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(Amended by By-Law 2009-15)

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5.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

5.1.1 ACCESSORY USES, BUILDINGS AND STRUCTURES PERMITTED

Where this Zoning By-Law provides that a *lot* may be used or a *building* or *structure* may be *erected* or used for a particular purpose, that purpose shall include any *accessory building* or *structure* or *accessory use* provided that:

(Amended by By-Law 2009-15)

5.1.1.1 it is not to be used for any occupation for gain or profit, except as permitted in this Zoning By-Law.

5.1.1.2 it is not to be used for human habitation, except as permitted in this Zoning By-Law; and

5.1.1.3 it complies with the provisions set out in Table 5.1.1.3 below, except where it is specifically regulated in this Zoning By-Law.

TABLE 5.1.1.3 - REGULATIONS FOR ACCESSORY USES		
Provision	Residential Zones or uses accessory to a permitted residential use in any other Zone	All Other Zones
Permitted Location	Any <i>yard</i> other than a required <i>front yard</i> and <i>exterior side yard</i>	To the rear of the required <i>Front yard</i> , in accordance with the <i>yard</i> and <i>setback</i> provisions of the zone in which such <i>building</i> or <i>structure</i> is located.
Minimum Distance from Main Buildings	1.2 m (3.9 ft)	2.0 m (6.6 ft)
Maximum Height	4.0 m (13.1 ft)	See appropriate Zone
Side Yard Setback	1.2 m (3.9 ft)	See appropriate Zone
Rear Yard Setback	1.2 m (3.9 ft)	See appropriate Zone
Lot Coverage	10% of <i>lot area</i> , or 280 m² (3014 ft ²) of floor area, whichever is the lesser, for those <i>lots</i> zoned Rural Residential (RR) and Estate Residential (ER). For all other zones 10% of the <i>lot area</i> , or 100 m² (1076.4 ft ²) of floor area, whichever is the lesser	See appropriate Zone

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(Amended by By-Law 2007-30)

5.1.2 Notwithstanding any provision of Table 5.1.1.3 to the contrary, the following provisions shall also apply:

- i) on a residentially or entrepreneurially zoned *lot*, one *accessory building*, not exceeding **10 m²** (107.6 ft²) in *gross floor area* may be excluded from the calculation of total *lot coverage*;

(Added by By-Law 2009-15)

5.1.3 EXCEPTIONS

The following *accessory uses* are not subject to the provisions of Table 5.1.1.3: awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, central air conditioning units, heat pumps, air exchangers, or similar *accessory uses*;

5.1.4 SWIMMING POOLS

The area of an unenclosed swimming pool shall not be calculated in determining total *lot coverage*.

(Amended by By-Law 2009-15)

5.2 CONSTRUCTION USES PERMITTED

5.2.1 Any part of a *lot* may be used for temporary *buildings* or *structures* such as, a tool shed, development sales office, construction *trailer*, scaffold, or sign (but not a development marketing sales sign, unless otherwise permitted by a Sign Control By-Law) associated with construction work occurring on such *lot* provided that:

(Amended by By-Law 2009-15)

5.2.1.1 the *building* or *structure* is only located on the *lot* for the duration of the construction work or as long as a valid building permit for such construction is in effect or for a period of (1) year whichever is the lesser;

5.2.1.2 the *building* or *structure* is located outside of any sight triangle; and

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5.2.1.3 the *building* or *structure* is not used for human habitation.

5.2.1.4 the *building* or *structure* is outside of the EP1 or EP2 area.

5.3 CONTROL OF ANIMALS, BIRDS AND REPTILES

Where an Animal Control By-Law has been passed by the Township, then within any Zone, except within any Agricultural Zone defined in this Zoning By-Law, the prohibition or regulation of the keeping of animals, birds or reptiles, shall be controlled by such By-Law.

5.4 CONVERTED DWELLINGS

5.4.1 IDENTIFICATION OF THE ZONE

A *converted dwelling* is permitted subject to a zoning by-law amendment and will be identified by adding the -C suffix to the parent Zone.

(Amended by By-Law 31-09)

5.4.2 MINIMUM LOT AREA

Where *sanitary sewers* are not available **0.4 ha** (1 ac)

Where served by both *sanitary sewers* and public water supply **600 m²** (6,458.5 ft²)

5.4.3 MINIMUM DWELLING SIZE

Conversion of an *existing single detached dwelling* to two *dwelling units* will only be permitted provided that the *existing dwelling* has a minimum *gross floor area* of **140 m²** (1,508 ft²).

5.4.4 ZONE REQUIREMENTS

The *converted dwelling* shall comply with all other residential use zone provisions of the zone in which such *converted dwelling* is located.

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5.4.5 LOCATION

For *converted dwellings* located outside of a settlement as defined in Section 2.7.2.1, the *dwelling* shall be required to satisfy the minimum distance separation requirements, as determined through the application of *the Minimum Distance Separation Formula I (MDS I)*, in accordance with Section 2.7, prior to permitting the conversion to two *dwelling units*.

Dwellings located within a settlement defined in Section 2.7.2.1 shall be required to satisfy the MDS I **or** not further reduce an *existing* insufficient *setback* relative to the MDS I, whichever is the lesser.

(Amended by By-Law 2009-15)

5.4.6 ALTERATIONS TO DWELLING

Alterations to an *existing single detached dwelling* shall not have the effect of increasing the *gross floor area* of the *existing dwelling* by more than 25% in order to allow the conversion to two *dwelling units*.

(Amended by By-Law 2009-15)

5.4.7 EXTERIOR STAIRWAYS

There shall be no exterior stairways except for one open fire escape, provided that it is located in the *rear yard* or *interiorside yard*.

5.5 DWELLING UNITS BELOW GRADE

No *dwelling unit* shall in its entirety, be located in a *cellar*. If any portion of a *dwelling unit* is located in a *cellar*, such portion of the *dwelling unit* shall be used for no other purpose than a furnace room, laundry room, storage room, recreation room or for a similar *use* and shall not be used for sleeping accommodation.

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However, a *dwelling unit*, in its entirety, may be located in a *basement* provided the finished floor level of such *basement* is not below the level of any sanitary or storm sewer serving the *building* or *structure* in which such *basement* is located and provided further, that the floor level of such *basement* is not more than **1 m** (3.3 ft) below the adjacent *finished grade*.

5.6 ESTABLISHED BUILDING LINE

Notwithstanding any provisions of this Zoning By-Law to the contrary, where a *single detached, semi-detached* or *duplex dwelling* or an *accessory use* thereto is to be *erected* in a built up area and there is an *established building line*, such *dwelling* or *accessory use* may be *erected* closer to the *street line* or the centre line of the *street*, as the case may be, than required by this Zoning By-Law, provided such *dwelling* or *accessory use* is not *erected* closer to the *street line* or to the centre line of the *street*, as the case may be, than the *established building line* on the date of passing of this Zoning By-Law. In no event shall any *building* or *structure* be *erected* closer than **3 m** (9.8 ft) to the *front lot line*.

(Added by By-Law 2009-15)

5.7 EXISTING LOTS HAVING LESS AREA, LOT DEPTH, AND/OR FRONTAGE

5.7.1 Where a *lot* having a *lot area, lot depth, and/or lot frontage* of not more than 20% less than that required in this Zoning By-Law is held under distinct and separate ownership from abutting *lots*, as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this Zoning By-Law, or where such a *lot* is created as a result of an expropriation, such smaller *lot* may be used and a *building* or *structure* may be *erected, altered* or used on such smaller *lot*, provided that all other requirements of this Zoning By-Law are complied with.

5.7.2 EXISTING LOTS IN AN A2 ZONE

Notwithstanding any other provisions of this Zoning By-Law to the contrary, in an A2 Zone, where a *lot* having a *lot area* of at least **16 ha** (39.5 ac) is held under distinct and separate ownership from abutting *lots* as shown by a registered conveyance in the records of the Registry Office on the 17th day of August, 1988, or such *lot* results from a *boundary adjustment*, such smaller *lot* may be used and a *building* or *structure* may be *erected, altered* or used on such smaller *lot*, provided that all other requirements of this Zoning By-Law are complied with.

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(Amended by By-Law 2009-15)

5.7.3 EXISTING RESIDENTIAL LOTS

Notwithstanding any other provisions of this Zoning By-Law to the contrary, where a *lot* is zoned RE, RR, R1 or R2, and contained within one of the following registered plans: M-21, 41M-115 and 41M-161, or such *lot* was created by the Oxford County Land Division Committee or Oxford County Council through Part Lot Control or a decision of the Ontario Municipal Board, and where such *lot* has lesser *lot area*, *lot frontage* and/or *lot depth* than required by this Zoning By-Law, such smaller *lot* may be used and a *building* or *structure* may be *erected*, altered or used on such smaller *lot*, provided that all other requirements of this Zoning By-Law are complied with.

5.8 FLOOD PLAIN AND FILL REGULATED AREA

5.8.1 EXTENT OF THE FLOOD PLAIN AND FILL REGULATED AREA

The Flood Plain and Fill Regulated Area applies to lands within the Regulatory Flood Plain and Fill Regulated Area established by the Conservation Authorities with jurisdiction in East Zorra-Tavistock Township. Where flood lines have not been established by a Conservation Authority, proponents may be required to complete such mapping to the satisfaction of the Conservation Authority, prior to development. The *Chief Building Official* shall notify the Conservation Authority of development plans within the Fill Regulated Area to determine whether such flood plain mapping is required and to obtain written confirmation from the Conservation Authority that the proposed development complies with all applicable regulations.

In accordance with the County of Oxford Official Plan, until the Significant Valleylands have been defined through study, they will be defined as the lands associated with the Flood Plain and Fill Regulated Area, in the case of the Grand River Conservation Authority or erosion hazard areas established by the Upper Thames River Conservation Authority.

5.8.2 IDENTIFICATION OF THE FLOOD PLAIN AND FILL REGULATED AREA

The Flood Plain is shown by a dotted line indicating the area subject to flood regulations on Schedule “A” of this Zoning By-Law. A dashed line on Schedule “A” of this Zoning By-Law shows the limits of the Fill Regulated Area.

(Amended by By-Law 2009-15)

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5.8.3 PERMITTED USES WITHIN FLOOD PLAIN, FILL REGULATED AREAS AND SIGNIFICANT VALLEYLANDS

5.8.3.1 FLOOD PLAIN

Only the following *uses* are permitted within the area of the Flood Plain, provided that they are also permitted in the underlying zone:

- flood control works;
- a *park*;
- a public *use* in accordance with the provisions of Section 5.21 of this Zoning By-Law;
- a *farm*, including a *regulated farm*;
- a *gravel pit*;
- a *stone quarry*;
- a *conservation project*;

except that no *buildings* or *structures* shall be permitted unless accessory to a flood control works or a *conservation project*. All other *uses* not explicitly listed above, shall be prohibited within the Regulatory Flood Line.

5.8.3.2 FILL REGULATED AREA

All *uses* of the underlying zone are permitted within the Fill Regulated Area, except that no *buildings*, *structures* or site alterations are permitted without a permit from the Conservation Authority with jurisdiction.

5.8.3.3 SIGNIFICANT VALLEYLANDS

All *uses* of the underlying zone are permitted within and adjacent to Significant Valleylands subject to the provisions of an Environmental Impact Study required by the Environmental Impact Study policies of the County of Oxford Official Plan. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under the Environmental Impact Study policies of the County of Oxford Official Plan.

(Amended by By-Law 2009-15)

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5.8.4 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within the Flood Plain and Fill Regulated Area, unless new provisions are recommended by an Environmental Impact Study. Where new provisions are recommended by an Environmental Impact Study, a zoning by-law amendment shall be required to incorporate such provisions into this Zoning By-Law.

(Amended by By-Law 2009-15)

5.9 GARDEN SUITES

5.9.1 ZONING AMENDMENT REQUIRED

Prior to placing a *garden suite* on a *lot*, an amendment to this Zoning By-Law under Section 39 of the Planning Act, as amended, will be required. The by-law will prescribe the period of time, up to ten years, authorizing the temporary *use* of the *garden suite*.

5.9.2 GARDEN SUITE OCCUPANCY

The *garden suite* shall be occupied by:

- the retired parents or grandparents of a *lot* owner or the *lot* owner's spouse, or
- the retiring lot owner provided that the main *dwelling* is occupied by the son, daughter or grandchild of the retiring lot owner.

5.9.3 LOCATION OF GARDEN SUITE

A *garden suite* located on *lots* outside of a settlement, as defined in Section 2.7.2.1, shall be required to satisfy the minimum distance separation requirements as determined through the application of the *Minimum Distance Separation Formula I (MDS I)*.

(Amended by By-Law 2007-30)

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A *garden suite* located within a Rural Cluster, as defined in Section 2.7.2.1, shall be required to satisfy the MDS I or not further reduce an *existing* insufficient *setback* relative to the MDS I, whichever is the lesser.

5.9.4 ZONE REQUIREMENTS

The *garden suite* shall be placed to the rear or side of the main *dwelling* on the *lot* and shall comply with the zone requirements of the zone in which such *garden suite* is located.

5.9.5 HEIGHT AND GROUND FLOOR AREA REQUIREMENTS

Notwithstanding the requirements of Section 5.9.4, the *garden suite* shall not exceed one *storey* in *height* and shall have a minimum *gross floor area* of **50 m²** (538.2 ft²) and a maximum *gross floor area* of **70 m²** (753.5 ft²) and shall be portable.

5.10 GREATER RESTRICTIONS

This Zoning By-Law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

5.11 GROUNDWATER RECHARGE AREAS

5.11.1 DEFINITION OF THE GROUNDWATER RECHARGE AREA

The Groundwater Recharge Area is identified as the area shown on Schedule “C” of this Zoning By-Law.

5.11.2 PERMITTED USES

All *uses existing* at the date of passing of this Zoning By-Law shall be permitted *uses* within the Groundwater Recharge Area. All *uses* permitted within the underlying zone shall be permitted within the Groundwater Recharge Area, with the exception of those listed in Section 5.11.3 of this Zoning By-Law.

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5.11.3 RESTRICTED USES

Where the following *uses* are permitted in an underlying zone, a Disclosure Report and/or a Contingency Plan must be prepared in accordance with the Water Quality and Quantity policies of the County of Oxford Official Plan, as amended prior to the issuance of a building permit for such *uses*:

(Amended by By-Law 2009-15)

- a *landfill site*;
- a lagoon or other putrescible waste disposal facility;
- an *asphalt or concrete batching plant*;
- an industrial or commercial *use* involving the storage or processing of chemical and/or petroleum products, except a *farm or regulated farm*;
- a *public garage*;
- an *automobile service station*;
- a vehicle maintenance or service *yard*;
- a *fuel storage tank* or supply *yard*;
- a *salvage yard*.

5.11.4 SITE PLAN CONTROL

Prior to the issuance of a building permit for any of the *uses* listed in Section 5.11.3 of this Zoning By-Law, the Council for the Township of East Zorra-Tavistock shall pass a Site Plan Control By-Law applying to the site and require the proponent to enter into a Site Plan Control Agreement.

5.11.5 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within the Groundwater Recharge Area.

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5.12 GROUP HOMES

5.12.1 WHERE PERMITTED

Group homes may be permitted in the following zones, subject to a Zoning By-Law amendment:

- a) the Limited Agricultural Zone (A1) and the General Agricultural Zone (A2);
and
- b) Residential Type 1 (R1), Central Commercial (CC) and Institutional (I) Zones, where the *lot* is served by *sanitary sewers* and public water supply.

5.12.2 LOCATION OF GROUP HOME

Group homes hereafter *erected* outside of a designated settlement, as defined in Section 2.7.2.1, shall meet the minimum distance separation requirements as determined through the application of the *Minimum Distance Separation Formula I (MDS I)*, in accordance with Section 2.7 of this Zoning By-Law.

5.12.3 ZONE REQUIREMENTS

A *group home* shall comply with the zone provisions for *dwelling*s permitted in the zone in which such *use* is located.

5.13 HOME OCCUPATION

5.13.1 WHERE PERMITTED

A *home occupation* is permitted subject to complying with all appropriate zoning provisions in all zones permitting a residential *dwelling unit* and shall be permitted within the residential *dwelling unit* and/or an *accessory building*.

5.13.2 FLOOR AREA LIMIT

Not more than the cumulative total of **25 m²** (269.1 ft²) of *gross floor area* of the residential *dwelling unit* and/or *accessory building* shall be used for the purposes of the *home occupation use*.

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5.13.3 STORAGE, DISPLAY AND SIGNAGE

There shall be no external storage of goods or materials and no external display or advertising other than one sign with an area of not more than **1 m²** (10.8 ft²).

5.13.4 EMPLOYEES

A maximum of one *person*, other than a *person* residing on the *lot*, may be employed by the *home occupation*.

(Amended by By-Law 2009-15)

5.13.5 RETAIL SALES AND SHIPPING AND RECEIVING

Retail sale of items made in the *home occupation* or items which are accessory and pertain directly to the *home occupation* is permitted.

The *home occupation* shall not include the shipping or receiving of goods or material by commercial *motor vehicles* greater than 4,000 kg (8,818.3 lbs) gross vehicle weight.

(Amended by By-Law 2009-15)

5.13.6 REPAIR USES

Repair of goods shall be prohibited, except for household appliances and electronic equipment as part of an approved *home occupation*.

(Amended by By-Law 2009-15)

5.13.7 BED AND BREAKFAST ESTABLISHMENT

A *bed and breakfast establishment* shall be considered a *home occupation* where located in a *single detached dwelling* house. Notwithstanding the *gross floor area* limit for a *home occupation* in subsection 5.13.2, a *bed and breakfast establishment* shall be limited to three *guest rooms*.

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5.13.8 HOME DAYCARE

A home daycare, located in a *single-detached*, a *semi-detached dwelling*, a *duplex dwelling* or a *converted dwelling* with accommodation for up to and including 5 children, shall be considered a *home occupation*. The *gross floor area* limit for a *home occupation* in subsection 5.13.2, shall not apply to a home daycare.

5.13.9 ZONE REQUIREMENTS

The *home occupation* shall comply with all other zone requirements of the zone in which such *home occupation* is located.

5.14 LOADING PROVISIONS

5.14.1 LOADING SPACES REQUIRED

The owner or occupant of any *lot*, *building* or *structure* in a Commercial, Institutional, Industrial, Village, Agri-Business or Recreational Zone, *erected* or used for any purpose involving the receiving, shipping, loading or unloading of *persons*, animals goods, wares and merchandise and raw materials shall provide and maintain at the premises, on the *lot* occupied by the *building* or *structure* and not forming part of a *street* or *lane*, within the zone in which such *use* is located, loading or unloading facilities in accordance with the rates set out in Table 5.14.1.

TABLE 5.14.1 - LOADING SPACE REQUIREMENTS		
Zone	Gross Floor Area	Number of Loading Spaces Required
Commercial,	350-2,000 m² (3,767.5-21,528.5 ft ²)	1
Institutional, Industrial,	2,001-6,500 m² (21,539.3-69,967.7 ft ²)	2
Village, Agri-Business,	6,501-12,000 m² (69,978.5-129,171.2 ft ²)	3
Recreational	greater than 12,000 m² (129,171.2 ft ²)	4

5.14.2 STANDARDS FOR LOADING SPACES

All loading spaces must be rectangular and comply with the provisions of Table 5.14.2 below:

TABLE 5.14.2 - LOADING SPACE STANDARDS	
Design Provision	Minimum Standard
Length	9.0 m (29.5 ft)
Width	3.5 m (11.5 ft)
Vertical Clearance	4.0 m (13.1 ft)
Location	1.5 m (4.9 ft) from <i>interior side lot</i> and rear lot lines and a minimum distance of 10 m (32.8 ft) from the <i>front</i> or <i>exterior lot line</i> .
Access Driveway Width	6.0 m (19.7 ft)

5.14.3 LOADING SPACE CALCULATION

The *gross floor area* shall be used for the purposes of calculating the requirement to provide loading spaces.

5.14.4 LOADING SPACE SURFACE

The *driveways* and loading spaces shall be constructed of asphalt, concrete, portland cement binder, recycled asphalt, or a stable surface of material such as crushed stone or gravel which is maintained or treated so as to prevent the raising of dust or loose particles.

(Amended by By-Law 2009-15)

5.14.5 ADDITIONS TO BUILDING

The loading space requirements referred to herein shall not apply to any *building* in existence at the date of passing of this Zoning By-Law so long as the *gross floor area* as it existed at such date is not increased. If an addition is made to the *building* or *structure* which increases the *gross floor area*, then additional loading spaces shall be provided as required by subsection 5.14.1 of the By-Law for such addition.

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5.15 MUNICIPAL DRAINS

No *buildings* or *structures* shall be *erected* within **30 m** (98.4 ft) from the top-of-bank of any open *municipal drain* within the limits of the *Corporation*. In addition to the foregoing, no *person* shall use any *lot* or *erect*, *alter* or use any *building* or *structure* within **15 m** (49.2 ft) of an enclosed *municipal drain* outside of a settlement area and for **5 m** (16.4 ft) for an enclosed *municipal drain* within a settlement.

(Amended by By-Law 2007-30)

(Amended by By-Law 2009-15)

5.16 NON-CONFORMING AND/OR NON-COMPLYING USES, SITES AND BUILDINGS

5.16.1 CONTINUATION OF EXISTING USES

The provisions of this Zoning By-Law shall not prevent the *use* of any *lot*, *building* or *structure* for any purpose prohibited by this Zoning By-Law if such *lot*, *building* or *structure* was lawfully used for such purpose on the date of passing of this Zoning By-Law, and provided that it continues to be used for that purpose.

For the purposes of Section 5.16, a barn used for housing livestock shall be deemed to comply, provided that it continues to be used to house the same type of livestock as it did on the date of passing of this Zoning By-Law.

5.16.2 NON-COMPLYING BUILDING LOCATION

Notwithstanding any provisions of this Zoning By-Law to the contrary, any *building* or *structure*, which lawfully existed at the date of passing of this Zoning By-Law, shall be deemed to comply with the relevant provisions of this Zoning By-Law pertaining to *setbacks* from a *streetline*, *yards* and *lot coverage*, provided that no portion of any such *building* or *structure* encroaches on any abutting road allowance or *lot*. Extensions or additions to any such *building* or *structure* shall still be subject to the provisions of Section 5.16.6.

(Amended by By-Law 2009-15)

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5.16.3 BUILDING PERMIT ISSUED

The provisions of this Zoning By-Law shall not apply to prevent the *erection* or *use* for a purpose prohibited by this Zoning By-Law of any *building* or *structure*, the plans for which have been approved, prior to the date of passing of this Zoning By-Law by the *Chief Building Official*, so long as the *building* or *structure* when *erected* is used and continues to be used for the purpose for which it was *erected* and provided the *erection* of such *building* or *structure* is commenced within 6 months after the date of passing of this Zoning By-Law and such *building* or *structure* is completed within a reasonable time after the *erection* thereof is commenced.

5.16.4 STRENGTHENING OF NON-CONFORMING AND/OR NON-COMPLYING BUILDINGS

Nothing in this Zoning By-Law shall prevent the strengthening to a safe condition any *building* or *structure* or part of any *non-conforming* and/or *non-complying building* or *structure* provided that the alteration or repair does not increase the *height*, size or volume of the *building* or *structure* or change the *use* of the *building* or *structure*.

For the purposes of this Zoning By-Law, a barn used for housing livestock shall be deemed to comply with this provision, provided that it continues to be used to house the same type of livestock as it did on the date of passing of this Zoning By-Law.

(Amended by By-Law 2009-15)

5.16.5 REPLACEMENT OF NON-CONFORMING OR NON-COMPLYING BUILDINGS

Where a *non-conforming* and/or *non-complying building* or *structure* is damaged or demolished due to an accidental cause, or is in a poor state of repair, as determined by a qualified professional, nothing in this Zoning By-Law shall prevent the replacement of the *non-conforming* or *non-complying building* or *structure* provided that:

(Amended by By-Law 2009-15)

5.16.5.1 the *building* or *structure* is occupied by the same *use*, or by a permitted *use*; and

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- 5.16.5.2 the *building* or *structure* is located on or within the limits of the foundation walls of the *building* or *structure* as they *existed* prior to such destruction; and
- 5.16.5.3 the *height* and floor area of such replacement does not exceed the *height* and floor area of the *building* as it *existed* prior to such destruction; and
- 5.16.5.4 the *building* or *structure* does not encroach on a municipal road allowance; and
- 5.16.5.5 the *building* or *structure* is replaced and reoccupied within one year of such destruction;
- 5.16.5.6 the *building* or *structure* does not further reduce an *existing* deficient MDS II *setback*.

(Added by By-Law 2003-07)

5.16.6 EXTENSIONS TO NON-COMPLYING BUILDINGS

Nothing in this Zoning By-Law shall prevent an extension or addition being made to *non-complying building* or *structure* provided that:

- 5.16.6.1 the *use, building* or *structure* existed at the date of passing of this Zoning By-Law but does not comply with one or more of the zone provisions of this Zoning By-Law; and
- 5.16.6.2 that such extension or addition does not contravene any of the zone provisions of this Zoning By-Law;
- 5.16.6.3 Notwithstanding Section 5.16.5.2, for a residential *use* in any residential zone, that such extension of addition does not further contravene any of the zone provisions of this Zoning By-Law.

5.16.7 MODIFICATION OR ADDITIONS TO NON-CONFORMING AND/OR NON-COMPLYING LIVESTOCK FACILITIES

Nothing in this Zoning By-Law shall prevent a modification, extension or addition being made to a *non-conforming* and/or *non-complying building* used for the housing of livestock, provided that:

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- 5.16.7.1 the *use, building or structure* existed at the date of passing of this Zoning By-Law but does not comply with one or more of the zone provisions of this Zoning By-Law; and
- 5.16.7.2 that such modification, extension or addition does not contravene any of the zone provisions of this Zoning By-Law, in accordance with Section 2.7. of this Zoning By--Law;
- 5.16.7.3 Notwithstanding 5.16.7.2., where an *existing* barn used for the housing of livestock does not comply with the required MDS II *setbacks*, calculated in accordance with Section 2.7, any modification, extension or addition resulting in a change of use, may be permitted provided that:
- (a) the proposed modification, extension or addition results in a decrease in the *existing* livestock type or change in livestock type that decreases the number of nutrient units;
 - (b) the MDS II *setbacks* required for the modified or enlarged *building* are less than, or equal to, the MDS II *setbacks* required for the *existing* livestock facility; and
 - (c) the *existing* insufficient MDS II *setbacks* for the *existing* livestock *building* from neighbouring *uses* and *lot lines* are not being further reduced.

(Amended by By-Law 2007-30)

5.16.8 NON-COMPLIANCE DUE TO PUBLIC ACQUISITION

Where the area of a *lot* is reduced as a result of the public acquisition of a part of a *lot* and where this acquisition causes any *building or structure existing* on the *lot* to become *non-complying* relative to the zone provisions, then nothing in this Zoning By-Law shall prevent the continued *use* of the *building or structure* provided that no subsequent change is made to the *lot* which would increase the extent of the non-compliance.

Where a vacant *lot* is reduced as a result of the public acquisition of part of the *lot* such that the zone provisions relating to *lot frontage, lot depth, and/or lot area* become non-compliant, then nothing in this Zoning By-Law shall prevent the *erection* of a *building* provided that all other zone provisions are complied with.

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5.16.9 EXISTING AGRICULTURAL USES

Notwithstanding any other provisions of this Zoning By-Law to the contrary, where an *existing lot* in an A2 Zone is developed for a *farm*, but not an *regulated farm*, and contains *existing farm buildings and structures*, additional *farm buildings and structures*, excluding a *dwelling*, may be *erected* or *existing farm buildings and structures* may be altered in accordance with the following minimum requirements and all other provisions of the A2 zone.

(Amended by By-Law 2009-15)

5.16.9.1 LOT AREA

Minimum **4 ha** (9.9 ac)

5.16.9.2 LOT FRONTAGE

Minimum **60 m** (196.9 ft)

5.16.10 MINOR VARIANCES TO THE ZONING BY-LAW

A minor variance approved by the Township of East Zorra-Tavistock Committee of Adjustment in relief to the provisions of By-Laws No. 11-76 and 15-83 of the Township of East Zorra-Tavistock shall still remain in effect and a building permit may be issued by the *Chief Building Official* provided that the terms and conditions of any decision of the Committee of Adjustment have been complied with.

5.17 ON-FARM DIVERSIFIED USES

5.17.1 ZONING AMENDMENT REQUIRED

Prior to establishing an *on-farm diversified use* on a *lot*, an amendment to this Zoning By-Law will be required. The amendment will restrict the number of permanent *on-farm diversified uses* to one per *farm lot*.

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5.17.2 ZONE REQUIREMENTS

The *on-farm diversified use* shall comply with the zone requirements of the zone in which such *use* is located.

5.17.3 OPEN STORAGE

No open storage of goods or materials shall be permitted.

5.17.4 GROSS FLOOR AREA REQUIREMENTS

The maximum *gross floor area* for an *on-farm diversified use* in a new or existing building or structure shall be **225 m²** (2,422 ft²).

5.17.5 EMPLOYEES

The *on-farm diversified use* shall only be carried out by the farm operator and family members residing on the *farm* and up to one additional full-time employee.

5.17.6 RETAILING AND WHOLESALING RESTRICTION

The general wholesaling or retailing of goods, wares or merchandise is not permitted except for goods, wares or merchandise produced, assembled, processed or fabricated on the *farm*, or which are directly related to the permitted *on-farm diversified use*.

5.17.7 PARKING

Parking for an *on-farm diversified use* shall be provided in accordance with the 'Other Uses' category, as contained in Table 5.18.2.1 – Parking Standards.

5.17.8 SECONDARY TO THE FARM OPERATION

The *on-farm diversified use* must be clearly secondary and ancillary to the *farm* operation.

(Added by By-Law 2009-15)

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5.17.9 SITE PLAN APPROVAL

Proposals for *on-farm diversified uses* shall be accompanied by a detailed site plan showing the location of *buildings* and *structures*, wells and septic beds; areas for parking, storage and landscaping; points of access; and any other information deemed relevant to the proposal.

(Added by By-Law 2009-15)

5.18 PARKING PROVISIONS

5.18.1 GENERAL REQUIREMENTS FOR PARKING AREAS

5.18.1.1 OFF-STREET PARKING AREAS REQUIRED

Unless otherwise stated in this Zoning By-Law, *motor vehicle parking spaces* must be provided on the same *lot* as the *building* to which such parking is associated in accordance with the parking standards set out in Section 5.18.2.

5.18.1.2 MORE THAN ONE USE PER LOT

In a *building* or *structure* in which more than one *use* is located, the total requirement for parking will be the sum of the requirements applied to each separate *use*, unless otherwise expressly stated

5.18.1.3 PARTS TO BE CONSIDERED AS REQUIRED SPACES

Where the application of the parking standards as set out in Section 5.18.2 results in part of a *parking space* being required, such part will be considered as one required space.

5.18.1.4 USE OF PARKING AREAS AND SPACES

5.18.1.4.1 All required *parking spaces* must be used exclusively for that purpose and must not be used for any other purpose; and

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5.18.1.4.2 Where a *parking area* or space is permitted or required under this Zoning By-Law, no *person* shall *use* such area or space, in any zone, for parking any *motor vehicle* unless such vehicle is operative, used in operations incidental to the permitted *uses* in respect of which such *parking area* or space is provided, and bearing a *motor vehicle* license plate which is currently valid.

5.18.1.4.3 COMMERCIAL MOTOR VEHICLES AND TRACTOR TRAILERS IN RESIDENTIAL ZONES

No *person* shall use any *lot, building* or *structure* in a Residential Zone for the parking or storage of any commercial *motor vehicle* unless he or she is the owner or occupant of such *lot, building* or *structure*, and provided that said vehicle shall not exceed 4000 kilograms (8,818.3 lb) Gross Vehicle Weight (unloaded) as registered with the appropriate regulating authority and provided that not more than one commercial *motor vehicle* is stored in accordance with this Section.

No *person* shall use any *lot, building, structure, or street* in a Residential Zone for the parking or storage of any tractor *trailer* or part thereof. This provision shall not include commercial *motor vehicles* or tractor-trailers which temporarily attend at residential premises for the purposes of delivery and/or service provided to the occupants of such residential premises.

Notwithstanding subsection 5.18.1.4.3, a maximum of 2 of either a school bus or a tractor and/or *trailers* may be parked or stored on a *lot* in an A1 or A2 zone, and a maximum of 1 school bus or 1 tractor and/or *trailer* may be parked or stored on a *lot* in an RE or RR zone, located outside of a settlement, as defined in Section 2.7.2.1.

5.18.1.5 ACCESS TO PARKING SPACE

A *parking space* must have unobstructed access from a public *street* by either a *driveway* or an aisle leading to a *driveway*.

5.18.1.6 PARKING SPACE AND PARKING AISLE STANDARDS

Motor vehicle parking spaces and *parking aisles* shall comply with the standards set out in Table 5.18.1.6 and be in accordance with Schedule “B” of this Zoning By-Law.

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TABLE 5.18.1.6 - PARKING SPACE AND AISLE STANDARDS			
Angle of the Parking Spaces	Minimum Perpendicular Width of the Aisle	Depth of Parking Space	Width of Parking Space
30 degree	3.4 m (11.2 ft)	4.6 m (15.1 ft)	for cars parked side by side 2.7 m (8.9 ft), for cars parked with wall or fence adjacent 3 m (9.8 ft)
45 degree	3.7 m (12.1 ft)	5.5 m (18.0 ft)	
55 degree	4.3 m (14.1 ft)	5.8 m (19.0 ft)	
60 degree	4.9 m (16.1 ft)	5.8 m (19.0 ft)	
65 degree	5.2 m (17.1 ft)	5.8 m (19.0 ft)	
70 degree	5.5 m (18.0 ft)	5.8 m (19.0 ft)	
90 degree	6.7 m (22.0 ft)	5.5 m (18.0 ft)	
parallel parking	4 m (13.1 ft) for one way traffic and 6 m (19.7 ft) for two way traffic	6.5 m (21.3 ft)	
angle other than those listed	Shall meet the requirements for the angle of parking which is greater than the angle being provided		

5.18.1.7 DRIVEWAY STANDARDS

The following standards apply to *driveways* providing ingress and egress to *parking spaces* from *County Roads*. Standards applicable to entrances from Township Roads shall be in accordance with the Township of East Zorra-Tavistock Entrances from Roadways By-Law:

(Amended by By-Law 2009-15)

5.18.1.7.1 MINIMUM WIDTH ONE-WAY ACCESS

Where the access to a *parking space* is provided directly by a *driveway* from a public *street*, the *driveway* must be at least **3.0 m** (9.8 ft) in width and no more than **9 m** (29.5 ft) in width;

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5.18.1.7.2 WIDTH OF JOINT ACCESS

Where a joint ingress and egress *driveway* is provided to a *parking aisle*, the *driveway* width measured along the *street line* shall be at least **6.7 m** (22 ft) in width and no more than **9 m** (29.5 ft) in width.

5.18.1.7.3 NUMBER OF DRIVEWAYS PERMITTED

Every *lot* shall be limited to not more than 2 *driveways* up to the first **30 m** (98.4) of frontage; and not more than 1 additional *driveway* for each additional **30 m** (98.4 ft) of frontage, provided that where a *lot* has more than 1 *driveway*, a separation of at least **9 m** (29.5 ft) shall be maintained between each *driveway*, as measured along the *streetline* between the said *driveways*.

5.18.1.7.4 DISTANCE FROM INTERSECTION

The minimum distance between a *driveway* and an intersection of *street lines* is **9 m** (29.5 ft).

5.18.1.8 PARKING AREA SURFACE

Each *parking area* and *driveway* connecting the *parking area* with a *street* shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, recycled asphalt, crushed brick (or tile), cinders, asphalt or concrete and with provisions for drainage facilities.

5.18.1.9 ADDITIONS TO BUILDINGS

The *parking area* requirements referred to herein shall not apply to any *building* in existence at the date of passing of this Zoning By-Law so long as the floor area, as it existed at such date, is not increased, and the *building* or *structure* is used for a purpose which does not require more *parking spaces* according to subsection 5.18.2 of this Zoning By-Law than were required by its *use* at the date of passing of this Zoning By-Law. If an addition or change of *use* is made to a *building* or *structure* as it existed at the date of passing of this Zoning By-Law, then additional *parking spaces* shall be provided to the number required for such addition or change in *use*.

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5.18.2 MOTOR VEHICLE PARKING STANDARDS

5.18.2.1 OFF-STREET PARKING REQUIRED

Off-street parking for *motor vehicles* must be provided as set out in Table 5.18.2.1.

TABLE 5.18.2.1 - PARKING STANDARDS		
Land Use Category	Use	Number of Vehicle Parking Spaces Required
Residential Uses	- <i>single detached dwelling</i> - <i>duplex dwelling</i> - <i>semi-detached dwelling</i> - <i>converted dwelling</i> - <i>mobile dwelling</i> - <i>street fronting townhouse dwelling</i>	- 2 per <i>dwelling unit</i>
	- <i>bed and breakfast</i> - <i>boarding or lodging house</i>	- 1 per <i>guest room</i>
	- <i>home occupation</i>	- 1 space
	- <i>garden suite</i>	- 1 per <i>garden suite</i>
	- <i>residential units in a portion of a non-residential building</i> - <i>multiple unit dwelling</i> - <i>apartment dwelling</i>	- 1.5 per <i>dwelling unit</i>
Business Uses	- <i>commercial school</i> - <i>financial institution</i> - <i>funeral home</i> - <i>laundromat</i> - <i>personal service establishment</i> - <i>retail store</i> - <i>service shop</i> - <i>studio</i>	- 1 per 20 m² (215.3 ft ²) of <i>gross floor area</i>
	- <i>eating establishment</i>	- 1 per 9 m² (96.9 ft ²) of <i>gross floor area</i>
	- <i>wholesale establishment</i>	- 1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>
	- <i>hotel or motel</i>	- 1.2 per <i>guestroom</i>
Office Uses	- <i>business or professional office</i> - <i>government administrative offices</i>	- 1 per 20 m² (215.3 ft ²) <i>gross floor area</i>

TABLE 5.18.2.1 - PARKING STANDARDS		
Land Use Category	Use	Number of Vehicle Parking Spaces Required
	<ul style="list-style-type: none"> - animal kennel - medical centre - veterinary clinic 	- Minimum of 4 spaces or 6.0 per 100 m² gross floor area whichever is greater
Industrial Uses	- truck transportation terminal	- 1 per 100 m² (1,076.4 ft ²) gross floor area
	- warehouse	- 1 per 185 m² (1,991.4 ft ²) of gross floor area
	- all other industrial uses	- 5 plus 1 per 90 m² (968.8 ft ²) of gross floor area
Institutional Uses	- place of worship	- 1 for every 5 seats capacity, or 1 for each 5 m² (53.8 ft ²) of floor area used for a hall or auditorium, whichever is greater.
	- school	- 1 per classroom, or 1 per 5 m² (53.8 ft ²) of floor area in the gymnasium and/or auditorium, whichever is greater.
	- long term care facility	- 1 per 3 beds or fraction thereof
	- group home	- 4 spaces
Leisure and recreation type uses	<ul style="list-style-type: none"> - museum - library - recreational or athletic facility or club 	- 1 per 20 m² (215.3 ft ²) of gross floor area. Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking.
	<ul style="list-style-type: none"> - arena or community centre - assembly hall - fraternal lodge or institutional hall - place of entertainment 	- 1 per 10 m² (107.6 ft ²) of gross floor area or 1 space for every 5 seats whichever is greater
	- bowling alley	- 4 per lane
	- curling facility	- 4 per curling sheet
Other Uses	- All other uses permitted by this Zoning By-Law other than those listed in this table	- 1 per 40 m² (430.6 ft ²) of gross floor area

(Amended by By-Law 2009-15)

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5.18.2.2 ACCESSIBLE PARKING

Where more than 10 *motor vehicle parking spaces* are required, 1 space out of the first 10 spaces and 1 space out of each additional 100 spaces, or portion thereof, shall be provided near and accessible to the point of entrance to the *building* and clearly marked for the exclusive *use of persons* with disabilities and shall have a minimum width of **3.9 m** (12.8 ft) and minimum length of **5.5 m** (18 ft). Where a walkway dedicated to pedestrian access, and having a minimum width of **1.5 m** (4.9 ft), is provided between two accessible *parking spaces*, the minimum width of each accessible *parking space* may be reduced to **2.4 m** (7.9 ft).

(Amended by By-Law 2009-15)

5.18.2.3 TANDEM PARKING

Where parking is provided at the *dwelling unit* in an individual *driveway*, the required parking for that *dwelling* may be provided by a *tandem parking space*.

5.18.3 LOCATION OF PARKING AREAS

5.18.3.1 YARDS AND SETBACKS

Motor vehicle parking areas must be situated in accordance with the requirements set out in Table 5.18.3.

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TABLE 5.18.3 - LOCATION AND SETBACK REQUIREMENTS FOR PARKING AREAS				
Zones	Yards Where Parking is Permitted	Setback of Parking From:		
		Street Line	Interior Side Lot Line	Rear Lot Line
Residential or Village Zones, residential units with individual driveways	All yards, provided that no more than 50% of the <i>front yard</i> or <i>exterior side yard</i> is used for a parking area.	1.0 m (3.3 ft)	---	---
Residential Zone, units without individual driveways	<i>Interiorside yard</i> <i>Rear yard</i>	--	1.5 (4.9 ft)	1.5 m (4.9 ft)
Commercial, Institutional, Industrial, Agricultural, Mixed Use, Development and Recreational Zones	All yards	1.0 m (3.3 ft)	---	---

5.18.3.2 PARKING SPACE LOCATION ON OTHER LOT

Where the owner of a *building* or *structure* proposes to provide the required *parking spaces* and areas in a location other than on the same *lot* as the *use* that requires such spaces and areas, then such spaces and areas shall be located not more than **150 m** (492.1 ft) from the said *lot* and shall be located within the same zone as the said *lot*. A site plan agreement shall be registered on the title of the lands used for off-site parking, committing those spaces to the related *use*.

5.19 PLANTING STRIPS

5.19.1 REQUIREMENTS FOR NON-RESIDENTIAL USES

5.19.1.1 Where a *lot* is used for any Non-Residential purpose and the *interior side* or *rear lot line* abuts a residential *use* or undeveloped land in a Residential Zone or Development Zone, then a strip of land adjoining such abutting *lot line*, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

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5.19.1.2 Where such *lot* is in an Industrial Zone and the *front, side* or *rear lot line* abuts a portion of a *street*, the opposite side of which portion of the *street* abuts a residential *use* or undeveloped land in a Residential Zone or Development Zone, then a strip of land adjoining such abutting *lot line*, or portion thereof, shall be used for no other purpose than planting in accordance with the provisions of this subsection.

5.19.2 WIDTH

Where a planting strip is required in any zone and consists of landscaping or a berm, the planting strip shall have a minimum width of **3 m** (9.8 ft). A planting strip consisting of a privacy fence or wall shall have a minimum width of **1 m** (3.3 ft).

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A planting strip shall be used for no other purpose than for a row of trees, a continuous unpierced hedgerow of evergreens or shrubs, a berm, a wall, or a privacy fence, not less than **1.5 m** (4.9 ft) high, immediately adjacent to the *lot line* or portion thereof along which such planting strip is required hereunder, arranged in such a way as to form a dense or opaque screen; with the remainder of the strip used for shrubs, flower beds or grass, ground cover or a combination thereof.

5.19.4 DRIVEWAYS AND WALKS

In all cases where the ingress and egress of a *driveway* and/or walk extend through a planting strip, it shall be permissible to interrupt the planting strip within **3.0 m** (9.8 ft) of the edge of said *driveway* and within **1.5 m** (4.9 ft) of the edge of said walks.

5.19.5 LANDSCAPED OPEN SPACE

A planting strip referred to in this subsection may form part of any *landscaped open space* required by this Zoning By-Law.

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5.20 PROHIBITED USES IN ALL ZONES

The following *uses* are prohibited in all zones, either alone or in conjunction with other *uses*, unless specifically cited as a permitted *use* in a specific zone:

A track for the driving, racing or testing of automobiles, motorcycles, snowmobiles, all-terrain vehicles or any other *motorized vehicles*.

(Amended by By-Law 2009-15)

5.21 PUBLIC USES

5.21.1 PUBLIC SERVICES

The provisions of this Zoning By-Law shall not apply to the *use* of any *lot* or to the *erection* or use of any *building* or *structure* for purposes of providing public services:

- (i) by the *Corporation* or the *County* as defined by the Municipal Act;
- (ii) by any utility system operated by the *Corporation* or another body on behalf of the *Corporation* which provides said utility to the residents of the *Corporation* and possessing all the necessary powers, rights, licenses and franchise;
- (iii) by any gas, oil or water pipeline, telephone line, cable television line or any similar utility service line, including any substation, transformer, regulator, compressor or similar utility service *building* or *structure*;
- (iv) any Conservation Authority established by the Government of Ontario;
- (v) any department of the Government of Ontario or Canada, including Hydro One;
- (vi) for any *use* permitted under The Railway Act or any other statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that where such *lot*, *building* or *structure* is located in any zone:

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5.21.1.1 no goods, material or equipment shall be stored in the open, except as permitted in such zone;

5.21.1.2 any *height of building, yards*, planting strips, parking, loading, *setback* and *lot coverage* provisions of the zone within which the *use* is located shall be complied with. In residential zones, the *use* shall be enclosed in a *building* designed and maintained in a manner that is generally compatible with residential *buildings* of the same type permitted in such zone;

5.21.1.2.1 Notwithstanding the *yard* and *setback* provisions of this Zoning By-Law to the contrary, for public water and sewage facilities in any zone, the following provisions shall apply:

FRONT, REAR, AND SIDE YARDS

Minimum Depth **1.2 m (3.9 ft)**

5.21.2 STREETS AND INSTALLATIONS

Nothing in this Zoning By-Law shall prevent land to be used as a *street* or prevent the installation of a *watermain, sanitary sewer main, storm sewer main, gas main, valve or meter, pipe line, lighting fixtures, group mail boxes, bus shelters or overhead or underground hydro, telephone or other supply line or communication line* provided that the location of such main, line or fixture has been approved by the *Corporation* and/or the *County*.

(Amended by By-Law 2009-15)

5.21.3 EXCEPTIONS

5.21.3.1 Where in this Zoning By-Law under the heading of "USES PERMITTED", a *use* is specifically permitted in a zone, which *use* without such reference thereto would be permitted in any zone pursuant to the provisions of subsection 5.20.1, then such *use* shall be deemed to be permitted only within the zone or zones making such specific reference thereto and the said subsection 5.20.1 shall not apply to such *use*.

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- 5.21.3.2 Notwithstanding any provisions of this Zoning By-Law to the contrary, new *infrastructure* or utilities will only be permitted within any zone located outside of designated settlements, as defined in subsection 2.7.2.1 of the By-Law, or on lands within an EP1 and EP2 Overlay as shown on Schedule “A” of this Zoning By-Law or Fish Habitat Protection Area as defined on Schedule “C” of this Zoning By-Law, where such *infrastructure* or utility has first been approved through an environmental assessment process.

(Amended by By-Law 2009-15)

5.22 SIGHT TRIANGLES

On a *corner lot* within the triangular space formed by the *street lines* and a line drawn from a point on one *street line* to a point in the other *street line*, each such point being **9.0 m** (29.5 ft), measured along the *street line* from the point of intersection of the *street lines*, no *building, structure, planting* or vehicle shall be located in such a manner as to impede vision between a *height* of **0.6 m** (2 ft) and **4.0 m** (13.1 ft) above the centreline grade of the intersecting *streets*.

Where the two *street lines* do not intersect at a point, the point of intersection of the *street lines* shall be deemed to be the intersection of the projection of the *street lines* or the intersection of the tangents to the *street lines*.

5.23 SIGNIFICANT ENVIRONMENTAL FEATURES

5.23.1 ENVIRONMENTAL PROTECTION 1 OVERLAY

The Environmental Protection 1 (EP1) Overlay shall apply to lands containing the following Provincially Significant Environmental Features which are identified in the County Official Plan:

Significant Habitat of Endangered or Threatened Species and other Significant Wildlife Habitat
Significant Wetlands.

(Amended by By-Law 2009-15)

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5.23.1.1 IDENTIFICATION OF THE OVERLAY

The EP1 Overlay corresponds to the features listed in 5.23.1 and is identified on Schedule "A" of this Zoning By-Law. Section 2.5 of this Zoning By-Law provides an explanation for the interpretation of these overlay areas.

5.23.1.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no *person* shall within any EP1 Overlay use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the following *uses*:

- *uses* existing at the date of passing of this Zoning By-Law;
- a *farm* on *existing* cleared areas, excluding *farm buildings, structures* and *accessory dwellings*;
- a public *use*, in accordance with the provisions of Section 5.21 of this Zoning By-Law;
- a *conservation project*.

Notwithstanding the provisions of the underlying zone, no development or site alteration shall be permitted within an EP1 Overlay, except for a *use* which legally existed on the date of passing of this Zoning By-Law, provided that no additional development or site alteration shall be permitted, except as specified in Section 5.23.1.3; and

Within the EP1 Overlay, the harvest of timber in conformity with the County Woodland Conservation By-Law shall be permitted in accordance with the Environmental Protection Area policies of the County of Oxford Official Plan.

All other *uses* not listed above shall be prohibited within the area of the EP1 Overlay.

(Amended by By-Law 2009-15)

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5.23.1.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *accessory structure* existing at the time of passing of this Zoning By-Law may be replaced, rebuilt or altered provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of the *existing building* or *accessory structure* by more than 25%. Any such replacement, rebuilding or alteration to a *building* or *accessory structure* shall take place within the area of the *existing* foundation. Any portion of a *use* that legally existed at the date of passing of this Zoning By-Law and is not located within *existing buildings* or *structures* shall only be permitted within *existing* cleared areas.

Notwithstanding the above paragraph, a covered or uncovered deck, stoop and/or landing may be attached to a residential *dwelling* existing at the date of passing of this Zoning By-Law, or to any residential *dwelling* that has been replaced, rebuilt or otherwise altered in accordance with the above paragraph. Any such covered or uncovered deck, stoop and/or landing shall be constructed in accordance with Section 5.1 and shall not exceed **23.2 m²** (250 ft²) in area.

5.23.1.4 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP1 Overlay areas.

5.23.2 ENVIRONMENTAL PROTECTION 2 OVERLAY

The Environmental Protection 2 (EP2) Overlay shall apply to lands containing the following Provincially Significant Environmental Features which are identified in the County Official Plan:

Significant Valleylands
Significant Woodlands
Areas of Natural and Scientific Interest for the Life Sciences
Significant Wildlife Habitat.

Fish Habitat consists of all watercourses, ponds, lakes and reservoirs within the Township.

(Amended by By-Law 2009-15)

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5.23.2.1 IDENTIFICATION OF THE OVERLAY AND FISH HABITAT

The EP2 Overlay corresponds to the features listed in Section 5.23.2 and is identified on Schedule "A" of this Zoning By-Law. Section 2.5 of this Zoning By-Law provides an explanation for the interpretation of these overlay areas.

5.23.2.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no *person* shall within any EP2 Overlay use any *lot* or *erect*, alter or use any *building* or *structure* for any purpose except one or more of the following *uses*:

- a public *use*, in accordance with the provisions of Section 5.21 of this Zoning By-Law, and authorized through an environmental assessment process;
- a *single detached dwelling* on a properly zoned *lot* of record created on or before April 17, 1979, in accordance with the permitted *uses* and provisions of the underlying zone;
- a *use* which legally existed on the date of passing of this Zoning By-Law, provided that no additional development or site alteration shall be permitted, except as specified in 5.22.2.3;
- a *single detached dwelling* on a *lot* which was part of a plan of subdivision registered or draft approved on or before April 17, 1979;
- a *farm* on *existing* cleared areas, excluding *farm buildings*, *structures* and *accessory dwellings* including the land application of nutrients, in accordance with the Nutrient Management Act;
- a *recreation trail*;
- a picnic area;
- a *conservation project*;
- a *building* or *structure* used for flood or erosion control purposes, or for the management of the natural environment, as approved by the *Corporation*, the *County*, the Conservation Authority with jurisdiction and the Ministry of Natural Resources;
- a *passive use park* approved by the *Corporation* and the *County*, in consultation with the Conservation Authority with jurisdiction.

(Amended by By-Law 2009-15)

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Within the EP2 Overlay, the harvest of timber, in conformity with the County Woodland Conservation By-Law shall be permitted in accordance with Environmental Protection Area policies of the County of Oxford Official Plan.

All other *uses* not explicitly listed above shall be prohibited within the area of the EP2 Overlay and Fish Habitat.

5.23.2.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *accessory structure* which legally *existing* at the time of passing of this Zoning By-Law may be replaced, rebuilt or altered thereto, after the passing of this Zoning By-Law provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of the original *building* or *accessory structure* by more than 25%. Any such replacement, rebuilding or alteration to such a *building* or *accessory structure* shall take place within the area of the original *building* foundation. Any portion of a *use* that legally existed at the date of passing of this Zoning By-Law and is not located within an *existing building* or *structure* shall only be permitted within *existing* cleared areas.

5.23.2.4 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP2 Overlay and Fish Habitat areas.

5.23.3 DISTANCE FROM THE EP1 OVERLAY AND THE EP2 OVERLAY AND FISH HABITAT WHERE AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED

Development and site alteration and stock piling of materials within **120 m** (393.7 t) of the EP1 Overlay must comply with the Environmental Impact Study Requirements of the County of Oxford Official Plan.

Notwithstanding the above, where a residential *use* exists within the EP1 Overlay or within **120 m** (393.7 ft) area adjacent to the EP1 Overlay, *buildings* and *structures* accessory to the said residential *uses* may be permitted within **120 m** (393.7 ft) of the EP1 Overlay without an EIS, in accordance with Section 5.1 and the Regulations for *Accessory uses* in Residential Zones contained in Table 5.1.1.3 of this Zoning By Law.

(Amended by By-Law 2009-15)

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Development, site alteration and stockpiling of materials within **50 m** (164 ft) of the EP2 Overlay or edge of Fish Habitat, except those *uses* permitted in Section 5.23.2.2, must comply with the Environmental Impact Study Requirements of the County of Oxford Official Plan.

Buildings and structures accessory to a *single detached dwelling* or any residential *uses existing* within the EP2 Overlay or within **50 m** (164 ft) of the EP2 Overlay shall be permitted in accordance with Section 5.1 and the Regulations for accessory uses in Residential Zones contained in Table 5.1.1.3 of this Zoning By-Law.

5.23.3.1 PERMITTED USES

All of the *uses* of the underlying zone are permitted within the distances specified, subject to the provisions of an Environmental Impact Study undertaken by the applicant pursuant to the Environmental Impact Study policies of the County of Oxford Official Plan. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under the Environmental Impact Study policies of the County of Oxford Official Plan.

5.23.3.2 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within these areas, unless new provisions are recommended by the Environmental Impact Study. Where new provisions are recommended by an Environmental Impact Study, a zoning by-law amendment shall be required to incorporate such provisions into this Zoning By-Law.

(Amended by By-Law 2009-15)

5.24 SITE PLAN CONTROL

Where *uses* located within any of the zones described in this Zoning By-Law are also within an area designated by By-Law as being subject to Site Plan Control, pursuant to the Planning Act, R.S.O. 1990, as amended, such *uses* shall be subject to the provisions of the zone as well as any requirements of the Township of East Zorra-Tavistock's Site Plan Control By-Law and associated guidelines, as amended.

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5.25 SITES OF POTENTIAL ENVIRONMENTAL CONTAMINATION

Sites of potential environmental contamination include sites presently or formerly used for industrial, utility or waste disposal, a *landfill site*, or a *salvage yard*. Known sites will be placed in a Holding Zone pursuant to Section 36 of the Planning Act, as amended. A zoning by-law amendment will be required to remove the "H" symbol.

5.26 SLOPE AND EROSION HAZARD AREA RESTRICTIONS

Notwithstanding the provisions of the underlying zone, no new *buildings* or *structures* shall be permitted within areas identified as being within the *one hundred year erosion limit* adjacent to ravines, river valleys and streams. Such erosion limits shall be established by the Conservation Authority with jurisdiction.

(Amended by By-Law 2009-15)

5.27 STREET FRONTAGE REQUIRED

No *building* or *structure* shall be *erected*, *altered* or enlarged on any *lot* which does not have *lot frontage* on an *improved street* required for the zone which applies to the *lot*.

5.28 STORAGE OR PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

- 5.28.1 No *person* shall in any Residential Zone *use* any *lot* for the parking or storage of any *recreational vehicle* except in accordance with the following provisions:
- 5.28.2 The owner or occupant of any *lot*, *building* or *structure* in any Residential Zone may store or park not more than two *recreational vehicles* provided such *recreational vehicles* do not exceed **9 m** (29.5 ft) in total length.
- 5.28.3 The *recreational vehicle* must be stored within a detached or attached *private garage* or *carport* or in the *rear yard* or the *interior side yard* provided that such *recreational vehicle* is located no closer than **1.0 m** (3.3 ft) to the *rear lot line* or *interior side lot line*.

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5.28.4 TEMPORARY STORAGE

Notwithstanding the provisions of Section 5.26.3 of this Zoning By-Law, the owner or occupant of any *lot* in a Residential Zone may store or park not more than two *recreational vehicles* that do not exceed **9 m** (29.5 ft) in total length in the *front yard* of such *lot* for a total period of not more than 72 hours in one calendar month.

5.28.5 FULLY ENCLOSED

Notwithstanding the provisions of subsection 5.26.1 of this Zoning By-Law, the limitations imposed therein shall not restrict the number of such *recreational vehicles* that are fully enclosed within a detached or attached *private garage*.

5.28.6 OCCUPANCY

No *recreational vehicle* as defined in this Zoning By-Law shall be used for permanent home occupancy while stored on any *lot*.

5.29 THROUGH LOTS

Where a *lot* which is not a *corner lot* has frontage on more than one *street*, the *setback* and *front yard* requirements contained herein shall apply on each *street* in accordance with the provisions of the zone or zones in which such *lot* is located.

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5.30 YARD, SETBACK AND HEIGHT - PERMITTED ENCROACHMENTS

5.30.1 PERMITTED PROJECTIONS INTO REQUIRED YARDS

Notwithstanding the *yard* requirements established in this Zoning By-Law, the following projections are permitted from a main *building* in accordance with the provisions set out in Table 5.2301.

TABLE 5.30.1 - PERMITTED PROJECTIONS INTO REQUIRED YARDS			
Structure	Yard in Which Projection Permitted	Maximum Projection Permitted into Required Yards	Minimum Setback Between Projection and Lot Line
Steps providing access to ground floor, uncovered and unenclosed decks, balconies, stoops or landings not exceeding one storey in height	Front	No limit	5.0 m (16.4 ft)
	Rear	No limit	1.2 m (3.9 ft)
	<i>Interior side yard</i>	No limit	0.6 m (2 ft)
Ramp used for accessibility access	All	Unlimited	None
Covered decks, stoops or landings not exceeding one storey in height	Front	1.5 m (4.9 ft)	4.0 m (13.1 ft)
	Rear	No limit	4.0 m (31.1 ft)
Sills, cornices, pilasters, chimneys, eaves, gutters, and similar architectural features	All	0.6 m (2 ft)	None
Bay windows	Front & Rear	1.0 m (3.3 ft)	None
Fire escapes, steps providing access above ground floor and balconies above ground floor	<i>Rear</i>	1.0 m (3.3 ft)	None
	<i>Side Yards</i>	1.0 m (3.3 ft)	None

(Amended by By-Law 2009-15)

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5.30.1.1 Notwithstanding the provisions of Section 5.30.1 the following provisions shall also apply:

- No projection is permitted into a required *parking area* or *driveway*;
- In a zone in which the *yard setbacks* for the main *building* are less than the minimum *yard setbacks* required by Table 5.30.1 for such structures, then they may be *erected* in accordance with *setback* requirements for the main *building*, unless otherwise noted in this Zoning By-Law; and
- No part of any *building* or *structure* on any *lot* shall project beyond any *lot* line or *street line* of such *lot*, except in the case of a projection beyond a *street line*, where an encroachment permit has been approved for such projection by the Township of East Zorra-Tavistock or, in the case of a *County Road*, the County of Oxford.

(Amended by By-Law 2009-15)

5.30.2 HEIGHT EXCEPTIONS

The *height* provision of this Zoning By-Law shall not apply to prevent the *erection* and/or use of the following *uses*, in zones where such *uses* are associated, and provided that such features are *erected* only to such *heights* as is necessary to accomplish their purpose:

- A church spire, steeple or belfry;
- A cupola, dome or other ornamental structure;
- A flag pole;
- A clock tower or bell tower;
- A chimney or smoke stack;
- A firewall;
- A lightning rod or weathervane;
- A skylight; elevator penthouse, water tank, mechanical penthouse or other heating, cooling or ventilation equipment, or structure enclosing such features;
- A *communications structure*;
- A radio or television antennae;
- A feedmill, commercial grain elevator or silo;

(Amended by By-Law 2009-15)

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5.30.3 BUILDING IN BUILT-UP AREA

Notwithstanding the *yard* or *setback* provisions of this Zoning By-Law to the contrary, where a *dwelling unit*, *accessory use*, or commercial *use* in a Residential or Village Zone is to be *erected* in a built-up area where there is an *established building line* such *dwelling unit*, *accessory use*, or commercial *use* may be *erected* closer to the *street line* or the centre line of the *street*, as the case may be, than required by this Zoning By-Law provided such *dwelling unit*, *accessory use* or commercial *use* is not *erected* closer to the *street line* or to the centre line of the *street*, as the case may be, than the *established building line* on the date of passing this Zoning By-Law.

5.31 WAYSIDE SAND OR GRAVEL PITS

5.31.1 WHERE PERMITTED

Wayside sand or *gravel pits* are permitted in all zones outside of designated settlements, as defined in subsection 2.7.2.1 of the By-Law and outside of the EP1 and EP2 Overlays as shown on Schedule “A” of this Zoning By-Law.

5.31.2 TEMPORARY OR PORTABLE ASPHALT OR CONCRETE BATCHING PLANTS

Temporary or portable *asphalt* or *concrete batching* plants accessory to a *wayside pit* or *quarry* shall be permitted in all zones outside of designated settlements, as defined in subsection 2.7.2.1 of the By-Law and outside of the EP1 and EP2 Overlays as shown on Schedule “A” of this Zoning By-Law.

5.31.2.1 CERTIFICATE OF APPROVAL

A Certificate of Approval pursuant to the Environmental Protection Act must be issued by the Ministry of Environment prior to the establishment of a temporary or portable *asphalt* or *concrete batching plant*.

5.31.2.2 ZONE REQUIREMENTS

A temporary or portable *asphalt* or *concrete batching plant* shall comply with the zone requirements of the zone in which such *use* is located.

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