



VILLAGE OF POINT EDWARD

COMPREHENSIVE

ZONING BY-LAW

ZONING BY-LAW 25 OF 2012

(passed by Council on September 25, 2012)

Prepared by: County of Lambton Planning and
Development Services Department

Amendments:

B/L 36 of 2015

B/L 30 of 2017

B/L 18 of 2018

B/L 46 of 2019

B/L 8 of 2021

B/L 23 of 2021

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SCHEDULE “A”

VILLAGE OF POINT EDWARD

ZONING BY-LAW 25 OF 2012

WHEREAS Section 34 of the *Planning Act*, S.O. 1996, C.4 as amended from time to time, allows a governing body of a municipal corporation to pass by-laws to regulate the use of land and the character, location and use of buildings and structures;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Village of Point Edward as follows:

SECTION 1 - ADMINISTRATION, ENFORCEMENT & INTERPRETATION

1.1 TITLE

This By-law shall be known as the Zoning By-law of the Corporation of the Village of Point Edward.

1.2 APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Village of Point Edward.

1.3 SCOPE

No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Village of Point Edward except in conformity with the provisions of this By-law.

1.4 REPEAL OF EXISTING BY-LAWS

From the coming into force of this By-law, all previous by-laws passed under Section 34 of the *Planning Act*, S.O. as amended, or a predecessor thereof, shall be deemed to have been repealed.

1.5 VALIDITY / SEVERABILITY

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.6 EFFECTIVE DATE

This By-law shall be deemed to be valid and to have come into force on the day of passing hereof.

1.7 COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not reduce any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

1.8 ENTRY AND INSPECTION OF PREMISES

Pursuant to Section 49 of the *Planning Act*, S.O. 1996, C.4, as amended, a By-law Enforcement Officer or a person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property in respect of which he believes a contravention of this By-law is occurring.

An officer or any person acting under instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant issued under Section 158 of the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33 as amended.

1.9 VIOLATIONS AND PENALTIES

Pursuant to Section 67 of the *Planning Act*, S.O. 1996, c.4 as amended, any person who contravenes this By-law is guilty of an offence and on conviction is liable:

- a) on a first conviction to a fine of not more than \$25,000; and
- b) 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 he was first convicted.

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

- a) on a first conviction a fine of not more than \$50,000; and
- b) 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.

1.10 RESTRAINING VIOLATIONS

Any violation of this By-law may be restrained by action at the instance of a ratepayer or the Corporation of the Village of Point Edward pursuant to the provisions of Section 327 of the *Municipal Act*, 1990, Chap. M. 45, as amended.

1.11 LICENSES AND PERMITS

No municipal permit, certificate or license shall be knowingly issued, where such is required, for a proposed use of land or proposed erection, alteration, enlargement or use of any building or structure which is in violation of any of the provisions of this By-law. The issuance of any permit, certificate or license shall not, however, constitute an acknowledgement that the provisions of this By-law have been complied with.

1.12 REQUESTS FOR AMENDMENTS AND FEES

Every request for an amendment to this By-law shall be accompanied by a fee as prescribed by the Corporation's By-law which sets a tariff of fees.

SECTION 2 - DEFINITIONS

General

- a) For the purposes of this By-law, the definitions and interpretations given in this Section shall govern.

“ABATTOIR” means the use of lands, buildings, structures or part thereof used for the slaughter of livestock or other animals for the purpose of processing or rendering.

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

“ADULT ENTERTAINMENT PARLOUR” 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 as per Subsection 225(9) of the *Municipal Act R.S.O. 1990*.

“AISLE” shall mean the area traveled by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.

“ALTER” when used in reference to a building or part thereof, shall mean to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word “alter” means to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or land whether such alteration is made by conveyance or alienation of any portion of such lot, or otherwise.

“AMENITY AREA” shall mean an area within a lot used for recreational or aesthetic purposes and may include landscaped open spaces, patios, balconies, swimming pools, recreational courts, but does not include driveways and parking areas.

“ANTENNA” shall mean the use of land, building or structure for the purpose of sending or receiving electromagnetic waves.

“ART GALLERY” shall mean a building or part thereof where works of art such as paintings, sculptures, pottery pieces, glass objects, and weaving articles are displayed for public viewing and may include the sales of art and/or art supplies.

“ASPHALT BATCHING PLANT” means an industrial establishment used for the production of asphalt, or asphalt products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of materials used in the production process or finished products, and the storage and maintenance of required equipment, but does not include the retail sale of

finished asphalt. **“PORTABLE ASPHALT PLANT”** means a temporary “asphalt batching plant” established for a public road project.

“ASSEMBLY HALL” shall mean a building or structure used for the assembly of persons for religious, charitable, philanthropic, cultural, private recreational or private educational purposes.

“ATTACHED” shall mean a building otherwise complete in itself that depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building(s). Buildings connected by a covered or enclosed breezeway or similar structure shall be deemed to be attached.

“ATTIC” shall mean that portion of a building situated wholly or partly within the roof of such building and which is not a one-half storey.

“AUCTION HALL” shall mean a building or structure where a public sale is conducted by an auctioneer through a series of competing bids and may include the storage of such articles to be sold at auction.

“AUDITORIUM” shall mean a building or structure where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, Community Centre, gymnasium, stadium, theatre or similar use.

“AUTOMOTIVE” See “Motor Vehicle”.

“BAKERY” shall mean the use of lands, buildings and structures or parts therein for the purpose of manufacturing or producing of bread, biscuits, cakes or other baked products.

“BAKE SHOP” shall mean the use of lands, buildings and structures or parts therein for the purpose of the retail sale of bakery goods in which some or all the retail goods are prepared on the premises.

“BALCONY” shall mean an unenclosed platform projecting from a building surrounded by a railing.

“BANK” shall mean any Federally or Provincially chartered financial institution or business. A “Credit Union” shall have a corresponding meaning.

“BANQUET HALL” shall mean a building used for the assembly of persons where private social functions are held and where facilities are provided for the preparation of food. This use shall not include a Restaurant or any other recreational use as defined in this by-law.

“BASEMENT” shall mean that portion of a building that is partly underground, but which has at least one-half of its height (measured from finished floor to finished ceiling) above the adjacent Finished Grade.

“BED AND BREAKFAST ESTABLISHMENT” shall mean a Home Occupation within a Single-detached Dwelling in which not more than three (3) rooms are made available by a resident of said Dwelling for temporary accommodation of travelers. Meals or food are served only to overnight guests. This definition does not include a Hotel, Motel or Restaurant.

“BEVERAGE ROOM” shall mean a building or premises, other than a restaurant, which is licensed under the *Liquor License Act* R.S.O.1990.

“BINGO HALL” shall mean a building used for the assembly of persons for the playing of bingo. This use shall not include any other recreational use a defined in this By-law.

“BOARDING HOUSE” - see **“DWELLING”**

“BREEZEWAY” shall mean an enclosed passage connecting two or more buildings.

“BREWING-ON-SITE ESTABLISHMENT” means a commercial establishment where customers produce beer, wine or cider for personal consumption off the premises; where beer, wine or cider ingredients are purchased; and where equipment and storage is used for a fee by the same customers.

“BUILDING” shall mean any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home, or tent.

“BUILDING ENVELOPE” means the buildable area on a lot, defined by the minimum front yard depth, rear yard depth, side yard width requirements and the maximum height requirements, within such buildings can be erected.

“BUILDING HEIGHT” shall mean the vertical distance from the finished grade level to the highest point of the roof, but exclusive of any accessory roof structures such as antenna, chimney, steeple or tower.

“BUILDING OFFICIAL, CHIEF” shall mean the officer or employee of the Corporation appointed or constituted under Section 3 or 4 of the *Building Code Act*, R.S.O., 1990 and having jurisdiction for the enforcement of this Act.

“BUILDING, MAIN” shall mean the building or buildings designed and/or intended to accommodate the principal use permitted by this by-law in the applicable zone.

“BUILDING SETBACK” shall mean the minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot, exclusive of any item listed as a permitted yard encroachment in this by-law.

“BULK FUEL ESTABLISHMENT” shall mean the use of lands, buildings or structures for the purpose of buying and selling petroleum fuels for distribution.

“BULK SALES ESTABLISHMENT” shall mean the use of land, building or structure for the purpose of buying or selling coal, fuel oil, wood, lumber, building materials, ice or allied commodities, but does not include any manufacturing, assembling or processing use.

“BY-LAW ENFORCEMENT OFFICER” shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of this by-law.

“CAMPGROUND” shall mean land used for the parking of travel trailers, tents or similar transportable accommodation, but not including a single-wide mobile home or double-wide mobile home.

“CANOPY” shall mean a roof free of enclosing walls.

“CARPORT” shall mean an accessory covered structure attached to the wall of the main building or attached to the wall of a dwelling and used for the storage of passenger motor vehicles wherein servicing for profit is not conducted. The roof of said structure shall be supported only by piers or columns so that at least 50% of its wall area adjacent to the lot line is unenclosed.

“CATERING ESTABLISHMENT” shall mean a building or part of a building in which food and beverages are prepared for consumption primarily off the premises.

“CELLAR” shall mean that portion of a building which is partly or wholly underground and which has more than one-half of its height (measured from finished floor to finished ceiling) below the adjacent finished grade.

“CHIEF BUILDING OFFICIAL” see **“BUILDING OFFICIAL, CHIEF”**.

“CHILD CARE CENTRE” shall mean a premise as defined and regulated by the *Child Care and Early Years Act, 2014*, S.O. 2014. (B/L 36/2015)

“CHURCH” means the use of lands and buildings set aside by any religious organization used by any recognized religious organization for public worship, and may include a rectory or manse, religious hall, day nursery or religious school associated with or accessory thereto.

“CLINIC” shall mean the use of lands, buildings or part thereof, used exclusively by physicians, dentists, drugless practitioners, their staff and their patients for the purpose of consultation, diagnosis and office treatment. 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 clinic, but shall not include accommodation for in-patient care or operating rooms.

“COMMERCIAL MOTOR VEHICLE” as defined in the *Highway Traffic Act*, R.S.O., 1990, as amended, shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highway.

“COMMERCIAL STORAGE FACILITY” shall mean the storage for gain or profit, of goods, merchandise, materials or equipment in an enclosed building, other than a temporary building but shall not include Wholesale Establishments.

“COMMERCIAL USE” shall mean the use of lands, structures or buildings for the purposes of buying or selling commodities and supplying services, but does not include Industrial Uses.

“COMMUNITY FACILITY” shall mean the use of lands and buildings for community activities, including: government buildings (such as administration offices, court houses, post offices, and registry offices); cultural facilities (such as libraries, museums, theatres, and civic centres); sports facilities (such as

arenas, race tracks, fair grounds, and stadiums); public service facilities (such as police halls, fire stations, public works yards and garage); and, institutions (such as schools, hospitals, and residential care facilities).

“**CONDOMINIUM**” means an individual ownership in a multiple unit dwelling with common elements in which the unit comprises not only of the space enclosed by the individual dwelling boundaries, but includes the land within the common element where the common element is owned by all the owners as tenants in common.

“**CONSERVATION**” shall mean the use of lands for the sole purpose of enhancing and protecting the natural environment.

“**CONTRACTOR'S YARD OR SHOP**” shall mean the use of lands, buildings or structures used for the purpose of storing contractor’s equipment and materials or performing shop work or assembly work by any construction trade or other contractor.

“**CONVENIENCE STORE**” shall mean a retail store supplying groceries and other daily household necessities to an immediate surrounding residential area.

“**CORPORATION**” shall mean the Corporation of the Village of Point Edward.

“**COUNCIL**” shall mean the Council of the Corporation of the Village of Point Edward.

“**COUNTY**” shall mean the Corporation of the County of Lambton.

“**COURT**” shall mean an open, unoccupied space adjoining a building, such space being bounded on two or more sides by walls of the said building.

“**COVERAGE**” - see “**LOT COVERAGE**”.

“**DANGEROUS GOODS**” shall mean explosives, flammable or combustible liquids or gases, toxic substances, radioactive material, corrosives or any other product or substance that is considered dangerous to life when handled or transported.

“**DAY CARE FACILITY**” shall mean a dwelling unit that receives individuals for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours.

“**DAY NURSERY**” as defined in the *Day Nurseries Act*, R.S.O., 1990, as amended, shall mean a dwelling unit that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours, where the children are under eighteen years of age in the case of a developmental handicap and under ten years of age in all other cases.

“**DECK**” means a structure without a roof or walls, having footings situated a minimum of 0.2 metres above grade, and may be attached to or abutting on or more walls of a building or constructed separate from a building. A Deck (unenclosed) is subject to the provisions of Section 4.3.3 of this By-law.

“DERELICT MOTOR VEHICLE” shall mean a motor vehicle that is inoperable or does not have valid license plate sticker.

“DETACHED” means totally separate and in no way connected.

“DINING ROOM” shall mean that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.

“DRY CLEANING ESTABLISHMENT” shall mean a building, or part thereof, in which the business of dry cleaning, dye drying, cleaning or pressing of articles or goods of fabric is carried on, in which only non-combustible and non-flammable solvents are used, which emits no odours, fumes, noise or vibration causing a nuisance or inconvenience within or outside the premises. A dry cleaning establishment may include a self-service dry cleaning establishment.

“DWELLING” shall mean a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include any travel trailer, mobile home, hotel, motel, private garage, a home for the aged, nursing home, hospital, or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a non-residential use.

“BOARDING HOUSE” shall mean any Building or part thereof in which the proprietor resides and supplies for hire or gain to not more than six persons exclusive of the leasee or owner thereof or members of leasee’s housekeeping unit, lodging and/or meals, but shall not include a hotel, motel, hospital, or nursing home.

“CLUSTER HOUSING” means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling may not have frontage on a public street and more than one dwelling unit may exist on a lot. Cluster housing development shall have frontage on a public street.

“CONVERTED DWELLING” means a lawfully established single detached dwelling that is altered or converted so as to provide up to a maximum of two additional dwelling units.

“DUPLEX DWELLING” shall mean a dwelling divided horizontally into two (2) separate dwelling units, each of which has an independent entrance;

“GROUP HOME TYPE 1” means a residential dwelling in which three to ten unrelated residents live as single housekeeping unit under responsible supervision consistent with the requirements of its residents. **“RESIDENTS”** excludes staff. The home is licensed or approved under Provincial Statute in compliance with municipal by-laws, as per the *Municipal Act*, R.S.O. 1990. This does not include a Group Home Type 2 use.

“GROUP HOME TYPE 2” means a residence maintained and operated primarily for persons who have been placed on probation under the provisions of the *Criminal Code*, R.S., the *Young Offenders Act*, R.S.O. 1990, the *Ministry of Correctional Services Act*, R.S.O. 1990, and the *Parole Act*, R.S. and the number of persons residing therein shall be up to eight excluding staff.

“MODULAR HOME” shall mean a prefabricated Single Detached Dwelling designed to be transported once only to a final location and constructed so that the shortest side of such dwelling is not less than six metres in width.

“MULTIPLE DWELLING” shall mean a building on a lot used or designed as a residence and containing three or more dwelling units, all of which have access from a common and/or independent entrances from the outside. All of the units in a “Multiple Dwelling” must be “Dwelling Units”, as defined in this By-law. It shall not, however, include any other Dwelling otherwise defined herein or specifically named elsewhere in this By-law

“SEMI-DETACHED DWELLING”, shall mean one of a pair of single dwellings, such dwellings being attached together horizontally in whole or in part above grade, below grade, or both above and below grade.

“SEMI-DETACHED/TOWNHOUSE DWELLING” shall mean a building, which contains two dwelling units, attached horizontally by a common wall, to two other dwelling units on an adjacent lot.

“SINGLE-DETACHED DWELLING” shall mean a detached dwelling on a lot containing only one (1) dwelling unit and occupied by not more than one (1) housekeeping unit. This definition shall not include a single wide or double wide mobile home.

“TOWNHOUSE” shall mean the whole of a dwelling divided vertically into three (3) or more separate dwelling units, each such dwelling unit having an independent entrance from outside the building;

“TOWNHOUSE, FREEHOLD” shall mean a townhouse with each dwelling unit on a separate Lot.

“TRIPLEX DWELLING” shall mean the whole of a dwelling divided horizontally into three (3) separate Dwelling Units, each such dwelling unit having an independent entrance from the outside or from a common hallway or stairway inside the building.

“DWELLING UNIT” shall mean a suite of two (2) or more habitable rooms, occupied by not more than one (1) housekeeping unit, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the building or from a common corridor inside the building. This definition shall not include a motor home, a private garage or a travel trailer.

“DWELLING UNIT AREA” shall mean the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, verandah, unfinished attic, cellar or sun room (unless such sun room is habitable in all seasons of the year), but including common hallways, common stairways or other common areas.

“EASEMENT” means a right or privilege that one has over the lands of another, registered on title to the said lands under the *Land Registry Act*, R.S.O. 1990, as amended, and may pertain to access rights above, below or on the said lands.

“ERECT” shall mean to build, construct, reconstruct or relocated and, without limiting the generality of the word, also includes:

- a) any preliminary operation such as excavation, infilling or draining;
- b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- c) any work which requires a building permit under the *Building Code Act*, R.S.O., 1990.

“ESTABLISHED BUILDING LINE” shall mean the average distance from the Street line of existing buildings on one side of one block where more than one-half of the lots on that side of the block have been built upon.

“EXISTING” shall mean existing on the date of passing of this by-law.

“FARM IMPLEMENT SALES ESTABLISHMENT” shall mean lands, buildings or structures used for the display and sales of new and/or used farm implements, and includes the servicing, repair, cleaning, polishing and greasing of farm implements, the sale of accessories and related products and the leasing or renting of farm implements.

“FLEA MARKET” means the occasional or periodic market held in an open area or in a building or structure where groups of individual sellers display and offer goods for sale to the public, but does not include a garage sale.

“FLOOR AREA, GROSS” shall mean the sum total area of the floors excluding internal parking areas in the building or buildings on a site measured from the exterior walls or from the centre line of common walls separating the buildings provided that where the floor area is within a roof structure without exterior walls the gross floor area shall be the area covered by the roof.

“FLOOR AREA, GROUND” shall mean the area of a building or structure measured from the outside of its exterior walls at grade and exclusive of any attached accessory building, terrace, unenclosed sunroom, porch or verandah.

“FUNERAL HOME” shall mean a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of human remains for interment or cremation.

“FURTHER CONTRAVENE” in reference to a proposed addition to an existing non-complying building or structure shall mean that any such part of the said addition does not comply with the required setbacks or any other provisions of the By-law.

“GARAGE, PUBLIC WORKS” means a municipal, county or provincial facility used for the storage of servicing of road construction and maintenance equipment and materials.

“GARAGE, PRIVATE” see “Private Garage”.

“GARAGE/YARD SALE” means a sale held by the occupant of a dwelling unit on his own premises, of household goods belonging to him and not merchandise which was purchased for resale or obtained on consignment. No person shall conduct more than two garage sales per calendar year at one location; and, no garage sale shall exceed two days duration.

“GARDEN CENTRE” shall mean the use of lands, buildings or structures for the purpose of buying, selling and raising plants, shrubs and trees and includes the storage and sale of accessory products generally used for landscaping and gardening purposes.

“GAS COMPRESSOR STATION” means the use of lands, buildings or structures for the storage, regulation of flow and distribution of natural gas.

“GASOLINE PUMP ISLAND” shall mean that portion of a lot where a pump or pumps used to transfer fuel from storage tanks to Motor Vehicles are situated.

“GASOLINE RETAIL FACILITY” shall mean a premise where the retail sale of fuels or lubricants for motor vehicles constitutes either the sole use, such as a gas bar, or an accessory use, such as a gasoline pump island. This definition shall not include an automotive service establishment.

“GOLF COURSE” shall mean a public or private area operated for the purpose of playing golf including a par 3 golf course but excluding Golf Driving Ranges, Miniature Golf Courses, or combination thereof.

“GOLF COURSE, MINIATURE” shall mean a use which provides facilities for what is commonly known as miniature golf but does not includes a Golf Driving Range or a Golf Course as defined herein.

“GOLF DRIVING RANGE” shall mean a use which provides facilities for the practicing of golf shots but does not include miniature golf courses or golf courses as defined herein.

“GRADE” - See **“FINISHED GRADE”**.

“GRAIN ELEVATOR” shall mean a building or structure used for the storage and shipment of grain.

“GROUP HOME” - See **“DWELLING”**.

“GUEST HOME” shall mean a room or suite of rooms which contain no facilities for cooking or for the installation of cooking equipment and which is used or designed for gain or profit by providing accommodation to the travelling or vacationing public.

“HABITABLE ROOM” shall mean a room designed to provide living, dining, sleeping or kitchen accommodation for persons. This definition shall not include any bathroom, private garage, carport, porch, verandah, unfinished attic, unfinished cellar or unfinished basement.

"HOME CHILD CARE" shall mean in-home child care provided as defined and regulated by the *Child Care and Early Years Act*, 2014, S.O. 2014. (B/L 36/2015)

"HOME FOR THE AGED" shall mean a Home for the Aged established or maintained under the *Home for the Aged and Rest Homes Act*, R.S.O., 1990, as amended, or a Rest Home established and maintained under the same Act.

"HOME OCCUPATION" shall mean any occupation conducted for gain or profit as an accessory use by a person or persons residing full-time within a permitted dwelling or a permitted dwelling unit and shall include a bed and breakfast establishment and a Home Child Care, but shall not include a Child Care Centre. (B/L 36/2015)

"HOSPITAL" shall mean any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury or for the treatment of convalescent or chronically ill persons which is approved under the *Public Hospitals Act*, R.S.O., 1990, as amended, as a public hospital. This definition shall also include a "Private Hospital" which shall mean, as defined in the *Private Hospitals Act*, R.S.O., 1990, as amended, a Dwelling in which four (4) or more patients are or may be admitted for treatment.

"HOTEL" shall mean a building in which a minimum of four (4) Guest Rooms is provided for transient lodgers, without private cooking or housekeeping facilities but which may include Dining and other public rooms, and provided that each Guest Room may only be entered from the interior of the building.

"INDUSTRIAL USE" means the use of lands, buildings or structures for the purpose of manufacturing, assembling, processing, preparing, dismantling, finishing, treating, repairing, warehousing or recovering of articles or substances.

"INDUSTRIAL USE, GENERAL" shall mean any industrial use other than a service and repair shop, a light industrial use, or an offensive industrial use.

"INDUSTRIAL USE, LIGHT" shall mean the use of land, structure or building for the carrying on of any process of manufacture whether or not a finished article results therefrom, including the repairing and servicing of vehicles and machinery in which the processes carried on, the material used or stored, the machinery employed, and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the following restrictions:

1. Water usage being restricted to the provision of employee washrooms, the indirect cooling and pressure testing of equipment, the cleaning of vehicles and/or equipment and similar uses ancillary to the manufacturing process.
2. No effluent discharges or contaminants that may contribute to the biological, chemical, physical or aesthetic pollution of land, water or air.

3. No emission of sound of which creates more than 2dbA decibels increase in the hourly sound levels measured in any area, and at any critical time, as designated by a competent public authority.

“INDUSTRIAL USE, OFFENSIVE” shall mean any business or industry which by reason of the process involved or the method of manufacture or the nature of the material or goods used, produced or stored is likely to cause or causes by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may be or become hazardous or injurious as regards health or safety or which prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.

“INSTITUTIONAL USE” shall mean the use of any land and/or building or part thereof by a government, educational, charitable or non-profit organization in the carrying out of its function and without limiting the generality of the foregoing, shall include libraries, firehalls, churches, hospitals, schools, community centres, private clubs and assembly halls.

“KENNEL” shall mean a building and yard where dogs and/or cats are bred and raised, and are sold or kept for sale, or boarded.

“LABORATORY” shall mean the use of a building or part thereof for the purposes of scientific or medical research.

“LANDSCAPING BUSINESS” shall mean the use of lands, buildings or structures for the purpose of growing trees, shrubs, plants and sod where landscaping and gardening supplies are kept and may include the storage of necessary machinery and vehicles used in connection with such a business.

“LANDSCAPED OPEN SPACE” shall mean the open, unobstructed space, on a lot, accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio or similar area but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, or any parking area; nor any open space beneath or within a building or structure.

“LANE” shall mean a public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

“LAUNDROMAT” shall mean an establishment containing one or more washers, and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service dry cleaning establishment.

“LEASABLE FLOOR AREA” shall mean that portion of the gross floor area of a building which is used by a non-residential use defined herein or specifically named elsewhere in this by-law, but excluding:

- a) any part of such building used by another non-residential use which is defined herein or specifically named elsewhere in this by-law;
- b) any part of such building used as a dwelling unit;
- c) any part of such building used for the parking or storage of motor vehicles;
- d) any part of such building used for equipment to heat such building or a portion thereof;
- e) any part of such building used as a mall, if such mall serves as a common area between stores;
and
- f) the thickness of any exterior walls of such building.

“LIBRARY” shall mean a library, branch library or distribution station to which the provisions of the *Public Libraries Act*, R.S.O., 1990 apply.

“LIVESTOCK” means farm animals kept for use, for propagation, intended for profit or gain or as pets and without limiting the generality of the foregoing includes: dairy, veal and beef cattle, horses, swine, sheep, laying hens, chickens, turkeys, ducks, emus, ostriches, goats, geese, mink, foxes and rabbits.

“LOADING SPACE” shall mean an off-street space on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial motor vehicle while loading or unloading merchandise or materials, and which abuts a street, lane or other appropriate means of access.

“LOT” means a parcel of land within a registered plan of subdivision (but not including plans deemed not to be registered pursuant to Section 50(4) of the *Planning Act*, R.S.O 1990) or any parcel of land that may be legally conveyed where the boundaries of which are recorded in the Registry Office for the Registry Division of the County of Lambton. (See diagrams at the end of this section for illustrations)

- a) **“CORNER LOT”** shall mean a lot situated at the intersection of two streets where the angle of intersection is not more than one hundred and thirty-five degrees.
- b) **“INTERIOR LOT”** shall mean a lot abutting upon one street or situated at the intersection of two streets where the angle of intersection of such streets is more than one hundred and thirty-five degrees.
- c) **“THROUGH LOT”** shall mean any lot having more than one lot line abutting a street, other than a corner lot.

“LOT AREA” shall mean the total horizontal area within the lot lines of a lot.

“LOT COVERAGE” means the percentage of the total lot area covered by buildings or structures, including all accessory buildings or structures above finished grade level whether attached or detached. Lot Coverage shall not include balconies and overhanging eaves provided none of the foregoing are less than 2.4 metres above finished grade. Lot Coverage shall also not include uncovered decks or swimming pools. **(B/L 18/2018)**

“LOT DEPTH” shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, Lot Depth means the length of a straight line joining the middle of the Front Lot Line with the middle of the Rear Lot Line. If there is no Rear Lot Line, Lot Depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

“LOT FRONTAGE” shall mean the horizontal distance between the side lot lines, measured perpendicularly from a line joining the middle of the front and rear lot lines and at a point thereon, a distance equal to the minimum front yard depth required by this by-law. Where there is no rear lot line, lot frontage shall mean the horizontal distance between the side lot lines, measured perpendicularly from a line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines. “Lot Frontage” shall not include the extent to which a lot abuts the end of a street, other than a street that terminates in a cul-de-sac.

“LOT LINE” shall mean any boundary of a lot or the vertical projection thereof. It shall be deemed to be two lot lines in cases where a lot line changes by a direction which is less than 135 degrees. It shall be deemed to be one continuous lot line in cases where the change in direction is greater than 135 degrees. (See diagrams at the end of this Section for illustrations)

- a) **“FRONT LOT LINE”** shall mean in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot or through lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side. In the case of a through lot or a corner lot whose exterior lot lines are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- b) **“REAR LOT LINE”** shall mean in the case of a Lot having four or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than four lot lines, there shall be deemed to be no rear lot line.
- c) **“SIDE LOT LINE”** shall mean a lot line other than a front or rear lot line.
- d) **“EXTERIOR SIDE LOT LINE”** on a corner or through lot, means the side lot line which abuts an open public street.
- e) **“INTERIOR SIDE LOT LINE”** means the side lot line which does not abut an open public street.

“LUMBER YARD” shall mean the use of lands, buildings or structures for the purpose of buying, selling and storing of wood and wood products and lumber but does not include any manufacturing or processing uses.

"MERCHANDISE SERVICE ESTABLISHMENT" shall mean an establishment wherein articles or goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing or processing use or an establishment used for the service or repair of vehicles.

"MOBILE HOME" - See **"DWELLING"**.

"MOBILE HOME LOT" shall mean a parcel of land within a mobile home park occupied by or intended for occupancy by one double-wide mobile home or one single-wide mobile home together with all yards and open space required by this by-law.

"MOBILE HOME PARK" shall mean a parcel of land containing two or more mobile home lots and which is under single management and ownership.

"MODULAR HOME" - See **"DWELLING"**

"MOTEL" shall mean a building, part of a building or group of buildings wherein accommodation without private cooking or housekeeping facilities is provided for transient lodgers, but which may include dining and other public rooms and provided each guest or sleeping room may be entered from either the interior or exterior of the building.

"MOTOR HOME" shall mean a self-propelled vehicle capable of being used for the temporary sleeping or eating accommodation of persons.

"MOTOR VEHICLE" shall mean an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine.

"MOTOR VEHICLE AUCTION ESTABLISHMENT" shall mean a building or part of a building used for the sale of motor vehicles by public auction and on an occasional basis.

"MOTOR VEHICLE DETAILING ESTABLISHMENT" shall mean a building or part of a building used for the washing, cleaning, polishing and customizing of motor vehicles. Accessory uses may include the sale of motor vehicle accessories.

"MOTOR VEHICLE REPAIR ESTABLISHMENT" shall mean a building and/or land used for the servicing, repair, cleaning, polishing and greasing of motor vehicles and may include vehicular body repair and re-painting but shall not include any other automotive use defined in this by-law.

"MOTOR VEHICLE SALES ESTABLISHMENT" shall mean a building and/or land used for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other automotive use defined in this by-law.

“MOTOR VEHICLE SERVICE ESTABLISHMENT” shall mean a building and/or land used for the sale of fuels for motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this by-law.

“MOTOR VEHICLE WASHING ESTABLISHMENTS” shall mean a building and land used for the washing or cleaning of motor vehicles by automobile washing equipment with a capacity greater than five cars per hour, and may include the sale of fuels to motor vehicles, but shall not include any other automotive use defined in this by-law.

“MOTOR VEHICLE WRECKING ESTABLISHMENT” shall mean a building and/or lot used for the wrecking or dismantling of motor vehicles and for the storage and sale of scrap material, salvage and parts obtained therefrom, but shall not include any other automotive use defined in this by-law.

“MUNICIPALITY” shall mean the Corporation of the Village of Point Edward.

“MUNICIPAL DRAIN, CLOSED” means “drainage work” as defined by the *Drainage Act* R.S.O. 1990, located entirely within the ground and designed, used or intended for use for the conveyance of precipitation.

“MUNICIPAL DRAIN, OPEN” means “drainage work” as defined by the *Drainage Act* R.S.O. 1990, which includes a drain constructed by any means including the improving of a natural watercourse and includes the works necessary to regulate the water table within or on any lands or to regulate the level of the waters of any drain, reservoir, lake or pond and includes a dam, embankment, wall, protective works or any combination thereof.

“NAVIGABLE WATERWAY” shall mean waterbody deemed as navigable by the *Navigable Waters Protection Act*, R.S.C., 1990, or a successor thereof.

“NON-COMPLYING” shall mean a Permitted Use, the existing Buildings or Structures or Accessory Uses, Buildings or Structures of which do not comply with one or more provisions of this By-law for the Zone in which such Use, Buildings or Structures are located.

“NON-CONFORMING” shall mean an existing use which is prohibited by this By-law in the Zone in which it is situated.

“NON-RESIDENTIAL USE” shall mean any building, structure or part thereof, other than a dwelling.

“NURSING HOME” as defined in the *Nursing Home Act*, R.S.O., 1990, as amended, shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two (2) or more unrelated persons, but does not include any premises falling under the jurisdiction of the *Homes for the Aged and Rest Homes Act*, R.S.O., 1990, the *Private Hospitals Act*, R.S.O., 1990, and the *Public Hospitals Act*, R.S.O., 1990, as amended.

“OCCUPANCY” shall mean to reside in as owner or tenant on a permanent or temporary basis.

“OCCUPANT LOAD” as defined in the *Ontario Building Code Act*, R.S.O. 1990, means the number of persons for which a building or part thereof is designed.

“OFFICE” means a building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, or the conduct of public administration.

“OPEN SPACE” means an unoccupied space, open to the sky, except such land used or required for parking purposes by this by-law and shall include recreational facilities, landscaped areas, patios, and walkways.

“OPEN STORAGE” shall mean the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, but shall not include Open Display.

“OUTDOOR DISPLAY” means an area set aside outside of a building or structure used in conjunction with a business located within the building on the same property for the display of goods, which is intended to promote such goods for sale or other business purposes.

“PARK” shall mean an area, consisting largely of open space, which may include a recreational area, playground, playfield or similar use, but shall not include a mobile home park or campground.

- a) **“PUBLIC PARK”** shall mean a Park owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.
- b) **“PRIVATE PARK”** shall mean a park other than a public park.

“PARKING AREA” shall mean an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces or driveways, but shall not include any part of a street. This definition may include a private garage.

“PARKING LOT” shall mean a commercial use in which vehicles may be parked in exchange for fees or other similar consideration.

“PARKING SPACE” shall mean a portion of a parking area, exclusive of any aisles or driveways, which may be used for the temporary parking or storage of a vehicle.

“PERMITTED” shall mean permitted by this by-law only.

“PERSON” shall mean any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representative of a person to whom the context can apply according to law.

“PERSONAL SERVICE SHOP” shall mean an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.

“PETROLEUM WELL” as defined by the *Petroleum Resources Act*, R.S.O., 1990, as amended shall mean a hole drilled into a geographical formation of Cambrian or more recent age for the purpose of oil or gas exploration; the storage of oil, gas or other hydrocarbons; the disposal of oil fluid in a geological formation; solution mining; or, geological evaluation or testing.

“PETROLEUM WORK” as defined by the *Petroleum Resources Act*, R.S.O. 1990, as amended shall mean a pipeline or a well and every part thereof and adjunct thereto that is used in the drilling for or the production or storage of oil or gas.

"PHARMACY" shall mean a retail store in which the main use is the retail sale of drugs by prescription, pharmaceutical products, medicines and drug sundries.

“PLACE OF ENTERTAINMENT” shall include an auditorium, billiard room, bowling alley, video game arcade, ice or roller skating rink, or dance hall but does not include any place of entertainment or recreational use otherwise defined in this by-law.

“PLANTING STRIP” shall mean an area which shall be used for no purpose other than planting a row of evergreen trees and/or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting shrubs, flowers, grass or similar vegetation.

“PLANTING STRIP WIDTH” shall mean the least horizontal dimension of a planting strip measured perpendicularly to the lot line adjoining such planting strip.

“PLAYGROUND” means any land used for the purpose of recreation or field games and not operated for profit.

“PORCH” shall mean a covered entrance to an entrance to a building.

"PRIVATE HOME DAY CARE CENTRE" shall mean the temporary care and custody for reward or compensation of not more than five (5) children under 10 years of age in a private residence other than the home of a parent or guardian of any such child for a continuous period not exceeding 24 hours.

“PRIVATE GARAGE” shall mean an accessory building or portion of a dwelling which is fully enclosed and used for the sheltering of permitted vehicles and storage of household equipment incidental to the residential occupancy. This definition shall not include a carport or other open shelter.

“PRIVATE CLUB” shall mean a building or part of a building used as a meeting place for members of a chartered organization and shall include a lodge, a fraternity or sorority house, and a labour union hall.

“PUBLIC RECREATIONAL USE” shall mean the use of lands and/or Buildings for the purpose of passive recreation, as defined in this by-law, owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any Statute of Ontario or Canada.

“PUBLIC USE, NON-RECREATIONAL” shall mean a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, and Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada.

“PUBLIC UTILITY” as defined in the *Public Utilities Corporation Act*, R.S.O., 1990, as amended, shall mean any water, artificial or natural gas, electrical power or energy, stream or hot water.

“RECREATION, ACTIVE” shall mean the use of lands and/or buildings for the purpose of organized active leisure activities and shall include an arena, a sports field, a swimming pool and a golf course.

“RECREATION, COMMERCIAL” shall mean the commercial use of lands and/or buildings for the purpose of recreation or entertainment and shall include a fitness club, racquet courts, bowling alley and the like.

“RECREATION, PASSIVE” shall mean the use of lands for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like as well as a play lot with activity equipment for children.

“RECYCLING DEPOT” shall mean the use of lands, structures or Buildings for the accumulation and distribution of reusable materials including paper, cardboard, aluminum, steel, plastic and glass. Storage of such materials after packaging shall be short term until the materials are shipped out. Open storage areas used in conjunction with a “Recycling Depot” may be used to store limited quantities of old appliances, rubber tires and construction materials. On-site processing of such articles or materials shall be prohibited.

“RENOVATION” shall mean the repair and restoration of lands, buildings or structures to good condition but shall not include its replacement.

“REPLACEMENT” shall mean the removal and rebuilding, repairing or restoring of more than 25 percent of the total building or structure.

“RESEARCH & DEVELOPMENT ESTABLISHMENT” means the use of lands, buildings and structures of parts thereof, for the purpose of developing and testing raw materials, processed products, or chemical and biological products.

“RESIDENTIAL CARE FACILITY” means the use of lands and buildings or portion of a building other than a Public or Private Hospital with provisions for accommodation and care for persons in return for compensation.

“RESOURCE EXTRACTION” means the use of lands for the drilling, production from the ground, and storage of natural gas, brine, or salt but excluding the refining of said products. This is separate from petroleum well as defined herein.

“RESTAURANT” shall mean a building or part of a building where food is prepared and offered or kept for retail sale to the public for consumption either on or off the premises and includes such uses as a

cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, refreshment room or accessory drive-through window. This definition shall not include a drive-in restaurant, but shall include an outdoor patio area where food is served and/or consumed by patrons.

“RESTAURANT, DRIVE-IN” shall mean an establishment where food is offered for sale or sold to the public for consumption, such establishment being designed for consumption of the food within a motor vehicle.

“REST HOME” shall mean a rest home established or maintained under the *Home for the Aged and Rest Homes Act*, R.S.O., 1990, as amended.

“RETAIL STORE” shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for retail sale to the public.

“RETAIL WAREHOUSE” shall mean a building or part of a building for the storage and display of goods, merchandise, or materials and may include the carrying out of commercial transactions involving the sale of such goods, merchandise or materials by retail sale to the general public.

“RETAIL SALES OR SERVICE AREA” shall mean a floor area where goods and/or services are made available for sale but shall not include storage.

“ROAD” shall mean a Street as defined in this By-law.

“SANITARY SEWER” shall mean a system of underground conduits operated by the Corporation, another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

“SATELLITE DISH” shall mean any accessory structure designed to receive communications signals from satellites.

“SCHOOL” shall mean a school under the jurisdiction of the Lambton Kent District School Board, the St. Clair Catholic District School Board, or a school operated on a non-profit basis and under charter granted by the Province of Ontario.

“SERVICE SHOP, PERSONAL” see Personal Service Shop

“SERVICE TRADE” shall mean an establishment other than a motor vehicle use, that provides a non-personal service or craft to the public, including but not necessarily restricted to a printer’s shop, a tinsmith shop, a plumber’s shop, a painter’s shop, a merchandise service shop, a furrier’s shop, an upholsterer’s shop, a bakery, a catering establishment, a machine shop, or a monument engravers shop.

“SETBACK” shall mean the minimum horizontal distance between a lot line and the nearest part of any building or structure on the lot or the nearest open storage use on the lot. (See diagrams at the end of this Section for illustrations)

"SHIPPING CONTAINER" shall mean a container or structure that is designed for storage of goods and materials while being transported by ship, truck or rail. **(B/L 18/18)**

"SHOPPING MALL" shall mean an enclosed building containing four or more retail stores and other uses, conceived, designed, developed, and managed as an independent and inter-related unit whether by a single owner or tenant or by a group. Said retail stores are connected by a common interior pedestrian walkway which provides the main point of entry to each retail store.

"SHOPPING PLAZA" shall mean a group of commercial establishments conceived, designed, developed, and managed as an interdependent and inter-related unit whether by a single owner or tenant or by a group acting in collaboration, in which public access to the individual establishments is gained from the outside.

"SIGHT TRIANGLE" shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres from the point of intersection of the street lines (measured along the street line). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

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

"SITE PLAN" means a scaled drawing showing the relationship between the lot lines and their uses, buildings, and structures existing and/or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor area, densities, septic tank and tile fields, utility lines, and currents.

"SMALL ENGINE REPAIR ESTABLISHMENT" shall mean the use of land, buildings, or structures for the servicing and repair of outdoor household machinery such as lawnmowers, snow blowers and the like. This definition shall not include the servicing or repair of any motor vehicle, including motorcycles, all-terrain vehicles and the like.

"SPECIAL NEEDS FACILITY" shall mean a premise that receives special needs or developmentally challenged persons who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period not exceeding twenty-four hours.

"STOREY" shall mean that portion of a building or structure between any floor level of such building and the floor, ceiling or roof next above such floor level. In the case of a dwelling, this definition shall not include:

- a) an Attic, if such attic contains no habitable rooms; or
- b) a Basement, if such basement contains no habitable rooms; or
- c) a Cellar.

“STOREY, ONE-HALF” shall mean that portion of a building situate 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 2.29 metres over a floor area equal to at least 50% of the area of the floor next below.

“STORM SEWER” shall mean a pipe or conduit located entirely within the ground and designed, used, or intended for use for the conveyance of precipitation.

“STREET” shall mean a public thoroughfare which has been constructed in such a manner so as to permit its use by normal vehicular traffic, which is open on a year-round basis and which is under the jurisdiction of either the Corporation, the County or the Province of Ontario. This definition shall not include any lane or private right-of-way.

“STREET ACCESS” shall mean, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.

“STREET LINE” shall mean the limit of the street allowance and is the dividing line between a lot and a street.

“STRUCTURE” shall mean anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it erect, but shall not include free standing walls and fences.

“SWIMMING POOL, PRIVATE” shall mean a structure located on privately owned property, used and maintained for the purpose of swimming or wading.

“TAVERN” means an establishment operated under the *Liquor License Act*, R.S.O., 1990, where alcoholic beverages are sold to be consumed on the premises and may or may not include the preparation and sale of food to the public for consumption on the premises. A Tavern shall include any accessory outdoor patio area.

“TEMPORARY BUILDING” shall mean a building or structure intended for removal or demolition within a prescribed time as set out in a building permit issued under the *Ontario Building Code Act*.

“THEATRE” means a building or part thereof, used for the presentation of the performing arts.

“THEATRE, DRIVE-IN” means the use of lands, buildings or structures for the purpose of the outdoor showing of motion pictures in consideration of payment.

“TOP-OF-BANK” means a line delineated at a point where the oblique plane of the slope associated with a watercourse, meets the horizontal plane.

“TOURIST COMMERCIAL USE” shall mean a commercial use which generally appeals to a tourism-oriented market rather than providing for the day-to-day needs of area residents, such as a gift shop, antique shop and the like.

“TOWNHOUSE” See **“DWELLING”**

“TRAVEL TRAILER” shall mean a structure or vehicle designed, intended and used exclusively for travel, recreation and vacation and which is either capable of being drawn by a passenger vehicle or is self-propelled, and shall include tent trailers, vans, motor homes and similar transportable accommodation excepting a single or double wide mobile home.

“TRAVEL TRAILER SALES ESTABLISHMENT” shall mean land and/or building used for the display for sale of travel trailers and includes the servicing, repair, cleaning, polishing and greasing of such vehicles and the sale of accessories and related products and the leasing or renting of such vehicles, but does not include an automotive sales establishment as defined in this By-law.

“TRUCK TRANSPORT TERMINAL” shall mean a building, structure, or lot used for the parking, repairing, or dispatching of commercial motor vehicles or trailers (as defined by the *Highway Traffic Act*, R.S.O. 1990)

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

“UTILITY SERVICE BUILDING” shall mean a building used in connection with the supplying of Public Utilities including a water and sewage pumping station, a water storage reservoir, a gas regulator building, a hydro sub-station, a telephone exchange building or similar buildings.

“VEHICLE” shall mean an automobile, a boat, a commercial motor vehicle, a farm implement, a motorcycle, a snowmobile or a travel trailer.

“VETERINARY ESTABLISHMENT” means the use of lands, buildings or/and structures under the control and supervision of a veterinarian registered under the *Veterinarian Act* R.S.O. 1990, where animals and birds are given medical treatment or care but there are no outdoor kennels.

“WALL, MAIN” shall mean an outside wall of a building that supports a roof and shall include a wall under a gable end.

“WAREHOUSE” shall mean a building and/or enclosed structure intended to be used for the storage and display of goods, merchandise or materials, and may include the carrying out of commercial transactions involving the sale of such goods, merchandise and materials by wholesale.

“WASTE DISPOSAL SITE” as defined in Section 25 of the *Environmental Protection Act* R.S.O. 1990, shall mean any land or land covered by water upon, into, in or through which, a building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste.

“WAYSIDE PIT” or **“WAYSIDE QUARRY”** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

“WHOLESALE USE” means any establishment which sells merchandise to others for resale and/or to industrial or commercial users.

“WOODWORKING SHOP” shall mean a building or structure used for the purpose of performing shop and/or assembly work in relation to the production of kitchen cabinets, bathroom cabinets, storage units, closet units, custom furniture and the like, and may include indoor storage or wood and other materials. The retail sale of items produced on the site and items accessory to and incidental to the Woodworking Shop shall also be permitted.

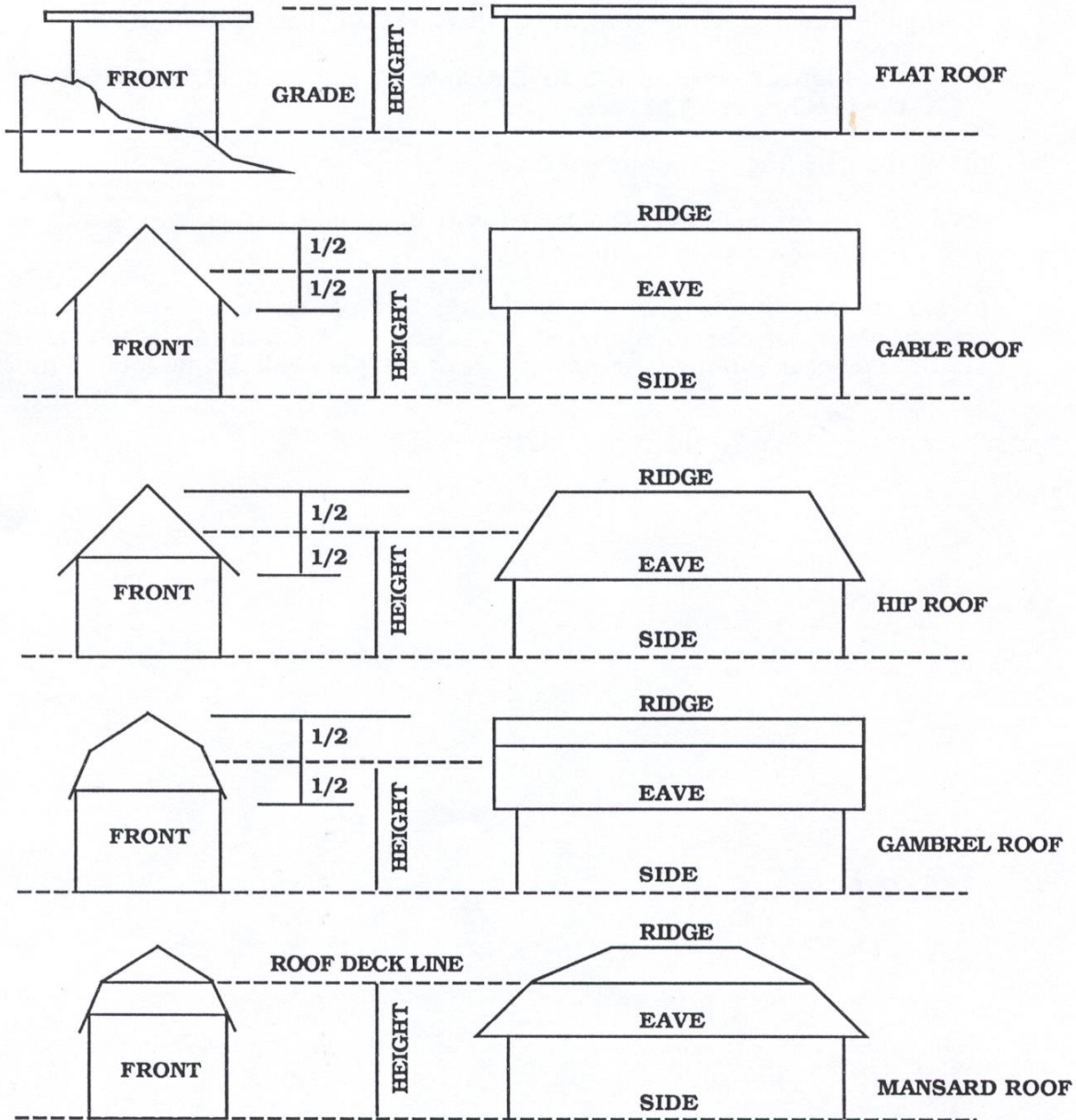
“YARD” shall mean a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law. (See diagrams at the end of this Section for illustrations)

- a) **“FRONT YARD”** shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- b) **“FRONT YARD DEPTH”** shall mean the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- c) **“REAR YARD”** shall mean a yard extending across the full width of the lot between the rear lot line and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- d) **“REAR YARD DEPTH”** shall mean the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- e) **“SIDE YARD”** shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest open storage use on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.
- f) **“SIDE YARD WIDTH”** shall mean the least horizontal dimension between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- g) **“EXTERIOR SIDE YARD”** shall mean a side yard immediately adjoining a street.
- h) **“INTERIOR SIDE YARD”** shall mean a side yard other than an exterior side yard.
- i) **“REQUIRED YARD”** shall mean a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this by-law. A required side yard shall extend from the required front yard to the required rear yard, or in the case of a lot

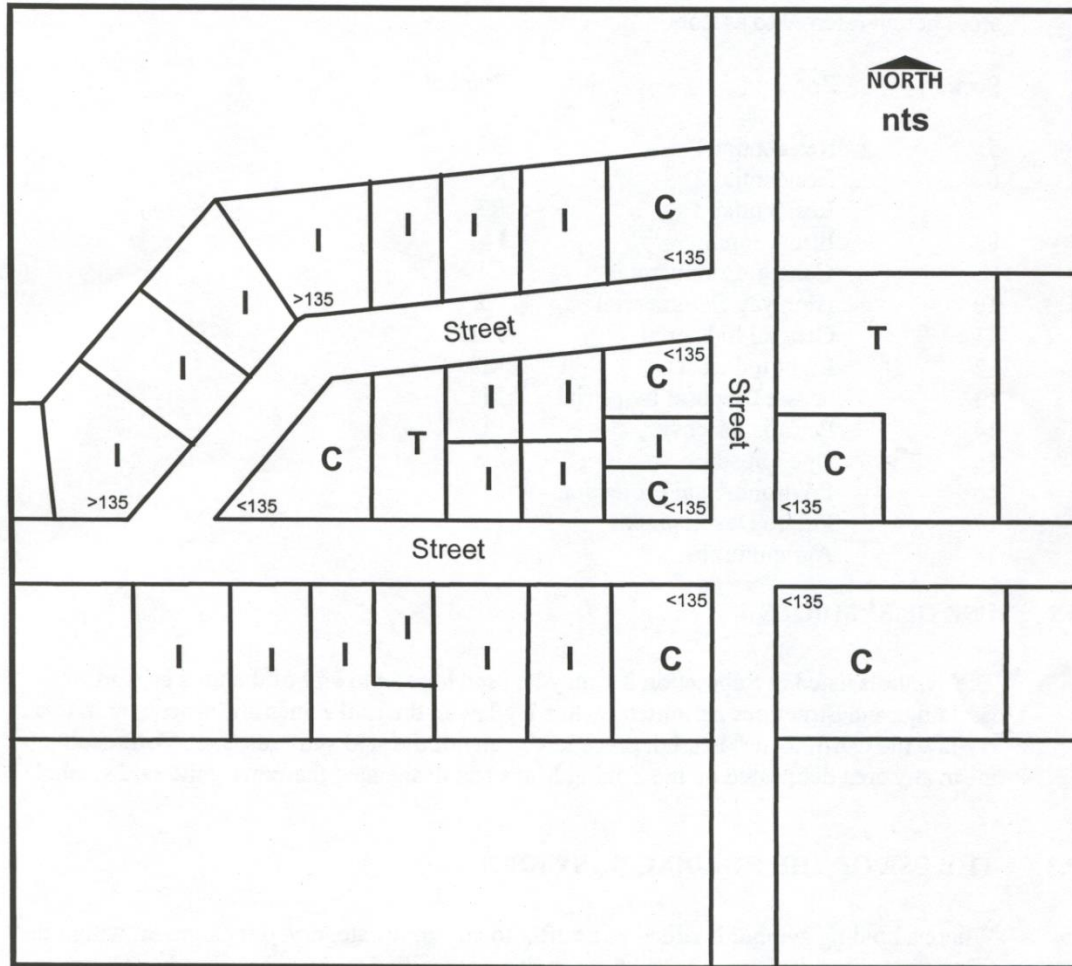
which has no rear lot line, the required side yard shall extend from the required front yard to the opposite required side yard.

“ZONE” shall mean a designated area of land use shown of Schedule 'A' hereto.

GUIDE TO HEIGHT DEFINITIONS



**Illustration of the Basic
Types of Lots**

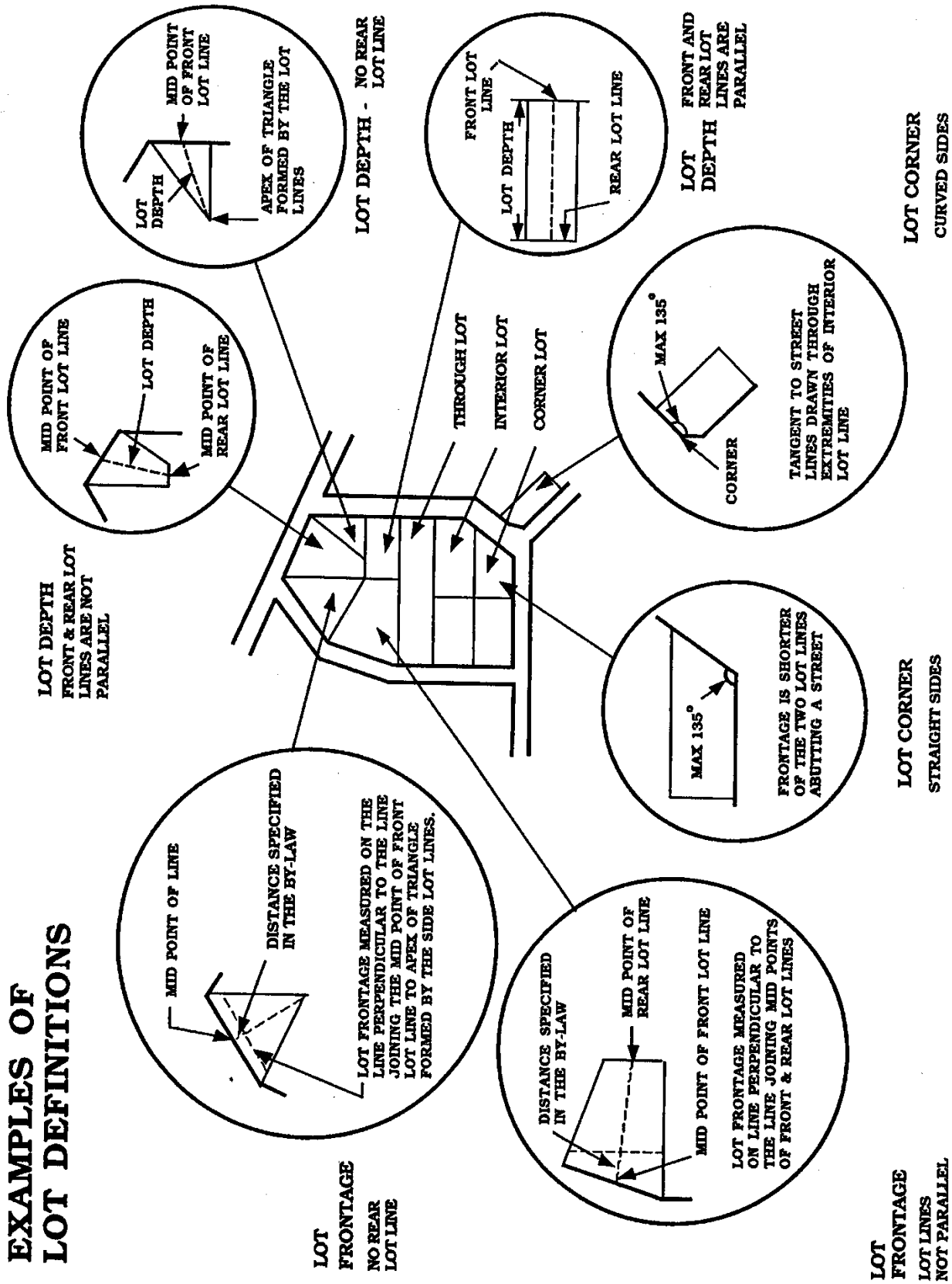


C = CORNER LOT
I = INTERIOR LOT
T = THROUGH LOT

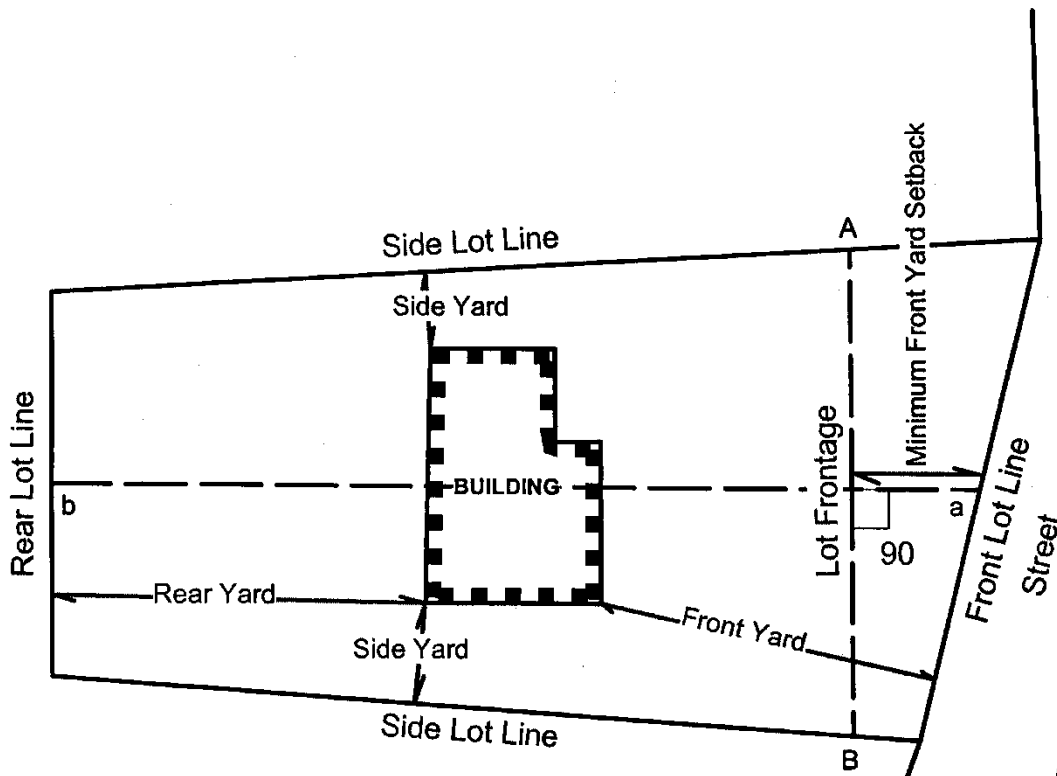
>135 = Intersection angle greater than 135 degrees

<135 = Intersection angle less than 135 degrees

EXAMPLES OF LOT DEFINITIONS



Lot Frontage Measurements



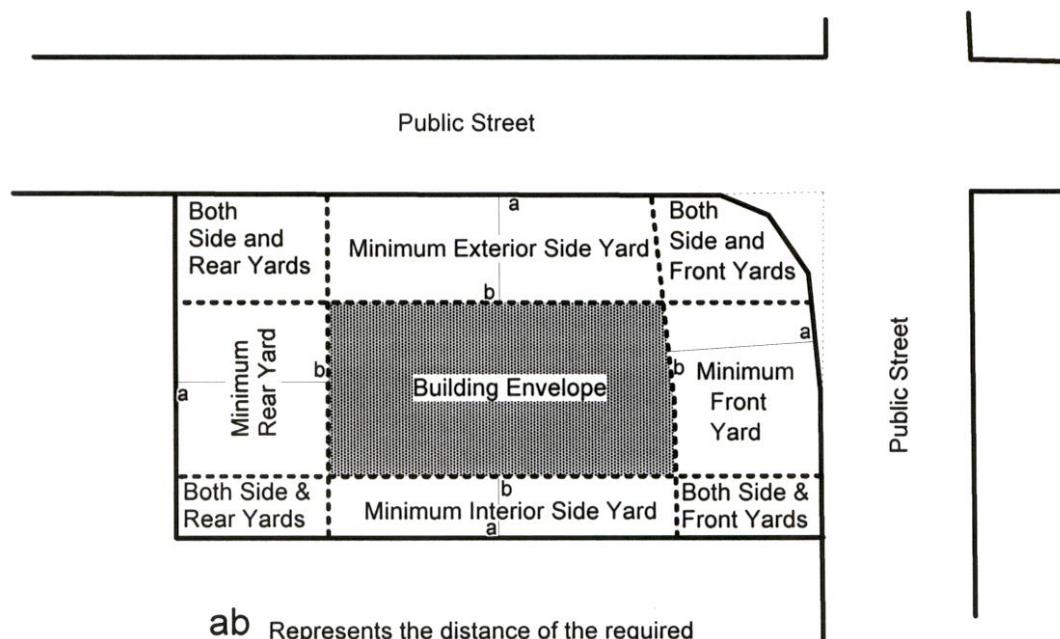
Lot Frontage (AB)

- a = Mid Point of Front Lot Line**
- b = Mid Point of Rear Lot Line**

Lot Frontage measured 90 degrees from the line joining points a and b at a distance equivalent to the minimum front yard setback from the front lot line

Yard Definitions

Corner Lot Situation on a Curved Corner

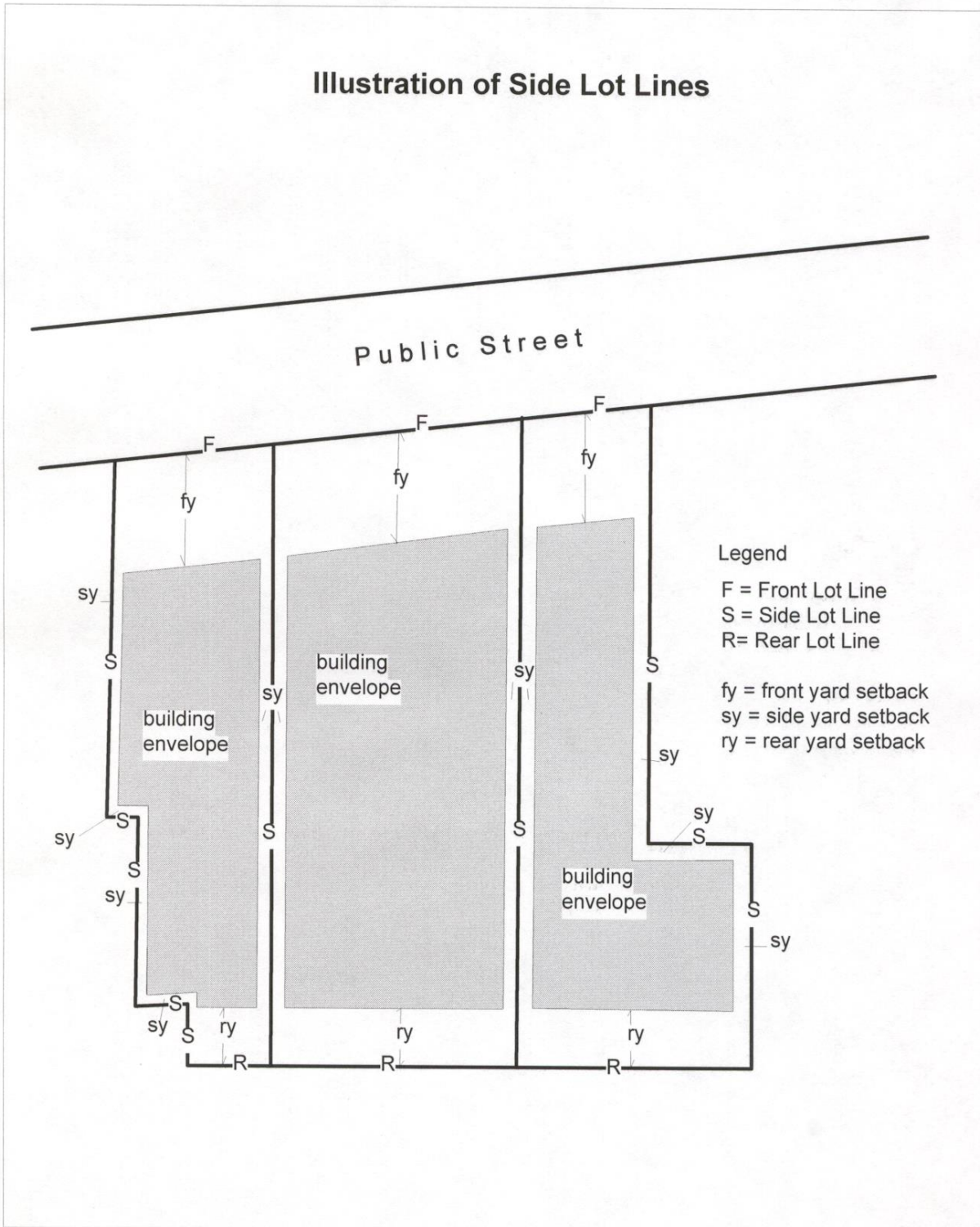


ab Represents the distance of the required yard setbacks

measured as the least horizontal dimension between a lot line and the nearest part of a main building

Distance ab must be the minimum distance specified in the By-law.

Illustration of Side Lot Lines



SECTION 3 - ZONES, ZONE SYMBOLS & ZONE MAPS

3.1 ESTABLISHMENT OF ZONES

For the purpose of this By-law the Village of Point Edward is divided into defined areas herein referred to as Zones and identified by alphabetical and numerical symbols.

3.2 USE OF SYMBOLS

The symbols referred to in Subsection 3.1 may be used to refer to any of the uses of land, Buildings and Structures permitted by this By-law in the said Zones and whenever in this By-law the word "Zone" is used, preceded by any of the said symbols, such Zone shall mean any area delineated on the Zoning Maps and designated thereon by the said symbol.

3.3 THE USE OF THE HOLDING (h) SYMBOL

Where a holding symbol is added as a suffix to any zone category, development within the area affected cannot proceed until the conditions specified in the provisions have been fulfilled. Council will remove the Holding symbol once the conditions restricting development have been satisfied.

3.4 APPLICATION OF ZONES

No Person shall, within any of the Zones defined in the By-law and delineated on the Zoning Maps hereto appended, erect or use any Building or Structure, or use any land in whole or part except in such manner and for such purposes as are set forth in this By-law.

3.5 INCORPORATION OF ZONING MAP

The location and boundaries of the Zones established by this By-law are shown on the Zoning Map hereto appended as Schedule "A" are hereby incorporated in and declared to form part of this By-law.

3.6 INTERPRETATION OF ZONING MAP

Where uncertainty exists with respect to the boundaries of the various Zones as shown on the Zoning Maps, the following provisions shall apply:

a) **Street, Lane, Right-of-Way, or Watercourse**

Unless otherwise shown, a Street, Lane, railway Right-of-Way, electrical transmission line Right-of-Way, creek or watercourse shall be included within the Zone of the adjoining property on either side thereof and where such Street, Lane, Right-of-Way, creek or water course serves as a boundary between two or more different Zones, the centre line of such Street, Lane, Right-of-Way, creek or watercourse extending in the general direction of the long dimension thereof, shall be deemed to be the boundary between Zones.

b) **Lot Lines**

Where any Zone boundary is not shown to be a Street, Lane, Right-of-Way, creek or watercourse, and where the boundary approximately follows lot lines, such lot lines shall be deemed to be the Zone boundary.

c) **Closed Street, Lane or Right-of-Way**

In the event a Street, Lane or Right-of-Way and the limits of any portion thereof is closed, the property formerly within such Street, Lane or Right-of-Way shall be included within the Zone adjoining the property, and where such Street, Lane, or Right-of-Way was a Zone boundary, the new Zone boundary shall be the former centre line of the closed Street, Lane or Right-of-Way.

d) **Conservation Authority Fill & Construction Lines**

Certain lands within the Municipality are subject to Fill, Construction and Alteration Regulations pursuant to the *Conservation Authorities Act*, R.S.O. 1990, Chap. C.27, as amended. Where any Zone boundary is shown as following the limits of a Conservation Authority Regulated area, the Zone boundary shall be deemed to correspond with the limits of such Regulated area. In the event that an application is made to, and approved by, the Conservation Authority for a permit pursuant to the Fill, Construction and Alteration Regulations, the lands for which such permit is issued shall be deemed to be included within the same Zone as the adjoining non-Regulated lands.

e) **Scale From Zoning Map**

Where any Zone boundary is left uncertain after application of the provisions of Section 3.6, subsections a), b) c) and d), of this By-law, then the boundary shall be determined by scale from the zoning maps to the centre of the Zone boundary line.

3.7 INTERPRETATION OF ZONING TEXT

In this by-law the word “shall” is mandatory and not directory; words in the singular include the plural; words in the plural include the single number; words used in the present tense include the future.

3.8 HOLDING SYMBOL (h)

a) Where the symbol ‘h’ appears on a zoning map as a suffix to a zone symbol applying to certain lands, notwithstanding the provisions of that zone, unless this By-law has been amended to remove the relevant ‘h’ symbol, those lands shall not be developed or used except in compliance with the applicable zone for existing uses or for such other interim uses set out in the relevant Holding Provisions below.

b) Holding Zone Provisions

i) C2.2(h1)

Purpose:

To ensure that ultimate development is serviced by the Point Edward Sewage Treatment Plant, the ‘h’ symbol shall be removed only after an agreement has been entered into with the Corporation for the design and construction of works for directing sanitary sewage flows to the Point Edward Sewage Treatment Plant.

Permitted Uses:

Existing Uses

ii) C2(h)

Purpose:

To ensure that development is carried out in accordance with applicable regulations and requirements, the “h” symbol shall be removed only after a site plan agreement is entered into with the Village of Point Edward.

iii) C2(h1)

Purpose:

To ensure that development is carried out in accordance with applicable regulations and requirements, the “h-1” symbol shall be removed only after a site plan agreement is entered into with the Village of Point Edward, and after a noise study is conducted which assesses any impacts of nearby noise sources on the proposed development and makes appropriate recommendations on measures to mitigate those impacts.

iv) RMAR 1.2(h)

Purpose:

To ensure that development is carried out in accordance with applicable regulations and requirements, the "h-1" symbol shall be removed only after a site plan agreement is entered into with the Village of Point Edward, and after a noise study is conducted which assesses any impacts of nearby noise sources on the proposed development and makes appropriate recommendations on measures to mitigate those impacts.

SECTION 4 - GENERAL PROVISIONS

4.1 USES PERMITTED IN ALL ZONES

The following uses are permitted in all zones within the Corporation:

4.1.1 Services and Utilities

Despite any other provisions of this By-law, the County of Lambton, the Corporation of the Village of Point Edward, and any Ministry of the Government of Canada or Province of Ontario may for the purpose of the public service, use any land or any building or structure in any zone in spite of the fact that such use of any building or structure does not conform with the provisions of this By-law for such zone. Any telephone or telegraph company and Ontario Hydro shall comply with the provisions of this By-law only insofar as such uses are for administrative or office purposes.

4.1.2 Utility Service Buildings and Non-Recreational Public Uses

Utility Service Buildings and Non-Recreational Public Uses exclusive of sanitary landfill areas, incinerators and works yards, are permitted in all zones. Where such use is located in any Residential Zone:

- (a) it shall comply with the provisions for such Zone;
- (b) there shall be no Open Storage;
- (c) any buildings or structures erected or used shall be designed, maintained and used in a manner compatible with Residential buildings of the type permitted in said Zone.

4.1.3 Public Recreational Uses

Parks, Community Facilities and golf courses operated by or for the Village of Point Edward including uses accessory thereto.

4.1.4 Construction Uses

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 nor abandoned.

4.1.5 Pipelines

Nothing in this By-law shall prevent the use of any land for any gas, oil, brine or other liquid or gaseous product transmission or distribution pipeline and appurtenance thereto.

4.1.6 **Petroleum Well and Petroleum Work**

Nothing in this By-law shall prevent the use of any land for any "Petroleum Well" or "Petroleum Work" subject to the regulations of the *Oil, Gas and Salt Resources Act*, R.S.O. 1990.

4.2 **USES PROHIBITED IN ALL ZONES**

Unless specifically permitted in this By-law, all uses, including the following uses, are specifically prohibited and shall be permitted only by amendment to this By-law:

- a) The making or establishment of an Extractive Use.
- b) Offensive industrial uses including the boiling of blood, tripe or soap, tanning of hides and skins and other similar uses may be declared by the local Board of Health or Council to be a noxious or offensive trade, business or manufacture.
- c) The operation of year-round, privately-owned travel trailer camps or privately-owned camping grounds, but not including the operation of mobile home parks as defined in this By-law.
- d) Auto Wrecking Establishment.
- e) The outdoor keeping or storage of any derelict motor vehicle.
- f) A track for the racing or testing of automobiles, snowmobiles, motorcycles or any motorized vehicle.
- g) An Adult Entertainment Parlour.
- h) Any manufacturing or processing use involving dangerous materials which poses a hazard to the public.
- i) The keeping of Livestock.

4.3 **ACCESSORY USES**

4.3.1 **Uses Permitted**

Where this by-law provides that land may be used for a building or structure or may be erected or used for a purpose, that purpose shall include any accessory building, structure or use, but shall not include any of the following uses:

- (a) any occupation for gain or profit conducted within or accessory to a dwelling unit; nor
- (b) any building used for human habitation.

4.3.2 Structures Permitted in all Yards

Despite any other yard provisions of this by-law, drop awnings, flag poles, garden trellises, fences, retaining walls, legal signs, legal septic systems or similar accessory uses shall be permitted in any yard.

4.3.3 Yards

All accessory uses shall comply with the yard provisions of the zone in which such accessory use is located, except that in any Residential Zone, an accessory use shall comply with the following provisions:

- (i) Except as otherwise provided for in any Residential Zone, an accessory building or structure, which is not attached to the main building, shall not be erected in any yard other than the interior side yard or rear yard.
- (ii) No detached accessory building or structure shall be located closer than 1.2 metres to the main building on the same lot.
- (iii) An attached-accessory building or structure may be erected in a front yard or exterior side yard provided it is not located in a required yard and provided that it is constructed of the same type of material as the main building and is of similar design.
- (iv) When an accessory building or structure is located in an interior side yard, it shall be no closer than 1 metre to the interior side lot line except where a mutual private garage is erected on the common lot line between two lots, in which case no interior side yard is required.
- (v) When an accessory building or structure is located in the rear yard, it shall be no closer than 1 metre to the rear lot line.
- (vi) No accessory building shall be located closer to the exterior side lot line than the exterior side yard setback required for the zone in which each lot is located.

4.3.4 Lot Coverage and Height (B/L 30/2017)

The total lot coverage of all attached accessory buildings and structures on a lot in any Residential zone shall not exceed 84 square metres. Not limiting the generality of the foregoing, attached buildings and structures shall include attached private garages and attached sheds.

The total lot coverage of all detached accessory buildings and structures on a lot in any Residential zone shall not exceed 10% of the lot area to a maximum of 84 square metres nor shall the building height of any detached accessory building or structure exceed 5.0 metres. For the purposes of this provision, the height of a detached building or structure shall be measured from the finished floor to the highest point of the building or structure.

4.3.5 Private Swimming Pools

A private swimming pool shall not be considered as part of the lot coverage. Fences surrounding private swimming pools shall comply with the by-laws of the Corporation regulating pools.

4.4 STORAGE CONTAINERS AND TRAILERS (B/L 30/2017)

- a) Shipping containers, storage trailers, Quonset huts and the like shall not be permitted as accessory buildings or uses in any Residential zone.
- b) Shipping containers shall not be permitted as primary or accessory buildings or uses in any General Commercial (C1) zone.
- c) The exterior of a Shipping Container that has been incorporated into a Dwelling must not be visible and shall be covered by cladding. Any Dwelling that incorporates the use of a Shipping Container shall not be permitted to have a flat roof. **(B/L 18/2018)**
- d) Notwithstanding other provisions of this By-Law, a Shipping Container may be incorporated into a Swimming Pool provided that the exterior of such a Shipping Container is not visible and is covered by cladding. **(B/L 18/2018)**

4.5 HEIGHT RESTRICTIONS

The height provisions of this by-law shall not apply to the following:

an air conditioner duct;
a belfry;
a chimney;
a church spire;
a clock tower;
an elevator penthouse;
a flag pole;
a non-commercial radio antenna;
a non-commercial television antenna;
a water tower.

4.6 NON-CONFORMING USES

This By-law acknowledges that Section 34(9) of the *Planning Act*, R.S.O.1990, provides that "no by-law passed under this section applies:

- a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

- b) to prevent the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit has been issued under Section 5 of the *Building Code Act*, R.S.O. 1990, prior to the day of the passing of the by-law, 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 permit has not been revoked under Section 6 of the *Building Code Act*, R.S.O. 1990.

Furthermore, Section 34(10) of the *Planning Act*, R.S.O 1990, provides as follows:

Despite any other provision of Section 34 of the *Planning Act*, R.S.O. 1990, any by-law passed may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

4.7 RESTORATION OF NON-CONFORMING USES

- a) Where in any Zone, a building or structure exists as a legal non-conforming use and the said building or structure is destroyed by fire or natural disaster, this by-law does not prevent the reconstruction of said building or structure to its prior dimensions at its exact prior location. Should the exact prior location be impossible to build upon for legal, technical or insurance reasons, then the location may be adjusted only to the extent necessary to overcome such reasons.
- b) Nothing in this by-law shall prevent the strengthening or restoration to a safe condition of any non-conforming use, building or structure provided that such repair or restoration will not increase the height, size or volume or change the use of such building or structure or constitute a replacement.

4.8 NON-COMPLYING BUILDINGS OR STRUCTURES

a) Rebuilding or Repair Permitted

Where in any zone, a non-complying use, building or structure is destroyed by fire or natural disaster, such non-complying use, building or structure shall be reconstructed in compliance with this by-law unless it is not possible for legal, technical or insurance reasons. In such case, the reconstruction shall comply as close as possible with the by-law and if this is not possible due to legal, technical or insurance reasons, the non-complying use, building or structure may be reconstructed to its prior dimensions at its exact prior location.

b) Strengthening to a Safe Condition

Nothing in this By-law shall prevent the repair or restoration to a safe condition of any non-complying use, building or structure provided that such repair or restoration does not further contravene any of the provisions of this By-law.

c) Additions and Accessory Uses Permitted

- (i) Nothing in this By-law shall prevent an addition to a non-complying use, building or structure, provided that such addition does not further contravene any of the provisions of this By-law.
- (ii) Nothing in this By-law shall prevent the erection or enlargement of buildings, structures and uses accessory to a non-complying use, building or structure, provided that such erection or enlargement does not further contravene any of the provisions of this By-law.

4.9 DWELLING UNITS

4.9.1 Yard Provisions for Non-Residential Buildings

Where a dwelling unit is located in a non-residential building, such dwelling unit shall comply with the yard provisions of this By-law which apply to the said non-residential building.

4.9.2 Cellar Location

No dwelling in its entirety shall be located in a cellar.

4.9.3 Basement Location

A dwelling unit, in its entirety, may be located in a basement, provided that the finished floor level of such basement is not below the level of any sanitary sewer or storm sewer serving the building in which such basement is located and there is at least one storey located above such basement containing habitable space.

4.10 SECOND DWELLING UNIT IN A SINGLE DETACHED DWELLING

In those Zones where single detached dwellings are permitted, a second dwelling unit may be established in the single detached dwelling subject to the following provisions:

- a) only one (1) additional dwelling unit will be permitted;
- b) one parking space is to be provided for the additional dwelling unit;
- c) all parking spaces are to be located in an interior side yard, rear yard, or in a garage;
- d) all provisions of the Fire Code and Building Code are to be complied with;
- e) no dwelling unit is to be established in a Cellar;
- f) there shall be no significant alteration to the exterior of the dwelling, except for required fire escapes, and extra windows and entrances;
- g) the dwelling must be inspected by the Corporation's Building Inspector and Fire Chief before the additional dwelling unit is occupied.

4.11 LOT DEVELOPMENT REQUIREMENTS

4.11.1 Frontage on a Street

Notwithstanding any provision of this By-law, no lot shall be used and no building on a lot erected or used unless the lot abuts or fronts on a street.

4.11.2 More than One Use on a Lot

When a lot contains more than one use, each such use shall conform to the provisions of this by-law for such use in the zone where it is located.

4.11.3 More than One Zone on a Lot

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, and the applicable setbacks and other regulations for each Zone shall be measured from the Zone line as if it were a Lot line. Where a portion of a lot is zoned Environmental Protection, such portion shall be included in determining the minimum Lot area requirements and the Zone line shall not be considered a Lot Line for Setback purposes on the adjoining zoned area provided that no Building or Structure is located on that part of the Lot in such Zone.

4.11.4 Number of Main Buildings on a Residential Lot

Unless otherwise stated, no lot shall be occupied by more than one (1) main building in any Residential 1 (R.1) Zone or any other low density Residential Zone. In any higher density Residential Zone in which townhouses, multiple dwellings and the like are permitted uses, more than one main building shall be permitted.

4.12 EXISTING LOTS

Where one or more lots exist and are held in separate ownership in any zone including lots which have insufficient lot area and/or frontage, then this By-law shall not prevent the erection of a permitted use thereon provided that all other provisions of this By-law are complied with and the lot can be serviced with a potable water supply and sanitary sewerage system.

Notwithstanding the above clause, the erection of new dwellings containing more than one dwelling unit shall comply with the lot area and/or frontage provisions per dwelling unit.

4.13 LOTS REDUCED BY PUBLIC ACQUISITION

Where the area of a Lot is reduced by means of an acquisition of part of the lot by any authority having power of expropriation, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to not comply with one or more provisions of this By-law, then nothing in this By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provide that:

- a) no further change is made in the dimensions, area or any other characteristic of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
- b) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with the provisions of this By-law. In the case of a road widening dedication, the land that has been or will be dedicated shall be included in any calculation for the purposes of determining compliance with this By-law, provided that any building or structure is located wholly within the boundary of the land remaining after the dedication.

4.14 HOME OCCUPATIONS

No home occupation shall be permitted in any zone unless such use complies with the following provisions:

- a) The home occupation shall be clearly secondary to the main residential use, be operated and contained entirely within the dwelling, and shall not change the residential character of the dwelling or the lot.
- b) No person other than a member of the housekeeping unit, and not more than two persons not residing on the premises shall be employed except as is necessary for housekeeping purposes.
- c) There shall be no open storage or display of materials, containers or finished products.
- d) The home occupation may involve the sale of goods associated with a craft that is produced in the dwelling, but a use that is primarily a retail store is prohibited.
- e) Except for a Bed and Breakfast Establishment, not more than 25% of the gross floor area of the dwelling shall be exclusively devoted to the home occupation and it shall not occupy more than 28 square metres of gross floor area.
- f) No home occupation use shall include the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, or metal fabrication.
- g) A sign shall be permitted in accordance with this By-law.
- h) The use shall not create or become a public nuisance in regard to noise, traffic, parking or interference with radio or television reception.
- i) No more than one physician, dentist or drugless practitioner shall practice in a Clinic where such clinic constitutes a home occupation. Such physician, dentist or drugless practitioner shall reside in the dwelling unit, where such clinic is located.
- j) The Home Occupation shall not result in above normal pedestrian or vehicular traffic.

- k) Except for a Bed and Breakfast Establishment or a Clinic, the Home Occupation shall not require the creation of additional on-site parking spaces.
- l) A Bed and Breakfast Establishment shall require 1 parking space per guestroom. A clinic shall require 5 parking spaces or 1 parking space for every 28 square metres exclusively devoted to the clinic, whichever is the greater.
- m) Except for a Bed and Breakfast Establishment, where food is served to overnight guests only or a catering business, where food is prepared on site for delivery to another location, no food preparation or food service shall be permitted as a home occupation. Such operations shall comply with all applicable health and other regulations.
- n) A person or persons operating a home occupation must reside full-time in the dwelling in which the home occupation is operated.

4.15 OCCUPANCY OF VEHICLES AND TENTS

No truck, coach or streetcar body shall be used for human occupancy within the Village of Point Edward, whether or not the same is mounted on wheels;

No travel trailer, truck camper, motor home or tent shall be used for the living, sleeping or eating accommodation of persons within any Residential Zone.

4.16 YARD ENCROACHMENTS

Unless otherwise specified by this by-law, every part of any yard required by this by-law shall be open and unobstructed by any building or structure from the ground to the sky provided however, those structures listed below shall be permitted to project into the required yards indicated for the distances specified.

a) **Architectural Features**

The projection of window sills, chimneys, cornices, eaves, gutters, and similar architectural features shall be permitted to project into any required yard a maximum distance of 0.5 metres.

b) **Outdoor Heating and Air Conditioning Units**

An outdoor heating or air conditioning unit may project into any required yard a maximum distance of 1 metre.

c) **Porches**

An enclosed or unenclosed porch may project into any required front or rear yard a maximum distance of 2 metres excluding eaves.

d) **Unenclosed Balconies and Steps**

Unenclosed balconies and steps may project into any required front or rear yard a maximum of 2 metres.

e) **Bay Windows and Awnings**

Any bay window or awning may project into the required front and rear yards a maximum of 1 metre.

f) **Established Building Line**

Where a building is to be erected within a built-up area where there is an established building line, as defined in this By-law, such building may be erected closer to the street line than required by this by-law provided that such building is not erected closer to the Street line than the Established Building Line.

Construction to the Established Building Line is subject to the following conditions:

- i) demonstration of the ability to provide at least one parking space which is entirely contained on the subject Lot and which does not encroach on the sidewalk or Street Allowance.
- ii) measurements for the determination of the location of the Established Building Line will be taken from the Street line to the closest point of the Building, including any open or enclosed porch, deck, mudroom or similar feature.
- iii) once a new Building has been erected at the Established Building Line, no further additions or alterations will be permitted which would encroach on the Established Building Line.

4.17 YARD DEPTH NON-COMPLIANCE

Where in any Zone, a Building or Structure lawfully existed on the date of passing of this By-law and is used for a permitted use and the existing Building or Structure does not comply with the minimum required Yards for the Zone in which it is situated, the existing Yards shall be deemed to conform to this By-law; however, any expansions to the existing Building or Structure shall comply with all provisions of this By-law.

4.18 SPECIAL BUILDING SETBACKS

4.18.1 Setbacks from Ditches and Drains

No Buildings or Structures shall be erected closer than 15 metres from the Top of Bank of any open drainage ditch or natural watercourse and not closer than 7.5 metres from a storm sewer.

Notwithstanding the aforementioned provision, development shall be prohibited within the Regulatory Flood Plain and development adjacent to ravines, streams and river valleys shall be restricted within the One Hundred Year Erosion Limit.

4.18.2 **Sight Triangles**

Within any area defined as a Sight Triangle, the following shall be prohibited:

- (a) Any vegetation, shrubs or foliage planted or maintained higher than 50 centimetres above Finished Grade.
- (b) A Finished Grade exceeding the elevation of the centre line of the adjoining Street by more than 60 centimetres;
- (c) Structures, Signs or fences, the top of which exceeds the elevation of the centre line of the adjoining Streets by more than 50 centimetres in height;
- (d) In all Zones, other than the General Commercial (C1), a Sight Triangle of 9 metres shall be required from the point of intersection of the Street Lines.

4.19 **OPEN STORAGE REGULATIONS**

a) **Minimum Setbacks**

- (i) The minimum Setback from any Front, Side or Rear Lot line of any Permitted Open Storage in any Zone shall be no less than the respective minimum Front, Side or Rear Yard of the Zone in which the said Open Storage is located, unless otherwise specified herein.
- (ii) In any lot in an Industrial Zone where any Side or Rear Lot lines abut a Lot in the same Zone as the Zone in which the said Lot is located, no minimum Setback from said Side or Rear Lot line shall be required.

b) **Parking**

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 spaces.

c) **Lighting**

Where lighting facilities are provided in conjunction with any Permitted Open Storage, such lighting shall be so arranged as to deflect light onto the Open Storage area and away from any adjoining properties.

d) **Screening**

Any portion of a Lot used for Open Storage shall be enclosed by a fence constructed of solid materials at least 1.8 metres in height.

e) **Surface Treatment**

Any Open Storage area shall be maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Municipality.

4.20 OUTDOOR DISPLAY AREA

Where Outdoor Display and sale of goods and materials is permitted the following provisions shall be complied with:

- a) Such Outdoor Display is Accessory to a commercial Use carried on in an enclosed Building, or portion thereof, on the same Lot, except in the case of a private garage sale;
- b) The area used for Outdoor Display and sale shall not be more than twice the floor area above grade of the commercial Building, or portion of any such Building constructed upon the Lot, and used for the commercial purposes for which Outdoor Display and sale is permitted, and in any event, such area for Outdoor Display and sale shall not be more than thirty-five (35) percent of the Lot Area.
- c) If the Interior Side Lot Line or Rear Lot Line of a Lot upon which such Outdoor Display and sale is Permitted abuts a Residential or Development Zone, then a Planting Strip shall be provided along such abutting Lot Line, or portion thereof, in accordance with the requirements for Planting Strips;
- d) Where lighting facilities are provided they shall be so arranged as to deflect the light onto the Outdoor Display and sale area, and away from adjoining properties and Streets;
- e) The area used for Outdoor Display shall provide Side and Rear Yards in accordance with the provisions for the Zone in which the land is situated, but in any event shall not be closer to any Side or Rear Lot Line than 3.0 metres (9.8 feet);
- f) The area used for Outdoor Display and sale shall be surfaced and maintained with either concrete, asphalt, crushed stone and other hard surface and dust free materials, or maintained as a lawn in a healthy growing condition;
- g) Prior to the establishment of an area for the Outdoor Display and sale, the owner shall file in writing with the Corporation giving full particulars including a sketch or survey of the lands to be used in relation to all Buildings or other Structures on the same Lot.

4.21 PLANTING STRIPS

A Planting Strip shall be located within the Zone and on the Lot for which it is required. It shall be planted, nurtured and maintained by the owner of the Lot on which the Planting Strip is located. The responsibility of maintenance of trees and plants rests with the owner.

4.21.1 Required Location

Where a Lot is used for a non-residential purpose and:

- (a) the Interior Side Lot Line or Rear Lot Line abuts any residential Use or undeveloped land in a residential Zone; or
- (b) where such Lot is in an industrial Zone and the Front, Side or Rear Lot Line abuts a Street line and the opposite Street line abuts any residential Use or undeveloped land in any residential Zone then the land adjoining such abutting Lot Line or Street line shall be used for no purpose other than a Planting Strip in accordance with the provisions of this subsection.

4.21.2 Width

Where, in any Zone, land is required to be used for no purpose other than a Planting Strip, it shall have a minimum width of 3 metres, measured perpendicularly to the Lot Line adjoining such Planting Strip.

4.21.3 Height

The minimum height of a Planting Strip shall be 1.5 metres.

4.21.4 Interruption for Driveway or Walk

Where a driveway or walk extends through a Planting Strip it shall be permissible to interrupt the Planting Strip within 3 metres of the edge of such driveway or within 1.5 metres of such walk.

4.21.5 Landscaped Open Space

A Planting Strip may form part of any Landscaped Open Space required by this by-law.

4.22 SIGNS

- a) Nothing in this by-law shall apply to prevent the erection, alteration or use of any sign, provided such sign is situated on private property and complies with the by-laws of the Corporation regulating signs and provided such sign complies with the provisions of this by-law regarding sight triangles.

- b) Signs that are lawfully erected and maintained, directly related to, and pertinent to the function of any of the permitted uses of this by-law are permitted; provided that in any Residential Zone only the following shall be permitted:
 - (i) One non-illuminated real estate sign having a maximum area of 0.5 square metres advertising the sale, rental or lease of the building, structures of lot upon which the sign is displayed.
 - (ii) One non-illuminated sign having a maximum area of 0.3 square metres displaying the name and address of a doctor, dentist, drugless practitioner, or person engaged in a permitted home occupation, residing on the lot on which the sign is displayed.
 - (iii) One non-illuminated sign having a maximum area of 5 square metres advertising the name and particulars of a subdivision or similar development project provided such sign shall be removed upon completion of the project.

4.23 MOVEMENT OF BUILDINGS

No Building or Structure shall be moved in whole or in part to, or within the area defined by this By-law unless:

- a) every portion of the building or structure is made to conform to all the regulations of this By-law applying to the Zone in which it is to be located;
- b) the Building or Structure is physically inspected by the Corporation's Chief Building Official for compliance with the Ontario Building Code; and
- c) a permit is received from the Corporation.

4.24 COMMERCIAL AND INDUSTRIAL ZONES ABUTTING OR ADJACENT TO RESIDENTIAL, INSTITUTIONAL, AND OPEN SPACE ZONES

Where any Commercial Zone or Industrial Zone fronts on a street or road opposite to, or directly abuts any Residential Zone, Institutional, or Open Space Zone, the following provisions shall be complied with:

- a) no Loading Space shall be located in, nor open onto any yard adjacent to a neighbouring zone as listed above;
- b) exterior lighting and illuminated signs shall be so arranged as to deflect light away from the adjacent zone;
- c) Open Storage shall be prohibited in any front yard or side yard adjacent to the neighbouring zone. Where permitted, the provisions of this by-law shall apply.

- d) a planting strip shall be provided in accordance with the provisions of this by-law.

4.25 OCCUPANCY

No Building or Structure or any part thereof shall be occupied until the whole of the exterior of such Building has been completed according to the plans and specifications thereof filed with the Chief Building Official and the whole of the interior has been completed with the exception of minor details not exceeding ten (10) percent of the value of the Building as set out in the building permit issued by the Chief Building Official thereof. All sanitary facilities shall be installed, inspected and approved in writing and an occupancy permit obtained from the Chief Building Official prior to the occupancy of any Building.

4.26 ACCESS

All uses, buildings or structures shall have access to a public street.

4.27 CONVERSION OF EXISTING DWELLINGS

An existing dwelling may be altered, remodelled, enlarged and used for purposes of a Converted Dwelling in a Zone where permitted, provided that:

- a) no dwelling unit so created contains a floor area of less than fifty (50) m² and this shall be in addition to the minimum Gross Floor area requirements established by this By-law for the residence prior to conversion;
- b) no more than two (2) additional dwelling units are permitted;
- c) there is no increase in the cubic content of the building for habitable purposes except for the addition of sun porches, entranceways and dormers;
- d) any outside stairways (except for required fire escapes) be located in the rear yard;
- e) no building may be converted into two units unless the lot has a minimum of 100 m² of landscaped open space located in the rear yard. No building may be converted into three units unless the lot has a minimum of 135 m² of landscaped open space located in the rear yard.
- f) the off-street parking requirements of this By-law are complied with.

4.28 PARKING AREA REGULATIONS

4.28.1 Requirements

- a) The owner or occupant of every building or structure erected or used for any of the purposes hereinafter set forth except for buildings, structures or uses in the C1 Zone, shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, one or more parking spaces each such parking space having a minimum width of 2.7 metres, and minimum length of 6.1 metres, in accordance with the following:

| TYPE OF USE | MINIMUM PARKING SPACE REQUIRED |
|---|---|
| Residential Use | |
| Group Home | 1 parking space per staff member |
| Multiple Dwelling | 1.5 parking spaces per dwelling unit except that, for a senior citizens' apartment the minimum requirement shall be 1 parking space per 2 dwelling units. |
| Home for the Aged/Rest Home/ Nursing Home | 1 parking space per dwelling, plus 1 parking space per 4 beds |
| Townhouse | 1.5 parking spaces per dwelling unit |
| Other Residential Uses permitted by this By-law | 1 parking space per dwelling |
| Non Residential Use | |
| Assembly Hall, Auditorium | 1 parking space for every 8 fixed seats plus 1 parking space for each 18.5 m ² of gross floor area (excluding area occupied by fixed seating) |
| Auction Hall or Flea Market | 1 parking space for every 5 m ² of gross floor space open to the public |
| Bank | 1 parking space per 37 m ² of gross floor area |
| Beverage Room | 1 parking space per 4 persons permitted capacity |
| Bingo Hall | 1 parking space for 4 person design capacity of the establishment |

| | |
|-------------------------------------|---|
| Church | 1 parking space per 10 m ² of gross floor area |
| Clinic | The greater of: <ul style="list-style-type: none"> a) 5 parking spaces per practitioner; or b) 1 parking space per 18.5 m² of gross floor area |
| Day Nursery | 1 parking space per staff member |
| Funeral Home | 1 parking space for every 5 fixed seats and 1 space for every 5 m ² floor area where non-fixed seating can be made available for chapel purposes; or 1 space for every 5 m ² of floor area devoted to reposing rooms, whichever is the greater. |
| Hotel/Motel | 1 parking space per guest room plus 1 parking space for every 4 persons of the permitted design capacity of each beverage room (including outdoor patio area), dining room (including outdoor patio area) and meeting room. |
| Industrial Use/Light Industrial Use | 1 space for each 37 m ² of gross floor area |
| Library | 1 parking space for each 37 m ² of gross floor area |
| Motor Vehicle Repair Establishment | 3 parking spaces per staff member |
| Motor Vehicle Sales | 1 space per 30 m ² gross floor area plus 1 space per 10 motor vehicles on display |
| Motor Vehicle Service Establishment | 5 spaces per working bay |
| Motor Vehicle Washing Establishment | |
| i) Self-Service Operation | 4 parking spaces per wash stall |
| ii) Conveyor Operation | 8 parking spaces per wash stall |
| Office | 1 parking space per 37 m ² of gross floor area |

| | |
|---|---|
| Private Club | 1 parking space for every 8 fixed seats and/or 1 space for each 18.5 m ² of gross floor area (excluding areas occupied by fixed seating) |
| Recreation, Commercial | The greater of: <ul style="list-style-type: none"> a) 1 parking space per 14 m² of gross floor area b) 1 parking space per 4 persons design capacity of the establishment |
| Restaurant | The greater of: <ul style="list-style-type: none"> a) 1 parking space per 14 m² of gross floor area, including outdoor patio area; or b) 1 parking space per 4 persons design capacity of the dining room and outdoor patio area |
| Restaurant, Drive-In | 10 parking spaces per lot |
| Retail Store, Service And Repair Shop, Service Trade, Personal Service Shop | 1 parking space per 37 m ² of gross floor area |
| School | 1.5 parking spaces per classroom, or teaching area |
| Shopping Centre | 1 parking space per 28 m ² of gross floor area |
| Tavern | 1 parking space for each 5 m ² of gross floor area accessible to the public and devoted exclusively to such uses, including outdoor patio area |
| Veterinarian Clinic | 1 parking space for each 28 m ² of gross floor area |
| Warehouse | 5 parking spaces minimum for the first 1,800 m ² of gross floor area and 1 parking space for each additional 300 m ² of gross floor area |
| Other Non-Residential Uses | 1 parking space per 37m ² of gross floor area |
| b) | Parking spaces shall be provided at the time of construction according to the provisions of this By-law. |

- c) If calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.

4.28.2 Addition to Existing Use

When an existing building or structure has insufficient parking spaces at the date of passing of this by-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. In the case of the expansion or enlargement of an existing building or structure, the requirement for provision of additional parking spaces shall be based on said expansion or enlargement, provided that no additional parking shall be required in the case of expansion or enlargement which does not exceed ten (10) percent of the gross floor area of the building or structure as it existed on the date of the passing of this By-law.

4.28.3 Change of Use

Where a change of permitted uses takes place in a Commercial Zone within an existing building or structure no additional parking facilities shall be required provided that:

- (i) no existing parking spaces are lost due to the change;
- (ii) the previous use was not residential
- (iii) the gross floor area is not increased.

In the case of an increase in gross floor area, the provisions of Section 4.28.2 shall apply.

4.28.4 More than one Use on a Lot

When a building, structure or lot accommodates more than one type of use the parking space requirement for such building structure or lot shall be the sum of the requirements for the separate uses thereof.

4.28.5 Location

The required parking area shall not form a part of any street or lane. The required parking area shall be provided on the lot occupied by the building, structure or use for which said parking area is required.

4.28.6 Yards Where Parking is Permitted

Notwithstanding any yard provisions to the contrary, parking areas shall be permitted in certain yards as follows. No part of any parking area, other than a driveway, shall be located closer than 1 metre to any Street line.

| <u>ZONE</u> | <u>YARDS WHERE PARKING IS PERMITTED</u> |
|---|---|
| Residential (R) Zones and Multiple Residential (RM) Zones | All yards, provided that no part of any parking area, other than a driveway, is located closer than the Minimum required front yard depth to any Street line. |
| Open Space (OS) and Institutional (I) Zones | All yards. |
| Commercial (C) Zones | All yards, except in any Commercial 1 (C1) Zone, where no part of any parking area, other than a driveway, shall be located in a front yard. |
| Industrial (M) Zones | All yards. |
| All other Zones | All yards. |

4.28.7 Access to Parking

(a) **Location**

The minimum distance between a driveway and the intersection of street lines measured along the street line intersected by such driveway shall be 6 m.

(b) **Width**

Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways at least 3 m but not more than 9 m in width. In the case of a driveway with combined ingress and egress, the maximum width shall be 9 m measured along the street line.

(c) **Aisles**

The aisles between parking spaces within a parking area shall have a minimum width of 6 m.

(d) **Angle of Intersection**

The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

(e) Number of Driveways

Every lot shall be limited to the following number of driveways:

- (i) two driveways, with a combined width not exceeding 30% of the lot frontage, for the first 30 m of lot frontage or portion thereof; and
- (ii) one additional driveway for each additional 30 m of lot frontage.

4.28.8 Surface

For any commercial, industrial or institutional use, each parking area and driveway connecting the parking area and driveway connecting the parking area with a street shall be paved with an asphaltic, concrete or tar and chip surface and be bounded by curbs. For any residential structure containing up to two (2) dwelling units, gravel, or any surface listed above is permitted for a parking area surface. For any residential structure containing three (3) or more dwelling units the parking area shall be surfaced with an asphaltic, concrete or tar and chip surface.

4.28.9 Movement Lanes for Automotive Washing Establishment

- (a) Automatic automotive washing establishments shall have on their premises sufficient space for the storage and movement of at least 5 automobiles in advance of the three automobiles at the terminus of each wash line.
- (b) Self-service automotive washing establishments shall have on their premises sufficient space for the storage and movement of at least three automobiles in advance of and one automobile at the terminus of each wash stall.

4.28.10 Restrictions on Commercial and Recreational Vehicles in Residential Zones

- (a) No Commercial Motor Vehicle that carries dangerous goods as defined in this by-law shall be parked or stored in any Residential Zone.
- (b) No commercial motor vehicle with a capacity for carrying a load weighing one (1) tonne or more, shall be parked or stored in any Residential Zone.
- (c) The parking or storage of one boat, one travel trailer, one motor home or two snowmobiles is permitted in any residential zone provided that none of the above are parked or stored in a sight triangle, a required parking space, a front yard or an exterior side yard. Where a boat, snowmobile, travel trailer or motor home is parked or stored in an interior side yard or rear yard it shall comply with the setbacks imposed on accessory buildings and structures as stated this By-law. Notwithstanding the above, the above-noted vehicles may be parked in the front yard for loading and unloading purposes only.
- (d) The maximum length of a boat as permitted in subsection (c) above shall be 8.3 m.

- (e) The maximum length of a travel trailer or motor home as permitted in subsection (c) above shall be 11 m, exclusive of hitch or tongue.
- (f) The provisions of this section shall not restrict the number of boats, travel trailers, motor homes or snowmobiles which are stored or parked in a fully enclosed private garage, carport or other accessory building.

4.28.11 Requirements for Barrier Free Parking Spaces (Physically challenged parking)

Where the parking requirement for any use is in excess of 20 parking spaces, 1 space out of the first 20 spaces required and 1 space out of each additional 100 spaces or portion thereof required shall be provided near and accessible to the point of entrance to the building and clearly marked for the parking of vehicles used by disabled persons.

Barrier-free parking spaces shall have a minimum width of 4.4 m and a minimum length of 6 m.

4.29 LOADING SPACE REGULATIONS

4.29.1 Spaces Required

The owner or occupant of any lot, building or structure erected or used for any purpose, involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, shall provide and maintain at the premises, facilities for loading. Loading spaces shall measure at least 9 m long, 3.5 m wide and have a vertical clearance of at least 4.5 m.

The number of loading spaces required shall be sufficient to address the needs of the operation.

4.29.2 Location

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

4.29.3 Access

Access to loading spaces shall be by means of a driveway at least 6 m wide contained within the lot on which the spaces are located.

SECTION 5 - RESIDENTIAL-1 (R1) ZONE

5.1 Permitted Uses

- a) Single Detached Dwelling
- b) Semi-detached Dwelling
- c) Group Home Type I
- d) Home Occupation
- e) Buildings, Structures and Uses accessory to a permitted use.

5.2 Zone Provisions (B/L 36/2015)

- a) Minimum Lot Area:
 - i) Single Detached Dwelling: 500 m²
 - ii) Semi-detached Dwelling: 300 m²/dwelling unit

- b) Minimum Lot Frontage:
 - i) Single Detached Dwelling: 15 m (Interior Lot)
18 m (Corner Lot)

 - ii) Semi-detached Dwelling: 8 m/dwelling unit (Interior Lot)
12 m/dwelling unit (Corner Lot)

- c) Minimum Front Yard Depth: 6 m

- d) Minimum Side Yard Width (Single Detached):
 - i) Where there is an attached private garage or carport: 1.2 m both sides

 - ii) Where there is no attached private garage or carport: 1.2 m one side, 3 m other side

 - iii) Where a side lot line abuts a Street: 6 m

Minimum Side Yard Width (Semi-detached): 0 m on common wall side, 3 m on unattached side

- e) Minimum Rear Yard Depth: 6 m

- f) Maximum Lot Coverage: **(B/L 30/2017)**
 - i) Single Detached Dwelling, one storey in height: 35%
 - ii) Single Detached Dwelling, greater than one storey in height: 30%
 - iii) Semi-Detached Dwelling: 35%

- g) Minimum Landscaped Open Space: 30%

5.3 Building Regulations

- a) Minimum Ground Floor Area:
 - i) One Storey Dwelling Unit: 90 m²
 - ii) Dwelling Unit with more than one Storey: 75 m²
- b) Maximum Building Height: 9 m

SECTION 6 - MULTIPLE RESIDENTIAL (RM) ZONES

6.1 MULTIPLE RESIDENTIAL 1.1 (RM1) ZONE

6.1.1 Permitted Uses

- a) Converted Dwelling
- b) Triplex Dwelling
- c) Townhouse Dwelling
- d) Multiple Dwelling
- e) Home Occupation
- f) Buildings, Structures and Uses Accessory to the Permitted Uses.

6.1.2 Zone Provisions

a) Minimum Lot Area:

- | | |
|--------------------------|-----------------------------|
| i) Converted Dwelling: | Existing |
| ii) Triplex Dwelling: | 300 m ² per unit |
| iii) Townhouse Dwelling: | 300 m ² per unit |
| iv) Multiple Dwelling: | 300 m ² per unit |

b) Minimum Lot Frontage:

- | | |
|--------------------------|----------|
| i) Converted Dwelling: | Existing |
| ii) Triplex Dwelling: | 15 m |
| iii) Townhouse Dwelling: | 30 m |
| iv) Multiple Dwelling: | 30 m |

c) Minimum Front Yard Depth:

- | | |
|--------------------------|----------|
| i) Converted Dwelling: | Existing |
| ii) Triplex Dwelling: | 6 m |
| iii) Townhouse Dwelling: | 6 m |
| iv) Multiple Dwelling: | 7.5 m |

d) Minimum Side Yard Width:

- | | |
|-----------------------------|--|
| i) Converted Dwelling: | Existing |
| ii) Triplex Dwelling: | 3 m both sides |
| iii) Townhouse Dwelling: | 3 m both sides |
| iv) Multiple Dwelling: | 7.5 m both sides |
| v) All permitted dwellings: | 6 m where a side lot line abuts a street |

- e) Minimum Rear Yard Depth:
 - i) Converted Dwelling: Existing
 - ii) Triplex Dwelling: 6 m
 - iii) Townhouse Dwelling: 6 m
 - iv) Multiple Dwelling: 7.5 m

- f) Maximum Lot Coverage:
 - i) Converted Dwelling: Existing
 - ii) Triplex Dwelling: 35%
 - iii) Townhouse Dwelling: 40%
 - iv) Multiple Dwelling: 40%

- g) Minimum Landscaped Open Space:
 - i) Converted Dwelling: Existing
 - ii) All other permitted Dwellings: 30%

6.1.3 **Building Regulations**

- a) Minimum Dwelling Unit Area:
 - i) Bachelor Dwelling Unit: 40 m²
 - ii) Dwelling Units with one or more bedrooms: 55 m²

- b) Maximum Building Height:
 - i) Converted Dwelling: Existing
 - ii) All other permitted Dwellings: 11 m

6.2 MULTIPLE RESIDENTIAL 1.2 (RM1.2) ZONE

6.2.1 Permitted Uses

- a) Multiple Dwellings
- b) Townhouses
- c) Home Occupation
- d) Buildings, Structures and Uses Accessory to the Permitted Uses.

6.2.2 Zone Provisions

- a) Minimum Lot Area:
 - i) Multiple Dwellings: 660 m²
 - ii) Townhouses: 115 m² per Dwelling Unit.
- b) Minimum Lot Frontage: 24 m
- c) Minimum Front Yard Depth: 7.6 m
- d) Minimum Side Yard Width: 4.5 m except: i) Where a side lot line abuts a Street: 7.6 m
- e) Minimum Rear Yard Depth: 10.6 m
- f) Maximum Density: 86 units per net hectare
- g) Minimum Landscaped Open Space: 35% of the lot area

6.2.3 Building Regulations

- a) Minimum Dwelling Unit Area shall be in accordance with the provisions of Section 6.1.3 a) of this By-law.
- b) Maximum Building Height: 4 storeys

6.2.4 Special Setback Provisions

Despite the provisions of 6.2.2 d), a minimum side yard width of 3.0 m shall be required for property described as Part Lots 13, 14 and 15, Registered Plan 2 and Parts 2,3 and 4, Plan 25R4701 (the former United Way of Sarnia/Lambton property on the east side of Louisa Street).

6.3 MULTIPLE RESIDENTIAL 1.3 (RM1.3) ZONE

6.3.1 Permitted Uses

- a) Freehold Townhouse Dwelling
- b) Buildings, Structures and Uses Accessory to Permitted Uses.

6.3.2 Zone Provisions

- a) Minimum Lot Area: 240 m²
- b) Minimum Lot Frontage: 6 m
- c) Minimum Front Yard Depth: 6 m
- d) Minimum Side Yard Width for an interior Unit: 0 m
- e) Minimum Side Yard Widths for an end Unit: 0 m for an internal wall
3 m for an external wall
- f) Minimum Exterior Side Yard Width: 6 m
- g) Minimum Rear Yard Depth: 6 m
- h) Minimum Landscaped Open Space: 30%
- i) Maximum Lot Coverage: 50%

6.3.3 Building Regulations:

- a) Maximum Building Height: 2 storeys

6.4 MULTIPLE RESIDENTIAL 1.4 (RM1.4) ZONE

6.4.1 Permitted Uses

- a) A maximum of 10 One-Family Dwellings and/or Semi-Detached Dwellings on all lands zoned "RM1.4"
- b) Cluster Dwellings
- c) Stacked Townhouses
- d) Multiple Dwellings
- e) Buildings, Structures and Uses Accessory to Permitted Uses
- f) Parking Area

6.4.2 Zone Provisions

a) Minimum Lot Area:

- i) One-Family Dwelling: 463 m²
- ii) One-Family Dwelling on an Exterior Lot: 555 m²
- iii) Semi-Detached Dwelling: 400 m²
- iv) Semi-Detached Dwelling on an Exterior Lot: 460 m²
- v) Cluster Dwelling Unit on an Interior Lot: 185 m²
- vi) Cluster Dwelling Unit on an Exterior Lot: 345 m²
- vii) Stacked Townhouses: 115 m² per dwelling unit
- viii) Multiple Dwellings: 660 m²

b) Minimum Lot Frontage:

- i) One-Family Dwelling: 15 m
- ii) One-Family Dwelling on an Exterior Lot: 18 m
- iii) Semi-Detached Dwelling: 12 m
- iv) Semi-Detached Dwelling on an Exterior Lot: 14 m
- v) Cluster Dwelling Unit on an Interior Lot: 5.5 m
- vi) Cluster Dwelling Unit on an Exterior Lot: 10.4 m
- vii) Stacked Townhouses and Multiple Dwellings: 24 m

c) Minimum Front Yard Depth:

- i) One-Family Dwellings, Semi-Detached Dwellings and Cluster Dwellings: 7.6 m
- ii) Stacked Townhouses and Multiple Dwellings: 10.5 m

d) Minimum Exterior Side Yard Width:

- i) One-Family Dwellings; Semi-Detached Dwellings and Cluster Dwellings: 7.6 m
- ii) Stacked Townhouses and Multiple Dwellings: 10.5 m

- e) Minimum Interior Side Yard Width:
 - i) One-Family Dwellings: 1.2 m
 - ii) Semi-Detached Dwellings: 0 m for the common walls between the Dwelling Units and 2.5 m for other interior side yards
 - iii) Cluster Dwellings: 0 m for the common walls between the Dwelling Units and 2.5 m for other interior side yards
 - iv) Stacked Townhouses and Multiple Dwellings: The greater of 7.5 m or one-half the height of the building
- f) Minimum Rear Yard Depth:
 - i) Single-Family Dwellings; Semi-Detached Dwellings; and Cluster Dwellings: 6 m
 - ii) Stacked Townhouses; and Multiple Dwellings: 10.5 m
- g) Minimum setback from lands zoned "OS.1": The greater of 7.5 m or one-half the height of the building.
- h) Minimum Landscaped Open Space: 30%
- i) Maximum Lot Coverage: 40%
- j) Maximum Density: 39.3 units per hectare

6.4.3 **Building Regulations:**

- a) Minimum Dwelling Unit Area:
 - i) Bachelor Dwelling Unit: 37 m²
 - ii) One-bedroom Dwelling Unit: 55 m²
 - iii) Two-bedroom Dwelling Unit: 65 m²
 - iv) Three-bedroom Dwelling Unit: 83 m² plus 10 m² for each bedroom in excess of 3
- b) Maximum Building Height: 3 storeys

- c) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum 2 m around the external walls.

6.5 MULTIPLE RESIDENTIAL 1.5 (RM1.5) ZONE

6.5.1 Permitted Uses

- a) A maximum of 10 One-Family Dwellings and/or Semi-Detached Dwellings on all lands zoned "RM1.5"
- b) Cluster Dwelling
- c) Stacked Townhouse
- d) Multiple Dwelling
- e) Buildings, Structures and Uses Accessory to Permitted Uses.
- f) Parking Area

6.5.2 Zone Provisions

- a) Minimum Lot Area:
 - i) One-Family Dwelling: 463 m²
 - ii) One-Family Dwelling on an Exterior Lot: 555 m²
 - iii) Semi-Detached Dwelling: 400 m²
 - iv) Semi-Detached Dwelling on an Exterior Lot: 460 m²
 - v) Cluster Dwelling Unit on an Interior Lot: 185 m²
 - vi) Cluster Dwelling Unit on an Exterior Lot: 345 m²
 - vii) Stacked Townhouses: 115 m² per dwelling unit
 - viii) Multiple Dwellings: 660 m²

- b) Minimum Lot Frontage:
- i) One-Family Dwelling: 15 m
 - ii) One-Family Dwelling on an Exterior Lot: 18 m
 - iii) Semi-Detached Dwelling: 12 m
 - iv) Semi-Detached Dwelling on an Exterior Lot: 14 m
 - v) Cluster Dwelling Unit on an Interior Lot: 5.5 m
 - vi) Cluster Dwelling Unit on an Exterior Lot: 10.4 m
 - vii) Stacked Townhouses and Multiple Dwellings: 24 m
- c) Minimum Front Yard Depth:
- i) One-Family Dwellings; Semi-Detached Dwellings and Cluster Dwellings: 7.6 m
 - ii) Stacked Townhouses and Multiple Dwellings: 10.5 m
- d) Minimum Exterior Side Yard Width:
- i) One-Family Dwellings; Semi-Detached Dwellings and Cluster Dwellings: 7.6 m
 - ii) Stacked Townhouses and Multiple Dwellings: 10.5 m

- e) Minimum Interior Side Yard Width:
 - i) One-Family Dwellings: 1.2 m
 - ii) Semi-Detached Dwellings: 0 m for the common walls between the Dwelling Units and 2.5 m for other interior side yards
 - iii) Cluster Dwellings: 0 m for the common walls between the Dwelling Units and 2.5 m for other interior side yards
 - iv) Stacked Townhouses and Multiple the Dwellings: The greater of 7.5 m or one-half height of the building.
- f) Minimum Rear Yard Depth:
 - i) Single-Family Dwellings; Semi-Detached Dwellings; and Cluster Dwellings: 6 m
 - ii) Stacked Townhouses; and Multiple Dwellings: 10.5 m
- g) Minimum setback from lands zoned "OS.1": The greater of 7.5 m or one-half the height of the building.
- h) Minimum Landscaped Open Space: 30%
- i) Maximum Lot Coverage: 40%
- j) Maximum Density: 39.3 units per hectare

6.5.3 **Building Regulations:**

- a) Minimum Dwelling Unit Area:
 - i) Bachelor Dwelling Unit: 37 m²
 - ii) One-bedroom Dwelling Unit: 55 m²
 - iii) Two-bedroom Dwelling Unit: 65 m²

- | | |
|---------------------------------------|---|
| iv) Three-bedroom Dwelling Unit: | 83 m ² plus 10 m ² for each bedroom in excess of 3 |
| b) Maximum Height of Building: | 3 storeys |
| c) Minimum Level of Building Opening: | 178.3 m (Canadian Geodetic Datum) for a minimum 2 metres around the external walls. |

6.6 MULTIPLE RESIDENTIAL 1.6 (RM 1.6) ZONE

6.6.1 Permitted Uses

- a) Freehold Townhouse

6.6.2 Zone Provisions

- a) Minimum Lot Area: 340 m²
- b) Minimum Lot Frontage: 6 m
- c) Minimum Front Yard Depth: 7.5 m
- d) Minimum Side Yard Width for an interior unit: 0 m
- e) Minimum Side Yard Widths for an end unit: 0 m for an internal wall, 3 m for an external wall
- f) Minimum Rear Yard Depth: 10 m
- g) Landscaped Open Space: 30% minimum
- h) Lot Coverage: 46% maximum

6.6.3 Building Regulations

- a) Maximum Height: 2 storeys

SECTION 7 - RESIDENTIAL MARINA (RMAR) ZONES

7.1 RESIDENTIAL MARINA 1.1 (RMAR1.1) ZONE

7.1.1 Permitted Uses

- a) Multiple Dwelling
Stacked Townhouse
Townhouse
- b) Churches
Private Community Centre
Neighbourhood Stores
Personal Service Shops
Retail Stores
- c) Buildings, Structures and Uses Accessory to the Permitted Uses.

7.1.2 Zone Provisions

- a) Minimum Lot Area: No minimum
- b) Minimum Lot Frontage: No minimum
- c) Minimum Setback from Shoreline: 0 m
- d) Maximum Density: 111 units per net hectare
- e) Maximum Lot Coverage (excluding buildings and structures used for parking): 40%
- f) Minimum Landscaped Open Space: 30%

7.1.3 **Building Regulations**

- | | | |
|-----|--|---|
| a) | Minimum Dwelling Unit Area: | In accordance with the provisions of Section 6.1.3 a) of this By-law. |
| b) | Maximum Building Height: | 6 storeys |
| c) | Maximum Gross Leasable Floor Area: | |
| i) | Private Community Centre: | 930 m ² |
| ii) | Total of all Neighbourhood Stores, Personal Service Shops and Retail Stores in the RMAR1.1 Zone: | 465 m ² |
| d) | Minimum Level of Building Opening: | 178.3 m (Canadian Geodetic Datum) for a minimum horizontal distance of 2 m around the external walls. |

7.2 RESIDENTIAL MARINA 1.2 (RMAR1.2) ZONE

7.2.1 Permitted Uses

- a) Multiple Dwelling
Stacked Townhouse
Townhouse
- b) Active Recreation
Church
Neighbourhood Store
Office
Open Air Market
Personal Service Shop
Restaurant
Retail Store
- c) Buildings, Structures and Uses Accessory to the Permitted Uses.

7.2.2 Zone Provisions

- a) Minimum Lot Area: No minimum
- b) Minimum Lot Frontage: No minimum
- c) Minimum Setback from Exmouth Street Street-line (excluding buildings and structures used for parking): 16.7 m
- d) Maximum Density: 111 units per net hectare
- e) Maximum Lot Coverage (excluding buildings and structures used for parking): 40%
- f) Minimum Landscaped Open Space: 30%

7.2.3 **Building Regulations**

- a) Minimum Dwelling Unit Area in accordance with the provisions of Section 9.1.3a) of this By-law.
- b) Maximum Height of Buildings: 5 storeys
- c) Maximum Gross Leasable Floor Area:
 - i) Total of all Neighbourhood Stores, Personal Service Shops and Retail Stores in the RMAR1.2 Zone: 465 m²
 - ii) Total of all Offices in the RMAR1.2 Zone: 4925 m²
 - iii) Open Air Market: 1858 m²
 - iv) Total of all Restaurants in the RMAR1.2 Zone: 372 m²
- d) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum horizontal distance of 2 m around the external walls.

7.3 RESIDENTIAL MARINA 1.3 (RMAR1.3) ZONE

7.3.1 Permitted Uses

- a) Multiple Dwelling
Stacked Townhouse
Townhouse

- b) Library
Neighbourhood Store
Office
Personal Service Shop;
Restaurant
Retail Store

- c) Buildings, Structures and Uses Accessory to the Permitted Uses.

7.3.2 Zone Provisions

- a) Minimum Lot Area: No minimum

- b) Minimum Lot Frontage: No minimum

- c) Minimum Setback from Shoreline: 0 m

- d) Minimum Setback from Street line: 7.6 m

- e) Maximum Density: 94 units per net hectare

- f) Maximum Lot Coverage (excluding buildings and structures used for parking): 40%

- g) Minimum Landscaped Open Space: 30%

7.3.3 **Building Regulations**

- a) Minimum Dwelling Unit Area in accordance with the provisions of Section 6.1.3a) of this By-law.
- b) Maximum Height of Buildings: 8 storeys
- c) Maximum Gross Leasable Floor Area:
 - i) Total of all Neighbourhood Stores, Personal Service Shops and Retail Stores In the RMAR1.3 Zone: 280 m²
 - ii) Total of all offices in the RMAR1.3 Zone: 186 m²
 - iii) Total of all Restaurants in the RMAR1.3 Zone: 372 m²
- d) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum horizontal distance of 2 m around the external walls.

7.4 RESIDENTIAL MARINA 1.4 (RMAR1.4) ZONE

7.4.1 Permitted Uses

- a) Multiple Dwelling
Stacked Townhouse
Townhouse
- b) Neighbourhood Store
Personal Service Shop
Restaurant
Retail Store
- c) Buildings, Structures and Uses Accessory to the Permitted Uses.

7.4.2 Zone Provisions

- a) Minimum Lot Area: No minimum
- b) Minimum Lot Frontage: No minimum
- c) Minimum Setback from Street line: 7.6 m
- d) Minimum Setback from Shoreline: 0 m
- e) Maximum Density: 86 units per net hectare
- f) Maximum Lot Coverage (excluding buildings and structures used for parking): 40%
- g) Minimum Landscaped Open Space: 30%

7.4.3 **Building Regulations**

- | | | |
|----|---|---|
| a) | Minimum Dwelling Unit Area: | in accordance with the provisions of Section 6.1.3 a) of this By-law. |
| b) | Maximum Building Height: | 8 storeys |
| c) | Maximum Gross Leasable Floor Area: | |
| | i) Total of all Neighbourhood Stores, Personal Service Shops and Retail Stores in the RMAR1.4 Zone: | 80 m ² |
| | ii) Total of all Restaurants in the RMAR1.4 Zone: | 372 m ² |
| d) | Minimum Level of Building Opening: | 178.3 m (Canadian Geodetic Datum) for a minimum horizontal distance of 2 m around the external walls. |

7.5 RESIDENTIAL MARINA 1.5 (RMAR1.5) ZONE (B/L 8 of 2021)

7.5.1 Permitted Uses

- a) Multiple Dwelling
Stacked Townhouse
Freehold Townhouse
Maximum 6 Semi-Detached Dwellings
- b) Neighbourhood Store
Personal Service Shop
Restaurant
Retail Store
- c) Buildings, Structures and Uses Accessory to the Permitted Uses.

7.5.2 Zone Provisions

- a) Minimum Lot Area: No minimum
- b) Minimum Lot Frontage: No minimum
- c) Minimum Front Yard Width: 7.6 m
- d) Minimum Internal Side Yard Width:
 - i) 0 m for the common walls between dwelling units; and
 - ii) 1.5 m for other interior yards
- e) Minimum External Side Yard Width: 3.0 m
- f) Minimum Rear Yard Width: 5.5 m
- g) Minimum Setback from Shoreline: 0 m
- h) Maximum Density: 86 units per net hectare

- i) Maximum Lot Coverage (excluding buildings and structures used for parking):
 - i) Semi-Detached Dwelling: 35%
 - ii) Townhouse, Stacked Townhouse, Multiple Dwelling: 50%
 - iii) Commercial Uses: 40%
- j) Minimum Landscaped Open Space: 30%

7.5.3 **Building Regulations**

- a) Minimum Dwelling Unit Area: in accordance with the provisions of Section 6.1.3 a) of this By-law.
- b) Maximum Building Height: 8 storeys
- c) Maximum Gross Leasable Floor Area:
 - a) Total of all Neighbourhood Stores, Personal Service Shops and Retail Stores in the RMAR1.5 Zone: 80 m²
 - b) Total of all Restaurants in the RMAR1.5 Zone: 372 m²
- d) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum horizontal distance of 2 m around the external walls.

SECTION 8 - RESIDENTIAL COMMERCIAL WATERFRONT ZONES

8.1 RESIDENTIAL COMMERCIAL WATERFRONT 1 (RCW.1) ZONE

8.1.1 Permitted Uses

- a) Beverage Room
Clinic
Dry Cleaning or Laundry Outlet
Hotel
Motel
Laundromat
Office
Open Air Market
Parking Area
Personal Service Shop
Places of Entertainment
Recreation Establishment
Restaurant
Retail Shop
Tourist Commercial Use

- b) Dwelling Units located above a Permitted Commercial Use;

- c) Townhouses;
Stacked Townhouses;
Multiple Dwellings;

- d) Buildings, Structures and Uses Accessory to the Permitted Uses.

8.1.2 Zone Provisions

- a) Maximum total gross leasable floor area of all retail commercial uses, excluding hotels, motels, places of entertainment, recreational establishments and tourism and leisure related commercial uses, on all lands zoned "RCW.1": 1858 m²

| | | |
|----|---|--|
| b) | Minimum Lot Area: | 1400 m ² |
| c) | Minimum Lot Frontage: | 30 m |
| d) | Minimum Front Yard Depth: | 7.5 m |
| e) | Minimum Side Yard Width: | 7.5 m |
| | i) Where a side lot line abuts a RCW.2 zone and a building which is in both the RCW.1 and RCW.2 zones is to be used for a place of entertainment, recreational establishment and/or tourist commercial use: | 0 m |
| f) | Minimum Rear Yard Depth: | 7.5 m |
| g) | Minimum Setback from Lands zoned "OS.1": | |
| | i) For a Building 3 storeys or less: | The greater of 7.5 m or one- half the height of the building. |
| | ii) For a 4 or 5 storey Building: | The greater of 7.5 m or one-half the height of the building for the first 3 storeys. <u>Plus</u> , each additional storey must be set back an additional 2.5 m each from the setback of the first 3 storeys. The 4th and 5th storeys must be terraced back from the first 3 storeys. |
| | iii) Where an existing building in both the RCW.1 and RCW.2 zones is to be used for a Use Permitted in Section 10A.1.1 a): | 0 m |
| h) | Minimum separation distance between any use in Section 10A.1 c) and any Commercial Use: | 20 m |

- i) Maximum Density of Dwelling Units: 74 units per hectare

8.1.3 **Building Regulations**

- a) Maximum Height of Main Building: 5 storeys
- b) Minimum Dwelling Unit Area:
 - i) Bachelor Dwelling Unit: 37 m²
 - ii) One-Bedroom Dwelling Unit: 55 m²
 - iii) Two-Bedroom Dwelling Unit: 65 m²
 - iv) Three-Bedroom Dwelling Unit: 83 m² plus 10 m² for each bedroom in excess of 3.
- c) Maximum Lot Coverage: 40%
- d) Minimum Landscaped Open Space: 10%
- e) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum 2 m around the external walls.

8.1.4 **Special Parking Regulation**

Notwithstanding any other provision of this By-law, parking required by the Permitted Uses in this zone may be provided within lands zoned other than for the RCW.1 Permitted Uses.

8.2 RESIDENTIAL COMMERCIAL WATERFRONT 2 (RCW.2) ZONE

8.2.1 Permitted Uses

- a) Beverage Rooms
Clinics
Dry Cleaning or Laundry Outlets
Hotels
Motels
Laundromats
Offices
Open Air Market
Parking Area
Personal Service Shops
Places of Entertainment
Recreation Establishments
Restaurants
Retail Shops
Tourism and Leisure Related Commercial Uses
- b) Dwelling Units located above a Permitted Commercial Use
- c) Townhouses
Stacked Townhouses
Multiple Dwellings
- d) Buildings, Structures and Uses Accessory to the Permitted Uses

8.2.2 Zone Provisions

- a) Maximum total gross leasable floor area of all retail commercial uses, excluding hotels, motels, places of entertainment, recreational establishments and tourism and leisure related commercial uses, on all lands zoned "RCW.2": 1858 m²
- b) Minimum Lot Area: 1400 m²

| | | |
|----|---|--|
| c) | Minimum Lot Frontage: | 30 m |
| d) | Minimum Front Yard Depth: | 7.5 m |
| e) | Minimum Side Yard Width: | 7.5 m |
| | i) Where a side lot line abuts a RCW.1 and/or RCW.3 zone and a building in both the RCW.1 and RCW.2 zones is to be used for a place of entertainment, recreational establishment and/or tourist commercial use: | 0 m |
| f) | Minimum Rear Yard Depth: | 7.5 m |
| g) | Minimum Setback from Lands zoned "OS.1": | |
| | i) For a Building 3 storeys or less: | The greater of 7.5 m or one-half the height of the building. |
| | ii) For a 4 or 5 storey Building: | The greater of 7.5 m or one-half the height of the building for the first 3 storeys. <u>Plus</u> , each additional storey must be set back an additional 2.5 m each from the setback of the first 3 storeys. The 4th and 5th storeys must be terraced back from the first 3 storeys. |
| | iii) Where an <u>existing</u> building in the RCW.1 and RCW.2 zones is to be used for a Use Permitted in Section 10A.2.1 a): | 0 m |
| h) | Minimum separation distance between any use in Section 10A.2.1 c) and any Commercial Use: | 20 m |
| i) | Maximum Density of Dwelling Units: | 74 units per hectare |

8.2.3 Building Regulations

- | | |
|---------------------------------------|--|
| a) Maximum Height of Main Building: | 5 storeys |
| b) Minimum Dwelling Unit Area: | |
| i) Bachelor Dwelling Unit: | 37 m ² |
| ii) One-Bedroom Dwelling Unit: | 55 m ² |
| iii) Two-Bedroom Dwelling Unit: | 65 m ² |
| iv) Three-Bedroom Dwelling Unit: | 83 m ² plus 10 m ² for each bedroom in excess of 3. |
| c) Maximum Lot Coverage: | 40% |
| d) Minimum Landscaped Open Space: | 10% |
| e) Minimum Level of Building Opening: | 178.3 m (Canadian Geodetic Datum) for a minimum 2 m around the external walls. |

8.2.4 Special Parking Regulation

Notwithstanding any other provision of this By-law, parking required by the Permitted Uses in this zone may be provided within lands zoned other than for the RCW.2 Permitted Uses."

8.3 RESIDENTIAL COMMERCIAL WATERFRONT 3 (RCW.3) ZONE

8.3.1 Permitted Uses

- a) Beverage Rooms
Clinics
Dry Cleaning or Laundry Outlets
Hotels
Motels
Laundromats
Offices
Open Air Market
Parking Area
Personal Service Shops
Places of Entertainment
Recreational Establishments
Restaurants
Retail Shops
Tourism and Leisure Related Commercial Uses
- b) Dwelling Units located above a Permitted Commercial Use
- c) Townhouses
Stacked Townhouses
Multiple Dwellings
- d) Buildings, Structures and Uses Accessory to the Permitted Uses

8.3.2 Zone Provisions

- a) Maximum total gross leasable floor area of all retail commercial uses, excluding hotels, motels, places of entertainment, recreational establishments and tourism and leisure related commercial uses, on all lands zoned "RCW.3": 465 m²
- b) Minimum Lot Area: 1400 m²

- | | | |
|----|--|--|
| c) | Minimum Lot Frontage: | 30 m |
| d) | Minimum Front Yard Depth: | 7.5 m |
| e) | Minimum Side Yard Width: | 7.5 m |
| | i) Where a side lot line abuts a RCW.2 zone and a building in both the RCW.2 and RCW.3 zones is to be used for a place of entertainment, recreational establishment and/or tourism and leisure related commercial use: | 0 m |
| f) | Minimum Rear Yard Depth: | 7.5 m |
| g) | Minimum Setback from Lands zoned "OS.1": | |
| | i) For a Building 3-storeys or less: | The greater of 7.5 m or one-half the height of the building. |
| | ii) For a 4 or 5 storey Building: | The greater of 7.5 m or one-half the height of the building for the first 3 storeys. <u>Plus</u> , each additional storey must be set back an additional 2.5 m each from the setback of the first 3 storeys. The 4th and 5th storeys must be terraced back from the first 3 storeys. |
| h) | Minimum separation distance between any use in Section 10A.3.1 c) and any Commercial Use: | 20 m |
| i) | Maximum Density of Dwelling Units: | 74 units per hectare |

8.3.3 **Building Regulations**

- | | | |
|----|----------------------------------|-----------|
| a) | Maximum Height of Main Building: | 5 storeys |
|----|----------------------------------|-----------|

- b) Minimum Dwelling Unit Area:
 - i) Bachelor Dwelling Unit: 37 m²
 - ii) One-Bedroom Dwelling Unit: 55 m²
 - iii) Two-Bedroom Dwelling Unit: 65 m²
 - iv) Three-Bedroom Dwelling Unit: 83 m² plus 10 m² for each bedroom in excess of 3.
- c) Maximum Lot Coverage: 40%
- d) Minimum Landscaped Open Space: 10%
- e) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum 2 m around the external walls.

8.3.4 **Special Parking Regulation**

Notwithstanding any other provision of this By-law, parking required by the Permitted Uses in this zone may be provided within lands zoned other than for the RCW.3 Permitted Uses.

SECTION 9 - RESIDENTIAL WATERFRONT (RW) ZONES:

9.1 RESIDENTIAL WATERFRONT 1 (RW.1) ZONE

9.1.1 Permitted Uses

- a) Multiple Dwellings
- b) Townhouses
- c) Stacked Townhouses
- d) Buildings, Structures and Uses Accessory to the Permitted Uses

9.1.2 Zone Provisions

- a) Minimum Lot Area:
 - i) Townhouses and Stacked Townhouses: 115 m² per dwelling unit
 - ii) Multiple Dwellings: 660 m²
- b) Minimum Lot Frontage: 24 m
- c) Minimum Front Yard Depth: 10.5 m
- d) Minimum Exterior Side Yard Width: 10.5 m
- e) Minimum Interior Side Yard Width: The greater of 7.5 m or one-half the height of the building
- f) Minimum Rear Yard Depth: 10.5 m
- g) Minimum Setback from Lands zoned "OS.1":
 - i) For a Building 3-storeys or less: The greater of 7.5 m or one-half the height of the building.

- ii) For a 4 or 5 storey Building: The greater of 7.5 m or one-half the height of the building for the first 3 storeys. Plus, each additional storey must be set back an additional 2.5 m each from the setback of the first 3 storeys. The 4th and 5th storeys must be terraced back from the first 3 storeys.
- h) Minimum Landscaped Open Space: 30%
- i) Maximum Lot Coverage: 40%
- j) Maximum Density: 74 units per hectare

9.1.3 **Building Regulations**

- a) Minimum Dwelling Unit Area:
 - i) Bachelor Dwelling Unit: 37 m²
 - ii) One-bedroom Dwelling Unit: 55 m²
 - iii) Two-bedroom Dwelling Unit: 65 m²
 - iv) Three-bedroom Dwelling Unit: 83 m² plus 10 m² for each bedroom in excess of 3
- b) Maximum Height of Building: 5 storeys
- c) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum 2 m around the external walls

SECTION 10 - GENERAL COMMERCIAL ZONES

10.1 GENERAL COMMERCIAL (C1) ZONE

10.1.1 Permitted Uses

- a) Art Gallery
Assembly Hall
Bakery
Bake Shop
Bank
Beverage Room
Brewing-on-site Establishment
Existing Church
Child Care Centre (B/L 36/2015)
Clinic
Commercial Club
Commercial Use
Convenience Store
Community Facility
Dry Cleaning Establishment
Funeral Home
Hotel
Institutional Use
Laundromat
Library
Motel
Office
Parking Lot
Personal Service Shop
Place of Entertainment
Private Club
Public Recreational Use
Public Use, Non-Recreational
Recreation, Commercial
Recreation, Passive
Restaurant
Retail Store
Tavern
- b) Buildings, structures and uses accessory to a permitted use
- c) Dwelling Unit located above or behind a permitted commercial use
- d) Existing Dwelling

10.1.2 Zone Provisions

- | | | |
|----|---------------------------|---|
| a) | Minimum Lot Area: | No minimum |
| b) | Minimum Lot Frontage: | No minimum |
| c) | Minimum Front Yard Depth: | 0 m |
| d) | Maximum Front Yard Depth: | 2 m |
| e) | Minimum Side Yard Width: | 0 m, except where a side lot line abuts a Residential (R) Zone the minimum side yard width shall be 3 m |
| f) | Minimum Rear Yard Depth: | 0 m, except where a rear yard abuts a Residential (R) Zone the minimum rear yard depth shall be 3 m |

10.1.3 Building Regulations

- | | | |
|----|--|--|
| a) | Maximum Building Height: | 13 m |
| b) | Minimum Floor Area for a Dwelling Unit within a Building containing a Commercial Use | In accordance with the provisions of Section 6.1.3 a) of this By-law |

10.1.4 Existing Residential Dwellings

Notwithstanding any provisions of this by-law to the contrary, existing single-detached, semi-detached or duplex dwellings shall be permitted to be altered or expanded in accordance with the provisions of the R1 Zone. Accessory uses, structures or building may be permitted to an existing dwelling in accordance with the general provisions of this by-law.

10.2 COMMERCIAL 1.2 (C1.2) ZONE

10.2.1 Permitted Uses

- a) Convenience Store
Credit Union
Clinic
Commercial Recreation
Dry Cleaning or Laundry Establishment
Laundromat
Office
Personal Service Shop
Retail Store
- b) An maximum of three (3) Dwelling Units
- c) An additional two (2) Dwelling Units (total of 5) shall be permitted provided there are no other Permitted Uses on the site.
- d) Buildings, Structures and Uses Accessory to the Permitted Uses.

10.2.2 Zone Provisions

- a) Minimum Lot Area: 845 m²
- b) Minimum Lot Frontage: 25 m
- c) Minimum Front Yard Depth: 0.5 m
- d) Minimum Side Yard Width: 1.4 m except:
 - i) Where a side lot line abuts a Street: 10.5 m
- e) Minimum Rear Yard Depth: 1.4 m

10.2.3 **Building Regulations**

- | | | |
|----|---|---|
| a) | Maximum Building Height: | 2 storeys |
| b) | Minimum Floor Area for a Dwelling Unit Unit within a Commercial Use: | In accordance with the provisions of Section 6.1.3 a) of this By-law |

10.2.4 **Parking Regulations**

Despite any other provisions of this By-law, the following shall apply:

- | | | |
|----|--|-------|
| a) | Minimum number of parking spaces required: | 13 |
| b) | Minimum aisle width: | 4.5 m |

10.3 COMMERCIAL 1.3 (C1.3) ZONE

10.3.1 Permitted Uses

- a) Clinic
Office
Pharmacy
Personal Service Shop
- b) Buildings, Structures and Uses Accessory to the Permitted Use.

10.3.2 Zone Provisions

- a) Minimum Lot Area: 2000 m²
- b) Minimum Lot Frontage: 40 m
- c) Minimum Front Yard Depth: 15 m
- d) Minimum Side Yard Width: 3 m
- e) Minimum Exterior Side Yard Width: 4 m
- f) Minimum Rear Yard Depth: 9 m

10.3.3 Building Regulations

- a) Maximum Building Height: 1 storey

10.3.4 Special Provisions

Despite any other provision of this by-law to the contrary, no loading spaces shall be required on lands zoned C1.3.

10.4 COMMERCIAL 1.4 (C1.4) ZONE

10.4.1 Permitted Uses

- a) Offices
- Retail Stores
- Hotels
- Motels
- Beverage Rooms
- Restaurants
- Banks
- Buildings, Structures and Uses Accessory to Permitted Uses
- Places of Entertainment
- Recreation Establishments
- Tourism and Leisure Related Commercial Uses

10.4.2 Zone Provisions

- a) Maximum total gross leasable floor area of all commercial uses excluding hotels or motels: 2322 m²
- b) Minimum Lot Area: 1000 m²
- c) Minimum Lot Frontage: 70 m
- d) Minimum Front Yard Depth: 10.5 m
- e) Minimum Exterior Side Yard Width: 10.5 m
- f) Minimum Interior Side Yard Width: 5 m except:
 - i) Where a side lot line abuts a "RM1.3" zone: 10.5 m
- g) Minimum Rear Yard Depth: 7 m except:
 - i) Where a rear lot line abuts a "RM1.3" zone: 10.5 m

- h) Minimum Setback from lands zoned "OS.1": 7.5 m
- i) Minimum Landscaped Open Space: 10%
- j) Maximum Lot Coverage: 40%

10.4.3 **Building Regulations**

- a) Maximum Height of Main Building: 3 storeys
- b) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum 2 m around the external walls.

10.5 COMMERCIAL 1.5 (C1.5) ZONE

10.5.1 Permitted Uses

- a) Banks
 Beverage Rooms
 Clinics
 Dry Cleaning or Laundry Outlets
 Hotels
 Laundromats
 Offices
 Parking Lots
 Personal Service Shops
 Restaurants
 Retail Stores

- b) Buildings, Structures and Uses Accessory to Permitted Uses

10.5.2 Zone Provisions

- a) Maximum total gross leasable floor area of all commercial uses excluding hotels or motels: 7432 m²

- b) Minimum Lot Area: 2000 m²

- c) Minimum Lot Frontage: 12 m

- d) Minimum Front Yard Depth: 7.5 m

- e) Minimum Side Yard Width: 7.5 m
 - i) Where a side lot line abuts a "RM1.5" zone: 10.5 m

 - ii) Where a side lot line abuts an "OS.5" zone: 3 m

- f) Minimum Rear Yard Depth: 7.5 m

10.5.3 **Building Regulations**

- a) Maximum Height of Main Building: 5 storeys
- b) Maximum Lot Coverage: 40%
- c) Minimum Landscaped Open Space: 10%
- d) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum) for a minimum 2 m around the external walls.

10.6 COMMERCIAL 1.6 (C1.6) ZONE

10.6.1 Permitted Uses

- a) Catering Establishment
- Convenience Store
- Personal Service Shop
- Retail Store

10.6.2 Zone Provisions

- a) Minimum Lot Area: 1000 m²
- b) Minimum Lot Frontage: 20 m
- c) Minimum Front Yard Depth: 6 m
- d) Minimum Side Yard Width: 3 m except
 - i) Where a side lot line abuts a "Residential" (R) Zone: 6 m
- e) Minimum Exterior Side Yard Width: 6 m
- f) Minimum Rear Yard Depth: 7.5 m
- g) Maximum Lot Coverage: 40%
- h) Minimum Landscaped Open Space: 10%

10.6.3 Building Regulations

- a) Maximum Building Height: 2 storeys

10.7 COMMERCIAL 1.7 (C1.7) ZONE (B/L 46 of 2019)

In addition to all permitted uses and regulations of the C1 zone, the following shall apply:
 Maximum of four (4) Dwelling Units shall be permitted.

SECTION 11 - COMMERCIAL 2 (C2) ZONES

11.1 COMMERCIAL 2 (C2) ZONE

11.1.1 Permitted Uses

- a) Hotel
Motel
Restaurant
Office
Banquet Hall
Flea Market
Place of Entertainment
Private Club
Commercial Recreation
Drive-in Restaurant
Tourist Commercial Use

- b) Buildings, Structures and Uses Accessory to the Permitted Uses.

11.1.2 Zone Provisions

- a) Minimum Lot Area: 1000 m²

- b) Minimum Lot Frontage: 20 metres

- c) Minimum Front Yard Depth: 7.5 m

- d) Minimum Side Yard Width: 3 m, except where a side lot line abuts a Residential (R) Zone, the minimum side yard width shall be 7.5 m

- e) Minimum Exterior Side Yard Width: 7.5 m

- f) Minimum Rear Yard Depth: 7.5 m

- g) Minimum Landscaped Open Space: 10%

h) Maximum Lot Coverage: 40%

11.1.3 **Building Regulations**

a) Maximum Building Height: 6 storeys

11.2 COMMERCIAL 2.1 (C2.1)

11.2.1 Permitted Uses

a) Offices

Clinics, including "out-patient" cosmetic or plastic surgical treatment.

Out-patient treatment shall not include any over-night accommodation of patients.

Existing research and testing laboratory.

11.2.2 Zone Provisions

- | | | |
|----|--|-----------------------|
| a) | Minimum Lot Area: | 10,000 m ² |
| b) | Minimum Lot Frontage: | 75 m |
| c) | Minimum Front Yard Depth: | 7.5 m |
| d) | Minimum Side Yard Width: | 3 m, except: |
| | i) Where a side lot line abuts a railway right-of-way or a "MCI" zone: | 0 m |
| e) | Minimum Exterior Side Yard Width: | 9.1 m |
| f) | Minimum Rear Yard Depth: | 7.6 m except: |
| g) | Where a rear lot line abuts a railway right-of-way or a "MCI" zone : | 0 m |
| h) | Minimum Landscaped Open Space: | 10% |
| i) | Maximum Lot Coverage: | 65% |

11.2.3 Building Regulations

- | | | |
|----|--------------------------|-----------|
| a) | Maximum Building Height: | 4 storeys |
|----|--------------------------|-----------|

11.2.4 Special Provision

Section 4.10 does not apply in cases where a lot is affected by the "M1.1" and "C2.1" zones.

11.3 COMMERCIAL 2.2 (C2.2) ZONE

11.3.1 Permitted Uses

- a) Bank
Currency Exchange
Commercial Child Care
Commercial Garage
Drive-In Restaurant
Hotel
Motel
Motor Vehicle Repair Establishment, excluding Body Shop
Motor Vehicle Service Station
Museum or Public Gallery
Parking Lot
Personal Service Shop
Place of Entertainment
Restaurant/Tavern
Retail Store
Tourism Information Booth
Tourist Commercial Use
Truck Service Centre
Utility Service Building

- b) Buildings, Structures and Uses Accessory to a Permitted Use.

11.3.2 Zone Provisions

- a) Minimum Lot Area: 2,000 m²
- b) Minimum Lot Frontage: 30 m
- c) Minimum Front Yard Depth: 7.5 m
- d) Minimum Side Yard Width: 3 m
- e) Minimum Exterior Side Yard Width: 7.5 m

- f) Minimum Rear Yard Depth: 7.5 m
- g) Minimum Landscaped Open Space: 10%

11.3.3 **Building Regulations**

- a) Maximum Building Height: 5 storeys

SECTION 12 COMMERCIAL 3 (C3) ZONES

12.1 COMMERCIAL 3 (C3) ZONE

12.1.1 Permitted Uses

- a) Commercial Recreational Use
Commercial Storage Facility
Light Industrial Use
Merchandise Service Shop
Motor Vehicle Washing Establishment
Office
Personal Service Shop
Restaurant
Retail Store
Retail Warehouse
Shopping Centre
Veterinary Establishment

- b) Buildings, Structures and Uses Accessory to the Permitted Uses.

12.1.2 Zone Provisions

- a) Minimum Lot Area: 1000 m²

- b) Minimum Lot Frontage: 20 m

- c) Minimum Front Yard Depth: 6 m

- d) Minimum Side Yard Width: 3 m except:
 - i) Where a side lot line abuts a Residential (R) Zone: 7.5 m

- e) Minimum Exterior Side Yard Width: 6 m

- f) Minimum Rear Yard Depth: 7.5 m

- g) Maximum Lot Coverage: 40%
- h) Minimum Landscaped Open Space: 10%

12.1.3 **Building Regulations**

- a) Maximum Building Height: 3 storeys

12.2 **COMMERCIAL 3.1 (C3.1) ZONE** (B/L 23 of 2021)

12.2.1 **Permitted Uses**

- a) Micro-Brewery
- b) Any other use within the C3 zone

12.2.2 **Zone Provisions**

- a) All the zone provisions of the C3 Zone shall apply to lands zoned C3.1.

12.2.3 **Building Regulations**

- a) All the Building Regulations of the C3 Zone shall apply to lands zoned C3.1.

SECTION 13 - MIXED COMMERCIAL/INDUSTRIAL (MCI) ZONES

13.1 MIXED COMMERCIAL/INDUSTRIAL 1 (MCI.1) ZONE

13.1.1 Permitted Uses

- a) Motor Vehicle Detailing Business
 Motor Vehicle Auction Establishment
 Clinic
 Commercial Storage
 Commercial Trade Centre
 Light Industrial Use
 Office
 Outdoor Storage
 Research and Development Establishment, including offices, laboratories, process development laboratories, warehousing and shipping
 Truck Transport Terminal
- b) Buildings, Structures and Uses Accessory to a Permitted Use

13.1.2 Zone Provisions

- a) Minimum Lot Area: 20,000 m²
- b) Minimum Lot Frontage: 75 m
- c) Minimum Front Yard Depth: 7.5 m
- d) Minimum Side Yard Width: 3 m, except:
 - i) Where a side lot line abuts a railway right-of-way or a "C2.1" zone: 0 m
- e) Minimum Exterior Side Yard Width: 9.1 m
- f) Minimum Rear Yard Depth: 7.5 m except:
 - i) Where a rear lot line abuts a railway right-of-way: 0 m
- g) Minimum Landscaped Open Space: 10%
- h) Maximum Lot Coverage: 60%

13.1.3 **Building Regulations**

- a) Maximum Building Height: 4 storeys

13.1.4 **Special Outdoor Storage Regulations**

Outdoor Storage shall be limited to the westerly side yard, as defined in this By-law. Despite this regulation, the outdoor storage of vehicles accessory to a Motor Vehicle Auction Establishment shall be permitted in accordance with Section 4.20 of this By-law.

SECTION 14 - INDUSTRIAL (M1) ZONES

14.1 INDUSTRIAL 1 (M1) ZONE

14.1.1 Permitted Uses

- a) Bakery
- Commercial Storage Facility
- Contractor's Yard
- Dry Cleaning or Laundry Plant
- Light Industrial Use
- Merchandise Service Establishment
- Motor Vehicle Repair Establishment
- Motor Vehicle Sales Establishment
- Office
- Parking Area
- Research and Development Establishment
- Service Industrial Use
- Warehouse
- Wholesale Establishment

- b) Outdoor Storage in accordance with Section 4.18 of this By-law;

- c) Buildings, Structures and Uses Accessory to the Permitted Uses;

14.1.2 Zone Provisions

- a) Minimum Lot Area: 1400 m²

- b) Minimum Lot Frontage: 20 m

- c) Minimum Front Yard Depth: 7.5 m

- d) Minimum Side Yard Width: 3 m except:
 - i) Where a side lot line abuts a Residential (R) Zone: 7.5 m

- ii) Where a side lot line abuts a railway right-of-way: 0 m
- e) Minimum Exterior Side Yard Width: 7.5 m
- f) Minimum Rear Yard Depth: 7.6 m except:
 - i) Where a rear yard abuts a railway right-of-way: 0 m
- g) Minimum Landscaped Open Space: 10%
- h) Maximum Lot Coverage: 60%

14.1.3 **Building Regulations**

- a) Maximum Building Height: 4 storeys

SECTION 15 - INSTITUTIONAL (I) ZONES

15.1 INSTITUTIONAL (I) ZONE

15.1.1 Permitted Uses

- a) Community Facility
 School
 Hospital
 Assembly Hall
 Auditorium
 Home for the Aged
 Nursing Home
 Rest Home
 Church
 Cemetery
 Institutional Use
 Public Use
 Child Care Centre (B/L 36/2015)
- b) Buildings, Structures and Uses Accessory to a Permitted Use.

15.1.2 Zone Provisions

- a) Minimum Lot Area: 650 m²
- b) Minimum Lot Frontage: 18 m
- c) Minimum Front Yard Depth: 7.5 m
- d) Minimum Side Yard Width: 3 m except:
 - i) Where a side lot line abuts a Street or a Residential (R) Zone: 7.5 m
- e) Minimum Rear Yard Depth: 7.5 m except:
 - i) Where a rear yard abuts a Residential (R) Zone: 9.1 metres
- f) Maximum Lot Coverage: 30%

15.1.3 **Building Regulations**

- a) Maximum Building Height: 3 storeys

15.2 INSTITUTIONAL 2 (I.2) ZONE

15.2.1 Permitted Uses

- a) Duty Free Shop;
Institutional Uses;
- b) Buildings, Structures and Uses Accessory to the Permitted Uses.

15.2.2 Zone Provisions

- a) Minimum Lot Area: 650 m²
- b) Minimum Lot Frontage: 18 m
- c) Minimum Front Yard Depth: 2 m
- d) Minimum Side Yard Width: 3 m
- e) Minimum Rear Yard Depth: 7.6 m
- f) Maximum Lot Coverage: 30%

15.2.3 Building Regulations

- a) Maximum Building Height: 1 storey

SECTION 16 - ENVIRONMENTAL PROTECTION (EP) ZONES

16.1 ENVIRONMENTAL PROTECTION 1 (EP1) ZONE

16.1.1 Permitted Uses

- a) Marina
Marine Facility
Public Park
- b) Uses Accessory to the Permitted Uses.

16.1.2 Prohibited Uses

- a) The placing or removal of fill; and
- b) The erection or alteration of buildings or structures except:
 - i) with the written permission of the Council of the Village of Point Edward or;
 - ii) as required for erosion and flood control purposes and which are undertaken or approved in writing by the Council of the Village of Point Edward.

16.1.3 Building Regulations for Buildings and Structures Permitted in Section 16.1.2 b) of this By-law

- a) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum)

16.1.4 Special Provisions - EP1-1 Zone

Notwithstanding Sections 16.1.1 and 16.1.2 of this By-law, the area shown as EP1-1 on the By-law Schedules may be used for the stockpiling and storage of sand.

SECTION 17 - OPEN SPACE (OS) ZONES

17.1 OPEN SPACE 1 (OS.1) ZONE

17.1.1 Permitted Uses

- a) Conservation Areas
Public Parks
Active Recreation
Golf Course
The Existing Point Edward Boy Scouts and Cubs Hall on Lot 40, Registered Plan 4
- b) Buildings, Structures and Uses Accessory to the Permitted Uses.

17.1.2 Zone Provisions

- a) Minimum Lot Area: No minimum
- b) Minimum Lot Frontage: No minimum
- c) Minimum Front Yard Depth: 7.5 m
- d) Minimum Side Yard Width: 7.5 m
- e) Minimum Rear Yard Depth: 9 m
- f) Maximum Lot Coverage: 20%.

17.1.3 Building Regulations

- a) Maximum Building Height: 3 storeys

17.2 **OPEN SPACE 2 (OS.2) ZONE**

17.2.1 **Permitted Uses**

- a) Boating Clubs
Marinas
Marine Facilities
Private Parks
- b) Outdoor Storage of boats and boat accessories
- c) An Accessory Dwelling Unit located within a Permitted Use
- d) Buildings, Structures and Uses Accessory to the Permitted Uses.

17.2.2 **Zone Provisions**

- a) Minimum Lot Area: No minimum
- b) Minimum Lot Frontage: No minimum
- c) Minimum Setback from Shoreline for Marinas and Marine Facilities: 0 m
- d) Maximum Lot Coverage: 30%
- e) Minimum Landscaped Open Space: 20%

17.2.3 **Building Regulations**

- a) Maximum Building Height: 3 storeys
- b) Maximum Gross Leasable Floor Area for a Boating Club: 1395 m²
- c) Minimum Level of Building Opening: 178.3 m (Canadian Geodetic Datum)
- d) Minimum Dwelling Unit Area in accordance with the provisions of Section 6.1.3 a) of this By-law.

17.3 OPEN SPACE 2A (OS.2A)

17.3.1 Permitted Uses

- a) Outdoor storage of boats and boat accessories, and associated marina uses. The outdoor storage shall be carried out in accordance with the provisions of Section 17.9 with the exception that outdoor storage is permitted in a front yard at a minimum setback distance of 4.6 metres from any commercial or residential zone.
- b) Buildings used in association with sand blasting and boat hull scraping activities.

17.3.2 Zone Provisions

Notwithstanding any provisions of By-law 9 of 1982 to the contrary, no person shall within any "Open Space 2A" Zone use or occupy any lot except in accordance with the following provisions:

- a) Minimum setback of outdoor storage from any commercial or residential zone: 4.6 m
- b) The use of the land for sand blasting and boat hull scraping activities is prohibited unless:
 - i) The operation is conducted indoors and the noise generated outside does not exceed the Ministry of Environment and Energy's Noise Guidelines or the Village of point Edward's Noise By-law.

17.3.3 Building Regulations

- a) Minimum Front Yard Depth: 7.5 m or one-half the height of the building, whichever is greater
- b) Minimum Side Yard Width: 7.5 m or one-half the height of the building, whichever is greater
- c) Minimum Rear Yard Depth: 7.5 m or one-half the height of the building, whichever is greater
- d) Maximum Height of Building: 16 m
- e) Maximum Lot Coverage: 15%

17.4 OPEN SPACE 3 (OS.3)

17.4.1 Permitted Uses

- a) Marine Facility
- b) Restaurant;
- c) Buildings, Structures and Uses Accessory to the Permitted Uses.

17.4.2 Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, no person shall within any "Open Space 3 (OS.3)" Zone use or occupy any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

- a) that the buildings may only be located within the area designated "Building Area" on Schedule `C`;
- b) that landscaped open space is provided wholly within the area designated "Planting Strip" on Schedule `C`;
- c) that parking spaces may only be located within the areas designated "Parking" on Schedule `C`;
- d) that vehicular access is provided wholly within the areas defined as "Driveways" on Schedule `C`;
- e) that open storage may only be permitted within the area designated "Open Storage" on Schedule `C`;
- f) Maximum height of building: 12.2 m
- g) Maximum gross floor area: 3500 m²
- h) Maximum floor area for seating area within a restaurant use: 28 m²
- i) Minimum level of building opening: 178.3 m (Canadian Geodetic Datum) a minimum 2 m around the external walls

- j) During the period of 2100 to 0700 hours the use of the land for the operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding fifteen minutes is prohibited unless the following conditions are met:
 - i) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or
 - ii) operation of such engine or motor is essential to a basic function of the vehicle or;
 - iii) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine;
- k) The use of the land for the operation of a mobile refrigeration unit for a continuous period exceeding fifteen (15) minutes while such a unit is stationary is prohibited unless:
 - i) during the period of 0700 to 2100 hours and the operation of such equipment for greater than 15 minutes is necessary for the safety and/or preservation of perishable cargo, and the unit is stationary for purposes of delivery or loading.
 - l) The use of the land for the operation of sand blasting is prohibited.

18 ADOPTION

This By-law read a first _____ day of _____ 2012.

This By-law read a second _____ day of _____ 2012.

This By-law read a third time and finally passed this _____ day of _____ 2012.

SIGNED:

Mayor

C.A.O./Clerk

I hereby certify that the foregoing is a true copy of By-law No. 25 of 2012 as enacted by the Council of the Corporation of the Village of Point Edward on the 25th day of September, 2012.

Signed :

Clerk

ZONING BY-LAW AMENDMENTS

| <u>By-law No.</u> | <u>Date Passed</u> | <u>Description</u> | <u>Status</u> |
|--------------------------|---------------------------|--|----------------------|
| 36 of 2015 | Nov. 25/15 | Municipal Day Care & Semi-detached Dwelling provisions | Signed By-law |
| 30 of 2017 | Oct. 25/17 | Municipal Lot Coverage, Accessory Buildings, & Shipping Containers Provisions | Signed By-law |
| 18 of 2018 | May 22, 2018 | Municipal Shipping Container Provisions | Signed By-law |
| 46 of 2019 | October 22, 2019 | Henry Soininen 136 Michigan Avenue C1 to C1.7 | Signed By-law |
| 8 of 2021 | January 26, 2021 | Alan Merrington 1600 Venetian Boulevard RMAR1.4 & EP1 to RMAR1.5 & EP1 | Signed By-law |
| 23 of 2021 | June 8, 2021 | 1075051 Ontario Ltd 705 Lite Street C3 & I1 to C3.1 | Signed By-law |