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June 30/16

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:

- 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 - ACCESSORY USE PROVISIONS			
Provision	RE and RR Zones	R1, R2, R3 Zones	All Other Zones
Permitted Location	Any <i>yard</i> other than a <i>front yard</i> or <i>exterior side 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 Buildings	1.0 m (3.3 ft)		1.0 m (3.3 ft)
Maximum Height	5.5 m (18.0 ft)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
Side Yard Setback	1.5 m (4.9 ft)	1.2 m (3.9 ft)	1.5 m (4.9 ft)
Rear Yard Setback	1.5 m (4.9 ft)	1.2 m (3.9 ft)	1.5 m (4.9 ft)
Lot Coverage	10% of <i>lot area</i> , or 170 m² (1830 ft ²) of <i>gross floor area</i> , whichever is the lesser	10% of <i>lot area</i> , or 100 m² (1076.4 ft ²) of <i>gross floor area</i> , whichever is the lesser	10% of <i>lot area</i> , or 100 m² (1076.4 ft ²) of <i>gross floor area</i> , whichever is the lesser
Tile Bed Setback	5.0 m (16.4 ft)		5.0 m (16.4 ft)
Septic Tank Setback	1.5 m (4.9 ft)		1.5 m (4.9 ft)

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

- a) 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 06-2009-Z)

5.1.1.4 *Buildings* or *structures* that are *accessory* to uses other than a *dwelling* will be subject to the maximum height provisions as specified in the zone in which they are located.

(Added by By-Law 07-2014-Z)

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 06-2009-Z)

5.2 CARGO CONTAINERS

5.2.1 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 Agricultural or 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 5.1.1.3- Accessory Use Provisions

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5.3 CONSTRUCTION USES PERMITTED

- 5.3.1 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 (but not a development marketing sales sign, unless otherwise permitted by a Sign Control By-Law) that is associated with construction work occurring on such *lot* provided that:
- 5.3.1.1 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;
- 5.3.1.2 the *building* or *structure* is located outside of any sight triangle;
- 5.3.1.3 the *building* or *structure* is not used for human habitation; and,
- 5.3.1.4 the *building* or *structure* is outside of the Environmental Protection 1 (EP1) or Environmental Protection 2 (EP2) area.

5.4 CONTROL OF ANIMALS, BIRDS AND REPTILES

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

Notwithstanding the above, on lands with a Residential Existing Lot (RE) zone any *lot* containing a *dwelling unit* may be used for the keeping of two livestock units, consisting of either horses and/or beef animals, provided that:

all manure shall be contained in an enclosed *building* and manure shall be removed from the property at regular intervals to a suitable location in an Agricultural Zone;

the *building* or *structure* in which the livestock unit(s) is (are) kept or in which the manure is enclosed shall be set back from the interior side and *rear lot lines* a minimum distance equal to the *height* of the *building*; and,

the *Minimum Distance Separation II (MDS II)* requirements shall not apply.

5.5 CONSOLIDATED LOTS AND PHASED CONDOMINIUMS

5.5.1 Lot Consolidation

Where two or more abutting *lots* held under one identical ownership are consolidated for the purpose of development, the internal *lot lines* of the original *lots* will not be considered to be *lot lines* for the purpose of any zoning regulations provided that the principal *building* or *buildings* are constructed in a manner whereby said *building* or *buildings* are placed across the internal *lot line* or lines, as the case may be, and that all such regulations as they apply to the whole of the consolidated '*lot*' are observed.

5.5.2 Phased Registration of Condominiums

Internal *lot lines* created by phased registration of a plan of condominium shall not be construed to be *lot lines* for the purpose of zoning regulations provided that all such regulations as they apply to the whole of the *lot* existing prior to any condominium plan registration are observed.

(Added by By-Law 7-2014-Z)

5.6 CONVERTED DWELLINGS

5.6.1 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.

5.6.2 MINIMUM LOT AREA

Where <i>sanitary sewers</i> are not available	0.4 ha (1 ac)
Where served by both <i>sanitary sewers</i> and public <i>water supply</i>	600 m² (6,458.5 ft ²)

5.6.3 MINIMUM LOT FRONTAGE **35 m** (114.8 ft)

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5.6.4 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).

5.6.5 ZONE REQUIREMENTS

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

5.6.6 LOCATION

For *converted dwellings* 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, prior to permitting the conversion to two *dwelling units*.

(Amended by By-Law 7-2014-Z)

5.6.7 ALTERATIONS TO DWELLING

Alterations to an *existing single detached 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*.

5.7 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*.

No new *dwelling units* shall be created in a *cellar* or *basement*, where the *building* or *structure* is located within the floodplain of any *watercourse* or *municipal drain*.

5.8 ESTABLISHED BUILDING LINE

Notwithstanding any provisions of this Zoning 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 Zoning 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 Zoning By-Law. In no event shall any *building* or *structure* be *erected* closer than **3 m** (9.8 ft) to the *front lot line*.

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

5.9.1 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.

5.9.2 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* results from 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.

5.9.3 EXISTING RESIDENTIAL LOTS

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 Plan 90, 41M-120, 41M-122., 41M-134 and 41M-154, 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.

5.10 FLOOD PLAIN AND FILL REGULATED AREA**5.10.1 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 Norwich 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.

5.10.2 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.

5.10.3 PERMITTED USES WITHIN FLOOD PLAINS AND FILL REGULATED AREAS**5.10.3.1 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 5.21 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.

5.10.3.2 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.

5.10.4 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.

5.11 GARDEN SUITES

5.11.1 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*. Prior to the adoption of the Amending By-law by Council of the Township of Norwich, the owner will provide an undertaking to the *Corporation* that identifies the proposed occupancy of the *garden suite* and any limitations associated therewith.

5.11.2 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.

5.11.3 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).

5.11.4 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.

5.11.5 HEIGHT AND GROSS 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 *gross floor area* of **55 m²** (592 ft²) and a maximum *gross floor area* of **158 m²** (1,700 ft²).

(Amended by By-Law 7-2014-Z)

5.12 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.

5.13 GROUNDWATER RECHARGE AREAS

5.13.1 DELINEATION OF THE GROUNDWATER RECHARGE AREA

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

5.13.2 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.

5.13.3 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 an *regulated farm*;
- a *public garage*;
- an *automobile service station*;
- a vehicle maintenance yard;
- a *fuel storage tank* or supply yard;
- a *salvage yard*.

5.13.4 SITE PLAN CONTROL

Prior to the issuance of a building permit for any of the *uses* listed in Section 5.13.3 of this Zoning By-Law, the Council of the Township of Norwich shall pass a Site Plan Control By-Law applying to the site and require the proponent to enter into a Site Plan Control Agreement.

5.13.5 ZONE REQUIREMENTS

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

5.14 GROUP HOMES

5.14.1 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*.
(Amended by By-Law 7-2014-Z)

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5.14.2 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.

5.14.3 ZONE REQUIREMENTS

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

5.15 HEIGHT RESTRICTION - LANDS IN VICINITY OF TILLSONBURG REGIONAL AIRPORT

5.15.1 HEIGHT RESTRICTIONS - AREA OF HORIZONTAL SURFACE

5.15.1.1 Notwithstanding any other *height* provisions of this Zoning By-Law to the contrary, no *building* or *structure*, including a church spire, a belfry, a hydro tower, a flag pole, a *communications structure*, a feedmill tower, a grain elevator, a silo, a chimney or any other *building* or *structure* shall exceed a *height* of **315.0 m** (1,033.5 ft) Above Mean Sea Level within those lands defined on Schedule "D" of this by-law.

5.15.1.2 For the purpose of this Zoning By-Law, the horizontal surface for the airport is defined as an area **4,000 m** (13,123.4 ft) in radius from the airport reference point and **45 m** (147.6 ft) above the elevation of that point.

5.15.2 HEIGHT RESTRICTIONS - TAKE-OFF/APPROACH AND TRANSITIONAL SURFACES

Notwithstanding the provisions of subsection 5.15.1 hereof and any other *height* provisions of this Zoning By-Law to the contrary, no *building* or *structure*, including a church spire, a belfry, a hydro tower, a flag pole, *communications structure*, a feedmill tower, a grain elevator, a silo, a chimney or any other *building* or *structure* shall be *erected* on the lands referred to in Column 1 of Table 5.15.2 and designated on Schedule "D" of this by-law, which exceeds the maximum permitted *height* set out opposite thereto in Column 2.

(Amended by By-Law 7-2014-Z)

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TABLE 5.15.2 : HEIGHT RESTRICTIONS - LANDS NEAR TILLSONBURG REGIONAL AIRPORT	
Lands as designated on Schedule "D-2"	Maximum Permitted Height
A	270 m (885.8 ft) Above Mean Sea Level
B	275 m (902.2 ft) Above Mean Sea Level
C	280 m (918.6 ft) Above Mean Sea Level
D	285 m (935.0 ft) Above Mean Sea Level
E	290 m (951.4 ft) Above Mean Sea Level
F	295 m (967.8 ft) Above Mean Sea Level
G	300 m (984.3 ft) Above Mean Sea Level
H	305 m (1,000.7 ft) Above Mean Sea Level
I	310 m (1,017.1 ft) Above Mean Sea Level

5.13.3 This subsection does not apply to any *building* or *structure* or any extension thereto to which the Aeronautics Act (Canada) applies.

5.16 HOME OCCUPATION

5.16.1 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*.

5.16.2 FLOOR AREA LIMIT

Not more than the cumulative total of **30 m²** (322.9 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*.

5.16.3 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).

(Amended by By-Law 7-2014-Z)

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5.16.4 EMPLOYEES

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

5.16.5 RETAIL SALES, AND SHIPPING AND RECEIVING

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*.

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

5.16.6 REPAIR USES

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

5.16.7 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 subsection 5.16.2, a *bed and breakfast establishment* shall be limited to three *guest rooms*.

5.16.8 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 5.16.2 shall not apply to a home daycare.

5.16.9 ZONE REQUIREMENTS

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

(Amended by By-Law 7-2014-Z)

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5.17 LOADING PROVISIONS

5.17.1 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 5.17.1.

TABLE 5.17.1 - LOADING SPACE REQUIREMENTS		
Zone	Gross Floor Area m ² (ft ²)	Number of Loading Spaces Required
Commercial, Institutional, Industrial, Village, Agri-Business or Recreational	350-2,000 m ² (3,767.5-21,528.5 ft ²)	1
	2,001-6,500 m ² (21,539.3-69,967.7 ft ²)	2
	6,501-12,000 m ² (69,978.5-129,171.2 ft ²)	3
	greater than 12,000 m ² (129,171.2 ft ²)	4

5.17.2 STANDARDS FOR LOADING SPACES

All loading spaces must be rectangular and comply with the provisions of Table 5.17.2 below:

TABLE 5.17.2 - 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 lot and rear lot lines and a minimum distance of 10 m (32.9 ft) from the street line
Access Driveway Width	6.0 m (19.7 ft)

(Amended by By-Law 7-2014-Z)

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5.17.3 LOADING SPACE CALCULATION

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

5.17.4 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.

5.17.5 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 5.17.1 of the By-law for such addition.

5.18 MUNICIPAL DRAINS

No *buildings* or *structures* shall be *erected* within **30 m** (98.4 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 **5 m** (16.4 ft) of an enclosed *municipal drain*.

The Key Maps which are attached as Schedule “A” to this Zoning By-Law identify a number of open *watercourses*, including *municipal drains*, and flood and fill areas as defined in Section 5.10. The location of these *watercourses* and flood and fill areas was based on mapping available through the Ontario Basic Mapping Program, which in turn was based on aerial photography from the 1980’s. In some situations, open *municipal drains* have been changed over to enclosed *municipal drains* and therefore an open *watercourse* no longer exists. When such situations occur, it shall not be necessary to amend this Zoning By-Law to reflect the change in classification of the *watercourse* (that is, from any “open” *municipal drain* to an “enclosed” *municipal drain*) and the provisions of the By-law shall be applied as appropriate. It is intended that the Key Maps will be revised to reflect such changes at such time that the Township undertakes either general and/or housekeeping amendments to this Zoning By-Law.

(Amended by By-Law 7-2014-Z)

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

5.19.1 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.

5.19.2 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 5.19.6.

5.19.3 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.

5.19.4 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* 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 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 this Zoning By-Law.

(Amended by By-Law 7-2014-Z)

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5.19.5 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 in a poor state of repair as determined by a qualified professional, nothing in this by-law shall prevent the replacement of the *non-conforming* and/or *non-complying building* or *structure* provided that:

- 5.19.5.1 the *building* or *structure* is occupied by the same *use* or by a permitted *use*;
- 5.19.5.2 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 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;
- 5.19.5.3 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;
- 5.19.5.4 the *building* or *structure* does not encroach on a municipal road allowance;
- 5.19.5.5 the *building* or *structure* is replaced and reoccupied within one year of such destruction;
and
- 5.19.5.6 the *building* or *structure* does not further reduce an *existing* deficient MDS II *setback*..

5.19.6 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:

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

5.19.7 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* used for the housing of livestock, provided that:

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- 5.19.7.1 such modification, extension or addition does not contravene any of the zone provisions of this Zoning By-Law, in accordance with Section 2.7 of this Zoning By-Law;
- 5.19.7.2 Notwithstanding 5.19.7.1, where an *existing* barn used for the housing of livestock does not comply with the required MDS II *setbacks*, calculated in accordance with Section 2.7, any modification, extension or addition resulting 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;
 - 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.

5.19.8 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*.

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-complying*, then nothing in this by-law shall prevent the erection of a *building* provided that all other zone provisions are complied with.

5.19.9 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:

(Amended by By-Law 7-2014-Z)

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5.19.9.1 LOT AREA

Minimum

4 ha (9.9 ac)5.20 ON-FARM DIVERSIFIED USES

5.20.1 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 per farm *lot*.

5.20.2 ZONE REQUIREMENTS

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

5.20.3 OPEN STORAGE

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

5.20.4 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).

5.20.5 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.

5.20.6 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*.

5.20.7 PARKING

Parking for an *on-farm diversified use* shall be provided in accordance with the 'Other Uses' category, as contained in Table 5.21.2.1 - Parking Standards.

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5.20.8 SECONDARY TO THE FARM OPERATION

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

5.20.9 DETAILED PLAN OF THE SITE

Proposals for *on-farm diversified uses* shall be accompanied by a detailed plan of the site 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.

5.21 PARKING PROVISIONS

5.21.1 GENERAL REQUIREMENTS FOR PARKING AREAS

5.21.1.1 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 5.21.2.

5.21.1.2 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.

5.21.1.3 PARTS TO BE CONSIDERED AS REQUIRED SPACES

Where the application of the parking standards as set out in Section 5.21.2 results in part of a *parking space* being required, such part will be considered as one required space.

5.21.1.4 USE OF PARKING AREAS AND SPACES

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

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5.21.1.4.2 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.

5.21.1.4.3 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 such *person* is the owner or occupant of the *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. The provisions of this Section shall not apply to *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.

5.21.1.4.3.1 Notwithstanding subsection 5.21.1.4.3, a maximum of 1 school bus or 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.

5.21.1.5 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*.

5.21.1.6 PARKING SPACE AND PARKING AISLE STANDARDS

Motor vehicle parking spaces and *parking aisles* shall comply with the standards set out in Table 5.21.1.6 and be in accordance with Schedule "C" of this Zoning By-Law.

(Amended by By-Law 7-2014-Z)

TABLE 5. 21.1.6 - 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 (8.9ft), 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		

5.21.1.7 DRIVEWAY STANDARDS

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

5.21.1.7.1 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.

5.21.1.7.2 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.

(Amended by By-Law 7-2014-Z)

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5.21.1.7.3 MAXIMUM DRIVEWAY WIDTH - RESIDENTIAL ZONES

Within a residential zone, a maximum of 50%, or **6.0 m** (19.8 ft) of the *front yard* or *exterior side yard* may be occupied by a *driveway*.

5.21.1.7.4 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*.

5.21.1.7.5 DISTANCE FROM INTERSECTION

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

5.21.1.8 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.

5.21.1.9 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 5.21.2 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*.

(Amended by By-Law 7-2014-Z)

5.21.2 MOTOR VEHICLE PARKING STANDARDS

5.21.2.1 OFF-STREET PARKING REQUIRED

Off-street parking for *motor vehicles* must be provided as set out in Table 5.21.2.1.

TABLE 5.21.2.1 - PARKING STANDARDS		
Land Use Category	Use	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</i>	- 1 space
	- <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> - <i>financial institution</i> - <i>laundromat</i> - <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>
	- <i>eating establishment</i>	- 1 per 9 m² (96.9 ft ²) of <i>gross floor area</i>
	- <i>funeral home</i>	- 20 spaces or 1 space per 20 m² (215 ft ²) of <i>gross floor area</i> , whichever is greater
	- <i>wholesale establishment</i>	- 1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>
	- <i>hotel or motel</i>	- 1.2 per <i>guestroom</i>
Office Uses	- <i>business or professional office</i> - <i>government administrative offices</i>	- 1 per 20 m² (215.3 ft ²) <i>gross floor area</i>

TABLE 5.21.2.1 - PARKING STANDARDS		
Land Use Category	Use	Number of Vehicle Parking Spaces Required
	<ul style="list-style-type: none"> - animal kennel - medical centre - veterinary clinic 	- Minimum of 4 spaces or 6.0 per 100 m² gross floor area whichever is greater
Industrial Uses	- truck transport terminal	- 1 per 100 m² (1,076.4 ft ²) gross floor area
	- warehouse	- 1 per 185 m² (1,991.4 ft ²) of gross floor area
	- all other industrial uses	- 5 plus 1 per 90 m² (968.8 ft ²) of gross floor area
Institutional Uses	- place of worship	- 1 for every 5 seats capacity, or 1 for each 10 m² (107.6 ft ²) of gross floor area used for a hall or auditorium, whichever is greater.
	- school	- Minimum of 5 spaces plus 1 space for each classroom
	- long term care facility	- 1 per 3 beds or fraction thereof
	- group home	- 4 spaces
Leisure and recreation type uses	<ul style="list-style-type: none"> - museum - library - recreational or athletic facility 	- 1 per 20 m² (215.3 ft ²) of gross floor area. Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking.
	<ul style="list-style-type: none"> - arena or community centre - assembly hall - fraternal lodge or institutional hall - place of entertainment 	- 1 per 10 m² (107.6 ft ²) of gross floor area 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 Zoning By-Law other than those listed in this table	- 1 per 40 m² (430.6 ft ²) of gross floor area

(Amended by By-Law 7-2014-Z)

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5.21.2.2 ACCESSIBLE PARKING

5.21.2.2.1 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” :

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

5.21.2.2.2 REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES

As part of the required off street motor vehicle *parking spaces* required under Section 5.21.2.1, *parking spaces* dedicated for accessible parking shall be provided as follows:

TABLE 5.21.2.2.2 - ACCESSIBLE PARKING STANDARDS			
Total Number of Required Vehicle <i>Parking spaces</i>	Minimum Number of Required Accessible Spaces	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.	

5.21.2.2.3 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*.

5.21.2.2.4 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:

- a) A parking aisle shall have a minimum width of 1.5 m (4.9 ft) and extend the full length of the parking space.
- b) 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 02-2016-Z)

5.21.2.3 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*.

5.21.3 LOCATION OF PARKING AREAS

5.21.3.1 YARDS AND SETBACKS

Motor vehicle parking areas must be situated in accordance with the requirements set out in Table 5.21.3.

TABLE 5.21.3 - 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)

5.21.3.2 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*.

5.21.4 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 5.21.4.

TABLE 5.21.4 - REQUIRED VEHICLE QUEUE SPACES	
Land Use	Required Number of Spaces
Automated Teller situated on the exterior of a building or free-standing	3.0 before each automatic teller
Automobile Service Station and Public Garage	3.0 before each service bay 1.0 at service bay exit if a through-bay
Motor Vehicle Washing Establishment	3.0 before each wash bay 2.0 after each wash bay exit if a through-bay
Eating Establishment	7.0 before order board 4.0 between order board and pick-up window 2.0 after pick-up window
Convenience Retail Store	2.0 before service window

(Amended by By-Law 7-2014-Z)

5.21.4.1 QUEUE SPACE STANDARDS

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

- a) The minimum dimensions for each queue space must be **3 m** (9.8 ft) in width and **5.7 m** (18.7 ft) in length;
- b) Queue spaces must be arranged in a single waiting line in advance and behind the service offered in accordance with Table 5.21.4;
- c) A minimum inside turning radius for queue spaces forming a waiting line is **6.0 m** (19.69 ft);

(Amended by By-Law 02-2016-Z)

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- d) Queue spaces forming a waiting line must be unobstructed by parking or loading spaces and must be clearly delineated by markings or 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 must be located to minimize interference with the access and egress of vehicles to a *parking space*; and,
- f) Queue spaces must not abut a Residential Zone.

5.21.4.2 QUEUE SPACE SURFACE

Each queue space and the *driveway* leading to the space shall be paved with asphalt, brick or similar material which prevents the raising of dust or loose particles and shall include provisions for drainage facilities.

5.22 PLANTING STRIPS

5.22.1 REQUIREMENTS FOR NON-RESIDENTIAL USES

5.22.1.1 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.

5.22.1.2 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.

(Amended by By-Law 7-2014-Z)

5.22.2 WIDTH

Where a planting strip is required in any zone and consists of landscaping, the planting strip shall have a minimum width of **1.5 m** (4.9 ft).

Where a planting strip is required in any zone and consists of 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).

(Amended by By-Law 7-2014-Z)

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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.

5.22.4 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.

5.22.5 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.

5.23 PUBLIC USES

5.23.1 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:

- a) by the *Corporation* or the *County* as defined by the Municipal Act;
- b) 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;
- c) 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*;
- d) by any Conservation Authority established by the Government of Ontario;
- e) by any department of the Government of Ontario or Canada, including Hydro One;
- f) 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:

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

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5.23.1.2 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;

5.23.1.2.1 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 and/or Width **1.2 m (3.9 ft)**
(Amended by By-Law 7-2014-Z)

5.23.2 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*.

5.23.3 EXCEPTIONS

5.23.3.1 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 5.23.1, then such *use* shall be deemed to be permitted only within the zone or zones making such specific reference thereto and the said subsection 5.23.1 shall not apply to such *use*.

5.23.3.2 Notwithstanding anything in this Zoning By-Law to the contrary, new *infrastructure* or utilities will only be permitted within and zones or Environmental Protection Overlays corresponding to the Agricultural Reserve, Open Space and Environmental Protection designations and Fish Habitat Protection Areas in the Oxford County Official Plan if they have first been approved through an environmental assessment process.

5.24 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*.

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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*.

(Amended by By-Law 7-2014-Z)

5.25 SIGNIFICANT ENVIRONMENTAL FEATURES

5.25.1 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 or other Significant Wildlife Habitat, and
- Significant Wetlands.

5.25.1.1 IDENTIFICATION OF THE OVERLAY

The EP1 Overlay corresponds to the features listed in 5.25.1 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.

5.25.1.2 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 5.23 of this Zoning By-Law;
 a *conservation project*.

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

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 Zoning By-Law, provided that no additional development or site alteration shall be permitted, except as specified in Section 5.251.3; 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.

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(Amended by By-Law 7-2014-Z)

5.25.1.3 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*, 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 5.32.1 and shall not exceed **23.2 m²** (250 ft²) in area.

5.25.1.4 ALL OTHER ZONE PROVISIONS APPLY

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

5.25.2 ENVIRONMENTAL PROTECTION 2 OVERLAY, SIGNIFICANT VALLEYLANDS 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 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.

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, as described in Section 5.10, for lands under the jurisdiction of the Grand River Conservation Authority or the Long Point Region Conservation Authority or erosion hazard areas, as described in Section 5.28, established by the Upper Thames River Conservation Authority.

5.25.2.1 IDENTIFICATION OF THE OVERLAY, SIGNIFICANT VALLEYLANDS AND FISH HABITAT

The EP2 Overlay corresponds to the features listed in Section 5.25.2 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.

Fish Habitat corresponds to the water features listed in Section 5.25.2.

Significant Valleylands correspond to the Regulatory Flood Plain and Fill Regulated Areas and erosion hazard lands as indicated in Section 5.25.2.

5.25.2.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no *person* shall within any EP2 Overlay, Significant Valleyland or Fish Habitat 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 5.23 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 5.25.2.3;
- 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 *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 and the Ministry of Natural Resources;
- a *passive use park* approved by the *Corporation* and the *County*, in consultation with the Conservation Authority with jurisdiction
- an erosion control structure;
- 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 *recreation trail*;
- a *conservation project*.

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(Amended by By-Law 7-2014-Z)

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

Within the EP2 Overlay and Significant Valleylands, 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.

5.25.2.3 ALL OTHER ZONE PROVISIONS APPLY

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

5.25.3 DISTANCE FROM THE EP1 AND EP2 OVERLAYS, SIGNIFICANT VALLEYLANDS AND FISH HABITAT WHERE AN ENVIRONMENTAL IMPACT STUDY IS REQUIRED.

5.25.3.1 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** (393.7 ft) 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.

5.25.3.2 Development, site alteration and stockpiling of materials within **50 m** (164.0 ft) of the EP2 Overlay, Significant Valleylands or Fish Habitat, excepting those *uses* permitted in Section 5.25.2.2, 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, Significant Valleylands or within **50 m** (164 ft) of the EP2 overlay, Significant Valleylands 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.

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(Amended by By-Law 7-2014-Z)

5.25.4 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.

5.25.5 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.

5.26 SITE PLAN CONTROL

Where *uses* located within any of the zones described in this Zoning By-Law are also designated by By-Law as being subject to Site Plan Control, pursuant to the Planning Act, R.S.O. 1990, as amended, such *uses* shall be subject to the provisions of the zone as well as any requirements of the Township of Norwich's Site Plan Control By-Law and associated guidelines, as amended.

5.27 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 will be required to remove the "H" symbol.

5.28 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 limit* adjacent to ravines, river valleys and streams. Such erosion limits shall be established by the Conservation Authority with jurisdiction.

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(Amended by By-Law 7-2014-Z)

5.29 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*.

5.30 STORAGE OR PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

5.30.1 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:

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

5.30.1.2 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*.

5.30.2 FULLY ENCLOSED

Notwithstanding the provisions of subsection 5.29.1 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*.

5.30.3 OCCUPANCY

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

5.31 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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(Amended by By-Law 7-2014-Z)

5.32 YARD, SETBACK AND HEIGHT - PERMITTED ENCROACHMENTS

5.32.1 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 5.30.1.

TABLE 5.32.1 - 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 handicapped access	Front	No limit	5.0 m (16.4 ft)
	Rear	No limit	1.2 m (3.9 ft)
	Side	No limit	0.6 m (2 ft)
Covered decks, stoops or landings not exceeding one storey in height	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)	---

5.32.1.1 Notwithstanding the provisions of Section 5.32.1 the following provisions shall also apply:

No projection is permitted into a required *parking area* or *driveway*;

In a zone in which the *yard setbacks* for the main *building* are less than the minimum *yard setbacks* required by Table 5.32.1 for such *structures*, then they may be *erected* in accordance with *setback* requirements for the main *building*, unless otherwise noted in this Zoning By-Law; and

No part of any *building* or *structure* on any lot shall project beyond any lot 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 Township of Norwich or, in the case of a *County Road*, the County of Oxford.

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(Amended by By-Law 7-2014-Z)

5.32.2 HEIGHT EXCEPTIONS

The *height* provision of this Zoning By-Law shall not apply to prevent the erection and/or *use* of the following *uses*, 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.

5.33 WAYSIDE SAND AND GRAVEL PITS

5.33.1 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.

5.33.2 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.

5.33.2.1 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*.

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(Amended by By-Law 7-2014-Z)

5.33.2.2 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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(Amended by By-Law 7-2014-Z)