



THE CORPORATION OF THE TOWN OF ESSEX BY-LAW NO.1037

BEING A BY-LAW TO ZONE ALL LANDS WITHIN THE LIMITS OF THE TOWN OF ESSEX

READ A FIRST, A SECOND AND A THIRD TIME AND FINALLY PASSED
THIS 12TH DAY OF JULY, 2010.

Mayor

Clerk / Deputy Treasurer

Colchester Centre, Harrow Centre, McGregor Centre, Essex Centre
WHERE YOU BELONG

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DISTRICT

Permitted Main Use	Agricultural Uses (Section 13)	Agricultural				Residential				Institutional				Commercial					Manufacturing					Green					Natural Environment		Wetland		Landfill		Development Reserve																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
		A1.1	A1.2	R1.1	R1.2	R1.3	R1.4	R1.5	R1.6	R1.7	R2.1	R2.2	R3.1	R3.2	I1.1	I1.2	C1.1	C1.2	C1.3	C1.4	C2.1	C2.2	C2.3	C2.4	C2.5	C3.1	C3.2	C3.3	C3.4	C3.5	M1.1	M1.2	M1.3	M2.1	M2.2	G1.1	G1.2	G1.3	G1.4	G1.5	NE1.1	W1.1	L1.1	DR1.1																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
Agricultural operation, including livestock intensive agricultural use and mushroom farm	A	X																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										

A. See specific zone and land use definition. The zoning district may restrict the range of permitted uses and/or set limitations on the scale of use. For example, the M1.1 zone permits only specific types of "industrial uses" and "retail stores".

B. The uses of a public authority and a public utility are permitted in any zoning district, but are subject to the regulations of the zoning district in which the use is located.

A. See specific zone and land use definition. The zoning district may restrict the range of permitted uses and/or set limitations on the scale of use. For example, the M1.1 zone permits only specific types of "industrial uses" and "retail stores".

B. The uses of a public authority and a public utility are permitted in any zoning district, but are subject to the regulations of the zoning district in which the use is located.

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Permitted Main Use	DISTRICT																			
	Agricultural					Residential					Institutional					Commercial				
	A1.1	A1.2	R1.1	R1.2	R1.3	R1.4	R1.5	R2.1	R2.2	R3.1	R3.2	I1.1	I1.2	C1.1	C1.2	C1.3	C1.4	C2.1	C2.2	C2.3
Micro-Brewery																		X	X	
Motel																		X		
Motor Vehicle Dealership																				
Motor Vehicle Detailing																				
Motor Vehicle Salvage Operation																		X	X	
Parking Garage (Public)																		X	X	
Pavement																		X	X	
Personal Service Shop																		X	X	
Place of Entertainment and Recreation																		X	X	
Print Shop																				
Professional Studio												X	X	X	X	X	X			
Protective Coatings Application																				
Public Hall																		X	X	
Public Parking Area																		X	X	
Restaurant																		X	X	
Retail Store																		X	X	
Sale and Repair of Recreational Vehicles and Farm Equipment																		X	X	
Scientific, Medical, Optical or Dental Lab																				
Self-Storage Facility																				
Service Station																		X	X	
Storage Facility Tank																				
Temporary Outdoor Vendor's Site																		X	X	
Take-out Food Restaurant																		X	X	
Tourist Information Centre																				
Towing Service																				
Transformer Station or Substation																				
Veterinary Clinic																		X	X	
Veterinary Office																		X	X	
Warehouse																		X	X	
Welding shop																		X	X	
Wholesale Store																		X	X	
Workshop with a retail store or wholesale store																		X	X	

* Note: This chart does not form part of Zoning By-law 1037. It is a quick reference guide only and is subject to modification and revisions without notice. Please consult By-law 1037 and the Department of Building & Development for specific information concerning land uses and the applicable regulations.

A. See specific zone and land use definition. The zoning district may restrict the range of permitted uses and/or set limitations on the scale of use. For example, the M1.1 zone permits only specific types of "Industrial uses" and "retail stores".

B. The uses of a public authority and a public utility are permitted in any zoning district, but are subject to the regulations of the zoning district in which the use is located.

BY-LAW NUMBER 1037

A BY-LAW TO ZONE CERTAIN LANDS WITHIN THE LIMITS OF THE CORPORATION OF THE TOWN OF ESSEX

Passed the 12th day of July, 2010

WHEREAS Section 34 of The Planning Act, 1990, provides that councils of local municipalities may pass zoning by-laws for the following purposes:

For regulating the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway;

For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy or unstable;

For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy;

For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality and

For requiring the owners or occupants of buildings or other structures to be erected or used for a purpose named in the by-law to provide and maintain use related amenities and loading and/or parking facilities on land that is not part of a highway;

AND WHEREAS: Section 35 of The Planning Act, 1990 provides that councils of local municipalities may incorporate holding provisions in a zoning by-law passed under Section 34 of The Planning Act, 1983;

Section 36 of The Planning Act, 1990 provides that councils of local municipalities may authorize increases in the height and density of development in return for the provision of certain facilities, services or matters as set out in a zoning by-law passed under Section 34 of The Planning Act, 1983;

Section 38 of The Planning Act, 1990 provides that councils of local municipalities may authorize the temporary use of land, buildings or structures in a zoning by-law passed under Section 34 of The Planning Act, 1983;

Section 66 of The Planning Act, 1990 provides that every person or corporation who contravenes the provisions of this by-law is guilty of an offence and on conviction is liable to the payment of fines;

it is deemed expedient to enact a new zoning by-law under the provisions of The Planning Act, 1990;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Essex enacts as follows:

The following By-laws and all amendments thereto are hereby repealed:

By-law Number 694, adopted November 1, 1985, being the general zoning by-law for the former Town of Harrow;

By-law Number 1902, adopted on November 3, 1987, being the general zoning by-law for the former Township of Colchester South;

By-law Number 2010, adopted on June 17, 1985, being the general zoning by-law for the Town of Essex;

By-law Number 2125, adopted on June 20, 1983, being the general zoning by-law for the former Township of Colchester North;

and the following consolidation by-laws are hereby repealed:

By-law Number 1086, adopted on April 6, 1998;

By-law Number 2490, adopted on October 6, 1998;

By-law Number 69, adopted on April 19, 1999;

By-law Number 113, adopted on September 20, 1999;

and all subsequent amendments thereto.

and substituted by By-law 1037.

The following text and maps, as amended by the following amending by-laws, constitute By-law Number 1037:

By-law 1086, adopted on June 21, 2011 (broad revisions to Sections 8 to 10);

By-law 1099, adopted on July 18, 2011 (expansion of bed and breakfast accommodation);

By-law 1147, adopted on May 22, 2013 (Dzodin restaurant parking regulations, Colchester);

By-law 1164, adopted on July 9, 2012 (new and revised definitions, revisions to home occupations and parking regulations, hotel added to C2.2 District);

By-law 1166, adopted on July 9, 2012 (second dwelling unit provisions in single, semi-detached and townhome dwellings);

By-law 1169, adopted on August 13, 2012 (Map 17, amended by changing the zoning of the 1-acre parcel of land located on the southwest corner of Sydenham and Ogden Streets, from 'Holding' Residential District 1.1 (HR1.1) to Residential District 1.1 (R1.1);

By-law 1170, adopted August 3rd, 2012 (Map 3, amended with changing zoning of the 4.4 acre parcel of land located south side of Townsview Avenue, west of Galos Drive, from 'Holding' Residential District 1.1 (HR1.1) to Residential District 1.1 (R1.1);

By-law 1175, adopted October 1st, 2012 (Map 3, amended with changing zoning of the 2.3 acre parcel of land located south of Fairview Avenue West, and East of Woodview Drive, from 'Holding' Residential 1.1 (HR1.1) to Residential District 1.1 (R1.1);

By-law 1182, adopted November 19th, 2012 (subsections 13.1 and 13.2 Agricultural District 1.1 and 1.2 (A1.1 and A1.2) "brewing in combination with an agricultural operation" is added as a main use in paragraph i) and in paragraph xvii) and the following provision added. "A brewery in combination with an agricultural operation shall have a minimum lot area of 4ha (10ac);

By-law 1234, adopted July 8, 2013 (LeBlanc truck transfer facility);

By-law 1257, adopted on December 16, 2013 (Drexler Dive Shop temporary use, Colchester);

By-law 1277, adopted on December 16, 2013 (changes to the R2. Districts regulations related to semi-detached and townhome dwellings, new Kimball Estates special provisions, elimination of special provisions for Mathys and Woodview Estates subdivisions);

By-law 1297, adopted on March 17, 2014 (Revision to Section 28, subsection 1, Number 27)

By-law 1307, adopted on April 7, 2014 (Woodview Estates partial 'H' removal);

By-law 1313, adopted on May 5, 2014 (Kiwaniis Camp rezoning);

By-law 1358, adopted on October 6, 2014 (Farm lot created by consent);

By-law 1363, adopted on October 6, 2014 (Shoppers Drug Mart, Harrow Centre);

By-law 1373, adopted on December 15, 2014 (35 Gordon Street, Essex Centre);

By-law 1411, adopted on May 4, 2015 (Facilities used for the growing, storage, packaging or distribution of marijuana and or hemp);

By-law 1530, adopted on July 4th, 2016 (Farm lot created by consent);

By-law 1531, adopted on July 4th, 2016 (Revision to Section 28, subsection 1, Number 37);

By-law 1577, adopted on January 16, 2017 (Revision to Section 28, subsection 1, Number 38);

By-law 1659, adopted on January 15th, 2018 (New and Revised definitions, Changes to zoning for property owner by J. Egeto east of Pinkerton Side Road from A1.1 Agricultural to Industrial as well as J.F. Lafferty on the South side of Highway 3. Changes to zoning for three properties located parallel to Highway 3 on South Talbot Road, South of Maidstone Ave from Restricted Commercial corridor to Light Industrial use, and other text changes.)

By-law 1690, adopted on April 16, 2018 (Revision to Section 15, adding subsection 15.3, Residential District 2.3 (R2.3) as a new low density residential category ranging from single detached to town home dwellings.

By-law 1691, adopted on April 16, 2018 (106 Talbot Road North, Essex Centre) site specific rezoning adding additional permitted uses. (Revision to Section 28, subsection 1, Number 38)

By-law 1701, adopted on May 7, 2018 (214 Maidstone Avenue West, Essex Centre) site specific rezoning adding additional permitted uses. (Revision to Section 28, subsection 1, Number 39)

By-law 1765, adopted on December 17, 2018 (230 Jackson, Colchester South, Ward 3) site specific rezoning adding additional permitted uses. (Revision to Section 28, subsection 1, Number 40)

By-law 1768, adopted on January 14, 2019 (Plan 12M-545, Essex Centre) site specific rezoning adding additional permitted uses. (Revision to Section 28, subsection 1, Number 41)

By-law 1796, adopted on March 18, 2019 (230 Centre Street, Harrow Centre) site specific rezoning adding additional permitted uses. (Revision to Section 28, subsection 1, Number 42)

By-law 1806, adopted on April 15, 2019 (263 Talbot St. North, Essex Centre) site specific rezoning adding additional permitted uses. (Revision to Section 28, subsection 1, Number 43)

By-law 1814, adopted on May 6, 2019, (Colchester South, Ward 3) for all lands located on the east and west sides of Rizzo Nicola Drive and the north and south sides of Southpointe Drive and Catherine Duransky Drive, the zoning of the subject lands is changed from Residential District 1.3 (R1.3) to Residential District 1.8 (R1.8),

By-law 1815 adopted on May 6, 2019 (6954 6th Concession Road, Colchester South, Ward 3) site specific temporary rezoning adding additional permitted uses (Revision to Section 28 subsection 2, number 1)

By-law 1816 adopted on May 21, 2019 (9529 Walker Rd, Colchester North, Ward 2) site specific rezoning adding additional permitted uses. (Revision to Section 28, subsection 1, Number 44)

By-law 1828 adopted on June 17, 2019 (152 Adelaide Street, Colchester South, Ward 3) site specific rezoning adding additional permitted uses (Revision to Section 28, subsection 1, number 45)

By-law 1829 adopted on June 17, 2019 (Part of Lot 12, on Second Range Gore, Colchester South, Ward 3) site specific rezoning from Agricultural 1.1 (A1.1) to “Holding” Residential 2.2 (R2.2) (Revision to Section 28, subsection 1, number 46.)

By-law 1848 adopted on September 16, 2019 (Revisions to Subsection 11.7 Parking Space Regulation, reserved accessible parking spaces for persons with disabilities)

By-law 1846 adopted on October 11, 2019 by the Local Planning Appeal Tribunal (LPAT), 1466 County Road 13, site specific rezoning adding additional permitted uses (Revisions to Section 28, subsection 1, Number 48 (H40).

By-law 1862 adopted on October 21, 2019 (37-39 King Street West, Harrow Centre, Ward 4) site specific rezoning adding additional permitted uses (Revision to Section 28, subsection 1, number 47).

By-law 1912 adopted on May 19, 2020 (Part Block 281, Concession South of Talbot Road located between Gosfield Townline Road and Fairview Avenue, north of Morton Avenue., Essex Centre, Ward 1) site specific rezoning additional permitted uses (Revision to Section 28, subsection 1 number 49)

By-law 1923 adopted on July 6, 2020 (128 Harvey, Essex Centre, Ward 1) site specific rezoning adding additional permitted uses (Revisions to Section 28, subsection 1, number 50)

By-law 1948 adopted on September 21, 2020 (101 Poplar Bluff Drive, Colchester South, Ward 3) site specific zoning adding additional permitted uses (Revisions to Section 28, subsection 1, number 51)

By-law 1978 adopted on December 21, 2020 (1110 Ridge Road, Colchester South, Ward 3) site specific rezoning adding additional permitted uses (Revision to Section 28, subsection1, number 52)

By-law 2004 adopted on April 6th, 2021 (Vacant Land on the North side of South Talbot Road and East of Kings Highway 3, identified as Part 1 and 2 on 12R-28489 in Essex Centre, Ward 1) site specific rezoning adding additional permitted uses (Revision to Section 28, subsection 1, number 53).

By-law 2003 adopted on April 6th, 2021 (3900 North Malden Road, Colchester North, Ward 2) site specific rezoning adding additional permitted uses (Revision to Section 28, subsection1, number 54

By-law 2005 adopted on April 6th 2021 (Vacant Land comprising lots 40 to 52, located on the South Side of County Road 50 East, West of Breezeway Drive, Colchester South, Ward 3) to amend and remove reference to lots 40-52 on Registered Plan 1390 (Section 28. Subsection1, number 30)

By-law 2034 adopted on June 21st 2021 (Vacant Land located at 96 County Road 50 West in Colchester Centre Ward 3) site specific rezoning adding additional permitted uses (Section 28. Subsection 1, number 55)

By-law 2035 adopted on August 23rd 2021 revision to Section 7 definitions Ancillary Residential Building and Second Dwelling Units. Revisions to Section 8.15 Second Dwelling Units, subsection 9.3 Special Lot and Yard Provisions and subsection 10.3 Accessory Buildings with regards to second dwelling units.

By-law 2064, adopted on September 21 2021 to remove the holding zone restrictions for Phase 1 to 5 of the Essex Town Centre Subdivision.

By-law 2063, adopted September 21, 2021 general housekeeping amendment with regards to minimum exterior side yard widths for detached accessory building and a main dwelling with an attached garage; minimum lot area and building setbacks for dwellings outside the settlement area; minimum and maximum building and yard regulations for dwellings on less than 0.4 hectares (1 acre); location of home occupations; and, location of Temporary Vendor's sites.

By-law 2078 adopted on October 18th 2021 (470 Dunn Road in (Part Lot 27, on Registered Plan 1414, designated Part Lot 2 on Reference Plan 12R-18438) Colchester South Ward 3) site specific rezoning adding additional permitted uses (Section 28. Subsection 1, number 56)

By-law 2098 adopted December 6, 2021 general housekeeping amendment with regards to Section 9, subsection 5, permitted encroachments into a required rear yard. A deck having a maximum

floor height of 0.6m (2f) above the ground to a depth of 2.5m (8.2f) into a required rear yard and to a maximum width of 3.7m (12f) within the required rear yard, but not within 1.2m of a side lot line; a porch having a maximum floor height of 0.6m (2f) above the ground to a depth of 2.5m (8.2f) into a required rear yard and to a maximum width of 3.7m (12f) within the required rear yard “

By-law 2105 adopted December 20, 2021 (27 Maple Ave, Harrow, Ward 4) (Lot 27, Registered Plan 337) site specific zoning adding additional permitted uses (Section 28, Subsection 1, number 57).

By-law 2106 adopted December 20, 2021 (5121 Roseborough, Harrow, Ward 4) (Lot 5 concession 2, Part 5 on Registered Plan 202, designated as Part 10 on 12R-26401) site specific zoning adding additional permitted uses (Section 28, Subsection 1, number 58)

By-law 2139 adopted April 4 2022, (32 Arthur, Essex Centre, Ward 1) site specific zoning adding additional permitted uses (Section 28, subsection 1, number 59)

By-law 2204 adopted November 7, 2022 (2915 County Road 20 East (Ward 3) Site Specific Zoning adding additional permitted uses (Section 28, Subsection 1, Number 60)

By-law 2251 adopted June 5, 2023 (793 County Road 50 East (Ward 3) site specific zoning adding additional permitted uses (Section 28, Subsection 1, Number 61)

By-law 2252 adopted June 5, 2023 (14 Wilson Ave (Ward 1) site specific zoning adding additional permitted uses (Section 28, Subsection 1, Number 62)

By-law 2262 adopted August 14, 2023 (199 Irwin Avenue (Ward 1) site specific zoning adding additional permitted uses (Section 28, Subsection 1, Number 63)

By-law 2263 adopted August 14, 2023 (199 Irwin Avenue (Ward 1) site specific zoning adding additional permitted uses (Section 28, Subsection 1, Number 64)

By-law 2276 adopted October 3, 2023 (22 Gordon Avenue, (Ward 1) site specific zoning adding additional permitted uses (Section 28, Subsection 1, Number 65)

By-law 2279 adopted October 16 2023 general housekeeping amendment with regards to Section 7 “Definitions, Section 11.2 “General Parking Space Provisions”, Subsection 11.5 “Number of Parking Spaces Required” as well as Residential R1.1, R2.1, R2.2 and R2.3 updating provisions for “Minimum landscaped area in a required front yard”.

By-law 2298 adopted February 20, 2024 (14978 14th Concession) (Ward 2) within Inspiration Park Subdivision, comprising Part 1 on 121R29614 (Schedule 1), be changed from HM2.1 to M2.1 (ZBM-3)

By-law 2306 adopted February 5, 2024 revising Section 7 “Definitions”, adding Section 23.6, Green District 1.6 (G1.6) and redesignation of the lands located at the corner of North Malden and Batten Side Road, South of Kings Highway Number 3, from Agricultural District 1.1 (A1.1) to Green District 1.6 (G1.6). (ZBM-3)

By-law 2307 adopted February 5, 2024, to remove the Holding Zone restrictions for Part 1 on 12R-26441 and Part 1 on 12R-27343. (ZBM-3)

By-law 2332 adopted June 3, 2024 updating Section 7 “Definitions” to implement changes to the Planning Act as a result of Bill 23, updating provisions for 8.15 “Additional Dwelling Units”, 10.3 “Accessory Buildings”, 14.1 “Residential District 1.1”, 15.1, “Residential District 2.1”, and 16.1 “Residential District 3.1”

By-law 2345 adopted July 15, 2024 (Map 17, and Map 19) amended by changing the zoning of the lands comprising 753 Sydenham Street, PLAN 18 PT LOT 15, from ‘Holding’ Residential District 1.1 (HR1.1) to Residential District 1.1 (R1.1);

By-law 2364 adopted September 23, 2024 - 103 Centre Street (Ward 1) - Map 3 be amended for Site specific Zoning-Section 28 subsection 1, Number 67 allowing additional permitted uses and parking provisions.

By-law 2373 adopted October 21, 2024 - 127 Talbot Street North (Ward 1) - Map 3 be amended for Site specific Zoning-Section 28 subsection 1, Number 68 allowing additional permitted uses and parking and amenity provisions.

By-law 2392 adopted November 4, 2024 - 80 Maidstone Avenue West (Ward 1) - Map 3 be amended for Site Specific Zoning- Section 28 subsection 1, Number 69 allowing provisions for building height, rear yard depth, side yard width, front yard setbacks, deck encroachments, lot coverage and minimum lot area.

By-law 2407 adopted December 2, 2024 - 80 Maidstone Avenue West (Ward 1) - Map 3 be amended for Hold Removal, Registered Plan 12M-712, change zoning from “HR2.3 - S.28.1.69” to “R2.3 - S.28.1.69.”

By-law 2400 adopted January 13, 2025 – 0 Maidstone Avenue West (Ward 1) – Map 3 be amended for site specific zoning Section 28 subsection 1 Number 70 allowing an additional permitted use of a bakeshop, drive-thru restaurant, a drive-thru food outlet, a health studio, a microbrewery, a veterinary office, a wholesale store and that the Maximum Gross Floor Area restriction for each business of 250 m2 (2700 ft2) be removed.

By-Law Number 2456, adopted June 16, 2025 - Ducharme Lane Residential Subdivision (Ward 2) - Map 4 be amended to remove the Holding (H) Zone Provisions for Lots 1-18 and Block 19 on 12M-720, changing Zoning from HR1.1 to R1.1.

By-Law 2457, adopted July 21, 2025 – 265 Maidstone Avenue East (Ward1)) – Map 3 be amended for Site Specific Zoning- Section 28 subsection 1 a), Number 71, allowing provisions for increased building height and gross floor area for an accessory structure.

By-law 2501 adopted January 12, 2026 – General Zoning Amendments to update section 7 “Definitions, Sections 8.15 “Additional Dwelling Units”, 9.3 “Special Lot and Yard Provisions”, 10.2 “Front Yard Averaging for Dwellings”, 10.3 “Accessory Buildings”. 11.2 “General Parking Space Provisions”, 11.5 “Number of Parking Spaces Required”, 11.6 “Parking Space Exceptions” 14.1 “Residential District 1.1”, 14.2, “Residential District 1.2” 15.1 “Residential District 2.1”, and 15.2 “Residential District 2.2”

By-law 2510 adopted March 2, 2026 – Removal of Hold provision for 0 Draper Part Lot 14, changing zoning from HR1.1 to R1.1 and amending Map 19 accordingly.

By-Law 2541 adopted June 15, 2026 – 80 County Road 50 – Map 19 be amended to rezone from R3.1 and C1.3 to C1.3 with Site Specific Zoning. Section 28, subsection 28.1 allowing “Combined Use Building” and a “Motel” as a permitted use and minimum rear yard depth, maximum height, dwelling unit Gross Floor Area, entrance location and minimum amenity areas per Dwelling Unit parameters.

SECTION 1 - SHORT TITLE

- 1.1** This by-law may be cited as "**The Town of Essex Zoning By-law**" or "**The Zoning By-law**".

SECTION 2 - OFFENCES

- 2.1** No person shall, within the limits of The Corporation of the Town of Essex, use any land or erect, locate or use any building or other structure except for such purposes or uses as are set out in this by-law and in accordance with the permitted use provisions of the zoning districts and the regulations of this by-law.

SECTION 3 - PENALTIES

- 3.1** Every person who contravenes any provision of this by-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,
- a) on a first conviction, to a fine of not more than \$2,000.00 and,
 - b) on a subsequent conviction, to a fine of not more than \$1,000.00 for each day, or part thereof, upon which the contravention has continued after the day on which the person was first convicted.
- 3.2** Where a corporation is convicted under this Section, the maximum penalty that may be imposed is,
- a) on a first conviction, a fine of not more than \$5,000 and,
 - b) on a subsequent conviction, a fine of not more than \$1,000 for each day, or part thereof, upon which the contravention has continued after the day on which the corporation was first convicted.

SECTION 4 - ADMINISTRATION

- 4.1** This by-law shall be administered and enforced by the **Chief Building Official(s)** or such other person(s) so delegated by the Council of the Town of Essex.

SECTION 5 – ZONING DISTRICT MAPS AND BOUNDARIES

- 5.1** The extent and boundaries of the zoning districts are shown on 18 zoning district maps, in Section 29, identified as Schedule “A”, of this by-law, which together with all notations, references and other information shown thereon form part of this by-law;
- 5.2** In determining the location of the boundaries of the zoning districts, as shown on the zoning district maps, the following provisions apply:
- a) Where a zoning district boundary is indicated as following a highway, such boundary is deemed to follow the centre line of said highway;
 - b) Where a zoning district boundary is indicated as following a railway right-of-way, such boundary is deemed to follow the centre line of the said railway right-of-way, unless otherwise specifically indicated on the zoning district map;
 - c) Where a zoning district boundary is without dimensions and is shown as approximately following a lot line, the said lot line is deemed to be the boundary of the district for that portion of the district boundary which follows the lot line;
 - d) Where a zoning district boundary is without dimensions and does not follow the boundary of a lot, its location is determined by use of the scale indicated on the zoning district map;
 - e) Where a zoning district boundary is indicated as following the shoreline of Lake Erie, such boundary, notwithstanding its position as indicated on the zoning district map, is deemed to be the boundary of the Province of Ontario.

- 5.3** Certain parcels of land on the zoning district maps are delineated by a broken black line and identified by a zoning district symbol and a paragraph(s) of subsection 28.1 or 28.2. Any parcel so identified is considered to be within the zoning district indicated by the zoning district symbol and shall be subject to the provisions of that zoning district, the identified paragraph(s) of subsection 28.1 or 28.2 and any other applicable provisions of this by-law.

SECTION 6 - ZONING DISTRICTS

- 6.1** In this by-law, wherever reference is made to a zoning district, as shown in Column 1, it may also be interchangeably identified by a zoning district symbol as exemplified in Column II:

Column I

Column II

Zoning District

Zoning District Symbol

Green District1.1

GD1.1

SECTION 7 – DEFINITIONS

In this by-law:

"Access Area" means a driveway which connects any one (1) or more of the following to a street or alley: an outdoor storage yard; building or other structure; parking area.

"Accessory Building" means a completely detached building used for an accessory use.

"Accessory Use" means a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot.

"Additional Dwelling Unit" means a dwelling unit constructed as an independent and separate housekeeping unit having kitchen, living, sleeping and sanitary facilities within:

- i. a Single Unit Dwelling, Two Unit Dwelling, Semi-Detached Dwelling Unit, or Townhome Dwelling Unit; or
- ii. a detached building accessory or ancillary to a Single Unit or Two Unit Dwelling or Semi-Detached or Townhome Dwelling Unit.

"Adult Entertainment Use" means any building or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or services designed to appeal to erotic or sexual appetites or inclinations. For the purposes of this subsection, the following shall apply:

- a) "provided" means furnished, performed, solicited or given such services;
- b) "services" means activities, facilities, performances, exhibitions, viewings and encounters;
- c) "services appealing to or services designed to appeal to erotic or sexual appetites or inclinations" means the following:
 - (i) "services" of which a principal feature or characteristic is the nudity or partial nudity of any person;

- (ii) "services" in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any word of any picture, symbol or representation having like meaning or implication is used in any advertisement;
- (iii) "partial nudity" means less than completely and opaquely covered any ne (1) or more of the following:
 1. human genitals or human pubic region;
 2. human buttocks;
 3. female breast below a point immediately above the top of the areola.

"Agricultural Operation" means, the following activities and support facilities operated and maintained in accordance with normal farm practices:

- a) draining, irrigating or cultivating land;
- b) growing, producing or raising,
 - (i) livestock, including poultry and ratites,
 - (ii) fur-bearing animals,
 - (iii) bees,
 - (iv) cultured fish,
 - (v) deer and elk,
 - (vi) game animals and birds, or
 - (vii) any additional animals, birds or fish prescribed by the Minister of Agriculture, Farm and Rural Affairs of Ontario (the Minister);
- c) the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister;
- d) the production of eggs, cream and milk;
- e) the operation of agricultural machinery and equipment;
- f) the application of fertilizers, soil conditioners and pesticides;
- g) ground and aerial spraying;
- h) the storage, handling or use of organic wastes of the farm;

- i) the processing by a farmer of the products produced primarily from the farmer's agricultural operation;
- j) activities that are a necessary but an ancillary part of an agricultural operation, such as the movement of transport vehicles for the purposes of the agricultural operation; and
- k) any other agricultural activity prescribed by the Minister, conducted on, in or over agricultural land.

"Agricultural Operation, Livestock Intensive" means an agricultural operation consisting of the raising or harbouring of livestock. Any combination or mix of animals constitutes a livestock intensive agricultural use, if the total number of animals on the farm at any given time results in more than 2.5 animal units per hectare (one animal unit per acre).

"Airport Operating Area" means all lands subject to Windsor Airport zoning regulations pursuant to Section 5.4 of The Aeronautics Act of Canada.

"Alley" means a highway, having a maximum width of less than 7 meters (23 feet), providing a means of access to a lot.

"Amenity Area" means a landscaped open space yard or a recreational facility as an accessory use to a dwelling or dwelling unit or other land use.

"Ancillary Use" means a use, other than an accessory use, which complements or otherwise provides a service to the main uses of the zoning district in which it is located.

Ancillary Residential Building means a permanent residential building that would be ancillary to a Single Unit Dwelling, semi-detached or townhome dwelling unit for the purpose or providing full time residential accommodation of a person or persons.

“Animal Unit” means any one (1) of the following and such other combination of animals or birds that produce nitrogen in their manure sufficient to provide nitrogen fertilizer requirements for 0.4 hectares of corn:

- 1 dairy cow (plus calf);
- 1 beef cow (plus calf);
- 1 bull;
- 1 horse;
- 4 sheep (plus lambs);
- 4 goats;
- 4 sows (plus litter to weaning);
- 125 laying hens;
- 100 female mink (plus associated males & kits);
- 40 female rabbits (plus associated males);
- 2 beef feeders;
- 4 beef stalkers;
- 15 hogs;
- 1,000 broiler chickens or roasters ;
- 300 turkey broilers ;
- 150 heavy turkey hens;
- 100 heavy turkey toms;
- 40 veal calves;
- 1,000 pullets

"Area of Settlement" means those lands located within a Settlement Area Boundary as defined on Schedule A of this Bylaw, and serviced by municipal sewage works and a municipal drinking water system.

“Attached” when used in reference to a building or structure, means a building or structure, which depends on the structural support of another building or structure or, if buildings, they share a common division wall between them.

"Automobile" means a motor vehicle having a maximum gross vehicle weight of 3000 kilograms (6614 pounds), but does not include the following: combination trucks or vehicles of the tractor trailer or semi-trailer type; construction equipment; farm tractors or any other motorized farm implements; buses.

"Automatic Car Wash" means a building or part thereof where motor vehicles are washed in whole or in part automatically by programmed mechanical equipment.

"Automobile Repair Garage" means a building or part thereof in which the main use is any one (1) or more of the following automobile service or repair activities:

- a) the replacement of anti-freeze, batteries, brakes, drive belts, exhaust systems, filters, grease, hoses, lights, oil, wiper blades, shock absorbers;
- b) the inflation, balancing, changing or repair of tires;

- c) electrical repairs and ignition tune-ups; carburetor adjustment; transmission adjustment; vehicle diagnostics,

and may include, in combination therewith,
- d) one (1) retail store for the sale of any one (1) or more of the following goods:
antifreeze; batteries and other electrical or ignition parts; brake components;
carburetor parts; drive belts; exhaust systems; filters; grease; hoses; lights; oil; shock
absorbers; spark plugs; transmission fluid; tires; wiper blades, and:
- e) one or more of the following automobile detailing services:
 - (i) interior cleaning, upholstery shampooing,
 - (ii) manual washing and waxing (not including a coin-operated or automatic car wash,
unless otherwise permitted by this by-law);
 - (iii) minor cosmetic repairs.

“Automobile Sales Lot” means a lot, with or without a building, used for the display and sale, lease or rental of five (5) or more automobiles.

"Bake Shop" means a retail store for the sale of bakery products, which may have a bakery in combination therewith as an accessory use.

"Bakery" means a building or part thereof used for the production of any one (1) or more of the following: biscuits; breads; cakes; crackers; pastries; any other bakery products of which flour, rice or meal is the main ingredient.

"Basement" means a storey, which is partially below grade, where the vertical distance from the grade to the floor is equal to or less than the vertical distance from the grade to the ceiling next above.

“Bed and Breakfast Dwelling” means a Single Unit Dwelling in which, as a home occupation under subsection 8.5, "Home Occupation, Residential", of this by-law, on-site supervised sleeping accommodation is provided for hire to the traveling public in the form of overnight lodging and the serving of a breakfast exclusively to overnight guests."

“Berm” means an earthen work or mound of earth, with sloping, landscaped sides and a long axis, which is intended to act as a barrier or buffer. The height of the berm is the vertical distance in metres between its base and the highest point of the berm and the length is the total

horizontal distance measured at the minimum required height for as far as such height is maintained.

"Bicycle Parking Space" means a hard surfaced area having minimum dimensions of 2.5 metres (8.2 feet) by 0.75 metres (2.5 feet) and having thereon a corrosion resistant metal bicycle storage rack capable of accommodating 1 bicycle in a safe and secure manner;

"Billiard Hall" means any building or part thereof where a minimum of two (2) of the following are provided and maintained for public use: billiard table; pool table; bagatelle table; any combination thereof.

"Bingo Hall" means a building or part thereof used as a main use for the operation of bingo lotteries.

"Body Rub Parlour" means an adult entertainment parlour used for the giving of a full body or partial massage for the purpose of or intent to provide sexual stimulation or gratification.

"Brewery" means a facility for the production of beers and may include in combination therewith: a retail store for the display, public tasting and sale of beers produced on the same lot therewith and interior and exterior areas for private receptions.

"Building" means a structure affixed to the ground, consisting of a wall, roof and floor or any two (2) or more of them or a structural system serving the same function thereof, including all the works, fixtures and service systems appurtenant thereto. It does not include the following: recreational vehicles; motor home; trailer; tent.

"Building Height" means:

- a) the vertical distance between the grade and the highest point of the roof for a building or that part of the building with a flat roof, meaning a roof having a slope of less than 20 degrees;
- b) the vertical distance between the grade and the mid-point between the lowest eaves and the highest point of the roof, for any other roof.

"Building Materials Recycling Centre" means a retail and/or wholesale store for the sale of salvaged building products, in combination with the following salvaging activities: collection; sorting; reconditioning and/or repackaging of salvaged building products, exclusively for the sale of such products in the store. All salvaging activities take place entirely within a building. Products and materials are stored entirely within a building and/or, where permitted by this by-law, in an outdoor storage yard.

"Building Setback" means the horizontal distance measured at right angles from a lot line to the closest point of any building or structure on the same lot.

"Business Improvement Area" means a geographically delineated area designated by by-law as an improvement area for the purposes of area beautification, maintenance and promotion under the direction of a board of management.

"Business Office" means an office of any one (1) or more of the following: a commercial or industrial business; a professional person; a government; a non-profit association. A business office does not include a financial, medical or veterinary office.

Cabin means a roofed fully enclosed building having a bedroom or bedrooms, with sanitary facilities, with or without kitchen facilities, and having a maximum gross floor area of 70 square meters (750 square feet).

"Campground" means a lot for the accommodation of recreational vehicles and travel trailers and may include tents and cabins in combination with them, and as accessory uses: recreational facilities; sanitary, wash and laundry facilities; an administrative office; one caretaker's residence and roofed open air shelters.

"Caretaker's Residence" means one (1) dwelling unit, which is an accessory use to a non-residential main use and is used for the accommodation of one (1) caretaker, supervisor or watchman for the protection and care of the land, building or other structure on the same lot.

"Carport" means a one-storey building or part thereof, unenclosed by building walls on at least two (2) sides, used for the parking of one or more motor vehicles.

"Cellar" means any part of a building where the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling next above.

"Chief Building Official" means the person charged by the Town to administer and enforce this by-law.

"Church Hall" means a private hall, with or without ancillary rooms, within a place of worship used for functions associated with the functions and activities of the place of worship and its congregation.

"Club" means a building or part thereof used exclusively by a chartered non-profit organization for a social, cultural, recreational, philanthropic or patriotic purpose.

"Coin-Operated Car Wash" means a building or part thereof where motor vehicles are washed manually with the aid of a high-pressure water hose controlled by a metered, coin-operated water dispensing system.

"Collector Aisle" means an unobstructed part of a parking area which provides direct access to a maneuvering aisle.

"Collision Shop" means a building or part thereof used for any one (1) or more of the following automobile service and repair activities:

- a) body restoration and structural reconstruction;
- b) painting and the application of body rust inhibitors;
- c) general refurbishing and reconditioning.

"Combined Use Building" means a building having, as main uses, both a dwelling unit(s) and a non-residential use(s).

"Commercial Biomass Energy Facility" means a biomass powered electrical energy generation facility that produces power to be fed into the local transmission grid for general distribution. A commercial biomass energy facility has a nameplate generating capacity of 5 megawatts or more.

"Commercial Outdoor Recreational Facility" means a lot or part thereof, with or without buildings, used for commercial recreational purposes but shall not include a campground, and may include, in combination therewith, one (1) or more of the following as an ancillary use: a confectioner's shop, an entertainment lounge, and retail store.

"Commercial School" means a school where instruction is given for hire.

"Commercial Solar Energy Facility" means a solar powered electrical energy generation facility that produces power to be fed into the local transmission grid for general distribution. The total land area of a commercial solar energy facility is greater than two hectares (4.9 acres).

"Commercial Vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body used for delivery, transport, haulage or service.

"Commercial Wind Energy Turbine" means a wind powered electrical generation facility or generator that produces power to be fed into the local transmission grid for general distribution. The facility or generator has a nameplate generating capacity of 500 kilowatts or more.

"Confectionary" means a building or part thereof used for the production of confections.

"Confectioner's Shop" means a retail store for the sale of confections, which may have a confectionery in combination therewith as an accessory use.

"Construct" means to build by means of any (1) or more of the following activities: designing, fabricating, assembly, testing or packaging, but not including stamping, forging, casting, molding, smelting, refining or extruding a product.

"Contractor's Office" means a combination business office and warehouse used by a general building contractor or any of the following trade contractors: doors and windows; electrical; fencing; flooring; glass or glazing; heating and air conditioning; insulation; landscaping; masonry; ornamental metal; painting and decorating; plastering and drywall; plumbing; roofing; siding or cladding; swimming pools.

"Convenience Store" means a retail store, having a maximum gross floor area of 280 square meters (3014 square feet), in which the main use is the retail sale of food and dairy products, beverages, bakery products and sundries.

"Corner Lot" means a lot situated at the intersection of and abutting upon two (2) or more streets, provided that the angle of intersection of at least two (2) of the intersecting streets is less than one hundred and thirty-five (135) degrees. If the angle of intersection of all intersecting streets is more than 135 degrees it is deemed to be an interior lot.

"County Road" means a highway under the jurisdiction of the County of Essex.

"Day Care Centre" means a Day Care Centre as defined in The Day Nurseries Act, R.S.O.1990.

"Deck" means a structure having a floor open to the sky, with a supporting structure below. It may include perimeter guardrails, fixed seating and vertical visual screening. A terrace is deemed to be a deck.

"Density" means the ratio of the number of dwelling units to the lot area, expressed in units per hectare.

"Detached" means a building or structure that is not dependent on another building or structure for its structural support.

"Development" means the creation of a new lot, a change in land use or the construction of buildings and structures which require approval under The Planning Act but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;

- b) works subject to The Drainage Act; or
- c) underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential.

"District" means any zoning district established by this by-law.

"Drive-through Food Outlet" means a retail store for the sale of prepared food to persons remaining in a motor vehicle and many also include the preparation of food sold at retail.

"Drive-through Restaurant" means a restaurant having a drive-through food outlet in combination with it.

"Dwelling" means a building or structure or part of a building or structure that is occupied, in whole or in part, for the purpose of human habitation, but does not include a hotel, motel or mobile home.

"Dwelling Unit" means a room or suite of rooms used by or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit.

"Entertainment Lounge" means a building or part thereof where patrons are provided with entertainment, in the form of live and/or pre-recorded music and/or other entertainment, a dance floor, meals, with or without alcoholic beverages, for consumption on the premises, but does not include a restaurant or public hall.

"Erect" means to build, construct, reconstruct or relocate any building or other structure and also includes any one (1) or more of the following activities:

- a) excavating, filling, draining and any other necessary preliminary physical operation and
- b) altering any existing building or other structure by addition, enlargement or extension.

"Exhibition Hall" means a building or part thereof used for exhibiting or presenting to view any one (1) or more of the following: the work of artists or craftsmen; the products of farmers or manufacturers; the skills of performers; objects of general interest.

"Existing" means a lot, a building or other structure or a use lawfully existing at the time of the passing of this by-law or such other date specifically provided by this by-law.

"Exterior Lot Line" means a lot line which parallels and abuts a street.

"Exterior Side Yard" means the side yard of a corner lot between an exterior side lot line and the nearest wall of a main building on such lot.

"Facility" means a lot with a building or grouping of buildings and structures where a use(s) is carried on for a common purpose, in accordance with the applicable provisions and regulations of this By-law.

"Fairground" means lands where carnivals, fairs, circuses or exhibitions are held primarily outdoors, and includes any **accessory** and temporary buildings.

"Farm Building" means a building for the housing or storage of farm equipment, machinery, produce and/or animals.

"Farm Equipment Sales and Service Establishment" means a lot, building or structure for the sale, service and repair of new or used farm equipment, farm machinery and prefabricated farm buildings and structures or any combination thereof. It may include related offices, indoor/outdoor display areas, the storage and sale of related accessories and their servicing and repair.

"Farm Production Support Use" means a facility for the storage, processing, packaging and/or distribution of agricultural products, the storage, supply and maintenance of materials and equipment necessary for agricultural operations or training in farming techniques and agricultural operations, any one of which may or may not be on the same lot as an agricultural operation. It is intended that such use serve agricultural operations which, in turn, benefit from its location in an agricultural district.

"Financial Office" means any one (1) or more of the following: bank; credit union; savings and loan office; trust company.

"Floodplain Development Control Area" means that area, shown on the Zoning District Maps, of Section 3, of this by-law, which lies within the regulatory (1:100 Year storm) floodplain of the adjacent watercourse. A portion of this area is occupied by the floodway.

"Floodway" means the area adjacent to a watercourse, other than Lake Erie or a municipal drain, which acts as the flood channel under regulatory storm conditions.

"Floor Area" means the area of a floor in a building or in part of a building.

"Forestry Use" means the general growing and harvesting of timber and without limiting the generality of the foregoing includes the production of fuel wood, pulpwood, lumber, Christmas trees.

"Front Lot Line" means the shortest exterior lot line. Where, on a corner lot, the front lot line curves to merge with an exterior side lot line, for the purpose of the determination of front lot line length, the front lot line is deemed to extend to the midpoint on the curve.

"Front Yard" means a yard extending across the full width of a lot between the front lot line and the nearest wall of a main building on such lot.

"Games Arcade" means a building or part thereof where there are three (3) or more electronic or mechanical games of skill or chance for public use.

"Garage" means an accessory building or part of a main building designed for the parking of up to four (4) motor vehicles.

"Motor Vehicle Fuel Station" **"Garden Centre"** means a retail store for the sale of ornamental plants and other products for lawn and garden maintenance and ornamentation in combination with an outdoor storage yard and/or greenhouse for the storage, display and sale of such products. It may also include an accessory sales kiosk and equipment storage facilities.

"General Salvage Operation" means an indoor/outdoor facility used for the salvaging, crushing, processing, reprocessing, recovering and/or recycling for reuse of any one (1) or more of the following: scrap metal; oils and liquids; textiles; glass; paper; plastic; plaster; rubber; wood. It may include a motor vehicle salvage operation and, as an accessory use, facilities for the resale or remanufacture of salvaged or recycled products.

"Grade" means the average elevation of the ground within 2 meters (6.6 feet) of a building or structure. Where the elevation of a point on a building or structure located on the lot is equal to the grade elevation, that point is deemed to be "at grade".

"Greenhouse, Commercial" means a building or structure, enclosed by glass or plastic, used for the commercial growing of vegetables, shrubs, trees, plants or flowers and may include the harvesting, transplanting and replanting of same.

"Greenway" means a recreational pathway owned or managed by the Essex Region Conservation Authority for pedestrians and non-motorized vehicles and such other like activities.

"Gross Floor Area" means the total combined floor area of all buildings on a lot, excluding the cellar of any building, measured from the outside face of the exterior walls of each building. The use of the abbreviation "GFA" in this by-law means gross floor area. If reference is made to a specific use within a building, GFA means the total floor area occupied by the use and its accessory components.

"Gross Floor Area Ratio" means the ratio of the gross floor area to the lot area.

"Group Home" means a dwelling licensed or funded under a Federal or Provincial statute for the accommodation of six (6) to ten (10) persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a supervised group living arrangement. Residential accommodation for up to 5 persons who require on-site assistance for day to day living, whether supervised or unsupervised, is deemed to be a dwelling unit.

"Habitable Room Window" means a window of any one (1) or more of the following rooms within a dwelling or dwelling unit: dining room; living room; family room; bedroom.

"Hamlet" means an urban community designated "Hamlet" in the Town of Essex Official Plan.

"Harrow Town Centre" means the area identified on the Zoning District Maps as "Harrow Town Centre".

"Health Studio" means a building or part thereof used for athletic or physical fitness instruction in combination with facilities for physical exercise or athletic training. It may include, as an accessory use, one (1) retail store for the sale of athletic equipment, if the retail store does not exceed a floor area equal to twenty (20) percent of the net floor area of the health studio.

"Heavy Repair Shop" means a building or part thereof used for any maintenance or repair operation, including but not limited to an automobile repair garage and a collision shop, and may also include, as an accessory use, the fabrication of parts necessary for the maintenance or repair service offered, provided that all fabrication, maintenance or repair services are conducted entirely within an enclosed building.

"Highway" means all allowances for roads made by the Crown surveyors or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the lands to public use and all alterations and deviations of and all bridges over such allowances. A private road, used by and jointly maintained by the owners of lots that abut or cross the road, such road having been in use at the time of the incorporation of the Town of Essex, shall be deemed to be a highway for the purpose of recognizing the existing lots accessed by it and for the application of the applicable zoning by-law provisions to such lots.

"Home Occupation, Residential" means an occupation for profit or gain conducted entirely within the dwelling unit, such occupation being incidental and secondary to the primary residential use without changing the character thereof.

"Home Occupation, Agricultural Operation" means an occupation for profit or gain conducted entirely within the farm dwelling or accessory building in an Agricultural District, such occupation being incidental and secondary to the residential use of the dwelling and the agricultural operation, without changing the character thereof.

"Horse" means a horse, mule, donkey, pony and other equidae.

"Horse Farm" means a lot and buildings used for the breeding, maintaining, boarding and/or training of horses. A **livestock intensive horse farm** means a horse farm which may accommodate horses at a ratio greater than 5 horses per hectare (2 horses per acre) of lot area.

"Hospital" means a hospital approved under The Private Hospitals Act, R.S.O. 1990, or The Public Hospitals Act, R.S.O. 1990.

"Hotel" means a building or part thereof, used primarily for the sleeping accommodation of the travelling public, in which

- a) a minimum of five (5) guest rooms or suites of rooms are provided for sleeping accommodation;
- b) all guest rooms or suites of rooms are accessible only from the interior of the building;
- c) no guest rooms or suites of rooms has self-contained cooking facilities, and
- d) there may be in combination therewith any one (1) or more of the following:
restaurant; meeting room; retail store; personal service shop; one (1) dwelling unit.

For the purposes of this definition, "self-contained cooking facilities" shall mean any permanent appliance such as an oven and/or stove for the preparation of food which requires exhaust systems to remove smoke and grease.

"Industrial Use" means any main use involving any one (1) or more of the following activities: assembly; communications; industrial research; industrial training; manufacturing; processing; repairing; servicing and maintaining, shipping; storing; transporting; warehousing; wholesaling.

"Industrial Use, Light" means an industrial use, save and except for the following uses:

- a) slaughtering; the processing of poultry or fish; fat rendering or vegetable oil mill; feeding pen; stockyard; feed manufacture; flour mill; ;bone distillation; leather tannery;

- b) sawmills; veneer and plywood mills; pulp and paper mill; wood distillation;
- c) iron and steel mill; blast furnace; smelting and refining of metals and ores; boiler and plate works; manufacture of railroad rolling stock; industrial casting; stamping; forging;
- d) mineral extraction; pits and quarries, the manufacture of cement, lime, gypsum or concrete; brick refractory; concrete or asphalt batching plant; manufacturing of asbestos, abrasives or mineral wool;
- e) manufacturing of explosives, ammunition, acid, alkalis, asphalt, fertilizer, plastics, resins, soap and cleaning compounds; petroleum refineries; coke oven; coal and tar distillation;
- f) bulk fuel depot; freight yard or truck transportation facility as a main use;
- g) general salvage operation.

“Industrial Use, Special Light” means a light industrial use which is a non-effluent producing industrial use.

“Institutional Use” means the use of land, buildings or other structures by any governmental, religious, educational, charitable, cultural, philanthropic organization, group or association or a hospital for a non-profit public or social purpose. A dwelling or any part of a building used for residential occupancy is not deemed to be an institutional use.

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

"Interior Lot Line" means a lot line which does not parallel and abut a street.

“Kennel” means any outdoor enclosure, building or other structure used for the breeding and sale of dogs, and, as an ancillary use, may include the boarding of them.

“Landfill” means a facility, operated by a public waste management authority under a Certificate of Approval from the Ontario Ministry of the Environment, for the disposal and storage of waste materials.

“Landing Strip” means a strip of ground modified and used for the take-off and landing of aircraft.

"Landscaped Area" means an area open to the sky and maintained with any one (1) or more of the following ground covers: grass; flowers; shrubs; trees; ornamental stone; wood chips; bark; a water feature. Outdoor recreational facilities accessory to a dwelling or dwelling unit, decks, patios, terraces and pedestrian walkways may also form landscaped area. Reference to "minimum landscaped area" means the percentage of the lot required to be maintained as landscaped area.

"Landscaped Buffer" means a landscaped area or yard located along the perimeter of a lot or at the boundaries of uses to screen or separate land uses either from one another or from a street or to maintain sight lines.

"Landscaped Yard" means a yard used as a landscaped area.

"Light Repair Shop" means a building or part thereof used for the maintenance and repair of any one (1) or more of the following goods: appliances; devices for the assistance of handicapped persons; barbecues; bicycles; clocks; electronic equipment; furniture; jewellery; lawn and garden equipment; luggage; musical instruments; scooters; sporting goods; watches.

"Loading Space" means a parking space used for the temporary parking of a motor vehicle while goods are loaded thereon or unloaded therefrom.

"Lodging House" means a dwelling in which a minimum of six (6) persons, not including staff, are provided with lodging for hire, with or without meals, but does not include a place of detention or correction, residential care facility, group home, hotel or motel, private home day care.

"Lot" means a parcel or tract of land which:

- i) is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed pursuant to Section 49 of The Planning Act, R.S.O. 1990, as may be amended from time to time or
- ii) is all land held or owned under distinct and separate ownership, that is legally capable of being conveyed as a separate parcel from one person to another or
- iii) for which a consent has been granted and remains in effect pursuant to Section 53, of The Planning Act, R.S.O. 1990, as may be amended from time to time or
- iv) is a whole unit or common element within the meaning of Section 9, of The Condominium Act, S.O. 1998, as may be amended from time to time.

"Lot Area" means the total land area, as measured along a horizontal plane, within the lot lines of a lot, but does not include any part of a lot permanently covered by water.

"Lot Coverage" means:

- a) the percentage of lot area covered by all buildings at grade, combined with
- b) the percentage of lot area covered by the vertical downward projection of all roofs, cantilevered building walls and other projecting features exclusive of the following: balconies; chimney breasts; cornices; decks; eaves; fire escapes; steps and ramps; a swimming pool open to the sky; the first 15 square metres (161 square feet) of a sunroom.

"Lot Depth" means the mean horizontal distance between the front and rear lot lines. In the case of an irregularly-shaped lot, lot depth is determined by dividing the lot area by the lot frontage.

"Lot Frontage" means the lot width between the two side lot lines measured along a line parallel to and setback 6 meters (20 feet) from the front lot line. Where the front lot line is not a straight line, the measurement line is setback 6 meters along the side lot lines from each of the points of intersection of the side and front lot lines

"Lot Line" means the boundary of a lot.

"Lot Width" means the perpendicular distance between the side lot lines, but, where the side lot lines are not parallel to each other, the lot width is the average distance between them.

"Main Building" means a building used for the main use of the lot and may also include an accessory use in combination therewith in accordance with the provisions of this by-law applicable to an accessory use.

"Main Use" means the principal use or uses of the lot or building.

"Major Commercial Centre" means a lot, outside of a Business Improvement Area, on which is located a building or group of buildings which:

- a) has a minimum gross floor area of 1000 square meters (10764 square feet) for all buildings;
- b) is intended for a mix of commercial uses;
- c) is occupied, as main uses, by a minimum of four (4) individual self-contained business establishments, and
- d) all business establishments share a common parking area on the same lot therewith.

A major commercial centre may be occupied by any combination of uses permitted in the zoning district in which it is located, unless otherwise specifically provided by this by-law.

"Manoeuvring Aisle" means an unobstructed part of a parking area which provides direct access to a parking space.

"Marina" means a facility used for the docking and anchoring of pleasure boats and may also include in combination therewith any one (1) or more of the following activities: the fuelling, storing, repairing, maintaining or selling of pleasure boats and their accessories; a restaurant; take-out food outlet; convenience store.

"Material Transfer Centre" means a facility used for the salvage of materials from consumer products, other than motor vehicles or motor vehicle parts, for intended transfer or resale on or off the premises. Salvaging involves exclusively any one or more of the following activities: temporary storage; packaging; transferring and reselling. Salvaging activities take place entirely within a building. Products and materials are stored entirely within a building and/or, where permitted by this by-law, in an outdoor storage yard.

"Maximum" means not more than.

"Maximum Lot Coverage" means that percentage of total lot area permitted to be covered by buildings and other structures, not including any buildings or structures excluded in the definition of "Lot Coverage".

"May" means permissive.

"Medical Office" means the office of any one (1) or more of the following persons: chiropodist, acupuncturist; alternative medicine practitioner; chiropractor; dentist; denturist; dietician; nurse; nutritionist; occupational therapist; optometrist; osteopath; physician; physiotherapist; podiatrist; psychiatrist; surgeon; any other licensed professional person offering treatment services for the physical, mental or emotional health of people.

"Micro-brewery" means a facility, not exceeding 300 square meters (3230 square feet) in gross floor area, used for the manufacture and retail sale of beer or wine, produced exclusively for consumption elsewhere than on the premises, except when in combination with a permitted restaurant or entertainment lounge.

“Micro Biomass Energy System” means a biomass powered electrical generating system having a nameplate generating capacity of not more than 10 kilowatts and used primarily for the generation of electrical power for direct on-site consumption by the owner/operator.

“Micro Solar Energy System” means a building mounted solar powered electrical generating system, consisting of a solar panel(s) and all appurtenant electrical and mechanical systems, used primarily for the generation of electrical power for direct on-site consumption by the owner/operator.

“Micro Wind Energy System” means a wind powered electrical generating system having a nameplate generating capacity of not more than 10.0 kilowatt and consisting of a bladed turbine and supporting structure having a maximum hub height of 18 meters (59 feet) and all appurtenant electrical and mechanical systems used primarily for the generation of electrical power for direct on-site consumption by the owner/operator.

"Minimum" means not less than.

“Minimum Distance Separation” means the minimum distance required between a sensitive land use and a livestock operation, manure storage facility or an anaerobic digester, as determined by the minimum distance formulae (2006) of the Ontario Ministry of Agriculture, Farms and Rural Affairs (OMAFRA).

“Mineral Extraction Operation” includes a pit, quarry or underground mining operation and ancillary uses related to the operation including an asphalt plant and a concrete batching plant.

"Minor Commercial Centre" means a lot, outside of a Business improvement Area, on which is located a building or group of buildings which:

- a) has a gross floor area of less than 1000 square meters (10764 square feet) for all buildings;
- b) is intended for a mix of commercial uses;
- c) is occupied, as main uses, by a minimum of three (3) individual self-contained business establishments, and
- d) all business establishments share a common parking area located on the same lot therewith.

A minor commercial centre may be occupied by any combination of uses which is permitted in the zoning district in which it is located, unless otherwise specifically provided by this by-law.

"Mobile Home" means a building, which is designed to be made mobile, constructed or manufactured to provide a permanent residence for one or more persons and includes a manufactured home built on a non-removable chassis for transportation to a building site and which may or may not be placed on a permanent foundation.

"Mobil Home Park" means a grouping of four (4) or more mobile home dwellings. It may include an internal road system and common recreational facilities for the residents and an accessory office and laundry facilities.

"Motel" means a building or part thereof, used primarily for sleeping accommodations of the travelling public, in which

- a) a minimum of five (5) guest rooms or suites of rooms are provided for sleeping accommodation;
- b) all guest rooms or suites of rooms are accessible from the exterior of the building and may also be accessible from the interior of the building;
- c) no guest rooms or suites of rooms has self-contained cooking facilities;
- d) there may be in combination therewith any one (1) or more of the following:
restaurant; meeting room; newsstand; and
- e) there may also be in combination therewith one (1) personal service shop and one (1) dwelling unit.

For the purposes of this definition, "self-contained cooking facilities" shall mean any permanent appliance such as an oven and/or stove for the preparation of food which requires exhaust systems to remove smoke and grease.

"Motor Vehicle" means an automobile and any other vehicle propelled, driven or pulled by other than muscular power, designed for travel on a highway.

"Motor Vehicle Dealership" means a lot and building or part thereof used for any one (1) or more of the following: the sale, lease or rental of motor vehicles, and, will also include any one (1) or more of the following accessory uses: an outdoor storage yard exclusively for the storage and display of motor vehicles; a heavy repair shop exclusively for the maintenance and repair of motor vehicles.

"Motor Vehicle Fuel Station" means a lot or part thereof used for the retail sale and dispensing of motor vehicle fuels which includes but is not limited to gasoline, diesel, electricity and

hydrogen and may include in combination therewith, a retail store, if the retail store has a maximum gross floor area of 100 square metres (1076 square feet) and is not otherwise permitted in the zoning district.

“Motor Vehicle Salvage Operation” means an indoor/outdoor facility used for the salvaging of motor vehicles and motor vehicle parts. Salvaging activities involve exclusively any two (2) or more of the following activities: temporary storage; disassembly; reconditioning; packaging

"Multi-Unit Dwelling" means a building, other than a townhome dwelling, containing a minimum of four (4) dwelling units in which all dwelling units are located on one lot.

“Natural Environment Area” means a lot or part thereof reserved for the protection and conservation of environmentally significant and/or sensitive natural features, functions or processes and designated “Natural Environment” in the Town of Essex Official Plan.

“Natural Heritage Features and Areas” means features and areas, including significant wetlands, fish habitat, significant woodlands, significant valley lands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

"Net Floor Area" means the total floor area measured from the inside face of the exterior walls of a building or part of a building, but does not include any one (1) or more of the following: cellars within a dwelling; cloakrooms; corridors; elevator shafts; hallways; indoor amenity areas; kitchens, loading areas; lobbies; mechanical rooms; parking garages; stairwells; storerooms to a maximum of 20% of the total net floor area; washrooms.

“Noise Barrier Wall” means a barrier, constructed in accordance with Ontario Building Code design standards, designed and used to mitigate noise contamination affecting adjacent land users. This barrier consists of an earth berm, masonry fence, wood fence or any combination thereof, having a minimum surface density of 20 kg/m², or a building wall.

“Non-effluent Producing” means an industrial use which does not require the direct consumption of water except for auxiliary facilities such as washrooms or cooling and pressure testing equipment and does not discharge any waste water, except from such auxiliary facilities.

“Normal Farm Practices” means an agricultural practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations

under similar circumstances; or that makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices will be consistent with The Nutrient Management Act, 2002, and other applicable regulations, as amended from time to time, made under that Act.

“Nursery” means a building or part thereof, in combination with a building and/or lands for the cultivation, storage and maintenance of trees, plants and other garden and landscaping products, for wholesale/retail sale and distribution of such products on and off site.

"Office" means a building or part thereof where any one (1) or more of the following services are provided: business is transacted, administrative, clerical or professional services are performed.

“On-farm Diversified Use” means a use, exclusive of a home occupation, that is secondary and subordinate to the principle agricultural use of the property and is limited in area. They include: a retail or wholesale store, take-out food outlet, workshop or other home industry, an agri-tourism use and uses that produce value-added agricultural products from on farm production.

“Outdoor Market” means lot or part thereof, occupied for a temporary period by a collection of booths, stalls, tents or other physically defined areas, in an outdoor setting, for the retail sale of goods and/or foodstuffs by two or more individual vendors and operated solely with the approval and consent of a Business Improvement Area Board of Management or the Town.

"Outdoor Storage Yard" means a yard, having a minimum area of 10 square meters (108 square feet), used for storage.

"Parking Area" means an area, other than an outdoor storage yard, which is used for parking spaces and all related collector aisles and maneuvering aisles.

"Parking Garage" means a building or part thereof occupied by a parking area which is used or capable of being used for the provision of a minimum of five (5) parking spaces.

"Parking Space" means an area used exclusively for the parking of one (1) operable motor vehicle.

"Pawnshop" means a building or part thereof used by a "pawnbroker" as defined by the Pawnbroker's Act, R.S.O. 1990.

“Permitted” means permitted by this by-law.

"Person" means any individual, association, partnership, company, corporation, firm, agent, trustee and the heirs, executors or other legal representatives of any of the foregoing.

"Personal Service Shop" means a building or part thereof used as one (1) or more of the following:

barber shop; beauty salon; dressmaking shop; dry-cleaning receiving and delivery depot; a dry-cleaning operation having a maximum gross floor area of 280 square meters (3014 square feet); duplicating service; laundromat, which may include a coin-operated self-serve automatic dry-cleaning machine; optician; photographic media receiving depot, which may include photographic film printing in combination therewith; pet grooming shop; picture framing shop; shoe repair shop; tailor shop; tanning salon.

"Pharmacy" means a retail store in which the main use is the retail sale of drugs, pharmaceutical products, medicines and drug sundries.

"Pit" means land or land under water from which unconsolidated aggregate is being or has been excavated but not rehabilitated, but does not include a wayside pit.

"Place of Entertainment and Recreation" means a lot, building or part thereof used as one (1) or more of the following: athletic or sports facility, including a health studio; billiard hall; bingo hall; bowling alley; club; exhibition hall; games arcade; private park; theatre.

"Place of Worship" means a building or part thereof used for religious worship and includes churches, synagogues, temples and mosques and may include a church hall in combination therewith.

"Porch" means an unheated structure, with a floor and a fixed roof directly above, primarily intended to provide sheltered access to a building. It may include perimeter guardrails, a door, seasonal screens or windows.

"Private Park" means a lot or part thereof, with or without buildings, used for public or private recreation and not maintained by the Town or a public authority.

"Private Home Day Care" means a private home day care as defined in The Day Nurseries Act, R.S.O.1990.

"Professional Studio" means a building or part thereof used for any one (1) or more of the following: instruction in fine arts, photography, music, dance, or other artistic endeavour; interior decorators studio; photography studio; portrait studio.

"Public Authority" means a School Board, Public Library Board, Board of Health, Ontario Provincial Police, Essex Region Conservation Authority, County of Essex or any other board or

commission or committee or authority established or exercising any power or authority under any general or special statute of Ontario with respect to the affairs or purposes of the Town.

"Public Hall" means a building or part thereof used for the lease or rental of space on a short term basis, as a main use, to persons for the exclusive use of themselves and guests for scheduled gatherings for social, athletic, education, recreational, charitable or political events, with or without the consumption of food.

"Public Park" means a lot or part thereof, with or without buildings, used for public recreation and/or special events, supervised and maintained by the Town or a public authority.

"Public Parking Area" means one (1) or more of the following:

- a) a parking area which is a main use;
- b) a parking area which is accessory to another use, but is not located on the same lot as the use it is intended to serve;
- c) a parking area which is located in accordance with the provisions of subsection (10) of Section 12, of this by-law.

"Public Utility" means any agency or corporation that distributes any one (1) or more of the following services or commodities to the public: telephone, telegraph, natural gas, cable television, electricity, water.

"Quarry" means a quarry as defined by The Aggregate Resources Act, R.S.O. 1990.

"Railway" means a railway as defined in The Canada Transportation Act, S.C. 1996.

"Rear Lot Line" means the exterior or interior lot line which is farthest from the front lot line. Where, on a corner lot, the rear lot line curves to merge with an exterior side lot line, for the purpose of the determination of length, the rear lot line is deemed to extend to the mid-point on the curve where the said lot lines meet.

"Rear Yard" means a yard extending across the full width of a lot between the rear lot line or the intersection of the side lot lines and the nearest wall of a main building on such lot.

"Recreational Facility" means a building or grouping of buildings and structures designed and intended to accommodate various forms of indoor sports and recreation and may include, in combination therewith, one (1) or more of the following as an ancillary use: a day care centre,

indoor and/or outdoor exhibition areas, professional studio, entertainment lounge, restaurant, and confectioner's shop.

"Recreational Vehicle" means a motorized vehicle having a gross vehicle weight greater than 3000 kilograms (6614 pounds), sleeping accommodation for one or more persons and fixed in place cooking and sanitary facilities.

"Refuse Bin" means a refuse receptacle designed to be emptied mechanically by a commercial refuse collection vehicle.

"Required" means mandated by this by-law.

"Retail Store" means a building or part thereof used for the retail sale of goods and may also include the lease or rental of goods but does not include the processing, manufacture or assembly of goods or a pawnshop.

"Residential Care Facility" means a dwelling for the accommodation of a minimum of eleven (11) persons, not including staff, and is restricted to any facility sanctioned, licensed and operated under a Federal or Provincial Act.

"Restaurant" means a building or part thereof used primarily for the preparation and serving of food and beverages to patrons for immediate consumption therein or within a physically defined open air sit down eating area located on the same lot therewith.

"Riding Stable" means facilities where horses are maintained and rented for short term recreational use by the public.

"Roadside Stand" means a building, used for the display and retail sale of products produced on the farm and located on the same lot as the farm.

"School" means an institution for teaching and learning established and maintained, not for profit or gain, by a School Board, Community College, University or a private institution.

"Screening Fence" means a barrier designed and used to visually separate uses and to block off views and is continuous throughout its entire required length, except where access areas and where lines of sight are required for traffic safety purposes. A screening fence may consist of any one (1) or more of the following: an earth berm; a dense evergreen hedge; an ornamental fence of solid wood, metal or plastic construction or an ornamental wall of concrete, brick or stone.

"Seasonal", with reference to a use or activity, means a use or activity permitted exclusively from or within the period of May 1 to October 31 of any given year.

"Self-storage Facility" means a building divided into individual self-contained storage units, which are available to the general public exclusively for the storage of their goods and chattels.

"Semi-Detached Dwelling" means a building separated vertically into two (2) dwelling units attached by a common interior wall. Each dwelling unit shall have a separate entrance at street level and each dwelling unit shall be on a separate lot.

"Semi-Detached Dwelling Unit" means one unit of a Semi-Detached Dwelling.

"Sensitive Land Use" means buildings or outdoor amenity areas, where occupants or users doing routine or normal activities, at reasonably expected times, would experience one or more adverse effects from contaminant discharges generated by a nearby facility or operation. Sensitive land uses may be part of the natural or built environment and include, but are not limited to dwellings, day care centers and educational and health establishments.

"Service Station" means a lot and building or part thereof, used for the following:

- a) a Motor Vehicle Fuel Station and a retail store for the sale of one (1) or more of the following: antifreeze; batteries and other electrical or ignition parts; brake components; carburetor parts, drive belts; exhaust systems; filters; grease; hoses; lights; oil, shock absorbers; spark plugs; transmission fluid; tires; wiper blades;
- b) one (1) or more of the following minor repairs or adjustments essential to the actual operation of an automobile and which are conducted entirely within a building:
 - (i) the replacement of anti-freeze, batteries, brakes, drive belts, exhaust systems, filters, grease, hoses, lights, oil, wiper blades, shock absorbers;
 - (ii) the inflation, balancing, changing or repair of tires;
 - (iii) electrical repairs and ignition tune-ups; carburetor adjustment; transmission adjustment; vehicle diagnostics;

and may include one (1) or more of the following in combination therewith:

- a) an automatic car wash;
- b) one (1) or more of the following automobile detailing services:
 - (i) interior cleaning, upholstery shampooing;
 - (ii) manual washing and waxing (not including a coin-operated car wash unless otherwise permitted in this by-law);

(iii) minor cosmetic repairs.

“Setback” means the horizontal distance between a fixed point or reference line and the closest point of any building or structure.

"Shall" means mandatory.

Short Term Rental Unit means a dwelling or dwelling unit used, with or without on-site supervision, for rental accommodation of a person or persons for a period of twenty-eight (28) consecutive days or less, within the calendar year, but may be rented for a longer period. A short term rental unit does not include a bed and breakfast dwelling, a lodging house, a residential care facility or group home or a dwelling unit in a hotel or motel.

"Side Lot Line" means any exterior or interior lot line other than a front or rear lot line.

"Side Yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest wall of the main building on such lot.

“Significant” means

- a) in regard to wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d) in regard to other features, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e) in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by

the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;

- f) in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

"Single Unit Dwelling" means a building having as a main use one (1) dwelling unit.

"Small Biomass Energy System" means a biomass energy electrical generation system, having a nameplate generating capacity of less than 5 megawatts, being an accessory use primarily for the generation of electrical power for direct on-site consumption by the owner/operator.

"Small Solar Energy System" means a building mounted or ground supported solar powered electrical generating system, consisting of solar panels and all appurtenant electrical and mechanical systems, being an accessory use primarily for the generation of electrical power for direct on-site consumption by the owner/operator. The total land area used for a small solar energy facility is less than two hectares (4.9 acres).

"Small Wind Energy System" means a wind energy electrical generating system having a nameplate generating capacity of not more than 50 kilowatts and consisting of a bladed turbine and supporting structure having a maximum hub height of 36 metres (118 feet) and all appurtenant electrical and mechanical systems, being an accessory use primarily for the generation of electrical power for direct on-site consumption by the owner/operator.

"Stacking Space" means a parking space for the temporary accommodation of a motor vehicle whose occupant(s) is awaiting drive through service or is in line for the use of a drive-through self-serve facility.

"Storage Container" means a pre-fabricated transportable enclosure intended for the temporary or permanent storage of goods, materials or equipment. It is not equipped with wheels. A cargo container originally used for the transport of freight by rail, truck or ship, is a storage container.

"Storey" means that part of a building, exclusive of a cellar, between any floor and the floor, ceiling or roof next above.

"Street" means a highway having a minimum right-of-way width of 7 meters (23 feet).

"Structure" means anything, including all component parts that is erected, built, constructed and affixed to or supported by the ground.

"Sunroom" means an unheated three (3) season room; three season room being a room designed and intended to be used throughout the spring, summer and fall seasons but not in the winter season.

"Take-Out Food Outlet" means a retail store for the sale, exclusively to walk-in customers, of prepared food for consumption elsewhere than on the premises and may also include the preparation of food sold at retail.

"Temporary Outdoor Vendor's Site" means a lot or part thereof used for the temporary display and retail sale of goods by a single vendor licensed by the Town. It may include, in combination therewith, a temporary greenhouse, tent or other structure erected and maintained solely for the duration of the license period, in accordance with the provisions of the license.

"Tertiary Treatment Septic System" means a septic system that complies with the Effluent Quality Criteria as regulated by the Ontario Building Code (OBC) table 8.6.2.2.A or as the same may be amended from time to time.

"Theatre" means a building or part thereof used for the showing of films or digital media to the public for remuneration.

"Three Unit Dwelling" means a building, other than a Townhome Dwelling, situated on one lot and having as the main use three (3) dwelling units separated vertically or horizontally.

"Through Lot" means an interior lot or a corner lot having both a front and a rear exterior lot line.

"Town" means the Corporation of the Town of Essex.

"Townhome Dwelling" means one (1) building separated vertically into three (3) or more dwelling units attached by common interior walls. Each dwelling unit shall have a separate entrance at street level and each dwelling unit shall be on a separate lot.

"Townhome Dwelling Unit" means one unit of a Townhome Dwelling.

"Township Road" means a highway under the jurisdiction of the Town.

"Trailer" means tent trailers, recreational travel trailers and cargo trailers.

“Transfer Station” means a waste disposal site used exclusively for the sorting and transferring of waste from one vehicle to another for transportation off-site.

"Two Unit Dwelling" means a building, other than a Semi-Detached Dwelling, situated on one lot and having as the main use two (2) dwelling units separated vertically or horizontally.

“Urban Centre” means an urbanized area designated “Urban Centre” in the Town of Essex Official Plan.

"Use" when used as a noun means the purpose for which a lot or part thereof, building or part thereof or other structure or part thereof is designed, intended, maintained or occupied.

"Use" when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a lot or part thereof, building or part thereof or other structure or part thereof.

"Veterinary Clinic" means the office of a veterinarian or veterinary surgeon with the boarding of small animals and pets for medical assessment and treatment only.

"Veterinary Office" means the office of a veterinarian and may include the indoor temporary accommodation of animals for observation, but does not include any outdoor facilities for the accommodation of animals or any provision for the boarding of animals.

“Warehouse” means a building or part thereof used for the storage of parts, materials, equipment or other goods and products and may include their loading, unloading, packaging or unpacking.

“Wayside Pit” means a temporary pit opened and used by or for a public authority solely for the purpose of a particular road construction project.

“Wetland” means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the ground surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Such lands are designated “Wetland” in the Town of Essex Official Plan. Periodically soaked lands and former wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be wetlands for the purposes of this definition.

"Wholesale Store" means a building or part thereof used for the sale of goods exclusively for resale, manufacture or construction, but does not include the processing, manufacturing, or assembling of those goods.

"Wind Turbine" means wind driven blades attached to an electrical power generator all mounted on a supporting tower or other structure, as well as all power convertors and other on-site facilities for the storage and transmission of electrical power generated by the wind energy system.

"Wind Turbine Height" means the height of a wind turbine measured for the lowest point of its base at the ground to the tip of the rotor blade at its highest point of rotation.

"Winery" means a facility for the production of wines and may include in combination therewith: a retail store for the display, public tasting and sale of wines produced on the same lot therewith and interior and exterior areas for private receptions.

"Workshop" means part of a building where goods are crafted, fabricated, assembled and/or packaged primarily for sale in a retail store or a wholesale store located in the same building or on the same lot therewith.

"Yard" means an open space, which is located on the same lot as a building or other structure, and is unoccupied and unobstructed from ground to sky except for any encroachments or structures permitted by this by-law.

“Zone” means an area, delineated and identified on a Zoning District Map, established and designated by this By-law for a specific use or group of uses.

In this by-law, unless otherwise specifically provided:

- a) words and phrases used in the masculine gender may also mean the feminine gender and words and phrases used in the singular may also mean the plural and vice versa, except "one" or "(1)" shall always mean the singular;
- b) reference to "Agricultural District" means any zoning district in Section 13 of this by-law;
- c) reference to "Commercial District" means any zoning district in Sections 18, 19 or 20 of this by-law;
- d) reference to “Development Reserve District” means any zoning district in Section 27 of this by-law;
- e) reference to "Green District" means any zoning district in Section 23 of this by-law;
- f) reference to "Institutional District" means any zoning district in Section 17 of this by-law;
- g) reference to "Landfill District" means any zoning district in Section 26 of this by-law;
- h) reference to "Manufacturing District" means any zoning district in Sections 21 or 22 of this by-law;
- i) reference to "Natural Environment District" means any zoning district in Section 24 of this by-law;
- j) reference to "Residential District" means any zoning district in Sections 14, 15 or 16 of this by-law;
- k) reference to "Wetland District" means any zoning district in Section 25 of this by-law;
- l) the word “provision(s)” shall mean “regulation(s)”;
- m) the abbreviation “a” means acre, “f” means feet; “f2” means square feet, “h” means hectares, “m” means meters and “m2” means square meters;

- n) where a dimension is stated in meters followed by an imperial measure in brackets, the metric dimension is the required measure and the imperial dimension is the approximate measure listed for comparison purposes only. Adherence to the imperial measure will ensure compliance with the metric measure;
- o) any reference in this by-law to any statute or part thereof, regulation or other by-law will, unless otherwise specifically stated, be a reference to that statute, regulation or by-law or the relevant part thereof, as may be amended from time to time.

SECTION 8 – GENERAL LAND USE PROVISIONS

8.1 Application

- a) The regulations in this Section apply to the use of all lands, buildings and other structures in all zoning districts enumerated in this by-law, unless otherwise specifically provided in this by-law.

8.2 Permitted Supplementary Uses

- a) **Town of Essex and Public Authorities**

- i) A lot or part thereof, located in any zoning district, may be used for any of the following uses, provided that all buildings erected thereon shall be in compliance with all regulations of the zoning district in which they are located:
 - 1. Any use of the Town;
 - 2. Any use of a Public Authority, including, but not limited to the County of Essex and the Essex Region Conservation Authority.

- b) **Public Utilities**

- i) A lot or part thereof, located in any zoning district, may be used for a use of a Public Utility provided that:
 - 1. all buildings shall be in compliance with all regulations of the zoning district in which they are located;
 - 2. any structure, not including a building, may be erected for the purposes of the distribution of a service or commodity provided by a public utility, without restriction as to height except in a **Residential District** where the maximum height shall be 20m (65f);
 - 3. an outdoor storage yard is not permitted in a **Residential District**.

- c) **Temporary Buildings or Other Structures**

- i) A temporary building, storage container or other structure customarily required and incidental to the erection of permanent buildings or other permanent structures is permitted in any zoning district, provided that such temporary building, storage container or other structure is removed when the permanent building or other structure is erected and capable of occupancy or use.
- d) **Extraction Activities**
- i) A pit or quarry, approved by the Ministry of Natural Resources of Ontario, is a permitted use in any zoning district, except in a Residential or Natural Environment District;
 - ii) A wayside pit, having a Ministry of Environment of Ontario Certificate of Approval, is a permitted use in any zoning district, except in a Residential or Natural Environment District.
- e) **Portable Asphalt and Concrete Plants**
- i) A portable asphalt or portable concrete plant is a permitted use in an Agricultural District and a Manufacturing District, but not within 400m (1313f) of a sensitive land use.
- f) **Storage of Goods, Equipment and Materials in Storage Containers**
- i) When not used in accordance with the provisions of paragraph c), of this subsection, a storage container having a gross floor area of 10m²(109f²) or greater shall be deemed to be an accessory building, subject to all applicable accessory building provisions of the zoning district in which the lot is located and to the following additional provisions.
As an accessory building, a storage container shall:
 - 1. be permitted exclusively in the following zoning districts: A1.1; C3.1; M1.1; M1.2; M2.1 and M2.2 and not otherwise permitted;
 - 2. not be located in a front yard;
 - 3. be screened from view where it is visible from a Residential or Green District or a street and within 30 meters of the Residential or Green District or street;
 - 4. be limited to a maximum of one storage container on a lot of less than 0.5 hectares and shall be limited to not more than two (2) storage containers on a lot of greater than 0.5 hectares;
 - 5. be permitted exclusively for storage purposes and not for human occupancy.”

8.3 Accessory Uses

- a) When an accessory use is situated within the main building or is situated in an accessory building that is attached to the main building, the maximum lot coverage for the accessory and main uses shall be the same as the total lot coverage permitted for the freestanding main and accessory buildings, where such separate provisions apply.

8.4 Prohibited Uses

- a) Unless otherwise specifically provided in this by-law, the following uses of any land or building are prohibited in any zoning district:
 - i) the use of a cellar, either in whole or in part, as an individual dwelling unit;
 - ii) the use of a travel trailer, tent trailer or motor home, hotel or motel, either in whole or in part, as a dwelling unit;
 - iii) a dwelling or dwelling unit that does not have storm water and sanitary facilities, electrical and potable water services approved by the Town or other authority having jurisdiction.
 - iv) a building located on a lot that does not front on or have direct access to a highway, except for a building that replaces an existing building or additions to an existing building or a building within a registered plan of subdivision in which the street is to be assumed under the terms of a registered development agreement or servicing agreement;
 - v) rifle, pistol, skeet or trap shooting range; a motor vehicle racetrack;
 - vi) an adult entertainment parlour;
 - vii) the outdoor storage of scrap, refuse, waste material, derelict or abandoned vehicles or such other like goods or chattels;
 - viii) forest clear-cutting or the use of any land for high-grading or other commercial timbering activities, except in accordance with a Sustainable Forest Management Plan satisfactory to the Municipality and the Ministry of Natural Resources.

8.5 Home Occupation, Residential

- a) Unless otherwise specifically provided in this by-law, a residential home occupation shall be a permitted use in a dwelling, dwelling unit or an accessory building to a main dwelling, in any Zoning District where a dwelling or dwelling unit is a permitted use, provided that it is conducted in accordance with the following regulations:
- i) a maximum of 25% of the gross floor area of the dwelling or dwelling unit can be devoted to the home occupation. This limitation shall not apply to guest rooms and guest facilities within a bed and breakfast dwelling;
 - ii) as an alternative to i) above, but not in combination with i) above, one residential home occupation, exclusive of a bed and breakfast dwelling, shall be permitted in an accessory building to a main dwelling, provided that the lot area is a minimum of 1850m² (20,000f²) and the accessory building is not located in whole or in part in a required yard;
 - iii) the maximum gross floor area of a residential home occupation located in an accessory building shall be 45m²(500f²);
 - iv) there shall be no visible indication from the exterior of the dwelling, dwelling unit or accessory building that a home occupation is being carried on except for a sign in accordance with the municipal sign bylaw;
 - v) there shall be no sale of goods on the premises;
 - vi) there shall be no external storage of materials, goods or equipment related to the home occupation;
 - vii) there shall be no generation of perceptible noise, odour, fumes or dust outside the dwelling, dwelling unit or accessory building;
 - viii) it is carried on exclusively by the inhabitants of the dwelling or dwelling unit;

- ix) a bed and breakfast operation shall only be permitted in a bed and breakfast dwelling, being exclusively a main dwelling situated in a Zoning District where a bed and breakfast dwelling is a stated permitted use and in accordance with the regulations of that Zoning District. Such dwelling shall have a maximum of 5 guest bedrooms.

8.6 An On-farm Diversified Use in Combination with a Permitted Agricultural Operation

- a) Unless otherwise specifically provided in this by-law, an on-farm diversified use is a permitted supplementary use exclusively in combination with a permitted agricultural operation. It shall be located in a dwelling or in an outbuilding in accordance with the following regulations:
 - i) a maximum of 25% of the gross floor area of the dwelling shall be devoted to an on-farm diversified use or, if located in an accessory building, it shall occupy a maximum of 90m² (968f²) of gross floor area. Outdoor areas specifically related to public education about farm life and farm activities, for product display or an outdoor patio related to a retail store are permitted;
 - ii) the retail sale or wholesale of goods is permitted within that portion of the building exclusively devoted to the on-farm diversified use;
 - iii) there shall be no external storage of materials, goods or equipment related to the on-farm diversified use;
 - iv) there shall be no generation of perceptible noise, odour, fumes or dust beyond the boundaries of the lot;
 - v) the use shall be carried on exclusively by persons participating directly in the day to day operation of the farm or residing on the farm and a maximum of two (2) other persons not directly participating in the operation of the farm or residing on the farm;
 - viii) it shall not include: a motor vehicle repair garage, a motor vehicle sales lot, Motor Vehicle Fuel Station, general salvage operation, motor vehicle salvage operation or material transfer centre, automobile collision shop or other heavy repair shop, major or minor commercial centre.”

8.7 Outdoor Storage Yards

- a) An outdoor storage yard is not permitted in any Development Reserve District, Residential District or Institutional District, unless otherwise specifically permitted;
- b) An outdoor storage yard is permitted in a Green District, Commercial District or Manufacturing District, unless otherwise specifically prohibited;
- c) No person shall use any lot or part thereof as an outdoor storage yard except in accordance with the following regulations:
 - i) a landscaped yard having a minimum width of 3m (10f) shall be provided and maintained between an outdoor storage yard and a street, except, when an outdoor storage yard is devoted exclusively to an outdoor market or a temporary outdoor vendor's site;
 - ii) a screening fence having a minimum height of 1.8m (6f) shall be provided and maintained in good practise on the perimeter of any part of an outdoor storage yard which is visible from a Residential District except for:
 - 1. that part of the outdoor storage yard located a minimum of 50m (165f) from the Residential District;
 - 2. an outdoor storage yard or that part thereof used exclusively for the display of operable motor vehicles as an accessory use to the sale of motor vehicles on the lot;
 - 3. an outdoor storage yard or that part thereof used exclusively for the public display of goods as an accessory use to a retail store or wholesale store, a garden centre, an outdoor market or a temporary outdoor vendor's site, where such outdoor storage yard is permitted by this by-law.
 - iii) equipment, materials or other goods, not including construction equipment, operable motor vehicles, boats or trailers, shall not be permitted to project above the height of the screening fence, unless the outdoor storage yard is located in a zoning district in Section 22, Manufacturing Districts 2, of this by-law, and
 - iv) the surface of an outdoor storage yard shall be continually maintained so as to prevent the generation of dust.

8.8 Private Home Day Care

- a) A private home day care is a permitted use in a Single Unit Dwelling.

8.9 Games Arcades

- a) A games arcade is a permitted use in specific zoning districts; however, unless otherwise specifically provided in this by-law, no person shall use a building or part thereof for a games arcade on a lot located within 300m (985f) of a school. This provision does not apply to a games arcade which is located within a restaurant or entertainment lounge, licensed under the Liquor Licence Act, R.S.O. 1990.

8.10 Outdoor Swimming Pools and Ponds

- a) No outdoor swimming pool or decorative pond, greater than 0.3m (1f) in depth, is permitted:
 - (i) in a required front yard, except for a lot with a rear lot line abutting Lake Erie;
 - (ii) within 7.5m (25f) of the front lot line, where there is no minimum front yard depth regulation;
 - (iii) within 1.2m (4f) of a side or rear lot line, and provided further,
 - (iv) no swimming pool filter, heater or pump is permitted within 3m(10f) of a side or rear lot line.
- b) On any lot within a Green District, Institutional District, Commercial District or Manufacturing District, no swimming pool or decorative pond greater than 0.3m (1f) in depth, filter, heater or pump is permitted:
 - (i) within 7.5m (25f) of any lot line; provided, however, that on a lot on which is located a single-unit dwelling, semi-detached dwelling, or a Mult-Unit Dwelling having a maximum of four (4) dwelling units, the provisions of paragraph a) above apply.
- c) The provisions of paragraphs (a) and (b) of this subsection do not apply to a pool filter, heater or pump located within an accessory building.

8.11 Alternative Energy Facilities

Note: Paragraphs A) to D) both inclusive apply exclusively to alternative energy systems that are not connected to an off-set power grid

- a) A **micro solar energy system** is permitted as an accessory use on the roof of any building in any zoning district;
- b) A **small solar energy system** is permitted in an Agricultural or Manufacturing District in accordance with the following regulations:
 - i) on the roof of a building without restriction;
 - ii) in any yard other than in a front yard and not within 30m (100f) of a lot line;
 - iii) maximum lot coverage -20%;
- c) A **micro wind energy system** is permitted as an accessory use in any zoning district in accordance with the following regulations:
 - i) A micro wind system shall have a minimum setback from a lot line equal to the wind turbine height plus 1.5m (5f) and shall not be permitted in a front yard in a Residential District, except on a lot having a lot line which abuts Lake Erie;
- d) A **small wind energy system** is permitted as an accessory use in any Agriculture, Manufacturing, Institutional or Commercial District in accordance with the following regulations:
 - i) A small wind system shall have a minimum setback from a lot line equal to 110% of the wind turbine height;
- e) For any sensitive land use, exclusive of a lawfully existing dwelling, the minimum separation between a commercial grade wind turbine and the sensitive land use shall be 550m (1805f). For the purpose of this paragraph, a commercial grade wind turbine is a wind turbine, having a nameplate generating capacity of greater than 0.5 megawatts, used for the production of electrical power to the municipal or Provincial electrical grid.

8.12 Hazardous or Restricted Use Provisions

- a) Unless otherwise specifically provided by this by-law, no new dwelling or other sensitive land use shall be permitted within 150m (493f) of a lot on which a sewage lagoon is located on the lot or within 500m (1641f) of a Landfill Zoning District. This shall not apply to the replacement of a lawfully existing dwelling, provided such dwelling is located no closer to the sewage lagoon or landfill than as existing.

8.13 Holding Zone Restrictions

- a) Where the prefix "H" precedes any zoning district symbol in Schedule "A" to this by-law, no use, building or other structure shall be permitted except:
 - i) any use, building or other structure erected, operated or maintained by the Town, a public authority or a public utility;
 - ii) an existing use, building or structure, provided such use, building or structure is permitted by the applicable zoning district which the "H" prefix precedes;
 - iii) additions or alterations to such existing buildings or structures and the erection of accessory buildings, all in accordance with the regulations of the applicable zoning district in which the lot is located and all other applicable regulations of this by-law.
- b) Where the prefix "H" precedes any zoning district symbol in Schedule "A" to this by-law, the "H" prefix may be removed when the following preconditions for the removal have been satisfied:
 - i) the property is on a registered plan of subdivision or condominium, subject to a part lot control exemption by-law or subject to an approved consent to sever by the Committee of Adjustment;
 - ii) where required by the Official Plan, full compliance with or an executed agreement to comply with an approved remediation/mitigation plan is in effect;
 - iii) full municipal services (a paved road, a municipal sanitary sewer and an approved storm water outlet) are available or an executed agreement to provide full municipal services satisfactory to the Town and/or approval authority having jurisdiction is in effect;
 - iv) where applicable, a site plan control agreement and/or such other mandated agreement is in effect.

8.14 Ministry of Transportation Restrictions

- a) In addition to all applicable municipal requirements, all proposed developments located in proximity of a provincial highway, within the MTO permit control area will be subject to the approval of the Ministry of Transportation (MTO). Owners should be aware the MTO permits must be obtained prior to any construction being undertaken.

8.15 Additional Dwelling Units

- a) On a lot in an Agricultural District or Residential District located outside of an Area of Settlement, not including a Residential District permitting exclusively mobile homes or dwellings for three (3) season occupancy, one (1) Additional Dwelling Unit within a Single Unit Dwelling or within a detached building accessory or ancillary to a Single Unit Dwelling shall be permitted.
- b) On a lot located within a Residential District within an Area of Settlement and serviced by municipally owned sewage works and a municipal drinking water system, not including a Residential District permitting exclusively mobile homes or dwellings for three (3) season occupancy:
 - a. two (2) Additional Dwelling Units within a Single Unit dwelling or one (1) Additional Dwelling Unit within a detached accessory or ancillary building when the main dwelling contains no more than (2) dwelling units;
 - b. One (1) Additional Dwelling Unit within a Two Unit Dwelling or one (1) Additional Dwelling Unit within a detached accessory or ancillary building when the Two Unit Dwelling contains no more than two (2) dwelling units;
 - c. Two (2) Additional Dwelling Units within a Semi-Detached Dwelling Unit or Townhome Dwelling Unit or one (1) Additional Dwelling Unit within a detached accessory or ancillary building when the Semi-Detached Dwelling Unit or Townhome Dwelling Unit contains no more than two (2) Dwelling Units;
- c) General Provisions:
 - i) The lot has frontage on a street and is serviced by a municipal sanitary sewer of sufficient

capacity or an approved septic system of sufficient capacity, an approved storm water outlet and a potable water supply;

- ii) One (1) onsite parking space is provided for each dwelling unit;
- iii) The main dwelling and the lot on which it is located conform to all regulations of the Zoning District applicable to them except that, for a residential lot located within an Area of Settlement, on which Additional Dwelling Units are proposed or located, the maximum lot coverage shall not be any less than 45 percent (%). For greater clarity, if the applicable zoning district permits more than 45 percent (%) lot coverage, the regulations of that Zoning District prevail.
- iv) For an Additional Dwelling Unit located in an accessory or ancillary residential building, the Gross Floor Area (GFA) of the Additional Dwelling Unit shall not exceed that of the largest dwelling unit in the main building;
- v) A detached Additional Dwelling Unit may contain an attached garage if the total Gross Floor Area (GFA) of the Additional Dwelling Unit with attached garage does not exceed the GFA of that of the largest dwelling unit in the main building;
- vi) Notwithstanding any other provisions of this By-law, an Additional Dwelling Unit within a detached accessory or ancillary building within an Area of Settlement shall not be permitted above the ground floor;
- vii) The maximum height of an Additional Dwelling Unit in a detached accessory or ancillary building in an Area of Settlement shall be one (1) storey and the maximum height of a storey shall be 4m (13ft);
- viii) Notwithstanding other provisions in this by-law to the contrary, an Additional Dwelling Unit within a detached accessory or ancillary building shall not have a ceiling height or make provision for a ceiling height greater than 1.8m (71 inches) within the area enclosed by the roof from the bottom of the eaves to the supporting structure or substructure next above;
- ix) No Additional Dwelling Unit located within a detached accessory or ancillary building shall be permitted within 1.8 m (6 feet) of any other building located on the same lot;
- x) An Additional Dwelling Unit located in a detached accessory or ancillary building shall be permitted in a front yard, except in a required front yard, and in a rear yard and or

side yard, except in a required rear yard or required side yard;

- xi) Where an Additional Dwelling Unit within a detached accessory or ancillary building will contain an attached garage, the minimum setback for a building wall with a vehicle entrance facing an exterior lot line shall be 6m (20f);
- xii) An Additional Dwelling Unit located in a detached accessory or ancillary building shall have access to the street as prescribed under the Ontario Building Code;
- xiv) An additional dwelling unit shall not be used as a short term rental unit.
- xv) Where a lot contains a dwelling and an Additional Dwelling Unit is proposed within a detached accessory or ancillary residential building, the dwelling existing on the lot prior to the construction of the Additional Dwelling Unit shall be considered the main dwelling.

8.16 Short Term Rental Units

- a) One short term rental unit shall be a permitted use when located in one of the following:
 - i) in a Residential District - exclusively in an existing dwelling where a short term rental unit was both established prior to and in operation on May 9, 2022;
 - ii) in an Agricultural District - in a Single Unit Dwelling;
 - iii) in a Commercial District - in a dwelling or in a dwelling unit in a combined use building;
 - iv) in Green Districts 1.2 and 1.5 - in a cabin located in a campground.

SECTION 9 - GENERAL LOT REGULATIONS

9.1 Application

- a) The regulations in this Section apply to the use of all lots in all zoning districts enumerated in this by-law, unless otherwise specifically provided in this by-law.

9.2 Conveyances

- a) Notwithstanding any other regulation of this By-law in conflict herewith, where a use, building or structure was legally established on a lot and such lot was subsequently altered, as a result of a project or action of the Town of Essex, the County of Essex, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada or such other public authority, thereby causing the use, building or structure to contravene any regulations of this By-law, the said use, building or structure shall be deemed to conform with this By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that any regulations, which are not met, are not further contravened and that all other applicable regulations are complied with.

9.3 Special Lot and Yard Provisions

- a) For an **existing accessory** building, in a Residential District, which has less than the required setback from the side or rear lot line, the required setback shall be as existing; provided, however, that any additions thereto shall be a minimum of 1.2m (4ft) from the side or rear lot line, except that any wall having a vehicular entrance shall be a minimum of 6m (20ft) from the exterior lot line when facing the exterior lot line and the maximum height of any addition thereto shall be one storey.”
- b) For an **existing dwelling** on a lot in a Residential District, which has less than the minimum lot width or lot area required by this by-law, an addition to such dwelling may be erected or such dwelling replaced, subject to compliance with all other applicable provisions of this by-law;
- c) For an **existing dwelling** on a lot in a Residential District, which has less than the minimum side yard width required by this by-law, for the purpose of erecting any addition thereto, the existing side yard(s) is deemed to be the required side yard, provided that the existing side yard width is a minimum of 1.2m (4f) in width or the existing side yard abuts an exterior lot line;
- d) When, on a lot on which a **semi-detached dwelling** or a **townhome dwelling** has been erected and the individual dwelling units, which are joined to each other by common interior walls, are to be subsequently separated by ownership:
 - i) for that part of the dwelling unit lawfully existing at the time of the severance, no interior side yard shall be required along the common interior lot line;
 - ii) the minimum lot area for each dwelling unit shall be as existing at the time of the lot severance;
 - iii) for a semi-detached dwelling, the minimum lot width for each dwelling unit shall be equal to the width of the dwelling unit and the existing side yard;
 - iv) for a townhome dwelling, the minimum lot width for each dwelling unit shall be equal to the width of the dwelling unit;
 - v) the maximum total lot coverage for each dwelling unit and its accessory buildings shall be equal to 50% of the lot area of the severed lot on which the dwelling unit is located.

9.4 Objects Prohibited in Yards

- a) No person shall:
 - i) place a **refuse bin** in any required front yard, unless incidental to the erection or demolition of buildings or structures on the same lot therewith;
 - ii) maintain the outdoor storage of **building materials, construction waste or other waste products** in any yard, except within a permitted outdoor storage yard in accordance with the provisions of this by-law, unless the said materials and equipment are necessary for the construction on the lot of any building or other structure for which a building permit has been issued;
 - iii) in any Residential District, place a **signal reception tower or other communications tower** or structure in a required front yard, unless the lot has a lot line which abuts Lake Erie.

9.5 Permitted Encroachments into a Required Yard

The following building features and facilities may extend into a yard in the following manner; however, no encroachment into a required yard, other than specifically set out below is permitted.

Building Features and Facilities	Permitted Yard Encroachment	Yard Encroachment Not Permitted or Restricted
a) Architectural Features: Any projections of belt courses, chimneys, cornices, eaves, replacement residential exterior cladding and similar architectural features	Into any yard	but to a maximum extension of 0.3m (1f) into a required yard of less than 1.2m (4f) in depth.
b) Bay Windows	Into any yard	but not within 1.2m (4f) of a side lot line.
c) Balconies	Into any yard	but into a required side yard to a maximum depth equal to 25% of the required side yard width, into a required front or rear yard to a maximum depth of 1.5m (4.9f) and not within 1.2m (4f) of a side lot line.
d) Below Grade Entrance Pad and Steps Leading Thereto	Into any yard	except in a required front or side yard and to a maximum depth of 2.5m (8.2f) into a required rear yard and not within 1.2m (4f) of a side lot line.

e) Central Air Conditioning and Outdoor Heating Units	Into any yard	except in a required front or side yard in a Residential District.
f) Deck having a maximum floor height of 0.3m (1.0f) above the ground	Into any yard	except into a required side yard.
g) Deck having a floor height of greater than 0.3m (1.0f) and less than 1.2m (4f) above the ground	Into any yard	but to a maximum depth of 2m (6.5f) into a required front or rear yard and not within 3m (10f) of a front lot line or 1.2m (4f) of a side or rear lot line. The part of a deck located within a required rear yard shall have a maximum width of 3.7m (12f).
h) Deck or that part thereof having a height of greater than 1.2m (4f) above the ground	Into any yard	except a required yard.
i) Porch	Into any yard	except that part of a porch located within the required rear yard shall have a maximum floor height of 0.6m (2f) above the ground, extend a maximum depth of 2.5m (8.2f) into a required rear yard and shall have a maximum width of 3.7m (12f) within the required rear yard. A porch may extend a maximum of 2.5m (8.2f) into a required front yard.

		The side yard setbacks from a side lot line required for the dwelling shall also apply to a porch. A porch having a floor height of greater 0.6m (2f) is not permitted in a required yard. A porch, which is lawfully existing and located in whole or in part in a required front yard, may be repaired or replaced by a new porch of the same dimensions or less.
j) Rainwater Containment System	Into any yard	without restriction.
k) Sunroom	Into any yard	except in a required yard.
l) Steps		
For one step above the ground	Into any yard	but not within 1.2m (4f) of a lot line.
For steps having a combined height of greater than 0.2m (0.7f) above the ground	into any yard	but not within 1.2 (4f) of a side or rear lot line or within 3.0m (10f) of a front lot line. When located in a required yard the steps shall have a maximum total tread area of 5m ² (53f ²).
m) Signal Reception or Communications Structures	Into any yard	except into a required front yard.

SECTION 10 - GENERAL BUILDING REGULATIONS

10.1 Application

- a) The regulations in this Section apply to all buildings and other structures in all zoning districts enumerated in this by-law, unless otherwise specifically provided in this by-law.

10.2 Front Yard Averaging for Dwellings and Accessory Buildings

- a) On a lot within a zoning district in Section 14, Residential Districts 1, or Section 15, Residential Districts 2, of this by-law, the required front yard depth may be reduced on the following basis:
 - i) On an interior lot that abuts lot on which dwellings have setbacks from the front lot line of less than that required by this by-law, the minimum required front yard depth is equal to the average front yard depth of the dwellings on the abutting lots, but not less than 3m (10f) except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback shall be 6m (20f).
 - ii) On a corner lot that abuts a lot on which a dwelling is setback from the front lot line less than required by this by-law, the minimum required front yard depth is equal to the front yard depth of the dwelling on the abutting lot, but not less than 3m (10f) except where a building wall except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback shall be 6m (20f).
 - (iii) The provisions of paragraphs i) and ii) of this subsection also apply to an accessory garage or carport.

10.3 Accessory Buildings

- a) An accessory building or part thereof is not permitted within 1.8m (6f) of any other building located on the same lot.
- b) A detached garage, detached carport or other accessory building is permitted in a front

yard, except in a required front yard, and in a rear yard and or side yard, provided that the following minimum building setbacks from the side and rear lot lines are maintained:

- i) 1.2m (4f) from an interior rear lot line or an interior side lot line.
 - ii) 1.2m from an exterior rear lot line or exterior side lot line, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback shall be 6m (20f); however,
- c) Notwithstanding the zoning district provisions respecting accessory building lot coverage, in a Residential District, on a lot having a lot area of less than 370.5m² (4000f²), the total permitted lot coverage for all accessory buildings on the lot is 37m² (400f²).
- d) Unless otherwise specifically provided, a building accessory to a Dwelling shall:
- (i) not be used in whole or in part for a dwelling unit unless it is a permitted dwelling unit in the applicable zoning district of this By-law.
 - ii) not have sanitary facilities above the ground floor unless it is a permitted dwelling unit in the applicable zoning district of this By-law.
 - iii) not have facilities for the preparation of food, unless such facilities are in a permitted Additional Dwelling Unit or are for an activity accessory to a permitted use of a lot.
 - iv) not have a ceiling height or make provision for a ceiling height of greater than 1.8m (71 inches) within the area enclosed by the roof from the bottom of the eaves to the supporting structure or substructure next above.
 - v) the maximum building height of an accessory building shall be 4m (13ft).
 - vi) Notwithstanding other provisions in this by-law to the contrary, when an Additional Dwelling Unit is a permitted use in an accessory building outside of an Area of Settlement, the accessory building having an Additional Dwelling Unit is permitted to have two storeys, provided that the accessory building is not located in whole or in part in a required yard.

10.4 Special Provisions for Garages and Parking Garages

- a) Where a wall of a **parking garage** faces an exterior lot line and is less than 6m (20f) therefrom, no opening for vehicular exit from the parking garage shall be permitted along the said wall;

- b) In any Residential District, for a single detached, semi-detached, or townhome dwelling, the maximum width of an **attached garage** shall not exceed 60% of the maximum permitted width of the main building on the lot.

10.5 Location of Buildings and Other Structures on Corner Lots

- a) On a corner lot, no part of any building or other structure is permitted within 4m (12f) of the **intersection of any two exterior lot lines** (intersection being the physical point or projected point at which the exterior lot lines meet) unless:
 - i) the said part is elevated a minimum of 2.2m (7.3f) above grade; or
 - ii) the said part consists exclusively of **not more than** one (1) structural support column having a maximum outside diameter of 0.3m (1f) and a minimum height of 2.2m above grade or a fence having a maximum height of 0.9m (3f) above grade.
- b) On a lot that abuts the intersection of a **street and a railway right-of-way**, no building or other structure or part of a building or other structure is permitted within:
 - i) 6m (20f) of the point of intersection, within an urban centre or hamlet;
 - ii) 50m (165f) of the point of intersection, outside of an urban centre or hamlet.

10.6 Fill and Flood Control Regulations

- a) **Floodplain Development Control Area**
 - i) With the exception of a permeable fence of a design satisfactory to the Essex Region Conservation Authority (ERCA), the construction or reconstruction of any building or structure, within the **Floodway** is prohibited;
 - ii) Lands that are within the **Floodplain Development Control Area**, but outside of the floodway, may be used in accordance with the provisions of the underlying zoning district in which the lot is located. However, all habitable spaces of buildings shall be flood-proofed in a manner satisfactory to ERCA to ensure that building openings are located above the elevation of the 1:100 Year flood level at the building location, as detailed in Ontario Regulation No. 158/06.

b) **Floodway**

- i) For the purposes of this subsection, the floodway comprises all lands within a setback area measured inland from the top of the bank, such setback shall be determined by ERCA.

c) **Lake Erie Flood Prone Area**

- i) Notwithstanding any other provision of this By-law to the contrary, no part of any building or structure shall be constructed on lands located within the Lake Erie Flood Prone Area, as shown on the Zoning District Maps, in Section 3, of this By-law, unless:
 - 1. the lowest opening of any such building or structure has a minimum building elevation prescribed in a permit issued by Essex Region Conservation Authority (ERCA), and
 - 2. the setback of the nearest wall of any such building or structure from the water's edge is prescribed in a permit issued by ERCA;
 - 3. no person shall construct an accessory building or other structure within the prescribed setback limits, except a patio, deck, boat lift, boat well, dock, steps and/or shoreline protective works, provided that the said facilities are constructed as prescribed in a permit issued by ERCA.

d) **Setbacks from Inland Watercourses and Municipal Drains**

- i) Except for those lands affected by Floodplain Development Control Area regulations, no part of any building or structure, other than a permeable fence of a design satisfactory to ERCA, shall be constructed closer to an inland watercourse than the minimum distance established by ERCA, measured inland from the top of bank;
- ii) Where a permit or a minimum distance separation from ERCA is not required, the minimum separation between any building or structure from a municipal drain shall be 6m (20f) for a covered drain and the sum of 8m (26.5f) plus the depth of the water course to a maximum of 15m (49f) for a surface drain. The minimum separation provision shall not apply to a fence of water permeable design and construction.

10.7 Natural Environment and Wetland Setback Provisions

- a) Development in or within 120m (395f) of a Natural Environment District or a Wetland District

shall only be permitted in a manner specified by the Essex Region Conservation Authority to demonstrate that there will be no negative impacts on the natural features or their ecological functions.

For the purpose of this subsection, “development” means the creation of a new building lot or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- i) activities that create or maintain infrastructure authorized under an environmental assessment process;
- ii) works subject to the Drainage Act; or
- lii) underground or surface mining of minerals.

10.8 Natural Heritage Overlay Provisions

- a) The use of lands within the Natural Heritage Overlay is determined by the underlying zoning district permitted use regulations. However, no person should remove or substantially alter a significant feature or area, such as a significant woodlot, except in a manner specified by the Essex Region Conservation Authority.

10.9 Minimum Distance Separation Provisions

- a) New and expanded livestock facilities, manure storage facilities and anaerobic digesters are subject to the Minimum Distance Separation II (MDSII) requirements according to the Minimum Distance Separation (MDS) Formulae;
- b) The location of a new dwelling on a lot of less than 20h (50a) in lot area, within an Agricultural District, is subject to Minimum Distance Separation I (MDSI) requirements according to the Minimum Distance Separation (MDS) Formulae. An existing off-site dwelling, destroyed by a catastrophic event, may be replaced by a new dwelling provided that the new dwelling is sited no closer to the lot on which the livestock facility is located than the previously existing dwelling;
- c) A new livestock facility may replace a former livestock facility destroyed by a catastrophic event, provided that the new livestock facility does not result in increases in the values of Factors A, B or D, of the MDS Formulae, compared to what existed at the livestock facility prior to the catastrophic event, such that there is no switch to a livestock type with a higher

odour potential, there is no increase in the number of nutrient units housed and there is no switch to a manure system type with a higher odour potential.

10.10 Railway Right of Way Separation

On a lot abutting a railway right-of-way (as shown on the Zoning District Maps):

- i) a minimum separation of 30m (99f) shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational main building;
 - ii) a minimum separation of 15m (50f) shall be maintained between the railway right-of-way and an industrial main building;
 - iii) when a lot abuts a railway right-of-way, at the time of erection of a main building or an addition to an existing main building, a security fence having a minimum height of 1.8m (6f) shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
- b) Notwithstanding the provisions of paragraph 10.10 a), on a lot which abuts a railway right-of-way, for an existing building, any addition thereto or a replacement building, the minimum setback from the railway right-of-way shall be the existing building setback or the minimum setback required for the building in the zoning district in which it is located, whichever is the greater.

10.11 Special Setback Provisions on Certain Roads

- a) Notwithstanding any provisions of this by-law in conflict herewith, for any building the minimum setback from the following streets shall be the greater of the minimum front yard depth established in the zoning district or:
- i) outside of an urban centre or hamlet on a road which is not a public road or a public road having a right-of-way width of less than 20m (66f) - 7.5m (25f);
 - ii) on a town road outside of an urban centre or hamlet,
 - where no municipal drain parallels the road - 23m (76f) from the centre of the road right-of-way on that side,
 - where a municipal drain parallels the road - 31m (102f) from the centre of the road right-of-way on that side;
 - iii) 12m (40f) on a lot abutting Talbot Street, north of Maidstone Avenue and south of Fairview Avenue, Fairview Avenue, Maidstone Avenue, Gosfield Townline, west of Talbot Street and Victoria Street, west of Hanlan Street.

10.12 Required Exterior Finishing

- a) In any Green District or Residential District, for any main building or accessory parking garage, exposed flat concrete block exterior walls or untextured concrete exterior walls, whether painted or unpainted, are not permitted above a height of 0.9m (3f) above grade;
- b) In any Institutional District or Commercial District, exposed flat concrete block walls or untextured concrete walls, whether painted or unpainted, are not permitted for
- i) any building wall or part thereof which faces a street, is visible therefrom and is located less than 30m (99f) therefrom, or
 - ii) any building wall or part thereof which faces a Residential District, is visible therefrom and is located less than 30m (99f) therefrom.

10.13 Exceptions to Maximum Height Regulations

- a) The following architectural features or structures may extend above the maximum permitted height of any building in any zoning district, provided that they are erected only to such height as is necessary to accomplish their purpose:
- | | |
|--|--|
| i) antenna or other communications system; | viii) fire wall; |
| ii) air conditioning systems; | ix) heating equipment; |
| iii) belfry; | x) mechanical penthouse; |
| iv) chimney; | xi) silo; |
| v) church spire; | xii) skylight; |
| vi) cupola; | xiii) smoke stack; |
| vii) fencing; | xiv) solar panels and their supporting structures; |
| | xv) ventilator; |
| | water tank |

SECTION 11 - PARKING SPACE REGULATIONS

11.1 Application

- a) The regulations for parking spaces in this Section apply to the use of all lots in all zoning districts enumerated in this by-law, unless otherwise specifically provided in this by-law.

11.2 General Parking Space Provisions

- a) Parking spaces shall be required for each use permitted by this by-law, in accordance with the provisions of subsections 11.5 and 11.6;
- b) Each required parking space, not including a required loading space, shall have a minimum length of 5.5m (18f) and width of 2.75m (9f), provided that where one side of the parking space is bounded by a wall or fence, the minimum parking space width shall be 3.5m (11.5f);
- c) An access area (driveway) necessary for access to a parking space(s) may cross a required yard, landscaped yard or landscaped buffer;
- d) A parking space is permitted in a required yard, except a required landscaped yard or landscaped buffer, unless otherwise specifically provided by this by-law;
- e) No person shall permit or cause to permit a parking area or parking space to encroach upon a public walkway.

11.3 Location of Parking Spaces

- a) All required parking spaces, including all required bicycle parking spaces, special motor vehicle parking spaces and loading spaces, shall be located on the same lot as the use(s) they are intended to serve;
- b) A corner lot cannot be used for the parking of a motor vehicle within 6m (20f) of the intersection of any two streets or a street and a railway right of way, except when the motor vehicle is parked within a building.

11.4 Calculation of Parking Spaces Required

- a) All required parking spaces, not including loading spaces, shall be provided at the time of the erection of a building or addition thereto, expansion of a use or when there is a change of use of a lot or building;
- b) All required parking spaces shall be subsequently maintained exclusively for the use for which they are required for as long as such use is in operation;
- c) When a lawfully existing use has an insufficient number of existing parking spaces to conform to the provisions of subsection 11.5 or 11.6, it is not required that the deficiency be made up prior to the construction of any addition or a change of use. However, any additional parking spaces required by this Section for such addition or change of use shall be provided and maintained in accordance with all applicable provisions of this by-law;
- d) Unless otherwise specifically provided by this by-law, the number of parking spaces required for each use shall be calculated as follows:
 - i) one (1) space for each unit of gross floor area (GFA), expressed in square metres (m²), as set out in subsections 11.5 and 11.6 of this Section;
 - ii) for the purposes of this Section, any building or that part of a building designed and used exclusively as a parking garage, parking space, loading space, an automatic car wash or a coin-operated car wash will not be included in the calculation of gross floor area;
 - iii) when the calculation of the number of parking spaces results in a fraction, one (1) additional space is required if such fraction is greater than one half;
 - iv) except for major and minor commercial centres, when a building is occupied or proposed to be occupied by more than one (1) main use, the required parking for each main use is calculated on the basis of the percentage of gross floor area devoted to that use plus the equivalent percentage of any common areas and shared accessory uses in the building;
 - v) when a combined use building is occupied in part by a major or minor commercial centre, the required parking is the sum of the number of parking spaces required for each dwelling unit and for the major or minor commercial centre.

11.5 Number of Parking Spaces Required

- a) For the uses listed in Column I herein, the required number of parking spaces shall be as shown in Column II opposite the respective use or uses:

Column 1	Column 2
Use	Required Number of Parking Spaces
Art Gallery	1 for each 90m ² (969f ²) GFA
Automobile Repair Garage	1 for each 36m ² (388f ²) GFA
Automobile Sales Lot	1 for each 22.5m ² (242f ²) GFA
Bakery	1 for each 45m ² (484f ²) GFA for the first 2,700m ² (29063f ²) GFA and 1 for each additional 180 m ² (1937f ²) GFA
Bed and Breakfast Dwelling	1 for each two beds
Billiard Hall	1 for each 22.5m ² (242f ²) GFA
Bingo Hall	1 for each 22.5m ² (242f ²) GFA
Bowling Alley	4 per bowling lane
Business Office	1 for each 45m ² (484f ²) GFA
Caretaker's Residence	1 per dwelling unit
Club	1 for each 22.5m ² (242f ²) GFA
Commercial School	2.5 for each classroom and teaching area and 1 for each 22.5m ² (242f ²) GFA of cafeteria, auditorium, gymnasium and other area of assembly
Confectionary	1 for each 45m ² (484f ²) GFA for the first 2,700m ² (29063f ²) GFA and 1 for each additional 180 m ² (1937f ²) GFA
Day Care Centre	1.25 for each classroom and teaching area

Dwelling Units in a Combined-Use Building	1.25 spaces for each studio and 1- bedroom dwelling unit; 1.5 spaces for each 2- bedroom dwelling unit; 2 spaces for each 3- bedroom or greater dwelling unit; Plus, in addition to the above, to be exclusively maintained and individually signed for visitor parking, 0.15 spaces for each dwelling unit. When the calculation of parking spaces results in a fraction of one half or greater, one additional parking space shall be required.
Elementary School	1.25 for each classroom and teaching area
Entertainment Lounge	1 for each 7.5 (80f2) GFA
Funeral Home	1 for each 5.5m2 (59f2) GFA used for a chapel, sanctuary or reposeing rooms
Games Arcade	1 for each 22.5m2 (242f2) GFA
Group Home	1 per dwelling unit
Health Studio	1 for each 45m2 (484f2) GFA
Heavy Repair Shop	1 for each 45m2 (484f2) GFA for the first 2,700m2 (29063f2) GFA and 1 for each additional 180 m2 (1937f2) GFA
Hospital	1 for each bed
Hotel	1 for each guest room and 1 for each 22.5m2 (242f2) GFA used for a restaurant, place of assembly or meeting room
Library	1 for each 90m2 (969f2) GFA
Light Repair Shop	1 for each 36m2 (388f2) GFA

Lodging House	1 for each 6 beds
Major Commercial Centre	1 for each 22.5m ² (242f ²) GFA
Marina	1 for each 3 boat docking spaces
Medical Office	1 for each 7.5 (80f ²) GFA
Minor Commercial Centre	1 for each 22.5m ² (242f ²) GFA and, when the combined GFA of all restaurants and entertainment lounges exceeds 30 percent of the GFA of the centre, 1 for each 7.5m ² (80f ²) GFA of all restaurants and entertainment lounges in excess thereof
Mobile Home	1 per dwelling unit
Motel	1 for each guest room and 1 for each 22.5m ² (242f ²) GFA used for a restaurant, place of assembly or meeting room
Motor Vehicle Dealership	1 for each 22.5m ² (242f ²) GFA
Multi-Unit Dwelling containing a maximum of 4 dwelling units	1.25 spaces for each studio and 1- bedroom dwelling unit; 1.5 spaces for each 2- bedroom dwelling unit; 2 spaces for each 3- bedroom or greater dwelling unit; Plus, in addition to the above, to be exclusively maintained and individually signed for visitor parking, 0.15 spaces for each dwelling unit. When the calculation of parking spaces results in a fraction of one half or greater, one additional parking space shall be required.

Multi-Unit Dwelling containing 5 or more dwelling units	1.25 spaces for each studio and 1- bedroom dwelling unit; 1.5 spaces for each 2- bedroom dwelling unit; 2 spaces for each 3- bedroom or greater dwelling unit; Plus, in addition to the above, to be exclusively maintained and individually signed for visitor parking, 0.15 spaces for each dwelling unit. When the calculation of parking spaces results in a fraction of one half or greater, one additional parking space shall be required.
Museum	1 for each 90m2 (969f2) GFA
Industrial Uses not specifically listed	1 for each 45m2 (484f2) GFA for the first 2,700m2 (29063f2) GFA and 1 for each additional 180 m2 (1937f2) GFA
Places of Entertainment, Recreation or Assembly not specifically listed in this subsection	1 for each 36m2 (388f2) GFA
Pawnshop	1 for each 22.5m2 (242f2) GFA
Personal Service Shop	1 for each 22.5m2 (242f2) GFA
Place of Worship	1 for each 5.5m2 (59f) GFA used for as a church, chapel, sanctuary AND 1 for each 36m2 (388f2) GFA not used for any one of the above
Power Generation Plant	1 for each 200 m2 (2152f2) GFA
Public Hall	1 for each 7.5 (80f2) GFA
Residential Care Facility	1 for each 4 beds
Restaurant	1 for each 7.5 (80f2) GFA
Retail Store	1 for each 22.5m2 (242f2) GFA
Secondary School	2.5 for each classroom and teaching area

Self-Storage Facility	1 for a caretaker's residence and 1 for an accessory office
Semi-Detached Dwelling	1 per dwelling unit
Service Station	1 for each 36m ² (388f ²) GFA
Single Unit Dwelling	1 per dwelling unit
Theatre	1 for each 6 seats
Townhome Dwelling	1 per dwelling unit
Veterinary Clinic	1 for each 7.5 (80f ²) GFA
Veterinary Office	1 for each 7.5 (80f ²) GFA
Warehouse	1 for each 200m ² (2152f ²) GFA
Wholesale Store	1 for each 45m ² (484f ²) GFA
Workshop	1 for each 45m ² (484f ²) GFA for the first 2,700m ² (29063f ²) GFA and 1 for each additional 180 m ² (1937f ²) GFA

11.6 Parking Space Exceptions

- a) For a building located on lands identified as a “Parking Exception Area” on the Zoning District Maps, notwithstanding the provisions of subsection 11.5, the required number of parking spaces for each use listed in Column I shall be as shown in Column II, opposite the respective use or uses:

USE	REQUIRED NUMBER OF PARKING SPACES
Bed and Breakfast Dwelling	0
Business Office	0

USE	REQUIRED NUMBER OF PARKING SPACES
Entertainment Lounge	0
Financial Office	0
Games Arcade	0
Hotel	0 for each of the first 10 guest rooms
Light Repair Shop	0
Lodging House	1 for each 8 beds
Medical Office	0
Veterinary Office	0
Personal Service Shop	0
Restaurant	0
Retail Store	0
Takeout Food Outlet	0
Workshop	0
All other uses not listed	The regulations of subsection 11.5 shall apply

11.7 Provision of Barrier Free Motor Vehicle Parking Spaces

- a) Within each parking area, there shall be provided and maintained in good practice reserved accessible parking spaces for persons with disabilities as follows:

TOTAL NUMBER OF PARKING SPACES IN PARKING AREA	REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES
6 to 12	1
13 to 100	1 plus 4% of the total number of spaces to be divided evenly between Type A and Type B spaces
101-200	1 plus 3% of the total number of spaces to be divided evenly between Type A and Type B spaces
201 plus	2 plus 2% of the total number of parking spaces to be divided evenly between Type A and Type B spaces

Accessible Parking spaces are divided into two types:

- Type A being 3.4m (11ft) in width with an access aisle of 1.5m (5ft) next and parallel to it;
- Type B being 2.4m (8ft) in width with an access aisle of 1.5m (5ft) next and parallel to it.

An access aisle, consisting of a hard surface having a minimum width of 1.5 metres throughout the length of the abutting accessible parking space, shall be diagonally striped so as to indicate that it may not be used for parking. The minimum depth of an accessible parking space shall be 5.5m (18ft). An access aisle may be shared by two accessible parking spaces abutting it.

Where only one accessible parking space is required, the accessible parking space shall be a Type A space.

Notwithstanding the provisions of paragraph 11.4 d) iii) of this by-law, if the total number of required parking spaces in the parking area exceeds 13, where the calculation of the number of required accessible parking spaces results in a fraction, one (1) additional accessible parking space shall be required. The additional accessible parking space may be a Type B space.

11.8 Bicycle Parking Spaces Required

- a) There shall be provided and maintained in good practice reserved parking for bicycles on the following basis:

TOTAL NUMBER OF PARKING SPACES IN PARKING AREA	REQUIRED NUMBER OF BICYCLE PARKING SPACES
1 to 9	0
10 to 29	1
30+	2 for the first 30 plus 1 for each 30 additional parking spaces to a maximum of 10% of the total number of required motor vehicle parking spaces
For each 4 bicycle parking spaces provided, the number of required motor vehicle parking spaces may be reduced by 1 space	

- b) Each bicycle space shall be located in a manner which will not hamper the movement of pedestrians or physically challenged persons on a walkway or within a parking area or of motor vehicles within a parking area;
- c) No bicycle parking space is permitted within a daylight corner or a required landscaped yard.

11.9 Loading Spaces Required

- a) Each loading space shall have a minimum length of 13.5m (45f), a minimum width of 3.5m (11.5f) and a minimum height clearance of 3.5m throughout its length and width;
- b) For any building, not including a dwelling, there shall be provided and maintained on the same lot therewith, loading spaces as follows:

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
275m ² (2960f ²) or less	0

over 275m ² to 3999m ² (43046f2)	1
4000m ² (43057f2) to 5999m ² (64575f2)	2
6000m ² (64586f2) or greater	3
Power Generation Plant Self Storage facility	1

- c) For any Mult-Unit Dwelling, there must be provided loading spaces as follows:

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
750m ² or less	0
over 750m ²	1 plus 1 for each additional 7500m ² (80739f2) GFA to a maximum of 3

- d) Any building or part of a building which is designed and used for a parking area, parking space or loading space will not be included in the calculation of required loading spaces;
- e) Loading spaces required by this by-law shall be provided at the time of the erection or enlargement of any building;
- f) When a lawfully existing use has an insufficient number of existing loading spaces to conform to the provisions of this subsection, it is not required that the deficiency be made up prior to the construction of any addition or a change of use. However, any additional loading spaces required by this subsection for such addition or change of use shall be provided and maintained in accordance with all applicable provisions of this by-law;
- g) A loading space may be located within a parking area; provided, that it is located and designed so as not to hamper the safe operation of motor vehicles within the parking area;
- h) No loading space or access area thereto shall be permitted within 6m (20f) of the point of intersection of two streets or a street and an alley or a street and a railway right-of-way, nor in a required front yard or landscaped open space yard, except to cross them.

11.10 Stacking Spaces Required

- a) Each stacking space shall have a minimum length of 5.5m (18f) and a minimum width of 3m (10f). A parking or loading space, access area or a collector or a manoeuvring aisle required under the provisions of subsections 11.5, 11.6 and 11.9 is not deemed to be a stacking space;
- b) Stacking spaces shall be provided for the uses listed in this subsection and shall be located on the same lot. The minimum number of stacking spaces required for:

USE	REQUIRED NUMBER OF STACKING SPACES
automatic car wash	10 in advance of and 3 at the terminus of each wash line
coin-operated car wash	2 in advance of and 1 at the terminus of each wash stall
drive-through food outlet drive-through restaurant	12 in advance of the pick-up window
gasoline pump island erected as part of a service station or Motor Vehicle Fuel Station	1 in advance of and 1 at the terminus of the pump island
propane fuel facility that provides service to the public	1 adjacent to each fuelling pump
any other use having drive-through service	3 in advance of each drive-through service window or self-serve facility

- c) For a drive-through food outlet, a drive-through restaurant or such other drive through facility having an outdoor loudspeaker system:
 - i) each stacking space, drive-through window and outdoor loudspeaker system shall be located a minimum of 3m (10f) from a lot line abutting a Residential District;
 - ii) except that this provision shall not apply to a drive-through restaurant or drive-through food outlet that existed on a lot on the day this by-law came into force or its replacement on the same lot;

- d) For all other uses, where, on an abutting lot in a Residential District, a dwelling or dwelling unit has a basement or first floor habitable room window(s) facing the stacking spaces and such window(s) is located less than 20m (66f) therefrom, a screening fence having a minimum height of 1.2m (4f) shall be constructed so as to prevent the intrusion of light from headlights into the window;
- e) Multiple stacking spaces can be aligned in parallel or sequentially or both.

SECTION 12 - PARKING AREA REGULATIONS

12.1 Application

- a) Unless otherwise provided in this by-law, no person shall construct or maintain a parking area, which is used for the provision of five (5) or more parking spaces, except in accordance with the regulations of this Section.

12.2 Construction of Parking Areas

- a) All parking areas shall be graded and drained into the municipal sewer or municipally approved drainage system to prevent the runoff of surface water onto a street, alley or abutting properties;
- b) In an urban centre or hamlet, the entire surface of the parking area and access areas shall be paved with a hard surface consisting of concrete, asphalt, paving brick or block, and maintained in good condition;
- c) Outside of an urban centre or hamlet, all parking and access areas shall, at minimum, be covered with a gravel surface and treated on a continual basis so as to prevent dust contamination onto abutting properties;
- d) Full cut-off lights shall be used to illuminate any parking area and shall be arranged and designed so as to deflect light away from abutting lots on which a dwelling or dwelling unit is located;
- e) All required parking spaces shall be accessible directly and exclusively from a manoeuvring aisle.

12.3 Access Areas

- a) An access area is comprised of one (1) or more one-way traffic lanes and each traffic lane shall have a minimum width of 3.5m (11.5f) and a maximum width of 5m (16.5f);
- b) It may cross a required yard;
- c) It shall be designed in a manner which would preclude access from a street or alley to a parking area or egress from a parking area to a street or alley, except by way of an access area.

12.4 Manoeuvring Aisles

- a) A manoeuvring aisle shall be constructed in accordance with the following requirements:

Angle of Parking Space (relative to the manoeuvring aisle in degrees)	Minimum Manoeuvring Aisle Width
90 _o_	6.0m (20f)
60 _o_	5.5m (18f);
45 _o_	4.5m (15f);
30 _o_	3.5m (11.5f);

- b) For the purpose of this subsection, all angles and widths not indicated above are deemed to be the next highest angle and width indicated;
- c) A manoeuvring aisle having a width of less than 5.5m (18f) shall be designed so as to provide vehicular ingress at one end and vehicular egress at the opposite end of the manoeuvring aisle to provide for the one-way movement of vehicles exclusively;
- d) A manoeuvring aisle shall not be located within a street and shall be designed in a manner that would prevent any motor vehicle, which utilizes the manoeuvring aisle, from entering upon a street, except by way of an access area. A manoeuvring aisle, which is in part in an alley, shall satisfy the minimum manoeuvring aisle width regulations in clause 12.4 a) above.

12.5 Collector Aisles

- a) Minimum width of a collector aisle, which has a length of less than 50m (164f) shall be 6m (20f);
- b) Minimum width of a collector aisle, which has a minimum length of 50m (164f) shall be 7.5m (25f);
- c) There shall be a minimum separation between a parking space and a collector aisle of 2.5M (8.2f), except for a parking space located in a parking garage;

- d) The area forming the separation between a parking space and a collector aisle shall be maintained exclusively as a landscaped buffer bounded by a continuous concrete barrier curb having a minimum height and depth of 0.15m (0.5f);
- e) A collector aisle cannot be located within a street or alley and shall be designed in a manner that would prevent any motor vehicle which utilizes the collector aisle from entering upon a street or alley except by way of an access area.

12.6 Parking Area Separation

- a) The minimum separation requirements in this subsection apply to the separation of a parking area from the following:

from a street	3m (10f)
from a building wall containing habitable room windows facing the parking area, when the building is located on the same lot as the parking area	4.5m (15f)
from a building wall containing the main pedestrian entrance facing the parking area	2m (6.6f)

- b) The area forming the parking area separation shall be maintained exclusively as a landscaped yard separated from the parking area by a continuous concrete curb having a minimum height and depth of 0.15m (0.5f);
- c) A screening fence, having a minimum height of 1.2m (4f), shall be provided along that part of the parking area which faces an off-site dwelling unit with a first floor or basement habitable room window exposed to the parking area and located less than 6m (20f) therefrom. The screening fence may be erected along the common lot line of the residential lot and the parking area lot, unless otherwise specifically provided;
- d) Where no landscaped yard or screening fence is required, continuous concrete barrier curbs having a minimum height and depth of 0.15m (0.5f) shall be provided and located so as to prevent any motor vehicle or part thereof from projecting beyond the lot lines onto a street.

12.7 Refuse Bins

- a) A refuse bin(s) may be located within a parking area, but not within 6m (20f) of the point of intersection of any two (2) streets or within a required parking space or located in a manner so as to hamper the movement of or prevent the safe operation of motor vehicles utilizing the parking area;
- b) All outdoor refuse bins, which are visible from a street or are located within a parking area, shall be fully screened by a screening fence having a minimum height of 1.8m (6f).

12.8 Public Parking Area Regulations

- a) The provisions of subsections 12.1 to 12.7 inclusive apply to a public parking area and:
 - i) it may include a shelter for attendants;
 - ii) it cannot be located in any required yard of any dwelling or combined use building;
 - iii) no activity involving the sale, lease, rental or repair of motor vehicles is permitted.

12.9 Parking Garage Regulations

- a) The provisions of subsections 1 to 4 inclusive and paragraphs a) and b), of subsection 12.5 and the regulations of this subsection apply to a parking garage:
 - i) a minimum separation of 6m (20f) shall be provided between an access ramp and an access area. For the purpose of this paragraph, an access ramp means that part of a collector aisle which has a slope of greater than 12 degrees from the horizontal plane and which provides motor vehicle access and/or egress from the parking garage to the street;
 - ii) perimeter screening shall be provided at each level of an above ground parking garage so as to prevent the projection of light from headlights into habitable room windows which face the parking garage and are not separated therefrom by a street.

12.10 Transitional Public Parking Area Regulations

- a) A public parking area is permitted on a lot in a Green District, Residential District or Institutional District provided that:
 - i) a side lot line of the lot to be used as a parking area is the mutual boundary line between the Commercial District or the Manufacturing District and the Green District, Residential District or Institutional District, or
 - ii) a side lot line of the lot to be used as a parking area abuts an alley within which is located the mutual boundary line between the Commercial District or the Manufacturing District and the Green District, Residential District or Institutional District;
 - iii) such parking area may extend a maximum of 30m (98f) from the mutual boundary line between the Commercial District or the Manufacturing District and the Green District, Residential District or Institutional District;
 - iv) the minimum lot width of the lot to be used as a parking area shall be 9 m (30f);
 - v) the minimum lot area of the lot to be used as a parking area shall be 250m² (2691f²);
 - vi) such parking area shall be used exclusively for the surface parking of automobiles and no activity involving the sale, lease, rental or repair of motor vehicles is permitted;
 - vii) all regulations of subsections 1 to 8 inclusive, of this Section shall also apply to a transitional public parking area.

SECTION 13 - AGRICULTURAL DISTRICTS (A1.)

Subsection 13.1 Agricultural District 1.1 (A1.1)

General agriculture and farm production support activities	
a) Permitted Uses	
i. Main use	Agricultural Operation Agricultural Operation – Livestock Intensive Bed and Breakfast Dwelling (one) or Single Unit Dwelling (one) Brewery in combination with an agricultural operation Farm Production Support Use Farm Equipment Sales and Service Establishment Forestry Use Kennel Landing Strip Livestock Intensive Horse Farm Nursery Petroleum and Natural Gas Extraction Facilities Riding Stable Veterinary Clinic Wayside Pit and Quarry Winery in combination with a Vineyard
ii. Lawfully existing main use	Campground Contractor's office Light or heavy repair shop Light manufacturing facility
iii. Accessory use	Any use accessory to the main use, including a Roadside Stand
b) Regulations	
i. Lot Width – Minimum	The lesser of 60m (200f) or as existing, unless otherwise specifically provided

ii. Lot Area – Minimum	The lesser of 40h (100a) or as existing, unless otherwise specifically provided
iii. Lot Coverage – Maximum	25% of lot area
iv. Building Height – Maximum	10m (32f) for a dwelling 15m (49f) for all other buildings
v. Front Yard Depth – Minimum	15m (50f)
vi. Rear Yard Depth – Minimum	15m
vii. Side Yard Width – Minimum	3m (10f) for an interior side yard 15m for an exterior side yard
viii. A bed and breakfast dwelling shall have a minimum lot area of 1850m² (20,000f²). ix. A farm equipment sales and service establishment shall only be on a lot having a minimum lot area of 1ha (2.5a) and lot width of 30m (100f). x. A farm production support use, if not ancillary to an agricultural operation on the same lot, shall only be permitted on a lot having a minimum lot area of 1ha (2.5a) and lot width of 30m (100f). xi. A kennel, which is not entirely within a dwelling, shall be a minimum of 60m (200f) from a dwelling not on the same lot as the kennel. xii. A mushroom farm shall not be permitted within 350m (1150f) of a Residential District. A facility used for the growing, storage, packaging, or distribution of marijuana and or hemp shall be licensed by the licensing authority having jurisdiction and shall be a minimum of 300 m (985f) from a dwelling and a Green District and 500 m (1640f) from a Resident District. xiii. A nursery shall have a minimum lot area of 2ha (5a) the lesser of 2ha (5a). xiv. A riding stable shall only be permitted on a lot having a minimum lot area of 2ha (5a) and lot width of 30m (100f). xv. A roadside stand shall have a maximum gross floor area of 75m² (800f²) and a minimum setback of 9m (30f) from the highway.	

xvi. A **vineyard** shall have a minimum lot area of 2ha (5ac) or as existing.

xvii. A combination **winery and vineyard** or **brewery and agricultural operation** shall have a minimum lot area of 4ha (10ac).

xviii. For a lot having a lot area of less than 0.4 ha (1 acre) and a lot width of less than 30m (98f):

1. maximum lot coverage - 35%
2. maximum building height - 10m (32f)
3. minimum front yard depth - 7.5m (25f)
4. minimum interior side yard width - 2m (6.6f)
5. minimum rear yard depth - 7.5 m (25f)
6. minimum exterior side yard - 2m (6.6) except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m (20f)
7. For a lot on an existing registered plan of subdivision, the minimum lot area for a dwelling shall be 925m²(10,000f²)

otherwise the regulations of this subsection apply.

xix. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:

1. Floodplain Development Control Area – see subsection 10.6
2. Lake Erie Flood Prone Area – see subsection 10.6

xx. For an acquired lot created by consent after October 6, 2014, that formed part of an agricultural operation at the time the consent was granted and on which no dwelling is situated, a dwelling is not a permitted use on the acquired lot.

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 13.2 Agricultural District 1.2 (A1.2)

Limited agriculture and farm production support activities	
a) Permitted Uses	
i. Main use	Agricultural Operation exclusive of a Mushroom Farm, Abattoir or Livestock Intensive Agricultural Use or any use comprising the growing, storage, packaging, or distribution of marijuana or hemp. Bed and Breakfast Dwelling (one) or Single Unit Dwelling (one) Brewery in combination with an agricultural operation Nursery Winery in combination with a Vineyard
ii. Accessory use	Any use accessory to the main use, including a Roadside Stand
b) Regulations	
i. Lot Width – Minimum	30m (98.5f)
ii. Lot Area – Minimum	The lesser of 4h (10a) or as existing, unless otherwise specifically provided
iii. Lot Coverage – Maximum	25% of lot area
iv. Building Height – Maximum	10m (32f) for a dwelling
v. Front Yard Depth – Minimum	15m (50f)
vi. Rear Yard Depth – Minimum	15m (50f)
vii. Side Yard Width – Minimum	3m (10f) for an interior side yard 15m for an exterior side yard
viii. A bed and breakfast dwelling	shall have a minimum lot area of 1850m ² (20,000f ²).
ix. A nursery	shall have a minimum lot area of 2ha (5a).

- x. A **roadside stand** shall have a maximum gross floor area of 10m² (107f²) and a minimum setback of 3m (10f) from the highway.
- xi. A **vineyard** shall have a minimum lot area of 2ha (5ac) or as existing.
- xii. A combination **winery and vineyard** or **brewery and agricultural operation** shall have a minimum lot area of 4ha (10ac).
- xiii. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:
 - 1. Floodplain Development Control Area – see subsection 10.6
 - 2. Lake Erie Flood Prone Area – see subsection 10.6
- xiv. For an acquired lot created by consent after October 6, 2014, that formed part of an agricultural operation at the time the consent was granted and on which no dwelling is situated, a dwelling is not a permitted use on the acquired lot.
- xv. For a lot having a lot area of less than 0.4ha (1 acre) and a lot width of less than 30m(98f)
 - i. Maximum lot coverage - 35%
 - ii. Maximum building height - 10m (32f)
 - iii. Minimum front yard depth - 7.5m (25f)
 - iv. Minimum rear yard depth - 7.5m (25f)
 - v. Minimum interior side yard width - 2m (6.6f)
 - vi. Minimum exterior side yard width - 2m (6.6f), except that where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m(20f)
 - vii. For a lot on an existing registered plan of subdivision, the minimum lot area for a dwelling shall be 925m²(10,000f²)

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

SECTION 14 - RESIDENTIAL DISTRICTS (R1.)

Subsection 14.1 Residential District 1.1 (R1.1)

Low density housing on urban lots				
a) Permitted Uses				
i. Main use	Single Unit Dwelling, Two Unit Dwelling, Three Unit Dwelling, or One Bed and Breakfast Dwelling	Semi- Detached Dwelling, or Semi- Detached Dwelling Unit	Lawfully Existing Duplex Dwelling	Lawfully Existing Semi- Detached Dwelling
ii. Accessory use	Any use accessory to the Main Use			
b) Regulations				
i. Lot Width – Minimum	12m (40f)	15m (50f) for a Semi- Detached Dwelling	18m (60f)	21m (70f)
ii. Lot Area – Minimum	360m2 (4000f2) for a lot serviced by a sanitary sewer 925m2 (10,000f2) for a lot not serviced by a sanitary sewer	460m2 (5000f2)	555m2 (6000f2)	650m2 (7000f2)
iii. Lot Coverage – Maximum	40% of lot area	50% of lot area	40% of lot area	40% of lot area

iv. Minimum Landscaped Area in a Required Front Yard	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.
v. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building
vi. Front Yard Depth – Minimum	7.5m (25f)
vii. Rear Yard Depth – Minimum	7.5m
viii. Side Yard Width – Minimum	1.2m (4f) both sides for an interior side 1.2m for an exterior side, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m (20f)
ix. Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction. x. No accessory building and combination of accessory buildings shall exceed 70m² (750f²) and 92m² (1000f²) respectively. xi. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps: 1. Floodplain Development Control Area – see subsection 10.6 2. Lake Erie Flood Prone Area – see subsection 10.6 xii. A Semi-Detached Dwelling or Semi-Detached Dwelling Unit shall not be located on lands on the south side of County Road 50, east and west of the settlement area boundary of the Colchester Hamlet as illustrated on Map 17 of this By-law.	

c) Supplementary Regulations: See Sections

7: Definitions

8: Supplementary Use Regulations

9: Supplementary Lot Regulations

10: Supplementary Building Regulation

11: Parking Space Regulations

12: Parking Area Regulations.

Subsection 14.2 Residential District 1.2 (R1.2)

Pleasant Valley - estate residential, limited agricultural uses		
a) Permitted Uses		
i. Main use	One Bed and Breakfast Dwelling or One Single Unit Dwelling	Horse farm Other Agricultural Operation, exclusive of a Livestock Intensive Agricultural Use
ii. Lawfully existing main use	Livestock intensive horse farm Other livestock intensive agricultural use in operation since November 3, 1987	
iii. Accessory use	Any use accessory to the main use, including a Roadside Stand	
b) Regulations		
i. Lot Width – Minimum	60m (200f)	
ii. Lot Area – Minimum	4h (10a)	
iii. Lot Coverage – Maximum	25% of lot area	
iv. Building Height – Maximum	10m (32f)	
v. Front Yard Depth – Minimum	15m (50f)	
vi. Rear Yard Depth – Minimum	15m (50f)	
vii. Side Yard Width – Minimum	3m (10f) for an interior side yard 15m for an exterior side yard	

- viii. Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.
- ix. For this zoning district, horses shall be permitted at a maximum ratio of two (2) horses for each 0.4 hectares (1 acre) of lot area; all other livestock and poultry shall be permitted at a ratio of 0.5 animal units for each 0.4 hectares to a maximum of five (5) animal units. In calculating the total lot area to determine the maximum permitted number of horses and animal units, lands identified as “flood plain development control area” on the zoning district maps, shall not form part of the lot area calculation.
- x. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:
- xi. A roadside stand shall have a maximum gross floor area of 75m² (800f²) and a minimum setback of 9m (30f) from the highway.
 - 1. Floodplain Development Control Area – See 10.6

c) Supplementary Regulations: See Sections

7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 14.3 Residential District 1.3 (R1.3)

Rural residential - low density residential development in agricultural areas	
a) Permitted Uses	
i. Main use	One Bed and Breakfast Dwelling or One Single Unit Dwelling
ii. Lawfully existing main use	Agricultural operation exclusive of a mushroom farm, abattoir or livestock intensive agricultural use
iii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Lot Width – Minimum	The lesser of 30m (98.5f) or as lawfully existing
ii. Lot Area – Minimum	925m ² (10,000 ft ²)
iii. Lot Coverage – Maximum	35% of lot area
iv. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building
v. Front Yard Depth – Minimum	15m (50f)
vi. Rear Yard Depth – Minimum	6m (20f)
vii. Side Yard Width – Minimum	1.2m (4f) both sides for an interior side yard where there is an attached garage or carport 1.2m and 3m (10f) for interior side yards (one side/other side) where there is no attached garage or carport 15m (50f) for an exterior side yard
viii.	Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.

- ix. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:

1. Floodplain Development Control Area – see subsection 10.6

c) Supplementary Regulations: See Sections

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| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 14.4 Residential District 1.4 (R1.4)

Mobile home park	
a) Permitted Uses	
i. Main use	Mobile Home Dwelling in a Mobile Home Park
ii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Lot Width – Minimum	9m (30f)
ii. Lot Area – Minimum	230m ² (2840f ²)
iii. Lot Coverage – Maximum	40% of lot area
iv. Building Height – Maximum	4.5m(14.5f) for a main building 1 storey for an accessory building
v. Front Yard Depth – Minimum	1.5m (5f)
vi. Rear Yard Depth – Minimum	1.5m (5f)
vii. Side Yard Width – Minimum	1.2m (4f) for an interior side yard 4.5m (15f) for an exterior side yard
viii.	Where a mobile home park is not subdivided into individual dwelling lots in a registered plan of subdivision, the following minimum separation provisions shall apply: 1. between flanking dwellings - 2.4m (8f); 2. between back to back dwellings - 3m (10f); 3. from an internal road or private laneway - 1.5m (5f); 4. from an interior lot line - 1.2m(4f);
ix.	An internal road or laneway shall have a minimum travel width of 6m (20f), be constructed and maintained in good practice and be unobstructed at all times throughout its entire required width to permit use by emergency and maintenance vehicles.

- x. Each dwelling shall have storm water and sanitary facilities and electrical and water services approved by the Town or other authority having jurisdiction.
- xi. No dwelling shall be permitted within 6m (20f) of the legal boundary of the mobile home park, where such boundary forms an interior lot line or within 7.5m (25f) where such boundary forms an exterior lot line.
- xii. No accessory building and combination of accessory buildings shall exceed 70m² (750f²) and 92m² (1000f²) respectively.
- xiii. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:

- 1. Floodplain Development Control Area – see subsection 10.6

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 14.5 Residential District 1.5 (R1.5)

Cottage compound	
a) Permitted Uses	
i. Main use	One Single Unit Dwelling One Bed and Breakfast Dwelling A grouping of Single Unit Dwellings on one lot used for short term or seasonal rental accommodation
ii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Lot Area – Minimum	1ha (2.5ac)
ii. Lot Coverage – Maximum	30% of lot area
iii. Building Height – Maximum	4m (13f)
iv.	When more than one (1) dwelling is located on the same lot, the following minimum separation provisions shall apply: 1. between flanking dwellings - 3m (10f); 2. between back to back dwellings - 7.5m (25f); 3. from an internal road or private laneway - 6m (20f); 4. from a lot line - 6m (20f);
v.	An internal road or laneway shall have a minimum travel width of 6m (20f), be constructed and maintained in good practice and be unobstructed at all times throughout its entire required width to permit use by emergency and maintenance vehicles.
vi.	Each dwelling shall have storm water and sanitary facilities and electrical and water services approved by the Town or other authority having jurisdiction.
vii.	No accessory building and combination of accessory buildings shall exceed 70m ² (750f ²) and 92m ² (1000f ²) respectively.

Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:

1. Floodplain Development Control Area – see subsection 10.6
2. Lake Erie Flood Prone Area – see subsection 10.6

c) Supplementary Regulations: See Sections

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| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 14.6 Residential District 1.6 (R1.6)

Klies Beach/Ambassador Beach	
a) Permitted Uses	
i. Main use	A lawfully existing Single Unit Dwelling
ii. Accessory use	Any use accessory to the main use
b) Regulations	
iii. Lot Coverage – Maximum	As lawfully existing, except that one detached accessory building may be constructed for each dwelling, provided that it has a maximum floor area of 9.3m ² (100fs), a maximum height of 2.7m (8.8f) and it shall be separated from a dwelling a minimum of 2m (6.6f)
iv. Building Height – Maximum	As lawfully existing
v. Separation from abutting dwellings – Minimum	As lawfully existing
vi. Separation from existing lot lines -Minimum	As lawfully existing
vii.	Each dwelling shall be maintained and used exclusively as a three season cottage, for spring, summer and fall occupancy and not modified or converted to permit winter occupancy.
viii.	No piped water, sanitary facilities or electrical power shall be provided to an accessory building.
ix.	Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps: 1. Floodplain Development Control Area – see subsection 10.6 2. Lake Erie Flood Prone Area – see subsection 10.6

c) Supplementary Regulations: See Sections

7: Definitions

8: Supplementary Use Regulations

9: Supplementary Lot Regulations

10: Supplementary Building Regulations

11: Parking Space Regulations

12: Parking Area Regulations.

Subsection 14.7 Residential District 1.7 (R1.7)

Pleasure Beach	
a) Permitted Uses	
i. Main use	A lawfully existing Single Unit Dwelling
ii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Lot Width – Minimum	As lawfully existing
ii. Lot Area – Minimum	As lawfully existing
iii. Lot Coverage – Maximum	As lawfully existing, except that: one detached accessory building may be constructed for each dwelling, provided that it has a maximum floor area of 12m ² (129fs), a maximum height of 1 storey and it shall be separated from a dwelling a minimum of 2m (6.6f) and a dwelling may be enlarged by the addition of a deck, balcony, porch, steps, patio or other building extension or combination of them to a maximum of 15% of the total existing floor area of the dwelling but no such extension shall be permitted within 3m (10f) of any other dwelling, deck or patio.
iv. Building Height – Maximum	As lawfully existing
v. Separation from abutting dwellings – Minimum	As lawfully existing
vi. Separation from existing lot lines – Minimum	As lawfully existing
vii.	Each dwelling shall be maintained and used exclusively as a three season cottage, for spring, summer and fall occupancy, and not modified or converted to permit winter occupancy.
viii.	No piped water, sanitary facilities or electrical power shall be provided to a building accessory to a dwelling.

ix. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:

1. Floodplain Development Control Area – see subsection 10.6
2. Lake Erie Flood Prone Area – see subsection 10.6

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 14.8 Residential District 1.8 (R1.8)

LOW DENSITY RESIDENTIAL ZONING CATEGORY FOR SOUTH POINTE LANE DEVELOPMENT	
a) Permitted Uses	
iv. Main use	One Single Unit Dwelling
v. Accessory use	Any use accessory to the main use
b) Regulations	
x. Lot Width – Minimum	The greater of 37.8m (124f) or as lawfully existing
xi. Lot Area – Minimum	The greater of 8300m ² (89,300f ²) or as lawfully existing
xii. Lot Coverage – Maximum	299m ² (3200f ²) for the contact area; however, where an accessory use envelope is permitted, 70m ² (750f ²) for the total of all permitted accessory buildings within the Accessory Use Envelope
xiii. Building Height – Maximum	10m (32f) for a main building and 2 storeys for an accessory building within the Contact Area 1 storey for an accessory building within the Accessory Use Envelope
xiv. Front Yard Depth – Minimum	40m (131f)
xv. Rear Yard Depth – Minimum	As set out in a written authorization issued by the Essex Region Conservation Authority
xvi. Side Yard Width – Minimum	10m (33f) on the side of the mandated drainage corridor Other side as set out in a written authorization issued by the Essex Region Conservation Authority
xvii.	For the purpose of this subsection, the Contact Area means the maximum area of the lot that shall be occupied by the main building or main and accessory buildings, measured at ground level. The size and configuration of the contact area shall not be changed except as set out in a written authorization issued by the Essex Region Conservation Authority.

- xviii. Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.
- xix. Each septic system bed shall be located exclusively in the front yard but not within a utility corridor, driveway corridor or drainage easement. The size and configuration of the **Septic Bed Envelope**, in which the septic system bed is situated, shall be as set out in a written authorization issued by the Essex Region Conservation Authority. If the septic system utilized is a tertiary treatment septic system, the area of the Septic Bed Envelope may be reduced to 755m² (8126f²) and the remainder of the permitted fill envelope may be used as an Accessory Use Envelope for the placement of accessory buildings and other accessory uses permitted by this By-law.
- xx. For the purpose of this subsection, **Accessory Use Envelope** means a portion of the lot, outside of the Contact Area, used exclusively for the placement of accessory buildings and other accessory uses that must be or are desired to be situated above the established minimum 1/100 year flood elevation. The location, configuration and maximum area of the accessory use envelope shall be as set out in a written authorization issued by the Essex Region Conservation Authority. The accessory use envelope shall be located in a rear yard immediately behind the dwelling.
- xxi. An **Accessory Use Envelope** shall only be permitted on a lot serviced by a tertiary treatment septic system.
- xxii. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:

- 2. Floodplain Development Control Area – see subsection 10.6

c) Supplementary Regulations: See Sections

- | | |
|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations.” |

SECTION 15 - RESIDENTIAL DISTRICTS (R2.)

Subsection 15.1 Residential District 2.1 (R2.1)

Medium density housing on urban lots			
a) Permitted Uses			
i. Main use	Single Unit Dwelling, Two Unit Dwelling, Three Unit Dwelling or One Bed and Breakfast Dwelling	Semi-Detached Dwelling, or, Semi-Detached Dwelling Unit	Townhome Dwelling with a maximum of three (3) townhome dwelling units
ii. Accessory use	Any use accessory to the main use		
b) Regulations			
i. Lot Width – Minimum	12m (40f)	15m (50f) for a Semi-Detached Dwelling	21m (70f) for a Townhome Dwelling
ii. Lot Area – Minimum	360m2 (4000f2)	460m2 (5000f2)	650m2 (7000f2)
iii. Lot Coverage – Maximum	40% of lot area	50% of lot area	50% of lot area
iv. Minimum Landscaped Area in a Required Front Yard	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.		
v. Building Height – Maximum	10m for a main building 1 storey for an accessory building		
vi. Front Yard Depth – Minimum	6m (20f)		

vii. Rear Yard Depth – Minimum	7.5m (25f)						
viii. Side Yard Width – Minimum	1.2m (4f) both sides for an interior side 1.2m for an exterior side, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m (20f)						
vii. Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction. viii. No accessory building and combination of accessory buildings shall exceed 70m² (750f²) and 92m² (1000f²) respectively. ix. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps: 1. Floodplain Development Control Area – see subsection 10.6 2. Lake Erie Flood Prone Area – see subsection 10.6 c) Supplementary Regulations: See Sections <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">7: Definitions</td><td style="width: 50%;">10: Supplementary Building Regulations</td></tr> <tr> <td>8: Supplementary Use Regulations</td><td>11: Parking Space Regulations</td></tr> <tr> <td>9: Supplementary Lot Regulations</td><td>12: Parking Area Regulations.</td></tr> </table>		7: Definitions	10: Supplementary Building Regulations	8: Supplementary Use Regulations	11: Parking Space Regulations	9: Supplementary Lot Regulations	12: Parking Area Regulations.
7: Definitions	10: Supplementary Building Regulations						
8: Supplementary Use Regulations	11: Parking Space Regulations						
9: Supplementary Lot Regulations	12: Parking Area Regulations.						

Subsection 15.2 Residential District 2.2 (R2.2)

Medium density housing, including townhomes, on urban lots			
a) Permitted Uses			
i. Main use	One Single Unit Dwelling or One Bed and Breakfast Dwelling	One Semi-Detached Dwelling	One Townhome Dwelling
ii. Accessory use	Any use accessory to the main use		
b) Regulations			
I. Lot Width – Minimum	15m (50f)	18m (60f)	24m (79f)
II. Lot Area – Minimum	460m2 (5000f2)	590m2 (6350f2)	800m2 (8620f2)
III. Lot Coverage – Maximum	40% of lot area	50% of lot area	50% of lot area
IV. Minimum Landscaped Area in a Required Front Yard	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.
V. Building Height – Maximum	10m for a main building 1 storey for an accessory building	10m for a main building 1 storey for an accessory building	10m for a main building 1 storey for an accessory building
VI. Front Yard Depth – Minimum	6m (20f)	6m	6m
VII. Rear Yard Depth – Minimum	7.5m (25f)	7.5m	7.5m

VIII.	Side Yard Width – Minimum	1.2m (4f) both sides for an interior side 1.2m for an exterior side, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m (20f)	1.2m (4f) both sides for an interior side 1.2m for an exterior side, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m (20f)	1.2m (4f) both sides for an interior side 1.2m for an exterior side, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m (20f)
vii.	Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.			
viii.	Each townhome dwelling unit shall have an attached garage or carport forming part of the main building.			
ix.	No accessory building and combination of accessory buildings shall exceed 70m2 (750f2) and 92m2 (1000f2) respectively.			
x.	Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:			
	1. Floodplain Development Control Area – see subsection 10.6			
	2. Lake Erie Flood Prone Area – see subsection 10.6			
c) Supplementary Regulations: See Sections				
7:	Definitions	10:	Supplementary Building Regulations	
8:	Supplementary Use Regulations	11:	Parking Space Regulations	
9:	Supplementary Lot Regulations	12:	Parking Area Regulations.	

Subsection 15.3 Residential District 2.3 (R2.3)

Low density housing on urban lots or within a rental or plan of condominium development			
a) Permitted Uses			
I. Main use	Single Unit Dwelling	Semi-Detached Dwelling	Townhome Dwelling
II. Accessory use	Any use accessory to the main use		
b) Regulations			
III. Lot Width – Minimum	15m (50f)	18m (60f)	24m (79f)
IV. Lot Area – Minimum	460m2 (5000f2)	550m2 (5920f2)	730m2 (7860f2)
V. Lot Coverage – Maximum	50% of lot area		
VI. Minimum Landscaped Area in a Required Front Yard	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.
VII. Building Height – Maximum	One storey plus a basement for a main building 1 storey for an accessory building		
VIII. Front Yard Depth – Minimum	6m (20f)		
IX. Rear Yard Depth – Minimum	6m (20f) except 7.5m (25f) where the rear yard abuts another lot on a registered plan of subdivision		
X. Side Yard Width – Minimum	1.2m (4f) both sides for an interior side yard where there is an attached garage or carport or the dwelling unit is part of a rental or plan of condominium development		

	with communal parking area(s) or the dwelling unit has access exclusively from a private road; 1.2m and 3m (10f) for interior side yards (one side/other side) for a semi-detached or townhome unit where there is no attached garage or carport or the dwelling unit is not part of a rental or plan of condominium development; 4.5m (15f) for an exterior side yard except 7.5m (25f) from Maidstone Avenue West						
xi.	Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.						
xii.	No accessory building and combination of accessory buildings shall exceed 70m ² (750f ²) and 92m ² (1000f ²) respectively.						
c) Supplementary Regulations: See Sections <table> <tr> <td>7: Definitions</td><td>10: Supplementary Building Regulations</td></tr> <tr> <td>8: Supplementary Use Regulations</td><td>11: Parking Space Regulations</td></tr> <tr> <td>9: Supplementary Lot Regulations</td><td>12: Parking Area Regulations.</td></tr> </table>		7: Definitions	10: Supplementary Building Regulations	8: Supplementary Use Regulations	11: Parking Space Regulations	9: Supplementary Lot Regulations	12: Parking Area Regulations.
7: Definitions	10: Supplementary Building Regulations						
8: Supplementary Use Regulations	11: Parking Space Regulations						
9: Supplementary Lot Regulations	12: Parking Area Regulations.						

SECTION 16 – RESIDENTIAL DISTRICTS 3.

Subsection 16.1 Residential District 3.1 (R3.1)

High density residential	
a) Permitted Uses	
i. Main use	Two Unit Dwelling Three Unit Dwelling Bed and Breakfast Dwelling Group Home Lodging House Multi-Unit Dwelling Residential Care Facility Semi-detached Dwelling Semi-detached Dwelling Unit Townhome Dwelling Townhome Dwelling Unit
ii. Lawfully existing main use	Single Detached Dwelling Duplex dwelling
iii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Amenity area per multiple dwelling unit - Minimum	Bachelor unit - 7.5m² (81f²); One-bedroom unit - 10m² (108f²); Two or more bedroom unit - 15m² (162F²);
ii. Lot Width, multiple dwelling – Minimum	18m (60f)
iii. Lot Area, Multiple Dwelling – Minimum	555m² (6000f²) for the first 4 dwelling units, plus 90m² (970f²) for each additional dwelling unit to a maximum of 105uph (42upa) For a corner lot having a minimum frontage of 30m (100f) on each exterior lot line, the maximum number of dwelling units may be increased by 25% over that of an interior lot

iv.	Lot Coverage – Maximum	35% of lot area
v.	Building Height – Maximum	Main building 12m (39f) on an interior lot
v.	Building Height – Maximum (Con'td)	12m on an exterior lot having an exterior lot line of less than 30m 18m (59f) on an exterior lot where each exterior lot line is a minimum of 30m in length 1 storey for an accessory building
vi.	Front Yard Depth – Minimum	7.5m (25f)
vii.	Rear Yard Depth – Minimum	7.5m (25f)
viii.	Side Yard Width – Minimum	6m (20f) where a habitable room window of any dwelling unit faces a side lot line 3m (10f) where a one-way vehicular access area (driveway) abuts the main building wall 6m where a two-way vehicular access area (driveway) abuts the main building wall Equal to 30% of the building height, if none of the provisions above apply
ix.	Notwithstanding the provisions of this subsection in conflict herewith, a semi-detached dwelling, townhome dwelling, Two Unit dwelling, and Three Unit dwelling and any use accessory thereto shall conform to the regulations of subsection 15.1, R2.1 District , of this by-law, applicable thereto.	
x.	Notwithstanding the provisions of this subsection in conflict herewith, a lodging house for the accommodation of a maximum of eight (8) persons and a bed and breakfast dwelling and any use accessory thereto shall conform to the regulations of subsection 14.1, R1.1 District , of this by-law, applicable thereto.	
xi.	Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps: 1. Floodplain Development Control Area – see subsection 10.6	

c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 16.2 Residential District 3.2 (R3.2)

Existing multiple residential uses	
a) Permitted Uses	
i. Main use	Lodging House Mult-Unit Dwelling Residential Care Facility
ii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Lot Width – Minimum	As lawfully existing
ii. Lot Area – Minimum	As lawfully existing
iii. Lot Coverage – Maximum	As lawfully existing for a main building 10% of the lot area for an accessory building
iv. Building Height – Maximum	As lawfully existing for a main building 1 storey for an accessory building
v. Front Yard Depth – Minimum	7.5m (25f)
vi. Rear Yard Depth – Minimum	7.5m (25f)
vii. Side Yard Width – Minimum	As lawfully existing
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

SECTION 17 – INSTITUTIONAL DISTRICTS 1.

Subsection 17.1 Institutional District 1.1 (I1.1)

Neighbourhood institutional	
a) Permitted Uses	
i. Main use	Day Care Centre Place of Worship School Any one or more of the following uses within a building that is owned and maintained by a public authority: facilities of a non-profit or charitable organization; professional studio
ii. Accessory use	Any use accessory to the main use
b) Regulations	
iii. Lot Width – Minimum	20m (66f)
iv. Lot Area – Minimum	740m ² (8000f ²)
v. Lot Coverage – Maximum	50% of lot area
vi. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building
vii. Front Yard Depth – Minimum	6m (20f)
viii. Rear Yard Depth – Minimum	7.5m (25f)
ix. Side Yard Width – Minimum	Equal to 50% of the building height or 3m (10f), whichever is the greater
x. Landscaped Area - Minimum	20% of the lot area

- xi. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:

1. Floodplain Development Control Area – see subsection 10.6

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 17.2 Institutional District 1.2 (I1.2)

Major community serving institutional uses	
a) Permitted Uses	
i. Main use	Arena Cemetery Community Centre Day Care Centre Hospital Library Other Place of Entertainment and Recreation Place of Worship School Any one or more of the following uses within a building that is owned and maintained by a public authority: facilities of a non-profit or charitable organization; professional studio;
ii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Lot Width – Minimum	30m (100f)
ii. Lot Area – Minimum	900m ² (9680f ²)
iii. Lot Coverage – Maximum	50% of lot area
iv. Building Height – Maximum	10m (32f) on a lot of less than 1ha (2,5a) in lot area 18m (59f) on a lot of 1h or greater
v. Front Yard Depth – Minimum	7.5m (25f)
vi. Rear Yard Depth – Minimum	Equal to 50% of the building height or 7.5m (25f), whichever is the greater, from an interior rear lot line 7.5m from an exterior rear lot line
vii. Side Yard Width – Minimum	Equal to 50% of the building height or 7.5m (25f), whichever is the greater, from an interior side lot line 7.5m from an exterior side lot line

viii.	Landscaped Area - Minimum	20% of the lot area
ix.	Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:	
	1. Floodplain Development Control Area – see subsection 10.6	
	c) Supplementary Regulations: See Sections	
	7: Definitions	10: Supplementary Building Regulations
	8: Supplementary Use Regulations	11: Parking Space Regulations
	9: Supplementary Lot Regulations	12: Parking Area Regulations.

SECTION 18 – COMMERCIAL DISTRICTS 1.

Subsection 18.1 Commercial District 1.1(C1.1)

Neighbourhood Commercial Uses		
a) Permitted Uses		
i. Main use	Bed and Breakfast Dwelling Business Office Commercial School Day Care Centre Financial Office Light Repair Shop Medical Office Personal Service Shop	Professional Studio Retail Store, exclusive of a retail store for the sale of motor vehicles or heavy machinery Restaurant Take-out Food Outlet
ii. Accessory use	Any use accessory to the main use, not including an outdoor storage yard	
b) Regulations		
i. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building	
ii. Gross Floor Area – Maximum	250m ² (2700f ²) for each business, financial or medical office, light repair shop, personal service shop, professional studio, retail store, restaurant or takeout food outlet	
c) Supplementary Regulations: See Sections		
7: Definitions	10: Supplementary Building Regulations	
8: Supplementary Use Regulations	11: Parking Space Regulations	
9: Supplementary Lot Regulations	12: Parking Area Regulations.	

Subsection 18.2 Commercial District 1.2 (C1.2)

Neighbourhood Commercial/Combined Residential		
a) Permitted Uses		
i. Main use	Bed and Breakfast Dwelling Business Office Commercial School Day Care Centre Dwelling Unit (one) in combination with any other permitted main use Financial Office Light Repair Shop	Medical Office Personal Service Shop Professional Studio Retail Store, exclusive of a retail store for the sale of motor vehicles or heavy machinery Restaurant Take-out Food Outlet
ii. Accessory use	Any use accessory to the main use, not including an outdoor storage yard	
b) Regulations		
i. Amenity Area- Minimum	50m2 (540f2) per dwelling unit	
ii. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building	
iii. Maximum	250m2 (2700f2) for each business, financial or medical office, light repair shop, personal service shop, professional studio, retail store, restaurant or takeout food outlet	
iv.	No parking space shall be permitted in a front yard.	
c) Supplementary Regulations: See Sections		
7: Definitions	10: Supplementary Building Regulations	
8: Supplementary Use Regulation	11: Parking Space Regulations	
9: Supplementary Lot Regulations	12: Parking Area Regulations.	

Subsection 18.3 Commercial District 1.3(C1.3)

Transitional Commercial/Residential Uses		
a) Permitted Uses		
i. Main use	Bed and Breakfast Dwelling Business Office Commercial School Day Care Centre Dwelling Unit(s) in combination with any other permitted non-residential main use Financial Office	Light Repair Shop Medical Office Personal Service Shop Professional Studio Retail Store, exclusive of a retail store for the sale of motor vehicles or heavy machinery Restaurant Single Unit Dwelling (one) Semi-detached Dwelling (one) Take-out Food Outlet
ii. Accessory use	Any use accessory to the main use, not including an outdoor storage yard	
b) Regulations		
i. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building	
ii. Gross Floor Area – Maximum	250m2 (2700f2) for each business, financial or medical office, light repair shop, personal service shop, professional studio, retail store, restaurant or takeout food outlet	
iii. Landscaped Area - Minimum	15% of the lot area	
iv.	All dwelling units, not including entrances thereto, shall be located above the ground floor. No parking space shall be permitted in the front yard.	
v.	The maximum lot coverage, minimum front yard and rear yard depth, minimum side yard width and maximum building height for a combined use building and a bed and breakfast dwelling and any use accessory thereto shall conform to the regulations of subsection 14.1, R1.1 District , of this by-law applicable thereto.	

- vi. A **single-detached dwelling, semi-detached dwelling or** and any use accessory to the foregoing uses shall conform to the regulations of subsection 15.1, **R2.1 District**, of this by-law applicable thereto.

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 18.4 Commercial District 1.4(C1.4)

Site Specific Office Uses	
a) Permitted Uses	
i. Main use	Business Office Medical office Professional Office Veterinary Office
ii. Accessory use	Any use accessory to the main use, not including an outdoor storage yard
b) Regulations	
i. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building
ii. Landscaped Area - Minimum	15% of the lot area
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

SECTION 19 – COMMERCIAL DISTRICTS 2.

Subsection 19.1 Commercial District 2.1(C2.1)

General Commercial Uses		
a) Permitted Uses		
i. Main use	Bakery not exceeding 500m2 (5380f2) in gross floor area Bed and Breakfast Dwelling Business Office Commercial School Confectionary not exceeding 50m2 in gross floor area Day Care Centre Drive-through Food Outlet Drive-through Restaurant Entertainment Lounge Financial Office Funeral Home Garden Centre Hotel Light Repair Shop Medical Office Micro-brewery	Parking Garage Pawnshop Personal Service Shop Place of Entertainment and Recreation Place of Worship Professional Studio Public Hall Public Parking Area Retail Store, exclusive of a retail store for the sale of motor vehicles or heavy machinery Restaurant Take-out Food Outlet Temporary Outdoor Vendor’s Site Veterinary Office Wholesale Store
ii. Lawfully existing main use	Automobile Repair Garage Station Dwelling	Motor Vehicle Fuel Service Station
iii. Accessory use	Any use accessory to the main use, not including an outdoor storage yard, unless otherwise permitted by this by-law	
b) Regulations		

i. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building
ii. Gross Floor Area – Maximum	250m ² (2700f ²) for each business, financial or medical office, light repair shop, personal service shop, professional studio, retail store, restaurant or takeout food outlet
iii.	A drive-through restaurant or drive-through food outlet shall not be permitted on an interior lot in a Parking Exception Area or in the McGregor and Colchester Hamlets.
iv.	For a main building on a lot within a Parking Exception Area , the front wall of the building shall be setback from the front lot line a distance no greater than the average setback of the main buildings flanking either side of the lot.
v.	A dwelling shall conform to the regulations of subsection 14.1, R1.1 District.
c) Supplementary Regulations: See Sections 7: Definitions 8: Supplementary Use Regulations 9: Supplementary Lot Regulations 10: Supplementary Building Regulations 11: Parking Space Regulations 12: Parking Area Regulations.	

Subsection 19.2 Commercial District 2.2(C2.2)

General Commercial Uses		
a) Permitted Uses		
i. Main use	Bakery not exceeding 500m² (5380f²) in gross floor area Bed and Breakfast Dwelling Business Office Commercial School Confectionary not exceeding 50m² in gross floor area Day Care Centre Drive-through Food Outlet Drive-through Restaurant Dwelling unit(s) in a combined use building Entertainment Lounge Financial Office Funeral Home Garden Centre Motor Vehicle Fuel Station Hotel Light Repair Shop Medical Office Micro-brewery Parking Garage Pawnshop Personal Service Shop Place of Entertainment and Recreation Place of Worship Professional Studio Public Hall Public Parking Area Retail Store, exclusive of a retail store for the sale of motor vehicles or heavy machinery Restaurant Take-out Food Outlet Temporary Outdoor Vendor's Site Veterinary Office Wholesale Store	
ii. Lawfully existing main use	Automobile Repair Garage Coin-operated Car Wash Dealership Drive-through Facility Dwelling Motor Vehicle Service Station	
iii. Accessory Uses	Any use accessory to the main use, not including an outdoor storage yard, unless otherwise permitted by this by-law	

b) Regulations	
i. Amenity area per dwelling unit - Minimum	Bachelor unit - 7.5m ² (81f ²) One-bedroom unit - 10m ² (108f ²) Two or more bedroom unit - 15m ² (162F ²)
ii. Building Height – Maximum	12m (39f) for a main building 1 storey for an accessory building
iii. Gross Floor Area – Maximum	250m ² (2700f ²) for each business, financial or medical office, light repair shop, personal service shop, professional studio, retail store, restaurant or takeout food outlet
iv.	A drive-through restaurant or drive-through food outlet shall not be permitted on an interior lot in a Parking Exception Area or in the McGregor and Colchester Hamlets.
v.	In a combined use building, all dwelling units, not including entrances thereto, shall be located above the ground floor.
vi.	For a main building on a lot within a Parking Exception Area , the front wall of the building shall be setback from the front lot line a distance no greater than the average setback of the main buildings flanking either side of the lot.
vii.	A dwelling shall conform to the regulations of subsection 14.1, R1.1 District.
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 19.3 Commercial District 2.3(C2.3)

Site-specific Service Station	
a) Permitted Uses	
i. Main use	Motor Vehicle Fuel Station Service Station
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Width – Minimum	45m (150f)
ii. Lot Area – Minimum	1850m ² (20000f ²)
iii. Building Setbacks - Minimum	15m (50f) from an exterior lot line for a main building 4.5m (15f) from an exterior lot line for a gasoline pump island
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 19.4 Commercial District 2.4(C2.4)

Colchester Marina	
a) Permitted Uses	
i. Main use	Marina
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Coverage - Maximum	30% of the lot area
ii. Building Height - Maximum	10m (32f) for a building Not applicable to any other structure or lighthouse
iii. Landscaped Area - Minimum	10% of the lot area
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 19.5 Commercial District 2.5(C2.5)

Club/ancillary uses	
a) Permitted Uses	
i. Main use	Club, which may include a public hall in combination with it
ii. Accessory Uses	Any use accessory to the main use, not including an outdoor storage yard
b) Regulations	
i. Lot Coverage - Maximum	30% of the lot area
ii. Building Height - Maximum	6m (19f)
iii. Landscaped Area - Minimum	10% of the lot area
c) Supplementary Regulations: See Sections 7: Definitions 8: Supplementary Use Regulations 9: Supplementary Lot Regulations 10: Supplementary Building Regulations 11: Parking Space Regulations 12: Parking Area Regulations.	

SECTION 20 – COMMERCIAL DISTRICTS 3.

Subsection 20.1 Commercial District 3.1(C3.1)

Highway Commercial Uses		
a) Permitted Uses		
i. Main use	Ambulance Service Automatic Car Wash Automobile Sales Lot Automobile Repair Garage Bake Shop Bed and Breakfast Dwelling Building Materials Recycling Centre, exclusive of an outdoor storage yard for the storage of salvageable or salvaged materials Business Office Club Collision Shop Commercial School Coin-operated Car Wash Confectionary Contractor's Office Day Care Centre Drive-through Food Outlet Drive-through Restaurant Entertainment Lounge Farm Equipment Sales and Service Establishment Financial Office Funeral Home Garden Centre Motor Vehicle Fuel Station Health Studio Hotel Light Repair Shop	Machinery, Tool or Equipment Rental Agency Micro-brewery Medical office Motel Motor Vehicle dealership Parking Garage Pawnshop Personal Service Shop Place of Entertainment and Recreation Place of Worship Print Shop Professional Studio Public Hall Public Parking Area Retail Store Restaurant Self-storage Facility Service Station Take-out Food Outlet Temporary Outdoor Vendor's Site Towing Service, exclusive of an outdoor storage yard for the storage of motor vehicles Veterinary Clinic Veterinary Office Warehouse Wholesale Store Workshop in combination with a retail store or wholesale store

ii. Lawfully Existing Main Use	Any use permitted in the M1.1 District (subsection 21.1) Dwelling
iii. Accessory Uses	Any use accessory to the main use, which may include, but not be limited to the following uses accessory to a retail store: the installation of motor vehicle parts and accessories; the repair of boats, marine equipment, recreational vehicles and other products and equipment
b) Regulations	
i. Lot Coverage - Maximum	50% Of the lot area
ii. Building Height - Maximum	10m (32f)
iii. Landscaped Area - Minimum	10% of the lot area
iv.	The maximum net floor area for a workshop shall be 500m ² (5350f ²).
v.	The minimum lot width for an automobile sales lot shall be 30m (100f).
vi.	A dwelling shall conform to the regulations of subsection 14.1, R1.1 District.
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regula	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 20.2 Commercial District 3.2(C3.2)

Highway Corridor Commercial Area - HCCA2)		
a) Permitted Uses		
i. Main use	Ambulance Service Bake Shop Business Office Club Drive-through Food Outlet Drive-through Restaurant Financial Office Garden Centre Health Studio Micro-brewery Medical office	Retail Store, which may include a light repair shop or an automobile repair garage in combination with it Restaurant Take-out Food Outlet Temporary Outdoor Vendors Site Veterinary Clinic Veterinary Office Warehouse Wholesale Store Workshop in combination with a retail store or wholesale store
ii. Accessory Uses	Any use accessory to the main use	
b) Regulations		
i. Lot Coverage - Maximum	50% Of the lot area	
ii. Building Height - Maximum	10m (32f)	
iii. Landscaped Area - Minimum	10% of the lot area	
iv.	The maximum net floor area for a workshop shall be 500m2 (5350f2).	
v.	The minimum gross floor area for a retail store shall be 1200m2 (13000f2).	
c) Supplementary Regulations: See Sections		
7: Definitions	10: Supplementary Building Regulations	
8: Supplementary Use Regulations	11: Parking Space Regulations	
9: Supplementary Lot Regulations	12: Parking Area Regulations.	

Subsection 20.3 Commercial District 3.3(C3.3)

Highway Corridor Commercial Area - HCCA3)		
a) Permitted Uses		
i. Main use	Ambulance Service Automatic Car Wash Automobile Repair Garage Coin-operated Car Wash Convention Centre Club Drive-through Food Outlet Drive-through Restaurant Entertainment Lounge Financial Office	Motor Vehicle Fuel Station Hotel Micro-brewery Motel Personal Service Shop Restaurant Service Station Take-out Food Outlet Tourist Information Centre
ii. Accessory Uses	Any use accessory to the main use	
b) Regulations		
i. Building height - Maximum	20m (65f)	
ii. Landscaped Area - Minimum	10% of the lot area	
c) Supplementary Regulations: See Sections		
7: Definitions	10: Supplementary Building Regulations	
8: Supplementary Use Regulations	11: Parking Space Regulations	
9: Supplementary Lot Regulations	12: Parking Area Regulations.	

Subsection 20.4 Commercial District 3.4 (C3.4)

Highway Corridor Commercial Area – HCCA4)	
a) Permitted Uses	
i. Main use	Motor Vehicle Dealership Sales, service and repair of boats, farm equipment, motor vehicles, travel and tent trailers and related equipment and accessories
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Area - Minimum	0.5ha (1.25a)
ii. Lot Width - Minimum	60m (200f)
iii. Building Height – Maximum	10m (32f)
iv. Landscaped Area - Minimum	10% of the lot area
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 20.5 Commercial District 3.5 (C3.5)

Large scale utilities		
a) Permitted Uses		
i. Main use	building or structure for the operation of a communications system building or structure for the distribution of natural gas Gas Powered Electrical Generation Plant	Offices, Outdoor Storage Yards and other facilities of a Public Utility Park Sewage or Water Pumping and/or Treatment Plant Transformer Station or Substation
ii. Accessory Uses	Any use accessory to the main use	
b) Regulations		
i. Lot Width - Minimum	20m (66f)	
ii. Front Yard Depth - Minimum	7.5m (25f)	
iii. Side Yard Width - Minimum	3m (10f) from an interior lot line 7.5m (25f) from an exterior lot line	
iv. Building Height - Maximum	10m (32f) for a building and for a tower, a height necessary for the proper functioning of the facility	
v. Landscaped Area - Minimum	10% of the lot area	
c) Supplementary Regulations: See Sections		
7: Definitions	10: Supplementary Building Regulations	
8: Supplementary Use Regulations	11: Parking Space Regulations	
9: Supplementary Lot Regulations	12: Parking Area Regulations.	

SECTION 21 – MANUFACTURING DISTRICTS 1.

Subsection 21.1 Manufacturing District 1.1(M1.1)

Light industrial/limited commercial		
a) Permitted Uses		
i. Main use	Ambulance Service Bakery Building Materials Recycling Centre Coin-operated Car Wash Commercial Printer, engraver, stereotyping, publishing, photographic processing Construction and repair of electrical products, industrial, scientific or professional equipment, signs, billboards and other commercial advertising structures Contractor's Office Dry Cleaning Food Catering Service Heavy Repair Shop Laundry Light Repair Shop Manufacture of: cosmetics, drugs, other pharmaceutical products and toiletries goods from textiles, fur, glass, leather, plastics, wood, yarns, tobacco, rubber and rubberized materials moulds, dies, patterns, machine tools, jigs and fixtures musical instruments, ceramics, jewellery, toys, cutlery and other small metal products small parts for motor vehicles	Machinery, Tool and Equipment Rental Agency Material Transfer Station Micro-brewery Preparation, packaging and processing of food products, exclusive of the rendering of fats and oils, the slaughtering of poultry or animals, the processing of sauerkraut, vinegar or yeast Protective coatings application Public Parking Area Self-storage Facility Storage Tanks Towing Service Veterinary Clinic Warehouse Welding Shop for the welding of small metal products

ii. Lawfully Existing Uses	Any lawfully existing use not otherwise set out in this subsection
iii. Accessory Uses	Any use accessory to the main use, which may include but not be limited to the following: an outdoor storage yard, exclusive of an outdoor storage yard for the storage of salvaged materials, sand or other aggregates; greenhouse; retail or wholesale store in combination with and accessory to any industrial use permitted above as a main use
b) Regulations	
i. Lot Width - Minimum	24m (80f)
ii. Front Yard Depth - Minimum	7.5m (25f)
iii. Side Yard Width - Minimum	3m (10f) from an interior lot line 7.5m (25f) from an exterior lot line
iv. Building Height – Maximum	12m (39f)
v. Landscaped Area - Minimum	15% of the lot area
vi.	The gross floor area of a permitted retail store, wholesale store or both together shall not exceed the greater of 25% of the gross floor area of the main building or 15% of the lot area.
vii.	Truck transportation facilities are not permitted, except as an accessory use to an industrial use permitted under this subsection.
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 21.2 Manufacturing District 1.2 (M1.2)

Business Park		
a) Permitted Uses		
i. Main use	Ambulance Service Business Office Commercial School Commercial Printer Communications Facility Construction and repair of electrical products, industrial, scientific or professional equipment, signs, billboards and other commercial advertising structures Day Care Centre Drive-through Food Outlet Drive-through Restaurant Financial Office Food Catering Service, including the preparation and packaging of food products related to the catering service Motor Vehicle Fuel Station Laboratory – dental, medical, optical or scientific machine tools, jigs and fixtures musical instruments, ceramics, jewellery, toys, cutlery and other small metal products small parts for motor vehicles Laundry and toiletries	Light Repair Shop Manufacture of: cosmetics, drugs, other pharmaceutical products goods from textiles, fur, glass, leather, plastics, wood, yarns, tobacco, rubber and rubberized materials moulds, dies, patterns, machine tools, jigs and fixtures musical instruments, ceramics, jewellery, toys, cutlery and other small metal products small parts for motor vehicles Machinery, Tool and Equipment Rental Agency Material Transfer Station Medical Office Micro-brewery Photographic Processor Professional Studio Protective coatings application Public Parking Area Restaurant Self-storage Facility Storage Tanks Take-out Food Outlet Veterinary Office Veterinary Clinic Warehouse Wholesale Store

i. Lawfully Existing Uses	Any lawfully existing use not otherwise set out in this subsection
ii. Accessory Uses	Any use accessory to the main use, which may include but not be limited to a retail or wholesale store in combination with and accessory to any industrial use permitted above as a main use. An outdoor storage yard is not permitted.
b) Regulations	
i. Lot Width - Minimum	24m (80f)
ii. Front Yard Depth - Minimum	7.5m (25f) The required front yard shall be maintained exclusively as a landscaped yard, save and except that an access area may cross it.
iii. Side Yard Width - Minimum	3m (10f) from an interior lot line 7.5m (25f) from an exterior lot line
iv. Building Height – Maximum	12m (39f)
v. Landscaped Area - Minimum	15% of the lot area
vi.	The gross floor area of a retail store, wholesale store or both together shall not exceed the greater of 25% of the gross floor area of the main building or 15% of the lot area.
vii.	Truck transportation facilities are not permitted, except as an accessory use to an industrial use permitted under this subsection.
viii.	All activities shall take place entirely within a fully enclosed building. This provision does not apply to motor vehicle parking, a Motor Vehicle Fuel Station or other vehicle refuelling areas, loading or unloading activities, an outdoor eating area or recreational facilities.
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 21.3 Manufacturing District 1.3 (M1.3)

Light industrial and Business Park		
a) Permitted Uses		
i. Main use	Bakery Business Office Coin-operated Car Wash Commercial Printer, engraver, stereotyping, publishing, photographic processing Construction and repair of electrical products, industrial, scientific or professional equipment, signs, billboards and other commercial advertising structures Contractor's Office Day Care Centre Dry Cleaning Farm Equipment Sales and Service Establishment Food Catering Service Laundry Light Repair Shop Manufacture of: - cosmetics, drugs, other pharmaceutical products and toiletries - goods from textiles, fur, glass, leather, plastics, wood, yarns, tobacco, rubber and rubberized materials - moulds, dies, patterns, machine tools, jigs and fixtures	metal products small parts for motor vehicles Machinery, Tool and Equipment Sales, Lease or Rental Agency Medical Office Micro-brewery Motor vehicle detailing, washing and customizing Preparation, packaging and processing of food products, exclusive of the rendering of fats and oils, the slaughtering of poultry or animals, the processing of sauerkraut, vinegar or yeast Protective coatings application Self-storage Facility Veterinary Clinic Warehouse Welding Shop for the welding of small metal products

	musical instruments, ceramics, jewellery, toys, cutlery and other small
ii. Additional Permitted Uses	For the lands comprising Part of Farm Lot 285, Concession 285, being more particularly described as Parts 20 and 24, Plan 12R-21183, at the north limit of South Talbot Road: a Heavy equipment and Machinery Moving Operation and a Heavy Repair Shop
iii. Accessory Uses	Any use accessory to the main use, which may include but not be limited to the following: an outdoor storage yard, exclusive of an outdoor storage yard for the storage of salvaged materials, sand or other aggregates; greenhouse; retail or wholesale store in combination with and accessory to any industrial use permitted above as a main use
b) Regulations	
i. Lot Width - Minimum	24m (80f)
ii. Front Yard Depth - Minimum	7.5m (25f)
iii. Side Yard Width - Minimum	3m (10f) from an interior lot line 7.5m (25f) from an exterior lot line
iv. Building Height – Maximum	12m (39f)
v. Landscaped Area - Minimum	15% of the lot area
vi.	The gross floor area of a permitted retail store, wholesale store or both together shall not exceed the greater of 25% of the gross floor area of the main building or 15% of the lot area.
vii.	Truck transportation facilities are not permitted, except as an accessory use to an industrial use permitted under this subsection.
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

SECTION 22 – MANUFACTURING DISTRICTS 2.

Subsection 22.1 Manufacturing District 2.1(M2.1)

General Industrial Uses		
a) Permitted Uses		
i. Main use	Ambulance Service Building Materials Recycling Centre Material Transfer Station Towing Service A facility for the growing, storage, packaging, or distribution of marijuana and or hemp or for the production of products derived from them.	Any industrial use EXCEPT the following uses: Blast Furnace Boiler and Plate Works Coal or tar distillation Coke Oven Concrete or Asphalt Batching Plant General Salvage Operation Iron and Steel Mill Leather Tannery Manufacture of: acid, alkalis, ammunition, asbestos or asbestos products, abrasives, asphalt, bricks, clay or clay products, concrete, explosives, fertilizer, mineral wool, plastics, Plaster of Paris, resins, soap or other cleaning products Motor Vehicle Salvage Operation Pits and Quarries Processing of poultry Pulp and paper Mill Railroad rolling stock manufacture Sawmill Slaughtering Smelting or refining of metals or ores Wood Distillation Plant

ii. Accessory Uses	Any use accessory to the main use						
b) Regulations							
i. Lot Width - Minimum	30m (100f)						
ii. Lot Area - Minimum	1000m ² (10770f ²)						
iii. Front Yard Depth - Minimum	7.5m (25f)						
iv. Side Yard Width - Minimum	3m (10f) from an interior lot line 7.5m (25f) from an exterior lot line						
v. Rear Yard Depth - Minimum	15m (50f) from a lot line abutting a Residential, Institutional or Green Zoning District						
vi. Landscaped Area - Minimum	15% of the lot area						
vii.	A facility used for the growing, storage, packaging or distribution of marijuana and or hemp or for the production of products derived from them shall be licensed by the licensing authority having jurisdiction and be a minimum of 300 m (985f) from a dwelling and Green District 500m (1640f) from a Residential District. c) Supplementary Regulations: See Sections <table> <tr> <td>7: Definitions</td><td>10: Supplementary Building Regulations</td></tr> <tr> <td>8: Supplementary Use Regulations</td><td>11: Parking Space Regulations</td></tr> <tr> <td>9: Supplementary Lot Regulations</td><td>12: Parking Area Regulations.</td></tr> </table>	7: Definitions	10: Supplementary Building Regulations	8: Supplementary Use Regulations	11: Parking Space Regulations	9: Supplementary Lot Regulations	12: Parking Area Regulations.
7: Definitions	10: Supplementary Building Regulations						
8: Supplementary Use Regulations	11: Parking Space Regulations						
9: Supplementary Lot Regulations	12: Parking Area Regulations.						

Subsection 22.2 Manufacturing District 2.2(M2.2)

Heavy Industrial Uses	
a) Permitted Uses	
i. Main use	Building Materials Recycling Centre Any Industrial Use, including a General Salvage Operation, Materials Transfer Centre, Motor Vehicle Salvage Operation
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Width - Minimum	30m (100f)
ii. Lot Area - Minimum	1000m ² (10765f ²)
iii. Front Yard Depth - Minimum	7.5m (25f)
iv. Side Yard Width - Minimum	3m (10f) from an interior lot line 7.5m (25f) from an exterior lot line
v. Rear Yard Depth - Minimum	15m (50f) from a lot line abutting a Residential, Institutional or Green Zoning District
vi. Landscaped Area - Minimum	15% of the lot area
i. A facility used for the growing, storage, packaging or distribution of marijuana and or hemp or for the production of products derived from them shall be licensed by the licensing authority having jurisdiction and be a minimum of 300 m (985f) from a dwelling and Green District 500m (1640f) from a Residential District.	
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

SECTION 23 – GREEN DISTRICTS 1.

Subsection 23.1 Green District 1.1(G1.1)

Public park facilities	
a) Permitted Uses	
i. Main use	Greenway Public Park
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
iii. Lot Coverage - Maximum	25% of the lot area
iv. Building Height - Minimum	10m (32f) on a lot having a lot area of less than 0.5h (1.3ha) 15m (49f) on a lot having a lot area of 0.5h or greater
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 23.2 Green District 1.2 (G1.2)

Public/Private Recreational Uses	
a) Permitted Uses	
(i) Main use	Arena Campground Club Day Care Centre Fairground Exhibition area (indoor and/or outdoor) Golf Course Greenway Private Park Public Park Outdoor Market
(ii) Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Area - Minimum	1850m ² (20000f ²)
ii. Front Yard Depth - Minimum	7.5m (25f)
iii. Side Yard Width - Minimum	the greater of 50% of the building height or 7.5m (25f) from an interior lot line 7.5m from an exterior lot line
iv. Rear Yard Depth - Minimum	the greater of 50% of the building height or 7.5m (25f) from an interior lot line 7.5m from an exterior lot line
v. Lot Coverage - Maximum	25% of the lot area
vi. Building Height – Maximum	10m (32f) on a lot having a lot area of less than 0.5h (1.3ha) 15m (49f) on a lot having a lot area of 0.5h or greater

vii. Provisions of the following subsections shall apply in whole or in part to lands situated within any one (1) of the following restricted areas shown on the Zoning District Maps:

2. Floodplain Development Control Area – see subsection 10.6
3. Lake Erie Flood Prone Area – see subsection 10.6

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

Subsection 23.3 Green District 1.3 (G1.3)

Cemetery Uses	
a) Permitted Uses	
i. Main use	Cemetery Crematorium Mausoleum
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Area - Minimum	1h(2.5a)
ii. Front Yard Depth - Minimum	7.5m (25f)
iii. Side Yard Width - Minimum	Equal to the greater of 50% of the building height or 7.5m (25f)
iv. Rear Yard Depth - Minimum	Equal to the greater of 50% of the building height or 7.5m (25f)
v. Lot Coverage - Maximum	25% of the lot area
vi. Building Height – Maximum	10m (32f)
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 23.4 Green District 1.4 (G1.4)

Stormwater Management Facility	
a) Permitted Uses	
i. Main use	Permanent Stormwater Management Facility
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. The stormwater management facility shall be built and maintained in accordance with the terms of agreement entered into with the Town of Essex.	
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Subsection 23.5 Green District 1.5 (G1.5)

Campground/Seasonal Resort	
a) Permitted Uses	
i. Main use	Facilities used exclusively for seasonal accommodation, comprising: a campground; a lawfully existing mobile home park; lawfully existing tourist cabins
ii. Lawfully Existing Uses	Green District 1.2 (G1.2) use
iii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Area - Minimum	As existing
ii. Lot Width - Minimum	As existing
iii. Building Height - Maximum	1 storey
iv. Building Setback - Minimum	3m (10f) from an interior lot line 6m (20f) from an exterior lot line
v.	Storm water and sanitary facilities and electrical and water services approved by the Town or other authority having jurisdiction shall be in place, operated and maintained in good practice.
vi.	For any lands that abut Lake Erie, no mobile home, recreational vehicle or trailer shall be permitted within 7.5m (25f) of the top of a bluff or within 15m (50f) of the water's edge.
vii.	Provisions of the following subsections shall apply in whole or in part to lands situated within any one (1) of the following restricted areas shown on the Zoning District Maps: 1. Floodplain Development Control Area – see subsection 10.6 2. Lake Erie Flood Prone Area – see subsection 10.6

c) Supplementary Regulations: See Sections

7: Definitions

8: Supplementary Use Regulations

9: Supplementary Lot Regulations

10: Supplementary Building Regulations

11: Parking Space Regulations

12: Parking Area Regulations.

Subsection 23.6 Green District 1.6 (G1.6)

Major Public/Private Recreational Uses	
a) Permitted Uses	
i. Main use	Recreational Facility Commercial Outdoor Recreational Facility Fairground Greenway Public Park Outdoor Market Temporary Outdoor Vendor's Site
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Area - Minimum	1850m ² (20000f ²)
ii. Front Yard Depth - Minimum	7.5m (25f)
iii. Side Yard Width - Minimum	the greater of 50% of the building height or 7.5m (25f) from an interior lot line 7.5m from an exterior lot line
iv. Rear Yard Depth - Minimum	the greater of 50% of the building height or 7.5m (25f) from an interior lot line 7.5m from an exterior lot line
v. Building Height – Maximum	10m (32f) on a lot having a lot area of less than 0.5h (1.3ha) 15m (49f) on a lot having a lot area of 0.5h or greater
vi. Provisions of the following subsections shall apply in whole or in part to lands situated within any one (1) of the following restricted areas shown on the Zoning District Maps: 1. Floodplain Development Control Area – see subsection 10.6 2. Lake Erie Flood Prone Area – see subsection 10.6	
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Section 24 – NATURAL ENVIRONMENT DISTRICTS 1.

Subsection 24.1 Natural Environment District 1.1 (NE1.1)

Provincially Significant Natural Environment Areas/existing campground/seasonal resort	
a) Permitted Uses	
i. Main use	Natural Environment Area One Single-detached Dwelling
ii. Lawfully Existing Uses	Agricultural Operation, exclusive of a Livestock Intensive Agricultural Use Campground
iii. Accessory Uses	Any use accessory to the main use, including, but not limited to equine facilities for the keeping and maintaining of one or more horses
b) Regulations	
i. Lot Area - Minimum	As existing within the NE1.1 Zoning District
ii. Lot Width - Minimum	As existing within the NE1.1 Zoning District
iii. Building Height - Maximum	4.5m (14f) except for an observation platform or tower, unless otherwise specifically provided
iv.	Except as otherwise provided in this subsection, only buildings or structures for the exhibition or maintenance of the natural environment area shall be permitted.
v.	A dwelling , an agricultural operation and any uses accessory to them shall conform to the regulations of Section 14.2, R1.2 District, of this by-law applicable thereto.
vi.	A campground shall conform to the regulations of Section 23.5, G1.5 District, of this by-law applicable thereto.
vii.	One (1) horse shall be permitted for each one (1) hectare of lot area to a maximum of four (4) horses.

viii. Provisions of the following subsections shall apply in whole or in part to lands situated within any one (1) of the following restricted areas shown on the Zoning District Maps:

1. Floodplain Development Control Area – see subsection 10.6
2. Lake Erie Flood Prone Area – see subsection 10.6

c) Supplementary Regulations: See Sections

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|----------------------------------|--|
| 7: Definitions | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations. |

SECTION 25 – WETLAND DISTRICTS 1.

Subsection 25.1 Wetland District 1.1 (W1.1)

Provincially Significant Wetland Areas	
a) Permitted Uses	
i. Main use	Wetland
ii. Lawfully Existing Uses	Agricultural Operation, exclusive of a Livestock Intensive Agricultural Use Campground
iii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Lot Area - Minimum	As existing within the W1.1 Zoning District
ii. Building Height – Maximum	4.5m (14f) except for an observation platform or tower, unless otherwise specifically provided
iii.	Except as otherwise provided in this subsection, only buildings or structures for the exhibition or maintenance of the natural environment area shall be permitted.
iv.	A campground shall conform to the regulations of Section 23.5, G1.5 District, of this by-law applicable thereto.
v.	Provisions of the following subsections shall apply in whole or in part to lands situated within any one (1) of the following restricted areas shown on the Zoning District Maps: 1. Floodplain Development Control Area – see subsection 10.6 2. Lake Erie Flood Prone Area – see subsection 10.6
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

SECTION 26 – LANDFILL DISTRICTS 1.

Subsection 26.1 Landfill District 1.1 (L1.1)

Provincially Significant Wetland Area	
a) Permitted Uses	
i. Main use	Landfill Such other uses specifically permitted under the certificate of Approval by the Ministry of Environment for Ontario
ii. Lawfully Existing Uses	Agricultural Operation Animal Pound
iii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. No dwelling, dwelling unit or other sensitive land use shall be permitted.	
Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Section 27 – DEVELOPMENT RESERVE DISTRICTS 1.

Subsection 27.1 Development Reserve District 1.1 (DR1.1)

Development Reserve Area	
a) Permitted Uses	
i. Main Uses	Lawfully existing Agricultural Operation Lawfully existing Dwelling
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i. Minimum lot area and lot width shall be as lawfully existing. ii. Maximum building height, maximum lot coverage and minimum front yard depth, side yard width and rear yard depth shall conform to the regulations of subsection 14.3, R1.3 District, of this by-law applicable thereto.	
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

SECTION 28 – SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS

28.1 SITE SPECIFIC ZONING PROVISIONS

- a) Certain parcels of land on the Zoning District Maps (ZDM) are delineated by a broken line and identified by a paragraph(s) of this subsection (e.g. s28.1.1). Any parcel so identified shall be considered as being within the zoning district shown on the Zoning District Map and subject to the provisions of that zoning district, the identified paragraph(s) of this subsection and any other applicable provisions of this by-law.

Where there is a conflict between the provisions of this subsection and the provisions of the zoning district, the provision(s) of this subsection apply; otherwise the other zoning district provisions and all other related supplementary provisions of this by-law apply.

Where an additional main use is permitted under this subsection, any use accessory thereto shall also be permitted, subject to the provisions of the zoning district and any other provisions of this by-law applicable to such accessory use.

1. For the lands comprising the north part of Lot 1, Concession 13 (being the former A1-11 lands, 13121 Walker Road), a motor vehicle repair garage and the repair of agricultural machinery and equipment shall be additional permitted uses. (ZDM 1)
2. For the lands comprising the north part of Lot 16, Concession 14, at the southwest corner of County Road 8 and Pinkerton Side Road (being the former C2 lands, 14038 Pinkerton Side Road), a retail store for the sale of foods and facilities for the processing of food products shall be additional permitted uses. (ZDM 3)
3. For the lands comprising the south part of Lot 23, Concession NMR, on the north side of County Road 12, east of Batten Road (being part of the former A1-14 lands, 2964 CR12), the office of a contractor and the storage, sales and repair of motor vehicles shall be additional permitted uses from the north limit of County Road 12 to a maximum depth of 300 meters from the front lot line. (ZDM 3/6)
4. For the lands west of Fairview Avenue West, south of Westlawn Drive, known as the Kimball Estates Subdivision, for a townhome dwelling fronting on the east or west side of Kimball Drive, the provisions of subsection 10.4 of this by-law shall not apply. (ZDM 3)
5. Repealed by By-law 1277, December 16, 2013.
6. For the lands comprising Part of Lot 41, Plan 303, east of County Road 23, north of Irwin

Avenue (being the former R3.5 lands located to the rear of 68 and 72 County Road 23), the following provisions apply:

- i) one townhome dwelling having a maximum of 4 dwelling units shall be an additional permitted use;
- ii) minimum main building setback:
 - 1. from the southwest lot line - 25m (82f);
 - 2. from the northwest lot line - 7.5m (25f);
 - 3. from the northeast lot line - 7.5m (25f);
 - 4. from the southeast lot line - 5.5m (18f). (ZDM 3)
- 7. For the lands comprising LTS, Plan 176, on the north side of Wilson Avenue, east of Talbot Street North (being the former C1-6 lands, 47 Wilson Avenue), the sale of building materials and a lumber yard shall be additional permitted uses. (ZDM 3)
- 8. For the lands comprising Lot 85, Plan 176, south of Cameron Avenue at the south end of Scratch Street (being the former C1-14 lands, 91 Scratch Street), the following additional uses are permitted: business office; professional studio; automobile detailing shop; light repair shop; personal service shop; print shop; self storage facility; warehouse. (ZDM 3)
- 9. Deleted
- 10. For the lands comprising Part Lot 16, Concession NMR, on the east side of County Road 15, south of North Malden Road (being the former A1-12 lands, 2119 CR15), a heavy repair shop is an additional permitted use. (ZDM 5)
- 11. For the lands comprising Part of Lot 14, Concession NMR, on the north side of County Road 12, west of County Road 15 (being the former A1-15 lands, 2450 CR12), on the north side of County Road 12, west of County Road 15, botanical gardens, a nursery and an accessory restaurant and/or snack bar shall be additional permitted uses. (ZDM 5)
- 12. For the lands comprising the south Part of Lot 4, Concession 7, on the south side of South Malden Road (1241 South Malden Road), a health studio, spa and a retreat, consisting of a main building and ancillary outbuildings, including buildings for the overnight accommodation of persons on a short term basis, church, church hall; Day Care Centre, medical clinic, residential care facility and a private park shall be additional permitted uses. A single-detached dwelling, permitted in subsection 13.1, shall have a minimum lot area of 750m², should such dwelling and that part of the lot surrounding it be legally separated from the subject lands. (ZDM 7)

13. For the lands comprising Part of Lot 20, Concession 6, on the west side of County Road 23, south of County Road 18 (being the former A1-2 lands, 6155 County Road 23), the following uses shall be the permitted uses: a museum with an ancillary restaurant and banquet rooms; a retail store for the sale of souvenirs and other items related to the main use; a compound for the accommodation and display of heritage buildings, vehicles and other goods of historical interest; areas for outdoor eating, public gathering and a playground.
(ZDM12)
14. For the lands comprising Part of Lots 14 and 15, Concession Gore, on the south side of County Road 20, west of Ferris Road (Known as the Harrow Research Centre, 2585 County Road 20), an agricultural research centre is an additional permitted use.
(ZDM 14)
15. For the lands comprising Part of Lot 94, Concession 1, on the north side of County Road 50 West, east of County Road 41(known as Gyori Farms Inc), the storage, distribution and sale of landscaping products, including decorative sand, decorative stone, bricks, paving stones and topsoil shall be additional permitted uses from the north limit of County Road 50 to a maximum depth of 450 meters.
(ZDM 13)
16. For the lands comprising Part of Lot 39, Concession 1, on the south side of County Road 50, east of Iler Road (known as the JR Park Homestead, 915 County Road 50 East), facilities and activities related to the preservation and display of buildings and items of historic interest, activities of historic interest, the production of heritage arts and crafts and an accessory restaurant or snack bar shall be additional permitted uses.
(ZDM 18)
17. For the lands comprising Part of Lot 36, Concession1, on the north side of County Road 50, east of Dolson Road (known as Klassen's Blueberries, 954 County Road 50), a retail store and outdoor an eating area for the sale and consumption of farm products produced on the property shall be additional permitted uses.
(ZDM18)
18. For the lands comprising Part of Lot 7, Concession Gore and Parts 1, 2 and 3, Registered Plan 12R11776, at the intersection of County Road 13 and Dunn Road (known as the former A1-12, A1-26 and A1-27 lands, 1329 to 1341 County Road 13 inclusive), a Motor Vehicle Fuel Station, an outdoor storage yard for motor vehicles and the salvage and sale of motor vehicles and motor vehicle parts and accessories shall be additional permitted uses.
(ZDM14)
19. For the lands comprising Part Lot Gore, Concession 4, on the north side of Concession 4, west of Ferriss Road (being the former A1-3 lands, 4606 Concession 4), from the north limit of Concession 4 to a maximum depth of 100 meters, the following uses shall be additional

permitted uses: the sale of fertilizers and other products related to the growing of agricultural produce; the storage, packaging and sale of agricultural produce; a micro-brewery.

(ZDM 11)

20. For the lands comprising Part of Lot 9, Concession Gore, on the east side of County Road 13, south of Dunn Road (being the former A1-22 lands, 1170 County Road 13), an outdoor storage yard for the seasonal storage of farm equipment, motor vehicles, recreational vehicles, boats and other recreational products shall be an additional permitted use. (ZDM14)
21. For the lands comprising Part of Lot 9, Concession 3, on the west side of County Road 11, south of Concession 4 (being the former A1-5 lands, 3187 and 3191 County Road 11), from the west limit of County Road 11 to a maximum depth of 200 meters, a truck cartage facility shall be an additional permitted use. (ZDM 11)
22. For the lands comprising Part of Lot 281, Concession South of Talbot Road, designated as Part 1, Plan 12R-5931, on the southeast corner of Talbot Street South and Fairview Avenue (being former R4 lands), the following provisions apply:
 - i. A minimum lot area of 71.5m² (770f²) shall be required for each dwelling unit;
 - ii. The maximum building height for a main building shall be 7 storeys;
 - iii. The maximum lot coverage for a main building shall be equal to 40% of the lot area;
 - iv. The minimum interior side yard setback for the main building shall be 4.5m (15f);
 - v. No minimum setback shall be required along the rear (southwest) lot line or the east lot line for an accessory parking garage located in the rear yard. (ZDM 4)
23. For the lands comprising the subdivision known as Lucier Estates, on the east side of CR11, north and south of Parkside Drive, a single-detached dwelling shall be an additional permitted use. (ZDM11)
24. For the lands comprising Lot 55, Concession 1, on the west side of Bell Road, north of County Road 50 East, 745 Bell Road, a light repair shop, an automobile repair shop and a collision shop shall be additional permitted uses. (ZDM 17)
25. For the lands comprising Lot 56, Concession 1, on the north side of County Road 50, 420 County Road 50 East, a light industrial use shall be an additional permitted use. (ZDM 17)

26. For the lands comprising Part of Lot 84, Concession 1, on the north side of County Road 50, west of Wright Road, 462 County Road 50 West, the following uses are not permitted: building materials recycling centre; material transfer station; heavy repair shop; outdoor storage tanks; towing service; (ZDM 16)
27. For the lands comprising Part of Lot 5, Registered Plan 18, described as Part 1, Plan 12R-18650, on the east side of Jackson Street, north of Sullivan Street, known as 220 Jackson Street, the following provisions shall apply:
- i) a restaurant and/or a take-out food outlet shall require the provision of a minimum of 6 vehicular parking spaces and a maximum of 12 vehicular parking spaces;
 - ii) a residential dwelling unit having a minimum gross floor area of 25 square metres (270 square feet) shall be permitted on the second floor of a combined use building. (ZDM 17)
28. For the lands known municipally as 3616 North Malden Road, located on the north side of North Malden Road, immediately west of the intersection of 12th Concession Road, a truck transfer facility shall be an additional permitted use subject to the following definition and provisions:
- i) **“Truck Transfer Facility”** means a truck and transport tractor transfer facility, comprising a yard and buildings for the temporary storage of trucks and transport tractors acquired offsite and intended for reshipment. It may include facilities for minor refurbishing and cleaning, but not a heavy repair shop;
 - ii) No more than three (3) trucks and/or transport tractors shall be stored outdoors on the site and/or transported to and from the site at any one time;
 - iii) No more than two (2) storage containers shall be located on the site at any one time;
 - iv) A landscaped strip consisting of coniferous trees shall be provided and maintained around the perimeter of the subject lands, excepting any entrances thereto;
 - v) All truck repair work shall be done indoors. (ZDM 5)
29. For the lands comprising Part of Block A, Registered Plan 1322, located on the south side of Hanlan Street, west of Fairview Avenue West, for the following lots in the Jakana subdivision, shown on the plan attached as Schedule A to By-law 1257, the following regulations apply:
- For Lots 15 to 19, 29 to 43, 58 to 76, all inclusive, on the east and west sides of Streets B and C, the minimum front yard depth shall be 6 meters and For Lots 69, 70 and 76, on Street C, the minimum exterior side yard width shall be 3 meters. (ZDM 3)

30. For the lands comprising Lots 14 to 20, 27 to 39, all inclusive, on Plan 1390, located on the south side of County Road 50, west of Breezeway Drive, the minimum lot area shall be 4000 square meters and the provisions of paragraph 9.3.b, of By-law 1037 shall not apply. (ZDM 18)
31. For the lands comprising Lots 66 to 69, all inclusive, and Lots 73 to 76 all inclusive, on Registrar's Compiled Plan 1645, located on the south side of King Street East, west of Walnut Street, the maximum gross floor area for a retail store shall be 985 square metres. (ZDM 14)
32. For the lands comprising Lots 195 and 197, part of lot 193 and part of the closed alley, all of Registered Plan 176, municipal address 35 Gordon Street, a multiple dwelling is an additional permitted use and, in a combined use building, multiple dwelling units may be permitted on the ground floor. (ZDM 3)
33. For the lands compromising Part of Lots 4 and 5, Plan 202, on the west side of Roseborough, north of County Road 20, being the property at municipal addresses, 2145 and 2147 Roseborough and the lands next north thereof, identified as Phase 2A, in Appendix A, to Bylaw1410, the following provisions shall apply:
- i. Additional permitted main uses: commercial school; Day Care Centre; drive-through food outlet exclusively on a corner lot; drive-through restaurant exclusively on a corner lot; food catering service; health studio; laboratory (dental, medical, optical or scientific), light repair shop; medical or clinic, personal service shop; nursery; office; professional studio; restaurant exclusively on a corner lot; take-out food outlet; wholesale store;
 - ii. and, for the lands comprising Part of Lots 4 and 5, Registered Plan 202, municipal addresses 2145 and 2147 Roseborough Road, a Single Unit Dwelling, subject to the provisions of subsection 14.1, R1.1 District, except that two Single Unit Dwellings may lawfully exist on a lot existing at the time of the passing of this by-law.
 - iii. and the following accessory uses: showroom; retail store primarily for the sale of goods produced on or services performed on the same lot therewith and any other use accessory to a permitted main use.
 - iv. The following uses shall not be permitted: automobile sales lot; collision shop; heavy repair shop; material transfer station; outdoor storage yard, except as an accessory use to a nursery; towing service; truck transportation operation, as a main use. (ZDM 14)

34. For the lands comprising Part of Lots 3, 4 and 5, Plan 202, on the west side of Roseborough, north of County Road 20, identified as Phases 1, 2A and 2B, in Appendix A, to By-law 1410, a required Exterior Yard shall have a minimum depth of 7.5m (25ft) and shall be used exclusively as a landscaped yard, as defined in the zoning by-law, and maintained in good practice. (ZDM 14)
35. For the lands comprising Part 1 in Schedule A to By-law 1430, situated on the west side of Talbot Road South, north of Gosfield Road, municipal address 190 Talbot Street South, the following uses are additional permitted uses: clinic; health studio; medical laboratory; office and pharmacy. (ZDM 3)
36. For the lands comprising Part of Lot 16, Concession 14, described as Part 3, Plan 12R-11669, municipal address 14028 Pinkerton Sideroad, on the west side of Pinkerton Sideroad, south of County Road 8, the following additional uses are permitted: the sale, lease and rental of 138 commercial vehicles and industrial equipment; a general salvage operation, including the processing and disposal of organic materials, but exclusive of a motor vehicle salvage operation and the outdoor open air storage of organic materials. (ZDM 3)
37. For the lands comprising Lot 8, Registered Plan 1394, located on the east side of Jackson Street, north of County Road 50, municipal address 470 Jackson Street, a dive shop situated within an accessory building or structure shall be a permitted use. (ZDM 17)
38. For the lands comprising part of lot 57, Registered Plan 181, municipal address 106 Talbot Road North, the following uses are additionally permitted uses:
- a) One or more of the following automobile detailing services;
 - i. Interior cleaning, upholstery shampooing,
 - ii. Manual washing and waxing (not including coin-operated or automatic car wash, unless otherwise permitted by this by-law);
 - iii. Minor cosmetic repairs;
 - b) The construction and repair of electrical products, signs, and other media advertising structures;
 - c) The manufacture and repair of ceramics, jewellery, cutlery and other small metal products; and,

d) Welding shop for the welding of small products (ZDM 3)

39. For the lands known municipally as 214 Maidstone Avenue West, the following uses are additional permitted uses:

a) One (1) Single Unit Dwelling and accessory structures subject to the provisions of subsection 14.1, Residential District 1.1 (R1.1) (ZDM 3)

40. For the lands comprising Part Lot 5, west side of Sydenham, Plan 18, Colchester, as in R1402988, Essex, municipal address 230 Jackson Street, on the east side of Jackson Street, north of Sullivan Street, a maximum of six single-detached dwelling units are permitted subject to the following provisions:

- i. The maximum ground floor area of the dwelling shall be 45 square meters and the maximum height of the dwelling shall be 1.5 storeys;
- ii. On-site parking shall be provided at a ratio of 1.5 parking spaces per dwelling unit, with one space being a barrier free motor vehicle parking space.
- iii. The dwelling units shall be maintained exclusively for tourist accommodation except that one dwelling unit shall be used exclusively for the occupancy of an on-site superintendent or such other person responsible for the maintenance of the property and the supervision of activities carried thereon. The minimum rear yard depth shall be 1.8 meters.

(ZDM 17)

41. For lands comprising Blocks 1 to 6, 9 to 18 and Part of Block 8, Registered Plan 12M-545, comprising the Essex Town Centre subdivision., located south of Maidstone Avenue West, east of South Talbot Road, the following regulations apply:

- i. for that part of Block 8 zoned Commercial 1.1 (C1.1), located on the west side of Peters Street, south of Bear Street, any uses permitted in the Residential 2.2 (R2.2) District of By-law 1037, shall be additional permitted uses;
- ii. for Blocks 2 to 6 both inclusive and Blocks 8 to 18 both inclusive the minimum lot width for a Single Unit Dwelling shall be 12 metres, the minimum lot area shall be 370 square meters and an attached garage shall be a maximum of 6.1 meters (20 feet) in width for a Single Unit Dwelling on a lot having a lot frontage of 12 to 12.8 meters;
- iii. for Blocks 1 to 6 both inclusive, Block 8 and Blocks 9 to 18 both inclusive the

minimum width of an exterior side yard shall be 3 meters when the exterior side yard flanks a street having a right of way width of 15 meters and 1.2 meters when the exterior side yard flanks a street having a right of way width of 20 meters, save and except that, for a garage entrance providing access to the garage by a motor vehicle, the minimum separation between the garage entrance and the exterior lot line of the street the garage entrance is accessed from shall be 6 meters.;

- iv. for Blocks 9, 17 and 18 and for the a lot fronting on the west side of Blocks 3 to 6 both inclusive, for a semi-detached or townhome dwelling the maximum width of a garage shall be equal to 70 percent of the width of the dwelling unit and the maximum lot coverage shall be equal to 60 percent of the lot area devoted to that dwelling unit;
 - v. for Block 1, no dwelling except a single-detached dwelling and any accessory thereto shall be permitted and such dwelling shall be on a lot having a minimum lot width of 15 meters, nor shall a driveway or other vehicular entrance be permitted to Peters Street;
 - vi. for a lot located at the southwest corner of Bear Street the minimum rear yard depth shall be 4.5 meters. (ZDM 3)''
42. For the lands comprising Lots 54 to 61, 114 to 126, all inclusive, Registered Plan 1236, bounded by Munger Avenue to the north, Arthur Street to the east, Centre Street to the south and Church Street to the west, municipal address 230 Centre Street, the zoning is hereby changed from Institutional 1.1 (I1.1) to Holding Residential 2.1 (HR2.1)

For Lots 54 to 61, 114 to 126, all inclusive, Registered Plan 1236, bounded by Munger Avenue to the north, Arthur Street to the east, Centre Street to the south and Church Street to the west, municipal address 230 Centre Street, the minimum exterior side yard width shall be 1.2 meters, except that the vehicular entrance to a garage shall be a minimum of 6 meters from an exterior lot line. (ZDM 14)

43. For the lands comprising Part Lot 284, Con NTR including Blocks 29 to 35 Maidstone (Essex) as in R1230166 Lakeshore, on the east side of Talbot Street North, north of Maidstone

Avenue, municipal address 263 Talbot Street North, multiple dwelling units, each having a minimum gross floor area of 20 square meters, shall be additional permitted uses within the existing main building and any addition thereto. (ZDM 3)

44. For the lands comprising part of Lot 1, Concession 11 and Lot 32 and Part Lots 1 and 31, Registered Plan 239, on the east side of Walker Road, south of Scott Street, municipal address 9529 Walker Road, that are zoned C2.1, multiple dwelling units are additional permitted uses within the existing main building (ZDM 4).

45. For the lands comprising Part of Lots 35 and 36 on Registered Plan 1032, municipally known as 152 Adelaide Street, the following provisions shall apply:

- i. Additional permitted main uses: one (1) semi-detached dwelling except that a second dwelling unit shall not be an additional permitted use in a semi-detached dwelling unit.
- ii. And, for the lands comprising Part of Lot 35 and 36 on Registered Plan 1032, a semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district, except that the roof line shall be a continuous hipped roof.
- iii. And the following accessory uses: any use accessory to the main use.

(ZDM 17)

46. For the lands comprising Part of Lot 12, on Second Range Gore in Colchester South, situated on the east side of County Road 13, south of Pollard Drive, the following provisions apply:

- i. Minimum exterior side yard width – 1.2 meters (4 feet), provided that, for an accessory garage, no vehicular entrance to the garage shall be permitted on the wall facing the exterior side yard, unless the wall is a minimum of 6 meters (20 feet) from the exterior side lot line;
- ii. The maximum width of an attached garage accessory to a single-detached dwelling or to a semi-detached or townhome dwelling unit shall not exceed 70 percent of the width of the dwelling or dwelling unit. (ZDM 14)

47. For the lands municipally known as 37 and 39 King Street West, on the south side of King Street, dwelling units on the ground floor are permitted, subject to the following provisions:

- i) The dwelling units shall comprise the rear portion of the buildings;
- ii) All entrances to the dwelling units shall be located at the rear of the property.

(ZDM 14)

48. **(H40).** For the lands comprising Part Lot 12, Con Gore, Part 3 on 12R-15021, the medical office of a licensed professional person offering treatment and diagnostic services for the physical, mental or emotional health of people, excluding the offices of general dentist and chiropractor, shall be an additional permitted use subject to the following provisions:

- i) maximum building height – 1 storey;
- ii) minimum building setback – 2.4m (8ft) from the south lot line;
 - a distance equal to the minimum setback of the dwelling at 1460 County Road 13 from County Road 13;
- iii) the main building shall have a hipped style roof throughout its length;
- iv) no parking shall be permitted in the required front yard;
- v) an access area to the parking area shall be located entirely to the north of the main building;
- vi) an outdoor storage yard shall not be permitted;
- vii) landscaped area minimum – 15% of the lot area;
- viii) the “H” prefix to this paragraph places the subject lands in a holding provision under Section 36 of the Planning Act, R.S.O. 1990. Removal of the “H” holding provision to permit the issuance of a building permit shall be conditional on the execution of a site plan control agreement. The site plan shall include, but not be limited to, 1 1.8, (6ft) privacy screening fence placed along the south lot line from a point of equivalent to the front wall setback of the dwelling at 1460 County Road 13 from County Road 13 to the rear limit of the lot, such fence to be erected within six months of the issuance of a building permit for the construction of the main building. (ZDM 14)

49. For the lands comprising Part Block 281, Concession South of Talbot Road, located between Gosfield Townline Road and Fairview Avenue, north of Morton Avenue, and identified as “Multi-unit Residential Block” in Schedule “A” to this by-law 1912, multiple

dwelling units and uses accessory thereto shall be additional permitted uses, subject to conformity with the provisions of Section 16, subsection 1, R3.1 District, applicable thereto, save and except that the maximum building height for a multiple dwelling shall be 6 storeys (ZDM 3)

50. For the lands comprising in combination Lots 23 and 25 on Registered Plan 249, the following provisions shall apply: Additional permitted main use: one (1) semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district. And, for the lands comprising Lots 23 and 25 on Registered Plan 249, a minimum exterior side yard width of 1.2 metres (4 foot). And, for a main dwelling on Lots 23 and 25 on Registered Plan 249, a 7.5 metre (25 foot) setback from the railway right of way. And the following accessory uses: any use accessory to the main use. (ZDM 3)
51. For the lands municipally known as 101 Poplar Bluff Drive, the following provisions shall apply. Additional permitted uses: one (1) accessory building of 104 square metres (1120 square feet) with a second storey, subject to the regulations of subsection 14.1, R1.1 District, And, a second dwelling unit shall be permitted within the accessory building, And, the combination of all accessory buildings on the lot shall be 115 square metres (1240 square feet) (ZDM 17)
52. For the lands municipally known as 1110 Ridge Road, the use of the existing dwelling(s) and two (2) ancillary dwellings to accommodate the housing of farm help shall be permitted in accordance with the site plan dated November 13, 2020 and adopted by Bylaw 1979, and subject to the following provisions: the height of the ancillary dwellings shall not exceed one (1) storey (14 metres); and the ancillary dwellings shall be permitted within 530 metres of a commercial wind turbine. (ZDM 15, 17 and 18)
53. For the lands comprising Part of Lot 284 and 285 Concession South Talbot Road, more particularly described as part 1 and 2 on 12R28489: a motor vehicle dealership is a permitted use. (ZDM 3)
54. For the lands municipally known as 3900 North Malden Road, the use of the existing dwelling to accommodate the housing of farm help shall be permitted in accordance with the site plan adopted by Bylaw 2009 (ZDM 3)
55. For the lands municipally known as 96 County Road 50 West, a Motel shall be an additional permitted use subject to the following building regulations:
 - a. The Minimum Front Yard Depth shall be 15 metres

- b. The Minimum Rear Yard Depth shall be 3 metres
 - c. The Minimum Exterior Side Yard Width shall be 8 metres
 - d. The Minimum Interior Side Yard Width shall be 3 metres
 - e. The Maximum Building Height shall 10 metres (ZDM 17 & 19)
56. For the lands identified as 470 Dunn Road (Part Lot 27, on Registered Plan 1414, designated Part Lot 2 on Reference Plan 12R-18438), the following provisions shall apply:
- i) Additional permitted main use: one (1) semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district except that the minimum lot width shall be 18 metres and the minimum lot area shall be 590 square metres.
 - ii) And the following accessory uses: any use accessory to the main use.
- (ZDM 17 & 19)
57. For the lands identified as 27 Maple Ave (Lot 27, on Registered Plan 337), the following provision shall apply:
- i) Additional permitted main use: one (1) semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district except that second dwelling units are prohibited in the main dwelling as well as any ancillary or accessory structures.
 - ii) That Zoning District Map number 14 be amended accordingly. (ZDM 14)
58. For the lands identified as 2151 Roseborough Road (Lot 5, Concession 2, Part 5 on Registered Plan 202, designated as Part 10 on 12R-26401), the following provision shall apply:
- i) Additional permitted main use: one (1) sit down restaurant on an interior lot, subject to the regulations of subsection 22.1 (b) of the M2.1 district.
- (ZDM 14)
59. For the lands identified as 32 Arthur Avenue (Essex Centre, Ward 1), the following provisions shall apply:
- i) A dwelling unit shall be permitted on the ground floor of a combined use building, subject to the regulations of subsection 19.2, C2.2 district

- ii) That the required number of parking spaces and visitor parking spaces listed under subsection 11.5 of Bylaw 1037 shall not apply to a dwelling unit in a Combined-Use building. (ZDM 3)
60. For the lands identified as 2915 County Road 20 East, an outdoor display accessory to a home occupation (limited to portable building sales) be a permitted use subject to the following provisions:
- i. Notwithstanding the maximum permitted lot coverage, outdoor display shall be limited to a total of ten (10) portable buildings not exceeding a total footprint of 250 square metres,
 - ii. The minimum front and rear yard setback for the outdoor display shall be 10.6 metres and 3 metres, respectively,
 - iii. The minimum side yard setback for the outdoor display shall be 1 metre, and,
 - iv. There shall be no manufacturing of portable buildings on site nor distribution of portable buildings save and except the delivery and sale of display units.
- (ZDM 15)
61. For the lands municipally known as 793 County Road 50 East, one (1) ancillary dwelling to accommodate the housing of farm labourers shall be permitted in accordance with the site plan dated February 2, 2023. (ZDM18)
62. For the lands municipally known as 14 Wilson Avenue (Essex Centre, Ward 1), the following provisions shall apply:
- i) Two (2) dwelling units shall be permitted on the ground floor of a combined use building in accordance with the site plan dated March 2, 2023 and subject to the regulations of subsection 19.2, C2.2 District.
 - ii) That the required number of on-site parking and visitor parking spaces listed under subsection 11.5 of Bylaw 1037 shall not apply to a dwelling unit in a Combined Use Building.
 - iii) That the minimum required amenity area per dwelling unit under the regulations of subsection 19.2, C2.2 District shall not apply for a two or more bedroom unit. (ZDM 3)

63. For the lands municipally known as 199 Irwin Avenue, designated as Part 1, on Registered Plan 12R-29406, one (1) semi-detached dwelling shall be permitted in accordance with the site plan prepared by Montemurri Residential Design and dated August 1, 2023, on file with the corporation and subject to the following regulation:
1. The minimum lot width for a semi-detached dwelling shall be 18 metres (60 feet)
(ZDM 3)
64. For the lands municipally known as 199 Irwin, designated as Part 2 on Registered Plan 12R-29406, one (1) semi-detached dwelling shall be permitted in accordance with the site plan prepared by Montemurri Residential Design and dated August 1, 2023, on file with the corporation and subject to the following regulation:
1. The minimum lot width for a semi-detached dwelling shall be 18 metres (60 feet)
(ZDM 3)
65. For all lands municipally known as 22 Gordon Avenue, two (2) dwelling units shall be permitted within the basement level of a combined use building in accordance with the site plan prepared by Baird Architecture & Engineering, dated June 2, 2023, and subject to the regulations of subsection 19.2, C2.2 District.
(ZDM 3)
66. For the lands municipally known as 152 County Road 50 East, Part of Lot 64, Concession 1, one (1) Dwelling for the accommodation of farm labourers shall be permitted in accordance with the site plan and drawings, prepared by D. Digiovanni and dated May 2023, on file with the municipality.
(ZDM 17)
67. For the lands identified as 103 Centre Street (Essex Centre, Ward 1), the following provisions shall apply:
- i. A medical office located in a single unit dwelling to be used for applied behaviour analysis, shall be a permitted use;
 - ii. Three on-site parking spaces shall be provided in accordance with section 11 of Bylaw 1037;
 - iii. That subsection 11.5 of Bylaw 1037 requiring a minimum number of parking spaces and visitor parking spaces for a medical office shall not apply to any medical office located in a single unit dwelling on the lands.
(ZDM 3)

68. For the lands municipally known as 127 Talbot Street North (Essex Centre, Ward 1), the following provisions shall apply:
- i. Five (5) dwelling units shall be permitted on the ground floor of the existing combined use building in accordance with the site plan prepared by Felix Culpa Architecture.
 - ii. That the required number of on-site parking and visitor parking listed under subsection 11.5 of By-Law 1037 shall not apply to a dwelling unit in a Combined Use Building.
 - iii. That the minimum required amenity area per dwelling unit required under subsection 19.2, C2.2 District, shall not apply to a dwelling unit. (ZDM 3)
69. For the lands identified as 80 Maidstone Avenue West (Essex Centre, Ward 1), with reference to the site plan prepared by Rood Engineering Inc. and dated August 16, 2024, on file with the corporation, the following provisions shall apply:
- i) Permit a building height of 6m (20ft) to a maximum of one (1) storey for lots 1-13 & 35-42;
 - ii) Permit a building height of 10m (32ft) for lots 14-34;
 - iii) Permit a rear yard depth of 6m (20ft) for all lots;
 - iv) Permit a 1.2m (4ft) side yard width for both sides of a Semi-detached Dwelling and exterior Townhome Dwelling Units where there is no attached garage for all lots;
 - v) Permit a front yard setback of 4m (13.2ft) for lots 1-13, 22 & 23;
 - vi) Permit a front yard setback of 5.5m (18ft) for lots 14-21;
 - vii) Permit a front yard setback of 3m (10ft) for lots 24-36;
 - viii) Permit a front yard setback of 4.3m (14ft) for lots 37-42;
 - ix) No building feature or facility (such as a deck, porch, balcony, etc.) shall be permitted to encroach within the required front yard for all lots;
 - x) Increase maximum lot coverage from 50 to 55% for all Semi-detached Dwelling Units and exterior Townhome Dwelling Units;

- xi) Increase maximum lot coverage from 50 to 58% for interior Townhome Dwelling Units; and
 - xii) Permit a minimum lot area of 495.4 sqm (5,332.4 sqft) for a semi-detached dwelling on Block 9 of the Draft Plan of Subdivision. (ZDM 3)
70. For the lands identified as 0 Maidstone Ave West (Essex Centre, Ward 1), designated as P arts 1 & 5 through 8, on Registered Plan 12R-29980, the following provisions shall apply:
- i) Additional permitted main use: a Bakeshop, a Drive-through Restaurant, a Drive-through Food Outlet, a Health Studio, a Micro-brewery, a Veterinary Office, a Wholesale Store; and
 - ii) That Subsection 18.1 b) ii) which permits a Gross Floor Area Maximum of 250 m² (2,700 ft²) for each business, financial or medical office, light repair shop, personal service shop, professional studio, retail store, restaurant or takeout food outlet shall not apply to such lands. (ZDM 3)
71. For the lands comprising Blocks 54 and 55, Part Lot 282, located on the north side of Maidstone Avenue East, an accessory structure (detached garage) that is 232 sqm (2,500 sq ft) in Gross Floor Area, with a building height of (19 ft) is permitted, subject to the following provisions:
- a) That the accessory structure be located 1.2 m (4.0 ft) from the eastern interior lot line, and 11.3 m (37.16 ft) from the rear lot line. (ZDM 3)
72. For the lands located at the northwest corner of Jackson Street and County Road 50 in the Hamlet of Colchester, and municipally known as 80 County Road 50, the following site-specific regulations shall apply:
- i. A “Combined Use Building” and a “Motel”, as defined under Section 7, Definitions, of By-Law 1037, shall be additional permitted uses.
 - ii. The minimum rear yard depth for a Combined Use Building shall be 2.87m.
 - iii. The maximum building height for a Combined Use Building shall be 11.28m.
 - iv. Dwelling Units, including entrances thereto, shall be permitted on the ground floor of a Combined Use Building. The Dwelling Units are permitted on the ground floor to a maximum Gross Floor Area (GFA) of 750 square metres (m²).

- v. All Dwelling Units located on the ground floor of a Combined Use Building shall be located behind a commercial use and shall not be located to face County Road 50.
- vi. The minimum amenity area per Dwelling Unit shall be as follows:
 - a. 7.5m² (81 f²) for a Bachelor Unit
 - b. 10m² (108f²) for a One-bedroom Unit
 - c. 15m² (162 f²) for a two or more-bedroom unit (ZDM 19)

28.2 TEMPORARY USE PROVISIONS

a) Certain parcels of land on the Zoning District Maps (ZDM) are delineated by a broken orange line and identified by a zoning district symbol and a paragraph(s) of this subsection. Any parcel so identified shall be considered as being within the zoning district symbol and shall be subject to the provisions of that zoning district, the identified paragraph(s) of this subsection and any other applicable provisions of this by-law.

Where there is a conflict between the provisions of this subsection and the provisions of the zoning district, the provision(s) of this subsection apply; otherwise the other zoning district provisions and all other related supplementary provisions of this by-law apply.

Where an additional main use is permitted under this subsection, any use accessory thereto shall also be permitted, subject to the provisions of the zoning district and any other provisions of this by-law applicable to such accessory use.

1. For the lands comprising Part of the South Half Lot 19, Concession 6, Colchester now designated as Part 1 on Plan 12R-2794, on the north side of 6th Concession Road, west of County Road 23, municipal address 6954 6th Concession, in accordance with the provisions of Section 39, of the Planning Act, R.S.O. 1990, the storage of fireworks is an additional permitted use until May 6, 2022. (ZDM 12).

SECTION 29 - ZONING DISTRICT MAPS

[illegible]

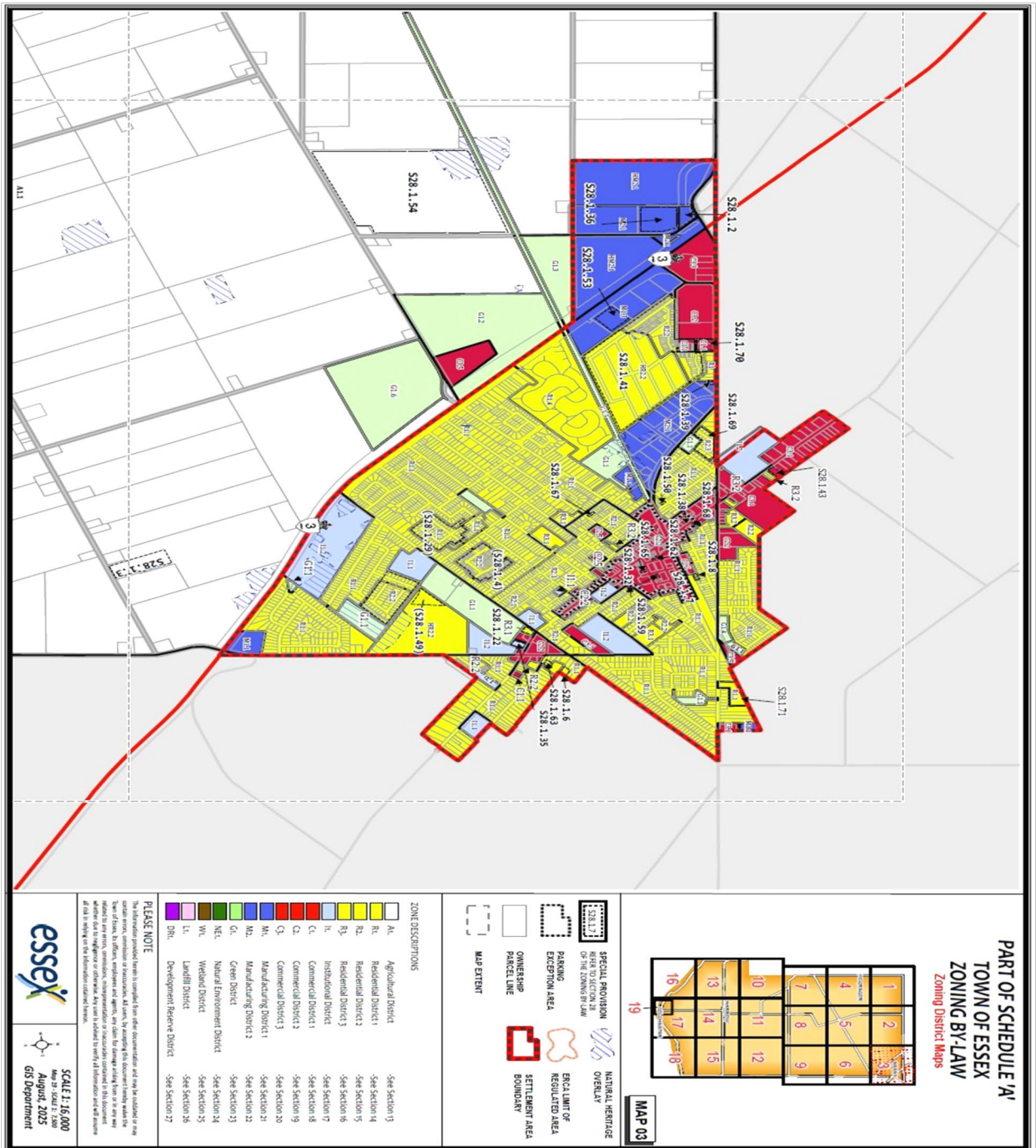
PART OF SCHEDULE 'A' TOWN OF ESSEX ZONING BY-LAW
Zoning District Maps

LEGEND

- ZONING DISTRICTS:** A1, B1, C1, D1, E1, F1, G1, H1, I1, J1, K1, L1, M1, N1, O1, P1, Q1, R1, S1, T1, U1, V1, W1, X1, Y1, Z1.
- NATURAL HERITAGE OVERLAY:** (Symbol: wavy lines)
- REGULATED AREA:** (Symbol: solid black)
- SETTLEMENT AREA:** (Symbol: dashed line)
- BOUNDARY:** (Symbol: solid line)
- OWNERSHIP:** (Symbol: solid line)
- PROJECT LINE:** (Symbol: dashed line)
- MAP EXTENT:** (Symbol: dashed line)

PLEASE NOTE: The information provided in this map is for informational purposes only and is not to be used for any other purpose. The information is provided as a guide only and is not to be used for any other purpose. The information is provided as a guide only and is not to be used for any other purpose.

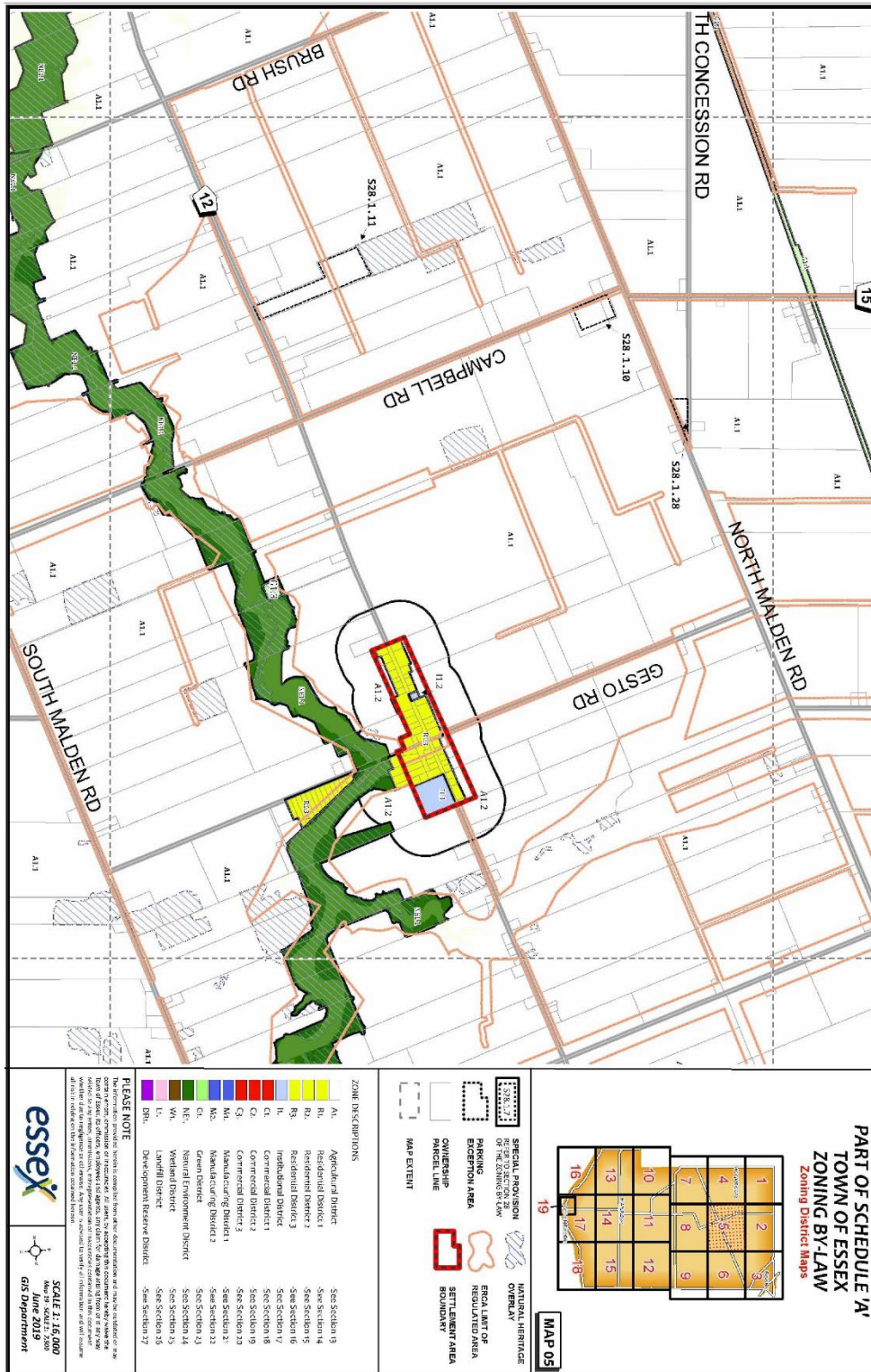
SCALE 1:15,000
Map 15-04-17, 1500
June 2019
GIS Department



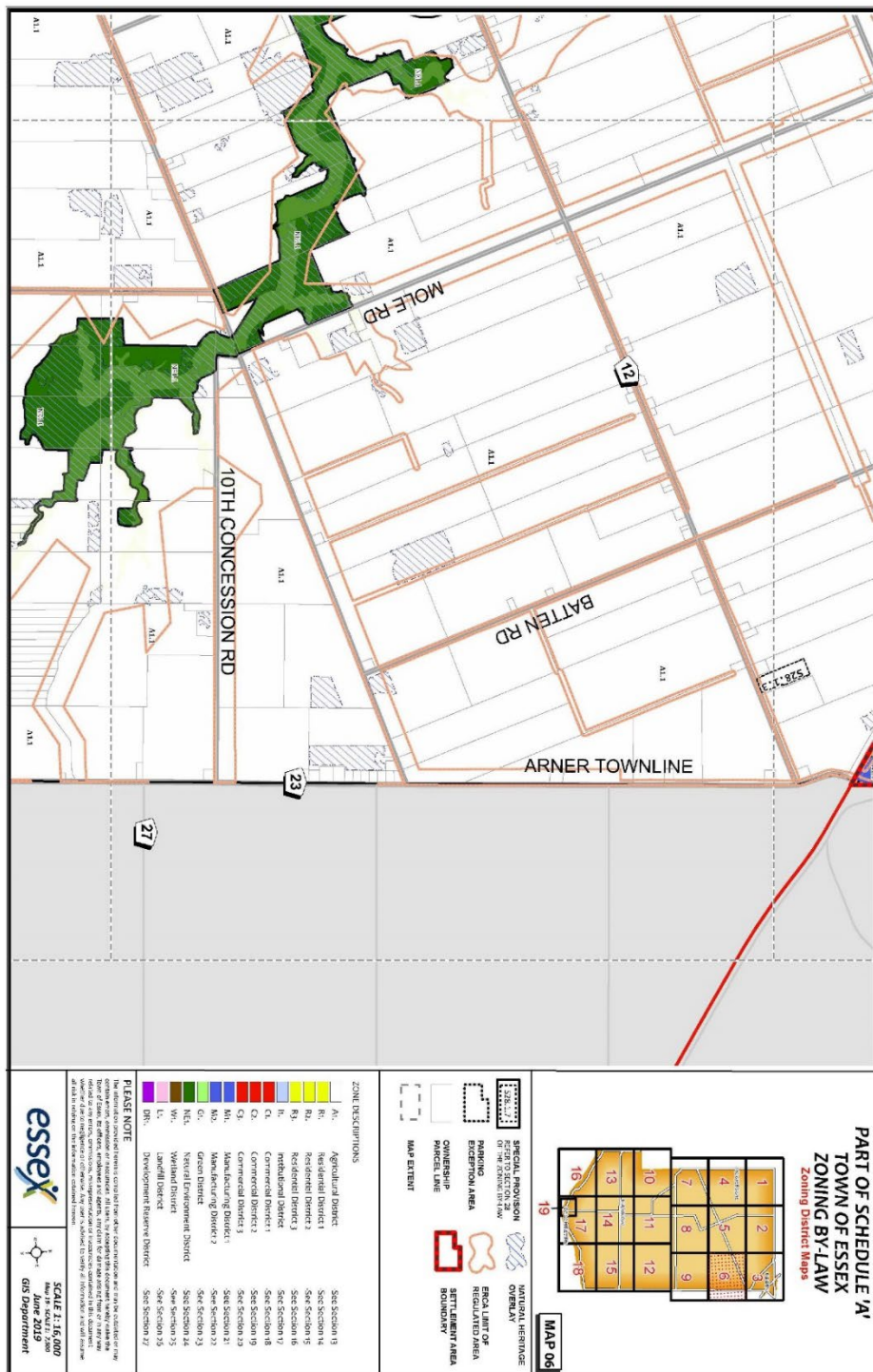
200



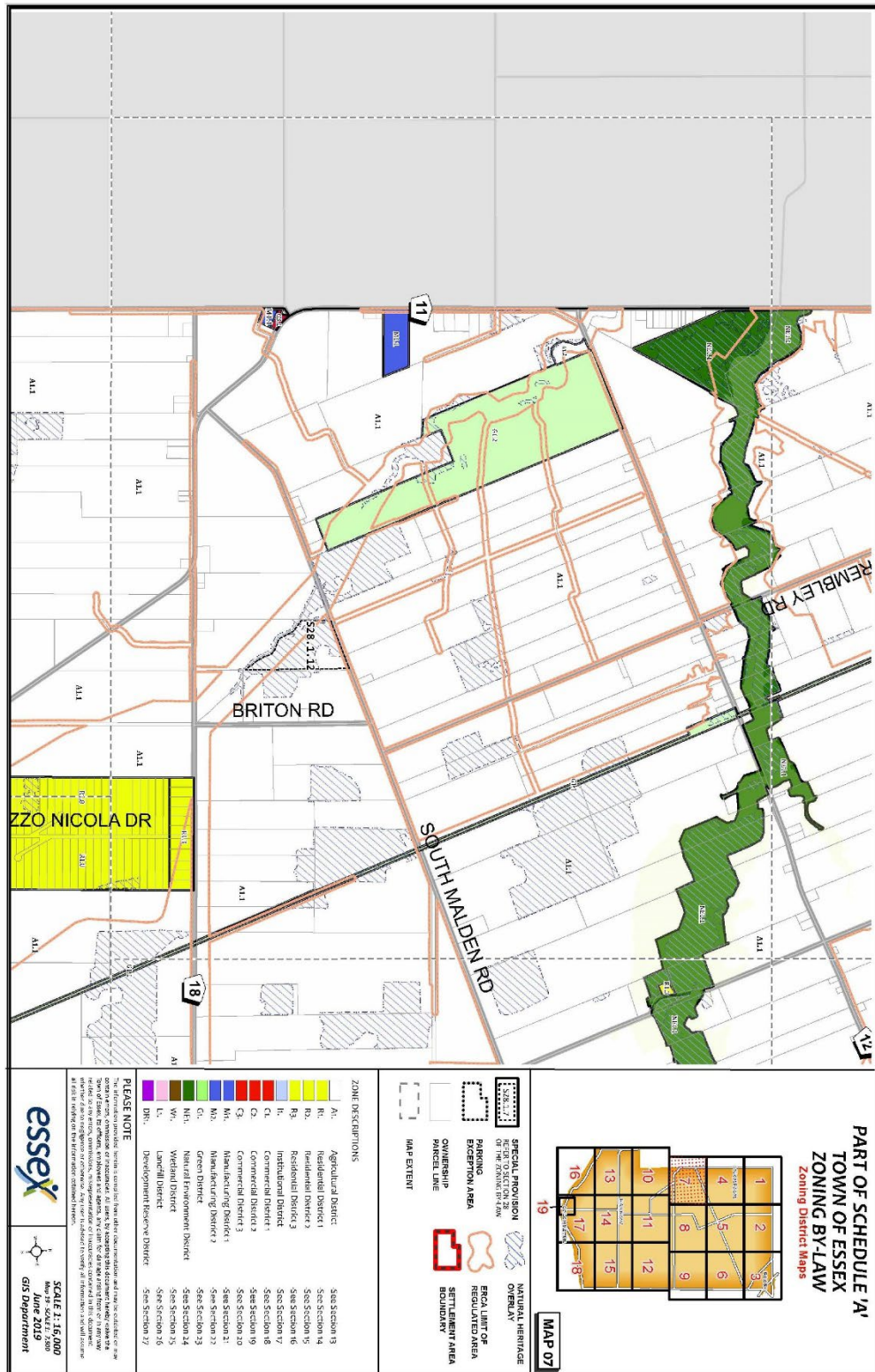
Schedule "A" – Zoning Map 5



Schedule "A" – Zoning Map 6



Schedule "A" – Zoning Map 7



PART OF SCHEDULE 'A'
TOWN OF ESSEX
ZONING BY-LAW
Zoning District Maps

MAP 08

ZONE DESCRIPTIONS

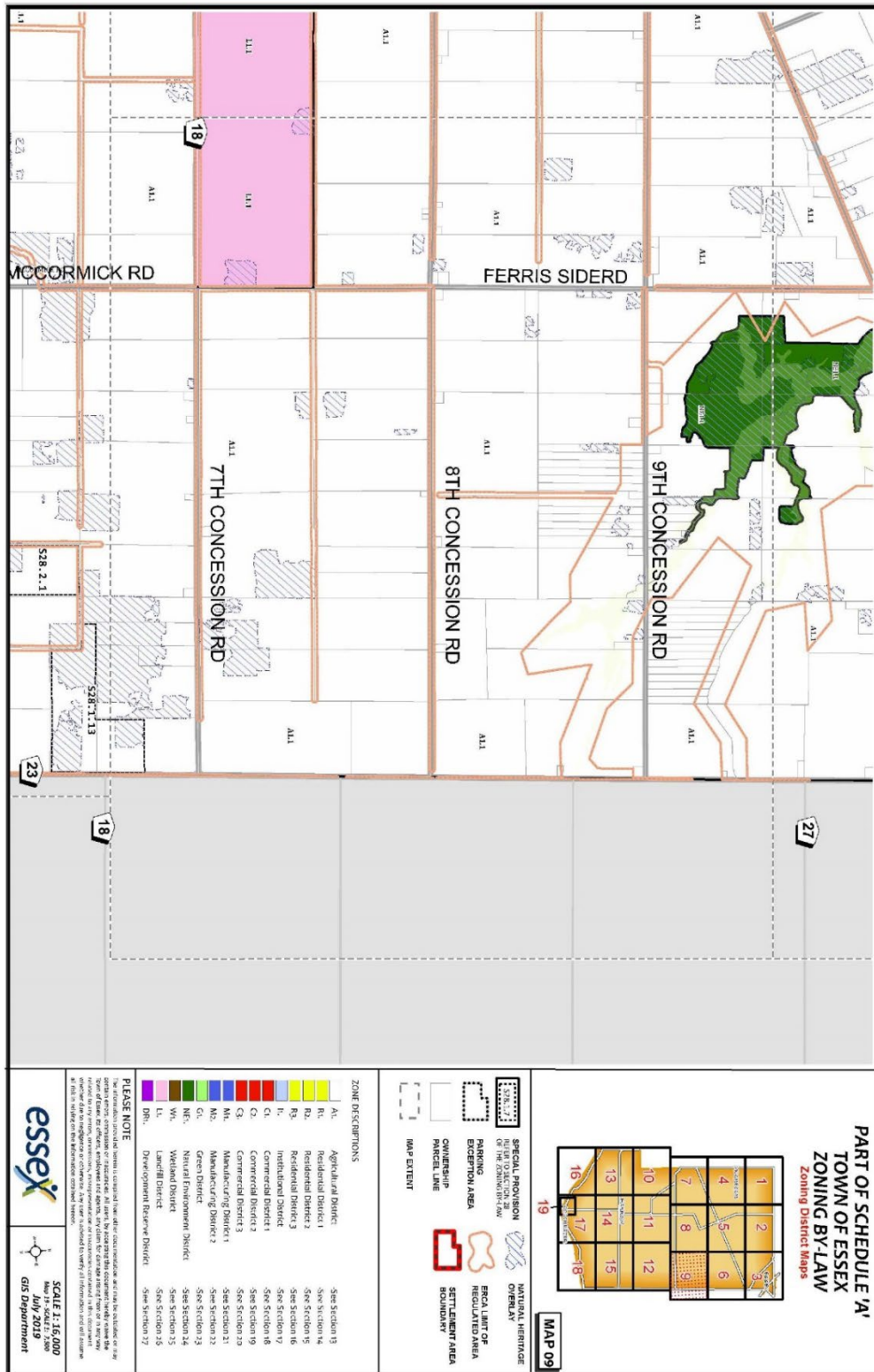
Zone	Description	See Section
A1	Agricultural District	See Section 13
R1	Residential District 1	See Section 14
R2	Residential District 2	See Section 15
R3	Residential District 3	See Section 16
R4	Residential District 4	See Section 17
C1	Commercial District 1	See Section 18
C2	Commercial District 2	See Section 19
C3	Commercial District 3	See Section 20
M1	Manufacturing District 1	See Section 21
M2	Manufacturing District 2	See Section 22
G1	Green District	See Section 23
N1	Natural Environment District	See Section 24
W1	Wetland District	See Section 25
L1	Landfill District	See Section 26
DR	Development Reserve District	See Section 27

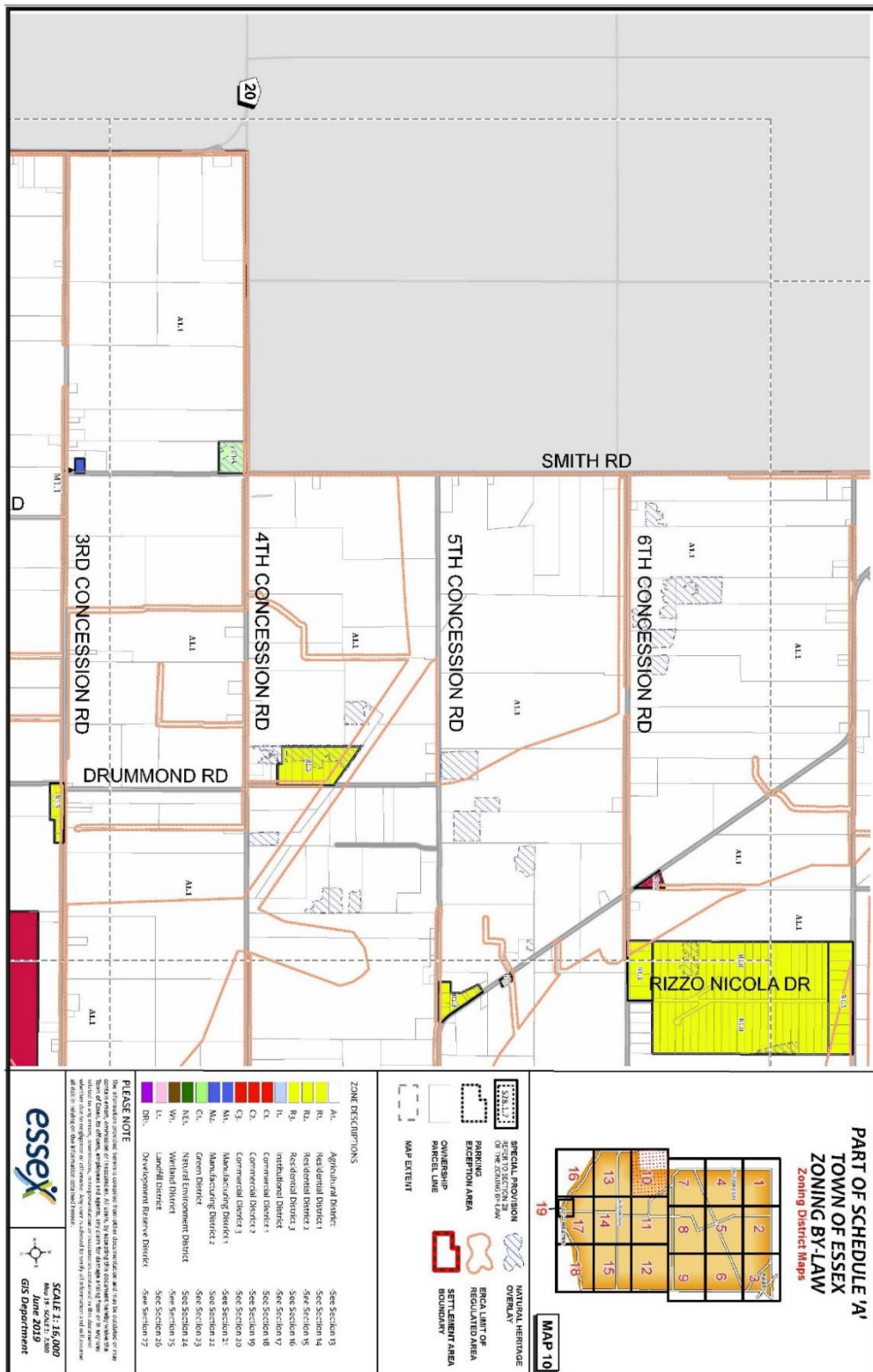
PLEASE NOTE

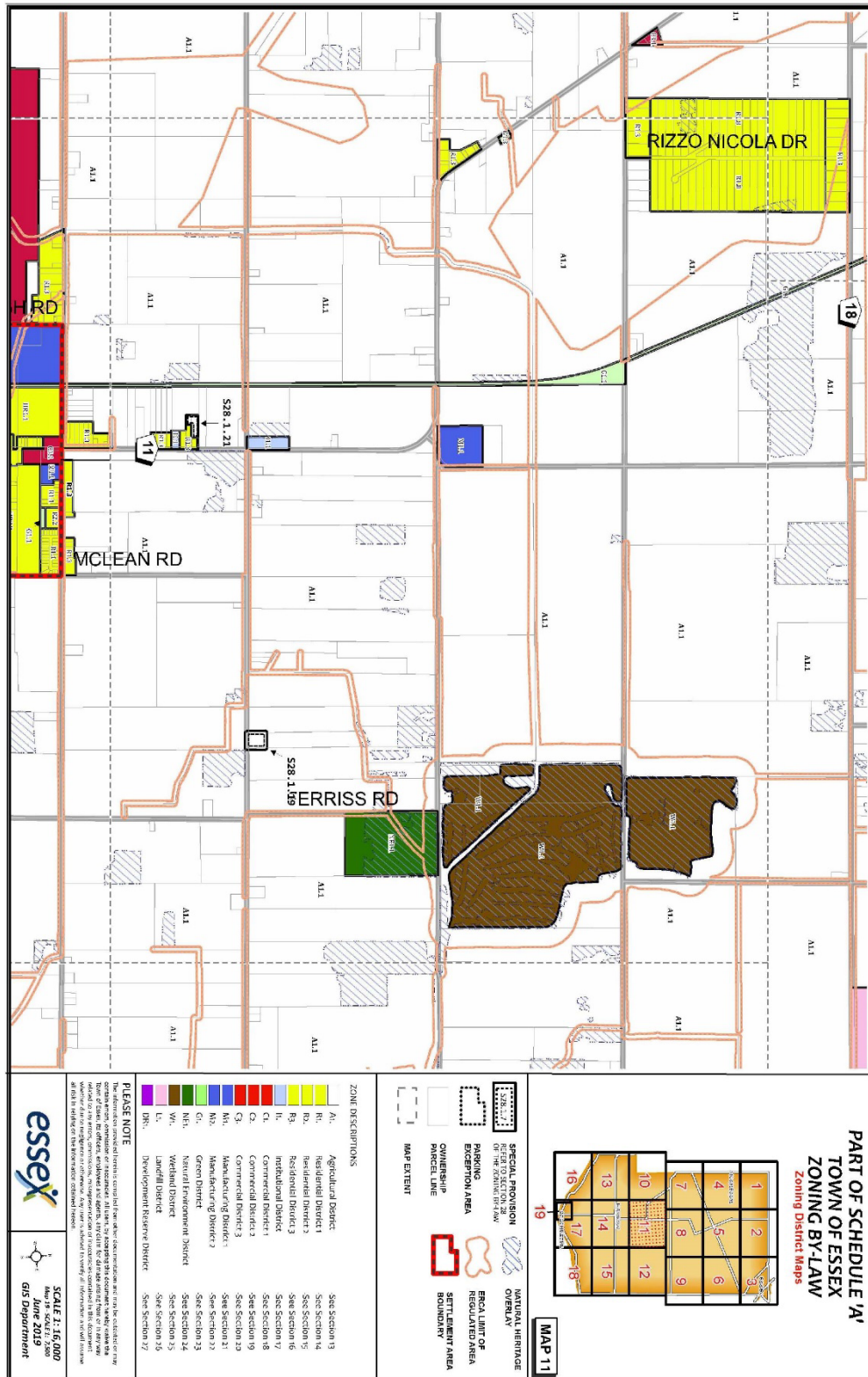
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SCALE 1:15,000
Map 08 - 04/11/19
June 2019
Essex GIS Department

Schedule "A" – Zoning Map 9







ZONING DISTRICTS

Color	Code	Description
Light Green	A-1	Agricultural District
Yellow	R-1	Residential District 1
Light Blue	R-2	Residential District 2
Medium Blue	R-3	Residential District 3
Dark Blue	I-1	Industrial District
Red	C-1	Commercial District 1
Orange	C-2	Commercial District 2
Light Green	G-1	Green District 1
Dark Green	G-2	Green District 2
Light Green	M-1	Manufacturing District 1
Dark Green	M-2	Manufacturing District 2
Light Green	N-1	Natural Environment District
Dark Green	W-1	Wetland District
Light Green	L-1	Landfill District
Dark Green	D-1	Development By-Right District

PLEASE NOTE

This preliminary zoning map is subject to change without notice and is not a guarantee of any particular zoning district. The zoning district shown on this map is not a guarantee of any particular zoning district. The zoning district shown on this map is not a guarantee of any particular zoning district.

SCALE: 1:15,000

DATE: July 2019

GIS Department

MEADOWS RD

SMITH RD

FOX SDRD

GORE RD

3RD CONCESSION RD

DRUMMOND RD

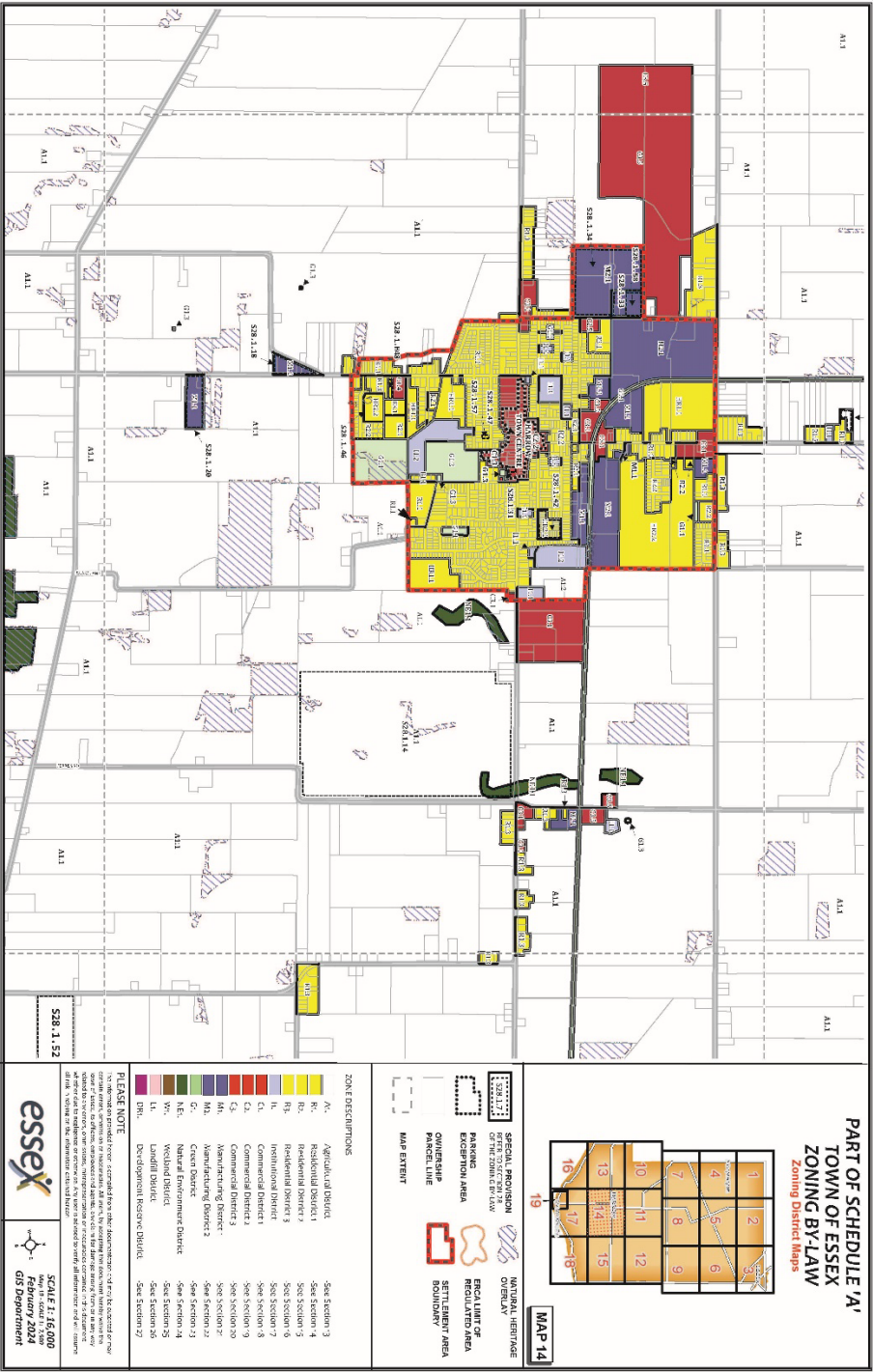
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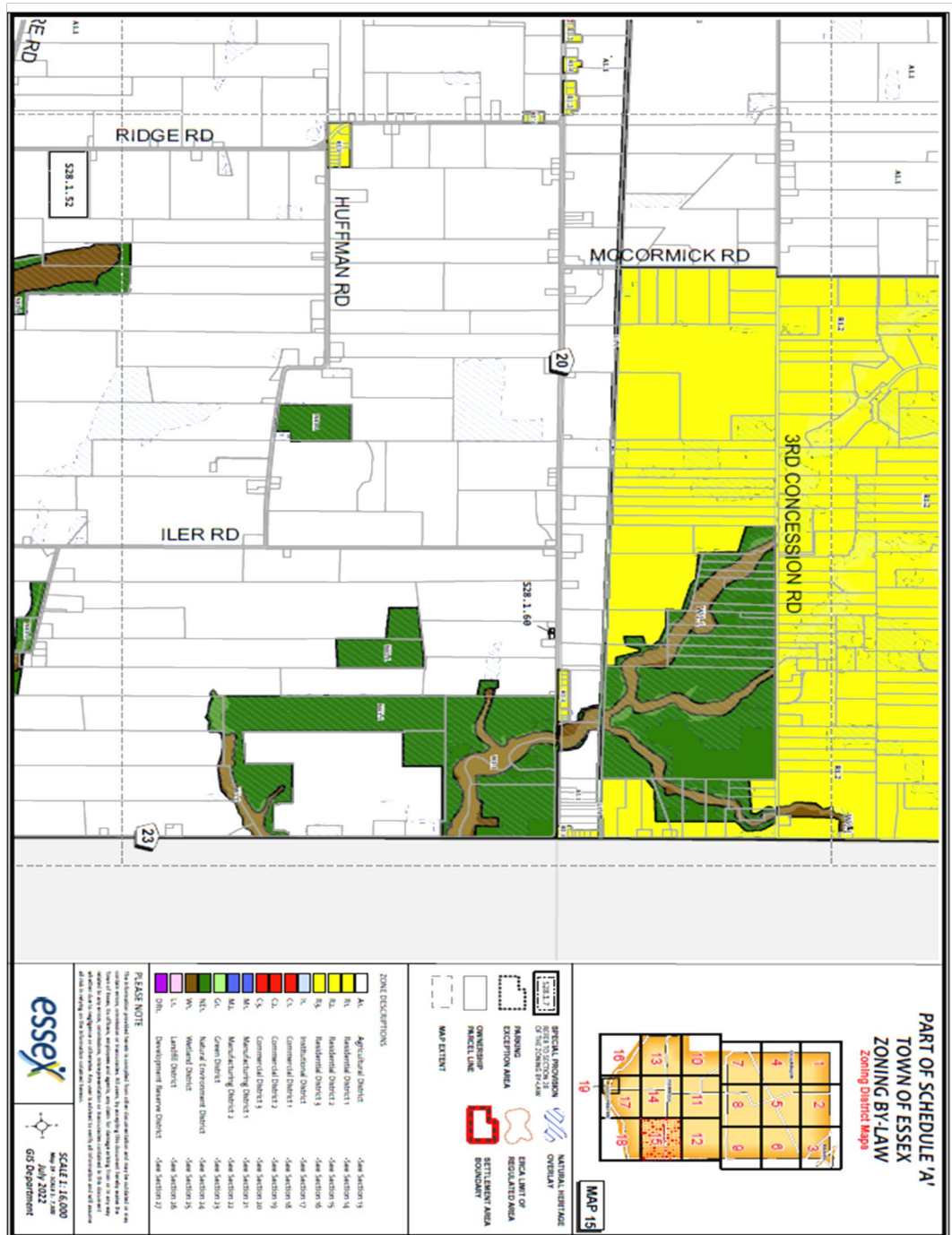
- Special Provision:** (Red outline)
- Exception Area:** (Blue outline)
- Outstanding Parcel Line:** (Dashed line)
- Map Extent:** (Red outline)
- Special Provision:** (Red outline)
- Exception Area:** (Blue outline)
- Outstanding Parcel Line:** (Dashed line)
- Map Extent:** (Red outline)
- Special Provision:** (Red outline)
- Exception Area:** (Blue outline)
- Outstanding Parcel Line:** (Dashed line)
- Map Extent:** (Red outline)

Scale: 1:10,000

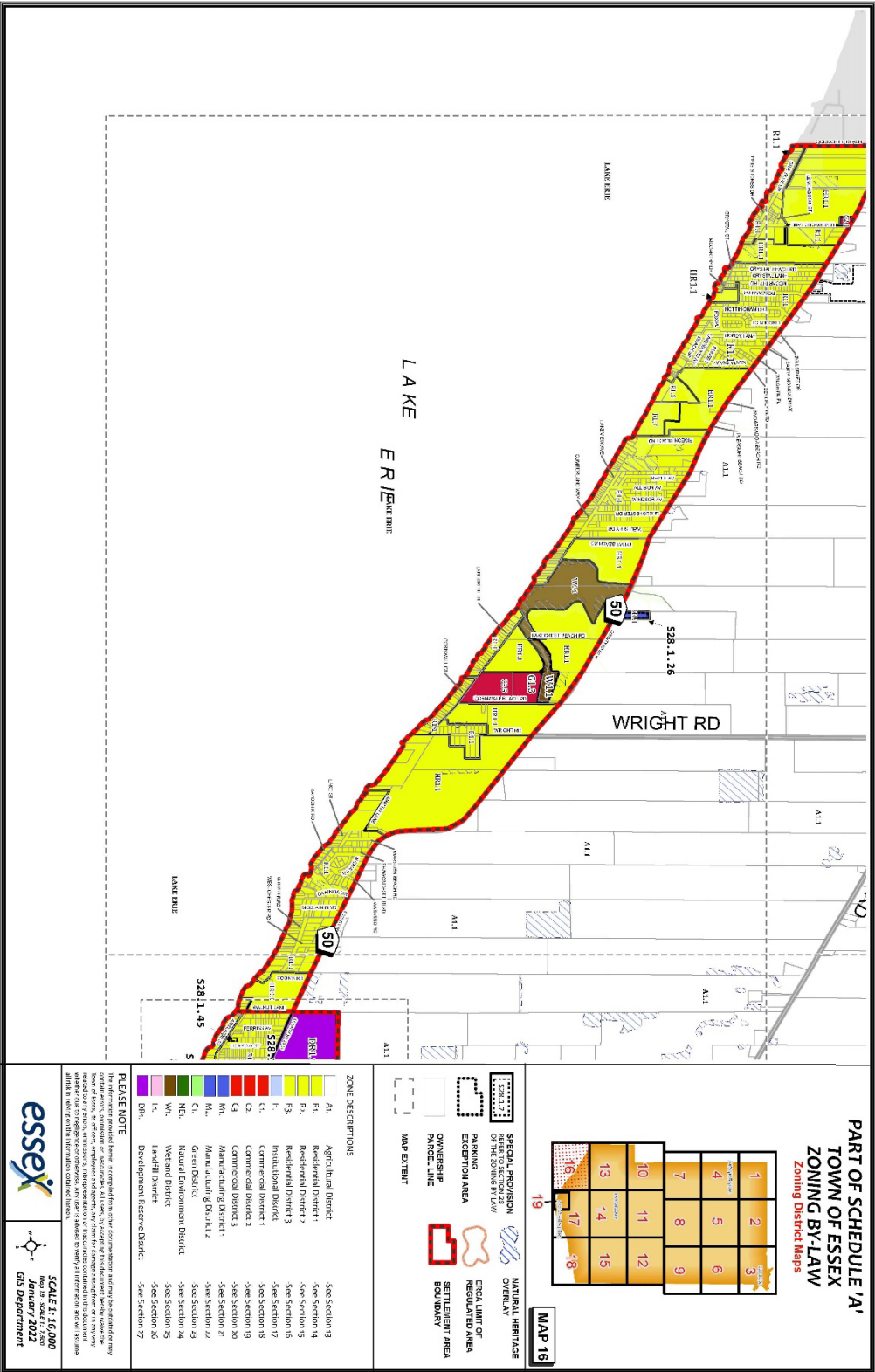
North Arrow:

Schedule "A" – Zoning Map 14

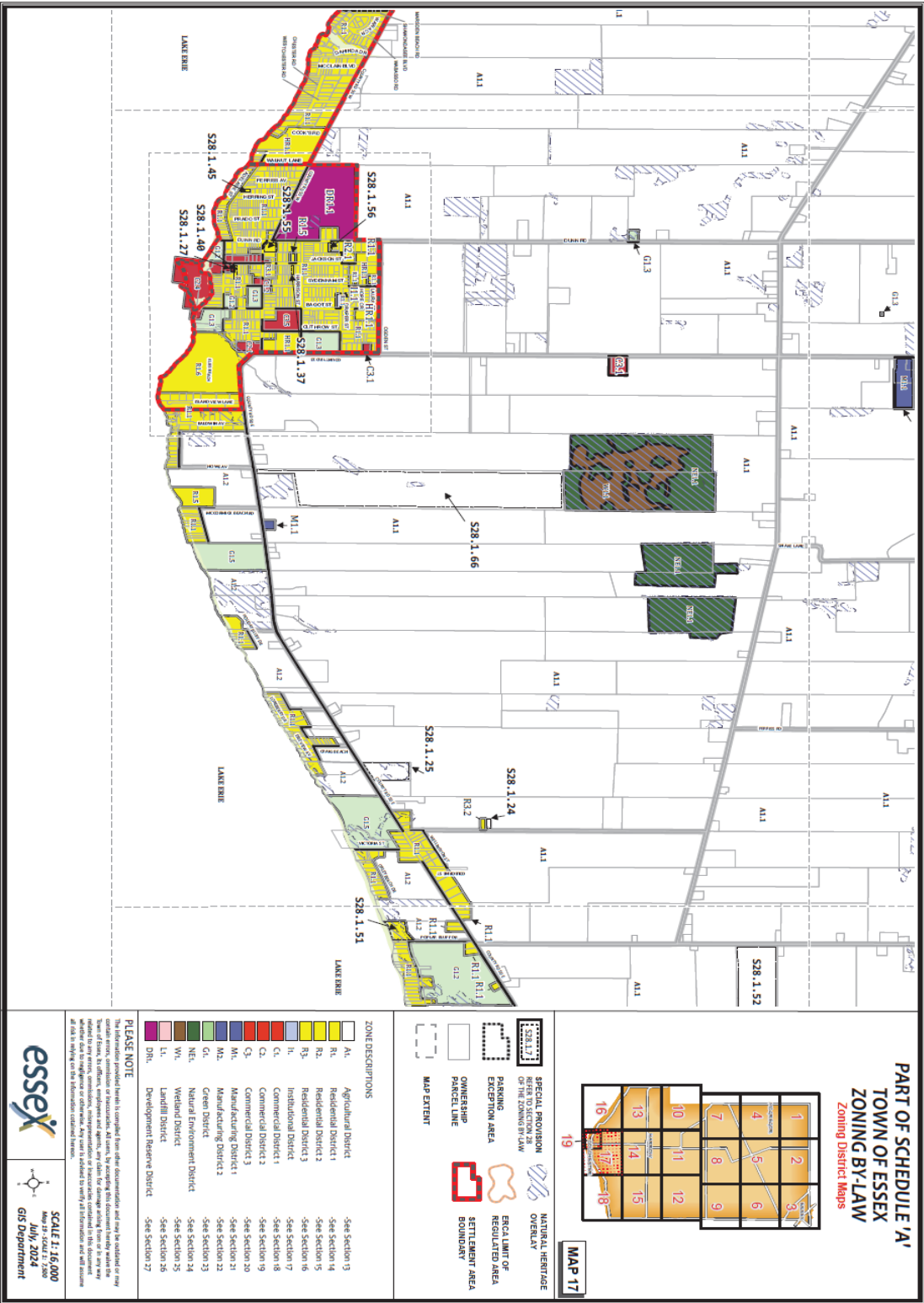




Schedule "A" – Zoning Map 16



Schedule "A" – Zoning Map 17



Schedule "A" – Zoning Map 18



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