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Mar. 31/16

5.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

5.1.1 ACCESSORY USES BUILDINGS AND STRUCTURES PERMITTED

Where this Zoning By-Law provides that a *lot* may be used or a *building* or *structure* may be *erected* or used for a particular purpose, that purpose shall include any *accessory building* or *structure* or *accessory use* provided that:

(Amended by By-Law 1576-2009)

- 5.1.1.1 it is not to be used for any occupation for gain or profit, except as *permitted* in this Zoning By-Law.
- 5.1.1.2 it is not to be used for human habitation except as *permitted* in this Zoning By-Law; and
- 5.1.1.3 it complies with the provisions set out in Table 5.1.1.3 below, except where it is specifically regulated in the by-law:

TABLE 5.1.1.3 – REGULATIONS FOR ACCESSORY USES		
Provision	Residential Zones	All Other Zones
<i>Permitted Location</i>	Any <i>yard</i> other than a required <i>front yard</i> or <i>exterior side yard</i>	To the rear of the required <i>Front yard</i> , in accordance with the <i>yard</i> and <i>setback</i> provisions of the zone in which such <i>building</i> or <i>structure</i> is located.
Minimum Distance from Main <i>Buildings</i>	1.0 m (3.3 ft)	2.0 m (6.6 ft)
Maximum <i>Height</i>	4.0 m (13.1 ft)	5.0 m (16.4 ft)
<i>Interior side yard Setback</i>	1.2 m (3.9 ft)	See appropriate Zone
<i>Rear yard Setback</i>	1.2 m (3.9 ft)	See appropriate Zone
Lot Coverage Coverage	10% of <i>lot area</i> , or 100 m² (1076.4 ft ²) of <i>ground floor area</i> , whichever is the lesser	where a <i>building</i> or <i>structure</i> is accessory to a residential <i>use</i> , with the exception of A2 <i>lots</i> and A1 <i>lots</i> over 4.0 ha (9.9 ac), 10% of <i>lot area</i> , or 100 m² (1076.4 ft ²) of <i>ground floor area</i> , whichever is the lesser; or, where a <i>lot</i> is zoned Limited Agricultural (A1) and has an area of less than 4.0 ha (9.9 ac), 225 m² (2,422 ft ²) of <i>ground floor area</i>

(Amended by By-Law 1509-2006)

(Amended by By-Law 1576-2009)

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5.1.1.3.1 Notwithstanding any provision of Table 5.1.1.3 to the contrary, the following provisions shall also apply:

- i) on a residentially zoned *lot*, one *accessory building*, not exceeding **10 m²** (107.6 ft²) in *gross floor area* may be excluded from the calculation of total *lot coverage*;

(Added by By-Law 1576-2009)

5.1.2 EXCEPTIONS

The following *accessory uses* are not subject to the provisions of Table 5.1.1.3: awnings, clothes poles, flag poles, garden trellises, property boundary fences, retaining walls, or similar *accessory uses*;

5.1.3 SWIMMING POOLS

The area of an unenclosed swimming pool shall not be calculated in determining total *lot coverage*.

(Amended by By-Law 1576-2009)

5.2 CONSTRUCTION USES PERMITTED

5.2.1 Any part of a *lot* may be used for temporary *buildings* or *structures* such as a tool shed, construction *trailer*, development sales office, scaffold, or sign in compliance with the Township's Sign Control By-Law, associated with construction work occurring on such *lot* provided that:

(Amended by By-Law 1576-2009)

5.2.1.1 the *building* or *structure* is only located on the *lot* for the duration of the construction work or as long as a valid building permit for such construction is in effect or for a period of (1) year whichever is the lesser;

5.2.1.2 the *building* or *structure* is located outside of any sight triangle; and

5.2.1.3 the *building* or *structure* is not used for human habitation.

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5.3 CONTROL OF ANIMALS, BIRDS AND REPTILES

Where an Animal Control By-law has been passed by the *Corporation*, the prohibition or regulation of the keeping of animals, birds or reptiles within any Zone shall be controlled by such By-law, with the exception of any Agricultural Zone defined by this Zoning By-Law.

(Amended by By-Law 1576-2009)

5.4 CONVERTED DWELLINGS

5.4.1 IDENTIFICATION OF THE ZONE

A *converted dwelling* is permitted subject to a zoning by-law amendment and will be identified by adding the -C suffix to the parent Zone.

(Amended by By-Law 1576-2009)

5.4.2 MINIMUM LOT AREA

Where *sanitary sewers* are not available **0.4 ha** (1 ac)

Where served by both *sanitary sewers* and public *supply supply* **600 m²** (6,458.5 ft²)

5.4.3 MINIMUM LOT FRONTAGE **35 m**

5.4.4 MINIMUM DWELLING SIZE

Conversion of an *existing single detached dwelling* to two *dwelling units* will only be permitted where the *existing dwelling* has a minimum *gross floor area* of **148 m²** (1593.1 ft²).

5.4.5 ZONE REQUIREMENTS

The *converted dwelling* shall comply with all other residential use zone provisions of the zone in which such *converted dwelling* is located.

(Amended by By-Law 1576-2009)

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5.4.6 LOCATION

For *converted dwellings* located outside of a settlements defined in Section 2.7.2.1, an *existing single detached dwelling* shall be required to satisfy the minimum distance separation requirements, as determined through the application of the *Minimum Distance Separation Formula I (MDS I)*, in accordance with Section 2.7, prior to permitting the conversion to two *dwelling units*.

(Amended by By-Law 1576-2009)

Dwellings located within a settlement defined on Schedule “A”, Key Maps 8 (Washington); 26 (Wolverton); 52 (Eastwood); 57 (Gobles); and 64 (Canning) shall be required to satisfy the MDS I **or** not further reduce an *existing* insufficient *setback* relative to the MDS I, whichever is the lesser.

5.4.7 ALTERATIONS TO DWELLING

Alterations to the *dwelling* shall not have the effect of increasing the *gross floor area* of the *dwelling* more than 1.25 times the size of the *existing dwelling* in order to allow the conversion to two *dwelling units*.

(Amended by By-Law 1576-2009)

5.5 DWELLING UNITS BELOW GRADE

No *dwelling unit* shall in its entirety, be located in a *cellar*. However, a *dwelling unit*, in its entirety, may be located in a *basement* provided the finished floor level of such *basement* is not below the level of any sanitary or storm sewer serving the *building* or *structure* in which such *basement* is located and provided further, that the floor level of such *basement* is not more than **1 m** (3.3 ft) below the adjacent *finished grade*.

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5.6 EXISTING VACANT LOTS HAVING LESS AREA, LOT DEPTH, AND/OR FRONTAGE

5.6.1 Where a *lot* having a *lot area*, *lot depth*, and/or *lot frontage* of not more than 20% less than that required in this by-law is held under distinct and separate ownership from abutting *lots* as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this Zoning By-Law, or where such a *lot* is created as a result of an expropriation, such smaller *lot* may be used and a *building* or *structure* may be *erected*, *altered* or used on such smaller *lot*, provided that all other requirements of this Zoning By-Law are complied with.

5.6.2 EXISTING LOTS IN AN A2 ZONE

Notwithstanding any other provisions of this Zoning By-Law to the contrary, in an A2 Zone, where a *lot* having a *lot area* of at least **16 ha** (39.5 ac) is held under distinct and separate ownership from abutting *lots* as shown by a registered conveyance in the records of the Registry Office on the date of passing of this Zoning By-Law or such *lot* is created through a *boundary adjustment*, such smaller *lot* may be used and a *building* or *structure* may be *erected*, *altered* or used on such smaller *lot*, provided that all other requirements of this Zoning By-Law are complied with.

(Amended by By-Law 1576-2009)

5.6.3 EXISTING LOTS IN A REGISTERED PLAN OF SUBDIVISION (M-PLAN)

Notwithstanding any other provisions of this Zoning By-Law to the contrary, where a *lot* is zoned RE, RR, R1 or R2, and contained within Registered Plan 41M-132, or such *lot* was created by the Oxford County Land Division Committee, Oxford County *Council* through Part Lot Control or a decision of the Ontario Municipal Board, and where such *lot* has lesser *lot area*, *lot frontage* and/or *lot depth* than required by this Zoning By-Law, such *lot* may be used and a *building* or *structure* may be *erected*, *altered* or used on such *lot*, provided that all other requirements of this Zoning By-Law are complied with.

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5.7 NON-CONFORMING AND/OR NON-COMPLYING USES, SITES AND BUILDINGS

5.7.1 CONTINUATION OF EXISTING USES

The provisions of this by-law shall not prevent the use of any *lot, building or structure* for any purpose prohibited by this Zoning By-Law if such *lot, building or structure* was lawfully used for such purpose on the date of passing of this Zoning By-Law, and provided that it continues to be used for that purpose.

For the purpose of this Zoning By-Law, a barn used for housing livestock shall be deemed to comply with this provision, provided that it continues to be used to house the same type of livestock as it did on the date of passing of the By-law.

5.7.2 NON COMPLYING BUILDING LOCATION

Notwithstanding any provisions of this Zoning By-Law to the contrary, any *building or structure*, which lawfully existed at the date of passing of this Zoning By-Law, shall be deemed to comply with the relevant provisions of this Zoning By-Law pertaining to *setbacks* from a *street line, yards* and *lot coverage*, provided that no portion of any such *building or structure* encroaches on any abutting road allowance or *lot*. Extensions or additions to any such *building or structure* shall still be subject to the provisions of Section 5.7.6.

(Added by By-Law 1576-2009)

5.7.3 BUILDING PERMIT ISSUED

The provisions of this by-law shall not apply to prevent the *erection or use* for a purpose prohibited by this Zoning By-Law of any *building or structure*, the plans for which have been approved, prior to the date of passing of this Zoning By-Law by the *Chief Building Official*, so long as the *building or structure* when *erected* is used and continues to be used for the purpose for which it was *erected* and provided the erection of such *building or structure* is commenced within 6 months after the date of passing of this Zoning By-Law.

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5.7.4 STRENGTHENING OF NON-CONFORMING AND/OR NON-COMPLYING BUILDINGS

Nothing in this by-law shall prevent the strengthening to a safe condition any *building* or *structure* or part of any *non-conforming* and/or *non-complying building* or *structure* provided that the alteration or repair does not increase the *height*, size or volume, or *ground floor area* of the *building* or *structure* or change the *use* of the *building* or *structure*.

For the purposes of this Zoning By-Law, a barn used for housing livestock shall be deemed to comply with these provisions, provided that it continues to be used to house the same type of livestock as it did on the date of passing of this Zoning By-Law.

(Amended by By-Law 1563-2008)

5.7.5 REPLACEMENT OF NON-CONFORMING AND/OR NON-COMPLYING BUILDINGS

Where a *non-conforming* and/or *non-complying building* or *structure* is damaged or demolished due to an accidental cause, or is in poor state of repair, nothing in this by-law shall prevent the replacement of the *non-conforming* or *non-complying building* or *structure* provided that:

5.7.5.1 the *building* or *structure* is occupied by the same *use* or by a *permitted use*;

5.7.5.2 the *building* or *structure* is of the same or lesser *height* and located on or within the limits of the foundation walls of the *building* or *structure* as they existed prior to such destruction or, in the case of a *deck*, porch or stoop, the replacement of such *structure* is not greater than what existed prior to such destruction;

(Amended by By-Law 1576-2009)

5.7.5.3 the *height* and *gross floor area* of such replacement does not exceed the *height* and *gross floor area* of the *building* as it existed prior to such destruction;

5.7.5.4 the *building* or *structure* does not encroach on a *municipal road* allowance;

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5.7.5.5 the *building* or *structure* is replaced and reoccupied within one year of such destruction; and

5.7.5.6 the *building* or *structure* does not further reduce an *existing* deficient MDS II *setback*.

(Added by By-Law 1563-2008)

5.7.6 EXTENSIONS TO NON-CONFORMING AND/OR NON-COMPLYING BUILDINGS

Nothing in this Zoning By-Law shall prevent an extension or an addition being made to a *non-conforming* and/or *non-complying use, building* or *structure* provided that:

5.7.6.1 the *use, building* or *structure* existed at the date of passing of this Zoning By-Law but does not comply with one or more of the zone provisions of this Zoning By-Law; and

5.7.6.2 that such extension or addition does not contravene any of the zone provisions of this Zoning By-Law.

(Amended by By-Law 1576-2009)

5.7.7 MODIFICATION OR ADDITIONS TO NON-CONFORMING AND/OR NON-COMPLYING LIVESTOCK FACILITIES

Nothing in this by-law shall prevent a modification, extension or addition being made to a *non-conforming* and/or *non-complying building or structure* used for the housing of livestock, provided that:

5.7.7.1 the use use, *building* or *structure* existed at the date of passing of this Zoning By-Law but does not comply with one or more of the zone provisions of this Zoning By-Law; and

5.7.7.2 that such modification, extension or addition does not contravene any of the zone provisions of this Zoning By-Law;

(Amended by By-Law 1563-2008)

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- 5.7.7.3 Notwithstanding the provisions of Section 5.7.7.2, where an *existing* barn used for the housing of livestock does not comply with the required MDS II *setbacks*, as calculated in accordance with Section 2.7, modification, extension or addition that results in a change of *use*, may be *permitted* provided that:
- (a) the proposed modification, extension or addition results in a decrease of the *existing* livestock type or change in livestock type that decreases the number of nutrient units; and,
 - (b) the MDS II *setbacks* required for the modified or enlarged *building* are less than, or equal to, the MDS II *setbacks* required for the *existing* livestock facility; and,
 - (c) the *existing* insufficient MDS II *setbacks* for the *existing* livestock *building* from neighbouring *uses* and *lot lines* are not being further reduced.

(Amended by By-Law 1563-2008)

5.7.8 NON-COMPLIANCE DUE TO PUBLIC ACQUISITION

Where the area of a *lot* is reduced as a result of the public acquisition of a part of a *lot* and where this acquisition causes any *building* or *structure existing* on the *lot* to become *non-complying* relative to the zone provisions, then nothing in this by-law shall prevent the continued *use* of the *building* or *structure* provided that no subsequent change is made to the *lot* which would increase the extent of the *non-compliance*.

(Amended by By-Law 1576-2009)

Where a vacant *lot* is reduced as a result of the public acquisition of part of the *lot* such that the zone provisions relating to *lot frontage*, *lot depth*, and/or *lot area* become *non-conforming*, then nothing in this by-law shall prevent the *erection* of a *building* provided that all other zone provisions are complied with.

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5.7.9 EXISTING AGRICULTURAL USES

Notwithstanding any other provisions of this Zoning By-Law to the contrary, where an *existing lot* in an A2 Zone is developed for a *farm*, but not an *regulated farm*, and contains *existing farm buildings and structures*, additional *farm buildings and structures*, excluding a *dwelling*, may be *erected*, or *existing farm buildings and structures* may be *altered* in accordance with the following minimum requirements and all other provisions of the A2 zone:

5.7.9.1 LOT AREA

Minimum **4 ha** (9.9 ac)

5.7.9.2 LOT FRONTAGE

Minimum **60 m** (196.9 ft)

(Amended by By-Law 1509-2006)

5.8 FLOOD PLAIN AND FILL REGULATED AREA

5.8.1 EXTENT OF THE FLOOD PLAIN AND FILL REGULATED AREA

The Flood Plain and Fill Regulated Area applies to lands within the Regulatory Flood Plain and Fill Regulated Area established by the Conservation Authorities with jurisdiction in Blandford-Blenheim Township. Where flood lines have not been established by a Conservation Authority, proponents may be required to complete such mapping to the satisfaction of the Conservation Authority, prior to development. The *Chief Building Official* shall notify the Conservation Authority of development plans within the Regulated Area in order to determine whether such flood plain mapping is required or to obtain written confirmation from the Conservation Authority that the proposed development complies with all applicable regulations.

In accordance with the County of Oxford Official Plan, until the Significant Valleylands have been defined through study, they will be defined as the lands associated with the Flood Plain and Fill Regulated Area within the jurisdiction of the Grand River Conservation Authority or erosion hazard areas established by the Upper Thames River Conservation Authority.

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(Amended by By-Law 1576-2009)

5.8.2 IDENTIFICATION OF THE FLOOD PLAIN AND FILL REGULATED AREA

The Regulatory Flood Line is shown by a dotted line indicating the area subject to flood regulations on Schedule “A” of this Zoning By-Law. A dashed triangle on Schedule “A” of this Zoning By-Law shows the limits of the Fill Regulated Area.

5.8.3 PERMITTED USES WITHIN FLOOD PLAIN, FILL REGULATED AREAS AND SIGNIFICANT VALLEYLANDS

5.8.3.1 FLOOD PLAIN

Only the following *uses* are *permitted* within the area of the Regulatory Flood Line, provided that they are also *permitted* in the underlying zone:

flood control works;
a *park*;
a public use in accordance with the provisions of Section 5.20 of this Zoning By-Law;
a *farm*;
a *gravel pit*;
a *stone quarry*;
topsoil or peat extraction;
a *conservation project*;

except that no *buildings* or *structures* shall be *permitted* unless *accessory* to a flood control works or a *conservation project*. All other *uses* not explicitly listed above, shall be prohibited within the Regulatory Flood Line.

5.8.3.2 FILL REGULATED AREA

All *uses* of the underlying zone are *permitted* within the Fill Regulated Area, except that no *buildings*, *structures* or site alterations are *permitted* without a permit from the Conservation Authority with jurisdiction.

(Amended by By-Law 1576-2009)

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5.8.3.3 SIGNIFICANT VALLEYLANDS

All *uses* of the underlying zone are *permitted* within and adjacent to Significant Valleylands subject to the provisions of an Environmental Impact Study required by the Environmental Impact Study policies of the County of Oxford Official Plan. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under the Environmental Impact Study policies of the County of Oxford Official Plan.

5.8.4 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within the Flood Plain and Fill Regulated Area, unless new provisions are recommended by an Environmental Impact Study. Where new provisions are recommended by an Environmental Impact Study, a zoning by-law amendment shall be required to incorporate such provisions into this Zoning By-Law.

(Amended by By-Law 1576-2009)

5.9 GARDEN SUITES

5.9.1 ZONING AMENDMENT REQUIRED

Prior to placing a *garden suite* on a *lot*, an amendment to this Zoning By-Law under Section 39 of the Planning Act, as amended, will be required. The by-law will prescribe the period of time, up to ten years, authorizing the temporary *use* of the *garden suite*.

5.9.2 GARDEN SUITE OCCUPANCY

The *garden suite* shall only be occupied by:

- the retired parents or grandparents of a *lot* owner or the *lot* owner's spouse;
or
- the retiring *lot* owner provided that the main *dwelling* is occupied by the son, daughter or grandchild of the retiring *lot* owner.

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5.9.3 LOCATION OF GARDEN SUITE

For *garden suites* located outside of a settlement as defined in Section 2.7.2.1, the *dwelling* shall be required to satisfy the minimum distance separation requirements, as determined through the application of the *Minimum Distance Separation Formula I (MDS I)*, in accordance with Section 2.7.

Garden suites located within a settlement defined on Schedule “A”, Key Maps 8 (Washington); 26 (Wolverton); 52 (Eastwood); 57 (Gobles); and 64 (Canning) shall be required to satisfy the MDS I **or** not further reduce an *existing* insufficient *setback* relative to the MDS I, whichever is the lesser.

5.9.4 ZONE REQUIREMENTS

The *garden suite* shall be prohibited in the *front yard* of the main *dwelling* on the *lot* and shall comply with the zone requirements of the zone in which such *garden suite* is located.

5.9.5 HEIGHT AND GROUND FLOOR AREA REQUIREMENTS

Notwithstanding the requirements of Section 5.9.4, the *garden suite* shall not exceed one *storey* in *height* and shall have a minimum *ground floor area* of **55 m²** (592 ft²) and a maximum *ground floor area* of **93 m²** (1001 ft²).

5.10 GREATER RESTRICTIONS

This By-Law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

5.11 GROUNDWATER RECHARGE AREAS

5.11.1 DEFINITION OF THE GROUNDWATER RECHARGE AREA

The Groundwater Recharge Area includes the area shown on Schedule "D" of this Zoning By-Law.

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5.11.2 PERMITTED USES

All *uses existing* at the date of passing of this Zoning By-Law shall be *permitted uses* within the Groundwater Recharge Area. All *uses permitted* within the underlying zone shall be *permitted* within the Groundwater Recharge Area, with the exception of those listed in Section 5.11.3 of this Zoning By-Law.

5.11.3 RESTRICTED USES

Where the following *uses* are *permitted* in an underlying zone, a Disclosure Report and/or a Contingency Plan must be prepared in accordance with the Water Quality and Quantity policies of the County of Oxford Official Plan, as amended, prior to the issuance of a building permit:

a *landfill site*;
a lagoon or other putrescible waste disposal facility;
an *asphalt or concrete batching plant*;
an industrial or commercial *use* involving the storage or processing of chemical and/or petroleum products, except a *farm* or a *regulated farm*;
a *public garage*;
an *automobile service station*;
a vehicle maintenance yard;
a *fuel storage tank* or supply yard;
a *salvage yard*.

(Amended by By-Law 1563-2008)

(Amended by By-Law 1576-2009)

5.11.4 SITE PLAN CONTROL

Prior to the issuance of a building permit for any of the *uses* listed in Section 5.11.3 of this Zoning By-Law, the *Council* of the Township of Blandford-Blenheim shall pass a Site Plan Control By-Law applying to the site and require the proponent to enter into a Site Plan Control Agreement.

5.11.5 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within the Groundwater Recharge Area.

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5.12 GROUP HOMES

5.12.1 WHERE PERMITTED

Group homes may be *permitted* in the following Zones, subject to a Zoning By-law amendment:

- a) Limited Agricultural Zone (A1) and the General Agricultural Zone (A2); and
- b) Residential Type 1 (R1), Central Commercial (CC) and Institutional (I) Zones, where the *lot* is served by *sanitary sewer* and *public water supply*.

5.12.2 LOCATION OF GROUP HOME

Group homes hereafter *erected* outside of a designated settlement as defined in Section 2.7.2.1, shall meet the minimum distance separation requirements as determined through the application of the *Minimum Distance Separation Formula I (MDS I)*, in accordance with Section 2.7 of this Zoning By-Law.

5.12.3 ZONE REQUIREMENTS

A *group home* shall comply with the zone provisions for *dwelling permitted* in the zone in which such *use* is located.

5.13 HOME OCCUPATION

5.13.1 WHERE PERMITTED

A *home occupation* is *permitted*, subject to complying with all appropriate zoning provisions, in all zones permitting a residential *dwelling unit* and shall be *permitted* within the residential *dwelling unit* and/or an *accessory building*.

5.13.2 FLOOR AREA LIMIT

Not more than the cumulative total of **25 m²** (269.1 ft²) of *gross floor area* of the residential *dwelling unit* and/or *accessory building* shall be used for the purposes of the *home occupation use*.

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5.13.3 STORAGE, DISPLAY AND SIGNAGE

There shall be no external storage of goods or materials and no external display or advertising other than one sign with an area of not more than **1 m²** (10.8 ft²).

5.13.4 EMPLOYEES

A maximum of one *person*, other than a *person* residing on the *lot* containing the *home occupation*, may be employed by the *home occupation*.

(Amended by By-Law 1576-2009)

5.13.5 RETAIL SALES

Retail sale of items shall be prohibited, except for items made in the *home occupation* or items which are accessory and pertain directly to the *home occupation*.

(Amended by By-Law 1576-2009)

5.13.6 REPAIR USES

Repair of goods shall be prohibited, except for repair of household appliances and electronic equipment.

(Amended by By-Law 1576-2009)

5.13.7 BED AND BREAKFAST ESTABLISHMENT

A *bed and breakfast establishment* shall be considered a *home occupation* where located in a *single detached dwelling* house. Notwithstanding the *gross floor area* limit for a *home occupation* in subsection 5.13.2, a *bed and breakfast establishment* shall be limited to three *guest rooms*.

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5.13.8 HOME DAYCARE

A home daycare, located in a *single detached dwelling*, a *semi-detached dwelling*, a *duplex dwelling* or a *converted dwelling* with accommodation for up to and including 5 children, shall be considered a *home occupation*. The *gross floor area* limit for a *home occupation* in subsection 5.13.2 shall not apply to a home daycare.

5.13.9 ZONE REQUIREMENTS

The *home occupation* shall comply with all other zone requirements of the zone in which such *home occupation* is located.

5.14 LOADING PROVISIONS

5.14.1 LOADING SPACES REQUIRED

The owner or occupant of any *lot*, *building* or *structure* in a Commercial, Institutional, Industrial, Village, Agri-Business or Recreational Zone, *erected* or used for any purpose involving the receiving, shipping, loading or unloading of *persons*, animal goods, wares and merchandise and raw materials shall provide and maintain at the premises, on the *lot* occupied by the *building* or *structure* and not forming part of a *street* or *lane*, within the zone in which such *use* is located, loading or unloading facilities in accordance with the rates set out in Table 5.14.1.

TABLE 5.14.1 - LOADING SPACE REQUIREMENTS		
Zone	Gross Floor Area m ² (ft ²)	Number of Loading Spaces Required
Commercial,	350-2,000 m² (3,767.5-21,528.5 ft ²)	1
Institutional, Industrial,	2,001-6,500 m² (21,539.3-69,967.7 ft ²)	2
Village, Agri-Business	6,501-12,000 m² (69,978.5-129,171.2 ft ²)	3
or Recreational	greater than 12,000 m² (129,171.2 ft ²)	4

Notwithstanding the Loading Space Requirements as set out in Table 5.14.1, a principal *building* used for commercial, industrial or institutional purposes in any zone listed in Table 5.14.1 must provide at minimum of one loading space.

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5.14.2 STANDARDS FOR LOADING SPACES

All loading spaces must be rectangular and comply with the provisions of Table 5.14.2 below:

TABLE 5.14.2 - LOADING SPACE STANDARDS	
Design Provision	Minimum Standard
Length	9.0 m (29.5 ft)
Width	3.5 m (11.5 ft)
Vertical Clearance	4.0 m (13.1 ft)
Location	1.5 m (4.9 ft) from interior side <i>lot</i> and rear <i>lot lines</i> and a minimum distance of 10 m (32.9 ft) from the <i>street line</i>
Access Driveway Width	6.0 m (19.7 ft)

5.14.3 LOADING SPACE CALCULATION

The *gross floor area* shall be used for the purposes of calculating the requirement to provide loading spaces.

5.14.4 LOADING SPACE SURFACE

The *driveways*, and loading spaces shall be constructed of asphalt, concrete, portland cement binder, recycled asphalt, or a stable surface of material such as crushed stone or gravel which is maintained or treated so as to prevent the raising of dust or loose particles.

(Amended by By-Law 1576-2009)

5.14.5 ADDITIONS TO BUILDING

The loading space requirements referred to herein shall not apply to any *building* in existence at the date of passing of this Zoning By-Law so long as the *gross floor area* as it existed at such date is not increased. If an addition is made to the *building* or *structure* which increases the *gross floor area*, then additional loading spaces shall be provided as required by subsection 5.14.1 of the By-law for such addition.

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5.15 MUNICIPAL DRAINS

No *buildings* or *structures* shall be *erected* within **20 m** (65.6 ft) from the top-of-bank of any open *municipal drain* within the limits of the *Corporation*. In addition to the foregoing, no *person* shall *use* any *lot* or *erect*, *alter* or *use* any *building* or *structure* within **3 m** (9.8 ft) of an enclosed *municipal drain*.

(Amended by By-Law 1509-2006)

5.16 ON-FARM DIVERSIFIED USES

5.16.1 ZONING AMENDMENT REQUIRED

Prior to establishing an *on-farm diversified use* on a *lot*, an amendment to this Zoning By-Law will be required. The amendment will restrict the number of permanent *on-farm diversified uses* to one (1) per *farm lot*.

5.16.2 ZONE REQUIREMENTS

The *on-farm diversified use* shall comply with the zone requirements of the zone in which such *use* is located.

5.16.3 OPEN STORAGE

No *open storage* of goods or materials shall be *permitted*.

5.16.4 GROSS FLOOR AREA REQUIREMENTS

The maximum *gross floor area* for an *on-farm diversified use* in a new or *existing building* or *structure* shall be **225 m²** (2,422 ft²).

5.16.5 EMPLOYEES

The *on-farm diversified use* shall only be carried out by a *farm* owner residing on the *farm*, other *persons* residing on the *farm* and up to one additional employee.

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5.16.6 RETAILING AND WHOLESALING RESTRICTION

The general wholesaling or retailing of goods, wares or merchandise is not *permitted* except for goods, wares or merchandise produced, assembled, processed or fabricated by the *on-farm diversified use*.

5.16.7 PARKING

Parking for an *on-farm diversified use* shall be provided in accordance with the 'Other Uses' category, as contained in Table 5.17.2.1 - Parking Standards.

5.16.8 SECONDARY TO THE FARM OPERATION

The *on-farm diversified use* must be clearly secondary and ancillary to the *farm* operation.

(Added by By-Law 1576-2009)

5.16.9 SITE PLAN APPROVAL

Proposals for *on-farm diversified uses* shall be accompanied by a detailed site plan showing the location of *buildings* and *structures*, wells and septic beds; areas for parking, storage and landscaping; points of access; and any other information deemed relevant to the proposal.

(Added by By-Law 1576-2009)

5.17 PARKING PROVISIONS

5.17.1 GENERAL REQUIREMENTS FOR PARKING AREAS

5.17.1.1 OFF-STREET PARKING AREAS REQUIRED

Unless otherwise stated in this Zoning By-Law, *motor vehicle parking spaces* must be provided on the same *lot* as the *building* to which such parking is associated in accordance with the parking standards set out in Section 5.17.2.

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5.17.1.2 MORE THAN ONE USE PER LOT

In a *building* or *structure* in which more than one *use* is located, the total requirement for parking will be the sum of the requirements applied to each separate *use*, unless otherwise expressly stated.

5.17.1.3 PARTS TO BE CONSIDERED AS REQUIRED SPACES

Where the application of the parking standards as set out in Section 5.17.2 results in part of a *parking space* being required, such part will be considered as one required space.

5.17.1.4 USE OF PARKING AREAS AND SPACES

5.17.1.4.1 All required *parking spaces* must be used exclusively for that purpose and must not be used for any other purpose.5.17.1.4.2 Where a *parking area* or space is *permitted* or required under this Zoning By-Law, no *person* shall *use* such area or space, in any zone, for parking any *motor vehicle* unless such vehicle is operative, used in operations incidental to the *permitted uses* in respect of which such *parking area* or space is provided, and bearing a *motor vehicle* license plate which is currently valid.

5.17.1.4.3 COMMERCIAL MOTOR VEHICLES AND TRACTOR TRAILERS IN RESIDENTIAL ZONES

No *person* shall use any *lot*, *building* or *structure* in a Residential Zone for the parking or storage of any *commercial motor vehicle* unless he or she is the owner or occupant of such *lot*, *building* or *structure*, and provided that said vehicle shall not exceed 4600 kilograms (10,140 lb) Gross Vehicle Weight (unloaded) as registered with the appropriate regulating authority and provided that not more than one *commercial motor vehicle* is stored in accordance with this Section.

No *person* shall use any *lot*, *building* or *structure* in a Residential, Village or Central Commercial Zone for the parking or storage of any tractor *trailer* or part thereof. This provision shall not include *commercial motor vehicles* or tractor-trailers which temporarily attend at residential or commercial premises for the purpose of delivery and/or service provided to the occupants of such residential or commercial premises.

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5.17.1.4.3.1 Notwithstanding subsection 5.17.1.4.3, a maximum of 2 *school* buses and 2 tractor-trailers may be parked or stored on a *lot* in an A1, A2, I or D Zone, and a maximum of 1 *school* bus and 1 tractor-trailer may be parked or stored on a *lot* in an RE or RR Zone located outside of a settlement, as defined in Section 2.7.2.1.

5.17.1.5 ACCESS TO PARKING SPACE

A *parking space* must have unobstructed access from a public *street* by either a *driveway* or an aisle leading to a *driveway*.

5.17.1.6 PARKING SPACE AND STANDARDS

Motor vehicle parking spaces and *parking aisles* shall comply with the standards set out in Table 5.17.1.6. and be in accordance with Schedule "C" of this Zoning By-Law.

TABLE 5.17.1.6 - PARKING SPACE AND AISLE STANDARDS			
Angle of the Parking Spaces	Minimum Perpendicular Width of the Aisle	Depth of Parking Space	Width of Parking Space
30 degree	3.4 m (11.2 ft)	4.6 m (15.1 ft)	for cars parked side by side 2.7 m (8.9 ft), for cars parked with wall or fence adjacent 3 m (9.8 ft)
45 degree	3.7 m (12.1 ft)	5.5 m (18.0 ft)	
55 degree	4.3 m (14.1 ft)	5.8 m (19.0 ft)	
60 degree	4.9 m (16.1 ft)	5.8 m (19.0 ft)	
65 degree	5.2 m (17.1 ft)	5.8 m (19.0 ft)	
70 degree	5.5 m (18.0 ft)	5.8 m (19.0 ft)	
90 degree	6.7 m (22.0 ft)	5.5 m (18.0 ft)	
parallel parking	3 m (9.8 ft) for one way traffic and 6 m (19.7 ft) for two way traffic	6.5 m (21.3 ft)	
angle other than those listed	shall meet the requirements for the angle of parking which is greater than the angle being provided		

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5.17.1.7 DRIVEWAY STANDARDS

The following standards apply to *driveways* providing ingress and egress to *parking spaces*:

5.17.1.7.1 MINIMUM WIDTH ONE-WAY ACCESS

Where the access to a *parking space* is provided directly by a *driveway* from a public *street*, the *driveway* must be at least **3.0 m** (9.8 ft) in width and no more than **9 m** (29.5 ft) in width.

5.17.1.7.2 WIDTH OF JOINT ACCESS

Where a joint ingress and egress *driveway* is provided to a *parking aisle*, the *driveway* width measured along the *street line* shall be at least **6.7 m** (22 ft) in width and no more than **9 m** (29.5 ft) in width.

5.17.1.7.3 MAXIMUM DRIVEWAY WIDTH - RESIDENTIAL ZONES

Within a residential zone, a maximum of 50% of the *front yard* or *exterior side yard* may be occupied by a *driveway*.

5.17.1.7.4 NUMBER OF DRIVEWAYS PERMITTED

Every *lot* shall be limited to not more than 2 *driveways* up to the first **30 m** (98.4) of frontage; and not more than 1 additional *driveway* for each additional **30 m** (98.4 ft) of frontage, provided that where a *lot* has more than 1 *driveway*, a separation of at least **9 m** (29.5 ft) shall be maintained between each *driveway*, as measured along the *street line* between the said *driveways*.

5.17.1.7.5 DISTANCE FROM INTERSECTION

The minimum distance between a *driveway* and an intersection of *street lines* is **9 m** (29.5 ft).

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5.17.1.8 PARKING AREA SURFACE

Each *parking area* and *driveway* connecting the *parking area* with a *street* shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, recycled asphalt, crushed brick (or tile), cinders, asphalt or concrete.

5.17.1.9 ADDITIONS TO BUILDINGS

The *parking area* requirements referred to herein shall not apply to any *building* in existence at the date of passing of this Zoning By-Law so long as the floor area, as it existed at such date, is not increased, and the *building* or *structure* is used for a purpose which does not require more *parking spaces* according to subsection 5.17.2 of this Zoning By-Law than were required by its *use* at the date of passing of this Zoning By-Law.

If an addition or change of *use* is made to a *building* or *structure* as it existed at the date of passing of this Zoning By-Law, then additional *parking spaces* shall be provided to the number required for such addition or change in *use*.

5.17.2 MOTOR VEHICLE PARKING STANDARDS

5.17.2.1 OFF-STREET PARKING REQUIRED

Off-street parking for *motor vehicles* must be provided as set out in Table 5.17.2.1.

TABLE 5.17.2.1 - PARKING STANDARDS		
Land Use Category	Use	Number of Vehicle Parking Spaces Required
Residential uses	- <i>single detached dwelling</i>	- 2 per <i>dwelling</i> unit
	- <i>duplex dwelling</i>	
	- <i>semi-detached dwelling</i>	
	- <i>converted dwelling</i>	
	- <i>mobile home</i>	
	- <i>street fronting townhouse dwelling</i>	
	- <i>home occupation</i>	- 1 space
	- <i>bed and breakfast</i>	- 1 per <i>guest room</i>
	- <i>boarding or lodging house</i>	
	- <i>garden suite</i>	- 1 per <i>garden suite</i>

TABLE 5.17.2.1 - PARKING STANDARDS		
Land Use Category	Use	Number of Vehicle Parking Spaces Required
	<ul style="list-style-type: none"> - residential unit in a portion of a non-residential <i>building</i> - <i>multiple unit dwelling</i> - <i>apartment dwelling</i> 	- 1.5 per <i>dwelling</i> unit
Business uses	<ul style="list-style-type: none"> - <i>commercial school</i> - financial institution - laundromat - <i>personal service establishment</i> - <i>retail store</i> - <i>service shop</i> - <i>studio</i> 	- 1 per 20 m² (215.3 ft ²) of <i>gross floor area</i>
	<ul style="list-style-type: none"> - <i>eating establishment</i> 	- 1 per 9 m² (96.9 ft ²) of <i>gross floor area</i>
	<ul style="list-style-type: none"> - funeral home 	- 20 spaces or 1 space per per 20 m² (215 ft ²) of <i>gross floor area</i> , whichever is greater
	<ul style="list-style-type: none"> - wholesale establishment 	- 1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>
	<ul style="list-style-type: none"> - <i>hotel or motel</i> 	- 1.2 per <i>guestroom</i>
Office uses	<ul style="list-style-type: none"> - <i>business or professional office</i> - government administrative offices 	- 1 per 20 m² (215.3 ft ²) <i>gross floor area</i>
	<ul style="list-style-type: none"> - <i>animal kennel</i> - <i>medical centre</i> - <i>veterinary clinic</i> 	- Minimum of 4 spaces or 6.0 per 100 m² <i>gross floor area</i> whichever is greater
Industrial uses	<ul style="list-style-type: none"> - <i>truck transportation terminal</i> 	- 1 per 100 m² (1,076.4 ft ²) <i>gross floor area</i>
	<ul style="list-style-type: none"> - <i>warehouse</i> 	- 1 per 185 m² (1,991.4 ft ²) of <i>gross floor area</i>
	<ul style="list-style-type: none"> - all other industrial <i>uses</i> 	- 5 plus 1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>
Institutional uses	<ul style="list-style-type: none"> - <i>place of worship</i> 	- 1 for every 5 seats capacity, or 1 for each 10 m² (107.6 ft ²) of <i>gross floor area</i> used for a hall or auditorium, whichever is greater.
	<ul style="list-style-type: none"> - <i>school</i> 	- Minimum of 5 spaces plus 1 space for each classroom

TABLE 5.17.2.1 - PARKING STANDARDS		
Land Use Category	Use	Number of Vehicle Parking Spaces Required
	- <i>long term care facility</i>	- 1 per 3 beds or fraction thereof
	- <i>group home</i>	- 4 spaces
Leisure and recreation type uses	- museum - library - <i>recreational or athletic facility or club</i>	- 1 per 20 m² (215.3 ft ²) of <i>gross floor area</i> . Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking.
	- community centre - <i>assembly hall</i> - <i>fraternal lodge or institutional hall</i> - <i>place of entertainment</i>	- 1 per 10 m² (107.6 ft ²) of <i>gross floor area</i> or 1 space for every 4 seats whichever is greater
	- arena	- minimum 100 spaces
	- bowling alley	- 4 per <i>lane</i>
	- curling facility	- 4 per curling sheet
	Other uses	- All other <i>uses permitted</i> by this Zoning By-Law other than those listed in this table

(Amended by By-Law 1509-2006)

(Amended by By-Law 1576-2009)

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5.17.2.2 ACCESSIBLE PARKING

5.17.2.2.1 Accessible *parking spaces* shall be provided in two sizes for all non-residential and multiple residential uses including, an *apartment dwelling, boarding or lodging house* and *multiple unit dwelling*, as identified on Schedule “C-3”:

- (i) Type A shall have a minimum width of **3.4 m** (11.2 ft) and a minimum length of **5.5 m** (18 ft).
- (ii) Type B shall have a minimum width of **2.7 m** (8.9 ft) and a minimum length of **5.5 m** (18 ft).

5.17.2.2.2 REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES

In addition to the required off-street *motor vehicle parking spaces* required under Section 5.17.2.1, the minimum number of required accessible *parking spaces* shall be provided as follows:

Total Number of Required Vehicle <i>Parking Spaces</i>	Minimum Number of Required Accessible <i>Parking Spaces</i>	Type A Spaces	Type B Spaces
1 – 12	1	1	0
13 – 100	4% of total required <i>parking spaces</i>	Where an even number of accessible <i>parking spaces</i> are required an equal number of Type A and Type B spaces must be provided.	
101 – 200	3% of total required <i>parking spaces</i> + 1		
201 – 1,000	2% of total required <i>parking spaces</i> + 2		
1,001 or greater	1% of total required <i>parking spaces</i> + 11	Where an odd number of total accessible <i>parking spaces</i> are required the additional space may be a Type B space.	

5.17.2.2.3 LOCATION OF ACCESSIBLE PARKING SPACES

Accessible *parking spaces* shall be provided on the same *lot* as the use that requires such parking, in close proximity to the main entrances to a *building* or *structure*.

5.17.2.2.4 ACCESSIBLE PARKING AISLE REQUIREMENTS

A *parking aisle* shall be provided for all accessible *parking spaces* and may be shared by two adjacent *parking spaces*, in accordance with the following provisions:

- (i) A *parking aisle* shall have a minimum width of **1.5 m** (4.9 ft) and extend the full length of the *parking space*.
- (ii) A *parking aisle* shall be marked with high tonal contrast diagonal lines, which discourages parking, where the surface is asphalt, concrete or some other hard surface

(Amended by By-Law 1576-2009)
(Replaced by By-Law 1943-2015)

5.17.2.3 TANDEM PARKING

Where parking is provided at the *dwelling unit* in an individual *driveway*, the required parking for that *dwelling* may be provided by a tandem *parking space*.

5.17.3 LOCATION OF PARKING AREAS

5.17.3.1 YARDS AND SETBACKS

Motor vehicle parking areas shall be situated in accordance with the requirements set out in Table 5.17.3.

TABLE 5.17.3 - LOCATION AND SETBACK REQUIREMENTS FOR PARKING AREAS				
Zones	Yards Where Parking is Permitted	Setback of Parking From:		
		Street Line	Interior Side Lot Line	Rear Lot Line
Residential Zone, units with individual driveways	All yards	1.0 m (3.3 ft)	---	---
Residential Zone, units without individual driveways	Interior side yard Rear yard	---	1.5 m (4.9 ft)	1.5 m (4.9 ft)
Commercial, Institutional, Industrial, Agricultural, Development, Recreational and all mixed use Zones	All yards	1.0 m (3.3 ft)	1.5 m (4.9 ft)	1.5 m (4.9 ft)

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5.17.3.2 PARKING SPACE LOCATION ON OTHER LOT

Where the owner of a *building* or *structure* proposes to provide the required *parking spaces* and areas at a location other than on the same *lot* as the *use* that requires such spaces and areas, then such spaces and areas shall be located not more than **150 m** (492.1 ft) from the said *lot* and shall be located within the same zone as the said *lot* and held under the same ownership. A site plan agreement shall be registered on the title of the lands used for off-site parking, committing those spaces to the related *use*.

5.18 PLANTING STRIPS

5.18.1 REQUIREMENTS FOR NON-RESIDENTIAL USES

5.18.1.1 Where a *lot* is used for any Non-Residential purpose and the *interior side* or *rear lot line* abuts a residential *use* or undeveloped land in a Residential Zone or Development Zone, then a strip of land adjoining such abutting *lot line*, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

5.18.1.2 Where such *lot* is in an Industrial Zone and the *front, side* or *rear lot line* abuts a portion of a *street*, the opposite side of which portion of the *street* abuts a residential *use* or undeveloped land in a Residential Zone or Development Zone, then a strip of land adjoining such abutting *lot line*, or portion thereof, shall be used for no other purpose than planting in accordance with the provisions of this subsection.

5.18.2 WIDTH

Where a planting strip is required in any zone and consists of landscaping or a berm, the planting strip shall have a minimum width of **3 m** (9.8 ft). A planting strip consisting of a privacy fence or wall shall have a minimum width of **1 m** (3.3 ft).

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A planting strip shall be used for no other purpose than for a row of trees, a continuous hedgerow of evergreens or shrubs, a berm, a wall, or a privacy fence, not less than **1.5 m** (4.9 ft) high, immediately adjacent to the *lot line* or portion thereof along which such planting strip is required hereunder, arranged in such a way as to form a dense or opaque screen; with the remainder of the strip used for shrubs, flower beds or grass, ground cover or a combination thereof.

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5.18.4 DRIVEWAYS AND WALKS

In all cases where the ingress and egress of a *driveway* and/or walk extend through a planting strip, it shall be permissible to interrupt the planting strip within **3.0 m** (9.8 ft) of the edge of said *driveway* and within **1.5 m** (4.9 ft) of the edge of said walks.

5.18.5 LANDSCAPED OPEN SPACE

A planting strip referred to in this subsection may form part of any *landscaped open space* required by this Zoning By-Law.

5.19 PROHIBITED USES IN ALL ZONES

The following *uses* are prohibited in all zones, either alone or in conjunction with other *uses*, unless specifically cited as a *permitted use* in a specific zone:

A track for the driving, racing or testing of automobiles, motorcycles, snowmobiles, all-terrain vehicles or any other motorized vehicles.

Notwithstanding the prohibited *uses* listed above, off-road trails that are sanctioned, created, maintained and managed by competent organizations for club members shall be *permitted*.

(Added by By-Law 1576-2009)

5.20 PUBLIC USES

5.20.1 PUBLIC SERVICES

The provisions of this Zoning By-Law shall not apply to the *use* of any *lot* or to the *erection* or *use* of any *building* or *structure* for the purpose of providing public services:

- (i) by the *Corporation* or the *County* as defined by the Municipal Act;
- (ii) by any utility system operated by the *Corporation* or another body on behalf of the *Corporation* which provides said utility to the residents of the *Corporation* and possesses all the necessary powers, rights, licenses and franchise;
- (iii) by any gas, oil or water pipeline, telephone line, cable television line or any similar utility service line including any substation, transformer, regulator, compressor or similar utility service *building* or *structure*;

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- (iv) by any Conservation Authority established by the Government of Ontario;
- (v) by any department of the Government of Ontario or Canada, including Hydro One;
- (vi) for any *use permitted* under The Railway Act or any other statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities,

provided that where such *lot, building or structure* is located in any zone:

- 5.20.1.1 no goods, material or equipment shall be stored in the open, except as *permitted* in such zone;
- 5.20.1.2 any *height of building, yard, planting strips, parking, loading, setback and lot coverage* provisions of the zone within which the *use* is located shall be complied with. In Residential Zones, the *use* shall be enclosed in a *building* designed and maintained in a manner that is generally compatible with residential *buildings* of the same type *permitted* in such zone;
- 5.20.1.2.1 Notwithstanding the *yard and setback* provisions of this Zoning By-Law to the contrary, for public water and sewage facilities in any zone, the following provisions shall apply:

FRONT, REAR, AND SIDE YARDS

Minimum Depth **1.2 m** (3.9 ft)

- 5.20.2 STREETS AND INSTALLATIONS

Nothing in this Zoning By-Law shall prevent land to be used as a *street* or prevent the installation of a watermain, *sanitary sewer* main, storm sewer main, gas main, valve or meter, pipe line, lighting fixtures, group mail boxes, bus shelters or overhead or underground hydro, telephone or other supply line or communication line provided that the location of such main, line or fixture has been approved by the *Corporation* and/or the *County*.

(Amended by By-Law 1576-2009)

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5.20.3 EXCEPTIONS

5.20.3.1 Where in this Zoning By-Law under the heading of "USES PERMITTED", a *use* is specifically *permitted* in a zone, which *use* without such reference thereto would be *permitted* in any zone pursuant to the provisions of subsection 5.19.1, then such *use* shall be deemed to be *permitted* only within the zone or zones making such specific reference thereto and the said subsection 5.19.1 shall not apply to such *use*.

5.20.3.2 Notwithstanding any provisions of this Zoning By-Law to the contrary, new *infrastructure* or utilities will only be *permitted* within zones or Environmental Overlay areas corresponding to the Agricultural Reserve, Open Space and Environmental Protection Designations and Fish Habitat Protection Areas in the County Official Plan, if they have been approved through an environmental assessment process.

(Amended by By-Law 1576-2009)

5.21 SIGHT TRIANGLES

On a *corner lot* within the triangular space formed by the *street lines* and a line drawn from a point on one *street line* to a point in the other *street line*, each such point being **9.0 m** (29.5 ft), measured along the *street line* from the point of intersection of the *street lines*, no *building, structure, planting or vehicle* shall be located in such a manner as to impede vision between a *height* of **0.6 m** (2 ft) and **3.0 m** (9.8 ft) above the centreline grade of the intersecting *streets*.

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*.

5.22 SIGNIFICANT ENVIRONMENTAL FEATURES

5.22.1 ENVIRONMENTAL PROTECTION 1 OVERLAY

The Environmental Protection 1 (EP1) Overlay shall apply to lands containing the following Provincially Significant Environmental Features which are identified in the County Official Plan:

Significant Habitat of Endangered or Threatened Species and other significant wildlife habitat
Significant Wetlands.

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5.22.1.1 IDENTIFICATION OF THE OVERLAY

The EP1 Overlay corresponds to the features listed in 5.21.1 and is identified on Schedule "A" of this Zoning By-Law. Section 2.5 of this Zoning By-Law provides an explanation for the interpretation of these overlay areas.

5.22.1.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no *person* shall within any EP1 Overlay *use any lot or erect, alter or use any building or structure* for any purpose except one or more of the following *uses*:

uses existing at the date of passing of this Zoning By-Law;
a farm on existing cleared areas, excluding farm buildings, structures and accessory dwellings;
a public use, in accordance with the provisions of Section 5.19 of this Zoning By-Law; and
a conservation project.

Notwithstanding the provisions of the underlying zone, no development or site alteration shall be *permitted* within an EP1 Overlay, except for a *use* which lawfully existed on the date of passing of this Zoning By-Law, provided that no additional development or site alteration shall be *permitted*, except as specified in Section 5.22.1.3, and

Within the EP1 Overlay, the harvest of timber in conformity with the County Woodland Conservation By-Law shall be *permitted* in accordance with the Environmental Protection Area policies of the County of Oxford Official Plan.

(Amended by By-Law 1576-2009)

All other *uses* not listed above shall be prohibited within the area of the EP1 Overlay.

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5.22.1.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *accessory structure existing* at the time of passing of this Zoning By-Law may be replaced, rebuilt or *altered* thereto, after the passing of this Zoning By-Law, provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of the original *building* or *accessory structure* by more than 25% of the *structure existing* on the date of passing of this Zoning By-Law. Any such replacement, rebuilding or alteration to such a *building* or *accessory structure* shall take place within the area of the original building foundation. Any portion of a *use* that legally existed at the date of passing of this Zoning By-Law and is not located within *existing buildings* or *structures* shall only be *permitted* within *existing* cleared areas.

Notwithstanding the above paragraph, a covered or uncovered *deck*, stoop and/or landing may be attached to a residential *building existing* at the time of passing of this Zoning By-Law or to any residential *building* that has been replaced, rebuilt or otherwise *altered* in accordance with the above paragraph. Any such covered or uncovered *deck*, stoop and/or landing shall be constructed in accordance with Section 5.28.1.

5.22.1.4 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP1 Overlay areas.

5.22.2 ENVIRONMENTAL PROTECTION 2 OVERLAY AND FISH HABITAT

The Environmental Protection 2 (EP2) Overlay shall apply to lands containing the following Provincially Significant Environmental Features which are identified in the County Official Plan:

Significant Valleylands

Significant Woodlands

Areas of Natural and Scientific Interest for the Life Sciences

Significant Wildlife Habitat.

Fish Habitat consists of all *watercourses*, ponds, lakes and reservoirs within the Township.

(Amended by By-Law 1576-2009)

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5.22.2.1 IDENTIFICATION OF THE OVERLAY AND FISH HABITAT

The EP2 Overlay corresponds to the features listed in Section 5.22.2 and is identified on Schedule "A" of this Zoning By-Law. Section 2.5 of this Zoning By-Law provides an explanation for the interpretation of these overlay areas.

5.22.2.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no *person* shall within any EP2 Overlay use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the following *uses*:

- a public *use*, in accordance with the provisions of Section 5.19 of this Zoning By-Law and authorized through an environmental assessment process;
- a *single detached dwelling* on a properly zoned *lot* of record created on or before April 17, 1979 in accordance with the *permitted uses* and provisions of the underlying zone;
- a *use* which legally existed on the date of passing of this Zoning By-Law, provided that no additional development or site alteration shall be *permitted*, except as specified in 5.22.2.3;
- a *single detached dwelling* on a *lot* which was part of a plan of subdivision registered or draft approved on or before April 17, 1979;
- a *building* or *structure* accessory to a *single detached dwelling* on a properly zoned *lot* of record created on or before April 17, 1979 or on a *lot* which was part of a plan of subdivision registered or draft approved on or before April 17, 1979;
- a *farm* on *existing* cleared areas, excluding *farm buildings, structures* and *accessory dwellings*, including the land application of nutrients, in accordance with the Nutrient Management Act;
- a *recreational trail*;
- a *conservation project*.
- a *building* or *structure* used for flood or erosion control purposes, or for the management of the natural environment, as approved by the *Corporation*, the *County*, the Conservation Authority with jurisdiction or the Ministry of Natural Resources;
- a *passive use park* approved by the *Corporation* or the *County*, in consultation with the Conservation Authority with jurisdiction.

(Amended by By-Law 1576-2009)

All other *uses* not explicitly listed above shall be prohibited within the area of the EP2 Overlay and Fish Habitat.

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Within the EP2 Overlay, the harvest of timber, in conformity with the County Woodland Conservation By-Law shall be *permitted* in accordance with Environmental Protection Area policies of the County of Oxford Official Plan.

5.22.2.3 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP2 Overlay and Fish Habitat areas.

5.22.3 DISTANCE FROM THE EP1 AND EP2 OVERLAYS AND FISH HABITAT WHERE AN ENVIRONMENTAL IMPACT STUDY IS REQUIRED

5.22.3.1 Development, site alteration and stockpiling of materials within **120 m** (393.7 ft) of the EP1 Overlay must comply with the Environmental Impact Study requirements of the County of Oxford Official Plan.

Notwithstanding the above, where a residential *use* exists within the EP1 overlay or within the **120 m** (393.7 ft) adjacent area of the EP1 overlay, *buildings* and *structures accessory* to the said residential *use* may be *permitted* within **120 m** of the EP1 overlay without an EIS, in accordance with Section 5.1 and the Regulations for Accessory Uses in Residential Zones contained in Table 5.1.1.3 of this Zoning By-Law.

5.22.3.2 Development, site alteration and stockpiling of materials within **50 m** (164.0 ft) of the EP2 Overlay or Fish Habitat, excepting those *uses permitted* in Section 5.21.2.2, must comply with the Environmental Impact Study Requirements of the County of Oxford Official Plan.

Buildings and *structures accessory* to a *single detached dwelling* or any residential *use existing* within the EP2 overlay or within **50 m** (164 ft) of the EP2 overlay or Fish Habitat shall be *permitted* in accordance with Section 5.1 and the Regulations for Accessory Uses in Residential Zones contained in Table 5.1.1.3 of this Zoning By-Law.

(Amended by By-Law 1576-2009)

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5.22.4 PERMITTED USES

All of the *uses* of the underlying zone are *permitted* within the distances specified, subject to the provisions of an Environmental Impact Study undertaken by the applicant pursuant to the Environmental Impact Study policies of the County of Oxford Official Plan. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under the Environmental Impact Study policies of the County of Oxford Official Plan, in consultation with the Conservation Authority having jurisdiction.

5.22.5 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within these areas, unless new provisions are recommended by an Environmental Impact Study. Where new provisions are recommended by an Environmental Impact Study, a zoning by-law amendment shall be required to incorporate such provisions into this Zoning By-Law.

(Amended by By-Law 1576-2009)

5.23 SITES OF POTENTIAL ENVIRONMENTAL CONTAMINATION

Sites of potential environmental contamination include sites presently or formerly used for industrial, utility or waste disposal, a *landfill site*, or a *salvage yard*. Known sites will be placed in a Holding Zone pursuant to Section 36 of the Planning Act, as amended. A zoning by-law amendment, in accordance with Section 36 of the Planning Act, will be required to remove the "H" symbol.

(Amended by By-Law 1576-2009)

5.24 SLOPE AND EROSION HAZARD AREA RESTRICTIONS

Notwithstanding the provisions of the underlying zone, no new *buildings* or *structures* shall be *permitted* within areas identified as being within the *one hundred year erosion limits* adjacent to ravines, river valleys and streams. Such erosion limits shall be established by the Conservation Authority with jurisdiction.

(Amended by By-Law 1576-2009)

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5.25 STREET FRONTAGE REQUIRED

No *building* or *structure* shall be *erected*, *altered* or enlarged on any *lot* which does not have the minimum *lot frontage* on an *improved street* required for the zone which applies to the *lot*.

5.26 STORAGE OR PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

5.26.1 No *person* shall in any Residential Zone use any *lot* for the parking or storage of any *recreational vehicle* except in accordance with the following provisions:

5.26.1.1 The owner or occupant of any *lot*, *building* or *structure* in any Residential Zone may store or *park* not more than two *recreational vehicles*.

5.26.1.2 The *recreational vehicle* must be stored within a detached or attached *private garage* or *carport* or in the *rear yard* or the *interior side yard* provided that such *recreational vehicle* is located no closer than **1 m** (3.3 ft) to the *rear lot line* or *interior side lot line*.

5.26.2 FULLY ENCLOSED

Notwithstanding the provisions of subsection 5.26.1 of this Zoning By-Law, the limitations imposed therein shall not restrict the number of such *recreational vehicles* that are fully enclosed within a detached or attached *private garage*.

5.26.3 OCCUPANCY

No *recreational vehicle* as defined in this Zoning By-Law shall be used for permanent home occupancy while stored on any *lot*.

5.27 THROUGH LOTS

Where a *lot* which is not a *corner lot* has frontage on more than one *street*, the *setback* and *front yard* requirements contained herein shall apply on each *street* in accordance with the provisions of the zone or zones in which such *lot* is located.

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5.28 YARD, SETBACK AND HEIGHT - PERMITTED ENCROACHMENTS

5.28.1 PERMITTED PROJECTIONS INTO REQUIRED YARDS

Notwithstanding the *yard* requirements of this Zoning By-Law, the following projections are *permitted* from a main *building* in accordance with the provisions set out in Table 5.28.1.

TABLE 5.28.1 - PERMITTED PROJECTIONS INTO REQUIRED YARDS			
Structure	Yard in Which Projection Permitted	Maximum Projection Permitted into Required Yards	Minimum Setback Between Projection and Lot Line
Steps providing access to ground floor, uncovered and unenclosed decks, balconies, stoops or landings not exceeding one storey in height and ramps used for accessibility access	Front	No limit	5.0 m (16.4 ft)
	Rear	No limit	1.2 m (3.9 ft)
	Interior Side	No limit	0.6 m (2 ft)
Covered decks, stoops or landings not exceeding one storey in <i>height</i>	Front	1.5 m (4.9 ft)	---
	Rear	No limit	4.0 m (13.1 ft)
Sills, cornices, pilasters, chimneys, eaves, gutters, and similar architectural features	All	0.6 m (2 ft)	---

(Amended by By-Law 1509-2006)

5.28.1.1 Notwithstanding the provisions of Section 5.28.1 the following provisions shall also apply:

- No projection is *permitted* into a required *parking area* or *driveway*; and
- No part of any *building* or *structure* on any *lot* shall project beyond any *lot* line or *street line* of such *lot*, except in the case of a projection beyond a *street line*, where an encroachment permit has been approved for such projection by the *Corporation* or, in the case of a *County Road*, the County of Oxford.

(Amended by By-Law 1576-2009)

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5.28.2 HEIGHT EXCEPTIONS

The *height* provisions of this Zoning By-Law shall not apply to prevent the erection and/or use of the following *structure* or *building* features, in zones where such *uses* are associated, and provided that such features are *erected* only to such *heights* as is necessary to accomplish their purpose:

- A church spire, steeple or belfry;
- A cupola, dome or other ornamental *structure*;
- A flag pole;
- A clock tower or bell tower;
- A chimney or smoke stack;
- A firewall;
- A lightning rod or weathervane;
- A skylight; elevator penthouse, water tank, mechanical penthouse or other heating, cooling or ventilation equipment, or *structure* enclosing such features;
- A *communications structure*;
- A radio or television antennae;
- A feedmill, commercial grain elevator or silo.

(Amended by By-Law 1576-2009)

5.29 WAYSIDE SAND AND GRAVEL PITS

5.29.1 WHERE PERMITTED

Wayside sand and gravel pits are *permitted* in all zones outside of settlements, as defined in subsection 2.7.2.1 of this Zoning By-Law and outside of the EP1 and EP2 Overlays, as shown on Schedule "A" of this Zoning By-Law.

5.29.2 TEMPORARY OR PORTABLE ASPHALT OR CONCRETE BATCHING PLANTS

Temporary or portable *asphalt or concrete batching plants accessory* to a *wayside pit* shall be *permitted* in all zones outside of settlements, as defined in 2.7.2.1 of this Zoning By-Law and outside of the EP1 and EP2 Overlays, as shown on Schedule "A" of this Zoning By-Law.

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5.29.2.1 CERTIFICATE OF APPROVAL

A Certificate of Approval pursuant to the Environmental Protection Act must be issued by the Ministry of Environment prior to the establishment of a temporary or portable *asphalt or concrete batching plant*.

5.29.2.2 ZONE REQUIREMENTS

A temporary or portable *asphalt or concrete batching plant* shall comply with the zone provisions of the zone in which such *use* is located.

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