Zoning By-law 2003-50

THE CORPORATION OF THE TOWNSHIP OF ESSA

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TOWNSHIP OF ESSA

ZONING BY-LAW

BY-LAW NO. 2003-50

A By-law to prohibit the use of land and the erection or use of buildings or structures except for certain purposes; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to require loading and parking facilities for buildings or structures erected or used for certain purposes; within defined areas in the Township of Essa.

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA ENACTS AS FOLLOWS:

SECTION 1: TITLE

This By-law may be cited as "The Zoning By-law of the Township of Essa".

SECTION 2: DEFINED AREA

This By-law applies to all lands included within the boundaries of the Township of Essa.

SECTION 3: DEFINITIONS

In this By-law, unless the context otherwise requires:

"Abandoned"
means the failure to proceed expeditiously with the construction of a work, specifically, abeyance of construction for six months.

"Accessory Building or Structure"
means any subordinate building or structure which is separate from or attached to the main building on the same lot and secondary to a principle permitted use of a building or structure; is not used for human habitation; and may include, a private garage, private greenhouse, swimming pool, patio shelter, carport, sewage disposal system, boat house, workshop, and implement shed, but shall not include a shipping container.

"Accessory Use"
means a use naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use and located on the same lot therewith.

"Additional Residential Unit" or "In-Law Suite"
means a separate and self-contained dwelling unit that is subordinate to the Primary Dwelling and located within the same building or within a detached accessory building/structure on the same lot as the Primary Dwelling.

“Agricultural Use”

means a use of land, buildings or structures for the purpose of bee-keeping, livestock, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, the housing of non-domesticated animals excluding exotic animals, or any other farming use.

“Alter”

means any alteration to a bearing wall, partition, column, beam, girder, or other supporting member of a building or structure, or any increase in the area of a building or structure.

“Apartment Building”

means a residential building containing five or more dwelling units, each of which shall have access from an internal corridor system but does not include a boarding or rooming house, or row dwellings.

“Areas of Natural and Scientific Interest”

means areas of natural and water containing natural landscapes or features that have been identified by the Province or an appropriate authority as having life science or earth science values related to protection, scientific study, or education.

“Attached”

means a building otherwise complete in itself, which depends on structural support, or enclosure, on a division wall or a wall shared in common with at least 25% of a wall of the principle building.

“Automobile Body Shop”

means a building where automobile cleaning, polishing, body repair, or repainting is conducted but shall not include any other automotive use.

“Automobile Repair Garage”

means a building where motor vehicles are repaired or serviced, and where gasoline, lubricants, and automotive parts and accessories are kept for sale.

“Automotive Sales Establishment”

(new and used) means a building and/or lot used for the display and sale of new and used motor vehicles and may include the servicing, repair, cleaning, polishing, greasing, body repair, and repainting of motor vehicles, the sale of automotive accessories and related products, and the leasing or renting of motor vehicles but shall not include any other defined automotive use.

“Automotive Service Station”

means a building or place where gasoline or other motor fuels are kept for sale and for delivery directly into a motor vehicle, and for the sale to the motoring public of goods usual to the trade but does not include a repair garage or motor vehicle sales room.

“Bachelor Unit”

means a dwelling unit in which only one room or part thereof contains sleeping accommodation and which room is used as a living or dining room, or both, as well as for sleeping purposes but does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation.

“Basement”

means that portion of a building between two floor levels which is underground, but which has at least one-half of its height, from finished floor to finished ceiling, above the average finished grade.

“Bed and Breakfast”

means a dwelling in which lodging with or without meals is supplied for gain, up to four bedrooms but does not mean or include a motel, hotel, hospital or similar commercial or institutional use, or

apartment building. The Bed and Breakfast shall be owned and operated by one or more persons residing on the premises during operation as a Bed and Breakfast.

"Boarder"
means a person other than an owner, lessee, tenant, or person related thereto, to whom meals may or may not be provided and where lodging is provided for compensation.

"Boarding or Rooming House"
means a dwelling in which lodging is provided for between 5-8 tenants but shall not include a group home, hotel, motel, children's home, or a bed and breakfast establishment, or other similar establishments.

"Buffer Strip"
means a portion of a lot that is dedicated to landscaping and the growth of vegetation, for sole purpose of providing a barrier or buffer.

"Building"
means a structure consisting of a wall, roof, and floor or any part of, or a structural system, in accordance with the Building Code Act.

"Building Height"
means the vertical distance between the average finished grade at all corners of a building, and

a) the highest point of a flat roof; or
b) the deck line of a mansard roof; or
c) the mean height between the eaves and ridge of a gabled or hip roof.

In calculating the height of a building, any construction used as ornament or for the mechanical operation of the building such as a mechanical penthouse or a chimney, tower, cupola, silo, or steeple, shall not be included.

"Building, Main"
means a building or structure in which the principle use of the lot on which it is situated is conducted. In a residential zone, the dwelling is the main building.

"Bulk Storage Yard"
means a place where land is used for storage, in the open, of goods and materials, machinery, petroleum products, and/or equipment, but does not include a salvage, junk, or scrap yard.

"Campground"
means any parcel of land that is zoned for the siting of recreational vehicles or tents on a seasonal basis.

"Carriage House"
means a building that consists of a garage and an Additional Residential Unit that are separated horizontally between two (2) storeys. The Additional Residential unit is completely independent of the garage and has a separate entrance.

"Carport"
means a building, structure, or part thereof, of which at least 40% of the area of the perimeter face is open and unobstructed by any wall, door, post or pier, and:

a) which is used for the parking or storage of private passenger motor vehicles; or,
b) which is used for the temporary parking of commercial vehicles not weighing over 1.016 kilograms; and
c) wherein neither servicing nor repairing is carried on for remuneration.

"Cellar"
shall mean that portion of a building between two floor levels, which has more than 50% of its height from finished floor to finished ceiling below the average grade level.

"Cemetery"
means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium, or other structure intended for the interment of human remains.

"Church"
means a building dedicated to religious worship and may include a church hall, church auditorium, Sunday school, convent, monastery, or parish hall.

"Child Care"
means the provision of temporary care for or supervision of children in any circumstance other than in exempt circumstances.

"Child Care Centre"
means a premises operated by a person licensed under the Child Care and Early Years Act, 2014 to operate a child care centre at the premises.

"Clinic"
means a building or part thereof used by qualified professionals including, dentists, optometrists, chiropodists, chiropractors, osteopaths, or drugless practitioners, numbering two or more, for public or private human health purposes but does not include a private or public hospital for overnight stay.

"Club"
means a building or part of a building used as a meeting place for members of an organization.

"Commercial"
means the use of land, building or structures for the purpose of buying and selling commodities and the supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction, and other similar uses; includes a school conducted for hire or gain, and includes activities whereby participants are charged a fee.

"Contractor's Shop"
means a building and/or premises used to conduct a trade and/or perform shop or assembly work and/or to store equipment and materials used by a contractor.

"Convenience Store"
means a retail establishment supplying groceries and other daily household necessities to the immediate surrounding area.

"Conservation Uses"
means the preservation, protection and/or improvement of the components of the natural environment, through management and maintenance for both individual and society's uses, both present and future.

"Corporation"
means the Corporation of the Township of Essa.

“Council”
means the municipal Council of the Corporation of the Township of Essa.

“Daylighting Triangle”
means an area free of buildings or structures, which area is to be determined by measuring, from the point of intersection of street lines on a corner lot, the distance required by this By-law, along each street line away from the intersection, and joining such points with a straight line. The triangular-shaped piece of land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the daylighting triangle.

“Driveway”
means an area of land, which provides vehicular access from a street to a parking aisle.

"Dry Cleaning Establishment"
means a building where dry cleaning, dry dyeing, and the cleaning or pressing of articles, goods, or fabric is carried on.

“Dwelling”
means a building or portion thereof occupied or capable of being occupied as a residence including a prefabricated building situated on a permanent foundation but not including a hotel, motel, nursing home, boarding, rooming or lodging house, a travel trailer, or mobile home.

“Dwelling Unit”
means a room or suite of two or more rooms in a dwelling having a private entrance and capable of being occupied as an independent and separate housekeeping establishment with separate culinary and sanitary facilities for living and sleeping purposes, but does not include housekeeping units in a hotel, motel, boarding, rooming or lodging house, travel trailer, and mobile home.

“Dwelling, Block/Cluster Townhouses”
means a minimum of three (3) dwelling units, which are attached by one main wall above and below grade and all of which are grouped on one lot.

“Dwelling, Detached”
means a building containing not more than one dwelling unit.

“Dwelling, Duplex”
means a building of two or more storeys, divided horizontally into not more than two dwelling units, each of which is completely on a separate storey.

“Dwelling, Group or Cluster”
means three (3) or more permitted detached residential buildings on the same lot.

“Dwelling, Multi-Unit”
means a residential building containing three or more dwelling units but shall not include an apartment building or converted dwelling.

“Dwelling, Semi-Detached”
means a building divided vertically into not more than two dwelling units, which dwelling units may be held in separate ownership. The two dwelling units may be connected vertically along a common wall or by the linking of foundations.

“Dwelling, Stacked Townhouses”
means a townhouse development, in which one dwelling unit is located above another unit, no more than three storeys in height with no internal corridor system.

“Dwelling, Townhouse or Rowhouse”

means one of a group of three or more attached dwelling units, attached vertically; each having an independent entrance from the outside and each situated on its own lot, except in the case of a condominium application.

“Elevation”

with reference to a building or structure, means any vertical section thereof which occurs above grade.

“Erect”

with reference to a building or structure, means build, construct, reconstruct or enlarge, and includes any physical operation such as excavating, filling, grading or draining preparatory to building, construction, reconstruction, and the moving of a building or structure from one location to another.

“Established Building Line”

means the average setback of the existing buildings. A building line is considered to be established when at least 3 buildings have been erected on any one side of a continuous 300.0 m of land with street frontage.

“Established Grade”

means the average elevation of the ground level surrounding a building.

“Existing”

means any building, structure, or use in existence on the date of passing of this By-law.

"Farm Implement Dealer"

means an establishment for the repair or sale of agricultural implements, including the sale of lubricants for agricultural equipment on the same premises, as an accessory use.

“Fertilizer Plant”

means a building or structure used primarily for the purpose of blending, mixing and storage of fertilizers, but does not include the manufacturing of fertilizer.

“Flood Fringe”

means the outer portion of the floodplain that may be covered by floodwaters, where flood depths and velocities are generally less severe.

“Floodplain”

means the area, usually lowlands, adjoining a watercourse, which has been, or may be, covered by floodwater. Generally, the floodplain is a part of the watercourse’s natural space in times of flooding in the event of a 1 in 100-year storm or regional storm event, whichever is greater.

“Floodway”

means the channel or watercourse and that inner portion of the floodplain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and property.

“First Floor”

means the floor of a building at or immediately above the established grade.

“Floor Area”

means the ground level floor area of a building on a lot (also referred to as the "footprint" of a building), measured between exterior faces of the exterior walls of the building but excluding car parking areas within the building and, for the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.

"Floor Area, Gross"

means the aggregate of floor areas of all the storeys of all buildings on a lot, and including the floor area of any basement, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and, for the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.

"Gas Bar"

means one or more pump islands, each containing one or more gasoline pumps and possibly a shelter having a floor area of not more than 10 m^2, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing.

"Golf Course"

means a public or private area operated for the purpose of playing golf and includes a driving range but not a miniature golf course.

"Granny Flat or Garden Suite"

means a building or structure, commonly a modular or park-model permanent home, used as a secondary dwelling unit on a property already containing a dwelling unit as a permitted use, to exist only in accordance with the following:

a) the secondary residence is to be no larger than the primary residence, measured in terms of gross floor area;
b) the secondary residence is to be occupied by an elderly parent of an occupant of the primary residence; and
c) all other provisions as contained in the Official Plan for the Township.

"Greenhouse"

means a building for the growing of plants, shrubs, or trees.

"Group Home"

means a building or buildings licensed or approved under Provincial Statute, in which no fewer than 3 people, but no more than 8 people, not including staff or other family members, live as a single housekeeping unit under responsible supervision consistent with the requirements of its residents.

"Highwater Mark"

means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

"Home Occupation"

means a gainful occupation conducted entirely within a dwelling house and/or an accessory building by those people residing on a lot provided that:

a) there is no external display or advertising other than a sign erected in accordance with any by-laws of the corporation regulating signs;
b) there is no external storage of goods, materials or equipment;

c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling or lot, nor create or become a nuisance in terms of noise, traffic or parking;
d) no more than 25% of the gross floor area of the dwelling unit is used for the home occupation use or 25% of the gross floor area of an accessory building;
e) the office of a professional practitioner or of an agent may be located in a dwelling used as his private residence provided that such offices are to be used by the practitioner or agent and only one additional staff member;
f) no facilities shall be provided to the public other than for private consultation or emergency treatment;
g) in no case shall the boarding of animals, auto sales and sales of motorized vehicles, auto body, or auto repair uses be classified as a home occupation; and
h) anyone living in the home, of driving age and employed by the home occupation, or who drives to earn their living, may park one vehicle associated with the home-based business or their source of income in the driveway of the premises.

"Hotel"

(which includes a motel, motor hotel, or inn) means a building or structure used for the purpose of catering to the needs of the traveling public by supplying short-term sleeping accommodations, food, and/or refreshments. It does not include rooming or boarding houses or apartments.

"Institution"

means the use of land for non-commercial, non-profit purposes by an organized body, religious group, or society, such as a public hospital, library, convent, or similar uses.

"Kennel"

means an enclosed building used for the keeping, breeding or boarding, of dogs.

"Landscaping"

means an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees, and as well, vegetation and paths, walks, patios, fences and similar appurtenances but does not include parking areas, parking lots, driveways, or ramps.

"Loading Space"

means an area of land which is provided and maintained on the same lot or lots upon which the principal use is located and which area:

a) is provided for the temporary parking of any commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking is not for the purpose of offering commodities for sale or display;
b) is not upon or partly upon any street, lane, or parking stall; and
c) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, maneuvering areas, or similar areas, no part of which access is to be used for the temporary parking or storage of any other motor vehicle.

"Lot"

means a parcel of land to which the title may legally be conveyed and which has continuous frontage on a street.

"Lot Area"

means the total area within the boundaries of a lot, and in the case of a corner lot having street lines rounding at the corner with a radius of 6.0 m or less, the lot area of such lot is to be calculated as if the lot lines were projected to their point of intersection.

"Lot, Corner"

means a lot situated at the intersection of and abutting on two or more streets; or a lot abutting on

one street on which an angle of less than 135 degrees is contained by the two straight lines which join the foremost point of the lot with two points at which the interior side lot line and the rear lot line meet the street.

"Lot Coverage"
means the percentage of the lot area covered by buildings, structures, or any hardscaped, non-permeable surface above ground level except not to include any swimming pool or an open or unenclosed deck which is not covered or surrounded with a wind block on more than two sides or with a roof.

"Lot Depth"
means the distance between the front and rear lot lines; and where the front and rear lot lines are not parallel, the lot depth is the length of a line joining the mid-points of such lot lines.

"Lot Frontage"
means the distance between the side lot lines measured along the front lot line; and where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 9 m back from and parallel to the chord of the lot frontage. For the purposes of this paragraph, the chord of the lot is a straight line joining the two points where the side lot lines intersect the front lot line.

"Lot, End"
means a lot which has street access other than a corner lot, used for a townhouse dwelling unit where such unit is attached to another townhouse dwelling unit on one side only.

"Lot, Interior"
means a lot other than a corner lot.

"Lot Line"
means a boundary of a lot.

"Lot Line, Exterior Side"
means the longer of the lot lines of a corner lot which abuts a street.

"Lot Line, Front"
means the lot line that divides the lot from the street but

a) in the case of a corner lot the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be an exterior side lot line; and
b) in the case of a corner lot with two street lines of equal length, the lot line that abuts the wider street, or abuts a Highway or County Road shall be deemed to be the front lot line. In the case of both streets being under the same jurisdiction, or of the same width, the owner of such corner lot may designate either street line as the front lot line.

"Lot Line, Rear"
means the lot line opposite the front lot line.

"Lot Line, Side"
means a lot line other than a front or rear lot line.

"Lot, Through"
means a lot other than a corner lot, having separate frontages on two streets.

"Minimum Distance Separation Formula"
means a mathematical equation that is used to determine the minimum distance between

residential development and agricultural operations. Please refer to Appendix A and B of this By-Law.

"Mobile Home"
means a transportable single detached dwelling unit designed and built to be transported on its own chassis or frame, notwithstanding that its running gear is or may be removed, that it is constructed or manufactured to provide a permanent residence for one or more persons. The maximum width of this unit is 6.0 m. The mobile home is designed for long term year-round occupancy. It has facilities for cooking, eating, living, sleeping, and sanitation.

"Mobile Home Park"
means a contiguous parcel of land, which has been developed for the placement of mobile homes.

"Mobile Home Site"
means a parcel of land within the Residential Special (RS2) Zone upon which one mobile home may be added.

"Municipal By-law Enforcement Officer"
means the Officer or employee of the Township of Essa from time to time charged by the Corporation with the duty of administering and enforcing the provisions of the Zoning By-law.

"Municipality"
means the Corporation of the Township of Essa.

"Neighbourhood Plaza"
means a group of commercial establishments and/or public uses designed, developed, and managed as a single unit which serves a surrounding residential area or neighbourhood area but shall not include automotive-related uses.

"Noxious Trade, Business or Manufacture"
means a place of employment which by its nature is harmful to living beings.

"Nursery and Garden Centre"
means a place where young trees or other plants are grown for transplanting or for sale and may also include the sale of related accessory supplies.

"Nursery School"
means an establishment enrolling four or more children, and where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a nursery school.

"Nursing Home"
means a building within which is provided lodging, nursing, medical or similar care and treatment and includes a rest or convalescent home.

"Open Space"
means open and unobstructed space on a lot, including the open, unobstructed space accessible to all occupants of any residential or commercial building which is suitable and used for the growth and maintenance of grass, flowers, bushes and other landscaping and may include any surface pedestrian walk, patio, pools, or similar areas but does not include any driveway, ramp, or parking area.

"Parking Aisle"
means an area of land, which abuts and is dedicated to provide direct vehicular access to one or more parking spaces.

“Parking Area”

means an area of land which is provided and maintained upon the same lot, which the principal use is located, or upon a lot immediately adjoining the said lot, and which area comprises all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, maneuvering areas, entrances, exits, and similar areas used for the purpose of gaining access to or egress from the said parking spaces.

“Parking Space” (By-law Amendment 2008-24) (March 19, 2008)

means an area of land, which is provided and maintained upon the same lot which the principal use is located, or upon a lot immediately adjoining the said lot, and which area:

a) is provided for the parking or storage of one motor vehicle other than for the purpose of offering commodities for sale or display;
b) is adequate for the parking or storage of one motor vehicle and must be exterior;
c) is not less than 2.5 m in width nor less than 6.0 m in length, exclusive of any land used for access, maneuvering, driveway, or a similar purpose; and
d) has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles, maneuvering areas, or similar areas, no part of which access is to be used for the temporary parking or storage of any motor vehicle.

“Personal Service Shop”

means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons.

“Place of Amusement”

means an arena, auditorium, billiard or pool room, bowling alley, motion picture or other theatre, public hall, ice or roller skating rink, and other such venues, provided however that a place of amusement shall not include an arcade show, penny arcade, pinball arcade or video arcade and/or any other similar game of skill.

"Primary Dwelling”

means the main dwelling unit to which additional residential units shall be secondary and subordinate.

"Primary Residence”

means a single detached dwelling, semi-detached dwelling, or rowhouse.

“Principal Use”

means the main use to which the premises are devoted and the main purpose for which the premises exist.

“Professional Office”

means one or more of the following: the office of an Accountant, Advertising Agent, Architect, Auditor, Chiropractor, Dentist, Engineer, Insurance Agent, Lawyer, Ontario Land Surveyor, Optometrist, Physician, Real Estate Agent, or any other qualified and licensed professional.

“Quarry Excavation”

means the removal of sand, gravel, or other surface or subsurface material by means of an open excavation to supply material for construction, industrial or manufacturing purposes but does not include the removal of material from a wayside quarry or open pit metal mine.

“Quarry Wayside”

means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract or road construction and not located on the road right-of-way.

“Residential”
means the use of land or buildings for human habitation.

“Restaurant”
means a building or part of a building where food is offered for sale or sold to the public for immediate consumption on the premises.

“Restaurant, Drive-Through”
means a building or part thereof where food is prepared and offered for sale to customers traveling in motor vehicles, which are driven onto the site where the restaurant is located and where normally the customer remains in the vehicle for service.

“Restaurant, Take-Out”
means a building or part thereof where food is prepared and offered for sale to the public for consumption off the premises.

“Retail Store”
means a building or part of a building where goods, merchandise, substances, articles, or things are offered or kept for retail sale directly to the general public and includes storage on the store premises of limited quantities of such goods, merchandise, substances, articles, or things sufficient only to service such store.

“Rowhouse”
means a consecutive series of similar residential units that shall share a maximum of two common walls with the adjacent units, situated on one lot.

“Sand and Gravel Excavation”
means the removal of unconsolidated gravel, stone, sand, earth, clay, fill, mineral, or other material by means of an open excavation to supply material for construction, industrial, or manufacturing purposes, but does not include the removal of said material from a wayside pit.

“School, Public”
means a school under the jurisdiction of a Board of Education established and maintained primarily at public expense.

“Self-Storage or Mini-Storage”
means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods.

“Service Industries”
means the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop, and other similar uses.

“Service Shop”
means a building or part thereof used for the sale or repair of household articles; includes radio, television and appliance repair shops but does not include industrial or manufacturing uses, or motor vehicle repair shops.

“Setback Distance”
means the distance that a building or structure must be setback from a boundary on the parcel on which the building or structure is located in.

“Settlement Areas”
means traditional central places formerly designated as Hamlets.

“Shipping Container” or “Sea Can”
means any new or used structure/container originally designed for the shipping of goods by means of rail, truck, or by sea and includes intermodal shipping containers.

“Short-Term Accommodation”
means a place of temporary residence, lodging or occupancy by way of concession, permit lease, rental agreement or similar commercial arrangement for any period equal to or less than thirty (30) consecutive calendar days. This includes “Bed and Breakfast” but excludes hotels, motels, and accommodations where there is no exchange for remuneration.

“Sign”
means a display board, screen, cloth or structure having characters, letters, or illustrations applied thereto or displayed thereon in any manner.

“Site Assembled and Factory Built Buildings”
means a manufactured building intended for residential occupancy and which must comply with the Building Code Act.

“Street”
means a public highway, which is dedicated, assumed, and maintained by the Municipality, County, or Province.

“Street Line”
means any lot line that divides a lot from a street.

“Structure”
means anything constructed or erected, accessory to the primary use, such as a deck or pool, in accordance with the Building Code Act.

“Swimming Pool”
means a body of water contained by artificial means which is used and maintained for the purpose of swimming, diving, or bathing by humans.

“Tavern”
means an establishment used primarily for the serving of liquor by the drink to the general public and where food may be served or sold as accessory to the primary use.

”Travel Trailer”
means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is Ajacked-up@ or that its running gear is removed but not including any vehicle unless it is used or intended to be used for the temporary living, sleeping, or eating accommodation of persons therein, and shall be deemed to include a tent trailer or recreational vehicle (RV).

“Truck Depot”
means any building or land where trucks or tractor trailers are stored or parked for commercial purposes.

“Urban Residential Land”
means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and is fully serviced by municipal water and sewage systems.

“Use”
means the purpose for which any land, building, or structure is arranged, designed, or intended to be used, occupied, or maintained.

“Veterinary Clinic”
means a building or part thereof that is used for the purpose of consultation, diagnosis, and office

treatment of animals.

"Waste Disposal Site"
means any land upon, into, or through which waste is deposited, disposed, handled, stored, transferred, treated, or processed.

"Yard"
means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as may be expressly permitted in this By-law; and in determining yard measurements the minimum horizontal distance from a lot line to the exterior face of the closest wall or part of a building or structure is to be used.

"Yard, Exterior Side"
means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the street line and the nearest elevation of any building or structure on the corner lot.

"Yard, Front"
means a yard extending across the full width of a lot between the front lot line and the nearest elevation of any building or structure on the lot.

"Yard, Minimum Front"
means the minimum depth of a front yard on a lot between the front lot line and the nearest elevation of any building or structure on the lot.

"Yard, Minimum Rear"
means the minimum depth of a rear yard on a lot between the rear lot line and the nearest elevation of any building or structure on the lot.

"Yard, Rear"
means a yard extending across the full width of a lot between the rear lot line and the nearest elevation of any building or structure on the lot.

"Yard, Side"
means a yard extending from the front yard to the rear yard of a lot and between a side lot line and the nearest elevation of any building or structure on the lot.

"Zone"
means a designated area of land use shown on the schedules of this By-law.

NOTE: Words used in the present tense include the future tense, and the reverse. Words used in the plural number include the singular number and the reverse.

SECTION 4: GENERAL PROVISIONS

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4.1 Interpretation

a) Nothing in this By-law shall be construed to exempt any person from complying with the requirement of any by-law of the Municipality or the Corporation of the County of Simcoe or from any law of the Province of Ontario or Canada.

b) Where the boundary line of a zone does not correspond to a property line, the centre line of a street, right-of-way, or watercourse, the location of said boundary line shall be scaled from the scale indicated on Schedules "A" to “H” inclusive.

c) For the purposes of this By-law all numeric standards use the metric system, where “m” means metres.

The numeric standards may be converted into the imperial system by multiplying 3.2808 to any distance-related measurement, and 10.7639 to any area-related measurement.

d) In this By-law the word "shall" is mandatory.

4.2 Zones

The following zones are established within the Township of Essa and such zones may be referred to by the following symbols:

Zones	Acronym	Zones	Acronym
Residential		Industrial	
Low Density, Detached	R1	General Industrial	M1
Low Density, Semi-Detached	R2	Potential Aggregate	M2
Medium Density, Townhome	R3	Extractive Industrial	M3
Medium Density, Multi-Unit	R4	Waste Management Industrial	M4
High Density, Apartments	R5		
Estate Residential	RS1	Agricultural and Rural	
Mobile Home Residential	RS2	Agricultural	A
		Rural	RL
Commercial			
Community Commercial	C1	Environmental	
Core Commercial	C2	Environmental Protection	EP
Highway Commercial	C3		
Commercial Recreation	C4	Parks	
Commercial Agricultural	C5	Open Space Park	OSP
Institutional		Public Utilities	
Institutional	I	Public Services	PS

4.3 Schedules and Appendices

Schedules "A" to “H” and Appendices “A” to “B” inclusive attached hereto are declared to form part of this By-law and indicate by zone symbols the boundaries of the zones to which the provisions of this By-law shall apply.

4.4 Conformity

No person shall use any land or erect any building or structure within a zone except for a permitted use and in accordance with the regulations provided by this By-law for the zone in which it is located.

4.5 Frontage on a Public Street

All building lots shall have frontage on a public street or highway excluding an unopened road allowance.

4.6 Requirement for Lot

Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended, or enlarged except upon a lot nor shall any land be used for any permitted use unless it comprises a lot.

4.7 Restrictions on Changes

Except as a result of the actions of any public authority having statutory powers of expropriation, no person shall change the purpose for which any land or building or structure is used, or erect any new buildings or structures, or add to any existing building or structure, or sever any lands from any existing parcel if the effect of such action is to cause the original, adjoining or remaining buildings or structures or lands to be in contravention of this By-law.

4.8 Minimum Lot Areas

The minimum lot area shall be subject to the provisions declared in the “Minimum Lot Area” Subsection of each zone category, or such larger area as may be required by the appropriate authority pursuant to the provisions of the Building Code Act.

4.9 Measurement of Setback and Yard Requirements

Where the regulations of a zone include a requirement that the minimum yard of a lot or parcel of land shall be a specific number of metres, such minimum yard shall be determined by measuring at right angles from the street line of the abutting public street in the direction of such lot or parcel of land a distance equal to the said specific number of metres in the relevant regulation of such particular zone.

4.10 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure, provided that such strengthening or restoration will not change the height, area or volume so as to contravene the provisions of this By-law.

4.11 Replacement of Dwellings

An existing dwelling in any zone may be replaced with a new dwelling in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or any other natural disasters, or demolition by Order of this Corporation of the Township of Essa, the Simcoe County District Health Unit or other authority for safety, health, or sanitation requirements, provided that:

a) If in the EP Zone, approval is obtained from the Nottawasaga Valley

Conservation Authority and any other applicable government agencies.

4.12 Uses Permitted in all Zones

a) Nothing in this By-law shall prevent the use of any land as a public street or public park.

b) Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures or the installation of other facilities essential to the operation of public utilities, provided that any such use, building or structure shall be in substantial compliance with the relevant provisions of this By-law and shall not adversely affect the character or amenity of the neighbourhood in which same is located.

c) Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.

d) Nothing in this By-law shall prevent the use of any land for the erection or use of any building or structure for the purpose of a public service by The Corporation of the Township of Essa, any telephone or communications company, or any Ministry of the Government of Ontario or Canada including a hydro authority, providing that:

1. No goods, materials or equipment shall be stored in the open;

2. The lot coverage and yard regulations prescribed for the zone in which the use, buildings or structure is located are complied with; and

3. Any building erected under the authority of this paragraph shall be designed and maintained in general harmony with the buildings or structures permitted in that zone.

4.13 Temporary Uses

Nothing in this By-law shall prevent the use of any land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, sales trailer, or other building or structure incidental to and necessary for construction work, or sales, on the premises, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned.

4.14 Truck, Bus and Coach Bodies

Except as otherwise specifically permitted in this By-law, no truck, bus, coach, railway car, streetcar body or structure of any kind, other than a dwelling unit erected and used in accordance with this and all other by-laws of the Township, shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation.

4.15 Prohibited Uses

a) Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone:

1. Refining coal oil or petroleum products;

2. Tanning hides or skins;

3. Manufacturing gas;

4. Manufacturing glue;

5. A track for the use of motorized vehicles including, “motocross”, “dirt-bikes” or any other all-terrain vehicles, go-carts, snowmobiles, stock cars, and other vehicles propelled or driven otherwise than muscular power or wind;

6. A junk-yard, salvage yard, or automobile wrecking yard; or the collection, storage, or sale of: junk, salvage, partially or completely dismantled motor vehicles, or unlicensed vehicles; and

7. Locating or storing on any land for any purpose whatsoever any disused railroad car, streetcar body, truck body, or trailer with or without wheels, whether or not any of the above is situated on a foundation.

8. Notwithstanding any setbacks contained within this By-law, no structure shall be permitted where it may impede drainage.

b) In addition to the uses prohibited in clause (a) of this Subsection, any use is prohibited which, from its nature or the materials used herein, is declared to be a noxious trade, business or manufacture.

c) In addition to the uses prohibited in clause (a) of this Subsection, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Uses" Subsection of one or more zones established by this By-law are and shall be deemed to be prohibited in each zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of Section 4 hereof.

4.16 Signs

Signs shall be permitted in all zones subject to the provisions of a Sign By-law of a Municipality enacted under the Municipal Act, as amended from time to time.

4.17 Noxious Uses

Notwithstanding anything contained herein, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, as defined by Provincial legislation, and without limiting the generality of this Subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both:

a) By the creation of noise or vibration; or

b) By reason of the emission of gas, fumes, smoke, dust, or objectionable odour; or

c) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material; or

d) By any combination of these things described in clause (a), (b) and (c) of this Subsection.

4.18 Cellar

Notwithstanding anything contained in this By-law, no cellar or part of a cellar of any building shall be used as a whole dwelling unit, and the whole or any part of a cellar shall not be used for calculating the required minimum gross floor area of any dwelling unit.

4.19 Daylighting Triangles at Railway Crossings

Notwithstanding anything contained in this By-law, where any public street crosses a railway, no building or structure shall be erected within 15.0 m of the daylighting triangle with perpendicular dimensions of 46.0 m.

4.20 Daylighting Triangles at Street Intersections

Where any two public streets intersect; no buildings or structures, trees, shrubs, hedges, signs, fence or wall shall be planted, erected, or maintained within the required daylighting triangle.

4.21 Swimming Pools

Notwithstanding anything contained in this By-law, a swimming pool is permitted as an **accessory use** to a permitted residential use:

a) In the front or exterior side yard of any lot provided no part of such pool is located closer to any lot line than the minimum distance required for the principle building located on such lot; and the maximum height of such pool and any required fence is not more than 2.5 m above the average finished grade level of the ground;

b) In the rear yard or any interior side yard of any lot provided no part of such pool is located closer to any lot line than the minimum distance required for an accessory building;

c) In accordance with all other by-laws of the Municipality, including by-laws regulating fencing.

4.22 Multiple Uses

Notwithstanding anything contained in this By-law, where any land, building, or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with but no building shall be located within 3.0 m of any other building on the same lot except a building accessory to a dwelling. A dwelling used as an accessory use in the same building will be allowed where permitted by this By-law.

4.23 Non-Conforming Uses

This By-law shall not apply to prevent the use of any land, building, or structure for any purpose prohibited by this By-law if such land, building, or structure was lawfully used for such purpose on the date of passing of the By-law and so long as it continues to be used for that purpose; or to prevent the construction or use of a building or structure, the plans for which have been submitted prior to the date of passing of the By-law so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected.

4.24 Height Exception

Notwithstanding the height provisions of this By-law, nothing in this By-law shall apply to prevent the erection of a church spire, belfry, clock tower, chimney, farm building or structure, silo, water tank, windmill, radio, radar or communications tower, or antenna.

4.25 Non-Compliance of Existing Uses

Where a building has been erected prior to the date of passing of this By-law on a lot having less than the minimum frontage, depth or area, or having less than the minimum setback(s) required by this By-law, the said building may be enlarged, repaired, or renovated provided that:

a) The enlargement, repair, or renovation does not further reduce a yard containing less than the minimum required by the By-law; and

b) All other applicable provisions of this By-law are complied with.

4.26 Setbacks from Streams and Watercourses

Notwithstanding the provisions of this By-law, a special setback of 30.0 m shall be required between any proposed building or structure and the high water mark or top of bank (the slope of which exceeds 33%) of a watercourse whether or not such stream or watercourse is shown on any schedule forming part of this By-law. Notwithstanding the foregoing, this Section shall not apply to property described as Part Lots 4 and 5, Concession 6 (5559 6th Line).

Where a zone symbol on the attached schedules is followed by an AFF@, this symbol applies to lands that are within the Flood Fringe.

4.27 Sewage Disposal

No building permit will be issued for any building or structure which requires a septic tank unless the building permit application is accompanied by approval in writing from the authority responsible for the approval of sewage disposal systems.

4.28 Off-Street Parking Requirements

4.28.1 Space Requirements

For every building or structure to be erected or enlarged, altered, or its use converted, off-street parking spaces exclusive of aisles or driveways, shall be provided and maintained in conformity with the following provisions and other provisions contained in the By-Law unless otherwise specifically provided.

4.28.2 Minimum Parking Stall Dimensions

Angle of Parking Space	Width of Parking Space	Length of Parking Space	Required Aisle Maneuvering Space
0 degrees	2.5 m	6.7 m	3.7 m
15 degrees	2.5 m	6.7 m	3.7 m
30 degrees	2.7 m	6.0 m	3.7 m
45 degrees	2.7 m	6.0 m	4.5 m
60 degrees	2.7 m	6.0 m	5.5 m
75 degrees	2.7 m	6.0 m	6.0 m
90 degrees	2.7 m	6.0 m	6.0 m

4.28.3 Minimum Barrier-free Parking (2012-35)

The following number of accessible parking spaces shall be required, depending on the total overall number of parking spaces required. The dimensions of each accessible parking space, associated aisle width and location from an entrance shall be stipulated by the Accessible Built Environment Standard and other applicable law such as the *Accessibility for Ontarians with Disabilities Act (AODA)* or other Provincial legislation in force and effect.

No. of Parking Spaces Required	Minimum Barrier-free Parking Spaces Required	Type A (vans) – refer to definitions of the Accessible Built Environment Standard	Type B (Cars) – refer to definitions of the Accessible Built Environment Standard
1	0	n/a	n/a
2-5	1	1	n/a
6-20	2	1	1
21 or more	5%	50% of that required	50% of that required

Suggested dimensions are as follows:

Type A – parking space width of 2.6 m with a 2 m aisle width or that contained within any other governing Provincial legislation; and
Type B – parking space width of 2.4 m with a 1.5 m aisle width or that contained within any other governing Provincial legislation.

4.28.4 Minimum Parking Requirements for Certain Uses

Use	Minimum Parking Facilities Required
Banks, business and professional offices and medical centres.	One space for each 28.0 m^2 or fraction thereof of ground floor area plus one space for each 37.0 m^2 or fraction thereof of remaining gross floor area.
Billiard parlours and bowling lanes.	One space for each 2 persons of design capacity shall mean 6 persons per bowling lane and 2 persons per billiard table.
Boarding house and tourist home.	One space for each bedroom.
Churches	One space for each 3 persons who can be accommodated in the main place of assembly.
Drive-in Restaurant or Take-out Restaurant.	One space for each 20.0 m^2 of gross floor area.
Mini storage warehouse.	One space per 300.0 m^2 of gross floor area.
Apartments in R5 Zones.	1.35 spaces for each dwelling unit, plus an additional 0.5 spaces per unit for visitor parking.
Post offices, museums, art galleries and libraries.	One space for each 50.0 m^2 or fraction thereof of public floor area.
Places of assembly such as halls, lodges, labour union halls, community centres and other places of public assembly.	One space for each 4 persons maximum design capacity.
Private or commercial clubs, athletic and recreational establishments.	One space for each 6 persons maximum design capacity.
Professional Office as a secondary use to a private residence.	One space for every 18.5 m^2 of floor space occupied by the professional office.
Public or private hospitals and nursing homes.	The greater of one space for each 93.0 m^2 or fraction thereof of gross floor area, or one space per 4 beds plus one space per 4 employees.
Residential (including any dwelling in any zone).	Two exterior spaces for all residential uses excepting high density apartments and senior citizen apartments.
Dwelling, Block/Cluster Townhomes	Two exterior spaces, plus an additional 0.25 exterior spaces per unit for visitor parking.
Dwelling, Group or Cluster	Two exterior spaces, plus an additional 0.25 spaces per unit for visitor parking for those dwelling unit types that are not otherwise required to provide visitor parking.
Dwelling, Stacked Townhouses	Two exterior spaces, plus an additional 0.25 exterior spaces per unit for visitor parking for those dwelling unit types that are not otherwise required to provide visitor parking.
Restaurants, taverns, and eating establishments.	One space for each 4.5 m^2 or fraction thereof of public floor area with a minimum of 10 spaces.
Retail lumber and building supply outlets.	One space for each 28.0 m^2 or fraction thereof of retail floor area with a minimum of 6 spaces.
Retail outlet as a secondary use to a manufacturing use.	One space for each 28.0 m^2 or fraction thereof of gross floor area.

Schools.	The greater of one space per classroom, or one space for each 10 people, for the maximum design capacity of Assembly Hall or Auditorium.
Senior Citizens Apartments.	One space for each unit, plus an additional 0.5 spaces per unit for visitor parking.
Shopping Centre.	One space for each 18.5 m^2 of gross floor area.
Undertaking Establishment.	One space for each 5 chapel seating spaces or fraction thereof with a minimum of 10 spaces.
All other industrial uses.	One space per 100.0 m^2 of gross floor area.
All uses, buildings and structures not specified above.	One space for each 28.0 m^2 or fraction thereof of gross floor area.

4.28.5

a) Each parking space must be readily accessible at all times and arranged in such a manner to provide access and maneuvering space for the parking and removal of a motor vehicle.

b) Ingress and egress to and from the parking facilities prescribed by this Subsection shall be provided by a sufficient number of adequate, unobstructed driveways.

c) Where a ramp to parking facilities provides access from a street, such a ramp shall not be located closer than 7.5 m from the street line and a level stopping space shall be provided between the ramp and the street at street grade so as to provide adequate vision to the street in both directions.

d) In the case of a parking structure completely or partly below finished grade it shall not be necessary to comply with the setback requirements of the particular zone except that the minimum distance between such a structure and the street line shall be 7.5 m.

e) Where a building or structure accommodates more than one type of use the parking requirements for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of uses.

f) The parking requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-law so long as the floor area as it existed at that date is not increased or the use changed. If an addition or change in use is made then additional parking spaces shall be provided to the number required for such addition or change in use.

g) Where parking requirements are related to seating capacity and seating is by open benches, each 0.5 m of open bench shall be counted as one seat.

h) Where the application of ratios results in a fraction of a parking space the required number of spaces shall be increased to the next whole number.

i) The lights used for illumination of a parking area shall be so arranged as to divert the light away from the adjacent lots.

j) A structure not more than 4.5 m in height and not more than 4.5 m^2 in area may be erected in the parking area for the use of parking attendants.

k) No sign other than directional signs and the name of the owner which shall not exceed 1.0 m^2 in total area shall be erected in any parking area.

l) No gasoline pump or other service station equipment shall be located or maintained within any parking area.

m) Entrances and exits to parking spaces shall not pass through zones other than the zone requiring the parking spaces.

n) Where off-street parking abuts a residential zone, a barrier at least 0.9 m in height shall be erected and maintained at least 3.0 m from the lot line and the land between the barrier and the lot line shall be landscaped.

o) No parking or loading facility or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 m of any lot line or street line or within 3.0 m of the boundary of any residential zone.

4.28.6 Location

Parking for a structure shall only be permitted on the lot where the structure is situated.

4.28.7 Ingress and Egress Restrictions

The following shall be imposed on non-residential lots that require a place for patrons and consumers to park motor vehicles;

a) A parking area that contains more than 5 spaces, must have an entrance of no less than 9.0 m in width.

b) A parking area with up to 5 spaces the minimum width of an entrance is 6.0 m.

c) A landscaped buffer strip of 3.0 m shall be implemented and maintained when a non-residential zone has an access point adjacent to a residential zone.

4.29 Off-Street Loading Requirements

For every building or structure to be erected, altered, or its use converted to a commercial or industrial use, involving the frequent shipping, loading or unloading of persons, animals, goods, wares, or merchandise, off-street loading facilities shall be provided and maintained upon the same lot on which the principal use is located and in accordance with the following table:

<table>
<tr><th>Gross Floor Area</th><th>Quantity of Loading Spaces</th><th colspan="3">Size of Loading Space</th></tr>
<tr><td colspan="2"></td><td>Length</td><td>Width</td><td>Height</td></tr>
<tr><td>0.0 m^2 to 500 m^2</td><td>Nil</td><td colspan="3"></td></tr>
<tr><td>501 m^2 to 2,000 m^2</td><td>1</td><td>9.0 m</td><td rowspan="4">3.0 m</td><td rowspan="4">4.5 m</td></tr>
<tr><td>2,001 m^2 to 5,500 m^2</td><td>2</td><td rowspan="3">16.0 m</td></tr>
<tr><td>5,501 m^2 to 10,000 m^2</td><td>3</td></tr>
<tr><td>Each additional 8,000 m^2 or part thereof in excess of 10,001 m^2</td><td>1</td></tr>
</table>

4.29.1 Size of Loading Spaces

For any building or structure that requires a loading space, the loading spaces must

comply with the standards set out in the preceding table.

4.30 Parking and Loading Facilities

Any parking area, parking space, loading space, driveway, manoeuvring area, or aisle required to be provided or permitted according to the provisions of this By-law for any use in any zone, other than parking facilities for a dwelling or for any agricultural use, shall be provided and maintained with a concrete, asphalt, or bituminous gravel surface and adequate drainage facilities.

4.30.1

a) Each loading space must be readily accessible at all times and arranged in such a manner to provide access and manoeuvring space for the parking and removal of a motor vehicle.

b) Ingress and egress to and from the loading facility shall be provided by a sufficient number of adequate, unobstructed driveways.

c) No part of a loading space shall be located closer than 7.5 m to a road allowance.

4.31 Yard Requirements

Every part of any yard required to be provided in any zone shall be open and unobstructed by any structure from the ground to the sky, except that:

a) Sills, belt courses, cornices, chimney bases, eaves or gutters, or pilasters may project into any required yard a distance of not more than 0.6 m; and

b) Bay windows, balconies, canopies, or steps may project into any required front or rear yard a distance of not more than 1.0 m.

c) Accessibility ramps and entrance features to accommodate for accessible aids are to be 0.6 m from side yard lot lines, and 1 m from a front lot line, so long as they do not interfere with side yard swales, drainage affecting neighbouring properties, traffic or public safety. (2013-14)

4.32 Exemption from Lot Frontage and Lot Area Requirements

Notwithstanding anything contained in this By-law, a parcel which is situated in any zone and which lacks either the required frontage or area, or both the required frontage and area, for a lot in the respective zone, is and shall be deemed to be a lot provided that:

a) The description of such parcel is the same as in a deed registered on or prior to the date of passing of this By-law; and

b) Such parcel could have been conveyed legally on the date of passing of this By-law.

4.33 Lands Severed by Hydro Authority

Where a hydro authority acquires lands for the purpose of a distribution or transmission line and such acquisition deprives a parcel of land of street frontage, the part of such parcel so deprived of street frontage shall be deemed for the purpose of this By-law to have frontage provided that such parcel has a permanent right of access.

4.34 Special Setbacks

a) Notwithstanding any other provisions of this By-law where a lot abuts Provincial Highway 89, the provisions of the Public Transportation and Highway Improvement Act shall apply with regard to building setbacks from the highway centre line or right-of-way and other related matters.

b) Notwithstanding any other provisions contained in this By-law, where a lot abuts a County Road, the provisions of the County of Simcoe shall apply with regard to setbacks from the road centre line or right-of-way and other related matters.

c) Notwithstanding the provisions of this By-law, where a detached dwelling or accessory use is to be erected in a built-up area where there is an established building line, such dwelling or accessory use is not to be erected closer to the street line or to the centre line of the road or street, as the case may be, than the established building line on the date of passing of this By-law.

d) Where a lot abuts a right of way containing a high pressure fossil fuel pipeline, a minimum building and/or structure setback shall be 10.0 m, from the edge of the right of way.

e) Notwithstanding any other provisions of this By-law, where lands abut a settlement area, no new C4 uses will be permitted. (By-law 2008-24)

4.35 Dwelling Unit in Non-Residential Building or Lot

No person shall use any lot, or erect, alter or use any building or structure for the purpose of a dwelling unit on a lot zoned other than for a residential use or within a portion of a non-residential building except in accordance with the following regulations:

a) The dwelling unit shall have a minimum floor area of 56.0 m^2;

b) The dwelling unit shall have a separate washroom and kitchen facilities from those of the non-residential use;

c) The dwelling unit shall have a separate building entrance than that provided for the non-residential use;

d) The gross floor area of the residential portion of a non-residential building shall not exceed 50%.

e) In the case where the permitted dwelling unit is within a separate building on a non-residential lot, the requirements of the R1 Zone shall apply to that portion of the lot to be used for residential purposes, if the lot lies in a settlement area; or the requirements of the A Zone shall apply to that portion of the lot to be used for residential purposes, if the lot lies outside of a settlement area.

4.36 Landscaping Provisions

4.36.1 Landscaping Along Road Allowances

A 3.0 m buffer strip shall be provided on non-residential lots to act as a buffer against road allowances. The area dedicated for access onto a site is exempt from this policy.

4.36.2 Landscaping Along Lot Lines

a) Where abutting lots have the same non-residential zoning, a buffer strip of 1.5 m must be provided along the lot line that the two properties abut, unless there

is shared access by means of a common driveway.

b) Where abutting lots have conflicting residential and non-residential zoning along a lot line a buffer strip of 3.0 m must be provided.

4.37 Illumination of Lots

All lighting facilities located in any zone shall be installed and maintained ensuring that the illumination is not directed onto the road allowance and any other abutting lots.

4.38 Additional Residential Unit

4.38.1 An Additional Residential Unit shall be developed in accordance with the following provisions:

a) An Additional Residential Unit shall be permitted where permitted by this By-law within a permitted single detached dwelling, semi- detached dwelling, or rowhouse or located within a detached accessory building/structure on the same lot as the primary residence where permitted by this By-law.

b) A maximum of two Additional Residential Units shall be permitted on a lot, one within a primary residence and/or one located in a detached accessory building/structure to the primary residence in the specified zones. Two Additional Residential Units may be permitted in the primary dwelling where no residential units exist in a detached accessory building on the same lot. An Additional Residential Unit shall only be considered once the maximum number of primary residential units has been met.

c) An Additional Residential Unit shall not be permitted on properties that are accessed from a private street.

b) In accordance with the Off-Street Parking Requirements provided within this by-law, a minimum of two (2) parking spaces per Additional Residential Unit are (required to be provided and maintained on site for the sole use of the occupants of an Additional Residential Unit and may include tandem parking spaces.

e) An Additional Residential Unit shall be appropriately serviced and shall comply with all applicable health and safety standards, including but not limited to those set out in the Ontario Building Code and the Ontario Fire Code.

f) The maximum floor area of an Additional Residential Unit within or attached to the primary residence shall be 50% of the gross floor area of the primary residence.

g) An Additional Residential Unit shall be connected to both municipal water supply and municipal sanitary sewers (Full Municipal Services), where available, and the Township confirms there is sufficient capacity to service the Additional Residential Unit.

h) Despite section 4.38.1.g), an Additional Residential Unit may be permitted where municipal water supply and municipal sanitary sewer are unavailable provided that it can demonstrated, to the satisfaction of the Township, that all private servicing is appropriately complied with including but not limited to the requirements of the Ontario Building Code.

i) An Additional Residential Unit shall have separate washroom and kitchen facilities from the primary dwelling.

j) An Additional Residential Unit shall not be permitted on a lot that is used for a Garden Suite, Bed and Breakfast, Group Home, Private Home Tutor, Private Home Daycare, or Correctional use.

k) No Additional Residential Unit(s) shall be permitted within the flooding and erosion hazard limits of any/all watercourses, unless a permit is provided by the Nottawasaga Valley Conservation Authority.

l) Home occupations shall only be permitted in the primary dwelling and shall not be located within an Additional Residential Unit attached to a primary dwelling."

m) The civic address of a lot containing an Additional Residential Unit shall clearly indicate the existence of an Additional Residential Unit by adding signage in accordance with By-law 2008.15 as amended.

n) An unobstructed path of travel of 1.2-metres in width and 3.0-metres in height must be provided to the main entrance of the Additional Residential Unit from the main access of the property.

o) Fully serviced lots with Additional Residential Units shall not exceed 45% lot coverage.

p) All other provisions of the respective zone are complied with.

4.38.2 An Additional Residential Unit within a Primary Dwelling shall be developed in accordance with the following additional provisions:

a) A separate entrance shall be required for the Additional Residential Unit and shall be located on the rear or side of the primary residence.

b) All other provisions of the respective zone are complied with.

4.38.3 An Additional Residential Unit within a Detached Accessory Building/Structure shall be developed in accordance with the following provisions:

a) The maximum gross floor area of an Additional Residential unit in a Detached Accessory Structure shall be the lessor of 139 square metres or 50% of the gross floor area of the principal dwelling unit in Agricultural and Rural zones; and 102 square metres or 50% of the gross floor area of the principal dwelling unit in all other zones.

b) The maximum building height of an Additional Residential Unit is one (1) storey and shall not exceed the height of 4.5-metres. An Additional Residential unit may exceed this if it is located within a Carriage House and shall not exceed 7.5-metres in height."

c) All applicable setbacks for a detached accessory building/structure within the applicable zone shall also apply to the Additional Residential Unit accessory structure.

d) A minimum of 1.5-metres shall be provided between the Additional Residential Unit in a detached accessory building/structure on the same tot and any other

structure permitted on the lot.

e) That a minimum 1.2-metre walkway shall be provided from the Additional Residential Unit to the main access to the property.

f) An Additional Residential Unit within a detached accessory building/structure in the “A" and “RL” Zones shall be located no more than 30 metres from the Primary Residence.

g) The Additional Residential Unit shall not have a basement.

h) No Additional Residential Unit is permitted to be severed from the lot that contains its associated primary building. An Additional Residential Unit shall not be considered a residence surplus to a farming operation.

i) All other provisions of the respective zone are complied with.

4.39 Shipping Containers

A shipping container shall be erected, on a property where it is explicitly permitted, in accordance with the following provisions:

a) Shall only be used or erected as an accessory use to a main building;

b) Shall not be located in a front yard;

c) Shall not be located in a required parking area or encroach into a required landscaped area;

d) A distance of no less than 3.0-metres shall separate any shipping container from any other building or structure on the property;

e) Notwithstanding the other provisions of this section (4.39), the applicable setback provisions for an accessory structure/building within the applicable zone shall apply to a shipping container;

f) A maximum of one (1) shipping container shall be permitted accessory to a principle use on properties which are within the Institutional (I) Zones;

g) Shall be included in the calculation of lot coverage for all zones and are not to contribute to exceeding a zone’s maximum lot coverage;

h) Shall be no greater than 32.0m² in gross floor area nor 3.0-metres in height;

i) Shall be used for storage purposes and not for display, advertising, screening or fencing;

j) Shall be maintained in good condition and free of rust;

k) Stacking shall not be permitted;

l) No shipping container shall be used for human habitation; and

m) Notwithstanding the above, all other provisions of the respective zones shall be complied with.

4.39.1 Temporary Use of Shipping Containers

The temporary erection and use of a shipping container may be permitted in any zone as an accessory use to active construction which is permitted through a Building Permit. This use shall be permitted during the progress of permitted works to a limit of no greater than 12 consecutive months and may be revoked at any time if construction is deemed not to be in compliance with the Ontario Building Code or Township Zoning By-law. Shipping containers approved under this provision shall comply with the most restrictive setback requirements of the respective lot's zone.

SECTION 5: GENERAL PROVISIONS FOR AGRICULTURAL (A) & RURAL (RL) ZONES

5.1 In the A or RL Zone, the following provisions apply to certain specific uses as noted:

a) The minimum area for a lot to be used for a **bed and breakfast or granny flat** shall be 1.0 ha in the case of either, the setbacks pertaining to a residential use in a A or RL Zone shall apply;

b) The minimum area for a lot to be used for a **veterinary clinic or kennel** shall be 1.5 ha; all buildings or structures used in conjunction with a **kennel** must comply with the regulations and standards contained in the Township's Kennel By-law.

5.2 All farm and non-farm development is to comply with Minimum Distance Separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development.

5.2.1 Minimum Distance Separation I

Notwithstanding any other provisions in this By-law to the contrary, land to be rezoned will comply with the MDS I formula established by the Province.

a) Notwithstanding any other provisions of this By-law to the contrary, a residential use to be located upon an existing lot of record greater than 1.0 ha in size will comply with the MDS I calculation using Appendix A to this By-law.

b) Notwithstanding any other provisions of this By-law to the contrary, a new use to be located upon an existing lot of record 1.0 ha in size or less will not be required to comply with MDS I.

5.2.2 Minimum Distance Separation II

Notwithstanding any other provisions in this By-law to the contrary, a new or expanding livestock facility will comply with MDS II formula established by the Province.

a) Notwithstanding any other provisions in this By-law to the contrary, the MDS II calculated separation distances will be measured from the nearest point of an existing vacant lot of record, 1.0 ha in size or less, to the nearest point of the proposed livestock facility.

5.3 Accessory Buildings

a) No accessory building or structure shall occupy more than 8% or 93.0m² of floor area, whichever is the lesser, of the area of a lot, nor exceed 6.0 m in height on any lot, which is less than 1.0 ha in size;

and

No accessory building or structure shall occupy more than 8% or 139.0m² of floor area, whichever is the lesser, of the area of a lot, nor exceed 6.0 m in height on any lot, which is greater than or equal to 1.0 ha in size.

b) The maximum lot coverage for an accessory building or structure shall be 8% provided that the lot coverage of all buildings on the lot does not exceed the overall maximum lot coverage as set out in Sections 6 or 7.

c) The minimum front or exterior side yard setback for all accessory buildings is 18.0 m.

d) The minimum rear or interior side yard setback for all accessory buildings is 3.0 m.

c) The minimum distance from a main building shall be 3.0 metres.

5.4 Regulations for Daylighting Triangles

All uses permitted in the A or RL Zone located on a corner lot shall provide a daylighting triangle of not less than 10.0 m.

SECTION 6: AGRICULTURAL (A) ZONE

6.1 Within an Agricultural (A) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

6.2 Permitted Uses

a) Agricultural uses, including hobby farms and riding stables
b) Veterinary clinics and kennels
c) Market garden where farm produce is sold
d) Conservation uses
e) Wayside pits & quarries
f) Portable asphalt plant
g) A residence on a lot defined in this By-law
h) Accessory buildings to the above permitted uses
i) Home occupations, including bed and breakfasts and nurseries
j) Additional Residential Unit(s) in accordance with Section 4.38

6.3 Zone Regulations

ZONE	USE OF LOT	MINIMUM LOT PROVISIONS			MINIMUM YARD SETBACK PRIMARY PERMITTED USE				MINIMUM BLDG. GROUND FLOOR AREA	
		Frontage (m)	Area	Max. Coverage	Front (m)	Interior Side (m)	Exterior Side (m)	Rear (m)	1 Storey	2 Storey
A	Agricultural	45.0	36 ha	10%	30.0	7.5	30.0	30.0	N/A	
	Residential	45.0	2782.0 m^2	35%	18.0	3.0	18.0	7.5	93.0 m^2	55.0 m^2

Footnote:

(a) a primary dwelling in the Agricultural (A) Zone has the same requirement as a primary dwelling in the R1 Zone of this by-law.

6.4 Special Provisions

6.4.1 A-1: Pt. Lot 30, Concession 6 and Pt. Lot 6, Concession 4 (98-35) <u>and</u> Pt. Lot 17, Concession 7 (2000-3)
Concession 10, East Part Lot 17, 4580 County Road 21
Concession 10, West Part Lot 8, 5901 10th Line
Concession 10, East Part Lot 24, 7930 11th Line
Concession 10, West Part Lot 20, 4715 20th Sideroad
Concession 10, East Part Lot 22, 7634 11th Line
Concession 10, West Part Lot 17, Address not assigned
Concession 3, East Part Lot 10, 6567 10th Sideroad
Concession 8, West Part Lot 31, 5276 30th Sideroad (2013-83)
Concession 3, East Part Lot 4 (2017-36)
Concession 3, East Part Lot 5 (2017-36)
Concession 10, West Part lot 18 (2017-36)
Concession 8, East Part Lot 3 (2017-36)

Concession 7, East Part Lot 16 (2017-36)
Concession 2, Part Lot 11 (2018-75)
Concession 2, East Part Lot 5 (2018-75)
Concession 4, West Part Lot 11 (2018-75)
Concession 1, West Part Lot 16 (2018-75)
Concession 4, West Part Lot 3 (2018-75)
Concession 6, East Part Lot 28 (2019-13)
Concession 6, Part Lot 3 (2019-43)
Concession 7, Part Lot 9 (2019-43)
Concession 8, Part Lot 14 (2019-43)
Concession 10, Part Lot 22 (2019-43)
Concession 10, Part Lot 23 (2019-43)
Concession 4, Pt ½ Lot 5 (2020-23)
Concession 10, East Part Lot 12, 6404 11th Line (2023-57)
Concession 9, East Part Lot 2, 5204 10th Line (2023-58)
Concession 3, East Part Lot 9, 6030 County Road 10 (2023-72)
Concession 7, Part Lot 7, 5901 County Road 56 (2023-75)
Concession 9, West Part Lot 9, 7281 9th Line (2024-02)
Concession 5, East Part Lot 6, 5974 5th Sideroad (2026-12)

Notwithstanding the permitted uses of this Section, on those lands zoned "A-1" as shown on Schedules "A" and "G", a dwelling unit is not a permitted use.
And furthermore, there shall be no tree planting or construction of buildings or structures as defined in the County's Setback By-law, within 20 m of the current right-of-way of County Road 10 or within 15 m of the limit of the property at 5572 County Road 10, and all provisions of the County's Setback By-law shall apply to all lands listed above.

6.4.2 A-2: Granny Flats/Garden Suites

Pt. Lot 5, Concession 10 (98-62)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on July 8, 2008.

Pt. Lot 20, Concession 9 (99-74)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on December 1, 2009.

Pt. Lot 32, Concession 7 (2000-56)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on October 1, 2010.

E Pt. Lot 14, Concession 3, 6612 County Road 10 (2005-69)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on October 5, 2025.

N Pt. Lot 22, Concession 8, 7670 9th Line (2007-72)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on November 21, 2027.

W Pt. Lot 27, Concession 4, 8233 4th Line (2009-66)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule

"A", a garden suite is a permitted use for a period of ten years, expiring on December 2, 2029.

E Pt. Lot 14, Concession 3, 5733 25th Sideroad (2010-34)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on May 19, 2030.

E Pt. Lot 26, Concession 4, 6280 25th Sideroad (2012-44)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on July 27, 2032.

S Pt. Lot 8, Concession 3, 5898 County Road 10 (2012-34)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on July, 2032.
Pt. Lot 7, Concession 11, 5851 11th Line (2015-93)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on December 16, 2035.

Pt. Lot 6, Concession 11, 5616 County Road 27 (2019-34)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on April 17, 2039.

6.4.3 A-3: Pt. Lot 18, Concession 5 (96-41) and Pt. Lot 6 Concession 11(92-30)
In addition to the permitted uses of this Section, a truck depot, associated office and outside storage is permitted on those lands zoned as "A-3" on Schedule "A".

6.4.4 A-4: Pt. Lots 22, 23 and 24, Concession 4 (88-50) (Camp Hill)
Notwithstanding the permitted uses and zone regulations of this Section, on those lands zoned as "A-4" on Schedule "A", the following shall apply:

6.4.4.1 Permitted Uses

a) all agricultural uses;
b) conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife;
c) specialized family-centred accommodation wherein a maximum of 35 developmentally handicapped adults together with a maximum of 40 persons made up of staff members, maintenance personnel, instructors, trainees and their families, reside in a maximum of 7 individual dwellings which are licensed under Provincial legislation;
d) accessory buildings and structures; and
e) a market garden and/or home occupation use.

6.4.4.2 Zone Regulations

Dimension Type	Standard
Maximum Ground Floor Area (all buildings and structures)	5,000.0 m^2
Maximum Building Height	10.0 m
Minimum Ground Floor Area	150.0 m^2

(of each residential building)	

All other provisions of the A Zone shall apply.

6.4.5 A-5: Pt. Lot 8, Concession 1

Notwithstanding the permitted uses of this Section, those lands zoned as "A-5" on Schedule "A" may contain:

a) A bed and breakfast establishment including 6 bedrooms for overnight stay, a theatre, banquet room facilities, a dining room associated with the bed and breakfast business and a spa and salon accessory to the bed and breakfast business all within the existing historic home which dates back to 1833;

b) 2 apartments;

c) Dance and fitness classes as a home based business;

d) Weddings and family milestone celebrations within the existing historic home or within a pavilion or tent.

All of the above uses together should not create a combined occupant load, including staff, of more than 225 persons at any one time.

6.4.6 A-6: Pt. Lot 18, Concession 4

Notwithstanding the permitted uses of this Section, those lands zoned as "A-6" on Schedule "A" may be used to repair farm-related vehicles and equipment.

6.4.7 A-7: Pt. Lots 17 & 18, Concession 6

Notwithstanding the requirements of Section 4, on those lands zoned as "A-7" on Schedule "A", frontage on a public street or highway is <u>not</u> required for the lot to meet the criteria for a building lot.

6.4.8 A-8: Pt. Lot 8, Concession 3

In addition to the permitted uses of this Section, those lands zoned as "A-8" on Schedule "A", potato farming equipment sales shall be permitted.

6.4.9 A-9: Lot 21, Concession 10

Notwithstanding the permitted uses, on those lands zoned as "A-9" on Schedule "A", the following additional uses shall apply:

6.4.9.1 a) an "Agricultural Society" as organized under the authority of the Ontario Agricultural and Horticultural Organizations Act;

b) in support of an Agricultural Society the following programs shall be permitted:

- livestock/horse/poultry shows/competitions/sales
- horticultural shows/competitions/sales
- youth agricultural education programs & activities
- agricultural awareness programs
- agricultural shows
- agricultural group meetings/conferences/banquets
- demonstration/test/research crops
- an annual fair including midway lasting five days each year
- office space for agricultural associations
- farmers market dedicated solely to locally grown/raised produce from Simcoe County and the Bradford-Holland Marsh
- short term historical re-enactments

c) permanent/temporary buildings and structures related to the above permitted uses.

6.4.10 A-10: Part Lot 5, Concession 2

Notwithstanding the provisions of the A Zone, on those lands zoned "A-10" as shown on

Schedule “A” of this By-law, the following provisions shall apply:

a) Min. Front Yard Setback of 15 metres;

a) Max. Accessory Structure Height of 20 metres to accommodate existing silos.

6.4.11 A-11: Part Lot 12, concession 4 (2016-44)

Shall permit a minimum lot area of 26 hectares (64 acres)

6.4.13 A-13: Part Lot 7, Concession 7 (2018-32)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, such as those contained in Section 6, on those lands zone “A-13”, as shown on Schedule “1” of this By-law, the following provisions shall apply:

A dwelling unit for human habitation shall be prohibited, and the front yard setback shall be 26 m.

6.4.14 A-14: Part Lot 22, Concession 9, 7634 10th Line, Thornton (2021-33)

In addition to the permitted uses of this Section, on those lands zoned A-14 on Schedule A, and known as 7634 10th Line, a mobile home is a permitted use for a period of three (3) years expiring July 22, 2024.

6.4.15 A-15: Part W Lot 31 Concession 6, 8800 Smith Road (2026–32)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, such as those contained in Section 6, on those lands zone “A-15”, as shown on Schedule “1” of this By-law, the following provisions shall apply:

6.4.15.1 Permitted Uses

a) One detached dwelling is permitted on the lot along with accessory uses as defined in Section 6.2.

6.4.15.2 Zone Regulations

a) No additional buffer or setback is required from the Environmental Protection (EP) boundary, as the EP zone boundary includes the appropriate buffer from the Nottawasaga Valley Conservation Authority (NVCA).

6.4.16 A-16: Part W Lot 31 Concession 6, 8866 Smith Road (2026–32)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, such as those contained in Section 6, on those lands zone “A-16”, as shown on Schedule “1” of this By-law, the following provisions shall apply:

6.4.16.1 Zone Regulations

a) The minimum lot area shall be equal to the area of land zoned Agricultural with Special Provisions (A-16) Zone and residential development shall be restricted to accessory uses associated with the existing dwelling unit.

SECTION 7: RURAL (RL) ZONE

7.1 Within a Rural (RL) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

7.2 Permitted Uses

a) Agricultural uses, including hobby farms, and riding stables
b) Veterinary clinics and kennels
c) Market garden where farm produce is sold
d) Conservation uses
e) Wayside pits & quarries
f) Portable asphalt plant
g) A residence on a lot defined in this By-law
h) Accessory buildings to the above permitted uses
i) Home occupations, including bed and breakfasts and nurseries
j) Additional Residential Unit(s) in accordance with Section 4.38

7.3 Zone Regulations

ZONE	USE OF LOT	MINIMUM LOT PROVISIONS			MINIMUM YARD SETBACK PRIMARY PERMITTED USE				MINIMUM BLDG. GROUND FLOOR AREA	
		Frontage (m)	Area	Max. Coverage	Front (m)	Interior Side (m)	Exterior Side (m)	Rear (m)	1 Storey	2 Storey
RL	Agricultural	45.0	36 ha	10%	30.0	7.5	30.0	30.0	N/A	
	Residential	45.0	2782.0 m^2	35%	18.0	3.0	18.0	7.5	93.0 m^2	55.0 m^2

7.4 Special Provisions

7.4.1 RL-1: West Part of Lot 21, Concession 9, 7511 9th Line, Ivy (2013-62)
To permit a dwelling on the lands.

7.4.2 RL-2: Granny Flats/Garden Suites

Pt. Lot 5, Concession 10 (98-62)
In addition to the permitted uses of this Section, on those lands zoned "A-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on July 8, 2008.

Part Lot 22, Concession 7, 7667 County Road 56, Utopia (2009-11)
In addition to the permitted uses of this Section, on those lands zoned "RL-2" on Schedule "A", a garden suite is a permitted use for a period of ten years, expiring on February 18, 2029.

Part Lot 25, Concession 8, 7994 9th Line, Ivy (2019-35)

In addition to the permitted uses of this Section, on those lands zoned "RL-2 Zone" on Schedule "A", and known as 7994 9th Line, a garden suite is a permitted use for a period of twenty years expiring on April 17, 2039, at a distance of 2 metres from a property line.

7.4.2.1 East Part Lot 21, Concession 9 (7511 9th Line) Country Event Facility (2020-28)

Notwithstanding any provisions of this Zoning By-law, By-law No. 2003-50, to the contrary, on those lands zoned "RL-2" on Schedule "A" of this By-law an on-farm diversified use in the form of a Country Event Facility shall be permitted in addition to all other uses permitted within a "RL" Zone subject to the following:

(1) for the purposes of this subsection a Country Event Facility is defined as a building designated in accordance with the Ontario Building Code to accommodate group gatherings for wedding ceremonies, wedding receptions, wedding showers, engagement parties, anniversaries, birthdays, family reunions, art shows, seminars, debate forums and similar uses;

(2) on those lands zoned "RL-2 Zone", the following special zoning regulations shall apply:
- Maximum building area – 350 m^2
- Minimum number of parking spaces – 70
- Maximum number of events per operational season is in accordance with the current Site Plan Control Agreement applicable to this property
- Maximum cumulative number of persons permitted at one time – 230 (inclusive of all persons related to an event)
- Overnight accommodations, including camping, are prohibited in conjunction with any permitted events

7.4.3 RL-3: Part of East half of Lot 31, part East Part of Lot 32, and West part of Lot 32 Concession 6, 8949 Smith Road (By-law No. 2025-14)

Notwithstanding Section 7 of this Zoning By-Law No. 2003-50, the following special zoning regulations shall apply within the "Rural with Special Provisions (RL-3)"

The minimum lot frontage of a residential lot in the RL Zone shall be 32.5m.

SECTION 8: GENERAL PROVISIONS FOR RESIDENTIAL ZONES

8.1 Accessory Buildings

a) No accessory building shall be erected prior to the commencement of construction of the permitted dwelling on the same lot.

b) The regulations governing the location of any accessory building in relation to a lot line shall not apply to prevent the erection or use of a jointly-owned double garage which services two dwellings whose common lot line shall be the dividing line of such garage.

d) No accessory use, building or structure shall occupy more than 93.0 m^2 of floor area, nor exceed 4.5 m in height on any lot which is less than 1.0 ha in size; and

No accessory use, building or structure shall occupy more than 139.0 m^2 of floor area, nor exceed 6.0 m in height on any lot from 1.0 to 4.0 ha in size.

e) The maximum lot coverage shall be 8% provided that the lot coverage of all buildings on the lot does not exceed the maximum lot coverage for the primary permitted use.

d) An accessory building can be located in any front yard of a residential zone provided such building is not located closer to any lot line or street line than the minimum distance required for the principal building located on such lot or as stipulated in Section 4 of this By-law.

8.1.1 Regulations for Unenclosed Decks

a) Unenclosed decks in the specified zones have a minimum interior side yard setback of 1.5-metres, and a minimum rear yard setback of 5.0-metres. In the instance an unenclosed deck is attached to a primary dwelling that is located closer to the interior side yard lot line than 1.5-metres, the deck may be built in-line with the existing setback of the primary dwelling. A deck may protrude into the required front yard by 1.5m if it is for access to the front entrance, except in the instance the property fronts onto a County Road.

b) Detached Decks may be built in the instance they are attached to an above-ground pool in accordance with Section 8.1.1.

8.1.2 Regulations for Enclosed Decks

a) An enclosed deck shall be considered an addition to the primary residence and shall conform to all relevant provisions of the primary residence such as but not exclusive to lot coverage, setbacks, and maximum building height.

8.2 Parking Regulations

a) No part of the required front yard of any lot, or the required side yard of a corner lot abutting the flanking street shall be used for the temporary parking or storage of any trailer or the body of any truck, bus, coach, or streetcar.

b) Not more than 50% of the aggregate area of the side yards and rear yard of any lot shall be occupied by parking spaces.

8.3 Regulations for Daylighting Triangles

All uses permitted in all residential zones located on a corner lot shall provide a daylighting triangle of not less than 6.0 m.

8.4 Regulations for As-of-Right Setback Deviation

Notwithstanding any other provision of this By-law, a deviation of up to 10 per cent from any numerical zoning requirement is allowed without needing special approval, as long as it meets the general intent and purpose of this By-law.

This would not apply to a building or structure located:
a) In the Greenbelt Area
b) On land that us not a parcel of urban residential land
c) On land that is prescribed under subsection 41(1.2) of the Planning Act which includes:

a. Land that will contain no more than 10 residential units, unless the parcel of land includes any land in a prescribed area.

8.5 Provisions for Elementary and Secondary Schools

Notwithstanding any other provision of this By-law, nothing shall prohibit the use of urban residential land for an elementary or secondary school operated by a school board, or for any related uses, such as a childcare centre located within the school.

SECTION 9: RESIDENTIAL, LOW DENSITY, DETACHED (R1) ZONE

9.1 Within a Residential, Low Density, Detached (R1) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

9.2 Permitted Uses

Refer to Section 14.

9.3 Zone Regulations

Refer to Sections 4, 8 and 17.

9.4 Special Provisions

9.4.1 R1-1: Part of Lot 16, Concession 11
Notwithstanding the permitted uses of this Section, on those lands zoned as "R1-1" and located in Part of Lot 16, Concession 11 on Schedule "C", the following shall apply:

a) Only the storage of items accessory to a residential use is permitted.

9.4.2 R1-2: Lot 104, Plan 160A, Simcoe Street
Notwithstanding the permitted uses of this Section, on those lands zoned as "R1-2" and located in Lot 104, Plan 160A, Simcoe Street, on Schedule "B", the following shall apply:

a) To permit the construction of a single family dwelling at a distance of 5.0 m from the top-of-bank.

9.4.19 R1-19: Part of Lots 29 and 30, Concession 4 (95-63), and Lot 28 Concession 2
Notwithstanding the permitted uses and zone regulations of this Section, on those lands zoned as "R1-19" and located in Part of Lots 29 and 30, Concession 4 on Schedule "B", the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	15.0 m
	Corner Lot	18.0 m
Minimum Lot Area		
	Interior Lot	500.0 m^2
	Corner Lot	599.0 m^2
Minimum Rear Yard		7.0 m
Minimum Interior Side Yard		1.5 m
Minimum Exterior Side Yard		4.5 m

All other provisions of the "R1" Zone shall apply.

9.4.20 R1-20: Part of Lot 30, Concession 4 (95-63)

Notwithstanding the permitted uses and zone regulations of this Section, on those lands zoned as “R1-20” and located in Part of Lot 30, Concession 4 on Schedule “B”, the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	15.0 m
	Corner Lot	18.0 m
Minimum Lot Area		
	Interior Lot	500.0 m^2
	Corner Lot	599.0 m^2
Minimum Rear Yard		15.0 m
Minimum Interior Side Yard		1.5 m
Minimum Exterior Side Yard		4.5 m

All other provisions of the “R1” Zone shall apply.

9.4.22 R1-22: Part of Lot 31, Concession 3 (2001-71), Lot 31 Concession 4, and Lot 32 Concession 2

Notwithstanding the permitted uses and zone regulations of this Section, on those lands zoned as “R1-22” and located in Part of Lot 31, Concession 3 on Schedule “B”, the following shall apply:

a) Uncovered and unenclosed decks which are less than 0.6 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

b)

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	15.0 m
	Corner Lot	18.0 m
Minimum Lot Area		
	Interior Lot	450.0 m^2
	Corner Lot	540.0 m^2
Maximum Lot Coverage		40%
Minimum Rear Yard		7.5 m
Minimum Interior Side Yard		1.2 m
Minimum Exterior Side Yard		4.5 m

All other provisions of the “R1” Zone shall apply.

9.4.22/9.4.25 R1-22/R1-25: Part Lot 31, Concession 3 (2018-29) (SanDiego Homes)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, such as those contained in Section 17 and already in 9.4.22 and 9.4.25, on those lands zoned “R1-22” and “R1-25”, as shown on Schedule “1” of this By-law, the following provisions shall apply:

Dimension Type	Standard
Minimum Front Yard	6.5m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	45%

a) Steps are permitted to encroach into either the front or rear yard setback up to 1.5m;

b) Uncovered and unenclosed decks which are less than 2 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

9.4.24 R1-24: Part of Lot 31, Concession 3 (2001-71)

Notwithstanding the permitted uses and zone regulations of this Section, on those lands as “R1-24” and located in Part of Lot 31, Concession 3 on Schedule “B”, the following shall apply:

a) Uncovered and unenclosed decks which are less than 0.6 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

Dimension Type	**Standard**
Minimum Lot Frontage	16.5 m
Minimum Lot Area	495.0 m^2
Maximum Lot Coverage	40%
Minimum Rear Yard	7.5 m
Minimum Interior Side Yard	1.2 m
Minimum Exterior Side Yard	4.5 m

All other provisions of the “R1” Zone shall apply.

9.4.25 R1-25: Pt. Lot 31, Concession 3 (2001-71)

Notwithstanding the regulations of Section 10.3, on those lands zoned as "R1-25" and located in Part of Lot 31, Concession 3 on Schedule "B", the following regulations apply:

a) Uncovered and unenclosed decks which are less than 0.6 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

Dimension Type	Standard
Minimum Lot Frontage	15.0 m
Minimum Lot Area	505.0 m^2
Maximum Lot Coverage	40%
Minimum Front Yard	7.0 m
Minimum Interior Side Yard	8.0 m
Minimum Exterior Side Yard	1.2 m
Minimum Rear Yard	4.5 m

All other provisions of the "R1" Zone shall apply.

9.4.22/9.4.25 R1-22/R1-25: Part Lot 31, Concession 3 (2018-29) (SanDiego Homes)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, such as those contained in Section 17 and already in 9.4.22 and 9.4.25, on those lands zoned "R1-22" and "R1-25", as shown on Schedule "1" of this By-law, the following provisions shall apply:

Dimension Type	Standard
Minimum Front Yard	6.5m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	45%

a) Steps are permitted to encroach into either the front or rear yard setback up to 1.5m;

b) Uncovered and unenclosed decks which are less than 2 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

Uncovered and unenclosed decks which are less than 2 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

9.4.26 R1-26: Pt. Lots 28 & 29, Concession 4 (2007-33)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as “R1-26” and located in Part of Lots 28 & 29, Concession 4 on Schedule “B”, the following regulations apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	15.0 m
	Corner Lot	18.0 m
Minimum Lot Area		
	Interior Lot	450.0 m^2
	Corner Lot	540.0 m^2
Minimum Rear Yard		7 m
Minimum Interior Side Yard - Interior Lot		1.2 m
Minimum Exterior Side Yard - Corner Lot		4.5 m
Maximum Lot Coverage		45%

The minimum interior side yard and minimum exterior side yard requirements for a detached accessory building shall be 1.2 m and 4.5 m, respectively.

An unenclosed deck attached to a dwelling unit and located in the rear yard may project into the required rear yard setback a distance of not more than 3.5 m .

All other provisions of the “R1” Zone shall apply.

9.4.27 R1-27: Pt. Lots 28 & 29, Concession 4 (2007-33)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as “R1-27” and located in Part of Lots 28 & 29, Concession 4 on Schedule “B”, the following regulations apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	12.0 m
	Corner Lot	15.0 m
Minimum Lot Area		
	Interior Lot	360.0 m^2
	Corner Lot	450.0 m^2
Minimum Rear Yard		7 m
Minimum Interior Side Yard - Interior Lot		1.2 m
Minimum Exterior Side Yard - Corner Lot		4.5 m
Maximum Lot Coverage		45%

The minimum interior side yard and minimum exterior side yard requirements for a detached accessory building shall be 1.2 m and 4.5 m, respectively.

An unenclosed deck attached to a dwelling unit and located in the rear yard may project into the required rear yard setback a distances of not more than 3.5 m.

All other provisions of the “R1” Zone shall apply.

9.4.28 R1-28: Pt. of Lot 31, Concession 4 (2009-30)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as "R1-28" and located in Part of Lot 31, Concession 4 on Schedule "B", the following regulations apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	12.0 m
	Corner Lot	15.0 m
Minimum Lot Area		
	Interior Lot	400.0 m^2
	Corner Lot	500.0 m^2
Minimum Rear Yard		7 m
Minimum Interior Side Yard		1.2 m* may be reduced to 0.6 m where the abutting lot contains a setback of 1.2 m provided that there is no fencing constructed between the lots
Minimum Exterior Side Yard - Corner Lot		4.5 m
Maximum Lot Coverage		40%

Note 1: The minimum interior side yard and minimum exterior side yard requirements for a detached accessory building shall be 1.2 m and 3.0 m, respectively.

Note 2: An unenclosed deck attached to a dwelling unit and located in the rear yard may project into the required rear yard setback a distance of not more than 3.5 m and may exceed the maximum permitted lot coverage, provided the deck is not more than 1.8 m above the finished grade.

All other provisions of the "R1" Zone shall apply.

Note: That Section 4.26, Setbacks from Streams and Watercourses, shall not apply to this property.

Note: That Section 8.3, Regulations for Daylighting Triangles, shall be amended such that 5.0 m shall be required for all lots except those abutting Centre Street which will be required to have 10.0 m daylighting triangles.

9.4.29 R1-29: Pt. Lot 31, Concession 4 (2009-30)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as "R1-29" and located in Part of Lot 31, Concession 4 on Schedule "B", the following regulations apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	15.0 m
	Corner Lot	18.0 m
Minimum Lot Area		
	Interior Lot	500.0 m^2
	Corner Lot	600.0 m^2
Minimum Rear Yard		7.0 m
Minimum Interior Side Yard - Interior Lot		1.2 m* may be reduced to 0.6 m where the abutting lot contains a setback of 1.2 m provided that there is no fencing constructed between the lots
Minimum Exterior Side Yard - Corner Lot		4.5 m
Maximum Lot Coverage		40%

Note 1: The minimum interior side yard and minimum exterior side yard requirements for a detached accessory building shall be 1.2 m and 3.0 m, respectively.

Note 2: An unenclosed deck attached to a dwelling unit and located in the rear yard may project into the required rear yard setback a distance of not more than 3.5 m and may exceed the maximum permitted lot coverage, provided the deck is not more than 1.8 m above the finished grade.

All other provisions of the "R1" Zone shall apply.

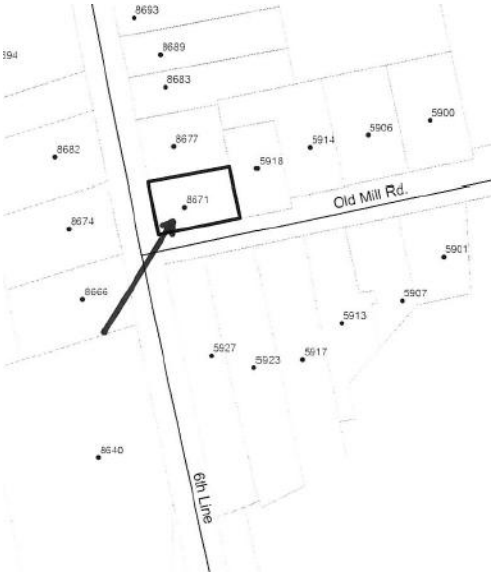
Note: That Section 4.26, Setbacks from Streams and Watercourses, shall not apply to this property.

Note: That Section 8.3, Regulations for Daylighting Triangles, shall be amended such that 5.0 m shall be required for all lots except those abutting Centre Street which will be required to have 10.0 m dayligting triangles.

9.4.33 R1-33: W. Part Lot 30, Concession 6 (2016-43)

Notwithstanding any provisions of By-law 2003-50 to the contrary, such as Section 16, on those lands zoned “R1-33” as shown on Schedule “1” of this By-law, the following provision shall apply:

i. The minimum lot area required is 1140 m^2;
ii. The minimum front yard required for a dwelling unit is 6.22 m;
iii. No structures, obstructions, obstacles or vegetation such as but not limited to trees, shrubbery, flowers, plantings, or landscaping works greater in height than 0.45 m, shall be placed within a 6 m x 6 m daylighting triangle at the southwest corner of the property known as 8671 Old Mill Road.



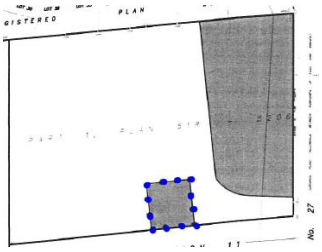
9.4.34 R1-34: East Part Lot 15, Concession 4, 75 Denney Drive (2017-35)

Notwithstanding any provisions of By-law 2003-50 to the contrary, such as Section 17, on those lands zoned “R1-34” as shown on Schedule “1” of this By-law, the following provisions shall apply:

i. Lot area 895 m^2 (9650 ft^2);
ii. Front yard setback 4.5 m;
iii. Exterior side yard setback 0.5 m; and
iv. Interior side yard setback 0.5 m.

9.4.35 R1-35: Part Lot 14, Concession 11, 6648 County Road 27 (2017-46)

Notwithstanding any provisions of By-law 2003-50 to the contrary, such as Section 17, on those lands zoned “R1-35” as shown on Schedule “1” of this By-law, the following provisions shall apply: the minimum rear yard setback shall be 9 metres.



9.4.36 R1-36: Part Lot 16, Concession 4 (By-law No. 2018-43)

Notwithstanding any provisions of By-law 2003-50 to the contrary, such as those contained in Section 17, on those lands zoned "R1-36" as shown on Schedule "1" of this By-law, the following provisions shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot/ Corner	12 m / 15 m
Minimum Lot Area		
	Interior Lot/ Corner	410 m² / 495 m²
Minimum Rear Yard		7.5 m
Minimum Interior Side Yard		1.2 m
Minimum Exterior Side Yard		4 m
Maximum Lot Coverage		40%

i) Notwithstanding the provisions of Section 4.31, covered porches, porticos, decks and steps are permitted to encroach into the front or rear yard setback up to 2 m.

ii) Uncovered and enclosed decks which are less than 1.5 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

9.4.37 R1-37: Part Lot 16, Concession 4 (By-law No. 2018-43)

Notwithstanding any provisions of By-law 2003-50 to the contrary, such as those contained in Section 17, on those lands zoned "R1-37" as shown on Schedule "1" of this By-law, the following provisions shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot/ Corner	12 m / 15 m
Minimum Lot Area		
	Interior Lot/ Corner	410 m² / 495 m²
Minimum Rear Yard		10.5 m
Minimum Interior Side Yard		1.2 m
Minimum Exterior Side Yard		4 m
Maximum Lot Coverage		40%

i) Notwithstanding the provisions of Section 4.31, covered porches, porticos, decks and steps are permitted to encroach into the front or rear yard setback up to 2 m.

ii) Uncovered and enclosed decks which are less than 1 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

iii) Retaining walls abutting existing residential properties shall be setback a minimum of 1 m from a common lot line and an additional 1 m for every 1 m of wall height.

9.4.38 **R1-38: Part Lot 16, Concession 4 (By-law No. 2018-43)**

Notwithstanding any provisions of By-law 2003-50 to the contrary, such as those contained in Section 17, on those lands zoned "R1-38" as shown on Schedule "1" of this By-law, the following provisions shall apply:

Dimension Type	Standard
Minimum Lot Frontage	26 m
Minimum Lot Area	2000 m²
Minimum Front Yard	20 m
Minimum Rear Yard	15.5 m
Minimum Interior Side Yard	1.5 m
Minimum Exterior Side Yard	4 m
Maximum Lot Coverage	40%

i) Uncovered and enclosed decks which are less than 1 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

ii) Retaining walls abutting existing residential properties shall be setback a minimum of 1 m from a common lot line and an additional 1 m for every 1 m of wall height.

9.4.39 **R1-39: Part Lot 31, Concession 4 (By-law No. 2019-23 / Briarwood)**

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, on those lands zoned "R1-39", as shown on Schedule "1" of this By-law, the following provisions shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot/ Corner	12 m / 15 m
Minimum Lot Area		
	Interior Lot/ Corner	400 m² / 500 m²
Minimum Rear Yard		7 m
Minimum Interior Side Yard		1.2 m may be reduced to 0.6 m where the abutting lot contains a setback of 1.2 m provided that there is no fencing constructed between the lots
Minimum Exterior Side Yard		4.5 m
Maximum Lot Coverage		45%
Unenclosed Rear Decks Projection – Rear Yard		3.5 m excluded from lot coverage
Rear Deck Steps Projection – Rear Yard		1 m excluded from lot coverage
Exterior Stair Projection – Rear Yard (Walk-up Bsmt)		1.8 m

9.4.40 R1-40: Part Lot 31, Concession 4 (By-law No. 2019-23 / Briarwood)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, on those lands zoned “R1-40”, as shown on Schedule “1” of this By-law, the following provisions shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot/ Corner	12 m / 15 m
Minimum Lot Area		
	Interior Lot/ Corner	400 m² / 500 m²
Minimum Rear Yard		7 m
Minimum Interior Side Yard		1.2 m may be reduced to 0.6 m where the abutting lot contains a setback of 1.2 m provided that there is no fencing constructed between the lots
Minimum Exterior Side Yard		4.5 m
Maximum Lot Coverage		40%
Unenclosed Rear Decks Projection – Rear Yard		3.5 m excluded from lot coverage
Rear Deck Steps Projection – Rear Yard		1 m excluded from lot coverage
Exterior Stair Projection – Rear Yard (Walk-up Bsmt)		1.8 m

9.4.41 R1-41: Plan 199, Lot 3 & 4, Part Lot 5, 231 Barrie Street (By-law No. 2023-56)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, on those lands zoned “R1-41”, as shown on Schedule “1” of this By-law, the following provisions shall apply:

Dimension Type		Required
Minimum Lot Area	Interior Lot/ Corner	850.0 m²
Minimum Front Yard Setback (dwelling)		0.0 m²
Minimum Rear Yard Setback (accessory building/structure)		0.0 m²

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

9.4.42 R1-42: Concession 11 N Part Lot 15, 253 Barrie Street (2025-02)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, on those lands zoned “R1-42”, as shown on Schedule “1” of this By-law, the following provisions shall apply:

a) That a Real Estate Office only be allowed to exist on the first floor of the existing single-family dwelling.
b) That the Real Estate Office allows a maximum of five (5) on-site employees.
c) That no part of the existing residential building be rented while the temporary use is in effect.
d) That the Real Estate Office is subject to annual inspections by the Building and Fire Departments.
e) The By-law comes into effect on the day of passing and the use shall be terminated no later than three (3) years from this date of passing, making the expiry date January 15th, 2028.

SECTION 10: RESIDENTIAL, LOW DENSITY, SEMI-DETACHED (R2) ZONE

10.1 Within a Residential, Low Density, Semi-Detached (R2) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

10.2 Permitted Uses

Refer to Section 14.

10.3 Zone Regulations

Refer to Sections 4, 8 and 17.

10.4 Special Provisions

R2-2: Part Lot 24, Plan 1330 (2015-77)
Notwithstanding any provisions of By-law 2003-50 to the contrary, such as Section 16, on those lands zoned "R2-2" as shown on Schedule "1" of this By-law, the following provisions shall apply:

i. The minimum area required for a dwelling unit is 82 m^2.

10.4.3 R2-3: Part Lots 29 and 30, Concession 4 (95-63)
Notwithstanding the zone permitted uses and regulations of this Section, on those lands zoned "R2-3" and located in Part of Lots 29 and 30, Concession 4 on Schedule "B", the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	9.0 m
	Exterior Lot	11.0 m
Minimum Lot Area		
	Interior Lot	330.0 m^2
	Exterior Lot	365.0 m^2
Minimum Rear Yard		7.0 m
Minimum Interior Side Yard		1.5 m
Minimum Exterior Side Yard		4.5 m

All other provisions of the "R2" Zone apply.

10.4.4 R2-4: Part of Lot 30, Concession 4 (95-63)

Notwithstanding the zone regulations of this Section, on those lands zoned "R2-4" and located in Part of Lot 30, Concession 4 on Schedule "B", the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	9.0 m
	Exterior Lot	11.0 m
Minimum Lot Area		
	Interior Lot	330.0 m^2
	Exterior Lot	365.0 m^2
Minimum Rear Yard		15.0 m
Minimum Interior Side Yard		1.5 m
Minimum Exterior Side Yard		4.5 m

All other provisions of the "R2" Zone shall apply.

10.4.5 R2-5: Part of Lot 31, Concession 3 (2001-71), and Lot 31 Concession 4

Notwithstanding the zone permitted uses and regulations of this Section, on those lands zoned as "R2-5" and located in Part of Lot 31, Concession 3 on Schedule "B", the following shall apply:

b) Uncovered and unenclosed decks which are less than 0.6 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

b) There is to be no fencing between structures which are less than 2.4 m apart.

Dimension Type	Standard
Minimum Lot Frontage	9.0 m
Minimum Lot Area	270.0 m^2
Minimum Lot Coverage	50%
Minimum Rear Yard	7.5 m
Minimum Interior Side Yard	1.2 m however this may be reduced to 0.6m where abutting a lot with a setback of 1.2 m.
Minimum Exterior Side Yard	4.5 m

All other provisions of the "R2" Zone shall apply.

10.4.5/10.4.6 R2-5/R2-6: Part Lot 31, Concession 3 (2018-29) (SanDiego Homes)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, such as those contained in Section 17 and already in 10.4.5 and 10.4.6, on those lands zoned "R2-5" and "R2-6", as shown on Schedule "1" of this By-law, the following provisions shall apply:

Dimension Type	Standard
Minimum Front Yard	6.5m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	45%

a) Steps are permitted to encroach into either the front or rear yard setback up to 1.5m;

b) Uncovered and unenclosed decks which are less than 2 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

10.4.6 R2-6: Part of Lot 31, Concession 3 (2001-71)

Notwithstanding the zone permitted uses and regulations of Sections, on those lands zoned as "R2-6" and located in Part of Lot 31, Concession 3 on Schedule "B", the following shall apply:

a) Uncovered and unenclosed decks which are less than 0.6 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

b) There is to be no fencing between structures which are less than 2.4 m apart.

Dimension Type	**Standard**
Minimum Lot Frontage	9.0 m
Minimum Lot Area	300.0 m^2
Minimum Lot Coverage	50%
Minimum Front Yard	7.0 m
Minimum Rear Yard	8.0 m
Minimum Interior Side Yard	1.2 m however this may be reduced to 0.6 m where abutting a lot with a setback of 1.2 m.
Minimum Exterior Side Yard	4.5 m

All other provisions of the "R2" Zone shall apply.

10.4.5/10.4.6 R2-5/R2-6: Part Lot 31, Concession 3 (2018-29) (SanDiego Homes)

Notwithstanding any provisions of By-law 2003-50 as amended, to the contrary, such as those contained in Section 17 and already in 10.4.5 and 10.4.6, on those lands zoned "R2-5" and "R2-6", as shown on Schedule "1" of this By-law, the following provisions shall apply:

Dimension Type	Standard
Minimum Front Yard	6.5m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	45%

a) Steps are permitted to encroach into either the front or rear yard setback up to 1.5m;

b) Uncovered and unenclosed decks which are less than 2 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

10.4.7 R2-7: Part of Lots 28 & 29, Concession 4 (2008-41) (Brownley Meadows)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as "R2-7" Zone and located in Part of Lots 28 & 29, Concession 4 on Schedule "B", the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	9.0 m
	Corner Lot	12.0 m
Minimum Lot Area		
	Interior Lot	270.0 m^2
	Corner Lot	360.0 m^2
Minimum Rear Yard		7.0 m
Minimum Interior Side Yard		1.2 m
Minimum Exterior Side Yard		4.5 m
Maximum Lot Coverage		45%

The minimum garage width shall be 3.75 m where a semi-detached dwelling is erected on a lot that is or will be serviced by a sidewalk as determined by the subdivision engineering plans approved by the Township. On a lot where a sidewalk is not required, there shall be no minimum width requirement.

The minimum interior side yard and minimum exterior side yard requirements for a detached accessory building shall be 1.2 m and 4.5 m, respectively.

An unenclosed deck attached to a dwelling unit and located in the rear yard may project into the required rear yard setback a distance of not more than 3.5 m.

All other provisions of the "R2" Zone shall apply.

10.4.8 R2-8: Lots 28-42, Plan M-844, Phase 4, Nottawasaga Village (2012-05)

Notwithstanding the zone permitted uses and regulations of Sections, on those lands zoned as "R2-7", the following shall apply:

Dimension Type	Standard
Minimum Front Yard	7.0 m
Minimum Rear Yard	7.0 m
Minimum Interior Side Yard	1.5 m
Minimum Exterior Side Yard	4.5 m
Maximum Lot Coverage	42%

10.4.9 R2-9: Block 12, Plan M-784, Nottawasaga Village (2014-62)

Notwithstanding the zone permitted uses and regulations of this Section, on those lands zoned "R2-9" and located in Block 12, M-784, the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	9.0 m
	Corner Lot	11.0 m
Minimum Lot Area		
	Interior Lot	330.0 m^2
	Corner Lot	365.0 m^2
Minimum Front Yard		7.5 m
Minimum Rear Yard		7.0 m
Minimum Interior Side Yard		1.2 m
Minimum Interior Side Yard – Link Units		0.0 m
Minimum Exterior Side Yard		4.5 m
Maximum Lot Coverage		45%

An unenclosed deck attached to a dwelling unit and located in the rear year may project into the required rear yard setback a distance of not more than 3.5 m.

All other provisions of the R2 Zone apply.

10.4.10 R2-10: Plan 160A PT LOT 248, 62 Centre Street (2022-27)

Notwithstanding any provisions of this Zoning By-Law No. 2003-50 to the contrary on those lands zoned "R2-10" on Schedule "A" of this By-law, residential uses on lands zoned "Residential, Low Density, Semi-Detached Exception (R2-10)" shall be permitted subject to the following provisions:

- Minimum Lot Area with Full Municipal Services: 370 m^2
- Minimum Lot Frontage with Full Municipal Services: 8 m

All other provisions of the “R2” Zone shall apply.

10.4.11 R2-11: Plan 51M1129 LOT 60, 59 Centre Street (2023-21)

Notwithstanding any provisions as set out in Zoning By-Law No. 2003-50, residential uses on lands zoned “Residential, Low Density, Semi-Detached Exception (R2-11)” shall be permitted subject to the following provisions:

- Minimum Lot Area – 306 m^2
- Minimum Lot Frontage – 10 m
- Lot Coverage – 39%
- Minimum Interior Side Yard – Garage Side – 0.6 m
- Minimum Rear Yard – 7.5 m

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

10.4.12 R2-12: PT LT 30 CON 3 ESSA AS IN RO394415, 96 King Street (2023-36)

Notwithstanding any provisions as set out in Zoning By-Law No. 2003-50, residential uses on lands zoned “Residential, Low Density, Semi-Detached Exception (R2-11)” shall be permitted subject to the following provisions:

- Minimum Exterior Side Yard – 0 m
- Minimum Rear Yard – 0.5 m

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

10.4.13 R2-13: PLAN 160A LOT 232, 125 Sydenham Street (2023-35)

Notwithstanding the provisions as set out in the Zoning By-law 2003-50, Section 10: Residential, Low Density, Semi-Detached (R2) Zone, the following provisions shall be permitted on lands zoned as R2-13:

- Minimum Lot Frontage - 1 0.0m.

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

10.4.14 R2-14: PT LT 30 CON 3 ESSA AS IN RO394415, 96 King Street (2023-36)

Notwithstanding any provisions as set out in Zoning By-Law No. 2003-50, residential uses on lands zoned “Residential, Low Density, Semi-Detached Exception (R2-12)” shall be permitted subject to the following provisions:

- Minimum Gross Floor Area – 75 m^2
- Minimum Rear Yard – 7 m

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

10.4.15 R2-15: Plan 119, Lot 3 & 4, Part Lot 5, 231 Barrie Street (2023-56)

Notwithstanding any provisions as set out in Zoning By-Law No. 2003-50, residential uses on lands zoned “Residential, Low Density, Semi-Detached Exception (R2-15)” shall be permitted subject to the following provisions:

Dimension Type		Standard
Minimum Lot Area		
	Interior Lot/Corner	650.0 m²
Minimum Lot Frontage		
	Interior Lot/Corner	18.0 m
Minimum Setbacks		
	Minimum Interior Side Yard (detached building/structure)	1.4 m
	Minimum Rear Yard (detached building/structure)	0.0 m

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

SECTION 11: RESIDENTIAL, MEDIUM DENSITY, TOWNHOME (R3) ZONE

11.1 Within a Residential, Medium Density, Townhome (R3) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

11.2 Permitted Uses

Refer to Section 14.

11.3 Zone Regulations

Refer to Sections 4, 8 and 17.

11.4 Special Provisions

Notwithstanding the definition of townhouse provided in Section 3, no more than 8 townhouse dwellings shall be constructed in a row.

11.4.1 R3-1: Part of the West Half of Lot 29, Concession 3, Part Lots 14 and 15 of Plan 160A, Part 7 of 51R-33496, 66 Margaret Street (2017-50)

Notwithstanding any provisions of By-law 2003-50 to the contrary, on those lands zoned "R3-1" as shown on Schedule "1" of this By-law, the following provisions shall apply: Building Permits for 6 townhouse units shall be issued for lands that do not contain frontage on a public street or road.

11.4.6 R3-6: Part of Lot 31, Concession 3 (2001-71)

Notwithstanding the zone permitted uses and Regulation of Sections 12.2 and 12.3 respectively, on those lands zoned as "R3-6" and located i n Part of Lot 31, Concession 3 on Schedule "B", the following shall apply:

a) Uncovered and unenclosed decks which are less than 0.6 m in height may protrude into the rear yard setback and may exceed the maximum permitted lot coverage.

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	6.0 m
	End Lot Interior	7.5 m
	End Lot Exterior	9.0 m
Minimum Lot Area		
	Interior Lot	180.0 m^2
	End Lot Interior	225.0 m^2
	End Lot Exterior	270.0 m^2
Minimum Lot Coverage		50%
Maximum Height		10.5 m
Minimum Rear Yard		7.5 m
Minimum Interior Side Yard		The minimum interior side yard setback on end units on lots abutting existing residential lots

	which face Centre Street shall be 7.7 m.

All other provisions of the “R3” Zone shall apply.

11.4.7 R3-7: Part of Lots 28 & 29, Concession 4 (2008-42)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as “R3-7” Zone and located in Part of Lots 28 & 29, Concession 4 on Schedule “B”, the following shall apply:

Dimension Type		**Standard**
Minimum Lot Frontage		
	Interior Lot	6.0 m
	End Lot Interior	7.5 m
	End Lot Exterior	9.0 m
Minimum Lot Area		
	Interior Lot	180.0 m^2
	End Lot Interior	225.0 m^2
	End Lot Exterior	270.0 m^2
Maximum Height		10.5 m
Minimum Front Yard		7.5 m except that garage must be 11 m
Minimum Exterior Side Yard – Corner Lot		4.5 m
Minimum Interior Side Yard – End Lot		1.2 m
Minimum Rear Yard		7 m
Maximum Lot Coverage		50%

The minimum exterior side yard for an accessory building on a corner lot shall be 4.5 m and the minimum interior side yard requirements for an end lot shall be 1.2 m.

An unenclosed deck attached to a dwelling unit and located in the rear yard may project into the required rear yard setback a distance of not more than 3.5 m.

All other provisions of the “R3” Zone shall apply.

11.4.8 R3-8: Part of Lot 30, Concession 4 (Aramis/ATF Investments)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as "R3-8" Zone and located in Part of Lot 30, Concession 4 on Schedule "B", the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	5.2 m
	End Lot, Interior	6.0 m
	End Lot, Exterior	8.5 m
Minimum Rear Yard		7.0 m
Minimum Interior Side Yard – End Lot		1.2 m
Minimum Exterior Side Yard – End Lot		4.0 m
Minimum Setback from the Rail Corridor		15.0 m – this shall apply to dwelling units only
Maximum Lot Coverage		45%

R3-8 (a):
This consists of a 7.0 m wide Tree Preservation Area. Within the Tree Preservation Area, no dwelling or structure may be placed or constructed, and no trees may be removed without the written approval of the Township of Essa. For the purpose of this section, "tree" shall refer to any tree that is in excess of 10 cm in diameter at "breast height" or roughly 137 cm from the ground.

R3-8 (b):
This Zone is comprised of townhouse blocks known as "Blocks 12 and 13" on an unregistered Plan of Subdivision and wherein notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as R3-8 (b) Zone and located in Part of Lot 30, Concession 4 on Schedule "B" the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	5.2 m
	End Lot Interior	6.0 m
	End Lot Exterior	8.5 m
Minimum Rear Yard for dwelling unit only		7.0 m
Minimum Interior Side Yard – End Lot		1.2 m
Minimum Exterior Side Yard – Corner Lot		4.0 m
Minimum Rear Yard for decks and accessory structures		1.5 m
Maximum Lot Coverage		55%

All other provisions of the "R3" Zone shall apply.

11.4.9 R3-9: E Part of Lot 30, Concession 4 (2016-61) (400 Centre Street)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as “R3-9” Zone and located in Concession 4, E Part Lot 30, on Schedule “B”, the following shall apply:

Dimension Type		Standard
Minimum Lot Frontage		
	Interior Lot	5.2 m
	End Lot Interior	6.0 m
	End Lot Exterior	10.0 m
Minimum Lot Area		
	Interior Lot	156.0 m^2
	End Lot Interior	230.0 m^2
	End Lot Exterior	200.0 m^2
Maximum Height		10.5 m
Minimum Front Yard		7.5 m
Minimum Exterior Side Yard – Corner Lot		4.0 m
Minimum Interior Side Yard – End Lot		2.0 m
Minimum Rear Yard		7.5 m
Maximum Lot Coverage		50%

Accessory Buildings: The minimum exterior side yard for an accessory building on a corner lot shall be 4.0 m and the minimum interior side yard requirements for an end lot shall be 1.2 m.

An unenclosed deck attached to a dwelling unit and located in the rear yard may project into the required rear yard setback a distance of not more than 3.5 m.

All other provisions of the “R3” Zone shall apply.

11.4.10 R3-10: Part of Lot 20, Concession 1, Lots 14 and 15, Registered Plan 1425 (2022-15)

Notwithstanding any provisions of this Zoning By-Law No. 2003-50 to the contrary on those lands zoned "R3-10" on Schedule "A" of this By-law, residential uses on lands zoned "Residential, Medium Density, Townhome Exception (R3-10)" shall be permitted the following provisions on those lands zones "R3-10" the following special zoning regulations shall apply:

- Minimum Corner Lot Area with Full Municipal Services: 250m2
- Minimum Corner Lot Frontage with Full Municipal Services: 9.7m
- Minimum Front Yard Setback: 6.6m
- Minimum Exterior Side Yard Setback: 1.7m
- Maximum Corner Lot Coverage: 36%

All other provisions of the “R3” Zone shall apply.

11.4.11 R3-11: Lots 2 to 4, and 5, Plan 160A (2024-15)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as “R3-11” Zone and located in Lots 2 to 4, and 5, Plan 160A on Schedule “B”, the following shall apply:

Dimension Type	Standard
Maximum Building Height	14.5 m
Minimum Front Yard Setback	5.0 m
Minimum Rear Yard Setback	2.0 m

a) That a *Back-to-Back Townhouse* is permitted use:

b) **Back-to-Back Townhouse**
means a building containing four or more dwelling units divided vertically above a below grade by a common wall, including a rear common wall.

All other provisions of the “R3” Zone shall apply.

11.4.12 R3-12: Lots 2 to 4, and 5, Plan 160A (2024-15)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as “R3-12” Zone and located in Lots 2 to 4, and 5, Plan 160A on Schedule “B”, the following shall apply:

Dimension Type	Standard
Minimum Rear Yard Setback	3.0 m

All other provisions of the “R3” Zone shall apply.

11.4.13 R3-13: Lots 2 to 4, and 5, Plan 160A (2024-15)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as “R3-12” Zone and located in Lots 2 to 4, and 5, Plan 160A on Schedule “B”, the following shall apply:

Dimension Type	Standard
Minimum Rear Yard Setback	6.0 m

a) That a ‘Stacked Townhouse’ is a permitted use.

All other provisions of the “R3” Zone shall apply.

SECTION 12: RESIDENTIAL, MEDIUM DENSITY, MULTI-UNIT (R4) ZONE

12.1 Within a Residential, Medium Density, Multi-Unit (R4) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

12.2 Permitted Uses

Refer to Section 14.

12.3 Zone Regulations

a) Refer to Sections 4, 8 and 17.

b) Lot Area Minimum
Group Housing: the sum of the areas required for each dwelling unit.

Type of Dwelling Unit	Minimum Area
With Only One Wall Attached to an Adjoining Unit	445.0 m^2
With Two Walls Attached to Adjoining Units	220.0 m^2

All other provisions of the “R4” Zone shall apply.

SECTION 13: RESIDENTIAL, HIGH DENSITY, APARTMENTS (R5) ZONE

13.1 Within a Residential, High Density, Apartments (R5) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

13.2 Permitted Uses

Refer to Section 14.

13.3 Zone Regulations

a) Refer to Sections 4, 8 and 17.

b) Minimum Unit Size

Dwelling Unit Types	Minimum Gross Floor
Bachelor Apartment	40.0 m^2
1 Bedroom Apartment	50.0 m^2
2 Bedroom Apartment	70.0 m^2
3 Bedroom Apartment	90.0 m^2

All other provisions of the “R5” Zone shall apply.

13.4 Special Provisions

13.4.1 R5-1: Plan 1333 Lot 22, 56 River Drive (2023-34)
Notwithstanding any provisions as set out in Zoning By-Law No. 2003-50, residential uses on lands zoned “'Residential, High Density, Apartments Exception (R5-1)” shall be permitted subject to the following provisions:

- Minimum Exterior Side Yard – 6.1 m
- Minimum Lot Frontage – 24.2 m

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

13.4.2 R5-2: Concession 3, West Part Lot 29, 34 Mill Street (2023-45)
Notwithstanding any provisions as set out in Zoning By-Law No. 2003-50, residential uses on lands zoned “'Residential, High Density, Apartments Exception (R5-1)” shall be permitted subject to the following provisions:

Permitted Uses:
- Block/Cluster Townhouse
- Back to Back Townhouse

A Back to Back townhouse is defined as: shall mean a building containing four or more dwelling units divided vertically above and below grade by a common wall, including a rear common wall.

Dimension Type		Standard
Minimum Lot Area		
	Interior Lot/Corner	800.0 m²
Minimum Setbacks		
	Minimum Front Yard	4.5 m
	Minimum Exterior Side Yard	3.23 m
	Minimum Rear Yard	5.0 m (interior)/ 2.9 m (exterior/corner)
Maximum Lot Coverage		
	Interior Lot/Corner	92%

Footnotes:

(a) The minimum parking stall size shall be 2.61 m x 6.0 m (covered parking – 90 degree)
(b) The minimum daylighting triangle shall be 3.0 meters.

All other provisions of the “R5” Zone shall apply.

SECTION 14: PERMITTED USES FOR RESIDENTIAL ZONES

Permitted Uses	R1 Zone	R2 Zone	R3 Zone	R4 Zone	R5 Zone
Detached Dwelling	√	√	√		
Semi-Detached Dwelling		√	√		
Link Housing		√	√		
Duplex		√	√		
Multi-Unit Dwelling			√***(a)***	√***(b)***	√***(c)***
Townhouses			√	√***(b)***	√***(c)***
Apartment					√
Group Homes				√	
Nursing Home or home for the aged				√	
Accessory buildings or structures subsidiary to any of the above	√	√	√	√	√
Home Occupations	√	√	√	√	√
Additional Residential Unit(s) in accordance with Section 4.38	√	√	√	√	***(d)***

Footnotes:

(a) A Multi-Unit Dwelling in the R3 zone shall have a maximum of three (3) units, not including Additional Residential Units.
(b) A Multi-Unit Dwelling or Townhouse in the R4 zone shall have a minimum of four (4) units.
(c) A Multi-Unit Dwelling or Townhouse in the R5 zone shall have a minimum of five (5) units.
(d) An Additional Residential Unit may be permitted in the R5 zone where a Townhouse/Rowhouse exists.

SECTION 15: ESTATE RESIDENTIAL (RS1) ZONE

15.1 Within an Estate Residential (RS1) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

15.2 Permitted Uses

a) A detached dwelling and any accessory buildings or structures; and

b) A home occupation

c) Additional Residential Unit(s) in accordance with Section 4.38

15.3 Zone Regulations

a) Refer to Sections 4, 8 and 17.

b) Minimum ground floor area for a one storey dwelling shall be 140.0 m^2. Minimum ground floor area for a 2 storey dwelling shall be 100.0 m^2.

15.4 Special Provisions (Part Lot 10, Concession 10, Bryan Estates, Egbert) (2010-42)

15.4.1 a) notwithstanding any provisions of Bylaw 2003-50 to the contrary, the following provisions, in addition to any other provisions pertaining to the Estate Residential (RS1) Zone shall apply to those lands zoned Estate Residential (RS1-1) Zone:

i. The minimum front yard setback shall be 14 metres.
ii. The minimum rear yard setback shall be 10 metres.

15.4.2 RS1-2: Pt. Lot 10, Concession 10 (Egbert Estates) (2015-62)
Notwithstanding any provisions of By-law 2003-50 to the contrary, such as Section 8.1 (d), on those lands zoned “RS1-2” as shown on Schedule “1” of this By-law, the following provisions shall apply:

i. The min. lot frontage required is 20 metres; and
ii. The max. size of accessory structure permitted is 170 square metres with a height of 7 metres to accommodate an existing shop which may store personal items and equipment owned by the residents of the home also on 4585 10th Sideroad.

SECTION 16: MOBILE HOME RESIDENTIAL (RS2) ZONE

16.1 Within a Mobile Home Residential (RS2) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

16.2 Permitted Uses

a) A mobile home located on a site within a mobile home park as defined in Section 3 of this By-law; and

b) A park, playground, community centre, laundromat, convenience retail store or personal service shop intended primarily for the use of the residents of the mobile home park.

16.3 Zone Regulations

a) Refer to Sections 4, 8 and 17.

SECTION 17: RESIDENTIAL ZONE REGULATIONS

ZONE	LOT TYPE	MINIMUM LOT AREA/UNIT		MINIMUM LOT FRONTAGE/UNIT		MINIMUM LOT REQUIREMENTS				MIN GFA (m^2)	MAX BLDG HGT (m^2)	MAX LOT CVG (m^2)	MINIMUM YARD FOR DETACHED ACCESSORY BUILDINGS			
		With full municipal services (m^2)	With partial or private services (m^2)	With full municipal services (m)	With partial or private services (m)	Front (m)	Int Side (m)	Ext Side (m)	Rear (m)				Front (m)	Int Side (m)	Ext Side (m)	Rear (m)
R1	INT	810.0	1400.0	18.0	23.0	7.5	1.5	N/A	10.5	93.0	10.5	35%	7.5	***(d)***	***(d)***	***(d)***
	COR	990.0		22.0	24.0			7.5 ***(a)***	6.0							
R2	INT	390.0	925.0	11.0	30.0			N/A	9.0	84.0/ unit						
	COR			12.0				7.5 ***(a)***	6.0							
R3	INT	175.0	N/A	6.0	N/A			N/A	8.0	84.0/ unit	10.5	45%			N/A	
	COR	300.0		10.0				4.5				35%			***(d)***	
	END	230.0		7.5				N/A				40%			N/A	
R4	INT	1000.0	1450.0	25.0	30.0			N/A	10.5	200.0	10.5	35%		**1.5**	6.0	1.5
	COR	1100.0	1600.0	27.5	33.0			7.5 ***(a)***								
R5	INT	1100.0	N/A	24.0	N/A			N/A	9.0	***(b)***	21.0	40%				
	COR			27.0				7.5 ***(a)***	6.0							
RS1	ALL	0.3 ha		30.0		15.0	6.0	15.0	15.0	140.0 ***(c)***	10.5	20%	15.0	6.0		
RS2	ALL	700		15.0		3.0	1.5	6.0	3.0	46.5	4	45%	3.0	0.6		

Footnotes to Preceding Table:

a) Notwithstanding anything in this Section, the minimum exterior side yard may be reduced to a minimum of 6.0 m provided that for every 0.3 m the exterior side yard is reduced below the minimum, the minimum front yard shall be increased correspondingly by 0.3 m, or at a 1:1 ratio.
b) Refer to section 13.3.
c) Refer to section 15.3.
d) The minimum yard for Detached Accessory Buildings for the R1, R2, and R3 Zones shall be as follows:

Int Side	1.5 m pools and 1 m sheds
Ext Side	4m pools and 1 m sheds
Rear	1.5 m pools and 1 m sheds

SECTION 18: GENERAL PROVISIONS FOR COMMERCIAL ZONES

18.1 Minimum Landscaping, Parking and Loading Regulations

a) A landscaping area in the form of a planting strip having a minimum width of 3.0 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any residential zone.

b) No parking or loading facility or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 m of any lot line or street line, or within 3.0 m of the boundary of any residential zone.

c) No means of ingress or egress on a corner lot shall be located within 15.0 m of the intersection of street lines, and all means of ingress and egress shall have a minimum width of 9.0 m.

18.2 Regulations for Daylighting Triangles

All uses permitted in commercial zones and located on a corner lot shall provide a daylighting triangle of not less than:

a) 9.0 m where speeds of 50 kph are permitted; or

b) 12.0 m where speeds of 60 kph are permitted; or

c) 15.0 m where speeds of 80 kph are permitted.

SECTION 19: COMMUNITY COMMERCIAL (C1) ZONE

19.1 Within a Community Commercial (C1) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

19.2 Permitted Uses

a) Retail stores
b) Personal service shops
c) Service shops
d) Nursery or commercial schools, including day cares
e) Antique dealers
f) Auto service stations
g) Business or professional offices
h) Artist studios
i) Accessory buildings or structures subsidiary to any of the above.

19.3 Zone Regulations

a) Refer to Sections 4, 18 and 30.

19.4 Special Provisions

19.4.1 C1-1 Part Lot 15, Concession 4, 75 Denney Drive, Baxter
Notwithstanding the permitted uses of this Section, those lands zoned as “C1-1” and located in Part Lot 115, Concession 4, 75 Denney Drive, Baxter, on Schedule “D”, may also be used as a flower and gift shop, and the following provisions shall apply:

Minimum lot area	1000 m^2
Exterior side yard setback	0.9 m
Interior side yard setback	1.0 m

All other C1 Zone provisions shall apply.

19.4.2 C1-2 Part Lot 16 & 17, Concession 11, 203 Barrie Street (2021-43)
Notwithstanding Section18, General Provisions for Commercial Zones, on lands zoned “C1-2 Zone”, a landscape buffer to road allowance of 2.3 m is permitted. All other applicable provisions of the C1 Zone contained in Section 18 shall apply.

Notwithstanding Section 30, Non-Residential Zone Regulations, on lands zoned C1-2 Zone, a minimum lot area of 2,356.3 m^2 with partial or private services is permitted. All other applicable regulations of the C1 Zone contained in Section 30 shall apply.

SECTION 20: CORE COMMERCIAL (C2) ZONE

20.1 Within a Core Commercial (C2) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

20.2 Permitted Uses

a) Retail stores
b) Personal service shops
c) Service shops
d) Restaurants
e) Nursery or commercial schools, including day cares
f) Parking lots or structures
g) Theatres
h) Hotels/motels
i) Antique dealers
j) Auto service stations (gas stations)
k) Auto sales
l) Places of amusement
m) Business or professional offices
n) Artist studios
o) Funeral parlors
p) Vet clinics
q) Call centres / offices for distribution of calls
r) Apartment(s) above any of the above listed uses in accordance with Section 4.35
s) Accessory buildings or structures subsidiary to any of the above.

20.3 Zone Regulations

a) Refer to Sections 4, 18 and 30.

20.4 Special Provisions

20.4.1 C2-1 Pt. Lot 32, Concession 3 on Schedule "B"
In addition to the permitted uses and regulations of this Section, on those lands zoned as "C2-1" and located in Part of Lot 32, Concession 3 on Schedule "B", the following land use shall also be permitted: four apartments above ground floor commercial uses.

20.4.2 C2-2: Part of Lots 146 to 149, Plan 160A, 18 King Street; West side of Cedar Street, Plan 160A; Part 40 foot Reserve North of Railway property, Plan 160A.
Notwithstanding any provisions of By-law 2003-50 to the contrary, on those lands zoned "C2-2", the following provisions shall apply:

The following is a list of permitted uses:
Family Health Organization; A Medical (Walk-in) Clinic for Physicians, Nurses, Nurse Practitioners and their support staff with reception and waiting room area, examination rooms and administration offices; and a Pharmacy dispensary for prescription drugs only within a 38 square metres area (10% of the bldg), all for medical care purposes.

<u>Zone Standards</u>:
Exterior side yard setback 1 m

Despite other sections of the Zoning By-law, including any General Provisions, it is recognized that 18 King Street contains 8 parking spaces inclusive of barrier-free parking.
All other C2 Zone standards shall apply.

20.4.3 C2-3: Lots 7, 7A, 10 and all of Lots 8 and 9 on Registered Plan 1330. Municipally known as 150, 152, 154 & 156 Mill Street and 9 & 11 River Drive.

Notwithstanding the permitted uses of the C2 Zone in Section 20.2, Permitted Uses, the C2-3 Zone will permit a car wash accessory to an auto service station. All other applicable provisions of the C2 Zone contained in Section 30 Chall Apply.

Notwithstanding Section 4.0, General Provisions, on lands zoned C2-3 Zone a shared entrance with a minimum width of 9m to access Mill Street is permitted together with a minimum entrance width on each side of the shared lot line of 4.5m and the minimum number of waiting spaces for the car wash on a one way driveway shall be 10 each being 6 m in length and 3 m in width. All other General Provisions shall apply.

Zone Standards:
A shared entrance with a minimum width of 9 metres to access Mill Street is permitted together with a minimum entrance width on each side of the shared lot line of 4.5 metres.
The minimum number of waiting spaces for the Car Wash on a one-way driveway shall be 10. Each waiting space shall be 6 metres in length and 3 metres in width.

20.4.4 C2-4: PLAN 1330 PT LOTS 31 & 33 RP; 51R19535 PART 2, 190 Mill Street (2024-03).

Notwithstanding the provisions as set out in the Zoning By-law 2003-50, the following provisions shall be permitted on lands zoned as C2-4:

- Ten (10) ground floor apartment dwelling units with a minimum floor area of 23 m², applicable to the existing Building only.
- Minimum Gross Floor Area – 23.0m2 (existing only)
- Minimum Interior Side Yard Setback (south) – 1.1 metres (existing only)
- Minimum entrance width from 9.0 metres (as per section 4.28.7) – 7.0 metres (existing only)
- Minimum Landscaped Buffer Strip (as per section 4.36.2.1) (south) – 1.1 metres (existing only)

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

SECTION 21: HIGHWAY COMMERCIAL (C3) ZONE

21.1 Within a Highway Commercial (C3) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

21.2 Permitted Uses

a) Restaurants
b) Hotels/motels
c) Antique dealers
d) Artist studios
e) Automotive service stations with accessory uses, including a car wash
f) A dwelling unit in accordance with Section 4.35
g) Self-Storage
h) Accessory buildings or structures subsidiary to any of the above.

21.3 Zone Regulations

a) Refer to Sections 4, 18 and 30;

b) For an automatic car wash, a minimum of 10 waiting spaces shall be provided on a lot; and

c) For a coin-operated car wash, a minimum of 2 waiting spaces and 1 drying space shall be provided for each unit or bay.

21.4 Special Provisions

Pt. Lot 15, Conc. 3, 6802 County Road #10 (2012-14)
In addition to the permitted uses and regulations of this Section, on those lands zoned as “C3-H” and located in Part of Lot 15, Concession 3 on Schedule “B”, the following land use shall also be permitted: to permit a second additional apartment above the existing Highway Commercial building.

SECTION 22: COMMERCIAL RECREATION (C4) ZONE

22.1 Within a Commercial Recreation (C4) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

22.2 Permitted Uses

a) Golf courses
b) Driving ranges
c) Miniature golf courses
d) Paintball facilities
e) Facilities/fields for games under private ownership
f) Arenas
g) Batting cages
h) Zoos
i) Places of amusement
j) Camping grounds
k) Restaurants
l) Other recreational uses where a fee is charged for for-profit purposes
m) Related retail sales accessory to any of the above
n) Accessory buildings or structures subsidiary to any of the above.

22.3 Zone Regulations

a) Refer to Sections 4, 18 and 30.

22.4 Special Provisions

C4-1: East Part Lot 32, Concession 10 (2015-12)
Notwithstanding the permitted uses of this Section, on those lands zoned as “C4-1” as shown on Schedule “A”, a dwelling unit is not a permitted use.

SECTION 23: COMMERCIAL AGRICULTURAL (C5) ZONE

23.1 Within a Commercial Agricultural (C5) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use(s) other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

23.2 Permitted Uses

a) Fertilizer plants
b) Feed mills
c) Farm implement dealerships
d) Fuel oil dealers
e) Fruit and vegetable markets
f) Nurseries and garden centres
g) Antique dealer
h) Artist studios
i) Veterinary clinics
j) Accessory buildings or structures subsidiary to any of the above.

23.3 Zone Regulations

Refer to Sections 4, 18 and 30.

23.4 Special Provisions

23.4.1 C5-1: Pt. Lot 2, Concession 8
Notwithstanding the permitted uses of this Section, those lands zoned as “C5-1” and located in the East Half of Lot 2, Concession 8 on Schedule "A", shall only be used as an abattoir.

23.4.2 C5-2: West Pt. of Lot 9, Concession 4 (2000-38) (Cargill)
On those lands zoned “C5-2” as shown on Schedule “A”, the permitted uses are: buildings, structures and areas for the storing, blending, packaging and sale of solid and liquid fertilizers and agricultural chemicals; loading and unloading equipment, weigh scales and machinery for handling these products via truck or rail car; the storage, repair and parking of equipment and vehicles for the off-site custom application of the above products; an office building; and employee, customer and visitor parking.

Notwithstanding any of the requirements of this By-law, the minimum yards for this site shall be:

Dimension Type		Standard
Minimum Frontage		294.0 m
Minimum Yard Setback		
	Front Yard from centre line of road	25.8 m
	Interior Side Yard	3.0 m
	Rear Yard	Nil

Maximum Height		
	Loading tower(s)	43.0 m
	All other buildings and structures	20.0 m
Minimum Area		2.0 ha
Maximum Coverage		35%

All other provisions of the "C5" Zone shall apply.

23.4.3 C5-3: Part Lot 12, Concession 4 (2016-44)

Shall permit a maximum building height of 15.0 metres (49.21 feet) and an additional height of 30.0 metres (98.4 feet) for elevator legs.

23.4.4 C5-4: Concession 3, East Part Lot 9, 6030 County Road 10 (2023-72)

On those lands zoned "C5-4", the following site-specific definitions related to the above noted permitted uses shall apply:

a. "Farm Implement Dealership & Distributor" means an establishment for the distribution, repair, lease or sale of agricultural implements, including the sale of lubricants for agricultural equipment on the same premises, as an accessory use. This establishment further includes an associated office and accessory transportation operations to provide delivery of implement machinery to and from the public as required.

b. "Accessory Outdoor Farm Implement Storage" means the outdoor storage and advertising of farm implements for distribution, lease or sale to the public. Only implement equipment for agricultural use shall be permitted.

c. "Accessory Truck and Trailer Parking" means a portion of land that is provided on the same lot which the principal Farm Implement Dealership & Distributor is located, which comprises of parking spaces for truck and trailer motor vehicles. Only truck and trailer motor vehicles associated with the Farm Implement Dealership & Distributor shall be permitted.

As well, the following provisions shall be permitted on lands zoned as C5-4:

a. Farm Implement Dealership & Distributor

b. Farm Implement Dealership & Distributor – Accessory Outdoor Farm Implement Storage;

c. Farm Implement Dealership & Distributor – Accessory Truck and Trailer Parking.

SECTION 24: GENERAL PROVISIONS FOR INDUSTRIAL ZONES

24.1 Minimum Landscaping, Parking and Loading Regulations

a) A landscaping area in the form of a planting strip having a minimum width of 3.0 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any residential zone.

b) No parking space or loading facility or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 m of any lot line or street line, or within 3.0 m of the boundary of any residential zone.

c) No means of ingress or egress on a corner lot shall be located within 15.0 m of the intersection of street lines, and all means of ingress and egress shall have a minimum width of 9.0 m.

24.2 Regulations for Daylighting Triangles

All uses permitted in an industrial zone located on a corner lot shall provide a daylighting triangle of not less than 15.0 m.

24.3 Regulations for Open Space

a) All open storage areas shall be suitably screened from all surrounding uses.

24.4 Regulations for Yard Requirements Between Industrial Buildings and Residential Uses

a) Where an industrial zone abuts an area where residential uses are permitted, no industrial buildings shall be located within 30.0 m of the abutting lot line.

24.5 Accessory Buildings

a) Minimum distance from any other building on the lot shall be 3.0 m.

b) Minimum Yard Requirements:

1. The minimum yard abutting a public street shall be 7.5 m; and

2. No accessory building shall be located within 1.5 m of a side or rear lot line that does not abut a public street, or within 3.0 m of the boundary of any residential zone.

c) Maximum height shall be 9.0 m.

SECTION 25: GENERAL INDUSTRIAL (M1) ZONE

25.1 Within a General Industrial (M1) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

25.2 Permitted Uses

Refer to Section 29

25.3 Zone Regulations

a) Refer to Sections 4, 24 and 30

b) Wayside pits and quarries and portable asphalt plants must meet with regulations of Section 29, or with standards contained within the Aggregate Resources Act.

25.4 Special Provisions

25.4.1 M1-1: Pt. Lots 13 & 14, Concession 4, Baxter Industrial Park

25.4.1.1 Permitted Uses

Within the Baxter Industrial Park, “M1-1” Zone, on Schedule "A" no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Dry Industry: where such uses are defined as those which by the nature of the processes used, the fabrication systems employed or by the services rendered do not require the disposal of any sewage effluent which cannot be accommodated within the limits of the lot on which the use is located or which cannot meet the requirements of the appropriate approval authority for the establishment of one of the following classes of sewage disposal system as set out in the Environmental Protection Act:

1. Class 2 – Grey-water system, or

2. An approved engineered design system

b) An assembly, fabrication, manufacturing, processing, sales, servicing, storage or warehousing establishment including, but not limited to, such uses as a business office, a contractor or trades shop, a saw mill, a building supply outlet, a publishing or printing shop, a machine shop, a welding shop, or a repair shop for automobiles, trucks, buses, farm implements, boats or recreational vehicles, except that:

1. A noxious use as described in Section 4.17 of this By-law shall not be allowed;

2. Any use which is a "source of contaminant" as defined in the Environmental Protection Act shall not be allowed unless such a use complies fully with all provisions of the said Act and all Regulations made thereunder;

3. The open storage of new or used motor vehicles other than for employee or

visitor parking, delivery vehicles or vehicles stored for immediate repair shall not be allowed; and

4. The open storage of raw materials, finished products or waste materials awaiting removal from the lot shall be confined to a portion of the lot which has been set aside for such use on the Site Plan filed with the Township as part of a Development Agreement made under the provisions of the Planning Act.

25.4.1.2 Zone Regulations

No person shall within the Baxter Industrial Park "M1-1" Zone shall use any lot, or erect, alter or use any building or structures except in accordance with the following requirements:

Dimension Type	Standard
Minimum Lot Frontage	30.0 m
Minimum Lot Area	7500 m^2
Maximum Lot Coverage (including open storage areas)	60%
Maximum Height Requirements	15.0 m
Minimum Front Yard	10.5 m
Minimum Side Yard	6.0 m
Minimum Rear Yard	7.5 m

a) Landscaped areas shall include all setbacks, absorption beds and equivalent reserve areas, and such Landscaped areas shall constitute a minimum of 35% of the gross lot area.

b) There shall be no minimum yard requirements for structures or buildings located adjacent to the Canadian Pacific Railway.

25.4.1.3 M1-1 Part Lot 31, Concession 6, Part 1, 51R-38209, Utopia Industrial Area (2012-28)

25.4.2.4 Permitted Uses

Notwithstanding the permitted uses of this Section, those lands zoned as "M1-1" in the Utopia Industrial Area and on Schedule "A" may also permit for sales of heavy trucks and equipment, sales of disassembled parts and a salvage yard.

25.4.2 M1-2: Part of East half of Lot 31, part East Part of Lot 32, and West part of Lot 32 Concession 6, known municipally as 8949 Smith Road and 5743 County Road 90 (By-law No. 2025-14)

Notwithstanding Section 24.4 of this Zoning By-Law No. 2003-50, the following special zoning regulations shall apply within the "General Industrial with Special Provisions (M1-2) Zone":

25.4.2.1 Regulations for Yard Requirements Between Industrial Buildings and Residential Uses:

a) Where an industrial zone abuts an area where residential uses are permitted, no industrial buildings shall be located within 25.4 m of the abutting lot line.

25.4.3 M1-3: Part of East half of Lot 31, part East Part of Lot 32, and West part of Lot 32 Concession 6, known municipally as 8949 Smith Road and 5743 County Road 90 (By-law No. 2025-14)

Notwithstanding Section 29 of this Zoning By-Law No. 2003-50, the following special zoning regulations shall apply within the "General Industrial with Special Provisions (M1-3) Zone"

25.4.3.1 Permitted Use:

Stormwater management facilities

25.4.3 M1-4: Part of East half of Lot 31, part East Part of Lot 32, and West part of Lot 32 Concession 6, known municipally as 8949 Smith Road and 5743 County Road 90 (By-law No. 2025-14)

Notwithstanding Section 29 of this Zoning By-Law No. 2003-50, the following special zoning regulations shall apply within the "General Industrial with Special Provisions (M1-4) Zone":

25.4.4.1 The only Permitted Uses specific to a Wood Storage Facility for General Industrial with Special Provisions (M1-4) Zone are:

a) Retail Stores
b) Parking lots or structures
c) Business or professional offices
d) Showroom
e) Accessory buildings or structures subsidiary to any of the above.

25.4.4.2 Zone Regulations

Minimum frontage of a lot shall be 45m.

Minimum lot area shall be 9000 m2.

There shall be no minimum building ground floor area.

SECTION 26: POTENTIAL AGGREGATE INDUSTRIAL (M2) ZONE

26.1 Within a Potential Aggregate Industrial (M2) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

26.2 Permitted Uses

Refer to Section 29

26.3 Zone Regulations

a) Refer to Sections 4 and 24

b) Agricultural uses (or accessory uses such as residential uses) shall comply with the provisions of Sections 4, 5, and 6.

c) Wayside pits and quarries and portable asphalt plants must meet with regulations of Section 30, or with standards contained within the Aggregate Resources Act.

SECTION 27: EXTRACTIVE INDUSTRIAL (M3) ZONE

27.1 Within an Extractive Industrial (M3) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

27.2 Permitted Uses

a) Refer to Section 29

b) In addition to operations that are permitted in the M3 Zone, permitted uses shall also include associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate or the production of secondary related projects.

27.3 Zone Regulations

a) Refer to Sections 4, 24, and the following:

Dimension Type		Standard
Extraction Setback Area		
	Minimum yard setback	15.0 m
Minimum yard setback if site abuts:		
	Land zoned residential	30.0 m
	Any body of water	
	A highway	
Aggregate, Topsoil, and Overburden Setback Area		
	Minimum yard setback	30.0 m
Minimum yard setback if site abuts:		
	Land zoned residential	90.0 m

b) Operations that are permitted in the "M3" Zone, shall be licensed under the Aggregate Resources Act, or its successor.

NOTE: The zone regulations for the "M3" Zone are an expression of the requirements found in the Aggregate Resources Act. For a more detailed set of the required standards, please refer to the Aggregate Resources Act.

SECTION 28: WASTE MANAGEMENT INDUSTRIAL (M4) ZONE

28.1 Within a Waste Management Industrial (M4) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

28.2 Permitted Uses

Refer to Section 29

28.3 Zone Regulations

a) Refer to Sections 4, 24, and 30

b) Wayside pits and quarries and portable asphalt plants must meet with regulations of Section 30, or with standards contained within the Aggregate Resources Act.

c) Notwithstanding the provisions in this By-law, any land located within a 500 m radius of an active or abandoned landfill shall require County of Simcoe approval prior to the erection of any buildings or structures.

28.4 Certificate of Approval

No person, including any public authority, shall establish, alter, enlarge or extend any permitted use, including a waste management system, unless a Provincial Certificate of Approval has been issued by the Ministry of the Environment or the appropriate approval authority.

SECTION 29: PERMITTED USES FOR INDUSTRIAL ZONES

Permitted Use	M1	M2	M3	M4
Any manufacturing, industrial, or warehousing undertakings that are conducted within an enclosed building or structure including warehouses and research establishments	✓			
Any shops for the repair, processing or treatment of goods and wares and any other service industries if conducted wholly within an enclosed building or structure	✓			
Any shops for the repair of motor vehicles and equipment including body repairs within an enclosed building	✓			
Any cartage, express, or truck terminals	✓			
Any yard for storage of building supplies, heavy equipment, and other goods or materials in the open but not including scrap metal storage, automobile wrecking yards, or salvage yards	✓			
A commercial undertaking or wholesale business incidental to a manufacturing or warehouse operation	✓			
Any business or licenced tradesman's office accessory to any of the above industrial uses listed	✓			
Agricultural uses and accessory buildings and structures		✓		
Quarry excavation and the crushing, screening, and washing of sand, gravel, ballast or any other surface or sub-surface material or mineral			✓	
A transfer station or waste sorting facility				✓
A sanitary landfill site				✓
A sewage disposal plant				✓
A compost facility				✓
A caretaker's residence constructed in accordance with the provisions of Section 4.35	✓		✓	
Wayside Pits & Quarries	✓	✓	✓	✓
Portable asphalt plants	✓	✓	✓	✓
Shipping Containers	✓	✓	✓	✓

SECTION 30: NON-RESIDENTIAL ZONE REGULATIONS – Regulations Pertaining to Commercial or Industrial Zones

<table>
<tr><th rowspan="2">ZONE</th><th colspan="2">MINIMUM LOT FRONTAGE</th><th colspan="2">MINIMUM LOT AREA</th><th colspan="4">MINIMUM YARD REQUIREMENTS</th><th rowspan="2">MAX LOT COV</th><th rowspan="2">MAX HGT (m)</th></tr>
<tr><th>With municipal water and sewer (m)</th><th>With partial or private services (m)</th><th>With municipal water and sewer (m^2)</th><th>With partial or private services (m^2)</th><th>Front (m)</th><th>Int Side (m)</th><th>Ext Side (m)</th><th>Rear (m)</th></tr>
<tr><td>C1</td><td>12.0</td><td>20.0</td><td rowspan="2">700.0</td><td rowspan="5">3000.0</td><td rowspan="2">1.5</td><td rowspan="2">1.2 (a)</td><td rowspan="2">6.0</td><td rowspan="2">6.0</td><td rowspan="5">30%</td><td rowspan="5">10.5</td></tr>
<tr><td>C2</td><td>12.0</td><td>15.0</td></tr>
<tr><td>C3</td><td colspan="2" rowspan="3">45.0</td><td rowspan="3">2500.0</td><td>7.5</td><td>3.0</td><td>6.0</td><td>7.5</td></tr>
<tr><td>C4</td><td colspan="4">30.0</td></tr>
<tr><td>C5</td><td>7.5</td><td>3.0</td><td>6.0</td><td>7.5</td></tr>
<tr><td>M1</td><td>20.0</td><td>30.0</td><td>3500.0</td><td>7500.0</td><td>10.0</td><td>6.0</td><td>10.0</td><td>6.0</td><td>40%</td><td rowspan="4">15.0</td></tr>
<tr><td>M2</td><td colspan="9">Refer to Section 26</td></tr>
<tr><td>M3</td><td colspan="9">Refer to Section 27</td></tr>
<tr><td>M4</td><td colspan="2">180.0</td><td colspan="2">20 ha</td><td>180.0</td><td>90.0</td><td>180.0</td><td>90.0</td><td>N/A</td></tr>
</table>

a) One of the side yard setbacks shall be 6.0 m from the lot line to allow ingress and egress of a fire truck.

SECTION 31: OPEN SPACE PARK (OSP) ZONE

31.1 Within an Open Space Park (OSP) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

31.2 Permitted Uses

a) A park, playground, outdoor playing field, outdoor swimming pool or wading pool, picnic area, bandstand, outdoor skating rink, outdoor tennis court or other similar open-air recreational uses operated by a public authority or on a not-for-profit basis

b) An accessory building for any of the uses listed above including a refreshment pavilion or booth

31.3 Zone Regulations

a) Refer to Section 4

The minimum distance of buildings or structures from any lot line shall be 9.0 m

31.4.1 OSP-1: Part Lot 16, Concession 5 (By-law No. 2018-42)

Notwithstanding any provisions of By-law 2003-50 to the contrary, on those lands zoned "OSP-1" as shown on Schedule "1" of this By-law, the following shall be permitted: a sanitary pump station which is a minimum of 55 m from the westerly property line.

31.4.2 OSP-2: Part Lot 29, Concession 4 (By-law No. 2022-49)

Notwithstanding the permitted uses and zone regulations of this section, on those lands zoned as OSP-2 and located on Schedule B, a park, school and school amenities are permitted.

All other provisions of the "C5" Zone shall apply.

SECTION 32: ENVIRONMENTAL PROTECTION (EP) ZONE

32.1 Within an Environmental Protection (EP) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

32.2 Permitted Uses

a) Preservation or conservation uses

b) Flood and erosion control works as approved by the Nottawasaga Valley Conservation Authority

c) Where a residential dwelling exists on a lot covered (in whole or in part) by the EP Zone, new buildings and structures accessory to a residential use are permitted to be erected, subject to the same regulations (for accessory buildings or structures) as set out in Sections 4, 5 and 6.

32.3 Prohibited Uses

a) Wayside Pits & Quarries

32.4 Zone Regulations

Refer to Sections 4, 5 and 6.

32.5 Special Provisions

32.5.1 Part 1, Plan 51R-37371 (Birchwood Subdivision)

SECTION 33: INSTITUTIONAL (I) ZONE

33.1 Within any Institutional (I) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

33.2 Permitted Uses

a) Any undertaking established or maintained by a governmental authority, agency, board or commission
b) Churches and cemeteries
c) Clubs for non-profit service groups
d) Public or separate schools
e) Public or private hospitals
f) Community halls
g) Libraries
h) Other public uses
i) Shipping Containers
j) Accessory uses, buildings and structures to the above.

33.3 Zone Regulations

a) Regulations for Schools

Dimension Types	Standards
Minimum Lot Frontage	45.0 m
Minimum Lot Area	1.0 ha
Minimum Front Yard	3.0 m
Minimum Side Yard	7.5 m
Minimum Rear Yard	7.5 m

b) Regulations for Permitted Uses Other Than Schools

Dimension Types	Standard	
	With Municipal Water & Sewer	With Partial or Private Services
Minimum Frontage	23.0 m	30.0 m
Minimum Area	1050.0 m^2	1.0 ha
Maximum Lot Coverage	50%	
Minimum Front Yard	3.0 m	6.0 m
Minimum Side Yard	4.5 m	
Minimum Rear Yard	7.5 m	

Maximum Building Height	15.0 m

SECTION 34: PUBLIC SERVICES (PS) ZONE

34.1 Within any Public Services (PS) Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in Subsection 2 of this Section and also in accordance with the regulations contained in Subsection 3 of this Section.

34.2 Permitted Uses

a) Water pumps
b) Well-houses
c) Stormwater management facilities
d) Wastewater treatment facilities
e) Hydro transformers
f) High-tension hydro wires
g) Any other similar uses serving the public

34.3 Zone Regulations

Dimension Type		Standard
Minimum Lot Frontage		6.0 m
Minimum Front Yard		7.5 m
Minimum Rear Yard		3.0 m
Minimum Side Yard		
	Interior	3.0 m
	Exterior	7.5 m

Note: High-tension hydro wire corridors are not required to meet these regulations.

SECTION 35: HOLDING PROVISIONS (H)

35.1 Notwithstanding any other provisions in this By-law, where a zone symbol is followed by the letter (H), no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed or which is specifically established as a permitted use in conjunction with the (H) symbol in this By-law, until the (H) symbol is removed in accordance with the policies of the Township of Essa's Official Plan (2001) and the Planning Act, and in accordance with conditions established for the removal of the (H) symbol in this By-law or any amendment thereto. Conditions for removal are set out in Table 35.2.

35.2 The Municipality may pass an amendment to this By-law to utilize the Holding Zone on lands where development is premature and may establish, as a condition for removal of the (H) symbol, that one or more of the following requirements set out in the Table in Section 35.3:

35.3 Holding Provision (H) Conditions Table

Symbol No.	Conditions for Removal
H1	The Holding Provision (H1) may be lifted once an Official Plan Amendment, Site Plan Control, Plan of Subdivision and/or Condominium approval have/has been obtained and any required development agreements entered into with the municipality, and any specific studies required by the municipality have been submitted to and approved by the municipality.
H2	The Holding Provision (H2) may be lifted once the Township's Engineering Design Standards have been met, and adequate sanitary, water, storm, and/or transportation services and facilities are available and can be allocated to serve the development.
H3	The Holding Provision (H3) may be lifted once an Official Plan Amendment, a Site Plan Control, a Plan of Subdivision and/or Condominium approval have/has been obtained and any required development agreements entered into with the municipality, and any specific studies required by the municipality have been submitted to and approved by the municipality; and once the Township's Engineering Design Standards have been met, and adequate sanitary, water, storm, and/or transportation services and facilities are available and can be allocated to serve the development.
H4	The Holding Provision (H4) may be lifted once any adverse or potentially adverse environmental effects or constraints have been resolved.
H5	The Holding Provision (H5) may be lifted once all concerns from identified regulatory agencies have been addressed.

H6	The Holding Provision (H6) may be lifted once any other lawful requirement that Council or Staff, as authorized, may impose for the proper orderly development of the lands has been satisfactorily met.

SECTION 36: BY-LAW ADMINISTRATION, ENFORCEMENT AND VALIDITY

36.1 Zoning Administration

This By-law shall be administered by a person appointed by the Council of the Township of Essa as the Zoning Administrator.

36.2 Inspection of Land or Buildings

Where the Zoning Administrator has reason to believe that any person has used land, or used a building or structure contrary to this By-law, he, or an employee of the Township, authorized by him, may at any reasonable hour, enter and inspect the land, building or structure in accordance with provisions of the Planning Act.

36.3 Issuance of Permits

Where land is proposed to be used or a building or structure is proposed to be erected or used in violation of this By-law, no permit or license required under any by-law of the Corporation for the use of land or for the erection or the use of the building or structure shall be issued.

36.4 Application and Plans

In addition to the requirements of the Building and Plumbing By-law of the Township, every application for a building permit shall be accompanied by a site plan, drawn to an appropriate scale, showing the proposed location, height and dimensions of the building or structure or work in respect of which the permit is applied. The application shall also include a site plan containing the location of every building or structure already erected on or partly on such lot, together with a plan and a statement signed by the owner or his agent duly authorized thereunto in writing, filed with the Zoning Administrator. Such statement shall set forth in detail the intended use of each building and structure or part thereof and all information necessary to determine whether or not every such building or structure conforms with the aforesaid regulations of this By-law. Every application which involved the installation, enlargement or reconstruction of a sewage disposal system shall be accompanied by approval in writing from the appropriate approval authority for the proposed method of sewage disposal.

36.5 Violation and Penalties

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay in the discretion of the convicting judge a penalty, under the provisions of the Planning Act. The conviction of an offender of a breach of any of the provisions of this By-law shall not prevent further prosecution of the same offender upon any subsequent new, continued, or repeated breach of the same or any other provision of this By-law, and the presiding judge may convict any offender for each new, continued, or repeated breach of this law, and impose upon each conviction any penalty in accordance with the provisions of the Planning Act.

36.6 Certificate of Occupancy Required for Conformity

No change in the use of any land, building or structure in the Township of Essa now or hereafter erected shall be permitted without first obtaining a Certificate of Occupancy from the Township indicating that the proposed use is in conformity with this By-law.

36.7 Validity

If any Section, clause or provision of this By-law, including anything contained on Schedules "A" to “H” and Appendices “A” to “B” inclusive, attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the Section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions, of this By-law shall remain in full force and effect until repealed, notwithstanding that

one or more provisions thereof shall have been declared to be invalid.

36.8 Existing By-laws

All by-laws in force within the Corporation regulating the use of lands and the character, location, bulk, height and use of buildings and structures shall be repealed.

36.9 Effective Date

This By-law shall come into force and take effect upon being passed by Council and in accordance with the provisions of the Planning Act.

READ A FIRST TIME THIS 20TH DAY OF AUGUST, 2003.

READ A SECOND TIME THIS 20TH DAY OF AUGUST, 2003.

READ A THIRD TIME AND FINALLY PASSED THIS 20TH DAY OF AUGUST, 2003.

Mayor
David Guergis

Clerk
Carol O. Trainor