

By-Law No. 2368/2011
Comprehensive Zoning By-law for the
Town of Espanola



Prepared for:



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JLR No. 24749-01

Adopted by Council on June 28, 2011
Office Consolidation with amendments
adopted up to and on February 12, 2013

EXPLANATORY NOTE

The purpose and effect of Zoning By-law No. 2368/2011 is to repeal the Comprehensive Zoning By-law No. 1100 for the Corporation of the Town of Espanola and the Minister's Zoning Order for the Former Township of Merritt and replace these with one document to regulate land uses for the entire municipality. The zone boundaries, permitted uses, and regulations are now consistent throughout the Town and ensure conformity with the 2010 Official Plan. The By-law includes the regulation of the use of land, the size and location of buildings and structures, and parking requirements in the Town of Espanola. The new By-law also addresses and regulates uses such as: accessory apartments, outdoor furnaces, portable garages, shipping containers, and small scale solar power installations and wind turbines, and updates regulations such as setbacks adjacent to the waterfront to be in conformity with the Official Plan.



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 2368/11

**Being to repeal and replace:
Bylaw No. 1100, the Township of Merritt Zoning Order,
and amendments thereto.**

A Bylaw of the Corporation of the Town of Espanola regulating the use of all land; and the density, size, location, and use of all buildings within its territory.

WHEREAS an Official Plan was approved for the Town of Espanola on November 24, 2010;

AND WHEREAS Section 26 of the Planning Act requires that the Zoning Bylaw of the Town of Espanola be amended to conform to the Official Plan of Town of Espanola;

AND WHEREAS Section 24 of the Planning Act provides that no Zoning Bylaw may be passed that does not conform with the Official Plan of the Town of Espanola;

AND WHEREAS it is now deemed necessary and expedient to enact a new Zoning Bylaw for the Town of Espanola which will be in conformity with the Official Plan;

AND WHEREAS the Town of Espanola has held an Open House and Public Meeting in accordance with the Planning Act;


NOW THEREFORE the Council of The Corporation of the Town of Espanola, pursuant to Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13, enacts as follows:

Bylaw 2368/2011, Comprehensive Zoning Bylaw.

Read a first, second and third time and finally passed in open council on this 28th day of June 2011.



Mike Lehoux
Mayor



Joel MacKenzie
Clerk Treasurer/Administrator

Town of Espanola Zoning By-law

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SECTION 1 AUTHORIZATION AND ADMINISTRATION

1.1 Title

This By-law shall be known as the “Zoning By-law” or By-law No. 2368/2011 of the Corporation of the Town of Espanola.

1.2 Defined Area

The provisions of this By-law shall apply to all lands within the incorporated limits of the Town of Espanola.

1.3 Scope

No land shall be used and no building or structures shall be erected, altered, enlarged, or used within the Town of Espanola except in conformity with the provisions of this By-law.

1.4 Violations and Penalties

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine recoverable under the *Provincial Offences Act*. Each day of violation shall constitute an offence.

1.5 Effective Date

This By-law shall come into effect on the day it is passed by Council subject to the appeal provisions of the *Planning Act*.

1.6 Validity

If any portion of this By-law is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-law.

1.7 Administrator

This Zoning By-law is administered by the Town Clerk-Treasurer/Administrator or his appointee and a certified true copy is on file in the office of the Clerk-Treasurer/Administrator of the Town of Espanola.

1.8 Inspection of Premises

The Town Clerk-Treasurer/Administrator or any employee of the Town of Espanola acting under his direction, may, at any reasonable hour (as set out by Council), enter and inspect a property or premises where there is reason to believe that any land has been used or any building or structure has been erected, altered, enlarged, or used in violation of any of the provisions of this By-law.

SECTION 1

1.9 Licenses and Permits

- a) No change shall be made in the type of use of any land, building, or structure within any zone, without first obtaining a Certificate of Occupancy from the Municipality to the effect that the proposed use conforms to this By-law.
- b) No municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement, or use of any building or structure that is in contravention of any provision of this By-law.

1.10 Request for an Amendment

Where an amendment to this Zoning By-law is requested by an owner of land in the Municipality, the said owner shall complete and submit to the Municipality, prior to his request being considered, an application form for Amendment to the Zoning By-law.

1.11 Applications and Plans

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by sufficient information, in an appropriate form, to determine whether the building or structure conforms to the requirements of this By-law. This shall include:

- a) A plan in duplicate drawn to scale showing the true dimensions of the lot to be built on and used; the location, height, and dimensions of any existing or proposed building, structure, and use; the location of any required setback and the proposed location and dimension of any yard, landscaped open space, and off-street parking and loading required by the By-law; and
- b) A statement signed by the Owner giving the exact use proposed for each building, structure, or the proposed use of the lot to determine whether such building, structure, or use conforms to this By-law.

1.12 Action to Restrain Contraventions of By-law

In the case of any lot being used, any building or structure being erected, altered, reconstructed, or extended or part therefore being used in contravention of any provision of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of Section 43 of the *Planning Act* in that behalf.

1.13 Interpretation

The provisions of this By-law shall be held to be the minimum requirements except where the word maximum is used in which case the maximum requirement shall apply.

In this By-law the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future; the masculine includes the feminine.

SECTION 1

1.14 Measurements

Measurements contained in this By-law are in metric units only. Where imperial units appear, such units do not form part of this By-law; they are to be considered as ancillary information only are provided only for the convenience of the reader.

1.15 Repeal of Existing By-laws

The following By-laws passed pursuant to Section 34 of the *Planning Act* (R.S.O. 1990, c.13 or predecessor thereof and amendments thereto) are hereby repealed and such repeal shall come into effect upon the date this By-law comes into force:

- By-law No. 1100 and amendments thereto; and
- Township of Merritt Zoning Order.

1.16 Technical Revisions

Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:

- a) correction of grammar, punctuation or typographical errors, or revisions to format in a manner that does not change the intent of a provision;
- b) adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends, or title blocks; and
- c) changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers, and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only.

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SECTION 2 DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. Furthermore, in this By-law the word “shall” is mandatory and not directory; words in the singular include the plural; words in the plural include the singular number; words in the present tense include the future.

Accessory, when used to describe a use, building or structure, shall mean a use, building, or structure that is customarily incidental and subordinate to the main use and located on the same lot with such main use. This definition shall include:

- a) Decks greater than or equal to 0.6 m in height;
- b) Gazebos; and
- c) Freestanding solar panels and wind turbines.

Adult Entertainment Business shall mean any premises or part thereof including a retail store, entertainment parlour, or other business in which the principle trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designed to appeal to erotic or sexual appetites or inclinations.

Agricultural Use shall mean the use of land, buildings or structures for:

- a) The growing of crops, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the storage and sale of crops;
- b) The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of fish;
- c) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage, and sale of the products;
- d) A greenhouse or nursery garden, including storage and sale of the products; and
- e) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural use shall not be construed to include commercial or industrial activities related to agriculture such as abattoirs, tanneries, grain drying, and sale outlets, manufacturing, or processing activities involving farm crops or animal products.

Alter, in reference to

- a) a building or part thereof, shall mean to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof;

- b) a lot, shall mean to change the area frontage or depth thereof, to change the width, depth or area of any required yard, landscaped open space or parking area, or to change the location of any boundary of such lot in respect to a street or lane, whether such alteration is made by conveyance, alienation of any parts of such lot, or otherwise; and

altered and alteration shall have corresponding meanings.

Attached shall mean a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or structures.

Attic shall mean that portion of a building immediately below the roof and wholly or partly within the roof framing.

Auditorium shall mean a building or structure where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre, or similar use.

Automatic Car Wash shall mean a building or structure containing facilities for washing motor vehicles, either by production line methods and mechanical devices, or by self-service operation.

Automobile Service Station shall mean a building where automotive fuel such as, but not necessarily limited to gasoline, propane, and diesel fuel and where oil is kept for sale and where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, and where grease, anti-freeze, tires, spark plugs, and other automobile accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of a commercial garage are carried on.

Automotive Store shall mean an establishment primarily engaged in the retail sale of vehicle parts, accessories, and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Average Finished Grade shall mean the average level of proposed or finished ground adjoining a building at all exterior walls.

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

Bed and Breakfast shall mean a dwelling used incidentally to provide accommodation and meals to transient travellers, but does not include a boarding house, a rooming house, hotel, or motel.

Boarding House shall mean a dwelling or portion thereof containing not more than 4 guest rooms, used for the accommodation of the public in which the owner or head lessee supplies for compensation, lodging with or without meals but does not include any other establishment otherwise defined herein.

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Building shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals, or goods:

-, Accessory shall mean a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

-, Attached see "Attached".

-, Main shall mean the building serving the principal or primary uses for which the lot was purchased, leased or rented.

-, Temporary shall mean a building or structure intended for removal or demolition within a prescribed time, not exceeding two years, as set out in a building permit.

Building By-law shall mean any Building By-law of the Corporation and its amendments thereto.

Building Contractor's Shop shall mean a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working, and carpentry or truck, bulldozer, loader, and backhoe operating and such place of business may be used for the storage of equipment, materials, and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, but shall not include a retail business, sales counter, nor a wholesale business.

Building Line shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building Supply Outlet shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvements, and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Carport shall mean a covered parking area which is open on at least two sides.

Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average finished grade.

Chief Building Official shall mean the officer or employee of the Corporation charged with the duty of enforcing the Building Code Act together with any Regulations made thereunder, and the provisions of the Building By-law.

Church shall mean a building dedicated to religious worship. Accessory uses may include a church hall, church auditorium, Sunday school, a parish hall and an ecclesiastic residence on the same lot.

Clinic shall mean one or more buildings or part of a building used solely for the purposes of consultation, diagnosis and treatment of patients by Ontario Licensed physicians, dentists, optometrists, denturists, chiropodists, chiropractitioners, or drugless practitioners, together with their assistants, and without limiting the generality of the foregoing, the building(s) or part

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thereof may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club, Commercial shall mean a building or premises used as an athletic, recreational, or social club operated for gain or profit.

Club, Private shall mean a building or premises used as an athletic, recreational, or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel, a labour union hall, or similar use.

Communications Facility shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower, or similar facility.

Conservation Use shall mean the preservation and protection of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.

Corporation shall mean the Corporation of the Town of Espanola.

Council shall mean the Council of the Corporation of the Town of Espanola.

Custom Workshop shall mean land and/or a building or part of a building used by a contractor, builder, or tradesman to perform manufacturing, repair, or assembly work or for the storage of equipment and materials used for off-site work and includes those operated by a carpenter, well driller, tile drainage installer, a locksmith, blacksmith, tinsmith, gunsmith, welder, machinist, or persons involved in similar occupations.

Day Nursery shall mean a "day nursery" as defined in the *Day Nurseries Act*.

Department Store shall mean a Retail Store, primarily engaged in general merchandising at retail of wide range of commodities. At least the three main lines, namely apparel, hardware, and home furnishings should be carried, and other commodities formally carried by such establishments, including dry goods, food products, home appliances, etc. may also be carried.

Development shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*.

Dry Cleaning or Laundry Outlet shall mean a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to the process of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods which have been received therein.

Dry Cleaning or Laundry Plant shall mean a building where dry cleaning, dry dyeing, cleaning, or pressing of articles or goods of fabric is conducted and (1) in which solvents, which emit no odours or fumes are, or can be, used, and (2) in which no noise or vibration causes a nuisance or

inconvenience without the premises. This definition may include a dry cleaning or laundry outlet.

Dwelling shall mean a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. This definition shall not include any vehicle as defined herein.

-, Accessory shall mean a single dwelling which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner of such non-residential use or by the family of a person employed on the lot where such dwelling is located.

-, Accessory Apartment shall mean a self-contained dwelling unit created through the conversion of part of or the addition on to an existing dwelling (single, semi-detached, or duplex dwellings only).

-, Apartment shall mean a building consisting of three or more independent dwelling units other than a rowhouse dwelling.

-, Duplex shall mean a building that is divided horizontally into two dwelling units.

Garden Suite / Granny Flat Dwelling Unit shall mean a temporary, one-unit, self-contained, and portable detached residential structure that is ancillary to and on the same lot as a single or semi-detached dwelling, and excludes a trailer as defined herein.

-, Rowhouse shall mean a building that is divided vertically into three or more dwelling units.

-, Seasonal shall mean a building containing only one dwelling unit used for recreation and not occupied as a permanent dwelling.

-, Semi-Detached shall mean a building that is divided vertically into two dwelling units.

-, Single shall mean a detached building containing only one dwelling unit. This definition shall include a modular home as defined herein.

-, Triplex shall mean a building that is divided horizontally into three dwelling units.

– Unit shall mean one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building.

– Unit, Accessory shall mean a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage.

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Erect shall mean build, construct, reconstruct, remove or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an existing building by an addition, extension, or other structural change, or any work which requires a building permit.

Erected and Erection shall have corresponding meanings.

Established Building Line shall mean the average setback from the centreline of a street of at least 2 existing buildings located on lots having street frontage upon the said side of the street, provided such buildings are located on the same block and within a continuous strip of land that does not exceed 75 m.

Existing shall mean existing as of the date of final passing of this By-law by Council.

Extractive Industrial Use shall mean the use of land for the extraction of mineral aggregate including sand, gravel, shale, clay, and bedrock suitable for the production of crushed stone, building stone, cement products, and other similar materials.

Family shall mean one or more individuals whether or not related by blood, marriage, or legal adoption, who live together in one dwelling unit and maintain a common household. Family shall also include domestic servants, nursing aids, and not more than 2 boarders or lodgers.

Financial Office shall mean the premises of a bank, trust company, finance company, mortgage company, or investment company.

Flood Line shall mean a line established by a one in one hundred (1:100) year storm which is determined by flood plain mapping.

Flood Plain shall mean the area below the flood line.

Flood Proofed shall mean the measures taken to ensure that a building or structure is safe from the effects of flooding.

Floor Area shall mean:

- a) for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of garage, carport, sunroom, veranda, porch, unfinished attic, unfinished basement, or unfinished cellar;
- b) for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building.

In all cases, only that floor area having a clear height to the ceiling of at least 2.2 m shall be calculated for floor area purposes.

Garage shall mean a structure for the storage of vehicles and other items.

-,Commercial shall mean a building, structure, or lot where all activities of an automobile service station may take place, where major repairs of motor vehicles may

be performed, and where commercial motor vehicles may be stored. As an accessory use, the sale of motor vehicles may also be permitted. Such repairs may include all mechanical repairs as well as body work but shall not include the dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping.

-, Parking shall mean an enclosed structure used for the temporary parking of more than four vehicles and available for public use either free, for compensation, or as an accommodation to customers.

-, Portable shall mean a prefabricated structure usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

-, Private shall mean an accessory building or part of a residential building which is fully enclosed and used for the storage of motor vehicles and household equipment incidental to the residential occupancy.

Golf Course shall mean a public or private area operated for the purpose of playing golf and includes par 3 golf course, but does not include a driving range, a miniature golf course, or similar use.

Group Home, Type A (residential) shall mean a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live as a family under responsible supervision consistent with the particular requirements of its residents. The home is licensed and/or approved under provincial statutes and in compliance with municipal By-laws, but excludes a Correctional Group Home.

Group Home, Type B (correctional) shall mean a closed custody facility operated in accordance with Provincial or Federal statutes.

Group Housing Project shall mean two or more dwellings but not including apartment, converted, duplex, rowhouse, semi-detached, or triplex dwellings erected upon the same lot and either retained under one ownership or registered in compliance with the provisions of *The Condominium Act, 1967* and amendments thereto.

Habitable Room shall mean a room commonly used for cooking, living, dining, or sleeping purposes, and shall include an enclosed sunroom but shall not include any garage, carport, verandah, unfinished attic, unfinished basement, or unfinished cellar.

Height of a building shall mean the vertical distance measured between the average finished grade and:

- a) the highest point of the roof surface of a flat roof; or
- b) the average level between eaves and ridge of any other type of roof.

High Water Mark shall mean the mark made by the action of water under natural conditions on the shore or bank of a water body which action has been so common and usual and so long

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continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Highway shall mean a public thoroughfare intended for vehicular use by the general public.

Home Occupation shall mean an occupation, trade, business, profession, or craft carried on as an accessory use to the use of a dwelling and shall include the following:

- a) instruction in or businesses involving music, academic subjects, religion, dancing, arts and crafts such as pottery, weaving, painting or sculpting, sewing, hairdressing, or similar uses;
- b) businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters, or operators of commercial vehicles, including school buses, provided that the storage of commercial vehicles, equipment, or materials does not take place at the residence;
- c) businesses involving the repair of small appliances, radios, televisions, and similar items, skate or knife sharpening or similar uses;
- d) an office used by a physician, dentist, or other medical practitioner, an insurance agent, accountant, engineer, sales person, or a person engaged in a similar occupation;
- e) a tourist lodging establishment which provides a maximum of three bedrooms for commercial public use, (i.e., bed and breakfast).

Hotel shall mean a building, or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the transient public by furnishing sleeping accommodation with or without kitchens, with or without supplying food, and may include meeting rooms, banquet halls, public dining rooms, and any premises licensed under the Liquor Licence Act (R.S.O. 1970, c.250 and amendments thereto) but shall not include boarding, rooming, or lodging houses, taverns and apartment dwellings, but shall include motels and motor inns.

Institute shall mean a building, structure, or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a library, school, college, university, convent, monastery, or similar use.

Kennel shall mean a building or structure where animals are kept.

-, Boarding shall mean a place where animals are kept, for a fee, and operated as a commercial business or by the Humane Society as a service to the community, but does not include a Veterinary Clinic. The boarding kennel facility shall be constructed so that animals may be retained indoors between the hours of 8:00 p.m. through 8:00 a.m.

-, Breeding shall mean any building, structure, dog run, or other facility, or part thereof where animals are kept for the purposes of reproduction, and the use of or sale of the offspring.

Landscape Open Space shall mean open space comprised of lawn, natural or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts, patios, and pools, but shall not include parking areas, loading spaces, traffic aisles, driveways, or ramps for vehicles, or any open space beneath or within a building or structure.

Land shall mean any ground, soil, or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

Lane shall mean:

- a) a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces to a public street; or
- b) a subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open space, or public buildings.

Loading Space shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the use of the lot or any building thereon.

Lot shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

- , Corner shall mean a lot situated at the intersection of two streets having an angle of intersection of not more than one hundred and thirty-five degrees (135°).

- , Interior shall mean a lot situated between adjacent lots and having access to one street.

- , Through shall mean a lot (bounded on two opposite sides by streets) having street frontage on two parallel or approximately parallel streets.

- , Water shall mean a lot which abuts a shoreline but has no street line. Notwithstanding any other provisions of this By-law, a water lot does not require frontage on an improved street.

Lot Area shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain or marsh located on such lot.

Lot Coverage shall mean the percentage of lot area covered by the ground floor area of all buildings located thereon.

Lot Frontage shall mean the width of a lot measured between the intersection of the side lot lines with a line back from and parallel to the front lot line, at a distance equal to the minimum required front yard depth.

Amended on Feb 12, 2013 by By-law 2502/13
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Lot Line shall mean any boundary of a lot or the vertical projection thereof.

-, Front shall mean, in the case of an interior lot, the lot line that divides a lot from the street. In the case of a lot fronting onto two or more streets, the shorter lot line that abuts a street shall be deemed to be the front lot line, in the case of a corner lot or through lot having lot lines of equal length abutting both streets, either line may be deemed to be the front lot line, and in the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.

-, Rear shall mean, in the case of a lot having four (4) or more lot lines, the lot line furthest from and opposite the front lot line. If the lot has less than four (4) lot line, there shall be deemed to be no rear lot line.

-, Side shall mean any lot lines other than the front lot line and the rear lot line. In the case of a corner lot, an exterior side lot line shall be the lot line that abuts the street which is not the front lot line, and an interior side lot line shall be the lot line that abuts another lot.

Main Wall shall mean the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or a roof.

Manufacturing Industry shall mean an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly, or similar production of various articles and commodities, and includes custom workshops, factories, mills, industrial shops, and similar production facilities.

Medical/Dental Office shall mean a building or part of a building wherein health services are provided to the public in the form of a medical, paramedical, dental, surgical, physiotherapeutic, or other human health services include associated technician and laboratory facilities, and may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products normally sold in a pharmaceutical outlet, and optical equipment.

Medical Practitioner shall mean a doctor, dentist, chiropractor, chiropodist, optometrist, oculist, but shall not include a veterinarian.

Mobile Home shall mean a dwelling that is designed to be made mobile, and constructed or manufactured as per the Ontario Building Code to provide a permanent residence for one or more persons, but does not include a recreational vehicle, a travel trailer or tent trailer, or trailer otherwise designed.

Mobile Home Park shall mean a lot under single management which has been planned, divided into mobile home sites, improved, and provided with a communal water and sewer service approved by the Ministry of the Environment for the placement of mobile homes as a permanent residential use.

Mobile Home Site shall mean the space for the placement of one mobile home and for the exclusive use of its occupants.

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Motel: see “Hotel”.

Motor Home: see “Recreational Vehicle”.

Motor Inn: see “Hotel”.

Municipality shall mean the Corporation of the Town of Espanola.

Net Leasable Floor Area shall mean the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors, and other floors, as measured from the centreline of shared partitions and from the interior face of the exterior walls of the building. Excluded are common mall areas and other common areas not designed or occupied by tenants or sales areas.

Non-Complying shall mean a lot, building, or structure which, on the date of the final passing of this By-law, did not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

Non-Conforming shall mean a use, building, or structure which, on the date of the final passing of this By-law, was not a permitted use in the zone where such use, building, or structure is located.

Noxious Use shall mean any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter.

Nursery shall mean a building, structure, or lot used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

Nursing Home shall mean a “nursing home” as defined in the Nursing Homes Act, R.S.O. 1980, Chapter 320.

Occupancy Permit shall mean a permit issued by the Town Clerk-Treasurer/Administrator or his appointee which indicates that the proposed use of land or any building or structure on any such land is in conformity with this By-law.

Office shall mean a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but not including the use of manual labour.

Open Space shall mean any portion of a lot which is unoccupied by buildings or structures above ground level and is open to the sky, and shall include Landscaped Open Space.

Open Storage shall mean the storage of goods, merchandise, or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement, or the storage of vehicles or equipment for sale or repair. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of a lot.

Outdoor Furnace shall mean an appliance located outside of any building or structure, which it is intended to heat by combustion.

Park shall mean an area of land consisting largely of open space which may include a recreational area, playground, playfield, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, swimming pools, snow skiing, or similar use.

-, Public shall mean a park owned and maintained by the Municipality or other public authority.

-, Private shall mean a park other than a public park.

Parking Area shall mean an area or structure other than a street used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways, and parking spaces.

Parking Lot shall mean any parking area or structure other than a parking area accessory to a permitted use on the same lot, used for the temporary storage of parking of motor vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

Person shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation, and agent or trustee, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment shall mean a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, dressmaking shop, tailor shop, shoe repair shop, photographic studio, self-service laundry or dry cleaning distribution station, or similar use.

Pinball or Electronic Game Machine Arcade shall mean any premises or part thereof containing not less than three, but no more than ten pinball or mechanical or electronic game machines, except Electronic Bingo machines.

Place of Entertainment shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall, music hall, bingo halls, amusement arcades, but does not include any place of entertainment or amusement otherwise defined or classified herein.

Plant Materials shall include all indigenous species of grass, flowers, trees, shrubs, and other natural vegetation.

Planting Strip shall mean an area which shall be used for no purpose other than planting and maintaining a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting and maintaining shrubs, flowers, grass, or similar vegetation.

Private Swimming Pool shall mean any body of water, permanently located outdoors on privately owned property, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving, or bathing.

Professional Office shall mean any office where professionally qualified persons, technical assistants, and clerical staff are engaged and where clients or patients go for advice, consultation, or treatment, but shall not include a Clinic.

Public Authority shall mean the Town of Espanola and any Boards or Commissions thereof, the Bell Telephone Company of Canada, any company supplying natural gas to the Community, Ontario Hydro, or other utility, and any Department of the Government of Ontario and Canada, or other similarly recognized agencies.

Public Use shall mean a building, structure, or lot used for public services by the Corporation or any Boards or Commissions thereof and any Ministry or Commission of the Governments of Ontario and Canada, any telephone or railway company or similarly recognized agencies.

Recreational Facility shall mean any building or structure or specific area planned for, used for, or related to intensive recreational activities and shall include campgrounds, picnic areas, beaches, change rooms, outdoor shelters, playground areas and equipment, hiking trails, and the like.

Recreational Vehicle shall mean any vehicle so constructed that it is no wider than 2.5 m and is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping, or eating accommodation of persons. The term "Recreational Vehicles" includes the following: motor homes, travel trailers, tent trailers, campers.

Recycling Depot shall mean a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal, and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

Restaurant shall mean a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the premises. However, limited facilities may be permitted to provide for a take-out food function provided such facility is clearly secondary to the primary restaurant use. A restaurant may also include the licensed sale and consumption of alcoholic beverages.

Restaurant, Drive-In shall mean a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building but may also include off-premises consumption. Such use, normally known as a fast food restaurant, is characterized by customer pick up of food at a counter or drive through car pick up and does not provide the service of delivering to or waiting on tables or licensed sale and consumption of alcoholic beverages.

Restaurant, Take-Out shall mean a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption. However, limited facilities

may be permitted for consumption within the building provided such facility is clearly secondary and incidental to the take-out function and delivery function and provided the service of delivery of food to or waiting on tables or licensed sale and consumption of alcoholic beverages is not carried out.

Retail Convenience Store shall mean a building or part of a building used primarily for the sale of grocery and confectionary items and incidentally for the sale of other merchandise as is required to fulfil the day to day needs of a surrounding residential area.

Retail Store shall mean a building or part of a building wherein merchandise is offered or kept for retail sale upon the premises but does not include any establishment otherwise defined or classified within this By-law with the exception of Department Store. Storage of limited quantities of such merchandise, sufficient only to service such store and the servicing of such merchandise may be permitted in a retail store as ancillary uses, provided such uses are clearly necessary and secondary to the main retailing function of the store.

Sanitary Sewers shall mean a system of underground conduits, owned and operated either by the Corporation or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

School shall mean a school under the jurisdiction of a Board as defined in the Education Act.

Self-storage Facility shall mean lands and buildings used, rented, or leased to persons for the storage of household and personal items, including recreation vehicles and automobiles, within separate units forming part of a wholly enclosed building.

Service Outlet shall mean a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles, or materials, but not the manufacturing thereof.

Setback shall mean:

- a) with reference to a water body for which no floodplain mapping is available, the distance between the higher water mark and nearest building line.

Sewage Disposal Site shall mean a site which is licensed or approved by the Ministry of the Environment and/or its agents for the use as a disposal site for sewage and includes a sewage treatment plant, sewage lagoon, or sludge disposal area.

Shipping Container shall mean any container that is used for the transport of goods by means of rail, truck, or cargo ship. Generally these containers are rectangular in shape and made of metal.

Shopping Centre shall mean a group of commercial and service establishments or uses, related in size and type primarily to the special commodity needs of the community and designed, developed, and managed as a unit whether by a single owner, a group of Owners, or tenants acting in collaboration having the required off street parking and loading facilities provided on site, and should generally include as the primary establishment a Department Store. Generally,

but not prerequisite, the public access to individual functions within a Shopping Centre will be from an enclosed common mall area.

Sight Triangle shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6.0 m from the point of intersection of the street lines (measured along the street lines). 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.

Sign, Legal shall mean a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot which directs attention to an object, product, place, activity, person, institute, organization, or business and which does not contravene any By-law of the Corporation or any Regulation of the Government of Ontario or Canada.

Solar Power Installations

- Accessory shall mean systems designed to capture the sun's energy and convert it to electricity. Such systems may be tied to the electrical grid, however they are clearly secondary and subordinate in nature to the main use on the property.

- Commercial shall mean systems designed to capture the sun's energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

Storey shall mean that portion of a building, other than a cellar, between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.

- First shall mean the lowest storey of a building, wherein the floor is generally at grade elevation and having its ceiling at least 1.8 m above average finished grade.

Storm Sewers shall mean a system of underground conduits which carries storm surface waters and drainage, but excludes sewage and polluted industrial wastes.

Street shall mean a public thoroughfare under the jurisdiction of either the Corporation, or the Province of Ontario. This definition shall not include a lane or private right-of-way.

- Improved shall mean a Municipal Road which has been assumed by the Corporation and is maintained on a regular year-round basis, or a Provincial Highway.

- Collector shall mean the following streets or portions thereof:

- Avery Drive between Spruce Street and Queensway;
- Barber Street between Centre Street and the West Town limits;
- Gray Street between Station Road and Centre Street;
- Mead Boulevard between Centre Street and the south Town limits;

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- Queensway between Barber Street and Barrie Street;
- Second Avenue between Barrie Street and the west Town limits;
- Spanish River Drive between Barber Street and Mead Boulevard;
- Spruce Street between Mead Boulevard and Avery Drive;
- Station Road between Barber Street and Gray Street.

-, Local shall mean any street or road other than a collector or a major street.

-, Major shall mean Highway 6 between the north and south Town limits.

Street Line shall mean the boundary of the right-of-way of the street.

Structure shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

Tourist Facilities shall mean facilities and/or buildings and/or structures which offer services intended primarily for tourists and vacationers. This includes tourist lodging facilities; craft and antique shops; one (1) accessory dwelling unit either attached or detached, accessory to and on the same lot as a permitted use; uses accessory to the foregoing excluding bed and breakfasts.

Tourist Lodges shall mean facilities and/or buildings and/or structures to be used for the purpose of sleeping accommodation on a temporary basis by tourists and vacationers.

Trailer shall mean any vehicle designed to be towed by a motor vehicle.

Use shall mean the purpose for which any land, building, or structure, or any combination thereof is designed, arranged, occupied, or maintained.

Utility shall mean "a Public Utility" as defined by the Public Utilities Corporation Act and amendments thereto.

Variance, Minor shall mean a variance from any provision of this By-law in respect to the land, building, or structure, or the use thereof, which is desirable for the appropriate development of the land, building, or structure and which maintains the general intent and purpose of the By-law and of the public policies implemented by the By-law.

Vehicle shall mean an automobile, boat, commercial motor vehicle, farm implement, motorcycle, recreational vehicle, snowmobile, or trailer.

Vehicle Sales or Rental Establishment shall mean an establishment having as its main use the storage of vehicles for sale, rent, or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

Veterinary Establishment shall mean a building or part of a building used by a veterinary surgeon for treating domestic animals, birds, or other livestock but shall not include a commercial kennel or research facility.

Warehouse shall mean a building or portion of a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise, or materials.

Waste Disposal

- Site shall mean a place, approved by the Ministry of the Environment, where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse is disposed of or dumped. This definition shall not include a sewage treatment plant, lagoon, or sludge disposal area.

- Buffer shall mean an area of land around a waste disposal site on which no waste of any kind shall be deposited which will be used to facilitate noise, dust and odour control, minimize the spread of litter, mitigate visual impacts and allow for the attenuation of landfill leachate.

Water Supply shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances, operated by the Corporation and/or the Ministry of the Environment and/or any public utilities commission for public use.

Water Supply Plant shall mean a building or structure, approved by the Ministry of the Environment, where water is treated for human consumption.

Wayside Pit or Quarry shall mean a temporary source of consolidated or unconsolidated aggregate opened by or for a public road authority for the purpose of public road construction.

Wetlands shall mean lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (soils in which there is an abundance of moisture) and has favoured the dominance of either hydrophytic or water tolerant plants. The four major categories of wetlands are swamps, marshes, bogs, and fens.

Wetland Area shall mean a continuous Wetland which may be composed of one or more Wetland category.

Adjacent Lands shall mean those lands within 120 m of an individual Wetland Area.

Wholesale Establishment shall mean a building or part of a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, and materials for resale or business use.

Wind Turbine/Generating System

-, Accessory shall mean a structure or structures which harness wind energy for the primary purpose of on-site consumption. Such structures can be tied into the electrical grid; however their primary purpose is to provide power to the buildings and uses located on-site.

-, Commercial shall mean a structure or structures which harness wind energy for the sole purpose of selling it back to the electrical grid for off-site consumption. This

definition does not include those installations which have received a Renewable Energy Approval.

Yard shall mean an open uncovered space appurtenant to a building or structure.

-, Front shall mean the space extending across the full width of a lot between the front lot line and nearest part of any main building or structure on the lot.

-, Minimum shall mean the space measured from the lot line, the minimum depth of which is regulated by the provisions of this By-law.

-, Rear shall mean the space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot.

-, Side shall mean the space extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.

Exterior Side Yard shall mean a side yard immediately adjacent to a street.

Interior Side Yard shall mean a side yard other than an exterior side yard.

Zone shall mean:

- a) a land use category as defined and regulated in this By-law; or
- b) a designated area of land use shown on the Schedule of this By-law.

Zoning Administrator shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

SECTION 3 GENERAL PROVISIONS

3.1 Accessory Uses, buildings, or structures shall be permitted in any zone in accordance with the following provisions and any additional provisions included elsewhere in this By-law:

- a) Where this By-law permits an accessory use, such use shall only be permitted provided the main use is already in existence on the lot;
- b) In a Residential Zone or in any lot used for residential purposes, accessory buildings and structures shall not be located within any minimum front yard or minimum exterior side yard, except as specifically permitted in this By-law. In all other zones, accessory buildings and structures shall conform to the requirements of the particular zone;
- c) In a Residential Zone or in any lot used for residential purposes, accessory buildings or structures shall not be located closer than 1.22 m to any interior side or rear lot line, except where a detached mutual private garage is erected on the common side lot line between two lots, in which case no interior side yard is required;
- d) In a Residential Zone or in any lot used for residential purposes, the total coverage of all accessory buildings and structures excluding a swimming pool shall not be greater than:
 - (i) 15% of the total lot area in the Urban Area; and
 - (ii) 20% of the total lot area in the Rural Area.
- e) In a Residential Zone or in any lot used for residential purposes, accessory buildings and structures shall not exceed 4.6 m in height; and
- f) Any building or structure which is attached to the main building will not be considered accessory for the purposes of this By-law.

3.1.1 *Accessory Apartments*

Where accessory apartments, secondary units, basement apartments, or in-law suites are permitted, they are subject to the following provisions:

- (i) No more than an amount equal to 40 % of the gross floor area of the principal dwelling may be developed for a secondary dwelling unit, except where a basement unit is created, in which case, there is no maximum size;
- (ii) The accessory apartment will comply with the Ontario Building and Fire Codes;
- (iii) A maximum of one unit is permitted in a detached dwelling, one in each half of a semi-detached building, and only one for the whole of a duplex dwelling;
- (iv) The accessory apartment is designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighbourhood;
- (v) No additional parking space is required but, where a new one is provided, it

cannot be located in the front yard. Tandem parking in the existing driveway is permitted;

- (vi) An accessory apartment is permitted in a detached dwelling which is serviced by private, individual systems, provided it can be demonstrated that the existing well and private sewage disposal system can accommodate the change in use; and
- (vii) As a condition of approval, Council may require that the accessory apartment be registered in accordance with the provisions of the *Municipal Act*.

3.1.2 Outdoor Furnaces

An outdoor furnace shall only be permitted in RR, RU, W, WR, and WT Zones, subject to the following provisions:

- (i) The furnace is located at least 15 m from any lot line and from the principle dwelling;
- (ii) The furnace is located at least 3.0 m from any trees or non-habitable structures;
- (iii) The furnace is located at least 100 m from any existing dwellings on adjacent lots;
- (iv) The furnace is not located in the front yard;
- (v) The furnace is only to be installed on lots having an area of 1.0 ha or greater; and
- (vi) The top of the chimney for such appliance shall be a minimum of 3.0 m above the adjacent ground and shall be equipped with a spark arrestor and a rain cap.

3.1.3 Portable Garages

Portable garages are permitted in all residential zones, subject to the following provisions:

- (i) Such structure is in compliance with the minimum front yard setback.

3.1.4 Shipping Containers

A maximum of two shipping containers are permitted in the rear yards of the SC, M1, M2, and M3 zones, subject to the following conditions:

- (i) The shipping container is only used for storage purposes and not used to accommodate work areas, shops, office uses, or retail sales;

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- (ii) There is a 10 m setback from any lot line abutting a residential zone;
- (iii) The shipping container is maintained to the Town's satisfaction (i.e. painted and not rusted) and is not visible from the road;
- (iv) The shipping container is anchored to the ground in accordance with the Ontario Building Code; and
- (v) An Engineer's report is required in accordance with the Ontario Building Code.

3.1.5 *Solar Power Installations*

Accessory solar power installations may be installed in any zone, subject to the following provisions:

- (i) Freestanding accessory structures shall not be located in the front yard.

3.1.6 *Swimming Pools*

In a Residential Zone, a private swimming pool and structures in conjunction with such a swimming pool may be erected and used in the required interior side yard or rear yard in accordance with the Town's Swimming Pool By-law and provided:

- (i) No part of such swimming pool shall be located closer than 1.5 m to any rear or side lot line; and
- (ii) No water circulating or treatment equipment such as pumps or filters shall be located closer than 2.0 m to any interior side or rear lot line, unless it is within a building.

3.1.7 *Wind Turbines*

Structures which harness wind energy for the primary purpose of on-site consumption may only be erected in Rural Zones, subject to the following provisions:

- (i) Such structures are restricted to a maximum height of 17 m; and
- (ii) Such structures are setback from the lot line by the maximum height of the structure (i.e. to the tip of the blade).

3.2 Automobile Service Stations and Commercial Garages

Where automobile service stations and commercial garages are permitted in this By-law, and notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply:

- a) In the case of automobile service stations, gasoline pump islands including canopies thereover may be located in a minimum required front or side yard abutting a street provided that, in no case, shall the gasoline pump island or canopy supports be closer than 5.0 m to any lot line, nor shall any canopy have a roof area in excess of 20 m²;
- b) Where any lot is used or intended to be used for the purpose of an automobile service station and adjoins a street or residential zone, then a strip of landscaped open space of a minimum width of 3.0 m shall be provided and maintained along any lot line abutting such street and said landscaped open space shall be continuous except for aisles or driveways required for access to the lot. Plant materials shall be trees of not less than 3.0 m in height when planted and grass;
- c) The width of any aisle or driveway providing access from a street to a lot on which there is an automobile service station or commercial garage shall be not greater than 9.0 m and no more than two (2) such aisles or driveways shall be permitted for access to any one (1) street which adjoins the lot;
- d) A permitted dwelling unit shall not be attached to a building used as an automobile service station or a commercial garage;
- e) The minimum frontage to any main street shall be 36 m. The minimum flankage to any secondary street shall be 30 m;
- f) Where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 5.0 m to a sight triangle;
- g) The minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5 m;
- h) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 9.0 m;
- i) The minimum distance between an interior side lot line and any driveway shall be 3.0 m; and
- j) The interior angle, formed by the street line and the centreline of any driveway, shall not be less than 45 degrees.

3.3 Buildings to be Moved

No building or structure shall be moved within the limits of the Town of Espanola or shall be moved into the Town of Espanola unless the building or structure is to be used for a permitted purpose and satisfies all of the requirements of the zone in which it is to be located and then only after a permit has been obtained from the Chief Building Official.

3.4 Conflicting Standards

- a) The available building area left on a lot after the required minimum yards have been established may not necessarily be greater than or equal to the maximum lot coverage permitted. Where there is a discrepancy, the more restrictive standards shall apply.
- b) Where there are any conflicting requirements in this By-law, the more restrictive standards shall apply unless specifically stated otherwise.
- c) Where any provision of this By-law conflicts with the provisions of any regulation, By-law or statute of any other government authority, the higher or more stringent standard shall prevail.

3.5 Construction Uses

- a) A building or structure, incidental to construction on the lot where such building or structure is situated, is permitted in all zones for as long as it is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for such construction remains in force.
- b) "Abandoned" in this subsection means the failure to not proceed expeditiously with the construction work or the failure to not undertake any construction work during a continuous 6 month period.

3.6 Development and Redevelopment

Notwithstanding any other provisions of this By-law, the Chief Building Official of the Corporation shall not issue a building permit or any combination therefore for the development or redevelopment of any lands or building or structure or any part thereof within the Municipality unless in accordance with the provisions of a By-law of the Corporation enacted pursuant to Section 41 of the *Planning Act*.

3.7 Dwelling Units

- a) Location:

A dwelling unit may be located in a basement provided that the finished floor level of such basement is not below the level of any sanitary or storm sewer serving the building in which such basement is located, or provided that the dwelling unit is serviced by an appropriate sewage pumping facility.

- b) Yard Provisions:

Where a dwelling unit is located in a Non-Residential building, such dwelling unit shall comply with the yard provisions of this By-law which apply to the said Non-Residential building.

3.8 Established Building Line in Built-Up Area

Notwithstanding the yard and setback provisions of this By-law to the contrary, except for the provisions of this By-law regarding sight triangles (Section 3.24) where a permitted building is to be erected on a lot in a built-up area where there is an established building line, such permitted building may be erected closer to the street line than required by this By-law provided such permitted building is not erected closer to the street line than the established building line on the date of passing of this By-law.

3.9 Frontage on an Improved Street

No person shall erect any building or structure in any zone unless such lot abuts an Improved Street, as defined herein, and unless the lot is provided with access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 m in width, from such lot to an Improved Street which abuts the said lot. This provision shall not apply to a lot on a registered plan of subdivision where an Agreement between the owner of such subdivision and the Corporation, including provisions for the construction of the streets shown on such subdivision, is registered in the Registry Office or Land Titles Office.

3.10 Group Homes

Notwithstanding any other provisions of this By-law to the contrary, Group homes as defined in this By-law shall be permitted in accordance with the following:

- a) Group home - Type A includes group homes other than those for young offenders or adult offenders.

Group home - Type B includes group homes for young offenders or adult offenders.

- b) Group homes - Type A shall be permitted in the following zones:
- o any Residential Zone;
 - o Institutional Zone; and
 - o Rural Zone.

Group homes - Type B shall be permitted in the Institutional Zone.

- c) The number of Group homes in the municipality shall not exceed one per 1000 population.
- d) Not more than one Group home – Type B shall be permitted in the municipality.
- e) No Group home shall be permitted within 1.0 km of another Group home; and
- f) All group homes in the Town of Espanola are subject to Site Plan Control.

3.11 Height Exceptions

Where height limitations are set forth in this By-law, such limitations shall not apply to the following uses: air conditioning ducts, antennas, barns, belfries, bridges, bulk storage tanks, chimneys, church steeples, clock towers, communications towers, corn cribs, electrical supply facilities, farm implement sheds, flag poles, grain elevators, hose towers, lightning rods, lighting standards, mechanical equipment penthouses, silos, skylights, ventilators, water tanks, and water towers. Notwithstanding the foregoing, limitations prescribed by the Federal Ministry of Transport or practices recommended by the said Ministry with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

3.12 Home Based Businesses, Domestic Arts, and Professional Uses

a) The following uses shall be considered permitted accessory uses to any residential use:

(i) Home Based Businesses and Domestic Arts:

- Instruction in or business involving music, religion, dancing, arts and crafts, sewing, hairdressing, academics, typing, draughting, or similar activities, or any other activity defined as a home based business in this By-law.

(ii) Professional Uses:

- An office or consulting room for a physician, surgeon, dentist or other medical practitioner, insurance agent, lawyer, engineer, architect, accountant, sales person, or persons engaged in a similar occupation, or a building contractor's private office.

b) The permitted accessory home based businesses, domestic arts, and professional offices are subject to the following provisions:

(i) No more than one person, other than a member of the family residing on the premises, shall be engaged in the business;

(ii) No more than 25% or 40 m² of the total floor area of the dwelling, whichever is the lesser, shall be used for such purposes;

(iii) There shall be no external display or advertising other than a legal sign, indicating to persons outside, that a part of the dwelling house or dwelling unit is being used for a purpose other than residential;

(iv) There shall be no goods, wares, or merchandise, other than arts and crafts produced on the premises, offered or exposed for sale or rent on the premises or outside the premises;

(v) The home based business, domestic art, and/or professional use, shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit;

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2013 by By-law 2502/13

- (vi) The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, traffic, or parking; and
 - (vii) No mechanical or electrical equipment is used except that reasonably consistent with the use of a dwelling.
- c) In addition to the foregoing uses, in the Rural Zones, Rural Home Based Businesses, as defined in this By-law, shall be permitted in accordance with the following provisions:
- (i) No more than two persons, other than members of the family shall be employed on the premises in the rural home based business;
 - (ii) no more than 25% of the floor area of the dwelling unit and no more than 50 m² in one accessory building shall be used for the rural home based business;
 - (iii) there shall be no advertising, other than a legal sign, to indicate that any part of the lot is being used for a purpose other than agricultural;
 - (iv) such rural home based business shall be clearly secondary to the main agricultural use and shall not change the agricultural character of the farm unit;
 - (v) there shall be no open storage of materials, supplies, tools, equipment, or goods which are used for, or result from the rural home based business, unless such open storage is a minimum of 13 m from any lot line and a minimum of 45 m from a residential use on another lot; and
 - (vi) the rural home based business shall not create or become a public nuisance in regard to noise, traffic, or parking.
- d) Additional Provisions
- (i) The following additional uses shall also be considered permitted accessory uses to any single dwelling in a Rural Zone:

The retail sale of produce grown on the lot, the retail sale of goods made using produce grown on the lot, and a veterinarian's office.
 - (ii) The following additional uses shall be considered permitted accessory uses to a dwelling accessory to an agricultural use where the agricultural use is the main use of the lot:

The retail sale of agricultural equipment and supplies or a service outlet for agricultural equipment and supplies.
 - (iii) If more than one home based business is practised accessory to the same dwelling, the total area dedicated to the combination of occupations shall not exceed the maximum areas indicated in the preceding provisions.

- (iv) Parking requirements shall be calculated as per Section 3.23 of the Zoning By-law.
- (v) Home based businesses may be subject to Site Plan Control.

3.13 Landscaped Open Space

Except as may otherwise be provided in this By-law, the following landscape requirements shall apply:

- a) Where, in a yard in any zone, a parking area which is required to provide for more than four (4) off-street parking spaces adjoins a lot in any Residential Zone, or where any lot in any Commercial or Industrial Zone abuts a lot in any Residential Zone, then a continuous strip of landscaped open space of a minimum width of 3.0 m shall be provided and maintained from the lot line of the said yard or lot. Plant materials shall be trees and shrubs of not less than 3.0 m and 1.0 m respectively in height at the time of planting and whose heights at maturity will reach at least 9.0 m and 3.0 m respectively, and will be of a type which will provide an effective visual screen between the particular properties. Such plant materials may be combined with or replaced by landscaped berms and fencing to provide an effective visual screen.
- b) Where, in any yard in any zone, a parking area which is required to provide for more than four (4) off-street parking spaces adjoins a street, then a strip of landscaped open space shall be provided and maintained along the lot line adjoining the street, and the said landscaped open space shall include trees, low growing shrubs, and turf and shall be continuous except for aisles or driveways required for access to the parking area and shall be a minimum width of 3.0 m.
- c) In any zone, any portion of any front yard which is not used for any other permitted purpose shall be devoted to landscaped open space.
- d) Any land used for landscaped open space shall be included in any calculations of lot area, yard requirements, etc., as set forth in this By-law.

3.14 Lots Divided into More Than One Zone

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as separate lot for the purpose of determining zone provisions. Notwithstanding the foregoing, for lots which are partially in a holding zone of the "h" type or on an Environmental Protection Zone, the entire lot shall be used to determine zone requirements such as area, frontage, coverage, and setbacks.

3.15 Mobile Homes

- a) The locating of a mobile home or mobile home park is prohibited within the Town of Espanola, except as provided in a specific zone for this purpose.

- b) Additions to a mobile home are permitted to a maximum of 23.2 m² (250 ft²).

3.16 Municipal Piped Services

No person shall hereafter erect and use in whole or in part any building or structure without municipal piped services for any purpose in any Zone, except in the RR, RT, RS, OS1, OS2, RU, RM, RC, W, WR, WT, M2, and M3 Zones, and except where specifically permitted as an exception to this By-law.

3.17 Non-Complying Buildings, Structures, and Lots

- a) Alterations to Non-Complying Buildings and Structures:

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation, or repair of an existing non-complying building or structure provided such enlargement, reconstruction, renovation, or repair shall not:

- (i) increase the portion of the lot coverage if such coverage exceeds the applicable maximum permitted herein;
- (ii) further reduce the width or depth of any yard adjoining that portion of such building or structure which is less than the applicable minimum required yard dimension required herein;
- (iii) reduce the distance between any two buildings if such distance is less than the applicable minimum separation distance permitted herein;
- (iv) increase the height of such building or structure if such dimension exceeds the applicable maximum building height permitted herein;
- (v) reduce the gross floor area of any dwelling or structure if it is less than the applicable minimum gross floor area required herein;
- (vi) increase the net floor area of any building if it is greater than the applicable maximum net floor area permitted herein;
- (vii) reduce the dwelling unit area of any dwelling unit if it is less than the applicable minimum dwelling unit area required herein;
- (viii) reduce the portion of the lot used for landscaping purposes if such portion is less than the applicable minimum landscaping area required herein; or
- (ix) contravene any other zone provisions.

- b) Use of Undersized Lots:

Where a lot having less than the minimum lot area or frontage required by this By-law, exists on the date of passing of this By-law or is increased in area or frontage but still does not meet the minimum area or frontage requirements of this By-law, such lot may

be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions in this By-law are met.

- c) Expropriation and/or Road Widening:
- (i) If any legally existing building or structure would become non-complying as a result of a road widening or an expropriation, by having its front yard, exterior side yard, or setback reduced, the said existing building or structure shall be deemed to be complying for the purposes of this By-law.
 - (ii) If any legally existing lot would become non-complying as a result of a road widening or an expropriation, by having its lot area and/or lot frontage reduced, the said existing lot shall be deemed to be complying for the purposes of this By-law.

3.18 Non-Conforming Buildings and Structures

- a) Rebuilding or Repair Permitted:

Nothing in this By-law shall prevent the rebuilding or repair of a non-conforming building or structure that is damaged subsequent to the date of passing of this By-law, provided that the external dimensions of the original building or structure are not increased, and the use of the building or structure is not altered, unless altered to a permitted use.

- b) Strengthening Permitted:

Nothing in this By-law shall prevent the strengthening to a safe condition of a non-conforming building or structure, including the installation of eaves troughs, siding, brick, or insulation whose sole purpose is to improve the exterior of the building, provided that the floor area of the original building or structure is not increased and the use of the building or structure is not altered, unless altered to a permitted use.

- c) Dwelling House in a Commercial Zone:

Nothing in this By-law shall prevent the alteration of an existing dwelling house in any Commercial Zone, provided that the number of dwelling units is not increased and provided further that such alteration does not contravene any of the provisions of this By-law for such use in a Residential Zone.

- d) Change of Use:

The use of any lot, building, or structure which is not permitted in the zone in which it is located shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by Council pursuant to its powers under the *Planning Act*.

3.19 Noxious Uses

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business, or manufacture.

3.20 Occupancy Restrictions

No human habitation nor an occupation or activity conducted for gain or profit unless specifically permitted elsewhere in this By-law shall be permitted in the following buildings, structures, or parts thereof:

- (i) any private garage or other building which is accessory to a residential use;
- (ii) any truck, bus, coach, or streetcar body whether or not the same is mounted on wheels;
- (iii) any cellar, as defined in this By-law; and
- (iv) any trailer or recreational vehicle.

3.21 Open Storage

Open Storage shall be restricted to the Highway Commercial and Industrial Zones in accordance with the following:

- a) in the C2 Zone, open storage shall not be permitted within any front, side, or rear yard where the C2 Zone abuts any Residential or Institutional Zone;
- b) in the M1, M2, and M3 Zones, open storage shall not be permitted within any front yard nor within the minimum side or rear yard where these zones abut any Residential or Institutional Zone;
- c) a strip of landscaped open space, a minimum of 3.0 m wide shall be provided around all sides of an open storage area which abut adjacent properties;
- d) where open storage areas abut Residential or Institutional Zones, the required landscaped open space must also include visual screening. Any combination of plant materials, landscaped berms, or fencing may be used, but such materials must provide an effective visual screen between the open storage areas and the abutting properties; and
- e) any areas used for open storage shall be in addition to any minimum off-street parking or loading areas required by this By-law.

3.22 Outdoor Illumination

Outdoor illumination of buildings, structures, or yards, including parking areas, shall be permitted provided the fixtures are so designed and installed that the light is directed downward and is directed away from adjacent lots or streets.

3.23 Parking Area Requirements

Parking spaces and areas are required under this By-law in accordance with the following provisions.

a) Number of Spaces

- (i) The owner of every building or structure erected or used for any purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of said premises from time to time, parking spaces and areas as follows:

Non-Residential Parking Requirements

Type of Use	Minimum Parking Space Requirement
Athletic or Recreational Facilities (Other than listed herein)	1 / 4 persons design capacity of the establishment
Automobile Service Stations and Drive-in Food Outlets	A minimum of 10 parking spaces
Bowling Alley and Curling Rink	4 / bowling lane or curling sheet plus 1 / 4 persons design capacity for any accessory uses
Bus Terminal	5 / bus passenger bay, plus 4 for any parcel pickup and delivery service. Other associated parking will be calculated according to the relevant provisions of this Section
Car Wash, Automatic and Self Serve	Self service operation: 3 waiting and 2 drying spaces per wash rack; Conveyor operation: 10 waiting spaces per wash rack
Commercial Club	1 / 4 persons design capacity of the establishment
Church, Assembly Hall, Community Centre, Theatre	The greater of: 1 / 6 fixed seats or fraction thereof; or 1 / 9 m ² of gross floor area (GFA)
Day Nursery	1 / 2 employees, plus 1 / every 4 children capacity
Funeral Parlor	1 / 20 m ² GFA
Home Based Business	1 / non-resident employee
Hospital, Nursing Home, Rest Home	1 / 2 beds
Hotel, Motel, Commercial Club	1 / guest room plus 1 / 4 persons capacity at one time in a beverage room or liquor lounge, dining room or meeting room
Industrial Establishment	1 / 50 m ² of manufacturing floor area and 1 / 100 m ² of storage or warehouse space
Medical, Dental, or Veterinary Clinic	4 / practitioner (physician, dentist, or veterinarian) plus 1 / 2 employees
Offices	1 / 25 m ² GFA
Other Non-Residential Uses permitted by this By-law	1 / 25 m ² GFA

Type of Use	Minimum Parking Space Requirement
Restaurants	The greater of: 1 / 14 m ² GFA or 1 / 4 persons design capacity of eating area.
Retail Stores, Service Outlets, Commercial School	1 / 20 m ² GFA; minimum of 5.
School, Elementary	The greater of: 1.5 / per classroom; or 1 / 10 m ² of floor area in the gymnasium; or 1 / 10 m ² of floor area in the auditorium.
School, Secondary	The greater of: 5 / classroom; or 1 / 10 m ² floor area in the gymnasium; or 1/ 10 m ² of floor area in the auditorium.
Self-storage Facility	If there is office associated with the facility, 1 / 25 m ² GFA If no office, no requirement

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by By-law 2400/11

Residential Parking Requirements

Type of Use	Minimum Parking Space Requirement
Bed and Breakfast Establishment	1 / guest room plus the required space(s) for dwelling unit
Dwelling Unit, Accessory	1 / unit
Dwelling, Apartment or Row House	1.5 / unit, 15% of which shall be reserved for visitors' parking
Dwelling Units other than Apartment Dwellings and Row House Dwellings	2 / unit plus 1 / guest room for Bed and Breakfast facilities
Group Home	1 / 2 group home residents according to the licensed or approved capacity of the Group Home

- (ii) where more than one use is permitted on any lot, the requirements of this By-law with regard to parking shall be cumulative; and
- (iii) The parking space requirements shall not apply to any building or structure in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then parking spaces for the addition shall be provided as required by Sections 3.22(a) and (b) of this By-law.

b) Accessible Parking

In the case of Multiple Residential (i.e., apartment dwellings and cluster housing), Commercial, Industrial, and Institutional Uses, parking spaces for the exclusive use of elderly and physically disabled persons shall be provided in accordance with the following table:

Total Parking Spaces Required	Accessible Spaces Required (minimum)
Up to 19	0
20-99	1
100-199	2
200-299	3

Total Parking Spaces Required	Accessible Spaces Required (minimum)
300-399	4
400-499	5
500+	6

- c) Size of Parking Spaces
- (i) Every parking space shall have the minimum dimensions of 2.6 m x 6.0 m for a standard car and 3.66 m x 6.0 m for an accessible parking stall, exclusive of any aisle or ingress and egress lanes, for the temporary parking or storage of motor vehicles.
- d) Location
- (i) Required parking in any Residential Zone shall be provided on the same lot as the dwelling unit;
- (ii) In all other zones, the parking area and its access shall be located in the same zone and within 100 m of the lot it is intended to serve;
- (iii) Where the required parking is provided away from the lot on which the use or building served is located, the parking spaces shall be in the same ownership or on a renewable long term lease, and the parking facilities shall be maintained for the duration of the use; and
- (iv) Parking spaces shall not occupy the minimum front yard as defined in this By-law in the R3, SC, and I zones, or the minimum front yard of a mobile home park in the RT zone.
- e) Access
- (i) Except in residential zones, every parking space shall be provided with unobstructed access to a street by a driveway, aisle, or lane of no less than 6.0 m and not more than 9.0 m in width;
- (ii) In the case of a building used for residential purposes only and containing no more than two residential purposes only and containing no more than two dwelling units, the width of the access route shall be no less than 3.0 m and no more than 9.0 m and vehicles may be parked in tandem;
- (iii) No more than two driveways, aisles, or lanes will be permitted for each lot and for every 30 m of frontage exceeding 30 m an additional driveway, aisle, or lane shall be permitted;
- (iv) The maximum width of any abutting driveways along a common lot line, measured along the street line, shall be 9.0 m except for Industrial Zones;
- (v) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 7.0 m;

- (vi) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by the driveway shall be 6.0 m for all residential uses in the residential zones and shall be 8.0 m in all other zones;
- (vii) The minimum angle of intersection between a driveway and a street line shall be 60 degrees;
- (viii) Access to parking areas for Commercial or Industrial uses shall not pass through a Residential Zone; and
- (ix) In all cases, parking spaces shall be freely accessible in all seasons.

f) 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. Before being used, such parking areas and driveways shall be constructed of crushed stone, gravel, asphalt paving, concrete, paver stones, or similar materials and be provided with adequate drainage.

g) Loading Spaces

- (i) The owner or occupant of any lot, building, or structure erected or used for any purpose involving the frequent receiving, shipping, loading, or unloading of animals, goods, wares, merchandise, or raw materials shall provide and maintain loading spaces on the lot so occupied and not forming part of a street.
- (ii) The number of such loading spaces provided shall be in accordance with the floor area of the building or structure as follows:

Uses	Building Floor Area	No. of Spaces
Commercial and Industrial	less than 200 m ²	None
	200 to 1,000 m ²	1
	>1,000 to 7,500 m ²	2
	>7,500 m ²	2 plus 1 add'l space for each 7,500 m ² of floor area or fraction thereof
Institutional	Any area	1

Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirements for each use.

The loading space requirements shall not apply to any building or structure in existence at the date of passing this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or

structure which increases the floor area, then additional loading space shall be provided as required in Section 3.23(g)(ii) for such addition.

(iii) Size of Loading Spaces

Each loading space shall be at least 9.0 m long, 3.6 m wide, and have a vertical clearance of at least 4.0 m.

(iv) Location

The required loading spaces shall be provided on the lot occupied by the building or structure for which the spaces are required and such space shall not form part of any street or required parking area, and shall not be (with the exception of the M2 and M3 zones) located within a required front yard or exterior side yard. Where a loading space is located in a yard which abuts a Residential Zone, such loading space shall be screened from such Residential Zone in a manner and to the extent approved under Section 3.13 of this By-law.

(v) Access

Access to loading spaces shall be by means of a driveway at least 3.5 m wide for one way traffic and 6.0 m wide for two way traffic and located within the lot on which the loading spaces are located.

(vi) Surface

Each loading space and driveway connecting a loading space with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. Before being used, such loading spaces and driveways shall be constructed of crushed stone, gravel, asphalt paving, concrete, paver stones, or similar materials and be provided with adequate drainage.

3.24 Pinball or Electronic Game Arcades

Pinball or electronic game machines are permitted in any of the following zones C, C2, TC, SC, or M1, provided that when such establishment is not located in a shopping centre, not more than 10 machines shall be located in such establishment and no such establishment shall be located less than 800 m from any school.

3.25 Public Uses Permitted

- a) In any zone including holding zones, any land may be used and any building or structure may be erected and used for the purposes of a Public Authority provided that:
- (i) the lot coverage, setback, and yard requirements prescribed for the zone in which such land, building, or structure is located shall be complied with, except for transmission facilities for gas, telephone, cable, and electric power (i.e.: poles, towers, lines, and similar elements);

- (ii) no goods, material, or equipment shall be stored in the open except in accordance with the zone provisions; and
 - (iii) any building or structure erected in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with the residential buildings of the type permitted in the zone.
- b) Notwithstanding the provisions of Section 3.25 (a) of this By-law, waste disposal sites shall only be permitted in the Waste Management Zone.

3.26 Sight Triangles

Notwithstanding any provisions of this By-law to the contrary, within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush, or other vegetation, other than agricultural crops, the top of which exceeds 1.0 m in height above the elevation of the centrelines of abutting streets;
- c) a parking area; and
- d) a finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 m.

3.27 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided that such sign complies with the provisions of this By-law regarding sight triangles.

3.28 Storage of Special Vehicles

- a) Vehicles Permitted:

No person shall use any lot in any Residential Zone for the purpose of parking or storing a boat, recreational vehicle, snowmobile, or tourist trailer except for any of the following:

- (i) one boat which shall not exceed 9.0 m in length;
- (ii) one recreational vehicle which shall not exceed 9.0 m in length;
- (iii) 2 snowmobiles;
- (iv) one tourist trailer which shall not exceed 9.0 m in length exclusive of hitch or tongue.

b) Length of Time:

Storage of each vehicle shall only be permitted for a maximum of 6 months of the year.

c) Yards Where Permitted:

In any Residential Zone, the parking or storage of a boat, recreational vehicle, snowmobile, or tourist trailer shall only be permitted as per the following provisions:

- (i) Such vehicle shall be permitted in a garage, carport, or other building;
- (ii) Such vehicle shall not be located in any required parking space or sight triangle;
- (iii) Such vehicle shall not be located in any interior side or rear yard, unless it complies with the setback for accessory structures (1.22 m); and
- (iv) Such vehicle shall not be located in the front or exterior side yard.

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3.29 Temporary Uses

- a) Any temporary construction facility such as a shed, scaffold, sales office, temporary accommodation facility such as a recreational vehicle, and equipment incidental to building on the premises for a maximum period of two years shall be permitted in any zone. Temporary accommodation will only be permitted in the case when an existing dwelling is damaged to the extent that it becomes inhabitable and for the time period while reconstruction of the dwelling is in progress.
- b) Other temporary uses may be authorized from time to time by Zoning By-law amendment pursuant to Section 39 of the *Planning Act*.

3.30 Through Lots

Where a lot is a through lot, the requirements for front yards contained in this By-law shall apply to each yard abutting the street.

3.31 Vehicle Storage

Except within an approved wrecking yard, no person shall allow a vehicle without current licence plates to be parked outside on a lot for more than 6 months, subject to the following provisions:

- a) Said vehicle is only allowed in the rear yard;
- b) In a Residential Zone, only 1 vehicle shall be allowed; and
- c) In all other zones no more than 3 vehicles shall be allowed.

3.32 Wayside Pits and Quarries

Wayside pits and quarries and portable asphalt plants are generally permitted throughout the Town without the need to amend the Zoning By-law, provided no severe environmental disruption will occur and the site is not within a residential zone, wetland, or watercourse. The Town shall require a rehabilitation plan as a condition of approval.

3.33 Yard Encroachments

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any structure other than an accessory building or structure permitted elsewhere in this By-law, provided however, that those structures listed below shall be permitted to project into the minimum required yards indicated for the distances specified.

a) Ornamental Structures:

Belt courses, sills, cornices, eaves, gutters, chimneys, bay windows, pilasters, or other ornamental structures may project into any minimum required yard not more than 0.6 m.

b) Porches, Balconies, and Steps:

Open and roofed porches, sundecks, balconies, exterior stairs, and landings may project into any minimum required front, exterior side yard, or rear yard not more than 1.5 m.

c) Patios and Landscaping Features:

Uncovered patios, awnings, fences, garden trellises, and similar landscaping features, all plant materials, clothes poles, flag poles, retaining walls, and similar accessories may project into any minimum yard.

d) Gate House:

In an Industrial Zone a gate house shall be permitted in a front or side yard or in the area between the street line and the required setback.

SECTION 4 ZONES

4.1 Zones

For the purpose of this By-law all land within the boundaries of the Town of Espanola is hereby divided and established into Zones which are shown on the attached Schedules by the accompanying symbols:

- a) Zone R1 – Residential First Density
- Zone R2 – Residential Second Density
- Zone R3 – Residential Third Density
- Zone RT – Mobile Home Park
- Zone RS – Mobile Home Subdivision
- Zone RR – Rural Residential
- Zone C – Local Commercial
- Zone TC – Town Centre Commercial
- Zone AC – Adult Commercial
- Zone C2 – Highway Commercial
- Zone SC – Shopping Centre
- Zone RC – Rural Commercial
- Zone M1 – Special Industrial–Commercial
- Zone M2 – Light Industrial
- Zone M3 – Heavy Industrial
- Zone ME – Mineral Aggregate Extraction
- Zone I – Institutional
- Zone RU – Rural
- Zone W – Waterfront General
- Zone WR – Waterfront Residential

Zone WT – Waterfront Tourist Commercial

Zone OS1 – General Open Space

Zone OS2 – Restricted Open Space

Zone WM – Waste Management

Zone EP – Environmental Protection (Flood Plain)

- b) In addition, the following suffixes may be used in conjunction with any of the foregoing zones, in which case, the relevant provisions of Section 4.5 or 4.6 will apply respectively:
- o -(numeral) : special exception zone
 - o -s : slope
 - o -h : holding zone

4.2 Schedules

The aforementioned zones together with the zone boundaries are shown on the attached Schedule “A” and Schedule “B” which forms part of this By-law.

4.3 Boundaries of Zones

Where the boundary of any zone, as shown on the attached Schedules are uncertain, the following provisions shall apply:

- a) where the boundary is indicated as following a street, lane, railway right-of-way, or other right-of-way, then the boundary shall be the centre line of such street, lane, railway, right-of-way, or other right-of-way;
- b) where the boundary is shown as approximately following a lot line or an extension of a lot line on a registered plan of subdivision or registered survey plan, the lot line or extension thereof shall be the boundary;
- c) where the boundary is shown as approximately following a watercourse, then the highwater mark shall be the boundary where no flood plain mapping exists. In the case where 1:100 year floodline is available, the boundary shall be the 1:100 year floodline; and
- d) where uncertainty exists as to the boundary of any one, then the location of such boundary shall be determined from the original Schedules which are available at the Clerk's office.

4.4 Streets and Rights-of-Way

- a) A street, lane, railway right-of-way, or other right-of-way shown on the attached Schedules shall be included, unless otherwise indicated, with the zone of adjoining property on either side thereof.

4.5 Special Exception Zones and Special Study Zones

- a) Where a zone symbol is followed by a dash and a number (for example "M1-1"), the lands so designated shall be subject to all of the provisions of the zone represented by such symbol, except as otherwise provided by the special exception provisions of the zone. These special provisions are listed separately under the appropriate zone (e.g. M1) in the text of this By-law.
- b) Where a zone symbol is followed by a dash and the letter "s" (for example "R1-s"), the lands so designated shall be developed only after a geotechnical report prepared by a qualified geotechnical engineer shows that slope stability is not a concern.

4.6 Holding Zones

- a) Any parcel or area of land may be further classified as a holding zone with the addition of the suffix "-h". The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until the requirements of the Official Plan related to holding zones have been met.
- b) Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building, or structure on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law, and the Municipality may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

4.7 Building, Structure, and Use Classification

The buildings, structures, and uses specifically named as permitted uses in a particular zone are the only uses permitted in the particular zone in which they are named and classified.

4.8 Temporary Use By-laws

Temporary use By-laws may have been passed by the municipality to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

SECTION 5 R1 ZONE – RESIDENTIAL FIRST DENSITY

5.1 General

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the R1 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

5.2 Permitted Uses

- Single detached dwellings;
- Lodging and meals for compensation, for not more than 2 persons;
- Group homes;
- Bed and breakfasts;
- Accessory apartments; and
- Uses accessory to the foregoing.

5.3 Zone Requirements

Lot Area (minimum)	
Corner lots	650 m ²
Other	550 m ²
Lot Frontage (minimum)	16.5 m
Yard Requirements (minimum)	
Front	
if facing collector or major street	7.0 m
if facing local street	5.0 m
Rear	7.0 m
Side	1.22 m + 0.5 m for each additional storey above the first
Building Height (maximum)	10 m
Lot Coverage (maximum including all structures)	40%
Dwelling Units per Lot (maximum)	1

Amended on Feb 12,
2013 by By-law 2502/13

5.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

5.5 Special Exception Zones

a) R1-1

Notwithstanding the provisions of Section 5.2 to the contrary, on the lands which are in the R1-1 Zone, a lodging house shall be permitted.

- b) R1-2

Reserved.

- c) R1-3

Reserved.

- d) R1-4 (475 to 499 Queensway Ave (south side), Lot 8, Con. IV)

Notwithstanding the provisions of Section 5.3 to the contrary, on the lands zoned R1-4 the requirements of the R1 zone contained in Section 5.3 shall apply except for the following:

Lot Frontage (minimum)	16.4 m
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- e) R1-5

Reserved.

- f) R1-6 (235 Queensway Ave, Lot 7, Con. IV)

Notwithstanding the provisions of Section 5.2 to the contrary on the lands which are in the R1-6 Zone, a Day Nursery Service, as defined under the *Day Nurseries Act*, shall be permitted.

- g) R1-8 (474 Adelaide St, Lot 7, Con. IV; By-law 1496/01)

Notwithstanding the provisions of Section 5.2 hereof to the contrary, the lands in the R1-8 zone may also be used for an accessory apartment.

- h) R1-9 (222 Spruce St, Lot 8, Con. V; By-law 1595-02)

Notwithstanding the provisions of Sections 3.22, 5.2, and 5.3 of this By-law to the contrary, the lands in the R1-9 zone may be used for a funeral parlour and an accessory dwelling unit, in accordance with the following provisions:

Yard Requirements (minimum)	
Rear	
Existing building	existing
Interior Side	
Existing building	existing
Proposed Addition	1.25 m
Exterior Side	
Existing building	existing
Lot Coverage (maximum)	20%
Driveways or lanes permitted (maximum)	4

Parking Spaces required (minimum)	10
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- i) R1-10 (433 Mead Blvd, Lot 8, Con. IV; By-law 2118/08)

Notwithstanding the provisions of Section 5.3 to the contrary, on the land zoned R1-10 the following provisions shall apply:

Lot Area (minimum)	500 m ²
Yard Requirements (minimum)	
Front	5 m
Rear	6 m

- j) R1-11

Reserved.

- k) R1-12 (455 Wood St and 456 Joseph St, Lot 8, Con. V; By-law 2254/10)

Notwithstanding the provisions of Section 5.3 to the contrary, on the land zoned R1- 12, the following zone requirements shall apply:

Lot Area (minimum)	345 m ²
Lot Frontage (minimum)	15.5 m
Yard Requirements (minimum)	
One (1) Side	0.5 m

- l) R1-13

Reserved.

5.6 Holding Zones

- a) 693 Mead Blvd, Lot 9, Con. V; Plan 53M1214 Blks 28 to 33 and PCL 6356

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That full municipal services are available or are approved and under construction to service the lands; and
- (ii) That the Town has confirmed capacity at the sewage and water treatment plants for the proposed development.

- b) 726 Mead Blvd, Lot 8, Con. IV; PCL 26231 RP 53R7704 Part 1 and 732 Mead Blvd, Lot 8, Con. IV; PCL 19872 RP SR1091 Part 2

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That full municipal services are available or are approved and under construction to service the lands;
- (ii) That the Town has confirmed capacity at the sewage and water treatment plants for the proposed development; and
- (iii) That a soils study is done confirming the land is appropriate for the proposed use.

SECTION 6 R2 ZONE – RESIDENTIAL SECOND DENSITY

6.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the R2 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

6.2 Permitted Uses

- R1 uses in accordance with the provisions thereof;
- Semi-detached dwellings;
- Duplex dwellings;
- Uses accessory to the foregoing.

6.3 Zone Requirements - Semi-detached and Duplex Dwellings

Lot Area (minimum)		
Corner lots		400 m ² / unit
Other		300 m ² / unit
Lot Frontage (minimum)		9 m / unit
Yard Requirements (minimum)		
Front		
if facing collector or major street		7 m
if facing local street		5 m
Rear		7 m
Side		2 m*
Building Height (maximum)		10 m
Lot Coverage (maximum including all structures)		40%
Dwelling Units per Lot (maximum)		2
*For semi-detached dwellings, no minimum side yard will be required between two adjoining units.		

Amended on Feb 12,
2013 by By-law 2502/13

6.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

6.5 Special Exception Zones

a) R2-1 (431 Albert St, Lot 8, Con. V)

Notwithstanding the provisions of Section 6.3, the land in the R2-1 zone may be used in accordance with the following provisions:

Lot Area (minimum)	645 m ²
Lot Frontage (minimum)	17.6 m

SECTION 7 R3 ZONE – RESIDENTIAL THIRD DENSITY

7.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the R3 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

7.2 Permitted Uses

- R1 uses in accordance with the provisions thereof;
- R2 uses in accordance with the provisions thereof;
- Rowhouse dwellings;
- Triplexes;
- Apartment dwellings;
- Boarding and rooming houses; and
- Uses accessory to the foregoing.

7.3 Zone Requirements:

a) Rowhouse Dwellings

Lot Area (minimum)	250 m ² / unit
Lot Frontage (minimum)	25 m
Per unit	6.0 m / unit
Yard Requirements (minimum)	
Front	
if facing collector or major street	7.0 m
if facing local street	5.0 m
Rear	7.0 m
Side	3.0 m
Building Height (maximum)	10 m
Lot Coverage (maximum including all structures)	35%

b) Triplexes and Apartment Dwellings

Lot Area (minimum)	105 m ² / unit
Lot Frontage (minimum)	25 m
Yard Requirements (minimum)	
Front	7.0 m
Rear	7.0 m
Side	3.0 m
Building Height (maximum)	4 storeys or 15 m whichever is less
Lot Coverage (maximum including all structures)	35%

Amended on Feb 12,
2013 by By-law 2502/13

Gross Floor Area per Dwelling Unit (minimum)	
bachelor unit	35 m ²
one bedroom unit	55 m ²
two bedroom unit	75 m ²
three bedroom unit	90 m ²
four or more bedroom unit	110 m ²

c) Boarding and Rooming houses

Lot Area (minimum)	650 m ²
Lot Frontage (minimum)	20 m
Yard Requirements (minimum)	
Front	7.0 m
Rear	7.0 m
Side	5.0 m
Building Height (maximum)	3 storeys or 10 m whichever is less
Lot Coverage (maximum including all structures)	35%

7.4 Additional Zone Requirements for All Permitted R3 Uses

a) General Provisions

In accordance with the provisions of Section 3.

b) Distance between Residential Building on the Same Lot

Where more than one (1) residential building is erected on the same lot or parcel of land, the distance between buildings shall be not less than the average height of the buildings except that where the buildings are at right angles or not less than 70 degrees, then the distance between the closest points of the buildings may be reduced to 6.0 m or one-half the average height of the buildings, whichever is greater.

7.5 Special Exception Zones

a) R3-1

Notwithstanding the provisions of Section 7.2, on lands in the R3-1 zone, any two of the commercial uses listed in Section 11.2 shall also be permitted. Commercial uses shall be restricted to the ground floor and to a maximum floor area of 200 m².

7.6 Holding Zones

a) Queensway Ave, Lot 8, Con. IV; PCL 30369 RP 53R14866 Part 1 & 2

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That full municipal services are available or are approved and under construction to service the lands; and
 - (ii) That the Town has capacity at the sewage and water treatment plants for the proposed development.
- b) Multiple locations

299 Queensway Ave, Lot 8, Con. IV; PCL28539 RP 53R 10985 Part 4
309 Queensway Ave, Lot 8, Con. IV; PCL28538 RP 53R 10985 Part 3
317 Queensway Ave, Lot 8, Con. IV; PCL28537 RP 53R 10985 Part 2

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That the concerns of the Town of Espanola and Ministry of Natural Resources with respect to floodline determination, floodproofing, and erosion control are satisfied.

SECTION 8 RT ZONE – MOBILE HOME PARK

8.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RT Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

8.2 Permitted Uses

- o Mobile homes; and
- o Uses accessory to the foregoing including common service buildings and community facilities.

8.3 Zone Requirements:

a) Mobile Home Park

Lot Area (minimum)	2.0 ha
Lot Frontage (minimum)	75 m
Lot Depth (minimum)	150 m
Yard Requirements (minimum)	
Front	10 m
Rear	5.0 m
Side	5.0 m
Lot Coverage (maximum)	35%

b) Mobile Home Sites

Site Area (minimum)	550 m ²
Site Frontage (minimum)	16.5 m
Site Depth (minimum)	33 m
Yard Requirements (minimum)	
Front	5.0 m
Rear	5.0 m
Side	2.0 m
Building Height (maximum)	5.0 m
Lot Coverage (maximum)	35%
Gross Floor Area per Dwelling Unit (minimum)	55 m ²
Dwelling Units per Site	1

8.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Site Boundaries

Each mobile home site shall be clearly and permanently defined by stakes, fencing, or hedges and will be provided with a foundation or a concrete or gravel pad upon which the mobile home will be located.

c) Buffer Strip

The required yards around a mobile home park shall be landscaped open space except that visitor parking and recreational facilities may be permitted with these minimum yards up to 3.0 m from the lot line. The landscaped open space shall comply with the provisions of Section 3.13.

d) Minimum Mobile Home Park Size

Before the first occupancy is permitted, a mobile home park shall provide a minimum of 20 mobile home sites.

e) Required Recreation Areas

One or more outdoor recreation areas equivalent to 5% of the land proposed for development shall be provided. No such recreation area shall contain less than 500 m².

f) Additions

Additions on mobile homes are limited as per the provisions of Section 3.15 of this By-law.

8.5 Special Exception Zones

Reserved.

SECTION 9 RS ZONE – MOBILE HOME SUBDIVISION

9.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RS Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

9.2 Permitted Uses

- Mobile homes;
- Single Detached homes;
- Open space; and
- Uses accessory to the foregoing.

9.3 Zone Requirements

Lot Area (minimum)	2,000 m ²
Lot Frontage (minimum)	40 m
Yard Requirements (minimum)	
Front	10 m
Rear	10 m
Side	5.0 m
Building Height (maximum)	5.0 m
Lot Coverage (maximum including all structures)	15%
Gross Floor Area per Dwelling Unit (minimum)	55 m ²
Dwelling Units per Lot	1

Amended on Feb 12,
2013 by By-law 2502/13

9.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

9.5 Special Exception Zones

Reserved.

SECTION 10 RR ZONE – RURAL RESIDENTIAL

10.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RR Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

10.2 Permitted Uses

- Single detached dwellings;
- Accessory apartments;
- Day nurseries; and
- Group homes.

10.3 Zone Requirements

Lot Area (minimum)	10,000 m ² (1.0 ha)
Lot Frontage (minimum)	30 m
Yard Requirements (minimum)	
Front	7.5 m
Rear	7.5 m
Side	7.5 m
Building Height (maximum)	10 m
Maximum Lot Coverage	20%
Dwelling Units per Lot	1

10.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

10.5 Special Exception Zones

a) RR-1 (559, 665, and 725 Barber St, Lot 10, Con. V)

Notwithstanding the provisions of Section 10.3 to the contrary, the land in the RR-1 zone may be used in accordance with the following provisions:

Lot Area (minimum)	10 acres (4.05 ha)
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- b) RR-2 (926 Pleasant Valley Rd, Lots 11 and 12, Con. II)

Notwithstanding the provisions of Section 10.2 to the contrary, on the land zoned RR-2, permitted uses shall also include:

- o Hobby Farm.

- c) RR-3 (1347 Bass Lake Rd, Lot 10, Con. III)

Notwithstanding the provisions of Section 10.2 to the contrary, on the land zoned RR-3, permitted uses shall also include:

- o Welding business.

- d) RR-4 (2248 Lee Valley Rd, Lot 11, Con. IV)

Notwithstanding the provisions of Section 10.2 to the contrary, on the land zoned RR-4, permitted uses shall also include:

- o Multi-unit dwelling; and
- o Industrial storage building.

- e) RR-5 (2201 Lee Valley Rd, Lot 12, Cons. IV and V; Bylaw 1392/99)

Notwithstanding the provisions of Section 10.2 to the contrary, on the lands zoned RR-5, the following use shall be permitted:

- o A storage garage, accessory to the existing residential use.

Notwithstanding the provisions of Section 10.2 and 10.3 to the contrary, in the RR-5 zone an accessory storage garage may be located in accordance with the following provisions:

Yard Requirements (minimum)	
Rear	1.0 m
Side	1.0 m

Furthermore, no accessory building shall be permitted in the front yard.

- f) RR-6 (Multiple locations on Second Ave, Lot 10, Con. V)

Notwithstanding the provisions of Section 10.3 to the contrary, the land in the RR-6 zone may be used in accordance with the following provisions:

Lot Area (minimum)	1,300 m ²
Lot Frontage (minimum)	30 m
Lot Coverage (maximum)	20%

g) RR-7 (922 Mead Blvd, Lot 8, Con. IV)

Notwithstanding the provisions of Section 10.3 to the contrary, the land in the RR-7 zone may be developed in accordance with the following provisions:

Lot Area (minimum)	2,400 m ²
Lot Frontage (minimum)	30 m
Yard Requirements (minimum)	
Side	3.0 m
Lot Coverage (maximum)	20%

h) RR-8 (836 Mead Blvd, Lot 8, Con. IV; By-law 2025-07)

Notwithstanding the provisions of Section 10.2 and 10.3, the permitted uses in the RR-8 zone shall include a breeding kennel and may be developed in accordance with the following provisions:

Lot Area (minimum)	4.45 ha
Lot Frontage (minimum)	200 m
Setbacks for Kennels or any structure or portion thereof used for the kennel operation (minimum)	
Front	15 m
Rear	30 m
Side	45 m

(i) Permitted Location of Dog Runs:

Restricted to locations in a side yard, rear yard, or interior yard abutting a side or rear yard

(ii) Minimum Separation Areas:

No building or structure or portion thereof used for kennel purposes may be located closer to any residential use building on another lot than:

- 300 m for a kennel with more than four dog runs, or
- 150 m for a kennel with four or fewer dog runs.

Despite the above, the minimum separation area between kennel building and structures and residential use buildings on another lot may be reduced to 75 m in the case of a kennel with more than four dog runs, provided that noise attenuation measures are introduced to mitigate the noise level of all indoor and outdoor kennel facilities so that they do not become a nuisance to surrounding dwellings.

- i) RR-9 (2242 Lee Valley Rd, Lot 11, Con. IV)

Notwithstanding any other provisions of Section 11.2 to the contrary, on the land zoned RR-9, a contractor's establishment shall also be a permitted use.

- j) RR-10 (2244A Lee Valley Rd, Lot 11, Con. IV; By-law 2299/10)

Notwithstanding any other provisions of Section 11.2 and 11.3 to the contrary, on the land zoned RR-10, a custom workshop and an automobile undercoating business shall also be a permitted use, in accordance with the following provisions:

Lot Frontage (minimum)	16 m
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Amended on Sept 13, 2011 by By-law 2383/11

SECTION 11 C ZONE – LOCAL COMMERCIAL

11.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the C Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

11.2 Permitted Uses

- Baked foods shops;
- Barber shops;
- Beauty parlours;
- Delicatessens;
- Drugstores;
- Dry cleaning and laundry outlets;
- Financial offices;
- Professional offices;
- Restaurants;
- Restaurants, Drive-In;
- Restaurants, Take-Out;
- Retail convenience stores;
- Self-service laundromats;
- Shoe repair shops;
- Sub-post offices;
- Tobacconist and/or newsstands;
- One dwelling unit accessory to, and situated within the same building as a permitted local commercial use; and
- Uses accessory to the foregoing.

11.3 Zone Requirements

Lot Area (minimum)	750 m ²
Lot Frontage (minimum)	25 m
Yard Requirements (minimum)	
Front	
if facing collector or major street	7.0 m
if facing local street	5.0 m
Rear	7.0 m
Side	
abutting an existing residential use or a residential zone	3.0 m
all other cases	1.0 m
Building Height (maximum)	2 storeys or 10 m whichever is less
Lot Coverage (maximum)	60%
Gross Floor Area per Dwelling Unit (minimum)	as per Section 7.3 (b)

11.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Landscaped Open Space

Where the side or rear boundaries of a C Zone are contiguous with the boundaries of a residential zone, landscaped open space shall be provided in accordance with the provisions of Section 3.13.

11.5 Special Exception Zones

a) C-1 (441 Mead Blvd, Lot 8, Con. V; By-law 1256/97)

Notwithstanding the provisions of Sections 11.2 and 11.3 to the contrary, on the lands which are located in the C-1 zone, a triplex dwelling unit shall be permitted according to the following provisions:

Lot Area (minimum)	501 m ²
Lot Frontage (minimum)	18 m

Notwithstanding the provisions of Sections 11.3 and 3.1(b), the side yard setback for the carport located on the north side of the property shall be 0.42 m and the rear yard setback for the frame shed also located on the north side of the property shall be 0.51 m. Furthermore, notwithstanding the provisions of Section 3.23, 4 parking spaces are required.

b) C-2 (439-443 Second Ave., Lot 8, Con. V; By-law 2400/11)

Notwithstanding the provisions of Sections 11.2 and 11.3 to the contrary, on the land zoned C-2, in addition to the permitted uses, a self-storage facility shall be permitted, and the following provisions shall apply:

Yard Requirements (minimum)	
Rear	1.0 m
Side	1.0 m

c) C-3 (449 Mead Blvd, Lot 8, Con. V; By-law 2341/11)

Notwithstanding the provisions of Sections 3.12, 3.22, 11.2, 11.3, and 11.4 to the contrary, on the land zoned C-3, permitted uses shall include:

- All those uses listed in Section 11.2;
- A maximum of eight (8) dwelling units; and
- Custom Workshop

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2013 by By-law 2502/13

Amended on Dec 13,
2011 by By-law 2400/11

In accordance with the following provisions:

Lot Frontage (minimum)	18 m
Yard Requirements (minimum)	
Front	1.5 m
Side	0.5 m
Parking Requirements	
Commercial Uses	2 spaces total
Residential Uses	1 space / dwelling unit
Landscaping Requirements	
Continuous strip of landscaped open space adjacent to any Residential Zone to include shrubs and turf (minimum width):	1.0 m
Continuous strip of landscaped open space in the rear yard adjacent to any street to include shrubs and turf (minimum width):	1.0 m

SECTION 12 TC ZONE – TOWN CENTRE COMMERCIAL

12.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the TC Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

12.2 Permitted Uses

- R3 uses in accordance with the provisions thereof;
- Automobile service stations;
- Commercial schools;
- Farmers' markets;
- Financial offices;
- Funeral parlours;
- Government services;
- Hotels, motor inns, and motels;
- Institutional uses permitted under Section 22.2;
- Medical/dental offices;
- Offices;
- Parking lots;
- Personal and business services;
- Places of entertainment, recreation, and assembly;
- Private clubs;
- Restaurants;
- Restaurants, Drive-In;
- Restaurants, Take-Out;
- Retail stores;
- Service industrial uses limited to bakeries, dry cleaning establishments, printing shops, and wholesaling establishments;
- Service outlets;
- Taxi and bus depots;
- Utility service buildings;
- Veterinary establishments;
- Existing residential uses;
- One (1) dwelling unit accessory to, and situated within the same building as a permitted commercial use; and
- Uses accessory to the foregoing;

Amended on Feb 12,
2013 by By-law 2502/13

12.3 Zone Requirements

Lot Area (minimum)	none required
Lot Frontage (minimum)	none required

Yard Requirements (minimum)	
Front	none required
Rear	9.0 m
Side	none required
Building Height (maximum)	4 storeys or 15 m whichever is less
Lot Coverage (maximum)	60%
Gross Floor Area per Dwelling Unit (minimum)	as per Section 7.3(b)

12.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Increased Yard Requirements

Where a Town Centre Commercial (TC) Zone abuts a Residential Zone, the side yard requirement shall be 5.0 m of which 3.0 m shall be landscaped open space and the rear yard requirement shall be increased to 9.0 m of which 3.0 m shall be landscaped open space. The landscaped open space shall comply with the provisions of Section 3.13.

c) Special Provisions for Hotels, Motor Inns, and Motels

Where the exterior wall of a guest room contains a habitable room window, such wall shall be located not closer than 7.0 m from any side or rear lot line.

d) Existing Residential Uses

The relevant provisions of Sections 5, 6, or 7 shall apply as per the type of dwelling unit.

e) Automobile Service Stations

The provisions of Section 3.2 and 17.3 shall apply.

12.5 Special Exception Zones

a) TC-1 (135 Fleming St, Lot 8, Con. V)

Notwithstanding the provisions of Section 12.2 hereof to the contrary, the uses permitted on the lands zones TC-1 shall be restricted to professional offices and banks only.

b) TC -2 (78-80 Centre Street, Lot 8, Con. VI; By-law 1391/99)

Notwithstanding the provisions of Sections 2.65, 3.22, 12.2, and 12.3 hereof to the contrary, on the lands which are located in the TC-2 zone, a municipal government services complex shall be permitted according to the following provisions:

Yard Requirements (minimum)	
Rear	9.0 m
Number of Parking Spaces (total)	9
Width of Driveway Aisle (minimum)	4.0 m

For the purposes of interpretation of the zone requirements, the lands Zoned TC-2 shall be considered as one lot.

SECTION 13 AC ZONE – ADULT COMMERCIAL

13.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the AC Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and any other relevant Sections of this By-law.

13.2 Permitted Uses

- Adult entertainment business

13.3 Zone Requirements

Lot Area (minimum)	705 m ²
Lot Frontage (minimum)	25 m
Yard Requirements (minimum)	
Front	7.0 m
Rear	7.0 m
Side	3.0 m
Building Height (maximum)	10 m

13.4 Additional Zone Requirements

- a) General Provisions

In accordance with the provisions of Section 3.

13.5 Special Exception Zones

Reserved.

SECTION 14 C2 ZONE – HIGHWAY COMMERCIAL

14.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the C2 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

14.2 Permitted Uses

- Antique and craft shops;
- Automobile service stations;
- Automatic carwash;
- Commercial garages;
- Drive-in establishments;
- Farm machinery sales and service;
- Motels, motor inns, and hotels;
- Offices;
- Recreational vehicle and marine equipment sales and service;
- Restaurants ;
- Restaurants, Drive-in;
- Restaurants, Take-out;
- Retail Store;
- Self-service Laundromats;
- Trailer and mobile home sales;
- Existing residential uses;
- One (1) dwelling, either attached or detached, accessory to and on the same lot as a permitted commercial use; and
- Uses accessory to the foregoing.

Amended on Feb 12,
2013 by By-law 2502/13

14.3 Zone Requirements

Lot Area (minimum)	550 m ²
Yard Requirements (minimum)	by site plan agreement
Building Height (maximum)	10 m
Lot Coverage (maximum)	40%

14.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Increased Zone Requirements

Where a Highway Commercial (C2) Zone abuts a Residential Zone, the minimum side and rear yards shall be 3.0 m.

c) Special Provisions for Hotels, Motor Inns, and Motels

Where the exterior wall of a guest room contains a habitable room window, such wall shall be located not closer than 7.0 m from any side or rear lot line.

d) Open Storage

The provisions of Section 3.21 shall apply to any commercial use where open storage of goods or materials is involved.

e) Automobile Service Stations and Commercial Garages

The provisions of Section 3.2 shall apply to any automobile service station or commercial garage.

f) Residential Uses

The relevant provisions of Sections 5, 6, or 7 shall apply as per the type of dwelling unit.

14.5 Special Exception Zones

a) C2-1 (995 Hwy 6, Lot 6, Con. IV)

Notwithstanding the provisions of Section 3.16, 14.2 and 14.3 hereof to the contrary, the following special provisions shall apply within the C2-1 zone.

(i) Permitted Uses

- o a hotel, a motel, tourist cabins, a public house, a health spa, and an eating establishment, and uses accessory to the foregoing.

(ii) Zone Requirements

	With Municipal Water and Sewer	With Municipal Water Only	Without Municipal Services
Lot Area (minimum)	550 m ²	700 m ²	1,400 m ²
Lot Frontage (minimum)	18 m	18 m	36.5 m
Yard Requirements (minimum)			
Front	12 m	12 m	12 m
Rear	3.0 m	3.0 m	3.0 m
Side	9.0 m	9.0 m	9.0 m
Main Building Height (maximum)	10.5 m	10.5 m	10.5 m
Accessory Building Height (maximum)	4.5 m	4.5 m	4.5 m
Lot Coverage (maximum)	75%	40%	40%

- b) C2-2 (830 Centre Street, Lot 7, Con. IV; By-law 1343/98)

Notwithstanding the provisions of Section 14.2 hereof to the contrary, a building supply outlet shall be permitted in addition to the permitted uses.

- c) C2-3 (293 Queensway Ave, Lot 8, Con. IV; By-law 1501/01)

Notwithstanding the provisions of Section 3.23(e) to the contrary, the minimum width of the driveway giving access to the parking spaces at the rear of the building shall be 4.85 m.

- d) C2-4 (525 Centre St, Lot 8, Con. V; By-law 2322/10)

Notwithstanding the provisions of Sections 14.2 and 14.3 to the contrary, on the land zoned C2-4, two dwelling units shall be permitted in addition to all uses listed in 14.2, in accordance with the following provisions:

Yard Requirements (minimum)	
Front	5.0 m
Side	1.0 m

- e) C2-5 (407 Centre St, Lot 8, Con. V; By-law 2391/11)

Notwithstanding the provisions of Sections 14.2 to the contrary, on the land zoned C2-5, in addition to the permitted uses, a commercial warehouse and a maximum of 10 residential apartments shall be permitted.

Amended on Oct 11, 2011
by By-law 2391/11

14.6 Holding Zones

- a) C2-h Multiple locations, see below:

Parts of : 375 Queensway Ave, Lot 8, Con. IV, PCL 13262;
Queensway Ave, Lot 8, Con. IV; RP 53 R8004 Part 1 PCL 26623 Remainder;
Lot 8, Con. IV; PCL 18292
Lot 7, Con. IV; PCL 9913 and 19332
Highway 6 and Centre St, Lot 7, Con. IV; PCL 19332 RP SR396 Part 1 and Part 2
Lot 7, Con. IV; PCL 5308

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That the concerns of the Town of Espanola and Ministry of Natural Resources with respect to floodline determination, floodproofing, and erosion control are satisfied.

SECTION 15 SC ZONE – SHOPPING CENTRE

15.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the SC Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

15.2 Permitted Uses

A shopping centre consisting of the following commercial uses:

- Automobile service station; and
- Bookstores;
- Department stores and furniture stores;
- Drug stores;
- Financial offices;
- Food stores, including grocery stores, delicatessen stores, and food specialty shops;
- Offices;
- Restaurants;
- Restaurants, Drive-in;
- Restaurants, Take-out;
- Personal service shops;
- Retail; and
- Uses accessory to the foregoing

provided that such a group of commercial establishments is planned, developed, owned, and managed as a unit.

15.3 Zone Requirements

- a) The minimum yard requirements except for automobile service stations shall be as follows:
 - when adjacent to an R1, R2, or R3 Zone, 40 m;
 - when adjacent to a public roadway or any other zone, 15 m.
- b) An automobile service station shall conform with the requirements of Section 3.2 and 17.2.

15.4 Additional Zone Requirements

- a) General Provisions

In accordance with the provisions of Section 3.

b) Lighting

Notwithstanding the provisions of Section 3.22, the following requirements shall apply:

- (i) night illumination by means of flood lights, security lights, and lamppost type lights shall be provided for all off-street parking areas and along all exterior facades of the shopping complex;
- (ii) any lighting used to illuminate off-street parking areas shall be located, shielded, and directed upon the parking areas so that it does not reflect on adjacent properties or interfere with road traffic.

c) Off-Street Parking

Notwithstanding the provisions of Section 3.23, not less than one (1) parking space shall be provided for every 14 m² or portion thereof of gross floor area. Any off-street parking area shall have a maximum of one (1) entrance and one (1) exit for each adjacent street or highway.

d) Screening and Landscaping

Notwithstanding the provisions of Section 3.13, the following requirements shall apply:

- (i) A grass or ornamental strip of at least 3.0 m in width shall be maintained along the boundaries of the shopping complex site and shall not be used for any purpose other than landscaping except where interrupted by the necessary entrance and exit lanes.
- (ii) Where the side or rear boundaries of an SC Zone are contiguous with the boundaries of an R1, R2, or R3 Zone, such boundaries shall be effectively screened by the following:
 - a planting strip of at least 1.0 m wide, with shrubs or trees at least 1.2 m high at time of planting and of a type which may be expected to form a year-round dense screen at least 1.8 m high within two (2) years, or
 - a wall or barrier or uniformly painted fence at least 1.5 m high but not more than 1.8 m high above grade. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50% of the face is open.

15.5 Special Exception Zones

a) SC-1 (800 Centre St, Lot 7, Con. IV)

The maximum gross leasable area of all buildings erected on the lands zoned SC-1 shall be 10,700 m².

SECTION 16 RC ZONE – RURAL COMMERCIAL

16.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RC Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

16.2 Permitted Uses

- Auction barn;
- Bake shop;
- Commercial garage;
- Commercial greenhouse;
- Communications facility;
- Custom workshop;
- Farm produce outlet;
- Farm supply centre;
- Garden Centre;
- Make your own wine business;
- Nursery;
- Veterinary establishment;
- Water bottling business;
- Retail accessory to any of the above uses; and
- Accessory dwelling.

16.3 Zone Requirements

Lot Area (minimum)	4,000 m ²
Lot Frontage (minimum)	30 m
Yard Requirements (minimum)	
Front	12 m
Rear	12 m
Side	9.0 m
Building Height (maximum)	9.0 m
Lot Coverage (maximum)	30%

16.4 Additional Zone Requirements

- a) General Provisions
In accordance with the provisions of Section 3.
- b) Development is subject to Site Plan Control.

16.5 Special Exception Zones

Reserved.

SECTION 17 M1 ZONE – SPECIAL INDUSTRIAL-COMMERCIAL

17.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the M1 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Section of this By-law.

17.2 Permitted Uses

- Alcoholic beverage retail outlets;
- Antique shops;
- Automatic car wash;
- Automobile service stations;
- Bus garages;
- Cash and carry heavy goods stores;
- Commercial garages;
- Craft shops including hand made pottery, furniture, metal, and wood souvenir items;
- Drive-in business where persons are served in automobiles;
- Farmers' markets;
- Garden and building supply centres;
- Hotels, motels, and motor inns;
- Offices;
- Places of entertainment, recreation, and assembly;
- Private clubs;
- Restaurants;
- Restaurants, Drive-in;
- Restaurants, Take-out;
- Retail stores;
- Self-service laundromats;
- Service industrial uses;
- Transportation terminals;
- Veterinary establishments;
- One (1) dwelling unit, either attached or detached, accessory to, and on the same lot as a permitted use; and
- Uses accessory to the foregoing.

17.3 Zone Requirements

Lot Area (minimum)	700 m ²
Lot Frontage (minimum)	20 m
Lot Depth (minimum)	30 m
Yard Requirements (minimum)	
Front	12 m
Rear	9.0 m
Side	3.0 m

Building Height (maximum)	10 m
Lot Coverage (maximum)	40%

17.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Increased Yard Requirements

Where a Special Industrial-Commercial (M1) Zone abuts a Residential Zone, the minimum side yard shall be increased to 5.0 m of which 3.0 m shall be landscaped open space and the minimum rear yard shall be increased to 12 m of which 3.0 m shall be landscaped open space. The landscaped open space shall comply with the provisions of Section 3.13(a).

c) Other Zone Requirements

The provisions of Section 12.4(b), (c), (d), and (e) shall also apply.

17.5 Special Exception Zones

a) M1-1 (Lot 7, Con. IV)

In addition to the provisions of Section 17.2, tourist lodging facilities shall be permitted on the lands zoned M1-1.

b) M1-2 (275 Queensway Ave, Lot 8, Con. IV)

Notwithstanding the provisions of Sections 3.16 and 17.2 to the contrary, warehousing for household and commercial goods shall be permitted and municipal piped services shall not be required on the lands zoned M1-2.

c) M1-3 (345 Centre St, Lot 8, Con. V)

In addition to the provisions of Section 17.2, the manufacture and sale of pallets and ceramics shall be permitted on the lands zoned M1-3. The manufacturing shall take place in wholly enclosed buildings which do not emit obnoxious sounds, odor, dust, vibrations, fumes, or smoke. The provisions of Section 3.21 with respect to Open Storage shall apply, and in addition, a solid fence shall be required to provide visual screening between any open storage areas and adjacent lots or streets.

d) M1-4 (270 Centre St, Lots 7 and 8, Con. V; By-law 1524-01)

Notwithstanding the provisions of Sections 2.65, 3.1, 3.23, and 17.3 hereof to the contrary on land zoned M1-4, the following provisions shall apply:

Yard Requirements (minimum)	
Front	5.5 m
Rear	0.6 m
Distance from a parking space to a street line (minimum)	3.0 m

- (i) For the purpose of interpretation and zone requirements, the lands within the Zone M1-4 shall be considered as one lot.
- (ii) A proposed garden centre may be permitted to occupy a portion of the minimum required front yard, as shown on approved Site Plan provided that no structure is attached to the main building.

SECTION 18 M2 ZONE – LIGHT INDUSTRIAL

18.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the M2 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

18.2 Permitted Uses

- Commercial garages, automobile service stations;
- Construction equipment yards;
- Custom workshops;
- Farm machinery sales and service;
- Heavy equipment sales and service;
- Manufacturing, processing, assembling, warehousing, or wholesaling use in wholly enclosed buildings which do not emit obnoxious sounds, odour, dust, vibrations, fumes, or smoke;
- Mobile homes and modular homes construction and sales;
- Public utility service yard, or electric generating, receiving, or transforming station;
- Recreational vehicles sales and service;
- Restaurants;
- Restaurants, Drive-In;
- Restaurants, Take-Out;
- Service industrial uses such as building supply centre, building contractor shops, feed and fuel yards, machine shops, bulk storage, nursery or garden supply centre, printer or publisher, dry cleaning outlet or plant;
- Transport terminals, trucking yards;
- One (1) dwelling unit, either attached or detached, accessory to and on the same lot as a permitted industrial use; and
- Uses accessory to the foregoing.

18.3 Zone Requirements

Lot Area (minimum)	900 m ²
Lot Frontage (minimum)	23 m
Yard Requirements (minimum)	
Front	9.0 m
Rear	9.0 m
Side	3.0 m
Building Height (maximum)	15 m
Lot Coverage (maximum)	75%

18.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Service Stations and Commercial Garages

The provisions of Section 3.2 shall apply.

c) Increased Yard Requirements

Where an Industrial Zone abuts a Residential Zone, the minimum side and rear yard requirements shall be increased to 12 m of which 3.0 m shall be landscaped open space.

d) Residential Uses

The relevant provisions of Section 5, 6, or 7 shall apply as per the type of dwelling unit.

e) Open Storage

The provisions of Section 3.21 shall apply to any industrial use where open storage is involved.

18.5 Special Exception Zones

a) M2-1 (57 Queensway Ave, Lot 7, Con. IV)

In addition to the provisions of Section 18.2, one (1) single family dwelling shall be permitted on parcel 10511 S. W.S. along with uses accessory to the residential use of the parcel.

b) M2-2 (845 Barber St, Lot 10, Con. V; By-law 1223/96)

Notwithstanding the provisions of section 18.2 hereof to the contrary, on the lands which are zoned M2-2, the following uses shall be permitted:

- warehousing or wholesaling use in wholly enclosed buildings which do not emit obnoxious sounds, odours, dust, vibrations, fumes, or smoke; and
- building contractor shops.

c) M2-3 (60 McCulloch Drive, Part of Lots 6 and 7, Con. IV; By-law 2404/11)

Notwithstanding the provisions of Sections 18.2 to the contrary, on the land zoned M2-3, the following uses shall also be permitted: scrap metal sorting, and storage of the sorted metal for up to 90 days.

18.6 Holding Zones

a) Panache Lake Rd, Lot 6, Con. IV; RP 53R17491 Parts 1 and 11; and Panache Lake Rd, Lot 6, Con. IV; RP 53R17491 parts 3, 8, and 10

Amended on Dec 13,
2011 by By-law 2404/11

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That full municipal services are available or are approved and under construction to service the lands; and
- (ii) That the Town has confirmed capacity at the sewage and water treatment plants for the proposed development.

SECTION 19 M3 ZONE – HEAVY INDUSTRIAL

19.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the M3 Zone (as shown in the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

19.2 Permitted Uses

- M2 uses in accordance with the provisions thereof;
- Any use listed below provided that such uses are located at least 150 m from any residential zone;
- The manufacturing, extracting, and processing of raw materials, repair work shops, and bulk storage of goods allowed shall include such uses as the following:
 - Automobile wrecking yards;
 - Bleaching compound manufacturing;
 - Bottled gas storage, distribution, and bulk storage;
 - Coal and coke yards;
 - Creosote treatment or manufacturing;
 - Food manufacture and processing;
 - Foundries;
 - Furniture, bulk manufacturing;
 - Lumber mills, sawmills;
 - Manufacturing industries;
 - Meat packers;
 - Ornamental metal work;
 - Pulp and paper manufacture and related uses;
 - Septic tank servicing and cleaning equipment yards;
 - Storage, sorting, collecting, or baking of rags, paper, iron, or junk;
- One (1) detached dwelling unit accessory to and on the same lot as a permitted industrial use;
- Uses accessory to the foregoing.

19.3 Zone Requirements

Lot Area (minimum)	8,000 m ²
Lot Frontage (minimum)	60 m
Yard Requirements (minimum)	
All yards	15 m
Lot Coverage (maximum)	50%

19.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Residential Uses

A permitted dwelling unit shall be located at least 15 m from the main building or buildings related to a permitted M3 use. The provisions of Section 5.3 shall apply with regard to zone requirements.

c) Open Storage

The provisions of Section 3.21 shall apply to any permitted industrial use where open storage is involved.

19.5 Special Exception Zones

a) M3-1 (Multiple locations, Lot 8, Con. VI)

Notwithstanding the permitted use provisions of Section 19.2, in the M3-1 Zone only the following uses are permitted:

- Existing hydro electric facility;
- Existing water treatment and filtration plants; and
- Uses permitted in the OS2 zone.

SECTION 20 RM ZONE – RURAL INDUSTRIAL

20.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RM Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

20.2 Permitted Uses

- Auction barns;
- Building supplies outlets;
- Bulk storage;
- Commercial greenhouses;
- Contractor’s establishments;
- Custom workshops;
- Dry industries;
- Farm equipment dealers;
- Fuel storage tank / supply yards;
- Greenhouses;
- Lumber yards;
- Manufacturing industries;
- Recycling depots;
- Sawmills;
- Transportation depots;
- Well-drilling establishments;
- Woodworking establishments;
- One (1) dwelling unit, either attached or detached, accessory to, and on the same lot as a permitted industrial use; and
- Uses accessory to the foregoing.

20.3 Zone Requirements

Lot Area (minimum)	1.0 ha
Lot Frontage (minimum)	60 m
Yard Requirements (minimum)	
Front	15 m
Rear	15 m
Side	10 m
Building Height (maximum)	12 m
Lot Coverage (maximum)	20%

20.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Development is subject to Site Plan Control.

20.5 Special Exception Zones

Reserved.

SECTION 21 MX ZONE – MINERAL AGGREGATE EXTRACTION

21.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the MX Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

21.2 Permitted Uses

- Aggregate transfer stations;
- Asphalt plants;
- Crushing facilities;
- Offices;
- Pit and quarry operations;
- Ready-mix concrete plants;
- Stockpiles;
- Storage and screening operations; and
- Uses accessory to the foregoing.

21.3 Zone Requirements

Lot Area (minimum)	1.0 ha
Lot Frontage (minimum)	100 m
Yard Requirements (minimum)	
Front	30 m
Rear	15 m
Side	15 m
Building Height (maximum)	12 m
Lot Coverage (maximum)	50%

21.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

21.5 Special Exception Zones

Reserved.

SECTION 22 I ZONE – INSTITUTIONAL

22.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the I Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

22.2 Permitted Uses

- Cemeteries;
- Facilities for charitable organizations;
- Government services;
- Group homes;
- Nursing homes, clinics, and health care facilities;
- Municipal service facilities;
- Other institutional uses;
- Private clubs;
- Public parks;
- Recreational facilities;
- Religious institutions and accessory dwelling units thereto;
- Rest homes and senior citizen dwelling units;
- Schools and other educational facilities;
- Dwelling units accessory to and on the same lot as a permitted institutional use; and
- Uses accessory to the foregoing.

22.3 Zone Requirements

Lot Area (minimum)	550 m ²
Lot Frontage (minimum)	15 m
Yard Requirements (minimum)	
Front	
if facing collector or major street	7.0 m
if facing local street	5.0 m
Rear	7.0 m
Side	3.0 m
Building Height (maximum)	14 m
Lot Coverage (maximum)	40%

22.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Cemeteries

Cemeteries shall not be governed by the foregoing standards but shall conform with the *Cemeteries Act*.

c) Residential Uses

The relevant provisions of Section 5, 6, or 7 shall apply as per the type of dwelling unit.

22.5 Special Exception Zones

a) I-1 (559 Barber St, Lot 10, Con. V)

Notwithstanding Section 3.16, the lands zoned I-1 may be developed with private wells and septic systems.

b) I-2

Reserved.

c) I-3 (347 Second Ave, Lot 8, Con. IV; By-law 1799-05)

Notwithstanding the provisions of Sections 2.65, 3.23, 22.2, and 22.3 hereof to the contrary, the lands designated I-3 on Schedule "A" hereto may also be used for an Ambulance Station and a government services office in accordance with the following provisions:

Yard Requirements (minimum)	
Front	9.0 m
Side	
Exterior	3.0 m
Interior	3.0 m

- (i) For the purpose of interpretation and application of the provisions and requirements of this By-law, the lands zoned I-3 shall be considered as one lot.
- (ii) A maximum of three (3) parking spaces may be located in the front yard.

SECTION 23 RU ZONE – RURAL

23.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RU Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

23.2 Permitted Uses

- Agricultural uses;
- Cemeteries;
- Existing uses;
- Forestry and conservation uses;
- Golf courses;
- Private parks;
- Public parks;
- Public communications and transportation facilities;
- Recreational facilities;
- Seasonal dwellings;
- Utility;
- Veterinary establishments, kennels;
- Single family dwellings; and
- Uses accessory to the foregoing.

Amended on Feb 12, 2013 by By-law 2502/13
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23.3 Zone Requirements

Lot Area (minimum)	10,000 m ² (1.0ha)
Lot Frontage (minimum)	50 m
Yard Requirements (minimum)	
All yards	15 m
Building Height (maximum)	10 m
Lot Coverage (maximum)	20%

23.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

23.5 Special Exception Zones

a) RU-1

Reserved.

- b) RU-2

Reserved.

- c) RU-3 (2244A Lee Valley Rd, Lot 11, Con. IV; By-law 2299/10)

Notwithstanding any other provisions of Section 23.3 to the contrary, on the land zoned RU-3, the RU requirements shall apply in the case of the RU-3 zone except for the following:

Lot Frontage (minimum)	0 m
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23.6 Holding Zones

- a) RU-h (1653 Bass Lake Rd, Lot 11, Con. III, PCL 27422 RP 53R8041 Part 1)

No development for residential or other sensitive land uses shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That a Noise Assessment is done in accordance with the Ministry of the Environment requirements that demonstrates no adverse impacts on the proposed sensitive use from the adjacent landfill.

- b) RU-h (Old Webbwood Rd, Lot 12, Con. VI)

No development shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled to the satisfaction of the Town of Espanola:

- (i) That a soils study is done confirming the land is appropriate for the proposed use.

SECTION 24 W ZONE – WATERFRONT GENERAL

24.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the W Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

24.2 Permitted Uses

- Conservation uses;
- Existing uses;
- Private parks;
- Public parks; and
- Uses accessory to the foregoing.

24.3 Zone Requirements

Lot Area (minimum)	10,000 m ² (1.0 ha)
Lot Frontage (minimum)	50 m
Yard Requirements (minimum)	
Front	30 m
All other yards	15 m
Building Height (maximum)	10 m
Lot Coverage (maximum)	20%

24.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

24.5 Special Exception Zones

Reserved.

SECTION 25 WR ZONE – WATERFRONT RESIDENTIAL

25.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the WR Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

25.2 Permitted Uses

- Conservation uses;
- Existing uses;
- Private parks;
- Public parks;
- Seasonal dwellings;
- Single family dwellings; and
- Uses accessory to the foregoing.

25.3 Zone Requirements

Lot Area (minimum)	10,000 m ² (1.0 ha)
Lot Frontage (minimum)	50 m
Yard Requirements (minimum)	
Front	30 m
Rear	7.0 m
Side	3.0 m
Building Height (maximum)	10 m
Lot Coverage (maximum)	20%

25.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

- b) The main building and tile fields will be set back at least 30 m from the high water marks of lakes and rivers.
- c) When replacing an existing main building and tile fields, a 30 m setback should be maintained.
- d) All accessory buildings; gazebos, saunas, sleep camps, and decks will be set back at least 7 m from the high water mark. No plumbing or cooking facilities shall be permitted.
- e) Natural vegetation within the 30 m setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation.

Amended on Feb 12, 2013 by By-law 2502/13
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- f) The WR zone on Clear Lake and Lake Apsey may require Site Plan Control.

25.5 Special Exception Zones

- a) WR-1 (Multiple locations around Clear Lake – small lots, former RE-1 zone)

Notwithstanding the provisions of Section 25.3 to the contrary, the following zone requirements shall apply to the lands zoned WR-1:

Lot Area (minimum)	1,250 m ²
Lot Frontage (minimum)	
Front	21 m
Rear	15 m
Lot Depth (minimum)	50 m
Yard Requirements (minimum)	
Front	30 m
Rear	6.0 m
Side	3.0 m
Building Height (maximum)	10 m
Lot Coverage (maximum)	20%
Dwelling Units per Lot (maximum)	1

- b) WR-2 (Multiple locations around Clear Lake – large lots)

Notwithstanding the provisions of Section 25.3 to the contrary, the following zone requirements shall apply to the lands zoned WR-2:

Lot Area (minimum)	8,000 m ²
Lot Frontage (minimum)	45 m
Lot Depth (minimum)	75 m
Yard Requirements (minimum)	
Front	30 m
Rear	10 m
Side	7.0 m
Building Height (maximum)	10 m
Lot Coverage (maximum)	20%
Dwelling Units per Lot	1

- c) WR-3 (Multiple locations around Lake Apsey, formerly the SR zone from the Merritt Township Zoning Order)

Notwithstanding the provisions of Section 25.3 to the contrary, the following zone requirements shall apply to the lands zoned WR-3:

Lot Area (minimum)	2,500 m ²
Lot Frontage (minimum)	
Front	45 m
Rear	45 m
Yard Requirements (minimum)	
Front	30 m
Rear	7.5 m
Side	3.0 m
Building Height (maximum)	10 m
Lot Coverage (maximum)	10%
Dwelling Units per Lot (maximum)	1

- d) WR-4 (2270A Bass Lake Rd, Lot 9, Con. I; By-law 2282/10)

Notwithstanding the provisions of Section 25.3 hereof to the contrary, the following zone requirements shall apply to the lands zoned WR-4:

Lot Area (minimum)	2,000 m ²
Yard Requirements (minimum)	
Front	7.8 m
Rear	6.0 m

- e) WR-5 (Apsey Lake Rd, Lot 6, Con. III)

Notwithstanding the provisions of Section 25.2 to the contrary, on the lands zoned WR-5, permitted uses shall also include:

- Storage; and
- Warehousing.

Amended on Feb 12,
2013 by By-law 2502/13

SECTION 26 WT ZONE – WATERFRONT TOURIST COMMERCIAL

26.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the WT Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

26.2 Permitted Uses

- Hotels, including housekeeping cabins or cottages;
- Private parks;
- Private hunting, fishing, or summer camps;
- Public parks; and
- Tourist lodges.

26.3 Zone Requirements

Lot Area (minimum)	10,000 m ² (1.0 ha)
Lot Frontage (minimum)	50 m
Yard Requirements (minimum)	
Front	30 m
Rear	9.0 m
Side	10 m
Building Height (maximum)	12 m
Dwelling Units per Lot	1

26.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

- b) All buildings, structures, and tile fields will be set back at least 30 m from the high water marks of lakes and rivers.
- c) When replacing existing buildings, structures, and tile fields, a 30 m setback should be maintained.
- d) Natural vegetation within the 30 m setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation.
- e) The WT zone on Clear Lake and Lake Apsey may require Site Plan Control.

26.5 Special Exception Zones

Reserved.

SECTION 27 OS1 ZONE – GENERAL OPEN SPACE

27.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the OS1 Zone (as shown on attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

27.2 Permitted Uses

- Cemeteries;
- Conservation uses;
- Public parks;
- Recreational facilities; and
- Uses accessory to the foregoing.

27.3 Zone Requirements: buildings and active recreational facilities

Yard Requirements (minimum)	
All yards	9.0 m
Lot Coverage (maximum)	10%

27.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

27.5 Special Exception Zones

Reserved.

SECTION 28 OS2 ZONE – RESTRICTED OPEN SPACE

28.1 General

No person shall hereafter use any lands nor erect, alter, enlarge or use any building or structure in the OS2 Zone (as shown on attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

28.2 Permitted Uses

- OS 1 uses in accordance with the provisions thereof;
- Private parks;
- Golf courses;
- Uses accessory to a main Residential use located in an adjoining zone such as a detached private garage, tool shed, patio, swimming pool, barbecue, or other similar accessory use; and
- Uses accessory to a main Industrial or Commercial use located in an adjoining zone such as parking areas, loading spaces, open storage, or other similar accessory use.

28.3 Zone Requirements

a) Accessory Residential Uses

The provisions of Section 3 and the relevant provisions of the adjoining residential zone (in which the main residential use is located) shall apply.

b) Accessory Commercial or Industrial Uses

The provisions of Section 3 and the relevant provisions of the adjoining commercial or industrial zone (in which the main commercial or industrial use is located) shall apply.

28.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

28.5 Special Exception Zones

Reserved.

Amended on Feb 12,
2013 by By-law 2502/13

SECTION 29 WM ZONE – WASTE MANAGEMENT

29.1 General

No person shall hereafter use any lands nor erect, alter, enlarge, or use any building or structure in the WM Zone (as shown on attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

29.2 Permitted Uses

- Equipment storage buildings, related to another WM use;
- Landfill sites; and
- Uses accessory to the foregoing.

29.3 Zone Requirements

Lot Area (minimum)	30 ha
Lot Frontage (minimum)	500 m
Yard Requirements (minimum)	
All yards	15 m
Lot Coverage (maximum)	10%

29.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

29.5 Special Exception Zones

Reserved.

SECTION 30 EP ZONE – ENVIRONMENTAL PROTECTION (FLOOD PLAIN)

30.1 General

No person shall hereafter use any lands or any waterbodies nor erect, alter, enlarge, or use any building or structure in the EP Zone (as shown on attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

30.2 Permitted Uses

- Agricultural uses excluding buildings;
- Conservation uses excluding buildings;
- Golf courses excluding buildings;
- Open space uses; and
- Public parks.

30.3 Zone Requirements

- a) Any permitted building or structure shall receive the written approval of the Ministry of Natural Resources and the Corporation; and
- b) The placing of fill within the Environmental Protection (Flood Plain) Zone is prohibited unless written approval is received from the Ministry of Natural Resources.

30.4 Additional Zone Requirements.

- a) General Provisions

In accordance with the provisions of Section 3.

30.5 Special Exception Zones

Reserved.

SECTION 31 NOTICE

This document does not include any amendments or schedules. For further information please contact the municipal office at the following:

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