

## SECTION 5 - GENERAL PROVISIONS

### 5.1 INTERPRETATION

#### 5.1.1 General

##### a) Minimum Requirements

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality.

Except for those specifically stated as being maxima, any numerical figures in this By-law shall be the minimum requirements.

##### b) Meaning of Use

Unless the context otherwise requires, the expression "use" or "to use" in this By-law shall include anything done or permitted by the owner or occupant of any land, building, or structure, directly or indirectly or by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

##### c) Meaning of Shall

In this By-law the word "shall" shall always be construed as mandatory.

##### d) Meaning of Building or Structure

A "building" or "structure" as defined herein shall include any part thereof.

##### e) Number and Gender

In this By-law, unless the contrary intention appears otherwise, words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.

#### 5.1.2 Special Regulations for Defined Areas

To each defined area within any zone there shall apply such special regulations as may be established by this By-law with respect to such defined area and, in addition to such special regulations, all provisions of this By-law including the general regulations applicable to the zone within which the defined area is located shall apply to the defined area; provided that, unless a contrary intention appears from the special regulations,

- a) If the special regulations are different from the corresponding regulations of this By-law, including the general regulations applicable to the zone within which the defined area is

located, the special regulations shall supersede and prevail over such corresponding regulations of this By-law;

- b) If the special regulations establish one or more specifically permitted uses for the defined area, such permitted use or uses shall be the only purpose or purposes for which the defined area may be used, and
- c) If the special regulations specifically permit one or more uses in addition to those otherwise permitted in the zone within which the defined area is located, any and all of the other special regulations applicable to the defined area shall apply only to the additional permitted use or uses and not to uses otherwise permitted in the zone.

## 5.2 APPLICATION

The provisions of this section shall apply to all zones and defined areas except as may otherwise be indicated.

## 5.3 STREET FRONTAGE REQUIRED

No person shall erect any building or structure unless the lot upon which such building or structure is to be erected has lot frontage upon a street which has been assumed and maintained in such a manner so as to permit its use by vehicular traffic by the Municipality, the County, the Province of Ontario or some other road authority, provided that a building or structure may be erected upon a lot within a registered plan of subdivision in accordance with the provisions of a Subdivision Agreement in respect of such plan of subdivision notwithstanding that the streets within such plan of subdivision have not been assumed and are not being maintained by the Municipality, County, Province or some other road authority.

## 5.4 YARD AND OPEN SPACE PROVISIONS FOR ALL ZONES

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this By-law shall be included as a part of a yard or other open space similarly required for another building.

## 5.5 PERMITTED ENCROACHMENTS IN YARDS

5.5.1 Every part of any yard required by this By-law shall be open and unobstructed by any structure other than a fence, from the ground upward, provided however:

- a) That those structures listed in the following table shall be permitted to project into the required yards indicated for the distances specified:

<u>Structures</u>	<u>Required Yard in Which Projection is Permitted</u>	<u>Max. Projection from Main Wall Permitted</u>
i) Wall overhang	Front yard	0.46 metres beyond foundation wall
ii) Sills, belt courses, cornices, eaves, gutters, chimneys or pilasters	Any Yard	0.6 metres
iii) Fire escapes and exterior staircases	Rear yard only	1.5 metres over a maximum width of 4.5 metres
iv) Window bays and awnings	Front and rear yards and a side yard abutting a public street only All other side yards	1 metre over a maximum width of 3 metres 0.6 metres over a maximum width of 3 metres
v) Balconies	Front and rear yards and a side yard abutting a public street for single family, detached and duplex dwellings only; any yard for apartment buildings	1.5 metres
vi) Open, roofed porches not exceeding one storey in height; uncovered terraces	Front and rear yards only	2.5 metres including eaves and cornices
vii) Free-standing outdoor furnace and air conditioning units	Rear yards only	1.5 metres

b) Notwithstanding any other provisions of this by-law to the contrary, subsection 5.5.1(a) shall not apply to the required rear yard of lots located on the north side of Riverside Drive.

c) Accessory Uses, Buildings or Structures

Any accessory use, building or structure, shall be permitted in any yard, in any zone, in accordance with the requirements for Accessory Uses (Section 5.25) and any other specific requirements defined elsewhere in this By-law.

d) Landscaping

Landscaping is a permitted use in any yard in any zone in the within By-law.

e) Parking Areas

Parking areas shall be permitted in any yard, in any zone, in accordance with the standards for Parking Areas (Section 5.31) and Special Parking Provisions for Residential Zones (Section 5.32) and any other specific requirements defined elsewhere in this By-law.

f) Railway Spur in Industrial Zone

Notwithstanding the yard and setback provisions of this By-law to the contrary in an industrial zone, a railway spur shall be permitted within any required side or rear yard, but not within a required buffer strip area.

5.6 TEMPORARY CONSTRUCTION USES

The temporary use of buildings and structures incidental and necessary for construction work will be permitted in all zones and defined areas for a period of 6 months from the date of issuance of the building permit. At the expiry of the 6 month period, and if construction is not yet complete, Council shall review the matter and consider approval of an extension where warranted.

5.7 OCCUPANCY OF PARTIALLY COMPLETED BUILDINGS

No new buildings, except in the case of an apartment building, shall be occupied without a certificate of occupancy which shall not be issued before the main side walls and roof have been erected and the external siding and roofing have been completed, and, where applicable, kitchen and heating facilities and sanitary conveniences have been installed and are in satisfactory working order.

Any dwelling unit in an apartment building may be occupied provided that all of the above conditions are satisfied notwithstanding the fact that one or more of the dwelling units have not been completed.

5.8 NON-COMPLIANCE WITH MINIMUM LOT OR YARD REQUIREMENTS

Where an existing building or structure is located on a lot having less than the minimum frontage or area required by this By-law, or has less than the minimum setback, front yard, side yard, rear yard, floor area or flood protection measures required by this By-law, the said building or structure may be enlarged, reconstructed, repaired, renovated or replaced provided that:

- a) it is a permitted use, building or structure within the zone or defined area in which it is situated,
- b) the reconstruction, repair or renovation of existing buildings or structures, or any part thereof, does not further reduce an existing setback, front yard, side yard, rear yard, floor area or flood protection measures having less than the minimum required by this By-law, and
- c) any new addition or enlargement complies with the minimum setback, yards and flood protection measure requirements of the applicable zone, and
- d) any replacement on other than the original foundation complies with the minimum setback, yard, floor area and flood protection measure requirements of the applicable zone, and
- e) all other applicable provisions of this By-law not specifically referred to in this subsection are complied with.

5.8.2 Where the movement of the water's edge of Lake St. Clair changes a zone or defined area boundary according to the provisions of Subsection 4.8.6 and 4.8.9 and such change results in a situation whereby a building or structure previously complying to the provisions of this By-law does not then comply, the affected building or structure shall be exempted from compliance with such provision(s) as is (are) thereby offended.

5.8.3 Public Acquisition

No persons shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.

5.9 NON-CONFORMING USES

5.9.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to 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, providing such use has been continuous since that date.

5.9.2 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 for which a permit has been issued under Section 5 of the Building Code Act prior to the date of the passing of this By-law, 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 permit has not been revoked under Section 6 of the Building Code Act.

### 5.9.3 Permitted Exterior Extension

A building, which at the date of passing of this By-law, was used for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building is hereafter to be used for a purpose permitted within such Zone, and complies with all requirements of this By-law for such Zone.

### 5.9.4 Permitted Interior Alteration

The interior of any building lawfully used on the date of passing of this By-law for a use that is not permitted within the Zone that such building is located, may be reconstructed or structurally altered, in order to render the same more convenient or commodious for the same purpose for which, at the passing of this By-law such building was used.

### 5.9.5 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height size or volume or change the use of such building or structure.

### 5.9.6 Reconstruction of Damaged Existing Buildings or Structures

Nothing in this By-law shall apply to prevent the reconstruction of any lawful existing building or structure which is damaged by causes beyond the control of the owner.

## 5.10 EXISTING LOTS

An existing lot having less than the minimum frontage or area required by this By-law may be developed for all uses in the appropriate zone provided all other regulations of this By-law are satisfied; and:

- a) such lot could have been legally conveyed on the date of passing of this By-law without consent under Section 49 of The Planning Act, S.O. 1983, as amended from time to time. Lots created by consent on or before the passing of this By-law and granted subject to the fulfilment of specific conditions shall also be considered as being legally conveyable for the purposes of this subsection;
- b) such lots are serviced by municipal piped water and sanitary sewage disposal facilities or meet the requirements of the Ministry of the Environment or its designated agent;
- c) such lots front on a street;
- d) such lots have a minimum frontage of 12 metres.

5.11 USES PERMITTED IN ALL ZONES

5.11.1 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, gas main, pipe line or overhead or underground hydro, telephone, television or other supply line or communication line.

5.11.2 Railway Right-of-ways

Nothing in this By-law shall prevent land to be used as an existing railway right-of-way, including any accessory buildings or structures thereto.

5.11.3 Existing Agricultural Uses

Existing agricultural uses shall be permitted in all residential, commercial and industrial zones until such time as redevelopment for the permitted uses the lands are zoned for occurs.

5.12 PERMITTED PUBLIC USES

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service, including public parks and recreational facilities, by The Corporation of the Town of Tecumseh or by any local Board thereof as defined by The Municipal Act, Chapter 302, R.S.O. 1980, The Corporation of the County of Essex, any department of the Government of Ontario or Canada, or any telephone, telegraph or communications company or gas company or Ontario Hydro, provided that:

- a) the lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with to the greatest extent possible;
- b) no goods, materials or equipment shall be stored in the open in a residential zone, or in a lot adjacent to a residential zone;
- c) any building erected or lot used in a residential zone under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings and uses of the type permitted in the zone;
- d) any parking and loading regulations for these uses are complied with.

5.13 MOBILE HOMES

Mobile homes shall be prohibited within the Municipality except where specifically listed as permitted uses within a particular zone or defined area.

5.14 TRUCK, BUS AND COACH BODIES OR TRAILERS OR TENTS USED FOR HUMAN HABITATION, OFFICE OR STORAGE PURPOSES

- a) No truck, transport trailer, bus, coach, streetcar body or other vehicle shall be used for human habitation within the municipality whether or not the same is mounted on wheels.
- b) No trailer, as defined in Section 3 of this By-law, shall be used for the living, sleeping or eating accommodation of persons within the Town of Tecumseh for a period of more than 60 days in any period of 10 consecutive months.
- c) No bus, coach or street car body, transport trailer, truck, tent, trailer, mobile home or other vehicle, as defined in Section 3 of this by-law, shall be used as a permanent office or for storage purposes within the Municipality.
- d) No truck or transport trailer shall be permanently parked and used for advertisement purposes or used for wholesale or retail sale of goods, articles or things for a period of more than 30 days within the municipality.

5.15 PROHIBITED USES

5.15.1 It shall be prohibited to use any land or to erect and use any building or other structure in any zone or defined area for the purpose of salvage or scrap yards, automobile salvage yards, a waste disposal site or processing facility, the collection of rags, junk, any refuse, scrap iron, or other scrap metals unless such uses are specifically listed as permitted uses within a particular zone or defined area.

5.15.2 The keeping of derelict vehicles that are in a wrecked, discarded, dismantled, inoperative or abandoned condition and the storing of vehicles for the purpose of salvaging parts therefrom is prohibited, unless specifically listed as a permitted use within a particular zone or defined area.

5.13.3 Uses not listed as permitted uses in a zone or defined area in this By-law shall be prohibited in such zone or defined area.

5.16 DANGEROUS USES AND DANGEROUS SITUATIONS

5.16.1 No land, building or structure shall be used in the Municipality for the industrial manufacture, storage or distribution of coal, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitroglycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create danger to health, or danger from fire or explosion, except as otherwise provided for in this By-law.

5.16.2 No land, building or structure shall be used in the municipality which by its nature or use is likely to create a dangerous situation with regards to health, traffic or pedestrian safety, or danger from fire or explosion.



5.17 NOXIOUS USES

Any use is prohibited which by its nature or by the materials used therein is declared under The Public Health Act, R.S.O. 1980 or The Environmental Protection Act, R.S.O. 1980, or any regulations thereunder, to be a noxious or offensive trade, business or manufacture.

5.18 SIGHT VISIBILITY TRIANGLES

Notwithstanding any other provisions of this By-law within the triangular space included between the street lines for a distance of 9.0 metres from the point of intersection, no building or structure including a fence or sign or any outside storage or parking shall be erected or permitted and no shrubs or foliage shall be planted or maintained which obstruct the view of a driver of a vehicle approaching the intersection above a height of 71 centimetres above the centreline grade of the intersecting streets unless of open mesh wire construction.

5.19 SETBACKS ON COUNTY ROADS

Notwithstanding any yard or setback provision of this By-law to the contrary, no part of any building or structure erected hereafter shall be closer than the setback to the centreline of a County road as prescribed in By-law 2480, as amended, of the County, passed pursuant to The Public Transportation and Highway Improvement Act, R.S.O. 1980.

5.20 SETBACK ON PROVINCIAL HIGHWAYS

Notwithstanding any setback or yard provisions of this By-law to the contrary, no part of any building or structure erected hereafter shall be closer than the setback to the centreline of a provincial highway as prescribed by the Ontario Ministry of Transportation and Communications in a permit issued pursuant to The Public Transportation and Highway Improvement Act, R.S.O. 1980, as amended from time to time.

5.21 SEPARATION OF DWELLINGS FROM RAILWAYS

No dwelling shall be erected closer than 30 metres to the right-of-way limit of a railway; provided, however, that this requirement shall not apply to any dwelling existing on the date of passing of this By-law or to an abutting vacant lot in a residential zone existing on the date of passing of this By-law and having such dimensions that application of such setback would prevent the construction of a dwelling thereon.

5.22 LANDSCAPED OPEN SPACE

Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:

- i) Any part of a lot which is not occupied at any time by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural uses or permitted outdoor storage areas up to the limits prescribed by the applicable zone shall be maintained as landscaped open space.
- ii) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.
- iii) Where landscaped open space of any kind, including a buffer strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.

## 5.23

### BUFFER STRIPS

- a) A buffer strip shall be used for no other purpose than for the erection of a solid decorative fence, earth berm or the planting and maintaining of a continuous row of natural evergreen trees or a continuous unpierced hedgerow of natural shrubs, immediately adjacent to the lot line or portion thereof along which such buffer strip is required hereunder which will provide a year-round visual barrier; to be not less than 1.8 metres high, except in the front yard for a distance equal to 3 metres back measured from the front lot line where the maximum height shall be 0.9 metres; the remainder of the strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds, sodded or seeded grass, or a combination thereof. Any fence shall be decorative in nature, and be designed and constructed to resist wind damage (e.g. alternating slats).
- b) Where a buffer strip is required in any zone, it shall be of a minimum width as specified in the regulations for that zone.
- c) A buffer strip shall be located within the zone for which it is required; it shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located, and the replacement of trees and plants shall be made as necessary.
- d) A buffer strip may form part of any required landscaped open space.
- e) Where required on a street corner of a corner lot or at a railway intersection, a buffer strip shall be located in such a way as not to obstruct sight visibility as provided in Subsection 5.18.
- f) Where a buffer strip is required on a lot, such lot shall be used for no other purpose than that which existed at the date of passing of this By-law unless and until the required buffer strip is planted.

5.24 HEIGHT

The height regulations of this By-law shall not apply to prevent the erection, alteration or use of the following accessory buildings or structures provided the main use is a use permitted within the zone in which it is located: ornamental dome, chimney, tower, barn, cupola, steeple, church spire, belfry, water storage tank, elevator enclosure, flag pole, television or radio antennae, skylight, ventilator, electrical apparatus, solar energy collection device, or a structure which encloses the mechanical equipment required for the operation of such building or structure.

5.25 ACCESSORY USES

Accessory uses, buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building or use is located, and provided that:

5.25.1 Private garages, other accessory buildings, structures or uses but not parking or outside storage areas, and accessory structures permitted in and regulated by subsections 5.25.2:

- a) shall not be used for human habitation, except where a dwelling unit is a permitted accessory use;
- b)
  - i) for residential zones: shall not be permitted in the front yard or side yard abutting a street in the case of a corner lot; except where a lot abuts Lake St. Clair in which case a garage may be built in the front yard provided it is not built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot and all other provisions of this By-law are complied with;
  - ii) for all other zones: shall not be built closer to the front lot line than the minimum distance required by this by-law for the main building on the lot;
- c) shall not be closer than 0.61 metres to any lot line if less than or equal to 10.0 square metres in area and 2.5 metres in height or shall not be closer than 1.22 metres to any lot line if greater than 10.0 metres in area or 2.5 metres in height except:
  - i) that common semi-detached private garages or carports may be centred on a mutual side lot line;
  - ii) that where a lot line abuts a public alley an accessory building or structure may be located not less than 0.5 metres from said alley;
  - iii) that subsection 5.25.4 applies where a lot abuts Lake St. Clair
- d)
  - i) for residential zones: shall not exceed 10 percent of total lot area or 90 square metres in area, whichever is the lesser, and no individual

accessory building or structure shall exceed 70 square metres in area;

- ii) for all other zones: shall not exceed 10 percent of total lot area;
- e)
  - i) for residential zones: shall not exceed 4.57 metres in height;
  - ii) for all other zones: shall not exceed 10.67 metres in height;
  - iii) for permitted accessory and detached dwelling units: shall not exceed 2.5 storeys in height;
- f) shall not be considered as an accessory building if attached to the main building in any way;
- g) shall not be located within 1.5 metres of the main building on said lot with the exception of decks which shall be permitted to be attached to the main building;
- h) shall not be considered an accessory building if located completely underground;
- i) the following encroachment provisions shall apply to eaves and eavestroughs on accessory buildings:
  - i) for accessory buildings greater than 10.0 square metres in area, eaves shall be allowed to encroach 0.61 metres and eavestroughs an additional 0.15 metres into the required setback;
  - ii) for accessory buildings less than or equal to 10.0 square metres in area, eaves shall be allowed to encroach 0.31 metres and eavestroughs an additional 0.15 metres into the required setback.

5.25.2 Private outdoor swimming pools, including in-ground and above-ground pools and associated decks, may be constructed and maintained as accessory uses to a dwelling provided:

- a) said use shall only be permitted in the rear or side yards of the lot;
- b) the height of the pool or deck shall not exceed a maximum of 1.22 metres above the average finished grade level of the ground adjoining and within 4.0 metres of the pool or deck;
- c) said use shall not be located within 1.22 metres of a side or rear lot line, except on a corner lot where the minimum side yard abutting a public street shall be 4.0 metres;
- d) no water circulating or treatment equipment such as pumps or filters shall be located closer than 1.22 metres to any side or rear lot line;
- e) said use is enclosed by a fence in accordance with the Town's fence by-law, as amended;

- f) swimming pools and associated decks shall not be included in determining lot coverage;
- g) no above ground outdoor swimming pool shall be permitted within 61 metres of the water's edge of lake St. Clair. This requirement shall not apply to an in-ground outdoor swimming pool, except that no structural enclosure other than a fence shall be permitted above the finished grade.

#### 5.25.3 Boat House, Pump House or Dock

Notwithstanding any other provision of this By-law to the contrary, a boat house, pump house or a dock may be erected and used in the rear yard of a lot abutting a navigable waterway, provided, such accessory building or structures are located no closer than 1.2 metres to the side lot line, and that no building or structure shall exceed 1.2 metres in height above the high water datum.

#### 5.25.4 Special Requirements - North of Riverside Drive

Notwithstanding the foregoing, for any lot located on the north side of Riverside Drive, no accessory building or structure, except as permitted in subsection 5.25.3, shall be erected:

- (i) within 2.5 metres of any side lot line between the main building (including the area beside the main building) and the water's edge of Lake St. Clair, and 1.2 metres of any side lot line between the main building (excluding the area beside the main building) and Riverside Drive; and
- (ii) no closer than 12.2 metres to the water's edge of Lake St. Clair, or where an existing dwelling is located within 12.2 metres of the water's edge of Lake St. Clair an accessory building or structure shall be permitted within 12.2 metres of the water's edge provided the entire building or structure is located within 4.5 metres of the existing dwelling; and
- (iii) only one accessory building or structure will be permitted in the side yard and the rear yard or both with a maximum ground floor area of 9.3 square metres and to a maximum height of 2.5 metres;
- (iv) notwithstanding subparagraphs (a), (b), or (c) above, an in-ground swimming pool will be permitted in the rear yard provided it is located no closer than 2.5 metres to any side lot line.

### 5.26 ACCESSORY USES IN INDUSTRIAL ZONES

#### 5.26.1 Commercial

Notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within two (2.0) metres of the main building, shall not exceed ten (10) percent of the total floor area

of the main building, and shall not exceed a maximum floor area of two hundred and seventy-eight (278.0) square metres.

#### 5.26.2 Gate House

Notwithstanding the yard and setback provisions of this By-law to the contrary, in an Industrial Zone, a gate house shall be permitted in a front or side yard or in the area between the street line and the required setback.

#### 5.27 REGULATIONS FOR HOME OCCUPATIONS

Where a home occupation is permitted in a particular zone, it shall:

- a) Have only members of the family permanently residing in the dwelling unit engaged in the business;
- b) Have no external display or advertisement other than an unlit sign flush-mounted to the wall of the dwelling and which is a maximum size of point two (0.2) square metres indicating only the name, occupation and practising hours of the occupant;
- c) Have no external storage of materials containers or finished products;
- d) Not change the character of the dwelling as a private residence or create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or parking;
- e) Not use mechanical equipment, the operation of which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premises;
- f) Not occupy more than 10% of the floor area of the dwelling or dwelling unit including in the floor area any basement area used as living quarters and any basement area used for a home occupation, or eighteen and one-half (18.5) square metres whichever is the lesser;
- g) The location of any and all parts of a home occupation use on a lot shall be confined to a dwelling (but not the portion of the dwelling used as a garage) or dwelling unit on the lot;
- h) Have no more than 3 off-street parking spaces associated with the home occupation use;
- i) Include only an office or consulting room for a professional person, salesperson, or agent, an office for a trade such as a general contractor, house builder, painter, or electrician, an office for a charitable organization, a workroom for a dressmaker or tailor, or the making, weaving, sewing, spinning, repair, engraving or otherwise fabrication of clothes, and clothing accessories, sports crests, trophies, toys, garden or household ornaments, including the sale of same, upholstering and repair of furniture, a studio for a teacher of music, art or academic subjects, a photographer, commercial artist or drafting, tool sharpening, radio, television or typewriter repairs, a barber shop, a hairstylist or hairdressing establishment, and any other use similar in nature which conforms to the preceding criteria and which the Committee of Adjustment, upon application, permits.

5.28 LOADING SPACES

No person shall erect or use any building or structure in any commercial, industrial or institutional zone which involves the movement of persons, animals, goods, merchandise, or materials, unless loading spaces are provided and maintained in accordance with the following provisions:

a) Loading space requirements:

Area of Building	Loading Space
1858 sq. m. or less	1 space
Exceeding 1858 sq. m. but not 7432 sq. m.	2 spaces
Exceeding 7432 sq. m.	3 spaces plus 1 additional space for each additional 9290 sq. m. or fractional part thereof in excess of 7432 sq. m.

- b) each loading space shall have dimensions not less than three point seven (3.7) metres by nine (9.0) metres;
- c) each loading spaces shall not have less than four (4.0) metres of vertical clearance;
- d) the loading and unloading of commercial vehicles is prohibited on any street in all zones.

5.29 STANDARDS FOR LOADING SPACES

Where in this By-law, loading spaces are required or permitted, the following standards shall apply:

- a) adequate driveway and parking space to permit the safe standing, parking of vehicles awaiting access, manoeuvring, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks;
- b) access to loading or unloading spaces shall be by means of a driveway at least 6 metres wide contained on the lot in which the spaces are located and leading to a street or lane located within the Zone in which the use is located;
- c) loading spaces and driveway approaches shall be surfaced with concrete, asphalt, crushed stone, gravel, or a combination thereof with a stable surface treated to prevent the raising of dust or loose particles;
- d) adequate drainage facilities in accordance with the requirements of the Municipality;

- e) illumination of loading spaces shall be arranged so as to reflect away from any adjacent residential, community facility, or recreational zone;
- f) loading space or spaces required shall be located in the side yard not abutting a street or rear yard unless such space or spaces are set back from the street line a minimum distance of 30 metres.
- g) 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 floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required by subsection 5.28 a) for such addition.
- h) the provisions of subsection 5.28 shall not apply to require the establishment of loading spaces in the C3 Zone adjacent to County Road No. 2E (Tecumseh Road).

5.30 PARKING AREA REQUIREMENTS

For every type of building listed below which is erected, altered, or enlarged in any zone after the passing of this By-law, off-street parking shall be provided and maintained in accordance with the following provisions, except that in the C3 Zone adjacent to County Road No. 2E (Tecumseh Road) such required off-street parking spaces may be provided by the municipality:

<u>Type of Use of Building</u>	<u>Minimum Parking Required</u>
i) single-family detached, two family, semi-detached, duplex, triplexes, converted dwelling units located in commercial buildings, accessory dwellings and dwellings units	two (2.0) parking spaces per dwelling unit
ii) multiple-family, row-house, townhouse, apartment dwellings, senior citizen home	one and one-half (1.5) parking spaces per dwelling unit
iii) auditoriums, restaurants, churches, theatres, arena, community centres, private clubs, and other places of assembly	one (1) parking space for every five (5) seats or fraction thereof or for every three (3.0) metres or fraction thereof of bench space of its maximum seating capacity or one (1) parking space for each nine (9.0) square metres or fraction thereof of floor area devoted to public use, whichever is the greater



- iv) hospitals, nursing homes, and lodging houses      one (1) parking space for each two beds or for each forty (40.0) square metres or fraction thereof of floor area, whichever is greater
- v) schools      one (1) parking space for each teaching staff member or school employee, plus one (1) additional parking space for each eleven point five (11.5) square metres or fraction thereof of auditorium floor area
- vi) government buildings      one (1) parking space for each two (2) employees or fraction thereof plus one (1) parking space for each nine (9.0) square metres or fraction thereof of floor area devoted to public use, with a minimum capacity of ten (10) visitor parking spaces.
- vii) libraries      a minimum of ten (10) parking spaces or one (1) parking space per twenty-eight (28.0) square metres or fraction thereof of building floor area, whichever is greater
- viii) hotels, motels, and taverns      one (1) parking space per rental unit or guest room plus one additional parking space for each nine (9.0) square metres or fraction thereof of floor area devoted to public uses such as restaurants, taverns and other eating places associated with motels and staff houses
- ix) boarding house, rooming house      one (1) parking space for every two (2) rooms rented
- x) industrial establishments, workshops      one (1) parking space for each thirty-seven (37.0) square metres or fraction thereof of building floor area or for each three employees or fraction thereof, whichever is greater.
- xi) retail stores, convenience retail stores, personal service shops, service shops      one (1) parking space per nine (9.0) square metres or fraction thereof of 75% of the retail floor area
- xii) offices, general and professional      one (1) parking space per eighteen and one-half (18.5) square metres or fraction thereof of rentable office floor area
- xiii) funeral homes      one (1) parking space for each nine (9) square metres or fraction thereof of floor area devoted

to public use, with a minimum of ten (10) parking spaces

- xiv) bowling alleys and curling rinks  
one (1) parking space for each two (2) persons of the designed capacity (as hereinafter defined) of the said bowling alley or curling rink. For the purpose of this section designed capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet
- xv) home occupation  
one (1) parking space for each nine (9.0) square metres of floor area devoted to said use in addition to that required for the dwelling
- xvi) bingo hall  
one (1) parking space for each two (2) persons of the designated capacity of the said bingo hall
- xvii) any use permitted by this By-law but not specifically listed elsewhere in this Section  
one (1) parking space for each eighteen and one-half (18.5) square metres or fraction thereof of building floor area and one (1) parking space for each one hundred (100.0) square metres of total area used for open storage.

5.30a BARRIER FREE PARKING

Within each parking area required above, barrier free parking spaces shall be provided at a location specified by the Chief Building Official or in accordance with the corresponding sit plan and in accordance with the following table:

Total Number of Parking Spaces In the Parking Area	Minimum Number of Parking Spaces to be Barrier Free
less than 10	0
10 to 25	1
26 to 99	2
100 to 149	3
150 to 199	4
200 and over	1 space for every 50 parking spaces

STANDARDS FOR PARKING AREAS

Where in this By-law parking areas are required or permitted:

- a) the parking 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 floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional parking space shall be provided as required by subsection 5.30 for such addition;
- b) when a building or lot accommodates more than one use or purpose, the required parking spaces shall be the sum of the required parking spaces for the separate uses or purposes. Parking facilities for one use shall not be considered as providing required parking for any other use;
- c) if calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number;
- d) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality;
- e) the parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel, or a combination thereof with a stable surface treated to prevent the raising of dust or loose particles;
- f) the lights used for illumination of parking areas shall be so arranged as to divert the light away from adjacent lots;
- g) parking areas shall either be located on the same lot as the use for which such parking is required or within ninety (90.0) metres of the location which it is intended to serve, and shall be situated in the same zone or a holding zone;
- i) all parking areas and their approaches in any zone shall be defined by a curb of concrete or rolled asphalt or other suitable obstruction designed to provide a neat appearance;
- j) each parking space shall be 2.75 metres by 5.5 metres and shall be provided with unobstructed access to a street by a driveway, aisle or lane, the minimum aisle width shall be 5.5 metres;
- k) a structure, not more than 3 metres in height and not more than 4.6 square metres in area may be erected in the parking area for the use of attendants in the area;
- l) no sign other than directional signs and a sign indicating the name of the owner, not exceeding 0.8 square metres in size, shall be erected on any parking area or parking lot.

5.32

SPECIAL PARKING PROVISION FOR RESIDENTIAL ZONES

- a) In any residential zone, for all lots other than a lot abutting Lake St. Clair, all parking spaces shall be located in a garage or carport or in a side or rear yard, or only on a driveway in the front yard.
- b) In a residential zone applying to those lots abutting Lake St. Clair, all parking spaces shall be located in a garage or carport or in a front or side yard.
- c) In any residential zone, no vehicle shall be parked on any part of a lot other than in a garage, carport, required parking area or on a driveway.
- d) The parking of commercial vehicles is prohibited in all residential zones except that the owner or occupant of any lot, building or structure in any residential zone, may use any private garage or driveway of which he is the owner or occupant, for the housing or storage of one commercial vehicle used for commercial purposes, not exceeding 1.0 tonne capacity, owned or operated by himself, provided such use is for housing or storage only and such commercial vehicle is not used in connection with any business or other use on the premises or associated with the residence which is prohibited by this By-law in any such residential zone. Any goods, materials or contents stored on or in such commercial vehicle shall not be exposed to or be in the general view of the public.
- e) For any lot on the north side of Riverside Drive, no recreational vehicle, or trailer, motorized mobile home, motorized snow vehicle, mobile camper trailer, mobile home trailer or truck camper, as defined herein, shall be parked adjacent to Lake St. Clair beyond the established building line. For the purposes of this paragraph only, the established building line shall be the straight line joining the nearest point of the wall of one dwelling to the water's edge of Lake St. Clair, to the nearest point of the wall of the next adjacent dwelling to the water's edge of Lake St. Clair.

5.33

DRIVEWAY REGULATIONS

- a) A driveway serving a dwelling in a residential zone shall have a maximum width of 7.62 metres or 40 percent of the lot line abutting the street that the driveway traverses, whichever is greater, up to a maximum of 9.15 metres.
- b) The minimum distance between a driveway and a lot line shall be 0.5 metres, save and except the lot line over which the driveway traverses.
- c) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 9.15 metres.
- d) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- e) Every lot shall have a minimum of one driveway and a maximum of two driveways for any permitted use.

5.34 FLOOD PROTECTION MEASURES - LAKE ST. CLAIR

Within the areas shown on Schedule "B" as Flood Protection Areas the following additional regulations shall apply:

- a) The lowest opening to any main building or structure, excluding a private garage attached to a dwelling shall be above the minimum elevation of:
  - i) 176.75 metres C.G.D. (Canadian Geodetic Datum) north of Riverside Drive;
  - ii) 176.57 metres C.G.D. (Canadian Geodetic Datum) south of Riverside Drive.

The average finished grade elevation around all external walls shall either be at or above the minimum elevations specified, or the foundation walls shall be specially constructed to be solid and impervious to floodwaters, or, an appropriate combination of the two as approved by the Corporation's Building Official.

- b) The requirements of this subsection shall not apply to any existing registered plan of subdivision for which floodproofing requirements have been established in a related registered agreement. Instead, the floodproofing requirements contained in related registered agreements for these plans shall apply.

5.35 LAKE ST. CLAIR SHORELINE SETBACK REGULATIONS

No part of any dwelling shall hereafter be erected in any zone or defined area:

- a) Within twenty-five (25.0) metres of the water's edge of Lake St. Clair, measured horizontally along a line perpendicular to a line drawn along the water's edge, where adequate erosion facilities and shore protection works accounting for 1:100 year wave run-up levels as designed by a qualified engineer have not been constructed.
- b) Within 7.6 metres of the water's edge of Lake St. Clair, measured horizontally along a line perpendicular to a line drawn along the water's edge, where adequate erosion facilities and shore protection works accounting for 1:100 year wave run-up levels as designed by a qualified engineer have been constructed and certified by a qualified engineer as built to design standards.

5.36 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in a built-up area, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line, or the centreline of the street as the case may be, than required by this By-law provided such permitted building or structure is not erected closer to the street line or the centreline of the street, as the case may be, than the established building line on the date of passing of this By-law.

5.37 MULTIPLE USES

Notwithstanding anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, but no dwelling shall be located within 3 metres of any other building on the lot except a building accessory to such dwelling.

5.38 UNLAWFUL USES

Any uses established in violation of a predecessor of this by-law will be deemed to have been established unlawfully. The passing of this By-law shall in no way render any unlawful use as lawful or legal non-conforming.

5.39 ADULT ENTERTAINMENT PARLOURS

Notwithstanding any other requirement of this By-law to the contrary, an adult entertainment parlour, as defined herein, shall not be permitted, either as a main use or as an accessory use, in any zone.

5.40 PRIVATE HOME CARE USE

Notwithstanding any other requirement of this By-law to the contrary, a private home day care use, as defined in Section 3.101 (a) of this By-law, shall only be permitted as an accessory use in a Residential Zone, provided:

- a) the private home day care use is located in a private residence; and
- b) the dwelling unit in which the private home day care use is situated has an independent entrance directly from the outside.

5.41 REGULATIONS FOR GROUP HOME DWELLINGS

No group home, whether to be located in an existing single unit detached dwelling or in a newly constructed group home building, shall be located closer than 300 metres to any existing group home dwelling.