

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 ADMINISTRATOR

This Zoning By-law shall be administered by the By-law Enforcement Officer, Manager of Development Services, Senior Planning Official, Chief Building Official and/or Deputy Chief Building Official, or any other Person designated by the Council of the Village of Point Edward as “Zoning Administrator”.

1.3 APPLICATION

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

1.4 SCOPE

- a) No Person shall use any land or Erect or use any Building or Structure on lands subject to this By-law except for a Use permitted, and in accordance with the regulations provided, by this By-law for the Zone in which the Lot is located.
- b) No Person shall change the Use of any Lot, Building, or Structure, Erect or enlarge any Building or Structure, or sever any lands from any Existing Lot if the effect of such action is to cause the original, remaining, or new Building, Structure, or Lot to be in contravention of the Zoning By-law.

1.5 REPEAL OF EXISTING BY-LAWS

The provisions of Zoning By-law 25 of 2012, and all amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law..

1.6 VALIDITY / SEVERABILITY

Should any section, clause, provision, or schedule of this Zoning By-law be held by a court of competent jurisdiction to be invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

1.7 EFFECTIVE DATE

This Zoning By-law shall be deemed to be valid and to have come into force on the day of passing hereof subject to the provisions of the *Planning Act*.

1.8 COMPLIANCE WITH OTHER RESTRICTIONS

Nothing in this Zoning By-law shall relieve any person from the obligation to conform to the requirements of any other by-law municipal or County, or Province of Ontario or Government of Canada, or the requirement of obtaining any permit, license, or permission that may be required from an authority having jurisdiction in a particular matter.

References to “the Zoning By-law” in other By-laws or documents shall be deemed to refer to this By-law where this By-law applies.

1.9 ENTRY AND INSPECTION OF PREMISES

Pursuant to Section 49 of the *Planning Act*, a By-law Enforcement Officer or a Person acting under their instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property in respect of which they believe a contravention of this By-law is occurring.

1.10 VIOLATIONS AND PENALTIES

Every Person who contravenes a provision of this By-law and, if the Person is a Corporation, every director or officer of the Corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines under the *Planning Act*.

1.11 LICENSES AND PERMITS

The requirements of this By-law must be met before a municipal permit, certificate or license is issued for a proposed Use of land or proposed erection, Alteration, enlargement or Use of any Building or Structure.

1.12 REQUESTS FOR AMENDMENTS AND FEES

The Village may by by-law, establish fees for the processing of any application, permit, license, variance or amendment sought or required by this Zoning By-law as provided under Section 69 of the *Planning Act*. A fee as prescribed by the Corporation's By-law, which sets a tariff of fees, shall accompany every application requesting an amendment or minor variance to this By-law.

1.13 TRANSITION MATTERS

Notwithstanding Sections 1.4 and 1.5 of this By-law, a Building permit may be issued in accordance with Section 1.13 of this By-law for the following scenarios. For the purposes of determining zoning compliance for matters covered by this Section of this By-law, the provisions of Zoning By-law 25 of 2012, as amended, as it read on the effective date of this By-law shall apply.

1.13.1 Building Permit Applications

Nothing in this By-law shall prevent the erection of a Building or Structure for which an application for a Building permit was filed on or prior to the effective date of this By-law provided the Building permit application satisfies the following requirements:

- a) The Building permit application complies with the provisions of Zoning By-law 25 of 2012, as amended, as it read on the effective date of this By-law.
- b) All information is provided to allow for a zoning review to be undertaken.
- c) All planning approvals have been obtained.

1.13.2 Recently Approved Planning Applications

- a) The requirements of this By-law do not apply on a Lot where a minor variance to Zoning By-law 25 of 2012, as amended, was authorized on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law and a Building permit for the applicable project has not yet been issued.
- b) The requirements of this By-law do not apply to a Lot where a conditional or final Site Plan Approval has been granted on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law and a Building permit for the applicable project has not yet been issued.
- c) The requirements of this By-law do not apply to a Lot where a provisional consent has been given on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law and a Building permit for the applicable project has not yet been issued, the Lot has not yet been registered at the Land Registry Office, or the applicable Easement or agreement has not yet been registered on title.
- d) For clarity, where a minor variance to Zoning By-law 25 of 2012, as amended, was authorized on or after DATE OF OP APPROVAL BY LAMBTON and on or before the effective date of this By-law as a requisite condition for a Site Plan Approval, Section 1.13.2(a) and (b) shall apply to give effect to the applicable Site Plan Approval.
- e) For approved site plans and minor variances where this By-law has subsequently been amended, the regulations in effect on the date of approval of the site plan or minor variance shall apply to any Building permit applications.

1.13.3 Cessation of Relief

- a) The relief provided by Section 1.13 of this By-law shall not continue beyond the issuance of the permit, approval, or agreement upon which the exemption is founded, unless otherwise provided for in this By-law. Once the permit, agreement, or approval has been granted in accordance with Section 1.13, the provisions of Zoning By-law 25 of 2012, as amended shall cease to be in effect.
- b) Notwithstanding subsection (a) above, the relief provided by Section 1.13 of this By-law ceases to be in effect on the date of the lapsing of the applicable approval:
 - i) For a minor variance, a maximum of two years from the date of authorization;
 - ii) For a Site Plan, a maximum of two years from the date of final approval; and,
 - iii) For a provisional consent, a maximum of three years from the date of giving.

SECTION 2 – DEFINITIONS

General

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

A

“Abattoir” means the Use of lands, Buildings, Structures or part thereof used for the penning and slaughter of Livestock or other animals for the purpose of processing or rendering, and may also include the storing and sale of the product on the premises.

“Accessory” means incidental, subordinate, and devoted exclusively to a principal Use, Building or Structure, as applicable within the context in which the term Accessory is used.

“Adult Entertainment Parlour” means any premise in which the following is provided:

- a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
- b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a Person’s body, are performed, offered or solicited in the premises or part of the premises, excluding premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by Persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario.

“Air Treatment Control” shall mean the functional Uses of industrial grade multi-storage carbon filtration systems, or similar technology, to reduce and/or treat the emissions of pollen, dust and odours expelled from a facility.

“Aisle” means the area used by Motor Vehicles to access all off-Street Parking Spaces, but does not include an access driveway.

“Alter”

- a) 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 Use, to change the number of Uses or Dwelling Units, or to change the type of construction of the exterior walls or roof thereof.
- b) 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 Use or the number of Uses on such Lot.

“Amenity Area” means an area within a Lot designed for active and/or passive recreation for the personal, shared, or communal Use and benefit of the occupants of a premise. This may include open spaces, patios, Balconies, pools, and other similar features, but does not include service areas, Parking Areas, and driveways.

“Antenna” shall mean the Use of land, Building or Structure for the purpose of sending or receiving electromagnetic waves.

“Art Gallery” means a Building or part thereof where painting, sculptures and other works of art are displayed for public viewing and may include the sales of art and/or art supplies.

“Assembly Hall” means a Building or Structure used for the assembly of Persons for civic, political, travel, religious, social, educational, recreational or similar purposes, which may include the preparation, serving, and consumption of food and beverages, but does not include a Place Of Worship, a school, or a Restaurant.

“Attached” means 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), including Buildings connected by a Breezeway or similar Structure.

“Attic” means that portion of a Building situated wholly or partly within the roof of such Building and which is not a Storey or a one-Half Storey.

“Auction Establishment” means a Building, Structure or lands used for the storage of goods and materials, which are sold on the premise for public auction, and for the sale of the said goods and materials for public action on an occasional basis, but does not include a retail or wholesale establishment, or a Livestock auction.

B

“Bakery” means the Use of lands, Buildings and Structures, or parts therein for the preparation, baking, storage, wrapping and packing, and other related activities associated with the sale and distribution of baked goods, and may include the retail sale of baked goods on the premises.

“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” means a horizontal platform that may be unenclosed or partially enclosed, covered or uncovered, and without a foundation attached to, projecting from the exterior of a Building at the second-floor level or above, and is only accessible from within a Building.

“Banquet Hall” means a Building or Structure used for the purposes of catering to private social functions such as banquets, weddings, receptions and other similar functions for

which food and beverages are prepared and served on the premises, but shall not include a Restaurant or any other Recreational Use as defined in this by-law.

“Basement” means one or more Storeys of a Building located below the First Storey.

“Batching Plant” means an industrial establishment used for the production of mixing cementing materials, aggregate, water and mixtures to produce concrete, asphalt, or products thereof used in Building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished product. This does not include a dry plant used for the dry mixing of aggregate, concrete, or asphalt materials on site to produce or manufacture packaged products which are sold as ready mix off site.

“Bed and Breakfast Establishment” means a Dwelling that operates or offers no more than three (3) guest rooms as places of temporary residence, lodging or Occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the principal residence of the establishment’s proprietor. Bed And Breakfast Establishment shall not mean or include Motel, Hotel, short term accommodation, tourist cabin or cottage, Hospital or similar commercial or Institutional Uses.

“Breezeway” means a covered walkway that may be open on all sides or partially/fully enclosed, connecting two or more Structures on the same Lot.

“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” means any Structure or part thereof, whether temporary or permanent, consisting of walls and a roof, used or intended to be used for the shelter, accommodation, or enclosure of Persons, animals, materials, or equipment, but does not include a boundary wall or fence.

“Building Official, Chief” means any Person(s) appointed by Council who is charged with the duty of administering and enforcing the Ontario Building Code pursuant to the *Building Code Act* 1992, S.O. 1992, c. 23 as amended (the “*Building Code Act*”), the Building By-law and any other applicable By-laws of the Township.

“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.

“Bulk Fuel Establishment” means the Use of lands, Buildings or Structures for the purpose of storage and wholesale distribution or bulk sales of petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid.

“Bulk Sales Establishment” means the Use of lands, Buildings or Structures for the purpose of buying or selling coal, fuel oil, wood, lumber, Building materials, ice and allied commodities in bulk format, 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.

C

“Campground” means land used for the temporary seasonal accommodation of the traveling or vacationing public in travel trailers, tents, Recreational Vehicles or similar, and may include an Accessory Office but shall not include a Mobile Home Park.

“Cannabis Production Processing Facility” means any indoor Building Structure, or lands licensed by Health Canada to undertake cultivation, processing, sales, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the *Cannabis Act*, or successor legislation. A cannabis production facility excludes the outdoor cultivation and processing of cannabis

“Canopy” means an unenclosed roof-like Structure projecting more than 0.3 m from the face of a Building but does not include awnings or Balconies.

“Cantilever” means a projecting architectural feature including a beam or Structure supported at only one end, but shall not include any portion of an upper Storey overhanging a lower Storey beyond the extent of the foundation.

“Carport” means a covered and unenclosed Structure attached to the wall of the Main Building and used for the storage of Motor Vehicles, where 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.

“Clinic” means the Use of lands, Buildings, or Structures for the examination, diagnosis and/or treatment of outpatients by regulated health professionals as well as Accessory Uses such as associated Laboratories, facilities and equipment, drug and optical dispensing to outpatients, and the Accessory sales of medical supplies and equipment.

“Commercial Storage Facility” means premises used for the storage of goods, materials, equipment and personal belongings for gain or profit in an enclosed Building.

“Commercial Use” means the Use of lands, Buildings or Structures for the purpose of buying, renting or selling commodities and supplying services, but does not include an Industrial Use.

“Community Facility” means the Use of lands and/or Buildings for recreational, institutional, social, or cultural facilities and activities for the general public, and may include a community centre, arena, library, or museum.

“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” means the Use of land dedicated to the preservation, protection, enhancement, and stewardship of natural heritage features and its ecological functions, which may include Accessory Uses such as hazard management, Passive Recreational Uses, and associated Buildings and/or Structures.

“Conservation Authority” means the Conservation Authority having jurisdiction, or any successors thereto.

“Contractor’s Yard” means the Use of lands, Buildings or Structures for storage and maintenance of a contractor’s or construction company’s equipment and materials, and for performing shop work or assembly work by a tradesperson, which includes facilities for the administration and management of the business and may offer a trade or service, but does not include the wholesale or retail sale of materials and/or supplies.

“Convenience Store” means a small-scale Retail Store serving a limited range of daily or convenience household necessities of the immediate area, which may include a variety of goods such groceries but does not include a drug store, video rental, or general merchandise store, with a maximum Gross Floor Area of 300 square meters.

“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.

D

“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 Centre” means the Use of premises where temporary care, guidance, and/or supervision are provided for more than five (5) children or adults for a continuous period not exceeding twenty-four hours, as may be required to be licensed by the Province of Ontario, but which does not provide overnight accommodation for those being cared for.

“Deck” means an attached or free-standing Structure not covered by a roof or walls which may include stairs but does not include a Balcony or Porch as defined herein.

“Development” means the creation of a new Lot, a change in the usage of land or of a Building or Structure, the construction, erection or placing of Buildings or Structures or the making of an addition or alteration to a Building or Structure, and includes redevelopment; and develop and developing have corresponding meanings.

“Drive-through” means any premises including stacking Lanes that is used to provide products or services, either wholly or in part, through an attendant or an automated machine to patrons remaining in their Vehicles, and may be the primary or Accessory Use of the site.

“Dry Cleaning Establishment” means a Building, or part thereof, in which the business of laundering, 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, and may include a laundromat and a self-service Dry Cleaning Establishment.

“Dwelling” means a Building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more Persons, containing one or more Dwelling Units, but shall not include any Hotel, Motel, Recreational Vehicle, or trailers.

- a) **“Correctional Group Home”** means a Dwelling that is licensed, approved, or funded under Federal or Provincial statute, that is maintained and operated by staff on a daily basis for individuals who have been placed on probation, released on parole, or admitted for correctional purposes, for the accommodation of not less than three (3) and not more than eight (8) residents (excluding staff), which shall not include any detention or correctional facility.
- b) **“Group Home”** means a Dwelling that is licensed, approved, or funded under Federal or Provincial statute, in which three (3) to ten (10) residents (excluding staff) live as single housekeeping unit under responsible supervision.
- c) **“Dwelling, Apartment”** means a residential Building containing four (4) or more Dwelling Units, not including additional residential units, which have access from a common and/or independent entrance(s) at-grade and where occupants have the right to use common halls, stairs, elevators, and/or Yards, but does not include a boarding house.
- d) **“Dwelling, Back-to-back Townhouse”** means a Building that has four or more Dwelling Units divided vertically and attached by a common rear wall, each of which has an independent entrance from the exterior of the Dwelling Unit
- e) **“Dwelling, Boarding House ”** means a Dwelling in which lodging with or without meals is supplied for not more than six (6) people other than the owner, lessee, or tenant of the Dwelling Unit, in return for remuneration or the provision of services or both, but shall not include any other term defined in this By-law.

- f) **“Dwelling, Cluster Housing”** means a Development containing two (2) or more types of Dwellings such as an Apartment Dwelling or various forms of Townhouse Dwellings on the same Lot, and may include mixed-Use Buildings where permitted in this By-law, and where at least one Dwelling Unit does not have frontage onto a public Street.
- g) **“Dwelling, Duplex ”** means a Dwelling divided horizontally into two (2) separate Dwelling Units, each of which has an independent entrance either directly from the outside or through a common entrance.
- h) **“Dwelling, Mobile Home”** means a prefabricated Building designed to be made mobile (notwithstanding whether its running gear is or may be removed) and manufactured to provide cooking, eating, living, sleeping and sanitary facilities constructed to Canadian Standards Association (CSA) and which is designed to be used as a place of residence.
- i) **“Dwelling, Modular”** means a prefabricated Dwelling designed and constructed in accordance with the Canadian Standards Association (CSA) that is manufactured off-site and intended to be transported and assembled on-site, but shall not include a mobile home, motor home, Recreational Vehicle, or travel trailer.
- j) **“Dwelling, Semi-detached ”** means a Building that is divided vertically into two Dwelling Units, that share a common wall and each of which has an independent entrance from the exterior of the Dwelling.
- k) **“Dwelling, Single-detached”** means a Building with only one Dwelling Unit that is free-standing, separate and detached from other Buildings or Structures, but does not include a mobile home.
- l) **“Dwelling, Street Townhouse”** shall mean a townhouse with each Dwelling Unit on a separate Lot.
- m) **“Dwelling, Townhouse”** means a Townhouse Dwelling wherein each Dwelling Unit is located on a separate Lot.
- n) **“Dwelling, Townhouse (Stacked)”** means a Building that has three or more Dwelling Units, where the units share a sidewall and have units stacked vertically (typically two or three). Each unit has an outside-facing front and back wall. Each unit has its own entrance to the Front Yard.
- o) **“Dwelling, Triplex”** means a Building that is divided horizontally into three (3) separate Dwelling Units each of which has an independent or common entrance from the exterior of the Building.

“Dwelling Unit” means a place of residence containing one (1) or more Habitable Rooms, occupied as an independent and separate housekeeping establishment, in which cooking and sanitary facilities are provided separately for the exclusive Use of the unit, and which can be accessed through an independent or common entrance from the exterior of the

Building, but shall not include a Hotel, Motel, motor home, Recreational Vehicle, or travel trailer.

- a) **“Dwelling Unit, Accessory”** means a Dwelling Unit that is Accessory to a Non-residential Use on a Lot.
- b) **“Dwelling Unit, Additional Residential”** means a Dwelling Unit authorized by the *Planning Act* that is ancillary or subordinate to the primary Dwelling Unit on a property, and may be contained in a single-detached, semi-detached, Street townhouse, or townhouse, or an associated Accessory Building.

E

“Easement” means any right or privilege in, over, along, or under a defined area of land in which the owner of the land has granted to another party for a specific Use, right, or purpose, while retaining ownership of the said land, and is created in accordance with the *Planning Act* and legally described in a registered deed.

“Erect” means to build, construct, reconstruct, Alter, or relocate, and without limiting the generality of the foregoing, shall include:

- a) any preliminary operation such as excavation, filling, or draining; or,
- b) altering any Existing Building or Structure by an addition, removal, enlargement, extension or other structural change.

“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.

F

“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.

“Financial Establishment” means premises where money management services are provided to patrons for the depositing, lending, exchange, or investment of money.

“Finished Grade” means the average elevation between the highest and lowest point of the finished surface of the ground measured around the perimeter of the base of a Building or Structure exclusive of any embankment in lieu of steps.

“First Storey” means the Storey that has its floor closest to the Finished Grade and its ceiling 1.8 m or more above the Finished Grade.

“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” means the total floor area of all Buildings and Structures on a Lot, whether located above, at, or below grade, as measured from the exterior walls or from the centre line of any common walls, but excluding Parking Areas within the Building. 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” means the area of the First Storey of a Building or Structure as measured from the outside of the exterior walls at-grade and exclusive of any attached Accessory Building, terrace, unenclosed sunroom, Porch, or Balcony.

“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.

G

“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” means an Accessory Building or part of a Building which is fully enclosed and used for the parking and storage of a Motor Vehicle, commercial Vehicle, and/or Recreational Vehicle, but shall not include a Carport or other open shelter.

“Garage/Yard Sale” means a sale held by the occupant of a Dwelling Unit on their own premises, of household goods belonging to them.

“Garden Centre And Nursery” means the Use of land, Building, or Structure for the purpose of buying, selling, and growing trees, shrubs, flowers, and other plants for transplanting, grafting, or retail or wholesale trade, and may include the Accessory sale of soil, fertilizer, planting materials, garden equipment, and other similar materials.

“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.

“Gazebo” means an Accessory Structure that consists of a platform and roof but no walls and that is unenclosed except that a wire-mesh bug screen, benches and/or railings around its perimeter and such posts as are reasonably necessary to hold the roof Erect shall be permitted.

“Golf Course” means premises operated for the purpose of playing golf which may include a clubhouse, Restaurant, meeting rooms, Banquet Hall, and retail Uses Accessory to the Golf Course, but does not Miniature Golf Courses.

“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.

“Grain Elevator” means premises where agricultural commodities such as grain, corn, and seeds are processed, dried, stored, and sold.

“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.

H

“Habitable Room” means any room used or intended for human habitation but does not include a bathroom, garage, hallway, Porch, unfinished Attic or unfinished Basement.

“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.

“Home Industry” means a small-scale business activity of an industrial nature Accessory to a Dwelling Unit or agricultural Use, but shall not include the servicing or repair of any Motor Vehicles or heavy equipment.

“Home Occupation” means an occupation that is operated as an Accessory Use by occupants that are residing full-time on a property, and is conducted entirely within a permitted Dwelling Unit or permitted Accessory Building, which shall include a Bed And Breakfast Establishment and a Private Home Day Care.

“Hospital ” means any institution, Building, or premises established for the purposes of treatment of patients as defined in the *Private Hospitals Act* or in *Public Hospitals Act* but shall not include a Veterinary Clinic.

“Hotel” means a Building or group of Buildings with a minimum of four (4) guest rooms used to accommodate the travelling public by providing temporary sleeping accommodations that are accessed by a common corridor from the interior of the Building, with or without meals and without private cooking or housekeeping facilities, but may include Accessory Uses such as retail Uses, a Restaurant, meeting rooms, a gym, and other amenities for Use by guests.

I

“Industrial Use” means the Use of lands, Buildings, or Structures for the purpose of manufacturing, fabrication, dismantling, recovery, processing, assembly, treatment, packaging, repairing and servicing, warehousing and distribution, which may include the incidental storage of goods and materials in conjunction with the Use, and may involve noise, vibration, or emissions provided they are in accordance with the Province’s guidelines, but shall not include a Home Occupation or Home Industry.

“Industrial Use, Light” means the Use of lands, Buildings, or Structures for the purpose of manufacturing, fabrication, processing, assembly, treatment, packaging, repairing and servicing, warehousing and distribution, which may include the incidental storage of goods and materials in conjunction with the Use, provided that:

- a) all activities are conducted within a wholly enclosed Building;
- b) the operations do not involve machinery that emits noxious fumes or gases; discharges effluents, contaminants, dirt, dust, or particle matters; and does not result in noise or vibration impacts; and,
- c) the operations do not require the consumption or Use of water or the discharge of industrial liquid wastes as part of the industrial process, but does not include water and/or sanitary used for the personal needs of employees, and Uses ancillary to the manufacturing process such as the indirect cooling and pressure testing of equipment.

“Institutional Use” means the Use of lands, Buildings, or Structures for non-commercial and non-residential purposes which may include government, educational, social, charitable, health, or religious Uses.

K

“Kennel” means premises where a minimum of four (4) domestic animals such as dogs or cats that do not include Livestock or poultry, are kept for the purposes of breeding, training, boarding, or commercial purposes.

L

“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” means the open unobstructed space on a Lot from ground to sky at grade which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping, and includes any surfaced walk, patio or similar area but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, Parking Area, or 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.

“Leasable Floor Area” means the portion of the Gross Floor Area of a Building which is occupied by a permitted Non-residential Use, measured from the exterior face of the outside walls of the Building, but excluding:

- a) any part of such Building used as a Dwelling Unit;
 - b) any part of such Building used for the parking or storage of Motor Vehicles;
 - c) any part of such Building used for common areas such as common hallways, stairways, elevators and associated equipment, washrooms, and foyers;
- any part of such Building used for equipment to heat such Building or a portion thereof; and,
- any part of such Building used as a mall, if such mall serves as a common area between stores.

“Livestock” means farm animals kept for Use, for propagation, or intended for profit or gain, and without limiting the generality of the foregoing includes dairy and beef cattle, swine, poultry, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other animals as definitions in the Province’s Minimum Distance Separation (MDS) Guidelines.

“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.

“Long-term Care Home” means a facility which provides personal care, support, and services for residents in a supervised setting, as licensed by Provincial statute, and may include Accessory Uses such as common dining, kitchen, lounging, and recreational areas, and administrative and medical Offices serving residents of the facility.

“Lot” means a parcel or tract of land capable of being legally conveyed as a separate parcel pursuant to the provisions of the *Planning Act*, as amended, but shall not include a right-of-way, Easement, or reserve.

- a) **“Lot, Corner”** means mean a Lot situated at the intersection of two Streets where the angle of intersection is not more than one hundred and thirty-five (135) degrees.
- b) **“Lot, Interior”** means a Lot situated between adjacent Lots and having access to one Street.
- c) **“Lot, Through”** means a Lot bounded on two opposite sides by Streets, provided however, that if any Lot qualifies as being both a Corner Lot and a Through Lot as defined herein, such Lot shall be deemed a Corner Lot for the purpose of this By-law.

“Lot Area” shall mean the total horizontal area within the Lot Lines of a Lot.

“Lot Coverage” means the percentage of the Lot Area, covered by all Buildings and Structures above grade, and shall not include Balconies, Canopies, overhanging eaves, uncovered Decks, patios, or Swimming Pools.

“Lot Depth” means the horizontal distance between the front and Rear Lot Lines, but where these Lot Lines are not parallel, the Lot Depth shall be the length of a line joining the mid points of the front and Rear Lot Lines; and where there is no Rear Lot Line, the Lot Depth shall be measured from the midpoint of the Front Lot Line to the converging point of the Side Lot Lines.

“Lot Frontage” means the horizontal distance between the Side Lot Lines, such distance being measured as:

- a) where the Side Lot Lines are parallel, the distance between the Side Lot Lines measured at right angles; or,
- b) where the Side Lot Lines are not parallel, the length of a line drawn between the Side Lot Lines parallel to the Front Lot Line at the minimum required Front Yard Setback; or,
- c) where the Side Lot Lines are not parallel and where the Front Lot Line is curved, the length of a line drawn between the Side Lot Lines back from and parallel to the chord of the Lot Frontage at the minimum required Front Yard Setback. The chord of the Lot Frontage is a straight line joining the two points where the Side Lot Lines intersect the Front Lot Line.

“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.

a) **“Lot Line, Front”** means in the case of:

- i) an Interior Lot, the line dividing the Lot from the Street;
- ii) a Corner 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 the Exterior Side Lot Line; or,
- iii) 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) **“Lot Line, Rear”** means in the case of:

- i) a Lot having four or more Lot Lines, the Lot Line farthest from and opposite to the Front Lot Line; or,
- ii) a Lot having less than four Lot Lines, the point of intersection of the Side Lot Lines.

c) **“Lot Line, Side”** shall mean a Lot Line other than a front or Rear Lot Line.

d) **“Lot Line, Exterior Side”** on a corner or Through Lot, means the Side Lot Line which abuts an open public Street.

e) **“Lot Line, Interior Side”** 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.

M

“Marina” means premises containing docking facilities and located on a Navigable Waterway where watercraft and watercraft Accessories are berthed, stored, serviced, repaired or kept for sale or rental and where ancillary facilities for the sale of marine fuels and lubricants may be provided.

“Marine Sales and Service Establishment” means premises where boats, watercraft, and related Accessories and products are sold, rented, stored, serviced, repaired, and/or cleaned.

"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.

"Micro-brewery, Distillery, and Winery" means the Use of land, Buildings or Structures for the small-scale manufacturing and sale of beverages including beer, cider, wine, or spirits, which may include tasting and dining facilities and the retail sale of related items.

"Mixed Use" means a Building containing residential Uses and at least one other Non-residential Use, where there is a Ontario Building Code separation between the residential and non-residential elements.

"Mobile Home Park" shall mean a parcel of land containing two or more mobile home Lots and which is under single management and ownership.

"Model Home" means a Building which is used on a temporary basis as a sales Office and/or as an example of the type of Dwelling that will be for sale in a related Development, and which is not and shall not be occupied or used for human habitation.

"Motel" means any Building or group of Buildings containing guest rooms used to accommodate the travelling public by providing temporary sleeping accommodations that are accessed from the outside, with or without meals and without private cooking or housekeeping facilities, but may include Accessory Uses such as a Restaurant and other amenities for Use by guests.

"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, Commercial " means a Motor Vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, fire apparatus, catering truck, food truck, buses and tractors used for hauling purposes on the highway, but does not include a Recreational Vehicle or recreational trailer, or Vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.

"Motor Vehicle Repair Establishment" means any premises used for the mechanical repair, replacement, servicing, polishing, and greasing of Motor Vehicles, which may include vehicular body repair, re-painting, and cleaning of the exterior and/or undercarriage of Motor Vehicle bodies, where the provision of fuels or lubricants is incidental to the principal Use, and which may include a Motor Vehicle Washing Establishment as an Accessory Use and the temporary parking of Motor Vehicles in the process of repair and Accessory Uses such as towing services.

“Motor Vehicle Sales and Rental Establishment” means any premises used for the display, sale, lease, and/or rental of new and/or used Motor Vehicles, and which may include a Motor Vehicle Repair Establishment and a Motor Vehicle Washing Establishment.

“Motor Vehicle Service Establishment” means any premises used for the retail sale of lubrication oils, motor fuels, electric Motor Vehicle power, Motor Vehicle Accessories, and may include servicing and minor repair essential to the operation of the establishment, and may include Accessory Uses such as retail and a Motor Vehicle Washing Establishment.

“Motor Vehicle Washing Establishments” means premises used for the operation of automobile washing equipment which is automatic, semi-automatic, and/or coin operated.

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

N

“Navigable Waterway” means a waterbody that is capable of affording reasonable passage of floating vessels of any description for the purpose of transportation, recreation, or commerce considered navigable by law.

“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.

O

“Obnoxious Use” means a Use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, contaminants or objectionable odours, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

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

“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 Storage” means the storage of goods, equipment, and materials outside of a Building or Structure which are associated with the principal Use on the Lot, but shall not include an Outdoor Display or a Wrecking/salvage Yard.

“Outdoor Display” means an area located outside of a Building or Structure used in conjunction with a business located on the same Lot, for the orderly display of completely assembled or finished products or merchandise for sale.

“Outdoor Patio” means any unenclosed seating area Accessory to a Restaurant or Tavern where food or beverages are served for consumption on the patio.

P

“Park, Private” means any open space or recreational area that is designed and/or maintained for active or passive recreational purposes and is not operated by a Public Authority.

“Park, Public” means any open space or recreational area owned or controlled by a Public Authority that is designed and/or maintained for active or passive recreational purposes, and which may include walking trails, Swimming Pools, athletic fields, botanical gardens, skating rinks, tennis courts, refreshment stand, or similar Uses.

“Parking Aisle” means an internal Vehicle route immediately adjacent to a Parking Space or Loading Space which provides vehicular access to and from the Parking Space or Loading Space and is not a driveway.

“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” means the principal Use of a Lot for the purposes of providing public Motor Vehicle parking, whether or not for gain or profit.

“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.

“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 Establishment” means an establishment or part thereof used in the provision of direct and consultative services for personal or household needs involving the care of Person, pet, or apparel, or where servicing, repair and rental of personal articles, goods or material are conducted except those related to automotive, and may include, but

is not limited to, a barber, hairdresser, beautician, body piercings, tailor, shoemaker, tanning salon, interior designer, event planning, photography studio, pet services, the repair of small appliances and the cleaning of apparel, and may only include retail as an Accessory Use.

“Petroleum Well” means as defined by the *Oil, Gas and Salt 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” means as defined by the *Oil, Gas and Salt 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” means premises used to provide entertainment, amusement, social, and/or leisure time activities to the public, such as a Theatre, concert hall, billiard hall, indoor miniature golf, axe throwing, escape room, video game arcade, or similar type of Uses, and which may include the incidental preparation and sales of food and beverages on the premises, but does not include gambling establishments or an adult entertainment establishment.

“Place of Worship” means the Use of lands and/or Buildings for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach, and may include Accessory Uses such as a place of assembly, day nursey, associated religious school, convent, parish hall and/or manse, if the manse is located on the same Lot as the Place Of Worship.

“Planting Strip” means an area used exclusively for landscaping and can be crossed by driveways and walkways accessing a Lot from the Street.

“Porch” means an Accessory platform Structure that is unenclosed and covered with direct access to the ground that is attached to a Dwelling.

“Portable Asphalt or Concrete Plant” means a Building or Structure a Building or Structure:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; or
- b) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and,

which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

“Private Club” means a Lot, Building, or Structure, or part thereof, used as a meeting place for athletic, social, community, or recreational functions carried out by a private organization solely for its members and their guests.

“Private Home Day Care” means a home-based occupation where temporary care, guidance, and/or supervision is provided for up to five children or five adults for a continuous period not exceeding twenty-four hours, but which does not provide overnight accommodation for those being cared for.

“Public Authority” means Federal, Provincial, Regional, District or Municipal agencies and includes any commission, board, authority or department established by any such agency.

“Public Use” means the Use of a Lot, Building, or Structure by, or on behalf of, a Public Authority to provide a service to the public.

R

“Recreational Establishment” means premises operated for the purpose of indoor or outdoor physical sporting and recreational activities, such as a pool hall, bowling alley, paintball facility, gym or fitness centre, health spa, skating rink and other similar sporting activities, but does not include any other Use otherwise classified or defined herein.

“Recreational Use” means the Use of land for Public Parks or Private Parks, playgrounds, tennis courts, basketball courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, picnic areas, Swimming Pools and similar Uses, together with necessary and Accessory Buildings and Structures which may include a refreshment booth and pavilion.

“Recreational Use, Passive” means Recreational Uses that have minimal impact on the natural environment and require minimum facilities, Development, or alteration of the environment, including but not limited to, nature observation, walking trails, hiking, canoeing, or kayaking.

“Recreational Vehicle” means a Motor Vehicle designed to provide temporary living, sleeping, or eating accommodation for travel, vacation, seasonal camping, or Recreational Use and designed to be driven, towed, transported or relocated from time to time, whether or not the Vehicle is jacked up or its running gear is removed, and with a size as defined by the Canadian Standards Association (CSA), and may also include a truck camper, tent trailer, travel trailer, fifth-wheel trailer, and park model trailer and motorized recreation equipment, including a snowmobile, and an off-road Vehicle.

“Recreational Vehicle Sales and Service Establishment” means premises used for the sale, display, or service of Recreational Vehicles and, notwithstanding the definition of a Recreational Vehicle, may also include the sale and service of trailers.

“Recycling Depot” means the Use of lands, Building, or Structure where recyclable materials are received and temporarily stored for the purpose of sorting and consolidating, and resale or delivery to another location, but does not include on-site processing.

“Research and Development Facility” means premises used for the purpose of conducting scientific and technological research, experimentation, Development, testing, and/or the creation of advanced technology products, services, systems, processes, and/or prototyping.

“Restaurant” means a Building or part thereof where food is prepared and offered for sale to the public for consumption on-site or off the premises and may include an Outdoor Patio area as an Accessory Use.

“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.

“Retirement Home” means premises used for semi-independent living accommodation for primarily senior citizens containing a common dining area, and may include a common lounge, recreational room, and medical care facilities.

S

“School, Commercial” means a school operated by an individual or company for gain or profit, providing instruction or training in a specific trade, skill, vocation, service, or for general learning, such as academics, arts, Motor Vehicle driving, language, modelling, business or trade, and any other such specialized school conducted for gain.

“School, Private” means a school other than a Public School or Commercial School.

“School, Public” means a public or separate school, a high school, a continuation school, a technical school, a college or university or any other school established and maintained by a Public Authority.

“Sensitive Land Use” means Buildings or outdoor spaces where routine or normal activities occurring at reasonably expected times would be subjected to one or more adverse effects from contaminant discharges, fumes, odours, vibrations, noise, or air pollutants generated by a nearby facility. Sensitive Land Uses may be part of the natural or

built environmental and may include but are not limited to: residences, child care centres, Places Of Worship, education and health facilities, community Uses, parks and playgrounds.

“Service Trade” means the Use of lands, Buildings, or Structures, or portion thereof, other than an auto-oriented Use and a contractor facility, associated with the provision of a service or trade, including a plumber's shop, roofing company, a painter's shop, a courier service, a carpenter's shop, an electrician's shop, or other similar Uses.

“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” means a new or used standardized metal commercial shipping or cargo container that is fully enclosed and designed to be used interchangeably between two or more modes of transportation for the shipment of goods and material, but does not include a Motor Vehicle or trailer.

“Shopping Mall” means 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, with said Retail Stores 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.

“Short-term Vacation Rental” means a Dwelling Unit or part of a Dwelling Unit used to provide temporary accommodation for a rental period of not more than 28 consecutive days to the same guest but shall not include a Hotel, or bed and breakfast or any other Use defined herein.

“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 m 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.

“Storey” means that portion of a Building, other than an Attic or Basement included between any floor level and the floor, ceiling or roof next above it.

“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 m over a floor area equal to at least 50% of the area of the floor next below.

“Street” means any public thoroughfare, other than a Lane, which is maintained by a Public Authority and shall include a Street on a registered plan of subdivision, where the Street has not yet been assumed by the Municipality but is being maintained pursuant to a subdivision agreement, or any other type of agreement, pursuant to applicable legislation.

“Street, Private” means a private right-of-way that is used by Vehicles but is not owned by the Municipality or any other Public Authority, which includes a right-of-way maintained by a Corporation created pursuant to the provisions of the *Condominium Act*.

“Street Line” shall mean the limit of the Street allowance and is the dividing line between a Lot and a Street.

“Structure” means anything that is erected, built, or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location on the ground, but for the purpose this by-law, shall not include minor Structures associated with landscaping such as free-standing walls, fences, Signs, satellite dishes, and flag poles.

“Swimming Pool” means an in-ground or above-ground outdoor Structure which creates an artificial body of water and used for swimming or leisure activities such as wading, diving, or bathing, but shall not include stormwater management facilities or ponds.

T

“Tavern” means an establishment 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, as well as an Outdoor Patio as an Accessory Use.

“Theatre” means premises intended for the production and viewing of the performing arts or the screening and viewing of motion pictures, and consisting of an auditorium with permanently fixed seats intended solely for a viewing audience and may include Accessory Uses such as the serving of food and alcoholic beverages or an arcade.

“Theater, 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, when used with reference to a watercourse, the highest elevation of land which ordinarily confines the waters of such watercourse when they rise out of the stream bed and/or the highest point of a stable slope associated with valley corridors containing a river or stream channel, as determined by the Conservation Authority.

"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.

"Tourist Information Centre" means premises used for providing tourism or promotional information to the traveling public, including virtual information kiosks.

"Transport Terminal" means premises used for the storing, parking, dispatching, or loading of buses, trucks, tractors, trailers, or other Commercial Motor Vehicles, and may include Accessory servicing or repair within an enclosed Building.

U

"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.

V

"Vehicle" shall mean an automobile, a boat, a Commercial Motor Vehicle, a farm implement, a motorcycle, a snowmobile or a travel trailer.

"Veterinary Clinic" means premises where domesticated animals (excluding Livestock) are cared for and given medical or surgical treatment for a limited time by a veterinarian, and may include shelter facilities for overnight medical treatment but shall not include a Kennel.

W

"Warehouse" means a Building used for the storage and distribution of goods and equipment, and may include the wholesale of products as an Accessory Use.

"Waste Disposal Site" means premises operated by a Public Authority or authorized by the Ministry of Environment, where residential, commercial, or industrial waste is disposed of or dumped, and includes a landfill, waste transfer station, recycling facility, processing facility, and sewage treatment plant.

“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 premises used for the purpose of selling goods, wares, or merchandise to retailers or other business users, including other wholesalers, or for acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or businesses, but shall not include direct wholesale or retail sales to the public.

“Wrecking/salvage Yard” means premises where Vehicles, farm implements, Building products, scrap material, and other goods which are used, worn out, cast, or discarded, are dismantled, crushed, condensed, and/or stored for the purpose of reclamation, recycling, reuse, or consignment.

Y

“Yard” means an open, uncovered space on a Lot appurtenant to a Building and unoccupied by Buildings or Structures, except as specifically permitted elsewhere in this by-law, and shall be determined through the Use of the minimum horizontal distance from the respective Lot Lines.

“Yard, Front” means a Yard extending across the full width of a Lot between the Front Lot Line and the nearest Building line of any Building or Structure on the Lot, with the minimum Front Yard meaning the minimum depth of a Front Yard on a Lot between the Front Lot Line and the nearest Building line of any Main Building or Structure on the Lot.

- a) **“Yard, Rear”** means a Yard extending across the full width of a Lot between the Rear Lot Line and the nearest Building line of any Building or Structure on the Lot, with the minimum Rear Yard meaning the minimum depth of a Rear Yard on a Lot between the Rear Lot Line and the nearest Building line of any Main Building or Structure on the Lot.
- b) **“Yard, Side”** means a Yard extending from the Front Yard to the Rear Yard of a Lot between a Side Lot Line and the nearest Building line of any Building or Structure on the Lot, with the minimum Side Yard meaning the minimum width of a Side Yard on a Lot between a Side Lot Line and the nearest Building line of any Main Building or Structure on the Lot.
- c) **“Yard, Exterior Side”** means the Side Yard of a Corner Lot which extends from the Front Yard to the Rear Yard between the exterior Lot Line and the nearest Building line of any Main Building or Structure, with the minimum Exterior Side Yard meaning the minimum depth of an Exterior Side Yard on a Lot between the Exterior Side Lot Line and the nearest Building line of any Main Building or Structure on the Lot.
- d) **“Yard, Interior Side”** shall mean a Side Yard other than an Exterior Side Yard.

Z

“Zone” means a designated area of land Use shown on Schedule “A” and established and designated by this By-law for the purposes of a specific Use or Uses that are erected and maintained in accordance with the provisions of this By-law.

“Zoning Administrator” shall mean the officer or employee of the Municipality charged with the duty of enforcing provisions of this By-Law.

GUIDE TO HEIGHT DEFINITIONS

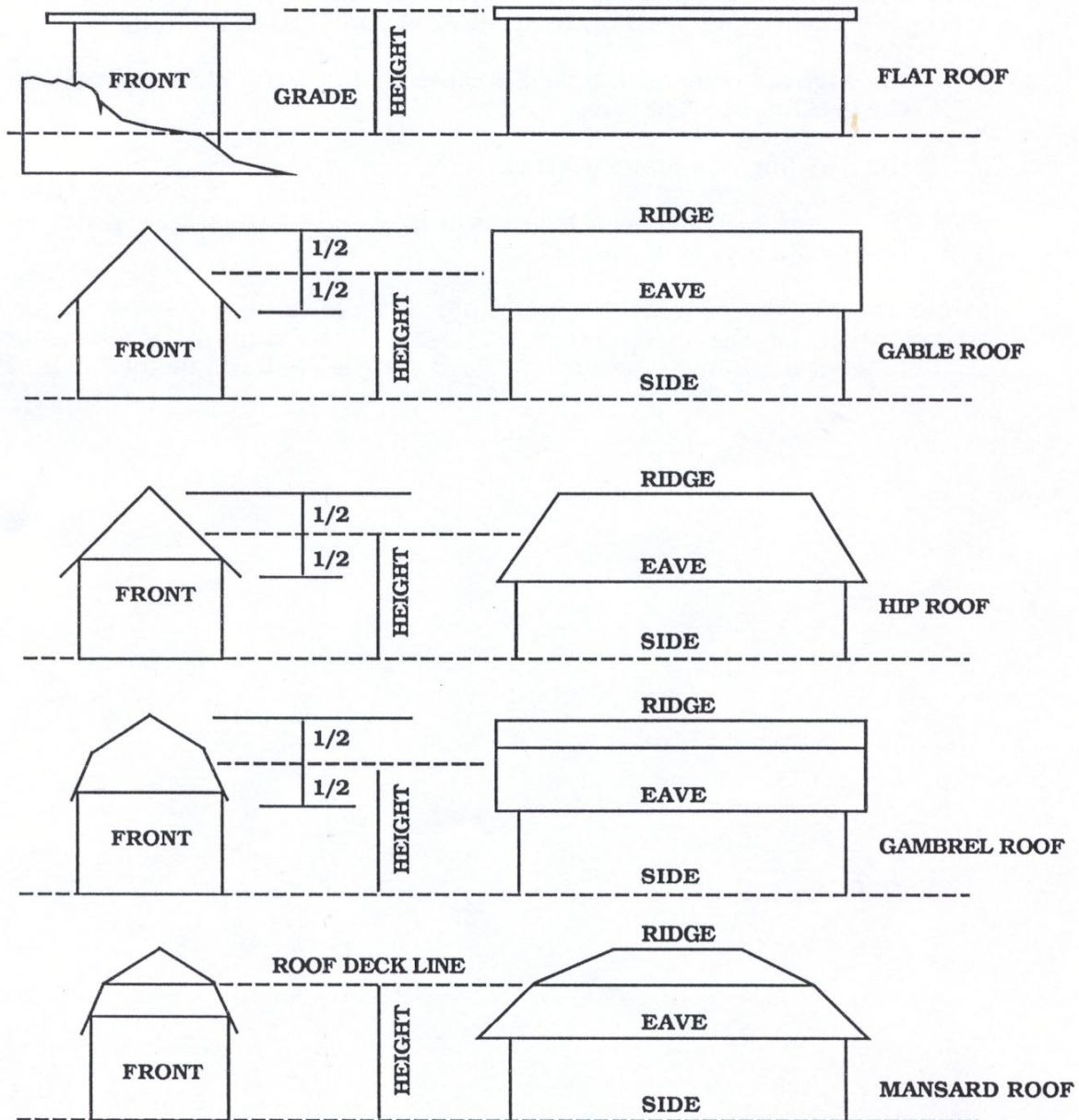
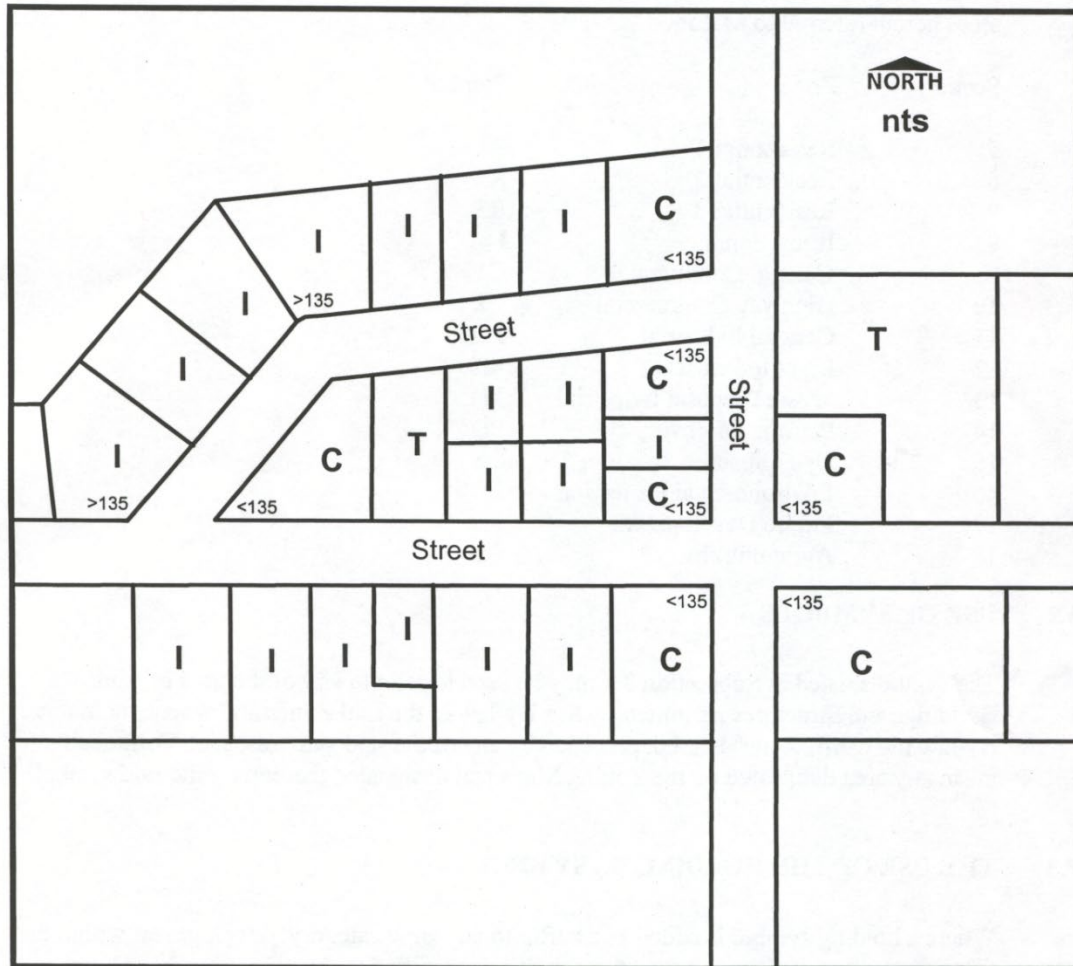


Illustration of the Basic Types of Lots

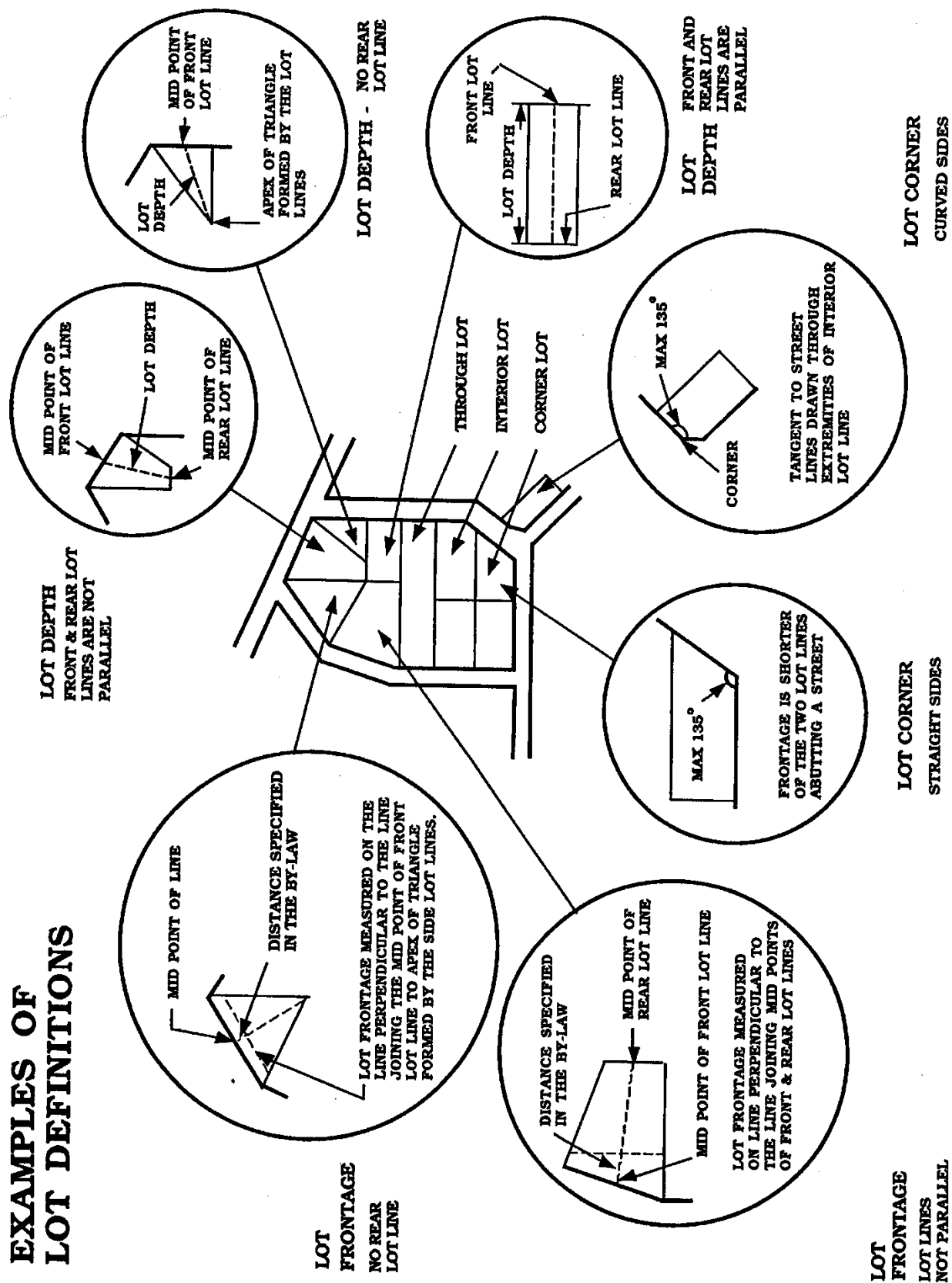


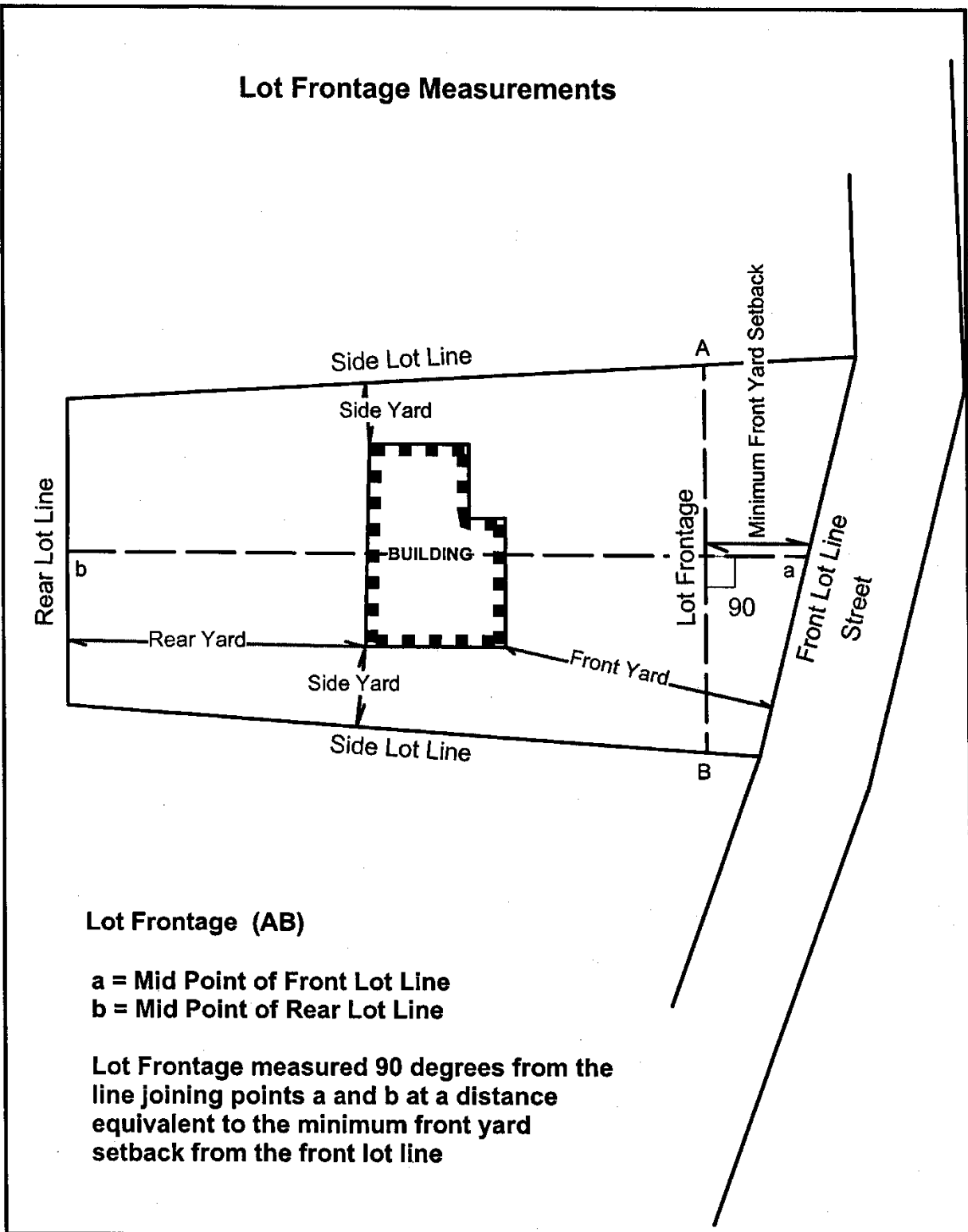
C = CORNER LOT
I = INTERIOR LOT
T = THROUGH LOT

>135 = Intersection angle greater than 135 degrees

<135 = Intersection angle less than 135 degrees

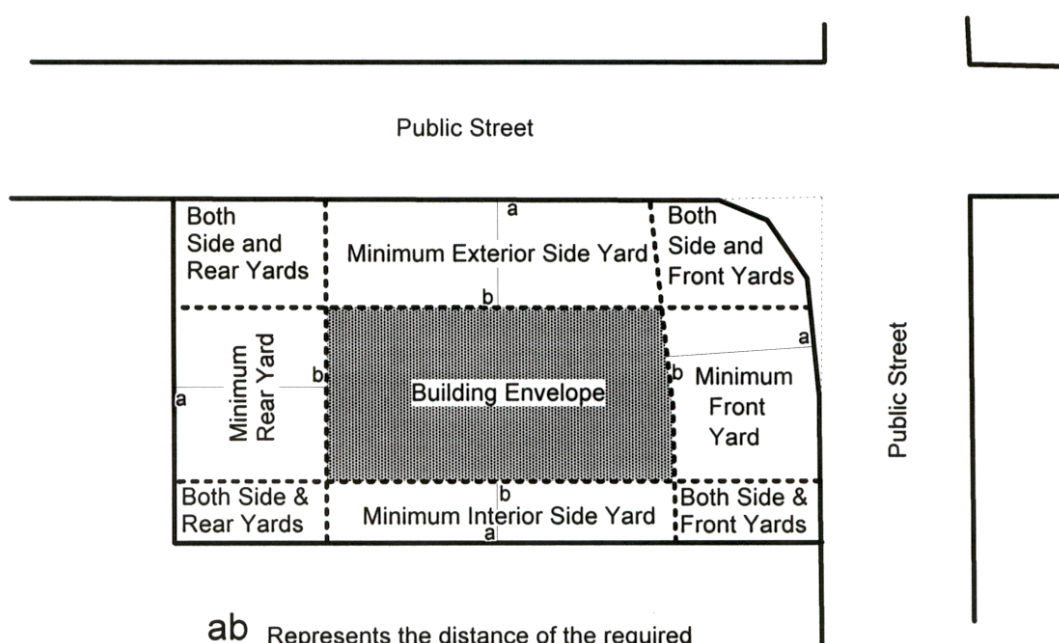
EXAMPLES OF LOT DEFINITIONS





Yard Definitions

Corner Lot Situation on a Curved Corner

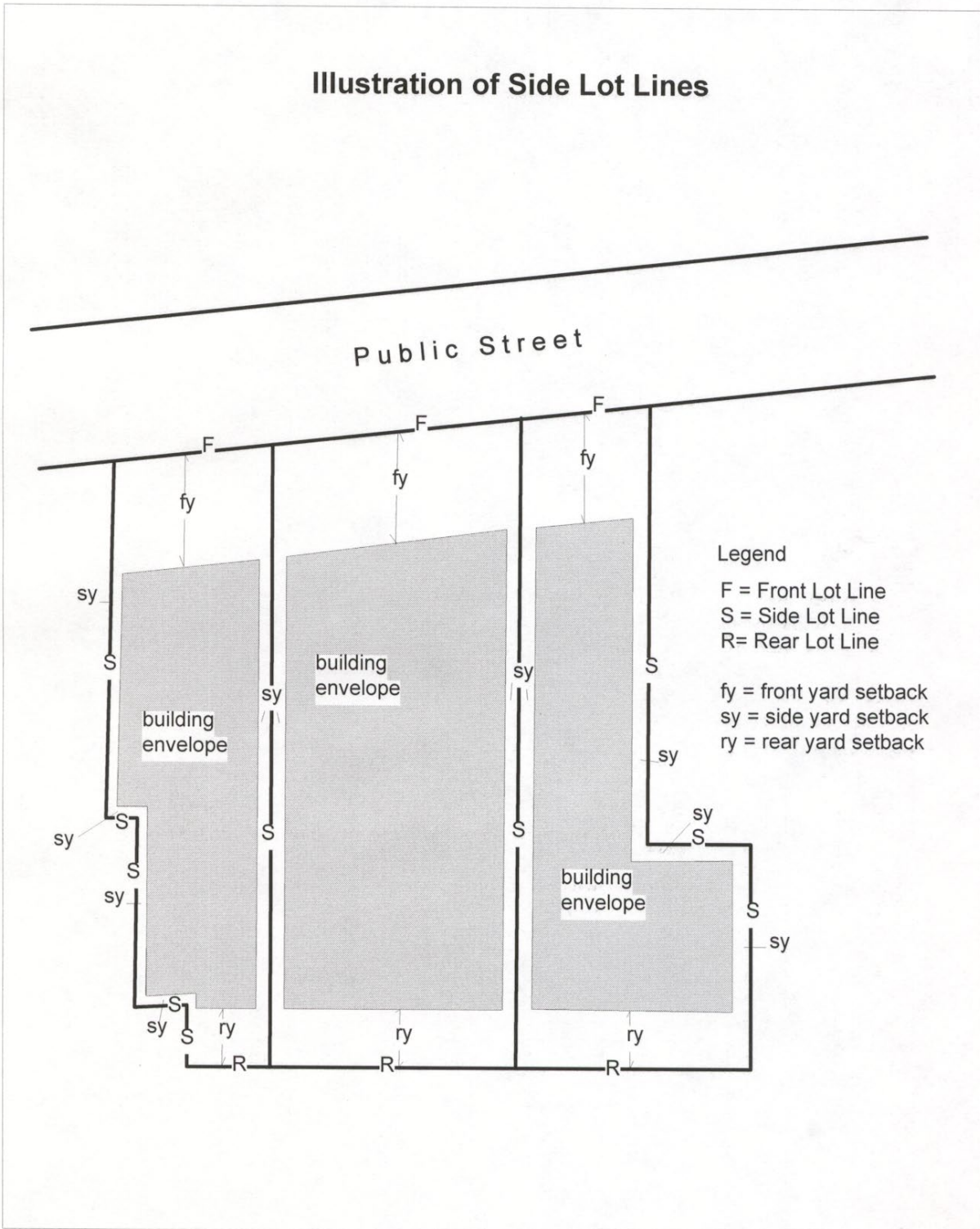


ab Represents the distance of the required yard setbacks

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.

Table 3-1: List of Zones		
SECTION	ZONE NAME	SYMBOL
6: Residential Zones	Residential 1	R1
	Residential Multiple 1	RM1
	Residential Multiple 2	RM2
	Residential Multiple 3	RM3
	Residential Multiple 4	RM4
7: Waterfront Zones	Residential Marina 1	RMAR1
	Residential Marina 2	RMAR2
	Residential Marina 3	RMAR3
	Residential Marina 4	RMAR4
	Residential Waterfront	RW
	Residential Commercial Waterfront	RCW
8: Commercial Zones	General Commercial	C1
	Commercial 2	C2
	Commercial 3	C3
	Special Tourist Commercial	STC
9: Industrial Zones	Mixed Commercial Industrial	MCI
	Industrial 1	M1
10: Institutional Zones	Institutional 1	I1
	Institutional 2	I2
11: Environmental Protection Zones	Environmental Protection	EP
12: Open Space Zones	Open Space 1	OS1
	Open Space 2	OS2
	Open Space 3	OS3

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 of that Zone 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 ACCESSORY USES, BUILDINGS, AND STRUCTURES

4.1.1 General

- a) 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:
 - i) any occupation for gain or profit conducted within or Accessory to a Dwelling Unit; nor
 - ii) any Building used for human habitation.
- b) 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.

4.1.2 Location of Accessory Uses, Buildings, and Structures

- a) In any Zone, the minimum distance between an Accessory Building or Structure and the principal Building(s) on a Lot shall be 1.8 m.
- b) In any Residential Zone, Accessory Buildings or Structures 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 a front ~~any Yard other than the Interior Side Yard or Rear Yard.~~
 - ii) 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.~~
 - iii) When a detached Accessory Building or Structure is located in an Interior Side Yard, it shall be no closer than 1.2 m 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.~~
 - iv) When a detached Accessory Building or Structure is located in the Rear Yard, it shall be no closer than 1.2 m to the Rear Lot Line.
 - v) 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.

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

- a) The total Lot Coverage of all Accessory Buildings and Structures on a Lot in any Residential Zone shall not exceed 10% of the Lot Area to a maximum of 84 m².

- b) The total Lot Coverage of all Accessory Buildings and Structures on a Lot in all other Zones shall not exceed 10% of the Lot Area.
- c) In a Residential Zone, the maximum Height of any Accessory Building or Structure shall be 5.5 m.
- d) In all other Zones, the maximum Height of any Accessory Building or Structure shall be the maximum Height permitted in the applicable Zone.
- e) Except where specifically excluded by this By-law, Accessory Buildings and Structures shall be included in the calculation of Lot Coverage for the purposes of determining compliance with maximum Lot Coverage as provided in the applicable Zone.
- f) Decks (Unenclosed) and Gazebos shall not be considered as part of the Lot Coverage and shall be subject to the same Setbacks as Accessory Buildings or Structures in the Zone they are permitted, except as provided for in Section 4.27.

4.1.4 Accessory Dwelling Units in Non-Residential Buildings

- a) Where permitted in this By-law, Accessory Dwelling Units shall be subject to the Setback requirements of the primary non-residential Building.
- b) A maximum of one Accessory Dwelling Unit shall be permitted per Lot.
- c) An Accessory Dwelling Unit shall be permitted as part of the Main Building on the Lot, provided that the Accessory Dwelling Unit shall be located either on the second Storey of the Main Building, or at the rear of such Building if the Accessory Dwelling Unit is located within the First Storey.
- d) The Accessory Dwelling Unit shall have an independent Building entrance that is separate from the Building entrance provided for the Non-residential Use.
- e) The Accessory Dwelling Unit shall have a separate Parking Space in accordance with the requirements of Section 5.

4.2 ADDITIONAL RESIDENTIAL UNITS (ARUs)

4.2.1 General

- a) ARUs shall be permitted on residential Lots within urban residential areas.
- b) ARUs are permitted in a Single-detached Dwelling, Semi-detached Dwelling, or Townhouse Dwelling. An additional residential unit shall be permitted in an Accessory Building or Structure.
- c) The entrance to an ARU within a principal Dwelling shall be provided in accordance with the following:
 - i) The entrance shall be separate from the main entrance of the principal Dwelling, either as a separate exterior entrance located on a side wall or rear wall of the principal Dwelling, via an attached garage, or from an indoor common vestibule within the Dwelling.

- ii) A new entrance shall not be permitted on the same wall as the main entrance to the principal Dwelling Unit.
- d) ARUs shall be accessed from the Street via a driveway or a surface walkway providing for a minimum width of 1.2 m unobstructed path of travel.
- e) Notwithstanding the Lot Coverage requirements of Section 6, in accordance with the Ontario Regulation 299/19, a residential Lot containing an ARU is permitted to have a Lot Coverage of up to 45%.
- f) ARUs shall not be permitted within natural hazard areas (e.g flood hazard areas, unstable slopes).
- g) ARUs shall not be permitted to be used for any Short-term Vacation Rental accommodation.
- h) ARUs shall comply with the provisions of the Ontario Building Code, Fire Code, and all other relevant municipal and provincial standards.
- i) An ARU shall not be located further than 20 m from the primary Dwelling.

4.2.2 Number and Location of Additional Residential Units

- a) A maximum of two ARUs shall be permitted per Lot in accordance with the following:
 - i) A maximum of two ARUs shall be permitted within a principal Dwelling Unit, provided that an additional residential unit in a detached Accessory Building or Structure is not provided on the same Lot.
 - ii) A maximum of one ARU shall be permitted in a detached Accessory Building or Structure.

4.2.3 Parking for Additional Residential Units

- a) Parking requirements for an ARU shall be provided in accordance with Section 5 of this By-law.
- b) All Parking Spaces are to be located in a Front Yard, Interior Side Yard, Rear Yard or in a Private Garage. The parking provided may be tandem parking.

4.2.4 Additional Residential Units in an Accessory Building or Structure

- a) An ARU in an Accessory Building or Structure shall be permitted in accordance with the following:
 - i) ARUs in Accessory Buildings or Structures shall comply with the requirements contained in Section 4.1 of this By-law. Notwithstanding these requirements, an Accessory Building or Structure containing an ARU located on an upper Storey shall have a maximum Height of 8 m.
 - ii) The Accessory Building or Structure containing the ARU shall not be permitted to be located within a Front Yard or Exterior Side Yard.

- iii) The maximum Gross Floor Area of an ARU shall not exceed 50% that of the primary Dwelling Unit, or 100 m², whichever is greater.

4.3 AMENITY AREA REQUIREMENTS FOR APARTMENT DWELLINGS AND MIXED-USE BUILDINGS

- a) Where permitted in this By-law, Apartment Dwellings and mixed-Use Buildings containing 25 units or more shall provide a minimum Amenity Area of 5 m² per Dwelling Unit.

4.4 BED AND BREAKFAST ESTABLISHMENT

Where permitted in this By-law, a Bed And Breakfast Establishment shall be in accordance with the following provisions:

- a) A Bed And Breakfast Establishment shall only be permitted in a Single-detached Dwelling.
- b) A Bed And Breakfast Establishment shall be operated by the Person or Persons whose principal residence is in the Single-detached Dwelling.
- c) Parking shall be provided in accordance with Section 5.
- d) A Bed And Breakfast Establishment shall be limited to a maximum of three (3) guest rooms.

4.5 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.

4.6 COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, AND TRAILERS

- a) The parking or storage of a commercial Vehicle or Recreational Vehicle on a vacant Lot shall be prohibited.
- b) Commercial Vehicles in Residential Zones shall be subject to the following requirements:

- i) Commercial Vehicles shall only be permitted to be parked, stored, or kept in a driveway or Private Garage.
- ii) Where parked in a driveway, a commercial Vehicle, including any attached equipment or Accessories, shall not exceed 2.2 m in Height and 5.6 m in length. A commercial Vehicle in excess of these requirements shall only be permitted within a Private Garage.
- c) Recreational Vehicles, trailers, or similar Vehicles in Residential Zones shall be subject to the following requirements:
 - i) The number of Recreational Vehicles out in the open shall be one.
 - ii) Recreational Vehicles or trailers shall only be permitted to be parked, stored, or kept in a driveway, Private Garage, Interior Side Yard, or Rear Yard.
 - iii) Recreational Vehicles or trailers parked or stored in the Front Yard or Exterior Side Yard shall only be parked on a driveway.
 - iv) Recreational Vehicles shall not occupy a required Parking Space.
 - v) Recreational Vehicles or trailers shall not exceed 7.5 m in length, excluding any hitch or tongue, and shall not exceed 3.4 m in Height.
- d) Commercial Vehicles, Recreational Vehicles, or trailers on a Lot shall be located a minimum of 1.2 m away from a Side Lot Line and Rear Lot Line.
- e) No commercial Vehicle, Recreational Vehicle, or trailer shall be used for human Occupancy within the Municipality.

4.7 CONSERVATION AUTHORITY REGULATED AREA

- a) Lands within the Regulated Area as shown on Schedule "A" shall be subject to the following:
 - i) Any lands located within the Regulated Area as shown on Schedule "A" shall be subject to the regulation of the applicable Conservation Authority under Section 28 of the *Conservation Authorities Act*, as amended, and Ontario Regulation 41/24, for any Development where an application was made under the *Planning Act*, *Condominium Act*, or *Building Code Act*, as amended, any interference with wetlands, and alterations to shorelines and waterbodies.
 - ii) The Regulated Area may differ from those lands shown on Schedule "A" as the boundaries may be subject to change resulting from new environmental information. The final boundaries of the Regulated Area shall be determined by the Conservation Authority. If there is a conflict between the description of regulated areas in the text of the regulation and the areas as shown on the regulated area mapping on Schedule "A", the description of areas in the regulation prevails.
 - iii) Development as defined in the *Conservation Authorities Act* within the Regulated Area as shown on Schedule "A" is subject to the Conservation Authority review

and may require a permit pursuant to the Conservation Authority's regulation, prior to any works taking place.

- b) The following Uses shall be prohibited in lands identified as hazard lands, as determined by the Municipality in consultation with the Conservation Authority:
 - i) Institutional Uses including Hospitals, Long-term Care Homes, Retirement Homes, pre-schools, school nurseries, day cares and schools;
 - ii) additional residential units;
 - iii) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or,
 - iv) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- c) Where Buildings and Structures are permitted in areas adjacent to the river, they will be floodproofed in accordance with the Provincial Planning Statement to a minimum elevation of 178.3 m (Canadian Geodetic Datum).

4.8 DAY CARE CENTRE AND PRIVATE HOME DAY CARE

- a) Where permitted in this By-law, a Day Care Centre shall be subject to the following regulations:
 - i) Access is required from a public Street.
 - ii) A Day Care Centre located shall have a minimum Lot Frontage of 15 m and minimum Lot Area of 420 m² and meet all other provisions of the Zone in which it is located.
- b) Where permitted in this By-law, a Private Home Day Care shall be subject to the provisions for Home Occupations in Section 4.16 of this By-law.

4.9 DRIVE-THROUGH

Where permitted in this By-law, a Drive-through shall be provided in accordance with the following:

- a) A Drive-through shall provide a minimum number of designated stacking spaces in accordance with **Table 4-1.**

<u>Table 4-1: Stacking Space Requirements</u>	
Permitted Use	Minimum Number of Stacking Spaces Required
<u>All Other Uses</u>	<u>3</u>
<u>Motor Vehicle Washing Establishment (Automated)</u>	<u>8</u>
<u>Restaurant</u>	<u>8</u>

- b) A stacking space shall be a minimum of 5.5 m in length and 3 m in width.
- c) Stacking spaces shall not be included in the calculation of required parking and shall not be located within any Street, Parking Aisle, Loading Space, or driveway.
- d) A stacking Lane shall not be permitted within 20 m of a Residential Zone.
- e) No part of a stacking space shall be located in the required minimum Front Yard or required minimum Exterior Side Yard.
- f) No part of a stacking Lane shall be located such that any Motor Vehicle which Uses it will block, impede, or interfere with the Use of required Parking Spaces or drive Aisles on the Lot on which the Drive-through facility is located.

4.10 DWELLING UNITS

4.11.1 Cellar Location

~~———— No Dwelling in its entirety shall be located in a cellar.~~

4.10.12 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.

4.11 ESTABLISHED BUILDING LINE

- a) 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.
- b) 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.

4.12 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 GROUP HOMES

Where permitted in this By-law, a Group Home or a Correctional Group Home shall be in accordance with the following:

- a) The Group Home or Correctional Group Home shall comprise the sole Use of the Dwelling and shall not be located within an additional residential unit (ARU).
- b) A maximum of one Group Home or Correctional Group Home shall be permitted per Lot.
- c) The Group Home or Correctional Group Home shall comply with the provisions of the applicable Zone.
- d) A Dwelling or Dwelling Unit used or constructed for the purposes of a Group Home or a Correctional Group Home shall maintain the residential character of the Dwelling and be compatible with the character of the neighbourhood in which it is located.
- e) The Group Home and Correctional Group Home shall be subject to Provincial approval or licensing, as may be required.
- f) Parking shall be provided in accordance with Section 5.

4.14 HEATING, VENTILATION, AND AIR CONDITIONING (HVAC)

- a) Ground-level HVAC equipment is only permitted in the Interior Side Yard, Exterior Side Yard, and Rear Yard.
- b) Ground-level HVAC equipment must maintain a minimum 0.6 m Setback to the Interior Side Lot Line, Exterior Side Lot Line, and Rear Lot Line.
- c) Roof-mounted HVAC equipment exceeding 2 m in Height shall be enclosed within a mechanical penthouse except where the roof-mounted HVAC equipment is Setback a minimum of 5 m from all edges of a roof.
- d) Rooftop mechanical penthouses shall not exceed 6 m in Height as measured from the roof.
- e) Rooftop mechanical penthouses shall not exceed 50% of the area of the roof.

4.15 HEIGHT RESTRICTIONS

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

- a) an air conditioner duct;
- b) a belfry;
- c) a chimney;
- d) a church spire;
- e) a clock tower;
- f) an elevator penthouse;
- g) a flag pole;
- h) a non-commercial radio Antenna;
- i) a non-commercial television Antenna;
- j) a water tower.

4.16 HOME OCCUPATIONS

Where permitted by this By-law, a Home Occupation shall be in accordance 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) A Home Occupation may include, but is not limited, to the following Uses:
 - i) Clinic;
 - ii) Personal Service Establishment;
 - iii) Private Home Day Care; and,
 - iv) Office.
- c) The following Uses are prohibited as a Home Occupation:
 - i) Uses involving the storage or repair of construction equipment, welding, auto body repair, automobile maintenance, or metal fabrication;
 - ii) Veterinary Clinics;
 - iii) Retail Stores.
- d) The Home Occupation shall not occupy more than 25% of the Gross Floor Area of the Dwelling or 45 m², whichever is lesser.
- e) A Person or Persons operating a Home Occupation must reside full-time in the Dwelling in which the Home Occupation is operated.

- f) The Home Occupation shall employ at least one (1) individual who resides full-time in the Dwelling Unit and shall not employ more than one (1) individual who does not reside in the Dwelling Unit.
- g) Open Storage or display of materials, containers or finished products is prohibited.
- h) The Home Occupation may involve the sale of goods associated with a craft that is produced in the Dwelling as an ancillary Use.
- i) A Sign shall be permitted in accordance with ~~Section 4.30 of this~~ the Village's Sign By-law.
- j) 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.
- k) The Home Occupation shall not result in above normal pedestrian or vehicular traffic.
- l) The Home Occupation shall not create or become a public nuisance due to noise, dust, traffic, or parking, or interference with radio or television reception.
- 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) Except for a Bed And Breakfast Establishment or a Clinic, the Home Occupation shall not require the creation of additional on-site Parking Spaces.~~
- ~~o) 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.~~
- p) Parking Spaces shall be provided in accordance with Section 5 of this By-law.

4.17 LOT DEVELOPMENT REQUIREMENTS

4.17.1 Access and Frontage on a Public Street

- a) In addition to all other provisions 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 public Street.
- b) All Uses, Buildings, and Structures, shall have access to a public Street.
- c) Notwithstanding Section 4.17.1 a) and b), a Building or Structure may be erected, altered, or used on the following Lots which do not have frontage on a public Street:
 - i) Within a registered plan of subdivision which the Street has not been assumed by the Municipality but in which the Street is to be assumed under the terms of a subdivision agreement; or,

- ii) Within a plan of Condominium on a Private Street that provides direct access to a public Street or connects to other Private Streets within the plan of Condominium that provides access to a public Street.

4.17.2 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.

4.17.3 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.

4.17.4 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 (R1) 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.

4.18 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.
- c) 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.

4.19 MODEL HOMES

- a) Notwithstanding any other provisions of this By-law, where a subdivision agreement or Condominium plan has been registered, any Model Home(s) can be constructed on a Lot or block within a registered plan of subdivision or Condominium, subject to the following restrictions:
 - i) The Use shall be permitted in the Zone in which the Dwelling is to be located;
 - ii) Each Dwelling Unit shall be used for the purpose of a Model Home only and shall not be occupied as a Dwelling Unit until Occupancy is issued by the Chief Building Official;
 - iii) A Model Home shall comply with the applicable Zone regulations and Setback requirements in which the Use is permitted;
 - iv) A Model Home shall have direct access to a Street constructed with a base course of asphalt; and,
 - v) The number of Model Homes for any approved draft plan shall not exceed the lesser of six (6) or 10% of the total number of registered Lots.

4.20 MOTOR VEHICLE SERVICE ESTABLISHMENT

- a) Where permitted in this By-law, a Motor Vehicle Service Establishment shall have a minimum Lot Frontage and minimum Lot Depth in accordance with **Table 4-2:**

<u>Table 4-2: Motor Vehicle Service Establishment Lot Frontage and Depth Requirements</u>		
Requirements	Interior Lot	Corner Lot
<u>Minimum Lot Frontage</u>	<u>45 m</u>	<u>55 m</u>
<u>Minimum Lot Depth</u>	<u>40 m</u>	<u>55 m</u>

- b) No portion of any fuel pump island on a Motor Vehicle Service Establishment shall be located closer than 7.5 m from the Street Line of any Street.
- c) The distance from the intersection of two Street Lines to the nearest ingress or egress ramp shall not be less than 9 m, or in the case of the intersection of two arterial Streets, the distance shall not be less than 15 m.
- d) The distance from any portion of any ingress or egress ramp to any Interior Side Lot Line which abuts any other Lot shall not be less than 3 m.
- e) The width of any ingress or egress ramp along any Street Line shall not be more than nine (9.0) m or less than 7.5 m.
- f) The distance between ramps shall not be less than 9 m.
- g) The minimum interior angle of any ramp to the Street Line shall be greater than sixty degrees (60°).

- h) All parts of the ingress and egress ramps shall be maintained with a cement or asphaltic binder or another type of permanent surfacing to prevent the raising of dust or loose particles.
- i) Land which is not used for Buildings, ramps or paving shall be landscaped in lawn, trees or shrubs and maintained in a healthy growing condition, neat and clean in appearance.

4.21 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.

4.22 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.

4.23 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.

~~4.25 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.~~

4.24 OPEN STORAGE

Where permitted by this By-law, Open Storage shall be provided in accordance with the following:

- a) Open Storage shall only be permitted as an Accessory Use. Without limiting the generality of the foregoing, Open Storage shall not be permitted on a vacant Lot.
- b) Open Storage shall be prohibited in the Front Yard and Exterior Side Yard.
- c) Open Storage shall only be permitted within an Interior Side Yard and Rear Yard.
- d) Open Storage shall be permitted no closer than:
 - i) 3 m to an Interior Side Lot Line and Rear Lot Line where the Lot Line abuts a Lot within a Commercial or Industrial Zone; or,

- ii) 0 m within an Industrial Zone, where an Interior Side Lot Line or Rear Lot Line abuts a Lot in the same Zone.
- e) Open Storage shall not be permitted within any Yard abutting a Residential Zone boundary.
- f) Open Storage areas shall be in addition to and separate from any required Loading Space or Parking Aisle.
- g) Where lighting facilities are provided in conjunction with Open Storage, such lighting shall be so arranged as to deflect light onto the Open Storage area and away from any adjoining properties.
- h) Open Storage areas shall be screened with an opaque fence, landscaping, or a combination of both, not less than 1.8 m in Height.
- i) Any Open Storage area shall be maintained with a stable surface and treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Municipality.

4.25 OUTDOOR DISPLAY AREA

4.25.1 General

Where permitted in this by-law, Outdoor Display area and the associated sale of goods and materials shall be provided in accordance with the following:

- a) The Outdoor Display area is Accessory to a permitted Uses on the Lot.
- b) The Outdoor Display area shall be located a minimum of 3 m away from any side or Rear Lot Line.
- c) The Outdoor Display area shall not exceed 35% of the Lot Area.
- d) The Outdoor Display area shall not be located within:
 - iii) A required Yard or minimum Setback;
 - iv) A required Planting Strip;
 - v) A required Parking Space or Loading Space;
 - vi) A driveway or stacking Lane; or,
 - vii) A Sight Triangle.
- e) Where Interior Side Lot Lines or Rear Lot Lines of a Lot containing an Outdoor Display area abuts a Residential Zone, a Planting Strip shall be provided in accordance with Section 4.28.
- f) Where lighting facilities are provided in conjunction with the Outdoor Display area, such lighting shall be so arranged as to deflect the light onto the Outdoor Display area, and away from adjoining properties and Streets.

- g) The Outdoor Display area 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.
- h) Prior to the establishment of an area for the Outdoor Display and sale, the owner shall file in writing with the Municipality 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.

4.25.2 Seasonal Outdoor Display Area

- a) Notwithstanding Section 4.25.1 d), an Outdoor Display area operated on a seasonal basis for a period not exceeding eight months during each calendar year may occupy up to 10% of the required Parking Spaces.

4.26 OUTDOOR PATIOS

Where permitted in this By-law, an Outdoor Patio shall be provided in accordance with the following:

- a) An Outdoor Patio shall not be permitted in any Yard abutting a Residential Zone or any Lot used for residential purposes.
- b) The area used for an Outdoor Patio shall be included in the calculation of Lot Coverage.
- c) Parking for an Outdoor Patio shall be provided in accordance with Section 5 of this By-law.
- d) Notwithstanding Section 4.26 c), an Outdoor Patio that is operated on a seasonal basis for longer than eight consecutive months within a calendar year shall not be required to provide additional parking above that required for the principal Use on the Lot.
- e) Where an Outdoor Patio covers a portion of the Parking Area, it shall not occupy greater than 10% of the required Parking Spaces for the Use on the Lot nor cause a deficiency in meeting the minimum required parking for the Existing Uses on the Lot.

4.27 PERMITTED 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 in **Table 4-3**.

Table 4-3: Permitted Yard Encroachments		
BUILDING, STRUCTURE, OR FEATURE	REQUIRED YARD	PERMITTED ENCROACHMENT INTO A MINIMUM REQUIRED YARD
Architectural features such as windowsills, chimneys, cornices, eaves, gutters, and similar architectural features	Any minimum required Yard	0.5 m, <u>provided the projection is no closer than 0.3 m to the Lot Line</u>
Outdoor heating, ventilation, and air conditioning (HVAC) units	Any minimum required Yard	1 m, <u>provided the projection is no closer than 0.6 m to the interior and Rear Lot Lines, and no closer than 1.5 m to the front and exterior Lot Lines</u>
Porches, unenclosed Balconies, and steps	Front Yard or Rear Yard	2 m, <u>provided the projection is no closer than 0.6 m to the Lot Line</u>
Bay windows and awnings	Front Yard or Rear Yard	1 m, <u>provided the projection is no closer than 0.5 m to the Lot Line, at a maximum width of 3 m</u>
<u>Outdoor Patio</u>	<u>Front Yard, Rear Yard, or Exterior Side Yard</u>	<u>Up to 0 m from the Front Lot Line or exterior Lot Line</u>
<u>Cantilever</u>	<u>Side Yard or Rear Yard</u>	<u>1 m, provided the projection is no closer than 3 m to the Lot Line, at a maximum width of 3 m</u>

4.28 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.

4.28.1 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.

4.28.2 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 m, measured perpendicularly to the Lot Line adjoining such Planting Strip.

4.28.3 Height

The minimum Height of a Planting Strip shall be 1.5 m.

4.28.4 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 m of the edge of such driveway or within 1.5 m of such walk.

4.28.5 Landscaped Open Space

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

4.29 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.

4.30 SIGHT TRIANGLES

- a) Within any area defined as a Sight Triangle, the following shall be prohibited:
 - i) Any vegetation, shrubs or foliage planted or maintained higher than 50 cm above Finished Grade.
 - ii) A Finished Grade exceeding the elevation of the centre line of the adjoining Street by more than 60 cm;
 - iii) Structures, Signs or fences, the top of which exceeds the elevation of the centre line of the adjoining Streets by more than 50 cm in Height;
 - iv) In all Zones, other than the General Commercial (C1), a Sight Triangle of 9 m shall be required from the point of intersection of the Street Lines.

- v) The Sight Triangle shall be measured from the edge of the Street Line, where known. In all other cases, the Sight Triangle shall be measured from the property line.

4.33 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.~~

4.31 SHIPPING CONTAINERS (B/L 30/2017)

- a) Shipping Containers are considered an Accessory Structure and shall be subject to all requirements for Accessory Buildings and Structures as set out in Section 4.1, except as provided by this Section.
- b) Shipping Containers, storage trailers, Quonset huts and the like shall not be permitted as Accessory Buildings or Uses in any Residential Zone.
- c) Shipping Containers shall not be permitted as primary or Accessory Buildings or Uses in any General Commercial (C1) Zone.
- d) Shipping Containers shall only be permitted where the minimum Lot Area is 0.4 ha or greater.
- e) Notwithstanding any other provisions in this By-law, Shipping Containers shall not be located within a front or Exterior Side Yard.
- f) Notwithstanding Section 4.1.2, a Shipping Container shall be located at a minimum distance of 10 m from any Lot Line abutting a Residential Zone or any Lot used for residential purposes.
- g) The maximum number of Shipping Containers on a Lot shall be two (2).

- h) Shipping Containers shall not be located in a required parking or Loading Space and shall not encroach into a landscaped buffer.
- i) Shipping Containers in Industrial Zones shall be screened from the public view and adjacent Lots.
- j) 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)**
- k) 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)**
- l) Notwithstanding any other provisions of this By-law, Shipping Containers may be temporarily placed on a Lot in any Zone:
 - i) For a period of not more than 14 days for loading and unloading of the Shipping Container.
 - ii) For a period of not more than 1-year for the storage of supplies and equipment during construction for which a Building permit has been issued by the Municipality.

4.32 SPECIAL SETBACKS

4.32.1 Ditches and Drains

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

4.32.2 Municipal Sewage Treatment Works

New Development will be subject to a 100 m Setback from the Village's municipal sewage treatment facility.

4.32.3 Provincial Highways

- a) Where a Lot abuts a Provincial Highway, the following shall be located a minimum distance of 14 m away from any Lot Line abutting a Provincial Highway:
 - i) Any Building or Structure;
 - ii) Any part of the minimum required Parking Area or loading area, including any minimum required Parking Space, Loading Space, stacking space, bicycle Parking Space, and any associated Aisle or driveway;
 - iii) A required amenity space;
 - iv) A stormwater management facility.
- b) The 14 m Setback shall be Landscaped Open Space.

4.33 SHORT-TERM VACATION RENTALS

Short-term Vacation Rentals shall be permitted within all Zones where residential Uses are permitted, in accordance with the following:

- a) A Short-term Vacation Rental may only be located within a principal Dwelling.
- b) A maximum of one Short-term Vacation Rental shall be permitted in one principal Dwelling per Lot.
- c) A Short-term Vacation Rental shall not contain more than three (3) guest rooms. A Short-term Vacation Rental with four (4) or more guest rooms may be permitted by a Site-Specific Amendment to this By-law.
- d) A Short-term Vacation Rental shall not take place on the same Lot as a bed and breakfast.
- e) A Short-term Vacation Rental Use shall have frontage on a public road and be connected to municipal water and sewage services.
- f) Where a Short-term Vacation Rental Use abuts a Residential Zone, Planting Strips shall be provided in accordance with Section 4.28, and in accordance with the following:
 - i) A minimum 3 m wide Planting Strip adjacent to the full length of the Rear Lot Line.
 - ii) A minimum 3 m wide Planting Strip adjacent to the full length of the Exterior Side Lot Line, save and except within a Sight Triangle.
 - iii) A minimum 1 m wide Planting Strip adjacent to the full length of the Interior Side Lot Line.
- g) A Short-term Vacation Rental shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the *Planning Act*.
- h) Parking for the Short-term Vacation Rental Use shall be provided in accordance with Section 5. In addition, the following parking provisions shall apply:
 - i) Tandem parking shall be permitted for Parking Spaces permitted on a private driveway.
 - ii) Parking Spaces shall not be located in the outdoor Amenity Area nor in the required Exterior Side Yard.
- i) A Short-term Vacation Rental shall provide for a minimum on-site outdoor Amenity Area of 135 m².
- j) Proper waste disposal facilities shall be enclosed and provided on-site.

4.34 SWIMMING POOLS IN RESIDENTIAL ZONES

- a) In a Residential Zone, a Swimming Pool shall be permitted as an Accessory Use to any permitted residential Use.

- b) A Swimming Pool shall not be permitted in the minimum required Front Yard or Exterior Side Yard.
- c) A Swimming Pool shall be permitted in the Rear Yard or Interior Side Yard of any Lot provided that no part of such Swimming Pool shall be located closer to any Lot Line or Street Line than the minimum distance required for an Accessory Building on such Lot.
- d) A Swimming Pool shall not be considered as part of the Lot Coverage.
- e) Fences surrounding private Swimming Pools shall comply with the by-laws of the Municipality regulating pools.

4.35 TEMPORARY SALE EVENTS

Notwithstanding any other provisions of this By-law, the temporary sale and/or display of goods or commodities shall be permitted in any Zone in accordance with the following:

- a) Temporary sales and/or displays such as a garage sale shall be permitted provided:
 - i) They are Accessory to a permitted residential Use;
 - ii) There shall be no more than three (3) such sales per calendar year;
 - iii) No such sale shall exceed three (3) consecutive days in duration; and,
 - iv) The area for the temporary sales and/or display shall not impede pedestrian or vehicular circulation.

4.36 USES PERMITTED IN ALL ZONES

The following Uses are permitted in all Zones within the Corporation:

4.36.1 Public Uses

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, which may include any Public Use, Conservation Use, or flood and erosion control. 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.

4.36.2 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.

4.36.3 Public Recreational Uses

Parks, Community Facilities and Golf Courses operated by or for the Village of Point Edward including Uses Accessory thereto.

4.36.4 Construction Uses

Temporary Buildings and Structures normal and incidental to construction shall be permitted in all Zones, such as a construction camp or other such temporary work camp, a tool shed, a scaffold, provided that a valid Building permit has been issued where a Building permit is required, and that these Uses shall only be permitted so long as the same are necessary for any work in progress which has been neither finished nor abandoned for a period of 60 days.

4.36.5 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.

4.36.6 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.

4.37 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.
- j) Production and processing of cannabis.

4.38 WASTE STORAGE AREAS

The storage of garbage, recycling, and other waste shall be in accordance with the following provisions:

- a) Commercial and Industrial Zones, along with Zones where apartment and mixed-Use Buildings are permitted, shall provide for garbage, recycling, and other waste to be stored only in a fully enclosed waste storage area, with or without a roof, within a wholly enclosed Building, or within an in-ground refuse container.
- b) Notwithstanding Section 4.38 a), in-ground refuse containers are not required to be within a fully enclosed waste storage area or wholly enclosed within a Building.
- c) A waste storage area shall only be permitted in an Interior Side Yard or Rear Yard.
- d) A waste storage area, where required, shall be Setback a minimum of 3 m from any abutting Residential Zone or any Lot used for residential purposes and shall be subject to all other provisions for Accessory Structures.
- e) A waste storage area shall be screened from the Street by a fence and/or wall of a minimum Height equal to the Height of the waste storage area or a buffer.
- f) A waste storage area shall not be permitted within any required Planting Strip and shall not obstruct a required Parking Space, Parking Aisle, stacking Lane, or driveway.
- g) The provisions of this section shall not apply to any temporary waste disposal Structure used in conjunction with a temporary construction Use.

4.39 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.

SECTION 5 – PARKING AND LOADING PROVISIONS

5.1 PARKING AREA REGULATIONS

5.1.1 Requirements

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 (1) or more Parking Spaces, each such Parking Space having a minimum overhead clearance of 2 m and a minimum width and length as required in **Appendix “A”**, in accordance with the following:

Table 5-1: Minimum Parking Requirements	
Permitted Use	Minimum Number of Parking Spaces
Residential	
Accessory Dwelling Unit	1 space per Dwelling Unit in addition to the requirements for the Existing residential Use
Additional Residential Unit	1 space per Dwelling Unit in addition to the requirements for the Existing residential Use (can be provided in tandem)
Apartment Dwelling	1.5 spaces per Dwelling Unit with 2 or more bedrooms 1 space per Dwelling Unit with 0 or 1 bedrooms.
Bed and Breakfast	1 space per guest room in addition to the requirements for the Existing residential Use
Dwelling Unit Above Commercial Use	1 space per Dwelling Unit
Group Home/Correctional Group Home	1 space per staff member
Long-term Care Home	1 space per 4 beds
Mixed-Used Building	1 space per Dwelling Unit in addition to the requirements for other Uses in the Development
Other Residential Uses Permitted by this By-law	1 space per Dwelling Unit
Retirement Home	0.5 spaces per unit plus 1 Parking Space for each employee
Semi-detached Dwelling	1 space per Dwelling Unit
Short Term Vacation Rental	2 spaces per short term vacation rental unit (can be provided in tandem)
Single-detached Dwelling	1 space per Dwelling Unit
Stacked Townhouse Dwelling	1.5 spaces per Dwelling Unit

Table 5-1: Minimum Parking Requirements	
Permitted Use	Minimum Number of Parking Spaces
Townhouse	1 space per Dwelling Unit
Triplex Dwelling	1 space per Dwelling Unit
Non-Residential	
Abattoir	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Any other permitted Use	1 space per 30 m ² of Gross Floor Area
Art Gallery	1 space per 50 m ² of Gross Floor Area
Asphalt Batching Plant	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Assembly Hall	1 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 Establishment or Flea Market	1 space for every 5 m ² of gross floor space open to the public
Bakery	1 space per 30 m ² of Gross Floor Area
Banquet Hall	1 space per 30 m ² of Gross Floor Area
Bingo Hall	1 space for 4 Person design capacity of the establishment
Bulk Fuel Establishment	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Bulk Sales Establishment	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Campground	1 space for each site plus 1 space per 100 m ² of Gross Floor Area used for commercial purposes accessible by the public
Cannabis Production and Processing Facility	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Cemetery	2 spaces
Clinic	5 spaces per practitioner or 1 Parking Space per 18.5 m ² of Gross Floor Area, whichever is greater
Commercial Storage Facility	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Community Facility	1 space for each 37 m ² of Gross Floor Area

Table 5-1: Minimum Parking Requirements	
Permitted Use	Minimum Number of Parking Spaces
Contractor's Yard	1 space per 100 m ² of Gross Floor Area or outdoor storage area or 1 per employee on the largest shift, whichever is greater
Convenience Store	1 space per 30 m ² of Gross Floor Area
Day Care Centre	1 space per staff member
Dry Cleaning Establishment	1 space per employee and 2 additional spaces for pickup / loading
Farm Implement Sales Establishment	1 space per 30 m ² of Gross Floor Area
Farmer's Market	1 space per 30 m ² of Gross Floor Area
Financial Establishment	1 space per 37 m ² of Gross Floor Area
Funeral Home	1 space per 20 m ²
Garden Centre And Nursery	1 space per 35 m ² of Gross Floor Area
Golf Course	5 spaces per hole
Home Industry	1 space for any employee that is not a resident in the Dwelling Unit in addition to the required parking for the Dwelling Unit
Hospital	1 space per 4 beds or 1 space per 100 m ² of Gross Floor Area, whichever is greater
Hotel/Motel	1 space per guest room plus 1 per 20 m ² of floor area of each refreshment room or dining room
Industrial Use/Light Industrial Use	1 space for each 37 m ² of Gross Floor Area
Institutional Use	1 space per 30 m ² of Gross Floor Area
Kennel	1 space per 30 m ² of Gross Floor Area
Laundromat	1 space per 30 m ² of Gross Floor Area
Lumber Yard	1 space per 30 m ² of Gross Floor Area
Merchandise Service Establishment	1 space per 30 m ² of Gross Floor Area
Micro-brewery, Distillery, And Winery	1 space per 50 m ² of Gross Floor Area
Mobile Home Park	1 space for each mobile home site
Motor Vehicle Repair Establishment	3 spaces per staff member
Motor Vehicle Sales And Rental Establishment	1 space per 30 m ² Gross Floor Area plus 1 space per 10 Motor Vehicles on display
Motor Vehicle Service Establishment	3 spaces per service bay or 1 per 100 m ² or whichever is greater
Motor Vehicle Washing Establishment i) Self-Service Operation	3 spaces per wash stall

Table 5-1: Minimum Parking Requirements	
Permitted Use	Minimum Number of Parking Spaces
Motor Vehicle Washing Establishment ii) Conveyor Operation	5 tandem spaces per bay
Office	1 Parking Space per 37 m ² of Gross Floor Area
Other Non-residential Uses	1 space per 30 m ² of Gross Floor Area
Outdoor Patio	1 space per 30 m ² of Gross Floor Area in addition to the requirements for the Use
Pharmacy	1 space per 30 m ² of Gross Floor Area
Place Of Entertainment	1 space per 6 seats or 1 space per 10 m ² of Gross Floor Area, whichever is greater
Place Of Worship	1 space per 10 m ² of Gross Floor Area
Private Club	1 space for each 18.5 m ² of Gross Floor Area
Recreation Establishment	1 space per 18 m ² of Gross Floor Area
Recreational Vehicle Sales And Service Establishment	1 space per 30 m ² of Gross Floor Area plus 1 space per service bay
Recycling Depot	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Restaurant	The greater of: a) 1 Parking Space per 14 m ² 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	1 space per 37 m ² of Gross Floor Area
Retirement Home	1 space per 2 Dwelling Units
School, Private	1.5 spaces per classroom for elementary schools 5 spaces per classroom for secondary schools
School, Public	1.5 spaces per classroom for elementary schools 5 spaces per classroom for secondary schools
Shopping Mall/Shopping Plaza	1 space per 30 m ² of Gross Floor Area
Tavern	The greater of: a) 1 Parking Space per 14 m ² 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
Tourist Commercial Use	1 space per 30 m ² of Gross Floor Area

Table 5-1: Minimum Parking Requirements	
Permitted Use	Minimum Number of Parking Spaces
Tourist Information Centre	1 space per 30 m ² of Gross Floor Area
Transport Terminal	1 space per 100 m ² of Gross Floor Area
Veterinary Clinic	1 space for each 28 m ² of Gross Floor Area
Warehouse/Wholesale Use	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Waste Disposal Site	1 space per 100 m ² of Gross Floor Area or 1 per employee on the largest shift, whichever is greater
Wrecking/salvage Yard	1 space per 500 m ² of Gross Floor Area including outdoor storage area or 1 per employee on the largest shift, whichever is greater

- a) Parking Spaces shall be provided at the time of construction according to the provisions of this By-law.
- b) If calculation of the required Parking Spaces results in a fraction, the required Parking Spaces shall be the next higher whole number.

5.1.2 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.

5.1.3 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:

- a) no Existing Parking Spaces are lost due to the change;
- b) the previous Use was not residential
- c) the Gross Floor Area is not increased.

In the case of an increase in Gross Floor Area, the provisions of Section 5.1.2 shall apply.

5.1.4 More than one Use on a Lot

- a) 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.
- b) Notwithstanding a), for Mixed Use Development where more than one of the Uses listed in the table below are located on the same Lot, the minimum parking requirement may be reduced through sharing of Parking Spaces. Using the table below, the required minimum number of total Parking Spaces may be calculated as follows:
 - i) Determine the parking requirement for each Use and calculate the minimum number of Parking Spaces required for each Use;
 - ii) Multiply the required minimum number of Parking Spaces by the Occupancy rate for each Use for each time period;
 - iii) For each time period, add the Parking Space calculations for all Uses to arrive at a cumulative total; and,
 - iv) The largest cumulative total of all the Uses for any time period is the minimum number of Parking Spaces required for the Lot.

Table 5-2: Calculation of Shared Parking			
Type of Use	Parking Occupancy Rate		
	Morning	Afternoon	Evening
Office	100%	95%	15%
Place Of Entertainment	70%	40%	80%
Recreation Establishment	25%	80%	100%
Restaurant	30%	90%	100%
Retail, including services	75%	80%	75%

5.1.5 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.

5.1.6 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 m to any Street Line.

Table 5-3: Yards Where Parking is Permitted	
Zone	Yards Where Parking is Permitted
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

5.1.7 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. Driveways shall not be located in any Sight Triangles required.

b) Width

Access to the required Parking Spaces and Parking Areas shall be provided by means of unobstructed driveways as follows:

- i) Driveways shall be at least 3 m but not more than 9 m in width.
- ii) Notwithstanding i), driveways intersecting with County Roads shall be at least 4.6 m but not more than 9 m in width.
- iii) Notwithstanding i) and ii), for any Commercial, Industrial or Institutional Use, the permitted maximum driveway width shall be determined By Council through site plan agreement pursuant to Section 41 of the *Planning Act* R.S.O., 1990.
- iv) All driveway widths shall be measured along the Street Line.

c) Aisles

The minimum width of the Aisles between Parking Spaces within a Parking Area shall be as required in **Appendix "A"**.

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) not more than 2 driveways, with a combined width not exceeding 12 m, for the first 30.0 m of a Lot Frontage or portion thereof;
- ii) one additional driveway for each additional 30 m of a Lot Frontage.
- iii) Notwithstanding the above, a Corner Lot is permitted a driveway on each Street frontage.

5.1.8 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.

5.1.9 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.

5.1.10 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, where a Dwelling exists, 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.

5.1.11 Accessible Parking Spaces

Except for single detached Dwellings, Semi-detached Dwellings, Triplex Dwelling, townhouses, stacked townhouses, Accessory Dwelling Units or additional Dwelling Units, where Parking Spaces are required, parking for the Use of Persons with disabilities (accessible Parking Spaces) shall be provided in accordance with this Section, subject to any provincial requirements or exceptions to the contrary.

- a) The minimum number of accessible Parking Spaces to be provided shall be calculated as follows:
 - i) One accessible Parking Space, where there are 12 Parking Spaces or fewer required;
 - ii) Four percent (4%) of the parking provided shall be accessible Parking Spaces where between 13 to 100 Parking Spaces are required;
 - iii) One accessible Parking Space and an additional three percent (3%) of the parking provided shall be accessible Parking Spaces where 101 to 200 Parking Spaces are required;
 - iv) Two accessible Parking Spaces and an additional two per cent (2%) of the parking provided shall be accessible Parking Spaces where 201 to 1000 Parking Spaces are required; or
 - v) Eleven accessible Parking Spaces and an additional one per cent (1%) of the parking provided shall be accessible Parking Spaces where 1001 Parking Spaces or greater.
- b) For the purpose of calculating the required accessible Parking Spaces based on the rates above, any calculation that results in a fraction or part of a space shall be rounded up to the nearest whole number.
- c) Accessible Parking Spaces shall be provided in accordance with the following types:
 - i) Type A, a wider Parking Space which has a minimum width of 3.40 m and signage that identifies the space as “van accessible”; or
 - ii) Type B, a standard Parking Space which has a minimum width of 2.40 m.
- d) Accessible Parking Spaces required shall be provided as Type A and Type B Parking Spaces as follows:
 - i) At least one (1) accessible Parking Space shall be a Type A Parking Space.
 - ii) Where an even number of accessible Parking Spaces are required, an equal number of Parking Spaces that meet the requirements of a Type A Parking Space and a Type B Parking Space must be provided; or

- iii) Where an odd number of accessible Parking Spaces are required, the number of Parking Spaces must be divided equally between Parking Spaces that meet the requirements of a Type A Parking Space and a Type B Parking Space, but the additional Parking Space, the odd-numbered space, may be a Type B Parking Space.
- e) Access Aisles, that is the space between Parking Spaces that allows Persons with disabilities to get in and out of their Vehicles, must be provided for all accessible Parking Spaces as follows:
 - i) Have a minimum width of 1.50 m.
 - ii) Extend the full length of the Parking Space.
 - iii) Be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.
- f) Access Aisles may be shared by two accessible Parking Spaces.
- g) Accessible Parking Spaces shall:
 - i) Be properly denoted by either erecting an accessible permit parking Sign or an accessible Parking Space symbol that is painted on the accessible Parking Space(s), all in accordance with the *Highway Traffic Act* and *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11 ("*Accessibility for Ontarians with Disabilities Act*"), where applicable;
 - ii) Be located adjacent to the barrier-free entrance(s) of each Building and connect with the barrier-free path of travel;
 - iii) Be located on the ground or main level in close proximity to an elevator or exit/entrance within a multi-Storey parking facility or a multi-Storey parking facility in association with a Use; and,
 - iv) Not conflict with designated fire routes, intersections, driveways, etc.

5.1.12 Bicycle Parking Spaces

The owner or occupant of every Building or Structure erected or used for any of the purposes hereinafter set forth except for Existing Buildings, Structures or Uses, shall provide and maintain Parking Spaces for bicycles at the following rates:

- i) Commercial and Institutional Uses – 2 spaces plus 1 space per 1000 m² of Gross Floor Area.
- ii) Industrial – 2 spaces plus 0.25 spaces per 1000 m² of Gross Floor Area.
- iii) Public and Private Schools – 1 space per 10 students and 1 space per 35 employees.
- iv) Residential or mixed-Use Buildings with more than 6 Dwelling Units – 2 spaces plus 2 spaces for each additional 6 Dwelling Units.

Each bicycle Parking Space shall be 0.6 m by 1.8 m in size.

5.2 LOADING SPACE REGULATIONS

5.2.1 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.

5.2.2 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.

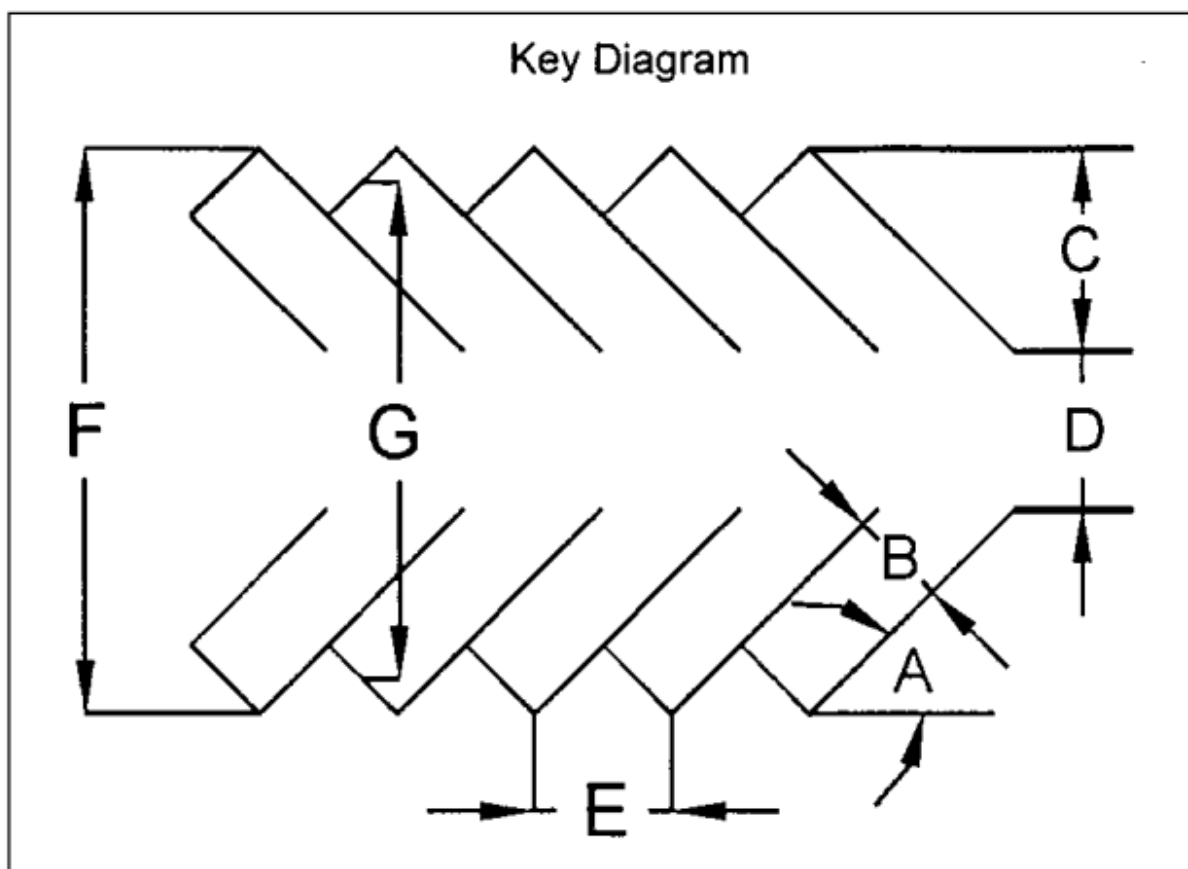
5.2.3 Access

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.

Appendix A

Parking Angle A	Stall Width (m) B	Stall to Curb (m) C	Aisle Width (m) D	Curb Length Per Car (m) E	Curb to Curb Width (m) F	Centre to Centre Width (m) G
90°	2.75	5.5	7.3	2.75	18.3	18.3
60°	2.75	6.1	5.0	3.1	17.2	15.7
45°	2.75	5.8	4.5	4.0	16.1	14.2
30°	2.75	5.1	4.0	5.3	14.2	11.9
0° (parallel)	6.7	2.75	3.0	6.7	9.0	9.0

Where a wall, column or other obstruction is located immediately adjacent to a Parking Space other than at the front or rear, the width of the Parking Space shall be increased by 0.3 m for each side that is obstructed. Walls, columns or other obstructions that do not exceed 1.15 m in length measured from the front or rear of a Parking Space toward the side's midpoint do not require an increase in width of a Parking Space unless they project more than 0.15 m into the width of the Parking Space.



SECTION 6 – RESIDENTIAL ZONES

6.1 LIST OF RESIDENTIAL ZONES

For convenience, **Table 6-1** lists the Residential Zones established in Section 3 of this By-law.

Table 6-1: List of Residential Zones	
Zone Name	Zone Symbol
Residential 1	R1
Residential Multiple 1	RM1
Residential Multiple 2	RM2
Residential Multiple 3	RM3
Residential Multiple 4	RM4

6.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Residential Zone except for one or more of the following Uses:

Table 6-2: Permitted Uses in Residential Zones					
Permitted Uses	Zone				
	R1	RM1	RM2	RM3	RM4
RESIDENTIAL USES					
<u>Additional Residential Unit</u>	✓	✓	✓	✓	✓
Apartment Dwelling		✓	✓		✓
Multiple Dwelling					
Converted Dwelling		✓			
Cluster Dwelling					✓
Group Home	✓				
Single-detached Dwelling	✓				✓ (1)
Semi-detached Dwelling	✓				✓ (1)
Townhouse Dwelling		✓	✓		
Townhouse Dwelling, Freehold				✓	
Stacked Townhouse Dwelling					✓
<u>Retirement Home</u>		✓	✓		✓
Triplex Dwelling		✓			
NON-RESIDENTIAL USES					
<u>Institutional Use</u>	✓	✓	✓	✓	✓
<u>Place Of Worship</u>	✓	✓	✓	✓	✓

Table 6-2: Permitted Uses in Residential Zones					
Permitted Uses	Zone				
	R1	RM1	RM2	RM3	RM4
SPECIFIED ACCESSORY USES Subject to the provisions of Section 4.0					
Accessory Uses, Buildings, and Structures (2)	√	√	√	√	√
<u>Bed And Breakfast Establishment</u>	<u>√</u>				<u>√</u>
Home Occupation	√	√	√		
Parking Area					√
<u>Park, Public</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>
<u>Short-term Vacation Rental</u>	<u>√</u>				<u>√</u>

Notes:

1. A maximum of ten (10) Single-detached Dwellings and/or Semi-detached Dwellings is permitted on all lands zoned RM4.
2. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 4.1 of this By-law.

6.3 REGULATIONS

Table 6-3: Regulations in Residential Zones							
Regulation	Permitted Uses	Zone					
		R1	RM1	RM2	RM3	RM4 ⁽⁶⁾	
Minimum Lot Frontage	Single-detached Dwelling	15 m (interior <u>and</u> <u>Corner Lot</u>)	-			15 m (interior <u>and</u> <u>Corner Lot</u>)	
		18 m (Corner Lot)				18 m (Corner Lot)	
	Semi-detached Dwelling	8 m/unit (Interior Lot)				12 <u>8</u> m/ <u>unit</u> (Interior Lot)	
		12 m/unit (Corner Lot)				14 <u>12</u> m/ <u>unit</u> (Corner Lot)	
	Triplex Dwelling	-	15 m	-	-	-	
	Townhouse Dwelling		30 m	24 m		24 m	
	Apartment Dwelling		-				
	Stacked Townhouse Dwelling				6 m	-	
	Townhouse Dwelling, Freehold						5.5 m (Interior Lot)
	Cluster Dwelling						

Table 6-3: Regulations in Residential Zones						
Regulation	Permitted Uses	Zone				
		R1	RM1	RM2	RM3	RM4 ⁽⁶⁾
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>				
Minimum Lot Area	Single-detached Dwelling	460 500 m ²	-			463 m ² (Interior Lot)
						555 m ² (Corner Lot)
	Semi-detached Dwelling	300 m ² /unit				400 m ² (Interior Lot)
						460 m ² (Corner Lot)
	Triplex Dwelling	-	300 m ² / unit	-		
	Townhouse Dwelling			115 m ² /unit	-	
	Apartment Dwelling			660 m ²	-	660 m ²
	Stacked Townhouse Dwelling	-			-	115 m ² /unit
	Townhouse Dwelling, Freehold				240 m ²	-
	Cluster Dwelling				-	185 m ² (Interior Lot)
						345 m ² (exterior Lot)
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>				

Table 6-3: Regulations in Residential Zones						
Regulation	Permitted Uses	Zone				
		R1	RM1	RM2	RM3	RM4 ⁽⁶⁾
Minimum Front Yard	Single-detached Dwelling	<u>5 m to Dwelling</u> / 6 m <u>to garage</u>	-			7.6 m
	Semi-detached Dwelling					
	Triplex Dwelling	-	6 m	-		
	Townhouse Dwelling		7.6 m	-		
	Apartment Dwelling					
	Stacked Townhouse Dwelling	-			-	10.5 m
	Townhouse Dwelling, Freehold				6 m	-
	Cluster Dwelling				-	7.6 m
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>				
	Minimum Interior Side Yard	Single-detached Dwelling	1.2 m <u>with attached garage</u> ⁽¹⁾	-		
Semi-detached Dwelling		<u>1.2 3 m with attached garage</u> ^{(1) (5)}	2.5 m ⁽⁵⁾			
Triplex Dwelling		-	6 m	-		
Townhouse Dwelling			4.5 m	-		
Apartment Dwelling						
Stacked Townhouse Dwelling		-			-	The greater of 7.5 m or 50% the Building Height
Townhouse Dwelling, Freehold					3 m ⁽⁵⁾	-

Table 6-3: Regulations in Residential Zones						
Regulation	Permitted Uses	Zone				
		R1	RM1	RM2	RM3	RM4 ⁽⁶⁾
	Cluster Dwelling				-	2.5 m ⁽⁵⁾
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>				
Minimum Exterior Side Yard	Single-detached Dwelling	4 m to Dwelling / 6 m to garage		-		7.6 m
	Semi-detached Dwelling	3 m				
	Triplex Dwelling			-		
	Townhouse Dwelling	-	6 m	7.6 m	-	
	Apartment Dwelling					
	Stacked Townhouse Dwelling				-	10.5
	Townhouse Dwelling, Freehold				6 m	-
	Cluster Dwelling				-	7.6 m
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>				
Minimum Rear Yard	Single-detached Dwelling	6 m		-		6 m
	Semi-detached Dwelling					
	Triplex Dwelling		6 m	-		
	Townhouse Dwelling	-		10.6 m	-	
	Apartment Dwelling		7.5 m			
	Stacked Townhouse Dwelling				-	10.5 m
	Townhouse Dwelling, Freehold				6 m	-

Table 6-3: Regulations in Residential Zones						
Regulation	Permitted Uses	Zone				
		R1	RM1	RM2	RM3	RM4 ⁽⁶⁾
	Cluster Dwelling				-	6 m
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>				
Maximum Lot Coverage	Single-detached Dwelling ⁽²⁾	<u>45%</u> 30% 35%	-			40%
	Semi-detached Dwelling					
	Triplex Dwelling	-	35%	-		
	Townhouse Dwelling		40%			
	Apartment Dwelling	-			-	
	Stacked Townhouse Dwelling				-	
	Townhouse Dwelling, Freehold				50%	
	Cluster Dwelling	-				
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>				
Minimum Landscaped Open Space	Single-detached Dwelling	30%	-			30%
	Semi-detached Dwelling					
	Triplex Dwelling	-	-			
	Townhouse Dwelling				30%	
	Apartment Dwelling	-			-	
	Stacked Townhouse Dwelling				-	
	Townhouse Dwelling, Freehold				30%	
	Cluster Dwelling	-				

Table 6-3: Regulations in Residential Zones							
Regulation	Permitted Uses	Zone					
		R1	RM1	RM2	RM3	RM4 ⁽⁶⁾	
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>					
Maximum Building Height	Single-detached Dwelling	10.9 m	-			3 Storeys	
	Semi-detached Dwelling						
	Triplex Dwelling	-	11 m	-			
	Townhouse Dwelling			4 Storeys	-		
	Apartment Dwelling						
	Stacked Townhouse Dwelling			-			2 Storeys
	Townhouse Dwelling, Freehold	-					
	Cluster Dwelling						
	<u>Non-residential Use</u>	<u>Permitted Non-residential Uses that are not specified in this table shall defer to the regulations of the first listed permitted residential Use.</u>					
Minimum Ground Floor Area	Single-detached Dwelling	75 m ² ⁽³⁾	-				
	Semi-detached Dwelling						
Minimum Dwelling Unit Area	Triplex Dwelling	-	40 m ² ⁽⁴⁾	-		<u>Bachelor Unit:</u> 37 m ²	
	Townhouse Dwelling			40 m ² ⁽⁴⁾	-	<u>1-Bedroom:</u> 55 m ²	
	Apartment Dwelling					<u>2-Bedroom:</u> 65 m ²	

Table 6-3: Regulations in Residential Zones						
Regulation	Permitted Uses	Zone				
		R1	RM1	RM2	RM3	RM4 ⁽⁶⁾
						<u>3-Bedroom:</u> 83 m ² + 10 m ² for each additional bedroom
Minimum Level of Building Opening	RM4 Uses	-				178.3 m (Canadian Geodetic Datum) for a minimum 2m around the external walls
<u>Minimum Amenity Area</u>	<u>Apartment Dwelling</u>	=	<u>Per Section 4.3 of this By-law</u>		=	
<u>Required Planting Strip</u>	<u>Apartment Dwelling</u>	=	<u>Per Section 4.28 of this By-law</u>		=	
<u>Waste Storage Requirements</u>	<u>Apartment Dwelling</u>	=	<u>Per Section 4.38 of this By-law</u>		=	

Notes:

1. ~~For Single-detached Dwellings with attached garage: 1.2 m.~~
For Single-detached Dwellings and Semi-detached Dwellings without attached garage: 1.2 m (one side); 3 m (other side).
2. For Single-detached Dwellings one Storey in Height: 35%.
For Single-detached Dwellings greater than one Storey in Height: 30%.
3. For a One-Storey Dwelling Unit: 90 m².
4. For Dwelling Units with one or more bedrooms in the RM1 Zone, the minimum Dwelling Unit area shall be 55 m².

5. 0 m required for an internal unit/wall.
6. A maximum of ten (10) Single-detached Dwellings and/or Semi-detached Dwellings are permitted on all lands zoned RM4. The minimum Setback from lands zoned OS1 shall be 7.5 m or 50% the Building Height, whichever is greater.

6.4 SPECIAL PROVISIONS

6.4.1 Residential 1 (R1) Zone Special Provisions

6.4.2 Residential Multiple 1 (RM1) Zone Special Provisions

6.4.3 Residential Multiple 2 (RM2) Zone Special Provisions

6.4.4 Residential Multiple 3 (RM3) Zone Special Provisions

6.4.5 Residential Multiple 4 (RM4) Zone Special Provisions

6.5 HOLDING ZONES

6.5.1 Residential 1 (R1) Holding Zones

6.5.2 Residential Multiple 1 (RM1) Holding Zones

6.5.3 Residential Multiple 2 (RM2) Holding Zones

6.5.4 Residential Multiple 3 (RM3) Holding Zones

6.5.5 Residential Multiple 4 (RM4) Holding Zones

6.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard for the Residential Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 6.2** and/or the regulations of **Table 6-3** shall apply.

6.6.1 Residential 1 (R1) Zone Exceptions

6.6.2 Residential Multiple 1 (RM1) Zone Exceptions

6.6.3 Residential Multiple 2 (RM2) Zone Exceptions

6.6.4 Residential Multiple 3 (RM3) Zone Exceptions

6.6.4.1 RM3-1 Lands on the West Side of Holders Lane (former RM1.6 Zone)

- a) Notwithstanding the provisions of Section 6.3, the following provisions apply to lands designated RM3-1 on the West Side of Holders Lane:

Regulation	Requirement
Minimum Lot Area	340 m ²
Minimum Front Yard Depth	7.5 m
Minimum Rear Yard Depth	10 m
Maximum Lot Coverage	46%

6.6.5 Residential Multiple 4 (RM4) Zone Exceptions

SECTION 7 – WATERFRONT ZONES

7.1 LIST OF WATERFRONT ZONES

For convenience, **Table 7-1** lists the Waterfront Zones established within Section 3 of this By-law.

Table 7-1: List of Waterfront Zones	
Zone Name	Zone Symbol
Residential Marina 1	RMAR 1
Residential Marina 2	RMAR 2
<u>Residential Marina 3</u>	<u>RMAR 3</u>
<u>Residential Marina 4</u>	<u>RMAR 4</u>
Residential Waterfront	RW
Residential Commercial Waterfront	RCW

7.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Waterfront Zone except for one or more of the following Uses:

Table 7-2: Permitted Uses in Waterfront Zones						
Permitted Uses						
	RMAR1	RMAR2	RMAR3	RMAR 4	RW	RCW
RESIDENTIAL USES						
<u>Additional Residential Unit</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
Apartment Dwelling	✓	✓	✓	✓	✓	✓
<u>Mixed-Use Building (2)</u>					<u>✓</u>	<u>✓</u>
Single-detached Dwelling		✓				
Semi-detached Dwelling		✓ (1)				
Townhouse Dwelling	✓	✓	✓	✓	✓	✓
Townhouse Dwelling, Freehold					✓	
Stacked Townhouse Dwelling	✓	✓	✓	✓	✓	✓
OTHER USES						
Beverage Room						<u>✓</u>
Clinic						✓
<u>Community Facility</u>	<u>✓</u>	<u>✓</u>	✓ (3)	✓	<u>✓</u>	<u>✓</u>

Table 7-2: Permitted Uses in Waterfront Zones						
Permitted Uses						
	RMAR1	RMAR2	RMAR3	RMAR 4	RW	RCW
Convenience Neighbourhood Store	√	√	√	√	√	
<u>Day Care Centre</u>	√	√			√	√
Dry Cleaning Establishment or Laundry Outlet						√
Laundromat						√
Hotel		√				√
<u>Marina</u>		√				
<u>Marine Sales And Service Establishment</u>		√				
Motel						√
<u>Motor Vehicle Service Establishment</u>						√
Office	√		√	√		√
Open Air Market	√		√			√
<u>Open Space</u>	√	√			√	√
Parking Area						√
Personal Service Shop Establishment	√	√	√	√	√	√
Place Of Entertainment						√
Church Place Of Worship	√		√			
Active Recreational Use	√	√	√		√	√
<u>Recreational Use, Passive</u>	√	√			√	√
<u>Recreational Establishment</u>						√
Restaurant	√	√	√	√	√	√
Retail Store	√	√	√	√	√	√
<u>Tavern</u>						√
Tourist Commercial Use						√
SPECIFIED ACCESSORY USES						
Subject to the provisions of Section 4.0						

Table 7-2: Permitted Uses in Waterfront Zones						
Permitted Uses	RMAR1	RMAR2	RMAR3	RMAR 4	RW	RCW
Accessory Uses, Buildings, and Structures ⁽⁴⁾	√	√	√	√	√	√
<u>Outdoor Patio</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>
<u>Short-term Vacation Rental</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>

Notes:

1. A maximum of six (6) Semi-detached Dwellings are permitted.
2. Dwelling Units must be located above or behind permitted ground-floor Commercial Use.
3. This includes a private community centre and a library.
4. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 4.1 of this By-law.

7.3 REGULATIONS

Table 7-3: Regulations in Waterfront Zones

Regulation	Permitted Uses	Zone					
		RMAR1	RMAR2	RMAR3	RMAR4	RW	RCW
Minimum Lot Frontage	All Permitted Uses	No minimum				24 m	30 m
Minimum Lot Area	All Permitted Uses	No minimum				-	1400 m ²
	Townhouse Dwelling	-				115 m ²	-
	Stacked Townhouse Dwelling						
	Apartment Dwelling					660 m ²	
Minimum Front Yard	All Permitted Uses	16.7 m ⁽¹⁾	7.6 m	16.7 m ⁽¹⁾	7.6 m	10.5 m	7.5 m
Minimum Setback from Shoreline	All Permitted Uses	-	0 m		0 m	-	
Minimum Setback from Lands Zoned OS.1	For a Building 3 Storeys or less	-				Greater of 7.5 m or 50% of Building Height ⁽³⁾	
Minimum Interior Side Yard	All Permitted Uses	-	1.5 m ⁽²⁾	-	-	Greater of 7.5 m or 50% of Building Height	7.5 m
Minimum Exterior Side Yard	All Permitted Uses	-	1.5 m	-		10.5	-
Minimum Rear Yard	All Permitted Uses	-	5.5 m	-		10.5	7.5 m
Maximum Building Height	All Permitted Uses	5 Storeys	8 Storeys		8 Storeys	5 Storeys	

Table 7-3: Regulations in Waterfront Zones							
Regulation	Permitted Uses	Zone					
		RMAR1	RMAR2	RMAR3	RMAR4	RW	RCW
Minimum Landscaped Open Space	All Permitted Uses	30%					10%
Maximum Density (units per hectare)	All Permitted Uses	111 uph	86 uph	111 uph	94 uph	74 uph	
Maximum Lot Coverage	All Permitted Uses	40%	-	40%	40%	40%	
	Single-detached Dwelling, Semi-detached Dwelling	-	45%	-	-	-	
	Townhouse, Stacked Townhouse, Apartment Dwelling		50%				
	Commercial Uses		40%				
Minimum Dwelling Unit Area	All Permitted Uses	Per Table 6.3 of this By-law in accordance with RM4 regulations	Per Table 6.3 of this By-law in accordance with RM1 regulations			Per Table 6.3 of this By-law in accordance with RM4 regulations	
Maximum Gross Leasable Floor Area	Neighbourhood Stores, Personal Service Establishments, and Retail Stores	465 m ²	160 m ²	465 m ²	280 m ²	-	-
	Offices	4,925 m ²	-	4,925 m ²	186 m ²		
	Open Air Market	1,858 m ²		1,858 m ²	-		
	Restaurants	372 m ²	744 m ²	372 m ²	372 m ²		

Table 7-3: Regulations in Waterfront Zones							
Regulation	Permitted Uses	Zone					
		RMAR1	RMAR2	RMAR3	RMAR4	RW	RCW
	Gross Floor Leasable Area (GFLA) of Retail Commercial Uses ⁽⁴⁾	-					<u>9% of the total Lot Area</u>
	Private Community Centre	-		930 m ²	-		=
Minimum Level of Building Opening	All Permitted Uses	178.3 m (Canadian Geodetic Datum) for a minimum horizontal distance of 2 m around the external walls.					
<u>Minimum Amenity Area</u>	<u>Apartment Dwelling, Mixed-Use Building</u>	<u>Per Section 4.3 of this By-law</u>					
<u>Required Planting Strip</u>	<u>Apartment Dwelling, Mixed-Use Building</u>	<u>Per Section 4.28 of this By-law</u>					
<u>Waste Storage Requirements</u>	<u>Apartment Dwelling, Mixed-Use Building</u>	<u>Per Section 4.38 of this By-law</u>					

Notes:

1. From Exmouth Street Street-Line.
2. 0 m required for common walls between Dwelling Units.
3. 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.
4. Excluding Hotels, Motels, Places Of Entertainment, Recreational Establishments and tourism and leisure related Commercial Uses.

7.4 SPECIAL PROVISIONS

7.4.1 Residential Marina 1 (RMAR1) Zone Special Provisions

7.4.2 Residential Marina 2 (RMAR2) Zone Special Provisions

7.4.3 Residential Marina 3 (RMAR3) Zone Special Provisions

7.4.4 Residential Marina 4 (RMAR4) Zone Special Provisions

7.4.5 Residential Waterfront (RW) Zone Special Provisions

7.4.6 Residential Commercial Waterfront (RCW) Zone Special Provisions

7.4.6.1 Parking

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 Permitted Uses.

7.5 HOLDING ZONES

7.5.1 Residential Marina 1 (RMAR1) Holding Zones

7.5.1.1 RMAR1-2(h) (former RMAR1.2(h) Zone)

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.

7.5.2 Residential Marina 2 (RMAR2) Holding Zones

7.5.3 Residential Marina 3 (RMAR3) Holding Zones

7.5.3.1 RMAR3 (h1, h2) (OLT-23-000864) (former RMAR1.6 Zone)

- 1) Where the Residential Marina ~~3 4-6~~ (RMAR~~3 4-6~~) Zone is shown on Schedule A to the Zoning By-law with the suffix (h1), no Building or Structure or Use shall be permitted until such time as the suffix (h1) is removed by By-law. The maximum number of units permitted with the removal of the (h1) holding provision shall be 350. The removal of the (h1) symbol shall only occur when the following conditions are fulfilled:
 - a) an agreement has been entered into with the Corporation of the Village of Point Edward for the design and construction of the servicing works confirming that the sanitary and water servicing for the Development only utilizes the Village of Point Edward infrastructure and that the Development shall occur on municipal infrastructure which servicing shall be at the sole cost and expense of the developer unless otherwise agreed upon by the Village.
 - b) demonstrate the adequate provision of sanitary, sewer and water capacity in the Village of Point Edward for the proposed Development.
 - c) to ensure the orderly Development of lands including the adequate provision of emergency services, through an agreement to the satisfaction of the Village of Point Edward and the City of Sarnia to secure the construction, maintenance, access and repair of a second road access to the lands zoned RMAR~~3 4-6~~ (the "Second Road Access"), which may consist of shoulder improvements along the North side of Exmouth Street, to be completed prior to any Building Occupancy. The maximum number of units permitted with the removal of this holding provision shall be 350.
 - d) the RMAR~~3 4-6~~ lands are designated Class 4 by the Village of Point Edward, and the mitigation measures recommended by a qualified consultant are implemented by way of an agreement between the Village of Point Edward and the Owner, to the satisfaction of the Village of Point Edward in

consultation with the City of Sarnia. This provision applies only to those Sensitive Land Uses as defined in both the *Provincial Planning Statement, 2024* and the Ministry of Environment, Conservation and Parks D-6 Compatibility between Industrial Facilities Guidelines. Any peer review of the agreed upon noise consultant's report as required by the Village shall be paid for by the Owner.

- 2) Where the Residential Marina ~~3~~ 4-6 (RMAR~~3~~ 4-6) Zone is shown on Schedule A to the Zoning By-law with the suffix (h2), no Building or Structure or Use beyond 350 units shall be permitted until such time as the suffix (h2) is removed by By-law. The removal of the (h2) symbol shall only occur when the following conditions are fulfilled:
- a) The (h1) symbol has been removed;
 - b) an agreement has been entered into with the Corporation of the Village of Point Edward for the design and construction of the servicing works confirming that the sanitary and water servicing for the Development only utilizes the Village of Point Edward infrastructure and that the Development shall occur on municipal infrastructure which servicing shall be at the sole cost and expense of the developer unless otherwise agreed upon by the Village.
 - c) demonstrate the adequate provision of sanitary, sewer and water capacity in the Village of Point Edward for the proposed Development.
 - d) demonstrate the adequate provision of vehicular road infrastructure through a Traffic Impact Brief (TIB) that addresses access and road capacity requirements for Development beyond 350 residential units to the satisfaction of the Village of Point Edward and City of Sarnia. Any infrastructure improvements recommended in the TIB are to be implemented by an agreement between the City of Sarnia, the Village of Point Edward, and the Owner regarding the timing and costs of improvements.
 - e) the mitigation measures recommended by a qualified consultant are implemented by an agreement between the Village of Point Edward and the Owner, to the satisfaction of the Village of Point Edward, in consultation with the City of Sarnia. This provision applies only to those Sensitive Land Uses as defined in both the *Provincial Planning Statement, 2024* and the Ministry of Environment, Conservation and Parks D-6 Compatibility between Industrial Facilities Guidelines. Any peer review of the agreed upon noise consultant's report as required by the Village shall be paid for by the Owner.

7.5.4 Residential Marina 4 (RMAR4) Zone Exceptions

7.5.5 Residential Waterfront (RW) Holding Zones

7.5.6 Residential Commercial Waterfront (RCW) Holding Zones

7.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard for the Waterfront Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 7.2** and/or the regulations of **Table 7-3** shall apply.

7.6.1 Residential Marina 1 (RMAR1) Zone Exceptions

7.6.2 Residential Marina 2 (RMAR2) Zone Exceptions

7.6.3 Residential Marina 3 (RMAR3) Zone Exceptions

7.6.4 Residential Marina 4 (RMAR4) Zone Exceptions

7.6.5 Residential Waterfront (RW) Zone Exceptions

7.6.6 Residential Commercial Waterfront (RCW) Zone Exceptions

SECTION 8 – COMMERCIAL ZONES

8.1 LIST OF COMMERCIAL ZONES

For convenience, **Table 8-1** lists the Commercial Zones established in Section 3 of this By-law.

Table 8-1: List of Commercial Zones	
Zone Name	Zone Symbol
General Commercial	C1
Commercial 2	C2
Commercial 3	C3
Special Tourist Commercial	STC

8.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Commercial Zone except for one or more of the following Uses:

Table 8-2: Permitted Uses in Commercial Zones				
Permitted Uses	Zone			
	C1	C2	C3	STC
COMMERCIAL USES				
Art Gallery	√			
Animal Hospital			√	
Assembly Hall	√			
Auction Establishment			√	
Bake Shop	√			
Bakery	√			
Banquet Hall		√		
Brewing On-site Establishment	√			
Clinic	√		√	
Commercial Club	√			
Commercial Garage				√
Commercial Trade Centre			√	
Commercial Storage Facility			√	
Commercial Use	√			
Community Facility	√			√
Convenience Store	√			
Day Care Centre	√			√
Dry Cleaning Establishment	√			
<u>Farmer's Market</u>		√		
Financial Establishment	√			√
Flea Market		√		

Table 8-2: Permitted Uses in Commercial Zones				
Permitted Uses	Zone			
	C1	C2	C3	STC
Funeral Home	√			
Hotel	√	√		√
Institutional Use	√			
Light Industrial Use			√	
Merchandise Service Establishment			√	
Micro-Brewery			√	
<u>Mixed-Use Building</u> ⁽²⁾	√			
Motel	√	√		√
Motor Vehicle Repair Establishment ⁽³⁾				√
Motor Vehicle Service Establishment			√	√
Motor Vehicle Washing Establishment			√	
Office	√	√	√	
Parking Lot	√			√
Personal Service Establishment	√		√	√
Place Of Entertainment	√	√		√
Place Of Worship ⁽¹⁾	√			
Private Club	√	√		
Public Use	√			
Recreational Establishment	√	√	√	
Recreational Use	√			
Recreational Use, Passive	√			
Research And Development Facility ⁽⁴⁾			√	
Restaurant	√	√	√	√
Restaurant, Drive-through		√		√
Retail Store	√		√	√
Retail Warehouse			√	
Shopping Centre			√	
Tavern	√			√
Tourist Commercial Use		√		√
<u>Tourism Information Centre</u>				√
Transport Terminal			√	√
Utility Service Building				√
SPECIFIED ACCESSORY USES				
Subject to the provisions of Section 4.0				

Table 8-2: Permitted Uses in Commercial Zones				
Permitted Uses	Zone			
	C1	C2	C3	STC
<u>Accessory Dwelling Unit</u>		✓	✓	✓
Accessory Uses, Buildings, and Structures ⁽⁵⁾	✓	✓	✓	✓
Dwelling ⁽¹⁾	✓ ⁽⁶⁾			
Home Occupation	✓			
<u>Outdoor Patio Area</u>	✓	✓		✓
<u>Outdoor Storage</u>			✓	
<u>Shipping Container</u>			✓	
<u>Short-term Vacation Rental</u>	✓			

Notes:

1. This Use is permitted only if it is Existing as of the date of this By-law.
2. Dwelling Units must be located above or behind permitted ground-floor Commercial Use.
3. This Use excludes a body shop.
4. This includes Accessory Uses such as Offices, Laboratories, process Development Laboratories, warehousing, and shipping facilities.
5. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 4.1 of this By-law.
6. 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.

8.3 REGULATIONS

Table 8-3: Regulations in Commercial Zones				
Regulation	Zone			
	C1	C2	C3	STC
Minimum Lot Frontage	No minimum	20 m		30 m
Minimum Lot Area	No minimum	1,000 m ²		2,000 m ²
Minimum Front Yard	0 m	7.5 m	6 m	7.5 m
Maximum Front Yard	2 m	-		
Minimum Interior Side Yard	0 m ⁽¹⁾	3 m ⁽²⁾		3 m
Minimum Exterior Side Yard	-	7.5 m	6 m	7.5 m
Minimum Rear Yard	0 m ⁽¹⁾	7.5 m		
Maximum Lot Coverage	-	40%		-
Minimum Landscaped Open Space	-	10%		
Maximum Building Height	13 m	6 Storeys	3 Storeys	5 Storeys
Minimum Floor Area for a Dwelling Unit in a Mixed-Use Building	Per Table 6.3 of this By-law in accordance with RM1 regulations	-		
<u>Minimum Amenity Area</u>	<u>Per Section 4.3 of this By-law</u>	=		
<u>Buffer Requirement if Adjacent to Residential Zone</u>	<u>Per Section 4.28, a Planting Strip 3 m wide shall be provided and maintained adjacent to every portion of any Lot Line that abuts any Residential Zone not separated by a Street.</u>			
<u>Waste Storage Requirements</u>	<u>Waste storage areas shall be provided in accordance with Section 4.38 of this By-law.</u>			

Notes:

1. 3 m when abutting a Residential Zone.
2. 7.5 m when abutting a Residential Zone.

8.4 SPECIAL PROVISIONS

8.4.1 General Commercial (C1) Zone Special Provisions

8.4.2 Commercial 2 (C2) Zone Special Provisions

8.4.3 Commercial 3 (C3) Zone Special Provisions

8.4.4 Special Tourist Commercial (STC) Zone Special Provisions

8.5 HOLDING ZONES

8.5.1 General Commercial (C1) Holding Zones

8.5.2 Commercial 2 (C2) Holding Zones

8.5.2.1 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.

8.5.2.2 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.

8.5.3 Commercial 3 (C3) Holding Zones

8.5.4 Special Tourist Commercial (STC) Holding Zones

8.5.4.1 STC ~~C2.2~~(h1) (former C2.2(h1) Zone)

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

8.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard for the Commercial Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 8.2** and/or the regulations of **Table 8-3** shall apply.

8.6.1 General Commercial (C1) Zone Exceptions

8.6.1.1 C1-1 (Lands Northeast of Michigan Avenue and Arthur Street) (former C1.2 Zone)

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) Commercial Recreation
- c) A maximum of three (3) Dwelling Units)
- d) An additional two (2) Dwelling Units (total of 5) shall be permitted provided there are no other Permitted Uses on the site.

Regulations

Minimum Lot Area	845 m ²
Minimum Lot Frontage	25 m
Minimum Front Yard Depth	0.5 m
Minimum Interior Side Yard Depth	1.4 m
Minimum Exterior Side Yard Depth	10.5 m
Minimum Rear Yard Depth	1.4 m
Maximum Building Height	2 Storeys
Minimum number of Parking Spaces required	13 Parking Spaces
Minimum Aisle width	4.5 m

8.6.1.2 C1-2 (Lands Northeast of Michigan Avenue and Front Street) (former C1.3 Zone)

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) Pharmacy

Regulations

Minimum Lot Area	2000 m ²
Minimum Lot Frontage	40 m
Minimum Front Yard Depth	15 m
Minimum Interior Side Yard Depth	3 m

Minimum Exterior Side Yard Depth	4 m
Minimum Rear Yard Depth	9 m
Maximum Building Height	1 Storey
Loading Spaces	None required

8.6.1.3 C1-3 (Lands on the South Side of Alexandra Avenue) (former C1.4 Zone)

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) Tourism and Leisure Related Commercial Uses

Regulations

Maximum total gross Leasable Floor Area of all Commercial Uses excluding Hotels and Motels	2322 m ²
Minimum Lot Area	1000 m ²
Minimum Lot Frontage	70 m
Minimum Front Yard Depth	10.5 m
Minimum Interior Side Yard Depth	5 m ⁽¹⁾
Minimum Exterior Side Yard Depth	10.5 m
Minimum Rear Yard Depth	7 m ⁽¹⁾
Minimum Setback from lands zoned OS	7.5 m
Minimum Landscaped Open Space	10%
Maximum Lot Coverage	40%
Maximum Building Height	3 Storeys
Minimum Level of Building Opening	178.3 m (Canadian Geodetic Datum) for a minimum 2m around the external walls.

Notes:

- 1. 10.5 m when abutting a RM3 Zone

8.6.1.4 C1-4 (Lands South of Venetian Boulevard and east of River Front Street) (former C1.5 Zone)

Permitted Uses

- a) Any Use Permitted in the C1 Zone

Regulations

Maximum total gross Leasable Floor Area of all Commercial Uses excluding Hotels and Motels	7432 m ²
Minimum Lot Area	2000 m ²
Minimum Lot Frontage	12 m
Minimum Front Yard Depth	7.5 m
Minimum Interior Side Yard Depth	7.5 m ⁽¹⁾
Minimum Exterior Side Yard Depth	4 m
Minimum Rear Yard Depth	7.5 m
Maximum Building Height	5 Storeys
Maximum Lot Coverage	40%
Minimum Landscape Open Space	10%
Minimum Level of Building Opening	178.3 m (Canadian Geodetic Datum) for a minimum 2m around the external walls.

Notes:

1. 10.5 m when abutting RM4 Zone; 3 m when abutting OS Zone

8.6.1.5 C1-5 (Lands on Michigan Avenue, east of St. Clair Street and east of Arthur Street) (former C1.6 Zone)

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) Catering Establishment

Regulations

Minimum Lot Area	1000 m ²
Minimum Lot Frontage	20 m
Minimum Front Yard Depth	6 m
Minimum Interior Side Yard Depth	3 m ⁽¹⁾
Minimum Exterior Side Yard Depth	6 m
Minimum Rear Yard Depth	7.5 m
Maximum Building Height	2 Storeys
Maximum Lot Coverage	40%
Minimum Landscape Open Space	10%

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

Notes:

1. 6 m when abutting Residential Zone

8.6.1.6 C1-6 (Lands north of Michigan Avenue, East of Holders Lane and West of Monk Street) (former C1.7 Zone)

Permitted Uses

- a) Any Use Permitted in the C1 Zone
- b) Maximum of 4 Dwelling Units

8.6.2 Commercial 2 (C2) Zone Exceptions

8.6.2.1 C2-1 (Lands West of Mara Street, South of Lite Street) (former C2.1 Zone)

Permitted Uses

- a) Any Use Permitted in the C2 Zone
- b) Clinics, including "out-patient" cosmetic or plastic surgical treatment. Out-patient treatment shall not include any over-night accommodation of patients
- c) Existing research and testing Laboratory.

Regulations

Minimum Lot Area	10,000 m ²
Minimum Lot Frontage	75 m
Minimum Interior Side Yard Depth	3 m ⁽¹⁾
Minimum Exterior Side Yard Depth	9.1 m
Minimum Rear Yard Depth	7.6 m ⁽¹⁾
Maximum Building Height	4 Storeys
Maximum Lot Coverage	65%

Section 4.2 does not apply in cases where a Lot is affected by the M1-1 and C2-1 Zones.

Notes:

1. 0 m when abutting railway ROW or a MCI Zone.

8.6.3 Commercial 3 (C3) Zone Exceptions

8.6.4 Special Tourist Commercial (STC) Zone Exceptions

SECTION 9 – INDUSTRIAL ZONES

9.1 LIST OF INDUSTRIAL ZONES

For convenience, **Table 9-1** lists the Industrial Zones established in Section 3 of this By-law.

Table 9-1: List of Industrial Zones	
Zone Name	Zone Symbol
Mixed Commercial Industrial	MCI
Industrial 1	M1

9.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Industrial Zone except for one or more of the following Uses:

Table 9-2: Permitted Uses in Industrial Zones		
Permitted Uses	Zone	
	MCI	M1
INDUSTRIAL USES		
Auction Establishment	√	
Bakery		√
Clinic	√	
Commercial Storage Facility	√	√
Contractor's Yard		√
Commercial Trade Centre	√	
Dry Cleaning Establishment		√
Light Industrial Use	√	√
Merchandise Service Establishment		√
Motor Vehicle Detailing Business	√	
Motor Vehicle Repair Establishment		√
Motor Vehicle Sales Establishment		√
Office	√	√
Parking Area		√
Research and Development Establishment ⁽¹⁾	√	√
Service Industrial Use		√
Transportation Terminal	√	
Warehouse	√	√
Wholesale Establishment		√
SPECIFIED ACCESSORY USES		
Subject to the provisions of Section 4.0		
Accessory Uses, Buildings, and Structures ⁽²⁾	√	√
<u>Open Storage</u> ⁽³⁾	<u>√</u>	<u>√</u>

Table 9-2: Permitted Uses in Industrial Zones		
Permitted Uses	Zone	
	MCI	M1
<u>Shipping Container</u>	<u>✓</u>	<u>✓</u>

Notes:

1. This includes Accessory Uses such as Offices, Laboratories, process Development Laboratories, warehousing, and shipping facilities.
2. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 4.1 of this By-law.
3. Open Storage must be in accordance with Section 4.24 of this By-law. ~~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.~~

9.3 REGULATIONS

Table 9-3: Regulations in Industrial Zones		
Regulation	Zone	
	MCI	M1
Minimum Lot Frontage	75 m	20 m
Minimum Lot Area	20,000 m ²	1,400 m ²
Minimum Front Yard	7.5 m	
Minimum Interior Side Yard	3 m ⁽²⁾	3 m ^{(1) (2)}
Minimum Exterior Side Yard	9.1 m	7.5 m
Minimum Rear Yard	7.5 m ⁽²⁾	7.6 m ⁽²⁾
Maximum Lot Coverage	60%	
Minimum Landscaped Open Space	10%	
Maximum Building Height	4 Storeys	4 Storeys
<u>Buffer Requirement if Adjacent to Residential Zone</u>	<u>Per Section 4.28, a Planting Strip 3 m wide shall be provided and maintained adjacent to every portion of any Lot Line that abuts any Residential Zone not separated by a Street.</u>	
<u>Waste Storage Requirements</u>	<u>Waste storage areas shall be provided in accordance with Section 4.38 of this By-law.</u>	

Notes:

1. 7.5 m when abutting a Residential Zone.
2. 0 m when abutting a railway ROW or a C2-1 Zone.

9.4 SPECIAL PROVISIONS

9.4.1 Mixed Commercial Industrial (MCI) Zone Special Provisions

9.4.2 Industrial 1 (M1) Zone Special Provisions

9.5 HOLDING ZONES

9.5.1 Mixed Commercial Industrial (MCI) Holding Zones

9.5.2 Industrial 1 (M1) Holding Zones

9.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard for the Industrial Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 9.2** and/or the regulations of **Table 9-3** shall apply.

9.6.1 Mixed Commercial Industrial (MCI) Zone Exceptions

9.6.2 Industrial 1 (M1) Zone Exceptions

9.6.2.1 M1-1 (Lands east of Front Street Avenue and northwest of Kendall Street) (former M1.1 Zone)

Permitted Uses

- a) Any Use Permitted in the M1 Zone
- b) Recreation, Commercial

Regulations

Minimum Lot Area	1400 m ²
Minimum Lot Frontage	20 m
Minimum Front Yard Depth	7.5 m
Minimum Interior Side Yard Depth	7.5 m ⁽¹⁾
Minimum Exterior Side Yard Depth	7.5 m
Minimum Rear Yard Depth	7.6 m ⁽¹⁾
Maximum Building Height	4 Storeys
Minimum Landscaped Open Space	10%
Maximum Lot Coverage	60%

Notes:

- 1. 0 m when abutting a railway ROW.

SECTION 10 – INSTITUTIONAL ZONES

10.1 LIST OF INSTITUTIONAL ZONES

For convenience, **Table 10-1** lists the Institutional Zones established in Section 3 of this By-law.

Table 10-1: List of Institutional Zones	
Zone Name	Zone Symbol
Institutional 1	I1
Institutional 2	I2

10.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Institutional Zone except for one or more of the following Uses:

Table 10-2: Permitted Uses in Institutional Zones		
Permitted Uses	Zone	
	I1	I2
INSTITUTIONAL USES		
Assembly Hall	√	
Cemetery	√	
Day Care Centre	√	
Place Of Worship	√	
Community Facility	√	
Duty Free Shop		√
<u>Financial Institution</u>	√	√
Retirement Home	√	
Hospital	√	
Institutional Use	√	√
<u>Long-Term Care Facility</u>	√	
<u>Park, Public and Private</u>	√	√
<u>Office</u>	√	√
Public Use	√	
School	√	
SPECIFIED ACCESSORY USES		
Subject to the provisions of Section 4.0		
Accessory Uses, Buildings, and Structures ⁽¹⁾	√	√
Accessory Dwelling Unit ⁽²⁾	√	
<u>Ancillary Retail</u>	√	√

Notes:

1. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 4.1 of this By-law.
2. This Use shall only be permitted as an Accessory Use to a Place Of Worship.

10.3 REGULATIONS

Table 10-3: Regulations in Institutional Zones		
Regulation	Zone	
	I1	I2
Minimum Lot Frontage	18 m	
Minimum Lot Area	650 m ²	
Minimum Front Yard	7.5 m	2 m
Minimum Interior Side Yard	3 m ⁽¹⁾	3 m
Minimum Exterior Side Yard	-	
Minimum Rear Yard	7.5 m ⁽²⁾	7.6 m
Maximum Lot Coverage	30%	
Maximum Building Height	3 Storeys	1 Storey

Notes:

1. 7.5 m when abutting a Residential Zone.
2. 9.1 m when abutting a Residential Zone.

10.4 SPECIAL PROVISIONS

10.4.1 Institutional 1 (I1) Zone Special Provisions

10.4.2 Institutional 2 (I2) Zone Special Provisions

10.5 HOLDING ZONES

10.5.1 Institutional 1 (I1) Holding Zones

10.5.2 Institutional 2 (I2) Holding Zones

10.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard Institutional Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 10.2** and/or the regulations of **Table 10-3** shall apply.

10.6.1 Institutional 1 (I1) Zone Exceptions

10.6.2 Institutional 2 (I2) Zone Exceptions

SECTION 11 – ENVIRONMENTAL PROTECTION (EP) ZONES

11.1 LIST OF ENVIRONMENTAL PROTECTION ZONES

For convenience, **Table 11-1** lists the Environmental Protection Zones established in Section 3 of this By-law.

Table 11-1: List of Environmental Protection Zones	
Zone Name	Zone Symbol
Environmental Protection	EP

11.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Environmental Protection Zone except for one or more of the following Uses:

Table 11-2: Permitted Uses in Environmental Protection Zones	
Permitted Uses	Zone
	EP
ENVIRONMENTAL PROTECTION USES	
<u>Conservation</u>	✓
<u>Forestry</u>	✓
Marina	✓
Marine Facility	✓
Park, Public	✓
<u>Recreational Use, Passive</u>	✓
SPECIFIED ACCESSORY USES	
Subject to the provisions of Section 4.0	
Accessory Uses, Buildings, and Structures ⁽¹⁾	✓

Notes:

1. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 4.1 of this By-law.

11.3 REGULATIONS

Table 11-3: Regulations in Environmental Protection Zones	
Regulation	Zone
	EP
Minimum Level of Building Opening	178.3 (Canadian Geodetic Datum)

11.4 SPECIAL PROVISIONS

11.4.1 Environmental Protection (EP) Zone Special Provisions

11.4.1.1 Prohibited Uses

Notwithstanding Section 11.2, the following Uses are prohibited in the EP Zone:

- a) The placing or removal of fill;
- 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.

11.5 HOLDING ZONES

11.5.1 Environmental Protection (EP) Holding Zones

11.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard for the Environmental Protection Zone. If a regulation or Use is not specified, the list of Permitted Uses in **Section 11.2** and/or the regulations of **Table 11-3** shall apply.

11.6.1 Environmental Protection (EP) Zone Exceptions

11.6.1.1 EP-1 (Lands Southwest of Exmouth Street) (former EP1-1 Zone)

Notwithstanding Sections 11.2 and 11.4.1.1 of this By-law, the area shown as **EP-1** on the Bylaw Schedules may be used for the stockpiling and storage of sand.

SECTION 12 – OPEN SPACE ZONES

12.1 LIST OF OPEN SPACE ZONES

For convenience, **Table 12-1** lists the Open Space Zones established in Section 3 of this By-law.

Table 12-1: List of Open Space Zones	
Zone Name	Zone Symbol
Open Space 1	OS1
Open Space 2	OS2
Open Space 3	OS3

12.2 PERMITTED USES

No land, Building, or Structure shall be used or Erected in any Open Space Zone except for one or more of the following Uses:

Table 12-2: Permitted Uses in Open Space Zones			
Permitted Uses	Zone		
	OS1	OS2	OS3
OPEN SPACE USES			
Boating Clubs		√	
<u>Campground</u>	√		
Conservation	√		
Golf Course	√		
Marina		√	
Marine Facilities		√	√
Park, Private		√	
Park, Public	√		
<u>Recreational Use</u>	√		
<u>Recreational Use, Passive</u>	√		
Restaurant			√
The Existing Point Edward Boy Scouts and Cubs Hall on Lot 40, Registered Plan 4	√		
SPECIFIED ACCESSORY USES Subject to the provisions of Section 4.0			
Accessory Dwelling Unit		√	
Accessory Uses, Buildings, and Structures ⁽¹⁾	√	√	√
<u>Ancillary Retail</u>	√	√	√
Open Storage of Boats and Boat Accessories ⁽²⁾		√	
<u>Parking Lot</u>	√	√	√

Notes:

1. Accessory Uses, Buildings, and Structures shall be subject to the regulations of Section 4.1 of this By-law.
2. Open Storage must be in accordance with Section 4.24 of this By-law.

12.3 REGULATIONS

Table 12-3: Regulations in Open Space Zones			
Regulation	Zone		
	OS1	OS2	OS3
Minimum Lot Frontage	No minimum		-
Minimum Lot Area	No minimum		-
Minimum Front Yard	7.5 m	-	
Minimum Interior Side Yard	7.5 m	-	
Minimum Exterior Side Yard	-		
Minimum Setback from Shoreline For Marinas and Marine Facilities	-	0 m	-
Minimum Rear Yard	9 m	-	
Maximum Lot Coverage	20%	30%	-
Minimum Landscaped Open Space	-	20%	-
Maximum Building Height	3 Storeys		12.2 m
Minimum Dwelling Unit Area	-	Per Table 6-3 of this By-law in accordance with RM1 regulations	-
Maximum Gross Leasable Floor Area for a Boating Club	-	1395 m ²	-
Maximum Gross Floor Area	-		3500 m ²
Maximum Floor Area for Seating Area Within a Restaurant	-		28 m ²
Minimum Level of Building Opening	-		178.3 m (Canadian Geodetic Datum) a minimum 2 m around the external walls

12.4 SPECIAL PROVISIONS

12.4.1 Open Space 1 (OS1) Zone Special Provisions

12.4.2 Open Space 2 (OS2) Zone Special Provisions

12.4.3 Open Space 3 (OS3) Zone Special Provisions

Notwithstanding any provisions of this By-law to the contrary, no Person shall within any "Open Space 3 (OS3)" 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`; and,
- e) that Open Storage may only be permitted within the area designated "Open Storage" on Schedule `C`;
- f) 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;
- g) 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.
 - ii) The Use of the land for the operation of sand blasting is prohibited.

12.5 HOLDING ZONES

12.5.1 Open Space 1 (OS1) Holding Zones

12.5.2 Open Space 2 (OS2) Holding Zones

12.5.3 Open Space 3 (OS3) Holding Zones

12.6 ZONE EXCEPTIONS

The following Zones apply to unique or Existing situations and are not the standard for the Open Space Zones. If a regulation or Use is not specified, the list of Permitted Uses in **Section 12.2** and/or the regulations of **Table 12-3** shall apply.

12.6.1 Open Space 1 (OS1) Zone Exceptions

12.6.2 Open Space 2 (OS2) Zone Exceptions

12.6.2.1 OS2-1 (Bridgewater Marine Services) (former OS2A Zone)

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 4.24 with the exception that outdoor storage is permitted in a Front Yard at a minimum Setback distance of 4.6 m from any commercial or residential Zone.
- b) Buildings used in association with sand blasting and boat hull scraping activities.

Regulations

Minimum Setback of outdoor storage from any commercial or residential Zone	4.6 m
The Use of the land for sand blasting and boat hull scraping activities is prohibited unless:	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.
Minimum Front Yard Depth	The greater of 7.5 m or 50% the Building Height
Minimum Interior Side Yard Depth	The greater of 7.5 m or 50% the Building Height
Minimum Exterior Side Yard Depth	The greater of 7.5 m or 50% the Building Height
Minimum Rear Yard Depth	The greater of 7.5 m or 50% the Building Height
Maximum Height of the Building	16 m
Maximum Lot Coverage	15%

12.6.3 Open Space 3 (OS3) Zone Exceptions