

SECTION 16 EXEMPTIONS

16.0 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.

2372 Floradale Road, Floradale

16.1 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.1 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses only:

- a) A machine shop including welding and fabrication of machine components and small parts;
- b) Uses accessory to the foregoing permitted uses in a) above which shall include indoor and outdoor storage areas, parking areas, off-street loading areas, office space, lunchroom and washroom facilities;
- c) Non-retail uses in the C-2 Zone as listed in Section 9.1 of this By-law; and
- d) Accessory uses to the foregoing in c) above as listed in Section 9.1 of this By-law.

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 16.1 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 16.1 of Schedule “A” of this By-law;
- iv) That the permitted uses stated above shall comply with the applicable regulations contained in Sections 4, 5 and the C-2 Zone in Section 9.

2936 Arthur Street North

16.2 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.2 of Schedule ‘A’ of this By-law (the “Plan”) may be used for the following specific 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 Sections 4, 5 and 6.

251 & 271 Floradale Road

16.3 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.3 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) Millwright operation; and
- 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 16.3 of Schedule “A” of this By-law; and
- ii) The total floor area of all buildings used in connection with the additional permitted uses shall not exceed 1,570 square metres.

1256 Jesse Place

16.4 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.4 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Manufacture, repair, service and sale of harness and light leather products;
- b) 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; and
- 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; and
- 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.

6591 Line 86

16.5 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.5 of Schedule "A" of this By-law (the "Plan") 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 Line 86 Road 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 Plan 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 as "Buildable Area";
- iv) Not more than one combined entrance and exit shall be permitted to Line 86 Road and the location and width of such combined entrance and exit shall be approved by the Regional Engineering Department. No other entrance or exit shall be permitted to Line 86 Road;
- 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 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) All outdoor lighting used to illuminate structures or parking areas shall be so arranged to deflect light away from adjacent roads or premises; and
- ix) No outdoor storage or displays of any kind whatsoever shall be permitted between the front face of the building and the road allowance line.

2407 New Jerusalem Road

16.6 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.6 of Schedule "A" of this By-law (the "Plan") 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; and
- 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" as shown on the Plan; and
- 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.

2080 Northfield Drive East

16.7 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.7 of Schedule "A" of this By-law (the "Plan") 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" shown on the Plan and shall not exceed 2,100 square metres in total floor area;
- 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.

2040 Northfield Drive East

16.8 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.8 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Machine shop; and
- 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" shown on the Plan shall not exceed 650 square metres in total floor area.

1350 Jigs Hollow Road

16.9 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.9 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- 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; and
- 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" shown on the Plan;
- 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; and
- 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.

728 Arthur Street South

16.10 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.10 of Schedule 'A' of this By-law (the "Plan") 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; and
- c) Uses accessory to the above, including welding, fabricating, machining and painting.

Subject to the following:

- i) That the additional uses be restricted to the "Area of Operation" as shown, being 9000 square metres in area; and
- ii) Compliance with all other applicable regulations of Sections 4, 5 and 6.

1550 King Street North and 3080 Sawmill Road, St. Jacobs

16.11 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.11 of Schedule "A" of this By-law (the "Plan") 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; and
- 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; and
- iii) Access shall be provided from Sawmill Road and shall be restricted to the location as illustrated on the Plan and any change in the location of the access point shall only be permitted with the written permission of the Township and the Region.

2131 Floradale Road

16.12 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.12 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Feed mill outlet; and
- b) Uses accessory to the foregoing permitted use.

Subject to the following:

- i) That the additional uses shall be restricted to the "Area of Operation shown on the Plan; and
- ii) In conformity with Sections 4, 5 and 6.

1540 Floradale Road and 6811 Line 86 Road

16.13 Notwithstanding any other provisions of this By-law, the EM-1 zoned lands illustrated on the plan forming Section 16.13 of Schedule 'A' (the "Plan") are subject to the following permitted uses, in addition to the uses of the zone within which the parcel lies and the following prohibited uses:

- a) That the following additional uses be permitted:
 - i) Free standing office(s).

All subject to the applicable regulations in Sections 4, 5 and the EM-1 Zone in Section 10.

- b) That the following uses are 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 or blanking of metal.

3 Herbert Street, Elmira

- 16.14** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.14 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:
- a) Residential building - one unit; and
 - b) Uses accessory to the foregoing permitted use as outlined in Section 7.2 for the R-5 Zone.

Subject to the following:

- i) In conformity with the applicable regulations in Section 4 and 5 and the R-5 Zone in Sub-sections 7.3 and 7.4.

28 Church Street West, Elmira

- 16.15** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.15 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:
- a) Convenience 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;
- 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 Plan; and
- iv) That twelve (12) parking spaces be provided on the lands shown on the Plan.

1495 Three Bridges Road

- 16.16** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.16 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 6 metres.

1217 and 1219 Lobsinger Line

16.17 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.17 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Restaurant; and
- b) Uses accessory to the foregoing permitted use.

Subject to the following:

- i) Such lands shall be used only in conformity with the applicable regulations in Sections 4 and 5 and the C-2 Zone in Section 10.

2755 and 2805 Lobsinger Line

16.18 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.18 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Feed mill; and
- 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 Sections 4, 5 and 6; and
- 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.

64 Katherine Street North

16.19 Notwithstanding Sub-section 4.20 (“Frontage on a Public Street”), the lands illustrated on the plan forming Section 16.19 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

1001 Kramp Road

16.20 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.20 of Schedule “A” of this By-law (the “Plan”) 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; and
- b) Uses accessory to the foregoing permitted use.

2615 Victoria Street North, Breslau

16.21 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.21 of Schedule “A” of this By-law (the “Plan”) 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; and
- b) Uses accessory to the foregoing permitted use.

45 Church Street West, Elmira

16.22 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.22 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Clinic.

1787 Greenhouse Road, Breslau

16.23 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.23 of Schedule “A” of this By-law (the “Plan”) 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; and
- b) Uses accessory to the foregoing permitted use.

313 Menno Street

16.24 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.24 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; and
- 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 Section 5 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 5;
- viii) Maximum building height is 25 metres in accordance with the Building Height definition in Section 3 of this By-law;
- x) All other applicable regulations in Section 4 and Sub-sections 10.2, 10.3 and 10.7 of this By-law.
- xi) 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 the Plan;
- 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 16.24 Zoning Schedule A pursuant to Section 36 of the *Planning Act*;
- 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; and
- 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, Conservation and Parks Publication NPC-300, if required, to the satisfaction of the Township of Woolwich in consultation with the Region. 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; and

- 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 Region and the Township.

6455 Reid Woods Drive

16.25 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.25 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Fabrication of farm equipment;
- b) Sales of associated parts for the farm equipment manufactured on site;
- c) Repairs to the farm equipment manufactured on site;
- d) Display of the farm equipment manufactured on site; and
- e) Accessory uses to the above.

Subject to the following:

- i) That only dry industrial, non-odour producing uses shall be permitted;
- ii) That a minimum of 140 parking spaces (based on a single shift operation) shall be provided;
- iii) That any noise sources including transport truck parking, loading bays, crane operations, forklifts, dust collectors' stationary sources maintain a 40 metre setback from the southerly lot line;
- iv) That no bay doors are permitted to face the south lot line;
- v) That the display area for the display of farm equipment manufactured on site shall be limited to ~~an~~ 800 square metre area and a minimum setback of 7.5 metres from the lot line adjacent to Line 86;
- vi) That a maximum 2.8 m high retaining wall, setback a minimum of 5 metres from Line 86 and a minimum of 10 metres from the east property line, shall be permitted; and
- vii) In conformity with all other provisions of Sections 4, 5 and 6.

342, 344 and 346 Arthur Street South, Elmira

16.26 Notwithstanding any other provisions of this By-law, the portion of the property, as illustrated on the plan forming Section 16.26 of Schedule 'A' of this By-law (the "Plan") are subject to the following provisions:

Uses

- A. The following uses are permitted in addition to the existing permitted uses within the C-6 zone:
 - a) Antique store;
 - b) Wood furniture sales; and
 - c) The following accessory uses:
 - i) 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.; and

ii) Wood furniture production (in accordance with Section D) III) below).

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

- a) Drive-thru restaurant;
- b) Building supply centre;
- c) Feed, seed, farm supply (e.g., Co-op);
- d) Department Store or General Merchandise Store (e.g., Canadian tire); and
- e) Auction operation.

Regulations

C. The following regulations for the C-6 zone shall not apply:

- i) Sub-section 9.9 a) (Minimum Gross Floor Space);
- ii) Sub-section 9.9 b) (Minimum Gross Floor Space - Office);
- iii) Sub-section 9.2 g) (Buffer Strip); and
- iv) Sub-section 9.3 f) (Subdivided).

D. The following special regulations shall apply:

- i) The minimum gross floor spaces for certain uses noted in Subsections 9.1 being automotive parts and accessories supplier, commercial greenhouse, nursery or garden centre, office equipment sales, furniture store, electronic store, appliance store and pet and pet supply, and freestanding office building, wood furniture sales, and antique store shall be a minimum of 186 square metres (2000 sq. ft.);
- ii) Notwithstanding the minimum in D i) above, antique store 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; and
- iv) All other regulations in Sections 4, 5 and 9 applicable to the C-6 Zone shall apply.

59 Church Street West, Elmira

16.27 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.27 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Parking lot

Subject to the following:

- i) That the lands shall be developed in accordance with the Plan.

4897 and 4921 Arthur Street North

16.28 Notwithstanding any other provisions of this By-law, the lands illustrated as Parcel “A” on the plan forming Section 16.28 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcels lie:

- a) Repair and sale of farm implements and wagons; 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.

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 at maximum area of 0.9 hectares; and
- 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 may be used for any of the applicable uses permitted by Sub-section 6.1 of this By-law save and except that no buildings or structures will be permitted on the said lands.

Shall be in compliance with all other applicable regulations of Sections 4, 5 and 6 of this By-law.

1183 Martin Grove Road

16.29 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.29 of Schedule “A” of this By-law (the “Plan”) 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; 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.

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; and
- 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 Sub-section 4.20 (“Frontage on a Public Street”), the lands illustrated on the Plan may have a minimum lot frontage of zero metres.

1475 Cedar Springs Road

16.30 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.30 of Schedule “A” of this By-law (the “Plan”) the following regulation applies in addition to the regulations in the zone that the parcel lies:

- a) Maximum accessory building size of 294 square metres.

Subject to compliance with all other applicable regulations in Sections 4, 5 and 6.

2 Samuel Avenue North, Elmira

16.31 Notwithstanding the definition of the word “Accessory “ contained in Section 3 of this By-law, the lands illustrated on the plan forming Section 16.31 of Schedule “A” of this By-law (the “Plan”) 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, Elmira and being composed of Part of Lot 41 and Lots 42, 44 and 46, Registered Plan Number 99.

16 Isabella Street South, St. Jacobs

16.32 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.32 of Schedule “A” of this By-law (the “Plan”) 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; and
 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) For the purpose of a) above, a “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;
- ii) All required off-street parking spaces shall be located to the rear of the front wall of the main building facing the street line;
- iii) Off-street parking spaces shall be provided in accordance with the following:
- one space for each guest room;
 - a total of five spaces for staff and visitor parking; and
 - one space for each 4.5 square metres of floor area available for seminar use; and
- iv) That all main buildings or structures erected or used for guest house purposes are to be located within the area marked “Buildable Area” shown on the Plan.

2 and 5 Spruce Lane, Elmira

16.33 Notwithstanding Sub-section 4.20 (“Frontage on a Public Street”), the lands illustrated on the plan forming Section 16.33 of Schedule “A” of this By-law (the “Plan”) may be developed for any use permitted in the zone in which the subject lands lie without frontage on a public street, subject to conformity with all other applicable regulations in Sections 4 and 5, as well as the regulations of the zone within which the subject lands lie.

Sawmill Road and Katherine Street South, Crowsfoot Corners

16.34 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.34 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use:

- a) Residential building - one unit;
- b) Uses accessory to the foregoing permitted use as outlined in Section 7.2 for the R-1 Zone.

Subject to the following special regulations:

- 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.

1010 Hopewell Creek Road

16.35 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.35 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Health Services Facility;
- b) 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; and
- e) 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 existing buildings and structures shown on the Plan is permitted; and
- ii) All new buildings, structures or additions shall be constructed in accordance with all applicable regulations in Sections 4, 5 and 6.

2320 Floradale Road and 2316 Floradale Road, Floradale

16.36 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 16.36 of Schedule “A” of this By-law (the “Plan”) 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; and
- b) Uses accessory to the foregoing permitted uses.

Subject to the following:

- i) For the purpose of a) above, 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; and
- ii) 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.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan 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 may have a minimum lot width of 27.83 metres and a minimum side yard of 1.2 metres.

5 Dunke Street North, Elmira

16.37 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.37 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Veterinarian facility where small animals only will be treated or housed on the premises; and
- 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;
- 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;
- iv) That a minimum of six parking spaces be provided on the lands shown on the Plan; and
- v) That no outdoor pens, runs, cages or exercise area for animals be provided on the lands shown on the Plan.

6259 Line 86 Road

16.38 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.38 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Woodworking, wood finishing operation; and
- b) Uses accessory to the above.

Subject to the following:

- i) Outdoor storage shall be located to the rear of the shop building line; and
- ii) Compliance with all other applicable regulations of Sections 4, 5 and 6 of this By-law.

3011 Sawmill Road

16.39 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.39 of Schedule "A" of this By-law (the "Plan") may only be used for a peanut and confectionery sales operation, subject to the following:

- a) 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 4, 5 and the EM-1 Zone in Section 10; and
- b) 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.

367 and 400 Golf Course Road, Conestogo

16.40 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the plan forming Section 16.40 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses only:

- a) Golf course;
- b) Clubhouse;
- 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) Private club for cyclist only, in conformity with the definition of Section 3 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;
- f) The minimum number of parking spaces required for a 27-hole golf course shall be 175 spaces; and
- g) 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.

1171 Kossuth Road

16.41 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.41 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Golf course;
- b) Clubhouse; and
- 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.

2321 Shantz Station Road

16.42 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.42 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Golf course;
- b) Clubhouse; and
- 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.

40 Eldale Road, Elmira

16.43 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.43 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) Golf course;
- b) Clubhouse;
- c) Curling club; and
- 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.

100 Oriole Parkway East, Elmira

16.44 Notwithstanding Sub-section 4.20 (“Frontage on a Public Street”), the lands illustrated on the plan forming Section 16.44 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

5 Parkside Drive, St. Jacobs

16.45 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.45 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Residential Building - One Unit; and
- b) Uses accessory to the foregoing.

270 and 280 Arthur Street North

16.46 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.46 of Schedule ‘A’ of this By-law (the “Plan”) may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

PART 1

- 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

- a) Truck terminal;
- b) Truck repair garage;
- c) Storage and display of trailers and truck bodies;
- d) Sales of trailers and truck bodies; and
- e) 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 within 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 within the area identified as Part A on the Plan;
- iii) Accessory uses include:
 - 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, and
 - 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. 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 on the Plan, unless such new buildings or structures conform to the applicable regulations in the Agricultural (A) zone, this site-specific zoning, the Hazard Land – Flood Overlay Zone regulations in Section 15.5 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; and
- vii) That the use be in compliance with all other applicable regulations of Sections 4, 5 and 6 of this By-law.

276 Arthur Street North

16.47 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.47 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- 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, offices and parking.

Subject to the following:

- i) 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.
- 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;
- 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.

2344 New Jerusalem Road

16.48 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.48 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Blacksmith shop;
- b) Metal fabrication shop; and
- 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; and
- ii) That the total floor area of all buildings used in connection with the additional permitted uses will not exceed 325 square metres.

3828 Chilligo Road

16.49 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.49 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Workshop for the repair and storage of excavating and drilling equipment; and
- b) 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; and
- ii) That the total floor area of all buildings used in connection with the additional permitted uses will not exceed 370 square metres.

30 Martins Lane, Elmira

16.50 Notwithstanding Sub-section 4.20 (“Frontage on a Public Street”), the lands illustrated on the plan forming Section 16.50 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

47, 52 and 55 River Street and 4, 12, 18 and 24 McAllister Lane, Bloomingdale

16.51 Notwithstanding Sub-section 4.20 (“Frontage on a Public Street”), the lands illustrated as Parts 1, 2, 3, 4 and 5-on the plan forming Section 16.51 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

Notwithstanding the provisions of Sub-section 7.3 applicable to the R-1 Zone, the lands illustrated as Part 7 and Part 8 on the Plan may have reduced lot frontage requirements as follows:

- a) Part 6- 12.2 metres; and
- b) Part 7 - 12 metres.

120 and 122 Woolwich Street South, Breslau

16.52 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.52 of Schedule “A” of this By-law (the “Plan”) 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 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.

120 and 122 Woolwich Street South, Breslau

16.53 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.53 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) 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.

54 Queensway Drive, St. Jacobs

16.54 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.54 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- 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.

33 Front Street, St. Jacobs

16.55 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.55 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:

- 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 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 7.3. l) of this By-law; and
- 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:
 - j) 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.

Martin Grove Settlement Area

16.56 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.56 of Schedule “A” of this By-law (the “Plan”) shall have a minimum lot area of 10 hectares, a minimum lot frontage on King Street North of 180 metres, and not more than 165 mobile or modular homes.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the Plan may be used for the following specific uses permitted in the zone within which the parcel lies:

- a) Mobile home or modular home only; and
- 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 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; and
- 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 Part 2 on the Plan 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; and
- 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 Arthur Street South and a minimum of six (6) metres from any internal road developed on these lands, as illustrated on the Plan;
- 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 as Part 2 on the Plan;

- vii) That there shall be no modular/mobile home, any other buildings and/or structures located within the O-2 Zone as shown on Schedule 'B17' of this By-law;
- viii) That the internal road developed on these lands as illustrated as Part 2 on the Plan 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; and
- xi) That all mobile/modular homes shall front onto an internal road shown on the Plan.

Notwithstanding any other provisions of this By-law, all of the lands illustrated on the Plan within the O-2 Zone shown on Schedule 'B17' of this By-law may be used for residential purposes provided that no buildings or structures are erected in the said area.

2035 and 2067 Victoria Street North, Breslau

16.57 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the plan forming Section 16.57 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses, in addition to those uses permitted in the zone within which the parcels lies:

Parts 1 on the Plan

- a) Residential Building One Unit on each existing parcel in conformity with regulations in Section 7 for the R-5 Zone of this By-law; and
- b) Accessory uses to the forgoing as outlined in Section 7.2 for the R-5 Zone.

Part 2 on the Plan

- a) Residential Building One Unit;
- b) Accessory uses to the Residential Building One Unit as outlined in Section 7.2 for the R-5 Zone; and
- c) Contractor's Yard and accessory uses in accordance with regulations in Sections 10.2, 10.3 and 10.4 that are applicable to the EM-1 Zone.

All subject to the regulations of Sections 4, 5 and 7.3 for the R-5 Zone of this By-law except for the contractor's yard for Part 2 in c) above.

Parts 1 and 2 on the Plan

- a) Hotel or Motel in conformity with the regulations in Sub-section 4.25 and the applicable regulations in Sections 4 and 5 of this By-law.

55 Spring Street, St. Jacobs

16.58 Notwithstanding Sub-section 4.20 ("Frontage on Public Streets"), the lands illustrated on the plan forming Section 16.58 of Schedule "A" of this By-law (the "Plan") may have a minimum lot frontage of 0 metres.

13 Maple Street, Elmira

16.59 Notwithstanding Sub-section 4.20 (“Frontage on Public Streets”), the lands illustrated on the plan forming Section 16.59 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

4½ Riverside Drive West, Elmira

16.60 Notwithstanding Sub-section 4.20 (“Frontage on Public Streets”), the lands illustrated on the plan forming Section 16.60 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

37 and 39 Henry Street, St. Jacobs

16.61 Notwithstanding any other provisions of this By-law, the portion of the lands shown as Parts A and B on plan forming Section 16.61 of Schedule ‘A’ of this By-law (the “Plan”) may be used in accordance with the following:

Part A

1. The lands within the EM-1 zone shown as Part A on the Plan are subject to the following permitted uses in addition to the permitted uses within the EM-1 Zone:
 - a) Free standing non-accessory office;
 - b) Parking lot; and
 - c) An existing free-standing residential - one unit dwelling, as accessory to the industrial use on the property and the distribution facility located across the road at 34 Henry Street, St. Jacobs.

All development shall be in conformity with all other applicable regulations in Sections 4, 5 and the EM-1 Zone in Section 10.

Part A - Holding Provisions

2. Notwithstanding Part A above, 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 and the Region, and Council has, by By-law, removed the holding symbol (H) from the Zoning Schedule, which permits the full range of EM-1 Zone uses, then the following use shall only be permitted:
 - a) Parking lot;
 - b) Free Standing Non-Accessory Office space - within the existing dwelling unit; 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 Sections 4, 5 and the EM-1 Zone in Section 10.

Part B

3. The lands within the O-2 zone shown as Part B on the Plan are subject to the applicable provisions in Section 14.

1100 Reitzel Place

16.62 Notwithstanding Sub-section 4.20 (“Frontage on Public Streets”), the lands illustrated on the plan forming Section 16.62 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

830 King Street North, Stockyards Area

16.63 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.63 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) One family detached dwelling; and
- b) Uses accessory to the foregoing as outlined in Section 7.2 for the R-2 Zone.

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; and
- iii) All other regulations of the R-1 zone in Section 7 is applicable.

Golf Course Road, Conestogo

16.64 Notwithstanding any other provisions of this By-law, the lots within the area illustrated on the plan forming Section 16.64 of Schedule “A” and “A1” of this By-law (the “Plan”) may be used for the following specific uses only:

- a) Residential Building – One Unit; and
- b) Uses accessory to the foregoing as outlined in Section 7.2 for the R-1 Zone.

Subject to the following:

- i) The minimum lot frontage shall be 30 metres; and
- ii) That 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.

300 Woolwich Street South, Breslau

16.65 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.65 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

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

Subject to the following:

- i) Shall comply to the applicable regulations of the EM-1 Zone in Section 10.

7144 Line 86 Road

16.66 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.66 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 20 metres.

1084 Snyder’s Flats Road

16.67 Notwithstanding Sub-section 4.20 (“Frontage on Public Streets”), the lands illustrated on the plan forming Section 16.67 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

1522 Durst Road

16.68 Notwithstanding Sub-section 4.20 (“Frontage on Public Streets”), the lands illustrated on the plan forming Section 16.68 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

1058 Spitzig Road

16.69 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.69 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) School; and
- b) Uses accessory to a school.

Subject to the following:

- i) 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;
- ii) That the only parking, landscaping, and such passive accessory uses be permitted within the 315 metre Minimum Distance Separation from the adjacent farm(s); and
- iii) 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 grass, flowers, trees, or shrubs.

820 and 826 King Street North, Stockyards Area

16.70 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.70 of Schedule “A” of this By-law (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 the applicable ST-1 Zone regulations in Section 11; 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.

2812 and 2820 Victoria St Street North

16.71 Notwithstanding any other provisions of this By-law, the following additional special regulations shall apply to the lands illustrated on the plan forming Section 16.71 of Schedule “A” of this By-law (the “Plan”):

- a) The lands illustrated as Part I on the Plan shall have a minimum lot area of 0.10 hectares and a minimum lot frontage of 18 metres; and
- b) The lands illustrated as Part II on the Plan shall have a minimum lot area of 4 hectares and a minimum lot frontage of 55 metres.

2137 Shantz Station Road

16.72 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.72 of Schedule ‘A’ of this By-law (the “Plan”) 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 permitted within the existing barn;
- b) A Holding Provision shall apply in accordance with the following:
 - i) The development of lands on the Plan identified with in the areas hatched and zoned A-H, representing the proposed Highway 7 corridor and service road, shall not be permitted until such time as the Woolwich is satisfied that:
 - the Ministry of Transportation (MTO) has no objection to any development in the subject areas; and
 - A by-law has been passed by Township removing the Holding Provision (H) symbol from the Zoning Schedules pursuant to Section 36 of the *Planning Act*.
 - ii) No building or structure shall be permitted within 7.6 metres of this hatched area noted in i) above without written approval from the MTO;
- c) The resulting remnant parcels from the MTO road dedication shall be recognized with respect to minimum lot frontage and lot area provided that the parcels resemble the configuration shown on the Plan; and
- d) All other development shall be in conformity with all other applicable regulations in Sections 4, 5 and 6.

1590 Maryhill Road

16.73 Notwithstanding Sub-section 4.20 (“Frontage on Public Streets”), the lands illustrated on the plan forming Section 16.73 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

9 Memorial Avenue, Elmira

16.74 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.74 of Schedule ‘A’ (the “Plan”) of this By-law are subject to the following specific provisions, in addition to any other applicable regulations of the MU-4 Zone:

- a) Minimum side yard setback from the north property boundary is 5.5 metres.

22 Riverside Drive West, Elmira

16.75 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.75 of Schedule "A" of this By-law (the "Plan") may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Residential building - apartment, maximum of six (6) units.

Subject to the following:

- i) Minimum lot frontage and width is 17 metres;
- ii) Minimum side yard is 1.7 metres; and
- iii) In conformity with all other applicable regulations in Sections 4 and 5 and the R-4 Zone in Section 7.

2 Cross Street, Elmira

16.76 Notwithstanding any other provisions of this By-law, the parking requirements for the lands illustrated on the plan forming Section 16.76 of this By-law (the "Plan") shall be reduced to zero (0) parking spaces.

47 Church Street West, Elmira

16.77 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.77 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to the permitted uses in the zone within which the parcel lies:

- a) Day nursery.

620 Bridge Street East

16.78 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 16.78 of Schedule "A" of this By-law (the "Plan"):

- a) Monument lettering and finishing facility; and
- b) Uses accessory to the foregoing.

Subject to the following:

- i) The applicable regulations of the EM-1 Zone in Section 10 and all other applicable provisions in Sections 4 and 5 of this By-law for the lands illustrated on the Plan.

75 Arthur Street North, Elmira

16.79 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.79 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses only:

- a) One residential unit within the main building; and
- b) 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; and
- ii) In conformity with Sections 4 and 5 and all other applicable regulations of the EM-5 Zone in Section 10.

618 Bridge Street East

16.80 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.80 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 0 metres.

1478 Halm Road

16.81 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.81 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) School; and
- b) Uses accessory to the foregoing.

Subject to the following:

- i) Parking may be provided between the street line and the building line; and
- ii) 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.

124 Church Street West, Elmira (Pending final approval of OPA #5)

16.82 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.82 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Residential building – one unit; and
- b) Uses accessory to the foregoing as outlined in Section 7.2 for the R-5 Zone.

In conformity with Sections 4 and 5 and the applicable regulations of the R-5 Zone in Section 7.

Hopewell Heights Development – Breslau

16.83 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.83 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 parcel lies:

A. BUILDING LINE SETBACKS PROVISIONS

- a) Notwithstanding Section 7.3 c), d) and e) the minimum building line setback of buildings and structures adjacent to Victoria Street North (Highway 7) right-of-way shall be 13.7 metres.

B. GARAGE/DRIVEWAY PROVISIONS

- a) Notwithstanding Section 7.5 of this By-law, 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.
- b) Notwithstanding Section 7.5 of this By-law, 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.
- c) Notwithstanding Section 4.2 of this By-law, 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 to a minimum 0.3 metres.

C. MIXED-USE (MU-4) ZONE PROVISIONS

- a) The following uses are permitted in addition to the uses permitted in the MU-4 Zone shown on the Plan:
- i) Fire Station;
 - ii) Commercial School;
 - iii) Laboratory;
 - iv) Catering Service;
 - v) Veterinary Clinic;
 - vi) Data Service Operation;
 - vii) Facilities for Research and Development;
 - viii) Community Hall/Centre;
 - ix) Specialized Office and Industrial Equipment Sales and Service; and
 - x) Wholesale and Light Manufacturing as an Accessory Use.

- b) The following uses are prohibited in the in MU-4 Zone shown on this Plan:
 - i) All residential used listed in Section 8.1 b) of this By-law;
 - ii) Rental Banquet Hall within a Private Club; and
 - iii) Retail Commercial Establishment.
- c) The uses permitted in the MU-4 Zone are subject to the following specific regulations in addition to the regulation in Sections 4, 5 and 8 of this By-law:
 - i) Minimum Lot Area is 2000 square metres;
 - ii) Minimum Lot Width is 30 metres;
 - iii) Minimum Building Line Setback to Highway 7 is 13.7 metres;
 - iv) Minimum Building Line Setback to all other public roads is 6 metres;
 - v) Minimum Side Yard Setback is 3 metres;
 - vi) Minimum Rear Yard Setback is 7.5 metres;
 - vii) Maximum Lot Coverage is 50%;
 - viii) Minimum Parking Space Setback from a lot line adjacent to a road is 5 metres;
 - ix) Minimum Handicap Parking Spaces is 1 space for the first 20 spaces required plus one space for each additional spaces required or portion thereof;
 - xi) Minimum Size of Handicap Parking Spaces is 4.4 metres by 6.0 metres;
 - xii) Minimum Parking Aisle Space/Driveway is 6.0 metres;
 - xiii) 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;
 - xiv) Notwithstanding Section 8.2 – Off-Street Parking/Loading/Driveway⁵, 100% of the off-street parking requirements shall be provided;
 - xv) The Private Club shall not include a rental banquet hall;
 - xvi) Maximum Area of a Sales and Service of Specialized Office and/or Industrial Equipment use shall be 500 square metres;
 - xvii) Outdoor storage and/or display is prohibited;
 - xviii) Lots adjacent to Townsend Drive shall orientate the building's front facade towards Townsend Drive; and
 - xix) All loading doors/areas/doors shall not be located on the east side of the building(s).

D. NEIGHBOURHOOD COMMERCIAL C-3 ZONE PROVISIONS

- a) Notwithstanding any other provisions of this By-law, the following applies within the C-3 Zone shown on the Plan:
 - i) Food Store shall have a maximum size of 6000 m²;
 - ii) Minimum Building Line Setback to Victoria Street North (Highway 7) shall be 13.7 metres and to Fountain Street shall be 7.5 metres; and
 - iii) In conformity with the applicable regulations in Sections 4, 5 and 9.

2201 Shantz Station Road

16.84 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.84 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses only:

- a) School;
- b) Residential building - one unit; and
- c) Uses accessory to the foregoing, which may include offices, chapel and recreational facilities.

In conformity with the provisions of Section 12.2.

5865 Line 86 Road

16.85 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.85 of Schedule "A" of this By-law (the "Plan") may be used for the following uses in addition to those uses permitted in the zone in which the parcel lies:

- 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.); and
- h) Uses accessory to the foregoing which include:
 - i) office; and
 - ii) 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; and
 - 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 for 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%; and
- vi) All other applicable regulations in Sections 4 and 5 and the EM-1 Zone regulations in Section 10 shall apply.

632 Hawkesville Road

16.86 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.86 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Private club;
- b) Restaurant;
- c) Catering Service;
- d) Banquet hall/event centre/private hall; and
- e) 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.

177 and 261 St Charles Street East

16.87 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.87 of Schedule “A” of this By-law (the “Plan”) 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 shall be located within the area identified on the Plan.

721 Arthur Street South

16.88 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.88 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Welding, painting, assembly, and storage of farm equipment; and
- b) Accessory uses including offices, employee area, parking, loading, and retail/showroom.

Subject to the following:

- i) The above-mentioned uses shall be contained within the “Area of Operation” as indicated on the Plan;
- ii) There shall be no heavy industrial processing such as metal stamping, cutting and/or punch pressing;
- iii) 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;
- iv) The Minimum Side Yard Requirement for the existing building to be used for uses noted in a) and b) 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;
- v) The minimum lot area is 1.0 hectare; and
- vi) All other applicable regulations in Sections 4, 5 and 6 of this By-law.

1088 and 1092 King Street North

16.89 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.89 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- 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; and
- c) Outdoor storage in accordance with iii) below.

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;
- 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 may be permitted provided that the outdoor storage does not exceed the height of the solid fence required to screen this area;
- 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; and
- vii) That for the purpose of this paragraph, “Service” means a single trade or associated trades such as plumbing, heating and air conditioning.

2723 Victoria Street North

16.90 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.90 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Cemetery; and
- 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*.

Subject to the following

- i) Within the Core Environmental Feature (woodland/wetland area) identified as Part 1 on the Plan:
 - a. A memory trail may be permitted as part of the cemetery, which is 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);
- ii) Within Part 2 on the Plan, 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; and
 - b. Memory Trail, burial plots, gardens and associated structures are permitted.
- iii) In conformity with all other provisions in Sections 4 and 5 and the applicable regulations of the Agricultural Zone in Section 6.

1194 Noah Road and 1080 Seiling Road

16.91 Notwithstanding any other provisions of this By-law, the lands illustrated as Part A on the plan forming Section 16.91 of Schedule 'A' of this By-law (the "Plan") may have a minimum lot frontage of 5 metres and a minimum lot area of 5.1 hectares.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part B on the Plan are subject to the following regulations in addition to the regulations of the zone within which the parcel lies:

- a) That a new residential building one - unit shall be located:
 - i) In accordance with the Minimum Distance Separation requirement from the properties at 1205 Noah Road and 1021 Seiling Road; and
 - ii) A minimum of 85 metres from the barn at 1214 Noah Road and behind the barn on the subject property at 1194 Noah Road;

- b) No building or structure shall be permitted in the wetland boundary; and
- c) In conformity with all other applicable regulations in Sections 4, 5 and 6.

1199 Floradale Road

16.92 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.92 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses only:

- a) Farming including the production of plants, flower growing, fruit growing, vegetable growing, the growing of nursery stock and Christmas tree growing;
- b) Residential Building - One Unit within the building envelope identified on the Plan;
- c) One detached building, accessory to the foregoing, in accordance with Section 4.2; and
- d) Accessory dwelling unit in accordance with Section 4.4 provided that such unit(s) are within the building envelope identified on the Plan.

Subject to the following:

- i) Minimum Lot Area shall be 1.7 hectares;
- ii) Minimum Lot Frontage shall be 85.5 metres;
- iii) Minimum Distance Separation shall be 200 metres between Residential Building - One Unit and Barn “A” shown on the Plan;
- iv) Minimum Distance Separation shall be 260 metres between Residential Building - One Unit and Barn “B” shown on the Plan; and
- v) All other applicable regulations in Sections 4 and 5 and 6.

1420 Lobsinger Line

16.93 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.93 of Schedule ‘A’ of this By-law (the “Plan”) may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Residential building - one unit;
- b) Second permanent farm-related residential building, with not more than two units; and
- c) Apple/fruit processing operation.

Subject to the following:

- 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;
- 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” as 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) Shall be compliance with all other applicable regulations of Sections 4, 5 and 6.

Country Spring Walk, Conestogo

16.94 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.94 of Schedule "A" of this By-law (the "Plan") 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; and
- b) No residence shall be constructed within the area labelled as Area "B" until such time as Barn "B" is removed.

25 Industrial Drive, Elmira

16.95 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.95 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific 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) Commercial printing/digital services;
- g) Parking facility;
- h) Laundromat;
- i) Health services facility/medical clinic;
- j) Personal services;
- k) Pharmacy;
- l) Hairdresser, barber or beautician;
- m) Water supply;
- n) Video/DVD rental; and
- o) Uses permitted in the EM-4 Zone with the exception of a residential unit noted in the Accessory Uses in Section 10.1.

Subject to the following provisions:

- i) No restaurant shall exceed 250 square metres of gross floor area;
- ii) No pharmacy shall exceed 110 square metres of gross floor area;
- iii) No convenience Store shall exceed 300 square metres;
- iv) A 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; and
- v) In compliance with all other applicable regulations in Sections 4 and 5 and the EM-4 Zone in Section 10.

18 Covered Bridge Drive

16.96 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.96 of Schedule “A” of this By-law (the “Plan”) may only be used for the following specific uses:

- a) Farm pond; and
- b) Farming of crops.

Subject to the R-1 Zone regulations.

52 and 54 Arthur Street South, Elmira

16.97 Notwithstanding Section 15.3 and 15.4 of this By-law, the lands referred to as the “Becker Lands” as illustrated on the plan forming Section 16.97 of Schedule ‘A’ (the “Plan”) is subject to the following provisions:

- a) That the gas bar, convenience store, restaurant building (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) Overlay Zone area;
- b) That any expansion or modification of the Becker Building within the Floodway (FW) Overlay Zone area shall be prohibited as per Section 15.4 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) Overlay Zone area and a new building may be relocated within the Flood Fringe (FF) Overlay Zone area (or outside the Floodplain area) in conformity with the regulations in Section 9 and 15.3 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) Overlay Zone 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 (FW) Overlay Zone 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 9 and 15.4.

12 and 16 Church Street East, Elmira

16.98 Notwithstanding any other provisions of this By-law, the lands illustrated on the three plans forming Section 16.98 of Schedule “A” of this By-law (the “Plan”) 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 applicable regulations in Sections 4 and 5 and the C-1 Zone in Section 10 including Sub-section 10.3 g).

32 Mill Run Lane, Winterbourne

16.99 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.99 of Schedule “A” of this By-law (the “Plan”) may have a minimum distance separation of 150 metres from a neighbouring barn.

Heidelberg Subdivision, Heidelberg

16.100 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 16.100 of Schedule “A” of this By-law (the “Plan”) are subject to the following regulations in addition to those regulations outlined in the R-1 zone within which the lands are located:

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

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan are restricted to the following uses only:

- i) Stormwater management facilities;
- ii) Communal wastewater treatment facilities.

Subject to the applicable regulations of Sections 4, 5 and 14.

2057 Victoria Street North, Breslau

16.101 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.101 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to the uses permitted in the zone in which the parcel lies:

- a) Hotel or Motel in conformity with the regulations in Sub-section 4.25 and the applicable regulations in Sections 4 and 5.

384 Arthur Street South, Elmira

16.102 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.102 of Schedule “A” of this By-law (the “Plan”) may allow the following specific use in addition to the uses permitted in the zone in which the parcel lies:

- a) Gift, novelty and/or souvenir store.

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan are subject to the following specific regulations:

- i) The side yard requirement for the existing building shall be a minimum of 2.5 metres;
- ii) That parking may be permitted between the building line and the street line; and
- iii) All other applicable regulations in Sections 4 and 5 and the C-6 Zone in Section 9.

Musselman Crescent, Conestogo

16.103 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.103 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot width of 23 metres.

2416 and 2424 Floradale Road

16.104 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.104 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone in which the parcel lies:

- 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 and not closer than 105 metres to the adjacent barn to the northeast; and
- iii) All other applicable regulations in Sections 4, 5 and 6.

40 St Charles Street East, Maryhill

16.105 Notwithstanding any other provisions of this By-law, the lands forming Section 16.105 of Schedule “A” of this By-law (the “Plan”) shall have a minimum off-street parking requirement of 15 spaces for the outdoor display and sales of marine boats, cars, trucks and/or machinery.

3074 Chilligo Road

16.106 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.106 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone in which the parcel lies:

- 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 as shown on the Plan.

5 Covered Bridge Drive

- 16.107** Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 16.107 of Schedule "A" of this By-law (the "Plan") shall be restricted to the following specific use only:
- a) The existing commercial parking lot.

Benjamin Road, Stockyards

- 16.108** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.108 of Schedule 'A' of this By-law (the "Plan") are subject to the following permitted uses, in addition to the uses permitted in the zone in which the parcel lies:
- a) Barber Shop;
 - b) The sale of maple syrup, confectionary, preserves, cookbooks, and kitchen gadgets and utensils (Farm Pantry); and
 - c) Uses accessory to the foregoing.

Subject to the following:

- i) That the permitted uses noted above shall comply with the applicable regulations contained in Sections 4 and 5 and the ST-3 Zone in Section 11;
- ii) The use noted in b) above shall be limited to 140 square metres of floor space and located within a factory outlet mall building; and
- iii) The barber shop noted in a) above shall be located within a factory outlet mall building.

39 Arthur Street North, Elmira

- 16.109** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.109 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions:
- A) SPECIAL EMPLOYMENT PROVISIONS
 - a) That the recycling, dismantling, storage and salvage of motor vehicles is prohibited;
 - b) That the lands identified as Part A on the Plan shall only be developed and used as a gravel area for the parking of transport trucks and trailers; and
 - c) In conformity with all other applicable regulations contained in Sections 4, 5 and the EM-1 Zone in Section 10.

B) HOLDING PROVISIONS

Notwithstanding any other provisions of this By-law, a wholesale outlet, warehouse/indoor storage, building supply dealer/outlet and the sales and service of trucks or machinery are not permitted on the lands until such time as:

- i) an alternative by-pass route has been provided whereby the traffic are not using Arthur Street through the core of Elmira as a primary truck route; or,
- ii) a traffic study has been approved by the Township and/or the Region addressing the impacts of proposed truck traffic to and from the lands and demonstrating no substantially additional traffic impacts to the core of Elmira; and,

the Director of Development Services has, by By-law, removed the Holding Provision (H) from the Zoning Schedule pursuant to Section 36 of the Planning Act.

12 Young Street, St. Jacobs

16.110 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.110 of Schedule "A" of this By-law (the "Plan") may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Day care facility accommodating up to forty children; and
- b) Uses accessory to the foregoing permitted uses, including parking areas and outdoor play areas.

Subject to the following:

- i) That the 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 permitted uses stated above shall comply with the applicable regulations contained in Sections 4 and 3 and the R-3 Zone in Section 7; and
- iii) That no signs shall be permitted on the property with the exception of one (1) non-illuminated identification sign measuring a maximum 0.4 square metres in area and not greater than 1.5 metres in height in the location shown on the Plan.

Haley Court and Granbridge Drive, West Montrose

16.111 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.111 of Schedule "A" of this By-law (the "Plan") Lots 1 and 19 may have a minimum lot width of 26 metres.

61 Woolwich Street North, Breslau

16.112 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.112 of Schedule "A" of this By-law (the "Plan") may have a minimum rear yard of 6.0 metres.

Hawk Ridge Homes Subdivision – Union Street and First Street East, Elmira

16.113 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.263 of Schedule 'A' of this By-law (the "Plan") are subject to the following provisions:

A) Noise (Class 4)

The lands within the Plan be designated as Class 4 under the Ministry of Environment, Conservation and Parks NPC-300 Environmental Guidelines to permit noise levels not to exceed 55dBA at nighttime, as nighttime rail shunting will exceed normal acceptable levels.

B) Special Provisions for Block 37

Notwithstanding the provisions in the C-4 Zone in Section 9, the following provisions apply to Block 37 within the Plan:

- a) The minimum lot area is 1750 square metres;
- b) Residential apartments outlined in Section 9.1 are prohibited; and
- c) Contractor establishment with no outdoor storage and Indoor storage / warehousing is permitted.

50 Glasgow Street North, Conestogo

16.114 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.114 of Schedule "A" of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Bed and breakfast establishment; and
- b) 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; and
- v) That the applicable regulations in Sections 4 and 5, the R-1 Zone in Section 7 and the O-2 Zone in Section 14 shall apply to all uses on the property.

2062 Three Bridges Road

16.115 Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan forming Section 16.115 of Schedule “A” of this By-law (the “Plan”), a 5.5 by 9.1 metre livestock barn addition may be located 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, a woodworking shop may be permitted as a home occupation without a residence being located on the lands subject to the following:

- i) The home occupation is limited to the existing 239 square metre building as shown on the Plan, notwithstanding that this building is not a residential building or a 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; and
- iii) One person who does not reside on the property is permitted to be employed in the business; and
- iv) Machinery other than normal household, hobby or office equipment may be used in the woodworking shop.

790 and 800 King Street North, Stockyards Area

16.116 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.116 of Schedule ‘A’ of this By-law (the “Plan”) may be used only for the following specific uses:

- a) 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; and
- b) 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 April 25, 2026;
- 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 4.

6990 Pine Creek Road

16.117 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.117 of Schedule ‘A’ of this By-law (the “Plan”) is subject to the following:

- a) That any residence located on the lands shall be a minimum of 200 metres from the existing adjacent barn to the south.

2965 Lobsinger Line, Heidelberg

16.118 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.118 of Schedule “A” of this By-law (the “Plan”) 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 for the C-2 Zone in Section 9, the lands illustrated on the Plan may not be used for the following specific uses:

- a) Light fabricating, assembly, processing or repair except as an accessory use;
- b) Blacksmithing; and
- 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-born pollutants.

2932 Lobsinger Line, Heidelberg

16.119 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.119 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot area of 1,380 square metres.

Notwithstanding the permitted uses listed for the C-2 Zone in Section 9, the lands illustrated on the Plan 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; and
- d) Blacksmithing.

7 Albert Street East, St. Jacob

16.120 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.120 of Schedule “A” of this By-law (the “Plan”) 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; and
- ii) That all other applicable regulations in Section 5 shall apply.

1109 King Street North

16.121 Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan forming Section 16.121 of Schedule “A” of this By-law (the “Plan”), 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 the Plan.

Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan, 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;
- 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;
- 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;
- 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 shown on the Plan;
- vi) All woodworking, with the exception of construction of sheds, must take place indoors; and
- vii) All other applicable regulations of Sections 4.24, 5 and 6 shall apply to this property.

1155 Crooks Tract Road

16.122 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.122 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot frontage of 10 metres.

Weberlyn Crescent, Conestogo

16.123 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.123 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot width of 24 metres for interior lots.

1 Bast Place

16.124 Notwithstanding the permitted uses listed in EM-3 Zone in Section 10 of this By-law, the lands illustrated on the plan forming Section 16.124 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Sales and service of tires and tire products.

Subject to the following:

- i) That the above-noted uses conform to the regulations of Sections 4 and 5 and the EM-3 Zone in Section 10.

2600 Arthur Street North

16.125 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Part 9 of Schedule “C” and Section 16.125 of Schedule “A” of this By-law (the “Plan”) 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 Part A on the Plan;
- iv) A manufactured, modular office building of a maximum 140 square metres, for the uses permitted above, is permitted within the area identified as Part A on the Plan;
- 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; and
- 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.

7674 Reid Woods Drive

16.126 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.126 of Schedule “A” of this By-law (the “Plan”) may have a minimum lot area of 1,100 square metres and a minimum westerly side yard of 0.5 metres for the existing buggy shed addition.

1136 Letson Drive

16.127 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.127 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- 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 on the Plan;
- 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; and
- iv) That no outdoor storage related to the woodworking operation be allowed.

858 Hawkesville Road

16.128 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.128 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- 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 on the Plan;
- 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; and
- 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.

535 Northfield Drive East

16.129 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.129 of Schedule “A” of this By-law (the “Plan”) may be used for the following use in addition to the uses permitted in the zone in which the parcel lies:

- a) Firewood storage/cutting/sales operation.

Subject to the following:

- i) That the additional use noted above shall be limited to the shaded area of the Detail excerpt shown on the Plan and totalling approximately 0.4 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 of the Detail excerpt shown on the Plan;
- 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 the Detail excerpt on the Plan;
- 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; and
- v) That only one person who does not reside on the property is permitted to be employed in the firewood storage/cutting/sales operation.

28 Duke Street, Elmira

16.130 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.130 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use:

- a) Senior citizens apartment building with a maximum of 27 apartment units housing up to 54 residents; and
- 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 Wyatt 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 has 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 4, except as specifically noted above;
- x) The use of indoor common areas shall be for residents of the property only; and
- xi) That two existing central air-conditioning units may have a setback of a minimum of 4 metres from the Wyatt Street property line and one existing central air-conditioning unit may have a minimum setback of 6 metres from the Duke Street property line.

2521 Three Bridges Road

16.131 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.131 of Schedule “A” of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- 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; and
- v) That the woodworking operation is clearly secondary to the main use of farming on the property.

10 Water Street and 27 Albert Street East, St. Jacobs

16.132 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 16.132 of Schedule A of this By-law (the “Plan”) may be used as a parking lot in addition to the uses permitted in the zone it lies.

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan 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; and
- 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.

29 Water Street, St. Jacobs

16.133 Notwithstanding any other provisions of this by-law, the lands illustrated on the plan forming Section 16.133 of Schedule “A” of this By-law (the “Plan”) may only be used for the following specific uses:

- a) Senior citizens residential development of a maximum of 62 dwelling units; and
- b) Uses accessory to the foregoing permitted use, for the use of residents of the senior’s residential development only, including a “club house”.

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.

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 townhouses 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 the Plan;
- iii) That the minimum southerly side yard and amenity area depth for townhouses 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 Plan. Notwithstanding Section 7.6, 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 Sections 7.3.l), 7.4 g) and 7.4 i), a townhouse 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 townhouses; and
- ix) That all buildings, structures and uses shall comply to the regulations of Sections 4, 5 and 7 as appropriate, except as specifically noted above.

9 Parkside Drive, St. Jacobs

16.134 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.134 of Schedule “A” of this By-law may be used for the following uses in addition to the uses in the zone that the parcel lies:

- a) One dwelling unit accessory to a birthing home.

Subject to the following:

- i) Shall be in conformity with the applicable regulations in Sections 4 and 5 and the C-1 Zone in Section 9.

1657 Cedar Spring Road

16.135 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.135 of Schedule “A” of this By-law (the “Plan”) may permit a woodworking shop in addition to the uses in the zone that the parcel lies 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; and
- v) That the woodworking operation is clearly secondary to the main use of farming on the property.

60 Woolwich Street South, Breslau

16.136 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.136 of Schedule “A” of this By-law (the “Plan”) may not be used for any of the residential uses of the MU-3 Zone in Section 8.1.

Notwithstanding any other provisions of this By-law, Building “B” on the lands illustrated on the Plan shall have a zero-side yard. Any new building, addition or structure shall conform to the applicable regulations of Sections 4 and the MU-3 Zone in Section 8.

10 Cedar Steet East and 25 Young Street, St. Jacobs

16.137 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.137 of Schedule “A” of this By-law (the “Plan”) 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; and
- ii) No additional parking beyond that shown on the Plan is permitted.

591 Ebycrest Road

16.138 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.138 of Schedule “A” of this By-law (the “Plan”) 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 on the Plan;
- ii) The operation shall have no more than four employees, including residents of the property;
- iii) Wholesaling is permitted but retail sales are prohibited; and
- iv) Outdoor storage of goods or materials associated with the butcher shop are prohibited.

48 Hawkesville Road, St. Jacobs

16.139 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.139 of Schedule “A” of this By-law (the “Plan”) is subject to the following regulations:

- i) That all main buildings associated with uses permitted in the Institutional (P) Zone shall be restricted from locating within 188 metres of the existing barn to the southwest and within 75 metres of the closest barn to the east as shown on the Plan until such time as the barns have been removed; and
- ii) All uses/structures/buildings on the property shall comply with the applicable regulations of Sections 4, 5 and 12.

1033 Kenning Place, Elmira

16.140 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.140 of Schedule ‘A’ of this By-law (the “Plan”) may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- 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 noted in a) to c) above shall not exceed 3.64 hectares;
- iii) That the maximum total lot coverage for all buildings shall be limited to 50% of the area of operation;
- iv) That minimum building line setback for all building and structures 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, topsoil, bark/mulch, fertilizer, etc.) and decorative items, associated with outdoor gardening and landscaping of one’s 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 Sections 4 and 5 and the EM-5 Zone in Section 10.

Southwood 1 and 2 Subdivision, Elmira

- 16.141** Notwithstanding any other provisions of this By-law, the permitted uses on lands illustrated on the plan forming Section 16.141 of Schedule “A” of this By-law (the “Plan”) are subject to the following regulations in addition to those regulations outlined in the zone within which the lands lie:
- a) 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.

Bristow Creek Subdivision, Elmira

- 16.142** Notwithstanding any other provisions of this By-law, the permitted uses on lands illustrated on the plan forming Section 16.142 of Schedule “A” of this By-law (the “Plan”) are subject to the following regulations in addition to those regulations outlined in the zones within which the lands lie:
- a) 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;
 - b) That Blocks 1, 2 and 3 as shown on the Plan shall be limited to 16, 16 and 7 units, respectively;
 - c) Notwithstanding Section 7.3d), semi-detached corner units (except those adjacent to Church Street and Park Street) may have 3.5 metre building line setbacks on their flankage (exterior side yards);
 - d) Porches on single detached dwelling units in Block 4, as shown on the Plan must extend a minimum of 0.3 metres in front of the front wall of attached garages;
 - e) Notwithstanding Section 7.3 of this By-law, where two single detached dwelling units are constructed on a semi-detached lot, each unit shall have an interior side yard of a minimum of 0.9 metres; and
 - f) A maximum of ten of the single detached dwelling units in the R-5A 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 detached dwelling units in the R-5A zone must have the front of the useable porch extending at least 0.3 metres in front of the front wall of the garage.

5153 and 5159 Fountain Street North, Breslau

16.143 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.143 of Schedule “A” of this By-law (the “Plan”) is subject to the following regulations, in addition to those regulations of the zone within which the parcel lies:

- a) The minimum lot frontage for Part 2 shall be 15.0 metres; and
- 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.

169 Katherine Street North

16.144 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.144 of Schedule A of this By-law (the “Plan”) may be used for the following use, in addition to the uses allowed in the zone where the parcel lies:

- 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 on the Plan;
- ii) That the operation shall have no more than one employee who does not reside on the property; and
- 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.

30 Florapine Road, Floradale

16.145 Notwithstanding any other provisions of this By-law the lands illustrated on the Plan forming Section 16.145 of Schedule A of this By-law (the “Plan”) may be used for the following specific uses only:

- a) Senior citizens apartment building of a maximum 41 units (including one unit for the manager); and
- 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; and
- ii) That all buildings and structures and uses shall comply to the regulations of Sections 4, 5 and 7.6, except as specifically noted above.

1310 King Street North and Young Street, St. Jacobs

16.146 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.146 of Schedule A of this By-law (the "Plan") may be used for the following specific uses in addition to those permitted uses in the zone in which the parcel lies:

- a) Place of Worship, and
- b) Accessory uses thereto including a parking area and an outdoor recreational area.

In conformity with the applicable regulations in Sections 4, 5 and 12.

1580 Listowel Road

16.147 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.147 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) Feed mill; and
- 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, cooking or steaming of ingredients/product, with the exception of corn drying;
- 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) 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;
- iv) 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;
- v) There shall be no outdoor stockpiling or storage of unbagged animal feed;
- vi) That all other applicable regulations in Sections 4 and 5 and the A-Zone in Section 6; and
- vii) Signage in accordance with regulations applied to Industrial zoned properties in 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.

1158 Wittick Road

16.148 Notwithstanding any other provisions of this By-law, for the lands illustrated on the plan forming Schedule ‘A’ of Section 16.148 in the By-law (the “Plan”), in addition to the uses permitted by the Agricultural (A) Zone, 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.

5 Maple Street and 11 and 13 William Street, Elmira

16.149 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.149 of Schedule ‘A’ of this By-law (the “Plan”) are subject to the following regulations:

- a) The parking area and horse shelter shall comply with the applicable regulations in Sections 4 and 5 and the C-1 Zone in Section 9, except as provided for below; and
- b) The Building Setback from Maple Street shall be a minimum of 2.5 metres for a horse shelter and 1.2 metres for a planter.

808 Katherine Street North

16.150 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.150 of Schedule ‘A’ of this By-law (the “Plan”) 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 4, 5 and 6.

2065 Floradale Road

16.151 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.151 of Schedule A of this By-law (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) A total maximum floor area of 780 square metres consisting of:
 - a. An existing 180 sq m building for dry storage only; and
 - b. A new 600 square metres custom meat processing facility of which a maximum of 60 square metres can be dedicated to retail sales;

- ii) A maximum 'Area of Operation' being approximately 7400 square metres 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;
- iii) 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;
- iv) Outdoor storage shall not be permitted;
- v) Custom Meat Processing shall mean an establishment where the raw meat products area purchased from local kill facilities, and processed on site, with limited on-site retail sales; and
- vi) That the use be in compliance with all other applicable regulations of Sections 4, 5 and 6.

1151 Snyder's Flats Road

16.152 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.152 of Schedule 'A' of this By-law (the "Plan") may be used for a church, cemetery and accessory uses subject to the provisions of Sections 4, 5 and 12.

226 Woolwich Street South, Breslau

16.153 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.153 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 4, 5 and 12.

34-84 Henry Street, St. Jacobs

16.154 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 and Part 2 on the plan forming Section 16.154 of Schedule 'A' of this By-law (the "Plan") are subject to the following provisions as applicable:

Holding Provision Number 1 (H-1)

- a) Development is restricted on Part 1 and Part 2 until such time as the Region has issued a letter of clearance advising Township Council that adequate Sewage Treatment Plant capacity is available to service the site and Council, has by By-law, removed the Holding Provision (H-1) from the Zoning Schedules pursuant to Section 36 of the *Planning Act*;
- b) Notwithstanding Condition 1 above, the lands within Part 1 may be developed for a parking area that is accessory to an industrial operation;
- c) 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 5; and

Holding Provision Number 2 (H-2)

- d) Development of any buildings or structures is restricted in Part 2 until such time as the Region and the Township 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-2) 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 may be used for the following specific uses only:

- a) Parking, including truck parking that is accessory to the industrial operation on the property, however the parking within these lands cannot be used as part of the required parking for any use on the property, all in accordance with Section 5 of the Zoning By-law; and
- b) Outdoor storage that is accessory to the industrial operation on the property. The outdoor storage must be demonstrated that it is not viewable from the adjacent lands and/or the public road.

Holding Provision Number (H-3)

- c) Notwithstanding Paragraphs a) and b) above, the development of Part 3 for parking and outdoor storage shall be restricted until such time as:
 - i) A noise report has been provided to the satisfaction the Region;
 - ii) The Ministry of Tourism, Culture and Sport has provided their Acknowledgement Letter for the property to the satisfaction of the Region; and
 - iii) Council, has by By-law, removed the Holding Provision (H-3) 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 4, on the Plan shall only be developed with uses noted in Section 6, being farming and uses accessory thereto.

Park Avenue East and Duke Street, Elmira

16.155 Notwithstanding any other provisions of this By-law the lands illustrated on the plan forming Section 16.155 of Schedule A of this By-law (the "Plan") and are subject to the following regulations in addition to the regulations of the R-5 Zone:

- a) On Lots 1 to 7 the building setback shall be:
 - i) 6.5 to 8 metres to the residential unit;
 - ii) a minimum of 6 metres for garages (attached or detached); and
 - iii) 5 to 6 metres for a front porch;
- b) Notwithstanding Clause a) on Lots 1, 2, 3 and 4, all buildings and structures shall be located outside the floodplain as shown on the Plan. In addition, porches shall be constructed within 1 metre of the easterly limit of the floodplain and the front wall of the residence shall be within 3 metres of the easterly limit of the floodplain except where the limit of the floodplain is located within 5 metres of the front property line, in which case the setbacks outlined in Clause a) apply;
- c) 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);

- d) The garage may extend up to 0.5 metres in front of the front wall of the house but shall be setback a minimum of 1 metre behind the front of the front porch and, in all cases shall maintain a minimum 6 metre building line setback;
- e) Garages attached to or in front of residential units shall not cover more than 50% of the lot frontage and driveway widths are limited to a maximum of 6 metres;
- f) Buildings and structures are not permitted within the area identified on the Plan as floodplain R-5(f); and
- g) 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.

1105 and 1099 King Street North

16.156 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.156 of Schedule 'A' of this By-law (the "Plan") are subject to the following provisions:

- a) A non-accessory building of a maximum of 26 square metres in area may be on Parcel B until such time as a residence is constructed on Parcel A at which time the building will be permitted as an accessory building; and
- b) The minimum Building Line Setback on Parcels A and B shall be 20 metres from the front line.

2895 Lobsinger Line

16.157 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.157 of Schedule 'A' of this By-law (the "Plan") may be used only as a church and single detached residence in accordance with the regulations of Sections 4, 5 and 12.

Farm Parcels, New Jerusalem Road

16.158 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the plan forming Section 16.158 of Schedule 'A' of this By-law (the "Plan") shall not contain a residential building.

118 and 120 Barnswallow Drive, Elmira

16.159 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.159 of Schedule A of this By-law (the "Plan"), are permitted the following in accordance with corresponding regulations:

Block 1

Within Block 1, the following use is permitted in addition to the uses permitted in the R-5A Zone from which the Block 1 lies:

- a) A maximum of "one assisted care residential facility with an administration office" and accessory uses thereto.

Subject to the following regulations in addition to the applicable provisions of Sections 4 and 5:

- 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; and
- xi) Maximum lot coverage shall be thirty-five per cent (35%) of the lot area.

Block 2

Within Block 2 the following use is permitted in addition to the uses permitted in the Institutional (P) Zone from which the Block 2 lies:

- a) 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.

Subject to the following regulations in addition to the applicable provisions of Sections 4, 5 and 12:

- i) Minimum side yards of 6 metres;
- ii) Minimum rear yard of 10 metres;
- iii) Maximum building height of 9 metres to the top of the roof parapet;
- iv) Maximum lot coverage of 40%; and
- v) Minimum of 40 off-street parking spaces.

1312 Maryhill Road, Maryhill

16.160 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.160 of Schedule 'A' of this By-law (the "Plan") 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 Sections 4, 5 and 9 of this By-law. All lands and buildings included in this Section are accepted as existing buildings and lots for the purpose of the provisions of Section 2.8.

1805 and 1795 Sawmill Road, Conestogo

16.161 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the plan forming Section 16.161 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses:

Part 1 (1805 Sawmill Rd)

Permitted uses shall be limited to:

- a) Art gallery;
- b) Assembly hall;
- c) Banquet hall/facilities;
- d) Commercial entertainment facility as defined in Section 3;
- e) Microbrewery, winery, and distillery (means a light industrial use, licensed under the Liquor Control and Licensing Act, within a building or part thereof for the small-scale manufacturing of beverages including beer, wine, cider, and spirits for sale to business customers and many include accessory sales of these beverage products to the public within the manufacturer's store on the premise and/or hospitality area, provided that the combined gross floor area of the accessory retail sales and hospitality/lounge area, including any outdoor lounge patio does not exceed the gross floor area of the manufacturing floor area;
- f) Restaurant;
- g) Indoor storage or warehousing;
- h) Office;
- i) Residential building – one unit;
- j) Showroom or wholesale outlet;
- k) Studio;
- l) Private club; and
- m) Accessory uses including associated offices, parking, loading, warehousing, and retail / showroom.

Part 2 (1795 Sawmill Road)

Permitted uses shall be limited to:

- a) Office;
- b) Residential building – one unit; and
- c) Accessory uses to any of the uses listed above.

Subject to the following:

- i) Parking requirements for Parts 1 and 2 will be shared between the two properties, and a minimum of 90 parking spaces shall be provided for the permitted uses;
- ii) That any assembly hall or banquet hall use be limited in area such that an associated required parking based on the capacity of the building shall not exceed the maximum parking requirement of 62 parking spaces;

- iii) A restaurant is limited to a maximum 80 square metres of floor space devoted to the public;
- iv) That parking and emergency vehicle access shall be permitted within the “floodplain area” as shown on the Plan;
- v) All accessory buildings on the property will be used as ancillary to any of the uses listed above;
- vi) All new buildings, or structures shall conform to the requirements of the C-2 Zone in Section 9 including height and setbacks; and
- vii) In conformity with all other provisions of Sections 4, 5 and the C-2 Zone in Section 9.

Holding Provision

Notwithstanding any other provisions of this By-law, the development of the lands within Part 1, identified with a C-2(H) Symbol, shall not be allowed to establish a Microbrewery, Winery, and Distillery until such time that a building permit is submitted to the satisfaction of the Township Chief Building Official that the use can be accommodated within the building, meeting all applicable Building Code requirements including demonstrating that adequate water and private sanitary can be provided for the use, and that a by-law has been passed by Township Council removing the holding provision (H) symbol from the Zoning Schedules pursuant to Section 36 of the *Planning Act*.

1560 Tilman Road

16.162 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.162 of Schedule ‘A’ of this By-law (the “Plan”) may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) School; and
- b) Uses accessory to a school.

Subject to the following applicable regulations in Section 6.2 of the Agricultural (A) Zone.

5179 and 5185 Fountain Street North and 300 and 307 Woolwich Street South, Breslau

16.163 Notwithstanding any other provisions of this By-law, the EM-1 Zoned lands illustrated on the plan forming Section 16.163 of Schedule ‘A’ of this By-law (the “Plan”) are subject to the following regulations in addition to the regulations of the zone within which the parcel lies:

- a) Lot 2 shall have a minimum lot width of 10 metres;
- b) That the following uses on all Lots on the Plan 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 metal; and

- c) Notwithstanding Section 10.4 a) of this By-law, a freestanding non-accessory office(s) is permitted on all Lots on the Plan, subject to the applicable regulations in Sections 4, 5 and the EM-1 Zone in Section 10.

5134 and 5146 Fountain Street North, Breslau

16.164 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.164 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions in addition to the provisions of the zone in which the parcel lies:

- a) Freestanding non-accessory office is permitted; and
- b) That the following uses shall be prohibited:
 - i) Manufacturing of asbestos, phosphate or sulphur products;
 - ii) Primary production of chemicals, synthetic rubber, plastic or asphalt, including an asphalt plant;
 - iii) Processing or refining of petroleum or coal;
 - iv) Tanning or chemical processing of pelts or leather;
 - v) Vulcanizing of rubber or rubber products;
 - vi) Heavy metal stamping, blanking or punch-pressing of metal; and
 - vii) Automobile service station, public garage, body shop or gas bar.

3 Wyatt Street East Elmira

16.165 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.165 of Schedule 'A' of this By-law (the "Plan") 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:
 - i) Auditorium or stadium;
 - ii) Establishments for dispensing of refreshments to the public which serve alcohol; and
 - iii) 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; and
- e) That a 1.2 metre buffer shall be maintained along Memorial Avenue.

1105 Sheep Lane

16.166 Notwithstanding the provisions of Sub-section 4.20 ("Frontage on a Public Street"), the lands illustrated on the plan forming Section 16.166 of Schedule 'A' of this By-law (the "Plan") may have a minimum lot frontage of 0 metres, subject to the following.

- a) No buildings or structures are permitted within the "No Build Area" as indicated on the Plan; and
- b) In conformity with all other applicable regulations in Sections 4, 5 and 6.

Portion of Golf Course Road and all of Zaduk Court, Conestogo

16.167 Notwithstanding any other provisions of this By-law, the permitted uses on the lands illustrated on the plan forming Section 16.167 of Schedule 'A' of this By-law (the "Plan") are subject to the following regulations in addition to those regulations outlined in Sections 4 and 5 and the zone within which the lands lies:

- i) Within the R-1 Zone, Lots 1 to 9 and Part Block 76, inclusive, shall have:
 - a) Minimum lot width of 21 metres;
 - b) Minimum lot area of 830 square metres; and
 - c) Minimum side yard of 2.3 metres;
- ii) Within the R-1 Zone, Lots 10 to 13, shall have:
 - a) Minimum lot width of 29 metres;
 - b) Minimum lot area of 1250 square metres; and
 - c) Minimum side yard of 2.3 metres;
- iii) Within the R-2 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 metres;
 - b) Minimum lot area of 850 square metres;
 - c) Minimum building line setback of 7.5 metres; and
 - d) Minimum side yard of 2.3 metres;
- iv) Within the R-3 Zone, a maximum of 16 semi-detached lots (32 units) shall be permitted in total, and a duplex, triplex or fourplex are prohibited, and subject to the following regulation:
 - a) Minimum semi-detached lot width of 13.7 metres per dwelling unit;
 - b) Minimum semi-detached lot area of 412 square metres per dwelling unit;
 - c) Minimum single detached lot width of 14 metres; and
 - c) Minimum side yard of 1.2 metres on the external side of the building;
- v) For the purposes of Clause iv), the minimum building setback for the R-3 Zone shall be:
 - a) Minimum 6 metres to the front wall of a residential unit;
 - b) Minimum 6 metres for garages; and
 - c) Minimum 4.5 metres 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 R-3 Zone.
- x) Within the R-2 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 metres;
 - b) Minimum lot area of 760 square metres;
 - c) Minimum building line setback of 6 metres; and
 - d) Minimum side yard of 1.2 metres.

Notwithstanding any other provisions of this By-law, the lands identified as Part Blocks 75 and 76 on the Plan and containing an R-3(H) and R-1(H) symbol respectively, shall not be permitted to develop until such as the following are satisfied:

- i) That Council or its designate has received confirmation from the Region that there is sufficient wastewater capacity at the Conestogo Wastewater Treatment Plan to service the lands;
- ii) That Council or its designate has received confirmation that a Record of Site Condition (RSC) has been completed, and acknowledged by the Ministry of Environment, Parks and Conservation (MECP) or the submission of a certified remedial work plan as reviewed and approved, where appropriate, by the MECP demonstrating that the lands can be appropriately remediated to permit the proposed residential use; and
- iii) That a By-law has been passed removing the Holding Provision (H) symbol from the Plan pursuant to Section 36 of the *Planning Act*.

Note: Minor Variance Approvals A23, 24, 25 and 26/2016 are still in effect as per Section 2.26.

Union Street, Earl Martin Drive, Arthur Street South and Southfield Drive, Elmira

16.168 Notwithstanding any other provision of this By-law, the lands illustrated as Part 2 on the plan forming Section 16.168 of Schedule 'A' of this By-law (the "Plan") are limited to uses permitted in the EM-1 Zone 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 Parts 3 and 9 on the Plan are permitted the following specific uses, in addition to the uses permitted in the zone in which the parcel lies:

- a) Food store/supermarkets;
- b) Accessory uses to the foregoing;
- c) Dollar store, which means a retail establishment having a minimum gross floor area of 837 square metres and a maximum gross floor area of 1,115 square metres 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;
- g) Drug store/pharmacy; and
- h) 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) The total gross floor area of the food store/supermarket and accessory uses thereto shall not exceed 4,088 square metres;

- iii) The minimum gross floor area for any use identified in f), g) and h) above shall be 697 square metres;
- iv) Notwithstanding the minimum gross floor area set out in (iii) 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 697 square metres, provided that the aggregate gross floor area of those units does not exceed 1,115 square metres and does not include the sale of liquor and/or beer;
- vi) That the following uses within the C-6 Zone in Section 9 of this By-law are prohibited within the portion of Part 3 identified as "1.9-ha portion"
 - a. Service and repair facilities associated with automotive sales and rental as a primary or accessory use;
 - b. Automotive service station/repair/public garage/gas bar as a primary or accessory use;
 - c. Warehousing and bulk storage of oil/gasoline/petroleum products associated with auto supply;
 - d. Service and repair facilities associated with recreational vehicle sales and rental;
 - e. Service and repair facilities associated with recreational vehicle sales and Rental;
 - f. Warehousing of cleaning products, pesticides, herbicides fungicides and chemicals associated with a garden centre or nursery;
 - g. Industrial and farm equipment sales and rentals;
 - h. Warehousing of cleaning products, pesticides, herbicides fungicides and chemicals associated with a feed, seed and farm supply depot; and
 - i. 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 4, 5 and the C-6 Zone in Section 9; and
- x) Notwithstanding Subsection ix) above and Section 9.9 c) the Zoning By-Law, the area shown as Part 9 on the Plan 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 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;
- b) Public garage and body shop is prohibited;
- c) 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;
- d) Minimum side yard setback to the south property line shall be 10 metres;

- e) 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;
- f) That buildings used for light manufacturing, assembly, processing and repair, Warehousing (not including indoor storage accessory to permitted uses in the EM-4 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
- g) Subject to the applicable regulations in Sections 4, 5 and the EM-4 Zone in Section 10.

Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 4, 5 and 8 on the Plan and zoned EM-4 are subject to the following specific provisions, in addition to the EM-4 provisions in which the parcel lies:

- i) That the building line setback to Arthur Street shall be a minimum 15 metres;
- ii) 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;
- iii) Notwithstanding Section 10.6 c), 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; and
- iv) Notwithstanding ii) 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.

Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 6 on the Plan and zoned EM-5 are subject to the following specific provisions, in addition to the EM-5 provisions in which the parcel lies:

- i) There shall be no underground storage tanks permitted within this EM-5 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 and zoned C-6 are subject to the following specific provisions, in addition to applicable provisions in this section and the C-6 provisions in which the parcel lies:

- i) That a department 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 of the C-6 Zone in Section 9;
- ii) That a garden centre and farm supply depot is a permitted use, shall have a minimum floor area of 465 square metres and shall be subject to the provisions of the C-6 Zone in Section 9;

- iii) Notwithstanding Section 9.9 a), a maximum of two permitted retail uses in the C-6 Zone may have a Minimum Gross Floor Area of 186 square metres and a maximum of one operation for uses noted above may have a Minimum Gross Floor Area of 279 square metres; and
- iv) That the building line setback to Arthur Street shall be a minimum 15 metres;

28 South Street West, Elmira

16.169 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.262 of Schedule 'A' of this By-law (the "Plan") are subject to the following:

- a) That parking for any permitted use shall be a minimum of 1.0 space per unit;
- b) Maximum building height shall be 4 storeys;
- c) Front Yard shall be Snyder Avenue and that the front wall of any building shall face Snyder Avenue;
- d) Stacked Townhouse is permitted in accordance with the definition in Section 3 and the provisions in Section 7.8, unless provided otherwise in subsections i) to v) below:
 - i) Minimum Building Line Setback:
 - 1. Front wall: 3.5 m;
 - 2. To porch: 2 m; and
 - 3. All other Building Line Setback in Section 7.8 apply;
 - ii) Side Yard:
 - 1. Interior Side Yard: 3 m;
 - 2. Exterior Side Yard (setback to dwelling): 4.5 m;
 - 3. Exterior Side Yard (setback to porch): 3.5 m;
 - iii) Minimum Distance between Buildings: 3 metres;
 - iv) Minimum rear and side yard setback for parking shall be 0.6 m; and
 - v) No buffer strips shall be required; and
 - vi) All other applicable regulations in Sections 4, 5, 7.3 to 7.5;
- e) A Back-to-Back Townhouse is permitted in accordance with the definition in Section 3 and the provisions in Section 7.7 unless provided otherwise in Subsection d) above; and

Holding Provision

- f) Notwithstanding any other provisions of this By-law, the development of the lands identified with the (H), being the rear 19 m of the site, shall be limited to parking until such time as a further noise study and any associated mitigation works are completed to demonstrate that residential uses may be permitted within the area identified, all to the satisfaction of the Township, and Council has, by By-law removed the Holding Provision (H) symbol from the Zoning schedule pursuant to Section 36 of the *Planning Act*.

1212 King Street North, St. Jacobs

16.170 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.170 of Schedule 'A' of this By-law (the "Plan") 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 Provision 9 below;
 - b) Restaurant;
 - c) Convenience retail/variety store/food store;
 - d) Laundromat, laundry or dry cleaning;
 - e) Medical or dental office;
 - f) Hairdresser, barber, beautician;
 - g) Financial institution, bank machine;
 - h) Office;
 - 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 9.6 f); 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; and
 - b) Setbacks of any addition shall meet the minimum yard setbacks required for the C-3 Zone in Section 9;
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; and
- 12. All other provisions of Sections 4, 5 and the C-3 Zone in Section 9 shall apply.

1229 King Street North, St. Jacobs

16.171 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.171 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) A freestanding restaurant.

Subject to the applicable provisions in Sections 4, 5 and the EM-4 Zone in Section 10.

43, 45, 51-67 and 75 Snow Goose Crescent, Elmira

16.172 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.172 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 parcel lies:

- a) That the lands within the R-6A Zone and shown on the Plan as Blocks 1, 2, 3 and 4 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 2 and/or 3;
- ii) Shall not have more than 4 units attached;
- iii) The minimum lot frontage/width of each interior unit shall be 9 metres;
- iv) The minimum lot frontage/width of each end unit shall be 12 metres;
- v) The minimum building line setback for garages shall be 9 metres;
- vi) The minimum side yard of each interior unit shall be 0 and each end unit shall be 3 metres;
- vii) The minimum rear yard shall be 7.5 metres; and
- viii) In conformity with all other applicable regulations in Sections 4, 5 and the R-6A Zone in Section 7 including Section 7.5.

Regulations for Residential Building - Apartment

- i) Permitted on Blocks 1, 2, 3 and 4;
- 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; and
- v) In conformity with all other applicable regulations in Sections 4, 5 and the R-6A Zone in Section 7 including Section 7.5.

18 and 22 Florapine Road, Floradale

16.173 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.173 of Schedule 'A' of this By-law (the "Plan") shall be subject to the following provisions, in addition to the regulations noted in Sections 4, 5 and 12 of this By-law:

- a) That the Building Line setback for building addition(s) to the existing place of worship may be equal to or greater than the existing Building Line setback of the place of worship 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.

275 Church Street West, Elmira

16.174 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.174 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 zone which the parcel lies unless specially prohibited below:

- a) Farm equipment dealership; and
- b) Uses accessory thereto.

Subject to the following

- i) A dwelling unit shall be prohibited;
- ii) A maximum of 12.14 hectares shall be devoted to the uses noted in a) and b) above; and
- iii) In accordance with the applicable regulations in Sections 4, 5 and 6.

1855 Shantz Station Road

16.175 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.175 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) An agricultural rail transfer facility;
- b) Local flour mill; and
- c) Uses accessory to the above.

Subject to the following:

- i) 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;
- ii) 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;

- iii) 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;
- iv) 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;
- v) Notwithstanding Clause iii) 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;
- vi) In addition to any of the above requirements, the following setbacks shall apply to the agricultural rail transfer facility:
 - 1) Minimum setback for the rail facility from the CN Rail line property, 0-metres, and 10 metres from any other property line; and
 - 2) Minimum setback for accessory structures to the rail facility shall be 10 metres from the property line;
- vii) No processing (i.e., grain drying, etc.) of material is permitted; and
- viii) Compliance with all other applicable regulations of Sections 4, 5 and 6.

3 Second Street, Elmira

16.176 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.176 of Schedule ‘A’ of this By-law (the “Plan”) 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 R-2 Zone requirements in Section 7 and Sections 4 and 5; and
- b) Any change of use from the single-detached 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 4.11.

Valleyview Heights Subdivision (Phase 1), St. Jacobs

16.177 Notwithstanding any other provisions of this By-law, the lands within the R-6A Zone and shown as Block 130 on the plan forming Section 16.177 of Schedule ‘A’ of this By-law (the “Plan”) shall develop with the following uses only:

- 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 hairdresser/barber, for use of the residents only;

For the purpose of this section, a “seniors’ 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:

- 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 5 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):
 - 1) To the side lot line shall be 15 metres;
 - 2) To the property line adjacent to a road shall be 15 metres; and
 - 3) 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 4 and 7.3; and
- vi) In conformity with all other applicable regulations in Sections 4, 5 and the R-6A Zone in Section 7.

Notwithstanding Section 4 and 7, the lands identified as Blocks 131 to 135, inclusive within the R-2 Zone shown on the Plan, the following provisions apply:

- a) All building/structures existing on December 10, 2002, are deemed to comply; and
- b) No new buildings or structures including perimeter fences are permitted.

Notwithstanding Section 7 of this By-law, the lands identified as Block 138 within the R-1 Zone shown on the Plan may be used for parking accessory to a commercial printing operation in addition to the uses permitted in the zone.

Porchlight Drive/Killdeer Road Subdivision, Elmira

16.178 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.178 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 parcel lies:

- a) The Minimum Lot Frontage and Minimum Lot Width for the R-6A 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; and
- b) That the end residential lots / units abutting Church Street being Lots 34 and 35 (Stage 1) and Lots 1 and 39 (Stage 2) shown on the Plan shall be oriented to and have their front facade facing Church Street. For the purposes of this provision, a front facade shall include front doorway and entranceway which shall be useable.

Notwithstanding Sections 4 and 7, the following shall apply to the row townhouses in the R-6A zone:

- a) That a minimum of 14 units in the R-6A zone shall have a maximum height of 7.7 metres;
- b) That no more than 7 units shall be attached in one continuous block; and
- c) In conformity with all other applicable regulations in Sections 4, 5 and the R-6A Zone in Section 7 including Section 7.5.

3 and 5 Woolwich Street North, Breslau

16.179 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.179 of Schedule 'A' of this By-law (the "Plan") shall be subject to the following provisions in addition to the regulations noted in Section 4, 5 and the MU-3 Zone in Section 8.

- 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; and
- e) That the outdoor storage of hazardous material, toxic material, corrosive material, recyclable material, waste material, chemicals, fuels, oils or solvents shall be prohibited.

11, 13-15 and 17 First Street East, Elmira

16.180 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.180 of Schedule 'A' are subject to the following permitted uses and/or provisions in addition to the permitted uses and provisions in the zone that the lands lie unless otherwise restricted below:

PART A

The following uses are permitted within Open Space (O-2) zone shown as Part A on the Plan, being 15 metres in depth from the front property line adjacent to First Street:

- a) Private landscaped buffer, which shall include landscaping and driveways, but shall not include parking, parking aisles, display of products, and buildings or structures; and
- b) A sign in accordance with the sign by-law for industrial uses.

PART B

The lands within the EM-2 Zone shown as Part B on the Plan, being 25 metres in depth, are subject to the following permitted uses:

- a) Private club, hall or lodge, including the Royal Canadian Legion;
- b) Sale of small engines and automobiles;
- c) Catering service;
- d) Commercial printing or laundry;
- e) Commercial recreation including a bowling alley;
- f) Place of worship;
- g) Indoor storage or warehousing;
- h) Financial establishment;
- i) Health centre;
- j) Health clinic;
- k) Heating/plumbing (mechanical) contractor
- l) Home brewing outlet;
- m) Hotel and Motel only on the property shown on the Plan as 11 First Street in Elmira;
- n) Industrial mall;
- o) Offices;
- p) Parking lot;
- q) Research and development;
- r) Recreational vehicle sale and rental;
- s) Studio;
- t) Wholesale outlet;
- u) Veterinary clinic; and
- v) Restaurant within an industrial mall.

Subject to the following:

- i) No outdoor storage shall be permitted; and
- ii) All other requirements noted in Sections 4, 5 and the EM-2 Zone in Section 10.

PART C

The lands within the EM-2 Zone and shown as Part C on the Plan 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 Part B above are permitted in addition to the permitted uses of the EM- 2 Zone.
- c) Hotel and Motel is permitted with Part B only on the property at 11 First Street in Elmira which is shown on the Plan;

Subject to all other requirements noted in Sections 4, 5 and the EM-2 Zone in Section 10 save and except a Hotel and Motel permitted at 11 First Street in Elmira which is subject to the regulations in Sections 4, 5 and specifically 4.25.

76 and 84 Howard Avenue, Elmira

16.181 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the Plan forming Section 16.181 of Schedule 'A' of this By-law (the "Plan") 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:
 - i) Commercial recreation;
 - ii) Data service operation;
 - iii) Freestanding non-accessory office;
 - iv) Research and development facility;
 - v) Studio; and
 - vi) Theatre for the performing arts,
 All subject to the regulations in Sections 4, 5 and the EM-2 Zone in Section 10.
- 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 Sections 4, 5 and the EM-2 Zone in Section 10.
- c) That the following uses shall be prohibited on lands identified as Parts 1 and 2 on the Plan:
 - i) Manufacturing of asbestos, phosphate or sulphur products;
 - ii) Primary production of chemicals, synthetic rubber, plastic or asphalt, including an asphalt plant;
 - iii) Processing or refining of petroleum or coal;
 - iv) Tanning or chemical processing of pelts or leather; and
 - v) Vulcanizing of rubber or rubber products; and
 - vi) Heavy metal stamping, blanking or punch-pressing of metal;
- d) 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, Conservation and Parks 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*.

Dolman Street Severances, Breslau

16.182 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.182 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 parcel lies:

- 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-3A Zone; and
- b) Minimum setback between a residential unit and a railway right-of-way shall be 30 metres.

River Run Place Subdivision, Conestogo

16.183 Notwithstanding any other provisions of this By-law, for Lots 11 to 16 inclusive illustrated on the plan forming Section 16.183 of Schedule 'A' of this By-law (the "Plan"), 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.

1214 Noah Road

16.184 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.184 of Schedule 'A' of this By-law (the "Plan") may be used in accordance with following, in addition to the uses permitted in the zone within which the parcel lies:

- a) The Minimum Distance Separation (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,
- c) All other development shall be in conformity with all other applicable regulations in Sections 4, 5 and 6.

Sugar King Drive/Raceway Subdivision, Elmira

16.185 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.185 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 parcel lies:

- a) Minimum Lot Width of a corner lot shall be 18 metres for Lot 7 within the R-2A Zone as shown on the Plan;
- b) The lands within the R-6A Zone and shown on the Plan as Blocks 153 to 163, inclusive on the Plan shall develop with the following uses only:
 - i) Residential building – senior bungalow townhouses row;
 - ii) Residential building - townhouse row as defined in Section 3; and
 - iii) Uses, buildings or structures accessory to the foregoing permitted use.

For the purpose of this sub-section, a "residential building - senior bungalow townhouses row" means a one storey, residential building – townhouse row (which may include lofts) as defined in Section 3, designed and built for the accommodation of the elderly, which is defined as persons aged 55 years and over;
- c) The permitted uses in b) above are subject to the following additional provision:

- i) The Plan shall contain a maximum of 45 residential building – senior bungalow townhouse row units and shall be located on Blocks 153 to 161, inclusive;
 - ii) The Plan shall contain a maximum of 10 residential building –townhouse row units and shall be located on Blocks 162 and 163;
 - iii) The residential building – senior bungalow townhouse row and the residential building –townhouse row 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 row unit shall be 6 metres and for a residential building – townhouse row unit shall be 9 metres;
 - v) Notwithstanding c) iv) above, the minimum driveway width for senior bungalow townhouse row 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 row blocks.
 - vii) The minimum Side Yard requirement for the flankage (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 townhouse row units shall be 6 metres;
 - ix) The maximum Lot Coverage of all buildings is 60% of lot area; and
 - x) In conformity with all other applicable regulations in this Section, Sections 4, 5 and the R-6A Zone in Section 7; and
- d) Notwithstanding Section 4.20 of this By-law, the lands identified as Block 146, within the O-1 Zone as shown on the Plan may have a Minimum Lot Frontage of 0 metres.

101, 121 and 141 Largo Woods Lane, Winterbourne

16.186 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.186 of Schedule 'A' of this By-law (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 requirements for each lot shall be 5 metres; and
- d) In conformity with all other applicable regulations in Sections 4, 5 and the R-1 Zone in Section 7.

44, 46 and 48 St Charles Street East, Maryhill

16.187 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 16.187 of Schedule 'A' of this By-law (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; and

- d) In conformity with all other applicable regulations in Sections 4, 5 and the R-1 Zone in Section 7.

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.

Vacant parcel on Sawmill Road, Bloomingdale

16.188 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.188 of Schedule 'A', of this By-law (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;
- b) 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;
- c) Guest house associated with the hospice for the temporary lodging of visiting family members of those suffering a terminal illness; and
- d) Accessory uses to the foregoing (e.g., administration offices, maintenance buildings, meeting rooms).

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 Sections 4 and 12;
- ii) That the development of the lands illustrated 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:
 - a. 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;
 - b. A pumping test to assess water quality and well interference has been completed to the satisfaction of the Region; and
 - c. 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.

689 St Charles Street East

16.189 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.189 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses and regulations in addition to those uses permitted in the zone within the area the lands lie:

Part 1

- a) Banquet facilities; and
- b) Place of worship.

Subject to the following:

- i) The minimum front yard setback shall be 7.6 metres from the property line or 23 metres from the centre of the road; and
- ii) In accordance with all other regulations in the Institutional (P) Zone in Section 12.

Part 2

- a) Open Space - Wetland

The above noted uses shall develop in accordance with O-2 Zone regulations in Section 14.

265 Katherine Street South

16.190 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 16.190 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Seed treatment;
- b) Grain cleaning; and
- c) Uses accessory to the above.

In compliance with all other applicable regulations of Sections 4, 5 and 6.

131 Flax Mill Drive and Vacant Land on Flax Mill Drive, Conestogo

16.191 Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 16.191 of Schedule 'A' of this By-law (the "Plan") 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 on the Plan; and
- b) In compliance with all other applicable regulations of Sections 4, 5 and 12-

Notwithstanding any other provisions of this By-law, the lands illustrated as Part 2 on the Plan may be used for the following use only:

- a) Parking lot.

Subject to:

- i) Parking spaces shall be setback a minimum of 3.0 metres from Flax Mill Drive and 2.0 metres from any interior lot line; and
- ii) In compliance with all other applicable regulations of Sections 4, 5 and 12.

Church Street/Robb Road/Poffenroth Path (Woolwich Holdings) Subdivision, Elmira

16.192 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.192 of Schedule 'A' of this By-law (the "Plan") are subject to the following provisions, in addition to the provisions of the zones in which the parcel lies:

- a) 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; and
- b) 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 shall still apply.

Notwithstanding any other provisions of this By-law, the lands within the R-6A Zone and shown as Blocks A and B on the Plan shall develop with the following uses only:

- a) Residential building – townhouse row; and
- 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 row units and shall be located on Blocks B and C, inclusive;
- ii) The residential building –townhouses row 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 row unit shall be 6 metres;
- iv) The minimum driveway width for a townhouse row unit 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 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;
- vi) The minimum Rear Yard requirement for a one or one and half storey townhouse units shall be 6 metres and for a two storey townhouse unit shall be 7.5 metres; and
- vii) In conformity with all other applicable regulations in Sections 4, 5 and the R-6A Zone in Section 7.

7400 Reid Woods Drive

16.193 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.193 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses in addition to those uses permitted in the zone within which the parcel lies:

- a) A wholesale farm produce auction, which includes an accessory use of charity auctions; and
- b) Other farm related uses which are limited to farm equipment auction, and MCC meat canning operation.

Subject to the following:

- i) A residential building is prohibited;
- ii) Wholesale shall mean the selling of articles to those in the trade, but shall not mean a farmer's market;
- iii) Farm produce shall mean fruit, vegetables, and flowers but not include processed foods;
- iv) 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;
- v) That no auctioning of produce shall take place outside of an enclosed building, with the exception of the semi-annual farm equipment auction;
- vi) 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;
- vii) Accessory offices and a portable food trailer shall be permitted as accessory to the produce auction and also remain outside of the MDS setback;
- viii) The Minimum Building Line Setback from Reid Woods Drive shall be 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;
- ix) Maximum lot coverage of all buildings and structures, including trailers shall be 20%; and
- x) In compliance with all other applicable regulations of Sections 4, 5 and 6.

840 King Street North, Stockyards Area

16.194 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.194 of Schedule 'A' of this By-law (the "Plan") 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 as outlined in Section 7.2 in the Zoning By-law and in conformity with the regulations in Sections 4, 5 and the R-2 Zone in Section 7; 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 of the ST-2 Zone in Section 11.

2240 New Jerusalem Road

16.195 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.195 of Schedule 'A' of this By-law (the "Plan") may be used for a fabric and dry goods store in addition to those uses permitted in the zone the lands lies, 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 Diversified use shall be permitted in addition to the fabric and dry goods store;
- c) The use shall be subject to all other regulations in Section 6.4; and
- d) All other applicable regulations in Sections 4, 5 and 6.

610 Katherine Street North

16.196 Notwithstanding any other provisions of this By-law, the building identified as "existing farmhouse" located on the lands illustrated on the plan forming Section 16.196 of Schedule 'A' of this By-law (the "Plan") shall only be used for one of the following permitted uses:

- a) A residential building-one unit as permitted in Section 6 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 4.2, if another residential building – one unit is constructed on the property, or
- c) 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 4, 5 and 6;
- 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 4.2, 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; and
- 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 4, 5 and 6, shown as the "Buildable Area" on the Plan.

13, 15, 17, 21 and 23 Industrial Drive and 45 and 47 Industrial Drive and 1 Union Street, Elmira

16.197 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.197 of Schedule 'A' of this By-law (the "Plan") may allow the following uses in addition to the permitted uses in the zones the respective lands lies:

- a) Factory outlet as defined below; and
- b) Flooring store.

Subject to the following regulations:

- i) 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;
- ii) An accessory residential unit noted in 10.1 shall be prohibited; and
- iii) In accordance with the regulations in Sections 4, 5 and the EM-4 Zone in Section 10.

1877 King Street North

16.198 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.198 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Church;
- b) Cemetery; and
- c) Uses accessory to a church and cemetery.

Subject to the following:

- i) Minimum Side Yard Setback for the church is half the building height but no less than 3 metres;
- ii) Minimum accessory building Side and Rear Yard Setbacks is a 1 metre;
- iii) Minimum parking space setbacks for horse drawn vehicles in the Front Yard is 1 metre; and
- iv) In compliance with all other applicable regulations of Sections 4, 5 and 6.

Behind 2600 and 2660 Arthur Street North

16.199 Notwithstanding any other provisions of this By-law the lands illustrated on the plan forming Section 16.199 of Schedule 'A' of this By-law (the "Plan") 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 as shown as Parts 1 and 2 on the Plan, 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 the Plan. The uses set out in paragraph (a) above 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; and
- iv) The grinding of wood waste shall be restricted exclusively to the area shown as Part 2 on the Plan, being Part 3 on Plan 58R-15314.

889 Bridge Street West

16.200

Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Part 12 of Schedule 'C' and Section 16.200 of Schedule 'A' of this By-law (the "Plan") 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*, Temporary Use By-laws, and shall be in effect only until May 16, 2025;
- 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*, 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) In compliance with all other applicable regulations of Sections 4, 5 and 6.

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan are subject to the following additional 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; and
- b) In compliance with all other applicable regulations of Sections 4, 5 and 6.

50 St Charles Street East, Maryhill

16.201 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming 16.201 of Schedule 'A' of this By-law (the "Plan") may have a minimum Lot Width of 18 metres.

232 Arthur Street South, Elmira

16.202 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.202 of Schedule 'A' of this By-law (the "Plan") 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 square metres (678 square feet) of vestibule/cart storage only and 3115 square metres (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 for the C-6 Zone in Section 9;
 - 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 in Section 5.

Subject to the following regulations and the applicable regulations in Sections 4 and 9 of this By-law:

- i) The northerly side yard of the 3115 square metre gross floor area building, existing as of March 7, 2006 (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 (the "Horse Shelter") 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 a 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 of the C-6 Zone in Section 9 (save and except a restaurant), personal service uses and a maximum 2360 square metre retail area for a food store as outlined in Section 5. Any restaurant use within 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 5;
- vi) Notwithstanding Sections 9.2 g), 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 4.11;
- vii) That the area identified as "Part 1" on the Plan shall be used for parking, landscaping, food cart storage, an outdoor seasonal garden centre accessory to the food store, and pedestrian/vehicular access; and
- viii) That the land identified on the Plan shall not exceed 0.94 hectares.

Notwithstanding any other provisions of this By-law, the following uses are prohibited to locate on the lands illustrated on the Plan.

- a) Building supplies dealer;
- b) Automobile service station;
- c) Industrial and farm equipment,
- d) Department Store or General Merchandise Store; and
- e) Farm Supply Depot.

Vacant Farm Across from 1621 Durst Road

16.203 Notwithstanding Section 6.1 g) of this By-law, an On-Farm Diversified Use is prohibited on the lands illustrated on the plan forming Section 16.203 of Schedule 'A' of this By-law (the "Plan"), if an On-farm Diversified Use is established and exceeds the maximum floor area limits permitted in Section 6.4 b) on lands at 1621 Durst Road.

544 Sawmill Road

16.204 Notwithstanding any other provisions of this By-law, the portion of the lands identified as "Area of Operation" illustrated on the plan forming Section 16.204 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 zone within which the parcel lies:

- a) Agricultural cash crop facility; and
- b) Uses accessory to the above.

Subject to the following:

- i) 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);
- ii) 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;
- iii) Notwithstanding Clause ii) 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;
- iv) Minimum Building Line Setback from Sawmill Road shall be 9 metres;
- v) Accessory uses shall include the storage and repair of farm equipment required for agricultural cash crop facility and offices; and
- vi) In compliance with all other applicable regulations of Sections 4, 5 and 6.

1620 King Street North, St. Jacobs

16.205 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.205 of Schedule 'A' of this By-law (the "Plan") 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 4.25 and the applicable regulations in Sections 4 and 5.

5064 Arthur Street North

16.206 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.206 of Schedule 'A' of this By-law (the "Plan") 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) Place of Worship;
- 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 Section 5;
- ix) That the church and cemetery use 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; and
- x) In conformity with all other applicable regulations of Sections 4 and 5.

Riverland (Empire Communities) Area 1 Subdivision, Breslau

16.207 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.207 of Schedule 'A' of the By-law (the "Plan") shall be subject to the following regulation, in addition to the regulations outlined in the zone within which the parcel lies:

- a) Notwithstanding Section 7.5 b) and e), the minimum front porch width shall be 2.85 metres.

1625 Kossuth Road

16.208 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.208 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific uses 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 which shall be located only within Part 1 on the Plan and subject to the regulations in Paragraph c) below; and
- b) A Residential Building – Bunkhouse, which shall be located only within Part 2 on the Plan and subject to the regulations in Paragraph d) below.

Subject to the following:

c) Outdoor Topsoil Operation

- i) That the topsoil used in the operation cannot be stripped from the farm or other designated agricultural properties;
- ii) 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) shown as Part 1 on the Plan but does not include those existing internal laneways that connect the topsoil operation to the public roads;
- iii) The bulk mulch bins shall be limited to a maximum area of 650 square metres with the area noted in clause ii above;
- iv) That the entire topsoil and mulch operation must be clustered with the farm operation and shall be to the rear of the farm building;
- v) No buildings shall be permitted for the operation;
- vi) 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.;
- vii) Must be operated by the resident farmer, a resident member of the farm family or non-resident owner of the farm who own farms the property;
- viii) 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;
- ix) 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;
- x) Shall not be severed from the farm;
- xi) No other On-Farm Business is permitted in addition to the topsoil and mulch operation; and
- xii) In compliance with all other applicable regulations in Sections 4, 5 and 6.

d) Residential Building - Bunkhouse

- i) For purpose of this Section, a bunkhouse is defined as a building or part of a building as an agricultural use for the temporary accommodation of extended seasonal farm workers, provided that such accommodation does

not serve as the principal place of residence of an occupant. The bunkhouse may be a permanent building or temporary building such as a trailer or mobile home, which may have one or more living units where the building takes on the external appearance of a residential building – one unit dwelling, bunkhouse, or farm building but not a residential building semi-detached or townhouse;

- ii) A multi-unit bunkhouse structure shall have a maximum permitted height of 10.5 metres, a maximum permitted ground floor area of 800 square metres and is permitted to contain a maximum total of 30 persons for the purpose of assisting with farming and on-site business operations;
- iii) The multi-unit bunkhouse structure (and associated outdoor parking, internal laneway and area dedicated to private water and septic services) shall be restricted in area to 0.60 hectares (1.48 acres) shown as Part 2 on the Plan but does not include those existing internal laneways that connects the bunkhouse to the public roads; and
- iv) In compliance with all other applicable regulations in Sections 4, 5 and Section 6.

762 St. Charles Street West

16.209 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.209 of Schedule 'A' of this By-law (the "Plan") 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:

- i) That no additions or expansions shall be permitted to the existing group home building/ residence; and
- ii) In compliance with all other applicable regulations of Sections 4, 5 and 6.

1600 King Street North, St. Jacobs

16.210 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.210 of Schedule 'A' of this By-law (the "Plan") 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
- b) Uses accessory thereto.

In compliance with the applicable regulations in Sections 4, 5 and the EM-1 Zone in Section 10.

Kenning Place and Martin's Lane, Elmira

16.211 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.211 of Schedule 'A' of this By-law (the "Plan") are subject to the following:

Part A

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Part 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:

- a) Minimum lot area is 2.5 hectares;
- b) Minimum setback for a residential building from the EM-5 zone or EM-5 (H) Zone as may be applicable (but not the EM-5 (f) Zone) is 100 metres; and
- c) No development within the O-2 Zone.

Parts B and C

Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Parts B and C shall be used in accordance with the following in addition to those uses permitted in the zone within which the parcel lies:

- a) The following specific uses shall not be permitted:
 - Sawmill;
 - Truck fuel depot; and
 - Bulk fuel (gas, propane etc.) storage and/or dispensing; and
- b) 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 and identified with an H symbol shall not be permitted to develop until such time as:

- a) The Township of Woolwich Council is satisfied that the development proposed has:
 - i) The necessary road access;
 - ii) Provided the lands for a by-pass or completed a transportation study showing that a by-pass is not required;
 - iii) Services are available;
 - iv) Infrastructure is available; and
 - v) That the residential properties along Arthur Street North are notified of the removal of the Holding provisions; and
- b) A By-law has been passed removing the Holding Provision (H) symbol from the Zoning schedules pursuant to Section 36 of the *Planning Act*.

1150 Durst Road

16.212 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.212 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Place of Worship (meeting house) in 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 shall be restricted to the area shown on the Plan which is no greater than 1.0 hectares in area;
- ii) That the use be considered a Type A land use for purposes of calculating any Minimum Distance Separation (MDS); and
- iii) In compliance with all other applicable regulations of Sections 4, 5 and 6.

30 Church Street West, Elmira

16.213 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.213 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; and
- c) 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) Seniors' 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.

46 Joseph Street, Breslau

16.214 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.214 of Schedule 'A' of this By-law (the "Plan") shall be subject to the following specific provisions in addition to those provisions contained in the zone within which the parcel lies:

- a) The existing retained dwelling may have a minimum rear yard setback of 3.3 subject to:
 - i) That the Front Yard be adjacent to Joseph Street; and
 - ii) That a 10-metre setback (not including a deck or patio) between the dwelling and Shields Street (flankage) be maintained for an amenity space.

6225 Middlebrook Road

16.215 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 10 of Schedule ‘C’ and Section 16.215 of Schedule ‘A’ of this By-law (the “Plan”), are subject to the following:

Permitted Uses:

- a) Agricultural uses in accordance Section 6, but not including buildings or structures; and
- b) An aggregate extraction operation within the “Expanded Additional License Area / Area of Extraction” shown on the Plan.

Subject to the following regulations:

- i) That the maximum depth of aggregate extraction on the site shall range to elevations of between 333.0 and 340.0 metres above sea level as shown on Schedule ‘A’ Figure 2 of this by-law; Deferred – Subsection i) and Figure 2 remains deferred and subject to OLT Appeal;
- i) Extraction shall only take place within the areas shown on the Plan as the “Portions Zoned for Extraction”; and
- ii) 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*.

1770 and 1772 Shantz Station Road

16.216 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.216 of Schedule ‘A’ of this By-law (the “Plan”) 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:

- a) No additional residential unit shall be permitted, which includes that the two permitted units must remain as a single detached dwelling and shall not be duplexed or converted to multiple units; and
- b) In compliance with all other applicable regulations of Sections 4, 5 and 6.

Lunor Group Subdivision and 122 Church Street West, Elmira

16.217 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.217 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

- a) Lands within the R-5A Zone 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 4, 5 and the R-6A Zone in Section 7;
- b) Lands within the R-6A Zone and contains an asterisk (R-6A*) 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 4, 5 and the R-5A Zone in Section 7;

- c) Notwithstanding Section 3 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-6A*, as noted above, and will be subject to the following:
 - i) 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;
 - ii) 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;
 - iii) The total minimum internal side yard requirements shall be as follows:
 - 1) 1.8 metres between two detached residential building – one unit, duplex and/or semi-detached;
 - 2) 2.7 metres between two detached residential building – one unit or duplex or residential building – semi-detached and a residential building –row; or
 - 3) 3.0 metres between two detached residential building – townhouse row;
 - iv) For the purpose of this section, if the dwelling unit does not front onto a public road, the applicable “building line setback” 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; and
 - v) In conformity to the applicable regulations in Section 4, 5 and the respective housing types permitted in the R-5A and R-6A Zone;
- d) Lands with the R-6A Zone and contains an X-suffix (R-6A(X)) as illustrated on the Plan, shall only allow a residential building – apartment as a permitted use, subject to the applicable regulations in Sections 4, 5 and R-6A Zone in Section 7;
- e) Notwithstanding Section 3 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;
- f) Notwithstanding R-6 provisions in Section 7, the minimum Lot Width for Block 33 on the Northview Draft Plan shall be 9 metres; and
- g) Condominium Approved Development, pursuant to the *Planning Act*, shall be deemed to be permitted and considered as a Group Multiple Housing Development as per Sections 3. Internal lot lines created by:
 - i) A phased registration of a plan of condominium; or
 - ii) 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

- a) Notwithstanding Section 9.2 of this By-law, a Maximum Total Gross Commercial Floor Area of the Commercial Uses does not apply to the C-4 zoned lands within the Plan;
- b) Notwithstanding Section 9.1 of this By-law, a drive-thru restaurant is permitted subject to conformity with the Section 5.4 and the C-4 regulations in Section 9.
- c) Food stores (not including permitted Convenience Retail/Variety Store) are prohibited in C-4 and C-6 Zoned lands within the Plan.

C) HOLDING PROVISIONS

- a) Notwithstanding any other provision of this By-law, the development of lands within the Plan identified with an (H-1) 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 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*; and
- b) Notwithstanding any other provisions in this By-law, the development of the lands within the Plan identified with C-6 (H-2) 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*.

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 may be used for the following specific use in addition to the permitted uses in the C-6 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;
- b) 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; and
 - v) Shall be in conformity with the applicable regulations of the C-6 Zone in Section 9 and Sections 4 and 5.

7021 Sideroad 5

16.218 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.218 of Schedule 'A' of this By-law (the "Plan") 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) The use be restricted to the "Area of Operation" shown on the Plan, being a maximum area of 1.03 ha;
- ii) The existing 1,215 square metre barn may be used for no use other than the storage of fertilizer products or uses otherwise permitted in the Agricultural (A) Zone;
- iii) 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) The use shall not be severed from the property; and
- vi) In compliance with all other applicable regulations in Sections 4, 5 and 6.

300 Woolwich Street South, Breslau

16.219 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.219 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 Environment, Conservation and Parks to address an existing plume of soil and groundwater contamination (hereinafter the "RAP"); and
- 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 O-2 as shown on the Plan and in Schedule 'B31' 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; and
- vii) Shall be in conformity with the applicable regulations in Section 4, 5 and the EM-1 Zone in Section 10.

758 Benjamin Road

16.220 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.220 of Schedule 'A' of this By-law (the "Plan") permits the following in addition to those uses permitted in the zone within which the parcel lies:

- a) 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;

- b) 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);
- c) Non-commercial greenhouse sales operations are permitted to retail only products grown and raised on site and as defined below;
- d) 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;
- e) 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;
- f) Shall provide parking in accordance with Section 5.2, based on one (1) space for each 18.5 square metres of retail floor area;
- g) 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; and
- h) For the purposes of this section the following definitions shall apply:
 - i) "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; and
 - ii) "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.

1021 Bisch Street

16.221 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.221 of Schedule 'A' of this By-law (the "Plan") is subject to the following:

- a) That no livestock or manure storage shall be permitted unless it can be clearly demonstrated that the MDS can be achieved between the livestock operation and the designated portion within the City of Waterloo. For the purposes of

- any MDS, the separation to the City of Waterloo boundary shall be based on Type B land uses; and
- b) That the following actions shall not be permitted within the wetland/woodlot area identified as Part 1 on the Plan:
 - i) Development or site alteration;
 - ii) Grading; and/or
 - iii) Removal of trees, unless authorized by the Region under their Tree Cutting Bylaw.

56 Howard Avenue, Elmira

- 16.222** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.222 of Schedule 'A' of this By-law (the "Plan") shall be permitted the following additional uses and subject to the following specific provisions in addition to those uses permitted and regulated in the zone within which the parcel lies:
- a) A hyperbaric chamber clinic within an industrial mall notwithstanding that one of the units may contain a body shop; and
 - b) Uses accessory to the above.

10 Front Street, St. Jacobs

- 16.223** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.223 of Schedule 'A' of this By-law (the "Plan") shall be permitted in accordance with the following specific provisions in addition to those uses permitted in the zone within which the parcel lies:
- a) Notwithstanding Section 3, 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
 - b) A reduced rear yard setback of 4.5 metres.

3 Erb Street, Elmira

- 16.224** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.224 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions in addition to the provisions of the zone in which the parcel lies:
- a) A reduced rear yard building setback to recognize the existing building being approximately 6.9 metres;
 - b) A reduced east side yard setback to recognize the existing building, being approximately 0.7 metres; and
 - c) A reduced parking space setback of a minimum of 1.2 metres abutting Duke Street.

125 Peel Street

16.225 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.225 of Schedule "A" to this By-law (the "Plan") are permitted the following uses only and subject to the following regulations:

A. EXTRACTIVE ZONE PROVISIONS

Notwithstanding any other provisions of this By-law, the 17.5 hectare eastern portion of the lands shown on the Plan and labeled as (E) Extractive (also see Part 13 of Schedule 'C') may be used for the following specific uses:

- a) The making, establishment or operation of a gravel pit;
- b) Those farming and accessory uses found in Subsection 14.1; and
- c) The importation of clean material only for the purposes of backfilling for final rehabilitation slopes and any other required earthworks.

B. AGRICULTURAL PROVISIONS

Notwithstanding any other provisions of this By-law, the approximately 18.5-hectare western portion of the lands within the A-Zone shown on the Plan shall be developed in accordance with the following provisions in addition to those uses permitted in the zone within which the lands lie:

- a) 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 E-Zone;
- b) Within the area labeled as "Heritage Overlay" shown on the Plan, the following shall apply:
 - i) 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; and
 - ii) 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;
- c) 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 b) i), above;
- d) For greater certainty, no extraction of mineral aggregates is permitted to occur within this zone; and
- e) In compliance with all other applicable regulations of Sections 4, 5 and 6.

C. TEMPORARY USE PROVISIONS

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 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 recycling material.

Subject to the following:

- i) That the importation and processing of recycling material is approved under the provisions of Section 39 of the *Planning Act*, 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 most recent LPAT Order (dated November 13, 2020) thus expiring on November 13, 2023;
- ii) 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;
- iii) That the total amount of imported clean and uncontaminated recycling material shall not exceed a maximum of 40% of the total aggregate produced on site calculated annually;
- iv) That the total amount of imported clean and uncontaminated recycling material shall not exceed a combined 30,000 tonnes annually;
- v) That the total amount of stockpiled imported clean and uncontaminated recycling material shall not exceed a combined 30,000 tonnes annually;
- vi) 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;
- vii) 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 vi) above. This information shall be provided to the Township on a confidential basis; and
- viii) The following definition shall apply for the purposes of Subsection C:

“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.

855 Arthur Street South

16.226 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.226 of Schedule 'A' of this By-law (the "Plan") 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; and
- 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" shown on the Plan, which shall be a maximum area of 0.3 hectares; and
- ii) In compliance with all other applicable regulations of Sections 4, 5 and 6.

Notwithstanding any other provisions of this By-law, a livestock barn may be located on the lands shown on the Plan a minimum of 485 metres from the residential zone limit at the north end of St. Jacobs and in compliance with all other applicable regulations of Sections 4, 5 and 6.

65 Oriole Parkway East and 109-115 Bonnie Crescent, Elmira

16.227 Notwithstanding any other provisions of this By-law, the lands illustrated as Parts 1 and 2 on the plan forming Section 16.227 of Schedule 'A' of this By-law (the "Plan") shall be subject to the following specific provisions in addition to those provision contained in the zone within which the parcel lies:

- a) A minimum side yard requirement for Part 1:
 - i) 1 metre to the westerly side yard;
 - ii) 1 metre for the overhead bins from the easterly side yard; and
 - iii) 4 metres for the building from the easterly side yard;
- b) A maximum lot coverage for Part 1 for all buildings is 60% of the lot area;
- c) Trucks are allowed to back into loading areas on Part 1 by using Oriole Parkway East and Bonnie Crescent provided that no truck shall block the road while being loaded or unloaded; and
- d) Required parking for Part 1, except for accessible parking spaces which must be provided on Part 1, is permitted to be located on Part 2 subject to the following:
 - i) That the required parking for Part 1 is registered on title for both Part 1 and Part 2 through a site plan agreement;
 - ii) That the owner of Part 1 shall provide sidewalks and crosswalks to ensure pedestrian safety from the parking lot on Part 2 to the site on Part 1; and
 - iii) That the municipal road allowance is not to be used for employee parking.

Southwood 3 – Birdland Developments Limited Subdivision, Elmira

16.228 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.228 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) Notwithstanding Section 7.3 g) 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;
- b) Notwithstanding Section 7.3 g) 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; and
- c) 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.

2499 and 2507 Kressler Road

16.229 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.229 of Schedule 'A' of this By-law may have the following lot minimums:

- a) 2499 Kressler Road:
 - i) Minimum lot width of 22 metres; and
 - ii) Minimum lot area of 1340 square metres.
- b) 2507 Kressler Road:
 - i) Minimum lot width of 50 metres; and
 - ii) Minimum lot area of 16,430 square metres.

In compliance with all other applicable regulations of Sections 4, 5 and 6.

4 Katherine Street North, Winterbourne

16.230 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.230 of Schedule 'A' of this By-law (the "Plan") shall be limited to the following C-2 Zone uses:

- a) Boutique retail;
- b) Art gallery;
- c) Clinic;
- d) Dwelling conversion;
- e) Place of worship;
- f) Day nursery or nursery school;
- g) Dwelling units in a building, the street front of which is used for a permitted commercial and/or office use;
- h) Restaurant;
- 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 detached;
- q) Bed and breakfast;
- r) Uses accessory to any of the above permitted uses; and
- s) Uses accessory to residential shall be permitted outside the “Area of Operation” shown on the Plan, but behind the building line setback.

Subject to the following regulations:

- i) 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;
- ii) Accessory shall mean a use that is subordinate, incidental and exclusively devoted to a use permitted under this by-law;
- iii) Notwithstanding Subsection i) 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; and
 - i) Travel agency;
- iv) Boutique retail shall mean a retail operation that specializes in gifts, antiques, crafts, speciality foods, clothing, or accessories;
- v) Driveway access shall be located off of Katherine Street North;
- vi) 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; and
- vii) Accessory residential uses shall be permitted in accordance with s) above, and the R-1 Zone regulations.

Valley View Heights (St. Jacobs) Ltd. Area 2 Subdivision, St. Jacobs

16.231 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.231 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) For Block 52, townhouse – row the following provisions i) to iii) apply:
 - i) The front yard shall be Mill Race Crescent;
 - ii) The rear yard shall be Arthur Street South; and
 - iii) 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 lot line, but not permitted within an easement;
- b) 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 * symbol 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;
- c) Lots 1 to 4 in Stage 3 shall either:
 - i) Be permitted to develop in accordance with the R-5A Zone requirements, only if the Salvage Yard at 1065 Printery Road or any other non-residential uses does not exist behind the property;
 - or
 - ii) Be permitted to develop with:
 1. Only single storey dwellings (bungalows); or
 2. Single storey dwellings (bungalows) with a loft which can only face Water Street,
 but shall not have bedroom or sleeping accommodations with openings that face the side or rear yards above the first floor, if the Salvage Yard at 1065 Printery Road or any other non-residential use is or can operate from the site.

777 Sandy Hills Drive

16.232 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 5 of Schedule 'C' - Figure 2 and Section 16.232 of Schedule 'A' - Figure 1 of this By-law (the "Plan") are subject to the following:

- A. 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" shown on the Plan to allow an above water table extraction subject to the following regulations:
 - i) 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 the Plan;

- iii) The extraction shall only take place within the areas shown on the Plan as the portions within the E Zone; and
- iv) That the importation and processing of recycling concrete material shall be limited to the importation of concrete and subject to the following:
 1. That the total amount of imported recycling material shall not exceed a maximum of 40% of the total aggregate produced on site calculated annually;
 2. That the total amount of imported recycling material shall not exceed a combined 30,000 tonnes annually;
 3. That the total amount of stockpiled recycling material shall not exceed a combined 30,000 tonnes annually;
 4. 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;
 5. 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
 6. The following definition shall apply for the purposes of Subsection iv): "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.

B. Holding Provisions

- a) Notwithstanding any other provisions of this By-law, extraction other than above the water table extraction shall not be permitted on the lands shown on the Plan identified with an H Symbol, which corresponds with the lands within the E Zone until such time as:
 - i) The appropriate studies have been completed to the satisfaction of the Region and Township in accordance with the Regional Official Plan and the 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 is submitted; or
 - ii) A decision by Council to lift the Holding Provision (H) symbol from the Zoning Schedules subsequent to a determination by the LPAT that vertical zoning as a general principle is not permissible; and
 - iii) A By-law has been passed removing the Holding Provision (H) symbol from the Zoning Schedules pursuant to Section 36 of the *Planning Act*;
- b) The following definitions apply for the purposes of this "Holding Provisions" Subsection B:

- i) “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; and
- ii) “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.

Hopewell Crossings (Area 2) Subdivision, Breslau

16.233 Notwithstanding any other provision of this By-law, the lands illustrated on the plan forming Section 16.233 of Schedule ‘A’ if this By-law (the “Plan”) are subject to the following provisions, in addition to the provisions of the zone within which the parcel lies:

A. Special Lot and Setback Provisions

- a) 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; and
- b) 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.

B. Special Land Use Provisions

- a) Notwithstanding Section 10.8 a) i) in the EM-6 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 4, 5 and the EM-6 Zone in Section 10 and this Section;
- b) Notwithstanding the permitted uses in for the EM-6 Zone in Section 10, 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 10.1, subject to complying with the applicable regulations in Sections 4, 5 and the EM-6 Zone in Section 10 and this Section;
- c) Notwithstanding Sections 8.3 b) and c) for the MU-2 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; and
- d) Notwithstanding Section 7.6 f) for R-7 Zone, the maximum building height shall be 10 storeys.

C. Holding Provision

- a) That the development of lands within the Plan identified with a MU-2 (H1), EM-6 (H1) and EM-7 (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*; and
- b) That a Day Care Centre/School shall not be permitted on the lands within the Plan identified with an EM-6 (H2) Symbol, until Council has, by By-law, removed the Holding Provision (H2) Symbol from the Zoning Schedules pursuant to Section 36 of the *Planning Act*. 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 and the Region that demonstrates how any required mitigation measures will be implemented.

Riverland (Empire Communities) Area 2 Subdivision, Breslau

16.234 Notwithstanding any other provision of this By-law, the lands illustrated on the plan forming Section 16.234 of Schedule 'A' of this By-law (the "Plan") are subject to the following provisions, in addition to the provisions of the zone within which the parcel lies:

A. Special Lot and Setback Provisions

- a) Notwithstanding Section 7.3, the following regulations apply to the R-5A Zone within the Plan:
 - i) Minimum Side Yard Flankage - 2 metres to the porch; and
 - ii) 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;
- b) Notwithstanding Section 7.3, the following regulations apply to the R-6A Zone within the Plan for a residential building – townhouse row:
 - i) Minimum Side Yard Flankage – 2 metres to the porch;
- c) Notwithstanding the R-7A Zone regulations in Section 7.3, the following regulations apply to a group multiple development and/or residential building – townhouse row development for Block 53 on the Plan:
 - i) Minimum Building Setback to the North External Lot Line – 7 metres;
 - ii) 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;

- iii) 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;
- iv) 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;
- v) 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, and
 - Minimum Amenity Space – 30 square meters;
- vi) Townhouse Blocks shall not have more than eight units attached in one continuous block; and
- vii) 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 5.2; and
- d) Notwithstanding Section 12.2 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.

B. Special Use Provision

- a) 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.

C. Minimum Garage Width and Landscape Areas

Notwithstanding any other requirements in Sections 4 and 5:

- a) 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
- b) The requirements of Section 4.27, being the minimum landscaped area within the front yard shall not apply. The driveway width maximum of 60% shall still apply.

D. Additional Special Lot and Setback Provisions

Notwithstanding Paragraph A) a) ii) 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.

5800 Weisenberg Road

16.235 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.235 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Place of worship (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 MDS;
- iii) Parking stalls shall be not less than 2.5 metres wide and 6.7 metres long; and
- iv) In compliance with all other applicable regulations of Sections 4, 5 and 6.

3 Riverside Drive West, Elmira

16.236 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.236 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) 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;
- b) Side yard of 5.4 metres for the east side;
- c) Minimum driveway width of 5.4 metres;
- d) Definition of a residential building - apartment shall mean:
"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
- e) In compliance with all other applicable regulations of Sections 4, 5 and the R-6 Zone in Section 7.

1175 Wurster Place

16.237 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.237 of Schedule 'A' of this By-law (the "Plan") may have a minimum lot frontage of 12 metres of frontage on an unopened public road subject to the following:

- a) That the use be restricted to:
 - i) To the area of operation;
 - ii) 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
 - iii) 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; and
- b) In compliance with all other applicable regulations of Sections 4, 5 and 6.

50 Martin's Lane, Elmira

16.238 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.238 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies, which includes recognizing a minimum lot frontage/width of 8 metres:

- a) An electrical energy battery storage facility.

Subject to the following:

- i) The operation shall have a maximum capacity of 2MW/4MWh;
- ii) 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;
- iii) The operation may include a transformer building, control building, an emergency generator and other such accessory structures;
- iv) No outdoor storage is permitted on lands zoned for an Electrical Energy Battery Storage Facility;
- v) The operation shall be contained within the area identified as "Area of Operation" shown on the Plan and not exceeding 1.73 ha; and
- vi) Minimum parking required for the remotely operated Electrical Energy Battery Storage Facility: Zero.

23 Duke Street, Elmira

16.239 Notwithstanding any other provisions of this By-law, the lands identified on the plan that is forming Section 16.239 of Schedule 'A' of this By-law (the "Plan") the following regulations shall apply:

- a) Minimum Side Yard Setback – 1.5 metres;
- b) Minimum Rear Yard Setback – 1.5 metres; and
- c) Notwithstanding Section 3, 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 unit is prohibited.

921 Katherine Street North

16.240 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.240 of Schedule 'A' of this By-law (the "Plan") 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; and
- 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 of 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 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*"; and
- ii) That the use be in compliance with all other applicable regulations of Sections 4, 5 and 7.

208 Woolwich Street South, Breslau

16.241 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.241 of Schedule 'A' of this By-law (the "Plan") shall be used for the following specific use only:

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 Width: 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; and
- ix) That the use be in compliance with all other applicable regulations of Sections 4 and 5 and the R-6A Zone in Section 7.

5080 and 5100 Fountain Street North, Breslau

16.242 Notwithstanding any other provisions of this By-law, the lands illustrated as Area 1 and 2 on the plan forming Section 16.242 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions, in addition to the provisions of the zone in which the parcel lies:

- a) Freestanding non-accessory office and an auction centre are permitted, subject to the regulations in Sections 4, 5 and the EM-1 Zone in Section 10;
- b) Hotel and Motel are permitted subject to the regulations in Sections 4, 5 and specifically 4.25 and
- c) 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 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

1580 Tilman Road

16.243 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.243 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Place of worship (meeting house);
- b) Cemetery; and
- c) 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", being 1.14 ha in area, as shown on the Plan;
- iv) That the use be considered a Type A land use for purposes of calculating any 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 Sections 4, 5 and 6.

Southwood 4 (Birdland Developments Limited) Subdivision, Elmira

16.244 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.244 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 7.3 g) for 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.

- ii) Notwithstanding i) above, the Minimum Rear Yard of a semi-detached corner unit, regardless of 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 i) above.

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.

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; and
- 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.

1140 Floradale Road

16.245 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.245 of Schedule 'A' of this By-law (the "Plan") 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; and
- 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 square metres in size;
- ii) The generator/skid steer building be restricted to a maximum of 48 square metres;
- iii) The use shall be located within the identified "Area of Operation" shown on the Plan, 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; and
- iv) In compliance with all other applicable regulations of Sections 4, 5 and 6.

46 Holmwood Street, Winterbourne

16.246 Notwithstanding any other provisions of this By-law, the lands illustrated on the Plan forming Section 16.246 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions, in addition to the zone in which the parcel lies:

- a) A minimum lot frontage and width of 9 metres; and
- b) That the use be in compliance with all other applicable regulations of Sections 4, 5 and the R-1 Zone in Section 7.

41 Holmwood Street, Winterbourne

16.247 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.247 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions, in addition to the zone in which the parcel lies:

- a) A minimum lot area of 11 hectares;
- b) A minimum lot frontage and width of 9 metres; and
- c) That the uses be in compliance with all other applicable regulations of Sections 4, 5 and 6.

203 Katherine Street North

16.248 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.248 of Schedule 'A' of this By-law (the "Plan") 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 on the Plan, 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 shall be located in the rear yard with a minimum 2.0 metre rear yard setback;
- v) That MDS shall not be applied to and from this operation;
- vi) That the canning operation building:
 - a. shall not exceed a height of 6.6 metres and an area of 400 square metres; and
 - b. shall have a minimum 5 metres setback from the front lot line;
- vii) That the existing 204 sqm shed be permitted as an accessory building to the canning operation and used for the following purposes:
 - a. Parking of horse and buggies; and
 - b. Parking and storage of equipment; and
- viii) That the uses be in compliance with all other applicable regulations in Sections 4, 5 and 6.

18 Ernst Street, Elmira

16.249 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.249 of Schedule 'A' of this By-law (the "Plan") if developed for a residential building – apartment is subject to the following regulations:

- a) Maximum of 18 apartment/dwelling units;
- b) Maximum building height: 3 storeys / 11 metres;
- c) Minimum Building Setbacks:
 - i) From Ernst Street and Snyder Avenue: 5.2 metres;
 - ii) North: 9 metres from the lot line abutting the rear of dwellings on South Street; and
 - iii) Rear: 14 metres; and
- d) That the use be in compliance with all other applicable regulations of Sections 4, 5 and the R-6A Zone in Section 7.

Vacant Lands North of 5185 Fountain Street North

16.250 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.250 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to those uses permitted in the zone within which the parcel lies:

- a) Parking of tractor trailers for up to three (3) years.

Subject to the following:

- i) That the entire "Area of Operation" and storm water facility be limited in size of approximately 3.3 ha;
- ii) That the "Area of Operation" be limited to the existing gravel parking area of approximately 2.3 ha as shown on the Plan;
- iii) That the tractor trailers shall only be located within the "Area of Operation" as shown on the Plan;
- iv) That buildings and structures related to the use in a) above are prohibited;
- v) That this exemption for the use noted in a) above is approved under the provisions of Section 39 of the *Planning Act*, Temporary Use By-laws, and shall be in effect only until August 8, 2026; and
- vi) In compliance with all other applicable regulations of Sections 4, 5 and 6; and

285 Woolwich Street South

16.251 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.251 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Parking of tractor trailers.

Subject to the following:

- i) That the entire "Area of Operation" and storm water facility be limited in size of approximately 3 ha;
- ii) That the "Area of Operation" be limited to the existing gravel parking area of approximately 2 ha as shown on the Plan;
- iii) That the parking of tractor trailers shall only be located within the "Area of Operation";
- iv) That buildings and structures related to the use in a) above are prohibited;
- 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 August 8, 2026; and
- vi) In compliance with all other applicable regulations of Sections 4, 5 and 6.

George Street and High Street, Elmira

16.252 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 16.252 of Schedule “A” of this By-law (the “Plan”) are subject to the following provision.

- a) The minimum lot area, width and frontage for the residential lots shown on the Plan 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., Section 7.2) and regulations (Section 7.3 and 7.4) in the R-1 Zone.

44 and 46 Church Street West, Elmira

16.253 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.253 of Schedule ‘A’ of this By-law (the “Plan”) if developed for a residential building – apartment is subject to the following regulations:

- a) Maximum of 18 apartment/dwelling units;
- b) Maximum Building Height: 4 storeys;
- c) Required parking: minimum of 1.33 spaces per unit;
- d) Minimum setback of 1 metre for a retaining wall with a maximum height of 1.82 m along the westerly lot line;
- e) Minimum Building Setbacks:
 - i) Front yard: 1.8 metres for the building and 0.7 metres for porches/terraces/decks;
 - ii) West side yard: 6 metres; and
 - iii) East side yard: 9 metres; and
- f) In compliance with all other applicable regulations in Sections 4, 5 and for a residential building – apartment in the R-6 Zone in Section 7.

1040 Snyder Flats Road, Bloomingdale

16.254 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.254 of Schedule ‘A’, of this By-law (the “Plan”) are restricted to the following permitted uses:

- a) Retail or wholesale;
- b) Business machine sales or service;
- c) Clinic;
- d) Commercial or trade school;
- e) Dental, medical or optical laboratory and supplies;
- f) Day nursery or nursery school;
- g) Restaurant;
- h) Financial institution;
- i) Hairdresser, barber or beautician;
- j) Indoor storage or warehousing;
- k) Interior decorator;
- l) Light fabricating, assembly, processing or repair, including blacksmithing;
- m) Landscaping or lawn spraying business;
- n) Office – business or professional;

- o) Office services;
- p) Parking lot;
- q) Showroom or wholesale outlet;
- r) Service and repair shop for household and personal articles;
- s) Studio;
- t) Taxi stand or office;
- u) Travel agency; and,
- v) Accessory uses to the forgoing but not including outdoor storage.

Subject to the following:

- i) That the use in l) above shall not have 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;
- ii) Nothing in the foregoing permitted uses in a) to v) above is to be construed to permit the sale or storage of bulk fertilizers; and
- iii) In compliance with Sections 4, 5 and the C-2 Zone in Section 9.

1050 to 1070 Snyder Flats Road, Bloomingdale

16.255 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.255 of Schedule 'A', of this By-law (the "Plan") are subject to the following regulations:

- a) Minimum setback for a residential building:
 - i) Front yard: 24 metres; and
 - ii) Rear Yard: 120 metres; and
- b) Accessory building or structure are permitted in the rear yard but not within the drainage swale.

1356 Tilman Road

16.256 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.256 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Agricultural equipment sales and service business.

Subject to the following:

- i) The agricultural equipment sales and service business shall not be severed from the farm;
- ii) The maximum area of operation shall be 0.79 ha as shown on the Plan;
- iii) The use shall be dry industrial;
- iv) The use be restricted to a maximum floor area of +/- 1,002 square metres within the existing building as noted on the Plan and within the "Area of Operation" with a main floor area of +/- 702 square metres and a second floor +/-300 square metres;
- v) A paint booth within the building shall be permitted as accessory to the equipment sales and service business;
- vi) Parking shall be permitted ahead of the building line;

- vii) Outdoor storage areas and Equipment sales areas shall only be permitted in the areas as shown on the Plan, and
- viii) In compliance with all other applicable regulations of Sections 4, 5 and 6.

10 – 30 Hopewell Crossings Drive, Breslau

16.257 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.257 of Schedule 'A' of this By-law (the "Plan") is subject to the following site-specific provisions for the development of a commercial mixed use property in addition to the regulations in the zone within with the parcel lies:

- a) Notwithstanding Sections 8.1 and 8.7 of this By-law (i.e., permitted use and regulation for a mixed use or combined use building), the property may be permitted to develop a standalone residential building - apartment fronting onto Greenhouse Road and where there are other non-residential uses as permitted in Sections 8.1 developed on the property either as standalone commercial buildings or within a mixed use building. The development requirements of Section 8.7 shall apply to all standalone residential building - apartment buildings developed on this property;
- b) Notwithstanding Section 8.7, if a mixed use building includes a residential building - apartment then residential dwelling unit or units may be located on any floor. Commercial uses may only be permitted on the ground floor. Regulations listed under Section 8.7 will apply to this type of mixed use development;
- c) Notwithstanding Section 8.7 and sub-sections a) and b) above, a minimum of 25% of the ground floor area of any future development on the property is to be constructed and maintained as a non-residential use as permitted in Section 8.1. This is to be applied on the property as a whole and is not to be applied to individual buildings; and
- d) Notwithstanding Section 3 definition for Front Lot Line, the front lot line for this property will be Greenhouse Road and the rear lot line will be Lasby Lane.

65 - 99 Ironhorse Drive, Breslau

16.258 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.258 of Schedule 'A' of this By-law (the "Plan") is subject to the following site-specific provisions for the development of a commercial mixed use property in addition to the regulations in the zone within with the parcel lies:

- a) Notwithstanding Sections 8.1 and 8.7 of this By-law (i.e., permitted use and regulation for a mixed use or combined use building), the property may be permitted to develop standalone residential building - apartment where the building does not front onto a public street and where there are other non-residential uses as permitted in Section 8.1 developed on the property either as standalone commercial buildings or within a mixed use building. The development requirements of Section 8.7 shall apply to all standalone residential buildings - apartment developed on this property;
- b) Notwithstanding Section 8.7, if a mixed use building includes a residential building - apartment then residential dwelling unit or units may be located on any floor. Commercial uses may only be permitted on the ground floor.

Regulations listed under Section 8.7 will apply to this type of mixed use development; and

- c) Notwithstanding Section 8.7 and subsection a) and b) above, a minimum of 25% of the ground floor area of any future development on the property is to be constructed and maintained as a non-residential use as permitted in Section 8.1. This is to be applied on the property as a whole and is not to be applied to individual buildings.

1261 Delion Place

16.259 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.259 of Schedule 'A' of this By-law (the "Plan") may permit an on farm diversified use being the metal fabrication of large bins, subject to the following site specific regulations:

- a) The outdoor storage area up to 109% (or 1500 sqm) of the current ground floor area of the operation of which:
 - i) Only raw product may be stored to the rear of the building in an area not exceeding 480 square metres in area; and
 - ii) A maximum of 1,020 square metres of outdoor storage may be permitted ahead of the building for the storage of the large bins but shall not be for raw product storage;
- b) The maximum building height for the tower shall be 18.2 metres; and
- c) In compliance with all other applicable regulations of Sections 4, 5 and 6.

6681 Line 86

16.260 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.260 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Agricultural equipment sales and service;
- b) Sale of maple syrup supplies; and
- c) Bulk maple syrup operation.

Subject to the following:

- i) The operations shall not be severed from the farm;
- ii) The uses as noted above shall be dry industrial;
- iii) The maximum size of the "Area of Operation" shall be 0.6ha as illustrated on the Plan;
- iv) Maximum building height shall be 7.6 metres and the building(s) shall have a peaked roof;
- v) The respective uses noted in a) to c) above shall be restricted to a maximum of:
 1. 295 square metres indoors for the agricultural equipment sales and service with a maximum of 900 square metres area for outdoor storage; and
 2. 1,505 square metres indoor area (being a total of any basement, main floor and second floor) shall be for the maple syrup supplies and bulk maple syrup operations, of which, a maximum area of:

16-127

- a. 111 square metres is permitted for maple syrup equipment sales and office area;
- b. 22 square metres for utility and lunchroom; and
- c. 20 square metres is permitted for sales of oil for farm equipment; and
- d. 530 square metres shall be permitted for associated outdoor storage;
- vi) No trailers or containers are permitted;
- vii) Outdoor storage areas and equipment sales areas shall only be permitted within the areas shown on the Plan; and
- viii) In compliance with all other applicable regulations of Sections 4, 5 and 6.

989 Arthur Street North

16.261 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.261 of Schedule 'A' of this By-law (the "Plan") may be used for the following specific use in addition to the uses permitted in the zone within which the parcel lies:

- a) Woodworking shop.

Subject to the following:

- i) That the maximum ground floor area devoted to the woodworking shop shall not exceed 302 square metres;
- ii) That a minimum of four (4) parking spaces shall be provided for the woodworking shop;
- iii) That the use shall maintain a minimum 120 metre separation from the residence located at 991 Arthur Street North; and
- iv) That the use comply with all other applicable regulations of Sections 4, 5 and 6.

15 Barnswallow Drive, Elmira

16.262 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.262 of Schedule 'A' of this By-law (the "Plan") may only be used for the following specific uses:

- a) Uses in accordance with Section 9.1 of the C-4 Zone within Part 1 of the Plan; and
- b) Residential Building – Townhouse Stacked within Part 2 of the Plan.

Subject to the following:

- i) That the development of the C-4 Zone uses within Part 1 of the Plan are subject to the following:
 - a. Shall be within a mixed-use building and in accordance with Section 9.7 f);
 - b. Shall have the front façade of the commercial and residential unit(s) at minimum oriented towards Church Street West. For the purpose of this provision, front façade shall include doorway entrances and windows of the commercial unit(s) that are useable and at least, windows of the residential unit(s) on the succeeding floors that useable;
 - c. Minimum lot width of 45 metres;
 - d. Maximum building line setback of 19 metres from Barnswallow Drive;
 - e. Maximum building line setback of 20 metres from Church Street West;
 - f. Maximum gross floor area of commercial uses shall be 420 square metres;
 - g. Parking for non-residential uses within a mixed-use building shall be provided at a ratio of 1 parking space per 22.5 square metres of gross floor area (G.F.A.) devoted exclusively to the separate non-residential uses and not including interior stairs, unassigned common areas, interior loading and storage areas and space requirements for mechanical and electrical equipment;
 - h. Parking for residential apartment uses within a mixed-use building shall be provided at a ratio of 1 space per single-bedroom apartment dwelling unit and 1.25 spaces per two-bedroom apartment dwelling unit; and
 - i. In conformity with all other applicable provisions of Sections 4, 5, 9.2, 9.3 and 9.7; and
- ii) That the development of the Residential Building – Townhouse Stacked uses within Part 2 of the Plan are subject to the following:
 - a. A Residential Building – Townhouse Stacked as defined in Section 3;
 - b. Minimum lot width of 65 metres;
 - c. Minimum building line setback of 52 metres from Church Street West and 18 metres from Barnswallow Drive;
 - d. Minimum setback of 6 metres to the east lot line;
 - e. Minimum setback of 7.5 metres to the south lot line;
 - f. Minimum setback of 6 metres to all other internal side lot lines where applicable;
 - g. Minimum amenity area of 30 square metres per dwelling unit which may include common areas for indoor recreation and/or balconies;

- h. Maximum building height of 10.5 metres;
 - i. Minimum floor area per dwelling unit of 37 square metres;
 - j. Parking for stacked townhouse units shall be provided at a ratio of 1.25 parking spaces per dwelling unit;
 - k. Attached or detached garages for stacked townhouse units shall not be permitted;
 - l. That the end residential units facing Barnswallow Drive shall be oriented to have their front façade facing Barnswallow Drive. For the purposes of this provision, front façade shall include front doorway and windows which shall be useable; and
 - m. In conformity with all other applicable provisions of Sections 4, 5, 7.3, 7.4 and 7.8; and
- iii) The maximum lot coverage shall be 40% of lot area for all permitted land uses noted in a) and b) above.

1440 King Street North, St. Jacobs

- 16.263** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.263 of Schedule 'A' of this By-law (the "Plan") shall not be permitted the following specific uses within the C-1/C-1(f) Zones:
- a) Apartment – Residential;
 - b) Day Care Centre or Day Nursery;
 - c) Emergency Services (Ambulance, Fire and Police);
 - d) Gas Bar;
 - e) Hotel and/or Motel; and
 - f) Senior Citizen Centre.

1872 Sawmill Road, Conestogo

- 16.264** Notwithstanding any other provisions of this By-law, the lands illustrated as Part 1 on the plan forming Section 16.264 of Schedule 'A' of this By-law (the "Plan") may only be used for the following specific uses only:
- a) Retail Establishment;
 - b) Professional, Commercial and Business Offices;
 - c) Financial Establishment;
 - d) Restaurant;
 - e) Personal Service Shop;
 - f) Single Detached – Residential;
 - g) Duplex – Residential
 - h) Accessory Uses to a) to g) above as outlined in Section 9.1.

Subject to the following:

- i) That uses outlined in a) to e) above shall only be permitted if Part 1 is a consolidated property with Part 2 on the Plan; and
- ii) In conformity with the applicable regulations in Sections 4, 5 and 9.

6918 Middlebrook Road

16.265 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.265 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 zone within which the parcel lies:

- a) Agricultural related use for the repair of farm equipment; and
- b) Uses accessory to the forgoing including but are not limited to: On-Farm Diversified Use, outdoor storage, sand blasting, paint booth, fabrication of parts, fabrication of new manure spreaders, display area for the sale of farm equipment and private services.

Subject to the following:

- i) The uses shall be dry industrial;
- ii) That the maximum "Area of Operation" shall be 1.2 hectares within the area shown on the Plan and shall maintain a minimum 30 metre separation from the Natural Heritage Feature located on or adjacent to the property;
- iii) Maximum building height shall be 9.2 metres and 1 storey, except for a mezzanine area not exceeding 10% of the ground floor area;
- iv) Required parking: minimum 19 parking spaces;
- v) Outdoor storage shall not exceed a total of 2000 square metres and shall be located to the rear of the farm buildings;
- vi) Outdoor storage and display of finished products may be permitted within the front yard at a maximum of 1255 square metres in area and a minimum building line setback of 7.6 metres from the front lot line;
- vii) That any On-Farm Diversified Use established on the property in conjunction with the agricultural related use outlined in Paragraph a) above shall be:
 - a. Permitted only as an accessory use;
 - b. Contained within the "Area of Operation" shown on the Plan; and
 - c. In conformity with all other applicable On-Farm Diversified Use regulations in Section 6.4; and
- viii) In conformity with all other applicable regulations of Sections 4, 5 and 6.

1065 Old Scout Place, St. Jacobs

16.266 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.266 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions, in addition to any other applicable regulations of the R-5A Zone:

- a) Minimum lot frontage of 8.3 metres;
- b) Minimum lot width of 8.3 metres.

21 Arthur Street and 4 Cross Street, Elmira

16.267 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.267 of Schedule 'A' of this By-law (the "Plan") are subject to the following specific provisions, in addition to the applicable regulations of the C-1 Zone:

- a) Geothermal units are not permitted; and

Holding Provision

- b) That no redevelopment of the lands shown on the Plan shall be permitted until the Record of Site Condition and Ministry Acknowledgement Letter for the entirety of the lands has been provided to the satisfaction of the Region of Waterloo.

1175 and 1195 Foerster Road and 1472 Village View Road

16.268 Notwithstanding any other provisions of this By-law, the lands illustrated and identified on the plan forming Schedule 'C14' and Section 16.268 of Schedule 'A' of this By-law (the "Plan") are subject to the following:

Permitted Uses:

- a) An aggregate extraction operation subject to extraction only taking place within the lands identified as H-2 Extraction Area shown on the Plan; and
- b) Accessory uses to a) above including:
 - i) The importation of recycled aggregate asphalt and concrete materials for the purposes of blending with on-site material,
 - ii) On site fuel storage, and
 - iii) Wash pond;
- c) Farming; and
- d) Existing single detached dwellings.

Holding Provisions

- a) Notwithstanding any other provision of this By-law, extraction and related uses shall not be permitted on the lands on the Plan identified with an H-1 Symbol, corresponding with the lands zoned Extractive (E), until such time as:
 - i) A Stage 3 Archaeological Assessment and, if required, a Stage 4 Archaeological Assessment is completed for Site 2 (AjHc-40) and Site 5 (AjHc-41), and an Acknowledgement letter is obtained from Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);
 - ii) Archaeological Assessment(s) and MHSTCI Acknowledgement letter shall be submitted to the satisfaction of the Region; and

- iii) A By-law has been passed removing the Holding Provision (H-1) symbol from the Zoning Schedule pursuant to Section 36 of the *Planning Act*;
- b) Notwithstanding any other provision of this By-law, a below water table extraction as defined in the *Aggregate Resource Act* shall not be permitted on the lands on the Plan identified with an H-2 Symbol, corresponding with the lands zoned Extractive (E), until such time as:
 - i) The appropriate studies have been completed to the satisfaction of the Region and the Township, 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-2) symbol; and
 - ii) A By-law has been passed removing the Holding Provision (H-2) symbol from the Zoning Schedules pursuant to Section 36 of the *Planning Act*.

713-725 King Street North

- 16.269** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.269 of Schedule 'A' of this By-law (the "Plan") are subject to the following restriction:
- a) Education facilities that are private or public schools regulated under the Education Act, R.S.O., 1990 c. E.2 (the "*Education Act*") shall be prohibited.

10 and 40 Beacon Point Court, Breslau (Pending final approval of OPA #4)

- 16.270** Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.270 of this By-law (the "Plan") are subject to the following provisions, in addition to the provisions of the zone within which the parcel lies:
- a) The parcel identified as Part 1 on the Plan, being the parcel known municipally as 10 Beacon Point Court, is subject to the following special provisions, in addition to the regulations that apply in the R-7 Zone:
 - i) The minimum rear yard for a Residential Building - Row shall be 5.0 metres;
 - ii) A home occupation or an office, base, or headquarters for the occupant may be permitted in a permitted dwelling unit, subject to the regulations in Section 4.24 of this By-law; and,
 - b) Holding Provision: That development of Part 1, containing the R-7 (H) symbol shown on the Plan, shall not be permitted until such time as the following conditions are satisfied:
 - i) Noise Report, Functional Servicing Report and associated Fire Flow Analysis are completed to the satisfaction of the Region of Waterloo Commissioner of Planning, Development and Legislative Services and the Township of Woolwich Director of Development Services;
 - ii) Supporting documentation shall demonstrate that there is sufficient capacity available for the subject lands, Part 1 on the Plan, to the satisfaction of the Region of Waterloo Commissioner of Planning, Development and Legislative Services, the Township of Woolwich Director of Development Services and Director of Infrastructure Services;

- iii) That the Director of Infrastructure Services and Director of Development Services is satisfied that there is sufficient sanitary allocation available for Council to approve; and
 - iv) A By-law has been passed removing the (H) symbol from the Plan pursuant to Section 36 of the *Planning Act*.
- c) The parcel identified as Part 2 on the Plan, being the parcel known municipally as 40 Beacon Point Court, is subject to the following special provisions, in addition to the regulations that apply in the MU-2 Zone:
- i) In addition to those commercial uses permitted in the MU-2 Zone, the following uses may be permitted within a Mixed Use Building:
 1. Commercial Recreation, and
 2. Community Space, which shall mean a building or structure, or part thereof, that is privately owned and operated and that provides social, recreational, or other facilities for the general public on a rental basis;
 - ii) The maximum Building Height for a Mixed Use Building in the form of a Residential - Apartment building shall be 6 storeys or 24 metres, whichever is less;
 - iii) The setback requirement to the lot line adjacent to Victoria Road be a minimum of 5 metres;
 - iv) The setback requirement to the lot line adjacent to the Commercial MU-4 Zone to the west shall be a minimum of 7.5 metres;
 - v) The setback requirement to the residential lots to the east within the R-5 Zone shall be a minimum of 20 metres;
 - vi) Commercial uses within a Mixed Use Building, including those uses permitted under Section 16.270 c) i) above shall only be permitted on the ground floor level;
 - vii) Where a Mixed Use Building takes the form of a Residential - Apartment building, more than one (1) dwelling unit may be located at ground floor level; and
 - viii) A minimum of 300 square metres of commercial uses within a Mixed Use Building, including those uses permitted under Section 16.270 c) i) above, be provided; and,
- d) Holding Provision: That development of Part 2, containing the MU-2 (H) symbol shown on the Plan, shall not be permitted until such time as the following conditions are satisfied:
- i) Noise Report, Functional Servicing Report and associated Fire Flow Analysis are completed to the satisfaction of the Region of Waterloo Commissioner of Planning, Development and Legislative Services and the Township of Woolwich Director of Development Services;
 - ii) Supporting documentation shall demonstrate that there is sufficient capacity available for the subject lands, Part 2 on the Plan, to the satisfaction of the Region of Waterloo Commissioner of Planning, Development and Legislative Services, the Township of Woolwich Director of Development Services and Director of Infrastructure Services;

- iii) That the Director of Infrastructure Services and Director of Development Services are satisfied that there is sufficient sanitary allocation available for Council to approve; and
- iv) A By-law has been passed removing the (H) symbol from the Plan pursuant to *Section 36* of the Planning Act.

1189 Weeby Place

16.271 Notwithstanding any other provisions of this By-law, the lands illustrated on the plan forming Section 16.271 of Schedule 'A' of this By-law (the "Plan") may have a minimum Lot Area of 34 hectares.

Woolwich Street South and Menno Street, Breslau (Madwest Subdivision)

16.272 Notwithstanding any other provision of this By-law, the lands illustrated on the plan forming Section 16.272 of Schedule 'A' of this By-law (the 'Plan') are subject to the following provisions, in addition to the regulations of the zone within which the parcel lies:

A. General Provisions

- a) That the maximum building height shall not exceed the minimum Airport Authority requirements that are based on the mAZR (minimum Airport Zoning Regulations), and generally have a maximum height of 10m at the northeast corner of Ottawa Street and Fountain Street North.
- b) That the maximum building height will be the absolute maximum height as no projections will be permitted above the maximum height.
- c) Minimum setback from a property line abutting a rail line shall be 30 metres.

B. Special Provision within the R-7A Zone

- a) Off-Street Parking for any permitted residential dwelling in the R-7A Zone, except Townhouse Row: 1.1 space/unit.
- b) Off Street Parking for Commercial use in a Mixed use Apartment: 1 space per 30m² of GFA used for permitted commercial uses.
- c) Off Street Parking for Commercial use in a townhouse, stacked townhouse or stacked back-to-back townhouse: 1 space per 40m² of GFA used for permitted commercial uses.