

Final Draft – March 9, 2022



Kingston Zoning By-law Number XX



Part 1 of 5: Sections 1 to 19

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Kingston Zoning By-Law Number XX

A by-law to regulate the **use** of lands and the size and location of **buildings** within the City of Kingston, pursuant to Section 34 of the *Planning Act*.

The Council of the Corporation of the City of Kingston enacts as follows:

Section 1: Administration

1.1. Title of This By-law

1.1.1. This By-law is composed of the text in Sections 1 to 24 and the following schedules attached to and forming part of this By-law, and may be cited as the “Kingston Zoning By-law”:

1. Schedule 1, Zoning Map;
2. Schedule 2, Parking Areas;
3. Schedule 3, Required Ground Floor Commercial;
4. Schedule 4, Road Classification;
5. Schedule A, Floodplain Overlay;
6. Schedule B, Source Water Protection Overlay;
7. Schedule C, Airport Noise Exposure Overlay;
8. Schedule D, Additional Residential Units Overlay;
9. Schedule E, Exception Overlay; and
10. Schedule F, Holding Overlay.

1.1.2. Any references to “this By-law” mean the Kingston Zoning By-law.

1.2. Area to Which This By-law Applies

1.2.1. The provisions of this By-law apply to all lands within the municipal boundaries of the City of Kingston as shown on Schedule 1, other than the lands identified as “Not Subject to this By-law” on Schedule 1.

1.2.2. All lands under **waterbodies** within the municipal boundaries of the City of Kingston are subject to this By-law in addition to the requirements of both federal and provincial legislation.

1.3. Compliance with Applicable Law

1.3.1. No **person** may **use** or **develop** any **lot** or **building** within the City of Kingston except in full compliance with all of the provisions of this By-law.

1.3.2. This By-law is not to be interpreted as reducing or mitigating any other by-law, provision, regulation, or restriction lawfully imposed by the **City** or any other **public authority** having jurisdiction.

1.3.3. Nothing in this By-law serves to relieve any **person** from the obligation to comply with the provisions and requirements of any by-law of the **City** in force from time to time or the obligation to obtain any licence, permit, authority, or approval required under the by-laws of the **City** or of any other **public authority** having jurisdiction.

1.3.4. In the event of a conflict between this By-law and any **City** by-law, this By-law prevails to the extent of the conflict.

1.3.5. No other by-law, provision, regulation or Act is to be interpreted as reducing or mitigating any provision of this By-law, unless the other by-law, provision, regulation or Act was specifically intended to affect zoning and the **public authority** responsible for the by-law, provision, regulation or Act has the jurisdiction to do so.

1.4. Effective Date of This By-law

1.4.1. This By-law comes into force and takes effect on the day it was passed, if no appeals are filed, or where one or more appeals are filed, in accordance with the provisions of the **Planning Act**.

1.5. Repeal of Existing By-laws

1.5.1. The following **former zoning by-laws** are repealed in their entirety upon the date this By-law comes into force and effect:

- 1.** By-law Number 3078 of the former City of Kingston, as amended;
- 2.** By-law Number 9087A of the former City of Kingston, as amended;
- 3.** By-law Number 8950 of the former City of Kingston, as amended;

4. By-law Number 541 of the former Township of Kingston, as amended; and
5. By-law Number 3077 of the former City of Kingston, as amended.

1.5.2. The following **former zoning by-laws** are repealed upon the date this By-law comes into force and effect, except for those portions of the following **former zoning by-laws** that apply to lands identified as “Not Subject to this By-law” on Schedule 1 of this By-law:

1. By-law Number 8499 of the former City of Kingston, as amended;
2. By-law Number 96-259 of the former City of Kingston, as amended;
3. By-law Number 76-26 of the former Township of Kingston, as amended;
4. By-law Number 97-102 of the former Township of Kingston, as amended; and
5. By-law Number 32-74 of the former Township of Pittsburgh, as amended.

1.5.3. Despite Clauses 1.5.1. and 1.5.2., the applicable **former zoning by-laws** apply to assist in the interpretation of any minor variance referred to in Clause 1.7.1. in the context of this By-law. Where a conflict exists between the provisions of this By-law and the applicable **former zoning by-laws** in respect of the interpretation of any minor variance referred to in Clause 1.7.1., the provisions of this By-law prevail.

1.6. Transition Provisions

Complete Applications for a Building Permit

1.6.1. Nothing in this By-law prevents the **development** or **use** of a **lot** or a **building** for which a complete application for a building permit was received by the **City** on or before the date of passing of this By-law, if the **development** or **use** complies, or the building permit application is amended to comply, with the provisions of the applicable **former zoning by-law** as it read immediately prior to the passing of this By-law.

Other Types of Complete Applications

1.6.2. Where a complete application was received by the **City** on or before the date of passing of this By-law for the **development** or **use** of a **lot** or one or more **buildings**, approval may be granted in the context of the applicable **former zoning by-law** as it read immediately prior to the passing of this By-law, for one or more of

the following applications where they are consistent with the intent of the complete application:

1. Any application under Section 45 of the *Planning Act*;
2. Site plan control approval pursuant to Section 41 of the *Planning Act*;
3. Consent pursuant to Section 53 of the *Planning Act*;
4. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act, 1998*, S.O. 1998, c.19;
5. Payment in lieu of parking agreement pursuant to Section 40 of the *Planning Act*; and
6. A part **lot** control exemption pursuant to Section 50 of the *Planning Act*.

1.6.3. Where the **development** or **use** of a **lot** or one or more **buildings** qualifies under Clause 1.6.2., a building permit may be issued after final approval is received for all required applications if the **development** or **use** complies, or the building permit application for the **development** or **use** is amended to comply, with the provisions of the applicable **former zoning by-law** as it read immediately prior to the passing of this By-law.

1.6.4. Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.6.1. and 1.6.2. beyond the issuance of the final building permit upon which the exemptions are founded.

1.6.5. Clauses 1.6.1., 1.6.2., 1.6.3. and 1.6.4. are repealed in their entirety three years after the date of passing of this By-law.

1.7. Minor Variances

Continuation of Approved Variances

1.7.1. During the three-year period commencing on the date of passing of this By-law and expiring on the date specified in Clause 1.6.5., a building permit may be issued in the context of the applicable **former zoning by-law** as it read immediately prior to the passing of this By-law for any **development** subject to one or more approved minor variances under the provisions of the applicable **former zoning by-law**.

1.7.2. After the three-year period in Clause 1.6.5. expires, minor variances approved under the provisions of the applicable **former zoning by-law** may be relied upon only if

the zoning provision respecting the minor variance is the same or more permissive in this By-law than in the applicable **former zoning by-law**.

1.8. Non-Conformity and Non-Compliance

Legal Non-Conforming Uses

- 1.8.1.** A **use** that is not permitted by this By-law, but which was lawfully **used** for such purpose on the date of passing of this By-law, is considered a legal non-conforming **use**. Nothing in this By-law applies to prevent a legal non-conforming **use**, so long as it continues to be **used** for that purpose.

Legal Non-Complying Buildings

- 1.8.2.** A **building** that does not meet the provisions of this By-law, but which lawfully existed on the date of passing of this By-law, is considered to be a legal non-complying **building**. Nothing in this By-law applies to prevent a legal non-complying **building** so long as it continues to exist.
- 1.8.3.** If a **lot** contains a legal non-complying **building**, nothing in this By-law applies to prevent the further **development** of such **lot**, provided the **development**:
- 1.** Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
 - 2.** Complies with all other applicable provisions of this By-law.
- 1.8.4.** If a **lot** contains a legal non-complying **building**, nothing in this By-law applies to prevent the **development** of an **accessory building** on the **lot**, provided that the **development** complies with all applicable provisions of this By-law.

Legally Existing Lots in the Urban Area

- 1.8.5.** A **lot** in the **urban area** in existence on the date of passing of this By-law that does not meet the minimum **lot area** or **lot frontage** provisions of the underlying Zone is permitted to be **used** and **buildings** are permitted to be **developed** provided the **use** conforms with this By-law and the **buildings** comply with all other provisions of this By-law, including Subsection 4.8. requiring frontage on a **street**.

Legally Existing Lots in the Rural Area

- 1.8.6.** A **lot** in an AG Zone or RU Zone that is in existence on the date of passing of this By-law and is a minimum of 2.0 hectares in **lot area** is permitted to be **used** and **developed** for **agricultural uses** provided the **lot** was used for **agricultural uses** on the date of passing of this By-law and the **buildings** comply with all other provisions of this By-law, including Subsection 4.8. requiring frontage on a **street**.
- 1.8.7.** A **lot** in a HAM Zone or RUR Zone in existence on the date of passing of this By-law that does not meet the minimum **lot area** or **lot frontage** provisions of the underlying Zone is permitted to be **used** and **buildings** are permitted to be **developed** provided the **use** conforms with this By-law and the **buildings** comply with all other provisions of this By-law, including Subsection 4.8. requiring frontage on a **street**.

1.9. Conveyances to Public Authorities

- 1.9.1.** No **person** is deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any **lot** has or have been conveyed to or acquired by the **City** or any **public authority**.
- 1.9.2.** Where any portion of a **lot** is taken by the **City** or any **public authority** for the purpose of a **street** widening, **sight triangle**, turning lane or other similar **use**, existing **buildings** are not deemed to be legal non-complying as a result of the reduced **setbacks** or reduced **lot area**.
- 1.9.3.** Where any portion of a **lot** is taken by the **City** or any **public authority** for the purpose of a **street** widening, **sight triangle**, turning lane or other similar **use**, new **development** must be calculated on the entire **lot area** including the area taken by the **City** or any **public authority**. For clarity, this includes provisions that are measured based on **lot area**, such as **floor space index** or **lot coverage**.
- 1.9.4.** Where any portion of a **lot** is taken by the **City** or any **public authority** for the purpose of a **street** widening, **sight triangle**, turning lane or other similar **use**, new **development** must comply with **setbacks** to the **lot lines** as they exist at the time of **development**.

1.10. Administration of This By-law

- 1.10.1.** Unless otherwise stated, this By-law is administered and enforced by the **Director**.

Technical Revisions to this By-law

- 1.10.2.** Provided that the purpose, intent, meaning and substance of this By-law is not affected, the **Director** may undertake the following technical revisions without a zoning by-law amendment:
1. Changing numbering, cross-references and the arrangement of text, tables and schedules;
 2. Revisions to the base mapping and parcel fabric updated from the Ontario Land Registry Office;
 3. Correcting **lot** and feature boundary errors;
 4. Revisions to Schedule 4, Road Classification, when new roads are constructed or when the road alignment has changed;
 5. Amendments to correct or clarify existing items that are not part of this By-law in Clauses 2.2.3., 2.2.4. and 2.2.5., or revisions to add new items listed in Clauses 2.2.3., 2.2.4. and 2.2.5.;
 6. Correcting grammatical, mathematical or typographic errors and altering punctuation; and
 7. Replacing a description of a date or time with an actual date or time.

1.11. Remedies

- 1.11.1.** Where any matter or thing is required to be done by a **person** under the provisions of this By-law, **Council** may direct that in default of it being done by said **person**, such matter may be done by the **City** at the sole expense of the **person** and the expense thereof with interest may be recovered by the **City** in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25.

1.12. Validity or Severability

- 1.12.1.** If a decision of a court of competent jurisdiction declares that one or more of the provisions of this By-law, including anything contained in the Schedules, are invalid and the judgment does not affect the validity of the remaining portions of this By-law, then the remaining portions are in full force and effect.

1.13. Enforcement and Penalties

- 1.13.1.** Every **person** who contravenes this By-law is guilty of an offence, and on conviction is liable:
1. On a first conviction, to a fine of not more than \$25,000.00; and
 2. On a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the **person** was first convicted.
- 1.13.2.** Despite Clause 1.13.1., every corporation that contravenes this By-law is guilty of an offence, and upon conviction is liable:
1. On a first conviction, to a fine of not more than \$50,000.00; and
 2. On a subsequent conviction, to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- 1.13.3.** In addition to any other remedy or any penalty provided by law, where a conviction has been entered, any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the **person** convicted.
- 1.13.4.** Subject to and in accordance with the provisions of the *Planning Act*, where the **Director** believes on reasonable grounds that this By-law is being contravened, the **Director** or any **person** acting under their instructions may, at all reasonable times, enter and inspect any property on or in respect of which they believe the contravention is occurring.

Section 2: Interpretation of This By-law

2.1. Language and Meaning

General

- 2.1.1.** In this By-law, if words, terms or phrases are formatted in a **bold** font, they have the meaning provided in Section 3, Definitions. The definitions and interpretations set out in Section 3 apply and any words not specifically defined in this By-law carry their ordinary meaning.
- 2.1.2.** Definitions are given in this By-law to aid in the understanding and the implementation of the true spirit, intent, and meaning of this By-law. They are not to be used to avoid an obligation imposed by this By-law or any requirement enacted in a substantive provision of this By-law.
- 2.1.3.** Despite the tense used in a provision:
- 1.** Every provision of this By-law must be applied to the circumstances as they exist at the time in question;
 - 2.** Every obligation imposed by this By-law is a continuing one so long as either the **use**, the circumstances, the reason for the obligation, or the events which caused, precipitated or gave rise to the obligation continue; and
 - 3.** Any reference to legislation or provisions or regulations or sections thereof approved by another **public authority** includes any amendments to or successions thereof.

Singular and Plural Words

- 2.1.4.** In this By-law, unless otherwise specifically indicated:
- 1.** Words used in the singular include the plural and vice versa;
 - 2.** This By-law is gender neutral and, accordingly, any reference to one gender includes all genders; and
 - 3.** Word variations, for example: comply, complying, compliance, complies, have a similar meaning.

Including or Excluding

- 2.1.5.** In this By-law, lists following the words “including” or “excluding” are not intended to be exhaustive.

Minimum and/or Maximum Requirements

- 2.1.6.** The provisions of this By-law must be held to be the minimum requirements, unless the word “maximum” is used, in which case the maximum requirement applies. If both a minimum and a maximum requirement are specified, then both provisions apply.

Intent and Rules of Interpretation

- 2.1.7.** This By-law is remedial in nature and must be interpreted in a benevolent manner and read and applied in a way that will ensure the effective implementation of its provisions.
- 2.1.8.** All provisions of this By-law that apply to a **lot** must be complied with. The intended hierarchy of provisions in Sections 1 through 24, is as follows (from the highest ranking to the lowest ranking):
- 1.** Sections 1, 2 and 3: Administration, Interpretation of this By-law and Definitions;
 - 2.** Sections 6 and 22: Holding Overlay and Holding Conditions;
 - 3.** Sections 5, 20 and 21: Overlay Provisions, Legacy Exceptions and Exceptions;
 - 4.** Schedule 1: Zoning Map;
 - 5.** Schedules 2, 3 and 4: Non-Overlay Schedules;
 - 6.** Section 23: Temporary Zones;
 - 7.** Sections 8 through 19: Provisions for Specific Zone Categories;
 - 8.** Section 6: Specific Use Provisions;
 - 9.** Section 4: General Provisions;
 - 10.** Section 7: Parking, Loading and Bike Parking Provisions; and
 - 11.** Section 24: List of Amendments to this By-law.

- 2.1.9. Despite Clause 2.1.8., where two or more provisions of this By-law are applicable, all provisions must be complied with or, where it is not possible to comply with all applicable provisions, the most restrictive provision must be complied with.
- 2.1.10. Where a **use** takes place outside of a **building** but a provision of this By-law regulates that **use** inside of a **building**, the provision applies as though the actual area occupied by the **use** is in a **building**.
- 2.1.11. Where a provision is tied to the **use** of a **lot** or **building**, such provision applies where any portion of the **lot** or **building** is **used** for such purpose.
- 2.1.12. Where a performance standard is applied to a **use**, such standard applies to the entire **building** in which the **use** is located.
- 2.1.13. Where an **accessory use** is specifically listed in connection with a **principal use**, the list of **accessory uses** is not intended to be exhaustive but has been included to provide clarity related to that specific **accessory use** only.

2.2. Parts of This By-law

Items that are Part of This By-law

- 2.2.1. Schedules, Appendices, Figures, and text contained in clauses, subclauses, paragraphs, subparagraphs and items form part of this By-law.
- 2.2.2. Tables form part of this By-law and are used throughout to present permitted **uses** and provisions in a concise format and are structured with columns (vertical) and rows (horizontal) with titles.

Items that are not Part of This By-law

- 2.2.3. Titles, headings, subheadings, diagrams, footnotes, indices, table of contents, illustrations, and references to former enactments or enabling legislation do not form part of this By-law and are editorially inserted for convenience of reference only.
- 2.2.4. Notes that are included in square brackets, for example “[Note: See Diagram 3.19.9.]”, do not form part of this By-law and are editorially inserted for reference only.
- 2.2.5. Text included in electronic, interactive mapping of the Exception Overlay in Schedule E or the Holding Overlay in Schedule F is provided for convenience purposes only

and does not form part of this By-law. The text that forms part of this By-law and corresponds with the applicable Exception Overlay and Holding Overlay mapping is included in Section 20, Section 21 and Section 22 of this By-law, as applicable.

2.3. Structure of This By-law

System of Division

2.3.1. The system of division and numbering of the provisions of this By-law are as follows:

Section 1. - Title

Subsection 1.1. – Heading

Text - Subheading

Clause 1.1.1. – Text

Subclause 1. - Text

Paragraph (a)

Subparagraph (i)

Item (1)

2.3.2. This By-law is separated into Parts for the purpose of publishing the information in a format that is accessible and formatted to accommodate future amendments. Despite being separated into Parts, all Sections and Schedules referenced in Clause 1.1.1. form part of this By-law.

2.4. Establishment of Zones

2.4.1. This By-law establishes the Zones listed in Table 2.4.1. and places all lands subject to this By-law in one or more of the Zones in accordance with Schedule 1.

Table 2.4.1. - List of Zones

Zone Name	Zone Code
Prime Agricultural Area Zone	AG
General Rural Area Zone	RU
Rural Residential Zone	RUR
Limited Service Rural Residential Zone	LSR

Zone Name	Zone Code
Rural Commercial Zone	RC
Hamlet Zone	HAM
Rural Industrial Zone	RM1
Rural Heavy Industrial Zone	RM2
Mineral Resource and Extraction Zone	MX1
Williamsville Zone 1	WM1
Williamsville Zone 2	WM2
Downtown Zone 1	DT1
Downtown Zone 2	DT2
Urban Residential Zone 1	UR1
Urban Residential Zone 2	UR2
Urban Residential Zone 3	UR3
Urban Residential Zone 4	UR4
Urban Residential Zone 5	UR5
Urban Residential Zone 6	UR6
Urban Residential Zone 7	UR7
Urban Residential Zone 8	UR8
Urban Residential Zone 9	UR9
Urban Residential Zone 10	UR10
Urban Residential Zone 11	UR11
Urban Residential Zone 12	UR12
Urban Residential Zone 13	UR13
Urban Multi-Residential Zone 1	URM1
Urban Multi-Residential Zone 2	URM2
Urban Multi-Residential Zone 3	URM3
Urban Multi-Residential Zone 4	URM4
Urban Multi-Residential Zone 5	URM5
Urban Multi-Residential Zone 6	URM6
Urban Multi-Residential Zone 7	URM7

Zone Name	Zone Code
Urban Multi-Residential Zone 8	URM8
Urban Multi-Residential Zone 9	URM9
Urban Multi-Residential Zone 10	URM10
Urban Multi-Residential Zone 11	URM11
Urban Multi-Residential Zone 12	URM12
Heritage Zone 1 – Village of Barriefield)	HCD1
Heritage Zone 2 – Market Square	HCD2
Heritage Zone 3 – Old Sydenham	HCD3
Institutional Minor Zone	IN1
Institutional Major Zone	IN2
Correctional Facility Zone	G1
Military Installation Zone	G2
Neighbourhood Commercial Zone	CN
Arterial Commercial Zone	CA
District Commercial Zone	CD
Regional Commercial Zone	CR
General Commercial Zone	CG
Marine Commercial Zone	CW
Harbour Zone	HB
Business Park Zone	M1
General Industrial Zone	M2
Heavy Industrial Zone	M3
Employment Service Zone	M4
Waste Management Zone	M5
Airport Zone	TA
Transportation and Railway Zone	TR
Utility Installation or Corridor Zone	TU
Protected Open Space Zone	OS1
General Open Space Zone	OS2

Zone Name	Zone Code
Development Reserve Zone	DR
Environmental Protection Area Zone	EPA

2.5. Zone Boundaries

- 2.5.1.** Schedule 1, the Zoning Map, identifies different areas, called Zones, into which this By-law divides the **City** and shows the Zone codes given to these areas. The Zones may be cited by either their Zone code or their Zone name.
- 2.5.2.** Where the boundary of any Zone shown on Schedule 1:
- 1.** Follows a **street**, utility **right-of-way**, railway **right-of-way**, or watercourse, it is considered to follow the **centre line** of such **street**, utility **right-of-way**, railway **right-of-way**, or watercourse;
 - 2.** Substantially follows **lot lines** shown on Schedule 1 or the electronic consolidation of Schedule 1, it is considered to follow such **lot lines**;
 - 3.** Follows a **street** and, if the **street** is subsequently closed, the land in the closed **street** is considered to be included in the Zone of the adjoining land and if such **street** forms a boundary between two or more different Zones, it is considered to follow the **centre line** of that closed **street**; and
 - 4.** Passes through a **lot** and the distance is not indicated, it is considered to be located as measured using the scale of Schedule 1.
- 2.5.3.** Where a **lot** is divided into more than one Zone, the Zone boundary is not treated as a **lot line** and each portion of the **lot** must be **used** in accordance with the provisions of the underlying Zone. In the case of a conflict, the more restrictive provision applies.
- 2.5.4.** Despite Clause 2.5.3., where a portion of a **lot** is identified as “Not Subject to this By-law”, the zone boundary around the lands shown as “Not Subject to this By-law” is treated as a **lot line** for the purpose of zoning interpretation.
- 2.5.5.** Despite Clause 2.5.3., where a Legacy Exception or Exception only applies to a portion of a **lot**, the boundary of such Legacy Exception or Exception is treated as a **lot line** for the purpose of zoning interpretation.

- 2.5.6.** Where any **lot** or **building** is **used** for more than one purpose as provided in this By-law, the **lot** or **building** must comply with the provisions of this By-law relating to each **use**. In the case of a conflict, the more restrictive provision applies.
- 2.5.7.** All land within the municipal boundary of the **City** located under a **waterbody** is zoned EPA.

2.6. Zone Labels and Provisions

Subzones

- 2.6.1.** Subzones are created by adding a period and upper case letter to the primary Zone code on the Zoning Map (for example: "UR3.B"), and have the effect of modifying the **uses** or the provisions of the primary Zone to the extent set out in the text of the provisions for that Subzone.

Holding Zones

- 2.6.2.** Holding Overlays are created by identifying specific lands on Schedule D and Schedule F of this By-law and have the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the corresponding provisions until this By-law has been amended to remove the **lot** from the Holding Overlay in accordance with Section 36 of the *Planning Act*.

Temporary Zones

- 2.6.3.** Temporary Zones are created by adding a hyphen and upper case "T" followed by a number (for example: "UR2-T1") to the Zone code on the Zoning Map, and have the effect of applying temporary **use** provisions pursuant to Section 39 of the *Planning Act*. Lands designated in this manner are subject to all provisions of the underlying Zone except as otherwise provided by the Temporary Zone provisions. Upon the expiry date of the Temporary Zone provisions, the temporary **use** of such **lots** or **buildings**, as may be specified, must cease, and **use** of the Temporary Zone symbol must be discontinued. The provisions of the corresponding Temporary Zone are included in Section 23 of this By-law.

Height Limit

- 2.6.4.** The maximum permitted **height** is established in the underlying Zone, Subzone, Legacy Exception Overlay, Exception Overlay or provision, in metres and/or number of **storeys**. Where **height** is established in both metres and storeys, this By-law is

interpreted to mean the lesser of the permitted **height** in both metres and **storeys**, unless otherwise indicated. **Height** may also be shown in terms of **height** in metres above sea level, indicated by the term 'a.s.l.' following the number in parenthesis.

Tables

- 2.6.5.** The Tables in Sections 8 to 19 inclusive present the principal zoning provisions for permitted **uses** in each Zone. The permitted **uses** are listed, and the applicable provisions are provided in the rows associated with each permitted **use**. The columns provide the type of provision that is associated with the permitted **use** associated with each row.

Additional Provisions

- 2.6.6.** Additional provisions are presented in conjunction with the permitted **uses** and zoning provisions that are presented in the Tables with each Zone. The references to an additional provision in the permitted **uses** and zoning provisions presented in the Tables are indicated with small numbers in superscript adjacent to the upper right of the large numbers in the Tables. In some cases where a number of additional provisions may apply, the Table may include a note directing the reader to the additional provisions below the Table.

Section 3: Definitions

3.1. A

3.1.1. Accessible Space means a designated **parking space** identified by prescribed pavement markings and signage which is reserved for the exclusive **use** of **persons** with disabilities.

3.1.2. Accessible Aisle means a designated area immediately adjacent to one or two **accessible spaces**, which provides access to and from the **accessible spaces**.

3.1.3. Accessory means subordinate and naturally, customarily and normally incidental to and exclusively devoted to a **principal use** or **building**, and located on the same **lot**.

3.1.4. Additional Residential Unit means a **dwelling unit**, which is **accessory** to a **principal dwelling unit**, and is located on the same **lot** as the **principal dwelling unit**. An **additional residential unit** is either a **second residential unit** or a **third residential unit**.

3.1.5. Affordable Unit means:

For affordable rental housing, a **dwelling unit** that has an initial affordable rent level set at less than or equal to 80% of the average market rent. The **affordable unit** must be secured through an agreement registered on title of the property during the affordability term requiring:

1. An affordability term set for a minimum of 20 years; and
2. Following the initial occupancy, during the affordability term, the rent must not increase by more than the annual *Residential Tenancies Act* guideline increase.

For affordable ownership housing, a **dwelling unit** where the sale price is less than 10% below the average resale price.

3.1.6. Agricultural Sales Establishment means the **use** of any **lot** or **building** having as its **principal use** the storage and display of agricultural implements for sale, rent, or lease and may include facilities for the repair and maintenance of such implements as an **accessory use**.

3.1.7. Agricultural Use means the **use** of any **lot** or **building** for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of

other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and riding stables, including, but not limited to **livestock facilities**, manure storages, value-retaining facilities; or other agricultural activities such as the packaging, selling, sorting or storage of goods grown or raised on the lands.

3.1.8. Agriculture-Related Use means the **use** of any **lot** or **building** for farm-related commercial and/or farm-related industrial uses that are directly related to **agricultural uses** in the area, support **agricultural uses**, benefit from being in close proximity to **agricultural uses** and provide direct products and/or services to **agricultural uses** as a primary activity. Examples of **agriculture-related uses** may include, but are not limited to

1. Storage and distribution centres serving farm operations in the area;
2. Farmers markets primarily selling locally grown products;
3. Processing of produce grown in the area (for example, cider-making, or the canning, quick-freezing and packing of food);
4. Grain dryers;
5. Agricultural research centres;
6. Wineries using locally grown grapes;
7. Abattoirs for processing and selling meat from animals raised in the area;
8. Flour mills for locally grown grain;
9. Farm equipment repair stores;
10. Livestock assembly yards or stock yards;
11. Agricultural auction grounds; and
12. Farm supplier store (for example, feed, seeds, fertilizer).

3.1.9. Agri-tourism means the **use** of any **lot** or **building** which is **complementary** to a **principal agricultural use** on a **lot** and which provides education and active activities to experience and enjoy the agricultural way of life in the **rural area**. Such activities may include farm machinery and equipment exhibitions, farm-tours, petting zoos, corn mazes, hayrides, sleigh rides, processing demonstrations, pick your own produce/products, farm themed playgrounds, educational facilities that

focus on farming instruction or other similar activities. **Agri-tourism** may include **accessory** retail sales, but excludes **restaurants** and all other **uses** that are considered under the broader **on-farm diversified use** definition.

- 3.1.10. Airport Facilities** means all facilities related to aircraft landing and take-off, including runways, taxiways, aprons, hangars and navigational aids. Facilities may also include terminals, maintenance, warehousing, manufacturing, distribution, aviation based research and development, training, communications, environmental reporting, aviation-related retail commercial, charter operations, air courier service, management or other related operations of the airport or airport-related tenants and may include automobile rental, **retail stores**, food concessions and **restaurants** as **accessory uses**.
- 3.1.11. Amenity Area** means an area exterior to a **residential building**, or an interior area common to all **dwelling units** within a **residential building**, which is designed and intended primarily for the leisure and recreation of the occupants of the **building**.
- 3.1.12. Angular Plane** means an imaginary upwardly inclined plane set at an angle to the horizontal, commencing either at intersection with a vertical plane, such as a **build-to-plane**, at a prescribed elevation above grade, which may coincide with a **storey** or a distance from grade, or at grade, which may coincide with a **lot line**.
- 3.1.13. Animal Care** means the **use** of any **lot** or **building** for medical, grooming, training or similar services for animals, but does not include a **kennel** or an **animal shelter**.
- 3.1.14. Animal Shelter** means the **use** of any **lot** or **building** for the care of lost, abandoned or neglected animals and operated by a **public authority** or semi-public authority or by a not-for-profit organization.
- 3.1.15. Apartment Building** means a **residential building** that is **used** for the purpose of four or more **dwelling units** or four or more **co-living units**, or combination thereof, and configured in such a manner that the **dwelling units** and/or **co-living units** share a common external access to the outside through a common vestibule and corridor system. An **apartment building** does not include any other type of **building** defined in this By-law.
- 3.1.16. Attic** means uninhabitable space between the roof and the ceiling of the top **storey** or between a partial wall and a sloping roof.
- 3.1.17. Automobile Body Shop** means the **use** of any **lot** or **building** for the painting and/or repairing of the exterior and/or the undercarriage of **motor vehicle** bodies, but does not include a **salvage yard**.

- 3.1.18. Automobile Repair Shop** means the **use** of any **lot** or **building** for the servicing and repair of **motor vehicles** that may also be operated in conjunction with a towing service and other similar **uses**, including the sale of the required components.
- 3.1.19. Automobile Sales Establishment** means the **use** of any **lot** or **building** for the display and sale of new or used **motor vehicles** and may include **accessory uses**, including the servicing and repair of **motor vehicles**, an **automobile body shop**, the sale of **motor vehicle** parts and products and the leasing or renting of **motor vehicles**.
- 3.2. B**
- 3.2.1. Bachelor Dwelling Unit** means a **dwelling unit** within which the common areas and areas intended for sleeping are combined into a single room. For the purpose of this By-law, a **bachelor dwelling unit** is deemed to contain one **bedroom**.
- 3.2.2. Backyard Hen** means a female chicken that is at least four months old and is subject to a hen coop permit issued in accordance with the Animal Control By-law.
- 3.2.3. Backyard Hen Coop** means an **accessory building** where **backyard hens** are kept and which is constructed in accordance with the Animal Control By-law and contains lockable roofs and doors.
- 3.2.4. Backyard Hen Run** means a secure **building** attached to a **backyard hen coop** that allows **backyard hens** to access outside.
- 3.2.5. Balcony** means an unenclosed or partially enclosed platform that is attached to and only directly accessible from within a **building** and is located above the **first storey**. A **balcony** includes associated guards, fencing, walls, **visual screen** and other associated features.
- 3.2.6. Banquet Hall** means the **use** of any **lot** or **building** in which facilities are provided for the gathering of people for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served, but excludes a **restaurant**.
- 3.2.7. Basement** means that portion of a **building** where the ceiling is less than 1.0 metre above **finished grade**.
- 3.2.8. Basement Storey** means a **storey** that is located below the **first storey**.

3.2.9. Bay Window means a window that projects outward from an exterior wall of a **building** but does not include any **gross floor area** of the **dwelling unit**.

3.2.10. Bedroom means any room in a **dwelling unit** that is not:

1. A common area, being:
 - (a) A living room open to all occupants of the unit; or
 - (b) A dining room open to all occupants of the unit;
2. An area used for sanitary purposes, such as a washroom;
3. An area used for cooking purposes, such as a kitchen;
4. An area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
5. A circulation space, such as a stairway or hallway;
6. A room less than 6 square metres in area where there are built-in cabinets and/or closets;
7. A room less than 7 square metres in area where there are no built-in cabinets and/or closets; or
8. A room without a window or alternative source of natural light.

3.2.11. Bike Space means an unobstructed area that is designed to be **used** for the parking or storage of one bicycle.

3.2.12. Block means an area of land comprised of one or more **lots** that is bounded on all sides by a **street**.

3.2.13. Building means anything that is comprised of components joined together and that stands more or less permanently in one place. A **building** includes all components such as walls, roof, floors, structural systems, columns, plumbing, fixtures, service systems, **private sewage systems**, **decks**, **porches**, canopies, architectural features, chimneys, mechanical systems and any component that is attached to a **building**. The following are considered to be **buildings**:

1. A shipping container, sea can or similar storage container when placed on the ground for any purpose other than loading and unloading a shipment in

conjunction with an industrial or commercial **use** for up to maximum of 28 consecutive calendar days; and

2. A **tiny house** when installed more or less permanently in one place by removing the wheels and connecting to permanent services.

This definition excludes all items that are designed to be easily portable and all items listed in Clause 4.12.1.

- 3.2.14. **Building Depth** means the horizontal distance between the required **front setback** and the **principal building's rear wall**, measured perpendicular to the **front setback**.
- 3.2.15. **Building Frontage** means the **building** façade that fronts on a **street line** where access to the **building** is available.
- 3.2.16. **Building Supply Store** means the **use** of any **lot** or **building** for the retail sale or rental of equipment, construction supplies and accessories, including **outdoor storage** of **building** materials, which may include: lumber; millwork; cement; siding; roofing; plumbing or electrical supplies; heating, cooling or ventilation supplies; fireplaces; windows; paints; wall coverings; and floor coverings.
- 3.2.17. **Build-to-Plane** means a vertical plane which runs parallel to, and at a specified distance from, a **street line**. The location of the **build-to-plane** is established by measuring from, and perpendicular to, the **street line** to the nearest part of any **main wall** of any **building** on a **lot**.
- 3.2.18. **Bunkhouse** means a detached **accessory building** that is designed to provide seasonal sleeping accommodations and which may contain a washroom, but does not contain a kitchen.

3.3. C

- 3.3.1. **Cabin** means a **building** intended only for seasonal accommodation and which may contain a washroom or a kitchen or both.
- 3.3.2. **Campground** means the **use** of any **lot** or **building** for providing overnight or short term accommodation for recreational vehicles, travel trailers, motor homes, and tents, but not a **mobile home**, and includes **accessory** services and facilities normally incidental and subordinate to such a **use** including common washroom lavatory and bathing facilities, indoor and/or outdoor recreation areas, picnic areas and an entrance kiosk.

- 3.3.3. Call Centre** means the **use** of any **lot** or **building** established to transmit or receive a high volume of phone calls to provide technical support, customer service, sales or similar client services.
- 3.3.4. Canopy** means a roof-like architectural feature projecting more than 0.3 metres from the exterior face of a **building**.
- 3.3.5. Car-share** means the practice where a number of people share the use of one or more cars that are owned by a car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization.
- 3.3.6. Car-share Space** means a **parking space** that is reserved for the exclusive **use** of a **car-share vehicle**.
- 3.3.7. Carwash** means the **use** of any **lot** or **building** for the washing of one or more **vehicles** at any one time.
- 3.3.8. Casino Gaming Facility** means the **use** of any **lot** or **building** for the purpose of providing slot machine or table game wagering or betting, authorized and licensed by the Province of Ontario.
- 3.3.9. Cataraqui Source Protection Plan** means the Cataraqui Source Protection Plan developed under the *Clean Water Act, 2006*, S.O. 2006, c.22, or any successor documents that implement the source protection plan requirements of the *Clean Water Act*.
- 3.3.10. Catering Service** means the **use** of any **lot** or **building** for the preparation of meals in full or in part for consumption at a location other than the premises in which the meal is prepared.
- 3.3.11. Cemetery** means the **use** of any **lot** or **building**, or part thereof for the interment of human remains and which may include a crematorium, mausoleum, or columbarium as licensed under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33.
- 3.3.12. Centre Line** means an imaginary line which equally divides the width of a **right-of-way** allowance, including a **street**.
- 3.3.13. Chief Building Official** means the municipal official appointed pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 and includes their authorized representatives.

- 3.3.14. City** means the Corporation of the City of Kingston.
- 3.3.15. Classroom** means a room primarily used for scheduled teaching purposes which does not require special equipment of a kind that makes the room unsuitable for general instruction (for example laboratory, benches).
- 3.3.16. Club** means the **use** of any **lot** or **building** by clubs, groups, or organizations for the purposes of providing for meeting places, social functions, and regular membership gatherings.
- 3.3.17. Commercial Motor Vehicle** means any **vehicle** which displays commercial lettering or commercial licence plates and also includes construction equipment, which is self-propelled or designed to be towed, a taxi, a delivery **vehicle**, and a driving school **vehicle**, in addition to any “commercial motor vehicle” as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8.
- 3.3.18. Commercial Parking Lot** means the **principal use** of any **lot** or **building** for the parking of **motor vehicles**, with or without a fee being charged. **Commercial parking lot** includes **drive aisles**, **parking spaces** and components necessary to support the **use**, and excludes any area where **motor vehicles** for sale or repair are kept or stored.
- 3.3.19. Common Element** means a **lot** or **building** forming part of the common elements of a Plan of Condominium pursuant to the *Condominium Act, 1998*. **Common elements** may include private roads, common walkways, common sidewalks and common amenity areas within a Plan of Condominium.
- 3.3.20. Community Garden** means the **use** of any **lot** or **building** managed and maintained by a group of individuals for the purpose of cultivation of plants for personal use or consumption and includes other forms of urban agriculture such as tree planting projects or similar **uses**.
- 3.3.21. Community Centre** means the **use** of any **lot** or **building** where members of the public are provided with health services, social support services, cultural, social or recreational programs or life/work skills training programs and where neither overnight care nor living accommodation is available. A **day care centre** is a permitted **accessory use** to a **community centre**.
- 3.3.22. Complementary Use** means the **use** of any **lot** or **building** which is separate from the **principal use** of the **lot** and is not subordinate or incidental to such **use**, but is a **use** which provides support and services to enhance the **principal use**.

- 3.3.23. Conference Centre** means the **use** of any **lot** or **building** where the primary focus is to host large gatherings for specific events such as conferences, conventions, exhibitions, seminars, workshops, rallies, **trade shows**, **specific day retail sales** and may include **banquet halls**, meeting rooms, restaurants, theatres or a **hotel** where they support the primary focus of hosting large gatherings.
- 3.3.24. Conservation Use** means the **use** of any **lot** for the protection of natural heritage features for the purpose of long-term protection of the natural heritage resource.
- 3.3.25. Construct** means to do anything in the erection, installation, extension or alteration or repair of a **building** and includes the installation of a **building** unit fabricated or moved from elsewhere.
- 3.3.26. Contractor's Yard** means the **use** of any **lot** or **building** by a construction company, landscaper, or contractor for the storage and maintenance of equipment and materials **used** or rented by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies **used** by the business.
- 3.3.27. Convert** means to change the **use** of an existing **lot** or **building**, or a part thereof, to another **use**.
- 3.3.28. Co-Living Unit** means the **use** of a **building** intended for residential accommodation where private bedrooms and/or living spaces share the **use** of one common kitchen and may share common washroom facilities or living spaces.
- 3.3.29. Cornice** means an exterior horizontal projection or ornamental moulding along the top of a **building**, wall, arch or column.
- 3.3.30. Corner Lot** means a **lot** situated at the intersection of and abutting two or more **streets**, or parts of the same **street**, where the inside angle of intersection or projected angle at the intersection of the tangents of the **street lines** is less than 135 degrees, except **lots** at the start of cul-de-sacs where the angle may exceed 135 degrees. [Note: See Diagram 3.12.17.]
- 3.3.31. Correctional College** means the **use** of any **lot** or **building** for the training of correctional service staff.
- 3.3.32. Correctional Institution** means the **use** of any **lot** or **building** for a **correctional institution** as defined by the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.
- 3.3.33. Council** means the Municipal Council of the Corporation of the City of Kingston.

3.3.34. Creativity Centre means the **use** of any **lot** or **building** as the workplace of a photographer, artist, craftsperson or any other similar creative field, and includes galleries for the display of art for viewing and purchase, and any accessory instruction facilities where such creative field is taught.

3.4. D

3.4.1. Day Care Centre means the **use** of any **lot** or **building** licensed pursuant to the *Child Care and Early Years Act, 2014, S.O. 2014, c.11, Sched. 1*, for the purpose of providing temporary care for or supervision of children for a child's safety, well-being or development, in the absence of the child's parent or guardian and for a continuous period that does not exceed 24 hours. A **day care centre** may also include care offered or supplied on a regular schedule to adults for a portion of a day, but which does not provide overnight accommodation.

3.4.2. Deck means a **building** component that is an uncovered and unenclosed or partially enclosed platform, which may or may not be attached to one or more walls of a **building**. A **deck** includes its associated guards, fencing, walls, **visual screens**, stairs and other associated features. A **deck** may or may not have a foundation.

3.4.3. Density means the ratio of the number of **bedrooms, dwelling units** or **co-living units** to one net developable hectare of **lot area** or per **lot**.

3.4.4. Department Store means the **use** of any **lot** or **building** that sells several lines of merchandise, which may include two or more of the following lines of merchandise, where no one particular line comprises the primary offering: apparel, jewelry, cosmetics and toiletries, furniture, home furnishings, appliances, electronics, sporting goods, toys, photo equipment, hardware, auto accessories, and other household goods and services. **Accessory uses** to a **department store** include, but are not limited to, a **garden centre**.

3.4.5. Develop or Development means to:

1. Create a new **lot**;
2. Create a new **use**;
3. **Convert** to a different **use**;
4. Alter **landscaped open space**, a **landscaped berm**, a **planting strip** or any other landscaping feature required pursuant to this By-law;

5. Construct **driveways, drive aisles, parking spaces, parking lots** or **loading spaces** on a **lot**; and
6. Alter, enlarge, erect, build, **construct**, reconstruct, relocate, **renovate** or restore **buildings** or parts thereof;

Develop or **development** does not include:

7. Activities that create or maintain infrastructure authorized under an environmental assessment process;
8. Works subject to the *Drainage Act*, R.S.O. 1990, c. D.17; or,
9. Underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential where advanced exploration has the same meaning as under the *Mining Act*, R.S.O. 1990, c. M.14.

3.4.6. Director means the **City's** Director, Planning Services, or their designate, or in the event of organizational changes, the Director of the appropriately titled department.

3.4.7. Ditch means a small to moderate excavation created to channel water.

3.4.8. Dormer means a roofed **building** component, often containing a window, that pierces through the plane of a sloping roof.

3.4.9. Drive Aisle means an internal roadway immediately adjacent to a **parking space** in a **parking lot** which provides vehicular access to 2 more **parking spaces**, except for **tandem parking spaces**, and is not a **driveway**.

3.4.10. Drive-Through means a **building component** that provides or dispenses products or services through an attendant or a window or an automated machine to patrons remaining in **motor vehicles**, including associated stacking lane, speaker system, microphone system, signage, order board or other similar facilities, but does not include a **gas station** or **carwash**.

3.4.11. Driveway means a defined area providing access for **motor vehicles** from a **street** to facilities such as a **parking lot, commercial parking lot, parking space, loading space, private garage**, but excludes a **drive aisle**.

3.4.12. Duplex means a **residential building** that is **used** for the purpose of two **principal dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance either

directly to the outside or through a common vestibule, with one **dwelling unit** entirely above the other.

3.4.13. Dwelling Unit means the **use** of a **building**, comprised of one or more **habitable rooms** designed to provide at least one washroom and kitchen for residential accommodation. This definition may include a short term rental as defined in the Short Term Rental By-law where it is comprised of one or more **habitable rooms** designed to provide at least one washroom and kitchen for residential accommodation. This definition excludes **bunkhouses**, recreational vehicles, travel trailers, tent trailers or motor homes.

3.5. E

3.5.1. Effective Ratio means a theoretical ratio that is established for a given **use** or **building**, which is used as the basis for calculating the required number of **accessible spaces** to be provided on a **lot**.

3.5.2. Elementary School means the **use** of any **lot** or **building** for academic instruction typically offered from kindergarten to grade 8 including public, private or separate schools, but does not include a **training facility**. Permitted **accessory uses** include **day care centres**.

3.5.3. Electric Vehicle means a **motor vehicle** that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle's batteries.

3.5.4. Electric Vehicle Ready means a **parking space** designed and constructed to be ready for the future installation of **electric vehicle supply equipment** through the installation of conduits that enable the installation of electrical components in the future or through other similar means.

3.5.5. Electric Vehicle Supply Equipment means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an **electric vehicle**.

3.5.6. End-of-Trip Bike Facility means a dedicated area in a **non-residential building** where showers, clothing lockers and private change rooms are provided for cyclists.

3.5.7. Entertainment Establishment means the **use** of any **lot** or **building** for the provision of entertainment or amusement without the necessity of active participation by the user and includes such **uses** as an arena, movie theatre, cinema,

concert hall, playhouse, arcade and bingo, or similar **use** when the **principal** focus of the **use** is spectating for entertainment.

- 3.5.8. Exterior Lot Line** means the **lot line**, other than a **front lot line**, of a **corner lot** which abuts a **street**. [Note: See Diagram 3.12.17.]
- 3.5.9. Exterior Setback** means the **setback** between the **exterior lot line** and the nearest part of any **building** on the **lot**. [Note: See Diagram 3.19.8.]
- 3.5.10. Exterior Yard** means a **yard** extending from the **front yard** to the **rear yard** between the **exterior lot line** and a **building** on the **lot**. [Note: See Diagram 3.19.8.]
- 3.6. F**
- 3.6.1. Factory Outlet** means the **use** of any **lot** or **building** as an **accessory** to a manufacturing **use** offering goods for sale which are manufactured entirely on the same **lot** as the **factory outlet**.
- 3.6.2. Fairgrounds** means the **use** of any **lot** or **building** where fairs, circuses or exhibitions are held primarily outdoors, and includes any **accessory** and temporary **buildings**.
- 3.6.3. Feedmill** means the **use** of any **lot** or **building** as a commercial or industrial scale mill for the processing, blending, grinding and mixing of grains, seeds and concentrates.
- 3.6.4. Fence** means a physical barrier or partition made of wood, metal or other substance that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every door, gate and other closure that forms part of a fence, and which may be regulated by the City of Kingston By-law Number 2003-405, A By-law to Regulate Fences, or any successor legislation.
- 3.6.5. Ferry Terminal** means the **use** of any **lot** or **building** for the docking of ferry boats which may carry **persons**, cargo, **motor vehicles** or other **vehicles** across a **waterbody**, including **accessory** administrative **offices**, food concessions, **retail stores** or other similar **uses**.
- 3.6.6. Financial Institution** means the **use** of any **lot** or **building** wherein money management services are provided and includes a bank, trust company, credit union, financial company, mortgage company, loan company, cheque cashing company, or investment company.

3.6.7. Finished Grade means the average elevation of the ground surface at the base of the **main wall**, measured at the four most distant points representing the outermost corners of the **building**.

When used in reference to a round **building** or another **building** that does not have corners, means the average elevation of the ground surface at the base of the **building**, measured around the perimeter.

3.6.8. First Storey means the **storey** with its floor closest to **finished grade** and which has a floor level that is located at or above **finished grade**.

3.6.9. Fitness Centre means the **use** of any **lot** or **building** in which facilities are provided for fitness or athletic activities such as body-building, endurance training, yoga, exercise and fitness classes, or other similar **uses** where the **principal** focus is fitness. **Fitness centres may** include associated facilities such as a sauna, a **swimming pool** and a solarium and **accessory uses** such as a food concession and **retail store**.

3.6.10. Flat Roof means a roof where at least 50% of the area of the roof, when viewed from a horizontal plane, has a pitch less than 10 degrees from the horizontal.

3.6.11. Floodplain means the area, usually lowlands, adjoining a **waterbody** and which has been or may be subject to flooding hazards as defined by the Cataraqui Region Conservation Authority and as identified as "Floodplain" on Schedule A.

3.6.12. Floor Space Index means the **gross floor area** of all **buildings** on a **lot** divided by the **lot area**. "FSI" means **floor space index**.

3.6.13. Food Truck means the **use** of any **lot** for a vehicle, whether motorized or manually propelled, from which refreshments and/or food are sold for public consumption, including carts, wagons, trailers and **motor vehicles**.

3.6.14. Forestry Use means the **use** of any **lot** or **building** for raising and harvesting of trees, including the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products, but excludes a **garden centre** or building product outlet.

3.6.15. Former Zoning By-law means:

1. By-law Number 3078 of the former City of Kingston, as amended;
2. By-law Number 9087A of the former City of Kingston, as amended;
3. By-law Number 8950 of the former City of Kingston, as amended;

4. By-law Number 541 of the former Township of Kingston, as amended;
5. By-law Number 3077 of the former City of Kingston, as amended;
6. By-law Number 8499 ("8499") of the former City of Kingston, as amended;
7. By-law Number 96-259 ("96-259") of the former City of Kingston, as amended;
8. By-law Number 76-26 ("76-26") of the former Township of Kingston, as amended;
9. By-law Number 97-102 ("97-259") of the former Township of Kingston, as amended; and
10. By-law Number 32-74 ("32-74") of the former Township of Pittsburgh, as amended.

3.6.16. Freehold means a **lot** or **building** where the ownership does not include any **common element**.

3.6.17. Front Lot Line means, in the case of an **interior lot**, the line dividing the **lot** from the **street**. Where an interior **lot** includes more than one **lot line** separating the **lot** from the **street**, including straight and/or curved portions of a **lot line**, all **lot lines** separating the **lot** from the **street** are the **front lot line**.

In the case of a **corner lot**, the shorter **lot line** abutting a **street** is deemed the **front lot line** and the longer **lot line** abutting a **street** is deemed an **exterior lot line**. Where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point (for example, a rounded or chamfered area), the **front lot line** must be measured using the hypothetical point of intersection of the extension of the **front lot line** and the extension of the **exterior lot line**. Any portions of **lot lines** that form part of an irregular corner, such as rounded or chamfered **lot lines**, are not considered **front lot lines** or **exterior lot lines**.

In the case of a **corner lot** which is also a **through lot**, the **front lot line** is the **lot line** opposite to a **lot line** that does not abut a **street**.

In the case of a **through lot** or a **corner lot** whose **street lines** are the same length, the **lot line** where the **principal** vehicular access to the **lot** is provided is deemed to be the **front lot line**.

In the case of a waterfront **lot** with no **street line**, the **front lot line** is the **lot line** contiguous with the **waterbody**. In the case of a waterfront **lot** with a **street line**, the **front lot line** is the **street line**.

In the case of one **lot** that occupies an **entire block**, every **lot line** is a **front lot line**.

Where an existing **lot** does not have a **lot line** which is also a **street line**, the **lot line** which is closest to and most parallel to the nearest **street line** is considered the **front lot line**. [Note: See Diagram 3.12.17.]

3.6.18. Front Setback means the **setback** between the **front lot line** and the nearest part of any **building** on the **lot**.

Where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the **front setback** must be determined by measuring the hypothetical point of intersection of the extension of the **front lot line** and the extension of the **exterior lot line**. [Note: See Diagram 3.19.8.]

3.6.19. Front Yard means a **yard** extending across the full width of the **lot** between the **front lot line** and a **building** on the **lot**. Where the **main wall** facing the **front lot line** is not parallel to the **front lot line**, the **front yard** is projected as a linear extension of the **main wall** to the **lot lines**. [Note: See Diagram 3.19.8.]

3.6.20. Funeral Establishment means the **use** of any **lot** or **building** established for the purpose of temporarily placing human remains and cremated human remains, so that **persons** may attend and pay their respects.

3.7. G

3.7.1. Garage Sale means the **use** of any **lot** or **building** for the sale of household goods by an occupant of a **dwelling unit**, on the same **lot** as the **dwelling unit**.

3.7.2. Garden Centre means the **use** of any **lot** or **building** for the retail sale of trees, shrubs or plants, and which may include the **accessory** sale of soil, planting materials, fertilizers, lawn and garden tools, ornaments, and similar materials.

3.7.3. Gasoline Pump means a **building** for the dispensing of **vehicle** fuels including gasoline, diesel, propane and natural gas but does not include a kiosk or any other **accessory building**.

- 3.7.4. Gas Station** means the **use** of any **lot** or **building** where **motor vehicle** fuel is kept for sale, including a **gasoline pump**, and may also include the following additional functions:
1. The sale of oil, grease, antifreeze, tire tubes, tire accessories, electrical light bulbs, spark plugs, and batteries for **motor vehicles**, etc.;
 2. The sale of convenience commercial goods and food as an **accessory use**;
 3. **Carwash** as an **accessory use**;
 4. Facilities where **motor vehicles** are oiled, greased, and washed;
 5. Electrical charging stations for **electric vehicles**;
 6. Minor repairs essential to the actual operation of **motor vehicles** including ignition adjustment and tire inflation; and/or
 7. The sale of propane as an **accessory use**.
- 3.7.5. Golf Course** means the **use** of any **lot** or **building** for the purpose of playing golf and may include **accessory uses** such as a **restaurant**, food concession, driving range, the sale or rental of golf equipment, or a **banquet hall**.
- 3.7.6. Gravel Pit** means the **use** of any **lot** or **building** for open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for **construction**, manufacturing or industrial purposes, but excludes an excavation incidental to the **development** of a **building** for which a building permit has been granted by the **City**, or an excavation incidental to the **construction** of any public works. This definition includes a **wayside pit or wayside quarry**.
- 3.7.7. Grocery Store** means the **use** of any **lot** or **building** devoted to the sale of perishable and non-perishable food including baked goods, fruits and vegetables, meat or butcher products and dairy products and may include an **accessory** food concession, delicatessen and **retail store**.
- 3.7.8. Gross Floor Area** means the total floor area of all floors of a **building** above **finished grade**, measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the **building** from another **building**, but excluding:
1. Areas of enclosed malls **used** as a common area between stores;

2. Areas **used** for mechanical equipment, electrical equipment or similar service areas such as garbage or recycling rooms;
3. Areas **used** for stairways and elevator shafts;
4. Areas **used** as storage lockers;
5. Areas **used** for **loading spaces, bike spaces and parking spaces**;
6. Any floor area with a floor to ceiling height of less than 1.8 metres;
7. Area in an **attic** having headroom of 2.1 metres or less for at least half the **attic** floor area, unless otherwise specified; and
8. **Balconies, porches, decks** and mezzanines.

3.7.9. Gross Leasable Area means the total area of all floors in a **building** or part of a **building** usable for tenant occupancy and the tenants' exclusive **use**, including **basements**, mezzanines and integral storage areas, measured from the centre line of joint partitions and from outside wall faces, but not including public or common areas, such as **parking spaces** and **parking lots**, walls, corridors, stairways, elevators or machine or equipment rooms.

3.7.10. Group Home means the **use** of a **lot** or **building** to provide supervised living accommodation as per the requirements of its residents, licensed and/or funded by the Province of Ontario or the Government of Canada, generally limited to 10 persons or fewer, exclusive of staff, living together as a single housekeeping unit. For the purpose of this By-law, a **group home** is considered to be a **dwelling unit**.

3.8. H

3.8.1. Habitable Room means any room in a **dwelling unit** that is capable of being **used** by one or more persons for living, sleeping, eating, food preparation or sanitation and includes a **bedroom**.

3.8.2. Habitation Unit means the **use** of a **residential building** or **mixed use building** associated with a **post-secondary institution** intended for residential accommodation by one person. A **habitation unit** may be located within a **co-living unit** or **dwelling unit**.

3.8.3. Heavy Equipment or Truck Repair Shop the **use** of a **lot** or **building** for the repair or servicing of heavy equipment or trucks and may include **accessory uses** such as wash facilities and driver services.

3.8.4. Heavy Industrial Use the **use** of a **lot** or **building** for:

1. Production, manufacture, fabrication, assembly, or similar processes, where the process(es) have an elevated probability of fugitive emissions such as noise, odour, dust or vibration, including where one or more process(es) occurs outside of a **building**; and/or
2. Production or **use** or storage of flammable, explosive or other hazardous materials.

3.8.5. Height, when used in reference to an **accessory building, mixed use building, apartment building** or a **building** with **non-residential uses**, means the vertical distance measured from **finished grade** to the highest point of the **building**.

When used in reference to any feature that is not a **building**, means the vertical distance from the ground surface at the base of the feature to the highest point of the feature.

When used in reference to the **first storey**, means the vertical distance measured from **finished grade** to the top of the ceiling of the **first storey**.

For **principal buildings** with a **residential use**, excluding a **mixed use building** or **apartment building**, means the vertical distance from **finished grade** to:

1. In the case of a **building** with a **flat roof**, the highest point of the **building**;
2. In the case of a sloped roof, the average level between the eaves and highest point of the **building**; and
3. For all other roof types, including a quonset hut or a dome, the highest point of the **building**.
4. For the purpose of this definition, a roof with a slope 60 degrees or more to the horizontal and which is adjacent to occupied portions of a **building** is considered to be a **main wall**. Where the soffit projects more than 0.5 metres from the **main wall** on the horizontal, the slope is calculated at a point that is 0.5 metres from the **main wall**.

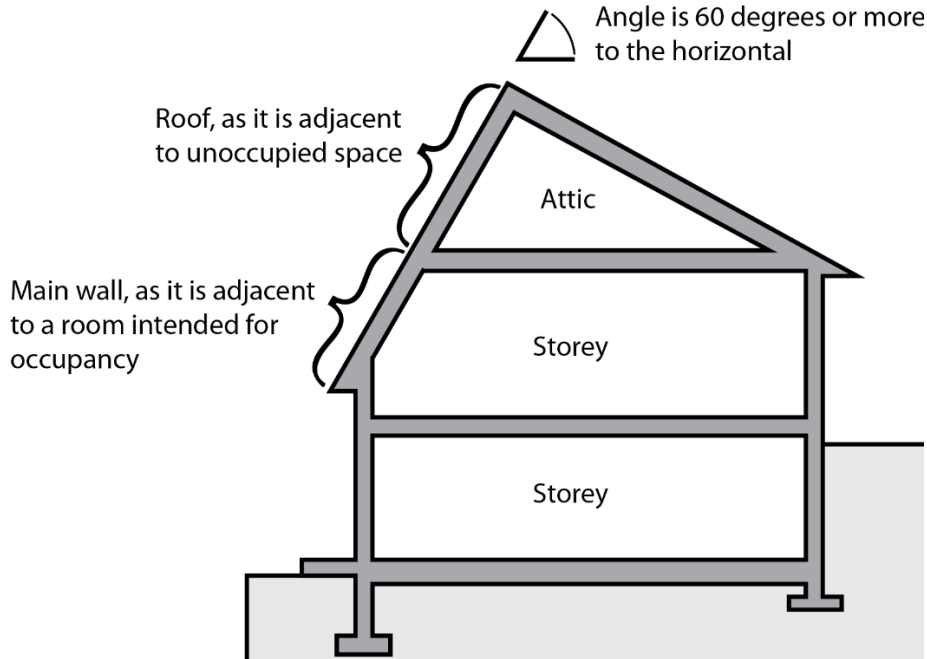


Diagram 3.8.5. – Roof with Slope of 60 Degrees or More

3.8.6. Heritage Building means a **building** that is designated under the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, or that is certified to be of significant architectural or historical value by a recognized, non-profit public organization whose primary object is the preservation of structures of architectural or historical significance and the certification has been accepted by the Chief Building Official.

3.8.7. High Water Mark means the highest water level that has been maintained for a sufficient duration (on an annual basis) as to leave physical evidence upon the landscape marking the boundary between that water level and upland areas. The boundary may be identified by:

1. An examination of the bed and bank of the **waterbody**, to determine where the presence and action of water has been so common and usual and long continued in all ordinary years to mark upon the bed or bank a character distinct from that of the abutting upland; and/or
2. A distinction between either open water or dominant aquatic/wetland vegetation, and dominant upland vegetation.

3.8.8. Home Day Care means the **use** of a portion of a **dwelling unit** for the purpose of providing temporary care for or supervision of children for a child's safety, well-being or development, in the absence of the child's parent, for a continuous period

that does not exceed 24 hours, and in accordance with the *Child Care and Early Years Act*.

- 3.8.9. Home Office** means the **use** of a portion of a **dwelling unit**, including an attached **private garage** or a detached **accessory building** located on the same **lot** as the **dwelling unit**, as an **office** space for a person residing in the **dwelling unit** where no customers, clients or in-person meetings are conducted on the **lot**. **Home office** includes remote-working and work from home arrangements where business is conducted virtually or over the phone.
- 3.8.10. Home Occupation** means a **use** of a portion of a **dwelling unit**, including an attached **private garage** or a detached **accessory building** located on the same **lot** as the **dwelling unit**, as an occupation, business, trade, **home day care** or craft for a person residing in the **dwelling unit** that is subordinate to the **principal use** of the **dwelling unit**. **Home occupation** excludes a **home office**.
- 3.8.11. Horizontal Bike Space** means a **bike space** that is provided in a horizontal format, excluding a **stacked bike space**.
- 3.8.12. Hospital** means the **use** of any **lot** or **building** that is established for the purposes of the treatment of patients and that is approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c. P.40 and may include a gift shop, cafeteria and other similar **accessory uses** normally associated with a hospital.
- 3.8.13. Hotel** means the **use** of any **lot** or **building** for the temporary lodging of the travelling public or for recreation purposes and may include a **banquet hall**, meeting rooms, licensed lounge, **restaurant**, convenience store and gift shop as **accessory uses**, but excludes any short term rental as defined in the Short Term Rental By-law.
- 3.9. I**
- 3.9.1. Industrial Repair Shop** means the **use** of any **lot** or **building** for the repair of industrial articles through the **use** of machining, welding or fabrication.
- 3.9.2. Institutional Use** means the **use** of any **lot** or **building** by any organization, group, or association for government, religious, charitable, educational, benevolent, health or welfare purposes and not for profit or gain, but does not include **uses** otherwise defined herein.

- 3.9.3. Intake Protection Zone** means the area of land and water that contributes source water to a drinking water system intake within a specified distance, period of flow time (for example, two hours), and/or watershed area.
- 3.9.4. Interior Lot** means a **lot** other than a **corner lot**. [Note: See Diagram 3.12.17.]
- 3.9.5. Interior Lot Line** means a **lot line**, other than a **rear lot line** that does not abut a **street**. [Note: See Diagram 3.12.17.]
- 3.9.6. Interior Setback** means the **setback** between the **interior lot line** and the nearest part of any **building** on the **lot**. [Note: See Diagram 3.19.8.]
- 3.9.7. Interior Yard** means a **yard** extending from the **front yard** to the **rear yard** between the **interior lot line** and a **building** on the **lot**. [Note: See Diagram 3.19.8.]
- 3.10. J**
- 3.10.1.** Reserved
- 3.11. K**
- 3.11.1. Kennel** means the **principal use** of any **lot** or **building** where the predominant economic activity consists of day boarding, overnight boarding or breeding of domestic household pets.
- 3.12. L**
- 3.12.1. Laboratory** means the **use** of any **lot** or **building** where experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for **use** on the **lot**. This definition excludes a **research establishment**.
- 3.12.2. Landscaped Berm** means an outdoor area on a **lot** that has been designed for safety purposes as an earthen berm with side slopes not steeper than 2.5 to 1, adjoining and parallel to a railway **right-of-way** with returns at the ends.
- 3.12.3. Landscaped Open Space** means an outdoor area on a **lot** that is **used** for:
1. Soft landscaping that allows water to permeate into the ground (vegetation such as trees, shrubs, hedges, ornamental plantings, grass, groundcover or other similar plantings);

2. Hard landscaping (brick, gravel, pavers, rocks, stones, **walkways, fences or outdoor patios**);
3. Exterior stairs;
4. **Porches** without a perimeter foundation;
5. **Decks** without a perimeter foundation;
6. **Swimming pools**; and
7. An area above a **private sewage system**.

Landscaped Open Space excludes:

1. **Driveways, drive aisles, parking spaces, parking lots, loading spaces** or anywhere a vehicle is parked or driven;
2. **Decks or porches** that have a perimeter foundation; and
3. Any area beneath, above or within any **building** (excluding a **private sewage system**).

3.12.4. Laundry Store means the **use** of any **lot** or **building** 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 pressing and/or distribution of any such articles or goods which have been subjected to any such process. A **laundry store** includes a laundromat, where one or more clothes washing and drying machines are **used**.

3.12.5. Library means the **use** of any **lot** or **building** for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for the purposes of study, reference and recreation.

3.12.6. Light Industrial Use means the **use** of any **lot** or **building** for production, processing, manufacturing, fabrication, assembly, or similar processes, including those that are technologically advanced or innovative, within a self-contained **building** where the processes have a low probability of fugitive emissions such as noise, odour, dust or vibration. This definition does not include any other **use** defined herein.

3.12.7. Livestock means beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals as identified in **minimum distance separation**, but excludes **backyard hens**.

- 3.12.8. Livestock Barns** means one or more permanent **buildings** located on a **lot** which are intended for housing **livestock**, and are structurally sound and reasonably capable of housing **livestock**.
- 3.12.9. Livestock Facility** means the **use** of any **lot** or **building** for **livestock barns** and manure storage, including all unoccupied **livestock barns** and unused manure storage.
- 3.12.10. Loading Space** means an unobstructed open, enclosed or partially enclosed area for the purpose of loading or unloading **vehicles** in conjunction with a permitted **use** or **building** on the same **lot**.
- 3.12.11. Long-term Bike Space** means a **bike space** that is intended for **use** of an occupant of a **dwelling unit** or employee of a business.
- 3.12.12. Lot** means a single parcel, tract of land or parcel of tied land, in each case that may be conveyed in compliance with the provisions of the **Planning Act** or the *Condominium Act, 1998*, excluding a unit, as that term is defined in the *Condominium Act, 1998*, or a **common element**.
- 3.12.13. Lot Area** means the total surface area taken on a horizontal plane within all **lot lines** of a **lot**, excluding:
1. The area below the **high water mark** of a **waterbody**;
 2. Any lands which may be subject to the Floodplain Overlay;
 3. Any lands which have been or which will be dedicated to the **City** for public **streets**, public sidewalks, public open space, **parks** or public community facilities including, but not limited to **libraries**, fire stations, and **recreation facilities**; and
 4. Any lands zoned Environmental Protection Area.
- 3.12.14. Lot Coverage** means the percentage of the **lot area** covered by:
1. A **building**;
 2. A **deck** that has a perimeter foundation; and
 3. A **porch** that has a perimeter foundation.

Lot Coverage excludes **private sewage systems**, uncovered steps, patios, **swimming pools**, **decks**, **porches**, **balconies** and **bay windows** as well as **canopies**

and overhanging eaves which are 2.0 metres or more in **height** above the **finished grade**.

3.12.15. Lot Depth means the horizontal distance between the **front lot line** and **rear lot line** perpendicular to the **front lot line**. If the **front lot line** and **rear lot line** are not parallel, **lot depth** means the length of a straight line joining the midpoint of the **front lot line** with the midpoint of the **rear lot line**. If there is no **rear lot line**, **lot depth** means the length of a straight line joining the midpoint of the **front lot line** with intersection of the **interior lot lines** and/or **exterior lot line**.

3.12.16. Lot Frontage means the horizontal distance between the **interior lot lines** and/or **exterior lot lines** along the **front lot line**, with such distance being measured perpendicular to the line joining the mid-point of the **front lot line** with the mid-point of the **rear lot line** and at the minimum required **front setback**.

In the case of a **lot** with no **rear lot line**, the point where two **interior lot lines** intersect is the point from which a line is drawn to the mid-point of the **front lot line**.

Where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the **exterior lot line** is deemed to extend to its hypothetical point of intersection with the extension of the **front lot line**.

3.12.17. Lot Line means a line delineating any legal boundary of a **lot**.

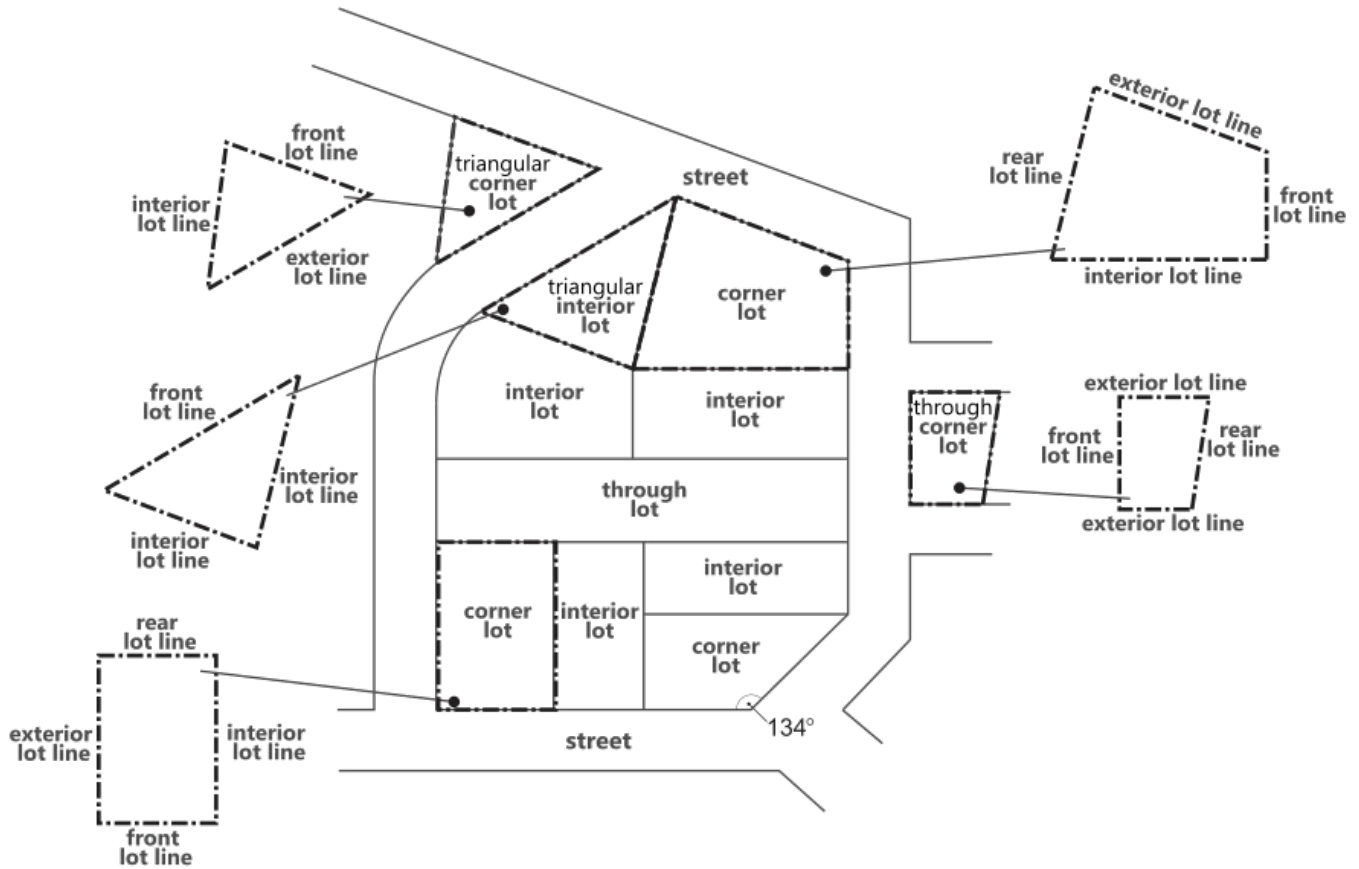


Diagram 3.12.17. – Lot Types and Lot Lines

3.12.18. Lot Width means the horizontal distance between the side **lot lines**, with such distance measured perpendicularly to the mid-point of the **lot depth**.

3.13. M

3.13.1. Main Wall means all portions of the exterior front, side and/or rear wall of a **building** and all structural components of the exterior walls essential to the support the roof.

3.13.2. Marina means the **use** of any **lot** or **building** as a commercial venture providing transient and/or seasonal docking and mooring facilities where boats are berthed, stored, serviced, repaired or launched. A **marina** may include a yacht club, land based facilities for the winter storage of boats, boat servicing establishments, sale or rental of boats and boat accessories, the sale of marine fuels and lubricants, waste water pumping facilities, washroom and shower facilities, **laundry store**, boat launching ramp, boat lift/boat lifting equipment, administrative **offices** and marine-

related instructional facilities. **Accessory uses** may include a **restaurant** or a **hotel** that supports the **marina**.

- 3.13.3. Marine Facility** means an **accessory building** that is **used** for the purpose of taking a boat into or out of a **waterbody**, or to moor, berth or store a boat and which abuts a shoreline. This definition includes vertical storage for non-motorized boats, a boat slip, boat launch ramp, boat lift, boat port, dock or marine railway and areas with enclosed walls and a roof such as a boathouse. **Marine facility** excludes any **building used** as a **residential use**, a general living area or sleeping accommodation.
- 3.13.4. Mechanical Penthouse** means an enclosed or partially enclosed **building** component which houses mechanical, ventilation, electrical or other similar equipment only, other than a bulkhead, sited on the roof of a **building**.
- 3.13.5. Military Installation** means the **use** of any **lot** or **building** for military purposes, including armories, staff colleges, military **dwelling units**, training facilities, administrative **offices**, dining areas, enclosed storage areas, residential accommodation, **recreation facilities** or **museums**.
- 3.13.6. Mineral Aggregate Operation** means the **use** of any **lot** or **building** for purposes that are under licence or permit in accordance with the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, including associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products, but does not include a **wayside pit** or **wayside quarry**.
- 3.13.7. Minimum Distance Separation** means formulae and guidelines developed by the Province of Ontario, as amended from time to time, to separate **uses** so as to reduce incompatibility concerns about odour from **livestock facilities**.
- 3.13.8. Mixed Use Building** means a **building** that is **used** for the purpose of one or more **dwelling units** and one or more permitted **non-residential uses**.
- 3.13.9. Mobile Home** means a manufactured dwelling containing one **dwelling unit** that is a **principal building** and is designed to be made mobile, and constructed or manufactured to provide year-round living accommodations, but does not include recreational vehicles, travel trailers, tent trailers or motor homes. A mobile home may include **porches** or sunrooms as **accessory buildings**.
- 3.13.10. Mobile Home Park** means an area under single ownership and **used** exclusively for the siting of **mobile homes**, with **accessory** commercial facilities and recreational **uses** for residents, including any **buildings** in or on such **mobile home park**.

- 3.13.11. Model Home** means a **single detached house, semi-detached house or townhouse used** temporarily for the purpose of an **office** and/or show room and/or sales centre to promote the sale of residential units within a draft approved plan of subdivision under the **Planning Act** or a description under the *Condominium Act, 1998* proposed for registration.
- 3.13.12. Motor Vehicle** means an automobile, motorcycle and motor-assisted bicycle unless otherwise indicated in the *Highway Traffic Act, R.S.O. 1990, c. H.8.* and any other **vehicle** propelled or driven otherwise than by muscular power, but does not include trains or other motorized **vehicles** running only upon rails, or a motorized snowmobile, boat, personal watercraft, trailer, camper, motor home, all-terrain vehicle, traction engine, farm tractor or road-building machine, as defined in the *Highway Traffic Act.*
- 3.13.13. Municipal Services** means a **lot** that is serviced by both municipal water and municipal sanitary sewer.
- 3.13.14. Museum** means the **use** of any **lot** or **building** that is open to the public and in which a collection of objects illustrating science, art, history or related types of information is kept for display and storage. **Museums** may include **retail stores** and food concessions as **accessory uses.**
- 3.14. N**
- 3.14.1. Non-Residential Building** means all **buildings** occupied by **non-residential uses** only.
- 3.14.2. Non-Residential Use** means all **uses** that are not **residential uses**, excluding **public uses, parks,** or any **use** in an Open Space Zone or EPA Zone.
- 3.15. O**
- 3.15.1. Occasional Use** means the **use** of any **lot** or **building** at limited and infrequent intervals.
- 3.15.2. Office** means the **use** of any **lot** or **building** for conducting the affairs of businesses, professions, services, media studios, industries, governments, or other similar activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods. **Office** excludes a **wellness clinic.**

- 3.15.3. On-Farm Diversified Use** means the **use** of any **lot** or **building** which is **complementary** to the **principal agricultural use** on a **lot**. **On-farm diversified uses** may include but are not limited to **agri-tourism** or other similar **uses** that produce value-added agricultural products. Examples of **on-farm diversified uses** may include, but are not limited to:
1. Value-added **uses** that use feedstock from outside the surrounding agricultural area (for example, processor, packager, winery, cheese factory, bakery abattoir);
 2. **Office, creativity centre, personal service shop, day care centre** that exceed **home occupation** permissions;
 3. Sawmill, welding or woodworking shop, manufacturing/fabrication, equipment repair that exceed **home occupation** permissions;
 4. **Retail store**; and
 5. **Restaurant**, tasting room or cooking classes.
- 3.15.4. Outdoor Patio** means a surfaced, open space of land at grade or on the roof of a **building** which is used as an **accessory** extension of the **principal** commercial or hospitality **use** of the **lot** or **building**.
- 3.15.5. Outdoor Storage** means the **use** of any **lot**, outside of a **building**, for the storage of goods, materials and equipment or the display and sale of goods, materials and equipment, outside of a **building**, but excludes a **parking lot**, a **loading space**, a **salvage yard** or an outside area on a permitted **agricultural use** for the storage of agricultural equipment.
- 3.16. P**
- 3.16.1. Parapet** means the low protective or ornamental wall above the **cornice** of a **building**.
- 3.16.2. Park** means the **use** of any **lot** consisting largely of open space, which may include outdoor recreational areas, sports fields, playgrounds, playfield, food concession, beach, outdoor theatres, or other similar **uses** in a manner that is generally accessible to the public.
- 3.16.3. Parking Lot** means the **accessory use** of any **lot** or **building** for the parking of more than one **motor vehicle** in a configuration where a **driveway** is not in line with and does not provide direct access to the **parking space**. **Parking lot** includes

drive aisles and **parking spaces** and excludes any area where **motor vehicles** for sale or repair are kept or stored. **Parking lot** excludes **tandem parking spaces** that are in line with and directly accessed from a **driveway**.

- 3.16.4. Parking Structure** means a **building** for the parking of four or more motor vehicles, but excludes a **private garage accessory** to a **single detached house, semi-detached house, duplex, triplex** or **townhouse**.
- 3.16.5. Parking Space** means an unobstructed area dedicated solely for the purpose of parking of a **motor vehicle** with unimpeded access directly from a **street, drive aisle** or **driveway**.
- 3.16.6. Partial Services** means a **lot** that is serviced by either municipal water or municipal sanitary sewer, but not both.
- 3.16.7. Passive Recreation** means the **use** of an outdoor area of any **lot** for recreational purposes such as walking, running, cycling, hiking, bird watching or other similar activities. Sports fields and playgrounds are not considered **passive recreation**.
- 3.16.8. Patio** means a surfaced, open area of land at grade on a **lot** that is **used** for the purpose of amenity and provided with a stable, hard surface treatment. Patio excludes **driveways, drive aisles, parking spaces, parking lots, loading spaces** or anywhere a vehicle is parked or driven.
- 3.16.9. Person** means any human being, association, firm, partnership, corporation, agent or trustee, and their heirs, executors or other legal representatives of a **person** to whom the context can apply according to the law.
- 3.16.10. Personal Service Shop** means the **use** of any **lot** or **building** in which services involving the care of **persons** or their apparel are offered and includes a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon, spa or similar service establishments as licensed by the **City**. The sale of merchandise is only permitted as an **accessory use** to the **principal** service provided.
- 3.16.11. Pigeon** means a bird from the family Columbidae that is subject to a pigeon loft permit issued in accordance with the Animal Control By-law.
- 3.16.12. Pigeon Loft** means an **accessory building** where **pigeons** are kept.
- 3.16.13. Pipeline** means a system of pipes, pumps, valves and control devices for the long-distance transportation of oil or gas.

- 3.16.14. Place of Worship** means the **use** of any **lot** or **building** for the regular assembly of **persons** for the practice of religious worship, services, or rites.
- 3.16.15. Planning Act** means the *Planning Act*, R.S.O. 1990, c. P.13.
- 3.16.16. Planting Strip** means the area of a **lot used** or intended to be **used** for the sole purpose of planting a row of trees or a continuous hedgerow of evergreens or shrubs and may include supplementary planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof.
- 3.16.17. Porch** means a **building** component that is an unenclosed or partially enclosed platform covered by a roof, and which is attached to a **main wall** of a **building**. A **porch** includes all associated guards, fencing, walls, **visual screens**, columns, roof, stairs and other associated features. A **porch** may or may not have a foundation.
- 3.16.18. Post-Secondary Institution** means a university, college of applied arts and technology or other post-secondary institution established pursuant to the *Ministry of Training, Colleges and Universities Act*, R.S.O. 1990, c. M.19.
- 3.16.19. Principal** means a main or primary purpose for which any **lot** is **used**. **Principal building** means the **building** where a **principal use** is located.
- 3.16.20. Private Garage** means a **building** which is designed or **used** for the sheltering of **vehicles** and storage of household equipment **accessory** to the **principal residential use**. A **private garage** includes a carport.
- 3.16.21. Private Services** means a **lot** that is not serviced by municipal water or municipal sanitary sewer.
- 3.16.22. Private Sewage System** means a **building** that is a sewage system as defined in O. Reg. 332/12 under the *Building Code Act, 1992* that is owned, operated and managed by the owner or occupant of the property upon which it is located.
- 3.16.23. Private Street** means a private **right-of-way** that is **used** by **motor vehicles** which is not deeded to the **City** or any other **public authority** as a public **right-of-way**, and which has been legally established through a plan of subdivision under the *Planning Act* or a description under the *Condominium Act, 1998*.

A private **right-of-way** with deeded access for **motor vehicles** in an LSR Zone is also considered to be a **private street**.

- 3.16.24. Production Studio** means the **use** of any **lot** or **building** for producing photography, live broadcasts, motion pictures, audio or video recordings or transmissions or similar **uses**.
- 3.16.25. Public Authority** means any Federal, Provincial, Regional or Municipal agency including any commission, ministry, board authority, or department established by such agency.
- 3.16.26. Public Market** means the **use** of any **lot** or **building** where produce, meat, flowers, fruit, crafts, paintings and other items, largely produced by the vendor, are sold to the public at retail by vendors from individual stalls or stands.
- 3.16.27. Public Use** means the **use** of any **lot** or **building** for a public service by a **public authority** including the **City**, any conservation authority established by the Province of Ontario, any utility company, or any railway company authorized under the *Canada Transportation Act*, S.C. 1996 c. 10. **Public use** includes the **use** of any **lot** or **building** by any other third party, including where the party is not a **public authority**, for any purpose authorized by the applicable **public authority**.

3.17. Q

- 3.17.1.** Reserved

3.18. R

- 3.18.1. Rear Lot Line** means the **lot line** opposite to, and most distant from, the **front lot line**. In the case of a pie shaped **lot** or a **lot** where there is no **lot line** opposite to, and most distant from, the **front lot line**, there is no **rear lot line** but **rear yard setback** and other provisions calculated from a **rear lot line** must be taken from the point of intersection of the **interior lot lines** and/or **exterior lot lines**. [Note: See Diagram 3.12.17.]
- 3.18.2. Rear Setback** means the **setback** between the **rear lot line** and the nearest part of any **building** on the **lot**.

In the case of a **lot** with no **rear lot line**, the **rear setback** is the **setback** from the point of intersection of the **interior lot lines** and/or **exterior lot lines** and the nearest part of any **building** on the **lot** at an angle that is perpendicular to the **main wall** facing the **rear lot line**. [Note: See Diagram 3.19.8.]

- 3.18.3. Rear Wall** means the portion of the **main wall** of the **principal building** that is farthest from the **front setback**. Projections, bay windows and chimney breasts of 0.5 metres or less from the **rear wall** are excluded.
- 3.18.4. Rear Yard** means a **yard** extending across the full width of the **lot** between the **rear lot line** and a **building** on the **lot**. Where the **main wall** facing the **rear lot line** is not parallel to the **rear lot line**, the **rear yard** is projected as a linear extension of the **main wall** to the **lot lines**.
- In the case of a **lot** with no **rear lot line**, the **rear yard** is the **yard** extending from the **main wall** facing the point of intersection of the **interior lot lines** and/or **exterior lot lines** to the point of intersection of such **lot lines**. [Note: See Diagram 3.19.8.]
- 3.18.5. Recreation Facility** means the **use** of any **lot** or **building** for athletic or recreation activities, which may include a **community centre**, **club**, ice or roller skating rink, curling rink, indoor paintball facility, axe throwing, racquet club, **swimming pool**, golf driving range, billiard parlour and bowling alley or other similar **uses** where the **principal** focus of the **use** is the participation in athletic or recreation activities.
- 3.18.6. Recreational Vehicle Sales Establishment** means the **use** of any **lot** or **building** for the storage and display of boats, trailers, campers, motor homes, all-terrain vehicles and other similar equipment for sale, rent or lease, but excludes **mobile homes** or **motor vehicles**. **Accessory uses** may include facilities for the repair and maintenance of such recreational **vehicles**.
- 3.18.7. Renovate** means the repair, strengthening, or restoration of a **building**, but does not include its replacement.
- 3.18.8. Repair Shop** means the **use** of any **lot** or **building** for the servicing, repairing or refurbishing of goods, appliances, furniture and small engines, excluding the repair of internal combustion engines, **motor vehicles** or other similar products.
- 3.18.9. Research Establishment** means the **use** of any **lot** or **building** for research, data collection and manipulation, and/or technical development of information or devices for application, excluding a **laboratory**.
- 3.18.10. Residential Building** means a **single detached house**, **semi-detached house**, **duplex**, **triplex**, **townhouse**, **stacked townhouse** and **apartment building**, as well as a **mixed use building** containing a **dwelling unit** and a detached **accessory building** containing an **additional residential unit** or **tiny house**.

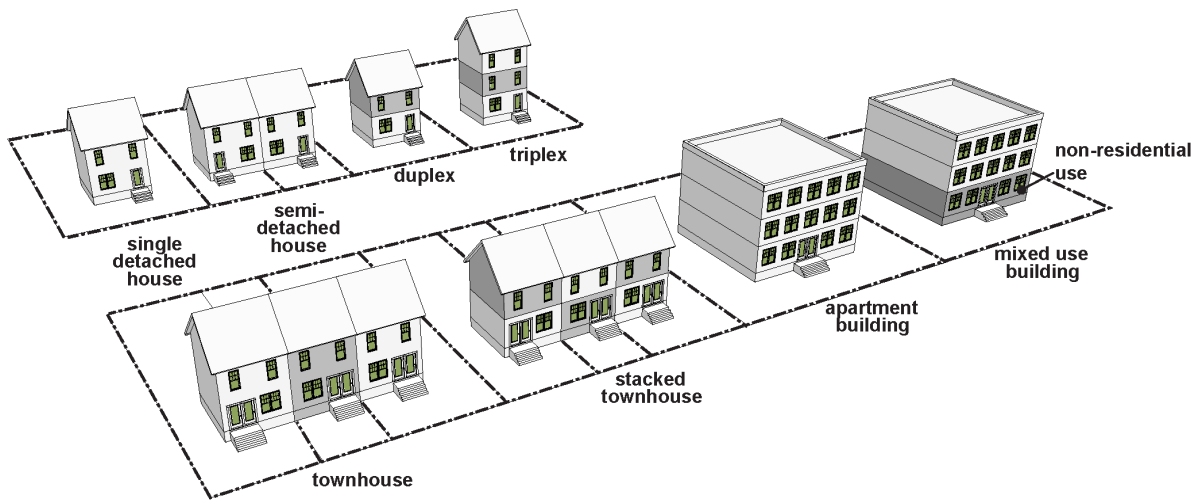


Diagram 3.18.10. – Residential Building Types

- 3.18.11. Residential Use** means a **dwelling unit**, **co-living unit**, **tiny house**, **mobile home**, or an **additional residential unit**.
- 3.18.12. Restaurant** means the **use** of any **lot** or **building** in which the **principal** business is the preparation and serving of food and/or beverages to the public for consumption on or off the premises, and which may include the preparation of food in a ready to consume state for consumption off the premises. A **restaurant** includes a take-out restaurant, a bakery, and other similar **uses**.
- 3.18.13. Retail Store** means the **use** of any **lot** or **building** for the sale, rental or lease of goods, merchandise, substances or commodities directly to the general public including pharmacies, convenience stores, markets, and other similar stores, but excludes **uses** that are otherwise defined herein.
- 3.18.14. Right-of-Way** means an area of land that is legally described in a registered deed for the provision of public or private access.
- 3.18.15. Rural Area** means the area delineated as “Rural Area” on Schedule 4 .
- 3.18.16. Rural Use** means the **use** of any **lot** in the **rural area** for personal, non-commercial purposes and the personal, general enjoyment of rural lands including hunting, fishing, bird watching, canoeing, kayaking, hiking, snowmobiling, all terrain vehicles, seasonal camping or other similar **uses**.

3.19. S

- 3.19.1. Salvage Yard** means the **use** of any **lot** or **building** where goods, wares, merchandise, articles or things are processed for further **use** and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open. This definition may include a junk yard, a scrap metal yard and an automobile wrecking establishment.
- 3.19.2. Second Residential Unit** means an **additional residential unit**, which is the first **accessory dwelling unit** in chronological order of development located on the same **lot** as the **principal dwelling unit**.
- 3.19.3. Secondary School** means the **use** of any **lot** or **building** for academic instruction typically offered from grades 9 to 12 including private, public or separate schools, but does not include a **training facility**. Permitted **accessory uses** include **day care centres**.
- 3.19.4. Self-Service Storage Facility** means the **use** of any **lot** or **building** for the purpose of providing individual secured storage units and other spaces to **persons** accessing such units or spaces for the purpose of storing and removing property.
- 3.19.5. Semi-Detached House** means a **residential building** that is **used** for the purpose of two **dwelling units** and configured in such a manner that the **dwelling units** are divided vertically beside each other, with no portion of a **dwelling unit** entirely above another, with each **dwelling unit** having its own independent external access outside. The addition of an **additional residential unit** to a **semi-detached house** does not change a **semi-detached house** into any other type of **building**.
- 3.19.6. Sensitive Use** means **residential uses, day care centres, home day cares, parks, elementary schools, secondary schools, post-secondary institutions, special needs facilities, hospitals** and any other similar **uses**.
- 3.19.7. Separation Distance** means the minimum horizontal distance between a **use** or **building** and a specific **use, lot, building** or other specified feature. **Separation distance** is measured as the most direct path between the two specified points, without regard to roads, **walkways**, sidewalks, or other surface transportation features.
- 3.19.8. Setback** means the minimum required horizontal distance between a **lot line** and the nearest part of any **building** on the **lot**, excluding such features that are specifically permitted to project into required **setbacks**. **Setback** includes **front setback, rear setback, interior setback** and **exterior setback**.

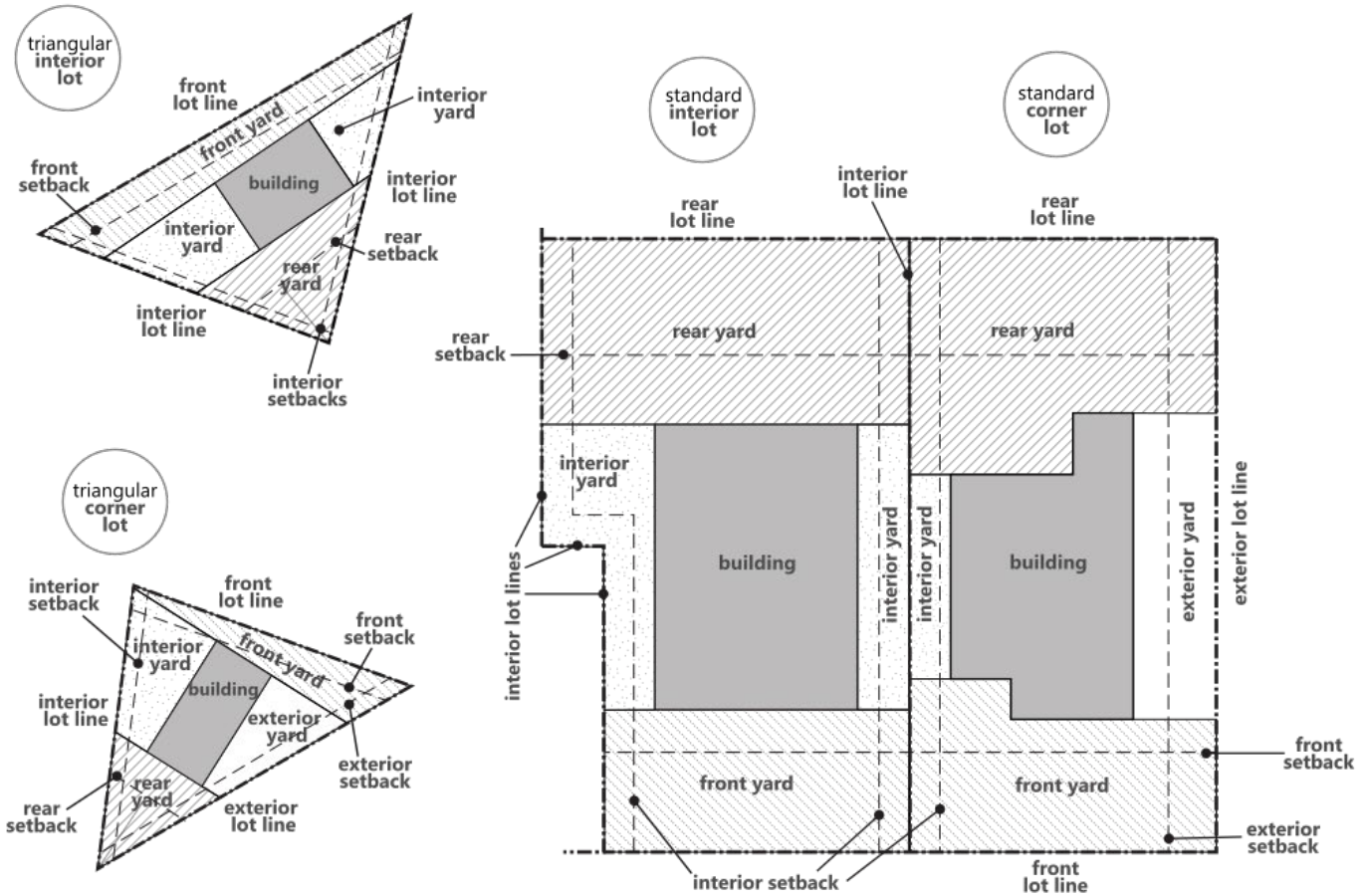


Diagram 3.19.8. – Setbacks & Yards

- 3.19.9. Shoreline** means any **lot line** or part thereof which abuts a **waterbody**.
- 3.19.10. Short-term Bike Space** means a **bike space** that is intended for **use** by visitors to a **residential building** or customers of a business.
- 3.19.11. Sight Triangle** means an unobstructed triangular area of land on a **corner lot** where the **front lot line** and **exterior lot line** intersect.
- 3.19.12. Sign** means any device, object or visual medium used to convey information by way of color, form, graphic, illumination, symbol or writing, displayed or intended to be displayed on any **lot** or **building** to attract attention to a specific subject matter for identification, information or advertising purposes, and which is regulated by the Signs By-law.
- 3.19.13. Single Detached House** means a **residential building** that is **used** for the purpose of one **dwelling unit** and configured in a manner that is freestanding and separate, with independent exterior walls, and does not include a **mobile home**. The addition

of an **additional residential unit** to a **single detached house** does not change a **single detached house** into any other type of **residential building**.

- 3.19.14. Special Needs Facility** means the **use** of any **lot** or **building** for housing providing a group living arrangement for people who have specific needs beyond economic needs and that is not a **group home**, including but not limited to, needs such as mobility requirements or support functions required for daily living. This includes any dedicated facilities for such **use** and may include a **wellness clinic** as an **accessory use**.
- 3.19.15. Specific Day Retail Sales** means the **accessory use** of any **lot** or **building** for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services.
- 3.19.16. Stacked Bike Space** means a **horizontal bike space** that is positioned above or below another **horizontal bike space**.
- 3.19.17. Stacked Townhouse** means a **residential building** that is **used** for the purpose of four or more **dwelling units** and configured in a manner that a portion of the **dwelling units** are located entirely or partially above the other portion of the **dwelling units**, and where each **dwelling unit** has its own independent external access outside.
- 3.19.18. Stadium** means the **use** of any **lot** where outdoor or partially enclosed facilities are provided primarily for the gathering of persons for civil, political, travel, religious, social, educational, recreational, or similar purposes or for the consumption of food or drink, excluding outdoor seating at a sports field or any other **use** otherwise defined herein.
- 3.19.19. Stepback** means the horizontal distance from the exterior wall of a specified **storey** to the exterior wall of the **storey** immediately below it. The horizontal distance must be measured in the direction that is opposite to the **lot line**, ensuring that the **stepback** moves towards the centre of the **lot**.
- 3.19.20. Storey** means occupied space of a **building** between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Any portion of a **building** partly below ground is deemed a **storey** where any part of its ceiling is 1.0 metre or more above **finished grade**. An **attic** is not a **storey**. A mezzanine level is not a **storey** where the floor area of the mezzanine is equal to 40% or less of the **gross floor area** of the **storey**

immediately below it. Where the floor area of a mezzanine level exceeds 40% of the **gross floor area** of the **storey** immediately below it, it is a **storey**.

- 3.19.21. Street** means a public **street** or highway in accordance with the terms of the *Municipal Act*, but does not include unopened road allowances. For the purpose of this By-law, a **private street** is considered a **street**.
- 3.19.22. Street Line** means the boundary between a **street** and a **lot**.
- 3.19.23. Streetwall** means the wall of a **building** or portion of a wall facing a **street line**.
- 3.19.24. Streetwall Height** means the vertical distance between the top of the **streetwall** and the **finished grade**.
- 3.19.25. Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel for the purpose of moving or holding water.
- 3.19.26. Swimming Pool** means a **building** that is a tank, pool, or artificial body of water which may be **used** for swimming or wading purposes and which has a possible maximum depth of water greater than 0.60 metres. A **swimming pool** includes a hot tub or whirlpool and includes all of its associated and unenclosed mechanical equipment. A **swimming pool** excludes a pond, reservoir, stormwater management facility or any natural body of water.
- 3.20. T**
- 3.20.1. Tandem Parking Spaces** means two **parking spaces** where one **parking space** is only accessed by passing through the other **parking space** from a **drive aisle** or **driveway**.
- 3.20.2. Third Residential Unit** means an **additional residential unit**, which is the second **accessory dwelling unit** in chronological order of development located on the same **lot** as the **principal dwelling unit**.
- 3.20.3. Tiny House** means a detached **residential building** containing one **dwelling unit** that is **accessory** to a **principal residential building** and that is designed to be portable and provide year-round living accommodations in accordance with the garden suite provisions of the *Planning Act*, but does not include recreational vehicles, travel trailers, tent trailers or motor homes.

- 3.20.4. Through Lot** means a **lot** bounded on opposite sides by a **street**. However, if the **lot** qualifies as being a **corner lot** and a **through lot**, such **lot** is deemed to be a **corner lot** for the purposes of this By-law. [Note: See Diagram 3.12.17.]
- 3.20.5. Tourism Use** means the **use** of any **lot** or **building** that has been designed and equipped for the purposes of tourism and may include visitor reception, tourist information, ticket and toll booths or interpretation facilities.
- 3.20.6. Towing Compound** means the **use** of any **lot** or **building** for the temporary storage of towed **motor vehicles** and may include enclosed **outdoor storage**, but excludes a **salvage yard**, **automobile body shop** or **automobile repair shop**.
- 3.20.7. Townhouse** means a **residential building** that is **used** for the purpose of three or more **dwelling units** and configured in such a manner that no **dwelling unit** is entirely or partially above another, with each **dwelling unit** having its own independent external access outside. The addition of an **additional residential unit** to a **townhouse** does not change a **townhouse** into any other type of residential **building**.
- 3.20.8. Trade Show** means the **accessory use** of any **lot** or **building** for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services.
- 3.20.9. Training Facility** means the **use** of any **lot** or **building** in which training or educational services are offered, but does not include an **elementary school**, **secondary school** or **post-secondary institution**. A **training facility** may include but is not limited to the instruction of a trade, skill, service (such as driving), administration, dance, calisthenics, business, aviation, art, language, hairdressing, music, culture or sport.
- 3.20.10. Transformer Station** means the **use** of any **lot** or **building** for the generation, transmission or distribution of electricity.
- 3.20.11. Transportation Depot** means the **use** of any **lot** or **building** where buses, taxis, trucks, tractor trailers or other similar commercial vehicles are dispatched, rented, leased, maintained, stored or parked for commercial purposes, and includes any technical training facility directly associated with these vehicles, but excludes **uses** otherwise defined herein.
- 3.20.12. Transportation Terminal** means the **use** of any **lot** or **building** where buses or trains pick up and discharge fare-paying passengers, which may include **accessory offices**, **retail stores**, food concessions or **restaurants**.

3.20.13. Triplex means a **residential building** that is **used** for the purpose of three **dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance, either directly from the outside, or through a common vestibule, with each **dwelling unit** entirely or partially above another. A **semi-detached house** with an **additional residential unit** is not a **triplex**.

3.21. U

3.21.1. Urban Area means the area delineated as “Urban Area” on Schedule 4.

3.21.2. Use, as a noun, means the purpose for which any **lot** or **building** is arranged, designed or intended to be occupied or maintained. As a verb, **use** means the doing or permitting of anything by the owner or occupant of any **lot** or **building** directly or indirectly or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant, for the purpose of making **use** of the said **lot** or **building**.

3.22. V

3.22.1. Vehicle means a **motor vehicle**, or other device, including motorized construction equipment, farm equipment, motor home, motorized mobility device, snowmobile, boat, recreational vehicle, and also including a trailer or farm implement or any other device which is capable of being driven, propelled or drawn by any kind of power, but excludes a bicycle or any other device powered solely by means of human effort.

3.22.2. Vertical Bike Space means a **bike space** that is provided in a vertical format where no **bike spaces** are immediately above or below.

3.22.3. Visitor Space means a **parking space** dedicated for the exclusive **use** of **motor vehicles** driven by people who do not reside in a **dwelling unit** on the **lot**.

3.22.4. Visual Screen means a human-made or natural area on a **lot** that provides a visual barrier in such a manner that the item being screened is not visible from a specified point or area.

3.23. W

3.23.1. Walking Distance means the minimum linear distance between a specific **use**, **lot**, or **building** and another specified feature along an active transportation route.

Walking distance is measured as the most direct path between the two specified features along **streets**, public sidewalks, publicly accessible **walkways** or other surface transportation features that are accessible to the public.

- 3.23.2. Walkway** means a hard surface treated path that provides pedestrian and/or active transportation access to the exterior entrance of a **building**.
- 3.23.3. Warehouse** means the **use** of any **lot** or **building** primarily for the storage and/or distribution of goods or materials and which may include a **wholesale establishment** as an **accessory use**.
- 3.23.4. Waste Disposal Area** means the **use** of any **lot** or **building** providing for the long-term storage or destruction of solid waste.
- 3.23.5. Waste Processing Site** means the **use** of any **building** for the **principal** purpose of sorting and processing waste to create a new product or raw material on site, and may include a recycling centre.
- 3.23.6. Waste Transfer Station** means the **use** of any **building** for the **principal** purpose of collection and storage of waste for shipment, and may include limited sorting or preparation of that waste to facilitate its shipment.
- 3.23.7. Water Frontage** means the straight line horizontal distance between the two most widely separated points on any one **shoreline** of a **lot**.
- 3.23.8. Water Supply Plant** means the **use** of any **lot** or **building** approved by the Ministry of Environment, Conservation and Parks, where water is treated for human consumption.
- 3.23.9. Waterbody** means a lake, canal, pond, **wetland**, river, watercourse, or municipal drain as defined by the *Drainage Act*, but does not include an artificially constructed swale or ditch intended for intermittent and minor surface drainage of residential **lots**.
- 3.23.10. Wastewater Treatment Facility** means the **use** of any **lot** or **building** approved by the Ministry of Environment, Conservation and Parks, where domestic and/or industrial sewage waste is treated by a private individual or corporation.
- 3.23.11. Wayside Pit or Wayside Quarry** means the **use** of any **lot** or **building** as a temporary pit or quarry opened and **used** by or for a **public authority** solely for the purpose of a particular project or contract of **street** construction and not located on the **street right-of-way**.

- 3.23.12. Wellhead Protection Area** means an area of land surrounding a well where human activities may need to be regulated to protect the quality and quantity of groundwater that supplies that well.
- 3.23.13. Wellness Clinic** means the **use** of any **lot** or **building** by physicians, dentists, physiotherapists, chiropractors, nurses, naturopaths, osteopaths, psychologists, therapists, registered massage therapists, optometrists or other similar medically focused practitioners, for the purpose of consultation, diagnosis, and office treatment associated with such profession. A **wellness clinic** may include administrative **offices**, waiting rooms, treatment rooms, **laboratories**, pharmacies and dispensaries directly associated with the clinic, but excludes a **hospital**.
- 3.23.14. Wetland** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of **wetlands** are swamps, marshes, bogs and fens. Periodically soaked or wet lands being **used** for **agricultural uses**, which no longer exhibit **wetland** characteristics, are not considered to be **wetlands** for the purposes of this definition.
- 3.23.15. Wholesale Establishment** means the **use** of any **lot** or **building** for the storage or distribution of goods from a manufacturer to a business or **person** other than the end user or consumer.
- 3.23.16. Workshop** means the **use** of any **lot** or **building** where manufacturing is performed by tradespeople requiring manual or mechanical skills and may include a machine shop, carpenter's shop, furniture maker's shop, locksmith's shop, gunsmith's shop, tinsmith's shop, commercial welder's shop or similar **uses** and excludes **uses** otherwise defined herein.
- 3.24. X**
- 3.24.1.** Reserved
- 3.25. Y**
- 3.25.1. Yard** means any open, uncovered space appurtenant to and located on the same **lot** as a **building**. Where a **main wall** is not parallel to a **lot line**, the **yard** is projected from the **main wall**.

3.26. Z

3.26.1. Reserved

Section 4: General Provisions

4.1. Accessory Uses and Buildings

Accessory Provisions for All Uses and Buildings

4.1.1. **Accessory uses** and **buildings** are permitted in all Zones, unless otherwise provided by this By-law, subject to the following provisions:

- 1.** The **principal use** or **building** must already be established on the same **lot** as the **accessory use** or **building**;
- 2.** **Accessory buildings** must comply with the Zone provisions that are applicable to the **lot**, except as specified in this Subsection;
- 3.** **Parking lots, driveways, private garages** and **parking structures** are permitted as an **accessory use** to a permitted **principal use**; and
- 4.** Treehouses and mechanical equipment which is installed outdoors, such as generators, air conditioners, heat pumps, transformers, solar panels or other similar equipment, are considered **accessory buildings** for the purpose of this By-law, except where they are enclosed in a **building** that is attached to the **principal building**, then they are considered a component of the **principal building** and must comply with the provisions of this By-law that apply to the **principal building**.

Additional Accessory Provisions for Residential Uses and Buildings

4.1.2. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, an **accessory building**, excluding a **marine facility**, must comply with the following requirements:

- 1.** The **accessory building** must be located in a **rear yard, exterior yard** or **interior yard**;
- 2.** In the **urban area**, the maximum **lot coverage** for all **accessory buildings** on one **lot** is 10% in the aggregate;
- 3.** The maximum **height** of an **accessory building** is 4.6 metres;

4. The **accessory building** may encroach into the required **setback** on a **lot** provided that such **accessory building** must be **setback** a minimum of 1.2 metres from all **lot lines**;
5. The **accessory building** must comply with the minimum required **separation distance** from a **waterbody** in accordance with Clause 4.23.1.; and
6. Despite Subclause 5. and Clause 4.23.1., on a **lot** that existed as of the date of passing of this By-law, a maximum of one **accessory building** no greater than 10 square metres in area is permitted within the required 30 metre **setback**, provided that it maintains a minimum **separation distance** of 7.5 metres from the **high water mark**.

Sleeping Accommodations and General Living Areas in Accessory Buildings

4.1.3. In the urban area, accessory buildings:

1. Are not permitted to be **used** as any type of sleeping accommodation, except for **additional residential units** and **tiny houses** as permitted by this By-law; and
2. Are permitted to be **used** as general living areas, including but not limited to an amenity area, study, den, living room, recreational space, studio, **home office** or **home occupation**, subject to the following provisions:
 - (a) the **building** must be **accessory** to a **principal residential use**;
 - (b) the minimum **gross floor area** of the **first storey** of the **building**, excluding a mezzanine area, is greater than 10 square metres; and
 - (c) the **building** must comply with all other provisions that are applicable to an **accessory building** on the **lot**.
3. For clarity, an **accessory building used** as a general living area in accordance with Paragraph 2. is not considered a **bedroom**.

4.1.4. In the rural area, on any lot in a RU, RUR, LSR or HAM Zone, one bunkhouse is permitted as an accessory building, subject to the following provisions:

1. The maximum **height** of a **bunkhouse** is the lesser of 4.6 metres or 1 **storey**;
2. Despite Paragraph 1. and the definition of **storey**, a mezzanine level is permitted to a maximum floor area equal to 40% of the **gross floor area** of the **first storey** and is not considered a **storey**;

3. The minimum **gross floor area** of the **first storey** of the **bunkhouse**, excluding the mezzanine area permitted by Paragraph 2., is greater than 10 square metres;
4. The maximum **gross floor area** of the **first storey** of the **bunkhouse**, excluding the mezzanine area permitted by Paragraph 2., is 37 square metres; and
5. The **bunkhouse** must comply with all other provisions that are applicable to an **accessory building** on the lot.

4.1.5. In the **rural area**, **accessory buildings** are permitted to be **used** as general living areas, including but not limited to an amenity area, study, den, living room, recreational space, studio, **home office** or **home occupation** and must comply with the following provisions:

1. The **building** must be **accessory** to a **principal residential use**;
2. The minimum **gross floor area** of the **first storey** of the **building**, excluding a mezzanine area, is greater than 10 square metres; and
3. The **building** must comply with all other provisions that are applicable to an **accessory building** on the lot.

Additional Accessory Provisions for Buildings in the WM1 and WM2 Zones

4.1.6. In a WM1 or WM2 Zone, an **accessory building** must be located in a **rear yard** or **interior yard** and must comply with the following requirements:

1. The maximum **lot coverage** for all **accessory buildings** on one **lot** is 10% in the aggregate;
2. The maximum **height** is 4.6 metres;
3. The **accessory building** may encroach into the required **rear setback** provided that such **accessory building** is **setback** a minimum of 1.2 metres from the **rear lot line**; and
4. The **accessory building** must not be located closer to a **street line** than the **streetwall** of the **principal building**.

4.2. Swimming Pools

- 4.2.1. Despite anything to the contrary in this By-law, an outdoor **swimming pool**, including all of its associated and unenclosed mechanical equipment, must be **developed** in accordance with the following provisions:
1. The minimum **setback** is 1.5 metres from a **swimming pool** to any **lot line**;
 2. A **swimming pool** must not be located in a **front yard** or within any form of drainage management system such as a **swale** or **ditch**;
 3. The maximum **height** of a **swimming pool** is 2.0 metres, excluding related equipment which must not exceed a maximum **height** of 4.5 metres. For the purpose of this Subsection, **height** of a **swimming pool** is the difference between the highest point of the **swimming pool** and the average grade level around the perimeter of the **swimming pool**;
 4. A **swimming pool** must comply with the minimum **separation distance** from a **waterbody** in accordance with Subsection 4.23.; and
 5. For the purpose of this Subsection, **decks** and **buildings accessory** to a **swimming pool** are not considered related equipment and must comply with all other provisions of this By-law.
- 4.2.2. Despite 4.2.1.2., where the main pedestrian entrance of a **building** on a **corner lot** is oriented towards the **exterior lot line**, a **swimming pool** may be located in the **front yard**.

4.3. Amenity Area

- 4.3.1. A minimum of 18.5 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot** with three or more **dwelling units** in a **triplex**, **townhouse**, **stacked townhouse**, **apartment building** or **mixed use building**. Where a **townhouse** or **stacked townhouse** are configured in a manner that each **dwelling unit** is located on its own individual **lot**, this requirement does not apply.
- 4.3.2. Despite Clause 4.3.1., in the WM1, WM2, DT1, DT2 and HCD2 Zones, a minimum of 10.0 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot**.
- 4.3.3. **Amenity areas**, or any part thereof, must be designed and located so that the length does not exceed four times the width.

- 4.3.4.** **Amenity areas**, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54.0 square metres.
- 4.3.5.** Where communal **amenity areas** are provided exterior to a **building**, such **amenity areas** must be accessed by a barrier-free path of travel that is a minimum 1.5 metres in width connecting the **amenity area** to a **street line** or a **building**.

4.4. Lot Servicing

- 4.4.1.** In the **urban area**, a **lot** or **building** must not be **used** or **developed** unless there is adequate capacity in the sanitary sewer, stormwater sewer or stormwater management facility, and adequate potable water from a public water supply system, as determined by the applicable utility provider(s).
- 4.4.2.** In the **rural area**, a **lot** or **building** must not be **used** or **developed** unless there are: adequate public, private, or communal sewage disposal facilities; adequate storm drainage facilities; and adequate potable water from a public, private, or communal water supply, as determined by the applicable service or utility provider(s).

4.5. Angular Planes and Build-to-Planes

Angular Planes

- 4.5.1.** In addition to maximum **height**, in certain Zones the calculation of an **angular plane** is required in determining maximum **height**. Where the calculation of an **angular plane** is required, the following provisions apply:
- 1.** No part of a **building** is permitted to project above the **angular plane** unless otherwise specified in this By-law;
 - 2.** The maximum **height** provision for the specific Zone continues to apply in addition to the **angular plane** provisions; and
 - 3.** The **angular plane** commences at a specified **height** measured from the average existing grade of the **build-to-plane** and equals the length of the **street line**.

Build-to-Plane

- 4.5.2.** Where the calculation of a **build-to-plane** is required, the following provisions apply:

1. The **height** of the **build-to-plane** must be the lesser of the maximum **height** for the underlying Zone, or the **height** specified for commencement of an **angular plane**;
2. The length of the **build-to-plane** equals the length of the **street line**; and
3. A minimum of 80% of the **main wall** of any **building constructed** along the **street line** must be **developed** at the **build-to-plane**. The balance of the **main wall** of the **building** must not encroach within the specified **setback** distance for the **build-to-plane**.

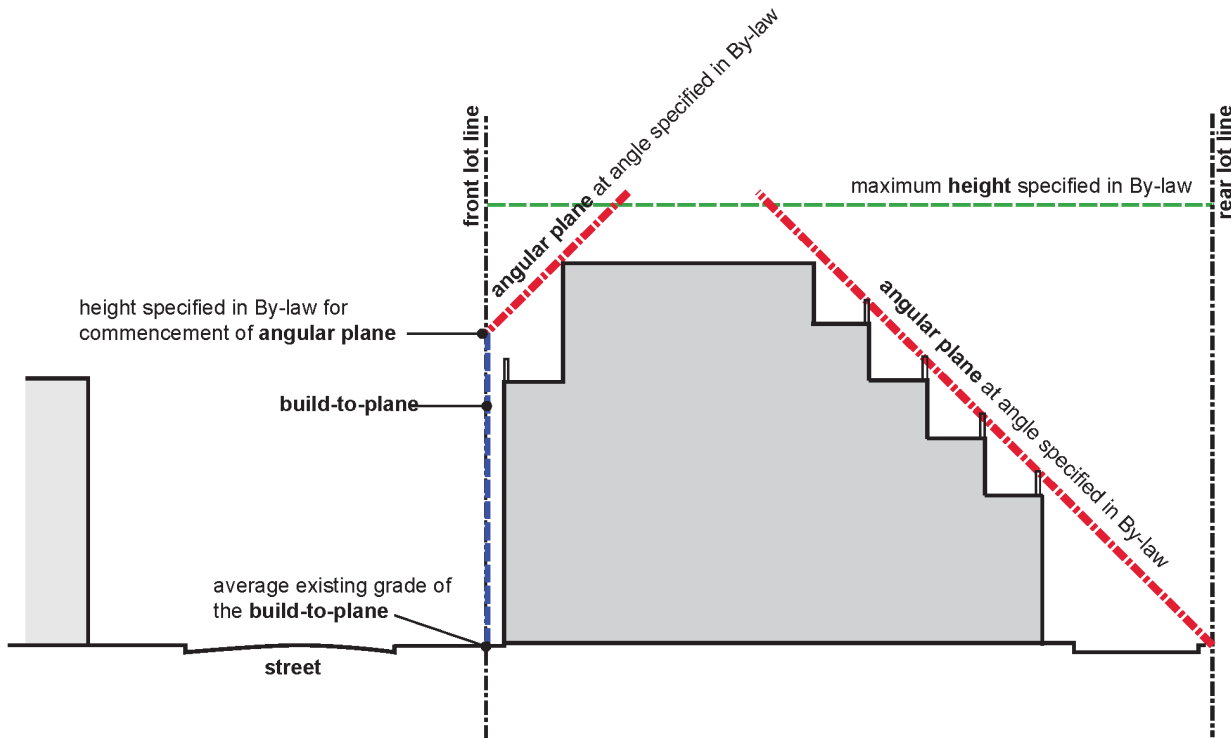


Diagram 4.5.2. – Angular Plane and Build-to-Plane

4.6. Sight Triangles

4.6.1. Despite anything to the contrary in this By-law, the following are prohibited within a **sight triangle**:

1. A **building**;

2. Any equipment, feature or landscaping, including a wall, tree, hedge, bush or other similar feature, which exceeds 1.0 metre in **height** above the elevation of the intersection of the two **centre lines** of the adjacent **streets**;
3. A **driveway, parking lot, commercial parking lot or parking space**; and
4. A grade level which exceeds the elevation of the intersection of the two **centre lines** of the adjacent **streets** by more than 0.5 metres.

4.6.2. **Sight triangles** are required on a **corner lot** and must comply with the dimensions identified Table 4.6.2., in accordance with the **street** type identified in Schedule 4 of this By-law. Table 4.6.2 provides the required length along the **front lot line** in metres and the required length along the **exterior lot line** in metres with an “x” in between (for example, “4.5 x 4.5” is 4.5 metres along the **front lot line** and 4.5 metres along the **exterior lot line**).

Table 4.6.2. – Sight Triangle Dimensions

		Type of Subject Street Line		
		Local Road	Collector Road	Arterial Road
Type of Intersecting Street Line	Local Road	4.5 x 4.5	9.0 x 9.0	9.0 x 9.0
	Collector Road	9.0 x 9.0	9.0 x 9.0	15.0 x 15.0
	Arterial Road	9.0 x 9.0	15.0 x 15.0	15.0 x 15.0

- 4.6.3.** The area within a **sight triangle** is determined by measuring from the point of intersection of the **front lot line** and the **exterior lot line** the required length along each **street line** as per Table 4.6.2. A third line connects the two points on the two **street lines** to complete the **sight triangle**.
- 4.6.4.** Despite Clause 4.6.2., where a **development** is subject to a Site Plan Control application under Section 41 of the **Planning Act** or a plan of subdivision application under Section 51 of the **Planning Act**, such **site triangle** may be reduced to the satisfaction of the **City** through the applicable process.
- 4.6.5.** Despite Clause 4.6.2., **sight triangle** provisions do not apply to a **building** that existed as of the date of passing of this By-law on a **lot** in the DT1 Zone, DT2 Zone and HCD2 Zone.
- 4.6.6.** Despite the definition of **sight triangle**, where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the area within the **sight**

triangle is determined by measuring the hypothetical point of intersection of the extension of the **front lot line** and the extension of the **exterior lot line**.

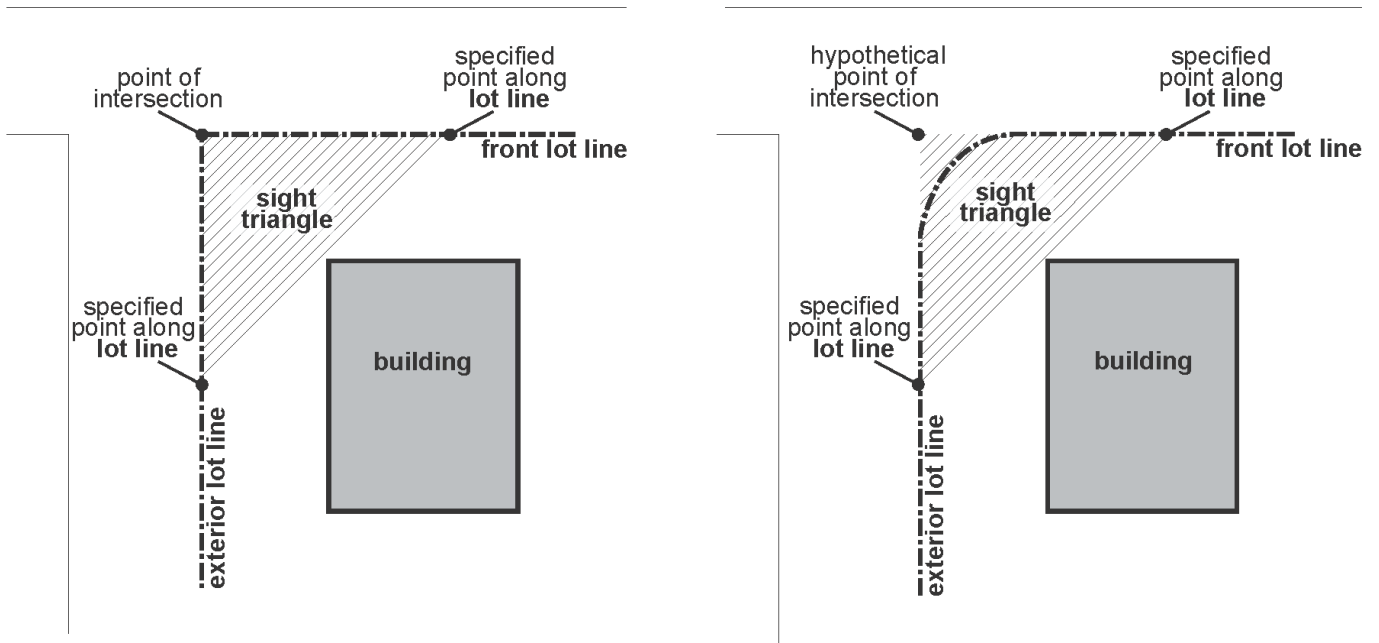


Diagram 4.6.6. – Sight Triangle

4.7. Drive-Through Provisions

4.7.1. The minimum **separation distance** from a **drive-through** to a **lot** within an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone is 15.0 metres.

4.7.2. Where a **lot** is **used** for a **drive-through** and the **interior lot line** or **rear lot line** abuts a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, then:

1. A minimum 3.0 metre wide **planting strip** must be provided along the portion of the **lot line** that abuts such **use** or **lot**;
2. The minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres; and
3. **Driveways, walkways** and similar features are permitted to cut across a **planting strip** perpendicularly.

- 4.7.3.** Where a **lot** is **used** for a **drive-through** and has a **street line** located on the opposite side of the **street** from a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HAM Zone, HCD1 Zone, HCD3 Zone, RUR Zone, LSR Zone or DR Zone, then:
1. A minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such **use** or **lot**; and
 2. **Driveways, walkways** and similar features are permitted to cut across a **planting strip** perpendicularly.

4.8. Frontage on a Public Street

- 4.8.1.** A **lot** or **building** must not be **used** or **developed** unless the **lot** has a **lot line** which is also a **street line**.
- 4.8.2.** Despite Clause 4.8.1.:
1. A **lot** is permitted to be **used** or **developed** as a public **park** where such **lot** abuts a **right-of-way** that is **used** by **motor vehicles** with deeded access to the **City**; and
 2. A **lot** in existence on the date of passing of this By-law in the **rural area** that does not have a **lot line** which is also a **street line**, is permitted to be **used** for **agricultural uses, rural uses** or **forestry uses** if the applicable Zone permits such **use**. No **buildings** are permitted on such **lot**.

4.9. Generally Permitted Uses

Uses Permitted in all Zones

- 4.9.1.** Despite anything to the contrary in this By-law, except where greater restrictions are provided in the Overlay Provisions in Section 5 and **waterbody separation distance** provisions of Subsection 4.23., any **lot** or **building** may be **used** or **developed** in any Zone, except for an EPA Zone, for any of the **uses** indicated in Subclauses 1 through 10 below. All **buildings developed** in conjunction with these **uses** must comply with all provisions of this By-law that apply to the **lot**, except for minimum **lot area** or minimum **lot frontage** requirements or where a particular **use** is specifically exempt from a provision:
1. Municipal infrastructure, stormwater management facilities, electricity transmission facilities, oil and **natural gas pipelines**;

2. Electricity generation facilities and electricity transmission and distribution infrastructure;
3. Public utility installations required by any **public authority** or private utility for the provision of gas, oil, water, electricity, sanitary, storm water management, transportation, telephone communication and other similar utilities to the general public;
4. **Public uses**, conservation areas, **conservation uses**, flood or erosion control facilities, or other similar **uses**;
5. **Passive recreation**;
6. **Marine facilities**, subject to the provisions of Subsection 6.5.;
7. **Community gardens** and urban agriculture that are not commercial operations, provided no **building** or part thereof, including an harbour or other such associated component, is permitted within 1.5 metres of a **street**;
8. Any **use** that responds to an emergency, such as an emergency warming shelter or an emergency operations centre or other similar **use**, to the satisfaction of the **City**;
9. A public transit facility; and
10. Not-for-profit community food centres.

4.9.2. Despite anything to the contrary in this By-law, except where greater restrictions are provided in the Overlay Provisions in Section 5 and **waterbody separation distance** provisions of Subsection 4.23., any **lot** or **building** may be **used** or **developed** for essential emergency service **uses** such as fire halls, police stations, ambulance stations, and similar public response **uses** in any Zone, except for EPA, AG and MX1 Zones. All **buildings developed** in conjunction with these **uses** must comply with all provisions of this By-law that apply to the **lot**.

4.9.3. Despite anything to the contrary in this By-law, **parks** are permitted as the **principal use** of any **lot** or **building** in any Zone, except for the AG and MX1 Zones. **Parks** are only permitted as an **accessory use** or **building** in the AG and MX1 Zones.

4.10. Complementary Uses

- 4.10.1.** **Complementary uses** are only permitted in Zones where they are specifically permitted by this By-law or in conjunction with a **use** where the definition specifically identifies permitted **complementary uses**.

4.11. Prohibited Uses in All Zones

- 4.11.1.** Despite anything to the contrary in this By-law, the following **uses** and activities are prohibited in all Zones, either alone or in conjunction with other **uses**, except where specifically permitted by this By-law:

1. Any activity or **use** prohibited by the *Environmental Protection Act*, R.S.O. 1990, c. E.19;
2. The incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes; and
3. Any **uses** or activities deemed unlawful under other Federal, Provincial, or Municipal acts, codes, or by-laws.

4.12. Items Exempt from this By-law

- 4.12.1.** This By-law is not intended to govern the erection or location of any of the following items, except where they are items that are specifically required to fulfill a provision of this By-law (for example a privacy **fence** for **outdoor storage**) or items that are specifically prohibited by this By-law (for example a **fence** within a **sight triangle**):

1. **Signs**;
2. **Fences**;
3. Retaining walls and boundary walls (except where regulated by Subsection 4.24);
4. Drop awnings;
5. Clothes poles;
6. Flag poles;
7. Garden trellises and open air surfaced areas such as a pergola;

8. Light standards (except where regulated by Section 4.24);
9. Seasonal decorations;
10. Public sidewalks, curbs and bollards;
11. Planters, landscaping features, birdbaths and vegetation;
12. Mailboxes, newspaper or similar dispensing or receiving boxes;
13. Public art, statues and sculptures;
14. Furniture;
15. Play equipment, including but not limited to trampolines;
16. Outdoor skating surfaces;
17. Public transit installations, infrastructure, equipment and other similar public transit features;
18. Active transportation installations, infrastructure, equipment and other similar active transportation features, including but not limited to bike racks, bike lockers, and canopies or other features that provide weather protection for **bike spaces**;
19. All structures, equipment or other similar features permitted by the **City** to be located within the **City's street**, including **outdoor patios**; and
20. All equipment, amenities or structures provided in a public **park**.

4.13. Building Components Exempt from Specific Provisions

- 4.13.1. **Buildings** connected to a **public use** and **buildings** located in public **parks** are exempt from the provisions of this By-law which regulate the size and location of such **buildings**, including but not limited to **setbacks**, **separation distances**, **height**, **building depth**, **lot coverage** and **landscaped open space**.
- 4.13.2. Any **building** component that is located wholly below existing grade, including **basements**, **parking structures**, geothermal devices, renewable energy devices, **private sewage systems**, or other similar **building** components, are exempt from the provisions of this By-law which regulate **setbacks** from **lot lines** or maximum **building depth**, but must comply with all other applicable provisions of this By-law.

4.13.3. Despite Clause 4.13.2., **building** components that are located wholly below existing grade, including **basements, parking structures**, geothermal devices, renewable energy devices, **private sewage systems**, or other similar **building** components, must comply with all **setback** provisions from **waterbodies**, natural heritage features, floodplains and other similar environmental protection areas, except:

1. Where an existing **private sewage system** is updated or replaced with a new **private sewage system**, the new **private sewage system** must not be closer to the **waterbody**, natural heritage feature, floodplain or other environmental protection area than the existing **private sewage system**.

4.13.4. For the purpose of this Subsection, “existing grade” means the existing grade of the portion of the **lot** immediately surrounding and/or on top of such component, prior to the **development** of such **building** or **building** component.

4.14. Temporary Uses

Temporary Retail and Seasonal Sales

4.14.1. Nothing in this By-law prevents an area outside of a **building** within a CN, WM1, WM2, CA, CD, CR, CG, CW, DT1, DT2, HCD2, HB, RC and HAM Zone, which is **used** in conjunction with a business located on the same **lot**, to be **used** for the display or retail sales of seasonal produce or new merchandise, provided such area:

1. Is seasonal in nature and does not include a permanent retailing area; and
2. Is not located within a fire lane, a **parking lot** or a **loading space** required to fulfill the provisions of this By-law, or a **driveway** or passageway which provides an access route for vehicular traffic across the **lot** or to a **street** which abuts said **lot**.

Temporary Construction Buildings and Equipment

4.14.2. Despite anything to the contrary in this By-law, the following temporary **buildings** or equipment are permitted in any Zone, except an EPA Zone or lands that are subject to the Floodplain Overlay as per Subsection 5.1. or the **waterbody separation distance** of Subsection 4.23., during a period of **construction**:

1. A temporary **building** or equipment essential to **construction** or a special event in progress on a **lot**;
2. A temporary **office** for the sale of residential **lots** or residential units;

3. In the **rural area**, a **mobile home** or a recreational vehicle as temporary accommodation for a period not to exceed two years while a permanent **dwelling unit** is being **developed** on the same **lot**; and
4. Any temporary sheds, scaffolds or other **buildings** incidental to **building construction** on the **lot** for so long as the same is necessary for work in progress which has neither been finished nor abandoned.

4.14.3. The **setback** provisions of the underlying Zone and the parking provisions do not apply to the temporary **buildings** or equipment permitted by Subclauses 4.14.2.1., 4.14.2.3. and 4.14.2.4. All other provisions of this By-law apply, including Clause 4.23.1.

4.14.4. The temporary **buildings** or equipment permitted by Clause 4.14.2. must be located on the **lot** only until such time as the **construction** has been completed or abandoned.

4.15. Occasional Uses

4.15.1. The following Zones and **uses** are permitted to have **occasional uses** as indicated:

1. In a **place of worship, elementary school or secondary school** or on any **lot** in a DT1, DT2, HCD2 and OS2 Zone, auction sales, bake sales, craft sales, plant and produce sales, seasonal sales, bingo, blood donor clinics, carwashes, benefit dances, festivals, shows, concerts, banquets, or other similar special events are permitted as an **occasional use**; and
2. **Garage sales** are permitted on any **lot** as an **occasional use**, with a maximum number of two **garage sales** being conducted on any one **lot** in any calendar year. A single **garage sale** consists of a maximum of two consecutive days.

Trade Shows and Specific Day Retail Sales

4.15.2. **Trade shows** and **specific day retail sales** are permitted as an **occasional use** in Institutional Zones, the HAM Zone and on any **lot** where the **principal use** is a **recreation facility, place of worship, community centre, club, hotel or banquet hall**.

Public Markets

4.15.3. **Public markets** are permitted as an **occasional use** on any **lot** in a Mixed Use Zone, Commercial Zone, Institutional Zone or the OS1, OS2, HCD2, RC, HAM Zones. A

public market may be located in a **parking lot** such that it temporarily prevents the **use** of a portion of the **parking spaces, drive aisles** or **driveways** of another **use** on the same **lot**, provided that the **public market** does not obstruct access to a fire route.

4.16. Planting Strip Provisions for Non-Residential Uses

4.16.1. Where any **lot** is **used** for a **non-residential use** and the **interior lot line** or **rear lot line** abuts a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, RUR Zone, LSR Zone or DR Zone, then:

1. A minimum 3.0 metre wide **planting strip** must be provided along the portion of the **lot line** that abuts such **use** or **lot**;
2. The minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres; and
3. **Driveways, walkways** and similar features are permitted to cut across a **planting strip** perpendicularly.

4.16.2. Where a **lot** in an RM1, RM2, MX1, M1, M2, M3, M4, M5, TA, TR or TU Zone has a **street line** located on the opposite side of the **street** from a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, then:

1. A minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such **use** or **lot**; and
2. **Driveways, walkways** and similar features are permitted to cut across a **planting strip** perpendicularly.

4.16.3. Despite Clauses 4.16.1. and 4.16.2., the **height** of vegetation planted in a required **planting strip** must comply with Section 4.6., where applicable.

4.17. Minimum Distance Separation

New Non-Agricultural Uses

4.17.1. The expansion or establishment of any new **use** that is not an **agricultural use** must comply with the requirements of the applicable **minimum distance separation** calculation (MDS I) from an existing **livestock facility**.

- 4.17.2.** Despite Clause 4.17.1., **minimum distance separation** calculation (MDS I) does not apply to applications for consent under Section 53 of the *Planning Act* for a residence surplus to a farming operation, where the **dwelling unit** and nearby **livestock facility** or anaerobic digester are located on a separate **lot** prior to the consent application, as the potential odour conflict already exists.

New or Expanded Livestock Facilities

- 4.17.3.** New or expanded **livestock facilities** must comply with the applicable **minimum distance separation** calculation (MDS II).
- 4.17.4.** If a **cemetery** is closed or receives low levels of visitation, or is not connected to a **place of worship**, such **cemetery** will be treated as a Type A land use for the purpose of calculating **minimum distance separation** (MDS II) requirements in Clause 4.17.3.

Existing Lots of Record

- 4.17.5.** The **minimum distance separation** requirements do not apply in the case of a new **use** that is not an **agricultural use** under this Subsection where a **lot** with an area of 1.0 hectare or less, existed as of the date of passing of this By-law, and for which the proposed **use** is listed as a permitted **use** in the Zone in which the existing **lot** is located.

Higher Standard to Govern

- 4.17.6.** Where more than one **minimum distance separation** and **setback** provision apply, the more restrictive provision prevails.

Backyard Hen Coops and Pigeon Lofts

- 4.17.7.** **Accessory buildings constructed** in accordance with the **backyard hen coop** and **pigeon loft** provisions in Subsections 6.12. and 6.13 are exempt from all provisions in Subsection 4.17.

4.18. Projections Above Maximum Height

- 4.18.1.** The **height** provisions of this By-law do not apply to:

1. Barn, corn crib, grain elevator, farm implement shed, feed or bedding storage, silo or other similar **building** when used in conjunction with an **agricultural use**;
2. A public bridge or other similar public infrastructure;
3. Chimney and parapets;
4. Hydroelectric transmission tower;
5. Individual farm windmill;
6. Municipal water tower;
7. Non-commercial radio, television or telecommunications equipment; and
8. Belfry, clock tower, cupola, ornamental domes, spires or steeples on a **place of worship** or a **building** containing a **public use**.

4.18.2. Despite the **height** provisions of this By-law, the following **building** components are permitted to project a maximum of 3.5 metres above the maximum permitted **height**, with a maximum area of 10% of the roof area on which they are located, in the aggregate, and a minimum **setback** from the edge of the roof equal to the vertical **height** of such **building** component:

1. Mechanical and service equipment penthouse, elevator or stairway penthouses;
2. Enclosed **building** components providing tenants with access to rooftop **amenity areas**; and
3. Skylights or other similar rooftop components.

4.18.3. Despite Clause 4.18.2., the following **building** components are permitted within the required **setback** from the edge of a roof line:

1. An enclosure dedicated only to stairs that are located at the edge of a **building**; and
2. A safety railing for rooftop areas accessible to residents of the **building**.

4.18.4. Despite the **height** provisions of this By-law, the following **building** components may exceed the maximum **height** provision by a maximum of 3.5 metres:

1. A static renewable energy device such as a solar panel or other similar devices that capture or conserve energy without visible motion or emissions;
2. Architectural components supporting green roofs, a roof-top garden, or other similar rooftop sustainability elements; and
3. Exterior residential **amenity areas**, rooftop terraces and all associated components such as railings, guards and furniture.

4.19. Projections into Required Setbacks

Architectural Features in the DT1, DT2, HCD2 and HB Zones

- 4.19.1.** In the DT1, DT2, HCD2 and HB Zones, **setback** provisions do not apply to fire escapes, **canopies** and awnings above doors and windows, **bay windows**, belt courses, sills, **cornices**, eaves and chimneys, which are subject to the following provisions:

Fire Escapes

1. The maximum horizontal projection of fire escapes towards the **interior lot line** and **exterior lot line** is 1.2 metres from the foundation wall;
2. The minimum **interior setback** and **exterior setback** for fire escapes is 0.8 metres; and
3. The maximum horizontal projection of fire escapes towards the **rear lot line** is 1.5 metres.

Bay Windows

4. The maximum horizontal projection of a **bay window** toward the **front lot line**, **exterior lot line** and **rear lot line** is 1.2 metres from the foundation wall;
5. The minimum required **front setback**, **exterior setback** and **rear setback** for a **bay window** is 0.8 metres;
6. The maximum horizontal projection of a **bay window** toward an **interior lot line** is 0.8 metres from the foundation wall; and
7. The minimum **interior setback** of a **bay window** is 0.8 metres.

Belt Courses, Sills, Cornices and Eaves

8. The maximum horizontal projection of belt courses, sills, **cornices**, and eaves toward the **interior lot line** or **exterior lot line** is 0.5 metres from the foundation wall; and
9. The minimum **front setback and rear setback** of belt courses, sills, **cornices** and eaves is 0.8 metres.

Chimneys

10. The maximum horizontal projection of a chimney and its foundation, if any, toward any **lot line** is 0.3 metres from a foundation wall of the adjacent exterior wall of the **principal building**.

Architectural Features in Other Zones

- 4.19.2. In all Zones except the DT1, DT2, HCD2 and HB Zones, despite anything to the contrary in this By-law, sills, belt courses, chimneys, fireplace projections, **cornices**, eaves, gutters, parapets, pilasters or similar ornamental architectural features may project into any required **setback** a maximum distance of 0.5 metres, provided such feature is **setback** a minimum of 0.5 metres to any **lot line**.

Exterior Stairs in Other Zones

- 4.19.3. In all Zones except the DT1, DT2, HCD2 and HB Zones, despite anything to the contrary in this by-law, exterior stairs and their associated guards are permitted to project into any required **setback**, provided such exterior stairs are **setback** a minimum of 0.5 metres to any **lot line**.

4.20. Decks, Porches and Balconies

Balconies

- 4.20.1. Despite the **setback** provisions of this By-law, **balconies** that project from the **main wall** of an **apartment building** or **mixed use building** must comply with the following provisions:
 1. The maximum horizontal projection from the **main wall** is 2.0 metres;
 2. A maximum of 30% of the horizontal length of the **main wall** of each **storey** may be occupied by **balconies**; and

3. The minimum **setback** from a **lot line** is 1.0 metre.

4.20.2. Despite the **setback** provisions of this By-law, **balconies** that project from the **main wall** of a **single detached house, semi-detached house, duplex, triplex, townhouse** or **stacked townhouse** must comply with the following provisions:

1. The maximum horizontal projection from the **main wall** is 2.0 metres; and
2. The minimum **front setback, rear setback, interior setback** and **exterior setback**, must comply with the provisions that apply to **decks** greater than 1.2 metres in **height** in Table 4.20.3.

4.20.3. Despite Clauses 4.20.1. and 4.20.2., where a **balcony** is wholly enclosed and is covered with a roof, it must comply with the provisions that apply to the **principal building**.

Decks and Porches

4.20.4. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, a **deck** or **porch** are permitted to project into the required **setbacks** if they:

1. Are not located within any form of drainage management system such as a **swale** or **ditch**;
2. Comply with the provisions of Subsection 4.23. regulating **separation distances** from **waterbodies**; and
3. Comply with the provisions of Table 4.20.3.

4.20.5. In all Zones other than those regulated by Clause 4.20.4., **decks** and **porches** must comply with the provisions that apply to the **principal building**.

Table 4.20.3. – Decks and Porches

Zoning Provision	Height no greater than 0.6 metres	Height greater than 0.6 metres up to 1.2 metres	Height greater than 1.2 metres
1. Maximum surface area of floor level(s)	10% of the lot area	10% of the lot area	10% of the lot area , of which a maximum of 30.0 square metres is permitted at a

Zoning Provision	Height no greater than 0.6 metres	Height greater than 0.6 metres up to 1.2 metres	Height greater than 1.2 metres
			height of 1.2 metres or greater
2. Minimum front setback	3.5 metres	3.5 metres	Comply with Zone provision
3. Minimum interior setback	(a) semi-detached house and townhouse : 0.6 metres, except along a common party wall where it may be 0.0 metres if there is a common privacy fence a minimum of 1.5 metres tall (b) all other uses : 0.6 metres	(a) semi-detached house and townhouse : Comply with Zone provision, except along a common party wall where it may be 0.0 metres if there is a common privacy fence a minimum of 1.5 metres tall (b) all other uses : Comply with Zone provision	(a) semi-detached house and townhouse : Comply with Zone provision, except along a common party wall where it may be 0.0 metres if there is a common privacy fence a minimum of 1.5 metres tall (b) all other uses : Comply with Zone provision
4. Minimum exterior setback	3.5 metres	3.5 metres	Comply with Zone provision
5. Minimum rear setback	2.0 metres	2.0 metres	4.0 metres

- 4.20.6.** For the purpose of Clause 4.20.4., the maximum surface area of the floor level is calculated based on the cumulative floor levels of all **decks** and **porches** located on a **lot**.
- 4.20.7.** For the purpose of Clause 4.20.4., **decks** and **porches** that have a perimeter foundation are excluded from the calculation of maximum surface area.
- 4.20.8.** For the purpose of Clause 4.20.4., the **height** of a **deck** and **porch** means the vertical distance measured from finished grade to the walking surface, excluding the **height** of any safety railing, guard, privacy screen or other similar feature. Finished grade is the average of the four most distant points representing the outermost corners of the **deck** and **porch**.

Terraces

- 4.20.9.** The provisions of Clauses 4.20.1. to 4.20.8. do not apply to a terrace which is located on the roof of a **building** above a **storey**. Rooftop terraces are permitted on the roof of a **building** and must comply with the Projections Above Maximum Height provisions of Subsection 4.18.

4.21. Barrier-Free Buildings

- 4.21.1.** In all Zones except the DT1, DT2, HCD2 and HB Zones, despite anything to the contrary in this By-law, unenclosed **building** components necessary to ensure that a **building** and its facilities can be approached, entered, and **used** by **persons** with disabilities in accordance with the *Building Code Act, 1992*, may project into any required **front setback**, **interior setback** or **exterior setback** provided that the **building** component is no closer than 0.3 metres from any **lot line** and is not located within any form of drainage management system such as a **swale** or **ditch**. The area of such barrier-free **building** component is excluded from the calculation of **lot coverage**.

4.22. Railway and Rail Yard Separation Distances

- 4.22.1.** Where a **lot** is adjacent to a principal main line railway **right-of-way** and such **lot** is **developed** with a permitted **use** or **building**:

1. The minimum required **setback** of a **building** containing a **sensitive use** is:
 - (a) 30 metres, where a minimum 2.5 metre high **landscaped berm** is provided along the **lot line** adjacent to the **right-of-way**; or
 - (b) 120 metres.
2. A minimum 1.83 metre high chain link security **fence** must be provided along the **lot line** adjacent to the **right-of-way** for the entire length of the **lot line**, to be installed and maintained at the owner's expense.

- 4.22.2.** Where a **lot** is adjacent to a secondary main line railway **right-of-way** and such **lot** is **developed** with a permitted **use** or **building**:

1. The minimum required **setback** of a **building** containing a **sensitive use** is:
 - (a) 30 metres, where a minimum 2.0 metre high **landscaped berm** is provided along the **lot line** adjacent to the **right-of-way**; or

(b) 120 metres.

2. A minimum 1.83 metre high chain link security **fence** must be provided along the **lot line** adjacent to the **right-of-way** for the entire length of the **lot line**, to be installed and maintained at the owner's expense.

4.22.3. Where a **lot** is adjacent to a principal branch line, secondary branch line or spur line railway **right-of-way** and such **lot** is **developed** with a permitted **use** or **building**:

1. The minimum required **setback** of a **building** containing a **sensitive use** is:
 - (a) 15 metres, where a minimum 2.0 metre high **landscaped berm** is provided along the **lot line** adjacent to the **right-of-way**; or
 - (b) 120 metres.
2. A minimum 1.83 metre high chain link security **fence** must be provided along the **lot line** adjacent to the **right-of-way** for the entire length of the **lot line**, to be installed and maintained at the owner's expense.

4.22.4. Where a **lot** is not adjacent to such railway **right-of-way**, but is located in an area where a **building** with a **sensitive use** can be constructed within 120 metres of a railway **right-of-way**, Subclauses 4.22.1.1., 4.22.2.1. and 4.22.3.1. apply when such **lot** is **developed** with a permitted **use** or **building**.

4.22.5. The minimum **separation distance** between a **sensitive use** and a rail yard is 300 metres.

4.23. Waterbody Separation Distances

4.23.1. The minimum **separation distance** from the **high water mark** of a **waterbody** to any **use** or **building**, including any part of a **private sewage system**, is 30.0 metres, except for:

1. Vegetated buffer to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems;
2. Vegetated buffer which screens views of **development** or creates natural spaces for **passive recreation**;
3. **Parks** or **conservation areas** that provide controlled access to the **waterbody**;
4. Public trail systems and interpretive signage;

5. **Marine facilities;**
6. **Marinas**, where they are permitted in the Zone applicable to the **lot**, excluding detached **accessory buildings** with **accessory uses**;
7. **Agricultural uses** existing as of the date of passing of this By-law;
8. Shoreline stabilization works; and
9. Utilities infrastructure including stormwater outfall, water treatment and pumping facilities and combined sewer overflow management facilities.

4.23.2. It is intended that additional **uses** or **buildings** may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the *Planning Act*.

4.24. Pipeline Separation Distances

4.24.1. The minimum **setback** from a **lot line** adjacent to land that contains a **pipeline** is:

1. 30.0 metres for an **elementary school** and **secondary school**;
2. 7.0 metres for any other type of **principal building**;
3. 7.0 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles; and
4. 3.0 metres for any **accessory building, swimming pool, deck, patio** and **porch**.

4.24.2. The minimum **separation distance** from a registered **right-of-way** for a **pipeline** is:

1. 30.0 metres for an **elementary school** and **secondary school**;
2. 7.0 metres for any other type of **principal building**;
3. 7.0 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles; and
4. 3.0 metres for any **accessory building, swimming pool, deck, patio** and **porch**.

4.25. Waste and Recycling

- 4.25.1. Waste and recycling must not be stored on any **lot** in any Zone except within the **principal building** or an **accessory building** on such **lot** or in a container located in the **interior yard** or **rear yard** of such **lot**.
- 4.25.2. A waste or recycling storage area, including any loading or unloading area, which is visible from an adjoining site in an Urban Residential Zone, HCD1 Zone, HCD3 Zone, CN, WM1, WM2, CA, CD, CR, CG, CW, HB, OS1 or OS2 Zone, a public open space, a **waterbody** or a **street** must have a **visual screen** at a minimum **height** that is equal to any bins or dumpsters stored within the waste or recycling storage area.
- 4.25.3. A commercial waste or recycling dumpster or bin is regulated in the same manner as an **accessory building** in the underlying Zone in which it is located.

4.26. MX1 Zone Separation Distances

- 4.26.1. A minimum **separation distance** of 300.0 metres is required between a **residential use** and a **lot** in a MX1 Zone.
- 4.26.2. A minimum **separation distance** of 500.0 metres is required between a **residential use** and a **lot** in the MX1 Zone with an operating **mineral aggregate operation**.
- 4.26.3. Where a **residential use** or **mineral aggregate operation** existed as of the date of passing of this By-law and does not comply with Clauses 4.26.1. or 4.26.2., such **use** is deemed to conform with this By-law.

4.27. Walkways for All Residential Uses

- 4.27.1. An **additional residential unit** and a **principal dwelling unit** in a **single detached house, semi-detached house, duplex, triplex, townhouse, stacked townhouse, apartment building** or **mixed use building** must be accessed by a **walkway** that complies with the following provisions:
1. The minimum width of the **walkway** is 1.2 metres wide;
 2. In the **urban area**, the **walkway** must be provided from a **street line** to the main exterior entrance, or to stairs leading to the main exterior entrance, of every **dwelling unit** on a **lot**. Where **dwelling units** share a common main exterior entrance, the **walkway** must be provided to the common main exterior entrance;

3. In the **rural area**, the **walkway** must be provided from the driveway containing the **parking space** for the **dwelling unit** to the exterior entrance, or to stairs leading to an exterior entrance, of every **dwelling unit** on a **lot**;
4. The **walkway** must be separately delineated and measured distinctly from a required **driveway** and **parking space**. A vehicle must not park on top of any part of the **walkway**; and
5. The **walkway** must be unobstructed up to a minimum **height** of 2.1 metres above grade.

4.27.2. Clause 4.27.1. does not prevent the establishment of a gate across a **walkway** to access an exterior entrance through a **fenced yard**.

4.27.3. When a **building** with a **dwelling unit** has legal non-complying status in accordance with Subsection 1.8. due to an insufficient **walkway**, this Subsection is not interpreted to require that the deficiency be made up prior to the renovation of the existing non-complying **building**. However further **development** which has the effect of adding one or more **bedrooms** or **dwelling units** is not permitted unless Clause 4.27.1. is complied with.

4.27.4. Where a **building** contains an **additional residential unit** as of the date of passing of this By-law, which didn't comply with the terms of the **former zoning by-laws** when such unit was developed, and such **additional residential unit** does not comply with 4.27.1., the **additional residential unit** is deemed to be legal non-complying insofar as the **walkway** requirements of 4.27.1. only, subject to and in accordance with Clause 4.27.3.

4.28. Maximum Number of Bedrooms

4.28.1. A maximum of 8 **bedrooms** are permitted per **lot**, in the aggregate, on:

1. Any **lot** in the Urban Residential Zones, DR Zone and the HCD1 Zone; and
2. A **lot** in the Urban Multi-Residential Zone or the HCD3 Zone where there are 2 or less **principal dwelling units**.

Section 5: Overlay Provisions

5.1. Floodplain Overlay

- 5.1.1.** No **use** or **building** is permitted within the area identified as “Floodplain” or “Wave Uprush” on Schedule A for any purpose other than the following **uses**, where the **use** is permitted by the underlying Zone:
- 1. Agricultural use**, excluding a **building**;
 - 2. Conservation use**, excluding a **building**;
 - 3. Forestry use**, excluding a **building**;
 - 4. Marine facility**;
 - 5. Marina**;
 - 6. Park**;
 - 7. Public use**; and
 - 8. Utility installations** that are subject to the requirements of the *Environmental Assessment Act*, R.S.O. 1990, c. E.18.
- 5.1.2.** Despite Clause 5.1.1., where a **lot** is located within the area identified as the “Wave Uprush” area on Schedule A, **uses** existing as of the date of passing of this By-law are permitted and Clauses 1.8.2., 1.8.3. and 1.8.4. apply to the expansion of legal non-complying **buildings** and **accessory buildings** in connection with these permitted **uses**.
- 5.1.3.** The Floodplain Overlay on Schedule A may be adjusted as a technical revision in accordance with Clause 1.10.2., where such adjustment lessens the extent of the floodplain in a manner that is supported by a technical assessment to the satisfaction of the Cataraqui Region Conservation Authority and the **Director**.

5.2. Source Water Protection Overlay

Cana Wellhead Protection Area

- 5.2.1. The area identified as “Cana Wellhead Protection Area” on Schedule B is located in a **Wellhead Protection Area** identified by the **Cataraqui Source Protection Plan**. The lands within the “Cana Wellhead Protection Area” are subject to all applicable provisions of this By-law, with the exception that any activity, **use** or undertaking that is prohibited or regulated under Section 59 of the *Clean Water Act* is not permitted except in accordance with the *Clean Water Act*.

Intake Protection Zone

- 5.2.2. The areas identified as “Intake Protection Zone” on Schedule B are located in an **Intake Protection Zone** identified by the **Cataraqui Source Protection Plan**. The lands within the “Intake Protection Zone” are subject to all applicable provisions of this By-law, with the exception that any activity, **use** or undertaking that is prohibited or regulated under Section 59 of the *Clean Water Act* is not permitted except in accordance with the *Clean Water Act*.

5.3. Airport Noise Exposure Overlay

- 5.3.1. Despite anything to the contrary in this By-law, **sensitive uses** are not permitted within the area above 30 NEF as shown on Schedule C.

5.4. Additional Residential Units Overlay

5.4.1. **Additional residential units** must comply with this Subsection, all other applicable provisions of this By-law and Schedule D.

Location of Additional Residential Units

5.4.2. **Additional residential units** are only permitted:

1. As an **accessory use** to the following **principal buildings**, if such **building** is listed as a permitted **use** in the applicable Zone:
 - (a) **Single detached house**;
 - (b) **Semi-detached house**; or
 - (c) **Townhouse**; and
2. As an **accessory use** to a **place of worship** located within an Urban Residential Zone, Urban Multi-Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RU Zone or RUR Zone.

5.4.3. **Additional residential units** are not permitted:

1. On lands subject to the Floodplain Overlay in accordance with Subsection 5.1.;
2. On lands identified as "Constraint Area – Sewer Capacity (Not Subject to Holding Overlay)" on Schedule D;
3. Within the **basement** of any **building** on lands identified as "Constraint Area – Sewer Surcharging (Combined Storm and Sewer) (Not Subject to Holding Overlay)" on Schedule D;
4. On lands identified as "Constraint Area – Loughborough Lake (At-Capacity Lake) (Not Subject to Holding Overlay)" on Schedule D;
5. Within the **basement** of any **building** on lands identified as "Constraint Area – Sewer Surcharging (Not Subject to Holding Overlay)" on Schedule D; or
6. On a **lot** containing two or more **principal dwelling units**.

5.4.4. In accordance with Clause 2.6.2., a Holding Overlay has been established in the area identified as "Constraint Area – Water Supply/Water Quality (Subject to Holding Overlay)" on Schedule D. Prior to the removal of any **lot** from the Holding Overlay

and the issuance of a building permit for an **additional residential unit**, the following conditions must be satisfied:

1. The following conditions apply to an **additional residential unit** that is attached to the **principal building** and connects to the **private services** of the **principal building**:
 - (a) A letter of opinion to the satisfaction of the **City's** Environment Director (or designate) from an independent, qualified professional must be submitted stating that the private water supply is sufficient to support the **additional residential unit** in combination with the normal operation of the principal **dwelling** on the **lot**. The qualified professional must hold a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo). The letter must be signed by the qualified professional and must demonstrate how the supply well will support the increased demand required by the **additional residential unit** while ensuring that neighbouring wells are not adversely impacted. In addition, the qualified professional must include a statement that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed **additional residential unit** in combination with the existing principal **dwelling unit**; and
 - (b) Approval of the **private sewage system** must be obtained from the **City** or applicable approval authority.
2. The following conditions apply to a detached **additional residential unit** or an **additional residential unit** that is attached to the **principal building** and is not connecting to existing **private services**:
 - (a) A Hydrogeological Study is to be completed to the satisfaction of the **City's** Environment Director (or designate) from an independent qualified professional (P.Eng.) or geoscientist (P.Geo). to determine that the groundwater quality and quantity is sufficient for the **additional residential unit** and will not adversely impact the water supply of adjacent **lots** and the **principal dwelling unit**. The Hydrogeological Study must be completed in accordance with the **City's** Standard for Hydrogeological Assessments. Adjustments to the requirements of a full hydrogeological study to demonstrate the suitability of private water supply may be considered by the **City's** Environment Director (or designate). The Hydrogeological Study must also assess sewage system impact and demonstrate that:

- (i) The area of development is not hydrogeologically sensitive; and
 - (ii) The **private sewage system** is isolated from the receiving aquifer, or the impact of the **principal dwelling unit** plus the **additional residential unit** is less than 10 milligrams per litre nitrate-nitrogen at the property boundary.
- (b) Approval of the **private sewage system** must be obtained from the **City** or applicable approval authority.

5.4.5. In accordance with Clause 2.6.2., a Holding Overlay has been established in the area identified as "Constraint Area - Servicing Capacity (Cana Subdivision) (Subject to Holding Overlay)" on Schedule D. Prior to the removal of any **lot** from the Holding Overlay and the issuance of a building permit for an **additional residential unit**, the following conditions must be satisfied:

1. A letter of opinion has been provided from a qualified professional confirming that water and/or wastewater capacity issues will not be experienced on the **lot** as a result of the establishment of an **additional residential unit**, to the satisfaction of Utilities Kingston.

General Provisions for Attached and Detached Additional Residential Units

5.4.6. Where permitted in accordance with Clauses 5.4.1. to 5.4.5., **additional residential units** must comply with the following provisions:

1. **Additional residential units** must be connected to **municipal services** or **private services** to the satisfaction of the **City**.
2. A maximum of two **additional residential units** are permitted per **lot** including a maximum of one **second residential unit** and a maximum of one **third residential unit**.
3. **Additional residential units** are exempt from provisions that:
 - (a) establish the maximum **density** as a measure of **dwelling units** per net hectare;
 - (b) establish the maximum number of **dwelling units** on a **lot**; and
 - (c) establish the minimum **lot area** per **dwelling unit** on a **lot**.
4. Where two **additional residential units** are located on one **lot**:

- (a) A maximum of one detached **additional residential unit** is permitted; and
 - (b) A maximum of one **additional residential unit** may be attached to or located within the **principal building**.
- 5. A **parking space** required for an **additional residential unit** is permitted in a **tandem parking space** configuration. The **parking space** for the **additional residential unit** must comply with all other applicable provisions of this By-law.
- 6. **Additional residential units** must comply with the **walkway** provisions of Subsection 4.27. and the maximum number of **bedroom** provisions of Subsection 4.28.
- 7. The **gross floor area** of the **additional residential unit** must be less than or equal to the **gross floor area** of the **principal dwelling unit**.

Attached Additional Residential Unit Provisions

- 8. An **additional residential unit** that is attached to the **principal building** or located within the **principal building** must comply with all provisions of Clauses 5.4.6.1. to 5.4.6.7. and must comply with all provisions applicable to the **principal building**.

Detached Additional Residential Unit Provisions

- 9. An **additional residential unit** in a detached **accessory building** is exempt from Subsection 4.1. governing **accessory uses** or **buildings**. In addition to meeting all provisions of Subclauses 5.4.6.1. to 5.4.6.7., an **additional residential unit** in a detached **accessory building** must comply with the following provisions:
 - (a) An **additional residential unit** in a detached **accessory building** must be located within a **rear yard** or **interior yard** and the **accessory building** must comply with the following provisions:
 - (i) Minimum **rear setback** of 1.2 metres;
 - (ii) Minimum **interior setback** of 1.2 metres;
 - (iii) Minimum **front setback** and **exterior setback** of the applicable Zone;

- (iv) Maximum **lot coverage** of all **accessory buildings** on a **lot** is 10% in the aggregate;
 - (v) Maximum **height** of 4.6 metres; and
 - (vi) Maximum **height** of 1 **storey**.
- (b) In the **urban area**, where an **additional residential unit** is located in a detached **accessory building**, the **rear yard** or **interior yard** must be screened with a privacy **fence** with a minimum **height** of 1.8 metres as follows:
- (i) When the detached **additional residential unit** is located in a **rear yard**, the privacy **fence** must be established along all **interior lot lines** and **rear lot lines** adjacent to the **rear yard**;
 - (ii) When the detached **additional residential unit** is located in an **interior yard**, the privacy **fence** must be established along the **interior lot line** closest to the detached **additional residential unit** extending from the intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**; or
 - (iii) When the detached **additional residential unit** is located in both a **rear yard** and an **interior yard**, the privacy **fence** must be established in accordance with Subparagraphs (i) and (ii).
- (c) for the purpose of establishing a detached **additional residential unit**, the existing **dwelling unit** is considered the **principal dwelling unit**.

Detached Additional Residential Unit Provisions

- 10.** Where a **lot** was created through a plan of subdivision under the *Planning Act* or a description under the *Condominium Act, 1998* following the date of passing of this By-law, an **additional residential unit** in a detached **building** must comply with the provisions of Subclause 5.4.6.9., except:
- (a) **Additional residential units** in a detached **building** that are accessed by a **private street** or public laneway adjacent to the **rear lot line** must comply with the following provisions:
 - (i) the minimum **interior setback** is 0.0 metres;

- (ii) the maximum **height** is the lesser of 7.5 metres or 2 **storeys**;
- (iii) a privacy **fence** with a minimum **height** of 1.8 metres must be established along all **interior lot lines** adjacent to the **rear yard** and **interior yard**. No privacy **fence** is required along the **rear lot line**; and
- (iv) despite Clause 4.27.1.4., the **walkway** requirements of Subsection 4.27. may be satisfied through the provision of an unobstructed 6.0 metre wide **private street** or public laneway connected to a **walkway** on the **lot**.

Legal Non-Compliance

- 11. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional residential unit** is permitted within the existing **principal building**.
- 12. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional residential unit** is permitted to be attached to the **principal building** if any new construction associated with the **additional residential unit** complies with this By-law.
- 13. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional residential unit** is permitted in a detached **building** if the detached **building** complies with this By-law.

5.5. Exception Overlay

- 5.5.1. The Exception Overlay on Schedule E has the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of the corresponding Legacy Exception in Section 20 and Exception in Section 21 unless specifically amended by the Exception, all provisions of this By-law continue to apply.
- 5.5.2. Despite Clauses 1.5.1. and 1.5.2., the applicable **former zoning by-laws** apply to assist in the interpretation of any Legacy Exception provision in Section 20 originally enacted under the applicable **former zoning by-law**. Where a provision of this By-law is more restrictive than the applicable **former zoning by-law** in respect of the interpretation of any Legacy Exception, the provision of the **former zoning by-law** that was in force as of the date of passing of this By-law prevails and may be relied upon for the issuance of a building permit where the building permit is consistent with the content of the rezoning application that resulted in the approval of such Legacy Exception.
- 5.5.3. The Legacy Exceptions in Section 20 are drafted in the language of the applicable **former zoning by-law**, which may not be consistent with the language used in the balance of this By-law. Terminology contained in Section 20 is specific to the particular Legacy Exception and does not apply to the balance of this By-law. **Uses** referenced in Section 20 and not referenced elsewhere in this By-law are not to be construed as different distinct from those **uses** referred to in Sections 1 through 19 or Sections 21 through 24.
- 5.5.4. Where a Legacy Exception in Section 20 refers to “the site specific by-law”, the intent is to reference the implementing zoning by-law that established the Legacy Exception under the applicable **former zoning by-law**.

5.6. Holding Overlay

- 5.6.1. In accordance with Clause 2.6.2., a Holding Overlay has been established as Schedule F which has the effect of restricting the **development** of a **lot** in accordance with the corresponding Holding Conditions in Section 22.
- 5.6.2. A **lot** that is subject to a Holding Overlay may only be **developed** for the following purposes until such time as the Holding Overlay is removed:
1. **Uses** that legally existed on the date of the passing of this By-law;
 2. A **model home** in accordance with Clause 6.6.1.
- 5.6.3. Despite Clause 5.6.2., where the corresponding Holding Condition in Section 22 states that it only applies to specific **development**, all other permitted **development** may proceed prior to the removal of the Holding Overlay.
- 5.6.4. The Holding Overlay may be partially removed from any **lot**, either through revisions to the extent of lands covered by the Holding Overlay or by revisions to the language of the Holding Conditions in Section 22.
- 5.6.5. A **building** that legally existed as of the date of passing of this By-law on a **lot** that is subject to a Holding Overlay may be renovated or altered if such renovation or alteration does not:
1. Increase the **height**, size or volume of the **building**;
 2. Have the effect of adding one or more **bedrooms** or **dwelling units**; or
 3. Change the **use**.

Section 6: Specific Use Provisions

6.1. Tiny House

- 6.1.1. A **tiny house** is only permitted where a Temporary Zone allows one in accordance with Clause 2.6.3.
- 6.1.2. Where a **tiny house** is permitted, a **tiny house** must comply with all provisions applicable to detached **additional residential units**.

6.2. Gasoline Pump

- 6.2.1. Where a **gasoline pump** is **accessory** to a **gas station**, the **gasoline pump** may be located in the **front yard** or **exterior yard**, provided that:
1. The minimum **setback** from the **gasoline pump** to any **lot line** is 4.5 metres; and
 2. Where the **lot** is a **corner lot**, a **gasoline pump** must maintain a minimum **separation distance** of 3.0 metres from a **sight triangle**.

6.3. Home Offices and Home Occupations

- 6.3.1. **Home offices** are permitted in all **dwelling units** and may be located in an **accessory building** to the **principal dwelling unit**.
- 6.3.2. A **home occupation** is permitted in all **dwelling units** and may be located in an **accessory building** to the **principal dwelling unit**. In addition to the provisions that apply to the **principal dwelling unit** and **accessory buildings**, a **home occupation** is subject to the following provisions:
1. Where the **home occupation** is located within the **principal dwelling unit**, the **gross floor area** of the **home occupation** must be less than the **gross floor area** dedicated to the **principal dwelling unit**. For the purpose of this calculation, where **gross floor area** is shared between the **principal dwelling unit** and the **home occupation**, it is included in the **gross floor area** for both the **principal dwelling unit** and the **home occupation**;
 2. A maximum of one employee, other than a resident of the **dwelling unit**, is permitted to physically work in the **home occupation**;

3. **Outdoor storage** of materials, equipment, or containers, exterior parking or storage of commercial or industrial **vehicles** or equipment, animal enclosures or other outdoor manufacturing or processing activities are prohibited on any **lot** in conjunction with the **home occupation**; and
4. The following activities are prohibited as a **home occupation**:
 - (a) sale and servicing of **motor vehicles**, recreational **vehicles** or any motorized equipment, except on a lot in an AG or RU Zone; and
 - (b) cannabis production for any **use** other than personal **use**.

6.4. Kennels

- 6.4.1. Where a **kennel** is permitted by this By-law, the **kennel** may be located in the same **building** as the **principal dwelling unit**, subject to the provisions of Clause 6.4.2.
- 6.4.2. All components associated with a **kennel**, including **buildings** and all outdoor animal runs, are considered **buildings** for zoning purposes, and must comply with all applicable provisions of this By-law, as well as the following provisions:

Location of Animal Runs

1. Outdoor animal runs associated with a **kennel** must be located in the **rear yard** or **interior yard**.

Minimum Separation

2. A minimum **separation distance** of 120.0 metres is required between a **kennel** and all **dwelling units**, except for a **dwelling unit** located on the same **lot**.

- 6.4.3. Despite Subclause 6.4.2.2., when a **kennel** is established under the provisions of this By-law, the subsequent **construction** of a new **dwelling unit** on a separate **lot** does not render such **kennel** non-complying.
- 6.4.4. All **kennels** existing as of the date of passing of this By-law which would be made non-complying **uses** under Clause 6.4.2. are deemed to comply with this By-law.

6.5. Marine Facilities

- 6.5.1. A **marine facility** is permitted as an **accessory use** on any **lot** with a **lot line** that adjoins a **waterbody**. **Marine facilities** are exempt from all other provisions of this

By-law, including the **waterbody separation distance** required by Clause 4.23.1., and:

1. Must have a minimum setback of 1.2 metres from the **interior lot line** and/or **exterior lot lines**, measured at the point where the **marine facility** intersects with the **lot line** that adjoins the **waterbody**;
2. Must not encroach on an adjacent **lot** as determined by measuring the hypothetical extension of the **lot lines** into the **waterbody**;
3. Where a **marine facility** includes a **building** with exterior walls and a roof, including a boathouse, such **building** must:
 - (a) Include a direct connection to the **waterbody**, either through an open boat slip internal to the **building** or a marine railway;
 - (b) Not exceed a **height** of 6.0 metres, with **height** being measured from the **high water mark** of the **waterbody** to the highest point of the **building**; and
 - (c) Not exceed 1 **storey**.

6.5.2. Despite Clause 6.5.1., a **marine facility** is not permitted within a **wetland** that has been identified by the Province of Ontario as a Provincially Significant Wetland.

6.6. Model Homes

6.6.1. Where a Model Home Agreement or a Subdivision Agreement permitting the construction of model homes has been executed by the owner and the **City**, more than one **single detached house, semi-detached house or townhouse** may be **constructed** on a **lot** prior to registration of the plan of subdivision under the **Planning Act** or a description under the *Condominium Act, 1998*, subject to the following provisions:

1. The **use** must be permitted in the underlying Zone in which the **single detached house, semi-detached house or townhouse** is to be located;
2. The **model home** must not be occupied as a **dwelling unit** prior to the date of the registration of the subdivision plan or condominium plan;
3. The maximum number of **model homes** within one plan of subdivision under the **Planning Act** or a description under the *Condominium Act, 1998* proposed for registration is equal to 10% of the total number of **lots** intended for **single**

detached house, semi-detached house or townhouse purposes within the plan or description for registration, to a maximum of 10 **model homes**;

4. The **model home** must comply with all other provisions of this By-law, as though **constructed** on the **lot** within the registered plan of subdivision under the *Planning Act* or the description under the *Condominium Act, 1998*; and
5. The **model home** must comply with all applicable terms and conditions of the Model Home Agreement or Subdivision Agreement, as applicable.

6.7. Outdoor Patios

6.7.1. An **outdoor patio** is permitted as an **accessory use** on a **lot** containing a permitted commercial or hospitality **use**, or on the roof of a **building** on such **lot**, and must comply with the following provisions:

1. Where the **lot** has a **lot line** that is adjacent to a **lot** in an Urban Residential Zone, HCD1 Zone or HCD3 Zone:
 - (a) A minimum **separation distance** of 3.0 metres is required between an **outdoor patio** and such **lot line**; and
 - (b) A continuous, solid privacy **fence** with a minimum **height** of 1.8 metres must be provided along the portion of such **lot line** adjacent to the **outdoor patio**;
2. **Outdoor patios** are permitted to occupy **parking spaces**, excluding required **accessible spaces, car-share spaces or visitor spaces**; and
3. Despite Section 7, no additional **loading spaces** or **parking spaces** are required for an **outdoor patio**.

6.8. Co-Living Units

6.8.1. **Co-living units** are permitted in an **apartment building** or a **mixed use building**.

6.8.2. Where this By-law sets a standard based on the number of **dwelling units** for **apartment buildings** or **mixed use buildings**, **co-living units** must comply with all provisions that apply to **dwelling units** at a ratio of 4 private **bedrooms** and/or living spaces to 1 **dwelling unit**.

6.9. Transportation Terminals

6.9.1. In addition to the **uses** permitted in the applicable Zone, the following **uses** are permitted within a **transportation terminal**:

1. **Financial institution**;
2. **Personal service shop**;
3. **Restaurant**;
4. **Retail store**; and
5. **Repair shop**.

6.9.2. The **uses** permitted in Clause 6.9.1. must comply with the following provisions:

1. Each individual occupancy must not exceed 50.0 square metres in **gross floor area**; and
2. The maximum cumulative **gross floor area** occupied by the permitted **uses** in Clause 6.9.1 is 100.0 square metres.

6.10. Propane Transfer Facilities

6.10.1. Where a permitted **use** or **building** includes a propane transfer facility that is regulated by the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, such **use** or **building** must comply with all applicable provisions of this By-law and:

1. The propane transfer facility must be **setback** a minimum of 50 metres from any **lot line**, or a greater distance if required by a regulating Provincial body.

6.11. Propane and Natural Gas Handling Facilities

6.11.1. Facilities relating to the handling and transfer of propane and natural gas which are not regulated by the *Technical Standards and Safety Act*, including tanks and associated compressors, pumps and other similar facilities must:

1. Not be located in any required **setback**; or
2. Maintain a minimum **separation distance** of 30.0 metres to any **lot** where a **dwelling unit** is a **permitted use**.

6.12. Backyard Hen Coops

- 6.12.1. Backyard hen coops and backyard hen runs** are permitted as **accessory buildings** on any **lot** where the permitted **principal use** of such **lot** is a **dwelling unit** or **agricultural use** and must comply with all provisions of Subsection 4.1. except as specifically regulated by this Subsection.
- 6.12.2. Backyard hen coops and backyard hen runs** must comply with the following minimum **setbacks**:
1. **Rear lot line**: 1.2 metres;
 2. **Interior lot line**: 1.2 metres; and
 3. **Exterior lot line**: 1.2 metres.
- 6.12.3. Backyard hen coops and backyard hen runs** are not permitted in a **front yard**, **interior yard** or **exterior yard**.
- 6.12.4. Backyard hen coops and backyard hen runs** must be located a minimum **separation distance** of:
1. 15.0 metres from any **lot** that contains an **elementary school** or **secondary school**;
 2. 7.5 metres from any **lot** that contains a **place of worship** or business; and
 3. 3.0 metres from all windows and doors of **residential buildings** that are located on adjacent **lots**.
- 6.12.5.** Where a conflict exists between the terms of Subsection 6.12. and the terms of the Animal Control By-law, the more restrictive provision prevails.

6.13. Pigeon Lofts

- 6.13.1. Pigeon lofts** are permitted as **accessory buildings** on any **lot** where the permitted **principal use** of such **lot** is a **dwelling unit** and where such **lot** has a minimum **lot area** of 1,350 square metres or where the permitted **principal use** of such **lot** is an **agricultural use**, and must comply with all provisions of Subsection 4.1. except as specifically regulated by this Subsection.
- 6.13.2. Pigeon lofts** must comply with the following minimum setbacks:

1. **Rear lot line:** 6.0 metres;
2. **Front lot line:** 6.0 metres;
3. **Interior lot line:** 6.0 metres; and
4. **Exterior lot line:** 6.0 metres.

6.13.3. Pigeon lofts are only permitted in a **rear yard**.

6.13.4. The maximum **height** of a **pigeon loft** is 5.0 metres.

6.13.5. The minimum floor area of a **pigeon loft** is 1.0 square metre of floor area for every 10 pigeons.

6.13.6. The maximum floor area of a **pigeon loft** is 10 square metres.

6.13.7. Pigeon lofts must be located a minimum **separation distance** of 15.0 metres from **residential buildings** that are located on a different **lot**.

6.13.8. Where a conflict exists between the terms of Subsection 6.13. and the terms of the Animal Control By-law, the more restrictive provision prevails.

6.14. Place of Worship

6.14.1. Where a **place of worship** is permitted, the following **complementary uses** are permitted where they only occupy floor area that is **developed** to support the **principal use** of the **lot**:

1. Educational **uses**;
2. Programs of community, cultural or social benefit;
3. Community assembly areas;
4. Catering kitchens, provided they **use** existing kitchen facilities that support the **place of worship**;
5. **Offices**;
6. **Day care centres**;
7. **Cemetery**;

8. **Non-residential uses** that are permitted in the CN Zone as per Table 15.1.2.;
9. Other **uses** that are similar in nature to Paragraphs 1. through 6.

6.15. Schools

- 6.15.1. Where an **elementary school** or **secondary school** is permitted, portable **classrooms** are permitted and must comply with all provisions that apply to the **lot** as though they are a **principal building**.
- 6.15.2. Where a **building** is occupied by both an **elementary school** and a **secondary school**, or a combination thereof, the provisions that apply to **secondary schools** apply.
- 6.15.3. Where an **elementary school** or **secondary school** existed as of the date of passing of this by-law, such **use** is considered to be a **permitted use** of the **lot** so long so long as the **building** continues to be **used** as an **elementary school** or **secondary school**, as the case may be.

Adaptive Reuse of Elementary Schools, Secondary Schools and Community Facilities

- 6.15.4. Despite the permitted **uses**, in any Zone other than an Employment Zone where a **building** was originally designed and constructed for the purpose of an **elementary school**, **secondary school**, **library**, **community centre** or **museum**, such **building** is permitted to be **used** as an **elementary school**, **secondary school**, **library**, **community centre** or **museum**.

6.16. Stadiums

- 6.16.1. **Stadiums** are not permitted as an **accessory use**.
- 6.16.2. Despite Clause 6.16.1., where a **stadium** legally existed as an **accessory use** prior to the passage of this By-law, the **stadium** is considered to be a **permitted use** on such **lot** so long as the **stadium** continues to be **used** as a **stadium**.

6.17. Food Trucks

- 6.17.1. **Food trucks** that stand more or less permanently in one place on a **lot** are considered **buildings** in accordance with this By-law and must comply with all provisions of this By-law that apply to **buildings**, in addition to the provisions of Subclauses 6.17.3.1. to 6.17.3.7.

6.17.2. This By-law does not apply to **food trucks** that are not considered **buildings** pursuant to Clause 6.17.1., except as set out in Clause 6.17.3.

6.17.3. **Food trucks** must comply with the following provisions:

1. Requirements established in the Business Licensing By-law;
2. **Food trucks** are only permitted:
 - (a) on a **lot** where the applicable Zone permits a **restaurant**;
 - (b) in a public **park**;
 - (c) as an **accessory use** on a **lot** where the applicable Zone permits commercial, employment and institutional **uses** as **principal uses**;
 - (d) as an **accessory use** to a **principal agricultural use** on a **lot** that is zoned AG or RU, to a maximum of one **food truck** per **lot**;
3. **Food trucks** are permitted to occupy a maximum of 2 **parking spaces** on a **lot**, excluding **accessible spaces**, **car-share spaces** or **visitor spaces**;
4. **Food trucks** must be setback a minimum of 3.0 metres from all **lot lines**; and
5. **Food trucks** must comply with **sight triangle** provisions in Subsection 4.6.

6.18. Seasonal Cabins

6.18.1. In the **rural area**, where a **lot** is permitted to be **used** as a **single detached house** by the applicable Zone, a **cabin** is a permitted **principal use** and must comply with all provisions that apply to a **single detached house**.

6.19. Residential Uses

6.19.1. An emergency shelter, **group home**, supportive housing, transitional housing, community home and other similar **uses** are considered a **dwelling unit** where the nature of such **use** does not qualify as a **special needs facility**. Where such **use** is considered a **dwelling unit**, it is permitted on any **lot** where the Zone permits a **dwelling unit**, and must be in a permitted **building** according to the applicable Zone.

Section 7: Parking, Loading and Bike Parking Provisions

7.1. Parking Space Ratios

- 7.1.1.** The minimum number of **parking spaces**, maximum number of **parking spaces** and minimum number of **car-share spaces** set out in Table 7.1.1. must be complied with and located on the same **lot** as the corresponding **use** or **building**.
- 7.1.2.** This By-law places all lands subject to this By-law in one or more Parking Areas shown on Schedule 2. In accordance with Clause 7.1.1., required **parking spaces** are calculated by the ratio required for the applicable Parking Area. For the purpose of this By-law, the following nomenclature may be used interchangeably:
1. Parking Area 1 or PA1;
 2. Parking Area 2 or PA2;
 3. Parking Area 3 or PA3;
 4. Parking Area 4 or PA4; and
 5. Parking Area 5 or PA5.
- 7.1.3.** Despite Clause 7.1.2., where any portion of a **lot** in PA5 is within 600 metres **walking distance** of the “Kingston Transit Route” identified on Schedule 2, measured to the boundary of the **street line**, the Parking Area that applies to that portion of the “Kingston Transit Route” may apply to such **lot**.
- 7.1.4.** Where more than one Parking Area applies to one **lot**, the required **parking spaces** are calculated based on the Parking Area that requires the fewest number of **parking spaces**.
- 7.1.5.** Where a **lot** contains more than one **use**, the required number of **parking spaces** is the sum of all **parking spaces** required for each **use**.
- 7.1.6.** When the computation of the required number of **parking spaces** for each **use** on a **lot** results in a number containing a fraction, that minimum number of **parking spaces** required for each **use** must be increased to the next highest whole number if the fraction is equal to or greater than 0.5.
- 7.1.7.** Despite Clause 7.1.6., when the computation of the required number of **accessible spaces** results in a number containing a fraction, the minimum number of **accessible spaces** is increased to the next highest whole number.

- 7.1.8.** Despite Clause 2.1.9., where two or more provisions of this By-law conflict as it relates to the calculation of the minimum number of standard **parking spaces**, the lesser requirement prevails. For example, where an Exception in Section 20 or Section 21 requires a greater number of **parking spaces** than Section 7, the provisions of Section 7 prevail. For clarity, this applies only to standard **parking spaces** and does not include **car-share spaces, visitor spaces, accessible spaces, bike spaces** or **loading spaces**.
- 7.1.9.** Where the number of **parking spaces** is identified as a ratio per “person”, the number is calculated based on the maximum number of persons which can be accommodated within the **building** according to the *Building Code Act, 1992*, unless otherwise specified in this By-law.
- 7.1.10.** Where a maximum number of **parking spaces** is identified in Table 7.1.1., the maximum applies to the number of standard **parking spaces** and excludes **accessible spaces, car-share spaces** and **visitor spaces**.
- 7.1.11.** Despite the definition of **gross floor area**, for the purpose of calculating the required number of **parking spaces**, floor area that is dedicated solely to the warehousing or storage of goods or products is excluded from the **gross floor area** calculation.

Off-Site Parking Spaces

- 7.1.12.** Despite Clause 7.1.1., where a **building** that exists as of the date of passing of this By-law is **converted** resulting in an increase in the number of **dwelling units**, off-site **parking spaces** must be provided within 60.0 metres of the **lot**.

Affordable Units and Heritage Buildings

- 7.1.13.** Despite Clause 7.1.1.:
- 1.** For **affordable units**, no **parking spaces** or **car-share spaces** are required, except for **accessible spaces** and **visitor spaces**. Where **affordable units** are mixed with other **dwelling units** on a **lot**, this provision only applies to the units that are **affordable units**.
 - 2.** For **heritage buildings**, no **parking spaces, visitor spaces** or **car-share spaces** are required. Where **parking spaces** are provided, **accessible spaces** must be provided based on the ratio required by Subsection 7.2. before other **parking spaces** may be provided.

Reduction in Minimum Number of Required Parking Spaces

7.1.14. Despite Clause 7.1.1.:

- 1.** For **apartment buildings, dwelling unit in a mixed use building, stacked townhouse or common element townhouse**, the minimum number of **parking spaces** required may be reduced:
 - (a)** In accordance with the Cash-in-Lieu of Parking By-law.

Permission to Provide More Parking Spaces than the Maximum

7.1.15. Despite Clause 7.1.1.:

- 1.** In PA1 and PA2, the maximum number of **parking spaces** permitted by this By-law may be increased to 1.25 **parking spaces per dwelling unit** if:
 - (a)** All **parking spaces** provided above the maximum ratio are **electric vehicle ready**; and
 - (b)** In addition to the **car-share spaces** required by Clause 7.1.1., one **car-share space** that is **electric vehicle ready** must be provided for every four **parking spaces** provided above the maximum ratio.
- 2.** In PA3, PA4 and PA5, the maximum number of **parking spaces** permitted by this By-law may be increased to 1.5 **parking spaces per dwelling unit** if:
 - (a)** All **parking spaces** provided above the maximum ratio are **electric vehicle ready**; and
 - (b)** In addition to the **car-share spaces** required by Clause 7.1.1., one **car-share space** equipped with **electric vehicle ready** is provided for every four **parking spaces** provided above the maximum ratio.

Electric Vehicle Supply Equipment Permitted

7.1.16. **Parking spaces** required or provided for any **use** may be used as part of **electric vehicle supply equipment**, whether or not a fee is charged for the **use** of such **electric vehicle supply equipment**.

Car-share Spaces Permitted

7.1.17. **Car-share spaces** are permitted in any **parking lot, commercial parking lot** or a **parking structure** in any Zone.

Temporary Use of Car-share Spaces

7.1.18. Where **car-share spaces** are required on a **lot**, such **car-share spaces** may be temporarily **used** as **visitor spaces** if no **car-share vehicle** services are in operation on the **lot**.

Addition or Change to Existing Use – Parking Spaces

7.1.19. When a **lot** or **building** has insufficient parking on the date of passing of this By-law to conform to the provisions of this By-law, this By-law is not to be interpreted as requiring that the deficiency be made up prior to the **construction** of any addition or change of **use**. However, an addition or change of **use** which has the effect of requiring additional **parking spaces** under this By-law is not permitted unless the total number of required **parking spaces** is provided.

Table 7.1.1. – Required Number of Parking, Visitor and Car-Share Spaces

	use	Number of Parking Spaces (minimum, unless otherwise specified)
1.	(a) apartment building (b) dwelling unit in mixed use building (c) stacked townhouse (d) common element townhouse	(i) Required number of parking spaces : PA1, PA2 : minimum 0.4 to a maximum of 1.0 per dwelling unit PA3 : minimum 0.6 to a maximum of 1.0 per dwelling unit PA4 : minimum 0.8 to a maximum of 1.0 per dwelling unit PA5 : minimum and maximum of 1.0 per dwelling unit (ii) In addition to (a), the minimum number of car-share spaces : 0.05 per dwelling unit (iii) In addition to (a) and (b), the minimum number of visitor spaces : PA1, PA2 : 0.1 per dwelling unit PA3, PA4, PA5 : 0.15 per dwelling unit
2.	(a) duplex (b) freehold townhouse (c) semi-detached house (d) single detached house (e) triplex	PA1, PA2 : 0.4 per dwelling unit PA3 : 0.6 per dwelling unit PA4 : 0.8 per dwelling unit PA5 : 1.0 per dwelling unit
3.	(a) garden suite (b) second residential unit	1 per dwelling unit

	use	Number of Parking Spaces (minimum, unless otherwise specified)
4.	home occupation	PA1: 0 spaces PA2, PA3, PA4, PA5: (i) Where an employee or customers attend on site: 1.0 (ii) Where no employees or customers attend on site: 0
5.	All other uses	—

7.2. Accessible Parking Provisions

7.2.1. Accessible spaces must comply with all applicable provisions of Section 7, except as specifically required by the provisions of Subsection 7.2.

Effective Parking Space Ratios to Calculate Required Accessible Spaces

7.2.2. The number of **parking spaces** used as the basis of calculating the minimum number of **accessible spaces** in Clause 7.2.3. is the greater of:

1. The number of **parking spaces** provided on the **lot**; or
2. The calculated number of **parking spaces** based on the **effective ratio** established for the corresponding **use** in Table 7.2.2.

Number of Required Accessible Spaces

7.2.3. The minimum number of **accessible spaces** required by the following Subclauses must be provided on the same **lot** as the **use** or **building**:

1. Where the number of **parking spaces** in Clause 7.2.2. is between 1 and 12 **parking spaces**, one **parking space** must be a Type A **accessible space**;
2. Where the number of **parking spaces** in Clause 7.2.2. is between 13 and 100 **parking spaces**, 4% of the number of **parking spaces** in Clause 7.2.2. must be **accessible spaces**;
3. Where the number of **parking spaces** in Clause 7.2.2. is between 101 and 200 **parking spaces**, one **parking space** plus 3% of the number of **parking spaces** in Clause 7.2.2. must be **accessible spaces**;
4. Where the number of **parking spaces** in Clause 7.2.2. is between 201 and 1,000 **parking spaces**, two **parking spaces** plus 2% of the number of **parking spaces** in Clause 7.2.2. must be **accessible spaces**; and

5. Where the number of **parking spaces** in Clause 7.2.2. is more than 1,000 **parking spaces**, 11 **parking spaces** plus 1% of number of **parking spaces** in Clause 7.2.2. must be **accessible spaces**.

7.2.4. Despite Clause 7.2.3., where a **lot** contains a **single detached house, semi-detached house, duplex, triplex, additional residential unit, tiny house** or **freehold townhouse** where **parking spaces** are accessed directly from a **driveway**, no **accessible spaces** are required.

7.2.5. Despite Clauses 7.2.2. and 7.2.3., where a **lot** contains a **use** with **parking spaces** that are reserved for exclusive **use**, such as law enforcement vehicles, emergency services vehicles, impounded vehicles, transportation fleets or other similar vehicles, such exclusive **use parking spaces** are not included in the calculation of the **parking spaces** for the purpose of calculating **accessible spaces**.

Table 7.2.2. – Effective Ratios to Calculate Required Accessible Spaces

	Use	Effective Ratio
1.	residential use	1.0 per dwelling unit
2.	automobile body shop, automobile repair shop, automobile sales establishment, banquet hall, animal care, animal shelter, building supply store, carwash, club, creativity centre, department store, financial institution, fitness centre, garden centre, gas station, grocery store, laundry store, office, personal service shop, recreational vehicle sales establishment, repair shop, restaurant, retail store, training facility, wellness clinic	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
3.	agricultural sales establishment, call centre, catering service, contractor’s yard, correctional institution, factory outlet, feedmill, ferry terminal, heavy equipment or truck repair shop, heavy industrial use, hospital, industrial repair shop, laboratory, library, light industrial use, museum, production studio, research establishment, salvage yard, self-service storage facility, towing compound, transportation depot, transportation terminal, warehouse, waste disposal area, wastewater treatment facility, water supply plant, wholesale establishment, workshop	1 per 100 square metres of gross floor area
4.	community centre, entertainment establishment, funeral establishment, recreation facility, place of worship, stadium	0.25 per person

	Use	Effective Ratio
5.	agricultural use, airport facilities, cemetery, community garden, correctional college, food truck, forestry use, gravel pit, military installation, mineral aggregate operation, park, transformer station	—
6.	day care centre, elementary school, post-secondary institution, secondary school	2.0 per classroom
7.	campground	1 per campsite
8.	golf course	2 per hole
9.	hotel	1 per guest room
10.	kennel	1 per animal run
11.	marina	1 per boat slip

Type A and Type B Accessible Space Calculations

7.2.6. The calculation of the required number of Type A and Type B **accessible spaces** must comply with the following provisions:

1. Where an even number of **accessible spaces** is required by Clause 7.2.3., an equal number of Type A and Type B **accessible spaces** must be provided;
2. Where an odd number of **accessible spaces** is required by Clause 7.2.3., an equal number of Type A and Type B **accessible spaces** must be provided, but the additional **accessible space**, the odd-numbered space, may be either a Type A or a Type B **accessible space**;
3. Despite Subclause 2., where only one **accessible space** is required, it must be a Type A **accessible space**.

Accessible Parking Design Standards

7.2.7. **Accessible spaces** must comply with the following minimum widths:

1. The minimum width of a Type A **accessible space** is 3.4 metres; and
2. The minimum width of a Type B **accessible space** is 2.7 metres.

7.2.8. **Accessible spaces** must comply with the following minimum vertical clearances:

1. The minimum vertical clearance of an **accessible space** located in a **parking structure** is 2.1 metres; and

2. The minimum vertical clearance of all other **accessible spaces** is 2.9 metres.

7.2.9. An **accessible aisle** must be provided for each **accessible space** and may be shared by a maximum of two **accessible spaces**. **Accessible aisles** must:

- (a) Have a minimum width of 1.5 metres;
- (b) Extend the full length of the **accessible space**; and
- (c) Be marked with high tonal contrast diagonal lines where the surface is asphalt, concrete or some other hard surface.

7.2.10. All **accessible spaces** must:

1. Have an accessible permit parking sign that satisfies the requirements of the *Highway Traffic Act*;
2. Have a maximum gradient of 5%; and
3. Type A **accessible spaces** must have signage that identifies the space as “van accessible”.

7.3. Bike Parking Provisions

Bike Space Ratios

7.3.1. The minimum number of **long-term bike spaces** and **short-term bike spaces** required by the ratios set out in Table 7.3.1. must be provided on the same **lot** as the corresponding **use** or **building**.

7.3.2. Where a **lot** contains more than one **use**, the required number of **bike spaces** is the sum of all **bike spaces** required for each **use**.

7.3.3. Where a **lot** contains more than one **building**, the **bike space** requirements are calculated and provided for each **building** as though they are on their own individual **lot**, except for **common element townhouses** and **stacked townhouses** where the requirements may be calculated per **lot**.

7.3.4. When the computation of required **bike spaces** results in a number containing a fraction, the minimum number of **bike spaces** required is increased to the next highest whole number if the fraction is equal to or greater than 0.5, unless otherwise required by this By-law.

- 7.3.5.** Despite the definition of **gross floor area**, for the purpose of calculating the required number of **bike spaces**, floor area that is dedicated solely to the storage of goods or products is excluded from the **gross floor area** calculation.
- 7.3.6.** Where possible, the requirements of Clauses 7.3.7. through 7.3.13. may be combined in a manner that allows one **bike space** to satisfy more than one requirement.

Long-term Bike Space Requirements

- 7.3.7.** The **long-term bike spaces** required by Clause 7.3.1.:
- 1.** Must be provided in a secure, weather-proof enclosure with controlled access where a bicycle may be parked and secured for the long-term in a stable position with at least one point of contact with the frame of the bicycle;
 - 2.** Are not permitted in a **dwelling unit** or on the **balcony** of a **dwelling unit**;
 - 3.** Must be provided in a location that has access directly to a **street line** by way of a continuous pathway consisting of:
 - (a)** A hallway, aisle, sidewalk or **walkway**;
 - (b)** An elevator that permits bikes to the satisfaction of the **City**;
 - (c)** A ramp, which may be provided as a wheel ramp along the side of a set of stairs if such ramp is a minimum of 0.15 metres wide and does not cut into the stair tread; and/or
 - (d)** A **drive aisle** or **driveway**.
- 7.3.8.** A minimum of 30% of the **long-term bike spaces** required by Clause 7.3.1. are required to be **horizontal bike spaces**. The remainder of the **long-term bike spaces** may be provided as **stacked bike spaces** or **vertical bike spaces**.

Short-term Bike Space Requirements

- 7.3.9.** The **short-term bike spaces** required by Clause 7.3.1.:
- 1.** Must be provided as **horizontal bike spaces**;
 - 2.** Must be provided at grade or on the **first storey** in a location that is accessible to the general public by way of a continuous pathway consisting of:
 - (a)** A hallway, aisle, sidewalk or **walkway**;

- (b) An elevator that permits bikes to the satisfaction of the **City**;
 - (c) A ramp, which may be provided as a wheel ramp along the side of a set of stairs if such ramp is a minimum of 0.15 metres wide and does not cut into the stair tread; and/or
 - (d) A **drive aisle** or **driveway**; and
3. Must be provided in an easily accessible and well lit location no more than 15.0 metres **walking distance** from a pedestrian entrance to the **building**.

Bike Space and Bike Aisle Dimensions

7.3.10. Horizontal bike spaces must:

- 1. Have minimum dimensions of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.9 metres;
- 2. Be provided with a bike rack where a lock is capable of securing the bicycle frame and front wheel; and
- 3. Be accessed by an aisle with a minimum width of 1.5 metres.

7.3.11. Vertical bike spaces must:

- 1. Have minimum dimensions of 0.6 metres wide by 1.8 metres vertical length, where the bike, when secured on the storage rack is provided with a minimum horizontal clearance from the wall of 1.2 metres;
- 2. Be equipped with a storage rack that supports the bike without having the bike suspended by its wheels, and where a lock is capable of securing the bike frame and front wheel to the rack; and
- 3. Be accessed by an aisle with a minimum width of 1.2 metres.

7.3.12. Stacked bike spaces must:

- 1. Have minimum dimensions of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.2 metres;
- 2. Be equipped with a storage rack where a lock is capable of securing the bike frame and front wheel to the rack;

3. Be equipped with a lift mechanism providing floor level access to both **bike spaces**; and
4. Be accessed by an aisle with a minimum width of 1.2 metres.

Enhanced Bike Parking Facilities for Multi-Unit Residential

7.3.13. For **apartment buildings, dwelling units in mixed use buildings, stacked townhouses** or **common element townhouses**, enhanced bike parking facilities must be provided in accordance with the following:

1. A minimum of 10% of the **long-term bike spaces** must be provided as larger **horizontal bike spaces** with minimum dimensions of 1.0 metre wide by 2.6 metres horizontal length, with a minimum vertical clearance of 1.9 metres and must be provided with access to one standard electrical outlet;
2. A minimum of 10% of the **long-term bike spaces** must be provided in secure bike lockers that are provided with individual, secure enclosures where a private lock can be affixed and must include a standard electrical outlet;
3. A minimum of 10% of the **long-term bike spaces** provided in a shared bike room must be provided with access to one standard electrical outlet per **long-term bike space**;
4. Where more than 25 **long-term bike spaces** are required, a bike maintenance area must be provided that is a sufficient size to accommodate repairs and maintenance of bikes, and must include a bike pump, bike repair stand and a bench; and
5. A minimum of 50% of the **short-term bike spaces** must be weather protected.

End-of-Trip Bike Facilities for Non-Residential Uses

7.3.14. Where a **lot** or **building** is required to provide **long-term bike spaces** for any **non-residential use**, **end-of-trip bike facilities** must be provided at the following ratios:

1. Where 5 to 60 **long-term bike spaces** are required, 1 **end-of-trip bike facility**;
2. Where 61 to 120 **long-term bike spaces** are required, 2 **end-of-trip bike facilities**;

3. Where 121 to 180 **long-term bike spaces** are required, 3 **end-of-trip bike facilities**; and
4. Where more than 180 **long-term bike spaces** are required, 4 **end-of-trip bike facilities**.

7.3.15. Where **end-of-trip bike facilities** are required by Clause 7.3.14., clothing lockers must be provided at a minimum ratio of 1 clothing locker for every 1 **long-term bike space** required. Such clothing lockers must:

1. Have a minimum **height** of 0.9 metres, a minimum width of 0.3 metres and a minimum depth of 0.45 metres; and
2. Be provided with a secure enclosure where a private lock can be affixed.

Addition or Change to Existing Use – Bike Spaces and End-of-Trip Facilities

7.3.16. Where a **lot** or **building** has insufficient **bike spaces, enhanced bike parking facilities** or **end-of-trip bike facilities** on the date of passing of this By-law to conform with the provisions of this By-law, this By-law is not to be interpreted as requiring that the deficiency be made up prior to the **construction** of any addition or a change of **use** provided, however, that any additional **bike spaces** or **enhanced bike parking facilities** or **end-of-trip bike facilities** required by this By-Law for such addition or change of **use** must be provided in accordance with all provisions of Subsection 7.3.

Table 7.3.1. – Required Number of Long-Term and Short-Term Bike Spaces

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	Residential (a) apartment building (b) dwelling unit in mixed use building (c) stacked townhouse (d) common element townhouse	0.9 per dwelling unit	0.1 per dwelling unit
2.	(a) duplex (b) freehold townhouse (c) semi-detached house (d) single detached house (e) triplex	—	—

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
3.	(a) garden suite (b) additional residential unit	1.0 per dwelling unit	—
4.	home occupation	—	—
5.	Other agricultural sales establishment	—	—
6.	agricultural use	—	—
7.	airport facilities	—	—
8.	animal care	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
9.	animal shelter	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
10.	automobile body shop	—	—
11.	automobile repair shop	—	—
12.	automobile sales establishment	—	—
13.	banquet hall	—	3 plus 0.2 per 100 square metres of gross floor area
14.	building supply store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
15.	call centre	0.1 per 100 square metres of gross floor area	—
16.	campground	—	—
17.	carwash	—	—
18.	catering service	0.1 per 100 square metres of gross floor area	—
19.	cemetery	—	—
20.	club	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
21.	creativity centre	—	3 plus 0.2 per 100 square metres of gross floor area
22.	community garden	—	—
23.	community centre	—	0.1 per person
24.	contractor's yard	0.1 per 100 square metres of gross floor area	—
25.	correctional college	—	—

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
26.	correctional institution	—	—
27.	day care centre	—	0.5 per classroom
28.	department store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
29.	elementary school	1 per classroom	1.5 per classroom
30.	entertainment establishment	—	0.1 per person
31.	factory outlet	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
32.	feedmill	—	—
33.	ferry terminal	—	—
34.	financial institution	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
35.	fitness centre	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
36.	food truck	—	—
37.	forestry use	—	—
38.	funeral establishment	—	—
39.	garden centre	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
40.	gas station	—	as required for accessory uses
41.	golf course	—	—
42.	gravel pit	—	—
43.	grocery store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
44.	heavy equipment or truck repair shop	0.1 per 100 square metres of gross floor area	—
45.	heavy industrial use	0.1 per 100 square metres of gross floor area	—
46.	hospital	—	0.1 per 100 square metres of gross floor area
47.	hotel	—	as required for accessory uses
48.	industrial repair shop	0.1 per 100 square metres of gross floor area	—
49.	kennel	—	—

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
50.	laboratory	0.1 per 100 square metres of gross floor area	—
51.	laundry store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
52.	library	—	0.2 per 100 square metres of gross floor area
53.	light industrial use	0.1 per 100 square metres of gross floor area	—
54.	marina	—	—
55.	military installation	—	—
56.	mineral aggregate operation	—	—
57.	museum	—	0.2 per 100 square metres of gross floor area
58.	office	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
59.	park	—	—
60.	personal service shop	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
61.	place of worship	—	0.1 per person
62.	post-secondary institution	—	3 per classroom
63.	production studio	0.1 per 100 square metres of gross floor area	—
64.	recreation facility	—	0.1 per person
65.	recreational vehicle sales establishment	—	—
66.	repair shop	0.1 per 100 square metres of gross floor area	—
67.	research establishment	0.1 per 100 square metres of gross floor area	—
68.	restaurant	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
69.	retail store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
70.	salvage yard	0.1 per 100 square metres of gross floor area	—
71.	secondary school	1 per classroom	2 per classroom

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
72.	self-service storage facility	0.1 per 100 square metres of gross floor area	—
73.	stadium	—	0.1 per person
74.	towing compound	0.1 per 100 square metres of gross floor area	—
75.	training facility	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
76.	transformer station	—	—
77.	transportation depot	0.1 per 100 square metres of gross floor area	—
78.	transportation terminal	0.1 per 100 square metres of gross floor area	—
79.	warehouse	0.1 per 100 square metres of gross floor area	—
80.	waste disposal area	0.1 per 100 square metres of gross floor area	—
81.	wastewater treatment facility	0.1 per 100 square metres of gross floor area	—
82.	water supply plant	0.1 per 100 square metres of gross floor area	—
83.	wellness clinic	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
84.	wholesale establishment	0.1 per 100 square metres of gross floor area	—
85.	workshop	0.1 per 100 square metres of gross floor area	—

7.4. Driveway, Drive Aisle & Parking Space Requirements

- 7.4.1.** The minimum length, width and vertical projections of **parking spaces** and minimum width of **driveways** and **drive aisles** set out in Table 7.4.1. must be complied with for all **parking spaces**, **accessible spaces** and **car-share spaces**, except as specifically required by Subsection 7.2.
- 7.4.2.** The minimum vertical clearance for all **parking spaces**, **driveways** and **drive aisles**, except for **accessible spaces**, is 2.1 metres.

- 7.4.3.** The minimum angle of intersection between a **driveway** and a **street line** is 60 degrees from the **street line**.
- 7.4.4.** In the **urban area**, all **parking lots, drive aisles, driveways** and **parking spaces** must be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 7.4.5.** Where **parking spaces** are accessed by a **drive aisle**, and such **drive aisle** is a dead-end, a 1.5 metre deep turnaround area must be provided along the width of the **drive aisle**, with a 1.0 metre radius between **parking spaces** and the turnaround area.
- 7.4.6.** For the purpose of this By-law, the width of a **driveway** or **drive aisle** is measured perpendicular to the direction in which a **motor vehicle** drives.
- 7.4.7.** For the purpose of this By-law, vehicle projection for angled **parking spaces** is measured perpendicular to the **drive aisle**.

Table 7.4.1. – Minimum Parking Space and Drive Aisle Dimensions

Orientation of Parking Space Relative to Driveway or Drive Aisle	Minimum Parking Space Width	Minimum Parking Space Length or Vehicle Projection (measured perpendicular to drive aisle)	Minimum Driveway or Drive Aisle Width
In line with and accessed directly from driveway	2.6 metres	6.0 metre length	3.0 metre driveway
In line with and accessed directly from driveway as tandem parking spaces	2.6 metres	12.0 metres length	3.0 metre driveway
Perpendicular to drive aisle	2.6 metres	5.5 metre length	6.7 metre drive aisle
Parallel to drive aisle	2.6 metres	6.7 metre length	6.7 metre drive aisle
45 degree angle from one-way drive aisle	2.75 metres	5.4 metre vehicle projection	4.2 metre drive aisle
50 degree angle from one-way drive aisle	2.75 metres	5.6 metre vehicle projection	4.4 metre drive aisle
55 degree angle from one-way drive aisle	2.75 metres	5.7 metre vehicle projection	4.5 metre drive aisle

Orientation of Parking Space Relative to Driveway or Drive Aisle	Minimum Parking Space Width	Minimum Parking Space Length or Vehicle Projection (measured perpendicular to drive aisle)	Minimum Driveway or Drive Aisle Width
In line with and accessed directly from driveway	2.6 metres	6.0 metre length	3.0 metre driveway
In line with and accessed directly from driveway as tandem parking spaces	2.6 metres	12.0 metres length	3.0 metre driveway
Perpendicular to drive aisle	2.6 metres	5.5 metre length	6.7 metre drive aisle
60 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	4.8 metre drive aisle
65 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	5.0 metre drive aisle
70 degree angle from one-way drive aisle	2.75 metres	5.9 metre vehicle projection	5.4 metre drive aisle
75 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	5.7 metre drive aisle

Additional Driveway & Parking Provisions for Ground Oriented Residential in Urban Area

- 7.4.8.** In the **urban area**, on a **lot** with a **single detached house, semi-detached house, additional residential unit, duplex, triplex and freehold townhouse**, the following provisions must be complied with:
- 1. Parking spaces** must be located in a permitted **private garage, driveway or parking lot**;
 - 2. A driveway or a parking space** within the required **front setback or exterior setback** is not permitted parallel to the **street line** where the **driveway** gains access;
 - 3. Parking lots** are only permitted in a **rear yard or interior yard**;
 - 4. The maximum area of a parking lot** is 43 square metres, including **drive aisles**;

5. The maximum cumulative width of all **driveways** on a **lot** within the required **front setback** or **exterior setback** is the lesser of:
 - (a) 6.0 metres; or
 - (b) 40% of the length of the applicable **street line**, provided that the minimum width of the **driveway** is 3.0 metres;
6. The maximum cumulative width of all **driveways** on a **lot** beyond the required **front setback** or **exterior setback** is 6.0 metres;
7. Despite Subclause 6., where the **driveway** leads to a **private garage**, the maximum width is the greater of 6.0 metres or the width of the **private garage** on the subject **lot**;
8. The minimum required **setback** from a **private garage** to the **street line** where the **driveway** gains access to a **street** is 6.0 metres; and
9. The maximum number of **driveways** is 1 per **lot**, except as follows:
 - (a) On a **corner lot**, a maximum of 2 **driveways** are permitted with a maximum of 1 **driveway** per **street line** and must be measured in accordance with the **street line** where the **driveway** gains access; and
 - (b) Where 2 **principal units** in a **semi-detached house** are located on one **lot**, a maximum of 2 **driveways** are permitted.

Additional Driveway & Parking Provisions for Multi-Unit Residential in the Urban Area

- 7.4.9.** In the **urban area**, on a **lot** with a **common element townhouse**, **stacked townhouse**, **apartment building**, or a **dwelling unit** in a **mixed use building**, the following provisions must be complied with:
1. Where the side of a **parking space** is obstructed by any part of a fixed object such as a wall, column, bollard, **fence** or pipe within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**, the minimum width of the **parking space** must be increased by 0.3 metres for each side that is obstructed;
 2. The maximum width of a **driveway** within the required **front setback** or **exterior setback** is 6.7 metres; and

3. **Parking spaces** must be located in a permitted **private garage, parking structure, driveway** or **parking lot** in the **rear yard** or **interior yard**, except as follows:
 - (a) **Visitor spaces** may be located in the **front yard** or **exterior yard** provided the **visitor space** is not closer than 3.0 metres to any **lot line** and not closer than 7.5 metres to any **street line**; and
4. Despite Clause 7.4.1., a maximum of 10% of **parking spaces** provided on a **lot**, excluding **accessible spaces, visitor spaces** and **car-share spaces**, are permitted to be **parking spaces** for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, with signage that identifies the space as "small car parking space".

Additional Driveway & Parking Provisions for All Other Uses in the Urban Area

- 7.4.10.** In the **urban area**, on a **lot** with all **uses** other than those specified in Clauses 7.4.8. and 7.4.9., the following provisions must be complied with:
1. Where the side of a **parking space** is obstructed by any part of a fixed object such as a wall, column, bollard, **fence** or pipe within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**, the minimum width of the **parking space** must be increased by 0.3 metres for each side that is obstructed;
 2. The maximum width of a **driveway** within the required **front setback** or **exterior setback** is 9.0 metres;
 3. **Parking spaces** must be located in a permitted **parking structure, driveway** or **parking lot**; and
 4. **Parking spaces** and **parking lots** are permitted in the **front yard, exterior yard, interior yard** or **rear yard**, provided they comply with **sight triangle** provisions.

Additional Driveway & Parking Provisions for All Uses in the Rural Area

- 7.4.11.** In the **rural area**, on a **lot** with any permitted **use**, the following provisions must be complied with:
1. The maximum width of a **driveway** within the required **front setback** or **exterior setback** is 6.0 metres;

2. **Parking spaces** must be located in a permitted **private garage, driveway or parking lot**; and
3. **Parking spaces** and **parking lots** are permitted in the **front yard, exterior yard, interior yard or rear yard**, provided they comply with **sight triangle** provisions.

Legal Non-Complying Driveways, Private Garages and Parking Spaces

7.4.12. Despite Clauses 7.4.8., 7.4.9., 7.4.10. and 7.4.11., an existing **driveway, private garage or parking space** that does not meet the provisions of this By-law, but which legally existed on the date of passing of this By-law, is considered to be legal non-complying. Clauses 1.8.2., 1.8.3. and 1.8.4 apply to legal non-complying **driveways, private garages or parking spaces**.

7.5. Loading Space Provisions

Loading Space Ratios

- 7.5.1.** The minimum number of **loading spaces** required by the ratios set out in Table 7.5.1. must be provided on the same **lot** as the corresponding **use or building**.
- 7.5.2.** Where a **lot** contains more than one **use**, the required number of **loading spaces** is the sum of all **loading spaces** required for each **use**.
- 7.5.3.** Where a **lot** contains more than one **building**, the required number of **loading spaces** is calculated and provided for each **building** as though it was on an individual **lot**.
- 7.5.4.** When the computation of required **loading spaces** results in a number containing a fraction, the minimum number of **loading spaces** required is increased to the next highest whole number if the fraction is equal to or greater than 0.5, unless otherwise required by this By-law.

Table 7.5.1. – Number of Required Loading Spaces

Use	Gross Floor Area or Number of Dwelling Units	Number of Loading Spaces Required
Employment Zones	0 to 300.0 square metres	1
	More than 300.0 to 2,500.0 square metres	2

Use	Gross Floor Area or Number of Dwelling Units	Number of Loading Spaces Required
	More than 2,500.0 to 7,500.0 square metres	3
	More than 7,500.0 square metres	3 plus 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres
Commercial Uses	0 – 300.0 square metres	0
	More than 300.0 to 2,500.0 square metres	1
	More than 2,500.0 to 7,500.0 square metres	2
	More than 7,500.0 square metres	2 plus 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres
Residential Uses	0 to 50 dwelling units	0
	51 to 399 dwelling units	1
	400 or more dwelling units	2

Loading Space Dimensions

7.5.5. The minimum dimensions of a **loading space** are 3.5 metres wide by 9.0 metres long, with a minimum vertical clearance of 4.2 metres.

Surface Treatment of Loading Spaces

7.5.6. All **loading spaces** must be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

Location of Loading Spaces

7.5.7. **Loading spaces** must be located in the **rear yard** or in the **interior yard** and must be provided with a **visual screen** in such a manner that the **loading space** is not visible from a **street** or any abutting **residential use**.

7.5.8. A **loading space** must abut the **use** or **building** that requires the **loading space**.

7.5.9. Access to **loading spaces** must be provided by means of one or more unobstructed aisles which must:

1. Have a minimum unobstructed width of 3.5 metres and a minimum vertical clearance of 4.2 metres;
2. Provide sufficient space to permit the manoeuvring of **vehicles** on the **lot** so as not to obstruct, or otherwise cause a traffic hazard on, an adjacent **street**; and
3. Lead directly from the **loading space** to a **street**.

Addition or Change to Existing Use – Loading Spaces

- 7.5.10.** Where a **lot** or **building** has insufficient **loading spaces** on the date of passing of this By-law to conform with the provisions of this By-law, this By-law is not to be interpreted as requiring that the deficiency be made up prior to the **construction** of any addition or a change of **use**, provided, however, any additional **loading spaces** required by this By-Law for such addition or change of **use** must be provided in accordance with all provisions respecting **loading spaces**.

7.6. Outdoor Storage of Vehicles in Urban Residential Zones

Commercial Motor Vehicles

- 7.6.1.** One **commercial motor vehicle** per **dwelling unit** is permitted on a **lot** in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, to a maximum of 3 **commercial motor vehicles** per **lot**. For clarity, such **commercial motor vehicle** may be connected to a **home occupation**.
- 7.6.2.** The maximum rated capacity of a **commercial motor vehicle** is 2.0 tonnes.

Storage of Recreational Vehicles, Watercraft, and Trailers in Urban Residential Zones

- 7.6.3.** In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, no boat, personal watercraft, all-terrain **vehicle**, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational **vehicle**, or a utility trailer may be stored or parked on a **lot**, except for:
1. One boat which must not exceed 8.2 metres in length;
 2. One motor home which must not exceed 8.2 metres in length;
 3. Not more than two personal watercraft, all-terrain **vehicles**, snowmobiles or other recreational **vehicles**, or any combination thereof;

4. One travel trailer, tent trailer or camper, which must not exceed 8.2 metres in length, exclusive of hitch or tongue; and
5. One utility trailer, which must not exceed 8.2 metres in length, exclusive of hitch or tongue.

7.6.4. The storage of a boat, personal watercraft, all-terrain **vehicle**, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational **vehicle**, or a utility trailer permitted by Clause 7.6.3. must be in an **interior yard** or **rear yard**, and must not be:

1. closer than 1.0 metre from any **lot line**; and
2. in any required **parking space** or **sight triangle**.

Temporary Parking of Recreational Vehicles, Watercraft, and Trailers in Driveways in Residential Zones

7.6.5. Despite Clauses 7.6.3. and 7.6.4., in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, the temporary parking of the following **vehicles**, watercraft and trailers is permitted in a portion of a **driveway** in a **front yard**, or in an **exterior yard** on a **lot** between April 1 and October 31 of each year:

1. One boat which must not exceed 8.2 metres in length;
2. A maximum combined total of one motor home or travel trailer or tent trailer or camper, which must not exceed 8.2 metres in length, exclusive of hitch or tongue;
3. No more than two personal watercraft;
4. One utility trailer, which must not exceed 8.2 metres in length, exclusive of hitch or tongue; and
5. No more than two all-terrain **vehicles** or a similar recreational **vehicle**.

7.6.6. Despite Clauses 7.6.3. and 7.6.4., in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HAM Zone, RUR Zone, LSR Zone or DR Zone, the temporary parking of the following vehicles and trailers is permitted in a portion of a **driveway** in a **front yard**, or in an **exterior yard** on a **lot** between November 1 of each year and March 31 of the following year:

1. No more than two snowmobiles and associated trailers.

7.6.7. The temporary parking of the **vehicles**, watercraft and trailers permitted by Clauses 7.6.5. and 7.6.6. must not be:

1. Closer than 1.0 metre to any **lot line**;
2. Located in any required **parking space** or **sight triangle**; and
3. Located in a **parking lot** on a **lot** with a **mixed use building** or an **apartment building**.

Section 8: Rural Zones

8.1. All Rural Zones

- 8.1.1.** For the purposes of this By-law, Rural Zones include: Prime Agricultural Area Zone (AG), General Rural Area Zone (RU), Rural Residential Zone (RUR), Limited Service Rural Residential Zone (LSR), Rural Commercial Zone (RC) and Hamlet Zone (HAM).
- 8.1.2.** **Uses** permitted in Rural Zones are limited to the **uses** identified in Table 8.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.
- 8.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 8.1.2., the following provisions apply:
- 1.** Is permitted only as an **accessory use** to a **principal use** on the **lot**.
 - 2.** New **single detached houses** are permitted only as **accessory uses** where an **agricultural use** is the **principal use** of the **lot**. **Single detached houses** existing as of the date of passing of this By-law are permitted to be **principal uses**.
 - 3.** Despite the definition of **recreation facility**, such **use** may take place outside and is not required to operate wholly within an enclosed **building**.
 - 4.** Is permitted only as a **complementary use** to a **principal agricultural use** on the **lot**.

Table 8.1.2. - Permitted Uses in the Rural Zones

Use	AG	RU	RUR	LSR	RC	HAM
Residential dwelling unit in a mixed use building	—	—	—	—	● ¹	●
single detached house	● ²	●	●	●	● ¹	●
duplex	—	—	—	—	—	●
semi-detached house	—	—	—	—	—	●
Other agricultural sales establishment	—	●	—	—	●	●
agricultural use	●	●	—	—	—	—

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Use	AG	RU	RUR	LSR	RC	HAM
agri-tourism	● ⁴	● ⁴	—	—	—	—
animal care	—	—	—	—	●	●
automobile sales establishment	—	—	—	—	—	●
banquet hall	—	●	—	—	●	●
building supply store	—	—	—	—	—	●
campground	—	—	—	—	●	—
cemetery	—	●	—	—	—	●
community centre	—	●	●	—	●	●
creativity centre	—	—	—	—	—	●
club	—	—	—	—	●	●
day care centre	—	—	—	—	—	●
elementary school	—	●	●	—	—	●
feedmill	—	●	—	—	●	●
fitness centre	—	—	—	—	●	●
forestry use	●	●	—	—	—	—
garden centre	—	—	—	—	●	●
gas station	—	—	—	—	—	●
golf course	—	—	—	—	●	—
grocery store	—	—	—	—	—	●
hotel	—	—	—	—	●	●
kennel	●	●	—	—	—	—
laundry store	—	—	—	—	—	●
library	—	●	●	—	●	●
marina	—	—	—	—	●	—
museum	—	●	●	—	●	●
office	—	—	—	—	● ¹	●
outdoor storage	—	—	—	—	● ¹	● ¹
personal service shop	—	—	—	—	—	●

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Use	AG	RU	RUR	LSR	RC	HAM
place of worship	—	●	●	—	●	●
recreation facility	—	—	—	—	● ³	●
recreational vehicle sales establishment	—	—	—	—	—	●
repair shop	—	—	—	—	—	●
restaurant	—	—	—	—	—	●
retail store	—	—	—	—	● ¹	●
rural use	● ¹	●	● ¹	● ¹	● ¹	● ¹
secondary school	—	—	—	—	—	●
special needs facility	—	—	—	—	—	●
training facility	—	—	—	—	●	—
wellness clinic	—	—	—	—	—	●
wholesale establishment	—	—	—	—	● ¹	● ¹

8.2. Prime Agricultural Area Zone (AG)

8.2.1. The **use** of any **lot** or **building** in the AG Zone must comply with the provisions of Table 8.2.1.

Table 8.2.1. – AG Provisions

Zoning Provision	existing single detached house	all other permitted uses
1. Minimum lot area (hectares)	1.0	40.0
2. Minimum lot frontage (metres)	90.0	90.0
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	7.6
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	7.6
7. Minimum interior setback (metres)	9.0	12.0
8. Maximum lot coverage	10%	35%
9. Maximum number of principal dwelling units per lot	1.0	—

Additional Provisions for Lots Zoned AG

8.2.2. In addition to the provisions of Table 8.2.1. **uses** in the AG Zone must comply with the following provisions:

1. When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached house**, a severance application for the surplus **single detached house** must comply with all zoning provisions of the RUR Zone in Table 8.4.1. The surplus **single detached house** is deemed to be a permitted **use** on the severed **lot**;
2. It is intended that **agriculture-related uses** or **on-farm diversified uses** that are not permitted as-of-right in the AG Zone may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the *Planning Act*; and

Housing for Seasonal Farm Labour

3. Despite anything to the contrary in this By-law, housing for seasonal farm labour is permitted, subject to the following provisions:
 - (a) A maximum of one **building** is permitted for seasonal farm labour;
 - (b) Housing for seasonal farm labour may be in the form of a **cabin** or a **single detached house**; and
 - (c) Housing for seasonal farm labour must comply with the **setback, height** and **lot coverage** provisions applicable to **single detached houses**.

8.3. General Rural Area Zone (RU)

8.3.1. The **use** of any **lot** or **building** in the RU Zone must comply with the provisions of Table 8.3.1.

Table 8.3.1. – RU Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area (hectares)	1.0	4.0
2. Minimum lot frontage (metres)	90.0	90.0
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	7.6
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	7.6
7. Minimum interior setback (metres)	9.0	12.0
8. Maximum lot coverage	10%	35%
9. Maximum number of principal dwelling units per lot	1.0	—

Additional Provisions for Lots Zoned RU

8.3.2. In addition to the provisions of Table 8.3.1. **uses** in the RU Zone must comply with the following provisions:

1. Where a **rural use** is the only **principal use** and no other **principal use** is established on a **lot**, a **building** dedicated to the **rural use**, including the storage of associated vehicles and/or equipment (excluding a **self-storage facility**), is permitted and must comply with the provisions applicable to “all other permitted **uses**” in Table 8.3.1., along with the following provisions:
 - (a) the maximum **gross floor area** is 100 square metres;
 - (b) the maximum **height** is 1 **storey**; and
 - (c) a maximum of 1 **rural use building** is permitted per **lot**.
2. Despite Paragraph 1., where a **rural use** is established on a **lot** that has any other permitted **principal use**, a **building** dedicated to the **rural use** must

comply with the provisions applicable to “all other permitted **uses**” in Table 8.3.1.

3. When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached house**, a severance application for the surplus **single detached house** must comply with all zoning provisions of the RUR Zone in Table 8.4.1. The surplus **single detached house** is deemed to be a permitted **use** on the severed **lot**;
4. Where a **lot** legally existed as of the date of passing of this By-law, is less than 1.0 hectare in area and was developed with a **single detached house** as of the date of passing of this By-law, the standards of the RUR Zone in Table 8.4.1. apply to the **lot**; and
5. It is intended that **agriculture-related uses** or **on-farm diversified uses** that are not permitted as-of-right in the RU Zone may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the **Planning Act**; and

Housing for Seasonal Farm Labour

6. Despite anything to the contrary in this By-law, housing for seasonal farm labour is permitted, subject to the following provisions:
 - (a) A maximum of 1 **building** is permitted for seasonal farm labour;
 - (b) Housing for seasonal farm labour may be in the form of a **cabin** or a **single detached house**; and
 - (c) Housing for seasonal farm labour must comply with the **setback, height** and **lot coverage** provisions applicable to **single detached houses**.

8.4. Rural Residential Zone (RUR)

8.4.1. The use of any **lot** or **building** in the RUR Zone must comply with the provisions of Table 8.4.1.

Table 8.4.1. – RUR Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area	1.0 hectare	(a) Private Services – 4,000.0 square metres (b) Partial Services – 1,393.6 square metres
2. Minimum lot frontage (metres)	(a) Private Services – 36.5 (b) Partial Services – 30.5	(a) Private Services – 36.5 (b) Partial Services – 30.5
3. Maximum height (metres)	10.7	10.7
4. Minimum front setback (metres)	6.1	6.1
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	6.1	6.1
7. Minimum interior setback (metres)	1.2	4.5
8. Maximum lot coverage	10%	—
9. Minimum landscaped open space	30%	30%
10. Maximum number of principal buildings per lot	1.0	1.0

Additional Provisions for Lots Zoned RUR

8.4.2. In addition to the provisions of Table 8.4.1., **uses** in the RUR Zone must comply with the following provisions:

1. Despite the minimum **lot area** and **lot frontage** requirements in Table 8.4.1., where a **lot** was created through a plan of subdivision under the **Planning Act** as of the date of passing of this By-law and the **lot area** and/or **lot frontage** are less than what is required by Table 8.4.1., the existing **lot area** and/or **lot frontage** are deemed to comply with this By-law.

8.5. Limited Service Rural Residential Zone (LSR)

8.5.1. The use of any **lot** or **building** in the LSR Zone must comply with the provisions of Table 8.5.1.

Table 8.5.1. – LSR Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	As existing on the date of passing of this By-law
2. Minimum lot frontage (metres)	As existing on the date of passing of this By-law
3. Maximum height (metres)	9.0
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	4.5
8. Maximum lot coverage	15%
9. Maximum number of principal buildings per lot	1.0
10. Minimum landscaped open space	30%
11. Minimum setback from a right-of-way (metres)	7.5

8.6. Rural Commercial Zone (RC)

8.6.1. The use of any **lot** or **building** in the RC Zone must comply with the provisions of Table 8.6.1.

Table 8.6.1. – RC Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area (hectares)	1.0	1.0
2. Minimum lot frontage (metres)	30.0	(a) Private Services: 45.0 (b) Partial Services: 30.0
3. Maximum height (metres)	12.0	12.0
4. Minimum front setback (metres)	3.0	3.0
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	3.0	3.0
7. Minimum interior setback (metres)	0.0	0.0 ¹
8. Minimum landscaped open space	10%	10%

Additional Provisions for Lots Zoned RC

8.6.2. In addition to the provisions of Table 8.6.1., **uses** in the RC Zone must comply with the following provisions:

- 1.** Where an **interior lot line** abuts a Zone other than a Rural Commercial Zone or Rural Institutional Zone, the minimum **interior setback** is 6.0 metres;
- 2.** **Outdoor storage** is only permitted in the **rear yard**, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**; and
- 3.** Despite Subclause 2., in the case of an **automobile sales establishment**, **outdoor storage** is permitted provided that it is located a minimum of 1.0 metre from a **street line**.

8.7. Hamlet Zone (HAM)

8.7.1. The use of any lot or building in the HAM Zone must comply with the provisions of Table 8.7.1.

Table 8.7.1. – HAM Provisions

Zoning Provision	Residential uses	dwelling unit in a mixed use building	Non-Residential Uses
1. Minimum lot area (hectares)	1.0	1.0	1.0
2. Minimum lot frontage (metres)	30.0	30.0	30.0
3. Maximum height (metres)	10.7	10.7	10.7
4. Minimum front setback (metres)	6.0	3.0	3.0
5. Minimum rear setback (metres)	7.5	7.5	7.5
6. Minimum exterior setback (metres)	6.0	3.0	3.0
7. Minimum interior setback (metres)	1.2	6.0 ¹	6.0 ¹
8. Minimum landscaped open space	30%	30%	30%
9. Maximum number of principal buildings per lot	1.0	—	—

Additional Provisions for Lots Zoned HAM

8.7.2. In addition to the provisions of Table 8.7.1., uses in the HAM Zone must comply with the following provisions:

1. Where the interior lot line is adjacent to a lot that is not developed with a single detached house, semi-detached house or duplex, there is no minimum interior setback requirement;
2. Where an existing building was originally designed and constructed for a non-residential use, such building is permitted to be converted to a single detached house, semi-detached house or a duplex;
3. Outdoor storage is only permitted as an accessory use to a non-residential use where such lot is not adjacent to a lot that is developed with a single detached house, semi-detached house or duplex, subject to the following provisions:

- (a) **outdoor storage** is only permitted in the **rear yard**; and
 - (b) **outdoor storage** must comply with the setback provisions applicable to the **principal building**.
- 4. Despite Subclause 8.7.2.2., when **outdoor storage** is established under the provisions of this By-law, the subsequent **construction** of a new **single detached house, semi-detached house** or **duplex**, on an adjacent **lot** does not render such **outdoor storage** non-complying; and
- 5. Despite the minimum **lot area** and **lot frontage** requirements in Table 8.7.1., where a **lot** was created through a plan of subdivision under the ***Planning Act*** as of the date of passing of this By-law and the **lot area** and/or **lot frontage** are less than what is required by Table 8.7.1., the existing **lot area** and/or **lot frontage** are deemed to comply with this By-law.

Section 9: Rural Industrial Zones

9.1. All Rural Industrial Zones

9.1.1. For the purposes of this By-law, Rural Industrial Zones include Rural Industrial Zone (RM1), Rural Heavy Industrial Zone (RM2) and Mineral Resource and Extraction Zone (MX1).

9.1.2. **Uses** permitted in Rural Industrial Zones are limited to the **uses** identified in Table 9.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

9.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 9.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on a **lot**.

Table 9.1.2. - Permitted Uses in the Rural Industrial Zones

Use	RM1	RM2	MX1
agricultural use	—	—	●
automobile body shop	●	—	—
automobile repair shop	●	—	—
building supply store	●	—	—
contractor’s yard	●	—	—
feedmill	●	—	—
forestry use	—	—	●
gravel pit	—	—	●
heavy equipment or truck repair shop	●	●	—
heavy industrial uses	—	●	—
industrial repair shop	●	—	—
light industrial use	●	●	—
mineral aggregate operation	—	—	●
outdoor storage	● ¹	●	●

Use	RM1	RM2	MX1
repair shop	●	●	—
salvage yard	—	●	—
transformer station	—	●	—
transportation depot	●	●	—
transportation terminal	●	—	—
warehouse	●	●	—
waste disposal area	—	●	—
waste processing site	—	●	—
waste transfer station	—	●	—
water supply plant	—	●	—
workshop	●	—	—

9.2. Rural Industrial Zone (RM1)

9.2.1. The use of any **lot** or **building** in the RM1 Zone must comply with the provisions of Table 9.2.1.

Table 9.2.1. – RM1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (hectares)	1.0
2. Minimum lot frontage (metres)	30.0
3. Maximum height (metres)	20.0
4. Minimum front setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
5. Minimum rear setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 15.0 (b) all other lots : 7.5 ¹
6. Minimum exterior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
7. Minimum interior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 6.1 (b) all other lots : 3.0 ¹
8. Minimum landscaped open space	10%
9. Maximum lot coverage	35%

Additional Provisions for Lots Zoned RM1

9.2.2. In addition to the provisions of Table 9.2.1., **uses** in the RM1 Zone must comply with the following provisions:

1. Outdoor storage must:

- (a) Comply with **setback** and **lot coverage** provisions of this Zone as if the **outdoor storage** were a **building**;
- (b) Not be located in a **front yard** or **exterior yard**; and

- (c) Be provided with a **visual screen** in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than a Rural Industrial Zone.

9.3. Rural Heavy Industrial Zone (RM2)

9.3.1. The use of any **lot** or **building** in the RM2 Zone must comply with the provisions of Table 9.3.1.

Table 9.3.1. – RM2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (hectares)	1.0
2. Minimum lot frontage (metres)	30.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
5. Minimum rear setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 15.0 (b) all other lots : 7.5 ¹
6. Minimum exterior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
7. Minimum interior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 12.0 (b) all other lots : 3.0 ¹
8. Minimum landscaped open space	—
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned RM2

9.3.2. In addition to the provisions of Table 9.3.1., **uses** in the RM2 Zone must comply with the following provisions:

1. No **interior setback** or **rear setback** is required along any portion of a **lot line** which abuts a railroad **right-of way**.

9.4. Mineral Resource and Extraction Zone (MX1)

9.4.1. The use of any **lot** or **building** in the MX1 Zone must comply with the provisions of Table 9.4.1.

Table 9.4.1. – MX1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (hectares)	1.0
2. Minimum lot frontage (metres)	30.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 22.0 ⁴
5. Minimum rear setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 15.0 ^{1,2,3,4}
6. Minimum exterior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 22.0 ⁴
7. Minimum interior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 15.0 ^{1,2,3,4}
8. Minimum landscaped open space	—
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned MX1

9.4.2. In addition to the provisions of Table 9.4.1., **uses** in the MX1 Zone must comply with the following provisions:

1. No **interior setback** or **rear setback** is required along any portion of a **lot line** which abuts a railroad **right-of way**;
2. Where a **gravel pit** abuts a **lot** in a Zone that permits a **residential use** or a DR Zone, minimum **interior setback** and **rear setback** of a **gravel pit**: 121.9 metres;

3. Where a **mineral aggregate operation** abuts a **lot** in a Zone that permits a **residential use** or a DR Zone, the minimum **interior setback** and **rear setback** of a **mineral aggregate operation** is 213.4 metres; and
4. A **building**, plant or product stockpile must:
 - (a) Have a minimum **setback** of 30.5 metres from any **lot line**; and
 - (b) Have a minimum **setback** of 91.4 metres of any **lot line** or part thereof which abuts a **lot** in a Zone that permits a **residential use** or a DR Zone.

Section 10: Mixed Use Zones

10.1. All Mixed Use Zones

- 10.1.1.** For the purposes of this By-law, Mixed Use Zones include Williamsville Zone 1 (WM1), Williamsville Zone 2 (WM2), Downtown Zone 1 (DT1) and Downtown Zone 2 (DT2).
- 10.1.2.** **Uses** permitted in Mixed Use Zones are limited to the **uses** identified in Table 10.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

Table 10.1.2. - Permitted Uses in the Mixed Use Zones

Use	WM1, WM2	DT1, DT2
Residential apartment building	●	●
dwelling unit in a mixed use building	●	●
stacked townhouse	●	—
townhouse	●	
Non-residential animal care	—	●
automobile sales establishment	—	●
banquet hall	●	●
building supply store	—	●
commercial parking lot	—	●
community centre	●	●
club	●	●
creativity centre	●	●
day care centre	●	●
department store	—	●
entertainment establishment	●	●
financial institution	●	●

Use	WM1, WM2	DT1, DT2
fitness centre	●	●
gas station	—	●
grocery store	●	●
funeral establishment	●	●
hotel	●	●
laboratory	●	—
laundry store	●	●
library	●	●
museum	●	●
office	●	●
personal service shop	●	●
place of worship	●	●
public market	●	●
recreation facility	●	●
repair shop	—	●
restaurant	●	●
retail store	●	●
special needs facility	●	—
training facility	—	●
transportation depot	—	●
transportation terminal	—	●
wellness clinic	●	●

10.2. Williamsville Zone 1 (WM1)

10.2.1. Despite the definitions of **front lot line** and **rear lot line**, in the WM1 Zone:

1. Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
2. Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the WM1, WM2 or a Commercial Zone are considered a **rear lot line**.

10.2.2. The **use** of any **lot** or **building** in the WM1 Zone must comply with the provisions of Table 10.2.1.

Table 10.2.1. – WM1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	The lesser of: (a) 20 metres (b) 6 storeys
4. Minimum and maximum front setback (metres)	(a) front lot line on Princess Street, Division Street, Concession Street or Bath Road: (i) first storey : minimum 3.0 metres, maximum 5.0 metres (ii) storeys 2 to 4 : minimum 2.0 metres, maximum 5.0 metres (b) front lot line on all other streets: (i) storeys 1 to 4 : minimum 2.0 metres, maximum 5.0 metres
5. Minimum rear setback (metres)	8.0
6. Minimum exterior setback (metres)	(a) exterior lot line on Division Street, Concession Street or Bath Road: (i) first storey : minimum 3.0 metres, maximum 5.0 metres

Zoning Provision	all permitted uses
	(ii) storeys 2 to 4: minimum 2.0 metres, maximum 5.0 metres (b) exterior lot line on all other streets: (i) storeys 1 to 4: minimum 2.0 metres, maximum 5.0 metres
7. Minimum interior setback (metres)	(a) where a lot has front lot line on Princess Street: 0.0 metres (b) all other lots : 1.2 metres
8. Minimum and maximum stepbacks	(a) Front lot line and/or exterior lot line : (i) storey 5 to 6: minimum 2.0 metres from the exterior wall of the 4 th storey
9. Minimum landscaped open space	—
10. Maximum lot coverage	70%
11. Maximum residential density	210 dwelling units per net hectare
12. Minimum streetwall height for all buildings	10.5 metres
13. Minimum floor to floor height of first storey	4.5 metres

Additional Provisions for Lots Zoned WM1

10.2.3. In addition to the provisions of Table 10.2.1., **uses** in the WM1 Zone must comply with the following provisions:

Front Setback of Streetwall

1. A minimum of 75% of the **streetwall** of a **building** must be built to the minimum required **front setback** for the **height** of the **streetwall**.

Projecting Balconies

2. **Balconies** that project from the exterior wall of a **building** are only permitted above the fourth **storey** where the exterior wall faces a **street line**, and may only project to a maximum depth of 1.5 metres from the wall.
3. **Balconies** that project from the exterior wall of a **building** are only permitted above the second **storey** where the exterior wall faces a **lot line** that is not a **street line**, and may only project to a maximum depth of 2.0 metres from the wall.

Ground Floor Commercial Uses

4. **Buildings** fronting on Princess Street are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3 of this By-Law.
5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

Loading and Parking

6. **Loading spaces, parking spaces and parking lots** are not permitted in a **front yard or exterior yard**.

10.3. Williamsville Zone 2 (WM2)

10.3.1. For the purpose of the WM2 Zone, the following definitions apply:

1. **Podium** means the base component of any **building** that is no greater than 20 meters in **height** (excluding mechanical penthouses) and only includes the **first storey** through sixth **storeys** of such **building**.
2. **Tower** means any portion of any **building** that is greater than 20 metres in **height**, excluding a **podium**, below grade **building** components and mechanical penthouses.

10.3.2. Despite the definitions of **front lot line** and **rear lot line**, in the WM2 Zone:

1. Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
2. Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the WM1, WM2 or a Commercial Zone are considered a **rear lot line**.

10.3.3. The **use** of any **lot** or **building** in the WM2 Zone must comply with the provisions of Table 10.3.1.

Table 10.3.1. – WM2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	The lesser of: (a) 61.5 metres (b) 20 storeys
4. Minimum and maximum front setback (metres)	(a) front lot line on Princess Street, Division Street, Concession Street or Bath Road: (i) first storey : minimum 3.0 metres, maximum 5.0 metres (ii) storeys 2 to 4 : minimum 2.0 metres, maximum 5.0 metres (b) front lot line on all other streets:

Zoning Provision	all permitted uses
	(i) storeys 1 to 4: minimum 2.0 metres, maximum 5.0 metres
5. Minimum rear setback (metres)	8.0
6. Minimum exterior setback (metres)	(a) exterior lot line on Division Street, Concession Street or Bath Road: (i) first storey: minimum 3.0 metres, maximum 5.0 metres (ii) storeys 2 to 4: minimum 2.0 metres, maximum 5.0 metres (b) exterior lot line on all other streets: (i) storeys 1 to 4: minimum 2.0 metres, maximum 5.0 metres
7. Minimum interior setback (metres)	(a) where a lot has front lot line on Princess Street: 0.0 metres (b) all other lots: 1.2 metres
8. Minimum and maximum stepbacks	(a) Front lot line and/or exterior lot line: (i) storey 5 to 6: minimum 2.0 metres from the exterior wall of the 4 th storey
9. Minimum landscaped open space	—
10. Maximum lot coverage	70%
11. Maximum residential density	(a) where a tower is developed: 480 dwelling units per net hectare (b) all other lots: 210 dwelling units per net hectare
12. Minimum streetwall height for all buildings	10.5 metres
13. Minimum floor to floor height of first storey	4.5 metres

Additional Provisions for Lots Zoned WM2

10.3.4. In addition to the provisions of Table 10.3.1., **uses** in the WM2 Zone must comply with the following provisions:

Front Setback of Streetwall

1. A minimum of 75% of the **streetwall** of a **building** must be built to the minimum required **front setback** for the **height** of the **streetwall**.

Projecting Balconies

2. **Balconies** that project from the exterior wall of a **building** are only permitted above the fourth **storey** where the exterior wall faces a **street line**, and may only project to a maximum depth of 1.5 metres from the wall.
3. **Balconies** that project from the exterior wall of a **building** are only permitted above the second **storey** where the exterior wall faces a **lot line** that is not a **street line**, and may only project to a maximum depth of 2.0 metres from the wall.

Ground Floor Commercial Uses

4. **Buildings** fronting on Princess Street are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3.
5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

Tower Conditions

6. The maximum floor plate of a **tower** is 790 square metres. **Tower** floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components.
7. The minimum **separation distance** between a **tower** and another **tower** is 25.0 metres.
8. The minimum **setback** from a **tower** to a **lot line** shared with an adjacent property is 12.5 metres.

9. Despite Subclause 8., where an adjacent property has already been developed with a **tower**, the **tower** is permitted to be located closer than 12.5 metres to the **lot line** shared with that adjacent property so long as the 25.0 metre **tower separation distance** is maintained.
10. The minimum **setback** from a **tower** to the exterior wall of the podium is 2.0 metres.

Loading and Parking

11. **Loading spaces, parking spaces and parking lots** are not permitted in a **front yard** or **exterior yard**.

Density Exception

12. The maximum residential **density** provisions of Table 10.3.1. do not apply to the properties municipally known as 429 and 445 Princess Street.

10.4. Downtown Zone 1 (DT1)

10.4.1. The **use** of any **lot** or **building** in the DT1 Zone must comply with the provisions of Table 10.4.1.

Table 10.4.1. – DT1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Minimum height	2 storeys , not less than 8.5 metres
4. Maximum height (metres)	(a) Height at build-to-plane: 4 storeys , not to exceed 17.0 metres (b) Height under angular plane: 6 storeys , not to exceed 25.5 metres
5. Minimum front setback (metres)	See subclause 10.4.2.1.
6. Minimum rear setback (metres)	See subclause 10.4.2.2.
7. Minimum exterior setback (metres)	0.0
8. Minimum interior setback (metres)	See subclause 10.4.2.2.
9. Minimum landscaped open space	—
10. Minimum lot coverage	50%
11. Maximum lot coverage	100%
12. Maximum number of dwelling units per lot	123 dwelling units per net hectare
13. Applicable angular plane	39 degrees
14. Height for commencement of angular plane	17.0

Additional Provisions for Lots Zoned DT1

10.4.2. In addition to the provisions of Table 10.4.1., **uses** in the DT1 Zone must comply with the following provisions:

1. The minimum **front setback** and **build-to-plane** is the average of the existing **front setback** of immediately adjacent **buildings** fronting on the same **street**, subject to the following provisions:
 - (a) Where immediately adjacent **buildings** have different **front setbacks**, the **front setback** must be the same as the immediately adjacent **building** closest to the **street line**; and
 - (b) Where no adjacent **buildings** exist within the same **block**, fronting on the same **street**, the **front setback** and **build-to-plane** is at the **street line**;
2. The required minimum **interior setback** and **rear setback** is 0.0 metres, except where the **interior lot line** or **rear lot line** abuts a **lot** in an Urban Residential Zone, HCD1 Zone or HCD3 Zone, the minimum **interior setback** or **rear setback** is increased to half the **height** of the **building** or 6.0 metres, whichever is greater;
3. **Conversion** of commercial **buildings** existing as of the date of passing of this By-law for **residential use** is permitted, subject to compliance with all provisions of this By-law except provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply;
4. **Commercial parking lot, parking spaces** and **parking lots** are only permitted in the **interior yard** or **rear yard**;
5. Despite Clause 4.23.1., the minimum **separation distance** from the **high water mark** of a **waterbody** for any **use** or **building** is 10.0 metres;
6. The minimum width of a waterfront **walkway** is 10.0 metres;
7. All waterfront **walkways** must be designed so that they are open from the ground to the sky and not covered by any component of any **building**;
8. For **parking structures**, the following provisions do not apply:
 - (a) The **build-to-plane** provisions;
 - (b) The minimum **height** provisions; and
 - (c) The minimum **lot coverage** provisions;
9. No **loading spaces** are required;
10. **Drive-throughs** are prohibited;

- 11. Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as “Required Ground Floor Commercial” on Schedule 3.
- 12.** Where ground floor commercial **uses** are required by Subclause 11., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

10.5. Downtown Zone 2 (DT2)

10.5.1. The **use** of any **lot** or **building** in the DT2 Zone must comply with the provisions of Table 10.5.1.

Table 10.5.1. – DT2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Minimum height	2 storeys , not less than 8.5 metres
4. Maximum height (metres)	4 storeys , not to exceed 17.0 metres
5. Minimum front setback (metres)	See subclause 10.5.2.1.
6. Minimum rear setback (metres)	See subclause 10.5.2.2.
7. Minimum exterior setback (metres)	0.0
8. Minimum interior setback (metres)	See subclause 10.5.2.2.
9. Minimum landscaped open space	—
10. Minimum lot coverage	50%
11. Maximum lot coverage	100%
12. Maximum number of dwelling units per lot	123 dwelling units per net hectare

Additional Provisions for Lots Zoned DT2

10.5.2. In addition to the provisions of Table 10.5.1., **uses** in the DT2 Zone must comply with the following provisions:

- 1.** The minimum **front setback** and **build-to-plane** is the average of the existing **front setback** of immediately adjacent **buildings** fronting on the same **street**, subject to the following provisions:
 - (a)** Where immediately adjacent **buildings** have different **front setbacks**, the **front setback** must be the same as the immediately adjacent **building** closest to the **street line**; and

- (b) Where no adjacent **buildings** exist within the same **block**, fronting on the same **street**, the **front setback** and **build-to-plane** is at the **street line**;
- 2. The required minimum **interior setback** and **rear setback** is 0.0 metres, except where the **interior lot line** or **rear lot line** abuts a **lot** in an Urban Residential Zone, HCD1 Zone or HCD3 Zone, the minimum **interior setback** or **rear setback** is increased to half the **height** of the **building** or 6.0 metres, whichever is greater;
- 3. **Conversion** of commercial **buildings** existing as of the date of passing of this By-law for **residential use** is permitted, subject to compliance with all provisions of this By-law except provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply;
- 4. **Commercial parking lot, parking spaces** and **parking lots** are only permitted in the **interior yard** or **rear yard**;
- 5. Despite Clause 4.23.1., the minimum **separation distance** from the **high water mark** of a **waterbody** for any **use** or **building** is 10.0 metres;
- 6. The minimum width of a waterfront **walkway** is 10.0 metres;
- 7. All waterfront **walkways** must be designed so that they are open from the ground to the sky and not covered by any component of any **building**;
- 8. For **parking structures**, the following provisions do not apply:
 - (a) The **build-to-plane** provisions;
 - (b) The minimum **height** provisions; and
 - (c) The minimum **lot coverage** provisions;
- 9. No **loading spaces** are required;
- 10. **Drive-throughs** are prohibited;
- 11. **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3.
- 12. Where ground floor commercial **uses** are required by Subclause 11., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by

commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

Section 11: Urban Residential Zones

11.1. All Urban Residential Zones

11.1.1. For the purposes of this By-law, Urban Residential Zones include Urban Residential Zone 1 (UR1), Urban Residential Zone 2 (UR2), Urban Residential Zone 3 (UR3), Urban Residential Zone 4 (UR4), Urban Residential Zone 5 (UR5), Urban Residential Zone 6 (UR6), Urban Residential Zone 7 (UR7), Urban Residential Zone 8 (UR8), Urban Residential Zone 9 (UR9), Urban Residential Zone 10 (UR10), Urban Residential Zone 11 (UR11), Urban Residential Zone 12 (UR12) and Urban Residential Zone 13 (UR13).

11.1.2. **Uses** permitted in Urban Residential Zones are limited to the **uses** identified in Table 11.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted.

11.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 11.1.2., the following provisions apply:

1. Is only permitted on a **lot** that has a **front lot line** and/or **exterior lot line** on a Collector Road or Arterial Road in accordance with the **street** type identified in Schedule 4.

Table 11.1.2. – Permitted Uses in the Urban Residential Zones

Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9	UR10	UR11	UR12	UR13
Residential duplex	—	●	●	—	●	—	—	●	●	●	—	●	●
semi-detached house	—	●	●	—	—	—	—	●	●	●	●	●	●
single detached house	●	●	●	●	●	●	●	●	●	●	●	●	●
townhouse	—	—	●	—	—	—	—	—	—	—	—	—	—
triplex	—	—	—	—	—	—	—	—	—	—	—	—	—
Non-residential community centre	●	●	●	●	●	●	●	●	●	●	●	●	●

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Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9	UR10	UR11	UR12	UR13
elementary school	●	●	●	●	●	●	●	●	●	●	●	●	●
library	●	●	●	●	●	●	●	●	●	●	●	●	●
museum	●	●	●	●	●	●	●	●	●	●	●	●	●
place of worship	●	●	●	●	●	●	●	●	●	●	●	●	●
secondary school	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹

11.2. Urban Residential Zone 1 (UR1)

11.2.1. The use of any lot or building in the UR1 Zone must comply with the provisions of Table 11.2.1.

Table 11.2.1. – UR1 Provisions

Zoning Provision	single detached house	non-residential buildings
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	10.0	10.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	6.75	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	1.2	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—

11.2.2. The **use** of any **lot** or **building** in the UR1.A Zone must comply with the provisions of Table 11.2.2.

Table 11.2.2. – UR1.A Provisions

Zoning Provision	single detached house	non-residential buildings
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	12.0	12.0
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other: 10.7	(a) flat roof : 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	7.5	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	1.2	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—

11.2.3. The **use** of any **lot** or **building** in the UR1.B Zone must comply with the provisions of Table 11.2.3.

Table 11.2.3. – UR1.B Provisions

Zoning Provision	single detached house	non-residential building
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	9.0	9.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street: the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street: 3.0 metres	6.0
5. Minimum rear setback (metres)	6.0	equal to the height of the rear wall
6. Minimum exterior setback (metres)	2.4	2.4
7. Minimum interior setback (metres)	1.2 metres on one side and 0.6 metres on the other side	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%

Zoning Provision	single detached house	non-residential building
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—

Additional Provisions for Lots Zoned UR1.B

11.2.4. In addition to the provisions of Table 11.2.3., the **use** of any **lot** or **building** in the UR1.B Zone must comply with the following provisions:

- 1.** Where a **lot** was created through a plan of subdivision under the *Planning Act* or a description under the *Condominium Act, 1998* following the date of passing of this By-law, **development** must comply with the following provisions:
 - (a)** Despite the minimum **front setback** listed in Table 11.2.3., the minimum **front setback** is 3.0 metres; and
 - (b)** Despite the minimum **lot frontage** listed in Table 11.2.3., the minimum **lot frontage** of a **corner lot** is 10.3 metres.

11.3. Urban Residential Zone 2 (UR2)

11.3.1. The use of any lot or building in the UR2 Zone must comply with the provisions of Table 11.3.1.

Table 11.3.1. – UR2 Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential buildings
1. Minimum lot area (square metres)	—	—	—
2. Minimum lot frontage (metres)	10.0	9.0 per dwelling unit	10.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0	6.0
5. Minimum rear setback (metres)	6.75	6.75	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0	6.0
7. Minimum interior setback (metres)	1.2	(a) 1.2 metres (b) where a common party wall is located along a lot line: 0	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6
8. Minimum aggregate of interior setbacks	—	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	—	—	—

11.3.2. The **use** of any **lot** or **building** in the UR2.A Zone must comply with the provisions of Table 11.3.2.

Table 11.3.2. – UR2.A Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential building
1. Minimum lot area (square metres)	—	—	—
2. Minimum lot frontage (metres)	12.0	9.0 per dwelling unit	12.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0	6.0
5. Minimum rear setback (metres)	7.5	7.5	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0	6.0
7. Minimum interior setback (metres)	1.2	(a) 1.2 metres (b) where a common party wall is located along a lot line: 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	—	—	—

11.3.3. The **use** of any **lot** or **building** in the UR2.B Zone must comply with the provisions of Table 11.3.3.

Table 11.3.3. – UR2.B Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential building
1. Minimum lot area (square metres)	—	—	—
2. Minimum lot frontage (metres)	9.0	7.5 per dwelling unit	9.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street: the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street: 3.0 metres	(a) Where 2 adjacent buildings have a front lot line on the same street: the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street: 3.0 metres	6.0
5. Minimum rear setback (metres)	6.0	6.0	equal to the height of the rear wall
6. Minimum exterior setback (metres)	2.4	2.4	2.4
7. Minimum interior setback (metres)	1.2 metres on one side and 0.6 metres on the other side	(a) 1.2 metres (b) where a common party wall is located	3.0 metres plus 0.3 metres for each additional 0.6

Zoning Provision	single detached house, duplex	semi-detached house	non-residential building
		along a lot line : 0 metres	metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	—	—	—

Additional Provisions for Lots Zoned UR2.B

11.3.4. In addition to the provisions of Table 11.3.3., the **use** of any **lot** or **building** in the UR2.B Zone must comply with the following provisions:

- 1.** Where a **lot** was created through a plan of subdivision under the *Planning Act* or a description under the *Condominium Act, 1998* following the date of passing of this By-law, **development** must comply with the following provisions:
 - (a)** Despite the minimum **front setback** listed in Table 11.3.3., the minimum **front setback** is 3.0 metres; and
 - (b)** Despite the minimum **lot frontage** listed in Table 11.3.3., the minimum **lot frontage** for a **corner lot** is:
 - (i)** 10.3 metres for a **single detached house** or **duplex**; and
 - (ii)** 8.8 metres per **dwelling unit** for a **semi-detached house**.

11.4. Urban Residential Zone 3 (UR3)

11.4.1. The use of any lot or building in the UR3 Zone must comply with the provisions of Table 11.4.1.

Table 11.4.1. – UR3 Provisions

Zoning Provision	single detached house, duplex	semi-detached house	townhouse	non-residential buildings
1. Minimum lot area (square metres)	—	—	—	—
2. Minimum lot frontage (metres)	10.0	9.0 per dwelling unit	6.0 per dwelling unit	10.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0	6.0	6.0
5. Minimum rear setback (metres)	6.75	6.75	6.75	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0	6.0	6.0
7. Minimum interior setback (metres)	1.2	(a) 1.2 metres (b) where a common party wall is located along a lot line: 0 metres	(a) 1.2 metres (b) where a common party wall is located along a lot line: 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—	—	—
9. Minimum landscaped open space	30%	30%	30%	30%

Zoning Provision	single detached house, duplex	semi-detached house	townhouse	non-residential buildings
10. Maximum lot coverage	—	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	1.0	—
12. Maximum building depth (metres)	—	—	—	—

11.4.2. The **use** of any **lot** or **building** in the UR3.A Zone must comply with the provisions of Table 11.4.2.

Table 11.4.2. – UR3.A Provisions

Zoning Provision	single detached house, duplex	semi-detached house	townhouse	non-residential building
1. Minimum lot area (square metres)	—	—	—	—
2. Minimum lot frontage (metres)	12.0	9.0 per dwelling unit	6.0 per dwelling unit	12.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0	6.0	6.0
5. Minimum rear setback (metres)	7.5	7.5	7.5	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0	6.0	6.0
7. Minimum interior setback (metres)	1.2	(a) 1.2 metres (b) where a common party wall is located along a lot line: 0 metres	(a) 1.2 metres (b) where a common party wall is located along a lot line: 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—	—	—
9. Minimum landscaped open space	30%	30%	30%	30%
10. Maximum lot coverage	—	—	—	—

Zoning Provision	single detached house, duplex	semi-detached house	townhouse	non-residential building
11. Maximum number of principal buildings per lot	1.0	1.0	1.0	—
12. Maximum building depth (metres)	—	—	—	—

11.4.3. The **use** of any **lot** or **building** in the UR3.B Zone must comply with the provisions of Table 11.4.3.

Table 11.4.3. – UR3.B Provisions

Zoning Provision	single detached house, duplex	semi-detached house	townhouse	non-residential building
1. Minimum lot area (square metres)	—	—	—	—
2. Minimum lot frontage (metres)	9.0	7.5 per dwelling unit	6.0 per dwelling unit	9.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street: the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent	(a) Where 2 adjacent buildings have a front lot line on the same street: the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent	(a) Where 2 adjacent buildings have a front lot line on the same street: the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street: the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent	6.0

Zoning Provision	single detached house, duplex	semi-detached house	townhouse	non-residential building
	buildings have a front lot line on the same street : 3.0 metres	buildings have a front lot line on the same street : 3.0 metres	buildings have a front lot line on the same street : 3.0 metres	
5. Minimum rear setback (metres)	6.0	6.0	6.0	equal to the height of the rear wall
6. Minimum exterior setback (metres)	2.4	2.4	2.4	2.4
7. Minimum interior setback (metres)	1.2 metres on one side and 0.6 metres on the other side	(a) 1.2 metres (b) where a common party wall is located along a lot line : 0 metres	(a) 1.2 metres (b) where a common party wall is located along a lot line : 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—	—	—
9. Minimum landscaped open space	30%	30%	30%	30%
10. Maximum lot coverage	—	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	1.0	—
12. Maximum building depth	—	—	—	—

Additional Provisions for Lots Zoned UR3.B

- 11.4.4.** In addition to the provisions of Table 11.4.3., the **use** of any **lot** or **building** in the UR3.B Zone must comply with the following provisions:
- 1.** Where a **lot** was created through a plan of subdivision under the *Planning Act* or a description under the *Condominium Act, 1998* following the date of passing of this By-law, **development** must comply with the following provisions:
 - (a)** Despite the minimum **front setback** listed in Table 11.4.3., the minimum **front setback** is 3.0 metres; and
 - (b)** Despite the minimum **lot frontage** listed in Table 11.4.3., the minimum **lot frontage** for a **corner lot** is:
 - (i)** 10.3 metres for a **single detached house** or **duplex**;
 - (ii)** 8.8 metres per **dwelling unit** for a **semi-detached house**; and
 - (iii)** 8.6 metres per **dwelling unit** for a **townhouse**.

11.5. Urban Residential Zone 4 (UR4)

11.5.1. Despite the provisions of Section 3, the following definitions apply to **lots** in the UR4 Zone:

- 1. Finished Grade** means the average elevation of the undisturbed ground, measured at the two points where the required **front setback** meets the side **lot lines**.
- 2. Height**, when used with reference to a **building**, means the vertical distance between the **finished grade** and the highest point of the **building**, exclusive of any accessory or auxiliary roof construction, such as an antenna, a chimney, a ventilation duct, an elevator or service penthouse, or a steeple.
- 3. Lot Coverage** means the percentage of the **lot area** covered by **buildings**, excluding the following:
 - (a)** unenclosed steps and **porches**;
 - (b)** **patios**;
 - (c)** **decks**; and
 - (d)** **balconies**, bay windows, canopies and overhanging eaves which are 2.0 metres or more in **height** above the **finished grade**.

11.5.2. The **use** of any **lot** or **building** in the UR4 Zone must comply with the provisions of Table 11.5.1.

Table 11.5.1. – UR4 Provisions

Zoning Provision	single detached house	non-residential building
1. Minimum lot area (square metres)	557.4	557.4
2. Minimum lot frontage (metres)	16.7	16.7
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other roof types: 10.7	(a) flat roof : 9.0 (b) all other roof types: 10.7
4. Minimum front setback (metres)	6.1	6.1
5. Minimum rear setback (metres)	7.6	equal to the height of the rear wall

Zoning Provision	single detached house	non-residential building
6. Minimum exterior setback (metres)	6.1	6.1
7. Minimum interior setback (metres)	(a) where there is an attached private garage : 1.22 metres (b) where there is no attached private garage : 2.44 metres on one side and 1.22 metres on the other side	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	30%	30%
11. Maximum number of principal buildings per lot	1.0	1.0
12. Maximum building depth	—	—

11.6. Urban Residential Zone 5 (UR5)

11.6.1. The use of any lot or building in the UR5 Zone must comply with the provisions of Table 11.6.1.

Table 11.6.1. – UR5 Provisions

Zoning Provision	single detached house, duplex	non-residential uses
1. Minimum lot area (square metres)	370.0	370.0
2. Minimum lot frontage (metres)	10.0	10.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5	(a) 4.5

Zoning Provision	single detached house, duplex	non-residential uses
	metres or the average of 4.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback is the existing exterior setback	(b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	0.6	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.6 metres	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

Additional Provisions for Lots Zoned UR5

11.6.2. In addition to the provisions of Table 11.6.1., the **use** of any **lot** or **building** in the UR5 Zone must comply with the following provisions:

1. Despite the permitted **uses** listed in Table 11.1.2., a **semi-detached house** or a **townhouse** that existed as of the date of passing of this By-law is deemed to be a permitted **use** in the UR5 Zone, subject to the following provisions:
 - (a) Where a common party wall is located along a **lot line**, the minimum **interior setback** is 0 metres along the **lot** with the common party wall and 3.0 metres from the other **interior lot line** and/or **exterior lot line**; and
 - (b) Existing **semi-detached houses** and **townhouses** must comply with all other provisions of Table 11.6.1.

11.7. Urban Residential Zone 6 (UR6)

11.7.1. The use of any lot or building in the UR6 Zone must comply with the provisions of Table 11.7.1.

Table 11.7.1. – UR6 Provisions

Zoning Provision	single detached house	non-residential uses
1. Minimum lot area (square metres)	665.0	665.0
2. Minimum lot frontage (metres)	18.0	18.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 7.5 metres, the minimum exterior setback is the existing exterior setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 7.5 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	1.2	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres

Zoning Provision	single detached house	non-residential uses
8. Minimum aggregate of interior setbacks	3.6	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

11.8. Urban Residential Zone 7 (UR7)

11.8.1. The use of any lot or building in the UR7 Zone must comply with the provisions of Table 11.8.1.

Table 11.8.1. – UR7 Provisions

Zoning Provision	single detached house	non-residential uses
1. Minimum lot area (square metres)	555.0	555.0
2. Minimum lot frontage (metres)	(a) corner lot : 16.5 (b) all other lots : 15.0	(a) corner lot : 16.5 (b) all other lots : 15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 7.5 metres, the minimum exterior setback is the existing exterior setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 7.5 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	1.2	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres

Zoning Provision	single detached house	non-residential uses
8. Minimum aggregate of interior setbacks	3.6	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

11.9. Urban Residential Zone 8 (UR8)

11.9.1. The use of any lot or building in the UR8 Zone must comply with the provisions of Table 11.9.1.

Table 11.9.1. – UR8 Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
1. Minimum lot area (square metres)	418.0	277.5 per dwelling unit	418.0
2. Minimum lot frontage (metres)	(a) corner lot: 16.5 (b) all other lots: 13.7	(a) corner lot: 16.5 (b) all other lots: 13.7	(a) corner lot: 16.5 (b) all other lots: 13.7
3. Maximum height	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback is the existing front setback	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback is the existing front setback	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	—	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of	(a) 6.0 (b) Despite (a), where a building existed as of the	(a) 6.0 (b) Despite (a), where a building existed as of the

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
	this By-law and the exterior setback is less than 6.0 metres, the minimum exterior setback is the existing exterior setback	date of passing of this By-law and the exterior setback is less than 6.0 metres, the minimum exterior setback is the existing exterior setback	date of passing of this By-law and the exterior setback is less than 6.0 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	1.2	2.4, except where a common party wall is located along a lot line , then 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.0	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

Additional Provisions for Lots Zoned UR8

11.9.2. In addition to the provisions of Table 11.9.1., the **use** of any **lot** or **building** in the UR8 Zone must comply with the following provisions:

1. Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.9.1. that are applicable to a **single detached house**.

11.10. Urban Residential Zone 9 (UR9)

11.10.1. The use of any lot or building in the UR9 Zone must comply with the provisions of Table 11.10.1.

Table 11.10.1. – UR9 Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
1. Minimum lot area (square metres)	465.0	418.0 per dwelling unit	465.0
2. Minimum lot frontage (metres)	(a) corner lot: 16.5 (b) all other lots: 12.0	(a) corner lot: 16.5 (b) all other lots: 12.0	(a) corner lot: 16.5 (b) all other lots: 12.0
3. Maximum height	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	—	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of	(a) 4.5 (b) Despite (a), where a building existed as of the date of	(a) 4.5 (b) Despite (a), where a building existed as of the date of

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
	this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback	passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback	passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	1.2	2.4, except where a common party wall is located along a lot line , then 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.6	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

Additional Provisions for Lots Zoned UR9

- 11.10.2.** In addition to the provisions of Table 11.10.1., the **use** of any **lot** or **building** in the UR9 Zone must comply with the following provisions:
- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.10.1. that are applicable to a **single detached house**.

11.11. Urban Residential Zone 10 (UR10)

11.11.1. The use of any lot or building in the UR10 Zone must comply with the provisions of Table 11.11.1.

Table 11.11.1. – UR10 Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
1. Minimum lot area (square metres)	465.0	370.0 per dwelling unit	465.0
2. Minimum lot frontage (metres)	15.0	15.0	15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	—	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
	than 7.5 metres, the minimum exterior setback is the existing exterior setback	exterior setback is less than 7.5 metres, the minimum exterior setback is the existing exterior setback	exterior setback is less than 7.5 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	1.2	2.4, except where a common party wall is located along a lot line , then 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.0	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

Additional Provisions for Lots Zoned UR10

11.11.2. In addition to the provisions of Table 11.11.1., the **use** of any **lot** or **building** in the UR10 Zone must comply with the following provisions:

1. Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.11.1. that are applicable to a **single detached house**.

11.12. Urban Residential Zone 11 (UR11)

11.12.1. Despite the provisions of Section 3, the following definitions apply to **lots** in the UR11 Zone:

- 1. Linked Dwelling** means a **single detached house** that is linked to another **single detached house** by common underground masonry footing only.

11.12.2. The **use** of any **lot** or **building** in the UR11 Zone must comply with the provisions of Table 11.12.2.

Table 11.12.2. – UR11 Provisions

Zoning Provision	single detached house	semi-detached house, linked dwelling	non-residential use
1. Minimum lot area (square metres)	320.0	270.0 per dwelling unit	320.0
2. Minimum lot frontage (metres)	(a) corner lot : 14.0 (b) other lot : 10.6	(a) corner lot : 20.0 (b) other lot : 18.0	(a) corner lot : 14.0 (b) other lot : 10.6
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	6.0	6.0	6.0
5. Minimum rear setback (metres)	6.0	6.0	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0	6.0
7. Minimum interior setback (metres)	(a) with attached private garage : 1.2 (b) with no attached private garage : 1.2 metres on one side	(a) with attached private garage : 1.2 metres on the side that is not attached to another dwelling unit	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres

Zoning Provision	single detached house	semi-detached house, linked dwelling	non-residential use
	and 2.4 metres on other side	(b) with no attached private garage : 2.4 metres on the side that is not attached to another dwelling unit	
8. Minimum aggregate of interior setbacks	3.6	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	—	—	—

Additional Provisions for Lots Zoned UR11

11.12.3. In addition to the provisions of Table 11.12.2., the **use** of any **lot** or **building** in the UR11 Zone must comply with the following provisions:

- 1.** The minimum **separation distance** between the **main walls** above grade of a **linked dwelling** is 1.8 metres; and
- 2.** Despite Clause 7.4.8., **driveway** widths that legally existed on a **lot** in the UR11 Zone as of the date of passing of this By-law are deemed to be permitted.

11.13. Urban Residential Zone 12 (UR12)

11.13.1. The use of any lot or building in the UR12 Zone must comply with the provisions of Table 11.13.1.

Table 11.13.1. – UR12 Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
1. Minimum lot area (square metres)	465.0	370.0 per dwelling unit	465.0
2. Minimum lot frontage (metres)	15.0	15.0	15.0
3. Maximum height	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof: lesser of 9.0 metres or 3 storeys	(a) flat roof: lesser of 9.0 metres or 3 storeys
4. Minimum front setback (metres)	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	—	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
	exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback	exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback	exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	1.2	2.4, except where a common party wall is located along a lot line , then 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.0	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

11.14. Urban Residential Zone 13 (UR13)

11.14.1. The use of any lot or building in the UR13 Zone must comply with the provisions of Table 11.14.1.

Table 11.14.1. – UR13 Provisions

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
1. Minimum lot area (square metres)	465.0	370.0 per dwelling unit	465.0
2. Minimum lot frontage (metres)	15.0	15.0	15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
	<p>lot line on the same street: 4.5 metres</p> <p>(d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback</p>	<p>(c) Where no adjacent buildings have a front lot line on the same street: 4.5 metres</p> <p>(d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback</p>	
5. Minimum rear setback (metres)	—	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	<p>(a) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building</p> <p>(b) Where no adjacent buildings have a front lot line on the same street: 4.5 metres</p> <p>(c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum</p>	<p>(a) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building</p> <p>(b) Where no adjacent buildings have a front lot line on the same street: 4.5 metres</p> <p>(c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior</p>	<p>a) 4.5</p> <p>(b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback</p>

Zoning Provision	single detached house, duplex	semi-detached house	non-residential uses
	exterior setback is the existing exterior setback	setback is less than required, the minimum exterior setback is the existing exterior setback	
7. Minimum interior setback (metres)	1.2	2.4, except where a common party wall is located along a lot line , then 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	3.0	—	—
9. Minimum landscaped open space	30%	30%	30%
10. Maximum lot coverage	—	—	—
11. Maximum number of principal buildings per lot	1.0	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—

Additional Provisions for Lots Zoned UR13

- 11.14.2.** In addition to the provisions of Table 11.14.1., the **use** of any **lot** or **building** in the UR13 Zone must comply with the following provisions:
- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.14.1. that are applicable to a **single detached house**.

Section 12: Urban Multi-Residential Zones

12.1. All Urban Multi-Residential Zones

12.1.1. For the purposes of this By-law, Urban Multi-Residential Zones include Urban Multi-Residential Zone 1 (URM1), Urban Multi-Residential Zone 2 (URM2), Urban Multi-Residential Zone 3 (URM3), Urban Multi-Residential Zone 4 (URM4), Urban Multi-Residential Zone 5 (URM5), Urban Multi-Residential Zone 6 (URM6), Urban Multi-Residential Zone 7 (URM7), Urban Multi-Residential Zone 8 (URM8), Urban Multi-Residential Zone 9 (URM9), Urban Multi-Residential Zone 10 (URM10), Urban Multi-Residential Zone 11 (URM11) and Urban Multi-Residential Zone 12 (URM12).

12.1.2. **Uses** permitted in Urban Multi-Residential Zones are limited to the **uses** identified in Table 12.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

12.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 12.1.2., the following corresponding provisions apply:

1. May only contain **non-residential uses** that are permitted in the CN Zone as per Table 15.1.2., and the **non-residential uses** are only permitted on the **first storey**.
2. Is only permitted on a **lot** that has a **front lot line** and/or **exterior lot line** on a Collector Road or Arterial Road in accordance with the **street** type identified in Schedule 4.

Table 12.1.2. - Permitted Uses in the Urban Multi-Residential Zones

Use	URM 1	URM 2	URM 3	URM 4	URM 5	URM 6	URM 7	URM 8	URM 9	URM 10	URM 11	URM 12
Residential apartment building	●	●	●	●	●	●	●	●	●	●	●	●
duplex	●	—	●	●	●	—	—	—	—	—	—	—
semi-detached house	●	—	—	—	—	—	—	—	—	—	—	—
single detached house	●	—	●	—	—	—	—	—	—	—	—	—
stacked townhouse	●	●	—	—	—	—	—	●	●	●	●	●

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Use	URM 1	URM 2	URM 3	URM 4	URM 5	URM 6	URM 7	URM 8	URM 9	URM 10	URM 11	URM 12
townhouse	●	●	—	●	●	—	—	—	—	—	—	—
triplex	●	—	●	●	●	●	●	—	—	—	—	—
Non- residential community centre	●	●	●	●	●	●	●	●	●	●	●	●
day care centre	●	●	●	●	●	●	●	●	●	●	●	●
elementary school	●	●	●	●	●	●	●	●	●	●	●	●
library	●	●	●	●	●	●	●	●	●	●	●	●
mixed use building	—	—	—	—	—	—	—	● ¹	—	—	—	—
museum	●	●	●	●	●	●	●	●	●	●	●	●
place of worship	●	●	●	●	●	●	●	●	●	●	●	●
secondary school	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²	● ²

12.2. Urban Multi-Residential Zone 1 (URM1)

12.2.1. The use of any **lot** or **building** in the URM1 Zone must comply with the provisions of Table 12.2.1.

Table 12.2.1. – URM1 Provisions

Zoning Provision	semi-detached house, townhouse	single detached house, duplex	apartment building, stacked townhouse	all other permitted uses
1. Minimum lot area (square metres)	180.0 per dwelling unit	300.0	540.0	360.0
2. Minimum lot frontage (metres)	7.5	10.0	18.0	12.0
3. Maximum height (metres)	10.7	10.7	10.7	10.7
4. Minimum front setback (metres)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres
5. Minimum rear setback (metres)	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth
6. Minimum exterior setback (metres)	5.0	5.0	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.8 metres (b) where a common party wall is located	3.6	(a) 6.0 metres (b) where a common party wall is located	3.6

Zoning Provision	semi-detached house, townhouse	single detached house, duplex	apartment building, stacked townhouse	all other permitted uses
	along a lot line : 0 metres		along a lot line : 0 metres	
8. Minimum landscaped open space	30%	30%	30%	30%
9. Maximum lot coverage	45%	45%	45%	45%
10. Maximum number of principal buildings per lot	1.0	1.0	1.0	1.0
11. Minimum aggregate of interior setbacks	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres

12.3. Urban Multi-Residential Zone 2 (URM2)

12.3.1. The use of any **lot** or **building** in the URM2 Zone must comply with the provisions of Table 12.3.1.

Table 12.3.1. – URM2 Provisions

Zoning Provision	townhouse	apartment building, stacked townhouse	all other permitted uses
1. Minimum lot area (square metres)	180.0 per dwelling unit	540.0	360.0
2. Minimum lot frontage (metres)	7.5	18.0	12.0
3. Maximum height (metres)	11.0	12.5	10.7
4. Minimum front setback (metres)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings , to a minimum of 3.0 metres
5. Minimum rear setback (metres)	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth
6. Minimum exterior setback (metres)	5.0	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.8 metres (b) where a common party wall is located along a lot line : 0 metres	6.0	3.6

Zoning Provision	townhouse	apartment building, stacked townhouse	all other permitted uses
8. Minimum landscaped open space	30%	30%	30%
9. Maximum lot coverage	45%	45%	45%
10. Maximum number of principal buildings per lot	1.0	1.0	1.0
11. Minimum aggregate of interior setbacks	—	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres

12.4. Urban Multi-Residential Zone 3 (URM3)

12.4.1. The use of any **lot** or **building** in the URM3 Zone must comply with the provisions of Table 12.4.1.

Table 12.4.1. – URM3 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	370.0
2. Minimum lot frontage (metres)	10.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback is the existing exterior setback

Zoning Provision	all permitted uses
7. Minimum interior setback (metres)	(a) residential buildings : 0.6 (b) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) residential buildings : 3.6 metres (b) non-residential buildings : —
9. Minimum landscaped open space	30%
10. Maximum number of principal buildings per lot	(a) residential buildings : 1.0 (b) non-residential buildings : —
11. Maximum building depth (metres)	(a) residential buildings : 18.0 (b) non-residential buildings : — (c) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line
12. Maximum number of principal dwelling units per lot	6.0
13. Maximum density	69 dwelling units per net hectare

12.5. Urban Multi-Residential Zone 4 (URM4)

12.5.1. The use of any lot or building in the URM4 Zone must comply with the provisions of Table 12.5.1.

Table 12.5.1. – URM4 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) duplex : 335.0 (b) triplex, townhouse : 270.0 per dwelling unit (c) apartment building : 870.0
2. Minimum lot frontage (metres)	18.0
3. Maximum height	—
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5 metres for buildings up to 5 storeys , then additional 1.2 metres for every storey above 5
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	(a) non-residential buildings : equal to half the height of the building (b) residential buildings that are 1 storey : 1.8 (c) residential buildings that are 2 storeys : 3.0 (d) residential buildings that are greater than 2 storeys : 3.0 metres plus 1.2 metres for each additional storey above 2 (e) Despite (b), (c) and (d), for townhouses , where a common party wall is located along a lot line , then 0 metres
8. Minimum landscaped open space	30%

12.6. Urban Multi-Residential Zone 5 (URM5)

12.6.1. The use of any lot or building in the URM5 Zone must comply with the provisions of Table 12.6.1.

Table 12.6.1. – URM5 Provisions

Zoning Provision	all permitted uses
1. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
2. Minimum front setback (metres)	7.5
3. Minimum rear setback (metres)	(a) residential buildings : Where parking spaces are provided in the rear yard : 12.0 (b) residential buildings : Where parking spaces are not provided in the rear yard : 7.5 (c) residential buildings : Despite (b), where the rear yard is adjacent to the interior yard or a park on an adjacent lot : 6.0 (d) non-residential buildings : equal to the height of the rear wall
4. Minimum exterior setback (metres)	7.5
5. Minimum interior setback (metres)	(a) residential buildings : 3.0 (b) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres (c) Despite (a), for townhouses , where a common party wall is located along a lot line , then 0 metres
6. Minimum landscaped open space	30%
7. Maximum number of principal dwelling units per building	12.0
8. Maximum density	69 dwelling units per net hectare
9. Maximum floor space index	3.5

Additional Provisions for Lots Zoned URM5

12.6.2. In addition to the provisions of Table 12.6.1., the **use** of any **lot** or **building** in the URM5 Zone must comply with the following provisions:

- 1.** The minimum **separation distance** between **residential buildings** on the same **lot** is 4.5 metres; and
- 2.** The minimum **separation distance** between the **rear wall** of a **building** on a **lot** in a URM5 Zone and the **rear wall** of a **residential building** located on a different **lot** is 15.0 metres.

12.7. Urban Multi-Residential Zone 6 (URM6)

12.7.1. The **use** of any **lot** or **building** in the URM6 Zone must comply with the provisions of Table 12.7.1.

Table 12.7.1. – URM6 Provisions

Zoning Provision	all permitted uses
1. Minimum front setback (metres)	7.5
2. Minimum rear setback (metres)	equal to the height of the building
3. Minimum exterior setback (metres)	7.5
4. Minimum interior setback (metres)	(a) where adjacent to a single detached house, duplex or semi-detached house : equal to the height of the building (b) all other: equal to 50% of the height of the building
5. Minimum aggregate of interior setbacks	equal to 150% of the height of the building
6. Minimum landscaped open space	30%
7. Maximum density	123 dwelling units per net hectare
8. Maximum floor space index	1.0

Additional Provisions for Lots Zoned URM6

12.7.2. In addition to the provisions of Table 12.7.1., the **use** of any **lot** or **building** in the URM6 Zone must comply with the following provisions:

- 1.** Where an **interior lot line** is adjacent to a **lot** with a **single detached house, duplex or semi-detached house** a privacy **fence** with a minimum **height** of 1.8 metres must be provided. Such privacy **fence** must extend from the intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**.

12.8. Urban Multi-Residential Zone 7 (URM7)

12.8.1. The **use** of any **lot** or **building** in the URM7 Zone must comply with the provisions of Table 12.8.1.

Table 12.8.1. – URM7 Provisions

Zoning Provision	all permitted uses
1. Maximum height	lesser of 13.5 metres or 4 storeys
2. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the greater of 2.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the greater of 2.0 metres or the average of 1.0 metre and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 3.5 metres
3. Minimum rear setback (metres)	7.5
4. Minimum exterior setback (metres)	3.5
5. Minimum interior setback (metres)	3.0
6. Minimum landscaped open space	30%
7. Maximum density	123 dwelling units per net hectare
8. Maximum floor space index	1.0

12.9. Urban Multi-Residential Zone 8 (URM8)

12.9.1. The **use** of any **lot** or **building** in the URM8 Zone must comply with the provisions of Table 12.9.1.

Table 12.9.1. – URM8 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	apartment building, mixed use building, stacked townhouse: 1,480.0
2. Maximum height (metres)	Lesser of 20.0 metres or 6 storeys , excluding a basement storey
3. Minimum streetwall height (metres)	12.0
4. Minimum front setback (metres)	2.0
5. Minimum rear setback (metres)	10.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	3.0
8. Minimum stepbacks (metres)	Where a main wall faces Johnson Street or Brock Street, on storeys 5 and 6: minimum 2.0 metres from the exterior wall of the 4 th storey
9. Minimum landscaped open space	10%
10. Maximum lot coverage	55%
11. Maximum floor space index	3.2

Additional Provisions for Lots Zoned URM8

12.9.2. In addition to the provisions of Table 12.9.1., the **use** of any **lot** or **building** in the URM8 Zone must comply with the following provisions:

- 1.** Within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must comply with Subclause 4.16.1.2.;
- 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the main wall;
- 3.** **Parking spaces** are prohibited in the **front yard** or **exterior yard**;

4. Despite Clause 1.8.5., the minimum **lot area** required by Table 12.9.1. must be provided for a **lot** to be developed with an **apartment building**, a **mixed use building**, or **stacked townhouses**; and
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and must comply with the following provisions:
 - (a) For lots in the URM8 Zone located west of Albert Street, development of such uses must comply with the provisions of the UR5 Zone; and
 - (b) For lots in the URM8 Zone located east of Albert Street, development for such uses must comply with the provisions of the URM3 Zone.

12.10. Urban Multi-Residential Zone 9 (URM9)

12.10.1. Despite the definitions of **front lot line** and **rear lot line**, in the URM9 Zone:

1. Where a **lot** has a **street line** adjacent to Portsmouth Avenue and/or Woodstone Crescent, such **street lines** are deemed to be a **front lot line**; and
2. Where a **lot line** is adjacent to a **street** reserve, that **lot line** is deemed to be a **front lot line**.

12.10.2. The **use** of any **lot** or **building** in the URM9 Zone must comply with the provisions of Table 12.10.1.

Table 12.10.1. – URM9 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	apartment building, stacked townhouse: 1,600.0
2. Maximum height (metres)	Lesser of 12.0 metres or 4 storeys , excluding a basement storey
3. Minimum front setback (metres)	3.0
4. Minimum rear setback (metres)	10.0
5. Minimum exterior setback (metres)	3.0
6. Minimum interior setback (metres)	3.0
7. Minimum landscaped open space	12%
8. Maximum lot coverage	55%
9. Maximum floor space index	2.2

Additional Provisions for Lots Zoned URM9

12.10.3. In addition to the provisions of Table 12.10.1., the **use** of any **lot** or **building** in the URM9 Zone must comply with the following provisions:

1. **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
2. **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
3. A maximum of 1 **driveway** is permitted per **lot**;

4. Despite Clause 1.8.5., the minimum **lot area** required by Table 12.10.1. must be provided for a **lot** to be **developed** with an **apartment building** or **stacked townhouses**; and
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR8 Zone.

12.11. Urban Multi-Residential Zone 10 (URM10)

12.11.1. The **use** of any **lot** or **building** in the URM10 Zone must comply with the provisions of Table 12.11.1.

Table 12.11.1. – URM10 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	apartment building, stacked townhouse: 950.0
2. Maximum height (metres)	Lesser of 12.0 metres or 4 storeys , excluding a basement storey
3. Minimum front setback (metres)	3.0
4. Minimum rear setback (metres)	10.0
5. Minimum exterior setback (metres)	3.0
6. Minimum interior setback (metres)	3.0
7. Minimum landscaped open space	10%
8. Maximum lot coverage	55%
9. Minimum lot depth (metres)	32.0
10. Maximum floor space index	2.2

Additional Provisions for Lots Zoned URM10

12.11.2. In addition to the provisions of Table 12.11.1., the **use** of any **lot** or **building** in the URM10 Zone must comply with the following provisions:

- 1.** Within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must comply with Subclause 4.16.1.2.;
- 2.** **Balconies** are only permitted above the **second storey**, to a maximum projection of 1.5 metres from the **main wall**;
- 3.** **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
- 4.** Despite Clause 1.8.5., the minimum **lot area** required by Table 12.11.1. must be provided for a **lot** to be **developed** with an **apartment building** or **stacked townhouses**; and

5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR10 Zone.

12.12. Urban Multi-Residential Zone 11 (URM11)

12.12.1. For the purpose of the URM11 Zone, the following definitions apply:

1. **Podium** means the base component of any **building** that is no greater than 20 meters in **height** (excluding mechanical penthouses) and only includes the **first storey** through sixth **storeys** of such **building**; and
2. **Tower** means any portion of any **building** that is greater than 20 metres in **height**, excluding a **podium**, below grade **building** components and mechanical penthouses.

12.12.2. Despite the definitions of **front lot line** and **rear lot line**, in the URM11 Zone:

1. Where a **lot** has a **street line** adjacent to Bath Road and/or Sir John A. Macdonald Boulevard, such **street lines** are deemed to be a **front lot line**; and
2. Where a **lot line** is adjacent to a **street** reserve, that **lot line** is deemed to be a **front lot line**.

12.12.3. The **use** of any **lot** or **building** in the URM11 Zone must comply with the provisions of Table 12.12.1.

Table 12.12.1. – URM11 Provisions

Zoning Provision	all permitted uses
1. Maximum height (metres)	(a) Podium : Lesser of 20.0 metres or 6 storeys , excluding a basement storey (b) Podium and Tower combined: Lesser of 38.0 metres or 12 storeys , excluding a basement storey
2. Minimum streetwall height (metres)	12.0
3. Minimum front setback (metres)	3.0
4. Minimum rear setback (metres)	10.0
5. Minimum exterior setback (metres)	3.0
6. Minimum interior setback (metres)	3.0
7. Minimum landscaped open space	25%
8. Maximum lot coverage	60%
9. Maximum floor space index	6.0

Additional Provisions for Lots Zoned URM11

- 12.12.4.** In addition to the provisions of Table 12.12.1., the **use** of any **lot** or **building** in the URM11 Zone must comply with the following provisions:
- 1.** Where a **main wall** faces Sir John A. Macdonald Boulevard and/or Bath Road, a minimum **stepback** of 3.0 metres must be provided from the **podium** to the **tower**;
 - 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
 - 3.** **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
 - 4.** The maximum floor plate of a **tower** is 790 square metres. **Tower** floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components;
 - 5.** The minimum **separation distance** between a **tower** and another **tower** is 25.0 metres;
 - 6.** The minimum **setback** from a **tower** to a **lot line** shared with an adjacent property is 12.5 metres;
 - 7.** Despite Subclause 6., where an adjacent property has already been developed with a **tower**, the **tower** is permitted to be located closer than 12.5 metres to the **lot line** shared with that adjacent property so long as the 25.0 metre **tower separation distance** is maintained;
 - 8.** The minimum **stepback** from a **tower** to the exterior wall of the podium is 2.0 metres;
 - 9.** Despite Clause 2.5.3., where a **lot** is divided into more than one Zone, the Zone boundary is treated as a **lot line** and each portion of the **lot** must be used in accordance with the provisions of the underlying Zone;
 - 10.** Despite the minimum **rear setback** requirement, no **rear setback** is required for up to 40% of the length of the **rear lot line** to facilitate a continuous **building** connected to a **building** on the same **lot** in an adjacent Zone; and
 - 11.** **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the URM4 Zone.

12.13. Urban Multi-Residential Zone 12 (URM12)

12.13.1. The **use** of any **lot** or **building** in the URM12 Zone must comply with the provisions of Table 12.13.1.

Table 12.13.1. – URM12 Provisions

Zoning Provision	all permitted uses
1. Maximum height (metres)	Lesser of 20.0 metres or 6 storeys , excluding a basement storey
2. Minimum streetwall height (metres)	12.0
3. Minimum front setback (metres)	3.0
4. Minimum rear setback (metres)	10.0
5. Minimum exterior setback (metres)	3.0
6. Minimum interior setback (metres)	3.0
7. Minimum landscaped open space	30%
8. Maximum lot coverage	55%
9. Maximum floor space index	3.0
10. Minimum stepbacks (metres)	Where a main wall faces Wright Crescent, on storeys 5 and 6 : minimum 2.0 metres from the exterior wall of the 4 th storey

Additional Provisions for Lots Zoned URM12

12.13.2. In addition to the provisions of Table 12.13.1., the **use** of any **lot** or **building** in the URM12 Zone must comply with the following provisions:

- 1. Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
- 2. Parking spaces** are prohibited in the **front yard** or **exterior yard**;
- 3.** Despite Clause 2.5.3., where a **lot** is divided into more than one Zone, the Zone boundary is treated as a **lot line** and each portion of the **lot** must be used in accordance with the provisions of the underlying Zone;
- 4.** Despite the minimum **rear setback** requirement, no **rear setback** is required for up to 40% of the length of the **rear lot line** to facilitate a continuous **building** connected to a **building** on the same **lot** in an adjacent Zone; and

5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR8 Zone.

Section 13: Heritage Zones

13.1. All Heritage Zones

13.1.1. For the purposes of this By-law, Heritage Zones include Heritage Zone 1 - Village of Barriefield (HCD1), Heritage Zone 2 - Market Square (HCD2), and Heritage Zone 3 – Old Sydenham (HCD3).

13.1.2. **Uses** permitted in Heritage Zones are limited to the **uses** identified in Table 13.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

13.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 13.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the **lot** and must be located at or above the second **storey**.
2. No portion of any **lot** within 30 metres of the **street line** of Highway 15 may be **used** for any purpose other than **passive recreation**.

Table 13.1.2. - Permitted Uses in the Heritage Zones

Use	HCD1	HCD2	HCD3
Residential apartment building	—	—	●
duplex	—	—	●
dwelling unit in a mixed use building	—	● ¹	—
semi-detached house	● ²	—	●
single detached house	● ²	—	●
stacked townhouse	—	—	—
townhouse	—	—	●
triplex	—	—	●
Non-residential animal care	—	●	—
banquet hall	—	●	—
building supply store	—	●	—

Use	HCD1	HCD2	HCD3
commercial parking lot	—	●	—
community centre	● ²	●	●
club	—	●	—
creativity centre	—	●	—
day care centre	—	●	—
department store	—	●	—
elementary school	● ²	●	●
entertainment establishment	—	●	—
financial institution	—	●	—
fitness centre	—	●	—
grocery store	—	●	—
hotel	—	●	—
laundry store	—	●	—
library	● ²	●	●
museum	● ²	●	●
office	—	●	—
personal service shop	—	●	—
place of worship	● ²	●	●
public market	—	●	—
recreation facility	—	●	—
repair shop	—	●	—
restaurant	—	●	—
retail store	—	●	—
training facility	—	●	—
wellness clinic	—	●	—

13.2. Heritage Zone 1 – Village of Barriefield (HCD1)

13.2.1. The following definitions apply to **lots** in the HCD1 Zone:

1. **Heritage Building** means a **building** that existed as of the date of passing of this By-law on a **heritage lot**;
2. **Heritage Lot** means the following **lots**, as they existed as of the date of passing of this By-law:
 - (a) 6-8, 10, 13, 14 and 16 Drummond Street;
 - (b) 7 and 9 George Street;
 - (c) 218 Green Bay Road;
 - (d) 228, 230, 232, 234, 236, 238, 244, 246 and 248 James Street;
 - (e) 202, 207, 210, 215, 217-219, 223-225, 226-228, 233, 239, 247, 249, 268 and 275 Main Street;
 - (f) 404, 406, 407, 412, 413, 414, 415, 419, 421 and 423 Regent Street;
 - (g) 2 Sharman’s Lane; and
 - (h) 404, 406 and 412 Wellington Street; and
3. **Non-Heritage Lot** means all **lots** in the HCD1 Zone, excluding **heritage lots**.

13.2.2. The **use** of any **lot** or **building** in the HCD1 Zone must comply with the provisions of Table 13.2.2.

Table 13.2.2. – HCD1 Provisions

Zoning Provision	Heritage Lot	Non-Heritage Lot
1. Minimum lot area (square metres)	Lot area existing as of the date of passing of this By-law	370.0
2. Minimum lot frontage (metres)	Lot frontage existing as of the date of passing of this By-law	12.0
3. Maximum height (metres)	Height existing as of the date of passing of this By-law	(a) Where 2 adjacent lots with a front lot line on the same street are heritage lots : the lesser of 10.0 metres or the average of the

Zoning Provision	Heritage Lot	Non-Heritage Lot
		<p>height of the heritage buildings on the adjacent heritage lots</p> <p>(b) For all other lots: 10.0</p>
4. Minimum front setback (metres)	Front setback existing as of the date of passing of this By-law	<p>(a) Where 2 adjacent buildings have a front lot line on the same street: the lesser of 3.0 metres or the average front setbacks of adjacent buildings</p> <p>(b) Where 1 adjacent building has a front lot line on the same street: the lesser of 3.0 metres or the average of 3.0 metres and the front setback of adjacent building</p> <p>(c) Where no adjacent buildings have a front lot line on the same street: 3.0 metres</p> <p>(d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback</p>
5. Minimum rear setback (metres)	Rear setback existing as of the date of passing of this By-law	7.0
6. Minimum exterior setback (metres)	Exterior setback existing as of the date of passing of this By-law	3.0
7. Minimum interior setback (metres)	Interior setback existing as of the date of passing of this By-law	1.2

Zoning Provision	Heritage Lot	Non-Heritage Lot
8. Minimum aggregate of interior setbacks	Aggregate of interior setbacks that existed as of the date of passing of this By-law	6.0
9. Minimum landscaped open space	Landscaped open space existing as of the date of passing of this By-law	30%
10. Maximum lot coverage	Lot coverage existing as of the date of passing of this By-law	25%
11. Maximum number of principal buildings per lot	1	1
12. Maximum number of storeys	Number of storeys existing as of the date of passing of this By-law	2

Additional Provisions for Lots Zoned HCD1

- 13.2.3.** In addition to the provisions of Table 13.2.2., the **use** of any **lot** or **building** in the HCD1 Zone must comply with the following provisions:
- 1.** The maximum **height** of any **fence** or wall in the **front yard** is 1.0 metre;
 - 2.** Any portion of a **lot** within 30.0 metres of the **street line** of Highway 15 must be maintained as **landscaped open space**;
 - 3.** **Buildings** must be **setback** a minimum of 30.0 metres from the **street line** of Highway 15;
 - 4.** **Parking** is not permitted in the **front yard** of any **lot**; and
 - 5.** The maximum **gross floor area** of a **non-residential building** is 275.0 square metres.
- 13.2.4.** An addition to a **heritage building** must comply with the provisions that apply to a **non-heritage lot**, except the maximum **height** of an addition must not exceed a **height** that is 0.5 metres less than the **height** of the **heritage building**.

13.3. Heritage Zone 2 – Market Square (HCD2)

13.3.1. The **use** of any **lot** or **building** in the HCD2 Zone must comply with the provisions of Table 13.3.1.

Table 13.3.1. – HCD2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Minimum height	See subclause 13.3.2.1.
4. Maximum height (metres)	See subclause 13.3.2.1.
5. Minimum front setback (metres)	Average of the existing front setback of immediately adjacent buildings fronting on the same street
6. Minimum rear setback (metres)	0.0
7. Minimum exterior setback (metres)	0.0
8. Minimum interior setback (metres)	0.0
9. Minimum landscaped open space	0.0
10. Minimum lot coverage	50%
11. Maximum lot coverage	100%
12. Maximum number of dwelling units per lot	123 dwelling units per net hectare

Additional Provisions for Lots Zoned HCD2

13.3.2. In addition to the provisions of Table 13.3.1., **uses** in the HCD2 Zone must comply with the following provisions:

1. Height provisions:

- (a)** The **height** of **buildings** that existed as of the date of passing of this By-law must not be increased;

- (b) The maximum **height** of any new **building** replacing a **building** that existed as of the date of passing of this By-law is equal to the **height** of the **building** that existed as of the date of passing of this By-law;
 - (c) The maximum **height** of any new **building** on a **lot** that was vacant as of the date of passing of this By-law is equal to the **height** of the tallest **building** located within the same **block** and zoned HCD2;
 - (d) For **buildings** located on **corner lots**, the top of the highest projection along the **main wall** must not exceed 0.5 metres above the **height** of the tallest **building** or the **height** of the tallest parapet on a **building** located in the same **block** and zoned HCD2;
 - (e) For **buildings** located on **interior lots**, the top of the highest projection along the **main wall** must not exceed 0.5 metres above the higher parapet line of the two adjacent **buildings**;
 - (f) For **buildings** with a **flat roof**, the roof line must be lower than the parapet;
 - (g) The tower on the property municipally known as 200 Ontario Street is not defined as a parapet or a roof; and
 - (h) The minimum **height** of any new **building** replacing a **building** that existed as of the date of passing of this By-law is equal to the **height** of the **building** that existed as of the date of passing of this By-law.
2. Despite the provisions of Section 7:
- (a) No **loading spaces** are required; and
 - (b) **Parking spaces** are not permitted in the **front yard**.
3. Any **building** erected on or before September 10, 1996 and located in the HCD2 Zone may be **converted** to contain one or more **dwelling units**, subject to the provisions of the HCD2 Zone, provided that:
- (a) All **dwelling units** must be located at or above the second **storey**;
 - (b) Expansion or enlargement of the external walls or roof of the existing **building** is not permitted;
 - (c) Provisions regulating minimum **setbacks**, **amenity area** and maximum **lot coverage** do not apply;
 - (d) **Drive-throughs** are prohibited; and

- (e) The maximum **gross floor area** of a **grocery store** is 275.0 square metres.

Ground Floor Commercial Uses

4. **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3.
5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

13.4. Heritage Zone 3 – Old Sydenham (HCD3)

13.4.1. The use of any **lot** or **building** in the HCD3 Zone must comply with the provisions of Table 13.4.1.

Table 13.4.1. – HCD3 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	370.0
2. Minimum lot frontage (metres)	10.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 3.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 3.5 metres or the average of 3.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 3.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 3.5 metres or the average of 3.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 3.5 metres (c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback is the existing exterior setback

Zoning Provision	all permitted uses
7. Minimum interior setback (metres)	(a) semi-detached house, townhouse : 3.5, except where a common party wall is located along a lot line , then 0 metres (b) other residential buildings where there are openings in the main wall facing the interior lot line : 1.2 (c) other residential buildings where there are no openings in the main wall facing the interior lot line : 0.6 (d) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum landscaped open space	30%
9. Maximum number of principal buildings per lot	(a) residential buildings : 1.0 (b) non-residential buildings : —
10. Maximum number of principal dwelling units per lot	(a) residential buildings : 6.0 (b) non-residential buildings : —
12. Maximum building depth (metres)	(a) residential buildings : 18.0 (b) non-residential buildings : — (c) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line
13. Maximum density	69 dwelling units per net hectare

Additional Provisions for Lots Zoned HCD3

13.4.2. In addition to the provisions of Table 13.4.1., **uses** in the HCD3 Zone must comply with the following provisions:

- 1. Dormers** are permitted, provided that:
 - (a)** The front wall of the **dormer** is **setback** a minimum of 0.4 metres from the **main wall**;
 - (b)** The side wall of the **dormer** is **setback** a minimum of 1.0 metre from the edge of the roof on which it is located; and

- (c) The maximum cumulative length of all **dormers** on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located.
2. **Parking** is not permitted in the **front yard** of any **lot**.

Section 14: Institutional Zones

14.1. All Institutional Zones

14.1.1. For the purposes of this By-law, Institutional Zones include Institutional Minor Zone (IN1), Institutional Major Zone (IN2), Correctional Facility Zone (G1) and Military Installation Zone (G2).

14.1.2. **Uses** permitted in Institutional Zones are limited to the **uses** identified in Table 14.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

14.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 14.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the lot.
2. **Dwelling units** and/or **co-living units** are permitted only where they are associated with a **post-secondary institution**.

Table 14.1.2. - Permitted Uses in the Institutional Zones

Use	IN1	IN2	G1	G2
Residential dwelling units in a mixed use building	● ¹	● ²	● ¹	● ¹
single detached house	—	● ²	—	—
semi-detached house	—	● ²	—	—
duplex	—	● ²	—	—
triplex	—	● ²	—	—
townhouse	—	● ²	—	—
apartment building	—	● ²	—	● ²
Non-residential animal care	●	—	—	●
banquet hall	●	●	●	●
cemetery	●	—	—	●
community centre	●	●	●	●

Use	IN1	IN2	G1	G2
correctional college	—	—	●	—
correctional institution	—	—	●	—
day care centre	● ¹	● ¹	● ¹	● ¹
hospital	—	●	—	●
institutional use	●	●	—	—
laboratory	—	●	—	—
library	●	●	●	●
military installation	—	—	—	●
museum	●	●	●	●
place of worship	●	●	●	●
post-secondary institution	—	●	—	●
recreation facility	●	●	—	●
restaurant	—	—	—	●
retail store	—	—	—	●
secondary school	●	●	●	●
special needs facility	●	●	●	●
wellness clinic	●	—	—	●

14.2. Institutional Minor Zone (IN1)

14.2.1. The use of any **lot** or **building** in the IN1 Zone must comply with the provisions of Table 14.2.1.

Table 14.2.1. – IN1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	23.0
4. Minimum front setback (metres)	6.1
5. Minimum rear setback (metres)	a) Where the rear lot line abuts a lot in a Commercial Zone or Institutional Zone: 7.5 b) Where the rear lot line abuts a lot in all other Zones: 10.5
6. Minimum exterior setback (metres)	7.6
7. Minimum interior setback (metres)	a) Where the interior lot line abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the interior lot line abuts a lot in all other Zones: 6.1
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	1.0

14.3. Institutional Major Zone (IN2)

14.3.1. The following definitions apply to **lots** in the IN2 Zone:

1. **Area A** means **buildings** that are adjacent to:
 - (a) Collingwood Street between Queen’s Crescent and Union Street;
 - (b) Union Street between Collingwood Street and Alfred Street;
 - (c) Alfred Street between Union Street and Johnson Street;
 - (d) Johnson Street between Alfred Street and Barrie Street; or
 - (e) Barrie Street between Johnson Street and Clergy Street.
2. **Area B** means **buildings** that are adjacent to:
 - (a) Barrie Street between Clergy Street and King Street;
 - (b) King Street between Barrie Street and Collingwood Street; and
 - (c) Collingwood Street between King Street and Queen’s Crescent.
3. **Area C** means all other **buildings** in an IN2 Zone.

14.3.2. The **use** of any **lot** or **building** in the IN2 Zone must comply with the provisions of Table 14.3.2.

Table 14.3.2. – IN2 Provisions

Zoning Provision	single detached house, semi-detached house, duplex	all other permitted uses
1. Minimum lot area (square metres)	370.0	—
2. Minimum lot frontage (metres)	10.0	—
3. Maximum height (metres)	(a) flat roof: lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) Area A: — (b) Area B: 23.0 (c) Area C: 23.0

Zoning Provision	single detached house, semi-detached house, duplex	all other permitted uses
4. Minimum front setback (metres)	<p>(a) Where 2 adjacent buildings have a front lot line on the same street: the lesser of 4.5 metres or the average front setbacks of adjacent buildings</p> <p>(b) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building</p> <p>(c) Where no adjacent buildings have a front lot line on the same street: 4.5 metres</p> <p>(d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback</p>	<p>(a) Area A: 1.5 times the height of the building</p> <p>(b) Area B: 7.5</p> <p>(c) Area C: 7.5</p>
5. Minimum rear setback (metres)	—	<p>(a) Area A: 1.5 times the height of the building</p> <p>(b) Area B: 7.5</p> <p>(c) Area C: the greater of 7.5 metres or 25% of the lot depth</p>
6. Minimum exterior setback (metres)	<p>(a) Where 1 adjacent building has a front lot line on the same street: the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building</p> <p>(b) Where no adjacent buildings have a front lot line on the same street: 4.5 metres</p> <p>(c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback is the existing exterior setback</p>	<p>(a) Area A: 1.5 times the height of the building</p> <p>(b) Area B: 7.5</p> <p>(c) Area C: 50% of the height of the building</p>
7. Minimum interior	0.6	<p>(a) Area A: 1.5 times the height of the building</p>

Zoning Provision	single detached house, semi-detached house, duplex	all other permitted uses
setback (metres)		(b) Area B: 7.5 (c) Area C: 50% of the height of the building
8. Minimum aggregate of interior setbacks	3.6	—
9. Minimum landscaped open space	30%	—
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum density of habitation units	—	519 habitation units per net hectare

Additional Provisions for Lots Zoned IN2

14.3.3. In addition to the provisions of Table 14.3.2., **uses** in the IN2 Zone must comply with the following provisions:

1. Despite Clause 7.1.1., where a **residential use** is associated with a **post-secondary institution** on a **lot** in an IN2 Zone, the provisions of Table 7.1.1. do not apply;

2. **Short-term bike spaces** for **post-secondary institutions** are exempt from Subclause 7.3.8.3.; and
3. Where a **residential use** is associated with a **post-secondary institution**, the maximum number of **principal buildings** per **lot** in Table 14.3.2. do not apply.

14.4. Correctional Facility Zone (G1)

14.4.1. The use of any **lot** or **building** in the G1 Zone must comply with the provisions of Table 14.4.1.

Table 14.4.1. – G1 Provisions

Zoning Provision	dwelling unit in a mixed use building	all other permitted uses
1. Minimum lot area (square metres)	2,050.0	—
2. Minimum lot frontage (metres)	30.0	30.0
3. Maximum height (metres)	12.0	12.0
4. Minimum front setback (metres)	6.1	6.1
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	6.1	6.1
7. Minimum interior setback (metres)	a) Where the interior lot line abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the interior lot line abuts a lot in all other Zones: 7.6	a) Where the interior lot line abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the interior lot line abuts a lot in all other Zones: 7.6
8. Minimum landscaped open space	30%	30%
9. Maximum lot coverage	—	—
10. Maximum number of dwelling units per lot	1.0	1.0

14.5. Military Installation Zone (G2)

14.5.1. The use of any lot or building in the G2 Zone must comply with the provisions of Table 14.5.1.

Table 14.5.1. – G2 Provisions

Zoning Provision	dwelling unit in a mixed use building	all other permitted uses
1. Minimum lot area (square metres)	2,050.0	8,000.0
2. Minimum lot frontage (metres)	30.0	90.0
3. Maximum height (metres)	12.0	23.0
4. Minimum front setback (metres)	7.5	7.5
5. Minimum rear setback (metres)	a) Where the rear lot line abuts a lot in a Commercial Zone or Institutional Zone: 7.5 b) Where the rear lot line abuts a lot in all other Zones: 10.5	a) Where the rear lot line abuts a lot in a Commercial Zone or Institutional Zone: 7.5 b) Where the rear lot line abuts a lot in all other Zones: 10.5
6. Minimum exterior setback (metres)	7.5	7.5
7. Minimum interior setback (metres)	a) Where the interior lot line abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the interior lot line abuts a lot in all other Zones: 9.0	a) Where the interior lot line abuts a lot in a Commercial Zone or Institutional Zone: 0.0 b) Where the interior lot line abuts a lot in all other Zones: 9.0
8. Minimum landscaped open space	30%	30%
9. Maximum lot coverage	—	—

Section 15: Commercial Zones

15.1. All Commercial Zones

- 15.1.1.** For the purposes of this By-law, Commercial Zones include Neighbourhood Commercial Zone (CN), Arterial Commercial Zone (CA), District Commercial Zone (CD), Regional Commercial Zone (CR), General Commercial Zone (CG), Marine Commercial Zone (CW) and Harbour Zone (HB).
- 15.1.2.** **Uses** permitted in Commercial Zones are limited to the **uses** identified in Table 15.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.
- 15.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 15.1.2., the following corresponding provisions apply:
1. Is permitted only as an **accessory use** to a **principal use** on the **lot** and must be located on or above the second **storey**.
 2. Is permitted only as an **accessory use** to a **principal use** on the **lot**.

Table 15.1.2. - Permitted Uses in the Commercial Zones

Use	CN	CA	CD	CR	CG	CW	HB
Residential apartment building	—	—	—	—	—	—	—
dwelling unit in a mixed use building	●	—	—	—	●	—	—
stacked townhouse	—	—	—	—	—	—	—
townhouse	—	—	—	—	—	—	—
Non-residential agricultural sales establishment	—	●	—	—	—	—	—
animal care	—	●	●	—	●	—	—
automobile sales establishment	—	●	—	—	●	—	—
banquet hall	—	●	●	●	●	—	—
building supply store	—	●	—	●	—	—	—
carwash	—	—	—	—	●	—	—
commercial parking lot	—	—	●	●	●	—	—
community centre	●	●	●	●	●	●	—

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Use	CN	CA	CD	CR	CG	CW	HB
club	—	●	●	●	●	—	—
creativity centre	●	●	●	●	●	—	—
day care centre	● ²	● ²	● ²	● ²	● ²	—	—
department store	—	—	●	●	—	—	—
entertainment establishment	—	●	●	●	—	—	—
ferry terminal	—	—	—	—	—	—	●
financial institution	●	●	●	●	●	—	—
fitness centre	●	●	●	●	●	—	—
gas station	—	●	●	●	●	—	—
grocery store	●	●	●	●	●	—	—
funeral establishment	—	●	—	—	●	—	—
garden centre	—	●	●	●	—	—	—
hotel	—	●	—	—	—	●	—
institutional use	—	—	—	—	●	—	—
laboratory	—	—	—	—	—	—	—
laundry store	●	●	●	●	●	—	—
library	●	●	●	●	●	●	—
marina	—	—	—	—	—	●	●
museum	●	●	●	●	●	●	—
office	●	● ¹	●	●	●	—	—
outdoor storage	—	—	—	—	—	● ¹	—
personal service shop	●	●	●	●	●	—	—
place of worship	●	●	●	●	●	●	—
public market	—	—	—	—	—	—	—
recreation facility	—	●	●	●	●	—	—
recreational vehicle sales establishment	—	●	—	—	●	—	—
repair shop	—	●	—	—	●	●	—
restaurant	●	●	●	—	●	●	●
retail store	●	●	●	●	●	●	●

Use	CN	CA	CD	CR	CG	CW	HB
secondary school	—	●	—	—	—	—	—
special needs facility	—	●	●	—	●	—	—
training facility	—	—	●	●	●	—	—
transportation depot	—	—	—	—	—	—	—
transportation terminal	—	—	—	—	—	—	—
wellness clinic	●	●	●	●	●	—	—
wholesale establishment	—	●	—	—	—	—	—

15.2. Neighbourhood Commercial Zone (CN)

15.2.1. The **use** of any **lot** or **building** in the CN Zone must comply with the provisions of Table 15.2.1.

Table 15.2.1. – CN Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	12.0
4. Minimum front setback (metres)	—
5. Minimum rear setback (metres)	6.0
6. Minimum exterior setback (metres)	1.8
7. Minimum interior setback (metres)	0.0
8. Minimum landscaped open space	10%
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	1

Additional Provisions for Lots Zoned CN

15.2.2. In addition to the provisions of Table 15.2.1., **uses** in the CN Zone must comply with the following provisions:

- 1.** The maximum permitted **gross floor area** of a **fitness centre, financial institution, laundry store, personal service shop, repair shop, retail store, restaurant or grocery store** is 185.0 square metres;
- 2.** The maximum permitted **gross floor area** of a **building** containing more than one commercial **use** is 930.0 square metres;
- 3.** **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as “Required Ground Floor Commercial” on Schedule 3;
- 4.** Despite the maximum number of **dwelling units per lot** in Table 15.2.1., where a **building** is required to have ground floor commercial **uses**, such **lot** is exempt from the maximum number of **dwelling units per lot** if it complies with Clause 4.4.1.; and

5. Where ground floor commercial **uses** are required by Subclause 3., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

15.3. Arterial Commercial Zone (CA)

15.3.1. The use of any lot or building in the CA Zone must comply with the provisions of Table 15.3.1.

Table 15.3.1. – CA Provisions

Zoning Provision	dwelling unit in a mixed use building	all other permitted uses
1. Minimum lot area (square metres)	1393.0	—
2. Minimum lot frontage (metres)	—	—
3. Maximum height (metres)	13.7	13.7
4. Minimum front setback (metres)	3.0	3.0
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	3.1	3.1
7. Minimum interior setback (metres)	0.0 ¹	0.0 ¹
8. Minimum landscaped open space	20%	20%
9. Maximum lot coverage	—	—
10. Maximum number of dwelling units per lot	1.0	—

Additional Provisions for Lots Zoned CA

15.3.2. In addition to the provisions of Table 15.3.1., uses in the CA Zone must comply with the following provisions:

1. The minimum interior setback where an interior lot line abuts a Zone other than a Commercial Zone or Institutional Zone is 6.0 metres; and
2. Where a parking lot is adjacent to a sidewalk or walkway, a minimum 3.0 metre wide planting strip must be provided between such parking lot and sidewalk or walkway.

15.4. District Commercial Zone (CD)

15.4.1. The **use** of any **lot** or **building** in the CD Zone must comply with the provisions of Table 15.4.1.

Table 15.4.1. – CD Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	60.0
3. Maximum height (metres)	The greater of: (a) 13.7 metres (b) 1 storey
4. Minimum front setback (metres)	3.0
5. Minimum rear setback (metres)	15.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	0.0 ¹
8. Minimum landscaped open space	10%
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned CD

15.4.2. In addition to the provisions of Table 15.4.1., **uses** in the CD Zone must comply with the following provisions:

- 1.** The minimum **interior setback** where an **interior lot line** abuts any Zone other than a Commercial Zone is 15.0 metres; and
- 2.** **Outdoor storage** is prohibited.

15.5. Regional Commercial Zone (CR)

15.5.1. The **use** of any **lot** or **building** in the CR Zone must comply with the provisions of Table 15.5.1.

Table 15.5.1. – CR Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (hectares)	14.0
2. Minimum lot frontage (metres)	60.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	3.0
5. Minimum rear setback (metres)	15.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	15.0
8. Minimum landscaped open space	10% ²
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned CR

15.5.2. In addition to the provisions of Table 15.5.1., **uses** in the CR Zone must comply with the following provisions:

1. The minimum **gross leasable area** is 30,000 square metres;
2. Where the **lot** is **developed** in phases, the required **landscaped open space** must be provided on a pro rata basis with the **construction** of **gross leasable area**; and
3. No **outdoor storage** is permitted, except for the sole purpose of a **garden centre**.

15.6. General Commercial Zone (CG)

15.6.1. The **use** of any **lot** or **building** in the CG Zone must comply with the provisions of Table 15.6.1.

Table 15.6.1. – CG Provisions

Zoning Provision	dwelling unit in a mixed use building	gas station	all other permitted uses
1. Minimum lot area (square metres)	1,393.6	1,161.2	464.5
2. Minimum lot frontage (metres)	30.0	30.0	30.0
3. Maximum height (metres)	10.7	10.7	10.7
4. Minimum front setback (metres)	3.1	3.1	3.1
5. Minimum rear setback (metres)	7.5	7.5	7.5
6. Minimum exterior setback (metres)	3.1	15.2	3.1
7. Minimum interior setback (metres)	0.0 ¹	9.1	0.0 ¹
8. Minimum landscaped open space	10%	5%	10%
9. Maximum lot coverage	—	20%	—
10. Maximum number of dwelling units per lot	1.0	—	—

Additional Provisions for Lots Zoned CG

15.6.2. In addition to the provisions of Table 15.6.1., **uses** in the CG Zone must comply with the following provisions:

- 1.** The minimum **interior setback** where abutting any Zone other than a Commercial Zone or an Institutional Zone is 3.1 metres;
- 2.** The maximum **gross leasable area** of a **building** containing more than one commercial **use** is 2,000.0 square metres, not including any floor area which is exclusively devoted to institutional, **office** or **residential use**; and
- 3.** **Outdoor storage** is prohibited.

15.7. Marine Commercial Zone (CW)

15.7.1. The **use** of any **lot** or **building** in the CW Zone must comply with the provisions of Table 15.7.1.

Table 15.7.1. – CW Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	560.0
2. Minimum lot frontage (metres)	23.0
3. Maximum height (metres)	10.7
4. Minimum front setback (metres)	3.0
5. Minimum rear setback (metres)	15.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	0.0 ³
8. Minimum landscaped open space	10%
9. Maximum lot coverage	40%

Additional Provisions for Lots Zoned CW

15.7.2. In addition to the provisions of Table 15.7.1., **uses** in the CW Zone must comply with the following provisions:

1. The minimum **interior setback** where an **interior lot line** abuts a Zone other than a Commercial Zone is 9.0 metres; and
2. **Outdoor storage** is only permitted in the **rear yard**, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**.

15.8. Harbour Zone (HB)

15.8.1. The **use** of any **lot** or **building** in the HB Zone must comply with the provisions of Table 15.8.1.

Table 15.8.1. – HB Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	10.7
4. Minimum front setback (metres)	0.0
5. Minimum rear setback (metres)	0.0
6. Minimum exterior setback (metres)	0.0
7. Minimum interior setback (metres)	0.0
8. Minimum landscaped open space	—
9. Maximum lot coverage	50%

Additional Provisions for Lots Zoned HB

15.8.2. In addition to the provisions of Table 15.8.1., **uses** in the HB Zone must comply with the following provisions:

1. No **loading spaces** are required;
2. Despite Clause 4.23.1., the minimum **separation distance** from the **high water mark** of a **waterbody** for any **use** or **building** is 10.0 metres;
3. No **outdoor storage** is permitted, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**;
4. **Drive-throughs** are prohibited;
5. **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as “Required Ground Floor Commercial” on Schedule 3; and
6. Where ground floor commercial **uses** are required by Subclause 5., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by

commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

Section 16: Employment Zones

16.1. All Employment Zones

16.1.1. For the purposes of this By-law, Employment Zones include Business Park Zone (M1), General Industrial Zone (M2), Heavy Industrial Zone (M3), Employment Service Zone (M4) and Waste Management Zone (M5).

16.1.2. **Uses** permitted in Employment Zones are limited to the **uses** identified in Table 16.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

16.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 16.1.2., the following corresponding provisions apply:

1. Is required to operate within an enclosed **building**.
2. Is permitted only as an **accessory use** to a **principal use** on the **lot** and is limited to a maximum **gross floor area** of 25% of the **gross floor area** of the **principal use**.
3. Is limited only to convenience commercial **uses** in a **retail store**, in accordance with the complementary **use** policies of the Official Plan.
4. Is permitted only as an **accessory use** to a **principal use** on the **lot**.
5. Is permitted as a **principal use** and may occupy 100% **gross floor area** on the **lot**, in accordance with the **complementary use** policies of the Official Plan.

Table 16.1.2. - Permitted Uses in the Employment Zones

Use	M1	M2	M3	M4	M5
animal care	—	—	—	● ⁵	—
animal shelter	—	—	—	●	—
automobile body shop	—	●	●	—	—
automobile repair shop	—	●	●	—	—
banquet hall	—	—	—	● ⁵	—
call centre	●	—	—	● ¹	—

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Use	M1	M2	M3	M4	M5
catering service	●	●	—	● ¹	—
contractor's yard	● ¹	●	●	● ¹	—
day care centre	—	—	—	● ⁵	—
feedmill	—	●	—	—	—
financial institution	—	—	—	● ⁵	—
fitness centre	—	—	—	● ⁵	—
heavy equipment or truck repair shop	—	●	●	—	—
heavy industrial uses	—	—	●	—	—
hotel	—	—	—	● ⁵	—
industrial repair shop	—	●	●	—	—
laboratory	●	—	—	● ¹	—
light industrial use	● ¹	●	●	● ¹	—
office	●	● ⁴	● ⁴	● ¹	● ⁴
outdoor storage	● ⁴	● ⁴	● ⁴	—	●
personal service shop	—	—	—	● ⁵	—
place of worship	—	—	—	● ⁵	—
production studio	●	—	—	● ¹	—
recreation facility	—	—	—	● ⁵	—
repair shop	● ¹	●	●	● ¹	—
research establishment	●	—	—	● ¹	—
restaurant	—	—	—	● ⁵	—
retail store	● ²	● ²	● ²	● ³	● ²
salvage yard	—	—	—	—	●
self-service storage facility	—	●	—	—	—
towing compound	—	●	●	—	●
training facility	● ¹	—	—	● ¹	—
transportation depot	● ¹	●	●	● ¹	—
warehouse	● ¹	●	●	● ¹	—

Use	M1	M2	M3	M4	M5
waste disposal area	—	—	—	—	●
waste processing site	—	—	—	—	●
waste transfer station	—	—	—	—	●
wastewater treatment facility	—	—	●	—	●
water supply plant	—	—	●	—	—
wellness clinic	—	—	—	● ⁵	—
wholesale establishment	● ¹	●	●	● ¹	—
workshop	● ¹	●	●	● ¹	—

16.2. Business Park Zone (M1)

16.2.1. The **use** of any **lot** or **building** in the M1 Zone must comply with the provisions of Table 16.2.1.

Table 16.2.1. – M1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	25.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	6.0 ³
5. Minimum rear setback (metres)	7.5 ³
6. Minimum exterior setback (metres)	6.0 ³
7. Minimum interior setback (metres)	6.0 ³
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M1

16.2.2. In addition to the provisions of Table 16.2.1., **uses** in the M1 Zone must comply with the following provisions:

- 1. Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in an Urban Residential Zone, Urban Multi-Unit Residential Zone or Heritage Zone or on a **lot** that is adjacent to a **lot** with a **residential use**. Where permitted, **outdoor storage** must:
 - (a)** comply with the **setback** provisions as if such **use** were a **building**;
 - (b)** not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**;
 - (c)** be provided with a **visual screen** a minimum **height** of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone; and
 - (d)** have an area no greater than 15% of the **lot area**.

2. Despite Subclause 1., when **outdoor storage** is established under the provisions of this By-law, the subsequent **construction** of a new **residential use** on a separate **lot** does not render such **outdoor storage** non-complying.
3. Where a **lot line** abuts a **lot** in any Zone other than an Employment Zone, or has a **street line** located on the opposite side of the **street** from a **lot** in a Zone other than an Employment Zone:
 - (a) A minimum 3.0 metre wide **planting strip** is required adjacent to any such **lot line** or **street line** in accordance with the provisions of Subsection 4.16.; and
 - (b) Where the **lot line** is an **interior lot line** or **rear lot line**, the minimum **setback** from the **lot line** is 15.0 metres.
4. All **parking lots** must be surfaced with asphalt, concrete, lockstone or a similar material approved by the **City**.
5. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the **Planning Act**.

16.3. General Industrial Zone (M2)

16.3.1. The **use** of any **lot** or **building** in the M2 Zone must comply with the provisions of Table 16.3.1.

Table 16.3.1. – M2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	21.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	8.0
5. Minimum rear setback (metres)	7.5 ³
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0 ³
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M2

16.3.2. In addition to the provisions of Table 16.3.1., **uses** in the M2 Zone must comply with the following provisions:

- 1. Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in an Urban Residential Zone, Urban Multi-Unit Residential Zone or Heritage Zone or on a **lot** that is adjacent to a **lot** with a **residential use**. Where permitted, **outdoor storage** must:
 - (a)** comply with the **setback** provisions as if such **use** were a **building**;
 - (b)** not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**;
 - (c)** be provided with a **visual screen** a minimum **height** of 1.8 metres and in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone; and
 - (d)** have an area no greater than 30% of the **lot area**;

2. Despite Subclause 1., when **outdoor storage** is established under the provisions of this By-law, the subsequent **construction** of a new **residential use** on a separate **lot** does not render such **outdoor storage** non-complying;
3. Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 15.0 metres;
4. **Heavy industrial uses** existing as of the date of passing of this By-law are deemed to be permitted **uses** in the M2 Zone. Any **development** associated with an existing **heavy industrial use** must comply with the provisions in Table 16.3.1.; and
5. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

16.4. Heavy Industrial Zone (M3)

16.4.1. The **use** of any **lot** or **building** in the M3 Zone must comply with the provisions of Table 16.4.1.

Table 16.4.1. – M3 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	25.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	8.0
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M3

16.4.2. In addition to the provisions of Table 16.4.1., **uses** in the M3 Zone must comply with the following provisions:

- 1. Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in an Urban Residential Zone, Urban Multi-Unit Residential Zone or Heritage Zone or on a **lot** that is adjacent to a **lot** with a **residential use**. Where permitted, **outdoor storage** must:
 - (a)** comply with the **setback** provisions as if such **use** were a **building**;
 - (b)** not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**; and
 - (c)** be provided with a **visual screen** a minimum **height** of 1.8 metres and in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone;
- 2.** Despite Subclause 1., when **outdoor storage** is established under the provisions of this By-law, the subsequent **construction** of a new **residential use** on a separate **lot** does not render such **outdoor storage** non-complying;

3. Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 15.0 metres; and
4. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

16.5. Employment Service Zone (M4)

16.5.1. The **use** of any **lot** or **building** in the M4 Zone must comply with the provisions of Table 16.5.1.

Table 16.5.1. – M4 Provisions

Zoning Provision	all other permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	25.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	6.0
5. Minimum rear setback (metres)	7.5 ¹
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0 ¹
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M4

16.5.2. In addition to the provisions of Table 16.5.1., **uses** in the M4 Zone must comply with the following provisions:

- 1.** Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 15.0 metres;
- 2.** **Outdoor storage** is prohibited;
- 3.** All **parking lots** must be surfaced with asphalt, concrete, or lockstone or a similar material approved by the **City**; and
- 4.** It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the **Planning Act**.

16.6. Waste Management Zone (M5)

16.6.1. The use of any lot or building in the M5 Zone must comply with the provisions of Table 16.6.1.

Table 16.6.1. – M5 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	15.0
5. Minimum rear setback (metres)	15.0 ²
6. Minimum exterior setback (metres)	15.0
7. Minimum interior setback (metres)	15.0 ²
8. Minimum landscaped open space	—
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M5

16.6.2. In addition to the provisions of Table 16.6.1., uses in the M5 Zone must comply with the following provisions:

1. **Outdoor storage** must be provided with a **visual screen** a minimum **height** of 1.8 metres and in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone;
2. Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 30.0 metres;
3. All facilities for managing solid waste must be located within an enclosed **building** and **constructed** in such a manner that the waste material is not visible from a **street** or an adjacent non-industrial property; and
4. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

Section 17: Transportation and Utilities Zones

17.1. All Transportation and Utilities Zones

17.1.1. For the purposes of this By-law, Transportation and Utilities Zones include Airport Zone (TA), Transportation and Railway Zone (TR) and Utility Installation or Corridor Zone (TU).

17.1.2. **Uses** permitted in Transportation and Utilities Zones are limited to the **uses** identified in Table 17.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

17.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 17.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the **lot**; and
2. An existing **golf course** and driving range is a permitted **principal use** on all lands in the TA Zone.

Table 17.1.2. - Permitted Uses in the Transportation and Utilities Zones

Use	TA	TR	TU
agricultural use	—	—	● ¹
airport facilities	●	—	—
club	●	—	—
ferry terminal	—	●	—
golf course	● ²	—	—
outdoor storage	—	—	● ¹
personal service shop	—	● ¹	—
restaurant	—	● ¹	—
retail store	—	● ¹	—
transformer station	—	—	●
transportation terminal	—	●	—
water supply plant	—	—	●

17.2. Airport Zone (TA)

17.2.1. The **use** of any **lot** or **building** in the TA Zone must comply with the provisions of Table 17.2.1.

Table 17.2.1. – TA Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	15.2
4. Minimum front setback (metres)	21.3
5. Minimum rear setback (metres)	7.6
6. Minimum exterior setback (metres)	21.3
7. Minimum interior setback (metres)	3.1
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

17.3. Transportation and Railway Zone (TR)

17.3.1. The use of any lot or building in the TR Zone must comply with the provisions of Table 17.3.1.

Table 17.3.1. – TR Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	18.0
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	0.0 ¹
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	4.5
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned TR

17.3.2. In addition to the provisions of Table 17.3.1., **uses** in the TR Zone must comply with the following provisions:

1. Bus stations must comply with the following:
 - (a) A minimum 3.0 metre wide **planting strip** must be provided along all **lot lines**.
2. Train stations must comply with the following:
 - (a) A minimum 7.5 metre wide **planting strip** must be provided along all **lot lines**.

17.4. Utility Installation or Corridor Zone (TU)

17.4.1. The **use** of any **lot** or **building** in the TU Zone must comply with the provisions of Table 17.4.1.

Table 17.4.1. – TU Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	—
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned TU

17.4.2. In addition to the provisions of Table 17.4.1., **uses** in the TU Zone must comply with the following provisions:

- 1.** A minimum 4.5 metre wide **planting strip** must be provided along all **street lines**;
- 2.** Where a **lot** abuts a **lot** in an Institutional Zone or Commercial Zone, a minimum 3.0 metre wide **planting strip** must be provided adjacent to any such **lot line**, which must have a minimum **height** of 1.5 metres for the row of trees or a continuous hedgerow of evergreens or shrubs;

3. Where a **lot** is located on the opposite side of the **street** from an Institutional Zone or Commercial Zone, a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such Zone;
4. No planting strip is required adjacent to a **lot line** that abuts an Employment Zone, Transportation and Utilities Zone, or any combination of such Zones; and
5. A minimum 4.5 metre wide **planting strip** must be provided along all other **lot lines**, which must have a minimum **height** of 1.5 metres for the row of trees or a continuous hedgerow of evergreens or shrubs.

Section 18: Open Space Zones

18.1. All Open Space Zones

- 18.1.1.** For the purposes of this By-law, Open Space Zones include Protected Open Space Zone (OS1), General Open Space Zone (OS2) and Development Reserve Zone (DR).
- 18.1.2.** **Uses** permitted in Open Space Zones are limited to the **uses** identified in Table 18.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.
- 18.1.3.** Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 18.1.2., the following corresponding provisions apply:
1. Is permitted only as an **accessory use** to a **principal use** on the **lot**;
 2. Is permitted if the **principal building** legally existed on the **lot** as of the date of passing of this By-law; and
 3. Is permitted in the **rural area**.

Table 18.1.2. - Permitted Uses in the Open Space Zones

Use	OS1	OS2	DR
Residential single detached house	—	—	● ²
Non-residential agricultural use	—	—	● ³
campground	—	●	—
cemetery	—	●	—
club	—	●	—
community centre	—	●	—
elementary school	—	●	—
fitness centre	—	●	—
forestry use	—	●	—
golf course	—	●	—
library	—	●	—

Use	OS1	OS2	DR
marina	—	●	—
museum	—	●	—
office	—	● ¹	—
park	●	●	●
place of worship	—	—	—
recreation facility	—	●	—
secondary school	—	●	—

18.2. Protected Open Space Zone (OS1)

18.2.1. The **use** of any **lot** or **building** in the OS1 Zone must comply with the provisions of Table 18.2.1.

Table 18.2.1. – OS1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	—
4. Minimum front setback (metres)	—
5. Minimum rear setback (metres)	—
6. Minimum exterior setback (metres)	—
7. Minimum interior setback (metres)	—
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

18.3. General Open Space Zone (OS2)

18.3.1. The **use** of any **lot** or **building** in the OS2 Zone must comply with the provisions of Table 18.3.1.

Table 18.3.1. – OS2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres)	23.0
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	7.5
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

18.4. Development Reserve Zone (DR)

18.4.1. The use of any lot or building in the DR Zone must comply with the provisions of Table 18.4.1.

Table 18.4.1. – DR Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	—	—
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	6.1
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	6.1
7. Minimum interior setback (metres)	7.6	7.6
8. Minimum landscaped open space	—	—
9. Maximum lot coverage	20%	20%
10. Maximum number of dwelling units per lot	1.0	—

Section 19: Environmental Zones

19.1. Environmental Protection Area Zone (EPA)

19.1.1. No **use, building** or any part of a **private sewage system** is permitted in the EPA Zone, except:

1. Water quality management **uses**;
2. Flood control components or works;
3. Erosion control components or works;
4. **Passive recreation**;
5. Educational **uses**, generally of a passive nature, excluding associated **buildings**;
6. New public or private works or utilities such as pipelines, roads, bridges or parking areas, where such facilities are not feasible outside of the Environmental Protection Area;
7. **Marine facilities**;
8. Water based facilities associated with existing permitted **marinas**; and
9. **Parks and conservation uses.**