

Comprehensive Zoning By-law
The Corporation of the Municipality of Chatham-Kent

Chatham-Kent By-law No. 216-2009
Approved December 14, 2009
Consolidated as of February 24, 2025

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APPENDIX (Not forming part of this By-law)

- Metric Conversions
- Illustrations

**The Corporation of the Municipality of Chatham-Kent
By-Law No. 216-2009**

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

WHEREAS it is deemed advisable to pass a By-law to prohibit the use of land and erection, alteration or use of buildings or structures for or except for certain purposes and to regulate the type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures in the defined area comprising the Municipality of Chatham-Kent in accordance with Section 34 of the *Planning Act, 1990*, R.S.O. chapter 13 (as amended).

NOW THEREFORE the Council of the Corporation of the Municipality of Chatham-Kent enacts as follows:

Section 1 - Title

1.1 This By-law shall be known as the “Zoning By-law for the Municipality of Chatham-Kent”.

Section 2 – Interpretation

2.1 General

The interpretation and application of the provisions of this By-law shall be held to be the minimum requirements for the promotion of health, safety, comfort, convenience and general welfare for the inhabitants of the Municipality of Chatham-Kent.

2.2 Scope

No building, structure or land shall be used, and no building or structure shall be hereafter erected within the corporate limits of the Municipality of Chatham-Kent as now or henceforth legally constituted except in conformity with provisions of this By-law.

2.3 Administration Application and Enforcement

- i) This By-law shall be administered by the Zoning Administrator or such other persons as Council shall designate, and no permit, for the use of land or for the erection of any building, or structure, or approval of any municipal license within the jurisdiction of Council, shall be issued where the proposed use, building or structure, would be in violation of any provision of this By-law.
- ii) In their interpretation and application, the provisions of this By-law are held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare.

- iii) In this By-law, words used in the present tense include the future, words importing the singular include the plural and words in the plural include the singular number. Words in either gender include the other.
- iv) In this By-law the word “shall” is mandatory and the word “may” is permissive.
- v) In the development of this by-law, every effort is made to ensure clarity and accuracy. This By-law is a complex and detailed document, and inadvertent inconsistencies and errors may have occurred in its development. Notwithstanding any other provisions of this By-law, corrections to technical errors (as Defined under Section 3 of this by-law) may be made to this By-law without formal amendment under the Planning Act and will not require public notification.

2.4 Use Zones

For the purpose of this By-law, the Municipality of Chatham-Kent is hereby divided into the following Use Zones:

- | | | |
|-----|-----|---|
| 1. | RL | – Residential Low Density |
| 2. | RM | – Residential Medium Density |
| 3. | RH | – Residential High Density |
| 4. | RR | – Rural Residential |
| 5. | ER | – Estate Residential |
| 6. | VR | – Village Residential |
| 7. | MH | – Mobile Home Park |
| 8. | SR | – Seasonal Residential |
| 9. | RLR | – Recreational and Lakeside Residential |
| 10. | UC | – Urban Commercial |
| 11. | VC | – Village Commercial |
| 12. | TC | – Tourism Commercial |
| 13. | RHC | – Rural Highway Commercial |
| 14. | M1 | – General Industrial |
| 15. | M2 | – Extractive Industrial |
| 16. | M3 | – Salvage Yard Industrial |
| 17. | M4 | – Prestige Industrial |
| 18. | M5 | – Light Industrial |
| 19. | MR | – Rural Industrial |
| 20. | I | – Institutional |
| 21. | A1 | – Agricultural |
| 22. | OS1 | – Open Space |
| 23. | HL | – Hazard Land |
| 24. | D | – Deferred Development |
| 25. | AP | – Airport |
| 26. | LF | – Landfill |

2.4.1 Zoning Map

The zones set out in Section 2.4 and the boundaries of such zones are shown upon the map attached hereto, marked “Schedule A” and designated as the “Zoning Map”, which

zone boundaries and maps, along with Schedules “B”, “C”, “D”, “E” and “F” are hereby declared to form part of this By-law. The Appendix to this By-law provides sketches for illustrative purposes and, as such, does not form part of the operative provisions to this By-law.

2.4.2 Boundaries of Zones

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Map, the following rules shall apply:

- a) **Streets or Lanes** – The zone boundaries are either streets or lanes unless otherwise shown, and where the indicated boundaries on the Zoning Map are approximately streets or lanes, the said streets or lanes shall be construed to be zone boundaries.
- b) **Lot Lines** – Where the zone boundaries are not shown to be streets or lanes, and where indicated boundaries on the Zoning Map are approximately lot lines, the said lot lines shall be construed to be the zone boundaries unless said boundaries are otherwise indicated on the map.
- c) **Street or Lane or Right-of-Way** – A street, lane, or railway right-of-way, electrical transmission line right-of-way, or watercourse included on the Zoning Map shall, unless otherwise indicated, be included within the zone or the adjoining property on either side thereof; and where such street, lane, right-of-way or watercourse serve as a boundary between different zones, a line midway in such street, lane, right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.
- d) **Closed Street or Lane or Right-of-Way** – In the event a dedicated street or lane or right-of-way shown on the map is closed, the property formerly in said street or lane or right-of-way shall be included within the zone of the adjoining property on either of the said closed street or lane or right-of-way, and the zone boundary shall be the former centre line of the said closed street or lane or right-of-way.
- e) **River or Lakeshore** – Where any zone on Schedule “A” abuts a river or lakeshore, such zone shall be deemed to extend into the river or lake and apply to any water lots or to any land created by changing water levels, landfill operations or by any other means.

2.5 Saving (Sunset Clause)

Notwithstanding anything herein contained to the contrary, but subject to compliance with the parking and loading regulations in Section 4.20 of this By-law shall only apply to buildings and structures erected or to be erected on or after **Day of Enactment**.

2.6 Application and Plans

In addition to the requirements of the Building By-law, every application for a building permit shall be accompanied by a plan drawn to an appropriate scale, showing the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure. The plan shall indicate the proposed location, height and dimensions of the building or structure or work in respect of which the permit is applied for, and the location and dimensions of existing building or structures on the lot.

2.7 Inspection

The authority from time to time having jurisdiction to enforce this By-law is hereby authorized after reasonable notice to the owner or assessed owner, occupant or apparent occupant of the property in question to enter at all reasonable hours for the purpose of inspection.

2.8 Violation and Penalty

Pursuant to Section 67 of the *Planning Act*, R.S.O. 1990, Chap. P.13 as amended, any person who contravenes this By-law is guilty of an offence and on conviction is liable:

- i) on a first conviction to a fine of not more than \$25,000; and
- ii) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Where a corporation is convicted for contravening this By-law, the maximum penalty that may be imposed is:

- i) on a first conviction a fine of not more than \$50,000; and
- ii) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

2.9 Repetition of Offence

The conviction of an offender upon a breach of any of the provisions of this By-law, shall not bar prosecution against the same offender upon any subsequent break of the same or any other provision of this By-law.

2.10 Restraining Violations

Any violation of this By-law may be restrained by action of the Corporation of the Municipality of Chatham-Kent pursuant to the provisions of Section 440 of the *Municipal Act 2001 C.25*, Chap. M.45, as amended or successor Legislation.

2.11 Validity

Should any section, or part of a section or information on any schedule of this By-law for any reason be held to be invalid, all the remaining provisions shall remain in full force and effect until repealed or replaced.

2.12 Conflict

In the event of any conflicts between this By-law and any general or special By-law, the more restrictive By-law shall prevail.

2.13 Use of Headings and Subtitles

The general index, titles, section headings and any side notes are not part of this By-law and are for the purposes of convenience and reference.

Repeal of Other Zoning By-laws

All Zoning By-laws which serve to regulate the use of land and the character, location and use of buildings and structures within the Municipality of Chatham-Kent are hereby repealed in their entirety so as to give effect to the provisions of this By-law and the provisions of this By-law shall hereafter govern.

Without limiting the generality of the foregoing the following By-laws are specifically repealed "The Repealed Zoning By-laws" to take effect on the date this By-law comes into force; namely:

Former Town of Blenheim Zoning By-law No. 6-96 (as amended)
Former Town of Bothwell Zoning By-law No. 460-87 (as amended)
Former Township of Camden Zoning By-law No. 16-94 (as amended)
Former City of Chatham Zoning By-law No. 9317 (as amended)
Former Township of Chatham Zoning By-law No. 92-50 (as amended)
Former Township of Dover Zoning By-law No. 90-40 (as amended)
Former Town of Dresden Zoning By-law No. 1196 (as amended)
Former Village of Eriau Zoning By-law No. 411 (as amended)
Former Village of Eriau Zoning By-law No. 415 (as amended)
Former Village of Erie Beach Zoning By-law No. 154A (as amended)
Former Township of Harwich Zoning By-law No. 5296 (as amended)
Former Village of Highgate Zoning By-law No. 490 (as amended)
Former Township of Howard Zoning By-law No. 86-65 (as amended)
Former Township of Orford Zoning By-law No. 2281 (as amended)
Former Township of Raleigh Zoning By-law No. Z-5200-88 (as amended)
Former Town of Ridgetown Zoning By-law No. 75-20 (as amended)
Former Township of Romney Zoning By-law No. 42-1988 (as amended)
Former Village of Thamesville Zoning By-law No. 85-08(as amended)
Former Township of Tilbury East Zoning By-law No. 2470-86 (as amended)
Former Town of Tilbury Zoning By-law No. 1867-85 (as amended)
Former Town of Wallaceburg Zoning By-law No. 92-41 (as amended)
Former Village of Wheatley Zoning By-law No. 925 (as amended)
Former Township of Zone Zoning By-law No. 30-77 (as amended)

ENACTMENT

THAT, subject to the notice of the passing of this By-law in accordance with the provisions of Section 34 (18) of the *Planning Act*, this By-law shall come into effect on the date of passing by the Council of the Corporation of the Municipality of Chatham-Kent where no notice of appeal or objection is received pursuant to the provisions of Section 34 (19) of the *Planning Act*, R.S.O. 1990, C.P.13. Where notice of an appeal or objection is received as a result of the circulation of the notice of passing of the By-law, this By-law does not come into force until all such appeals have been disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed pursuant to Section 34 (30) of the *Planning Act*, R.S.O. 1990, C.P. 13, except for such parts thereof as are repealed or amended in accordance with the direction of the Ontario Municipal Board or as are repealed or amended by the Ontario Municipal Board pursuant to Section 34 (26) of the *Planning Act*.

Read First Time on the

Read a Second Time on the

Read a Third Time and Finally Passed on the

_____ Day Of _____, 20

_____ Mayor

_____ Clerk

Section 3 - Definitions

For the purposes of this By-law, the definitions and interpretations given in this section shall govern. Words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number. The word “shall” is mandatory. The words “used” and “occupied” shall include the words “intended or arranged” and ‘designed to be used or occupied’.

In this By-law,

“ABANDONED” means the failure, in the opinion of the Zoning Administrator, to proceed expeditiously with construction work or to undertake construction work during any continuous 6-month period.

“ABBATOIR” means a building or structure, or part thereof, used for the slaughtering of animals.

“ACCESSORY”, when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

“ADULT ENTERTAINMENT ESTABLISHMENT” means 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 and which excludes minors by virtue of age.

In this definition:

- a) **“GOODS”** includes books, magazines, pictures, slides, film, photograph records, prerecorded magnetic tape and any other reading, viewing or listening matter;
- b) **“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” have corresponding meanings;
- c) **“TO PROVIDE”**, when used in relation to services, include to furnish, perform, solicit, or give such services and “providing” and “provision” have corresponding meanings;
- d) **“SERVICES”** includes activities, facilities, performers, exhibitions, viewings and encounters;
- e) **“SERVICES DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS”** includes services of which a principal feature or characteristic is the nudity or partial nudity of any person; services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “body rub”, “sexy”, or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

"AGRICULTURAL USE" means the use of an area of land, with or without accessory buildings or structures primarily for:

- i) the tillage of soil;
- ii) the growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials and may include the erection and use of greenhouses, woodlots and forestry uses;
- iii) the grazing, breeding, raising, boarding or training of livestock of all kinds, including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules, fur-bearing animals and household pets;
- iv) dairying, beekeeping;
- v) any other operation normally associated with farming;
- vi) an accessory farm sales outlet;
- vii) a Cannabis Production Facility

but excluding an abattoir or any premises used for the killing of livestock or the processing of meat.

"AGRICULTURAL INDUSTRIAL ESTABLISHMENT" means the use of land and/or buildings or structures for the manufacturing and wholesale and/or retail sales of goods that are necessary to support agricultural uses. These include, but are not limited to, such goods as farm machinery and equipment used for the tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and fur-bearing animals, and the storage, handling and processing of milk, eggs, and manure and the manufacture of subsurface drainage materials and equipment.

"AGRICULTURAL PROCESSING ESTABLISHMENT" means the use of land and/or buildings or structures for the processing of products derived from agricultural uses. These shall include, but are not limited to, such products as seed grain, feed and forage processing, storage and transport, fruit and vegetable storage and treatment, livestock and poultry assembly, sales and transport, a cheese factory, an egg grading station, a saw mill, and excludes an abattoir and a commercial grain elevator and drying establishment.

"AGRICULTURAL SERVICE ESTABLISHMENT" means premises used for the buying or selling of commodities and services that support agricultural uses and shall include the sales and service of welding and machinery repair, farm drainage and excavation, well drilling, custom spraying, tillage, planting and harvesting services.

"AGRICULTURAL SUPPLY ESTABLISHMENT" means premises used for the supply of goods, materials or services that support agricultural uses including the sale and storage of seed, feed, fertilizer and chemical products and the rental, sale, repair or service of agricultural equipment or implements or any combination of the foregoing.

“AGRI-TOURISM USE” means an activity or use that is accessory to a farm operation, and which promotes and educates the public about farming and agricultural activities. Such activities shall have a direct relationship to the agricultural activities on the farm, and may include farm/educational tours, wagon rides or corn mazes, observation and participation in agricultural activities and seasonal festivals that overall benefit from the farm/rural setting.

“ALTER” means:

- a) when used in reference to a building or part thereof, to change any one or more of the external dimensions of such building or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof; and
- b) when used in reference to a lot, to change the lot area, lot frontage or lot depth, to change the width, depth or area of any required yard, setback, landscaped open space or parking area thereof, or to change the location of any lot line, whether such alteration is made by conveyance or otherwise; and
- c) when used in reference to a use, to discontinue and replace a use, in whole or in part, with a use as defined herein which is distinct and different from the discontinued use.

“ALTERED” and **“ALTERATION”** have corresponding meanings.

“AMBULANCE SERVICE” means a lot, building or structure or any part thereof for the provision of an ambulance service licensed under the *Ambulance Act*, R.S.O. 1990, c.A.19. Without limiting the generality of the foregoing, “ambulance service” includes the storage, equipment, and maintenance of ambulances, communications facilities, offices, and residential facilities for staff.

“AMENITY AREA” means 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.

AMUSEMENT”

- a) **“AMUSEMENT GAME ESTABLISHMENT”** means a building or a part thereof within which more than three amusement game machines are available to the public.
- b) **“AMUSEMENT GAME MACHINE”** means a mechanical, electrical or electronic device activated by the insertion of a coin or token for the play of a game of chance and/or skill that is not contrary to the Criminal Code of Canada.
- c) **“AMUSEMENT PARK”** means an establishment regardless of whether or not it is maintained or operated for gain or profit, where rides, games of chance and/or skill and the sale of food, beverages, toys and souvenirs constitute the main uses.

“ANIMAL HOSPITAL” means a building or structure where domestic animals, birds or other livestock are treated and where domestic animals or birds are kept for treatment only and shall include a veterinary clinic.

“ANIMAL GROOMING” means the washing, clipping, drying and grooming of domesticated animals.

“ASPHALT OR CONCRETE BATCHING PLANT” means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products used in building or construction, and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, and includes the retail sale of finished asphalt or concrete products produced on the premises.

“ASSEMBLY HALL” means a building or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and may include a banquet hall or the meeting hall of a private club.

“ATTACHED” when used in reference to a building, means a building otherwise complete in itself, which depends on structural support or for complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings.

“AUCTION ESTABLISHMENT” means a building or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

“AUDITORIUM” means a building or structure, or part thereof, where facilities are provided for athletic, civic, educational, recreational, political, religious, or social events, including, but not so as to limit the generality of the foregoing, an arena, curling rink, museum, community centre, assembly hall, pool hall, bingo hall, gymnasium, stadium, cinema, theatre, or playhouse.

“AUTOMOBILE BODY SHOP” means a building or structure used for the painting or repairing of and in conjunction with which glass may be installed and there may be a towing service and motor vehicle rentals for customers while a motor vehicle is under repair, but does not include any other automotive use otherwise defined or classified in this by-law.

“AUTOMOBILE REPAIR SHOP” means a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of the exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use in conjunction with which there may be a towing service, facilities for the dispensing of gasoline and oil and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other automobile use otherwise defined or classified in this by-law.

“AUTOMOBILE SALES AND SERVICE ESTABLISHMENT” means a lot, building or structure where the business of selling new and used motor vehicles is conducted, and may include the display, storage and sale of such motor vehicles; the storage and sale of automobile accessories and related products; offices, show rooms and sales rooms; the leasing or renting of motor vehicles; the sale of fuel, the servicing, washing, repairing, cleaning, polishing, painting

of motor vehicles; a towing service; where such uses are incidental to the main use but shall exclude temporary sales trailers as offices or premises for this use.

“AUTOMOBILE SALES AND SERVICE ESTABLISHMENT, COMMERCIAL” means a lot, building or structure where the business of selling new and used commercial vehicles and a is conducted, and may include the display, storage and sale of such commercial vehicles; the storage and sale of automobile accessories and related products; offices, show rooms and sales rooms; the leasing or renting of commercial vehicles; the servicing, washing, repairing, cleaning, polishing, painting of commercial vehicles; where such uses are incidental to the main use but shall exclude temporary sales trailers as offices or premises; the selling of passenger vehicles not for commercial use; the selling of farm vehicles.

“AUTOMOBILE SERVICE STATION” means a lot, building or structure, where such goods are sold and such services are provided as are essential to the running operation of motor vehicles including the repair thereof, and may include the selling of refreshments to the traveling public by way of vending machines, and may include a coffee shop, but does not include a retail store, the business of selling more than three cars or other vehicles at one time, and does not include a car wash except that cars may be washed by hand by the operator or an employee of the station.

“AUTOMOBILE WRECKING ESTABLISHMENT” means a building and/or lot used for the wrecking or dismantling of derelict motor vehicles and for the storage and sale of material, and parts obtained therefrom, but does not include any other automotive use defined in this by-law.

“BAKERY” means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

“BAKE SHOP” means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.

“BALCONY” means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.

“BANK/FINANCIAL INSTITUTION” means an institution where money is deposited, kept, lent and exchanged, and includes the business premises of a trust company or a credit union, securities dealer, finance company and stock broker, but not including the internal offices or administrative offices which shall be considered to be offices for purposes of this By-law.

“BED AND BREAKFAST ESTABLISHMENT” means a dwelling unit within which the residing owner or a person authorized by the owner may provide bedrooms for rent for temporary accommodation, in connection therewith, the initial meal of the day may be provided to guests, but no other services are provided other than housekeeping. However, a bed and breakfast does not include a group home, nursing home or hotel.

“BEDROOM” means a room, or area in a dwelling unit, equipped, used or designed with the intended use for sleeping.

“BERM” means a landscaped mound of earth.

“BODY-RUB” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof and does not mean the services of a registered massage therapist.

“BUILDER’S SUPPLY YARD” means a yard for the storage and sale of building materials such as lumber, bricks, plumbing or heating materials, pre-bagged concrete, sand, gravel or similar substance, but does not include a salvage yard or the bulk storage of loose materials such as sand, gravel recycled asphalt or concrete.

“BUILDING” means a structure having a roof, supported by columns or walls and used for the shelter or accommodation of persons, animals, goods or chattels.

“BUILDING BY-LAW” means any by-law regulating the erection, alteration, demolition, and repair of buildings, for the time being in force and includes The Building Code of Ontario.

“BUILDING INSPECTOR” means a person charged with the duty of enforcing the provisions of the Building By-law of the Corporation.

“BUILDING, MAIN” OR “MAIN STRUCTURE” means the building or structure in which is conducted the principal use of the lot on which it is situated. For clarity, a dwelling accessory to an agricultural use is not a “main building” for the purposes of this by-law.

“BULK FUEL STORAGE” means the bulk storage and sale of petroleum, gasoline, fuel oil, propane, natural gas, fuels, diesel or inflammable liquid or fluid but does not include a gas bar.

“BUNKHOUSE” means a building accessory to a permitted agricultural use providing temporary accommodation for farm labour in individual or combination rooms for workers directly employed by the agricultural operation. It is not intended to be used as a permanent or principal place of residence.

“BUNKIE” means an accessory structure with a maximum floor area of 30 sq. m, which is only used for sleeping accommodations, does not include plumbing, and is not a dwelling unit.

“BUS DEPOT” means a facility for the arrival and departure of passengers from inter-city and intra-city buses and may include ancillary commercial facilities, including, for example, a restaurant, washroom, lounges, ticket sales area and accessory offices.

“CALL CENTRE” means a building or part of a building in which people are employed to provide product information services to the public by way of telephone, internet, fax, video and mail.

“CAMPGROUND” means a lot upon which two or more campsites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation, education or vacation purposes, and within which the operator provides sanitary, cooking and waste disposal facilities for use by the campers, and within which private recreational facilities and a convenience retail store may be located.

“CANCER RESOURCE & SUPPORTIVE CARE CENTRE” means a building or part thereof used for a volunteer, non-profit, registered charity to provide victims of cancer and their families with resources including but not limited to a lending library, support group meeting facility, an administrative office for the operation of the centre, resource supplies related to the illness,

workshop and therapeutic programs. It shall not include offices for a health care provider, overnight accommodations or the direct treatment of the disease or illness other than in a therapeutic nature.

“CANNABIS PRODUCTION FACILITY” means any building structure, or lands licensed by, Health Canada to undertake cultivation, processing, sale, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the Cannabis Act, or successor legislation.

“CANOPY” means a permanent roof-like cover that projects from the outside wall of a building or that is a free-standing structure for the purpose of sheltering people, motor vehicle fuel pumps, or dispenser islands from the weather, but does not include a carport.

“CARPORT” means a roofed accessory structure used for the storage of passenger motor vehicles and having more than 40% of the total side area open and unobstructed. For purposes of the yard requirements of this by-law, a carport attached on one or more sides to the main building is deemed to be part of the main building.

“CAR WASH” means an establishment where motor vehicles are washed manually or mechanically or both.

“CAR WASH, AUTOMATIC” means a car wash wherein vehicles are washed, cleaned or dried within a building, principally by mechanical equipment having capacity to wash more than five (5) vehicles per hour in one line, with no direct participation by the operator of the vehicle. On-site vacuuming devices and wiping and drying areas may form a part of the facility but need not be within the main building.

“CAR WASH, MANUAL” means a car wash wherein vehicles are washed within a building by the operator of the vehicle, by means of a hand-held hose or hoses connected to the water system of the structure. On-site vacuuming devices and wiping or drying areas may form a part of the facility but need not be within the main building.

“CEMETERY” means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

“CHILD CARE CENTRE” means a premises operated by a person licensed under the *Child Care and Early Years Act*, or successor legislation, to operate a child care centre at the premises.

“CHURCH” means a building commonly used by any religious organization for public worship, and includes a rectory or manse, church hall, day nursery or religious school associated with or accessory thereto and located on the same lot as the main building.

“CLINIC” means a building in which two or more health care professions and their staff work for the purpose of consultation, diagnosis and office treatment of human patients, but does not include a hospital. Without limiting the generality of the foregoing, a clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the business.

“CLINIC, VETERINARY” means a facility for the veterinary care of dogs, cats and other household pets and includes provision for overnight accommodation on the premises.

“CLUB, PRIVATE” means a building or premises located on privately owned lands, operated for social, literary, cultural, political, educational or recreational purposes, primarily for the exclusive use of members and their guests and not open to the general public on an equal basis. A “Private Club” includes but is not limited to a fraternal organization, a lodge, a Canadian legion branch, and facilities of a labour union but does not include a hall.

“COMMERCIAL ENTERTAINMENT AND RECREATIONAL ESTABLISHMENT” means a place where facilities for leisure time activities are provided for hire or gain, and includes, for example, a court for racquet sports, dance hall, gym or fitness centre, amusement game establishment, miniature golf, bingo hall, curling rink, bowling alley, cinema, and indoor swimming pool.

“COMMERCIAL PET BOARDING ESTABLISHMENT - means any premises where household pets are kept or boarded as a commercial service, and may include the grooming of pets and an outdoor fenced run area.”

“COMMERCIAL USE” means the use of any land, building or structure for the purpose of buying and selling commodities, or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

“COMMERCIAL VEHICLE” means a motor vehicle exceeding a registered gross vehicle weight of 4,000 kg rating and includes tractors used for hauling purposes on the highways with or without a trailer attached.

“COMPOSTING FACILITY” means an open windrow waste processing facility in which leaf and yard waste is processed into compost through an aerobic biological process, conducted under controlled, engineered conditions designed to produce stabilized humus.

“CONSERVATION AREA” means an area within which work is undertaken by a Conservation Authority pursuant to the provisions of the Conservations Authorities Act, R.S.O. 1980.

“CONTRACTOR’S YARD” means land or buildings used for offices, shop, assembly work or the storage of building and construction materials and equipment, but excludes the outdoor storage of salt, sand or gravel.

“CORPORATION” means the Corporation of the Municipality of Chatham-Kent.

“COTTAGE OR CABIN” means a detached building used by one family as occasional living quarters for recreation, rest, relaxation or during vacation or holiday periods, but not occupied continuously or as the principal residence.

“COUNCIL” means the Municipal Council of the Corporation.

“A COUNTRY MUSIC JAMBOREE” means an open air concert venue limited to country music performances and may include a permanent performance stage and such accessory uses as a temporary viewing area, temporary retail vendors, non-serviced temporary campground facilities, temporary parking area(s) and temporary kiosks for other facilities needed for the direct support of the permitted use.

“CRAFT BREWERY” means the premises for the production of beer and features the following:

- The facility produces up to 50,000 hectoliters annually for sale at retail outlets such as the LCBO or Beer Store and off-premises locations such as pubs and restaurants
- The facility is a tourism destination including accessory uses such as tours, a tasting/event room, secondary food preparation and on-site retail space
- The facility utilizes a stack condenser which will reduce odour emissions and recapture/re- use waste heat
- Accessory uses are permitted and may include, but are not necessarily be limited to, storage and distribution of beer produced on site.

“CRAFT CIDERY” means the premises for the production of cider and features the following:

- The facility produces up to 50,000 hectoliters annually for sale at retail outlets such as the LCBO or Beer Store and off-premises locations such as pubs and restaurants
- The facility is a tourism destination including accessory uses such as tours, a tasting/event room, secondary food preparation and on-site retail space
- The facility utilizes a stack condenser which will reduce odour emissions and recapture/re- use waste heat
- Accessory uses are permitted and may include, but are not necessarily be limited to, storage and distribution of cider produced on site.

“CULTURAL FACILITY” means a building used for cultural activities and shall include a library, museum and an art gallery.

“DERELICT VEHICLE” means a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, demolition endurance vehicle, motorized snow vehicle, mechanical equipment, machinery or parts thereof, or any vehicle drawn, propelled or driven by any kind of power or any part thereof, but does not include agricultural equipment that is not in an operating condition and is discarded, rusted, deflated tires, wrecked or partly wrecked, or is dismantled or partly dismantled.

“DETACHED” means not attached.

“DEPARTMENT STORE TYPE MERCHANDISE (DSTM)” is defined as the following retail stores; pharmacies; patent medicine and toiletries stores; shoe stores; men’s clothing stores; women’s clothing stores; children’s clothing stores; fur goods stores; other clothing stores, not elsewhere classified; fabric and yarn stores; household furniture stores (with appliances and furnishings); household furniture stores (without appliances and furnishings); furniture refinishing and repair shops; appliance, television, radio and stereo stores; appliance, television, radio and stereo repair shops; floor covering stores; drapery stores; other household furnishings stores; general stores; other general merchandise (variety and general merchandise stores); book and stationery stores; florist shops; lawn and garden centres; hardware stores; paint, glass and wallpaper stores; toy and hobby stores; gift, novelty and souvenir stores; opticians shops, art galleries and artist supply stores, coin and stamp dealers, luggage and leather goods stores, other retail stores not elsewhere classified, but does not include any retail store defined as Non-Department Store Type Merchandise (Non-DSTM) or Home Improvement Related Merchandise (HIRM). This definition shall only apply to the UC(DC) District Commercial, UC(CBD) Central Business District and UC(PC) Power Centre Zones.

“NON-DEPARTMENT STORE TYPE MERCHANDISE (NON-DSTM)” is defined as the following retail stores; food stores to a maximum of 1393.5 sq. m gross floor area, excluding supermarkets; automobile (new) dealers; automobile (used) dealers; motor home and travel trailer dealers; boats, outboard motors and boating accessories dealers; motorcycle and snowmobile dealers; other recreational vehicle dealers; garages (general repairs); paint and body repair shops; muffler replacements shops; motor vehicle glass replacement shops; motor vehicle transmission repair and replacement shops; other motor vehicle repair shops; car washes; other motor vehicle services, not elsewhere classified; wine stores; beer stores; second-hand merchandise stores, not elsewhere classified; opticians' shops; art galleries and artists' supply stores; luggage and leather goods stores; monument and tombstone dealers; pet stores; coin and stamp dealers; mobile home dealers; other retail store, not elsewhere classified; but does not include any retail store defined as Department Store Type Merchandise (DSTM) or Home Improvement Related Merchandise (HIRM). This definition shall only apply to the UC(DC) District Commercial, UC(CBD) Central Business District and UC(PC) Power Centre Zones.

“DRIVE-WAY” means a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and egress from a lot. When used on a Zoning Map Schedule “Driveway” defines the only area within which vehicular ingress to and egress from the lot shall be permitted.

“DRY CLEANING ESTABLISHMENT” means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or clothing is carried on.

“DWELLING” means a building or part thereof, containing one or more dwelling units which is occupied or capable of being occupied as a principal residence by one (1) or more persons, constructed on-site, or off-site in parts designed to be transported to a property and where they are joined as integral units, and placed on a permanent foundation over a crawlspace or basement, but shall not include travel trailers, park model trailers, cottages, or a bunkie.

“DWELLING ACCESSORY” means a dwelling unit which is part of, and accessory to, a permitted non-residential use. Such dwelling shall be occupied by either the family of the owner or by the family of a person employed on the lot where such dwelling is located.

“DWELLING, ADDITIONAL” means a dwelling unit or dwelling units ancillary to a single detached dwelling, a semi-detached dwelling unit, or a row house dwelling unit and located within one of the foregoing dwelling types or within a building ancillary to one of the foregoing dwelling types.

“DWELLING APARTMENT” means a building containing five or more dwelling units each of which has its chief access to and from the outside by way of common hallways, stairways or elevators. However, it does not include a row house dwelling, boarding house, rooming house, tourist establishment, hotel or motel.

“DWELLING, BACK-TO-BACK ROW HOUSE” means a building with four or more dwelling units to a maximum of twelve, each unit having at least one separate entrance at street level, and separated vertically from the adjoining units by a common rear or interior wall.

“DWELLING, DOUBLE DUPLEX” means two attached duplex dwellings containing a total of four dwelling units.

"DWELLING, DUPLEX" means a dwelling designed and built to contain two dwelling units, one above the other, each having an independent entrance and not attached to any other building.

"DWELLING FOUR-PLEX" means a dwelling containing four dwelling units, each having an independent entrance to the outside and separated from the adjoining unit or units by a common or party wall.

"DWELLING, MULTIPLE" means a dwelling containing three or more dwelling units.

"DWELLING, ROW HOUSE" means a dwelling containing three or more dwelling units to a maximum of eight, each dwelling unit having at least one separate entrance at street level, and separated from the adjoining unit or units by a common or party wall. A Row House does not include a Stacked Row House or Back-to-back Row House.

"DWELLING, SEMI-DETACHED UNIT AND DWELLING SEMI-DETACHED"

Semi-Detached Dwelling means a dwelling divided vertically into two dwelling units.

Semi-Detached Dwelling Unit means one unit of a semi-detached dwelling.

"DWELLING, SENIOR CITIZEN" means a residence providing accommodation primarily for retired persons where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall or directly to outside and where common facilities for the preparation and consumption of food, common lounges, recreation rooms, and medical care facilities are all provided.

"DWELLING, SINGLE DETACHED" means a dwelling containing one dwelling unit only and does not include a mobile home.

"DWELLING, STACKED ROW HOUSE" means a building designed to contain three or more dwelling units, to a maximum of 24 units, with a maximum of eight units on the ground floor, attached side by side, not more than three units high, with each dwelling unit having private entrance to grade level and a private open space area where any upper unit may utilize a portion of the roof of any lower unit.

"DWELLING, TRIPLEX" means a dwelling containing three dwelling units, each having an independent entrance to the outside and separated from the adjoining unit or units by a common, or party wall.

"DWELLING UNIT" means a connected space for residential purposes, within a building which includes one or more bedrooms, sanitary facilities, and cooking facilities, all of which are provided for the exclusive use of the occupants thereof and having a private entrance from outside the building or from a common corridor, stairway or elevator. A dwelling unit may be rented either as a single housekeeping unit or as individual bedrooms.

"DWELLING UNIT, BACHELOR" means a dwelling unit consisting of one bathroom and not more than two habitable rooms providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms, and principally designed for use by one person.

“EATING ESTABLISHMENT” means a building, or part of a building, where food is offered for sale or sold to the public for immediate consumption and includes a restaurant, coffee shop, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, snack bar or refreshment room or stand.

“EATING ESTABLISHMENT, TAKE-OUT” means a building or part of a building designed, intended or used for the sale of food and refreshments to the general public but which does not include any provisions for consumption of the food by the customer while in his vehicle, within the building or elsewhere on the site.

“EMISSION” means any dust, corrosive gases, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gases, radiation, petrochemical waste or chemical waste issuing from a building, structure or lot.

“EMPLOYEE, FARM, SEASONAL” means a person, including the family thereof, engaged by the owner of a lot to assist in the production and/or harvesting of crops on such lot for a period of at least 30 days but not longer than nine months during the crop growing and harvesting season.

“EMPLOYEE, FARM, SEASONAL, ACCOMMODATION” means a separate building or trailer used or intended to be used for seasonal accommodation or workers of the owner or operator of a farm provided such seasonal employees perform their duties on such farm and in which lodging with or without meals is supplied or intended to be supplied to such employees.

“ERECT” means and includes, when used with reference to a building or structure, build, construct, enlarge, alter, remove, relocate and also includes any preliminary physical operation such as excavating, filling or draining, and further includes any work for which a building permit is required under the Building By-law of the Corporation. The words “Erected” or “Erection” shall have a corresponding meaning.

“EXISTING”, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure in existence prior to the date of passing of this By-law, so long as it continues to be used for that purpose.

“EXPLOSIVES STORAGE AND LOADING FACILITY” refers to a facility licensed under Natural Resources Canada – Explosives Regulatory Division, or any subsequent licensing agency thereto, to store and load explosives for the purpose of servicing the petroleum industry.

“FACTORY-BUILT HOUSING” means a factory-built structure designed for long-term residential use. For the purposes of this By-law, factory-built housing consists of three types: mobile homes, panelized or kit homes and modular homes.

- a) **“MOBILE HOME”** means a transportable, factory-built dwelling having a floor area of not less than 24 sq. m designed to be transported on its own wheels and chassis or on a flatbed trailer to a site, and being ready for occupancy upon arrival at the site, except for anchoring by wheels, jacks, posts or piers, connection to public utilities and minor preparation, but shall not include a travel or tent trailer or similar recreational vehicle otherwise defined. Despite any room additions, a mobile home may be distinguished from other types of factory-built housing by reason of its design such that the length of the main unit of the mobile home exceeds three times its width.

- b) **"PANELIZED OR KIT HOME"** means complete single detached dwelling assembled on site using factory-built finished housing components placed on a permanent foundation over a basement, cellar or crawlspace. For the purpose of this By-law, a single detached dwelling includes a panelized or kit home.
- c) **"MODULAR HOME"** means a transportable, factory-built dwelling designed to be transported in two or more separate sections with each section towed on its own wheels and chassis or on a flatbed trailer to its final location and joined together to form one dwelling unit, placed on a permanent concrete foundation with or without a basement, cellar or crawl space, and connected to public utilities but does not include a panelized or kit home. For the purpose of this By-law, a single detached dwelling includes a modular home.

"FACTORY OUTLET" means a building or part thereof accessory to, and clearly secondary to, an industrial use or a service trade establishment, wherein products manufactured, produced, processed or stored on the premises are kept or displayed, for wholesale or retail sale, or wherein orders are taken for the deliver of such products and where a maximum of 20% of the gross floor area is devoted to the wholesale or retail use.

"FARM" means land used for the tillage of soil or the growing of vegetables, fruits, grains, legumes, hays, tobacco or other crops. This definition shall also apply to land used for livestock raising, dairying or wood lots.

"FARM, SPECIALIZED" means land on which one or more of the following commercial activities consisting of raising chickens, turkeys or other fowl; the raising of fur-bearing animals; the raising of horses, sheep, swine or goats; the raising of cattle on feed lots; the raising of dairy cattle; the raising of rabbits; the raising or boarding of dogs or cats; or growing of mushrooms, is undertaken.

"FARM EQUIPMENT DEALER" means an establishment wherein the principal activity involves the sale, repair, serving or rental of agricultural equipment and implements.

"FARM PRODUCE SALES ESTABLISHMENT" means a place, with or without permanent buildings, where farm produce may be sold to the general public.

"FARM SALES OUTLET" means a use accessory to a permitted farm, which consists of the retail sale of agricultural products.

"FARM VACATION ESTABLISHMENT" means a farm containing an existing single-detached dwelling in which no more than three guest rooms are made available by the residents of the dwelling to vacationers for temporary accommodation and/or recreation on the farm, normally with meals, in the course of which no assistance is offered by any person not residing on the farm.

"FARMERS' MARKET" means the use of land, buildings or structures for the retails sale of farm produce by individual retailers and may include the retails sale of arts and crafts as a secondary use, but does not include a Flea Market.

"FINANCIAL INSTITUTION" means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer,

finance company and stock broker, but not including the internal offices or administrative offices which shall be considered to be offices for purposes of this By-law.

“FITNESS CENTRE” means a building or part thereof, in which facilities are provided for recreational athletic activities including, but not limited to, body-building and exercise classes, and shall include associated facilities such as a sauna, spa, solarium or swimming pool.

“FLOOD PLAIN” means the horizontal area bordering a river, stream or watercourse which is subject to flooding and the limits of such flood plain as defined by the Conservation Authority having jurisdiction.

“FLOOR AREA” means, with reference to a building, total habitable floor area within a building which area is measured between exterior faces or exterior walls or from the centre line of a common or party wall, excluding any private garage, breezeway, porch or verandah, balcony, terrace, pantry, basement, cellar and any floor area with a ceiling height less than 2.13 m

“FLOOR AREA, GROSS” means total floor area, as defined herein exclusive however, of any part of the building or structure below finished grade which is used for heating equipment, electrical rooms, elevators, the storage or parking of motor vehicles, locker storage and laundry facilities, children’s play area and other accessory uses, or uses as living quarters by the caretaker, watchman, or other supervisor of the building or structure; and enclosed malls when used as a common area between stores.

“FLOOR AREA, GROSS LEASABLE” means the gross floor area of a building or structure exclusive of any internal common areas, washrooms and corridors excepting the combined area of kiosks totaling more than 100 sq. ft.

“FLOOR AREA, GROUND” means the maximum ground floor area of a building measured to the outside walls excluding, in the case of a dwelling house, any private garage, carport, porch, verandah, sunroom unless such sunroom is habitable at all seasons of the year.

“FLOOR AREA, TOTAL” means the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.

“FULL SERVICES” means sanitary sewer, storm drainage, piped water and an improved street.

“FUNERAL HOME” means a building or part thereof wherein a licensed undertaker prepares corpses for interment and may include a chapel or visitation centre for funeral services.

“FURNITURE STORE” means a building where furniture is sold at retail and may include furniture storage as an accessory use.

“GARAGE, PRIVATE” means a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and in which there are not facilities for repair or servicing for remuneration of such vehicles.

“GARAGE, PUBLIC” means a building other than a private garage which is used for the servicing or minor repairing or equipping of motor vehicles or where such vehicles are parked or

stored for remuneration, hire or sale, but not including the manufacturing or repairing of motor vehicle bodies.

“GAS BAR” means a building, structure or place, or a combination thereof, used for the retail sale of gasoline or other motor fuels, and lubricating oils and allied additives, and the introduction of such materials into vehicles, but does not include the provision of mechanical services to vehicles.

“GOLF COURSE” means a public or private area operated for the purposes of playing golf and includes a club house and accessory buildings, a par-3 golf course, a driving range and may include miniature golf courses and similar uses operated for commercial purposes.

“GRADE” when used with reference to a building or structure, means the finished ground elevation immediately adjoining the wall or walls in question or the base of the structure exclusive of any artificial embankment. When used with reference to a street, “Grade” means the elevation of such street as established by the Corporation or other authority having jurisdiction.

“GREENHOUSE FARM LARGE SCALE” means an agricultural use in which the predominant economic activity involves the growing of plant materials in large scale greenhouses for subsequent replanting or sale.

“GREENHOUSE LARGE SCALE” means a building or structure whose roof and sides are made largely of glass or other transparent or translucent material, in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants, and which is 2 ha (5 acres) or greater in area.

“GREENHOUSE SMALL SCALE” means a building or structure whose roof and sides are made largely of glass or other transparent or translucent material, in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants, and which is less than 2 ha (5 acres) in area.

“GROUP HOME” means a dwelling unit operated as a single housekeeping unit accommodating, or having the facilities to accommodate 5 to 10 residents exclusive of staff who, by reason of their emotional, mental, social or physical condition require a group living arrangement, under responsible supervision consistent with the requirements of its residents, and the group home is either licensed or funded under Provincial or Federal statute, but shall not include:

- a) a place maintained and operated primarily for the temporary care of, and occupied by, inmates or adults placed on probation or released on parole;
- b) a place maintained and operated primarily for the temporary care of, and occupied by, transient or homeless persons; or
- c) a place maintained and operated primarily for the treatment and rehabilitation of, and occupied by, persons who are addicted to drugs or alcohol.

Any counseling or support services provided in the group home shall be limited to those required by the residents.

This definition does not include a bed and breakfast, nursing home, multiple dwelling unit, hotel, or residential care facility.

“GUEST ROOM” means a room or suite of rooms used or maintained for the accommodation of the public and which contain no provisions for cooking.

“HABITABLE ROOM” means a room designed or used for living, sleeping, eating or food preparation including a den, library, sewing room, enclosed four-season sun room, or finished room in a basement with at least 2 m in ceiling height, but excludes bathrooms, toilet rooms, or any space devoted to laundry, pantry, corridors, stairways, storage closets, furnaces, utilities or maintenance of the dwelling.

“HEIGHT” when used with reference to a building or structure, means the vertical distance between the average grade at the front of such building or structure to the highest point thereon exclusive of any ornamental dome, chimney, tower, cupola, steeple, church spire, water storage tank, electrical apparatus, television or radio antenna, or structure for the mechanical equipment required for the operation of such building or structure. Without limiting the generality of the foregoing, the highest point shall be taken as:

- a) in the case of a flat roof, the highest point of the roof surface or parapet, whichever is the greater;
- b) in the case of a mansard roof, the deck roof line;
- c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge.

Where the height is designated in terms of storeys, it means the designated number of storeys above, and including, the first storey.

“HOLISTIC HEALTH CENTRE” means a building, or part thereof, in which facilities or offices are provided for the practice of alternative and traditional medical treatments and may include, but is not limited to, Yoga, Chiropractic, Podiatrist, Chiroprapist, Meditation Classes, Reflexology, Massage, Chinese Medicine, Naturopathy, Acupuncture, Iridology, Homeopathy and Shamanism.

“HOME CHILD CARE” means child care that meets the description set out under the *Child Care and Early Years Act*, or successor legislation.

“HOME INDUSTRY” means a gainful occupation conducted in whole or in part of an accessory building to a single detached dwelling in accordance with Section 4.14 and shall only be permitted in an Agricultural zone.

“HOME OCCUPATION” means an occupation conducted entirely within a dwelling unit, by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes in accordance with Section 4.15.

“HOME IMPROVEMENT RELATED MERCHANDISE STORE (HIRM)” means a retail store which provides for the sale of home maintenance and improvement supplies, building materials and lawn and garden products, but does not include any use otherwise classified or defined in

this by-law. This definition shall only apply to the UC(DC) District Commercial, UC(CBD) Central Business District and UC(PC) Power Centre Zones.

“HOMEOPATHIST OFFICE” means a building or part thereof used for the practice of homeopathic medicine and shall include services directly related to the practice of homeopathic medical treatment.

“HOSPITAL” means 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.

“HOTEL” means a commercial establishment offering accommodation to the traveling public on a short-term basis and may include such accessory facilities as a restaurant, banquet facilities, meeting rooms, swimming pool and a fitness establishment, but does not include a bed and breakfast.

“INDUSTRIAL USE” means the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. The sale goods resulting from such operations shall be permitted provided that the sales area does not occupy more than 20% of the gross floor area of the building. An industrial use shall include a Cannabis Production Facility excluding the outdoor cultivation of cannabis.

“INDUSTRIAL MALL” means a building or group of buildings held in single ownership or by participants in a condominium corporation or co-operative and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may be but not necessarily are provided.

“INDUSTRY, DRY” means an industrial use which does not utilize process water or discharge water except for water from washrooms or from indirect cooling of equipment, pressure testing of equipment, washing of accessory vehicles, or other similar ancillary uses where the water is re-circulated.

“INSTITUTIONAL USE” means the use of land, buildings or structures for religious charitable, educational, health or welfare purposes, and includes but is not limited to hospitals, churches, day nursery, adult secondary school, commercial school, elementary schools, post-secondary schools, private schools and/or secondary schools.

“KENNEL” means any building or structure within which three (3) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

“LABORATORY OR SCIENTIFIC RESEARCH FACILITY” means a building, or part thereof, used for scientific testing, experimentation and/or research, but does not include a medical facility or a dental facility.

“LANDFILL AND LANDFILLING” means the disposal of waste by deposit, under controlled conditions, on land and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals.

“LANDSCAPING” means a combination of trees, shrubs, flowers, grass and other horticultural elements, together with decorative stonework, paving, screening or other architectural elements all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspect that may detrimentally affect adjacent land.

“LANDSCAPED OPEN SPACE” means the space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes, shrubs, trees, or other landscaping and includes any surfaced walk, patio or similar area, children’s play space, swimming pools, and uses and buildings accessory thereto, but does not include any driveway, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure. When used on a Zoning Map Schedule, “Landscaped Open Space” defines an area which shall be used only for such growth, walk, patio or landscaping.

“LANE” means a public right-of-way which affords a secondary means of access to the abutting lots.

“LAUNDROMAT” means a self-serve clothes washing establishment and may include dry-cleaning as an ancillary part of the business.

“LOADING SPACE” means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle, loading or unloading merchandise or materials, pertinent to such permitted use.

“LODGE” means a building for the temporary accommodation of people engaged in hunting, fishing and recreational activities.

“LODGER” means a tenant who rents a bedroom in a small or large rental dwelling unit.

“LOT” means a parcel or parcels of land under common ownership which front or abut on an improved street and is described in accordance with a registered deed or a registered plan of subdivision or a lot located on an island or area of water access only.

- a) **“LOT AREA”** means the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot normally covered by water or marsh. In the case of corner lots having a street line rounding at the corner of a radius of 6 m or less, the lot area of such a lot shall be calculated as if the lot lines were produced to their point of intersection.
- b) **“LOT, CORNER”** means a lot situated at the intersection of, and abutting a street on two or more sides, providing the intersection of such streets is at an angle of not more than 135°.
- c) **“LOT COVERAGE”** means that percentage of lot area covered by buildings and structures above established grade, but does not include uncovered swimming pools, unenclosed porches, patios, sundecks and above-ground pool decks.

- d) **“LOT DEPTH”** means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of the line joining the mid-points of the front and rear lot lines or, in the case of a triangular lot it shall be the length of the line joining the mid-point of the front lot line and the apex of the triangle.
- e) **“LOT FRONTAGE”** means the horizontal distance between the side lot lines, such distance being measured at a right angle to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines, and at a point therein distance 7.62 m from the front lot line.
- f) **“LOT, INTERIOR”** means a lot other than a corner lot.
- g) **“LOT, THROUGH”** means a lot bounded on two opposite sides by streets that is not a corner lot.

“LOT LINE” means the boundary line of a lot defined as follows:

- a) **“LOT LINE, FRONT”** means the lot line that divides a lot from the street provided that in the case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line, and the longer lot line that so abuts shall be deemed to be a side lot line. In the case of a through lot, only one of the lot lines abutting a street shall be deemed the front lot line.
- b) **“LOT LINE, REAR”** means the lot line farthest from and opposite the front lot line.
- c) **“LOT LINE, SIDE”** means a lot line other than the front or rear lot line.

“MAIN”, when used to describe a use, a building or a structure, means a use or structure which is, or a building in which is conducted, a principal use of the lot on which such use, building or structure is located.

“MARINA” means a building or structure or part thereof containing marine facilities and located on a navigable waterway where boats and boat accessories are stored, repaired, serviced or kept for sale or rent. A marina may include the sale of marine fuels and lubricants.

“MARINE FACILITY” means a structure which is used to place a boat into or take a boat out of a navigable waterway or used to moor, berth or store a boat. This definition may include a boat launching ramp, a boat lift, dock or boathouse, but shall not include any dwelling or habitable room or any boat repair, service, sales or rental facilities.

“MATERIAL RECOVERY FACILITY” means a waste processing facility in which source separated material is processed into recyclable or reusable material. Processing may include such activities as sorting, bailing, treatment and other forms of material recovery and short-term storage of processed material.

“MIXED USE COMMERCIAL/RESIDENTIAL BUILDING” means a building containing on the ground or first floor a non-residential use permitted in the zone and a dwelling unit(s) above the

non-residential use or behind the non-residential use. However, the residential use on the ground or first floor, may not be more than 50% of the gross floor area.

“MOBILE HOME LOT” means a parcel of land within a mobile home park occupied or intended for occupancy by one mobile home together with all land appurtenant thereto as given by the setback requirements and other provisions of this by-law.

“MOBILE HOME PARK” means one or more parcels of land each containing two or more mobile home lots and which is or are under single management and ownership and which is or are designed and intended for residential use where residence is in mobile homes exclusively.

“MUNICIPAL”, when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any department, board, commission or agency thereof.

“MUNICIPAL DRAIN” means drainage works as defined by the *Drainage Act*, or successor Legislation.

“MUNICIPAL SERVICES” means such services as curbs, gutters, sidewalks, pavement and roadworks, sewage and drainage systems, pumping stations, sewage treatment plants, private drain connections, watermains, service pipes, electrical services, or street lights, designed to service or capable of servicing a lot.

“MUTUAL DRIVEWAY” means an ingress or egress that is common to two or more owners of abutting lands as a right-of-way registered against the title of the lands.

“NATURALIZATION AREA” means an area where native plants are allowed to emerge and spread so to increase the natural cover. No mowing, tilling, disking, herbicide application, planting of crops or any form of development is permitted. However, standard best management practices to develop and maintain integrity of the naturalization area over time, such as removal of invasive species, are permitted.

“NON-CONFORMING” shall mean a use, building, structure or any part thereof which does not conform or comply with the permitted uses and regulations of this By-law as of the date of the passing thereof.

“NOXIOUS” means when used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas, liquid or solid effluent, fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards health and safety or is a nuisance.

“NUISANCE” means any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of disease.

“NURSERY” means the use of land, buildings or structures or part thereof where trees, shrubs or plants are grown or stored for the purpose of transplanting, for use as stocks for building or grafting or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers and similar materials.

“NURSING HOME” means a dwelling or other building in which rooms or lodging are provided for hire or pay in conjunction with the provision of meals, personal care, nursing services and medical care and treatment, and includes a residential care facility and a temporary care facility, but does not include a hospital, hotel, motel, group home, or multiple dwelling unit.

“OFFICE” means a 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.

“OIL AND GAS WELL” as defined by the *Oil, Gas and Salt Resources Act*, or successor Legislation, means a hole in the ground, whether completely drilled or in the process of being drilled, for the purpose of:

- a) the production of oil, gas or formation water, including the production of coal bed methane but excluding the production of fresh water;
- b) the injection, storage and withdrawal of oil, gas, other hydrocarbons or other approved substances in an underground geological formation;
- c) the disposal of oil field fluid in an underground geological formation;
- d) solution mining; or
- e) geological evaluation or testing rocks of Cambrian or more recent age.

“OIL AND GAS WORK” as defined by the *Oil, Gas and Salt Resources Act*, or successor Legislation, means a well or any pipeline or other structure or equipment that is used in association with a well as defined “Municipal Services”.

“OPEN STORAGE” means the storage of raw materials, equipment, or other materials, but not the parking or storage of vehicles, in an area of a lot which is not enclosed within a building or structure.

“OPEN STORAGE AREA” means an area of a lot used for open storage purposes, but does not include a parking lot.

“OUTDOOR DISPLAY AND SALES AREA” means an outdoor, covered or uncovered, to be used in conjunction with a use or business, located on the same property in a permanent building or structure, for the display or sale of fresh produce and new goods or merchandise or the supply of services.

“OWNER” means a Person who, alone or with others, owns premises or would receive installments of the purchase price of the premises if they were sold.

“PARK” means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a play area, a bandstand, a skating rink, a bowling green, a tennis or badminton court, a play-field, a running track, a swimming area, a wading pool, a boating pond

or lake, a watercourse, a campground, a refreshment booth, a picnic area, or an auditorium or place of assembly.

- a) **“PUBLIC PARK”** means a park owned or controlled by a public agency.
- b) **“PRIVATE PARK”** means a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park.

“PARK MODEL TRAILER” means a manufactured Building used or intended to be used as a seasonal recreational Building of residential occupancy designed and constructed in conformance with CAN/CSA-Z241 Series-M, “Park Model Trailers”.

“PARKING AISLE” means a portion of a parking area which abuts, on one or more parking spaces to which it provides access, and which is not used for the parking of vehicles.

“PARKING AREA” means an area or areas of land or a building or structure, which is provided and maintained for the purpose of temporary parking or storing of motor vehicles.

“PARKING LOT” means a lot which contains, and the main use of which is, a parking area, whether or not such parking area is located within a structure.

“PARKING SPACE” means a portion of a parking area, exclusive of any aisles, to be used for the parking of temporary storage of a motor vehicle.

“PERMITTED” means “permitted by this By-law.”

“PERSON” means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

“PERSONAL SERVICE ESTABLISHMENT” means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including but not necessarily restricted to, the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, but does not include a massage or body-rub parlour or any adult entertainment establishment. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

“PET SHOP” means a shop or place where animals or birds for use as a pet are sold or kept for sale or groomed, but does not include a shop or place for the breeding or overnight boarding of pets.

“PIT” means 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 or in relation to which an order has been made under the *Aggregate Resources Act*, as amended from time to time but does not include a wayside pit.

“PLANTING STRIP” means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:

- a) a continuous row of trees
- b) a continuous hedge-row of evergreens or shrubs
- c) a berm
- d) a wall; or
- e) an opaque fence

arranged in such a way as to form a dense or opaque screen.

“POINT OF INTERSECTION” means the point at which street lines abutting a corner lot intersect, or, if the street lines do not intersect at a point, then the point of intersection shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

“PRINT SHOP” means an establishment for the commercial printing and/or photocopying of printed materials.

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

“PRIVATE SEASONAL CAMPING” means the use of parcel of land by the registered land owner or his or her immediate family for camping purposes including one or all of the following, a tent, travel trailer or recreational vehicle for a period not exceeding four months in a consecutive 12-month period.

“PUBLIC STORAGE” means a building or part thereof used for the temporary storage of household items and seasonal or recreational vehicles, boats, trailers, etc. and designed primarily to accommodate those vehicles, boats, trailers, etc., which may not conveniently or legally be parked or stored elsewhere. Public storage may also include a fenced open outdoor storage compound for the storage of the above-noted items.

“PUBLIC USE”, when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies include:

- a) the Government of Canada, the Government of Ontario, or a municipal corporation defined by this By-law;
- b) any ministry, department, commission, authority, board or agency established by the Province of Ontario or Government of Canada;
- c) any public utility; or
- d) any railway company authorized under the *Railway Act* or successor Legislation.

“QUARRY” means land or land under water from which consolidated 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 or in relation to which an order has been made under the *Aggregate Resources Act*, as amended from time to time, but does not include a wayside pit.

“RACE TRACK FACILITY” means the use of land, buildings or structures in combination with a dirt, asphalt or concrete track surface for the purpose of the competitive racing of motor vehicles either on-road or off-road vehicles including but not necessarily limited to automobiles, trucks, motorcycles, go-karts but does not include a track for the racing of animals or dragsters as defined by the National Hot Rod Association (NHRA) and may include the sale of food, beverages and souvenirs accessory to the permitted use.

“RECREATIONAL VEHICLE” means a vehicle, portable structure, trailer or watercraft that can be towed, hauled, carried on a vehicle or trailer, or driven. It is designed to be used for travel or recreational purposes, and includes a motor home, travel trailer, fifth wheel trailer, tent trailer, truck camper, boat, canoe, kayak, snowmobile, all-terrain vehicle, jet ski, or other similar vehicle, but does not include a derelict vehicle. A trailer designed to carry an item listed above is not a recreational vehicle.

“RENT” means the remuneration or the provision of services, or both, paid or required to be paid by a tenant or lodger.

“RENTAL ESTABLISHMENT” means a place for the keeping for hire of machinery, equipment, garments, appliances, trailers and vehicles.

“REQUIRED” means “required by this By-law”.

“RESIDENTIAL”, when used in reference to a building, structure or use, means any dwelling or mobile home as defined herein or any accessory building, structure or use exclusively devoted thereto.

a) **“NON-RESIDENTIAL”**, when used in reference to a building, structure or use, means a building, structure or use other than a residential building, structure or use.

b) **“RESIDENTIAL LOT”** means a lot containing a residential use.

“RESIDENTIAL CARE FACILITY” means a residence for the accommodation of a minimum of eleven (11) persons, exclusive of staff, in which the proprietor supplies for gain lodging, with or without means and, if required, provides nursing, medical or similar care and treatment.

“RETAIL STORE” means a building or a structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce or articles are stored, offered or kept for retail sale to the public, and includes the business premises of an auctioneer, where such premises are used for the sale of merchandise by auction, but does not include a use otherwise classified or defined in this by-law.

“RETAIL STORE – CONVENIENCE” means a retail store wherein items of a day to day household nature are stored for sale, but not so as to limit the generality of the foregoing;

includes food, beverages, periodicals, or sundries and which may include the heating of food by means of a microwave oven only but shall not include pinball machines and similar entertainment devices.

“SALVAGE YARD” means an establishment where goods, wares, merchandise or articles are processed for further use, and where such goods, wares, merchandise or articles are stored wholly or partly in the open and includes a junk or scrap metal yard and an automobile wrecking establishment.

“SCHOOL” means an institution for education or instruction as defined in the Education Act or the Ministry of Colleges and Universities Act, normally under the jurisdiction of a Board but may also include a commercial school, adult secondary school, private elementary or private secondary school or an educational establishment accessory to a permitted use.

- a) **“ADULT SECONDARY SCHOOL”** means a facility identified as a centre for learning for persons who are mature students (not of compulsory school age), attending to complete some or all of their secondary education.
- b) **“COMMERCIAL SCHOOL”** means a facility operated by one or more persons for gain or profit including but not limited a truck driving school, vehicle driving school, hair dressing school, business school, cooking school, dance school, gymnastics school, martial arts school or trade school.
- c) **“ELEMENTARY SCHOOL”** means an institution under the jurisdiction of a school Board, used primarily for the instruction of students receiving primary education, with or without a day care use as a use accessory thereto.
- d) **“POST-SECONDARY SCHOOL”** means a university or college of applied arts and technology established under the Ministry of Colleges and Universities Act.
- e) **“PRIVATE SCHOOL”** means an institution, other than an elementary school, secondary school, adult secondary school, post-secondary school or a commercial school, under the jurisdiction of a private board of directors, trustees or governors, a religious organization or a charitable institution, used primarily for the instruction of students receiving primary and/or secondary education.
- f) **“SECONDARY SCHOOL”** means an institution under the jurisdiction of a school Board, used primarily for the instruction of students receiving secondary education, with or without a day care use as a use accessory thereto.

“SERVICE OR REPAIR SHOP” means a building or part thereof used for the repair of household articles, whether or not operated in conjunction with a retail store and includes radio, television and appliance repair shops, but does not include industrial or manufacturing uses, automobile repair shops, or any use otherwise classified or defined herein.

“SERVICE TRADE ESTABLISHMENT” means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily

restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a battery storage and recharging shop, a well driller's establishment, a furrier's shop, an upholsterer's shop, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop.

"SETBACK" means the shortest horizontal distance from a specified line or structure to the nearest part of any building or structure on a lot.

"SEWAGE TREATMENT FACILITY" means land, buildings, structures and other devices used for the reception, storage, treatment, and disposal of sanitary sewage and approved under the *Ontario Water Resources Act* or successor legislation and may include a sewage lagoon but does not include a private septic or communal sewage treatment system approved under the *Building Code Act* or *Ontario Clean Water Act* or successor legislation.

"SHIPPING CONTAINER" means a pre-fabricated metal container having a floor, ceiling or roof, walls, and door(s) that is designed for and used in the storage, packing or transport of freight, articles, goods or commodities by ship, rail or truck. For the purpose of this definition, a shipping container does not have wheels and does not include a motor vehicle or transport trailer. For the purposes of this By-law, a shipping container shall be deemed to be an accessory building when permanently located on a lot.

"SHOPPING CENTRE" means a group of non-residential uses predominantly retail commercial in nature and 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.

"SIGHT TRIANGLE" means the triangular space formed by the intersecting lot lines, at least one of which is also a street line, of a lot located at an intersection of two or more streets or at an intersection at grade of a street and a railway right-of-way, and a line drawn from a point in one such lot line to a point in the other lot line, each such point being a specified distance from the point of intersection of such lot lines measured along the said lot lines, provided that where the said lot lines do not intersect at a point, the point of intersection thereof shall be deemed to be the intersection of the projected tangents thereto, drawn through the extremities of the interior lot lines.

"SIGN" means a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.

"SOIL REMEDIATION FACILITY" means an open windrow waste processing facility in which soil contaminated by petroleum products is bio-remediated through the application of patented petroleum reducing biological material.

"SOLAR ENERGY SYSTEM" means a renewable electrical facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local grid. A solar energy system includes all arrays, supporting infrastructure and outbuildings.

“STOOP OR DECK” means a roofless, unenclosed structure, with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling, regardless of whether or not a cellar or basement, or part thereof, is located underneath such structure.

“STOREY” means a horizontal division of a building from a floor to the ceiling directly above such floor, and includes an attic, a basement or a cellar as defined herein, but does not include any mezzanine, gallery, balcony or other overhang the floor area of which does not exceed 40% of the least dimension of the room in which the said overhang is located.

- a) **“ATTIC”** means the topmost usable storey of a building, situated wholly or partly within a roof, where at least 50%, but not more than 66% of such storey is greater than 2 m in height.
- b) **“BASEMENT”** means any storey below the first storey.
- c) **“CELLAR”** means a basement which is more than 60% below finished grade, measured from finished floor to finished ceiling.
- d) **“FIRST STOREY”** or **“GROUND FLOOR”** means the storey having its floor level closest to finished grade and its ceiling at least 2 m above finished grade.
- e) **“SECOND STOREY”** or **“SECOND FLOOR”** means the storey directly above the first storey.
- f) **“ONE-HALF STOREY”** means that portion of a building situated wholly or partly within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.2 m over a floor area equal to at least 50% of the area floor next below.

“STREET” means a public thoroughfare intended for vehicular and/or pedestrian traffic under the jurisdiction of either the Corporation or the Province of Ontario, and includes any highway as defined in the *Public Transportation and Highway Improvement Act* or the *Municipal Act*, or successor Legislation, but does not include a lane or private right-of-way.

“STREET IMPROVED” means a street which has a granular surface, asphalt surface or concrete surface within a public road allowance that has been assumed for public use.

“STREET LINE” means the dividing line between a lot and a road allowance limit.

“STRUCTURE” means anything constructed or erected, whether below or above grade, the use of which requires location on or in the ground or attachment to something having a fixed location on or in the ground, and includes walls, floors, signs, billboards and roofs but excludes fences and swimming pools unless located adjacent to watercourses and drains as set forth in Section 4.0 of this By-law.

“STUDIO” means a building or part thereof used as the workplace of a photographer, craftsman or artist or for the instruction of art, music, dancing, languages or similar disciplines.

“SUPERMARKET” means an establishment in which a balanced line of goods such as canned, bottled, packaged and frozen foods, fresh meat and poultry, fish, fresh fruits and vegetables, prepared food products, bakery products, dairy products, candy and confectionery and other

food products, soft drinks, tobacco products, health and beauty aids, housewares, flowers and plants and other non-food articles may be sold. Services may also be offered for sale provided they are subordinate to the main use.

“TANDEM PARKING” means a parking space that is only accessed by passing through another parking space from a street, lane or driveway.

“TAVERN” means an establishment licensed under the Liquor License Act, where liquor, beer and/or wine are served, with or without food.

“TAXI ESTABLISHMENT” means a property, site or building used as a dispatch office or an area, site or location intended for the parking of taxis when not engaged in transporting persons or goods.

“TECHNICAL ERRORS” may include typographical, grammatical, spelling, section numbering, metric conversion, transposition errors and minor mapping irregularities.

“TEMPORARY CARE FACILITY” means a building or part thereof for use as a facility for the care or shelter of adults.’

“TENANT” means a person who rents and occupies space within a building or land.

“TOP OF BANK” means a line formed where the oblique plain of the slope meets the horizontal plain as established by the applicable Conservation Authority.

“TOURIST ESTABLISHMENT” means any premises operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include:

- i) a camp operated by a charitable corporation approved under *The Charitable Institutions Act*, or successor Legislation;
- ii) a summer camp within the meaning of the regulations made under *The Public Health Act*, or successor Legislation; or
- iii) a club owned by its own members and operated without profit or gain.

“TRAILER” mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle; which shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, and, for the purposes of this By-law does not include a mobile home dwelling as defined herein.

“TRAVEL TRAILER PARK” means a parcel of land providing overnight or short-term accommodation for travel trailers, recreational vehicles, campers or tent trailers.

“TRAVEL TRAILER” means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of

being used as temporary living quarters of persons and which is designed, equipped or intended for such temporary use.

“TRUCK TERMINAL” means premises used for the transfer of goods, primarily involving loading and unloading of freight-carrying vehicles, and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying vehicles.

“UNIVERSAL TRANVERSE MERCATOR (UTM)” refers to the co-ordinate system which is a grid-based method of specifying locations on the surface of the earth. For the purpose of this by-law, UTM co-ordinates listed within this by-law shall be based on the North American Datum (NAD) 1983, Zone 17.

“USE” when used as a noun, means the purpose for which a lot or building or structure, or any combination thereof, is designed, arranged, occupied or maintained; and when used as a verb, “used” shall have a corresponding meaning.

“VEHICLE” means an automobile, truck, stake body truck, tractor and trailer, transport truck, all terrain vehicle, snowmobile, motorcycle, boat, motor assisted bicycle, traction engine, farm tractor, road-building machine, self-propelled implement of husbandry, and any other vehicle propelled or driven other than by muscular power, but not including a railroad car or other motor vehicle running only upon rails.

“VETERINARIAN” means a person registered under the provisions of the *Veterinarians Act*, or successor Legislation.

“VISITATION CENTRE” means a building or part thereof for services for the commemorating of the deceased for burial including visitation, but not including the preparation of the deceased for burial.

“WAREHOUSE” means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things, and may include facilities for a wholesale or retail commercial outlet.

“WASTE DISPOSAL SITE” means a place where garbage, refuse or domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped, and, for the purposes of this By-law, does not include a landfill.

“WASTE PROCESSING FACILITY” means land, buildings or structures in or upon which waste is shredded, baled, pulverized, composted, separated or otherwise treated or altered to facilitate its further transfer, processing, utilization, or disposal, and in accordance with a Certificate of Approval issued by the Ontario Ministry of Environment where such certificate is required”.

“WATERCOURSE” means a body of water, including a lake, or the natural channel for a perennial or intermittent stream of water.

“WAYSIDE PIT AND QUARRIES; PORTABLE ASPHALT AND CONCRETE PLANT” means wayside pits and quarries, portable asphalt plants and portable concrete plants opened and used by a public road authority solely for the purpose of a particular project or contract for road constructions and not located on the road right-of-way and shall be permitted, without the need for an official plan amendment, rezoning or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity, which

have been determined to be incompatible with extraction and associated activities. No temporary portable asphalt plant may be situated closer than 304.8m (1,000 ft) from an institutional or residential building. For the purpose of this definition, a public road authority means the Ontario Ministry of Transportation and the Corporation.

“WHOLESALE ESTABLISHMENT” means any establishment that stores merchandise and sells it to others for resale.

“WIND FARM” means a development that has been authorized under an Environmental Assessment process of one or more wind turbines, together with any related appurtenances, intended to provide electricity off-site for sale to an electrical utility, or other intermediaries.

“WIND TESTING TOWER” means a single structure erected on a temporary basis, normally not exceeding one year, for the purpose of testing the potential wind strength for generating electricity.

“WIND TURBINE” means a structure including a tower, nacelle, blades and related appurtenances, designed, erected and maintained under the appropriate qualified supervision, and used for the conversion of wind energy into electricity for sale to an electrical utility or other intermediaries. The height of the wind turbine shall be measured from the highest point of the tower, to the lowest grade elevation at the base of the tower.

“WIND TURBINE, ACCESSORY” means not more than one accessory structure including a tower, nacelle, blades, and related appurtenances, designed, erected and maintained by qualified personnel, used for the conversion of wind energy into electricity primarily for use on site and having a nameplate capacity not exceeding 50 kilowatts.

“WOOD CHIPPING FACILITY” means a waste processing facility in which waste wood is treated by uniformly reducing the waste to particles of controlled maximum size and may include the staining or otherwise colouring of the wood chips and the short-term storage of the waste wood and wood chips.

“YARD” means a space appurtenant to a building or structure, located on the same lot therewith and which space is open, uncovered and unoccupied from the ground upward except for such accessory buildings, structures or uses as are specifically permitted elsewhere in the By-law.

- a) **“YARD, FRONT”** means a yard extending across the full width of the lot, measured perpendicularly from the front line to the closest wall of any building or structure on the said lot;
- b) **“YARD, REAR”** means a yard extending across the full width of a lot, measured perpendicularly from the rear lot line to the closest wall of any building or structure on the said lot;
- c) **“YARD, SIDE”** means a yard extending from the front yard or front lot line where no front yard is provided, to the rear yard, or rear lot line where no rear yard is provided, measured perpendicularly from the side lot line to the closest wall of any building or structure on the said lot;
- d) **“YARD, EXTERIOR SIDE”** means a side yard immediately adjoining a street.

“ZONE” means an area delineated on a Zoning Map Schedule and established and designated by this By-law for a specific use.

“ZONING ADMINISTRATOR” means the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the Zoning By-law of the Corporation.

“ZONE PROVISIONS” are the permissible uses or activities, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, the minimum gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking area requirements, and all other standards and regulations of the respective Zones as are set out within this By-law.

Section 4 – General Provisions for All Zones

4.1 Application

Unless otherwise provided, the provisions of this Section apply in all zones and no land, building or structure shall be used and no building or structure shall be erected, altered, located or enlarged except in conformity with the provisions of this section.

4.2 Accessory Uses

(1) Accessory Uses Permitted in All Zones

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

(2) Lot Coverage

The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10% of the lot area of the said lot.

(3) Height Restrictions

No accessory building or structure in any zone other than an Agricultural Zone shall exceed 6 m in height.

(4) Yard Requirements

Any accessory building or structure shall comply with the zone requirements and all other provisions hereof applicable to the zone in which such accessory building or structure is located, except that such requirements shall not apply to prevent the erection of:

- (a) a building or structure accessory to a single dwelling, anywhere in an interior side yard or rear yard provided that such accessory building or structure is located to the rear of the rear face of the dwelling, and provided that such accessory building or structure is not located closer than 0.6 m to any lot line, and in an exterior side yard, provided that the setback is not closer than the setback required for the main building or structure, and that the eaves shall not be closer than 0.3 m to the rear or side lot line;
- (b) a detached garage, detached carport or accessory building may be constructed in the Side Yard - Interior of a lot, the use of which is as a Dwelling – Single Detached or a Dwelling – Semi-Detached, between the rear face and the front face of the dwelling, provided that such accessory building or structure is not closer than 1.2 m to the side lot line, and

provided that the location of such accessory building or structure complies with all other requirements of this By-law.

A garage or carport shall have a width of not less than 3.048 m and a depth of not less than 5.48 m.

- (c) a gatehouse, anywhere in a front yard or exterior side yard in an Industrial Zone;
- (d) a partially enclosed shelter for use by children while waiting for a school bus, anywhere in a front or exterior side yard in an Agricultural Zone;
- (e) a swimming pool, in accordance with the provisions of Section 4.33 of this By-law;
- (f) a boat house or boat dock at the edge of a watercourse; or
- (g) where a property abuts a lake, bay or canal one accessory building or structure shall be permitted in the front yard provided that such accessory building or structure is not located closer to the front property line than the distance given by the required minimum front yard for the main building, and 1 m to the side property.

(5) Shipping Containers (Permanent)

The following regulations apply to the use of shipping containers as permanent accessory buildings:

- (a) The placement of permanent shipping containers shall only be permitted as an accessory use to a main permitted non-residential use on a property;
- (b) Despite Clause 4.2 (5) a), a permanent shipping container shall not be located in a UC(CBD) Central Business District zone;
- (c) Permanent shipping containers shall be located in interior side yards and rear yards only and must comply with all other regulations of the applicable zone in which they are located, but in no circumstance shall a shipping container be located closer than 0.6 m to any lot line;
- (d) The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10% of the lot area of the said lot;
- (e) No accessory building or structure in any zone other than an Agricultural Zone shall exceed 5 m in height;
- (f) Permanent shipping containers shall not be stacked;
- (g) Unless elsewhere stated in this By-law, a permanent shipping container shall not be located in a required parking area; and
- (h) A permanent shipping container shall not be placed or used for the purpose of display or advertising.

(6) Shipping Containers (Temporary)

The following regulations apply to shipping containers as a temporary use:

- (a) Notwithstanding any other provision of this By-law, a maximum of one (1) shipping container shall temporarily be permitted to be located in a driveway of a residential lot for the purpose of loading and unloading household items during the process of moving, provided that it is removed from the lot within thirty (30) consecutive days and no more than 60 total days within a 365 day timeframe;
- (b) Notwithstanding any other provision of this By-law, a shipping container shall temporarily be permitted on a non-residential property for the purpose of temporary storage or the loading and unloading of items, provided that it is removed from the lot within ninety (90) consecutive days and no more than 120 total days within a 365 day timeframe. The day restriction does not apply to industrial zones;
- (c) A temporary shipping container shall:
 - i. not encroach onto a public sidewalk or municipal right-of-way;
 - ii. not be located in a daylight corner; and
 - iii. not be located closer than 0.6 m from any lot line.
- (d) Notwithstanding any other provision of this By-law, a temporary shipping container is permitted on a construction site in any Zone being developed on a stand-alone basis or under a plan of subdivision for the purposes of temporary storage of equipment and materials incidental to construction only, and subject to the following restrictions:
 - i. not to exceed six (6) in number; and
 - ii. shall be removed from the site within thirty (30) days of completing the work.

(7) Accessory Uses in the Residential High (RH) Density Zones

Where an apartment building with 50 or more units is located in a Residential High Density Zone, and where the gross floor area is limited to 1,486 sq. m total and up to 499.8 sq. m per individual unit where located on the ground floor, the following uses are permitted in accessory to the foregoing apartment building:

- a) Bake Shop
- b) Bank/Financial Institution
- c) Child Care Centre
- d) Clinic

- e) Cultural Facility
- f) Eating Establishment, which does not contain a drive through
- g) Laundromat
- h) Office
- i) Personal Service Establishment
- j) Pet Shop
- k) Print Shop
- l) Retail Store

4.3 Bed and Breakfast Establishment

Notwithstanding any other provisions of this By-law to the contrary, a bed and breakfast establishment shall be permitted within a dwelling in certain Zones identified in Section 5.0 of this By-law. For the purposes of this By-law, a bed and breakfast establishment shall mean a dwelling unit containing not more than five guest rooms. The following provisions shall apply to regulate and govern such use, namely:

- a) that, notwithstanding any provision of Section 4 hereof to the contrary, the off-street parking spaces associated with the bed and breakfast establishment may be tandem parking provided that the number of spaces so arranged does not exceed three;
- b) that such home occupation use does not include a liquor licensed premises or other facilities for the servicing of alcoholic beverages to the general public;
- c) that such use complies with the *Building Code Act*, or successor Legislation, and such other by-laws and regulations as may be applicable of the Municipality of Chatham-Kent;
- d) that no portion of a guest room contains facilities for the preparation of meals;
- e) that all other applicable provisions of this By-law shall apply and be complied with.

4.4 Commercial Activities in Enclosed Buildings

All of the operations of every commercial establishment shall be conducted within an enclosed building or fenced yard or patio except for vehicle dealerships and vehicle leasing establishments, service stations and gas bars, and areas for the parking and loading of motor vehicles.

4.5 Derelict or Unlicensed Vehicles and Trailers

The use of land for the parking or storage of a derelict vehicle(s) that is not in an operating condition and is discarded, rusted, deflated tires, wrecked or partly wrecked, or

is dismantled or partly dismantled shall be prohibited unless specifically permitted elsewhere in this By-law, unless such vehicle is stored in an enclosed garage or an enclosed accessory structure.

4.6 Dwelling Units

(1) Location Within Non-Residential Building

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-law which apply to the said non-residential building provided that any wall containing a window of a habitable room shall be located not less than 1.2 m from any side lot line.

(2) Dwelling Area Unit (Minimum)

Except as otherwise specified within a specific zone, the minimum dwelling unit area for a Single Detached Dwelling, Semi-Detached Dwelling Unit or Row House Dwelling Unit shall be 70 sq. m.

(3) Dwelling Units Per Lot (Maximum)

There shall be only one dwelling permitted on a lot, except:

- a) in the case of a lot which contained more than one dwelling unit on the date of passing of this By-law, in which case the maximum number of dwelling units permitted on such lot shall be the number of legally existing dwelling units on the said lot; and
- b) in a zone where more than one dwelling unit is specifically permitted hereby.
- c) where an Additional Dwelling is specifically permitted hereby.

(4) Dwellings, Additional

Notwithstanding any other provisions of this By-law, the following provisions shall apply to regulate and govern such use:

- a) in the Residential Low Density (RL), Residential Medium Density (RM) Zone or Urban Commercial (Office and Service) (UC(OS)), where municipal water services and municipal sanitary sewer services are provided:
 - i. Up to three Dwelling Units in a permitted Single Detached Dwelling, Semi-Detached Dwelling Unit or Row House Dwelling Unit; or,
 - ii. Up to two Dwelling Units in a permitted Single Detached Dwelling, Semi-Detached Dwelling Unit or Row House Dwelling Unit, and a maximum of one dwelling unit within an accessory building ancillary to the foregoing dwelling types;

- b) in the Rural Residential (RR), Estate Residential (ER), Village Residential (VR) or Recreational and Lakeside Residential (RLR) zone, where municipal water service is provided:
 - i. Up to two Dwelling Units in a permitted Single Detached Dwelling or Semi-Detached Dwelling Unit; or,
 - ii. One Dwelling Unit in a permitted Single Detached Dwelling or Semi-Detached Dwelling Unit and a maximum of one dwelling unit within an accessory building ancillary to the foregoing dwelling types;
- c) in an Agricultural (A1) zone:
 - i. A maximum of one additional dwelling unit within a permitted Single Detached Dwelling per lot.
- d) Within a Special Zone Provision as set out in Schedule B to this by-law, where a Single Detached or Semi-Detached Dwelling are permitted as-of-right, excluding within Hazard Land (HL) and Industrial Zones (M1, M2, M3, M4, M5, MR), where municipal water service is provided:
 - i. Up to two Dwelling Units in a permitted Single Detached Dwelling or Semi-Detached Dwelling Unit; or,
 - ii. One Dwelling Unit in a permitted Single Detached Dwelling or Semi-Detached Dwelling Unit and a maximum of one dwelling unit within an accessory building ancillary to the foregoing dwelling types;

4.7 Flood Proofing and Flood Fringe

The areas subject to flood proofing requirements are shown on Schedule "F". The following provisions apply to the areas so delineated:

- a) in all zones the elevation of any part of any habitable room in a dwelling or dwelling unit erected hereafter or in an addition or renovation made hereafter to an existing dwelling or non-residential building shall be as determined and approved by the relevant Conservation Authority;
- b) in all Residential, Institutional and Agricultural Zones, the elevation of any exterior building opening to a habitable room in a dwelling or dwelling unit erected hereafter or in addition or renovation made hereafter to an existing dwelling or non-residential building shall be as determined and approved by the relevant Conservation Authority;
- c) in all Industrial and Open Space Zones, the elevation of any non-residential building erected hereafter or addition or renovation to an existing non-residential building shall be as determined and approved by the relevant Conservation Authority;
- d) in all Residential, Institutional and Commercial Zones, the elevation of any mechanical, electrical or heating equipment in a building erected hereafter or in

an addition or renovation to an existing building shall be as determined and approved by the relevant Conservation Authority;

- e) in all Commercial Zones, the elevation of any exterior window or doors in a building erected hereafter or in addition or renovation to an existing building shall be as determined and approved by the relevant Conservation Authority.

4.8 Full Services

Unless otherwise permitted in this By-law, each dwelling containing two or more dwelling units, including a residential care facility and a group home dwelling, shall be required to have full services.

4.9 Frontage on A Public Street

Unless otherwise permitted in this By-law, no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a public street which is an improved street. Notwithstanding this provision, a permitted building or structure may be located on a lot on an island or area of water access only within a Seasonal Residential (SR) Zone where the lot does not have frontage on a public street and a permitted single-family dwelling located on an existing lot on an existing private road within an Estate Residential (ER), Seasonal Residential (SR), Recreational and Lakeside Residential (RLR) and Agricultural (A1) Zones.

4.10 Greenhouse Farms (Large-Scale)

Large-Scale Greenhouse Farms shall be permitted in an Agricultural Zone (A1) as identified in Section 5.0 of this By-law subject to the following regulations:

- a) Large-Scale Greenhouse Farm Regulations for all buildings and structures:

- i) lot frontage (minimum) – 120 m
- ii) front yard (minimum) – 30 m
- iii) side yard (minimum) – 15 m or 30 m from the nearest dwelling on a separate lot, whichever is greater
- iv) rear yard (minimum) – 15 m or 30 m from the nearest dwelling on a separate lot, whichever is greater
- v) lot coverage (maximum) – 80%.

Notwithstanding (a) (iii), (iv) and (v), the setback for all large-scale greenhouse farm building and structures from:

- 1) All Residential Low Density (RL), Residential Medium Density (RM), and Residential High Density (RH) zones as set out in Section 5.0 of this By-law shall be 1,500 m.
- 2) All Village Residential (VR) Zones as set out in Section 5.0 of this By-law shall be 750 m.
- 3) All other Residential and Deferred Development Zones, as set out in Section 5.0 of this By-law shall be 300 m.

- b) Greenhouse Farm Employee Accommodation – maximum capacity of 2.5 employees per acre of greenhouse.
- c) Packing, Shipping, Loading Facilities – 15 m minimum setback from all lot lines or 30 m from the nearest dwelling on a separate lot, whichever is greater.
- d) Driveways – 7.5 m minimum setback from any side or rear lot line.
- e) Parking Areas – 7.5 m minimum setback from all lot lines.
- f) Parking and Loading Regulations – no requirements.
- g) Storm Water Management Ponds
 - i) 7.5 m minimum setback from all lot lines or 30 m from the nearest dwelling on a separate lot, whichever is greater.
 - ii) 10 m minimum setback between the top of bank of a municipal drain and the top of bank of a stormwater management pond.
- h) Outdoor Water Reservoirs – 7.5 m minimum setback from all lot lines or 30 m from the nearest dwelling on a separate lot, whichever is greater.
- i) Waste Management Facilities – 7.5 m minimum setback from all lot lines or 30 m from the nearest dwelling on a separate lot, whichever is greater.

4.11 Group Homes

Group Homes

Group Homes shall be permitted in certain Zones identified Section 5.0 of this By-law or in any Special Zones under those same Zone Categories.

4.12 Height Restriction Exceptions

The regulations prescribing the maximum height of any building or structure shall not, in any zone, apply to flag poles, radio or television receiving or transmitting equipment, grain elevators, windmills, farm silos or barns, church spires, belfries, cupolas, towers or domes not used for human occupancy, chimneys, smoke stacks, ventilators, skylights, water tanks, bulk heads, firewalls, heliports and similar features and necessary mechanical appurtenances accessory to the building on which they are erected, provided however, that such features are erected only to such heights as is necessary to accomplish their purpose.

4.13 Holding Zones

- a) Any parcel or area of land in any Zone may be further classified as a Holding Zone with the addition of the prefix “H”.
- b) Wherever in this By-law a zone on Schedule “A” is preceded by the use of the prefix “H”, the provisions of the *Planning Act*, 1990, Chapter P13 R.S.O., Section 36, or successor Legislation, shall apply to the removal of the prefix “H”. Until such time as an amending By-law becomes effective, the uses permitted in the zone preceded by the prefix “H” shall be limited to those lawfully existing on the effective date of this By-law.

4.14 Homes Industries

A home industry shall only be permitted in an Agricultural zone, in conjunction with a single detached dwelling in an accessory building in accordance with the following provisions:

- a) not more than two on-site employees, not including those residing on the premises, shall be engaged in such home industry;
- b) such home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling or accessory buildings;
- c) no building or structure used for a home industry shall be erected, altered, renovated or used in a manner that precludes its use for purely agricultural purposes or a use accessory to a residential use;
- d) any equipment or machinery used or produced in the conduct of a home industry shall be of a small scale;
- e) not more than one accessory building with a maximum of 300 sq. m of gross floor area may be used for the purpose of the home industry;
- f) such home industry does not create or become a nuisance, particularly in regard to noise, noxious odours, wastes, emissions of smoke, traffic or parking;
- g) such home industry does not interfere with television or radio reception in the vicinity;
- h) there shall be no open storage of goods or materials;
- i) one unlit sign indicating the name and business of the occupant not exceeding 0.4 sq. m in area shall be permitted;
- j) no use shall be permitted which would result in a commercial vehicle being parked or stored on an adjacent street except for temporary parking to permit normal pick-up and delivery.

4.15 Home Occupations

A home occupation shall be permitted in any zone in a single-detached dwelling, semi-detached dwelling unit or row-house dwelling unit in accordance with the following provisions:

- a) not more than two on-site employees, including those residing on the premises, shall be engaged in such home occupation;
- b) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling or lot in any manner visible off the property;
- c) such home occupation does not create or become a nuisance, particularly in regard to noise, noxious odours, wastes, emissions of smoke, traffic or parking;
- d) such home occupation does not interfere with television or radio reception in the vicinity;

- e) a home occupation may include a licenced home child care for six children or less, or an unlicensed home child care for five children or less;
- f) not more than 25% of the gross floor area of the dwelling to a maximum of 55.75 sq. m shall be used for such use, but does not apply to a home child care;
- g) the home occupation shall not be conducted within an accessory building or a garage;
- h) there shall be no outdoor storage of goods or materials;
- i) no use shall be permitted which would result in a commercial vehicle being parked or stored on an adjacent street except for temporary parking to permit normal pick-up and delivery;
- j) one unlit sign indicating the name and business of the occupant not exceeding 0.4 sq. m in area shall be permitted;

4.16 Kennel

Kennels shall be permitted in any Agricultural Zone as identified in Section 5.0 of this By-law provided that no part of a kennel shall be permitted closer than 200 m to any existing dwelling on a lot other than the lot on which such kennel is located.

4.17 Landscaping

(1) Landscaped Open Space

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

- a) any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations or permitted outdoor storage areas shall be maintained as landscaped open space, except that this provision shall not apply to any agricultural use;
- b) except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space
- c) where landscaped open space of any kind, including a 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;
- d) no part of any driveway, parking area, loading space, roof-top terrace, balcony, swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.

(2) Plantings

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

4.18 Lighting

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots, buildings and streets and in such a manner as to not confuse persons driving vehicles on such streets.

4.19 Loading and Parking

- a) Every building or structure intended or designed to be used for the manufacture or storage or for goods received for display and which has an aggregate gross floor area of 92.9 sq. m or more arranged, intended or designed for such use, shall be provided with vehicular loading spaces with access from a public street by way of a driveway or parking aisle. Each loading space shall be a minimum of 3.048 m in width by 12.17 m in length and having a minimum height of 4.27 m and the number of such loading spaces shall be provided in conformity with the following provisions:

GROSS FLOOR AREANUMBER OF LOADING
SPACES REQUIRED

| OVER | UP TO AND INCLUDING | | | | |
|----------|---------------------|----------|-------|-------|-----|
| 92.9 | sq. m | 2,322.5 | sq. m | one | (1) |
| 2,322.6 | sq. m | 3,716.0 | sq. m | two | (2) |
| 3,716.1 | sq. m | 9,290.0 | sq. m | three | (3) |
| 9,290.1 | sq. m | 14,864.1 | sq. m | four | (4) |
| 14,864.1 | sq. m | 22,296.1 | sq. m | five | (5) |
| 22,296.1 | sq. m | 29,728.1 | sq. m | six | (6) |
| 29,728.1 | sq. m | 37,160.1 | sq. m | seven | (7) |
| 37,160.0 | sq. m | 45,521.1 | sq. m | eight | (8) |

For each additional 8361 sq. m over 45,521.1 sq. m, one additional loading space is required.

b) Off-Street Parking Intensification

No building or structure shall be erected, structurally altered, varied, changed or enlarged unless off-street parking is provided in accordance with the following and other requirements hereinafter set forth. Without limiting the generality of the foregoing, when the intensity of use of any building or structure is increased through the addition of dwelling units, gross floor area, seating capacity, or whenever the existing use of a building or structure is changed to a new use, off-street parking spaces for such intensified or new use shall be provided for the whole building or structure in accordance with the following requirements and in accordance with the other requirements hereinafter set forth.

c) Minimum Parking Space

A parking space shall have a minimum area of 16.72 sq. m, a minimum width of 2.59 m and a maximum width of 3.29 m

d) Notwithstanding Subsection (c) where the principal access to a parking space is provided on the longest dimension of such parking space, the parking space shall have minimum rectangular dimensions of 2.4 m in width by 6.7 m in length.

e) Bus Parking

A bus parking space shall have a minimum width of 3.05 m and a minimum length of 12.2 m

f) Off-Street Parking

Except as herein provided, all required parking spaces shall be provided on the same lot and in the same zone as the use, building or structure for which such spaces are required. A use within a Commercial, Industrial or Institutional Zone Classification shall be deemed to comply with the off-street parking provisions of this By-law if the parking spaces required are provided in part, or whole, on land

or a lot which is not in a Residential Zone Classification, but is located within 152.4 m and held in the same ownership, provided all other provisions of this By-law are complied with. Title to both properties must be held by the same person and there must be registered on title an agreement with the municipality to the effect that both properties will remain in the same ownership until such time as relief from the off-street parking requirement occurs.

- g) Notwithstanding the off-street parking provisions of this By-law, permitted office, residential, institutional uses, banks/financial institutions, retail stores, including retail convenience stores, eating establishments (excluding takeout and drive-in) and taverns, that are located in buildings and structures in existence at the date of passing of this By-law, located in the "Parking Exempt Areas" delineated on Schedule "D" to this By-law shall be exempt from the off street parking provisions of this By-law. All buildings and structures located in the areas delineated on Schedule "D" to this By-law constructed after the passage of this By-law containing permitted office, residential, and institutional uses, irrespective of size or area; and, retail stores, including retail convenience stores, eating establishments (excluding take-out and drive-in) and taverns in excess of 93.2 sq. m, shall be subject to the off-street parking provisions of this By-law.
- h) **Parking Aisle**
A parking aisle shall have a minimum unobstructed width of 6.1 m for two-way movement and 4.27 m for one-way movement.
- i) **Parking Space**
A parking space, on one full dimension thereof, shall abut either an access driveway or a parking aisle.
- j) **Access to Parking**
Access to parking area shall be provided from an improved street or improved lane by means of one or more unobstructed driveways not exceeding 9 m in width and having a minimum width of 4.27 m for one-way movement and a minimum width of 6.1 m for two-way movements.
- k) Notwithstanding Subsection (j), the minimum width for a driveway for two-way movement shall be 4.27 m when the driveway provides access to a parking area, which contains 10 or fewer parking spaces.
- l) **Driveways**
Each parking aisle shall have access to an improved street or improved lane by means of a driveway or a series of parking aisles, one of which has access to an improved street or improved lane such that each parking space shall have unobstructed access to and from an improved street or improved lane.
- m) **Driveway Widths shall be as follows:**
 - i) Dwelling – Single Detached – Maximum Driveway Width – 7.3 m
 - ii) Dwelling – Semi Detached – Maximum Driveway Width – 7.3 m

No driveway or outdoor parking area shall be located within 3.048 m of the main building when the main building is an apartment dwelling or a row dwelling.

All driveways, parking aisles, parking areas and parking spaces located within an RL, RM, RH, UC, M1, M4, M5 and I Zone, shall be improved with a granular base and either a concrete surface or asphalt surface.

n) Gates

Nothing herein shall prohibit the obstruction of a driveway by gate, a temporary barrier or a similar obstruction used solely to control or restrict access to the said driveway and designed to be easily raised, swing aside or otherwise opened or removed when necessary to permit the passage of a vehicle.

o) Minimum Intersection Angles

The minimum angle of intersection between a driveway and a street line shall be 60° and the maximum angle shall be 120°.

p) Kiosk

Nothing herein shall prevent the erection of a shelter in a parking area for use solely by a parking attendant provided such shelter is not more than 4.57 m in height and has a gross floor area of not more than 4.645 sq. m

q) Parking in the Front Yard Setback

Notwithstanding Section 4.17.1 b) the owner or occupant of any lot, building or structure in any Residential Zone may use the front yard for the parking of a passenger vehicle, van or pickup truck provided that vehicle access to the side yard or rear yard is obstructed by a permanent structure other than a fence, no driveway leading to a legal parking space exists, and the minimum distance between the front lot line and the front face of the dwelling on the lot is at least 6 m, with no intervening obstructions.

Parking under this section shall be in accordance with the following provisions:

- i) the driveway and parking area shall not occupy more than 40% of the width of the lot on which the parking area is located to a maximum of 6 m
- ii) Notwithstanding Section 4.17 b) the owner or occupant of any lot, building or structure in any Residential Zone may park on a driveway that leads to a legal parking space within the limits of the property.
- iii) Notwithstanding Section 4.17.1 b), parking may be permitted in the front yard in any non-residential zone in accordance with the following provisions:
 - a. the parking area shall be no closer than 3.048 m the front lot line
 - b. vehicles shall not obstruct the view of a driver existing from a driveway on an adjacent property.

- iv) the driveway and parking area shall be improved with a granular base, and either a concrete surface or asphalt surface
 - v) a curb cut permit shall be obtained from the Municipality
 - vi) the parking area in the front yard of a corner lot shall be located adjacent to the side property line, and the parking area in the exterior side yard of a corner lot shall be located to the rear of the dwelling on the lot
 - vii) vehicles shall not obstruct the view of a driver exiting from a driveway on an adjacent property
- r) Off-Street Parking Requirements

The minimum number of required off-street parking spaces shall be calculated on the basis of the following uses listed hereunder for which the minimum parking space requirement shall be as set out hereunder. In computing the requirement, no regard shall be had for any fraction or part of a whole number. Where uses are combined on one property, the total parking space requirement shall be calculated by adding the individual requirements of each independent use.

As part of the parking requirements in Section 4.19(r), accessible off-street parking shall be provided in accordance with the Accessibility for Ontarion's with Disabilities Act, 2005, S.O. 2005 c 11, or successor legislation.

| <u>PERMITTED USE</u> | <u>MINIMUM PARKING SPACE REQUIREMENT</u> |
|----------------------------|---|
| Adult Secondary School | One space per staff member plus one space per 5 students, maximum capacity |
| Automobile Repair Shop | Three spaces per service bay or eight spaces, whichever is the greater. |
| Bank/Financial Institution | One space per 18.58 sq. m gross leasable floor area or 10 spaces, whichever is the greater. |
| Bed and Breakfast | One space per guest room. |
| Beer / Liquor Store | Twenty spaces. |
| Bus Depot | One bus parking space per bus arriving or departing within 10 minutes of another bus, plus 10 transient parking spaces. |
| Call Centre | One space per 23.2 sq. m gross leasable floor area. |

PERMITTED USE

MINIMUM PARKING SPACE REQUIREMENT

| | |
|---|---|
| Car Wash, Automatic/Manual | Twelve vehicle standing spaces where washing is done by machines or employees and three vehicle standing spaces for each area where washing is done by a coin operated washing apparatus, together with four parking spaces on the lot. |
| Church | One space per seven seats or 3.048 lineal m of pew space; if no seats or pews, one parking space per 5.57 sq. m of public floor area in either the nave or other open assembly area, whichever is the greater. |
| Clinic | Six spaces per practitioner. |
| Club, Private Commercial Entertainment and Recreational Establishment, Assembly Hall | One space per 4.64 sq. m of public floor area or one space per five persons maximum capacity, whichever is the greater. |
| Commercial School | One space per staff member plus one space per five students. |
| Cultural Facility | One space per 23.22 sq. m gross floor area or 15 spaces, whichever is the greater. |
| Day Nursery | Two spaces per 10 students. |
| Dwelling - One to eight (8) dwelling units per building | One space per dwelling unit. |
| Dwelling - more than eight (8) dwelling units per building. | One and one-quarter spaces per dwelling unit. |
| Eating Establishment | One space per 4.64 sq. m public floor area or 10 spaces, whichever is the greater. |
| Eating Establishment, Take-out | One space per 2.3 sq. m public floor area or 10 spaces, whichever is the greater. |
| Elementary School or Private Elementary School | One space per staff member. |
| Funeral Home | One space per four seats total capacity or 20 spaces, whichever is the greater. |
| Furniture Store | One space per 92.9 sq. m leasable floor area. |

| <u>PERMITTED USE</u> | <u>MINIMUM PARKING SPACE REQUIREMENT</u> |
|---|---|
| Gas Bar | Two spaces. |
| Group Home Dwelling | Two spaces, plus one space per four beds. |
| Hospital | One space per two beds plus one space per four employees. |
| Hotel/Motel | One space per guest room plus one space per 9.29 sq. m public dining area. |
| Industrial Mall | One space per 18.58 sq. m gross leasable floor area. |
| Industrial Use | Two spaces per three employees (maximum enrollment) or one space per 18.59 sq. m floor area used for office plus one space per 74.32 sq. m floor area of industrial use plus one space per 929 sq. m floor area of warehouse, whichever is greater. |
| Mixed Use Commercial/ Residential Building Nursing Home | The total of the individual requirements for each non-residential use and dwelling use. One space per five beds, plus one space per four employees. |
| Office | One space per 27.87 sq. m gross leasable floor area or six spaces, whichever is the greater. |
| Personal Service Establishment | One space per 9.29 sq. m gross floor area. |
| Post-Secondary School | One space per staff member plus one space per five students. |
| Retail Store and Retail Store - Convenience | One space per 27.87 sq. m gross leasable floor area or five spaces, whichever is the greater. |
| Secondary School or Private Secondary School | One space per staff member plus one space per 20 students, maximum capacity. |
| Senior Citizen Dwelling | One space for each three dwelling units. A minimum of 25% of the spaces provided shall be set aside for and visually identified as visitors' parking. |
| Shopping Centre | One space per 18.58 sq. m gross leasable floor area. |

| <u>PERMITTED USE</u> | <u>MINIMUM PARKING SPACE REQUIREMENT</u> |
|---------------------------------------|---|
| Sports Field | Twenty spaces per playing field. |
| Stadium | One space per five seats or 2.18 lineal m of seating space. |
| Tavern | One space per 4.65 sq. m gross floor area of public floor area. |
| Taxi Establishment | One space per taxi. |
| Warehouse | One space per 929 sq. m |
| Any use not specified in this Section | One space per 27.87 sq. m gross leasable floor area. |

s) Parking of Commercial Vehicles in Residential Zones

No outside parking or storing shall be permitted in a Residential (RL, RM, RH, ER, MH, VR, RLR or SR) Zone of:

- i) Any vehicle exceeding the registered gross vehicle weight of 4,000 kg or the overall length of 6.1 m, or the overall height of 2.6 m
- ii) Any vehicle equipped with a stake body, or
- iii) Any vehicle, trailer or any other load, including a boat, whether on or off a trailer or other supporting device, exceeding a combined height of 3.66 m
- iv) Notwithstanding 4.19(u) i), ii) or iii) a vehicle not exceeding 4000 kg registered gross vehicle weight, may be parked or stored outside of a building on a lot in a Residential (RL, RM, RH, ER, MH, VR, RLR or SR) zone for a period of time not longer than necessary for the loading or unloading of such vehicle or longer than such vehicle is required in connection with the performance of any service for the occupant of such lot.

t) Parking of Recreational Vehicles in Residential Zones

The parking of any recreational vehicle is prohibited in all residential zones except Residential (RL, RM, RR, ER, VR or RLR) zones in accordance with the following;

- i) The total number of recreational vehicles parked in a front yard shall not exceed two.
- ii) The total number of recreational vehicles parked in an interior side yard behind the front face of the dwelling, or in a rear yard shall not exceed two.
- iii) There is no limit to the number of recreational vehicles parked in an enclosed building.

- iv) A recreational vehicle may be parked in the front yard in a legal parking stall. A legal front yard parking stall is on a driveway that leads to an attached garage, carport or parking pad located in the interior side or rear yard.
- v) The parking of a recreational vehicle on the lawn or other areas of the front yard is prohibited.
- vi) From October 30 to April 1, motor homes, travel trailers, fifth wheel trailers and boats are prohibited everywhere in the front yard, including driveways and legal front yard parking stalls. This does not apply to tent trailers, truck campers, canoes, kayaks, snowmobiles, all-terrain vehicles, jet skis, or trailer designed to carry one of these items.
- vii) Recreational vehicles shall be parked a minimum of 2 m away from the edge of the municipal sidewalk, or 2 m from the edge of the curb where there is no sidewalk, or 2 m from the edge of the travelled portion of the road where there is no curb or sidewalk. The 2 m shall be measured from the edge of the sidewalk, curb or travelled portion of the road that is closest to the property line of the lot.

4.20 Minimum Distance Separation (MDS)

- a) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential use located on a separate lot and otherwise permitted by this By-law, shall be established and no building or structure for such use shall be erected or altered except in accordance with the requirements of the Minimum Distance Separation I (MDSI) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time. The foregoing shall not apply to the alteration of an existing dwelling or the replacement of an existing dwelling with a new dwelling provided the new dwelling is situated no closer to a livestock building or structure or manure storage facility situated on a separate lot than the dwelling being altered or replaced.
- b) Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility or manure storage facility shall be erected or expanded except in accordance with the requirements of the Minimum Distance Separation (MDSII) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time.
- c) The requirements of subsections (a) and (b) shall not be required between a livestock facility and a dwelling or accessory building on the same lot.
- d) This Section shall not apply and separation shall not be required from an abandoned cemetery, a public utility, a waste disposal site or a pit quarry.

4.21 More than One Zone

- a) When a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the applicable zones.
- b) Notwithstanding anything to the contrary in Subsection (a), where the use or uses of a lot divided into two or more zones are permitted in all such zones, the

said lot shall be considered to be a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the said zones shall apply throughout the said lot.

4.22 Non-Conforming Uses and Buildings

a) Continuation of Existing Uses

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

b) Building Permit Issued

Nothing in this By-law shall apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure the plans for which have, prior to the day of the passing of this By-law, been approved by the Building Inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within six months after the day of the passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

c) Strengthening, Repair or Renovation of Non-Conforming Buildings

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

d) Change in Use, Extension or Enlargement

No change in use or the extension or enlargement of a non-conforming building or structure shall be permitted except as may be allowed under the provisions of *The Planning Act*, or successor Legislation, following an application to the Committee of Adjustment. In reviewing such application the Committee will have regard for the provisions of *The Planning Act* and the policies of the Official Plan.

e) Discontinued Non-Conforming Use

Where a use, building or structure which was lawfully established prior to the day of the passing of this By-law has been used for a purpose not permitted in the zone in which it is situated but the said use has been discontinued, the said building or structure may only be used for a use that conforms to this By-law.

f) Replacement of Non-Conforming Buildings or Structures

Where a building or structure has been purposely demolished or accidentally destroyed and more than six months has lapsed, and which building or structure does not conform with the requirements of this By-law in respect to use, lot occupancy or height, such building or structure shall not be replaced except as

permitted by the regulations of the zone in which the said building or structure is located.

4.23 Non-Complying Uses and Buildings

Where a use, building or structure was legally established prior to the date of the passing of this By-law, and is permitted by the provisions of the zone in which such use, building or structure is located, but does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback height or any other provisions of this By-law applicable to that zone, the said building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired, or renovated provided that:

- a) the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of that use, building or structure, with the provisions of the By-law to which it does not comply; and
- b) all other applicable provisions of this By-law are complied with.

4.24 Occupancy of Incomplete Building

No new building or structure intended for human occupancy or use shall be occupied except in accordance with the *Building Code Act* or successor legislation.

4.25 Open Storage Regulations

4.25.1 Minimum Setbacks

The minimum setback from any side or rear lot line of any permitted open storage in any zone shall be no less than the respective minimum side or rear yard of the zone in which the said open storage is located unless otherwise specified hereinafter.

No open storage is permitted in any front or exterior side yard except where permitted as an outdoor display of goods and materials in conjunction with a permitted industrial or a commercial use but not closer than 3 m to any lot line or as otherwise specifically specified in this By-law and under no circumstances shall open storage be permitted in a site visibility triangle.

4.25.2 Surface Treatment

Any permitted open storage area, or vehicular access thereto, involving storage, parking or display or any primary means of vehicular access to any permitted open storage area, shall be constructed and maintained with a stable surface of asphalt, cement, gravel or crushed stone with dust control, and drained in accordance with the requirements of the Corporation.

4.25.3 Parking and Loading Spaces to be Preserved

Any areas used for permitted open storage shall be in addition to, and separate from, such areas as may be required by this By-law for the provision of off-street parking or loading spaces.

4.26 Reconstruction of Existing Building

Nothing in this By-law shall prevent the repair or reconstruction arising from destruction through natural causes of any building or structure existing and lawfully used as of the date of passage of this By-law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the location on the land is not varied so as to be situate closer to a lot line.

4.27 Reduction of Lot Area and Undersized Lots

- a) No lot shall be reduced in any area or any other applicable standard reduced below the minimum required in this By-law, unless the lands are conveyed to or expropriated by a body having the power of expropriation.
- b) Where a lot having a lesser lot area and/or lot frontage than is required herein is held under distinct and separate ownership from abutting lots as by a registered conveyance in the records of the Registry Office for the Municipality of Chatham-Kent on the date of passing of this By-law such smaller lot shall be deemed to comply and may be used and a building or structure may be erected, altered or used on such smaller lot, provided that:
 - i) Such lot fronts onto an improved street, and
 - ii) All other requirements for the applicable zone and Section 4.0 of this By-law are complied with.

4.28 Automobiles Service Stations, Gas Bars and Automatic and Manual Car Washes

An automobile service station shall not be established in any Zone Classification except in conformity with the following provisions.

- a) Lot Frontage
 - i) Lot – Corner
The lot frontage shall be a minimum of 38 m
 - ii) Lot – Interior
The lot frontage shall be a minimum of 30.5 m
- a) Lot Area
 - i) Lot – Corner

The lot area shall be a minimum of 1,950.9 sq. m

ii) Lot – Interior

The lot area shall be a minimum of 1,393.5 sq. m

- iii) No pump island shall be located within the setback or in any event closer than 4.87 m to any lot line that abuts a street.
- iv) Where the lot is a corner lot, no portion of any pump island shall be located closer than 4.87 m from the street lines or within 15.24 m of the intersection of any lot lines that abut a street.
- v) Driveways shall be a minimum of 9.1 m from the intersection of any two lot lines that abut a street.
- vi) No building or structure shall be closer than 7.62 m to any Residential Zone Classification.

4.28.1 A gas bar shall not be established in any Zone Classification except in conformity with the following:

- (a) No building except for a canopy or kiosk shall be located within 4.87 m of the pump island or between the pump island and any driveway.

4.28.2 An automatic and manual car wash shall not be established in any Zone Classification except in conformity with the following provisions:

a) Lot - Frontage

The lot frontage shall be a minimum of 30.48 m

b) Lot – Area

The lot area shall be a minimum of 2,787 sq. m

c) Yard – Rear

The rear yard shall be 7.62 m where the rear yard abuts a lot in a Residential Zone Classification.

d) Yard – Side

- i) no building or structure shall be closer than 3.048 m to any lot in a Residential Zone Classification
- ii) a vehicle standing space shall have a minimum area of 18.58 sq. m and have a minimum width of 2.59 m and such spaces shall be arranged in a continuous line

4.29 Drive-Through Facility

A drive-through facility shall only be permitted in accordance with the following provisions:

- a) The stacking lane shall be separated from the parking area by a curbed island or other such barrier;
- b) The stacking lane leading to the pick-up window/product reception point shall have a minimum length of 55 m, and shall have a minimum width of 3.5 m;
- c) The stacking lane shall be clearly identified;
- d) The access points to a stacking lane shall be properly located so as to minimize the impact of the stacking lane on the internal traffic circulation;
- e) When stacking is required for a drive-through facility with an open air speaker, the speaker shall be directed away from and not located closer than 10 m to a Residential Zone; and
- f) No portion of the stacking lane, including entrance and exit configurations, used to accommodate the requirements of part (b) of this Section shall be located within the front yard, or exterior side yard, building setback.

4.30 Outdoor Patio

A temporary or permanent outdoor patio shall only be permitted as an accessory use to an "Eating Establishment" or "Tavern" in accordance with the following provisions:

- a) The outdoor patio shall not exceed 50% of the gross floor area devoted to patron use of the main use;
- b) That up to 15% of the required and/or existing parking spaces for the main use may be used to construct an outdoor patio. The required number of accessible off-street parking spaces must still be provided;
- c) An outdoor patio shall not be permitted in any yard located between the building containing the main use and any Residential Zone;
- d) Any lighting facilities illuminating an outdoor patio shall be arranged so as to deflect light away from adjoining properties and streets;
- e) The use of musical instruments, or other mechanical or electrical music equipment is permitted in accordance with the Municipality's Noise By-law.
- f) Dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted;
- g) The ground surface of an outdoor patio shall be of concrete or other hard surface; and,

- h) The outdoor patio shall be completely enclosed by a physical barrier.
- i) Temporary outdoor patios shall only be permitted to operate a maximum of eight months per calendar year

4.31 Setbacks from Watercourses, Drains, Major Roads and Railways

4.31.1 Notwithstanding any other provision of this By-law, no person shall hereafter erect any permanent building or structure, including a swimming pool, other than a building or structure associated with drainage works or for protection against flooding or erosion, in any zone which is:

- a) closer than 30 m from the top of bank, or three times the height of the river bank, (3:1 stable slope allowance) plus erosion allowances from the waters edge, whichever is the greater for yards abutting the Thames River or Sydenham River as specified by the appropriate Conservation Authority;
- b) closer than 21 m from the water's edge of the Thames River in the Community of Chatham or as otherwise determined by the Lower Thames Valley Conservation Authority;
- c) closer than 10.67 m from the top of the bank of the Sydenham River in the Community of Wallaceburg or as determined by the St. Clair Region Conservation Authority;
- d) closer than 21.34 m from the top of the bank of Running Creek in the Community of Wallaceburg or as determined by the St. Clair Region Conservation Authority;
- e) closer than 38.1 m from the top of the bank of Otter Creek in the Community of Wallaceburg or as determined by the St. Clair Region Conservation Authority;
- f) closer than 15 m from the top of the bank of the McDonald Tap Drain in the Community of Wallaceburg or as determined by the St. Clair Region Conservation Authority;
- g) closer than three (3) times the height of the bank (3:1 stable slope allowance) plus 10 m from the waters edge of any natural watercourse or municipal drain or as otherwise determined by the Conservation Authority
- h) closer than 8 m to the centre line of a tiled municipal drain;
- i) closer than 15 m to the land side toe of a dyke or 30 m from the waters edge of the contained lake or watercourse, whichever is greater;
- j) In addition, the following site specific provisions as also delineated on Schedule "A" shall apply:

- i) For all lands adjacent to Lake Erie across lots 1 to 6 inclusive within the Community of Romney;
 - a. no building or addition to a building is to be erected closer than 20 m from the water's edge of Lake Erie, where the water's edge is taken at a lake still water level of 175.1 m CGD or as otherwise determined by the Conservation Authority, and
 - b. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.3 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority
- ii) For all lands adjacent to Lake Erie across lots 7 to 15 and 206 to 178 inclusive within the Community of Romney, no building or addition to a building is to be erected closer than 55 m from the top of the bank of the bluff of Lake Erie, or as otherwise determined by the Conservation Authority.
- iii) For all lands adjacent to Lake Erie across lots 177 to 165 inclusive within the Community of Tilbury East, no building or addition to a building is to be erected closer than 45 m from the top of the bank of the bluff of Lake Erie, or as otherwise determined by the Conservation Authority.
- iv) For all lands adjacent to Lake Erie across lots 164 to 132 inclusive within the Community of Raleigh, no building or addition to a building is to be erected closer than 55 m from the top of the bank of the bluff of Lake Erie, or as otherwise determined by the Conservation Authority.
- v) For all lands adjacent to Lake Erie across lots 22 to 24 inclusive within the Community of Raleigh, no building or addition to a building is to be erected closer than 55 m from the top of the bank of the bluff of Lake Erie, or as otherwise determined by the Conservation Authority.
- vi) For all lands adjacent to Lake Erie in the Community of Harwich, no building or addition to a building is to be erected closer than or below the elevation noted below in the Community of:

Erie Beach

- a. no building or addition to a building is to be erected closer than 15 m from the water's edge of Lake Erie, where the water's edge is taken at a lake still water level of 175.26 m CGD or as otherwise determined by the Conservation Authority, and
- b. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.3 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority.

Erie Shore Drive

- a. no building or addition to a building is to be erected closer than 15 m from the water's edge of Lake Erie, where the water's edge is taken at a lake still water level of 175.26 m CGD and adequate shoreline protection has been constructed or as otherwise determined by the Conservation Authority, and
- b. no building or addition to a building is to be erected closer than 25 m from the water's edge of Lake Erie, where the water's edge is taken at a lake still water level of 175.26 m CGD and adequate shoreline protection has **not** been constructed or as otherwise determined by the Conservation Authority, and
- c. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.3 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority.

Erieau

- a. no building or addition to a building is to be erected adjacent to the shoreline of Lake Erie without prior written approval from the Conservation Authority, and
- b. no building or addition to a building is to be erected closer than 7.5 m from the water's edge of Rondeau Bay, where the water's edge is taken at a lake still water level of 175.26 m CGD or as otherwise determined by the Conservation Authority, and
- c. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.1 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority

Shrewsbury

- a. no building or addition to a building is to be erected closer than 15 m from the water's edge of Rondeau Bay, or as otherwise determined by the Conservation Authority, and
- b. no building or addition to a building is to be erected closer than 7.5 m from the water's edge of canals off of Rondeau Bay, or as otherwise determined by the Conservation Authority, and
- c. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.1 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority

Rondeau Bay Estates

- a. no building or addition to a building is to be erected closer than 15 m from the water's edge of Rondeau Bay, or as otherwise determined by the Conservation Authority, and
- b. no building or addition to a building is to be erected closer than 7.5 m from the water's edge of canals off of Rondeau Bay, or as otherwise determined by the Conservation Authority, and

- c. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.1 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority

Bates Subdivision

- a. no building or addition to a building is to be erected adjacent to Lake Erie without prior written approval from the Conservation Authority, and
 - b. no building or addition to a building is to be erected closer than 7.5 m from the water's edge of Rondeau Bay where shoreline protection is present, or as otherwise determined by the Conservation Authority, and
 - c. no building or addition to a building is to be erected closer than 15 m from the water's edge of Rondeau Bay where no shoreline protection is in place, or as otherwise determined by the Conservation Authority
- vii) For all lands adjacent to Lake Erie across lots 97 to 102 inclusive within the Community of Howard;
- a. no building or addition to a building is to be erected adjacent to the shoreline or bluff of Lake Erie without prior written approval from the Conservation Authority, and
 - b. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.3 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority
- viii) For all lands adjacent to Lake Erie across lots 77 to 96 inclusive within the Community of Howard, no building or addition to a building is to be erected adjacent to the bluff of Lake Erie without written approval by the Conservation Authority.
- ix) For all lands adjacent to Lake Erie across lots 52 to 76 inclusive within the Community of Orford, no building or addition to a building is to be erected adjacent to the bluff of Lake Erie without written approval by the Conservation Authority.
- x) For all lands adjacent to Lake St. Clair across lots 1 to 6 West inclusive within the Community of Dover;
- a. no building or addition to a building is to be erected closer than 15 m from the water's edge of Lake St. Clair, where adequate shoreline protection has been constructed or as otherwise determined by the Conservation Authority, and
 - b. no building or addition to a building is to be erected closer than 25 m from the water's edge of Lake St. Clair, where shoreline protection has not been constructed or as otherwise determined by the Conservation Authority, and

- c. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 176.8 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority
- xi) For all lands adjacent to Lake St. Clair across lots 7 to 13 West inclusive within the Community of Dover;
 - a. no building or addition to a building is to be erected closer than 15 m from the land side toe of a dyke, and
 - b. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 177.4 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority
- xii) For all lands adjacent to Lake St. Clair across lots 1 to 7 East inclusive within the Community of Dover;
 - a. no building or addition to a building is to be erected closer than 15 m from the land side toe of a dyke, and
 - b. no external opening to any building or addition to a building erected hereafter shall be permitted below an elevation of 177.4 m Canadian Geodetic Datum (CGD) or as otherwise determined by the Conservation Authority
- xiii) In all cases where flood proofing of structures is required along the shoreline of Lake Erie and Lake St. Clair, the area around each building shall be filled to that elevation for a horizontal distance of at least 2 m beyond the exterior walls of said building or building additions.

Notwithstanding any other provision of this By-law, no person shall plant vegetation with a significant root system within 6 m of the top of bank of an open drain or within 3 m of the centerline of a closed drain. A 6 m setback shall apply to all dykes starting from the base of the toe of the dyke's slope. This applies to all dykes including those adjacent to municipal drains or natural watercourses or surrounding stormwater management and irrigation ponds.

4.31.2 Setbacks from Major Roads

"Notwithstanding any other provision of this By-law:

- a) No person shall hereafter erect any permanent building or structure closer than 14 m from the limit of any road classified as a Rural Collector, Rural Arterial or CWTL (Future Rural Arterial) road as on Schedule "C".
- b) No person shall hereafter erect any permanent building or structure closer than 14 m or the setback requirement of the applicable zone, whichever is greater, from the limit of the road classified as CWTL (Future Urban Arterial) as on Schedule "C".

- c) For the roads classified as CWTL (Future Urban Arterial) and CWTL (Future Rural Arterial) on Schedule “C”, reference should be made to the Preferred Route depicted as Figure 6.5 contained in the Chatham Western Transportation Link, Environmental Study Report for the specific location, right-of-way width and preliminary design parameters, when applying applicable setbacks from the corridor.”

4.31.3 Properties Located Along or Beside a Provincial Highway

Notwithstanding any other provision of this By-law, all proposed development located along or beside a provincial highway within the Ministry of Transportation’s permit control area under the *Public Transportation and Highway Improvement Act* will also be subject to the approval of the Ministry of Transportation. New or upgraded access connections, buildings or structures and signs located adjacent to or in the vicinity of a provincial highway or intersection within the Ministry of Transportation’s permit control area will be subject to the Ministry of Transportation’s policies, standards and requirements. In addition, Ministry of Transportation entrance permits, building and land use permits and sign permits may be required.

4.31.4 Setbacks from Railways

Notwithstanding any other provision of this By-law, no dwelling shall be erected, nor shall any building be converted to a residential use closer than 20 m to the centerline of a rail line.

4.32 Sight Visibility Triangles

a) Visibility Triangle Landscaping

No building, structure, fence, tree or shrub that will exceed 0.76 m in height may be erected or planted within the triangular space formed between intersecting street lines and a distance of 6.1 m from their point of intersection, provided that the grade for the calculation of height shall be at the intersection of the center lines of the streets from which the said street lines are derived. No parking space, no loading space, no parking area and no parking aisle shall be located within the said triangular space.

b) On Corner Lots

In all zones, on a corner lot, no building or structure shall be erected and no tree, shrub or other plant growth shall be permitted such as would materially impede vision between a height of 0.6 m and 3 m above the centre line grade of the intersection streets in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines distant 10 m from the point of the intersection of the said street line.

c) At Street Intersections

In all zones, on a corner lot having frontage on a major road as delineated on Schedule “C” to this By-law, no building or structure shall be erected and no tree,

shrub or other plant growth shall be permitted such as would materially impede vision between a height of 0.6 m and 3 m above the centre line grade of the intersecting streets in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines distant 28 m from the point of intersection of the said street line.

d) At Railway Grade Crossings

In all zones, on a lot abutting a railway where the railway and a street intersect at the same grade, no building or structure shall be erected and no tree, shrub or other plant growth shall be permitted such as would materially impede vision between a height of 0.6 m and 3 m above the centre line grade of the intersecting street in the triangular area bounded by the right-of-way limit of the railway and the street line and a line from the points along such right-of-way limit and such street line distant 45 m from the point of intersection thereof.

4.33 Swimming Pools

Notwithstanding anything contained in this By-law, a swimming pool shall be permitted as an accessory use to a permitted residential use within all zoning categories, subject to compliance with the following provisions:

- a) No part of any swimming pool, whether installed above or in-ground, shall be located in a front yard area, except in an Agricultural Zone.
- b) The distance of any swimming pool from a rear and/or side lot line shall be a minimum of 1.2 m and from a front lot line, a minimum distance equal to the minimum required front yard building setback, as measured from the inner surface of the wall of the pool to the lot line.
- c) No pool shall be located within the visibility triangle for the said lot, which is defined as a triangular area formed within a lot by:
 - i) intersecting streets and a straight line connecting them 7.6 m from their point of intersection or;
 - ii) the intersection of a street and any portion of a driveway within 7.6 m of a property line and a straight line connecting them 7.6 m from their point of intersection or;
 - iii) the intersection of an alley and a street, or two alleys and a straight line connecting them 3 m from their point of intersections
- d) A swimming pool shall be entirely enclosed by a fence pursuant to the Municipality of Chatham-Kent Fencing By-law 125-2008 (as amended) or its successor By-law.
- e) An accessory building or structure, including a deck along the outer edge of the pool that may be required for changing clothes, containing pumping or filtration equipment, or other uses related to the swimming pool shall comply with the

provisions of this By-law with respect to accessory buildings and structures for the zone in which the swimming pool is located.

4.34 Temporary Use Provisions

Wherever a temporary use By-law is approved pursuant to Section 39 of the *Planning Act*, 1990 R.S.O chapter P13 (as amended) or successor legislation, the following provisions shall apply.

- a) upon expiry of the time period during which the authorization of the temporary use described is in effect, the temporary use By-law does not apply so as to permit the continued use of the land, building or structure for the purpose temporarily authorized;
- b) all other applicable regulations and standards of this By-law shall apply.

4.35 Uses Permitted in All Zones

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

4.35.1 Services and Utilities

- (a) Any telephone, telegraph, cable or Internet system, any transportation system, or public use, owned or operated by or for the corporation, the Department of Federal Government or Ministry of the Provincial Government, including Entegrus or Hydro One and any railway company may, for the purpose of the public service and utility, use any land or erect any building or structure in any zone notwithstanding that such building or structure or proposed use does not conform to the provisions of this By-law for such zone.
- (b) Provided, however, that such use, building or structure shall comply with all height, yard and lot coverage regulations prescribed for the zone in which it is located. However, such uses shall not be subject to the lot area requirements for the zone in which they are located.
- (c) Further, there shall be no open storage of goods, materials or equipment; and any buildings erected or used under the provisions of this section shall be designed, maintained, and used in a manner compatible with buildings of the type permitted in said zone.
- (d) Any use of the facilities and buildings and structures of any electric or gas company and the receiving or transmitting tower and facilities of any radio or television station are also permitted.

4.35.2 Public Uses of the Corporation

Public buildings and structures, such as a historic site, museum, park, municipal office, public library, public works garage or municipal plant operated by the Corporation.

4.35.3 Construction Facilities

Any sheds, scaffolds or other structures incidental to building construction on the premises for so long as the same is necessary for work in progress, which has neither been finished or abandoned, including a work camp or wayside pit.

4.35.4 Streets and Installations

Land being used as a street or for the installation within the limits of a street of a storm sewer main, underground gas main, underground pipeline or overhead or underground hydro, telephone or other supply line communication line provided that the location of such line or main has been approved by the Corporation.

4.35.5 Ornamental Structures

A statue, monument, cenotaph, fountain or other such memorial or ornamental structure.

4.35.6 Signs and Signals

Any government authorized traffic sign or signal, any public election list or government proclamation.

4.35.7 Oil and Gas Well and Oil and Gas Work

Land or structure for any "Oil and Gas Well" or "Oil and Gas Work" subject to the regulations of the *Oil, Gas and Salt Resources Act*, or successor Legislation.

4.36 Uses Restricted in All Zones

a) Noxious Uses Prohibited

Notwithstanding any other provision hereof to the contrary, no use shall be permitted in any zone which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.

b) Restricted Uses

The following uses are prohibited throughout the zoned area, either alone or in conjunction with other uses, unless specifically permitted herein, or by an amending By-law:

- i) the making or establishment of pits and quarries, other than permitted wayside pits;
- ii) the tanning or storage of uncured hides or skins;

- iii) the boiling of blood, tripe, bones or soaps for commercial uses;
- iv) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- v) an abattoir, stockyard, livestock exchange, or dead stock depot;
- vi) the extracting of oil from fish;
- vii) a track for the racing or testing of automobiles, motorcycles, snowmobiles or any other motorized vehicles;
- viii) a salvage yard;
- ix) a sewage treatment facility;
- x) a disposal site for solid or liquid wastes, except for a manure storage facility accessory to an agricultural use;
- xi) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzene, gasoline, ethanol, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gases or solid materials except where specifically permitted hereby or in conjunction with a permitted commercial or industrial use and unless such substances are protected by adequate fire fighting and fire prevention equipment and by such safety devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent uses to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use;
- xii) an occupied vehicle used for human habitation other than a mobile home where specifically permitted hereby or a travel trailer used only for temporary accommodation in a permitted campground;
- xiii) an adult entertainment establishment;
- xiv) a campground, except as part of a permitted park;
- xv) where municipal water and/or sanitary sewers are not available, any use unable to obtain the approval of private water or sanitary treatment and disposal facilities from the Municipality;
- xvi) an airport;

- xvii) any use which causes the emission of corrosive gases, toxic gases or radioactive gases or, into any zone other than an Industrial Zone, of electromagnetic fields, heat, glare, non-agricultural odours, noise, vibrations, dust, dirt, fly ash or smoke, or which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
- xviii) the storage of derelict vehicles;
- xix) Shipping containers, transport trailers, vans or any other motor vehicle as storage facilities except in an Industrial Zone, or in accordance with Section 4.2(5);
- xx) waste processing facility;

4.37 Yard Encroachments

Notwithstanding the yard and setback provisions of this By-law;

- a) Sills, belt courses, chimney, cornices, eaves, gutter, parapets, pilasters, bay windows and other ornamental architectural features may project into any required yard by a maximum of 0.5 m
- b) Uncovered stoops, uncovered steps, uncovered decks, uncovered porches, uncovered verandahs, and uncovered terraces may project into any interior or exterior side yard or rear yard provided that the maximum height of such uncovered stoops, uncovered steps, uncovered decks, uncovered porches, uncovered verandahs, or uncovered terraces is not more than 1.7 m above established grade, but shall not be closer than 1.2 m to any rear or exterior lot line and no closer than the required interior side yard width minimum for the zone.
- c) Uncovered stoops, uncovered steps, uncovered decks, uncovered porches, uncovered verandahs, and uncovered terraces may project into any front yard a maximum of 3.1 m from the front face of the main structure into the front yard, but no closer than 3.1 m to the front lot line provided that the maximum height of such uncovered stoops, uncovered steps, uncovered decks, uncovered porches, uncovered verandahs, or uncovered terraces is not more than 1.7 m above grade.
- d) Exterior stairways may project into a required yard by a maximum of 1.5 m
- e) Steel fire escapes may project into any required side or rear yard but not more than 1.5 m
- f) Balconies may project into any required yard by a maximum of 1.5 m
- g) Awnings, flag poles, garden trellises, fences, retaining walls, recreational equipment, and similar accessories shall be permitted in any required yard.

- h) Window or wall-mounted air conditioners and heat pumps may project into any required yard or setback, but not more than 0.6 m into a required interior side yard in a Residential Zone.
- i) Outdoor free-standing air conditioners and heat pumps may be located in any required yard or setback area in a Residential Zone.

4.38 Yard Regulations

4.38.1 Established Front Yards

Where, in any Residential Zone, on the date of passing of this By-law, where more than one-half of the lots within a residential block on the same side of a street are built upon, then the required front yard depth shall be deemed to be the lesser of that of the closest dwelling on either side of the subject lot in place of the usual minimum front yard requirement or any setback subject to the following:

- a) the established front yard shall not apply to allow construction in a site visibility triangle;
- b) in a Residential Zone a dwelling may be replaced having front yard less than the established front yard if the front yard for such lot on the day of passing of this by-law was less than the established front yard but in any case not less than 3 m;
- c) in the case of there being more than one zone in such block, this provision shall apply separately to each zone;
- d) the established front yard provision shall not apply to the construction of accessory structures, for properties that abut a lake, bay or canal, as permitted by Section 4.2(4)(g).

4.38.2 Through Lots

Where a lot is a through lot, a front yard shall be provided on each street on which the lot has frontage in accordance with the minimum front yard or setback required as the case may be for each street in that zone.

4.38.3 Corner Lots Bounded by Three Streets

Where a corner lot is bounded by three streets, a front yard shall be provided adjoining the two non-intersecting streets and an exterior side yard shall be provided adjoining the flanking street.

4.39 Cannabis Production Facility

Notwithstanding any other provision of this By-law, the following regulations apply to a Cannabis Production Facility,

- a) The following minimum separation distance shall apply to buildings and structures:

- i) within the General Industrial (M1) Zone no Cannabis Production Facility shall be located closer to any residential, institutional, or open space zone boundary than 75 m; and,
 - ii) within the Agricultural (A1) and Rural Industrial (MR) Zone no Cannabis Production Facility shall be located:
 - a. closer than 100 m to an existing residential dwelling on a separate lot; or,
 - b. closer to any residential, institutional, or open space zone boundary than 100 m;
- b) Parking Requirement: Two spaces per three employees (maximum enrolment) or one space per 18 sq. m floor area used for office, whichever is greater, plus one space per 1,000 sq. m floor area used for production;
- c) Section 4.10, Greenhouse Farms (Large Scale) does not apply;
- d) Clauses (a) to (b) do not apply to Cannabis Production Facilities where the cultivation area is less than 200 m², or to any outdoor cultivation areas.

4.40 Agri-Tourism Use

Agri-tourism uses may be permitted in A1 zones subject to the following regulations:

- a) An agri-tourism use shall only be permitted accessory to a farm operation on the same lot, and shall be compatible with, and not hinder, surrounding agricultural operations.
- b) The combined total of the agri-tourism use shall not exceed either 1.0 ha or two percent (2%) of the area of the lands on which the use is proposed, whichever is lesser.
- c) The gross floor area of all buildings or structures used for an agri-tourism use shall not exceed twenty percent (20%) of the maximum lot area.
- d) The land area and the area of the existing building or structures used for an agri-tourism use may be discounted at the rate of fifty percent (50%). Where the agri-tourism use uses the same footprint as a demolished agricultural building, the land area for the agri-tourism use may be discounted by fifty percent (50%).
- e) One hundred percent (100%) of the area needed for parking areas, outdoor storage, landscaped areas and setbacks for the agri-tourism use shall be included in the area calculation.
- f) Where an agri-tourism use uses an existing laneway or parking area, the area of such laneway or parking area shall not be included in the area calculations

- g) Services required for the use proposed are provided on the same lot, to the satisfaction of the Municipality, and shall not have any negative impacts on neighboring and surrounding land uses.
- h) Agri-tourism uses shall be directly related to the principle agricultural use.
- i) Production lands which are used for the growing of crops and are simultaneously used as part of an activity area, such as a corn maze, shall not be included in the area calculations for the agri-tourism use.
- j) An agri-tourism use shall be subject to the Minimum Distance Setbacks (MDS) Guidelines.
- k) The agri-tourism use shall not be permitted within lands located within or adjacent to significant habitat of endangered or threatened species identified in consultation with the Ministry of Natural Resources, Provincially Significant Wetlands identified on Schedules "A" and "E" series-Land Use or significant natural heritage features identified on Schedule "C" Series – Natural Heritage and Hazards feature in the Chatham-Kent Official Plan, unless it has been demonstrated through an EIS that there is no alternative and the impact is minimal.
- l) Prior to the agri-tourism use being established on a property, site plan control shall be applicable to mitigate the impacts of items such as but not limited to traffic, parking, emissions, noise, water and wastewater usage, any necessary environmental approvals, landscaping, buffering, size and scale in relation to the applicable requirements of Section 4.40 of this Zoning By-law.

Section 5.0 – Zones

5.1 Residential Low Density Zone (RL)

5.1.1 Uses Permitted

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

- (a) RL1-E: Single Detached Dwelling, Semi-Detached Dwelling Unit, Semi-Detached Dwelling, Group Home
- (b) RL1: Single Detached Dwelling, Semi-Detached Dwelling Unit, Semi-Detached Dwelling, Group Home
- (c) RL2: Single Detached Dwelling, Semi-Detached Dwelling Unit, Semi-Detached Dwelling, Duplex Dwelling, Group Home
- (d) RL3: Single Detached Dwelling, Semi-Detached Dwelling Unit, Semi-Detached Dwelling, Duplex Dwelling, Group Home
- (e) RL4: Single Detached Dwelling, Semi-Detached Dwelling Unit, Semi-

Detached Dwelling, Group Home

- (f) RL5: Single Detached Dwelling, Semi-Detached Dwelling Unit, Semi-Detached Dwelling, Group Home
- (g) RL6: Mobile Home Subdivision
- (h) RL7: Single Detached Dwelling, Semi-Detached Dwelling Unit and Semi-Detached Dwelling, Group Home
- (i) RL8: Single Detached Dwelling, Semi-Detached Dwelling Unit and Semi-Detached Dwelling, Group Home

5.1.2 Regulations:

Each use permitted in a Residential Low Density Zone (RL) is subject to:

- a) the regulations in Section 4;
- b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Residential Low Density Zone (RL)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|--|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|--|
| RL Residential Low Density - See Section 5.1 of this By-law | | | | | | | | | | | |
| RL1-E; RL1; RL2; RL3; RL4; RL5, RL7; RL8 - Group Home | 557.4 sq. m | 15.24 m | 7.62 m | 2.74 m and 1.22 m; Interior corner lot – 1.22 m | 2.74 m for a corner exterior lot | 7.62 m | 33% | One group home | N/A | 9.75 m | The provisions of Section 4.11 of this by-law apply. |
| RL1-E Single Detached Dwelling | 1,449.4 sq. m | 26.82 m | 7.62 m | 3.05 m | 3.05 m | 10.67 m | 33% | One single detached dwelling | N/A | 9.75 m | |
| RL1-E – Semi-Detached Dwelling Unit | 549.97 sq. m | 13.41 m | 7.62 m | 0 m & 3.05 m Interior corner lot – 0 m | 3.05 m | 10.67 m | 33% | Two semi-detached dwelling units | N/A | 9.75 m | |
| RL1-E – Semi-Detached Dwelling | 1,449.4 sq. m | 26.82 m | 7.62 m | 3.05 m | 3.05 m | 10.67 m | 33% | One semi-detached dwelling | N/A | 9.75 m | |
| RL1 – Single Detached Dwelling | 549.97 sq. m | 17.98 m | 7.62 m | 1.22 m w/attached garage/carport 2.44 m and 1.22 m with no garage/carport Interior corner lot – 1.22 m | 3.75 m for a corner exterior lot | 7.62 m | 33% | One single detached dwelling | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-----------------------------------|------------------|----------------------|--------------------------|---|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| RL1 – Semi-Detached Dwelling Unit | 321.35 sq. m | 8.99 m | 7.62 m | 0 m & 1.22 m w/attached garage/carport 0 m & 2.44 m with no garage/carport Interior corner lot – 0 m | 3.05 m for a corner exterior lot | 7.62 m | 33% | Two semi-detached dwelling units | N/A | 9.75 m | |
| RL1 – Semi-Detached Dwelling | 642.7 sq. m | 17.98 m | 7.62 m | 1.22 m w/attached garage/carport 2.44 m with no garage/carport Interior corner lot – 1.22 m w/attached garage/carport Interior corner lot – 2.44 m with no garage/carport | 3.05 m for a corner exterior lot | 7.62 m | 33% | One semi-detached dwelling | N/A | 9.75 m | |
| RL2 – Single Detached Dwelling | 464.5 sq. m | 14.94 m | 7.62 m | 1.22 m w/attached garage/carport 2.44 m & 1.22 m with no garage/carport Interior corner lot – 1.22 m | 3.75 m for a corner exterior lot | 7.62 m | 33% | One single detached dwelling | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-----------------------------------|------------------|---|--------------------------|---|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| RL2 – Semi-Detached Dwelling Unit | 278.7 sq. m | 9.14 m interior lot; 10.67 m corner lot | 7.62 m | 0 m & 1.22 m w/attached garage/carport 0 m & 2.44 m with no garage/carport Interior corner lot – 0 m | 3.05 m for a corner exterior lot | 7.62 m | 33% | One semi-detached dwelling unit | N/A | 9.75 m | |
| RL2 – Semi – Detached Dwelling | 557.4 sq. m | 18.29 m interior lot; 19.81 m corner lot | 7.62 m | 1.22 m w/attached garage/carport 2.44 m with no garage/carport Interior corner lot – 1.22m w/attached garage/carport Interior corner lot – 2.44 m with no garage/carport | 3.05 m for a corner exterior lot | N/A | 33% | Two semi-detached dwelling units | N/A | 9.75 m | |
| RL2 – Duplex Dwelling | 557.4 sq. m | 15.24 m | 7.62 m | 3.05 m & 1.22 m w/attached garage/carport 3.05 m & 2.44 m with no garage/carport Interior corner lot – 1.22 m | 3.05 m for a corner exterior lot | 7.62 m | 33% | One duplex dwelling | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-----------------------------------|--|--|--------------------------|--|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| RL3 – Single Detached Dwelling | 375.32 sq. m interior lot 419.91 sq. m corner lot | 11.89 m interior lot 13.72 m corner lot | 7.62 m | 1.22 m w/attached garage/carport 2.44 m & 1.22 m with no garage/carport Interior corner lot – 1.22 m | 3.05 m for a corner exterior lot | 7.62 m | 33% | One single detached dwelling | N/A | 9.75 m | |
| RL3 – Semi Detached Dwelling Unit | 274.98 m | 9.14 m interior lot 10.67 m corner lot | 7.62 m | 0 m & 1.22 m w/attached garage/carport 0 m and 2.44 m with no garage/carport Interior corner lot – 0 m | 3.05 m for a corner exterior lot | 7.62 m | 33% | One semi-detached dwelling unit | N/A | 9.75 m | |
| RL3 – Semi-Detached Dwelling | 549.97 sq. m | 18.29 m | 7.62 m | 1.22 m w/attached garage/carport 2.44 m with no garage/carport Interior corner lot – 1.22 m w/attached garage/carport Interior corner lot – 2.44 m with no garage/carport | 3.05 m for a corner exterior lot | 7.62 m | 33% | Two semi-detached dwelling units | N/A | 9.75 m | |
| RL3 – Duplex Dwelling | 557.4 sq. m | 15.24 m | 7.62 m | 3.05 m & 1.22 m Interior corner lot – 1.22 m | 3.05 m for a corner exterior lot | 7.62 m | 33% | One duplex dwelling | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-----------------------------------|------------------|----------------------|--------------------------|--|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| RL4 – Single Detached Dwelling | 278.7 m | 7.62 m | 7.62 m | 1.22 m & 0.61 m w/attached garage/carport 2.44 m & 0.61 m with no garage/carport interior corner lot 2.44 m | 3.75 m | 7.62 m | 33% | One single detached dwelling | N/A | 9.75 m | |
| RL4 – Semi-Detached Dwelling Unit | 278.7 sq. m | 7.62 m | 7.62 m | 0 m & 1.22 m w/attached garage/carport 0 m & 2.44 m with no garage/carport Interior corner lot – 0 m | 3.75 m for a corner exterior lot | 7.62 m | 33% | One semi-detached dwelling unit | N/A | 9.75 m | |
| RL4 – Semi-Detached Dwelling | 557.4 sq. m | 15.24 m | 7.62 m | 1.22 m w/attached garage/carport 2.44 m with no garage/carport Interior corner lot – w/attached garage/carport 1.22 m, no attached garage/carport 2.44 m | 3.75 m for a corner exterior lot | 7.62 m | 33% | Two semi-detached dwelling units | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-----------------------------------|------------------|----------------------|--------------------------|---|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| RL5 – Single Detached Dwelling | 278.7 sq. m | 10.67 m | 7.62 m | 0 m and 1.22 m w/attached garage/carport 0 m and 2.44 m with no garage/carport Interior corner lot – 0 m | 2.44 m for a corner exterior lot | 7.62 m | 40% | One single detached dwelling | N/A | 9.75 m | |
| RL5 – Semi-Detached Dwelling Unit | 185.8 sq. m | 7.92 m | 7.62 m | 0 m and 1.22 m w/attached garage/carport 0 m and 2.44 m with no garage/carport Interior corner lot – 0 m | 2.44 m for a corner exterior lot | 7.62 m | 40% | Two semi-detached dwelling units | N/A | 9.75 m | |
| RL5 – Semi-Detached Dwelling | 371.61 sq. m | 15.84 m | 7.62 m | 0 m and 1.22 m w/ attached garage/carport 0 m and 2.44 m with no garage/carport Interior corner lot – 0 m | 2.44 m for a corner exterior lot | 7.62 m | 40% | One semi-detached dwelling | N/A | 9.75 m | |
| RL6 – Mobile Home | 1.21 ha | 20.12 m | 7.62 m | N/A | N/A | N/A | N/A | 3.2 mobile homes per ha | N/A | 9.14 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-----------------------------------|------------------|----------------------|--------------------------|--|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| RL7 – Single Detached Dwelling | 278.7 sq. m | 9.14 m | 7.62 m | 1.22 m & 0.61 m w/attached garage/carport 2.44 m & 0.61 m with no garage/carport Interior corner lot – 0.61 m | 3.05 m for a corner exterior lot | 7.62 m | 40% | One single detached dwelling | N/A | 9.75 m | |
| RL7 – Semi-Detached Dwelling Unit | 278.7 sq. m | 9.14 m | 7.62 m | 0 m & 1.22 m w/attached garage/carport 0 m & 2.44 m with no garage/carport Interior corner lot – 0 m | 3.05 m for a corner exterior lot | 7.62 m | 40% | One semi-detached dwelling unit | N/A | 9.75 m | |
| RL7 – Semi-Detached Dwelling | 557.4 sq. m | 18.29 m | 7.62 m | 1.22 m w/attached garage/carport 2.44 m with no garage/carport Interior corner lot – 1.22 m w/attached garage/carport Interior corner lot – 2.44 m with no garage/carport | 3.05 m for a corner exterior lot | 7.62 m | 40% | Two semi-detached dwelling units | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-----------------------------------|------------------|----------------------|--------------------------|--|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| RL8 – Single Detached Dwelling | 278.7 sq. m | 10.67 m | 7.62 m | 1.22 m & 0.61 m w/attached garage/carport 2.44 m & 0.61 m with no garage/carport Interior corner lot – 0.61 m | 3.05 m for a corner exterior lot | 7.62 m | 40% | One single detached dwelling | N/A | 9.75 m | |
| RL8 – Semi-Detached Dwelling Unit | 278.7 sq. m | 10.67 m | 7.62 m | 0 m 1.22 m w/attached garage/carport 0 m & 2.44 m with no garage/carport Interior corner lot – 0 m | 3.05 m for a corner exterior lot | 7.62 m | 40% | One semi-detached dwelling unit | N/A | 9.75 m | |
| RL8 – Semi-Detached Dwelling | 557.4 sq. m | 18.29 m | 7.62 m | 1.22 m w/attached garage/carport 2.44 m with no attached garage/carport Interior corner lot – 1.22 m w/attached garage/carport 2.44 m with no attached garage/carport | 3.05 m for a corner exterior lot | 7.62 m | 40% | Two semi-detached dwelling units | N/A | 9.75 m | |

5.2 Residential Medium Density Zone (RM)

5.2.1 Uses Permitted

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

- (a) RM1: Semi-Detached Dwelling, Semi-Detached Dwelling Unit, Stacked Row House Dwelling, Back-to-back Row House Dwelling, Duplex Dwelling, Triplex Dwelling, Double Duplex, Fourplex Dwelling, Dwelling Row House, Dwelling Senior Citizen, Group Home
- (b) RM2: Stacked Row House Dwelling, Back-to-back Row House Dwelling, Double Duplex Dwelling, Fourplex, Dwelling Row House, Dwelling Apartment, Dwelling Senior Citizen, Group Home

5.2.2 Regulations:

Each use permitted in a Residential Medium Density Zone (RM) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Residential Medium Density Zone (RM)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|--|--------------------------|--|--|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|--|
| | | | | | | | | | | | |
| RM Residential Medium Density - See Section 5.2 of this By-law | | | | | | | | | | | |
| RM1; RM2-Group Home | 557.4 sq. m | 15.24 m | 7.62 m | 2.74 m and 1.22 m interior corner lot - 1.22 m | Corner exterior lot - 2.74 m | 7.62 m | 33% | One group home | N/A | 9.75 m | The provisions of Section 4.11 of this by-law apply. |
| RM1 - Semi-Detached Dwelling | 549.97 sq. m | 18.29 m interior lot 19.51 m corner lot | 7.62 m | Interior and corner lot interior - 1.22 m per side w/attached garage/carport; 2.44 m with no attached garage/carport | Corner exterior lot - 3.05 m if attached garage/carport 3.05 m if no attached garage/carport | 7.62 m | 33% | Two semi-detached dwelling units | N/A | 9.75 m | |
| RM1 – Semi Detached Dwelling Unit | 278.7 sq. m | 9.14 m interior lot 10.36 m corner lot | 7.62 m | 0 m & 1.22 m w/attached garage/carport 0 m & 2.44 m with no attached garage/carport interior corner lot 0 m | 3.05 m for a corner exterior lot | 7.62 m | 33% | One semi-detached dwelling unit | N/A | 9.75 m | |
| RM1 - Duplex Dwelling | 557.4 sq. m | 15.24 m | 7.62 m | 3.05 m and 1.22 m; interior corner lot - 1.22 m | Corner exterior lot - 3.05 m | 7.62 m | 33% | One duplex dwelling | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-------------------------------|--------------------------------|----------------------|--------------------------|---|----------------------------------|-------------------------|----------------------|----------------------------|-------------------------------|-------------------------|------------------|
| RM1 - Triplex Dwelling | 650.3 sq. m | 18.29 m interior lot | 7.62 m | 3.05 m and 1.83 m; interior corner lot - 1.83 m | Corner exterior lot - 3.05 m | 7.62 m | 33% | One triplex dwelling | N/A | 10.97 m | |
| RM1 - Double Duplex Dwelling | 743.2 sq. m | 21.34 m | 7.62 m | 4.57 m and 2.74 m; interior corner lot - 2.74 m | Corner exterior lot - 3.05 m | 7.62 m | 33% | One double duplex dwelling | N/A | 9.75 m | |
| RM1 - Fourplex Dwelling | 743.2 sq. m | 21.34 m | 7.62 m | 4.57 m and 2.74 m; interior corner lot - 2.74 m | Corner exterior lot - 3.05 m | 7.62 m | 33% | One fourplex dwelling | N/A | 9.75 m | |
| RM1 - Row House Dwelling | 229.93 sq. m per dwelling unit | 25.91 m | 7.62 m | Interior and corner lot Interior – 4.88 m per side; if building front is less than building depth - 7.62 m per side | Corner exterior lot - 7.62 m | 7.62 m | 45% | N/A | N/A | 9.75 m | |
| RM1 – Row House Dwelling Unit | 229.93 sq. m | N/A | 7.62 m | 0 m per side for an internal unit 0 m one side, 4.88 m other side for an end unit | Corner exterior lot – 7.62 m | 7.62 m | 45% | One row dwelling unit | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---------------------------------------|--|----------------------|--------------------------|---|----------------------------------|-------------------------|----------------------|------------------------------------|-------------------------------|-------------------------|------------------|
| RM1 - Back-to-back Row House Dwelling | 229.93 sq. m per dwelling unit | 25.91 m | 7.62 m | Interior and corner lot Interior – 4.88 m per side; if building front is less than building depth - 7.62 m per side | Corner exterior lot – 7.62 m | 7.62 m | 45% | N/A | N/A | 10.97 m | |
| RM1 – Stacked Row House Dwelling | 229.93 sq. m per dwelling unit | 25.91 m | 7.62 m | Interior and corner lot Interior – 4.88 m per side; if building front is less than building depth - 7.62 m per side | Corner exterior lot – 7.62 m | 7.62 m | 45% | N/A | N/A | 10.97 m | |
| RM1 – Stacked Row House Dwelling Unit | 229.93 sq. m | N/A | 7.62 m | 0 m per side for an internal unit; 0 m on one side, 4.88 m other side for an end unit | Corner exterior lot – 7.62 m | 7.62 m | 45% | 3 stacked row house dwelling units | N/A | 10.97 m | |
| RM1 - Dwelling Senior Citizen | 929.0 sq. m plus 90.12 sq. m for each dwelling unit in excess of 4 | 19.81 m | 7.62 m | 1/2 building height, but not less than 3.66 m | 4.51 m | 7.62 m | 33% | N/A | N/A | 10.97 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-------------------------------|--------------------------------|----------------------|--------------------------|---|----------------------------------|-------------------------|----------------------|----------------------------|-------------------------------|-------------------------|------------------|
| RM2 Double Duplex Dwelling | 743.2 sq. m | 21.34 m | 7.62 m | 4.57 m and 2.74 m; interior corner lot - 2.74 m | Corner exterior lot - 3.05 m | 7.62 m | 33% | One double duplex dwelling | N/A | 9.75 m | |
| RM2 - Fourplex Dwelling | 743.2 sq. m | 21.34 m | 7.62 m | 4.57 m and 2.74 m; interior corner lot - 2.74 m | Corner exterior lot - 3.05 m | 7.62 m | 33% | One fourplex dwelling | N/A | 9.75 m | |
| RM2 - Row House Dwelling | 229.93 sq. m per dwelling unit | 25.91 m | 7.62 m | Interior and corner lot interior - 4.88 m per side; If building front is less than building depth - 7.62 m per side | Corner exterior lot - 7.62 m | 7.62 m | 45% | N/A | N/A | 9.75 m | |
| RM2 – Row House Dwelling Unit | 229.93 sq. m | N/A | 7.62 m | 0 m per side for an internal unit 0 m one side, 4.88 m other side for an end unit | Corner exterior lot – 7.62 m | 7.62 m | 45% | One row dwelling unit | N/A | 9.75 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---------------------------------------|--------------------------------|----------------------|--------------------------|---|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|------------------|
| RM2 – Back-to-back Row House Dwelling | 229.93 sq. m per dwelling unit | 25.91 m | 7.62 m | Interior and corner lot interior - 4.88 m per side; If building front is less than building depth - 7.62 m per side | Corner exterior lot – 7.62 m | 7.62 m | 45% | N/A | N/A | 10/97 m | |
| RM2 – Stacked Row House Dwelling | 229.93 sq. m per dwelling unit | 25.91 m | 7.62 m | Interior and corner lot interior - 4.88 m per side; If building front is less than building depth - 7.62 m per side | Corner exterior lot – 7/62 m | 7.62 m | 45% | N/A | N/A | 10.97 m | |
| RM2 – Stacked Row House Dwelling Unit | 229.93 sq. m | N/A | 7.62 m | 0 m per side for an internal units; 0 m on one side, 4.88 m other side for an end unit | Corner exterior lot – 7.62 m | 7.62 m | 45% | 3 dwelling units | N/A | 10.97 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-------------------------------|--|----------------------|--------------------------|--|--|-------------------------|----------------------|---------------------------|-------------------------------|-------------------------|------------------|
| RM2 - Apartment Dwelling | 836.1 sq. m for the first five dwelling units, plus 92.8 sq. m for each additional dwelling unit | 26.82 m | 7.62 m | 6.10 m per side; if building front is less than building depth - 7.62 m per side | Corner exterior lot - 6.10 m per side; if building front is less than building depth - 7.62 m per side | 7.62 m | 33% | 75 dwelling units per ha. | N/A | 10.97 m | |
| RM2 - Dwelling Senior Citizen | 929 sq. m plus 90.12 sq. m for each dwelling unit in excess of four | 19.81 m | 7.62 m | 1/2 building height, but not less than 3.66 m | 4.51 m | 7.62 | 33% | N/A | N/A | 10.97 m | |

5.3 Residential High Density Zone (RH)

5.3.1 Uses Permitted

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

- (a) RH1: Dwelling Apartment, Dwelling Senior Citizen, Group Home
- (b) RH2: Dwelling Apartment, Dwelling Senior Citizen, Group Home

5.3.2 Regulations

Each use permitted in a Residential High Density Zone (RH) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Residential High Density Zone (RH)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|---|----------------------|--------------------------|--|---|---|----------------------|---------------------------|-------------------------------|-------------------------|--|
| | | | | | | | | | | | |
| RH Residential High Density - See Section 5.3 of this By-law | | | | | | | | | | | |
| RH1, RH2 - Group Home | 557.4 sq. m | 15.24 m | 7.62 m | 2.74 m and 1.22 m interior corner lot - 1.22 m | Corner exterior lot - 2.74 m | 7.62 m | 33% | One group home | N/A | 9.75 m | The provisions of Section 4.11 of this by-law apply. |
| RH1 - Apartment Dwelling | 836.1 sq. m first five dwelling units; 92.8 sq. m for each additional dwelling unit | 26.82 m | 7.62 m | 1/2 building height, but not less than 7.62 m | 1/2 building height, but not less than 7.62 m | 1/2 the building height, but not less than 7.62 m | 33% | 100 dwelling units per ha | N/A | N/A | |
| RH1 - Dwelling Senior Citizen | 929 sq. m plus 90.12 sq. m for each dwelling unit in excess of four | 19.81 m | 7.62 m | 1/2 building height, but not less than 3.66 m | 4.51 m | 7.62 m | 33% | N/A | N/A | 10.97 m | |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|-------------------------------|---|----------------------|--------------------------|---|---|---|----------------------|---------------------------|-------------------------------|-------------------------|------------------|
| RH2 - Apartment Dwelling | 836.1 sq. m first five dwelling units; 92.8 sq. m for each additional dwelling unit | 26.82 m | 7.62 m | 1/2 building height, but not less than 7.62 m | 1/2 building height, but not less than 7.62 m | 1/2 building height, but not less than 7.62 m | 33% | 150 dwelling units per ha | N/A | N/A | |
| RH2 - Dwelling Senior Citizen | 929 sq. m plus 90.12 sq. m for each dwelling unit in excess of four | 19.81 m | 7.62 m | 1/2 building height, but not less than 3.66 m | 4.51 m | 7.62 m | 33% | N/A | N/A | 10.97 m | |

5.4 Rural Residential Zone (RR)

5.4.1 Uses Permitted

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

- (a) Bed and Breakfast Establishment
- (b) Single Detached Dwelling

5.4.2 Regulations

Each use permitted in a Rural Residential Zone (RR) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Rural Residential Zone (RR)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|--------------------------------------|------------------------------|-------------------------------|-------------------------|------------------|
| RR Rural Residential - See Section 5.4 of this By-law | | | | | | | | | | | |
| Single Detached Dwelling | 0.4 ha | 30 m | 12 m | 3 m | 6 m | 8 m | 30% for all buildings and structures | One single detached dwelling | 25% | 11 m | |

5.5 Estate Residential Zone (ER)

5.5.1 Uses Permitted

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

- (a) Single Detached Dwelling

5.5.2 Regulations

Each use permitted in an Estate Residential Zone (ER) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Estate Residential Zone (ER)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|------------------------------|-------------------------------|-------------------------|------------------|
| ER Estate Residential - See Section 5.5 of this By-law | | | | | | | | | | | |
| Single Detached Dwelling | 0.8 ha | 30 m | 12 m | 4 m | 6 m | 12 m | 25% | One single detached dwelling | 20% | 11 m | |

5.6 Village Residential Zone (VR)

5.6.1 Uses Permitted

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

- a) Bed and Breakfast Establishment
- b) Semi-Detached Dwelling
- c) Semi-Detached Dwelling Unit
- d) Single-Detached Dwelling

5.6.2 Regulations

Each use permitted in a Village Residential Zone (VR) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Village Residential Zone (VR)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|---|----------------------------------|-------------------------|----------------------|----------------------------------|-------------------------------|-------------------------|------------------|
| VR Village Residential - See Section 5.6 of this By-law | | | | | | | | | | | |
| Single Detached Dwelling | 1,858 sq. m | 23 m | 8 m | 3 m | 8 m | 8 m | 30% | One single detached dwelling | 25% | 11 m | |
| Semi-Detached Dwelling | 3,716 sq. m | 46 m | 8 m | 3 m | 8 m | 8 m | 30% | Two semi-detached dwelling units | 25% | 11 m | |
| Semi-Detached Dwelling Unit | 1,858 sq. m | 23 m | 8 m | 0.0 m & 3 m Interior corner lot - 0.3 m | 8 m | 8 m | 30% | One semi-detached dwelling unit | 25% | 11 m | |

5.7 Mobile Home Park Zone (MH)

5.7.1 Uses Permitted

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

- (a) Buildings, structures and uses accessory to a mobile home park, including one dwelling containing not more than one dwelling unit for the park manager
- (b) Mobile Home Parks

5.7.2 Regulations

Each use permitted in a Mobile Home Park Zone (MH) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Mobile Home Park Zone (MH)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|--|
| MH Mobile Home Park - See Section 5.7 of this By-law | | | | | | | | | | | |
| Mobile Home Park | 2 ha | 60 m | See other provisions | See other provisions | See other provisions | See other provisions | See other provisions | See other provisions | 40% | 5 m | <p>Minimum setbacks for trailers, buildings and structures:</p> <ul style="list-style-type: none"> - 15 m from any street line - 15 m from any Residential Zone boundary - 8 m from any other lot line <p>Trailer site regulations:</p> <ul style="list-style-type: none"> - Minimum area - 185 sq. m - Maximum density - 30 sites per ha of lot area - Minimum frontage - 10 m - Vehicular access - each site shall be accessible by means of a driveway at least 3.7 m wide where the driveway is for one-way traffic, or at least 8 m wide where the driveway is for two-way traffic |

5.8 Seasonal Residential Zone (SR)

5.8.1 Uses Permitted

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

- (a) Travel Trailer Parks
- (b) Convenience Retail Stores as an accessory use to a Travel Trailer Park
- (c) Park Model Trailer

5.8.2 Regulations

Each use permitted in a Seasonal Residential Zone (SR) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Seasonal Residential Zone (SR)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|--|
| SR Seasonal Residential - See Section 5.8 of this By-law | | | | | | | | | | | |
| Travel Trailer Parks | 2 ha | 60 m | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | <p>Minimum setbacks for trailers, buildings and structures:</p> <ul style="list-style-type: none"> - 15 m from street line - 15 m from any Residential Zone boundary - 8 m from any other lot line <p>Trailer site regulations:</p> <ul style="list-style-type: none"> - Minimum area - 185 sq. m - Maximum density - 30 sites per ha of lot area - Minimum frontage - 10 m - Vehicular access - each site shall be accessible by means of a driveway at least 3.7 m wide where the driveway is for one-way traffic, or at least 8 m wide where the driveway is for two-way traffic |

5.9 Recreational and Lakeside Residential Zone (RLR)

5.9.1 Uses Permitted

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

- (a) Cottage
- (b) Single Detached Dwelling
- (c) One Bunkie, accessory to a Single Detached Dwelling or Cottage

5.9.2 Regulations

Each use permitted in a Recreational and Lakeside Residential Zone (RLR) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Recreational and Lakeside Residential Zone (RLR)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|---|----------------------------------|---|----------------------|---|-------------------------------|-------------------------|-------------------------------------|
| RLR Recreational and Lakeside Residential - See Section 5.9 of this By-law | | | | | | | | | | | |
| Single Detached Dwelling; Cottage | 2,000 sq. m | 30 m | 9 m | 3 m | 6 m | 10 m | 30% | One single detached dwelling or one cottage | N/A | 11 m | |
| Water Access Only Cottages | 300 sq. m | 10 m | 2 m | 1 m on one side; 3 m on the other side | N/A | 6 m adjacent to water; 2 m in other case | 60% | | | | Maximum gross floor area - 20 sq. m |

5.10 Urban Commercial Zone (UC)

5.10.1 Uses Permitted

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

(a) UC(LC) Local Commercial

- a) Child Care Centre
- b) Mixed Use Commercial/Residential Building
- c) Retail Store - Convenience

(b) UC(OS) Office and Service

- a) Adult Secondary School
- b) Apartment Dwelling
- c) Call Centre
- d) Child Care Centre
- e) Church
- f) Clinic
- g) Commercial School
- h) Converted Dwellings
- i) Cultural Facility
- j) Funeral Home
- k) Mixed Use Commercial/Residential Building
- l) Office
- m) Parking Area
- n) Parking Lot
- o) Single Detached Dwelling
- p) Temporary Care Facility

(c) UC(NC) Neighbourhood Commercial

- a) Bake Shop
- b) Bank/Financial Institution
- c) Call Centre
- d) Child Care Centre
- e) Church
- f) Clinic
- g) Cultural Facility
- h) Dry Cleaning Establishment
- i) Eating Establishment
- j) Eating Establishment – Take Out
- k) Furniture Store
- l) Laundromat
- m) Office
- n) Personal Service Establishment
- o) Pet Shop
- p) Print Shop

- q) Retail Store
- r) Retail Store – Convenience
- s) Service or Repair Shop
- t) Shopping Centre
- u) Temporary Care Facility

(d) UC(HC1) Highway Commercial First Density

- a) Adult Secondary School
- b) Agricultural Service and Supply Establishment
- c) Assembly Hall
- d) Automobile Repair Shop
- e) Automobile Sales and Service Establishment
- f) Automobile Service Station
- g) Bake Shop
- h) Bank/Financial Institution
- i) Beer/Liquor Store
- j) Builder's Supply Yard
- k) Call Centre
- l) Car Wash, Automatic
- m) Car Wash, Manual
- n) Child Care Centre
- o) Church
- p) Clinic
- q) Clinic, Veterinary
- r) Club, Private
- s) Commercial Entertainment and Recreational Establishment
- t) Commercial School
- u) Contractor's Yard
- v) Cultural Facility
- w) Dry Cleaning Establishment
- x) Eating Establishment
- y) Eating Establishment – Take Out
- z) Funeral Home
- aa) Furniture Store
- bb) Gas Bar
- cc) Hotel/Motel
- dd) Laundromat
- ee) Mixed Use Commercial/Residential Building
- ff) Nursery
- gg) Office
- hh) Personal Service Establishment
- ii) Pet Shop
- jj) Print Shop
- kk) Public Storage
- ll) Rental Establishment
- mm) Retail Store
- nn) Retail Store - Convenience
- oo) Service or Repair Shop
- pp) Service Trade Establishment
- qq) Tavern
- rr) Taxi Establishment

- ss) Temporary Care Facility
- tt) Warehouse
- uu) Wholesale Establishment

(e) UC(HC2) Highway Commercial Second Density

- a) Adult Secondary School
- b) Bake Shop
- c) Bank/Financial Institution
- d) Beer/Liquor Store
- e) Call Centre
- f) Child Care Centre
- g) Clinic
- h) Commercial School
- i) Cultural Facility
- j) Dry Cleaning Establishment
- k) Eating Establishment
- l) Eating Establishment – Take Out
- m) Furniture Store
- n) Laundromat
- o) Mixed Use Commercial/Residential Building
- p) Office
- q) Personal Service Establishment
- r) Pet Shop
- s) Print Shop
- t) Public Storage
- u) Rental Establishment
- v) Retail Store
- w) Retail Store - Convenience
- x) Service or Repair Shop
- y) Temporary Care Facility

(f) UC(CC) Community Commercial

- a) Assembly Hall
- b) Automobile Repair Shop
- c) Automobile Sales and Service Establishment
- d) Automobile Service Station
- e) Bake Shop
- f) Bank/Financial Institution
- g) Beer/Liquor Store
- h) Call Centre
- i) Car Wash, Automatic
- j) Car Wash, Manual
- k) Child Care Centre
- l) Church
- m) Clinic
- n) Clinic, Veterinary
- o) Club, Private
- p) Commercial Entertainment and Recreational Establishment
- q) Cultural Facility
- r) Dry Cleaning Establishment

- s) Eating Establishment
- t) Eating Establishment – Take Out
- u) Funeral Home
- v) Furniture Store
- w) Gas Bar
- x) Hotel
- y) Laundromat
- z) Nursery
- aa) Mixed Use Commercial/Residential Building
- bb) Office
- cc) Parking Commercial Area
- dd) Personal Service Establishment
- ee) Pet Shop
- ff) Print Shop
- gg) Rental Establishment
- hh) Retail Store
- ii) Retail Store - Convenience
- jj) Service or Repair Shop
- kk) Service Trade Establishment
- ll) Shopping Centre
- mm) Tavern
- nn) Temporary Care Facility
- oo) Warehouse
- pp) Wholesale Establishment

(g) UC(DC) District Commercial

- a) Automobile Repair Shop
- b) Automobile Sales and Service Establishment
- c) Automobile Service Station
- d) Bake Shop
- e) Bank/Financial Institution
- f) Beer/Liquor Store
- g) Bus Depot
- h) Call Centre
- i) Child Care Centre
- j) Church
- k) Clinic
- l) Commercial Entertainment and Recreational Establishment
- m) Cultural Facility
- n) Department Store Type Merchandise (DSTM)
- o) Dry Cleaning Establishment
- p) Eating Establishment
- q) Eating Establishment – Take Out
- r) Furniture Store
- s) Gas Bar
- t) Laundromat
- u) Nursery
- v) Office
- w) Parking Lot
- x) Personal Service Establishment
- y) Pet Shop

- z) Retail Store
- aa) Retail Store - Convenience
- bb) Service or Repair Shop
- cc) Service Trade Establishment
- dd) Shopping Centre
- ee) Supermarket
- ff) Tavern
- gg) Temporary Care Facility

(h) UC(CBD) Central Business District

- a) Adult Secondary School
- b) Apartment Dwelling
- c) Assembly Hall
- d) Bake Shop
- e) Bank/Financial Institution
- f) Beer/Liquor Store
- g) Bus Depot
- h) Call Centre
- i) Child Care Centre
- j) Church
- k) Clinic
- l) Club, Private
- m) Commercial Entertainment and Recreational Establishment
- n) Commercial School
- o) Cultural Facility
- p) Department Store Type Merchandise (DSTM)
- q) Dry Cleaning Establishment
- r) Eating Establishment
- s) Eating Establishment – Take Out
- t) Funeral Home
- u) Furniture Store
- v) Hotel
- w) Mixed Use Commercial/Residential Building
- x) Office
- y) Parking Area
- z) Parking Lot
- aa) Personal Service Establishment
- bb) Pet Shop
- cc) Post-Secondary School
- dd) Print Shop
- ee) Rental Establishment
- ff) Retail Store
- gg) Retail Store - Convenience
- hh) Service or Repair Shop
- ii) Service Trade Establishment
- jj) Shopping Centre
- kk) Supermarket
- ll) Tavern
- mm) Temporary Care Facility

(i) UC(PC) Power Centre

- a) Automobile Service Station
- b) Bank/Financial Institution
- c) Child Care Centre
- d) Clinic
- e) Commercial Entertainment and Recreational Establishment, excluding a Cinema
- f) Cultural Facility
- g) Department Store Type Merchandise (DSTM)
- h) Department Store Type Merchandise (Non) (NON-DSTM)
- i) Dry Cleaning Establishment
- j) Eating Establishment
- k) Eating Establishment – Take Out
- l) Gas Bar
- m) Home Improvement Related Merchandise Store (HIRM)
- n) Laundromat
- o) Nursery
- p) Office
- q) Personal Service Establishment
- r) Rental Establishment
- s) Service or Repair Shop
- t) Supermarket
- u) Tavern
- v) Temporary Care Facility

5.10.2 Regulations

Each use permitted in an Urban Commercial Zone (UC) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Urban Commercial Zone (UC)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Max. Density per Lot | Landscaped Open Space Minimum | Max. Building Height | Other Provisions |
|--|---|--|--------------------------|--|----------------------------------|-------------------------|----------------------|--------------------------|-------------------------------|---|---|
| UC Urban Commercial - See Section 5.10 of this By-law | | | | | | | | | | | |
| UC(LC) - Local Commercial | 464.5 sq. m | 15.24 m | 7.62 m | 3.05 m abutting a Residential Zone Classification Interior corner lot - 3.05 m | Corner lot exterior 3.05 m | 7.62 m | 45% | N/A | N/A | 3.96 m | Gross leasable area: maximum is 278.7 sq. m |
| UC(OS) - Office and Service | 464.5 sq. m | 15.24 m, 22.86 m for a Church; 30.48 m for Funeral Home | 7.62 m | Interior and interior corner lot - 3.05 m abutting a Residential Zone Classification | Corner lot exterior 3.05 m | 7.62 m | 45% | N/A | N/A | 10.67 m | |
| UC(NC) Neighbourhood Commercial | Minimum 464.5 sq. m; Maximum 3,994.7 sq. m | 15.24 m; 22.66 m for a Church | 7.62 m | Interior and interior corner lot - 7.62 m abutting a Residential Zone Classification | Corner lot exterior - 3.05 m | 7.62 m | 45% | N/A | N/A | 7.92 m; except for a Church - 15.24 m | Gross leasable area: maximum for one building is 1,486 sq. m; Maximum for individual store or unit is 499.8 sq. m |
| UC(HC1) - Highway Commercial First Density | 700 sq. m | 22.86 m; 30.48 m for a Funeral Home | 7.62 m | Interior and interior corner lot - 7.62 m abutting a Residential Zone Classification | Corner lot exterior 3.05 m | 7.62 m | 45% | 75 dwelling units per ha | N/A | 11 m except for a Church - 15.24 m; hotel/ motel – no requirement | Retail store – maximum gross floor area of 1,858 sq. m; |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Max. Density per Lot | Landscaped Open Space Minimum | Max. Building Height | Other Provisions |
|---|---|---|--------------------------|---|----------------------------------|---|----------------------|----------------------|-------------------------------|---|---|
| UC(HC2) - Highway Commercial Second Density | 434.77 sq. m | NA | 7.62 m | Interior and interior corner lot - 7.62 m abutting a Residential Zone Classification | N/A | 7.62 m if abutting Residential Zone Classification | 45% | N/A | N/A | 7.92 m | Retail store – maximum gross floor area of 1,858 sq. m; Gross leasable Area : Maximum for one building is 929 sq. m; |
| UC(CC) - Community Commercial | N/A Except for automobile sales and service establishment 4047 sq. m | 15.24 m; 30.48 m for automobile sales and service establishment 30.48 m for a funeral home or church; 7.62 m for a hotel/motel | 7.62 m | Interior and interior corner lot – 4.57 m abutting Residential Zone Classification | Corner lot exterior 3.05 m | 7.62 m if abutting a Residential Zone Classification | 50% | N/A | N/A | 12.19 m except for the following: Church - 15.24 m; hotel/ motel – no requirement | Gross leasable Area : Maximum for one building is 929 sq. m; |
| UC(DC) - District Commercial | N/A | N/A | 7.62 m | Interior and interior corner lot 30.48 m abutting a Commercial or Industrial Zone Classification; 60.96 m abutting a Residential Zone Classification | Corner lot exterior 15.24 m | 7.62 m abutting a Commercial or Industrial Zone Classification; 15.24 m abutting a Residential Zone Classification | 50% | N/A | N/A | N/A | Gross leasable area: Maximum 25,083 sq. m |

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Max. Density per Lot | Landscaped Open Space Minimum | Max. Building Height | Other Provisions |
|-------------------------------------|------------------|----------------------|--------------------------|--|----------------------------------|---|----------------------|----------------------|-------------------------------|----------------------|---|
| UC(CBD) - Central Business District | N/A | N/A | N/A | Interior and interior corner lot - 7.62 m abutting a Residential Zone Classification | N/A | 7.62 m abutting a Residential Zone Classification | N/A | N/A | N/A | N/A | |
| UC(PC) - Power Centre Commercial | N/A | N/A | 7.62 m | Interior and interior corner lot 30.48 m abutting a Commercial or Industrial Zone Classification; 60.96 m abutting a Residential Zone Classification | Corner lot exterior 15.24 m | 7.62 m abutting a Residential Zone Classification | 50% | N/A | N/A | 7.92 m | Notwithstanding any provision of this By-law: - Minimum size for each individual store or unit is 499.8 sq. m -the lands subject to this Zone shall be deemed to be one lot for zoning purposes -parking is permitted in any required setback -no off-street loading requirements apply -one parking space per 20.44 sq. m of gross floor area |

5.11 Village Commercial Zone (VC)

5.11.1 Uses Permitted

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

- (a) Assembly Hall
- (b) Automobile Repair Shop
- (c) Automobile Service Station
- (d) Bank/Financial Institution
- (e) Bed and Breakfast Establishments
- (f) Beer and Liquor Store
- (g) Child Care Centre
- (h) Clinic
- (i) Clinic, Veterinary
- (j) Club, Private
- (k) Commercial Entertainment and Recreational Establishment
- (l) Dwelling Accessory
- (m) Eating Establishment
- (n) Eating Establishment -Take Out
- (o) Existing Single Detached Dwelling
- (p) Funeral Home
- (q) Gas Bar
- (r) Mixed-use Commercial/Residential building
- (s) Nursery
- (t) Nursing Home
- (u) Office
- (v) Personal Service Establishment
- (w) Printing Establishment
- (x) Public Storage
- (y) Retail Store
- (z) Retail Store - Convenience
- (aa) Service or Repair shop

- (bb) Tavern

5.11.2 Regulations:

Each use permitted in a Village Commercial Zone (VC) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Village Commercial Zone (VC)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|---|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|------------------------------------|-------------------------------|-------------------------|------------------|
| VC Village Commercial - See Section 5.11 of this By-law | | | | | | | | | | | |
| Uses permitted in a VC Zone | 450 sq. m minimum with Municipal water supply and sanitary sewers; 1,350 sq. m minimum with Municipal water supply only; 2,500 sq. m minimum without Municipal water supply and without sanitary sewers | 15 m | 10 m | 3 m | 3 m | 8 m | N/A | Gross floor area - 25% of lot area | 20% | 11 m | |

5.12 Tourism Commercial Zone (TC)

5.12.1 Uses Permitted

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

- (a) Campground
- (b) Dwelling Accessory
- (c) Eating Establishment
- (d) Hotel
- (e) Hunting and Fishing Outfitter and Guide Services
- (f) Lodge
- (g) Marina
- (h) Marine Facility
- (i) Outdoor Recreational Facilities and areas including, but not limited to, trail systems and nature preserve
- (j) Tavern
- (k) Cottage
- (l) Park Model Trailer

5.12.2 Regulations

Each use permitted in a Tourism Commercial Zone (TC) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Tourism Commercial Zone (TC)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|---|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|------------------------------------|-------------------------------|-------------------------|--|
| TC Tourism Commercial - See Section 5.12 of this By-law | | | | | | | | | | | |
| Uses permitted in a TC Zone | 2,500 sq. m minimum with no Municipal sanitary sewers; 1,350 sq. m minimum with no Municipal water and sanitary sewers | 20 m | 10 m | 3 m | 8 m | 8 m | N/A | Gross floor area – 25% of lot area | 20% | 11 m | <p>Campgrounds: -every campground shall be divided into identified camp sites; each camp site shall have a minimum width along a driveway of 9 m -no travel trailer, tent trailer, tent or other transportable accommodation, nor any accessory attached hereto shall be situated closer than 4 m to any other accommodation or attachment</p> <p>Rental Cabins and Cottages: -every rental cabin and cottage shall have devoted to it a site of not less than 200 sq. m in area, exclusive of any area required for private septic systems; -no two rental cabins or cottages shall be constructed closer than 4 m from each side</p> |

5.13 Rural Highway Commercial Zone (RHC)

5.13.1 Uses Permitted

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

- (a) Agricultural Service Establishment
- (b) Agricultural Supply Establishment
- (c) Automobile Repair Shop
- (d) Automobile Sales and Service Establishment
- (e) Automobile Service Station
- (f) Dwelling Accessory
- (g) Eating Establishment
- (h) Eating Establishment Drive-in
- (i) Eating Establishment Take-out
- (j) Furniture Store
- (k) Gas Bar
- (l) Hotel/Motel
- (m) Nursery
- (n) Office
- (o) Public Storage
- (p) Recreation Establishment
- (q) Rental Establishment
- (r) Retail Store
- (s) Retail Store - Convenience
- (t) Service or Repair Shop
- (u) Service Trade Establishment
- (v) Tavern
- (w) Wholesale Establishment

5.13.2 Regulations

Each use permitted in a Rural Highway Commercial Zone (RHC) is subject to:

- (a) the regulations in Section 4;

- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Rural Highway Commercial Zone (RHC)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|--|
| RHC Rural Highway Commercial - See Section 5.13 of this By-law | | | | | | | | | | | |
| Uses permitted in a RHC Zone | 950 sq. m | 30 m | 15 m | 7.62 m | 7.62 m | 7.62 m | 45% | N/A | 20% | 11 m | Retail store – maximum gross floor area of 1,858 sq. m |

5.14 General Industrial Zone (M1)

5.14.1 Uses Permitted

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

- (a) Agricultural Implements Sales and Service Establishment
- (b) Animal Grooming
- (c) Asphalt and Concrete Batching Plant
- (d) Assembly Hall
- (e) Automobile Body Shop
- (f) Automobile Repair Shop
- (g) Automobile Sales and Service Establishment
- (h) Automobile Service Station
- (i) Builder's Supply Yard
- (j) Bulk Fuel Storage
- (k) Call Centre
- (l) Car Wash, Automatic
- (m) Car Wash, Manual
- (n) Commercial Entertainment and Recreational Establishment
- (o) Commercial School
- (p) Construction/Industrial Equipment Sales and Service Establishment
- (q) Contractor's Yard
- (r) Courier Service
- (s) Dry Cleaning Establishment
- (t) Eating Establishment
- (u) Eating Establishment - Drive-in
- (v) Eating Establishment - Take-out
- (w) Factory Outlet
- (x) Garage, Public
- (y) Gas Bar
- (z) Grain Elevator or other Storage Facility for Farm Produce
- (aa) Industrial Mall

- (bb) Industrial Use, which is not noxious
- (cc) Laboratory or Scientific Research Facility
- (dd) Nursery
- (ee) Office
- (ff) Public Storage
- (gg) Rental Establishment
- (hh) Service or Repair Shop
- (ii) Service Trade Establishment
- (jj) Taxi Establishment
- (kk) Towing Establishment
- (ll) Train Depot
- (mm) Truck Terminal
- (nn) Warehouse
- (oo) Wholesale Business with Accessories Retail Business

5.14.2 Regulations:

Each use permitted in a General Industrial Zone (MI) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

General Industrial Zone (M1)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|---|---|--|----------------------|-------------------------|-------------------------------|-------------------------|---|
| M1 General Industrial - See Section 5.14 of this By-law | | | | | | | | | | | |
| Uses permitted in a M1 Zone | N/A | 30 m | 9 m | 3 m or 7.6 m if abutting a Residential Zone | 3 m or 7.6 m if abutting a Residential Zone | 7.6 m or 15 m if abutting a Residential Zone | 60% | N/A | 10% | N/A | Open storage: 15% of lot area On site retail: 20% of gross floor area for retail sale of products manufactured and/or warehoused on premises |

5.15 Extractive Industrial Zone (M2)

5.15.1 Uses Permitted

No person shall, within any M2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

- (a) Agricultural Uses, but not including structure
- (b) Asphalt and Concrete Batching Plant
- (c) Buildings, Structures and Uses accessory to the foregoing, unless specifically prohibited
- (d) Open storage of equipment and material
- (e) Pits and Quarries as defined and licensed by the *Aggregate Resources Act*, as amended from time to time
- (f) Processing of Extracted Materials from the site including crushing, screening, washing, sorting and storing materials

5.15.2 Regulations

Each use permitted in an Extractive Industrial Zone (M2) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Extractive Industrial Zone (M2)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|--|
| M2 Extractive Industrial - See Section 5.15 of this By-law | | | | | | | | | | | |
| Uses permitted in a M2 Zone | N/A | N/A | 20 m | 20 m | 20 m | 20 m | 10% | N/A | N/A | 30 m | <p>No pit excavation shall be closer than 30 m to a street line or Residential Zone;</p> <p>2 m to any property line, top of bank, natural water course, or open drain</p> |

5.16 Salvage Yard Industrial Zone (M3)

5.16.1 Uses Permitted

No person shall, within any M3 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

- (a) Automotive Wrecking Establishment
- (b) Buildings, Structures and Uses accessory to the foregoing uses, unless specifically prohibited.
- (c) Existing Single Detached Dwelling owned and occupied by the operator of the aforementioned permitted uses
- (d) Existing Waste Disposal Site
- (e) Salvage Yard

5.16.2 Regulations

Each use permitted in a Salvage Yard Industrial Zone (M3) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Salvage Yard Industrial Zone (M3)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|---|---|--|---|----------------------|-------------------------|-------------------------------|-------------------------|--|
| M3 Salvage Yard Industrial - See Section 5.16 of this By-law | | | | | | | | | | | |
| Uses permitted in a M3 Zone | 0.8 ha | 30 m | 20 m from limit of road right-of-way for accessory dwelling; 30 m for all salvage piles and accessory facilities | 10 m for all salvage piles and accessory facilities | 20 m for accessory dwelling and fencing; 30 m for all salvage piles | 10 m for all salvage piles and accessory facilities | N/A | N/A | 10% | 11 m | <p>Pile height: no salvage shall be piled in excess of required fence height</p> <p>Open storage: The provisions of Section 4 apply; a planting strip shall not be used in place of fencing; minimum fence height shall be 2.44 m; salvage piles shall not be located closer than 10 m from required fencing</p> |

5.17 Prestige Industrial Zone (M4)

5.17.1 Uses Permitted

No person shall, within any M4 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

- (a) Accessory Retail Store not exceeding 10% of the gross floor area of the building containing the permitted light industrial or warehousing use
- (b) Advanced Technology Industry
- (c) Automobile Sales and Service Establishment, Commercial
- (d) Buildings and Administrative Office Uses accessory to a permitted use
- (e) Business Support Service
- (f) Call Centre
- (g) Industrial Mall
- (h) Laboratory or Scientific Research Facility
- (i) Office
- (j) Warehouse
- (k) Construction/Industrial Equipment Sales and Service Establishment
- (l) Courier Service
- (m) Industrial Use, which is not noxious
- (n) Service Trade Establishment
- (o) Truck Terminal
- (p) Wholesale Business with Accessory Retail Business

5.17.2 Regulations

Each use permitted in a Prestige Industrial (M4) Zone is subject to:

- a) the regulations in Section 4;
- b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Prestige Industrial Zone (M4)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|--|
| M4 Prestige Industrial - See Section 5.17 of this By-law | | | | | | | | | | | |
| Uses permitted in a M4 Zone | N/A | N/A | 25 m | 3 m | 5 m | 7.5 m | 60% | N/A | 20% | 5-storeys | <p>Outdoor storage: The storage of goods and materials outdoor of any building shall be permitted in accordance with the following provisions:</p> <ol style="list-style-type: none"> 1. Open storage shall only be located in the rear yard of a lot. 2. Open storage shall be enclosed by a landscaped berm and fence and designed so that the storage area is not visible from a street adjoining the lot or along any line of sight that is perpendicular to the street. 3. Open storage shall comply with the yard requirements. <p>Exterior Side Yard Depth Minimum on Seventh Line West – 25 m</p> |

5.18 Light Industrial Zone (M5)

5.18.1 Uses Permitted

No person shall, within any M5 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M6 uses, namely:

- (a) Accessory Retail Store not exceeding 10% of the gross floor area of the building containing the permitted light industrial or warehousing use
- (b) Advanced Technology Industry
- (c) Automobile Sales and Service Establishment, Commercial
- (d) Buildings and Administrative Office Uses accessory to a permitted use
- (e) Business Support Service
- (f) Call Centre
- (g) Industrial Mall
- (h) Laboratory or Scientific Research Facility
- (i) Office
- (j) Warehouse
- (k) Construction/Industrial Equipment Sale and Service Establishment
- (l) Courier Service
- (m) Industrial Use, which is not noxious
- (n) Service Trade Establishment
- (o) Truck Terminal
- (p) Wholesale Business with Accessory Retail Business

5.18.2 Regulations

Each use permitted in a Light Industrial Zone (M5) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Light Industrial Zone (M5)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|--|
| M5 Light Industrial Zone - See Section 5.18 of this By-law | | | | | | | | | | | |
| Uses permitted in a M5 Zone | N/A | N/A | 9 m | 3 m | 5 m | 7.5 m | 60% | N/A | 10% | 15 m | <p>Outdoor storage: the storage of goods and materials outdoor of any building shall be permitted in accordance with the following provisions :</p> <ul style="list-style-type: none"> -open storage shall only be located in the rear yard of a lot; -open storage shall be enclosed by a landscaped berm and fence and designed so that the storage area is not visible from a street adjoining the lot or along any line of sight that is perpendicular to the street, and -open storage shall comply with the yard requirements |

5.19 Rural Industrial Zone (MR)

5.19.1 Uses Permitted

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

- (a) Agricultural Industrial Establishment
- (b) Agricultural Processing Establishment
- (c) Agricultural Service Establishment
- (d) Agricultural Supply Establishment
- (e) Clinic, Veterinary
- (f) Feed or Flour Mill
- (g) Grading Station for farm product
- (h) Grain Elevator or other Storage Facility for farm produce
- (i) Industrial Use – If a municipal water supply is not available, only a Dry Industry shall be permitted
- (j) Nursery
- (k) Public Storage
- (l) Retail Store engaged in the sale of farm produce
- (m) Service Trade Establishment primarily serving the rural community
- (n) Truck Terminal
- (o) Warehouse
- (p) Uses and Buildings accessory to the above permitted uses

5.19.2 Regulations

Each use permitted in a Rural Industrial Zone (MR) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Rural Industrial Zone (MR)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|---|
| MR Rural Industrial - See Section 5.19 of this By-law | | | | | | | | | | | |
| Uses permitted in a MR Zone | 1,390 sq. m | 30 m | 15 m | 3 m | 15 m | 7 m | 35% | N/A | 10% | 20 m | Maximum outdoor storage 40% of lot area subject to Section 4.0 of this By-law |

5.20 Institutional Zone (I)

5.20.1 Uses Permitted

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

- (a) Arena
- (b) Art Gallery
- (c) Assembly Hall
- (d) Auditorium
- (e) Cemetery
- (f) Child Care Centre
- (g) Church
- (h) Clinic
- (i) Club, Private
- (j) Dwelling Senior Citizen
- (k) Hospital
- (l) Institutional Use
- (m) Library
- (n) Museum
- (o) Nursing Home
- (p) Uses and Buildings Accessory to the permitted uses

5.20.2 Regulations

Each use permitted in an Institutional (I) Zone is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Institutional Zone (I)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|------------------|
| I Institutional - See Section 5.20 of this By-law | | | | | | | | | | | |
| Uses permitted in an (I) Zone | N/A | 30 m | 8 m | 3 m | 8 m | 7 m | 40% | N/A | 30% | 11 m | |

5.21 Agricultural Zone (A1)

5.21.1 Uses Permitted

No person shall, within any A1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

- (a) Agricultural Use, excluding a residential dwelling on a lot created as a result of a consent to sever a dwelling, after January 1, 2006, with an area greater than 0.8 ha.
- (b) Agricultural Use
- (c) Agri-tourism Use
- (d) Bed and Breakfast Establishment
- (e) Bunkhouse accessory to an Agricultural Use
- (f) Conservation
- (g) Existing Churches, Cemeteries and Assembly Halls
- (h) Existing Dwelling
- (i) Existing Mobile Home
- (j) Existing pit operation as defined and licensed by the *Aggregate Resources act*, as amended from time to time
- (k) Farm Sales Outlet
- (l) Farm, Specialized
- (m) Farm Vacation Establishment
- (n) Forestry or woodlots
- (o) Greenhouse Farm
- (p) Greenhouse Farm Large-Scale
- (q) Greenhouse Large-Scale
- (r) Kennel
- (s) Preservation of Wildlife and Fisheries
- (t) Single Detached Dwelling or a Mobile Home accessory to an agricultural use
- (u) Single Detached Dwelling on an existing lot
- (v) Single Detached Dwelling on a lot created as a result of a Consent, after January 1, 2006, with an area of 0.8 ha. or less
- (w) Notwithstanding the foregoing, the maximum number of residential dwellings accessory to an agricultural use shall be one (1)

5.21.2 Regulations

Each use permitted in an Agricultural Zone (A1) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure;

Agricultural Zone (A1)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|--|--|--------------------------|----------------------------------|----------------------------------|-------------------------|-----------------------------------|-------------------------------|-------------------------------|-------------------------|--|
| A1 Agricultural - See Section 5.21 of this By-law | | | | | | | | | | | |
| Single Detached Dwelling | N/A | N/A | 12.0 m | 3.0 m | 6.0 m | 8.0 m | 30% | Two single detached dwellings | N/A | 11.0 m | Where two single detached dwellings are located on a lot, the maximum distance between each shall be 60 m |
| Uses permitted in an A1 Zone | Agricultural and accessory uses 20 ha; other uses 2,000 sq. m | Agricultural and accessory uses 60 m; other uses 30 m | 20 m | 4 m | 20 m | 4 m | Agriculture 10% Other uses 30% | N/A | Non-agricultural uses 30% | 20 m | Not more than one (1) mobile home accessory to such agricultural use shall be permitted on a lot with a minimum lot area of 20 ha. |

5.22 Open Space Zone (OS1)

5.22.1 Uses Permitted

No person shall, within any OS1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

- (a) Buildings and Uses accessory to the permitted uses
- (b) Cemetery
- (c) Club, Private
- (d) Golf Course
- (e) Conservation
- (f) Golf Driving Range
- (g) Recreational Use
- (h) Public Park

5.22.2 Regulations

Each use permitted in the Open Space Zone (OS1) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Open Space Zone (OS1)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|------------------|
| OS1 Open Space - See Section 5.22 of this By-law | | | | | | | | | | | |
| Uses permitted in an OS1 Zone | N/A | N/A | 15 m | 8 m | 15 m | 8 m | 25% | N/A | 50% | 11 m | |

5.23 Hazard Land Zone (Floodplain and Wetland) (HL)

5.23.1 Uses Permitted

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

- (a) Existing Agricultural excluding any buildings or structures
- (b) Buildings and Uses accessory to the permitted uses
- (c) Conservation
- (d) Existing Dwelling
- (e) Flood and Erosion Control
- (f) Forestry or Woodlots
- (g) Outdoor Recreational Use – limited to hunting and fishing
- (h) Preservation of Wildlife and Fisheries

5.23.2 Regulations

Each use permitted in the Hazard Land Zone (HL) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule “B” applicable to the land, building or structure.

Hazard Land Zone (HL)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|--|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|------------------|
| HL Hazard Land - See Section 5.23 of this By-law | | | | | | | | | | | |
| Uses permitted in a HL Zone | N/A | N/A | 20 m | 8 m | 20 m | 20 m | 1% | N/A | N/A | 11 m | |

5.24 Deferred Development Zone (D)

5.24.1 Uses Permitted

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

- (a) Agricultural Uses, but excluding specialized farms for the raising of poultry, mushrooms, furs, hatcheries and greenhouses, kennels, piggeries or the raising of hogs
- (b) Buildings and Uses accessory to the foregoing permitted uses excluding new dwellings
- (c) Buildings and Uses lawfully existing on the date of passing of this By-law.

5.24.2 Regulations

Each use permitted in a Deferred Development Zone (D) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Deferred Development Zone (D)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|---|----------------------|-------------------------|-------------------------------|-------------------------------|---|
| D Deferred Development - See Section 5.24 of this By-law | | | | | | | | | | | |
| Uses permitted in a D Zone | 4 ha | 125 m | 25 m | 15 m | 25 m | 15 m ; except where abutting a street - 25 m | 1% | N/A | N/A | For accessory dwelling - 11 m | Outdoor storage: prohibited; Lot depth (minimum) – 120 m Gross floor area (minimum) - 900 sq. m |

5.25 Airport Zone (AP)

5.25.1 Uses Permitted

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

- (a) A Commercial Airport together with accessory uses restricted to:
 - i) Airport Terminal
 - ii) Car Rental Agencies
 - iii) Eating Establishment
 - iv) Offices of an Airport
 - v) Repair and Service to Airplanes
 - vi) Storage of Airplanes
 - vii) Warehousing
 - viii) Industrial and Commercial Uses ancillary to an Airport
 - ix) Other Industrial and Commercial Uses directly related to Aviation and/or an Airport

5.25.2 Regulations

Each use permitted in an Airport Zone (AP) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Airport Zone (AP)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|--|----------------------------------|--|----------------------|-------------------------|-------------------------------|-------------------------|------------------|
| AP Airport – See Section 5.25 of this By-law | | | | | | | | | | | |
| Uses permitted in an AP Zone | N/A | 30 m | 15 m | 6 m abutting non-residential uses; 7.5 m abutting residential uses; 3 m abutting industrial uses | 15 m | 10.5 m abutting non-residential uses; 15 m abutting residential uses; 4.5 m abutting industrial uses | 50% | N/A | 5% | 20 m | |

5.26 Landfill Zone (LF)

5.26.1 Uses Permitted

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

- (a) Buildings, Structures and Uses accessory to the permitted uses but excluding incineration or dwellings
- (b) Composting Facility
- (c) Landfilling
- (d) Material Recovery Facility
- (e) Soil Remediation Facility
- (f) Wood Chipping Facility
- (g) Agricultural Uses

5.26.2 Regulations

Each use permitted in a Landfill Zone (LF) is subject to:

- (a) the regulations in Section 4;
- (b) the regulations detailed in the following Performance Standard Chart applicable to the zone; and
- (c) any exceptions referred to in Schedule "B" applicable to the land, building or structure.

Landfill Zone (LF)

| Permitted Uses | Lot Area Minimum | Lot Frontage Minimum | Front Yard Depth Minimum | Interior Side Yard Width Minimum | Exterior Side Yard Width Minimum | Rear Yard Depth Minimum | Lot Coverage Maximum | Maximum Density per Lot | Landscaped Open Space Minimum | Maximum Building Height | Other Provisions |
|---|------------------|----------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|----------------------|-------------------------|-------------------------------|-------------------------|------------------|
| LF Landfill – See Section 5.26 of this By-law | | | | | | | | | | | |
| Uses permitted in a LF Zone | N/A | N/A | 100 m | 100 m | 100 m | 100 m | N/A | N/A | 20% | 30 m | |

**Schedule A
Zoning Maps**

***Zoning Mapping on Chatham-Kent Web**

Schedule B
Exceptions to Zones

Schedule C
Road Classifications

Schedule D
Parking Exempt Areas

Schedule E
Flood Proofing and Flood Fringe Areas

Schedule F
Wallaceburg Flight Path Height Limits
