

## SECTION 3

### GENERAL REGULATIONS

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## 3.1 Accessory Buildings and Uses

### (1) Accessory Buildings And Uses Permitted In All Zones

Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that no accessory dwelling unit shall be permitted in any zone other than a zone in which such a use is specifically listed as a permitted use. No accessory building or use shall be established on any lot until the main building or use to which it is accessory, is established.

### (2) Accessory Buildings And Uses in Residential Zones

Unless otherwise specifically provided for in this By-law, no person shall erect or maintain an accessory building in any Residential Zone, except a Rural Residential Zone and, except in accordance with the following provisions:

- (a) Accessory buildings shall only be located in the side and rear yards of any lot as defined by this By-law, except that:
  - i) where such lot is located on the north side of Lakeshore Road in Lots 28 to 50 inclusive in the Front Concession, an accessory building may be located in the front yard provided such building is located not closer than **12m** to the front lot line and **1.2m** to the side lot line and provided no accessory building shall be erected closer to a flanking street than the side yard setback from the flanking street required for the main dwelling to which it is accessory.
  - ii) where such lot is located on the north side of: Beach Lane (east of Colborne), Beach Lane (west of Colborne), Beacon Court, Braemar Lane, Bruce Street (between Mulberry Street and Hansard Lane), 450-462 Charlesworth Lane, Coronation Lane, Haight Lane, Hansard Lane, Hillcrest Drive, Hillcrest-Nisbet Drive, Huronview Trail, Lake Huron Parkway, 544-584 Lakeshore Road, Lakeview Trail, Passingham Drive, Sunset Boulevard, Tudor Close West, and Tyrie Drive East, an accessory building may be located in the front yard (street side) provided such building is located not closer than **6m** to the front lot line and **1.2m** to the side lot line and provided no accessory building shall be erected closer to a flanking street than the side yard setback from the flanking street required for the main dwelling to which it is accessory. **(135/2006)**
- (b) In any rear yard, a free standing garage, carport or other accessory building shall have a minimum building setback of **0.6m**, not including eave projections which shall have a minimum setback of **0.3m**, except that no accessory building shall be erected closer to a flanking street than the side yard setback from the flanking street required for the main dwelling to which it is accessory and provided that where the vehicular

entrance to an accessory garage or carport faces a municipal street, a minimum side yard of **6m** shall be required.

- (c) In any side yard, a free standing garage, carport or other accessory building shall provide minimum side and rear yard setbacks as if the accessory building was attached to and formed part of the main building to which it is accessory, except that:
  - i) Nothing in this By-law shall prevent rear yard additions to a main dwelling after the date of adoption of this By-law, which will have the effect of placing in whole or in part, an existing accessory building into the required side yard setback. The resulting side yard setback for the accessory building shall be deemed to comply with this By-law.
- (d) For any accessory building, the maximum height shall be **1** storey and not more than **5m** from grade, provided, however, that for any accessory building having a flat roof, the maximum building height shall be **1** storey and not more than **3.5m** from grade. For the purpose of this clause, grade shall mean the average elevation of the finished surface of the ground adjacent to the accessory building.
- (e) Where the side lot line of a corner lot is substantially a continuation of the front lot line of an adjoining lot and no public lane at least **6m** wide separates such lots, no accessory building shall be located on such corner lot nearer to such side lot line than the minimum depth of the required front yard on such adjoining lot, nor nearer than **1.2m** to the side lot line of the adjoining lot.
- (f)
  - i) In any Residential Zone the maximum combined lot coverage for all accessory buildings shall be **10%** of the lot or **65m<sup>2</sup>**, whichever is less, except portable classrooms accessory to schools;
  - ii) The maximum lot coverage for dwellings in residential zones does not include accessory buildings. **(135/2006)**
- (g) Any accessory building shall have a minimum clearance of **1m** from a dwelling located on the same lot.
- (h) Where a wall of a garage faces a street and is located closer than **6m** there from, no provision for vehicular entry shall be permitted along the said wall.
- (i) On any through lot, an accessory building shall have a minimum setback from the rear lot line equal to the minimum front yard depth required for the main building on the lot.
- (j) In any Urban Residential Zone the maximum floor area for any attached garage or carport shall be **90m<sup>2</sup>**.

- (k) No accessory building shall be established or used as a dwelling unit except for a manse.

**(3) Accessory Buildings And Uses in All other Zones**

- (a) Accessory buildings may be located in any side and rear yards of any lot as defined by this By-law, except that nothing shall prevent the erection of:
  - i) a kiosk for a parking lot anywhere in a front yard or exterior side yard in a Commercial, Institutional or Industrial Zone;
  - ii) a gatehouse, anywhere in a front yard or an exterior side yard in an Industrial Zone; and
  - iii) a partially enclosed shelter for use by children while waiting for a school bus, anywhere in a front yard or an exterior side yard in a Rural Zone.
- (b) In any rear yard, an accessory building shall have a minimum building setback of **0.6m**, not including eave projections which shall have a minimum setback of **0.3m**.
- (c) In any exterior or interior side yard, no accessory building shall be erected closer to the flanking street or interior side lot line than the side yard setback from the flanking street or interior side lot line required for the main building to which it is accessory. **(139/2002)**
- (d) The total lot coverage of all accessory buildings or structures on a lot in all zones (other than Industrial Zones) shall not exceed **10 %** of the lot area except that, for a residential lot in all RR1 Zones or RU1 Zones the maximum lot coverage for all accessory buildings shall be **5%** of the lot or **100m<sup>2</sup>**, whichever is less. **(3/2003)**
- (e) The maximum height for all accessory buildings shall be as follows:
  - i) **8m** in all Rural Residential (RR), Commercial and Institutional Zones; **(135/2006)**
  - ii) **10m** in other Non-Residential Zones.
- (f) A maximum of **2** horses may be kept as pets in a Rural Residential Zone subject to the following:
  - i) a minimum lot size of **0.8ha**;
  - ii) the horses shall be owned by the person or persons residing in the dwelling on the lot; and
  - iii) compliance with the minimum distance separation requirements for livestock facilities.

## **3.2 Adult Entertainment Establishment Regulations**

Notwithstanding any other provision of this By-law respecting permitted uses, an Adult Entertainment Establishment shall not be permitted, either as a main use or an accessory use in any of the following zones: UR1, UR2, UR3, UR4, UR5, SR1, PRC1, RR1, D1, CC1, GC2, GC3, HC1, COC1, OC1, LC1, RE1, MT1, RU1, I1, OS1, EPA1, HZD1 and WI. Adult Entertainment Establishment uses will be considered on the basis of individual site rezoning applications in areas zoned GC1, LI1, LI2, HI1 and HI2 subject to the following regulations:

- (1) Any building erected or altered for use as an Adult Entertainment Establishment use shall not be located on a lot that abuts Vidal Street, Exmouth Street, Mitton Street, Christina Street, London Road/Line, Indian Road, Murphy Road, Wellington Street or Front Street;
- (2) An Adult Entertainment Establishment shall not be permitted on any lot which has a lot line which is located within **120m** of any Residential Zone or Open Space Zone; and
- (3) An Adult Entertainment Establishment shall not be permitted on any lot which has a lot line which is located within **320m** of any other lot occupied by an existing Adult Entertainment Establishment use.

## **3.3 Bed and Breakfast Establishments**

A Bed and Breakfast establishment shall be permitted in every zone that permits single detached residential dwellings, and shall be conducted in accordance with all of the following provisions and standards.

- (1) A minimum separation distance of **100m** is required between existing and/or proposed Bed and Breakfast uses, fronting on the same street, in the "UR" Zones.
- (2) No more than **3** guest rooms shall be used to accommodate the traveling and vacationing public and guest rooms shall not occupy more than **25%** of the gross floor area of the dwelling unit.
- (3) The Bed and Breakfast Establishment shall be conducted only by a person or persons residing in the dwelling unit.
- (4) No external alterations to the dwelling unit shall be permitted which will change the character of the dwelling unit as a private residence.
- (5) The Bed and Breakfast Establishment shall not generate excessive noise which would cause a disturbance to the surrounding residential properties.

- (6) The Bed and Breakfast Establishment shall not generate volumes of vehicular traffic which would cause a disruption of normal activities of adjacent residential properties.
- (7) No food or drink shall be offered for sale to persons except registered guests of the Bed and Breakfast Establishment.
- (8) A Bed and Breakfast Establishment in a Non-Residential Zone shall be permitted to display a sign in accordance with the City's Sign By-law.
- (9) Notwithstanding the City of Sarnia Sign By-law, as amended, a Bed and Breakfast Establishment located within a Residential Zone can post an information or advertising sign relating to the Establishment subject to the following regulations:
  - (a) the sign shall be a facia sign. A facia sign is defined as an on-premises sign attached to the exterior wall of a building and projecting not more than **15cm** therefrom and with the sign face parallel to the wall of the building or structure;
  - (b) the maximum sign face area shall be **0.2m<sup>2</sup>**;
  - (c) there shall be a maximum of **1** sign per Bed and Breakfast Establishment; and
  - (d) animation, neon and flashing illumination are prohibited.
- (10) On-site parking shall be provided at **1** space for the dwelling unit and **1** space for each guest room. Tandem parking spaces shall be permitted.
- (11) Prior to the establishment of any Bed and Breakfast use, the occupant shall obtain a "Bed and Breakfast Permit" from the City.

### **3.4 Building Additions**

- (1) Where the erection of **1** or more additional storeys is proposed on a building and where the existing yards appurtenant to such building would not conform to the requirements of this By-law subsequent to such erection, no such erection shall be permitted except where:
  - (a) the addition is located so as to comply with the yard requirements of this By-law commencing at the level of the base of such addition; and
  - (b) the addition complies in all other respects with the provisions of this By-law.

### **3.5 Building Materials Prohibition**

None of the following building materials shall be used for the exterior vertical facing on any wall of any building or structure within the zoned area:

- (1) building paper, tar paper, unfinished or untreated chipboard, poplar wood; and
- (2) except in the case of a non-residential building or structure in a Rural or Industrial Zone, plain corrugated iron and unfinished galvanized sheet metal.

### **3.6 Day -Light Corner Regulations**

On a corner lot, no structure or fence shall be erected and no hedge, shrubs or foliage shall be allowed to grow beyond a height of greater than **0.75m** above established grade within a distance of **5m** from the intersecting street lines, except in a "RU" Zone, no field crops shall be allowed to grow beyond a height of greater than **0.75m** above established grade within a distance of **15m** from the intersecting street lines.

### **3.7 Decks - (See Permitted Encroachments)**

### **3.8 Development Restrictions Around Airports and Railway Facilities**

#### **(1) Airports**

- (a) New residential development and other sensitive land uses are not permitted above the **30 NEF** contour as illustrated in Zoning Map Parts 6, 16, 17, 18, 25, 26, 34, 35 and 52.
- (b) Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above the **30 NEF** contour if it can be demonstrated by the proponent that there will be no negative impact on the long-term function of the airport.

#### **(2) Railway Facilities**

- (a) New residential development and other sensitive land uses which require a rezoning will not be permitted within **300m** of a rail yard.

- (b) All new residential development and other sensitive land uses located between **300m** and **1000m** from a rail yard which require a rezoning will be required to undertake a noise study to the satisfaction of the City, the Ministry of the Environment and the appropriate railway to support its feasibility of development and if feasible, shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
- (c) All proposed development within **300m** of a railway corridor may be required to undertake noise studies, to the satisfaction of the City and the Ministry of the Environment in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
- (d) All proposed development within **75m** of a railway corridor may be required to undertake vibration studies, to the satisfaction of the City and the Ministry of the Environment in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
- (e) All proposed development adjacent to either a rail yard or a railway corridor shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the City in consultation with the appropriate railway.
- (f) The following standards shall apply to development proposed on lots abutting either the Canadian National Railways rail yard or their main line, known as the Strathroy Subdivision Line:
  - i) The minimum building setback for residential, institutional, commercial (i.e. office, retail, services, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational facilities (i.e. parks, outdoor assembly, arenas) is **30m** in conjunction with a **2.5m** high berm. In the absence of a safety berm, a **120m** setback is required.
  - ii) The minimum building setback for manufacturing, assembly and repair uses (including workshops, automobile repair and service shops) is **15m** in conjunction with a **2m** high earthen berm. In the absence of a safety berm, a **60m** setback is required.
  - iii) The minimum building setback for heavy industrial uses (including warehouses) is **15m**. No safety berm is required.

### **3.9 Drive Through Service Facility**

- (1) No drive-through service facility defined herein shall be permitted in any yard adjacent to a Residential Zone.
- (2) Any stacking lane associated with a drive-through service facility defined herein shall be set back a minimum distance of **11.5m** from any Residential Zone.
- (3) A drive-through service facility shall be permitted in any yard adjacent to a residential use which is located within a Non-residential Zone subject to the following:
  - (a) the stacking lane shall be setback a minimum of **3m** from the property line of the residential use;
  - (b) a minimum **3m** wide landscaped strip shall be provided along the boundary between the drive-through service facility and the adjacent residential use; and
  - (c) noise attenuation, which may be located within the landscaped strip, shall be provided between the drive-through service facility and the adjacent residential use to the satisfaction of the City.
- (4) A restaurant with a drive-through service shall have on the same lot therewith a minimum of **6** stacking spaces in advance of the drive-through window or any other structure which is designed to serve patrons within a motor vehicle.

### **3.10 Dwelling Units**

#### **(1) Location Within Non-residential Buildings**

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-law which apply to the said non-residential building provided that any wall containing a window of a habitable room shall be located not less than 2m from any side lot line.

#### **(2) Location Within Basements**

No part of any dwelling unit shall be located within a basement or cellar of a non-residential building.

**(3) Dwelling Units Per Lot**

There shall be a maximum of only 1 dwelling unit per lot, except:

- (a) in the case of a lot which lawfully contained more than 1 dwelling unit on the date of passing of this By-law, in which case the maximum number of dwelling units permitted on that lot shall be the number of existing dwelling units on the lot; and
- (b) in a zone where more than 1 dwelling unit per lot is specifically permitted.

**3.11 Front Yard Averaging for Infill Development and Additions**

- (1) On a lot within a UR1, UR2 and SR1 Zone, that does not abut Lake Huron, the required front yard depth shall be increased or reduced on the following basis:
  - (a) Where a vacant interior lot abuts lots on which the dwellings have setbacks from the front lot line of either a lesser or greater depth than that required by this By-law, the minimum setback from the front lot line for any dwelling to be erected on the said vacant interior lot shall be equal to the average of the setbacks from the front lot line of the dwellings on the abutting lots.
  - (b) Where a front yard addition is proposed to a dwelling on a lot which abuts lots on which the dwellings have setbacks from the front lot line either a lesser or greater depth than that required by this By-law, the minimum setback from the front lot line for such addition to the dwelling shall be equal to the average of the setbacks from the front lot line of the abutting dwellings.

**3.12 Front Yard Paving and Surfacing**

For any single detached dwelling, semi-detached dwelling, duplex dwelling, double duplex dwelling, row dwelling unit or multiple dwelling containing a maximum of 4 dwelling units, not more than 50% of the total surface area of the required front yard shall be covered with any one of or combination of the following: paving block, brick, concrete, asphalt, construction grade aggregate or any similar material.

### **3.13 Fuel Pump and Canopy Setbacks**

Notwithstanding any zone requirements to the contrary, fuel pumps or dispensers and canopies associated with automobile service stations or gas bars in any zone shall be subject to the following regulations:

- (1) Front Yard Depth (Minimum)
  - (a) Fuel pumps and dispenser stands **6m**
  - (b) Canopies **3m**
- (2) Exterior Side Yard (Minimum)
  - (a) Fuel pumps and dispenser stands **6m**
  - (b) Canopies **3m**
- (3) Interior Side Yard (Minimum)
  - (a) Fuel pumps and dispenser stands **3m**
  - (b) Canopies **3m**

### **3.14 Garage/Yard Sales**

Where this By-law provides that land may be used for a dwelling, the permitted accessory use shall include a garage/yard sale provided that:

- (1) no person shall conduct more than **2** garage/yard sales per calendar year at **1** location; and
- (2) no garage/yard sale shall exceed **2** days in duration.

### **3.15 Grading**

#### **(1) Excavations**

No person shall make any excavations or remove any topsoil, earth, sand or gravel from any lot, in conjunction with any construction work, unless the permission of either the Building Inspector or City Engineer or a building permit with respect to such construction work has first been obtained, and except in accordance with any requirements of the Corporation with respect to retention of topsoil, grading and finished elevations.

(2) **Dumping**

Unless such activity is accessory to a permitted use, no person shall dump or otherwise deposit or store any topsoil, earth, sand, gravel or fill on any lot unless permission has first been obtained from the Building Inspector or City Engineer.

(3) **Exemption For Agricultural Uses**

Nothing in this Subsection shall apply to restrict any activity normally associated with a permitted agricultural use, except in the case of construction work for which a building permit is required in accordance with the Ontario Building Code.

### **3.16 Group Homes**

*(4/2010)*

Notwithstanding any other provisions of this By-law, to the contrary, a group home may be permitted in any dwelling unit where dwellings are permitted provided that:

- (1) the group home shall occupy the whole of the dwelling unit, and
- (2) the group home shall comply with the applicable zone regulations for the type of dwelling which the group home occupies
- (3) parking for the group home shall be provided at the rate specified in Section 3.37 of this By-law

### **3.17 Height Exceptions**

- (1) The height provisions of this By-law shall not apply to restrict the height of any of the following structures; except as shown on Schedule "C":
  - an antenna;
  - a barn;
  - grain elevators, dryers and storage;
  - a chimney;
  - a clock tower;
  - an elevator or stairway penthouse;
  - a flag pole; any tower, including transmission towers;
  - an ornamental structure;
  - silo;
  - steeple;
  - structure containing heating, cooling or other mechanized equipment pertaining to a building;
  - a windmill;
  - a structure for crushing, washing, screening or processing relating to an asphalt, aggregate, concrete or cement plant; or

- any feature similar to the above.
- (2) The maximum height of any land, building, structure or object or any addition to any existing building or structure or object located in the area shown as the "Outer Surface" on Schedule "C", shall be **45m** and shall be subject to any other provisions of the Zoning Regulations respecting the Sarnia Chris Hadfield Airport made by the Governor in Council pursuant to Section 4.4 of the Aeronautics Act, S.C. 1985, Chapter 28.
- (a) Lands located within the "Approach and Transitional Surfaces" of the landing strips of the Sarnia Chris Hadfield Airport shall be subject to the Zoning Regulations respecting Sarnia Airport made by the Governor in Council pursuant to Section 4.4 of the Aeronautics Act, S. C. 1985, Chapter 28; and
- (b) All development or redevelopment proposals on lands described in this section shall be subject to the approval by the management authority of the Sarnia Chris Hadfield Airport.

### **3.18 Home Occupations (Agricultural)**

An agricultural home occupation shall be allowed in permitted accessory structures, and shall be in accordance with the following provisions:

- (1) the agricultural home occupation shall be conducted on a lot with a minimum area of **4 ha**;
- (2) the agricultural home occupation shall be clearly secondary to the main agricultural use and shall not change the agricultural character of the farm;
- (3) no agricultural home occupation shall be noxious or offensive by reason of the hours of operation or the emission of: noise, electrical interference, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, or other objectionable emission;
- (4) no agricultural home occupation shall create a safety hazard for the existing residential and agricultural activities on the property;
- (5) there shall be no open storage of materials, or equipment which are used for, or result from the agricultural home occupation;
- (6) the agricultural home occupation shall be limited to accessory structures and shall not occupy more than **90m<sup>2</sup>** of gross floor area; and

- (7) prior to the establishment of any agricultural home occupation use, the occupant shall obtain an "Agricultural Home Occupation Permit" from the City.

Residential home occupations are permitted on the same lot as agricultural home occupations, and shall be conducted in accordance with the provisions and standards stated in Section 3.19.

### **3.19 Home Occupations (Residential)**

A home occupation shall be permitted in all permitted dwelling units and permitted accessory structures, and shall be conducted in accordance with all of the following provisions and standards:

- (1) The home occupation shall be conducted only by a person or persons residing in the dwelling unit except that there may be **1** non-resident employee or volunteer on the premises. The premises shall not be used to assemble or rally persons for transportation of either goods or materials or such persons to a work site.
- (2) The sale or rental of goods produced on the premises is permitted. The sale or rental of goods which are not produced on the premises shall be limited to those which are accessory or related to the home occupation use. An example is a music teacher selling sheet music to a student.
- (3) External alterations to the dwelling unit to accommodate the home occupation shall not be permitted.
- (4) There shall be no exterior advertising of the home occupation or the display of goods or merchandise visible from the outside of the dwelling unit which provides evidence of the use conducted therein except that notwithstanding the City of Sarnia Sign By-law, as amended, where a Home Occupation Permit has been issued, the holder of the permit can post a sign which includes only the name of the business and the address relating to the Home Occupation subject to the following regulations:
  - (a) the sign shall be a facia sign. A facia sign is defined as an on-premises sign attached to the exterior wall of a building and projecting not more than **15cm** therefrom and with the sign face parallel to the wall of the building or structure;
  - (b) the maximum sign face area shall be **0.2m<sup>2</sup>**;
  - (c) there shall be a maximum of **1** sign per dwelling unit; and
  - (d) animation, neon and flashing illumination are prohibited.
- (5) The home occupation shall not be noxious or offensive by reason of the hours of operation or the emission of: noise, electrical interference, vibration, smoke, dust

or other particulate matter, odorous matter, heat, humidity, glare, refuse, or other objectionable emission.

- (6) The home occupation shall not permit on the property the parking or storage of vehicles with a curb weight in excess of **3,000kg** and no delivery of materials to the property shall be permitted from a vehicle with a curb weight in excess of **5,000 kg**.
- (7) The home occupation shall not constitute activities which are either incompatible with or disruptive to the adjacent residential area.
- (8) The home occupation shall not generate a volume of pedestrian or vehicular traffic or on-street parking which would cause a disruption of normal activities of adjacent residential properties.
- (9) The home occupation shall not create a safety hazard for the existing residential activities on the lot, or in the area.
- (10) The home occupation shall not have outdoor storage of materials, containers or finished products.
- (11) No more than **25%** of the total floor area of the dwelling unit and accessory buildings, including basement or cellar area shall be used for home occupations.
- (12) Prior to the establishment of any home occupation use, the occupant shall obtain a 'Home Occupation Permit' from the City.

## **3.20 Landscaping Requirements**

### **(1) 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:

- (a) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations or permitted outdoor storage areas shall be maintained as landscaped open space, except that this provision shall not apply to any agricultural use.
- (b) Where landscaped open space of any kind, including a planting 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, provided that the minimum angle of intersection between a driveway and a required planting strip shall be **60 degrees**.

- (c) No part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.
- (d) Landscaped open space shall consist of grass, flowers, trees, shrubs, paths, walkways, patios, balconies, roof terraces, or any amenity such as a swimming pool, body of water, games court, or children's play area, located at or above ground level.

**(2) Planting Strips**

- (a) Where the lot line of a lot containing a non-residential use and located in a Commercial, Institutional or Industrial Zone abuts a lot in a Residential Zone, or abuts a street, then that part of the lot containing such non-residential use directly adjoining the said lot line shall be used for no purpose other than a planting strip having a minimum width of **3m**, measured perpendicularly to the said lot line.
- (b) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be designated to have an ultimate height of not less than **1.5m** above the elevation of the ground at the nearest lot line, except that within a day-light corner the maximum height of any such landscaping materials shall be **0.75m**.
- (c) Notwithstanding anything contained in this By-law, if a lot that is used for non-residential purposes, abuts a lot that is used primarily for residential purposes, such lot that is proposed to be used for non-residential purposes shall provide a planting strip not less than **3m** in width along the full extent of the common boundary of the lots. For the purpose of this By-law a use is considered to be primarily residential, if at least **50%** of the total floor area of the building on the lot is used for residential purposes.
- (d) Where, in any yard or any zone, a parking area which is required to provide for more than four off-street parking spaces adjoins a street, then a strip of landscaped open space shall be provided along the lot line adjoining the street and the said landscaped open space shall be continuous except for aisles or driveways required for access to the parking area and shall be a minimum of **3m** in width along the said lot line.

- (e) Where any yard in any Industrial Zone adjoins the designated street line of Highway No. 402, then a continuous strip of landscaped open space shall be provided along the whole of the lot line adjoining the said street line, and said landscaped open space shall be a minimum of **15m** in depth.
- (f) In a Light Industrial Zone, a **3m** wide landscaped strip shall be provided along the front lot line of all lots except that a **6m** wide landscaped strip shall be provided along the front lot line for lots fronting onto Confederation Street, east of Murphy Road.
- (g) Any landscaped open space, including planting thereon required to be provided in this By-law for any use shall be maintained in a healthy growing condition or shall otherwise be replaced.
- (h) Where, in any yard in any zone, a parking area which is required to provide for more than **4** off-street parking spaces adjoins a lot in a Residential Zone, or where any lot in any Commercial or Industrial Zone abuts a lot in any Residential Zone, then a continuous strip of landscaped open space of a minimum width of **3m** shall be provided along the lot line of the said yard or lot.

### **3.21** Lighting

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets and in such a manner as to not confuse or distract persons driving vehicles on such streets.

## 3.22 Loading Space Regulations

### (1) Loading Spaces Required

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, other than an agricultural use, shall provide and maintain, on the same lot, facilities comprising **1** or more loading spaces in accordance with the provisions of this subsection.

### (2) Number of Loading Spaces Required

The minimum number of loading spaces required on a lot shall be based on the total gross floor area of all buildings or parts of buildings on the lot which are devoted to those uses for which loading spaces are required by Clause (1) of this Subsection, in accordance with the following:

LAND USE		LOADING SPACES REQUIRED
Apartment Dwelling and a Multiple Use Apartment		<b>1</b>
All Non-Residential Uses (Gross Floor Area m <sup>2</sup> )	Up to 250m <sup>2</sup>	<b>0</b>
	250m <sup>2</sup> but less than 2,000m <sup>2</sup>	<b>1</b>
	2,000m <sup>2</sup> but less than 4,000m <sup>2</sup>	<b>2</b>
	Over 4,000m <sup>2</sup>	3 plus 1 additional space for each 10,000m <sup>2</sup> or part thereof in excess of 4,000m <sup>2</sup>

### (3) Dimensions of Loading Spaces

A loading space required hereby shall have minimum dimensions of **3.5m** by **9m** and a minimum vertical clearance of **4.5m**.

### (4) Location of Loading Spaces

Required loading spaces shall be provided on the same lot occupied by the building or structure for which the said loading spaces are required, and shall not form a part of any street or lane, and shall not be located in the required front yard or a required side yard that abuts a street.

### (5) Access to Loading Spaces

Access to loading spaces shall be provided by means of **1** or more unobstructed driveways which:

- (a) have a minimum unobstructed width of at least **3.5m**, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the maneuvering of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;

- (b) are contained within the lot on which such loading spaces are located and lead either to a street or to a lane; and
- (c) comply in all other respects with the requirements for driveways providing access to parking areas and spaces set out in this By-law.

**(6) Surface and Drainage of Loading Spaces and Driveways**

- (a) All loading spaces and driveways providing access thereto shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, and including, but not so as to limit the generality of the foregoing, the following surfacing materials:
  - i) any asphalt, concrete or other hard-surfaced material, except that any loading spaces and driveways located within the rear yard of a lot in an LI1, LI2, HI1, or HI2 Zone that is screened from adjacent streets through the erection of a solid fence having a minimum height of **2.5m**, may be provided with and maintained with a surface material comprised of crushed stone or gravel.
- (b) All loading spaces and driveways providing access thereto shall be drained so as to prevent the pooling of surface water on them or the flow of surface water onto adjacent lots.

**(7) Addition To Existing Use**

When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. Any additional loading spaces required by this By-law for such addition must be provided in accordance with all provisions hereof respecting loading spaces.

### **3.23 Lots on Public Streets and Private Lanes**

No lot shall be used and no building shall be erected or used on a lot unless the lot abuts or fronts on either a public street or a private lane existing on the date of adoption of this By-law. The required setback for buildings from private lanes shall be the same as those required for public streets.

- (1) Notwithstanding the above clause, any existing lots located in Lots 3 to 8 (inclusive), Lots 10 to 17 (inclusive) and Lots 20 to 26 (inclusive), in Concession 9 (Front Concession) shall be deemed to have frontage onto Lakeshore Road for building permit purposes. The existing width of the said lots adjacent and parallel to the former Canadian National Railway right-of-way, now known as the Howard Watson Nature Trail, shall be deemed to be the frontage of the lots.

### **3.24 Lots Reduced by Public Acquisition**

Where the area of a lot is reduced by means of an acquisition of part of the lot by any authority having the Power of Expropriation, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, parking, area of landscaped open space, front yard depth, side yard width or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

- (a) no further change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
- (b) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with the provisions hereof of the zone in which such lot is located.

In the case of a road widening dedication from a lot with an existing building and vacant lands taken for Road Widening under Site Plan Agreements, the land that has been dedicated may be included in any calculation for the purpose of determining lot area, lot coverage, parking, landscaped open space, and the location of any permitted building or structure relative to the required front, side or rear yards, provided any building or structure is located wholly within the boundary of the land remaining after the dedication. **(135/2006)**

### **3.25 Lottery Ticket Sales**

Notwithstanding the provisions of Section 2 "Definitions" of this By-law, nothing in this By-law shall apply to prevent the use of any building or part thereof for the purpose of selling lottery tickets where such use is regulated by either the Ontario Lottery Corporation or the Alcohol and Gaming Control Commission.

## 3.26 Minimum Distance Separation Formulae

### (1) Non-Farm Uses

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no non-farm use shall be established, erected or altered unless it complies with the Minimum Distance Separation (MDS) Formula I calculation. (For Information on the MDS formulae refer to Appendices "A").

### (2) Farm Uses

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded in any "Rural" Zone, unless it complies with the Minimum Distance Separation (MDS) Formula II calculation. (For Information on the MDS formulae refer to Appendices "A").

## 3.27 Natural Hazard Regulations

### (1) General Provisions

Lands within the City characterized by the existence of potential natural hazards such as riverine and shoreline floodplains as well as shoreline and riverine erosion have been identified by the St. Clair Region Conservation Authority and are shown in shading as a overlay on the Zoning Map Parts. These areas represent potentially hazardous areas as defined by provincial policy.

Prior to permitting development within the shaded areas, the St. Clair Region Conservation Authority shall be consulted for input and approval. Development may be prohibited or require supporting technical information based on the degree of flooding or erosion hazard. Development includes building, construction, filling and any site alteration.

### (2) Perch Creek Natural Hazard Policies

The regulatory flood standard for the Perch Creek watershed is the **100** year flood level.

Except where identified by further study, no development other than that used or intended for flood or erosion control purposes, is permitted below the **100** year flood elevation of Perch Creek.

#### (a) Development Area 1 (See Zoning Map Parts 15 and 24)

A Two Zone floodplain approach divides the floodplain into a more hazardous portion (floodway) and a less hazardous portion (floodfringe). The Two Zone floodplain analysis conducted for the floodplain lands north of Highway 402 by Totten Sims Hubicki Associates, 1993 identified

Development Area 1 as floodfringe and established floodproofing requirements or minimum building opening requirements. The elevations are as follows: a minimum building opening floodproofing elevation of **179.3m** (CGD) and road/laneway access to be a minimum elevation of no less than **179.1m** (CGD). The analysis did not establish a floodway limit as it was recommended that this type of analysis would occur prior to developing further east and outside the **20** year Development Area 1 planning horizon. The analysis concluded that any development in Development Area 1 would not negatively impact upon the floodplain characteristics of any other lands within the Perch Creek watershed area.

(b) Development Area 2 (see Zoning Map Parts 49, 50, 63, 64 and 72)

Due to the lack of 1:2000 scale mapping, detailed survey plans and drawings will be required prior to proposing development in close proximity to the 1:100 year floodline limit in Development Area 2. Detailed mapping and delineation of the floodline will be required. The St. Clair Region Conservation Authority's Regulation applies to any lands subject to flooding under the 1:100 storm event. Written permission is required from the Conservation Authority for any proposed development below the 1:100 year floodline.

All remaining lands outside Development Areas 1 and 2 that may be subject to flooding and erosion within the Perch Creek watershed are subject to the General Provisions section as described in Section 3.27(1).

**(3) Cow Creek Natural Hazard Policies**

The regulatory flood standard for the Cow Creek watershed is the 1954 Hurricane Hazel Storm event.

Except where identified by further study, no development other than that used or intended for flood or erosion control purposes, is permitted below the Hurricane Hazel floodline elevation for Cow Creek.

(a) North of Lakeshore Road (County Road No. 7) (see Zoning Map Part 10)

A Two Zone floodplain policy exists for the Cow Creek floodplain area north of Lakeshore Road. The Two Zone concept includes a floodway area (those lands below the 1:100 year floodline) and floodfringe area (those lands between the 1:100 year floodline and Hazel floodline). Generally, development is prohibited within the floodway area and development within the floodfringe area must be floodproofed to the Regulatory floodline elevation.

## i) Franklin Avenue Area

Due to the historic community that became situated adjacent to Cow Creek in the Franklin Avenue area, a site specific encroachment analysis was carried out by B.M. Ross Associates Limited, 1998. Based on the recommendation provided in the analysis, an established floodway limit was setback from Cow Creek. In this area, development is prohibited below the floodway setback limit as established in the report and development within the floodfringe area must be floodproofed to the Hazel floodline. The floodfringe area is described as those lands between the Hazel floodline and the floodway setback limit. Further to the development setback boundaries, the following conditions apply:

- for the floodfringe lands east of Franklin Avenue, dryflood proofing must be carried out; minimum basement floor elevations should be set no lower than elevation **179.2m**; and this means that a full basement below grade will not be permitted.

(b) South of Lakeshore Road (County Road No. 7)

All lands south of Lakeshore Road that may be subject to flooding and erosion within the Cow Creek watershed are subject to the General Provisions as described in Section 3.27(1).

### **3.28 Night Clubs - Minimum Separation Distance from Residential Zones**

Night Club uses shall provide a minimum separation distance of **45m** from Residentially Zoned areas.

### **3.29 Non-complying Buildings, Structures and Lots**

#### **(1) Rebuilding or Repair Permitted**

- (a) Where in any Zone, a non-complying, building or structure is destroyed by fire or natural disaster, such non-complying, building or structure shall be reconstructed in compliance with this By-law. When it is not possible for legal, technical or insurance reasons to build in compliance with this By-law, such non-complying, building or structure may be reconstructed to its prior dimensions at its exact prior location or at a location more in compliance with this By-law.

- (b) Nothing in this By-law shall prevent the repair or restoration to a safe condition of any non-complying, building or structure provided that such repair or restoration does not further contravene any of the provisions of this By-law or constitute a replacement.
- (c) Notwithstanding any other provisions of this By-law and any predecessors thereto, where a building or structure was established prior to January 1, 1996 and the use of such building or structure is a lawfully permitted use by the provisions of the zone in which the building or structure is located, but does not meet the zone regulations with respect to lot area, lot frontage, projections, locations, separation distance, front, side and rear yard setbacks, landscaped open space and lot coverage for that zone, the said building or structure shall be deemed to comply with this By-law provided that any future replacement buildings additions or extensions comply with all applicable provisions of this By-law. *(22/2004)*

**(2) Lot Area or Lot Frontage Less than Required**

Where a vacant lot having a lesser lot area or lot frontage than that required hereby:

- (a) is or has been held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-law;
- (b) is created as a result of an expropriation; or
- (c) is created as a result of a natural severance such as the presence of a public road, a navigable waterway or a railway;

then the said lot shall be deemed to conform to the requirements of this By-law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent a permitted use, building or structure thereupon, in accordance with all other provisions hereof.

### **3.30 Non-conforming Uses**

**(1) Planning Act Provisions**

This By-law acknowledges that Sections 34(9) (a) and (b) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provide that "no By-law passed under this section applies:

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose; or

- (b) to prevent the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit has been issued under Subsection 8(1) of the Building Code Act, R.S.O. 1990, Chap. B.13, as amended, prior to the day of the passing of the 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 8(10) of the Building Code Act, R.S.O. 1990, Chap. B.13, as amended".
- (c) Furthermore, Section 34(10) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides as follows:

"Despite any other provision of this Section, any By-law passed under this Section or a predecessor of this Section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the By-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such By-law was passed'.

## (2) Non-conforming Uses - Restoration

- (c) Where in any Zone, any building or structure exists as a legal non-conforming land use and the said building or structure is destroyed by fire or natural disaster, this By-law does not prevent the reconstruction of the said building or structure to its prior dimensions at its exact prior location. Should the exact prior location be impossible to build upon for legal, technical or insurance reasons, then the location may be adjusted only to the extent necessary to overcome such reasons.
- (d) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any non-conforming use, building or structure provided that such repair or restoration will not increase the height, size or volume or change the use of such building or structure or constitute a replacement.

## 3.31 Number of Buildings on a Lot

Notwithstanding any other provisions of this By-law, more than one main building is permitted on any lot zoned Rural, Commercial, Industrial, Institutional, Waterfront, Open Space, Urban Residential 4 and Urban Residential 5.

### **3.32 Nutrient Management**

No person shall erect, alter or expand any livestock barn or manure storage facility within any Rural Zone except in conformity with the Lambton County Nutrient Management By-law as amended from time to time.

### **3.33 One or More Permitted Uses**

Where one or more uses are permitted in any zone, land may be used and buildings may be erected and used thereon for one or more of the uses so permitted, provided the requirements of this By-law are satisfied for each such use.

### **3.34 Open Storage**

#### **(1) Open Storage Regulations**

Except as provided in Clause (2) of this Subsection, no open storage shall be permitted in any zone, except in accordance with the following provisions:

- (a) Except for a lot in an Industrial Zone or a lot used for any defined "Automotive" use, other than an Automobile Wrecking Establishment, no permitted open storage shall cover more than **30%** of the lot area.
- (b) Any area used for permitted open storage shall be in addition to and separate from such areas as may be required by this By-law for the provisions of off-street parking spaces.
- (c) Where lighting facilities are provided in conjunction with any permitted open storage, such lighting shall be so arranged as to deflect light onto the open storage and away from any adjoining properties.
- (d) No open storage area shall be permitted in any required front yard or exterior side yard, except in the case of an agricultural use or the outside display and sale of goods and materials in conjunction with a permitted commercial use.
- (e) No open storage area shall be visible from any street in any zone, or from any adjacent lot located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than 1.8m in height; except that this provision shall not apply to any open storage area accessory to an agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use.

- (f) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained, except that this provision shall not apply to any open storage area located on a lot whereon the main use is an agricultural use.
- (g) Notwithstanding Paragraph (f) of this Clause, no open storage area shall be counted as contributing to any requirement herein for landscaped open space.
- (h) No parking spaces or loading spaces required by this By-law shall be used for open storage purposes.

**(2) Special Exceptions**

Nothing in Clause (1) of this Subsection shall apply to prevent or otherwise restrict the use as an open storage area of any part of:

- (a) the front yard of a lot used primarily for an agricultural use, such as a temporary roadside retail farm sales outlet; or
- (b) a lot containing a dwelling for a temporary sale, by auction or garage/yard sale, of personal possessions belonging to the occupants thereof.

### **3.35 Open Storage of Recreation Vehicles, Trailers and Boats**

**(1) Zones Where Permitted**

Unless specifically permitted by this By-law, the accessory open storage of recreational vehicles, trailers or boats in any zone shall not be permitted except in accordance with the following:

- (a) any lot in a Waterfront Zone may be used to store any number or size of boats unless specifically prohibited;
- (b) any lot in any UR1, UR2 or SR1 Zone may be used for the purpose of storing 1 boat and/or 1 recreational vehicle or trailer; any single detached, duplex and semi-detached lot in a UR3, UR4 and UR5 Zone may be used for the purpose of storing 1 boat and/or 1 recreational vehicle or trailer; and, any lot in an RR1 or RU1 Zone may be used for the purpose of storing up to a maximum of 4 recreational vehicles, trailers and boats.

**(41/2004)**

The provisions of this section shall not restrict the size or number of boats, recreational vehicles or trailers which are stored in any zone in a private garage or other building which is fully enclosed.

**(2) Yards Where Permitted**

- (a) On any lot in a Waterfront Zone, the storage of boats is permitted in any yard other than an area defined as a day-light corner.
- (b) In any UR1, UR2, SR1, RU1 or RR1 Zone, the storage of a boat, trailer or recreational vehicle is not permitted in a day-light corner, a required parking space, a front yard, or an exterior side yard other than on a driveway. Where a boat, trailer or recreational vehicle is stored in an interior side yard or rear yard, it shall comply with the setbacks for accessory buildings and structures as required in [Section 3.1](#). That portion of any boat, trailer or recreational vehicle stored on a driveway within **3m** of a lot line adjacent to a municipal sidewalk, shall not have a height greater than **1m**.

**3.36 Outdoor Patio Areas**

- (1) Parking: There shall be no parking requirements for outdoor patio areas.
- (2) Location: No outdoor patio shall be permitted in any yard which adjoins lands in a Residential Zone.  
  
No outdoor patio area shall be located above the finished floor elevation of the first storey of the main building where the lot adjoins a Residential Zone.
- (3) Entertainment: No music (whether performed live or recorded), dancing or others forms entertainment shall be permitted on the outdoor patio where the lot adjoins a Residential Zone.

### 3.37 Parking Regulations

#### (1) Parking Spaces Required

The owner or occupant of any lot, building or structure used or erected for any of the purposes set out in Clause (2) and Clause (3) of this Subsection, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection, except that:

- (a) there shall be no parking requirements for permitted uses within the following areas and zones:
  - i) the “D” - Downtown Zones, except for multiple use apartment dwellings;
  - ii) the “COC” - Community Commercial Zones located on the east side of East street between Maple Avenue and Kathleen Avenue; and
  - iii) the “GC” - General Commercial Zones located within the Mitton Village District (between Wellington Street and Davis Street) outlined on Zoning Map Part 54.

Unless otherwise specified, the standards are expressed in 1 space per unit of Net Floor Area.

#### (2) Minimum Parking Space Requirements

##### (a) Residential Uses

- Bed and breakfast establishment - 1 per dwelling plus 1 per guest room
- Duplex dwelling, a double duplex, a triplex, a townhouse house dwelling, a stacked townhouse dwelling, an apartment building, a multiple use apartment dwelling (residential part only) - 1.5 per unit

**(41/2010)**

- Group home - the parking requirement shall be the requirement for the dwelling unit in which the group home is located and no additional parking is required for the group home itself

Home for the aged or rest home	- 1 per 3 beds
Mobile home, a park model home, modular home and a converted dwelling	- 1 per unit
Nursing home	- 1 per 3 beds
Retirement home	- 3 plus 1 per unit
Rooming or boarding house	- 1 per 4 beds
Single detached or semi-detached dwelling	- 1 per unit
Student residence	- 1 per 4 beds
Women's shelter	- 2 plus 1 per 4 beds
<b>(b) <u>Non-residential Uses</u></b>	
Abattoirs	- 1 per 100m <sup>2</sup>
Adult entertainment establishment	- 1 per 4 persons seating capacity
Agricultural service establishments	- 1 per 30m <sup>2</sup>
Agricultural supply establishments	- 1 per 30m <sup>2</sup>
Ambulance parking and dispatch facility	- 2 per ambulance
Amusement arcade	- 1 per 20m <sup>2</sup>
Animal hospitals	- 1 per 20m <sup>2</sup>
Animal shelter	- 1 per 30m <sup>2</sup>
Arenas (no seats)	- 1 per 35m <sup>2</sup>
Arenas (with seats)	- 1 per 8 seats
Assembly hall	- (see Public Hall)
Auction establishments	- 1 per 30m <sup>2</sup>
Auditoriums	- 1 per 18.5m <sup>2</sup> of floor area
Automobile repair establishment	- 4 per bay

Automobile sales and rental establishment	- 1 per <b>30m<sup>2</sup></b> of showroom plus <b>4</b> per bay for repair or service
Automobile service stations	- <b>4</b> per bay for repair or service
Automobile washing establishment (automatic)	- <b>5</b> per washing bay (spaces may be stacked)
Automobile washing establishment (self service)	- <b>2</b> per bay including the bay (spaces may be stacked)
Bake shop	- <b>1</b> per <b>25m<sup>2</sup></b>
Bakery	- <b>1</b> per <b>100m<sup>2</sup></b>
Bingo hall	- <b>1</b> per <b>10m<sup>2</sup></b>
Boat launch/ramp	- <b>30</b> per boat ramp
Bowling alley	- <b>4</b> per lane
Building supply establishment	- <b>1</b> per <b>30m<sup>2</sup></b> of retail showroom space plus <b>1</b> per <b>100m<sup>2</sup></b> of warehouse space
Bulk fuel depot	- <b>1</b> space
Bulk retail sales and rental establishments	- <b>1</b> per <b>35m<sup>2</sup></b> for retail/showroom plus <b>1</b> per <b>200m<sup>2</sup></b> of storage space
Bulk sales establishments	- <b>1</b> per <b>35m<sup>2</sup></b> for sales area plus <b>1</b> per <b>200m<sup>2</sup></b> of warehousing
Call centres	- <b>1</b> per <b>10m<sup>2</sup></b>
Cemetery	- <b>1</b> per <b>30m<sup>2</sup></b> of accessory office
Children's mental health centre	- <b>1</b> per <b>25m<sup>2</sup></b>
Churches (place of worship)	- <b>1</b> per <b>6</b> fixed seats or <b>1</b> per <b>6m<sup>2</sup></b> of an auditorium or other place of assembly, whichever is greater
Community centre	- <b>1</b> per <b>30m<sup>2</sup></b>

Commercial recreation establishment (all other establishments not separately identified)	- 1 per <b>20m<sup>2</sup></b> or 1 for every 4 persons permitted capacity, whichever is greater
Composting facility	- 1 space
Contractors yard	- 1 per <b>70m<sup>2</sup></b> or 1 per 5 employees, whichever is greater
Convenience stores	- 1 per <b>20m<sup>2</sup></b>
Crematoria	- 1 per <b>40m<sup>2</sup></b>
Crises care facility	- 2 plus 1 per every 3 residents
Day care centre	- 1 per <b>20m<sup>2</sup></b>
Department stores	- (see retail stores)
Dry cleaning establishment	- 1 per <b>15m<sup>2</sup></b>
Farmer's markets	- 1 per <b>20m<sup>2</sup></b> of permanent building space
Financial institutions	- 1 per <b>20m<sup>2</sup></b>
Fire stations	- 5 per bay
Flea markets	- 1 per <b>20m<sup>2</sup></b>
Funeral homes	- 1 per <b>6m<sup>2</sup></b> of space used as a chapel, sanctuary and reposing room, minimum of 20 spaces required
Galleries (art galleries)	- 1 per <b>50m<sup>2</sup></b>
Gaming facility	- 1 per <b>10m<sup>2</sup></b>
Gas bars	- 1 space per kiosk

	Golf courses	- 50 spaces per 9 holes
	Golf courses (miniature)	- 1.5 per hole
	Golf driving tee or range	- 1 per 3m of teeing area or 1 per tee
<b>(41/2010)</b>	Group home	- 2 plus 1 per 5 residents
	Health/recreational facility (health club)	- 1 per 20m <sup>2</sup>
	Horticultural retail centre	- 1 per 30m <sup>2</sup>
<b>(133/2006)</b>	Hospice	- 2 plus 1 per bed
	Hospitals	- 1.5 per bed
	Hotels	- 1 per unit plus 1 per 10m <sup>2</sup> of area used for assembly and restaurant
	Industrial use (all industrial uses not specifically listed)	- 1 per 100m <sup>2</sup>
	Industrial equipment sales and service (not listed as a permitted use)	- 1 per 30m <sup>2</sup>
	Industrial mall	- 1 per 30m <sup>2</sup>
	Kennels	- 1 per 30m <sup>2</sup>
	Laboratory	- 1 per 45m <sup>2</sup>
	Laundromat	- 1 per 20m <sup>2</sup>
	Lawn and pest control operation	- 1 per 30m <sup>2</sup>
	Library	- 1 per 50m <sup>2</sup>
	Manufacturing and processing uses	- 1 per 75m <sup>2</sup>
	Marinas	- 1 per mooring or slip
	Medical centre/clinic	- 1 per 15m <sup>2</sup> or 6 per doctor/technician, whichever is greater
	Mini storage	- No minimum

Minor institution	- 1 per <b>30m<sup>2</sup></b>
Motels	- 1 per unit plus 1 per <b>10m<sup>2</sup></b> of area used for assembly and restaurant
Museums	- 1 per <b>50m<sup>2</sup></b>
Newspaper printing establishment	- 1 per <b>40m<sup>2</sup></b>
Night club (licensed)	- 1 per <b>4</b> persons permitted capacity
Night club (un-licensed)	- 1 per <b>12</b> persons permitted capacity
Nursery and garden centres (see garden centre & horticultural retail centre)	- 1 per <b>30m<sup>2</sup></b> devoted to retail sales or showroom
Offices (excluding medical centres/clinics)	- 1 per <b>30m<sup>2</sup></b>
Parks (public and private)	- No minimum
Personal service establishments	- 1 per <b>20m<sup>2</sup></b>
Pharmacies	- 1 per <b>20m<sup>2</sup></b>
Place of worship	- (see Churches)
Printing/duplicating establishments	- 1 per <b>40m<sup>2</sup></b>
Private horse park	- <b>1.25</b> per seats in the grandstand
Public halls	- 1 per <b>10m<sup>2</sup></b>
Railway and water transportation terminals	- 1 per <b>70m<sup>2</sup></b> or 1 per <b>5</b> employees which ever is greater plus 1 per <b>6m<sup>2</sup></b> of passenger service area
Racquet courts	- <b>3</b> per court
Recreational vehicle, trailer and marine sales and service establishment	- 1 per <b>40m<sup>2</sup></b> of showroom

Repair and rental establishment (excluding vehicle and trailer rental)	- 1 per <b>20m<sup>2</sup></b>
Research and development establishment	- 1 per <b>33m<sup>2</sup></b>
Restaurants	- 1 per <b>4.5m<sup>2</sup></b> of floor area accessible to the public and devoted exclusively to such use
Retail establishments	- 1 per <b>20m<sup>2</sup></b>
Salvage yards	- 1 per <b>30m<sup>2</sup></b> for retail/showroom plus 1 per <b>200m<sup>2</sup></b> for warehousing
Schools	
Elementary	- <b>1.5</b> per classroom or teaching area
Secondary	- <b>5</b> per classroom or <b>1</b> per <b>6m<sup>2</sup></b> of assembly area, whichever is greater
College	- <b>1</b> per <b>75m<sup>2</sup></b> of academic buildings
Commercial	- <b>1</b> per staff member plus <b>1</b> per <b>30m<sup>2</sup></b> of classroom floor space
Service Establishment	- <b>1</b> per <b>65m<sup>2</sup></b>
Shopping Centres	
a) less than <b>1,000m<sup>2</sup></b>	- <b>1</b> per <b>18m<sup>2</sup></b> NFA, not including any restaurant, or night club and <b>1</b> for each <b>7.5m<sup>2</sup></b> NFA of each restaurant, bar and night club
b) greater than <b>1,000m<sup>2</sup></b>	- <b>1</b> per <b>18m<sup>2</sup></b> NFA for the first <b>1,000m<sup>2</sup></b> NFA, and <b>1</b> for each additional <b>22m<sup>2</sup></b> NFA; when the combined NFA of all restaurants or night clubs exceed <b>20%</b> of the

	NFA of the centre, 1 space for each <b>7.5m<sup>2</sup></b> of combined NFA of restaurants, bars and night clubs in excess thereof.
Social and service clubs (private clubs)	- 1 per <b>10m<sup>2</sup></b>
Slot machine casino	- (see gaming facility)
Studios	- 1 per staff member plus 1 per <b>30m<sup>2</sup></b> of studio floor space
Terminal grain elevator	- 1 per <b>70m<sup>2</sup></b>
Theatre	- 1 per <b>4 seats</b>
Truck stop	- No minimum
Truck transport terminal	- 1 per <b>100m<sup>2</sup></b>
Warehouse	- 1 per <b>100m<sup>2</sup></b>
Wholesale establishments	- 1 per <b>70m<sup>2</sup></b>
Waste transfer station	- 1 per <b>70m<sup>2</sup></b>

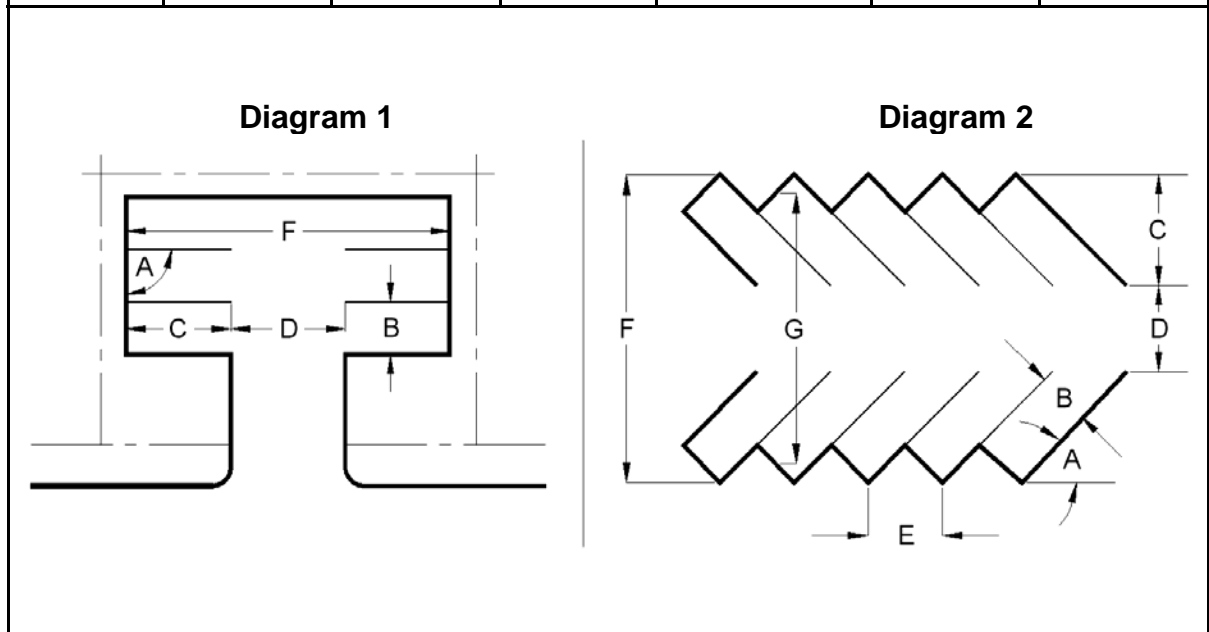
### **(3) Calculation of Parking Requirements**

- (a) If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.
- (b) Parking spaces required in accordance with this By-law shall not include any parking spaces used primarily for the storage or parking of vehicles for hire or gain, display or sale.
- (c) Where the number of parking spaces required in accordance with Clause (2) of this Subsection is based upon the capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by The Ontario Building Code, The Ontario Fire Code, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the greater.
- (d) Where a building or lot accommodates more than 1 use or purpose the required parking spaces shall be the sum of the required parking spaces for the separate uses or purposes, except for a shopping centre.

**(4) Dimensions of Parking Spaces**

A parking space required hereby shall have the following minimum rectangular dimensions:

Parking Angle	Stall Width	Stall to Curb	Aisle Width	Curb Length per Car	Curb to Curb Width	Centre to Centre Width
A	B	C	D	E	F	G
90 <sup>0</sup>	2.75	5.5	7.3	2.75	18.3	18.3
90 <sup>0</sup>	3	5.5	6.0	3	17.0	17.0
60 <sup>0</sup>	2.75	6.1	5.0	3.1	17.2	15.7
45 <sup>0</sup>	2.75	5.8	4.5	4	16.1	14.2
30 <sup>0</sup>	2.75	5.1	4.0	5.3	14.2	11.9



**(5) Location of Parking Spaces**

All required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not be located on any street or lane except:

- (a) The provisions of required off-street parking for non-residential uses may be located within the same zone within **150m**, provided that the off-site area is under the same ownership as the lot occupied by the use requiring parking.

- (b) That the parking spaces required for converted dwellings may be located on lands within **300m** of the lot on which the converted dwelling is located, subject to the owner of the converted dwelling providing to the City, on an annual basis, a lease, satisfactory to the City, between the owner of the lands on which the parking space is being provided and the owner of the converted dwelling, verifying that the space is reserved for that subject dwelling unit. If for whatever reason the parking space becomes unavailable, the owner of the converted dwelling shall, within **30** days of the space becoming unavailable, provide alternative parking to the satisfaction of the City.
- (c) No person shall use land in any Residential Zone for access to any parking space or parking area located in any other Residential, Commercial, Institutional or Industrial Zone.
- (d) Parking spaces shall not be located within **6m** of a window to a habitable room in a dwelling containing more than **3** dwelling units except where the sill of the window is a minimum of **2m** above the grade of the parking area.
- (e) For a dwelling containing less than **3** dwelling units, parking may be permitted within the required setback from a streetline as follows:
  - i) Parking in the Required Front Yard:
    - A) the total width of the driveway(s) shall not exceed **50%** of the lot frontage;
    - B) the total area devoted to driveway and parking areas shall not exceed **50%** coverage of the required front yard;
    - C) no parking space is permitted to encroach on a municipal right-of-way; and
    - D) no parking space which is parallel to a municipal right-of-way shall be located within **3m** of the right-of-way.
  - ii) Parking in the Required Exterior Side Yard:
    - A) no parking space is permitted to encroach on a municipal right-of-way; and
    - B) no parking space which is parallel to a municipal right-of-way shall be located within **3m** of the right-of-way.
    - C) the total width of the driveway shall not exceed **6m**.

- (f) Notwithstanding any other regulations contained in this By-law, Community Lots within the PRC1, PRC1-1, PRC1-2, and PRC1-3 Zones may have one or more parking spaces located in the front yard of the said lots subject to the following regulations:
- i) the maximum driveway width shall be **7.5m** or **50%** of the lot frontage, whichever is less;
  - ii) the minimum front yard depth shall be **6m**; and
  - iii) all parking spaces shall be constructed to be useable in all seasons and shall be surfaced with crushed stone, concrete, asphalt, paving stones or other similar hard and dust inhibiting material.

**(6) Use of Parking Spaces and Areas**

Parking spaces and areas required under this By-law for off-street parking shall be used only for the parking of operative passenger vehicles and vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required, provided that no parking area within a Residential Zone shall be used for the parking or storage of any commercial motor vehicle weighing in excess of **3,000kg**.

**(7) Existing Buildings Having Insufficient Parking**

- (a) If the use of a building lawfully in existence at the date of the passing of this By-law does not meet the parking requirements according to this By-law, the parking area requirement referred to in this By-law shall not apply so long as:
- i) the building is used for a permitted use; and
  - ii) all parking spaces existing at the date of passing of this By-law are retained.
- (b) If the building floor area is increased then parking spaces shall be provided for the increase in the amount required for such addition by this By-law.
- (c) If the use of the building is subsequently changed to a use which requires a greater number of parking spaces according to this By-law then parking spaces shall be provided to the number representing the difference between the requirements for the two uses in addition to the parking spaces already provided.

**(8) Yards Where Permitted**

Except as otherwise provided herein, uncovered surface parking areas shall be permitted in any yard.

**(9) Parking Structures**

Where a parking area located in an above ground structure is accessory to a permitted use on a lot, then such structure shall conform to all the setback provisions for the main building to which it is accessory.

**(10) Access to Parking Areas and Spaces**

- (a) Except in the case of a lawfully existing access from a private lane in the City, access to parking areas shall be provided from an improved public street by means of one or more unobstructed driveways, provided that no lot shall have more than **1** driveway for the first **15m** of street line, **2** driveways for the first **30m** of street line thereof plus **1** driveway for each additional **30m** of street line. A circular driveway shall be deemed to be **2** driveways for the purpose of this subsection.
- (b) The minimum distance between intersecting street lines and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be **9m**.
- (c) The minimum angle of intersection between a driveway and a street line shall be **60** degrees.

**(11) Surface and Drainage of Parking Areas and Driveways**

- (a) All required parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, and including, but not so as to limit the generality of the foregoing, the following surface materials:
  - i) any asphalt, concrete or other hard-surfaced material, except that any parking areas and driveways located within the rear yard of a lot in an LI1, LI2, HI1, or HI2 Zone that is screened from adjacent streets through the erection of a solid fence having a minimum height of **2.5m**, may be provided with and maintained with a surface material comprised of crushed stone or gravel
- (b) All parking areas and driveways shall be drained so as to control the pooling of surface water and prevent the flow of surface water onto adjacent lands other than a public street or municipal drain.

**(12) Parking Spaces for the Handicapped**

Number of Required Parking Spaces	Number of Handicapped Spaces Required
10 - 24	1
25 - 49	2
50 - 99	2
100 - 149	3
150 - 199	4
200 - 249	5
250 - 299	6
300 - 349	7
350 - 399	8
400 - 449	9
450 - 499	10
>500	11

Handicapped parking shall be provided near and accessible to the point of entrance to the building or activity and clearly marked for the parking of vehicles driven by or used to transport a physically handicapped person or persons; parking spaces for the physically handicapped shall have a minimum width of **4.26m** and a minimum length of **5.5m**.

**(13) Visitor Parking**

Except for multiple use apartments in the "D" Zones, dwellings containing more than **10** dwelling units, shall designate **2** parking spaces for every **10** required parking spaces, or major portion thereof, for visitors' parking; such visitors' parking spaces shall be provided on-grade and clearly marked for visitors' parking.

**(14) Parking and Loading Areas**

- (a) Parking or loading areas as required by this By-law shall be permitted in any required side and/or rear yard and front yard of a 'lot' as defined by this By-law located north of Lakeshore Road in Lots 21 to 51 both inclusive in the Front Concession provided such lot does not comprise any part of Registered Plan Numbers 499 and 619 for Lambton.

**(15) Other Parking Regulations**

- (a) Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a day-light corner, provided such shelter is not more than **4.5m** in height and has a floor area of not more than **5m<sup>2</sup>**.
- (b) Motor vehicles and trailers lacking current **valid** licence plates shall be parked or stored only within a private garage or other building, except that this provision shall not apply to a permitted vehicle sales or rental establishment, storage yard or salvage yard.

**3.38 Permitted Encroachments****(1) Yard Encroachments Permitted**

Unless otherwise specified by this By-law, every part of any yard required by this By-law shall be open and unobstructed by any building or structure from the ground to the sky, provided however, those structures listed below shall be permitted to encroach into the required yards indicated for the distances specified:

STRUCTURE	YARD IN WHICH ENCROACHMENT IS PERMITTED	MAXIMUM ENCROACHMENT PERMITTED INTO REQUIRED YARD(S)
(a) Sills, cornices, eaves, gutters, chimneys or similar architectural structure	Any yard	<b>0.6m</b> , except that, in no case shall the encroachment be closer than 0.3m to a lot line.
(b) Outdoor heating, air conditioning units, satellite dishes and antennas	Any yard	<b>1m</b>
(c) Porches & verandahs (unenclosed)	Front or rear yard	<b>2.5m</b> - eaves may project an additional 0.3m
(d) Decks (unenclosed)	Any yard	<p>A deck shall be located in any yard not closer than <b>0.9m</b> to the side lot line except that if the side lot line abuts a flanking street the setback shall be <b>3m</b>.</p> <p>A deck in any rear yard shall be located not closer than <b>0.9m</b> to the rear lot line except that if the rear lot line forms part of the side lot line of an adjacent property the setback shall be <b>3m</b>.</p> <p>A deck in any front yard shall not be permitted to project more than <b>2.5m</b> into the required front yard. <b>(135/2006)</b></p> <p>Notwithstanding the provisions of this section, a deck around a swimming pool as defined in the Swimming Pool By-law, must</p>

		comply with the provisions of that By-law.
(e) Steps or stoops (unenclosed)	Any yard	<b>2.5m</b> into front, rear and exterior side yards <b>0.9m</b> into interior side yard
(f) Bay windows and awnings	Any yard	<b>0.3m</b> into interior side yard <b>1.0m</b> all other yards
(g) Main building cantilever (for a maximum of 25% of the wall length)	Front & Rear Yard	<b>0.8m</b>
(h) Fire Escape (open)	Side & Rear Yard	<b>2.0m</b>
(i) Balconies	Front & Rear Yards	<b>1.5m</b>
(j) Wheelchair ramps	All yards	No maximum

**(2) No Projection Beyond Lot Lines**

No part of any building, structure or sign on a lot shall project beyond any lot line or street line of such lot.

**(3) Railway Spur**

Notwithstanding the yard and setback provisions of this By-law to the contrary, a railway spur shall be permitted within any required yard in an Industrial Zone and Waterfront Zone.

**(4) Accessory Buildings**

Accessory buildings are permitted in accordance with Section 3.1 of this By-law.

**(5) Parking Areas**

Parking is permitted in yards in accordance with Section 3.37 of this By-law.

**(6) Loading Areas**

Loading areas are permitted in yards in accordance with Section 3.22 of this By-law.

**(7) Open Storage Areas**

Open storage areas are permitted in yards in accordance with Section 3.34 of this By-law.

### **3.39 Separation from Sewage Lagoons**

Notwithstanding any provisions of this By-law to the contrary, no new dwellings shall be constructed within **100m** of any sewage lagoon.

## **3.40 Shoreline Regulations**

### **(1) St. Clair River Shoreline Regulations**

- (a) For the St. Clair shoreline in Sarnia, the Ministry of Natural Resources has determined the **1:100** year flood level to be **178m** CGD. This **178m** contour shall be the flood elevation for lands along the St. Clair River. For lots within **50m** of the St. Clair River, or **50m** of the St. Clair River **178m** floodline contour, the required minimum elevation of any openings to new buildings shall be **178.3m**. No development should be permitted within the **3m** setback from the current St. Clair River top of bank.
- (b) For lots bordering the St. Clair River that have no shoreline erosion protection, a new habitable building will be required to have a minimum setback of **15m**. Additions to existing habitable buildings have less than the required setback from the top of the shoreline bank along the St. Clair River are permitted provided that the addition does not reduce the existing setback.

### **(2) Lake Huron Shoreline Management Area Regulations**

- (a) To recognize the severity of the hazard on shoreline lands, the Lake Huron shoreline was divided into a High Hazard or Medium Hazard Areas. The High Hazard Area is identified as Shoreline Management Area 1 and the Medium Hazard Area is identified as Shoreline Management Area 2.

Lake Huron Shoreline Management Areas 1 and 2 are shown on Zoning Map Parts 1 to 10 (inclusive). The shoreline development regulations applicable to these Shoreline Management Areas are summarized in the following Table 1 and Subsections 3.40 (2)(i) and (ii).

**Table 1**

<b>Development Type</b>	<b>Shoreline Management Area 1</b>	<b>Shoreline Management Area 2</b>
repairs/maintenance to dwellings	permitted	permitted
interior alterations to dwellings	permitted	permitted
dwelling additions (1)	<b>25%</b> addition permitted provided no further encroachment lakeward and flooding and/or erosion hazards are appropriately addressed (2)	<b>50%</b> addition permitted provided no encroachment into Shoreline Management Area 1 and provided that flooding and/or erosion hazards are appropriately addressed (2)
unattached garages	not permitted	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
septic systems	not permitted	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
new dwellings	not permitted	permitted - provided that dwellings should only be built within Shoreline Management Area 2 if it is not feasible or practical to build a dwelling landward of Shoreline Management Area 2 and provided that flooding and/or erosion hazards are appropriately addressed (2) <i>(139/2002)</i>
rebuilding of dwelling destroyed by forces other than flooding and/or erosion	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
multi-lot severances and subdivisions	not permitted	not permitted
infilling severances	not permitted	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
decks not connected to a dwelling	permitted not closer than 3m to the top of bank	permitted

**NOTES**

1. Additions are expressed as a percentage of the ground floor area of the dwelling existing on the date of adoption of this By-law.
2. Addressing the flooding and/or erosion hazards in conjunction with the development or redevelopment of a shoreline property can take the form of structural or non-structural measures, or a combination of these measures meant to reduce potential damages. These measures may include (but are not limited to) moveable dwelling designs, dwelling relocation, bluff stabilization measures, protection works, drainage, and beach nourishment. Where protection works are proposed as a means to address the hazards, these works should meet established standards and procedures.

i) Lake Huron Shoreline Management Area 1

Shoreline Management Area 1 is defined as the area of the shoreline between the water’s edge and a line defined by the **100** year flood level to

be **178m** CGD plus a **15m** allowance for wave uprush and other water related hazards. This is the flood hazard limit as defined by Provincial standards (see Illustration A).

Generally, no development, with the exception of those designed, used or intended for flood or erosion control purposes, or as identified in the Shoreline Development Regulations in Table 1 shall be erected in Shoreline Management Area 1.

ii) Lake Huron Shoreline Management Area 2

From Canatara Park to Blackwell Sideroad Shoreline Management Area 2 is defined as the area between Shoreline Area 1 and a line defined by the **100** year flood level plus a **30m** erosion allowance (see Illustration A). This is the erosion hazard limit as defined by Provincial standards for low bluff and beach areas. The **30m** erosion allowance recognizes uncertainties associated with natural shoreline processes and the performance of protection works. Dwellings and structures constructed landward of Shoreline Area 2 will not rely on protection works to prevent erosion and damage to the building.

From Blackwell Sideroad to Cow Creek, Shoreline Area 2 is defined by a **30m** erosion allowance measured from the top of the bluff/bank (see illustration B). This is the erosion hazard limit as defined by Provincial standards for moderately high bluff areas.

Within the Cow Creek to City Limits area, Shoreline Area 2 is defined by the Flood Hazard Limit plus a **30m** erosion allowance (see Illustration C).

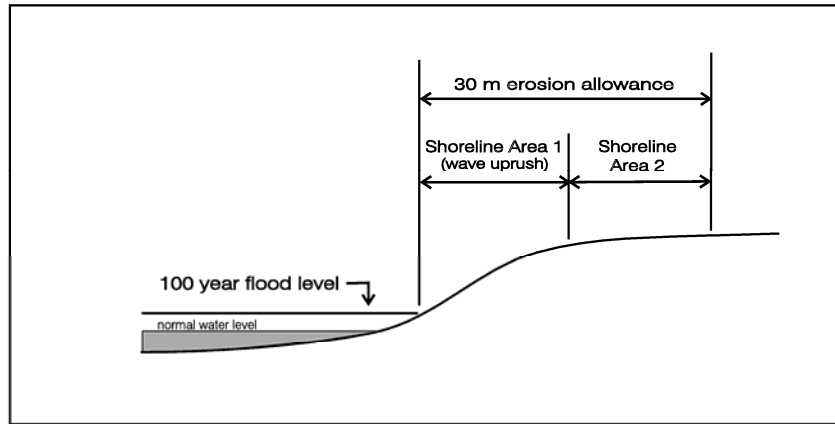
In this area, the bluff is lower with a fairly stable beach created by the Cow Creek retaining walls.

Development within Shoreline Management Area 2 shall be carried out in accordance with the regulations in Table 1.

- (b) Notwithstanding any provisions of this By-law to the contrary, lands within **75m** of the shoreline bank of Lake Huron shall also be subject to the following special provisions:
- i) Any opening in a new building or in an addition to an existing building shall have a minimum elevation of **179.2m** CGD. It will be the responsibility of the proponent of any new development within the area to determine the **179.2m** CGD flood elevation on the subject property;
  - ii) Subsurface sewer systems shall be set back a minimum of **30m** from the shoreline bank; and
  - iii) Notwithstanding Clause (2) above, where a qualified professional engineer has certified that a lot has effective shoreline erosion protection, any new subsurface sewer system on that lot may be set back a minimum of **20m**, from the shoreline bank.

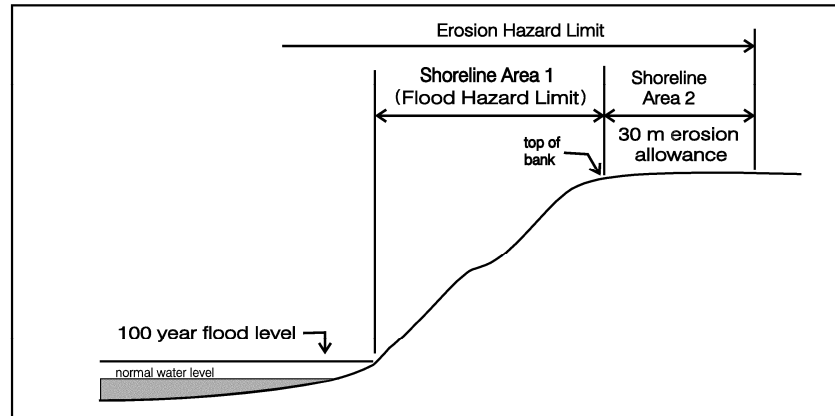
### ILLUSTRATION A

Shoreline Management Areas 1 and 2  
Canatara Park to Blackwell Sideroad



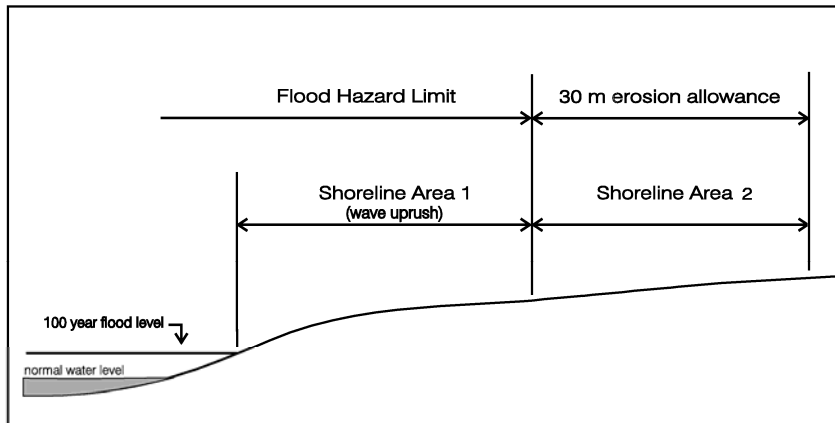
### ILLUSTRATION B

Shoreline Management Areas 1 and 2  
Blackwell Sideroad to Cow Creek



### ILLUSTRATION C

Shoreline Management Areas 1 and 2  
Cow Creek to Easterly City Limits



### **3.41 Special Building Setbacks**

- (1) Notwithstanding any other provisions of this By-law no dwelling shall be erected on a corner lot closer than **3m** to the flanking street, except where the vehicular entrance to an attached garage or carport faces a municipal street, a minimum side yard of **6m** shall be provided for the garage or carport and except where the flanking street is an Arterial or Collector Road, the setback shall be measured from the proposed limit of the Arterial or Collector Road. **(29/2003)**
- (2) Notwithstanding any of the regulations contained in this By-law, no person shall erect any building or structure in any zone closer than **15m** to the limit of any watercourse or municipal open drain where draft fill lines and floodlines are not available.

### **3.42 Stacking Spaces**

- (1) In this Section, stacking spaces mean spaces reserved for the temporary parking of an automobile. The length and width of **1** stacking space shall be **5.5m** and **2.75m** respectively.
  - (a) That part of a lot used for a required yard, required maneuvering aisle or required collector aisle does not constitute part of the stacking space nor is a parking space required under the provisions of this By-law deemed to be a stacking space.
- (2) Stacking spaces shall be provided for the uses listed in this subsection on the following basis:
  - (a) an automatic automobile washing establishment shall have on the same lot, a minimum of **5** stacking spaces in advance of each wash line;
  - (b) a coin-operated automobile washing establishment shall have on the same lot, a minimum of **1** stacking space in advance of each wash bay;
  - (c) a restaurant with a drive through service facility shall have on the same lot, a minimum of **6** stacking spaces in advance of a drive-through service window or any other structure which is designed to serve patrons within a motor vehicle; and
  - (d) any other use having a drive-through service window shall have on the same lot, a minimum of **3** stacking spaces in advance of each drive-through service window.

### **3.43 Temporary Buildings and Structures**

- (1) In all Residential and Commercial Zones the continued use of an existing dwelling or building on a lot during the construction of a dwelling or building intended to replace such dwelling or building is permitted provided that:
  - (a) In no case may such existing building remain un-demolished on the lot for longer than **60** days after the building intended to replace such existing building is ready in whole or in part for occupancy, or **2** years after the date of issue of the building permit for the building intended to replace such existing building, whichever comes first.
  - (b) Safety and emergency access are provided and maintained to the satisfaction of the Chief Building Official of the City of Sarnia and the Chief of the Fire Department of the City of Sarnia.
  - (c) The minimum parking requirements for use of the existing building on the lot continue to be provided on the lot until the existing building is vacated.
  - (d) There is deposited with the Chief Building Official of the City of Sarnia a sum sufficient, in the opinion of the Chief Building Official, to cover the costs of such demolition of such existing building by the City of Sarnia in the event it is not demolished within the time above stipulated.
  
- (2) A construction camp, tool shed, scaffold, building or structure incidental to and necessary for construction work on the premises may be permitted in any zone, provided that:
  - (a) Such uses, building or structures are used only as long as same are necessary for work in progress which has neither been finished nor abandoned.
  - (b) Such uses, building or structures are removed when the work in connection with which they were constructed is terminated or abandoned.
  - (c) The continued use of an existing building on the premises during the construction of a building intended to replace such existing building may be permitted provided there is deposited with the Chief Building Official of the City of Sarnia a sum, sufficient in the opinion of the Chief Building Official, to cover the costs of such demolition of such existing building by the City of Sarnia in the event it is not demolished or removed.

### **3.44 Temporary Use By-laws under Section 39 of the Planning Act**

- (1) Section 39 of the Planning Act does not apply to temporary buildings and structures set out in Section 3.43 of this By-law.
- (2) Council may enact temporary use By-laws in accordance with Section 39 of the Planning Act to allow land and buildings to be zoned for uses otherwise prohibited by the By-law and which do not conform to the Official Plan. Such By-law will describe the specific area affected and establish an expiry date for the By-law which shall not be later than **10** years from the date of passing thereof, in the case of a By-law authorizing the temporary use of a garden suite, or **3** years from the date of passing thereof, in all cases. Council may pass further temporary use By-laws to grant further **3** year periods.

### **3.45 Through Lot Regulations**

Where a lot is a through lot, a front yard shall be provided on each street on which the lot has frontage.

### **3.46 Uses Permitted in All Zones**

The following uses are permitted in all zones within the Corporation:

#### **(1) Services and Utilities**

Despite any other provisions of this By-law to the contrary, the Corporation of the City of Sarnia and any Ministry of the Government of Canada or Province of Ontario may for the purpose of the public service, use any land or any building or structure in any zone in spite of the fact that such use of any building or structure does not conform with the provisions of this By-law for such zone. Any utility company shall comply with the provisions of this By-law only insofar as such uses are for administrative or office purposes.

#### **(2) Utility Service Buildings and Non-Recreational Public Uses**

Utility service buildings and non-recreational public uses exclusive of waste disposal sites, incinerators and works yards are permitted in all zones. Where such use is located in any Residential Zone:

- (a) it shall comply with the provisions for such zone;
- (b) there shall be no open storage; and

- (c) any buildings or structures erected or used shall be designed, maintained and used in a manner compatible with residential buildings of the type permitted in said zone.

**(3) Public Recreational Uses**

Parks and community centres operated by or for the City of Sarnia, including uses accessory thereto.

**(4) Construction Uses**

Any construction sign not greater than **3m<sup>2</sup>** in area, sheds, scaffolds or other structures incidental to building construction on the premises for so long as the same is necessary for work in progress. Such signs, buildings, uses and structures shall be removed within 6 months following the termination and or abandonment of the construction project.

**(5) Pipelines**

Nothing in this By-law shall prevent the use of any land for any gas, oil, brine or other liquid or gaseous product transmission or distribution pipeline and appurtenances thereto which have been approved under the authority of the National or Ontario Energy Boards.

Any pipeline, as constructed by any distributor, producer or storage company or for any pipeline as constructed by any company under the Ontario Energy Board Act, as amended, shall be permitted in any zone provided that, where possible, such pipelines are constructed in or upon existing rights-of-way, easements or transmission corridors. Where possible, the pipelines shall generally be located as follows:

- (a) where the proposed pipeline runs northerly and southerly, it shall follow along lot lines;
- (b) where the proposed pipeline runs easterly and westerly, it shall follow along road right-of-ways; and

where forest cover is removed it shall be replaced with twice the area of forest cover that is removed.

**(6) Electric Power Facilities**

Any electric utility company licensed by the Ontario Energy Board to operate the distribution system within the municipality will be permitted in any land use designation provided that such development satisfies the provisions of the Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes.

(7) Temporary Sales Office

A temporary sales office located on a construction site shall be an additional permitted use, provided that the sales office is used exclusively for the promotion or sale of the building(s) or part thereof under construction or proposed to be constructed.

### 3.47 Uses Prohibited

Unless otherwise provided for in this By-law, the following uses of any land or building are prohibited in any zone:

- (1) the use of a travel trailer, tent trailer or motor home, hotel or motel, either in whole or in part, as a dwelling unit;
- (2) outdoor rifle, pistol, skeet or trap shooting ranges;
- (3) the making or establishment of pits and quarries;
- (4) the boiling of blood, tripe, bones or soap for commercial purposes;
- (5) the tanning or storage of uncured hides and skins;
- (6) the outdoor storage of any derelict vehicles ;
- (7) public services and facilities in significant natural areas unless they are authorized under the Environmental Assessment process or subject to the Drainage Act;
- (8) no person shall allow any vehicle used for commercial purposes, other than a vehicle not exceeding **3,000** kilograms registered gross vehicle weight, to be parked or stored outside of a building on a lot in a Residential Zone for a period of time longer than is necessary for the loading or unloading of such vehicle or longer than such vehicle is required in connection with the performance of any service for the occupant of such lot; and
- (9) a track for the recreational driving, racing or testing of automobiles, motorcycles, snowmobiles or any other motorized vehicle is prohibited in any Residential Zone.