



# TOWN OF COBOURG

OCTOBER 2003

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ZONING BY-LAW NO # 85-2003

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**Passage:** October 14, 2003

**Revised:** March 8, 2004

*Important Note: This document is for reference purposes only and contains only those amendments approved prior to and including March 8, 2004. Always confirm the accuracy of any data retrieved from this document with the Planning Department.*

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**ZONING BY-LAW NUMBER   # 85-2003**  
**CORPORATION OF THE TOWN OF COBOURG**

BEING A BY-LAW, UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1983, TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWN OF COBOURG.

WHEREAS the Council of the Corporation of the Town of Cobourg deems it advisable to implement the Official Plan of the Town of Cobourg;

AND WHEREAS the Council of the Corporation of the Town of Cobourg deems it advisable to restrict the use of land and the erection of buildings and structures on land situated in the Town;

NOW THEREFORE the Council of the Corporation of the Town of Cobourg ENACTS as follows:

## **SECTION 1: TITLE AND SCOPE**

### **1.1 TITLE**

This By-law shall be known as “The Zoning Bylaw of the Corporation of the Town of Cobourg”.

### **1.2 APPLICATION**

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Town of Cobourg.

### **1.3 SCOPE**

No lands shall be used and no buildings or structures shall be hereinafter erected, structurally altered, enlarged or used within the Town of Cobourg, except in conformity with the provisions of this By-law.

### **1.4 REPEAL OF EXISTING BY-LAWS**

From the coming into force of this By-law, all previous by-laws passed under Section 34 of the Planning Act, 1983, or a predecessor thereof, shall be deemed to have been repealed.

### **1.5 VALIDITY**

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

### **1.6 EFFECTIVE DATE**

Pursuant to Section 34 of the Planning Act, 1983, the By-law shall be deemed to be valid and to have come into force on the day it was passed.

### **1.7 COMPLIANCE WITH OTHER RESTRICTIONS**

This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Corporation or any governmental authority having jurisdiction to impose such restrictions or regulations.

### **1.8 INTERPRETATION – GENERAL**

- i) For the purpose of this By-law, the definitions and interpretations given herein shall govern.
- ii) In this By-law, unless the context otherwise requires, the expression “use” or “to use” shall include anything done or permitted by the owner or occupant of any land, building or structure, directly or indirectly or by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.
- iii) In this By-law, the word “shall” shall always be construed as mandatory.
- iv) In this By-law, unless the contrary intention appears, words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.

## **SECTION 2: ADMINISTRATION**

### **2.1 ADMINISTRATOR**

This By-law shall be administered by the person designated by the Council of the Corporation of the Town of Cobourg as "Zoning Administrator".

### **2.2 VIOLATIONS AND PENALTIES**

**2.2.1** Every person or corporation who uses or alters the use of any land or uses or alters or erects any building or structure in a manner contrary to any requirements of this By-law or who causes or permits such use or erection or alteration or who violates any provision of this By-law or causes or permits a violation is guilty of an offence and every person upon conviction is liable,

- i) on first conviction to a fine of not more than \$20,000; and
- ii) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person is first convicted,

and every corporation on conviction is liable,

- i) on first conviction to a fine of not more than \$50,000; and,
- ii) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

**2.2.2** Where a conviction of a person or corporation occurs, the court in which the conviction has been entered or, any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or corporation convicted. Such order may include the removal of a building or structure which contravenes the By-law.

### **2.3 LICENCES AND PERMITS**

No municipal permit, certificate, or license shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or use of any building or structure that is in violation of any provision of this By-law.

### **2.4 BUILDING TO BE MOVED**

In all zones, any building or structure which is moved from one location to another, shall be considered to be a new building or structure and shall comply with the provisions of this By-law. No building, residential or otherwise, shall be moved within the limits of the Corporation of the Town of Cobourg or shall be moved into the Municipality from outside, without an inspection by and a permit from the Town Engineer.

### **2.5 APPLICATIONS FOR BUILDING PERMITS**

**2.5.1** In addition to all requirements of the Ontario Building Code and regulations thereto, or any By-law of the Corporation, every application for a building permit shall be accompanied by a plan in duplicate, drawn to scale, with the following information which will be used by the Zoning Administrator to evaluate the conformity of the application with the Zoning By-law regulations:

- i) the true dimensions of the lot to be built upon or otherwise used;
- ii) the exact location, dimensions and height of all existing buildings and structures, including overhangs, or uses on the lot;
- iii) the proposed location, dimensions and height of any building (including additions to existing buildings or structures), structure or use proposed for such lot, including yards, driveways, retaining walls, fences, landscaping areas and parking facilities;

- iv) where any significant change in grade is anticipated, existing contours of the land and proposed contours;
- v) a statement signed by the owner of the property disclosing the exact use proposed for each existing or proposed building or structure or use and the provision of all information necessary to determine if any proposed or existing building or structure or use confirms to the requirements of this By-law.

**2.5.2** A survey prepared by an Ontario Land Surveyor shall only be required if deemed necessary by the Zoning Administrator. Such survey shall be prepared at the cost of the applicant.

## **2.6 CERTIFICATE OF OCCUPANCY**

No change shall be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Chief Building Official to indicate that the proposed use complies with this By-law.

## SECTION 3: DEFINITIONS

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

- 3.1 ACCESSORY BUILDING OR STRUCTURE** shall mean a detached building or structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.
- 3.2 ACCESSORY USE** shall mean a use naturally and normally incidental to, subordinate to and exclusively devoted to a main use and located on the same lot therewith.
- 3.3 AGRICULTURAL USE** shall mean general farming and, without limiting the generality of the foregoing, shall include such uses as the cultivation of land and associated production, conditioning, processing and storing of field crops, vegetables, fruit, horticultural crops and nursery stock and the selling of such produce on the premises and may include the raising, breeding and care of livestock, fowl and fur-bearing animals. Agricultural uses also includes one farm dwelling and accessory buildings, structures and uses. However, such a use does not include such industrial uses as a cannery or an abattoir.
- 3.4 ALTER** shall mean, in reference to a building or structure or part thereof, to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" shall mean to decrease the width, depth or area thereof or to decrease the width, depth or area of any required yard, or landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" or "alteration" shall have a corresponding meaning.
- 3.5 AMENITY AREA** shall mean space outside the dwelling unit within or outside the building designed for the passive enjoyment or active recreational needs of the residents.
- 3.6 AMUSEMENT MACHINE** shall mean any mechanical or electronic machine or device intended for use as a game, entertainment or amusement offered for use by the public by any person for profit or gain and shall include a pinball machine, video game, shooting gallery or other similar machine or device including an automatic machine or slot machine that dispenses as prizes one or more free games, but shall not include any machine used only for the purpose of vending merchandise or services or playing recorded music or any billiard, pool or bagatelle table or a video lottery terminal, slot machine or gaming table.
- 3.7 ASSEMBLY OR BANQUET HALL** shall mean any land, building or structure or portion thereof in which facilities are provided for the gathering of persons for civic, educational, political, religious, cultural or social purposes and may include facilities for the purpose of entertaining a large group(s) of people where food and liquor are generally provided, but does not include a cinema, theatre, permanent gaming club or permanent casino, or any other use, otherwise defined or classified in this By-law.
- 3.8 ATTACHED** shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 3.9 AUCTION CENTRE** shall mean any land, building or structure or portion thereof for the storage of goods and materials which are to be sold on the premises by public auction and the sale of the said goods and materials by public auction on an occasional basis.
- 3.10 BANQUET HALL** shall mean a building or part of a building used for the purpose of entertaining a large group of people where food and liquor are generally provided (see Section 3.7).
- 3.11 BASEMENT** shall mean that portion of a building between two floor levels which is partially underground, but which has at least one-half of its height from finished floor to finished ceiling above the average level of the ground (finished surface) adjacent to the building, and in which the height from finished grade to ceiling is less than 1.8 m (6 ft).



- 3.12 BED AND BREAKFAST ESTABLISHMENT** shall mean a residential dwelling in which the proprietor resides and supplies temporary, overnight accommodation, with or without meals, to the travelling or vacationing public, particularly tourists, in return for monetary compensation, but shall not include a hotel, motel, apartment, boarding or rooming house, hospital, home for the young or aged, group home or other institution, or a restaurant accommodating the general public. Such a building shall provide no more than three (3) guest rooms used and maintained for the accommodation of the travelling public. Any Bed and Breakfast Establishment which contains greater than two (2) guest rooms requires a Building Permit under the *Ontario Building Code*, 1997, as amended.
- 3.13 BOARDING OR ROOMING HOUSE** shall mean any dwelling or building or portion thereof, in which the proprietor resides and supplies for hire or gain to other persons, lodging with or without meals, but shall not include a hotel, motel, apartment, hospital, home for the young or the aged, group home or other institution, restaurant accommodating the general public, or a bed and breakfast establishment. Such a building may supply guest rooms for more than four (4) and up to a maximum of ten (10) persons.
- 3.14 BUILDING** shall mean any structure whether temporary, or permanent, used or intended for sheltering any use of occupancy, but shall not include a boundary wall or fence, travel trailer, truck camper, motor home or tent. Any enclosure, awning, container or storage van or platform used upon any land or in conjunction with or connected to any structure for any purpose shall be deemed a building.
- 3.15 BUILDING AREA** shall mean an area of a lot within which permitted buildings or other structures may be erected, used and maintained and may include an area designated on a zoning map or zoning map schedule as "Building Area".
- 3.16 BUILDING LINE** shall mean a line that regulates the location of the front wall or the exterior side wall of a building on a lot.
- 3.17 BUILDING LINE, ESTABLISHED** shall mean, on any street, the average setback of the existing main buildings from the street line on the nearest three lots which have been built upon on the same side of the street between two intersecting streets.
- 3.18 BUILDING, MAIN** shall mean the building in which is carried on the principal purpose for which the lot is used.
- 3.19 BUILDING OR STRUCTURE, ACCESSORY** shall mean a detached building or structure that is not used for human habitation, with the exception of a garden suite as defined in this By-law, but the use of which is normally incidental to, subordinate to and exclusively devoted to a main use, building or structure which is located on the same lot therewith, and may include a detached private garage or a detached carport, but a garage or carport attached to the main building shall be regarded as part of the main building.
- 3.20 BUILDING SUPPLY USE** shall mean a commercial use, the principal function of which is the selling of a wide variety of building supplies including lumber, millwork, siding, plumbing, fencing, electrical, air conditioning and heating equipment and similar commodities.
- 3.21 BUSINESS PARK** shall mean a tract of land used or to be used for business and light industrial uses such as research and development facilities, professional, medical and corporate offices, such development is to be planned, designed and constructed with special attention given to landscaping, parking, building design and orientation and open space.
- 3.22 CALL CENTRE** shall mean a building or part thereof used as a telecommunication centre for purposes such as product support, consumer assistance and tele-marketing.
- 3.23 CELLAR** shall mean that portion of a building between two floor levels which is partially or totally underground, but which has more than one-half of its height finished floor to finished ceiling below the average level of the ground (finished surface) adjacent to the exterior walls of the building.
- 3.24 CEMETERY** shall mean a burial ground, and shall not include a crematorium, columbarium or mausoleum.

- 3.25** **CLINIC** shall mean a building or part thereof used by the health care professions, their staff and their patients for the purposes of consultation, diagnosis and office treatment.
- 3.26** **CLINIC, MEDICAL** - A building or structure where four (4) or more medical practitioners provide diagnosis and treatment to the general public without overnight accommodation. Practitioners include, but are not limited to; members of the medical profession, dentists, chiropractors, chiropodists, pediatricists, optometrists, osteopaths, and physio and/or occupational therapists. Secondary uses include, but are not limited to; reception areas, child care facilities for the children of the medical professionals and their patients in attendance in the clinic, coffee shop, ultra sound/radiology laboratory, dispensary for medications, a testing laboratory, audiologist, massage therapist, fitness center, and other uses supportive and incidental to the medical profession and providing that all such uses have access only from the interior of the building or structure, with the exception of a dispensary for medications which may have one direct street front access.
- 3.27** **CLINIC, VETERINARY OR HOSPITAL** shall mean a building or part thereof used by veterinarians primarily for the purposes of consultation, diagnosis and office treatment of household pets, but shall not include long-term boarding facilities for animals.
- 3.28** **CLUB, PRIVATE** shall mean the use of land, buildings or structures as a meeting place for members of a chartered organization and shall include, but not be limited to, a lodge, a fraternity and a labour union hall.
- 3.29** **CLUB, COMMERCIAL** shall mean an athletic, recreational or social club operated for gain or profit.
- 3.30** **COMMERCIAL USE** shall mean the use of land, buildings or structures for the purpose of buying or selling commodities and supplying services, but does not include an industrial use.
- 3.31** **COMMERCIAL USE, CONVENIENCE** shall mean a building or part of a building where a variety of household products (e.g. furniture polish, paper towel), meat, baked goods and grocery items are offered for sale primarily to serve the day-to-day needs of the residents of the residential area in the general vicinity of the building and may include a video rental outlet, a dry cleaner's distribution station, the sale of flowers and plants.
- 3.32** **COMMERCIAL USE, RETAIL** shall mean a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered and kept for retail use.
- 3.33** **COMMERCIAL USE, RETAIL OF ALCOHOL/LIQUOR/WINE/BEER** shall mean a building or part of a building in which alcohol, liquor, wine, and beer are offered and kept for retail sale as the primary use. This definition shall not include: a beer store, a wine store, a restaurant or tavern, and a brew on premises operation.
- 3.34** **COMMUNICATIONS PRODUCTION USE** shall mean a building or part of a building used for the production, reception and/or transmission of information by electronic means and may include related administration and customer services.
- 3.35** **CONFERENCE CENTRE** shall mean an establishment used for the holding of conventions, seminars, workshops or similar activities, including dining and lodging facilities for the use of participants, as well as compatible accessory facilities.
- 3.36** **CONSERVATION** shall mean the use of land and/or water for the purpose of planned management of natural resources.
- 3.37** **CONTRACTOR'S DISPLAY AND STORAGE FACILITY** shall mean a building or portion thereof used by a contractor and may include a business office, outside display of finished products and wares, limited outside storage of equipment but does not include any facility for manufacturing.
- 3.38** **CONTRACTOR'S OFFICE** shall mean a building or portion thereof used by a contractor as a business office and may include internal display of products and wares.

- 3.39 CONTRACTOR'S YARD** shall mean a yard, building and office of any contractor where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other use or activity otherwise defined or classified herein.
- 3.40 CONVENTION CENTRE** shall mean a building or part thereof in which facilities are provided for such purposes as meetings for groups of civic, education, political, religious or social purposes.
- 3.41 CORPORATION** shall mean the Corporation of the Town of Cobourg.
- 3.42 COUNCIL** shall mean the Council of the Corporation of the Town of Cobourg.
- 3.43 COUNTY** shall mean the County of Northumberland.
- 3.44 COVERAGE** see **LOT COVERAGE**.
- 3.45 CREMATORIUM USE** - a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto and has received approval certification from the necessary authorizing agency/ministry(ies).
- 3.46 CULTURAL USE** shall mean any land, buildings or structures utilized primarily for the presentation to the general public or live theatre, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material which are not characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities.
- 3.47 DAY NURSERY** shall mean the use of land, buildings or structures as a facility for more than five children who are under the age of ten (10) and not of common parentage, primarily for the purpose of providing temporary care and/or guidance, for a continuous period of time not exceeding twenty-four hours. Necessary licences must be obtained from the appropriate Ministry and/or regulating body.
- 3.48 DENSITY, GROSS** shall mean the ratio between the number of dwelling units located or proposed to be located on a lot and the area of the lot where the area to be measured includes all lands within the lot used or proposed to be used for roads or any other purpose.
- 3.49 DENSITY, NET** shall mean the ratio of the number of residential units to the area of the lot and **NET HECTARE** or **NET ACRE** shall apply solely to the area of the lot when such terms relate to the term Net Density. Shall mean the ratio between the number of dwelling units located or proposed to be located on a lot and the area of the lot where the area to be measured includes only those parts of the lot classified for residential uses and excludes the area devoted to roads and other similar infrastructure.
- 3.50 DEPARTMENT STORE** shall mean a store organized into a number of individual departments or units selling a large variety of general merchandise at retail, including but not limited to men's and women's clothing, hardware, home furnishings, appliances, and other services.
- 3.51 DEVELOPMENT** shall mean the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof.
- 3.52 DINING ROOM** shall mean that part of an eating establishment, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.
- 3.53 DRIVEWAY** shall mean a vehicular access provided between a street or lane and a parking area, parking space, or parking garage, or a loading space, or between two parking areas, but does not include a parking aisle.
- 3.54 DRY-CLEANING DISTRIBUTION STATION** shall mean a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry-cleaning, dry-dyeing or cleaning elsewhere and for the repair, pressing and distribution of any such articles or goods which have been subjected to any such process.

- 3.55 DRY-CLEANING ESTABLISHMENT** shall mean a building where dry-cleaning, dry-dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are or can be used which emit no odours or fumes and from which no noise or vibration is emitted.
- 3.56 DRY INDUSTRY** shall mean an industry which by the nature of its operation, process or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located and from which the only waste water discharges are one or more of the following:
- sanitary sewage produced by normal sanitary and eating facilities required for employees;
  - stormwater drainage;
  - water used for indirect cooling of equipment.
- 3.57 DWELLING** shall mean a building, or part thereof, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include any vehicles, trailers, hotels, boarding or rooming houses, tourist home, bed and breakfast establishments, motel, institutions or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a non-residential building or structure.
- 3.58 DWELLING, APARTMENT** shall mean a building or part thereof consisting of three or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use in common, halls and/or stairs and/or elevators and yards, but does not include a boarding or rooming house, bed and breakfast establishment, motel or hotel.
- 3.59 DWELLING, CONVERTED** shall mean a building which has been altered internally to provide additional dwelling units without significant changes to the exterior of the building, with the exception of an exterior addition not exceeding 21 m<sup>2</sup> (226 ft<sup>2</sup>) in area.
- 3.60 DWELLING, DUPLEX** shall mean a building that is divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 3.61 DWELLING, FOURPLEX** shall mean a building divided horizontally or a combination of vertically and horizontally into four dwelling units, each of which has an independent entrance either directly to the outside or through a common vestibule.
- 3.62 DWELLING, LINKED** shall mean one of a pair of single detached dwellings which have no apparent structural connection above grade, but which are horizontally coupled at the footing or foundation along not more than one side of each such dwelling house, provided that for a horizontal distance of not more than 1.5 m (5 ft) of its length, each such coupled side may have that portion of its footing or foundation which is not coupled.
- 3.63 DWELLING, LINKED GROUP** shall mean one of a group, containing more than two but not more than twelve single detached dwellings, which have no apparent structural connection above grade, but which are horizontally coupled at the footing or foundation along not more than two sides of each such dwelling house, provided that for a horizontal distance of not more than 1.5 m (5 ft) of its length, each such coupled side may have that portion of its footing or foundation which is not coupled. This definition shall not include any duplex dwelling or multiple dwelling.
- 3.64 DWELLING, MULTIPLE** shall mean a dwelling not otherwise defined herein, which contains three or more dwelling units.
- 3.65 DWELLING, SINGLE-DETACHED** shall mean a separate building including a modular home and a double-wide mobile home, designed and containing only one dwelling unit.
- 3.66 DWELLING, SEMI-DETACHED** shall mean a building that is vertically divided into two (2) dwelling units each which has an independent entrance either directly or through a common vestibule, provided that both dwelling units are vertically coupled from the footings to the highest point of the roof line and horizontally coupled, except for a distance of not more than 1.5 m (5 ft), by a common masonry wall.

- 3.67 DWELLING, SENIOR CITIZENS** shall mean any multiple unit dwelling designed for and occupied primarily by residents who have attained the age of sixty-five (65) years.
- 3.68 DWELLING, SPLIT LEVEL** shall mean a single detached dwelling in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between the levels being not more than 50% of the storey and such a dwelling shall be considered to be one storey in height.
- 3.69 DWELLING, TOWNHOUSE** shall mean a building divided vertically into three (3) or more separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 3.70 DWELLING, TRIPLEX** shall mean a building that is divided horizontally into three (3) separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 3.71 DWELLING UNIT** shall mean one or more habitable rooms occupied or capable of being occupied by an individual, individuals or family as an independent and separate housekeeping establishment, with separate kitchen and sanitary facilities provided for the use of such individual, individuals or family, with its own private entrance, but does not include a trailer, single-wide mobile home or tent.
- 3.72 EATING ESTABLISHMENT** shall mean a building or part of a building where food is offered for sale or is sold to the public for immediate consumption within the premises or for take-out purposes and includes a restaurant, take-out restaurant, lounge, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand, but does not include a boarding or lodging house.
- 3.73 EDUCATION, COMMERCIAL** shall mean a place of instruction operated by a public or private authority which offers courses equivalent to those customarily offered in a place of instruction under the jurisdiction of a government authority.
- 3.74 EDUCATION AND TRAINING USE** shall mean a place of instruction operated by a public or private authority.
- 3.75 EMERGENCY CARE ESTABLISHMENT** shall mean an institutional use that provides a means of immediate, temporary accommodation and assistance for a short term period, generally less than one week for the majority of the residents. Emergency Care Establishments are distinct from Group Homes in that the former has a shorter length of stay, and that their capacity usually exceeds ten (10) residents (excluding staff or the receiving family).
- 3.76 ERECT** shall include building, alteration, construction, reconstruction and relocation and, without limiting the generality of the foregoing, also includes:
- any preliminary physical operation, such as excavating, grading, piling, filling, cribbing or draining;
  - altering any existing building or structure by an addition, deletion, enlargement, extension or other structural change; and
  - any work for which a building permit is required.
- ERECTED** shall have a corresponding meaning.
- 3.77 EXISTING** shall mean legally existing as of the date of the passing of this By-law.
- 3.78 EXTRACTIVE USE** shall mean the use of land and/or buildings or structures for the removal of gravel, stone, sand, earth, clay, fill, mineral or other similar substance for construction, industrial or manufacturing purposes, and includes accessory uses.
- 3.79 FENCE** shall mean an artificially constructed barrier of any material such as wood, stone, plastic, chainlink or metal designed to enclose or screen a use, building or structure from adjacent lands or streets.
- 3.80 FLEA MARKET** shall mean an indoor or outdoor place, location or activity where new or used goods and commodities are offered for sale or exchange to the general public by one or more licensed vendors, usually in compartmentalized spaces.

- 3.81 FLOOR AREA, RESIDENTIAL** shall mean the total habitable area thereof, measured between the exterior faces of the exterior walls or from the centre line of a common or party wall of a dwelling, but excluding any attached private garage, breeze-way, open or enclosed, porch, verandah, balcony, sunroom, attic, basement or cellar or any facilities below grade used for the parking of motor vehicles, locker storage or laundry facilities or heating facilities.
- 3.82 FLOOR AREA, GROSS (NON RESIDENTIAL)** shall mean the total area of a building or structure or part thereof used for non-residential purposes measured between the exterior walls of the building or structure or from the centreline of a common or party wall at the level of each floor, exclusive however, of any part of the building or structure which is used for heating equipment, the storage or parking of motor vehicles, storage facilities and other accessory uses; or used as living quarters by the caretaker, watchman or other supervisor of the building; or the provision of day care facilities for the building or adjacent uses, or common areas including malls, public walkways, tow truck and service facilities.
- 3.83 FLOOR SPACE INDEX** shall mean the gross floor area of all buildings on a lot divided by the lot area.
- 3.84 GARAGE, WIDTH** shall mean the width of a parking garage measured between the interior faces of the walls of the parking garage.
- 3.85 GARDEN SUITE** shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. Refer to General Provisions, Subsection 5.25.
- 3.86 GRADE, FINISHED** shall mean:
- for a building adjoining one street only, the elevation of the sidewalk at the centre of that wall adjoining the street;
  - for a building adjoining more than one street the average of the elevation of the sidewalk at the centre of all walls adjoining the streets;
  - for a building having no walls adjoining the street, or where there are no sidewalks the average level of the ground (finished surface) adjacent to the exterior walls of the building;
- For the purposes of this section, all walls not more than 5 m (16 ft) from the street line shall be considered as adjoining the street.
- 3.87 GRANNY Flat/Suite** shall mean a suite of room(s) contained within a single, detached dwelling intended for occupancy by a senior member of the household. The suite may contain full sanitary facilities but shall not contain a kitchen or cooking facilities. Refer to General Provisions, Subsection 5.26.
- 3.88 GROUP HOME - Type I** shall mean a residential care facility in a single housekeeping unit in a dwelling in which not more than six (6) persons as residents, exclusive of staff or receiving family, live together under responsible supervision consistent with the particular needs of residents, provided that the group home is the subject of a currently valid license or funding approval under provincial statute and is in compliance with all municipal by-laws of the Corporation. **Group Home Type I** may also locate in a two unit dwelling (duplex or semi-detached) if the group home is the sole occupant of both units of the two unit dwelling and the total number of residents in the entire building does not exceed six (6) residents.
- 3.89 GROUP HOME - Type II** shall mean a residential care facility in a single housekeeping unit in a dwelling in which not more than ten (10) persons as residents, exclusive of staff or receiving family, live together under responsible supervision consistent with the particular needs of residents, provided that the group home is the subject of a currently valid license or funding approval under provincial statute and is in compliance with all municipal by-laws of the Corporation.
- 3.90 GUEST ROOM** means a room or suite of rooms used or maintained for the accommodation of the public.
- 3.91 HABITATION** - occupancy of a room or are designed for living, sleeping, eating and/or food preparation.

- 3.92 HEAVY TRUCK** shall mean a commercial vehicle having a weight of three (3) tonnes or more, but does not include the following:
- i) any vehicle of a police or fire department;
  - ii) any vehicle operated on behalf of the Corporation;
  - iii) any vehicle operated on behalf of Utility Services;
  - iv) an ambulance;
  - v) any vehicle operated on behalf of a telephone company; television cable company; gas company;
  - vi) any passenger vehicle;
  - vii) any school bus or transit bus which is in the course of transporting people; and,
  - viii) recreational vehicle or other facility designed exclusively to provide camping accommodations.
- 3.93 HEIGHT AND BUILDING HEIGHT** shall mean the vertical distance between the average elevation of the finished grade at the front of the building, and
- i) the highest point of the roof assembly in the case of a building with a flat roof or a deck roof;
  - ii) the average level of a one slope roof, provided that such roof having a slope of less than twenty degrees with the horizontal shall be considered a flat roof;
  - iii) the average level between the eaves and the roof ridge in the case of a roof type not mentioned in sub-sections (i) and (ii) immediately preceding.
- The height regulations shall not apply to any T.V. or radio antenna, ornamental dome, chimney, tower, storage silo, barn, cupola, steeple, church spire, water storage tank, mechanical equipment or elevator shafts.
- 3.94 HOME OCCUPATION** shall mean an occupation which is carried on in a dwelling unit as an accessory use by one or more of its residents and shall exclude any retail commercial use.
- 3.95 HOSPITAL, PRIVATE** shall mean an institution, building or other premises licensed by the Ministry of Health under the Private Hospitals Act in which four or more patients are or may be admitted for treatment, but shall not include a public hospital, an institution licensed under the Private Sanitaria Act, institutions for reclamation and cure of habitual drunkards under the Municipal Act, children's residence under the Child and Family Services Act 1984, lodging or boarding house or group home.
- 3.96 HOSPITAL, PUBLIC** shall mean any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Public Hospitals Act as a public hospital.
- 3.97 HOTEL** shall mean a hotel, motel, tavern, inn, lounge, lodge, or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation for more than four (4) persons and includes all premises licensed under The Liquor Licence Act and permanent staff accommodation, but does not include any other establishment otherwise defined or classified in this By-law.
- 3.98 HOTEL, APARTMENT** shall be deemed for the purposes of this by-law to be an apartment dwelling.
- 3.99 INDUSTRIAL MALL** shall mean a group of permitted industrial uses designed, developed and functioning as a unit, as opposed to an area comprising individual industrial establishments.
- 3.100 INDUSTRIAL USE, LIGHT** shall mean the use of land, building or structures for the manufacturing, fabricating or assembly of finished products, predominately from previously prepared materials and may include treatment, packaging, incidental storage, sales and distributions of such products, but excluding general industrial uses.
- 3.101 INDUSTRIAL USE, GENERAL** shall mean the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage or goods and related accessory uses.

- 3.102 INSTITUTIONAL USE** shall mean the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings.
- 3.103 KENNEL** shall mean a place where dogs and other domestic animals excluding livestock are bred and raised and are sold or kept for sale or boarded and the operation is required by an appropriate, recognized organization or club.
- 3.104 KITCHEN** shall mean a room or area used and/or designed with full cooking facilities for the purpose of independent living, and includes the following appliances: sink, fridge, and range oven.
- 3.105 KITCHENETTE** shall mean a small room or alcove used and/or designed for food preparation but does not contain full kitchen facilities.
- 3.106 LANDSCAPED OPEN SPACE** shall mean an open area of a lot in which are located lawn and/or ornamental shrubs, flowers and trees and other landscaping and which may include space occupied by paths, walks, fenced courts, patios and swimming pools, but shall not include parking areas, driveway or storage areas.
- 3.107 LANE** shall mean a public or private right-of-way which affords a secondary means of access to the lots abutting thereon.
- 3.108 LIBRARY USE** shall mean a facility containing printed and pictorial material for public use for purposes of study, reference and recreation.
- 3.109 LIVESTOCK** shall mean poultry, cattle, hogs, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.
- 3.110 LOADING SPACE** shall mean an area of 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 main use of the lot or any building thereon, and which has unobstructed access to a street or lane.
- 3.111 LOT** shall mean the total horizontal area described within the registered deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision.
- 3.112 LOT AREA** shall mean the total horizontal area within the limits of the lot and for the purpose of this definition, the permitted lot area in each zone shall apply to that portion of such lot which is located within said zone unless otherwise specified.
- 3.113 LOT, CORNER** shall mean a lot situated at the intersection of or abutting upon two (2) or more public or private streets or lanes which intersect at an angle of less than one hundred and thirty-five (135) degrees.
- 3.114 LOT, COVERAGE** shall mean the combined area of all buildings or structures on the lot, measured at the level of the lowest storey above grade, including all porches and verandas open or covered and covered parking areas, but excluding open, unenclosed terraces at grade, decks, steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections, and swimming pools.
- 3.115 LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines. Where the front lot line is curved "lot depth" shall be measured from a line drawn parallel to the chord of the arc constituting the lot line, lying midway between said chord and a line drawn parallel to said chord and tangent to said arc. (For the purposes of this By-law, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines).



- 3.116 LOT FRONTAGE** shall mean the horizontal distance between the side lot lines, along the front lot line. In the case of a lot where the front lot line is not a straight line, the lot frontage shall be the distance between the side lot lines measured on a line parallel to and set back six (6) metres (20 ft) from a straight line connecting the two points of intersection of the side lot lines and the front lot line. In the case of a corner lot with a daylighting triangle, the lot lines abutting the street shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating lot frontage.
- 3.117 LOT INTERIOR** shall mean a lot situated between adjacent lots and having access to one street.
- 3.118 LOT LINE** shall mean the boundary line of a lot or the vertical projection thereof.
- 3.119 LOT LINE, EXTERIOR SIDE** shall mean the side lot line on a corner lot which abuts a street or a 0.3 m (1 ft) reserve adjacent to a street.
- 3.120 LOT LINE, FRONT** shall mean, except in the case of a corner lot, the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line; in case each of such lot lines should be of equal length the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- 3.121 LOT LINE, REAR** shall mean the lot line farthest from or opposite to the front lot line. In the case of lots abutting streets on more than two sides the rear lot line shall mean the rear lot line as established by prior construction. In the case of a lot with only three sides (triangle), such lot shall be deemed to have no rear lot line; and such lot shall be deemed to have a front lot line, as defined herein, and two side lot lines.
- 3.122 LOT LINE, SIDE** shall mean a lot line other than a front or rear lot line.
- 3.123 LOT SHALLOW/WIDE** shall mean a lot that has a lot frontage which is greater than the lot depth by a minimum of 5 m.
- 3.124 LOT THROUGH** shall mean a lot bounded on two opposite sides by streets provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be conclusively deemed to be a corner lot. The front yard for a through lot shall be that to which the street address applies.
- 3.125 MAIN ENTRY FEATURE** shall mean a platform with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.
- 3.126 MAIN FRONT FEATURE** shall mean the door which is designed as the primary access point into the dwelling unit.
- 3.127 MANUFACTURING FLOOR AREA** shall mean that portion of the gross floor area of an industrial establishment which is used for manufacturing purposes and office purposes but does not include areas used for storage.
- 3.128 MARINA** shall mean a facility for storing, servicing, fuelling, berthing and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests.
- 3.129 MARKET** shall mean the use of land, buildings or structures or part thereof for the purpose of selling fruits, vegetables and flowers to the general public, such use may also include the sale of homemade and handcrafted articles and goods.

- 3.130 MOBILE HOME** shall mean a dwelling unit designed to be transported after fabrication, either on its own wheels, on a flatbed, on other trailers, or on detachable wheels, and which is suitable for occupancy as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on a mobile home stand, connection to utilities and the like, but which does not include a travel trailer, or a trailer otherwise designed, or single detached dwellings constructed in parts, designed to be transported to a lot and where they are joined as integral units and placed on a permanent foundation over a cellar or basement.
- i) Mobile Home, Single Wide shall mean a mobile home unit designed to be towed in a single load.
  - ii) Mobile Home, Double Wide shall mean a mobile home unit consisting of two sections separately towable.
- 3.131 MODULAR HOME** shall mean a prefabricated building or structure which is designed to provide a permanent dwelling unit for one or more persons and which is placed on a finished permanent foundation. This definition shall not include a single wide mobile home, a travel trailer or tent trailer or trailer otherwise designed.
- 3.132 MOTEL** shall mean a hotel as defined herein.
- 3.133 MOTOR HOME** shall mean a self-propelled vehicle capable of being used for temporary sleeping or eating accommodation for people.
- 3.134 MUNICIPALITY** shall mean the Corporation of the Town of Cobourg.
- 3.135 MUNICIPAL SERVICES** shall mean public streets, storm sewers, sanitary sewage and water systems designed and capable of servicing a lot.
- 3.136 NON-COMPLYING** shall mean that which does not conform, comply or agree with the regulations of this By-law as of the date of adoption thereof, other than the regulations which set out the permitted uses.
- 3.137 NON-CONFORMING** shall mean a use of land, buildings or structures which was lawfully built or commenced prior to the adoption of this By-law but which is not a use permitted in the zone in which the said use is situated.
- 3.138 NON-RESIDENTIAL** when used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.
- 3.139 NURSING HOME** shall mean a building for a number of residents who are by age or some other factor disabled and the owner provides meals, nursing and medical or similar care and treatment to the residents but shall not include a hospital.
- 3.140 OFFICE** shall mean a building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly.
- 3.141 OPEN STORAGE** shall mean the storage of goods, merchandise or equipment in the open air and/or in unenclosed portions of buildings which are open on the sides.
- 3.142 PARK** shall mean open space, a playground or playfield, which may include therein recreational facilities including buildings for such facilities or support services.
- 3.143 PARK, PRIVATE** shall mean a park other than a public park.
- 3.144 PARK, PUBLIC** shall mean a park owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario.

- 3.145 PARKING GARAGE** shall mean a building or structure used for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes; but shall not include a public street and where accessory to a single detached, semi-detached or duplex dwelling shall not be designed to provide storage for more than four (4) private passenger motor vehicles. In addition, where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building.
- 3.146 PARKING LOT OR AREA** shall mean an area or structure provided for the parking of motor vehicles and may include aisles, parking spaces, and related ingress and egress lanes, but shall not include any public street.
- 3.147 PARKING SPACE** shall mean an area enclosed in a main building or in an accessory building or unenclosed, having an area of not less than 16.7 m<sup>2</sup>, (180 ft<sup>2</sup>) and a minimum width of 2.7 m (9 ft.), exclusive of aisles or driveways and accessible to a street or lane and set aside for the purpose of parking a motor vehicle.
- 3.148 PERMANENT GAMING CLUB OR PERMANENT CASINO** shall mean any land, building or structure or portion thereof, whether or not open for use by the public, containing therein any of the following devices:
- i) one (1) or more video lottery terminals or slot machines;
  - ii) one (1) or more gaming tables.
- 3.149 PERSON** shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 3.150 PHARMACY** shall refer to a store where medical prescriptions are filled and the facility is used for the sale of drugs, medical devices and supplies, non-prescription medicines, and associated non-medical products.
- 3.151 PLACE OF AMUSEMENT** shall mean any land, building or structure or portion thereof open for use by the public containing four (4) or more amusement machines even though one or more such machines may not be operational, but shall not include a permanent gaming club or permanent casino, any other place of entertainment or amusement, or any other use, otherwise defined or classified in this By-law.
- 3.152 PLACE OF ASSEMBLY** shall mean any land, building or structure or portion thereof used for purpose of assembly, where persons may congregate for civic, political, religious, educational, social, or recreation purposes in any one or more places, rooms or enclosures, and whether or not seating accommodation is provided, and may include: a lecture room(s), concert hall, auditorium, a club, lodge, trade union or assembly hall, a theatre or motion picture theatre, dance hall, or bowling alley.
- 3.153 PLACE OF ENTERTAINMENT** shall mean any land, building or structure or portion thereof used as a theatre, auditorium, public hall, cinema, billiard or pool hall, bowling alley, ice or roller skating rink, curling rink, or arena, but does not include a permanent gaming club or permanent casino, any other place of entertainment or amusement, or any other use, otherwise defined or classified in this By-law.
- 3.154 PLACE OF WORSHIP** shall mean any land, building or structure or portion thereof dedicated to religious worship and includes a church, synagogue, temple or assembly hall and may include such accessory uses as a nursery school, a school of religious education, a rectory, a parsonage, a parish house, convent, seminary, monastery or parish hall.
- 3.155 RECYCLING DEPOT** shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.
- 3.156 RECREATION AND COMMUNITY CENTRE** shall mean the use of buildings or structures or a portion thereof for recreation and/or community activities and is designed and equipped for the conduct of sports, leisure time activities and other recreational facilities, the control of which is vested in the Municipality, a local board or agent thereof.

- 3.157 RESEARCH & DEVELOPMENT USE** shall mean the use of buildings or structures or a portion thereof for scientific research, investigation, testing or experimentation, but does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.
- 3.158 RESIDENCE ROOM** shall mean a dwelling unit which does not contain full kitchen facilities (may contain a kitchenette) but has access to a common eating facility.
- 3.159 RESIDENTIAL USE** shall mean the use of a building or structure or parts thereof as a dwelling.
- 3.160 RETAIL COMMERCIAL USE** see **COMMERCIAL USE, RETAIL.**
- 3.161 RETIREMENT HOME** shall mean a building in which the owner provides for a number of residents, the majority of whom are sixty-five (65) years of age or older, each with their own private or semi-private residence room, and have common eating, sanitary and recreation facilities. The building or structure is maintained by the owner or staff. Residents are ambulatory and do not require on-going bed care but may receive some minor nursing, medical or similar care. A retirement home shall not include a nursing home, senior citizen's complex or a hospital.
- 3.162 RIGHT-OF-WAY** shall mean a privately owned easement or right-of-way for the purpose of providing primary access to a property, having a minimum width of 10 m (33 ft) and being constructed to an acceptable standard to the Municipality, which fronts on an assumed public street which street has a width of 20 m (66 ft) or more and which street is of satisfactory construction and maintenance to permit reasonable and safe passage of pedestrians and motor vehicles travelling in two directions and which street is maintained by the Municipality on a year round basis.
- 3.163 RIGHT-OF-WAY - LANEWAY** shall mean an easement or right-of-way for the purpose of providing secondary access to the rear of a property, having a minimum width of 5.5 m (18 ft) and being constructed to an acceptable standard to the Municipality. The laneway must front on an assumed public street which street has a width of 20 m (66 ft) or more and which street is of satisfactory construction and maintenance to permit reasonable and safe passage of motor vehicles travelling in two directions and which street is maintained by the Municipality on a year round basis.
- 3.164 SALVAGE YARD** means an establishment where used goods, wares, merchandise, articles or things are processed for further use and includes a junk yard and an automobile wrecking yard or premise, but does not include a recycling depot.
- 3.165 SENIOR CITIZEN'S COMPLEX** shall mean an apartment or other multiple dwelling complex designed for and, for the majority of units, occupied by residents who have attained the age of sixty five years and by some who are physically disabled.
- 3.166 SERVICE OR REPAIR USE** shall mean the use of a building or part of a building, not otherwise classified or defined in this By-law for the servicing, repairing, installing or rental of articles, equipment, goods or materials but does not include the manufacture of articles, goods or materials or the repair and service of motor vehicles.
- 3.167 SERVICE USE, PERSONAL** shall mean the use of a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber shop, registered massage therapist facility, dry cleaning distribution station, laundromat, domestic animal- grooming salon, hairdressing establishment, shoe shine shop and other similar services, but not including a body rub or massage parlour.
- 3.168 SETBACK** shall mean the shortest distance between the main wall of a building, structure or open storage use to the lot line, street line or zone boundary whichever is designated in the phrase in which the term "setback" is used.
- 3.169 SHOPPING CENTRE** shall mean a group of permitted commercial uses designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants as opposed to a business area comprising unrelated individual business uses.

- 3.170 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 12 m (40 ft) 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. Sight triangles shall apply to all lot lines intersecting and will be applied to both rear and front sight triangles when dealing with a property bounded by three street lines. Regulations for development in areas defined as sight triangles are included in Section 5.16.
- 3.171 SIGN** 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 and which directs attention to an object, product, place, activity, person, institution, organization or business.
- 3.172 STOREY** shall mean the portion of a building between any floor and the floor, ceiling or roof next above, provided that the cellar or basement of a building shall not be deemed a storey and provided also that any portion of a storey exceeding 4 m (13 ft) in height shall be deemed an additional storey.
- 3.173 STREET OR ROAD** shall mean a public highway which has been assumed by the Ministry of Transportation, the County of Northumberland or the Town of Cobourg and the lands formerly known as the H.E.P.C. Right-of-way.
- 3.174 STREET LINE** shall mean the limit of the road or street allowance and is the dividing line between a lot and a street.
- 3.175 STRUCTURE** shall mean anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground.
- 3.176 SUPERMARKET** shall mean an individual food store having a gross floor area in excess of 500 m<sup>2</sup> (5,380 ft<sup>2</sup>).
- 3.177 TOP-OF-BANK** shall mean a line delineated at a point where the oblique plane of the slope meets the horizontal plane.
- 3.178 TRAILER, TRAVEL** shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, but not including any vehicle unless it is used or intended for the living, sleeping or eating accommodation of persons therein for seasonal, recreation activity.
- 3.179 TRUCK TERMINAL** shall mean land, structures or buildings used to store, repair, service or dispatch trucks or vehicles and shall include a terminal for the loading of transport vehicles, but shall not include an industrial use for which trucks or vehicles are an accessory use.
- 3.180 UNDERTAKER'S ESTABLISHMENT** A building designed for the purpose of and services to the public and may include: embalming and the performance of other services used in preparation of the dead for internment or cremation; performance of autopsies and other surgical procedures; storage of caskets, funeral urns and other related funeral supplies; the storage of funeral vehicles; funeral services; and any other services as needed for preparation and burial of the dead body. An Undertaker's Establishment may include, but is not limited to, one or more of the following: a reception; a mortuary; a chapel; a grieving centre; a counselling facility for grieving family; facilities for the viewing and sale of undertaker's merchandise; child care facility for grieving families. An Undertaker's Establishment shall not include a crematorium use as a permitted use.
- 3.181 USE** (when used as a noun) shall mean the purpose for which a lot or a building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained and 'USES' shall have a corresponding meaning.

- 3.182 VEHICLE** shall mean a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.
- 3.183 VEHICLE BODY REPAIR USE** shall mean land, building or structures where the repairing, straightening, filling, grinding, painting or replacing of body, interior and frame components of vehicles takes place.
- 3.184 VEHICLE FUELLING STATION USE** shall mean land, buildings or structures where automotive fuels and accessories are sold at retail.
- 3.185 VEHICLE REPAIR USE** shall mean land, buildings or structures where repairs to vehicles other than body repairs take place.
- 3.186 VEHICLE SALES OUTLET USE** shall mean land, buildings or structures where vehicles are displayed, sold, leased or rented. Mechanical repairs or service may be permitted as an accessory use.
- 3.187 VEHICLE SERVICE STATION USE** shall mean land, buildings or structures where automotive fuels and accessories are sold at retail and where vehicles receive mechanical repairs or service excluding body repairs.
- 3.188 VEHICLE WASH** shall mean land, buildings or structures where vehicles are washed or cleaned.
- 3.189 WALL, MAIN** 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 roof.
- 3.190 WAREHOUSE** shall mean a building where wares or goods are stored, but shall not include a retail commercial use.
- 3.191 WAREHOUSE, RETAIL** shall mean a building or structure or part thereof where new home and office furnishings and fixtures and/or new appliances are stored or kept for sale.
- 3.192 WATER SUPPLY, PUBLIC** shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Corporation and/or Ministry of the Environment and/or any public utilities commission for public use.
- 3.193 WATERCOURSE** shall mean a natural channel of a stream, including intermittent streams, but does not include a drainage ditch or irrigation channel.
- 3.194 WELLNESS CENTRE** shall mean an establishment, bed and breakfast, or place of business that caters to the health and overall well being of persons and may include, but not necessarily limited to the following: chiropractic service; massage therapist; hydro therapist; aroma therapist; manicurist and/or pedicurist, and other personal service uses.
- 3.195 WHOLESALE** shall mean an establishment or place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- 3.196 YARD** shall mean an open area of land, unoccupied, and unobstructed except as otherwise provided for or required by this By-law, located on the same lot or zone within a lot as the main building or structure.
- 3.197 YARD, FRONT** shall mean a yard extending across the full width of the lot or zone within the lot between the front line of the lot and the nearest part of any building or structure on the lot or the nearest open storage use on the lot. "Front Yard Depth" means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- 3.198 YARD, REQUIRED** shall mean the minimum yard required by the provisions of this By-law.
- 3.199 YARD, REAR** shall mean a yard extending across the full width of the lot or zone within the lot between the rear lot line of the lot or zone boundary and the nearest part of any main buildings or structures on the lot. "Rear Yard Depth" means the least horizontal dimension between the rear lot line of the lot or rear

zone boundary and the nearest part of any building or structure on the lot or zone, or the nearest open storage use on the lot or zone. In the case of a lot with only three sides (triangle), such lot shall be deemed to have no rear yard; and such lot shall be deemed to have a front yard as defined herein, and two side yards.

- 3.200** **YARD, SIDE** shall mean a yard extending from the front yard to the rear yard and from the side lot or side zone boundary to the nearest part of any building or structure on the lot or nearest open storage use. "Side Yard Depth" means the least horizontal dimension between the side lot line of the lot or side zone boundary and nearest part of any building or structure on the lot or zone, or the nearest open storage use on the lot or zone.
- 3.201** **YARD, SIDE, EXTERIOR** shall mean a side yard immediately adjoining a public street.
- 3.202** **YARD, SIDE, INTERIOR** shall mean a side yard other than an exterior side yard.
- 3.203** **ZONE** shall mean an area designated on a Zoning Map Schedule and established by this By-law for a specific use.

## **SECTION 4: ZONES AND ZONING MAPS**

### **4.1 ESTABLISHMENT OF ZONES, SYMBOLS AND SECTION NUMBERS**

**4.1.1** The provisions of this By-law shall apply to all lands within the limits of the Corporation which lands for the purpose of this By-law are divided into various zones as follows:

<b><u>ZONE</u></b>	<b><u>SYMBOL</u></b>	<b><u>SECTION</u></b>
<b>RESIDENTIAL ZONES</b>		
Residential 1 Zone	R1	7
Residential 2 Zone	R2	8
Residential 3 Zone	R3	9
Multiple Residential 4 Zone	R4	10
High Density Residential 5 Zone	R5	11
<b>COMMERCIAL ZONES</b>		
Neighbourhood Commercial Zone	NC	12
Shopping Centre Commercial Zone	SC	13
District Commercial Zone	DC	14
Main Central Commercial Zone	MC	15
<b>INDUSTRIAL ZONES</b>		
Light Industrial Zone	LM	16
General Industrial Zone	GM	17
Business Park Zone	BP	18
<b>INSTITUTIONAL ZONE</b>		
Institutional Zone	I	19
<b>ENVIRONMENTAL ZONES</b>		
Open Space Zone	OS	20
Environmental Constraint Zone	EC	21
<b>RURAL ZONE</b>		
Rural Zone	<i>RU</i>	22
<b>DEVELOPMENT ZONE</b>		
Development Zone	D	23
<b>TRANSPORTATION ZONE</b>		
Transportation Corridor Zone	TC	24
<b><u>SPECIAL OVERLAY ZONES</u></b>		
Holding Zone	(H)	25
Special Policy Zones	(sp)	26
<b><u>NEW AMHERST COMMUNITY ZONES</u></b>		
Neighbourhood Residential One Zone	NR1	27
Neighbourhood Residential Two Zone	NR2	28



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<b>ZONE</b>	<b>SYMBOL</b>	<b>SECTION</b>
Neighbourhood Mixed Use Zone	NMU	29
Urban/Rural Transition Zone	B	30

**4.1.2** The permissible uses, the minimum size and dimensions of lots, the minimum size of yards, the maximum lot coverage, gross floor area, the minimum landscaped open space, the maximum height of buildings and all other zone provisions are set out herein for the respective zones.

**4.1.3** Imperial figures throughout this document are included for information purposes only and are not exact conversions of the metric figures. Reference should always be made to the metric figures in determining conformity with the By-law.

#### **4.2 ZONING MAPS**

The extent and boundaries of all the said zones are shown on Schedule "A" which Schedule forms a part of this By-law and is attached hereto. Schedule "A" is comprised of fifteen maps: Map 1 through to Map 15 inclusive. Specific site plans which form a part of this By-law are attached as Schedule "B" to this By-law. 'Reduced Parking Area' is attached as Schedule "C".

#### **4.3 USE OF ZONE SYMBOLS**

The symbols listed in Subsection 4.1 may be used to refer to land, buildings and structures and the uses thereof permitted by this By-law in said Zones; and whenever in this By-law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within the boundaries delineated on Schedule "A" and designated thereon by the said symbol.

#### **4.4 APPLICATION OF REGULATIONS**

No person shall within any of the Zones defined in this By-law and delineated on the Zoning Maps, Schedules "A", hereto appended, use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with the regulations of this By-law for the zone in which such land, building, structure or use is located.

#### **4.5 SPECIAL ZONES**

Wherever a zone symbol on Schedule "A" hereto is followed by a dash and a number, such as "R2-1", or a set of brackets enclosing a special symbol, such as (H) or (sp77), the lands so designated shall be subject to, and used in accordance with all the provisions of this By-law applicable to the zone represented by such symbol, except as otherwise specifically provided in the special regulations applicable to that site.

#### **4.6 INTERPRETATION OF ZONE BOUNDARIES**

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on Schedules "A", Map 1 through 15 the following shall apply:

##### **4.6.1 Centerline Limits**

Where any zone boundary is shown as approximately the centreline of a street, lane, watercourse or any other right-of-way, such zone boundary shall be construed to follow the centreline of the street, lane, watercourse or other right-of-way or the production thereof;

##### **4.6.2 Lot Lines**

Where the Zone boundaries are not shown to be streets or lanes, and where indicated, boundaries on Schedules "A" are approximately lot lines, the said lot lines shall be construed to be the zone boundaries unless the said boundaries are otherwise indicated on the Maps;

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**4.6.3 Symbol of Zone**

Where one symbol is used on the Zoning Maps to indicate the zone classification of an area divided by a street or lane, the said symbol shall establish the classification of the whole of such area;

**4.6.4 Closed Street or Lane**

In the event a dedicated street, road or lane, as shown on Schedule "A" and the Zone Maps attached hereto is closed, the property formerly in said street, road or lane shall be included within the Zone of the adjoining property on either side of the said closed street, road or lane. Where a closed street or road is the boundary between two or more different zones, the new zone boundary shall be the former centre line of the closed street, road or lane.

**4.6.5 Boundaries Other Than Street or Lot Lines**

Where a zone boundary is not a street or lane, nor a lot line, and a specific measurement indicating the position of the said boundary is not shown on the Zoning Maps, or indicated in the text of the By-law, the position thereof shall be determined by scaling from the Zone Map(s) located in the office of the Zoning Administrator;

**4.6.6 Zone Abuts Lakeshore or Natural Watercourse**

Where any zone on the Schedules abuts a lakeshore, such zone shall be deemed to extend into the lake and to apply to any water lots or to any land created by changing lake levels, land fill operations or by any other means. Where any zone on the Zone Maps abuts a natural watercourse, such zone shall be deemed to apply to the natural watercourse.

## **SECTION 5: GENERAL PROVISIONS**

### **5.1 CONTENTS:**

- 5.2 Application
- 5.3 Uses Permitted in all Zones
- 5.4 Prohibited Uses
- 5.5 Non-complying Uses
- 5.6 Non-conforming Uses
- 5.7 Lots of Record
- 5.8 Land without Buildings
- 5.9 Requirement for Municipal Services
- 5.10 Multiple Uses/Zones
- 5.11 Lots to Front on Public Road
- 5.12 Planned Width of Street Allowance
- 5.13 Permitted Encroachments in Yards
- 5.14 Yards and Open Space Provisions for all Zones
- 5.15 Fences
- 5.16 Sight Triangles
- 5.17 Front Yard Sight Angles
- 5.18 Sign Regulations
- 5.19 Truck, Bus and Coach Bodies, or Motor Home, Trailer or Tents Used for Human Habitation
- 5.20 Mobile Homes Prohibited in all Zones
- 5.21 Occupancy of Partially Completed Buildings
- 5.22 Dwelling Units Below Grade
- 5.23 Group Homes
- 5.24 Drive-thru Facility
- 5.25 Garden Suite
- 5.26 Granny Flat
- 5.27 Gateway Areas

### **5.2 APPLICATION**

The regulations of this section shall apply to all zones.

### **5.3 USES PERMITTED IN ALL ZONES**

The following uses are permitted in all zones:

#### **5.3.1 Services and Utilities**

The regulations of this By-law shall not apply to prevent the use of any land for a purpose which serves the immediate community, such as a street, or to prevent the installation of utilities which serve the immediate community such as a water main, sanitary sewer main, gas distribution main, telephone line, electric power or other communication lines and accessory structures and facilities, provided that no goods, material or equipment shall be stored in the open in a Residential Zone.

#### **5.3.2 Public Use**

The regulations of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service, including park and recreation facilities, by the Municipality, County of Northumberland or by any local Board thereof, or the Governments of Ontario or Canada, and their agents provided that:

- i) electric power-generating facilities, maintenance and works yards and depots and sewage treatment facilities shall only be permitted in an industrial zone;
- ii) no goods, material or equipment shall be stored in the open except as permitted by the provisions of the zone in which the use is located;
- iii) the zone provisions of the zone within which the use is located shall be complied with, except for electric power facilities;
- iv) no buildings or structures shall be permitted in any Environmental Constraint Zone, except those for flood and erosion prevention and control and landscape stabilization.

### **5.3.3 Construction Use**

Any sheds, scaffolds or other structures incidental to building construction shall be permitted for as long as same are necessary for work in progress which has been neither finished or abandoned.

### **5.3.4 Temporary Use**

A temporary use authorized by Council in a By-law passed under Section 39 of the Planning Act, RSO 1990, c.P.13 shall be permitted.

## **5.4 PROHIBITED USES**

Unless specifically permitted in this By-law, all uses are prohibited. The following uses are prohibited throughout the Town:

- i) wrecking or salvage yards;
- ii) uses classified as a health hazard under the Health Protection and Promotion Act or any regulation made thereunder;
- iii) no land, buildings or structure for industrial or commercial uses which are likely to create danger to health, or danger from fire or explosion except automobile service stations, operations for the undercoating of vehicles with oil or other compounds, and duly-licensed installations for the bulk storage of gasoline, lubricating and fuel oils are permitted; without limiting the generality of the foregoing, the prohibited uses shall include storage or manufacture of coal oil, water oil, rock oil, fuel oil, burning fluid, gas, naptha, benzene, dynamite, dualine, nitro-glycerine, gunpowder, petroleum and petroleum products.

## **5.5 NON-COMPLYING USES**

Where a use, building or structure was legally established prior to the date of the passing of this By-law, and is permitted by the regulations of the zone in which such use, building or structure is located, but does not meet the zone regulations with respect to yards, lot area, frontage, parking, setback or other regulations of this By-law applicable to that zone, the said building shall be deemed to comply with the By-law and may be enlarged, reconstructed, repaired or renovated provided that any regulations which are currently not met, are not further contravened and that all regulations which are complied with, are not contravened by any works undertaken. The provisions relating to legal non-complying uses shall no longer apply once the use of the building or structure has discontinued for a period of twelve consecutive months or longer.

## **5.6 NON-CONFORMING USES**

### **5.6.1 Modifications**

Where a building or structure which was erected prior to the date of the passing of the By-law is used for a purpose not permitted in the use zone in which it is situated, the said building or structure may be reconstructed, repaired or renovated provided that the reconstruction, repair or renovation does not involve any alteration of use or expansion of the building or structure and the building or structure continues to be used for the same purpose.

### **5.6.2 Discontinuation of Use**

The regulations of this By-law shall not prevent the use of any land, building or structure for any purpose prohibited by the By-law, if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose and the use is not discontinued for a period of twelve consecutive months or longer.

### **5.6.3 Prior Approval of Plans**

The regulations of this By-law shall not apply to prevent the erection or use of any land, building or structure, for a purpose prohibited by the By-law of where the building permit has been issued prior to the date of the passing of the By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected, and provided the erection of such building or structure is commenced within six months after the date of the passing of the By-law and such building is substantially completed within one year after the erection thereof is commenced.

### **5.6.4 Restoration of Non-Conforming Uses**

Where a building or structure is used for a legal non-conforming use and said building or structure is destroyed or damaged by fire or natural disaster, nothing in this By-law shall prevent the reconstruction or repair of said building or structure for the continuation of the legal non-conforming use.

## **5.7 LOTS OF RECORD**

### **5.7.1 Undeveloped Lots**

Notwithstanding any other regulations of this By-law, lots existing at the date of the passing of this By-law or lots created by expropriation or municipal acquisition, including lots with less than the required frontage or lot depth or lot area may be developed for the uses specified in the appropriate zone provided all other regulations of the By-law are satisfied, and provided that, where municipal services are unavailable, written approval of the proposed water supply and sewage disposal facilities is obtained from the Health Unit.

### **5.7.2 Lots With Existing Buildings and Structures**

Notwithstanding any other regulations of this By-law, where a use, building or structure was legally established on a lot, and such lot was subsequently altered by expropriation or municipal acquisition thereby causing the use, building or structure to contravene any regulations of the By-law, the said use, building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that any regulations which are currently not met, are not further contravened and that all regulations which are complied with, are not contravened by any works undertaken.

## **5.8 LAND WITHOUT BUILDINGS**

Where land is used for or in connection with residential, commercial, industrial or institutional uses but without any buildings or structures thereon, all yards required by this By-law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for gardening or open space purposes not prohibited by this By-law in such use zone.

## **5.9 REQUIREMENT FOR MUNICIPAL SERVICES**

Notwithstanding any other provisions of this By-law, no lands shall be used nor any building or structure erected or used thereon unless such municipal services as the Town ordinarily requires upon the development or redevelopment of land are available and capable of servicing the said land, building or structures. However, for lands in the Residential 1 or Residential 2 Zones where public water or sewage services are not available development shall be permitted subject to the applicable provisions of this By-law and the proposed development can be adequately serviced by appropriate private water and sewage services.

## **5.10 MULTIPLE USES/ZONES**

Notwithstanding any other provision of this By-law, where any land, building or structure is used for more than one purpose, or where more than one use zone applies, all provisions of this By-law shall be complied with except in the case of lot area, lot frontage, coverage and yard requirements, in which case the most restrictive or stringent requirement shall apply, except if specified otherwise in this By-law.

## **5.11 LOTS TO FRONT ON PUBLIC ROAD**

**5.11.1** Unless otherwise specified by this By-law, no person shall erect a building or structure, and no person shall use any building or structure, unless the lot upon which the building or structure is situated, erected, or proposed to be erected abuts or fronts on an assumed public street which has a width of 18 metres (60 feet) or more and which is of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles travelling in two directions and which is maintained by the municipality on a year round basis.

**5.11.2** Notwithstanding the requirements of Section 5.11.1, a building or structure may be situated or erected on a lot which:

- i) fronts upon an assumed public street provided such building or structure is set back to meet or exceed the established building line, recognizes any road widenings to the Town's satisfaction, and is in compliance with any other requirements of this By-law; or,
- ii) is within a registered plan of subdivision, in accordance with the provisions of a subdivision agreement in respect of such plan of subdivision, notwithstanding that the roads within such plan of subdivision have not been assumed and are not being maintained by the Municipality; or,
- iii) is within a registered plan of subdivision which has been approved, after the adoption of this By-law, with road allowances of greater than 15 m (50 ft), but less than 20 m (66 ft); or,
- iv) fronts on a right-of-way that has a minimum 10 m (33 ft) width.

**5.11.3** Lots fronting on the following public streets are exempt from the provisions of Sections 5.11.1 and 5.11.2:

Alice Street  
Anne Street  
Bagot Street  
Ball Street (Blake to University)  
Balls Lane  
Blake Street  
Bond Street  
Buck Street

Henry Street  
Jex Lane  
Major Street  
Matthew Street  
McGill Street (King to Charles)  
Orange Street  
Orr Street  
Park Lane

Burke Street  
 Charles Street  
 Clare Street  
 Durham Street  
 First Street  
 George Street (King to James St.)  
 Havelock Street

Roe Street  
 Second Street  
 Spencer Street  
 Third Street (King to Albert)  
 Victoria Street  
 Walton Street

**5.11.4** Notwithstanding the requirements of Sections 5.11.1 and 5.11.2 within the area bounded by Highway 2, Rogers Road, the CPR track, Loveshin Road, Lake Ontario and the Town boundary, a building or structure may be situated or erected on a lot which:

- i) is within a registered plan of subdivision which has been approved with road allowances of 11 m or more; or,
- ii) is within a registered plan of subdivision which has been approved with road allowances of 11 m or more, in accordance with the provisions of a subdivision agreement in respect of such plan of subdivision, notwithstanding that the roads within the plan of subdivision have not been assumed and are not being maintained by the Municipality.

**5.12 PLANNED WIDTH OF STREET ALLOWANCE**

No person shall erect any building or structure in any zone on the following streets or portions of streets unless such building or structure conforms to the following setback requirements and furthermore, in determining any requirements of the Zoning By-law, the portion of the lot lying within the setback shall be deemed not to form part of the lot:

Street or Portion of Street	Existing Street Width	Planned Width of Street Allowance	Minimum Setback Requirements from Centreline of Street
<b>Albert Street</b> Ontario to Hibernia Hibernia to Division	20 m (66 ft) 12 m (40 ft)	20 m (66 ft) 18 m (60 ft)	10 m (33 ft) 9 m (30 ft)
<b>Ball Street</b> King to Blake Blake to University	12 m (40 ft) 15 m (50 ft)	15 m (50 ft) 15 m (50 ft)	7.5 m (25 ft) <sup>6</sup> 7.5 m (25 ft) <sup>6</sup>
<b>Baltimore Road<sup>1</sup></b>	23-30m(76-100ft)	36 m (118 ft)	18 m (60 ft)
<b>Brook Road N.</b>	20-30m(66-100ft)	30 m (100 ft)	15 m (50 ft)
<b>Burnham Street</b> William to North Town Limits King to Heath Heath to Carlisle	26 m (86 ft) 20 m (66 ft) 20 m (66 ft)	30 m (100 ft) 24 m (80 ft) 20 m (66 ft)	15 m (50 ft) 12 m (40 ft) 10 m (33 ft)
<b>Covert Street</b>	9 m (30 ft)	12 m (40 ft)	6 m (20 ft) <sup>5</sup>
<b>D'Arcy Street</b> King to University University to Elgin King to Lakeshore	20 m (66 ft) 20 m (66 ft) 20 m (66 ft)	25 m (82 ft) 30 m (100 ft) 20 m (66 ft)	12.5 m (41 ft) 15 m (50 ft) 10 m (33 ft)
<b>Densmore Rd./Danforth</b>	20 m (66 ft)	26 m (86 ft)	13 m (43 ft)
<b>DePalma Dr.</b>	20 m (66 ft)	30 m (100 ft)	15 m (50 ft)
<b>Division Street</b> King to Havelock Havelock to University University to Baltimore King to Harbour	20 m (66 ft) 20 m (66 ft) 20 m (66 ft) 20 m (66 ft)	20 m (66 ft) 26 m (86 ft) 30 m (100 ft) 20 m (66 ft)	10 m (33 ft) 13 m (43 ft) 15 m (50 ft) 10 m (33 ft)

<b>Street or Portion of Street</b>	<b>Existing Street Width</b>	<b>Planned Width of Street Allowance</b>	<b>Minimum Setback Requirements from Centreline of Street</b>
<b>Elgin Street:</b> Hwy 2 to Burnham Burnham to Division Division to D'Arcy D'Arcy to Brook Burnham Street to the West Town limits	N.A. 20+m (66+ ft) 25+m (83+ ft) 27+m (90+ ft) 20 m (66 ft)	30 m (100 ft.) 30 m (100 ft) 30 m (100 ft) 30 m (100 ft) 30 m (100 ft)	15 m (50 ft) 15 m (50 ft) 15 m (50 ft) 15 m (50 ft) 15 m (50 ft)
<b>George Street</b> King to a point 30m (100 ft) north of King 30m(100 ft) north of King to University	12 m (40 ft) 12 m (40 ft)	12 m (40 ft) 15 m (50 ft)	6 m (20 ft) 7.5 m (25 ft)
<b>Heath Street</b>	20 m (66 ft)	24 m (80 ft)	12 m (40 ft)
<b>Hibernia Street</b> King to Lake Ontario	15 m (50 ft)	18 m (60 ft)	9 m (30 ft)
<b>James Street</b> Spring to College College to D'Arcy	15 m (50 ft) 15 m (50 ft)	20 m (66 ft) 18 m (60 ft)	10 m (33 ft) 9 m (30 ft)
<b>Kerr St. (Former H.E.P.C.)</b> William to Brook Rd.N.	30 m (100 ft)	36 m (118 ft)	18 m (60 ft)
<b>King Street</b> William to Ball Ball to Spring Spring to George/Third George to College College to D'Arcy D'Arcy to Brook N. Brook to Normar Tracey to William	20 m (66 ft) 20 m (66 ft) 20+m (66+ft) 20+m (66+ft) 20 m (66 ft) 20-21 m(66-70 ft) 21+m (70+ft) 20 m (66 ft)	26 m (86 ft) 24 m (80 ft) 24 m (80 ft) 21 m (68 ft) 26 m (86 ft) 30 m (100 ft) 30 m (100 ft) 23 m (76 ft)	13 m (43 ft) 12 m (40 ft) 12 m (40 ft) 10.5 m (35 ft) 13 m (43 ft) 15 m (50 ft) 15 m (50 ft) 11.5 m (38 ft)
<b>Ontario Street</b> University to North Limits Albert to King	20 m (66 ft) 20 m (66 ft)	23 m (76 ft) 20 m (66 ft)	13 m (43 ft) 10 m (33 ft)
<b>Park Street</b>	12 m (40 ft)	15 m (50 ft)	7.5 m (25 ft)
<b>Princess Street</b>	10.5 m (35 ft)	15 m (50 ft)	7.5 m (25 ft)
<b>Queen Street</b> Division to McGill McGill to Church Church to D'Arcy	13-15 m(45-50ft) 20 m (66 ft) 20 m (66 ft)	18 m (60 ft) 23 m (75 ft) 20 m (66 ft)	9 m (30 ft) <sup>2</sup> 13 m (43 ft) 10 m (33 ft)
<b>Rogers Rd.</b>	20 m (65 ft)	26-30 m (85-98 ft)	13m -15 m (43-50 ft)
<b>Spring Street</b> King to James James to University	15 m (50 ft) 20 m (66 ft)	20 m (66 ft) 23 m (76 ft)	10.5 m (34 ft) <sup>3</sup> 11.5 m (38 ft)
<b>Strathy Road</b>	20 m (66 ft)	26 m (85 ft)	13 m (43 ft)
<b>Swayne Street</b>	9 m (30 ft)	12 m (40 ft)	6 m (20 ft)
<b>Third Street</b>	18 m (60 ft)	18 m (60 ft)	9 m (30 ft) <sup>4</sup>



Street or Portion of Street	Existing Street Width	Planned Width of Street Allowance	Minimum Setback Requirements from Centreline of Street
<b>University Ave</b>	20 m (66 ft)	26 m (86 ft)	13 m (43 ft)
<b>White Street</b>	17-20 m (56-66ft)	26 -30 m (86-98 ft)	13 m (43 ft)
<b>William Street</b> King to University University to Town Limit	25 m (82 ft) 25+m (82+ft)	25 m (82 ft) 30 m (100 ft)	12.5 m (41 ft) 15 m (50 ft)

- NOTE:
1. Centre line of Baltimore Rd shall be deemed to be 11.5m (38 ft) south of the existing northern street line.
  2. Centre line of Queen St. shall be deemed to be 7.6 m (25 ft) south of the existing northern street line.
  3. Centre line of Spring Street shall be deemed to be 10 m (33 ft) west of the existing eastern street line.
  4. Centre line of Third Street shall be deemed to be 9 m (30 ft) east of the existing western street line.
  5. Centre line of Covert Street shall be deemed to be 6 m (20 ft) north of the existing southern street line.
  6. Centre line of Ball Street shall be deemed to be 6 m (20 ft) west of the existing eastern street line.

### 5.13 PERMITTED ENCROACHMENTS IN YARDS

**5.13.1** Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided however that those structures listed in the following table shall be permitted to project into the yards indicated for the distances specified:

Structure	Yard in which Projection is Permitted	Max. Projection from Main Wall is Permitted
sills, belt courses, eaves, cornices, gutters, chimneys or pilasters, parapets or other ornamental features	any yard	.75 metres (2.5 feet)
fire escapes and exterior staircases	interior side or rear yard only	1.5 m (5 ft.) provided that the staircase does not extend closer than 0.6 m (2 ft) to any lot line
window bays	front, rear and/or exterior side yards only	1.0 m (3 ft.)
unenclosed and uncovered porches and sundecks, steps and patios <u>not exceeding</u> 0.6 m (2 ft.) above finished grade	any yard	2.4 m (8 ft.) including eaves and providing that no porch or sun-deck extends closer than 0.6 m (2 ft.) to any lot line, no steps extend closer than 0.6 m (2ft) to any lot line and remains free and clear of any sight triangles.
unenclosed and uncovered porches and sundecks and steps <u>between</u> 0.6 m (2 ft) and 1.8 m (6 ft) above finished grade	interior side, rear and/or exterior side yards only	2.4 m (8 ft.) including eaves and providing that no porch or sundeck extends closer than 0.6 m (2 ft.) to any lot line, no steps extend closer than 0.6 m (2ft) to any lot line and remains free and clear of any sight triangles.
unenclosed and uncovered porches and sundecks and steps <u>over</u> 1.8 m (6 ft) above finished grade	interior side and/or rear yards only	2.4 m (8 ft.) including eaves and providing that no porch or sundeck extends closer than 1.6 m (5.3 ft.) to any lot line, no steps extend closer than 0.6 m (2ft) to any lot line and remains free and clear of any sight triangles.
balconies that exceed 0.6 m (2 ft) above finished grade	front, rear and exterior side yards for residential purposes	2.4 m (8 ft) providing that no balcony extends closer than 1.6 m (5.25 ft) to any lot line.

**5.13.2** Notwithstanding the yard requirements of this By-law, the following shall be permitted in any yard and shall not be included in computing lot coverage:

- |                    |                  |
|--------------------|------------------|
| - wheel chair ramp | - garden trellis |
| - clothesline pole | - fence          |
| - drop awning      | - retaining wall |
| - flag pole        | - sign           |

**5.13.3** Notwithstanding any other provisions of this By-law to the contrary, no part of any required front yard or required exterior side yard shall be used for the purposes of outdoor play space accessory to a nursery school.

**5.13.4** Notwithstanding any other provisions of this By-law to the contrary, a central air conditioning or heat pump unit may only be located in the front or rear yard or exterior side yard of a main building within 3 m (10 ft) of a main building and a minimum of 1.5 m (5 ft) from any interior side lot line.

**5.13.5** Notwithstanding any other provisions of this By-law, a satellite dish or solar panel may only be located in the rear yard a minimum of 3 m (10 ft) from any lot line.

#### **5.14 YARD AND OPEN SPACE PROVISIONS FOR ALL ZONES**

No part of a yard or other open space required about any building for the purpose of complying with the regulations of this By-law shall be included as part of a yard or other open space similarly required for another building.

#### **5.15 FENCES**

Fences shall be located through the following regulations:

- i) Within any area zoned: 'Residential (R1,R2, R3, R4, R5)'; 'Rural (RU)'; 'Business Park (BP)'; 'Environmental (OS, EC)'; Development (D); or 'Institutional (I)', the maximum height of a boundary fence shall be 1.8 m (6 ft).
- ii) Within any area zoned: "Commercial (NC, SC, DC, MC)" or 'Industrial (LM or GM)', the maximum height of a boundary fence shall be 3.0 m (10 ft).
- iii) Section 5.16 'Sight Triangles' and/or Section 5.17, 'Front Yard' shall apply to the location of any and all fences.
- iv) Fences shall follow, where possible, the terrain of the property with minor variations in height allowed for when dealing with changes in grade.

#### **5.16 SIGHT TRIANGLES**

Within any area defined as a sight triangle, except for lots in the (MC) Zone, the following uses shall be prohibited:

- i) any structure, deciduous tree, building or use which would obstruct the vision of drivers of motor vehicles;
- ii) a fence, hedge, bush, coniferous tree, or other vegetation were the top exceeds 0.75 m (2.5 ft) in height above the elevation of the centre line of the lowest adjacent street.

#### **5.17 FRONT YARD SIGHT ANGLE**

Within any required front yard, except for lots in the (MC) zone, (SC-6) zone or (SC-5) zone, the following uses shall be prohibited:

- i) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- ii) a fence, hedge or row of bushes or other vegetation other than a tree the top of which exceeds 0.75 m (2.5 ft) in height above the average elevation of the front yard.

#### **5.18 SIGN REGULATIONS**

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with The Town of Cobourg By-law # 97-99 which regulates signs or any subsequent amendments to this By-law.

#### **5.19 TRUCK, BUS AND COACH BODIES, OR MOTOR HOME, TRAILER OR TENTS USED FOR HUMAN HABITATION**

No truck, bus, coach or streetcar body, or tent shall be used for human habitation within the Municipality, whether or not the same is mounted on wheels. No travel trailer or motor home, as defined in Section 3 of this By-law, shall be used for the living, sleeping or eating accommodation of persons within the Municipality for a period of more than sixty (60) days in any period of ten (10) consecutive months, unless such use is listed as a permitted use in a particular zone.

#### **5.20 MOBILE HOMES PROHIBITED IN ALL ZONES**

No person shall locate or use a mobile home in any zone for the purposes of residential, commercial, industrial or institutional uses, temporarily or permanently, unless the use of a mobile home for such purposes is listed specifically in the By-law as a permitted use within a particular use zone, or where such is being used for construction or for emergency purposes where a dwelling or other building has been destroyed by fire or a natural disaster; however, a double-wide mobile home may be erected as a residential dwelling in zones where residential dwellings are permitted provided it is placed on a finished permanent foundation. A foundation will not be deemed to include piers.

#### **5.21 OCCUPANCY OF PARTIALLY COMPLETED BUILDINGS**

No new building shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed and sanitary conveniences have been installed and are functional, and where applicable, kitchen and heating facilities have been installed and are functional.

#### **5.22 DWELLING UNITS BELOW GRADE**

A dwelling unit, in its entirety, may be located in a basement or a cellar provided the finished floor level of such basement or cellar is not below the level of the sanitary or storm sewer serving the building or structure in which such basement is located. In addition, in the case of a cellar:

- i) the dwelling unit must have windows with a minimum depth of 0.6 m (2 ft.) above finished grade in each of the principal rooms of the unit;
- ii) access to the unit must be provided by a door with a minimum height of 1.8 m (6 ft.) above finished grade directly to the exterior of the building or through a common vestibule.

#### **5.23 GROUP HOMES**

Group Homes Type I and Type II shall be permitted subject to the following regulations:

- i) Group Homes - Type I shall be permitted in any Residential, Institutional, Main Central Commercial or Rural Zone;
- ii) Group Homes - Type II shall be permitted in any Institutional, Main Central Commercial or Rural Zone;
- iii) no new group home in any zone shall be located within 120 m (390 ft) of any established group home;

- iv) Group Home Type II shall be located in a single, detached dwelling;
- v) Group Home Type I shall locate in either a single, detached dwelling or a two unit dwelling (duplex or semi-detached) if the group home is the sole occupant of both units of the two unit dwelling and the total number of residents in the entire building does not exceed six (6) residents.
- vi) the use shall be in conformity with the regulations of the zone in which it is located, and no group home may locate in an existing building which does not comply with the By-law regulations;
- vii) all Group Home - Type I located in Residential Zones, with the exception of those for the mentally retarded, senior citizens, the physically disabled and children under the age of 16, shall only be located on lots fronting on arterial roads within the Town of Cobourg.

#### **5.24 DRIVE-THRU FACILITY**

Notwithstanding any other provisions of this By-law, where a building or structure incorporates a drive-thru facility, an area for vehicles waiting to use the drive-thru facility shall be provided in addition to any other parking areas. This waiting area shall be located a minimum of 6 m (20 ft.) from any Residential or Development Zone and vehicles may be parked in tandem within this area.

#### **5.25 GARDEN SUITE**

Garden Suite shall only be permitted with the following regulations:

- i) The Garden Suite is to be used by a senior member of the owner of the residence. No portion of the subject Garden Suite shall be made available for rent by the general public.
- ii) A temporary use by-law will be required as approval by Council.
- iii) As a condition to passing a by-law authorizing the temporary use of a garden suite, Council may require the owner of the suite or any other persons to enter into an agreement with the municipality.

#### **5.26 GRANNY FLAT**

Granny Flat/Suite shall only be permitted within a residential dwelling and with the following regulations:

- i) The floor area of the attached granny flat unit shall not exceed 30 % of the gross floor area of the residence or 75 m<sup>2</sup> (805 ft<sup>2</sup>) floor area, whichever is less;
- ii) The Granny Flat/Suite will not contain a kitchen;
- iii) The Granny Flat/Suite is to be used only for a senior family member of the residence. No portion of the subject Granny Flat shall be made available for rent by the general public;
- iv) As a condition to approving a building permit for the temporary use (maximum 10 years) of a portion of the single, detached residence, Council may require the owner of the residence to enter into a written agreement with the municipality.

#### **5.27 GENERAL PROVISIONS APPLYING TO ALL GATEWAY AREAS:**

In addition to all applicable zone provisions and site specific site plan requirements, any development within areas identified on Schedules attached hereto as either a Gateway or a Gateway precinct shall adhere to the Gateway Guidelines, November, 2001 and policies of the Cobourg Official Plan, as amended from time to time.

## SECTION 6: PARKING AND LOADING PROVISIONS

### 6.1 PARKING PROVISIONS

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

#### i) Residential

Type of Use	Minimum Parking Requirement
Apartment Dwelling	1.25 spaces per dwelling unit for apartment dwellings located in the areas on Schedule "A", Map 2, 3, 6 and 7.  1.5 spaces per dwelling unit for apartment dwellings located in other areas of the Municipality.
Senior Citizens Dwelling/ Retirement or Rest Home	0.5 spaces per dwelling unit or bed.
Townhouse or Multiple Unit Dwelling	1.5 spaces per dwelling unit
Group Home	0.5 spaces per bed
Rooming or Boarding House or Bed and Breakfast Establishment	2 spaces per dwelling unit plus 1 additional space for each guest room or room, which is capable of being rented to a roomer or boarder
Dwelling unit in a mixed use development	1 space per dwelling unit, in addition to the requirements for the other uses in the development.
Other Residential Uses	2 spaces per dwelling unit
Home occupations	2 spaces, in addition to any other required spaces
Detached, Semi-detached	2 spaces per dwelling unit
Converted dwellings	1 space per dwelling unit
Visitor parking for residential uses in the NR1, NR2 and NMU Zones	Notwithstanding the provisions of Section 6.1.5 of this By-law, required visitor parking of 0.25 spaces per unit shall be provided on-street. No on-site parking spaces are required.

#### ii) Commercial

Type of Use	Minimum Parking Requirement
Shopping Centres	5.5 spaces for every 100 m <sup>2</sup> (1076 ft <sup>2</sup> ) gross floor area or portion thereof
Commercial and Shopping Centre Uses in the SC-5 zone, SC-6 zone, SC-7 zone, and SC-8 zone	Minimum of 4 spaces for every 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) gross floor area or portion thereof. Maximum of 5.5 spaces for every 93 m <sup>2</sup> (1000 ft <sup>2</sup> ) gross floor area or portion thereof.
Call centre; data processing	1 space for every 18 m <sup>2</sup> (193 ft <sup>2</sup> ) gross floor area or portion thereof
Office(s)	1 space for every 33 m <sup>2</sup> (355 ft <sup>2</sup> ) of gross floor area or portion thereof
Clinics; wellness centre	6 spaces per practitioner
Veterinarian clinic	4 spaces per practitioner

Type of Use	Minimum Parking Requirement
Eating establishments	1 space for every 9 m <sup>2</sup> (97 ft <sup>2</sup> ) of gross floor area or portion thereof.
Retail Commercial Use	1 space for every 18 m <sup>2</sup> (193 ft <sup>2</sup> ) of gross floor area or portion thereof.
Service or repair use; personal service use; or dry cleaning distribution	1 space for every 18 m <sup>2</sup> (193 ft <sup>2</sup> ) of gross floor area or portion thereof.
Commercial recreation; sports facilities; place of entertainment; or place of Amusement	1 space for every 14 m <sup>2</sup> (150 ft <sup>2</sup> ) of gross floor area; or 1 space for every 4 persons of design capacity
Bowling Alley; Curling Rink	2 spaces per lane or curling sheet
Auction centre	1 space for every 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of gross floor area
Driving School	The greater of: - 1 space per 3 fixed seats or fraction thereof; or - 4 spaces plus 2 spaces per classroom
Hotel; motel; apartment hotel; convention centre; conference centre	1 space per bedroom; plus 1 space for every 9 m <sup>2</sup> (97 ft <sup>2</sup> ) of gross floor area of public use areas (eg. restaurants, meeting rooms); plus 1 space for every 33 m <sup>2</sup> (355 ft <sup>2</sup> ) of gross floor area or portion thereof for office use areas
Commercial club; private club	The requirements for any uses which are applicable, particularly eating establishments and recreation facilities plus 1 space per 9 m <sup>2</sup> (97 ft <sup>2</sup> ) of gross floor area of common or public use areas.
Building Supply; equipment rental facility; wholesale use; or contractors display/office/yard use	1 space for every 18 m <sup>2</sup> (193 ft <sup>2</sup> ) of gross floor area or portion thereof of the retail commercial use but does not include outside storage facilities
Garden centre and nursery use	12 parking spaces minimum
Vehicle Service Station; Vehicle Body Repair; or Repair Operation; Vehicle Rental Operation	1 space for every 28 m <sup>2</sup> (300 ft <sup>2</sup> ) of gross floor area or portion thereof including service bays
Vehicle Wash (Self-Service); Vehicle Wash (Mechanical); Vehicle Fuelling Station	5 spaces per stall 10 spaces per stall 2 spaces per pump
Vehicle Sales Outlet	10 spaces in addition to display areas
Undertaking Establishment	1 space for every 13 m <sup>2</sup> (140 ft <sup>2</sup> ) of gross floor area or portion thereof
Banks/financial institutions	One space for every 23 m <sup>2</sup> (250 ft <sup>2</sup> ) of floor area devoted to general banking services for public use and office uses. Each drive-up window shall have sufficient stacking room for six cars, and a bypass lane shall be provided.
Automatic Teller Machines	2 spaces per machine for automatic teller machines which are free-standing and are not located in association with bank or other uses.
Convenience Stores	1 space for every 18.6 m <sup>2</sup> (200 ft <sup>2</sup> )
Taxi establishment	1 space for every 18 m <sup>2</sup> (193 ft <sup>2</sup> ) of gross floor area or portion thereof for the office plus an additional 2 spaces
Studio use for a photographer, an artist or craftsman	1 space for every 50 m <sup>2</sup> (540 ft <sup>2</sup> ) of gross floor area or portion thereof

Type of Use	Minimum Parking Requirement
Other Commercial Uses	1 space for every 33 m <sup>2</sup> (355 ft <sup>2</sup> ) of gross floor area or portion thereof
Commercial uses in the NMU Zone	Notwithstanding the provisions of Section 6.1.5 of this By-law, required parking of 3.0 spaces per 100 m <sup>2</sup> of gross floor area shall be provided on-street. No on-site parking spaces are required.
Commercial uses in the NMU Zone	Notwithstanding the provisions of Section 6.1.5 of this By-law, required parking of 3.0 spaces per 100 m <sup>2</sup> (1076 ft <sup>2</sup> ) of gross floor area shall be provided on-street. No on-site parking spaces are required.

**iii) Public and Institutional Uses**

Type of Use	Minimum Parking Requirement
Assembly Hall; Theatre; Recreation and/or Community Centre; Meeting facility for non-profit organization; Public Place of Assembly; or Place of Worship	The greater of: - 1 space for every 6 fixed seats or fraction thereof, or - 1 space for every 9 m <sup>2</sup> (100 ft <sup>2</sup> ) of gross floor area or portion thereof
Hospital including private operations	1 space for every patient bed
Nursing Home including private operations	1 space for every 4 patient beds
Day Nursery including private operations	1 space for each staff member, plus 1 space for every 12 children enrolled in the school
Library, Museum, Gallery	1 space for every 56 m <sup>2</sup> (600 ft. <sup>2</sup> ) of gross floor area or portion thereof
Police or Fire Station	1 space for every 1.5 employees
Public or Private School (Elementary)	1.5 spaces per classroom and 1 space for every 9 m <sup>2</sup> (97 ft. <sup>2</sup> ) of gross floor area for any gymnasium or auditorium
Public or Private School (Secondary)	15 spaces plus 2 spaces per classroom and 1 space for every 9 m <sup>2</sup> (97 ft. <sup>2</sup> ) of gross floor area for any gymnasium or auditorium
College	0.25 spaces per student or staff member
Training facility	15 spaces plus 2 spaces per classroom and 1 space for every 9 m <sup>2</sup> (97 ft. <sup>2</sup> ) of gross floor area for any gymnasium or auditorium or place of assembly
Post Office and Government Building including Public Transportation Terminals	1 space for every 28 m <sup>2</sup> (300 ft. <sup>2</sup> ) of gross floor area
Utility	1 space for every 37 m <sup>2</sup> (400 ft. <sup>2</sup> ) of gross floor area of office use plus 1 space for every 74 m <sup>2</sup> (800 ft. <sup>2</sup> ) of other uses.
Other Institutional Uses	1 space for every 56 m <sup>2</sup> (600 ft. <sup>2</sup> ) of gross floor area

**iv) Industrial Uses**

Type of Use	Minimum Parking Requirement
Industrial Use	5 spaces minimum and 1 space for every 100 m <sup>2</sup> (1075 ft. <sup>2</sup> ) of gross floor area or portion thereof for uses with more than 200 m <sup>2</sup> (2152 ft. <sup>2</sup> ) of gross floor area

Type of Use	Minimum Parking Requirement
Communications Production use	1 space for every 33 m <sup>2</sup> (355 ft <sup>2</sup> ) of gross floor area or portion thereof
Printing and Publishing Use	1 space for every 33 m <sup>2</sup> (355 ft <sup>2</sup> ) of retail and office floor area or portion thereof plus an additional 1 space for every 250 m <sup>2</sup> (2,690 ft <sup>2</sup> ) of office and warehouse/storage area

**v) Parking for the Handicapped**

Type of Use	Minimum Parking Requirement
Uses with less than 20 parking spaces	At least 1 handicap space per establishment
Uses with at least 20 spaces and all other uses	1 handicap space is required for the first 20 parking spaces. 1 space for every 20 parking spaces for any use that requires between 20 and 100 parking spaces. In addition, for any use that requires over 100 parking spaces the foregoing will apply to the first 100 spaces and 1 handicapped parking space will be required for every additional 100 parking spaces.

**vi) Accessory Uses**

Type of Use	Minimum Parking Requirement
Accessory Uses	Parking shall be provided for an accessory use at the rate required in Section 6.1.1.i) to ix). The total parking requirements shall be the sum of all uses located on site whether main uses or accessory uses.

**vii) Parking for Downtown Area**

For the area depicted as “Reduced Parking Requirement Area - Downtown” on Schedule C the following minimum parking shall apply:

Type of Use	Minimum Parking Requirement (Lowest Requirement shall apply)
All uses except as set out below	80% of the requirements specified in Section 6.1.1(i) to(v)
Residential Uses	50% of the requirements specified in Section 6.1.1(i)
Eating Establishments	50% of the requirements specified in Section 6.1.1(ii)
Commercial Recreation, Sports Facilities, Bowling Alley, Curling Rink, Assembly Hall, Theatre, Commercial Club or Private Club, Community Centre, Place of Worship, Library, Museum, Gallery	50% of the requirements specified in Section 6.1.1(ii) and (iii)
All uses located above the first storey	65% of the requirements specified in Section 6.1.1(i)to(v).

**6.1.2 Multiple Uses**

- i) When a building or structure accommodates more than one type of use, parking space requirements for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.



- ii) When a building or structure accommodates more than one type of use such that the uses are not in operation at the same time the number of parking spaces for the whole building shall equal the number of spaces for the use with the largest parking space requirements.
- iii) The following properties are subject to a By-law passed under Section 37 of the Planning Act R.S.O. 1990, c.P. 13:

Property Description	By-law No.	Minimum Parking Requirement
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**6.1.3 Exception**

In the area illustrated on Schedule “C” as “Reduced Parking Requirement Area - Downtown”, Council may, in accordance with Section 40 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, enter into an agreement exempting an owner or occupant from providing or maintaining some or all of the required parking facilities and such an agreement shall provide for the making of one or more payments of money to the Municipality as consideration for the granting of the exception.

**6.1.4 Dimensional Requirements**

- i) Parking spaces shall have a minimum width of 2.7 m (9 ft) and a minimum depth of 5.5 m (18 ft).
- ii) Driving aisles providing access to parking spaces shall have a minimum width of 6 m (20 ft).
- iii) Notwithstanding the provisions of Section 6.1.4 i) handicap parking spaces shall have a minimum area of 24 m<sup>2</sup> (258 ft.<sup>2</sup>) and a minimum width of 4 m (13 ft).
- iv) Notwithstanding the forgoing, the minimum parking stall area in the (SC-5) zone, (SC-6) zone, (SC-7) zone and (SC-8) zone shall be 15.5 m.<sup>2</sup> (167 ft.<sup>2</sup>) and the minimum width of the driving aisle in the (SC-5) zone and (SC-6) zone shall be 5.5 m (18 ft.).

**6.1.5 Location**

**6.1.5.1**

- i) Parking spaces shall be located on the same lot as the use they serve.
- ii) Notwithstanding Section 6.1.5.1 i) for the properties listed below parking spaces may be provided at an alternative location:

Property Description	By-law Number	Alternative Location
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**6.1.5.2**

Notwithstanding any other provisions of this By-law, uncovered surface parking spaces shall be permitted in accordance with the following:

i) **Yards:**

**Residential (other than apartments):**

Parking may be permitted in any yard provided that such parking is located within a driveway which is in accordance with the provisions of Section 6.1.6.2 and 6.1.6.3.

**Residential Apartments:**

Parking may be permitted in any yard with the exception of the required front yard or required exterior side yard.

**Non-Residential Uses:**

Parking may be permitted in any yard.

ii) **Distance from Street Line**

Residential Uses (other than apartments): Nil  
 Residential Apartments: 3 m (10 ft) minimum.  
 Non-Residential Uses: 3 m (10 ft) minimum.  
 Industrial Uses: 7.5 m (25 ft) minimum.

**6.1.6 Driveway Regulations**

**6.1.6.1 Non-Residential Development**

- i) Driveways in any Commercial Zone (DC, MC, SC, NC) shall meet the following requirements with regard to width along the entire length of the driveway from the street line:

<b>Type</b>	<b>Minimum Width*</b>	<b>Maximum Width*</b>
<b>Separate ingress or egress for one way traffic.</b>	4.5 m (15 ft)	6 m (20 ft)
<b>Combined ingress or egress for two way traffic.</b>	6 m (20 ft)	9 m (30 ft)
<b>Joint driveway shared with abutting property: - total driveway width over both properties.</b>	6 m (20 ft)	10.5 m (35 ft)

\* to be finalized through site plan review

- ii) Driveways in any Industrial (LM, GM, BP, TC) shall meet the following requirements with regard to width along the entire length of the driveway from the street line:

<b>Type</b>	<b>Minimum Width*</b>	<b>Maximum Width*</b>
<b>Separate ingress or egress for one way traffic.</b>	4.5 m (15 ft)	6 m (20 ft)
<b>Combined ingress or egress for two way traffic.</b>	6 m (20 ft)	12 m (40 ft)
<b>Joint driveway shared with abutting property: - total driveway width over both properties.</b>	6 m (20 ft)	12 m (40 ft)

\* to be finalized through site plan review

- iii) The minimum distance between a driveway and the intersection of any two street lines, measured along the street line, shall be 15 m (50 ft).
- iv) Notwithstanding Subsection 6.1.6.1 i) and ii), the maximum driveway width shall be 12m (40 ft) where a median or traffic island is included.

**6.1.6.2 Residential Development**

- i) Driveways in any Residential, Institutional, Open Space, or Development Zone (R1, R2, R3, R4, R5, I, EC, OS, D) shall meet the following requirements with regard to width along the entire length of the driveway from the street line:

Type	Minimum Width	Maximum Width
<b>Separate ingress or egress for one way traffic:</b> - one single detached residence on one lot; one townhouse unit on one lot; one unit of a semi-detached residence on one lot.	3.5 m (11.5 ft)	7.5 m (25 ft)
<b>Combined ingress and egress for two way traffic:</b> - shared driveway for a residential building containing two to four units on one lot.	4.6 m (15 ft)	7.5 m (25 ft)
<b>Combined ingress and egress for two way traffic:</b> - shared driveway for a residential building containing five or more units on one lot.	6 m (20 ft)	7.5 m (25 ft)
<b>Joint driveway shared with abutting property:</b> - total driveway width over both properties.	6 m (20 ft)	9 m (30 ft)
<b>Joint driveway shared with abutting property in the NR1, NR2 and NMU Zones</b>	3.0 m (10 ft) with min. 3.75 m (12 ft) between building faces	6 m (20 ft)

- ii) Driveways in any Rural or Rural Residential Zone (RU) shall meet the following requirements with regard to width along the entire length of the driveway from the street line:

Type	Minimum Width	Maximum Width
<b>Separate ingress or egress for one way traffic:</b> - one single detached residence on one lot; one townhouse unit on one lot; one unit of a semi-detached residence on one lot.	4.5 m (15 ft)	9 m (30 ft)
<b>Joint driveway shared with abutting property:</b> - total driveway width over both properties.	6 m (20 ft)	9 m (30 ft)

- iii) The minimum distance between a driveway and the intersection of any two street lines, measured along the street line, shall be 9 m (30 ft).

**6.1.6.3 General**

- i) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- ii) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 9 m (30 ft.).
- iii) No driveway shall be closer than 1.0 m (3.3 ft.) to a side lot line, provided that this shall not apply to prevent the establishment of joint driveways along a common line.

**6.1.7 Underground Parking**

Underground parking structures shall be permitted in all yards, provided that no part of any underground structure shall be located within the limits of a street allowance.

**6.1.8 Parking Restrictions**

- 6.1.8.1** Parking spaces required by this By-law shall be used only for the parking of passenger vehicles and vehicles used in operations incidental to the permitted uses in respect of which such parking spaces are required.

**6.1.8.2** Parking of the following vehicles is prohibited in all Residential, Institutional and Environmental Zones:

- heavy trucks;
- unlicensed vehicles;
- vehicles equipped with more than three axles, excluding spare wheels, designed to support the weight of the vehicle through contact with the ground;
- bus;
- vehicles designed to run only on rails;
- traction engines;
- farm tractors;
- self-propelled implements of husbandry;
- construction equipment;
- tracked vehicles, except for snowmobiles;
- dump trucks;
- repair and towing vehicles;
- vehicles that are in a wrecked or dismantled or inoperative condition.

**6.1.8.3** The parking or storing of a boat, motor home, travel trailer or snow-mobile shall be permitted in any side yard or rear yard or in any private garage, carport or other building on a lot where a boat, motor home or travel trailer does not exceed 6 m (20 ft) in length.

Where a boat, motor home or travel trailer exceeds 6 m (20 ft) in length such a boat, motor home or trailer may be permitted on a lot in a Residential Zone for a period of no more than 72 hours in any calendar year, unless it is stored in an enclosed building. Such a boat, motor home or trailer may be permitted in any other zone provided all provisions of this By-law are complied with.

**6.1.9 Buildings and Structures in Parking Areas**

Buildings, structures, or any other works, shall not be erected on any required parking space, except a building or structure erected for the purpose of parking or a building or structure erected on stilts with at least a 2.5 m (8 ft.) clearance above such area.

**6.1.10 Parking Area Surface Treatment**

All parking areas, driveways and aisles must be constructed and maintained with a stable surface containing cement or asphaltic binder or other types of permanent surface treatment.

**6.1.11 On-Street Parking**

Notwithstanding any other provisions of this By-law, on-street parking shall be permitted on all public streets within the area bounded by Highway 2, Rogers Road, the CPR track, Loveshin Road, Lake Ontario and the Town boundary.

**6.2 LOADING PROVISIONS**

**6.2.1** The owner or occupant of any lot, building or structure in a Commercial or Industrial Zone, with the exception of all zones located within the "Reduced Parking Requirement Area - Downtown" as depicted on Schedule "C" used or erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise and raw materials, shall provide and maintain at the premises, in the lot occupied by the building or structure and not forming part of a public street or lane, within the zone in which such use is located, loading or unloading facilities comprising one or more loading or unloading spaces, 4.5 m (15 ft.) wide in accordance with the following requirements:

Type of Use	Total Gross Floor Area of Building and Structure, including	Number of Loading Spaces Required
Retail Commercial Use: ( MC Zone is exempt)	0 – 2,350 m <sup>2</sup> (0 – 25,300 ft. <sup>2</sup> )	1
	2,351 m <sup>2</sup> – 7,450 m <sup>2</sup> (25,301– 80,200 ft. <sup>2</sup> )	2
	greater than 7,450 m <sup>2</sup> (80,200 ft. <sup>2</sup> )	2, plus 1 additional space for each additional 9,300 m <sup>2</sup> (100,000 ft. <sup>2</sup> ) of gross floor area
Industrial Uses:	0 – 280 m <sup>2</sup> (0 – 3,000 ft. <sup>2</sup> )	1
	281–2,350 m <sup>2</sup> (3,001– 25,300 ft. <sup>2</sup> )	2
	2,351– 7,450 m <sup>2</sup> (25,301– 80,200 ft. <sup>2</sup> )	3
	greater than 7,450 m <sup>2</sup> (90,200 ft. <sup>2</sup> )	3, plus 1 additional space for each additional 9,000 m <sup>2</sup> (97,000 ft. <sup>2</sup> )

- 6.2.2** Access to loading or unloading spaces shall be by means of a driveway at least 6 m (20 ft.) wide contained within the lot on which the spaces are located and leading to a public street or land located within or adjoining the Commercial or Industrial Zone. All vehicular movement required to access the loading zone shall be on private property.
- 6.2.3** The loading space or spaces required shall be located in the interior side or rear yard.
- 6.2.4** The loading space requirements referred to herein shall not apply to any building 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 loading spaces shall be provided for such addition as required by Section 6.2.1.

## **SECTION 7: RESIDENTIAL 1 (R1) ZONE REGULATIONS**

### **7.1 GENERAL USE REGULATIONS**

#### **7.1.1 Permitted Uses**

- i) group home use in accordance with the provisions of Section 5.23;
- ii) public use, in accordance with the provisions of Section 5.3.2;
- iii) residential use.

#### **7.1.2 Permitted Accessory Uses:**

- i) accessory uses to Permitted Uses under Section 7.1.1;
- ii) day nursery use;
- iii) home occupation use;
- iv) one bed and breakfast establishment.

#### **7.1.3 Permitted Buildings and Structures**

- i) one single-detached dwelling on one lot;
- ii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- iii) accessory detached buildings and structures for the permitted uses.

#### **7.1.4 Lot Area**

- i) 1,400 m<sup>2</sup> (15,000 ft.<sup>2</sup>) minimum where sanitary sewers are not available.
- ii) 700 m<sup>2</sup> (7,500 ft.<sup>2</sup>) minimum where sanitary sewers are available.

#### **7.1.5 Lot Frontage**

- i) 30 m (100 ft.) minimum where sanitary sewers are not available.
- ii) 24 m (80 ft.) minimum where sanitary sewers are available.

#### **7.1.6 Lot Coverage**

35% maximum.

#### **7.1.7 Floor Area**

112 m<sup>2</sup> (1,200 ft.<sup>2</sup>) minimum with a minimum of 84 m<sup>2</sup> (900 ft.<sup>2</sup>) on the first floor.

#### **7.1.8 Front Yard**

The established building line, or where not applicable, 6 metres (20 ft.) minimum.

#### **7.1.9 Rear Yard**

7 metres (23 ft.) minimum.

#### **7.1.10 Interior Side Yard**

- i) The minimum width shall be 1 m. (3.3 ft.) plus 0.6 metres (2 ft.) for each additional storey above the first storey, for each interior side yard;

- ii) Where tile bed for a septic tank is located in the rear yard, the minimum width shall be 1 m (3.3 ft) plus 0.6 m (2 ft.) for each additional storey above the first storey on one side of the main building and a minimum of 4.0 m (13.2 ft.) on the other side of the main building.

**7.1.11 Exterior Side Yard**

The established building line, or where not applicable, 6 m (20 ft.) minimum.

**7.1.12 Landscaped Open Space**

Minimum 30% of the lot.

**7.1.13 Building Height**

2 storeys maximum.

**7.1.14 Parking**

In accordance with the provisions of Section 6.

**7.1.15 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by an occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv) only have a sign that complies with the Municipality's By-law governing signs;
- v) have no external storage of materials, containers or finished products;
- vi) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vii) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- viii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft.<sup>2</sup>) maximum, including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation;
- ix) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

**7.1.16 Regulations for Detached Accessory Buildings and Structures**

Private garages and other accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;

- iii) have a minimum exterior side yard abutting the street line of 6 m (20 ft.) for a detached parking garage on a corner lot. For a detached accessory structure that is not intended for the storage or parking of a motor vehicle, boat storage, snowmobile, etc. and does not have an associated driveway, a minimum 1 m (3.3 ft.) exterior side yard may be permitted;
- iv) have a minimum interior side yard of 1 m (3.3 ft.). Semi-detached garages may be centred on a mutual side lot line;
- v) have a minimum rear yard of 1 m (3.3 ft.);
- vi) not exceed 4.5 m (15 ft) in height;
- vii) not exceed 8 % coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 35 % of the lot area;
- viii) not be located within 1.5 m (5 ft.) of any other building or structure on the lot.

#### **7.1.17 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 m (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line;
- iii) shall be considered part of the landscaped open space area for the purpose of lot coverage.

#### **7.1.18 Regulations for Day Nurseries**

A day nursery may be permitted in a single detached dwelling unit provided that:

- i) no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery;
- ii) parking is to be supplied on site and in accordance with Section 6.1.1(iii).

#### **7.1.19 Setback from Environmental Constraint Zone**

Where any R1 zone abuts an Environmental Constraint (EC) Zone, all buildings and structures shall be set back a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

#### **7.1.20 Property Abutting Railway Mainline**

Where any (R1) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;



- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **7.1.21 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (R1) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

### **7.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 7.1, General Use Regulations, shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 7.2.

#### **7.2.1 Residential 1 Exception One (R1-1) Zone - 220 Tracey Road**

##### **7.2.1.1 Defined Area**

R1-1 as shown on Schedule "A", Map 1 to this By-law.

##### **7.2.1.2 Permitted Uses**

The uses permitted in Section 7.1.1 and 7.1.2

##### **7.2.1.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 7.1.3

##### **7.2.1.4 Regulations for the Uses Permitted in the R1-1 Zone**

Notwithstanding the regulations of Section 7.1, the uses in the R1-1 Zone shall be developed in accordance with the following special provisions:

i) **Lot Frontage:**

38 m (125 ft.) minimum

ii) **Front Yard:**

13.5 m (44 ft.) minimum.

**7.2.2 Residential 1 Exception Two (R1-2) Zone - 9138 Danforth Road East**

**7.2.2.1 Defined Area**

(R1-2) as shown on Schedule 'A', Map 12 to this By-law.

**7.2.2.2 Permitted Uses**

The permitted uses in Subsection 7.1.1 and 7.1.2

**7.2.2.3 Permitted Buildings and Structures**

The buildings and structures permitted in Subsection 7.1.3

**7.2.2.4 Regulations for Permitted Uses in R1-2 Zone**

Regulations of Section 7.1 shall apply to the uses permitted in the R1-2 zone except for the following:

i) **Lot Frontage:**

61 m (200 ft.) minimum

ii) **Lot Area:**

0.7 ha (1.8 acres) minimum

iii) **Lot Coverage:**

7% maximum

iv) **Front Yard:**

established building line, or where not applicable, 15 m (50 ft) min.

v) **Interior Side Yard:**

10 m (33 ft) minimum

**7.2.2.5 Regulations for Accessory Buildings and Structures for the R1-2 Zone**

The regulations of Subsection 7.1.17 shall apply with the exception of the following:

- v) exceed 2 % coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 7% of the lot coverage.

## **SECTION 8: RESIDENTIAL 2 (R2) ZONE REGULATIONS**

### **8.1 GENERAL USE REGULATIONS**

#### **8.1.1 Permitted Uses**

- i) group home use in accordance with the provisions of Section 5.23;
- ii) public use in accordance with the provisions of Section 5.3.2;
- iii) residential use.

#### **8.1.2. Permitted Accessory Uses:**

- i) accessory use to the Permitted Uses under Section 8.1.1;
- ii) day nursery use;
- iii) home occupation use;
- iv) one bed and breakfast establishment.

#### **8.1.3 Permitted Buildings and Structures**

- i) one single detached dwelling on one lot;
- ii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- iii) accessory buildings and structures for the permitted uses.

#### **8.1.4 Lot Area**

- i) 700 m.<sup>2</sup> (7,500 ft.<sup>2</sup>) minimum where sanitary sewers are not available;
- ii) 465 m.<sup>2</sup> (5,000 ft.<sup>2</sup>) minimum where sanitary sewers are available.

#### **8.1.5 Lot Frontage**

- i) 20 m (65 ft.) minimum where sanitary sewers are not available;
- ii) 15 m (49 ft.) minimum where sanitary sewers are available.

#### **8.1.6 Lot Coverage**

40% maximum.

#### **8.1.7 Floor Area**

80 m.<sup>2</sup> (860 ft.<sup>2</sup>) minimum.

#### **8.1.8 Front Yard**

The established building line, or where not applicable, 6 m (20 ft.) minimum.

#### **8.1.9 Rear Yard**

7 metres (23 ft.) minimum.

#### **8.1.10 Interior Side Yard**

- i) The minimum width shall be 1 m (3.3 ft.) plus 0.6 m (2 ft.) for each additional storey above the first storey for each interior side yard;

- ii) where the tile bed for a septic tank is located in the rear yard, the minimum width shall be 1 m (3.3 ft.) plus 0.6 m (2 ft.) for each additional storey above the first storey on one side of the main building and a minimum of 4.0 m (13.2 ft.) on the other side of the main building.

**8.1.11 Exterior Side Yard**

The established building line, or where not applicable, 6 m (20 ft.) minimum.

**8.1.12 Landscaped Open Space**

Minimum 30% of the lot.

**8.1.13 Building Height**

2 storeys maximum.

**8.1.14 Parking**

In accordance with the provisions of Section 6.

**8.1.15 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by the occupant of the dwelling & have no employees other than those resident in the dwelling;
- iii) supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv) only have a sign that complies with the Municipality's By-law governing signs;
- v) have no external storage of materials, containers or finished products;
- vi) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vii) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- viii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft.<sup>2</sup>) maximum, including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation;
- ix) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

**8.1.16 Regulations for Detached Accessory Buildings and Structures**

Private garages and other accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;

- iii) have a minimum exterior side yard abutting the street line of 6 m (20 ft.) for a detached parking garage on a corner lot. For a detached accessory structure that is not intended for the storage or parking of a motor vehicle, boat storage, snowmobile, etc. and does not have an associated driveway, a minimum 1 m (3.3 ft.) exterior side yard may be permitted;
- iv) have a minimum interior side yard of 1 m (3.3 ft.). Semi-detached garages may be centred on a mutual side lot line;
- v) have a minimum rear yard of 1 m (3.3 ft.);
- vi) not exceed 4.5 m (15 ft.) in height;
- vii) not exceed 8% coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 40% of the lot area;
- viii) not be located within 1.5 m (5 ft.) of any other building or structure on the lot.

#### **8.1.17 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 m (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line;
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

#### **8.1.18 Regulations for Day Nurseries**

A day nursery may be permitted in a single detached dwelling unit provided that:

- i) no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery;
- ii) parking is to be supplied on site and in accordance with Section 6.1.1(iii).

#### **8.1.19 Setback from Environmental Constraint Zone**

Where any R2 Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the R2 Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

#### **8.1.20 Property Abutting Railway**

Where any (R2) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;

- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **8.1.21 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (R2) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/redevelopment may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

### **8.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 8.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 8.2.

#### **8.2.1 Residential 2 Exception 1 (R2-1) Zone - 726 Ontario Street**

##### **8.2.1.1 Defined Area**

R2-1 as shown on Schedule "A", Map 9 to this By-law.

##### **8.2.1.2 Permitted Uses**

The uses permitted in Section 8.1.1, 8.1.2 and the following additional uses:

- i) industrial use existing at date of adoption of this By-law;
- ii) the uses permitted in Section 16.2.10 Light Industrial Exception 10 (LM-10) zone with the exception that 16.2.10.2 v) is not a permitted use; and
- iii) accessory uses related to the industrial use.

##### **8.2.1.3 Permitted Buildings and Structures**

In the area zoned R2-1 the following additional buildings and structures shall be permitted:

- i) buildings and structures existing at the date of adoption of this By-law;

- ii) new buildings and structures or additions to the existing buildings and structures, including accessory buildings and structures, for the uses permitted in Section 8.2.1.2.

#### **8.2.1.4 Regulations for the Uses Permitted in the R2-1 Zone**

In the area zoned R2-1, the regulations of Section 8.1 shall apply for the uses permitted in Section 8.1.1 and 8.1.2., while the regulations of Section 16, Light Industrial (LM) Zone shall apply to those uses permitted in Section 8.2.1.2 with the exception that:

- i) **Rear Yard:**  
9 m (30 ft.) min. for all new buildings and structures.
- ii) **Building Height:**  
2 storeys maximum.

#### **8.2.2 Residential 2 Exception 2 (R2-2) - 420 Elgin Street West**

##### **8.2.2.1 Defined Area**

R2-2 as shown on Schedule "A", Map 14, to this By-law.

##### **8.2.2.2 Permitted Uses**

The uses permitted in Section 8.1.1. and 8.1.2

##### **8.2.2.3 Permitted Buildings and Structures**

Notwithstanding the provisions of Section 8.1.3 the only permitted buildings and structures shall be:

- i) One single-detached dwelling existing at the date of adoption of this By-law.
- ii) Accessory buildings and structures for the permitted uses.

##### **8.2.2.4 Regulations for the Uses Permitted in the R2-2 Zone**

The regulations of Section 8.1 shall apply to the uses permitted in the R2-2 Zone, except that the access to the site shall be limited to the access existing at the date of adoption of this By-law.

#### **8.2.3 Residential 2 Exception 3 (R2-3) - 330 Elgin Street West**

##### **8.2.3.1 Defined Area**

R2-3 as shown on Schedule "A", Map 14, to this By-law.

##### **8.2.3.2 Permitted Uses**

The uses permitted in Section 8.1.1. and 8.1.2

##### **8.2.3.3 Permitted Buildings and Structures**

In addition to the buildings and structures permitted in Section 8.1.3, two dwelling units may be located within the existing dwelling in the R2-3 zone. "Existing dwelling" shall mean the dwelling which existed at 330 Elgin Street West on December 1, 1985.

**8.2.3.4 Regulations for the Uses Permitted in the R2-3 Zone**

The regulations of Section 8.1 shall apply to the uses permitted in the R2-3 Zone, except that nothing in this By-law shall prevent the internal alteration of the existing building for the purposes permitted by Section 8.2.3.3.

**8.2.4 Residential 2 Exception 4 (R2-4) - Breaker's Motel - 94 Green St.**

**8.2.4.1 Defined Area**

R2-4 as shown on Schedule "A", Map 3, to this By-law.

**8.2.4.2 Permitted Uses**

The uses permitted in Section 8.1.1. and 8.1.2.

**8.2.4.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3 and those buildings and structures existing at the date of adoption of this By-law.

**8.2.4.4 Regulations for the Uses Permitted in the R2-4 Zone**

The regulations of Section 8.1 shall apply to the uses permitted in the R2-4 Zone.

**8.2.5. Residential 2 Exception 5 (R2-5) - Triplex, 214 Perry St.**

**8.2.5.1 Defined Area**

R2-5 as shown on Schedule "A", Map 3 to this By-law.

**8.2.5.2 Permitted Uses**

The uses permitted in Section 8.1.1, 8.1.2 and the triplex dwelling existing at the date of adoption of this By-law.

**8.2.5.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3 and the triplex dwelling existing at the date of adoption of this By-law.

**8.2.5.4 Regulations for the Uses Permitted in the R2-5 Zone**

The regulations of Section 8.1 shall apply to the uses permitted in the R2-5 Zone.

**8.2.6 Residential 2 Exception 6 (R2-6) Zone - Fitzhugh Shores (South & Central) Sub.**

**8.2.6.1 Defined Area**

R2-6 as shown on Schedule "A", Map 4, to this By-law.

**8.2.6.2 Permitted Uses**

The uses permitted in Section 8.1.1. and 8.1.2.

**8.2.6.3 Permitted Buildings and Structures**



The buildings and structures permitted in Section 8.1.3.

#### **8.2.6.4 Regulations for Uses in R2-6 Zone**

Notwithstanding the regulations of Section 8.1, the uses in the R2-6 Zone shall be developed in accordance with the following special provisions:

i) **Rear yard for Lakefront Lots:**

18 m (58 ft).

ii) **Residential setback from Industrial Use:**

50 m. (164 ft) from any industrial use located east of the subdivision.

#### **8.2.7 Residential 2 Exception 7 (R2-7) Zone - Rear Yard Setback - Fitzhugh Shores (South/West East House Crs. and Weller Crt.) Subdivision**

##### **8.2.7.1 Defined Area**

R2-7 as shown on Schedule "A", Map 4 to this By-law.

##### **8.2.7.2 Permitted Uses**

The uses permitted in Section 8.1.1. and 8.1.2.

##### **8.2.7.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3.

##### **8.2.7.4 Regulations for Uses in R2-7 Zone**

Notwithstanding the regulations of Section 8.1 the uses in the R2-7 Zone shall be developed in accordance with the following special provisions:

i) **Rear Yard:**

15.2 m (50 ft.).

ii) **Rear yard for Lakefront Lots:**

18 m (59 ft.).

#### **8.2.8 Residential 2 Exception 8 (R2-8) Zone - 15 and 19 Maplewood Boulevard**

##### **8.2.8.1 Defined Area**

R2-8 as shown on Schedule "A" Map 4 to this By-law.

##### **8.2.8.2 Permitted Uses**

The uses permitted in Section 8.1.1. and 8.1.2.

##### **8.2.8.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3.

##### **8.2.8.4 Regulations for Uses in R2-8 Zone**

Notwithstanding the regulations of Section 8.1 the uses in the R2-8 Zone shall be developed in accordance with the following special provisions:

i) **Building Height:**

Building height shall be maximum 1 storey;

ii) **Access:**

Access shall be from Maplewood Boulevard.

**8.2.9 Residential 2 Exception 9 (R2-9) - 736-758 King Street West and 240 Tracey Road**

**8.2.9.1 Defined Area**

R2-9, as shown on Schedule 'A', Map 1 to this By-law.

**8.2.9.2 Permitted Uses**

The uses permitted in Section 8.1.1 and 8.1.2

**8.2.9.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3

**8.2.9.4 Regulations for Uses Permitted in the R2-9 Zone**

Notwithstanding the applicable regulations of Section 8.1, the uses in the R2-9 zone shall be developed in accordance with the following special provisions:

i) **Lot Frontage:**

18.0 m (60 ft.) minimum

ii) **Lot Area:**

1,160 m<sup>2</sup> (12,485 ft<sup>2</sup>) minimum.

**8.2.10 Residential 2 Exception 10 (R2-10 (sp 82)) - 603 Sinclair Street (COA A-10-01)**

**8.2.10.1 Defined Area**

R2-10, as shown on Schedule 'A', Map 1 to this By-law.

**8.2.10.2 Permitted Uses**

The uses permitted in Section 8.1.1 and 8.1.2.

**8.2.10.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3

**8.2.10.4 Regulations for Uses Permitted in the R2-10 Zone**

The regulations of Section 8.1 shall apply to the uses permitted in the (R2-10) zone with the exception of the following;

i) **Exterior Side Yard:**

A minimum 1m exterior side yard is permitted for an unenclosed carport.

**8.2.11 Residential 2 Exception 11 (R2-11) - 27 Brook Road North (COA A-8-02)**

**8.2.11.1 Defined Area**

R2-11, as shown on Schedule 'A', Map 6 to this By-law.

**8.2.11.2 Permitted Uses**

The uses permitted in Section 8.1.1 and 8.1.2.

**8.2.11.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3

**8.2.11.4 Regulations for Uses Permitted in the R2-11 Zone**

The regulations of Section 8.1 shall apply to the uses permitted in the (R2-11) zone with the exception of the following;

i) **Setback from Railway:**

A new dwelling unit may have a setback of a minimum 20 m (66 ft) from the property line in conjunction with a 2.5 m (8 ft) high earthen berm, a 1.83 m chain link fence and subject to implementing any other mitigation measures and setback requirements required to satisfy conditions of the noise and vibration study.

**8.2.12 Residential 2 Exception 12 (R2-12) - 26 Springbrook Road (A-17-02)**

**8.2.12.1 Defined Area**

R2-12, as shown on Schedule 'A', Map 4 to this By-law.

**8.2.12.2 Permitted Uses**

The uses permitted in Section 8.1.1 and 8.1.2.

**8.2.12.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 8.1.3

**8.2.12.4 Regulations for Uses Permitted in the R2-12 Zone**

The regulations of Section 8.1 shall apply to the uses permitted in the (R2-12) zone with the exception of the following;

i) **Frontage:**

13.5 m (44 ft) minimum.

## **SECTION 9: RESIDENTIAL 3 (R3) ZONE REGULATIONS**

### **9.1 GENERAL USE REGULATIONS**

#### **9.1.1 Permitted Uses**

- i) group home use in accordance with the provisions of Section 5.23;
- ii) public use in accordance with the provisions of Section 5.3.2;
- iii) residential use.

#### **9.1.2 Permitted Accessory Uses**

- i) accessory use to the Permitted Uses under Section 9.1.1;
- ii) day nursery use;
- iii) home occupation use;
- iv) one bed and breakfast establishment.

#### **9.1.3 Permitted Buildings and Structures**

- i) one single-detached dwelling on one lot;
- ii) one unit of a semi-detached dwelling on one lot;
- iii) one semi-detached dwelling on one lot;
- iv) one duplex dwelling on one lot;
- v) one converted dwelling on one lot with a maximum of two dwelling units;
- vi) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- vii) accessory buildings and structures for the permitted uses.

#### **9.1.4 Lot Area**

- i) single-detached dwelling: 370 m<sup>2</sup> (3,980 ft.<sup>2</sup>) minimum
- ii) one unit of a semi-detached dwelling: 335 m<sup>2</sup> (3,600 ft.<sup>2</sup>) minimum
- iii) one semi-detached dwelling on one lot,  
duplex dwelling or converted dwelling: 670 m<sup>2</sup> (7,200 ft.<sup>2</sup>) minimum

#### **9.1.5 Lot Frontage**

- i) single-detached dwelling: 11 m (36 ft.) minimum
- ii) one unit of a semi-detached dwelling: 9 m (30 ft.) minimum
- iii) one semi-detached dwelling on one lot,  
duplex dwelling or converted dwelling: 18 m (60 ft.) minimum

#### **9.1.6 Lot Coverage**

40% maximum.

#### **9.1.7 Floor Area :**

- a) a single-detached dwelling: 70 m.<sup>2</sup> (750 ft.<sup>2</sup>) minimum;
- b) one unit of a semi-detached building,  
one unit of a duplex, or one unit of a  
converted building:

Type of Dwelling Unit	Minimum Floor Area
Bachelor Unit	28 m <sup>2</sup> (300 ft. <sup>2</sup> )
One Bedroom Unit	42 m <sup>2</sup> (450 ft. <sup>2</sup> )
Two Bedroom Unit	56 m <sup>2</sup> (600 ft. <sup>2</sup> )
Three Bedroom Unit	70 m <sup>2</sup> (750 ft. <sup>2</sup> )
Each Additional Bedroom	10 m <sup>2</sup> (107 ft. <sup>2</sup> )

**9.1.8 Front Yard**

The established building line, or where not applicable 6 m (20 ft.) minimum.

**9.1.9 Rear Yard**

7 m (23 ft.) minimum.

**9.1.10 Interior Side Yard**

- i) one single, detached dwelling on one lot: 1 m (3.3 ft.) minimum plus 0.6 m (2 ft.) for each additional storey above the first storey for each interior side yard;
- ii) one unit of a semi-detached dwelling: no interior side yard shall be required between the common vertical wall dividing one dwelling unit from another. The side yard on the other side of the unit shall be 1.5 m (5 ft.) minimum and 1 m (3.3 ft) for each additional storey;
- iii) duplex; one semi-detached residence on one lot; one converted, two unit building: 2.5 m (8 ft) minimum for each interior side yard.

**9.1.11 Exterior Side Yard**

The established building line, or where not applicable, 6 m (20 ft.) minimum.

**9.1.12 Landscaped Open Space**

Minimum 30% of the lot.

**9.1.13 Building Height**

3 storeys maximum.

**9.1.14 Parking**

In accordance with the provisions of Section 6.

**9.1.15 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by the occupant of the dwelling and have no employees other than those resident in the dwelling;

- iii) supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv) only have a sign that complies with the Municipality's By-law governing signs;
- v) have no external storage of materials, containers or finished products;
- vi) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vii) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- viii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft<sup>2</sup>) maximum, including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation;
- ix) be confined to a dwelling unit on the lot in terms of any and all parts of such home occupation use.

#### **9.1.16 Regulations for Detached Accessory Buildings and Structures**

Private garages and other accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) have a minimum exterior side yard abutting the street line of 6 m (20 ft.) for a detached parking garage on a corner lot. For a detached accessory structure that is not intended for the storage or parking of a motor vehicle, boat storage, snowmobile, etc. and does not have an associated driveway, a minimum 1 m (3.3 ft.) exterior side yard may be permitted;
- iv) have a minimum interior side yard of 1 m (3.3 ft.). Semi-detached garages may be centred on a mutual side lot line;
- v) have a minimum rear yard of 1 m (3.3 ft.);
- vi) not exceed 4.5 m (15 ft.) in height;
- vii) not exceed 8% coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 30% of the lot area;
- viii) not be located within 1.5 m (5 ft.) of any other building or structure on the lot.

#### **9.1.17 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 m (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line;
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

### **9.1.18 Regulations for Day Nurseries**

A day nursery may be permitted in a single detached dwelling unit provided that:

- i) no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery;
- ii) parking is to be supplied on site and in accordance with Section 6.1.1(iii).

### **9.1.19 Setback from Environmental Constraint Zone**

Where any R3 Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the R3 Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

### **9.1.20 Property Abutting Railway Mainline**

Where any (R3) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### **9.1.21 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.

- ii) Where any lands zoned (R3) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/redevelopment may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

## 9.2 SPECIAL USE REGULATIONS

The regulations contained in subsection 9.1, General Use Regulations, shall apply to the special use area or areas defined below; except as otherwise specifically provided in the special use regulations in this subsection 9.2:

### 9.2.1 Residential 3 Exception 1 (R3-1) - South Side, Daintry Crescent

#### 9.2.1.1 Defined Area

R3-1 as shown on Schedule "A", Map 1 and further shown on Schedule 'B-1' to this By-law.

#### 9.2.1.2 Permitted Uses

The uses permitted in Section 9.1.1 and 9.1.2., with the exception of public uses, group home uses and day nursery uses.

#### 9.2.1.3 Permitted Buildings and Structures

Notwithstanding the provisions of Section 9.1.3, the only permitted buildings and structures in the R3-1 Zone shall be:

- i) 36 single-detached dwellings;
- ii) accessory buildings and structures for the permitted uses.

#### 9.2.1.4 Regulations for the Uses Permitted in the R3-1 Zone

Notwithstanding the provisions of Section 9.1 the uses in the R3-1 Zone shall be developed in accordance with Schedule 'B-1' and the following regulations:

##### i) **Building Heights:**

The tallest portion of each dwelling shall be no greater than 10.6 m (35 ft.) and no less than 9.1 m (30 ft.) above the average elevation of the finished surface of the ground at the front of the dwelling.

##### ii) **Special Provision:**

A solid wall, consisting of the rear wall of the dwellings and extensions thereof, shall be constructed in a manner such that the wall has a continuous height equal to the highest point of the dwellings and, once completed, forms an unbroken barrier from the most easterly dwelling to the most westerly dwelling in the R3-1 Zone.

Notwithstanding the generality of the foregoing, a doorway shall be provided through the wall on each lot to permit pedestrian access to the rear yard of each lot and three unobstructed openings, having minimum widths as shown on Schedule 'B-1', shall be through the wall to permit emergency vehicular access to the rear yards.



iii) **Setback from Railway:**

R3-1 Zone shall be exempt from Section 9.1.20.

**9.2.2 Residential 3 Exception 2 (R3-2) - Nickerson Drive**

**9.2.2.1 Defined Area**

R3-2 as shown on Schedule "A", Map 13 to this By-law.

**9.2.2.2 Permitted Uses**

The uses permitted in Section 9.1.1. and 9.1.2

**9.2.2.3 Permitted Buildings and Structures**

Notwithstanding the provisions of Section 9.1.3, the only permitted buildings and structures in the R3-2 Zone shall be:

- i) one single detached dwelling on one lot;
- ii) accessory buildings and structures for the permitted uses.

**9.2.3 Residential 3 Exception 3 (R3-3) - Parkview Hills Subdivision (O'Connor Court)**

**9.2.3.1 Defined Area**

R3-3, as shown on Schedule `A', Map 13 to this By-law.

**9.2.3.2 Permitted Uses**

The uses permitted in Section 9.1.1. and 9.1.2.

**9.2.3.3 Permitted Buildings and Structures**

The buildings and structures permitted shall be limited to single detached dwellings and accessory buildings and structures to the permitted use.

**9.2.3.4 Regulations for uses permitted in the R3-3 Zone**

Notwithstanding the provisions of Section 9.1, the following special provisions shall apply to land zoned R3-3:

- i) **Lot Area:**  
335 m<sup>2</sup> (3,606 ft.<sup>2</sup>) minimum.
- ii) **Lot Frontage:**  
12 m (40 ft.) minimum.

**9.2.4 Residential 3 Exception 4 (R3-4) Zone – 21, 23, and 25 Brook Road North**

**9.2.4.1 Defined Area**

(R3-4), as shown on Schedule `A', Map 6 to this By-law.

#### **9.2.4.2 Permitted Uses**

The uses permitted in Section 9.1.1. and 9.1.2.

#### **9.2.4.3 Permitted Buildings and Structures**

Buildings and structures permitted in the R3-4 zone shall be limited to:

- (i) one single, detached dwelling on one lot;
- (ii) one duplex dwelling on one lot;
- (iii) accessory buildings and structures for the permitted uses.

#### **9.2.4.4 Regulations for uses permitted in the R3-4 Zone**

Regulations of Section 9.1 shall apply to the uses permitted in the R3-4 zone except for the following provisions:

- i) minimum lot frontage for one duplex dwelling shall be 16.5 m (54 ft.);
- ii) minimum side yard on one side of the building shall be 1.72 m (5.6 ft.) and a minimum side yard of 2.5 m (8.2 ft.) on the side of the garage or carport.

#### **9.2.5 Residential 3 Exception 5 (R3-5) Zone - 394 Walton Street**

##### **9.2.5.1 Defined Area**

(R3-5) as shown on Schedule 'A', Map 6 to this By-law.

##### **9.2.5.2 Permitted Uses**

The uses permitted in Section 9.1.1. and 9.1.2 with the addition of:

- (i) an office use as an accessory use in a residential building; or an accessory office use in an accessory building.

##### **9.2.5.3 Permitted Buildings and Structures**

Permitted buildings and structures in the (R3-5) zone are limited to the following:

- i) one single-detached dwelling on one lot;
- ii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2
- iii) one office use as an accessory use;
- iv) accessory buildings and structures for the permitted uses.

##### **9.2.5.4 Regulations for Permitted Uses in R3-5 Zone**

Regulations of Section 9.1 shall apply to the uses permitted in the (R3-5) zone with the addition of the following special provisions;

###### **i) Parking:**

Regulations of Section 6, Parking, shall apply to property zoned (R3-5) with the exception of the following now applying:

- (a) Four (4) on-site parking spaces;
- (b) One off-site parking space through agreement;
- (c) Each parking space shall have a minimum area of 15 m<sup>2</sup> (162 ft<sup>2</sup>) and a minimum width of 2.7m (9 ft) and a minimum length of 5.6 m (18.3 ft).

ii) **Accessory Office Use:**

(a) The maximum gross floor area of an 'office use' for property zoned (R3-5) shall be 50 m<sup>2</sup> (538 ft<sup>2</sup>);

(b) There shall be a maximum of two staff members on the premises. Staff members are defined as people necessary for the functioning of the office and who do not reside in the residence.

iii) **Rear Yard Provision:**

Rear yard for the residence/accessory office structure shall be 0.7 m (2.5 ft.) min .

iv) **Max. Lot Coverage:**

Maximum Lot Coverage for property zoned (R3-5) shall be 38%.

v) **Exterior Side Yard:**

A minimum 5.8 m (19 ft.).

**9.2.6 Residential 3 Exception 6 (R3-6) - 860-862 Westwood Cres.**

**9.2.6.1 Defined Area**

R3-6 as shown on Schedule "A", Map 8 to this By-law.

**9.2.6.2 Permitted Uses**

The uses permitted in Section 9.1.1. and 9.1.2

**9.2.6.3 Permitted Buildings and Structures**

The uses permitted in Section 9.1.3.

**9.2.6.4 Regulations for Permitted Uses in R3-6 Zone**

Regulations of Section 9.1 shall apply to the uses permitted in the (R3-6) zone with the addition that the minimum interior side yard for the link side is 0.6 m (1.9 ft).

**9.2.7 Residential 3 Exception 7 (R3-7) - 511 King Street East**

**9.2.7.1 Defined Area**

(R3-7) as shown on Schedule 'A', Map 4 to this By-law.

**9.2.7.2 Permitted Uses**

The uses permitted under Section 9.1.1. and 9.1.2

**9.2.7.3 Permitted Buildings and Structures**

Notwithstanding the provisions of Section 9.1.3, the permitted buildings and structures shall be limited to:

- i) one single detached dwelling on one lot;
- ii) one unit of a semi-detached dwelling on one lot;
- iii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- iv) accessory buildings and structures for the permitted uses.

#### 9.2.7.4 Regulations for the Uses Permitted in the (R3-7) zone

The regulations of Section 9.1 shall apply to the uses permitted in the (R3-7) zone with the exception of the following;

i) **Lot Area:**

- |                             |                             |
|-----------------------------|-----------------------------|
| a) single detached dwelling | 385 m <sup>2</sup> minimum; |
| b) semi-detached dwelling   | 300 m <sup>2</sup> minimum. |

ii) **Lot Frontage:**

- |                             |               |
|-----------------------------|---------------|
| c) single detached dwelling | 10 m minimum; |
| d) semi-detached dwelling   | 8 m minimum.  |

iii) **Interior Side Yard:**

- |                             |  |
|-----------------------------|--|
| e) single detached dwelling | 1 m minimum plus 0.6 m for each additional storey above the first storey.  |
| f) semi-detached dwelling   | 0 m on the side of the common vertical wall, and 1 m minimum on the opposite side, plus 0.6 m for each additional storey above the first storey. |

iv) **Exterior Side Yard:**

5 m minimum.

v) **Building Height:**

2 storeys maximum.

vi) **Garage Projection**

The front wall of any attached private garage facing the public street shall be located no more than 3 m closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit. The foregoing provision shall not apply to corner lots or any lots fronting onto Carroll Crescent.

vii) **Lot Coverage**

- |                             |              |
|-----------------------------|--------------|
| i) single detached dwelling | 35% maximum; |
| ii) semi-detached dwelling  | 40% maximum. |

#### 9.2.8 **Residential 3 Exception 8 (R3-8) - 400 George Street (COA- A-19-02)**

##### 9.2.8.1 **Defined Area**

R3-8 as shown on Schedule "A", Map 2 to this By-law.

##### 9.2.8.2 **Permitted Uses**

The uses permitted in Section 9.1.1. and 9.1.2.

##### 9.2.8.3 **Permitted Buildings and Structures**

The uses permitted in Section 9.1.3.

#### **9.2.8.4 Regulations for Permitted Uses in R3-8 Zone**

The regulations of Section 9.1 shall apply to the uses permitted in the (R3-8) zone with the exception of the following;

- i) **Exterior Side Yard:**  
3.3 m (10.7 ft) minimum;
- ii) **Rear Yard:**  
2.7 m (8.8 ft.) minimum.

## SECTION 10: MULTIPLE RESIDENTIAL 4 (R4) ZONE REGULATIONS

### 10.1 GENERAL USE REGULATIONS

#### 10.1.1 Permitted Uses

- i) public use in accordance with the provisions of Section 5.3.2;
- ii) residential use.

#### 10.1.2 Permitted Accessory Uses

- i) accessory use to the Permitted Uses under Section 10.1.1;
- ii) home occupation use;
- iii) one bed and breakfast establishment.

#### 10.1.3 Permitted Buildings and Structures

- i) one unit of a semi-detached dwelling on one lot;
- ii) one semi-detached dwelling on one lot;
- iii) one duplex dwelling on one lot;
- iv) one triplex dwelling on one lot;
- v) one converted dwelling on one lot;
- vi) one four-plex dwelling on one lot;
- vii) townhouse dwelling including a townhouse dwelling for senior citizen's and/or the disabled;
- viii) one multiple dwelling on one lot including a multiple dwelling for senior citizens and/or the disabled;
- ix) one rooming or boarding house containing no more than ten guest rooms on one lot;
- x) one apartment dwelling including apartments for senior citizens and/or the disabled;
- xi) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- xii) accessory buildings and structures for the permitted uses.

#### 10.1.4 Lot Area

- |   |   |
|---|---|
| i) one unit of a semi-detached dwelling;  | 278 m <sup>2</sup> (3000 ft. <sup>2</sup> ) minimum                   |
| ii) one semi-detached dwelling on one lot,<br>or one duplex building on one lot;  | 557 m <sup>2</sup> (6,000 ft. <sup>2</sup> ) minimum                  |
| iii) triplex building; four-plex building;<br>converted building; a rooming or<br>boarding house; or multiple dwelling; | 650 m <sup>2</sup> (7,000 ft. <sup>2</sup> ) minimum                  |
| iv) townhouse dwelling;   | 215 m <sup>2</sup> (2314 ft. <sup>2</sup> ) minimum per dwelling unit |
| v) apartment dwelling;  | not applicable  |

#### 10.1.5 Lot Frontage

- |   |                       |
|---|-----------------------|
| i) one unit of a semi-detached dwelling                             | 9 m (30 ft.) minimum  |
| ii) one semi-detached building on<br>one lot; or a duplex building, | 18 m (60 ft.) minimum |

- iii) triplex building, converted building, a four-plex, or a multiple building on one lot 18 m (60 ft.) minimum
- iv) townhouse dwelling which does not front onto a public street 30 m (100 ft.) minimum
- v) townhouse dwelling where each townhouse unit fronts onto a public street 6.5 m (21 ft.) per unit minimum
- vi) apartment dwelling 30 m (100 ft.) minimum

**10.1.6 Lot Coverage**

40% maximum.

**10.1.7 Net Density - Apartment Dwelling/Converted Building/Multiple Building**

50 units per net hectare (20 units per net acre) maximum.

**10.1.8 Floor Area Per Dwelling Unit:**

Type of Dwelling Unit	Minimum Floor Area
Bachelor Unit	28 m <sup>2</sup> (300 ft. <sup>2</sup> )
One Bedroom Unit	42 m <sup>2</sup> (450 ft. <sup>2</sup> )
Two Bedroom Unit	56 m <sup>2</sup> (600 ft. <sup>2</sup> )
Three Bedroom Unit	70 m <sup>2</sup> (750 ft. <sup>2</sup> )
Each Additional Bedroom	10 m <sup>2</sup> (107 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Bachelor Unit	27 m <sup>2</sup> (290 ft. <sup>2</sup> )
Dwelling, Senior Citizen - One Bedroom Unit	40 m <sup>2</sup> (430 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Two Bedroom Unit	48 m <sup>2</sup> (516 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Three Bedroom Unit	62 m <sup>2</sup> (667 ft. <sup>2</sup> )

**10.1.9 Front Yard**

The established building line or where not applicable, 6 m (20 ft) minimum.

**10.1.10 Rear Yard**

7 m (23 ft.) minimum.

**10.1.11 Interior Side Yard**

- i) one unit of a semi-detached dwelling, or a townhouse unit; no interior side yard shall be required between the common vertical wall dividing one dwelling unit from another. The side yard on the other side of the unit shall be 1.5 m (5 ft.) minimum and 1 m (3.3 ft) for each additional storey;

- ii) a duplex building; one semi-detached building on one lot; one converted, two unit building: 2.5 m (8 ft.) minimum for each interior side yard.
- iii) one triplex, an apartment building, a four-plex building, a multiple building, one converted building with more than two, residential units or a rooming and boarding house: 3.65 m (12 ft.) minimum.

**10.1.12 Exterior Side Yard**

The established building line, or where not applicable, 6 m (20 ft.) minimum.

**10.1.13 Distance Between Exterior Walls of Townhouse Buildings**

The minimum distance between the exterior walls of any two groups of townhouse dwellings on one lot shall be:

- i) where both ends of the group are one storey 3 m (10 ft.) minimum;
- ii) in all other circumstances 5 m (16.5 ft.) minimum.

**10.1.14 Distance Between Buildings - Apartments, Converted Buildings or Multiple Buildings**

The minimum distance between any two apartment buildings, converted buildings or multiple buildings located on one lot shall be a measurement equivalent to the average height of the two buildings; however, where neither external wall facing the other building contains the window of a habitable room, the distance may be reduced to one half the average height of the two buildings.

**10.1.15 Landscaped Open Space**

Minimum 35% of the lot.

**10.1.16 Building Height**

3 storeys maximum.

**10.1.17 Parking**

In accordance with the provisions of Section 6.

**10.1.18 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by the occupant of the dwelling unit and have no other employees than members of the family resident in the dwelling;
- iii) supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv) only have a sign that complies with the Municipality's By-law governing signs;
- v) have no external storage of materials, containers or finished products;
- vi) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;



- vii) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- viii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft<sup>2</sup>) maximum including the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation;
- ix) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

#### **10.1.19 Regulations for Accessory Buildings and Structures**

Private garages and other accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) have a minimum exterior side yard abutting the street line of 6 m (20 ft.) for a detached parking garage on a corner lot. For a detached accessory structure that is not intended for the storage or parking of a motor vehicle, boat storage, snowmobile, etc. and does not have an associated driveway, a minimum 1 m (3.3 ft.) exterior side yard may be permitted;
- iv) have a minimum interior side yard of 1 m (3.3 ft.). Semi-detached garages may be centred on a mutual side lot line;
- v) have a minimum rear yard of 1 m (3.3.ft.);
- vi) not exceed 4.5 m (15 ft.) in height;
- vii) not exceed 8% coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 40 % of the lot area;
- viii) not be located within 1.5 m (5 ft.) of any other building or structure on the lot.

#### **10.1.20 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 m (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line;
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

#### **10.1.21 Setback from Environmental Constraint Zone**

Where any R4 Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the R4 Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

### 10.1.22 Refuse and recycling enclosures

Open Storage of goods and materials are not permitted in the (R4) zone. Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located only in the side or rear yards; and
- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

### 10.1.23 Property Abutting Railway Mainline

Where any (R4) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### 10.1.24 Railway Yards:

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (R4) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/redevelopment may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and

- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

## **10.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 10.1, General Use Regulations, shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 10.2.

### **10.2.1 Multiple Residential 4 Exception 1 (R4-1) zone - 357 Elgin Street West**

#### **10.2.1.1 Defined Area**

R4-1 as shown on Schedule "A", Map 9 to this By-law.

#### **10.2.1.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

#### **10.2.1.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 10.1.3

#### **10.2.1.4 Regulations for the Uses Permitted in the R4-1 Zone**

The regulations of Section 10.1 shall apply to the uses permitted in the R4-1 Zone except that the maximum height of an apartment building shall be 5 storeys, the maximum net density shall be 57 units per hectare and the maximum number of dwelling units shall be 87.

### **10.2.2 Multiple Residential 4 Exception 2 (R4-2) - 400 Westwood Drive**

#### **10.2.2.1 Defined Area**

R4-2 as shown on Schedule "A", Map 1 to this By-law.

#### **10.2.2.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

#### **10.2.2.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 10.1.3, with the exception of an apartment dwelling.

#### **10.2.2.4 Regulations for the Uses Permitted in the R4-2 Zone**

The regulations of Section 10.1 shall apply to the uses permitted in the R4-2 Zone.

### **10.2.3 Multiple Residential 4 Exception 3 (R4-3) - 129 Densmore Road**

#### **10.2.3.1 Defined Area**

R4-3 as shown on Schedule "A" Map 13 to this By-law.

#### **10.2.3.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

**10.2.3.3 Permitted Buildings and Structures**

The buildings and structures permitted are limited to a "Senior Citizens Complex" and accessory buildings and structures for the permitted use.

**10.2.3.4 Regulations for the Uses Permitted in the R4-3 Zone**

The regulations of Section 10.1 shall apply to the uses permitted in the R4-3 Zone except for the following:

i) **Density:**

80 apartment units; and 99 residence rooms maximum.

ii) **Floor Area per Dwelling Unit:**

Type of Dwelling Unit	Minimum Floor Area
Bachelor Unit	28 m <sup>2</sup> (300 ft. <sup>2</sup> )
One Bedroom Unit	42 m <sup>2</sup> (450 ft. <sup>2</sup> )
Two Bedroom Unit	56 m <sup>2</sup> (600 ft. <sup>2</sup> )
Three Bedroom Unit	70 m <sup>2</sup> (750 ft. <sup>2</sup> )
Each Additional Bedroom	10 m <sup>2</sup> (107 ft. <sup>2</sup> )

iii) **Building Height:**

Four storeys maximum.

iv) **Parking:**

Provisions of Section 6 shall apply except for the following:

Parking shall be permitted in the front yard and side yard of the site; however, parking in the front yard shall be setback a minimum of 10 m (33 ft) from the front lot line.

A minimum of 6 handicapped parking spaces shall be provided on the site.

**10.2.3.5 Definitions**

i) **"Senior Citizens Complex"**

For the lands zoned "R4-3" a "Senior Citizens Complex" shall consist of an apartment or other multiple dwelling complex designed and mainly occupied by residents who have attained the age of fifty years and by some who are physically disabled. A "Senior Citizens Complex" shall consist of not more than 3 buildings which are physically linked together.

ii) **"Residence Room"**

For the lands zoned R4-3, a "Residence Room" shall be defined as a dwelling unit which does not contain kitchen facilities.

**10.2.4 Multiple Residential 4 Exception 4 (R4-4) - 425-427 King Street East**

**10.2.4.1 Defined Area**

R4-4 as shown on Schedule 'A' , Map 3 to this By-law.

**10.2.4.2 Permitted Uses**

The uses permitted in Section 10.1.1 and 10.1.2

**10.2.4.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 10.1.3.

**10.2.4.4 Regulations for the Uses Permitted in the (R4-4) Zone**

The regulations of Section 10.1 shall apply to the uses permitted in the R4-4 zone except that:

- i) the minimum lot area per townhouse is 300 m<sup>2</sup> (3,230 ft<sup>2</sup>).
- ii) the building height, notwithstanding the definition under Section 3.65, shall be measured from the original grade (86.68 metres above sea level as established by Government of Canada geodetic survey) to the highest peak of the roof and shall not exceed 10.7 m (35 ft.).

**10.2.5 Multiple Residential 4 Exception 5 (R4-5) - Fitzhugh Shores North - links**

**10.2.5.1 Defined Area**

R4-5 as shown on Schedule "A" Map 4 to this By-law.

**10.2.5.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

**10.2.5.3 Permitted Buildings and Structures**

- i) buildings and structures permitted in Section 10.1.3;
- ii) one link dwelling on one lot;
- iii) accessory structures for the permitted uses.

**10.2.5.4 Regulations for the Uses Permitted in the R4-5 Zone**

The regulations of Section 10.1 shall apply to the uses permitted in the R4-5 zone except for the following;

- i) **Lot Area - link building:**  
335 m<sup>2</sup> (3,600 ft<sup>2</sup>) minimum;
- ii) **Lot Frontage - link building:**  
9 m (30 ft) minimum;
- ii) **Lot Coverage:**  
40% maximum;
- iii) **Exterior Side Yard:**  
5 m (16.5 ft.) minimum.

**10.2.6 Multiple Residential 4 Exception 6 (R4-6) - 221 University Avenue East**

**10.2.6.1 Defined Area**

R4-6 as shown on Schedule "A", Map 6 to By-law 63-87.

**10.2.6.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

**10.2.6.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 10.1.3 with a maximum of 12 apartment units in a building 2.5 storeys in height.

**10.2.6.4 Regulations for the Uses Permitted in R4-6 Zone**

The lands in the R4-6 Zone shall be subject to all the regulations in Section 10.1 and the following special provisions:

i) **Fencing:**

A closed wood fence to enclose the subject property.

ii) **Access:**

One way, exit only access will be permitted on to University Avenue East.

**10.2.7 Multiple Residential 4 Exception 7 (R4-7) - Trinity Housing Development 327 John Street**

**10.2.7.1 Defined Area**

R4-7 as shown on Schedule A, Map 6 to this by-law.

**10.2.7.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

**10.2.7.3 Permitted Building Structures**

The buildings and structures permitted in Section 10.1.3.

**10.2.7.4 Regulations for the Uses Permitted in the R4-7 Zone**

i) **Density:**

A total of 20 apartment units are permitted on the property (0.35 hectares).

ii) **Floor Area Per Unit:**

One Bedroom Units may have a minimum floor area of 54 m<sup>2</sup> (581 ft.<sup>2</sup>).

**10.2.8 Multiple Residential 4 Exception 8 (R4-8) - 352-370 Ball Street**

**10.2.8.1 Defined Area**

R4-8 as shown on Schedule "A" Map 2 to this By-law.

#### **10.2.8.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

#### **10.2.8.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 10.1.3.

#### **10.2.8.4 Regulations for the Uses Permitted in the R4-8 Zone**

The regulations of Section 10.1 shall apply to the uses permitted in the R4-8 Zone, except for:

i) **Density:**

54 units per hectare maximum.

ii) **Parking:**

A maximum of 20 spaces may be permitted in the northerly interior side yard.

#### **10.2.9 Multiple Residential 4 Exception 9 (R4-9) Zone - 135 University Avenue East**

##### **10.2.9.1 Defined Area**

R4-9 as shown on Schedule 'A', Map 6 to this By-law.

##### **10.2.9.2 Permitted Uses**

Uses permitted under Section 10.1.1 and 10.1.2

##### **10.2.9.3 Permitted Buildings and Structures**

Buildings and structures permitted are limited to a townhouse dwelling and accessory buildings and structures for the permitted use.

##### **10.2.9.4 Regulations for Permitted Uses in R4-9 Zone**

Regulations of Section 10.1 shall apply to the uses permitted in the R4-9 zone except for the following:

i) **Number of Dwelling Units:**

11 townhouse units max. for total lands zoned (R4-9).

ii) **Number of Buildings:**

Minimum of two (2) townhouse blocks for total lands zoned (R4-9).

iii) **Lot Frontage - Townhouse unit:**

Townhouse dwelling unit - 5.8 m (19 ft.) min.

iv) **Lot Area - Townhouse unit:**

Townhouse dwelling unit - 200 m<sup>2</sup> (2,152 ft<sup>2</sup>) min.

v) **Front Yard - Townhouse unit:**

The established building line or 4 m (13 ft.) min.

vi) **Rear Yard - Townhouse unit:**

Townhouse dwelling unit - 15.5 m (50 ft.) min.

vii) **Total Lot Coverage:**

Townhouse lot - 40% maximum

viii) **Driveway Setback:**

No lane shall be closer than 3.0 m (10 ft.) to a rear lot line.

ix) **Covered porch/verandah:**

Covered porch/verandah is allowed to encroach into any side yard a maximum of 2 m (6.5 ft).

x) **Fencing:**

Fencing of rear landscaped open space area, with the exception of rear lot line, shall not exceed a maximum height of 0.75 m (2.5 ft).

**10.2.10 Multiple Residential 4 Exception 10 (R4-10) 131 King Street East**

**10.2.10.1 Defined Area**

(R4-10) as shown on Schedule 'A', Map 3 to this By-law.

**10.2.10.2 Permitted Uses**

Uses permitted under Section 10.1.1 and 10.1.2

**10.2.10.3 Permitted Buildings and Structures**

Buildings and Structures permitted in the R4-10 zone shall be limited to:

- (i) the existing structure with an additional 140 m<sup>2</sup> (1,500 ft<sup>2</sup>) gross floor area maximum.
- (ii) accessory buildings and structures not exceeding 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) in size.

**10.2.10.4 Regulations for Permitted Uses in R4-10 zone**

Regulations of Section 10.1 shall apply to the uses permitted in the R4-10 zone except for the following:

i) **Lot Area:**

920 m<sup>2</sup> (9,905 ft<sup>2</sup>) minimum

ii) **Lot Frontage:**

19.5 m (64 ft.) min.



- iii) **Interior Side Yard:**  
1.8 m (6 ft.) minimum
- iv) **Driving Aisle:**  
3.3 m (11 ft.) minimum
- v) **Driving Aisle:**  
may continue to be located adjacent to the east side lot line without a required setback
- vi) **Accessory Structure:**  
maximum 10% lot coverage.

**10.2.11 Multiple Residential 4 Exception 11 (R4-11) Zone - 374-378 John St.**

**10.2.11.1 Defined Area**

(R4-11) as shown on Schedule 'A', Map 6 attached to this By-law.

**10.2.11.2 Permitted Uses**

The uses permitted in Section 10.1.1. and 10.1.2

**10.2.11.3 Permitted Buildings and Structures**

Permitted buildings and structures in the (R4-11) zone are limited to the following:

- i) one multiple dwelling structure containing a maximum of four dwelling units on one lot;
- ii) one semi-detached dwelling on one lot;
- iii) one unit of a semi-detached dwelling on one lot;
- iv) one duplex dwelling on one lot;
- v) one triplex dwelling on one lot;
- vi) one link dwelling on one lot;
- vii) one apartment building containing a maximum of four dwelling units on one lot;
- viii) accessory buildings and structures for the permitted uses.

**10.2.11.4 Regulations for Permitted Uses in R4-11 Zone**

Regulations of Section 10.1 shall apply to the uses permitted in the (R4-11) zone with the addition of the following special provisions;

- i) **Lot Area:**
  - (i) 836 m<sup>2</sup> (9,000 ft<sup>2</sup>) minimum for one multiple dwelling containing a maximum of four dwelling units on one lot;
  - (ii) 1,114 m<sup>2</sup> (12,000 ft<sup>2</sup>) minimum for one apartment building containing a maximum of four dwelling units on one lot;
- ii) **Lot Frontage:**
  - (i) 19.8 m (65 ft) minimum for one multiple dwelling containing a maximum of four dwelling units on one lot;
  - (ii) 19.8 m (65 ft) minimum for one apartment building containing a maximum of four dwelling units on one lot;

iii) **Interior Side Yard:**

- (i) 1.6 m (5.25 ft) minimum on one side and 4.8 m (16 ft) minimum on the other side of a multiple dwelling containing a maximum of four dwelling units on one lot;
- (ii) 1.6 m (5.25 ft) minimum on one side and 4.8 m (16 ft) minimum on the other side of an apartment building containing a maximum of four dwelling units on one lot.

iv) **Driveway Width:**

The minimum width for a driveway accessing parking in the rear of a multiple dwelling shall have a minimum width of 3.8 m (12.5 ft).

**10.2.12 Multiple Residential 4 Exception 12 (R4-12) - Ontario St and Sutherland Cres.**

**10.2.12.1 Defined Area**

(R4-12) as shown on Schedule 'A', Map 9 to this By-law.

**10.2.12.2 Permitted Uses**

The uses permitted under Section 10.1.1 and 10.1.2

**10.2.12.3 Permitted Buildings and Structures**

The following buildings shall only be permitted in the (R4-12) zone:

- i) linked group dwellings;
- ii) accessory building and structures for the permitted uses.
- iii)

**10.2.12.4 Regulations for Permitted Uses in the (R4-12) zone**

The regulations of Section 10.1 shall apply to the uses permitted in the (R4-12) zone.

**10.2.13 Multiple Residential 4 Exception 13 (R4-13) - Link Residences**

**10.2.13.1 Defined Area**

(R4-13) as shown on Schedule 'A' to this By-law.

**10.2.13.2 Permitted Uses**

The uses permitted under Section 10.1.1 and 10.1.2

**10.2.13.3 Permitted Buildings and Structures**

The following buildings shall only be permitted in the (R4-13) zone:

- i) buildings and structures permitted in Section 10.1.3;
- ii) one link dwelling on one lot;
- iii) accessory buildings for the permitted uses.

**10.2.13.4 Regulations for Permitted Uses in the (R4-13) zone**

The regulations of Section 10.1 shall apply to the uses permitted in the R4-13 zone except for the following;

i) **Lot Area - link building:**

335 m<sup>2</sup> (3,600 ft<sup>2</sup>) minimum;

ii) **Lot Frontage - link building:**

9 m (30 ft) minimum;

iii) **Lot Coverage:**

40% maximum.

**10.2.14 Multiple Residential 4 Exception 14 (R4-14) - South/West Corner King at Willmott**

**10.2.14.1 Defined Area**

(R4-14) as shown on Schedule 'A', Map 4, to this By-law.

**10.2.14.2 Permitted Uses**

The uses permitted under Section 10.1.1 and 10.1.2

**10.2.14.3 Permitted Buildings and Structures**

Notwithstanding the provisions of Section 10.1.3, permitted buildings and structures shall be limited to:

- i) one multiple dwelling on one lot, including a dwelling for senior citizens and/or the disabled;
- ii) accessory buildings and structures for the permitted uses.

**10.2.14.4 Regulations for Uses Permitted in the (R4-14) zone**

The regulations of Section 10.1 shall apply to uses permitted in the R4-14 zone, with the exception of the following:

i) **Lot Area**

865 m<sup>2</sup> minimum.

ii) **Lot Frontage**

27 m minimum

iii) **Density - Multiple Dwelling**

6 dwelling units maximum per lot

iv) **Front Yard**

2.5 m minimum

iv) **Rear Yard**

2.5 m minimum

v) **Interior Side Yard**

2.5 m minimum

vi) **Parking Setback from the Street**

Notwithstanding the provisions of Section 6, parking may be permitted in any yard provided it is set back a minimum of 3 m from the streetline.

**10.2.15 Multiple Residential 4 Exception 15 (R4-15) Densmore Road and Birchwood Trail, South-west Corner**

**10.2.15.1 Defined Area**

(R4-15) as shown on Schedule 'A', Map 1C to this By-law.

**10.2.15.2 Permitted Uses**

The uses permitted under Section 10.1.1.

**10.2.15.3 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

**10.2.15.4 Regulations for Permitted Uses in R4-15 Zone**

Regulations of Section 11.1 shall apply to the uses permitted in the R4-15 Zone except for the following:

i) **Yards Abutting a Street**

3.0 m minimum.

ii) **Other Yards**

4.5 m minimum.

iii) **Parking**

1.25 spaces per dwelling unit maximum.

**10.2.16 Multiple Residential 4 Exception 16 (R4-16) - 415 King Street West**

**10.2.16.1 Defined Area**

R4-16 as shown on Schedule A, to this by-law.

**10.2.16.2 Permitted Uses**

Uses permitted in Section 16.1.1. and 16.1.2

**10.2.16.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 16.1.4

**10.2.16.4 Regulations for Uses Permitted in R4-16 zone:**

The regulations of Section 16.1 shall apply to the permitted uses in the R4-16 zone with the exception of the following;

**i) Density:**

25 dwelling units maximum;

**ii) Building Height:**

The building height shall not exceed two storeys maximum at grade from Tremaine Street.

**iii) Lower Level:**

The lower level (east side) of the building may be used for residential dwelling units provided the minimum opening elevation to each dwelling unit is at least 79.06 m above sea level.

**iv) Setback from Environmental Constraint Zone**

The minimum setback from the Environmental Constraint Zone shall be zero subject to compliance with Section 10.2.16.4 iii).

## **SECTION 11: HIGH DENSITY RESIDENTIAL 5 (R5) ZONE REGULATIONS**

### **11.1 GENERAL USE REGULATIONS**

#### **11.1.1 Permitted Uses**

- i) public use in accordance with the provisions of Section 5.3.2;
- ii) residential use.

#### **11.1.2 Permitted Accessory Structures**

- i) accessory use to the Permitted Uses under Section 11.1.1;
- ii) one bed and breakfast establishment.

#### **11.1.3 Permitted Buildings and Structures**

- i) apartment dwelling, including apartments for senior citizens and/or the disabled;
- ii) apartment hotel dwelling;
- iii) townhouse units;
- iv) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- v) accessory buildings and structures for the permitted uses.

#### **11.1.4 Lot Area**

- i) apartment dwelling: not applicable for apartment units;
- ii) townhouse dwelling unit: 146 m<sup>2</sup> (1,572 ft<sup>2</sup>) minimum per unit.

#### **11.1.5 Lot Frontage**

- i) apartment dwelling: 30 m (100 ft.) minimum;
- ii) townhouse dwelling unit: 6 m (19.6 ft.) minimum per unit.

#### **11.1.6 Lot Coverage**

40% maximum.

#### **11.1.7 Net Density**

- i) apartment dwelling: 100 units per net hectare (40 units per net acre) maximum.
- ii) townhouse dwelling units: 68 units per net hectare (28 units per net acre) maximum.

**11.1.8 Floor Area Per Dwelling Unit**

<b>Type of Dwelling Unit</b>	<b>Minimum Floor Area</b>
Bachelor Unit	28 m <sup>2</sup> (300 ft. <sup>2</sup> )
One Bedroom Unit	42 m <sup>2</sup> (450 ft. <sup>2</sup> )
Two Bedroom Unit	56 m <sup>2</sup> (600 ft. <sup>2</sup> )
Three Bedroom Unit	70 m <sup>2</sup> (750 ft. <sup>2</sup> )
Each Additional Bedroom	10 m <sup>2</sup> (107 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Bachelor Unit	27 m <sup>2</sup> (290 ft. <sup>2</sup> )
Dwelling, Senior Citizen - One Bedroom Unit	40 m <sup>2</sup> (430 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Two Bedroom Unit	48 m <sup>2</sup> (516 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Three Bedroom Unit	62 m <sup>2</sup> (667 ft. <sup>2</sup> )

**11.1.9 Front Yard**

The established building line, or where not applicable, 6 m (20 ft.) minimum.

**11.1.10 Rear Yard**

7.5 m (25 ft.) minimum.

**11.1.11 Interior Side Yard**

- i) a townhouse unit; no interior side yard shall be required between the common vertical wall dividing one dwelling unit from another. The side yard on the other side of the unit shall be 1.5 m (5 ft.) minimum and 1 m (3.3 ft) for each additional storey;
- ii) an apartment building; 7.5 m (25 ft.) minimum.

**11.1.12 Exterior Side Yard**

The established building line, or where not applicable, 7.5 m (25 ft.) minimum.

**11.1.13 Distance Between Buildings**

The minimum distance between any two apartment dwellings on one lot shall be a measurement equivalent to the average height of the two buildings; however, where neither external wall facing the other building contains the window of a habitable room the distance may be reduced to one half the average height of the two buildings.

**11.1.14 Distance Between Exterior Walls of Townhouse Dwellings**

The minimum distance between the exterior walls, of any two groups of townhouse dwellings located on one lot shall be:

- i) where both ends of the group are one storey 3 m (10 ft.) minimum;
- ii) in all other circumstances 5 m (16.5 ft.) minimum.

**11.1.15 Landscaped Open Space**

Minimum 35% of the lot.

**11.1.16 Building Height**

6 storeys maximum.

**11.1.17 Parking**

In accordance with the provisions of Section 6.

**11.1.18 Regulations for Detached Accessory Buildings and Structures**

Private garages and other accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) have a minimum exterior side yard abutting the street line of 6 m (20 ft.) for a detached parking garage on a corner lot. For a detached accessory structure that is not intended for the storage or parking of a motor vehicle, boat storage, snowmobile, etc. and does not have an associated driveway, a minimum 1 m (3.3 ft.) exterior side yard may be permitted;
- iv) have a minimum interior side yard of 1 m (3.3 ft.). Semi-detached garages may be centred on a mutual side lot line;
- v) have a minimum rear yard of 1 m (3.3 ft.);
- vi) not exceed 4.5 metres (15 ft.) in height;
- vii) not exceed 8 % coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 40 % of the lot area;
- viii) not be located within 1.5 m (5 ft.) of any other building or structure on the lot.

**11.1.19 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 m (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line;
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

**11.1.20 Setback from Environmental Constraint Zone**

Where any R5 Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the R5 Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.



### 11.1.21 Property Abutting Railway Mainline

Where any (R5) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### 11.1.22 Railway Yards:

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (R5) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

### **11.1.23 Refuse and recycling enclosures**

Open Storage of goods and materials are not permitted in the (R5) zone. Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located in the side or rear yards; and
- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

## **11.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 11.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 11.2.

### **11.2.1 Apartment Residential 5 Exception 1 (R5-1) - 434 William Street**

#### **11.2.1.1 Defined Area**

R5-1 as shown on Schedule "A", Map 7 to this By-law.

#### **11.2.1.2 Permitted Uses, Buildings and Structures**

The uses, buildings and structures permitted in Section 11.1

#### **11.2.1.3 Regulations for the Uses Permitted in the R5-1 Zone**

The regulations of Section 11.1 shall apply to the uses permitted in the R5-1 Zone, except that the maximum building height shall be 7 storeys, and the buildings and structures shall be limited to those existing at the date of adoption of this By-law.

### **11.2.2 Apartment Residential 5 Exception 2 (R5-2) - Legion Village**

#### **11.2.2.1 Defined Area**

R5-2 as shown on Schedule "A", Map 2 to this By-law.

#### **11.2.2.2 Permitted Uses, Buildings and Structures**

The uses, buildings and structures permitted in Section 11.1 and a hostel, including uses accessory to such use.

#### **11.2.2.3 Regulations for the Uses Permitted in the R5-2 Zone**

The regulations of Section 11.1 shall apply to the uses permitted in the R5-2 Zone, except that:

- i) the maximum number of dwelling units shall be 172 units for the elderly and disabled and 32 hostel dwelling units with no more than 2 beds per unit;
- ii) one additional unit shall be permitted for the building manager of each permitted building;
- iii) the maximum height shall be 4 storeys, except for a hostel building which shall have a maximum height of 1 storey, and furthermore, the buildings and structures shall be limited to those existing at the date of adoption of this By-law, and landscaped open space shall not be reduced below the amount existing at the date of adoption of this By-law;

- iv) the minimum dwelling unit area for a hostel dwelling unit containing 1 bed per unit shall be 20 m<sup>2</sup> (215 ft.<sup>2</sup>) and for a hostel unit containing 2 beds per unit, 32 m<sup>2</sup> (344 ft.<sup>2</sup>).

### **11.2.3 Apartment Residential 5 Exception 3 (R5-3) - 106 Orange Street**

#### **11.2.3.1 Defined Area**

R5-3 as shown on Schedule "A", Map 2 and further shown on Schedule 'B-2' to this By-law.

#### **11.2.3.2 Permitted Uses, Buildings and Structures**

The uses buildings and structures permitted in Section 11.1.:

#### **11.2.3.3 Regulations for the Uses Permitted in the R5-3 Zone**

Notwithstanding the provisions of Section 11.1, the uses permitted in the R5-3 Zone shall comply with the following regulations:

- i) the area zoned R5-3 shall be used for no other purpose than a 14-unit, 4-storey apartment dwelling in accordance with Schedule 'B-2';
- ii) in addition to the parking area shown on Schedule 'B-2', the owner shall provide an additional 3 parking spaces for the use of tenants of the apartment within 152 m. (500 ft.) of the site in an Institutional, Commercial or Industrial Zone.

### **11.2.4 Apartment Residential 5 Exception 4 (R5-4) - 359 D'Arcy Street**

#### **11.2.4.1 Defined Area**

R5-4 as shown on Schedule "A", Map 6 and further shown on Schedule 'B-3' to this By-law.

#### **11.2.4.2 Permitted Uses**

The uses permitted in Section 11.1.1. and 11.1.2

#### **11.2.4.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 11.1.3.

#### **11.2.4.4 Regulations for the Uses Permitted in the R5-4 Zone**

The lands in the R5-4 Zone shall be subject to all the regulations of Section 11.1 and the following special provisions:

- i) **Number of Dwelling Units:**  
12 units maximum
- ii) **Building Height:**  
2.5 storeys maximum
- iii) **Building Location:**  
in accordance with the provisions of Schedule 'B-3'.

iv) **Landscaped Open Space:**

In accordance with the provisions of Schedule 'B-3'

v) **Driveway and Parking Area Locations:**

In accordance with the provisions of Schedule 'B-3'.

**11.2.5 Apartment Residential 5 Exception 5 (R5-5) - 357 Westwood Drive**

**11.2.5.1 Defined Area**

R5-5 as shown on Schedule "A", Map 1 and further shown on Schedule 'B-4' to this By-law.

**11.2.5.2 Permitted Uses**

The uses permitted in Section 11.1.1. and 11.1.2

**11.2.5.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 11.1.3.

**11.2.5.4 Regulations for the Uses Permitted in the R5-5 Zone**

The lands in the R5-5 Zone shall be subject to all the regulations of Section 11.1 and the following Special provisions:

i) **Number of Dwelling Units:**

35 units maximum

ii) **Building Height:**

4.0 storeys maximum

iii) **Location of Building:**

In accordance with the provisions of Schedule 'B-4'. Further, the accessory garage/ noise structure shall be permitted to be 6 m (20 ft.) in height maximum.

iv) **Landscaped Open Space:**

In accordance with the provisions of Schedule 'B-4'

v) **Driveway and Parking Area Location:**

In accordance with the provisions of Schedule 'B-4'.

**11.2.6 Apartment Residential 5 Exception 6 (R5-6) - 60 Munroe Street**

**11.2.6.1 Defined Area**

R5-6 as shown on Schedule "A", Map 6 to this By-law.

**11.2.6.2 Permitted Uses**

The uses permitted in Section 11.1.1. and 11.1.2

### 11.2.6.3 Permitted Buildings and Structures

The buildings and structures permitted in Section 11.1.3, plus a Townhouse Dwelling including a townhouse dwelling for senior citizens and /or the disabled.

### 11.2.6.4 Regulations for the Uses Permitted in the R5-6 Zone

The regulations in Section 11.1 shall apply to the uses permitted in the R5-6 Zone except for the following:

i) **Front Yard:**

6 m (20 ft.)

ii) **Landscaped Open Space:**

Minimum 28% of the lot.

iii) **Lot Area Townhouse Dwelling:**

325 m<sup>2</sup> (3,500 ft<sup>2</sup>) minimum per dwelling unit.

iv) **Distance Between Exterior Walls of Townhouse dwellings:**

The minimum distance between the exterior walls of any two groups of townhouse dwellings shall be:

- a) where neither facing wall contains a window of a habitable room - 3 m (10 ft.) min.;
- b) in all other circumstances 7.5 m (25 ft.) minimum.

### 11.2.7 Apartment Residential 5 Exception 7 (R5-7) - 95 Marisa Lane - 136 Hibernia Street

#### 11.2.7.1 Defined Area

R5-7 as shown on Schedule "A" Map 2 and further shown on Schedule 'B-5' to this By-law.

#### 11.2.7.2 Definitions

In addition to the definitions in Section 3, the following definitions shall apply to the lands zoned R5-7:

**ATTIC** shall mean that portion of a building situated wholly or partly within a sloping roof and in which there is not sufficient space to provide a floor area equal to at least one half of the floor area of the storey next below, with sidewalls not less than 1.35 m (4.5 ft.) in height and a ceiling sloped so as to provide a minimum height of 2 m (6.6 ft.) over at least 50 % of the floor area. However, an "attic" shall not be considered a "storey".

**GROSS FLOOR AREA** shall mean the total habitable area of a building or structure measured between the exterior faces of the exterior walls or from the centre line of a common or party wall of the habitable area, but excluding any areas which are used for heating or mechanical equipment, elevators, the storage or parking of motor vehicles, storage facilities, laundry facilities and open and enclosed balconies or sunrooms.

The following definition of the term "Storey" shall apply to the lands zoned R5-7 instead of the definition of "Storey" in Section 3.:

**STOREY** shall mean the portion of a building between any floor and the floor, ceiling or roof next above, provided that the cellar or basement shall not be deemed a storey and provided that any portion of a storey exceeding 3 m (10 ft.) in height shall be deemed an additional storey.

### 11.2.7.3 Permitted Uses

The uses permitted in Section 11.1.1. and 11.1.2

### 11.2.7.4 Permitted Buildings and Structures

The buildings and structures permitted in Section 11.1.3.

### 11.2.7.5 Regulations for the Uses Permitted in the R5-7 Zone

Notwithstanding the regulations of Section 11.1, the following regulations shall apply to the uses, buildings and structures permitted in the R5-7 Zone:

i) **Lot Frontage:**

83 m (272 ft) minimum.

ii) **Lot Coverage:**

52 % maximum.

iii) **Number of Dwelling Units:**

90 units maximum.

iv) **Building Area:**

Building and structures shall only be located in the areas shown as "Building Area" on Schedule 'B-5' to this By-law. Any areas within the buildings and structures shall be used for landscaped open space subject to the regulations of Section 11.2.7.5 (viii).

v) **Maximum Number of Buildings:**

Five, as shown on Schedule 'B-5'.

vi) **Gross Floor Area:**

The gross floor area of all buildings and structures in the R5-7 Zone shall not be greater than 2.0 times the area of the lot(s) and the maximum number of dwelling units in the R5-7 Zone shall not exceed ninety (90) in total.

vii) **Minimum Distance Between Buildings:**

6 m (20 ft.) minimum.

viii) **Landscaped Open Space:**

Landscaped open space which may include related accessory buildings and structures such as gazebos shall be provided in accordance with Schedule 'B-5' to this By-law, with the exception that driveways may be provided in areas designated as landscaped open space as follows:

Buildings "A" and "C":

One driveway with a width of 6 m (20 ft.).

Building "B":

One driveway with a width of 6 m (20 ft.) or two driveways with a width of 3 m (10 ft.) each.

Building "D":

Two driveways with a width of 6 m (20 ft.) each.

No driveway(s) shall be placed between Buildings "A", "B" and/or "C".

ix) **Building Height:**

The maximum building height for Buildings "A", "C" and "D" shown on Schedule 'B-5' attached to this By-law shall be 17 m (56 ft.). The maximum building height for Building "B" shall be 13.1 m (43 ft.).

x) **Number of Storeys:**

The maximum number of storeys for Buildings "A", "C" and "D" shown on Schedule 'B-5' attached to this By-law shall be four. The maximum number of storeys for Building "B" shall be three.

xi) **Parking:**

The regulations of Section 6.1 shall apply with the exception of the following:

- a) Notwithstanding the regulations of Section 6.1.1 i) the minimum parking requirement shall be 1 space per dwelling unit.
- b) The regulations of Section 6.1.9 shall not apply.

xii) **Dwelling Units in Basement:**

- |                        |  |
|------------------------|--|
| Building "A":          | A minimum of one dwelling unit with a minimum floor area of 74 m <sup>2</sup> (800 ft <sup>2</sup> ) shall be located in the basement area of Building "A". A minimum of 9.1 m (30 ft) of the exterior wall of the dwelling unit shall face on Hibernia Street and a minimum of 6.1 m (20 ft) shall face the south lot line.   |
| Buildings "B" and "C": | A minimum of two dwelling units shall be located in each of the ground floor of Building "B" and the basement of Building "C". The dwelling units shall be located such that the entire south wall of the building also comprises the south exterior wall of the dwelling units, with the exception of any portion of the wall used as a common pedestrian entrance to the building. |
| Building "D":          | A minimum of one dwelling unit(s) shall be located in the basement of Building "D". The dwelling unit(s) shall be located such that the entire west exterior wall of the building also comprises the west exterior wall of the dwelling unit, with the exception of any portion used as a common pedestrian entrance to the building.  |
| Building "D-2":        | No dwelling units are required in the basement of Building "D-2" as shown on Schedule 'B-5'.   |

xiii) **Residential Units in Attic:**

A maximum of two residential dwelling units may be permitted in the attic of any building.

xiv) **Entrance to Building "A":**

The primary common entrance to Building "A" for pedestrians shall be located facing on Hibernia Street.

xv) **Accessory Buildings and Structures:**

The regulations of Section 11.1.18 shall apply except that the lot coverage of all accessory buildings and structures shall not exceed 1 percent.

#### 11.2.7.6 Regulations for Uses Permitted in the R5-7 Zone - Land Subdivision

Notwithstanding the regulations of Section 11.2.7.5 (i) - (v) inclusive, the following regulations shall apply to the uses, buildings and structures permitted in the R5-7 Zone upon further subdivision of lands by consent or condominium.

##### 11.2.7.6.1 Definitions

In addition to the definitions in Section 3, the following definitions shall apply to the lands zoned R5-7:

- i) **Right-of-Way** shall mean a privately owned easement or right-of-way, having a minimum width of 11.0 m (36 ft.) and being constructed to a standard prescribed by the Municipality, which fronts on an assumed public street which street has a width of 15 m (50 ft.) or more and which street is of satisfactory construction and maintenance to permit reasonable and safe passage of motor vehicles travelling in two directions and which street is maintained by the Municipality on a year round basis.

The following definition of the term "Lot Lines" shall apply to the lands zoned R5-7 instead of the definition of "Lot Lines" in Section 3.:

- ii) **Lot Lines** shall mean the boundary lines of a lot defined as follows:
  - a) **Front Lot Line** shall mean, except in the case of a corner Lot, the line dividing the lot from the Right-of-Way. In the case of a corner Lot, the shorter boundary line abutting the Right-of-Way and street shall be deemed the front lot line and the longer boundary line abutting the Right-of-Way and street shall be deemed the side lot line.
  - b) **Rear Lot Line** shall mean the lot line opposite to the front lot line.
  - c) **Side Lot Line** shall mean a lot line other than a front or rear lot line.

##### 11.2.7.6.2 Regulations for Lot Frontage

Notwithstanding the regulations of Section 5.11, the following regulations shall apply to the lands zoned R5-7:

- i) No person shall erect a building or structure, and no person shall use any building or structure, unless the lot upon which the building is situated, erected, or proposed to be situated or erected abuts or fronts on:
  - a) an assumed public street, which has a width of 15 m (50 ft.) or more and which is of satisfactory construction and maintenance to permit reasonable and safe passage of motor vehicles travelling in two directions and which is maintained by the Municipality on a year round basis, or,
  - b) a Right-of-Way.

##### 11.2.7.6.3 Block "A" as Shown on Schedule 'B-5'

- i) **Lot Frontage:**  
32 m (105 ft.) minimum.
- ii) **Lot Area:**  
1,490 m<sup>2</sup> ( 16,038 ft<sup>2</sup>) minimum.



iii) **Setbacks from Lot Lines:**

As shown on Schedule 'B-5'.

iv) **Lot Coverage:**

As shown on Schedule 'B-5'

v) **Number of Dwelling Units:**

24 units maximum.

vi) **Gross Floor Area:**

The gross floor area of all buildings and structures in the Block shall not be greater than 2.5 times the area of the lot.

**11.2.7.6.4 Block "B"**

i) **Lot Frontage:**

36.5 m (120 ft.) minimum

ii) **Lot Area:**

1,624 m<sup>2</sup> (17,480 ft<sup>2</sup>) minimum.

iii) **Setbacks from Lot Lines:**

As shown on Schedule 'B-5'.

iv) **Lot Coverage:**

As shown on Schedule 'B-5'.

v) **Number of Dwelling Units:**

12 units maximum.

vi) **Gross Floor Area:**

The gross floor area of all buildings and structures in the Block shall not be greater than 1.3 times coverage.

**11.2.7.6.5 Block "C"**

i) **Lot Frontage:**

24.5 m (80 ft) minimum

ii) **Lot Area:**

1,686 m<sup>2</sup> (18,148 ft<sup>2</sup>) minimum.

iii) **Setbacks from Lot Lines:**

As shown on Schedule 'B-5'.

iv) **Lot Coverage:**

As shown on Schedule 'B-5'.

v) **Number of Dwelling Units:**

10 units maximum.

vi) **Gross Floor Area:**

The gross floor area of all buildings and structures in the Block shall not be greater than 2.0 times coverage.

**11.2.7.6.6 Block "D" and "D-2"**

i) **Lot Frontage:**

39.65 m (130 ft) minimum

ii) **Lot Area:**

3,160 m<sup>2</sup> (34,015 ft<sup>2</sup>) minimum.

iii) **Setbacks from Lot Lines:**

As shown on Schedule 'B-5'. The northern lot line setback is 0 m; the westerly lot line setback is 0 m; the easterly line is 0 m.

iv) **Lot Coverage:**

As shown on Schedule 'B-5'.

v) **Number of Dwelling Units:**

40 units maximum.

vi) **Gross Floor Area:**

The gross floor area of all buildings and structures in the Block shall not be greater than 2.0 times coverage.

**11.2.7.6.7 Residential Units in Attic**

Notwithstanding the maximum number of dwelling units established for Blocks A, B, C, and D, a maximum of two dwelling units may be permitted in the attic of any building, provided that the maximum number of dwelling units in the R5-7 Zone does not exceed ninety (90).

**11.2.7.6.8 Maximum Net Density for land zoned R5-7 and R5-8**

Notwithstanding the provisions and regulations of the R5-7 zone, maximum net density for a combination of adjacent lands zoned R5-7 and lands zoned R5-8 shall be 98 units per net hectare.

**11.2.8 Apartment Residential 5 Exception 8 (R5-8) Zone - 138-158 Hibernia Street**

**11.2.8.1 Defined Area**

R5-8 as shown on Schedule 'A', Map 2 and further shown on Schedule 'B-6' to this By-law.

## 11.2.8.2 Definitions

- i) In addition to the definitions in Section 3, the following definitions shall apply to lands zoned (R5-8):

**"Attic** shall mean that portion of a building situated wholly or partly within a sloping roof and in which there is not sufficient space to provide a floor area equal to at least one half of the floor area of the storey next below, with sidewalls not less than 1.35 m (4.4 ft.) in height and a ceiling sloped so as to provide a minimum height of 2 m (6.5 ft.) over at least 50 % of the floor area. An attic shall not be considered a storey."

**"Gross Floor Area** shall mean the total habitable area of a building or structure measured between the exterior faces of the exterior walls or from the centre line of a common or party wall of the habitable area, but excluding any areas which are used for heating or mechanical equipment, elevators, the storage or parking of motor vehicles, storage facilities, laundry facilities and open and enclosed balconies or sunrooms."

**"Gross Total Lands** shall include the entire, contiguous lands zoned R5-8, at the date of adoption of this by-law as shown on Schedule 'B-6' attached. The by-law shall apply to the entire land area zoned R5-8 notwithstanding land severance either by consent or condominium."

**"Right-of-Way** shall mean a privately owned easement or right-of-way, having a minimum width of 6 m (20 ft.) and being constructed to a standard prescribed by the Municipality, which fronts on an assumed public street which street has a width of 15 m (50 ft.) or more and which street is of satisfactory construction and maintenance to permit reasonable and safe passage of motor vehicles travelling in two directions and which street is maintained by the Municipality on a year round basis."

- ii) The following definitions of the term 'Lot Lines' shall apply to the lands zoned R5-8 instead of the definition of 'Lot Lines' in Section 3.:

**"Lot Lines** shall mean the boundary lines of a lot defined as follows:

- a) **Front Lot** lines shall mean, except in the case of a corner lot, the line dividing the lot from the Right-of-Way. In the case of a corner lot, the shorter boundary line abutting the Right-of-Way and street shall be deemed the front lot line and the longer boundary line abutting the Right-of-Way and street shall be deemed the side lot line.
- b) **Rear Lot** line shall mean the lot line opposite to the front lot line.
- c) **Side Lot** line shall mean a lot line other than a front or rear lot line."
- d) **Lot Line Setback** shall mean building setback from lot lines according to the following:
- a) **Lot Line-Mutual** shall mean a lot line that separates two separate parcels of land under the same ownership/corporation.
- b) **Lot Line-Boundary** shall mean a lot line separating two parcels of land under separate ownership/corporation."

- iii) The following definition of the term "storey" shall apply to the lands zoned R5-8 instead of the definition of "storey" in Section 3.:

**"Storey** shall mean the portion of a building between any floor and the floor, ceiling or roof next above, provided that the cellar or basement shall not be deemed a storey and provided that any portion of a storey exceeding 3 m (10 ft.) in height shall be deemed an additional storey."

- iv) Notwithstanding the regulations of Subsection 5.11, the following regulations shall apply to all lands zoned R5-8:
- a) "No person shall erect a building or structure, and no person shall use any building or structure, unless the lot upon which the building is situated, erected, or proposed to be

situated or erected abuts or fronts on an assumed public street which has a width of 15 m (50 ft.) or more and which is of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles travelling in two directions and which is maintained by the municipality on a year round basis, or

- b) a Right-of-way."

### 11.2.8.3 Permitted Uses

Uses permitted under Section 11.1.1. and 11.1.2

### 11.2.8.4 Permitted Buildings and Structures

Buildings and structures permitted under Section 11.1.3

### 11.2.8.5 Regulations for Permitted Uses in R5-8 Zone

Notwithstanding regulations of Section 11.1., the following regulations shall apply to the uses, buildings and structures of the R5-8 zone:

- i) **Lot Area:**

0.789 ha (1.95 acres)

- ii) **Lot Frontage:**

115 m (380 ft.)

- iii) **Lot Coverage:**

60 % maximum

- iv) **Net Density:**

Notwithstanding Section 11.1.7, the calculation of net density for lands zoned R5-8, the following provisions shall apply:

- i) net density of all lands zoned R5-7 and R5-8 taken together, shall not exceed 98 units per net hectare.

- ii) maximum density of Gross Total Lands zoned R5-8, as Shown on Schedule 'B-6' shall not exceed 125 units per net hectare.

- v) **Number of Dwelling Units:**

97 units maximum for Gross Total Lands zoned R5-8.

- vi) **Building Envelopes:**

Buildings and structures shall only be located in the areas shown as "Building Envelopes" on Schedule 'B-6' to this By-law and subject to regulations of Section 11.2.8.5 (xi).

Accessory building and structures, such as gazebos, may be permitted in both 'Building Envelope' or 'Landscaped Open Space' as shown on Schedule 'B-6' to this By-law and subject to regulations of Section 11.2.8.5 (xi) and Section 11.2.8.5 (xix).

- vii) **Maximum Number of Buildings:**

Six (6) buildings maximum, excluding accessory buildings and structures.

viii) **Gross Floor Area:**

The Gross Floor Area of all buildings and structures in the R5-8 Zone shall not be greater than 2.0 times the area of the lot(s) provided the maximum number of dwelling units in the R5-8 Zone does not exceed seventy-nine (79) units in total.

ix) **Ground Floor Area:**

3,630 m<sup>2</sup> (39,075 ft<sup>2</sup>) maximum

x) **Building Separation Distance:**

6 m (20 ft.) minimum

xi) **Landscaped Open Space:**

Landscaped Open Space shall be provided in accordance with Schedule 'B-6' to this By-law and Section 3.75. Any areas within the 'Building Envelope' not used for buildings, structures or driveways, shall be used for landscaped open space. Laneways, right-of-ways and parking areas are not included as landscaped open space.

xii) **Building Height:**

The maximum building height for Blocks 'A' and 'B' as shown on Schedule 'B-6' attached to this By-law, shall be 9 m (30 ft.). The maximum building height for Block 'C' and Block 'D', as shown on Schedule 'B-6' attached to this By-law, shall be 17 m (56 ft.).

xiii) **Number of Storeys:**

Buildings located on Blocks 'A' and 'B', as shown on Schedule 'B-6' attached to this By-law, shall have three (3) storeys maximum. Buildings located on Blocks 'C' and 'D', as shown on Schedule 'B-6' attached to this By-law, shall have four (4) storeys maximum.

xiv) **Parking:**

The regulations of Section 6.1 shall apply with the exception of the following:

- i) Notwithstanding provisions and regulations of Section 6.1., minimum parking requirement for lands zoned 'R5-8' shall be one (1) parking space provided for each dwelling unit on the property **and**
- ii) Visitor parking standards and or arrangements to be determined through Site Plan Control;
- iii) Parking facilities zoned (MC-7) on Schedule 'A', Map 2 to this By-law shall be used in conjunction with lands zoned (R5-8).

xv) **Dwelling Units along Hibernia Street:**

All residential buildings within the building envelope of Block 'C' shall be sited to clearly define the edge of Hibernia Street. The exposed building face, at grade, of those buildings abutting Hibernia Street shall exhibit a diverse mix of land uses, including residential dwelling units, enclosed parking areas, pedestrian access points and foyers.

The following regulations shall apply:

- i) The entire exposed building face at grade of the building in Block 'D' abutting Hibernia Street shall be comprised of residential dwelling units, with the exception of pedestrian access points and/or foyers.

- ii) If one continuous building front is intended for Block 'C' abutting Hibernia Street, a minimum of 30% of the exposed building face at grade of the building abutting Hibernia Street shall be comprised of residential dwelling units, pedestrian access points and/or foyers; **or**
- iii) If two or more buildings are intended for Block 'C' abutting Hibernia Street with a minimum 6 m (20 ft.) landscaped open space area separating the buildings, a minimum of 20 % of the exposed building face at grade of those buildings in Block 'C' abutting Hibernia Street shall be comprised of residential dwelling units, pedestrian access points and/or foyers.

xvi) **Pedestrian Access:**

Pedestrian access to building(s) in Block 'C' shall be on the west side, Hibernia Street. Secondary pedestrian access may also be permitted elsewhere.

xvii) **Residential Units in Attic:**

Are permitted in any residential structure according to provisions and regulations of this by-law.

xviii) **Lot Line Setback:**

When a building is proposed to extend over a lot line-mutual, a 0 m setback from the mutually owned lot line is required. When a building is proposed adjacent to a lot line-boundary, a 3 m (10 ft.) setback, as shown on Schedule 'B-6' , from the lot line-boundary is required.

xix) **Accessory Buildings & Structures:**

The regulations of Section 11.1.17 shall apply except that the lot coverage of all accessory buildings and structures shall not exceed two percent (2%) of the Total Lot Area.

xx) **Land Subdivision:**

Should any subdivision or land severance occur in regard to those lands zoned R5-8, all regulations and provisions of this by-law shall apply to the gross total lands zoned R5-8 for land use, buildings and structures.

**11.2.9 Apartment Residential 5 Exception 9 (R5-9) zone - 202 Green Street**

**11.2.9.1 Defined Area**

(R5-9) as shown on Schedule 'A', Map 3 to this By-law.

**11.2.9.2 Permitted Uses**

Uses permitted under Section 11.1.1 and 11.1.2

**11.2.9.3 Permitted Buildings and Structures**

Permitted Buildings and Structures for the (R5-9) zone shall be limited to the following structures:

- i) one semi-detached dwelling on one lot;
- ii) one duplex dwelling on one lot;
- iii) one triplex dwelling on one lot;
- iv) one multiple dwelling on one lot including a multiple dwelling for senior citizens and/or the disabled;
- v) buildings and structures for public uses in accordance with the provisions of Section 5.3.2
- vi) accessory buildings and structures for the permitted uses.

**11.2.9.4 Regulations for Permitted Uses in R5-9 Zone**

Regulations of Section 11.1 shall apply to the uses permitted in the R5-9 zone with the exception of the following:

i) **Driving Aisle:**

3 m (10 ft.) minimum;

ii) **Driving Aisle Separation** from the interior lot line:

0.5 m (1.6 ft.) minimum;

iii) **Net Density:**

3 units maximum;

iv) **Minimum Front Yard:**

6 m (20 ft.) minimum

v) **Front Yard Setback:**

No part of the main front wall of the building shall be located closer than 6 m (20 ft.) to the front lot line. Notwithstanding the minimum 6 m (20 ft.) setback, an unenclosed front porch is permitted to encroach 2.0 m (6.5 ft.) into the 6 m (20 ft.) front yard.

**11.2.10 Apartment Residential Type 5 Exception 10 (R5-10) Zone - 202 Green Street (existing apt)**

**11.2.10.1 Defined Area**

(R5-10) as shown on Schedule 'A', Map 3 to this By-law.

**11.2.10.2 Permitted Uses**

The uses permitted under Section 11.1.1 and 11.1.2

**11.2.10.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 11.1.3

**11.2.10.4 Regulations for Permitted Uses in R5-10 Zone**

Regulations of Section 11.1 shall apply to the uses permitted in the R5-10 zone with the exception of the following:

i) **Interior Side Yard:**

3 m (10 ft.) minimum;

ii) **Rear Yard:**

2.0 m (6.5 ft.) minimum;

iii) **Parking spaces:**

1 space per unit;

iv) **Parking Location:**

parking may be permitted in any yard;

v) **Driving Aisle:**

3 m (10 ft.) minimum;

vi) **Driving Aisle separation from the interior lot line:**

0.5 m (1.6 ft.) minimum.

**11.2.11 Apartment Residential Type 5 Exception 11 (R5-11) Zone - 100 University Ave E. (A-3-00)**

**11.2.11.1 Defined Area**

(R5-11) as shown on Schedule 'A', Map 6 to this By-law.

**11.2.11.2 Permitted Uses**

The uses permitted under Section 11.1.1 and 11.1.2

**11.2.11.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 11.1.3

**11.2.11.4 Regulations for Permitted Uses in R5-11 Zone**

Regulations of Section 11.1 shall apply to the uses permitted in the R5-11 zone with the exception of the following:

i) **Rear Yard:**

4.5 m (15 ft.) minimum.

**11.2.12 Apartment Residential Type 5 Exception 12 (R5-12) Zone - 768 Ontario Street**

**11.2.12.1 Defined Area**

(R5-12) as shown on Schedule 'A', Map 1C to this By-law.

**11.2.12.2 Permitted Uses**

The uses permitted under Section 11.1

**11.2.12.3 Permitted Buildings and Structures**

- i) townhouse dwelling, including a townhouse dwelling for senior citizens and/or the disabled;
- ii) senior citizen's complex;
- iii) apartment dwelling;
- iv) accessory buildings and structures for the permitted uses.

**11.2.12.4 Regulations for Permitted Uses in R5-12 Zone**

Regulations of Section 11.1 shall apply to the uses permitted in the R5-12 zone except for the following:



i) **Net Density - Apartment Building**

30 units maximum.

ii) **Building Height - Townhouses**

2 storeys maximum.

iii) **Number of Townhouse Units - E. Side of Battell St.**

5 units maximum.

iv) **Garage Projection**

The front wall of any attached garage facing the public street shall be located no more than 3.0 m closer to the front lot line than either the main entry feature, such as a covered porch, or main front entrance of the dwelling unit.

v) **Parking**

Parking for the senior citizen's complex shall be calculated at 1.25 spaces per unit.

**11.2.13 High Density Residential Exception 13 (R5-13) Zone - 323 George Street**

**11.2.13.1 Defined Area**

(R5-13) as shown on Schedule 'A' to this By-law.

**11.2.13.2 Permitted Uses**

The uses permitted under Section 19.2.1.2 and the following additional permitted use:

- i) residential use;

**11.2.13.3 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

**11.2.13.4 Regulations for Permitted Uses in R5-13 Zone**

Regulations of Section 19.2.1 shall apply to the uses permitted in the I-1 Zone, and the regulations of Section 11.1 shall apply to the uses permitted in the R5-13 Zone except for the following:

i) **Front Yard**

The setback as it existed on the date of passing of this By-law or, in the case of a front yard which abuts James Street, 15.0 m. Notwithstanding any provisions of this By-law to the contrary, an accessory garage or unenclosed landscape structure(s) may be permitted within the required front yard provided all other applicable regulations of Section 11.1.18 are complied with;

ii) **Rear Yard**

The minimum rear yard setback shall be 15.0 m, however a 0.0 m rear yard setback may be permitted where the building is joined at the lot line;

**iii) Interior Side Yard**

The minimum interior side yard setback shall be 18.0 m, however a 0.0 m interior side yard may be permitted where the building is joined at the lot line;

**iv) Exterior Side Yard**

The minimum exterior side yard setback shall be 15.0 m.;

**v) Building Height**

4 storeys at a maximum of 3.0 m per storey, with a maximum building height of 18.0 m to the highest point of any roof.

**vi) Parking**

Notwithstanding the provisions of Section 6, the minimum parking standard for a residential use is 1.25 spaces per dwelling unit. In addition, parking shall be prohibited between the building and the street, with the exception that no more than 8 visitors' spaces may be permitted as part of a driveway loop between the building's main entrance and James Street.

**vii) Landscaped Open Space**

Minimum 35% of the lot, including the landscaped open space within the required front and exterior side yards;

**viii) Land Acquisition**

For the purposes of this By-law, the provisions of the R5-13 Zone shall apply to the lands within the zone boundary regardless of any municipal acquisition which would thereby cause a contravention(s) to the By-law.

## SECTION 12: NEIGHBOURHOOD COMMERCIAL (NC) ZONE REGULATIONS

### 12.1 GENERAL USE REGULATIONS

#### 12.1.1 Permitted Uses

- i) convenience commercial use;
- ii) cultural use, including a museum or art gallery;
- iii) day nursery use;
- iv) eating establishment use;
- v) library use;
- vi) place of worship use;
- vii) personal service use, including a dry-cleaning distribution station, but not a dry cleaning establishment;
- viii) private club or meeting facility use for non-profit organization;
- ix) public place of assembly use;
- x) public uses in accordance with the provisions of Section 5.3.2;
- xi) recreation and community centre use;
- xii) residential use as a secondary use in a commercial building;
- xiii) specialty food use including a butcher, baked goods outlet and delicatessen.

#### 12.1.2 Permitted Accessory Uses

- i) accessory uses to the Permitted Uses in Section 12.1.1, but does not include open storage.

#### 12.1.3 Permitted Buildings and Structures

- i) buildings and structures for the permitted uses, including a shopping centre with a maximum of six establishments;
- ii) dwelling units which form part of a commercial building located above the commercial component;
- iii) accessory buildings and structures for the permitted uses.

#### 12.1.4 Lot Area

- i) Minimum: 465 m<sup>2</sup> (5,005 ft.<sup>2</sup>)
- ii) Maximum: 0.6 hectares (1.48 acres)

#### 12.1.5 Lot Frontage

- i) Minimum - individual establishment: 15 m (50 ft.)
- ii) Minimum - shopping centre: 20 m (65 ft.)

#### 12.1.6 Lot Coverage

35% maximum.

#### 12.1.7 Front Yard

3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.

#### 12.1.8 Rear Yard

7.5 m (25 ft.) minimum.

**12.1.9 Interior Side Yard**

3 m. (10 ft.) minimum.

**12.1.10 Exterior Side Yard**

3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.

**12.1.11 Landscaped Open Space**

Minimum 10% of lot area, but shall include any area not used for buildings, structures or parking areas, and shall include an area 3 m (10 ft.) in width along the interior side and/or rear lot lines where such lot lines abut a Residential or Development Zone.

**12.1.12 Building Height**

3 storeys maximum.

**12.1.13 Open Storage**

Open storage shall be prohibited.

**12.1.14 Parking and Loading**

In accordance with the provisions of Section 6.

**12.1.15 Establishment Size**

The maximum size of any one permitted establishment shall be 235 m<sup>2</sup> (2,530 ft.<sup>2</sup>).

**12.1.16 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 5% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 35% of the lot area;
- iv) meet all other yard requirements of the NC zone;
- v) be located a minimum of 3 m (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 2 storeys in height.

**12.1.17 Regulations for Developments which Incorporate Residential Uses**

In addition to the other regulations of this section the following requirements apply where a mixed use development incorporates residential uses:

i) **Side Yard**

A measurement the equivalent of one-half the average height of the building where the external wall which parallels or is adjacent to the side lot line contains the window of a habitable room.

ii) **Floor Area Per Dwelling Unit**

Type of Dwelling Unit	Minimum Floor Area
Bachelor Unit	28 m <sup>2</sup> (300 ft. <sup>2</sup> )
One Bedroom Unit	42 m <sup>2</sup> (450 ft. <sup>2</sup> )
Two Bedroom Unit	56 m <sup>2</sup> (600 ft. <sup>2</sup> )
Three Bedroom Unit	70 m <sup>2</sup> (750 ft. <sup>2</sup> )
Each Additional Bedroom	10 m <sup>2</sup> (107 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Bachelor Unit	27 m <sup>2</sup> (290 ft. <sup>2</sup> )
Dwelling, Senior Citizen - One Bedroom Unit	40 m <sup>2</sup> (430 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Two Bedroom Unit	48 m <sup>2</sup> (516 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Three Bedroom Unit	62 m <sup>2</sup> (667 ft. <sup>2</sup> )

iii) **Amenity Space per Dwelling Unit**

Type of Dwelling Unit	Minimum Floor Area
Bachelor Unit	5 m <sup>2</sup> (54 ft. <sup>2</sup> )
One Bedroom Unit	5 m <sup>2</sup> (54 ft. <sup>2</sup> )
Each Additional Bedroom	5 m <sup>2</sup> (54 ft. <sup>2</sup> )

**12.1.18 Setback from Environmental Constraint Zone**

Where any NC Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the NC Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

**12.1.19 Property Abutting Railway Mainline**

Where any (NC) zone abuts a railway main line:

- i) new (NC) buildings and new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and

- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **12.1.20 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (NC) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/ redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/ redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

#### **12.1.21 Refuse and recycling enclosures**

Open Storage of goods and materials are not permitted in the (NC) zone. Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located in the side or rear yards; and
- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

### **12.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 12.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 12.2.

#### **12.2.1 Neighbourhood Commercial Exception 1 (NC-1) - Existing Local Commercial Uses**

##### **12.2.1.1 Defined Area**

NC-1 as shown on Schedule "A" to this By-law.

##### **12.2.1.2 Permitted Uses**

The uses existing at the date of adoption of this By-law.

##### **12.2.1.3 Permitted Buildings and Structures**

- i) Buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

##### **12.2.1.4 Regulations for the uses permitted in the NC-1 Zone**

The regulations of Section 12.1 shall apply to the uses permitted in the NC-1 Zone.

**12.2.2 Neighbourhood Commercial Exception 2 (NC-2) - 359 Westwood Drive**

**12.2.2.1 Defined Area**

NC-2 as shown on Schedule "A", Map 1, to this By-law.

**12.2.2.2 Permitted Uses**

The uses permitted in Section 12.1.1.

**12.2.2.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 12.1.2, except that the permitted shopping centre may include a maximum of 8 establishments.

**12.2.2.4 Regulations for Uses Permitted in the NC-2 Zone**

The regulations of Section 12.1 shall apply to uses in the NC-2 Zone and, in addition, direct access to the lands zoned NC-2 shall not be permitted from Burnham Street or from Westwood Drive within 46 m (150 ft.) of Burnham Street.

**12.2.3 Neighbourhood Commercial Exception 3 (NC-3) - 443 and 445 King Street East**

**12.2.3.1 Defined Area**

NC-3 as shown on Schedule "A", Map 4 to this By-law.

**12.2.3.2 Permitted Uses**

The uses permitted in Section 12.1.1.

**12.2.3.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 12.1.2.

**12.2.3.4 Regulations for Uses Permitted in the NC-3 Zone**

The regulations of Section 12.1 shall apply to uses in the NC-3 Zone with a special provision that the parking setback shall be a minimum of 1.25 m (4 ft.) from Coverdale Avenue.

**12.2.4 Neighbourhood Commercial Exception Four (NC-4) zone - 409-411 Division Street**

**12.2.4.1 Defined Area**

NC-4 as shown on Schedule "A", Map 7 to this by-law.

**12.2.4.2 Permitted Uses**

- office use with a maximum gross floor area of 173 m<sup>2</sup> (1,860 ft<sup>2</sup>);
- one apartment unit.

**12.2.4.3 Permitted Buildings and Structures**

- i) The buildings and structures existing as of June 1, 1990.
- ii) Accessory buildings and structures for the permitted uses.

**12.2.4.4 Regulations for Uses Permitted in the NC-4 Zone**

The Regulations of Section 12.1 shall apply to uses in the NC-4 and in addition, office use shall be restricted to a 173 m<sup>2</sup> (1,860 ft<sup>2</sup>) maximum gross floor area.

**12.2.5 Neighbourhood Commercial Exception 5 (NC-5) zone - 422 King Street West**

**12.2.5.1 Defined Area**

NC-5 as shown on Schedule "A", Map 2 to this By-law.

**12.2.5.2 Permitted Uses**

The uses permitted in Section 12.1.1.

**12.2.5.3 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) dwelling units which form part of a commercial building located behind the commercial component;
- iii) accessory buildings and structures for the permitted uses.

**12.2.5.4 Regulations for the Uses Permitted in the NC-5 Zone**

The regulations of Section 12.1 shall apply to uses in the NC-5 Zone with the exception of Section 12.1.16 i).

**12.2.6 Neighbourhood Commercial Exception 6 (NC-6) zone - 990 Elgin Street West (restaurant and pro-shop)**

**12.2.6.1 Defined Area**

NC-6 as shown on Schedule "A", Map 14 to this By-law.

**12.2.6.2 Permitted Uses**

The uses permitted in Section 12.1.1.

**12.2.6.3 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) a restaurant;
- iii) a golf pro-shop;
- iv) accessory buildings and structures for the permitted uses.

**12.2.6.4 Regulations for the Uses Permitted in the NC-6 Zone**

The regulations of Section 12.1 shall apply to uses in the NC-6 Zone.



## **SECTION 13: SHOPPING CENTRE COMMERCIAL (SC) ZONE REGULATIONS**

### **13.1 GENERAL USE REGULATIONS**

#### **13.1.1 Permitted Uses**

- i) call centre;
- ii) clinic use;
- iii) conference centre;
- iv) convenience commercial use;
- v) convention uses;
- vi) data processing uses;
- vii) day nursery use;
- viii) eating establishment use, including a banquet hall;
- ix) education and training use;
- x) financial institution use;
- xi) food and/or specialty food use, including a supermarket and a baked goods outlet;
- xii) hotel and motel use;
- xiii) institutional use;
- xiv) office use;
- xv) parks and recreation uses;
- xvi) personal service use including a dry cleaning distribution station, but not a dry cleaning establishment;
- xvii) place of entertainment use;
- xviii) private or commercial club use;
- xix) public uses in accordance with the provisions of Section 5.3.2;
- xx) retail commercial use, including a department store and a catalogue store;
- xxi) vehicle service station;
- xxii) vehicle service and supply uses;
- xxiii) wholesale uses.

#### **13.1.2 Permitted Accessory Uses**

- i) accessory uses to the uses permitted in 13.1.1;
- ii) a vehicle fuelling station use;
- iii) open storage;
- iv) service and repair uses.

#### **13.1.3 Permitted Buildings and Structures**

- i) a shopping centre structure incorporating some or all of the permitted uses;
- ii) freestanding buildings and structures for any permitted use including a vehicle service and fuelling station use, an eating establishment use and a financial institution use located on the same lot as a shopping centre;
- iii) accessory buildings and structures for the permitted uses.

#### **13.1.4 Shopping Centre Size**

1400 m<sup>2</sup> (15,070 ft.<sup>2</sup>) minimum.

**13.1.5 Lot Area**

2 hectares (5 acres) minimum.

**13.1.6 Lot Frontage**

60 m (200 ft.) minimum.

**13.1.7 Lot Coverage**

25% maximum.

**13.1.8 Front Yard**

3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.

**13.1.9 Rear Yard**

6 m (20 ft.) minimum, except where the zone abuts a Residential or Development Zone, in which case the minimum shall be 9 m (30 ft.).

**13.1.10 Interior Side Yard**

6 m (20 ft.) minimum, except where the zone abuts a Residential or Development Zone, in which case the minimum shall be 9 m (30 ft.).

**13.1.11 Exterior Side Yard**

3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.

**13.1.12 Landscaped Open Space**

Minimum 10% of lot area, but shall include any area not used for buildings, structures or parking areas and shall include an area 3 m (10 ft.) in width along the interior side and/or rear lot lines where such lot lines abut a Residential or Development Zone.

**13.1.13 Building Height**

4 storeys maximum.

**13.1.14 Open Storage of goods and materials**

Open storage of goods and materials shall be permitted provided that:

- i) any storage area shall be setback a minimum of 7.5 m (25 ft.) from any Residential or Development Zone which abuts the SC Zone; and,
- ii) the storage area is enclosed by a stone or masonry wall, solid wood fence, or closed chain link fence and such wall or fence shall be a minimum of 1.8 m (6 ft.) in height.

Notwithstanding the above requirements, temporary open storage may be permitted for a period of no more than 1 month for display or promotional purposes.

**13.1.15 Refuse and recycling enclosures**

Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located in the side or rear yards; and

- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

#### **13.1.16 Parking and Loading**

In accordance with the provisions of Section 6.

#### **13.1.17 Regulations for Vehicle Service and Fuelling Station Uses**

In addition to the other regulations of this section, the following regulations apply to a vehicle service or fuelling station use in the SC Zone:

- i) **Lot Frontage:**

38 m (125 ft.) minimum, in addition to the lot frontage requirement in Section 13.1.6. However, where access to the service or fuelling station use is provided only from within the shopping centre and not directly from the street, the aforesaid lot frontage of 38 m (125 ft) shall be included as part of the required lot frontage in Section 13.1.6.

- ii) **Lot Area:**

870 m<sup>2</sup> (9,400 ft.<sup>2</sup>) minimum. Such lot area is to be in addition to the requirements of Section 13.1.5.

- iii) **Pump Locations:**

Notwithstanding any other provisions of this By-law, a pump island and a canopy over such island may be located within any front yard or exterior side yard provided:

- a) the minimum distance between any portion of the pump island and any street line shall be 6 m (20 ft.);
- b) where the lot is a corner lot, no portion of any pump island shall be located closer than 3 m (10 ft.) to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being a distance of 15 m (50 ft.) from the intersection of such lines.

- iv) **Building Height:**

1 storey maximum.

#### **13.1.18 Regulations for Free-Standing Uses**

In addition to the other regulations of this section, the following regulations apply to free standing uses permitted by Section 13.1.2, other than vehicle service and fuelling station uses, in the SC Zone:

- i) **Lot Frontage:**

38 m (125 ft.) minimum, in addition to the lot frontage requirements in Section 13.1.6. However, where access to the service or fuelling station use is provided only from within the shopping centre and not directly from the street, the aforesaid lot frontage of 38 m (125 ft.) shall be included as part of the required lot frontage in Section 13.1.6.

- ii) **Lot Area:**

870 m<sup>2</sup> (9,400 sq.ft). Such lot area is to be in addition to the requirements of Section 13.1.5.

- iii) **Building Height:**

2 storeys maximum.

### **13.1.19 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building, with the exception of garbage and refuse enclosures and buildings; structures used for vehicle fuel service and fuelling station; and free standing uses; shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 5% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 25% of the lot area;
- iv) meet all other yard requirements of the SC Zone;
- v) be located a minimum of 3 m (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 2 storeys in height.

### **13.1.20 Setback from Environmental Constraint Zone**

Where any SC Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the SC Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

### **13.1.21 Property Abutting Railway Mainline**

Where any (SC) zone abuts a railway main line:

- i) new (SC) buildings and new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### **13.1.21 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (SC) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/ redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/ redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

## **13.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 13.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 13.2:

### **13.2.1 Shopping Centre Commercial Exception 1 (SC-1) -1025 and 1035 Elgin St. West (CTC and Zellers)**

#### **13.2.1.1 Defined Area**

SC-1 as shown on Schedule "A", Map 8 to this By-law.

#### **13.2.1.2 Permitted Uses**

The uses permitted in Section 13.1.1 and 13.1.2

#### **13.2.1.3 Permitted Buildings and Structures**

The buildings and structures existing at the date of adoption of this By-law plus any expansion of the existing Zellers store (1035 Elgin Street West) and of the existing Canadian Tire Store/Jumbo Video Store (1025 Elgin Street West) within the 'Building Area' (as shown on Schedule 'B-7' to this By-law) shall be permitted for the Permitted Uses in Section 13.1.1. and 13.1.2

#### **13.2.1.4 Regulations for Uses Permitted in the SC-1 Zone**

The regulations of Section 13.1 shall apply to uses in the SC-1 Zone, with the exception that:

##### **i) Building Location:**

In accordance with the provisions of Schedule 'B-7';

##### **ii) Landscaped Open Space:**

In accordance with the provisions of Schedule 'B-7'. Notwithstanding Schedule 'B-7', a 0 m landscape strip is permitted on the southerly side (running east and west);

iii) **Driveway Locations:**

Only three driveway entrances/exits will be permitted from Elgin Street West (County Road 2) for property zoned (SC-1), (SC-2) and (SC-3) in accordance with Schedule B-7;

iv) **Parking Requirements:**

Notwithstanding Parking Regulations of Section 6, for property zoned (SC-1), (SC-2) and (SC-3):(i) each parking space shall have a minimum area of 15.05 m<sup>2</sup> (162 ft<sup>2</sup>); and (ii) a reduction of 333 parking spaces from the total minimum parking requirement for (SC-1), (SC-2) and (SC-3).

v) **Interior Side Yard:**

In accordance with the provisions of Schedule 'B-7.

vi) **Lot Coverage:**

Total lot coverage of 35% is permitted;

vii) **Lot Area:**

The minimum lot area shall be 1.3 ha. (3.3 acres);

viii) **Gas Bar:**

One free-standing gas bar is permitted on property zoned (SC-1) with a maximum 700 m<sup>2</sup> (7,500 ft<sup>2</sup>) building envelope;

ix) **Free-standing building**

one free-standing building is permitted in the parking lot area of property zoned (SC-1) and shall contain only one single storey restaurant unit with a minimum unit area of 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) and a maximum unit area of 700 m<sup>2</sup> (7,500 ft<sup>2</sup>) or one single storey retail unit with a minimum unit area of 700 m<sup>2</sup> (7,500 ft<sup>2</sup>) and a maximum unit area of 930 m<sup>2</sup> (10,000 ft<sup>2</sup>).

**13.2.2 Shopping Centre Commercial Exception Two (SC-2) zone - Northumberland Mall, Centre Portion, East Half of 1111 Elgin Street West**

**13.2.2.1 Defined Area**

SC-2 as shown on Schedule "A", Map 2 to this By-law.

**13.2.2.2 Permitted Uses**

The uses permitted in Section 13.1.1 and 13.1.2 plus the following additional use:

- an arcade use.

**13.2.2.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 13.1.3.

**13.2.2.4 Regulations for Uses Permitted in the SC-2 Zone**

The lands in the SC-2 zone shall be subject to all the regulations of Section 13.1 and the following special provisions:

i) **Building Location:**

In accordance with the provisions of Schedule 'B-9';

ii) **Landscaped Open Space:**

In accordance with the provisions of Schedule 'B-9'. Notwithstanding Schedule 'B-9': (i) a 0 m landscape strip is permitted on the northerly boundary with landscaping for the north end of the property provided on the abutting County of Northumberland property; and (ii) a 0 m landscape strip is permitted on the southern boundary line and replaced with a fence and tree planting; and (iii) a 0 m landscape strip is permitted along the easterly boundary line (running north and south);

iii) **Driveway Locations:**

Only three driveway entrances/exits will be permitted from County Road 2 for property zoned (SC-1), (SC-2) and (SC-3). In accordance with the provisions of Schedule 'B-9'.

iv) **Parking Requirements:**

Notwithstanding Parking Regulations of Section 6, for property zoned (SC-1), (SC-2) and (SC-3):  
  
(i) each parking space shall have a minimum area of 15.05 m<sup>2</sup> (162 ft<sup>2</sup>); and (ii) a reduction of 333 parking spaces from the total minimum parking requirement for (SC-1), (SC-2) and (SC-3).

v) **Driveway Widths:**

Maximum driveway width of 15 m (50 ft) on Elgin Street West;

vi) **Interior Side Yard:**

A 0 m minimum interior side yard is permitted; and

vii) **Lot Coverage:**

Total lot coverage of 35% maximum;

viii) **Freestanding building:**

one free-standing building is permitted in the parking lot area of property zoned (SC-2) and shall contain only one single storey restaurant unit with a minimum unit area of 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) and a maximum unit area of 700 m<sup>2</sup> (7,500 ft<sup>2</sup>) or one single storey retail unit with a minimum unit area of 700 m<sup>2</sup> (7,500 ft<sup>2</sup>) and a maximum unit area of 930 m<sup>2</sup> (10,000 ft<sup>2</sup>).

**13.2.3 Shopping Centre Commercial Exception 3 (SC-3)zone- Northumberland Mall, west end, West Half of 1111 Elgin Street West**

**13.2.3.1 Defined Area**

SC-3 as shown on Schedule "A", Map 8 to this By-law.

**13.2.3.2 Permitted Uses**

The uses permitted in Section 13.1.1. and 13.1.2

**13.2.3.3 Permitted Building and Structures**

The buildings and structures permitted in Section 13.1.3.

### 13.2.3.4 Regulations for Uses Permitted in the SC-3 Zone

The lands in the SC-3 zone shall be subject to all the regulations of Section 13.1 and the following special provisions:

i) **Building Location:**

In accordance with the provisions of Schedule 'B-10';

ii) **Landscaped Open Space:**

In accordance with the provisions of Schedule 'B-10'. Notwithstanding Schedule 'B-10': (i) a 0 m landscape strip is permitted along the westerly boundary line adjacent Rogers Road; (ii) a 0 m landscape strip is permitted on the northerly boundary with landscaping for the north end of the Property provided on the abutting County of Northumberland property; and (iii) a 0 m landscape strip is permitted on the southern boundary line and replaced with a fence and tree planting;

iii) **Driveway Locations:**

Only three driveway entrances/exits will be permitted from County Road 2 for property zoned (SC-1), (SC-2) and (SC-3). In accordance with the provisions of Schedule 'B-10';

iv) **Parking Requirements:**

Notwithstanding Parking Regulations of Section 6, for property zoned (SC-1), (SC-2) and (SC-3):

(i) each parking space shall have a minimum area of 15.05 m<sup>2</sup> (162 ft<sup>2</sup>); and (ii) a reduction of 333 parking spaces from the total minimum parking requirement for (SC-1), (SC-2) and (SC-3).

v) **Building Area:**

the building envelope shown on 'B-10' may expand from 79.25 m depth to 128 m depth;

vi) **Driveway Width:**

maximum driveway width of 10.7 m (35 ft) on Roger's Road;

vii) **Interior Side Yard:**

A 0 m minimum interior side yard is permitted;

viii) **Lot Coverage:**

Total lot coverage of 35% maximum; and

ix) **Freestanding building:**

one free-standing building is permitted in the parking lot area of property zoned (SC-3) and shall contain only one single storey restaurant unit with a minimum unit area of 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) and a maximum unit area of 700 m<sup>2</sup> (7,500 ft<sup>2</sup>) or one single storey retail unit with a minimum unit area of 700 m<sup>2</sup> (7,500 ft<sup>2</sup>) and a maximum unit area of 930 m<sup>2</sup> (10,000 ft<sup>2</sup>).

### 13.2.4 Shopping Centre Commercial Exception 4 (SC-4) - Shopping Plaza: 975, 995, 1005, 1011 William St.

#### 13.2.4.1 Defined Area

SC-4 as shown on Schedule 'A', Map 8 to this By-law.



#### 13.2.4.2 Permitted Uses

The uses permitted in section 13.1.1 and 13.1.2

#### 13.2.4.3 Permitted Buildings and Structures

The buildings and structures permitted in Section 13.1.3.

#### 13.2.4.4 Regulations for Uses Permitted in the SC-4 Zone

The lands in the SC-4 Zone shall be subject to all the regulations of Section 13.1 and the following special provision:

maximum driveway width shall be 10.6 m (35 ft.).

#### 13.2.5 Shopping Centre Commercial Exception 5 (SC-5) zone - Shopping Node Area: West of Strathy Road, South of De Palma Drive, North of Elgin St. West

##### 13.2.5.1 Defined Area

SC-5 as shown on Schedule A, Map 15 to this By-law.

##### 13.2.5.2 Permitted Uses

The uses permitted shall be limited to:

- i) one department store;
- ii) one supermarket;
- iii) eating establishments;
- iv) personal service uses;
- v) institutional uses;
- vi) industrial uses in enclosed buildings;
- vii) parks and recreation uses;
- viii) wholesale uses;
- ix) research and development uses;
- x) hotel and motel uses;
- xi) convention uses;
- xii) banquet uses;
- xiii) education and training uses;
- xiv) data processing uses;
- xv) accessory uses, including outside storage; and
- xvi) retail commercial use.

##### 13.2.5.3 Permitted Buildings and Structures

The buildings and structures permitted in Section 13.1.3.

##### 13.2.5.4 Regulations for Uses Permitted in the SC-5 Zone

Notwithstanding the provisions of Section 13.1, the lands in the SC-5 zone shall be subject to the following regulations:

- i) **Maximum Department Store Gross Floor Area: Department Store:** 9,300 m<sup>2</sup> (100,107 ft<sup>2</sup>) gross floor area max.

- ii) **Maximum Supermarket Gross Floor Area: Supermarket:** 7,432 m<sup>2</sup> (80,000 ft<sup>2</sup>) gross floor area max., plus up to 1,059 m<sup>2</sup> (11,400 ft<sup>2</sup>) gross floor area for second floor mezzanine uses restricted to non-retail accessory uses including office and other similar administrative functions, meeting rooms, and photo finishing lab.
  
- iii) **Minimum Gross Floor Area:**
  - a) Department Store and Supermarket: 1393 m<sup>2</sup> (14,995 ft<sup>2</sup>) gross floor area minimum;
  
  - b) Retail Commercial Store (excluding a Department store or Supermarket) 697 m<sup>2</sup> (7,500 ft<sup>2</sup>) gross floor area minimum in the SC-5 and SC-6 zones with the following exceptions in the SC-5 and SC-6 zones only:
    - a) 3 units of between 372 and 697 m<sup>2</sup> (4,000 ft<sup>2</sup> and 7,500 ft<sup>2</sup>); and
  
    - b) 2 units less than 372 m<sup>2</sup> (4,000 ft<sup>2</sup>); or 1 unit between 465 m<sup>2</sup> and 697m<sup>2</sup> (5,000 and 7,500 ft<sup>2</sup>).
  
- iv) **Total Maximum Gross Floor Area for the SC-5 and SC-6 zones:**

The Total Maximum Gross Floor Area used for any combination of the following uses shall be 26,012 m<sup>2</sup> (280,000 ft<sup>2</sup>) in the SC-5 and SC-6:

  - a) one department store (prohibited in the SC-6 zone);
  - b) one supermarket, excluding mezzanine uses (prohibited in the SC-6 zone);
  - c) eating establishments;
  - d) personal service uses; and
  - e) retail commercial uses.
  
- v) **Total Maximum Gross Floor Area of Retail Commercial (excluding department store or supermarket) in the (SC-5) and (SC-6) zones:**

8,026 m<sup>2</sup> (86,400 ft<sup>2</sup>).
  
- vi) **Total Maximum Gross Floor Area of Personal Service and Eating Establishments in the (SC-5) and (SC-6) zones:**

3,716 m<sup>2</sup> (40,000 ft<sup>2</sup>).
  
- vii) **Total Maximum Gross Floor Area of Retail Commercial (excluding department store or supermarket), Personal Service and Eating Establishments in the SC-5 and SC-6 zones:**

9,290 m<sup>2</sup> (100,000 ft<sup>2</sup>).
  
- viii) **Lot Area:**

Lot area shall be deemed to be the area within the SC-5 zone
  
- ix) **Lot Frontage:**

60 m (200 ft.) minimum.
  
- x) **FSI:**

Notwithstanding the provision in subsection (v) above, the minimum FSI for each lot shall be 0.20.

- xi) **Yards:**
- |  |                        |
|--|------------------------|
| Front and Side yards                                       | 0 m (0 ft.) minimum    |
| Yards abutting West and South Lot lines of the (SC-5) zone | 9 m (29.5 ft.) minimum |
- xii) **Minimum Landscaped Area adjoining Strathy Road and De Palma Drive:**
- A landscaping area having a minimum width of 4.5 m (14.7 ft.) is required parallel and adjoining any street line of Strathy Road, excluding the area of any driveway or building, and a minimum width of 4.5 m (14.7 ft.) is required parallel and adjoining any street line of De Palma Drive, excluding the area of any driveway or building.
- xiii) **Landscaped Open Space, including landscaped area along Strathy Road and De Palma Drive:**
- Minimum 15% of lot area, and may include pedestrian walkways through parking area.
- xiv) **Building Height:**
- 4 storeys maximum.
- xv) **Open Storage:**
- In accordance with the provisions of Section 13.1.14 and the definition of outside storage in Section 3 provided that outside storage shall include a garden centre which is not wholly enclosed.
- xvi) **Parking and Loading:**
- In accordance with the provisions of Section 6.
- xvii) **Regulations for Accessory Buildings and Structures:**
- In accordance with the provisions of Section 13.1.18.
- xviii) **Restricted Use Area:**
- The following areas in the SC-5 Zone shall be used for no other purpose other than building area (which may include service areas, driveways and parking facilities directly associated with the subject building) or landscaped open space:
- Building Area:**

The lands within an area which forms a square extending a minimum length of 30 m (98.5 ft.) measured along the street lines from the point of intersection of Strathy Road and De Palma Drive. Where the two street lines do not intersect at a point, the point of intersection shall be deemed to be the intersection of the projections of the street lines;
  - Landscaped Open Space:**

The lands within an area which forms a triangle extending a minimum length of 30 m (98.5 ft.) measured along the street lines from the intersection of Strathy Road and De Palma Drive. Where the two street lines do not intersect at a point, the point of intersection shall be deemed to be the intersection of the projections of the streetlines; and
  - Additional lands with a total minimum area of 650 m<sup>2</sup> (7,000 ft<sup>2</sup>) abutting the west street line of Strathy Road provided that such lands may be located in two separate parcels separated by a driveway provided that the driveway shall not be included in the calculation of total minimum area.**

xix) **Pedestrian Walkways**

- a) One pedestrian walkway of a minimum width of 2.0 m (6.5 ft.) shall be provided across the parking area from the street line of Strathy Road to the main entrance of any department store.
- b) One pedestrian walkway of a minimum width of 2.0 m (6.5 ft) shall be provided across the parking area from the street line of Strathy Road to the main entrance of any supermarket.

**13.2.6 Shopping Centre Commercial Exception 6 (SC-6) zone - Shopping Node Area: East of Strathy Road, South of De Palma Drive, North of Elgin St. West**

**13.2.6.1 Defined Area**

SC-6 as shown on Schedule A, Map 15 to this By-law.

**3.2.6.2 Permitted Uses**

The uses permitted shall be limited to:

- i) retail commercial uses, except for a department store and a supermarket which are prohibited;
- ii) eating establishments;
- iii) personal service uses;
- iv) institutional uses;
- v) industrial uses in enclosed buildings;
- vi) parks and recreation uses;
- vii) wholesale uses;
- viii) research and development uses;
- ix) hotel and motel uses;
- x) convention uses;
- xi) banquet uses;
- xii) education and training uses;
- xiii) data processing uses; and
- xiv) accessory uses, including outside storage.

**13.2.6.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 13.1.3, but only for those uses permitted in Section 13.2.6.2.

**13.2.6.4 Regulations for Uses Permitted in the SC-6 zone**

Notwithstanding the provisions of Section 13.1, the lands in the SC-6 zone shall be subject to the following regulations:

i) **Minimum Gross Floor Area in the SC-5 and SC-6 zones:**

Retail Commercial: 697 m<sup>2</sup> (7,500 ft<sup>2</sup>) gross floor area minimum in the SC-5 and SC-6 zones, with the following exceptions only:

-3 units of between 372 m<sup>2</sup> and 697 m<sup>2</sup> (4,000 and 7,500 ft<sup>2</sup>): and

-2 units less than 372 m<sup>2</sup> (4,000 ft<sup>2</sup>): or, 1 unit between 465 m<sup>2</sup> and 697 m<sup>2</sup> (5,000 and 7,500 ft<sup>2</sup>)

ii) **Total Maximum Gross Floor Area for the (SC-5) and (SC-6) zones:**

Total Maximum Gross Floor Area used for any combination of the following uses shall be 26,012 m<sup>2</sup> (280,000 ft<sup>2</sup>) in the (SC-5) and (SC-6) zones:

- i) one department store (prohibited in the SC-6 zone);
- ii) one supermarket, excluding mezzanine uses (prohibited in the SC-6 zone);

- iii) eating establishments;  
iv) personal service uses; and  
v) retail commercial uses.
- iii) **Total Maximum Gross Floor Area of Retail Commercial (excluding department store or supermarket) in the SC-5 and SC-6 zones:**  
  
8,026 m<sup>2</sup> (86,400 ft<sup>2</sup>).
- iv) **Total Maximum Gross Floor Area of Personal Service and Eating Establishments in the SC-5 and SC-6 zones:**  
  
3716 m<sup>2</sup> (40,000 ft<sup>2</sup>).
- v) **Total Maximum Gross Floor Area of Retail Commercial (excluding department store or supermarket), Personal Service and Eating Establishments in the SC-5 and SC-6 zones:**  
  
9,290 m<sup>2</sup> (100,000 ft<sup>2</sup>).
- vi) **Lot Area:**  
  
Lot area shall be deemed to be the area within the SC-6 zone. Notwithstanding any other provisions of this By-law, the lands zoned SC-6 shall be treated as one lot for the purpose of interpreting the zoning by-law.
- vii) **Lot Frontage:**  
  
40 m (131 ft.) minimum.
- viii) **FSI**  
  
0.25 minimum.
- ix) **Yards:**  
  
0 m (0 ft) minimum
- x) **Minimum Landscaped Area adjoining Strathy Road and De Palma Drive:**  
  
A landscaped open space area having a minimum width of 4.5 m (14.7 ft.) is required parallel and adjoining any street line of Strathy Road and DePalma Drive, excluding the area of any driveway.
- xi) **Landscaped Open Space, including landscaped area along Strathy Road and DePalma Dr.:**  
  
Minimum 15% of lot area, and may include pedestrian walkways through parking area.
- xii) **Building Height:**  
  
4 storeys maximum.
- xiii) **Open Storage:**  
  
In accordance with the provisions of Section 13.1.14 and the definition of Outside Storage in Section 3 provided that outside storage shall include a garden centre which is not wholly enclosed.
- xiv) **Parking and Loading:**  
  
In accordance with the provisions of Section 6.

xv) **Regulations for Accessory Buildings and Structures:**

In accordance with the provisions of Section 13.1.18

xvi) **Restricted Use Area:**

The following areas in the (SC-6) zone shall be used for no other purpose other than building area (which may include service areas, driveways and parking facilities directly associated with the subject building) or landscaped open space:

a) **Building Area:**

The lands within an area which forms a square with sides of a minimum length of 30 m (98.5 ft) each measured along the street lines from the point of intersection of Strathy Road and De Palma Drive. Where the two street lines do not intersect at a point, the point of intersection shall be deemed to be the intersection of the projections of the street lines; and

b) **Landscaped Open Space:**

The lands within an area which forms a triangle extending a minimum length of 30 m (98.5 ft) measured along the street lines from the intersection of Strathy Road and De Palma Drive. Where the two lines do not intersect at a point, the point of intersection shall be deemed to be the intersection of the projections of the street lines; and

c) **Additional lands with a total minimum area of 278 m<sup>2</sup> (3,000 ft<sup>2</sup>) abutting the south street line of DePalma Drive, which may be separated by a driveway provided that the driveway shall not be included in the calculation of total minimum area.**

xvii) **Pedestrian Walkways:**

Where a building is separated from Strathy Road or De Palma Drive by a parking area, one pedestrian walkway of a minimum width of 2.0 m (6.5 ft.) shall be provided directly across the parking area from the street line of Strathy Road or De Palma Drive to such building.

**13.2.7 Shopping Centre Commercial Exception 7 (SC-7) zone - Shopping Node Area: East and West of Strathy Road, South of (SC-5) and (SC-6) zones, North of Elgin St. West**

**13.2.7.1 Defined Area**

SC-7 as shown on Schedule A, Map 15 to this By-law.

**13.2.7.2 Permitted Uses**

The uses permitted shall be limited to:

- i) retail commercial uses, except for a department store and a supermarket which are prohibited;
- ii) restaurant uses;
- iii) personal service uses;
- iv) institutional uses;
- v) industrial uses in enclosed buildings;
- vi) parks and recreation uses;
- vii) wholesale uses;
- viii) research and development uses;
- ix) hotel and motel uses;
- x) convention uses;
- xi) banquet uses;

- xii) education and training uses;
- xiii) data processing uses;
- xiv) clinic uses; and
- xv) accessory uses, including outside storage.

### 13.2.7.3 Permitted Buildings and Structures

The buildings and structures permitted in Section 13.1.3

### 13.2.7.4 Regulations for Uses Permitted in the (SC-7) zone

Notwithstanding the provisions of Section 13.1, the lands in the SC-7 zone shall be subject to the following regulations:

i) **Lot Area**

740 m<sup>2</sup> (7,965 ft<sup>2</sup>) minimum.

ii) **Lot Frontage**

40 m (131 ft.) minimum

iii) **FSI**

The FSI existing as of October 30, 2000 or 0.25 minimum.

iv) **Yards**

0 m (0 ft.) minimum

v) **Minimum Landscaped Area Adjoining Strathy Road and Elgin St. W.**

The landscaped area existing as of October 30, 2000 or a landscaping area having a minimum width of 4.5 m (14.8 ft.) parallel and adjoining any street line of Strathy Road and 6.0 m (19.6 ft.) parallel and adjoining any street line of Elgin St. W., excluding the area of any driveway or building.

vi) **Landscaped Open Space, including landscaped area along Strathy Road and Elgin St. W.**

The landscaped open space existing as of October 30, 2000 or a minimum 15% of lot area, which may include pedestrian walkways through parking area.

vii) **Building Height:**

4 storeys maximum

viii) **Open Storage:**

In accordance with the provisions of Section 13.1. and the definition of Outside Storage in Section 3. provided that Outside Storage shall include a garden centre which is not wholly enclosed.

ix) **Parking and Loading:**

In accordance with the provisions of Section 6.

x) **Regulations for Accessory Buildings and Structures:**

In accordance with the provisions of Section 13.1.18.

**13.2.8 Shopping Centre Commercial Exception 8 (SC-8) zone - 20 Strathy Road**

**13.2.8.1 Defined Area**

SC-8 as shown on Schedule A, Map 15 to this By-law.

**13.2.8.2 Permitted Uses**

The uses permitted in Section 13.2.7.2, plus the following additional uses:

- i) office uses;
- ii) vehicle-related uses, but excluding vehicle fuelling and body repair;
- iii) private and commercial club uses;
- iv) merchandise service uses; and
- v) public uses in accordance with Section 5.3.2

**13.2.8.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 13.2.7.3.

**13.2.8.4 Regulations for Uses Permitted in the SC-8 zone**

The regulations of Section 13.2.7.4 shall apply to the uses permitted in the (SC-8) zone.

**13.2.9 Shopping Centre Commercial Exception Nine (SC-9) Zone - 975-985 Elgin Street West**

**13.2.9.1 Defined Area**

(SC-9) as shown on Schedule 'A', Map 1B to this By-law.

**13.2.9.2 Permitted Uses**

The uses permitted in the SC-9 Zone shall be limited to:

- i) retail commercial uses;
- ii) eating establishment uses;
- iii) office uses;
- iv) clinic uses;
- v) personal service uses;
- vi) institutional uses;
- vii) wholesale uses;
- viii) education and training uses;
- ix) data processing uses;
- x) accessory uses, including automated bank machines.

**13.2.9.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 13.1.2.

**13.2.9.4 Regulations for Uses Permitted in the SC- 9 Zone**

Notwithstanding the Regulations of Section 13.1, the lands in the SC-9 Zone shall be subject to the following regulations:

**i) Lot Area**

0.4 hectares (1.0 acre) minimum



- ii) **Lot Frontage**  
110 m (360 ft) minimum
- iii) **Yards**  
0.0 m (0 ft.) minimum;  
15.0 m (50 ft) maximum.
- iv) **Minimum Landscaped Area Adjoining Elgin Street West**  
The landscaped area existing as of September 25, 2002 or a landscaped area having a minimum width of 6.0 m (26 ft) is required parallel and adjoining Elgin Street West, excluding the area of any building or driveway.
- v) **Landscaped Open Space**  
15% minimum
- vi) **Building Height**  
4 storeys maximum
- vii) **Open Storage**  
In accordance with the provisions of Section 13.1.13.
- viii) **Parking and Loading**  
In accordance with the provisions of Section 6, with the exception that no parking space shall be located within 8.0 m of the east lot line.
- ix) **Regulations for Accessory Buildings and Structures**  
In accordance with the provisions of Section 6.
- x) **Restricted Use Area**  
The following areas in the SC-9 Zone shall be used for no other purpose other than building area and/or landscaped open space:
  - a) **Building Area**  
The lands at the north-east corner of the SC-9 Zone;  
  
The lands at the north-west corner of the SC-9 Zone, provided that such area may be separated by a driveway.  
  
The Building Area provisions may be implemented in phases subject to the requirements of the Municipality's Site Plan Control By-law.
  - b) **Landscaped Open Space**  
Where no building is proposed in the applicable Building Area, the following applies:  
  
The lands at the north-west corner of the SC-9 Zone having a minimum area of 700 sq m (7,500 sq ft) shall be used as landscaped open space; and

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The lands at the north-west corner of the SC-9 Zone having a minimum area of 370 sq m (4,000 sq ft) shall be used as landscaped open space, provided that such area may be separated by a driveway.

xi) **Total Maximum Gross Floor Area in the SC-9 Zone**

1,395 sq m (15,000 sq ft).

## **SECTION 14: DISTRICT COMMERCIAL (DC) ZONE REGULATIONS**

### **14.1 GENERAL USE REGULATIONS**

#### **14.1.1 Permitted Uses**

- i) auction centre use;
- ii) bakery retail outlet;
- iii) building supply use;
- iv) call centre;
- v) clinic use;
- vi) communications production use including radio and television studios;
- vii) conference centre;
- viii) convenience commercial;
- ix) driving school use;
- x) dry cleaning distribution establishment;
- xi) eating establishment, including banquet hall facilities;
- xii) education and training use;
- xiii) equipment rental use;
- xiv) fresh fruit, vegetable and flower sales use;
- xv) institutional use;
- xvi) light industrial within an enclosed building;
- xvii) motel or hotel use;
- xviii) nursery or garden centre use;
- xix) office use;
- xx) personal service use;
- xxi) place of entertainment use;
- xxii) private and commercial club use;
- xxiii) public use in accordance with the provisions of Section 5.3.2;
- xxiv) residential use as a secondary use in a commercial building;
- xxv) taxi establishment use;
- xxvi) undertaker's establishment use;
- xxvii) vehicle service station use;
- xxviii) vehicle fuelling station use;
- xxix) vehicle sales use;
- xxx) vehicle rental use;
- xxxi) vehicular service and supply use, including specialty repair facilities, but excluding vehicle body repair facilities;
- xxxii) vehicle wash;
- xxxiii) veterinary clinic use and domestic animal grooming use;
- xxxiv) wellness centre use.

#### **14.1.2 Permitted Accessory Uses**

- i) accessory uses to the Permitted Uses under Section 14.1.1;
- ii) open storage;
- iii) wholesale use;
- iv) service and repair use;
- v) automatic banking units.

**14.1.3 Prohibited Uses**

- i) department store use;
- ii) supermarket or bulk food use;
- iii) retail commercial use, other than those identified in Section 14.1.1 and 14.1.2;

**14.1.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) dwelling units which form part of a commercial building located above the commercial component;
- iii) accessory buildings and structures for the permitted uses.

**14.1.5 Lot Area**

740 m<sup>2</sup> (7,965 ft.<sup>2</sup>) minimum.

**14.1.6 Lot Frontage**

25 m (80 ft.) minimum.

**14.1.7 Lot Coverage**

30% maximum.

**14.1.8 Front Yard**

3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.

**14.1.9 Rear Yard**

7.5 m (25 ft.) minimum.

**14.1.10 Interior Side Yard**

No interior side yard is required for a building provided access is available to the rear yard or the lot line does not abut a Residential or Development Zone. Where no access is available to the rear yard, a side yard of 4.5 m (15 ft.) minimum shall be required on one side of the lot. Where the lot line abuts a Residential or Development Zone, a minimum 6 m (20 ft.) Interior side yard shall be required.

**14.1.11 Exterior Side Yard**

3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.

**14.1.12 Landscaped Open Space**

Minimum 15% of the lot, including any area not used for buildings, structures or parking areas. A landscaped open space area of 3 m (10 ft.) in width along the interior side and/or rear lot lines shall be included where such lot lines abut a Residential or Development Zone. A minimum 3 m (10 ft.) landscape strip shall be required in the front yard.

**14.1.13 Building Height**

4 storeys maximum.

**14.1.14 Maximum floor space index**

1.0 times

#### 14.1.15 Open Storage

Open storage of goods and materials shall be permitted provided that:

- i) any storage area shall be setback a minimum of 7.5 m (25 ft.) from any Residential or Development Zone which abuts the DC Zone; and,
- ii) the storage area is enclosed by a stone or masonry wall, solid wood or closed chain link fence, and such wall or fence shall be a minimum of 1.8 m (6 ft.) in height; and
- iii) the storage area has a maximum lot coverage of 15%.

Notwithstanding the above requirements, temporary open storage may be permitted for a period of no more than 1 month for display or promotional purposes.

#### 14.1.16 Refuse and recycling enclosures

Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located only in the side or rear yards; and
- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

#### 14.1.16 Regulations for Vehicle Service Station and Fuelling Station Uses

Notwithstanding the regulations of Sections 14.1.3 to 14.1.15, vehicle service and fuelling stations shall meet the following special regulations:

- i) **Lot Frontage:**  
38 m (125 ft.) minimum.
- ii) **Lot Depth:**  
38 m (125 ft.) minimum.
- iii) **Lot Coverage:**  
20% maximum.
- iv) **Front Yard:**  
3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.
- v) **Rear Yard:**  
7.5 m (25 ft.) minimum.
- vi) **Interior Side Yard:**  
7.5 m (25 ft.) minimum.
- vii) **Exterior Side Yard:**  
3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.

viii) **Landscaped Open Space:**

Minimum 10% of the lot, but shall include any area not used for buildings, structures or parking areas, and shall include an area 3 m (10 ft.) in width along the interior side and/or rear lot lines where such lot lines abut a Residential or Development Zone.

ix) **Building Height:**

2 storeys maximum.

x) **Parking and Loading:**

In accordance with the provisions of Section 6.

xi) **Pump Location:**

Notwithstanding any other provisions of this By-law, a pump island and a canopy over such island may be located within any required front yard or exterior side yard provided:

- the minimum distance between any portion of the pump island and a non-cantilevered canopy and any street line shall be 6 m (20 ft.);
- the minimum distance between a cantilevered canopy and any street line shall be 3 m (10 ft.);
- where the lot is a corner lot, no portion of any pump island shall be located closer than 3 m (10 ft.) to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being a distance of 15 m (50 ft.) from the intersection of such lines.

**14.1.17 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 5% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 30% of the lot area;
- iv) meet all other yard requirements of the DC zone;
- v) be located a minimum of 3 m (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 2 storeys in height.

**14.1.18 Regulations for Developments which Incorporate Residential Uses**

In addition to the other regulations of this section the following requirements apply where a mixed use development incorporates residential uses:

i) **Side Yard:**

A measurement the equivalent of one-half the average height of the building where the external wall which parallels or is adjacent to the side lot line contains the window of a habitable room.

ii) **Floor Area Per Dwelling Unit:**

<b>Type of Dwelling Unit</b>	<b>Minimum Floor Area</b>
Bachelor Unit	28 m <sup>2</sup> (300 ft. <sup>2</sup> )
One Bedroom Unit	42 m <sup>2</sup> (450 ft. <sup>2</sup> )
Two Bedroom Unit	56 m <sup>2</sup> (600 ft. <sup>2</sup> )
Three Bedroom Unit	70 m <sup>2</sup> (750 ft. <sup>2</sup> )
Each Additional Bedroom	10 m <sup>2</sup> (107 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Bachelor Unit	27 m <sup>2</sup> (290 ft. <sup>2</sup> )
Dwelling, Senior Citizen - One Bedroom Unit	40 m <sup>2</sup> (430 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Two Bedroom Unit	48 m <sup>2</sup> (516 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Three Bedroom Unit	62 m <sup>2</sup> (667 ft. <sup>2</sup> )

iii) **Amenity Space per Dwelling Unit:**

<b>Type of Dwelling Unit</b>	<b>Minimum Floor Area</b>
Bachelor Unit	5 m <sup>2</sup> (54 ft. <sup>2</sup> )
One Bedroom Unit	5 m <sup>2</sup> (54 ft. <sup>2</sup> )
Each Additional Bedroom	5 m <sup>2</sup> (54 ft. <sup>2</sup> )

**14.1.19 Setback from Environmental Constraint Zone**

Where any DC Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the DC Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

**14.1.20 Property Abutting Railway Mainline**

Where any (DC) zone abuts a railway main line:

- i) new (DC) buildings and new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and

- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **14.1.21 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (DC) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

### **14.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 14.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 14.2.

#### **14.2.1 District Commercial Exception 1 (DC-1) zone-541 William St.;467 Division St.; 471 Division St.**

##### **14.2.1.1 Defined Area**

DC-1 as shown on Schedule "A", Map 7 to this By-law.

##### **14.2.1.2 Permitted Uses**

In addition to the Permitted Uses of Section 14.1.1 and 14.1.2, the following additional uses are permitted in the (DC-1) zone:

- i) retail commercial use.

##### **14.2.1.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

##### **14.2.1.4 Regulations for the Uses Permitted in the DC-1 Zone**

Notwithstanding the regulations of Section 14.1, the lands in the DC-1 Zone shall be developed in accordance with the following:

- (i) For lands known municipally as 541 William Street, the subject property will be developed in accordance with Schedule 'B-11'.
- (ii) For lands known municipally as 467 Division Street, the following regulation shall apply:
- (iii) The gross floor area of all buildings shall be limited to a maximum of 560 m<sup>2</sup> (6,000 ft<sup>2</sup>).
- (iv) For lands known municipally as 471 Division Street, the following regulation shall apply:



Parking shall be prohibited in the front yard and the driveway width shall be a minimum of 5.5 m (18ft).

**14.2.2 District Commercial Exception 2 (DC-2) zone - East Side of Division Street-South of Spencer**

**14.2.2.1 Defined Area**

DC-2 as shown on Schedule "A", Map 6 to this By-law.

**14.2.2.2 Permitted Uses**

In addition to the provisions of Section 14.1.1 and 14.1.2, the following uses are also permitted uses in the DC-2 Zone:

- i) antique shop use;
- ii) retail commercial use;
- iii) bed and breakfast establishment use;
- iv) accessory use, with the exception of open storage.

**14.2.2.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

**14.2.2.4 Regulations for the Permitted Uses in the DC-2 Zone**

Notwithstanding the regulations of Section 14.1, no new buildings and structures shall be permitted on the lands in DC-2 Zone, except for accessory buildings and structures in accordance with Section 14.1.17. In addition the following regulations shall apply:

i) **Landscaped Open Space:**

Minimum 15% of the lot.

ii) **Parking:**

In accordance with the provisions of Section 6, except that all parking shall be prohibited in the front yard.

iii) **Front and Rear Yards:**

3 m (10 ft.) minimum.

iv) **Side Yard:**

1 m (3.3 ft.) minimum.

**14.2.3 District Commercial Exception 3 (DC-3) - S/E Corner of Willmott at King E.**

**14.2.3.1 Defined Area**

DC-3 as shown on Schedule "A", Map 4 to this By-law.

**14.2.3.2 Permitted Uses**

In addition to the uses permitted in Section 14.1.1 and 14.1.2., the lands in the DC-3 zone may also be used for the following:

- i) household and office goods retail warehouse use, household and office fixtures retail warehouse and appliance retail warehouse use;

### **14.2.3.3 Prohibited Uses**

- i) department store use;
- ii) supermarket or bulk food use;
- iii) retail commercial use, other than those identified in Section 14.2.3.2.

### **14.2.3.4 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

### **14.2.3.5 Regulations for Uses Permitted in the DC-3 Zone**

The regulations in Section 14.1 shall apply to those uses permitted in the DC-3 Zone with the exception of the following:

- (i) the minimum lot area shall be 1,858 m<sup>2</sup> (20,000 ft<sup>2</sup>) for any structure other than a shopping complex;
- (ii) the minimum lot area shall be 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) for a shopping complex.

## **14.2.4 District Commercial Exception 4 (DC-4) - 609 William Street**

### **14.2.4.1 Defined Area**

DC-4 and DC-4 (sp 82) as shown on Schedule "A", Map 7, to this By-law.

### **14.2.4.2 Permitted Uses**

The uses permitted in Section 14.1.1, 14.1.2 and the following additional uses:

- i) Retail Warehouse use;
- ii) Laboratory use;
- iii) Wholesale use;
- iv) Workshop use for the production of clothing, furniture, draperies or other goods;
- v) Printing and publishing use;
- vi) Mobile Catering use;
- vii) Office display and storage facility for a utility contractor or specialty trade;

### **14.2.4.3 Prohibited Uses**

Notwithstanding the provisions of Section 14.1.3, the following uses shall be prohibited:

- i) Department store use;
- ii) Supermarket or bulk food;
- iii) Retail commercial use, other than those identified in Sections 14.1.1, 14.1.2 and 14.2.4.2;
- iv) Vehicle service station use;
- v) Vehicle fuelling station use;
- vi) Vehicular service and supply use;
- vii) Vehicle wash use;
- viii) Motel or hotel use.

### **14.2.4.4 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

### **14.2.4.5 Regulation for uses permitted in the DC-4 Zone and DC-4 (sp 82) Zone**

The regulations of Section 14.1 shall apply to those uses permitted in the DC-4 Zone and DC-4 (sp 82) Zone.

## **14.2.5 District Commercial Exception 5 (DC-5) - 801 William Street**

**14.2.5.1 Defined Area**

DC-5 as shown on Schedule A, Map 9 to this By-law.

**14.2.5.2 Permitted Uses**

The uses permitted in Section 14.1.1. and 14.1.2.

**14.2.5.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

**14.2.5.4 Regulations for Uses Permitted in the DC-5 Zone**

The regulations in Section 14.1 shall apply to those uses permitted in the DC-5 Zone with the following special provision:

i) **Exterior Side Yard:**

5.9 m (19 ft.) minimum.

**14.2.6 District Commercial Exception 6 (DC-6) - 1070 Burnham Street and 326 White Street**

**14.2.6.1 Defined Area**

DC-6 as shown on Schedule "A", Map 14 & 6 to this By-law.

**14.2.6.2 Permitted Uses**

The uses permitted in Section 14.1.1. and 14.1.2

**14.2.6.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

**14.2.6.4 Regulations for the Uses Permitted in the DC-6 Zone**

The regulations in Section 14.1 shall apply to those uses permitted in the DC-6 Zone with the following special provision:

i) **Driveway Access:**

Driveway access to the lands zoned DC-6 shall be restricted to White St.

**14.2.7 District Commercial Exception Seven (DC-7) zone - 423 Division Street**

**14.2.7.1 Defined Area**

DC-7 as shown on Schedule "A", Map 7, to this By-law.

**14.2.7.2 Permitted Uses**

The uses permitted in Section 14.1.1 and 14.1.2.

**14.2.7.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

#### **14.2.7.4 Regulations for the Uses Permitted in the DC-7 Zone**

The regulations in Section 14.1 shall apply to the uses permitted in the DC-7 Zone except for the following:

i) **Front Yard:**

1.5 m (5 ft.) minimum;

ii) **Interior Side Yard:**

A side yard of 4.0 m (13 ft.) is required from the south lot line, and a side yard of 7.2 m (24 ft.) is required from the north lot line;

iii) **Landscaped Open Space:**

Minimum 10% of the lot but shall include any area not used for buildings, structures or parking areas, and shall include an area 1 m (3.3 ft.) in width along the interior side and/or rear lot lines where such lot lines abut a Residential or Development Zone.

#### **14.2.8 District Commercial Exception 8 (DC-8) zone - 727-737 William Street**

##### **14.2.8.1 Defined Area**

DC-8 as shown on Schedule "A", Map 9 to this By-law.

##### **14.2.8.2 Permitted Uses**

The uses permitted in Section 14.1.1. and 14.1.2.

##### **14.2.8.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

##### **14.2.8.4 Regulations for the Uses Permitted in the DC-8 Zone**

The regulations in Section 14.1 shall apply to those uses permitted in the DC-8 Zone with the exception that the maximum Gross Floor Area, for office and personal service uses, shall be 232 m<sup>2</sup> (2,500 ft<sup>2</sup>) for each use.

#### **14.2.9 District Commercial Exception 9 (DC-9) Zone – 464 Division Street**

##### **14.2.9.1 Defined Area**

(DC-9) as shown on Schedule `A', Map 6 to this By-law.

##### **14.2.9.2 Permitted Uses**

In addition to the uses permitted under Subsection 14.1.1 and 14.1.2., lands in the (DC-9) zone may also be used for a pharmacy.

##### **14.2.9.3 Permitted Buildings and Structures**

The buildings and structures permitted in Subsection 14.1.4.

##### **14.2.9.4 Regulations for the Permitted Uses in the DC-9 Zone**

The regulations in Subsection 14.1.

#### **14.2.10 District Commercial Exception 10 (DC-10) Zone - 396 William Street**

#### **14.2.10.1 Defined Area**

(DC-10) as shown on Schedule "A" Map 2 to this By-law.

#### **14.2.10.2 Permitted Uses**

The uses permitted under Section 14.1.1. and 14.1.2.

#### **14.2.10.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

#### **14.2.10.4 Regulations for Permitted Uses in DC-10 Zone**

Regulations of Section 14.1 shall apply to the uses permitted in the DC zone except for the following:

i) **Front Yard:**

2.5 m (8.2 ft.) minimum.

#### **14.2.11 District Commercial Exception 11 (DC-11) Zone - 431 Division Street**

##### **14.2.11.1 Defined Area**

(DC-11) as shown on Schedule `A', Map 7 to this By-law.

##### **14.2.11.2 Permitted Uses**

The uses permitted under Section 14.1.1. and 14.1.2.

##### **14.2.11.3 Permitted Buildings and Structures**

Buildings and structures permitted in the (DC-11) zone shall be limited to:

- i) the building existing at the date of passing of this by-law;
- ii) new additions to the existing structure in accordance with the provisions of this By-law and Section 14;
- iii) a 70 m<sup>2</sup> ( 753 ft<sup>2</sup>) detached or attached garage at the rear of the existing building; and
- iv) accessory buildings and structures.

##### **14.2.11.4 Regulations for Permitted Uses in DC-11 Zone**

Regulations of Section 14.1 shall apply to the uses permitted in the DC-11 zone except for the following:

i) **Lot Frontage:**

20 m (65 ft.) minimum

ii) **Front Yard:**

0 m minimum

iii) **Interior Side Yard:**

- a) As established at the date of passing of this By-law for the existing building; **and**
- b) A new detached or attached garage with a minimum side yard setback of 1.2 m (4 ft.); **and**
- c) Section 14.1.10 and Section 14.1.18(i) will apply to any additions or new structures not otherwise regulated herein.

## **14.2.12 District Commercial Exception 12 (DC-12) Zone-116/125/128/135/152 Veronica St.**

### **14.2.12.1 Defined Area**

(DC-12) as shown on Schedule 'A', Map 14 to this By-law.

### **14.2.12.2 Permitted Uses**

The uses permitted in Section 14.1.1 and 14.1.2. and the following additional uses:

- i) retail sale of household and office goods, fixtures and appliances that are warehoused or stored on the premises provided that the building or structure is a minimum of 464 m<sup>2</sup> (5,000 ft<sup>2</sup>) in gross floor area;
- ii) warehouse and storage use;
- iii) wholesale use;
- iv) office, display and storage use for a utility, contractor or specialty trade.

### **14.2.12.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 14.1.4

### **14.2.12.4 Regulations for Permitted Uses in DC-12 Zone**

Regulations of Section 14.1 shall apply to the uses permitted in the (DC-12) zone with the exception of the following special provisions;

(i) **Access:**

No access shall be permitted from the lands zoned (DC-12) to White Street, with the exception of one emergency access.

(ii) **Emergency Access:**

The one permitted emergency access to White St. shall be a maximum width of 4.6 m (15 ft.) at the White St. street line.

(iii) **Landscaped Open Space:**

In addition to the provisions of Section 14.1.12 an area 3 m (10 ft.) in width along the south side of White St. shall be utilized for no other purpose than landscaped open space, except for that portion required for the one permitted emergency access. Such landscaped open space shall include a wooden, closed fence a minimum of 1.5 m (5 ft.) in height located in an east/west direction along the entire open space strip with the exception of the emergency access.

(iv) **Open Storage:**

In addition to the provisions of Section 14.1.15, no storage of heavy equipment or construction materials for a utility, contractor or specialty trade is permitted on lands zoned (DC-13) unless the storage area is entirely within an enclosed building.

## **14.2.13 District Commercial Special Exception 13 (DC-13) Zone - 140 Veronica Street**

### **14.2.13.1 Defined Area**

(DC-13) as shown on Schedule 'A', Map 14 to this By-law.

### **14.2.13.2 Permitted Uses**

The uses permitted under Section 14.1.1., 14.1.2. and the following additional permitted uses:

- i) warehouse and storage use;
- ii) wholesale use;
- iii) office, display and storage use for a utility, contractor or specialty trade.

#### **14.2.13.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 14.1.4.

#### **14.2.13.4 Regulations for Permitted Uses in DC-13 Zone**

Regulations of Section 14.1 shall apply to the uses permitted in the DC-13 zone plus the following:

##### **i) Outside Storage:**

No storage of heavy equipment or construction materials for a utility, contractor or specialty trade is permitted on lands zone (DC-14) unless the storage area is entirely within an enclosed building.

#### **14.2.14 District Commercial Exception 14 (DC-14) Zone - 1060 Burnham Street**

##### **14.2.14.1 Defined Area**

(DC-14) as shown on Schedule 'A', Map 14 to this By-law.

##### **14.2.14.2 Permitted Uses**

The uses permitted under Section 14.1.1. and the following additional permitted uses:

- i) daycare;
- ii) printing, publishing, copying;
- iii) retail commercial;

##### **14.2.14.3 Permitted Buildings and Structures**

Buildings and structures permitted under Section 14.1.4.

##### **14.2.14.4 Regulations for Permitted Uses in DC- 14 Zone**

Regulations of Section 14.1 shall apply to the uses permitted in the (DC-14) zone except for the following:

##### **i) Gross Floor Area (Non-residential)**

- a) Retail Commercial: 140 m<sup>2</sup> (1,505 ft<sup>2</sup>) max.
- b) Clinic: 650 m<sup>2</sup> (7,000 ft<sup>2</sup>) max.
- c) Convenience Commercial: 235 m<sup>2</sup> (2,505 ft<sup>2</sup>) max.

#### **14.2.15 District Commercial Exception 15 (DC-15) Zone - Elgin Street West (formerly Twp. of Hamilton)**

##### **14.2.15.1 Defined Area**

(DC-15) as shown on Schedule "A", Map 8 to this By-law.

##### **14.2.15.2 Permitted Uses**

Those uses permitted under Section 14.1.1 and 14.1.2 and the following additional uses:

- i) retail commercial use;
- ii) an office accessory to a retail commercial use;
- iii) warehouse use;
- iv) service or repair use;
- v) real estate office;

#### **14.2.15.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 14.1.4.

#### **14.2.15.4 Regulations for Permitted Uses in the DC-15 Zone**

Regulations of Section 14.1 shall apply to the uses permitted in the DC-15 Zone.

#### **14.2.15.5 Definitions**

For the purposes of Section 14.2.15 the following definitions shall apply:

- i) **Laundromat** shall mean a building or a part of a building used for the washing, laundering and drying of clothes on a "fee for service basis" but does not include a dry-cleaning establishment;
- ii) **Real Estate Office** shall mean a building or a part of a building used as an office of a licensed real estate broker and agents.

#### **14.2.16 District Commercial Exception 16 (DC-16) - 104 Elgin Street West**

##### **14.2.16.1 Defined Area**

DC-16 as shown on Schedule "A", Map 14 to this By-law.

##### **14.2.16.2 Permitted Uses**

Shall be limited to the following uses:

- i) monument, sign and cornerstone sales;
- ii) monument, sign and cornerstone display;
- iii) secondary use consisting of one single family dwelling.

##### **14.2.16.3 Permitted Buildings and Structures**

- i) Buildings and structures for the permitted uses;
- ii) Accessory buildings and structures for the permitted use.

##### **14.2.16.4 Regulations for the Uses Permitted in the DC-16**

The regulations in Section 14.1 shall apply to the uses permitted in the DC-16 Zone.

#### **14.2.17 District Commercial Exception 17 (DC-17) Zone - 456 Division Street**

##### **14.2.17.1 Defined Area**

(DC-17) as shown on Schedule "A", Map 6 to this By-law.

##### **14.2.17.2 Permitted Uses**

The uses permitted in Section 14.1.1, 14.1.2. and the following additional permitted uses:



- i) a commercial use involving the sales, services and production of trophies and similar merchandise;

#### **14.2.17.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4

#### **14.2.17.4 Regulations for Permitted Uses in DC-17 Zone**

The lands in the (DC-17) zone shall be subject to all regulations in Section 14.1 and the following special provision:

- i) **Rear yard:**

3.0 m (10 ft.) minimum.

#### **14.2.18 District Commercial Exception18 (DC-18) zone-North Side of Elgin St. W./West of Burnham St.**

##### **14.2.18.1 Defined Area**

DC-18 as shown on Schedule A, Map 15 to this By-law.

##### **14.2.18.2 Permitted Uses**

- i) commercial, other than the commercial uses prohibited in Section 14.2.18.3;
- ii) institutional;
- iii) industrial in an enclosed building;
- iv) office;
- v) public use in accordance with the provisions of Section 5.3.2;
- vi) residential use as a secondary use in a commercial building;
- vii) accessory use including open storage, and wholesale, service and repair uses and automatic banking units.

##### **14.2.18.3 Prohibited Uses**

- i) department store use;
- ii) supermarket or bulk food use; and
- iii) retail commercial use, with the exception of the lands described as 1000 Elgin St. W. where a retail commercial use is permitted.
- iv)

##### **14.2.18.4 Permitted Buildings and Structures**

The buildings and structures permitted by Section 14.1.4.

##### **14.2.18.5 Regulations for Uses Permitted in the DC-18 zone**

Notwithstanding the provisions of Section 14.1, the lands in the DC-18 zone shall be subject to the following regulations:

- i) **Lot Area:**

740 m<sup>2</sup> (7,965 ft<sup>2</sup>) minimum.

- ii) **Lot Frontage:**

25 metres (80 ft.) minimum

- iii) **FSI:**

The FSI existing as of October 30, 2000 or 0.20 minimum.

iv) **Yards:**

0 m (0 ft.) minimum, unless the lot abuts a residential lot when the minimum yard of 6 m (20 ft) shall be required, including a 3 m (10 feet) landscaped open space shall be required.

v) **Minimum Landscaped Area** adjoining Elgin Street W. and the Roger's Road allowance:

The landscaped area existing as of October 30, 2000 or a landscaping area having a minimum width of 6.0 m (20 ft.) parallel and adjoining any streetline of Elgin Street W. or the Roger's Road allowance, excluding the area of any driveway.

vi) **Landscaped Open Space**, including landscaped area along Elgin Street W. and the Roger's Road allowance:

The landscaped open space existing as of October 30, 2000 or a minimum 15% of lot area, which may include pedestrian walkways through parking area.

vii) **Building Height:**

4 storeys maximum.

viii) **Open Storage:**

In accordance with the provisions of Section 14.1.15 and the definition of Open Storage in Section 3. provided that Open Storage shall include a garden centre which is not wholly enclosed.

ix) **Parking and Loading:**

In accordance with the provisions of Section 6.

viii) **Regulations for Vehicle Service Station and Fuelling Station Uses:**

In addition to all the other regulations of this section, vehicle service and fuelling stations shall be subject to the provisions of Section 14.1.16 (i) and (xi) and shall be exempt from the minimum FSI provisions of Section 14.2.18.5 (iii).

ix) **Regulations for Accessory Buildings and Structures:**

In accordance with the provisions of Section 14.1.17.

x) **Regulations for Developments which incorporate Residential Uses:**

In accordance with the provisions of Section 14.1.18.

**14.2.19 District Commercial Exception 19 (DC-19) zone - 948-952 Elgin Street West**

**14.2.19.1 Defined Area**

DC-19 as shown on Schedule A, Map 15 to this By-law

**14.2.19.2 Permitted Uses**

The uses permitted under Sections 14.1.1, 14.1.2. and 14.2.18 and the following additional permitted uses:

- i) one single detached dwelling on one lot.

### **14.2.19.3 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

### **14.2.19.4 Regulations for Permitted Uses in the DC-19 zone**

Regulations of Section 14.2.18 shall apply to the uses permitted in the DC-19 zone with the exception of the following:

i) **Lot Frontage:**

16.9 m (55.5 ft) minimum.

ii) **Yards:**

0 m (0 ft.) minimum for commercial uses, unless the lot abuts a lot being used for residential purposes in which case the abutting yard shall be a minimum of 6 m (20 ft.) including a 3 m (10 ft.) landscaped open space area.

iii) **Single Detached Dwelling**

The regulations of Section 8.1 shall apply when any lot in the DC-19 zone is used for a single detached dwelling.

iv) **Minimum Landscaped Area** Adjoining Elgin Street West:

6 m (20 ft) minimum parallel to and adjoining the street line of Elgin Street West excluding the area of any driveway or building.

v) **Landscaped Open Space** including landscaped area along Elgin Street West:

15% minimum of lot area

vi) **Regulations for Commercial Developments which incorporate Residential Uses:**

In accordance with the provisions of Section 14.1.18.

### **14.2.20 District Commercial Exception 20 (DC-20) zone - 1125 Elgin Street West**

#### **14.2.20.1 Defined Area**

DC-20 as shown on Schedule 'A', Map 8 to this By-law.

#### **14.2.20.2 Permitted Uses**

Permitted uses in the DC-20 zone shall be limited to the following:

- i) automotive service and supply use, including an establishment such as a Canadian Tire store;
- ii) vehicle service, fuelling, sales and wash use;
- iii) convenience store use;
- iv) personal service use;
- v) eating establishment use;
- vi) automated banking machines;
- vii) place of entertainment;
- viii) private or commercial club;
- ix) accessory use.

### 14.2.20.3 Permitted Buildings and Structures

Permitted buildings and structures in the DC-20 zone shall be limited to the following:

- i) buildings and structures for the automotive service and supply use, including a Canadian Tire store, with a building area of 5,200 m<sup>2</sup> (55,975 ft<sup>2</sup>) in the first phase, with an additional 2,300 m<sup>2</sup> (24,758 ft<sup>2</sup>) of building area in the second phase, for a total building area of 7,500 m<sup>2</sup> (80,730 ft<sup>2</sup>);
- ii) free standing buildings and structures for the permitted uses in 14.2.20.2 ii) to ix) inclusive;
- iii) accessory buildings and structures for the permitted use.

### 14.2.20.4 Regulations for uses permitted in the DC-20 zone

Notwithstanding the provisions of Section 14.1, the following special provisions shall apply to lands zoned DC-20 zone:

- i) **Lot Area:**  
3.8 hectares (9.4 acres) minimum for the total lands zoned DC-20
- ii) **Lot Frontage:**  
170 m (557 ft.) minimum for the total lands zoned DC-20.
- iii) **Lot Coverage:**  
25% maximum for the total lands zoned DC-20.
- iv) **Front Yard:**  
3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.
- v) **Rear Yard:**  
12 m (40 ft) minimum
- vi) **Exterior Side Yard:**  
3 m (10 ft.) minimum up to 15 m (50 ft.) maximum.
- vii) **Interior Side Yard:**  
9 m (30 ft.) minimum any building, however, a minimum setback of 3 m (10 ft.) may be permitted to the garden centre perimeter fence.
- viii) **Building Height:**  
4 storeys maximum
- ix) **Parking and Loading:**  
In accordance with the provisions of Section 6, with the exception that the loading area may be located within the exterior side yard and parking stalls shall have a minimum area of 16.2 m<sup>2</sup> (174 ft<sup>2</sup>).
- x) **Driveway Width:**  
The westerly driveway to the lands zoned DC-20 shall have a maximum width of 13 m (42 ft). The southerly driveway to the lands zoned DC-20 shall have a maximum width of 12 m (40 ft). All other driveways shall comply with the provisions of Section 6.

xi) **Landscaped Open Space:**

Minimum 10 % of the lot area, but shall include any area not used for buildings, structures and parking areas and shall include an area of 3 m (10 ft.) minimum along the interior side lot line and 12 m (40 ft.) along the rear lot line.

xii) **Open Storage:**

Open Storage of goods and materials, including refuse containers, shall be permitted provided that:

- a) any storage area shall be setback a minimum of 3.0 m (10 ft.) from the lot line; and
- b) the storage area is enclosed by a stone or masonry wall or closed chain link fence, and such fence shall be a minimum of 1.8 m (6.0 ft.) in height.

Notwithstanding the above requirements, temporary open storage may be permitted for a period of no more than 1 month for display or promotional purposes.

**14.2.20.5 Regulations for Free-Standing Uses**

In addition to the other regulations of this section, the following regulations shall apply to a free-standing use in the DC-20 zone:

i) **Lot Frontage:**

40 m (130 ft.) minimum and shall be included as part of the required lot frontage in Section 14.2.20.4.

ii) **Lot Area:**

930 m<sup>2</sup> (10,000 ft<sup>2</sup>) minimum and shall be included as part of the required lot area in Section 14.2.20.4 i).

iii) **Pump Locations:**

Notwithstanding any other provisions of this By-law, a pump island and a canopy over such island may be located within any required front yard or exterior side yard provided:

- a) the minimum distance between any portion of the pump island and any streetline shall be 6 m (20 ft);
- b) where the lot is a corner lot, no portion of any pump island shall be located closer than 3 m (10 ft) to a straight line between a point in the front lot line and a point to the exterior side lot line, each such point being a distance of 15 m (50 ft.) from the intersection of such lines.

iv) **Building Height:**

2 storeys maximum

**14.2.20.6 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building, with the exception of buildings and structures used for free-standing uses and fuelling centres, shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;

- iii) not exceed 2% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 25%;
- iv) meet all other yard requirements of the DC-20 zone;
- v) be located a minimum of 3 m (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 1 storey in height.

#### **14.2.21 District Commercial Exception 21 (DC-21) - 8 Elgin Street East**

##### **14.2.21.1 Defined Area**

(DC-21) as shown on Schedule 'A', Map 13 to this By-law.

##### **14.2.21.2 Permitted Uses**

The uses permitted under Section 14.1.1, 14.1.2. and the following additional permitted uses:

- i) convenience commercial use;
- ii) bakery retail outlet;
- iii) office use;
- iv) personal service use;
- v) education and training use;
- vi) printing, publishing, copying use;
- vii) communications use, including radio and television studio;
- viii) light industrial use in an enclosed building.

##### **14.2.21.3 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

##### **14.2.21.4 Regulations for Permitted Uses in the (DC-21) zone**

Regulations of Section 14.1 shall apply to the uses permitted in the (DC) zone except for the following:

###### **i) Rear Yard:**

4.5 m minimum

###### **ii) Landscaped Open Space:**

Minimum 10% of the lot but shall include any area not used for buildings, structures or parking areas, and shall include an area 3 m in width along the interior and/or rear lot lines, where such lot lines abut a Residential Zone, and the front lot line, exclusive of entrance driveways.

#### **14.2.22 District Commercial Exception 22 (DC-22) Zone - 270 University Avenue West**

##### **14.2.22.1 Defined Area**

(DC-22) as shown on Schedule 'A', Map 1A to this by-law.

##### **14.2.22.2 Permitted Uses**

In addition to the uses permitted in Section 14.1.1, lands in the (DC-22) zone may also include residential use as a primary use in either a commercial or a residential building.

##### **14.2.22.3 Permitted Buildings and Structures**

In addition to the buildings and structures permitted in Section 14.1.4, a building used primarily for residential purposes is permitted.

**14.2.22.4 Regulations for Permitted Uses in DC-22 Zone**

The regulations of Section 14.1 shall apply to the lands in the (DC-22) zone.

**14.2.23 District Commercial Exception 23 (DC-23) - 1 Ballantine Street**

**14.2.23.1 Defined Area:**

(DC-23) as shown on Schedule 'A', to this by-law.

**14.2.23.2 Permitted Uses:**

The uses permitted in Section 14.1.1 and 14.1.2

**14.2.23.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 14.1.4.

**14.2.23.4 Regulations for Uses Permitted in the DC-23 zone:**

The regulations of Section 14.1 shall apply and the addition of the following

- I) Interior Side Yard (minimum) 3m (10 ft).

## **SECTION 15: MAIN CENTRAL COMMERCIAL (MC) ZONE REGULATIONS**

### **15.1 GENERAL USE REGULATIONS**

#### **15.1.1 Permitted Uses**

- i) bed and breakfast use;
- ii) clinic use;
- iii) commercial use, retail of alcohol/liquor/wine/beer;
- iv) communications production use including radio and television studios;
- v) conference centre;
- vi) convenience commercial use;
- vii) day nursery use;
- viii) eating establishment use, including banquet hall facilities;
- ix) education and training use;
- x) financial institution use;
- xi) food and/or specialty food use including a supermarket and a baked goods outlet;
- xii) group home use in accordance with the provisions of Section 5.22;
- xiii) hotel use;
- xiv) institutional and cultural uses;
- xv) market use;
- xvi) medical clinic;
- xvii) office and display use for a utility, contractor or specialty trade;
- xviii) office use;
- xix) park and recreation uses;
- xx) private or public parking lot;
- xxi) personal service use including a dry cleaning distribution station, a dry cleaning establishment and a laundry;
- xxii) place of entertainment use;
- xxiii) printing and publishing uses;
- xxiv) private or commercial club use;
- xxv) public and commercial parking use;
- xxvi) public uses in accordance with the provisions of Section 5.3.2;
- xxvii) residential use in a commercial or institutional building;
- xxviii) retail commercial use, including a department store and a catalogue outlet;
- xxix) studio use for a photographer, an artist or craftsman;
- xxx) taxi establishment use;
- xxxii) wellness centre use.

#### **15.1.2 Permitted Accessory Uses**

- i) accessory uses to the Permitted Uses Under Section 15.1.1;
- ii) wholesale;
- iii) service and repair uses.



**15.1.3 Prohibited Uses**

- i) vehicle service station use;
- ii) vehicle sales use;
- iii) vehicle wash use;
- iv) vehicle repair use;
- v) open storage.

**15.1.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted non-residential uses;
- ii) buildings and structures which incorporate both the permitted non-residential and residential uses; including apartments for senior citizens and the disabled;
- iii) single detached dwelling for a group home use;
- iv) accessory buildings and structures for the permitted uses.

**15.1.5 Lot Area**

300 m<sup>2</sup> (3,300 sq.ft.) minimum.

**15.1.6 Lot Frontage**

9 metres (30 ft.) minimum.

**15.1.7 Floor Space Index**

The maximum floor space index for any lot in the (MC) zone shall be 2.0.

**15.1.8 Front Yard**

The established building line, or where not applicable, 0 m minimum setback.

**15.1.9 Rear Yard**

6 metres (20 ft.) minimum.

**15.1.10 Side Yard**

No minimum requirement.

**15.1.11 Landscaped Open Space**

Any portion of the lot not used for buildings, structures or parking and loading facilities shall be used for landscaped open space.

**15.1.12 Height**

3 storeys maximum.

**15.1.13 Parking and Loading**

In accordance with the provisions of Section 6.

**15.1.14 Regulations for Mixed Use Developments which Incorporate Residential Uses**

In addition to the other regulations of this section the following requirements apply where a mixed use development incorporates residential uses:

i) **Interior Side Yard**

A measurement the equivalent of one-half the average height of the building where the external wall which parallels or is adjacent to the interior side lot line contains the window of a habitable room.

ii) **Floor Area Per Dwelling Unit**

Type of Dwelling Unit	Minimum Floor Area
Bachelor Unit	28 m <sup>2</sup> (300 ft. <sup>2</sup> )
One Bedroom Unit	42 m <sup>2</sup> (450 ft. <sup>2</sup> )
Two Bedroom Unit	56 m <sup>2</sup> (600 ft. <sup>2</sup> )
Three Bedroom Unit	70 m <sup>2</sup> (750 ft. <sup>2</sup> )
Each Additional Bedroom	10 m <sup>2</sup> (107 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Bachelor Unit	27 m <sup>2</sup> (290 ft. <sup>2</sup> )
Dwelling, Senior Citizen - One Bedroom Unit	40 m <sup>2</sup> (430 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Two Bedroom Unit	48 m <sup>2</sup> (516 ft. <sup>2</sup> )
Dwelling, Senior Citizen - Three Bedroom Unit	62 m <sup>2</sup> (667 ft. <sup>2</sup> )

iii) **Amenity Space per Dwelling Unit**

Type of Dwelling Unit	Minimum Floor Area
Bachelor Unit	5 m <sup>2</sup> (54 ft. <sup>2</sup> )
One Bedroom Unit	5 m <sup>2</sup> (54 ft. <sup>2</sup> )
Each Additional Bedroom	5 m <sup>2</sup> (54 ft. <sup>2</sup> )

**15.1.15 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building, including any trailer used as such shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 8% coverage of the lot area;
- iv) meet all other yard requirements of the MC zone;
- v) be located a minimum of 1.5 m (5 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 3 storeys in height.

**15.1.16 Setback from Environmental Constraint Zone**

Where the boundary of any MC Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the MC Zone shall be setback a minimum of 1.5 m (5 ft.) from the boundary of the EC Zone.

### 15.1.17 Property Abutting Railway Mainline

Where any (MC) zone abuts a railway main line:

- i) new (MC) buildings and new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### 15.1.18 Railway Yards:

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (MC) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/ redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/ redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

### 15.1.19 Refuse and recycling enclosures

Open Storage of goods and materials are not permitted in the (MC) zone. Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located only in the side or rear yards; and

- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

## **15.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 15.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 15.2:

### **15.2.1 Main Central Commercial Exception 1 (MC-1) Places of Amusement**

#### **15.2.1.1 Defined Area**

MC-1 as shown on Schedule "A" to this By-law.

#### **15.2.1.2 Permitted Uses**

A place of amusement use in addition to the uses permitted in Section 15.1.1. and 15.1.2

#### **15.2.1.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 15.1.3.

#### **15.2.1.4 Regulations for the Uses Permitted in the MC-1 Zone**

The regulations in Section 15.1 shall apply to the permitted uses in the MC-1 Zone.

### **15.2.2 Main Central Commercial Exception 2 (MC-2) - Ball's Lane/Ball St/Spring St./Swayne St.**

#### **15.2.2.1 Defined Area**

MC-2 as shown on Schedule "A", Map 2 & Map 6 to this By-law.

#### **15.2.2.2 Permitted Uses**

The uses permitted in Section 15.1.1. and 15.1.2.

#### **15.2.2.3 Permitted Buildings and Structures**

- i) the buildings and structures existing at the date of the passage of this By-law;
- ii) accessory buildings and structures for the permitted uses.

#### **15.2.2.4 Regulations for the Uses Permitted in the MC-2 Zone**

The regulations in Section 15.1 shall apply to the permitted uses in the MC-2 Zone.

### **15.2.3 Main Central Commercial Exception 3 (MC-3) zone - King Street West, North side**

#### **15.2.3.1 Defined Area**

MC-3 as shown on Schedule "A", Map 2 to this By-law.

#### **15.2.3.2 Permitted Uses**

The uses permitted in Section 15.1.1. and 15.1.2.

### **15.2.3.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 15.1.4.

### **15.2.3.4 Regulations for the Uses Permitted in the MC-3 Zone**

The regulations in Section 15.1 shall apply to the permitted uses in the MC-3 Zone with the exception that no minimum rear yard shall be required.

## **15.2.4 Main Central Commercial Exception 4 (MC-4) zone - 60 and 62 Swayne St.**

### **15.2.4.1 Defined Area**

MC-4 as shown on Schedule "A", Map 6 to this By-law.

### **15.2.4.2 Permitted Uses**

The uses permitted in Section 15.1.1. and 15.1.2

### **15.2.4.3 Prohibited Uses**

The uses prohibited in Section 15.1.3, plus the following uses:

- i) convenience commercial use;
- ii) financial institution use;
- iii) place of entertainment use; and
- iv) take-out eating establishment whereby food is prepared and offered for sale to the public for consumption outside the building or structure.

### **15.2.4.4 Permitted Buildings and Structures**

The buildings and structures permitted in Section 15.1.4.

### **15.2.4.5 Regulations for Uses Permitted in the MC-4 Zone**

The regulations in Section 15.1 shall apply except for the following:

- i) **Front Yard:**  
3.0 m (10 ft.) minimum
- ii) **Rear Yard:**  
6.0 m ( 20 ft.) minimum
- ii) **Westerly Sideyard:**  
0.45 m (1.5 ft) minimum
- iii) **Easterly Sideyard:**  
0.45 m (1.5 ft) minimum
- iv) **Building Height:**  
2 storeys maximum

v) **Parking:**

Shall be provided in accordance with Section 6. with the exception that parking may be permitted to locate in the front yard of the structures with a 1m (3.3 ft) setback from the front street line.

**15.2.5 Main Central Commercial Exception 5 (MC-5) - Harbour/Albert Street Residential Office Area**

**15.2.5.1 Defined Area**

MC-5 as shown on Schedule "A", Map 2 to this By-law.

**15.2.5.2 Permitted Uses**

Notwithstanding the provisions of Section 15.1.1 and 15.1.2 only the following uses shall be permitted in the MC-5 Zone:

- i) residential use with a maximum of four dwelling units;
- ii) office use;
- iii) home occupation use;
- iv) group home use in accordance with the provisions of Section 5.22;
- v) public use in accordance with the provisions of Section 5.3.2; and,
- vi) accessory use.

**15.2.5.3 Permitted Buildings and Structures**

- i) the buildings and structures existing on January 1, 1992;
- ii) the replacement of existing accessory buildings and structures which do not exceed the existing accessory buildings and structures in size and which are in the same location as the existing accessory buildings and structures; and,
- iii) new accessory buildings and structures and additions to existing main buildings which do not exceed 10 m<sup>2</sup> (107 ft.<sup>2</sup>) in size.

**15.2.5.4 Regulations for the Uses Permitted in the MC-5 Zone**

The regulations in Section 15.1 shall apply to the permitted uses in the MC-5 Zone.

**15.2.6 Main Central Commercial Exception 6 (MC-6) zone - 77 Albert Street**

**15.2.6.1 Defined Area**

MC-6 as shown on Schedule "A", Map 2 to this By-law.

**15.2.6.2 Permitted Uses**

The uses permitted in Section 15.1.1 and 15.1.2.

**15.2.6.3 Prohibited Uses**

The uses prohibited in Section 15.1.3.

**15.2.6.4 Permitted Buildings and Structures**

The buildings and structures existing on July 1, 1992 with internal modifications thereto and new additions or buildings in accordance with the provisions of 15.1 and 15.2.6.

**15.2.6.5 Regulations for the Uses Permitted in the MC-6 Zone**

The regulations in Section 15.1 shall apply to the permitted uses in the MC-6 Zone.

**15.2.7 Main Central Commercial Exception Seven (MC-7) Zone - 158 Hibernia Street**

**15.2.7.1 Defined Area**

MC-7 as shown on Schedule `A', Map 2 to this By-law.

**15.2.7.2 Permitted Uses**

Uses permitted in the (MC-7) zone shall be limited to a parking facility.

**15.2.7.3 Permitted Buildings and Structures**

Permitted buildings and structures in the (MC-7) zone shall be limited to buildings and structures accessory to the permitted parking facility.

**15.2.7.4 Regulations for Permitted Uses in MC-7 Zone**

Notwithstanding regulations of Section 15.1, the following regulations shall apply to the uses, buildings and structures of the MC-7 Zone:

i) **Lot Area:**

1570 m<sup>2</sup> (15,980 ft<sup>2</sup>) minimum

ii) **Lot Frontage:**

24 m (80 ft.) minimum

iii) **Landscaped Open Space:**

Any portion of the lot not used for parking purposes shall be used for landscaped open space to a minimum of 15% of the lot coverage being used for landscaping purposes.

iv) **Adjacent Lands:**

Lands zoned Main Central Commercial Exception Seven (MC-7) shall be used for parking purposes for adjacent lands zoned 'Residential Type Six Exception Eight (R5-8)'.

**15.2.8 Main Central Commercial Exception 8 (MC-8) - 148 King Street West**

**15.2.8.1 Defined Area**

`MC-8', as shown on Schedule `A', Map 2 to this By-law.

**15.2.8.2 Permitted Uses**

The permitted uses in Subsection 15.1.1 and 15.1.2. plus the following additional uses:

- i) Residential use.

**15.2.8.3 Prohibited Uses**

The uses prohibited in Subsection 15.1.3.

**15.2.8.4 Permitted Buildings and Structures**

The buildings and structures permitted in Subsection 15.1.4, plus the following buildings;

- i) one dwelling unit on one lot.

**15.2.8.5 Regulations for Uses Permitted in the MC-8 Zone**

Regulations of Section 15.1 shall apply to MC-8 Zone, with the exception of the following, shall also apply:

- i) Frontage: 8.25 m (27 ft.)

**15.2.9 Main Central Commercial Exception 9 (MC-9) zone - 150 King Street West**

**15.2.9.1 Defined Area**

"MC-9, as shown on Schedule 'A', Map 2 to this By-law.

**15.2.9.2 Permitted Uses**

The permitted uses in Subsection 15.1.1. and 15.1.2.

**15.2.9.3 Prohibited Uses**

The uses prohibited in Subsection 15.1.3.

**15.2.9.4 Permitted Buildings and Structures**

The buildings and structures permitted in Subsection 15.1.4.

**15.2.9.5 Regulations for Uses Permitted in the MC-9 Zone**

Notwithstanding the Regulations of Section 15.1, the following regulations shall also apply to MC-9 Zone:

- i) **Rear Yard:**  
no minimum required.
- ii) **Lot Area:**  
125 m<sup>2</sup> (1,345 ft<sup>2</sup>).

**15.2.10 Main Central Com. Exception 10 (MC-10) and (MC-10(sp 77.2)) zone-CLC Lands (Third St.)**

**15.2.10.1 Defined Area**

(MC-10) and (MC-10 (sp 77.2)) as shown on Schedule 'A', Map 2 and further shown on Schedule 'B-13' to this By-law.

**15.2.10.2 Definitions**

The following definition of the term 'Floor Area, (Gross) Residential' shall apply instead of the definition of 'Floor Area, Residential' in Section 3.:



“**Floor Area (Gross) Residential** shall mean the total habitable area of a building or structure measured between the exterior faces of the exterior walls or from the centre line of a common or party wall of the habitable area, but excluding any areas which are used for heating or mechanical equipment, elevators, the storage or parking of motor vehicles, storage facilities, laundry facilities and open and enclosed balconies or sunrooms.”

The following definition of the term ‘Lot’ shall apply instead of the definition of ‘Lot’ in Section 3.:

“**Lot** shall mean the total horizontal area within the lands zoned Main Central Commercial Exception 10 (MC-10) and (MC-10 (sp77.2)) on Schedule ‘B-13’ to this By-law.”

In addition to the definitions in Section 3., the following definitions shall apply to the lands zoned Main Central Commercial Exception 10 (MC-10) and (MC-10 (sp77.2)):

“**Mixed Use Development** shall mean a building incorporating permitted non-residential uses of more than 530 m<sup>2</sup> ( 5,705 ft<sup>2</sup>) of floor area, plus the permitted residential uses.”

### 15.2.10.3 Permitted Uses

In addition to the uses permitted in Section 15.1.1 and 15.1.2., residential uses shall be permitted.

### 15.2.10.4 Permitted Buildings and Structures

- i) buildings and structures for the permitted residential uses;
- ii) buildings and structures which incorporate both the permitted non-residential and residential uses, including apartments for senior citizens and the disabled;
- iii) accessory buildings and structures for the permitted uses.

### 15.2.10.5 Regulations for the Uses Permitted in the (MC-10) and (MC-10 (sp 77.2)) zones

The regulations of Section 15.1 shall apply to the uses permitted in the (MC-10) and (MC-10(sp 77.2)) zones except for:

i) **Minimum Front, Rear and Side Yards:**

The minimum yards shall be 1.5 m (5 ft.) minimum.

ii) **Maximum Front, Rear and Side Yards abutting Third Street:**

The maximum yards for those buildings directly abutting Third St. shall be 4.0 m (13 ft.).

iii) **Minimum Non-Residential Gross Floor Area** - The minimum non-residential gross floor area shall be:

**Parcel B** (Third St) - 0.12 times the lot area and shall be provided at grade level (minimum) within a building set back not more than 4.0 m (13 ft.) from a public street.

iv) **Buildings Abutting Third St.:**

A minimum length of 50 m (164 ft.) exposed building face at grade level (minimum) of the building(s) directly abutting Third St, measured horizontally in a north-south direction along the streetline, shall be comprised of non-residential floor area fronting onto Third Street.

v) **Maximum Building Height:**

Notwithstanding the provisions and regulations of Section 3., the maximum height of any building, measured vertically from the average elevation of the finished grade at the front of the building to the highest point of the roof assembly (including roof peaks, dormers, cupolas and towers, but excluding elevator shafts and mechanical equipment), shall be 3 storeys maximum at 89.9 m (295 ft) c.g.d.

vi) **Parking:**

The regulations of Section 6.1 shall apply with the exception of the following:

Notwithstanding the provisions and regulations of Section 6.1, the minimum parking requirement for residential buildings shall be one (1) parking space per dwelling unit.

**15.2.10.6 Regulations for Residential Development and Mixed Use Developments which Incorporate Residential Uses**

In Section 15.1.14, only, the requirements of Section 15.1.14(ii) shall apply to residential buildings and only those of Section 15.1.14(ii) shall apply to mixed use developments incorporating residential use;

**15.2.10.7 Subsequent Subdivisions of Parcel A**

Notwithstanding the provisions of By-law 63-87, the lands zoned (MC-10) and (MC-10 (sp 77.2)) may be divided to create lots for buildings provided that the aggregate of the lands within the area zoned (MC-10) and (MC-10(sp 77.2)) comply with the requirements of By-law 63-87 as amended by this By-law.

**15.2.11 Main Central Commercial Exception 11 (MC-11) and (MC-11 (sp 77.2)) zone - CLC Lands (Division St.)**

**15.2.11.1 Defined Area**

(MC-11) and MC-11(sp 77.2) as shown on Schedule 'A' Map 2 and further shown on Schedule 'B-12' to this By-law.

**15.2.11.2 Definitions**

The following definition of the term 'Floor Area, (Gross) Residential' shall apply instead of the definition of 'Floor Area, Residential' in Section 3.:

**"Floor Area (Gross) Residential** shall mean the total habitable area of a building or structure measured between the exterior faces of the exterior walls or from the centre line of a common or party wall of the habitable area, but excluding any areas which are used for heating or mechanical equipment, elevators, the storage or parking of motor vehicles, storage facilities, laundry facilities and open and enclosed balconies or sunrooms."

The following definition of the term "Lot" shall apply instead of the definition of "Lot" in Section 3.:

**"Lot** shall mean the total horizontal area within the lands zoned (MC-11) and (MC-11 (sp 77.2)) on Schedule B-12 to this By-law."

In addition to the definitions in Section 3., the following definitions shall apply to the lands zoned (MC-11) and (MC-11(sp 77.2)):

**"Mixed Use Development** shall mean a building incorporating permitted non-residential uses of more than 400 m<sup>2</sup> (4,305 ft<sup>2</sup>) of floor area, plus the permitted residential uses."

### 15.2.11.3 Permitted Uses

In addition to the uses permitted in Section 15.1.1, residential uses shall be permitted.

### 15.2.11.4 Permitted Buildings and Structures

- i) buildings and structures for the permitted residential uses;
- ii) buildings and structures which incorporate both the permitted non-residential and residential uses, including apartments for senior citizens and the disabled;
- iii) accessory buildings and structures for the permitted uses.

### 15.2.11.5 Regulations for the Uses Permitted in the (MC-11) and (MC-11(sp 77.2)) zone

The regulations of Section 15.1 shall apply to the uses permitted in the (MC-11) and (MC-11 (sp. 77.2)) zone except for:

i) **Minimum Front, Rear and Side Yards:**

The minimum yards shall be 1.5 m (5 ft.) minimum.

ii) **Maximum Front, Rear and Side Yards abutting Division Street:**

The maximum yards for those buildings directly abutting Division Street shall be 4.0 m (13 ft.)

iii) **Minimum Non-Residential Gross Floor Area:**

The minimum non-residential gross floor area shall be:

Parcel A (Division Street): 0.065 times the lot area and shall be provided at grade level (minimum) within a building set back not more than 4.0 m (13 ft.) from a public street.

iv) **Buildings Abutting Division St.:**

A minimum length of 40 m (131 ft.) exposed building face at grade level (minimum) of the building(s) directly abutting Division Street, measured horizontally in a north-south direction along the streetline, shall be comprised of non-residential floor area fronting onto Division Street.

v) **Building Envelopes:**

Buildings and structures in lands zoned (MC-11) and (MC-11(sp.77.2)) shall only be located in the areas shown as "Building Envelopes" on Schedule 'B-12' to this By-law, subject to all other regulations of this By-law.

vi) **Maximum Building Height:**

Notwithstanding the provisions and regulations of Section 3., the maximum height of any building, measured vertically from the average elevation of the finished grade at the front of the building to the highest point of the roof assembly (including roof peaks, dormers, cupolas and towers, but excluding elevator shafts and mechanical equipment), shall be 3 storeys maximum at 89.9 m (295 ft) c.g.d.

vii) **Parking:**

The regulations of Section 6.1 shall apply with the exception of the following:

- a) Notwithstanding the provisions and regulations of Section 6.1, the minimum parking requirement for residential buildings shall be one (1) parking space per dwelling unit.

**15.2.11.6 Regulations for Residential Development and Mixed Use Developments which incorporate Residential Uses**

In Section 15.1.14, only the requirements of Section 15.1.14(ii) shall apply to residential buildings and only those of Section 15.1.14(ii) shall apply to mixed use developments incorporating residential uses;

**15.2.11.7 Subsequent Subdivisions of Parcel A**

Notwithstanding the provisions of this By-law, the lands zoned (MC-11) and (MC-11(sp 77.2)), may be divided to create lots for buildings provided that the aggregate of the lands within the area zoned (MC-11) and (MC-11(sp.77.2)), comply with the requirements of this By-law.

**15.2.12 Main Central Commercial Exception 12 (MC-12) zone - CHD Lands- West Side Third Street**

**15.2.12.1 Defined Area**

MC-12 as shown on Schedule "A" Map 2 and further shown on Schedule 'B-14' to this By-law.

**15.2.12.2 Definitions**

The following definition of the term "Attic" shall apply:

**Attic** shall mean that portion of a building situated wholly or partly within a sloping roof and having a floor area equal to less than one half of the floor area of that portion of the storey immediately below and with sidewalls not less than 1.35 m (4.4 ft.) in height and a ceiling sloped so as to provide a minimum height of 2 m (6.6 ft.) over at least 50 % of the attic floor area. However, an "attic" shall not be considered a "storey". For purposes of clarity, any other habitable space that is not located within an attic would constitute a storey.

The following definition of the term "Floor Area, Residential" shall apply instead of the definition of "Floor Area", in Section 3.60:

**Floor Area, Residential** shall mean the total habitable area of a building or structure measured between the exterior faces of the exterior walls or from the centre line of a common or party wall of the habitable area, but excluding any areas which are used for heating or mechanical equipment, elevators, the storage or parking of motor vehicles, storage facilities and laundry facilities.

The following definition of the term "Lot" and "Total Lot Area" shall apply instead of the definition of "Lot" in Section 3.104.

**Lot** shall mean the total horizontal area within the lands zoned MC-12 on Schedule 'B-14' to this By-law.

In addition to the definitions in Section 3, the following definitions shall apply to the lands zoned MC-12:

Lot Line Setback shall mean building setback from lot lines according to the following:

- a) **Lot Line-Mutual** shall mean a lot line that separates two separate parcels of land under the same ownership/corporation
- b) **Lot Line-Boundary** shall mean a lot line separating two parcels of land under separate ownership/corporation.
- c) **Mixed Use Development** shall mean a building incorporating permitted non-residential uses of more than 400 m<sup>2</sup> (4,300 ft.<sup>2</sup>) of floor area, plus the permitted residential uses.

**15.2.12.3 Permitted Uses**

In addition to the uses permitted in Section 15.1.1 and 15.1.2, residential uses shall be permitted.

#### 15.2.12.4 Permitted Buildings and Structures

- i) buildings and structures for the permitted uses;
- ii) buildings and structures which incorporate both the permitted non-residential and residential uses, including apartments for senior citizens and the disabled;
- iii) accessory buildings and structures for the permitted uses.

#### 15.2.12.5 Regulations for the Uses Permitted in the MC-12 Zone

The regulations of Section 15.1 shall apply to the uses permitted in the MC-12 Zone except for:

i) **Number of Dwelling Units:**

106 units maximum

ii) **Minimum Front, Rear and Side Yards:**

The minimum yards shall be 0.0 m except as provided in subsections (vi) below.

iii) **Total Residential & Non-Residential Floor Area:**

The Total Residential and Non-Residential Floor Area of all buildings and structures in the MC-12 Zone shall not be greater than 2.0 times the area of the Lot.

iv) **Maximum Non-Residential Floor Area:**

1600 m<sup>2</sup> (17,223 ft<sup>2</sup>) excluding enclosed parking provided to meet the needs of uses provided.

v) **Building Separation Distance:**

6 m (20 ft.) minimum subject to sub-section (vi) below.

vi) **Building Area:**

Buildings and structures in lands zoned MC-12 shall only be located in the area shown as "Building Area" on Schedule 'B-14' to this By-law.

vii) **Maximum Building Height:**

Notwithstanding the definition of Storey in Section 3.161 the first storey of any building located on lands zoned MC-12 shall be a maximum of 4.3 m (14 ft.) in height.

Within 15 m (50 ft.) of the north-south alignment of Third Street – 3 storeys with no attic dwelling units and a maximum building height of 12.2 m (40 ft.) inclusive of mechanical rooftop elements but excluding architectural elements. Such architectural elements to make up no more than 3% of the horizontal roof area for this section of the building.

From 15 m (50 ft.) to 27.5 m (90 ft.) of Third St.– four storeys with no attic dwelling units and a maximum building height of 15 m (50 ft) inclusive of mechanical rooftop elements but excluding architectural elements. Such architectural elements to make up no more than 3% of the horizontal roof area for this section of the building.

Greater than 27.5 m (90 ft.) of the north-south alignment of Third Street – 4 storey plus attic with a maximum building height of 16.4 m (54 feet) measured to the mid point of a sloped roof. Residential units are permitted in the attic of such building. Further, the top of the sloping roof shall not exceed a maximum building height of 18.9 m (62 feet) inclusive of mechanical but excluding architectural

elements. Such architectural elements to make up no more than 3% of the horizontal roof area for this section of the building.

Attic is not to exceed 3 m (10 ft.) in height.

Architectural elements may exceed the applicable maximum building height by no more than 1.5 m (5 ft).

All maximum building heights to be measured from average finished grade at the front lot line {Third Street}.

viii) **Parking:**

In addition to the provisions of Section 6.1 of this By-law residential uses shall provide a minimum of 1 parking space per dwelling unit to be provided on lands zoned MC-12.

The required parking for non-residential uses shall be provided on lands zoned MC-12 or on lands suitably zoned and within 150 m (500 ft.) of land zoned MC-12 or some combination thereof.

ix) **Accessory Building:**

The regulations of Section 15.1.15 shall apply except that the lot coverage of all accessory buildings and structures shall not exceed two (2) percent of the Lot.

**15.2.12.6 Regulations for Residential Development and Mixed Use Developments which incorporate Residential Uses**

In Section 15.1.14, only the requirements of Section 15.1.14(ii) shall apply to residential buildings and only those of Section 15.1.14(ii) shall apply to mixed use developments incorporating residential uses;

**15.2.12.7 Subsequent Subdivisions**

Notwithstanding the provisions of By-law 63-87, the lands zoned MC-12, may be divided *to create lots for buildings provided that the lot complies with the requirements of By-law 63-87 as amended by this By-law.*

**15.2.13 Main Central Commercial Exception 13 (MC-13) zone - 26, 30, 36 and 44 King Street East and 37 Swayne Street**

**15.2.13.1 Defined Area**

MC-13 as shown on Schedule "A", Map 6 to this By-law.

**15.2.13.2 Permitted Uses**

In addition to those permitted under Section 15.1.1., the following uses are permitted in the MC-13 zone:

- i) Undertaker's Establishment;
- ii) Crematorium;
- iii) Parking lot.

**15.2.13.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 15.1.1. and 15.1.2 with the addition of the following buildings or structures:

- i) Undertaker's Establishment;
- ii) Parking lot or area;

- iii) accessory structures.

#### **15.2.13.4 Regulations for the Uses Permitted in the MC-13 Zone**

The regulations in Section 15.1 shall apply to the permitted uses in the MC-13 Zone.

#### **15.2.14 Main Central Commercial Exception 14 (MC-14) zone - 296 George Street**

##### **15.2.14.1 Defined Area**

(MC-14) as shown on Schedule 'A', Map 1Aa to this By-law.

##### **15.2.14.2 Permitted Uses**

The uses permitted under Section 15.1.1. and the following additional permitted use:

- i) residential use;

##### **15.2.14.3 Prohibited Uses**

The uses prohibited under Section 15.1.2.

##### **15.2.14.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

##### **15.2.14.5 Regulations for Permitted Uses in MC- 15 Zone**

Regulations of Section 15.1 shall apply to the uses permitted in the MC zone except for the following:

- i) **Parking**

For residential buildings, 1.0 space minimum per dwelling unit;

- ii) **Side Yard**

No minimum requirement, however a measurement the equivalent of 0.46% of the average height of the building is required where the external wall which parallels or is adjacent to the interior side lot line contains the window of a habitable room.

- iii) **Yard abutting Buck Street**

3.0 m (10.0 ft) minimum.

## **SECTION 16: LIGHT INDUSTRIAL (LM) ZONE REGULATIONS**

### **16.1 GENERAL USE REGULATIONS**

#### **16.1.1 Permitted Uses**

- i) auction centre use;
- ii) building supply use;
- iii) call centre;
- iv) communications production use including radio and television studios;
- v) custom workshop use for the production of clothing, furniture, metal ornaments;
- vi) data processing use;
- vii) education and training use;
- viii) equipment rental;
- ix) institutional use;
- x) laboratory use;
- xi) light industrial uses which are substantially enclosed in buildings;
- xii) printing and publishing use;
- xiii) public use in accordance with the provisions of Section 5.3.2, including a sewage treatment plant;
- xiv) research and development use;
- xv) secondary uses are limited to: an eating establishment provided that the eating establishment is subordinate to and supports the main use on the site and does not exceed 10% of the gross floor area of the main buildings;
- xvi) service or repair use;
- xvii) trade or contractor's office, display and storage;
- xviii) warehouse and storage use.

#### **16.1.2 Permitted Accessory Uses**

- i) accessory uses to the Permitted Uses under Section 16.1.1;
- ii) open storage;
- iii) office use;
- iv) wholesale;
- v) a single residential unit for a caretaker;
- vi) retail uses to a total maximum gross floor area of 15% of the gross floor area of the main building.

#### **16.1.3 Prohibited Uses**

Prohibited uses, buildings and structures shall include:

- i) hazardous uses which do not comply with the requirements of The Environmental Protection Act;  
**and**
- ii) retail and service commercial uses, with the exception of products produced and/or assembled on the premises which may be retailed from the premises provided that the retail operation occupies less than 15% of the gross floor area of the main building.



**16.1.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses, including an industrial mall building;
- ii) one dwelling unit for a caretaker in a portion of a building used for a permitted use;
- iii) accessory buildings and structures for the permitted uses.

**16.1.5 Lot Area**

1,400 square metres (15,000 sq.ft.) minimum.

**16.1.6 Lot Frontage**

30 metres (100 ft.) minimum.

**16.1.7 Lot Coverage**

40% maximum.

**16.1.8 Front Yard**

9 metres (30 ft.) minimum.

**16.1.9 Rear Yard**

7.5 metres (25 ft.) minimum.

**16.1.10 Interior Side Yard**

3 metres (10 ft.) minimum.

**16.1.11 Exterior Side Yard**

9 metres (30 ft.) minimum.

**16.1.12 Yards Abutting or Adjacent to Other Zones**

Where any lot line abuts a Residential, Institutional, Open Space or Development Zone or, where the lands on the opposite side of a street from a (LM) Zone are in such a zone, then any yard in the (LM) Zone abutting or opposite an area in such a zone shall have a minimum width of 9 metres (30 ft.) and shall not be used for open storage or loading facilities.

**16.1.13 Landscaped Open Space**

Minimum 20% of the lot.

**16.1.14 Building Height**

13 metres (43 ft.) maximum.

**16.1.15 Parking and Loading**

In accordance with the provisions of Section 6.

**16.1.16 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;

- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 15% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 40% of the lot area;
- iv) meet all other yard requirements of the LM Zone;
- v) be located a minimum of 3 metres (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 13 metres (43 ft.) in height.

#### **16.1.17 Property Abutting Railway Mainline**

Where any (LM) zone abuts a railway main line:

- i) new industrial buildings to be used for employment purposes (service shop, factory, workshops, laboratory, research and development, etc) shall be set back from the mutual property line a minimum of 15 m (50 ft.) in conjunction with a 2.0 m (6.5 ft) high earthen berm. A minimum setback of 60 m (200 ft) from the mutual property line is required if a berm is not to be provided;
- ii) new industrial building not to be used for employment purposes (warehouse and storage, etc.) shall be set back from the mutual property line a minimum of 15 m (50 ft);
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended;
- vii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required; and
- viii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required.

#### **16.1.18 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (LM) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands

within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and

- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

#### **16.1.19 Setback from Environmental Constraint Zone**

Where any LM Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures shall be set back a minimum of 3 metres (10 feet) from the boundary of the EC Zone.

#### **16.1.20 Open Storage**

Open storage of goods and materials shall be permitted provided that:

- i) any storage area shall not be permitted: in the front yard; or within 9 m (30 ft) of any lot line abutting a street; or within 9 m (30 ft) of a property line abutting a Residential, Institutional, Open Space or Development Zone;
- ii) the storage area is enclosed by a masonry or stone wall, solid wood or closed chain link fence, and such wall or fence shall have a minimum 1.8 m (6 ft.) in height; and
- iii) the storage area has a maximum lot coverage of 20%.

The provisions of this section shall not apply to the Town's sewage control plant and works yard.

#### **16.1.21 Refuse and recycling enclosures**

Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located only in the side or rear yards; and
- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

### **16.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 16.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 16.2.

#### **16.2.1 Light Industrial Exception 1 (LM-1) zone - Thompson/Dodge St. - Lucas Point Industrial Park**

##### **16.2.1.1 Defined Area**

LM-1 as shown on Schedule "A" Map 4 to this By-law.

##### **16.2.1.2 Permitted Uses**

The uses permitted in Section 16.1.1. and 16.1.2

##### **16.2.1.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 16.1.4.

#### 16.2.1.4 Regulation for the Uses Permitted in the LM-2

The lands in the LM-1 Zone shall be subject to all of the regulations in Section 16.1 and the following special provision:

- i) **Front Yard:**  
15 metres (50 feet).

#### 16.2.2 Light Industrial Exception 2 (LM-2) Zone - 210 Willmott Street, Diamond Head Industrial Mall

##### 16.2.2.1 Defined Area

LM-2 as shown on Schedule `A', Map 4 to this By-law.

##### 16.2.2.2 Permitted Uses

Uses permitted in Section 16.1.1, 16.1.2 and the following additional permitted uses:

- i) dry cleaning establishment;
- ii) day nursery use;
- iii) automated banking machine;
- iv) office use;
- v) commercial education and training use;
- vi) athletic commercial club;
- vii) service or repair use (excluding repair and service of motor vehicles);
- viii) clinic use;
- ix) eating establishment.

##### 16.2.2.3 Permitted Buildings and Structures

Buildings and structures permitted in Section 16.1.4.

##### 16.2.2.4 Regulations for the Uses Permitted in the (LM-2) Zone

Lands zoned LM-2 shall be subject to regulations of Section 16.1.

The following special provision shall also apply to those uses permitted under Section 16.2.2.2 (i) to (viii) inclusive;

- i) Those uses permitted under Subsection 16.2.2.2(i) to (viii) inclusive are limited to a maximum cumulative floor area of 15% of the total gross floor area of the facility known as Diamond Head Industrial Mall.
- ii) **"Eating Establishment"** use under Subsection 16.2.2.2 (ix) shall have a maximum Gross Floor Area of 465 m<sup>2</sup> (5,000 ft<sup>2</sup>).

#### 16.2.3 Light Industrial Exception 3 (LM-3) zone - 8875 Danforth Road

##### 16.2.3.1 Defined Area

(LM-3) as shown on Schedule 'A', Map 13 to this By-law.

##### 16.2.3.2 Permitted Uses

The following uses shall be permitted in the (LM-3) zone:

- i) The uses permitted in Section 16.1.1 and 16.1.2 with the exception that such uses shall be limited to uses which can be defined as 'dry industries'.

##### 16.2.3.3 Permitted Buildings and Structures

The buildings and structures permitted in Section 16.1.4

#### **16.2.3.4 Regulations for Permitted Uses in (LM-3) zone**

Regulations of Section 16.1. shall apply to the uses permitted in the (LM-3) zone and the following special provisions:

i) **INTERIOR SIDE YARD (Accessory Structures):**

A minimum 0.5 metre interior side yard is required for the accessory structure as it existed on November 1, 2000. The regulations of Section 16.1.16 shall apply to any new accessory structures or additions to accessory structures.

ii) **OPEN STORAGE:**

Open Storage of goods and materials including refuse containers, shall be permitted provided that:

- a) any storage area shall not be permitted in any front yard or exterior side yard and shall be setback a minimum of 7.5 m (25 ft) from any Residential, Institutional or development zone which abuts the (LM-3) zone; and
- b) the storage area is enclosed by a stone wall, masonry wall, metal wall, wood fence, closed chain link fence, and/or berm screen and such screening shall be a minimum of 2 m (6.6 ft.) in height.

#### **16.2.4 Light Industrial Exception 4 (LM-4) zone - 461 William Street**

##### **16.2.4.1 Defined Area**

LM-4 as shown on Schedule "A", Map 7 to this by-law.

##### **16.2.4.2 Permitted Uses**

The uses permitted in Section 16.1.1, 16.1.2 and including the following additional use:

- vehicular service and supply use including specialty repair facilities, but excluding vehicle body repair facilities;

and also excluding the following use:

- an auction centre use.

##### **16.2.4.3 Permitted Buildings and Structures**

The buildings and structures permitted for permitted uses in accordance with the LM Zone provisions.

##### **16.2.4.4 Regulations for Uses Permitted in the LM-4 Zone**

The regulations of Section 16.1 shall apply to uses permitted in the LM-4 Zone.

#### **16.2.5 Light Industrial Exception 5 (LM-5) and (LM-5(sp 78.8)) zone - 414 King Street West**

##### **16.2.5.1 Defined Area**

LM-5 and LM-5(sp 78.8) as shown on Schedule "A", Map 2 to this By-law.

##### **16.2.5.2 Permitted Uses**

The uses permitted in Section 16.1.1 and 16.1.2 but excluding the following uses:

- i) Open and/or outside storage.

### **16.2.5.3 Permitted Buildings and Structures**

The buildings and structures permitted in 16.1.2.

### **16.2.5.4 Regulations for Uses Permitted in the LM-5 and LM-5 (sp 78.8) Zone**

The regulations of Section 16.1 shall apply to those uses permitted in the LM-5 Zone and LM-5(sp. 78.8) Zone.

### **16.2.6 Light Industrial Exception 6 (LM-6) zone -1608 Workman's Rd.**

#### **16.2.6.1 Defined Area**

LM-6 as shown on Schedule "A", Map 5 to this By-law.

#### **16.2.6.2 Permitted Uses**

In addition to the permitted uses as set out in Section 16.1.1 and 16.1.2, within the Light Industrial Exception 6 (LM-6) Zone, the following uses shall also be permitted:

- i) a manufacturing plant for the production, wholesaling, retailing, warehousing and distribution of awards, ribbons, rosettes, buttons, advertising specialties and novelties and related items;
- ii) a tradesman's showroom and/or workshop;
- iii) a warehouse or storage building;
- iv) a retail or warehouse business office;
- v) a professional office or studio.

#### **16.2.6.3 Prohibited Uses**

- i) residential use.

#### **16.2.6.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

#### **16.2.6.5 Regulations for Uses Permitted in the LM-6 Zone**

The provisions of Section 16.1 shall apply to those lands zoned (LM-6) with the exception of the following:

- i) The minimum lot area shall be as existing on January 1, 2002;
- ii) The minimum lot frontage shall be as existing on January 1, 2002;
- iii) **Front yard depth:**  
21 metres (70 feet) minimum;
- iv) **Exterior side yard:**  
21 metres (70 feet);
- v) **Interior side yard:**  
15 metres (50 feet);
- vi) **Interior side yard or rear yard abutting a railroad Right-of-Way:**  
0 m;
- vii) **Rear yard:**

15 metres (50 feet);

viii) **Lot Coverage:**

35% maximum.

**16.2.7 Light Industrial Exception 7 (LM-7) and (LM-7 (sp. 90.8)) zone - 450 Campbell Street**

**16.2.7.1 Defined Area**

LM-7 and LM-7 (sp 90.8) as shown on Schedule "A" Map 4 to this By-law.

**16.2.7.2 Permitted Uses**

The uses permitted in Section 16.1.1. and 16.1.2

**16.2.7.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 16.1.4.

**16.2.7.4 Regulation for the Uses Permitted in the LM-7 and LM-7(sp 90.8)**

The lands in the LM-7 and LM-7(sp 90.8) Zone shall be subject to all of the regulations in Section 16.1 and the following special provision:

i) **Lot Frontage:**

25 metres (82 feet) minimum.

**16.2.8 Light Industrial Exception 8 (LM-8) zone - 821 Division Street**

**16.2.8.1 Defined Area**

LM-8 as shown on Schedule "A", Map 9 to this By-law.

**16.2.8.2 Permitted Uses**

The following uses shall be permitted in the LM-8 Zone in addition to the uses permitted in Section 16.1:

- i) one eating establishment use, including a banquet hall;
- ii) vehicular service and supply use including specialty repair facilities, but excluding vehicle body repair facilities;
- iii) open storage in compliance with 16.1.19.

**16.2.8.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 16.1.4.

**16.2.8.4 Regulations for the Uses Permitted in a (LM-8) Zone**

The regulations of Section 16.1 shall apply to those uses permitted in the LM-8 Zone with the exception of the following:

16.1.19 **Open Storage:**

- iii) the storage area has a maximum lot coverage of 45%.

**16.2.9 Light Industrial Exception 9 (LM-9) zone - 831 Division Street**

**16.2.9.1 Defined Area**

LM-9 as shown on Schedule "A", Map 9 to this By-law.

**16.2.9.2 Permitted Uses**

In addition to the uses permitted in Section 16.1.1, the following uses are also permitted:

- vehicle service station use which includes the sale of automotive fuels and accessories;
- vehicle wash use;
- vehicle fuelling station use;
- eating establishment use.

**16.2.9.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 16.1.4.

**16.2.9.4 Regulations for the Uses Permitted in the (LM-9) Zone**

Notwithstanding the regulations of Section 16.1.1, 16.1.2 and the following regulations shall apply to Vehicle Service Station and Fuelling Station uses:

- i) **Lot Frontage:**  
30 metres (125 feet) minimum.
- ii) **Lot Depth:**  
38 metres (125 feet) minimum.
- iii) **Lot Coverage:**  
20% maximum.
- iv) **Front Yard:**  
15 metres (50 feet) minimum
- v) **Rear Yard:**  
7.5 metres (25 feet) minimum.
- vi) **Interior Side Yard:**  
7.5 metres (25 feet) minimum.
- vii) **Exterior Side Yard:**  
15 metres (50 feet) minimum.



viii) **Landscaped Open Space:**

Minimum 20% of the lot but shall include any area not used for buildings, structures or parking areas, and shall include an area 3 metres (10 feet) in width along the interior side and/or rear lot lines where such lot lines abut a Residential or Development Zone.

ix) **Building Height:**

2 storeys maximum.

x) **Parking and Loading:**

In accordance with the provisions of Section 6

xi) **Pump Location:**

Notwithstanding any other provisions of this By-law, a pump island and a canopy over such island may be located within any required front yard or exterior side yard provided:

- the minimum distance between any portion of the pump island and non-cantilevered canopy and any street line shall be 5 m (16.4 ft); and,
- the minimum distance between a cantilevered canopy and any street line shall be 3 m (10 ft)

**16.2.10 Light Industrial Exception 10 (LM-10) zone - Vehicle Related Operations (Ontario/McGuire/Victoria St. and Veronica St.)**

**16.2.10.1 Defined Area**

(LM-10) as shown on Schedule "A", Map 7 & Map 9 to this By-law.

**16.2.10.2 Permitted Uses**

The uses permitted in Section 16.1.1, 16.1.2 and the following additional uses:

- i) vehicle repair use, including a vehicle body repair use;
- ii) works or contractor's yard use;
- iii) recycling depot use;
- iv) retail commercial use involving the sale of mobile homes;
- v) industrial use for concrete processing and manufacturing of concrete products.

**16.2.10.3 Permitted Buildings and Structures**

The buildings and structures permitted in 16.1.4 and the buildings and structures for the uses permitted in Section 16.2.10.2.

**16.2.10.4 Regulations for the Uses Permitted in the LM-10 Zone**

The regulations of Section 16.1 shall apply to uses permitted in the LM-10 Zone.

**16.2.11 Light Industrial Exception 11 (LM-11) Zone - 55 Veronica Street ( COA A-18-02)**

**16.2.11.1 Defined Area**

(LM-11) as shown on Schedule "A", Map 14 to this By-law.

#### **16.2.11.2 Permitted Uses**

Uses permitted under Section 16.1.1. and 16.1.2.

#### **16.2.11.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 16.1.4

#### **16.2.11.4 Regulations for Permitted Uses in LM-11 Zone**

Regulations of Section 16.1 shall apply to the uses permitted in the LM-11 zone with the exception of the following:

i) **Open Storage:**

Front yard setback for a security fence is permitted at a minimum 4.5m (14.75 ft) from the streetline. The fence shall respect the 12m x 12m sight triangle at the north/eastern property line.

#### **16.2.12 Light Industrial 12 (LM-12) Zone - 83 and 96 Veronica Street ( COA A-20-02)**

##### **16.2.12.1 Defined Area**

(LM-12) as shown on Schedule "A", Map 14 to this By-law.

##### **16.2.12.2 Permitted Uses**

Uses permitted under Section 16.1.1. and 16.1.2.

##### **16.2.12.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 16.1.4.

##### **16.2.12.4 Regulations for Permitted Uses in LM-12 Zone**

Regulations of Section 16.1 shall apply to the uses permitted in the LM-12 zone with the exception of the following:

i) **Open Storage:** Open storage shall:

- a) not be located closer than 4.5m (14.75 ft) from the streetline. The fence shall respect the 12m x 12m sight triangle at the north/eastern property line.
- b) be enclosed by a stone or masonry wall or a closed chain link fence and such wall or fence shall be a minimum of 2 m (6.6 ft) in height.

#### **16.2.13 Light Industrial Exception 13 (LM-13) zone -105 Normar Road**

##### **16.2.13.1 Defined Area**

LM-13, as shown on Schedule 'A', Map 11 to this By-law.

##### **16.2.13.2 Permitted Uses**

Those uses existing and those uses permitted under Section 16.1.1 and 16.1.2 and in addition the following uses:

- i) residential uses;
- ii) home occupation use;
- iii) agricultural use;
- iv) accessory uses.

### **16.2.13.3 Prohibited Uses**

- i) kennels;
- ii) golf course use.

### **16.2.13.4 Permitted Buildings and Structures**

Those buildings and structures permitted under Section 16.1.and;

- i) one single-detached dwelling on one lot;
- ii) one structure for agricultural or workshop purposes ;
- iii) accessory buildings and structures for the permitted uses.

### **16.2.13.5 Regulations for Permitted Uses of the (LM-13) zone**

Regulations of Section 16.1 shall apply to the uses permitted in the LM-13 zone with the addition of the following:

- i) An agricultural structure is permitted on the property for the purposes of housing a horse if separation from the residence and the agricultural structure can be achieved to the satisfaction of the Town; and
- ii) Total Lot Coverage for the property is 4 % maximum.

### **16.2.14 Light Industrial Exception Fourteen (LM-14) - 66 Elgin Street West**

#### **16.2.14.1 Defined Area:**

LM-14 as shown on Schedule A, to this by-law.

#### **16.2.14.2 Permitted Uses:**

Uses permitted in (LM-14) zone will be limited to the following:

- i) personal service;
- ii) workshop use for the production of clothing, furniture, draperies, or other goods;
- iii) office use;
- iv) service and repair use with the exception of a vehicle repair use;
- v) light industrial uses totally enclosed within a building.

#### **16.2.14.3 Secondary Uses:**

Secondary uses permitted in (LM-14) zone will be limited to the following:

- i) two residential units.

#### **16.2.14.4 Prohibited Uses:**

Outside storage.

#### **16.2.14.5 Permitted Buildings and Structures**

Buildings and structures permitted in Section 16.1 .

#### **16.2.14.6 Regulations for Uses Permitted in LM-14 zone:**

The regulations of Section 16.1 shall apply to the permitted uses in the(LM-14) zone with the exception of the following;

- i) **Additional Floor Area:**

A one storey addition is permitted to the rear of the existing structure with a maximum gross floor area of 310 m<sup>2</sup>. The addition shall only be used for permitted uses of the (CM-50) zone and shall not contain any secondary, residential uses.

**ii) Maximum Lot Coverage:**

45 % maximum.

**iii) Residential Units:**

Residential units shall only be permitted within the residential building existing at the date of the passing of this by-law. Any additional building area may not contain residential uses.

## **SECTION 17: GENERAL INDUSTRIAL (GM) ZONE REGULATIONS**

### **17.1 GENERAL USE REGULATIONS**

#### **17.1.1 Permitted Use**

- i) building supply use;
- ii) call centre;
- iii) communications production use, including radio and television studios;
- iv) data processing use;
- v) general industrial use;
- vi) laboratory use;
- vii) light industrial;
- viii) office, display, storage and yard facility for a utility, contractor, or specialty trade;
- ix) printing and publishing use;
- x) public use in accordance with the provisions of Section 5.3.2, including a sewage treatment plant;
- xi) research and development use;
- xii) secondary uses are limited to an eating establishment provided that the use is subordinate to and supports the main use on the site and does not exceed 10% of the gross floor area of the main buildings;
- xiii) service and repair use;
- xiv) shipping, transshipping or distribution use;
- xv) transportation terminal use;
- xvi) warehouse and storage use;
- xvii) wholesale;
- xviii) workshop use for the production of clothing, furniture, metal ornaments.

#### **17.1.2 Permitted Accessory Uses**

- i) accessory uses to the Permitted Uses in Section 17.1.1.;
- ii) office use;
- iii) open storage;
- iv) a single residential unit for a caretaker;
- v) retail uses to a total maximum gross floor area of 15% of the gross floor area of the main building.

#### **17.1.3 Prohibited Uses**

Prohibited uses, buildings and structures shall include:

- i) hazardous uses which do not comply with the requirements of The Environmental Protection Act; and
- ii) retail and service commercial uses, with the exception of products produced and/or assembled on the premises which may be retailed from the premises provided that the retail operation occupies less than 15% of the area of the main building.

#### **17.1.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses, including an industrial mall building;
- ii) one dwelling unit for a caretaker in a portion of a building used for a permitted use;
- iii) accessory buildings and structures for the permitted uses.

**17.1.5 Lot Area**

1,400 m<sup>2</sup> (15,000 ft<sup>2</sup>) minimum.

**17.1.6 Lot Frontage**

30 metres (100 ft.) minimum.

**17.1.7 Lot Coverage**

60% maximum.

**17.1.8 Front Yard**

9 metres (30 ft.) minimum.

**17.1.9 Rear Yard**

7.5 metres (25 ft.) minimum.

**17.1.10 Interior Side Yard**

3 metres (10 ft.) minimum.

**17.1.11 Exterior Side Yard**

9 metres (30 ft.) minimum.

**17.1.12 Yards Abutting or Adjacent to Other Zones**

Where any lot line abuts a Residential, Institutional, Open Space or Development Zone or where the lands on the opposite side of a street from a GM Zone are in such a zone then any yard abutting or opposite an area in such a zone shall have a minimum width of 15 m (50 ft.) and shall not be used for open storage or loading facilities.

**17.1.13 Landscaped Open Space**

Minimum 10% of the lot.

**17.1.14 Building Height**

13 metres (43 ft.) maximum.

**17.1.15 Parking and Loading**

In accordance with the provisions of Section 6.

**17.1.16 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 40% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 60% of the lot area;
- iv) meet all other yard requirements of the GM Zone;

- v) be located a minimum of 3 m (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 13 m (43 ft.) in height.

#### **17.1.17 Property Abutting Railway Mainline**

Where any (GM) zone abuts a railway main line:

- i) new industrial buildings to be used for employment purposes (service shop, factory, workshops, laboratory, research and development, etc) shall be set back from the mutual property line a minimum of 15 m (50 ft.) in conjunction with a 2.0 m (6.5 ft) high earthen berm. A minimum setback of 60 m (200 ft) from the mutual property line is required if a berm is not to be provided;
- ii) a new industrial building not used for employment purposes (warehouse and storage, etc.) shall be set back from the railroad right-of-way a minimum of 15 m (50 ft);
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- v) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- vi) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- vii) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- viii) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **17.1.18 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (GM) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and

- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

#### **17.1.19 Open Storage**

Open storage of goods and materials shall be permitted provided that:

- i) any storage area shall not be permitted: in the front yard; or within 9 m (30 ft) of any lot line abutting a street; or within 9 m (30 ft) of a property line abutting a Residential, Institutional, Open Space or Development Zone; and
- ii) the storage area is enclosed by a masonry or stone wall, or solid wood, or closed chain link fence of a minimum 2 m (6 ft.) in height, where such storage is located adjacent to a Residential, Institutional, Open Space or Development Zone; and
- iii) The provisions of this section shall not apply to the Town's sewage control plant and works yard.

#### **17.1.20 Refuse and recycling enclosures**

Refuse and recycling enclosures shall be permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located only in the side or rear yards; and
- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

#### **17.1.21 Setback from Environmental Constraint Zone**

Where any GM Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the GM Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

### **17.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 17.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 17.2.

#### **17.2.1 General Industrial Exception 1 (GM-1) Zone - (540 Division Street)**

##### **17.2.1.1 Defined Area**

(GM-1) as shown on Schedule "A", Map 6 to this By-law.

##### **17.2.1.2 Permitted Uses**

Uses permitted under Section 17.1.1. and 17.1.2

##### **17.2.1.3 Permitted Buildings and Structures**

Buildings and structures permitted in Section 17.1.4.

##### **17.2.1.4 Regulations for Permitted Uses in GM-1 Zone**

Regulations of Section 17.1 shall apply to the uses permitted in the GM-1 zone except for the following:



i) **Regulations for Accessory Uses**

Regulations of Section 17.1.16 shall apply to accessory uses of the GM-1 zone, with the exception that the gross floor area of all retail and office space shall be limited to 10% of the Total Gross Floor Area of all structures.

ii) **Lot Frontage**

Notwithstanding any other provision of this by-law, no municipal road frontage is required for the GM-1 zone until a severance is approved for the subject lands. With the approval of any severance for the subject lands zoned GM-1, 30 metres frontage will be required.

**17.2.2 General Industrial Exception 2 (GM-2) Zone - 8943 Danforth Road East**

**17.2.2.1 Defined Area**

GM-2 as shown on Schedule "A", Map 12 to this By-law.

**17.2.2.2 Permitted Uses**

In addition to the uses set out in Section 17.1.1 and 17.1.2, the following uses shall be permitted in the GM-2 Zone:

- i) vehicle repair use;
- ii) vehicle body repair use.

**17.2.2.3 Prohibited Uses**

- i) new residential uses

**17.2.2.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

**17.2.2.5 Regulations for Uses Permitted in the GM-2 Zone**

The provisions of Section 17.1 shall apply except as follows:

- i) The minimum lot area shall be as existing on January 1, 2002;
- ii) The minimum lot frontage shall be as existing on January 1, 2002.
- iii) Front yard 15.2 m (50 ft.) minimum
- iv) Exterior side yard 21 m (75 ft)
- v) Interior side yard 15 m (50 ft)
- vi) Rear yard 15 m (50 ft).

**17.2.3 General Industrial Exception 3 (GM-3) Zone - Building 20, Ewart Street, Northam Industrial Park**

**17.2.3.1 Defined Area**

GM-3 as shown on Schedule "A", Map 10 to this By-law.

**17.2.3.2 Permitted Uses**

The uses permitted in Section 17.1.1, 17.1.2. and the following additional permitted use:

- i) Vehicle Body Repair use.

**17.2.3.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 17.1.4

**17.2.3.3 Regulations for Uses Permitted in the GM-3 Zone**

Lands zoned (GM-3) shall be subject to regulations of Section 17.1. The following special provision shall also apply to Open Storage permitted under Section 17.1.18:

Open Storage of goods, materials and vehicles damaged which are the subject of body repairs for property zoned (GM-3) shall:

- (i) only be permitted in the rear yard of Building 20;
- (ii) be enclosed by a masonry or stone wall, or closed chain link fence of a minimum 2 m (6.5 ft) in height, or within an accessory structure.

**17.2.4 General Industrial Exception 4 (GM-4) - 149 Elgin Street East - Morrow Transport**

**17.2.4.1 Defined Area:**

(GM-4) as shown on Schedule 'A', to this by-law.

**17.2.4.2 Permitted Uses:**

The uses permitted in Section 17.1.1, 17.1.2 and the following additional permitted use:

- l) equipment rental use.

**17.2.4.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 17.1.4.

**17.2.4.4 Regulations for Uses Permitted in the GM-4 zone:**

The regulations of Section 17. shall apply.

## **SECTION 18: BUSINESS PARK (BP) ZONE REGULATIONS**

### **18.1 GENERAL USE REGULATIONS**

#### **18.1.1 Permitted Uses**

- i) auction centre;
- ii) building supply use fully within an enclosed building;
- iii) call centre;
- iv) communications production use, including radio and television studios;
- v) data processing;
- vi) education and training;
- vii) hotel, motel, conference centre, convention and/or banquet facility;
- viii) institutional uses;
- ix) laboratory use;
- x) light industrial uses in enclosed buildings;
- xi) mobile catering use;
- xii) office;
- xiii) park and recreation uses;
- xiv) printing and publishing use;
- xv) private and commercial club use;
- xvi) public use in accordance with the provisions of Section 5.3.2;
- xvii) research and development;
- xviii) secondary uses consisting of service uses related to the employment function including, but is not limited to: eating establishments, computer service uses, accounting service uses and engineering service use, provided that such a secondary use does not exceed 10% of the gross floor area;
- xix) wellness center.

#### **18.1.2 Permitted Accessory Uses**

- i) accessory uses to the Permitted Uses under Section 18.1.1;
- ii) wholesale;
- iii) a single residential unit for a caretaker;
- iv) retail uses to a total maximum gross floor area of 15% of the gross floor area of the main building.

#### **18.1.3 Prohibited Uses**

Prohibited uses, buildings and structures shall include:

- i) hazardous uses which do not comply with the requirements of The Environmental Protection Act; and
- ii) retail and service commercial uses, with the exception of products produced and/or assembled on the premises which may be retailed from the premises provided that the retail operation occupies less than 15% of the area of the main building.

#### **18.1.4 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses, including an industrial mall building;
- ii) one dwelling unit for a caretaker in a portion of a building used for a permitted use;
- iii) accessory buildings and structures for the permitted uses.

**18.1.5 Refuse and recycling enclosures**

Open Storage of goods and materials are not permitted in the (BP) zone. Refuse and recycling enclosures are permitted under the following regulations:

- i) the storage area has a maximum lot coverage of 5%; and
- ii) any refuse and recycling enclosures shall only be located only in the side or rear yards; and
- iii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

**18.1.6 Lot Area**

930 m<sup>2</sup> (10,000 ft<sup>2</sup>) minimum.

**18.1.7 Lot Frontage**

30 metres (100 ft) minimum.

**18.1.8 Lot Coverage**

40% maximum.

**18.1.9 Front Yard**

9 metres (30 ft.) minimum.

**18.1.10 Rear Yard**

7.5 metres (25 ft.) minimum.

**18.1.11 Interior Side Yard**

3 metres (10 ft.) minimum.

**18.1.12 Exterior Side Yard**

9 metres (30 ft.) minimum.

**18.1.13 Yards Abutting or Adjacent to Other Zones**

Where any lot line abuts a Residential, Institutional, Open Space or Development Zone or where the lands on the opposite side of the street from the BP Zone are in such a zone, then any yard abutting or opposite an area in such a zone shall have a minimum width of 15 m (50 ft.) and shall not be used for loading facilities.

**18.1.14 Landscaped Open Space**

Minimum 10% of lot.

**18.1.15 Building Height**

3 storeys.

#### **18.1.16 Parking and Loading**

In accordance with the provisions of Section 6 and in addition, for a transportation terminal or shipping, transshipping or distribution use, all loading zones shall be located to the side or rear of the main building and all vehicles shall be parked to the side or rear of the main building.

#### **18.1.17 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 15% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 40% of the lot area;
- iv) meet all other yard requirements of the (BP) Zone;
- v) be located a minimum of 3 m. (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum 3 storeys in height.

#### **18.1.18 Property Abutting Railway Mainline**

Where any (BP) zone abuts a railway main line:

- i) new industrial buildings to be used for employment purposes (service shop, factory, workshops, laboratory, research and development, etc) shall be set back from the mutual property line a minimum of 15 m (50 ft.) in conjunction with a 2.0 m (6.5 ft) high earthen berm. A minimum setback of 60 m (200 ft) from the mutual property line is required if a berm is not to be provided;
- ii) a new industrial building not used for employment purposes (warehouse and storage, etc.) shall be set back from the railroad right-of-way a minimum of 15 m (50 ft);
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- v) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- vi) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- vii) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- viii) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### **18.1.19 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (BP) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

### **18.1.20 Setback from Environmental Constraint Zone**

Where any BP Zone abuts an Environmental Constraint (EC) Zone all buildings and structures in the BP Zone shall be setback a minimum of 3 m (10 ft) from the boundary of the EC Zone.

## **18.2 SPECIAL USE REGULATION**

The regulations contained in subsection 18.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this sub-section 18.2:

### **18.2.1 Business Park Exception 1 (BP-1) zone - 884 Division Street**

#### **18.2.1.1 Defined Area**

BP-1 as shown on Schedule "A", Map 10 to this By-law.

#### **18.2.1.2 Permitted Uses**

In addition to the uses permitted in Section 18.1.1, the following use shall also be permitted in the (BP-1) Zone

- vehicle body repair use

#### **18.2.1.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 18.1.4.

#### **18.2.1.4 Regulations for the Uses Permitted in a BP-1 Zone**

The regulations of Section 18.1 shall apply to the uses permitted in a BP-1 Zone.

### **18.2.2 Business Park Exception 2 (BP-2) zone - 844 Division Street**

#### **18.2.2.1 Defined Area**

BP-2 as shown on Schedule "A", Map 10 to this By-law.

#### **18.2.2.2 Permitted Uses**

The following uses shall be permitted in the (BP-2) Zone in addition to the uses permitted in Section 18.1:

- i) one eating establishment use, including a banquet hall;
- ii) recreational vehicle (including boats) sales and rental outlet use, excluding the sale of motor cycles and other similar uses;
- iii) a retail furniture warehouse;
- iv) vehicle sales use;
- v) vehicle rental use;
- vi) accessory use.

#### **18.2.2.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 18.1.4.

#### **18.2.2.4 Regulations for Uses Permitted in the BP-2 Zone**

The regulations in Section 18.1 shall apply.

#### **18.2.3 Business Park Exception 3 (BP-3) zone - 800 Division St.**

##### **18.2.3.1 Defined Area**

BP-3 as shown on Schedule "A", Map 10 to this By-law.

##### **18.2.3.2 Permitted Uses**

The following uses shall be permitted in the (BP-3) Zone in addition to the uses permitted in Section 18.1:

- i) one eating establishment use, including a banquet hall;
- ii) personal service use.

##### **18.2.3.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 18.1.4.

##### **18.2.3.4 Regulations for Uses Permitted in the BP-3 Zone**

The regulations in Section 18.1 shall apply to the uses permitted in the (BP-3) zone except as specified in the following special use regulations:

- i) personal service use may comprise a maximum 10% of the total building coverage; and
- ii) eating establishments may comprise a maximum 25% of the total building coverage.

#### **18.2.4 Business Park Exception 4 (BP-4) zone - North of Elgin St. W., West of Burnham St.**

##### **18.2.4.1 Defined Area**

BP-4 as shown on Schedule A, Map 15 to this By-law.

##### **18.2.4.2 Permitted Uses**

- i) industrial uses in enclosed buildings;
- ii) office;
- iii) wholesale;
- iv) research and development;

- v) institutional;
- vi) education and training;
- vii) data processing;
- viii) park and recreation use;
- ix) public use in accordance with the provisions of Section 5.3.2;
- x) secondary uses consisting of service uses related to the employment function including computer service uses, accounting service uses and engineering service uses in a building utilized for a permitted use, provided that such a use does not exceed 10% of the gross floor area.

#### 18.2.4.3 Prohibited Uses

Prohibited uses, buildings and structures shall include:

- i) hazardous uses which do not comply with the requirements of The Environmental Protection Act; and
- ii) retail and service commercial uses, with the exception of products produced and/or assembled on the premises which may be retailed from the premises provided that the retail operation occupies less than 15% of the area of the main building.

#### 18.2.4.4 Permitted Buildings and Structures

In accordance with the provisions of Section 18.1.4

#### 18.2.4.5 Regulations for Uses Permitted in the BP-4 zone

Notwithstanding the provisions of Section 18.1, the lands in the BP-4 zone shall be subject to the following regulations:

- i) **Lot Area**  
1,400 m<sup>2</sup> (15,000 ft<sup>2</sup>) minimum
- ii) **Lot Frontage**  
30 m (100 ft.) minimum
- iii) **FSI**  
2 maximum
- iv) **Yards**  
6 m (20 ft) minimum, and 9m (30 ft) abutting a hospital use.
- v) **Minimum Landscaped Area Adjoining Highway 401**  
A landscaping area having a minimum width of 15 m (50 ft) parallel and adjoining the Highway 401 right-of-way.
- vi) **Minimum Landscaped Area Adjoining Any Street or Road Allowance, other than Highway 401**  
6m (20 ft) minimum
- vii) **Landscaped Open Space, including landscaped area along Highway 401 or any street or road allowance**  
A minimum 15% of lot area, which may include pedestrian walkways through parking area.
- viii) **Building Height**



6 storeys maximum

ix) **Open Storage**

Open storage of goods and materials including refuse containers, shall be permitted provided that:

- i) any storage area shall not be permitted: in the front yard; or within 9 m (30 ft) of any lot line abutting a street; or within 9 m (30 ft) of a property line abutting a Residential, Institutional, Open Space or Development Zone; and
- ii) the storage area is enclosed by a masonry or stone wall, or solid wood, or closed chain link fence of a minimum 2 m (6 ft.) in height, where such storage is located adjacent to a Residential, Institutional, Open Space or Development Zone; and
- iii) Outside Storage shall not exceed 2% of the lot area;
- iv) In accordance with the definition of Open Storage in Section 3; and
- v) Open Storage shall be prohibited between any building or structure and the Highway 401 road allowance and within 30 m (100 ft) of the Highway 401 road allowance.

x) **Parking and Loading**

In accordance with the provisions of Section 6, and in addition, loading shall be prohibited between any building or structure and the Highway 401 road allowance.

xi) **Regulations for Accessory Buildings and Structures**

In accordance with the provisions of Section 18.1.17 (i), (ii), (iv), (v), and (vi) and shall not exceed 15% coverage of the lot area.

**18.2.5 Business Park Exception Five (BP-5) - 715-717 Division Street**

**18.2.5.1 Defined Area**

BP-5 as shown on Schedule A, to this by-law.

**18.2.5.2 Permitted Uses**

Uses permitted in Section 18.1. and including the following additional uses:

- i) clinic use;
- ii) personal service use;
- iii) office use;

**18.2.5.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 18.1.4 and buildings and structures accommodating the uses permitted under Section 18.2.5.2

**18.2.5.4 Regulations for Uses Permitted in BP-5 zone:**

The regulations of Section 18.1 shall apply to the permitted uses in the BP-5 zone.

## **SECTION 19: INSTITUTIONAL (I) ZONE REGULATIONS**

### **19.1 GENERAL USE REGULATIONS**

#### **19.1.1 Permitted Uses**

- i) college use;
- ii) cultural use, including museum or art gallery;
- iii) day nursery use;
- iv) emergency care establishment use;
- v) government office use;
- vi) group home use in accordance with the provisions of Section 5.22;
- vii) library use;
- viii) medical clinic;
- ix) nursing home use;
- x) place of worship use;
- xi) private club or meeting facility use for non-profit organization;
- xii) public or private hospital use;
- xiii) public place of assembly use;
- xiv) public stadium use;
- xv) public uses in accordance with the provisions of Section 5.3.2;
- xvi) recreation and community centre use;
- xvii) residential use for the aged or disabled operated by a government organization or place of worship;
- xviii) retirement home use;
- xix) secondary school use;
- xx) training facilities use for young offenders;
- xxi) water intake and filtration plant use and related business office and maintenance facilities for utility vehicles;
- xxii) wellness centre.

#### **19.1.2 Permitted Accessory Uses:**

- i) accessory use;
- ii) an accessory dwelling unit for a caretaker.

#### **19.1.3 Permitted Buildings and Structures**

- i) Buildings and structures for the permitted uses;
- ii) single detached dwelling for a group home use;
- iii) accessory buildings and structures for the permitted uses.

#### **19.1.4 Lot Area**

1,400 m<sup>2</sup> (15,000 ft.<sup>2</sup>) minimum.

#### **19.1.5 Lot Frontage**

30 m (100 ft.) minimum.

**19.1.6 Lot Coverage**

50% maximum.

**19.1.7 Front Yard**

7.5 metres (25 ft.) minimum.

**19.1.8 Rear Yard**

7.5 metres (25 ft.) minimum.

**19.1.9 Side Yard**

7.5 metres (25 ft.) minimum.

**19.1.10 Landscaped Open Space**

Minimum 30% of the lot.

**19.1.11 Building Height**

4 storeys maximum.

**19.1.12 Parking**

In accordance with the provisions of Section 6.

**19.1.13 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall not:

- i) be built closer to the front lot line than the main building on the lot;
- ii) be located within 1 m. (3.3 ft.) of a side or rear lot line, except on a corner lot where the minimum side yard abutting a street shall be 6 m (20 ft.);
- iii) exceed 3 storeys in height;
- iv) exceed 3% coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 50% of the lot area;
- v) be located within 3 metres (10 ft.) of any other building or structure on the lot.

**19.1.14 Regulations for Swimming Pools**

Outdoor swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to an institutional use provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 m (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line which abuts a Residential or Development Zone;
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

#### **19.1.15 Regulations for Day Nurseries**

A day nursery may be permitted in a separate building or in an institutional building provided that no part of any required front or exterior side yard shall be used for the purpose of outdoor play space accessory to the day nursery.

#### **19.1.16 Community Use of Places of Worship**

Notwithstanding any provisions of this Section any function of a community or charitable organization shall be deemed to be a permitted accessory use of a place of worship, provided that:

- i) such use shall be normally incidental and subordinate to the principal religious use of the place of worship; and,
- ii) such use shall not be intended or conducted for the monetary gain or profit of any person, group of persons or organization other than the place of worship or the bona fide recipients of charity.

#### **19.1.17 Setback from Environmental Constraint Zone**

Where any (I) Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the (I) Zone shall be setback a minimum of 3 m (10 ft) from the boundary of the EC Zone.

#### **19.1.18 Property Abutting Railway Mainline**

Where any (I) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **19.1.19 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.

- ii) Where any lands zoned (I) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

#### **19.1.20 Refuse and recycling enclosures**

Open Storage of goods and materials are not permitted in the (I) zone. Refuse and recycling enclosures are permitted under the following regulations:

- i) any refuse and recycling enclosures shall only be located only in the side or rear yards; and
- ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.

### **19.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 19.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 19.2:

#### **19.2.1 Institutional Exception 1 (I-1) zone - Community Institutional Uses**

##### **19.2.1.1 Defined Area**

I-1 as shown on Schedule "A" to this By-law.

##### **19.2.1.2 Permitted Uses**

Notwithstanding the provisions of Section 19.1.1, 19.1.2. the permitted uses in the I-1 Zone shall be limited to the following:

- i) elementary school use;
- ii) place of worship use;
- iii) day nursery use;
- iv) library use;
- v) recreation and community centre use;
- vi) emergency care establishment use;
- vii) public uses in accordance with the provisions of Section 5.3.2;
- viii) accessory use.

##### **19.2.1.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 19.1.3.

##### **19.2.1.4 Regulations for the uses Permitted in the I-1 Zone**

Notwithstanding the provisions of Section 19.1 the following regulations shall apply to the uses in the I-1 Zone:

- i) **Lot Area:**  
465 m<sup>2</sup> (5,000 ft.<sup>2</sup>) minimum.

- ii) **Lot Frontage:**  
15 m (50 ft.) minimum.
- iii) **Lot Coverage:**  
50% maximum.
- iv) **Front Yard:**  
The established building line, or where not applicable, 6 m (20 ft.) min.
- v) **Rear Yard:**  
7 m (23 ft.) minimum.
- vi) **Side Yard:**  
6 m (20 ft.) minimum.
- vii) **Landscaped Open Space:**  
Minimum 30% of the lot.
- viii) **Building Height:**  
3 storeys maximum, with the exception of a place of worship which may be 4 storeys maximum.
- ix) **Parking:**  
In accordance with the provisions of Section 6.
- x) **Regulations for Accessory Buildings and Structures:**  
The regulations in Section 19.1.13.
- xi) **Regulations for Swimming Pools:**  
The regulations in Section 19.1.14.
- xii) **Regulations for Day Nurseries:**  
The regulations in Section 19.1.15.
- xiii) **Community Use of Places of Worship:**  
The regulations in Section 19.1.16.
- xiv) **Setback from Environmental Constraint Zone:**  
The regulations in Section 19.1.17.

**19.2.2 Institutional Exception 2 (I-2) zone - 316 King Street East**

**19.2.2.1 Defined Area**

I-2, as shown on Schedule 'A', Map 6 to this By-law.

### 19.2.2.2 Permitted Uses

Permitted uses in the (I-2) zone shall be limited to the following:

- i) medical clinic;
- ii) Office use;
- iii) Personal service use;
- iv) Secondary uses;
- v) Accessory uses;

### 19.2.2.3 Permitted Buildings and Structures

Permitted buildings and structures in the (I-2) zone shall be limited to the following:

- i) Buildings and structures for the Medical Clinic; and
- ii) Accessory buildings and structures for the permitted uses.

### 19.2.2.4 Regulations for uses permitted in the I-2 zone

Notwithstanding the provisions of Section 19.1, the following special provisions shall apply to lands zoned Institutional Exception Two (I-2) zone:

- i) **Lot Area:**  
5,500 m<sup>2</sup> (59,200 ft<sup>2</sup>) minimum.
- ii) **Lot Frontage:**  
51 m (167 ft) minimum.
- iii) **Lot Coverage:**  
25% maximum.
- iv) **Front Yard:**  
9 m (30 ft) minimum.
- v) **Building Height:**  
5 storeys max. (including all mechanical and ornamental skylights).
- vi) **Parking:**  
70 parking spaces minimum.
- vii) **Landscaped Open Space:**  
30% minimum.
- viii) **Side Yard:**  
7.5 m. (25 ft.) minimum.
- ix) **Rear Yard:**  
7.5 m. (25 ft.) minimum.
- x) **Side Yard:**  
7.5 m. (25 ft.) minimum.

xi) **Total Number of Practitioners:**

Twelve (12) medical practitioners.

**19.2.2.5 Provisions for Secondary Uses**

The following special provisions shall also apply to those secondary uses permitted under Section 19.2.2.2(iv);

- i) A maximum of eight (8) secondary uses are permitted within the medical clinic at one time.
- ii) Those uses permitted under Subsection 19.2.2.2 (iv) are limited to a maximum cumulative floor area of 30% of the total gross floor area of the building.

**19.2.2.6 Provisions for Permitted Uses**

The primary use of the structure is for medical clinic use. All secondary uses, office use(s) and personal service use(s) within the structure are limited to a maximum cumulative floor area of 50% of the total gross floor area of the building.

**19.2.3 Institutional Exception 3 (I-3) zone - New Amherst Community**

**19.2.3.1 Defined Area**

(I-3) as shown on Schedule "A", Map 8 to this By-law.

**19.2.3.2 Permitted Uses, Buildings and Structures and Regulations**

The permitted uses, buildings and structures and regulations shall be the same as for the (I-1) zone with the exception that the maximum front yard shall be 7.6 m (25 feet).

**19.2.4 Institutional Exception 4 (I-4) Zone - Northumberland Christian School (formerly Hamilton Twp (I-1))**

**19.2.4.1 Defined Area**

I-4 as shown on "Schedule A", Map 13 to this By-law.

**19.2.4.2 Permitted Uses**

Notwithstanding the provisions of Section 19.1.1 and 19.1.2, the permitted uses in the I-4 Zone shall be limited to the following:

- i) place of worship use;
- ii) elementary or secondary school use;
- iii) recreation and community centre use;
- iv) cemetery;
- v) accessory use including an accessory dwelling house for a staff member or caretaker;
- vi) public uses in accordance with the provisions of Section 5.3.2.

**19.2.4.3 Permitted Buildings and Structures**

Permitted buildings and structures in the I-4 Zone shall be limited to the following:

- i) buildings and structures for the permitted uses;
- ii) accessory single detached dwelling house;
- iii) accessory buildings and structures for the permitted uses.



#### **19.2.4.4 Regulations for the Uses Permitted in the I-4 Zone**

The provisions of Section 19.1 shall apply except as follows:

- i) The minimum lot area shall be as existing on January 1, 2002;
- ii) The minimum lot frontage shall be as existing on January 1, 2002.

#### **19.2.5 Institutional Exception 5 (I-5) Zone - 1000 Burnham St. - Northumberland Health Care Corp. (A-8-01)**

##### **19.2.5.1 Defined Area**

I-5 as shown on Schedule "A", Map 15 to this By-law.

##### **19.2.5.2 Permitted Uses**

Uses permitted in Section 17.1.1 and 17.1.2. and the additional use as a medical clinic.

##### **19.2.5.3 Permitted Buildings and Structures**

Permitted buildings and structures in the (I-5) zone shall be limited to the following:

- i) Buildings and structures for the permitted uses; and
- ii) Accessory buildings and structures for the permitted uses.

##### **19.2.5.4 Regulations for the Uses Permitted in the Institutional Special Use 5 (I-5) zone**

The regulations of Section 19.1 shall apply to the uses permitted in the (I-5) zone with the exception of the following;

vii) **Driveway Width:**

9.0 m maximum.

#### **19.2.6 Institutional Exception Six (I-6) Zone - 411 King Street East**

##### **19.2.6.1 Defined Area**

(I-6) as shown on Schedule 'A', Map to this by-law.

##### **19.2.6.2 Permitted Uses**

The uses permitted in Section 19.1.1, 19.1.2. and the following additional permitted use:

- i) Undertaker's Establishment use;
- ii) Accessory Uses to an Undertaker's Establishment that may include, but is not limited to, one or more of the following: a crematorium; a mortuary; a chapel; a grieving centre; a counselling facility; facilities for the viewing and sale of undertaker's merchandise; child care facility for grieving families.

##### **19.2.6.3 Permitted Buildings and Structures**

The buildings and structures permitted in Section 19.1.3.

##### **19.2.6.4 Regulations for Permitted Uses in I-6 Zone**

The regulations of Section 19.1 shall apply to the lands in the (I-6) zone.

**19.2.7 Institutional Exception 7 (I-7) Zone - 700 D'Arcy Street**

**19.2.7.1 Defined Area**

I-7 as shown on "Schedule A", Map 10 to this By-law.

**19.2.7.2 Permitted Uses**

The uses permitted in Section 19.1.1, 19.1.2. and the following additional permitted use;

- i) elementary or secondary school use;
- ii) recreation and community centre use;
- iii) health care office, but excluding a medical clinic;
- iv) accessory use including an accessory dwelling house for a staff member or caretaker;
- v) public uses in accordance with the provisions of Section 5.3.2.

**19.2.7.3 Permitted Buildings and Structures**

Permitted buildings and structures in the I-7 Zone shall be limited to the following:

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures for the permitted uses.

**19.2.7.4 Regulations for the Uses Permitted in the I-7 Zone**

The provisions of Section 19.1 shall apply except as follows:

- i) The minimum lot area shall be as existing on January 1, 2003;
- ii) The minimum lot frontage shall be as existing on January 1, 2003.

## **SECTION 20: OPEN SPACE (OS) ZONE REGULATIONS**

### **20.1 GENERAL USE REGULATIONS**

#### **20.1.1 Permitted Uses**

- i) conservation use;
- ii) existing cemetery use, including a place of worship as an accessory building but excluding a crematorium or mausoleum;
- iii) forestry use;
- iv) private park use;
- v) public park use;
- vi) public use in accordance with the provisions of Section 5.3.2.

#### **20.1.2 Permitted Accessory Uses**

- i) accessory uses to the permitted uses of Section 20.1.1;
- ii) one residential unit for a caretaker;
- iii) parking areas for the permitted uses.

#### **20.1.3 Permitted Buildings and Structures**

- i) a single-detached dwelling for a caretaker;
- ii) accessory buildings and structures for the permitted uses including a refreshment stand, a storage area, parking area, swimming pools, tennis courts, band shells and ball diamonds.

#### **20.1.4 Lot Area**

465 m<sup>2</sup> (5,000 ft.<sup>2</sup>) minimum.

#### **20.1.5 Lot Frontage**

15 metres (50 ft.) minimum.

#### **20.1.6 Lot Coverage**

20% maximum.

#### **20.1.7 Front Yard**

7.5 metres (25 ft.) minimum.

#### **20.1.8 Rear Yard**

7.5 metres (25 ft.) minimum.

#### **20.1.9 Side Yard**

7.5 metres (25 ft.) minimum.

#### **20.1.10 Landscaped Open Space**

Minimum 50% of the lot.

**20.1.11 Building Height**

3 storeys maximum.

**20.1.12 Parking**

In accordance with the provisions of Section 6.

**20.1.13 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation;
- ii) not be built closer to the front lot line than the main building on the lot;
- iii) not exceed 20% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 20% of the lot area;
- iv) meet all other yard requirements of the OS zone;
- v) be located a minimum of 3 m (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 3 storeys in height.

**20.1.14 Property Abutting Railway Mainline**

Where any (OS) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### **20.1.15 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (OS) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

## **20.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 20.1 General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 20.2.

### **20.2.1 Open Space Exception One (OS-1) zone - Victoria Park Trailer Park**

#### **20.2.1.1 Defined Area**

(OS-1) as shown on Schedule "A", Map 3 to this By-law.

#### **20.2.1.2 Permitted Uses**

The uses permitted in Section 20.1.1, 20.1.2. and the following permitted uses:

- i) a seasonal travel trailer park;
- ii) a museum;
- iii) a theatre use;
- iv) accessory and secondary uses including pedestrian/bicycle pathways, public parking areas and public plazas.

#### **20.2.1.3 Permitted Buildings and Structures**

The buildings and structures for the permitted uses including and travel trailers on a seasonal basis.

#### **20.2.1.4 Regulations for the Uses Permitted in the (OS-1) Zone**

The regulations of Section 20.1 shall apply to the permitted uses in the (OS-1) Zone, with the exception of the uses permitted in Sections 20.2.1.2 ii), iii), iv), v), vi), and accessory uses to those permitted uses, which shall be subject to the regulations of Sections 20.1.4 through 20.1.14 inclusive.

## **20.2.2 Open Space Exception 2 (OS-2) zone - Harbour Area/East Pier**

### **20.2.2.1 Defined Area**

(OS-2) as shown on Schedule "A", Map 2, to this By-law.

### **20.2.2.2 Permitted Uses**

Notwithstanding the provisions of Section 20.1.1 and 20.1.1 only the following uses shall be permitted in the (OS-2) Zone:

- i) public park use;
- ii) public open space use;
- iii) public use in accordance with the provisions of Section 5.3.2;
- iv) eating establishment and/or museum use in a vessel beside the pier;
- v) accessory use to the permitted uses in Sections 20.2.2.2 i) through iii) including a parking lot, sculpture garden, pedestrian/bicycle pathway and observation area; and,
- vi) ramps and loading area accessory to the permitted uses in Section 20.2.2.2 iv).

### **20.2.2.3 Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

### **20.2.2.4 Regulations for the Uses Permitted in the (OS-2) Zone**

Notwithstanding the provisions of Section 20.1, only the following regulations shall apply to the lands in the (OS-2):

- i) **Lot Coverage:**  
30% maximum
- ii) **Landscaped Open Space:**  
50% minimum
- iii) **Building Height:**  
3 storeys maximum
- iv) **Yards:**  
7.5 m (25 ft) min. from the edge of the pier
- v) **Parking:**  
In accordance with the provisions of Section 6.
- vi) **Accessory Buildings and Structures:**  
In accordance with the regulations of this Section 20.2.2.4.

## **20.2.3 Open Space Exception 3 (OS-3) zone - Harbour Area/West Pier**

### **20.2.3.1 Defined Area**

(OS-3) as shown on Schedule "A", Map 2, to this By-law.

### 20.2.3.2 Permitted Uses

Notwithstanding the provisions of Section 20.1.1 and 20.1.2. only the following uses shall be permitted in the (OS-3) Zone:

- i) public park use;
- ii) public open space use;
- iii) public use in accordance with the provisions of Sections 5.3.2;
- iv) accessory use including parking areas, playground areas, a pedestrian/bicycle pathway and observation areas.

### 20.2.3.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

### 20.2.3.4 Regulations for the Uses Permitted in the (OS-3) Zone

Notwithstanding the provisions of Section 20.1, only the following regulations shall apply to the lands in the (OS-3) Zone:

- i) **Lot Coverage:**  
10 % maximum
- ii) **Landscaped Open Space:**  
60 % minimum
- iii) **Building Height:**  
3 storeys maximum
- iv) **Yards:**  
7.5 m (25 ft) minimum from the edge of the pier
- v) **Parking:**  
A minimum of five spaces and a maximum of 15 parking spaces shall be permitted in the (OS-3) Zone.
- vi) **Accessory Buildings and Structures**  
In accordance with the regulations of this Section 20.2.3.4

### 20.2.4 Open Space Exception 4 (OS-4) zone Harbour Area/Marina

#### 20.2.4.1 Defined Area

(OS-4) as shown on Schedule "A", Map 2 to this By-law.

#### 20.2.4.2 Permitted Uses

Notwithstanding the provisions of Section 20.1.1 and 20.1.2. only the following uses shall be permitted in the (OS-4) Zone:

- i) public park use;
- ii) public open space use;
- iii) public use in accordance with the provisions of Section 5.3.2;
- iv) marina use;
- v) yacht club use;
- vi) visitor's bureau use;
- vii) parking area use;
- viii) accessory use including boater recreation centre use, boat storage areas, launching ramps, playground areas, a pedestrian/bicycle pathway and public plaza.

#### 20.2.4.3 Permitted Buildings and Structures

Buildings and structures for the permitted uses.

#### 20.2.4.4 Regulations for the Uses Permitted in the (OS-4) Zone

Notwithstanding the provisions of Section 20.1, only the following regulations shall apply to the lands in the (OS-4) Zone:

- i) **Lot Coverage:**  
30% maximum
- ii) **Landscaped Open Space:**  
20% minimum
- iii) **Building Height:**  
3 storeys maximum
- iv) **Yards:**  
7.5 m. (25 ft.) minimum from the edge of the pier
- v) **Parking:**  
In accordance with Section 6.
- vi) **Accessory Buildings/Structures:**  
In accordance with the regulations of this Section 20.2.4.4.



## **SECTION 21: ENVIRONMENTAL CONSTRAINT (EC) ZONE REGULATIONS**

### **21.1 GENERAL USE REGULATIONS**

#### **21.1.1 Permitted Uses**

- i) agricultural use;
- ii) conservation use;
- iii) forestry use;
- iv) picnic areas;
- v) private park use existing as of January 1, 1993;
- vi) public park use existing as of January 1, 1993;
- vii) public uses in accordance with the provisions of Section 5.3.2;
- viii) walking and bicycle trails.

#### **21.1.2 Permitted Accessory Uses**

- i) accessory use to the Permitted Uses in Section 21.1.1;
- ii) parking areas for the permitted use.

#### **21.1.3 Permitted Buildings and Structures**

- i) buildings and structures necessary for flood and erosion prevention and control, and landscape stabilization;
- ii) accessory structures for a public or private park use including, but not limited to; benches, boat launching facilities, ball diamonds, tennis courts.

#### **21.1.4 Parking**

In accordance with the provisions of Section 6.

### **21.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 21.1, General Use Regulations, shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 21.2.

#### **21.2.1 Environmental Constraint Exception 1 (EC-1) zone - 357 Elgin Street West**

##### **21.2.1.1 Defined Area**

(EC-1) as shown on Schedule "A", Map 9 to this By-law.

##### **21.2.1.2 Permitted Uses, Building and Structures**

The uses, building and structures permitted in Sections 21.1.1, 21.1.2 and 21.1.3 respectively and a parking area which is an accessory use to the permitted apartment building in the R4-1 Zone.

##### **21.2.1.3 Parking**

In accordance with the provisions of Section 6 provided that no parking area shall be located within 30 metres (98.4 feet) of Cobourg Creek.

**21.2.2 Environmental Constraint Exception 2 (EC-2) zone - 30 Hamilton Ave. (South Portion of Merwin Greer Public School)**

**21.2.2.1 Defined Area**

(EC-2) as shown on Schedule "A", Map 4 to this By-law.

**21.2.2.2 Permitted Uses**

Notwithstanding the provisions of Section 21.1.1 and 21.1.2. the only permitted uses shall be those associated with the conservation, maintenance and enhancement of natural vegetation.

**21.2.2.3 Permitted Buildings and Structures**

Buildings and structures accessory to the permitted uses.

**21.2.3 Environmental Constraint Exception 3 (EC-3) zone - The Mill Golf Course**

**21.2.3.1 Defined Area**

(EC-3) as shown on Schedule 'A', Map 14 to this By-law.

**21.2.3.2 Permitted Uses**

The uses, building and structures permitted in Sections 21.1.1, 21.1.2 and 21.1.3 and in addition:

- i) a golf course;
- ii) accessory uses to a golf course.

**21.2.3.3 Permitted Buildings and Structures**

Buildings and structures for the permitted uses.

**21.2.3.4 Regulations for Permitted Uses in the (EC-3) zone**

The provisions of Section 21.1 shall apply except as follows:

- i) The minimum lot area shall be as existing on January 1, 2003;
- ii) The minimum lot frontage shall be as existing on January 1, 2003.

## **SECTION 22: RURAL (RU) ZONE REGULATIONS**

### **22.1 GENERAL USE REGULATIONS**

#### **22.1.1 Permitted Uses**

- i) agricultural use;
- ii) conservation use;
- iii) forestry use;
- iv) golf course use, including a miniature golf course and a driving range;
- v) group home use in accordance with the provisions of Section 5.22;
- vi) home occupation use;
- vii) kennel use;
- viii) private park use;
- ix) public park use.

#### **22.1.2 Permitted Accessory Uses**

- i) accessory uses to the Permitted Uses under Section 22.1.1;
- ii) an outlet for the sale of agricultural produce;
- iii) a residential use accessory to an agricultural use.

#### **22.1.3 Permitted Buildings and Structures**

- i) agricultural buildings and structures, including a commercial greenhouse structure;
- ii) buildings and structures for the permitted park and golf course use;
- iii) single detached dwelling for a group home use;
- iv) accessory buildings and structures for the permitted uses including one single-detached dwelling on a lot used for agricultural purposes.

#### **22.1.4 Lot Area**

8 hectares (20 acres) minimum.

#### **22.1.5 Lot Frontage**

60 metres (200 ft.) minimum.

#### **22.1.6 Lot Coverage**

20% maximum.

#### **22.1.7 Front Yard**

18 metres (60 ft.) minimum.

#### **22.1.8 Rear Yard**

18 metres (60 ft.) minimum.

#### **22.1.9 Side Yard**

9 metres (30 ft.) minimum.

**22.1.10 Landscaped Open Space**

No minimum requirement.

**22.1.11 Building Height**

13 metres (43 ft.) maximum.

**22.1.12 Parking**

In accordance with the provisions of Section 6.

**22.1.13 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by an occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) have no external display or advertisement other than a sign which complies with the Municipality's By-law governing signs;
- iv) have no external storage of materials, containers or finished products;
- v) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vi) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- vii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (247 ft.<sup>2</sup>), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation;
- viii) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

**22.1.14 Regulations for Accessory Buildings and Structures**

Accessory buildings and structures not attached to the main building shall:

- i) not be used for human habitation, with the exception of one single-detached dwelling on a lot as an accessory to an agricultural use;
- ii) not be built closer to the front lot line than the main building on the lot, with the exception of the permitted single detached dwelling;
- iii) not exceed 15% coverage of the lot area, provided that the coverage of all buildings and structures on the lot shall not exceed 20% of the lot area;
- iv) meet all other yard requirements of the (RU) Zone;
- v) be located a minimum of 3 m (10 ft.) away from any other building or structure on the lot;
- vi) be a maximum of 13 m (43 ft.) in height.

### **22.1.15 Setback from Environmental Constraint Zone**

Where any (RU) Zone abuts an Environmental Constraint (EC) Zone, all buildings and structures in the (RU) Zone shall be setback a minimum of 3 m (10 ft.) from the boundary of the EC Zone.

### **22.1.16 Property Abutting Railway Mainline**

Where any (RU) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### **22.1.17 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (RU) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

## **22.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 22.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 22.2.

### **22.2.1 Rural Special Exception 1 (RU-1) Zone - 9148, Danforth Road East**

#### **22.2.1.1 Defined Area**

(RU-1) as shown on Schedule “A”, Map 11 to this By-law.

#### **22.2.1.2 Permitted Uses**

The permitted uses shall be limited to those uses permitted under Section 22.1.1. and 22.1.2. and those uses legally existing at the date of adoption of this By-law.

#### **22.2.1.3 Permitted Buildings and Structures**

Those buildings and structures permitted under Section 22.1.3 and;

- i) one single-detached dwelling on one lot;
- ii) buildings and structures legally existing at the date of adoption of this by-law;
- iii) accessory buildings and structures for the permitted uses.

#### **22.2.1.4 Regulations for permitted Uses in RU-1 Zone**

Regulations of Section 22.1 shall apply to the uses permitted in the RU-1 zone except for the following:

i) **Lot Frontage:**

240 m. minimum.

ii) **Lot Area:**

19.1 ha minimum.

iii) **Lot Coverage:**

1% maximum.

iv) **Front Yard:**

The established building line, or where not applicable, 15 m minimum.

v) **Interior Side Yard:**

10 m minimum.

vi) **Dwelling houses:**

One dwelling on one lot.

#### **22.2.2 Rural Exception 2 (RU-2) zone - Rural Estate Lots for ‘Development Area C’**

##### **22.2.2.1 Defined Area**

RU-2, as shown on Schedule “A”, Map 11 & Map 12 to this By-law.

##### **22.2.2.2 Permitted Uses**

- i) uses permitted in Section 22.1.1 and 22.1.2;
- ii) residential uses.

### 22.2.2.3 Prohibited Uses

- i) kennels;
- ii) agricultural uses.

### 22.2.2.4 Permitted Buildings and Structures

Those buildings and structures permitted under Section 22.1.3 and;

- i) one single-detached dwelling on one lot;
- ii) buildings and structures legally existing at the date of adoption of this by-law;
- iii) accessory buildings and structures for the permitted uses.

### 22.2.2.5 Regulations for Permitted Uses of the (RU-2) zone

Regulations of Section 22.1 shall apply to the uses permitted in the RU-2 zone except for the following provisions:

#### i) Lot Frontage:

- |  |                       |
|--|-----------------------|
| (a) Lot served by a public water system and a sanitary sewer system:     | 24 m (80 ft) minimum  |
| (b) Lot served by only a public water system or a sanitary sewer system: | 30 m (100 ft) minimum |
| (c) Other lots:  | 60 m (200 ft) minimum |

#### ii) Lot Area:

- |  |  |
|--|--|
| (a) Lot served by a public water system and a sanitary sewer system:     | 725 m <sup>2</sup> (7,800 ft <sup>2</sup> )            |
| (b) Lot served by only a public water system or a sanitary sewer system: | 2,043 m <sup>2</sup> (22,000 ft <sup>2</sup> ) minimum |
| (c) Other lots:  | 7,892 m <sup>2</sup> (1.95 ac) minimum                 |

#### iii) Lot Coverage:

20% maximum.

### 22.2.3 Rural Exception 3 (RU-3) zone - Rural Estate Lots for 'Development Area C'

#### 22.2.3.1 Defined Area

RU-3, as shown on Schedule "A", Map 5, Map 11, and Map 12 to this By-law.

#### 22.2.3.2 Permitted Uses

- i) uses permitted in Section 22.1.1 and 22.1.2;
- ii) residential uses.

#### 22.2.3.3 Prohibited Uses

- i) kennels;
- ii) agricultural uses.

#### **22.2.3.4 Permitted Buildings and Structures**

Those buildings and structures permitted under Section 22.1.3 and;

- i) one single-detached dwelling on one lot;
- ii) buildings and structures legally existing at the date of adoption of this by-law;
- iii) accessory buildings and structures for the permitted uses.

#### **22.2.3.5 Regulations for Permitted Uses of the (RU-3) zone**

Regulations of Section 22.1 shall apply to the uses permitted in the RU-3 zone except for the following provisions:

- i) **Lot Frontage:**
  - (a) Lot served by a public water system and a sanitary sewer system: 24 m
  - (b) Lot served by only a public water system or a sanitary sewer system: 30 m
  - (c) Other lots: 131 m (430 ft) minimum
- ii) **Lot Area:**
  - (a) Lot served by a public water system and a sanitary sewer system: 700 m<sup>2</sup> (7,500 ft<sup>2</sup>)
  - (b) Lot served by only a public water system or a sanitary sewer system: 1,115 m<sup>2</sup> (12,000 ft<sup>2</sup>) minimum
  - (c) Other lots: 2.3 ha (5.8 ac) minimum
- iii) **Lot Coverage:**

10% maximum.

#### **22.2.4 Rural Exception 4 (RU-4) zone - Danforth Road**

##### **22.2.4.1 Defined Area**

RU-4, as shown on Schedule "A", Map 12 to this By-law.

##### **22.2.4.2 Permitted Uses**

The uses permitted in Section 22.1.1., 22.1.2 except for those uses prohibited under Section 22.2.4.3.

##### **22.2.4.3 Prohibited Uses**

- i) kennels;
- ii) any and all residential uses.

##### **22.2.4.4 Permitted Buildings and Structures**

Those buildings and structures permitted under Section 22.1.2 except for those buildings that are prohibited under Section 22.2.3.5.

##### **22.2.4.5 Prohibited Buildings and Structures**



- i) residential structures.

#### **22.2.4.6 Regulations for Permitted Uses of the (RU-4) zone**

Regulations of Section 22.1 shall apply to the uses permitted in the RU-4 zone except for the following provisions:

- i) Lot Area: 3.4 ha (8.5 acres) minimum
- ii) Calculation of Minimum Lot Area: Lands zoned Environmental Protection (EP) within the same lot may be included in the calculation of minimum lot area.

#### **22.2.5 Rural Exception 5 (RU-5) zone - 1931 Workman Road**

##### **22.2.5.1 Defined Area**

RU-5, as shown on Schedule 'A', Map 11 to this By-law.

##### **22.2.5.2 Permitted Uses**

- i) residential uses;
- ii) home occupation use;
- iii) accessory uses.

##### **22.2.5.3 Prohibited Uses**

- i) kennels;
- ii) agricultural use;
- iii) golf course use.

##### **22.2.5.4 Permitted Buildings and Structures**

Those buildings and structures permitted under Section 22.1. and;

- i) one single-detached dwelling on one lot;
- ii) accessory buildings and structures for the permitted uses.

##### **22.2.5.5 Regulations for Permitted Uses of the (RU-5) zone**

Regulations of Section 22.1 shall apply to the uses permitted in the RU-5 zone except for the following provisions:

###### **i) Lot Frontage:**

Lot served by a private water system and a septic system: 60 m (200 ft) min.

###### **ii) Lot Area:**

Lot served by a private water system and a septic system: 3809 m<sup>2</sup> (41,000 ft<sup>2</sup>) min.

###### **iii) Lot Coverage:**

15% maximum.

**22.2.6 Rural Exception 6(RU-6) zone - Part 1, Plan 39R-2609, Workman Road (retained lot)**

**22.2.6.1 Defined Area**

(RU-6) as shown on Schedule 'A' attached to this By-law.

**22.2.6.2 Permitted Uses**

The uses permitted in Section 22.1.1 and the following additional use:

- (I) residential use.

**22.2.6.3 Prohibited Uses**

- (I) kennels;
- (II) agricultural uses.

**22.2.6.4 Permitted Buildings and Structures**

Those buildings and structures permitted under Section 22.1.3 and;

- (I) one single-detached dwelling on one lot;
- (II) accessory buildings and structures for the permitted uses.

**22.2.6.5 Regulations for Permitted Uses in the (RU-6) zone**

Regulations of Section 22.1 shall apply to the uses permitted in the RU-6 zone except for the following:

- (I) Lot Frontage: 270 metres (885 ft) minimum;
- (II) Lot Area: 5.8 ha (14.3 acre) minimum.

**22.2.7 Rural Exception 7 (RU-7) zone - Part of Part 1, Plan 39R-2609, Workman Road (severed parcel)**

**22.2.7.1 Defined Area**

(RU-7) as shown on Schedule 'A' attached to this By-law.

**22.2.7.2 Permitted Uses**

The uses permitted in Section 22.1.1 and the following additional use:

- (I) residential use.

**22.2.7.3 Prohibited Uses**

- (I) kennels;
- (II) agricultural uses.

**22.2.7.4 Permitted Buildings and Structures**

Those buildings and structures permitted under Section 22.1.3 and;

- (I) one single-detached dwelling on one lot;
- (II) accessory buildings and structures for the permitted uses.

**22.2.7.5 Regulations for Permitted Uses in the (RU-7) zone**

Regulations of Section 22.1 shall apply to the uses permitted in

the RU-7 zone except for the following:

- (i) Lot Frontage: 45.5 metres (150 ft) minimum
- (ii) Lot Area: 9672 m<sup>2</sup> (2.39 ac)

## **SECTION 23: DEVELOPMENT (D) ZONE REGULATIONS**

### **23.1 GENERAL USE REGULATIONS**

#### **23.1.1 Permitted Uses Buildings and Structures**

- i) any uses, buildings and structures legally existing at the date of adoption of this By-law, including home occupation and accessory uses;
- ii) new day nursery use;
- iii) new home occupation use;
- iv) new accessory uses and buildings accessory to the permitted uses.

#### **23.1.2 Enlargement or Replacement of Existing Buildings or Structures**

Enlargement or replacement of legally existing buildings and structures and the erection of new accessory buildings and structures will be permitted subject to the regulations in the following subsections 23.1.3 to 23.1.10.

#### **23.1.3 Lot Area and Lot Frontage**

The existing lot area and lot frontage shall not be reduced.

#### **23.1.4 Lot Coverage**

30% maximum.

#### **23.1.5 Yards**

Yards shall not be reduced below a minimum of 1.5 metres (5 ft.).

#### **23.1.6 Building Height**

3 storeys maximum.

#### **23.1.7 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by an occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) have no external display or advertisement other than a sign which complies with the Municipality's By-law governing signs;
- iv) have no external storage of materials, containers or finished products;
- v) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vi) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- vii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft.<sup>2</sup>), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation;

- viii) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

### **23.1.8 Regulations for Accessory Buildings and Structures**

Private garages and other accessory buildings and structures not attached to the main building shall not:

- i) be used for human habitation;
- ii) be built closer to the front lot line than the main building on the lot;
- iii) be located within 1 m (3.3 ft.) of a side or rear lot line, except on a corner lot where the minimum side yard abutting a street shall be 6 m (20 ft.), and except that common semi-detached garages may be centred on a mutual side lot line;
- iv) exceed 4.5 m (15 ft.) in height;
- v) exceed 8 % coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 30 % of the lot area;
- vi) be located within 1.5 metres (5 ft.) of any other building or structure on the lot.

### **23.1.9 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 m (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line;
- iii) shall be considered part of the landscaped open space area for the purpose of lot coverage.

### **23.1.10 Regulations for Day Nurseries**

A day nursery may be permitted in a single detached dwelling house abutting an Open Space (OS) Zone or a public or separate school site provided that no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery.

### **23.1.11 Property Abutting Railway Mainline**

Where any (D) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;

- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **23.1.12 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (D) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

### **23.2 SPECIAL USE REGULATIONS**

The regulations contained in subsection 23.1, General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 23.2.

#### **23.2.1 Development Area Exception 1 (D-1) Division St. at Cobourg St.**

##### **23.2.1.1 Defined Area**

D-1 as shown on Schedule "A", Map 9 to this By-law.

##### **23.2.1.2 Permitted Uses, Buildings and Structures**

The uses, buildings and structures permitted in Section 23.1.

#### **23.2.2 Development Area Exception 2 (D-2) zone - 625 King Street West**

##### **23.2.2.1 Defined Area**

D-2 as shown on Schedule "A", Map 1 to this By-law.

##### **23.2.2.2 Permitted uses, Buildings and Structures**

The uses, buildings and structures permitted in Section 23.1.1 and the following additional use:

- i) a residential use in a single-detached dwelling.

### **23.2.2.3 Regulations for the Uses Permitted in the D-2 Zone**

The regulations in Section 23.1 shall apply and the following special provisions:

i) **Setback from King Street West:**

120 m (395 ft.) minimum;

ii) **Setback from Environmental Constraint (EC) Zone:**

All buildings and structures in the D-2 Zone shall be set back a minimum of 3 metres from the boundary of the EC Zone;

iii) **Private Sewage Services:**

Notwithstanding the provisions of Section 5.9, the lands zoned "D-2" shall be permitted to be developed with a private sewage system.

### **23.2.3 Development Exception 3 (D-3) Zone - 717 Division Street**

#### **23.2.3.1 Defined Area**

(D-3) as shown on Schedule "A", Map 9 to this By-law.

#### **23.2.3.2 Permitted Uses, Buildings and Structures**

The uses, buildings and structures permitted in Section 23.1.1 and the following additional use:

- i) residential use in a single detached dwelling on a single lot.

#### **23.2.3.3 Regulations for the Uses Permitted in the D-3 Zone**

The regulations of Subsection 23.1 General Use Regulations shall apply to those lands zoned (D-3) with the exception of the following special provisions:

i) **Lot Area:**

1,150 m<sup>2</sup> (12,379 ft<sup>2</sup>) minimum

ii) **Lot Frontage:**

19.5 m (64 ft) minimum

iii) **Front Yard:**

9 m (30 ft)

iv) **Side Yard:**

1 m (3.3 ft.) plus 0.6 m (2 ft.) for each additional storey above the first storey for each interior side yard.

## **SECTION 24: TRANSPORTATION CORRIDOR (TC) ZONE REGULATIONS**

### **24.1 GENERAL USE REGULATIONS**

#### **24.1.1 Permitted Uses**

- i) accessory use;
- ii) transportation use.

#### **24.1.2 Permitted Buildings and Structures**

- i) buildings and structures for the permitted uses;
- ii) accessory buildings and structures, including warehouse and transportation terminal facilities for both passengers and freight.

#### **24.1.3 Setbacks from Residential Development**

Buildings shall be set back a minimum of 10 m. (30 ft.) from any abutting Residential Zone.

#### **24.1.4 Building Height**

3 storeys maximum.

#### **24.1.5 Lot Coverage**

20% maximum.



## **SECTION 25: HOLDING (H) ZONE REGULATIONS**

### **25.1 PURPOSE**

The Holding Zone limits development on lots to which it applies until such time as Council adopts a by-law, in accordance with Section 36 of The Planning Act, 1990, c.P. 13, removing the holding symbol. When the holding symbol is removed, the regulations of the use zone which applies to the lot will come into force.

### **25.2 PERMITTED USES, BUILDINGS AND STRUCTURES**

- i) any uses, buildings and structures legally existing at the date of adoption of this By-law, including home occupation and accessory uses;
- ii) new home occupation use;
- iii) new accessory uses and buildings accessory to the permitted uses.

### **25.3 ENLARGEMENT OR REPLACEMENT OF EXISTING BUILDINGS OR STRUCTURES**

Enlargement or replacement of legally existing buildings and structures and the erection of new accessory buildings and structures will be permitted subject to the regulations in the following subsections 25.4 to 25.9.

### **25.4 LOT AREA AND LOT FRONTAGE**

The existing lot area and lot frontage shall not be reduced.

### **25.5 YARDS**

Yards shall not be reduced below a minimum of 1.5 m. (5 feet).

### **25.6 BUILDING HEIGHT**

3 storey maximum.

### **25.7 REGULATIONS FOR HOME OCCUPATIONS**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by an occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) have no external display or advertisement other than a sign which complies with the Municipality's By-law governing signs;
- iv) have no external storage of materials, containers or finished products;
- v) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vi) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- vii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft.<sup>2</sup>), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation;
- viii) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

### **25.8 REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES**

Private garages and other accessory buildings and structures not attached to the main building shall not:

- i) be used for human habitation;
- ii) be built closer to the front lot line than the main building on the lot;
- iii) be located within 1 m (3.3 ft.) of a side or rear lot line, except on a corner lot where the minimum side yard abutting a street shall be 6 m (20 ft.), and except that common semi-detached garages may be centred on a mutual side lot line;
- iv) exceed 4.5 m (15 ft.) in height;
- v) exceed 8 percent coverage of the lot area, provided that the coverage of all buildings on the lot shall not exceed 30 % of the lot area;
- vi) be located within 1.5 m (5 ft.) of any other building or structure on the lot.

## **25.9 REGULATIONS FOR SWIMMING POOLS**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 metres (5 ft.) of a side or rear lot line, or within 3 metres (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 metres (10 ft.) to any side or rear lot line;
- iii) shall be considered part of the landscaped open space area for the purpose of lot coverage.

## **25.10 SPECIAL USE REGULATIONS**

The regulations contained in subsections 25.1 through 25.9, inclusive, shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 25.10.

### **25.10.1 Holding Provision Exception 1 (H-1) Accessory Buildings and Structures Prohibited**

#### **25.10.1.1 Defined Area**

H-1 as shown on Schedule "A" to this By-law.

#### **25.10.1.2 Permitted Uses, Buildings and Structures**

Notwithstanding the provisions of Section 25.2 only the use, buildings and structures legally existing on January 1, 1992 shall be permitted in the H-1 Zone.

#### **25.10.1.3 Enlargement or Replacement of Existing Buildings or Structures**

Notwithstanding the provisions of Section 25.3, the enlargement or replacement of legally existing buildings and structures and the erection of new accessory buildings and structures shall not be permitted.

#### **25.10.1.4 Regulations for the Uses Permitted in the H-1 Zone**

The regulations of Section 20.2.2.4 shall apply to the uses permitted in the H-1 Zone.

### **25.10.2 Holding Exception 2 (H-2) zone - New Amherst Community - Minimum Distance Formula Setback**

**25.10.2.1 Defined Area**

H-2 as shown on Schedule "A" to this By-law.

**25.10.2.2 Permitted Uses, Buildings and Structures**

The uses, buildings and structures permitted in Sections 25.2 and 25.3.

**25.10.2.3 Regulations for the Uses Permitted in the H-2 Zone**

The provisions of Section 25 apply to the lands in the special Holding Zone on Schedule "A" to this By-law. However, a by-law to remove the holding symbol in accordance with section 25.1, shall only be approved when the livestock barn to the west in the Township of Hamilton existing as of July 2, 1997 has been either demolished or truly converted to a use other than a livestock use.

## **SECTION 26: SPECIAL POLICY (sp) ZONES REGULATIONS**

### **26.1 PURPOSE**

The Special Policy Zones provide special regulations which establish minimum opening elevations for buildings on lots to which such zones apply. These regulations apply in addition to the regulations in the use zone which applies to the lot.

### **26.2 SPECIAL POLICY REGULATIONS**

#### **26.2.1 Special Policy Zone 77 (sp 77)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 77, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 77 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.2 Special Policy Zone 77.2 (sp 77.2)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 77.2, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 77.2 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.3 Special Policy Zone 77.8 (sp 77.8)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 77.8, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 77.8 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.4 Special Policy Zone 78 (sp 78)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 78, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 78 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.5 Special Policy Zone 78.4 (sp 78.4)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 78.4, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 78.4 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.6 Special Policy Zone 78.8 (sp 78.8)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 78.8, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 78.8 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.7 Special Policy Zone 79.9 (sp 79.9)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 79.9, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 79.9 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.8 Special Policy Zone 80.2 (sp 80.2)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 80.2, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 80.2 metres above sea level as established by Government of Canada geodetic survey.

#### **26.2.9 Special Policy Zone 80.7 (sp 80.7)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 80.7, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 80.7 metres above sea level as established by Government of Canada geodetic survey.

**26.2.10 Special Policy Zone 80.8 (sp 80.8)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 80.8, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 80.8 metres above sea level as established by Government of Canada geodetic survey.

**26.2.11 Special Policy Zone 80.9 (sp 80.9)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 80.9, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 80.9 metres above sea level as established by Government of Canada geodetic survey.

**26.2.12 Special Policy Zone 81.3 (sp 81.3)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 81.3, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 81.3 metres above sea level as established by Government of Canada geodetic survey.

**26.2.13 Special Policy Zone 81.7 (sp 81.7)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 81.7, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 81.7 metres above sea level as established by Government of Canada geodetic survey.

**26.2.14 Special Policy Zone 82.0 (sp 82.0)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 82.0, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 82.0 metres above sea level as established by Government of Canada geodetic survey.

**26.2.15 Special Policy Zone 82.3 (sp 82.3)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 82.3, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 82.3 metres above sea level as established by Government of Canada geodetic survey.

**26.2.16 Special Policy Zone 82.6 (sp 82.6)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 82.6, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 82.6 metres above sea level as established by Government of Canada geodetic survey.

**26.2.17 Special Policy Zone 82.9 (sp 82.9)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 82.9, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 82.9 metres above sea level as established by Government of Canada geodetic survey.

**26.2.18 Special Policy Zone 83.1 (sp 83.1)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 83.1, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 83.1 metres above sea level as established by Government of Canada geodetic survey.

**26.2.19 Special Policy Zone 83.8 (sp 83.8)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 83.8, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 83.8 metres above sea level as established by Government of Canada geodetic survey.

**26.2.20 Special Policy Zone 84.6 (sp 84.6)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 84.6, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 84.6 metres above sea level as established by Government of Canada geodetic survey.

**26.2.21 Special Policy Zone 84.7 (sp 84.7)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 84.7, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 84.7 metres above sea level as established by Government of Canada geodetic survey.

**26.2.22 Special Policy Zone 85.5 (sp 85.5)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 85.5, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 85.5 metres above sea level as established by Government of Canada geodetic survey.

**26.2.23 Special Policy Zone 85.9 (sp 85.9)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 85.9, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 85.9 metres above sea level as established by Government of Canada geodetic survey.

**26.2.24 Special Policy Zone 86.1 (sp 86.1)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 86.1, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 86.1 metres above sea level as established by Government of Canada geodetic survey.

**26.2.25 Special Policy Zone 86.9 (sp 86.9)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 86.9, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 86.9 metres above sea level as established by Government of Canada geodetic survey.

**26.2.26 Special Policy Zone 87.8 (sp 87.8)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 87.8, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 87.8 metres above sea level as established by Government of Canada geodetic survey.

**26.2.27 Special Policy Zone 88.4 (sp 88.4)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 88.4, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 88.4 metres above sea level as established by Government of Canada geodetic survey.

**26.2.28 Special Policy Zone 89.9 (sp 89.9)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 89.9, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 89.9 metres above sea level as established by Government of Canada geodetic survey.

**26.2.29 Special Policy Zone 90.8 (sp 90.8)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 90.8, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 90.8 metres above sea level as established by Government of Canada geodetic survey.

**26.2.30 Special Policy Zone 97.7 (sp 97.7)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 97.7, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 97.7 metres above sea level as established by Government of Canada geodetic survey.

**26.2.31 Special Policy Zone 100.3 (sp 100.3)**

Notwithstanding any other provisions of this By-law, in Special Policy Zone 100.3, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 100.3 metres above sea level as established by Government of Canada geodetic survey.

## **SECTION 27: NEIGHBOURHOOD RESIDENTIAL ONE (NR1) ZONE REGULATIONS**

### **27.1 GENERAL USE REGULATIONS**

#### **27.1.1 Permitted Uses**

- i) accessory use, excluding a garden suite use; residential use;
- ii) day nursery use;
- iii) group home use in accordance with the provisions of Section 5.22;
- iv) home occupation use;
- v) public use in accordance with the provisions of Section 5.3.2.

#### **27.1.2 Permitted Buildings and Structures**

- i) one single-detached dwelling on one lot;
- ii) one unit of a semi-detached dwelling on one lot;
- iii) one semi-detached dwelling on one lot;
- iv) one duplex dwelling on one lot;
- v) one converted dwelling on one lot with a maximum of two dwelling units;
- vi) one linked dwelling on one lot;
- vii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- viii) accessory buildings and structures for the permitted uses.

#### **27.1.3 Residential Regulations**

Single-detached, semi-detached, duplex, linked and converted dwellings in accordance with the provisions of Table One.

#### **27.1.4 Parking**

In accordance with the provisions of Section 6.

#### **27.1.5 Regulations for Home Occupations**

Home Occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by the occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv) only have a sign that complies with the Municipality's By-law governing signs;
- v) have no external storage of materials, containers or finished products;
- vi) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vii) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;



- viii) not occupy more than the lesser of 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft<sup>2</sup>), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation; and,
- ix) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

#### **27.1.6 Regulations for Accessory Buildings and Structures**

Parking garages and other accessory buildings and structures not attached to the main building, shall not:

- i) be used for human habitation;
- ii) be built closer to the front lot line than the main building on the lot;
- iii) be located within 1 m. (3.3 ft.) of a side or rear lot line, except on a corner lot where the minimum side yard abutting a street shall be 6 metres (20 ft.), provided that common semi-detached parking garages may be centred on a mutual side lot line;
- iv) exceed 4.5 m (15 ft.) in height;
- v) exceed 8% coverage of the lot area;
- vi) be located within 1.5 metres (5 ft.) of any other building or structure on the lot.

#### **27.1.7 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use;

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 metres (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line; and,
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

#### **27.1.8 Regulations for Day Nurseries**

A day nursery may be permitted in a single detached dwelling house abutting an Open Space (OS) Zone or public or separate school site provided that no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery.

#### **27.1.9 Setback from Environmental Constraint or Development Zone**

Where any NR1 Zone abuts an Environmental Constraint (EC) or Development (D) Zone, all buildings and structures in the NR1 Zone shall be set back a minimum of 3 metres (10 feet) from the boundary of the EC or D Zone.

#### **27.1.10 Property Abutting Railway Mainline**

Where any (NR1) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;

- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

**27.1.11 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (NR1) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

## **SECTION 28: NEIGHBOURHOOD RESIDENTIAL TWO (NR2) ZONE REGULATIONS**

### **28.1 GENERAL USE REGULATIONS**

#### **28.1.1 Permitted Uses**

- i) accessory use, including a garden suite use;
- ii) day nursery use;
- iii) group home use in accordance with the provisions of Section 5.22;
- iv) home occupation use;
- v) public use in accordance with the provisions of Section 5.3.2;
- vi) residential use.

#### **28.1.2 Permitted Buildings and Structures**

- i) one single-detached dwelling on one lot;
- ii) one unit of a semi-detached dwelling on one lot;
- iii) one semi-detached dwelling on one lot;
- iv) one duplex dwelling on one lot;
- v) one converted dwelling on one lot with a maximum of two dwelling units;
- vi) one linked dwelling on one lot;
- vii) one triplex dwelling on one lot;
- viii) one fourplex dwelling on one lot;
- ix) one unit of a fourplex dwelling on one lot;
- x) one townhouse dwelling on one lot;
- xi) one townhouse dwelling unit on one lot;
- xii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- xiii) accessory buildings and structures for the permitted uses.

#### **28.1.3 Residential Regulations**

Single-detached, semi-detached, duplex, linked, converted, triplex, fourplex and townhouse dwellings in accordance with the provisions of Table One.

#### **28.1.4 Parking**

In accordance with the provisions of Section 6.

#### **28.1.5 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by the occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv) only have a sign that complies with the Municipality's By-law governing signs;
- v) have no external storage of materials, containers or finished products;

- vi) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vii) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- viii) not occupy more than the lesser of 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft<sup>2</sup>), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation; and,
- ix) not occupy more than the lesser of 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft<sup>2</sup>), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation; and,

#### **28.1.6 Regulations for Accessory Buildings and Structures**

Parking garages and other accessory buildings and structures not attached to the main building, with the exception of garden suites which shall be subject to the regulations in Table 3, shall not:

- i) be used for human habitation;
- ii) be built closer to the front lot line than the main building on the lot;
- iii) be located within 1 m. (3.3 ft.) of a side or rear lot line, except that:
  - a) on a corner lot where the minimum side yard abutting a street shall be 3 m.(10 ft.);
  - b) common semi-detached parking garages may be centred on a mutual side lot line;
  - c) where access to a parking garage is through a rear lot line, the garage may be located on the side lot line (zero lot line) and/or the rear lot line.
- iv) exceed 4.5 m (15 ft.) in height;
- v) exceed 8 percent coverage of the lot area; and,
- vi) be located within 1.5 metres (5 ft.) of any other building or structure on the lot.

#### **28.1.7 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 metres (5 ft.) of a side or rear lot line, or within 3 m.(10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m. (10 ft.) to any side or rear lot line; and,
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

#### **28.1.8 Regulations for Day Nurseries**

A day nursery may be permitted in a single detached dwelling house abutting an Open Space (OS) Zone or public or separate school site provided that no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery.

### **28.1.9 Setback from Environmental Constraint or Development Zone**

Where any NR2 Zone abuts an Environmental Constraint (EC) or Development (D) Zone, all buildings and structures in the NR1 Zone shall be set back a minimum of 3 metres (10 feet) from the boundary of the EC or D Zone.

### **28.1.10 Property Abutting Railway Mainline**

Where any (NR2) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

### **28.1.11 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (NR2) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.

## **SECTION 29: NEIGHBOURHOOD MIXED USE (NMU) REGULATIONS**

### **29.1 GENERAL USE REGULATIONS**

#### **29.1.1 Permitted Uses**

- i) apartment use;
- ii) commercial education use;
- iii) convenience commercial use;
- iv) eating establishment use;
- v) financial institution use;
- vi) gallery use;
- vii) institutional use;
- viii) office use;
- ix) personal service use including a dry-cleaning distribution station, but not a dry cleaning establishment;
- x) private or commercial club use;
- xi) retirement home use;
- xii) residential use as a secondary use in a commercial building;
- xiii) specialty food use including a butcher, baked goods outlet and delicatessen;
- xiv) studio use;
- xv) uses permitted in the NR2 Zone.

#### **29.1.2 Permitted Buildings and Structures**

- i) the buildings and structures permitted in the NR2 Zone;
- ii) a mixed use building or structure incorporating some or all of the permitted uses;
- iii) a non-residential building or structure incorporating a permitted use or uses; and,
- iv) accessory buildings and structures for the permitted uses.

#### **29.1.3 Residential Regulations**

- i) Single-detached, semi-detached, duplex, linked, converted, triplex, and fourplex dwellings in accordance with the provisions of Table One.
- ii) Apartments and townhouses in accordance with the provisions of Table Two.

#### **29.1.4 Non-Residential Use and Mixed Use Building Regulations**

Buildings and structures for mixed and non-residential uses in accordance with the provisions of Table Two.

#### **29.1.5 Parking**

In accordance with the provisions of Section 6.

#### **29.1.6 Regulations for Home Occupations**

Home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by the occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) have no external display or advertisement other than a sign which is a maximum size of 0.2 m<sup>2</sup> (2 ft<sup>2</sup>) attached to the main building.

- iv) have no external storage of materials, containers or finished products;
- v) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vi) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- vii) not occupy more than the lesser of 25% of the gross floor area of the dwelling unit or 23 m<sup>2</sup> (250 ft<sup>2</sup>), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation; and,
- viii) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

#### **29.1.7 Regulations for Accessory Buildings and Structures**

Parking garages and other accessory buildings and structures not attached to the main building, with the exception of garden suites which shall be subject to the regulations in Table 3, shall not:

- i) be used for human habitation;
- ii) be built closer to the front lot line than the main building on the lot;
- iii) be located within 1 m. (3.3 ft.) of a side or rear lot line, except that:
  - a) on a corner lot where the minimum side yard abutting a street shall be 3 m.(10 ft.);
  - b) common semi-detached parking garages may be centred on a mutual side lot line;
  - c) where access to a parking garage is through a rear lot line, the garage may be located on the side lot line (zero lot line) and/or the rear lot line.
- iv) exceed 4.5 m (15 ft.) in height;
- v) exceed 8% coverage of the lot area; and,
- vi) be located within 1.5 metres (5 ft.) of any other building or structure on the lot.

#### **29.1.8 Regulations for Swimming Pools**

Private swimming pools, including in-ground and above ground pools, may be constructed and maintained as accessory uses to a dwelling provided that such a use:

- i) shall only be permitted in the rear yard of the lot;
- ii) shall not be located within 1.5 metres (5 ft.) of a side or rear lot line, or within 3 metres (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 metres (10 ft.) to any side or rear lot line; and,
- iii) shall be considered part of the landscaped open space area for the purposes of lot coverage.

#### **29.1.9 Regulations for Day Nurseries**

A day nursery may be permitted in a single detached dwelling house abutting an Open Space (OS) Zone or public or separate school site provided that no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery.

#### **29.1.10 Setback from Environmental Constraint or Development Zone**

Where any NMU Zone abuts an Environmental Constraint (EC) or Development (D) Zone, all buildings and structures in the NMU Zone shall be set back a minimum of 3 metres (10 feet) from the boundary of the EC or D Zone.

#### **29.1.11 Property Abutting Railway Mainline**

Where any (NMU) zone abuts a railway main line:

- i) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 75 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required;
- iii) new dwelling units or other sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30 m (98 ft.) in conjunction with a 2.5 m (8 ft) high earthen berm. A minimum setback of 120 m (395 ft) from the mutual property line is required if a berm is not to be provided;
- iv) the earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends;
- v) a 1.83 m (6 ft) high chain link security fence is required along the mutual property line with the railway; and
- vi) the appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act R.S.O. 1990, c.P. 13, as amended.

#### **29.1.12 Railway Yards:**

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day cares, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300 m (1,000 ft). Notwithstanding, 'Lots of Record' or other infilling circumstances within the 300 m (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development/redevelopment meets Provincial Standards and/or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any lands zoned (NMU) are within 500 m (1,640 ft) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development/redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development/redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development/re-development may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500 m area of potential influence abutting a railway yard property line.



## **SECTION 30: URBAN/RURAL TRANSITION (B) ZONE REGULATIONS**

### **30.1 GENERAL USE REGULATIONS**

#### **30.1.1 Permitted Uses**

Open space uses.

#### **30.1.2 Permitted Buildings and Structures**

No buildings and structures shall be permitted.

TABLE 1 A  
STANDARDS FOR RESIDENTIAL DEVELOPMENT

	<b>ZONE PROVISIONS</b>	<b>Single detached dwellings</b>	<b>Single detached dwellings on shallow-wide lots</b>	<b>Semi-detached dwellings</b>	<b>Duplexes</b>	<b>Triplexes</b>	<b>Fourplexes</b>	<b>Townhouse buildings</b>
A	<b>Minimum lot frontage:</b>							
	* on a lot accessed by a lane	8.0 m	N/A	6.6 m per unit (7)	11.0 m	16.5 m	19.2 m	5.5 m per unit (9)
	* on a lot not accessed by a lane	9.0 m	13.3 m	7.6 m per unit (8)	11.0 m	16.5 m	19.2 m	7.0 m per unit (9)
B	<b>Minimum required front yard</b>							
	* on a lot accessed by a lane	3.0 m (1)	N/A	3.0 m (1)	3.0 m (1)	3.0 m (1)	3.0 m (1)	0.0 m (10)
	* on a lot not accessed by a lane	4.5 m (2) (3) (4)	3.0 m (4) (6)	4.5 m (2) (3) (4)	4.5 m (4)	4.5 m (4)	4.5 m (4)	4.5 m (2) (3) (4)
C	<b>Maximum driveway width on a lot that is not accessed by a lane:</b>							
	* on a lot with a lot frontage of less than 11.6 m	3.5 m	N/A	(11)	35% of lot frontage	35% of lot frontage	35% of lot frontage	(11)
	* on a lot with a lot frontage of 11.6m or greater	6.1 m	6.1 m	(11)	35% of lot frontage	35% of lot frontage	35% of lot frontage	(11)
D	<b>Maximum garage width on a lot that is not accessed by a lane :</b>							
	* on a lot with a lot frontage of less than 11.6 m	3.5 m	N/A	(11)	35% of lot frontage	N/A	N/A	(11)
	* on a lot with a frontage of 11.6 m to 18 m	7.32 m	7.32 m	(11)	35% of lot frontage	N/A	N/A	(11)
	* on a lot with a frontage greater than 18 m	10 m	10 m	(11)	35% of lot frontage			
E	<b>Minimum required exterior side yard:</b>	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)
F	<b>Minimum required interior side yard:</b>							
	* on a lot with a lot frontage of less than 11.6 m	1.2m & 0.3 m (5)	N/A	1.2 m & 0.0 m(5)	1.2 m	1.2 m	1.2 m	0.0 m for interior unit & 1.2 m for end unit
	* on a lot with a lot frontage of 11.6 m or greater	1.2m & 0.6 m (5)	1.2m & 0.3 m (5)	1.2 m & 0.0 m(5)	1.2 m	1.2 m	1.2 m	0.0 m for interior unit & 1.2 m for end unit
G	<b>Minimum required rear yard:</b>							
	* on a lot accessed by a lane	12.5 m	N/A	12.5 m	12.5 m	12.5 m	12.5 m	12.5 m
	* on a lot not accessed by a lane	7.5 m	7.0 m	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
H	<b>Maximum height:</b>	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
I	<b>Maximum Lot Coverage:</b>	50%	50%	50%	50%	50%	50%	50%
J	<b>Driveway Setback:</b>	0 m	0 m	1 m	1 m	1 m	1 m	0 m

**TABLE 1 B  
 SPECIAL PROVISIONS FOR RESIDENTIAL DEVELOPMENT**

<b>SPECIAL PROVISIONS FOR RESIDENTIAL DEVELOPMENT</b>	
1	At least 70% of the front wall of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
2	The wall of the attached garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit.
3	The front wall of the dwelling unit above the attached private garage shall be located no further than 2.5 metres from the front wall of the attached private garage.
4	The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 5.8 metres from the lot line that the driveway crosses to access the private attached garage. If the driveway does not cross a sidewalk, the minimum setback for the wall of the attached private garage that contains the opening for vehicular access is 4.5 m.
5	The required interior side yard on one side is 2.75 metres if a detached private garage is located in the rear yard and is accessed by a driveway crossing the front lot line.
6	No part of the main front wall of the first storey and the floor above the first storey shall be located farther than 6.0 metres from the front lot line. In no case shall the front wall be located in the minimum required front yard.
7	The minimum lot frontage is 7.8 metres if one semi-detached dwelling unit is located on a corner lot. If two semi-detached dwelling units are located on a corner lot, the minimum lot frontage is 14.4 metres.
8	The minimum lot frontage is 8.8 metres if one semi-detached dwelling unit is located on a corner lot. If two semi-detached dwelling units are located on a corner lot, the minimum lot frontage is 16.4 metres.
9	The minimum lot frontage required for an end unit on an interior lot is 6.7 metres. The minimum lot frontage required for an end unit on a corner lot is 7.9 metres.
10	At least 70% of the front wall of the main building shall be located within 3.0 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
11	The maximum driveway width and maximum garage width on a lot that has a lot frontage of 9.0 metres or less and which is not accessed by a lane is 3.5 metres. The maximum driveway width and maximum garage width on a lot that has a lot frontage of greater than 9.0 metres is 6.1 metres.

TABLE 2 A  
STANDARDS FOR RETAIL AND MIXED-USE DEVELOPMENT

ZONE PROVISION		ZONE					
		Retail/ Mixed Use 1	Retail/ Mixed Use 2	Mixed Use 1			Mixed Use 2
		All Building Forms (1)	All Building Forms (1)	Multiple-unit Buildings	Townhouse Buildings	Apartment, Institutional and Office Buildings	Apartment, Multiple- unit, Institutional and Office Buildings
A	<b>Maximum lot area</b>	0.6 ha	0.6 ha	not applicable	not applicable	not applicable	not applicable
B	<b>Minimum lot frontage</b>	20 m	20 m	19.2 m	5.5 m per unit (3)	19.2 m	19.2 m
C	<b>Minimum required front yard</b>	1.8 m	1.8 m	4.5 m (4)	4.5 m (4)	1.8 m (5)	1.8 m (5)
D	<b>Maximum front yard</b>	2.4 m	2.4 m	not applicable	not applicable	not applicable	not applicable
E	<b>Minimum required exterior side yard</b>	1.8 m	1.8 m	2.4 m	2.4 m	1.8 m (6)	1.8 m (6)
F	<b>Minimum required interior side yard</b>	0.0 m (2)	0.0 m (2)	1.2 m	0.0 m for an interior unit and 1.2 m for an end unit	0.0 m	0.0 m
G	<b>Minimum required rear yard</b>	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
H	<b>Maximum lot coverage</b>	40%	40%	not applicable	not applicable	not applicable	not applicable
I	<b>Minimum landscaped open space</b>	20%	20%	not applicable	not applicable	not applicable	not applicable
J	<b>Floor space index (FSI)</b>	not applicable	not applicable	1	1	1.0 (7)(8)	1.0 (8)(9)
K	<b>Minimum height</b>	not applicable	not applicable	10.5 m	not applicable	10.5 m	10.5 m
L	<b>Maximum height</b>	12.0 m	12.0 m	20.0 m	12.0 m	20.0 m	26.0 m

**TABLE 2 B  
 SPECIAL PROVISIONS FOR RETAIL AND MIXED-USE DEVELOPMENT**

<b>SPECIAL PROVISIONS FOR RETAIL AND MIXED-USE DEVELOPMENT</b>	
1	The maximum net floor area for any non-residential use shall be 3000 square metres.
2	The required yard shall be 3.0 metres on any side of the lot that abuts a Residential or Open Space Zone and the yard shall be used for landscaped open space.
3	The minimum lot frontage required for an end unit on an interior lot is 6.7 metres. The minimum lot frontage required for an end unit on a corner lot is 7.9 metres.
4	At least 70% of the front wall of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
5	At least 80% of the front wall of the main building shall be located within 1.2 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard. Notwithstanding this provision, the main building may encroach into the required front yard on that side of the lot closest to the intersection of two public streets to a point that is no closer than 0.6 metres from the front lot line.
6	At least 80% of the exterior side wall of the main building on a lot shall be located within 1.2 metres of, or on, the exterior side building line. In no case shall the exterior side wall be located in the minimum required exterior front yard. Notwithstanding this provision, the main building may encroach into the required exterior side yard to a point that is no closer than 0.6 metres from the exterior side lot line provided that the exterior side wall does not extend into the area between the exterior side lot line and the building line. For the purposes of this special provision, the building line is deemed to be parallel to the exterior side lot line, with the exterior side lot line being extended to its hypothetical point of intersection with the front lot line at the intersection of two public streets.
7	If at least 15% of the gross floor area above established grade of an apartment building is used for permitted non-residential uses and these non-residential uses are located in the first storey, the maximum FSI is 1.75, provided the maximum number of dwelling units per hectare on the lot does not exceed 75.
8	If at least 15% of the gross floor area above established grade of an office building is used for non-residential uses other than business offices and these other uses are located in the first storey, the maximum FSI is 1.75.
9	If at least 15% of the gross floor area above established grade of an apartment building is used for permitted non-residential uses and these non-residential uses are located in the first storey, the maximum FSI is 1.75, provided the maximum number of dwelling units per hectare on the lot does not exceed 150.

TABLE 3 A

**STANDARDS FOR 'COACH HOUSES' (ACCESSORY LIVING UNITS OVER GARAGES)**

	<b>ZONE PROVISIONS</b>	<b>Detached Accessory Building (accessed by lane)</b>	<b>Detached Accessory Building (not accessed by lane)</b>
A	Minimum distance from the rear lot line	0.6 m	1.2 m (3)
B	Minimum distance from exterior side lot line	equal to exterior side yard requirement for main building	equal to exterior side yard requirement for main building (4)
C	Minimum distance from front lot line	not applicable	front yard requirement for the main building (4)
D	Minimum distance from interior side lot line	1.2 m(1)	1.2 m (1)
E	Minimum set back from the main building: * if accessory building has a height of 4.5 m. or less	6.0 m	not applicable
	* if accessory building has a height greater than 4.5 m.	7.5 m	not applicable
F	Parking of motor vehicles in setback area between a detached accessory building and the main building	not permitted	not applicable
G	Maximum Distance of Encroachment of eaves, gutters and roof overhangs	0.45 m	0.45 m
H	Maximum permitted first storey floor area * if accessory building has a height of 4.5 m. or less	15% of the lot area (2)	15% of the lot area (2)
	* if accessory building has a height greater than 4.5 m.	18% of the lot area (2)	15% of the lot area (2)
I	Maximum height * on a lot having a frontage of less than 9.75 m	4.5 m	4.5 m (5)
	* on a lot having a frontage of 9.75 m or greater	8.0 m	4.5 m (5)
J	Maximum Distance of Encroachment of Unenclosed Stairs and Landings that access the first storey of the detached accessory dwelling	0.6 m into the setback area in E.	not applicable

TABLE 3 B  
STANDARDS FOR 'COACH HOUSES' (ACCESSORY LIVING UNITS OVER GARAGES)

<b>SPECIAL PROVISIONS FOR COACH HOUSES (ACCESSORY LIVING UNITS OVER GARAGES)</b>	
1	Notwithstanding this provision, the setback for the first storey may be reduced to 0.6 metres if there are no doors or windows on the wall facing the interior side lot line. A detached accessory building may share a common wall with another detached accessory building on an abutting lot and no setback from the interior side lot line is required on that side of the lot. In no case shall an accessory building share a common wall with more than one other accessory building on an abutting lot.
2	The floor area of the staircase used to access the building shall be excluded from the calculation of floor area.
3	Notwithstanding this provision, the setback for the first storey may be reduced to 0.6 metres if there are no doors or windows on the wall facing the rear lot line. A detached accessory building may share a common wall with another detached accessory building on an abutting lot and no setback from the rear lot line is required.
4	Notwithstanding these provisions, in no case shall the wall of a private garage containing the opening for vehicular access be located closer than 5.8 metres to the lot line abutting the public street that the driveway crosses to access the private garage.
5	Notwithstanding this provision, the maximum permitted height may be increased to 8.0 metres if the rear lot line abuts a public street from which no vehicular access to the lot exists and provided the entire rear wall of the detached accessory building is located between 1.2 metres and 3.0 metres from the rear lot line.

## SECTION 31: ENACTMENT

THIS By-law, except for such parts hereof as are repealed or amended by the Ontario Municipal Board or in accordance with the direction of that Board, or in matters of provincial interest by the Lieutenant Governor in Council, shall be deemed to have come into force on the day it was passed, provided that one of the following has occurred: either

- i) when no appeal notice has been filed before the expiration of time allowed for appeal by the notice of passing of this By-law; or
- ii) when all appeals filed pursuant to Section 34(18) of the Planning Act, R.S.O. 1990, c.P. 13 have been finally disposed of as required by that Act.

Further, without limiting the generality of Subsection 1, By-law No. 63-87 of the Town of Cobourg and all amendments thereto, are hereby repealed in their entirety.

Further, without limiting the generality of Subsection 1, By-law No. 3137, of the Township of Hamilton and all amendments thereto as it applies to lands now within the boundaries of the Corporation of the Town of Cobourg are hereby repealed in their entirety.

READ a first, second and third time and finally passed in Open Council this 14<sup>th</sup> day of October, 2003.

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Mayor

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Clerk