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(Amended by By-Law 2021-023)

5.1 ACCESSORY USES, BUILDINGS, STRUCTURES

- 5.1.1 Where this 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:
- 5.1.1.1 it is not to be used for any occupation for gain or profit, except as permitted in this By-Law;
- 5.1.1.2 the principal *use, building* or *structure* is specifically permitted by this By-Law and is already established on the same *lot*;
- 5.1.1.3 it is not to be used for human habitation except as specifically permitted in this By-Law; and
- 5.1.1.4 it complies with the provisions set out in Table 5.1.1.4 below, except where it is specifically regulated elsewhere in the By-Law:

TABLE 5.1.1.4 – REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES		
PROVISION	RESIDENTIAL OR ENTREPRENEURIAL ZONES	ALL OTHER ZONES
Permitted Location	<i>Interior Side Yard or Rear Yard</i>	In accordance with the <i>yard and setback</i> provisions of the zone in which such <i>building</i> or <i>structure</i> is located.
Distance from Main Buildings, Minimum	<b>1.2 m</b> (3.9 ft)	<b>3 m</b> (9.84 ft)
Height, Maximum	<b>3.7 m</b> (12.1 ft)	<b>6 m</b> (19.6 ft)
Rear Yard and Interior Side Yard Setback, Minimum	<b>1.2 m</b> (3.9 ft)	In accordance with applicable zone provisions
Front Yard or Exterior Side Yard Setback, Minimum	In accordance with the applicable zone provisions.	In accordance with applicable zone provision
Setback from a street line, minimum	In accordance with applicable zone provision	In accordance with applicable zone provision
Lot Coverage, maximum for all accessory buildings and structures	A combined total of 10% of <i>lot area</i> , to a maximum of <b>50 m<sup>2</sup></b> (538.2 ft <sup>2</sup> ) of <i>ground floor area</i> .	In accordance with applicable zone provision

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5.1.1.4.1 Notwithstanding any provision of Table 5.1.1.4 to the contrary, the following provisions shall also apply:

- i) where a residential or entrepreneurial zoned *lot* does not contain an attached *private garage*, one (1) detached *private garage* may be erected on the *lot*, provided it does not exceed **4.5 m** (14.8 ft) in *height* and complies with all the other provisions of Table 5.1.1.4.
- ii) a *carport* may be erected on a *lot* in a residential or entrepreneurial zone only where it is built over a *driveway*, is located in an *interior side yard*, does not exceed a length of **7.5 m** (24.6 ft) and complies with all the other provisions of Table 5.1.1.4
- iii) on a residentially or entrepreneurial zoned lot, one (1) accessory *building*, not exceeding **10.0 m<sup>2</sup>** (107.6 ft<sup>2</sup>) in *gross floor area*, may be excluded from the calculation of total *lot coverage*.
- iv) *accessory buildings* or *structures*, not exceeding **2.5 m** (8.2 ft) in *height*, may be located within a required *exterior side yard*, provided that a minimum *exterior side yard setback* of **3 m** (9.8 ft) is maintained and such *exterior side yard* is enclosed by a privacy fence or planting strip with a minimum *height* of **1.5 m** (6 ft).
- v) where an existing residentially or entrepreneurial zoned *lot* exceeds **1,500 m<sup>2</sup>** (16,146.4 ft<sup>2</sup>) in *lot area*, the maximum *lot coverage* for all *accessory buildings* and *structures* shall not exceed **100 m<sup>2</sup>** (1,076.4 ft<sup>2</sup>) of *ground floor area* and no *accessory building* or *structure* shall exceed **4.5 m** (14.8 ft) in *height*.
- vi) covered and uncovered *decks*, *patios*, *porches/verandas* and other similar *structures* shall only be permitted in accordance with the provisions of Section 5.35.1.2.
- vii) a Quonset hut shall not be permitted as an *accessory structure* within a *residential zone*.

(Added by By-Law 2021-023)

## 5.1.2 EXCEPTIONS

The following *accessory uses* are not subject to the provisions of Section 5.1.1.4, provided that they are in accordance with the provisions noted in Table 5.1.2:

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TABLE 5.1.2 – ACCESSORY USE EXCEPTIONS AND RELATED PROVISIONS	
Structures	Specific Provisions
<ul style="list-style-type: none"> <li>- clothes poles, flag poles and basketball standards;</li> <li>- garden trellises;</li> <li>- ornamental fountains, statues, cenotaphs, monuments and memorials;</li> <li>- planters, benches and picnic tables;</li> <li>- retaining walls, sidewalks, pavements, and curbs; and</li> <li>- other similar accessory uses.</li> </ul>	None
<ul style="list-style-type: none"> <li>- patios, concrete pads, walkways and other similar structures comprising part of an outdoor amenity area and not exceeding <b>0.3 m</b> (1 ft) in height</li> </ul>	Shall not <i>alter</i> any drainage swale required by an approved lot grading plan.
<ul style="list-style-type: none"> <li>- Fences and similar structures</li> </ul>	In accordance with the Town's Fencing By-Law and any other special provisions that are specifically noted in this By-Law;
<ul style="list-style-type: none"> <li>- Attached and freestanding signs</li> </ul>	In accordance with the Town's <i>Sign</i> By-Law, unless otherwise specifically noted in this By-Law
<ul style="list-style-type: none"> <li>- an unenclosed, outdoor private swimming pool or hot tub, accessory to a residential use</li> </ul>	<ul style="list-style-type: none"> <li>a) Shall only be permitted in an <i>interior side yard</i> or <i>rear yard</i>, with a minimum <b>1.2 m</b> (3.9 ft) <i>setback</i> from a <i>side lot line</i> or <i>rear lot line</i> or in an <i>exterior side yard</i> with a minimum <b>3 m</b> (9.8 ft) <i>setback</i> from the <i>street line</i>;</li> <li>b) An above ground private pool shall not exceed <b>1.6 m</b> (5.25 ft) in <i>height</i> above <i>finished grade</i>, measured to the top of the pool wall;</li> <li>c) Any <i>deck</i> associated with an above ground private swimming pool or hot tub, shall be in accordance with the provisions for <i>decks</i> in Table 5.35.1.</li> <li>d) Such private swimming pool or hot tub shall not be included in <i>lot coverage</i> calculations;</li> </ul>

### 5.1.3 GARAGE AND YARD SALES

Where this By-Law provides that a *lot* may be used for a *dwelling(s)*, the *permitted accessory uses* to such *dwelling(s)* shall include a *garage sale* or *yard sale* provided that:

- a) A maximum of two (2) *garage* or *yard sales* may be conducted per calendar year;
- b) A *garage* or *yard sale* may be up to a maximum of three (3) days in duration, provided that such sale is held on consecutive days;
- c) Any *signs* shall be in accordance with the Town's Sign By-Law; and
- d) Such sales may only be conducted during daylight hours.

**5.2 CARGO CONTAINERS**

Where a *cargo container* is used for the purpose of storage accessory to a principal use, the following provisions shall apply:

- a) a *cargo container* may only be permitted in an Industrial Zone;
- b) a *cargo container* may only be located in the *rear yard* and must comply with the *rear yard depth* provisions of the zone in which the said *cargo container* is located;
- c) other than the *rear yard depth* requirement as set out in subsection above, the placement of a *cargo container* shall comply with Table 5.1.1.4 - Regulations for Accessory Buildings and Structures.

**5.3 CONTROL OF ANIMALS AND BIRDS**

Where an Animal Control By-Law has been passed by the Town, the prohibition or regulation of the keeping of animals, birds or reptiles within any Zone shall be controlled by such By-Law.

**5.4 DWELLING UNITS BELOW GRADE**

(Deleted by By-Law 2021-023)

**5.5 EROSION HAZARD AREAS****5.5.1 DEFINITION OF EROSION HAZARD AREAS**

Erosion hazard areas shall correspond to the fill regulated areas established by the Long Point Region Conservation Authority, as indicated on Schedule "A" of this By-Law.

5.5.2 **PERMITTED USES**

All of the *uses* of the underlying zone may be permitted within an erosion hazard area, subject to complying with the provisions of a geotechnical study, undertaken by the applicant pursuant to Section 3.2.8.2.1 of the County of Oxford Official Plan. Existing *buildings* and *structures* shall be recognized as *permitted uses* within an erosion hazard area, provided that any expansion or change of *use* of such *buildings* and *structures* shall also be subject to compliance with the provisions of a geotechnical study as indicated above.

Notwithstanding the *uses* permitted above, new institutional *uses*, emergency services and the disposal, manufacture, treatment or storage of hazardous substances, including manure, shall be prohibited within an erosion hazard area.

5.5.3 **ZONE REQUIREMENTS**

All other zone provisions of the underlying zone shall continue to apply within erosion hazard areas, unless new provisions are recommended by the geotechnical study. Where new provisions are recommended by a geotechnical study, a Zoning By-Law amendment shall be required to incorporate such provisions into this By-Law.

5.6 **ESTABLISHED BUILDING LINE**

Notwithstanding any provisions of this By-Law to the contrary, where a *single detached, semi-detached or duplex dwelling* or an *accessory use* thereto is to be *erected* in a built up area and there is an established building line, such *dwelling* or *accessory use* may be *erected* closer to the *street line* or the centre line of the *street*, as the case may be, than required by this By-Law, provided such *dwelling* or *accessory use* is not *erected* closer to the *street line* or to the centre line of the *street*, as the case may be, than the *established building line* on the date of passing of this By-Law. In no event shall any *building* or *structure* be *erected* closer than **3 m** (9.8 ft) to the *front lot line*.

5.7 **EXCEPTIONS FOR EXISTING LOTS**

Where a *lot* having a *lot area, lot depth, and/or lot frontage* of not more than 20% less than that required by 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 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 By-Law are complied with.

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Where a plan of subdivision has obtained draft plan approval prior to the date of passing of this By-Law, such subdivision may proceed to final approval and registration notwithstanding that the *lots* contained therein may have a *lot area*, *lot depth* and/or *lot frontage* which are less than required by the By-Law. Upon registration of the subdivision the *lots* shall be considered as existing *lots* for the purposes of applying the provisions of this section.

## 5.8 FLOOD AND FILL AREAS

### 5.8.1 **EXTENT OF THE FLOOD PLAIN AND FILL REGULATED AREA**

The Flood Plain and Fill Regulated Area apply to lands within the Regulatory Flood Plain and Fill Regulated Area established by the Long Point Region Conservation Authority. Where the Conservation Authority has not established flood lines, proponents may be required to complete such mapping to the satisfaction of the Conservation Authority, prior to development. The *Zoning Officer* shall notify the Conservation authority of development plans within the Regulated Area to determine whether such flood plain mapping is required and to obtain written confirmation from the Conservation Authority that the proposed development complies with all applicable regulations.

Until Significant Valleylands have been defined through study, they will be defined as the lands associated with the Regulatory Flood Plain or Fill Regulated Area established by the Conservation Authority.

### 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 By-Law. A dashed bracket on Schedule "A" of this By-Law shows the limits of the Fill Regulated Area.

### 5.8.3 **PERMITTED USES WITHIN THE REGULATORY FLOOD PLAIN**

Only the following *uses* are permitted within the area of the Regulatory Flood Plain, 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 5.25 of this By-Law;
- a *sand or gravel pit*;
- a stone quarry;
- a *conservation project*;

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

#### 5.8.3.1 **FILL REGULATED AREA**

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

#### 5.8.4 **PERMITTED USES IN 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 Sections 3.2.6 and 3.2.11 of the County of Oxford Official Plan. For the purposes of this provision, adjacent lands shall be defined as those lands located within **50.0 m** (164 ft) of a Significant Valleyland. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under Section 3.2.6 of the County of Oxford Official Plan.

#### 5.8.5 **ZONE REQUIREMENTS**

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

### 5.9 **GARDEN SUITES**

#### 5.9.1 **ESTABLISHING A GARDEN SUITE**

A *garden suite* may be located on a *lot* in a Residential Zone through the passage of a Temporary Use By-law.

#### 5.9.2 **CONDITIONS TO BE SATISFIED**

A Temporary Use By-law as stated in subsection 5.9.1 shall only be granted where the proposed *garden suite* complies with the following conditions and zone provisions:

- i) only one (1) *garden suite* is permitted on a *lot*;
- ii) the *garden suite* complies with Section 5.15 – Adequate Municipal Services;

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- iii) the *garden suite* must be sited on the same *lot* as the main residential *building* and the owner of the *lot* must live on the property;
- iv) the *garden suite* may only be located in the *rear yard* of the *lot*;
- v) the *garden suite* must comply with the regulations for *accessory buildings* set out in Table 5.1.1.4 - Regulations for Accessory Buildings and Structures for Residential Zones; and
- vi) an agreement is entered into with the *Corporation* and registered on title specifying the period of temporary occupancy by any *persons* named, requirements for the removal of the *garden suite, building* design details, drainage and servicing works and monetary or other forms of security which may be required.

### 5.9.3 **ACCESSORY BUILDING LOT COVERAGE FOR A GARDEN SUITE**

Where a *garden suite* is permitted in a Residential Zone pursuant to subsection 5.9.2, the *accessory building lot coverage* established in Table 5.1.1.4 may be exceeded by the ground floor area of the *garden suite* provided that the total *lot coverage* provision of the applicable Residential Zone is not exceeded.

### 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**

(Deleted by By-Law 2021-023)

### 5.12 **GROUP HOMES**

#### 5.12.1 **WHERE PERMITTED**

Notwithstanding any other provision of this By-Law to the contrary, a *Group Home* is permitted to occupy the whole of an individual *dwelling unit, a single detached dwelling, a semi-detached dwelling, a duplex dwelling, a multiple unit dwelling* and a *street fronting townhouse dwelling*, provided the total number of residents within the building *structure* does not exceed eight (8). The *dwelling* must have **20 m<sup>2</sup>** (216 ft<sup>2</sup>) of *gross floor area per person* residing within the unit.

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5.12.2 **ZONE REQUIREMENTS**

A *Group home* shall comply with the zone provisions for *dwelling*s 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*.

5.13.2 **FLOOR AREA LIMIT**

Not more than the cumulative total of **25 m<sup>2</sup>** (269.1ft<sup>2</sup>) of *gross floor area* of the residential *dwelling unit* shall be used for the purposes of the *home occupation use*.

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 (1) unlit sign with an area of not more than **1 m<sup>2</sup>** (10.8 ft<sup>2</sup>), directly attached to the wall of the residential *dwelling unit*.

5.13.4 **ADVERTISEMENT**

Media advertising of the *home occupation* shall be restricted to the publishing of the *home occupation* and telephone number, but no municipal address.

5.13.5 **EMPLOYEES**

There are no *persons* employed other than a member of the family residing on the *lot*.

5.13.6 **RETAIL SALES**

Retail sale of items shall be prohibited, except for items made as part of an approved *home occupation*.

5.13.7 **REPAIR USES**

Repair of goods shall be prohibited, except for household appliances and electronic equipment as part of an approved *home occupation*.

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5.13.8 **BED AND BREAKFAST ESTABLISHMENT**

A *bed and breakfast establishment* shall be considered a *home occupation* where located in a *single detached dwelling*. Notwithstanding the *gross floor area* limit for a *home occupation* in Section 5.13.2, a *bed and breakfast establishment* shall be limited to three (3) *guest rooms*.

5.13.9 **HOME DAYCARE**

A home daycare, located in a *single detached dwelling*, a *semi-detached dwelling*, a *duplex dwelling*, a *street fronting townhouse dwelling* or a *converted dwelling* with accommodation for up to and including five (5) children, shall be considered a *home occupation*. For the purpose of this subsection, the *gross floor area* limit for a *home occupation* in Section 5.13.2 shall not apply to a home daycare.

5.13.10 **PARKING**

Off-Street parking shall be provided in accordance with Section 5.24.

5.13.11 **ZONE REQUIREMENTS**

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

The *home occupation* shall not include the shipping or receiving of goods or materials by *commercial motor vehicles* greater than **4,000 kg** (8,818.3 lbs) gross vehicle weight.

Notwithstanding any provisions contained in this By-Law, no *accessory buildings* or *yards* in a residential zone shall be used for any *home occupation*.

5.14 **LOADING PROVISIONS**5.14.1 **LOADING SPACES REQUIRED**

The owner or occupant of any *lot, building or structure* in a Commercial, Institutional or Industrial Zone, *erected* or used for any purpose involving the receiving, shipping, loading or unloading of *persons*, animals, 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.

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TABLE 5.14.1 - LOADING SPACE REQUIREMENTS		
Zone	Gross Floor Area	Number of Loading Spaces Required
Commercial, Institutional, Industrial, or Open Space Zone	350-2,000 m <sup>2</sup> (3,767.5-21,528.5 ft <sup>2</sup> )	1
	2,001-6,500 m <sup>2</sup> (21,539.3-69,967.7 ft <sup>2</sup> )	2
	6,501-12,000 m <sup>2</sup> (69,978.5-129,171.2 ft <sup>2</sup> )	3
	Greater than 12,000 m <sup>2</sup> (129,171.2 ft <sup>2</sup> )	4

Where more than one (1) primary *building* is located on a *lot*, the loading space requirements indicated in Table 5.14.1 shall be applied to each such *building* individually, with any required spaces to be located immediately adjacent to the *building* for which they are required.

#### 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	14 m (45.9 ft)
Width	4 m (13.1 ft)
Vertical Clearance	4.5 m (14.7 ft)
Location	1.5 m (4.9 ft) from an <i>interior side</i> or <i>rear lot line</i> and 15 m (49.2 ft) from a <i>street line</i> . In addition, no <i>loading space</i> shall be located in any portion of a required <i>yard</i> abutting a Residential, Future Development or Entrepreneurial Zone.
Access Driveway Width	6 m (19.7 ft)

#### 5.14.3 REDUCED LOADING SPACE STANDARDS

Notwithstanding the minimum length and width standards in Table 5.14.2, where the combined *gross floor area* for all *uses* on a *lot* in a commercial or institutional zone does not exceed 2,000 m<sup>2</sup> (21,528.5 ft<sup>2</sup>), the minimum length and width for the required loading space may be reduced to 9 m (29.5 ft) and 3.5 m (11.5 ft) respectively.

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5.14.4 **LOADING SPACE CALCULATION**

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

5.14.5 **LOADING SPACE SURFACE**

The *driveway* and *loading spaces* shall be constructed of asphalt, concrete, portland cement binder, recycled asphalt, or a stable surface of crushed stone or gravel which is maintained or treated so as to prevent the raising of dust or loose particles, or in accordance with the material identified in an approved site plan.

5.14.6 **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 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* that increases the *gross floor area*, then additional *loading spaces* shall be provided as required by Section 5.14.1 of the By-Law for such addition.

5.15 **LOTS CONTAINING MORE THAN ONE USE**5.15.1 **LOT AREA AND LOT FRONTAGE REQUIREMENTS**

Where a *lot* contains more than one (1) *use*, which is not an *accessory use*, the *lot area* requirement shall be the sum of the requirements for each separate *use*. The *lot frontage* requirement shall be the greatest of the *lot frontage* requirements for each separate *use* in the zone where such *lot* is located.

5.16 **LOTS DIVIDED INTO MORE THAN ONE ZONE**

Where a *lot* is divided into more than one (1) zone, each such portion of the *lot* shall be used in accordance with the provisions of this By-Law for the zone where such portion of the *lot* is located. However, for the purposes of determining minimum *lot area* and minimum *lot frontage*, the entire *lot* shall be considered, with the exception of any areas covered by an environmental protection overlay or located within a flood plain, as identified on Schedule "A" of this By-Law.

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5.16a METHADONE CLINICS AND METHADONE DISPENSARIES5.16A.1 **GENERAL PROVISIONS**

Notwithstanding any other provision contained in the By-Law that may apply, the following specific provisions shall apply to a *Methadone Clinic* and/or a *Methadone Dispensary*.

## i) PARKING

Minimum 1 space per **15 m<sup>2</sup>** (161 ft<sup>2</sup>)

## ii) WAITING ROOM AREA

Minimum – *Methadone Clinic* 15% of the *gross floor area*

5.16A.2 **PUBLIC HOSPITALS**

Notwithstanding any other provision contained in this By-Law, a *Methadone Clinic* and/or a *Methadone Dispensary* shall be permitted on any *lot* on which a *Public Hospital* is operated.

(Added by By-Law 3788)

5.17 MOBILE FOOD VENDING

A *mobile food vending* unit shall only be permitted in the Service Commercial, Neighbourhood Commercial, and Industrial zones and shall be subject to municipal licensing standards.

5.18 MOBILE VENDING UNIT

A mobile vending unit shall only be permitted in the Service Commercial, Neighbourhood Commercial, and Major Institutional Zones, and shall be subject to municipal licensing standards.

5.19 MUNICIPAL SERVICES

5.19.1 No land shall be used or built upon and no *building* or *structure* shall be *erected*, used or expanded for any purpose unless the land is serviced by municipal services (municipal water, *sanitary sewers*, drainage systems and *improved streets*) which meet the municipal standards in effect and have adequate capacity to service the *use* or development.

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5.19.2 Notwithstanding the foregoing, the following may be permitted without full municipal services:

5.19.2.1 Additions to existing residential *dwelling*s and construction of *buildings* and *structures accessory* to existing residential *dwelling*s, provided the said additions and/or *accessory buildings* comply will all other provisions of the zone in which the *dwelling* is located and do not require any other approval under the Planning Act, R.S.O. 1990.

(Deleted and Replaced by By-Law 2021-023)

5.19.2.2 Mobile food vending units shall not be required to connect to municipal services.

## 5.20 NOISE AND VIBRATION

### 5.20.1 **SEPARATION OF NOISE SENSITIVE LAND USES FROM INDUSTRIAL USES**

Notwithstanding any provision within this By-Law to the contrary, the development of a *noise sensitive land use* shall not be permitted within the following minimum separation distances:

- **20 m** (65 ft) from a *Class I industrial facility* on an industrially zoned *lot*;
- **70 m** (230 ft) from a *Class II industrial facility* on an industrially zoned *lot*; or
- **300 m** (984 ft) from a *Class III industrial facility* on an industrially zoned *lot* or an existing rail yard;
- **300 m** (984 ft) from an un-built *lot* in an industrial zone or a future development zoned *lot* which is designated for industrial purposes on Schedule T-1 of the County Official Plan.

The above minimum separation distances shall also apply to the development of Class I, II or III industrial facilities in proximity to existing *noise sensitive land uses* located on *lots* in a Residential, Institutional or OS2 zone.

### 5.20.2 **MEASUREMENT OF SEPARATION DISTANCE**

The minimum separation distance specified in Section 5.20.1 shall be measured as the shortest distance between the *lot line* of the *lot* containing the existing or proposed *noise sensitive land use* and the *lot line* of the industrial or future development zoned *lot*.

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5.20.3 **EXCEPTIONS**

The minimum separation distances in Section 5.20.1 shall not prevent the construction of a *dwelling*, provided that:

- Such *dwelling* is located on an appropriately zoned *lot* in a registered plan of subdivision, or an appropriately zoned *lot* created through consent; or
- Such *dwelling* is located on an appropriately zoned *lot* of record, which is not located within a registered plan of subdivision, and is located no closer to any industrial *use* identified in Section 5.20.1 than one (1) or more existing *noise sensitive land uses* located on appropriately zoned *lots*, provided that such *uses* are located between the *lot* to contain the proposed *dwelling* and the identified industrial *use*.

5.20.4 **SETBACK ADJACENT TO A RAILWAY**

Notwithstanding any other provisions of this By-law to the contrary, where any *lot line* or portion thereof abuts a railway right-of-way, the *setback* and other noise mitigation measures shall be established with consultation from the owner of the Railway.

5.21 **NON-CONFORMING USES, SITES AND BUILDINGS**5.21.1 **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 By-Law if such *lot*, *building* or *structure* was lawfully used for such purpose on the date of passing of this By-Law, and provided that it continues to be used for that purpose.

For the purpose of this 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.

For the purposes of this By-Law, lawfully used will be restricted, for the purposes of proof, to existing as of April 26<sup>th</sup>, 1977.

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**5.21.2 NON-CONFORMING BUILDING LOCATION**

Notwithstanding any of provisions of this By-Law to the contrary, any *building* or *structure*, which lawfully existed at the date of passing of this By-Law, shall be deemed to comply with the relevant provisions of this 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 5.21.7.

**5.21.3 HOW NON-CONFORMING RIGHTS LOST**

*Non-conforming* rights shall be considered to be extinguished in the following situations:

- (a) where a *building* or *structure* containing or otherwise used in connection with a *non-conforming use* is more than 50% accidentally damaged or demolished and is not repaired and reoccupied within one (1) year;
- (b) where the *non-conforming use* is discontinued for a period exceeding six (6) months;
- (c) in the case of a *recreational vehicle* in a Residential Zone and such vehicle is in excess of **3.7 m** (12.1 ft) in *height*, where the *non-conforming use* is removed from the lot for a period exceeding thirty (30) consecutive days;
- (d) in the case of a *recreational vehicle* in a Residential Zone that is stored in a manner that is non-conforming with Section 5.34 of this Zoning By-law, where the said *recreational vehicle* is removed from the *lot* for a period exceeding thirty (30) consecutive days; where a *non-conforming use* is changed without the permission of the Town of Tillsonburg Committee of Adjustment, or where applicable, a decision rendered by the Ontario Municipal Board.

**5.21.4 BUILDING PERMIT ISSUED**

The provisions of this By-Law shall not apply to prevent the erection or *use* for a purpose prohibited by this By-Law of any *building* or *structure*, the plans for which have been approved, prior to the date of passing of this 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 By-Law.

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**5.21.5 STRENGTHENING OF NON-CONFORMING BUILDINGS**

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

**5.21.6 REPLACEMENT OF NON-CONFORMING BUILDINGS**

Where a *non-conforming 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:

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

5.21.6.2 the *building* or *structure* is located on or within the limits of the foundation walls of the *building* or *structure* as they existed prior to such destruction;

5.21.6.3 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;

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

5.21.6.5 the *building* or *structure* is replaced and reoccupied within one (1) year of such destruction.

**5.21.7 EXTENSIONS TO NON-CONFORMING BUILDINGS**

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

5.21.7.1 the *use, building* or *structure* existed at the date of passing of this By-Law but does not comply with one (1) or more of the zone provisions of this By-Law; and

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

5.21.7.3 Notwithstanding Section 5.21.7.2, for a residential *use* in any residential zone or EC zone that such extension of addition does not further contravene any of the zone provisions of this By-Law.

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5.21.8 **NON-CONFORMITY 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-conforming* 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-conformity.

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.

5.22 **OUTDOOR DISPLAY AREAS**5.22.1 **PERMITTED IN ALL COMMERCIAL ZONES**

An *outdoor display area* is a permitted *use* in all commercial zone categories, unless otherwise indicated by an approved site plan.

5.22.2 **REGULATIONS**

An *outdoor display area* is subject to the following additional regulations:

- a) it must not be located within any required *parking area*, sidewalk or facility for pedestrian movement;
- b) notwithstanding any required *yard setbacks* of the applicable zone, an outdoor display area may project to within **1.2 m** (3.9 ft) of the *lot line* provided that it is outside of any *corner lot sight triangle*;
- c) notwithstanding any provision of the applicable zone, an outdoor display area shall not be included in the calculation of *gross floor area* or required *parking spaces*.

5.22.3 **ENCROACHMENT INTO MUNICIPAL ROAD ALLOWANCE**

Despite Section 5.22.2, an *outdoor display area* may be permitted to encroach on an *improved street* only where it will not interfere with pedestrian or vehicular traffic and only with the written approval of the *Corporation*.

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**5.23 OUTDOOR PATIOS****5.23.1 OUTDOOR PATIOS PERMITTED**

An *outdoor patio* is permitted where it is operated as part of an *eating establishment*, tavern, community complex, refreshment room, *institutional hall* or *golf course* listed as a permitted *use* in the applicable zone provisions.

**5.23.2 LOCATION**

An *outdoor patio* shall only be established in accordance with the following criteria:

- a) an *outdoor patio* is prohibited in a *yard* abutting a Residential, Entrepreneurial or Institutional Zone;
- b) an *outdoor patio* is prohibited within any *yards* abutting a *street* if a Residential Zone or Entrepreneurial Zone is located on the opposite side of the *street*; and
- c) a terraced or rooftop *patio* is not permitted on any property abutting a Residential Zone.

**5.23.3 PARKING**

The *gross floor area* of any *outdoor patio* shall be included for the purposes of calculating required parking in accordance with Table 5.24.2.1.

**5.23.4 ENCROACHMENT INTO REQUIRED YARDS**

Despite any required *yard setbacks* of the applicable zone, an *outdoor patio* may project to within **1.2 m** (3.9 ft) of the *lot line* provided that the criteria of Section 5.23.2 are complied with.

**5.23.5 ENCROACHMENT INTO MUNICIPAL ROAD ALLOWANCE**

An *outdoor patio*, in the Central Commercial (CC) zone, may be permitted to encroach onto an *improved street* only where it will not interfere with pedestrian or vehicular traffic and only where a valid encroachment agreement has been entered into with the *Corporation* and remains in good standing.

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5.24 PARKING PROVISIONS5.24.1 **GENERAL REQUIREMENTS FOR PARKING AREAS**

## 5.24.1.1 OFF-STREET PARKING AREAS REQUIRED

Unless otherwise stated in this 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 5.24.2.

## 5.24.1.2 MORE THAN ONE USE PER LOT

In a *building* or *structure* in which more than one (1) *use* is located, the total requirement for parking will be the sum of the requirements applied to each separate *use*, unless otherwise expressly stated.

## 5.24.1.3 PARTS TO BE CONSIDERED AS REQUIRED SPACES

Where the application of the parking standards as set out in Section 5.24.2, results in part of a *parking space* being required, such part will be considered as one (1) required space.

## 5.24.1.4 USE OF PARKING AREAS AND SPACES

5.24.1.4.1 All required *parking spaces* must be used exclusively for that purpose and must not be used for any other purpose.

If one (1) or more required *parking spaces* are to be provided in an attached or detached *garage*, each space shall have a minimum width of **2.7 m** (8.86 ft) and minimum length of **6 m** (19.7 ft) and shall remain unobstructed at all times.

5.24.1.4.2 Where a *parking area* or *space* is permitted or required under this 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.

## 5.24.1.4.3 COMMERCIAL MOTOR VEHICLES AND TRACTOR TRAILERS IN RESIDENTIAL ZONES

No *person* shall use any *lot*, *building* or *structure* in a Residential or Entrepreneurial 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 **3.7 m** (12.1 ft) in

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*height* (including any attached equipment), measured from grade, and **7.0 m** (23.0 ft) in overall length, and shall have a single axel. No more than one (1) commercial vehicle is permitted to be parked or stored in accordance with this Section.

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

#### 5.24.1.5 ACCESS TO PARKING SPACE

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

#### 5.24.1.6 PARKING SPACE AND PARKING AISLE STANDARDS

*Motor vehicle parking spaces* and *parking aisles* shall comply with the standards set out in Table 5.24.1.6 and be in accordance with Schedule "C" of this By-Law.\

TABLE 5.24.1.6 - PARKING SPACE AND AISLE STANDARDS			
Angle of the Parking Spaces	Minimum Perpendicular Width of the Aisle	Minimum Depth of Parking Space	Minimum Width of Parking Space
30 degree	<b>3.4 m</b> (11.2 ft)	<b>4.6 m</b> (15.1 ft)	<b>2.7 m</b> (8.9 ft), except for <i>parking spaces</i> flanking a wall, fence or other obstruction, which shall be <b>3 m</b> (9.8 ft)
45 degree	<b>3.7 m</b> (12.1 ft)	<b>5.5 m</b> (18 ft)	
55 degree	<b>4.3 m</b> (14.1 ft)	<b>5.8 m</b> (19 ft)	
60 degree	<b>4.9 m</b> (16.1 ft)	<b>5.8 m</b> (19 ft)	
65 degree	<b>5.2 m</b> (17.1 ft)	<b>5.8 m</b> (19 ft)	
70 degree	<b>5.5 m</b> (18 ft)	<b>5.8 m</b> (19 ft)	
90 degree	<b>7.3 m</b> (24 ft)	<b>5.5 m</b> (18 ft)	
parallel parking	<b>4 m</b> (13.1 ft) for one way traffic and <b>6 m</b> (19.7 ft) for two way traffic	<b>6.5 m</b> (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		

#### 5.24.1.7 DRIVEWAY STANDARDS

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

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## 5.24.1.7.1 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 m** (9.8 ft) in width;

## 5.24.1.7.2 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.

## 5.24.1.7.3 Maximum Driveway Width - Residential Zones

Within a residential zone, a maximum of 50% of either the area of the *front yard* or *lot frontage*, or the area or width of the *exterior side yard*, may be occupied by a *driveway* or *parking area*.

## 5.24.1.7.4 Number of Driveways Permitted

Every *lot* shall be limited to not more than two (2) *driveways* for the first **30 m** (98.4 ft) of frontage; and not more than one (1) additional *driveway* for each additional **30 m** (98.4 ft) of frontage.

## 5.24.1.7.5 Distance From Intersection

The minimum distance between a *driveway* and an intersection of *street lines* is **7.5 m** (24.6 ft).

## 5.24.1.8 PARKING AREA SURFACE

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

(Deleted and Replace by By-Law 2021-023)

## 5.24.1.9 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 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 Section 5.24.2 of this By-Law than were required by its *use* at the date of passing of this 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 By-Law, then additional *parking spaces* shall be provided to the number required for such addition or change in *use*.

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## 5.24.2 MOTOR VEHICLE PARKING STANDARDS

## 5.24.2.1 OFF-STREET PARKING REQUIRED

Off-street parking for *motor vehicles* must be provided as set out in Table 5.24.2.1.

TABLE 5.24.2.1 – PARKING STANDARDS		
Land Use Category		Number of Vehicle Parking Spaces Required
Residential Uses	- <i>single detached dwelling</i> - <i>duplex dwelling</i> - <i>semi-detached dwelling</i> - <i>converted dwelling</i> - <i>mobile home</i> - <i>street fronting townhouse dwelling</i>	- 2 per <i>dwelling unit</i>
	- <i>home occupation, except a bed and breakfast establishment</i>	- 1
	- <i>bed and breakfast establishment</i> - <i>boarding or lodging house</i>	- 1 per <i>guest room</i>
	- <i>garden suite</i>	- 1 per <i>garden suite</i>
	- 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 unit</i>
Business Uses	- <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 <b>20 m<sup>2</sup></b> (215.3 ft <sup>2</sup> ) of <i>gross floor area</i>
	- <i>eating establishment</i>	- 1 per <b>9 m<sup>2</sup></b> (96.9 ft <sup>2</sup> ) of <i>gross floor area</i>
	- funeral home	- 20 for the first <b>50 m<sup>2</sup></b> (538.2 ft <sup>2</sup> ) of <i>gross floor area</i> plus 1 for each additional <b>1.5 m<sup>2</sup></b> (16.1 ft <sup>2</sup> ) of <i>gross floor area</i> used for a chapel or public visitation area.
	- wholesale establishment	- 1 per <b>90 m<sup>2</sup></b> (968.8 ft <sup>2</sup> ) of <i>gross floor area</i>
	- <i>hotel or motel</i>	- 1.2 per <i>guest room</i>
Office Uses	- <i>business or professional office</i> - government administrative offices	- 1 per <b>20 m<sup>2</sup></b> (215.3 ft <sup>2</sup> ) <i>gross floor area</i>
	- <i>animal kennel</i> - <i>medical centre</i> - <i>veterinary clinic</i>	- Minimum of 4 spaces or 6.0 per <b>100 m<sup>2</sup></b> (1,076 ft <sup>2</sup> ) <i>gross floor area</i> , whichever is greater



TABLE 5.24.2.1 – PARKING STANDARDS		
Land Use Category		Number of Vehicle Parking Spaces Required
Industrial Uses	- <i>truck transport terminal</i>	- 1 per <b>100 m<sup>2</sup></b> (1,076.4 ft <sup>2</sup> ) <i>gross floor area</i>
	- <i>warehouse</i>	- 1 per <b>185 m<sup>2</sup></b> (1,991,4 ft <sup>2</sup> ) of <i>gross floor area</i>
	- all other industrial uses	- 5 plus 1 per <b>90 m<sup>2</sup></b> (968.8 ft <sup>2</sup> ) of <i>gross floor area</i>
Institutional Uses	- <i>place of worship</i>	- 1 for every 5 seats capacity, or 1 for each <b>10 m<sup>2</sup></b> (107.6 ft <sup>2</sup> ) of <i>gross floor area</i> used for a hall or auditorium, whichever is greater.
	- <i>hospital</i>	- 1 per 3 beds or fraction thereof
	- elementary school	- 5, plus 1 per classroom, or 1 per <b>10 m<sup>2</sup></b> (107.6 ft <sup>2</sup> ) of <i>gross floor area</i> in the gymnasium or auditorium, whichever is greater.
	- secondary school	- 4 per classroom, or 1 per <b>10 m<sup>2</sup></b> (107.6 ft <sup>2</sup> ) of <i>gross floor area</i> in the gymnasium or auditorium, whichever is greater.
	- <i>nursing home</i>	- 1 per 3 beds or fraction thereof
	- <i>group home</i>	- 4 spaces
Leisure and recreation type uses	- museum - library - recreational or athletic facility	- 1 per <b>20 m<sup>2</sup></b> (215.3 ft <sup>2</sup> ) 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.
	- arena or <i>community centre</i> - <i>assembly hall</i> - <i>fraternal lodge or institutional hall</i> - <i>place of entertainment</i>	- 1 per <b>10 m<sup>2</sup></b> (107.6 ft <sup>2</sup> ) of <i>gross floor area</i> or 1 space for every 4 seats whichever is greater
	- bowling alley	- 4 per lane
	- curling facility	- 4 per curling sheet
	- All other uses permitted by this By-Law other than those listed in this table	- 1 per <b>40 m<sup>2</sup></b> (430.6 ft <sup>2</sup> ) of <i>gross floor area</i>

### 5.24.2.2 ACCESSIBLE PARKING

5.24.2.2.1 Accessible *parking spaces* are to 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”:

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- (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).

#### 5.24.2.2.2 REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES

As part of the required off street motor vehicle parking spaces required under Section 5.24.2.1, parking spaces dedicated for Accessible Parking shall be provided as follows:

TABLE 5.24.2.2.2 - ACCESSIBLE PARKING STANDARDS			
Total Number of Required Vehicle Parking Spaces	Minimum Number of Required Accessible Spaces	Type A Spaces	Type B Spaces
1 – 12	1	1	0
13 – 100	4% of total required parking spaces	Where an even number of accessible parking spaces are required an equal number of Type A and Type B spaces must be provided.  Where an odd number of total accessible parking spaces are required the additional space may be a Type B space.	
101 – 200	3% of total required parking spaces + 1		
201 – 1,000	2% of total required parking spaces + 2		
1,001 or greater	1% of total required parking spaces + 11		

#### 5.24.2.2.3 LOCATION OF ACCESSIBLE PARKING SPACES

Accessible *parking spaces* shall be:

- a) constructed at the same grade as the entry to the *building* or entry to the access ramp or *structure* designed to facilitate entry for those requiring accessible parking;
- b) located within close proximity to the *building* or access ramp or *structure*; and,
- c) clearly identified and reserved for the exclusive *use* of as accessible *parking spaces*.

#### 5.24.2.2.4 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.

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(Replaced by By-Law 3989)

## 5.24.2.3 TANDEM PARKING

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

## 5.24.3 LOCATION OF PARKING AREAS

## 5.24.3.1 YARDS AND SETBACKS

*Motor vehicle parking areas* must be situated in accordance with the requirements set out in Table 5.24.3.

TABLE 5.24.3 – LOCATION AND SETBACK REQUIREMENTS FOR PARKING AREAS				
Zone	Yards Where Parking is Permitted	Setback of Parking From:		
		Street Line	Interior Side Lot Line	Rear Lot Line
Single detached, duplex and 2 unit converted dwellings in all Zones	All yards	None	1.0 m (3.3 ft)	None
Semi-detached dwellings or street fronting townhouse dwellings in any zone	All yards	None	None	None
RM and RH Zones and all uses in an R3 zone, except for a street fronting townhouse dwelling.	Interior side yard  Rear yard	n/a	1.5 m (4.9 ft)	1.5 m (4.9 ft)
Commercial, Institutional, Industrial, Development, and Open Space Zones	Any yard, except for a required rear or interior side yard abutting a residential or development zone	1 m (3.3 ft)	1.5 m (4.9 ft)	1.5 m (4.9 ft)

(Deleted and Replace by By-Law 2021-023)

## 5.24.3.2 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 **75 m** (246.1 ft) from the said *lot* and shall be located within the same zone as the said *lot* and held under identical 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*.

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5.24.4 QUEUE SPACE REQUIREMENTS

Where any of the *uses* permitted by this By-Law offer drive-through service, off-street vehicle queue spaces leading to and from the drive-through service must be provided in accordance with Table 5.24.4.

TABLE 5.24.4: REQUIRED VEHICLE QUEUE SPACE	
Land Use	Required Number of Spaces
Automated Bank Machine situated on the exterior of a building or free-standing kiosk.	3 before each Automated Bank Machine
Automobile Service Station/Repair Garage	1 before each service bay 1 at service bay exit if a through-bay
Motor Vehicle Washing Establishment	3 before each wash bay 2 after each wash bay
Eating establishment	10 before pick-up window 2 after pick-up window
Convenience Retail or Service Establishment	2 before service window

5.24.4.1 All required queue spaces must be provided in accordance with the following design standards:

- a) The minimum dimensions for each queue space must be **2.7 m** (8.87 ft) in width and **6 m** (19.7 ft) in length;
- b) Queue spaces must be arranged in a single waiting line in advance and behind the drive through service window offered in accordance with Table 5.24.4;
- c) A minimum inside turning radius for queue spaces forming a waiting line is **7 m** (23 ft)
- d) Queue spaces forming a waiting line must be unobstructed by *parking spaces* or loading spaces and must be clearly delineated by markings and barriers;
- e) Queue spaces forming a waiting line or storage space from the service offered cannot form part of a *parking aisle* providing access to a *parking space*; and
- f) Queue spaces shall not be located in a required *yard* abutting a Residential Zone or Entrepreneurial Zone.

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5.24.5 **EXCEPTIONS – PARKING SPACE REQUIREMENTS**

Notwithstanding the minimum parking requirement contained Table 5.24.2.1, within the CC zone, the following minimum parking requirements shall apply:

- a) No additional *parking spaces* shall be required for any change of *use* within an existing *building*;
- b) For *uses* located within a *building* or portion of a *building* constructed after the date of passing of this By-Law, the minimum parking requirements set out in Table 5.24.2.1 shall be applied at a rate of 50%, with the exception of a residential *use*, a *hotel or motel* or a *shopping centre* which shall be applied at the full rate.

5.25 **PLANTING STRIPS**5.25.1 **REQUIREMENTS FOR NON-RESIDENTIAL USES**

5.25.1.1 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 provision of this subsection.

5.25.1.2 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 a planting strip in accordance with the provisions of this subsection.

5.25.2 **WIDTH**

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

5.25.3 **CONTENTS**

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, or a wooden 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.

5.25.4 **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 m** (9.8 ft) of the edge of said *driveway* and within **1.5 m** (4.9 ft) of the edge of said walks.

5.25.5 **LANDSCAPED OPEN SPACE**

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

5.26 **PROHIBITED USES**

No *person* shall, within the Zoned Area, use any land or construct, *alter* or use any *building* or *structure* for any of the following purposes:

- an arsenal;
- cement, lime or sulphur works;
- coke manufacture;
- distilling bones, blood boiling, bone boiling, tripe boiling or extracting fish from oil;
- fat, grease, lard or tallow rendering or refining but not including the manufacture of soap;
- incineration or reduction of dead animals or offal;
- kerosene refining;
- manufacturing or storing of explosives, ammunition or fireworks;
- a metal smelting *use*;
- *open storage*, except where specifically listed as a permitted *use*;
- petroleum refining;
- a rendering plant;
- a *sand or gravel pit*, other than a *wayside sand or gravel pit*;
- a tannery for the curing and storing of rawhide, skins, leather or hair;
- wool pulling or wool scouring;
- any trade, business or manufacture which is deemed to be an offensive trade within the meaning of the Public Health Act, RSO, 1990.

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5.27 PUBLIC USES

## 5.27.1 PUBLIC SERVICES

The provisions of this 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, RSO 1990, as amended;
- 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*;
- iv) by any Conservation Authority established by the Government of Ontario;
- i) by any department of the Government of Ontario or Canada;
- v) by any public utility or agency operating an electrical distribution facility, but shall not include electrical or other power generation;
- vii) 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.

5.27.2 No goods, material or equipment shall be stored in the open, except as permitted in such zone;

*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;*

Notwithstanding the *yard* and *setback* provisions of this By-Law to the contrary, for public water and sewage facilities in any zone, the following provisions shall apply:

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5.27.3 **FRONT, REAR AND SIDE YARDS**

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

5.27.4 **STREETS AND INSTALLATIONS**

Nothing in this By-Law shall prevent land to be used as a *street* or prevent the installation of a *watermain*, *sanitary sewer main*, *storm sewer main*, *gas main*, *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 or tower* provided that the location of such main, line, tower or fixture has been approved by the *Corporation*.

5.27.5 **EXCEPTIONS**

5.27.5.1 Where in this 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 Section 5.27.1, then such *use* shall be deemed to be permitted only within the zone or zones making such specific reference thereto and the said Section 5.27.1 shall not apply to such *use*.

5.27.5.2 Notwithstanding anything in this By-Law to the contrary, new *infrastructure* or *utilities* will only be permitted within any Zones or Environmental Overlay areas corresponding to the 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.

5.28 **SALE OF FIREWORKS**

The storage, sales, or display of fireworks shall be prohibited except in the Central Commercial Zone or Service Commercial Zone, and shall be subject to the Town of Tillsonburg "Fireworks By-law" 3510, as amended.

5.29 **SIGHT TRIANGLES**

On a *corner lot* within the triangular space formed by the *street lines* and a line drawn from a point on one (1) *street line* to a point in the other *street line*, each such point being **9 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 m (9.8 ft)** above the centre line grade of the intersecting *streets*.

Where the two (2) *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*.

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5.30 SIGNIFICANT ENVIRONMENTAL FEATURES

## 5.30.1 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:

Habitat of Endangered or Threatened Species  
Provincially Significant Wetlands.

## 5.30.1.1 IDENTIFICATION OF THE OVERLAY

The EP1 Overlay corresponds to the features listed in Section 5.30.1 and is identified on Schedule "A" of this By-Law. Section 2.5 of this By-Law provides an explanation for the interpretation of these overlay areas.

## 5.30.1.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no development or site alteration shall be permitted within an EP1 Overlay, except for a *use* which legally existed on the date of passing of this By-Law, provided that no additional development or site alteration shall be permitted, except as specified in Section 5.30.1.3; and

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

## 5.30.1.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *structure* which legally existed at the date of passing of this By-Law may be replaced, rebuilt or *altered*, provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of such *building* or *structure* by more than 25%. Any such replacement, rebuilding or alteration 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 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 *dwelling* existing at the date of passing of this By-Law, or to any residential *dwelling* 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 5.37 and shall not exceed **23.2 m<sup>2</sup>** (250 ft<sup>2</sup>) in area.

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## 5.30.1.4 ALL OTHER ZONE PROVISIONS APPLY

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

## 5.30.2 ENVIRONMENTAL PROTECTION 2 OVERLAY AND FISH HABITAT

The Environmental Protection 2 (EP2) Overlay shall apply to lands containing the following Significant Environmental Features that 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 shall consist of all watercourses, ponds, lakes and reservoirs within the Town.

## 5.30.2.1 IDENTIFICATION OF THE EP2 OVERLAY AND FISH HABITAT

The EP2 Overlay corresponds to the features listed in Section 5.30.2 and is identified on Schedule "A" of this By-Law. Section 2.5 of this By-Law provides an explanation for the interpretation of these overlay areas.

Fish Habitat corresponds to all the water features listed in Section 5.30.2.

## 5.30.2.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no *person* shall within any EP2 Overlay, or Fish Habitat, use any *lot* or *erect*, *alter* or use any *building* or *structure* for any purpose except one (1) or more of the following *uses*:

- A public *use* authorized through an environmental assessment process;
- A *use* which legally existed on the date of passing of this By-Law, provided that no additional development or site alteration shall be permitted, except as specified in 5.30.2.3;
- a *single detached dwelling* on a properly zoned *lot* of record created on or before April 17<sup>th</sup>, 1979, in accordance with the permitted *uses* and provisions of the underlying zone;
- a *single detached dwelling* on a properly zoned *lot* which was part of a plan of subdivision registered or draft approved on or before April 17<sup>th</sup>, 1979;

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- 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 Long Point Region Conservation Authority and the Ministry of Natural Resources;
- a *passive use park*, approved by the *Corporation* and the *County*, in consultation with the Long Point Region Conservation Authority;
- a *farm* on *existing* cleared areas within a future development or industrial zone including the land application of nutrients, in accordance with the Nutrient Management Act
- a *conservation project*.

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

#### 5.30.2.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *structure* which legally existed at the date of passing of this By-Law may be replaced, rebuilt or *altered*, provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of such *building* or *structure* by more than 25% and is located within an *existing* cleared area. Any portion of a *use* that legally existed at the date of passing of this By-Law and is not located within an *existing building* or *structure* shall be only be permitted within *existing* cleared areas.

#### 5.30.2.4 ALL OTHER ZONE PROVISIONS APPLY

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

#### 5.30.3 DISTANCE FROM THE EP1 OVERLAY, EP2 OVERLAY AND FISH HABITAT WHERE AN ENVIRONMENTAL IMPACT STUDY IS REQUIRED

##### 5.30.3.1 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 in Section 3.2.4.2 and 3.2.6 of the County of Oxford Official Plan.

Notwithstanding the above, *buildings* or *structures accessory* to an *existing dwelling* located within the EP1 Overlay or within **120 m** (393.7 ft) of the EP1 Overlay, may be permitted within **120 m** (393.7 ft) area adjacent to the EP1 overlay without an Environmental Impact Study, in accordance with the provisions of Section 5.1 of this By-Law, pertaining to *accessory residential buildings* and *structures*.

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- 5.30.3.2 Development, site alteration and stockpiling of materials within **50 m** (164 ft) of the EP2 Overlay or edge of fish habitat, except for those *uses* permitted in Section 5.30.2.2, must comply with the Environmental Impact Study Requirements in Section 3.2.4.2 and 3.2.6 of the County of Oxford Official Plan.

Notwithstanding the above, *buildings* and *structures accessory* to an *existing dwelling* within the EP2 Overlay or within **50 m** (164 ft) of the EP2 overlay or fish habitat shall be permitted in accordance with the provisions of Section 5.1 of this By-Law pertaining to *accessory residential building* and *structures*.

5.30.4 **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 Section 3.2.4.2 and 3.2.6 of the County of Oxford Official Plan. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under Section 3.2.6 of the County of Oxford Official Plan.

5.30.4 **ZONE REQUIREMENTS**

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

5.31 **SITE PLAN CONTROL**

Where *uses* located within any of the zones described in this By-Law are also within an area designated by By-Law as being subject to site plan control, they shall be subject to the provisions of the zone as well as any requirements of the Town of Tillsonburg's Site Plan Control By-Law and associated guidelines, as amended.

5.32 **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 *and* sites formerly zoned for industrial purposes have been 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.

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5.33 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*.

5.34 STORAGE OR PARKING OF RECREATIONAL VEHICLES

5.34.1 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:

5.34.1.1 No parking or storage of any *recreational vehicles* shall be permitted unless the principal *use*, *building*, or *structure* is specifically permitted by this By-Law and is already established on the same *lot*;

5.34.1.2 All required *parking spaces* pursuant to Table 5.24.2.1 must be provided on site;

5.34.1.3 The owner or occupant of any *lot*, *building* or *structure* in any Residential Zone may store or park not more than two (2) *recreational vehicles* outside. Where a *recreational vehicle* is kept on a trailer, the *recreational vehicle* and trailer together shall be counted as one (1) *recreational vehicle*.

5.34.1.4 The *height* of any parked or stored *recreational vehicle* on a *lot* shall be a maximum of **3.7 m** (12.1 ft) in height measured from grade to the highest fixed point of the *recreational vehicle*.

5.34.1.5 When parked or stored outside of a *building* or *structure*, *recreational vehicles* shall be located on the *lot* in accordance with Table 5.34.1.5, Recreation Vehicle Setbacks:

TABLE 5.34.1.5 – RECREATIONAL VEHICLE SETBACKS	
ALL RESIDENTIAL ZONES	REQUIRED MINIMUM SETBACK
Front Yard	Same as that required for a <i>main building</i>
Exterior Side Yard	Same as that required for a main building
Interior Side Yard	<b>1.0 m</b> (3.28 ft)
Rear Yard	<b>1.0 m</b> (3.28 ft)

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5.34.1.6 Notwithstanding any provision of Table 5.34.1.5 to the contrary, the following provisions shall also apply:

- i) a *recreational vehicle*, other than a snowmobile, may be temporarily parked or stored in a required *front yard* or *exterior side yard*, provided that the *recreational vehicle* is parked or stored on a *driveway* and is situated a minimum of **2.0 m** (6.56 ft) from the edge of pavement/ road finish;
- ii) a snowmobile may be temporarily parked or stored in a required *front yard* or *exterior side yard* provided that the snowmobile is stored or parked on a *driveway*.

5.34.2 **FULLY ENCLOSED**

Notwithstanding the provisions of Section 5.34.1 of this By-Law, the limitations imposed herein shall not restrict the number of *recreational vehicles* that are fully enclosed within a *private garage*.

5.34.3 **OCCUPANCY**

No *recreational vehicle* shall be used for human habitation except for a temporary period not exceeding five (5) consecutive days, twice per calendar year.

5.35 **THROUGH LOTS**

Where a *lot* which is not a *corner lot* has *frontage* on more than one (1) *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.

5.36 **USES PERMITTED IN ALL ZONES**

5.36.1 The following *uses* are permitted in all zones, except (1) Zones where the *use* is specifically prohibited or limited, or (2) on lands within the defined Generic Regulation of the Long Point Region Conservation Authority.

5.36.1.1 a trailer, temporary construction camp, waste container, tool shed, scaffold or other such *building* or other such temporary work camp which is incidental to construction and provided it is located on the site where such work is underway and provided that it shall be removed from the site within thirty (30) days of completing the work, the *buildings* or *structures* is located outside of any *sight triangle*, and the *building* or *structures* is not used for human habitation;

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The location of a trailer, *building* or *structures* shall be subject to the following criteria:

- the trailer, *building* or *structure* is located outside of any *sight triangle*; and
- the trailer, *building* or *structure* is not used for human habitation.

5.36.1.2 A temporary *building* or trailer for conducting sales of new *dwelling units* provided the sales *building* or trailer is located within the development site and that sales are restricted to *dwelling units* within that development only. The sales *building* or trailer shall be setback **30 m** (98.4 ft) and parking **6 m** (19.7 ft) from any existing off-site residential property abutting the development site. The temporary sales office shall be removed from the site within thirty (30) days of completing all sales of *dwelling units*.

5.36.1.3 A temporary office for conducting sales of new *dwelling units* may be established within a *dwelling unit* located within the development site. Sales shall be restricted to *dwelling units* within the development only and shall be removed from the site within thirty (30) days of completing all sales of *dwelling units*.

5.36.1.4 A gate house or kiosk in a residential or employment zone for security or parking lot management, provided such *structure* does not exceed **10 m<sup>2</sup>** (107.6 ft<sup>2</sup>) of *gross floor area*.

5.36.1.5 (Deleted by By-Law 2021-023)

### 5.37 YARD, SETBACK AND HEIGHT – PERMITTED ENCROACHMENTS

#### 5.37.1 PERMITTED PROJECTIONS INTO REQUIRED YARDS

Notwithstanding the *yard* requirements of this By-Law, the following projections are permitted from a *main building* in accordance with the provisions set out in Table 5.37.1.

TABLE 5.37.1 – PERMITTED PROJECTIONS INTO REQUIRED YARDS		
Structure	Permitted Projections into Required Yards	Minimum Setback Between Projection and <i>Lot line</i>
Uncovered and unenclosed steps, not exceeding <b>1.2 m</b> (3.9 ft) above grade, providing access to a basement or a ground floor, deck, stoop or landing	All Yards, no limit	<i>Interior Side</i> , <b>0.6 m</b> (2 ft) <i>Front, Exterior Side and Rear</i> , <b>3 m</b> (9.84 ft)

<b>TABLE 5.37.1 – PERMITTED PROJECTIONS INTO REQUIRED YARDS</b>		
<b>Structure</b>	<b>Permitted Projections into Required Yards</b>	<b>Minimum Setback Between Projection and Lot line</b>
Fire escapes, steps providing access above the ground floor and balconies above the ground floor	<i>Rear and Interior Side Yard, 1.2 m (3.94 ft)</i>	<b>1.2 m (3.94 ft)</b>
Ramps used for handicapped access	All Yards, no limit	<i>Interior Side, 1.2 m (3.93 ft)</i> <i>Rear, 3 m (9.84 ft)</i> <i>Street line, None</i>
Balconies on apartment buildings	All Yards, <b>1.5 m (4.92 ft)</b>	None
Sills, belt courses, cornices, pilasters, chimneys, eaves, gutters, parapets and pilasters and similar architectural features, provided that they are a minimum of <b>2 m (6.56 ft)</b> above grade	All Yards, <b>0.6 m (2 ft)</b> ,	<b>None</b>
Air conditioning units, heat pumps, air exchangers, fireplaces, exhaust fan hoods and other similar mechanical structures	All Yards, no limit	None
Bay windows, not exceeding <b>3 m (9.84 ft)</b> in width	<i>Front, Rear and Exterior Side Yards, 1 m (3.3 ft)</i>	<b>5 m (16.4 ft)</b>
Building cantilevers	<i>Front and Rear Yards, 0.6 m (2 ft)</i>	None
Permanent window awnings, provided that they are a minimum of <b>2 m (6.56 ft)</b> above grade	All Yards, <b>1 m (3.3 ft)</b>	<b>5 m (16.4 ft)</b>
Retractable-drop canopies and awnings	<i>Rear Yard, 3.7 m (12.1 ft)</i>	<b>3 m (9.8 ft)</b>
Uncovered decks, patios, concrete pads and other similar structures comprising part of an outdoor amenity area, exceeding <b>0.3 m (1 ft)</b> in height, but not exceeding <b>0.6 m (2 ft)</b> in height.	<i>Front and Exterior Side, 3 m (9.8 ft)</i> <i>Rear and Interior Side Yard, No Limit</i>	<i>Front, Interior or Exterior Side, 3 m (9.8 ft)</i> <i>Rear or Interior Side, 1.5 m (4.9 ft)</i>



TABLE 5.37.1 – PERMITTED PROJECTIONS INTO REQUIRED YARDS		
Structure	Permitted Projections into Required Yards	Minimum Setback Between Projection and Lot line
Uncovered decks, patios and porches/verandas, exceeding <b>0.6 m</b> (2 ft), but less than 1.2 m (4 ft) in average height	<i>Front, Interior and Exterior Side Yards, <b>1.5 m</b> (4.9 ft)</i> <i>Rear, <b>3.7 m</b> (12.14 ft)</i>	<i>Front or Exterior Side, <b>3 m</b> (9.8 ft)</i> <i>Interior Side, <b>1.2 m</b> (3.9 ft)</i> <i>Rear, <b>3 m</b> (9.8 ft)</i>
Uncovered decks, patios and porches/verandas, exceeding <b>1.2 m</b> (4 ft) in average height	<i><u>Front, Interior and Exterior Side Yards</u></i> <i><u><b>1.5 m</b> (4.9 ft)</u></i> <i><u>Rear, <b>3.7 m</b> (12.14 ft)</u></i>	<i>Front or Exterior Side, <b>3 m</b> (9.8 ft)</i> <i>Interior Side, <b>1.2 m</b> (3.9 ft)</i> <i>Rear, <b>3.8 m</b> (12.4 ft)</i>
Covered decks, patios and porches/verandas	All Yards, <b>1.5 m</b> (4.92 ft)	<i>Front or Exterior Side, <b>3 m</b> (9.8 ft).</i> <i>Interior Side, <b>1.2 m</b> (3.93 ft)</i> <i>Rear, <b>7.5 m</b> (24.6 ft)</i>

(Amended by By-Law 3384)

(Replaced by By-Law 3989)

(Deleted and Replaced by By-Law 2021-023)

5.37.1.1 Notwithstanding the provisions of Section 5.37.1 the following provisions shall also apply:

- i) no projection is permitted into a required *parking area* or *driveway*;
- ii) in a zone in which the *yard setbacks* for the *main building* are less than the minimum *yard setbacks* required by Table 5.37.1 for such *structures*, then they may be *erected* in accordance with *setback* requirement for the *main building*, unless otherwise noted in this By-Law; and
- ii) 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 Town of Tillsonburg or, in the case of a *County Road*, the County of Oxford.

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5.37.2 **HEIGHT EXCEPTIONS**

The height provisions of this By-Law shall not apply to prevent the erection and/or use of the following *uses*, in zones where such *uses* are permitted, and provided that such features are *erected* only to such *height* 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 sky light, elevator penthouse, water tank, mechanical penthouse or other heating, cooling or ventilation equipment, or *structure* enclosing such features;
- a *communication structure*;
- a radio or television antennae;
- a feed mill, commercial grain elevator or silo;
- any other similar *structures*.

(Deleted and Replaced by By-Law 2021-023)

5.38 **SOURCE PROTECTION AREAS**5.38.1 **IDENTIFICATION OF SOURCE PROTECTION AREAS**

The Source Protection Overlays (SP1 and SP2), shown on Schedule “A” of this By-Law, identify the portions of the *Wellhead Protection Areas (WHPAs)* associated with the County’s municipal drinking water supply wells where a drinking water threat, as prescribed by the Clean Water Act, 2006, can be a *significant drinking water threat*. The mapping of these areas in this By-Law reflects the WHPA mapping contained in the applicable Source Protection Plans, approved under the Clean Water Act, 2006.

The Source Protection Overlay 1 (SP1) applies to the portion of the WHPA closest to the wellhead, where the majority of the prescribed *significant drinking water threats* can occur. The Source Protection Overlay 2 (SP2) applies to the remainder of the WHPA, where only certain chemical and waste related *significant drinking water threats* can generally occur.

(Added by By-Law 2021-023)

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5.38.2 **PRESCRIBED DRINKING WATER THREATS**

A list of drinking water threats, as prescribed under the Clean Water Act, 2006, is provided below for information purposes:

- Waste disposal sites within the meaning of Part V of the Environmental Protection Act;
- The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage;
- The application of agricultural source material to land;
- The storage and/or management of agricultural source material;
- The application of non-agricultural source material to land;
- The handling and/or storage of non-agricultural source material;
- The application of commercial fertilizer to land;
- The handling and/or storage of commercial fertilizer;
- The application of pesticide to land;
- The handling and/or storage of pesticide;
- The application, handling and/or storage of road salt;
- The storage of snow;
- The handling and storage of fuel;
- The handling and storage of a dense non-aqueous phase liquid;
- The handling and storage of an organic solvent;
- The management of runoff that contains chemicals used in the de-icing of aircraft;
- An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body;
- An activity that reduces the recharge of an aquifer; and
- The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

These prescribed drinking water threats can only be *significant drinking water threats* under very specific circumstances, as established through the Clean Water Act and associated regulations.

Any land use or activity that is, or would be, a *significant drinking water threat* must conform with all applicable Source Protection Plan policies and, as such, may be prohibited, restricted or otherwise regulated by those policies despite any uses permitted by the zoning by-law. The SPP policies generally prohibit the establishment of new *significant drinking water threats*.

(Added by By-Law 2021-023)

February/21

**5.38.3 USE PROHIBITIONS AND RESTRICTIONS IN SOURCE PROTECTION OVERLAYS 1 & 2**

Notwithstanding the permitted uses of the underlying zone, no new *use, building and/or structure* that requires the issuance of a Building Permit and/or an approval under the Planning Act shall be permitted within the Source Protection Overlays 1 (SP1) or 2 (SP2) unless a notice, in accordance with Section 59 of the Clean Water Act, 2006, has been issued by the *Risk Management Official* in relation to such building permit or approval.

This notice requirement shall not apply to a new *use, building and/or structure* that is exclusively residential or where the *Risk Management Official* has provided written guidance specifying the situations in which the Building Official is permitted to make the determination as to whether a Section 59 notice is required, and they have determined that such notice is not required in accordance with that guidance.

**5.38.4 SEPTIC SYSTEMS AND HOLDING TANKS WITHIN SOURCE PROTECTION OVERLAY 1 (SP1)**

Notwithstanding the permitted uses of the underlying zone, any use, building and/or structure that would require a new *septic system and/or holding tank* shall be prohibited within a Source Protection Overlay 1 (SP1). This prohibition shall not apply to a new *septic systems and/or holding tank* that is required for a municipal water supply well. For the purposes of this provision the term 'new' shall have the same meaning as in the applicable Source Protection Plan. The Risk Management Official shall make the final determination as to whether a *use, building or structure* to be serviced by an *septic system and/or holding tank* is prohibited in accordance with this provision and corresponding Source Protection Plan policies. This provision shall in no way supersede the requirement to connect to full municipal services, where available, as set out in Section 5.19 of this By-Law.

(Added by By-Law 2021-023)