6-11.

17.2.12 Defined Area C6-12 as shown on Schedule "A", Map 40 of this By-law

(By-law 33-10, ZBA No. 19, 88 Erie Street South)

a) Permitted Uses

A bed and breakfast establishment, in accordance with the provisions of subsection 4.4 of this by-law, in addition to the uses in the C6 Zone as indicated in subsection 17.1.1 of this

by-law with the existing home day care being left as legal non-conforming and having opposite hours of operation than the bed and breakfast establishment.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 17.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 17.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned C6 shall also pertain to lands zoned C6-12.

17.2.13 Defined Area C6-13 as shown on Schedule "A", Map 36 of this By-law
(By-law 126-11, ZBA No. 32, 154 Erie Street North)

a) Permitted Uses

i) animal hospitals;
ii) retail stores;
iii) offices including professional and medical offices, greater than 3,000 square feet;
iv) personal and other service uses;
v) automotive and home supply stores;
vi) gas bars and service stations;
vii) convenience stores;
viii) bakeries;
ix) communication facilities;
x) clinics;
xi) taxi services, subject to providing on-site parking;
xii) parking lots;
xiii) accessory uses including outside display and sale of goods and materials but not outside storage.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 17.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 17.1.3 of this By-law.

d) Other
Reduce the minimum parking requirements from 125 spaces with 3 barrier free to 15 spaces with 1 barrier free.
All other provisions of this By-law pertaining to lands zoned C6 shall also pertain to lands zoned C6-13.

17.2.14 Defined Area C6-14 as shown on Schedule "A", Map 38 to this By-law
(By-law 23-23, ZBA No. 271, 126 Talbot Street West)

a) Permitted Uses

i. Retail store, grocery store, office including professional and medical office, personal and other service uses, clinic;
ii. accessory uses including outside display and sale of goods and materials but not outside storage, in accordance with Section 4.40.

b) Permitted Buildings and Structures

i. Buildings and structures for the permitted uses in subsection 17.1.14 a) of this By-law.
ii. Accessory buildings and structures for the permitted uses in accordance with 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 17.1.3 of this By-law, except as follows:

Minimum Front Yard Setback	2m
Minimum Landscaped Open Space	13%.

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial General (C6) shall also pertain to lands zoned C6-14.

Notwithstanding any other requirements of this By-law to the contrary, 3.3 standard parking spaces shall be provided per 93m2 (1,001 sq. ft.) of gross floor area. Barrier Free Spaces must be provided in accordance with the parking requirements established within the By-law.

Lands zoned C6-14 will be subject to a Holding Provision until such time as the Holding Provision can be removed. Removal of the Holding Provision shall be considered upon the completion of a Heritage Impact Assessment to the satisfaction of the Municipality and the execution and registration of a site plan control agreement with the Municipality.

17.2.15 Defined Area C6-15 as shown on Schedule "A", Map 59 to this By-law
(By-law 05-24, ZBA 296, 17 Robson Road)

a) Permitted Uses

Boat and recreational vehicle sales, service and storage, commercial recreation and entertainment establishments, hotels, motels, taverns, in addition to the uses permitted in subsection 17.1.1 of this By-law and residential dwelling units in a mixed-use building with any one or more of the foregoing uses, provided that all dwelling units, not including entrances, are located entirely above the non-residential uses. In addition to the uses permitted in subsection 17.1.1 of this By-law

b) Permitted Buildings and Structures

i. Buildings and structures for the permitted uses in subsection 17.1.2 of this Bylaw.

ii. Accessory buildings and structures for permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 17.1.3 of this By-law, except for the following;

Minimum eastern interior side yard setback 5.9 metres
Minimum western interior side yard setback 6.1 metres
Minimum front yard setback of 1 metre
Minimum commercial floor area required is 38.18 m^2 (411 ft^2)

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial General (C6) shall also pertain to lands zoned C6-15 save and except the following:

The parking requirement for the residential use shall be 1.4 standard parking spaces per dwelling unit.

The parking requirement for the first-floor commercial use shall be 0 parking spaces.

17.2.16 Defined Area C6-16 as shown on Schedule "A", Map 39 to this By-law
(By-law 15-25, ZBA 334, 103 and 105 and 111 Erie Street South)

a) Permitted Uses

a) Residential uses
b) Mixed Use Building

For clarity, the existing three-storey, 15-unit dwelling shall be permitted.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 17.1.3 of this By-law, with the exception of the following:

a) The lands subject to the C6-16 and R2-19 Zones shall be deemed to be a single lot or parcel of land for zoning purposes

b) The Front Lot Line shall be Erie Street South

c) Minimum Landscaped Open Space 21%

d) Maximum Building Height 15 m (49.21 ft)

e) Minimum Front Yard 4.5 m (14.79 ft)

d) Other

A Minimum of 78 on-site parking spaces and 4 barrier free parking spaces shall be provided or as approved by site plan control. All other provisions of this By-law pertaining to lands zoned C6 shall also pertain to lands zoned C6-16.

17.2.17 Defined Area C6-17 as shown on Schedule "A", Map 59 to this By-law

(By-law 59-25, ZBA No. 349, 21 Robson Road)

a) Permitted Uses

Boat and recreational vehicle sales, service and storage, commercial recreation and entertainment establishments, hotels, motels, taverns, residential dwelling units in a mixed use building with any one or more of the foregoing uses, provided that all dwelling units, not including entrances, are located entirely above the non-residential uses in addition to the uses permitted in subsection 17.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in

accordance with subsection 17.1.3 of this By-law, save and except the following:

a)	Minimum Front Yard	4.5 m (14.76 ft)
b)	Minimum Landscaped Open Space	10%
c)	Minimum Interior Side Yard (West)	Shall be greater of 4.5 m (14.76 ft) or one-half the height of the building
d)	Minimum Interior Side Yard (East)	6.7 m (21.98 ft)
e)	Minimum Exterior Side Yard	Shall be the greater of 7.5 m (24.60 ft) or one-half the height of the building
f)	Maximum Building Height	No Maximum

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial General Zone (C6) shall also pertain to lands zoned Commercial General Zone (C6-17), save and except the following:

a. The parking requirement for commercial uses is 0 parking spaces.

17.2.18 Defined Area C6-18 as shown on Schedule "A", Map 59 to this By-law
(By-law 92-25, ZBA No. 358, 20, 24, 26 & 28 Foster Avenue)

a) Permitted Uses

A Mixed-Use Development as defined herein in addition to the uses permitted in subsection 17.1.1 of this by-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 17.1.3 of this By-law, save and except the following:

a) Maximum Lot Coverage:	36%
b) Minimum Landscaped Open Space:	27%
c) Maximum Building height:	16.50 m
d) Minimum Front Yard Setback:	4.0 m
e)Minimum Rear Yard Setback:	1.5 m

d) Other

All other provisions of this By-law pertaining to lands zoned Commercial General Zone (C6) shall also pertain to lands zoned Commercial General Zone (C6-18).

SECTION 18 - INDUSTRIAL LIGHT ZONE (M1) REGULATIONS

18.1 General Use Regulations

No person shall within the M1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

18.1.1 Permitted Uses

a) Automotive uses consisting of:

   i) automobile repair garages;

   ii) automobile washing establishments;

   iii) automobile body shops and impound yards;

   iv) tire repair shops;

b) sales and rental facilities for:

   i) home improvements and building supplies;

   ii) lumber;

   iii) bulk goods;

   iv) equipment;

   v) communication;

c) yard and shop facilities for, contractors, tradesman, machinists or welders, public utilities, appliance and machinery repairs;

d) facilities for light manufacturing, laboratories, facilities for warehousing or storage uses;

e) facilities for service shops;

f) transportation and truck terminals;

g) accessory uses including offices, showrooms, merchandising centres and retail store or wholesale outlets, cafeterias, outside storage and display of the sale of goods and

materials, in accordance with subsection 4.40.

h) Food Vehicle

18.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with 4.1 of the By-law.

18.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	1,400 m² (15,069.96 ft²)
Minimum Lot Frontage	30 m (98.42 ft)
Maximum Lot Coverage	50 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	20 %
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	9 m (29.52 ft)
Minimum Interior Side Yard	6 m (19.68 ft)
Minimum Exterior Side Yard	6 m (19.68 ft)
Minimum Rear Yard	10 m (32.80 ft)

18.2 Exceptions

The special regulations contained in subsection 18.2 shall apply to the area or areas defined below.

18.2.1 Defined Area M1-1 as shown on Schedule "A", Map 28 to this By-law

a) Permitted Uses
A retail store in addition to uses permitted in subsection 18.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 18.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 18.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M1 shall also apply to lands zoned M1-1.

18.2.2 Defined Area M1-2 and M1-2(h) as shown on Schedule "A", Map 34 to this By-law

a) Permitted Uses
The existing uses only for those lands zoned M1-2(h) and a waste transfer station, a recycling facility, a sand blasting operation, an asphalt plant, a ready-mix plant, an establishment for the manufacture of concrete products and uses accessory to the foregoing permitted uses.

b) Permitted Buildings and Structures
Existing buildings and structures only for lands zoned M1-2(h). Buildings and structures for the permitted uses in the M1-2 Zone.

c) Zone Provisions
All lot and building requirements in the M1-2(h) Zone shall be as they existed on the date of adoption of this By-law. All lot and building requirements for the M1-2 Zone shall be in accordance with subsection 18.1.3 of this By-law except that the minimum yard setbacks shall be in accordance with the approved site plan.

d) Holding Provisions
On those lands zoned M1-2(h) the (h) symbol may be removed once site plan agreements are in place and the criteria established in the Official Plan have been satisfied.

e) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M1 shall also apply to lands zoned M1-2.

18.2.3 Defined Area M1-3 as shown on Schedule "A", Map 38 to this By-law

a) Permitted Uses
Uses permitted in subsection 18.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures permitted in subsection 18.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 18.1.3 of this By-law except for the following:

i) Minimum Lot Area 700 m² (7,534.98 ft²);

ii)	Minimum Lot Frontage	18 m (59.05 ft);
iii)	Minimum Front Yard	6 m (19.68 ft);
iv)	Minimum Exterior Side Yard	8.8 m (28.87 ft).

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M1 shall also apply to lands zoned M1-3.

18.2.4 Defined Area M1-4 as shown on Schedule "A", Map 38 to this By-law

a) Permitted Uses

Uses permitted in subsection 18.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures permitted in subsection 18.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 18.1.3 of this By-law except for the following:

i)	Minimum Lot Area	700 m^2 (7,534.98 ft^2);
ii)	Minimum Lot Frontage	18 m (59.05 ft);
iii)	Minimum Front Yard	6 m (19.68 ft);
iv)	Minimum Exterior Side Yard	8.8 m (28.87 ft);
v)	Minimum Rear Yard	3 m (9.84 ft).

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M1 shall also apply to lands zoned M1-4.

18.2.5 Defined Area M1-5 as shown on Schedule "A", Map 38 to this By-law

a) Permitted Uses

Fish processing in addition to the uses permitted in subsection 18.1.1 of this By-law.

b) Permitted Buildings and Structures

The existing buildings only for the fish processing use and buildings and structures permitted in subsection 18.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 18.1.3 of this By-law except that the minimum lot frontage shall be 29 m (95.14 ft).

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M1 shall also apply to lands zoned M1-5.

18.2.6 Defined Area M1-6 as shown on Schedule "A", Map 38 to this By-law

a) Permitted Uses
Uses permitted in subsection 18.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures permitted in subsection 18.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 18.1.3 of this By-law except for the following:

i)	Minimum Lot Area	700 m² (7,534.98 ft²);
ii)	Minimum Lot Frontage	18 m (59.05 ft);
iii)	Minimum Exterior Side Yard	9 m (29.52 ft);
v)	Minimum Rear Yard	3 m (9.84 ft).

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M1 shall also apply to lands zoned M1-6.

18.2.7 Defined Area M1-7 as shown on Schedule "A", Map 43 to this By-law
(By-law 297-13, ZBA No. 67, S/S and 54-80 Oak Street West)

a) Permitted Uses

i) A school, however, in the event the lands are used for a school, no other permitted use may occupy the same site.
ii) the existing single unit detached dwelling;
iii) a manufacturing industry;
iv) a service shop;
v) a storage industry;
vi) a communications facility;
vii) a contractor's or tradesman's shop;
viii) a dry cleaning and/or laundry establishment;
ix) a parking lot;
x) a public garage;
xi) an open storage area, a retail store or wholesale area, an office area or any other use accessory to any of the above permitted uses.

b) Permitted Buildings and Structures
Buildings and structures permitted in subsection 18.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in

accordance with subsection 18.1.3 except that in the case that a school, the following shall apply:

i) Minimum Lot Area: 7.9 hectares;
ii) Minimum Required Parking Spaces: 250 or as approved by site plan;
iii) All other requirements of subsection 21.1.3 (Institutional Zone Provisions) shall apply.

d) Other
The Holding (H) provision in relation to school development will be removed by Council upon receipt of satisfactory verification of suitable environmental condition and an acceptable site plan agreement has been approved by Council.

18.2.8 Defined Area M1-8 as shown on Schedule "A", Map 52 to this By-law

a) Permitted Uses
The operation of a second hand goods dealer and salvage shop and yard and tree trimming removal services and accessory uses in addition to the uses permitted in the M1 Zone as indicated in subsection 18.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 18.1.3 of this By-law.

d) Other
In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M1 shall also apply to lands zoned M1-8.

18.2.9 Defined Area M1-9 as shown on Schedule "A", Map 61 to this By-law

a) Permitted Uses
The existing use of a concrete manufacturer associated with cemeteries and a pet crematorium with a maximum manufacturer's design safe load capacity of 300 lbs in addition to a retail store and showroom associated with the pet crematorium use.

b) Permitted Buildings and Structures
All other buildings and setback provisions of an M1 Zone apply.

c) Other
Prior to any use other than the existing concrete manufacturer associated with cemeteries being permitted, the following requirements shall be met:

i) no outside storage of any materials for any use is permitted unless it is enclosed by a privacy fence or screened chain link fence at least 1.8 m (6

ft) in height;

ii) all existing vehicle accesses, parking areas and storage areas shall be improved, and maintained, with a hard surface such as concrete, asphalt or similar material approved by the Corporation of the Municipality of Leamington;

iii) privacy fencing shall be provided along the property boundaries to the satisfaction of the Corporation of the Municipality of Leamington or provide landscaping according to a landscape plan submitted to and approved by the Corporation of the Municipality of Leamington.

18.2.10 Defined Area M1-10 as shown on Schedule "A", Map 38 to this By-law

(By-law 42-17, ZBA No. 147, 75 Oak Street West)

a) Permitted Uses

Catering establishment and accessory uses, in addition to the uses permitted in the M1 zone as indicated in subsection 18.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 18.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 18.1.3 of this By-law except for the following:

ii)	Minimum Lot Area	700 m^2 (7,534.98 ft^2);
iii)	Minimum Lot Frontage	18 m (59.05 ft);
iv)	Minimum Exterior Side Yard	9 m (29.52 ft);
v)	Minimum Rear Yard	3 m (9.84 ft)

d) Other

All other provisions of this By-law pertaining to lands zoned Manufacturing Light Zone (M1) shall also pertain to lands zoned M1-10."

18.2.11 Defined Area M1-11 as shown on Schedule "A", Map 60 to this By-law

~~**(By-law 74-19, ZBA No. 194, 11 Iroquois Road)**~~

(By-law 06-20, ZBA No. 206, 11 Iroquois Road)

a) Permitted Uses

Uses permitted in subsection 18.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 18.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for lands zoned (M1-11) shall be in accordance with Section 18.1.3 with the exception of the following:

i. Rear Yard Setback (Cherry Lane): 7.2 m

ii. Interior Side Yard Setback (North): 3 m

d) Other

All other provisions of this By-law pertaining to lands zoned M1 shall also pertain to lands zoned M1-11, with the exception of the following:

i. minimum number of standard parking spaces to be provided on-site shall be 26, in addition to 4 barrier spaces;

ii. maximum width of primary driveway (Iroquois Road) shall be 19 m;

iii. Minimum Separation Distance for a Class I Industrial Use from a sensitive use shall be 12.5m along the southern property line;

iv. Minimum Separation Distance for a Class I Industrial Use from a sensitive use shall be 7.22m along the western property line;

v. Minimum Separation Distance for a Class II Industrial Use from a sensitive use shall be 43m along the southern property line;

vi. Minimum Separation Distance for a Class II Industrial Use from a sensitive use shall be 7.22m along the western property line; and

vii. the Holding (H) provision will be removed by By-law upon receipt of an Acoustical Study to the satisfaction of the Municipality in support of the separation distance and mitigation measures to the existing residential land uses.

18.2.12 Defined Area M1-12 as shown on Map 38, Schedule "A" of this By-law.

(By-law 23-22, ZBA No. 251, 53 Oak Street West and Vacant Land East Side Industrial Road)

a) Permitted Uses

The uses permitted in the M1 zone as indicated in subsection 18.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 18.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 18.1.3 of this By-law, with the exception of the following:

i. Setback from a Municipal Trail 1.34m

ii. Rear Yard Setback (trail)	1.34m
iii. Exterior Side Yard Setback (Oak Street West)	5.85m
iv. Maximum Permitted Building Height	6.1m

d) Other

All other provisions of this By-law pertaining to lands zoned Industrial Light (M1) shall also pertain to lands zoned (M1-12).

SECTION 19 –INDUSTRIAL MEDIUM AND HEAVY ZONE (M2) REGULATIONS

19.1 General Use Regulations

No person shall within the M2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

19.1.1 Permitted Uses

a) Automotive uses consisting of automobile body shops and impound yards, tire repair shops;

b) sales and rental facilities for building supplies, lumber, bulk goods, equipment, communication;

c) yard and shop facilities for contractors, tradesman shops, fishing and fish processing, machinists or welders, public utilities; appliance and machinery repairs;

d) facilities for light manufacturing including asphalt and concrete batching plants, heavy manufacturing, laboratories;

e) truck or transport terminals, only where there is a permanent building and office provided in addition to loading, unloading, storage and parking;

f) facilities for warehousing or storage uses;

g) accessory uses including, offices, showrooms, merchandising centres and retail stores or wholesale outlets, cafeterias;

h) outside storage, in accordance with 4.40 of this By-law.

i) Food Vehicle

19.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

19.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	1,400 m² (15,069.96 ft²)
Minimum Lot Frontage	30 m (98.42 ft)
Maximum Lot Coverage	50 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	20 %
Maximum Building Height	15 m (49.21 ft)
Minimum Front Yard	9 m (29.52 ft)
Minimum Interior Side Yard	6 m (19.68 ft)
Minimum Exterior Side Yard	6 m (19.68 ft)
Minimum Rear Yard	10 m (32.80 ft)

19.2 Exceptions

The special regulations contained in subsection 19.2 shall apply to the area or areas defined below.

19.2.1 Defined Area M2-1 and M2-1(h) as shown on Schedule "A", Map 43 to this By-law

a) Permitted Uses

A school and accessory uses or facilities for accessory uses including outside storage and display and sale of goods and material and the other uses permitted in the M2 Zone as indicated in subsection 19.1.1 of this By-law. However, in the event the lands are used for a school, no other permitted use may occupy the same site.

b) Outside Storage and Goods and Materials

Outside storage of goods and materials shall be subject to subjection 4.40, except outside storage of goods and materials shall be permitted in the side yard and the front yard up to the required front yard and shall be enclosed by a fence.

c) Other

The display and sale of goods and material shall be in accordance with 4.1 of this By-law, and shall be permitted in the side yard and the front yard up to the required front yard.

d) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 19.1.3 except in the case of a school, the following shall apply:

i) Minimum Lot Area: 7.9 hectares;
ii) Minimum Required Parking Spaces: 250 or as approved by site plan;

iii) All other requirements of subsection 21.1.3 (Institutional Zone Provisions) shall apply.

e) Other

The Holding (H) provision in relation to school development will be removed by Council upon receipt of satisfactory verification of suitable environmental condition and an acceptable site plan agreement has been approved by Council.

19.2.2 Defined Area M2-2 as shown on Schedule "A", Map 44 of this By-law

a) Permitted Uses

The uses permitted in subsection 19.1.1 of this By-law in addition to offices, as defined in Section 3 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 19.1.3 of this By-law.

19.2.3 Defined Area M2-3 as shown on Schedule "A", Map 34 to this By-law

a) Permitted Uses

An automobile salvage establishment and accessory uses in addition to the uses permitted in the M2 Zone as indicated in subsection 19.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 19.1.3 of this By-law.

d) Other

In addition to the other requirements of this By-law, all those provisions pertaining to lands zoned M2 shall also apply to lands zoned M2-3.

19.2.4 Defined Area M2-4 as shown on Schedule "A", Map 60 to this By-law

(By-law 127-11, ZBA No. 33, 32 Seneca Drive)

a) Permitted Uses

An office as a main use, in addition to the uses in the M2 Zone as indicated in subsection 19.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 19.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 19.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned M2 shall also pertain to lands zoned M2-4.

SECTION 20 - RECREATIONAL ZONE (RE) REGULATIONS

20.1 General Use Regulations

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

20.1.1 Permitted Uses

a) Recreation or community centres;

b) private and public parks including tot lots, playgrounds, picnic facilities, waterfront parkland, public beach, linear park and trail systems;

c) indoor and outdoor recreation uses and facilities;

d) campgrounds;

e) mini-putt courses, sports fields, bowling greens, tennis courts;

f) horse racing track and training facilities;

g) marinas;

h) a woodlot;

i) golf courses;

j) conservation areas;

k) storm water management ponds;

l) cemeteries;

m) private clubs or halls;

n) accessory uses.

o) Food Vehicle

20.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

20.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Maximum Lot Coverage	35 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	40 %
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	15 m (49.21 ft)
Minimum Interior Side Yard	15 m (49.21 ft)
Minimum Exterior Side Yard	15 m (49.21 ft)
Minimum Rear Yard	15 m (49.21 ft)

20.2 Exceptions

(None at this time)

SECTION 21 - INSTITUTIONAL ZONE (I) REGULATIONS

21.1 General Use Regulations

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

21.1.1 Permitted Uses

a) Churches, church halls, religious institutions;

b) cemeteries;

c) day care centres;

d) Federal, Provincial and Municipal government offices, buildings and facilities and other public services;

e) historical sites, museums and associated revenue generating uses including picnic areas, gift shops and restaurants;

f) hospitals and clinics;

g) libraries, art galleries and other cultural institutions;

h) municipal water and sewage pumping stations and treatment facilities;

i) police stations or fire halls;

j) schools;

k) community centres or assembly halls;

l) accessory uses.

21.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

21.1.3 Zone Provisions

Zone Provision	Requirement
Minimum Lot Area	no requirement
Minimum Lot Frontage	no requirement
Maximum Lot Coverage	35 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	40 %
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	9 m (29.52 ft) or 15 m (49.21 ft) for lots without municipal sanitary sewers
Minimum Interior Side Yard	9 m (29.52 ft)
Minimum Exterior Side Yard	9 m (29.52 ft)
Minimum Rear Yard	9 m (29.52 ft)

21.2 Exceptions

The special regulations contained in subsection 21.2 shall apply to the area or areas defined below.

21.2.1 Defined Area I-1 as shown on Schedule "A", Map 40 to this By-law

a) Permitted Uses
A parking lot only.

b) Permitted Buildings and Other Structures
Parking facilities only.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 21.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned I shall also pertain to lands zoned I-1.

21.2.2 Defined Area I-2 as shown on Schedule "A", Map 57 to this By-law

a) Permitted Uses
Public halls, public and/or private clubs, a medical clinic, a nursing and/or rest home and

accessory uses in addition to all other uses permitted in the I Zone as indicated in subsection 21.1.1 of this By-law and accessory uses.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 21.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned I shall also pertain to lands zoned I-2.

21.2.3 Defined Area I-3 as shown on Schedule "A", Map 50 to this By-law

a) Permitted Uses
The uses permitted in the I Zone as indicated in subsection 21.1.1 of this By-law and accessory uses except that cemeteries, day nurseries, schools, public services and government facilities are prohibited.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 21.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands zoned I shall also pertain to lands zoned I-3.

21.2.4 Defined Area I-4 as shown on Schedule "A", Map 28 to this By-law

a) Permitted Uses
A church in addition to the uses permitted in the I Zone as indicated in subsection 21.1.1 of this By-law and accessory uses except a school.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements shall be in accordance with subsections 21.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned I shall also pertain to lands zoned I-4.

21.2.5 Defined Area I-5 as shown on Schedule "A", Map 27 to this By-law
(By-law 243-12, ZBA No. 58, 447 Highway 77)

a) Permitted Uses
An assembly hall / private club
Accessory uses

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 21.1.3 of this By-law, except that all interior side yard setbacks abutting an existing residential use shall be 9.0 m (29.52 ft).

d) Other
All development shall be subject to site plan control.

All other provisions of this By-law pertaining to lands zoned I shall also pertain to lands zoned I-5.

21.2.6 Defined Area I-6 as shown on Schedule "A", Map 27 to this By-law
(By-law 243-12, ZBA No. 58, 449 Highway 77)

a) Permitted Uses
A church, including the existing shrine
Accessory Uses

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 21.1.3 of this By-law, except that the existing shrine shall be exempt from the maximum height restriction and as follows:

i)	interior side yard setbacks abutting an existing residential use	9.0 m (29.52 ft.)
ii)	interior side yard setbacks	4.5 m (14.76 ft.)

d) Other

All development shall be subject to site plan control.

All other provisions of this By-law pertaining to lands zoned (I) shall also pertain to lands zoned I-6.

21.2.7 Defined Area I-7 as shown on Map 40, Schedule "A" of this By-law.
(By-law 354-14, ZBA No. 84, 14 Orange Street)

a) Permitted Uses

A First Nation Community Facility, in addition to those uses permitted in the Institutional Zone (I) as indicated in subsection 21.1.1of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 21.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned I-7 shall also pertain to lands zoned Institutional.

21.2.8 Defined Area I-8 as shown on Map 47, Schedule "A" of this By-law.
~~**(By-law 408-14, ZBA No. 96, 302 Sherk Street)**~~
~~**(By-law 39-16, ZBA No. 132, 302 Sherk Street)**~~
~~**(By-law 24-17, ZBA No. 146, 302 Sherk Street)**~~
(By-law 81-23, ZBA No. 241, 310 Sherk Street)

a) Permitted Uses

i. The uses permitted in the Institutional (I) zone as indicated in subsection 21.1.1 of this by-law;
ii. a Youth Engagement Centre;
iii. residential uses to a maximum of 50 dwelling units;
iv. a temporary housing facility for youth;
v. accessory uses.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 21.2.8 of this By-law and in addition:

i. Multi-unit Dwellings

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in

accordance with subsections 21.1.3 of this By-law. Except the following shall apply to a multi-unit dwelling:

i. Minimum rear yard: 3 metres

d) Other

A minimum of 61 on-site parking spaces and 6 barrier free spaces shall be provided or as approved by site plan control. All other provisions of this By-law pertaining to lands zoned (I) shall also pertain to lands zoned I-8.

21.2.9 Defined Area I-9 as shown on Map 40, Schedule "A" of this By-law.

(By-law 1-17, ZBA No. 140, 4 and 6 Gerrard Street)

a) Permitted Uses

The uses permitted in the Institutional Zone (I) as indicated in subsection 21.1.1 of this by-law.

b) Permitted Buildings and Other Structures

The uses permitted in the Institutional Zone (I) as indicated in subsection 21.1.1 of this by-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be as they existed on the date of the passing of the by-law.

d) Other

Notwithstanding the provisions of subsection 4.41, 17 standard parking spaces and 1 barrier free parking space shall be provided or as approved by site plan control.

All other provisions of this By-law pertaining to lands zoned Institutional (I) shall also pertain to lands zoned I-9.

21.2.10 Defined Area I-10 as shown on Map 46, Schedule "A" of this By-law.

(By-law 28-18, ZBA No. 172, 110 Ellison Ave.)

a) Permitted Uses

The uses permitted in the Institutional (I) Zone as indicated in subsection 21.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 21.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 21.1.3 of this By-law with the exception that the 'Minimum Interior Side Yard Setback' along the western property boundary for the indoor sports dome shall be 3.87 m (12.71 ft.);

d) Other

All other provisions of this By-law pertaining to lands zoned Institutional (I) shall also pertain to lands zoned I-10 and that a minimum of 180 standard and 4 barrier free parking spaces shall be provided for the use of the property as a Secondary School and the addition of an indoor sports dome.

21.2.11 Defined Area I-11 as shown on Map 63, Schedule "A" of this By-law. (By-law 43-23, ZBA No. 277, 304 Robson Road)

a) Permitted Uses

a) Private Water Pumping Station

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 21.2.11 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 21.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Institutional (I) shall also pertain to lands zoned Institutional (I-11).

SECTION 22 –AGRICULTURAL GENERAL ZONE (A1) REGULATIONS

22.1 General Use Regulations

No person shall within the A1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

22.1.1 Permitted Uses

a) Agricultural uses including livestock intensive agricultural uses that comply with the Minimum Distance Separation Formula (MDS) I and II, but excluding mushroom farms;

b) one farm occupation in accordance with subsection 4.16 of this By-law;

c) one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;

d) establishments for the storage of agricultural equipment and machinery;

e) dog kennels in accordance with subsection 4.28 of this By-law but not a boarding kennel;

f) forestry uses including a processing and sale of firewood but excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;

g) greenhouses in accordance with subsection 22.1.4 of this By-law;

h) hunting, game and wildlife preserves;

i) landing strips;

j) nurseries, wholesale and retail floral shops or tree farms;

k) horse training tracks;

l) the exploration and extraction of petroleum, natural gas and similar materials;

m) one single unit detached dwelling;

n) one home occupation in accordance with subsection 4.25 of this By-law;

o) the storage of automobiles, boats and other recreational vehicles within existing buildings;

p) works of a conservation authority;

q) farm help dwellings;

r) accessory uses.

s) Food Vehicle

22.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

c) One off-site farm worker dwelling or on-site farm worker dwellings in accordance with the provisions of Section 4.17 of this by-law.

22.1.3 Zone Provisions for Farm Lots in the A1 Zone

Zone Provision	Main Building
Minimum Lot Area	10 ha (24.7 ac)
Minimum Lot Frontage	60 metres (196.8 feet)
Maximum Lot Coverage	25 % (includes accessory buildings and structures)
Maximum Building Height	10 metres (32.81 feet)
Minimum Front Yard	15 m (49.21 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft)
Minimum Exterior Side Yard	15 m (49.21 ft)
Minimum Rear Yard	6 m (19.68 ft)

22.1.4 Zone Provisions for Greenhouses in the A1 Zone

The construction of all new greenhouse facilities and the expansion of existing facilities are subject to site plan control and must be in accordance with the following:

Zone Provision	Greenhouses
Minimum Lot Area	2 ha (4.94 ac)
Minimum Lot Frontage	60 m (196.85 ft)

Maximum Lot Coverage	80 %
Minimum Front Yard	15 m (49.21 ft)
Minimum Side Yard	15 m (49.21 ft)
Minimum Rear Yard	15 m (49.21 ft)
Packing and Shipping Facilities	Minimum 15 m (49.21 ft) from all lot lines
Driveways	Minimum 4.5 m (14.76 ft) from side or rear lot line
Loading Areas	Minimum 15.24 m (50 ft) from all lot lines
Parking Areas	Minimum 4.5 m (14.76 ft) from all lot lines
Storm Water Management Ponds	Minimum 3 m (9.84 ft) from all lot lines
Outdoor Water Reservoirs	Minimum 3 m (9.84 ft) from all lot lines

22.2 Exceptions

The special regulations contained in subsection 22.2 shall apply to the area or areas defined below.

22.2.1 Defined Area A1-1 as shown on Schedule "A", Map 27 to this By-law

a) Permitted Uses
A mushroom farm and all uses accessory to a mushroom farm including an existing dwelling unit.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
Notwithstanding any other provisions of this By-law to the contrary, on those lands zoned A1-1, the lot and building requirements shall be in accordance with the following:

i)	Minimum Lot Area	39 ha (96.36 ac);
ii)	Minimum Lot Frontage	575 m (1,886.48 ft);
iii)	Maximum Lot Coverage	25 %;
iv)	Minimum Yard Dimensions	
	Front Yard	As it existed on the date of adoption of the By-law amendment that introduced this provision;
	Rear and Side Yards for:	
	Compost Pads	15 m (49.21 ft);
	Pasteurization tunnels	15 m (49.21 ft);
	Growing beds	15 m (49.21 ft);
	Packing, packaging and Shipping facility	15 m (49.21 ft);

Accessory buildings,
Structures and uses 15 m (49.21 ft);

v) The minimum yard requirements for all existing buildings and structures which are within 15 m (49.21 ft) of a lot line shall be as they existed on the date of adoption of the By-law amendment that introduced this provision;

vi) All other general provisions of this By-law shall apply to lands zoned A1-1 except that the definition of lot coverage for this Zone shall be as follows:

Lot Coverage shall mean the percentage of the lot area of a lot that is covered by the perpendicular projections onto a horizontal plane of the area of all buildings and any structures with a height 1 m (3.28 ft) or greater above grade. The determination of lot coverage shall not apply to such things as internal roads, parking areas, ponds, concrete pads or any other similar facilities.

vii) Site Plan Control:

Notwithstanding any other provision of this By-law to the contrary, all new development related to the mushroom farm on lands zoned A1-1 shall be subject to site plan control.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-1. Minor Variance Application A/24/05 should be referred to.

22.2.2 Defined Area A1-2 as shown on Schedule "A", Map 28 to this By-law

a) Permitted Uses

A boiler works establishment, including the assembly, repair and storage of boilers and accessory uses in addition to the uses permitted in the A1 Zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law except that the minimum lot area shall be 3.7 ha (9.14 ac).

d) Other Provisions

The outside storage of goods and materials associated with the boiler works establishment shall be allowed to the rear and to the east of the building containing the boiler works establishment only and in accordance with the site plan agreement. All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-2.

22.2.3 Defined Area A1-3 as shown on Schedule "A", Map 53 to this By-law

a) Permitted Uses
A track for the driving and racing of recreational vehicles which shall include but not be limited to go-carts, all terrain vehicles and motorcycles as well as associated club house facilities and accessory uses in addition to the uses permitted in the A1 Zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-3.

22.2.4 Defined Area A1-4 as shown on Schedule "A", Map 63 to this By-law

a) Permitted Uses
Radio transmission towers and accessory uses in addition to the uses permitted in the A1 Zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-4.

22.2.5 Defined Area A1-5 as shown on Schedule "A", Map 24 to this By-law

a) Permitted Uses
A recreational shooting facility and accessory uses in addition to the uses permitted in the A1 Zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-5.

22.2.6 Defined Area A1-6 as shown on Map 49, Schedule "A" of this By-law.

(By-law 382-14, ZBA No. 89, 1019 Mersea Road 2)

a) **Permitted Uses**

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) **Permitted Buildings and Other Structures**

Buildings and structures for the permitted uses.

c) **Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law, except

i) the required setback for a driveway and parking area is 0 m, to allow for a common driveway access from 308 Talbot Rd. E to the Phase 1 service building as shown on the approved site plan;

ii) the required setback for the loading area abutting the Phase 1 service building is 0 m, as shown on the approved site plan; &

iii) the required side yard setback on the west side of the Phase 1 greenhouse range is 9.5 m, as shown on the approved site plan.

d) **Other**

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-6.

22.2.7 Defined Area A1-7 as shown on Map 51, Schedule "A" of this By-law.

(By-law No 426-14, ZBA No. 103, 540 Talbot Road East)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except that the minimum combined lot frontage shall be 30.05 m.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-7.

22.2.8 Defined Area A1-8 as shown on Map 27, Schedule "A" of this By-law.

(By-law 14-16, ZBA No. 127, 333-339 County Road 18)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1 1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except that the minimum side yard setback for a greenhouse along the rear lot line of the severed residential lot at 329 County Road 18 shall be 4.7 m.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-8.

22.2.9 Defined Area A1-9 as shown on Map 9, Schedule "A" of this By-law.

(By-law 34-16, ZBA No. 131, 967 and 969 Highway 77)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except that the interior side yard setback for greenhouses along the southern property line shall be 7.5 metres (24.6 feet).

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-9.

22.2.10 Defined Area A1-10 as shown on Map 03, Schedule "A" of this By-law.
(By-law 2-17, ZBA No. 141, 1729 Mersea Road 11)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except the following uses which shall be prohibited:

i) residential uses, including bed & breakfast, dwelling units, farm dwelling units and home occupations.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.2 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-10.

22.2.11 Defined Area A1-11 as shown on Map 17, Schedule "A" of this By-law.
(By-law 59-17, ZBA No. 151, Vacant Lot South of 410 Mersea Road 8)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, including a single unit detached dwelling, a bed and breakfast dwelling, a dwelling unit, a farm dwelling unit and/or a home occupation, all of which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.11 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-11).

22.2.12 Defined Area A1-12 as shown on Map 10, Schedule "A" of this By-law.

(By-law 24-18, ZBA No. 164, 1107 County Road 14)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, including a single unit detached dwelling, a bed and breakfast dwelling, a dwelling unit, a farm dwelling unit and/or a home occupation, all of which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-12).

22.2.13 Defined Area A1-13 as shown on Map 10, Schedule "A" of this By-law.

(By-law 24-18, ZBA No. 164, 1109 County Road 14)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, including a single unit detached dwelling, a bed and breakfast dwelling, a dwelling unit, a farm dwelling unit and/or a home occupation, all of which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-13).

22.2.14 Defined Area A1-14 as shown on Map 67, Schedule "A" of this By-law.
(By-law 33-18, ZBA No. 169, 1408 Mersea Road C)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law save and except the following uses which shall be prohibited:

ii) residential uses, including bed & breakfast, dwelling units, farm dwelling units and home occupations.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) **Other**

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-14.

22.2.14 Defined Area A1-14 as shown on Map 67, Schedule "A" of this By-law.
(By-law 33-18, ZBA No.169, 1408 Mersea Road C)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law save and except the following uses which shall be prohibited:

i) residential uses, including bed & breakfast, dwelling units, farm dwelling units and home occupations.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-14.

22.2.15 Defined Area A1-15 as shown on Map 11, Schedule "A" of this By-law.
(By-law 55-18, ZBA No. 175, 910 Mersea Road 12)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law save and except for residential uses, including a single unit detached dwelling, a bed and breakfast dwelling, a dwelling unit, a farm help dwelling unit and/or a home occupation, all of which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-15).

22.2.16 Defined Area A1-16 as shown on Map 21, Schedule "A" of this By-law.
(By-law 70-18, ZBA No. 176, 209 Mersea Road 12)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, including a single unit detached dwelling, a bed and breakfast dwelling, a dwelling unit, a farm dwelling unit and/or a home occupation, all of which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-16).

22.2.17 Defined Area A1-17 as shown on Map 13, Schedule "A" of this By-law.
(By-law 75-18, ZBA No. 183, 129 Mersea Road 8)

a) Permitted Uses

The uses permitted in the Agricultural General (A1) zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, including a single unit detached dwelling, a bed and breakfast dwelling, a dwelling unit, a farm help dwelling unit and/or a home occupation, all of which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-17).

22.2.18 Defined Area A1-18 as shown on Map 18, Schedule "A" of this By-law.
(By-law 13-19, ZBA No. 184, 1209 Mersea Road 8)

a) Permitted Uses

The uses permitted in the A1 Zone as indicated in subsection 22.1.1 of this By-law, save and except for new residential dwelling units, which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.18 a) of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-18).

22.2.19 Defined Area A1-19 as shown on Map 22, Schedule "A" of this By-law.
(By-law 11-19, ZBA No. 187, 803 Mersea Road 6)

a) Permitted Uses

The uses permitted in the A1 Zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except that the minimum permitted lot frontage shall be 32.24 metres (105.77 feet).

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-19)"

22.2.20 Defined Area A1-20 as shown on Map 22, Schedule "A" of this By-law.
(By-law 11-19, ZBA No. 187, 803 Mersea Road 6)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for new residential dwelling units, which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 a) of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-20).

22.2.21 Defined Area A1-21 as shown on Map 49, Schedule "A" of this By-law.
(By-law 67-19, ZBA No. 198, 1212 Mersea Road 2)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except that the minimum permitted lot frontage shall be 26.14 metres (85.76 feet).

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-21).

22.2.22 Defined Area A1-22 as shown on Map 20, Schedule "A" of this By-law.
(By-law 46-19, ZBA No. 192, 2011 Mersea Road 7)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for the following uses which shall be prohibited:

i. Residential uses, including bed & breakfasts, dwelling units, farm dwelling units and home occupations.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

e) **Other**

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-22).

22.2.23 Defined Area A1-23 as shown on Map 21, Schedule "A" of this By-law.
(By-law 03-20, ZBA No. 202, 617 Highway 77)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except:

i) the interior side yard setback between the existing greenhouses and the property line of the residential lot at 623 Highway 77 shall be 1.52 metres (5 feet); and

ii) the interior side yard setback between the existing greenhouses and the southern property line shall be 5.91 metres (19.39 feet).

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-23).

22.2.24 Defined Area A1-24 as shown on Map 51, Schedule "A" of this By-law.

(By-law 35-21, ZBA No. 225, Vacant Lot South of 504 Talbot Road East)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, including a single unit detached dwelling, a bed and breakfast, a dwelling unit, a farm help dwelling and/or a home occupation, all of which shall be prohibited.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned (A1-24).

22.2.25 Defined Area A1-25 as shown on Map 29, Schedule "A" of this By-law.

(By-law 23-20, ZBA No. 208, 1006 Mersea Road 5)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, including a single unit detached dwelling, a bed and breakfast, a dwelling unit, and/or home occupation, all of which shall be prohibited. For purposes of clarity, a farm help dwelling shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned Agricultural General (A1-25).

22.2.26 Defined Area A1-26 as shown on Map 51, Schedule "A" of this By-law.
(By-law 70-21, ZBA No. 207, 564 Talbot Road East)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, home occupations and bed and breakfast establishments.

For the purposes of clarity, a farm help dwelling, as defined in this By-law shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-26.

22.2.27 Defined Area A1-27 as shown on Map 27, Schedule "A" of this By-law.
(By-law 52-20, ZBA No. 213, 435 County Road 18)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, including:

i. A Farm Help Dwelling is permitted and can also be used to support farming activities on the adjacent property municipally known as 333-399 County Road No. 18, legally described as Concession 4 S, Part Lots 3 & 4, 12R-13038 Part 1, 12R-17576 Parts 1 & 2, 12R-24179 Parts 2 & 3, and 12R-26798 Part 7; provided:

a. That the Minimum Usable Floor Space per Occupant be 7.44m^2 (80 ft^2); and
b. That a Pedestrian Connecting Link to the farm upon which the dwellings is situated be identified on an approved site plan, with such Pedestrian Connecting Link being a maximum length of 800 metres; and
c. That the cash crop and/or greenhouse continue to operate on this site. Should they cease to operate, the Farm Help Dwelling use is no longer in conformance.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law, and one farm help dwelling.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned A1-27.

22.2.28 Defined Area A1-28 as shown on Map 29, Schedule "A" of this By-law.
(By-law 93-20, ZBA No. 216, 1008 Mersea Road 4)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except that the permitted lot frontage shall be 15 m.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) Zone shall also pertain to lands zoned A1-28.

22.2.30 Defined Area A1-30 as shown on Map 10, Schedule "A" of this By-law.
(By-law 47-21, ZBA No. 230, 966 Highway 77)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.4 of this By-law except:

i) the required interior side yard setback on the south side of the property for the Phase 4 greenhouse expansion is 10.2 m; and,

ii) the required rear yard setback on the east side of the property for the Phase 4 greenhouse expansion is 10 m.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned (A1-30).

22.2.31 Defined Area A1-31 as shown on Map 06, Schedule "A" of this By-law.
(By-law 63-21, ZBA No. 236, 909 Mersea Road 10)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, home occupations and bed and breakfast establishments.

For the purposes of clarity, a farm help dwelling, as defined in this By-law shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the uses permitted in subsection 22.1.2 of this By-law, save and except buildings and structures for any residential use or any accessory building or structure to a residential use shall be prohibited.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-31).

22.2.32 Defined Area A1-32 as shown on Map 31, Schedule "A" of this By-law.
(By-law 50-22, ZBA No. 232, 545 County Road 37)

a) Permitted Uses

The uses permitted in the Agricultural General (A1) Zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law except that the minimum side yard for the Phase 6 greenhouse structure shown on the approved site drawing shall be 11.66 m.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) Zone shall also pertain to lands zoned Agricultural General (A1-32) Zone.

22.2.33 Defined Area A1-33 as shown on Map 12, Schedule "A" of this By-law.
(By-law 69-22, ZBA No. 259, 969 Kent County Road 1)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, home occupations and bed and breakfast establishments. For the purposes of clarity, a farm help dwelling, as defined in this By-law shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-33).

22.2.34 Defined Area A1-34 as shown on Schedule "A", Map 29 to this By-law

(By-law 63-22, ZBA No. 238, 824 and 828-836 and 834 Mersea Road 4 and Vacant Lots South of 824 and 834 Mersea Road 4)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Structures

i. Buildings and structures for the permitted uses in subsection 22.1.1 of this By-law.
ii. Accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 and 22.14 of this By-law, except for the following:

Zone Provision	Greenhouses
Minimum Lot Area	70 ha
Minimum Lot Frontage	As existing on the date of the passing of the by-law
Maximum Lot Coverage	85 %
Driveways	Minimum 4.5 m (14.76 ft) from all lot lines or as established by site plan approval;
Parking Areas	Minimum 4.5 m (14.76 ft) from all lot lines or as established by site plan approval;
Farm Help Dwellings	Maximum 7.8 labourers per 1 ha (2.47 ac) of greenhouses
Parking	1.0 space for every 2ha (4.94 ac) of growing area
Minimum Lot Line Setbacks:	
West	15m
Abutting County Road 33	12.6m
South	5.1m
East	5.4m
Abutting Mersea Road 4	15m
All other lot lines shall be considered interior side lot lines	15m

d) Other

All development on the subject property, including the installation of driveways, fencing, servicing, parking areas and main and accessory buildings shall be subject to site plan control approval.

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) shall also pertain to lands zoned A1-34.

22.2.35 Defined Area A1-35 as shown on Schedule "A", Map 28 to this By-law (By-law 96-22, ZBA No. 264, 201 Highway No. 3)

a) Permitted Uses

A boarding kennel as defined herein for a maximum of 12 dogs secondary to a farming operation in addition to the uses permitted in the Agricultural General (A1) Zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Structures

iii. Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

iv. Accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 and 22.1.4 of this By-law, except the boarding kennel shall:

Have a maximum gross floor area in an accessory building of 106.84 m^2 (1,150 ft^2).

Have a maximum exterior dog run area of 111.11 m^2 (1,196 ft^2).

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General (A1) Zone shall also pertain to lands zoned Agricultural General (A1-35) Zone including:

The Boarding Kennel shall comply with Section 4.28 of Zoning By-law 890-09, as amended.

The Boarding Kennel shall have a minimum of 4 standard parking spaces.

The Boarding Kennel shall not include any on-site retail.

The Boarding Kennel shall have only members of the family permanently residing at the property and no more than one assistant at any given time engaged in the business.

The Boarding Kennel shall have no external display or advertisement other than an unlit sign attached to the building's main wall which is a maximum size of 0.5 m^2 (5.38 ft^2) indicating only the name, occupation and practicing hours of the occupant.

22.2.36 Defined Area A1-36 as shown on Schedule "A", Map 21 to this By-law

(By-law 08-23, ZBA No. 266, 420 and 422 and 508 and 528 Mersea Road 7 and Vacant Lot Southwest of 508 Mersea Road 7)

a) Permitted Uses

The uses permitted in the A1 Zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

Accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 or 22.1.4 of this By-law, except that the maximum permitted driveway width for the existing driveway shall be 27.6 m or as established by site plan approval.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-36).

22.2.37 Defined Area A1-37 as shown on Map 4, Schedule "A" of this By-law.

(By-law 16-23, ZBA No. 270, 1911 Mersea Road 11)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law, except that a second single detached dwelling shall be permitted until **March 28, 2024**.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 22.1.3 and 22.14 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-37.

22.2.38 Defined Area A1-38 as shown on Map 8, Schedule "A" of this By-law.

(By-law 84-23, ZBA No. 285, 2010 Mersea road 11)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, home occupations and bed and

breakfast establishments. For the purposes of clarity, a farm help dwelling, as defined in this Bylaw shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 or 22.1.4 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned A1-38.

22.2.39 Defined Area A1-39 as shown on Map 24, Schedule "A" of this By-law.

(By-law 93-23, ZBA No. 276 – Vacant Lot Southwest of 537 Bruner Road)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By—law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 and 22.1.4 of this By-Iaw except that the minimum lot frontage shall be 34.1 m.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-39.

22.2.40 Defined Area A1-40 as shown on Map 02, Schedule "A" of this By-law.

(By-law 101-24, ZBA No. 294, 821 Mersea Road 11)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 and 22.1.4 of this By-Iaw, save and except the following:

a) The Minimum Interior Side Yard Setback (north) for the existing Greenhouse shall be 6 metres;

b) The setback for the shared stormwater pond shall be 0 metres, where the stormwater pond crosses the shared lot lines. The setback shall remain 3 metres from all other lot lines.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned A1-40, save and except the following:

a) The setback for the shared stormwater pond shall be 0 metres, where the stormwater pond crosses the shared lot lines. The setback shall remain 3 metres from all other lot lines.

22.2.41 Defined Area A1-41 as shown on Map 14, Schedule "A" of this By-law.
(By-law 28-24, ZBA No. 300, 920 County Road 14)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, including a single unit detached dwelling, home occupations and a bed and breakfast establishment.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-41).

22.2.42 Defined Area A1-42 as shown on Map 5, Schedule "A" of this By-law.
(By-law 38-24, ZBA No. 304, 509 Mersea Road 10)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, including a single unit detached dwelling, home occupations and a bed and breakfast establishment.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law and/or 22.1.4 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-42).

22.2.43 Defined Area A1-43 as shown on Map 5, Schedule "A" of this By-law.

(By-law 39-24, ZBA No. 313, 427, 431 and 433 Mersea Road 10)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 and/or 22.1.4 of this By-law. The interior side yard setback for the existing metal clad garage shall be 0.8 m.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-43).

22.2.44 Defined Area A1-44 as shown on Map 12, Schedule "A" of this By-law.

(By-law 62-24, ZBA No. 311, 2219 County Road 14)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law, save and except for residential uses, home occupations and bed and breakfast establishments. For the purpose of clarity, a farm help dwelling, as defined in the By-law, shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-44).

22.2.45 Defined Area A1-45 as shown on Map 53, Schedule "A" of this By-law.

(By-law 82-24, ZBA No. 316, 504 Mersea Road 21)

a) Permitted Uses

The uses permitted in the Agricultural General Zone (A1) as indicated in subsection 22.1.1 of this by-law, with the exception that a Single Unit detached dwelling may include an Additional Dwelling Unit.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law, including one Single Unit Detached Dwelling with an Additional Dwelling Unit.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law, except as follows:

i. The Additional Dwelling Unit must not change the character of the neighbourhood, including:
    - No exterior staircases in the front yard or side yard to provide access to the secondary unit;

ii. The Additional Dwelling Unit shall not exceed 10 percent of the total lot area;

iii. The Additional Dwelling Unit shall have a maximum gross floor area of 25% of the ground floor area of the primary dwelling on the lot;

iv. The Additional Dwelling Unit shall not exceed one storey or 4.5 metres in height, whichever is lesser;

v. The Additional Dwelling Unit shall be located no more than 9 metres from the primary dwelling;

vi. The Additional Dwelling Unit may be permitted in the front yard, provided it complies with the front yard setback requirements for the primary dwelling in the Agricultural General Zone (A1);

vii. The Additional Dwelling Unit must provide one additional Standard Parking Space, in addition to the parking requirements under section 4.41;

viii. The Additional Dwelling Unit shall share one driveway with the primary Single Unit Detached Dwelling, accessing the publicly maintained road; and

ix. There shall be no other Additional (Detached) Dwelling Unit on the property.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-45).

22.2.46 Defined Area A1-46 as shown on Map 02, Schedule "A" of this By-law.
(By-law 101-24, ZBA No. 294, 821 Mersea Road 11)

a) Permitted Uses

the uses permitted in the A1 zone as indicated in subsection 22.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 and 22.1.4 of this By-Iaw, save and except the following:

a) The setback for the shares stormwater pond shall be 0 metres, where the stormwater pond crosses the shared lot lines. The setback shall remain 3 metres from all other lot lines.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-46, save and except the following:

a) The setback for the shared stormwater pond shall be 0 metres, where the stormwater pond crosses the shared lot lines. The setback shall remain 3 metres from all other lot lines.

22.2.47 Defined Area A1-47 as shown on Map 07, Schedule "A" of this By-law.
(By-law 25-25, ZBA No. 336, 1831 Mersea Road 10)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, home occupations and bed and breakfast establishments. For the purposes of clarity, a farm worker dwelling, as defined in this By-law shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 and 22.1.4 of this By-Iaw.

d) Other

All other provisions of this By-law pertaining to lands zoned A1 shall also pertain to lands zoned A1-47.

22.2.48 Defined Area A1-48 as shown on Map 13, Schedule "A" of this By-law.
(By-law 48-25, ZBA No. 342, 420 County Road 14 and 429 Mersea Road 8)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.4 of this By-Iaw, except that the required Stormwater Management Ponds setback shall be 0 m (0 ft) from the Rear Lot Line.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-48).

22.2.49 Defined Area A1-49 as shown on Map 21, Schedule "A" of this By-law.
(By-law 67-25, ZBA No. 345, 427 Mersea Road 6)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, home occupations and bed and breakfast establishments. For the purposes of clarity, a farm worker dwelling, as defined in this By-law shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 or 22.1.4 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-49).

22.2.50 Defined Area A1-50 as shown on Map 25, Schedule "A" of this By-law.
(By-law 32-26, ZBA No. 371, 915 Mersea Road 5 and VL North of 915 Mersea Road 5)

a) Permitted Uses

The uses permitted in the A1 zone as indicated in subsection 22.1.1 of this By-law, save and except for residential uses, home occupations, and bed and breakfast

establishments. For the purposes of clarity, a farm help dwelling, as defined in this By-law shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 22.1.2 of this By-law, save and except buildings and structures for any residential uses or any accessory building or structure to a residential use shall be prohibited.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 22.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural General Zone (A1) shall also pertain to lands zoned Agricultural General Zone (A1-50).

SECTION 23 - AGRICULTURAL RESTRICTED ZONE (A2) REGULATIONS

23.1 General Use Regulations

No person shall within the A2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

23.1.1 Permitted Uses

a) Agricultural uses excluding all livestock intensive agricultural uses and excluding mushroom farms;

b) one farm occupation in accordance with subsection 4.16 of this By-law;

c) establishments for the storage of agricultural equipment and machinery;

d) one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;

e) dog kennels in accordance with subsection 4.28 of this By-law but not a boarding kennel;

f) forestry uses including processing and sale of firewood but excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;

g) greenhouses in accordance with subsection 23.1.4 of this By-law;

h) hunting, game and wildlife preserves;

i) landing strips;

j) nurseries, wholesale and retail floral shops or tree farms;

k) horse training tracks;

l) the exploration and extraction of petroleum, natural gas and similar materials;

m) one single unit detached dwelling;

n) one home occupation in accordance with subsection 4.25 of this By-law;

o) works of a conservation authority;

p) One off-site farm worker dwelling or on-site farm worker dwellings in accordance with the provisions of Section 4.17 of this by-law;

q) the storage of automobiles, boats and other recreational vehicles in existing buildings;

r) accessory uses.

s) Food Vehicle

23.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) Accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

23.1.3 Zone Provisions for Farm Lots in the A2 Zone

Zone Provision	Main Building
Minimum Lot Area	10 ha (24.7 ac)
Minimum Lot Frontage	60 metres (196.8 ft)
Maximum Lot Coverage	25 % (includes accessory buildings and structures)
Maximum Building Height	10 metres (32.81 ft)
Minimum Front Yard	15 m (49.21 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft)
Minimum Exterior Side Yard	15 m (49.21 ft)
Minimum Rear Yard	6 m (19.68 ft)

23.1.4 Zone Provisions for Greenhouses in the A2 Zone

The construction of all new greenhouse facilities and the expansion of existing facilities are subject to site plan control and must be in accordance with the following:

Zone Provision	Greenhouses
Minimum Lot Area	2 ha (4.94 ac)
Minimum Lot Frontage	60 m (196.85 ft)
Maximum Lot Coverage	80 %
Minimum Front Yard	15 m (49.21 ft)

Minimum Side Yard	15 m (49.21 ft)
Minimum Rear Yard	15 m (49.21 ft)
Packing and Shipping Facilities	Minimum 15 m (49.21 ft) from all lot lines
Driveways	Minimum 4.5 m (14.76 ft) from side or rear lot line
Loading Areas	Minimum 15.24 m (50 ft) from all lot lines
Parking Areas	Minimum 4.5 m (14.76 ft) from all lot lines
Storm Water Management Ponds	Minimum 3 m (9.84 ft) from all lot lines
Outdoor Water Reservoirs	Minimum 3 m (9.84 ft) from all lot lines

23.2 Exceptions

The special regulations contained in subsection 23.2 shall apply to the area or areas defined below.

23.2.1 Defined Area A2-1 as shown on Schedule "A", Map 28 to this By-law
(By-law 29-17, ZBA No. 85, 523 and 525 Mersea Road 3)

a) Permitted Uses
The uses permitted in the A2 zone as indicated in subsection 23.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses in subsection 23.1.2 of this By-law,

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 23.1.4 of Zoning By-law 890-09 except that the minimum side yard setback for the packing and shipping area and service bay, shown on the approved site plan shall be 8.5 metres.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-1.

23.2.2 Defined Area A2-2 as shown on Schedule "A", Map 29 to this By-law

a) Permitted Uses
A poultry farm and accessory uses in addition to the uses permitted in the A2 Zone as indicated in subsection 23.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 23.1.3 of this By-law except that the minimum lot area shall be 12.5 ha (30.88 ac), there is no minimum lot frontage requirement and no building shall be closer than 6 m (19.68 ft) to any lot line. The maximum lot coverage shall be 25 %. The maximum building and structure height is 10 m (32.80 ft).

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-2.

23.2.3 Defined Area A2-3 as shown on Schedule "A", Map 29 to this By-law

a) Permitted Uses

A poultry farm and accessory uses in addition to the uses permitted in the A2 Zone as indicated in subsection 23.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 23.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-3.

23.2.4 Defined Area A2-4 as shown on Schedule "A", Map 57 to this By-law

a) Permitted Uses

A restaurant, gas bar, a sales and service establishment for new and used automobiles, trucks, boats and recreational vehicles, a limousine service, a variety store and accessory uses in addition to the uses permitted in subsection 23.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 23.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-4.

23.2.5 Defined Area A2-5 as shown on Map 28, Schedule "A" of this By-law
(By-law 148-11, ZBA No. 41, 435 Mersea Road 3)

a) Permitted Uses

The uses permitted in the A2 zone as indicated in subsection 23.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 23.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 23.1.3 of this By-law, except the required minimum rear yard is decreased from 15 m to 13.72 m and the minimum interior west side yard is decreased from 15 m to 5.9 m to permit a greenhouse development (Phase 3).

d) Other

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-5.

23.2.6 Defined Area A2-6 as shown on Map 53, Schedule "A" of this By-law
(By-law 279-13, ZBA No. 60, 423 Kent County Road 1)

a) Permitted Uses

The uses permitted in the A2 zone as indicated in subsection 23.1.1 of this By-law;

Existing 56 Nutrient Unit Mink Farm. Should the use cease to exist for a period of 6 months, the use is no longer permitted;

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 23.1.3 and 23.1.4 of this By-law, except that the maximum lot coverage shall be 35% and all livestock related structures shall comply with the following zone provisions:

Zone Provision	Livestock Related Building
Minimum Interior Side Yard	15.24 m (50 ft)
Minimum Rear Yard	13.4 m (44 ft)

d) Other

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-6.

23.2.7 Defined Area A2-7 as shown on Map 28, Schedule "A" of this By-law
(By-law 406-14, ZBA No. 94, 129 and 132 Elliott Street)

a) Permitted Uses

The uses permitted in the A2 zone as indicated in subsection 23.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 23.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 23.1.3 of this By-law, except:

j) the required side yard setback along the eastern property line shall be 4.68 m (15.3 ft);

ii) the required side yard setback along the common interior lot line shall be 0.0 m;

iii) the required number of parking spaces can be located on either parcel and in a location as shown on the approved site plan;

iv) the required side yard setback for the width of the existing connector house extending to 305 Erie Street North shall be 0.0 m; and

v) all other zone provisions shall be applied to the boundary of the site specific zone.

d) Other

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-7.

23.2.8 Defined Area A2-8 as shown on Map 34, Schedule "A" of this By-law
~~**(By-law 407-14, ZBA No. 95, 459 and 465 Talbot Street West)**~~
(By-law 22-22, ZBA No. 243, 441-459 Talbot Street West)

a) Permitted Uses

The uses permitted in the A2 zone as indicated in subsection 23.1.1 of this by-law, including a warehouse and labelling facility and produce receiving and package facility in the existing building footprint.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 23.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 23.1.3 of this By-law.

d) Other

All development of the lands zoned A2-8 is subject to site plan control approval.

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-8.

23.2.9 Defined Area A2-9 as shown on Map 34, Schedule "A" of this By-law
(By-law 19-18, ZBA No. 165, 223-265 Talbot Street West)

a) Permitted Uses

The uses permitted in the A2 zone as indicated in subsection 23.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 23.1.3 of this By-law, except that the minimum setback from a greenhouse operation to the southerly lot line abutting the rear of the properties at 245 and 255 Talbot Street West (Assessment Roll Numbers 590-01300 and 590-01350) respectively, shall be 6 metres (19.28 feet).

d) Other

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-9.

23.2.10 Defined Area A2-10 as shown on Map 53, Schedule "A" of this By-law.
(By-law 33-19, ZBA 168, 2420 Hickson Road)

a) Permitted Uses
The uses permitted in the A2 zone as indicated in subsection 23.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 23.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 23.1.3 of this By-law, except the minimum lot area shall be 8.4 ha.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Restricted (A2) shall also pertain to lands zoned A2-10.

23.2.11 Defined Area A2-11 as shown on Map 53, Schedule "A" of this By-law.

(By-law 33-19, ZBA No. 168, 417 and 419 Kent County Road 1)

a) Permitted Uses

An establishment for the drying, storage and repair of fish nets, the packing, freezing, retailing, processing and storing of fish products and accessory uses in addition to the uses permitted in the A2 Zone as indicated in subsection 23.1.1 of this By-law., excluding residential uses.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 23.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 23.1.3 of this By-law with the exception of the following:

i) Minimum lot area shall be 0.6 ha:
ii) Minimum lot frontage shall be 54.9 m.

d) Other

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-11, except that outside storage and cleaning of emptied containers related to the packing, freezing, retailing, and processing of fish shall be limited to the rear yard. The property shall be subject to site plan control and include the provisions for appropriate buffering from abutting properties.

23.2.12 Defined Area A2-12 as shown on Map 57, Schedule "A" of this By-law.

(By-law 42-20, ZBA No. 196, 282-288 Talbot St. W- LPAT Decision PL200299)

a) Permitted Uses

An on-farm diversified retail use in addition to the uses permitted in the A2 zone as indicated in subsection 23.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses provided the gross floor area of all buildings associated with the on-farm diversified retail use does not exceed 930 square metres (10,000 square feet).

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 23.1.3 of this By-law

d) Other

All other provisions of this By-law pertaining to lands zoned A2 shall also pertain to lands zoned A2-12.

23.2.13 Defined Area A2-13 as shown on Map 33, Schedule "A" of this By-law.

(By-law No. 44-25, ZBA No. 317, 887-923 Talbot Road East)

a) Permitted Uses

The uses permitted in the Agricultural Restricted Zone (A2) as indicated in subsection 23.1.1 of this by-law, save and except for new residential uses, home occupations and bed and breakfast establishments. For the purposes of clarity, a farm help dwelling, as defined in this By-law, shall be permitted.

b) Permitted Buildings and Other Structures

Notwithstanding any other provision of this By-law, existing residential dwellings on the property as of the date of the passing of this By-law may continue to be sued and maintained, subject to the addition of Accessory Structures and Rural Additional Residential Units. However, the reconstruction, enlargement, or expansion of any existing residential dwellings shall not be permitted.

Buildings and structures for the permitted uses in subsection 23.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 23.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Restricted Zone (A2) shall also pertain to lands zoned Agricultura Restricted Zone (A2-13).

SECTION 24 – AGRICULTURAL HOBBY FARM ZONE (A3) REGULATIONS

24.1 General Use Regulations

No person shall within the A3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

24.1.1 Permitted Uses

a) Agricultural uses excluding all livestock intensive agricultural uses and excluding mushroom farms;

b) dog kennels in accordance with subsection 4.28 of this By-law but not a boarding kennel;

c) forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;

d) greenhouses in accordance with subsection 24.1.4 of this By-law;

e) hunting, game and wildlife preserves;

f) nurseries, wholesale and retail floral shops or tree farms;

g) horse training tracks;

h) the exploration and extraction of petroleum, natural gas and similar materials;

i) one single unit detached dwelling in accordance with subsection 24.1.3 of this By-law;

j) one home occupation in accordance with subsection 4.25 of this By-law;

k) works of a conservation authority;

l) one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;

m) One off-site farm worker dwelling or on-site farm worker dwellings in accordance with the provisions of Section 4.17 of this by-law;

n) accessory uses.

o) Food Vehicle

24.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) Accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

24.1.3 Zone Provisions for Farm Lots in the A3 Zone

Zone Provision	Main Building
Minimum Lot Area	1 ha (2.48 ac)
Minimum Lot Frontage	60 m (196.85 ft)
Maximum Lot Coverage	25 % (includes accessory buildings and structures)
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	15 m (49.21 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft)
Minimum Exterior Side Yard	15 m (49.21 ft)
Minimum Rear Yard	6 m (19.68 ft)

24.1.4 Zone Provisions for Greenhouses in the A3 Zone

The construction of all new greenhouse facilities and the expansion of existing facilities are subject to site plan control and must be in accordance with the following:

Zone Provision	Greenhouses
Minimum Lot Area	2 ha (4.94 ac)
Minimum Lot Frontage	60 m (196.85 ft)
Maximum Lot Coverage	80 %
Minimum Front Yard	15 m (49.21 ft)
Minimum Side Yard	15 m (49.21 ft)
Minimum Rear Yard	15 m (49.21 ft)
Packing and Shipping Facilities	Minimum 15 m (49.21 ft) from all lot lines
Driveways	Minimum 4.5 m (14.76 ft) from side or rear lot line
Loading Areas	Minimum 15.24 m (50 ft) from all lot lines
Parking Areas	Minimum 4.5 m (14.76 ft) from all lot lines
Storm Water Management Ponds	Minimum 3 m (9.84 ft) from all lot lines
Outdoor Water Reservoirs	Minimum 3 m (9.84 ft) from all lot lines

24.2 Exceptions

The special regulations contained in subsection 24.2 shall apply to the area or areas defined below.

24.2.1 Defined Area A3-1 as shown on Schedule "A", Map 9 to this By-law

a) Permitted Uses

A seed and fertilizer dealership and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law except that the minimum lot area shall be 4 ha (9.88 ac).

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-1.

24.2.2 Defined Area A3-2 as shown on Schedule "A", Map 9 to this By-law

a) Permitted Uses

i) a trucking depot primarily related to agricultural or agricultural related products;

ii) a warehousing establishment primarily related to agricultural or agricultural related products;

iii) a commercial water supply station;

iv) a portable office building primarily related to agricultural or agricultural related products;

v) the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law;

vi) uses accessory to the foregoing permitted uses.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law except that the minimum lot area shall be 2 ha (4.94 ac).

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-2.

24.2.3 Defined Area A3-3 as shown on Schedule "A", Map 11 to this By-law

a) Permitted Uses
A contractor's yard and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-3.

24.2.4 Defined Area A3-4 as shown on Schedule "A", Map 14 to this By-law

a) Permitted Uses

i) the construction and repair of wooden pallets, fruit boxes and similar items;

ii) the warehousing of processed agricultural products and the processing of agricultural products, except that such processing shall specifically be limited to the processing of popcorn and related products and the processing of apple chips and related products;

iii) all other uses permitted in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
Outside storage shall be in accordance with the corresponding site plan agreement. All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-4.

24.2.5 Defined Area A3-5 as shown on Schedule "A", Map 24 to this By-law

a) Permitted Uses
Two dwelling units in addition to the uses permitted in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law except that the minimum lot area shall be 5.8 ha (14.33 ac), there is no minimum lot frontage, main buildings shall be setback a minimum of 12 m (39.37 ft) from all lot lines and accessory buildings shall not be located closer than 12 m (39.37 ft) to the westerly lot line.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-5.

24.2.6 Defined Area A3-6 as shown on Schedule "A", Map 25 to this By-law

a) Permitted Uses
A mushroom farm and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-6.

24.2.7 Defined Area A3-7 as shown on Schedule "A", Map 31 to this By-law

a) Permitted Uses
An automobile repair and body shop and a wrecking yard and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-7.

24.2.8 Defined Area A3-8 as shown on Schedule "A", Map 49 to this By-law

a) Permitted Uses

The extraction and production of oil and natural gas and an electrical generating facility in which the excess natural gas resulting from extraction operations is used to produce electricity.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law except that the minimum lot area is 1.7 ha (4.20 ac) and the minimum lot frontage shall be 7 m (22.96 ft).

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-8.

24.2.9 Defined Area A3-9 as shown on Schedule "A", Map 53 to this By-law

a) Permitted Uses

i) a farm equipment sales and service establishment;
ii) an automobile repair garage;
iii) an automobile body repair shop;
iv) a contractor's yard;
v) an assembly and machine shop;
vi) a tradesman's shop;
vii) a repair and service shop;
viii) storage and warehousing facilities;
ix) the uses permitted in subsection 24.1.1 of this By-law;
x) uses accessory to the foregoing permitted uses.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions

Outside storage is prohibited. All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-9.

24.2.10 Defined Area A3-10 as shown on Schedule "A", Map 54 to this By-law

a) Permitted Uses

Television antenna towers and accessory buildings and structures including a building containing transmitter equipment in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law except that the minimum lot area shall be 3 ha (7.41 ac) and the minimum rear yard shall be 1 m (3.28 ft).

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-10.

24.2.11 Defined Area A3-11 as shown on Schedule "A", Map 66 to this By-law

a) Permitted Uses

An agricultural custom services establishment and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-11.

24.2.12 Defined Area A3-12 as shown on Schedule "A", Map 33 to this By-law

a) Permitted Uses

An establishment for the drying, storage and repair of fish nets and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-12.

24.2.13 Defined Area A3-13 as shown on Schedule "A", Map 34 to this By-law

a) Permitted Uses
An automobile service station and accessory uses in addition to the uses permitted in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-13.

24.2.14 Defined Area A3-14 as shown on Schedule "A", Map 34 to this By-law

a) Permitted Uses
An automobile service station and accessory uses in addition to the uses permitted in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-14.

24.2.15 Defined Area A3-15 as shown on Schedule "A", Map 53 to this By-law

a) Permitted Uses
Warehousing provided there is an adequate water supply for fire protection purposes and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-15.

24.2.16 Defined Area A3-16 as shown on Schedule "A", Map 53 to this By-law

a) Permitted Uses
An establishment for the drying, storage and repair of fish nets and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-16.

24.2.17 Defined Area A3-17 as shown on Schedule "A", Map 28 to this By-law
(By-law 68-25, By-law No. 350, 432 and 500 County Road 18)

a) Permitted Uses
A warehouse for agricultural produce, including vehicle parking, packing, shipping and office areas and accessory uses in addition to the uses permitted in the A3 Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

24.2.18 Defined Area A3-18 as shown on Schedule "A", Map 34 to this By-law
(By-law 81-10, ZBA No. 28, 28 Hodgins Street)

a) Permitted Uses
The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law, except the minimum lot frontage for the retained lot shall be decreased from the required 60m to 53m.

d) Other
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-18.

~~24.2.19 Defined Area A3-19 as shown on Map 26, Schedule "A" of this By-law~~
(Deleted by By-law 36-22, ZBA No. 256, 1637 Mersea Road 5)

24.2.20 Defined Area A3-20 as shown on Map 57, Schedule "A" of this By-law.
(By-law 180-11, ZBA No. 49, 439 Seacliff Drive West)

a) Permitted Uses
The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law, except the frontage of the retained lot is reduced from the required 196.85 ft to 66 ft and the minimum side yard set back for an existing greenhouse structure to the east of the surplus dwelling is decreased from the required 49 ft to 27 ft.

d) Other
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-20.

24.2.21 Defined Area A3-21 as shown on Map 27, Schedule "A" of this By-law.
(By-law 242-12, ZBA No. 61, 115 County Road 18)

a) Permitted Uses
The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.4 of this By-law and Minor Variance A-09-12, except that all new interior side yard setbacks shall be in accordance with an approved site plan.

d) Other
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-21.

24.2.22 Defined Area A3-22 as shown on Map 57, Schedule "A" of this By-law
(By-law 262-13, ZBA 62, 310 Talbot Street West)

a) Permitted Uses

i. Agricultural uses excluding all livestock intensive agricultural uses and excluding mushroom farms;

ii. forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;

iii. greenhouses in accordance with subsection 24.1.4 of this By-law;

iv. nurseries, wholesale and retail floral shops or tree farms;

v. one single unit detached dwelling in accordance with subsection 24.1.4 of this By-law;

vi. one home occupation in accordance with subsection 4.25 of this By-law;

vii. works of a conservation authority;

viii. one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;

ix. farm help dwellings;

x. accessory uses.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-22.

24.2.23 Defined Area A3-23 as shown on Map 18, Schedule "A" of this By-law.

(By-law 336-13, ZBA 81, 1008 Mersea Road 8)

a) Permitted Uses

The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 and 24.1.4 of this By-law, except that the minimum lot frontage shall be 52.4 m (172 ft).

d) Other

All other provisions of this By-law pertaining to lands zoned A3-23 shall also pertain to lands zoned A3.

24.2.24 Defined Area A3-24 as shown on Map 52, Schedule "A" of this By-law.

(By-law 83-17, ZBA 159, 696 and 698 Talbot Road East)

a) Permitted Uses

A workshop and offices for the design and fabrication of prototypes, along with the installation and servicing and support of the final built product(s) and/or system(s), all for use in and with agricultural operations, and uses accessory thereto, in addition to the uses permitted in the A3 zone.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1.24 (a) of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 24.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-24.

24.2.25 Defined Area A3-25 as shown on Map 21, Schedule "A" of this By-law.
(By-law 29-21, ZBA 226, 633 Highway 77)

a) Permitted Uses

The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law, including two pre-fabricated dwelling units for a period of two years (April 13, 2023).

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A3-25 shall also pertain to lands zoned A3.

24.2.26 Defined Area A3-26 as shown on Map 53, Schedule "A" of this By-law.
(By-law 59-21, ZBA 233, 458 Mersea Road 21)

a) Permitted Uses

The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this by-law, including a single unit detached dwelling or a two unit dwelling; second dwelling unit accessory to the permitted single detached dwelling.

b) Permitted Buildings and Other Structures

Single unit detached dwelling, including an attached second dwelling unit accessory to and constructed as an addition to the permitted single detached dwelling, a maximum of 230.2 m^2 (including living area, covered porch and one car garage), in gross floor area;

Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law,

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 of this By-law except as follows:

Minimum Lot Area:	2.02 ha
Minimum Lot Frontage:	96.32m
Minimum Front Yard Setback:	9.75m
Maximum Gross Floor Area of Second Dwelling Unit (including living space, covered porch and attached garage area)	230m^2

d) Other

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-26.

24.2.28 Defined Area A3-28 as shown on Map 27, Schedule "A" of this By-law.

(By-law 75-22, ZBA 262, 117-127 County Road 18)

a) Permitted Uses

The uses permitted in the Agricultural Hobby Farm (A3) Zone as indicated in subsection 24.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 and 24.1.4 of this By-law, except that the permitted Farm Help Dwellings will have a Maximum 5 labourers per 0.5 ha (1.23 ac) of greenhouses.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Hobby Farm (A3) Zone shall also pertain to lands zoned Agricultural Hobby Farm (A3-28) Zone.

24.2.29 Defined Area A3-29 as shown on Map 57, Schedule "A" of this By-law.

(By-law 11-23, ZBA No. 267, 162 County Road 31)

a) Permitted Uses

The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law, except that a second single detached dwelling shall be permitted until February 28, 2024.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-29.

24.2.30 Defined Area A3-30 as shown on Map 26, Schedule "A" of this By-law.
(By-law 21-23, ZBA No. 269, 1402 Mersea Road 6)

a) Permitted Uses
The uses permitted in the Agricultural Hobby Farm (A3) Zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 and 24.1.4 of this By-law except that the minimum permitted lot frontage shall be 51.89 m.

d) Other
All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-30.

24.2.32 Defined Area A3-32 as shown on Map 22, Schedule "A" of this By-law.
(By-law 55-23, ZBA No. 280, 1008 Mersea Road 7)

a) Permitted Uses
An off-site farm worker dwelling for the exclusive use of the greenhouse located on the abutting farm property located at 1002 Mersea Road 7 in addition to the permitted uses in the A3 zone as indicated in subsection 24.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses as indicated in subsection 24.1.2.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 and 24.1.4 of this By—law, except that the housing capacity for the off-site farm worker dwelling shall be limited to a maximum of 39 workers or as determined by the relevant public health authority in consultation with Building Services and Fire Services.

d) Other
All other provisions of this By-law pertaining to lands zoned Agricultural Hobby Farm Zone (A3) shall also pertain to lands zoned Agricultural Hobby Farm Zone (A3-32).

24.2.33 Defined Area A3-33 as shown on Map 24, Schedule "A" of this By-law.
(By-law 92-23, ZBA No. 275, 321 Mersea Road 5)

a) Permitted Uses
The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 and 24.1.4 of this By-law except that the minimum permitted lot frontage shall be 34.1 m.

d) Other

All other provisions of this By-law pertaining to lands zoned A3 shall also pertain to lands zoned A3-33.

24.2.34 Defined Area A3-34 as shown on Map 28, Schedule "A" of this By-law.

(By-law 97-23, ZBA No. 288, 353 Highway 77 and 602, 608, 612, and 614 County Road 18)

a) Permitted Uses

The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this by-Iaw and in addition an off-site farm help dwelling is permitted for 602, 608 and 614 County Road 18 for the exclusive use of the greenhouse properties at 602, 608, 614 County Road 18 and 353 Highway 77.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1 .2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1 .3 and 24.1 .4 of this By-law, except for the following:

i. Farm Help Dwellings: Minimum interior side yard of 4.5 m.

ii. Farm Help Dwellings: Maximum 39 residents or as determined by the relevant public health authority in consultation with Building Services and Fire Services for the Municipality of Leamington.

d) Other

All other provisions of this By-law pertaining to lands zoned A3-34 shall also pertain to lands zoned A3.

24.2.35 Defined Area A3-35 as shown on Map 34, Schedule "A" of this By-law.

(By-law 43-24, ZBA No. 287, 337, 363 and 369 Talbot Street West)

a) Permitted Uses

The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 24.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 and 24.1.4 of this By-law, except that the minimum interior side yard setback between the existing greenhouse and the adjacent property line at 363 Talbot Street West shall be 3.5 metres. This reduced interior side yard is only to be recognized for the existing structure at the time of the passing of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Hobby Farm Zone (A3) shall also pertain to lands zoned A3-35.

24.2.36 Defined Area A3-36 as shown on Map 26, Schedule "A" of this By-law.
(By-law 91-25, ZBA No. 357, 1309 Mersea Road 5)

a) Permitted Uses

The uses permitted in the A3 zone as indicated in subsection 24.1.1 of this By-law, save and except for residential uses, home occupations, and bed and breakfast establishments. For the purposes of clarity, a farm worker dwelling, as defined in this By-law shall be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 or 24.1.4 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Hobby Farm Zone (A3) shall also pertain to lands zoned Agricultural Hobby Farm Zone (A3-36).

24.2.37 Defined Area A3-37 as shown on Map 27, Schedule "A" of this By-law.
(By-law 65-26, ZBA No. 373, 120 Mersea Road 5)

a) Permitted Uses

In addition to the uses permitted in the Agricultural Hobby Farm Zone (A3) as indicated in subsection 24.1.1 of this by-law, the following uses shall also be permitted:

i. Agricultural Contractors Yard

ii. Accessory uses including an office of Caretakers' Residence

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 24.1.3 of this By-law, save and except the following:

Zone Provision	Agricultural Contractor's Yard
Minimum Landscaped Open Space	30%
Minimum Interior Side Yard (East)	5 metres
Minimum Interior Side Yard (West)	9 metres

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Hobby Farm Zone (A3) shall also pertain to lands zoned A3-37, save and except the following:

i. The parking requirement for a Contractor's Yard, Agricultural in the A3-37 Zone shall be 26 spaces including barrier free spaces.

ii. Notwithstanding subsection 4.34 Minimum Separation Distances, the Minimum Separation Distance between a Class 1 Agricultural Contractor's Yard and a residential use shall be 15 metres.

SECTION 25 - AGRICULTURAL EXTRACTIVE ZONE (A4) REGULATIONS

25.1 General Use Regulations

No person shall within the A4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

25.1.1 Permitted Uses

a) Pits and quarries;

b) the processing of aggregate extracted from the subject site including screening, sorting, washing, crushing, storing and other similar operations allied to an extractive industrial operation;

d) existing agricultural uses;

e) accessory uses.

f) Food Vehicle

25.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

25.1.3 Zone Provisions

No buildings, structures, processing plant or place shall be located with 30 m (98.42 ft) of the boundary of the site or within 90 m (295.27 ft) of any part of the boundary that abuts land in use for residential purposes at the time the licence was issued, or land restricted to residential use by a zoning by-law when the licence was issued.

25.2 Exceptions

25.2.1 Defined Area A4-1 as shown on Map 34, Schedule "A" of this By-law.
(By-law 22-22, ZBA No. 243, 441-459 Talbot Street West and 483 Talbot Street West)

a) Permitted Uses
The uses permitted in the A4 zone as indicated in subsection 25.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 25.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 25.1.3 of this By-law.

d) Other
Notwithstanding the provisions of Section 4.34, the minimum excavation setback between the residential property line at 465 Talbot Street West shall be 1.5m, as established the site plan approved under the Aggregate Resources Act.

All other provisions of this By-law pertaining to lands zoned A4 shall also pertain to lands zoned A4-1.

25.2.2 Defined Area A4-2 as shown on Map 34, Schedule "A" of this By-law.
(By-law 12-25, ZBA No. 335, 409 Talbot Street West)

a) Permitted Uses
The uses permitted in the A4 zone as indicated in subsection 25.1.1 of this by-law, in addition to the following:

b) Liquid Soil Reuse Facility

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 25.1.2 of this By-law, in addition to the buildings and structures for a Liquid Soil Reuse Facility.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 25.1.3 of this By-law.

d) Other
All other provisions of this By-law pertaining to lands A4 shall also pertain to lands zoned A4-2.

SECTION 26 – AGRICULTURAL RESIDENTIAL ZONE (A5) REGULATIONS

26.1 General Use Regulations

No person shall within the A5 Zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

26.1.1 Permitted Uses

a) One single unit detached dwelling;

b) one home occupation per dwelling unit in accordance with the provisions of subsection 4.25 of this By-law;

c) garden suite, in accordance with subsection 4.22 of the By-law;

d) one bed and breakfast establishment, in accordance with subsection 4.4 of this By-law;

e) accessory uses, including one detached hobby greenhouse small than 10 m² (107.24 ft).

f) keeping chicken and fowl as an accessory use, in accordance with subsection 4.27.1 of this By-law.

26.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

26.1.3 Zone Provisions

Zone Provisions	Requirement
Minimum Lot Area	1,400 m² (15,069.96 ft²)
Maximum Lot Area	0.8 ha (1.97 acres)
Minimum Lot Frontage	30 m (98.42 ft)
Maximum Lot Frontage	53 m (173.88 ft)
Maximum Lot Coverage	35 % (including all accessory buildings)
Maximum Building Height	10 m (32.80 ft)
Minimum Front Yard	15 m (49.21 ft)
Minimum Rear Yard	6 m (19.68 ft)
Minimum Side Yard	1.5 m (4.92 ft)
Minimum Exterior Yard	15 m (49.21 ft)

26.2 Exceptions

The special regulations contained in subsection 26.2 shall apply to the area or areas defined below.

26.2.1 Defined Area A5-1 as shown on Schedule "A", Map 3 to this By-law

a) Permitted Uses
A trucking operation and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-1.

26.2.2 Defined Area A5-2 as shown on Schedule "A", Map 11 to this By-law

a) Permitted Uses
A saw mill and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-2.

26.2.3 Defined Area A5-3 as shown on Schedule "A", Map 13 to this By-law

a) Permitted Uses
Two dwelling units and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-3.

26.2.4 Defined Area A5-4 as shown on Schedule "A", Map 15 to this By-law

a) Permitted Uses
A contractor's yard and accessory uses in addition to the uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-4.

26.2.5 Defined Area A5-5 as shown on Schedule "A", Map 18 to this By-law

a) Permitted Uses
A bed and breakfast establishments and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law, except the bed and breakfast establishment shall be permitted in an accessory building, however, shall be prohibited to having a cooking facilities (stove, oven and exhaust system).

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-5.

26.2.6 Defined Area A5-6 as shown on Schedule "A", Map 19 to this By-law

a) Permitted Uses

i) an agricultural products sales establishment, including the sale of agricultural-related chemicals, bagged fertilizer and seeds, and an accessory office all of which are to be contained within one or more buildings having a combined floor area of not greater than 500 m² (5,382.13 ft²). All components of the agricultural products sales establishment and accessory uses shall be restricted to an area of land not greater than 6,155 m² (66,254.03 ft²);

ii) the uses permitted in subsection 26.1.1 of this By-law;

iii) uses accessory to the foregoing uses in accordance with subsection 4.1 of this By-law.

b) Permitted Buildings and Structures

One of more buildings having a combined floor area of not greater than 500 m² (5,382.13 ft²) for the agricultural products sales establishment and accessory office use only. Building and structures for the other permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-6.

26.2.7 Defined Area A5-7 as shown on Schedule "A", Map 21 to this By-law

a) Permitted Uses

An abattoir and meat sales establishment in addition to the uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-7.

26.2.8 Defined Area A5-8 as shown on Schedule "A", Map 23 to this By-law

a) Permitted Uses
A tradesman's shop and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-8.

26.2.9 Defined Area A5-9 as shown on Schedule "A", Map 24 to this By-law

a) Permitted Uses
An automobile and farm equipment repair establishment and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-9.

26.2.10 Defined Area A5-10 as shown on Schedule "A", Map 24 to this By-law

a) Permitted Uses
The uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law except that there is no minimum lot

frontage requirement and main buildings shall be setback a minimum of 10 m (32.80 ft) from all lot lines.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-10.

26.2.11 Defined Area A5-11 as shown on Schedule "A", Map 25 to this By-law

a) Permitted Uses
A day care centre and not more than 5 dwelling units in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
The existing building only for the day care centre, the existing buildings only for the 5 dwelling units and buildings and structures for the uses permitted in subsection 26.1.1 of this By-law including one single unit dwelling.

c) Zone Provisions
As they existed on the date of adoption of this By-law for the day care centre and the dwelling units excluding the single unit dwelling. All lot and building requirements for the other permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All parking requirements and standards for the day care centre and dwelling units shall be in accordance with the associated site plan control agreement. All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-11.

26.2.12 Defined Area A5-12 as shown on Schedule "A", Map 27 to this By-law

a) Permitted Uses
A machine shop, retail store, office, medical clinic and personal service shop in an existing 185 m^2 (1,991.38 ft^2) building and uses accessory to the foregoing permitted uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
The existing 185 m^2 (1,991.38 ft^2) building only for the machine shop, retail store, office, medical clinic and personal service shop uses. Buildings and structures for the other permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-12.

26.2.13 Defined Area A5-13 as shown on Schedule "A", Map 31 to this By-law

a) Permitted Uses

A furniture upholstery and repair shop and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-13.

26.2.14 Defined Area A5-14 as shown on Schedule "A", Map 32 to this By-law

a) Permitted Uses

A studio and sales establishment for arts and crafts and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-14.

26.2.15 Defined Area A5-15 as shown on Schedule "A", Map 32 to this By-law

a) Permitted Uses

An establishment for the repair and storage of fish nets and accessory uses in addition to the uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-15.

26.2.16 Defined Area A5-16 as shown on Schedule "A", Map 34 to this By-law

a) Permitted Uses
A sales and service establishment for communications equipment and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-16.

26.2.17 Defined Area A5-17 as shown on Schedule "A", Map 49 to this By-law

a) Permitted Uses
An automotive repair establishment and accessory uses in addition to the uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-17.

26.2.18 Defined Area A5-18 as shown on Schedule "A", Map 49 to this By-law

a) Permitted Uses

A tradesman shop and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law except that:

i)	Maximum Floor Space	650 m² (6,996.77 ft²);
ii)	Minimum Front Yard	9 m (29.52 ft);
iii)	Minimum Side Yard	2 m (6.56 ft);
iv)	Minimum Rear Yard	3 m (9.84 ft);
v)	Maximum Building Height	9 m (29.52 ft);
vi)	Lot Area and Frontage	as existing.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-18.

26.2.19 Defined Area A5-19 as shown on Schedule "A", Map 50 to this By-law

~~**(By-law 930-09, ZBA No. 8, 494 Talbot Road East)**~~

(By-law 30-24, ZBA No. 310, 494 Talbot Road East)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law and in addition may include up to two additional second dwelling units within the existing structure.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this by-law, including up to two additional second dwelling units within the existing structure.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except as follows:

i) Minimum Lot Area: 3,440 m^2;
ii) Minimum Lot Frontage: 62 m;
iii) Maximum Gross Floor Area for a second dwelling unit: 145 m^2.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-19).

26.2.20 Defined Area A5-20 as shown on Schedule "A", Map 50 to this By-law

a) Permitted Uses
A tradesman's shop and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-20.

26.2.21 Defined Area A5-21 as shown on Schedule "A", Map 51 to this By-law

a) Permitted Uses
A fishing lure manufacturing establishment and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-21.

26.2.22 Defined Area A5-22 as shown on Schedule "A", Map 52 to this By-law

a) Permitted Uses
A variety store and gas bar and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-22.

26.2.23 Defined Area A5-23 as shown on Schedule “A”, Map 52 to this By-law

a) Permitted Uses
A contractor’s yard and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-23.

26.2.24 Defined Area A5-24 as shown on Schedule "A", Map 38 to this By-law

a) Permitted Uses
A workshop for tradesmen and contractor as an in-home occupation in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law.

d) Other
All other provisions that pertain to lands zoned A5 shall also pertain to lands zoned A5-24.

26.2.25 Defined Area A5-25 as shown on Schedule "A", Map 53 to this By-law

a) Permitted Uses
A variety store and gas bar and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-25.

26.2.26 Defined Area A5-26 as shown on Schedule "A", Map 53 to this By-law

a) Permitted Uses
An establishment for the repair and storage of fish nets, a welding shop, light manufacturing and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-26.

26.2.27 Defined Area A5-27 as shown on Schedule "A", Map 63 to this By-law
(By-law 60-17, ZBA No. 152, 1126 Mersea Road 1)

a) Permitted Uses
A commercial self-storage facility, a residential dwelling unit accessory to a commercial self-storage facility and uses accessory thereto.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses in subsection 26.2.27 (a) of this By-law.

c) Zone Provisions

Minimum Front Yard Depth	12 metres (39.3 feet)

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned Commercial Highway (C2) shall also pertain to lands zoned A5-27.

26.2.28 Defined Area A5-28 as shown on Schedule "A", Map 67 to this By-law

a) Permitted Uses
Any establishment for the storage of petroleum and similar products, the related exploration and extractive equipment and related supplies, uses accessory to the above permitted uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-28.

~~26.2.29 Defined Area A5-29 as shown on Schedule "A", Map 53 to this By-law~~

~~(deleted as per By-law 33-19, ZBA No. 168)~~

26.2.30 Defined Area A5-30 as shown on Schedule "A", Map 28 to this By-law

a) Permitted Uses
Two single unit detached dwellings on one lot and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-30.

26.2.31 Defined Area A5-31 as shown on Schedule "A", Map 33 to this By-law

a) Permitted Uses
A variety store and gas bar and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-31.

26.2.32 Defined Area A5-32 as shown on Schedule "A", Map 33 to this By-law

a) Permitted Uses
A maximum of five dwelling units and accessory uses in addition to the uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-32.

26.2.33 Defined Area A5-33 as shown on Schedule "A", Map 53 to this By-law

a) Permitted Uses
A laundry establishment and an automobile washing establishment and accessory uses in addition to the uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-33.

~~26.2.34 Defined Area A5-34 as shown on Map 34, Schedule "A" of this By-law~~

~~(By-law 921-09, ZBA No. 7, 508 Mersea Road 3)~~

(deleted as per By-law 51-22, ZBA No. 257, 508 Mersea Road 3)

26.2.35 Defined Area A5-35 as shown on Map 7, Schedule "A" of this By-law

(By-law 936-096, ZBA No. 11, 1731 Mersea Road 10 and N/S Mersea Road 10)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except the minimum lot frontage (for the residential dwelling lot) shall be increased from the required 53 m (173.88 ft) to 57.91 m (190 ft).

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-35.

26.2.36 Defined Area A5-36 as shown on Map 27, Schedule "A" of this By-law

(By-law 1-10, ZBA No. 13, 429 Essex Road 18)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except the maximum lot frontage (for the surplus dwelling lot) shall be increased from the required 53 m (173.88 ft) to 106.68 m (350 ft).

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-36.

26.2.37 Defined Area A5-37 as shown on Map 25, Schedule "A" of this By-law
(By-law 41-10, ZBA No. 18, 1210 Mersea Rd 6)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except the maximum height on an existing 160 sq m accessory structure shall be increased from the required 6 m to 7.6 m in height.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-37.

26.2.38 Defined Area A5-38 as shown on Map 23, Schedule "A" of this By-law
(By-law 198-12, ZBA No. 51, 1601 Mersea Road 6)

a) Permitted Uses
The uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 86.87 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-38.

26.2.39 Defined Area A5-39 as shown on Map 50, Schedule "A" of this By-law
(By-law 210-12, ZBA No. 53, Vacant Lot South of Deer Run Road and 1317 Mersea Road 2)

a) Permitted Uses
The uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 61.57 metres.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-39.

26.2.40 Defined Area A5-40 as shown on Map 19, Schedule "A" of this By-law

(By-law 231-12, ZBA No. 56, 731 County Rd 37)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 76.2 metres.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-40.

26.2.41 Defined Area A5-41 as shown on Map 34, Schedule "A" of this By-law

(By-law 254-12, ZBA No. 54, 64 Hodgins Street)

a) Permitted Uses

i) Residential uses;

ii) accessory uses, in accordance with the provisions of subsection 4.1 of this By-law.

b) Permitted Buildings and Other Structures

One two unit dwelling;

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with the following zone provisions:

Zone Provisions	Requirement
Minimum Lot Area	981.0 m² (10,560 69.96 ft²)
Minimum Lot Frontage	24.38 m (80.00 ft)
Maximum Lot Coverage	39% (including all accessory buildings)
Maximum Building Height	10 m (32.80 ft)

Zone Provisions	Requirement
Minimum Front Yard	6.4 m (21.0 ft)
Minimum Rear Yard	6.1 m (20.00 ft)
Minimum Int. Side Yard - North	1.62 m (5.33 ft)
Minimum Int. Side Yard - South	1.62 m (5.33 ft)
Required Parking Spaces	3 standard spaces

The Minimum Landscaped Open Space shall be in accordance with the storm water management report, as approved in the corresponding site plan agreement.

d) Accessory Structures

All accessory uses, buildings and structures shall be in accordance with the provisions of Section 4.1 and shall be shown on the corresponding site plan agreement, except as:

Zone Provisions	Requirement
Maximum Lot Coverage	8.0 %
Minimum Rear Yard	6.1 m (20.0 ft)
Minimum Side Yard	1.62 m (5.33 ft)

e) Other Provisions

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-41. All development shall be in accordance with the corresponding site plan agreement.

26.2.42 DEFINED AREA A5-42 as shown on Map 53, Schedule "A" of this By-law

(By-law 280-13, ZBA No. 60, 421 Kent County Road 1)

a) Permitted Uses

Fish net and equipment storage.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-42, except that outside storage shall be contained to the rear yard.

26.2.43 Defined Area A5-43 as shown on Map 27, Schedule "A" of this By-law

(By-law 361-14, ZBA No. 87, 229 County Road 18)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.2.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 69.0 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-43.

26.2.44 Defined Area A5-44 as shown on Map 66, Schedule "A" of this By-law
(By-law 396-14, ZBA No. 92, 1 Kildeer Road)

a) Permitted Uses
The uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 57 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-44.

26.2.45 Defined Area A5-45 as shown on Map 34, Schedule "A" of this By-law
(By-law 407-14, ZBA No. 95, 459 to 465 Talbot Road West)

a) Permitted Uses
The uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 65.8 metres and that the minimum side yard setback for the existing detached garage shall be 0.73 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-45.

26.2.46 Defined Area A5-46 as shown on Map 30, Schedule "A" of this By-law
(By-law 425-14, ZBA No. 102, 441 Talbot Road East)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 100.58 m.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-46.

26.2.47 Defined Area A5-47 as shown on Map 51, Schedule "A" of this By-law
(By-law No. 426-14, ZBA No. 103, 532 Talbot Road East)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 99.22 m.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-47.

26.2.48 Defined rea A5-48 as shown on Map 65, Schedule "A" of this By-law
(By-law No. 427-14, ZBA No. 104, 1409 Mersea Road C)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 57 m.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-48.

26.2.49 Defined Area A5-49 as shown on Map 18, Schedule "A" of this By-law
(By-law 428-14, ZBA 105, 744 Highway 77)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 64.86 m.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-49.

26.2.50 Defined Area A5-50 as shown on Map 24 Schedule "A" of this By-law
(By-law 464-15, ZBA No.112, 583 Bruner Road)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 73.1 m.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-50.

26.2.51 Defined Area A5-51 as shown on Map 30 Schedule "A" of this By-law
(By-law 471-15, ZBA No. 114, 449 Talbot Road East)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except the maximum permitted lot frontage of the retained lot shall be 109. 42 m (358.98 ft.)

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-51.

26.2.52 Defined Area A5-52 as shown on Map 27, Schedule "A" of this By-law
(By-law 14-16, ZBA 127, 329 County Rd. 8)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1 1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 64 m and the minimum rear yard setback for a single detached dwelling shall be 10.45 m.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-52.

26.2.53 Defined Area A5-53 as shown on Map 33, Schedule "A" of this By-law
(By-law 16-16, ZBA No. 129, 2402 Mersea Road 7)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except that the maximum permited frontage of the severed lot shall be 64 m.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-53, except that the maximum permitted height for the existing accessory building approximately 185 m^2 in area is 6.55 m.

26.2.54 Defined Area A5-54 as shown on Map 33, Schedule "A" of this By-law

(By-law 15-16, ZBA No. 128, 2428 Mersea Road 7)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

i) The single unit detached dwelling as it exists on the date of the passing of this By-law or a new single unit detached dwelling in compliance with the applicable zone provisions.
ii) garden suite, in accordance with subsection 4.22 of the By-law;
iii) one bed and breakfast establishment, in accordance with subsection 4.4 of this By-law;
iv) accessory uses, including one detached hobby greenhouse small than 10 m^2 (107.24 ft).

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the required interior side yard setback for the eastern property line for any new single unit detached dwelling shall be 4 metres (13.1 feet).

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-54.

26.2.55 Defined Area A5-55 as shown on Map 51, Schedule "A" of this By-law

(By-law 81-17, ZBA No. 162, 504 Talbot Road East)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum accessory

building lot coverage shall be 10.6%.

d) Other
All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-55.

26.2.56 Defined Area A5-56 as shown on Map 10, Schedule "A" of this By-law.
(By-law 24-18, ZBA No. 164, 1109 County Road 14)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 78.03 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned Agricultural Residential (A5) shall also pertain to lands zoned A5-56.

26.2.57 Defined Area A5-57 as shown on Map 11, Schedule "A" of this By-law.
(By-law 55-18, ZBA 175, 910 Mersea Road 12)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsections 26.1.3 of this By-law, except that the minimum permitted lot frontage shall be 9.75 metres.

d) Other
All other provisions of this By-law pertaining to lands zoned Agricultural Residential (A5) shall also pertain to lands zoned A5-57.

26.2.58 Defined Area A5-58 as shown on Map 18, Schedule "A" of this By-law.
(By-law 13-19, ZBA No. 184, 1209 and 1211 Mersea Road 7)

a) Permitted Uses
The uses permitted in the A5 Zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum permitted lot frontage shall be 67.056 metres (220 feet).

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Residential (A5) shall also pertain to lands zoned A5-58.

26.2.59 Defined Area A5-59 as shown on Map 22, Schedule "A" of this By-law.

(By-law 11-19, ZBA No. 187, 803 and 813 Mersea Road 6)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law. All accessory buildings and structures shall in be accordance with subsection 4.1 of this By-law, save and except that the maximum permitted lot coverage for accessory buildings and structures for the permitted uses shall be 15.5%.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Residential (A5) shall also pertain to lands zoned Agricultural Residential (A5-59).

26.2.60 Defined Area A5-60 as shown on Map 56, Schedule "A" of this By-law.

(By-law 34-19, ZBA No. 191, 1739 Mersea Road 1)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law, except that one mobile home shall be permitted as a temporary dwelling until May 28, 2020.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned Agricultural Residential (A5-60).

26.2.61 Defined Area A5-61 as shown on Map 29, Schedule "A" of this By-law.

(By-law 23-20, ZBA No. 208, 1006 Mersea Road 5)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the existing 12.28 m (40.30 ft) front yard setback to the dwelling shall be recognized.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned Agricultural Residential (A5-61).

26.2.62 Defined Area A5-62 as shown on Map 06, Schedule "A" of this By-law.

(By-law 63-21, ZBA No. 236, 909 Mersea Road 10)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the uses permitted in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law.

d) Other

i) Notwithstanding the provisions of Section 4.1 d) of this By-law, the existing accessory buildings and structures shall not exceed 12.6% coverage of the total lot area.

ii) All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-62).

26.2.63 Defined Area A5-63 as shown on Map 26, Schedule "A" of this By-law.

~~**(By-law 20-22, ZBA No. 253, 1637 and 1641 Mersea Road 5)**~~
(By-law 36-22, ZBA No. 256, 1637 and 1641 Mersea Road 5)

a) Permitted Uses
The uses permitted in the Agricultural Residential Zone (A5) as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law,

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law except that the maximum lot frontage shall be 66.45 m (218.01 ft).

d) Other
All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-63).

26.2.64 Defined Area A5-64 as shown on Map 26, Schedule "A" of this By-law.

(By-law 21-23, ZBA No. 269, 1402 Mersea Road 6)

a) Permitted Uses
The uses permitted in the Agricultural Residential Zone (A5) as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law except the maximum permitted lot frontage shall be 53.97 m.

d) Other
All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned A5-64.

26.2.66 Defined Area A5-66 as shown on Map 28, Schedule "A" of this By-law.

(By-law 97-23, ZBA No. 288, 353 Highway 77 and 602, 608, 612, and 614 County Road 18)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by—law and in addition an off-site farm help dwelling for the exclusive use of the greenhouses at 602, 608, 614 County Road 18 and 353 Highway 77.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law including.

Accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By—law, except for the following:

Farm Help Dwelling: Maximum 39 residents or as determined by the relevant public health authority in consultation with Building Services and Fire Services for the Municipality of Leamington.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-66.

26.2.68 Defined Area A5-68 as shown on Map 29, Schedule "A" of this By-law.

(By-law 98-24, ZBA No. 314, 806 and 810 Mersea Road 4)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this By-law and in addition an Off-site Farm Worker Dwelling for the exclusive use of the Greenhouses at 824, 828-836, 834, and vacant land on the south side of Mersea Road 4.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law including accessory buildings and structures for the permitted uses in subsection 4.1 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the maximum Lot Frontage shall be 60 m.

d) Other

All other provisions of this By-law pertaining to lands zoned A5 shall also pertain to lands zoned A5-68, save and except the maximum Lot Coverage for the Off-site Farm Worker Dwelling shall be a maximum of 35% including accessory buildings, loading spaces, parking, and bicycle parking areas.

26.2.69 Defined Area A5-69 as shown on Map 52, Schedule "A" of this By-law.
(By-law 52-24, ZBA No. 307, 1900 Deer Run Road)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by-law and in addition one (1) "Dwelling Unit, Additional (Detached)" shall also be permitted.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law, and in addition, a "Dwelling Unit, Additional (Detached)" shall also be permitted in the second storey.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law except that the following shall apply to the accessory structure containing the second dwelling unit:

i) shall have a minimum rear yard setback of 6 m;

ii) shall not exceed two storeys in height;

iii) shall permit a second dwelling unit to be located in the second storey;

iv) shall not exceed a maximum building height of 6 m;

v) shall require a minimum of one parking space; and

vi) the maximum gross floor area of the additional dwelling unit shall be limited to 140 square metres.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-69).

26.2.70 Defined Area A5-70 as shown on Map 12, Schedule "A" of this By-law.
(By-law 62-24, ZBA No. 311, 2219 County Road 14)

a) Permitted Uses

The uses permitted in the Agricultural Residential Zone (A5) as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Notwithstanding any other provisions of this by-law, the existing barn and Quonset-hut on the property as of the date of the passing of this By-law may continue to be used and maintained. However, no reconstruction, enlargement, or addition to these accessory structures shall be permitted.

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law with the following:

i) accessory buildings and structures shall be in accordance with subsection 4.1 of this By-law, except the maximum coverage of the total lot area shall be 14%, and the maximum height shall be 10 m (32.80 ft).

d) Other
All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-70).

26.2.71 Defined Area A5-71 as shown on Map 29, Schedule "A" of this By-law.
(By-law 22-25, ZBA No. 332, 719 Mersea Road 4)

a) Permitted Uses
An Off-site Farm Worker Dwelling in addition to the uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses.

c) Zone Provisions
All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, except that the following provisions shall be in place for an Off-Site Farm Worker Dwelling:

a) Maximum Lot Coverage, including required parking and bicycle parking areas shall be 10%.

d) Other
All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-71), save and except the following for an Off-Site Farm Worker Dwelling:

a. Site Plan Control shall be required;

b. A minimum of 0.5 Bicycle Parking space per bed shall be provided on-site; and

c. A minimum of 1 Loading Space shall be provided per dwelling unit.

26.2.72 Defined Area A5-72 as shown on Map 07, Schedule "A" of this By-law.
(By-law 25-25, ZBA No. 336, 1831 Mersea Road 10)

a) Permitted Uses
The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures
Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, save and except the following:

a) Maximum Lot Area is 0.97 hectares (2.4 acres)

b) Maximum Lot Frontage is 61.5 metres (201.77 ft)

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-72).

26.2.73 Defined Area A5-73 as shown on Map 21, Schedule "A" of this By-law.

(By-law 67-25, ZBA No. 345, 427 Mersea Road 6)

a) Permitted Uses

The uses permitted in the A5 zone as indicated in subsection 26.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, save and except the following:

a) Minimum Front Yard is 14.5 metres (47.57 ft)

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-73).

26.2.74 Defined Area A5-74 as shown on Map 26, Schedule "A" of this By-law.

(By-law 91-25, ZBA No. 357, 1309 Mersea Road 5)

a) Permitted Uses

An Off-site Farm Worker Dwelling in addition to the uses permitted in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law save and except the following:

a) Maximum Lot Frontage is 68 metres (223.1 feet)

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-74) save and except the following:

All other zoning provisions that pertain to the main building on lands zoned A1, A2, and A3 and A5 respectively shall apply to Off-Site Farm Worker Dwellings and On-site Farm Worker Dwellings, except that:

i) The maximum Lot Coverage, including required parking and bicycle parking areas shall be a maximum of 10%;

ii) The provision of a minimum of 1 Loading Space per Dwelling Unit.

26.2.75 Defined Area A5-75 as shown on Map 29, Schedule "A" of this By-law.

(By-law 89-25, ZBA No. 347, 923 Mersea Road 4)

a) Permitted Uses

Two (2) Off-Site Farm Worker Dwellings in addition to the uses permitted in the Agricultural Residential zone as indicated in subsection 26.1.1 of this By-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses in subsection 26.1.2 of this By-law.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 26.1.3 of this By-law, notwithstanding the provisions of subsection 26.1.3, the following provisions shall apply to Off-Site Farm Worker Dwellings:

i. Lot Coverage, including required parking and bicycle parking areas, shall be a maximum of 10%.

d) Other

All other provisions of this By-law pertaining to lands zoned Agricultural Residential Zone (A5) shall also pertain to lands zoned Agricultural Residential Zone (A5-75), save and except the following provisions for Off-Site Farm Worker Dwellings;

i. Site Plan Control shall be required;

ii. A minimum of 0.5 Bicycle Parking Spaces per bed shall be provided on-site;

iii. Required parking shall be in accordance with the provisions of Section 4.41 of this by-law; and

iv. A minimum of one (1) Loading Space per dwelling unit shall be provided.

SECTION 27 – ENVIRONMENTAL PROTECTION ZONE (EP) REGULATIONS

27.1 General Use Regulations

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

27.1.1 Permitted Uses

a) Conservation uses;

b) forestry uses;

c) an existing dwelling;

d) existing agricultural use;

e) woodlots;

f) outdoor recreational uses (active and passive uses);

g) structures for flood or erosion control or slope stabilization;

h) accessory uses.

27.1.2 Permitted Buildings and Other Structures

a) Buildings and structures for the permitted uses;

b) Accessory buildings and structures for the permitted uses, in accordance with subsection 4.1 of this By-law.

27.1.3 Zone Provisions

Zone Provisions	Requirements
Minimum Front Yard	10 m (32.80 ft)
Minimum Interior Side Yard	5 m (16.40 ft)
Minimum Rear Yard	15 m (49.21 ft)
Maximum Lot Coverage	25 % (includes accessory buildings)
Maximum Building Height	5 m (16.40 ft)

27.2 Exceptions

27.2.1 Defined Area EP-1 as shown on Map 57, Schedule "A" of this By-law.
(By-law 87-23, ZBA No. 286, Vacant Lout South Side Seacliff Drive West)

a) Permitted Uses

a) Conservation uses (e.g., water, soil, forestry, wildlife).
b) Outdoor recreational uses (e.g., active and passive uses).
c) Municipal infrastructure.
d) Structures for flood and erosion control or slope stabilization.

b) Permitted Buildings and Other Structures

Buildings and structures are related to municipal infrastructure, flood and erosion or slope stabilization.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures shall be in accordance with subsection 27.1.3 of this By-law, except for the following

d) Other

All other provisions of this By-law pertaining to lands zoned Environmental Protection (EP) shall also pertain to lands zoned EP-1.

SECTION 28 – WETLAND ZONE (W) REGULATIONS

28.1 General Use Regulations

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

28.1.1 Permitted Uses

a) Conservation areas;

b) fish and wildlife management areas;

c) existing agricultural uses.

28.1.2 Permitted Buildings and Other Structures

No buildings or structures shall be erected or used, except boardwalks, observation decks, viewing platforms, and other similar structures used in conjunction with a permitted conservation, fish and wildlife habitat management or public passive open space use.

28.1.3 Zone Provisions

28.2 Exceptions