

**ENACTING AND SIGNING PAGE
OF
TOWNSHIP OF WOOLWICH
BY-LAW NUMBER ##- 2024**

**A BY-LAW TO ADOPT A NEW ZONING BY-LAW FOR THE TOWNSHIP OF WOOLWICH
AND TO REPEAL THE CURRENT ZONING BY-LAW 55-86, AS AMENDED EXCEPT FOR LANDS
SUBJECT TO PENDING APPROVALS OF OFFICIAL PLAN AMENDMENTS NO. 4, 5 AND 6,
DEFERRALS NO. 1 AND 2 NOTED BELOW AND MATTERS AS NECESSARY TO GIVE EFFECT TO
TRANSITIONAL POLICIES**

Being a zoning by-law to regulate the use of land and the character, location, and use of buildings and structures in the Township of Woolwich, pursuant to Section 34 of Ontario's Planning Act R.S.O. 1990, c.P. 13, as amended (the "Planning Act").

WHEREAS The Corporation of the Township of Woolwich currently has in effect a Zoning By-law which was adopted on August 19, 1986 by By-law 55-86 (hereinafter the "Current Zoning By-law") and which it proposes to repeal and replace with new Zoning By-law ##-2024 (hereinafter the "New Zoning By-law"), save and except pending approvals of Official Plan Amendments No. 4, 5 and 6, two deferrals and matters as necessary to give effect to transitional policies;

AND WHEREAS The Corporation of the Township of Woolwich has prepared a New Zoning By-law pursuant to s. 34 of the Planning Act, R.S.O. 1990, c. P13 as amended (the Planning Act);

AND WHEREAS The Corporation of the Township of Woolwich has undergone a significant zoning by-law review and consultation process including technical review with the internal departments and the Regional Municipality of Waterloo, and consultation with other public bodies and members of the public, all in accordance with the requirements prescribed in ss. 34(10) and 34(12) to 34(18) of the Planning Act;

AND WHEREAS Council received numerous written and oral submissions regarding the New Zoning By-law before its adoption, which resulted in the creation of this New Zoning By-law and helped to make an informed recommendation and decision;

AND WHEREAS without limiting the generality of the third paragraph above, The Corporation of the Township of Woolwich held three public open houses on September 21, 2023 in Elmira, September 25, 2023 in Breslau and September 27, 2023 in St. Jacobs, as well as a statutory public meeting on November 7, 2023 in accordance with s. 34 of the Planning Act, as well as other meetings, all for the purpose of giving the public an opportunity to make representation in reports of the New Zoning By-law.

WHEREAS the Council of the Corporation of the Township of Woolwich (the “Township”) deems it desirable and in the public interest to enact a Comprehensive Zoning By-law to implement the Township of Woolwich Official Plan and to address such matters contained in Section 1.2 herein.

NOW THEREFORE be it resolved that The Council of the Corporation of the Township of Woolwich, pursuant to ss. 34(1) and 34(10) of the Planning Act hereby ENACT AS FOLLOWS:

1. THAT the New Zoning By-law attached hereto includes for greater certainty, the text, illustrations and maps (i.e., Schedules ‘A’ to ‘F’ inclusive) and constituting the Township of Woolwich Zoning By-law is hereby enacted as it applies to all of the geographic area of Woolwich Township, save and except as it applies to the lands that are subject to the following Deferrals:

- a) Deferral No. 1 – the rezoning of the lands adjacent to Albert Street East and on Water Street, in St. Jacobs, from Employment to C-1 and O-1, respectively, as shown on Map B16 of the new Zoning By-law are deferred pending the removal of Deferral No. 3 noted in the Township of Woolwich Official Plan; and
- b) Deferral No. 2 – the rezoning of the property at 49/55 Isabella Street in St. Jacobs from Employment to R-3, as shown on Map B15/16 in the new Zoning By-law, is deferred pending the removal of Deferral No. 2 noted in the Township of Woolwich Official Plan

provided that the New Zoning By-law shall automatically come into force and the Current Zoning By-law repealed for those lands described in Deferrals 1 and 2 to the New Zoning By-law, as noted above, upon the Regional Municipality removing the corresponding deferrals noted above to the Township Official Plan.

2. THAT the Township Clerk is hereby authorized and directed to provide notice of adoption of the New Zoning By-law, pursuant to ss. 34(18) of the Planning Act.

3. THAT subject to the approval of the New Zoning By-law, the Current Zoning By-law, and all amendments thereto, is hereby repealed, except as it relates to lands that are subject to Deferrals No. 1 and 2 as contained in Paragraph 1 subsection a) and b) above of which the applicable zones, regulations and mapping contained in the Current Zoning By-law are intended to be continued, except as it relates to Official Plan Amendments No. 4, 5 and 6 noted in Paragraph 5 of this By-law, and save and except as necessary to give effect to transitional polices contained in Section 2 of the New Zoning By-law.

4. THAT the New Zoning By-law Plan shall take effect in accordance with s. 34 of the Planning Act.

5. THAT this By-law shall come into force and take effect on the date of enactment hereof save and except the zoning of the lands at 10 and 40 Beacon Point Court in Breslau, 124 Church Street West in Elmira and 2239 Floradale Road in Floradale, which shall come into force and take effect on the final approvals of Official Plan Amendments No. 4, 5 and No.6, respectively.

PASSED THIS DAY OF 2024.

Mayor

Clerk



**THE CORPORATION
OF THE
TOWNSHIP OF WOOLWICH**

ZONING BY-LAW

1

By-law ____-2024

April 23, 2024

PREAMBLE

INTRODUCTION

This preamble explains the purpose of this Zoning By-law 2024 passed by Council of the Corporation of the Township of Woolwich (the “Zoning By-law”) and how to use it. This preamble does not form part of the Zoning By-law but is intended only to make this Zoning By-law more understandable and user friendly.

The Official Plan for Woolwich sets out the Township’s general policies for existing and future land uses. The Zoning By-law shall be in accordance with *Section 34 of Ontario’s Planning Act R.S.O. 1990, c.P. 13, as amended* (the “*Planning Act*”), conform and implement the policies of the Township Official Plan and provide for its day-to-day administration. The Zoning By-law contains specific requirements that are legally enforceable. All construction and new development must comply with the Zoning By-law; where it does not, the Township will refuse to issue a building permit and/or approval to permit the use or development.

Section 34 of the Planning Act provides statutory authority to municipalities to zone lands through a by-law passed by their council (i.e., zoning by-law). A zoning by-law controls the use of land and the use and construction of buildings/structure in your community. For example, it states exactly:

- how land may be used,
- where buildings and other structures can be located,
- the type of buildings that are permitted and how they may be used,
- the minimum or maximum lot sizes, parking requirements, building heights and setbacks from the street, and
- other building and land use controls as deemed appropriate.

Section 34 of the *Planning Act* has other statutory provisions which are address in this Zoning By-law, including:

- Subsection 34(2) indicates that, for the purposes of a zoning by-law, the "making, establishment or operation of a pit or quarry (i.e., aggregate operation) shall be deemed to be a use of land". The *Aggregate Resources Act*, R.S.O. 1990, c.A.8 as amended (the “*ARA*”) works with the *Planning Act* in this regard and Section 12.1 of the *ARA* indicates that no license for a pit or quarry can be issued unless the lands are appropriately zoned. However, certain conditions and measures related to the aggregate operation shall only be applied to the aggregate license through the *ARA* and not the zoning by-law under Section 34 of the *Planning Act*.
- Subsection 34(3) provides municipalities with the authority to regulate the minimum area required for a parcel of land and to regulate the density of development.
- Subsection 34(4) indicates that a trailer as defined in the *Municipal Act, 2001, S.O. 2001, c. 25, as amended* (the “*Municipal Act*”) and a mobile home as defined in Subsection 46 (1) of the *Planning Act*, are buildings or structures for the purposes of Section 34 of the *Planning Act*. The inclusion of this provision makes it clear that mobile homes and trailers are subject to municipal zoning regulations.

- Subsection 34(5) provides municipalities with the ability to prohibit the use of land until such municipal services as may be set out in the by-law are available.

COMPONENTS OF THIS ZONING BY-LAW

This Zoning By-law is comprised of the following components:

Enacting and Signing Page

Section 1	Provides the Title and Purpose of the Zoning By-law.
Section 2	General Administration, Interpretation, Implementation and Enforcement
Section 3	Definitions
Section 4	General Provisions
Section 5	Transportation Provisions (Parking, Loading, Driveways, etc.).
Section 6	Agricultural Zones
Section 7	Residential Zones
Section 8	Mixed-Use Zones
Section 9	Commercial Zones
Section 10	Industrial Zones
Section 11	Stockyard Zones
Section 12	Institutional Zone
Section 13	Extractive Zone
Section 14	Open Space Zones
Section 15	Overlay Zones
Section 16	Exemptions

Map Index Is a map of the entire Township before Schedule 'B' that provides a general location of the Schedule 'B' maps and references Schedules 'D' to 'F'.

Schedules Maps in the Zoning By-law are called 'Schedules'. There are six (6) map Schedules that illustrate the following:

Schedule 'A' - provides a plan of individual properties where there are site-specific zoning regulations and exemptions. The location of the properties subject to a site-specific zoning is identified with an 'A' followed by the subsection number (i.e., 'A123') and is shown in the Schedule 'B' Map Book. The text that accompanies the maps is found in Section 16 - Exemptions corresponding with the same number noted in Schedule 'B'.

Schedule 'B' - contains individual zoning maps in a Map Book format illustrating the underlying zones, properties subject to a site-specific (Schedule 'A') and extractive zoning (Schedule 'C'), as well as the Hazard Lands – Regulatory Buffer Area Overlay Zone, Hazard Land Overlay Zones and the Environmental Features Overlay Zone, in Sections 15.2 to 15.7, for all lands within the Township. The individual maps (e.g., 'B3') denoted on the Map Index can be found in Schedule B by referencing the 'B3' notation in the upper left-hand corner of the page.

Schedule 'C' - contains the boundaries of land zoned for sand and gravel extraction. The location of the properties subject to an Extractive Zone is identified with an 'C' followed by the subsection number (e.g., 'C12') and is shown in the Schedule 'B' Map Book. There is no accompanying text for gravel pits as the regulations are contained in Zone E - Extractive - Section 13.

Schedule 'D' - provides a plan which illustrates lands affected by the Airport (AIR) Overlay Zone in Section 15.0. The Map Index references Schedule 'D'.

Schedule 'E' – provides a plan which illustrates lands affected by the Cultural Heritage Landscape (CHL) Overlay Zone in Section 15.1. The Map Index references Schedule 'E'.

Schedule 'F' – provides a plan which identifies the boundaries of lands within the Environmental Sensitive Landscape as noted in Section 15.8. The Map Index references Schedule 'F'.

HOW TO USE THIS BY-LAW

In order to use this Zoning By-law more easily, a property owner should follow each of the instructions listed below to determine what permissions apply to their particular property.

Locate the Property on a Map

The first step to using this Zoning By-law is to refer to the Map Index located after Schedule 'A' to determine if your property is within or subject to Schedules 'A' to 'F'. These Schedules will inform you of the following:

- Your property will be identified on one or more of the Schedule 'B' zoning maps (i.e., 'B1' to 'B31') located at the back of the Zoning By-law. The applicable Schedule 'B' map will determine which underlying zoning category your property is located.
- If your property is referenced on the Schedule 'B' zoning map with a C symbol followed with a number, then your property is illustrated on a map in Schedule 'C'. A plan in Schedule 'C' signifies that your property is an aggregate operation and will contain an Extractive Zoning Category that is detailed in Section 13.
- If your property contains an A symbol followed by a number, then your property or portion thereof is subject to a site-specific zoning in the applicable subsection of Section 16 and illustrated on a corresponding plan in Schedule 'A'.
- If your property contains an overlay zone which is subject to the applicable provisions in Section 15, it will be identified on one or more in Schedules 'B', 'D' to 'F'.

The Zoning category will be indicated on the Schedules by a symbol or abbreviation. For example, you may see a symbol such as "R" attached to your property. This symbol would indicate that your property is within the "Residential" Zone. The number that is shown after the R symbol will indicate the type of Residential Zone because each Residential Zone will have its own list of permitted uses and zoning standards. The symbols or abbreviations for each of the zones in this Zoning By-law are explained in Section 2.9 of the Zoning By-law.

Section 2 also helps you identify the zone boundaries on the Schedules. For example, if your property appears close to a zone boundary and you are not sure how to determine exactly where that boundary is located or how the boundary may be defined, refer to Section 2.9.2 of the By-law.

Permitted Uses and Zoning Standards

The second step to using this By-law is to determine what uses are permitted on your property. Sections 6 to 15 of the By-law identifies the permitted uses and the corresponding zoning standards for each zone within the Township.

The definitions in Section 3 can assist you if you are not sure of the nature or description of a permitted use or the term referenced in this By-law or how the use or term has been defined for the purposes of this By-law. Most of the permitted uses set out in each zone in the By-law are defined within Section 3. If a permitted use or term referenced in this Zoning By-law is not defined in Section 3, then standard definitions in common dictionaries may be used to define the use or term in order to appropriately administer the intent of the Zoning By-law.

Generally speaking, if a use is not listed in the permitted uses or included within the corresponding definition of a permitted use, then it is not permitted by that Zoning category. Notwithstanding the above, Section 4.35 (Public Use and Public Utilities) includes uses that are permitted in all zones.

Once you have identified the Zone in which your property is located and the uses permitted in that Zone, the third step is to determine what standards may apply to the uses on your property. Sections 6 to 15 of the By-law also identify the zone standards for each of the Zoning categories in the Township, such as minimum lot area, width and setback requirements, maximum permitted height of buildings or building coverage on a property, and in some cases, the minimum required green space on the lot.

Site Specific Exemption Zones

Lands subject to an exemption are outlined in Section 16 (Exemptions) and are illustrated on the applicable corresponding maps in Schedule A and the Map Index. The lands with exemptions have specific use permissions or zone provisions that have been applied either in response to a landowner planning application or if there is a public interest objective in applying different rules on a property and/or in an area. The provisions within an exemption section are intended to take precedence over other specified provision in the By-law, where relevant lands subject to an exemption will be specifically identified on the schedules.

If a site-specific zone in Section 16 is followed by the suffix (T), then the property is subject to use permissions that only last for a specified period of time (i.e., temporary use). The site-specific zone provisions identify the date on which the use permission will expire.

General Provisions

Section 4 of the By-law contains general standards known as 'General Regulations' that apply to all properties in all zones within the Township. Once you have determined the zone of your property, the permitted uses, how the uses are defined and the specific zoning standards, you should then refer to the General Regulations to understand what else may apply. For example, the General Regulations contain standards that regulate the location of accessory uses and building/structures on a lot, height/setback exemptions, and non-conforming/non-complying uses that apply to all properties regardless of what zone the property is located. It is important to understand the various General Regulations that may apply to the uses permitted in the zone that affects your property.

Transportation Provisions (Parking, Loading, Driveway etc.)

Section 5 provides transportation provisions that deal with standards such as parking, loading and driveway requirements for all uses permitted in the Township. If you are considering changing or adding a use that is permitted on your property, you should review Section 5 to ensure that you are aware of the parking, loading and/or driveway requirements associated with the proposed permitted use. If the property cannot comply with the applicable parking, loading and/or driveway requirements, then the proposed change or new use may not be permitted.

Holding Zones

Some properties are zoned with "holding zone" provisions. If a holding zone applies to your property, then the zone symbol on the applicable schedule (i.e., Schedule 'A' and/or 'B') will be followed by the (H) suffix. If a property is in a holding zone, then there are certain conditions that must be satisfied before the holding zone can be removed to permit the use(s), building permit issued and/or development. There may be special or multiple holding zone removal requirements that are identified on a property if the holding zone symbol is denoted with multiple suffix symbols such as H1, H2, H3, etc.

Legal Non-Conforming Use

Legal non-conforming use is a use which was legally established under the zoning by-law in effect at the time the use commenced, or the use predated all previous zoning by-law in the Township but is not currently a permitted use for the zone in which it is currently located. The legally established use must have continued uninterrupted up to the present time. The provisions for a legal non-conforming use, building, structure or land are contained in Section 2.6 of this By-law.

By-law Amendments

A zoning by-law is not a static document. It is amended from time to time as demands and policies governing the uses and buildings change. Before proceeding any further, you should verify that your property is not subject to an earlier zoning by-law amendment. While the Township regularly consolidates this Zoning By-law to incorporate amendments, the most recent amendments may not be included in the version of the zoning by-law that you are currently reviewing or using. Staff in the Township's Planning Section of the Development Services Department will be able to assist you to confirm if your property has been subject to a more recent zoning by-law amendment.

Metric Measurements, Abbreviations and Conversions to Imperial

All measurements in this Zoning By-law are in metric of which the unit value may be referenced with its full name or by its abbreviation and the conversion factors are as follows:

1 metre (m)	= 3.281 feet
1 kilometre (km)	= 0.621 miles
1 hectare (ha)	= 2.471 acres
1 square metre (m ² or sqm.)	= 10.76 square feet