

Section 26 - Exemptions

26.1 Except as amended by this Section, the lands illustrated on the plans forming Schedule "A" of this By-law shall be subject to all other applicable regulations and provisions of this By-law for the zone in which they are located.

By-law 106-91 passed November 5, 1991

26.1.1 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.1 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a machine shop including welding and fabrication of machine components and small parts;
- b) uses accessory to the foregoing permitted uses which shall include indoor and outdoor storage areas, parking areas, off-street loading areas, office space, lunch room and washroom facilities.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted uses including storage areas, parking areas, off-street loading areas, lunchroom and washroom facilities are to be located within the area marked "Area of Operation" on the plan forming Section 26.1.1 of Schedule "A" of this By-law;
- ii) that the total floor area of all buildings used in connection with the additional permitted uses will not exceed 1,950 square metres;
- iii) that outdoor storage shall be limited to a maximum 650 square metres in area to be located within the area identified as Part A on the plan forming Section 26.1.1 of Schedule "A" of this By-law;
- iv) that the permitted uses stated above comply with the applicable regulations contained in Section 6 and Section 21.3 of this By-law.

By-law 76-86 passed October 14, 1986

By-law 111-2004 passed December 14, 2004 (Thomas Martin)

26.1.2 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.2 of Schedule 'A', of this By-law (hereafter the "Plan"), may be used for the following uses only:

- a) A woodworking shop; and
- b) Uses accessory to the foregoing.

Subject to the following

- i) That all buildings or structures for the woodworking shop, which may include a kiln and outdoor storage structures or uses accessory to a woodworking shop, such as loading and unloading, outdoor storage, parking, etc. shall be located within the area marked as "Area of Operation" shown on the Plan;
- ii) That the total lot coverage of all buildings used in conjunction with the additional permitted uses shall not exceed 885 square metres, which shall consist of the following and illustrated on the Plan:
 - The main woodworking shop – maximum area of 715 square metres;

- Kiln – maximum area of 77 square metres; and
 - Outdoor storage structures – maximum area of 93 square metres;
- iii) Notwithstanding ii) above, the existing silo shown on the Plan is not included in the total building coverage for the woodworking operation;
 - iv) The kiln, storage structures and outdoor storage area shall be located to the rear of the main woodworking shop as shown on the Plan;
 - v) The minimum side yard setback for the kiln shall be 4.5 metres and the storage structures shall be 1 metre;
 - vi) For the purpose of this Section an outdoor storage structure shall be defined as a wood-framed building with a canvas cover;
 - vii) For the purpose of this Section a kiln shall be defined as building containing equipment to dry wood in a controlled atmosphere; and
 - viii) In conformity with all other applicable regulations in Section 6 and 21 of this By-law.

26.1.3 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.3 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a millwright operation;
- b) uses accessory to the foregoing permitted use.

Subject to the following:

- i) all buildings or structures erected or used in connection with the additional permitted uses shall be located within the area marked “Area of Operation” on the plan forming Section 26.1.3 of Schedule “A” of this By-law;
- ii) the total floor area of all buildings used in connection with the additional permitted uses shall not exceed 1,570 square metres.

26.1.4 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.4 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) the manufacture, repair, service and sale of harness and light leather products;
- b) the sale of products incidental to the needs of agriculture which would not include the sale or repair of farm machinery or the sale of fertilizer or food products for human consumption;
- c) uses accessory to the foregoing permitted uses.

Subject to the following:

- i) that all land and buildings to be used in connection with the additional uses permitted by this paragraph will be located within the area marked “Area of Operation” on the plan forming Section 26.1.4 of Schedule “A” of this By-law;
- ii) that all permitted uses except for parking areas and off-street loading areas shall be restricted to and conducted within the building presently located on the area marked “Area of Operation” on the plan forming Section 26.1.4 of Schedule “A” of this By-law.

26.1.5 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.5 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a market for the sale by auction or by retail of furniture and household furnishings both new and used within an enclosed building.

Subject to the following:

- i) the building line setback on Regional Road 86 shall not be closer than 27.4 metres from the centre line of the road right-of-way;
- ii) the area between the setback line and the road allowance line and marked on the Site Plan being Section 26.1.5 of Schedule "A" of this By-law as "Setback Area" shall not be used for the erection of any building or structure (except for a legal boundary fence) nor for the parking of vehicles nor for driveways or traffic circulation except for such points of ingress and egress as are specifically permitted by this paragraph;
- iii) all new buildings shall be located within the area marked on the plan forming Section 26.1.5 of Schedule "A" of this By-law as "Buildable Area";
- iv) not more than one combined entrance and exit shall be permitted to Regional Road 86 and the location and width of such combined entrance and exit shall be approved by the Waterloo Regional Engineering Department. No other entrance or exit shall be permitted to Regional Road 86;
- v) all limits (with the exception of the easterly limit) of the site, including road frontage (except for permitted entrance and exit) shall be fenced with a woven wire fence not less than 1.2 metres in height;
- vi) off-street parking space shall be provided for not less than 75 vehicles. Such off-street parking shall be located within the area marked on the plan forming Section 26.1.5 of Schedule "A" of this By-law as "Off-Street Parking Area";
- vii) all internal driveway areas and off-street parking areas, if not paved, shall be levelled, drained and treated to prevent the escape of dust;
- viii) at the time of application to the Township of Woolwich for a building permit for the subject lands, the applicant shall provide a parking layout plan for the off-street parking spaces required herein to the satisfaction of the municipality;
- ix) at the time of application to the Township of Woolwich for a building permit for the subject lands, the applicant shall provide evidence that site drainage is satisfactory to the Waterloo Regional Engineering Department;
- x) all outdoor lighting used to illuminate structures or parking areas shall be so arranged to deflect light away from adjacent roads or premises;
- xi) no outdoor storage or displays of any kind whatsoever shall be permitted between the front face of the building and the road allowance line.

Deleted and Replaced by By-law 65-2016 passed August 23, 2016 (Lester and Catherine Weber – 2407 New Jerusalem Rd)

26.1.6 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.6 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) manufacturing of agricultural and related equipment;
- b) uses accessory to the foregoing permitted uses which shall include indoor and outdoor storage areas, parking areas, off-street loading areas, office space, lunchroom, fire reservoirs, and washroom facilities.

Subject to the following:

- i) that all buildings or structures and uses accessory to the additional uses permitted in a) and b) above, are to be located within the area marked "Area of Operation" on the plan forming Section 26.1.6 of Schedule "A" of this By-law;
- ii) that the total floor area, of all floors, of all buildings, used in connection with the additional permitted uses will not exceed 1205 square metres.

By-law 9-88 passed January 26, 1988

By-law 72-98 passed July 14, 1998 (Snyder Metal Fabricating)

By-law 13-2003 passed February 11, 2003 (Snyder Metal Fabricating)

26.1.7 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.8 of Schedule "A" of this By-law, being 2040 Northfield Drive East shall have a maximum lot area of 1.59 hectares, and may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) A metal fabricating shop; and
- b) Uses accessory to the foregoing permitted uses which shall include storage areas, parking areas, off-street loading areas, office space, lunchroom, and washroom facilities and a spray booth;

Subject to the following:

- i. That all additional uses, buildings and/or structures permitted by this paragraph shall be located within the area marked "Area of Operation" on the plan forming Section 26.1.7 of Schedule 'A' of this By-law and shall not exceed 2,100 square metres in total floor area; and
- ii. It is the intent of this by-law that no building expansion beyond 2,100 square metre is to be permitted; and
- iii. That the rear yard behind the existing industrial building shall be used for no other use other than for truck turning and outdoor storage.

By-law 13-2003 passed February 11, 2003 (Minerva Weber)

26.1.8 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.8 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a machine shop;
- b) uses accessory to the foregoing permitted use which shall include storage areas, parking areas, off-street loading areas, office space, lunchroom and washroom facilities.

Subject to the following:

- i) that all additional uses, buildings and/or structures permitted by this paragraph shall be located within the area marked "Area of Operation" on the plan forming Section 26.1.8 of Schedule "A" of this By-law and shall not exceed 650 square metres in total floor area.
- ii) that the minimum lot area shall be 8.77 hectares.

26.1.9 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.9 of Schedule "A" of this By-law may be used for the following

specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a welding shop including manufacturing and assembly of manure buckets and farrowing crates;
- b) storage, repair and washing of school buses only;
- c) storage of farm implements manufactured or assembled on the premises;
- d) uses accessory to the foregoing permitted uses which shall include storage areas, parking areas, off-street loading areas, office space, lunchroom and washroom facilities.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted uses including storage areas, parking areas, off-street loading areas, parking of buses, lunchroom and washroom facilities are to be located within the area marked "Area of Operation" on the plan forming Section 26.1.9 of Schedule "A" of this By-law;
- ii) that the total floor area of all floors of all buildings used in connection with the additional permitted uses will not exceed 1,400 square metres;
- iii) that all access for the additional uses permitted by this paragraph shall be by means of the existing lane entrance to Jigs Hollow Road and that no entrance be permitted to Northfield Drive.

Deleted and Replaced By-law 96-2016 (Ammon Martin)

26.1.10 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.10 of Schedule 'A' of this By-law, being the lands known as 728 Arthur St South (GCT Part Lot 46), may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Manufacturing and sale of farm equipment and related parts.
- b) The outdoor storage and display area of associated farm equipment.
- c) Uses accessory to the above, including:
 - i. welding,
 - ii. fabricating,
 - iii. machining, and
 - iv. painting.

Subject to the following:

1. That the additional uses be restricted to the area of operation as shown, being 9000 square metres in area;
2. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

26.1.11 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.11 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) manufacture and assembly of travel trailers, camping trailers, snowmobiles, motorcycles, snowmobile trailers and tarpaulins;
- b) manufacture of tools and dies;

- c) metal stamping and custom fabricating;
- d) uses accessory to the foregoing permitted uses which shall include retail sale of items manufactured or assembled on the site and outdoor storage of goods and materials.

Subject to the following:

- i) all required off-street parking and off-street loading spaces shall be provided to the rear of any building line or setback line established in this By-law;
- ii) all outdoor storage shall be located to the rear of the building line and shall not be located in any required side or rear yard;
- iii) access shall be provided from Sawmill Road and shall be restricted to the location as illustrated on the plan forming Section 26.1.11 of Schedule "A" of this By-law and any change in the location of the access point shall only be permitted with the written permission of the Council of the Township of Woolwich and the Region of Waterloo.

26.1.12 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.12 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a feed mill outlet;
- b) uses accessory to the foregoing permitted use.

Deleted and Replaced by By-law 51-2004 (D. Weber, 1606 Floradale Rd, 1540 Floradale Rd, and 6811 Line 86)

26.1.13 Notwithstanding any other provisions of this By-law, the General Industrial – Dry (M-1) zoned lands illustrated on the Plan forming Section 26.1.16 of Schedule 'A' (hereafter called the "Plan") are subject to the following regulations, in addition to the regulations of the zone within which the parcel lies:

- I. That the following additional uses be permitted:
 - a) free standing Office(s)

All subject to the applicable regulations in Sections 6 and 21 of this By-law.

- II. That the following uses are prohibited:
 - a) manufacturing of asbestos, phosphate or sulphur products;
 - b) primary production of chemicals, synthetic rubber, plastic or asphalt;
 - c) processing or refining of petroleum or coal;
 - d) tanning or chemical processing of pelts or leather;
 - e) vulcanizing of rubber or rubber products;
 - f) stamping, or blanking of metal.

26.1.14 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.14 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a Residential Building - One Unit;
- b) uses accessory to the foregoing permitted use.

Subject to the following:

- i) in conformity with the provisions of sub-section 11.2 of this By-law.

26.1.15 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.15 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a convenience variety store.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted use are to be located within the area marked “Buildable Area” on the plan forming Section 26.1.15 of Schedule “A” of this By-law;
- ii) that the total floor area of all buildings used in connection with the additional permitted use shall not exceed 185.8 square metres;
- iii) that the site be developed in accordance with the site plan being Section 26.1.15 of Schedule “A” of this by-law;
- iv) that twelve (12) parking spaces be provided on the lands shown on the plan forming Section 26.1.15 of Schedule ‘A’ of this By-law.

26.1.16 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.16 of Schedule “A” of this By-law may have a minimum lot frontage of 6 metres.

26.1.17 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.17 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a restaurant;
- b) uses accessory to the foregoing permitted use.

Subject to the following:

- i) such lands shall be used only in conformity with the provisions of Section 6 entitled “General Regulations” and Sub-section 18.3 entitled “Additional Regulations” of Section 18 entitled “Zone C-3’.

By-law 90-2001 passed November 27, 2001 (JFM Heidelberg Holdings/George F. Martin)

26.1.18 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.18 of Schedule “A” (hereafter called the “Plan”) of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a feed mill;
- b) accessory uses including offices, employee area, parking, loading, weigh scales, fuel area and retail/showroom.

Subject to the following:

- i. there shall be no drying, baking or cooking of ingredients/product, with the exception of corn drying or the injection of steam to produce animal feed pellets;
- ii. that any of the above-noted permitted uses which is or may become obnoxious, offensive or dangerous by reason of the presence, emission or production in any

manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-carried waste is specifically prohibited;

- iii. there shall be no outdoor stockpiling or storage of unbagged animal feed;
- iv. minimum setback of a parking space to Lobsinger Line shall be 0 m;
- v. all other applicable regulations in Section 6 and 7 of this By-law;
- vi. signage in accordance with Section 10 (Industrial Area) of the Township's Sign By-law.

For the purpose of this section the following definitions are included:

"Feed Mill" means a farm-related, dry industry for the production, bagging and storage of animal feed used by farmers for their livestock operation with minor storage and retailing of animal feed for domestic pets.

"Production" of animal feed means the blending of dry ingredients and small amounts of liquid additives (i.e. less than 5% of the total tonnage produced by the feed mill) in a closed system (i.e. within pipes/bins or within a building) to make the final feed product and shall not include further processing such as drying (not including corn drying or the injection of steam to produce animal feed pellets), heating, cooking or baking and is in such a dry form suitable to be augured to a feed bin.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan may have a minimum lot area of 30.4 hectares.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.19 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.19 of Schedule 'A' (hereafter the "Plan") of this By-law are subject to the following specific uses, in addition to the uses permitted in the zone in which the parcel lies:

- a) Flea Market in conformity to the definition in Section 2.46c
- b) The operation of a livestock marketing yard, including the temporary storage of livestock and the sale of livestock;
- c) Uses accessory to the foregoing permitted uses which shall include, without restricting the generality of the foregoing, warehousing and trucking facilities;

Subject to the following provisions:

- i) The parking requirements for the livestock marketing yard is the retail requirement for livestock sales area, the office requirement for livestock depot and the industry requirement for the holding barns, as noted in Section 6.13 of this By-law;
- ii) The above uses shall comply with the regulations in Section 6 and 20C of this By-law;
- iii) The parking requirements for a Flea Market shall be 1 parking space for each 8 square metres of area used for retail sales.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.20 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.20 of Schedule 'A' (hereafter the "Plan") of this By-law permit the following specific uses, in addition to the uses permitted in the zone in which the parcel lies:

- a) Flea Market in conformity to the definition in Section 2.46c
- b) The sale of bulk dry unpackaged food (e.g. seasonings, nuts, grains, dry fruit, candy etc.) and baking supplies (flour, sugar, salt)

Subject to the following provisions:

- i) The sale of bulk dry unpackaged food is limited to a Gross Floor Space of 500 square metres;
- ii) The above uses shall comply with the regulations in Section 6 and 20C of this By-law;
- iii) The parking requirements for a Flea Market shall be 1 parking space for each 8 square metres of area used for retail sales.

By-law 81-2000 OMB approval February 28, 2003 (King 86 Group)

26.1.21 Deleted

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.22 Deleted

26.1.23 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.23 of Schedule "A" of this By-law are not required to have the frontage on a public street in conformity with the provisions of Sub-section 6.8 of this By-law.

By-law 83-2006 passed November 28, 2006 (General Amendment)

26.1.24 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.24 of Schedule "A" of this By-law shall provide a minimum 1.5 metre wide buffer strip, along the lot line adjacent to a residential zone. This buffer strip shall be provided in addition to any other required side or rear yards and shall be used for no other purpose other than the planting of trees, shrubs, hedges or plants or for the erection of a legal boundary fence or wall.

26.1.25 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.25 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) the sale of nursery stock and garden supplies;
- b) uses accessory to the foregoing permitted use.

26.1.26 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.26 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) the sale of nursery stock and garden supplies;
- b) uses accessory to the foregoing permitted use.

26.1.27 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.27 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a clinic.

26.1.28 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.28 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) the sale of nursery stock and garden supplies;
- b) uses accessory to the foregoing permitted use.

By-law 15-2003 passed February 11, 2003 Thomasfield Homes

26.1.29 Deleted

26.1.30 Notwithstanding any other provisions of this By-law, the lands illustrated as Part “A” and Part “B” on the plan forming Section 26.1.30 of Schedule “A” of this By-law may each have a minimum lot frontage of 5 metres.

26.1.31 Deleted

Deleted and Replaced by By-law 74-95 (Conestogo Meat Packers)

Deleted and Replaced by By-law 19-2001 (Conestogo Meat Packers)

By-law 69-2008 passed October 20, 2008 (Conestogo Meat Packers)

Deleted and Replaced by By-law 43-2016 (Conestogo Meat Packers)

26.1.32 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.32 of Schedule ‘A’ of this By-law (the “Plan”) may be used for the following specific uses in addition to the uses permitted in the Agricultural zone:

- a) Abattoir and Meat Processing Facility;
- b) Uses Accessory to the foregoing permitted uses as noted below.

Subject to the following provisions:

- i) That the maximum size of the abattoir and meat packing facility shall not exceed a total gross floor area of 41,808 m² (450,000 ft²) and a maximum Area of Operation of approximately 19.6 hectares (49 acres) as shown on the Plan.
- ii) Wholesale and/or retail sales of the dressed meats processed on the property are permitted.
- iii) Minimum building line setback shall be 7.6 metres to Menno Street and Lonsdale Road.
- iv) No outdoor storage is permitted.
- v) On-site parking is required in accordance with Sections 6.11 and 6.12 and shall be based on: (1) one space for each 50 square metres of gross floor area devoted to plant operations; (2) one space for each 30 square metres of gross floor area devoted to offices; and (3) one space for each 500 square metres devoted to storage/warehousing, animal storage, mechanical equipment and chemical storage.
- vi) Off street loading shall be required in accordance with Section 6.12.
- viii) Maximum building height is 25 metres in accordance with the Building Height definition in Section 2.13 of this By-law.
- x) All other applicable regulations in Section 6 and 22C.4 of this By-law.
- xii) That the abattoir and meat packing facilities including processing, offices, animal storage and mechanical operations, as well as all associated accessory uses such as parking, loading, driveway, stormwater management facility, the private wastewater treatment plant/storage (not including the

ditch/pipe system to the Randal Municipal Drain) and landscaping shall be contained within the Area of Operation identified on Schedule "A" of this By-law.

- xii) Notwithstanding subsection i) above, the development of lands within the Area of Operation as shown on the Plan shall include a Holding (H) Symbol which shall limit development to a total maximum gross floor area of 32,515 m² (350,000 ft²) until such time as the Township is satisfied that abattoir and meat packing facility can connect to municipal sanitary services or an appropriate servicing solution is addressed to the satisfaction of the Township, an updated traffic impact study is approved by the Township and Region, and Council has, by By-law, removed the Holding Provision (H) symbol from the Section 26.1.32 Zoning Schedule A pursuant to Section 36 of the Planning Act, RSO, 1990.
- xiii) A use which is or may become obnoxious, offensive or dangerous by reason of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-borne wastes is prohibited.
- xiv) The following studies may be required as part of the site plan approval process:
 - Prior to site plan approval, a detailed stationary noise study has been submitted for any expansion to the existing abattoir and meat packing facility in accordance with the Ministry of the Environment and Climate Change Publication NPC-300, if required, to the satisfaction of the Township of Woolwich in consultation with the Regional Municipality of Waterloo. Any required on-site implementation measures identified in the stationary noise study should be secured as part of a site plan agreement with the Township.
 - Prior to site plan approval, an odour study has been submitted for any expansion to the existing abattoir and meat packing, if required, to the satisfaction of the Regional Municipality of Waterloo and the Township of Woolwich.

By-law 78-2000 passed October 24, 2000 (Aaron Metzger Limited)

Deleted and replaced by By-law 59-2011 passed September 27, 2011 (603048 BC Ltd. - Tubeline)

26.1.33 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.33 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- ii) the fabrication of farm related equipment (bale wrapping, front end loaders and other farm equipment);
- iii) sales of associated parts;
- iv) repairs to the farm related equipment manufactured on site; and
- v) accessory uses to the above.

Subject to the following:

- i) minimum lot area shall be 7.3 ha and a minimum lot frontage of 205 metres;
- ii) the maximum "Area of Operation" will be 7 ha.;
- iii) That all stationary noise items related to the sand blasting process (including HVAC, blowers, sandblaster unit and vent), and shall be located at the north end of the building in the area identified on the plan and any other stationary noise shall be in accordance with Ministry of the Environment requirements and shall meet Ministry noise levels limits;

- iv) That any outside use of a forklift or any outdoor equipment with back up beeper(s) shall be limited to daytime operations being between 7 am and 6 pm on weekdays, and 8 am to 6 pm on weekends and holidays;
- v) The total floor area devoted to the permitted uses shall be the total floor area of the existing buildings; and
- vi) There shall be no new buildings or net increase in the size of or floor area of Buildings A, B, C without a further rezoning and site plan approval. Buildings A, B, C may be reconfigured subject to site plan approval providing there is no net increase in the total floor area.

Deleted and replaced by By-law 13-2004 passed February 10, 2004 (Marie Jones)

26.1.34 Notwithstanding any other provisions of this By-law, the portion of the property, as illustrated on the Plan forming Section 26.1.34 of Schedule 'A', of this By-law, may be used in accordance with the following regulations:

Uses

- A. The following uses are permitted in addition to the existing permitted uses within the C-7 zone:

Permitted Uses:

- I. Antique Sales
- II. Wood Furniture Sales

Accessory Uses

- a) One Residential unit may be located within a main building containing a permitted use for the use of a watchman, guard or other person whose presence on the premises is required, provided that the unit is fully self contained, has direct means of outdoor access, is connected to full municipal services and has a floor area in the range of 37 to 70 sq. m.;
- b) Wood Furniture Production (in accordance with Section D)III) below).

- B. The following uses shall not be permitted within the zone:

- I. "Drive-thru" Restaurant
- II. Building Supply Centre
- III. Feed, Seed, Farm Supply
- IV. Canadian Tire
- V. Co-op
- VI. Auction Operation

Regulations

- C. The following Sections of the Service Commercial (C-7) zone provisions shall not apply:
- I. 20B.4.17 (Total gross floor area for Arthur and Southfield)
 - II. 20B.4.18 (Minimum Gross Floor Space)
 - III. 20B.4.19 (Minimum Gross Floor Space - Office)
 - IV. 20B.4.26 (Buffer Strip)
 - V. 20B.4.29 (Subdivided)
- D. In addition to the remaining C-7 zone restrictions, the following provisions shall apply:
- I. The minimum gross floor spaces for uses noted in Subsections 20B.3.3 (Automotive Supply), 20B.3.6 (Garden Nursery / Centre), 20B.3.15 (Office Furniture / Equipment), Furniture, 20B.3.30 (Electric / Electronic Equipment / Appliances), 20B.3.36 (Pet and Pet Supplies),

- and for Freestanding Office Building, Wood Furniture Sales, and Antique Sales, shall be a minimum of 186 square metres (2000 sq. ft.).
- II. Notwithstanding the minimum in DI) above, Antique Sales shall be permitted as accessory to the Wood Furniture Sales.
 - III. The maximum floor area for the Wood Furniture production as accessory to the furniture sales shall be 150 square metres.
 - IV. Any new buildings and structures shall conform to the C-7 zone regulations.

All development shall be in conformity with all other applicable regulations in Section 6 and 20B.

26.1.35 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.35 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a parking lot

Subject to the following:

- i) that the lands illustrated and outlined on the plan forming Section 26.1.35 of Schedule "A" of this By-law shall only be permitted to be developed in accordance with the plan forming Section 26.1.35 of Schedule "A" of this By-law.

By-law 22-2013 passed April 15, 2013 (Vernon Horst – D.M. Horst and Sons Ltd.)

26.1.36 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.36 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcels lie:

- a) the repair and sale of farm implements and wagons;
- b) uses accessory to the foregoing permitted uses which shall include storage areas, parking areas, off-street loading areas, office space, lunchroom and washroom facilities.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted uses, including storage areas, parking areas, off-street loading areas, lunchroom and washroom facilities are to be located within the area marked "Area of Operation" on the plan forming Section 26.1.36 of Schedule "A" of this By-law, being a maximum area of 0.9 hectares;
- ii) that the total floor area of all buildings used in connection with the additional permitted uses will not exceed 1800 square metres.

Notwithstanding any other provisions of this By-law, the lands illustrated as Parcel "B" on the plan forming Section 26.1.36 of Schedule "A" of this By-law may be used for any use permitted by Sub-section 7.3 of this By-law save and except that no buildings or structures will be permitted on the said lands.

Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

26.1.37 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.37 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) repair and manufacturing of buggies and buggy parts;
- b) uses accessory to the foregoing permitted uses which shall include storage areas, parking areas, off-street loading areas, office space, lunchroom and washroom facilities.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted uses are to be located within the area marked “Area of Operation” on the plan forming Section 26.1.37 of Schedule “A” of this By-law;
- ii) that the total floor area of all buildings used in connection with the additional permitted uses will not exceed 230 square metres in total floor area.

Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.37 of Schedule “A” of this By-law may have a minimum lot frontage of zero metres.

26.1.38 Notwithstanding any other provisions of this By-law, the lands illustrated as Parcel “A” on the plan forming Section 26.1.38 of Schedule “A” of this By-law may have a minimum lot area of 0.186 hectares and a minimum lot width of 27.4 metres.

Notwithstanding any other provisions of this By-law, the lands illustrated as Parcel “B” on the plan forming Section 26.1.38 of Schedule “A” of this By-law may have a minimum lot area of 0.7 hectares and a minimum lot width of 27.4 metres.

26.1.39 Notwithstanding the definition of the word “Accessory “ contained in Sub-section 2.1 of this By-law, the lands illustrated on the plan forming Section 26.1.39 of Schedule “A” of this By-law shall be deemed to be lands accessory to and may be used for use or uses existing on the lands municipally known as 58 Church Street West and being composed of Part of Lot 41 and Lots 42, 44 and 46, Registered Plan Number 99.

26.1.40 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.40 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a guest house containing not more than fourteen (14) guest rooms.

For the purpose of this paragraph, “guest house” means a building other than a hotel, motel, rooming or boarding house within which temporary living accommodation is provided and in which no room will be rented, leased or otherwise provided and no person other than staff will be in residence for a period of more than seven (7) consecutive days.

- b) uses accessory to the foregoing permitted use which shall include meeting rooms, indoor storage areas, parking areas, off-street loading areas, office space, lunchroom and kitchen facilities, swimming pool and tennis court.

Subject to the following:

- i) all required off-street parking spaces shall be located to the rear of the front wall of the main building facing the street line;
- ii) off-street parking spaces shall be provided in accordance with the following:
 - 1) one space for each guest room;
 - 2) a total of five spaces for staff and visitor parking;
 - 3) one space for each 4.5 square metres of floor area available for seminar use
- iii) that all main buildings or structures erected or used for guest house purposes are to be located within the area marked "Buildable Area" on the plan forming Section 26.1.40 of Schedule "A" of this By-law.

26.1.41 Notwithstanding the provisions of Sub-section 6.8, entitled "Frontage on Public Street" the lands illustrated on the plan forming Section 26.1.41 of Schedule "A" of this By-law may be developed for any use permitted in the zone in which the subject lands lie without frontage on a public street. Said uses shall be developed in conformity with all other applicable regulations of this By-law and the regulations of the zone within which the subject lands lie.

26.1.42 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.42 of Schedule "A" of this By-law may be used for the following specific use:

- a) a Residential Building - One Unit, which may include a home occupation or office;
- b) Group Home Type "A";
- c) uses accessory to the foregoing permitted uses.

Notwithstanding any other provisions of this By-law, the following special regulations shall apply:

- i) Minimum Lot Area 0.35 hectares
- ii) Minimum Side Yard - Each Side 3 metres
- iii) Building Setback 10 metres from the front lot line
- iv) Except for the foregoing, all other regulations of Zone R-1 are applicable.

26.1.43 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.43 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a medical clinic;
- b) a picnic ground and related facilities for use by the public;
- c) riding and walking trails for use by the public;
- d) recreation facilities related to health fitness and cardiac rehabilitation and which may include racquet ball courts, tennis courts, swimming pool, running track and other games, activities and dispensing facilities which serve medical and fitness needs;
- e) a retail facility related to the above uses which is not greater than fifty square metres in area.

Subject to the following:

- i) the location of all buildings and structures shown on the plan forming Section 26.1.43 of Schedule "A" of this By-law is hereby approved. All new buildings,

structures or additions shall be constructed in accordance with all applicable regulations and provisions of this By-law.

26.1.44 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.44 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) automobile service station and a public garage.

For the purpose of this paragraph, a "public garage" shall mean a building designed, intended or used for the commercial repair, service or storage of motor vehicles, but shall not include the outdoor storage, parking or wrecking of wrecked or unlicensed vehicles.

- b) uses accessory to the foregoing permitted uses.

Subject to the following:

- i) that all land and buildings to be used in connection with the additional uses permitted by this paragraph shall be located within the area marked "Area of Operation" on the plan forming Section 26.1.44 of Schedule "A" of this By-law.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.44 of Schedule "A" of this By-law may have a minimum lot width of 24.71 metres.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the plan forming Section 26.1.44 of Schedule "A" of this By-law may have a minimum lot width of 27.83 metres.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the plan forming Section 26.1.44 of Schedule "A" of this By-law may have a minimum side yard of 1.2 metres.

26.1.45 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.45 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a veterinarian facility where small animals only will be treated or housed on the premises;
- b) uses accessory to the foregoing permitted use which shall include storage areas, off-street parking areas, off-street loading areas, washroom facilities, office space reception area and an animal pharmacy for the dispensing of drugs.

Subject to the following:

- i) that the additional permitted use be conducted within the existing building as shown on the plan forming Section 26.1.45 of Schedule "A" of this By-law;
- ii) that the total floor area of all buildings used in connection with the additional permitted use will not exceed 210 square metres;
- iii) that the site be developed in conformity with the provisions of the plan forming Section 26.1.45 of Schedule "A" of this By-law;

- iv) that a minimum of six parking spaces be provided on the lands shown on the plan forming Section 26.1.45 of Schedule "A" of this By-law;
- v) that no outdoor pens, runs, cages or exercise area for animals be provided on the lands shown on the plan forming Section 26.1.45 of Schedule "A" of this By-law.

By-law 9-90 passed February 6, 1990 replaced by

By-law 71-98 passed July 14, 1998 (Gingrich Estate/Chalmers)

By-law 32-2007 passed April 24, 2007 (Chambers / Bowman)

By-law 33-2013 passed May 28, 2013 (Anton Lesar et al)

26.1.46 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.46 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A woodworking, wood finishing operation
- b) uses accessory to the above

Subject to the following:

1. Outdoor storage be located to the rear of the shop building line;
2. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 29-97 passed April 8, 1997 (Picard Foods)

26.1.47 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.47 of Schedule "A" of this By-law may only be used for a peanut and confectionery sales operation, subject to the following:

1. The permitted uses are restricted to a total floor area of a maximum of 365 sq. m. and shall comply with the applicable regulations in Sections 6 and 21 of Zoning By-law 55-86, and
2. Accessory sales of cards and company souvenirs are permitted to a total floor area of not more than 10 square metres. Company souvenirs means:
"Items used in the promotion of corporate identity by the peanut and confectionery sales operation and which have the logo of the peanut and confectionery sales operation distinctly and prominently displayed and permanently affixed, and are unique to the peanut and confectionery sales operation.

By-law 35-2010 passed May 10, 2010 (Conestogo Golf and Country Club)

26.1.48 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.48 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a golf course;
- b) a club house;
- c) uses accessory to the foregoing permitted uses which shall include tennis courts, swimming pool and other structures and/or facilities normally incidental to the operation of a golf course.
- d) a private club for cyclist only, in conformity with the definition of Section 2.22 of this By-law, and may include a lounge and/or meeting room(s), food service for club members, shower/locker area, fitness area, and a bicycle maintenance and storage area.

- e) uses accessory to the private cycling club.

“Clubhouse” when used in this paragraph means a non-residential building owned or operated by a club, organization or group to be used for the activities of the said club, organization or group and uses may include restaurant and/or bar facilities and such other facilities incidental to the operation of a clubhouse.

The minimum number of parking spaces required for a 27-hole golf course shall be 175 spaces.

The minimum number of parking spaces required for a private club for cyclist shall be 1 space per 23 square metres of gross floor area devoted to the said use.

26.1.49 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.49 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a golf course;
- b) a clubhouse as defined in paragraph 26.1.48;
- c) uses accessory to the foregoing permitted uses which shall include tennis courts, swimming pool and other structures and/or facilities normally incidental to the operation of a golf course.

26.1.50 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.50 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a golf course;
- b) a club house as defined in paragraph 26.1.48;
- c) uses accessory to the foregoing permitted uses which shall include tennis courts, swimming pool and other structures and/or facilities normally incidental to the operation of a golf course.

26.1.51 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.51 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a golf course;
- b) a clubhouse as defined in paragraph 26.1.48;
- c) a curling club;
- d) uses accessory to the foregoing permitted uses which shall include tennis court, swimming pool and other structures and/or facilities normally incidental to the operation of a golf course.

26.1.52 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.52 of Schedule “A” of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a clinic.

26.1.53 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.53 of Schedule “A” of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a clinic.

By-law 76-2003 passed September 9, 2003 (Bristow Park – Township of Woolwich)

26.1.54 Deleted (see Section 26.1.266).

By-law 76-2003 passed September 9, 2003 (Bristow Park – Township of Woolwich)

26.1.55 Deleted (see Section 26.1.266).

By-law 76-2003 passed September 9, 2003 (Bristow Park – Township of Woolwich)

26.1.56 Deleted (see Section 26.1.266).

26.1.57 Notwithstanding the provisions of Sub-section 6.8, the lands illustrated on the plan forming Section 26.1.57 of Schedule “A” of this By-law may have a minimum lot frontage of 0 metres.

26.1.58 Deleted.

26.1.59 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.59 of Schedule “A” of this By-law may be used for the following specific uses only:

- a) a restaurant;
- b) a Residential Building - One Unit;
- c) uses accessory to the foregoing.

By-law 06-2019 passed February 26, 2019

26.1.60 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.60 of Schedule ‘A’ (hereafter referred to as the “Plan”) of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

PART 1

Permitted uses:

- a) Truck terminal; and
- b) Uses accessory which may include livestock holding pens, garage, offices and storage area for garbage bins.

Subject to the following:

- i) the lands illustrated as Part 1 on the Plan may have a minimum lot frontage of 0 metres.

PART 2

Permitted uses:

- i) Truck terminal;
- ii) Truck repair garage;

- iii) Storage and display of trailers and truck bodies;
- iv) Sales of trailers and truck bodies; and
- v) Accessory uses to the above as further identified below.

Subject to the following:

- i) That storage and display of trailers and truck bodies for sale shall only take place in the area identified as Part B with a minimum front yard setback of 3 metres from Arthur Street North, being approximately 15 to 20 metres wide and 75 metres in length and being outside of the floodplain and the slope stability setback.
- ii) The truck repair garage shall be limited to no more than the existing 5 bays in the existing building as identified on the Plan within Part A.
- iii) Accessory uses
 - a. to the Truck terminal may include:
 - i. Livestock holding pens
 - ii. Accessory truck repair
 - iii. Associated Offices
 - iv. Truck wash of vehicles owned and operated by the truck terminal
 - v. Any other uses as deemed associated to and accessory to the truck terminal use.
 - b. to the Sales of trailers and truck bodies shall include a sales office area within an existing building; and
 - c. shall include parking for any of the permitted uses.
- iv) The existing parts tractor trailer as identified, shall be permitted to be retained but cannot be replaced unless in accordance with vi) and vii) below.
- v) No development (e.g., buildings and structures, including any unlicensed tractor trailers, storage containers and similar such items) shall be permitted beyond the existing buildings or structures identified in Schedule A, unless such new buildings or structures conform to the Agricultural (A) zone, this site-specific zoning, the Floodplain regulations as per Section 6.29 of this by-law, and has received approvals from the GRCA.
- vi) For the purposes of this Section, a truck terminal shall mean: *a distribution building for redistributing goods from one truck to another, serving as an intermediate transfer point. The facilities are primarily used for staging loads (rather than long-term storage) and possess very little, if any, storage area.*
- vii) That the use be in compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 89-97 passed October 28, 1997 (Weigel Transport/Krums Inc.)

26.1.61 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.61 of Schedule 'A' of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a truck terminal;
- b) only the crushing of dry, edible, grain-based or rice-based, baked products only, such as, cookies, wafers, ice cream cones, granola bars, rice cakes, pastas; and
- c) accessory uses are limited to truck storage, warehousing, garage, employee facilities and offices.

For the purpose of paragraph b) the following definitions are included:

“Dry” means a product permitted in b) above, that is already cooked, baked, heated or dried when it arrives at the site and does not need any further processing such as drying, heating, cooking, baking or mixing of additives (such as “wet/liquid or unbaked” products) and is in such a form suitable to be augured or transported to a crusher and crushed with a hammer mill (or equipment that is similar) and shall contain a moisture content of not greater than 14% when it leaves the site.

“Grain-based” means the primary ingredient of the product to be crushed is grain, such as wheat, oats, barley, etc., and may be in such a form as flour or cereal.

“Rice-based” means the primary ingredient of the product to be crushed is rice.

Subject to the following:

- I. the lands illustrated on the plan forming Section 26.1.61 of Schedule ‘A’ of this By-law may have a minimum lot frontage of 0 metres;
- II. there shall be no drying, baking or cooking of products or mixing of additives to the product;
- III. the entire operation permitted in b) and c) above (not including outdoor parking), is limited to the existing building and a 9 metre by 20 metre addition to the rear of the building for an enclosed storage pit, as illustrated on the plan forming Section 26.1.61 of Schedule ‘A’ of this By-law;
- IV. no products that are in a liquid or wet or unbaked state (such beverages, syrup, dough etc.) may be brought to the site in bulk, used for crushing or mixing with the permitted dry products, noted in b) above, but this shall not include any coating or filling or topping which is a minor ingredient of the dry product or small amounts of dough that arrives to the site mixed in with the dry products;
- V. there shall be no outdoor storage of equipment or products;
- VI. there shall be no outdoor crushing of products; and
- VII. any of the above-noted permitted uses which is or may become obnoxious, offensive or dangerous by reason of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-carried waste, is specifically prohibited.

26.1.62 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.62 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a blacksmith shop;
- b) metal fabrication shop;
- c) sale of products fabricated on the premises.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted uses are to be located within the area marked “Area of Operation” on the plan forming Section 26.1.62 of Schedule “A” of this By-law;
- ii) that the total floor area of all buildings used in connection with the additional permitted uses will not exceed 325 square metres.

26.1.63 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.63 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a work shop for the repair and storage of excavating and drilling equipment;
- b) a firewood saw.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted uses are to be located within the area marked “Area of Operation” on the plan forming Section 26.1.63 of Schedule “A” of this By-law;
- ii) that the total floor area of all buildings used in connection with the additional permitted uses will not exceed 370 square metres.

26.1.64 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.64 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) the assembly and repair of cattle feeding equipment.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted uses are to be located within the area marked “Area of Operation” on the plan forming Section 26.1.64 of Schedule “A” of this By-law;
- ii) that the total floor area of all buildings used in connection with the additional permitted uses will not exceed 150 square metres.

26.1.65 Notwithstanding the provisions of Sub-section 6.8, entitled “Frontage on Public Streets” the lands illustrated on the plan forming Section 26.1.65 of Schedule “A” of this By-law may have a minimum lot frontage of 0 metres.

26.1.66 Notwithstanding the provisions of Sub-section 6.8, entitled “Frontage on Public Streets” the lands illustrated as Part 6 on the plan forming Section 26.1.66 of Schedule “A” of this By-law may have a minimum lot frontage of 0 metres.

Notwithstanding the provisions of Sub-section 8.3, entitled “Additional Regulations” of Section 8 entitled “Zone R-1”, the lands illustrated as Part 7 and Part 8 on the plan forming Section 26.1.66 of Schedule “A” of this By-law may have reduced lot frontage requirements as follows:

- a) Part 7 - 12.2 metres;
- b) Part 8 - 12 metres.

26.1.67 Notwithstanding the provisions of Sub-section 6.8, entitled “Frontage on Public Streets”, the lands illustrated on the plan forming Section 26.1.67 of Schedule “A” of this By-law may have a minimum lot frontage of 0 metres.

26.1.68 Notwithstanding the provisions of Sub-section 6.8, entitled “Frontage on Public Streets”, the lands illustrated on the plan forming Section 26.1.68 of Schedule “A” of this By-law may have a minimum lot frontage of 0 metres.

26.1.69 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.69 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) an automobile service station or public garage in addition to the existing Residential Building.

Subject to the following:

- i) that the automobile service station or public garage permitted in clause (a) above shall be restricted to and located within the building presently used and existing on the lands as shown on the plan forming Section 26.1.69 of Schedule “A” of this By-law at the time of the passing of this By-law.

26.1.70 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.70 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) the indoor storage of parts, materials and products used in the operation of an automobile service station.

Subject to the following:

- i) that the use permitted in clause (a) above shall be restricted to and located within the building presently used and existing on the lands as shown on the plan forming Section 26.1.70 of Schedule “A” of this By-law at the time of the passing of this By-law.

26.1.71 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.71 of Schedule “A” of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a plumbing and heating business.

Subject to the following:

- i) that all buildings or structures erected or used in connection with the additional permitted use are to be located within the area marked “Area of Operation” on the plan forming Section 26.1.71 of Schedule “A” of this By-law.

26.1.72 Deleted.

By-law 38-2019 passed June 4, 2019 (Sprucelawn)

26.1.73 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.73 of Schedule ‘A’ of this By-law (the “Plan”) are subject to the following specific regulations for the development of a Residential Building – Apartment, in addition to any other applicable regulations of the zones in which the parcel lies:

Part A

- a) The minimum lot frontage shall be 33.5 metres.
- b) The minimum side yard setback along the north side of the site, of 4 metres for the building and 2.9 metres for a balcony.
- c) The minimum parking setback of 2.0 metres from a Township road.
- d) Notwithstanding Section 2.3 of this By-law (i.e. definition of "Amenity Area"), the area devoted to outdoor balconies and the floor area devoted to indoor common/recreational areas within a Residential Building – Apartment, may be included in the calculation of a Minimum Amenity Area, as required in Section 15.4.5 of this By-law.
- e) That the minimum parking requirements shall be 11 spaces for the first 30 units and 1.5 spaces for every dwelling unit thereafter provided that the entire Residential Building – Apartment is used specifically for a Seniors Apartment Building as defined by the following:
 1. Senior's Apartment Building – means dwelling units built for the accommodation of the mature adult for independent living, which is defined as a person aged 55 years or over.

Part B

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Schedule 'A' of Section 26.1.73 and identified with an H symbol, shall not be permitted to develop until such time as:

- 1) The Township of Woolwich Council is satisfied that a Record of Site Condition:
 - a. has been filed for the subject lands and acknowledged by the Ministry of the Environment, Conservation and Parks; and/or
 - b. the Region of Waterloo has waived this requirement;
- 2) The Township of Woolwich Council is satisfied that an appropriate storm water drainage option has been finalized including:
 - a. Design;
 - b. Associated costs have been identified;
 - c. Agreements for funding/costs sharing have been entered into; and
 - d. The works have been undertaken or nearing completion such that Council is satisfied the development can proceed and not negatively impact the mill race outlet; and
- 3) A By-law has been passed removing the Holding Provision (H) symbol from the Zoning schedules pursuant to Section 36 of The Planning Act.

By-law 83-91 passed September 24, 1991

By-law 61-96* passed June 25, 1996 (Rovers Rentals)

26.1.74 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.74 of Schedule "A" of this By-law shall have a minimum lot area of 10 hectares, a minimum lot frontage on Regional Road 15 of 180 metres, and not more than 165 mobile or modular homes.

Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.74 of Schedule "A" Part 1 of this By-law may be used for the following specific uses permitted in the zone within which the parcel lies:

- a) mobile home or modular home only;
- b) uses accessory to the foregoing.

Subject to the following regulations in addition to those applicable regulations outlined in the zone in which the parcel lies:

- i) that no more than 88 mobile or modular homes shall occupy the lands shown on the plan forming Section 26.1.74 of Schedule "A" of Part 1 of this By-law at any time;
- *ii) that the modular home(s) (not including permitted accessory buildings or structures) cannot exceed a ground floor area of 126 square metres, is limited to one storey in height and may include a basement;
- *iii) that the mobile home(s) (not including permitted accessory buildings or structures) cannot exceed a ground floor area of 110 square metres, is limited to one storey in height and may include a basement;
- iv) that all mobile homes, modular homes and/or accessory buildings thereto, including attached carports, garages, and detached accessory buildings shall be located a minimum of two (2) metres from any adjacent mobile home, modular home and/or accessory buildings;
- v) that one (1) off-street parking space be provided for each modular/mobile home.

Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.74 of Schedule "A" Part 2 of this By-law may be used for the following specific uses in addition to the uses permitted in the zone in which the parcel lies:

- a) modular and/or mobile home;
- b) accessory buildings or structures which shall only include a garage or carport and/or enclosed storage area and/or deck/porches.

Subject to the following regulations in addition to those applicable regulations outlined in the zone in which the parcel lies:

- *i) that the modular home(s) (not including permitted accessory buildings or structures) cannot exceed a ground floor area of 126 square metres, is limited to one storey in height and may include a basement;
- *ii) that the mobile home(s) (not including permitted accessory buildings or structures) cannot exceed a ground floor area of 110 square metres, is limited to one storey in height and may include a basement;
- iii) that all buildings or structures erected or used in connection with the foregoing permitted uses shall be located a minimum of 7.6 metres from the lot line abutting Conestoga Parkway and a minimum of six (6) metres from any internal road developed on these lands, as illustrated on the plan forming Section 26.1.74 of Schedule "A" of this By-law;
- iv) that all modular/mobile homes and attached accessory buildings, structures including attached garages or carports, enclosed storage areas, deck and/or porches shall be located a minimum of 2.4 metres from any adjacent modular/mobile home or attached accessory building or structure;
- v) that the attached enclosed accessory storage area cannot exceed a building area of 6 square metres and attached garage or carport cannot exceed 27 square metres in area;

- vi) that there shall be no detached buildings accessory to the modular/mobile home located on these lands shown in Section 26.1.74 of Schedule "A" Part 2 of this By-law;
- vii) that there shall be no modular/mobile home, any other buildings and/or structures located in the area zoned Open Space (O-2) as shown on Part 14 of Schedule "B" of this By-law;
- viii) that the internal road developed on these lands as illustrated on the plan forming Section 26.1.74 of Schedule "A" Part 2 of this By-law shall be a minimum of six (6) metres in width;
- ix) that one (1) off-street parking space be provided for each modular/mobile home;
- x) that for every three (3) modular/mobile homes located on the lands, one (1) off-street visitor parking space shall be provided. The off-street visitor parking space does not include the parking space provided for each modular/mobile home;
- xi) that all mobile/modular homes shall front onto an internal road, as illustrated on the plan forming Section 26.1.74 of Schedule "A" of this By-law.

Notwithstanding any other provisions of this By-law, all of the lands illustrated on the plan forming Section 26.1.74 of Schedule "A" that are within the O-2 zone shown on Part 14 of Schedule "B" of this By-law may be used for residential purposes provided that no buildings or structures are erected in the said area.

Replaced by By-law 49-2000 passed July 27, 2000 (Kitchener Baptist Church)

By-law 83-2006 passed November 28, 2006

26.1.75 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1, 2, and 3 on the Plan forming Section 26.1.75 of Schedule 'A' of this By-law may be used for the following specific uses, in addition to those uses permitted in the zone within which the parcels lies:

PART 1 & 2 (Existing provisions for the two neighbouring properties)

- a) Residential Building One Unit on each existing parcel.

PART 3 (Revised provisions for the Kitchener Baptist Church property)

- a) Residential Building One Unit;
- b) Church; and
- c) Accessory uses to the foregoing.

Part 3 is subject to the regulations of Section 6 and 24 of this By-law.

PARTS 1, 2 & 3

- a) Hotel or Motel – In conformity with the regulations in Sub-section 6.19 and the applicable regulations in Section 6 of this By-law.

26.1.76 Notwithstanding the provisions of Sub-section 6.8, entitled "Frontage on Public Streets", the lands illustrated on the plan forming Section 26.1.76 of Schedule "A" of this By-law may have a minimum lot frontage of 0 metres.

26.1.77 Notwithstanding the provisions of Sub-section 6.8, entitled "Frontage on Public Streets", the lands illustrated on the plan forming Section 26.1.77 of Schedule "A" of this By-law may have a minimum lot frontage of 0 metres.

26.1.78 Notwithstanding the provisions of Sub-section 6.8, entitled "Frontage on Public Streets", the lands illustrated on the plan forming Section 26.1.78 of Schedule "A" of this By-law may have a minimum lot frontage of 0 metres.

26.1.79 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.79 of Schedule "A" of this By-law may have a minimum lot frontage of 60 metres and a minimum lot area of 1.2 hectares.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the plan forming Section 26.1.79 of Schedule "A" of this By-law may have a minimum lot frontage of 50 metres.

By-law 85-95 passed November 14, 1995

Amended and replaced by By-law 18-2004 passed February 24, 2004 (Home Hardware Stores Limited)

26.1.80 Notwithstanding any other provisions of this By-law, the portion of the property being Part of Lot 10, Plan 1544, as illustrated on the Plan forming Section 26.1.80 of Schedule 'A', of this By-law, may be used in accordance with the following regulations:

Part A

1. The lands within the Industrial (M-1) zone, shown as Part A, are subject to the following permitted uses in addition to the permitted uses within the Industrial (M-1) zone:
 - a) Free standing non-accessory office;
 - b) parking lot; and
 - c) the existing free standing residential - one unit dwelling, as accessory to the industrial use on the property and the Home Hardware distribution centre across the road.

All development shall be in conformity with all other applicable regulations in Section 6 and 21.

Holding Provisions

Until such time as a Traffic Analysis for Henry Street has been completed, approved, and appropriate arrangements made for the implementation of the recommendations, all of which shall be completed to the satisfaction of the Township of Woolwich and the Region of Waterloo, and Council has, by By-law, removed the holding symbol (H) from the Zoning Schedule, which permits the full range of General Industrial - Dry (M-1) uses the following shall only be permitted:

- I. Parking lot;
- II. Free Standing Non-Accessory Office space - within the existing dwelling unit; and
- III. The existing free standing residential - one unit dwelling, as accessory to the industrial use on the property and the Home Hardware distribution centre across the road.

all in conformity with all other applicable regulations in Sections 6 and 21.

By-law 83-2006 passed November 28, 2006 (General Amendment)

26.1.81 Deleted.

26.1.82 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.82 of Schedule "A" of this By-law may have a minimum lot frontage of 0 metres.

26.1.83 Deleted.

26.1.84 Deleted.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.85 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.85 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a one family detached dwelling;
- b) uses accessory to the foregoing.

Subject to the following:

- i) the lot may have a minimum lot width of 27 metres;
- ii) the minimum side yard setback shall be 4.5 metres;
- iii) all other regulations of the Settlement Residential (R-1) zone are applicable.

By-law 8-87 passed February 10, 1987

26.1.86 Notwithstanding any other provisions of this By-law, the lots within the area illustrated on the plan forming Section 26.1.86 of Schedule "A" of this By-law may be used for the following specific uses only:

- a) Residential Building - One Unit;
- b) Home Occupation for the occupant;
- c) uses accessory to the foregoing.

Subject to the following:

- i) that notwithstanding any other provisions of this By-law, the lots within the area illustrated on the plan forming Section 26.1.86 of Schedule "A" of this By-law shall have a minimum lot frontage of 30 metres;
- ii) that notwithstanding any other provisions of this By-law, no buildings or structures shall be permitted between the line illustrated as "Top of Bank" and the northern boundary of the R-1 zone, as illustrated on the plan forming Section 26.1.86 of Schedule "A" of this By-law.

26.1.87 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.87 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a facility for used oil collection, storage, re-refining and the blending and marketing of lubricants;
- b) uses accessory to the foregoing.

26.1.88 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.88 of Schedule "A" of this By-law may be used for the following

specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a trailer;
- b) a Residential Building - Two Units;
- c) uses accessory to the foregoing.

Subject to the following:

- i) that notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.88 of Schedule "A" of this By-law shall have a minimum lot frontage of 20 metres.

26.1.89 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.89 of Schedule "A" of this By-law may have a minimum lot frontage of 0 metres.

26.1.90 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.90 of Schedule "A" of this By-law may have a minimum lot frontage of 0 metres.

26.1.91 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.91 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a school;
- b) uses accessory to a school.

Subject to the following:

- 1) That the school buildings and structures are permitted within the calculated MDS setback from 1117 Spitzig Road, however the school buildings and structures must maintain a minimum 315 metres from the existing adjacent farm buildings containing livestock at 1117 Spitzig Road;
- 2) That the only parking, landscaping, and such passive accessory uses be permitted within the 315 metre Minimum Distance Separation from the adjacent farm(s).
- 3) that a minimum 10 metre setback, as shown on the corresponding plan, be required from the lot line adjacent to the environmental feature be kept free of all parking, buildings, structures and be used only for planting of grass, flowers, trees or shrubs.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.92 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.92 of Schedule "A" of this By-law (hereafter called the "Plan") are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) Accessory retail sale of concrete products in conformity with Section 20C.3.56; and;
- b) That an outdoor storage area in conjunction with a concrete contractor's operation, containing a maximum area of 3,000 square metres and located within the "Area of Operation" as shown on the Plan shall be permitted.

By-law 95-89 passed September 26, 1989 – General Amendment included Dwelling – converted farm related, trailer or mobile home(1665 Scotch Line Road – parcel greater than 35 ha)

26.1.93 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.93 of Schedule “A” of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a third dwelling unit by means of a trailer.

Subject to the following:

- i) that this exemption is approved under the provisions of Section 39 of the Planning Act, (Temporary Use By-laws) and shall be in effect only until the first (1st) day of May, 1989.

26.1.94 Notwithstanding any other provisions of this By-law, the following additional special regulations shall apply to the lands illustrated on the plan forming Section 26.1.94 of Schedule “A” of this By-law:

- a) the lands illustrated as Part I of Section 26.1.94 of Schedule “A” of this By-law shall have a minimum lot area of 0.10 hectares and a minimum lot frontage of 18 metres;
- b) the lands illustrated as Part II of Section 26.1.94 of Schedule “A” of this By-law shall have a minimum lot area of 4 hectares and a minimum lot frontage of 55 metres.

By-law 22-2002 passed March 25, 2002 (Charest/Equestrian)

26.1.95 Notwithstanding any other provisions of this By-law, the being Part of Lot 83 and 84 GCT, as illustrated on the Plan forming Section 26.1.95 of Schedule ‘A’, of this By-law are subject to the following regulations, in addition to the regulations of the zone within which the parcel lies:

- a) a second dwelling unit which shall be located within the existing barn.
- b) HOLDING PROVISIONS:
 1. The development of lands on the Plan identified with in the areas hatched as shown on Schedule ‘A’ and zoned Agricultural (A-H), representing the proposed Highway 7 corridor and service road, shall not be permitted until such time as the Township of Woolwich is satisfied that:
 - the Ministry of Transportation has no objection to any development in the subject areas; and
 - A By-law has been passed by The Township of Woolwich removing the Holding Provision (H) symbol from the Zoning Schedules pursuant to Section 36 of the Planning Act.
 2. No building or structure shall be permitted within 7.6 metres of this hatched area without written approval from the Ministry of Transportation.
- c) The resulting remnant parcels from MTO road dedications shall be recognized as the minimum frontage and lot area provided the parcels resemble that shown on Schedule ‘A’ hereto.
- d) All other development shall be in conformity with all other applicable regulations in Sections 6 and 7.

26.1.96 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.96 of Schedule "A" of this By-law may have a minimum lot frontage of 0 metres.

26.1.97 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.97 of Schedule "A" of this By-law may have a minimum lot frontage of 15 metres.

26.1.98 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.98 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a Residential Building - Apartment, maximum of six (6) units.

Subject to the following:

- i) minimum lot frontage and width - 17 metres;
- ii) minimum side yard - 1.7 metres.

26.1.99 Notwithstanding any other provisions of this By-law, parking requirements for the lands illustrated on the plan forming Section 26.1.99 of this By-law shall be reduced to zero (0) spaces.

Ontario Municipal Board Decision of February 10, 1987

26.1.100 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.100 of Schedule "A" of this By-law may be used for the following specific uses permitted in the zone within which the parcel lies:

- a) a day nursery.

By-law 77-86 Ontario Municipal Board

26.1.101 Notwithstanding any other provisions of this By-law, only the following specific uses shall be permitted on the lands illustrated on the plan forming Section 26.1.101 of Schedule "A" of this By-law:

- a) a monument lettering and finishing facility;
- b) uses accessory to the foregoing.

Subject to the following:

- i) the regulations of Zone M-1 (General Industrial - Dry) and all other applicable provisions of this By-law shall apply to the lands illustrated on the plan forming Section 26.1.101 of Schedule "A" of this By-law.

By-law 27-87 passed March 31, 1987

26.1.102 a) Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.102 of Schedule "A" of this By-law may have a minimum lot frontage of 60 metres and a minimum lot area of 0.38 hectares.

- b) Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the plan forming Section 26.1.102 of Schedule "A" of this By-law may have a minimum lot area of 9.6 hectares.

By-law 34-87 passed May 12, 1987

26.1.103 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.103 of Schedule "A" of this By-law may be used for the following specific uses only:

- a) a woodworking shop;
- b) indoor storage and warehousing;
- c) one only Residential Unit within the main building;
- d) a home occupation for the occupant with accessory retail sales;
- e) uses accessory to the foregoing.

Subject to the following:

- i) the lot may have a minimum frontage of 20 metres and a minimum lot area of 780 square metres;
- ii) all other regulations of Zone M-1 (General Industrial - Dry) are applicable.

By-law 40-87 passed June 9, 1987

26.1.104 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.104 of Schedule "A" of this By-law may have a minimum lot frontage of 4 metres and a minimum lot area of 5 hectares.

By-law 43-87 passed June 23, 1987

26.1.105 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.105 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a school;
- b) uses accessory to the foregoing.

Subject to the following:

- i) that notwithstanding any other provisions of this By-law, parking may be provided between the street line and the building line;
- ii) that notwithstanding any other provisions of this By-law, a livestock barn or manure storage area on the same lot as the school may be located a distance of not less than 100 metres from the school building.

By-law 57-87 passed September 15, 1987 – REPLACED by 26.1.150

26.1.106 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.106 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a secondary dwelling unit by means of a trailer.

Subject to the following:

- i) that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the first (1st) day of September, 1990.

By-law 70-87 passed October 27, 1987

26.1.107 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.107 of Schedule "A" of this By-law may have a minimum lot frontage of forty (40) metres and a minimum lot area of 0.26 hectares.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part II on the plan forming Section 26.1.107 of Schedule "A" of this By-law may have a minimum lot frontage of thirty (30) metres and a minimum lot area of 0.19 hectares.

By-law 7-88 passed January 26, 1988

26.1.108 Notwithstanding any other provisions of this By-law, the lands illustrated as Part I on the plan forming Section 26.1.108 of Schedule "A" of this By-law may have a minimum lot area of 16 hectares.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part II on the plan forming Section 26.1.108 of Schedule "A" of this By-law may have a minimum lot area of 28 hectares.

By-law 79-87 passed December 15, 1987 deleted and replaced by

By-law 66-95 passed August 22, 1995 (Khayami 12/88, Mann 18/88) deleted and replaced by

By-law 15-2003 passed February 11, 2003 (Thomasfield Homes)

By-law 21-2007 passed February 27, 2007 (Thomasfield Homes)

By-law 43-2011 passed May 30, 2011 (Thomasfield Homes)

By-law 66-2013 passed September 24, 2013 (Hopewell Heights Development – Breslau)

26.1.109 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.109 of Schedule 'A' of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. LOT AND YARD PROVISIONS

- i. The minimum lot requirements for zones within this development are noted below, in addition to those requirements noted in Section 12 of this By-law:
 - a) Minimum Lot Area shall be 525 square metres for lots within the R-2 zone;
 - b) Minimum Lot Width shall be 14.5 metres and Minimum Lot Frontage shall be 17 metres for corner lots within the R-2A zone;
 - c) Minimum Lot Frontage for corner lots shall be 16 metres and Minimum Lot Width for internal lots shall be 13.5 metres, within the R-3 Zone;
 - d) Minimum Lot Frontage for corner lots shall be 13 metres and Minimum Lot Width/Frontage for internal lots shall be 11 metres, within the R-5 zone;
 - e) For the purpose of calculating Lot Width, as defined in Section 2.77 of this Bylaw, the building line shall be 6 metres setback from the front lot line,

B. BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
 - a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached); and
 - c) 3.5 metres for a front porch.
- ii. Minor variations in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.

- iii. Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C. i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6-metre building line setback.
- iv. For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 10 feet.
- v. Notwithstanding Clause i), semi-detached and single-family corner units may have a minimum 4.5 metre building line setbacks on their flankages (exterior side yards).
- vi. Notwithstanding Clause i), the minimum building line setback of buildings and structures adjacent to Highway 7 right-of-way shall be 13.7 metres.
- vii. Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.

C. GARAGE/DRIVEWAY PROVISIONS

- i. Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
 - a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and
 - d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.

For the purpose of determining the percentage of homes in clause i) d) above, streets containing less than 10 homes may have a maximum of 1 home with a garage extending in front of the front wall of the residence or porch, subject to the above-noted regulations. For the purpose of calculating the percentage (10%) for streets containing more than 10 homes, any fraction or part of a home shall be rounded to the lower whole number.

Committee of Adjustment application A 13/03 approved April 28, 2003

- ii. Notwithstanding Part B of this Section, when a front porch is required under Clause B iii) and has a porch width that is less than 40% of the house (including the garage), the following applies:

- a) The lot shall have a minimum frontage greater than 10 metres (33 feet);
- b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
- c) The porch shall extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
- d) Maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purpose of measuring minimum front porch width of 3 metres as noted in ii) b) above, for lots with Lot Widths equal to or less than 11 metres, the minimum porch foundation shall be 2.6 metres and the minimum width of the roof above the porch, measured between eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres).

- iii. Notwithstanding Part B of this Section, the following provisions applies to a house with a three car garage:
 - a) The lot shall have a minimum frontage of 18 metres (60 feet) or greater;
 - b) The front porch shall have a minimum width of 4.6 metres (15 feet) and must be attached to the front wall of the residential unit;
 - c) The porch shall extend a minimum of 1 metre (3.2 feet) in front of the front wall of the garage; and
 - d) Maximum exterior width of the garage, measured from exterior pier to pier, shall be 9.15 metres.
- iv. Notwithstanding Part B of this Section, a side-loaded garage may be permitted to extend in front of the front wall of the residence subject to the following:
 - a) Are only permitted on lots exceeding 23 metre (75 feet) in lot width; and
 - b) The front wall of the garage must have an architectural treatment giving the appearance of a residential room including facing treatment and windows.
- v. Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of less than 1 metre to a minimum 0.3 metres.
- vi. Driveways on lots
 - a) Less than 10 metres wide shall be a maximum of 3.66 metres wide.
 - b) 10 metres to less than 18 metres in width, shall be limited to a maximum width of 6 metres; and
 - c) 18 metres in width or greater, shall be permitted a maximum driveway width of 10 metres.

Notwithstanding the maximum driveway width noted in vi) above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare/taper from the front lot line to the external wall width of the garage, provided that the width of the driveway at the front property line maintains the maximum allowable driveway width.

D. MULTIPLE TOWNHOUSE BLOCK PROVISIONS

- i. Notwithstanding Section 6 and 15 of this By-law, the building line setback and the applicable garage provisions noted in Part B and C of this Section shall apply to the Multiple Townhouse Block.

- ii. For the purpose of Part D and if the townhouse units does not front on a public road, the “building line setback” means the setback from the closest point from where the pavement of an internal road begins, at which a townhouse may be located.
- iii. If the townhouse fronts onto a public road then the building line setback of the garage to a public road shall be 9 metres and to an internal road shall be 6 metres and all other provisions in Part B and C of this section applies.
- iv. If the townhouse backs onto a public road, the setback shall 7.5 metres.
- v. The minimum side yard requirement to a public road shall be 4.5 metres.
- vi. A townhouse complex within the block development shall not have more than eight units attached.
- vii. The total internal side yard between two townhouse complexes within the block development shall have a minimum 4.5 metres.
- viii. The multiple block townhouse development is subject to all other applicable regulations in Section 6, 15.3 and 15.4 of this By-law.
- ix. That a maximum of 37 units shall develop on the lands zoned Residential – Multiple (R-7), as shown on the Plan forming Section 26.1.109 of this By-law.

E. BUFFER COMMERCIAL ZONE (C-2) PROVISIONS

- i. The following uses are permitted in addition to the uses permitted in the C-2 zone for this Plan:
 - a) Fire Station;
 - b) Commercial School;
 - c) Laboratory;
 - d) Catering Service;
 - e) Veterinary Clinic;
 - f) Data Service Operation;
 - g) Facilities for Research and Development;
 - h) Library or Community Hall/Centre;
 - i) Specialized Office and Industrial Equipment Sales and Service;
 - j) Wholesale and Light Manufacturing as an Accessory Use.
- ii. The following uses are prohibited in the in C-2 zone for this Plan:
 - a) Uses permitted in Zone R-5 and R-7;
 - b) Rental Banquet Hall within a Private Club;
 - c) Retail Commercial Establishment.
- iii. The uses permitted in the C-2 zone are subject to the following specific regulations in addition to the regulation in Section 6 and 17 of this By-law, as amended:
 - a) Minimum Lot Area is 2000 square metres;
 - b) Minimum Lot Width is 30 metres;
 - c) Minimum Building Line Setback to Highway 7 is 13.7 metres;
 - d) Minimum Building Line Setback to all other public roads is 6 metres;
 - e) Minimum Side Yard Setback is 3 metres;
 - f) Minimum Rear Yard Setback is 7.5 metres;

- g) Maximum Lot Coverage is 50%;
- h) Minimum Parking Space Setback from a lot line adjacent to a road is 5 metres;
- i) Minimum Handicap Parking Spaces is 1 space for the first 20 spaces required plus one space for each additional spaces required or portion thereof;
- j) Minimum Size of Handicap Parking Spaces is 4.4 metres by 6.0 metres;
- k) Minimum Parking Aisle Space/Driveway is 6.0 metres;
- l) Main and Accessory Building-notwithstanding any other provisions in this By-law, more than one (1) main and/or accessory buildings shall be permitted on any lot within this Zone;
- m) Notwithstanding clause 17.3.5, 100% of the off-street parking requirements shall be provided;
- n) The Private Club shall not include a rental banquet hall;
- o) Maximum Area of a Sales and Service of Specialized Office and/or Industrial Equipment use shall be 500 square metres;
- p) Outdoor storage and/or display is prohibited;
- q) Lots adjacent to Townsend Drive shall orientate the building's front facade towards Townsend Drive;
- r) All loading doors/areas/doors shall not be located on the east side of the building(s).

F. NEIGHBOURHOOD COMMERCIAL ZONE (C-4) PROVISIONS

- i. Notwithstanding any other provisions of this By-law only the following uses are permitted within the C-4 zone for this Plan:
 - a) Food Store;
 - b) Convenience Store;
 - c) Video Store;
 - d) Medical or Dental Office or Clinic;
 - e) Laundromat, Laundry or Dry Cleaning;
 - f) Hairdresser, Barber or Beautician;
 - g) Day Nursery or Nursery School;
 - h) Restaurant, which may include a "Drive Thru";
 - i) Financial Institution;
 - j) Travel Agency;
 - k) Private Club;
 - l) Library or Community Hall/Centre;
 - m) Senior Citizen Centre;
 - n) Pet Supply Store;
 - o) Gas Bar and/or Propane Dispenser;
 - p) Offices.
- ii. That restaurant(s) is limited to a maximum of 50% of the total gross floor area of all building(s) within the C-4 zone.
- iii. That the maximum gross floor area of the pet supply store within the C-4 zone shall be 240 square metres.
- iv. The Gas Bar and/or Propane Dispenser is subject to the applicable regulations in Section 6 and the following:
 - a) Minimum Service Pump Island setback shall be 6.0 metres from the lot line abutting a street or 15 metres from a corner of intersecting street lines,

except the canopy structure shall be permitted to within 3.0 metres from the street lot line;

- b) Minimum Storage Tank Setbacks shall be 3.0 metres abutting a lot line.
- v. Minimum Stacking Spaces for a Drive-Thru Restaurant shall be 8 spaces at Minimum Size of 2.5 metres by 6.0 metres and for a Drive-Thru Coffee and Donut Shop shall be 12 spaces at a Minimum Size of 2.5 metres by 6.0 metres.
- vi. The uses in the C-4 zone are subject to a Minimum Building Line Setback to Highway 7 of 13.7 metres and to Fountain Street of 7.5 metres, as well as the applicable regulations in Section 6 and 19.3 of this By-law.

G. STAGE 4 PROVISIONS

- i. Notwithstanding any other provisions of this By-law, the lands within the Stage 4 – R-2A zone on the Plan forming Section 26.1.109 of this By-law, shall develop to a maximum of 69 single-family units.

H. HOLDING PROVISIONS - Deleted by By-law 66-2013

By-law 8-88 passed January 26, 1988 – TRAILER REMOVED

26.1.110 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.110 of Schedule “A” of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a second dwelling unit by means of a trailer.

Subject to the following:

- i) that the exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-law, and shall be in effect only until the first (1st) day of January, 1991.

By-law 16-88 passed February 9, 1988

26.1.111 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.111 of Schedule “A” of this By-law may be used for the following specific uses only:

- a) a school;
- b) a Residential Building - One Unit;
- c) uses accessory to the foregoing, which may include offices, chapel and recreational facilities.

In conformity with the provisions of Section 24.3.

By-law 21-88 passed February 23, 1988

26.1.112 Notwithstanding any other provisions of this By-law, the lands illustrated as Part I on the plan forming Section 26.1.112 of Schedule “A” of this By-law may have a minimum lot area of 3 hectares and a minimum lot frontage of 90 metres.

**By-law 33-88 passed April 12, 1988, replaced by
By-law 7-95 passed February 7, 1995 (Wally Yantz/David Garner)**

26.1.113 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.113 of Schedule "A" of this By-law may be used for the following uses in addition to those uses permitted in the zone in which the parcel lies:

- a) a metal fabricating and machine shop;
- b) indoor storage and warehousing;
- c) dry light manufacturing (which can include a canvas and tarpaulin manufacturer);
- d) service and repair (not including personal service but including lawn and garden equipment);
- e) contractor's office (which can include a fence contractor);
- f) catering service;
- g) retailing of landscaping products which is limited to paving stone, interlocking brick, sand, wood chips, stone dust, lawn ornaments, natural stone (not including plants, shrubs, trees, fertilizer, etc.);
- h) uses accessory to the foregoing which include:
 1. office;
 2. sales of products which are manufactured, assembled or processed on the premises.

Subject to the following:

- i) prohibitive uses include uses which are, or may become obnoxious, offensive or dangerous by reason of the presence or emission in any manner of odour, dust, smoke, fumes, vibration, refuse matter or waterborne waste including, but not limited to, the following:
 - manufacturing of asbestos, phosphate or sulphur products (not including fertilizer blending);
 - primary production of chemicals, synthetic rubber, plastic or asphalt;
 - processing or refining of petroleum or coal;
 - salvage or scrap yard, recycling of waste products;
 - tanning or chemical processing of pelts or leather;
 - vulcanizing of rubber or rubber products;
 - rendering operation.
- ii) total area of outdoor display or storage of landscaping products noted in g) above shall not exceed 650 square metres of area;
- iii) the retail, display or showroom of fence products for the fence contractor noted in e) above shall only be accessory and secondary to the main use and contained within the building;
- iv) maximum floor area of products, retail, display or showroom of lawn and garden equipment noted in d) above shall only be accessory and secondary to the main use;
- v) maximum building lot coverage on-site shall be 20%;
- vi) applicable regulations in Section 6 "General Regulations" and Section 21 "General Industrial - Dry (M-1)" shall apply.

By-law 43-88 passed May 10, 1988

26.1.114 Notwithstanding any other provisions of this By-law, the lands illustrated as Lots 14 to 18 inclusive on the plan forming Section 26.1.114 of Schedule "A" of this By-law may have a minimum lot width of 25 metres, and the lands illustrated as Lots 2 to 5 inclusive and Lots 8 to 11 inclusive on the plan forming Section 26.1.114 of Schedule "A" of this By-law may have a minimum lot width of 26 metres.

By-law 42-88 passed May 10, 1988

26.1.115 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.115 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a private club, food dispensing facility, catering facility and banquet hall;
- b) uses accessory to the foregoing.

Subject to the following:

- i) that on-site parking may be permitted between the street line and the building line.

By-law 45-88 passed May 24, 1988

26.1.116 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.116 of Schedule "A" of this By-law may be used for the following specific use:

- a) Residential Building - One Unit, the first storey frontage of which is used for a permitted commercial or office use as listed within a Zone C-2A (Buffer Commercial - Urban).

By-law 59-88 passed June 21, 1988

26.1.117 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.117 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a second farm-related residence.

Subject to the following:

- i) that the second farm-related residence permitted by this paragraph shall be located within the area identified on the plan forming Section 26.1.117 of Schedule "A" of this By-law.

By-law 73-88 passed July 12, 1988 (William Palmer)

By-law 85-2000 passed November 7, 2000 (Onias M. Martin)

26.1.118 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.118 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

1. Welding, painting, assembly, and storage of farm equipment;
2. Accessory uses including offices, employee area, parking, loading, and retail/showroom.

Subject to the following:

- a) The abovementioned uses shall be contained within the area of operation as indicated on Schedule 'A';
- b) There shall be no heavy industrial processing such as metal stamping, cutting and/or punch pressing;

- c) That any use which is or may become obnoxious, offensive or dangerous by reason of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-carried waste is specifically prohibited;
- d) The Minimum Side Yard Requirement for the existing building to be used for uses noted in 1 above, is 0 metres and any new buildings or alterations to any existing buildings on the property shall have a Minimum Side yard requirement of 3 metres;
- e) The minimum lot area is 1.0 hectare; and
- f) All other applicable regulations in Section 6 and 7 of this By-law.

By-law 79-88 passed August 16, 1988 – TRAILER REMOVED

26.1.119 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.119 of Schedule “A” of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a second dwelling unit by means of a trailer or mobile home.

Subject to the following

- i) that the second dwelling unit shall have a minimum distance separation of 215 metres from Barn “A” and a minimum distance separation of 290 metres from Barn “B” illustrated on the plan forming Section 26.1.119 of Schedule “A” of this By-law;
- ii) all other regulations of Zone A (Agricultural) are applicable;
- iii) that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the first (1st) day of September, 1991.

By-law 92-88 passed September 13, 1988

26.1.120 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.120 of Schedule “A” of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a contractor’s yard, for one contractor;
- b) uses accessory to the foregoing permitted use which may include but shall not necessarily be limited to office space, indoor storage space, parking area and a workshop to make, assemble or build goods used by a contractor for his services only.

Subject to the following:

- i) that all additional uses, buildings and/or structures permitted in this paragraph shall be located within the area marked “Area of Operation” on the plan forming Section 26.1.120 of Schedule “A” of this By-law;
- ii) that the total ground floor area of all buildings within the “Area of Operation” shall not exceed 400 square metres;
- iii) that outdoor storage of goods and materials related to the contracting business shall not be permitted;
- iv) that the parking of vehicles related to the contracting business shall take place only in the rear yard;
- v) that no wholesale or retail sales shall be permitted;

- vi) that for the purpose of this paragraph, "Contractor" means an individual or company providing a single service in which manual or mechanical skills are used to install, maintain, or repair goods, equipment or real property;
- vii) that for the purpose of this paragraph, "Service" means a single trade or associated trades such as plumbing, heating and air conditioning.

By-law 96-88 passed October 11, 1988

By-law 99-91 passed October 22, 1991

By-law 84-94 passed October 11, 1994 (Lesperance/Price)

NOVEMBER 2001 LETTER ON FILE MOBILE HOME AS SECOND DWELLING UNIT ENJOYS LEGAL NON-CONFORMING STATUS

26.1.121 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.121 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a second dwelling unit by means of a trailer or mobile home.

Subject to the following:

- i) that the second dwelling unit shall have a minimum distance separation of 140 metres from Barn "A" illustrated on the plan forming Section 26.1.121 of Schedule "A" of this By-law;
- ii) all other regulations of Zone A (Agricultural) are applicable;
- iii) that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 11th day of October, 2000.

By-law 114-88 passed November 22, 1988

26.1.122 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.122 of Schedule "A" of this By-law may be used for the following specific uses only:

- a) retail or wholesale commercial enterprise;
- b) art gallery, museum or library;
- c) auditorium;
- d) business machine sales and service;
- e) clinic;
- f) commercial printing;
- g) church;
- h) day nursery or nursery school;
- i) snack bar or refreshment stand;
- j) financial institution;
- k) funeral home;
- l) interior decorator;
- m) office - business or professional;
- n) office services;
- o) parking lot;
- p) showroom or wholesale outlet;
- q) service and repair shop for household or personal articles;
- r) studio;
- s) taxi stand or office;
- t) travel agency;
- u) accessory uses:

- i) buildings or structures accessory to the foregoing permitted uses including wholesale trade and light fabrication, assembly, processing or repair which does not involve excessive noise, vibration, odour, danger of fire or explosion or the release of noxious fumes, smoke, gases or other forms of air or water-borne pollutants. Nothing in the foregoing is to be construed to permit the sale or storage of bulk fertilizers;
- ii) deleted by By-law 80-92.

Subject to the following:

- i) that outdoor storage of goods and materials shall not be permitted;
- ii) that the auditorium permitted in paragraph c) above shall have a seating capacity not exceeding 200;
- iii) that the snack bar or refreshment stand permitted in paragraph i) above shall be defined as a place where food and/or drink are served but which involves only limited on-site food preparation and which is not intended to be a restaurant or public house;
- iv) that all other regulations of Zone C-1 (Core Commercial - Urban) are applicable.

By-law 25-89 passed March 28, 1989

By-law 38-2013 passed June 25, 2013 (Memory Gardens)

26.1.123 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.123 of Schedule 'A' of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) A cemetery;
- b) Uses accessory to the cemetery including offices, crematorium, reception centre, and funeral establishment as permitted by *The Funeral Burial and Cremation Act as may be amended*.
- c) Within the Core Environmental Feature (woodland/wetland area) identified as Part 1:
 - a. The following may be permitted as part of the cemetery:
 - i. Memory Trail - being a pathway of gravel, stone dust, or wood chips that may have monuments, bridges and benches, which has been approved by the GRCA and including any necessary approvals for tree cutting from the Region of Waterloo.
 - b. That the following shall not be permitted:
 - i. any buildings, structures, or driveways,
 - ii. any in, or underground burial plots;
 - iii. development, site alteration, or grading (unless as permitted by the Grand River Conservation Authority, and through amendment to the approved site plan agreement (as applicable)), and
 - iv. removal of trees (unless authorized by the Region of Waterloo under the Woodland Conservation Bylaw).
- d) Within Part 2, being the 10 metre buffer to the Part 1 the Core Environmental Feature (woodlot/wetland area), the following shall apply:
 - a. No new buildings or driveways shall be permitted.

- b. Memory Trail, burial plots, gardens and associated structures are permitted.

In conformity with the provisions of Sections 6 and 7.2

By-law 24-89 passed March 28, 1989

Deleted and replaced by By-law 9-2004 passed January 27, 2004 (Gladmere Farms)

26.1.124 Part A

Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.124 of Schedule 'A' of this By-law may have a minimum lot frontage of 5 metres, and a minimum lot area of 5.1 hectares.

Part B

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.124 of Schedule 'A', of this By-law are subject to the following regulations, in addition to the regulations of the zone within which the parcel lies:

1. A single-family dwelling unit may be located in conformity with the following:
 - a) in accordance with the Minimum Distance Separation requirement (120%) from the properties at 1205 Noah Road and 1021 Seiling Road;
 - b) a minimum of 85 metres from the barn at 1214 Noah Road, and behind the barn on the subject property at 1194 Noah Road.
2. No building or structure shall be permitted in the wetland boundary.

All other development shall be in conformity with all other applicable regulations in Sections 6 and 7.

By-law 38-89 passed April 25, 1989

26.1.125 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.125 of Schedule "A" of this By-law may be used for the following specific uses only:

- a) farming including the following uses only:
 - the production of plants;
 - flower growing;
 - fruit growing;
 - vegetable growing;
 - the growing of nursery stock;
 - Christmas tree growing.
- b) Residential Building - One Unit within the building envelope identified on the plan forming Section 26.1.125 of Schedule "A" of this By-law;
- c) one detached building, accessory to the foregoing, not exceeding 70 square metres in area.

Subject to the following:

- i) Minimum Lot Area - 1.7 hectares;
- ii) Minimum Lot Frontage - 85.5 metres;
- iii) Minimum Distance Separation - 200 metres between Residential Building - One Unit and Barn "A";

- iv) Minimum distance separation of 260 metres between Residential Building - One Unit and Barn "B";
- v) All other regulations of Zone A (Agricultural) are applicable.

By-law 60-89 passed June 27, 1989

By-law 72-92 passed August 25, 1992

By-law 52-95 passed July 11, 1995 (Martin's Family Fruit Farm)

By-law 19-2005 passed March 29, 2005 (Martin's Family Fruit Farm)

By-law 21-2008 passed April 8, 2008 (Martin's Family Fruit Farm)

By-law 67-2011 passed November 7, 2011 (Martin's Family Fruit Farm)

By-law 03-2015 passed January 20, 2015 (Martin's Family Fruit Farm)

By-law 48-2018 passed June 26, 2018 (Martin's Family Fruit Farm)

26.1.126 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.126 of Schedule 'A' of this By-law may be used for the following specific use, in addition to those uses permitted in the zone in which the parcel lies:

- a) a dwelling unit by means of a trailer;

Subject to the following:

- i) that this exemption is approved under the provisions of Section 39 of the Planning Act, R.S.O. 1990, Chapter P. 13 as amended, Temporary Use By-law, and shall be in effect only until June 26, 2021.

By-law 61-89 passed June 27, 1989

By-law 28-2010 passed March 29, 2010 (Martin's Family Fruit Farm)

26.1.127 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.127 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) a Residential Building - One Unit;
- b) a second permanent farm-related residential building, with not more than two units.
- c) an apple/fruit processing operation

Subject to the following:

For a) and b) above

- i) that the second permanent farm-related residential building, with not more than two units, shall be located within the area identified on the plan forming Section 26.1.127 of Schedule "A" of this By-law.

a. For c) above

- ii) For the purposes of this section, an 'apple/fruit processing operation' shall mean the handling, washing, sorting, cleaning, and packaging of apples/fruit, including accessory uses such as office space, parking, private services (water, septic, storm water) and storage;
- iii) That all apple/fruit processing and uses accessory thereto, shall only take place within the defined "Area of Operation" illustrated on the plan at a maximum area of 2.4 hectares;
- iv) That within the Area of Operation, the maximum building floor footprint shall be 8400 square metres;
- v) That the use shall be tied to, and part of, the apple/fruit farm on the property, and cannot be severed; and
- vi) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 18-90 passed March 27, 1990

By-law 18-2004 passed February 24, 2004 (Home Hardware Stores Limited)

26.1.128 Deleted (see Section 26.1.80).

By-law 18-90 passed March 27, 1990

26.1.129 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.129 of Schedule "A" of this By-law may be used for the following specific uses only:

- a) a motor vehicle fuelling depot;
- b) a motor vehicle repair garage;
- c) a cemetery;
- d) accessory uses including office, storage, employee washrooms but not including truck washing.

Subject to the following:

- i) that the use shall be located within the "Area of Operation" shown on the plan forming Section 26.1.129 of Schedule "A" of this By-law.

By-law 72-89 passed August 15, 1989

By-law 83-2006 passed November 28, 2006 (General Amendment)

26.1.130 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.130 of Schedule "A" of this By-law shall be subject to the following Minimum Distance Separations:

- a) No residence shall be constructed within the area labelled as Area "A" until such time as Barn "A" is removed;
- b) No residence shall be constructed within the area labelled as Area "B" until such time as Barn "B" is removed.

By-law 46-93 passed July 13, 1993

By-law 52-2006 passed July 11, 2006

26.1.131 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.131 of Schedule 'A' of this By-law may be used for the following specific uses:

Permitted Uses:

- a) Bakery
- b) Factory Outlet
- c) Dance, health, fitness studio
- d) Commercial or Trade School
- e) Service for Office Supplies and Equipment, with accessory retail which shall not exceed 30% of the gross floor area
- f) Copy Centre
- g) Parking Facility
- h) Laundromat
- i) Health/Medical Clinic
- j) Personal Services
- k) Pharmacy
- l) Hair dresser, Barber or Beautician
- m) Water Supply

- n) Video/DVD Rental
- o) Uses permitted in the M-5 zone with the exception of except for the following:
 - i. a Residential unit noted Section 22B.3.28.d)

Subject to the following provisions:

- a) No restaurant shall exceed 250 square metres of gross floor area.
- b) No Pharmacy shall exceed 110 square metres of gross floor area.
- c) No Convenience Store shall exceed 300 square metres.
- d) FACTORY OUTLET means a portion of a main building or an accessory building, not exceeding 45% of the floor area of the industrial use, on an industrial lot where the products manufactured or assembled by that industry are kept and offered for wholesale or retail sale and may include:
 - i) a limited retail of other uses not manufactured or assembled on site (40% of the retail floor area), and
 - ii) the retail of new and used items as accessory to a service/repair facility.
- e) Compliance with all other applicable regulations of Section 22B and Section 6 of this By-law, as amended.

By-law 74-89 passed August 15, 1989

26.1.132 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.132 of Schedule "A" of this by-law may have a minimum lot area of 20.54 hectares and a minimum lot frontage of 190 metres.

By-law 74-89 passed August 15, 1989

26.1.133 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.133 of Schedule "A" of this by-law may only be used for the following specific uses:

- a) farm pond;
- b) the farming of crops.

Subject to the regulations of the zone category that is predominant on the property being extended to apply to the parcel above.

By-law 76-89 passed September 12, 1989

26.1.134 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.134 of Schedule "A" of this by-law may have a minimum lot area of 29 hectares.

By-law 98-89 passed September 26, 1989

Deleted and replaced by By-law 32-2008 passed May 20, 2008 (Elmira Two Zone)

26.1.135 Notwithstanding Section 6.43 and 6.44 of By-law 55-86, as amended, the lands illustrated on the Plan forming Section 26.1.135 of Schedule 'A' (hereafter the "Becker Lands") is subject to the following provisions:

- a) That the gas bar, convenience store, restaurant building (hereafter the "Becker Building") and all accessory uses and structures (i.e. gas pump/islands/canopy/signage, underground storage tanks) existing on or before May 20, 2008, shall continue to be permitted to operate within the Floodway (FW) zoned area.
- b) That any expansion or modification of the Becker Building within the Floodway (FW) zoned area shall be prohibited as per Section 6.43.4 v) of this By-law

- c) That re-development of the Becker Lands to update or replace the gas bar facility shall only be permitted under the following provisions:
- i) The entire Becker Building shall be removed from the Floodway (FW) zoned area and a new building may be relocated within the Flood Fringe (FF) zoned area (or outside the Floodplain area) in conformity with the regulations in Section 16 and 6.44 of this By-law and to the satisfaction of the Grand River Conservation Authority and the Township.
 - ii) That access on the south side of the new building leading into the Floodway (FW) zoned area shall only be permitted if there is a secondary access on the east side of the building, facing Arthur Street and flood proofing of the new building is completed to the satisfaction of the Grand River Conservation Authority and Township's Building Department.
 - iii) That three (3) gas pump islands (total of six (6) gas pumps, an overhead canopy structure, two (2) underground storage tanks, outdoor domestic garbage facility and associated parking/driveways may be permitted within the Floodway zoned area on the Becker Lands subject to Grand River Conservation Authority and Township approval.
 - iv) A hydraulic assessment is completed by the property owner and approved by the Grand River Conservation Authority indicating that the flood risk on the Becker Lands is reduced and ensuring the structural integrity of the proposed buildings, structures and underground storage tanks.
 - v) Any of change of use to occupy the new building shall conform to the permitted uses in Section 16 and 6.44 of this By-law.

By-law 98-89 passed September 26, 1989

26.1.136 Notwithstanding any other provisions of this by-law, the lands illustrated on the four plans forming Section 26.1.136 of Schedule "A" of this By-law may be used for the following specific use in addition to the uses permitted in the zone in which the parcels lie:

- a) a church;
- Subject to the regulations of Section 24.3.

By-law 98-89 passed September 26, 1989

26.1.137 Notwithstanding any other provisions of this by-law, the lands illustrated on the three plans forming Section 26.1.137 of Schedule "A" of this By-law may be used for the following specific use in addition to the uses permitted in the zone in which the parcels lie:

- a) automobile service station and public garage.

Subject to the regulations of paragraphs 20.3.5 to 20.3.8 inclusive.

By-law 83-2006 passed November 28, 2006 (General Amendment)

Notwithstanding any other provisions of this By-law, the portion of lands illustrated as "M-2 Zone" on the Plan forming Section 26.1.137, titled "Township of Woolwich Lot 23, Registered Plan 1501" of this By-law may be used for the following specific use in addition to the uses permitted in the zone that this portion of the parcel lies:

- a) Hotel or Motel – In conformity with the regulations in Sub-sections 6.19 and 6.10.2 b) and the applicable regulations in Section 6 of this By-law.

By-law 105-89 passed October 10, 1989

26.1.138 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.138 of Schedule "A" of this By-law may have a minimum lot

area of 4.7 hectares and a minimum distance separation of 150 metres from a neighbouring barn.

By-law 137-89 passed December 12, 1989

26.1.139 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.139 of Schedule "A" of this By-law may have a minimum lot frontage of 78.25 metres, and a minimum lot area of 1.1 hectares.

By-law 125-89 passed November 14, 1989 deleted and replaced by

By-law 70-95 passed September 12, 1995 (Howard R. Huehn)

26.1.140 Notwithstanding any other provisions of this by-law, the lands illustrated as Part 1 on the plan forming Section 26.1.140 of Schedule "A" of this By-law are subject to the following regulations in addition to those regulations outlined in the Settlement Residential (R-1) zone within which the lands are located:

- a) minimum lot area is 900 square metres;
- b) minimum lot width is 22 metres.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the plan forming Section 26.1.140 of Schedule "A" of this By-law are restricted to the following uses only:

- i) stormwater management facilities;
- ii) communal wastewater treatment facilities.

Subject to the applicable regulations of Section 6 and Section 23 of this By-law.

By-law 131-89 passed November 28, 1989

26.1.141 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.141 of Schedule "A" of this By-law may be used for the following specific uses only:

- a) clinic;
- b) pharmacy including dispensary, retail sales of prescription drugs, non-prescription drugs, health care products and other related products;
- c) uses accessory to the foregoing.

By-law 1-90 passed January 9, 1990

26.1.142 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.142 of Schedule "A" of this By-law shall include the following specific uses in addition to the uses permitted in paragraph 21.2.11 - Industrial Mall:

- a) convenience store;
- b) sales or rental or service of furniture, appliances, carpets, electronic equipment or recreational equipment;
- c) sale, rental, storage and service of tools and industrial equipment or farm equipment;
- d) hardware store;
- e) studio;
- f) travel agency;
- g) business machines, sales and service.

Subject to the following:

- i) that the permitted uses stated above comply with the applicable regulations contained in Section 6 of this By-law;

- ii) that the permitted uses stated above from (a) to (g) inclusive shall comply to the regulations of Sub-section 21.3.

By-law 40-90 passed June 26, 1990

26.1.143 Notwithstanding any other provisions of this by-law, the lands illustrated as Part 1 of the plan forming Section 26.1.143 of Schedule "A" of this By-law may have a minimum lot area of 33.5 hectares.

Notwithstanding any other provisions of this by-law, the lands illustrated as Part 2 of the plan forming Section 26.1.143 of Schedule "A" of this by-law may have a minimum lot area of 2.2 hectares.

By-law 86-90 passed November 27, 1990

26.1.144 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.144 of Schedule "A" of this by-law are subject to the following specific regulations:

- a) the side yard requirement for the existing building shall be a minimum of 2.5 metres;
- b) that parking be permitted between the building line and the street line;
- c) that a sign no larger than 9 square metres in area and 4.5 metres in height be permitted between the street line and the building line;
- d) all other regulations of Zone C-4 – "Neighbourhood Commercial", are applicable.

By-law 104-90 passed December 11, 1990

26.1.145 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.145 of Schedule "A" of this by-law may have a minimum lot width of 23 metres.

By-law 1-91 passed January 15, 1991

26.1.146 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.146 of Schedule "A" of this by-law may be used for the following specific use in addition to those uses permitted in the zone in which the parcel lies:

- a) a second permanent dwelling - FARM RELATED.

Subject to the following:

- i) that there be no more than two dwelling units on the property;
- ii) that the second permanent farm-related dwelling shall be located within the area identified as "Area of Occupation" on the plan forming Section 26.1.146 of Schedule "A" of this by-law and not closer than 105 metres to the adjacent barn to the northeast;
- iii) that all other applicable regulations of the Agricultural Zone and Section 6.0 of this By-law shall apply.

By-law 4-91 passed January 15, 1991

26.1.147 Notwithstanding any other provisions of this by-law, the lands forming Section 26.1.147 of Schedule "A" of this by-law shall have a minimum off-street parking requirement for the outdoor display and sales of marine boats, cars, trucks and/or machinery of 15 spaces.

By-law 17-91 passed February 26, 1991

26.1.148 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.148 of Schedule “A” of this by-law may have a minimum lot frontage of 115 metres and a minimum lot area of 0.73 hectares.

By-law 26-91 passed March 26, 1991

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.149 Deleted.

By-law 61-94 passed July 12, 1994 – MOBILE HOME REMOVED

26.1.150 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.150 of Schedule “A” of this by-law may be used for the following specific use in addition to those uses permitted in the zone in which the parcel lies:

- a) a second dwelling unit by means of a mobile home.

Subject to the following conditions:

- i) that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until July 12, 1996;
- ii) that there shall be no more than two dwelling units on the property;
- iii) that the second dwelling unit by means of a mobile home, shall be located in the location shown on the plan forming Section 26.1.150 of Schedule “A” of this by-law;
- iv) that all other applicable regulations of Zone A (Agricultural) and Section 6.0 of this By-law shall apply.

By-law 41-91 passed May 21, 1991

26.1.151 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.151 of Schedule “A” of this by-law may be used for the following specific use in addition to those uses permitted in the zone in which the parcel lies:

- a) a second dwelling - farm related.

Subject to the following:

- i) that there be no more than three dwelling units in a maximum of two residential buildings on the property; and
- ii) that a horse barn of a maximum of 1,100 square metres in floor area (for 25 animal units) be permitted to locate a minimum of 200 metres from the Hungarian Club building and a minimum of 146.3 metres from the Brookfield Golf Course.

By-law 57-91 passed June 25, 1991

26.1.152 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.152 of Schedule “A” of this By-law shall be restricted to the following specific use only:

- a) the existing commercial parking lot.

By-law 59-91 passed July 9, 1991

Deleted by By-law 17-2018 passed March 6, 2018 (229249 Ontario Limited/Living Waters Christian Bookstore-122 Church Street West)

26.1.153 Deleted

By-law 73-91 passed September 3, 1991

By-law 81-2000 OMB approval February 28, 2003 (King 86 Group)

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

By-law 35-2008 passed May 20, 2008 (King 86 Development Limited)

26.1.154 Deleted

By-law 73-91 passed September 3, 1991

By-law 76-2000 passed October 24, 2000 (St. Jacobs Countryside Inc/Countryside Furniture)

By-law 77-2000 passed October 24, 2000 (St. Jacobs Countryside Inc/Farm Pantry)

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

By-law 64-2016 passed August 23, 2016 (St. Jacobs Countryside Inc/Sunlife Assurance)

26.1.155 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.155 of Schedule 'A' (hereafter the "Plan") of this By-law are subject to the following permitted uses, in addition to the uses permitted in the zone in which the parcel lies:

- a. Church;
- b. Bookstore;
- c. Factory Outlet Mall;
- d. Barber Shop;
- e. Farm Museum;
- f. The sale of maple syrup, confectionary, preserves, cookbooks, and kitchen gadgets and utensils (Farm Pantry);
- g. Offices;
- h. Uses accessory to the foregoing; and
- i. Ancillary uses permitted only within the Factory Outlet Mall building:
 - i. Food Court/restaurant; and
 - ii. Non-Manufacturer Outlet Stores.

Subject to the following:

- i. That the permitted uses noted above shall comply with the applicable regulations contained in Section 6 and Sub-section 20C.5 of this By-law;
- ii. The Factory Outlet Mall permitted in c) above shall have a maximum Gross Leasable Retail Commercial Space of 9,290 square metres;
- iii. Non-Manufacturer Factory Outlet Stores may only be permitted as ancillary uses within the Factory Outlet Mall, on the property at 25 Benjamin Road;
- iv. Within the existing Factory Outlet Mall at 25 Benjamin Road., a maximum of twenty percent (20%) of the actual gross leasable floor area of the Factory Outlet Mall may be occupied by Non-Manufacturer Factory Outlet Stores;
- v. That the use of the land and the use of buildings or structures on the land are prohibited until municipal sanitary sewers, municipal water, and a municipal road are available to service the land and buildings;
- vi. The use noted in f) above shall be limited to 140 square metres of floor space and located within a factory outlet mall building;
- vii. The barber shop noted in d) above shall be located within a factory outlet mall building.

By-law 84-91 passed September 24, 1991

26.1.156 Notwithstanding any other provisions of this By-law, the lands illustrated as Part "B" on the plan forming Section 26.1.156 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) the dismantling, storage and salvage of motor vehicles.

Subject to the following:

- i) in conformity to the applicable regulations of Section 21.3 (M-1) and Section 6 of this By-law.

By-law 105-91 passed November 5, 1991

26.1.157 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.157 of Schedule "A" of this By-law may have a Minimum Lot Area of 3.5 hectares.

By-law 107-91 passed November 5, 1991

26.1.158 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.158 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a maximum of three residential buildings;
- b) a day care facility accommodating up to forty children;
- c) uses accessory to the foregoing permitted uses, including parking areas and outdoor play areas.

Subject to the following:

- i) that any permitted residential units and/or day care facility shall be located within the buildings existing on the property on the date of passage of this By-law, notwithstanding that minor additions may be permitted subject to the applicable regulations being met;
- ii) that the day care facility and associated outdoor play area(s), accessory uses, and parking areas shall be located only on Part 1 as shown on the plan forming Section 26.1.158 of Schedule "A" of this by-law;
- iii) that the permitted uses stated above shall comply with the applicable regulations contained in Section 6, Section 10.2 and Sub-sections 24.3.3 to 24.3.7 inclusive of this By-law;
- iv) that no signs shall be permitted on the property with the exception of one (1) non-illuminated identification sign measuring a maximum .4 square metres in area and not greater than 1.5 metres in height in the location shown on the plan forming Section 26.1.158 of Schedule "A" of this By-law;
- v) that the total floor area for all buildings accessory to the uses permitted in a) and b) above cannot exceed 73 square metres.

By-law 109-91 passed November 26, 1991

26.1.159 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.159 of Schedule "A" of this By-law may have a minimum lot width of 25 metres, and Lots 1 and 19 may have a minimum lot frontage of 26 metres.

By-law 27-92 passed March 24, 1992

26.1.160 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.160 of Schedule "A" of this By-law may have a minimum rear yard of 6.0 metres.

By-law 31-92 passed March 31, 1992

26.1.161 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.161 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) the sale of products not produced on-site which are explicitly limited to peat moss, topsoil, fertilizer and garden stone/bark chip/mulch only.

Subject to the following:

- i) that the additional products noted in a) above are to be displayed and stored within an outdoor area not exceeding 650 square metres.

By-law 53-92 passed May 26, 1992

26.1.162 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.162 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a bed and breakfast establishment;
- b) a non-illuminated accessory sign.

Subject to the following:

- i) for the purpose of this section, a "Bed and Breakfast Establishment" shall mean a private dwelling where the resident owner(s) offer a maximum of three bedrooms for the temporary overnight accommodation of up to six members of the travelling or vacationing public, and provide amenities and services auxiliary to sleeping room(s), including the preparation and serving of breakfast only, for an all-inclusive fee. Temporary overnight accommodation shall not be provided for more than four consecutive nights to the same guest(s);
- ii) that the bed and breakfast establishment is permitted only within the dwelling unit as it existed on the day of passage of this By-law;
- iii) that the accessory sign be restricted to a maximum size of 46 by 61 centimetres and a height of no greater than 1.22 metres;
- iv) that three off-street parking spaces be provided for the bed and breakfast establishment;
- v) that Sections 6, 8 and 23 of this By-law shall apply to all uses on the property, as appropriate.

By-law 4-93 passed January 12, 1993

26.1.163 Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan forming Section 26.1.163 of Schedule "A" of this By-law, there may be located a 5.5 by 9.1 metre livestock barn addition no closer than 160 metres to the adjacent school and 250 metres to the adjacent residences.

Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan forming Section 26.1.163 of Schedule "A" of this By-law, the regulations for Home Occupation are amended as follows, to allow for a woodworking shop:

- i) the Home Occupation is limited to the existing 239 square metre building as shown on the plan attached as Schedule "A" to this By-law, notwithstanding that this building is not a residential building or building accessory thereto and that no expansions to this building are permitted;

- ii) retail sales of furniture produced on-site shall be permitted from the building described in i) above;
- iii) one person who does not reside on the property is permitted to be employed in the business;
- iv) machinery other than normal household, hobby or office equipment may be used in the woodworking shop.

By-law 74-92 passed August 25, 1992, replaced by
 By-law 50-95 passed July 11, 1995 (Paul Martin/K.C. Vasudeva), replaced by
 By-law 1-98 passed January 13, 1998 (Paul Martin/K.C. Vasudeva) replaced by
 By-law 8-2002 passed February 12, 2002 (Paul Martin/K.C. Vasudeva) replaced by
 By-law 5-2005 passed January 25, 2005, OMB Approval June 30, 2005 (Paul S. Martin/1066626 Ontario Ltd.)
 By-law 40-2008 passed May 20, 2008 (Paul Martin/1066626 Ontario Ltd.)
 By-law 49-2011 passed August 9, 2011 (1066626 Ontario Ltd./Marhome Farms Ltd)
 By-law 02-2015 passed January 20, 2015 (1066626 Ontario Ltd./Marhome Farms Ltd)
 By-law 47-2018 passed June 26, 2018 (1066626 Ontario Ltd./Marhome Farms Ltd)

26.1.164 Notwithstanding any other provisions of this By-law, including Section 26.1.149, the lands illustrated on the Plan forming Section 26.1.164 of Schedule 'A' (hereinafter the "Plan") of this By-law may be used only for the following specific uses:

The lands identified as Part 'A' on the Plan can be used only for the purposes of an outdoor golf driving range or for agricultural purposes.

The lands identified as Part 'B' on the Plan can be used only for agricultural purposes.

Subject to the following:

- i) That the exemption is approved under the provision of Section 39 of the Planning Act, Temporary Use By-laws and shall be in effect only until June 26, 2021;
- ii) That no building or structure, other than fencing, is permitted on either Part 'A' or 'B' of Schedule 'A' of this By-law; and
- iii) That the permitted uses stated above comply with the applicable regulations contained in Section 6 entitled 'General Regulation' of this By-law.

By-law 86-92 passed October 13, 1992
 By-law 71-99 passed August 24, 1999 (Hergott)

26.1.165 Notwithstanding any other provisions of this By-law, the lands illustrated as Parcel "A" on the Plan forming Section 26.1.165 of Schedule 'A' of this By-law may have a minimum lot area of 4.0 hectares and a minimum lot frontage of 130 metres and the lands illustrated as Parcel "B" on the Plan forming Section 26.1.165 of Schedule 'A' of this By-law may have a minimum lot area of 1.7 hectares and a minimum lot frontage of 49 metres.

Subject to the following:

- 1) that any residence located on Parcel "A" may be a minimum of 200 metres from the existing adjacent barn to the south.

By-law 94-92 passed November 10, 1992

26.1.166 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.166 of Schedule "A" of this By-law may have a minimum lot area of 1,870 square metres and a minimum building line setback of 0.91 metres for the existing building.

Notwithstanding the permitted uses listed in Section 18 (Settlement Commercial) of this By-law, the lands illustrated on the plan forming Section 26.1.166 of Schedule "A" of this By-law may not be used for the following specific uses:

- a) light fabricating, assembly, processing or repair except as an accessory use;
- b) blacksmithing;

- c) outdoor storage of goods or material except the outdoor display or sales of retail goods permitted in this zone.

Subject to the following:

- i) that the accessory use noted in a) above does not involve excessive noise, vibration, odour, danger of fire or explosion or the release of noxious fumes, smoke, gases or other forms of air or water-borne pollutants.

By-law 96-92 passed November 24, 1992

26.1.167 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.167 of Schedule "A" of this By-law may have a minimum lot area of 1,380 square metres.

Notwithstanding the permitted uses listed in Section 18 (Settlement Commercial) of this By-law, the lands illustrated on the plan forming Section 26.1.167 of Schedule "A" of this By-law may not be used for the following specific uses:

- a) automobile service station, gas bar or public garage;
- b) light fabricating, assembly, processing or repair, except as an accessory use;
- c) outdoor storage/display/sales of goods or materials except the outdoor display of arts and crafts;
- d) blacksmithing.

By-law 100-92 passed November 24, 1992

26.1.168 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.168 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) parking and loading.

Subject to the following:

- i) the off-street parking area can be situated a minimum 1.5 metres from any lot line abutting a street or road;
- ii) that all other applicable regulations in Sections 6.11, 6.12 and 6.13 shall apply.

By-law 14-93 passed February 23, 1993

26.1.169 Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan forming Section 26.1.169 of Schedule "A" of this By-law, the total lot coverage for accessory buildings shall be 182 square metres and shall be confined to the buildings identified as Buildings A, B, C, D and E on Schedule "A" of this By-law.

Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan forming Section 26.1.169 of Schedule "A" of this By-law, the regulations for a Home Occupation are amended as follows, to allow for a woodworking shop:

- i) the Home Occupation is limited to 155 square metres of floor area in the buildings shown as Buildings A, B, C and D on the plan attached as Schedule "A" to this By-law;
- ii) retail sales of wood products produced on-site shall be permitted from the property;

- iii) outdoor display of wood products produced on-site is permitted and shall be limited to the 6 square metre area shown as "display area" on the plan attached as Schedule "A" to this By-law;
- iv) outdoor storage of wood and wood products produced on-site is permitted and shall be limited to the 10 square metre area shown as "outdoor storage area" on the plan attached as Schedule "A" to this By-law;
- v) the sale of Building D or any future replacement building is permitted as long as any future building is no larger than 16.1 square metres and is located in the area currently occupied by Building D;
- vi) all woodworking, with the exception of construction of sheds, must take place indoors;
- vii) all other applicable regulations of Sections 6, 6.18 and 7 shall apply to this property.

By-law 39-93 passed June 8, 1993

26.1.170 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Part 23 of Schedule "C" and Section 26.1.170 of Schedule "A" of this By-law may have a minimum lot frontage of 10 metres and a trailer may be located as a second residence within the Extractive zoning.

By-law 38-93 passed June 8, 1993

26.1.171 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.171 of Schedule "A" of this By-law may have a minimum lot width of 24 metres for interior lots.

By-law 48-93 passed July 13, 1993

26.1.172 Notwithstanding the permitted uses listed in Section 22 (Industrial Commercial - Rural) of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.172 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) the sales and service of tires and tire products.

Subject to the following:

- i) that the above-noted uses conform to the regulations of Sections 6 and 22 of this By-law.

By-law 59-93 passed August 24, 1993 deleted and replaced by

By-law 94-94 passed November 8, 1994 (Sittler Excavating)

Amended by By-law 17-2008 passed March 17, 2008 (Sittler Excavation Limited)

26.1.173 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Part 22 of Schedule "C" and Section 26.1.173 of Schedule "A" of this By-law may be used for an excavating business including topsoil screening and storage, and for a wood recycling operation, both ancillary to a gravel pit, subject to the following regulations:

- i) the outdoor work and storage area(s) for the wood recycling operation shall be limited to a total of two hectares which shall not be closer than 75 metres to any property line;
- ii) the existing barn may be used for the storage of recycled wood;
- iii) the outdoor work and storage area for the excavating business, consisting of vehicle parking and topsoil storage and screening, shall be limited to a total of

- two hectares located within the area identified as Area "A" on the plan forming Part 22 of Schedule "C" and Section 26.1.173 of Schedule "A" of this By-law;
- iv) a manufactured, modular office building of a maximum 140 square metres, for the uses permitted above, is permitted within the area identified as Area "A" on the plan forming Part 22 of Schedule "C" and Section 26.1.173 of Schedule "A" of this By-law;
 - v) no additional buildings shall be constructed on the property for any use, including uses permitted under the Extractive (E) zone, with the exception of permitted additions to the residence or permitted residential accessory buildings;
 - vi) the wood recycling operation shall consist of the temporary storage of wood waste, mulching of waste, temporary storage of mulch and accessory sales of mulch.
 - vii) Notwithstanding subsections iv) and v) above, a manufactured modular office building of a maximum gross floor area of 130 square metres shall be permitted as an addition to the existing modular office building for uses permitted above and located within Part A on the plan forming Part 22 of Schedule "C" and Section 26.1.173 of Schedule "A" of this By-law, and further that this said exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 17th day of March, 2011. **APPROVAL FOR MODULAR OFFICE BUILDING LAPSED –NOT INSTALLED.**

By-law 60-93 passed August 24, 1993

26.1.174 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.174 of Schedule "A" of this By-law may be used for the following additional use in addition to those uses permitted in the zone within which the parcel lies:

- a) a woodworking shop as an expanded home occupation.

Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.174 of Schedule "A" of this By-law may have a minimum lot area of 1,100 square metres, a maximum lot coverage of buildings accessory to a residence of 98 square metres, and a minimum westerly side yard of .5 metres for the existing buggy shed addition.

Subject to the following:

- i) that the woodworking shop be limited to the existing buggy shed and accessory shed totalling 79 square metres in area, save and except for one connecting man-door, and that there shall be no employees who do not reside on the property;
- ii) that machinery other than normal household, hobby or office equipment may be used in the woodworking shop;
- iii) that all buildings, structures and uses on the property shall comply to the regulations of Section 7.4 and the applicable regulations of Section 6 entitled "General Regulations" except as specifically noted above.

By-law 56-93 passed August 24, 1993

26.1.175 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.175 of Schedule "A" of this By-law may have a minimum lot width of 23 metres.

By-law 78-93 passed October 26, 1993

26.1.176 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.176 of Schedule "A" of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) a woodworking shop.

Subject to the following:

- i) that the woodworking operation shall be contained within a building, with a floor area not exceeding 239 square metres and the building shall be located only within the shaded area identified in Schedule "A" of this By-law;
- ii) that all retail sales shall be conducted within the woodworking building;
- iii) that the woodworking operation shall have no more than three (3) employees to manufacture the furniture products;
- iv) that no outdoor storage related to the woodworking operation be allowed.

26.1.177 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.177 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a welding shop for the manufacture of farm-related goods only.

Subject to the following:

- i) that the operation shall be contained within a building, with a floor area not exceeding 576 square metres and the building shall be located only within the "Area of Operation" identified in Schedule "A" of this By-law;
- ii) that the operation shall have no more than two employees who do not reside on the property;
- iii) that no outdoor storage and/or manufacturing, repair, etc. shall be allowed;
- iv) that the maximum building height shall be 5.4 metres and the rear yard shall be a minimum of 3 metres;
- v) that a covered loading area, measuring a maximum of 3.7 by 37.8 metres shall be permitted on the west side of the welding shop.

By-law 85-93 passed November 23, 1993

By-law 87-96 passed September 24, 1996 (I.F. Bowman)

By-law 68-2006 passed October 10, 2006 (Marlin and Virginia Bauman)

By-law 1-2010 passed January 19, 2010 (Marlin and Virginia Bauman) – MOBILE HOME REMOVED 2012

26.1.178 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.178 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a second dwelling unit by means of a mobile home.

Subject to the following:

- i) that all uses on the property comply with the applicable regulations of Section 7.2 and Section 6 of By-law 55-86, as amended;

- ii) that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 19th day of January, 2013; and
- iii) that the mobile home be located in the area shown on Schedule "A" of this By-law.

By-law 4-94 passed February 2, 1994

By-law 11-97 passed February 11, 1997 (Menno B. Brubacher) – RECEIVED MINOR VARIANCE APPROVAL FOR DODDY HOUSE

26.1.179 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.179 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a dwelling unit by means of a mobile home.

Subject to the following:

- i) that all uses on the property comply with the applicable regulations of Section 6 and Section 7.2 of this By-law, as amended;
- ii) that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 11th day of February, 2007.

By-law 13-94 passed September 22, 1994

26.1.180 Notwithstanding any other provisions of this By-law, the lands illustrated as Parcel "A" on the plan forming Section 26.1.180 of Schedule "A" of this By-law may have a minimum lot frontage of 30 metres and a minimum lot area of 13.5 hectares and the lands illustrated as Parcel "B" on the plan forming Section 26.1.180 of Schedule "A" of this By-law may have a minimum lot area of 16.5 hectares

Subject to the following:

- i) that the applicable regulations and uses outlined in Section 6 and Section 7 of this By-law shall apply.

By-law 14-94 passed February 22, 1994

26.1.181 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.181 of Schedule "A" of this By-law may have a minimum lot frontage of 80 metres and a minimum lot area of 0.5 hectares and the lands illustrated as Part 2 on the plan forming Section 26.1.181 of Schedule "A" of this By-law may have a minimum lot area of 25.4 hectares.

Subject to the following:

- i) in conformity with the applicable regulations outlined in Section 6 and Section 7.

By-law 29-94 passed March 29, 1994

26.1.182 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.182 of Schedule "A" of this By-law may have a minimum lot area of 16.5 hectares and may be used for the following use in addition to the uses permitted in the zone in which the parcel lies:

- a) a firewood storage/cutting/sales operation.

Subject to the following:

- i) that the additional use noted above shall be limited to the shaded area identified in Schedule "A" of this By-law and totalling approximately .4 hectares in area;
- ii) that firewood storage structures requiring a building permit shall be limited to the two bins measuring a maximum of 3.1 by 22.9 by 4.3 metres in height and 3.1 by 30.5 by 4.3 metres high and located in the shaded area as shown on Schedule "A" of this By-law;
- iii) notwithstanding Clause i) above, the buildings associated with the additional permitted use are limited to the storage building and 9 square metre office as shown on Schedule "A" of this By-law;
- iv) that the cutting of firewood be limited to an accessory use and that firewood sales be limited to retail sales only with no wholesaling;
- v) that only one person who does not reside on the property is permitted to be employed in the firewood storage/cutting/sales operation.

Notwithstanding any other provisions of this By-law, the lands illustrated as Parcel 3 on the plan forming Section 26.1.182 of Schedule "A" of this By-law may have a non-accessory residential accessory building.

By-law 27-94 passed March 29, 1994

By-law 71-96* passed August 20, 1996 (Duke Centre)

26.1.183 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.183 of Schedule "A" of this By-law may be used for the following specific use:

- *a) a senior citizens' apartment building of a maximum of 27 apartment units housing up to 54 residents;
- b) uses accessory to the foregoing permitted use, for use of residents of the apartment building only, including a "tuck shop" for the retail of day-to-day convenience goods to residents only.

For the purposes of this section, a "senior citizens' apartment building" means an apartment building designed and built for the accommodation of the elderly, which is defined as persons aged 55 years and over, and which is owned and managed by a non-profit organization/corporation.

Subject to the following:

- i) that one off-street parking space be provided for each dwelling unit;
- ii) that the rear yard adjacent to Centre Street be a minimum of 3.5 metres to recognize the existing setback of the church structure;
- iii) that the southerly side yard and building line setback for a one-storey atrium addition to the existing church adjacent to Water Street be a minimum of 5 metres and that the side yard and building line setback requirement be 7.5 metres adjacent to Water Street for the purposes of the proposed building addition;
- iv) that the building line setback adjacent to Duke Street be a minimum of 8 metres for the proposed building addition, with the exception of an overhead canopy which can have a setback of 6.4 metres;
- v) that the northerly side yard be a minimum of 8 metres;
- vi) that the building addition shall be restricted to a maximum height of 8 metres, measured midway between the peak and eaves;
- vii) that the maximum lot coverage be 40 percent;

- viii) that the tuck shop have a minimum floor area of 50 square metres and have no public access or advertising/display visible externally;
- ix) that all buildings, structures and uses shall comply to the regulations of Section 6, except as specifically noted above;
- x) the use of indoor common areas shall be for residents of the property only;
- *xi) that two existing central air-conditioning units may have a setback of a minimum of 4 metres from the Water Street property line and one existing central air-conditioning unit may have a minimum setback of 6 metres from the Duke Street property line.

By-law 41-94 passed May 10, 1994

26.1.184 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.184 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a woodworking shop.

Subject to the following:

- i) that the woodworking operation be contained within an existing driveshed, with a floor area not exceeding 103 square metres
- ii) that all retail sales shall only be conducted within the existing driveshed building in the area devoted to the woodworking operation as noted above
- iii) that the woodworking operation shall have no more than one employee to manufacture the furniture products
- iv) no outdoor storage related to the woodworking operation shall be allowed
- v) that the woodworking operation is clearly secondary to the main use of farming on the property.

By-law 40-94 passed May 10, 1994

By-law 5-2015 passed January 20, 2015 (Southwood 3 – Birdland Developments Limited)

26.1.185 DELETED

By-law 62-94 passed July 12, 1994 replaced by

By-law 36-98 passed April 14, 1998 (Township/Just Like Homes)

26.1.186 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan forming Section 26.1.186 of Schedule A of this By-law may be used as a parking lot in addition to the uses permitted in the zone it lies; subject to the following regulations:

- I. that the parking space setback adjacent to a public road shall be 2.5 metres.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan forming Section 26.1.186 of Schedule A of this By-law, are subject to the following regulations:

- I. the minimum rear yard setback for an attached enclosed patio area to a retirement home shall be 4 metres;
- II. the minimum building line setback adjacent to a public road for an attached porch and vestibule area to a retirement home is 3 metres.

**By-law 63-94 passed July 12, 1994, deleted and replaced by
 By-law 90-94 passed November 8, 1994 (Township of Woolwich-St. Jacobs Seniors)
 By-law 62-2000 passed August 22, 2000 (St. Jacobs Meadows Seniors)**

26.1.187 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 26.1.187 of Schedule "A" of this by-law may only be used for the following specific uses:

- a) a senior citizens residential development of a maximum of 62 dwelling units housing up to 124 residents;

For the purposes of this section, a "senior citizens dwelling unit" means an apartment unit or town house unit designed and built for the accommodation of the elderly, which is defined as persons aged 50 years and over;

- b) uses accessory to the foregoing permitted use, for the use of residents of the seniors residential development only, including a "club house".

Subject to the following:

- i) that a minimum of 1.3 off-street parking spaces be provided per dwelling unit;
- ii) that the minimum rear yard and amenity area depth for town houses shall be 6 metres for the main building and 5 metres for attached sunrooms or decks with the exception of one residential unit which may have a reduced rear yard and amenity area depth, as shown on Schedule "A" of this By-law;
- iii) that the minimum southerly side yard and amenity area depth for town houses shall be 6 metres for the main building and 5 metres for attached sunrooms or decks;
- iv) that an apartment building shall not be located outside of Block 1 as shown on Schedule "A" of this by-law. Notwithstanding Section 15.3.3, a garage entrance to the apartment building in Block 1 shall be permitted within the required side yard;
- v) that the maximum building height be 8.5 metres;
- vi) that the building line setback be reduced to 0 metres for two covered walkways connecting to the Water Street road allowance and to 4 metres for open porches and covered walkways;
- vii) notwithstanding Section 15.4.6, a town house unit adjacent to the south lot line may have its required Outdoor Amenity Living Area within the side yard;
- viii) that the northerly side yard shall be a minimum of 3 metres for town houses;
- ix) that all buildings, structures and uses shall comply to the regulations of Sections 6, 15.3 and 15.4 as appropriate, except as specifically noted above.

**By-law 92-94 passed November 8, 1994 (St. Teresa's Roman Catholic Church)
 APPROVED BY OMB November 7, 1996**

26.1.188 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.188 of Schedule A of this By-law are subject to the following regulations, in addition to applicable regulations in Sections 6 and 12 of this By-law:

- i) the development of the lands are limited to 8 single family units;
- ii) a group home - Type A, in conformity with Sections 12 and 6.26 of this By-law is permitted only on the corner lot off Flamingo Dr. and First St.;
- iii) minimum lot frontages and widths for interior lots is 12 metres;
- iv) minimum lot area is 438 square metres;

- v) minimum dwelling unit size (excluding basement or cellars) is 102 square metres;
- vi) daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontages and building line setbacks;
- vii) the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit. Where a front porch is attached to a residential unit the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6 metre building line setback;
- viii) for the purpose of Clause VII, a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage);
- ix) garages attached to or in front of the residential units shall not cover more than 50% of the lot frontages.

By-law 95-94 passed November 8, 1994 (James Weber)

26.1.189 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.189 of Schedule "A" of this By-law may contain a woodworking shop as a use ancillary to an intensive livestock operation, subject to the following regulations:

- i) that all aspects of the woodworking shop, including material and product storage, product finishing, and sales be limited to the existing 111 square metre shed identified as "woodworking shop" on Schedule "A" of this By-law plus a 56 square metre building addition
- ii) there shall only be one employee of the woodworking shop who does not reside on the property
- iii) outdoor storage related to the woodworking shop is prohibited.

By-law 96-94 passed November 22, 1994 (Metzger/Brubacher)

Repealed by By-law 23-95 passed April 25, 1995

26.1.190 Deleted.

By-law 104-94 passed December 20, 1994 (Clarence Knorr)

26.1.191 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.191 of Schedule "A" of this By-law, in addition to the uses permitted by the Agricultural (A) zoning, there may be a woodworking shop located on the property subject to the following regulations:

- i) that the woodworking operation, including work, storage, display and sales areas be limited to a maximum 279 square metres in floor area;
- ii) that a maximum of two people who do not reside on the property are permitted to be employed in the business;
- iii) that only sales of furniture produced on-site are permitted;
- iv) that the woodworking operation shall only be located in the area shown on the plan attached as Schedule "A" to this By-law; and
- v) that the woodworking operation is clearly secondary to the main use of farming on the property.

By-law 106-94 passed December 20, 1994 (St. Jacobs Family Birthing Home Ltd.)

By-law 24-2001 passed April 10, 2001 (St. Jacobs Family Birthing Home Inc.)

26.1.192 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.192 of Schedule "A" of this By-law may be used for the following specific uses only:

- a) birthing home;
- b) one dwelling unit accessory to a birthing home;
- c) dental, medical and health services;
- d) offices;
- c) uses accessory to the foregoing permitted use.

Subject to the following:

- i) shall be in conformity with the applicable regulations in Section 6 and 16 (C-1).

By-law 46-95 passed June 27, 1995 (N. Martin)

26.1.193 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.193 of Schedule "A" of this By-law, in addition to the uses permitted by the Agricultural (A) zoning, there may be a woodworking shop located on the property subject to the following regulations

- i) that the woodworking operation, including work, storage, display and sales areas shall be limited to a maximum 160 square metres in floor area;
- ii) that a maximum of one person who does not reside on the property may be employed in the business;
- iii) that only sales of furniture produced on-site are permitted;
- iv) that the woodworking operation shall be located within the area shown on the plan attached as Schedule "A" to this By-law; and
- v) that the woodworking operation is clearly secondary to the main use of farming on the property.

By-law 51-95 passed July 11, 1995 (CNR/Fleischauer)

26.1.194 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.194 of Schedule "A" of this By-law **may not** be used for the following specific uses:

- a) Residential Building - Single Family or Duplex;
- b) dwelling conversion.

Notwithstanding any other provisions of this By-law, Building "C" on the lands illustrated on the plan forming Section 26.1.194 of Schedule "A" of this By-law shall have a zero side yard. Any new building, addition or structure shall conform to the applicable regulations of Section 6 and Section 18 of this By-law, as amended.

By-law 68-95 passed September 12, 1995 (Calvary United Church)

26.1.195 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.195 of Schedule "A" of this By-law may be used for uses accessory to a Church, in addition to those uses permitted in the zone within which the parcel lies.

Subject to the following:

- i) use of these lands for Church-related uses is limited to the existing buildings and grounds only; no new buildings are permitted;

- ii) no additional parking beyond that shown on the plan attached as Schedule "A" of this By-law is permitted.

By-law 75-95 passed September 26, 1995 (Aden Martin)

By-law 94-2000 passed December 19, 2000 (1270 King Street North)

26.1.196 Deleted.

By-law 4-96 passed January 9, 1996 (Gostel)

26.1.197 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.197 of Schedule "A" of this By-law may be used for a butcher shop in addition to those uses permitted in the zone within which the parcel lies.

Subject to the following:

- i) the operation shall be limited to a total floor area not exceeding 313 square metres and shall only be located within the Area of Operation identified in Schedule "A" of this by-law;
- ii) the operation shall have no more than four employees, including residents of the property;
- iii) wholesaling is permitted - retail sales are prohibited; and
- iv) outdoor storage of goods or materials associated with the butcher shop are prohibited.

By-law 3-96 passed January 9, 1996 (Sommerhalder)

26.1.198 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.198 of Schedule "A" of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a bed and breakfast establishment.

Subject to the following:

- i) for the purpose of this Section, a "bed and breakfast establishment" shall mean a private dwelling where the resident owner(s) offers a maximum of two bedrooms for the temporary overnight accommodation of the travelling or vacationing public, and provides amenities and services auxiliary to sleeping room(s), including the preparation and serving of breakfast only, for an all inclusive fee. Temporary overnight accommodation shall not be provided for more than four consecutive nights to the same guest(s);
- ii) that the bed and breakfast establishment is permitted only within the dwelling unit as it existed on the date of passage of this By-law;
- iii) that two off-street parking spaces, which may be stacked, be provided for the bed and breakfast; and
- iv) that Sections 6 and 7 of this By-law apply to all uses on the property, as appropriate.

By-law 9-96 passed January 23, 1996 (Calvary United Church)

26.1.199 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.199 of Schedule "A" of this By-law may only be used for a Church and accessory uses, including a cemetery.

Subject to the following:

- i) the Church and accessory uses (including parking areas and playing fields but excluding a cemetery) shall be restricted from locating within 188 metres of the existing barn to the south-west as shown on the Plan, and the Church is restricted from locating within 75 metres of the closest barn to the east until such time as the barns have been removed;
- ii) development of a Church or any other facility requiring connection to municipal sanitary sewers shall be restricted until such time as the Regional Commissioner of Engineering has issued a letter of clearance advising Township Council that adequate Sewage Treatment Plant capacity is available for development to proceed and Council has, by by-law, removed the holding symbol (H) from the Zoning schedules; and
- iii) all uses/structures/buildings on the property shall comply with the applicable regulations of Sections 6 and 24 of this by-law.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan forming Section 26.1.199 of Schedule "A" of this By-law may have a reduced lot area of approximately 10.5 hectares and a reduced lot frontage of approximately 110 metres.

By-law 10-96 passed January 23, 1996 (Brad Jackson)

By-law 78-2005 passed November 22, 2005 (Brad Jackson)

26.1.200 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.200 of Schedule 'A' of this By-law (hereafter the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

Part 1

- a) The growing of plants on-site;
- b) The sale of products grown on other farms (e.g. fruits and vegetables); and
- c) Commercial Greenhouse/Garden Centre/Nursery.

Subject to the following:

- i) The minimum lot area shall be 3.64 hectares and minimum lot frontage shall be 220 metres;
- ii) The area of operation for all permitted uses in Part 1 shall not exceed 3.64 hectares;
- iii) That the maximum total lot coverage for all buildings in Part 1 shall be limited to 50% of the area of operation;
- iv) That minimum building line setback for all building and structures within Part 1 shall be 6 metres;
- v) Outdoor storage shall be located in a rear yard except as provided for below;
- vi) Limited Accessory Retail in this Section shall mean that a maximum of 15% of the Gross Floor Area may be devoted to the retail of complementary products (e.g. peat moss, top soil, bark/mulch, fertilizer, etc.) and decorative items, associated with outdoor gardening and landscaping of ones home, which is measured by the area of the display areas, plus a 1 metre aisle depth space around the display area;

- vii) Outdoor display shall be permitted in the front yard, provided the total area use for outdoor display shall not exceed 25% of the total area of the front yard, shall not be located within 4 metres of the property line, and not within any required side yard and shall display or store products noted in a), b) and c), above; and
- viii) The uses noted in a), b) and c) above shall be in conformity with all other applicable regulations in Section 6 and 22B.4 (M-5 Zone) of this By-law.

Part 2

- 1. No buildings or structures shall be permitted, and
- 2. The minimum lot area shall be 11 hectares.

By-law 15-96 passed February 6, 1996 (Doug Edenborough)

26.1.201 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.201 of Schedule "A" of this By-law may have a minimum lot area of 12.7 hectares.

Ontario Municipal Board Decision, March 4, 1996 (Birdland Developments 15/93)

26.1.202 Notwithstanding any other provisions of this By-law, the permitted uses on lands illustrated on the plan forming Section 26.1.202 of Schedule "A" of this By-law are subject to the following regulations in addition to those regulations outlined in the zone within which the lands lie:

- 1. The minimum building line setback on property zoned R-2 and R-5 shall be:
 - a) 5 metres to the front wall of the residential unit;
 - b) 6 metres for garages (attached or detached);
 - c) 3.5 metres for a front porch.
- 2. The minimum building line setback on property zoned R-3 shall be:
 - a) 4.5 metres to the front wall of the residential unit;
 - b) 6 metres for garages (attached or detached);
 - c) 3 metres for a front porch.
- 3. Notwithstanding 1 and 2 above the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit.
- 4. Notwithstanding 3 above, if a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6 metre building line setback.
- 5. For the purpose of regulation 4, a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage).
- 6. Detached garages on lots with a Residential Building - One Unit or Residential Building -Semi-Detached, may have a minimum 0.3 metre setback to one side lot line subject to having a 1.5 metre wide easement on the abutting property for the purpose of allowing maintenance of walls, eaves and real property.
- 7. On Lots 1 through 21 and Lots 23 through 33 inclusive, all buildings and structures shall have a minimum 15 metre setback from the rear lot line.

By-law 23-96 passed March 26, 1996 (Hoflinger Holdings)

26.1.203 Notwithstanding any other provisions of this By-law, the permitted uses on lands illustrated on the plan forming Section 26.1.203 of Schedule "A" of this By-law are subject to the following regulations in addition to those regulations outlined in the zones within which the lands lie:

- i) The minimum building line setback shall be:
 - a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached);
 - c) 3.5 metres for a front porch.

Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.
- ii) Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit. Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6 metre building line setback.
- iii) For the purpose of Clause ii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage).
- iv) Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of less than 1 metre to a minimum 0.3 metres.
- v) Garages attached to or in front of residential units shall not cover more than 50% of the lot frontage.
- vi) All residential units located within the lands indicated as "Church Street Frontage" shall be oriented to and have their front facade facing Church Street. For the purposes of this provision, front facade shall include front doorway and entranceway which shall be useable.
- vii) That Townhouse Blocks shall not have more than eight units attached in one continuous block. Notwithstanding Section 15.4.3, total internal side yards between two blocks of row-house units may be a minimum of 3.5 metres.
- viii) That Blocks 1, 2 and 3 as shown on Schedule "A" shall be limited to 16, 16 and 7 units, respectively.
- ix) Notwithstanding Clause i), semi-detached corner units (except those adjacent to Church Street and Park Street) may have 3.5 metre building line setbacks on their flankages (exterior side yards).
- x) Notwithstanding any other provisions of this By-law, a maximum of 18 of the 36 semi-detached building lots within this plan, excluding corner lots, may be developed with a free-standing Single Family Dwelling subject to the applicable regulations of this Section and Section 13 of this By-law. Porches on single family dwelling units in Block 4, as shown on Schedule "A", must extend a minimum of 0.3 metres in front of the front wall of attached garages.

- xi) Notwithstanding Section 13 of this By-law, where two detached single family dwellings are constructed on a semi-detached lot, each unit shall have an interior side yard of a minimum of 0.9 metres.
- xii) Notwithstanding clause v), a maximum of ten of the single family units in the R-5 zone may have garages which cover between 50 and 52% of the lot frontage provided the front wall of the garage is set back at least 1 metre behind the front of the porch. Notwithstanding clause iii), the porch may cover a minimum of 34% of the width of the house where the garage is between 50 and 52% of the lot frontage.
- xiii) Notwithstanding clause ii), a maximum of ten of the single family units in the R-5 zone may have the front wall of a single car garage (3.66 metres and less in width) extending up to 0.3 metres past the front of the useable porch. A minimum of ten of the single family units in the R-5 zone must have the front of the useable porch extending at least 0.3 metres in front of the front wall of the garage.
- xiv) Driveways on lots less than 10 metres wide shall be a maximum of 3.66 metres wide. Driveways on lots equal to or greater than 10 metres in width shall be limited to a maximum width of 6 metres.

By-law 30-96 passed April 9, 1996 (Lencro Development)

26.1.204 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.204 of Schedule "A" of this By-law may be used for the following regulations, in addition to those uses permitted in the zone within which the parcel lies:

- a) the minimum lot frontage for Part 2 shall be 15.0 metres;
- b) the minimum side yard for Part 1 and Part 2 from the northern property line (i.e. the lot line adjacent to the wetland buffer area) shall be 4.5 metres.

By-law 31-96 passed April 9, 1996 (Jesse Gingrich)

By-law 50-2006 passed July 11, 2006 (Jesse Gingrich)

By-law 73-2010 passed September 21, 2010 (Jesse Gingrich)

By-law 57-2019 passed August 13, 2019

26.1.205 DELETED

By-law 39-96 passed April 23, 1996 (Uniroyal Chemical)

26.1.206 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.206 of Schedule "A" of this By-law is subject to the following provisions:

- a) a temporary pilot-scale bioremediation unit is permitted on Part 1 of Schedule "A" as a temporary use, pursuant to Section 39 of the Planning Act, and shall be in effect only until the 23rd day of April, 1999.

By-law 60-96 passed June 25, 1996 (Eileen Martin) – MOBILE HOME WAS NOT LOCATED ON PROPERTY

26.1.207 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.207 of Schedule 'A' of this By-law may be used for the following specific use, in addition to those uses permitted in the zone in which the parcel lies:

- a) a trailer or mobile home as the principal dwelling unit.

Subject to the following:

- i) that the trailer or mobile home is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws and shall be in effect only until July 1, 2006;
- ii) that all uses on the property comply with the applicable regulations of Sections 6 and 7 of this By-law.

By-law 63-96 passed July 9, 1996 (Jesse Gingrich)

By-law 98-96 passed November 12, 1996

By-law 98-96 Repealed by By-Law 108-96 passed December 3, 1996

26.1.208 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.208 of Schedule A of this By-law may be used for the following use, in addition to the uses allowed in the zone where the parcel lies:

- a) a manufacturing/repair operation for the manufacturing and repair of farm-related goods only.

Subject to the following provisions:

- i) the total operation shall be contained within at least two buildings and a maximum of four buildings with a floor area not exceeding 390 square metres with no more than 250 square metres floor area in any one building and the buildings shall be located only within the "area of operation" identified in Schedule A of this By-law;
- ii) that the operation shall have no more than one employee who does not reside on the property;
- iii) outdoor storage shall be limited to a maximum of 450 square metres within the "area of operation" and to the east of the main shop building.

By-law 64-96 passed July 9, 1996 (1048117 Ontario Ltd.)

26.1.209 Notwithstanding any other provisions of this By-law the lands illustrated on the Plan forming Section 26.1.209 of Schedule A of this By-law may be used for the following specific uses only:

- a) a senior citizens apartment building of a maximum 41 units (including one unit for the manager);
- b) uses accessory to the foregoing permitted uses, for residents of the apartment building only, including common dining facility and lounge and a convenience store.

For the purpose of this Section, a senior citizens apartment building is defined as an apartment building designed and built for the accommodation of the elderly, in which the principle tenant of the unit is 50 years of age or older. This definition shall not include the occupant of the managers unit.

Subject to the following:

- i) that uses of the indoor common area and convenience store shall be used by residents of this apartment building only;
- ii) that all buildings and structures and uses shall comply to the regulations of Section 15.3 and Section 6, except as specifically noted above.

By-law 89-96 passed October 8, 1996 (St. Jacobs Mennonite Church/T.Bowman Estate)

26.1.210 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.210 of Schedule A may be used for the following specific uses in addition to those permitted uses in the zone in which the parcel lies:

- a) a church and parking and outdoor recreational area accessory to a church.

In conformity with the applicable regulations in Sections 6 and Section 24 of this By-law.

By-law 109-96 passed December 10, 1996 (Cress/Duncan)

By-law 94-2000 passed December 19, 2000 (11 Front Street, St. Jacobs)

26.1.211 Deleted

By-law 6-97 passed January 28, 1997 (Beaver Lumber)

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.212 Deleted

By-law 12-97 passed February 11, 1997 (Earl Martin/Martin Feed Mills)

26.1.213 Notwithstanding any other provisions of this By-law, for the lands illustrated on the Plan forming Section 26.1.213 of Schedule "A" of this By-law parking spaces may be located a minimum of 3.0 metres from a lot line adjacent to a public road.

By-law 37-97 passed May 13, 1997 (BWS Feeds)

By-law 50-2000 passed June 27, 2000 (BWS Feeds)

26.1.214 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.214 of Schedule 'A' (hereafter called the "Plan") of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- i. a feed mill;
- ii. accessory uses including offices, employee area, parking, loading, weigh scales, fuel area and retail/showroom.

Subject to the following:

- a) there shall be no drying, baking, cooking or steaming of ingredients/product, with the exception of corn drying;
- b) that any of the above-noted permitted uses which is or may become obnoxious, offensive or dangerous by reason of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-carried waste is specifically prohibited;
- c) that the area identified on the Plan as "Wooded Area" shall remain in its natural state and not be developed or used in conjunction with the uses noted above. Any tree cutting in this area for farming purposes or to remove damaged/dying trees shall be done in accordance with the Regional Municipality of Waterloo's Tree Cutting By-law;
- d) that the removal of trees outside of the "Wooded Area" shall be done in accordance with the Regional Municipality of Waterloo's Tree Cutting By-law;
- e) there shall be no outdoor stockpiling or storage of unbagged animal feed;
- f) all other applicable regulations in Section 6 and 7 of this By-law;
- g) signage in accordance with Section 10 (Industrial Area) of the Township's Sign By-law.

For the purpose of this section the following definitions are included:

“Feed Mill” means a farm-related, dry industry for the production, bagging and storage of animal feed used by farmers for their livestock operation with minor storage and retailing of animal feed for domestic pets.

“Production” of animal feed means the blending of dry ingredients and small amounts of liquid additives (i.e. less than 5% of the total tonnage produced by the feed mill) in a closed system (i.e. within pipes/bins or within a building) to make the final feed product and shall not include further processing such as drying (not including corn drying), heating, cooking, baking or steaming and is in such a dry form suitable to be augured to a feed bin.

By-law 36-97 passed May 13, 1997 (Mahlon Dettwiler)

By-law 47-2007 passed May 22, 2007 (Janet Dettwiler)

By-law 42-2010 passed June 1, 2010 (Janet Dettwiler)

By-law 56-2013 passed August 13, 2013 (Janet Dettwiler)

By-law 56-2013 passed November 8, 2016 (Wesley and Janet Dettwiler)

26.1.215 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.215 of Schedule ‘A’ of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a second dwelling unit by means of a mobile home.

Subject to the following:

- i) That all uses on the property comply with the applicable regulations of Section 7.2 and Section 6 of By-law 55-86, as amended;
- ii) That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 8th day of November, 2019.
- iii) That the mobile home be located in the area shown on Schedule “A” of this By-law.
- iv) Expansion to the mobile home/additions beyond the floor area existing on or before May 22, 2007 shall be prohibited.

By-law 48-97 passed June 10, 1997 (Edgar and Marlene Bearinger)

26.1.216 Notwithstanding any other provisions of this By-law, for the lands illustrated on the Plan forming Schedule ‘A’ of Section 26.1.216, in addition to the uses permitted by the Agricultural (A) zoning, there may be a woodworking shop located on the property subject to the following regulations:

- a) that the woodworking operation, including work, storage, display and sales areas be limited to a maximum 205 square metres in floor area;
- b) that only sales of woodworking goods produced on-site are permitted; and
- c) the woodworking operation shall be located within the “Area of Operation” shown on the Plan attached as Schedule A to this By-law.

By-law 57-97 passed June 24, 1997 (Freiburger)

26.1.217 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.217 of Schedule ‘A’ of this By-law are subject to the following conditions:

1. The lands may only be used for a parking area, including a horse shelter, as well as limited area for the seasonal display and sales of plants and garden supplies (as shown on the plan forming Section 26.1.217 of Schedule A of this By-law);

2. The parking area and horse shelter shall comply with the applicable regulations in Sections 6 and 21 of Zoning By-law 55-86, except as provided for below;
3. The Building Setback from Maple Street shall be a minimum of 2.5 m. for a horse shelter and 1.2 m. for a planter; and
4. The daylight triangle at the corner of Maple and William Streets shall be 6 m. by 6 m.

By-law 69-97 passed July 15, 1997 (Mark Johnson) – MOBILE HOME REMOVED

26.1.218 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.218 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a dwelling unit by means of a mobile or portable home.

Subject to the following:

- i) to comply with the applicable regulations of Section 7.2 and Section 6 of this By-law, as amended;
- ii) that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 15th day of July, 2007; and
- iii) that the mobile or portable home be located in the area shown on the Plan forming Section 26.1.218 of Schedule A of this By-law.

By-law 77-97 passed September 9, 1997 (George Winfield)

26.1.219 Notwithstanding any other provisions of this By-law, the lands illustrated as Part A and B on the Plan forming Section 26.1.219 of Schedule 'A' of this By-law may have a minimum lot area of 0.65 hectares and 1.9 hectares, respectively and a minimum lot frontage of 45 meters and 90 meters, respectively.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part A on the Plan forming Section 26.1.219 of Schedule 'A' of this By-law shall only construct a dwelling and uses accessory thereto (not including septic system) in the area identified as "Buildable Area" and in compliance with the applicable regulations in Sections 6 and 7 of this By-law.

By-law 78-97 passed September 9, 1997 (Earl M. Gingrich)

Deleted and Replaced by By-law 4-2018 passed January 30, 2018 (Andrew Martin)

26.1.220 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.220 of Schedule A of this By-law (hereinafter referred to as the "Plan") may be used for the following use, in addition to the uses allowed in the zone where the parcel lies:

- a) Custom Meat Processing Operation and accessory uses thereto.

Subject to the following:

- i) That the use be restricted to:
 - a. A total maximum floor area of 780 sq m consisting of:
 - an existing 180 sq m building for dry storage only; and
 - a new 600 sq m custom meat processing facility of which a maximum of 60 sq.m. can be dedicated to retail sales;
 - b. A maximum area of operation being approximately 7400 sq m as shown on the Plan, which will include the new processing facility, existing

building for dry storage only and accessory uses including: parking, connecting driveway, septic system, storm water management, fire reservoir;

- c. That the new building shall be located outside of the Minimum Distance Separation (MDS) setbacks from adjacent farming operations, however parking, loading and other associated accessory uses are permitted within the MDS arcs;
 - d. Outdoor storage shall not be permitted; and
 - e. Custom Meat Processing shall mean an establishment where the raw meat products are purchased from local kill facilities, and processed on site, with limited on-site retail sales.
- ii) That the use be in compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 90-97 passed October 28, 1997 (Bloomingdale Mennonite Church)

26.1.221 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.221 of Schedule 'A' of this By-law may be used for a Church and cemetery and accessory uses, subject to the provisions of Sections 6 and 24 of this By-law.

By-law 94-97 passed November 11, 1997 (Breslau Mennonite Church)

26.1.222 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.222 of Schedule 'A' of this By-law may be used only for a Church and cemetery and accessory uses, subject to the provisions of Sections 6 and 24 of this By-law.

By-law 2-98 passed January 13, 1998 (Home Hardware Stores Limited)

By-law 90-2005 passed December 13, 2005 (Home Hardware Stores Limited)

26.1.223 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 and Part 2 on the Plan forming Section 26.1.223 of Schedule 'A' of this By-law are subject to the following provisions as applicable:

Holding Provision Number 1 (H-1)

1. Development is restricted on Part 1 and Part 2 until such time as the Regional Commissioner of Planning Housing and Community Services has issued a letter of clearance advising Township of Woolwich Council that adequate Sewage Treatment Plant capacity is available to service the site and Council, has by By-law, removed the Holding Provision (H) from the Zoning Schedules pursuant to Section 36 of the Planning Act.
2. Notwithstanding Condition 1 above, the lands within Part 1 may be developed for a parking area that is accessory to an industrial operation.
3. Notwithstanding Condition 1 and 2 above, the lands within Part 2 may be developed for parking, including truck parking, that is accessory to an industrial operation, however, the parking within these lands cannot be used as part of the required parking for any use on the property, in accordance with Section 6 of the Zoning By-law.

Holding Provision Number 2 (H-2)

4. Development of any buildings or structures is restricted in Part 2, until such time as the Region of Waterloo and the Township of Woolwich have reviewed and accepted a revised traffic study as they apply to the development of the subject lands as part of the overall Home Hardware property, and Council, has by By-law, removed the Holding Provision (H) from the Zoning Schedules pursuant to Section 36 of the Planning Act.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 3, on the Plan forming Section 26.1.223 of Schedule 'A' of this By-law shall only be developed with uses noted in Section 7.5.1, being farming and uses accessory thereto.

By-law 2-98 passed January 13, 1998 (Home Hardware Stores Limited)

By-law 90-2005 passed December 13 (Home Hardware Stores Limited)

26.1.224 Deleted by By-law 90-2005.

By-law 30-98 passed March 31, 1998 (Arthur Schmidt)

26.1.225 Notwithstanding any other provisions of this By-law a maximum of seven single family residential units are permitted on the lands illustrated on the Plan forming Section 26.1.225 of Schedule A of this By-law and are subject to the following regulations in addition to the regulations of the Residential - Mixed High Density (R-5) zone:

- I. On Lots 1 to 7 the building setback shall be:
 - 6.5 to 8 metres to the residential unit;
 - a minimum of 6 metres for garages (attached or detached); and
 - 5 to 6 metres for a front porch.
- II. Notwithstanding Clause I, on Lots 1, 2, 3 and 4 all buildings and structures shall be located outside the floodplain, as shown on Schedule A. In addition, porches shall be constructed within 1 m. of the easterly limit of the floodplain and the front wall of the residence shall be within 3 m of the easterly limit of the floodplain except where the limit of the floodplain is located within 5 m. of the front property line, in which case the setbacks outlined in Clause I apply.
- III. All residences are required to have a front porch and an attached or detached garage. For the purpose of this clause, a front porch shall be attached to the front wall of the house, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage, if attached).
- IV. The garage may extend up to .5 m. in front of the front wall of the house but shall be setback a minimum of 1 m. behind the front of the front porch and, in all cases, shall maintain a minimum 6 metre building line setback.
- V. Garages attached to or in front of residential units shall not cover more than 50% of the lot frontage. Driveway widths are limited to a maximum of 6 m.
- VI. Buildings and structures are not permitted within the area identified as floodplain (R-5(f)).
- VII. Notwithstanding any other provisions of this By-law, development or use of this property shall be limited to those uses for which the property was lawfully being used for upon the date of passing of this By-law until such time as the Regional Commissioner of Planning and Culture has issued a letter advising Township Council that the appropriately completed Record of Site Condition has been acknowledged by the Ministry of Environment and Township Council has, by By-law, removed the Holding Symbol (H) from the Zoning Schedules.
- VIII. The lands to be conveyed to the Township over the Weigel Drain may be considered to be part of Lot 7 only for the purpose of evaluating lot frontage and width requirements for that lot.

By-law 45-98 passed April 28, 1998 (Merkel)

26.1.226 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.226 of Schedule 'A' of this By-law may have reduced lot areas and frontages as follows:

- Parcel A - a minimum lot area of .19 hectares and a minimum lot frontage of 33 metres; and
- Parcels B and C - a minimum lot area of .25 hectares and a minimum lot frontage of 29 metres each.

In addition, on Parcel B there may be located a non-accessory building of a maximum of 26 sq.m. in area until such time as a residence is constructed on Parcel B (at which time the building will be permitted as an accessory building).

In addition, the minimum building line setback on Parcels B and C shall be 20 m. from the front line.

By-law 70-98 passed July 14, 1998 (Apostolic Christian Church)

26.1.227 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.227 of Schedule 'A' of this By-law may be used only as a Church and single family residence in accordance with the regulations of Sections 6 and 24 of this By-law.

By-law 54-2008 passed August 19, 2008 (Earl M. Gingrich)

By-law 83-98 passed August 25, 1998 (Earl M. Gingrich)

By-law 54-2008 passed August 19, 2008 (Earl M. Gingrich) – MOBILE HOME REMOVED 2009

26.1.228 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.228 of Schedule "A" of this By-law may be used for the following specific use, in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

- I. That the location of the mobile home be separated by a minimum of 220 metres from the adjacent barn and manure storage yard to the south;
- II. That all uses on the property comply with the applicable regulations of Section 7.2 and Section 6 of By-law 55-86, as amended;
- III. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 19th day of August, 2011.
- IV. That the mobile home be located in the area shown on Schedule "A" of this By-law.

By-law 95-98 passed October 13, 1998 (Adieu Farms Limited)

26.1.229 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the Plan forming Section 26.1.229 of Schedule 'A' of this By-law may have a minimum lot area of 31 hectares and 25 hectares, respectively and shall not contain a residential building.

By-law 94-98 passed October 13, 1998 (Reist Subdivision)

26.1.230 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.230 of Schedule 'B5' are subject to the following regulations, in addition to the regulations of the zone within which the parcel lies:

- I. that a parking space shall have a minimum 3 metre set-back from a lot line adjacent to a public road;
- II. Deleted by By-law 83-2001 passed November 12, 2001 (Holding Provisions);
- III. Deleted by By-law 83-2001 passed November 12, 2001 (Holding Provisions).

By-law 107-98 passed November 24, 1998 (1066779 Ontario Inc - Stoltz Farm Equip.)

26.1.231 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.231 of Schedule 'A' of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) farm implement dealership.

Subject to the regulations in Sections 6 and 21 of this By-law.

By-law 8-99 passed January 12, 1999 (Moser/Martin)

26.1.232 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 26.1.232 of Schedule "A" of this By-law may have a

minimum lot area of 1 hectare and a minimum frontage of 110 metres and Part 2 may have a minimum lot area of 9 ha.

By-law 49-99 passed June 22, 1999 (Frey/Leisureworld)

By-law 61-2000 passed August 22, 2000 (Leisureworld Inc.)

By-law 48-2003 passed June 10, 2003 (Frey/Elmira & District Association for Community Living)

By-law 90-2003 passed November 25, 2003 (Elmira Development Support Corporation/Elmira & District Association for Community Living) Remove Holding Provision

26.1.233 Notwithstanding any other provisions of this By-law, on the lands illustrated on the Plan forming Section 26.1.233 of Schedule A of this By-law, the following are permitted:

Block 1

Within Block 1, the following uses are permitted, subject to the regulations noted, in addition to the applicable provisions of Section 6.

Permitted Uses:

- (a) A maximum of Seven "Residential Building - One Unit" dwellings (with a maximum of one dwelling unit per lot), which may include:
 - (i) Private Home Day Care; or
 - (ii) A home occupation or office, base or headquarters for the occupant; **or**
- (b) A maximum of "One Assisted Care Residential Facility with an Administration Office" and Accessory Use thereto.

Regulations for the "Residential Building – One Unit"

- I. the minimum lot width and frontage for interior lots shall be 13.7 m.;
- II. the building setback from Barnswallow and First Street property lines shall be 6 to 8 metres for residential units, except for the existing residence which shall be recognized in its current location;
- III. the front wall of a garage shall not extend beyond the front wall of the house unless a useable front porch is provided, in which case the garage may extend up to .5 m. in front of the front wall of the house but shall be setback a minimum of 1 m. behind the front of the front porch and, in all cases, shall maintain a minimum 6 m. building line setback;
- IV. all residences shall have an attached garage;
- V. garage widths shall be limited to a maximum of 50% of the house width, including the garage and driveway widths shall be limited to a maximum of 6 m.;
- VI. a useable front porch shall be attached to the front wall of the house, be covered by only a roof, shall have a minimum depth of 1.5 m. and shall cover a minimum of 40% of the house width, including the attached garage;
- VII. daylight triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, area and building line setbacks;
- VIII. the minimum total floor area for each residential unit (excluding the garage, basement and cellar) shall be 140 sq.m.;
- IX. if one or more (up to seven) Residential Building – One Unit is developed within Block 1, then an Assisted Care Facility and/or Administration Office is prohibited.

Regulations for the "Assisted Care Residential Facility and Administration Office".

- I. minimum lot area shall be 0.39 hectares;

- II. minimum lot width and frontage shall be 37 metres;
- III. the assisted care residential facility shall have a maximum of 20 beds;
- IV. the administration shall have a maximum floor area of 325 square metres;
- V. minimum side yard for all building existing on the day of passing this By-law shall be 2.4 metres and for all new buildings shall be equal to one-half (1/2) the building height but in no case less than 4.5 metres;
- VI. minimum building line setback shall be 6 metres;
- VII. minimum rear shall be equal to one-half (1/2) the building height but in no case less than 7.5 metres;
- VIII. minimum off-street parking spaces shall be 20, including 1 handicap parking space;
- IX. minimum parking space setback from a lot line abutting First Street shall be 3.2 metres and from a lot line abutting Barnswallow Drive shall be 6 metres;
- X. maximum building height shall be 1 storey;
- XI. maximum lot coverage shall be thirty-five per cent (35%) of the lot area;
- XII. if an Assisted Care Facility and/or Administration Office is developed within Block 1, then one or more (up to seven) Residential Building – One Unit is prohibited.

Regulations for all Permitted Uses noted above.

Deleted by By-law 90-2003 passed November 25, 2003 (Holding Provision)

Block 2

Within Block 2 the following uses are permitted, subject to the following regulations in addition to the applicable provisions of Sections 6 and 24.

Permitted Uses

A Nursing Home with up to 94 beds and uses accessory thereto, including food preparation and servery, laundry facilities, four respite beds and a seniors daycare facility for up to eight seniors.

Regulations

- I. minimum side yards of 6 m;
- II. a minimum rear yard of 10 m;
- III. a maximum building height of 9 m. to the top of the roof parapet;
- IV. a maximum lot coverage of 40%; and
- V. a minimum of 40 off-street parking spaces.

By-law 59-99 passed July 13, 1999 (Ervin S. Martin)

By-law 61-2009 passed November 10, 2009 (Willard and Lorraine Martin)

By-law 75-2012 passed November 27, 2012 (Willard and Lorraine Martin)

By-law 46-2016 passed June 6, 2016 (Willard and Lorraine Martin)

By-law 44-2019 passed June 25, 2019

26.1.234 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.234 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile or portable home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until June 25, 2022.
2. That any mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code; and
 - b) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width.
3. That any mobile or portable home shall only be constructed in accordance with the following:
 - a) Limited to one-storey in height;
 - b) A basement shall not be permitted; and
 - c) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 72-99 passed August 24, 1999 (Goodwin)

26.1.235 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.235 of Schedule 'A' of this By-law may have reduced lot areas and frontages as follows:

- Parcel A - a minimum lot area of 0.4 hectares and a minimum lot frontage of 35 metres; and,
- Parcel B - a minimum lot area of 0.25 hectares and a minimum lot frontage of 33 metres each.

By-law 81-99 passed September 14, 1999 (Demandt)

B7-law 62-2009 passed November 10, 2009 (Ruth Demandt) – MOBILE HOME REMOVED 2011

26.1.236 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.236 of Schedule "A" of this By-law may be used for the following specific use, in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. In compliance with the applicable regulations of Section 7.2 and Section 6 of this By-law, as amended; and
2. that this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 10th day of November, 2011.
3. That the mobile home shall be located in the area shown on the Plan forming Section 26.1.236 of Schedule A of this By-law.

By-law 82-99 passed September 14, 1999 (Stockhausen)

26.1.237 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.237 of Schedule 'A' of this By-law may be used for the following specific uses only:

- a) Business Machine Sales & Service;

- b) Clinic;
- c) Private Club;
- d) Office-Business or Professional;
- e) Office Services;
- f) Showroom or Wholesale Outlet;
- g) Service and Repairs for Household or Personal Articles;
- h) Studio;
- i) Travel Agency;
- j) Residential Building - Single or Duplex;
- k) Dental, Medical or Optical Lab; and
- l) Interior Decorator.

Subject to the provisions of Section 6 and 18 of this By-law. All lands and building included in this Section are accepted as existing buildings and lots for the purpose of the provisions of Section 4.4 of this By-law.

By-law 35-2000 passed May 9, 2000 (W.S. Feed & Supplies Ltd.)

26.1.238 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the Plan forming Section 26.1.238 of Schedule 'A' of this By-law (hereafter called the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

Part 1

- I. a feed mill; and
- II. accessory uses including offices, employee area, parking, loading, weigh scales, fuelling area and retail/showroom.

Part 2

- III. residential building - one unit (which may include a home occupation);
- IV. uses accessory to the foregoing residence; and
- V. an office for a feed mill operation.

Subject to the following:

1. General Regulations

- a) there shall be no drying, baking, cooking or steaming of ingredients/product, with the exception of corn drying;
- b) that any of the above-noted permitted uses which is or may become obnoxious, offensive or dangerous by reason of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-carried waste is specifically prohibited;
- c) that any construction, renovation/alterations of building or structure/equipment/machinery or placing of fill, within the "floodplain area or scheduled area" shown on the Plan shall also require Grand River Conservation Authority approval and no building permit shall be issued until such approval is obtained;
- d) parking and loading requirements shall be in accordance with the provisions of Sections 6.11, 6.12 and 6.13 of this By-law;
- e) minimum side yard requirement is 3 metres;
- f) all other applicable regulations in Section 6 and 7 of this By-law; and
- g) signage in accordance with Section 10 (Industrial Area) of the Township's Sign By-law.

2. Area of Operation Regulations

- a) that all production, storage, bagging, office and retail use and any expansions thereof, are limited to the "Area of Operation" shown on the Plan;
- b) there shall be no outdoor stockpiling or storage of animal feed; except that bagged animal feed is permitted within the 10 square metre area shown on the Plan;
- c) the maximum ground floor area of buildings in the "Area of Operation" shall be 925 square metres;
- d) the maximum height of all buildings/structures, feed bins, outdoor machinery or equipment shall be 20 metres;
- e) notwithstanding 2d), the height of the existing turn head (i.e. distributor of feed to the bins), which is greater than 20 metres high, is permitted and may be replaced or additional pipes may be extended from the turn head to any feed bins within the 'Area of Operation', at a height no greater than the height existing on the day of the passing of this amending By-law;
- f) the retail showroom is limited to a maximum 56 square metres of floor area;
- g) the minimum building line setback from the Sawmill Road road allowance shall be 6 metres.

3. Regulations for Outside the Area of Operation

- a) notwithstanding 2a), Building 'A' (maintenance/storage), Building 'B' (dog shed) and Feed Bin '1', are recognized as being located outside of the 'Area of Operation', but shall not be expanded or connected to the existing turn head;
- b) notwithstanding 2a), one truck trailer on wheels may be used for storage and may be located outside the 'Area of Operation', between Feed Bin '1' and Building 'C', as shown on the Plan;
- c) fuel pumps and fuel tanks may be located outside the 'Area of Operation' and shall be a minimum 20 metres from the westerly lot line, a minimum 3 metres from any other lot line and outside of the floodplain area;
- d) parking may be located outside the 'Area of Operation', but shall be setback a minimum 10 metres from the westerly side yard; and
- e) a 9 metre buffer strip along the westerly property line shall be maintained and used only for the planting of grass, flowers, trees or shrubs (except in the area where there is an existing concrete pad next to Building 'A').

4. Regulations for the House on Part 2 of the Plan

- a) an office accessory to a feed mill operation is limited to the existing building shown on the Plan and no expansion shall be permitted;
- b) parking required for the permitted office shall be setback a minimum 6 metres from the road allowance and may be located on Part 1 of the Plan, in accordance with 3d);
- c) if the building is used as a residence, the minimum rear yard and building line setback for any expansion to the residence, are the setbacks of the residence existing on the day of the passing of this amending By-law; and
- d) Signage in accordance with Section 10 (Industrial Area) of The Township Sign By-law.

For the purpose of this section the following definitions are included:

"Feed Mill" means a farm-related, dry industry for the production, bagging and storage of animal feed used by farmers for their livestock operation with minor storage and retailing of animal feed for domestic pets.

"Production" of animal feed means the blending of dry ingredients and small amounts of liquid additives (i.e. less than 5% of the total tonnage produced by the feed mill) in

a closed system (i.e. within pipes/bins or within a building) to make the final feed product and shall not include further processing such as drying (not including corn drying), heating, cooking, baking or steaming and is in such a dry form suitable to be augured to a feed bin.

By-law 82-99 passed September 14, 1999 (Bruce and Genny Leach)

26.1.239 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan as Lot 58 forming Section 26.1.239 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Six-unit residential apartment building.

Subject to the following:

- 1) The regulations set out in Sections 17A.3 and Section 6 of Zoning By-law 55-86.

By-law 54-2000 passed July 11, 2000 (Patricia Davies Flacco)

By-law 83-2010 passed November 23, 2010 (Patricia Davies-Flacco) – MOBILE REMOVED 2013

26.1.240 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan as Part Lot 71 GCT forming Section 26.1.240 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a second dwelling unit by means of a mobile home.

Subject to the following:

- I. The mobile home shall be pre-constructed from a manufacturer, a single wide section, and shall not exceed a floor area of 110 square metres.
- II. The unit shall rest on piers, not on foundation walls or a 'kneewall' enclosing a basement or crawlspace.
- III. There shall be no building additions to the mobile home.
- IV. In compliance with all other applicable regulations of Section 7.2 and Section 6 of this By-law, as amended.
- V. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the 23rd day of November, 2013.

By-law 63-2000 passed August 22, 2000 (Amos B. Martin & The Old Order Mennonite Church)

26.1.241 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan as Part Lot 92 forming Section 26.1.241 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which this 0.6 hectare parcel lies:

- a) a school;
- b) uses accessory to a school.

Subject to the following:

- I. set-back: Section 6.10.2a;
- II. side-yard: Section 7.2.3 (d);
- III. rear-yard: Section 7.2.4.

By-law 57-2000 passed August 22, 2000 (Lencro Investment)

By-law 32-2005 passed May 24, 2005 (Lencro Investments)

26.1.242 Notwithstanding any other provisions of this By-law, the General Industrial – Dry (M-1) zoned lands illustrated on the Plan forming Section 26.1.242 of Schedule ‘A’ (hereafter called the “Plan”) are subject to the following regulations, in addition to the regulations of the zone within which the parcel lies:

- I. Deleted.
- II. Deleted.
- III. That Lots 1 and 2 have a zero lot frontage/width, until such time as the Breslau By-pass is completed and opened for through traffic, whereby Lot 2 shall have a minimum lot width of 10 metres.
- IV. That the following uses on all of the Lots on the Plan shall be prohibited:
 - a) manufacturing of asbestos, phosphate or sulphur products;
 - b) primary production of chemicals, synthetic rubber, plastic or asphalt;
 - c) processing or refining of petroleum or coal;
 - d) tanning or chemical processing of pelts or leather;
 - e) vulcanizing of rubber or rubber products;
 - f) stamping, blanking or punch pressing of metal.
- V. Notwithstanding Section 21.2.11 of this By-law, a freestanding non-accessory office(s) is permitted on all of the Lots on the Plan, subject to the Holding Provisions noted above in I. and II. and the applicable regulations in Sections 6 and 21 of this By-law.

By-law 65-2000 passed September 12, 2000 (Alex Paving/Beling Cement)

26.1.243 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.243 of Schedule ‘A’ of this By-law are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) That freestanding non-accessory office is permitted.
- b) That the following uses shall be prohibited:
 - manufacturing of asbestos, phosphate or sulphur products;
 - primary production of chemicals, synthetic rubber, plastic or asphalt, including an asphalt plant;
 - processing or refining of petroleum or coal;
 - tanning or chemical processing of pelts or leather;
 - vulcanizing of rubber or rubber products;
 - heavy metal stamping, blanking or punch-pressing of metal; and
 - automobile service station, public garage, body shop or gas bar.

By-law 93-2000 passed on December 19, 2000 (Colin and Katie Kent)

26.1.244 Notwithstanding any other provision of this By-law, the land illustrated on the Plan forming Section 26.1.244 of Schedule “A” of this By-law may have a minimum lot area of 12,400 square metres (1.25 ha) with a minimum lot frontage of 96 metres.

By-law 5-2001 passed January 30, 2001 (Good Auto Parts Inc.)**By-law 39-2009 passed June 8, 2009 (Good Auto Parts Inc.)**

26.1.245 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.245 of Schedule ‘A’ of this By-law are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) That the following uses are not permitted:
 - Auditorium or Stadium;
 - Establishments for dispensing of refreshments to the public which serve alcohol; and
 - Private Club.
- b) That the Wyatt Street lot line shall be considered the front yard.
- c) That vehicle access shall only be provided in the front yard.
- d) That a rear yard setback of 1.2 metres shall be permitted.
- e) That a 1.2 metre buffer shall be maintained along Memorial Ave.

By-law 22-2001 passed March 27, 2001 (M. Dettwiler)

26.1.246 Notwithstanding the provisions of Sub-section 6.8, entitled "Frontage on Public Street" the lands illustrated on the plan forming Section 26.1.246 of Schedule 'A' of this By-law may be developed for any use permitted in the zone in which the subject lands lie without frontage on a public street. Said uses shall be developed in conformity with all other applicable regulations of this By-law and the regulations of the zone within which the subject lands lie, subject to the following:

- i) No buildings or structures are permitted within the "no build" area as indicated on Schedule 'A' of this By-law.

By-law 26-2001 passed April 24, 2001 (Lorraine Jane Reese)

26.1.247 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.247 of Schedule "A" of this By-law may have a minimum lot area of 14.1 ha.

By-law 30-2001 passed May 7, 2001 (Hazard Construction) and

By-law 43-2001 passed June 12, 2001

26.1.248 Notwithstanding any other provisions of this By-law, the permitted uses on the lands illustrated on the Plan forming Section 26.1.248 of Schedule 'A' of this By-law are subject to the following regulations in addition to those regulations outlined in Section 6 and the zone within which the lands lies:

- i) Within the R1 zone, Lots 1 to 9, inclusive, shall have:
 - a) minimum lot width of 21 m;
 - b) minimum lot area of 830 sq. m.;
 - c) minimum side yard of 2.3 m.
- ii) Within the R1 zone, Lots 10 to 13, shall have:
 - a) minimum lot width of 29 m;
 - b) minimum lot area of 1250 sq. m.;
 - c) minimum side yard of 2.3 m.
- iii) Within the R2 zone, a maximum of 18 single family lots in total shall be permitted within Blocks 14, 15 and 16, subject to the following:
 - a) minimum lot width of 21.3 m;
 - b) minimum lot area of 850 sq. m.;
 - c) minimum building line setback of 7.5 m;
 - d) minimum side yard of 2.3 m.
- iv) Those properties located within the R3 zone shall be limited to 16 semi-detached lots (32 units) in total and have:
 - a) minimum semi-detached lot width of 13.7 m per dwelling unit;
 - b) minimum semi-detached lot area of 412 sq. m. per dwelling unit;

- c) minimum side yard of 1.2 m on the external side of the building.
- v) For the purposes of Clause iv), the minimum building setback for the R3 zone shall be:
 - a) minimum 6 m to the front wall of a residential unit;
 - b) minimum 6 m for garages;
 - c) minimum 4.5 m to a front porch.
- vi) Notwithstanding Clause v) above, the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit.
- vii) Notwithstanding Clause vi) above, if a front porch is attached to a residential unit, the garage may extend in front of the main building but shall not extend beyond the front porch and in all cases shall maintain a minimum 6 m building line setback.
- viii) For the purpose of Clause vii) above, a front porch shall be attached to the front wall of the main building, covered by a roof, have a minimum depth of 1.5 m and shall cover a minimum of 40% of the front of the residence (including the garage).
- ix) Detached garages are not permitted on properties located in the R3 zone.
- x) Within the Agricultural zone, the following shall apply:
 - a) Block 17 will have a minimum lot area of 0.16 ha and a minimum lot frontage of 45 metres;
 - b) The property described as Part of Block 75, Registered Plan 1657, Township of Woolwich will have a minimum lot area of 18 ha and minimum lot frontage of 13 m.
- xi) Within the R2 zone, a maximum of 2 single-family lots in total shall be permitted within Block 17, subject to the following:
 - a) minimum lot width of 21.3 m.;
 - b) minimum lot area of 760 sq. m.;
 - c) minimum building line setback of 6 m.;
 - d) minimum side yard of 1.2 m..

By-law 37-2001 passed June 12, 2001 (Elmira Industrial Land)

By-law 40-2004 passed April 13, 2004 (Elmira Industrial Land Inc.)

By-law 83-2006 passed November 28, 2006 (General Amendment)

By-law 1-2007 passed January 16, 2007 (Elmira Industrial Lands)

By-law 26-2008 passed April 29, 2008 (2096297 Ontario Inc. and Southfield Market Inc.)

By-law 40-2013 passed June 25, 2013 (Sobeys Capital Incorporated) as directed in the Minutes of Settlement for PL121331 approved by the OMB May 31, 2013

By-law 02-2014 passed January 21, 2014 (Hassan Morshedi / General Amendment)

OMB approval June 11, 2018 (Skyline Retail Real Estate Holdings Inc.)

LPAT approval to modify June 11, 2018 decision on February 15, 2019

26.1.249 Notwithstanding any other provision of this By-law, the lands illustrated as Part 2 on the Plan forming Section 26.1.249 of Schedule 'A' are limited to uses permitted in the General Industrial – Dry Zone (M-1), until such time that municipal sanitary and water services are connected to the property.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 3 on the Plan forming Section 26.1.249 of Schedule 'A' (hereafter the "Plan") of this By-law

are permitted the following specific uses, in addition to the uses permitted in the zone in which the parcel lies:

- A. A Food Store/Supermarkets;
- B. Accessory Uses to the foregoing;
- C. Dollar Store;
Dollar Store: means a retail establishment having a minimum gross floor area of 837 square metres (9,000 square feet) and a maximum gross floor area of 1,115 square metres (12,000 square feet) engaged in the retailing of a general line of new merchandise where items are typically priced below five dollars.
- D. Clinic;
- E. Day Nursery or Nursery School;
- F. Personal Service Shop;
- F. Drug Store / Pharmacy;
- G. Retail.

Subject to the following regulations

- i) For the purpose of this Section, Accessory Uses to a Food Store may include the sale of non-food related items or the provision of services such as a florist, financial services, pharmacy, film processing, dry cleaning depot, only where such accessory use is provided within the food store building but not as a separate, independent operation. An outdoor seasonal garden centre, with no buildings or structure is permitted.
- ii) A total gross floor area of 97,000 square feet is permitted.
- iii) The total gross floor area of the food store/supermarket and accessory uses thereto shall not exceed 44,000 square feet.
- iv) The minimum gross floor area for any use identified in F, G and H above shall be 7, 500 square feet.
- v) Notwithstanding the minimum gross floor area set out in (iv) above, for any use identified in F and H, up to five (5) individual units are each permitted to have a gross floor area less than 7,500 square feet, provided that the aggregate gross floor area of those units does not exceed 12,000 square feet and does not include the sale of liquor and/or beer.
- vi) That the following uses within the Service Commercial Zone (C-7) in Section 20B of this By-law are prohibited within the portion of Part 3 identified as "1.9-ha portion"
 - Service and Repair facilities associated with Automotive Sales and Rental as a primary or accessory use;
 - Automotive Service Station/Repair/Public Garage/Gas Bar as a primary or accessory use;
 - Warehousing and bulk storage of oil/gasoline/petroleum products associated with Auto Supply;
 - Service and Repair facilities associated with Recreational Vehicle Sales and Rental;
 - Service and Repair facilities associated with Recreational Vehicle Sales and Rental;
 - Warehousing of cleaning products, pesticides, herbicides fungicides and chemicals associated with a Garden Centre or Nursery;
 - Industrial & Farm Equipment Sales & Rentals;
 - Warehousing of cleaning products, pesticides, herbicides fungicides and chemicals associated with a Feed, Seed & Farm Supply Depot; and

- Warehousing of cleaning products, pesticides, herbicides fungicides and chemicals associated with Indoor Storage and Warehousing.
- vii) The minimum rear yard setback shall be 6 metres.
- viii) Notwithstanding any other provision to the contrary, off-street parking shall be provided at a rate of not less than 5 spaces per 100 square metres of gross floor area.
- ix) All other applicable regulations in Sections 6 and 20B.5 of this By-law.

Notwithstanding IX) above and Section 20B.5.20 of the Zoning By-Law, the area shown as "Part 9" on Schedule 'A' (attached) may be developed with a building that has a main front door facing towards the interior of the property (east or south facing).

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 4 on the Plan forming Section 26.1.249 of Schedule 'A' (hereafter the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) Retail nursery/garden centre is a permitted use and is subject to the applicable regulations in Section 6 and Section 22B.4 of the By-law,
- b) A Public Garage and Body Shop is prohibited;
- c) Deleted by By-law 02-2014;
- d) That the fuel storage facility for an Automotive Service Station and/or Gas Bar shall only be above ground. For the purpose of this Section an above ground fuel storage facility may include a facility that is placed on a concrete pad below grade but is fully exposed (not buried) at surface level;
- e) Minimum side yard setback to the south property line shall be 10 metres;
- f) A minimum 6 metre wide Buffer Strip shall be maintained along the south property line, which shall be kept free of all parking, buildings, structures (except for legal boundary fences or walls), driveways and outdoor storage and shall be used only for plantings, grass, flowers, shrubs or trees.
- g) That buildings used for Light Manufacturing, Assembly, Processing and Repair, Warehousing (not including indoor storage accessory to permitted use in the M-5 zone that is not referenced in this Clause) and the outdoor storage for a Contractor's Yard and Bulk Sales of Landscaping Material shall maintain a minimum 70 metres separation from a residential building; and
- h) Subject to the applicable regulations in Section 6 and 22B.4 of the By-law.

Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 4, 5 and 8 on the Plan forming Section 26.1.249 of Schedule 'A' (hereafter the "Plan") of this By-law and zoned Service Industrial (M-5) are subject to the following specific provisions, in addition to the M-5 provision in which the parcel lies:

- i) That the building line setback to Arthur Street shall be a minimum 15 metres;
Amended by By-law 40-2004 passed April 13, 2004 (Elmira Industrial Land Inc.)
- ii) Deleted by By-law 02-2014;
- iii) All main buildings on lots with frontage on Arthur Street shall be oriented to and have their front facade facing Arthur Street. Notwithstanding the above, development at the corner of Union Street and Arthur Street, may have their front facade facing Union Street. For the purpose of this provision, front facade shall include front entrances, which shall be useable;
- iv) Notwithstanding Section 22B.4.18 of this By-law, as amended, Part 8 of the Plan shall be permitted only one (1) Restaurant/Drive Thru, at maximum floor of area

of 400 square metres, which shall be over and above maximum 600 square metres gross floor area regulated for Restaurant/Drive Thru within the same contiguous M-5 zoned area.

- v) Notwithstanding iii) above, the development of Part 8 may have their front facade facing Earl Martin Drive or Arthur Street South. For the purpose of this provision, front facade shall include front entrances, which shall be useable.

Amended by By-law 26-2008

Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 6 on the Plan forming Section 26.1.249 of Schedule 'A' (hereafter the "Plan") of this By-law and zoned Business Park Industrial (M-6) are subject to the following specific provisions, in addition to the M-6 provisions in which the parcel lies:

- i) There shall be no underground storage tanks permitted within this M-6 zoned area except for an underground storage tank(s) associated with one fuel depot or fuel dispensing operation in this zone and shall be located in an area near Union Street.

Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 3 and 7 on the Plan forming Section 26.1.249 of Schedule 'A' (hereafter the "Plan") of this By-law and zoned Service Commercial (C-7) are subject to the following specific provisions, in addition to applicable provisions in this section and the C-7 provisions in which the parcel lies:

- i) That a Canadian Tire Store is a permitted use, shall have a minimum floor area of 465 square metres (5000 square feet) and shall be subject to the provisions in Section 20B.4;
- ii) That a Co-Op is a permitted use, shall have a minimum floor area of 465 square metres (5000 square feet) and shall be subject to the provisions in Section 20B.4;
- iii) Notwithstanding Section 20B.5.17, a maximum of two operations for uses noted above may have a Minimum Gross Floor Area of 186 square metres (2000 square feet) and a maximum of one operation for uses noted above may have a Minimum Gross Floor Area of 279 square metres (3000 square feet).
- iv) That the building line setback to Arthur Street shall be a minimum 15 metres;
- v) Maximum Total Gross Floor Space for Service Commercial Uses noted in Sub-Section 20B.3 for the 5.2 hectares (12.8 acres) lands designated and zoned Service Commercial and located at Arthur Street South and Southfield Drive shall be 138,000 square feet,
- vi) Deleted by By-law 02-2014.

By-law 93-2001 passed December 11, 2001 (Briski)

By-law 20-2012 passed March 27, 2012 (Briski)

By-law 69-2015 passed November 17, 2015 (Rudolph and Maria Briski)

By-law 16-2019 passed March 5, 2019

26.1.250 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.250 of Schedule 'A' of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) A dwelling unit by means of a mobile home.

Subject to the following:

1. Compliance with the applicable regulations of Section 7 and Section 6 of this By-law, as amended;
2. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until March 5, 2022;
3. That the mobile home shall be located in the area shown on the Plan forming Section 26.1.250 of Schedule A of this By-law; and
4. That the mobile home shall only be constructed:
 - a) in accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) limited to one-storey in height;
 - c) not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) a basement shall not be permitted; and
 - e) additions are not permitted except for a minor enclosed porch or breezeway.

By-law 94-2001 passed December 11, 2001 (Brubacher) – MOBILE HOME REMOVED 2011

26.1.251 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.251 of Schedule 'A' of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) A dwelling unit by means of a mobile home.

Subject to the following:

- i. That the second dwelling unit be located a minimum of 113 metres from the barn located on the opposite side of Katherine Street;
- ii. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended;
- iii. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until the December 11, 2011, and
- iv. That the mobile home shall be located in the area shown on the Plan forming Section 26.1.251 of Schedule A of this By-law.
- v. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.

By-law 23-2002 passed March 25, 2002 (Charest)

26.1.252 Notwithstanding any other provisions of this By-law, the lands being 1158 Foerster Road (Part of Lot 83, GCT) as illustrated on the Plan forming Section 26.1.252 of Schedule 'A', of this By-law may have a minimum lot area of 17 hectares and in conformity with all other applicable regulations in Sections 6 and 7.

By-law 27-2002 passed April 23, 2002 (Westfield Acres)

Amended by By-law 1-2008 passed January 15, 2008 (Tanem Developments and 2024348 Ontario Limited)

26.1.253 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.253 of Schedule 'A' (hereafter called the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. SPECIAL LOT PROVISIONS

- i.
 - a. The Minimum Lot Frontage and Minimum Lot Width for the Residential Mixed – High Density (R-5) Zone shall be 9 metres and Minimum Lot Area shall be 344 square metres.
 - b. For the purposes of calculating lot width, as defined in Section 2.77 of this By-law, the building line shall be setback 6 metres from the front property line.

B. SPECIAL BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
 - a. 5.0 metres to the residential unit;
 - b. 6.0 metres for garages (attached or detached); and
 - c. 3.5 metres for a front porch.
- ii. "Minor variations" in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.
- iii. Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C.i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6 metre building line setback.
- iv. For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 3m.
- v. Notwithstanding Clause i), semi-detached and single-family corner units may have 4.5 metre building line setbacks on their flankages (exterior side yards).
- vi. Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.

C. SPECIAL GARAGE/DRIVEWAY PROVISIONS

- i. Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
- a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and
 - d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.

For the purpose of determining the percentage of homes in clause i) d) above, streets containing less than 10 homes may have a maximum of 1 home with a garage extending in front of the front wall of the residence or porch, subject to the above-noted regulations. For the purpose of calculating the percentage (10%) for streets containing more than 10 homes, any fraction or part of a home shall be rounded to the lower whole number.

Committee of Adjustment application A 13/03 approved April 28, 2003

- ii. Notwithstanding Part B of this Section, when a front porch is required under Clause B iii) and has a porch width that is less than 40% of the house (including the garage), the following applies:
- a) The lot shall have a minimum frontage greater than 10 metres (33 feet);
 - b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
 - c) The porch must extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
 - d) The maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purposes of measuring minimum front porch width of 3 metres as noted in ii) b) above, for lots with lot width equal to or less than 11 metres, the minimum porch foundation width shall be 2.6 metres and the minimum width of the roof above the porch measured between the eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres), for lots

greater than 11 metres in width the minimum porch foundation width shall be 3 metres.

- iii. Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of 0.3 metres.

Committee of Adjustment application A1/03 approved January 20, 2003

- iv. Driveways on lots:
 - Less than 10 metres wide shall be a maximum of 3.66 metres;
 - 10 metres to less than 18 metres in width, shall be limited to a maximum width of 6 metres; and
 - 18 metres in width or greater, shall be permitted a maximum driveway width of 10 metres.

Notwithstanding the maximum driveway width noted above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare / taper from the front lot line to the external wall width of the garage, provided that the width of the driveway at the front property line maintains the maximum allowable driveway width.

D. ROW TOWNHOUSE BLOCK PROVISIONS

Notwithstanding Sections 6 and 15, and the applicable regulations noted in this Section, the following shall apply to the row townhouses:

- i. The minimum building line setback of a garage shall be 9 metres;
- ii. The minimum side yard requirement shall be 3 metres, and 4.5 metres to a lot line adjacent to a road;
- iii. That no more than 7 units shall be attached in one continuous block for Blocks 154 and 156, and no more than 5 units shall be attached in one continuous block for Blocks 155 and 157. Notwithstanding Section 15.4.3, the total internal side yards between two blocks of row townhouses may be a minimum of 3.5 metres; and
- iv. In conformity with all other applicable regulations in Sections 6 and 15 and Part B and C of this Section.

E. BLOCK 167

Notwithstanding any other provision of this By-law, the lands identified as Future Development Block 167 may be utilized for uses accessory to residential, if the subject land, or a portion thereof, is developed as part of a residential lot.

F. HOLDING PROVISIONS (Deleted by By-law 1-2008)

By-law 26-2002 passed April 23, 2002 (Feick)

26.1.254 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.254 of Schedule 'A' of this By-law may be used for the

following specific use in addition to the uses permitted in the zone within which the parcel lies:

1. a bed and breakfast with a maximum of 3 bedrooms for rent; and
2. subject to all other provisions of Sections 6 and 10 of the Zoning By-law.

By-law 37-2002 passed May 28, 2002 (Basra)

26.1.255 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.255 of Schedule 'A' of this By-law may be used in accordance with the following:

1. That the entire gross floor area for commercial purposes shall not exceed 465 square metres;
2. Only the following uses shall be permitted:
 - a) Gas Bar in accordance with Section 9 below;
 - b) Restaurant;
 - c) Convenience Retail/Variety Store/Food Store;
 - d) Laundromat, Laundry or Dry Cleaning;
 - e) Medical or Dental office;
 - f) Hair Dresser, Barber, Beautician;
 - g) Financial Institution, bank machine;
 - h) Office, in conformity with subsection 19.3;
 - i) Video store;
 - j) Drug store;
 - k) Dwelling Unit or Units in a building, where the street floor frontage is used for a permitted commercial or office use - in conformity with the provisions of subsection 19.3.4; and
 - l) Uses accessory to the above.

Additional Regulations

3. For items b) through j) above, of the permitted uses, any one use in and of itself, shall be limited to a total maximum floor area of 250 square metres.
4. Minimum lot area – 2800 square metres.
5. Minimum lot frontage – 30 metres.
6. Maximum building height – 10.5 metres.
7. Building Setbacks
 - a) For the northern interior side yard (2.3 metres); and the rear yard (3.2 metres) shall be permitted in the area of the existing building;
 - b) Setbacks of any addition shall meet the minimum yard setbacks required in Section 19.
8. A restaurant use shall not include a drive-thru window.
9. Requirements for the Gas Bar
 - a) A car wash is not a permitted use;
 - b) Minimum Service Pump Island 6.0 metres from the front line abutting the street, except for the canopy which shall be permitted 3.0 metres from the street lot line;
 - c) Minimum Storage tank setbacks – 3.0 metres from the front lot line and 6 metres from any interior lot line.
 - d) A propane refill facility as an accessory use to the gas bar shall be permitted in accordance with the following:
 - i. The tank shall be a maximum size of 2000 USWG (3800 L), based on total aggregate water capacity;
 - ii. The tank facility shall not exceed 2.5 metres in height; and
 - iii. Minimum yard setback for all yards shall be 6 metres.

10. Minimum parking setback from King Street North – 3 metres.
11. No outdoor storage shall be permitted.
12. All other provisions of Section 6 and of the C-4 Zone, Section 19 of the By-law shall apply.

By-law 28-2002 passed April 23, 2002 (Horst/TDL Group Ltd.)

26.1.256 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.256 of Schedule 'A' of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

1. A freestanding restaurant;

Subject to the following provisions:

- a) Minimum Stacking Spaces for Drive-Thru Restaurant is 8 spaces at a minimum size of 2.5 metres by 6 metres;
- b) Minimum Stacking Spaces for Drive-Thru Coffee and Donut Shop is 12 spaces at a minimum size of 2.5 metres by 6 metres;
- c) All other applicable provisions in Sections 6 and 21 of the Zoning By-law.

By-law 59-2002 passed July 9, 2002 (Birdland Developments Limited)

26.1.257 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.257 of Schedule 'A' (hereafter called the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. SPECIAL LOT PROVISIONS

- a) The Minimum Lot Frontage and Minimum Lot Width for an interior lot and corner lot in the Residential - Medium Density (R-5) Zone shall be a minimum of 9.0 metres and 12 metres, respectively. The Minimum Lot Area for an R-5 zone lot shall be 300 square metres.
- b) For the purposes of calculating lot width, as defined in Section 2.77 of this By-law, the building line shall be setback 6 metres from the front property line.

B. SPECIAL BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
 - a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached) for single family and semi-detached units and 9.0 metres for garages (attached or detached) for row townhouses and/or four-plexes; and
 - c) 3.5 metres for a front porch.
- ii. "Minor variations" in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.
- iii. Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main

building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6 metre building line setback.

- iv. For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 3 m.
- v. Notwithstanding Clause i), semi-detached and single-family corner units may have 4.5 metre building line setbacks on their flankages (exterior side yards).
- vi. Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.

C. SPECIAL GARAGE/DRIVEWAY PROVISIONS

- i. Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
 - a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and
 - d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.

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- ii. Notwithstanding Part B of this Section, when a front porch is required under Clause B iii) and has a porch width that is less than 40% of the house (including the garage), the following applies:
 - a) The lot shall have a minimum frontage greater than 10 metres (33 feet);
 - b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
 - c) The porch must extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
 - d) The maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purposes of measuring minimum front porch width of 3 metres as noted in ii b) above, for lots with lot width equal to or less than 11 metres, the minimum porch foundation width shall be 2.6 metres and the minimum width of the roof above the porch measured between the eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres), for lots greater than 11 metres in width the minimum porch foundation width shall be 3 metres.

- iii. Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of 0.3 metres.

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- iv. Driveways on lots:
 - Less than 10 metres wide shall be a maximum of 3.66 metres;
 - 10 metres to less than 18 metres in width, shall be limited to a maximum width of 6 metres; and
 - 18 metres in width or greater, shall be permitted a maximum driveway width of 10 metres.

Notwithstanding the maximum driveway width noted above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare / taper from the front lot line to the external wall width of the garage, provided that the width of the driveway at the front property line maintains the maximum allowable driveway width.

D. MULTIPLE BLOCK PROVISIONS

Notwithstanding Section 6 and 15 and the applicable regulations noted in this Section, the lands within the Residential – Multiple Zone (R-7) and shown on the Plan as Blocks 61, 62, 63 and 64 shall develop to a maximum of 16 units in total and are subject to the following additional provisions:

Regulations for Residential Building - Row

- i. Permitted only on Blocks 62 and/or 63;
- ii. Shall not have more than 4 units attached;
- iii. The minimum lot frontage/width of each interior unit shall be 9 metres and the minimum lot frontage/width of each end unit shall be 12 metres;
- iv. The minimum building line setback for garages shall be 9 metres;
- v. The minimum side yard of each interior unit shall be 0 and each end unit shall be 3 metres;
- vi. The minimum rear yard shall be 7.5 metres;
- vii. In conformity with all other applicable regulations in Sections 6 and 15 and Part B and C of this Section.

Regulations for Residential Building - Apartment

- i. Permitted on Blocks 61, 62, 63 and 64;
- ii. Shall contain 1 building with a maximum of 4 units for each block developed;
- iii. Shall provide a minimum of 1.5 parking spaces for each unit;
- iv. The minimum building line setback for garages shall be 9 metres;
- v. In conformity with all other applicable regulations in Sections 6 and 15 and Part B and C of this Section.

By-law 78-2002 passed September 10, 2002 (Reist/Floradale Mennonite Church)

By-law 43-2004 passed April 13, 2004 (Floradale Mennonite Church)

26.1.258 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.258 of Schedule 'A' (hereafter the "Plan") of this By-law shall be subject to the following provisions, in addition to the regulations noted in Sections 6 and 24 of this By-law:

- a) That the Building Line setback for building addition(s) to the existing church may be equal to or greater than the existing Building Line setback of the church shown on the Plan.
- b) That the Building Line setback for new-detached building(s) or structures shall be 6 metres.
- c) That the maximum building height shall be 12.5 metres; and
- d) That the minimum rear yard setback shall be 4.5 metres.

By-law 88-2002 passed October 7, 2002 (Howard and Gloria Bauman/Elmira Farm Service)

By-law 29-2003 passed March 25, 2003 (Delete Holding Provision)

26.1.259 Notwithstanding any other provisions of this By-law, the lands being Part of Lot 105, as illustrated on the Plan forming Section 26.1.259 of Schedule 'A', of this By-law, may be used for the following uses only:

- 1) On a maximum of 12.14 hectares (30 acres) of the 24.28 hectare (60 acre) parcel the following uses shall only be permitted:
 - a) A Farm Equipment Dealership;
 - b) Farming; and
 - c) Uses accessory thereto, but not including a dwelling unit, shall be permitted,
in accordance with the regulations in Sections 6 and 7 of this By-law.
- 2) On the remaining portion of the property, permitted uses shall be those in accordance with the Agricultural (A) zone within which the property lies.

All other development shall be in conformity with all other applicable regulations in Sections 6 and 7.

By-law 93-2002 passed October 22, 2002 (Ephraim B. Martin)

By-law 76-2012 passed November 27, 2012 (Clayton and Selema Martin)

By-law 45-2016 passed June 6, 2016 (Clayton and Selema Martin)

26.1.260 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.260 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a garden suite.

Subject to the following:

3. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until June 6, 2019;
4. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.

3. That the building line setback from Printery Road for the breezeway addition be a minimum of 5.8 metres;
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 109-2002 passed December 10, 2002 (Reinhart/CN Rail)

By-law 29-2010 passed March 29, 2010 (Shantz Station Terminal Limited)

26.1.261 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan (area of operation) forming Section 26.1.261 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- i) An agricultural rail transfer facility
- ii) Local Flour Mill, and
- ii) Uses accessory to the above.

Subject to the following:

1. For the purposes of this section, an 'agricultural rail transfer facility' shall mean the handling, distribution and storage of grains for the transfer of these materials from rail to vehicle transportation, which shall include the screening of the grain being transferred, with no processing of the materials;
2. For the purposes of this section, a "Local Flour Mill" shall mean the processing of grains into flour, where the majority of the grain used is produced locally in southern Ontario;
3. That all grain handling and flour mill operations, regarding the agricultural rail transfer facility and flour mill shall only take place within the defined "Area of Operation" illustrated on the plan within a maximum area of 2.5 hectares;
4. The agricultural rail transfer facility, shall be a minimum of 150 metres away from the nearest dwelling unit existing on the day this By-law is approved;
5. Notwithstanding Clause 2 above, the existing dwelling unit on the property including a proposed addition, which is located outside the "Area of Operation", may be used as an office building that is *accessory* to the agricultural rail transfer facility, with parking, however, no other dwelling unit will be permitted on site;
6. In addition to any of the above requirements, the following setbacks shall apply to the agricultural rail transfer facility:
 - a) Minimum setback for the rail facility from the CN Rail line property, 0-metres, and 10 metres from any other property line; and
 - b) Minimum setback for accessory structures to the rail facility shall be 10 metres from the property line;
7. No processing (i.e., grain drying, etc.) of material is permitted; and
8. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 110-2002 passed December 10, 2002 (Elmira Evangelical Church)

26.1.262 Notwithstanding any other provisions of this By-law, for the property known as Lot 48, Plan 1364, being 3 Second Street, as illustrated on the Plan forming Section 26.1.262 of Schedule 'A', of this By-law are subject to the following regulations, in addition to the regulations of the zone within which the parcel lies:

- a) The existing single family dwelling unit shall be permitted, in conformity with the Residential (R-2) requirements in Section 11 and 6; and

- b) Any change of use from the single-family Residential use permitted above, shall maintain a minimum 4.5 metre yard setback from the mutual property line with 7 Second Street (along the west side of the 3 Second Street Property), where no building or parking shall be permitted, and 1.5 metres of the required yard shall be used as a landscaped buffer in accordance with Section 6.15.

By-law 108-2002 passed December 10, 2002 (Valleyview Heights)

By-law 83-2006 passed November 28, 2006 (General Amendment)

26.1.263 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.263 of Schedule 'A' (hereafter called the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. SPECIAL LOT PROVISIONS

- i. For the purposes of calculating lot width, as defined in Section 2.77 of this By-law, the building line shall be setback 6 metres from the front property line.

B. SPECIAL BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
- a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached) for single family and semi-detached units; and
 - c) 3.5 metres for a front porch.
- ii. "Minor variations" in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.
- iii. Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6-metre building line setback.
- iv. For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 10 feet.
- v. Notwithstanding Clause i), semi-detached and single-family corner units may have 4.5 metre building line setbacks on their flankages (exterior side yards).
- vi. Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.

C. SPECIAL GARAGE/DRIVEWAY PROVISIONS

- i. Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
- a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and
 - d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.
- For the purpose of determining the percentage of homes is clause i) d) above, streets containing less than 10 homes may have a maximum of 1 home with a garage extending in front of the front wall of the residence or porch, subject to the above-noted regulations. For the purpose of calculating the percentage (10%) for streets containing more than 10 homes, any fraction or part of a home shall be rounded to the lower whole number.

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- ii. Notwithstanding Part B of this Section, when a front porch is required under Clause B iii) and has a porch width that is less than 40% of the house (including the garage), the following applies:
- a) The lot shall have a minimum frontage greater than 10 metres (33 feet);
 - b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
 - c) The porch must extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
 - d) The maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purposes of measuring minimum front porch width of 3 metres as noted in ii)b) above, for lots with lot width equal to or less than 11 metres, the minimum porch foundation width shall be 2.6 metres and the minimum width of the roof above the porch measured between the eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres), for lots greater than 11 metres in width the minimum porch foundation width shall be 3 metres.

- iii. Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of 0.3 metres.

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- iv. Driveways on lots:
- Less than 10 metres wide shall be a maximum of 3.66 metres;
 - 10 metres to less than 18 metres in width, shall be limited to a maximum width of 6 metres; and
 - 18 metres in width or greater, shall be permitted a maximum driveway width of 10 metres.

Notwithstanding the maximum driveway width noted above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare / taper from the front lot line to the external wall width of the garage, provided that the width of the driveway at the front property line maintains the maximum allowable driveway width.

D. MULTIPLE BLOCK PROVISIONS

Notwithstanding Section 6 and 15 and the applicable regulations noted in this Section, the lands within the Residential – Multiple Zone (R-7) and shown on the Plan as Block 130 shall develop with the following uses only:

- a) a seniors apartment building; and
- b) uses accessory to the foregoing permitted use, for use of the residents only, including a common dining/recreation and entertainment area, tuck shop for retail of day-to-day convenience goods and hair dresser/barber, for use of the residents only;

For the purpose of this section, a “senior’s apartment building” means an apartment building designed and built for the accommodation of the elderly, which is defined as persons aged 55 years and over, and which is owned and managed by a non-profit organization.

Subject to the following additional provisions:

Regulations for Residential Building - Apartment

- i. Block 130 shall contain a maximum of 77 residential units;
- ii. Shall provide a minimum of 1 parking space for each unit (measuring 2.75 metres by 6 metres), including one (1) handicap space (measuring 4.4 metres by 6 metres) for every 30 units developed on Block 130 and shall comply to all other parking and loading requirements in Sections 6.11, 6.12 and 6.13 of this By-law;
- iii. Maximum of one building may have a height of four (4) storeys. All other buildings shall be three storeys or less;
- iv. Minimum building setback for a four (4) storey apartment building (not including any attached building(s) that are less than 4 storeys):
 - a) to the side lot line shall be 15 metres;
 - b) to the property line adjacent to a road shall be 15 metres;
 - c) to the rear lot line shall be equal to half the building height but in no case less than 7.5 metres;
- v. Minimum building line setback for all other building(s) 3 storeys or less shall be in conformity with the regulations in Section 6 and 15.3;
- vi. Notwithstanding the regulations noted in viii, iv and v and of this Section, the setback of the apartment building(s) to the property line of the adjacent wrecking yard shall be 25 metres; **By-law 83-2006 passed November 28, 2006 (General Amendment)**
- vii. Windows to habitable rooms within the apartment building(s) shall face towards the east and west property lines of Block 130 and not face towards the lot line adjacent to the wrecking yard;
- viii. Minimum buffer strip width adjacent to the lot line of the wrecking yard for uses defined in Section 6.15 of this By-law shall be 3 metres. The said buffer strip is within, and not in addition to, the 25-metre setback requirement to the wrecking yard as noted in Sub-section vi., above; **By-law 83-2006 passed November 28, 2006 (General Amendment)** and;

- ix. In conformity with all other applicable regulations in Section 6 and 15 of this By-law.

E. SPECIAL PROVISIONS FOR BLOCKS 131 TO 135

Notwithstanding Section 6 and 9 and the applicable regulations noted in this Section of this By-law, the lands identified as Blocks 131 to 135, inclusive within the Residential – One Unit – Low Density (R-2) zoning, shown on the Plan, the following provisions apply:

- i. All building/structures existing on day of the passing of the amending By-law, on December 10, 2002 are deemed to comply; and
- ii. No new buildings or structures, including perimeter fences, are permitted.

F. SPECIAL PROVISIONS FOR BLOCK 138

Notwithstanding Section 8 of this By-law, the lands identified as Block 138, within the Settlement Residential – (R-1) zoning, shown on the Plan, may be used for parking accessory to a commercial printing operation, in addition to the uses permitted in the zone.

By-law 56-2003 passed July 15, 2003 (Hoflinger Holdings)

Amended by By-law 1-2008 passed January 15, 2008 (Tanem Developments and 2024348 Ontario Limited)

26.1.264 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.264 of Schedule 'A' (hereafter called the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. SPECIAL LOT PROVISIONS

- i) For the Residential Mixed – High Density (R-5) Zone, the Minimum Lot Frontage and Minimum Lot Width for the interior lots shall be 10 metres, for corner lots shall be 13 metres, and the Minimum Lot Area shall be 300 square metres.
- ii) The Minimum Lot Frontage and Minimum Lot Width for the Residential Multiple (R-7) zone shall be 7.5 metres for a maximum of 6 dwellings, and a minimum of 9 metres for the remainder of the lots, and Minimum Lot Area shall be 210 square metres.
- iii) For the purposes of calculating lot width, as defined in Section 2.77 of this By-law, the building line shall be setback 6 metres from the front property line.
- iv) That the end residential lots / units abutting Church Street, Lots 34 and 35 (Stage 1) and Lots 1 and 39 (Stage 2), shall be oriented to and have their front facade facing Church Street. For the purposes of this provision, front facade shall include front doorway and entranceway, which shall be useable.

B. SPECIAL BUILDING LINE SETBACKS PROVISIONS

- i) The minimum building line setback shall be:
 - a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached); and
 - c) 3.5 metres for a front porch; and

- d) Notwithstanding clause a) above, single-family corner units may have 4.5 metre building line setbacks on their flankages (exterior side yards).
- ii) "Minor variations" in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.
- iii) Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C.i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6-metre building line setback.
- iv) For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 10 feet.
- v) Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.

C. SPECIAL GARAGE/DRIVEWAY PROVISIONS

- i) Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
 - a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and
 - d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.
- ii) Notwithstanding Part B of this Section, when a front porch is required under clause B)iii) and has a porch width that is less than 40% of the house (including the garage), the following applies:
 - a) The lot shall have a minimum frontage greater than 10 metres (33 feet);
 - b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
 - c) The porch must extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
 - d) The maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purposes of measuring minimum front porch width of 3 metres as noted in ii)b) above, for lots with lot width equal to or less than 11 metres, the minimum porch foundation width shall be 2.6 metres and the minimum width of the roof above the porch measured between the eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres), for lots greater than 11 metres in width the minimum porch foundation width shall be 3 metres.

- iii) Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of 0.3 metres.
- iv) Driveways on lots:
 - a) less than 10 metres wide shall be a maximum of 3.66 metres;
 - b) 10 metres to less than 18 metres in width, shall be limited to maximum width of 6 metres; and
 - c) 18 metres in width or greater, shall be permitted a maximum driveway width of 10 metres;

Notwithstanding the maximum driveway width noted above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare/taper from the front property line to the external width of the garage, provided that the width of the driveway at the front property line maintains the maximum allowable driveway width.

D. ROW TOWNHOUSE BLOCK PROVISIONS

Notwithstanding Section 6, 15, and the applicable regulations noted in this Section, the following shall apply to the row townhouses in the R-7 zone:

- i. That a minimum of 14 units in the R-7 zone shall have a maximum height of 7.7 metres.
- ii. The minimum building line setback of a garage shall be 9 metres;
- iii. The external minimum side yard requirement shall be 3 metres;
- iv. That no more than 7 units shall be attached in one continuous block;
- v. Notwithstanding Section 15.4.3, the total internal side yards between two blocks of row townhouses may be a minimum of 3.5 metres between units; and
- vi. In conformity with all other applicable regulations in Section 6, 15 and Part B and C of this Section.

E. HOLDING PROVISIONS (Deleted by By-law 1-2008)

By-law 45-2003 passed June 10, 2003 (Zdeno Holdings Ltd.)

26.1.265 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.265 of Schedule 'A' (hereafter the "Plan") of this By-law shall be subject to the following provisions, in addition to the regulations noted in Section 6 and 18 of this By-law:

- a) That the parking of vehicles to be repaired by a public garage or service station shall be located within the "Outdoor Compound Area" shown on the Plan.
- b) That vehicles parked in the 'Outdoor Compound Area' shall be vehicles that are scheduled to be repaired by the public garage or service station and shall not be vehicles that are used/sold for parts or vehicles that are unlicensed or

vehicles that are damaged and cannot be repaired to meet road safety standards;

- c) Nothing in the foregoing is to be construed to permit the operation of a body shop and/or a junk, scrap, wrecking or storage yard for used material of any kind;
- d) That the outdoor storage of wood pallets or skids shall be limited to a maximum height of 2.4 metres;
- e) That the outdoor storage of hazardous material, toxic material, corrosive material, recyclable material, waste material, chemicals, fuels, oils or solvents shall be prohibited.

By-law 76-2003 passed September 9, 2003 (Bristow Park – Township of Woolwich)

26.1.266 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.266 of Schedule 'A', being 11 to 17 First Street, Elmira, are subject to the following regulations, in addition to the regulations of the zones within which the parcel lies:

PART A

- 1. The following uses are permitted within Open Space (O-2) zone, shown as Part A, being 15 metres in depth from the front property line adjacent to First Street:

Permitted Uses

- a) Private landscaped buffer, which shall include landscaping and driveways, but shall not include: parking, parking aisles, display of products, and buildings or structures;
- b) A sign in accordance with the sign by-law for industrial uses.

PART B

- 2. The lands within the Industrial (M-2) zone, shown as Part B - being 25 metres in depth, are subject to the following permitted uses:

Permitted Uses:

- a) Private Club, Hall or Lodge, including the Royal Canadian Legion;
- b) Sale – small engines and automobiles;
- c) Catering Service;
- d) Commercial Printing or Laundry;
- e) Commercial Recreation – including a Bowling Alley;
- f) Church;
- g) Indoor Storage or Warehousing;
- h) Financial Establishment;
- i) Health Centre;
- j) Health Clinic;
- k) Heating/Plumbing (Mechanical) contractor
- l) Home Brewing Outlet;
- m) Industrial Mall;
- n) Offices;
- o) Parking lot;
- p) Research and Development;
- q) Recreational Vehicle sale and rental;
- r) Studio;
- s) Wholesale Outlet;
- t) Veterinary Clinic;
- u) Restaurant within an Industrial Mall;

Subject to the following:

- i. No outdoor storage shall be permitted; and
- ii. all other requirements noted in Section 6 and 21

PART C

3. The lands within the Industrial (M-2) zone, and shown as Part C, are subject to the following provisions:
 - a) The following uses shall be prohibited:
 - i. Manufacturing of asbestos, phosphate or sulphur products;
 - ii. Primary production of chemicals, synthetic rubber, plastic or asphalt;
 - iii. Processing or refining of petroleum or coal;
 - iv. Tanning or chemical processing of pelts or leather;
 - v. Vulcanizing of rubber or rubber products; and
 - vi. Stamping, blanking or punch pressing of materials.
 - b) All uses listed in Section 2, Part B above - are permitted in addition to the permitted M-2 zone uses.

Subject to all other requirements noted in Section 6 and 21.

By-law 62-2003 passed July 15, 2003 (Three Eighths Incorporated)

By-law 79-2003 passed September 23, 2003 (Delete Holding Provision)

By-law 28-2005 passed May 9, 2005 (Elmira Photo Lab/Elmira Theatre Company)

26.1.267 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the Plan forming Section 26.1.267 of Schedule 'A' (hereafter the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) That the following uses are permitted on the lands identified as Part 1 on the Plan:
 - Data service operation;
 - Freestanding non-accessory office;
 - Research and development facility;
 - Studio; and
 - Theatre for the Performing Arts,
 All subject to the regulations in Section 6, and 21 of this By-law.
- b) That a freestanding non-accessory office, a data service operation and a research and development facility are permitted on lands identified as Part 2 on the Plan, subject to the regulations in Section 6 and 21 of this By-law.
- c) That the following uses shall be prohibited on lands identified as Parts 1 and 2 on the Plan:
 - manufacturing of asbestos, phosphate or sulphur products;
 - primary production of chemicals, synthetic rubber, plastic or asphalt, including an asphalt plant;
 - processing or refining of petroleum or coal;
 - tanning or chemical processing of pelts or leather;
 - vulcanizing of rubber or rubber products; and
 - heavy metal stamping, blanking or punch-pressing of metal;
- d) Deleted.
- e) That uses noted in b) above, for Part 2 on the Plan shall be prohibited until such time that the owner has submitted a Record of Site Condition, acknowledged by the Ministry of Environment, for Part 2 on the Plan and

Council has, by By-law, removed the Holding Symbol (H) from the Zoning Schedules pursuant to Section 36 of the Planning Act.

By-law 68-2003 passed August 19, 2003 (Forwell)

By-law 27-2005 passed May 9, 2004 (McLaughlin)

By-law 38-2007 passed May 1, 2007 (Empire Communities (Riverland) Ltd.)

26.1.268 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.268 of Schedule 'A' of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. LOT PROVISIONS

- i. The minimum lot requirements for zones within this development are noted below, in addition to those requirements noted in Section 12 of this By-law:
 - a) Minimum Lot Frontage for corner lots shall be 16 metres and Minimum Lot Width for internal lots shall be 13.5 metres, within the R-2A zone;
 - b) Special Lot Provisions for R-5 zone – Deleted (By-law 38-2007).

For the purpose of calculating Lot Width, as defined in Section 2.77 of this Bylaw, the building line shall be 6 metres setback from the front lot line,

B. BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
 - a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached);
 - c) 3.5 metres for a front porch;
 - d) 4.5 metres on the flankages of semi-detached and single-family corner units (exterior side yards).
- ii. Minor variations in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.
- iii. Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C. i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6-metre building line setback.
- iv. For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 10 feet.

- v. Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.

C. GARAGE/DRIVEWAY PROVISIONS

- i. Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
 - a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and
 - d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.

For the purpose of determining the percentage of homes in clause i) d) above, streets containing less than 10 homes may have a maximum of 1 home with a garage extending in front of the front wall of the residence or porch, subject to the above-noted regulations. For the purpose of calculating the percentage (10%) for streets containing more than 10 homes, any fraction or part of a home shall be rounded to the lower whole number.

- ii. Notwithstanding Part B of this Section, when a front porch is required under Clause B iii) and has a porch width that is less than 40% of the house (including the garage), the following applies:
 - a) The lot shall have a minimum frontage greater than 10 metres (33 feet);
 - b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
 - c) The porch shall extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
 - d) Maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purpose of measuring minimum front porch width of 3 metres as noted in ii) b) above, for lots with Lot Widths equal to or less than 11 metres, the minimum porch foundation shall be 2.6 metres and the minimum width of the roof above the porch, measured between eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres).

- iii. Notwithstanding Part B of this Section, the following provisions applies to a house with a three car garage:
 - i. The lot shall have a minimum frontage of 18 metres (60 feet) or greater;
 - ii. The front porch shall have a minimum width of 4.6 metres (15 feet) and must be attached to the front wall of the residential unit;
 - iii. The porch shall extend a minimum of 1 metre (3.2 feet) in front of the front wall of the garage; and
 - iv. Maximum exterior width of the garage, measured from exterior pier to pier, shall be 9.15 metres.

- iv. Notwithstanding Part B of this Section, a side-loaded garage may be permitted to extend in front of the front wall of the residence subject to the following:
 - a) Are only permitted on lots exceeding 23 metre (75 feet) in lot width; and
 - b) The front wall of the garage must have an architectural treatment giving the appearance of a residential room including facing treatment and windows.
- v. Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of 0.3 metres.
- vi. Driveways on lots with frontages:
 - a) Less than 10 metres shall be a maximum width of 3.66 metres;
 - b) 10 metres to less than 18 metres, shall be a maximum width of 6 metres; and
 - c) 18 metres or greater, shall be a maximum width of 10 metres.

Notwithstanding the maximum driveway width noted above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare/taper from the front lot line to the external wall width of the garage, provided that the width of the driveway at the front property line maintains the maximum allowable driveway width.

- D. ROW TOWNHOUSE BLOCK PROVISIONS - Deleted (By-law 38-2007)
- E. SERVICE INDUSTRIAL (M-5) PROVISION - Deleted (By-law 38-2007)
- E. BLOCK 392 - Deleted (By-law 38-2007)
- F. HOLDING PROVISIONS – Deleted (By-law 38-2007)
- H. AGRICULTURAL ZONE – Deleted (By-law 38-2007)
- I. RAILWAY
 - i. Notwithstanding any other provisions in this By-law, the minimum setback between a residential unit and a railway right-of-way shall be 30 metres.

By-law 83-2003 passed November 11, 2003 (Florica)

26.1.269 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.269 of Schedule 'A' (hereafter called the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

SPECIAL BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
 - a. 5.0 metres to the residential unit;
 - b. 6.0 metres for garages (attached or detached); and
 - c. 3.5 metres for a front porch.
- ii. For Lots 11 to 16 inclusive, the minimum rear yard setback for all buildings and structures shall be:
 - a. 7.5 metres for the residential unit;
 - b. 6.5 metres for an attached deck;
 - c. 6.5 metres for all accessory buildings or structures other than the dwelling unit; and

- d. No buildings or structure are permitted within the 6.5 metre rear yard setback - which shall include: patios (hard/gravel type surfaces), hot tubs, decks, fences, retaining walls, uncovered terraces, free standing boundary walls, landings, steps, and composters.

iii. Shall be in conformity with all other applicable regulations in Section 6 and 9.

By-law 100-2003 passed December 16, 2003 (Oscar H. Martin)

By-law 14-2014 passed April 1, 2014 (Gordon W. Martin)

By-law 15-2017 passed March 7, 2017 (Gordon W. Martin)

By-law 14-2020 passed February 25, 2020 (206 Sandy Hills Drive)

26.1.270 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.270 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until February 25, 2023;
2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
3. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 2-2004 passed January 13, 2004 (St. Jacobs Winery & Cidery / Drayton Festival Theatre)

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.271 Deleted

By-law 8-2004 passed January 27, 2004 (Martin – 1214 Noah Road)

26.1.272 Notwithstanding any other provisions of this By-law, for the property known as Part of Lot 59 GCT, being 1214 Noah Road, as illustrated on the Plan forming Section 26.1.272 of Schedule 'A', of this By-law may be used in accordance with following, in addition to the uses permitted in the zone within which the parcel lies:

- a) the MDS II calculation from any livestock facility on the subject property to the dwelling located at 1194 Noah Road shall be calculated as if the dwelling at 1194 Noah Road was 245 metres away from the existing manure tank on the subject property;
- b) all other MDS calculations to other properties shall not be impacted without the necessary planning approvals,

All other development shall be in conformity with all other applicable regulations in Section 6 and 7.

By-law 5-2004 passed January 27, 2004 (Harvey and Selinda Sauder)

By-law 15-2014 passed April 1, 2014 (Harvey and Selinda Sauder)

By-law 14-2017 passed March 7, 2017 (Harvey and Selinda Sauder)

By-law 15-2020 passed February 25, 2020 (1175 New Jerusalem Road)

26.1.273 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.273 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That the mobile home be setback a minimum of 130 metres from the abutting manure yard at 1172 New Jerusalem Road.
2. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until February 25, 2023.
3. That the mobile home shall only be constructed:
 - a. In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b. Limited to one-storey in height;
 - c. Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d. A basement shall not be permitted; and
 - e. Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 28-2004 passed March 30, 2004 (1562772 Ontario Inc. / Raceway)

26.1.274 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.274 of Schedule 'A' (hereafter called the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. SPECIAL LOT PROVISIONS

- i. For the purposes of calculating lot width, as defined in Section 2.77 of this By-law, the building line shall be setback 6 metres from the front property line.
- ii. Minimum Lot Width/Frontage for corner lots shall be 11 metres, Minimum Lot Width/Frontage for internal lots shall be 10 metres and Minimum Lot Area shall be 300 square metres for Lots 33 to 43, inclusive within the R-5 zone as shown on the Plan.
- iii. Minimum Lot Frontage for a corner lot shall be 18 metres for Lot 7, within the R-2 zone as shown on the Plan.

B. SPECIAL BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
 - a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached) for single family semi-detached and senior bungalow townhouse units and 9.0 metres for garages for family townhouse units;

- c) 3.5 metres for a front porch;
 - d) 4.5 metre building line setbacks on their flankages (exterior side yards).
- ii. "Minor variations" in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.
 - iii. Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6-metre building line setback.
 - iv. For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 10 feet.
 - v. Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.
 - vi. For the purpose of measuring the applicable Building Line Setback of a Front Lot Line that is curved, the Building Line Setback is measured from the applicable building/structure (i.e. garage, front wall or porch of the house) to a line that is tangent to the curvature of the Front Lot Line and paralleled to the applicable building/structure.

C. SPECIAL GARAGE/DRIVEWAY PROVISIONS

- i. Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
 - a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and
 - d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.

For the purpose of determining the percentage of homes is clause i) d) above, streets containing less than 10 homes may have a maximum of 1 home with a garage extending in front of the front wall of the residence or porch, subject to the above-noted regulations. For the purpose of calculating the percentage (10%) for streets containing more than 10 homes, any fraction or part of a home shall be rounded to the lower whole number.

- ii. Notwithstanding Part B of this Section, when a front porch is required under clause B) iii) and has a porch width that is less than 40% of the house (including garage), the following applies:
 - a) The lot shall have a minimum frontage of 9 metres (29.5 feet) for townhouses or semi-detached units and a minimum of 10 metres (33 feet) for single-family units;
 - b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
 - c) The porch must extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
 - d) The maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purposes of measuring minimum front porch width of 3 metres as noted in ii)b) above, for lots with lot width equal to or less than 11 metres, the minimum porch foundation width shall be 2.6 metres and the minimum width of the roof above the porch measured between the eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres), for lots greater than 11 metres in width the minimum porch foundation width shall be 3 metres.

- iii. Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of 0.3 metres.
- iv. Driveways on lots with frontages
 - a) Less than 10 metres shall be a maximum width of 3.66 metres (but shall not include semi-detached or Family Townhouse units with two car garages or Senior Bungalow Townhouse units);
 - b) 10 metres to less than 18 metres or lots containing semi-detached/Family Townhouse units with two car garages or Senior Bungalow Townhouse units, shall be a maximum width of 6 metres; and
 - c) 18 metres or greater, shall be a maximum width of 10 metres.

Notwithstanding the maximum driveway width noted above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare/taper from the front lot line to the external wall width of the garage, provided that the width of the driveway at the front lot line maintains the maximum allowable driveway width.

D. MULTIPLE BLOCK PROVISIONS

Notwithstanding Section 6 and 15 and the applicable regulations noted in this Section, the lands within the Residential – Multiple Zone (R-7) and shown on the Plan as Blocks 153 to 163, inclusive shall develop with the following uses only:

- a) Residential Building – Senior Bungalow Townhouses; and
- b) Residential Building - Family Townhouses as defined in Section 2.101.5;
- c) Uses, Buildings or Structures Accessory to the Foregoing Permitted Use.

For the purpose of this Section, a “Residential Building - Senior Bungalow Townhouses” means a one storey Residential Building – Row (which may include lofts) as defined in Section 2.101.5 of this By-law, designed and built for the

accommodation of the elderly, which is defined as persons aged 55 years and over.

Subject to the following additional provision:

- i. The Plan shall contain a maximum of 45 Residential Building – Senior Bungalow Townhouse units and shall be located on Blocks 153 to 161, inclusive;
- ii. The Plan shall contain a maximum of 10 Residential Building – Family Townhouse units and shall be located on Blocks 162 and 163;
- iii. The Residential Building – Senior Bungalow Townhouses and the Residential Building – Family Townhouses shall not have more than five (5) units attached in one continuous block;
- iv. The minimum Building Line Setback of a garage for a Senior Bungalow Townhouse unit shall be 6 metres and for a Residential Building – Family Townhouse unit shall be 9 metres;
- v. Notwithstanding C iv above, the minimum driveway width for Senior Bungalow Townhouse units shall be a minimum of 5 metres but shall have a maximum driveway width of 6 metres. The provision to flare or taper the driveway as per C iv above, shall still apply;
- vi. The minimum Side Yard requirement shall be 3 metres to an external lot line and 1.5 metres to an internal lot line between two Townhouse blocks.
- vii. The minimum Side Yard requirement for the flankages, (i.e. a side lot line adjacent to a public road) shall be 4.5 metres;
- viii. The minimum Rear Yard requirement for the Senior Bungalow Townhouses shall be 6 metres;
- ix. The maximum Lot Coverage of all buildings – 60% of lot area; **By-law 83-2006 passed November 28, 2006 (General Amendment)** and
- x. In conformity with all other applicable regulations in this Section, Section 6 and 15 of this By-law.

F. SPECIAL PROVISIONS FOR BLOCK 146 (SCHOOL BOARD)

Notwithstanding Section 8 of this By-law, the lands identified as Block 146, within the Open Space (O-1) zoning, shown on the Plan, may have a Minimum Lot Frontage of 0 metres.

By-law 38-2004 passed April 13, 2004 (Nancy Wood)

26.1.275 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan forming Section 26.1.275 of Schedule 'A', of this By-law (hereafter the "Plan") are subject to the following regulations:

- a) Maximum number of residential lots created shall be 3;
- b) Minimum Lot Area requirement for each lot shall be 7900 square metres;
- c) Minimum Lot Width/Frontage requirements for each lot shall be 5 metres;
- d) In conformity with all other applicable regulations in Section 6 and 8 of this By-law.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan shall have a Minimum Lot Area requirement of 22 hectares.

By-law 39-2004 passed April 13, 2004 (Karen Martin)

By-law 68-2005 passed October 25, 2005 (Karen Martin)

By-law 52-2016 passed June 28, 2016 (Karen Martin)

26.1.276 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan forming Section 26.1.276 of Schedule 'A', of this By-law (hereafter the "Plan") are subject to the following regulations:

- a) Maximum number of residential lots created within Part 1 shall be 2;
- b) Minimum Lot Area requirement for each lot shall be 0.2 hectares;
- c) Minimum Lot Width requirement for each lot shall be 24 metres;
- d) In conformity with all other applicable regulations in Section 6 and 8 of this By-law.

Notwithstanding any other provisions in this By-law, the lands illustrated as Part 2 on the Plan may be used for the following specific use, in addition to those uses permitted in the zone within which the parcel lies and shall be subject to the following minimum lot requirements:

- a) A Group Home occupied by a maximum of twenty two (22) residents (excluding staff or the receiving family),
- b) Minimum Lot Area requirement of 7.5 hectares; and
- c) Minimum Lot Width requirement of 25 metres;

By-law 80-2004 passed August 17, 2004 (All Our Relations)

26.1.277 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan forming Section 26.1.277 of Schedule 'A', of this By-law (hereafter the "Plan"), may be used for the following uses only:

- a) A Hospice, which is an assisted care facility for those suffering a terminal illness;
- c) A Retreat Centre, which is a facility associated with the Hospice, offering a range of support services, such as educational workshops, grief counselling, caregiver advise, etc.;
- d) Guest House associated with the Hospice for the temporary lodging of visiting family members of those suffering a terminal illness; and
- e) Accessory Uses to the Foregoing (e.g. administration offices, maintenance buildings, meeting rooms etc.).

Subject to the following

- i) All buildings, structures and uses (e.g. parking, servicing etc.) related to the Hospice, Retreat Centre, Guest House and Accessory Uses shall conform with the applicable regulations in Section 6 and 24 of this By-law;
- ii) That the development of the lands illustrated as Part 1 on the Plan for uses described in Clauses a) to d), above, including the grading/excavating and the issuance of a building permit, shall be prohibited until such time as the Region has issued a clearance letter advising the Township that:
 - an archaeological assessment has been prepared to the satisfaction of the Ministry of Tourism, Culture and Recreation and the necessary copies of the assessment have been forwarded to the Region;
 - a pumping test to assess water quality and well interference has been completed to the satisfaction of the Region;
 - a Record of Site Condition (RSC) has been completed, and acknowledged by the Ministry of Environment or the submission of a

remedial work plan certified by a consultant and the owner (as reviewed and approved, where appropriate, by the Ministry of Environment) which demonstrates that the site can be appropriately remediated to permit the proposed use; and

Council has, by By-law, removed the Holding Symbol (H) from the Zoning Schedules.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan may have a minimum lot area of 7.0 hectares and a minimum lot frontage of 95 metres.

By-law 81-2004 passed August 17, 2004 (Trillium Educational Initiative / Maryhill Knights Inc.)

By-law 03-2016 (Vien Quang Vietnamese Buddhist Association of Kitchener Waterloo)

26.1.278 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.278 of Schedule 'A' of this By-law may be used for the following specific uses in addition to those uses permitted in the zone within the area shown as:

Part 1

Permitted Uses

- a) Banquet Facilities
- b) Church or Religious Institution

Subject to the following:

1. The above noted uses shall develop in accordance with the Institutional (P) Zone regulations in Section 24 of this By-law,
 - a. Notwithstanding the above, the minimum front yard setback shall be 7.6 metres from the property line or 23 metres from the centre of the road.

Part 2

Permitted Uses

- a) Open Space - Wetland

Subject to the following:

The above noted uses shall develop in accordance with the Open Space (O-2) Zone regulations in Section 23 of this By-law.

By-law 89-2004 passed October 12, 2004 (Wintermar Farms)

26.1.279 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan, being a maximum of 2.5 hectares (area of operation), forming Section 26.1.279 of Schedule 'A' of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- i) Seed Treatment;
- ii) Grain Cleaning; and
- iii) Uses accessory to the above.

Subject to the following:

Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 103-2004 passed November 23, 2004 (St. Matthews Lutheran Church)

26.1.280 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan forming Section 26.1.280 of Schedule 'A' of this By-law are subject to the following provisions:

- a. That a portion of the required parking for the church/institutional use can be located on the adjacent parcel of land shown as Part 2; and,
- b. Compliance with all other applicable regulations of Section 6 and 23 of this By-law, as amended.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan forming Section 26.1.280 of Schedule 'A' of this By-law may be used for the following use only:

A parking lot, subject to the following:

1. That all parking spaces shall be setback a minimum of:
 - a. 3.0 metres from Flax Mill Drive; and
 - b. 2.0 metres from any interior lot line.
2. Compliance with all other applicable regulations of Section 6 of this By-law, as amended.

By-law 114-2004 passed December 14, 2004 (Woolwich Holdings)

Amended by By-law 8-2006 passed January 31, 2006 (2024348 Ontario Inc.)

Amended by By-law 1-2008 passed January 15, 2008 (Tanem Developments and 2024348 Ontario Limited)

26.1.281 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.281 of Schedule 'A' (hereafter called the "Plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the parcel lies:

A. SPECIAL LOT PROVISIONS

- i) For the purposes of calculating lot width, as defined in Section 2.77 of this By-law, the building line shall be setback 6 metres from the front property line.
- ii) Lot Requirements
 - a) Single Family Dwelling - Minimum Lot Width/Frontage for corner lots shall be 14 metres, Minimum Lot Width/Frontage for internal lots shall be 10.6 metres and Minimum Lot Area shall be 338 square metres inclusive for Lots 1 to 62 and Blocks F, G and H within the R-5 zone as shown on the Plan.
 - b) Semi-detached Dwelling - Minimum Lot Area shall be 260 square metres, for Blocks 63 to 74.
- iii) That the end residential lots / units abutting Church Street, shall be oriented to have their front façade facing Church Street. For the purposes of this provision, front façade shall include doorway and entranceway, which shall be useable.
- iv) Daylighting triangles shall be deemed to be part of a lot only for the purpose of calculating lot width, frontage, lot area and building line setbacks.

- v) That notwithstanding C)iv) below, the minimum driveway width for a semi-detached dwelling shall be a minimum of 5 metres but shall have a maximum driveway width of 6 metres. The provision to flare or taper the driveway as per C)iv) below, shall still apply.

B. SPECIAL BUILDING LINE SETBACKS PROVISIONS

- i. The minimum building line setback shall be:
 - a) 5.0 metres to the residential unit;
 - b) 6.0 metres for garages (attached or detached) for bungalow townhouse units;
 - c) 3.5 metres for a front porch;
 - d) 4.5 metre building line setbacks on their flankages (exterior side yards).
- ii. "Minor variations" in the setback of the front wall are permitted to accommodate features such as recessed entranceways, angled windows and other such architectural features and such features will be interpreted as forming part of the front wall.
- iii. Notwithstanding Clause i), the setback of the front wall of the garage shall be equal to or greater than the setback of the front wall of the residential unit (except where noted in Clause C i). Where a front porch is attached to a residential unit, the garage may extend in front of the front wall of the main building but shall not extend beyond the front porch and, in all cases, shall maintain a minimum 6-metre building line setback.
- iv. For the purpose of Clause iii), a front porch shall be attached to the front wall of the residential unit, covered by only a roof, have a minimum depth of 1.5 metres and shall cover a minimum of 40% of the width of the residential unit (including the garage). Where the garage extends in front of the front wall of the portion of the residential unit with a front porch but does not extend in front of the remaining portion of the front wall of the residence that does not have a porch, then the combined width of the porch and the remainder of the front wall must cover the minimum 40% of the width of the residential unit provided the front porch has a minimum width of 10 feet.
- v. For the purpose of measuring the applicable Building Line Setback of a Front Lot Line that is curved, the Building Line Setback is measured from the applicable building/structure (i.e. garage, front wall or porch of the house) to a line that is tangent to the curvature of the Front Lot Line and paralleled to the applicable building/structure.

C. SPECIAL GARAGE/DRIVEWAY PROVISIONS

- i. Notwithstanding Part B of this Section, a garage may extend up to 1.37 metres (4.5 feet) in front of the front wall of a residence or the front wall of a front porch provided:
 - a) The exterior width of the garage does not exceed 50% of the width of the house, including the garage;
 - b) The exterior width of the garage does not exceed 7.62 metres (25 feet);
 - c) The front wall of the garage has a minimum setback of 6 metres plus the amount the garage extends in front of the residence (i.e. If the

garage extends 1 metre in front of the residence, then the setback would be 6 m. + 1 m. = 7 metres); and

- d) That a maximum of 10% of the homes on any one street may have the garage extending in front of the front wall of the residence or porch.

For the purpose of determining the percentage of homes in clause i) d) above, streets containing less than 10 homes may have a maximum of 1 home with a garage extending in front of the front wall of the residence or porch, subject to the above-noted regulations. For the purpose of calculating the percentage (10%) for streets containing more than 10 homes, any fraction or part of a home shall be rounded to the lower whole number.

- ii. Notwithstanding Part B of this Section, when a front porch is required under clause B) iii) and has a porch width that is less than 40% of the house (including garage), the following applies:

- a) The lot shall have a minimum frontage of 8.4 metres (27.5 feet) for townhouses, 9.0 metres or semi-detached units and a minimum of 10 metres (33 feet) for single-family units;
- b) The front porch shall have a minimum width of 3 metres (10 feet) and a minimum area of 4.6 square metres (50 square feet) and must be attached to the front wall of the residential unit;
- c) The porch must extend a minimum of 0.91 metres (3 feet) in front of the front wall of the garage; and
- d) The maximum exterior width of the garage, measured from exterior pier to pier, shall be 7.62 metres.

For the purposes of measuring minimum front porch width of 3 metres as noted in ii)b) above, for lots with lot width equal to or less than 11 metres, the minimum porch foundation width shall be 2.6 metres and the minimum width of the roof above the porch measured between the eaves shall be 3 metres (note: maximum overhang of eaves shall be 0.3 metres), for lots greater than 11 metres in width the minimum porch foundation width shall be 3 metres.

- iii. Detached garages on lots with a residential building - one unit or residential building - semi-detached, may have a minimum setback to one side lot line of 0.3 metres.

- iv. Driveways on lots with frontages

- a) Less than 10 metres shall be a maximum width of 3.66 metres (but shall not include semi-detached or Family Townhouse units with two car garages or Senior Bungalow Townhouse units);
- b) 10 metres to less than 18 metres or lots containing semi-detached/Family Townhouse units with two car garages or Senior Bungalow Townhouse units, shall be a maximum width of 6 metres; and
- c) 18 metres or greater, shall be a maximum width of 10 metres.

Notwithstanding the maximum driveway width noted above, where the external width of the garage exceeds the maximum allowable width of the driveway, the driveway shall be permitted to flare/taper from the front lot line to the external wall width of the garage, provided that the width of the driveway at the front lot line maintains the maximum allowable driveway width.

D. MULTIPLE BLOCK PROVISIONS

Notwithstanding Section 6 and 15 and the applicable regulations noted in this Section, the lands within the Residential – Multiple Zone (R-7) and shown on the Plan as Blocks B and C shall develop with the following uses only:

- a) Residential Building – Townhouse Units;
- b) Uses, Buildings or Structures Accessory to the Foregoing Permitted Use.

Subject to the following additional provision:

- i. The Plan shall contain a maximum of 6 Residential Building –Townhouse units and shall be located on Blocks B and C, inclusive;
- ii. The Residential Building –Townhouses shall not have more than three (3) units attached in one continuous block;
- iii. The minimum Building Line Setback of a garage for a Townhouse unit shall be 6 metres;
- iv. Notwithstanding C)iv) above, the minimum driveway width for Townhouse units shall be a minimum of 5 metres but shall have a maximum driveway width of 6 metres. The provision to flare or taper the driveway as per C)iv) above, shall still apply;
- v. The minimum setback for units abutting Church Street shall be 4.5 metres to the front wall and shall be oriented to have their front façade facing Church Street. For the purposes of this provision, front façade shall include doorway and entranceway, which shall be useable, (as per clause A)iii above);
- vi. The minimum Side Yard requirement shall be 1.5 metres to an internal lot line between two Townhouse blocks and
- vii. The minimum Side Yard requirement for the flankages, (i.e., side yard setback adjacent to a public road) shall be 4.5 metres;
- viii. The minimum Rear Yard requirement for a one or one and half storey Townhouse shall be 6 metres and for a two storey Townhouse shall be 7.5 metres;
- ix. In conformity with all other applicable regulations in this Section, Sections 6 and 15 of this By-law.”

E. HOLDING PROVISIONS (Deleted by By-law 1-2008)

F. CONVENIENCE COMMERCIAL (C-4A PROVISIONS)

Notwithstanding Section 6 and 19A and the applicable regulations noted in this Section, the lands within the Convenience Commercial (C-4A) zone and shown on the Plan as A, inclusive shall develop in accordance with the following:

- a) Minimum setback from Barnswallow Drive and Church Street shall be 18 metres.
- b) Minimum parking space setback from a lot line abutting a public road shall be 6 metres.
- c) The building shall not exceed 10.5 metres in height or two (2) storeys, whichever is the lesser.
- d) That the end commercial unit(s) abutting Church Street, shall be oriented to have their front façade facing Church Street. For the purposes of this provision, front façade shall include doorway entranceway and windows, which shall be useable.

By-law 14-2005 Passed February 22, 2005 (Edward M. Martin/Produce Auction)

Deleted and replaced by By-law 18-2008 passed March 17, 2008 (Edward M. Martin/Produce Auction)

26.1.282 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.282 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

Part A

- a) A wholesale farm produce auction
 - a. Accessory use - charity auctions.
- b) Other farm related uses limited to:
 - a. Farm equipment auction, and
 - b. MCC meat canning operation.
- c) Is not permitted a dwelling unit

Subject to the following:

- 1) Wholesale – shall mean the selling of articles to those in the trade, but shall not mean a farmers market.
- 2) Farm Produce - shall mean fruit, vegetables, and flowers but not include processed foods.
- 3) That all produce auction operations, shall only take place within the defined "Area of Operation" illustrated on the plan within a maximum area of 2.6 hectares located at the corner of Reid Woods Drive and Arthur Street North property.
- 4) That no auctioning of produce shall take place outside of an enclosed building, with the exception of the semi-annual farm equipment auction.
- 5) Any building must be constructed outside the MDS setbacks, however accessory uses such as parking, septic system, storage trailers shall be permitted within the MDS setback.
- 6) Accessory offices and a portable food trailer shall be permitted as accessory to the produce auction, and also remain outside of the MDS setback.
- 7) Minimum Building Line Setback from Reid Woods Drive: 11.5 metres from the lot line. Should a road widening be required after the use is established, the setback shall be the revised setback of the existing building or a minimum of 7.6 metres;
- 8) Minimum Parking Setback from the lot line:
 - a. 5 metres to a Regional Road
 - b. 2 metres to a Township Road
- 9) Maximum lot coverage of all buildings and structures, including trailers shall be 20%.
- 10) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

Part B

Notwithstanding any other provisions of this By-law, and in addition to the regulations above, on the lands illustrated on the Plan forming Section 26.1.282 of Schedule 'A' of this By-law may also be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) The wholesale of processed food items as part of the Wholesale Produce Auction, subject to the following:

The wholesale of processed foods shall be limited to value added products, produced from farms within The Township of Woolwich by an operation permitted under Section 6.40 (Value Added Farm Uses) of this by-law. These products shall be labelled to identify the farm from which they were produced.

This exemption (Part B) is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O. and amendments thereto, Temporary Use By-laws, and shall be in effect only until March 17, 2011.

Part C

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.282 of Schedule 'A' of this By-law, and identified as 1044 Arthur Street South, may have a reduced minimum lot area of approximately 39 hectares in an Agricultural zone.

By-law 20-2005 passed March 29, 2005 (Stockyards Industrial/Commercial Area)

26.1.283 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.283 (Schafer) of Schedule 'A' (hereafter the "Plan") of this By-law are permitted the following specific uses, in addition to the uses permitted in the zone in which the parcel lies:

- a) Residential Building – One Unit and Accessory Uses to the foregoing; In conformity with the regulations in Section 6 (General Regulation) and 8 (R-1 Zone) of this By-law; and
- b) Outdoor Storage of Industrial Equipment and Vehicles as a primary use is limited to 40 square metres in area and in conformity with the regulations in Section 20C.5.

By-law 38-2005 passed June 14, 2005 (Elmer Zettel)

By-law 68-2015 passed November 17, 2015 (Elmer and Karen Zettel)

By-law 15-2019 passed March 5, 2019

26.1.284 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.284 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- b) A second dwelling unit by means of a mobile or portable home.

Subject to the following:

4. That this exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until March 5, 2022;
5. That any mobile home shall only be constructed:
 - c) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - d) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
6. That any mobile or portable home shall only be constructed in accordance with the following:
 - a) Limited to one-storey in height;
 - b) A basement shall not be permitted; and

- c) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 37-2005 passed June 14, 2005 (Aden Martin)

26.1.285 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.285 of Schedule 'A' of this By-law may be used for a Fabric and Dry Goods store in addition to those uses permitted in the zone subject to the following:

- a) The gross floor area of the Fabric and Dry Goods store shall not exceed 45 square metres;
- b) No other On-Farm Business shall be permitted in addition to the Fabric and Dry Goods Operation;
- c) The use shall be subject to all other regulations in Section 6.22; and
- d) All other applicable regulations in Section 6 and 7 of the zoning by-law.
- e)

By-law 91-2005 passed December 13, 2005 (James and Dianne Donaldson)

26.1.286 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.286 of Schedule A of this By-law may be used for the following specific use in addition to those uses permitted in the zone in which the parcel lies:

- a) A bed and breakfast operation.

Subject to the following:

- i. For the purpose of this Section a "Bed and Breakfast Establishment" shall mean a private dwelling where the resident(s) offer a maximum of four bedrooms for the temporary overnight accommodation of the travelling or vacationing public, and provides amenities and services auxiliary to sleeping rooms, for an all inclusive fee.
- ii. That the bed and breakfast establishment is permitted only within the dwelling unit as it exists on the day of passage of this By-law;
- iii. That four off-street parking spaces be provided for the bed and breakfast. The parking spaces may be stacked.
- iv. That applicable regulations in Sections 6 and 8 of this By-law.

By-law 81-2005 passed November 22, 2005 (John Huck)

26.1.287 Notwithstanding any other provisions of this By-law, the building identified as "existing farmhouse" located on the lands illustrated on the Plan forming Section 26.1.287 of Schedule 'A', of this By-law (hereafter the "Plan"), shall only be used for one of the following permitted uses:

- a) A Residential Building-One Unit as permitted in Section 7.5.2 of this By-law or Group Home-Type 'A', if the "existing farmhouse" is the only residence on the property; or
- b) A Building Accessory to a Residential Building – One Unit as regulated in Section 6.4 of this By-law, if another Residential Building – One Unit is constructed on the property, or
- c) A Veterinary Clinic.

Subject to the following

- i) That the uses noted in a) and c) above shall be subject to the applicable regulations in Sections 6 and 7 of this By-law;
- ii) For the purpose of this Section, the use described in b) above pertaining to the “existing farmhouse” shall be a building that is secondary to a residence and shall not contain a permanent, temporary or seasonal dwelling unit;
- iii) Notwithstanding Section 6.4 of this By-law, the “existing farmhouse” shall be in addition to the total accessory building coverage for the property and the 4.5 metre accessory building height shall not apply, if used as a building accessory to a residence as described in b) above;
- iv) That no expansion to the gross floor area or building height of the existing farmhouse shall be permitted, if used as a building accessory to a residence as described in b) above;
- v) That the minimum setback of a new Residential Building – One Unit as described in b) above shall be a minimum 30 metres from ‘top of bank’ adjacent to the Grand River, a minimum of 225 metres from the residence at 664 Katherine Street North and shall comply with all other applicable regulations in Sections 6 and 7 of this By-law.
- vi)

By-law 80-2005 passed November 22, 2005 (Gary and Karen Collingwood)

By-law 14-2019 passed March 5, 2019

26.1.288 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.288 of Schedule ‘A’ of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home

Subject to the following:

- i) That this exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until March 5, 2022;
- ii) That the mobile home must be located in proximity to the existing buildings;
- iii) That the mobile home shall:
 - Be constructed in accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - Be limited to one-storey in height;
 - Be no greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - No include basement;
- iv) That the attached carport and rear sunroom/workshop shall be removed at such time as the mobile home (granny flat) is no longer required and is removed from the property ; and
- v) That no further additions to the mobile home be permitted.

By-law 79-2005 passed November 22, 2005, OMB Approval May 5, 2006 (Aden Martin)

26.1.289 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.289 of Schedule ‘A’ of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until November 22, 2015;
2. That the unit must be located in proximity to the existing buildings;
3. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 22-2006 passed March 28, 2006 (Moses B. Martin)

By-law 44-2016 passed June 6, 2016 (Lewis and Pauline Weber)

By-law 43-2019 passed June 25, 2019

26.1.290 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.290 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until June 25, 2022.
2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code; and
 - b) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width.
3. That any mobile or portable home shall only be constructed in accordance with the following:
 - a) Limited to one-storey in height;
 - b) A basement shall not be permitted; and
 - c) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 23-2006 passed March 28, 2006 (Chris and Jeanine Schaefer)

26.1.291 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.291 of Schedule 'A' of this By-law may be used for the

following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until March 28, 2016;
2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
3. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 24-2006 passed March 28, 2006 (Industrial Drive and 1 Union Street)

26.1.292 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.292 of Schedule 'A' of this By-law shall be subject to the following provisions:

Industrial Uses:

- b) Factory Outlet (as defined below)
- c) Flooring Store
- d) Uses permitted in the M-5 zone except for the following:
 - i. a Residential unit noted Section 22B.3.28.d)

Subject to the following regulations:

1. FACTORY OUTLET means a portion of a main building or an accessory building, not exceeding 45% of the floor area of the industrial use, on an industrial lot where the products manufactured or assembled by that industry are kept and offered for wholesale or retail sale and may include:
 - a limited retail of other uses not manufactured or assembled on site (40% of the retail floor area), and
 - the retail of new and used items as accessory to a service/repair facility.
2. In accordance with the regulations in Section 6 and 22B.

By-law 34-2006 passed May 9, 2006 (Birdland Developments Ltd./Activa Holdings Inc.)

By-law 84-2006 passed November 28, 2006 (Activa Holdings Inc. (Gale Presbyterian))

26.1.293 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.293 of Schedule 'A' of this By-law may be used for the following provisions:

Within the area zoned Agricultural (A), the lands are subject to the following specific regulations, in addition to the regulations of the zone in which this section of the parcel lies:

- a) The Minimum Lot area shall be 30 hectares
- b) That a Residential Building shall be prohibited.

Within the area zoned Institutional (P), the lands may be used for the following specific uses only:

- a) A church
- b) uses accessory to a church.

Subject to the following:

1. That no residential use shall be permitted as accessory to the church, including a manse;
2. Minimum building setback from Barnswallow Drive and Church Street shall be 18 metres;
3. Minimum parking space setback from a lot line abutting a public road shall be 6 metres;
4. That the building shall be oriented to have a prominent façade facing Church Street. For the purposes of a prominent façade - it may include windows and architectural features giving the building prominence and an attractive/appealing design.
5. Compliance with all other applicable regulations of Section 24 and Section 6 of this By-law, as amended.

By-law 42-2006 passed June 13, 2006 (Daniel and Salema Shantz/Mennonite Church)

26.1.294 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.294 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) a church;
- b) a cemetery;
- c) uses accessory to a church and cemetery.

Subject to the following:

1. That the following setbacks apply to the Church building:
 - a) Side yard: half the building height but no less than 3 metres.
2. Accessory buildings:
 - a) Side and rear yard: minimum of 1 metre.
3. Parking setbacks for horse drawn vehicles:
 - a) Front yard Setback: minimum of 1 metre.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

Clarence and Marie Weber/Sittler Excavating – OMB Decision 3098 Nov. 25, 2006 & OMB Decision 1909 July 5, 2006

26.1.295 Notwithstanding any other provisions of this By-law the lands illustrated on the Plan forming Section 26.1.295 of Schedule 'A' of this By-law may be used for the

following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) the recycling of wood products for agricultural purposes, including such uses as the manufacture of livestock bedding, cattle walkway material, and wood-based soil additives.

Subject to the following:

- i) the 'Area of Operation' shall be limited exclusively to a maximum of 3.5 hectares, shown as Parts 1 and 2 on Schedule 'A' of this by-law, and further defined as Parts 2 and 3 on Plan 58R-15314. No activity related to the use permitted by this by-law is permitted outside of the 'Area of Operation'.
- ii) the operation shall consist of the storage of wood waste, the grinding of wood waste, the storage of product, and sales of the product.
- iii) the operation shall maintain a 5-metre wide setback from the dripline of the trees existing on the adjacent woodlot and a minimum 10-metre wide setback from the abutting property to the north, as shown on Schedule 'A' of this by-law. The uses set out in paragraph (a) shall not encroach into the said 5-metre wide setback from the trees and the said 10-metre wide setback from the abutting property to the north.
- iv) the grinding of wood waste shall be restricted exclusively to the area shown as Part 2 on Schedule 'A' of this by-law, being Part 3 on Plan 58R-15314.

By-law 69-2006 passed October 10, 2006 (Lloyd Bauman)

By-law 87-2016 passed November 8, 2016 (Joel and Sharon Martin)

By-law 74-2010 passed October 29, 2019 (Joel Martin)

26.1.296 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.296 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile or portable home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until October 29, 2022.
2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
3. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 74-2006 passed October 24, 2006 (465754 Ontario Limited – Jutzi)

By-law 2018 passed December 18, 2018 (Estate of Merlin Jutzi/Calvin Jutzi -5100 Fountain St S)

26.1.297 Deleted and replace by 26.1.354

By-law 79-2006 passed November 14, 2006 (Tanem Developments (Kuntz Sand and Gravel)

By-law 63-2009 passed November 10, 2009 (Tanem Developments (Kuntz Sand and Gravel))

By-law 18-2019 passed March 5, 2019 (Raymond Kuntz Haulage Ltd.)

26.1.298 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Part 28 of Schedule 'C' and Section 26.1.298 of Schedule 'A' (hereafter the "Plan") of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) The importation and processing of clean and uncontaminated topsoil.

Subject to the following:

- i) That the topsoil screening operation is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until March 5, 2022;
- ii) Shall be an ancillary use to the aggregate operation located on site, and the use shall cease when the aggregate operation has ceased (pit is exhausted or no longer licensed) or when the Temporary Use By-law, noted in i) above; expires, whichever occurs first;
- iii) Shall be fully contained within the licensed pit area that is 9-hectares in size as shown on the Plan;
- iv) That the importation and processing of clean and uncontaminated topsoil shall be limited to the importation of clean topsoil and screening for resale only;
- v) That the total amount of imported clean and uncontaminated topsoil shall not exceed a maximum of 40% of the total aggregate produced on site calculated annually;
- vi) That the total amount of imported clean and uncontaminated topsoil shall not exceed 30,000 tonnes annually;
- vii) That the total amount of stockpiled imported clean and uncontaminated topsoil shall not exceed 30,000 tonnes annually;
- viii) The annual amounts of aggregate production shall be reported to the Township on an annual basis and no later than March 30th of each year by providing the Township with a complete copy of the operator's annual report to the Ontario Aggregate Resources Corporation, which shall be provided to the Township on a confidential basis;
- ix) The annual amounts of imported clean and uncontaminated topsoil shall also be reported to the Township on an annual basis and no later than March 30th of each year by providing the Township with the same level of detailed reporting as is required in respect of aggregate production in clause (g) above. This information shall be provided to the Township on a confidential basis;
- x) Shall not exceed a maximum of 1 hectare in size for the entire topsoil operation including all topsoil piles, driving/access areas around the piles, screening area;
- xi) That the importation and processing of recycling material is approved under the provisions of Section 39 of the *Planning Act* R.S.O. 1990,

- and amendments thereto, Temporary Use By-laws, and shall be in effect only for a period no greater than 3 years from the date this amending by-law comes into effect; and
- xii) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Part 28 of Schedule 'C' and Section 26.1.298 of Schedule 'A' (hereafter the "Plan") of this By-law are subject to the following provisions in addition to the provision applicable elsewhere in the By-law:

- a) The office accessory to the aggregate operation is limited to 300 square metres in size.
- b) In compliance with all other applicable regulations of Section 7 and 6 of the By-law, as amended.

By-law 83-2006 passed November 28, 2006 (General Amendment- Stemmler, Vegh and Township Properties)

26.1.299 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming 26.1.299 of Schedule 'A' of this By-law may have a minimum Lot Width of 18 metres.

By-law 83-2006 passed November 28, 2006 (General Amendment – former Elmira Stove Works (Loblaws))

By-law 51-2008 OMB Decision June 2, 2008 (Doetrail Incorporated / Loblaw Properties Limited)

26.1.300 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.300 of Schedule 'A' of this By-law may be used for the following specific uses, in addition to those uses permitted in the zone within which the parcel lies:

- a) food store with a maximum total floor area of 3178 m² (34,208 ft²), which shall be comprised of 63 m² (678 square feet) of vestibule/cart storage only and 3115 m² (33, 530 square feet) of existing food store floor area,
- b) personal services, and
- c) outdoor seasonal garden centre, accessory to the food store, subject to the following regulations:
 - i) The outdoor seasonal garden centre shall be permitted to operate, from April through September only, within the parking area of the food store, subject to the applicable regulations in Section 20B.5.21 of the By-law;
 - ii) The garden centre shall not occupy parking spaces otherwise required to satisfy the minimum parking requirement for the food store use;
 - iii) The total area of the garden centre, including associated temporary tent structures, shall not be included within the maximum total floor area noted in subsection a); and
 - iv) For the purpose of this section, the outdoor seasonal garden centre shall not be required to provide parking, notwithstanding the provisions of Section 6.13.4 of the By-law.

Subject to the following regulations and the applicable regulations in Sections 6 and 20B of this By-law.

- i) The northerly side yard of the 3115 square metre gross floor area building, existing as of March 7, 2006 (hereafter the "Existing Building") shall be a minimum of 2 metres. Any new buildings or structures shall comply with the minimum 3-metre setback to the northerly property line.

- ii) The westerly rear yard of the Existing Building, and the Horse Shelter existing as of September 1, 2006, shall be a minimum of 3.5 metres. Any new buildings or structures shall comply with the minimum 7.5-metre rear yard setback to the westerly property line.
- iii) The front façade does not have to face the Regional Road (Arthur Street South).
- iv) The parking space setback to Arthur Street South shall be minimum 0 metres.
- v) The minimum number of parking spaces required for the Existing Building shall be calculated based on 50% of the required parking for permitted service commercial uses in Section 20B (save and except a restaurant), personal service uses and a maximum 2360 square metre retail area for a food store, outlined in Section 6.13 of this By-law. Any restaurant use in the Existing Building or any permitted service commercial, food store or personal service uses within any new building(s) or addition(s) shall provide 100% of the minimum required parking outlined in Section 6.13 of this By-law.
- vi) Notwithstanding Section 20B.5.25 of this By-law, as amended, a solid wood fence may be erected along the south property line adjacent to a Residential Zone, in lieu of a Buffer Strip, as defined in Section 6.15.
- vii) That the area identified as "Part 1" on the Plan forming Section 26.1.300 of Schedule 'A' of this By-law shall be used for parking, landscaping, food cart storage, an outdoor seasonal garden centre accessory to the food store, and pedestrian/vehicular access.
- viii) That the land identified on the Plan forming Section 26.1.300 of Schedule 'A' of this By-law shall not exceed 0.94 hectares.
- ix) That the lands at 232 Arthur Street South and those lands identified as "Part 1" on the Plan forming Section 26.1.300 of Schedule 'A' of this By-law shall be treated as one lot for the purposes of the application of the Zoning By-law.

Notwithstanding any other provisions of this By-law, the following uses are prohibited to locate on the lands illustrated on the Plan forming Section 26.1.300 of Schedule 'A' of this By-law:

- a) building supplies dealer,
- b) automobile service station,
- c) industrial and farm equipment,
- d) Canadian Tire, and
- e) Co-op.

By-law 83-2006 passed November 28, 2006 (General Amendment 1621 Durst Rd)

26.1.301 Notwithstanding Section 7.5.1 (c) of this By-law, an On-Farm Business is prohibited on the lands illustrated on the Plan forming Section 26.1.301 of Schedule 'A' of this By-law, if an On-farm Business is established and exceeds the maximum floor area limits permitted in Section 6.22.2 of this By-law on a property at 1621 Durst Road.

By-law 83-2006 passed November 28, 2006 (General Amendment Rosendale Farm)

26.1.302 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan (area of operation) forming Section 26.1.302 of Schedule 'A' (hereafter referred to as the "Plan") of this By-law may be used for the following specific uses in addition to the uses permitted in the zone within which the parcel lies:

- i) An Agricultural Cash Crop Facility, and
- ii) Uses accessory to the above.

Subject to the following:

1. For the purposes of this Section, an 'Agricultural Cash Crop Facility' shall mean:
 - a. the handling, distribution and storage of cash crops, which shall include the screening and drying of crops grown on other farms, with no other processing of the materials,
 - b. the sale of crop inputs (i.e., seed and fertilizer), and
 - c. the offering of crop consulting services (i.e., nutrient management, crop scouting and soil testing);
2. That all Agricultural Cash Crop Facility operations, shall only take place within the defined "Area of Operation" illustrated on the Plan within a maximum area of 3 hectares;
3. Notwithstanding Clause 2 above, the existing dwelling unit on the property, which is located outside the "Area of Operation", may be used as an office building that is accessory to the Agricultural Cash Crop Facility, with parking, however, no other dwelling unit will be permitted on site;
4. Minimum Building Line Setback from Sawmill Road shall be 9 metres;
5. Accessory uses shall include the storage and repair of farm equipment required for the Agricultural Cash Crop Facility and offices; and
6. Compliance with all other applicable regulations of Section 6 and Section 7 of this By-law, as amended.

By-law 83-2006 passed November 28, 2006 (Lot 10, Plan 1547 Trevisan)

26.1.303 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.303 of Schedule 'A' (hereafter referred to as the "Plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone that the parcel lies:

- (a) Hotel or Motel – In conformity with the regulations in Sub-section 6.19 and the applicable regulations in Section 6 of this By-law.

By-law 15-2007 passed February 27, 2007 – OMB Approval August 8, 2007 (Robert and Lisa Shuh)

26.1.304 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.304 of Schedule 'A' of this By-law may have a reduced minimum lot area of 23 hectares, however buildings or structures shall be prohibited.

By-law 33-2007 passed April 24, 2007 (Calvary Conservative Mennonite Church / Eric Schwindt)

26.1.305 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.305 of Schedule 'A' (hereafter the "Plan") of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

Part 1

- a) church;
- b) cemetery; and
- c) uses accessory to the forgoing (e.g. parking, loading, septic system) but not including a pastoral residence.

Part 2

- d) uses accessory to a church and cemetery, which is limited to only a parking area, septic system, loading area and an accessory detached maintenance building.

Subject to the following regulations:

- i. Minimum building line setback shall be 6 metres;
- ii. Minimum side yard setback shall be 3 metres;
- iii. Minimum rear yard setback shall be 7.5 metres;
- iv. Maximum building height shall be 10.5 metres;
- v. Maximum lot coverage shall be 50%;
- vi. Minimum side yard and rear yard setback for a detached accessory building shall be 1 metre;
- vii. Minimum parking space setback to a front lot line shall be 5 metres and to a side lot line shall be 3 metres;
- viii. In conformity to all other applicable off-street parking and loading regulations in Sub-section 6.11, 6.12 and 6.13 of this By-law, as amended;
- ix. That the church and cemetery uses may be within the Minimum Distance Separation (MDS) setback requirement from the adjacent farming operations provided that the said uses are located in Part 1 as shown on the Plan.
- x. In conformity with all other applicable regulations of Section 6 of this By-law, as amended.

By-law 38-2007 passed May 1, 2007 (Empire Communities (Riverland) Ltd.)

Amended by By-law 82-2007 passed December 11, 2007 (Empire Communities (Riverland) Ltd.)

Amended by By-law 12-2009 passed February 3, 2009 (Empire Communities (Riverland) Ltd.)

Amended by OMB decision October 2, 2017

26.1.306 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.306 of Schedule 'A' (hereafter referred to as the "Plan") as "Residential Zoned Area" shall be subject to the following regulations, in addition to the regulations outlined in the zone within which the parcel lies:

- a) The minimum side yard for lots on the Plan shall be 0.6 metres, provided that the distance between the abutting residential units is not less than 1.8 metres.
- b) Notwithstanding Sections 10A.3.4 g), 10A.3.5 b) ii) (R-3A zone), 11A.3.4 g), 11A.3.5 b) ii) (R-4A zone), 11B.3.4 g), 11B.3.5 b) ii) (R-5A zone) the minimum front porch width shall be 2.85 metres.
- c) The following provisions applies to a house with a three car garage:
 - i. The lot shall have a minimum frontage of 18 metres (60 feet) or greater;
 - ii. The front porch shall have a minimum width of 4.6 metres (15 feet) and must be attached to the front wall of the residential unit;
 - iii. The porch shall extend a minimum of 1 metre (3.2 feet) in front of the front wall of the garage; and
 - iv. Maximum exterior width of the garage, measured from exterior pier to pier, shall be 9.15 metres.
- d) A side-loaded garage may be permitted to extend in front of the front wall of the residence subject to the following:
 - i. Are only permitted on lots exceeding 23 metre (75 feet) in lot width; and
 - ii. The front wall of the garage must have an architectural treatment giving the appearance of a residential room including facing treatment and windows.

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan as Block 430 within the "Residential Zoned Area" may be used to provide vehicular access/parking to the adjacent church, if a house is not developed on the said block.

By-law 71-2007 passed October 23, 2007 (Blaze Properties)

26.1.307 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 and zoned Buffer Commercial – Urban (C-2) on the Plan forming Section 26.1.307 of Schedule 'A' of this By-law are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) The Minimum Lot area shall be 300 square metres, and
- b) The minimum side yard setback between the building existing on or before October 23, 2007, shall be 0.84 metres. Any new buildings or structures erected after October 23, 2007 shall comply to the applicable regulations in Section 17 of the By-law.

By-law 47-2008 passed June 10, 2008 (1231 Shantz Station Rd, Compact Sod)

26.1.308 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.308 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) An outdoor topsoil operation (being the storage, screening, mixing and bagging), and the limited sales of bulk mulch as an On Farm Business in relation to a sod farm property that is no less than 40 hectares in area.

Subject to the following:

- 1) That the topsoil used in the operation cannot be stripped from the farm or other designated agricultural properties;
- 2) That the topsoil use (storage, bagging and screening etc) and bulk mulch sales and storage is restricted in area to 1.2 hectares (3 acres);
- 3) The bulk mulch bins shall be limited to a maximum area of 650 square metres with the area noted in clause 2 above;
- 4) That the entire topsoil and mulch operation must be clustered with the farm operation and shall be to the rear of the farm building;
- 5) No buildings shall be permitted for the operation;
- 6) The use shall not include a retail sales operation, landscape contractor's yard, a landscape sales yard, the sale of other landscape material including stones, bricks, plants etc;
- 7) Must be operated by the resident farmer, a resident member of the farm family or non-resident owner of the farm who farms the property.
- 8) All storage and loading areas used in connection with an On-Farm Business must be separated by at least 150 metres from buildings used for residential, recreational or institutional purposes located on an adjacent lot. New residences on an adjacent property must be a minimum of 180 metres from the topsoil area of operation;
- 9) The recycling of animal products, a rendering plant, the recycling or refining of petroleum products, a junk, scrap, salvage or wrecking yard or a use which is or may become offensive or dangerous by reasons of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter, water carried wastes or traffic is specifically prohibited;
- 10) Shall not be severed from the farm;
- 11) No other On-Farm Business is permitted in addition to the topsoil and mulch operation; and

- 12) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 66-2008 passed September 29, 2008 (Allen Sauder)

By-law 13-2019 passed March 19, 2019

26.1.309 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.309 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until March 5, 2022;
2. That the mobile home shall only be constructed:
 - a. In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b. Limited to one-storey in height;
 - c. Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d. A basement shall not be permitted; and
 - e. Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
3. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 11-2009 passed February 3, 2009 (Gregory and Deborah Schnurr)

26.1.310 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.310 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A Group Home occupied by a maximum of sixteen (16) residents (excluding staff or the receiving family).

Subject to the following:

- 1) That no additions or expansions shall be permitted to the existing group home building/ residence.
- 2) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 17-2009 passed February 24, 2009 (Arrigo and Francesca Trevisan)

26.1.311 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.311 of Schedule 'A' (hereafter the "Plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone in which the parcel lies:

- a) fitness club and uses accessory thereto.

In compliance with the applicable regulations in Section 21 and Section 6 of this By-law, as amended.

By-law 23-2009 passed April 7, 2009 (Northeast Industrial Park Ltd.)

26.1.312 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.312 of Schedule 'A' shall be used in accordance with the following

Part A

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Part A of Section 26.1.312 of Schedule 'A' shall be used in accordance with the following specific regulations in addition to those uses permitted in the zone within which the parcel lies:

1. Minimum lot area – 2.5 hectares
2. Minimum setback for Residential building from M-6 zone or M-6(H) zone as may be applicable (shall not mean the M-6(f) zone): 100 metres
3. No development within the Open Space (O-2) zone.

Part B and Part C

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Part B and Part C of Section 26.1.312 of Schedule 'A' shall be used in accordance with the following in addition to those uses permitted in the zone within which the parcel lies:

1. The following specific uses shall not be permitted:
 - Sawmill
 - Truck Fuel Depot
 - Bulk Fuel (gas, propane etc) storage and/or dispensing
2. Any permitted use (building or storage) shall be setback a minimum of 70 metres from the property line containing a residential unit.

Part C

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Part C of Section 26.1.312 of Schedule 'A' and identified with an H symbol shall not be permitted to develop until such time as:

1. The Township of Woolwich Council is satisfied that the development proposed has:
 - a) The necessary Road access;
 - b) Provided the lands for a by-pass or completed a transportation study showing that a by-pass is not required;
 - c) Services available;
 - d) Infrastructure; and
 - e) That the residential properties along Arthur St N as notified for ZC11/2008 are notified of the removal of the Holding provisions.
2. A By-law has been passed removing the Holding Provision (H) symbol from the Zoning schedules pursuant to Section 36 of The Planning Act.

By-law 27-2009 passed April 28, 2009 (Marhaven Farms Limited)

26.1.313 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.313 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A dwelling unit by means of a mobile home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until April 28, 2019;
2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
3. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 2-2010 passed January 19, 2010 (St. Jacobs Produce, 650207 Ontario Ltd.)

By-law 15-2013 passed March 26, 2013 (St. Jacobs Produce, 650207 Ontario Ltd.)

26.1.314 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.314 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A local wholesale direct buy farm produce operation

Subject to the following:

1. Wholesale – shall mean the selling of articles to those in the trade, but shall not mean a farmers market open to the public;
2. Farm Produce - shall mean fruit, vegetables, and flowers but not include processed foods;
3. Local – shall mean where the majority of the suppliers shall be local farmers as a venue to sell produce;
4. The use shall only be located within the existing warehouse;
5. Accessory uses to the above including the associated office are permitted provided they shall be within the subject building;
6. Minor additions to the existing warehouse building shall be permitted for a roofed enclosure over the loading area;
7. the use cannot be severed from the property; and
8. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

This exemption (Part B) is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O. and amendments thereto, Temporary Use By-laws, and shall be in effect only until March 26, 2016.

By-law 55-2010 passed June 22, 2010 (Martindale Church / Marvin Weber)

26.1.315 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.315 of Schedule 'A' (hereafter referred to as the "plan") of this

By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) A Church (meeting house) associated with the horse and buggy community; and
- b) Uses accessory thereto, but not including a cemetery,

Subject to the following:

- i) that the use be restricted to the area of operation as shown, and being no greater than 1.0 hectares in area;
- ii) That the use shall not be severed from the property;
- iii) That the use be considered a Type A land use for purposes of calculating any Minimum Distance Separation (MDS); and
- iv) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 72-2010 passed September 21, 2010 (Cameo Homes (KW) Ltd.)

26.1.316 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.316 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific regulations for the development of a Residential Building – Apartment, in addition to any other applicable regulations of the zone in which the parcel lies:

- a) The minimum side yard requirement on the west side of property shall be 3.6 metres.
- b) The minimum side yard requirement on the east side of the property shall be half the building height or 7.5 metres, whichever is greater.
- c) Notwithstanding Section 2.3 of this By-law (i.e. definition of "Amenity Area"), the area devoted to outdoor balconies and the floor area devoted to indoor common/recreational areas within a Residential Building – Apartment, may be included in the calculation of a Minimum Amenity Area, as required in Section 15.4.5 of this By-law.
- d) That the minimum parking requirements shall be 1 space per dwelling unit provided that the entire Residential Building – Apartment is used specifically for a Seniors Apartment Building as defined by the following:
 - i) Senior's Apartment Building – means dwelling units built for the accommodation of the mature adult for independent living, which is defined as a person aged 55 years or over.

By-law 86-2010 passed November 23, 2010 (Wilbert Martin)

26.1.317 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.317 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

- 1. That the existing dwelling and the mobile home be occupied solely by the owners of the land;

2. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until November 23, 2020;
3. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch or breezeway, which may be connected to the existing dwelling unit.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 24-2011 passed April 19, 2011 (Roman Catholic / Woodland Christian)

26.1.318 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.318 of Schedule 'A' of this By-law may have a minimum lot area of 21 hectares.

By-law 46-2011 passed June 28, 2011 (Dragoslav Kovasevic)

26.1.319 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.319 of Schedule 'A' of this By-law shall be subject to the following specific provisions in addition to those uses permitted in the zone within which the parcel lies:

- a) for the existing retained dwelling, a minimum rear yard setback of 3.3 metres shall be permitted subject to:
 - i. the front yard being Joseph Street;
 - ii. a 10 metre dwelling setback (not including a deck or patio) from Shields Street (side yard) be maintained for an amenity space.

By-law 50-2011 passed August 9, 2011 (Ryan McCall Stroh)

26.1.320 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan forming Section 26.1.320 of Schedule 'A', of this By-law (hereafter the "Plan") are subject to the following regulations:

- a) Minimum Lot Area requirement shall be 6.5 hectares;
- b) In conformity with all other applicable regulations in Section 6 and 7 of this By-law.
- c)

By-law 51-2011 OMB Approval March 22, 2012 (D & J Lockhart Excavators - Ivan Martin and Grant Bauman)

26.1.321 Notwithstanding any other provisions of this By-law, the lands illustrated and identified as the Expanded Additional License Area / Area of Extraction on the Plan forming Part 24 of Schedule 'C' and Section 26.1.321 of Schedule 'A' (Figure 1 and Figure 2), hereafter the "Plan", of this By-law are subject to the following:

Permitted Uses:

- a) Agricultural uses in accordance with the zoning, but not including buildings or structures;

- b) An aggregate extraction operation within the Expanded Additional License Area / Area of Extraction subject to the following regulations:
- i. **NOTE - CLAUSE i) and Figure 2 REMAIN SUBJECT TO OMB APPEAL;**
 - ii. Extraction shall only take place within the areas shown on Schedule A of this by-law as the Portions Zoned for Extraction;
 - iii. An internal haul route shall be permitted as shown on the Operational Plan (Sheet 2 of 3) dated July 31, 2011 prepared by Gibson Consulting Services Inc. under the Aggregate Resources Act.

By-law 60-2011 passed September 27, 2011 (Joan Kron)

26.1.322 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.322 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until September 27, 2021;
2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width; and
 - d) A basement shall not be permitted.

Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 72-2011 passed November 29, 2011 (Weide-Lea Farms Limited)

26.1.323 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.323 of Schedule 'A' of this By-law permits a maximum of two single detached dwelling units in addition to those uses permitted in the zone within which the parcel lies, subject to:

1. No other residential unit be permitted, which shall include that the two permitted units must remain as single detached dwellings and shall not be dupexed or converted to multiple units;
2. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 80-2011 passed December 20, 2011 (Lunor Group)

Amended by By-law 17-2018 passed March 6, 2018 (229249 Ontario Limited/Living Waters Christian Bookstore-122 Church Street West)

26.1.324 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.324 of Schedule 'A' of this By-law (the "Plan") are subject to

the following specific provisions, in addition to the provisions of the zones in which the lands lie:

A. SPECIAL RESIDENTIAL PROVISIONS

- i) Notwithstanding any other provision to this By-Law and notwithstanding Section 12 of the Township Zoning By-Law, within any zone where Residential Building – One Unit is a permitted use, the following provisions shall apply for Residential Building – One Unit:
 - The Minimum Side Yard shall be 0.6 metres, provided that the total distance between the abutting residential unit are not less than 1.8 metres.
- ii) Notwithstanding any other provision to this By-Law and notwithstanding Section 13 of the Township Zoning By-Law, within any zone where Residential Building – Semi-Detached is a permitted use, the following provisions shall apply for Residential Building – Semi-Detached (regulations per dwelling unit):
 - Minimum Lot Area = 240 square metres;
 - Minimum Lot Width = 7.5 metres;
 - Minimum Lot Frontage (interior) = 7.5 metres; and
 - Minimum Lot Frontage (corner) = 10 metres.
- iii) Lands that are zoned Residential – Mixed High Density with Design Guidelines and contains an asterisk (R-5A*) as illustrated on the Plan, shall permit Residential Building – Row (i.e. Townhouses) in addition to the uses permitted in the R-5A zone, subject to conformity to the applicable regulations in Sections 15A.4 and 6 of this By-law.
- iv) Lands that are zoned Residential – Multiple with Design Guidelines and contains an asterisk (R-7A*) as illustrated on the Plan, shall permit Residential Building – One Unit, which may include a private home day care, home occupation and hairdresser/barber, and Residential Building – Duplex, and Residential Building – Semi-Detached, subject to conformity to the applicable regulations in Sections 11B.3, 12, 13 and 6 of this By-law.
- v) Notwithstanding Section 2.56 of the By-law, a Group Multiple Housing Development may also include a Residential Building – One Unit, and/or Residential Building – Duplex, and/or Residential Building – Semi-Detached within Lands zoned R-7A*, as noted above, and will be subject to the following:
 - Minimum Amenity Area of 70 square metres per dwelling unit for Residential Building – One Unit, Duplex and Semi-Detached and 30 square metres per dwelling for a Townhouse and Apartment.
 - Minimum Ground Floor Area for Residential Building – One Unit and Semi-Detached shall be 55 square metres (more than 1 storey) and 70 square metres (1 storey) and for a Duplex 70 square metres per dwelling unit.
 - The total minimum internal side yard requirements shall be as follows:
 - a) 1.8 metres between two detached Residential Building – One Unit, Duplex and/or Semi-Detached;
 - b) 2.7 metres between two detached Residential Building – One Unit or Duplex or Residential Building – Semi-Detached and a Residential Building - Row; or
 - c) 3.0 metres between two detached Residential Building – Row.
 - For the purpose of this section, if the dwelling unit does not front onto a public road, the applicable “building line setback”, required in Section 15A.3.3 and 15A.4.3, shall mean the setback from the closest point from where the edge of asphalt of an internal road begins, at which the permitted dwelling unit may be located.

- In conformity to the applicable regulations in Sections 11B, 12, 13, 15A.3, 15A.4 and 6 of this By-law.
- vi) Lands that are zoned Residential – Multiple with Design Guidelines and contains an X-suffix (R-7A(X)) as illustrated on the Plan, shall only allow a Residential Building – Apartment as a permitted use, subject to the applicable regulations in Sections 15A.3 and 6 of this By-law.
- vii) Notwithstanding Section 2.101.1 of the By-Law, the definition of Residential Building – Apartment shall mean a Residential Building containing three (3) or more dwelling units which may share a common hallway and/or have individual direct outside access, in conformity with the Building Code. An apartment unit with a primary access through another apartment unit is prohibited.
- viii) Notwithstanding any other provision to this By-Law and notwithstanding Section 12 to the Township Zoning By-Law, the required Minimum Lot Width and Minimum Lot Frontage for internal lots shall be 12 metres and the Minimum Lot Frontage for corner lots shall be 15 metres within the R-4A zone.
- ix) Notwithstanding Section 15A (R-7A) of this By-law, the minimum Lot Width/Frontage for Block 33 on the Northview Draft Plan shall be 9 metres.
- x) For the purpose of calculating Lot Width, as defined in Section 2.77 of this Bylaw, the building line shall be 6 metres setback from the front lot line.
- xi) Condominium Approved Development, pursuant to The Planning Act, shall be deemed to be a Group Multiple Housing Development as per Sections 2.56 and 15.A.2.3 and iv) of this By-law. Internal lot lines created by:
 - a) A phased registration of a plan of condominium; or
 - b) A plan or plans of condominium registered on a portion of a lot which is part of a comprehensively planned development subject to a Development Agreement pursuant to Section 41 of the Planning Act, shall not be construed to be lot lines for the purpose of zoning regulations provided that all applicable regulations of this by-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration are strictly observed.

B. SPECIAL COMMERCIAL PROVISIONS

- i) Notwithstanding Section 19A.4.7 of this By-law, a Maximum Total Gross Commercial Floor Area does not apply to Convenience Commercial (C-4A) zoned lands within the Plan.
- ii) Notwithstanding Section 19A.3.7 of this By-law, Drive-Thru Restaurants are permitted, subject to conformity with Sections 19A.4 and 6.13.6 of this By-law.
- iii) Food stores (not including permitted Convenience Retail/Variety Store) are prohibited in Convenience Commercial (C-4A) and Service Commercial (C-7) zoned lands within the Plan.

C. HOLDING PROVISIONS

- i) Notwithstanding any other provision of this By-law, the development of lands within the Plan identified with a C-7(H1) Symbol shall not be allowed to establish the following service commercial uses:
 - Appliance Store (Section 20B.3.2),
 - Carpet, Wall, Draperies or Floor Covering Store (Section 20B.3.8),
 - Electric/Electronic Equipment Store (Section 20B.3.19),
 - Furniture Store (Section 20B.3.23), and

- Pet Store (Section 20B.3.44).

until such time as the remerchandising of the former IGA/Foodland building at 6 Arthur Street North in Elmira has occurred with the establishment of a new commercial use(s), to the satisfaction of the Township, and Council has, by By-law removed the Holding Provision (H1) symbol from the Zoning Schedules pursuant to Section 36 of the Planning Act, RSO, 1990, or exactly two years after the registration of the first phase of the Lunor Development consisting of Draft Plans 30T-07701 (Green Acres Plan), 30T-07702 (Riverbend Plan) and 30T-07703 (Northview Plan), whichever should occur first.

- ii) Notwithstanding any other provision of this By-law, the development of lands within the Plan identified with an (H2) Symbol (i.e. Blocks 100 and 101 – Future Development Blocks within the applicable Draft Plans identified as Green Acres Draft Plan – 30T-07701, Riverbend Draft Plan 30T-07702, Northview Draft Plan - 30T-07703) shall not be permitted, until such time as the Township is satisfied that sufficient sanitary sewage capacity is available in Elmira, Township Council has allocated sufficient capacity to service the development, the Township/Region Municipality of Waterloo supports and approves, respectively, the modification of the applicable draft plans to provide for the appropriate development of the lands, and Council has, by By-law removed the Holding Provision (H) symbol from the Zoning Schedules pursuant to Section 36 of the Planning Act, RSO, 1990.
- iii) Notwithstanding any other provisions in this By-law, the development of the lands within the Plan identified with C-7 (H-3) Symbol shall not be allowed to establish the use of an “automotive and recreational vehicle repair” operation until such time as a stationary noise study is approved by the Township and Region which assesses the noise impacts and noise mitigation measures (if required) to neighbouring sensitive uses, and Council, has, by By-law removed the Holding Provision (H-3) from the Zoning Schedules pursuant to Section 36 of the Planning Act, RSO, 1990.

D. SPECIAL RETAIL PROVISION

Notwithstanding any other provision of the By-law the lands at 122 Church Street West in Elmira and illustrated on the plan forming Section 26.1.324 of Schedule ‘A’ (the “Plan”) may be used for the following specific use in addition to the permitted uses in the Service Commercial (C-7) Zone in which the parcel lies:

- a) A single unit retailing operation of only the merchandise listed in i) below and such retailing shall only occur in association with a wholesaling, warehousing and distribution use and all functioning as a consolidated, self-contained operation located entirely on the subject lands.

Subject to the following:

- i. The retail merchandise shall be limited to:
 - Books/reading material,
 - Indoor and outdoor games such as trampolines, scooters, lawn games, board and card games,
 - Toy tractors and trucks, puzzles, building blocks and dolls;
 - Bibles and religious material;

- Gifts, inspirational wall art, cards, giftware, mugs and photo frames;
 - Educational material, scrapbooking supplies, school supplies and teaching supplies; and
 - Kitchenware.
- ii. Multiple retail outlets that are selling one or more of the permitted merchandises listed in i) above shall be prohibitive.
 - iii. The maximum gross floor areas of the retail portion of the operation shall not exceed 981 square metres (10,560 square feet).
 - iv. The warehouse and distribution portion of the operation shall be associated with the permitted retail use noted in a) above as a primary use and shall comprise of a least 50% of the total gross floor area of the entire operation located on the subject lands.
 - v. Shall be in conformity with the applicable regulations in Section 20 B - C-7 Service Commercial and Section 6 – General Regulations.

LPAT decision April 18, 2019**By-law 1-2012 passed January 17, 2012 (Robert Brubacher – Wellington Fertilizer)**

26.1.325 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.325 of Schedule 'A' (hereafter referred to as the "Plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) A farm fertilizer operation (including the receiving, storage, mixing, bagging and bulk loading) and,
- b) Uses accessory to the fertilizer operation,

Subject to the following:

- i. that the use be restricted to the Area of Operation as shown on the Plan, and being a maximum of 1.03 ha;
- ii. The existing 1215m² barn may be used for no other use than the storage of fertilizer products or uses otherwise permitted in the Agricultural zone;
- iii. That the truck weigh scale be an accessory use only to the fertilizer operation;
- iv. The farm pond use for the fire reservoir purposes may be permitted outside the Area of Operation;
- v. That the use shall not be severed from the property; and
- vi. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 19-2012 passed March 20, 2012 (957859 Ontario Limited (formerly Forwell Properties Inc.) and Safety Kleen)

26.1.326 Notwithstanding and other provisions of this By-law, the lands illustrated on the plan forming Section 26.1.326 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses only:

- a) warehousing and packaging of the finished product, which may include the blending of additives as part of packaging the finished product within an enclosed building,
- b) accessory office and garage within the warehouse and packaging building,
- c) outdoor truck and trailer parking,
- d) safety/emergency flare building/structure,
- e) implementing a Remedial Action Plan approved by the Ministry of the Environment to address an existing plume of soil and groundwater contamination (hereinafter the "RAP").
- f) uses accessory to the foregoing.

Subject to the following:

- i) That the warehousing and packaging building shall not exceed 7500 square metres in lot coverage;
- ii) That the accessory office and garage shall be contained within the warehouse and packaging building;
- iii) That no buildings or structures, except those required as part of the RAP, shall be located within the general limits of the plume as shown on the Plan;
- iv) That no development or encroachment shall be permitted within the Open Space Zone (O-2) as shown on the Plan and in Schedule B19 of this By-law, except for those approved works required to construct the stormwater management pond and to plant native vegetation to naturalize the buffer area.
- v) That lands within the Plan shall be serviced by means of connecting to the existing sanitary sewer and Municipal watermain located on the property at 300 Woolwich Street South and shall not be serviced by a private sanitary septic system or a private well. The installation of a private well used in conjunction with the RAP shall be permitted.
- vi) The lands shown on the Plan shall merge with, and develop in conjunction with the property at 300 Woolwich Street South prior to any development occurring.
- vii) In conformity with the applicable regulations in Section 6 and 21 of this By-law.

By-law 21-2012 passed March 27, 2012 (Benjamin Tree Farm)

26.1.327 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.327 of Schedule 'A' of this By-law permits the following in addition to those uses permitted in the zone within which the parcel lies:

- e) An Agri-Tourism operation including a maximum of 99 square metres for an indoor work / seating area for agri-tourism related uses such as school and club tours and a customer rest area;
- f) The sale of only bagged or packaged topsoil, fertilizers, peat moss, mulch, mulches, compost, insecticides, fungicides, bark, bone meal, and blood meal not exceeding a total floor area of 10 square metres (indoor or outdoors, or a combination thereof),
- g) Non-Commercial Greenhouse Sales Operations are permitted to retail only *Products Grown and Raised on site* and as defined below,
- h) An area of not more than 50% of the retail area up to a maximum of 37.5 square metre is permitted for the sale of pots and greenery grown off site, but shall be prohibited to retail other non-farm products including, but is not limited to: books, garden tools, hoses, garden ornaments/accents, garden furniture, pond liners, pumps, fencing, decking, food, drinks;
- i) The retail area accessible to the public permitted as part of any *farm produce stand* and items noted in a) and c) above shall be a minimum of 100 metres away from a neighbouring dwelling;
- j) Shall provide parking in accordance with Section 6.13, based on one (1) space for each 18.5 square metres of retail floor area. Notwithstanding Section 6.13.1b) the off-street parking shall be setback a minimum of 5 metres to a lot line adjacent to a public road; and
- k) That a minimum 6 metre wide driveway is required where two way traffic is to be accommodated, and/or a minimum 4.5 metre wide driveway is required where one way (single lane) traffic is to be accommodated, for the retail and agri-tourism aspects noted above.

- l) For the purposes of this section the following definitions shall apply.
- a) *“Tree Farm / Greenhouse-Floriculture/Horticultural (non commercial)”* means a farming operation including a greenhouse primarily for growing and producing horticultural/floricultural crops for off-site wholesale purposes and/or retailing of products grown on site directly to the consumer and may include limited sale of incidental products and products grown or raised on other farms in Woolwich.
- b) *“Products Grown and Raised on site” means:*
- the sale of farm products, that are grown or raised on the premises where the sales are being conducted, which may include the sale of other products from other lands operated by the same farmer in the Township of Woolwich; and/or
 - the sale of plants that have been cultivated (either from seed or whip, plug, bulb, cutting) on the premises where the sales are being conducted, but shall not include the importing of retail ready products that require short term water and/or care (imported products that have been onsite for less than 3 months) prior to sale to the public.

By-law 28-2012 passed May 8, 2012 (Nelson and Lizzie Reist)

26.1.328 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.328 of Schedule ‘A’ of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That the location of the mobile home shall be setback a minimum of 240 metres, as a reduced Minimum Distance Separation distance to the adjacent swine barn and manure storage area located at 74 Sandy Hills Drive;
2. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until May 8, 2022;
3. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width; and
 - d) A basement shall not be permitted.
4. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 39-2012 passed June 25, 2012 (Cyril and Marlene Zister)

26.1.329 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.329 of Schedule ‘A’ of this By-law may have a minimum lot area of 13.6 hectares and is subject to the following:

- a) That no livestock or manure storage shall be permitted unless it can be clearly demonstrated that the Minimum Distance Separation (MDS) can be achieved between the livestock operation and the designated portion in the City of Waterloo. For the purposes of any Minimum Distance Separation Requirements (MDS) the separation to the City of Waterloo boundary shall be based on Type B land uses.
- b) That the following shall not be permitted within the wetland/woodlot area identified as Part 1:
 - a. development or site alteration,
 - b. grading, and/or
 - c. removal of trees (unless authorized by the Region of Waterloo under the Tree Cutting Bylaw).

By-law 40-2012 passed June 25, 2012 (Thomas and David Drake)

26.1.330 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.330 of Schedule 'A' of this By-law shall be permitted the following additional uses and subject to the following specific provisions in addition to those uses permitted in the zone within which the parcel lies:

Additional Permitted Uses:

1. A Hyperbaric Chamber Clinic within an industrial mall where one of the units is operating as a body shop; and
2. Research and Development associated with a Hyperbaric Chamber Clinic.
3. Uses accessory to the items 1 and 2 above.

By-law 9-2013 passed March 5, 2013 (Mercedes Corporation – 10 Front Street)

26.1.331 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.331 of Schedule 'A' of this By-law shall be permitted in accordance with the following specific provisions in addition to those uses permitted in the zone within which the parcel lies:

1. Notwithstanding Section 2.101.1 of the By-law, the definition of a Residential Building – Apartment shall mean a Residential building containing three (3) or more dwelling units which may share a common hallway and/or have individual direct outside access, in conformity with the Building Code. An apartment unit with a primary access through another apartment unit is prohibited; and
2. A reduced rear yard setback of 4.5 metres.

By-law 21-2013 passed April 15, 2013 (Wetherly / Lubberts – 3 Erb Street)

26.1.332 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.332 of Schedule 'A' of this By-law are subject to the following specific provisions in addition to the provisions of the zone in which the parcel lies:

1. A reduced rear yard building setback to recognize the existing building being approximately 6.9 metres;
2. A reduced east side yard setback to recognize the existing building, being approximately 0.7 metres; and
3. A reduced parking space setback of a minimum of 1.2 metres abutting Duke Street.

PL110809 OMB decision February 1, 2013 and February 8, 2013 (2167534 Ontario Inc. - 125 Peel Street)

26.1.333 Notwithstanding any other provisions of this By-law, the lands (being those lands described as Part of Lot 3, Crooks Tract, West of Grand River, Woolwich Township, Region of Waterloo) illustrated on the plan forming Section 26.1.333 of Schedule "A" to this By-law (the "Plan") only the following uses are permitted:

A. EXTRACTIVE ZONE PROVISIONS

- i) Notwithstanding any other provisions of this By-law, the 17.5 hectare eastern portion of the lands labeled as (E) Extractive may be used for the following specific uses:
 - (a) the making, establishment or operation of a gravel pit;
 - (b) those uses found in subsections 25.2.2 and 25.2.3;
 - (c) the importation of clean material only for the purposes of backfilling for final rehabilitation slopes and any other required earthworks.

B. HOLDING PROVISIONS

- (i) Notwithstanding any other provision of this By-law, extraction, other than above the water table extraction, shall not be permitted on the lands on the Plan identified with an H Symbol, corresponding with the lands zoned Extractive (E) until such time as:
 - (a) the appropriate studies have been completed to the satisfaction of the Regional Municipality of Waterloo and the Township of Woolwich, in accordance with the Regional Official Plan and Township of Woolwich Official Plan policies regarding mineral aggregate resource extraction below the water table in force and effect at the time of an application for the lifting of the Holding Provision (H) symbol; or
 - (b) A decision by Council to lift the Holding Provision (H) symbol from the Zoning Schedules subsequent to a determination by the Ontario Municipal Board that vertical zoning as a general principle is not permissible; and
 - (c) A By-law has been passed removing the Holding Provision (H) symbol from the Zoning Schedules pursuant Section 36 of the *Planning Act*, RSO, 1990.
- (ii) The following definitions apply for the purposes of Subsection B of this By-law:
 - (a) "above the water table extraction" means extraction a minimum of 1.5 meters above the seasonally high water table identified in the report entitled "Summary of Technical Review of Hydrogeologic Information, Proposed Jigs Hollow Pit, Woolwich Township Class A Category 3 ARA Licence and Zone Change Applications" prepared by Groundwater Science Corp. and dated September 4, 2012 or

the water table levels identified in on-going groundwater monitoring undertaken in accordance with the requirements of the Region of Waterloo, whichever is higher.

- (b) “below the water table extraction” means extraction below 1.5 meters above the seasonally high water table identified in the report entitled “Summary of Technical Review of Hydrogeologic Information, Proposed Jigs Hollow Pit, Woolwich Township Class A Category 3 ARA Licence and Zone Change Applications” prepared by Groundwater Science Corp. and dated September 4, 2012 or the water table levels identified in on-going groundwater monitoring undertaken in accordance with the requirements of the Region of Waterloo, whichever is higher.

C. AGRICULTURAL PROVISIONS

Notwithstanding any other provisions of this By-law, the approximately 18.5-hectare western portion of the lands labeled and zoned as Agricultural (A) shall be developed in accordance with the following provisions in addition to those uses permitted in the zone within which the lands lie:

- (i) The construction, erection and use of a pit haul road, weigh scale, scale house and refueling storage area together with tree planting/screening as uses ancillary to the primary permitted Extractive uses on the site in the adjoining Extractive (E) zone;
- (ii) Within the area labeled “heritage overlay” on the Plan attached as Schedule “B” to this By-law, the following shall apply:
 - a. The use of the existing farmhouse for office uses accessory to the extractive uses permitted on the eastern portion of the lands in the adjoining Extractive (E) zone;
 - b. Notwithstanding the foregoing, any development activities requiring a building or demolition permit in respect of the existing farmhouse or associated farm buildings and contextual landscape within the area labeled “heritage overlay” shall not be processed by the Township unless such application is accompanied by a built heritage assessment satisfactory to the Township of Woolwich; and,
- (iii) No new residential dwelling shall be permitted in addition to the existing dwelling on the property, regardless of whether the existing dwelling is used as an office as per (ii) a., above,
- (iv) For greater certainty, no extraction of mineral aggregates is permitted to occur within this zone,
- (v) In compliance with all other applicable regulations of Sections 6 and 7 of By-law 55-86, as amended.

D. TEMPORARY USE PROVISIONS

- (i) Notwithstanding any other provisions of this By-law, the approximately 17.5 hectare eastern portion of the lands labeled and zoned as (E) Extractive Uses (being the eastern portion of those lands described as Part of Lot 3, Crooks Tract, West of Grand River, Woolwich Township, Region of Waterloo) illustrated on the plan forming Section 26.1.333 of Schedule "A" to this By-law (hereinafter the "Plan") may be used for the following specific uses which are permitted only as secondary uses to the primary use of the lands for a mineral aggregate extraction operation:
 - a. the importation and processing of clean and uncontaminated topsoil; and
 - b. the importation and processing of recycling material.
 - i. Subject to the following:
 - (ii) That the importation and processing of clean and uncontaminated topsoil is approved under the provisions of Section 39 of the *Planning Act* R.S.O. 1990, and amendments thereto, Temporary Use By-laws, and shall be in effect only for a period no greater than 3 years from the date of the issuance of the OMB Order approving this By-law;
 - (iii) That the importation and processing of clean and uncontaminated topsoil shall be limited to the importation of clean topsoil and screening for resale only
 - (iv) That the importation and processing of recycling material is approved under the provisions of Section 39 of the *Planning Act* R.S.O. 1990, and amendments thereto, Temporary Use By-laws, and shall be in effect only for a period no greater than 3 years from the date of the issuance of the OMB Order approving this By-law;
 - (v) That the importation and processing of recycling material shall be limited to the importation of concrete and asphalt as per the definition of "recycling material" in this section;
 - (vi) That the total amount of imported clean and uncontaminated topsoil and recycling material shall not exceed a maximum of 40% of the total aggregate produced on site calculated annually;
 - (vii) That the total amount of imported clean and uncontaminated topsoil and recycling material shall not exceed a combined 30,000 tonnes annually;
 - (viii) That the total amount of stockpiled imported clean and uncontaminated topsoil and recycling material shall not exceed a combined 30,000 tonnes annually;
 - (ix) The annual amounts of aggregate production shall be reported to the Township on an annual basis and no later than March 30th of each year by providing the Township with a complete copy of the operator's annual report to the Ontario Aggregate Resources Corporation, which shall be provided to the Township on a confidential basis;

- (x) The annual amounts of imported recycling material and imported clean and uncontaminated topsoil shall also be reported to the Township on an annual basis and no later than March 30th of each year by providing the Township with the same level of detailed reporting as is required in respect of aggregate production in clause (ix) above. This information shall be provided to the Township on a confidential basis.
- (xi) The following definition shall apply for the purposes of Subsection D:
 - a. “recycling material” means – the re-use in aggregate processing of any concrete or road / pavement asphalt material which material is at the end of its usable life and is suitable, clean and uncontaminated;

By-law 77-2013 passed November 26, 2013 (Murray Brubacher)

26.1.334 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.334 of Schedule ‘A’ of this By-law may be used for the following specific uses only in addition to the uses permitted in the zone within which the parcel lies:

- a) A barrel/drum receiving and recycling operation, which consist of the collection, storage, minor repairing and washing/sterilizing of used food grade barrels/drums that can be sold and reused for other purposes;
- b) Uses accessory to the foregoing permitted uses which shall include parking areas and off-street loading areas.

Subject to the following:

- i) That all buildings or structures erected or used in connection with the above permitted uses noted in a) and b), shall be located within the area identified as “Area of Operation” on the Plan forming Section 26.1.334 of Schedule “A” of this By-law, and shall be a maximum area of 0.3 hectares.
- c) A livestock barn may be located a minimum of 485 metres from the Residential zone limit at the north end of St. Jacobs.

Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 10-2014 passed March 11, 2014 (Robert and Lisa Shuh)

By-law 16-2017 passed March 7, 2017 (Robert and Lisa Shuh)

By-law 16-2020 passed February 25, 2020 (6515 Line 86)

26.1.335 Notwithstanding any other provisions of this By-law, the Lands illustrated on the Plan forming Section 26.1.335 of Schedule ‘A’ of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A seasonal farm-related mobile home as the primary residence for a three (3) year period.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until February 25, 2023.
2. That the mobile home shall occupy seasonal farm workers that are full time farm employees on the Lands only during the eight-month work season from April 1st to November 30th.
3. That the mobile home shall be located in the area shown on the Plan forming Section 26.1.335 of Schedule A of this By-law.
4. Notwithstanding Section 7.2.4 of this By-law, the minimum rear yard setback for the mobile home shall be 15 metres.
5. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.
6. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width;
 - d) A basement shall not be permitted; and
 - e) Additions are not permitted except for a minor enclosed porch.

By-law 28-2014 passed May 13, 2014 (1357308 Ontario Ltd. (Global Egg))

26.1.336 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.336 of Schedule 'A' of this By-law shall be subject to the following specific provisions in addition to those uses permitted in the zone within which the parcel lies:

1. A minimum side yard requirement of:
 - a) 1 metre to the westerly side yard,
 - b) 1 metre for the overhead bins from the easterly sideyard, and
 - c) 4 metres for the building from the easterly side yard.
2. A maximum lot coverage of all buildings of 60% of the lot area;
3. Trucks are allowed to back into loading areas by using Oriole Parkway East and Bonnie Crescent, provided no truck shall block the road while being loaded or unloaded; and
4. Required parking, other than handicapped parking which must be provided on site is permitted, to be located on a lot other than the subject property, subject to the following:
 - a) that the parking is registered on title of both the subject property and the property on which the parking is being provided, through a site plan agreement,

- b) that the parking is provided on the property located immediately east of the intersection of Union Street and Oriole Parkway East, and identified as Part 1 on the attached Schedule 'A' and
- c) that the owner shall provide sidewalks and crosswalks to ensure pedestrian safety from the parking lot to the property, and
- d) that the municipal road allowance is not to be used for employee parking.

By-law 55-2014 passed November 25, 2014 (Sunset Hills Estates Subdivision)

26.1.337 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan as Part 1 forming Section 26.1.337 of Schedule 'A' of this By-law (the "Plan") and zoned Agriculture (A) and Open Space O-2 shall have a minimum lot area of 21 hectares and a minimum lot frontage of 210 metres.

By-law 05-2015 passed January 20, 2015 (Southwood 3 – Birdland Developments Limited)

26.1.338 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.338 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions, in addition to the provisions of the zones in which the lands lie:

A. SPECIAL RESIDENTIAL PROVISIONS

- i) Notwithstanding Section 11A.3.6 of the R-4A zone and 11B.3.6 of the R-5A zone in this By-Law, the Minimum Side Yard requirement of a Residential Building – One Unit shall be 0.6 metres, provided that the total distance between the abutting residential units are not less than 1.8 metres.
- ii) Notwithstanding Section 11A.3.7 of the R-4A in this By-law, the Minimum Rear Yard requirement for Lots 35 and 36, as shown on the Plan, shall be 5.5 metres.
- iii) Notwithstanding Section 11B.3.7 of the R-5A zone in this By-law, the Minimum Rear Yard requirement for Lots 48-51 and 82-85, as shown on the Plan, containing a bungalow or back-split style dwelling unit shall be 6 metres.
- iv) That the rear lot line of all residential lots within the Plan shall be a minimum of 25 metres from the two existing butternut trees and a minimum of 14 metres away from the nearest wetland area within Block 103 of the Plan.
- v) For the purpose of calculating Lot Width, as defined in Section 2.77 of this Bylaw, the building line shall be 6 metres setback from the front lot line.

By-law 04-2015 passed January 20, 2015 (Maynard and Erma Martin)

26.1.339 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.339 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

- 1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until January 20, 2025;
- 2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width; and
 - d) A basement shall not be permitted.

3. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 09-2015 passed February 10, 2015 (Isaac and Vera Weber, Vernon Weber)

26.1.340 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.340 of Schedule 'A' of this By-law may have the following lot minimums:

- a) 2499 Kressler Road
 - i. Minimum lot width of 22 metres,
 - ii. Minimum lot area of 1340 square metres.
- b) 2507 Kressler Road.
 - i. Minimum lot width of 50 metres,
 - ii. Minimum lot area of 16,430 square metres.

Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 46-2015 passed June 23, 2015 (Paul and Tara Ballantyne)

26.1.341 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.341 of Schedule 'A' of this By-law shall be limited to the following C-3 uses and provisions, in addition to those uses permitted in the zone within which the parcel lies:

Permitted uses shall be limited to the following:

- a) Boutique Retail
- b) Art Gallery
- c) Clinic
- d) Dwelling Conversion
- e) Church
- f) Day nursery or nursery school
- g) Dwelling units in a building, the street front of which is used for commercial or office uses
- h) Establishment for dispensing of refreshments to the public
- i) Financial institution
- j) Hairdresser, barber, or beautician
- k) Interior decorator
- l) Office- business or professional
- m) Office services
- n) Studio, including an accessory kitchen
- o) Travel agency
- p) Residential building – single family
- q) Bed and breakfast; and
- r) Uses accessory to any of the above permitted uses.
- s) Uses accessory to residential shall be permitted outside the Area of Operation, but behind the building line setback.

Subject to the following regulations:

1. That the principal or main use on the property shall be located within the former church/ heritage structure and only uses normally accessory and

incidental to the principal use of the property shall be permitted in any secondary building or structure.

2. Accessory shall mean a use that is subordinate, incidental and exclusively devoted to a use permitted under this by-law.
3. Notwithstanding Provision 1 above, and providing the principle use of the property is located in the former church/heritage structure, the following secondary uses may also be permitted in the secondary building or structure, subject to these secondary uses not occupying a gross floor area of greater than 93 square metres:
 - a) Art Gallery
 - b) Clinic
 - c) Day nursery or nursery school
 - d) Hairdresser, barber or beautician
 - e) Interior decorator
 - f) Office- business or professional
 - g) Office Uses
 - h) Studio, including an accessory kitchen
 - i) Travel agency
4. Boutique retail shall mean a retail operation that specializes in gifts, antiques, crafts, speciality foods, clothing, or accessories.
5. Driveway access shall be located off of Katherine St N.
6. That any buildings or structures other than the heritage structure (former church) shall be :
 - a) setback a minimum of 1 metre behind the existing building line setback of the heritage structure (former church) from Peel and Katherine Streets; and
 - b) no greater than 9 metres in height.
7. Accessory Residential uses shall be permitted in accordance with s) above, and the Settlement Residential (R-1) regulations.

Temporary Use

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section of Schedule 'A' of this By-law permit the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A maximum of one single family dwelling be permitted within the accessory structure until such time as the former church is converted to the dwelling unit:

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O., and amendments thereto, Temporary Use By-laws, and shall be in effect only until June 23, 2018;
2. Compliance with all other applicable regulations of Section 18 and Section 6 of this By-law, as amended.

By-law 04-2016 passed January 18, 2016 (Valley View Heights (St. Jacobs) Ltd.)

26.1.342 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.342 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions, in addition to the provisions of the zones in which the lands lie:

- i) Block 52, Street Towns, for the purposes of this by-law:
 - a. The front yard shall be Mill Race Crescent,
 - b. The rear yard shall be Arthur Street South, and
 - c. Detached accessory buildings or structures shall be permitted within the Building line setback from Arthur Street South, with a minimum setback of 1 metre from the rear yard, but not permitted within an easement.
- ii) To maintain a minimum separation between foundation footings and seasonally high groundwater of no less than 0.6 metre. Especially, for the lots identified with an * on the plan, being Lots 8 to 15, 30 and 31 (Stage 1) and Lots 10 to 20 (Stage 2), and any lots as identified in the approved hydrogeological study.
- iii) Lots 1 to 4 in Stage 3, shall either:
 1. be permitted to develop in accordance with the R-5A zone requirements only if the Salvage Yard at 1065 Printery Road or another non-residential uses does not exist behind the property,
 - or
 2. be permitted to develop with:
 - a. Only single storey dwellings (bungalows), or
 - b. Single storey dwellings (bungalows) with a loft which can only face Water Street,but shall not have bedroom or sleeping accommodations with openings to face the side or rear yards above the first floor, if the Salvage Yard at 1065 Printery Road or other non-residential use is or can operate from the site.
- iv) For the purposes of calculating minimum lot width, the building line shall be 6 metres from the front lot line.

By-law 18-2016 passed March 8, 2016 (N.J. Excavating Inc. on behalf of Harvey Martin)

26.1.343 Notwithstanding any other provisions of this By-law, the lands illustrated and identified as the Expanded Additional License Area / Area of Extraction on the Plan forming Part 13 of Schedule 'C' and Section 26.1.343 of Schedule 'A' (Figure 1 and Figure 2), hereafter the "Plan", of this By-law are subject to the following:

- 1) Permitted Uses:
 - a) Agricultural uses in accordance with the zoning, but not including buildings or structures;

- b) An aggregate extraction operation within the Expanded Additional License Area / Area of Extraction to allow an above water table extraction subject to the following regulations:
- i. With an annual extraction of no more than 75,000 tonnes;
 - ii. That the maximum depth of aggregate extraction shall be in accordance with the Holding Zone provisions below, generally in the range of elevations of between 384.0 and 388.0 metres above sea level as shown on Schedule 'A' Figure 2 of this by-law; and
 - iii. Extraction shall only take place within the areas shown on Schedule A of this by-law as the Portions Zoned for Extraction;
 - iv. That the importation and processing of recycling concrete material shall be limited to the importation of concrete and subject to the following:
 - a) That the total amount of imported recycling material shall not exceed a maximum of 40% of the total aggregate produced on site calculated annually;
 - b) That the total amount of imported recycling material shall not exceed a combined 30,000 tonnes annually;
 - c) That the total amount of stockpiled recycling material shall not exceed a combined 30,000 tonnes annually;
 - d) The annual amounts of aggregate production shall be reported to the Township on an annual basis and no later than March 30th of each year by providing the Township with a complete copy of the operator's annual report to the Ontario Aggregate Resources Corporation, which shall be provided to the Township on a confidential basis;
 - e) The annual amounts of imported recycling material shall also be reported to the Township on an annual basis and no later than March 30th of each year by providing the Township with the same level of detailed reporting as is required in respect of aggregate production in clause e) above. This information shall be provided to the Township on a confidential basis; and
 - f) The following definition shall apply for the purposes of Subsection e), "recycling material" means – the re-use in aggregate processing of any concrete material, but not asphalt, which material is at the end of its usable life and is suitable, clean and uncontaminated.

2) HOLDING PROVISIONS

- i) Notwithstanding any other provisions of this By-law, extraction, other than above the water table extraction, shall not be permitted on the lands on the Plan identified with an H Symbol, corresponding with the lands zoned Extractive (E) until such time as:
 - a) the appropriate studies have been completed to the satisfaction of the Regional Municipality of Waterloo and the Township of Woolwich, in accordance with the Regional Official Plan and Township of Woolwich Official Plan policies regarding mineral aggregate resource extraction below the water table in force and

effect at the time of an application for the lifting of the Holding Provision (H) symbol; or

- b) A decision by Council to lift the Holding Provision (H) symbol from the Zoning Schedules subsequent to a determination by the Ontario Municipal Board that vertical zoning as a general principle is not permissible; and
 - c) A By-law has been passed removing the Holding Provision (H) symbol from the Zoning Schedules pursuant to Section 36 of the *Planning Act*, RSO, 1990.
- ii) The following definitions apply for the purposes of Subsection B of this By-law:
- a) “above the water table extraction” means extraction a minimum of 1.5 meters above the seasonally high water table identified in the report by ARL Groundwater Resources Inc., dated December 2014, or the water table levels identified in on-going groundwater monitoring undertaken in accordance with the requirements of the Region of Waterloo, whichever is higher.
 - b) “below the water table extraction” means extraction below 1.5 meters above the seasonally high water table identified in the report by ARL Groundwater Resources Inc. dated December 2014 or the water table levels identified in on-going groundwater monitoring undertaken in accordance with the requirements of the Region of Waterloo, whichever is higher.

OMB Approved May 25, 2016 (Thomasfield Homes Ltd.)

26.1.344 Notwithstanding any other provision of this By-law, the lands illustrated on the Plan forming Section 26.1.344 of Schedule ‘A’ (the “Plan”) are subject to the following provisions, in addition to the regulations of the zone within which the parcel lies:

A. Special Lot and Setback Provisions

- i) The Residential – Mixed Use High Density (R-5A) Zone shall have a Minimum Side Yard of 0.6 metres, provided that the total distance between the abutting residential unit are not less than 1.8 metres.
- ii) That the Minimum Building Line Setback to a property line adjacent to Victoria Street North for all buildings, structures and stormwater management facilities shall be 14 metres, if such a road is under the jurisdiction of the Province of Ontario.
- iii) That the Minimum Building Line Setback to a property line adjacent to Victoria Street North for all buildings, structures and stormwater management facilities shall be 6 metres, if such a road is under the jurisdiction of the Regional Municipality of Waterloo.
- iv) For the purpose of calculating Minimum Lot Width as defined in Section 2.77 of this Bylaw, the building line shall be 6 metres setback from the front lot line.
- v) Condominium Approved Development, pursuant to The Planning Act, shall be deemed to be a Group Multiple Housing Development as per Sections 2.56, 15.A.2.3 and 15B.2.3 of the By-law. Internal lot lines created by:
 - a) A phased registration of a plan of condominium; or

b) A plan or plans of condominium registered on a portion of a lot which is part of a comprehensively planned development subject to a Development Agreement pursuant to Section 41 of the Planning Act, shall not be construed to be lot lines for the purpose of zoning regulations provided that all applicable regulations of this by-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration are strictly observed.

B. Special Land Use Provisions

- i) Notwithstanding Section 22D.3.33 in the Prestigious Business Park (M-7) Zone, Block 52 identified on the Plan may be permitted to establish a free-standing Restaurant, including a drive-thru, subject to complying with the applicable regulations in Sections 6, 22D.4 and 26.1.334 of this By-law.
- ii) Notwithstanding the permitted uses in Section 22D.3 in the Prestigious Business Park (M-7) Zone, Block 55 identified on the Plan may be permitted to establish a Retail Hardware Store in association with a Building Supply Centre – Enclosed (noted in Section 22D.3.5, subject to complying with the applicable regulations in Sections 6, 22D.4 and 26.1.344 of this By-law.
- iii) Notwithstanding Section 19B.4.11 and 19B.4.12 in the Commercial Mixed Use (C4B) Zone, the maximum unit size for a Restaurant use is 600 square metres and for a Retail use is 1600 square metres if established on Block 49 on the Plan.
- iv) Notwithstanding Section 15B.3.8 in the Multiple/Design Guidelines/Mixed Use (R-7B) Zone, the maximum building height shall be 10 storeys.

C. Holding Provision

- i) That the development of lands within the Plan identified with a C4B (H1), M-7 (H1) and M-8 (H1) Symbols shall not be permitted until such time as the Environmental Assessment for Potential Connecting Road as required in Section 7.16.8.1 h) in the Woolwich Township Official Plan is completed and the required minor modifications to the draft plan, conditions of draft approval and Subdivision Agreement are finalized and Council has, by By-law, removed the Holding Provision (H1) symbol from the Zoning Schedules pursuant to Section 36 of the Planning Act, RSO, 1990.
- ii) That a Day Care Centre/School shall not be permitted on the lands within the Plan identified with a M-7 (H2) Symbol, until the Holding Provision (H2) Symbol has been removed. The removal of the H2 Symbol is subject to the following: 1) the submission of a detailed traffic and/or stationary noise study that assesses noise impacts from surrounding industries and/or roads and, if necessary, recommends appropriate mitigation measures in accordance with the Ministry of the Environment and Climate Change Publication NPC-300, if applicable, all to the satisfaction of the Township of Woolwich and the Regional Municipality of Waterloo; and 2) the owner shall provide written confirmation to the satisfaction of the Township of Woolwich and the Regional Municipality of Waterloo that demonstrates how any required mitigation measures will be implemented.

OMB Approved October 2, 2017 (Empire Communities Riverland Ltd.)

26.1.345 Notwithstanding any other provision of this By-law, the lands illustrated on the Plan forming Section 26.1.345 of Schedule 'A' (the "Plan") are subject to the following provisions, in addition to the regulations of the zone within which the parcel lies:

A. Special Lot and Setback Provisions

- i) Notwithstanding Section 11B.3 of this By-law, the Residential – Mixed Use High Density with Design Guidelines (R-5A) Zone shall have the following regulations:
 - a) Minimum Lot Area – 220 square metres.
 - b) Minimum Lot Width/Frontage Internal – 8 metres.
 - c) Minimum Lot Width/Frontage Corner – 10 metres.
 - d) Minimum Side Yard – 0.6 metres, provided that the total distance between the abutting residential unit are not less than 1.8 metres.
 - e) Minimum Side Yard Flankage – 3.5 metres to the wall of the residential unit and 2 metres to the porch.
 - f) Minimum Building Line Setback - to the front wall of the residential unit and to a porch, on a lot with a lot depth that is less than 29 metres – 4.5 metres and 3.0 metres respectively.
 - g) Minimum Rear Yard – 7 metres.
 - h) Maximum Lot Coverage – 60%
 - i) Minimum Ground Floor Area –
 - a) One Storey – 70 square metres
 - b) More than One Storey – 50 square metres

- ii) Notwithstanding Section 15A.4 of this By-law, the Residential – Multiple with Design Guide (R-7A) Zone for Residential Building – Row shall have the following regulations:
 - a) Minimum Side Yard Flankage – 3.5 metres to the wall of the residential unit and 2 metres to the porch.
 - b) Minimum Rear Yard – 7 metres.
 - c) Townhouse Blocks shall not have more than eight units attached in one continuous block.
 - d) Maximum Lot Coverage – 60%

- iii) Notwithstanding Section 15B of this By-law, the Residential – Multiple/Design Guidelines/Mixed Use (R-7B) Zone for Block 53 on the Plan shall have the following regulations for a Group Multiple Development and Residential Building – Row:
 - a) Minimum Building Setback to the North External Lot Line – 7 metres
 - b) Minimum Building Setback to the East External Lot Line – 4.5 metres if the side of the residential unit abuts this external lot line and 7.5 metres if the residential unit backs onto the external lot line or the setback recommended in an approved stationary noise study, whichever is greater.
 - c) Minimum Building Setback to the South External Lot Line Adjacent to the Ottawa Street extension – 4.5 metres if the side of the residential unit abuts this external lot line.
 - d) Minimum Building Setback to the West External Lot Line Adjacent to the Shallow Creek extension – 4.5 metres to the front wall of the residential unit, 3.0 metres to the front porch, 6 metres to the front wall of a two car garage and 9 metres to the front wall of a one car garage.

- e) Minimum Building Setback to the Private Internal Lot Line(s) or Private Roadway(s) within a Group Multiple Development:
 - Front Wall – 4.5 metres
 - Garage – 6 metres
 - Porch – 3.0 metres
 - Flankage – Dwelling 3.5 metres and Porch 2 metres
 - Side Yard – 1.5 metres at the end and 0 metre for the common wall
 - Rear Yard – 7 metres
 - Maximum Lot Coverage – not required.
 - Minimum Amenity Space – 30 square meters
 - f) Townhouse Blocks shall not have more than eight units attached in one continuous block.
 - g) A minimum of 0.25 spaces per unit shall be provided for visitor parking in the Group Multiple Development in addition to the parking required for each unit as outlined in Section 6.13.
- iv) Notwithstanding Section 24.3.4 of this By-law, the Minimum Side Yard and Minimum Rear Yard in Block 54 on the Plan for buildings or structures associated with a school shall be 4.5 metres.
 - iv) For the purpose of calculating Minimum Lot Width as defined in Section 2.77 of this Bylaw, the building line shall be 6 metres setback from the front lot line.
 - v) Condominium Approved Development, pursuant to The Planning Act, shall be deemed to be a Group Multiple Housing Development as per Sections 2.56, 15.A.2.3 and 15B.2.3 of the By-law. Internal lot lines created by:
 - c) A phased registration of a plan of condominium; or
 - d) A plan or plans of condominium registered on a portion of a lot which is part of a comprehensively planned development subject to a Development Agreement pursuant to Section 41 of the Planning Act, shall not be construed to be lot lines for the purpose of zoning regulations provided that all applicable regulations of this by-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration are strictly observed.

B. Special Use Provision

- i) That Block 42 shown on the Plan may be used for a sports/playing field in association with an elementary school on Block 54 on the Plan in addition to the uses permitted in the zone within which the parcel lies.

By-law 48-2020 passed June 23, 2020 (General Amendments)

C. Minimum Garage Width and Landscape Areas

Notwithstanding any other requirements in Section 6:

- i) An attached garage of no less than 5.1-metres in width, on lots less than 11 metres, shall be permitted a building line setback of 6 metres; and
- ii) The requirements of Section 6.13.10, being the minimum landscaped area within the front yard shall not apply. The driveway width maximum of 60% shall still apply.

By-law 48-2020 passed June 23, 2020 (General Amendments)

D. Additional Special Lot and Setback Provisions

Notwithstanding Paragraph A) i) f) above (Special Lot and Setback Provisions), for those Residential Building -One Units that are on lots with a depth 29 metres or greater, have existed prior to June 23, 2020 and contain a building line setback to the residential unit and porch that is less than 5 metres and 3.5 metres respectively, such building line setbacks shall deem to comply to this By-law.

By-law 72-2016 (Meadowgrove Church/Sidney M. Brubacher)

26.1.346 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.346 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) A Church (meeting house) and cemetery associated with the horse and buggy community; and
- b) Uses accessory thereto.

Subject to the following:

- i) That the use be restricted to the area of operation as shown, and being 1.3 ha. in area;
- ii) That the use be considered a Type A land use for purposes of calculating any Minimum Distance Separation (MDS);
- iii) Parking stalls shall be not less than 2.5 metres wide and 6.7 metres long.
- iv) That the use shall not be severed from the property;
- v) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 82-2016 passed October 18, 2016 (Murray and Pat Horst)

26.1.347 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.347 of Schedule 'A' (hereafter referred to as the "plan") of this By-law are subject to the following specific provisions, in addition to the provisions of the zones in which the lands lie:

- i) side yard of 3.5 metres along the west side for the building, but not including any deck elevated greater than 1 metre above grade,
- ii) side yard of 5.4 metres for the east side,
- iii) a minimum driveway width of 5.4 metres, and
- iv) The definition of apartment shall be "*Residential Building – Apartment*" shall mean a Residential Building containing three (3) or more dwelling units which may share a common hallway and/or have individual direct outside access, in conformity with the Building Code. An apartment unit with a primary access through another apartment unit is prohibited." This will allow the units to have separate entrances without the need for a common hallway, and
- v) Compliance with all other applicable regulations of Section 15 and Section 6 of this By-law, as amended.

By-law 97-2016, As approved by OMB May 2017 (Aden Brubacher -1220 Halm Rd)

26.1.348 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.348 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Dry Industrial On Farm Business, being a welding and metal fabricating shop, with a paint booth,

Subject to the following:

- i) This exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O. and amendments thereto, Temporary Use By-laws, and shall be in effect only until December 19, 2019.
- ii) That the use be restricted to:
 - a. A maximum floor area of 435 sq.m. within the existing farm shed.
 - b. A maximum area of operation being 2005 sq. m. and as shown in Schedule A;
 - c. Outdoor storage area which shall not exceed 25% of the floor area of the On Farm Business, and located along the side of the building adjacent to the loading dock (as shown in Schedule A), and
- iii) In compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 23-2017 passed March 28, 2017 (Lloyd and Hildie Peters)

26.1.349 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.349 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may have a minimum lot frontage of 12 metres of frontage on a unopened public road:

Subject to the following:

- i) That the use be restricted to:
 - a. To the area of operation.
 - b. No buildings, structures, portions of the septic, or driveways, shall be within the area shown as Environmentally Protected or within the 30 metre buffer thereto; and
 - c. No development shall take place until such time as the driveway access over the unopened road allowance has been constructed in accordance with the encroachment agreement.
- ii) In compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 33-2017 passed May 16, 2017 (Marbro Capital – NextEra, 50 Martins Lane)

26.1.350 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.350 of Schedule 'A' shall be used in accordance with the following:

Part A

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Part A of Section 26.1.350 of Schedule 'A' shall be used in

accordance with the following specific regulations in addition to those uses permitted in the zone within which the parcel lies, with a minimum frontage of 8 metres:

Additional Permitted Uses

1. An Electrical Energy Battery Storage Facility

Subject to the following:

- a) The operation shall have a maximum capacity of 2MW/4MWh.
- b) The operation shall only use an array of solid state lithium ion battery modules, located within two (2) to six (6) “sea container” like structures.
- c) The operation may include a transformer building, control building, an emergency generator and other such accessory structures.
- d) No outdoor storage is permitted on lands zoned for a Electrical Energy Battery Storage Facility.
- e) The operation shall be contained within the area identified as “Area of Operation” and not exceeding 1.73 ha.
- f) Minimum parking required for the remotely operated Electrical Energy Battery Storage Facility: Zero.

By-law 38-2018 passed May 29, 2018 (Hazel Dragt-Lubberts – 23 Duke Street)

26.1.351 Notwithstanding any other provisions of this By-law, the lands identified on the Plan that is forming Section 26.1.351 of Schedule ‘A’, of this By-law (hereafter the “Plan”) the following regulations shall apply:

- i. Minimum Side Yard Setback – 1.5 metres.
- ii. Minimum Rear Yard Setback – 1.5 metres.
- iii. That the minimum parking space setback from a lot line adjacent to a public road shall be 2 metres.
- iv. That the minimum floor area of one or more apartment units may include the floor area within a cellar subject to complying to the applicable Building Code requirements.
- v. Notwithstanding Section 2.101.1 of this By-law, the definition of Residential Building – Apartment shall mean a Residential Building containing three (3) of more dwelling units which may share a common hallway and/or have individual direct outside access, in conformity with the Building Code. An apartment unit with a primary access through another unit is prohibited.

By-law 43-2018 passed June 26, 2018 (Murray and Pat Martin – 921 Katherine St N)

26.1.352 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.352 of Schedule ‘A’ (hereafter referred to as the “Plan”) of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Custom Farming Operation
- b) Uses accessory to the Custom Farming Operation

Subject to the following:

- i) That the Custom Farming Operation be restricted to:

- a. The maximum Area of Operation being 1.2 ha. as shown on the Plan, which will include all buildings and structures as well as accessory uses including parking, servicing, storm water management, and fire reservoirs;
 - b. All buildings and structures associated with the Custom Farming Operation shall not exceed 15% of the Area of Operation, and any new buildings shall be limited to no more than one storey;
 - c. That the repair or trucks for Grandridge Carriers (affiliated with custom farm operation), as accessory to the Custom Farm Operation shall be permitted within the existing maintenance shop and shall not exceed 10% of the entire repair operations performed by the maintenance shop;
 - d. That the operation is not subject to Minimum Distance Separation (MDS) setbacks from adjacent farming operations, nor shall the adjacent farming operations be subject to meet MDS distances to the subject operation;
 - e. Parking associated with the operations shall be permitted ahead of the building line;
 - f. The use shall remain part of the larger farm parcel and not be severed therefrom; and
 - g. For the purposes of this Section a Custom Farming Operation shall mean *“a farm related service for hire, providing support with specific agricultural operations like planting, harvesting, pest and weed control, crop delivery, agricultural technology applications, farm/crop management consulting and similar farming operations to help the farm owner meet their farming objectives”*.
- ii) That the use be in compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.
- c) Trucking Operation

Subject to the following:

- i) This exemption is approved under the provisions of Section 39 of the Planning Act 1990 R.S.O. and amendments thereto, Temporary Use By-laws, and shall be in effect only until June 26, 2020.
- ii) That the use be restricted to office space, and outdoor parking within the 1.2 ha area of operation for the custom farm operation.
- iii) That the use be in compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 55-2018 passed June 26, 2018 (Breslau Mennonite Church 208 – 226 Woolwich St S)

26.1.353 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.353 of Schedule ‘A’ (hereafter referred to as the “Plan”) of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

a) Apartment building

Subject to the following:

- i) Maximum of 78 apartment units.
- ii) Maximum building height: 4 storeys with a hip roof (not including any exposed cellar or basement), but not exceeding 16 metres.
- iii) Required parking: minimum of 1.3 spaces per unit.

- iv) Minimum lot frontage: 17 metres.
- v) Minimum Building Setbacks:
 - a. South and East: 6 metres from the interior lot lines adjacent to the lot lines adjacent to the church;
 - b. North: 16 metres; and
 - c. Rear (westerly lot line): 40 metres, which shall include a minimum 4.5 metre landscape buffer strip.
- vi) That no windows shall be permitted along the south façade adjacent to a noise sensitive indoor space/room. Noise sensitive indoor space/room includes bedrooms and living/dining rooms, but does not include hallways, staircases, kitchens, bathroom, or laundry rooms.
- vii) Garbage facilities shall be located indoors.
- viii) Parking associated with the operations shall be to the rear of the building.
- ix) That the use be in compliance with all other applicable regulations of Section 15A and Section 6 of this By-law, as amended.

By-law 2018 passed December 18, 2018 (Estate of Merlin Jutzi/Calvin Jutzi -5100 Fountain St S)

26.1.354 Notwithstanding any other provisions of this By-law, the lands illustrated as Area 2 and 4 on the Plan forming Section 26.1.354 of Schedule 'A' of this By-law are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) That freestanding non-accessory office, research and development and an auction centre are permitted, subject to the regulations in Sections 6 and 21 of this By-law.
- b) That the following uses shall be prohibited:
 - manufacturing of asbestos, phosphate or Sulphur products;
 - primary production of chemicals, synthetic rubber, plastic or asphalt, including an asphalt plant;
 - processing or refining of petroleum or coal;
 - tanning or chemical processing of pelts or leather;
 - vulcanizing of rubber or rubber products;
 - heavy metal stamping, blanking or punch-pressing of metal; and
 - automobile service station, public garage, body shop or gas bar.

Notwithstanding any other provisions of this By-law, the lands illustrated as Area 3 on the Plan forming Section 26.1.354 of Schedule 'A' of this By-law are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) The minimum lot frontage shall be 41 metres only as a lot addition to Area 2 shown on the Plan;
- b) The minimum lot area shall be 6.9 hectares only as a lot addition to Area 2 shown on the Plan; and
- c) Notwithstanding any other provisions in the By-law, the development of the lands for a permitted Residential – One Unit within Area 3 on the Plan and zoned Agricultural (A) with a H Symbol shall not be permitted until such time that the Region and Township has approved a stationary noise study which assesses the land use compatibility to the adjacent employment uses, and

Council has, by By-law, removed the Holding Provision (H) for the Zoning Schedules pursuant to Section 38 of the Planning Act, RSO 1990.

By-law 07-2919 passed February 26, 2019

26.1.355 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.355 of Schedule 'A' (hereafter referred to as the "Plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) A Church (meeting house) and cemetery; and
- b) Uses accessory thereto.

Subject to the following:

- i) The uses shall be for the purposes of the serving the directly surrounding community that relies on horse and buggy for transportation;
- ii) The uses are associated with and serving the surrounding rural community;
- iii) That the use be restricted to the area of operation as shown, and being 1.14 ha in area;
- iv) That the use be considered a Type A land use for purposes of calculating any Minimum Distance Separation (MDS);
- v) Parking stalls for horse and buggies shall be not less 6.7 metres long; and
- vi) That the uses be in compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 23-2019 passed April 16, 2019 (Southwood 4 – Birdland Developments Limited)

26.1.356 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.356 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific regulations, in addition to the regulations of the zones in which the lands lie:

A. SPECIAL RESIDENTIAL PROVISIONS

- i) Notwithstanding Section 11B.3.6 of the R-5A zone in this By-Law, the Minimum Side Yard requirement of a Residential Building – One Unit shall be 0.6 metres, provided that the total distance between the abutting residential units are not less than 1.8 metres.
- ii) Notwithstanding Section 11B.3.7 of the R-5A zone in this By-law, the Minimum Rear Yard for single detached or semi-detached lots that are less than 11 metres wide and contains either a bungalow or back-split style dwelling unit with a one-car garage shall be 6 metres.
- iii) Notwithstanding ii) above, the Minimum Rear Yard of a semi-detached corner unit, regardless if its lot size is 11 metres wide or greater, shall be 6 metres provided that the adjoining interior semi-detached unit has a Minimum Rear Yard of 6 metres pursuant to Section ii) above.
- iv) Notwithstanding Section 11.3.9 of the R-5A zone and 15A.4.8 of the R-7A zone, the maximum lot coverage for a residential - single detached, semi-detached and street-front townhouse is 60%.

- v) For the purpose of calculating Lot Width, as defined in Section 2.77 of this Bylaw, the building line shall be 6 metres setback from the front lot line.
- vi) Daylighting triangles at an intersection shall be deemed to be part of the lot only for the purpose of calculating lot area, lot width, lot frontage and building line setbacks.
- vii) For the purpose of measuring Building Line Setback from a Front Lot Line and Side Lot Line that are connected by a curve forming part of an inside curve of a roadway, but not at an intersection, the Building Line Setback shall be measured perpendicular from the nearest point of the building/structure to the Front or Side Lot Lines, or the virtual extension of the Front Lot Lines and Side Lot Lines to a point of intersection.

B. SPECIAL PROVISIONS FOR BLOCK 35

Notwithstanding any other provision in the By-law, the following regulations apply to Block 35 shown on the Plan, in addition to the regulations of the zones in which the lands lie:

- i) The minimum number of townhouse units shall be 26 and the maximum number of townhouse units shall be 30.

C. SPECIAL PROVISION FOR BLOCK 37

Notwithstanding any other provisions in the By-law, the following regulations apply to Block 37 shown on the Plan, in addition to the regulations of the zones in which the lands lie:

- i) The minimum number of townhouse units shall be 16 and the maximum number of townhouse units shall be 24.
- ii) A Residential Townhouse – Back to Back shall be permitted.
- iii) For the purpose of the sub-section, a Residential Townhouse – Back to Back means a Residential Building containing four (4) or more dwelling units. Where units may share a rear wall as well as a sidewall and the building block has two fronts.
- iv) The following regulations apply to Residential Townhouse – Back to Back:
 - a) Minimum Lot Area Per Dwelling: 90 square metres.
 - b) Minimum Floor Area Per Dwelling Unit: 60 square metres
 - c) Minimum Building Line Setback:
 - Front wall of the townhouse unit – 5 metres
 - Front wall of a one car garage – 9 metres
 - Front wall of a two-car garage – 6 metres
 - Front wall of a porch – 3.5 metres
 - In conformity with the setback provision in Section 11B.3.4 and 11B.3.5
 - d) Minimum Side Yard:

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- To an external lot line adjacent to another housing type – 3 metres
 - To an internal lot line between two row townhouse blocks - 1.5 metres
 - To a lot line where there is a common wall - 0 metres
 - To a lot line adjacent to a public road (flankage) – 4.5 metres
- e) Minimum Rear Yard: 0 metres
 - f) Minimum Amenity Area: Shall be 30 square metres per dwelling
 - g) No Minimum Private Outdoor Living Area
 - h) Maximum Building Height: 12.5 metres
 - i) Off-Street Parking: In conformity with the provisions of sub-sections 6.11 and 6.13.

D. SPECIAL PROVISION FOR BLOCK 39

Notwithstanding any other provision in the By-law, the following regulations apply to Block 39 shown on the Plan, in addition to the regulations of the zones in which the lands lie:

- i) The minimum number of apartment units shall be 155 and the maximum number of townhouse units shall be 185.
- ii) The maximum height of the apartment building shall be six (6) storeys.
- iii) That the development of lands within the Plan identified with a R-7A (H) Symbol shall not be permitted until such time as the connection of Redbud Road to Whippoorwill Drive is completed and opened as a public road, or alternatively, a transportation impact study (TIS) is provided to the satisfaction of the Township demonstrating that the development of Block 39 for apartments will not cause significant adverse traffic impacts to South Parkwood Boulevard and/or Pintail Drive, and Council has, by By-law, removed the Holding Provision (H1) symbol from the Zoning Schedules pursuant to Section 36 of the Planning Act, RSO, 1990.

By-law 24-2019 passed April 16, 2019 (William and Leah Bauman – 1140 Floradale Rd)

26.1.357 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.357 of Schedule 'A' (hereafter referred to as the "Plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Non-Farm Related Metal Works Shop
- b) Uses accessory to the Metal Works Shop, including the generator (power room) / Skid steer parking building.

Subject to the following:

- i) That the Metal Works Shop be restricted to a maximum 350 sq.m. in size.
- ii) The generator/skid steer building be restricted to a maximum of 48 sq m..

- iii) The use shall be located within the identified area of operation, having a maximum area of 0.9 hectares, and shall include use and all accessory uses, including but not limited to parking and outdoor storage.
- iv) Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 32-2019 passed June 4, 2019 (Carl Miller)

26.1.358 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.358 of Schedule 'A' (hereafter referred to as the "Plan") of this By-law are subject to the following specific provisions, in addition to the zone in which the parcel lies:

- i) A minimum lot frontage and width of 9 metres; and
- ii) That the use be in compliance with all other applicable regulations of Section 8 and Section 6 of this By-law, as amended.

By-law 32-2019 passed June 4, 2019 (Carl Miller)

26.1.359 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.359 of Schedule 'A' (hereafter referred to as the "Plan") of this By-law are subject to the following specific provisions, in addition to the zone in which the parcel lies:

- i) A minimum lot area of 11 hectares;
- ii) A minimum lot frontage and width of 9 metres; and
- iii) That the uses be in compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 56-2019 passed August 13, 2019 (Nancy Gingrich – 203 Katherine Street N)

26.1.360 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.360 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Processing and Canning operation, and
- b) Uses accessory thereto.

Subject to the following:

- i) That the use be restricted to the area of operation as shown and being 3,665 square metres in area.
- ii) Outdoor storage shall be limited to the rear yard and a maximum of 25% of the ground floor area of the canning operation noted below.
- iii) Retailing is not permitted, except for accessory retailing limited to a maximum of 15% of the ground floor area of the canning operation noted below.
- iv) The compost bin be located in the rear yard, with a minimum 2.0 metre rear yard setback.
- v) That Minimum Distance Separation (MDS) shall not be applied to, or from this operation.

- vi) That the canning operation building:
 - a. not exceed a height of 6.6 metres and an area of 400 square metres; and
 - b. have a minimum 5 metres setback from the front lot line;
- vii) That the existing 204 sq.m. shed be permitted to accessory to the canning operation and used for the following purposes:
 - a. Parking of horse and buggies, and
 - b. Parking / storage of equipment;
- viii) That the uses be in compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 64-2019 passed September 10, 2019 (Alberto Alves)

26.1.361 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.361 of Schedule 'A' of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) A second dwelling unit by means of a mobile home.

Subject to the following:

1. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until September 10, 2029.
2. That the mobile home shall only be constructed:
 - a) In accordance with the Requirements for a Mobile Home, CAN/CSA-Z240, Section 2.1.1.4.2.a of the Building Code;
 - b) Limited to one-storey in height;
 - c) Not be greater than two sections in size, where each section is no more than 4.88 m (16 feet) in width; and
 - d) A basement shall not be permitted.
3. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 02-2020 passed January 28, 2020 (Cyril Zinger Estates, Douglas and Sandra Zinger)

26.1.362 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.362 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may have the following minimum lot areas and frontages:

- Part 1 (148 St. Charles Street West) 0.34 hectares in lot area with a minimum of 70 metres of frontage; and
- Part 2 (170 St. Charles Street West) 9.2 hectares in lot area with a minimum of 172 metres of frontage.

By-law 1-2020 passed January 28, 2020 (2284578 Ontario Inc. – 15 Ernst St)

26.1.363 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.363 of Schedule 'A' (hereafter referred to as the "plan") of this By-law may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Multi-unit residential building (but not including a lodging rooming or boarding house, hotel, motel or Airbnb, or short-term rental)

Subject to the following:

- i) Maximum of 18 apartment/dwelling units.
- ii) Maximum building height: 3 storeys / 11 metres
- iii) Minimum Building Setbacks:
 - a. From Ernst Street and Snyder Avenue: 5.2 metres;
 - b. North: 9 metres (lot line abutting rear of dwellings on South Street);
 - c. Rear: 14 metres;
- iv) Notwithstanding Section 2.3 of this By-law (i.e. definition of “Amenity Area”), the area devoted to outdoor balconies and the floor area devoted to indoor common/recreational areas within a Residential Building – Apartment, may be included in the calculation of a Minimum Amenity Area, as required in Section 15.4.5 of this By-law; and
- v) That the use be in compliance with all other applicable regulations of Section 15A and Section 6 of this By-law, as amended.

By-law 38-2020 passed May 12, 2020 (2182034 Ontario Limited – Breadner Trailer)

26.1.364 Notwithstanding any other provisions of this By-law, the Lands illustrated on the Plan forming Section 26.1.364 of Schedule ‘A’ of this By-law may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) the parking of tractor trailers for up to three (3) years.

Subject to the following:

1. That the entire area of operation and storm water facility be limited in size of approximately 4 ha;
2. That the area of operation for the parking of tractor trailers be limited to the existing gravel parking area of approximately 3 ha as shown on the Plan forming Section 26.1.364 of Schedule A of this By-law;
3. That the building of any structures is prohibited;
4. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until May 12, 2023;
5. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended; and
6. That the tractor trailers shall only be located in the Area of Operation as shown on the Plan forming Section 26.1.364 of Schedule A of this By-law.

By-law 39-2020 passed May 12, 2020 (Anchor Property Management)

26.1.365 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 26.1.365 of Schedule ‘A’ of this By-law may be used for the

following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) the parking of tractor trailers.

Subject to the following:

1. That the entire area of operation and storm water facility be limited in size of approximately 3 ha;
2. That the area of operation for the parking of tractor trailers be limited to the existing gravel parking area of approximately 2 ha as shown on the Plan forming Section 26.1.365 of Schedule A of this By-law;
3. That the tractor trailers shall only be located in the Area of Operation as shown on the Plan forming Section 26.1.365 of Schedule A of this By-law;
4. That the building of any structures is prohibited;
5. That this exemption is approved under the provisions of Section 39 of the Planning Act, Temporary Use By-laws, and shall be in effect only until May 12, 2023; and
6. Compliance with all other applicable regulations of Section 7 and Section 6 of this By-law, as amended.

By-law 48-2020 passed June 23, 2020 (General Amendments)

26.1.366 Notwithstanding any other provisions of this By-law, the residential lots identified as 2, 3, 4, 8, 12, 14, 16 18, 28, 30 and 32 High Street and 6, 6A, 8 and 10 George Street, as illustrated on the Plan forming Section 26.1.366 of Schedule "A" of this By-law are subject to the following provision.

- a) The minimum lot area, width and frontage for the residential lots shall be the respective lot area, width and frontage that has existed prior to June 23, 2020. Any new building, addition and/or change of use may be allowed subject to complying with the permitted uses (i.e. Sections 8.2.1 to 8.2.4, inclusive) and regulations (8.3.4 to 8.3.9) in the R-1 Zone.