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<tr>
<td>5.37 Yard, Setback and Height - Permitted Encroachments</td>
<td>5-41</td>
</tr>
</tbody>
</table>
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>
<thead>
<tr>
<th>Provision</th>
<th>Residential or Entrepreneurial Zones</th>
<th>All Other Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Location</td>
<td><em>Interior Side Yard or Rear Yard</em></td>
<td>In accordance with the yard and setback provisions of the zone in which such <em>building</em> or <em>structure</em> is located.</td>
</tr>
<tr>
<td>Distance from Main Buildings, Minimum</td>
<td>1.2 m (3.9 ft)</td>
<td>3 m (9.84 ft)</td>
</tr>
<tr>
<td>Height, Maximum</td>
<td>3.7 m (12.1 ft)</td>
<td>6 m (19.6 ft)</td>
</tr>
<tr>
<td>Rear Yard and Interior Side Yard Setback, Minimum</td>
<td>1.2 m (3.9 ft)</td>
<td>In accordance with applicable zone provisions</td>
</tr>
<tr>
<td>Front Yard or Exterior Side Yard Setback, Minimum</td>
<td>In accordance with the applicable zone provisions.</td>
<td>In accordance with applicable zone provision</td>
</tr>
<tr>
<td>Setback from a street line, minimum</td>
<td>In accordance with applicable zone provision</td>
<td>In accordance with applicable zone provision</td>
</tr>
<tr>
<td>Lot Coverage, maximum for all accessory buildings and structures</td>
<td>A combined total of 10% of <em>lot area</em>, to a maximum of 50 m$^2$ (538.2 ft$^2$) of <em>ground floor area</em>.</td>
<td>In accordance with applicable zone provision</td>
</tr>
</tbody>
</table>
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 m² (107.6 ft²) 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 m² (16,146.4 ft²) in lot area, the maximum lot coverage for all accessory buildings and structures shall not exceed 100 m² (1,076.4 ft²) 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.

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:
### TABLE 5.1.2 – ACCESSORY USE EXCEPTIONS AND RELATED PROVISIONS

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

### 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.
SECTION 5.0 GENERAL PROVISIONS

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

No dwelling unit shall in its entirety be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room, or for a similar use only and shall not be used for sleeping accommodation.

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 the 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 1.2 m (3.9 ft) below the adjacent finished grade.

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.
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*;
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;
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**

5.11.1 **DEFINITION OF THE GROUNDWATER RECHARGE AREA**

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

5.11.2 **PERMITTED USES**

All *uses* existing at the date of passing of this 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 By-Law.
5.11.3 **RESTRICTED USES**

Where the following *uses* are permitted in an underlying zone, a Disclosure Report and/or a Contingency Plan must be prepared in accordance with Section 3.2.7.2 of the County of Oxford Official Plan 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;
- a *public garage*;
- an *automobile service station*;
- a vehicle maintenance yard;
- a *fuel storage tank* or supply yard;
- a *salvage yard*.

5.11.4 **SITE PLAN CONTROL**

Prior to the issuance of a building permit for any of the *uses* listed in Section 5.11.3 of this By-Law, the Council of the Town of Tillsonburg shall pass a Site Plan Control By-Law applying to the site, where such a By-Law is not already in effect, and require the proponent to enter into a Site Plan Control Agreement.

5.11.5 **ZONE REQUIREMENTS**

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

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 m² (216 ft²) of *gross floor area* per *person* residing within the unit.
5.12.2 **ZONE REQUIREMENTS**

A Group home shall comply with the zone provisions for dwellings 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 m² (269.1 ft²) 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 m² (10.8 ft²), 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.
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.
TABLE 5.14.1 - LOADING SPACE REQUIREMENTS

<table>
<thead>
<tr>
<th>Zone</th>
<th>Gross Floor Area</th>
<th>Number of Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Institutional, Industrial, or Open Space Zone</td>
<td>350-2,000 m² (3,767.5-21,528.5 ft²)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2,001-6,500 m² (21,539.3-69,967.7 ft²)</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>6,501-12,000 m² (69,978.5-129,171.2 ft²)</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Greater than 12,000 m² (129,171.2 ft²)</td>
<td>4</td>
</tr>
</tbody>
</table>

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

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

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 m² (21,528.5 ft²), 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.
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.
SECTION 5.0 GENERAL PROVISIONS

5.16a METHADONE CLINICS AND METHADONE DISPENSARIES

5.16A.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 m² (161 ft²)

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.

January/14
5.19.2 Notwithstanding the foregoing, the following may be permitted without full municipal services:

5.19.2.1 Additions to existing residential *dwellings* and construction of *buildings* and *structures accessory to existing residential dwellings*, provided the said additions and/or *accessory buildings* comply with 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 and that the addition has been reviewed and approved by the Oxford County Board of Health.

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*.

March 31/14
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\(^{th}\), 1977.

March 31/14
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.

March 31/14
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

5.31.7.2 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.

March 31/14
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.

March 31/14
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.

March 31/14
SECTION 5.0  GENERAL PROVISIONS

5.24  PARKING PROVISIONS

5.24.1  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.

March 31/14
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 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.

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.

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

<table>
<thead>
<tr>
<th>Angle of the Parking Spaces</th>
<th>Minimum Perpendicular Width of the Aisle</th>
<th>Minimum Depth of Parking Space</th>
<th>Minimum Width of Parking Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 degree</td>
<td>3.4 m (11.2 ft)</td>
<td>4.6 m (15.1 ft)</td>
<td>2.7 m (8.9 ft), except for parking spaces flanking a wall, fence or other obstruction, which shall be 3 m (9.8 ft)</td>
</tr>
<tr>
<td>45 degree</td>
<td>3.7 m (12.1 ft)</td>
<td>5.5 m (18 ft)</td>
<td></td>
</tr>
<tr>
<td>55 degree</td>
<td>4.3 m (14.1 ft)</td>
<td>5.8 m (19 ft)</td>
<td></td>
</tr>
<tr>
<td>60 degree</td>
<td>4.9 m (16.1 ft)</td>
<td>5.8 m (19 ft)</td>
<td></td>
</tr>
<tr>
<td>65 degree</td>
<td>5.2 m (17.1 ft)</td>
<td>5.8 m (19 ft)</td>
<td></td>
</tr>
<tr>
<td>70 degree</td>
<td>5.5 m (18 ft)</td>
<td>5.8 m (19 ft)</td>
<td></td>
</tr>
<tr>
<td>90 degree</td>
<td>7.3 m (24 ft)</td>
<td>5.5 m (18 ft)</td>
<td></td>
</tr>
<tr>
<td>parallel parking</td>
<td>4 m (13.1 ft) for one way traffic and 6 m (19.7 ft) for two way traffic</td>
<td>6.5 m (21.3 ft)</td>
<td></td>
</tr>
<tr>
<td>angle other than those listed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 5.24.1.7 Driveway Standards

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

**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.

March 31/14
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. They shall, before being used, be constructed of crushed stone, slag, gravel, recycled asphalt, crushed brick (or tile), cinders, asphalt or concrete, or a material forming an approved site plan.

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.

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>
<thead>
<tr>
<th>Land Use Category</th>
<th>Number of Vehicle Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>- single detached dwelling</td>
<td></td>
</tr>
<tr>
<td>- duplex dwelling</td>
<td></td>
</tr>
<tr>
<td>- semi-detached dwelling</td>
<td></td>
</tr>
<tr>
<td>- converted dwelling</td>
<td></td>
</tr>
<tr>
<td>- mobile home</td>
<td></td>
</tr>
<tr>
<td>- street fronting townhouse dwelling</td>
<td></td>
</tr>
<tr>
<td>Land Use Category</td>
<td>Number of Vehicle Parking Spaces Required</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>- <em>home occupation, except a bed and breakfast establishment</em></td>
<td>- 1</td>
</tr>
<tr>
<td>- <em>bed and breakfast establishment</em></td>
<td>- 1 per guest room</td>
</tr>
<tr>
<td>- <em>boarding or lodging house</em></td>
<td></td>
</tr>
<tr>
<td>- <em>garden suite</em></td>
<td>- 1 per garden suite</td>
</tr>
<tr>
<td>- <em>residential unit in a portion of a non-residential building</em></td>
<td>- 1.5 per dwelling unit</td>
</tr>
<tr>
<td>- <em>multiple unit dwelling</em></td>
<td></td>
</tr>
<tr>
<td>- <em>apartment dwelling</em></td>
<td></td>
</tr>
<tr>
<td><strong>Business Uses</strong></td>
<td></td>
</tr>
<tr>
<td>- <em>commercial school</em></td>
<td>- 1 per $20 \text{ m}^2$ (215.3 ft$^2$) of gross floor area</td>
</tr>
<tr>
<td>- <em>financial institution</em></td>
<td></td>
</tr>
<tr>
<td>- <em>laundromat</em></td>
<td></td>
</tr>
<tr>
<td>- <em>personal service establishment</em></td>
<td></td>
</tr>
<tr>
<td>- <em>retail store</em></td>
<td></td>
</tr>
<tr>
<td>- <em>service shop</em></td>
<td></td>
</tr>
<tr>
<td>- <em>studio</em></td>
<td></td>
</tr>
<tr>
<td>- <em>eating establishment</em></td>
<td>- 1 per $9 \text{ m}^2$ (96.9 ft$^2$) of gross floor area</td>
</tr>
<tr>
<td>- <em>funeral home</em></td>
<td>- 20 for the first $50 \text{ m}^2$ (538.2 ft$^2$) of gross floor area plus 1 for each additional $1.5 \text{ m}^2$ (16.1 ft$^2$) of gross floor area used for a chapel or public visitation area.</td>
</tr>
<tr>
<td>- <em>wholesale establishment</em></td>
<td>- 1 per $90 \text{ m}^2$ (968.8 ft$^2$) of gross floor area</td>
</tr>
<tr>
<td>- <em>hotel or motel</em></td>
<td>- 1.2 per guest room</td>
</tr>
<tr>
<td><strong>Office Uses</strong></td>
<td></td>
</tr>
<tr>
<td>- <em>business or professional office</em></td>
<td>- 1 per $20 \text{ m}^2$ (215.3 ft$^2$) gross floor area</td>
</tr>
<tr>
<td>- <em>government administrative offices</em></td>
<td></td>
</tr>
<tr>
<td>- <em>animal kennel</em></td>
<td></td>
</tr>
<tr>
<td>- <em>medical centre</em></td>
<td></td>
</tr>
<tr>
<td>- <em>veterinary clinic</em></td>
<td>- Minimum of 4 spaces or 6.0 per $100 \text{ m}^2$ (1,076 ft$^2$) gross floor area, whichever is greater</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>- <em>truck transport terminal</em></td>
<td>- 1 per $100 \text{ m}^2$ (1,076.4 ft$^2$) gross floor area</td>
</tr>
<tr>
<td>- <em>warehouse</em></td>
<td>- 1 per $185 \text{ m}^2$ (1,991.4 ft$^2$) of gross floor area</td>
</tr>
<tr>
<td>- <em>all other industrial uses</em></td>
<td>- 5 plus 1 per $90 \text{ m}^2$ (968.8 ft$^2$) of gross floor area</td>
</tr>
<tr>
<td><strong>Institutional Uses</strong></td>
<td></td>
</tr>
<tr>
<td>- <em>place of worship</em></td>
<td>- 1 for every 5 seats capacity, or 1 for each $10 \text{ m}^2$ (107.6 ft$^2$) of gross floor area used for a hall or auditorium, whichever is greater.</td>
</tr>
<tr>
<td>- <em>hospital</em></td>
<td>- 1 per 3 beds or fraction thereof</td>
</tr>
</tbody>
</table>
### Table 5.24.2.1 - Parking Standards

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Number of Vehicle Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>- elementary school</td>
<td>- 5, plus 1 per classroom, or 1 per $10 \text{ m}^2 (107.6 \text{ ft}^2)$ of gross floor area in the gymnasium or auditorium, whichever is greater.</td>
</tr>
<tr>
<td>- secondary school</td>
<td>- 4 per classroom, or 1 per $10 \text{ m}^2 (107.6 \text{ ft}^2)$ of gross floor area in the gymnasium or auditorium, whichever is greater.</td>
</tr>
<tr>
<td>- nursing home</td>
<td>- 1 per 3 beds or fraction thereof</td>
</tr>
<tr>
<td>- group home</td>
<td>- 4 spaces</td>
</tr>
<tr>
<td>Leisure and recreation type uses</td>
<td></td>
</tr>
<tr>
<td>- museum</td>
<td>- 1 per $20 \text{ m}^2 (215.3 \text{ ft}^2)$ of gross floor area. Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking.</td>
</tr>
<tr>
<td>- library</td>
<td></td>
</tr>
<tr>
<td>- recreational or athletic facility</td>
<td></td>
</tr>
<tr>
<td>- arena or community centre</td>
<td>- 1 per $10 \text{ m}^2 (107.6 \text{ ft}^2)$ of gross floor area or 1 space for every 4 seats whichever is greater</td>
</tr>
<tr>
<td>- assembly hall</td>
<td></td>
</tr>
<tr>
<td>- fraternal lodge or institutional hall</td>
<td></td>
</tr>
<tr>
<td>- place of entertainment</td>
<td></td>
</tr>
<tr>
<td>- bowling alley</td>
<td>- 4 per lane</td>
</tr>
<tr>
<td>- curling facility</td>
<td>- 4 per curling sheet</td>
</tr>
<tr>
<td>Other Uses</td>
<td>- All other uses permitted by this By-Law other than those listed in this table</td>
</tr>
</tbody>
</table>

### 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”:

(i) Type A shall have a minimum width of $3.4 \text{ m} (11.2 \text{ ft})$ and a minimum length of $5.5 \text{ m} (18 \text{ ft})$.

(ii) Type B shall have a minimum width of $2.7 \text{ m} (8.9 \text{ ft})$ and a minimum length of $5.5 \text{ m} (18 \text{ ft})$.

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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>
<thead>
<tr>
<th>Total Number of Required Vehicle Parking Spaces</th>
<th>Minimum Number of Required Accessible Spaces</th>
<th>Type A Spaces</th>
<th>Type B Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 12</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>13 – 100</td>
<td>4% of total required parking spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>101 – 200</td>
<td>3% of total required parking spaces + 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>201 – 1,000</td>
<td>2% of total required parking spaces + 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,001 or greater</td>
<td>1% of total required parking spaces + 11</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

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.

(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>
<thead>
<tr>
<th>TABLE 5.24.3 – LOCATION AND SETBACK REQUIREMENTS FOR PARKING AREAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Single detached, duplex and 2 unit converted dwellings in all Zones</td>
</tr>
<tr>
<td>Semi-detached dwellings or street fronting townhouse dwellings in any zone</td>
</tr>
<tr>
<td>RM and RH Zones and all uses in an R3 zone, except for a street fronting townhouse dwelling.</td>
</tr>
<tr>
<td>Commercial, Institutional, Industrial, Development, and Open Space Zones</td>
</tr>
</tbody>
</table>

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>
<thead>
<tr>
<th>Land Use</th>
<th>Required Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated Bank Machine situated on the exterior of a building or free-standing kiosk.</td>
<td>3 before each Automated Bank Machine</td>
</tr>
<tr>
<td>Automobile Service Station/Repair Garage</td>
<td>1 before each service bay</td>
</tr>
<tr>
<td></td>
<td>1 at service bay exit if a through-bay</td>
</tr>
<tr>
<td>Motor Vehicle Washing Establishment</td>
<td>3 before each wash bay</td>
</tr>
<tr>
<td></td>
<td>2 after each wash bay</td>
</tr>
<tr>
<td>Eating establishment</td>
<td>10 before pick-up window</td>
</tr>
<tr>
<td></td>
<td>2 after pick-up window</td>
</tr>
<tr>
<td>Convenience Retail or Service Establishment</td>
<td>2 before service window</td>
</tr>
</tbody>
</table>

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;

v) by any department of the Government of Ontario or Canada;

vi) 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 m² (250 ft²) in area.

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SECTION 5.0 GENERAL PROVISIONS

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 17th, 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 17th, 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.

5.30.3.3 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.

5.30.4 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>
<thead>
<tr>
<th>ALL RESIDENTIAL ZONES</th>
<th>REQUIRED MINIMUM SETBACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>Same as that required for a main building</td>
</tr>
<tr>
<td>Exterior Side Yard</td>
<td>Same as that required for a main building</td>
</tr>
<tr>
<td>Interior Side Yard</td>
<td>1.0 m (3.28 ft)</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>1.0 m (3.28 ft)</td>
</tr>
</tbody>
</table>

Mar. 31/16
SECTION 5.0 GENERAL PROVISIONS

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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Town of Tillsonburg Zoning By-Law Number 3295
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 m² (107.6 ft²) of gross floor area.

5.36.1.5 A communications structure subject to the following;

- Not permitted on residentially zoned lands;
- Shall be setback 40 m (131.2 ft) from the centre line of road; and
- Towers and associated buildings and structures shall be setback 150 m (492.1 ft) from a residential zone.

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.

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<table>
<thead>
<tr>
<th>Structure</th>
<th>Permitted Projections into Required Yards</th>
<th>Minimum Setback Between Projection and Lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncovered and unenclosed steps, not exceeding 1.2 m (3.9 ft) above grade, providing access to a basement or a ground floor, deck, stoop or landing</td>
<td>All Yards, no limit</td>
<td>Interior Side, 0.6 m (2 ft) Front, Exterior Side and Rear, 3 m (9.84 ft)</td>
</tr>
<tr>
<td>Fire escapes, steps providing access above the ground floor and balconies above the ground floor</td>
<td>Rear and Interior Side Yard, 1.2 m (3.94 ft)</td>
<td>1.2 m (3.94 ft)</td>
</tr>
<tr>
<td>Ramps used for handicapped access</td>
<td>All Yards, no limit</td>
<td>Interior Side, 1.2 m (3.93 ft) Rear or Street line, 3 m (9.84 ft)</td>
</tr>
<tr>
<td>Balconies on apartment buildings</td>
<td>All Yards, 1.5 m (4.92 ft)</td>
<td>None</td>
</tr>
<tr>
<td>Sills, belt courses, cornices, pilasters, chimneys, eaves, gutters, parapets and pilasters and similar architectural features, provided that they are a minimum of 2 m (6.56 ft) above grade</td>
<td>All Yards, 0.6 m (2 ft), 0.6 m (2 ft)</td>
<td>None</td>
</tr>
<tr>
<td>Air conditioning units, heat pumps, air exchangers, exhaust fan hoods and other similar mechanical structures</td>
<td>All Yards, no limit</td>
<td>None</td>
</tr>
<tr>
<td>Bay windows, not exceeding 3 m (9.84 ft) in width</td>
<td>Front, Rear and Exterior Side Yards, 1 m (3.3 ft), 5 m (16.4 ft)</td>
<td>None</td>
</tr>
<tr>
<td>Building cantilevers</td>
<td>Front and Rear Yards, 0.6 m (2 ft)</td>
<td>None</td>
</tr>
<tr>
<td>Permanent window awnings, provided that they are a minimum of 2 m (6.56 ft) above grade</td>
<td>All Yards, 1 m (3.3 ft)</td>
<td>5 m (16.4 ft)</td>
</tr>
<tr>
<td>Retractable-drop canopies and awnings</td>
<td>Rear Yard, 3.7 m (12.1 ft)</td>
<td>5 m (16.4 ft)</td>
</tr>
</tbody>
</table>
### TABLE 5.37.1 – PERMITTED PROJECTIONS INTO REQUIRED YARDS

<table>
<thead>
<tr>
<th>Structure</th>
<th>Permitted Projections into Required Yards</th>
<th>Minimum Setback Between Projection and Lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncovered decks, patios, concrete pads and other similar structures</td>
<td>Front, Interior and Exterior Side Yards,</td>
<td>Front, Interior or Exterior Side, 3 m (9.8 ft)</td>
</tr>
<tr>
<td>comprising part of an outdoor amenity area, exceeding 0.3 m (1 ft) in</td>
<td>1.5 m (4.9 ft)</td>
<td>Rear, Interior Side, 1.5 m (4.9 ft)</td>
</tr>
<tr>
<td>height, but not exceeding 0.6 m (2 ft) in height.</td>
<td>Rear, 3.7 m (12.14 ft)</td>
<td></td>
</tr>
<tr>
<td>Uncovered decks, patios and porches/verandas, exceeding 0.6 m (2 ft) in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>average height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covered decks, patios and porches/verandas</td>
<td>All Yards, 1.5 m (4.92 ft)</td>
<td>Front or Exterior Side, 3 m (9.8 ft).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interior Side, 1.2 m (3.93 ft)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rear, 7.5 m (24.6 ft)</td>
</tr>
</tbody>
</table>

(Amended by By-Law 3384)  
(Replaced by By-Law 3989)

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

iii) 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.
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, in accordance with Section 5.37;
- a radio or television antennae;
- a feed mill, commercial grain elevator or silo;
- any other similar structures."

Mar. 31/16