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April/09

(Amended by By-Law 15-2009)

6.1 ACCESSORY USES, BUILDINGS AND STRUCTURES PERMITTED

6.1.1 Accessory Uses, Buildings and Structures

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:

6.1.1.1 it is not to be used for any occupation for gain or profit, except as permitted in this Zoning By-Law.

6.1.1.2 it is not to be used for human habitation except as permitted in this Zoning By-Law; and

6.1.1.3 it complies with the provisions set out in Table 6.1.13 below, except where it is specifically regulated in the By-Law:

Table 6.1.1.3 – Regulations for Accessory Uses				
Provision	Residential Zones Within a Settlement Area (As defined in Section 4.7.2.1 of This By-Law)	Residential Zones Located Outside of a Settlement Area (As defined in Section 4.7.2.1 of This By-Law)	Agricultural Zones	All Other Zones
Permitted Location	<i>Any Yard other than a required front yard and an exterior side yard</i>	<i>Any Yard other than a required front yard and an exterior side yard</i>	<i>Any Yard other than a required front yard and an exterior side yard</i>	In accordance with the yard and setback provisions of the zone in which such building or structure is located
Minimum Distance from Main Buildings	1.0 m (3.3 ft)	1.0 m (3.3 ft)	3.0 m (9.84 ft)	3.0 m (9.84 ft)
Maximum Height	5.0 m (16.4 ft)	6.1 m (20.0 ft)	6.6 m (21.6 ft)	In accordance with applicable zone provisions
Side Yard Setback	1.2 m (3.9 ft)	1.2 m (3.9 ft)	In accordance with applicable zone provisions	In accordance with applicable zone provisions

(Amended by By-Law 15-2009)

(Replaced by By-Law 10-2019)

January/19

Table 6.1.1.3 – Regulations for Accessory Uses				
Provision	Residential Zones Within a Settlement Area (As defined in Section 4.7.2.1 of This By-Law)	Residential Zones Located Outside of a Settlement Area (As defined in Section 4.7.2.1 of This By-Law)	Agricultural Zones	All Other Zones
Rear Yard Setback	1.2 m (3.9 ft)	1.2 m (3.9 ft)	In accordance with applicable zone provisions	In accordance with applicable zone provisions
Lot Coverage	10% of lot area, or 75 m ² (807 ft ²) of gross floor area, whichever is the lesser	10% of lot area, or 150 m ² (1,614 ft ²) of gross floor area, whichever is the lesser	10% of lot area, or 185 m ² (2,000 ft ²) of gross floor area, whichever is the lesser	In accordance with applicable zone provisions

6.1.1.3.1 Notwithstanding any provision of Table 6.1.1.3 to the contrary, the following provisions shall also apply:

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

6.1.1.3.2 All other provisions of Section 6.1 to this Zoning By-Law, as amended, shall apply, and further that all other provisions of this Zoning By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply *mutatis mutandis*.

(Added by By-Law 15-2009)
(Replaced by By-Law 10-2019)

6.1.2 EXCEPTIONS

The following *accessory uses* are not subject to the provisions of Table 6.1.1.3: awnings, clothes poles, flag poles, garden trellises, fences, retaining walls (central air conditioning units, heat pumps, air exchangers), or similar *accessory uses*;

January/19

6.1.3 SWIMMING POOLS

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

(Amended by By-Law 15-2009)

6.2 CONSTRUCTION USES PERMITTED

6.2.1 Any part of a *lot* may be used for temporary *buildings* or *structures* such as, a tool shed, construction trailer, development sales office, scaffold, or sign (but not a development marketing sales sign, unless otherwise permitted by a Sign Control By-Law) associated with construction work occurring on such *lot* provided that:

(Amended by By-Law 15-2009)

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

6.2.1.2 the *building* or *structure* is located outside of any site triangle; and

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

6.3 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, shall be controlled by such By-Law with the exception of any Agricultural Zone defined in this Zoning By-Law.

(Amended by By-Law 15-2009)

6.4 CONVERTED DWELLINGS

6.4.1 IDENTIFICATION OF THE ZONE

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

(Amended by By-Law 67-99)

6.4.2 MINIMUM LOT AREA

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

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

(Amended by By-Law 67-99)

6.4.3

(Deleted by By-Law 67-99)

6.4.4 MINIMUM DWELLING SIZE

Conversion of an existing *single detached dwelling* into two *dwelling units* will only be permitted provided that the *existing dwelling* has a minimum *gross floor area* of **140 m²** (1508 ft²).

6.4.5 ZONE REQUIREMENTS

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

6.4.6 LOCATION

For *converted dwellings* located outside of a designated settlement, listed in Section 4.7.2.1, 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 4.7, prior to permitting the conversion to two *dwelling units*.

Dwellings located within a Rural Cluster listed in Section 4.7.2.1 shall be required to satisfy MDS I, or not further reduce an existing insufficient MDS I *setback*, whichever is the lesser.

(Amended by By-Law 36-2007)

6.4.7 ALTERATIONS TO DWELLING

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

6.4.8 EXTERIOR STAIRWAYS

There shall be no exterior stairways except one open fire escape which shall be located only in the *rear yard* or *interior side yard*.

Jun. 30/19

6.5 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 for no other purpose but 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 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*.

6.6 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*.

(Added by By-Law 15-2009)

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

Where a *lot* having a *lot area, lot depth, and/or lot frontage* of not more than 20% less than that required in this Zoning 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.

6.7.1 EXISTING LOTS IN AN A2 OR D ZONE

Notwithstanding any other provisions of this Zoning By-Law to the contrary, in an A2 or D 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 21st day of July 1998, or such *lot* is created through a *boundary adjustment*, such smaller *lot* may be used and a *building* or *structure* may be *erected, altered* or used on such smaller *lot*, provided that all other requirements of this Zoning By-Law are complied with.

(Added by By-Law 13-2006)
(Amended by By-Law 15-2009)

6.8 FLOOD PLAIN AND FILL REGULATED AREA

6.8.1 EXTENT OF THE FLOOD PLAIN AND FILL REGULATED AREA

The Flood Plain and Fill Regulated Area applies to lands within the Regulatory Flood Plain and Fill Regulated Areas established by the Conservation Authorities with jurisdiction in South-West Oxford 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, at their request, prior to development. The *Chief Building Official* shall notify the Conservation Authority of development plans within the Regulated Area to determine whether such flood plain mapping is required or and to obtain written confirmation from the Conservation Authority that the proposed development complies with all applicable regulations.

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

(Amended by By-Law 15-2009)

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6.8.2 IDENTIFICATION OF THE FLOOD PLAIN AND FILL REGULATED AREA

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

(Amended by By-Law 15-2009)

6.8.3 PERMITTED USES

6.8.3.1 FLOOD PLAIN

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

flood control works;
a *golf course*;
a *park*;
a public *use* in accordance with the provisions of Section 6.22 of this Zoning By-Law;
a *farm*;
a *sand or gravel pit*;
a *stone quarry*;
topsoil or peat extraction, in accordance with Section 6.31 of this Zoning By-Law;
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.

(Amended by By-Law 15-2009)

6.8.3.2 FILL REGULATED AREA

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

(Amended by By-Law 15-2009)

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6.8.3.3 PERMITTED USES IN SIGNIFICANT VALLEYLANDS

All *uses* of the underlying zone are *permitted* within and adjacent to Significant Valleylands subject to the Environmental Impact Study policies of the County of Oxford Official Plan, as amended. For the purposes of this provision, adjacent lands shall be defined as those lands located within **50 m** (164 ft) of a Significant Valleyland. 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.

(Amended by By-Law 15-2009)

6.8.4 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within the Flood Plain 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 Zoning By-Law.

(Amended by By-Law 15-2009)

6.9 GARDEN SUITES

6.9.1 ZONING AMENDMENT REQUIRED

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

6.9.2 GARDEN SUITE OCCUPANCY

The *garden suite* shall be occupied by:

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

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6.9.3 LOCATION OF GARDEN SUITE

A *garden suite* located on *lots* outside of a designated settlement as listed in Section 4.7.2.1 of this Zoning By-Law shall be required to satisfy the minimum distance separation requirements as determined through the application of the *Minimum Distance Separation Formula I (MDS I)*.

(Amended by By-Law 36-2007)

(Amended by By-Law 15-2009)

A *garden suite* located within a Rural Cluster designation as listed in Section 4.7.2.1 of this Zoning By-Law shall be required to satisfy the MDS I or not further reduce an existing insufficient *setback* relative to the MDS I, whichever is the lesser.

(Amended by By-Law 15-2009)

6.9.4 ZONE REQUIREMENTS

The *garden suite* shall be placed to the rear or side of the main *dwelling* on the *lot* and shall comply with the zone requirements of the zone in which such *garden suite* is located.

6.9.5 HEIGHT AND GROUND FLOOR AREA REQUIREMENTS

Notwithstanding the requirements of Section 6.9.4, the *garden suite* shall not exceed one *storey* in *height* and shall have a minimum *gross floor area* of **50 m²** (538.2 ft²) and a maximum *gross floor area* of **70 m²** (753.5 ft²).

6.10 GREATER RESTRICTIONS

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

6.11 GROUNDWATER RECHARGE AREAS**6.11.1 DEFINITION OF THE GROUNDWATER RECHARGE AREA**

The Groundwater Recharge Area is identified in the County of Oxford Official Plan and shown on Schedule "E" of this Zoning By-Law.

6.11.2 PERMITTED USES

All *uses* existing at the date of passing of this Zoning By-Law shall be permitted *uses* within the Groundwater Recharge Area. All *uses* permitted within the underlying zone shall be permitted within the Groundwater Recharge Area, with the exception of those listed in Section 6.11.3 of this Zoning By-Law.

6.11.3 RESTRICTED USES

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

(Amended by By-Law 15-2009)

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;
a public garage;
an automobile service station;
a vehicle maintenance or service yard;
a fuel storage tank or supply yard;
a salvage yard.

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6.11.4 SITE PLAN CONTROL

Prior to the issuance of a building permit for any of the *uses* listed in Section 6.11.3 of this Zoning By-Law, the Council for the Township of South-West Oxford shall pass a Site Plan Control By-Law applying to the site and require the proponent to enter into a Site Plan Control Agreement.

6.11.5 ZONE REQUIREMENTS

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

6.12 GROUP HOMES

6.12.1 WHERE PERMITTED

Group Homes may be *permitted* in the following zones, subject to a Zoning By-Law amendment:

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

(Amended by By-Law 67-99)

(Amended by By-Law 15-2009)

6.12.2 LOCATION OF GROUP HOME

Group homes hereafter erected outside of a designated settlement, as defined in Section 4.7.2.1 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 4.7 of this Zoning By-Law.

(Amended by By-Law 67-99)

(Amended by By-Law 36-2007)

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6.12.3 ZONE REQUIREMENTS

A *group home* shall comply with the zone requirements of the zone in which such *use* is located.

6.13 HEIGHT RESTRICTION - LANDS IN VICINITY OF TILLSONBURG REGIONAL AIRPORT

6.13.1 HEIGHT RESTRICTIONS - AREA OF HORIZONTAL SURFACE

6.13.1.1 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 "C-1" of this Zoning By-Law.

6.13.1.2 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.

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

Notwithstanding the provisions of subsection 6.13.1 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 6.13.2 and designated on Schedule "C-2" of this Zoning By-Law, which exceeds the maximum permitted *height* set out opposite thereto in Column 2.

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TABLE 6.13.2 : HEIGHT RESTRICTIONS - LANDS NEAR TILLSONBURG REGIONAL AIRPORT	
Lands as designated on Schedule "C-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

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

6.14 HOME OCCUPATION

6.14.1 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*.

6.14.2 FLOOR AREA LIMIT

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

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6.14.3 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 **1 m²** (10.8 ft²).

6.14.4 EMPLOYEES

A maximum of one *person*, other than a member of the family residing in the *dwelling* containing the *home occupation* may be employed by the *home occupation*.

(Amended by By-Law 15-2009)

6.14.5 RETAIL SALES

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

(Amended by By-Law 15-2009)

6.14.6 REPAIR USES

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

(Amended by By-Law 15-2009)

6.14.7 BED AND BREAKFAST ESTABLISHMENT

A *bed and breakfast establishment* shall be considered a *home occupation* located in a *single detached dwelling* house. Notwithstanding the *gross floor area* limit for a *home occupation* in subsection 6.14.2, a *bed and breakfast establishment* shall be limited to three guest rooms.

6.14.8 HOME DAYCARE

A home daycare, located in a *single-detached*, 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 6.14.2, shall not apply to a *home daycare*.

(Amended by By-Law 15-2009)

6.14.9 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 material by *commercial motor vehicles* greater than **4,000 kg** (8,818.3 lbs) gross vehicle weight.

(Amended by By-Law 15-2009)

6.15 LOADING PROVISIONS

6.15.1 LOADING SPACES REQUIRED

The owner or occupant of any *lot, building or structure* in a Commercial, Institutional, Industrial, Mixed Use or Open Space 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 6.15.1.

TABLE 6.15.1 - LOADING SPACE REQUIREMENTS		
Zone	Gross Floor Area m ² (ft ²)	Number of Loading Spaces Required
Commercial, Institutional, Industrial, Mixed Use or Open Space	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

(Amended by By-Law 15-2009)

6.15.2 STANDARDS FOR LOADING SPACES

All loading spaces must be rectangular and comply with the provisions of Table 6.15.2 below:

TABLE 6.15.2 - 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 <i>interior side lot</i> and <i>rear lot lines</i> and a minimum distance of 20 m (65.6 ft) from the <i>street line</i>
Access Driveway Width	6.0 m (19.7 ft)

6.15.3 LOADING SPACE CALCULATION

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

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6.15.4 LOADING SPACE SURFACE

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

(Amended by By-Law 15-2009)

6.15.5 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 6.15.1 of the By-Law for such addition.

6.16 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* within a designated settlement area. Also, no *person* shall use any *lot* or *erect, alter* or use any *building* or *structure* within **15 m** (49.2 ft) of an enclosed *municipal drain* outside of a designated settlement area.

(Amended by By-Law 15-2009)

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

6.17.1 CONTINUATION OF EXISTING USES

The provisions of this Zoning 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.

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.

(Amended by By-Law 15-2009)

6.17.2 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 *streetline, 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 6.17.6.

(Added by By-Law 15-2009)

6.17.3 BUILDING PERMIT ISSUED

The provisions of this Zoning 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 Inspector*, 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 and such *building* or *structure* is completed within a reasonable time after the erection thereof is commenced.

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

Nothing in this Zoning 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 36-2007)

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

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

(Amended by By-Law 36-2007)

(Amended by By-Law 15-2009)

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

6.17.5.2 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; and

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

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

(Added by By-Law 36-2007)

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

(Added by By-Law 36-2007)

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

(Added by By-Law 36-2007)

6.17.6 EXTENSIONS OR MODIFICATIONS TO NON-CONFORMING AND/OR NON-COMPLYING BUILDING:

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* or a modification, extension or addition being made to a *non-conforming and/or non-complying building or structure* used for the housing of livestock provided that:

(Amended by By-Law 36-2007)

(Amended by By-Law 15-2009)

6.17.6.1 such modification, extension or addition does not contravene any of the zone provisions of this Zoning By-Law.

(Amended by By-Law 36-2007)

6.17.6.2 Notwithstanding 6.17.6.1, where an *existing* barn used for the housing of livestock does not comply with the required MDS II *setbacks*, calculated in accordance with Section 4.7, 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.

(Added by By-Law 36-2007)

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6.17.7 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 Zoning 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-compliant*, then nothing in this Zoning By-Law shall prevent the *erection* of a *building* provided that all other zone provisions are complied with.

(Amended by By-Law 15-2009)

6.17.8 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* or a *regulated farm* and contains *existing farm buildings* and *structures*, additional *farm buildings* and *structures* 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 36-2007)

(Amended by By-Law 15-2009)

6.17.8.1 LOT AREA

Minimum **4.0 h** (9.9 ac)

6.17.8.2 LOT FRONTAGE

Minimum **60 m** (196.9 ft)

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6.17.9 MINOR VARIANCES TO THE ZONING BY-LAW

A minor variance approved by the Township of South-West Oxford Committee of Adjustment in relief to the provisions of By-Law No. 34-80 of the Township of South-West Oxford shall still remain in effect and a building permit may be issued by the *Chief Building Official* provided that the terms and conditions of any decision of the Committee of Adjustment have been complied with.

(Amended by By-Law 15-2009)

6.18 ON-FARM DIVERSIFIED USES

6.18.1 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*.

6.18.2 ZONE REQUIREMENTS

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

6.18.3 OPEN STORAGE

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

6.18.4 GROSS FLOOR AREA REQUIREMENTS

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

6.18.5 EMPLOYEES

The *on-farm diversified use* shall only be carried out by the *farm* operator and family members residing on the *farm* and up to one additional full-time employee. Additional seasonal employees may be permitted.

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6.18.6 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 on the *farm* or which are directly related to the permitted *on-farm diversified use*.

6.18.7 PARKING

Parking for an *on-farm diversified use* shall be provided in accordance with the ‘Other Uses’ category, as contained in Table 6.19.2.1 – Parking Standards.

(Added by By-Law 15-2009)

6.18.8 SECONDARY TO THE FARM OPERATION

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

(Added by By-Law 15-2009)

6.18.9 SITE PLAN APPROVAL

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

6.19 PARKING PROVISIONS

6.19.1 GENERAL REQUIREMENTS FOR PARKING AREAS

6.19.1.1 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 6.19.2.

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6.19.1.2 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.

6.19.1.3 PARTS TO BE CONSIDERED AS REQUIRED SPACES

Where the application of the parking standards as set out in Section 6.19.2 results in part of a *parking space* being required, such part will be considered as one required space.

6.19.1.4 USE OF PARKING AREAS AND SPACES

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

6.19.1.4.1 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.

6.19.1.4.2 COMMERCIAL MOTOR VEHICLES AND TRACTOR TRAILERS IN RESIDENTIAL ZONES

No *person* shall use any *lot*, *building* or *structure* in a Residential Zone for the parking or storage of any *commercial motor vehicle* unless he or she is the owner or occupant of such *lot*, *building* or *structure*, and provided that said vehicle shall not exceed 4000 kilograms (8,818.3 lb) Gross Vehicle Weight (unloaded) as registered with the appropriate regulating authority and provided that not more than one *commercial vehicle* is stored in accordance with this Section.

(Amended by By-Law 15-2009)

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

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Notwithstanding subsection 6.19.1.4.2, a maximum of 2 of either a school bus or a tractor and/or *trailer* may be parked or stored on a *lot* in an RE or RR Zone, located outside of a settlement as defined in Section 4.7.2.1.

(Added by By-Law 15-2009)

6.19.1.5 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*.

Motor vehicle parking spaces and *parking aisles* shall comply with the standards set out in Table 6.19.1.6. and be in accordance with Schedule "D" of this Zoning By-Law.

6.19.1.6 PARKING SPACE AND PARKING AISLE STANDARDS

TABLE 6.19.1.6 - PARKING SPACE AND AISLE STANDARDS			
Angle of the Parking Spaces	Minimum Perpendicular Width of the Aisle	Depth of Parking Space	Width of Parking Space
30 degree	3.4 m (11.2 ft)	4.6 m (15.1 ft)	for cars parked side by side 2.7 m (8.9 ft), for cars parked with wall or fence adjacent 3 m (9.8 ft)
45 degree	3.7 m (12.1 ft)	5.5 m (18.0 ft)	
55 degree	4.3 m (14.1 ft)	5.8 m (19.0 ft)	
60 degree	4.9 m (16.1 ft)	5.8 m (19.0 ft)	
65 degree	5.2 m (17.1 ft)	5.8 m (19.0 ft)	
70 degree	5.5 m (18.0 ft)	5.8 m (19.0 ft)	
90 degree	6.7 m (22.0 ft)	5.5 m (18.0 ft)	
Parallel parking	4 m (13.1 ft) for one way traffic and 6 m (19.7 ft) for two way traffic	6.5 m (21.3 ft)	
Angle other than those listed	shall meet the requirements for the angle of parking which is greater than the angle being provided		

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6.19.1.7 DRIVEWAY STANDARDS

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

6.19.1.7.1 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;

(Amended by By-Law 15-2009)

6.19.1.7.2 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.

6.19.1.7.3 MAXIMUM DRIVEWAY WIDTH - RESIDENTIAL ZONES

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

6.19.1.7.4 NUMBER OF DRIVEWAYS PERMITTED

Every *lot* shall be limited to not more than 2 *driveways* up to the first **30 m** (98.4 ft) 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 one *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*.

(Amended by By-Law 15-2009)

6.19.1.7.5 DISTANCE FROM INTERSECTION

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

6.19.1.8 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, crushed brick (or tile), cinders, asphalt or concrete and with provisions for drainage facilities.

June 30/16

6.19.1.9 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 6.19.2 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*.

6.19.2 MOTOR VEHICLE PARKING STANDARDS

6.19.2.1 OFF-STREET PARKING REQUIRED

Off-street parking for *motor vehicles* must be provided as set out in Table 6.19.2.1.

TABLE 6.19.2.1 - 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 dwelling</i>	- 2 per <i>dwelling unit</i>
	- <i>bed and breakfast</i>	- 1 per guest room
	- <i>garden suite</i>	- 1 per <i>garden suite</i>
	- residential units in a portion of a non-residential <i>building</i>	- 1.5 per <i>dwelling unit</i>
	- <i>long term care facility</i>	- 1 per 3 beds or fraction thereof
Business Uses	- <i>commercial school</i> - financial institution - laundromat - <i>personal service establishment</i> - <i>retail store</i> - <i>service shop</i> - <i>studio</i>	- 1 per 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>
	- funeral home	- 20 for the first 50 m² (538.2 ft ²) of <i>gross floor area</i> plus 1 for each additional 1.5 m² (16.1 ft ²) of <i>gross floor area</i> used for a chapel or public visitation area.
	- wholesale establishment	- 1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>

TABLE 6.19.2.1 - PARKING STANDARDS		
LAND USE CATEGORY	USE	NUMBER OF VEHICLE PARKING SPACES REQUIRED
	- <i>hotel or motel</i>	- 1.2 per guestroom
Office Uses	- <i>business or professional office</i> - government administrative offices	- 1 per 20 m² (215.3 ft ²) <i>gross floor area</i>
	- <i>animal kennel</i> - <i>medical centre</i> - <i>veterinary clinic</i>	- Minimum of 4 spaces or 6.0 per 100 m² <i>gross floor area</i> whichever is greater
Industrial Uses	- <i>truck transportation terminal</i>	- 1 per 100 m² (1,076.4 ft ²) <i>gross floor area</i>
	- <i>warehouse</i>	- 1 per 185 m² (1,991.4 ft ²) of <i>gross floor area</i>
	- all other industrial uses	- 5 plus 1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>
Institutional Uses	- <i>place of worship</i>	- 1 for every 5 seats capacity, or 1 for each 10 m² (107.6 ft ²) of <i>gross floor area</i> used for a hall or auditorium, whichever is greater.
	- <i>school</i>	- 1 per classroom, or 1 per 10 m² (107.6 ft ²) of floor area in the gymnasium or auditorium, whichever is greater.
	- <i>group home</i>	- 4 spaces
Leisure and recreation type uses	- <i>museum</i> - <i>library</i> - <i>recreational or athletic facility or club</i>	- 1 per 20 m² (215.3 ft ²) of <i>gross floor area</i> . Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking.
	- <i>arena or community centre</i> - <i>assembly hall</i> - <i>fraternal lodge or institutional hall</i> - <i>place of entertainment</i>	- 1 per 10 m² (107.6 ft ²) of <i>gross floor area</i> or 1 space for every 4 seats whichever is greater
	- <i>bowling alley</i>	- 4 per <i>lane</i>
	- <i>curling facility</i>	- 10 per curling sheet
Other Uses	- 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 <i>gross floor area</i>

(Amended by By-Law 15-2009)

6.19.2.2 ACCESSIBLE PARKING

6.19.2.2.1 Accessible parking spaces for all non-residential and multiple residential uses including, an *apartment dwelling house*, and a *boarding or lodging house*, shall be provided in compliance with the provisions of this subsection:

6.19.2.2.2 For the purpose of this subsection:

- (i) a Type A *parking space* shall comprise an unobstructed rectangular area with a minimum width of **3.4 m** and a minimum length of **5.5 m**; and
- (ii) a Type B *parking space* shall comprise an unobstructed rectangular area with a minimum width of **2.7 m** and a minimum length of **5.5 m**.

6.19.2.2.3 Each accessible *parking space* must maintain a 1.5 m wide access aisle along the entire length of the parking space as illustrated on Schedule “F”. Where two or more accessible *parking spaces* are required in accordance with the provisions contained in Table 6.19.2.2 – Designated Accessible Parking Space Regulations, an access aisle may be shared between accessible *parking spaces*.

6.19.2.2.4 Required Number of Accessible Parking Spaces

Accessible *parking spaces* for non-residential and multiple residential uses shall be provided in compliance with Section 6.19.2.2.1 and Table 6.19.2.2 – Designated Accessible Parking Space Regulations.

TABLE 6.19.2.2 – DESIGNATED ACCESSIBLE PARKING SPACE REGULATIONS			
Total Number of Required Vehicle Parking Spaces	Minimum Number of Required Accessible Spaces	Type A Spaces	Type B Spaces
1 – 12	1	1	0
13 – 100	4% of total required <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. Where an odd number of total accessible <i>parking spaces</i> are required, the additional space may be a Type B space.	
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		

6.19.2.2.5 Location of Accessible Parking Spaces

Accessible *parking spaces* shall be provided and maintained on the same *lot* in proximity to the main entrances to a *building* or structure.

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(Amended by By-Law 15-2009); (Amended by By-Law 36-2016)

6.19.2.3 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*.

6.19.3 LOCATION OF PARKING AREAS

6.19.3.1 YARDS AND SETBACKS

Motor vehicle parking areas must be situated in accordance with the requirements set out in Table 6.19.3.

TABLE 6.19.3 - 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 <i>yards</i>	1.0 m (3.3 ft)	---	---
Residential Zone, units without individual driveways	<i>Interior side yard</i> <i>Rear yard</i>	---	1.5 m (4.9ft)	1.5 m (4.9 ft)
Commercial, Institutional, Industrial, Agricultural, Mixed Use, Development and Open Space Zones	All <i>yards</i>	1.0 m (3.3 ft)	1.5 m (4.9 ft)	1.5 m (4.9 ft)

6.19.3.2 PARKING SPACE LOCATION ON OTHER LOT

Where the owner of a *building* or *structure* proposes to provide the required *parking spaces* and areas in 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*. 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*.

(Amended by By-Law 15-2009)

6.20 PLANTING STRIPS

6.20.1 REQUIREMENTS FOR NON-RESIDENTIAL USES

6.20.1.1 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.

6.20.1.2 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.

6.20.2 WIDTH

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

6.20.3 CONTENTS

A planting strip shall be used for no other purpose than for a row of trees, a continuous unpierced 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 a combination thereof.

6.20.4 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.

July 13/09

6.20.5 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.

6.21 PROHIBITED USES IN ALL ZONES

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

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

(Added by By-Law 18-2006)

6.22 PUBLIC USES

6.22.1 PUBLIC SERVICES

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

- i) by the *Corporation* or the *County* as defined by the Municipal Act, R.S.O. 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 on behalf of the *Corporation* and possesses all the necessary rights, licenses and franchise;
- iii) by any gas, oil or water pipeline, telephone line, cable television line or any similar utility service 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;
- vi) by any public utility or agency operating an electrical distribution facility, but shall not include electrical or other power generation;

(Amended by By-Law 15-2009)

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- 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:

(Amended by By-Law 15-2009)

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

- 6.22.1.2 any *height of building*, *yards*, 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.

(Amended by By-Law 15-2009)

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

FRONT, REAR, AND SIDE YARDS

Minimum Depth	1.2 m (3.9 ft)
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6.22.2 STREETS AND INSTALLATIONS

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

(Amended by By-Law 15-2009)

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6.22.3 EXCEPTIONS

- 6.22.3.1 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 6.22.1, then such *use* shall be deemed to be permitted only within the zone or zones making such specific reference thereto and the said subsection 6.22.1 shall not apply to such *use*.
- 6.22.3.2 Notwithstanding anything in this Zoning By-Law to the contrary, new *infrastructure* or utilities will only be permitted within any zones or Environmental Overlay areas corresponding to the Agricultural Reserve, Open Space and Environmental Protection Designations and Fish Habitat Protection Areas in the County Official Plan, if they have been approved through an environmental assessment process.

(Amended by By-Law 15-2009)

6.23 SIGHT TRIANGLES

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

Where the two *street lines* do not intersect at a point, the point of intersection of the *street lines* shall be deemed to be the intersection of the projection of the *street lines* or the intersection of the tangents to the *street lines*.

6.24 SIGNIFICANT ENVIRONMENTAL FEATURES

6.24.1 ENVIRONMENTAL PROTECTION 1 OVERLAY

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

Significant Habitat of Endangered or Threatened Species and other Significant Wildlife Habitat;
Significant Wetlands.

6.24.1.1 IDENTIFICATION OF THE OVERLAY

The EP1 Overlay corresponds to the features listed in Section 6.23.1 and is identified on Schedule "A" of this Zoning By-Law. Section 4.5 of this Zoning By-Law provides an explanation for the interpretation of these overlay areas.

(Amended by By-Law 15-2009)

6.24.1.2 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 6.21 of this Zoning By-Law;
- a *conservation project*.

Notwithstanding the provisions of the underlying zone, no development or site alteration shall be permitted within an EP1 Overlay, except for a *use* which 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 6.24.1.3; and

(Amended by By-Law 15-2009)

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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.

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

(Amended by By-Law 15-2009)

6.24.1.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *accessory structure* existing at the time of passing of this Zoning By-Law may be replaced, rebuilt or altered thereto, after the passing of this Zoning By-Law, provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of the original *building* or *accessory structure* by more than 25%. Any such replacement, rebuilding or alteration to a such *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 *dwelling* existing at the date of passing of this Zoning 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 6.32 and shall not exceed **23.2 m²** (250 ft²) in area.

(Amended by By-Law 15-2009)

6.24.1.4 ALL OTHER ZONE PROVISIONS APPLY

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

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6.24.2 ENVIRONMENTAL PROTECTION 2 OVERLAY AND FISH HABITAT

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

Significant Valleylands
Significant Woodlands
Areas of Natural and Scientific Interest for the Life Sciences
Significant Wildlife Habitat.

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

(Amended by By-Law 15-2009)

6.24.2.1 IDENTIFICATION OF THE OVERLAY

The EP2 Overlay corresponds to the features listed in Section 6.24.2 and is identified on Schedule "A" of this Zoning By-Law . Section 4.5 of this Zoning By-Law provides an explanation for the interpretation of these overlay areas.

(Amended by By-Law 15-2009)

6.24.2.2 PERMITTED USES

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

- a *public use*, in accordance with the provisions of Section 6.22 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;

(Amended by By-Law 15-2009)

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- 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 6.24.2.3;
- 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 *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 picnic area;
- a *conservation project*;
- a *building* or *structure* used for flood or erosion control purposes, or for the management of the natural environment, as approved by the *Corporation*, the *County*, the Conservation Authority with jurisdiction 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.

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

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

(Amended by By-Law 15-2009)

6.24.2.3 EXISTING USE, BUILDINGS AND STRUCTURES

Any *building* or *accessory structure* which legally existed at the time of passing of this Zoning By-Law may be replaced, rebuilt or altered thereto; 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%. Any such replacement, rebuilding or alteration to 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 an *existing building* or *structure* shall only be permitted within *existing* cleared areas.

(Amended by By-Law 15-2009)

6.24.2.4 ALL OTHER ZONE PROVISIONS APPLY

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

(Amended by By-Law 15-2009)

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

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

Notwithstanding the above, where a residential *use* exists within the EP1 Overlay or within **120 m** (393.7 ft) area adjacent to the EP1 Overlay, *buildings* and *structures accessory* to the said residential *uses* may be permitted within **120 m** (393.7 ft) of the EP1 Overlay without an EIS, in accordance with Section 6.1 and the Regulations for Accessory Uses in Residential Zones contained in Table 6.1.1.3 of this Zoning By-Law.

Development, site alteration and stockpiling of materials within **50 m** (164 ft) of the EP2 Overlay or edge of Fish Habitat, except those *uses* permitted in Section 6.24.2.2, shall comply with the Environmental Impact Study Requirements of the County of Oxford Official Plan.

Notwithstanding the above, *buildings* and *structures accessory* to a *single detached dwelling* or any residential *uses* existing within the EP2 Overlay or within **50 m** (164 ft) of the EP2 Overlay shall be permitted without and EIS in accordance with Section 6.1 and the Regulations for Accessory Uses in Residential Zones contained in Table 6.1.1.3 of this Zoning By-Law.

(Amended by By-Law 15-2009)

6.24.3.1 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.

(Amended by By-Law 15-2009)

6.24.3.2 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within these areas, unless new provisions are recommended by the 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.

6.25 SITE PLAN CONTROL

Where *uses* located within any of the zones described in this Zoning 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 Township of South-West Oxford Site Plan Control By-Law and associated guidelines, as amended.

(Added by By-Law 15-2009)

6.26 SITES OF POTENTIAL ENVIRONMENTAL CONTAMINATION

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

(Amended by By-Law 15-2009)

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6.27 SLOPE AND EROSION HAZARD AREA RESTRICTIONS

Despite 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.

(Amended by By-Law 15-2009)

6.28 STREET FRONTAGE REQUIRED

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

(Amended by By-Law 15-2009)

6.29 STORAGE OR PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

6.29.1 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:

6.29.1.1 No parking or storage of any *recreational vehicle* 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*;

6.29.1.2 All required *parking spaces* pursuant the Township's Zoning By-law must be provided on site;

6.29.1.3 STORAGE

The owner or occupant of any *lot, building or structure* in any Residential Zone may store or park not more than one (1) *recreational vehicle*, other than a snowmobile, on a *driveway* from May 1st to November 1st of each year. Where a *recreational vehicle* is kept on a *trailer*, the *recreational vehicle* and *trailer* together shall be counted as one (1) *recreational vehicle*;

6.29.1.4 The owner or occupant of any *lot, building or structure* in any Residential Zone may not store or park any *recreational vehicle*, on a *driveway* from November 2nd to April 30th of each year.

6.29.1.5 A *recreational vehicle* may 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*;

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(Replaced by By-Law 09-2019)

- 6.29.1.6 The owner or occupant of any *lot, building or structure* in any Residential Zone may store or park a snowmobile(s) on a trailer on a driveway from November 1st to March 31st of each year. Where up to four (4) snowmobiles are kept on a *trailer*, the snowmobiles and *trailer* together shall be counted as one unit;
- 6.29.1.7 The owner or occupant of any *lot, building or structure* in any Residential Zone may not store or park any snowmobiles on a driveway from April 1st to October 31st of each year.
- 6.29.1.8 any *recreational vehicle* is parked or stored outside of a garage, *building or structure*, or *recreational vehicles* located in the *front yard* shall maintain a minimum *setback* of **3.0 m** (9.8 ft) from *front lot line*.
- 6.29.1.9 no portion of any *trailer* shall overhang a *front, side or rear yard lot line*;
- 6.29.1.10 HEIGHT
- The height of any parked or stored *recreational vehicle* on a *lot* shall be a maximum of 4.14m (13.6 ft) in height measured from *finished grade* to the highest fixed point of the *recreational vehicle*;
- 6.29.1.11 FULLY ENCLOSED
- Notwithstanding the provisions of subsection 6.29.1 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*.
- 6.29.1.12 OCCUPANCY
- No *recreational vehicle* shall be used for human habitation at any time, without a permit issued by the Township.

(Replaced by By-Law 09-2019)

6.30 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.

6.31 TOPSOIL OR PEAT EXTRACTION

6.31.1 TOPSOIL PRESERVATION BY-LAW

A permit is required for the extraction of topsoil or peat in accordance with the Topsoil Preservation By-Law. The Township of South-West Oxford has adopted a Topsoil Preservation By-Law pursuant to the Topsoil Preservation Act. The Township is required to keep the Topsoil Preservation By-Law in a current state.

6.31.2 PERMIT REQUIRED

The extraction of topsoil or peat shall be allowed in accordance with the conditions of the permit issued under the Topsoil Preservation By-Law.

6.32 YARD, SETBACK AND HEIGHT - PERMITTED ENCROACHMENTS

6.32.1 PERMITTED PROJECTIONS INTO REQUIRED YARDS

Notwithstanding the *yard* requirements established in this Zoning By-Law the following projections are permitted from a main *building* in accordance with the provisions set out in Table 6.32.1.

TABLE 6.32.1 - 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, stoops or landings not exceeding one storey in height	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)
Ramp used for accessibility access	All	Unlimited	None
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)	---
Bay windows	All	1.0 m (3.3 ft)	---
Fire escapes, steps providing access above ground floor and balconies above ground floor	Rear	1.0 m (3.3 ft)	---
	Side	1.0 m (3.3 ft)	---

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6.32.1.1 Notwithstanding the provisions of Section 6.32.1 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 6.32.1 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 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 Township of South-West Oxford or, in the case of a *County Road*, the County of Oxford.

(Amended by By-Law 15-2009)

6.32.2 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.

(Amended by By-Law 15-2009)

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6.32.3 BUILDING IN BUILT-UP AREA

Notwithstanding the *yard* provisions of this Zoning By-Law to the contrary, where a *dwelling unit, accessory use, or commercial use* in a Residential or Village Zone is to be erected in a built-up area where there is an *established building line* such *dwelling unit, accessory use, or commercial 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 unit, accessory use or commercial 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 this Zoning By-Law.

6.33 WAYSIDE SAND OR GRAVEL PITS AND STONE QUARRIES

6.33.1 WHERE PERMITTED

Wayside sand or gravel pits and stone quarries are permitted in all zones outside of designated settlements, as defined in subsection 4.7.2.1 of this Zoning By-Law and outside of the EP1 and EP2 Overlay as shown on schedule “A” of this Zoning By-Law.

(Amended by By-Law 15-2009)

6.33.2 TEMPORARY OR PORTABLE ASPHALT OR CONCRETE BATCHING PLANTS

Temporary or portable *asphalt or concrete batching plants* are permitted *accessory* to a *wayside pit or quarry* shall be permitted in all zones outside of designated settlements, as defined in subsection 4.7.2.1 of this Zoning By-Law and outside of the EP1 and EP2 Overlays as shown on Schedule “A” of this Zoning By-Law.

(Amended by By-Law 15-2009)

6.33.2.1 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*.

6.33.2.2 ZONE REQUIREMENTS

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

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