

City of Kingston
Zoning By-Law Number _____

First Draft
October 27, 2016

Table of Contents

Section 1: Administration	6
1.1. Title of the By-law	6
1.2. Area to Which the By-law Applies.....	6
1.3. Compliance with Applicable Law	6
1.4. Effective Date.....	7
1.5. Repeal of Existing By-laws	7
1.6. Transition Provisions.....	7
1.7. Minor Variances.....	8
1.8. Non-Compliance and Non-Conformity	8
1.9. Conveyances to Public Authorities	9
1.10. Administration of the By-law	10
1.11. Remedies.....	10
1.12. Validity or Severability	10
1.13. Enforcement and Penalties.....	10
1.14. Exceptions	11
Section 2: Interpretation of this By-law	12
2.1. Language and Meaning.....	12
2.2. Parts of This By-law	14
2.3. Structure of the By-law	14
2.4. Establishment of Zones	14
2.5. Zone Boundaries	17
2.6. Zone Labels and Provisions	18
2.7. One Lot for Zoning Purposes	19
Section 3: Definitions	21
3.1. Definitions.....	21
Section 4: General Provisions	60
4.1. Accessory Uses, Buildings and Structures	60
4.2. Amenity Area Provisions	62
4.3. Lot Servicing.....	62
4.4. Angular Planes and Build-to Planes	62
4.5. Sight Triangles.....	64
4.6. Drive-Through Provisions.....	65
4.7. Frontage on a Public Street.....	66
4.8. Generally Permitted Uses	66
4.9. Temporary Uses	68
4.10. Landscape Requirements	69
4.11. Minimum Distance Separation	70
4.12. Prohibited Uses in All Zones	70
4.13. Projections Above Maximum Height	71
4.14. Projections into Required Setbacks	72

4.15.	Barrier-Free Structures in Other Zones	76
4.16.	Setbacks from Railway Right-of-Way	76
4.17.	Setbacks from Waterbodies	77
4.18.	Setbacks from Natural Gas Pipelines	77
4.19.	Propane and Natural Gas Handling Facilities	77
4.20.	Waste and Recycling.....	77
Section 5:	Overlay Provisions.....	79
5.1.	Natural Heritage Overlay.....	79
5.3.	Source Water Protection Overlay.....	80
5.4.	Airport Zoning Overlay	85
5.5.	Airport Noise Exposure Overlay	85
5.6.	Second Residential Units Overlay	85
Section 6:	Specific Use Provisions.....	87
6.1.	Adult Entertainment Establishments and Stores	87
6.2.	Bed and Breakfast.....	87
6.3.	Community Residence Accommodations	87
6.4.	Garden Suite	88
6.5.	Gasoline Pump Island	89
6.6.	Home Based Business.....	89
6.7.	Kennels	90
6.8.	Marinas.....	92
6.9.	Model Homes	93
6.10.	Occasional Uses.....	93
6.11.	Outdoor Patios.....	94
6.12.	Public Utility Installation	95
6.13.	Rooming House	95
6.14.	Rooming Units in Private Residences	96
6.15.	Transportation Terminals	96
Section 7:	Parking, Loading and Bicycle Parking Provisions	97
7.1.	Parking Requirements	97
7.2.	Parking Space, Driveway and Parking Aisle Dimensions.....	97
7.3.	Surface Treatment	97
7.4.	Location of Parking Spaces.....	97
7.5.	Driveway Width.....	97
7.6.	Parking Structures	97
7.7.	Angle of Driveways Relative to Street Lines	97
7.8.	Tandem Parking.....	97
7.9.	Shared Parking	97
7.10.	Car-share Services	98
7.11.	Addition or Change to Existing Use – Parking Spaces	98
7.12.	Accessible Parking Provisions	98
7.13.	Loading Space Requirements	98

7.14.	Dimensions of Loading Spaces	98
7.15.	Surface Treatment of Loading Spaces	98
7.16.	Location of Loading Spaces.....	98
7.17.	Addition or Change to Existing Use – Loading Spaces	98
7.18.	Bicycle Parking Provisions.....	98
7.19.	Dimensions of Bicycle Spaces.....	98
7.20.	Addition or Change to Existing Use – Bicycle Spaces	99
7.21.	Outdoor Storage of Vehicles in Residential Zones	99
Section 8:	Rural Zones	101
8.1.	All Rural Zones	101
8.2.	Prime Agricultural Area Zone (AG)	103
8.3.	General Rural Area Zone (RU)	105
8.4.	Rural Residential Zone (RUR).....	107
8.5.	Limited Service Rural Residential Zone (LSR).....	109
8.6.	Rural Commercial Zone (RC).....	110
Section 9:	Hamlet Zones	113
9.1.	All Hamlet Zones	113
9.2.	Hamlet Residential Zone (HR)	115
9.3.	Hamlet Commercial Zone (HC).....	117
9.4.	Hamlet Institutional Zone (HI).....	120
Section 10:	Rural Industrial Zones	121
10.1.	All Rural Industrial Zones	121
10.2.	Rural Industrial Zone (RM1).....	123
10.3.	Rural Heavy Industrial Zone (RM2)	126
10.4.	Mineral Resource and Extraction Zone (MX1).....	127
Section 11:	Residential Zones	128
11.1.	All Residential Zones	128
11.2.	Low Density Residential 1 Zone (R1).....	130
11.3.	Low Density Residential 2 Zone (R2).....	131
11.4.	Low Density Residential 3 Zone (R3).....	132
11.5.	Medium Density Residential 4 Zone (R4)	134
11.6.	Medium Density Residential 5 Zone (R5)	136
Section 12:	Institutional Zones	137
12.1.	All Institutional Zones	137
12.2.	Institutional – Minor Zone (IN1).....	139
12.3.	Institutional – Major Zone (IN2)	140
12.4.	Correctional Facility Zone (G1)	142
12.5.	Military Installation Zone (G2)	143
Section 13:	Commercial Zones	144

13.1.	All Commercial Zones	144
13.2.	Local Commercial Zone (CL)	147
13.3.	Mainstreet Commercial Zone (CM).....	148
13.4.	Arterial Commercial Zone (CA)	150
13.5.	Shopping Centre Commercial Zone 1 (CS1)	151
13.6.	Shopping Centre Commercial Zone 2 (CS2)	152
13.7.	General Commercial Zone (CG)	153
13.8.	Marine Commercial Zone (CW).....	155
Section 14:	Downtown Zones	157
14.1.	All Downtown Zones	157
14.2.	Central Downtown Zone (CD).....	160
14.3.	Market Square Zone (CMS).....	163
14.4.	Harbour Zone (HB)	165
Section 15:	Industrial Zones	167
15.1.	All Industrial Zones	167
15.2.	Business Park Zone (M1).....	170
15.3.	General Industrial Zone (M2)	172
15.4.	Heavy Industrial Zone (M3).....	173
15.5.	Waste Management Zone (M3W).....	174
15.6.	Employment Service Zone (M4)	175
Section 16:	Transportation and Utilities Zones	176
16.1.	All Transportation and Utilities Zones.....	176
16.2.	Airport Zone (TA).....	178
16.3.	Transportation Terminal Highway and Railway Zone (TR)	179
16.4.	Utility Installation or Corridor Zone (TU).....	180
Section 17:	Open Space and Reserve Zones.....	181
17.1.	All Open Space and Reserve Zones	181
17.2.	Minor Open Space Zone (OS1).....	183
17.3.	Major Open Space Zone (OS2)	184
17.4.	Development Reserve Zone (DR).....	186
Section 18:	Environmental Protection Zone	187
18.1.	Environmental Protection Zone (EPA).....	187
Section 19:	Exceptions to the Rural Area	189
19.1.	Rural Area Exceptions	189
Section 20:	Exceptions to the Urban Area	299
20.1.	Urban Area Exceptions	299
Section 21:	Zoning Maps.....	865

Section 22: Schedules 866
 22.1. Overlay Schedules 866
 22.2. Non-Overlay Schedules 866

Section 23: List of Zoning By-law Amendments and Status 867
 23.1. Reserved. 867

City of Kingston Zoning By-Law Number _____

A by-law to regulate the *use* of lands and the character, location and *use* of *buildings* and *structures* within the City of Kingston, pursuant to Section 34 of the *Planning Act* R.S.O. 1990, c. P.13.

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

Section 1: Administration

1.1. Title of the By-law

1.1.1. This By-law is composed of the text, zoning maps and schedules, and may be cited as the “City of Kingston Zoning By-law”.

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

1.2. Area to Which the 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 the Maps in Section 21 of this By-law, attached to and forming part of this By-law.

1.3. Compliance with Applicable Law

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

1.3.2. This By-law shall not be interpreted so as to reduce or mitigate any other by-law, regulation, or restriction lawfully imposed by the City or any other *public authority* having jurisdiction to do so.

1.3.3. Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of any by-law of the City in force from time to time or the obligation to obtain any license, permit, authority, or approval required under the by-laws of the City.

1.3.4. In the event of a conflict between this By-law and any general or special City by-law, this By-law shall prevail.

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

1.4. Effective Date

1.4.1. This By-law shall come into force and take effect the day it was passed, if no appeals are filed, or where one or more appeals are filed, when all of the appeals have been finally disposed of, and in accordance with the provisions of the *Planning Act*.

1.5. Repeal of Existing By-laws

1.5.1. The *former general zoning by-laws* are repealed upon the coming into force of this By-law.

1.6. Transition Provisions

1.6.1. Complete Applications for a Building Permit

1. Nothing in this By-law shall prevent the *development* or *use* of a *lot* or one or more *buildings* or *structures* 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 general zoning by-law* as it was read immediately prior to the passing of this By-law.

1.6.2. Other Types of Complete Applications

1. 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* or *structures*, approval may be granted, if deemed appropriate, in the context of the applicable *former general zoning by-law* as it was read immediately prior to the passing of this By-law, for one or more of the following applications:

- (a)** one or more minor variances pursuant to Section 45 of the *Planning Act*;
- (b)** site plan control approval pursuant to Section 41 of the *Planning Act*;

- (c) consent pursuant to Section 53 of the *Planning Act*;
- (d) draft plan of subdivision approval pursuant to Section 51 of the *Planning Act*;
- (e) payment in lieu of parking agreement pursuant to Section 40 of the *Planning Act*; and
- (f) a part lot control exemption approval pursuant to Section 50 of the *Planning Act*.

2. Where the *development* or *use* of a *lot* or one or more *buildings* or *structures* qualifies under Subclause 1.6.2.1., a building permit may be issued after final approval is received for all required applications and 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 general zoning by-law* as it was read immediately prior to the passing of this By-law.

1.6.3. 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.

1.6.4. Clauses 1.6.1. and 1.6.2. are repealed in their entirety three years after (date of passing of this By-law).

1.7. Minor Variances

1.7.1. Continuation of Finally Approved Variances

1. After the expiration of the transition period in Clause 1.6.4., any finally approved minor variances under the provisions of the applicable *former general zoning by-law* may be relied upon, if the regulatory standard respecting which the minor variance was given is the same or more permissive in this By-law than in the *former general zoning by-law*.

1.7.2. Minor Variance - Application of Former General Zoning By-laws

1. The applicable *former general zoning by-law*, including the definitions, apply to assist in the interpretation of any minor variance referred to in Subclause 1.7.1.1. in the context of this By-law.

1.8. Non-Compliance and Non-Conformity

1.8.1. Legal Non-Complying Buildings and Structures

1. A *building* or *structure* that does not meet the standards, provisions and regulations of this By-law, but which was legally *developed* in accordance with the by-laws in force at the time of construction, is considered to be legal non-complying and may be *developed* if the *development*:
 - (a) Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
 - (b) Complies with all other applicable provisions of this By-law.
2. If a *lot* contains a legal non-complying *building* or *structure* in accordance with Subclause 1 above, nothing in this By-law applies to prevent the *development* of an *accessory building* or *structure* on the *lot*, provided that the development:
 - (a) Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
 - (b) Complies with all other applicable provisions of this By-law.

1.8.2. Legal Non-Conforming Uses

1. Nothing in this By-law applies to prevent the *use* of any land, *building*, or *structure*, or part thereof, for any purpose prohibited by this By-law if such land, *building*, or *structure*, or part thereof, was legally *used* for such purpose on the day of the passing of this By-law, provided it continues to be *used* for that purpose.

1.8.3. Legally Existing Lots

1. A *lot* in existence prior to the day of passing of this By-law that does not meet the minimum *lot area* or *lot frontage* requirements of the applicable zone is permitted to be *used* and any *buildings* and *structures* thereon to be *developed* provided the *use* conforms with this By-law and the *buildings* and *structures* comply with all other provisions of this By-law.

1.9. Conveyances to Public Authorities

- 1.9.1. No person shall be 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 any public authority.

1.9.2. Notwithstanding any other provision of this By-law to the contrary, where any portion of a *lot* is, subsequent to the date of passing of this By-law, taken by the City for the purpose of a road widening, daylighting triangle, turning lane or other similar *use*, and such *use* is not required in order to serve the said *lot*, then the permitted *development* for any building permit issued after the date of passing of this By-law shall be calculated on the entire *lot area* including the area taken by the City.

1.10. Administration of the By-law

1.10.1. Unless otherwise stated, this By-law shall be administered and enforced by the Director of Planning, Building and Licensing, or his or her designate. In the event of organizational changes, this By-law shall be administered and enforced by another employee designated by Council.

1.11. Remedies

1.11.1. Where any matter or thing is required to be done by a person or corporation under the provisions of this By-law, Council may direct that in default of it being done by said person or corporation, such matter or timing may be done by the City at the sole expense of the person or corporation 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, given appropriate notice.

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 Zoning Map(s) are invalid then the judgement shall not affect the validity of the remaining portions of this By-law, and the remaining portions shall remain in full force and effect until repealed.

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.** 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, in which a conviction has been entered, any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of an offence.
- 1.14. Exceptions**
- 1.14.1.** The applicable *former general zoning by-laws*, including the definitions, apply to assist in the interpretation of any exception referred to in Sections 19 and 20 of this By-law. Where a conflict exists between the provisions of this By-law and the applicable *former general zoning by-laws*, the provisions of the by-law that were in force at the time of passing of the site specific by-law shall prevail.

Section 2: Interpretation of this By-law

2.1. Language and Meaning

2.1.1. General

1. In this By-law, if words, terms or phrases are formatted in an *italicized* font, they have the meaning provided in Section 3: Definitions. The definitions and interpretations set out shall apply and any words not specifically defined in this By-law shall carry their ordinary meaning.
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.
3. Notwithstanding the tense used in a provision:
 - (a) Every provision of this By-law is to be applied to the circumstances as they exist at the time in question; and
 - (b) 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.
4. Any reference to legislation or regulations or sections thereof approved by another *public authority* shall include any amendments to or successions thereof.
5. The word “City”, when used in this By-law, means the Corporation of the City of Kingston.
6. The word “Council”, when used in this By-law, means the Municipal Council of the Corporation of the City of Kingston.
7. The word “person”, when used in this By-law, 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.
8. The word “permitted”, when used in this By-law, means permitted by this By-law.
9. The words “exists” or “existing”, when used in this By-law, means existing legally on the date of passing of this By-law.

2.1.2. Singular and Plural Words

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

2.1.3. “Shall” is Mandatory

1. In this By-law, the word “shall” is always to be construed as mandatory.

2.1.4. Minimum and/or Maximum Requirements

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

2.1.5. Intent and Rules of Interpretation

1. This By-law is remedial in nature and shall be interpreted in a benevolent manner and read and applied in a way that will ensure the effective implementation of its provisions.
2. Without limiting the generality of Subclause 1, where two or more provisions of this By-law are equally 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.
3. Notwithstanding Subclause 2, where an exception or schedule applies, the provisions imposed by that exception or schedule prevail over any other provision in this By-law; however, where an overlay schedule applies, then the overlay provisions prevail over all other provisions, unless an exception specifically provides relief of the overlay provisions.
4. Where a *use* does not take place within a *building* or *structure* but a provision of this By-law imposes a requirement premised on that *use* being in a *building* or *structure*, the provision shall apply as though the actual area occupied by the *use* is in a *building* or *structure*, so that the true spirit, intent, and meaning of this By-law is implemented.

2.2. Parts of This By-law

2.2.1. Items that are Part of This By-law

1. Text, Zoning Maps, Schedules, Appendices and Figures form part of this By-law.
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.

2.2.2. Items that are not Part of this By-law

1. Diagrams, footnotes, indices, marginal notes, table of contents, illustrations, and references to former enactments or enabling legislation do not form part of the By-law and are editorially inserted for convenience of reference only.

2.3. Structure of the By-law

2.3.1. System of Division

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

Section 1. - Title

Subsection 1.1. - Heading

Clause 1.1.1. – Text

Subclause 1. - Text

Paragraph (a)

Subparagraph (i)

Item (1)

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 the Zoning Maps in Section 21 of this By-law.

Table 2.4.1. - List of Zones

ZONE NAME	ZONE CODE
Prime Agricultural Area	AG
General Rural Area	RU
Rural Residential	RUR
Limited Service Rural Residential	LSR
Rural Commercial	RC
Hamlet Residential	HR
Hamlet Commercial	HC
Hamlet Institutional	HI
Rural Industrial	RM1
Rural Heavy Industrial	RM2
Mineral Resource and Extraction	MX1
Low Density Residential 1	R1
Low Density Residential 2	R2
Low Density Residential 3	R3
Medium Density Residential 4	R4
Medium Density Residential 5	R5
Institutional Minor	IN1
Institutional Major	IN2
Correctional Facility	G1

ZONE NAME	ZONE CODE
Military Installation	G2
Local Commercial	CL
Mainstreet Commercial	CM
Arterial Commercial	CA
Shopping Centre Commercial 1	CS1
Shopping Centre Commercial 2	CS2
General Commercial	CG
Marine Commercial	CW
Central Downtown	CD
Market Square	CMS
Harbour	HB
Business Park	M1
General Industrial	M2
Heavy Industrial	M3
Waste Management	M3W
Employment Service	M4
Airport	TA
Transportation Terminal Highway and Railway	TR
Utility Installation or Corridor	TU
Minor Open Space	OS1

ZONE NAME	ZONE CODE
Major Open Space	OS2
Development Reserve	DR
Environmental Protection Area	EPA

2.5. Zone Boundaries

2.5.1. The Zoning Maps identify different areas, called zones, into which this By-law divides the City and show 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 the Zoning Maps:

- 1.** Follows a *street, lane, utility right-of-way, railway right-of-way, or watercourse*, it is considered to follow the *centre line* of such *street, lane, utility right-of-way, railway right-of-way, or watercourse*;
- 2.** Substantially follows *lot lines* shown on the zoning maps or the electronic consolidation of the zoning map, it is considered to follow such *lot lines*;
- 3.** Follows a *street* and, if the *street* is closed, the land in the said 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 the zoning map.

2.5.3. Where a *lot* is divided into more than one zone, the zone boundary shall not be treated as a *lot line* and each portion of the *lot* must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

2.5.4. Where any *lot, building or structure* is *used* for more than one purpose as provided in this By-law, the *lot, building or structure* shall comply with the provisions of this By-law relating to each *use*. In the case of a conflict, the more restrictive provision(s) shall apply.

2.5.5. All land within the municipal boundary of the City located under a *waterbody* shall be zoned EPA.

2.6. Zone Labels and Provisions

2.6.1. Subzones (Reserved for Future Use)

1. Subzones are created by adding a number or a capital letter to the primary zone code, and have the effect of modifying the *uses* or the regulations of the primary zone to the extent set out in the text of the provisions for that Subzone.

2.6.2. Exception Zones

1. Exception Zones are created by adding a number in square brackets, (e.g. [1]) to the zone code on the Zoning Maps, and have the effect of:
 - (a) Allowing a *use* that would not be permitted otherwise;
 - (b) Prohibiting a *use* that would be permitted otherwise; or
 - (c) Incorporating other modifications to this By-law as are set out for that exception, while retaining the un-modified provisions of the zone or subzone, as the case may be.

2.6.3. Holding Zones

1. Holding Zones are created by adding a hyphen and upper case "H" (e.g., "-H") to the zone code on the Zoning Maps, and have the effect of restricting the *development* or *use* of a *lot, building* or *structure*, or part thereof, in accordance with the provisions of the corresponding Holding Zone until this By-law has been amended to remove the Holding Zone.

2.6.4. Temporary Zones

1. Temporary Zones are created by adding a hyphen and upper case "T" followed by a number (for example: "R2-T1") to the zone code on the Zoning Maps, and have the effect of applying temporary *use* provisions pursuant to Section 39 of the *Planning Act*. Lands designated in this manner shall be subject to all restrictions of the zone except as otherwise provided by the temporary *use* provision. Upon the expiry date of the temporary *use* provision, the temporary *use* of such *lots, buildings* or *structures*, as may be specified, must cease, and *use* of the temporary zone symbol shall be discontinued. The specific nature of the temporary *use* provisions are as follows:

- (a) Lands with the temporary zoning suffix of “CM-T1” shall be subject to the following provisions from the date of passing of this By-law until an expiry date of October 6, 2018 in accordance with Subsection 1.:
 - (i) In addition to those *uses* permitted in the CM zone, lands zoned CM-T1 shall be permitted to be *used* as a surface *parking lot*.

2.6.5. Height Limit

- 1. The maximum permitted *height* is established in the applicable zone, subzone, exception or provision, in metres and/or number of *storeys*. *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.

2.6.6. Tables

- 1. The tables in Sections 8 to 18 inclusive of this By-law present the principal zoning regulations for permitted *uses* in each zone. The main permitted *uses* are listed and the applicable regulations are provided in the rows associated with each permitted *use*. The columns provide the type of regulation that is associated with the permitted *use* associated with each row.

2.6.7. Additional Provisions

- 1. Additional provisions are presented in conjunction with the permitted *uses* and zoning regulations that are presented in the tables with each zone. The references to an additional provision in the permitted *uses* and zoning regulations presented in the tables are indicated with small numbers in superscript adjacent to the upper right of the large numbers in the tables.

2.7. One Lot for Zoning Purposes

2.7.1. Where a *development* contains one or more *uses*, in one or more *buildings* or *structures*, on one or more *lots*, such *development* shall be considered as one *lot* for the purposes of compliance with this By-law provided that:

- 1. The *development* is located in one or more of the following zones:
 - (a) CA – Arterial Commercial Zone;
 - (b) CG – General Commercial Zone;

- (c) CL – Local Commercial Zone;
 - (d) CM – Mainstreet Commercial Zone;
 - (e) CD – Central Downtown Zone;
 - (f) M1 – Business Park Zone;
 - (g) M2 – General Industrial Zone;
 - (h) M3 – Heavy Industrial Zone;
 - (i) M4 – Employment Service Zone; and
 - (j) RC – Rural Commercial Zone;
2. The *development* is subject to Site Plan Control Approval by the City; and
 3. The *development* is planned, designed, operated and managed as a single entity by a single owner or a group of owners or tenants acting in collaboration.

Section 3: Definitions

3.1. Definitions

A

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

Accessible Aisle means a designated area which is reserved for the exclusive use of persons with disabilities, immediately adjacent to one or two *accessible parking spaces*.

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

Adult Entertainment Establishment means the *use* of any *lot, building or structure*, or part thereof, in which the business carried on, is provided in pursuance of a trade, calling, business or occupation appealing to or designed to appeal to erotic or sexual appetites or inclinations as licensed by the City. A *body rub parlour* is considered to be an *adult entertainment establishment*.

Adult Entertainment Store means the *use* of any *lot, building or structure*, or part thereof, in which the business carried on, is provided in pursuance of the sale or rental of goods appealing to or designed to appeal to erotic or sexual appetites or inclinations as licensed by the City.

Agricultural Sales Establishment means the *use* of any *lot, building or structure*, or part thereof, 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*.

Agricultural Use means the *use* of any *lot, building or structure*, or part thereof, for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur, fibre, recreation, 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, and accommodation for full-time farm labour when the size and nature of the *agricultural use* requires additional employment.

Agricultural Related Use means the commercial and industrial *use* of any *lot, building or structure*, or part thereof, that are:

1. Small-scale;
2. Directly related to an *agricultural use*; and
3. Required in close proximity to an *agricultural use*.

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, training, communications, environmental reporting, 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*.

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*.

Angular Plane means an imaginary flat surface that projects up at a specified angle from a specific point, such as a *lot line*, *height*, or a specific *storey* of a *building*.

Animal Care means the *use* of any *lot*, *building* or *structure*, or part thereof, for medical, grooming, training or similar services for domesticated animals, but does not include a *kennel*. In the *rural area*, *animal care* may include livestock.

Animal Shelter means the *use* of any *lot*, *building* or *structure*, or part thereof, 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.

Apartment Building means a residential *building* consisting of four or more *dwelling units* that share a common external access to the outside through a common vestibule and corridor system.

Art Gallery means the *use* of any *lot*, *building* or *structure*, or part thereof, for the display of works of art for viewing and purchase by the general public.

Artist Studio means the *use* of any *lot*, *building* or *structure*, or part thereof, as the workplace of a photographer, artist, or craftsman, including the sale of the artwork produced in the studio as an *accessory use*.

Assembly Hall means the *use* of any *lot*, *building* or *structure*, or part thereof, in which facilities are provided for the gathering of persons for civic, political, travel, religious, social, educational, recreational or similar purposes or for the

consumption of food or drink. This definition includes an auditorium, *banquet hall* or similar *use* where the *principal* focus of the *use* is assembly.

Assembly Plant means the *use* of any *lot, building* or *structure*, or part thereof, in which various components are combined to produce a final product and in which the various components are not manufactured.

Attic means the space between the roof and the ceiling of any *storey* or between a partial wall and a sloping roof.

Automobile Body Shop means the *use* of any *lot, building* or *structure*, or part thereof, for the painting and/or repairing of the exterior and/or the undercarriage of *motor vehicle* bodies but shall not include a *salvage yard*.

Automobile Repair Shop means the *use* of any *lot, building* or *structure*, or part thereof, 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.

Automobile Sales Establishment means the *use* of any *lot, building* or *structure*, or part thereof, for the display and sale of new or *used motor vehicles* and may include *accessory uses*, including the servicing and repair of *motor vehicles*, *automobile body shop*, the sale of *motor vehicle* parts and products and the leasing or renting of *motor vehicles*.

Automobile Service Station means the *use* of any *lot, building* or *structure*, or part thereof, where *motor vehicle* fuel is kept for sale, including a *gasoline pump island*, 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. Facilities where *motor vehicles* are oiled, greased, and washed;
3. Electrical charging stations for electric *motor vehicles*;
4. Minor repairs essential to the actual operation of *motor vehicles* including ignition adjustment and tire inflation; and/or
5. The sale of propane as an *accessory use*.

B

Balcony means an unenclosed or partially enclosed platform projecting from the face of one or more *main walls* of a *building*, that is attached to and only directly accessible from within a *building*. A *balcony* includes associated guards, fencing, walls, screening and other associated features.

Banquet Hall means the *use* of any *lot, building or structure*, or part thereof, for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served.

Basement means that portion of a *building* that is located below the *first storey*.

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

Bed and Breakfast means the *use* of any *lot, building or structure*, or part thereof, offering one or more rooms provided for rent or hire in exchange for compensation, which is *used* or designed to be *used* as a temporary sleeping accommodation. A *bed and breakfast* may provide breakfast and other meals, services, facilities or amenities as an *accessory use*.

Bedroom means a room in a *dwelling unit* that does not include:

1. Common areas open to all occupants of the *dwelling unit*;
2. Areas used as a washroom or kitchen; and
3. Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.

For the purposes of this definition, a bachelor *dwelling unit* shall be calculated to contain one *bedroom*.

Bicycle Space means an unobstructed area that is designed to be *used* for the parking of a bicycle.

Block means an area bounded on four sides by *streets* or by one or more *streets* and one or more natural or manmade barriers such as a *waterbody* or railway.

Boat and Shipbuilding means the *use* of any *lot, building or structure*, or part thereof, for the construction, maintenance and repair of ships, boats, and other water vessels.

Boat Servicing Establishment means the *use* of any *lot, building or structure*, or part thereof, for the storage and sale of fuel and other boating supplies, and may also include the following additional functions:

1. The sale of parts or accessories for boat servicing; or
2. Facilities where boats are maintained or repaired.

Body Rub Parlour means the *use* of any *lot, building or structure*, or part thereof, where a body rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include body rubs that are performed for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario. For the purpose of this definition, “body rub” means to knead, manipulate, rub, massage, touch or stimulate a person’s body by any means.

Building means a *structure* occupying an area greater than 10.0 square metres and consisting of any combination of walls, roof, and floor or any structural system serving the function thereof, including all associated plumbing, works, fixtures and service systems. This definition shall also include a private sewage system but shall not include a *mobile home*.

Building Frontage means the *façade* that fronts on a *street line* where access to the *building* is available.

Building Supply Store means the *use* of any *lot, building or structure*, or part thereof, 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.

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 right-of-way* to the nearest part of any *main wall* of any *building or structure* on a *lot*.

C

Campground means the *use* of any *lot, building or structure*, or part thereof, providing overnight or short term accommodation for 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.

Canopy means a roof-like *structure* projecting more than 0.3 metres from the exterior face of a *building*.

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, including the payment of a membership fee that may or may not be refundable.

Car-share Parking Space means a *parking space* that is reserved and actively *used* for *car-share*.

Carwash means the *use* of any *lot, building* or *structure*, or part thereof, for the washing of one or more *vehicles* at any one time.

Casino Gaming Facility means the *use* of any *lot, building* or *structure*, or part thereof, for the purpose of providing slot machine or table game wagering or betting, authorized and licensed by the Province of Ontario.

Cemetery means the *use* of any *lot, building* or *structure*, 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.

Centre Line means an imaginary line which equally divides the width of a *right-of-way* allowance, or, in the case of a *watercourse*, a line which equally divides the width of the *watercourse* within its bankfull width.

Chief Building Official means the municipal official appointed pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 and shall include his or her authorized representatives.

Club means the *use* of any *lot, building* or *structure*, or part thereof, by clubs, groups, or organizations for the purposes of providing for meeting places, social functions, and regular membership gatherings.

Commercial Motor Vehicle means any *vehicle* which displays commercial lettering or commercial licence plates and shall also include 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 *vehicle* as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8.

Commercial Storage means the use of a *building* or *structure*, or part thereof, for the purpose of providing individual secured storage units and other spaces to persons who are to have access to such units or spaces for the purpose of storing and removing property.

Community Garden means the *use* of any *lot, building* or *structure*, or part thereof, managed and maintained by a group of individuals for the purpose of cultivation of plants for personal consumption.

Community Home means the *use* of any *lot, building* or *structure*, or part thereof, in which a maximum of seven persons (exclusive of staff or receiving

residents) live under responsible supervision, and who by reason of legal status, or emotional, mental or social condition require a group living environment for their well-being on a long term basis. A *community home* may provide an eighth bed on an emergency basis, which may be occupied for a maximum of 30 days.

Community Resource Centre means the *use* of any *lot, building or structure*, or part thereof, 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.

Community Support House means the *use* of any *lot, building or structure*, or part thereof, offering short term accommodation to persons visiting their relatives and friends who may be incarcerated in a local penal institution or who may be receiving treatment at a local medical institution. *Accessory uses* may include incidental counseling or support services or other similar *uses*.

Conservation Use means the *use* of land and/or water for the purpose of planned management of natural resources.

Construct means to do anything in the erection, installation, extension or material alteration or repair of a *building* and includes the installation of a *building* unit fabricated or moved from elsewhere.

Contractor's Yard means the *use* of any *lot, building or structure*, or part thereof, by a construction company, landscaper, or contractor *used* 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.

Convert means to change the *use* of an existing *lot, building or structure*, or a part thereof, to another *use*.

Cornice means an exterior horizontal projection or ornamental moulding along the top of a *building, wall, arch or column*.

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.

Correctional College means the *use* of any *lot, building or structure*, or part thereof, for the training of correctional service staff.

Correctional Institution means *correctional institution* as defined by the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.

Corrections Facility means the *use* of any *lot, building or structure*, or part thereof, in a secure facility for individuals who have been admitted to the facility for correctional or rehabilitation purposes, and who live together under authorized 24 hour secure supervision and accepted standards for secure detention. A *corrections facility* shall not include a *correctional institution*.

D

Day Care Centre means the *use* of any *lot, building or structure*, or part thereof, licensed pursuant to the *Child Care and Early Years Act*, 2014, S.O. 2014, c.11, Sched. 1, that receives more than five children, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four 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 does not provide overnight accommodation.

Deck means an 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, *screening*, stairs and other associated features.

Density means the ratio of the number of *dwelling units* or *rooming units* to one net developable hectare of *lot area*.

Department Store means the *use* of any *lot, building or structure*, or part thereof, that sells several lines of merchandise, including apparel, jewelry, cosmetics and toiletries, furniture, home furnishings, appliances, electronics, sporting goods, toys, photo equipment, hardware, auto accessories, and other household goods and services.

Destroyed means damaged to the extent of fifty percent (50%) or more of the value thereof immediately prior to the damage.

Detoxification Facility means the *use* of any *lot, building or structure*, or part thereof, to house persons addicted to a chemical substance, including alcohol, who are admitted for withdrawal, treatment and/or rehabilitation and who live together under responsible 24-hour supervision.

Develop or development means to:

1. Create a new *lot*;
2. *Convert* to a different *use*; and

3. Alter, enlarge, erect, build, *construct*, reconstruct, relocate, *renovate* or restore *buildings* and *structures*;

but does not include:

4. Activities that create or maintain infrastructure authorized under an environmental assessment process;
5. Works subject to the *Drainage Act*, R.S.O. 1990, c. D.17; or,
6. 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.

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

Drive-Through means the *use* of a *lot*, *building* or *structure*, or part thereof, that provides or dispenses products or services through an attendant or a window or an automated machine to patrons remaining in *motor vehicles*, including any associated *stacking lanes*, speaker system, microphone system, signage, order board or other such *structures*, but does not include an *automobile service station* or *carwash*.

Driveway means a defined area providing access for *motor vehicles* from a *street*, *private street* or a *lane* to facilities such as a *parking area*, *parking lot*, *parking space*, *loading space*, *private garage*, *building* or *structure*, but shall not include a *parking aisle*.

Dry Cleaning or Laundry Store means the *use* of any *lot*, *building* or *structure*, or part thereof, 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 *dry cleaning or laundry store* includes a laundromat, where one or more clothes washing and drying machines are *used*.

Duplex means a residential *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule, with one *dwelling unit* entirely or partially above the other.

Dwelling Unit means one or more *habitable rooms* designed to provide at least one washroom and kitchen for one person or a group of persons residing together and comprising a single domestic household. This definition shall not include a *mobile home*, a travel trailer or a motor home.

Dwelling Unit Area means the habitable area contained within the inside walls of a *dwelling unit*, including an unfinished *basement*, but excluding any *private garage*, *porch*, *veranda*, unfinished *attic* or sun room (unless such sun room is habitable in all seasons of the year), and excluding public or common halls, public or common areas, stairways and the thickness of outside walls.

E

Entertainment Establishment means the *use* of any *lot*, *building* or *structure*, or part thereof, for the provision of entertainment or amusement without the necessity of active participation by the user and shall include such *uses* as an arena, movie theatre, cinema, concert hall, playhouse, arcade, bingo and public dance hall, or similar *use* when the *principal* focus of the *use* is assembly or spectating for entertainment.

Exterior Side Lot Line means the *lot line(s)*, other than a *front lot line*, of a *corner lot* which abuts the *street*.

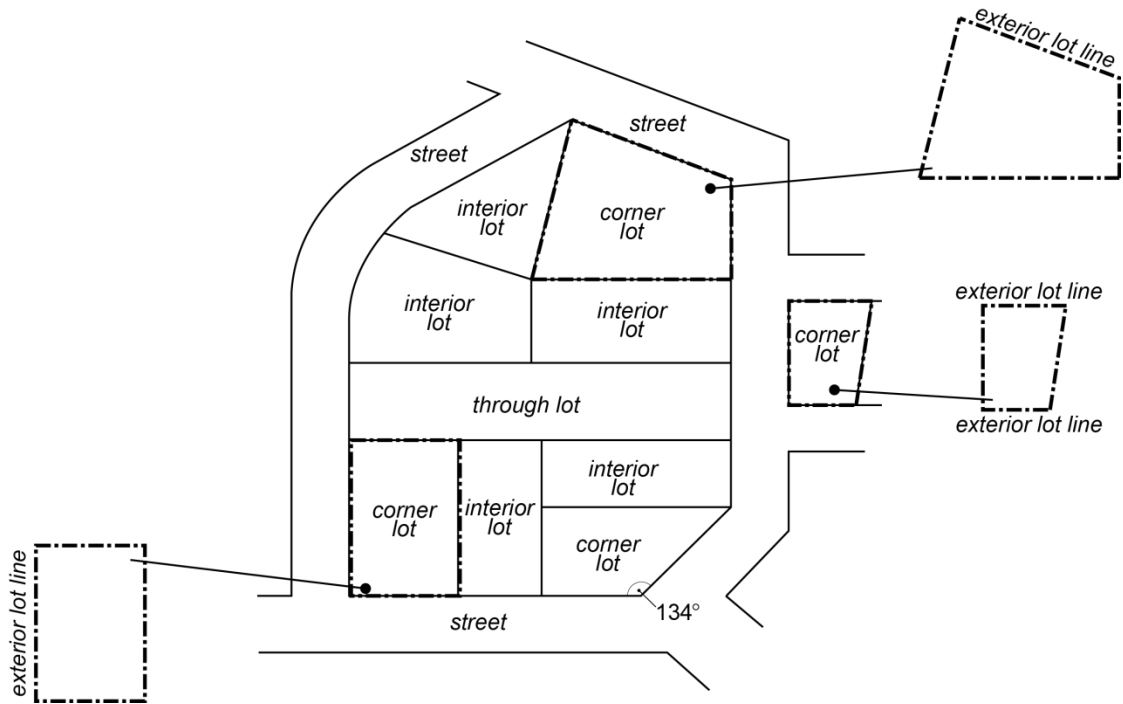


Diagram 3.1.1. – Exterior Side Lot Line

Exterior Side Setback means the minimum horizontal distance between the *exterior side lot line* and the nearest part of any *building* or *structure* on the *lot*.

Exterior Yard means a *yard* extending from the *front yard* to the *rear lot line* between the *exterior side lot line* and the nearest part of any *building* or *structure* on the *lot*.

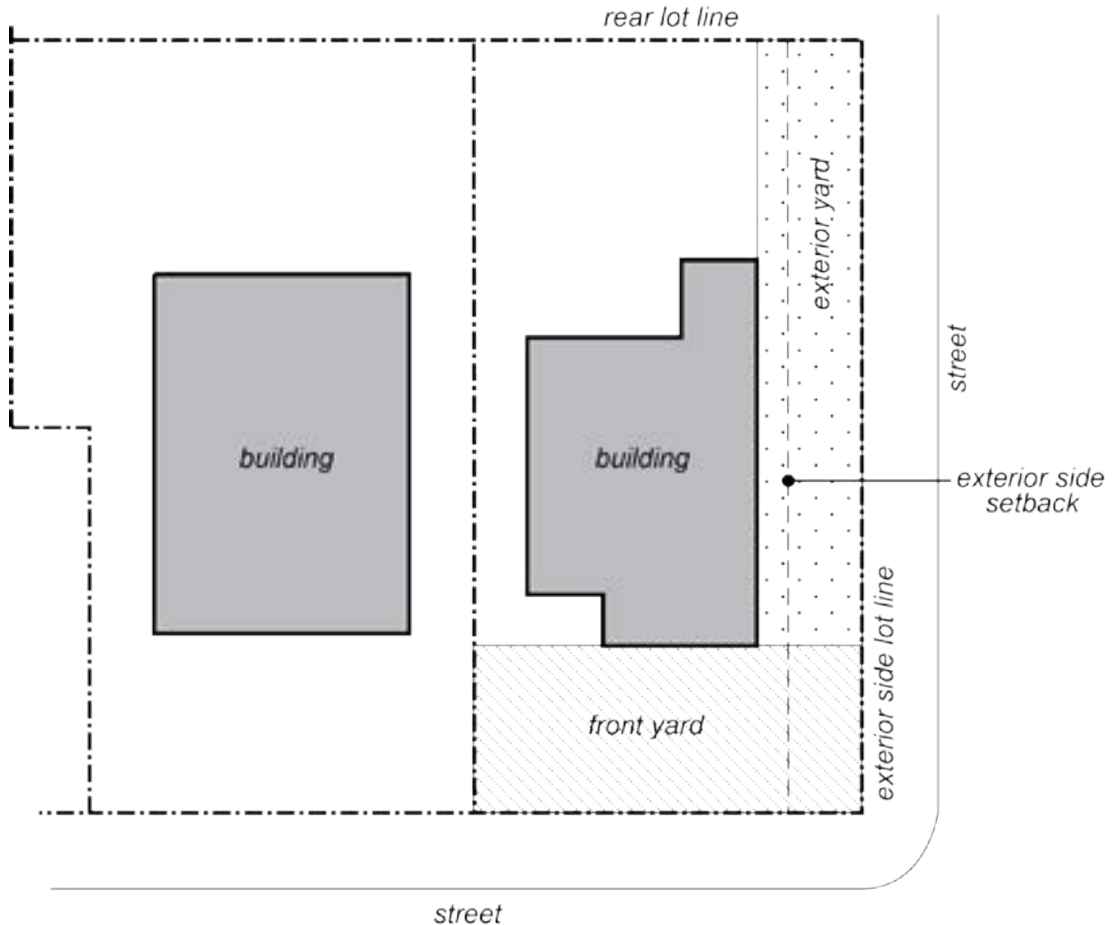


Diagram 3.1.2. – Exterior Side Setback and Exterior Yard

F

Façade means one or more *building* walls facing a *street*.

Factory Outlet means the *use* of any *lot*, *building* or *structure*, or part thereof, *accessory* to a manufacturing *use* offering goods for sale which are manufactured entirely on the same *lot* as the *factory outlet*.

Fairgrounds means the *use* of any *lot*, *building* or *structure*, or part thereof, where fairs, circuses or exhibitions are held primarily outdoors, and includes any *accessory* and temporary *buildings* or *structures*.

Feedmill means the *use* of any *lot, building or structure*, or part thereof, as a commercial or industrial scale mill for the processing, blending, grinding and mixing of grains, seeds and concentrates.

Ferry Terminal means the *use* of any *lot, building or structure*, or part thereof, for the docking of ferry boats which may carry persons, cargo, *motor vehicles* or other *vehicles* across a body of water, including *accessory administrative offices, food concessions, retail stores* or other similar *uses*.

Financial Institution means the *use* of any *lot, building or structure*, or part thereof, 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.

Finished Grade means the average elevation of proposed or finished ground adjoining a *building or structure* at all exterior walls. The *finished grade* is determined by taking the average of the elevation of the finished ground surface at every location of the change of grade along the outside walls of a *building or structure*.

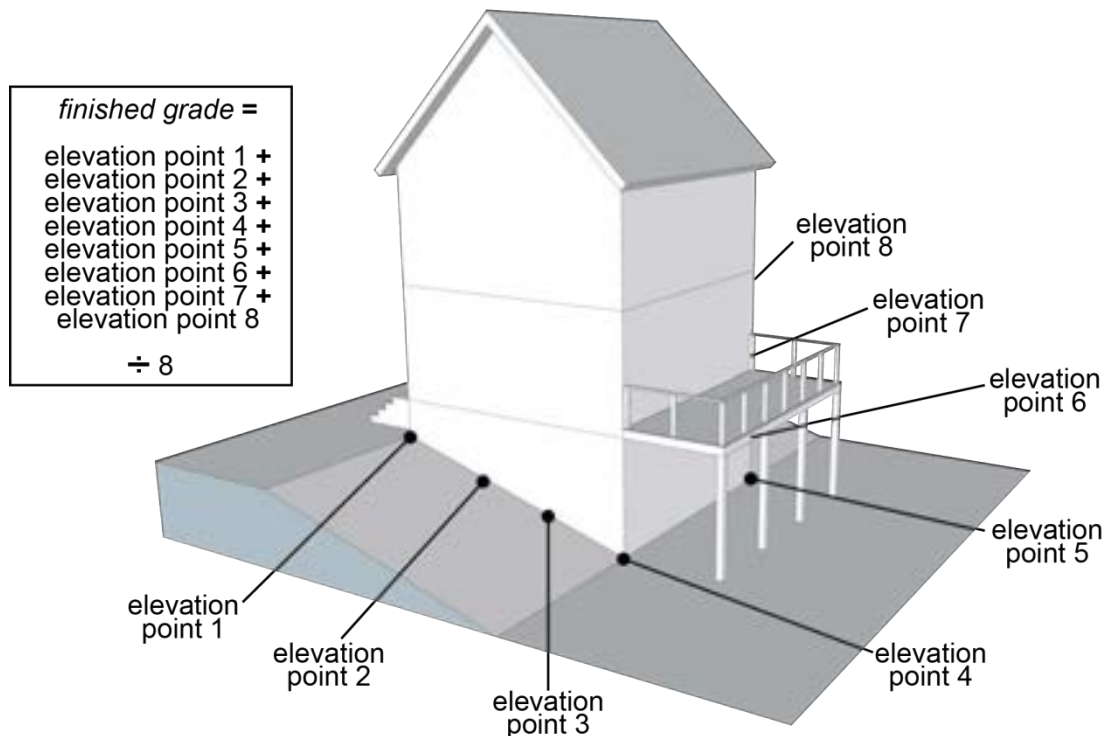


Diagram 3.1.3. – Finished Grade

First Storey means the *storey* with its floor closest to *finished grade*.

Fitness Centre means the *use* of any *lot, building* or *structure*, or part thereof, 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*.

Flat Roof means a roof which is not pitched greater than 10 degrees from the horizontal.

Flood or Erosion Control Facilities means facilities approved by the appropriate *public authority* to minimize the potential for damage from flooding or erosion. Facilities may consist of channels, *shoreline* protection, stormwater control facilities and related *structures*.

Food Concession means the *use* of any *lot, building* or *structure*, or part thereof, as an *accessory use* where food is prepared, packaged and offered for sale or sold to the public for consumption, or may also include a small area for food consumption on the *lot*.

Food Store means the *use* of any *lot, building* or *structure*, or part thereof, devoted to the sale of perishable and non-perishable food which may include a bake shop, *food concession*, fruit and vegetable store, meat or butcher products, dairy products and delicatessen and *accessory retail store*.

Forestry Use means the *use* of any *lot, building* or *structure*, or part thereof, for raising and harvesting of trees, including the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products, but shall not include a *garden centre* or *building* product outlet.

Former General Zoning By-law means:

1. By-law Number 8499 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
2. By-law Number 8402 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
3. By-law Number 9087A of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
4. By-law Number 8950 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;
5. By-law Number 3077 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable;

6. By-law Number 96-259 of the former City of Kingston, being the Downtown and Harbour Zoning By-law as amended, and its predecessor zoning by-laws as applicable;
7. By-law Number 76-26 of the former Township of Kingston as amended, and its predecessor zoning by-laws as applicable;
8. By-law Number 97-102 of the former Township of Kingston, being the Cataraqui North Zoning By-law as amended, and its predecessor zoning by-laws as applicable;
9. By-law Number 32-74 of the former Township of Pittsburgh as amended, and its predecessor zoning by-laws as applicable; and
10. By-law Number 541 of the former City of Kingston as amended, and its predecessor zoning by-laws as applicable.

Front Lot Line means, in the case of an *interior lot*, the line dividing the *lot* from the *street*. In the case of a *corner lot*, the shorter *lot line* abutting a *street* shall be deemed the *front lot line* and the longer *lot line* abutting a *street* shall be deemed an *exterior side lot line*. In the case of a *corner lot* which is also a *through lot*, the *front lot line* shall be the *lot line* opposite to the *lot line* that does not abut a *street*. In the case of a *through lot* or a *corner lot* whose *exterior lot lines* are the same length, the *lot line* where the principal vehicular access to the *lot* is provided shall be deemed to be the *front lot line*.

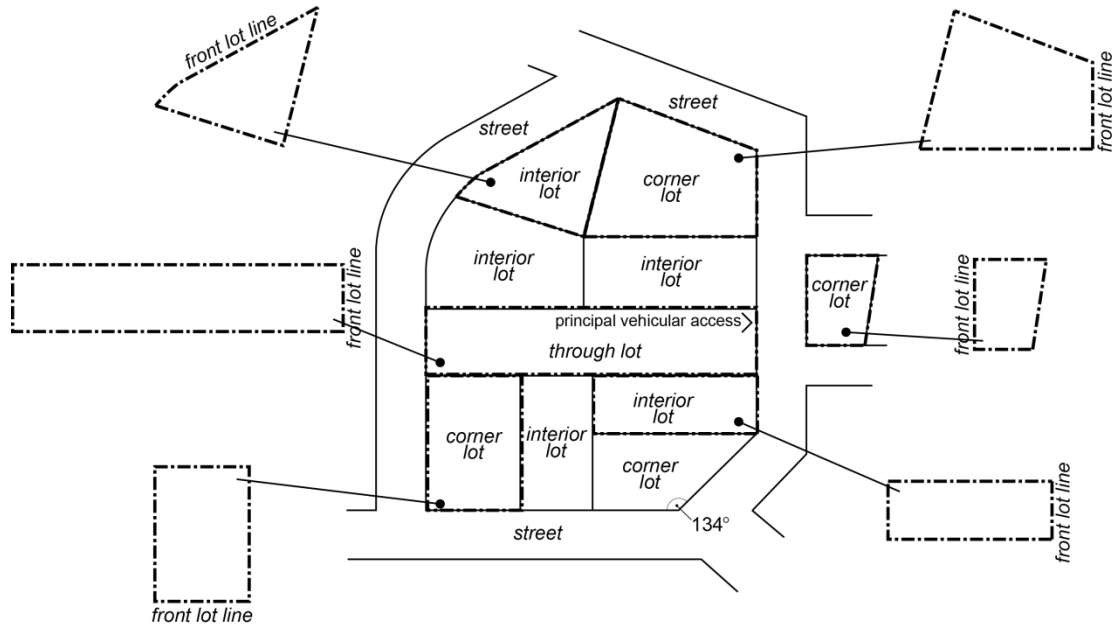


Diagram 3.1.4. – Front Lot Line

Front Setback means the minimum horizontal distance between the *front lot line* and the nearest part of any *building* or *structure* on the *lot*. Where a *corner lot* includes a *front lot line* and *exterior side lot line* that do not intersect at one point, the *front setback* shall be determined by measuring the hypothetical point of intersection of the extension of the *front lot line* and the extension of the *exterior side lot line*.

Front Yard means a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest part of any *building* or *structure* on the *lot*.

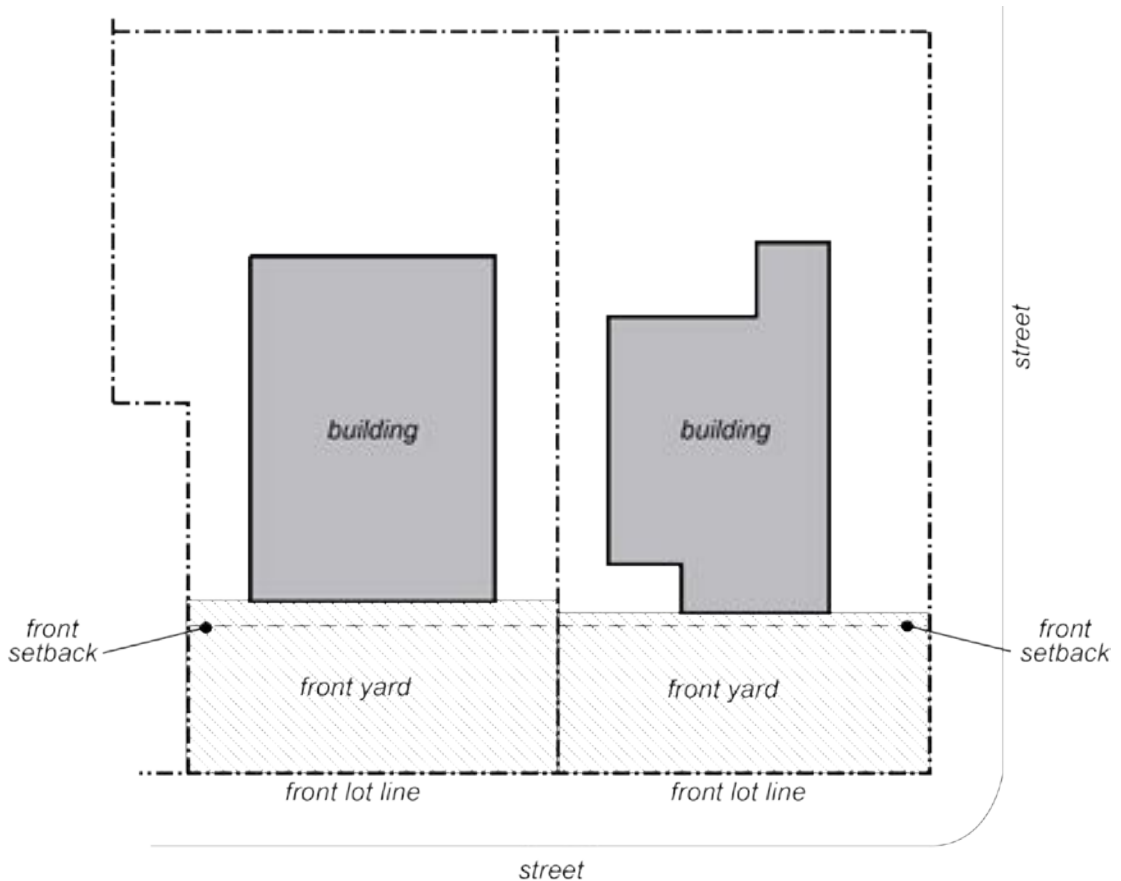


Diagram 3.1.5. – Front Setback and Front Yard

Fuel Storage Tank means the *use* of any *lot, building or structure*, or part thereof, for a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a *retail store* or a tank for storage merely incidental to a *principal use* of the *lot* where such tank is located.

Funeral Establishment means the *use* of any *lot, building or structure*, or part thereof, established for the purpose of temporarily placing human remains and cremated human remains, so that persons may attend and pay their respects. A *funeral establishment* includes a crematorium.

G

Gable Roof means a ridged roof forming a gable at both ends of the *building*.

Gambrel Roof means a *gable roof* with two slopes on each side, the lower slope steeper than the upper slope.

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

Garden Centre means the *use* of any *lot, building* or *structure*, or part thereof, 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.

Garden Suite means a detached residential *building* containing one *dwelling unit* that is *accessory* to a *principal* residential *building* and that is designed to be portable.

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

Golf Course means the *use* of any *lot, building* or *structure*, or part thereof, for the purpose of playing golf and may include *accessory uses* such as a *restaurant*, driving range, the sale of golf equipment, or a *banquet hall*.

Gravel Pit means the *use* of any *lot, building* or *structure*, or part thereof, 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 shall not include an excavation incidental to the *development* of a *building* or *structure* 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*.

Gross Floor Area means the total floor area of all floors of a *building* or *structure* 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. Enclosed malls when *used* as a common area between stores;
2. Areas below finished grade which is *used* for mechanical equipment;
3. Stairways and elevator shafts;
4. Service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms;
5. Staff locker and lunch rooms;
6. Areas *used* for *loading spaces* and required *parking spaces*;

7. Any space with a floor to ceiling height of less than 1.8 metres;
8. *Attic* having headroom of 2.1 metres or less for at least half the *attic* floor area, unless otherwise specified;
9. Interior *balconies* and mezzanines; and
10. Enclosed *porches*.

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 areas*, walls, corridors, stairways, elevators or machine or equipment rooms.

H

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

Height, when *used* in reference to a *building* or *structure*, means the vertical distance measured from *finished grade* to the highest point of the roof, except:

1. In the case of a *flat roof* or *shed roof*, then the highest point of the roof's surface or the *parapet*, whichever is greater;
2. In the case of a *mansard roof*, then the highest point of the roof's decline;
3. In the case of a ridge, *gable roof*, *hip roof*, *gambrel roof*, or other type of pitched roof, then the average level between the eaves and ridge;
4. In the case of a *structure* not having a roof, then the uppermost part of such *structure*; or
5. Where an exterior wall other than a required fire wall extends above the top of the roof of a *building*, then the topmost part of such exterior wall.

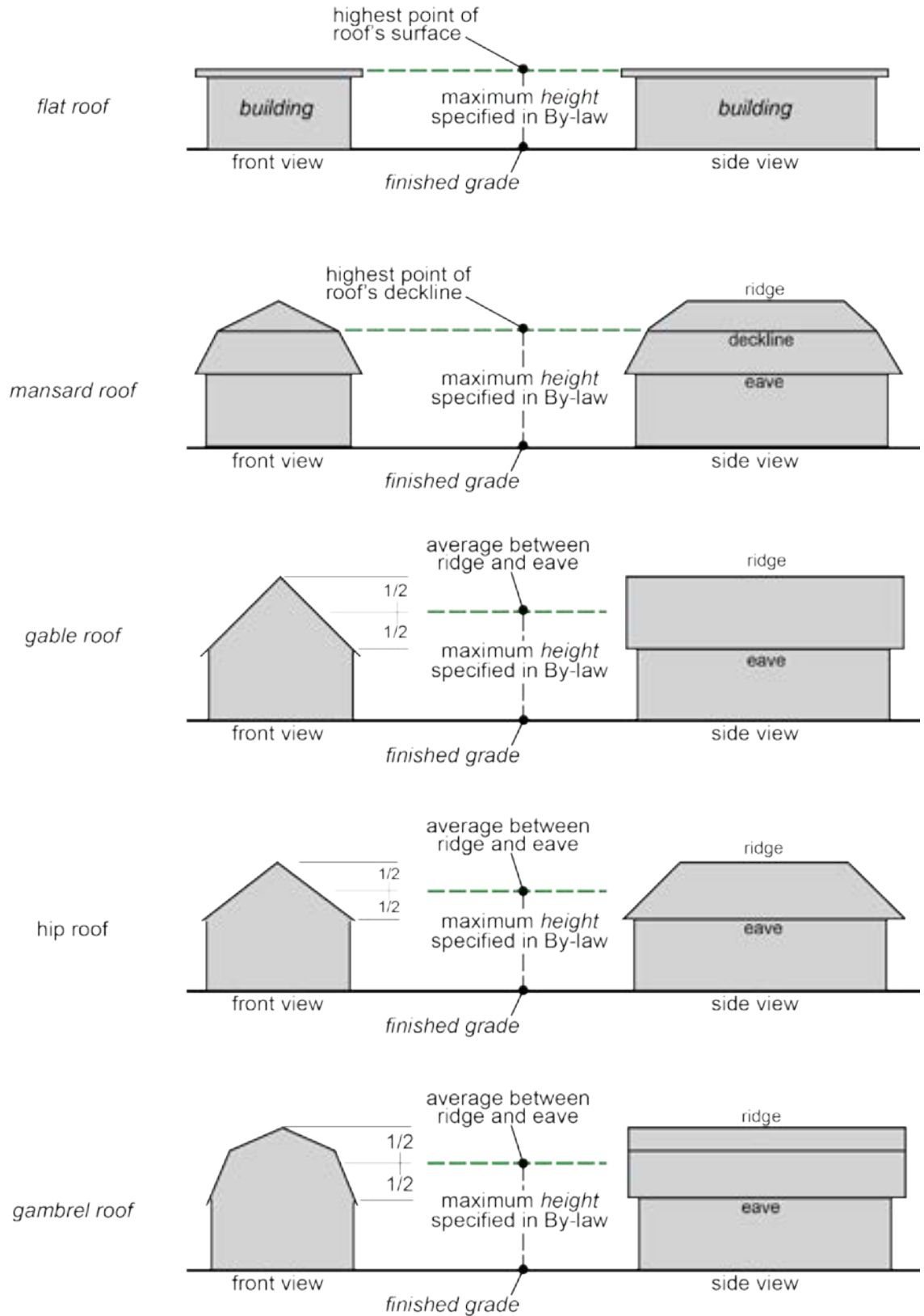


Diagram 3.1.6. – Height

Hip Roof means a roof with sloping ends and sides.

Home Based Business means the *use* of a portion of a *dwelling unit* as an occupation, business, trade, *home day care* or craft as an *accessory use* that is clearly subordinate to the *principal use* of the *dwelling unit*.

Home Day Care means the *use* of a portion of a *dwelling unit* for the care of five children or fewer for reward or compensation where such care is provided in a private *dwelling unit*, other than the home of a parent or guardian of any such child, for a continuous period not exceeding 24 hours.

Hospital means the *use* of any *lot, building or structure*, or part thereof, 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.

Hotel means the *use* of any *lot, building or structure*, or part thereof, that contains *lodging units* for the temporary lodging of the travelling public or for recreation purposes and may include a *banquet hall*, meeting rooms, licensed lounge, convenience store and gift shop as *accessory uses*.

Housing Crisis Shelter means the *use* of any *lot, building or structure*, or part thereof, for persons in a crisis care situation requiring short-term shelter, protection, assistance, counseling or support.

I

Industrial Repair Shop means the *use* of any *lot, building or structure*, or part thereof, for the repair of industrial articles through the *use* of machining, welding or fabrication.

Institutional Use means the *use* of any *lot, building or structure*, or part thereof, 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.

Interior Lot means a *lot* other than a *corner lot*.

Interior Side Lot Line means a *lot line*, other than a *rear lot line* that does not abut a *street*.

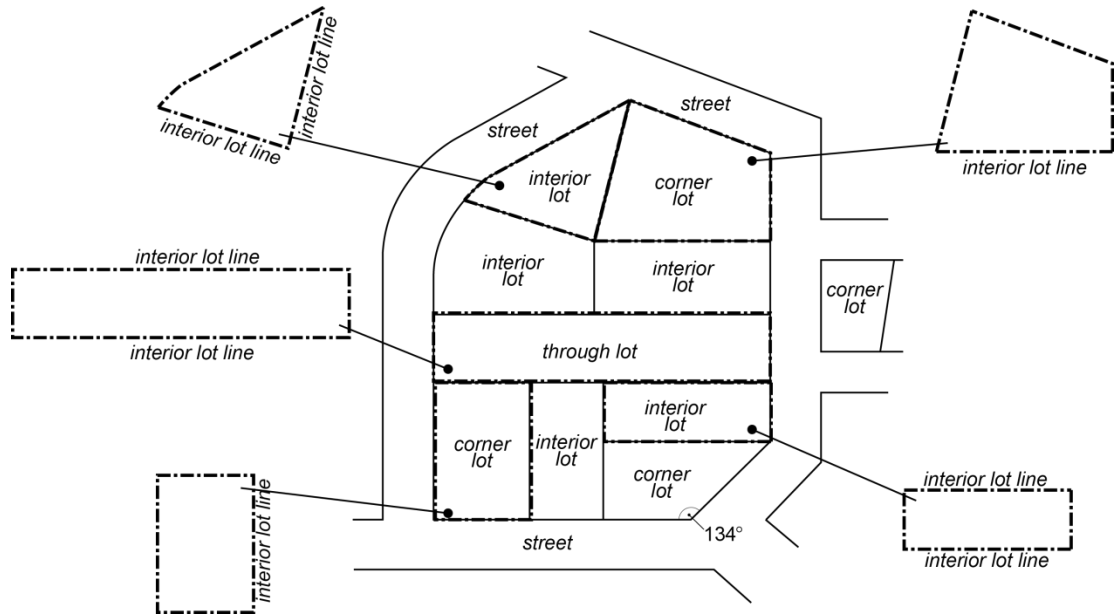


Diagram 3.1.7. – Interior Side Lot Line

Interior Side Setback means the minimum horizontal distance between the *interior side lot line* and the nearest part of any *building* or *structure* on the *lot*.

Interior Yard means a *yard* extending from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest part of any *building* or *structure* on the *lot*.

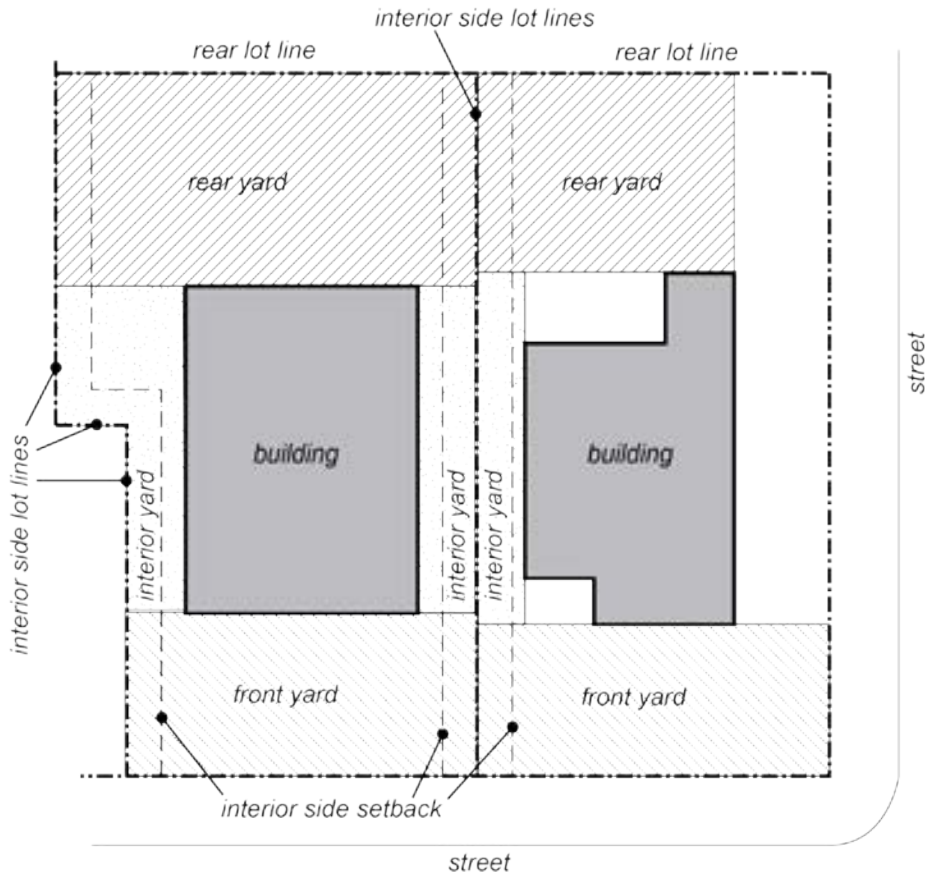


Diagram 3.1.8. – Interior Side Setback and Interior Yard

K

Kenel means the *use* of any *lot, building or structure*, or part thereof, where the predominant economic activity consists of boarding domestic household pets.

L

Laboratory means the *use* of any *lot, building or structure*, or part thereof, 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*. A laboratory shall not include a *research establishment* as defined herein.

Land Based means located on dry land.

Landscaped Open Space means the area of a *lot used* or intended to be *used* for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, surfaced walk, surface patio, *swimming pool* or

similar area, but shall not include any access *driveway*, ramp, *parking area* or *loading spaces* or any open space beneath, above or within any *building* or *structure*.

Lane means an access *right-of-way* which affords a secondary means of access to an abutting *lot* in addition to a *street* and which is not intended for general traffic circulation.

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

Library means the *use* of any *lot*, *building* or *structure*, or part thereof, 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.

Livestock Facility means the *use* of any *lot*, *building* or *structure*, or part thereof, where agricultural animals, including fowl, are or can be housed including the associated manure storage.

Loading Space means an unobstructed open, enclosed or partially enclosed area directly adjacent to a *use*, *building* or *structure* for the purpose of loading or unloading *vehicles* in conjunction with a permitted *use* on the same *lot*.

Lodging Unit means one or more rooms provided for rent or hire in exchange for compensation, which is *used* or designed to be *used* as a temporary sleeping accommodation and may include kitchen and/or washroom facilities.

Lot means a single parcel or tract of land that may be conveyed in compliance with the provisions of the *Planning Act* and includes:

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 roads, public pathways, public open space, *parks* or public community facilities including, but not limited to *libraries*, fire stations, and *recreation facilities*; and

4. Any lands which may be zoned Environmental Protection Area.

$$\text{lot area} = \text{total horizontal surface area within all lot lines}$$

$$\text{lot coverage} = \frac{\text{area covered by accessory building} + \text{area covered by principal building}}{\text{lot area}} \times 100$$

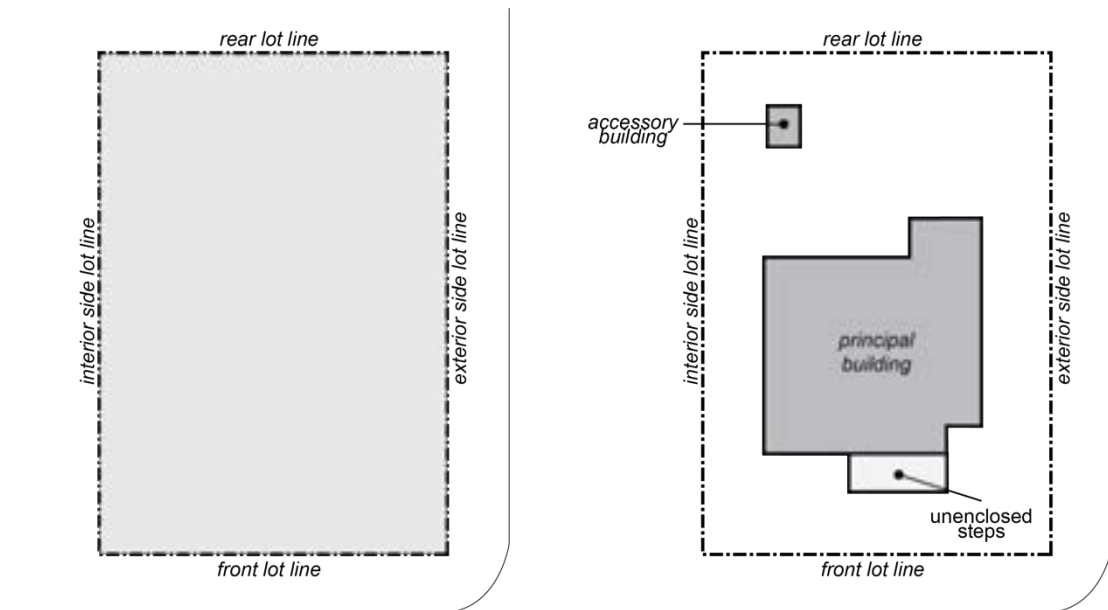


Diagram 3.1.9. – Lot Area and Lot Coverage

Lot Coverage means the percentage of the *lot area* covered by *buildings* and *structures*, including the *principal building* or *structure*, all *accessory buildings* or *structures*, and all *buildings* or *structures* attached to the *principal building* or *structure*, excluding unenclosed steps, patios, decks, as well as *balconies*, *bay windows*, *canopies* and overhanging eaves which are 2.0 metres or more in height above the *finished grade*.

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 side lot lines* and/or *exterior side lot line*.

Lot Frontage means the horizontal distance between the *interior side lot lines* and/or *exterior side lot lines*, 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 side lot lines* intersect shall be 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 side lot line* that do not intersect at one point, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection of the extension of the *front lot line*.

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

M

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

Mansard Roof means a roof with two slopes on each of four sides, the lower slope steeper than the upper slope.

Manufacturing Plant means the *use* of any *lot, building* or *structure*, or part thereof, for the production, compounding, packaging, crating, bottling, packing, or assembling of raw or semi-processed or fully-processed goods or materials. *Manufacturing plant* may also include *accessory uses* such as an *office* or *factory outlet*.

Marina means the *use* of any *lot, building* or *structure*, or part thereof, 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; sale or rental of boats and boat accessories; the sale of marine fuels and lubricants; waste water pumping facilities; washroom and shower facilities; *dry cleaning* or *laundry store*; boat launching ramp; boat lift/boat lifting equipment; administrative *offices*; marine-related instructional facility and a *restaurant*.

Marine Facility means the *use* of any *lot, building* or *structure*, or part thereof, to take a boat into or out of a *waterbody*, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock, pier, or boathouse, but shall not include any *building used* for human habitation or any boat service, repair or sales facility.

Mechanical Penthouse means an enclosed *structure*, other than a bulkhead, sited on the roof of a *building* which does not occupy more than 10% of the horizontal roof area of the *building* and does not contain any *dwelling units*.

Medical Clinic means the *use* of any *lot, building* or *structure*, or part thereof, solely by physicians, dentists, and/or drugless practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment.

A *medical clinic* may include administrative *offices*, waiting rooms, treatment rooms, *laboratories*, *pharmacies* and dispensaries directly associated with the clinic, providing that all such *uses* have access only from the interior of the *building* or *structure*, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Media Studio means the *use* of any *lot*, *building* or *structure*, or part thereof, for producing live broadcasts, motion pictures, or audio or video recordings or transmissions for film, music, radio, television or similar media.

Military Installation means the *use* of any *lot*, *building* or *structure*, or part thereof, for military purposes, armories, staff colleges, military *dwelling units*, training facilities, administrative *offices*, dining areas, enclosed storage areas, residential accommodation, *recreation facilities* or *museums*.

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*.

Mixed Use Building means a *building* with one or more *dwelling units* and one or more non-residential *uses*, where the entire ground floor shall be *used* for non-residential purposes except for an entryway or lobby for the residential *use*.

Mobile Home means a manufactured *structure* that is designed to be movable or portable, and to provide a permanent residence in accordance with the applicable Canadian Standards Association standard for one person or a group of persons residing together and comprising a single domestic household. *Porches* or sunrooms may be permitted *accessory structures*.

Mobile Home Park means an area *used* exclusively for the siting of *mobile homes*, with *accessory* commercial facilities and recreational *uses* for residents, including any *building*, *structure* or enclosure of such *mobile home park* and which remains under single ownership.

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 proposed for registration.

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 the cars of electric or steam railways, 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* .

Museum means the *use* of any *lot, building* or *structure*, or part thereof, open to the public in which a collection of objects illustrating science, art, history and related types of information is kept for display and storage. *Museums* may include *retail stores* and *food concessions* as *accessory uses*.

N

Natural Gas Pipeline means pipes and installations for the transmission of natural gas.

Noxious means any discharge of a contaminant into the natural environment that may cause an adverse effect as regulated by the *Environmental Protection Act*.

O

Occasional Use means the *use* of any *lot, building* or *structure*, or part thereof, which only occurs for a maximum duration of four consecutive weeks or a total of 28 days per year and shall include only the following types of operations: auction sales, bake sales, blood donor clinics, craft sales, plant and produce sales, Christmas tree sales, bingo, carwashes, benefit dances, shows, concerts, festivals, or banquets.

Office means the *use* of any *lot, building* or *structure*, or part thereof, for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods.

On-Farm Diversified Use means the *use* of any *lot, building* or *structure*, or part thereof, which is *accessory* to the *principal agricultural use* on a *lot* and limited in area. *On-farm diversified uses* may include a *home based business*, farm produce outlet, carpentry shop, craft shop, metal working shop, *repair shop*, plumbing shop, electrical shop, welding shop, a *storage building* for school buses, boats and snowmobiles or other similar *uses* that produce value-added products.

Outdoor Patio means an outdoor area, covered or uncovered, where food and/or beverages are served to the public for consumption as an *accessory use* to a *restaurant* and shall not include commercial outdoor cooking facilities.

Outdoor Storage means the *use* of any *lot*, or part thereof, outside of an enclosed *building* for the storage of goods, materials and equipment or the display and sale of goods, materials and equipment, outside of a *building*, but

shall not include a *parking area*, a *loading space*, a *salvage yard* or an outside area on a permitted *agricultural use* for the storage of agricultural equipment.

Outdoor Theatre means the *use* of any *lot*, or part thereof, *used* for the outdoor presentation of the performing arts.

P

Parapet means the low protective or ornamental wall above the *cornice* of a *building*.

Park means the *use* of any *lot*, or part thereof, consisting largely of open space, which may include a recreational area, outdoor sportsfields, playground or playfield, *food concession*, or similar *use*, but shall not include a *mobile home park*.

Parking Aisle means an internal roadway immediately adjacent to a *parking space* or *loading space* which provides vehicular access to and from the *parking space* or *loading space* and is not a *driveway*.

Parking Area means the *use* of any *lot*, *building* or *structure*, or part thereof, which is not located on a *street*, *private street* or *lane*, for the parking of *motor vehicles* with or without a fee being charged and includes any related *driveways*, *parking aisles*, *parking spaces*, ingress and egress lanes, but which is an *accessory use* to the *principal use* for the *lot*. This definition shall not include any area where *motor vehicles* for sale or repair are kept or stored.

Parking Lot means the *use* of any *lot*, *building* or *structure*, or part thereof, for the parking of *motor vehicles*, where such *use* is the *principal use* of a *lot*. A *parking lot* may be located at grade, below grade or in a *parking structure*.

Parking Structure means a *building* or *structure*, or part thereof, for the parking of four or more *motor vehicles*, but excludes a *private garage* accessory to a *single detached house*, *semi-detached house*, *duplex* or *townhouse*.

Parking Space means an unobstructed area dedicated solely for the purpose of parking of a *motor vehicle*.

Personal Service Shop means the *use* of any *lot*, *building* or *structure*, or part thereof, in which services involving the care of persons or their apparel are offered and shall include, but not be limited to a: barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon, *dry cleaning* or *laundry store* or similar service establishments as licensed by the City. *Personal service shop* shall not include an *adult entertainment*

establishment or *adult entertainment store* as defined herein. The sale of merchandise shall be permitted only as an *accessory use* to the *principal service* provided.

Pharmacy means the *use* of any *lot, building* or *structure*, or part thereof, which dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

Place of Worship means the *use* of any *lot, building* or *structure*, or part thereof, for the regular assembly of persons for the practice of religious worship, services, or rites. It may include *accessory uses* such as religious instruction, programs of community social benefit, community assembly areas, kitchens, *offices* for the administration of the *place of worship*, a *day care centre*, a *cemetery*, or similar *uses*.

Porch means a *structure* attached to a *main wall* of a *building* that may have a roof but with walls that are generally open and unenclosed.

Post-Secondary Institution means the *use* of any *lot, building* or *structure*, or part thereof, as an educational institution instructing or examining students in many branches of advanced learning and conferring degrees, diplomas, certificates or other certifications including a university, college or other similar *use*.

Principal means the main or primary purpose for which any *use, building* or *structure*, or part thereof, is designed, arranged or intended.

Printing Establishment means the *use* of any *lot, building* or *structure*, or part thereof, in which photocopying, photography, reproduction or binding services are provided to the public and other businesses, but shall not include large scale, industrial printing operations.

Privacy Fence means a fence that will visually isolate, conceal, or seclude objects, things, places, or people.

Private Garage means a *building* or *structure*, or part thereof, which is fully enclosed and 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.

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*. A *private street* does not include a *lane* or *street*.

Processing Plant means the *use* of any *lot, building or structure*, or part thereof, for the processing of raw or semi-processed or fully-processed goods or materials.

Public Authority means any Federal, Provincial, Regional or Municipal agency including any commission, board authority, or department established by such agency.

Public Market means the *use* of any *lot, building or structure*, or part thereof, 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.

Public Use means the *use* of any *lot, building or structure*, or part thereof, for a public service by the City and shall include *parks, beaches, conservation uses, flood or erosion control facilities, docks, piers, landing places, marine facilities, fire halls, police stations, ambulance stations, City government offices, libraries, community resource centres, museums* and wastewater treatment facilities. *Public use* also includes any *use* by any Conservation Authority established by the Province of Ontario, any Ministry or Commission of the Province of Ontario or Canada, any utility company, or any railway company authorized under the *Railway Act*.

R

Rear Lot Line means the *lot line* opposite to, and most distant from, the *front lot line*.

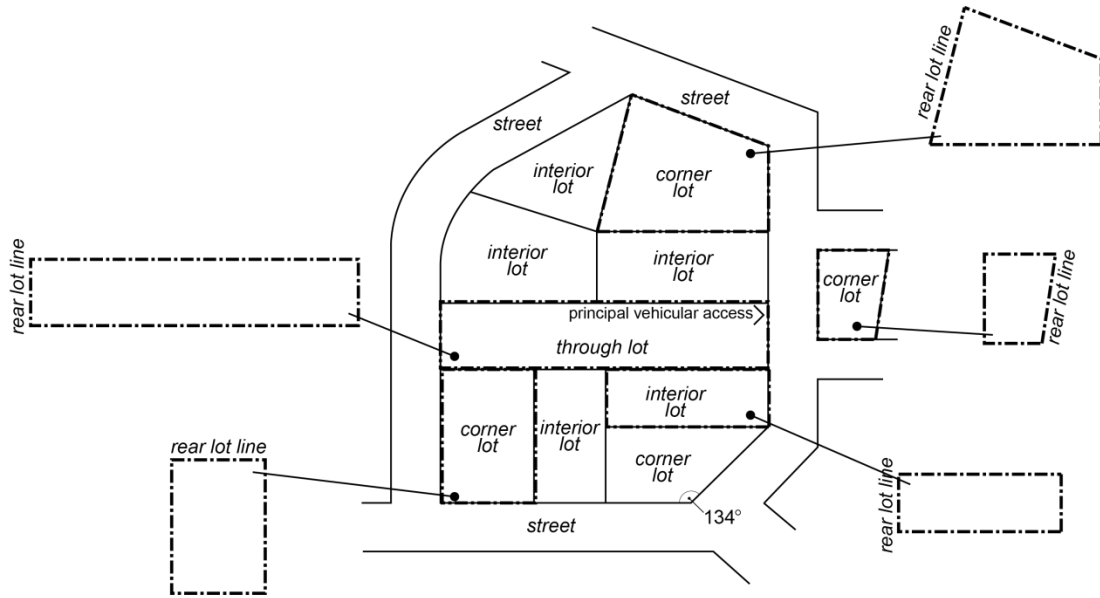


Diagram 3.1.10. – Rear Lot Line

Rear Setback means the minimum horizontal distance between the *rear lot line* and the nearest part of any *building* or *structure* on the *lot*.

Rear Yard means a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest part of any *building* or *structure* on the *lot*. In the case of a *corner lot*, the *rear yard* extends from the *interior side lot line* to the *exterior yard* of the *lot* between the nearest part of any *building* or *structure* on the *lot*.

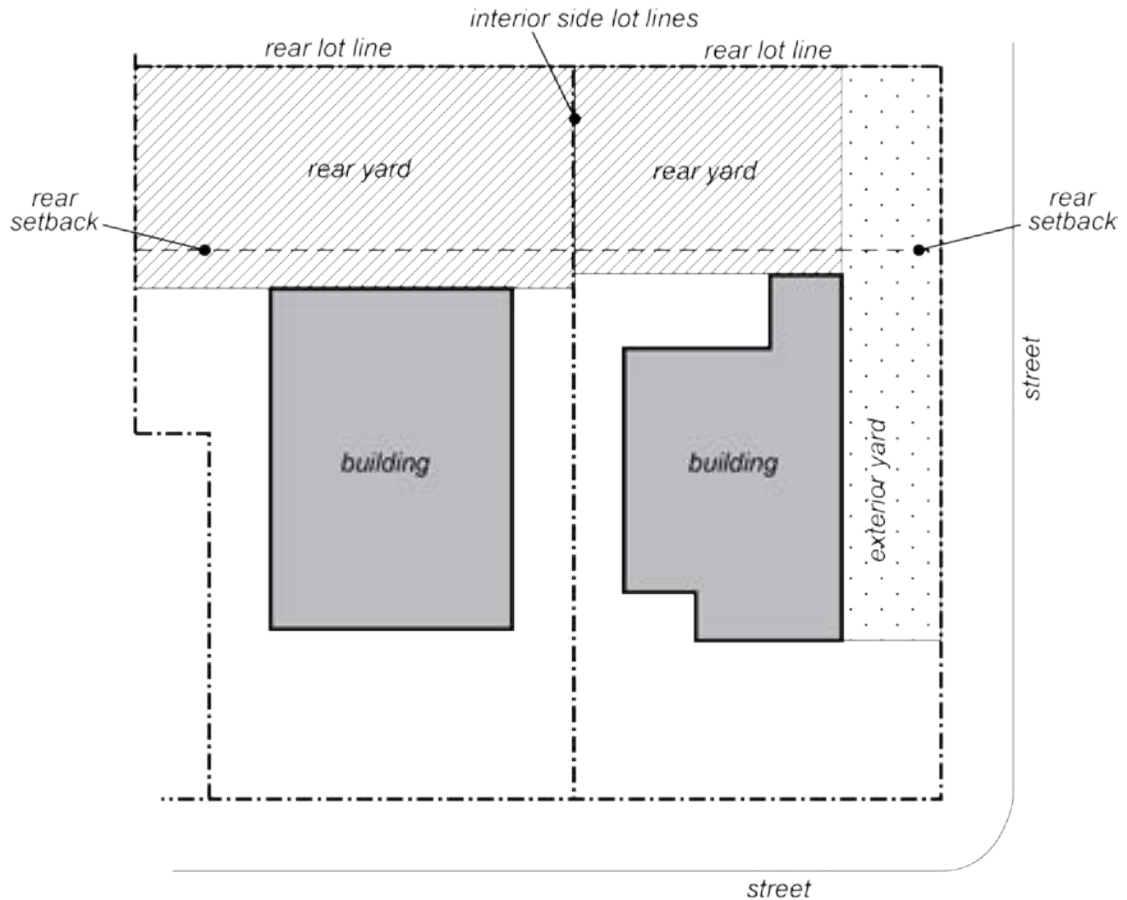


Diagram 3.1.11. – Rear Setback and Rear Yard

Recovery Home means the *use* of any *lot, building or structure*, or part thereof, offering a group living arrangement, treatment and education for persons with alcohol or drug related problems and/or dependencies, under responsible 24 hour supervision.

Recreation Facility means the *use* of any *lot, building or structure*, or part thereof, for the provision of participatory athletic or recreation, which may include a community centre, ice or roller skating rink, curling rink, 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.

Recreational Vehicle Sales Establishment means the *use* of any *lot, building or structure*, or part thereof, *used* for the storage and display of boats, trailers, campers, motor homes, all-terrain vehicles and other similar equipment for sale, rent or lease but shall not include *mobile homes or motor vehicles*. *Accessory uses* may include facilities for the repair and maintenance of such *vehicles*.

Renovate means the repair, strengthening, or restoration of a *building* or *structure*, or part thereof, but shall not include its replacement.

Repair Shop means the *use* of any *lot*, *building* or *structure*, or part thereof, for the repair of household goods such as appliances, furniture or similar items but shall not include shops for the repair of internal combustion engines, *motor vehicles* or other similar *uses*.

Research Establishment means the *use* of any *lot*, *building* or *structure*, or part thereof, for research, data collection and manipulation, and/or technical development of information or devices for application in a scientific discipline. A *research establishment* shall not include a *laboratory*.

Residential Care Facility means the *use* of any *lot*, *building* or *structure*, or part thereof, in which eight or more individuals (exclusive of staff and/or receiving residents) live, on a long-term basis, under responsible supervision consistent with their particular needs. A *residential care facility* becomes an institution when its primary focus changes from residential care to treatment, security or rehabilitation.

Residential Use means a *dwelling unit*, *community home*, *community support house*, *garden suite*, *housing crisis shelter*, *mobile home*, *mobile home park*, *recovery home*, *residential care facility*, *rooming house* or a *second residential unit*.

Restaurant means the *use* of any *lot*, *building* or *structure*, or part thereof, in which the *principal* business is the preparation and serving of food and/or beverages to the public for consumption within the *building* or *structure*, and which may include the preparation of food in a ready to consume state for consumption off the premises, but does not include a *take-out restaurant*.

Retail Store means the *use* of any *lot*, *building* or *structure*, or part thereof, for the sale, rental or lease of goods, merchandise, substances or commodities directly to the general public, but shall not include *uses* that are otherwise defined herein.

Right-of-Way means an area of land that is legally described in a registered deed for the provision of public or private access.

Rooming House means the *use* of any *lot*, *building* or *structure*, or part thereof, offering one or more *rooming units*, but shall not include *rooming units* in private residents specifically permitted by Subsection 6.14. of this By-law, or *uses* otherwise defined herein.

Rooming Unit means one or more rooms provided for long-term residential accommodation, which may include the exclusive *use* of a kitchen or a

bathroom but which does not include the exclusive *use* of both a kitchen and a bathroom.

Rural Area means the area delineated as “rural area” on the Maps in Section 21 of this By-law.

S

Salvage Yard means the *use* of any *lot, building or structure*, or part thereof, 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.

School means the *use* of any *lot, building or structure*, or part thereof, providing educational services within the context of the elementary and secondary curriculum of the Province of Ontario and may include a *day care centre, cafeteria, food concession, assembly hall, recreation facility and park as accessory uses*.

Screening means a continuous fence, wall, berm, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the *lot, building or structure*, or part thereof, which it encloses.

Second Residential Unit means a *dwelling unit*, which is *accessory* to a *principal dwelling unit*, contained in the same *building*, and includes a separate, clearly defined and safe access.

Semi-Detached House means a residential *building* that is divided vertically into two *dwelling units* and no *dwelling unit* is entirely above another, with each *dwelling unit* having its own independent external access outside. The addition of a *second residential unit* to a *semi-detached house* does not change a *semi-detached house* into any other type of residential *building*.

Service Shop means the *use* of any *lot, building or structure*, or part thereof, for servicing, repairing or refurbishing goods and small engines, other than *motor vehicles*. A *personal service shop* is not a *service shop*.

Setback means the minimum horizontal distance between a *lot line* and the nearest part of any *building or structure* on the *lot*. *Setback* includes *front setback, rear setback, interior side setback and exterior side setback*.

Shed Roof means a roof with one slope.

Shoreline means any *lot line* or part thereof which abuts a *waterbody*.

Showroom means the *use* of any *lot, building* or *structure*, or part thereof, for the display of samples, patterns, goods or products and wherein orders are taken for merchandise which may be stored in bulk in the *warehouse* part of the same *building*.

Sight Triangle means an unobstructed triangular area of land on a *corner lot* where the *front lot line* and *exterior side lot line* intersect.

Single Detached House means a residential *building* which is freestanding, separate, and has independent exterior walls and contains one *dwelling unit*, and does not include a *mobile home*. The addition of a *second residential unit* to a *single detached house* does not change a *single detached house* into any other type of residential *building*.

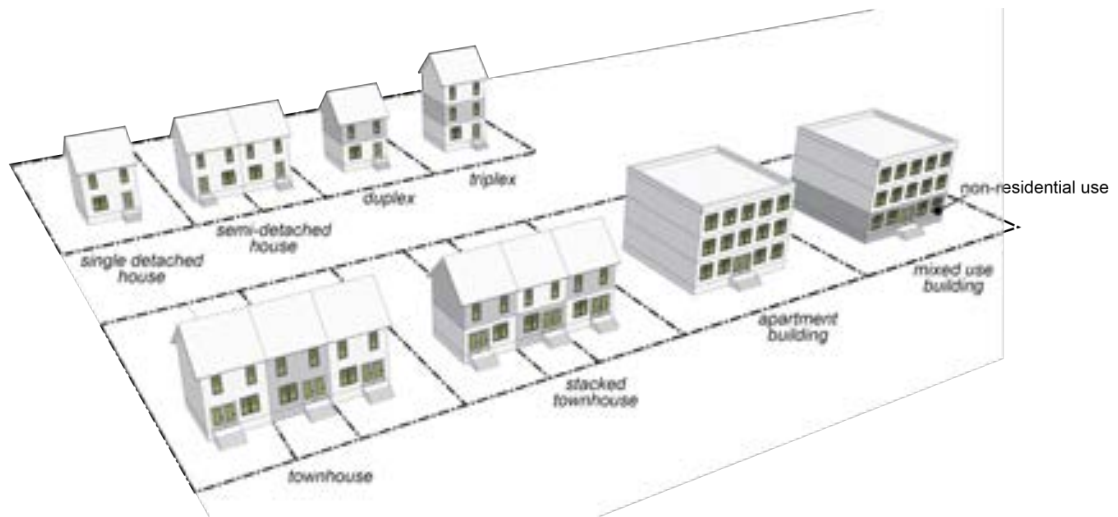


Diagram 3.1.12. – Residential Building Types

Stacked Townhouse means a *building* containing four or more *dwelling units* where 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.

Stacking Lane means an on-site queuing lane for motorized *vehicles*.

Stadium means the *use* of any *lot, building* or *structure*, or part thereof, where outdoor or partially enclosed facilities are provided primarily for athletic, artistic, circus, entertainment, or recreation programs, activities, performances, or events, but shall not include any other *use* otherwise defined herein.

Static Renewable Energy Device means a device that produces, captures or conserves energy without visible motion or emissions such as noise,

vibration, liquids, gases or combustion products; such devices may include solar panels, pool heaters, etc.

Stone Quarry means the *use* of any *lot, building or structure*, or part thereof, from which stone is being or has been excavated, and that has not been rehabilitated, but does not include a *wayside pit or wayside quarry*.

Storey means that portion 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 the level of *finished grade* shall be deemed a *storey* where its ceiling is at least 1.8 metres above *finished grade*.

Stormwater Management Facility means the *use* of any *lot, building or structure*, or part thereof, as an end-of-pipe management facility being a detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate.

Street means the road *right-of-way* of a public *street* or highway, including a road reserve. A *street* shall not include a *lane* or a *private street*.

Street Line means the boundary between a *street* and a *lot*.

Streetwall means the wall of a *building* or portion of a wall facing a *street line*.

Streetwall Height means the vertical distance between the top of the *streetwall* and the *street line*.

Structure means anything that is *developed* of parts joined together and attached or fixed permanently to the ground or any other *structure*. For the purpose of this By-law, the following are deemed not be *structures*: fences; drop awnings; clothes poles; flagpoles; garden trellises; retaining walls that have a *height* of 1.0 metre or less; light standards or signs.

Swale means a graded or engineered landscape feature appearing as a linear, shallow, open channel with trapezoidal or parabolic shape.

Swimming Pool means 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 whirl pool.

T

Tandem Parking Space means a *parking space* that is only accessed by passing through another *parking space* from a *street, lane, parking aisle* or *driveway*.

Take-out Restaurant means the *use* of any *lot, building* or *structure*, or part thereof, where food is prepared, packaged and offered for sale or sold to the public for consumption off of the premises of the establishment, and may include delivery of food to the public, and also may include, as an *accessory use* a small area for food consumption on the premises. A take-out restaurant includes a *bakery* or other similar *uses*.

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.

Tourism Use means the *use* of any *lot, building* or *structure*, or part thereof, that has been designed and equipped for the purposes of tourism and may include visitor reception, tourist information, tickets and toll booths, or interpretation facilities.

Townhouse means a residential *building* containing three or more *dwelling units* and no *dwelling unit* is entirely or partially above another, with each *dwelling unit* having its own independent external access outside. The addition of a *second residential unit* to a *townhouse* does not change a *townhouse* into any other type of residential *building*.

Training Facility means the *use* of any *lot, building* or *structure*, or part thereof, in which training is offered for hire or gain, other than providing an education within the context of the elementary and secondary curriculum of the Province of Ontario. A *training facility* may include a studio of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized training centre.

Transformer Station means the *use* of any *lot, building* or *structure*, or part thereof, for the generation, transmission or distribution of electricity.

Transportation Depot means the *use* of any *lot, building* or *structure*, or part thereof, where buses, taxis, trucks or tractor trailers are dispatched, rented, leased, kept for hire, maintained, stored or parked for commercial purposes, but shall not include *uses* otherwise defined herein.

Transportation Terminal means the *use* of any *lot, building* or *structure*, or part thereof, where buses or trains pick up and discharge fare-paying passengers, which may include *accessory offices, retail stores* or *restaurants*.

Triplex means a residential *building* that is divided horizontally into three *dwelling units*, 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 a *second residential unit* is not a *triplex*.

U

Urban Area means the area delineated as “urban area” on the Maps in Section 21 of this By-law.

Use, as a noun, means the purpose for which any *lot, building or structure*, or part thereof, is arranged, designed or intended to be occupied or maintained. As a verb, *use* shall mean the doing or permitting of anything by the owner or occupant of any *lot, building or structure*, or any part thereof, 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, building or structure*, or any part thereof.

V

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 shall not include a bicycle or any other device powered solely by means of human effort.

W

Warehouse means the *use* of any *lot, building or structure*, or part thereof, primarily for the storage of goods or materials and which may include as an *accessory use* a *wholesale establishment*.

Waste Disposal Area means the *use* of any *lot, building or structure*, or part thereof, providing for the long-term storage or destruction of solid waste, and may include a recycling centre.

Waste Processing Site means the *use* of any *building or structure*, or part thereof, whose primary purpose is the sorting and processing of waste to create a new product or raw material on site.

Waste Transfer Station means the *use* of any *building or structure*, or part thereof, whose primary purpose is the collection and storage of waste for shipment, which may include limited sorting or preparation of that waste to facilitate its shipment.

Water Frontage means the straight line horizontal distance between the two most widely separated points on any one *shoreline* of a *lot*.

Water Supply Plant means the *use* of any *lot, building* or *structure*, or part thereof, approved by the Ministry of the Environment and Climate Change, where water is treated for human consumption.

Waterbody means any bay, lake, watercourse, canal, or drainage or irrigation channel.

Wastewater Treatment Facility means the *use* of any *lot, building* or *structure*, or part thereof, approved by the Ministry of the Environment and Climate Change, where domestic and/or industrial sewage waste is treated by a private individual or corporation.

Wayside Pit or Wayside Quarry means the *use* of any *lot, building* or *structure*, or part thereof, 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 road construction and not located on the road *right-of-way*.

Wetlands 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.

Wholesale Establishment means the *use* of any *lot, building* or *structure*, or part thereof, for the storage or distribution of goods in large bulk or quantity to a business or person other than the end user or consumer.

Workshop means the *use* of any *lot, building* or *structure*, or part thereof, 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*.

Y

Yard means any open, uncovered space appurtenant to and located on the same *lot* as a *building*.

Section 4: General Provisions

4.1. Accessory Uses, Buildings and Structures

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

1. The *principal use, building or structure* must already be established on the same *lot* as the *accessory use, building or structure*;
2. The *accessory buildings or structures* must comply with the zone requirements that are applicable to the *lot*, except as specified in this Subsection; and
3. Mechanical equipment, such as electrical generators, air-conditioners, heat pumps, swimming pool pumps, electrical transformers or photo-voltaic panels, shall be regarded as *accessory structures*.

4.1.2. Residential Zones – Accessory Use Provisions

In an R1, R2, R3, R4 or R5 zone, an *accessory building or structure*, or part thereof, shall only be located in a *rear yard* or *interior yard*. An *accessory building or structure* may encroach into the *rear setback* or *interior side setback* on a *lot* provided that such *accessory building or structure*:

1. Does not occupy more than 30% of the horizontal distance of the required *rear setback* or *side setback*;
2. Is not located within 1.0 metre of any *lot line*. Notwithstanding the foregoing, an *accessory building or structure* shall meet the minimum required distance from a *waterbody* in accordance with Subsection 4.17. herein, unless the *waterbody* is a drainage management system such as a *swale* or *ditch*, in which case such *accessory building or structure* is not located closer than 1.0 metres from the drainage management system.; and
3. Is not located closer than 1.2 metres to a *principal building*.

4.1.3. Height

Unless otherwise specified in this By-law, an *accessory building or structure* shall not exceed 4.6 metres in *height*, in the *urban area* or in a HR, HC or HI zone.

4.1.4. Use Not Permitted

No *accessory building* or *structure* shall be *used* for human habitation, except for a *garden suite*.

4.1.5. Maximum Lot Coverage in the Urban Area

In the *urban area*, the maximum *lot coverage* permitted for all *accessory buildings* or *structures* on one *lot* is 10%.

4.1.6. Structures Exempt from Setbacks

The following *structures* are exempt from the *setback* requirements if they are not located within any form of drainage management system such as a *swale* or *ditch*:

1. boundary walls less than 1.2 metres in *height*;
2. fences, retaining walls; planters; sidewalks, pavement, bollards, curbs or open air surfaced areas such as a pergola, but shall not include any other landscape features which have a continuous foundation;
3. mailboxes, signs, advertising devices, newspaper or similar dispensing boxes; and
4. public art, statues, sculptures, birdbaths, play equipment, and pillars that are less than 1.0 square metre in footprint.

4.1.7. Swimming Pools

Notwithstanding any other provisions to the contrary, an outdoor *swimming pool* and its associated mechanical equipment, shall be *developed* in accordance with the following provisions:

1. A *swimming pool* shall have a minimum *setback* of 1.5 metres to any *lot line*;
2. No *swimming pool* shall be located in any part of a *front yard*, *exterior yard* or within any form of drainage management system such as a *swale* or *ditch*;
3. Notwithstanding Clause 4.1.3. of this By-law, the maximum height of a *swimming pool* shall not exceed 2.0 metres, excluding related *structures* and equipment which shall not exceed a height of 4.5 metres;

4. Notwithstanding Subclause 1., a *swimming pool* shall meet the minimum required distance from a *waterbody* in accordance with Subsection 4.17.;
5. 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*;
6. Unenclosed mechanical equipment related to a *swimming pool* shall be subject to Subclause 4.1.1.3.; and
7. For the purpose of this Subsection, decks, fences and *buildings accessory* to a *swimming pool* are not considered related *structures* and must comply with all other provisions of this By-law.

4.2. Amenity Area Provisions

- 4.2.1. A minimum of 18.5 square metres of *amenity area* shall be provided for each *dwelling unit* on a *lot*, unless otherwise required.
- 4.2.2. *Amenity areas*, or any part thereof, shall be designed and located so that the length does not exceed four times the width.
- 4.2.3. *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. Lot Servicing

- 4.3.1. In the *urban area*, no person shall *use* or *develop* any *lot*, *building* or *structure*, or part thereof, in any zone unless there is adequate capacity in the sanitary sewer, stormwater sewer, or *stormwater management facility*, and water from a public water supply system.
- 4.3.2. In the *rural area*, no person shall *use* or *develop* any *lot*, *building* or *structure*, or part thereof, in any zone 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.

4.4. Angular Planes and Build-to Planes

4.4.1. Angular Planes

1. In addition to maximum *height*, in certain zones the calculation of an *angular plane* shall also be required in determining maximum *height*.

Where the calculation of an *angular plane* is required, the following regulations shall apply:

- (a) No part of the *building* or *structure* shall project above the *angular plane* unless otherwise stated throughout this By-law;
- (b) The maximum *height* provision for the specific zone shall continue to apply in addition to the *angular plane* provisions; and
- (c) The *angular plane* commences at a specified *height* measured from the average existing grade of the *build-to-plane* and shall equal the length of the *street line*.

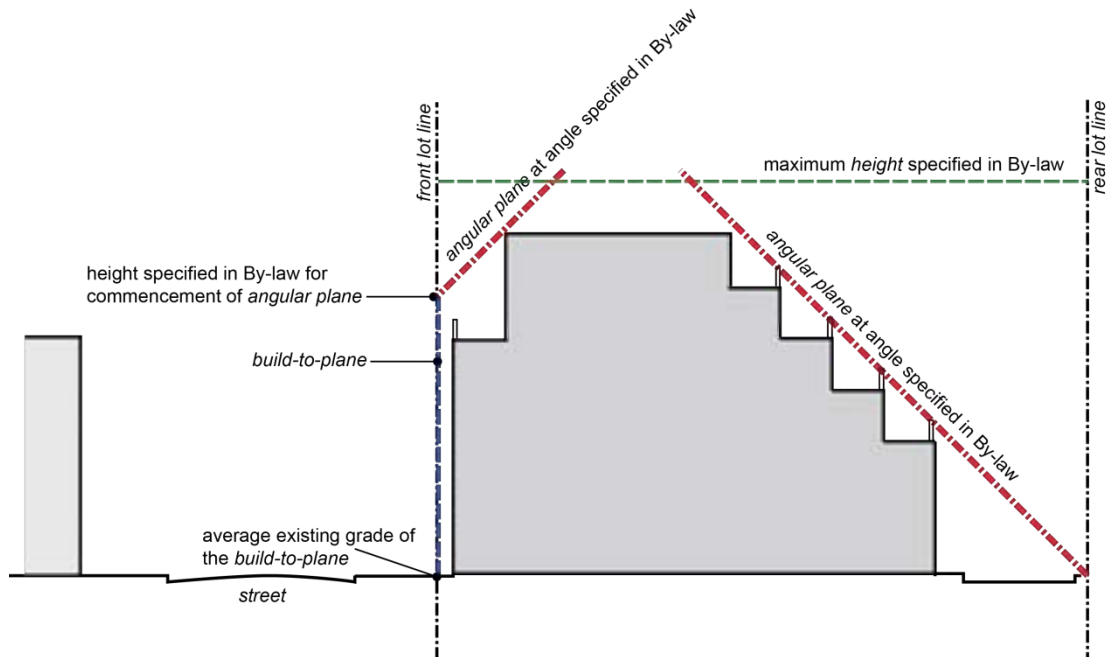


Diagram 4.1.1. – Angular Plane

4.4.2. Build-to-Plane

- 1. Where the calculation of a *build-to-plane* is required the following regulations shall apply:
 - (a) The *height* of the *build-to-plane* is the lesser of the maximum *height* for the specific zone, or the *height* specified for commencement of an *angular plane*;
 - (b) The length of the *build-to-plane* shall equal the length of the *street line*; and

- (c) Not less than 80% of the *main wall* of any *building* or *structure* constructed along the *street line* shall be developed at the *build-to-plane*. The balance of the *main wall* of the *building* or *structure* shall not encroach within the specified *setback* distance for the *build-to-plane*.

4.5. Sight Triangles

4.5.1. Notwithstanding any other provision of this By-law, the following are prohibited within a *sight triangle*:

1. A *building* or *structure*;
2. A fence, wall, tree, hedge, bush or other vegetation, the top of 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 area*, *parking lot* or *parking space*; and
4. A *finished grade* which exceeds the elevation of the intersection of the two *centre lines* of the adjacent *streets* by more than 1.0 metre.

4.5.2. The area within a *sight triangle* shall be determined by measuring from the point of intersection of the *front lot line* and the *exterior side lot line* to a point along each such *street line* as set out in Table 4.5.2., in accordance with the street type identified in Schedule G of this By-law, and a third line connecting the two points on the two *street lines*.

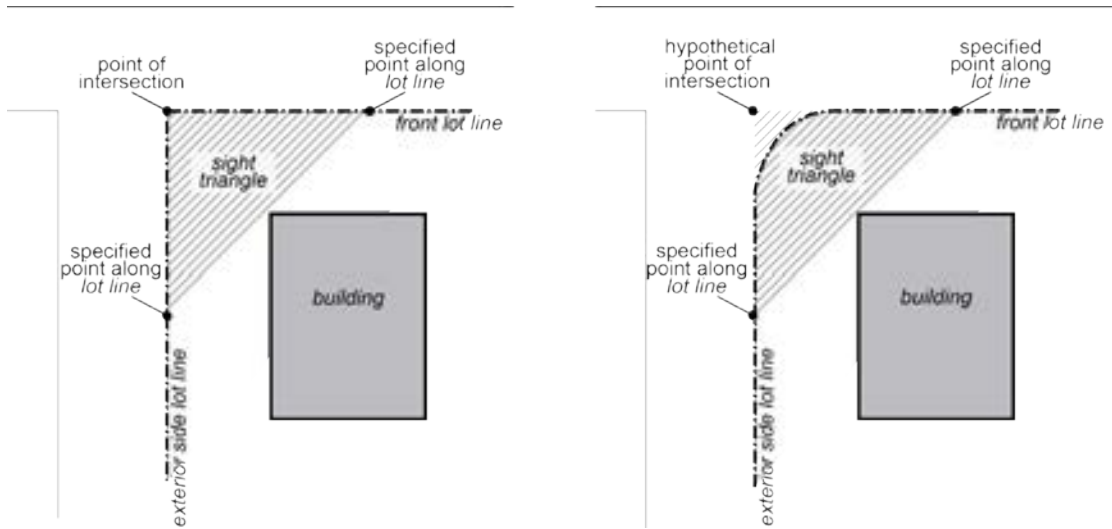


Diagram 4.5.2. – Sight Triangle

- 4.5.3.** Notwithstanding the definition of *sight triangle*, where *corner lot* includes a *front lot line* and *exterior side lot line* that do not intersect at one point, the area within the *sight triangle* shall be determined by measuring the hypothetical point of intersection of the extension of the *front lot line* and the extension of the *exterior side lot line*.
- 4.5.4.** The provisions of this Section shall not apply to any *lot* where this By-law does not require any *front yard setback* or *exterior side setback*.

Table 4.5.2. – Sight Triangle Requirements

		Type of Subject Street Line		
		Local Road	Collector Road	Arterial Road
Type of Intersecting Street Line	Local Road	4.5 metres	9 metres	9 metres
	Collector Road	9 metres	9 metres	30 metres
	Arterial Road	9 metres	30 metres	30 metres

4.6. Drive-Through Provisions

- 4.6.1.** A *drive-through* shall comply with the following provisions:

1. No *drive-through* shall be constructed or established within 50.0 metres of a *lot* within a Residential Zone; and
2. A minimum 3.0 metre wide planting strip shall be provided along the *lot line* between the *lot* containing the *drive-through* and the *lot* in a Residential Zone.

4.7. Frontage on a Public Street

4.7.1. No person shall *use* or *develop* any *lot* unless that *lot*:

1. Has a *lot line* which is also a *street line*; and
2. Has a vehicular access to the *street* that coincides with the part of the *lot line* which is also a *street line*.

4.7.2. Clause 4.7.1. does not apply to a *lot used* for a *marine facility*, a utility installation, a *community garden*, a *cemetery*, a forestry operation, a military training facility, a *park*, an conservation area and education area, or an *agricultural use* excluding any *accessory dwelling unit*.

4.7.3. Notwithstanding the definition of *street*, the following are deemed to be *streets* for the purpose of this Subsection:

1. A *private street* or *lane* in the *rural area* that is subject to a registered *right-of-way* to a *lot* that does not directly front on a *street*.

4.7.4. The provisions of Subsection 4.7. do not apply to a *lot* with waterfront access only, where such *lot* has access from a *marine facility*.

4.8. Generally Permitted Uses

4.8.1. Uses Permitted in all Zones

Despite any other provision of this By-law, any *lot*, *building* or *structure* may be *used* or *developed* in any zone for the following purposes:

1. Construction Uses

Any sheds, scaffolds or other *structures* 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.

2. Accessory Uses, Building or Structures

Accessory uses that are clearly subordinate to a *principal use* within the zone and provided that such *uses, buildings or structures* shall be in compliance with the regulations of the zone in which they are located and the applicable provisions of Section 4.1 of this By-law.

3. Parking Areas, Driveways and Structures

Parking areas, driveways and parking structures are permitted in all zones as an *accessory use* to a *principal use*. *Parking areas, driveways and parking structures* shall comply with the provisions of the underlying zone, unless otherwise specified in this By-law.

4. Streets and Utility Installations

Street and utility installations required by any *public authority* or private utility for the provision of gas, water, electricity, sanitary, storm water management, transportation, telephone communication and utilities to the general public, excluding an administrative *office, sales office, studio, garage, depot, or outdoor storage*.

5. Public Uses

A *public use*, provided it complies with the zone regulations of the zone wherein such *public use* is located.

6. Public Transit Facilities

A public transit facility and related construction, staging and repair works to support a public transit facility, except on lands zoned EPA.

7. Marine Facilities

A *marine facility* shall be *used or developed* in accordance with the following regulations:

- (a) *Marine facilities* shall abut the shoreline; and
- (b) *Marine facilities* shall not obstruct navigation or infringe upon established access rights.

8. Community Garden

A *community garden* shall be *used or developed* in accordance with the following provisions:

- (a) It is not a commercial operation; and

- (b) No *building* or *structure* or part thereof, including an *arbour* or other such supporting *structure*, is permitted within 1.5 metres of a *street*.

4.9. Temporary Uses

4.9.1. Commercial Sales and Seasonal Sales

1. Nothing in this By-law shall prevent an area set aside outside of a *building* or *structure* or a marquee tent that requires a building permit within a CL, CM, CA, CS1, CS2, CG, CW, CD, CMS, HB, RC and HC zone, which is *used* in conjunction with a business located within the *building* or *structure* and located on the same *lot*, to be *used* for the display or retail sales of seasonal produce or new merchandise, provided such area:
 - (a) Is seasonal in nature and does not include a permanent retailing area; and
 - (b) Is not located within a fire lane, a *parking area* or a *loading space* required to fulfill the provisions of the Zoning By-law, or a *driveway* or passageway which provides an access route for vehicular traffic across the *lot* or to an improved *street* which abuts said *lot*.

4.9.2. Construction

1. Despite any provision to the contrary, the following temporary *buildings*, *structures* or equipment are permitted in any zone, except an EPA zone, during a period of construction or special events:
 - (a) A temporary *building*, *structure*, marquee tent or equipment essential to construction or a special event in progress on a *lot*;
 - (b) A temporary *office* for the sale of residential *lots* or residential units; and
 - (c) In the *rural area*, a *mobile home* as temporary accommodation for a period not to exceed two years while a permanent *dwelling unit* is being *developed* on the same land.
2. The *setback* provisions of the applicable zone and the parking provisions do not apply to the temporary *buildings*, *structures* or equipment permitted by Paragraphs (a) and (c) above. All other provisions of this By-law apply.

3. The temporary *buildings, structures* or equipment permitted by Subclause 1. may be located on the *lot* only until such time as the construction has been completed or abandoned or at the end of the special event.

4.10. Landscape Requirements

4.10.1. Requirements For Non-Residential Uses

Where a *lot* is *used* for any purpose other than a *residential use* and the *interior side lot line* or *rear lot line*, or part thereof, abuts a *residential use* or undeveloped land in an R1, R2, R3, R4, R5, HR, RUR, LSR or DR zone, or where such *lot* is in an RM1, RM2, MX1, M1, M2, M3, M3W or M4 zone and any *lot line* abuts a portion of a *street*, the opposite side of which portion of the *street* abuts a *residential use* or undeveloped land in an R1, R2, R3, R4, R5, HR, RUR, LSR or DR zone, then a strip of land on the *lot* adjoining such abutting *lot line*, or part thereof, shall be *used* for no purpose other than a planting strip in accordance with the provisions of this Subsection.

4.10.2. Minimum Width

Where, in any zone, a strip of land is required to be *used* for no purpose other than a planting strip, it shall have a minimum width of 3.0 metres measured perpendicularly to the *lot line* it adjoins.

4.10.3. Contents

Except where it is required along a *front lot line* or along an *interior side lot line* or *exterior side lot line* within 3.0 metres of a *street line*, a planting strip shall be *used* for no other purpose than planting a row of trees or a continuous hedgerow of evergreens or shrubs, not less than 1.5 metres high, immediately adjacent to the *lot line* or part thereof along which such planting strip is required. The remainder of the strip shall be *used* for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof. Where required along a *front lot line*, a planting strip shall be *used* for no other purpose than trees, hedges, shrubs, flower beds, grass or a combination thereof.

4.10.4. Driveways or Walkways

In all cases where *driveways* or walkways extend through a planting strip, it shall be permissible to interrupt the strip within 1.5 metres of the edge of such *driveway* or within 1.5 metres of the edge of such walkway.

4.10.5. Landscaped Open Space

A planting strip referred to in this Subsection may form part of *landscaped open space* required by this By-law.

4.10.6. Vegetation Height in Sight Triangles

Vegetation shall comply with Section 4.5 of this By-law.

4.11. Minimum Distance Separation

4.11.1. New Non-Agricultural Uses

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

4.11.2. New or Expanded Livestock Facilities

No new or expanded *livestock facility* shall be *used* or *developed* unless it complies with the applicable *minimum distance separation* calculation (MDS II).

4.11.3. Existing Lots of Record

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 legal *lot* of record with an area of 0.8 hectares or less, legally 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, in which case the provisions of this Section shall not serve to preclude the issuance of a building permit for the permitted *use*.

4.11.4. Higher Standard to Govern

Where more than one *minimum distance separation* and *setback* provisions apply, the provision requiring a greater separation distance applies.

4.12. Prohibited Uses in All Zones

4.12.1. Notwithstanding any other provisions of this By-law to the contrary, 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 *use* of tents, trailers, recreational vehicles, transport trailers, trucks, buses, coaches, or streetcar bodies as living accommodation ;
3. The incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes; and
4. Any *uses* or activities deemed unlawful under other Federal, Provincial, or Municipal acts, codes, or by-laws.

4.13. Projections Above Maximum Height

4.13.1. Restrictions Not Applicable

1. The *height* provisions of this By-law do not apply to:
 - (a) Barn;
 - (b) Belfry;
 - (c) Bridge;
 - (d) Chimney;
 - (e) Clock tower;
 - (f) Corn crib;
 - (g) Cupola;
 - (h) Drying elevator;
 - (i) Farm implement shed;
 - (j) Feed or bedding storage *use*;
 - (k) Flag pole;
 - (l) Hydroelectric transmission tower;
 - (m) Individual farm windmill;
 - (n) Landscaping of a roof-top garden;
 - (o) Mechanical and service equipment penthouse, elevator or stairway penthouses;
 - (p) Municipal water tower;

- (q) Non-commercial radio, television or telecommunications equipment;
- (r) Ornamental dome;
- (s) Parapet;
- (t) Silo;
- (u) Skylight; and
- (v) Spire(s) or steeple(s) of a *place of worship*.

2. Height of Boathouse

- (a) The maximum *height* of a boathouse shall be 6.0 metres. The maximum number of *storeys* permitted in a boathouse is one *storey*.

3. Static Renewable Energy Devices

- (a) Notwithstanding the *height* provisions of this By-law to the contrary, a *static renewable energy device* may exceed the maximum *height* requirement by 0.5 metres.

4.14. Projections into Required Setbacks

4.14.1. Architectural Features In the CD, CMS and HB Zones

- 1. In the CD, CMS and HB zones, *setback* provisions shall not apply to fire escapes, *canopies* and awnings above doors and windows, *bay windows*, belt courses, sills, *cornices*, enclosed *balconies*, eaves and chimneys. The applicable provisions are as follows:

(a) Fire Escapes

- (i) The maximum horizontal projection of fire escapes towards the *interior side lot line* and *exterior side lot line* shall be 1.2 metres from the foundation wall;
- (ii) The minimum *interior side setback* and *exterior side setback* for fire escapes shall be 0.8 metres; and
- (iii) The maximum horizontal projection of fire escapes towards the *rear lot line* shall be 1.5 metres.

(b) Bay Windows

- (i) The maximum horizontal projection of a *bay window* toward the *front lot line*, *exterior side lot line* and *rear lot line* shall be 1.2 metres from the foundation wall;
 - (ii) The required front setback, exterior side setback and rear setback for a bay window shall be 0.8 metres;
 - (iii) The maximum horizontal projection of a *bay window* toward an *interior side lot line* shall be 0.8 metres from the foundation wall; and
 - (iv) The minimum *interior side setback* of a *bay window* shall be 0.8 metres.
- (c) **Belt Courses, Sills, Cornices, Enclosed Balconies and Eaves**
- (i) The maximum horizontal projection of belt courses, sills, *cornices*, and eaves toward the *interior side lot line* or *exterior side lot line* shall be 0.5 metres from the foundation wall; and
 - (ii) The minimum *front setback* and *rear setback* of belt courses, sills, *cornices*, enclosed *balconies* and eaves shall be 0.8 metres.
- (d) **Chimneys**
- (i) The maximum horizontal projection of a chimney toward any *lot line* shall be 0.3 metres from a foundation wall.

4.14.2. Architectural Features In Other Zones

1. In all zones except the CD, CMS and HB zones, notwithstanding any provisions of this By-law to the contrary, sills, belt courses, chimneys, fireplace projections, *cornices*, eaves, gutters, *parapets*, pilasters or similar ornamental *structures* and architectural features may project into any required *setback* a maximum distance of 0.5 metres, provided they are no closer than 0.5 metres to any *lot line*.

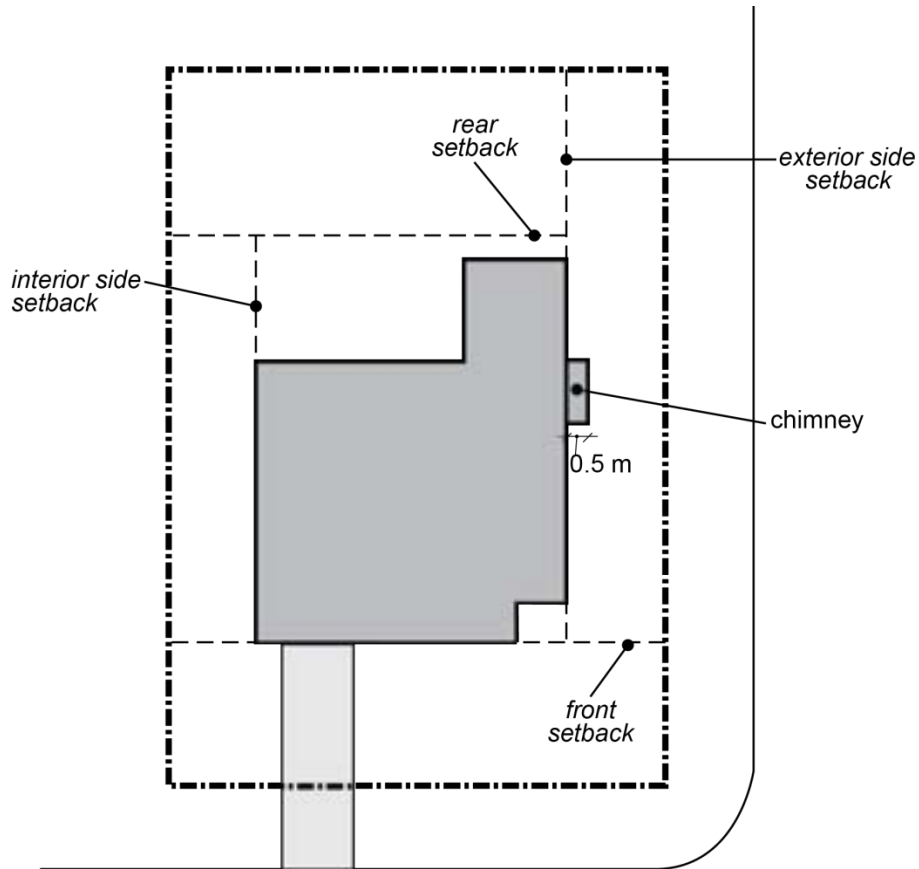


Diagram 4.14.2. – Chimney Projection

4.14.3. Decks, Porches, Patios, Balconies, Stairs and Verandas, Unenclosed, in a Residential Zone

1. In the R1, R2, R3, R4, R5, HR, RUR and LSR zones, notwithstanding the *setback* provisions of this By-law to the contrary, a *deck, porch, patio, balcony, stairs and veranda*, covered or uncovered, are permitted, if they are not located within any form of drainage management system such as a *swale* or *ditch*, in accordance with the following provisions:
 - (a) **Maximum Area**
 - (i) Where the *height* of such *structure* is no greater than 1.2 metres, the maximum area of such *structure* shall be 50% of the area located between the applicable *lot line* and required *setback* for the zone in which it is located; and

- (ii) Where the *height* of such *structure* is greater than 1.2 metres, the maximum area of such *structure* shall be 30.0 square metres.

(b) Exterior Side Setback

- (i) Where the *height* of such *structure* is no greater than 0.6 metres, the maximum horizontal projection shall be 3.5 metres from the *principal building* wall, but the *exterior side setback* shall be no less than 3.5 metres;
- (ii) Where the *height* of such *structure* is greater than 0.6 metres but no greater than 1.2 metres, the maximum horizontal projection is 2.5 metres from the *principal building* wall, but the *exterior side setback* shall be no less than 3.5 metres; and
- (iii) Where the *height* of such *structure* is greater than 1.2 metres, the *structure* shall comply with the *setback* requirement for the zone in which it is located.

(c) Interior Side Setback

- (i) Where the *height* of such *structure* is no greater than 0.6 metres, the minimum *interior side setback* shall be 0.6 metres.
- (ii) Where the *height* of such *structure* is greater than 0.6 metres, the *structure* shall comply with the *interior side setback* provision for the zone in which it is located.
- (iii) Notwithstanding Subparagraph (ii):
 - (1) Where such *structure* projects from a *semi-detached house*, the minimum *interior side setback* shall be 1.2 metres, except on the side with a common party wall, the minimum *interior side setback* shall be 0.3 metres or 0.0 metres if there is a common *privacy fence* of a minimum *height* of 1.5 metres.
 - (2) Where such *structure* projects from a *townhouse*, the minimum *interior side setback* shall be 0.3 metres or 0.0 metres if there is a common *privacy fence* with a minimum *height* of 1.5 metres.

(d) Rear Setback

- (i) Where the *height* of such *structure* is no greater than 1.2 metres, the minimum *rear setback* shall be 2.0 metres; and
- (ii) Where the *height* of such *structure* is greater than 1.2 metres, the minimum *rear setback* shall be 4.0 metres.

(e) Front Setback

- (i) Where the *height* of such *structure* is no greater than 0.6 metres, the maximum horizontal projection from the *principal building wall* is 3.5 metres, but the *front setback* shall be no less than 3.5 metres;
- (ii) Where the *height* of such *structure* is greater than 0.6 metres but no greater than 1.2 metres, the maximum horizontal projection from the *principal building wall* is 2.5 metres, but the *front setback* shall be no less than 3.5 metres; and
- (iii) Where the height of such *structure* is greater than 1.2 metres, the *structure* must comply with the *front setback* requirements for the zone in which it is located.

4.15. Barrier-Free Structures in Other Zones

- 4.15.1.** In all zones except the CD, CMS and HB zones, notwithstanding any provisions of this By-law to the contrary, unenclosed *structures* 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 side setback* or *exterior side setback* provided that the *structure* is not 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*. For clarification, the area of such *structures* shall not be *used* in the calculation of *lot coverage*.

4.16. Setbacks from Railway Right-of-Way

- 4.16.1.** The minimum required *setback* of a *principal building* to a *lot line* that is adjacent to a railway *right-of-way* shall be:
- 1. 30 metres from a principal main line or secondary main line; and
 - 2. 15 metres from a principal branch line, secondary branch line or spur line.

4.17. Setbacks from Waterbodies

4.17.1. Notwithstanding any other provision of this By-law to the contrary, except for *flood or erosion control facilities, marine facilities* or a public bridge, no *building or structure*, including any part of a sewage system, shall be located closer to any *waterbody* than:

1. 30.0 metres to the normal highwater mark of any *waterbody*.

4.18. Setbacks from Natural Gas Pipelines

4.18.1. Notwithstanding any other provision of this By-law to the contrary, *buildings and structures* must have a minimum *setback* from a *lot line* abutting land that contains a natural gas pipeline of:

1. For any *principal building or structure*, 7.0 metres; and
2. For any *building or structure*, 3.0 metres.

4.18.2. Where a natural gas pipeline is located on the same *lot*, a *building or structure* must have a minimum *setback* from a registered *right-of-way* for the natural gas pipeline of:

1. For any *principal building or structure*, 7.0 metres; and
2. For any *building or structure*, 3.0 metres.

4.19. Propane and Natural Gas Handling Facilities

4.19.1. Facilities relating to the handling and transfer of propane and natural gas, including tanks and associated compressors, pumps and other similar facilities must not be located in any required *setback*, or closer than 30.0 metres to any *lot* within an R1, R2, R3, R4 or R5 zone.

4.20. Waste and Recycling

4.20.1. No waste or recycling shall be stored on any *lot* in any zone except within the *principal building or an accessory building or structure* on such *lot* or in a container located in the *interior yard or rear yard* of such *lot*.

4.20.2. A waste or recycling storage area, including any loading or unloading area, which is visible from an adjoining site in a R1, R2, R3, R4, R5, CL, CM, CA, CS1, CS2, CG, CW, HB, OS1 and OS2 Zone, a public open space, a *waterbody* or a *street* shall have a visual screen.

- 4.20.3.** A commercial waste or recycling dumpster or bin shall be regulated in the same manner as an *accessory building* or *structure* in the zone in which it is located.

Section 5: Overlay Provisions

5.1. Natural Heritage Overlay

5.1.1. The Natural Heritage Overlay as shown on Schedule A of this By-law shall take precedence over the provisions of the underlying zone.

5.1.2. No person shall *use* or *develop* any *lot, building* or *structure*, or part thereof, within or adjacent to an area identified as Natural Heritage Overlay on Schedule A, for any purpose other than the following *uses* existing on the date of passing of this By-law:

1. *Agricultural uses;*
2. *Wayside pit or wayside quarry; and*
3. *Mineral aggregate resources.*

5.1.3. Notwithstanding Clause 5.1.2., *development* may be permitted within or adjacent to an area identified Natural Heritage Overlay on Schedule A, where an Environmental Impact Assessment, supporting the *development* has been accepted by the City. An Environmental Impact Assessment is required in the following cases:

1. Within 120.0 metres of provincially significant *wetlands* and significant coastal *wetlands*;
2. Within 50.0 metres of locally significant *wetlands* and other coastal *wetlands*;
3. Within 120.0 metres of fish habitat, including lands zoned EPA;
4. Within 120 metres of significant woodlands;
5. Within 120 metres of significant valleylands;
6. Within 120 metres of areas of natural and scientific interest – life science;
7. Within 50 metres of areas of natural and scientific interest – earth science;
8. Within 120 metres of significant wildlife habitat;
9. Within 120 metres of the habitat of endangered species and threatened species, in accordance with the *Endangered Species Act*,

and as tracked by the Ministry of Natural Resources and Forestry “Natural Heritage Information Centre”; and

10. Within 120 metres of habitat of aquatic species at risk, in accordance with the *Species At Risk Act* and as tracked by the Federal Department of Fisheries and Oceans.

5.1.4. Where more than one standard from the underlying zone category and the Environmental Impact Assessment in Clause 5.1.3. are applicable, the more restrictive standard shall be applied.

5.2. Floodplain Overlay

5.2.1. The lands subject to the Floodplain Overlay as shown on Schedule B of this By-law shall take precedence over the provisions of the underlying zone.

5.2.2. Despite any provision of this By-law to the contrary, no person shall *use* or *develop* any *lot*, *building* or *structure* within the Floodplain Overlay, for any purpose other than the following uses:

1. *Agricultural use* excluding a *building*;
2. *Conservation use* excluding a *building*;
3. *Forestry use* excluding a *building*;
4. *Marina*;
5. *Public use* excluding a *building*; and
6. Utility installations that are subject to the requirements of the *Environmental Assessment Act*.

5.3. Source Water Protection Overlay

5.3.1. The Source Water Protection Overlay as shown on Schedule C of this By-law shall take precedence over the provisions of the underlying zone.

5.3.2. Cana Wellhead Protection Area (Overlay)

1. The area identified as Cana Wellhead Protection Area on the Source Water Protection Overlay is subject to the following provisions:
 - (a) Within the portions of the Cana Wellhead Protection Area with a vulnerability score of 10, the following *uses* and activities are prohibited:

- (i) *Waste disposal area* involving one or more of the following activities:

 - (1) the application of agricultural source material, non-agricultural source material and untreated septage (i.e., hauled sewage) to land;
 - (2) storage of mine tailings;
 - (3) land farming of petroleum refining waste;
 - (4) landfilling of hazardous, municipal, and solid non-hazardous industrial or commercial waste; and
 - (5) liquid industrial waste injection into a well and PCB storage.
- (ii) *Wastewater treatment facilities* and related infrastructure (i.e., sanitary sewers and related pipes, sewage treatment plant effluent discharges including lagoons and storage of sewage).
- (iii) Notwithstanding Subparagraph (ii) above, replacement, expansion or upgrade of existing *wastewater treatment facilities* may be permitted.
- (b) Within the portions of the Cana Wellhead Protection Area with a vulnerability score of 8, the following land *uses* and activities are prohibited:

 - (i) *Waste disposal area* involving one or more of the following activities:
 - (1) landfilling of municipal, solid non-hazardous industrial or commercial waste; and
 - (2) liquid industrial waste injection into a well.
 - (ii) *Wastewater treatment facilities* involving the storage of sewage (e.g., treatment plant tanks).
 - (iii) Notwithstanding Subparagraph (ii) above, replacement, expansion or upgrade of existing *wastewater treatment facilities* may be permitted.
- (c) Within the Cana Wellhead Protection Area where the vulnerability score is 10 the handling and storage of fuel is

prohibited unless it has been demonstrated to the satisfaction of the Risk Management Official, or other duly qualified professional, that the *use* would not be a significant drinking water threat.

- (d)** Within the Cana Wellhead Protection Area WHPA-A where the vulnerability score is 10, any *use* other than a *residential use* that has the potential for the following activities is prohibited unless it has been demonstrated to the satisfaction of the Risk Management Official, or other duly qualified professional, that the *use* would not be a significant drinking water threat:
- (i)** Application of agricultural source material to land;
 - (ii)** Application of pesticides to land;
 - (iii)** The *use* of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard;
 - (iv)** The handling and storage of DNAPL;
 - (v)** The handling and storage of pesticide;
 - (vi)** The storage of agricultural source material;
 - (vii)** The handling and storage of organic solvents;
 - (viii)** The handling and storage of fertilizer;
 - (ix)** The handling and storage of road salt; and
 - (x)** The storage of snow.
- (e)** Within the Cana Wellhead Protection Area WHPA-B where the vulnerability score is 10, any *use* other than a *residential use* that has the potential to involve the following activities is prohibited unless it has been demonstrated to the satisfaction of the Risk Management Official, or other duly qualified professional, that the *use* would not be a significant drinking water threat:
- (i)** Application of agricultural source material to land;
 - (ii)** The *use* of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard;
 - (iii)** The handling and storage of DNAPL;

- (iv) The handling and storage of pesticide;
 - (v) The storage of agricultural source material;
 - (vi) The handling and storage of organic solvents;
 - (vii) The handling and storage of fertilizer;
 - (viii) The handling and storage of road salt; and
 - (ix) The storage of snow.
- (f) Within the Cana Wellhead Protection Area WHPA-B where the vulnerability score is 8 and within the Cana Wellhead Protection Area WHPA-C, any *use* that has the potential for the following activities is prohibited unless measures are incorporated to adequately manage the risk to drinking water:
- (i) The handling and storage of DNAPL.
- (g) Within the Cana Wellhead Protection Area where the vulnerability score is less than 8, any *use* that has the potential to involve the following activities is prohibited unless measures are incorporated to adequately manage the risk to drinking water:
- (i) The handling and storage of more than 25 litres of organic solvents;
 - (ii) The handling or storage of more than 2,500 kilograms or litres of commercial fertilizer and/or more than 250 kilograms or litres of pesticide at a facility where it is sold or stored for application at other sites, except where it is manufactured or processed;
 - (iii) The handling and storage of more than 2,500 litres of liquid fuel;
 - (iv) The handling and storage of more than 500 tonnes of road salt;
 - (v) At or above grade snow storage that is more than 1 hectares in area; and
 - (vi) The storage of PCBs.

- (h) Within the Cana Wellhead Protection Area WHPA-D the handling and storage of more than 25 litres of DNAPLs is prohibited.

5.3.3. Intake Protection Zone – 1

- 1. Notwithstanding the provisions of the underlying zone or other zoning provisions, Intake Protection Zone – 1 is subject to the following provisions:

- (a) Within the Intake Protection Zone – 1, any *use* that has the potential to involve the following activities is prohibited unless measures are incorporated to adequately manage the risk to drinking water:
 - (i) The handling and storage of more than 250 litres of DNAPL and/or organic solvents;
 - (ii) The handling and storage of more than 2,500 kilograms or litres of commercial fertilizer and/or 2,500 kilograms or litres of pesticide at a facility where it is sold or *used* for application at other sites, except where it is manufactured or processed;
 - (iii) The handling and storage of more than 2,500 litres of liquid fuel;
 - (iv) The handling and storage of more than 500 tonnes of road salt; and
 - (v) At or above-grade snow storage that is more than 1ha in area.

5.3.4. Intake Protection Zone – 2

- 1. Notwithstanding the provisions of the underlying zone or other zoning provisions, Intake Protection Zone – 2 is subject to the following provisions:

- (a) Within the Intake Protection Zone – 2, any *use* that has the potential to involve the following activities is prohibited unless measures are incorporated to adequately manage the risk to drinking water:
 - (i) The handling and storage of more than 250 litres of DNAPL and/or organic solvents;

- (ii) The handling and storage of more than 2,500 kilograms or litres of commercial fertilizer and/or 2,500 kilograms or litres of pesticide at a facility where it is sold or *used* for application at other sites, except where it is manufactured or processed;
- (iii) The handling and storage of more than 2,500 litres of liquid fuel;
- (iv) The handling and storage of more than 500 tonnes of road salt; and
- (v) At or above-grade snow storage that is more than 1ha in area.

5.4. Airport Zoning Overlay

- 5.4.1. The Airport Zoning Overlay as shown on Schedule D of this By-law shall take precedence over the provisions of the underlying zone.
- 5.4.2. The Norman Rogers Airport is subject to the provisions of the Aeronautics Act, R.S.C., 1985, c. A-2, and the registered aeronautic zoning regulations SOR/88-447 shall apply to all lands within the surfaces shown in Schedule D, in addition to the other provisions of this By-law.

5.5. Airport Noise Exposure Overlay

- 5.5.1. The Airport Noise Exposure Overlay as shown on Schedule E of this By-law shall take precedence over the provisions of the underlying zone.
- 5.5.2. Notwithstanding any provision of this By-law to the contrary, *residential uses, day nurseries, parks, schools, and hospitals* are not permitted within the area above 30 NEF and NEP as shown on Schedule E.

5.6. Second Residential Units Overlay

- 5.6.1. The provisions of Subsection 5.6. of this By-law shall take precedence over the provisions of the underlying zone for the lands subject to the Second Residential Units Overlay as shown on Schedule F of this By-law.
- 5.6.2. In the area identified as Area 1 on Schedule F of this By-law, a *second residential unit* shall be permitted as an *accessory use* to a *principal dwelling unit* on a *lot* in a *single detached house, semi-detached house and townhouse*.

- 5.6.3.** In the area identified as Area 2 on Schedule F of this By-law, the *development* of a *second residential unit* shall be subject to a servicing capacity study completed to the satisfaction of the City that confirms the capacity of water, wastewater, and electricity servicing to accommodate the *second residential unit*, prior to the issuance of a building permit.
- 5.6.4.** Notwithstanding Clauses 5.6.2. or 5.6.3., a *second residential unit* is prohibited on lands subject to the Floodplain Overlay.
- 5.6.5.** Where permitted in accordance with Clauses 5.6.2., 5.6.3., and 5.6.4., a *second residential unit* shall comply with the following provisions:
- 1.** Where a *second residential unit* is located on a *lot*, no *garden suite* or *rooming house* shall be permitted;
 - 2.** A maximum of one *second residential unit* is permitted per *lot*. Where *semi-detached houses* and *townhouses* are configured in a manner that results in only one *dwelling unit* per *lot*, a *second residential unit* shall be permitted for each separate *dwelling unit* that is on its own separate *lot*;
 - 3.** A *second residential unit* shall have a *gross floor area* not exceeding 40% of the *gross floor area* of the *principal dwelling unit* or 90.0 square metres, whichever is lesser;
 - 4.** *Parking spaces* required by this By-law may be provided as a *tandem parking spaces*;
 - 5.** An additional *driveway* is not permitted for a *second residential unit*;
 - 6.** A *second residential unit* shall only be permitted in a *building* if said *building* is connected to:
 - (a)** full municipal services if the *building* is located in the *urban area*; or
 - (b)** private water and/or private sewage systems approved to service a *second residential unit* if the building is located in the *rural area*; and
 - 7.** Where this By-law calculates density as a measure of *dwelling units* per net hectare, a *second residential unit* is exempt from this calculation.

Section 6: Specific Use Provisions

6.1. Adult Entertainment Establishments and Stores

6.1.1. No *adult entertainment establishment* shall be:

1. Located closer than 300.0 metres to a R1, R2, R3, R4 or R5 zone or a *park* or a *school* or a *dwelling unit*, excluding a *dwelling unit* located in a *mixed use building*; and
2. Located closer than 300.0 metres to any other *adult entertainment establishment*.

6.1.2. No *adult entertainment store* shall be:

1. Located closer than 300.0 metres to a R1, R2, R3, R4 or R5 zone or a *park* or a *school* or a *dwelling unit*, excluding a *dwelling unit* located in a *mixed use building*; and
2. Located closer than 300.0 metres to any other *adult entertainment store*.

6.2. Bed and Breakfast

6.2.1. Where permitted by this By-law, in addition to the provisions of the underlying zone, a *bed and breakfast* is subject to the following regulations:

1. The *bed and breakfast* shall have the proprietor or manager residing on the same *lot*.

6.3. Community Residence Accommodations

6.3.1. No *lot*, *building* or *structure*, or part thereof, shall be *used* or *developed* for the purpose of a *community home*, *community support house*, *housing crisis shelter*, *detoxification facility*, *recovery home*, *residential care facility* or *corrections facility* except in accordance with the following:

1. General

A community home, community support house, housing crisis shelter, detoxification facility, recovery home, residential care facility or corrections facility shall comply with the requirements of the underlying zone category in which the use is located unless otherwise specified by this By-law or amendments to this By-law.

2. Minimum Amenity Area

In a community home, community support house, housing crisis shelter, detoxification facility, recovery home, residential care facility or corrections facility, a minimum amenity area of 18.5 square metres shall be provided for each resident, inclusive of staff and/or receiving resident and shall be located in the rear yard.

3. Minimum Floor Area

The minimum *gross floor area* of the *building* shall be 18.0 square metres per resident, including staff and/or receiving resident.

6.4. Garden Suite

6.4.1. A *garden suite* is only permitted where a site-specific, temporary Zoning By-law allows one, for a maximum of twenty years.

6.4.2. Where a *garden suite* is permitted, the following provisions apply:

1. Only one *garden suite* is permitted per *lot*;
2. The *garden suite* must be on the same *lot* as a *principal building*;
3. The *principal building* must be either a *single detached house* or *semi-detached house*;
4. The *single detached house* or *semi-detached house* must be a permitted *use* in the zone; and
5. The *garden suite* must comply with the regulations set out in Table 6.5.3.

6.4.3. Clause 6.4.2. does not preclude both units of a *semi-detached house* having a *garden suite*.

Table 6.5.3. – Provisions for Garden Suites

Zoning Mechanism	Provision
(1) Maximum <i>height</i>	4.6 metres and one <i>storey</i>
(2) Location	A <i>garden suite</i> must be located in the <i>rear yard</i>

Zoning Mechanism		Provision
(3) Minimum setback	(a) <i>interior side setback and exterior side setback</i>	Same as <i>principal building</i>
	(b) <i>rear setback</i>	2.3 metres
(4) Maximum <i>lot coverage</i>		(i) 35% of the area of the <i>rear yard</i> (ii) a <i>garden suite</i> is not included in the calculation of any other <i>lot coverage</i> provisions
(5) Minimum distance from any other <i>building on the lot</i>		1.2 metres
(6) <i>Driveways</i>		Section 7 of this By-law applies
(7) Maximum <i>gross floor area</i>		65% of the <i>gross floor area</i> of the <i>principal building on the lot</i>
(8) Parking		Section 7 of this By-law applies

6.5. Gasoline Pump Island

6.5.1. Notwithstanding any other provisions of this By-law to the contrary, where a *gasoline pump island* is *accessory* to an *automobile service station*, a *gasoline pump island* may be located in the *front yard* or *exterior yard* provided that:

1. The minimum *setback* from the *gasoline pump island* to any *lot line* shall be 4.5 metres; and
2. Where the *lot* is a *corner lot*, no portion of any *gasoline pump island* shall be located closer than 3.0 metres to a *sight triangle*.

6.6. Home Based Business

6.6.1. Where permitted by this By-law, in addition to the provisions of the underlying zone, a *home based business* is subject to the following regulations:

1. No more than one person, other than a resident of the *principal building on the lot* shall be employed in the *home based business*;

2. There shall be no external display or advertising other than a *legal sign*, to indicate to persons outside, that the *building, lot* or *structure*, or part thereof is being *used* for a purpose other than *residential use*;
3. If located in the *dwelling unit*, not more than 25% of the *gross floor area* of the *dwelling unit* shall be *used* for the purpose of *home based business*;
4. Such *home based business* shall be *accessory* to the *principal use* and shall not change the residential character of the *dwelling unit*;
5. There shall be no goods, wares, or merchandise, other than those produced on the *lot* by the *home based business*, offered, or exposed for sale or rent on the *lot*;
6. The *home based business* shall not create or become a public nuisance, particularly in regard to noise, vibration, glare, fumes, odours, *motor vehicle* traffic, parking or electrical interference in excess of that normally experienced in a residential neighbourhood;
7. The *home based business* shall be restricted to the *principal building*, or an integral *private garage*, or an *accessory building* having not greater than 18 square metres *gross floor area*;
8. In all Zones except AG and RU, there shall be no *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 on any *lot* in conjunction with the *home based business*; and
9. The sale and servicing of *motor vehicles*, recreational *vehicles* or any motorized equipment is not permitted.

6.7. Kennels

6.7.1. A *kennel* may be located in the same *building* as a *dwelling unit*, subject to the provisions of Clause 6.7.2.

6.7.2. All *structures* associated with a *kennel* are considered to be *buildings* for zoning purposes, and shall comply with the following provisions:

1. Lot Frontage

- (a) In an AG, RU or RC zone, the minimum *lot frontage* for a *lot* containing a *kennel* is:

- (i) 80.0 metres, where the *kennel* has four or fewer animal runs;
or
 - (ii) 120.0 metres, where the *kennel* has more than four animal runs.
- (b) In all zones other than AG, RU or RC zones, the minimum *lot frontage* for a *lot* containing a *kennel* must comply with the provisions of the underlying zone.

2. Lot Area

- (a) In an AG, RU or RC zone, the minimum *lot area* for a *lot* containing a *kennel* is:
- (i) 0.8 hectares, where the *kennel* has four or fewer animal runs; or
 - (ii) 4.0 hectares, where the *kennel* has more than four animal runs.
- (b) In all zones other than AG, RU or RC zones, the minimum *lot area* for a *lot* containing a *kennel* must comply with the provisions of the underlying zone.

3. Setbacks

- (a) In an AG, RU or RC zone, a *kennel* or any *building, structure* or part thereof *used* for a *kennel* shall comply with the following minimum *setbacks*:
- (i) Front setback, interior side setback or exterior side setback: 15.0 metres; and
 - (ii) *Rear setback*: 12.0 metres.
- (b) In all zones other than AG, RU or RC zone, a *kennel* or any *building* or *structure*, or part thereof, *used* for a *kennel* shall comply with the provisions of the underlying zone.

4. Height

- (a) In all zones, the maximum *height* of a *kennel* shall be the same as an *accessory building*, but in no case shall the *kennel* exceed one *storey* in *height*.

5. Location of Parking

- (a) In an AG or RU Zone, *parking spaces* required or provided for a *kennel* shall not be located closer than 6.0 metres to any *street line*.
- (b) In all zones other than AG and RU zones, *parking spaces* shall comply with the provisions of the underlying zone.

6. Location of Animal Runs

- (a) In all zones, animal runs associated with a *kennel* shall only be permitted in the *rear yard* or *interior yard*.

7. Minimum Separation

- (a) In all zones, no *building* or *structure* or part thereof *used* for a *kennel* shall be located closer to any residential *building* on another *lot* than:
 - (i) 100.0 metres, where the kennel has four or fewer animal runs; or
 - (ii) 215.0 metres, where the kennel has more than four animal runs.

6.7.3. Notwithstanding Subclause 6.7.2.7., no *kennel* established under the provisions of this By-law shall be deemed non-complying by the subsequent erection of a new residential *building* on another *lot*.

6.7.4. All *kennels* existing as of the date of passing of this By-law which would be made non-conforming under Clause 6.7.2. are deemed to comply with this By-law.

6.8. Marinas

6.8.1. Where permitted by this By-law, *marinas* shall be *used* and *developed* in accordance with the following regulations:

- 1. *Marinas* shall abut the *shoreline*; and
- 2. *Marinas* shall not obstruct navigation or infringe upon established access rights.

6.9. Model Homes

6.9.1. Notwithstanding any other provision of this By-law, where a Model Home Agreement has been executed (signed) by the owner, more than one *single detached house, semi-detached house* or a *townhouse* may be constructed on a *lot* prior to registration of the plan of subdivision subject to the following restrictions:

1. The *use* shall be permitted in the zone in which the *single detached house, semi-detached house* or *townhouse* is to be located;
2. The *dwelling unit* shall be *used* for the purpose of a *model home* only and shall not be occupied as a *dwelling unit* prior to the date of the registration of the subdivision plan;
3. The maximum number of *model homes* shall not exceed 10% of the total number of lots intended for *single detached house, semi-detached house* or *townhouse* purposes within the plan of subdivision proposed for registration, to a maximum of ten units;
4. The *model home* shall comply with all other provisions of this By-law, as though the *dwelling units* were constructed on the *lot* within the registered plan of subdivision; and
5. The *model home* shall comply with all applicable terms and conditions of the said Model Home Agreement.

6.10. Occasional Uses

6.10.1. The following zones and *uses* shall be permitted to have *occasional uses* as indicated:

1. Where an auditorium or a *public use exists* in any zone, auction sales, bake sales, craft sales, bingo, blood donor clinics, benefit dances, shows, concerts and banquets shall be permitted as an *occasional use*;
2. Where a *place of worship* or *school exists* in any zone, auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, bingo, blood donor clinics, carwashes, benefit dances, festivals, shows, concerts and banquets shall be permitted as an *occasional use*;
3. *Garage sales* shall be permitted on any *lot*, with a maximum number of two *garage sales* being conducted on any one *lot* in any calendar year.

A single *garage sale* may consist of a maximum of two consecutive days;

4. Notwithstanding the definition of “*Occasional Use*”, construction trailers on building sites shall be permitted provided they are removed upon building completion or final inspection, whichever comes first, or until the building permit is revoked;
5. Despite any provision to the contrary, in the CD, CMS, OS1, and OS2 Zones, sidewalk sales, auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, bingo, carwashes, benefit dances, festivals, shows, concerts and banquets shall be permitted; and
6. Any *occasional use* shall not be offensive to area residents by way of the emission of light, heat, fumes, noise, vibration, gas, dust, or odour pollution of any kind.

6.11. Outdoor Patios

6.11.1. Where permitted by this By-law, *outdoor patios* which are located on privately owned lands or City lands are subject to the following provisions:

1. No *outdoor patio* shall accommodate more than 50% of the licensed capacity or the permitted occupant load, as defined by the Liquor Licensing Board of Ontario, of the *principal restaurant* with which the *outdoor patio* is associated;
2. No *outdoor patio*, including a rooftop patio, shall be permitted where more than one *lot line* adjoins lands which are in a R1, R2, R3, R4 or R5 zone;
3. Notwithstanding the provisions of Subclause 6.11.1.2., where only the *rear lot line* adjoins a R1, R2, R3, R4 or R5 zone, an *outdoor patio* shall only be permitted in the *front setback* provided it is a minimum of 3.0 metres from the *street line*. In addition, where only the *interior side lot line* or *exterior side lot line* adjoins a R1, R2, R3, R4 or R5 zone, an *outdoor patio* shall only be permitted if it is located in the opposite side of the *lot* which is not adjacent to a R1, R2, R3, R4 or R5 zone;
4. An *outdoor patio* shall be located a minimum of 3.0 metres from any *loading space*, *parking spaces*, internal road or *driveway* located on the *lot*;
5. Notwithstanding the provisions of Section 7 of this By-law, no additional *loading space* shall be required for an *outdoor patio*; and

6. An *outdoor patio* shall be defined by a wall or fence with a minimum *height* of 0.8 metres above the patio floor.

6.12. Public Utility Installation

- 6.12.1. A public utility installation is permitted in all zones, other than EPA or MX1, subject to the following provisions:

1. Any *building* containing the public utility installation must comply with zone *setback* provisions and maximum *height*;
2. No *offices*, maintenance *uses* or indoor or *outdoor storage* facilities are permitted except where otherwise allowed in the zone;
3. No dust, smoke, noise or odour may be produced that is likely to be dangerous or *noxious*;
4. Poles, pedestals, drop lines, cables, pipelines, kiosks, cabinets and other similar equipment *used* to provide services from a public utility installation to a *use, building or structure* are not considered to constitute a public utility installation and are not subject to the provisions of this Subsection; and
5. Public utility installations that are subject to the requirements of the *Environmental Assessment Act* are permitted in all zones, and are not subject to the provisions of this By-law.

- 6.12.2. There are no minimum *lot area* or minimum *lot frontage* requirements for a public utility installation.

6.13. Rooming House

- 6.13.1. Where permitted by this By-law, in addition to the provisions of the underlying zone, a *rooming house* shall comply with the following regulations:

1. A *rooming house* shall only be permitted on a *lot* fronting on and having direct vehicular access to one of the Arterial Roads or Collector Roads identified on Schedule G to this By-law; and
2. A *rooming house* may contain a maximum of seven *rooming units*, or a maximum of one *dwelling unit* and *six rooming units*.

6.14. Rooming Units in Private Residences

- 6.14.1.** In R1 and R2 zones, up to two *rooming units* are permitted in a *single detached house* and in each *principal dwelling unit* of a *semi-detached house* or a *duplex*.
- 6.14.2.** In R3 and R4 zones, up to three *rooming units* are permitted in a *single detached house* and in each *principal dwelling unit* of a *semi-detached house* or a *duplex* or a *townhouse*.
- 6.14.3.** In no case may the cumulative total of *rooming units* within the whole of one of the *buildings* listed in Subclauses 1. and 2., result in the creation of a *rooming house*.
- 6.14.4.** *Rooming units* are not permitted within *second residential units* or *garden suites*.

6.15. Transportation Terminals

- 6.15.1.** In addition to the *uses* permitted in the applicable zone, the following *uses* are permitted within a *transportation terminal*:
1. bank machine;
 2. *personal service shop*;
 3. *restaurant*;
 4. *take-out restaurant*;
 5. *retail store*; and
 6. *repair shop*.
- 6.15.2.** The *uses* permitted in Clause 6.15.1. must comply with the following provisions:
1. They are not located in an EPA zone;
 2. Each individual occupancy does not exceed 50.0 square metres in *gross floor area*; and
 3. The cumulative total *gross floor area* occupied by all these *uses* does not exceed 100.0 square metres in *gross floor area*.

Section 7: Parking, Loading and Bicycle Parking Provisions

Note: Due to the ongoing parking projects currently underway in the City, the proposed Parking, Loading and Bicycle Parking Provisions will be provided in a later draft.

7.1. Parking Requirements

7.1.1. **To be provided in a later draft.**

7.2. Parking Space, Driveway and Parking Aisle Dimensions

7.2.1. **To be provided in a later draft.**

7.3. Surface Treatment

7.3.1. **To be provided in a later draft.**

7.4. Location of Parking Spaces

7.4.1. **To be provided in a later draft.**

7.5. Driveway Width

7.5.1. **To be provided in a later draft.**

7.6. Parking Structures

7.6.1. **To be provided in a later draft.**

7.7. Angle of Driveways Relative to Street Lines

7.7.1. **To be provided in a later draft.**

7.8. Tandem Parking

7.8.1. **To be provided in a later draft.**

7.9. Shared Parking

- 7.9.1. **To be provided in a later draft.**
- 7.10. **Car-share Services**
- 7.10.1. **To be provided in a later draft.**
- 7.11. **Addition or Change to Existing Use – Parking Spaces**
- 7.11.1. **To be provided in a later draft.**
- 7.12. **Accessible Parking Provisions**
- 7.12.1. **To be provided in a later draft.**
- 7.13. **Loading Space Requirements**
- 7.13.1. **To be provided in a later draft.**
- 7.14. **Dimensions of Loading Spaces**
- 7.14.1. **To be provided in a later draft.**
- 7.15. **Surface Treatment of Loading Spaces**
- 7.15.1. **To be provided in a later draft.**
- 7.16. **Location of Loading Spaces**
- 7.16.1. **To be provided in a later draft.**
- 7.17. **Addition or Change to Existing Use – Loading Spaces**
- 7.17.1. **To be provided in a later draft.**
- 7.18. **Bicycle Parking Provisions**
- 7.18.1. **To be provided in a later draft.**
- 7.19. **Dimensions of Bicycle Spaces**

7.19.1. **To be provided in a later draft.**

7.20. **Addition or Change to Existing Use – Bicycle Spaces**

7.20.1. **To be provided in a later draft.**

7.21. **Outdoor Storage of Vehicles in Residential Zones**

7.21.1. **Commercial Vehicles**

1. No person shall *use or develop any parking area, driveway or parking space* in a R1, R2, R3, R4 or R5 zone except in accordance with the following regulations:
 - (a) Not more than one *vehicle* associated with a *dwelling unit*, and not more than a total of three vehicles on a *lot*, shall be a *commercial motor vehicle*;
 - (b) The rated capacity of any such *commercial motor vehicle* shall not exceed two tonnes; and
 - (c) No *motor vehicle* shall be parked in any *parking area, driveway or parking space* unless such *motor vehicle* is used in operations incidental to the permitted *uses* for which such *parking area, driveway or parking space* is required and bears a *motor vehicle* license plate or sticker which is currently valid.

7.21.2. **Recreational Vehicles, Watercraft, and Trailers**

1. **Vehicles Permitted**

- (a) In any R1, R2, R3, R4 or R5 zone, no person shall *use or develop any lot, building or structure*, or part thereof, for the purpose of parking or storing a boat, personal watercraft, all-terrain *vehicle*, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational *vehicle*, or a utility trailer, except for:
 - (i) one boat which shall not exceed 8.2 metres in length;
 - (ii) one motor home which shall not exceed 8.2 metres in length;
 - (iii) not more than two personal watercraft, all-terrain *vehicles*, snowmobiles or other recreational *vehicles*, or any combination thereof;

- (iv) one travel trailer, tent trailer or camper, which shall not exceed 8.2 metres in length, exclusive of hitch or tongue; and
- (v) one utility trailer, which shall not exceed 8.2 metres in length, exclusive of hitch or tongue.

2. Where Permitted

- (a) In any R1, R2, R3, R4 or R5 zone, the parking or storage of a boat, personal watercraft, all-terrain *vehicle*, snowmobile, motor home, travel trailer or other recreational *vehicle*, or a utility trailer shall only be permitted in a *private garage* or other *building, interior yard* or *rear yard*, but not closer than one metre from any *lot line*, and not in any required *parking space* or in a *sight triangle*.

3. Temporary Storage or Parking

- (a) In a R1, R2, R3, R4 or R5 zone, the temporary parking or storage of a boat; a motor home or a travel trailer, but not both; a personal watercraft; an all-terrain *vehicle*; or a similar recreational *vehicle* may be permitted on a *lot* between April 1 and October 31 of each year in a portion of a driveway in a *front yard*, or in an *exterior yard* not closer than one metre from the *lot line*, provided that such *lot* is not *used* for an *apartment building*.
- (b) In a R1, R2, R3, R4 or R5 zone, the temporary parking or storage of a snowmobile may be permitted on a *lot* between November 1 of one year and March 31 of the following year in a portion of a driveway in a *front yard*, or in an *exterior yard* not closer than one metre from the *lot line*, provided that such *lot* is not *used* for 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:

1. Prime Agricultural Area Zone (AG);
2. General Rural Area Zone (RU);
3. Rural Residential Zone (RUR);
4. Limited Service Rural Residential Zone (LSR); and
5. Rural Commercial Zone (RC).

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*.

8.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 8.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. A *dwelling unit, office, retail store, outdoor storage and wholesale establishment* are permitted as an *accessory use* to a *principal use* on the *lot*.

8.1.4. Subsections 8.2. to 8.6. shall apply to provide specific provisions and standards for permitted *uses, buildings and structures* in each of the Rural Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 8.1.2. - Permitted Uses in the Rural Zones

Use	AG	RU	RUR	LSR	RC
Residential Uses					
<i>dwelling unit</i>					✓ ¹
<i>dwelling unit in a single detached house</i>	✓	✓	✓	✓	
Agricultural Uses					

Use	AG	RU	RUR	LSR	RC
<i>agricultural sales establishment</i>	✓	✓			✓
<i>agricultural use</i>	✓	✓			
<i>agricultural related use</i>	✓	✓			✓
<i>feedmill</i>	✓	✓			
<i>forestry use</i>	✓	✓			
<i>livestock facility</i>	✓	✓			
<i>on-farm diversified use</i>	✓	✓			
Commercial Uses					
<i>animal care</i>					✓
<i>bed and breakfast</i>	✓	✓	✓		
<i>home based business</i>	✓	✓	✓		✓
<i>hotel</i>					✓
<i>kennel</i>	✓	✓			
<i>pharmacy</i>					✓
<i>retail store</i>					✓ ¹
<i>training facility</i>					✓
Community Uses					
<i>assembly hall</i>		✓			✓
<i>place of worship</i>		✓			
Industrial Uses					
<i>outdoor storage</i>					✓ ¹
<i>wholesale establishment</i>					✓
Institutional Uses					
<i>cemetery</i>		✓			
<i>funeral establishment</i>		✓			
Marine Uses					
<i>marina</i>					✓
Office Uses					
<i>office</i>					✓ ¹
Recreational Uses					
<i>campground</i>					✓
<i>golf course</i>					✓
<i>recreation facility</i>					✓
<i>stadium</i>					✓

8.2. Prime Agricultural Area Zone (AG)

8.2.1. Uses shall comply with the provisions of Table 8.2.1.

Table 8.2.1. – AG Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	10000.0	90.0	n/a	7.6	7.6	7.6	9.0
<i>all other permitted uses</i>	400000.0	90.0	n/a	7.6	7.6	7.6	12.0

8.2.2. Additional Provisions for Lots Zoned AG

1. Maximum *lot coverage* for an *on-farm diversified use*: 2% of the *lot area*, to a maximum of 10,000.0 square metres;
2. Minimum *dwelling unit area* for a *single detached house*: 90.0 square metres;
3. Maximum *lot coverage* for a *single detached house*: 10%;
4. Maximum *lot coverage* for *uses* not subject to Subclauses 1., 2. and 3.: 35%;
5. Maximum number of *dwelling units per lot*: one *principal dwelling unit*, plus one *accessory dwelling unit* for a person engaged full time in an *agricultural use*;
6. Notwithstanding any provisions of this By-law to the contrary, when a *lot* with an *agricultural use* is enlarged by acquiring another *lot* with an *agricultural use* in the RU or AG zones, and the enlarged *lot* has located thereon more than one *single detached house*, then where the Committee of Adjustment permits the severance of a *lot* upon which such surplus *dwelling unit* is located, the severed *lot* shall conform to the provisions of this By-law for the RUR zone. Such *dwelling unit* shall

be deemed a permitted *use* for subsequent owners and purchasers thereof;

7. No residential *building* shall be *used* or *developed* within 300.0 metres of any feed lot area, manure storage area, or *livestock facility* unless such residential *building* is located on the same *lot*;
8. No residential *building* shall be *used* or *developed* within 300.0 metres of any *lot* within an MX1 zone; and
9. No residential *building* shall be *used* or *developed* within 500.0 metres of any *lot* within the MX1 zone where a quarry exists on a *lot*.

8.3. General Rural Area Zone (RU)

8.3.1. Uses shall comply with the provisions of Table 8.3.1.

Table 8.3.1. – RU Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>livestock facility</i>	100000.0	90.0	n/a	60.0	60.0	60.0	60.0
<i>dwelling unit</i>	10000.0	90.0	n/a	7.6	7.6	7.6	9.0
all other permitted uses	20000.0	90.0	n/a	7.6	7.6	7.6	12.0

8.3.2. Additional Provisions for Lots Zoned RU

1. Minimum *dwelling unit* area for a *single detached house*: 90.0 square metres;
2. Maximum *lot coverage* for a *single detached house*: 10%;
3. Maximum *lot coverage* for other uses: 35%;
4. Maximum number of *dwelling units* per *lot*: one *principal dwelling unit*, plus one *accessory dwelling unit* for a person engaged full time in an *agricultural use*;
5. Notwithstanding any provisions of this By-law to the contrary, where a consent has been given by the Committee of Adjustment to create a residential *lot* either by way of a consent granted or a *lot* retained, such severed *lot* may be used for a *single detached house* in accordance with the provisions of the RUR zone;
6. No residential *building* shall be used or developed within 300.0 metres of any feed lot area, manure storage area, or *livestock facility* unless such residential *building* is located on the same *lot*; and

7. No residential *building* shall be *used* or developed within 300.0 metres of any *lot* within an MX1 zone. No residential *building* shall be *used* or *developed* within 500.0 metres of any *lot* within the MX1 zone where a quarry exists on the *lot*.

8.4. Rural Residential Zone (RUR)

8.4.1. *Uses shall comply with the provisions of Table 8.4.1.1. or 8.4.1.2., as the case may be.*

Table 8.4.1.1. – RUR-1 Provisions (Lots Not Served by Municipal Water or Sewer)

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
new lots	10000.0	36.5	10.7	6.1	7.5	6.1	1.2
non-residential uses	4000.0	36.5	10.7	6.1	7.5	6.1	4.5
all other permitted uses	4000.0	36.5	10.7	6.1	7.5	6.1	1.2

8.4.2. Additional Provisions for Lots Zoned RUR-1

1. *Landscaped open space: 30% of the lot area;*
2. *Maximum number of dwelling units per lot: one; and*
3. *Minimum dwelling unit area: 65.0 square metres.*

Table 8.4.1.2. – RUR-2 (Lots on Partial Servicing - served by only municipal water or sewer)

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
new lots	10000.0	30.5	10.7	6.1	7.5	6.1	1.2

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
non-residential uses	1393.6	30.5	10.7	6.1	7.5	6.1	4.5
all other permitted uses	1393.6	30.5	10.7	6.1	7.5	6.1	1.2

8.4.3. Additional Provisions for Lots Zoned RUR-2

1. Maximum number of *dwelling units per lot*: one;
2. *Landscaped open space*: 30% of the *lot area*; and
3. Minimum *dwelling unit area*: 65.0 square metres.

8.5. Limited Service Rural Residential Zone (LSR)

8.5.1. Uses shall comply with the provisions of Table 8.5.1.

Table 8.5.1. – LSR Provisions

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	As existing	As existing	9.0	7.5	7.5	7.5	4.5

8.5.2. Additional Provisions for Lots Zoned LSR

1. Minimum *dwelling unit area*: 80.0 square metres;
2. Minimum *landscaped open space*: 30% of the *lot area*;
3. Maximum *lot coverage*: 15%;
4. Maximum number of *dwelling units per lot*: one; and
5. No *building or structure* shall be permitted within 7.5 metres of a *right-of-way*.

8.6. Rural Commercial Zone (RC)

8.6.1. *Uses shall comply with the provisions of Table 8.6.1.1. or 8.6.1.2., as the case may be.*

Table 8.6.1.1. – RC-1 Provisions (Lots Not Served by Municipal Water or Sewer)

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	10000.0	30.0	12.0	3.1	7.5	3.1	0.0
<i>hotel</i>	10000.0	45.7	12.0	3.1	See 8 below	3.1	See 8 below
all other permitted uses	10000.0	30.0	12.0	3.1	7.5	3.1	0.0

8.6.2. Additional Provisions for Lots Zoned RC-1

1. Minimum *landscaped open space*: 10% of the *lot area*;
2. Minimum *water frontage* for *hotels* with *water frontage*: 76.2 metres plus 3.1 metres for every *lodging unit* in excess of 30;
3. Minimum *interior side setback*: 6.0 metres where *interior side lot line* abuts a zone other than a Commercial Zone or Institutional Zone;
4. *Outdoor storage* shall only be permitted in the *rear yard*;
5. Notwithstanding Subclause 4., in the case of an *automobile sales establishment*, *outdoor storage* shall be permitted provided that no such *use* is located closer than 0.9 metres to any *street line*;
6. The *outdoor storage* provisions of this Subsection shall not apply to *marinas*;
7. Minimum *interior side setback* and *rear setback*, where the exterior wall of a *hotel* contains a *first storey habitable room window*: 9.0 metres;

8. Where more than one *building* with a *hotel* is developed on the same *lot*, minimum distance between *buildings*: 15.0 metres; and
9. Notwithstanding Subclause 8., where two external walls facing and parallel to each other contain no openings or windows to *habitable rooms*, the distance between such two walls may be reduced to 3.0 metres.

Table 8.6.1.2. – RC-2 Provisions (Lots on Partial Servicing - served by only municipal water or sewer)

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	10000.0	30.0	12.0	3.1	7.5	3.1	0.0
<i>hotel</i>	10000.0	30.5	12.0	3.1	See 8 below	3.1	See 8 below
all other permitted uses	10000.0	30.0	12.0	3.1	7.5	3.1	0.0

8.6.3. Additional Provisions for Lots Zoned RC-2

1. Minimum *landscaped open space*: 10% of the *lot area*;
2. Minimum *water frontage* for *hotels* with *water frontage*: 76.2 metres plus 3.1 metres for every *lodging unit* in excess of 30;
3. Minimum *interior side setback*: 6.0 metres where *interior side lot line* abuts a zone other than a Commercial Zone or Institutional Zone;
4. *Outdoor storage* shall only be permitted in the *rear yard*;
5. Notwithstanding Subclause 4., in the case of an *automobile sales establishment*, *outdoor storage* shall be permitted provided that no such *use* is located closer than 0.9 metres to any *street line*;
6. The *outdoor storage* provisions of this Subsection shall not apply to *marinas*;

7. Minimum *interior side setback* and *rear setback*, where the exterior wall of a *hotel* contains a *first storey habitable room*: 9.0 metres;
8. Where more than one *building* with a *hotel* is *developed* on the same *lot*, minimum distance between *buildings*: 15.0 metres; and
9. Notwithstanding Subclause 8., where two external walls facing and parallel to each other contain no openings or windows to *habitable rooms*, the distance between such two walls may be reduced to 3.0 metres.

Section 9: Hamlet Zones

9.1. All Hamlet Zones

9.1.1. For the purposes of this By-law, Hamlet Zones include:

1. Hamlet Residential Zone (HR);
2. Hamlet Commercial Zone (HC); and
3. Hamlet Institutional Zone (HI).

9.1.2. *Uses* permitted in Hamlet 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*.

9.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 9.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. *A dwelling unit, outdoor storage and wholesale establishment are permitted as an accessory use to a principal use on the lot.*

9.1.4. Subsections 9.2. to 9.4. shall apply to provide specific provisions and standards for permitted *uses, buildings and structures* in each of the Hamlet Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 9.1.2. - Permitted Uses in the Hamlet Zones

Use	HR	HC	HI
Residential Uses			
<i>dwelling unit</i>		✓ ¹	✓ ¹
<i>dwelling unit in a single detached house</i>	✓		✓ ¹
Agricultural Uses			
<i>agricultural sales establishment</i>		✓	
Automotive Uses			
<i>automobile sales establishment</i>		✓	

Use	HR	HC	HI
<i>automobile service station</i>		✓	
<i>recreational vehicle sales establishment</i>		✓	
Commercial Uses			
<i>animal care</i>		✓	✓
<i>bed and breakfast</i>	✓		
<i>building supply store</i>		✓	
<i>day care centre</i>		✓	✓
<i>dry cleaning or laundry store</i>		✓	
<i>home based business</i>	✓	✓	
<i>hotel</i>		✓	
<i>personal service shop</i>		✓	
<i>repair shop</i>		✓	
<i>restaurant</i>		✓	
<i>retail store</i>		✓	
<i>take-out restaurant</i>		✓	
<i>tourism use</i>		✓	
Community Uses			
<i>art gallery</i>		✓	
<i>artist studio</i>		✓	
<i>assembly hall</i>		✓	✓
<i>library</i>			✓
<i>museum</i>			✓
<i>place of worship</i>	✓		✓
Industrial Uses			
<i>outdoor storage</i>		✓ ¹	
<i>wholesale establishment</i>		✓ ¹	
Institutional Uses			
<i>cemetery</i>			✓
<i>school</i>			✓
Office Uses			
<i>medical clinic</i>		✓	✓
<i>office</i>		✓	

9.2. Hamlet Residential Zone (HR)

9.2.1. Uses shall comply with the provisions of Table 9.2.1.1. or 9.2.1.2., as the case may be.

Table 9.2.1.1. – HR-1 Provisions (Lots Not Served by Municipal Water or Sewer)

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
non-residential uses	10000.0	36.5	10.8	6.1	7.5	6.1	3.5
all other permitted uses	10000.0	36.5	10.8	6.1	7.5	6.1	1.2

9.2.2. Additional Provisions for Lots Zoned HR-1

1. Minimum *landscaped open space*: 30% of the *lot area*;
2. Minimum *dwelling unit area* for a *single detached house*: 92.9 square metres; and
3. Maximum number of *dwelling units* per *lot*: one.

Table 9.2.1.2. – HR-2 Provisions (Lots on Partial Servicing - served by only municipal water or sewer)

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
non-	10000.0	30.0	10.7	6.1	7.5	6.1	3.5

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
residential uses							
all other permitted uses	10000.0	30.0	10.7	6.1	7.5	6.1	1.2

9.2.3. Additional Provisions for Lots Zoned HR-2

1. Minimum *landscaped open space*: 30% of the *lot area*;
2. Minimum *dwelling unit area* for a *single detached house*: 92.9 square metres; and
3. Maximum number of *dwelling units* per *lot*: one.

9.3. Hamlet Commercial Zone (HC)

9.3.1. *Uses shall comply with the provisions of Table 9.3.1.1. or 9.3.1.2., as the case may be.*

Table 9.3.1.1. – HC-1 Provisions (Lots Not Served by Municipal Water or Sewer)

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	10000.0	30.0	10.7	3.1	7.5	3.1	0.0 ⁵
<i>automobile service station</i>	10000.0	38.0	10.7	12.0	7.5	12.0	6.0
<i>hotel</i>	10000.0	45.7	10.7	12.0	9.0 ⁷	3.1	9.0 ⁷
<i>all other permitted uses</i>	10000.0	30.0	10.7	3.1	7.5	3.1	0.0 ⁵

9.3.2. Additional Provisions for Lots Zoned HC-1

1. Minimum *landscaped open space*: 10% of the *lot area*;
2. Minimum *landscaped open space* for *automobile service stations*: 5% of the *lot area*;
3. Minimum *water frontage* for *hotels* with *water frontage*: 76.2 metres plus 3.1 metres for every *lodging unit* in excess of 30;
4. Minimum *interior side setback*: 6.0 metres where *interior side lot line* abuts a zone other than a Commercial Zone or Institutional Zone;
5. *Outdoor storage* shall only be permitted in the *rear yard*, except:
 - (a) In the case of an *automobile sales establishment*, *outdoor storage* shall be permitted in any *yard* provided that such *use* is set back 0.9 metres from any *street line*;

6. Where the exterior wall of a *hotel* contains a *first storey habitable room* window, minimum *interior side setback* and *rear setback*: 9.0 metres;
7. Where more than one *building* with a *hotel* is developed on the same *lot*, minimum distance between *buildings*: 15.0 metres; and
8. Notwithstanding Subclause 7., where two external walls facing and parallel to each other contain no openings or windows to *habitable rooms*, the distance between such two walls may be reduced to 3.0 metres.

Table 9.3.1.2. – HC-2 Provisions (Lots on Partial Servicing - served by only municipal water or sewer)

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	10000.0	30.0	10.7	3.1	7.5	3.1	0.0 ⁵
<i>automobile service station</i>	10000.0	38.0	10.7	12.0	7.5	3.1	6.0
<i>hotel</i>	10000.0	30.5	10.7	12.0	9.0 ⁸	3.1	9.0 ⁸
all other permitted uses	10000.0	30.0	10.7	3.1	7.5	3.1	0.0 ⁵

9.3.3. Additional Provisions for Lots Zoned HC-2

1. Minimum *landscaped open space*: 10% of the *lot area*;
2. Minimum *landscaped open space* for *automobile service stations*: 5% of the *lot area*;
3. Minimum *water frontage* for *hotels* with *water frontage*: 76.2 metres plus 3.1 metres for every *lodging unit* in excess of 30;
4. Minimum *interior side setback*: 6.0 metres where *interior side lot line* abuts a zone other than a Commercial Zone or Institutional Zone;
5. *Outdoor storage* shall only be permitted in the *rear yard*;

6. In the case of an *automobile sales establishment*, *outdoor storage* shall be permitted in any *yard*, provided that such *use* is set back 0.9 metres from any *street line*;
7. Where the exterior wall of a *hotel* contains a *first storey habitable room* window, minimum *interior side setback* and *rear setback*: 9.0 metres;
8. Where more than one *building* with a *hotel* is *developed* on the same *lot*, minimum distance between *buildings*: 15.0 metres;
9. Notwithstanding Subclause 8., where two external walls facing and parallel to each other contain no openings or windows to *habitable rooms*, the distance between such two walls may be reduced to 3.0 metres; and
10. Notwithstanding any provisions of this By-law to the contrary, the following provisions shall apply to *driveways* on any *lot* used as an *automobile service station*:
 - (a) The maximum width of a *driveway*, measured along the *street line* shall be 9.1 metres;
 - (b) The minimum distance between *driveways* measured along the *street line* intersected by such *driveways* shall be 7.5 metres;
 - (c) The minimum distance between a *driveway* and an intersection of *street lines*, measured along the *street line* intersected by such *driveway*, shall be 9.0 metres;
 - (d) The minimum distance between an *interior side lot line* and any *driveway* shall be 3.0 metres; and
 - (e) The interior angle, formed between the *street line* and the *centre line* of any *driveway*, shall not be less than 45 degrees.

9.4. Hamlet Institutional Zone (HI)

9.4.1. Uses shall comply with the provisions of Table 9.4.1.

Table 9.4.1. – HI Provisions

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	10000.0	30.0	12.0	6.1	7.5	6.1	0.0

9.4.2. Additional Provisions for Lots Zoned HI

1. Minimum *landscaped open space*: 30% of the *lot area*;
2. Minimum *lot area* for a *dwelling unit* on a *lot* with partial servicing (served by only municipal water OR sewer): 1393.6 square metres;
3. Minimum *interior side setback*: 7.6 metres where *interior side lot line* abuts a zone other than a Commercial Zone or Institutional Zone;
4. Minimum *dwelling unit area* for a *dwelling unit*:
 - (a) Bachelor *dwelling unit*: 37.2 square metres;
 - (b) *Dwelling unit* containing one *bedroom*: 55.7square metres;
 - (c) *Dwelling unit* containing two *bedrooms*: 65.0 square metres; and
 - (d) *Dwelling unit* containing three or more *bedrooms*: 80.0 square metres.
5. Maximum number of *dwelling units* per *lot*: 1.

Section 10: Rural Industrial Zones

10.1. All Rural Industrial Zones

10.1.1. For the purposes of this By-law, Rural Industrial Zones include:

1. Rural Industrial Zone (RM1);
2. Rural Heavy Industrial Zone (RM2); and
3. Mineral Resource and Extraction Zone (MX1).

10.1.2. *Uses* permitted in Rural Industrial 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*.

10.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 10.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. *Outdoor storage* is permitted as an *accessory use* to a *principal use* on a *lot*.

10.1.4. Subsections 10.2. to 10.4. shall apply to provide specific provisions and standards for permitted *uses*, *buildings* and *structures* in each of the Rural Industrial Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 10.1.2. - Permitted Uses in the Rural Industrial Zones

Use	RM1	RM2	MX1
Agricultural Uses			
<i>agricultural use</i>			✓
<i>feedmill</i>	✓		
<i>forestry use</i>			✓
Automotive Uses			
<i>automobile body shop</i>	✓		
<i>automobile repair shop</i>	✓		
<i>transportation depot</i>	✓	✓	

Use	RM1	RM2	MX1
<i>transportation terminal</i>	✓		
Commercial Uses			
<i>building supply store</i>	✓		
<i>repair shop</i>	✓	✓	
Industrial Uses			
<i>assembly plant</i>	✓	✓	
<i>contractor's yard</i>	✓		
<i>fuel storage tank</i>	✓	✓	
<i>gravel pit</i>			✓
<i>industrial repair shop</i>	✓		
<i>manufacturing plant</i>	✓	✓	
<i>outdoor storage</i>	✓ ¹	✓	
<i>processing plant</i>	✓		
<i>salvage yard</i>		✓	
<i>stone quarry</i>			✓
<i>warehouse</i>	✓	✓	
<i>waste disposal area</i>		✓	
<i>waste processing site</i>		✓	
<i>waste transfer station</i>		✓	
<i>water supply plant</i>		✓	
<i>wastewater treatment facility</i>		✓	
<i>workshop</i>	✓		
<i>transformer station</i>		✓	

10.2. Rural Industrial Zone (RM1)

10.2.1. Uses shall comply with the provisions of Table 10.2.1.1. or 10.2.1.2., as the case may be.

Table 10.2.1.1. – RM1-1 Provisions (Lots on Partial Servicing, served only by municipal water or sewer)

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	10000.0	30.0	20.0	15.0 ¹	7.5 ^{1,2}	15.0 ¹	3.0 ^{1,2}

10.2.2. Additional Provisions for Lots Zoned RM1-1 (Partial Servicing)

1. Minimum *setbacks* where abutting a non-industrial zone:
 - (a) *Front setback*: 24.0 metres;
 - (b) *Rear setback*: 15.0 metres;
 - (c) Exterior side setback: 24.0 metres; and
 - (d) Interior side setback: 6.1 metres;
2. Minimum *landscaped open space*: 10% of the *lot area*;
3. Maximum *lot coverage*: 70% if the *lot* is served by sanitary sewers, 35% otherwise;
4. *Outdoor storage* shall:
 - (a) Comply with *setback* provisions of this zone as if the *outdoor storage use* were a *building* or *structure*;
 - (b) Not be located in a *front yard* or *exterior yard*;
 - (c) Not cover more than 35% of the *lot area*; and

- (d) Be enclosed within a closed wooden, metal, eight-wire, and/or plastic fence, *constructed* of durable materials and maintained in good condition.

Table 10.2.1.2. – RM1-2 Provisions (Lots on No Servicing - not served by municipal water or sewer)

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	10000.0	30.0	20.0	15.0 ¹	7.5 ^{1,2}	15.0 ¹	3.0 ^{1,2}

10.2.3. Additional Provisions for Lots Zoned RM1-2 (No Municipal Servicing)

1. Minimum *setbacks* where abutting a non-industrial zone:
 - (a) *Front setback*: 24.0 metres;
 - (b) *Rear setback*: 15.0 metres;
 - (c) Exterior side setback: 24.0 metres; and
 - (d) Interior side setback: 6.1 metres;
2. No *interior side setback* or *rear setback* is required along any portion of a *lot line* which abuts a railroad *right-of way*;
3. Minimum *landscaped open space*: 10% of the *lot area*;
4. Maximum *lot coverage*: 35%;
5. *Outdoor Storage* shall:
 - (a) Comply with *setback* provisions of this zone as if the *outdoor storage use* were a *building* or *structure*;
 - (b) Not be located in a *front yard* or *exterior yard*;

- (c) Comply with the maximum *lot coverage* provisions; and
- (d) Be enclosed within a closed wooden, metal, eight-wire and/or plastic fence, constructed of durable materials and maintained in good condition.

10.3. Rural Heavy Industrial Zone (RM2)

10.3.1. Uses shall comply with the provisions of Table 10.3.1.

Table 10.3.1. – RM2 Provisions

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	10000.0	30.0	n/a	15.0 ¹	7.5 ^{1,2}	15.0 ¹	3.0 ^{1,2}

10.3.2. Additional Provisions for Lots Zoned RM2

1. Minimum *setbacks* where abutting a non-industrial zone:
 - (a) *Front setback*: 24.0 metres;
 - (b) *Rear setback*: 15.0 metres;
 - (c) Exterior side setback: 24.0 metres; and
 - (d) Interior side setback: 12.0 metres;
2. No *interior side setback* or *rear setback* is required along any portion of a *lot line* which abuts a railroad *right-of way*.

10.4. Mineral Resource and Extraction Zone (MX1)

10.4.1. Uses shall comply with the provisions of Table 10.4.1.

Table 10.4.1. – MX1 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	10000.0	30.0	n/a	22.0 ^{1,5}	15.0 ^{1,2,3,4,5}	22.0 ^{1,5}	15.0 ^{1,2,3,4,5}

10.4.2. Additional Provisions for Lots Zoned MX1

1. Minimum *front setback*, *rear setback*, *exterior side setback*, and *interior side setback* where abutting a non-industrial zone: 30.0 metres;
2. No *interior side setback* or *rear setback* is required along any portion of a *lot line* which abuts a railroad *right-of way*;
3. Notwithstanding any other provisions of this By-law to the contrary, where a *gravel pit* abuts a Residential Zone or DR Zone, minimum *interior side setback* and *rear setback* of a *gravel pit*: 121.9 metres;
4. Notwithstanding any other provisions of this By-law to the contrary, where a *stone quarry* abuts a Residential Zone or DR Zone, minimum *interior side setback* and *rear setback* of a *stone quarry*: 213.4 metres; and
5. Notwithstanding any other provisions of this By-law to the contrary, no *building*, plant or product stockpile shall be located within 30.5 metres of any *lot line* or 91.4 metres of any *lot line* or part thereof which abuts a *residential use*.

Section 11: Residential Zones

11.1. All Residential Zones

11.1.1. For the purposes of this By-law, Residential Zones include:

1. Low Density Residential 1 Zone (R1);
2. Low Density Residential 2 Zone (R2);
3. Low Density Residential 3 Zone (R3);
4. Medium Density Residential 4 Zone (R4); and
5. Medium Density Residential 5 Zone (R5).

11.1.2. *Uses* permitted in 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*.

11.1.3. Subsections 11.2. to 11.6. shall apply to provide specific provisions and standards for permitted *uses*, *buildings* and *structures* in each of the Residential Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 11.1.2. - Permitted Uses in the Residential Zones

Use	R1	R2	R3	R4	R5
Residential Uses					
<i>community home</i>	✓	✓	✓	✓	
<i>community support house</i>				✓	✓
<i>dwelling unit in a duplex</i>		✓	✓	✓	
<i>dwelling unit in a semi-detached house</i>		✓	✓	✓	
<i>dwelling unit in a single detached house</i>	✓	✓	✓	✓	
<i>dwelling unit in a stacked townhouse</i>				✓	✓
<i>dwelling unit in a townhouse</i>			✓	✓	✓
<i>dwelling unit in a triplex</i>			✓	✓	

Use	R1	R2	R3	R4	R5
<i>dwelling unit in an apartment building</i>				✓	✓
<i>mobile home</i>					
<i>mobile home park</i>					
<i>residential care facility</i>				✓	✓
<i>rooming house</i>				✓	
Commercial Uses					
<i>bed and breakfast</i>			✓	✓	
<i>home based business</i>	✓	✓	✓	✓	✓

11.2. Low Density Residential 1 Zone (R1)

11.2.1. Uses shall comply with the provisions of Table 11.2.1.

Table 11.2.1. – R1 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses and buildings	450.0	15.0	10.7	6.0 ³	7.5 ⁴	6.0	3.6 ⁵

11.2.2. Additional Provisions for Lots Zoned R1

1. Minimum *landscaped open space*: 30% of the *lot area*;
2. Maximum *lot coverage*: 35%;
3. Minimum *front setback* may be reduced to the average of the existing *front setbacks* of the adjacent *structures* provided that the minimum *front setback* shall not be less than 3.0 metres;
4. Minimum *rear setback*: 25% of the *lot depth*, not to exceed 7.5 metres; and
5. Aggregate of *interior side setbacks*: 3.6 metres, of which one *interior side setback* shall be a minimum of 0.6 metres.

11.3. Low Density Residential 2 Zone (R2)

11.3.1. Uses shall comply with the provisions of Table 11.3.1.

Table 11.3.1. – R2 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>semi-detached house</i>	300.0	10.0	10.7	6.0 ³	7.5 ⁴	5.0	1.8 ⁵
<i>all other permitted uses and buildings</i>	360.0	12.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵

11.3.2. Additional Provisions for Lots Zoned R2

1. Minimum *landscaped open space*: 30%;
2. Maximum *lot coverage*: 40%;
3. Minimum *front setback* may be reduced to the average of the existing *front setback* of the adjacent *structures* provided that the minimum *front setback* shall not be less than 3.0 metres;
4. Minimum *rear setback*: 25% of the *lot depth*, not to exceed 7.5 metres; and
5. Aggregate of *interior side setbacks*: 3.6 metres, of which one *interior side setback* shall be a minimum 0.6 metres.

11.4. Low Density Residential 3 Zone (R3)

11.4.1. Uses shall comply with the provisions of Table 11.4.1.

Table 11.4.1. – R3 Provisions

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>single detached house</i>	320.0	10.6	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>semi-detached house</i>	225.0	7.5	10.7	6.0 ³	7.5 ⁴	5.0	1.8 ⁵
<i>duplex</i>	320.0	10.6	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>triplex</i>	360.0	12.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>townhouse</i>	225.0	7.5	10.7	6.0 ³	7.5 ⁴	5.0	1.8 ⁵
<i>community home</i>	360.0	12.0	10.7	6.0 ³	3.6 ⁴	5.0	3.6 ⁵
<i>bed and breakfast</i>	320.0	10.6	10.7	6.0 ³	3.6 ⁴	5.0 ⁵	3.6
<i>home based business</i>	320.0	10.6	10.7	6.0 ³	3.6 ⁴	5.0 ⁵	3.6

11.4.2. Additional Provisions for Lots Zoned R3

1. Minimum *landscaped open space*: 30%;
2. Maximum *lot coverage*: 45%;
3. Minimum *front setback* may be reduced to the average of the *front setback* of the adjacent *structures* provided that the minimum *front setback* shall not be less than 3.0 metres;

4. Minimum *rear setback*: 25% of the *lot depth*, not to exceed 7.5 metres;
and
5. Aggregate of *interior side setbacks*: 5.0 metres, of which one *interior side setback* may be a minimum 0.6 metres.

11.5. Medium Density Residential 4 Zone (R4)

11.5.1. Uses shall comply with the provisions of Table 11.5.1.

Table 11.5.1. – R4 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>single detached house</i>	300.0	10.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>semi-detached house</i>	180.0	6.0	10.7	6.0 ³	7.5 ⁴	5.0	1.8 ⁵
<i>duplex</i>	320.0	10.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>triplex</i>	360.0	12.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>townhouse</i>	180.0	6.0	10.7	6.0 ³	7.5 ⁴	5.0	1.8 ⁵
<i>apartment building</i>	540.0	18.0	10.7	6.0	7.5 ⁴	5.0	2.0
<i>community home</i>	360.0	12.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>stacked townhouse</i>	540.0	18.0	10.7	6.0	7.5 ⁴	5.0	3.6 ⁵
<i>rooming house</i>	300.0	10.0	10.7	6.0 ³	7.5 ⁴	5.0	1.8 ⁵
<i>bed and breakfast</i>	300.0	10.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>home based business</i>	300.0	10.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>community support house</i>	360.0	12.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵
<i>residential care facility</i>	360.0	12.0	10.7	6.0 ³	7.5 ⁴	5.0	3.6 ⁵

11.5.2. Additional Provisions for Lots Zoned R4

1. Minimum *landscaped open space*: 30%;
2. Maximum *lot coverage*: 45%;
3. Minimum *front setback* may be reduced to the average of the existing *front setback* of the adjacent *structures* provided that the minimum *front setback* shall not be less than 3.0 metres;
4. Minimum *rear setback*: 25% of the *lot depth*, not to exceed 7.5 metres;
and
5. Aggregate of *interior side setbacks*: 5.0 metres, of which one *interior side setback* shall be a minimum of 0.6 metres.

11.6. Medium Density Residential 5 Zone (R5)

11.6.1. Uses shall comply with the provisions of Table 11.6.1.

Table 11.6.1. – R5 Provisions

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>townhouse</i>	180.0	6.0	11.0	6.0 ⁴	7.5 ⁵	5.0	1.8
<i>apartment building</i>	540.0	18.0	12.5	6.0	7.5 ⁵	6.0	6.0
<i>stacked townhouse</i>	540.0	18.0	11.0	6.0	7.5 ⁵	5.0	1.8

11.6.2. Additional Provisions for Lots Zoned R5

1. A *community home, residential care facility and home based business* are required to meet the provisions applicable to the *dwelling unit* in which they are located;
2. Minimum *landscaped open space*: 30%;
3. Maximum *lot coverage*: 45%;
4. Minimum *front setback* may be reduced to the average of the existing *front setback* of the adjacent *structures* provided that the minimum *front setback* shall not be less than 3.0 metres; and
5. Minimum *rear setback*: 25% of the *lot depth*, not to exceed 7.5 metres.

Section 12: Institutional Zones

12.1. All Institutional Zones

12.1.1. For the purposes of this By-law, Institutional Zones include:

1. Institutional – Minor Zone (IN1);
2. Institutional – Major Zone (IN2);
3. Correctional Facility Zone (G1); and
4. Military Installation Zone (G2).

12.1.2. *Uses* permitted in Institutional 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*.

12.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 12.1.2. the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. A *dwelling unit* is permitted as an *accessory use* to a *principal use* on the *lot*.

12.1.4. Subsections 12.2. to 12.5. shall apply to provide specific provisions and standards for permitted *uses*, *buildings* and *structures* in each of the Institutional Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 12.1.2. - Permitted Uses in the Institutional Zones

Use	IN1	IN2	G1	G2
Residential Uses				
<i>community support house</i>		✓		
<i>dwelling unit</i>	✓ ¹		✓ ¹	✓ ¹
<i>housing crisis shelter</i>		✓		
<i>recovery home</i>	✓	✓		
<i>residential care facility</i>	✓	✓		

Use	IN1	IN2	G1	G2
<i>rooming house</i>		✓		
Commercial Uses				
<i>animal care</i>	✓			✓
<i>day care centre</i>	✓	✓		
<i>restaurant</i>				✓
<i>retail store</i>				✓
Community Uses				
<i>assembly hall</i>	✓			✓
<i>library</i>	✓	✓		
<i>museum</i>	✓	✓		✓
<i>place of worship</i>	✓	✓		✓
Institutional Uses				
<i>cemetery</i>	✓			✓
<i>correctional college</i>			✓	
<i>correctional institution</i>			✓	
<i>corrections facility</i>	✓	✓		
<i>detoxification facility</i>	✓	✓		
<i>hospital</i>		✓		✓
<i>institutional use</i>	✓	✓		
<i>military installation</i>				✓
<i>post-secondary institution</i>		✓		✓
<i>school</i>	✓			✓
Office Uses				
<i>medical clinic</i>	✓			✓
Recreational Uses				
<i>recreational facility</i>	✓			

12.2. Institutional – Minor Zone (IN1)

12.2.1. Uses shall comply with the provisions of Table 12.2.1.

Table 12.2.1. – IN1 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	23.0	6.1	7.5 ¹	7.6	6.1 ^{2,3}

12.2.2. Additional Provisions for Lots Zoned IN1

1. If the *rear lot line* abuts a zone other than a Commercial Zone or Institutional Zone, the minimum *rear setback* is 10.5 metres;
2. If the *interior side lot line* abuts a Commercial Zone or Institutional Zone, no *interior side setback* is required;
3. If the *interior side lot line* abuts a Residential Zone, the minimum *interior side setback* is 6.1 metres;
4. Minimum *dwelling unit areas* for *dwelling units* are as follows:
 - (a) Bachelor *dwelling unit*: 37.2 square metres;
 - (b) *Dwelling unit* containing one *bedroom*: 55.7 square metres;
 - (c) *Dwelling unit* containing two *bedrooms*: 65.0 square metres; and
 - (d) *Dwelling unit* containing three or more *bedrooms*: 80.0 square metres;
5. Maximum number of *dwelling units* per *lot*: one.

12.3. Institutional – Major Zone (IN2)

12.3.1. Uses shall comply with the provisions of Table 12.3.1.

Table 12.3.1. – IN2 Provisions

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	N/A	0.0 ^{4,5}	7.5 ^{1,4,5}	See below	See below

12.3.2. Additional Provisions for Lots Zoned IN2

1. For *lots* with a *lot depth* less than 30.0 metres, the minimum *rear setback* is 25% of the *lot depth*;
2. Minimum *exterior side setback*: 50% of the *height* to a maximum of 23.0 metres;
3. Aggregate *interior side setback* and *exterior side setback*: 61.0 metres, of which the *interior side setback* or *exterior side setback* shall be a minimum of 23.0 metres;
4. For *buildings* adjacent to Collingwood Street (between Queen’s Crescent and Union Street), Union Street (between Collingwood Street and Alfred Street), Alfred Street (between Union Street and Johnson Street), Johnson Street (between Alfred Street and Barrie Street), or Barrie Street (between Johnson Street and Clergy Street), all minimum *setbacks* are equal to 1.5 times the *height*;
5. For *buildings* adjacent to Barrie Street (between Clergy Street and King Street), King Street (between Barrie Street and Collingwood Street), and Collingwood Street (between King Street and Queen’s Crescent), all minimum *setbacks* are 7.5 metres;
6. Maximum *density* of housing owned by a *post-secondary institution* or medical institution shall not exceed 519 *rooming units* per net hectare; and

7. There shall be no parking requirements for *post-secondary institutions, hospitals, or public or private parking structures* in conjunction with the Queen University and Kingston Health Sciences complex.

12.4. Correctional Facility Zone (G1)

12.4.1. Uses shall comply with the provisions of Table 12.4.1.

Table 12.4.1. – G1 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	2050.0	30.0	12.0	6.1	7.5	6.1	0.0
all other permitted uses	0.0	0.0	12.0	6.1	7.5	6.1	0.0

12.4.2. Additional Provisions for Lots Zoned G1

1. Minimum *landscaped open space*: 30% of the *lot area*;
2. Minimum *interior side setback*: 7.6 metres where an *interior side lot line* abuts a zone other than a Commercial Zone or Institutional Zone;
3. Minimum *dwelling unit area* for a *dwelling unit* is:
 - (a) Bachelor *dwelling unit*: 37.2 square metres;
 - (b) *Dwelling unit* containing one *bedroom*: 55.7 square metres;
 - (c) *Dwelling unit* containing two *bedrooms*: 65.0 square metres; and
 - (d) *Dwelling unit* containing three or more *bedrooms*: 80.0 square metres; and
4. Maximum number of *dwelling units* per *lot*: one.

12.5. Military Installation Zone (G2)

12.5.1. Uses shall comply with the provisions of Table 12.5.1.

Table 12.5.1. – G2 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	2050.0	30.0	23.0	7.5	7.5 ²	7.5 ¹	9.0
all other permitted uses	8000.0	91.0	23.0	7.5	7.5 ²	7.5 ¹	9.0

12.5.2. Additional Provisions for Lots Zoned G2

1. Where the *interior side lot line* abuts a Commercial Zone or Institutional Zone, no *interior side setback* is required;
2. Where the *rear lot line* abuts a zone other than a Commercial Zone or Institutional Zone, the minimum *rear setback* is 10.5 metres;
3. Maximum *density* for land owned by a *post-secondary institution* or medical institution shall not exceed 519 *rooming units* per net hectare;
4. Minimum *dwelling unit area*: 80.0 square metres; and
5. Minimum *landscaped open space*: 30% of the *lot area*.

Section 13: Commercial Zones

13.1. All Commercial Zones

13.1.1. For the purposes of this By-law, Commercial Zones include:

1. Local Commercial Zone (CL);
2. Mainstreet Commercial Zone (CM);
3. Arterial Commercial Zone (CA);
4. Shopping Centre Commercial Zone 1 (CS1);
5. Shopping Centre Commercial Zone 2 (CS2);
6. General Commercial Zone (CG); and
7. Marine Commercial Zone (CW).

13.1.2. *Uses* permitted in Commercial 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*.

13.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 13.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. A *dwelling unit* and *outdoor storage* are permitted as an *accessory use* to a *principal use* on the *lot*.

13.1.4. Subsections 13.2. to 13.8. shall apply to provide specific provisions and standards for permitted *uses*, *buildings* and *structures* in each of the Commercial Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 13.1.2. - Permitted Uses in the Commercial Zones

Use	CL	CM	CA	CS1	CS2	CG	CW
Residential Uses							
<i>community home</i>		✓					

City of Kingston Zoning By-Law Number _____
October 27, 2016 – First Draft

Use	CL	CM	CA	CS1	CS2	CG	CW
<i>community support house</i>		✓					
<i>dwelling unit</i>	✓ ¹		✓ ¹				✓ ¹
<i>dwelling unit in an apartment building</i>		✓					
<i>dwelling unit in a mixed use building</i>	✓	✓				✓	
<i>dwelling unit in a triplex</i>		✓					
<i>housing crisis shelter</i>		✓					
<i>recovery home</i>		✓					
<i>residential care facility</i>		✓					
<i>rooming house</i>		✓					
Agricultural Uses							
<i>agricultural sales establishment</i>			✓				
Automotive Uses							
<i>automobile sales establishment</i>			✓			✓	
<i>automobile service station</i>			✓	✓	✓	✓	
<i>carwash</i>						✓	
<i>parking lot</i>						✓	
<i>recreational vehicle sales establishment</i>			✓			✓	
Commercial Uses							
<i>animal care</i>			✓	✓		✓	
<i>building supply store</i>			✓				
<i>day care centre</i>	✓	✓	✓	✓	✓	✓	✓
<i>department store</i>				✓	✓		
<i>dry cleaning or laundry store</i>	✓	✓	✓	✓	✓	✓	
<i>financial institution</i>	✓	✓	✓	✓	✓	✓	
<i>food store</i>	✓			✓	✓	✓	
<i>garden centre</i>			✓	✓	✓		
<i>home based business</i>	✓	✓	✓			✓	
<i>hotel</i>		✓	✓				✓
<i>personal service shop</i>	✓			✓	✓	✓	
<i>printing establishment</i>		✓				✓	
<i>repair shop</i>	✓		✓			✓	✓
<i>restaurant</i>	✓	✓	✓	✓		✓	✓

City of Kingston Zoning By-Law Number _____
 October 27, 2016 – First Draft

Use	CL	CM	CA	CS1	CS2	CG	CW
<i>retail store</i>	✓	✓	✓	✓	✓	✓	✓
<i>take-out restaurant</i>	✓	✓	✓			✓	✓
<i>training facility</i>	✓			✓	✓	✓	
Community Uses							
<i>art gallery</i>	✓	✓		✓	✓		
<i>assembly hall</i>		✓	✓	✓	✓	✓	
<i>library</i>	✓	✓	✓	✓	✓		
<i>museum</i>	✓	✓					
<i>place of worship</i>	✓						
Industrial Uses							
<i>outdoor storage</i>							✓ ¹
<i>wholesale establishment</i>			✓				
Institutional Uses							
<i>funeral establishment</i>		✓	✓			✓	
<i>institutional use</i>						✓	
Marine Uses							
<i>marina</i>							✓
Office Uses							
<i>medical clinic</i>	✓	✓	✓	✓	✓	✓	
<i>office</i>	✓	✓	✓	✓	✓	✓	
Recreational Uses							
<i>entertainment establishment</i>		✓	✓	✓	✓		
<i>fitness centre</i>	✓		✓	✓	✓		
<i>recreation facility</i>		✓	✓			✓	

13.2. Local Commercial Zone (CL)

13.2.1. Uses shall comply with the provisions of Table 13.2.1.

Table 13.2.1. – CL Provisions

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	12.0	0.0	6.0	1.8	0.0

13.2.2. Additional Provisions for Lots Zoned CL

1. The maximum permitted *gross floor area* of an *art gallery, fitness centre, financial institution, dry cleaning or laundry store, museum, personal service shop, repair shop, retail store, restaurant, take-out restaurant, or food store* is 185.0 square metres;
2. Where a shopping centre *building* is built and operated under one ownership or condominium ownership as a single, cohesive commercial facility, maximum permitted *gross floor area*: 929.3 square metres; and
3. Minimum *landscaped open space*: 10% of the *lot area*.

13.3. Mainstreet Commercial Zone (CM)

13.3.1. Uses shall comply with the provisions of Table 13.3.1.

Table 13.3.1. – CM Provisions

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	20.0 ^{2,3}	1.0	8.0	0.0	0.0

13.3.2. Additional Provisions for Lots Zoned CM

1. Minimum *streetwall height*: 10.5 metres;
2. Maximum *streetwall height*: 13.5 metres;
3. All *buildings* or *structures* abutting a *street line* shall fit within an *angular plane* taken from a *height* of 13.5 metres above the *finished grade* at the *street line*. Above this *height*, subsequent *storeys* shall fit within a 45 degree *angular plane*;
4. All *buildings* or *structures* shall fit within a 45 degree *angular plane* taken from the *rear lot line*;
5. *Mechanical penthouses* shall be permitted to exceed the maximum *height* subject to *angular plane* provisions by up to 5.0 metres, provided they do not penetrate the *angular planes* taken from the *front lot line* or *rear lot line*;
6. The *first storey* of a *building* or *structure* shall have a minimum *height* of 4.5 metres;
7. A minimum of 75% of the *building frontage* shall be built to the *front lot line* or applicable *setback*, for the *height* of the *streetwall*;
8. *Balconies* are prohibited below the fourth *storey* of *buildings* fronting onto Princess Street;

9. Notwithstanding any other provision of this By-law, *parking spaces* and *loading spaces* shall not be permitted in a required *setback* abutting a *street line*;
10. Notwithstanding any other provision of this By-law, residential *parking spaces* that are not located within an enclosed *building* shall not be located in any *front yard*, shall not form part of any *street*, *lane* or required *loading space* and shall be provided on the *lot* occupied by the *building*, *structure* or *use* for which said parking area is required, except in a *driveway* which shall be permitted to be a maximum of 2.5 metres wide but shall not exceed 25% of the width of the lot; and
11. Notwithstanding the provisions of Subclause 10., residential *parking spaces* may be located on a vacant *lot* that is not more than 60.0 metres from the *lot* upon which the *principal building* is situated, but shall not occupy any *front yard* and shall not form part of any *street*, *lane* or required *loading space*.

13.4. Arterial Commercial Zone (CA)

13.4.1. Uses shall comply with the provisions of Table 13.4.1.

Table 13.4.1. – CA Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	1393.0	0.0	13.7	3.0	7.5	3.1	0.0 ²
all other permitted uses	0.0	0.0	13.7	3.0	7.5	3.1	0.0 ²

13.4.2. Additional Provisions for Lots Zoned CA

1. Minimum *landscaped open space*: 20% of the *lot area*;
2. Minimum *interior side setback* where *interior side lot line* abuts a zone other than a Commercial Zone or Institutional Zone: 6.0 metres;
3. Maximum number of *dwelling units per lot*: one; and
4. Minimum *water frontage* for *hotels with water frontage*: 76.2 metres plus 3.1 metres for every *lodging unit* in excess of 30.

13.5. Shopping Centre Commercial Zone 1 (CS1)

13.5.1. *Uses shall comply with the provisions of Table 13.5.1.*

Table 13.5.1. – CS1 Provisions

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	8093.7	61.0	10.7	3.1	15.2	3.1	0.0 ¹

13.5.2. Additional Provisions for Lots Zoned CS1

1. Minimum *interior side setback* where the *interior side lot line* abuts any zone other than a Commercial Zone: 9.1 metres;
2. Minimum *landscaped open space*: 10% of the *lot area*;
3. Maximum *lot coverage*: 20%;
4. Maximum *height* is 10.7 metres, not to exceed one *storey*; and
5. *Outdoor storage* is prohibited.

13.6. Shopping Centre Commercial Zone 2 (CS2)

13.6.1. *Uses shall comply with the provisions of Table 13.6.1.*

Table 13.6.1. – CS2 Provisions

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	n/a	3.1	15.2	3.1	15.2

13.6.2. Additional Provisions for Lots Zoned CS2

1. Maximum *lot coverage*: 33%;
2. Maximum *gross leasable area*: 46,451.5 square metres;
3. Minimum *landscaped open space*: 10% of the *lot area*. Where the *lot* is *developed* in phases, such *landscaped open space* shall be provided on a pro rata basis with the construction of *gross leasable area*; and
4. No *outdoor storage* shall be permitted, save and except in conjunction with and for the sole purpose of a *garden centre*.

13.7. General Commercial Zone (CG)

13.7.1. Uses shall comply with the provisions of Table 13.7.1.

Table 13.7.1. – CG Provisions

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	1393.6	0.0	10.7	3.1 ⁸	7.5 ⁸	3.1 ⁸	0.0 ¹
<i>automobile service station</i>	1161.2	38.1	10.7	3.1 ⁸	7.5 ⁸	15.2 ⁸	9.1 ⁸
<i>all other permitted uses</i>	464.5	0.0	10.7	3.1 ⁸	7.5 ⁸	3.1 ⁸	0.0 ¹

13.7.2. Additional Provisions for Lots Zoned CG

1. Minimum *interior side setback* where abutting any zone other than a Commercial Zone or an Institutional Zone: 3.1 metres;
2. Minimum *landscaped open space*: 10% of the *lot area*;
3. *Automobile service station* shall comply with the following provisions:
 - (a) Minimum *lot depth*: 38.1 metres;
 - (b) Minimum landscaped open space: 5% of the lot area; and
 - (c) Maximum *lot coverage*: 20%;
4. Maximum *dwelling units per lot*: one;
5. Minimum *dwelling unit area* for *dwelling units*:
 - (a) Bachelor *dwelling unit*: 37.2 square metres;
 - (b) *Dwelling unit* containing one *bedroom*: 55.7 square metres;

- (c) *Dwelling unit* containing two *bedrooms*: 65.0 square metres;
 - (d) *Dwelling unit* containing three *bedrooms*: 83.6 square metres;
 - (e) *Dwelling unit* containing more than three *bedrooms*: 83.6 square metres plus 9.3 square metres for each *bedroom* in excess of three;
6. Where a shopping centre *building* is built and operated under one ownership or condominium ownership as a single, cohesive commercial facility, maximum permitted *gross leasable area*: 2000.0 square metres, not including any floor area which is exclusively devoted to institutional, *office* or *residential use*; and
7. *Outdoor storage*: prohibited.

13.8. Marine Commercial Zone (CW)

13.8.1. Uses shall comply with the provisions of Table 13.8.1.

Table 13.8.1. – CW Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	371.6	15.2	10.7	6.1	7.6	6.1	1.2
<i>hotel</i>	696.8 ⁵	22.9	10.7	3.1	7.6 ¹¹	3.1	9.1 ¹¹
all other permitted uses	557.4	22.9	10.7	3.1	15.2	3.1	0.0 ⁷

13.8.2. Additional Provisions for Lots Zoned CW

1. Minimum *landscaped open space*: 10% of the *lot area*;
2. Minimum *landscaped open space* for a *dwelling unit*: 30% of the *lot area*;
3. Maximum *lot coverage*: 40%;
4. Maximum *lot coverage* for a *dwelling unit*: 35%;
5. Minimum *lot area* for a *hotel*: 696.8 square metres plus an additional 185.8 square metres for each *lodging unit* in excess of four;
6. Minimum *water frontage* for *hotels* with *water frontage*: 76.2 metres plus 3.1 metres for every *lodging unit* in excess of 30;
7. Minimum *interior side setback* where *interior side lot line* abuts a zone other than a Commercial Zone: 9.1 metres;
8. Minimum *dwelling unit area* for a *dwelling unit*: 92.9 square metres;
9. Maximum number of *accessory dwelling units* per *lot*: one;

10. Minimum *interior side setback* and *rear setback*, where the exterior wall of a *hotel* contains a *first storey habitable room window*: 9.1 metres;
11. Where more than one *building with a hotel is developed* on the same *lot*, minimum distance between *buildings*: 15.2 metres;
12. Notwithstanding Subclause 11., where two external walls facing and parallel to each other contain no openings or windows to *habitable rooms*, the distance between such two walls may be reduced to 3.1 metres;
13. *Outdoor storage* shall only be permitted in the *rear yard*;
14. Maximum *lot coverage* for *outdoor storage*:35%; and
15. Subclauses 13. and 14. shall not apply to *marinas* or *boat servicing establishments*.

Section 14: Downtown Zones

14.1. All Downtown Zones

14.1.1. For the purposes of this By-law, Downtown Zones include:

1. Central Downtown Zone (CD);
2. Market Square Zone (CMS); and
3. Harbour Zone (HB).

14.1.2. *Uses* permitted in Downtown 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*.

14.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 14.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. A *dwelling unit* is permitted in a *mixed use building* where the *building* was erected before September 10, 1996; and
2. A *food store* shall be permitted with a maximum *gross floor area* of 275.0 square metres.

14.1.4. Subsections 14.2. to 14.4. shall apply to provide specific provisions and standards for permitted *uses*, *buildings* and *structures* in each of the Downtown Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 14.1.2. - Permitted Uses in the Downtown Zones

Use	CD	CMS	HB
Residential Uses			
<i>community home</i>	✓		
<i>community support house</i>	✓	✓	
<i>dwelling unit in a mixed use building</i>	✓ ¹	✓ ¹	
<i>housing crisis shelter</i>	✓	✓	

Use	CD	CMS	HB
<i>recovery home</i>	✓	✓	
<i>residential care facility</i>	✓	✓	
Automotive Uses			
<i>automobile sales establishment</i>	✓		
<i>automobile service station</i>	✓		
<i>parking lot</i>	✓	✓	
<i>transportation depot</i>	✓		
<i>transportation terminal</i>	✓		
Commercial Uses			
<i>adult entertainment establishment</i>	✓		
<i>adult entertainment store</i>	✓		
<i>animal care</i>	✓	✓	
<i>bed and breakfast</i>	✓	✓	
<i>building supply store</i>	✓	✓	
<i>day care centre</i>	✓	✓	✓
<i>department store</i>		✓	
<i>dry cleaning or laundry store</i>	✓	✓	
<i>financial institution</i>	✓	✓	
<i>food store</i>		✓ ²	
<i>home based business</i>	✓	✓	
<i>hotel</i>	✓	✓	
<i>mixed use building</i>	✓	✓	
<i>personal service shop</i>	✓	✓	
<i>pharmacy</i>		✓	
<i>printing establishment</i>	✓	✓	
<i>public market</i>		✓	
<i>repair shop</i>	✓	✓	
<i>restaurant</i>	✓	✓	✓
<i>retail store</i>	✓	✓	✓
<i>service shop</i>	✓	✓	✓
<i>take-out restaurant</i>	✓	✓	✓
<i>tourism use</i>			✓
<i>training facility</i>	✓	✓	
Community Uses			

Use	CD	CMS	HB
<i>art gallery</i>	✓	✓	
<i>artist studio</i>	✓	✓	
<i>assembly hall</i>	✓	✓	
<i>club</i>	✓	✓	
<i>museum</i>	✓		
<i>place of worship</i>	✓	✓	
Institutional Uses			
<i>funeral establishment</i>	✓		
Marine Uses			
<i>ferry terminal</i>			✓
<i>marina</i>			✓
<i>marine facility</i>			✓
Office Uses			
<i>medical clinic</i>	✓	✓	
<i>media studio</i>	✓		
<i>office</i>	✓	✓	✓
Recreational Uses			
<i>entertainment establishment</i>	✓	✓	
<i>fitness centre</i>	✓		
<i>recreation facility</i>	✓	✓	

14.2. Central Downtown Zone (CD)

14.2.1. Uses shall comply with the provisions of Table 14.2.1.

Table 14.2.1. – CD Provisions

	Provisions						
Land Use	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted <i>uses</i>	0.0	0.0	See below	See below	See below	See below	See below

14.2.2. Additional Provisions for Lots Zoned CD

1. *Front setback and build-to-plane* must match the existing *front setback* of immediately adjacent *buildings* within the *block*, fronting on the same *street*, subject to the following provisions:
 - (a) Where immediately adjacent *buildings* have different *front setbacks*, the *front setback* shall be the same as the immediately adjacent *building* closest to the *street right-of-way*, and
 - (b) Where no adjacent *buildings* exist within the *block*, fronting on the same *street*, the *front setback* and *build-to-plane* shall be at the *street right-of-way*;
2. *Maximum height*.
 - (a) *Height at build-to-plane*: four storeys, not to exceed 17.0 metres; and
 - (b) *Height along angular plane*: six storeys, not to exceed 25.5 metres;
3. The commencement of the *height* of the *angular plane* shall be 17.0 metres;
4. *Conversion of commercial buildings for residential use* shall comply with the following provisions:

- (a) Any *building developed* on or before September 10, 1996 and located in the CD zone may be converted in such a manner as to contain one or more *dwelling units*, subject to the regulations of the CD zone and the following:
 - (i) All such *dwelling units* are located at or above the second *storey*;
 - (ii) There is no expansion or enlargement of the external walls or roof of the existing *building*; and
 - (iii) There shall be no regulations regarding minimum *setbacks*, *amenity area* or maximum *lot coverage*;
- 5. Where the *interior side lot line* or *rear lot line* abuts a Residential Zone, the minimum *interior side setback* or *rear setback* shall be increased to half the *height* of the *building* or 6.0 metres, whichever is greater;
- 6. Surface *parking lots*, *parking spaces* and *parking areas* shall only be located in the *side yard* or *rear yard*;
- 7. Minimum required distance between water's edge and the nearest part of any *land based building* or *structure* is 10.0 metres, excluding emergency response or rescue equipment, lighting, poles, fences, boundary walls less than 1.2 metres in *height*, retaining walls, sidewalks, pavements, bollards, curbs or open air surfaced areas, mailboxes, clothesline poles, a sign, advertising device, newspaper or similar dispensing boxes, planters, statues, sculptures, birdbaths, play equipment less than 1.2 metres in *height*, and pillars less than 1.0 square metre in its footprint;
- 8. Minimum width of a waterfront pathway: 10.0 metres;
- 9. All waterfront pathways shall be designed so that they are open from the ground to the sky and not covered by any *structure*;
- 10. For *parking structures*, the following regulations do not apply:
 - (a) The *build-to-plane* requirements;
 - (b) The minimum *height* requirements; and
 - (c) The minimum *lot coverage* requirement;
- 11. Minimum *height*: two *storeys*, not less than 8.5 metres;
- 12. Maximum *lot coverage*: 100%;

13. Minimum *lot coverage*: 50%;
14. Maximum *density*: 123 *dwelling units* per net hectare;
15. No *loading spaces* are required; and
16. Notwithstanding any other provisions of this By-law to the contrary, the minimum *amenity area* required for each *dwelling unit*: 10.0 square metres.

14.3. Market Square Zone (CMS)

14.3.1. Uses shall comply with the provisions of Table 14.3.1.

Table 14.3.1. – CMS Provisions

Provisions							
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	See below	0.0 ^{1,2}	0.0	0.0	0.0

14.3.2. Additional Provisions for Lots Zoned CMS

1. *Front setback* shall match the existing *front setbacks* of the adjacent *buildings* within the *block*;
2. Where the existing adjacent *buildings* have different *front setbacks*, the *front setback* shall be the average of the *front setbacks* of the *buildings* on both sides of the *building*;
3. Maximum *lot coverage*: 100%;
4. Minimum *lot coverage*: 50%;
5. Regulations on *height*:
 - (a) *Height* of existing *buildings* shall not be increased;
 - (b) The *height* of any new *building* replacing a *building* damaged or destroyed by fire or an Act of God shall be the same as the *height* of the original *building*;
 - (c) Maximum *height* of any new *building* shall not be greater than the highest *building* located within the same *block* and zoned CMS;
 - (d) For *buildings* located on *corner lots*, the top of the highest projection along the *façade* shall not exceed 0.5 metres above

the *height* of the highest *building* or the *height* of the highest *parapet* on a *building* located in the same *block* and zoned CMS;

- (e) For *buildings* located on *interior lots*, the top of the highest projection along the *façade* shall 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 shall be lower than the *parapet*;
 - (g) The tower on the property municipally known as 200 Ontario Street shall not be defined as a *parapet* or a roof; and
 - (h) Minimum *height* of any new *building* shall be the same *height* as the original *building*.
6. Maximum *density*: 123 *dwelling units* per net hectare;
7. Notwithstanding the provisions of Section 7 of this By-law:
- (a) There shall be no *loading space* requirements;
 - (b) No parking shall be permitted in the *front yard* of any *building*; and
 - (c) No parking shall be permitted within 1.5 metres of an adjacent Residential Zone;
8. Any *building* erected on or before September 10, 1996 and located in the CMS Zone may be *converted* in such a manner as to contain one or more *dwelling units* subject to the regulations of the CMS Zone, provided that:
- (a) All *dwelling units* are located at or above the second *storey*;
 - (b) There is no expansion or enlargement of the external walls or roof of the existing *building*; and
 - (c) Save and except that there shall be no regulations regarding minimum *setbacks* and *amenity area*, and maximum percentage of *lot coverage*.

14.4. Harbour Zone (HB)

14.4.1. Uses shall comply with the provisions of Table 14.4.1.

Table 14.4.1. – HB Provisions

	Provisions						
Land Use or Building Type	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	10.7	0.0	0.0	0.0	0.0

14.4.2. Additional Provisions for Lots Zoned HB

1. Maximum *lot coverage*: 50%;
2. No *loading spaces* are required;
3. Private docks, piers and landing places not exceeding 15.0 metres in length which are *accessory* to a *residential use* provided that they abut a *lot* within a Residential Zone;
4. Private docks, piers and landing places not exceeding 7.5 metres in length which are *accessory* to a non-residential *use* provided that they abut a *lot* within a Residential Zone, they are *accessory* to a *use* which is permitted in the abutting zone that is not a Residential Zone, and no part of the private dock, pier or landing place may abut land that is in a Residential Zone;
5. Minimum required distance between water’s edge and nearest part of any *land based building or structure*: 10.0 metres, excluding launching ramp, boat lift, boating lifting equipment, gasoline pumps and tanks, emergency response or rescue equipment, bait tanks, waste water pumping facilities, electrical and water or sewage outlet piping, lighting, poles, fences, boundary walls less than 1.2 metres in *height*, retaining walls, sidewalks, pavements, bollards, curbs or open air surfaced areas, mailboxes, clothesline poles, a sign, advertising device, newspaper or similar dispensing boxes, planters, statues, sculptures,

birdbaths, play equipment less than 1.2 metres in *height*, pillars less than 1.0 square metre in its footprint, and benches;

6. Minimum *water frontage* required for a waterfront pathway: 10.0 metres; and
7. No *outdoor storage* shall be permitted, except for boats.

Section 15: Industrial Zones

15.1. All Industrial Zones

15.1.1. For the purposes of this By-law, Industrial Zones include:

1. Business Park Zone (M1);
2. General Industrial Zone (M2);
3. Heavy Industrial Zone (M3);
4. Waste Management Zone (M3W); and
5. Employment Service Zone (M4).

15.1.2. *Uses* permitted in Industrial 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*.

15.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 15.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. A *retail store* is permitted as an *accessory use* to a *principal use* on the *lot*, to a maximum of 25% of the *gross floor area* of the *building* that houses the *principal use*, up to a maximum of 185.0 square metres, including any *showroom area*.

15.1.4. Subsections 15.2. to 15.6. shall apply to provide specific provisions and standards for permitted *uses*, *buildings* and *structures* in each of the Industrial Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 15.1.2. - Permitted Uses in the Industrial Zones

Use	M1	M2	M3	M3W	M4
Agricultural Uses					
<i>agricultural use</i>		✓			
<i>feedmill</i>		✓	✓		
Automotive Uses					

Use	M1	M2	M3	M3W	M4
<i>automobile body shop</i>		✓	✓		
<i>automobile repair shop</i>		✓	✓		
<i>automobile service station</i>	✓	✓			✓
<i>carwash</i>					✓
<i>parking lot</i>					✓
<i>transportation depot</i>		✓	✓	✓	
Commercial Uses					
<i>animal care</i>					✓
<i>animal shelter</i>		✓	✓		
<i>financial institution</i>	✓	✓			✓
<i>garden centre</i>		✓	✓		
<i>hotel</i>	✓				✓
<i>kennel</i>		✓	✓		
<i>printing establishment</i>	✓	✓	✓		
<i>repair shop</i>	✓	✓	✓		
<i>retail store</i>	✓ ¹	✓ ¹	✓ ¹		✓
<i>restaurant</i>	✓				✓
<i>service shop</i>		✓	✓		
<i>take-out restaurant</i>	✓	✓			✓
<i>training facility</i>	✓				
Industrial Uses					
<i>assembly plant</i>	✓	✓	✓		
<i>contractor's yard</i>		✓	✓		
<i>fuel storage tank</i>		✓	✓		
<i>laboratory</i>	✓	✓	✓		
<i>manufacturing plant</i>	✓	✓	✓		
<i>outdoor storage</i>	✓	✓	✓		
<i>processing plant</i>		✓	✓		
<i>research establishment</i>	✓				
<i>salvage yard</i>				✓	
<i>storage building</i>	✓	✓	✓		
<i>warehouse</i>	✓	✓	✓	✓	
<i>waste disposal area</i>				✓	
<i>waste processing site</i>				✓	
<i>waste transfer station</i>				✓	

Use	M1	M2	M3	M3W	M4
<i>water supply plant</i>				✓	
<i>wastewater treatment facility</i>				✓	
<i>wholesale establishment</i>		✓	✓		
<i>workshop</i>		✓	✓		
Office Uses					
<i>medical clinic</i>	✓	✓			✓
<i>media studio</i>	✓	✓			
<i>office</i>	✓	✓	✓		
Recreational Uses					
<i>fitness centre</i>					✓

15.2. Business Park Zone (M1)

15.2.1. Uses shall comply with the provisions of Table 15.2.1.

Table 15.2.1. – M1 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	25.0	30.0	8.0 ²	7.5 ²	6.0 ²	6.0 ²

15.2.2. Additional Provisions for Lots Zoned M1

1. *Outdoor storage* shall:
 - (a) only be permitted on *lots* that do not front onto or abut an arterial road or provincial highway;
 - (b) not be permitted on *lots* that do abut a non-industrial land use;
 - (c) comply with the *setback* requirements as if such use were a *building* or *structure*, but shall not be located in a *front yard* or *exterior yard*;
 - (d) be enclosed within a closed wooden, metal, eight-wire and/or plastic fence, *constructed* of durable materials and maintained in good condition; and
 - (e) shall have an area no greater than 20% of the *lot area*;

2. Where a *lot* abuts any zone other than a M1 Zone, or abuts a portion of a *street* immediately across from which there is a zone other than a M1 Zone:
 - (a) Minimum width of a planting strip adjacent to any such *lot line* or *street line*: 3.0 metres, in accordance with the provisions of Subsection 4.10. of this By-law; and

- (b)** Minimum *setback* from any such *lot line* or the *street line*: 15.0 metres; and
- 3.** All *parking areas* shall be surfaced with asphalt, concrete, lockstone or a similar material approved by the City.

15.3. General Industrial Zone (M2)

15.3.1. Uses shall comply with the provisions of Table 15.3.1.

Table 15.3.1. – M2 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>agricultural use</i>	40000.0	21.0	30.0	15.0	7.5 ²	6.0	3.1 ^{1,2}
<i>garden centre</i>	2200.0	36.5	30.0	15.0	7.5 ²	6.0	3.1 ^{1,2}
all other permitted uses	0.0	21.0	30.0	15.0	7.5 ²	6.0	3.1 ^{1,2}

15.3.2. Additional Provisions for Lots Zoned M2

1. Minimum *interior side setback* when abutting a zone other than an Industrial Zone: 6.1 metres;
2. No *interior side setback* or *rear setback* is required along any portion of a *lot line* which abuts a railroad *right-of-way*;
3. Minimum *landscaped open space*: 15%;
4. *Outdoor storage* shall comply with the *setback* requirements as if such use were a *building* or *structure*;
5. Notwithstanding the Subclause 4., no *outdoor storage* shall be located in a *front yard* or *exterior yard*; and
6. *Outdoor storage* shall be enclosed within a closed wooden, metal, eight-wire, and/or plastic fence, *constructed* of durable materials and maintained in good condition.

15.4. Heavy Industrial Zone (M3)

15.4.1. Uses shall comply with the provisions of Table 15.4.1.

Table 15.4.1. – M3 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	18.3 ¹	0.0	0.0	0.0	0.0

15.4.2. Additional Provisions for Lots Zoned M3

1. Maximum Height May Be Increased

- (a) Providing that the *height* of any *building* shall not exceed twice the horizontal distance from the *centre line* of the *street* upon which the *building* fronts to the face of the wall of the *building* fronting upon such *street*; and
- (b) The *height* of the upper part of a *building* may be in excess of the above, provided that such excess *height* shall be within the angle contained between a horizontal plane at the *street* curb level and a line extending from the junction of such plane with the *centre line* of the *street* upon which the *building* fronts and intersecting the prescribed line of minimum *setback* at a *height* equal to the total width of the *street*.

15.5. Waste Management Zone (M3W)

15.5.1. *Uses shall comply with the provisions of Table 15.5.1.*

Table 15.5.1. – M3W Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	n/a	21.3 ¹	15.0 ¹	21.3 ¹	15.0 ¹

15.5.2. Additional Provisions for Lots Zoned M3W

1. *Minimum front setback, rear setback, exterior side setback, and interior side setback where abutting a zone other than an Industrial Zone: 30.0 metres.*

15.6. Employment Service Zone (M4)

15.6.1. Uses shall comply with the provisions of Table 15.6.1.

Table 15.6.1. – M4 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>hotel</i>	0.0	30.0	25.0	3.1	8.0	3.1	0.0 ¹
all other permitted uses	0.0	30.0	18.3	3.1	8.0	3.1	0.0 ¹

15.6.2. Additional Provisions for Lots Zoned M4

1. Minimum *interior side setback* where abutting a zone other than a Commercial Zone or Industrial Zone: 3.1 metres;
2. *Outdoor storage* is prohibited;
3. Minimum *landscaped open space*: 10% of the *lot area*; and
4. All *parking areas* shall be surfaced with asphalt, concrete, or lockstone.

Section 16: Transportation and Utilities Zones

16.1. All Transportation and Utilities Zones

16.1.1. For the purposes of this By-law, Transportation and Utilities Zones include:

1. Airport Zone (TA);
2. Transportation Terminal Highway and Railway Zone (TR); and
3. Utility Installation or Corridor Zone (TU).

16.1.2. *Uses* permitted in Transportation and Utilities 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*.

16.1.3. Where a permitted *use* includes a reference number in superscript beside the “√” symbol (for example, reference number 12 in “√¹²”) in Table 16.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. Provided they are wholly within the enclosed *building* containing the *transportation terminal, vehicle rentals, personal service shop, restaurant and retail store* are permitted as an *accessory use* to a *principal use* on the lot; and
2. *Agricultural uses, and outdoor storage* are permitted as an *accessory use* to a *principal use* on the lot.

16.1.4. Subsections 16.2. to 16.4. shall apply to provide specific provisions and standards for permitted *uses, buildings and structures* in each of the Transportation and Utilities Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 16.1.2. - Permitted Uses in the Transportation and Utilities Zones

Use	TA	TR	TU
Agricultural Uses			
<i>agricultural use</i>			√ ²
Automotive Uses			

Use	TA	TR	TU
<i>transportation terminal</i>		✓	
Commercial Uses			
<i>personal service shop</i>		✓ ¹	
<i>restaurant</i>		✓ ¹	
<i>retail store</i>		✓ ¹	
Community Uses			
<i>club</i>	✓		
Industrial Uses			
<i>airport facilities</i>	✓		
<i>outdoor storage</i>			✓ ²
<i>transformer station</i>			✓
<i>wastewater treatment facility</i>			✓
<i>water supply plant</i>			✓
Marine Uses			
<i>ferry terminal</i>		✓	
Open Space Uses			
<i>stormwater management facility</i>			✓

16.2. Airport Zone (TA)

16.2.1. *Uses shall comply with the provisions of Table 16.2.1.*

Table 16.2.1. – TA Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	15.2	21.3	7.6	21.3	3.1

16.2.2. Additional Provisions for Lots Zoned TA

1. None

16.3. Transportation Terminal Highway and Railway Zone (TR)

16.3.1. Uses shall comply with the provisions of Table 16.3.1.

Table 16.3.1. – TR Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	18.0	7.5	0.0 ¹	7.5	4.5

16.3.2. Additional Provisions for Lots Zoned TR

1. For bus stations:
 - (a) If the *rear lot line* abuts a railway *right-of-way*, the minimum *rear setback* is 3.5 metres; and
 - (b) Minimum width of *landscaped open space* abutting a *lot line*: 3.0 metres;
2. For train stations:
 - (a) Minimum width of *landscaped open space* abutting a *lot line*: 7.5 metres.

16.4. Utility Installation or Corridor Zone (TU)

16.4.1. Uses shall comply with the provisions of Table 16.4.1.

Table 16.4.1. – TU Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	n/a	7.5	7.5	6.0	6.0

16.4.2. Additional Provisions for Lots Zoned TU

1. Minimum width of a planting strip adjacent to a *lot line* abutting a Residential Zone: 6.0 metres;
2. Minimum width of planting strip adjacent to a *lot line* that is a *street line*: 4.5 metres;
3. Where a *lot line* abuts an Institutional Zone, Commercial Zone or Downtown Zone, minimum width of a planting strip adjacent to any such *lot line* or *street line*: 3.0 metres;
4. No planting strip is required from the *lot line*, if the *lot line* abuts an Industrial Zone, Transportation and Utilities Zone, or any combination of zones thereof;
5. Minimum width of a planting strip adjacent to any other *lot line*: 4.5 metres; and
6. The planting strip requirements set out in Clause 16.4.2. shall be in accordance with the provisions of Subsection 4.10. of this By-law, except for Clause 4.10.2.

Section 17: Open Space and Reserve Zones

17.1. All Open Space and Reserve Zones

17.1.1. For the purposes of this By-law, Open Space and Reserve Zones include:

1. Minor Open Space Zone (OS1);
2. Major Open Space Zone (OS2); and
3. Development Reserve Zone (DR).

17.1.2. *Uses* permitted in Open Space and Reserve 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*.

17.1.3. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 17.1.2., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. A *dwelling unit* and *office* are permitted as an *accessory use* to a *principal use* on the *lot*; and
2. A *dwelling unit* and *home based business* in a *single detached house* is permitted when the *single detached house* existed on the *lot* as of the date of passing of this By-law.

17.1.4. Subsections 17.2. to 17.4. shall apply to provide specific provisions and standards for permitted *uses*, *buildings* and *structures* in each of the Open Space and Reserve Zones. Where a provision includes a reference number in superscript beside the prescribed provision (for example, “1.2²”), the additional provision that corresponds with the reference number shall be applied.

Table 17.1.2. - Permitted Uses in the Open Space and Reserve Zones

Use	OS1	OS2	DR
Residential Uses			
<i>dwelling unit</i>		✓ ¹	✓ ¹
<i>dwelling unit</i> in an existing <i>single detached house</i>			✓ ²

Use	OS1	OS2	DR
Agricultural Uses			
<i>agricultural use</i>			✓
<i>forestry use</i>		✓	
Commercial Uses			
<i>home based business</i>			✓ ²
<i>tourism use</i>		✓	
Community Uses			
<i>assembly hall</i>			✓
<i>place of worship</i>			✓
Institutional Uses			
<i>cemetery</i>		✓	✓
<i>school</i>	✓		
Office Uses			
<i>office</i>		✓ ¹	
Open Space Uses			
<i>stormwater management facility</i>	✓	✓	
Recreational Uses			
<i>campground</i>		✓	
<i>outdoor theatre</i>		✓	
<i>recreation facility</i>		✓	

17.2. Minor Open Space Zone (OS1)

17.2.1. Uses shall comply with the provisions of Table 17.2.1.

Table 17.2.1. – OS1 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0.0	0.0	n/a	4.5	7.5	4.5	7.5

17.2.2. Additional Provisions for Lots Zoned OS1

1. The minimum width of Open Space Zone where a recreational trail is provided: 10.0 metres.

17.3. Major Open Space Zone (OS2)

17.3.1. Uses shall comply with the provisions of Table 17.3.1.

Table 17.3.1. – OS2 Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	See below	See below	23.0	6.1	7.5	6.1	1.2
all other permitted uses	0.0	0.0	23.0	7.5	7.5	7.5	7.5

17.3.2. Additional Provisions for Lots Zoned OS2

1. *Dwelling units* shall comply with the following provisions:
 - (a) *Lots on Full Servicing (lot served by municipal water and sanitary sewer system):*
 - (i) Minimum *lot area*: 371.6 square metres;
 - (ii) Minimum *lot frontage*: 15.2 metres;
 - (b) *Lots on Partial Servicing (lot served by municipal water or municipal sanitary sewer system):*
 - (i) Minimum *lot area*: 1393.6 square metres;
 - (ii) Minimum *lot frontage*: 30.5 metres;
 - (c) *Lots on No Servicing (lot served by neither municipal water nor sanitary sewer system):*
 - (i) Minimum *lot area*: 2043.9 square metres;
 - (ii) Minimum *lot frontage*: 45.7 metres;

- (d) Minimum landscaped open space: 30% of the lot area;
 - (e) Maximum *lot coverage*: 35%;
 - (f) Minimum *dwelling unit area*: 80.0 square metres; and
 - (g) Maximum *dwelling units* per *lot*: one;
2. There shall be no minimum *setback* requirements for wading pools, splash pads, *marine facilities*, public washrooms, *service buildings*, shade *structures*, shelters, *park* furniture and existing *structures* or *buildings*.

17.4. Development Reserve Zone (DR)

17.4.1. Uses shall comply with the provisions of Table 17.4.1.

Table 17.4.1. – DR Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
<i>dwelling unit</i>	0.0	0.0	n/a	7.6	7.6	7.6	7.6
<i>dwelling unit in an existing single detached house</i>	0.0	0.0	n/a	7.6	7.6	7.6	7.6
all other permitted uses	0.0	0.0	n/a	6.1	7.6	6.1	7.6

17.4.2. Additional Provisions for Lots Zoned DR

1. Maximum *lot coverage*: 20%; and
2. Maximum number of *dwelling units per lot*: one.

Section 18: Environmental Protection Zone

18.1. Environmental Protection Zone (EPA)

18.1.1. *Uses* permitted in the Environmental Protection Zone are limited to the *uses* identified in Table 18.1.1., and are denoted by the symbol “✓” in the column applicable to the EPA zone and corresponding with the row for a specific permitted *use*.

18.1.2. Where a permitted *use* includes a reference number in superscript beside the “✓” symbol (for example, reference number 12 in “✓¹²”) in Table 18.1.1., the following conditions shall be applied where they correspond with the reference number for a permitted *use*:

1. An *agricultural use* is permitted where it existed on the *lot* as of the date of passing of this By-law.

Table 18.1.1. - Permitted Uses in the Environmental Protection Zone

Use	EPA
Agricultural Uses	
<i>agricultural use</i>	✓ ¹
Marine Uses	
<i>marina</i>	✓
<i>marine facility</i>	✓

18.1.3. *Uses* shall comply with the provisions of Table 18.1.3.

Table 18.1.3. – EPA Provisions

Land Use or Building Type	Provisions						
	Min. Lot Area (square metres)	Min. Lot Frontage (metres)	Max. Height (metres)	Min. Front Setback (metres)	Min. Rear Setback (metres)	Min. Exterior Side Setback (metres)	Min. Interior Side Setback (metres)
all permitted uses	0	0	n/a	0	0	0	0

18.1.4. Additional Provisions for Lots Zoned EPA

1. No *buildings* shall be permitted; and
2. No *building or structure* shall be *developed* within any EPA zone except with the written approval of the Cataraqui Region Conservation Authority.

Section 19: Exceptions to the Rural Area

19.1. Rural Area Exceptions

19.1.1. Notwithstanding the provisions of the Zones in the *rural area*, the provisions established in the exception shall prevail over any other provision in the By-law.

1. Reserved.
2. Reserved.
3. In the case of the CA[3] Zone, the following provisions shall apply:
 - (a) Permitted uses - The following uses shall be permitted:
 - (i) Residential uses
a single-detached dwelling house;
 - (ii) Non-residential uses
a boat sales establishment and accessory office, warehouse and showroom;
a travel trailer and/or mobile home sales establishment;
a vehicles sales or rental establishment.
 - (iii) Non-residential uses on the southern portion of the site within the fill line

The subject lands lying between the fill line along Westbrook Creek (as determined by the Cataraqui Region Conservation Authority) and the existing chain link security fence will be permitted the following uses:
 - (1) Outdoor storage;
 - (2) Boat storage building.
 - (b) Rear setback depth (minimum) 3.05 metres from the existing chain link fence located south of the fill line.
 - (c) Setbacks for existing buildings

Existing buildings are hereby deemed to be in compliance with the minimum setbacks. Any new buildings or additions to

existing buildings shall be built in accordance with the setback regulations of this By-Law.

(d) Use of the accessory showroom

The permitted showroom use shall be associated with the boat, travel trailer, mobile homes and vehicles sales or rental establishment only and shall be attached to the northeast side of the existing one storey garage, located on the property known municipally as 3667-3669 Princess Street. The maximum floor area permitted for a showroom shall not exceed 272 square metres.

(e) Accessory office use

The permitted office use shall only be associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment and shall be located within the existing one storey office building on the property known municipally as 3667-3669 Princess Street.

(f) Accessory warehouse

The warehouse use associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment shall be located to the south of the gas pipeline easement and be located within the one storey Quonset structures. The warehouse use shall only be permitted in conjunction with the permitted boat, travel trailer, mobile home, and vehicles sales or rental establishment located at 3667-3669 Princess Street. The warehouse structures will be permitted to encroach into the rear portion of the CA[3] Zone, south of the fill line extending to the perimeter fence located to the north of the Westbrook Creek. The warehouse will not be permitted to extend beyond the perimeter fence into the Westbrook Creek.

(g) Open storage

(i) No open storage of goods or materials shall be permitted except in accordance with the following provisions:

- (1) Every open storage use shall be accessory to the use of the main building on the lot.
- (2) An open storage use shall only be permitted in a rear setback.

- (ii) Notwithstanding Subparagraph (i) above, in the case of a boat, travel trailer, mobile homes sales, vehicle sales or rental establishment, an open storage use shall be permitted in all setbacks provided that no such use is located closer to a street than the minimum front setback.
- (iii) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.

(h) Outdoor seasonal display and sales area

Nothing in this By-Law shall prevent an area set aside outside of a building or structure within a commercial zone, which is used in conjunction with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment located within the building or structure and located on the same lot, to be used for the display or retail sales of seasonal produce or new merchandise, provided such area:

- (i) Is seasonal in nature and does not include a permanent retailing area; and,
- (ii) Is not located within a fire lane, a parking area 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 an improved street which abuts said lot.

(i) Parking spaces (minimum)

A minimum of 25 off street parking spaces shall be provided to accommodate all uses on the site.

4. In the case of the CG[4]-H Zone, 3480 Princess Street, the following provisions shall apply:

- (a)** Permitted uses, limited to: a retail use; a restaurant, except a drive through restaurant; a clinic, a veterinary clinic, a commercial club, a personal service shop, a day nursery, a public use, in accordance with the provisions of this By-law; a professional and business office use; a commercial school, a financial institution; a mixed commercial/residential use
- (b)** Prohibited uses: automobile and vehicle sales and service establishment, a gasoline retail facility; boat sales and rental

establishment, ground floor residential use, a drive through facility accessory to a permitted use

- (c) Lot area Minimum: 3,700 square metres
- (d) Lot frontage Minimum: 23 metres
- (e) Exterior Side Setback Minimum: 9.0 metres
- (f) Interior Side Setback Minimum: 9.0 metres for end units
- (g) Landscaped Open Space Minimum: 15%
- (h) Lot Coverage Maximum: 60%
- (i) Building Height Maximum: 15 metres
- (j) The minimum height of ground floor commercial in a mixed commercial/residential building shall be 4.0 metres.
- (k) Maximum Floor Area per Professional and/or Business Office Use: 200 square metres
- (l) Maximum aggregate floor area of Professional and/or Business Office Uses: 600 square metres
- (m) For the purposes of this Zone a Mixed Commercial/Residential use shall be defined as, “a building or structure which is used for a mixture of commercial and residential uses, where the entire ground floor of such building or structure shall be used for commercial purposes.

5. In the case of the HC[5] Zone, Roy’s Pet Shop, the following provisions shall apply:

- (a) Shall be used for no purpose other than a retail pet shop operation and a single detached dwelling house in accordance with the following provisions:
 - (i) Front setback depth (minimum): 6 metres
 - (ii) Exterior side setback depth (minimum): 3 metres
 - (iii) Rear setback depth (minimum): 6 metres.

6. In the case of the HC[6] Zone, the following provisions shall apply:

- (a) Permitted use: In addition to the uses permitted in the HC Zone, the property may be used for a convenience store and a take-out restaurant with drive-through.
 - (b) Prohibited use: The property may not be used for an accessory dwelling house or accessory dwelling unit.
 - (c) Setbacks for a garbage enclosure (minimum):

 - (i) Interior side setback: 3.0 metres
 - (ii) Front setback: 14.0 metres
 - (d) A drive through service facility accessory to a take-out restaurant use is permitted within 50 metres of a residential use or zone that permits a residential use.
 - (e) No off-street loading space shall be required for a convenience store or take-out restaurant use.
 - (f) The front setback depth of the gas pump canopy as it exists on the site as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-Law. In the event that the existing gas pump canopy on the site is removed, the site shall be subject to the regulations of this By-Law.
 - (g) The access and driveways existing on the site as of the date of the passing of this By-Law shall be deemed to comply with the access and driveways regulations of this By-Law. In the event that the existing access and driveway on the site is removed, the site shall be subject to the regulations of this By-Law.
7. In the case of the HC[7] Zone, the following provisions shall apply:
- (a) May be used for: a business office, a personal service shop, a professional office, a retail store, a day nursery, a recreational establishment, a merchandise service shop or a flea market.
8. In the case of the HC[8]-H Zone, Rideau Acres Campground, the following provisions shall apply:
- (a) Uses Permitted:

 - (i) An accessory dwelling house, an accessory dwelling unit, a tent, a trailer park, a recreational facility and a Park Model Home. Park Model Homes are subject to the following:

- (1) the maximum number of Park Model Homes shall be 31;
 - (2) no person shall reside in or otherwise use or occupy any Park Model Home from January 1 to March 31 inclusive of any year;
 - (3) additions may be made to a Park Model Home provided no more than 48 square metres of gross floor area is added to any Park Model Home;
 - (4) all Park Model Homes shall comply with Canadian Standards Association Standards Z241.
- (b)** "recreational facility" means a building or structure or specified area planned for, used for or related to recreational, social or cultural activities whether indoors or outdoors and shall include playgrounds, parks, swimming pools, halls, tennis courts, shelters, and similar uses.
- (c)** Camp lots:
- (i)** "camp lots" means a parcel of land within a trailer park designated for occupancy by a travel trailer.
 - (ii)** Maximum Number of Camp Lots - 289
 - (iii)** Minimum Camp Lot area -185 square metres per camp lot.
- (d)** Parking areas:
- (i)** 1 parking space for each camp lot, to be located on each camp lot.
 - (ii)** 1 parking space per 10 camp lots to be provided for visitor parking.
 - (iii)** Parking space requirements for recreational facilities shall be those identified for recreational establishments.
- (e)** Vehicular driveways:
- All driveways established for the purpose of accommodating vehicular traffic shall have a minimum width of 6.096 metres for two-way traffic and 3.048 metres for one way traffic.
- (f)** Minimum elevation:

- (g)** No building or structure shall be erected below a minimum elevation of 89.22 metres geodetic.
- (h)** Special provisions:
- (i)** No recreational facility or camp lot shall be located closer than 30 metres to any lot line which abuts a residential use or undeveloped land in a residential zone.
- (j)** Lot area (minimum):
 - (i)** Accessory dwelling house or accessory dwelling unit 2050 square metres
 - (ii)** Tourist establishment 2785 square metres, plus an additional 185 square metres for each guest room or rental cabin in excess of 4.
- (k)** Lot frontage (minimum):
 - (i)** Accessory dwelling house 30 metres
 - (ii)** Other permitted uses - 12 metres
- (l)** Front setback depth (minima):
 - (i)** Tourist establishment 12 metres
 - (ii)** Other uses - 7.5 metres
- (m)** Exterior side setback width (minimum): 7.5 metres,
- (n)** Interior side Setback width (minimum): 6 metres, provided that where the interior side lot line abuts a zone other than a Commercial or Institutional Zone, the minimum interior side setback width shall be 9 metres.
- (o)** Rear Setback depth (minimum): 7.5 metres, provided that where the rear lot line abuts a zone other than a Commercial or Institutional Zone, the minimum rear setback depth shall be 10.5 metres.
- (p)** Landscaped open space (minimum): 20%
- (q)** Height of building (maximum): 12 metres
- (r)** Open storage:

- (i)** No open storage of goods or materials shall be permitted except in accordance with the following provisions:
 - (ii)** Every open storage use shall be accessory to the use of the main building on the lot.
 - (iii)** An open storage use shall only be permitted in a rear setback.
 - (iv)** Every open storage use shall be concealed from view from abutting streets by a fence, wall or similar structure.
 - (v)** No open storage use shall cover more than 35% of the lot area.
 - (vi)** The open storage provisions of this Subclause shall not apply to marinas.
- 9.** In the case of the HC[9] Zone, 1555 Sydenham Road, the following provisions shall apply:
- (a)** The only permitted uses on the property shall be:
 - (b)** business and professional office;
 - (c)** personal service shop; and
 - (d)** premises engaged in the development of computer software, and testing and assembly of related computer hardware components.
 - (e)** Such uses shall be contained within the existing building on the property on the date of passing of this By-law.
 - (f)** Any redevelopment of the existing building shall be subject to site plan control.
 - (g)** Parking: 1 space per 37.0 square metres of occupied gross floor area.
 - (h)** No parking space shall be located closer than 1 metre to any lot line.
 - (i)** All required loading spaces shall be located in the rear setback.
 - (j)** No open storage of goods or materials shall be permitted.

- (k)** Lot area (minima):
 - (i)** Lot served by only a public water system or a sanitary sewer system: 1161 square metres
 - (ii)** Other lots: 1161 square metres
 - (l)** Lot frontage (minima):
 - (i)** Lot served by a public water system and a sanitary sewer system 6.1 metres
 - (ii)** Other lots 15.24 metres
 - (m)** Front Setback Depth (minimum): 3.05 metres
 - (n)** Exterior Side Setback Width (minimum): 3.05 metres
 - (o)** Interior Side Setback Width (minimum): 6.1 metres,
provided that where the interior side lot line abuts a Commercial Zone, no interior side setback is required.
 - (p)** Rear Setback Depth (minimum): 6.1 metres
 - (q)** Gross Floor Area (maximum):
No single use shall have a gross floor area of greater than 185.81 square metres.
 - (r)** Landscaped Open Space (minimum): 10%
 - (s)** Lot Coverage (maximum): 35%
 - (t)** Height of Building (maximum): 10.7 metres
- 10.** In the case of the HC[10] Zone, the following provisions shall apply:
- (a)** Residential uses:
two accessory dwelling units in the upper portion of a non-residential building
 - (b)** Non-residential uses
an appliance rental shop;
a bank;
a beverage room;

a boat sales establishment;
a business or professional office;
a clinic;
a home occupation;
a merchandise service shop;
a vehicle sales or rental establishment;
a personal service shop;
a copy shop;
a private club;
a public use in accordance with the provisions of this By-law;
a recreational establishment;
a restaurant;
a take-out restaurant;
a retail store;
a supermarket;
a veterinary clinic;
a shopping centre consisting of any of the permitted uses listed herein.

- 11.** In the case of the HC[11] Zone, the following provisions shall apply:
- (a)** Shall be used for no purpose other than a single detached dwelling house, a florist shop, a nursery/garden centre/greenhouse and a public use.
- 12.** In the case of the RC[12] Zone, ice cream retail and warehousing facility, the following provisions shall apply:
- (a)** May be used for an ice cream retail outlet and an ice cream products warehouse used in conjunction with such retail outlet.
- 13.** In the case of the RC[13] Zone, Antonakos Restaurant, the following provisions shall apply:
- (a)** Shall be used for no purpose other than a restaurant and an accessory dwelling house in accordance with the provisions of this By-law.
- 14.** In the case of the RC[14]-H Zone, the following provisions shall apply:

- (a) Shall be used for no other purpose than a retail nursery, accessory retail uses associated with a retail nursery use, accessory outdoor and open storage use associated with a retail nursery use, an accessory dwelling unit and small scale retail uses not exceeding 100 square metres.
 - (b) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of this By-law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands the following provisions shall be complied with:

 - (i) that prior to the establishment of a 'permitted use' on the subject property that the developer verify, to the satisfaction of the City, the method for obtaining adequate quantity and quality of water for the use; and
 - (ii) that prior to drilling a well for any permitted use the developer shall complete a hydro-geologic study verify, to the satisfaction of the City, that there is adequate quantity and quality water supply for the proposed use.
- 15. In the case of the RC[15]-H Zone, 1636-1664 Highway 15, the following provisions shall apply:

 - (a) Permitted Uses:

 - a Tourist Establishment;
 - a Retail Store;
 - a Gasoline Retail Facility;
 - a Restaurant; and,
 - a Restaurant Take-Out.
 - (b) Lot area (minimum): 3 hectares
 - (c) Building Height (maximum): 10.5 metres
 - (d) Lot frontage (minimum): 38 metres
 - (e) Setbacks:

 - (i) Front Setback (minimum): 17 metres
 - (ii) Rear Setback(minimum): 64 metres
 - (iii) South Side Setback (minimum): 48 metres

- (iv)** North Side Setback (minimum): 9 metres
- (f)** It is prohibited to construct or place any building or structure within 64 metres of the west property line.
- (g)** Parking Space Dimensions:
 - (i)** Width (minimum): 2.75 metres
 - (ii)** Length, (minimum): 5.8 metres in length.
- (h)** There shall be a minimum of 4 barrier free parking spaces.
- (i)** No drive-through service facility shall be constructed or established within 45 metres of a residential zone or zone that permits a residential use.
- (j)** The minimum distance for signage from the south property line shall be 32 metres
- (k)** The minimum distance between any portion of the gasoline pump island, including canopy, and any lot line shall be in compliance with the minimum setbacks established in this zone.
- (l)** In place of a planting strip, a berm shall be constructed on the south portion of the subject property between the commercial use and the south property line. The following shall apply:
 - (i)** The minimum distance from the Highway 15 right-of-way shall be 22 metres;
 - (ii)** The minimum distance from the west property line shall be 80 metres;
 - (iii)** The minimum berm height shall be 2 metres;
 - (iv)** The minimum berm length shall be 38 metres;
 - (v)** The berm shall have a minimum 3:1 slope; and
 - (vi)** The berm shall be planted with grass, indigenous plants, trees and shrubs.
- (m)** The Minimum Distance Separation from a barn or manure storage use to a commercial structure shall be 145 metres.
- (n)** -H Symbol:

That a Holding Symbol applied to the subject lands shall only be removed once the following conditions have been satisfied & prior to issuance of a Building Permit:

- (i) That all necessary slope stability work related to maintaining the integrity existing fill and slopes of the subject property shall be completed to the satisfaction of the Cataraqui Region Conservation Authority.
 - (ii) The septic system is designed to the satisfaction of the Kingston Frontenac Lennox and Addington Health Unit or applicable approval authority.

- 16. In the case of the RC[16] Zone, St. Lawrence Community, the following provisions shall apply:
 - (a) Shall be used for no other purpose than one or more of the following uses: a home occupation, a motel, a Nursery/Garden Centre/Greenhouse, a public use, a retail outlet accessory to a permitted use, a rental cabin, a restaurant.

- 17. In the case of the RC[17] Zone, Highway Service Centre, the following provisions shall apply:
 - (a) Shall be used for no purpose other than a highway service centre in accordance with the following definitions:
 - (i) "highway service centre" means an establishment providing a restaurant and engaged in the retail sale of fuel and/or lubricants for motor vehicles, including commercial motor vehicles, but not including a snowmobile or motorized snow vehicle. Accessory uses may include a business office, a tourist information facility, and minor maintenance or repair operations for motor vehicles and commercial motor vehicles, other than body work or painting.
 - (ii) "commercial motor vehicle" means a motor vehicle having attached thereto a truck or delivery body and includes an ambulance, a hearse, a bus, firefighting apparatus, and a tractor used for hauling purposes on a public highway or public road.

- 18. In the case of the RC[18] Zone, Minaker's Nursery, the following provisions shall apply:
 - (a) Shall be used for no purpose other than one or more of the following uses: a fruit and vegetable cart, an indoor country

market, a home occupation, a motel, a Nursery/Garden Centre/Greenhouse, a public use, a rental cabin, and a restaurant, in accordance with the following provisions:

- (i)** Interior Side Setback Width (minima):
 - (1) No interior side setback is required where lots abut within the RC[18] zone.
 - (2) On the eastern boundary of the RC[18] zone, the minimum interior side setback width shall be 2 metres from an existing dwelling house.
- (ii)** Fruit and Vegetable Cart: up to one fruit and vegetable cart not exceeding 10 square metres of lot coverage is permitted provided that:
 - (1) it is located no closer than 1 metre to the front lot line; and
 - (2) it is in use not more than 5 months of each calendar year; and
 - (3) during the months it is not in use, it is not located in the front setback.
- (iii)** Indoor Country Market: country market is permitted provided that:
 - (1) it is located wholly indoors;
 - (2) the sale of items is limited to: vegetables, fruits, jams, jellies, syrups, baked goods, eggs, honey, potted plants, crafts, or antiques; and
 - (3) the gross floor area does not exceed 250 square metres.

19. In the case of the RC[19] Zone, Stenson's, the following provisions shall apply:

- (a)** Shall be developed in accordance with the following provisions:
 - (i)** Uses Permitted:

A convenience store and the uses permitted in the RUC Zone.
 - (ii)** Special Provision:

Where, at the time of passing of this By-law, any existing building or structure is not in conformity with the setback requirements of this By-law, the existing setback shall be deemed to be the required setback, only insofar as it affects the existing building or structure. Any alteration to a structure or building or any new construction of a structure or building shall be in conformity with this By-law as amended as the same shall then exist.

- 20.** In the case of the RC[20] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than a motel, an accessory dwelling house, or a public use, in accordance with the following provisions:
 - (i)** Interior Side Setback Width (minimum):
 - (1)** on the southern boundary of the RC[20] Zone, the minimum interior side setback shall be 6 metres.
- 21.** In the case of the RC[21] Zone, Camping Ground, the following provisions shall apply:
- (a)** May be used for an existing camping ground.
- 22.** In the case of the RC[22] Zone, the following provisions shall apply:
- (a)** May be used for tour boat operations including a souvenir shop and accessory office facilities; and a tourist floating dwelling house.
- 23.** In the case of the RC[23] Zone, Rental Cabins, the following provisions shall apply:
- (a)** Shall be used for no purpose other than a rental cabin.
- 24.** In the case of the RC[24]-H Zone, 5098 Leo Lake Road, the following provisions shall apply:
- (a)** Prohibited Uses:
 - Accessory dwelling house;
 - Accessory dwelling unit;
 - Mobile home.
 - (b)** In addition to the holding provisions stated in this By-law, -H Holding symbol Provisions, the following conditions apply:

- (i) That prior to obtaining any building and/or site alteration permits a stage 1 & 2 archaeological assessment will be completed to the satisfaction of the Ministry of Tourism, Culture and Sport;
 - (ii) That prior to obtaining any building and/or site alteration permit a hydrogeology study verifying adequate water quantity and quality will be completed to the satisfaction of the City and any other regulatory body;
 - (iii) That prior to obtaining any building and/or site alteration permits a Heritage Impact Statement will be completed to the satisfaction of the City and any other regulatory body;
 - (iv) That prior to obtaining any building and/or site alteration permit an Environmental Impact Study will be completed to the satisfaction of the City and any other regulatory body;
 - (c) For the purpose of the RC[24]-H Zone, a camping ground use shall be defined as, "an area used for a range of overnight camping experiences, from tenting to serviced travel trailer sites, including accessory uses, such as administration offices, but not including the use of mobile homes or trailers on a year round basis.
 - (d) No person shall reside in or use or occupy any travel trailer from January 1 to March 31, inclusive of any year.
 - (e) Minimum setback from the high water mark for any building or structure shall be 30 metres.
- 25.** In the case of the RC[25] Zone, 2040 Unity Road, the following provisions shall apply:
- (a) The only permitted uses on the property shall be the following:
 - (i) Residential uses:
 - an existing single detached dwelling.
 - (ii) Non-residential uses:
 - an appliance rental shop;
 - a bank;
 - a boat sales establishment;
 - a business or professional office;

- a dry cleaning or laundry outlet;
- a home occupation;
- a merchandise service shop;
- a vehicle sales or rental establishment;
- a parking lot;
- a personal service shop;
- a copy shop;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a retail store.

26. In the case of the RC[26] Zone, the following provisions shall apply:

- (a)** Use shall be limited to one dwelling unit plus one or more of the following uses: an antique shop, a business or professional office, a clinic, a home occupation and a personal service shop.

27. In the case of the RC[27] Zone, the following provisions shall apply:

- (a)** May be used for a horse barn in accordance with the following provision:
 - (i)** Interior Side Setback Width (minima): 7 metres

28. In the case of the RC[28] Zone, the following provisions shall apply:

- (a)** may be used for an automobile body shop together with an existing dwelling house, used as an accessory dwelling house, provided that such uses are developed in accordance with the following provisions:
 - (i)** Exterior side setback width (minimum):
 - (1) Accessory dwelling house 7.620 metres
 - (2) Other uses 15.240 metres
 - (ii)** Rear setback depth (minimum):
 - (1) Accessory dwelling house 4.572 metres
 - (2) Other uses 45.720 metres
 - (iii)** Open storage:

No open storage of goods, materials or motor vehicles shall be permitted except in accordance with the following provisions:

- (1) Every open storage use shall be accessory to the use of the main building on the lot.
- (2) An open storage use shall only be permitted in a setback other than a required setback, a front setback or an exterior side setback.

29. In the case of the DR[29] Zone, the following provisions shall apply:

- (a)** May be used for uses accessory to a single detached dwelling house in accordance with the following provisions:
 - (i)** No accessory use shall be located closer than 1.2 metres to any lot line.
 - (ii)** Notwithstanding any provisions of this By-law to the contrary, Lots 73, 81, 82, 83 and the south half of Lot 74, Registered Plan Number 95 (Eastview) shall be considered to be a single lot.

30. In the case of the DR[30] Zone, the following provisions shall apply:

- (a)** Shall be used for no other purpose than one or more of the following uses: a farm, but not a specialized farm; a farm produce outlet; a personal recreation use of the owner; or a public use in accordance with the following provisions:
 - (i)** Lot frontage (minimum) -0 metres

31. In the case of the DR[31] Zone, the following provisions shall apply:

- (a)** May be used in accordance with the following special provisions:
 - (i)** Lot area (minimum): 5 hectares
 - (ii)** Lot frontage (minimum): 70.0 metres

32. In the case of the EPA[32] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than one or more of the following uses: a conservation use excluding a building and a public use excluding a building in accordance with the following provisions:

- (i) Accessory Uses:
- (ii) No use accessory to a main residential use located in an adjoining zone shall be located within the EPA[32] Zone.

(iii) Location:

For the purposes of the EPA[32] Zone, the zone boundary shall be defined as being the contour line of 76.6 metres geodetic (Canadian Geodetic Datum).

33. In the case of the EPA[33] Zone, the following provisions shall apply:

- (a) May be used for no purpose other than a conservation use excluding a building; or a public use excluding a building, in accordance with the following provision:

(i) Location:

For the purposes of the EPA[33] Zone, the zone boundary shall be defined as being the contour line of 98.16 metres geodetic.

34. In the case of the EPA[34] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than: a conservation use, excluding a building; or a public use, excluding a building.

35. In the case of the EPA[35] Zone, the following provisions shall apply:

- (a) May be used for no purpose other than a conservation use or a public or private park; provided that in no case shall any main building be permitted in any EPA[35] Zone

36. In the case of the EPA[36] Zone, the following provisions shall apply:

- (a) May be used for no purpose other than a conservation use; provided that in no case shall any building or structure be permitted in any EPA[36] Zone.

37. In the case of the EPA[37] Zone, the following provisions shall apply:

- (a) May be used and developed for the purposes of one single detached dwelling house in accordance with the following special provisions:
 - (i) No portion of any buildings or structures shall be permitted below an elevation of 88.71 metres geodetic.

(ii) Lot area (minimum): 10 hectares

38. In the case of the EPA[38]-H Zone, the following provisions shall apply:

- (a)** May also be used for the purposes of a golf course. Development of a golf course on the lands zoned as EPA[38]-H shall not be permitted until such time as:
- (i)** The following environmental and engineering investigations have been completed and demonstrate to the satisfaction of the City and all pertinent regulatory agencies that the golf course proposal will not have adverse environmental impacts:
- (1) Hydrology and hydraulic modelling to determine the extent of the 1:100 year flood plain associated with Little Cataraqui Creek.
 - (2) Determination as to what portion of golf course developments/infrastructure can be permitted in flood susceptible areas based on applicable policy and guidelines.
 - (3) Confirmation of the extent of wetlands; identify and assess impacts on wetland function and wetland area, and detail actions necessary to prevent or mitigate any impacts from development.
 - (4) A turf management plan and a determination of impacts on storm water quality due to use of chemicals.
 - (5) A storm water quality plan detailing appropriate measures to ensure that storm water quality will not adversely impact or alter the wetland aquatic habitat, or ground water.
 - (6) A storm water quantity plan detailing anticipated increases in run off and measures to deal with such impacts.
 - (7) A water taking plan to address the irrigation of a golf course in a manner which will not adversely affect ground water supply and quality, and base flow in Little Cataraqui Creek.
 - (8) Ensuring the retention of natural vegetation along the creek banks with a minimum 15.0 metre buffer strip; a

minimum 30.0 metre strip is required adjacent to the wetland areas.

- (9) Development of detailed plans for any creek crossings in a manner which will not impede the flow of flood water.
 - (10) A comprehensive erosion and sediment control plan for before, during and after development and construction phases.
 - (11) The identification, assessment and proposed management of the Cataraqui Clay Ridges, a feature of natural and scientific interest on the subject lands.
 - (12) An on-site waste and sewage disposal plan.
 - (13) The identification and assessment of impacts of the golf course on the recreational facilities at the Little Cataraqui Creek Conservation area.
- (ii)** A permit under the Fill, Construction and Alteration to Waterways Regulation has been issued by the Conservation Authority.
- (iii)** A cultural heritage resource assessment prior to any earth disturbance has been prepared; said assessment to be conducted by an archaeological consultant licensed pursuant to the *Ontario Heritage Act* in accordance with the Archaeological Assessment Draft Technical Guidelines, and completed to the satisfaction of the Ministry of Culture, Tourism and Recreation.
- (iv)** Council has approved a golf course development plan showing the location of all buildings and structures to be erected and showing location of all facilities and works to be provided in conjunction therewith. City Council may require the owner of the land to provide to the satisfaction of, and at no expense to the City, any or all of the following:
- (1) Facilities to provide access to and from the lands.
 - (2) Vehicular loading and parking facilities, access driveways, and the surfacing of such areas and driveways.
 - (3) Walkways and other means of pedestrian access.

- (4) Lighting, including flood lighting of the land or of any buildings or structures thereon.
 - (5) Walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands.
 - (6) (Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 - (7) Easements for the construction, maintenance or improvement of water courses, ditches, land drainage or sanitary sewage facilities and other public utilities of the City.
 - (8) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water.
 - (v) All applicable City and agency requirements related to (i), (ii), (iii) and (iv) above have been complied with.
 - (vi) Any agreements required by the City have been registered on title.
 - (vii) The "H" symbol has been removed and the related provisions repealed by amendment to this By-law.
- 39.** In the case of the EPA[39] Zone, the following provisions shall apply:
- (a) May also be used for the purpose of a miniature golf course provided that the said use is developed and operated in accordance with the following special provisions:
 - (i) that no buildings be permitted;
 - (ii) that structures and parking areas be at a minimum elevation of 85.2 metres geodetic;
 - (iii) that a 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.
- 40.** In the case of the M1[40] Zone, on the approximately 1.75 hectare parcel of land known municipally as 369 Dalton Avenue, the following provisions shall apply:

- (a)** Additional permitted uses

Bank or Financial Institution;
Restaurant;
Clinic;
Retail store.
 - (b)** Permitted uses within the building as existing on the passing of this By-law:

Warehouse
Wholesale businesses
Technical Training Facility
 - (c)** Retail and commercial uses such as banks or financial institutions, restaurant, clinics, and retail stores shall be limited to 25% of the total gross floor area.
 - (d)** Accessory retail uses associated with the sale of products assembled and/or manufactured on the site shall be limited to a maximum of 25% of the gross floor area for any single tenant or business.
 - (e)** Minimum lot area: 8,000 square metres
 - (f)** Maximum height: 25 metres
 - (g)** Minimum landscape open space: 20%
- 41.** In the case of the MX1[41] Zone, the following provisions shall apply:
- (a)** May be used for an aggregate screening operation, an asphalt plant, a concrete batching plant, a crushing plant or any combination of the foregoing uses.
- 42.** In the case of the MX1[42] Zone, Canada Cement Lafarge, the following provisions shall apply:
- (a)** May be used for an aggregate screening operation, an asphalt plant, a concrete batching plant, crushing plant or any combination of the foregoing uses and the lands shall be developed in accordance with the following special provisions:

 - (i)** Required setbacks (minima)

 - (1) Front 90 metres

(2) Interior Side 60 metres

(3) Rear 90 metres

(ii) Exceptions to setback requirements

Nothing shall prevent the location of an earth berm of uniform height and width from being located in a required front setback or a required rear setback provided that such berm is located no less than 30 metres from a front or rear lot line.

43. In the case of the MX1[43] Zone, the following provisions shall apply:

(a) Access through an abutting zone shall be permitted.

(b) Permitted uses shall be one or more of the following:

- a gravel pit;
- a stone quarry;
- a municipal service garage;
- a warehouse;
- a storage yard;
- a public use.

44. In the case of the MX1[44]-H Zone, 3893 Highway 15, the following provisions shall apply:

(a) Permitted uses shall also include an asphalt plant, a concrete batching plant and any related accessory uses to aggregate extraction and processing and any combination of the foregoing uses.

(b) The minimum setback for an asphalt plant, a concrete batching plant and any related accessory uses to aggregate extraction and processing and any combination of the foregoing uses from the abutting properties known municipally as 3927 Highway 15 and 3931 Highway 15 shall be 200 metres.

(c) In Addition to the holding provisions of this By-law, -H Holding Symbol Provisions, the following condition applies:

(i) Prior to the removal of the –H Holding symbol, an Environmental Compliance Approval (ECA) and all supporting studies and the approved MNR amended site

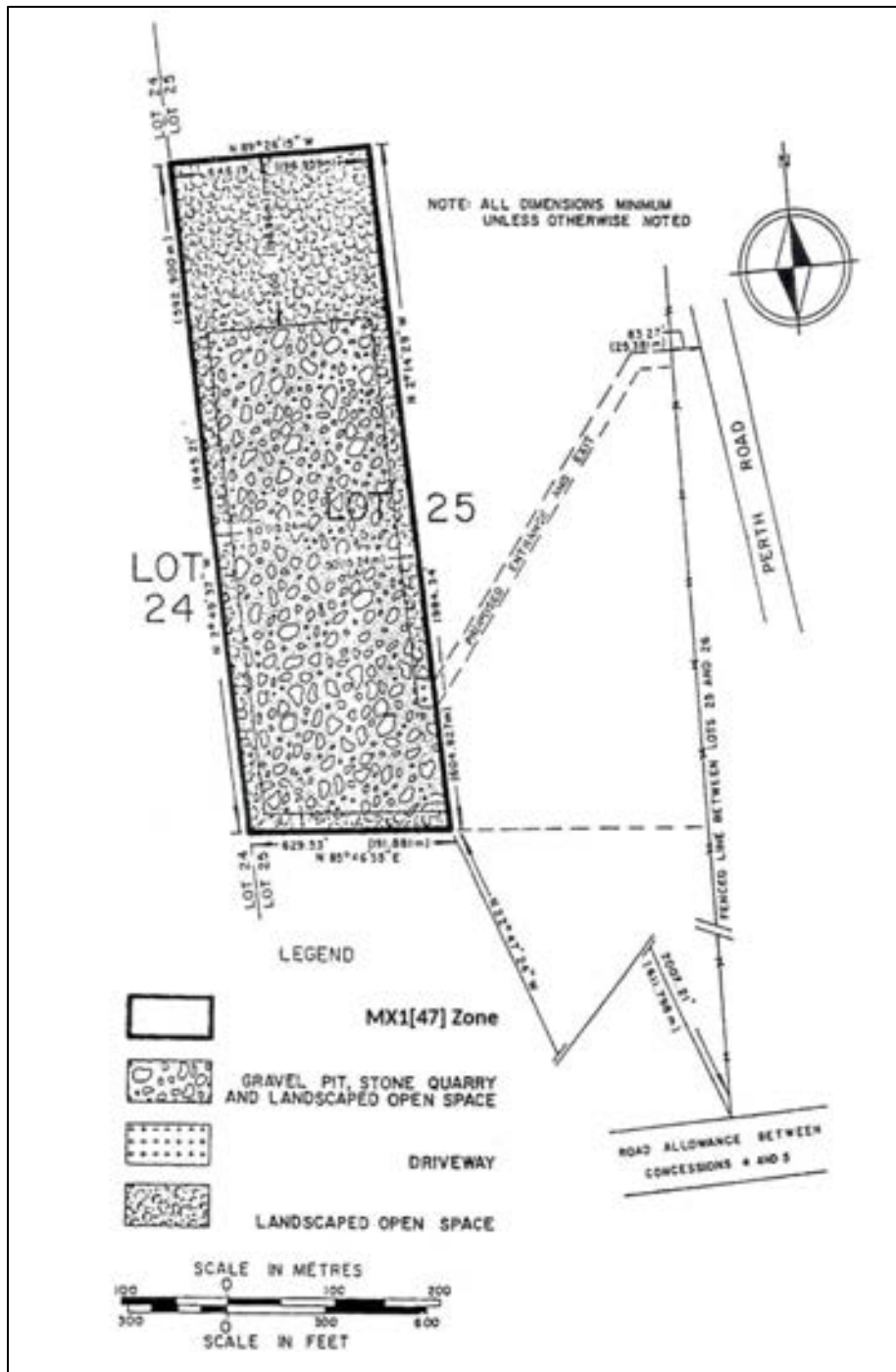
plan for the proposed asphalt and /or concrete batching plant must be submitted and reviewed to the satisfaction of the City and the Cataraqui Region Conservation Authority (CRCA).

- 45.** In the case of the MX1[45] Zone, the following provisions shall apply:
- (a)** May be used for an aggregate screening operation, an asphalt plant, a concrete batching plant, a crushing plant or any combination of the foregoing uses.
- 46.** In the case of the MX1[46] Zone, the following provisions shall apply:
- (a)** May be used temporarily for the purpose of a Recycling Operation provided that said temporary use is developed and operated in accordance with Schedule "B 8" hereto and the following definitions and provisions:
 - (i)** "Recycling operations" means an operation engaged in the processing and recycling of non-hazardous solid wastes approved by the Ministry of Environment including, but not limited to, wood construction waste and petroleum contaminated soils. Radioactive, pathological and/or asbestos contaminated materials are not permitted to be processed
 - (ii)** The temporary use authorization shall be for a period not to exceed three (3) years commencing on May 4, 1993, the date of passing of By Law Number 93 67.
- 47.** In the case of the MX1[47] Zone, McKendry Quarry, the following provisions shall apply:
- (a)** Shall be used for no other purpose than those shown on Figure 19.1.1.47. and the following definitions and provisions shall apply:
 - (i)** "Gravel pit" means any 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, and the associated operations of washing, screening and aggregate storage.
 - (ii)** "Stone quarry" means any open excavation made for the removal of any consolidated rock or mineral including

limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, and the associated operations of crushing and aggregate storage.

- (iii)** Location of uses permitted on the property shall be in accordance with Figure 19.1.1.47., provided that no building, plant or product stock pile shall be located within any area shown on Figure 19.1.1.47. as *landscaped open space* or within 15.24 metres of any area shown on Figure 19.1.1.47. as *landscaped open space*.

Figure 19.1.1.47.¹



48. In the case of the MX1[48] Zone, the following provisions shall apply:

¹ Formerly Schedule "B-1", Zoning By-law 76-26

- (a) May be used for an office associated with the industrial use, storage shed, equipment repair shop, contractor's yard, truck depot, weigh scale, scale house, outdoor storage provided said use is developed and used in accordance with the following provisions:
 - (i) Lot area (minimum): 4.6 hectares
- 49. In the case of the MX1[49] Zone, Lafarge Quarry 1338 – 1362 McAdoo's Lane, the following provisions shall apply:
 - (a) Minimum lot area: 7 hectares
 - (b) Minimum landscaped open space 6%
 - (c) Minimum number of parking spaces for a pit or quarry use: 8
 - (d) The main building existing on the site as of the date of the passing of this By-law shall be deemed to comply with the front setback depth and side setback width regulations of this By-Law. In the event that the existing main building on the site is removed or expanded, any new development shall be subject to the regulations of this By-Law.
- 50. In the case of the RM1[50] Zone the following provisions shall apply:
 - (a) May be used for an existing airfield.
- 51. In the case of the RM1[51] Zone, 2800 Highway 38, the following provisions shall apply:
 - (a) The following uses shall also be permitted:
Self-Service Storage Facility; and
Open Storage – Self Service Storage Facility;
 - (b) For the purposes of this Section, the following definitions shall apply:
 - (i) Self-Service Storage Facility: means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles. Explosives,

radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.

- (ii)** Open Storage – Self-Service Storage Facility: No open storage of goods or materials shall be permitted in a self-storage facility, except in accordance with the following provisions:
- (1) Every open storage use shall be accessory to the main use of the Self-Service Storage Facility use and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles.
 - (2) Every open storage use shall comply with the setback provisions of this By-law as if such open storage use were a building or structure provided, however that such use complies with Item (1) above.
 - (3) Every open storage use shall be limited to an area approved through the Site Plan Control process.
 - (4) Notwithstanding Item (2) above, no open storage use shall be located in a front setback, interior side setback or rear setback which abuts a Residential Zone or a Development 'D' Zone.
 - (5) Every open storage use shall be enclosed within a fence consisting of at least eight-wire farm fence which is maintained in good condition.
- (iii)** Recreational Vehicle: means any vehicle, or portable structure designed to be towed or carried by a vehicle, which is used for temporary recreational travel and/or accommodation and shall include motor homes, camper trailers, converted buses, boats and boat trailers or similar equipment.

52. In the case of the RM1[52] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than: a manufacturing plant, a fabricating plant; a retail outlet, a wholesale outlet or a business office accessory to a permitted use listed in this Paragraph.

53. In the case of the RM1[53] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a cartage or transport yard, or a public use, and such uses shall be developed in accordance with the following special provisions:

 - (i) Lot area (minimum): 6 hectares
 - (ii) Required Setbacks (minima): 61 metres, except that where a lot abuts an Industrial zone the minimum required setback requirements shall be in accordance with the provisions of this By-law.
 - (iii) Restrictions Adjacent to Creek: No building or structure shall be erected or altered within 15.24 metres of the centre line of the tributary of Glenvale Creek, except with the approval of the local Conservation Authority.

- 54. In the case of the RM1[54] Zone, the following provisions shall apply:

 - (a) The following uses only shall be permitted:

 - (i) Any manufacturing, compounding, processing, treating, assembling, repairing, packaging, office or research facility establishment which is not obnoxious by reason of emission of contaminants as defined in the *Environmental Protection Act* and which has obtained a certificate of approvals as required under the *Environmental Protection Act*;
 - (ii) An accessory dwelling unit (watchman's quarters);
 - (iii) A retail outlet, wholesale outlet or business office accessory to a permitted use;
 - (iv) Accessory buildings which are subordinate to a permitted use.

 - (b) Notwithstanding any other provisions of this By-Law, the required front setback shall be a minimum of 25 metres. This area shall be used for no other purpose than a landscaped buffer strip consisting of natural vegetation and / or a combination berm and landscaping sufficient to screen any industrial operation or associated open storage areas from the abutting street.

 - (c) The required side setback along the north and south property boundary shall be a minimum of 10 metres. This area shall be used for no other purpose than a landscaped buffer strip consisting of natural vegetation and / or a combination berm and

landscaping sufficient to screen any industrial operation or associated open storage areas from the abutting property.

- (d)** The required rear setback along the western interior property boundary shall be a minimum of 15.24 metres. This area shall be used for no other purpose than a landscaped buffer strip consisting of natural vegetation and / or a combination berm and landscaping sufficient to screen any industrial operation or associated open storage areas from the abutting property.
- (e)** The maximum coverage for open storage uses shall be 60% of the lot area;
- (f)** Open storage uses shall be permitted to locate in the front setback provided the open storage use maintains the minimum required front setback of 25 metres.
- (g)** The open storage of raw or finished concrete products on the lands Zoned RM1[54] shall be deemed to be accessory to the existing precast concrete manufacturing plant located on the lands immediately to the south.

55. In the case of the RM1[55]-H Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than a firewood processing operation, and a public use in accordance with this By-law.
- (b)** Permitted uses identified in (a), shall be developed in accordance with the provisions (c) to (e) below:
- (c)** Required setbacks

The minimum required setback depth or width, as the case may be, abutting an Agricultural or Residential Zone shall be 100 metres; in all other instances the provisions of this By-law shall apply.

- (d)** Open storage

Open storage of logs and processed fire wood shall be permitted in accordance with the following provisions:

- (i)** Every open storage use shall comply with the foregoing required setback provisions as if such open storage use were a building or structure.

- (ii)** Every open storage use shall be enclosed within a fence consisting of at least an 8-wire farm fence which is maintained in good condition.
- (e)** Holding provision - Development of a fire wood processing operation shall not be permitted until such time as:

 - (i)** Council has approved a development concept plan showing the location of all buildings and structures to be erected and showing location of all facilities and works, including wood piling and processing areas, to be provided in conjunction therewith. Council may require the owner of the land to provide to the satisfaction of, and at no expense to the City, any or all of the following:

 - (1) Facilities to provide access to and from the lands.
 - (2) Vehicular loading and parking facilities, access driveways, and the surfacing of such areas and driveways.
 - (3) Lighting, including flood lighting of the land or the buildings or structures thereon.
 - (4) Walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands.
 - (5) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 - (6) Easements for the construction, maintenance or improvement of water courses, ditches, land drainage or sanitary sewage facilities and other public utilities of the City.
 - (7) Grading or alteration in elevation or contour of the land and provision for the disposal of storm surface and waste water.
 - (ii)** A Certificate of Approval (Air) from the Ministry of Environment and Climate Change for a wood processing facility on the subject lands has been obtained.
 - (iii)** All applicable City and agency requirements related to (i) and (ii) above have been complied with.

- (iv) Any agreements required by the Town have been executed.
- (v) The "-H" symbol has been removed and the related provisions repealed by amendment to this By-law.

56. In the case of the RM1[56] Zone, the following provisions shall apply:

- (a) shall be used only for the following uses:
 - a cartage and transport yard;
 - a contractor's yard;
 - an open storage use;
 - topsoil screening; and
 - a public use.
- (b) Lot area (minimum) 6 hectares
- (c) Required Setback (minimum) 61 metres
- (d) Except that where the lot abuts an Industrial Zone the minimum required setback shall be in accordance with the provisions of this By-law.

57. In the case of the RM1[57]-H Zone, located on the south side of McAdoo's Lane and known municipally as 1351 McAdoo's Lane ,the following provisions shall apply:

- (a) Uses permitted:

No person shall within the RM1[57]-H Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses as set out in this By-law. All uses as set out in the RM1 Zone shall be permitted while the '-H' Holding Symbol is in place.
- (b) Zone provisions:

No person shall within the RM1[57]-H Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions of this By-law and Paragraph (c) below.
- (c) Holding provision:

The lands designated as RM1[57]-H shall be subject to a '-H' Holding provision. The use and removal of the '-H' Symbol shall be in accordance with the provisions of this By-Law.

Notwithstanding the provisions of this By-Law, any existing or proposed industrial use on the lands zoned RM1[57]-H shall not be permitted to draw ground water for the said use until such time as the '-H' Holding Symbol has been removed. The '-H' Symbol shall not be removed until such time as a detailed hydro-geologic study has been completed to demonstrate that ground water quality and quantity is sufficient to meet the needs of the uses on the subject lands and adjacent properties.

58. In the case of the RM1[58] Zone, the following provisions shall apply:

- (a)** shall only be used for the following uses: a contractor's or a tradesman shop; a workshop; an accessory sales outlet, provided that such items for sale are manufactured on the property where the sales outlet is located, a public use in accordance with the provisions of this By-law; development shall be in accordance with the following provisions:
 - (i)** Maximum Building Coverage 465 square metres
 - (ii)** Maximum Open Storage Coverage 185.81 square metres
 - (iii)** Front Setback
 - (1) abutting an industrial or agricultural zone 7.62 metres
 - (2) abutting any other zone 24.4 metres
 - (iv)** Side Setback
 - (1) abutting an industrial or agricultural zone 6.1 metres
 - (2) abutting any other zone 12.2 metres
 - (v)** Rear Setback
 - (1) abutting an industrial or agricultural zone 7.62 metres
 - (2) abutting any other zone 15.24 metres

59. In the case of the RM1[59] Zone, the following provisions shall apply:

- (a)** May be used in accordance with the following special provisions:
 - (i)** Lot frontage (minimum) 30.5 metres

- (ii) Accessory Dwelling house front setback depth (minimum):4.6 metres
- (iii) Interior side setback width for industrial garage along southern interior lot line abutting RM1 zone (minimum): 5.2 metres

60. In the case of the RM2[60] Zone, the following provisions shall apply:

- (a) Uses which are or may become obnoxious or offensive by reason of emission of odour, smoke, dust, noise, gas, fumes, cinders, vibration, refuse matter or water carried waste or which are or may become explosive, are specifically excluded. Subject to this qualification, the following uses are permitted:

- an accessory dwelling unit;
- a bakery;
- a business office;
- an equipment rental establishment;
- a factory outlet;
- a farm equipment sales establishment;
- a garden centre;
- an industrial mall;
- a manufacturing plant;
- a merchandise service shop;
- a personal service shop;
- a photographic establishment;
- a printing establishment;
- a public use;
- a recreational vehicle sales establishment;
- a showroom;
- a veterinary establishment; and
- a warehouse.

- (b) Number of Buildings per Lot:

- (i) No more than one building shall be located on a lot unless the City has approved plans showing all existing buildings, access, parking facilities, and other site features located on

the lot and the proposed alterations and improvements of such features that will ensure that the additional building(s) will not detrimentally affect vehicular access, vehicular circulation, and will be properly integrated with other building(s) on the lot.

- (ii) Where additional building(s) are proposed, all buildings shall conform to the provisions of the By-law and the distance between buildings shall be equal to the average height of the buildings concerned, but in no case shall the distance between buildings be less than 7.5 metres.

(c) Open Storage:

- (i) No person shall use any lot or part thereof for outside storage, sales, rental or display unless an area which has been specifically designed and set aside for such purpose and is fully integrated with the main use of that lot has been approved by the City pursuant to Section 40 of the *Planning Act*, R.S.O. 1983.
- (ii) Open storage shall not exceed forty percent (40%) of the lot area.
- (iii) No open storage area shall be located within any required setback which abuts a residential use or residential zone boundary.
- (iv) No open storage shall be located within six (6) metres of a street line.

(d) Planting Strips:

- (i) As part of any required setback, three (3) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.
- (ii) Notwithstanding Subparagraph (i) above, as part of any required setback, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip where a lot or any portion thereof abuts Highway Number 15 or a RU[170] Zone.
- (iii) Notwithstanding Subparagraphs (i) and (ii) above, a planting strip is not required in an interior side setback which abuts an Industrial Zone.

- (e) Illumination:**
- (i)** No strings of lights shall be permitted.
 - (ii)** Illumination shall not cause direct or indirect glare on a street that may interfere with pedestrian or traffic safety nor cause direct or indirect glare on land or buildings in a residential zone or used for residential purposes.
 - (iii)** Illumination, except that required for the operation of a business or for security reasons, shall cease no later than 10:00 p.m. daily except in the case of a business remaining open later, in which case, illumination shall cease when the business closes to the public.
- (f) Parking:**
- (i)** One row of visitor or executive parking, and an aisle providing ingress and egress thereto, shall be permitted in a front setback provided the row does not extend beyond the extremities of the front wall of the building or each building, if more than one, and provided that no parking or aisle shall be located closer than 6 metres from the front line.
 - (ii)** No parking shall be located within any required setback which abuts a residential use or a residential zone boundary.
 - (iii)** All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.
 - (iv)** Buffer planting shall be used to conceal parking areas in the front setback; and, plantings and/or fence and planting combinations may be used in side and rear setbacks. Where appropriate such buffering may form part of the required planting strip.
 - (v)** All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required.
- (g) Parking Requirements (minimum):**
- Bakery 2.7 per 100 square metres gross floor area
 - Equipment Rental Establishment 5.4 per 100 square metres gross floor area

Factory Outlet 5.4 per 100 square metres gross floor area

Farm Equipment Sales 2.7 per 100 square metres gross floor area

Garden Centre 5.4 per 100 square metres gross floor area

Industrial Mall 5.0 per 100 square metres gross floor area

Manufacturing Plant 2.7 per 100 square metres gross floor area

Photographic Establishment 4.0 per 100 square metres gross floor area

Printing Establishment 4.0 per 100 square metres gross floor area

Recreational Vehicle Sales 2.7 per 100 square metres gross floor area

Showroom 5.4 per 100 square metres gross floor area

Veterinary Establishment 8.5 per 100 square metres gross floor area

Warehouse 2.7 per 100 square metres gross floor area

(h) Special Provision:

For the purposes of the RM2[60] Zone a "Manufacturing Plant" means an establishment primarily engaged in the processing, altering, finishing, refinishing or assembly or similar production of various articles, commodities or things.

61. In the case of the RM2[61] Zone, Waste Disposal Area, the following provisions shall apply:

(a) Shall be used for no purpose other than a waste disposal area or an agricultural use with the approval of the Minister of Environment and Climate Change in accordance with Section 45 of the *Environmental Protection Act*.

(b) For the purpose of the RM2[61] Zone, "waste disposal area" shall mean land upon, into, or in which waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste; and "waste" shall include ashes, garbage, refuse, and domestic waste but shall not include human body waste, toilet waste, liquid or waterborne culinary and sink waste, laundry waste, chemical waste, commercial or industrial waste, or drainage from a plumbing facility.

62. In the case of the RM2[62] Zone, Ravensview Sewage Treatment Plant, the following provisions shall apply:

(a) Shall be used for no purpose other than a sewage treatment facility, including a sludge transfer station but excluding incinerators for the incineration of industrial by-products in accordance with the following provisions:

(i) Required setbacks (minima):

- (1) From Provincial Highway Number 2-122 metres
- (2) From eastern boundary of the RM2[62] Zone-46 metres
- (3) From the western boundary of the RM2[62] Zone-69 metres

For the purpose of the RM2[62] Zone, the western boundary shall be deemed to be the lot line which abuts Gates Boulevard and extends from Highway Number 2 to La Salle Boulevard, and all other lot lines shall be deemed to be side lot lines.

63. In the case of the RM2[63]-H Zone, 2069 Joyceville Road, the following provisions shall apply:

(a) Uses permitted:

Compost Finishing Facility;
Accessory Interpretive / Educational Pavilion.

(b) Definitions: For the purpose of the RM2[63]-H Zone, the following definitions shall apply:

(i) Compost finishing facility means a waste disposal site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of receiving, handling and temporary storage of non-hazardous compost waste. Temporary storage of non-hazardous compost waste, including open storage of materials, equipment or vehicles for work accessory to the principal use, shall be permitted. Accessory uses such as office and scale and scale house are also permitted.

- (c) Notwithstanding the provisions of this By-Law, a minimum of 18 off-street parking spaces shall be provided.
 - (d) The '-H' Symbol shall only be removed once the following conditions have been complied with:
 - (i) Certificate of Approval for the operation of a compost finishing facility has been issued by the Ministry of Environment;
 - (ii) All applicable City and Agency requirements have been complied with;
 - (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
 - (iv) City Council has passed a further amendment to this By-law to remove the '-H' Symbol pursuant to the *Planning Act*.
64. In the case of the RM2[64] Zone, the following provisions shall apply:
- (a) May also be used for a lumber yard, a cartage or transport yard, a waste processing site and a waste transfer station provided that said uses are developed and operated in accordance with the following definitions and provisions:
 - (i) "Waste Processing Site" means a site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.
 - (ii) "Waste Transfer Station" means a waste disposal site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
65. In the case of the RM2[65] Zone, the following provisions shall apply:
- (a) May only be used for a waste transfer station provided that said uses are developed and operated in accordance with the following definitions and provisions:

- (i) “Waste transfer station” means a waste disposal site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site. Temporary storage of contaminated materials or contaminants in an enclosed building or storage tanks is also permitted. Accessory uses. Such as offices, equipment storage, vehicle storage, equipment maintenance and vehicle maintenance, are permitted.
 - (ii) Open storage of materials, equipment or vehicles for working accessory to the principle use, is permitted.
 - (iii) Open storage of decommissioned and non-contaminated material, such as fuel tanks and pumps, is permitted
 - (iv) Minimum lot area – 8 hectares.
 - (v) No waste transfer use or facility, including tanks, buildings or open storage shall be located within 42.672 metres of M4-2 zone boundary, save and except for an existing structure which may be used for an accessory office.
 - (vi) Maximum storage capacity of liquid waste – 68,100 litres.
 - (vii) Maximum storage capacity of solid contaminated waste shall be 299 tonnes.
 - (viii) Solid contaminated waste stored under Subparagraph (vi) above shall be contained in a covered and enclosed building no greater than 250 square metres in area.
 - (ix) No development shall proceed until such time a site development agreement has been reached with the City and all required securities deposited.
- 66.** In the case of the RM2[66] Zone, 1709 Westbrook Road, the following provisions shall apply:
- (a) Only permitted use:
 - (b) Waste Transfer Facility
 - (c) Definitions:

- (d) For the purpose of the RM2[66] Zone, the following definitions shall apply:
 - (i) Waste transfer facility means a waste disposal site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of receiving, handling and temporary storage of non-hazardous general construction and demolition waste and/or solid non-hazardous municipal waste prior to the transferring of the waste to another facility or waste disposal site. Temporary storage of materials, equipment or vehicles for work accessory to the principal use, shall be permitted. Accessory uses such as office and scale and scale house are also permitted.
 - (e) Maximum storage of waste shall be 500 metric tonnes.
 - (f) Maximum quantity of waste received on any given day shall be 299 metric tonnes.
 - (g) Maximum quantity of solid non-hazardous municipal waste received on any given day shall be 200 metric tonnes.
 - (h) All solid non-hazardous municipal waste shall be contained in a covered and enclosed building.
 - (i) Municipal organic waste shall be prohibited.
 - (j) The following provisions shall apply providing the subject land is not used for a Waste Transfer Facility:
 - (i) Permitted uses:
 - a cartage and transport yard;
 - a contractor's yard;
 - an open storage use;
 - topsoil screening; and,
 - a public use.
 - (ii) Required setback (minimum) for uses permitted per Subparagraph (i) above:

	Abutting	Abutting Any
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	Industrial Zone	Other Zone
Front setback depth	15 metres	61 metres
Interior side setback width	3 metres	61 metres
Rear setback depth	8 metres	61 metres

- 67.** In the case of the RM2[67] Zone, 2602 Perth Road, the following provisions shall apply:
- (a)** Prohibited Uses:
 - (b)** Accessory Dwelling Unit
 - (c)** Dry-Cleaning, Laundry Plant
 - (d)** Maximum Lot Coverage: 10%
 - (e)** Notwithstanding the provisions of this By-law, open storage shall be permitted in the front setback with a minimum setback of 15 metres from the property line abutting a public road. The open storage shall be screened with a continuous vegetated berm along the west property line and portion of the north property line abutting the residential use. The screening shall be in conformity with the regulations of the RM2 Zone.
- 68.** In the case of the HI[68] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a day nursery, a school, a public park, and a public use.
- 69.** In the case of the IN1[69] Zone, Queen’s Vivarium, the following provisions shall apply:
- (a)** May be used for the production and maintenance of animals needed to meet the requirements of research facilities.
- 70.** In the case of the IN1[70] Zone, the following provisions shall apply:
- (a)** Lot frontage (minimum): 23 metres
 - (b)** Interior Side Setback Width (minimum): 1 metre

(c) Water Setback (minimum): 1 metre

71. In the case of the IN1[71] Zone, the following provisions shall apply:

(a) Shall be used for no other purpose other than a church in accordance with the following provisions:

(i) Front Lot line:

For the purposes of the IN1[71] Zone, the western boundary of the zone shall be deemed to be a front lot line.

(ii) Interior Side Setback Width (minimum): 9 metres

(iii) Rear Setback Depth (minimum): 10.5 metres

(iv) Planting Strips:

As part of any required setback, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.

(v) Parking:

(1) No parking shall be located within any required planting strip.

(2) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required.

(3) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.

72. In the case of the IN1[72]-H Zone, the following provisions shall apply:

(a) Shall be used for no purposes other than nursing home and/or a public use in accordance with the following provision (b).

(b) Removal of Holding Provision

Development of the lands within the IN1[72]-H Zone shall be delayed by the use of the Holding symbol “-H”, until such time as:

(i) the following City requirements have been complied with:

- (1) the construction of the public road serving the proposed development to City standards;
 - (2) demonstration to the satisfaction of the City that the volume and pressure of City water supply are sufficient for fire-fighting purposes;
 - (3) demonstration to the satisfaction of the City, the Cataraqui Region Conservation Authority and the area Health Unit that the soil and drainage conditions are suitable for the installation of a private sewage disposal system and that such system would not adversely affect the quality and quantity of ground water;
 - (4) submission of a stormwater management and drainage plan satisfactory to the City and the Cataraqui Region Conservation Authority.
 - (5) renaming of Elizabeth Street in accordance with the City's street naming conventions;
 - (6) submission of a tree preservation and protection plan;
 - (ii)** confirmation that the owner has entered into an agreement with the Canadian National Railways.
 - (iii)** a Site Plan Agreement has been registered on title;
 - (iv)** and the “-H” has been removed by further amendment to this By-Law.
- 73.** In the case of the IN1[73] Zone, the following provisions shall apply:
- (a)** Shall be used for no purpose other than a church, a community centre, a nursery school, a nursing home, and a public use in accordance with the provisions of this By-Law.
- 74.** In the case of the IN1[74] Zone, the following provisions shall apply:
- (a)** Shall be used for no purposes other than municipal fire and policing services and development on these lands shall be in accordance with the following special provision:
 - (i)** Driveway width (maximum): 21.34 metres

- 75.** In the case of the OS2[75]-H Zone, on a portion of the lands municipally known as 645 John Counter Boulevard, the following provisions shall apply:
- (a)** Purpose and Requirement for Removal of Holding Symbol
 - (b)** The removal of the –H Symbol shall be subject to following requirements:
 - (i)** Notwithstanding the holding provisions of this By-law, as amended the –H Symbol applied to Zone OS2[75]-H shall prohibit the addition of fill, clearing of vegetation (with the exception of conducting a stage 4 archaeological study), excavation (with the exception of conducting a stage 4 archaeological study) and any development or construction until such time as a Stage 4 archaeological Study has been completed to the satisfaction of the City’s Heritage Planner, the Ministry of Culture and/or applicable approval authority.
- 76.** In the case of the OS2[76] Zone, the following provisions shall apply:
- (a)** Shall be used for no purpose other than a private park.
- 77.** In the case of the OS2[77] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than a single detached dwelling or a home occupation in accordance with the following provisions:
 - (i)** No building, structure or use shall be located closer than 30 metres to the boundaries of Block 42, R.P. 1844.
 - (ii)** Height of building (minimum): 9 metres
 - (iii)** One dwelling house only shall be permitted within the OS2[77] Zone.
- 78.** In the case of the OS2[78] Zone, the following provisions shall apply:
- (a)** Shall be used for no purpose other than a public use in accordance with the following provisions:
 - (i)** Required Setbacks (minima):1.2 metres
- 79.** In the case of the OS2[79] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a conservation use and no building or structure shall be permitted in conjunction with such use.
- 80.** In the case of the OS2[80] Zone, the following provisions shall apply:
- (a) May be used for the establishment of a golf course and associated club house and pro shop facility provided that such associated club house and pro shop facility are located within the barn which existed on the subject lands on the date of the enactment of this Paragraph. In the context of using the aforementioned barn for the purposes of a club house and pro shop facility, said barn may be renovated or expanded to contain a maximum gross floor area of 402 square metres provided that all other provisions of the OS2 Zone are complied with.
- 81.** In the case of the OS2[81] Zone, the following provisions shall apply:
- (a) Shall be used for a public park in accordance with the following provision:
- (i) Minimum Elevation:
- No building or structures shall be erected below a contour line of 76.9 metres (Canadian Geodetic Datum).
- 82.** In the case of the OS2[82] Zone, Glen Lawrence Golf Course, the following provisions shall apply:
- (a) Uses Permitted:
- A hotel or motel and the uses permitted in the OS2 Zone.
- (b) Number of Rooms: The maximum number of hotel or motel rooms shall be twenty eight (28).
- (c) Special Provision:
- The location of a hotel or motel shall be restricted to an addition, expansion or alteration of the existing golf club house building.
- 83.** In the case of the OS2[83] Zone, the following provisions shall apply:
- (a) May be used for a public pathway or park.
- 84.** In the case of the OS2[84] Zone, the following provisions shall apply:

- (a) May also be used for a golf driving range and a miniature golf course.

85. In the case of the OS2[85]-H Zone, the following provisions shall apply:

- (a) May also be used for the following uses:

- basketball courts;
- a bicycle and skateboard park;
- seasonal camping sites;
- a miniature golf course;
- mobile restaurant;
- paintball
- picnic areas;
- playground;
- parking areas;
- sport equipment rentals; and
- volleyball courts.

- (b) May be used for the following uses subject to the removal of the ‘-H’ Holding Provision from the property:

- commercial club;
- convenience store accessory to a permitted non-residential use specified herein;
- a recreational establishment; and
- a restaurant.

- (c) For the purposes of the OS2[85]-H Zone a Mobile Restaurant shall be defined as follows:

- (d) Mobile Restaurant: means a vehicle or trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other refreshment vehicles.

- (e) The following parking requirements shall apply:

- (i) Campsites 1 parking space per campsite;

- (ii) There shall be a minimum of 150 parking spaces located on the property zoned OS2[85]-H including the required parking for each campsite as set out in Subparagraph (i) above.
- 86.** In the case of the OS2[86]-H Zone, 1533 McAdoo's Lane, the following provisions shall apply:
- (a) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, and notwithstanding any provisions of the By-Law to the contrary, the provisions of the OS2 Zone' shall apply to the OS2[86]-H Zone except that:
 - (i) Uses permitted:
 - Commercial Recreation Park
 - Water Park
 - (ii) Definitions: For the purpose of the OS2[86]-H Zone, the following definitions shall apply:
 - (1) Commercial recreation park means an area for the provision of athletic and amusement facilities which shall include drive-in movie theatre; go-kart track; batting cage; miniature putting area; amusement rides; other similar athletic and amusement facilities; and accessory uses such as a concession stand.
 - (2) Water park means a water play area which includes features such as water slides; splash pads; fountains; and other recreational settings involving water.
 - (iii) Minimum landscaped open space: 10%
 - (iv) The existing buildings and structures in existence on the date of passing of this By-law shall be deemed to be in conformity with all provisions of this By-Law.
 - (b) The '-H' Symbol shall only be removed once the following conditions have been complied with:
 - (i) Confirmation that sufficient private water and septic capacity is available;
 - (ii) All applicable City and Agency requirements have been complied with;

- (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
- (iv) City Council has passed a further amendment to this By-law to remove the ‘-H’ Symbol pursuant to the *Planning Act*.

87. In the case of the OS2[87] Zone, 1485 Westbrook Road, the following provisions shall apply:

(a) Permitted use:

The property may be used for a multi-sport recreational facility and a miniature golf course.

(b) Definitions: For the purpose of the OS2[87] zone, the following definitions shall apply:

(i) multi-sport recreational facility means a place designed and equipped for the conduct of sports, leisure and other recreational activities within an enclosed structure. Accessory permitted uses include office, retail of no more than 30 square metres, storage, change rooms, meeting space, and food vending area.

(c) Minimum lot area: 3.2 hectares

(d) Minimum landscaped open space: 35%

(e) Maximum lot coverage: 35%

(f) Maximum building height: 24 metres

(g) Maximum gross floor area: 10,500 square metres

(h) Top of bank setback: No development or site alteration shall be permitted within 30 metres of the top of bank of the tributary.

(i) Minimum number of parking spaces: 180

(j) Minimum number of loading spaces: 1

(k) No development shall be permitted on the lands subject to the ‘-H’ Symbol until such time as the ‘-H’ Symbol is removed. The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:

- (i) Completion of an Archaeological Assessment and acceptance of the findings of the report by the City and the Ministry of Tourism and Culture;
- (ii) All applicable City and Agency requirements have been complied with;
- (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
- (iv) City Council has passed a further amendment to this By-law to remove the '-H' Symbol pursuant to the *Planning Act*.

88. In the case of the OS2[88] Zone, the following provisions shall apply:

- (a) May be used temporarily for the purpose of a flea market provided that said temporary use is operated in accordance with the following definition and provision:
 - (i) "Flea Market" means an open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.
 - (ii) The temporary use authorization shall be for a period not to exceed three (3) years commencing on June 8, 1994, the date of passing of By Law Number 94 63.

89. In the case of the OS2[89] Zone, the following provisions shall apply:

- (a) May be used for a rifle and pistol club, including a firing range.

90. In the case of the OS2[90] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a public park or a public use in accordance with the provisions of this By-Law.

91. In the case of the OS2[91] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a private open space use.

92. In the case of the OS2[92] Zone, the following provisions shall apply:

- (a)** shall be used for no purpose other than a public park, in accordance with the following provisions:

 - (i)** Approval of buildings and structures:

No building or structure shall be erected or altered without the written approval of the Napanee District Office of the Ministry of Natural Resources and Forestry.
 - (ii)** Location of buildings and structures:

No building or structure shall be erected or altered below the 89.92 metres contour.

- 93.** In the case of the OS2[93] Zone, the following provisions shall apply:

 - (a)** Shall be used for no purpose other than a private park in accordance with the following provisions

 - (i)** Approval of buildings and structures:

No building or structure shall be erected or altered without the written approval of the Napanee District Office of the Ministry of Natural Resources and Forestry.
 - (ii)** Location of buildings and structures:

No building or structure shall be erected or altered below the 89.92 metres contour.

- 94.** In the case of the OS2[94] Zone, Aquatic Gold Driving Range, the following provisions shall apply:

 - (a)** the lands designated OS2[94] are above the 85.5 metric geodetic elevation and also may be used for the purpose of an aquatic golf driving range provided that the said use is developed and operated on the subject lands with the following special provision that

 - (i)** A 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.

- 95.** In the case of the HR[95] Zone, the following provisions shall apply:

 - (a)** shall be used for no other purpose than a single detached dwelling in accordance with the following provisions:

 - (i)** Lot area (minimum): 0.2 hectares

(ii) Lot frontage (minimum): 35 metres

96. In the case of the HR[96] Zone, the following provisions shall apply:

(a) shall be used for no other purpose than a single detached dwelling in accordance with the following provisions:

(i) Lot area (minimum): 0.4 hectares

(ii) Lot frontage (minimum): 37 metres

97. In the case of the HR[97] Zone, the following provisions shall apply:

(a) shall be used for no other purpose than a single detached dwelling house in accordance with the following provisions:

(i) Lot area (minimum): 0.7 hectares

(ii) Lot frontage (minimum): 42 metres

98. In the case of the HR[98] Zone, the following provisions shall apply:

(a) shall be developed in accordance with the following provision:

(i) Minimum Elevation:

No dwelling house shall be erected with a floor elevation below 89.63 metres (Canadian Geodetic Datum).

99. In the case of the HR[99] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than two existing single detached dwelling houses and one additional single detached dwelling house to be developed in accordance with the following provisions:

(i) Lot frontage (minima): 20 metres

(ii) Interior side setback width (minima): 7.6 metres except that where the side lot line is adjacent to the eastern boundary of the HR[99] Zone, the interior side setback width shall be a minimum of 27.74 metres.

For the purposes of the HR[99] Zone, the front lot line shall be deemed to be the lot line which abuts Canal Drive and all other lot lines shall be deemed to be side lot lines.

100. In the case of the HR[100] Zone, the following provisions shall apply:

- (a)** The minimum lot area shall be 4,050 square metres.
 - (b)** No building or structure, other than a marine facility, shall be located less than 60 metres from the high water mark of the Rideau Canal.
 - (c)** For the purpose of Paragraph (b), the high water mark of the Rideau Canal shall be deemed to be the high water mark established in March 1974 and shown on a draft plan of subdivision by Ray Hunter, Ontario Land Surveyor, dated July 10, 1974. (By-Law Number 16-75; 20-81; 35-82)

- 101.** In the case of the HR[101] Zone, the following provisions shall apply:
 - (a)** Shall be used for no other purpose than a single detached dwelling in accordance with the following provisions:
 - (i)** Lot frontage (minimum): 30 metres

- 102.** In the case of the HR[102] Zone, the following provisions shall apply:
 - (a)** Lot frontage (minimum): 30 metres

- 103.** In the case of the HR[103] Zone, the following provisions shall apply:
 - (a)** May be developed on the basis of a minimum lot frontage of 28 metres provided that the stone gateway, existing on the subject lands at the date of passage of this By-Law, shall not be relocated, destroyed, removed or altered (except for necessary repairs), but shall be preserved.

- 104.** In the case of the HR[104] Zone, the following provisions shall apply:
 - (i)** Lot area (minimum): 2,217 square metres
 - (ii)** Lot frontage (minimum): 33 metres.

- 105.** In the case of the HR[105]-H Zone, the following provisions shall apply:
 - (a)** Lot area (minimum): 0.4 hectares

- 106.** In the case of the HR[106]-H Zone, the following provisions shall apply:
 - (a)** Lot area (minimum): 0.6 hectares
 - (b)** Lot frontage (minimum): 61 metres

107. In the case of the HR[107] Zone, Caskey, the following provisions shall apply:

(a) Lot frontage (minimum): 32 metres

108. In the case of the HR[108] Zone, the following provisions shall apply:

(a) Permitted Uses:

The only permitted uses shall be:

(i) Residential Uses

an existing two unit dwelling;

(ii) Non-Residential Uses

a self-service storage facility;

a home occupation

a public use in accordance with the provisions of this By-Law

(b) Front Setback Depth (minimum)

(i) Two-unit dwelling 3.05 metres

(ii) Self-service storage facility 9.1 metres

(iii) Existing buildings are deemed to be in accordance with the site specific zone. Any new buildings will be built in accordance with the site specific provisions.

(c) Interior Side Setback Width (minimum)

(i) Self-service storage facility 9.1 metres

(ii) Self-service storage facility - means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.

(d) Open storage – self-service storage facility

No open storage of goods or materials shall be permitted, except in accordance with the following provisions:

- (i) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers)
- (ii) No open storage use shall be located in a front setback, or an interior side setback or rear setback which abuts a residential zone.

(e) The office use associated with the self-service storage facility shall be located within the existing residential building on the property known municipally as 1414 Audrey Street. The office use shall only be permitted in conjunction with the permitted self-service storage facility located at 1414 Audrey Street.

(f) Buffer strip

That a landscaped buffer strip of a minimum 6.0 metres in width, shall be required between any abutting residential use and the proposed self-service storage units.

109. In the case of the HR[109] Zone, Glenburnie, the following provisions shall apply:

(a) Front setback depth (minimum): 6 metres

Provided that any lot having frontage on Glenburnie Road shall have a minimum front setback depth of 15.5 metres.

110. In the case of the LSR[110] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than one or more of the following uses: a single detached dwelling house, a seasonal dwelling house and a farm.

(b) No buildings or structures, including accessory buildings and structures, other than a fence, shall be located closer than 440 metres to the rear lot line.

111. In the case of the LSR[111] Zone, the following provisions shall apply:

(a) Direct vehicular access to a legal right-of-way shall be provided in the form of an unobstructed driveway or passageway at least 3.0 metres in width.

- 112.** In the case of the LSR[112] Zone, the following provisions shall apply:
- (a)** The permitted uses shall also include:
 - a farm, but not including a specialized farm as defined herein;
 - a home occupation;
 - (b)** Direct vehicular access to a legal right-of-way shall be provided in the form of an unobstructed driveway or passageway at least 3.0 metres in width.
- 113.** In the case of the LSR[113] Zone, known municipally as 992 Harmony Lane, the following provisions shall apply:
- (a)** Any dwelling, accessory building or private sewer system shall be constructed a minimum of 30.0 metres away from the shoreline and within the 30.0 metre setback there shall be no soil disturbance or removal of existing vegetation.
 - (b)** For the purposes of this By-Law, the height of a building shall be measured from the minimum elevation of the finished surface of the ground where it abuts the main building. The maximum height for a dwelling shall be 9.0 metres, measured to the highest point of the building, exclusive of any roof construction such as a chimney.
 - (c)** The maximum height of any exterior wall shall be 7.0 metres.
 - (d)** Mansard roofs are not permitted.
- 114.** In the case of the R1[114] Zone, the following provisions shall apply:
- (a)** Interior Side Setback Width (minimum):
 - (i)** one storey dwelling house 1.8 metres on one side and 4.2 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback width may be reduced from 4.2 metres to 1.2 metres.
 - (ii)** two storey dwelling house 1.8 metres on one side and 4.2 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback width may be reduced from 4.2 metres to 1.2 metres.
 - (b)** Location of Driveway:

- (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
- (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

115. In the case of the R1[115] Zone, the following provisions shall apply:

- (a) A semi-detached dwelling house is permitted and shall be developed in accordance with provisions (b) to (g) herein.
- (b) Lot area (minimum): 325 square metres
- (c) Lot frontage (minimum):
 - (i) Corner lot 15 metres
 - (ii) Other lot 10.5 metres
- (d) Dwelling Unit Area (minimum): 78.5 metres
- (e) Interior Side Setback Width (minimum):
 - (i) single-detached dwelling house
 - (1) one storey dwelling house : 1.8 metres on one side and 4.2 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback width may be reduced from 4.2 metres to 1.2 metres.
 - (2) two storey dwelling house: 1.8 metres on one side and 4.2 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback width may be reduced from 4.2 metres to 1.2 metres.
 - (ii) semi-detached dwelling house
 - (1) one storey dwelling house: 3 metres, provided that in the case of a one storey dwelling house having an attached

private garage or carport, the minimum interior side setback width may be reduced from 3 metres to 1.2 metres.

- (2) two storey dwelling house with attached private garage or carport which abuts a common lot line: 1.8 metres.
- (3) two storey dwelling house with attached private garage or carport which abuts an interior side setback: 1.2 metres.
- (4) two storey dwelling house with no attached garage or carport: 3.0 metres.

(f) Location of Driveway:

- (i)** Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
- (ii)** Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

(g) Location of Dwelling House:

- (i)** Where a single-detached dwelling house is located on a lot, no fewer than two other single-detached dwelling houses shall be located on adjacent lots, along a continuous portion of the street line,
- (ii)** Where a semi-detached dwelling house is located on a lot, no fewer than two other semi-detached dwelling houses shall be located on adjacent lots along a continuous portion of a street line.

116. In the case of the R1[116] Zone, the following provisions shall apply:

(a) Uses Permitted:

A semi-detached dwelling house;
A public use.

(b) Lot area (minimum): 300 square metres

- (c) Lot frontage (minimum): 9.1 metres
- (d) Interior Side Setback Width : 1.8 metres, provided that in the case where an attached private garage or carport abuts an interior side setback, the minimum interior side setback may be reduced to 1.2 metres.
- (e) Location of Driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

117. In the case of the R3[117] Zone, the following provisions shall apply:

- (a) A 6.0 metres buffer from the adjacent Environmental Protection Area shall be provided.
- (b) Rear setback depth (minimum): 7.5 metres
- (c) No accessory use, building or structure (including but not limited to swimming pools, unenclosed decks, porches, patios, balconies, steps, verandas and ornamental structures, covered or uncovered) shall be permitted within 6.0 metres of the rear lot line dividing the lots from lands identified as Environmental Protection Area.
- (d) Maximum Driveway Width - The maximum driveway width for single detached dwellings shall be a maximum of 9 metres. The driveway width at the property line and within the municipal right-of-way shall be a maximum of 6.0 metres or 50% of the lot frontage, whichever is the lesser.
- (e) Maximum Garage Width - The maximum garage width for single detached dwellings shall be a maximum of 9 metres measured from the inside face of the poured concrete garage wall.

118. In the case of the R3[118] Zone, the following provisions shall apply:

- (a) Shall be used for no other purpose than an apartment dwelling house in accordance with Paragraphs (b) to (i) herein.
- (b) Height of building (maximum): 38 metres exclusive of any elevator or service penthouse.
- (c) Number of storeys (maximum): 14
- (d) Dwelling houses permitted (maximum): 1 per lot
- (e) Special provision:

For the explicit purpose of calculating density requirements only, the lands which are Zoned R3[118]-H shall be considered as one parcel.
- (f) Lot area (minimum) for an Apartment Dwelling House 170 square metres per dwelling unit; however, the combined number of dwelling units in the R3[118]-H and R2[1044] Zones shall be limited to a maximum of 276 dwelling units in total;
- (g) Dwelling unit area (minima):
 - (i) Dwelling unit containing 1 bedroom - 60 square metres
 - (ii) Dwelling unit containing 2 bedrooms - 74 square metres
- (h) Parking areas may be provided in a required front setback, no closer than 1.5 metres from the road allowance.
- (i) Removal of “-H” Symbol:

In addition to any holding provisions of this By-law for the removal of a “-H” Symbol, the “-H” Symbol shall not be removed until such time as:
 - (i) The Owner enters into a Site Plan Control Agreement with the City, which Agreement shall contain provisions whereby the Owner agrees to the installation of traffic lights and a left turn lane at the intersection of Barrett Court and Highway Number 15 at the Owner’s cost; and
 - (ii) An Environmental Impact Study has been accepted by the City and the recommendations of such study incorporated into the Site Plan Control Agreement.

- 119.** In the case of the RUR[119] Zone, known municipally as 1264 Channelview Road, the following provisions shall apply:

- (a)** Permitted use: single detached dwelling house
 - (b)** Maximum number of dwellings per lot: 1
 - (c)** Lot frontage (minimum): 19.2 metres
 - (d)** Water setback:
 - (i)** The required setback for all buildings or structures is 75 metres from the high water mark or 15 metres from the regulatory flood plain elevation of 76.3 metres Geological Survey of Canada (GSC), whichever is the greater.
 - (ii)** The required setback for septic systems is 45 metres from the high water mark or 15 metres from the regulatory flood plain elevation of 76.3 metres GSC, whichever is the greater.
 - (iii)** The natural vegetation within 30 metres of the shoreline of the St. Lawrence River must be maintained in order to dissipate waves, filter runoff, prevent soil erosion and provide wildlife habitat. Selective trimming or removal of vegetation and creation of a walking path (not hardened or paved) to the shoreline would be acceptable in this area.
 - (e)** Rear setback depth (minimum): 6.0 metres
- 120.** In the case of the RUR[120] Zone, known municipally as 1264 Channelview Road, the following provisions shall apply:
- (a)** Permitted use: single detached dwelling house
 - (b)** Maximum number of dwellings per lot: 1
 - (c)** Lot frontage (minimum): 19.2 metres
 - (d)** Water setback:
 - (i)** The required setback for all buildings or structures is 75 metres from the high water mark or 15 metres from the regulatory flood plain elevation of 76.3 metres Geological Survey of Canada (GSC), whichever is the greater.
 - (ii)** The required setback for septic systems is 45 metres from the high water mark or 15 metres from the regulatory flood plain elevation of 76.3 metres GSC, whichever is the greater.

- (iii)** The natural vegetation within 30 metres of the shoreline of the St. Lawrence River must be maintained in order to dissipate waves, filter runoff, prevent soil erosion and provide wildlife habitat. Selective trimming or removal of vegetation and creation of a walking path (not hardened or paved) to the shoreline would be acceptable in this area.

121. In the case of the RUR[121] Zone, Graves Subdivision, the following provisions shall apply:

- (a)** No building or structure shall be located closer than 60 metres to the high water mark of the St. Lawrence Channel nor shall any building or structure be designed, erected, altered or located in such a way as to permit the entry of flood waters below the level of 76 metres Canadian Geodetic Datum on lands designated RUR[121].

122. In the case of the RUR[122] Zone, Towle Subdivision, the following provisions shall apply:

- (a)** No building or structure shall be located closer than 30 metres to the high water mark of the St. Lawrence River nor shall any building or structure be erected, altered or located below the level of 78 metres Canadian Geodetic Datum on lands designated RUR[122].

123. In the case of the RUR[123] Zone, Gollogly Subdivision, the following provisions shall apply:

- (a)** Minimum Elevation:

No opening to any building or structure shall be constructed below the minimum elevation of 76.8 metres (Canadian Geodetic Datum).

- (b)** Provincial Highway Setback:

No building or structure shall be located less than 30.5 metres from any Provincial Highway.

- (c)** Water Setback:

No building or structure other than a marine facility shall be located less than 30.5 metres from the high water mark of the St. Lawrence River.

124. In the case of the RUR[124] Zone, 451534 Ontario Corp. Subdivision, the following provisions shall apply:

- (a) Special Use:**
- An existing horse shelter designed and used by no more than six horses may be permitted as an accessory use on a lot with a minimum size of 3.2 hectares.
- (b) Minimum Elevation:**
- No buildings or structures shall be erected below a contour line of 76.9 metres (Canadian Geodetic Datum).
- 125.** In the case of the RUR[125] Zone, Bangma Subdivision, the following provisions shall apply:
- (a) Water Setback:**
- No building or structure shall be located closer than 10 metres to the high water mark of the pond located on Lot 10 of the Draft Approved Plan of Subdivision.
- (b) Special Provision:**
- No buildings or structures other than marine facilities, and, no sewage system shall be located closer than 30 metres from the high water mark of the St. Lawrence River nor shall any building or structure other than a marine facility be located below an elevation of 76.9 metres (Canadian Geodetic Datum).
- 126.** In the case of the RUR[126] Zone, the following provisions shall apply:
- (a) Minimum Elevation:**
- No buildings or structures shall be erected below a contour line of 76.6 metres (Canadian Geodetic Datum).
- 127.** In the case of the RUR[127] Zone, Cluny House, the following provisions shall apply:
- (a) Accessory Use:**
- garage existing as of at time of passing of this By-law may be located in the front setback no closer than 13.0 metres to the front lot line.
- (b) Lot area (minimum): 2 hectares**
- 128.** In the case of the RUR[128] Zone, the following provisions shall apply:
- (a) Lot area (minimum): 1.6 hectares**

- 129.** In the case of the RUR[129] Zone, the following provisions shall apply:
- (a)** Shall have a minimum lot area of 2,050 square metres and a minimum lot frontage of 36.5 metres.
- 130.** In the case of the RUR[130] Zone, the following provisions shall apply:
- (a)** Shall have a minimum lot area of:
 - (i)** 2,025 square metres, where the lot existed upon the date of the enactment of this Subclause, or
 - (ii)** 4,050 square metres, where the lot is a lot on a registered plan of subdivision approved subsequent to the date of the enactment of this Subclause.
- 131.** In the case of the RUR[131] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 0.25 hectares
 - (b)** Lot frontage (minimum): 34 metres.
- 132.** In the case of the RUR[132] Zone, the following provisions shall apply:
- (a)** Where a lot is divided into more than one zone, the lot lines, not the zone boundaries, shall be used to calculate setback, lot area, lot coverage and landscaped open space requirements only, of the RUR[132] Zone.
 - (b)** Lots 73, 81, 82, 83 and the south half of Lot 74, Registered Plan Number 95 (Eastview) shall be considered to be a single lot.
- 133.** In the case of the RUR[133] Zone, the following provisions shall apply:
- (a)** Lot frontage (minimum): 30 metres
- 134.** In the case of the RUR[134] Zone, the following provisions shall apply:
- (a)** May be used for a single detached dwelling house, a home occupation, or a public use, in accordance with the following provisions:
 - (i)** Lot area (minimum): 2,500 square metres
 - (ii)** Interior size setback width (minimum): 4.5 metresNo building or structure shall be permitted within any required interior side setback width.

- 135.** In the case of the RUR[135] Zone, the following provisions shall apply:
- (a)** Front Setback Depth (minimum): 39 metres
- 136.** In the case of the RUR[136] Zone, the following provisions shall apply:
- (i)** Front Setback Depth (minimum): 62 metres
- 137.** In the case of the RUR[137] Zone, the following provisions shall apply:
- (a)** Front Setback Depth (minimum): 80 metres
- 138.** In the case of the RUR[138] Zone, Trainor, the following provisions shall apply:
- (a)** Shall be used for no other purposes than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
 - (i)** Lot area (minimum) : 2 hectares
 - (ii)** Lot frontage (minimum): 60 metres
- 139.** In the case of the RUR[139] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than a single detached dwelling house, home occupation or a public use in accordance with the following provisions:
 - (i)** Lot area (minimum) : 2,000 square metres
 - (ii)** Lot frontage (minimum): 17 metres
- For the purposes of the RUR[139] Zone, 'Lot frontage' means the horizontal distance between the side lot lines and measured along the common property line with the public right-of-way.
- 140.** In the case of the RUR[140] Zone, the following provisions shall apply:
- (a)** Minimum lot area: 2,000 square metres
 - (b)** For the purposes of the RUR[140] Zone, "Lot frontage " means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point

thereon not less than the minimum required front setback depth and not greater than 10.67 metres (10.67 metres) from the front lot line.

- 141.** In the case of the RUR[141] Zone, Mohan Subdivision, the following provisions shall apply:
- (a)** Lot area (minimum): 0.6 hectares
 - (b)** Minimum elevation:

No buildings or structures, including marine facilities, shall be erected below a contour line of 89.2 metres (Geodetic Survey of Canada Datum).
- 142.** In the case of the RUR[142]-H Zone, Stephentown Creek Ltd., the following provisions shall apply:
- (a)** Shall be developed as a vacant land condominium with up to 25 Condominium Units, subject to the following provisions in Paragraphs (b) to (l).
 - (b)** Dwellings per Condominium Unit (maximum): 1 only
 - (c)** Bedrooms per Condominium Unit (maximum): 3
 - (d)** Minimum Setback of any building from a Condominium Unit Boundary that abuts an access lane 5 metres
 - (e)** Minimum Setback of any building from a Condominium Unit Boundary: 1.5 metres
 - (f)** Lot coverage (maximum): the lesser of 25% or 200 square metres
 - (g)** Building Height (maximum): 8 metres
 - (h)** No building shall be located in an area below the 88.92 metres elevation Geodetic Survey of Canada.
 - (i)** No building opening shall be located below 89.22 metres elevation Geodetic Survey of Canada.
 - (j)** Notwithstanding Holding Zone Provisions to the contrary no building permits shall be issued for the alteration or renovation of a building or structure, until the “-H” symbol is removed; unless an existing building or structure requires a building permit for safety reasons.

- (k)** Notwithstanding the Holding Zone Provisions to the contrary an (-H) symbol may be removed from any part of the zone if the owner provides confirmation from a qualified professional that the development site (condominium unit) complies with the following:

 - (i)** That the setback and area requirements for water wells and sanitary septic systems comply with current standards;
 - (ii)** That the water well complies with the current standards for potable water; and,
 - (iii)** That the sanitary septic system complies with current standards.
 - (l)** Private Open Space is a permitted use. This space may also be used for private individual water and sanitary septic systems. Each system is to be for the exclusive use of a single condominium unit.
- 143.** In the case of the RUR[143]-H Zone, Duffe Lane Condominium, the following provisions shall apply:
- (a)** Shall be developed as a vacant land condominium with up to 14 Condominium Units, subject to the following provisions:

 - (i)** Dwellings per Condominium Unit (maximum): 1 only
 - (ii)** Bedrooms per Condominium Unit (maximum): 3
 - (iii)** Minimum Setback from the floodplain (elevation of 88.92 metre GSC) for any building, structures, including septic systems 30 metres
 - (iv)** Minimum Setback of any building from a Condominium Unit Boundary that abuts an access lane 5 metres
 - (v)** Minimum Setback of any building from a Condominium Unit Boundary 1.5 metres
 - (vi)** Lot Coverage (maximum) : the lesser of 25% or 200 square metres
 - (vii)** Building Height (maximum): 8 metres
 - (viii)** A vehicle parking area may be located no closer than 10.5 metres to a public street (Isle of Man Road).

- (ix)** No finished floor of a building shall be located in an area below the 89.22 metres elevation Geodetic Survey of Canada.
- (x)** No building opening, such as a window, vent or floor drain, shall be located below 89.22 metres elevation Geodetic Survey of Canada.
- (xi)** No new additions to existing buildings or structures, such as interior floor area, decks, porches, roofed structures or septic system, shall be located within 30 metres of the flood plain elevation of 88.92 metres Geodetic Survey of Canada.
- (b)** Notwithstanding the Holding Zone Provisions to the contrary no building permits shall be issued for the alteration or renovation of a building or structure, until the “-H” symbol is removed; unless an existing building or structure requires a building permit for safety reasons or repair for maintenance.
- (c)** Notwithstanding the Holding Zone Provisions to the contrary an (-H) symbol may be removed from any part of the zone if the owner provides confirmation from a qualified professional that the development site (condominium unit) complies with the following:

 - (i)** That the setback and area requirements for water wells and sanitary septic systems comply with current standards;
 - (ii)** That the well has been installed by a licensed well driller in accordance with Ontario Regulation 903 or its replacement and in accordance with the “Hydrogeological Assessment Proposed Duffe Lane Vacant Land Condominium – Part Lot 4 Con. IV, City of Kingston (Pittsburgh), Ontario” report by Concord Engineering, dated June 10, 2010;
 - (iii)** That the water well complies with the current standards for potable water;
 - (iv)** That the sanitary septic system complies with current standards;
 - (v)** That the development proposal has completed a Heritage Impact Assessment in accordance with City requirements and prepared to the satisfaction of the City to address the impacts of new development on the adjacent heritage property;

- (vi) That the development location has completed a Stage Two Archaeological Assessment (under the terms recommended by 'An Archaeological Assessment (Stage 1) of the proposed severances Part Lot 4 Concession 4, Geographic Township of Pittsburgh, City of Kingston, County of Frontenac, Ontario' prepared by Nicolas R. Adams, CIF# P003-172-2007, dated February 12, 2008) to the satisfaction of the City and the Ministry of Culture, including the completion and acceptance of any further archaeological assessments deemed necessary by the licensed archaeologist/City/Ministry of Culture

144. In the case of the RUR[144] Zone, the following provisions shall apply:

- (a) Interior Side Setback Width (minimum): 1.0 metre

145. In the case of the RUR[145], the following provisions shall apply:

- (a) May be used for a single detached dwelling house, in accordance with the following provision:

- (i) Lot area (minimum): 0.38 hectares.

146. In the case of the RUR[146], the following provisions shall apply:

- (a) May be used for a single detached dwelling house, in accordance with the following provision:

- (i) Lot area (minimum): 0.35 hectares.

147. In the case of the RUR[147], the following provisions shall apply:

- (a) Lot area (minimum): 0.24 hectares

148. In the case of the RUR[148], the following provisions shall apply:

- (a) Shall be used for no other purpose other than one or more of the following uses: a single detached dwelling house, a home occupation, or a public use, in accordance with the following provision:

- (i) Lot area (minimum) : 0.8 hectares

- (ii) Rear Setback Depth (minimum): 30 metres

149. In the case of the RUR[149], the following provisions shall apply:

- (a) Shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation, or a public use, in accordance with the following provision:
 - (i) Lot area (minimum): 0.8 hectares
- 150. In the case of the RUR[150], Rosedale Estates, the following provisions shall apply:
 - (a) Lot frontage (minimum):

61 metres, provided that where a lot has a lot frontage of less than 61 metres and where such lot abuts a parcel of land owned by the City for the purpose of future road extension, such parcel of land shall be considered to be a street for the purpose of determining the minimum lot frontage.
 - (b) Location of Buildings And Structures:

No building or structure shall be erected or constructed below an elevation of 107 metres.
- 151. In the case of the RUR[151], Creal Developments, the following provisions shall apply:
 - (a) Location of Buildings And Structures:

No building or structure shall be erected or altered below the 89.92 metres contour.

(For accurate reference, please consult By-law Number 78 23 (repealed)).
- 152. In the case of the RUR[152], the following provisions shall apply:
 - (a) Lot area (minimum): 5070 square metres
 - (b) Lot frontage (minimum): 49.0 metres

Where a lot designated RUR[152] also has an EPA designation on a portion thereof, the minimum lot frontage calculation shall be based on the total frontage within the lot lines of the lot.
 - (c) Location of Buildings And Structures:
 - (i) Where a lot line is adjacent to or abuts the east-west drainage course, which bisects the lands designated RUR[152], no building, structure or accessory structure,

including pools, shall be located closer than 8 metres from the toe of the slope of the drainage course; except for an accessory structure, no larger than 10 square metres, which may be located no closer than 3 metres from the top of the bank.

(ii) Where a lot designated RUR[152] also has an EPA designation on a portion thereof, the required setback shall be the limit of the EPA designation or the required setback of the RUR[152] designation for that setback, whichever is the greater.

(d) Lot area Calculation:

Where a lot designated RUR[152] has an EPA designation on a portion thereof, the lot area calculation shall be based on the total horizontal area within the lot lines of the lot.

153. In the case of the RUR[153], the following provisions shall apply:

- (a) Lot frontage (minimum): 55 metres
- (b) Water frontage (minimum): Any lot having water access shall have not less than 60 metres of water frontage.
- (c) No building opening shall be built or altered below 89.22 metres geodetic.
- (d) No marine facility shall be located closer than 5 metres to a side lot line.
- (e) No building, structure or septic system shall be located closer than 30 metres from the high water mark.
- (f) Lands located below the contour line of 88.92 metres geodetic shall be used for no other purpose than one or more of the following uses: a conservation use, a forestry use or a marine facility.
- (g) Notwithstanding Paragraph (e) above, the location of the existing house is recognized as complying with the required setback from the high water mark.

154. In the case of the RUR[154], the following provisions shall apply:

- (a) Uses permitted:

- (i)** Residential uses:

one single detached dwelling house.
 - (ii)** Non Residential uses:

a catering business including one or more of the following uses:

 - a kitchen facility;
 - a garage for storing stock, loading catering trucks, making minor repairs to and cleaning catering trucks and overnight storage of catering trucks;
 - and an office accessory to the catering business.
 - (b)** Lot frontage (minimum): 30.48 metres
 - (c)** Location of catering business on lot:

 - (i)** The operation of the catering business shall be restricted to the catering building except that nothing shall prevent the maintenance of an existing office within the permitted single detached dwelling house.
 - (ii)** The catering building shall be located no closer than 4.26 metres to any side or rear lot line or closer than 15.24 metres to the permitted single detached dwelling house.
 - (d)** Gross floor area of catering building (maximum): 167.22 square metres
 - (e)** Parking requirements:

 - (i)** Residential Use: 1 parking space per dwelling unit
 - (ii)** Catering Business: 1 parking space per 37.16 square metres of gross floor area devoted to the catering business to be located in the rear or side setback only
 - (f)** Parking restrictions:

All commercial vehicles devoted to the accessory catering business use shall be parked or stored overnight within an enclosed building or structure.
- 155.** In the case of the RUR[155], the following provisions shall apply:
- (a)** Lot area (minimum): 1,675 square metres

- 156.** In the case of the RUR[156], the following provisions shall apply:
- (a)** May be used for the purpose of a retail store together with an accessory dwelling unit provided that such uses are developed in accordance with the following provisions:
 - (i)** such retail store shall be confined to the ground floor of the existing residential building;
 - (ii)** such accessory dwelling unit shall be confined to the existing residential building; and
 - (iii)** no parking area, other than an access driveway, shall be located within 3 metres of any street line or 1 metre of any lot line.
- 157.** In the case of the RUR[157], the following provisions shall apply:
- (a)** Lot frontage (minimum): 40 metres
- 158.** In the case of the RUR[158], the following provisions shall apply:
- (a)** LOT COVERAGE (minimum): 39.6 metres
- 159.** In the case of the RUR[159], the following provisions shall apply:
- (a)** Lot frontage (minimum): 42.7 metres
- 160.** In the case of the RUR[160], the following provisions shall apply:
- (a)** Lot frontage (minimum): 39.6 metres
- 161.** In the case of the RUR[161], 734331 Ontario Ltd., the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
 - (i)** Lot area (minimum): 929 square metres
 - (ii)** Lot frontage (minimum): 30.48 metres
- 162.** In the case of the RUR[162], the following provisions shall apply:
- (a)** Permitted uses:

The only permitted uses shall be:

- (i)** Residential uses
 - a single-detached dwelling house;
 - a converted dwelling house.
- (ii)** Non-residential uses
 - a home occupation;
 - a public use in accordance with the provisions of this By-law;
and the sale of antiques in an accessory building.

- (b)** Maximum gross floor area of the accessory building for the sale of antiques

The maximum gross floor area of the antique business shall not exceed 72 square metres and shall be located within the walls of the existing accessory dwelling located on the property at 1775 Highway 38.

- (c)** Use of the accessory building

The use associated with the antique business shall only be located within the accessory building on the property known municipally as 1775 Highway 38. The maximum floor area permitted shall be in accordance with Paragraph (b) above and the business shall not be permitted to expand and will remain unserviced.

- (d)** Office use

The office use associated with the antiques sales shall be located within the existing residential building on the property known municipally as 1775 Highway 38. The office use shall only be permitted in conjunction with the permitted sales of antiques in the accessory building located at 1775 Highway 38.

163. In the case of the RUR[163], the following provisions shall apply:

- (a)** Minimum required lot frontage: 30 metres.

164. In the case of the RUR[164], Tennyson, the following provisions shall apply:

- (a)** Lot frontage (minimum): 114 metres
- (b)** Interior side setback width (minimum) 15 metres

165. In the case of the RUR[165], the following provisions shall apply:

(a) Uses Permitted

No person shall within any RUR[165] Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

(i) Residential Uses:

- a converted dwelling house;
- a single detached dwelling house;
- a duplex dwelling house;
- a semi-detached dwelling house;
- a triplex dwelling house.

(ii) Non-residential Uses:

- a home occupation;
- a public use in accordance with the provisions of this By-Law.

(b) Zone Provisions

No person shall within any RUR[165], Zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(c) Lot area (minima):

- (i)** Converted dwelling house or Triplex dwelling house 696.77 square metres
- (ii)** Duplex dwelling house 696.77 square metres
- (iii)** Semi-detached dwelling house 724.64 square metres
- (iv)** Semi-detached dwelling unit 325.16 square metres
- (v)** Single detached dwelling house 371.61 square metres

(d) Lot frontage (minima):

- (i)** Converted dwelling house or Triplex dwelling house
Corner Lot 24.4 metres

- Other Lot 18.3 metres
- (ii)** Duplex dwelling house
 - Corner Lot 21.3 metres
 - Other Lot 15.24 metres
- (iii)** Semi-detached dwelling house
 - Corner Lot 24.4 metres
 - Other Lot 18.3 metres
- (iv)** Semi-detached dwelling unit
 - Corner Lot 10.7 metres
 - Other Lot 7.62 metres
- (v)** Single detached dwelling house
 - Corner Lot 21.3 metres
 - Other Lot 15.24 metres
- (e)** Front Setback Depth (minimum): 6.1 metres
- (f)** Exterior Side Setback Width (minimum): 6.1 metres
- (g)** Interior Side Setback Width (minima):
 - (i)** Converted dwelling house 3.05 metres on one side, 1.8 metres on other side.
 - (ii)** Duplex dwelling house 1.8 metres, provided that on a lot where there is no attached private garage or attached carport, the minimum interior side setback width shall be 3.7 metres on one side and 1.8 metres on the other side.
 - (iii)** Semi-detached dwelling house
 - (1) Minimum width for a side that is not attached to another dwelling unit and for which an attached garage or carport is provided 1.22 metres.
 - (2) Minimum width for a side that is not attached to another dwelling unit and for which a garage or carport is not provided 2.44 metres.
 - (iv)** Single detached dwelling house 1.22 metres

- (v) Triplex dwelling house 3.05 metres
- (vi) Other uses 7.62 metres
- (h) Rear Setback Depth (minimum): -7.62 metres
- (i) Dwelling Unit Area (minima):
 - (i) Converted dwelling house 65 square metres
 - (ii) Duplex dwelling house 65 square metres per dwelling unit
 - (iii) Semi-detached dwelling house 83.61 square metres dwelling unit
 - (iv) Single detached dwelling house 93 square metres
- (j) Landscaped Open Space (minimum): 30%
- (k) Lot Coverage (maximum): 35%
- (l) Height of Building (maximum): 10.7 metres
- (m) Dwelling Houses Per Lot (maximum): 1 only
- (n) Existing Semi-Detached Dwelling House:

Notwithstanding provisions that may require that the lot upon which a semi-detached dwelling house is located be served by a public water system and a sanitary sewer system, these provisions shall not apply to prevent the severance of an existing lot upon which a semi-detached dwelling house is located provided that such dwelling house was constructed prior to July 8, 1976 and provided further that the sole purpose of the land severance is to provide one lot for each semi-detached dwelling unit.

166. In the case of the RU[166] Zone, the following provisions shall apply:

- (a) Reduced lot area and frontage: the lands designated RU[166] may be used for 1 detached single-detached dwelling house in accordance with all other applicable provisions of the RU Zone.

167. In the case of the RU[167] Zone, the following provisions shall apply:

- (a) May also be used for a bakeshop facility in accordance with the following provisions:

- (i) Lot area (minimum): 2 hectares
 - (ii) Dwelling houses per lot (maximum): 1 single detached dwelling house only
 - (iii) Interior side setback width (minimum):
 - (1) On the western boundary of the RU[167] Zone, the minimum interior side setback width shall be 10 metres.
 - (2) On the eastern boundary of the RU[167] Zone, the minimum interior side setback width shall be 0 metres for an existing barn.
 - (3) Lot frontage (minimum): 85 metres
- 168. In the case of the RU[168] Zone, the following provisions shall apply:
 - (a) Lot area (minimum): 6 hectares.
- 169. In the case of the RU[169] Zone, the following provisions shall apply:
 - (a) Shall be used for no purpose other than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use, in accordance with the following provision:
 - (i) Lot area (minimum): 2 hectares
- 170. In the case of the RU[170] Zone, the following provisions shall apply:
 - (a) Shall be used for no purpose other than a single detached dwelling house in accordance with the following provision:
 - (i) Lot area (minimum): 0.78 hectares
- 171. In the case of the RU[171] Zone, the following provisions shall apply:
 - (a) Shall be used for no purpose other than a single detached dwelling house in accordance with the following provisions:
 - (i) Lot area (minimum): 1 hectares
 - (ii) Lot frontage (minimum): 67 metres
- 172. In the case of the RU[172] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than a single detached house in accordance with the following provision:
 - (i)** Lot area (minimum): 0.6 hectares
- 173.** In the case of the RU[173] Zone, Sudds, the following provisions shall apply:
 - (a)** May be used for a single detached dwelling house in accordance with the following provisions:
 - (i)** Lot area (minimum): 3.27 hectares
 - (ii)** Lot frontage (minimum): 74.56 metres.
- 174.** In the case of the RU[174] Zone, Holmberg, the following provisions shall apply:
 - (a)** Lot area (minimum): 0.9 hectares
 - (b)** Lot frontage (minimum): 87 metres
- 175.** In the case of the RU[175] Zone, Bell Canada, the following provisions shall apply:
 - (a)** Shall be used for no other purpose than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions:
 - (i)** Lot area (minimum): 1,200 square metres
 - (ii)** Lot frontage (minimum): 30 metres
 - (iii)** FRONT SETBACK DEPTH (minimum): 13 metres
- 176.** In the case of the RU[176] Zone, the following provisions shall apply:
 - (a)** Lot area (minimum): 1.8 hectares
 - (b)** Interior side setback (minimum): 3 metres.
- 177.** In the case of the RU[177] Zone, Green Lees, the following provisions shall apply:
 - (a)** Lot area (minimum): 0.8 hectares.
- 178.** In the case of the RU[178] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
 - (i) Lot area (minimum): 0.8 hectares.
 - (ii) Lot frontage (minimum): 64 metres.
- 179.** In the case of the RU[179] Zone, the following provisions shall apply:
- (a) Lot area (minimum): 0.8 hectares
- 180.** In the case of the RU[180] Zone, the following provisions shall apply:
- (a) Lot area (minimum): 2.0 hectares
 - (b) Lot frontage (minimum): 78 metres
- 181.** In the case of the RU[181] Zone, the following provisions shall apply:
- (a) Shall be used for no purpose other than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provision:
 - (i) Lot area (minimum): 1.0 hectares.
- 182.** In the case of the RU[182] Zone, the following provisions shall apply:
- (a) Lot area (minimum): 9.0 hectares
- 183.** In the case of the RU[183] Zone, the following provisions shall apply:
- (a) May be used for a single detached dwelling house, a home occupation, and a public use, in accordance with the following provisions:
 - (i) Lot area (minimum): 1.2 hectares
 - (ii) Lot frontage (minimum): 80 metres
- 184.** In the case of the RU[184]-H Zone, the following provisions shall apply:
- (a) May be used for a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:

- (i) Lot area (minimum): 1.4 hectares
- (ii) Lot frontage (minimum): 50 metres

185. In the case of the RU[185] Zone, Bell Canada, the following provisions shall apply:

(a) Shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions:

- (i) Lot area (minimum): 1,300 square metres
- (ii) Lot frontage (minimum): 30 metres

186. In the case of the RU[186] Zone, the following provisions shall apply:

(a) May be used for a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:

- (i) Lot area (minimum): 3.0 hectares
- (ii) Lot frontage (minimum): 55 metres

187. In the case of the RU[187] Zone, the following provisions shall apply:

(a) Shall be used for no other purpose than the establishment of a hydroelectric regulating station in accordance with the following provisions:

- (i) Lot area (minimum): 3700 square metres
- (ii) Lot frontage (minimum): 60 metres
- (iii) Interior Side Setback (minimum): 9 metres
- (iv) Rear Setback Depth (minimum): 7 metres.

188. In the case of the RU[188] Zone, the following provisions shall apply:

- (a) Lot area (minimum): 5 hectares
- (b) Minimum Elevation:
- (c) No opening to any building or structure shall be constructed below the minimum elevation of 98.3 metres geodetic.

- (d)** Lot Development Requirement:
 - (e)** Where a lot is divided into more than one zone, the lot lines not the zone boundaries, shall be used to calculate the lot area only, of the RU[188] Zone.
 - (f)** Special Setback:
 - (g)** No building or structure shall be located within 15 metres of the Wetland edge which is defined as having an elevation of 97.5 metres geodetic.
- 189.** In the case of the RU[189] Zone, the following provisions shall apply:
- (a)** shall be used for no other purpose than a single detached dwelling or a home occupation in accordance with the following provisions:
 - (i)** Lot area (minimum): 0.9 hectares
 - (ii)** Lot frontage (minimum): 66 metres
- 190.** In the case of the RU[190] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 2.8 hectares
- 191.** In the case of the RU[191] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than a single detached dwelling or a home occupation in accordance with the following provisions:
 - (i)** Lot area (minimum): 0.8 hectares
 - (ii)** Lot frontage (minimum): 65 metres
- 192.** In the case of the RU[192] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 1 hectare
 - (i)** Lot frontage (minimum): 30 metres
- 193.** In the case of the RU[193] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 9 hectares
 - (b)** Lot frontage (minimum): 75 metres

- 194.** In the case of the RU[194] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 1.4 hectares
- 195.** In the case of the RU[195] Zone, Ontario Hydro, the following provisions shall apply:
- (a)** Shall be used for no purpose other than the establishment of an Ontario Hydro transformer distribution station in accordance with the following provision:
 - (i)** Lot area (minimum): 0.8 hectares
- 196.** In the case of the RU[196] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
 - (i)** Lot area (minimum): 0.4 hectares
 - (ii)** Lot frontage (minimum): 55 metres
- 197.** In the case of the RU[197] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation or a public use in accordance with the following provision:
 - (i)** Lot area (minimum): 0.7 hectares
- 198.** In the case of the RU[198] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
 - (i)** Lot area (minimum): 0.5 hectares
 - (ii)** Interior side setback width (minimum): 4.5 metres
 - (iii)** Rear setback depth (minimum): 7.5 metres
- 199.** In the case of the RU[199] Zone, the following provisions shall apply:

(a) Lot area (minimum): 1.5 hectares

(b) Lot frontage (minimum): 75 metres

200. In the case of the RU[200] Zone, the following provisions shall apply:

(a) Lot frontage (minimum): 40 metres

201. In the case of the RU[201] Zone, the following provisions shall apply:

(a) Lot area (minimum): 5 hectares

202. In the case of the RU[202] Zone, the following provisions shall apply:

(a) shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:

(i) Lot area (minimum): 1 hectare

(ii) Interior Side Setback Width (minimum): 4.5 metres

203. In the case of the RU[203] Zone, the following provisions shall apply:

(a) shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:

(i) Lot area (minimum): 0.4 hectares

(ii) Lot frontage (minimum): 60 metres

204. In the case of the RU[204] Zone, the following provisions shall apply:

(a) shall be used for no other purpose other than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:

(i) Lot area (minimum): 0.8 hectares

(ii) Lot frontage (minimum): 65 metres

(iii) Front Setback Depth (minimum): 114 metres

- 205.** In the case of the RU[205] Zone, 2649 Highway 15, the following provisions shall apply:
- (a)** shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a semi-detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
 - (i)** Lot area (minimum): 2 hectares
- 206.** In the case of the RU[206] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 2 hectares
 - (b)** Lot frontage (minimum): 45 metres
 - (c)** Interior side setback width (minimum): 4.5 metres
 - (d)** Rear setback depth (minimum): 7 metres
 - (e)** Dwelling houses per lot maximum (maximum): 1 only
- 207.** In the case of the RU[207] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
 - (i)** Lot area (minimum): 3.5 hectares
- 208.** In the case of the RU[208] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a single detached house dwelling house, a home occupation, or a public use in accordance with the following provision:
 - (i)** Lot area (minimum): 2.5 hectares
- 209.** In the case of the RU[209] Zone, the following provisions shall apply:
- (a)** Where a lot abuts Middle Road the minimum lot frontage shall be 85 metres.
- 210.** In the case of the RU[210] Zone, the following provisions shall apply:

- (a) shall be used for no other purpose than one or more of the following uses; a single detached dwelling house, a public use or a home occupation including the use of the existing garage for the storage of vehicles and material for a home occupation, in accordance with the following provisions:
 - (i) Lot area (minimum): 2.0 hectares
- 211. In the case of the RU[211] Zone, the following provisions shall apply:
 - (a) Lot area Minimum: 1 hectare
 - (b) Lot frontage : 69.5 metres
- 212. In the case of the RU[212] Zone, the following provisions shall apply:
 - (a) Lot frontage 76.2 metres
- 213. In the case of the RU[213] Zone, the following provisions shall apply:
 - (a) Lot frontage (minimum): 44 metres
 - (b) Interior Side Setback (minimum): 6 metres
- 214. In the case of the RU[214]-H Zone, 2490 Isle of Man Road, the following provisions shall apply:
 - (a) Special Front Setback Restriction:
 - (b) Notwithstanding any provisions of this By-law to the contrary, no buildings or structures may be constructed on or in the ground within 80 metres of the front lot line, the lot line that abuts Isle of Man Road, while a Holding Symbol (-H) applies to the zone.
 - (c) Special Holding Symbol Provision:
 - (i) Notwithstanding the holding provisions in this By-law, development is permitted in accordance with the provisions the RU Zone.
 - (ii) The Holding Symbol shall only be removed upon written clearance provided by the Ministry of Tourism, Culture, and Sport Ontario.
- 215. In the case of the RU[215] Zone, 1559 Highway 15, the following provisions shall apply:

- (a) No more than one person, other than a resident of the dwelling shall be employed in the home occupation;
- (b) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential;
- (c) The maximum gross floor area to be utilized for the purpose of a home occupation shall not exceed 31 square metres;
- (d) The home occupation shall be permitted to sell goods, wares and merchandise not produced on the premises;
- (e) A minimum of 2 parking spaces shall be dedicated to the home occupation use;
- (f) A home occupation shall be permitted within a private garage attached to the dwelling unit;
- (g) A nursery/Garden Centre/Greenhouse use as defined in this By-law is prohibited;
- (h) The outdoor display of goods, wares or merchandise shall be permitted on the lands immediately abutting the main structure and shall not exceed 31 square metres; and,
- (i) No permanent outdoor display of goods, wares or merchandise is permitted.

216. In the case of the RU[216]-H Zone, the following provisions shall apply:

- (a) Special Holding Symbol Provision:
 - (i) The Holding symbol shall only be removed upon completion and Approval of the following:
 - (1) A hydro-geological Study verifying adequate water quantity and quality; and
 - (2) A Stage 1 Archaeological Assessment.

217. In the case of the RU[217] Zone, the following provisions shall apply:

- (a) Lot area (minimum): 6 hectares
- (b) Dwelling houses per lot (maximum):2

- (c) Rear lot line:
 - (d) For the purpose of the RU[217] Zone, the lot line abutting Highway Number 15 and Highway Number 401 shall be deemed to be part of the rear lot line.
- 218.** In the case of the RU[218]-H Zone, the following provisions shall apply:
- (a) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of this By-law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands the following provisions shall be complied with:

 - (i) That prior to the establishment of a non-farm permitted use on the subject property that the developer verify, to the satisfaction of the City, the method for obtaining adequate quantity and quality of water for the use; and
 - (ii) That prior to drilling a well for any permitted use the developer shall complete a hydro-geologic study verify, to the satisfaction of the City, that there is adequate quantity and quality water supply for the proposed use; and
 - (iii) That a Stage 1 and 2 Archaeological Assessment shall be submitted and approved by the City and the Ministry of Culture.
- 219.** In the case of the RU[219] Zone, 3695 Accommodation Road, the following provisions shall apply:
- (a) Additional permitted use:

 - (i) One accessory building up to a maximum floor area of 134 square metres may only be used for the purpose as a greenhouse for a home occupation.
 - (ii) Should the greenhouse use of the building cease it may only be used as an accessory building in accordance with the zone provisions.
 - (iii) There shall be no outdoor storage of materials, equipment or containers in conjunction with a home occupation.
 - (b) Accessory building provisions:

 - (i) Interior side setback width (minimum):.0 metres

- (ii) Rear setback depth (minimum): 1.2 metres
 - (iii) Height (maximum): 5.0 metres
 - (c) Lot coverage (maximum): 15%
- 220.** In the case of the RU[220]-H Zone, 3373 Highway 2 East, the following provisions shall apply:
- (a) Special Holding Symbol Provision:
 - (i) That the use and removal of the '-H' Symbol on the southern portion of the lands shall be in accordance with the regulations of this By-law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands the following provisions shall be complied with:
 - (1) That a Stage 4 Archaeological Assessment shall be submitted and approved by the City and the Ministry of Tourism, Culture and Sport.
- 221.** In the case of the RU[221] Zone, 1328 John F. Scott Road, the following provisions shall apply:
- (a) Lot area (minimum): 6 hectares
 - (b) Lot frontage (minimum): 55 metres
 - (c) Dwelling House Per Lot (maximum): 1 only
 - (d) Additional Permitted Use:
 - (i) One mobile trailer up to a maximum size of 36 square metres may only be used for the purpose of a kitchen for a catering service operating as a home occupation.
 - (ii) A sight obscuring landscaped buffer shall be maintained to conceal the trailer from the adjacent residential house at 1326 John F. Scott Road.
- 222.** In the case of the RU[222] Zone, Bruce Auto Sales, the following provisions shall apply:
- (a) May be used for an automobile sales establishment and work shop for the repair or maintenance of vehicles, excluding a mobile home, a motor home or a travel trailer, subject to the following provisions:

- (i) Lot area (minimum): 0.8 hectares
- (ii) Lot frontage (minimum): 40 metres
- (iii) Front setback depth (minimum): 80 metres
- (iv) Interior side setback width (minimum) : 12 metres, except that the interior side setback width for an existing shed shall be 10 metres.
- (v) Dwelling houses: No dwelling houses shall be permitted within the RU[222] zone.
- (vi) Parking area location: No parking space shall be located within 60 metres of the lot line abutting Highway Number 15 or within 30 metres of the eastern boundary of the RU[222] zone.
- (vii) Vehicle storage: The number of vehicles for sale or repair shall not exceed 12.
- (viii) Outside storage: There shall be no outside storage of automobile parts or inoperative vehicles.
- (ix) Work shop floor area: The maximum gross floor area of the work shop building shall not exceed 106 square metres.
- (x) SIGNS: Signs shall not be permitted provided that one legal sign not exceeding 0.8 square metres in size may be affixed to the exterior of the front wall of the work shop.

223. In the case of the RU[223] Zone, the following provisions shall apply:

- (a) Lot area (minimum): 6 hectares
 - (i) Lot frontage (minimum): 55 metres
 - (ii) DWELLING HOUSES PER LOT (maximum): 1 only.

224. In the case of the RU[224] Zone, the following provisions shall apply:

- (a) Lot area (minimum): 6 hectares
- (b) Dwelling houses per lot (maximum): 1 single detached dwelling house only, provided that it involves a relocation of the dwelling house which existed on the subject lands on the date of enactment of this Subclause.

- (c) Side lot lines: For the purposes of the RU[224] Zone, all lot lines which are not shoreline shall be deemed to be side lot lines.
- 225.** In the case of the RU[225] Zone, the following provisions shall apply:
- (a) Shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions:
- (i) Lot area (minimum): 0.2 hectares
 - (ii) Lot frontage (minimum): 45.5 metres
 - (iii) Front setback depth (minimum): 10.5 metres
- 226.** In the case of the RU[226] Zone, the following provisions shall apply:
- (a) may be used for a single detached dwelling house, a home occupation, and a public use in accordance with the following provisions:
- (i) Lot area (minimum): 0.8 hectares
 - (ii) Front Setback Depth (minimum): 10.0 metres
 - (iii) Interior Side Setback Width (minimum): 10.2 metres
 - (iv) Setback (minimum): 25.3 metres
- 227.** In the case of the RU[227] Zone, the following provisions shall apply:
- (a) Shall be used for no other purpose than a single detached dwelling house in accordance with the following provisions:
- (i) Lot area (minimum): 0.93 hectares
 - (ii) Frontage (minimum): 76 metres.
- 228.** In the case of the RU[228] Zone, the following provisions shall apply:
- (a) Lot area (minimum): 4.80 hectares
 - (b) Frontage (minimum): 76 metres.
- 229.** In the case of the RU[229] Zone, the following provisions shall apply:
- (a) Lot area (minimum): 2.4 hectares

- (b)** Interior side setback width (minimum): 11.0 metres.
- 230.** In the case of the RU[230] Zone, the following provisions shall apply:
- (a)** May be used for a single detached dwelling house and a home occupation, in accordance with the following provision:
- (i)** Lot area (minimum): 0.68 hectares
- 231.** In the case of the RU[231] Zone, the following provisions shall apply:
- (a)** may be used for a single detached dwelling house and a home occupation, in accordance with the following provision:
- (i)** Lot area (minimum): 1.0 hectare
- 232.** In the case of the RU[232] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 0.8 hectares
- (b)** Lot frontage (minimum): 68 metres
- 233.** In the case of the RU[233] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 5.0 hectares
- 234.** In the case of the RU[234] Zone, the following provisions shall apply:
- (a)** Lot area (minimum): 1.5 hectares
- 235.** In the case of the RU[235] Zone, the following provisions shall apply:
- (a)** may be used for a single detached dwelling house, a home occupation, or a public use in accordance with the following provision:
- (i)** Lot area (minimum): 0.8 hectares
- 236.** In the case of the RU[236] Zone, the following provisions shall apply:
- (a)** may be used for a private park and a commercial club (limited to party facilities) subject to the following provisions:
- (i)** Lot area (minimum): 1.9 hectares
- (ii)** Dwelling houses per lot (maximum): 1 accessory dwelling house only.

- (iii)** Buildings related to commercial club: only 1 building related to the commercial club shall be permitted and the maximum gross floor area of such building shall not exceed 240 square metres.
- (iv)** Buildings related to private park: no new building shall be erected as an accessory use for the private park except that this shall not prevent the use of any existing building, located within the RU[236] Zone for such purposes.
- (v)** Building separation (minimum): 3.65 metres, provided that nothing shall prevent the expansion of an existing building having less than the required minimum building separation provided that the existing building separation is not further reduced.
- (vi)** Parking area regulations:
 - (1)** Parking requirements (minimum): parking spaces shall be provided, within the RU[236] Zone, at a rate of 1 space per 4 persons design capacity of the combined private park and commercial club facilities and at a rate of 1 space per dwelling unit.
 - (2)** Parking area location: no parking space shall be located closer than 19 metres to any boundary of the RU[236] Zone.
 - (3)** Access: access to the RU[236] Zone shall be limited to a maximum of 3 driveways.

237. In the case of the RU[237] Zone, the following provisions shall apply:

- (a)** may be used for a single detached dwelling house, a home occupation, or a public use, in accordance with the following provision:
 - (i)** Lot area (minimum): 2.4 hectares

238. In the case of the RU[238] Zone, the following provisions shall apply:

- (a)** May be used for a single detached dwelling house, a home occupation, or a public use in accordance with the following provision:
 - (i)** Lot area (minimum): 0.8 hectares

- 239.** In the case of the RU[239] Zone, the following provisions shall apply:
- (a)** Shall be used for no purpose other than one or more of the following uses: an accessory dwelling house; a single detached dwelling house; a cemetery; a farm; a farm produce outlet; a home occupation; a public use; or a specialized farm, in accordance with the following provision:
 - (i)** Lot area (minimum): 4.0 hectares
- 240.** In the case of the RU[240] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a home occupation or a public use, accordance with the following provisions:
 - (i)** Lot area (minimum): 1.0 hectare
 - (ii)** Interior Side Setback Width (minimum): 9 metres
 - (iii)** Rear Setback Depth: 9 metres
- 241.** In the case of the RU[241] Zone, the following provisions shall apply:
- (a)** Shall be used for one or more of the following uses only: a single detached dwelling house; a home occupation; and a public use in accordance with the following provisions:
 - (i)** Lot area (minimum): 0.8 hectares
 - (ii)** Lot frontage (minimum): 70 metres
 - (iii)** Water Setback: No building or structure, other than a marine facility, shall be located less than 50 metres from the high water mark.
- 242.** In the case of the RU[242] Zone, the following provisions shall apply:
- (a)** shall be used for no other purpose than one or more of the following uses; a detached single dwelling house, a public use or a home occupation including the use of the existing garage for the storage of vehicles and materials for a home occupation, in accordance with the following provisions:
 - (i)** Lot area (minimum): 1.0 hectare

- 243.** In the case of the RU[243] Zone, the following provisions shall apply:
- (a)** Lot area Minimum: 1.0 hectare
 - (b)** Lot frontage : 82.5 metres
- 244.** In the case of the RU[244] Zone, the following provisions shall apply:
- (a)** Lot area Minimum: 1.34 hectares
- 245.** In the case of the RU[245] Zone, the following provisions shall apply:
- (a)** Lot area : 1.529 hectares
- 246.** In the case of the RU[246] Zone, the following provisions shall apply:
- (a)** Shall be used for no purpose other than one or more of the following uses: a single detached dwelling house, a home occupation, and a public use in accordance with the following provision:
 - (i)** Lot area (minimum): 2 hectares.
- 247.** In the case of the RU[247] Zone, the following provisions shall apply:
- (a)** shall be used for no purpose other than one or more of the following uses:

A single detached dwelling house, a home occupation, and a public use in accordance with the following provision:

 - (i)** Lot area Minimum: 1.0 hectare
 - (ii)** Special Setback from Railway Right-of-Way

No part of the main dwelling house shall be located within 120 metres of a railway right-of-way; this exclusion area is identified as Part 2 of Reference Plan 13R-16172
 - (iii)** Interior Side Setback Width (minimum to south lot line): 2 metres
- 248.** In the case of the RU[248] Zone, the following provisions shall apply:
- (a)** May also be used for a home occupation, including fireworks displays and wholesaling, located in an accessory structure in accordance with the following provisions in addition to any other requirements:

- (i) Maximum Permitted Floor Area for a home occupation – 55 square metres;
- (ii) Where the home occupation includes the storage of fireworks the following minimum setbacks will apply:
 - (1) Setback from Road Allowance: 100 metres
 - (2) Setback from Pipeline Easement: 200 metres
 - (3) Setback from a Dwelling Unit: 90 metres
 - (4) Setback from the existing Dwelling on the abutting property to the west: 150 metres.

249. In the case of the RU[249]-H Zone, the following provisions shall apply:

- (a) The Holding (-H) symbol shall not be removed until the following conditions have been satisfied:
 - (i) A hydrogeological study that satisfactorily demonstrates that an adequate supply of potable water is available for the existing and proposed development;
 - (ii) An environmental impact assessment that is prepared in accordance with the Official Plan and is satisfactory to the City and the Cataraqui Region Conservation Authority is submitted to the City;
 - (iii) An archaeological study acceptable to the Ministry of Culture, Recreation and Citizenship is provided; and,
 - (iv) The owner has entered in to a Site Plan Control Agreement that satisfactorily implements these studies.
- (b) No site alterations such as vegetation or tree removal or grading shall take place until the Holding symbol has been removed. Any alterations shall be restored to their pre-existing state before any required studies are conducted.

250. In the case of the RU[250] Zone, the following provisions shall apply:

- (a) All residential uses shall be prohibited

251. In the case of the RU[251] Zone, 5098 Leo Lake Road, the following provisions shall apply:

- (a)** Prohibited Uses:
 - (b)** Seasonal Dwelling House
 - (c)** Accessory Dwelling for non-farm use
 - (d)** Zone Provisions:
 - (i)** Minimum Front Setback Depth: 1.3 metres;
 - (ii)** Notwithstanding any provisions herein to the contrary any rebuilding, expansion, alteration or relocation of a non-conforming use is prohibited.
 - (iii)** Minimum setback from the high water mark for any building or structure shall be 30 metres.
- 252.** In the case of the RU[252] Zone, Webb, the following provisions shall apply:
- (a)** Lot area (minimum): 1.2 hectares.
- 253.** In the case of the RU[253] Zone, Moran, the following provisions shall apply:
- (a)** may be used for a single detached dwelling house, a home occupation, and a public use in accordance with the following provision:
 - (i)** Lot area (minimum): 3.96 hectares.
- 254.** In the case of the RU[254] Zone, the following provisions shall apply:
- (a)** May be used for a single detached dwelling house, a farm, a farm produce outlet, a home occupation, and a public use in accordance with the following provision:
 - (i)** Lot area (minimum): 6 hectares
- 255.** In the case of the RU[255] Zone, the following provisions shall apply:
- (a)** shall be used for no purpose other than a single detached dwelling house or home occupation in accordance with the following provision:
 - (i)** Lot area (minimum): 1.6 hectares
- 256.** In the case of the RU[256] Zone, the following provisions shall apply:

- (a) Lot area (minimum): 6.0 hectares
- 257.** In the case of the RU[257] Zone, the following provisions shall apply:
- (a) Shall be used for no purpose other than a single detached dwelling house and a home occupation in accordance with the following provisions:
- (i) Lot area (minimum): 0.85 hectares
- (ii) INTERIOR SIDE SETBACK WIDTH (minimum):4.5 metres
- 258.** In the case of the RU[258] Zone, the following provisions shall apply:
- (a) Elevation of Building Openings (minimum): 88.4 metres geodetic
- (b) Front Lot Line
- (c) For the purposes of determining the Lot frontage , the Front Lot Line shall be deemed the lot line parallel to Bur Brook Road.
- (d) Access To Improved Street
- (e) No person shall erect any building or structure unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width and at a minimum elevation of 87.8 metres geodetic, is provided to an improved street.
- 259.** In the case of the RU[259] Zone, the following provisions shall apply:
- (a) May also include the following uses:
- (b) an office / shop in association with a rural related business;
- (c) enclosed and outside storage associated with such permitted business.
- (d) The minimum side setback requirement for the storage garage shall be 8.5 metres.
- 260.** In the case of the RU[260] Zone, the following provisions shall apply:
- (a) Front Setback Depth (minima): 83 metres.
- 261.** In the case of the RU[261]-H Zone, 2555 Mclver Road, the following provisions shall apply:

- (a) Permitted Uses shall also include a “commercial school”, for the purpose of providing transport truck training.
 - (b) Prohibited Uses:

 - public garage;
 - automobile sales establishment;
 - car wash;
 - (c) The maximum floor area for the commercial school permitted by Paragraph (a) above shall be 55 square metres.
 - (d) The minimum setback requirement for a commercial vehicle 5 tonnes or greater, including the trailers, from the front lot line shall be 65 metres.
 - (e) The maximum number of commercial vehicles 5 tonnes or greater shall be limited to 2 commercial vehicles.
 - (f) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of this By-law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands, a Stage 1 Archaeological Assessment shall be submitted and approved by the City.
- 262.** In the case of the RU[262] Zone, 1104-1110 Italia Lane, the following provisions shall apply:
- (a) Shall be used for no purpose other than a single detached dwelling in accordance with the following provision:

 - (i) For the purpose of determining lot frontage and front setbacks, the front lot line shall be deemed the lot line that forms the boundary with the private lane known as Italia Lane.
- 263.** In the case of the RU[263] Zone, 321 Aragon Road, the following provisions shall apply:
- (a) A minimum 30 metre building and structure (including septic systems) setback from the high water mark shall be required. Within the 30 metre setback, there shall be no disturbance of soil or removal of vegetation.
- 264.** In the case of the RU[264] Zone, 3031 Lake Head Road, the following provisions shall apply:

- (a)** Permitted uses shall be limited to:

 - Single detached dwelling;
 - Home occupation;
 - (b)** Prohibited Uses:

 - Additional habitation units are prohibited
 - Additional dwelling units are prohibited
 - (c)** Minimum Distance Separation: 85 metres
 - (d)** Setback:

 - The minimum setback for a septic system, including storage tank and weeping bed, shall be 270 from the Loughborough Lake waterline.
 - (e)** No building, structure, stall, or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone.
- 265.** In the case of the RU[265] Zone, 3031 Lake Head Road, the following provisions shall apply:
- (a)** Permitted uses shall be limited to:

 - Single detached dwelling;
 - Home occupation.
 - (b)** Prohibited Uses:

 - Additional habitation units are prohibited
 - Additional dwelling units are prohibited
 - (c)** Minimum Distance Separation: 85 metres
 - (d)** Minimum Lot frontage : 6.0 metres
 - (e)** Maximum rear setback depth shall be 14 metres
 - (f)** No building, structure, stall, or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone.
- 266.** In the case of the RU[266] Zone, the following provisions shall apply:

- (a) May be used for the continued operation and expansion of a commercial radio tower installation.

267. In the case of the RU[267] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a single detached dwelling house in accordance with the following provisions:
 - (i) Lot area (minimum): 0.7 hectares
 - (ii) Lot frontage (minimum): 71 metres
 - (iii) No exterior opening of any building shall be located below the elevation of 89.3 metres Geodetic Surveys of Canada.
 - (iv) No building or structure shall be permitted within 15.2 metres of a Refined Products Pipe Line right of way.

268. In the case of the RU[268] Zone, the following provisions shall apply:

- (a) A residential building may be erected within 230 metres of the boundary of any RU Zone.

269. In the case of the RU[269] Zone, the following provisions shall apply:

- (a) Uses permitted:
 - an accessory dwelling unit;
 - a restaurant;
 - a convenience store;
 - a contractor's or tradesman's shop;
 - an animal hospital;
 - a coffee shop;
 - an antique shop;
 - a flea market;
 - a seasonal fruit or vegetable sales outlet;
 - a conservation use;
 - a farm, but not including a specialized farm as defined herein;
 - a public use, in accordance with the provisions of Section 5(18) hereof.
- (b) Definition

“Flea Market” means an open area inside or outside in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

(c) Restrictions Adjacent To Flood Plain:

No building, structure, stall, sales area or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone or 7.5 metres from the top of bank, whichever is greater.

(d) Parking Requirements:

(1) Flea Market:

Open Air with Stalls 2 parking spaces per stall

Within a Building 5.25 parking spaces per 100 square metres of gross floor area

(e) Gross floor area (maximum):

The gross floor area of a building or structure used for a flea market shall not exceed 930 square metres.

270. In the case of the RU[270] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than a veterinary clinic in accordance with the following special provisions:

(i) Lot area (minimum): 3982 square metres

(ii) Lot frontage (minimum): 65 metres

(iii) Front setback depth (minimum): 6 metres

(iv) Rear setback depth (minimum): 12 metres

(v) Outside animal pens or runs shall be prohibited.

271. In the case of the RU[271] Zone, the following provisions shall apply:

(a) May be used for the installation and operation of a telecommunications tower and associated facilities,

272. In the case of the RU[272] Zone, the following provisions shall apply:

(a) May be used for a model home and sales office in accordance with the following provisions:

(i) Lot area (minimum): 0.8 hectares

(ii) Lot frontage (minimum): 60 metres

(iii) Lot coverage (maximum): 10%

273. In the case of the RU[273] Zone, the following provisions shall apply:

(a) May also be used for a martial arts studio.

274. In the case of the RU[274] Zone, McKendry Pit, the following provisions shall apply:

(a) May be used temporarily for the purpose of a Gravel Pit provided that said temporary use is developed in accordance with the following provisions:

(i) The provisions of the RU Zone except that:

(1) The minimum Lot area shall be 8.6 hectares; and,

(2) The minimum INTERIOR SIDE SETBACK WIDTH shall be 15 metres.

(3) This temporary authorization shall be for a period not to exceed two (2) years commencing on March 23rd, 1993, the date of the passing of By law Number 93 32.

275. In the case of the RU[275] Zone, the following provisions shall apply:

(a) may be used for a merchandise service shop including an accessory retail outlet, an accessory dwelling house, and a warehouse, in accordance with the following provisions:

(i) Lot area (Minimum): 896.51 square metres

(ii) Lot frontage (Minimum): 39.6 metres

276. In the case of the RU[276] Zone, 2847 Bur Brook Road, the following provisions shall apply:

(a) Uses Permitted:

a Small Engines Service Shop;

a retail outlet accessory to a permitted use;
a public use, in accordance with the provisions of this By-law.

- (b)** Lot area (minimum): 0.8 hectares
- (c)** Lot frontage (minimum): 65 metres
- (d)** Rear Setback Depth (minimum): 65 metres
- (e)** Landscaped Open Space (minimum): 30 percent
- (f)** Gross Floor Area (maximum): The combined total gross floor area of all uses shall not exceed 670 square metres.
- (g)** Open Storage: No open storage of goods or materials shall be permitted.
- (h)** Outside Activities: No outside repair, service, display or sales of small engines and related goods and materials shall be permitted.
- (i)** Parking Area Regulations:
 - (i)** Setbacks Where Permitted:

Front Setback and Interior Side Setback only, provided that no part of any parking area, other than a driveway, is located closer than 12.2 metres to any side lot line and no closer than 0.91 metres to any street line.

277. In the case of the RU[277] Zone, the following provisions shall apply:

- (a)** May also be used for an automobile body shop and a public garage, provided that said uses are developed and operated in accordance with the following special provisions:
 - (i)** Lot area (minimum): 0.28 hectares
 - (ii)** Lot frontage (minimum): 44.5 metres

278. In the case of the RU[278] Zone, the following provisions shall apply:

- (a)** Permitted uses:
 - a church;
 - a conservation use;
 - a crematorium;

- a farm, including a specialized farm;
- a forestry use;
- a kennel;
- a livestock sales barn;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a seasonal fruit, vegetable, flower or farm produces sales outlet; in accordance with the following provisions:

(i) Lot area (Minimum): 6 hectares

279. In the case of the RU[279] Zone, the following provisions shall apply:

(a) May be developed for a farm machinery, small engine and automobile repair shop within the detached garage in accordance with the following modified provisions:

(i) Maximum floor area: The maximum floor area of the repair shop shall not exceed 200.5 square metres.

(ii) Open storage: No open storage of good or materials shall be permitted except in accordance with the following provisions:

(1) Every open storage shall be limited to and accessory to the repair shop operation.

(2) Every open storage shall comply with the setback provisions as follows:

Side Setback 3.28 metres

Rear Setback 7.89 metres

(3) No open storage use shall be located in a front setback.

(4) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.

280. In the case of the RU[280] Zone, the following provisions shall apply:

(a) The only permitted uses shall be:

(i) Residential uses

a converted dwelling house;

a single-detached dwelling house.

(ii) Non-residential uses

a home occupation;

a plumbing, heating and welding operation;

offices associated with the plumbing, heating and welding operation.

(b) Maximum floor area of shop area

The maximum floor area of the plumbing, heating and welding operation shall not exceed 318.6 square metres and shall be located wholly within the shop located at 3272 Creekford Road.

(c) Location of office uses

Office uses associated with the welding, heating and plumbing use may be located within the walls of the existing structure known municipally as 3262 Creekford Road. Said office uses shall only be permitted in conjunction with the welding, heating and plumbing use on the abutting lands at 3272 Creekford Road.

(d) Maximum floor area of office use

The maximum floor area of the permitted office use for the welding, heating and plumbing use shall not exceed 170 square metres and shall be located wholly within the walls of the existing structure known municipally as 3262 Creekford Road. There shall be no change or alteration to the physical structure of 3262 Creekford Road to accommodate the office use.

(e) Number of employees

Other than a member of the family, the office staff associated with the business shall not exceed 6 employees working on site.

(f) Open storage

No open storage of goods or materials shall be permitted except in accordance with the following provisions:

(i) All open storage shall be limited to and be accessory to the permitted plumbing, heating, and welding operation.

(ii) Minimum Setbacks:

Side setback 12.2 metres

Rear setback 7.62 metres

- (iii) No open storage use shall be located in any front setback area.
- (iv) All open storage use shall be enclosed with a solid wall or fence maintained in good condition.
- (v) The parking of commercial vehicles shall be restricted to the rear setback.

281. In the case of the RU[281]-H Zone, 3385 Van Order Road, the following provisions shall apply:

(a) Only permitted use:

a landscaping business which provides related service work off site; an office associated with the landscaping business; the repair and storage of equipment associated with the landscaping business; a landscape horticultural supplies holding yard for offsite service locations containing materials such as gravels, soils, stone, mulches, trees/shrubs; no retail sales will be permitted from the site.

(b) maximum floor area of storage/office/garage:

The maximum floor area of the landscaping business shall not exceed 267.11 square metres in the repair/office building and 210 square metres in the existing Quonset structure.

(c) Use of the repair/office building:

The repair and office uses associated with the landscaping business shall only be located within the repair/office building. Said repair and office uses shall only be permitted in conjunction with the permitted landscaping business.

(d) Use of the quonset building:

The Quonset structure may be used for storage of tools and equipment and supplies pertaining to the permitted landscaping business.

(e) Landscape horticultural supplies:

(f) Landscape horticultural supplies shall be permitted on site only for supply to off-site service locations, including gravels, soils, stone, mulches, trees and shrubs. No retail sales such as landscape horticultural supplies shall be permitted from the site.

(g) Perennial propagation yard:

The perennial propagation yard shall be located on site and shall be used to grow perennials for offsite service locations only. No retail sales of perennials shall be permitted from this site.

(h) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, one single-detached dwelling house is also permitted.

(i) Maximum number of dwellings per lot: 1

(j) No development or site alterations shall be permitted on the lands subject to the '-H' Symbol until such time as the '-H' Symbol is removed. The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i)** Submission of a Tree Inventory Study, Tree Preservation Report, Environmental Site Evaluation or Environmental Impact Study, Archeological Assessment and, Record of Site Condition to the satisfaction of the City and any applicable Agency and/or Provincial Ministry;
- (ii)** All applicable City and Agency requirements have been complied with; and,
- (iii)** City Council has passed a further amendment to this By-law to remove the '-H' Symbol pursuant to the *Planning Act*.

282. Reserved.

283. In the case of the RU[283] Zone, 3029 A/B Creekford Road, the following provisions shall apply:

(a) Permitted Uses shall also include a semi-detached dwelling, for the purpose of recognizing the existing development and each lot along the common party wall.

(b) At 3029A Creekford Road the following provisions shall apply:

- (i)** Minimum Lot area : 0.6 hectares
- (ii)** Minimum Frontage: 29 metres

(c) At 3029B Creekford Road the following provisions shall apply:

- (i)** Minimum Lot area : 1.4 hectares

(ii) Minimum Frontage: 71 metres

284. In the case of the RU[284] Zone, 1371 Spooner Road, the following provisions shall apply:

- (a) Permitted Use: A Single Family Dwelling House
- (b) Minimum Lot Area: 928 square metres
- (c) Front Yard Depth: 6.0 metres
- (d) West Interior Side Setback Minimum: 1.2 metres
- (e) All Other Yard Setbacks Minimum: The main building or structure shall not be located less than 10.0 metres from an 'EPA' Zone.
- (f) The Minimum Setback for a septic system from an 'EPA' zone shall be 0.0 metres.
- (g) The minimum setback for the parking of any vehicle, recreational vehicle or trailer is 10.0 metres from an 'EPA' Zone.

Note: All site specific exceptions that were final and binding following the last Exception included in this draft will be incorporated prior to the release of the second draft.

Section 20: Exceptions to the Urban Area

20.1. Urban Area Exceptions

20.1.1. Notwithstanding the provisions of the Zones in the *urban area*, the provisions established in the exception shall prevail over any other provision in this By-law.

500. In the case of the M1[500] Zone, the following provisions shall apply:

(a) Only permitted main uses:

Corporate administrative office;

Research and development facility carried out within enclosed buildings;

Data processing and related services, including call centre;

Administrative, professional and technical services supporting a permitted use; and,

Public use in accordance with the provisions of this By-law.

(b) Only permitted complementary uses:

Office and business services such as printing and equipment repair intended to serve the Business Park Industrial area;

Restaurant;

Financial institution;

Personal services and convenience commercial;

Public and private parks and recreation facilities; and,

Parking lots and structure.

(c) Minimum front setback depth : 10 metres

(d) Minimum exterior side setback width : 10 metres

(e) Maximum lot coverage: 60%

(f) Maximum building height: 20 metres

501. In the case of the M1[501] Zone, 561 Macrow Street, the following provisions shall apply:

(a) Residential uses are prohibited

- (b)** Permitted Business Park Uses:
 - Data processing and related services
 - Business offices
 - Professional offices
 - Laboratory, research, development facilities carried out within enclosed buildings
 - Film or Recording Studio
 - Printing Establishment
 - Public use in accordance with the provisions of this By-law.
 - (c)** Permitted Commercial Uses:
 - Bank or financial institution
 - Clinic
 - Restaurant and patio
 - Restaurant, freestanding
 - Restaurant, take-Out
 - Dry cleaning and related services
 - Personal service shop
 - (d)** Minimum number of loading spaces: six
 - (e)** Permitted Commercial Uses shall be restricted to a maximum of 25% of the built gross floor area, except 371.6 square metres of gross floor area of Commercial Uses may be constructed prior to the maximum 25% restriction coming into effect.
 - (f)** Landscaped Open Space:
 - (i)** A 7.0 metre wide landscaped planting strip excluding driveways shall be provided along the lot line adjacent to Gardiners Road.
 - (ii)** A 2.0 metre landscaping strip abutting the rear lot line shall not be required.
- 502.** In the case of the M4[502] Zone, 631 Fortune Crescent, the following provisions shall apply:
- (a)** Residential uses are prohibited

(b) Permitted Non-Residential Uses: Table 20.1.1.502.

Table 20.1.1.502. – Permitted Non-Residential Uses in M4[502] Zone

Permitted within 90 metres of Gardiners Road	Restricted to Eastern Portion of Property (beyond 90 metres setback from Gardiners Road)	Uses permitted on Entire Site
One bank or financial institution	Assembly Plant	Business Office
Clinic	Bakery – manufacturing scale	Professional Office
Service Shop, Personal	Manufacturing Plant	Restaurant and Patio
	Packaging Plant	Restaurant, Freestanding
	Processing Plant	Restaurant, Take-Out
	Warehouse	Commercial School
	Wholesale Establishment	Dry cleaning and Related Services
		Data Processing and related services
		Film or Recording Studio
		Laboratory
		Printing Establishment
		Club, Private
		Club, Commercial

(i) Retail Type Uses:

Uses such as restaurants, banks, clinics and personal service shops shall be limited to a combined maximum gross floor area of 2,322 square metres;

- (1) Maximum number of freestanding restaurants is two (2).

(ii) Accessory Uses:

- (1) Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;

- (2) Accessory retail uses associated with the sale of products assembled and manufactured on the site and any permitted non-residential use shall be restricted to a maximum 25% of the built gross floor area for any single tenant or business.

(iii) Open Storage:

Open storage use shall be located beyond the 90 metre setback from Gardiners Road and located in accordance with the following provisions:

- (1) Every open storage use shall be accessory to the main use of the lot.
 - (2) Every open storage use shall comply with the setback provisions established herein in Zone M4[502];
 - (3) Notwithstanding Paragraph (2) above, no open storage shall be located in a front setback or exterior side setback;
 - (4) Every open storage use shall be enclosed by a wall or fence which is not less than 1.8 metres in height, which is constructed of uniform materials, which is maintained in good condition and which is not located within any required setback. Where such open storage use is to be situated in a location such that it will be visible from a public street, the portion of such open storage use which would otherwise be visible from the public street shall be appropriately screened from view by a buffering device of suitable composition and height.
- (c)** Lot area (minimum) 550 square metres;
 - (d)** Frontage (minimum) 25.0 metres;
 - (e)** Front Setback Depth (minimum) 3.0 metres;
 - (f)** Exterior Side Setback Width (minimum) 3.0 metres;
 - (g)** Interior Side Setback Width (minimum) 0.0 metres;
 - (h)** Rear Setback Depth (minimum) 3.0 metres;
 - (i)** Lot Coverage (maximum) 30%;

- (j)** Landscape Open Space (minimum)
 - (i)** 20% within 90 metres of Gardiners Road
 - (ii)** 10% beyond 90 metres of Gardiners Road;
 - (k)** Building Height (maximum) 21 metres;
 - (l)** Notwithstanding any provisions to the contrary the parking ratio shall be 3.4 spaces per 100 square metres of gross floor area;
 - (m)** Notwithstanding any provisions to the contrary parking shall be permitted in all setbacks;
 - (n)** All loading spaces shall be appropriately screened with uniform building materials and maintained;
 - (o)** Notwithstanding any provisions to the contrary all parcels shall be considered a single parcel for the purpose of interpretation of the M4[502] Zone.
- 503.** In the case of the CA[503] Zone, on the approximately 12.0 hectare parcel of land located east of Division Street north of Weller Avenue, the following provisions shall apply:
- (a)** the permitted uses shall only be as follows:
 - (i)** Offices in connection with businesses or professions, provided there is not over 604.0 square metres of office space per structure;
 - (ii)** Banks;
 - (iii)** Bowling alleys, theatres, auditoriums;
 - (iv)** Brewer's retail store and liquor store;
 - (v)** Motels or hotels;
 - (vi)** City and publicly owned utility and government buildings or facilities and telephone exchanges;
 - (vii)** Indoor and outdoor athletic and sports facilities, including open or enclosed stadiums;

- (viii) Accessory uses incidental solely to any of the above uses which may include restaurants, lunch counters and retail stores (including retail stores selling general service);
 - (ix) Repair and services for electrical and household equipment;
 - (x) Restaurants and lunch counters including drive-in restaurants;
 - (xi) Automobile sales, service and repair shops and gas bars, including diesel and propane fuels;
 - (xii) Neighbourhood stores excluding department stores of full line food stores;
 - (xiii) The combined maximum of the permitted uses listed in Subparagraphs (x), (xi), and (xii) above shall not exceed 2,800 square metres floor area.
- (b) The minimum side and rear setback requirements shall also include the following provisions:
- (i) Wherever the subject property abuts a residential zone, a setback of not less than 19.4 metres wide shall be provided within the subject property.
 - (ii) This setback shall be screened by a masonry wall not less than 1.4 metres in height, which shall extend to within 7.6 metres of the street line.
 - (iii) Nothing other than a driveway shall be located in the setback.
- 504.** In the case of the CA[504] Zone, On the approximately 0.32 hectare parcel of land located south of Counter Street west of Sir John A. Macdonald Boulevard, the following provisions shall apply:
- (a) The permitted uses shall only be as follows:

 - Retail Stores (including retail stores selling general services) lunch counters, restaurants;
 - Offices in connection with a business or profession;
 - Banks;
 - Accessory buildings to any use permitted above.
 - (b) Maximum Height: 9.0 metres

- (c) Minimum Front Setback: 7.5 metres
 - (d) Minimum Lot Depth: 38.1 metres
 - (e) Off-Street Parking:
 - 1 parking space shall be provided for every 28.0 square metres of store area including office space.
- 505.** In the case of the CA[505] Zone, on the two parcels of land consistent of approximately 1.82 hectares located east of Rideau Street and north of River Street, the following provisions shall apply:
- (a) the permitted uses shall only include a hotel and accessory uses thereto and convenience retail and service commercial facilities appropriate to the nature of the development which facilities shall be limited to a maximum area of 1,115.0 square metres.
- 506.** In the case of the CA[506] Zone, on the approximately 0.11 hectare parcel of land located at the northwest corner of Connaught and Concession Streets, the following provisions shall apply:
- (a) The permitted use shall only be an automotive repair shop that installs and services previously manufactured parts excluding body repairs, paint shop, exhaust system repairs, sale of new or used automobiles and the sale of gasoline;
 - (b) The minimum number of required off-street parking spaces shall be 16;
 - (c) There shall be no minimum required rear setback;
 - (d) There shall be no minimum side setback requirement on the west side of the property and the minimum required side setback on the east side of the property shall be 2.4 metres;
 - (e) The minimum required lot depth shall be 41.0 metres.
- 507.** In the case of the CA[507] Zone, on the approximately 0.08 hectare parcel of land located on the west side of Portsmouth Avenue south of Princess Street (848 Portsmouth Avenue), the following provisions shall apply:
- (a) There shall be no Minimum Rear Setback requirement.
 - (b) The Minimum Lot Depth shall be 39 metres.

508. In the case of the CA[508] Zone, on the approximately 0.36 hectare parcel of land located on the north side of Concession Street between Princess and Macdonnell Streets, the following provisions shall apply:

- (a)** The permitted uses shall also include an office building containing a maximum gross leasable area of 1858.0 square metres
- (b)** The permitted use listed in (a) shall be subject to the provisions of the CA Zone, except that required on-site parking spaces may be located in a front setback.

509. In the case of the CA[509] Zone, on the approximately 9.7 hectare parcel of land located on the west side of Division Street between Dalton Avenue and the Macdonald Cartier Freeway (Highway 401), the following provisions shall apply:

- (a)** the permitted uses shall only be as follows:
 - (i)** a shopping centre containing the following:
 - (1)** a food store with a minimum gross leasable area of 3,251 square metres.
 - (2)** a department store with a maximum gross leasable area of 6,940 square metres.
 - (3)** additional retail, including offices with a combined maximum gross leasable area of 6,530 square metres provided that no one such retail store has a maximum gross leasable area exceeding 929 square metres which may include the following uses:
 - Banks
 - Bowling alleys, theatres, auditoriums
 - Brewers retail store and liquor store
 - Motels or hotels;
 - Indoor and outdoor athletic and sports facilities;
 - City and publicly owned utility and government buildings or facilities and telephone exchange.

- 510.** In the case of the CA[510] Zone, on the approximately 1.8 hectare parcel of land located on the south side of Princess Street west of the Parkway, the following provisions shall apply:
- (a)** A buffer strip, with a minimum width of 6.1 metres as measured from the property line, shall be maintained along the westerly and southerly boundaries. No development shall be permitted within this buffer strip and no further dumping placing of fill shall be permitted.
 - (b)** For the purpose of calculating the rear setback and side setback requirements only for any building or part thereof which is constructed on this property or on the adjacent land to the east Zoned CA Arterial Commercial, that parcel of land containing approximately 0.01 hectare and designated EPA (Environmental Protection Area) described in Instrument Number 362739 as Registered in the Registry Division of Frontenac Number 13, shall be included in the said calculations. No buildings shall be permitted on the lands described in said Instrument Number 362739.
 - (c)** The minimum elevation for any building openings shall be 76.6 metres geodetic.
- 511.** In the case of the CA[511] Zone, 299 Concession Street, the following provisions shall apply:
- (a)** Permitted uses:
 - Office (but not a medical or dental office or clinic)
 - Day care centre
 - (b)** Minimum rear setback: 6.5 metres
 - (c)** Maximum lot occupancy: 129%
 - (d)** Maximum building height: 18.7 metres
 - (e)** Maximum gross floor area: 6,961 square metres
 - (f)** Minimum off-street parking:
 - (i)** office: 3.5 parking spaces per 100 square metres of gross leasable area
 - (ii)** day care centre: 0.85 parking spaces per 100 square metres of gross floor area

- (g)** Minimum off-street loading facilities:
 - (i)** 2 off-street loading spaces
 - (ii)** Loading facilities shall be located at the rear or interior side of a building only.

512. In the case of the CA[512]-H Zone, 221 Concession Street, the following provisions shall apply:

- (a)** Permitted uses on the lands designated CA[512]-H shall be limited to the Following:
 - (i)** Glass installation facility, excluding automotive glass installation;
 - (ii)** Commercial cleaning establishment, including offices and storage and sale of cleaning supplies;
 - (iii)** Neighbourhood commercial uses providing a range of convenience retail and service uses, including:
 - Convenience store;
 - Food store of less than 223 square metres;
 - Laundromat;
 - Drop off/pick up drycleaners;
 - Video store;
 - Take-out restaurant;
 - Personal services shop (i.e. hairdresser, barber, esthetician etc.);
 - Bakery or Bake Shop;
 - Florist;
 - Copy centre;
 - Consumer service and repair shop (i.e. small appliance and computer repair service etc.).
- (b)** Minimum Front Setback: 9.5 metres
- (c)** Minimum Side Setback: zero
- (d)** Minimum Rear Setback: zero
- (e)** Maximum Lot Occupancy: 107%

- (f)** Minimum Lot Depth: 28 metres
- (g)** Minimum Parking Spaces:
 - (i)** Glass installation facility, excluding automotive glass installation: 3 Parking Spaces
 - (ii)** Commercial cleaning establishment, including offices and storage and sale of cleaning supplies: 3 Parking Spaces
 - (iii)** All other uses shall be as per the CA Zone unless the holding symbol is removed, in whole or in part, in which case the minimum number of parking spaces shall be three for the respective uses.
- (h)** ‘-H’ Holding Zone Provisions:
 - (i)** The ‘H’ Holding provision applies to the following neighborhood commercial uses separately or in combination:
 - Convenience store
 - Food store of less than 223 square metres
 - Laundromat
 - Drop off/pick up drycleaners
 - Video store
 - Take-out restaurant;
 - Personal services shop (i.e. hairdresser, barber, esthetician etc.);
 - Bakery or Bake Shop;
 - Florist;
 - Copy centre;
 - Consumer service and repair shop (i.e. small appliance and computer repair service etc.)
 - (ii)** The ‘H’ Holding provision may be removed for any one of the above listed uses or any combination of the above uses at such time as a Parking Study, prepared by a qualified person as defined by the City, is completed to the satisfaction of the City, justifying a reduction in the Minimum Parking Space requirement to (3) three parking spaces for which the application for the holding provision is applied for.

The 'H' Holding Zone provision will only be removed for the specified use(s) for which the parking study is applicable. All other listed uses will remain subject to the holding provision. Separate parking studies must be submitted for all subsequent requests to remove the holding provision to permit additional listed uses.

- 513.** In the case of the CA[513] Zone, on the approximately 0.11 hectare parcel of land located on the northeast corner of Princess Street and Indian Road, the following provisions shall apply:
- (a)** In addition to the uses permitted in the CA Zone, one (1) dwelling unit shall be permitted. A maximum of one (1) dwelling unit shall be permitted provided it is located within the walls of the existing building on the property on the date of the passing of the By-Law;
 - (b)** There shall be a minimum of six (6) off-street parking spaces provided for use by both the commercial office and one (1) residential unit;
 - (c)** The existing building shall be deemed to be in conformity with the regulations of the CA Zone;
 - (d)** In the event that the existing building on site is removed or added to, any new building and the addition shall be subject to the regulations of this By-Law.
- 514.** In the case of the CA[514] Zone, on the parcel of land located on the north side of Princess Street west of Parkway, known municipally as 1473 Princess Street, the following provisions shall apply:
- (a)** the minimum elevation for any building openings shall be 77.6 metres geodetic.
- 515.** In the case of the CA[515] Zone, on the parcel of land located on the south side of Princess Street west of Parkway, known municipally as 1550 Princess Street, the following provisions shall apply:
- (a)** the minimum elevation for any building openings shall be 76.6 metres geodetic.
- 516.** In the case of the CA[516] Zone, on the approximately 0.74 hectare parcel of land located on the south side of Princess Street east of Parkway, known municipally as 1440 Princess Street , the following provisions shall apply:

- (a)** The permitted uses shall also include:
 - (i)** offices with a total maximum gross leasable area of 1795.16 square metres; and
 - (ii)** the Loyola Community Learning Centre;
- (b)** The maximum size of any individual office use shall be 1000 square metres of gross leasable area; and
- (c)** The Loyola Community Learning Centre shall not be subject to Paragraph (b) above.

517. In the case of the CA[517] Zone, on the approximately 0.17 hectare (1674 square metres) parcel of land located on the south side of Princess Street east of Portsmouth Avenue, known municipally as 1330 Princess Street, the following provisions shall apply:

- (a)** The minimum required side setbacks for the existing building and any additions or alterations thereto shall be:
 - (i)** on the west side of the property - 3.65 metres; and
 - (ii)** on the east side of the property - 7.31 metres;
- (b)** The minimum number of required off-street parking spaces for vacuum cleaner sales and service shall be five (5);
- (c)** In the event that the existing building and proposed addition thereto are removed, any new building shall be subject to the provisions of this By-Law.

518. In the case of the CA[518] Zone, on the approximately 0.078 hectare (780 square metres) parcel of land located on the North side of Princess Street between Indian Road and McMichael Street, known municipally as 1313 Princess Street, the following provisions shall apply:

- (a)** The minimum required front setback shall be 11.5 metres.
- (b)** An unenclosed wheelchair ramp and one parking space may be located within the required front setback;
- (c)** the minimum side setbacks for the existing building and any additions thereto shall be:
 - (i)** on the west side 2.05 metres;

- (ii) on the east side 5.79 metres;
 - (d) The minimum number of required off-street parking spaces for the doctor's office shall be 5; and
 - (e) In the event that the existing building on the site is removed, any new building shall be subject to the provisions of this By-Law.
- 519.** In the case of the CA[519] Zone, on the approximately 0.071 hectare (712 square metres) parcel of land located on the north side of Princess Street, east of McMichael Street, known municipally as 1267 Princess Street, the following provisions shall apply:
- (a) In addition to the provisions of this By-Law, a maximum of one (1) dwelling unit shall also be permitted provided it is located on the second floor of the building in existence on the property, on the day of the passing of this By-Law;
 - (b) The minimum required front setback shall be 9.6 metres;
 - (c) The minimum side setback (west side) for the existing building and any additions thereto shall be 3.0 metres;
 - (d) The minimum number of required off-street parking spaces for the sewing business and one residential dwelling unit shall be five; and
 - (e) That in the event that the existing building on the site is removed, any new building shall be subject to the regulations of this By-Law.
- 520.** In the case of the CA[520] Zone, on the approximately 0.173 hectare (1729 square metres) parcel of land located on the north side of Princess Street between Indian Road and McMichael Street, known municipally as 1317 Princess Street, the following provisions shall apply:
- (a) Notwithstanding the provisions of this By-Law, the minimum required front setback shall be 13.1 metres.
 - (b) An unenclosed wheelchair ramp and one parking space may be located within the required front setback;
 - (c) Notwithstanding the provisions of this By-Law, the minimum number of required off-street parking spaces for the denture therapy clinic shall be nine; and

- (d) That in the event the existing building on the site is removed, any new building shall be subject to the regulations of this By-Law.
- 521.** In the case of the CA[521] Zone, on the approximately 0.193 hectare (1925 square metres) parcel of land located on the north side of Princess Street between Indian Road and McMichael Street, known municipally as 1327 Princess Street, the following provisions shall apply:
- (a) In addition to the provisions of this By-law, the permitted uses shall also include a physiotherapy clinic with a maximum floor area of 700 square metres;
- (b) The Maximum Building Height for the physiotherapy clinic shall be two storeys;
- (c) The minimum required side setback on the east side of the building shall be 4.4 metres; and
- (d) The minimum number of off-street parking spaces for the physiotherapy clinic shall be in accordance with the provisions of this By-Law. The maximum number of off-street parking spaces for the physiotherapy clinic shall be twenty-four (24).
- 522.** In the case of the CA[522] Zone, the following provisions shall apply:
- (a) The subject lands shall be limited to the following uses:
- One residential dwelling unit within the walls of the existing building known municipally as 1324 Princess Street;
- Retail stores, including retail stores selling general services;
- Lunch counters;
- Catering business;
- Banks;
- Electrical repair services, including radio and television repair services;
- Offices with a maximum size of 605 square metres per building; and
- Accessory building to any use permitted in the CA[522] Zone.
- (b) Notwithstanding the provisions of this By-Law, minimum front, side and rear setbacks for the existing building on the property

municipally known as 1324 Princess Street only shall be as follows:

- (i) Minimum east property boundary setback 6.0 metres;
 - (ii) Minimum south property boundary setback 0.37 metres; and
 - (iii) Minimum west property boundary setback 0.78 metres.
- (c) That prior to the introduction of a commercial use, the lands municipally known as 1324 Princess Street shall be subject to Site Plan Control.
- (d) That in the event that the existing buildings, subject to the CA[522] Zone are removed, any new building shall be subject to the regulations of the CA Zone.
- 523.** In the case of the CA[523] Zone, on the approximately 0.1 hectare parcel of land located on the south side of Princess Street between Portsmouth Avenue and Hillendale Avenue, known municipally as 1344 Princess Street, the following provisions shall apply:
- (a) In addition to the provisions this By-Law, a maximum of one (1) dwelling unit shall be permitted provided it is located within the walls of the building in existence on the property on the day of the passing of this By-law;
 - (b) This minimum side setback on the west side of the existing building and any additions thereto shall be 2.1 metres;
 - (c) The minimum side setback on the east side of the existing building and any additions thereto shall be 6.7 metres. In addition to a driveway, parking spaces may also be located within this side setback;
 - (d) The minimum number of required off-street parking spaces for the psychiatrist's office and one (1) residential unit shall be five (5);
 - (e) That in the event that the existing building on the site is removed, any new building shall be subject to the regulations of this By-Law.
- 524.** In the case of the CA[524] Zone, on the approximately 0.08 hectare parcel of land located on the northwest corner of Princess Street and Indian Road, known municipally as 1343 Princess Street, the following provisions shall apply:

- (a) In addition to the provisions of this By-Law, a maximum of one (1) dwelling unit shall be permitted provided it is located within the walls of the building in existence on the property on the day of passing of this By-Law;
- (b) The minimum required front shall be 9.7 metres. An unenclosed wheelchair ramp may be located within the required front setback;
- (c) The minimum side setback on the east side of the existing building and any additions thereto shall be 3.75 metres. In addition to a driveway, parking spaces may also be located within this side setback;
- (d) The minimum number of required off-street parking spaces for the chiropractor's clinic and one (1) residential unit shall be six (6);
- (e) That in the event that the existing building on the site is removed, any new building shall be subject to the regulations of this By-Law.

525. In the case of the CA[525] Zone, on the approximately 0.08 hectare parcel of land located on the north side of Princess Street between Indian Road and McMichael Street, known municipally as 1309 Princess Street, the following provisions shall apply:

- (a) In addition to the provisions of this By-Law, a maximum of one (1) dwelling unit shall be permitted provided it is located within the walls of the building in existence on the property on the day of the passing of this By-Law.
- (b) The minimum required front shall be 13.5 metres;
- (c) The minimum side setback on the east side of the existing building and any additions thereto shall be 3.9 metres;
- (d) The minimum number of required off-street parking spaces for the beauty salon and one(1) residential unit shall be six (6);
- (e) That in the event that the existing building on the site is removed, any new building shall be subject to the regulations of this By-Law.

526. In the case of the CA[526] Zone, on the approximately 0.7 hectare parcel of land located at the northwest corner of Elliott Avenue and Montreal Street, the following provisions shall apply:

- (a) In addition to the uses permitted in the CA Zone, as set out in this By-Law, medical offices and a nursery/garden centre/greenhouse shall also be permitted uses;
 - (b) The maximum amount of office space shall be 1350 square metres, provided that no one office use occupies a floor area in excess of 675 square metres;
 - (c) Parking shall be permitted within the required side setback along the Elliott Avenue frontage of the property.
- 527.** In the case of the CA[527] Zone, on the approximately 0.14 hectare parcel of land located at 902 Portsmouth Avenue, the following provisions shall apply:
- (a) The only permitted uses shall be a professional office and an accessory residential unit.
 - (b) The minimum front setback requirement shall be 10 metres.
 - (c) The minimum number of parking spaces shall be six (6) spaces and shall be located in the rear setback.
 - (d) All parking will be restricted to the rear setback.
- 528.** In the case of the CA[528] Zone, on the approximately 1450 square metres parcel of land located on the south side of Princess Street between Portsmouth Avenue and Hillendale Avenue, known municipally as 1334 Princess Street, the following provisions shall apply:
- (a) The following uses shall be permitted within the walls of the building in existence as of the date of the passing of this By-Law:

Retail Stores, lunch counters, restaurants, banks, electrical repair services including radio and television repair services, offices with a maximum size of 605 square metres, and accessory buildings to the use permitted above. Continued use of the property as a single detached dwelling shall also be permitted;
 - (b) require a minimum of 6 parking spaces ;
 - (c) recognize the non-complying situation of the side setbacks, and;

- (d) require that any new buildings comply with the regulations of the CA Zone.
- 529.** In the case of the CA[529] Zone, on the approximately 0.66 hectare parcel of land located on the south side of Princess Street, west of Portsmouth Avenue, known municipally as 1412 Princess Street, the following provisions shall apply:
- (a) The permitted uses shall also include:
 - (b) Offices with a total maximum gross leasable area of 1590 square metres
 - (c) There shall be no requirement for Off-Street Loading for the permitted office uses.
- 530.** In the case of the CA[530] Zone, on the approximately 26 hectare parcel of land located on the south west quadrant of Dalton Avenue and Division Street, the following provisions shall apply:
- (a) Any supermarket permitted under this By-Law shall have a maximum gross leasable floor area of 7,432 square metres.
 - (b) The maximum combined Gross Leasable Area of all permitted uses on the site shall be 39,992 square metres.
 - (c) All buildings shall be set back a minimum of 30 metres from the CN Railway right-of-way in conjunction with an earthen berm.
 - (d) A minimum horizontal buffer of 15 metres is required between the EPA Zone located along the west side of the site and any impervious surface such as a driveway, parking lot, outdoor storage area or structure. This shall not include a public use such as a hydro substation.
 - (e) A minimum horizontal buffer of 10 metres is required from any stormwater management facility located in the CA[530] Zone.
 - (f) The minimum front setback, along Dalton Avenue 190 metres west of Division Street, shall be 3.0 metres.
 - (g) For locations known municipally as 1040 - 1162 Division Street and 88 - 120 Dalton Avenue, and for CA uses not designated with specific parking provisions in this By-Law 1 parking space for every 28.0 square metres of gross leasable area shall be provided.

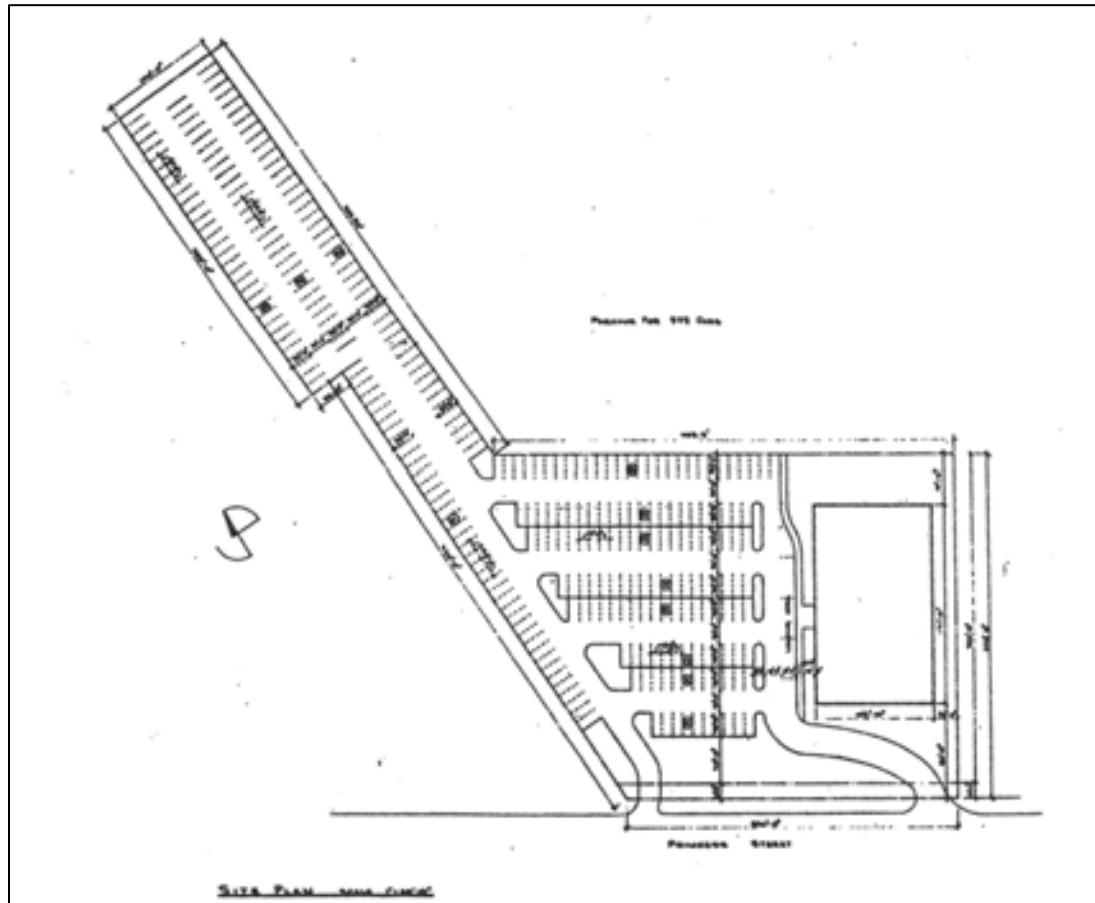
- 531.** In the case of the CA[531] Zone, on the approximately 0.346 hectare parcel of land located on the north west corner of Sir John A. Macdonald Boulevard and Princess Street, known municipally as 1129 Princess Street and 144 & 152 Avenue Road, the following provisions shall apply:
- (a)** For the purposes of this By-Law, the parcels of land comprising the CA[531] Zone shall be interpreted as being one parcel of land for By-Law purposes;
 - (b)** office uses shall be permitted without any maximum gross floor area limitation per building;
 - (c)** the minimum required rear setback shall be 30.0 metres.
 - (d)** a minimum 4.0 metre vegetated buffer shall be provided along the rear property line abutting the Residential Zone and along the northerly 38 metres of the east property line, extending from the rear property line and fronting Avenue Road.
 - (e)** a minimum 1.8 metre high fence of solid masonry (brick or limestone or patterned concrete) shall be constructed along the south and west limits of the minimum 4.0 metre vegetated buffer required by Paragraph (d) above.
- 532.** In the case of the CA[532] Zone, on the approximately 0.38 hectare parcel of land located at the northwest corner of Bath Road and Queen Mary Road, known as 393 Bath Road, the following provisions shall apply:
- (a)** The permitted uses shall also include a veterinary clinic.
 - (b)** There shall be no outdoor animal kennels located on the subject property.
 - (c)** There shall be no outside animal runs located on the subject property.
 - (d)** That, animals subject to treatment at the veterinary clinic, shall be walked at any given time by one staff member with a short leash and will be supervised by an employee of the veterinary clinic. Dogs of questionable disposition will not be walked outside.
 - (e)** That all refuse will be contained inside the hospital prior to disposal.

- (f) That removal of garbage, animal and medical waste will be handled appropriately.
- 533.** In the case of the CA[531] Zone, on the approximately 5.3 hectare parcel of land on the north side of Dalton Avenue, west of Warne Crescent and south of Highway 401, the following provisions shall apply:
- (a) the permitted uses shall be the following:
- retail stores (including retail stores selling general services), lunch counters, restaurants and accessory outdoor patios
 - retail warehouses
 - food stores
 - banks
 - drive-in restaurants
 - motels, hotels and banquet halls
 - shopping centres
 - bowling alleys, theatres, auditoriums
 - accessory buildings to any use permitted in the CA[531] zone
- 534.** In the case of the CA[534] Zone, on the approximately 0.63 hectare parcel of land known municipally as 1469 Princess Street, the following provisions shall apply:
- (a) A “commercial school” shall also be a permitted use.
- (b) a minimum of 84 off-street parking spaces shall be provided.
- 535.** In the case of the CA[535] Zone, on the approximately 0.078 hectare parcel of land known municipally as 1305 Princess Street, the following provisions shall apply:
- (a) Minimum Front Setback: 9.61 metres
- (b) Minimum Side Setback when abutting an open space zone, residential zone, or a street: 7.43 metres.
- 536.** In the case of the CA[536] Zone, on the approximately 0.45 parcel of land located on the northeast corner of Sir John A. Macdonald Boulevard and Princess Street the following provisions shall apply:
- (a) a wholesale business shall be a permitted use.

- 537.** In the case of the CA[537] Zone, on the approximately 0.09 hectare parcel of land located on the northwest corner of Concession Street and Macdonnell Street the following provisions shall apply:
- (a)** Only the construction and operation of a gasoline bar and an attendant's building shall be permitted.
 - (b)** The foregoing uses shall be subject to the regulations of the CA Zone except that:
 - (i)** The minimum front setback shall be as follows:
 - Buildings 6.55 metres
 - Gas Pumps 2.6 metres
 - (ii)** The minimum lot depth shall be 22.9 metres
 - (iii)** The minimum ground floor area shall be 16.3 square metres
- 538.** In the case of the CA[538] Zone, On the approximately 6.92 hectare parcel of land located east of Division Street south of the Macdonald - Cartier Freeway, the following provisions shall apply:
- (a)** the minimum required front setback from the easterly limit of Division Street shall be 25.9 metres.
- 539.** In the case of the CA[539] Zone, on the approximately 0.21 hectare parcel of land located on the north side of Concession Street between Grey and Alfred Streets, the following provisions shall apply:
- (a)** the minimum required front setback shall be 13.7 metres.
- 540.** In the case of the CA[540] Zone, on the approximately 1.38 hectare parcel of land located on the north side of Princess Street west of Portsmouth Avenue, the following provisions shall apply:
- (a)** the following use shall also be permitted:
 - A garage, in conjunction with automobile sales rooms, for major vehicle repairs excluding body shop, paint shop and the sale of gasoline to the public.
- 541.** In the case of the CA[541] Zone, on the approximately 1.42 hectare parcel of land located on the north side of Princess Street east of Sir John A. Macdonald Boulevard, the following provisions shall apply:
- (a)** The maximum height shall be 14.6 metres and the location of the building shall be in substantial conformity with the site plan

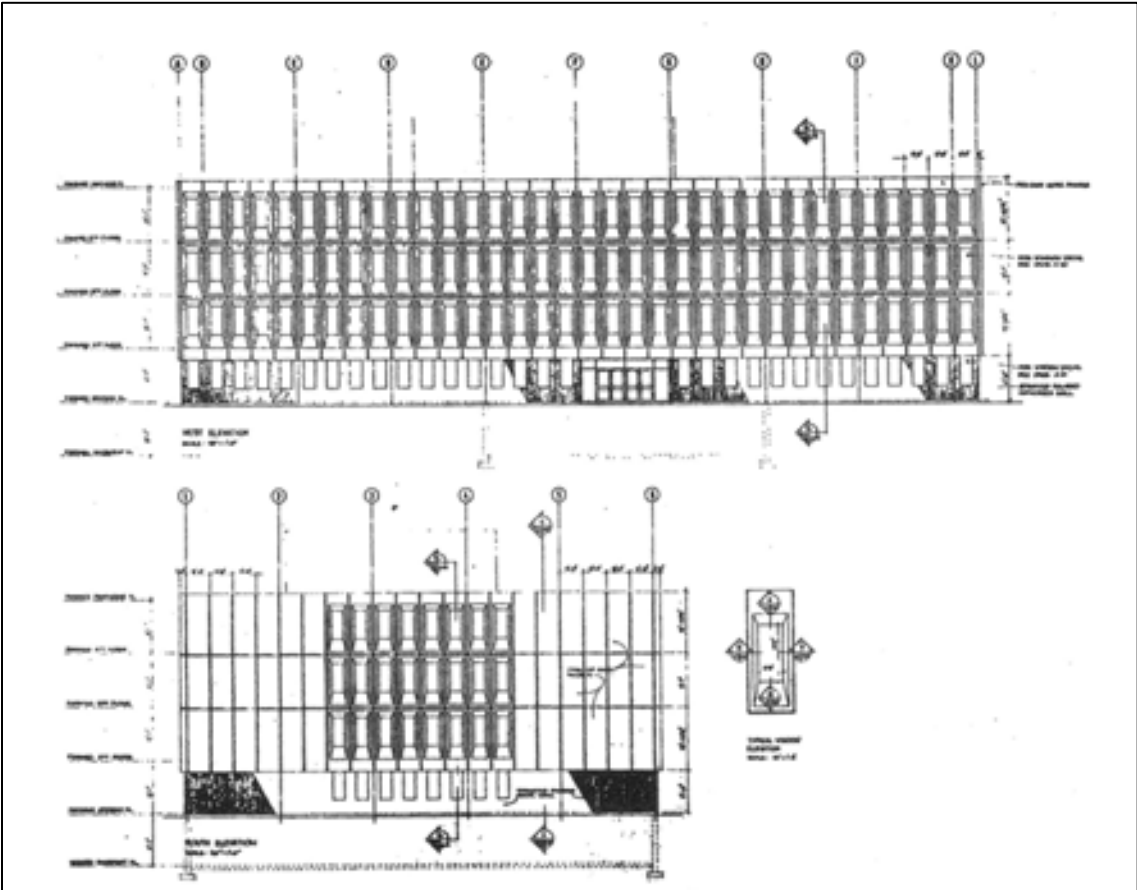
prepared by Ala-Kantti, Liff, Stefaniszyn, Architects, dated November 1971, a copy of which is shown in Figures 20.1.1.541.1, 20.1.1.541.2, and 20.1.1.541.3.

Figure 20.1.1.541.1.²



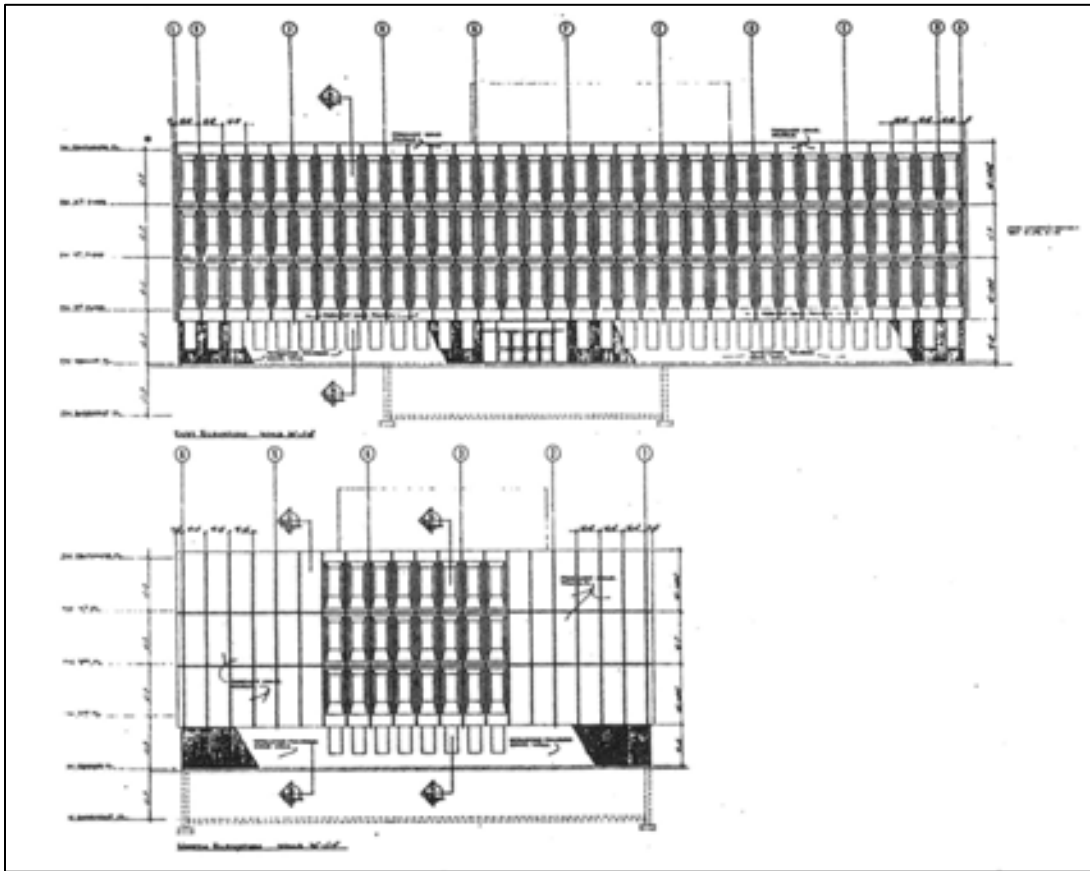
² Formerly Schedule "I-1", Zoning By-law 8449

Figure 20.1.1.541.2.³



³ Formerly Schedule “I-2”, Zoning By-law 8449

Figure 20.1.1.541.3.⁴



542. In the case of the CA[542] Zone, the following provisions shall apply:

- (a) may also be used for a “Car Wash”.
- (b) A privacy fence shall be installed to separate any non-residential uses from an abutting residential zone.

543. In the case of the CA[543] Zone, the following provisions shall apply:

- (a) may be used for a business or professional office together with an accessory dwelling unit provided that such uses are developed in accordance with the following provisions:
 - (i) Such uses shall constitute the only uses to which the property is devoted; and

⁴ Formerly Schedule “I-3”, Zoning By-law 8449

- (ii) Such uses shall be confined to the existing residential building, or, in the event of the destruction of the existing residential building a replacement building of equal or lesser size;
- (iii) Notwithstanding Subparagraph (ii) above, nothing shall prevent the temporary storage or parking of a motor vehicle within a required front setback or a required exterior side setback provided that no such vehicle is located closer than 0.914 metres to any street line and provided further that such motor vehicle is operative and bears a motor vehicle license plate or sticker which is currently valid.

544. In the case of the CA[544] Zone, the following provisions shall apply:

- (a) may be used for a model home display court provided that such use is developed in accordance with the following provisions:
 - (i) Interior side setback width (minimum): 3.05 metres,
 - (ii) provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side setback shall be required.
 - (iii) Rear setback depth (minimum): 7.62 metres
 - (iv) Parking area location:

Front setback only, provided that no part of any parking area, other than a driveway, shall be located closer than 0.91 metres to any street line or closer than 3.05 metres to any side lot line.

545. In the case of the CA[545] Zone, 991 Sydenham Road, the following provisions shall apply:

- (a) shall only be used for a retail store, restaurant and one dwelling unit, in accordance with the following provisions:
 - (i) Front setback depth (minimum) 3.0 metres
 - (ii) Gross floor area (maximum) 204 square metres
 - (iii) Access No driveway will be permitted within 15 metres of any residentially zoned property.

- 546.** In the case of the CA[546] Zone, 3188 Princess Street, the following provisions shall apply:
- (a)** may also be used as a group home.
 - (b)** For the purposes of the CA[546] Zone, the following definition shall apply:

“Group Home” means a single housekeeping unit in a residential dwelling, in which up to a maximum of eight (8) persons (exclusive of staff and/or receiving household) live under responsible supervision consistent with their needs. The facility is for the 24 hour non-medical care of persons. The Home is licensed or approved under Provincial statute. A Group Home is not a crisis care shelter, a detoxification centre, a recovery home, correctional residence or other similar type of facility.
 - (c)** Any group home shall occupy the whole of a single detached dwelling house, a converted single detached dwelling house, a semi-detached dwelling house (both units), a duplex (both units) or a building constructed specifically to accommodate such a facility.
- 547.** In the case of the CD[547] Zone, the following provisions shall apply:
- (a)** the maximum building height for buildings or structures shall be as follows:
 - (i)** Height at Build-to-Plane: 3 storeys, not to exceed 12.75 metres
 - (ii)** Maximum Building Height: 3 storeys, not to exceed 12.75 metres
- 548.** In the case of the CD[548] Zone, 2 Bay Street at the northwest corner of Bay and Wellington Streets, the following provisions shall apply:
- (a)** Permitted uses:

The permitted uses shall also include an Apartment Dwelling.
- 549.** In the case of the CD[549] Zone, 263 Ontario Street, the following provisions shall apply:
- (a)** The maximum number of residential units shall be fourteen (14).

- (b) The maximum density shall be 234.0 residential units per net hectare.
- 550.** In the case of the CD[550] Zone, known municipally as 10, 12, 14, and 16 Rideau Street, the following provisions shall apply:
- (a) Permitted use
- The permitted use shall be limited to the residential usage existing as of the date of passing of this By-Law.
- (b) The main building on any lot shall be limited to the height, size and volume existing as of the date of passing of this By-Law.
- 551.** In the case of the CD[551] Zone, known municipally as 61 to 73 Princess Street and 366 to 368 King Street East, the following provisions shall apply:
- (a) Maximum building height
- (b) The maximum building height shall be five (5) storeys not to exceed 21 metres;
- (c) Fifth storey setback
- (d) Commencing at the building height of not more than 17 metres from the western most portion of the building along Princess Street, the building setback shall be 3 metres along the Princess Street blockface and along the King Street blockface for the existing building or if the existing building is rebuilt or renovated in accordance with this By-Law.
- (e) Permitted height exception
- (f) An elevator shaft and a heating and cooling system mechanical penthouse, with a gross floor area of 241 square metres, and a maximum height of 8 metres shall be permitted above the fifth storey.
- (g) Maximum gross floor area
- (h) The maximum gross floor area shall be 7,821 square metres excluding the underground garage and roof top mechanical equipment area.
- 552.** In the case of the CD[552] Zone, known municipally as 350 to 352 Bagot Street, the following provisions shall apply:

(a) Minimum building height

The minimum building height for any buildings in existence as of the date of the passing of this By-Law shall be one (1) storey.

Any new buildings constructed within the CA[552] Zone shall comply with the Minimum Building Height regulations set out in this By-Law.

(b) Minimum lot coverage

The minimum lot coverage shall be 28%.

553. In the case of the CD[553] Zone, at the northwest corner of Ontario and Brock Streets, the following provisions shall apply:

(a) Maximum building height

The maximum height for buildings or structures shall be as follows:

- (i)** Height at Build-to-Plane: 3 storeys, not to exceed 12.1 metres
- (ii)** Height at top of fourth storey: 5.8 metres parapet
- (iii)** Maximum Building Height 6 storeys not to exceed (to the top of the parapet) 23.0 metres
- (iv)** Maximum height at the top of a stair tower, elevator shaft, water tank, skylight, mechanical penthouse or other heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements or other similar roof construction not to exceed 25.5 metres

(b) Angular plane

The commencement height of the angular plane shall be 15.3 metres.

(c) Fourth storey setback

Commencing at the top of the maximum build-to-plane the fourth storey setback shall be not less than 1.5 metres from the build-to-plane along the Ontario Street blockface and along the Brock Street blockface.

(d) Corner sightline triangle

No part of any building or structure above grade shall be altered, enlarged, erected, renovated or used on that part of the lot at the intersection of Brock Street and Ontario Street which is composed of a corner sightline triangle having sides of 12 metres along each of Brock and Ontario Streets, measured from the street corner formed by the lot lines.

- 554.** In the case of the CD[554] Zone, known municipally as 38 and 40 Princess Street, the following provisions shall apply:
- (a)** The maximum height for buildings or structures shall be as follows:
 - (i)** Height at Build-to-Plane: 4 storeys, not to exceed (to the top of parapet) 15.8 metres
 - (ii)** Maximum Building Height: 5 storeys, not to exceed (to the top of the parapet) 19.4 metres
 - (b)** Angular plane

Notwithstanding the provisions of this By-Law, the commencement height of the angular plane shall be 15.2 metres.
- 555.** In the case of the CD[555] Zone, known municipally as 77 Clarence Street, the following provisions shall apply:
- (a)** The maximum building height for buildings or structures shall be as follows:
 - (i)** Height at Build-to-Plane: 5 storeys, not to exceed 17 metres
 - (ii)** Maximum Building Height: 7 storeys, not to exceed 23.16 metres
- 556.** In the case of the CD[556] Zone, at the northwest corner of William and Ontario Streets, the following provisions shall apply:
- (a)** Maximum building height
 - (b)** The maximum height for buildings or structures shall be as follows:
 - (i)** Height at Build-to-Plane: 8 storeys, not to exceed 28.5 metres

(ii) Maximum Building Height 8 storeys, not to exceed 28.5 metres

(c) Permitted height exception

An elevator shaft and a heating, cooling and ventilating mechanical penthouse, with a gross floor area of 645 square metres and a maximum height of 5.45 metres shall be permitted above the eighth storey.

(d) Build-to-plane

The build-to-plane shall be measured from the adjacent street rights-of-way as follows:

(i) Ontario Street 4.0 metres

(ii) William Street 4.0 metres

(e) Angular plane

The provisions of this By-law with respect to angular plane shall not apply to any building constructed within the CA[556] Zone.

(f) Minimum front setback

The minimum front setback (Ontario Street) for any building or structure shall be prescribed by the build-to-plane requirements of Paragraph (d) above.

(g) Minimum exterior side setback

The minimum exterior side setback (William Street) for any building or structure shall be prescribed by the build-to-plane requirements of Paragraph (d) above.

557. In the case of the CD[557] Zone, known municipally as 258 -260 King Street East, the following provisions shall apply:

(a) Minimum front setback

The front setback shall be measured at right angles from the front lot line to the nearest wall of a main building.

(b) Minimum side setback

The minimum interior side setback for the extension as part of a building addition of the wall of the building existing on the date of the passing of this By-law and located at the south corner of

the lot (known municipally as 258 King Street East, the “Architect’s House”) abutting a Residential zone shall be nil.

(c) Maximum building height

The maximum building height for buildings, or structures shall be as follows:

(i) Height at Build-to-Plane: 4 storeys, not to exceed 17 metres

(ii) Maximum Building Height 4 storeys, not to exceed 17 metres

(d) Minimum lot coverage

The minimum lot coverage shall be 35%.

(e) Build-to-plan

The build-to-plane shall not apply to a building addition to the “Architect’s House”.

558. In the case of the CD[558] Zone, the following provisions shall apply:

(a) The maximum building height for buildings, or structures shall be as follows:

(i) Height at Build-to-Plane 4 storeys, not to exceed 17 metres

(ii) Maximum Building Height 4 storeys, not to exceed 17 metres

559. In the case of the CD[559] Zone, the following provisions shall apply:

(a) Permitted uses

The only permitted uses shall be the following:

Art Gallery

Office

Florist

Medical Office

Photo or artist studio

Townhouse dwelling to a maximum of 4 dwelling units

Home occupations, subject to this By-Law

(b) Maximum Residential Density: 155 residential units per net hectare

- (c) Minimum Amenity Area: 2 square metres per dwelling unit
- (d) Maximum Building Height: 3 storeys, to a maximum of 12.2 metres
- (e) Groundwater wells

The installation and use of groundwater wells for any purpose other than environmental monitoring, remediation or geotechnical investigation will be prohibited.

560. In the case of the CD[560] Zone, known municipally as 70 Johnson Street, the following provisions shall apply:

- (a) Permitted uses

The only permitted uses shall be the following:

Office

Medical Office

Photo or artist studio

Semi-detached dwelling

Home occupations, subject to this By-Law.

- (b) Minimum Building Height 2 storeys, minimum 8.0 metres;
- (c) Minimum Amenity Area total of 45 square metres, with no dwelling unit having less than 19 square metres;
- (d) Expansion or enlargement of the external walls and roof of the existing building shall be permitted for the conversion to contain two dwelling units.

561. In the case of the CD[561]-H Zone, the following provisions shall apply:

- (a) The use and removal of the 'H' Holding Symbol shall be in accordance with the provisions of this By-Law.

- (i) The 'H' Holding Symbol shall not be removed until such time as:

- (1) All site servicing issues have been addressed to the satisfaction of the City;
- (2) A Record of Site Condition has been registered in accordance with Provincial regulations.

(ii) Permitted interim uses:

Existing CD Zone uses

(b) Zone regulations when 'h' (holding symbol) is removed

(i) Permitted Uses

Permitted uses shall be as set out in the CD Zone, with the exception of the Prohibited Uses listed in Subparagraph (ii) hereafter.

(ii) Prohibited Uses

Automotive Gas Bar, Automotive Sales Establishment, Automobile Service Station and Automobile Specialty Repair Shop shall be prohibited.

(iii) Maximum Building Height

The maximum building height for buildings or structures shall be as follows:

- (1) Height at Build-to-Plane, not to exceed 17 metres (storey limit deleted)
- (2) Maximum Along Angular Plane, not to exceed 25.5 metres (storey limit deleted)

(iv) Parking Structures

Any parking structure constructed within the CD[556]-H Zone shall comply with the minimum and maximum building height requirements, the minimum lot coverage requirements and the build-to and angular plane requirements as set out in this By-Law.

562. In the case of the CD[562] Zone, known municipally as 236 Bagot Street, the following provisions shall apply:

- (a)** Additional Permitted use: Apartment Dwelling
- (b)** Minimum Front Setback: 0 metres
- (c)** Minimum Exterior Side Setback: 0 metres
- (d)** Minimum Lot Coverage: 45%
- (e)** Maximum Density: 500 dwelling units per net hectare

- (f) Number of Units: The maximum number of permitted dwelling units shall be 120.
 - (g) Off-Street Parking: The minimum number of off-street parking spaces shall be 94;
 - (h) Maximum Height at Build-to-Plane: 17 metres;
 - (i) Maximum Height along Angular Plane: 31.5 metres;
 - (j) Amenity Area: The minimum amount of amenity space shall be 520 square metres
 - (k) Children’s Play Space: None required
 - (l) Maximum Encroachment into Angular Plane:
 - (i) South Property Line:
Vertical encroachment of 11.0 metres
Horizontal Encroachment of 10.0 metres
 - (ii) East Property Line:
Vertical encroachment of 1.0 metres
Horizontal Encroachment of 1.0 metres
 - (m) That the Build – to – Plane shall be measured from the property line.
- 563.** In the case of the CD[563] Zone, known municipally as 134 Colborne Street, the following provisions shall apply:
- (a) Permitted uses

The only permitted uses shall be the following:
Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only;
Triplex dwelling; and,
Home occupations, subject to this By-Law.
 - (b) Minimum Side Setback 0.93 metres on west side and 1.3 metres on east side
 - (c) Minimum Lot Coverage 20%

- 564.** In the case of the CD[564] Zone, known municipally as 126 Colborne Street, the following provisions shall apply:
- (a)** Permitted uses

The only permitted uses shall be the following:
Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the forgoing uses are located on the ground floor only; Single detached dwelling; and, Home occupations, subject to this By-Law.
 - (b)** Minimum Side Setback 0.27 metres on east side
 - (c)** Minimum Lot Coverage 20%
- 565.** In the case of the CD[565] Zone, known municipally as 138 and 140 Colborne Street, the following provisions shall apply:
- (a)** Permitted uses

The only permitted uses shall be the following:
Art Gallery, Office; Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only;
Semi-detached dwelling; and,
Home occupations, subject to this By-Law
 - (b)** Minimum Side Setback 0.6 metres on west side of 140 Colborne Street
 - (c)** Minimum Lot Coverage 37%
 - (d)** Minimum Amenity Area total of 70 square metres
- 566.** In the case of the CD[566] Zone, the following provisions shall apply:
- (a)** Maximum density

The maximum permitted density shall be 258 residential units per net hectare;
 - (b)** Number of units

The maximum number of permitted residential units shall be 12; and,
 - (c)** Off-street parking

The minimum number of off-street parking spaces shall be 7.

- 567.** In the case of the CD[567] Zone, known municipally as 247 – 249 Brock Street, the following provisions shall apply:
- (a)** Conversion of Commercial Buildings for Residential Use
Residential Uses may be permitted on the ground floor.
- 568.** In the case of the CD[568] Zone, known municipally as 110 Clergy Street, the following provisions shall apply:
- (a)** Permitted use
Residential use is permitted on the ground floor;
 - (b)** Minimum building height
The minimum building height shall be 2 storeys, not to be less than 6.7 metres;
 - (c)** Maximum density
The maximum permitted density shall be 225 residential units per net hectare;
 - (d)** Number of units
The maximum number of permitted residential units shall be 4;
 - (e)** Number of bedrooms
The maximum number of bedrooms per unit shall be 2;
 - (f)** Parking
Cash-in-lieu of parking has been provided for two residential units;
 - (g)** Amenity area
 - (h)** There shall be no amenity area requirement;
 - (i)** Bicycle parking
 - (j)** There shall be no minimum required number of bicycle parking spaces.
- 569.** In the case of the CD[569] Zone, the following provisions shall apply:
- (a)** the maximum building height for buildings, or structures shall be as follows:

- (i) Height at Build-to-Plane 4 storeys, not to exceed 17 metres
- (ii) Maximum Building Height 4 storeys, not to exceed 17 metres

570. In the case of the CD[570] Zone, known municipally as 165, 167, and 169 – 171 Wellington Street, the following provisions shall apply:

(a) Angular Plane

The Angular Plane provisions of this By-law shall not apply.

(b) Amenity Area

The minimum amount of amenity area shall be 600 square metres.

(c) Maximum Density

The maximum density for buildings or structures on this site shall be 545 residential units per net hectare.

(d) Off-Street Parking

The minimum number of off-street parking spaces shall be nineteen (19).

(e) Location of Off-Site Parking

(f) The off-site parking shall be provided within the geographic area in accordance with agreement(s) registered on title.

(g) Equipped Children's Play Area

(h) No Children's Play area shall be required.

571. In the case of the CD[571] Zone, located at the northeast corner of Clergy Street and Queen Street, the following provisions shall apply:

(a) Permitted Commercial Uses

The only permitted commercial uses shall be the following:

Auditorium or Public Hall

Art Gallery

Bakery

Bake Shop

Bank or Financial Establishment

Bed or Breakfast Establishment

Church or Religious Institution
Commercial Entertainment Establishment
Commercial Establishment
Commercial Recreational Facility
Commercial School
Computer Programming Establishment
Community or Recreation Centre
Convenience Store
Data Processing Establishment
Day Care Centre
Drugstore/Pharmacy
Dry Cleaning Outlet
Florist
Food Store
Funeral Home
Government Office
Hardware Store
Home Improvement Centre
Hotel
Laundry, Coin Operated
Liquor or Beer Store
Medical Clinic
Medical Office
Mixed Commercial/Residential Development, with residential
uses permitted on the ground floor
Motel
Nursing Home
Office
Office Supply and Equipment Sales, Rental and Service
Parking Lot
Parking Structure
Personal Service Establishment

Pet-Grooming Establishment
Photo or Artist Studio
Photocopying or Blueprinting Shop
Photofinishing Establishment
Postal or Courier Service
Private Social and Cultural Facility
Public Use
Radio or Television Studio
Rental Outlet
Repair Service
Restaurant
Restaurant, Outdoor Patio
Restaurant, Take-Out
Service Establishment
Specialty Retail Store
Telecommunications Services
Video Rental
Permitted Non-Commercial Uses

The only permitted non-commercial uses shall be the following:

Apartment Dwelling
Home Occupation
Community Home
Community Support House
Crisis Care Shelter
Recovery Home
Residential Care Facility

- (b)** Off Street Parking
- (c)** The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.
- (d)** Amenity Space

- (e)** The calculation and provision of amenity requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.
 - (f)** Minimum Lot Coverage
 - (g)** The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.
 - (h)** Equipped Children’s Play Area

No Children’s Play area shall be required.
 - (i)** Density

The maximum number of residential dwelling units shall be 16.
 - (j)** Minimum Front Setback 0 metres
 - (k)** Loading

The number of loading spaces required in support of “Other Commercial” uses, provided in the amount of 0-550 square metres shall be zero (0).
 - (l)** Setback for Commercial Uses

Non-residential uses shall not be permitted within 30 metres of Colborne Street.
- 572.** In the case of the CD[572] Zone, known municipally as 151 Clergy Street, the following provisions shall apply:
- (a)** Permitted Commercial Uses

The only permitted commercial uses shall be the following:

 - Art Gallery
 - Bakery
 - Bake Shop
 - Bank or Financial Establishment
 - Bed or Breakfast Establishment
 - Church or Religious Institution
 - Commercial Entertainment Establishment

Commercial Establishment
Commercial Recreational Facility
Commercial School
Computer Programming Establishment
Community or Recreation Centre
Convenience Store
Data Processing Establishment
Day Care Centre
Drugstore/Pharmacy
Florist
Food Store
Government Office
Laundry, Coin Operated
Medical Clinic
Medical Office
Mixed Commercial/Residential Development, with residential
uses permitted on the ground floor
Office
Office Supply and Equipment Sales, Rental and Service
Parking Structure
Personal Service Establishment
Pet-Grooming Establishment
Photo or Artist Studio
Photocopying or Blueprinting Shop
Photofinishing Establishment
Postal or Courier Service
Private Social and Cultural Facility
Public Use
Radio or Television Studio
Rental Outlet
Repair Service
Restaurant

Restaurant, Outdoor Patio
Restaurant, Take-Out
Service Establishment
Specialty Retail Store
Telecommunications Services
Video Rental
Permitted Non-Commercial Uses

The only permitted non-commercial uses shall be the following:

Single-Detached Dwelling

A building with a maximum of 3 units; the units may be any combination of residential or other permitted uses.

Home Occupation
Community Home
Community Support House
Crisis Care Shelter
Recovery Home
Residential Care Facility

(b) Off Street Parking

The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.

(c) Amenity Space

The calculation and provision of amenity requirements shall be based on the overall 0.24 hectare area of land comprising CD[571], CD[572], CD[573], CD[574] Zones.

(d) Minimum Lot Coverage

The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.

(e) Equipped Children's Play Area

No Children's Play area shall be required.

(f) Setbacks

(i) Minimum Front Setback 0 metres

(ii) Minimum Building Height 6.7 metres

(g) Loading

The number of loading spaces required in support of “Other Commercial” uses, provided in the amount of 0-550 square metres shall be zero (0)

573. In the case of the CD[573] Zone, located at the southeast corner of Clergy Street and Colborne Street, the following provisions shall apply:

(a) Permitted Uses

The only permitted uses shall be the following:

Apartment Dwelling

Single-Detached Dwelling

(b) Off Street Parking

The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.

(c) Amenity Space

The calculation and provision of amenity requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.

(d) Minimum Lot Coverage

The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.

(e) Equipped Children’s Play Area

No Children’s Play area shall be required.

(f) Density

Maximum Number of Residential Dwelling Units 15

(g) Setbacks

- (i) Minimum Front Setback (Colborne Street) 0 metres
- (ii) Minimum Front Setback (metres) (Clergy Street) 0 metres

(h) Height

Minimum Building Height (metres) 6 metres

574. In the case of the CD[574] Zone, known municipally as 30 Colborne Street, the following provisions shall apply:

(a) Permitted Uses

The only permitted uses shall be the following:

Single-Detached Dwelling

A building with a maximum of 3 units; the units may be any combination of residential or other permitted uses.

Home Occupation

Community Home

Community Support House

Crisis Care Shelter

Recovery Home

Residential Care Facility

(b) Off Street Parking

The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising CD[571], CD[572], CD[573], CD[574] Zones.

(c) Amenity Space

The calculation and provision of amenity requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.

(d) Minimum Lot Coverage

The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 hectare area of land comprising the CD[571], CD[572], CD[573], CD[574] Zones.

(e) Equipped Children's Play Area

No Children's Play area shall be required.

(f) Setbacks

- (i)** Minimum Front Setback 1.8 metres
- (ii)** Minimum Side Setback(East) 3.2 metres
- (iii)** Minimum Side Setback(West) 1.2 metres
- (iv)** Minimum Rear Setback 2.5 metres

575. In the case of the CD[575] Zone, located at the east side of Bagot Street between Queen Street and Barrack Streets, the following provisions shall apply:

(a) Permitted uses

The only permitted uses shall be:

(i) Commercial Uses

Commercial Establishment;
Specialty Retail Store
Offices;
Community or Recreation Centres;
Club;
Bank;
Restaurant;
Commercial Entertainment Establishment;
Commercial Recreation Facility;
Dry Cleaning Outlet
Bake Shop;
Amusement Arcade, provided the Amusement Arcade shall not be located closer to any school property than 300.0 metres.

(ii) Non-Commercial Uses

Apartment Dwelling;
Senior Citizen Apartment Dwelling.

(b) Maximum density

The maximum permitted density shall be 271.0 residential units per net hectare;

(c) Number of units

The maximum number of permitted residential units shall be 126;

(d) Amenity areas / equipped children's play areas

The minimum amount of amenity area/equipped children's play area shall be a combined total of 4202 square metres;

(e) Maximum building and structure height

The maximum building and structure height, including the mechanical penthouse shall be 117.5 metres geodetic;

(f) Angular plane height

The Angular Plane provisions of this By-law shall not apply.

(g) Off-street parking

The minimum number of off-street parking spaces shall be 248;

(h) Maximum gross floor area

The maximum gross floor area of the commercial component of the building shall be 7000 square metres.

576. In the case of the CD[576] Zone, known municipally as 177 – 179 Brock Street and 2 – 14 Montreal Street the following provisions shall apply:

(a) Maximum building and structure height

The maximum building shall not exceed 23.3 metres.

(b) Angular plane height

The Angular Plane provisions of this By-law shall not apply.

(c) Maximum gross floor area

The maximum gross floor area shall be 6,800 square metres.

(d) Landscaped open space

The minimum landscaped open space shall be 0.0 square metres.

(e) Setbacks

(f) No setback requirements shall apply.

577. In the case of the CD[577] Zone, known municipally as 179 Queen Street, the following provisions shall apply:

(a) Permitted uses

The permitted uses shall also include a Senior Citizen Apartment Dwelling.

(b) Number of units

The maximum number of residential units shall be eighty (80).

(c) Maximum density

The maximum density shall be 326 residential units per net hectare.

(d) Off-street parking

The minimum number of off-street parking spaces shall be fourteen (14).

578. In the case of the CD[578] Zone, known municipally as 115 Clarence Street, the following provisions shall apply:

(a) Maximum building height

The maximum building height shall be five (5) storeys not to exceed 19.2 metres.

(b) Angular plane height

The Angular Plane provisions of this By-law shall not apply.

579. In the case of the CD[579] Zone, located at the southeast corner of King Street East and Clarence Street, the following provisions shall apply:

(a) Maximum building height

The maximum building height shall be nine (9) storeys not to exceed 29.5 metres.

(b) Angular plane

The Angular Plane provisions of this By-Law shall not apply.

(c) Fourth storey setback

Commencing at the building height of 12.7 metres, the building setback shall be 3.7 metres along the King Street block face, and 4.0 metres along the Clarence Street block face.

(d) Permitted height exception

An elevator shaft and a heating and cooling systems mechanical penthouse, with a gross floor area of 190 square metres, and a maximum height of 8.66 metres shall be permitted above the ninth storey.

(e) Maximum gross floor area

Maximum gross floor area shall be 13,985 square metres.

(f) Off-street parking

The minimum number of off-street parking spaces shall be 227.

580. In the case of the CD[580] Zone, the following provisions shall apply:

(a) Permitted uses

The permitted uses shall also include a Nursing Home.

581. In the case of the CG[581] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than a shopping centre consisting of the uses permitted by this By-law and a Day Care Centre and Day Nursery in accordance with the following provisions:

(i) Front Setback Depth (minimum): 18.0 metres

(ii) Interior Side Setback Width (minimum): 18.0 metres provided that where the interior side lot line abuts a Commercial or Institutional Zone, the interior side setback width may be reduced to 3.0 metres.

(iii) Rear Setback Depth (minimum): 22.5 metres

(iv) Gross Floor Area (maximum): 8,000 square metres

(v) Parking Areas

(1) Parking shall be provided on the basis of 1 space per 18 every 18 square metres of gross floor area.

(2) Required parking may form a part of public and private streets or lanes.

- (3) The required parking area may be provided on another lot not occupied by the building, structure or use of which the said parking is required provided that such a parking area is not more than 250 metres from the lot requiring the parking area.

(vi) Landscaped Open Space

- (1) A 4.5 metre wide landscaped open space area along the northern and southern boundary of the CG[581] Zone shall be required.
- (2) Planting strip requirements of this By-law shall not apply to the CG[581] Zone.

(b) Open storage:

- (i) No open storage of goods or materials shall be permitted except in accordance with the following provisions:
- (ii) Every open storage use shall be accessory to the use of the main building on the lot.
- (iii) An open storage use shall only be permitted in a rear setback.
- (iv) Every open storage use shall be concealed from view from abutting streets by a fence, wall or similar structure.
- (v) No open storage use shall cover more than 35% of the lot area.

582. In the case of the CG[582] Zone, the following provisions shall apply:

- (a) May also be used for a shopping centre consisting of any of the uses permitted in the CG Zone, including a convenience store.
- (b) The use permitted in Paragraph (a) shall be developed in accordance with the following provisions:
 - (i) For the purpose of the CG[582] Zone, a recreational establishment shall not include an arcade or video machine entertainment centre.
 - (ii) Interior side setback (minimum): 9 metres

For the purpose of the CG[582] Zone, the southern boundary of the Zone shall be deemed to be a side lot line.

(iii) Rear lot line:

For the purpose of the CG[582] Zone, the western boundary of the Zone shall be deemed to be a rear lot line.

(iv) Parking area (minimum): 90 spaces.

(v) Open storage:

- (1) No open storage of goods or materials shall be permitted except in accordance with the following provisions:
- (2) Every open storage use shall be accessory to the use of the main building on the lot.
- (3) An open storage use shall only be permitted in a rear setback.
- (4) Every open storage use shall be concealed from view from abutting streets by a fence, wall or similar structure.
- (5) No open storage use shall cover more than 35% of the lot area.

583. In the case of the CG[583] Zone, the following provisions shall apply:

(a) May be used for a motel, a hotel, a convention centre, a place of worship, a day nursery, an arcade accessory to a permitted principal use, and an accessory dwelling unit located on the ground floor. Such lands shall be developed in accordance with the following provisions

(i) Tourist establishments:

Tourist establishments shall be developed on lands served by a public water system and a sanitary sewer system, in accordance with the following provisions:

- (1) Lot area (Minimum): 696.8 square metres plus 46.5 square metres for each guest room in excess of 4.
- (2) Lot frontage (Minimum): 22.9 metres
- (3) Interior Side Setback (Width): 9.1 metres, provided that where the interior side setback lot line abuts another lot

in a Commercial Zone, no interior side setback shall be required.

(4) Habitable Room Window:

Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 9.1 metres from any interior side lot line or rear lot line.

(5) Distance Between Buildings:

Where more than one motel building is erected on the same lot, the minimum distance between the buildings shall not be less than 15.2 metres; provided that where two external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such two walls may be reduced to 3.0 metres.

For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.

In this Subclause, "angle of divergence" means the interior acute angle formed by and lying between such two external walls or their projections.

(ii) Arcades

Arcades shall be permitted provided that such uses are accessory to and located within the same premises as a permitted principal use.

(iii) Day nurseries

Parking shall be provided at the rate of 1 space plus 1 space for each person employed in the day nursery operation.

584. In the case of the CG[584] Zone, the following provisions shall apply:

- (a) May be used for a church.

585. In the case of the CG[585] Zone, the following provisions shall apply:

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

586. In the case of the CG[586] Zone, the following provisions shall apply:

- (a) The gross floor area of a shopping centre shall not exceed 1,850 square metres.

587. In the case of the CG[587] Zone, the following provisions shall apply:

- (a) shall be used for no purpose other than a dental clinic, or a dental clinic and an accessory dwelling unit in the upper portion of a dental clinic building and such lands shall be used in accordance with the following provisions:

- (i) Parking Area Regulations

- (1) If only one dentist is practicing on the premises, a minimum of ten (10) parking spaces shall be required to be provided on the subject lands.
- (2) If two or more dentists are practicing on the premises, the regular parking regulations of this By-law shall apply to the subject lands.

588. In the case of the CG[588] Zone, the following provisions shall apply:

- (a) The gross floor area of a shopping centre shall not exceed 1,850 square metres and no single use shall have a gross floor area of greater than 375 square metres.

589. In the case of the CG[589] Zone, the following provisions shall apply:

- (a) Uses Permitted

- (i) Residential Uses:

- an accessory dwelling unit in the upper portion of a Non-Residential building.

- (ii) Non-Residential Uses:

- an auditorium;
 - an automatic car wash;
 - an appliance rental shop;
 - a bank;
 - a beverage room;
 - a boat sales establishment;
 - a business or professional office;

- a clinic;
- a commercial club;
- a commercial school;
- a dry-cleaning or laundry outlet;
- a funeral home;
- a home occupation;
- an institute;
- a laundromat;
- a merchandise service shop;
- a vehicle sales or rental establishment;
- a parking lot;
- a personal service shop;
- a copy shop;
- a private club;
- a public use in accordance with the provisions of this By-law;
- a recreational establishment;
- a restaurant;
- a take-out restaurant;
- a retail store;
- an undertaking establishment;
- a veterinary clinic;
- a shopping centre consisting of any of the permitted uses listed herein.

(b) Retail Gross Leasable Area (maximum): 10,000 square metres

590. In the case of the CG[590] Zone, the following provisions shall apply:

(a) Shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in the CG Zone provided that such uses are developed in accordance with the provisions of the CG Zone and the following special provision:

(b) Access to improved street:

(c) No access shall be permitted to or from Bayridge Drive.

591. In the case of the CG[591] Zone, the following provisions shall apply:

(a) May be used for an existing manufacturing plant and accessory dwelling house provided that the facade of the exterior walls of each building is maintained in general harmony with the residential buildings permitted in the zone which such facade abuts.

592. In the case of the CG[592] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than one or more of the following:

an automatic car wash

an automotive centre

a business or professional office

a gasoline retail facility

a public use in accordance with the provisions of this By-law

a retail store

593. In the case of the CG[593] Zone, the following provisions shall apply:

(a) The maximum gross leasable area of all buildings and structures permitted within the CA[593] Zone shall not exceed 6038.5 square metres.

594. In the case of the CG[594] Zone, the following provisions shall apply:

(a) May be used for a prefabricated building products outlet.

595. In the case of the CG[595] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than one or more of the following:

a business or professional office

a clinic.

596. In the case of the CG[596] Zone, the following provisions shall apply:

(a) Shall not be used for a supermarket and no automobile service station or gasoline retail facility shall be permitted on Lot 5 of Registered Plan 1724.

597. In the case of the CG[597] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than a business or professional office, and a clinic.

598. In the case of the CG[598] Zone, the following provisions shall apply:

- (a)** Permitted Uses - shall be used for no other purpose than the following:

- an automatic car wash;
- an automobile service station;
- an automotive centre;
- an appliance rental shop;
- a bank;
- a beverage room;
- a boat sales establishment;
- a business or professional office;
- a clinic;
- a commercial club;
- a commercial school;
- a dry cleaning or laundry outlet;
- a funeral home;
- a gasoline retail facility;
- a home occupation;
- an institute;
- a laundromat;
- a merchandise service shop;
- a vehicle sales or rental establishment;
- a parking lot;
- a personal service shop;
- a copy shop;
- a private club;
- a public use in accordance with the provisions of this By-law;
- a restaurant;

- a take-out restaurant;
- a retail store;
- an undertaking establishment;
- a veterinary clinic;
- a shopping centre consisting of any of the permitted uses listed herein.

- (b)** Side Setback Provision – The existing building and any future additions may have a minimum side setback width of 2.5 metres along the east lot line; this side setback provision shall only apply to a maximum building length of 30 metres and shall include the length of the existing building.
- (c)** Open Storage Provision – An open storage area may be located in a rear setback with a maximum area of 60 square metres; any open storage area shall be fenced and comply with the minimum setback requirements.

599. In the case of the CG[599] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than one or more of the following:
 - an auditorium
 - a bank
 - a beverage room
 - a business or professional office
 - a clinic
 - a commercial club
 - a dry cleaning or laundry outlet
 - a personal service shop
 - a private club
 - a public use in accordance with the provisions of this By-law
 - a recreational establishment
 - a restaurant
 - a retail store
 - a shopping centre consisting of any of the permitted uses listed herein.

600. In the case of the CG[600] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than the following:
- an auditorium
 - an automobile dealership
 - an automotive centre
 - a bank
 - a beverage room
 - a business or professional office
 - a clinic
 - a commercial club
 - a dry cleaning or laundry outlet
 - a personal service shop
 - a private club
 - a public use in accordance with the provisions of this By-law
 - a recreational establishment
 - a restaurant
 - a retail store
 - a shopping centre consisting of any of the permitted uses listed herein.

601. In the case of the CG[601] Zone, the following provisions shall apply:

- (a)** Shall be used for no other purpose other than the following:
- an auditorium
 - a bank
 - a beverage room
 - a business or professional office
 - a clinic
 - a commercial club
 - a day care centre
 - a dry cleaning or laundry outlet
 - a nursery school
 - a personal service shop

a private club

a public use in accordance with the provisions of this By-law

a recreational establishment

a restaurant

a retail store

a shopping centre consisting of any of the permitted uses listed herein

a veterinary clinic.

- (b)** For the purpose of this section, a veterinary clinic is defined to mean a building where one or more licensed veterinarians and any associated staff provide medical, grooming, boarding operations or similar services. Accessory uses such as kennels and other similar uses shall be permitted. Any overnight boarding of animals shall be within the main building only.

602. In the case of the CG[602] Zone, Cataraqui Neighbourhood Centre, the following provisions shall apply:

- (a)** May also be used for a day nursery, and such lands shall be developed in accordance with the following provisions:
- (i)** The maximum gross leasable area of all retail commercial buildings and structures permitted within the CG[602] Zone shall not exceed 3,000 square metres

603. In the case of the CG[603] Zone, Funeral Home, the following provisions shall apply:

- (a)** Shall be used for no purpose other than a funeral home, including an accessory residential unit, and such lands shall be developed in accordance with the following special provision:
- (i)** Parking requirements (minimum):
- (ii)** Funeral Home in accordance with the provisions of this By-law;
- (iii)** Accessory residential unit 1 parking space

604. In the case of the CG[604] Zone, the following provisions shall apply:

- (a)** May be used for a drive in restaurant.

605. In the case of the CG[605]-H Zone, Nursery/Garden Centre/Greenhouse, the following provisions shall apply:

(a) may be used for a motel, a hotel, a convention centre, a place of worship, a day nursery, a nursery/garden centre/greenhouse, an arcade accessory to a permitted principal use, and an accessory dwelling unit located on the ground floor.

(b) Tourist establishments:

Tourist establishments shall be developed on lands served by a public water system and a sanitary sewer system, in accordance with the following provisions:

(c) Lot area (Minimum):

696.8 square metres plus 46.5 square metres for each guest room in excess of 4.

(d) Lot frontage (Minimum): 22.9 metres

(e) Interior Side Setback (Width): 9.1 metres, provided that where the interior side setback lot line abuts another lot in a Commercial Zone, no interior side setback shall be required.

(f) Habitable Room Window:

Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 9.1 metres from any interior side lot line or rear lot line.

(g) Distance Between Buildings:

Where more than one motel building is erected on the same lot, the minimum distance between the buildings shall not be less than 15.2 metres; provided that where two external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such two walls may be reduced to 3.0 metres.

For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.

In this Subclause, "angle of divergence" means the interior acute angle formed by and lying between such two external walls or their projections.

(h) Arcades

Arcades shall be permitted provided that such uses are accessory to and located within the same premises as a permitted principal use.

(i) Day nurseries

Parking shall be provided at the rate of 1 space plus 1 space for each person employed in the day nursery operation.

606. In the case of the CG[606] Zone, Par 3 Golf Course, the following provisions shall apply:

(a) May be used for a motel, a hotel, a convention centre, a par 3 golf course, a place of worship, a day nursery, an arcade accessory to a permitted principal use, and an accessory dwelling unit located on the ground floor.

(b) Tourist establishments:

Tourist establishments shall be developed on lands served by a public water system and a sanitary sewer system, in accordance with the following provisions:

(c) Lot area (Minimum):

696.8 square metres plus 46.5 square metres for each guest room in excess of 4.

(d) Lot frontage (Minimum): 22.9 metres

(e) Interior Side Setback (Width): 9.1 metres, provided that where the interior side setback lot line abuts another lot in a Commercial Zone, no interior side setback shall be required.

(f) Habitable Room Window:

Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 9.1 metres from any interior side lot line or rear lot line.

(g) Distance Between Buildings:

Where more than one motel building is erected on the same lot, the minimum distance between the buildings shall not be less than 15.2 metres; provided that where two external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such two walls may be reduced to 3.0 metres.

For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.

In this Subclause, "angle of divergence" means the interior acute angle formed by and lying between such two external walls or their projections.

(h) Arcades

Arcades shall be permitted provided that such uses are accessory to and located within the same premises as a permitted principal use.

(i) Day nurseries

Parking shall be provided at the rate of 1 space plus 1 space for each person employed in the day nursery operation.

607. In the case of the CG[607] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than a business or professional office, and such use shall be developed in accordance with the following provision:

(i) The maximum gross leasable area of all buildings and structures permitted within the CG[607] Zone shall not exceed 1,160 square metres.

608. In the case of the CG[608] Zone, the following provisions shall apply:

(a) may be used for a convenience store.

609. In the case of the CG[609] Zone, Clock Tower Plaza, the following provisions shall apply:

(a) Permitted uses

an appliance rental shop

an auditorium

a bank

a beverage room

a business or professional office

a commercial school

a copy shop

a clinic

- a commercial club
- a dry cleaning or laundry outlet
- an institute
- a Laundromat
- a merchandise service shop
- a personal service shop
- a private club
- a public use in accordance with the provisions of this By-law
- a recreational establishment
- a restaurant
- a retail store
- a supermarket
- a shopping centre consisting of any of the permitted uses listed herein
- a takeout restaurant
- a veterinary clinic.

610. In the case of the CG[610]-H Zone, the following provisions shall apply:

(a) Permitted uses

Principal use of the lands within the CG[610]-H Zone shall be restricted to one or more of the following:

convention centre;

a hotel;

a motel;

a public use in accordance with this By-law.

(b) Services

(c) No person shall, within the CG[610]-H Zone, use any lot or erect, alter or use any building or structure unless such a lot is served by a public water system and a sanitary sewer system.

(d) Accessory uses

(e) The following special provisions related to accessory uses shall apply:

- (i) Uses Permitted
- (ii) Commercial uses providing for the sale of goods and services may be permitted provided that said uses are accessory to a permitted principal use. Accessory commercial uses may include those uses authorized by the CG Zone, a place of worship, a day nursery, and an arcade.
- (iii) Gross Floor Area
- (iv) The combined maximum gross floor area of permitted accessory commercial uses shall not exceed 2,000 square metres.

611. In the case of the CG[611] Zone, the following provisions shall apply:

- (a) Permitted uses
- (b) Principal use of the lands within the CG[611] Zone, and served by only a public water system or sanitary sewer system, shall be restricted to one or more of the following:
 - (c) an accessory dwelling unit,
 - (d) an antique shop,
 - (e) a business or professional office,
 - (f) a merchandise service shop,
 - (g) a retail store.
- (h) Principal use of the lands within the CG[611] Zone, and served by a public water system and a sanitary sewer system may be used in accordance with the provisions of the CG Zone.
- (i) Gross floor area

The gross floor area of all buildings and structures on the lands within the CG[611] Zone shall not exceed 280 square metres unless the lands are served by a public water system and sanitary sewer system.

612. In the case of the CG[612] Zone, the following provisions shall apply:

- (a) Only permitted uses
 - an appliance rental shop;

- a bank;
 - a business or professional office;
 - a clinic;
 - a commercial club;
 - a commercial school;
 - a dry cleaning or laundry outlet;
 - a gasoline retail facility;
 - an institute;
 - a merchandise service shop;
 - a parking lot;
 - a personal service shop;
 - a coffee shop;
 - a private club;
 - a public use in accordance with the provisions of Section 5(18) hereof;
 - a recreational establishment;
 - a restaurant;
 - a take-out restaurant;
 - a retail store;
 - a supermarket;
 - a veterinary clinic;
 - a shopping centre consisting of any of the permitted uses listed herein.
- (b)** Front setback depth (minimum) 3.0 metres
 - (c)** Exterior side setback width (minima)
 - (i)** Adjacent to Bath Road (Highway Number 33) -6.0 metres or as required by the Ministry of Transportation, whichever is the greater.
 - (ii)** Adjacent to Coverdale Drive 3.0 metres
 - (d)** Rear setback depth (minimum) 3.0 metres
 - (e)** Parking area location:

No part of any parking area shall be located closer to the streetline of Coverdale Drive than the nearest part of any wall of a principal building.

- (f) Landscaped open space (minimum) -10%, provided that the front setback and exterior Side setback adjacent to Coverdale Drive shall be used for no purpose other than landscaped open space. This requirement however shall not prevent access to the lands in accordance with Section 5(16)(d) hereof.
- (g) Gasoline pump island location:
- (h) May only be located in a required setback when such a setback is an exterior side setback adjacent to Bath Road (Highway Number 33). All other provisions of the CG Zone shall apply.

613. In the case of the CG[613] Zone, the following provisions shall apply:

- (a) May also be used for a church and such lands shall be developed in accordance with the following provisions:
 - (i) Height of building (maximum): 6 storeys

614. In the case of the CG[614] Zone, the following provisions shall apply:

- (a) may be used for a builder's merchant.

615. In the case of the CG[615] Zone, the following provisions shall apply:

- (a) Residential uses:
- (b) Accessory residential dwelling units within a non-residential building.
- (c) Non Residential uses:
- (d) All uses permitted by the CG Zone;
- (e) a convention centre
- (f) a day nursery
- (g) a hotel
- (h) a motel
- (i) a place of worship

- (j) a Nursery/Garden Centre/Greenhouse
- (k) Lot coverage (maximum): 35%
- (l) Dwelling units per lot (maximum): 2
- (m) Setback requirements adjacent to railway:
- (n) No building shall be erected within 120 metres of a railway right of way. This distance may be reduced from 120 metres to 30 metres where a 2.5 metre high safety berm has been constructed adjoining and parallel to the railway right of way.
- (o) Servicing requirements:
- (p) In the absence of full municipal sewerage services being available to lands zoned CG[615], no person shall use any lot or erect any building or structure without the approval of the area Health Unit and the Cataraqui Region Conservation Authority for on-site sewage disposal systems and storm water quality control measures, respectively.

616. In the case of the CG[616] Zone, the following provisions shall apply

- (a) May also be used for a self-service storage facility, an accessory dwelling house and an accessory dwelling unit, provided said uses are developed and used in accordance with the following provisions:
 - (i) Self-service storage facility - means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise , furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.
 - (ii) Dwelling unit area (minima):
 - (1) Accessory Dwelling Unit: In accordance with the CG Zone
 - (2) Accessory Dwelling House: 93 square metres

- (iii)** Open storage - self-service storage facility:
- (iv)** No open storage of goods or materials shall be permitted, except in accordance with the following provisions:
 - (1) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers).
 - (2) Every open storage use shall comply with the setback and setback provisions of the CG Zone as if such open storage use were a building or structure provided, however, that such use complies with Item (1) above.
 - (3) Notwithstanding Item (2) above, no open storage use shall be located in a front setback, or an interior side setback or rear setback which abuts a residential or Development (D) Zone.

617. In the case of the CG[617] Zone, the following provisions shall apply:

- (a)** No buildings shall be erected within 15 metres of a railway right-of-way.
- (b)** A minimum 1.83 metre high chain-link fence shall be constructed parallel along the railway right-of-way.

618. In the case of the CG[618] Zone, the following provisions shall apply:

- (a)** Shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in in the CG Zone provided that such uses are developed in accordance with the provisions of the CG Zone and the following special provisions:
 - (i)** Outdoor Seasonal Display Area
 - (ii)** An outdoor seasonal display and sales area may be located within a parking area provided that it occupies no more than four (4) parking spaces and provided that it meets all other requirements of this By-law.
 - (iii)** Parking Area Regulations

- (1) Requirements (minimum): 66 parking spaces
- (2) Location: The uncovered surface parking area shall be permitted in all setbacks, or in an area between the streetline and the required setback.
- (iv) Landscaped Open Space (minimum): 8%

619. In the case of the CG[619] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than one or more of the following uses:
 - (b) an appliance rental shop;
 - (c) a bank;
 - (d) a business or professional office;
 - (e) a clinic;
 - (f) a commercial club;
 - (g) a commercial school;
 - (h) a convenience school;
 - (i) a convenience store;
 - (j) a dry cleaning or laundry outlet;
 - (k) a gasoline retail facility;
 - (l) an institute;
 - (m) a merchandise service shop;
 - (n) a parking lot;
 - (o) a personal service shop;
 - (p) a coffee shop;
 - (q) a private club;
 - (r) a public use;
 - (s) a recreational establishment;

- (t) a restaurant;
- (u) a take-out restaurant;
- (v) a retail store;
- (w) a veterinary clinic;
- (x) a shopping centre consisting of any of the permitted uses listed herein.

620. In the case of the CG[620]-H Zone, the following provisions shall apply:

- (a) Uses permitted
- (b) In accordance with the provisions of the CG Zone, with the exception of an automatic car wash
- (c) Special setback widths/depths
- (d) Minimum setback widths/depths abutting residential uses or vacant land in a Residential Zone are listed in Table 620.1 for each permitted use

Table 620.1

Permitted Use	Minimum Setback Width/Depth abutting a residential use or vacant land in a Residential Zone	
	7.6 metres	30 metres
an accessory dwelling unit	X	
an appliance rental shop	X	
an auditorium		X
an automobile service station		X
a bank	X	
a beverage room		X
a boat sales establishment		X
a business or professional	X	

Permitted Use	Minimum Setback Width/Depth abutting a residential use or vacant land in a Residential Zone	
	7.6 metres	30 metres
office		
a church	X	
a clinic	X	
a commercial club		X
a commercial school	X	
a convention centre		X
a day nursery	X	
a dry cleaning or laundry outlet	X	
a funeral home	X	
a gasoline retail facility		X
a hotel		X
an institute	X	
a laundromat	X	
a merchandise service shop	X	
a motel		X
a parking lot	X	
a personal service shop	X	
a copy shop	X	
a private club	X	
a public use in accordance with the provisions of this By-law	X	
a recreational		X

Permitted Use	Minimum Setback Width/Depth abutting a residential use or vacant land in a Residential Zone	
	7.6 metres	30 metres
establishment		
a restaurant- gross floor area of up to 93 square metres	X	
a restaurant - gross floor area in excess of 93 square metres		X
a retail store	X	
a supermarket		X
a take-out restaurant	X	
an undertaking establishment	X	
a vehicle sales or rental establishment		X
a veterinary clinic	X	

- (e) Gross leasable area - retail (maximum)
- (f) Up to 2,000 square metres of gross leasable area within the CG[620]-H Zone may be used for retail purposes.
- (g) Ground floor area (maxima)
- (h) The ground floor area of buildings or structures located within the CG[620] Zone shall be in accordance with the following:
 - (i) For buildings located within 180 metres of the intersection of the road rights-of-way of Princess Street and Taylor-Kidd Boulevard as determined by other applicable provisions of this By-law.
 - (ii) For buildings located wholly or in part within 30 metres of a residential zone 1,200 square metres.

- (iii) For other buildings 1,600 square metres.
- (i) Height of buildings (maxima):

 - (i) For buildings abutting Princess Street, 7 storeys provided that the upper four storeys step back at least 4 metres.
 - (ii) For buildings located wholly or in part within 30 metres of a residential zone 10.6 metres including an elevator or service penthouse, provided that no exterior wall of any building shall exceed a height of 6 metres measured from the finished grade elevation of the land adjoining said wall exclusive of parapets or cornices.
 - (iii) For other buildings 10.6 metres.
 - (iv) For the purposes of this zone the term “step back” shall mean a building design plan that recesses the upper stories of a building a specified distance from the established building setback and side setback depths where applicable, in a step-like manner.
- (j) Screening of roof equipment
- (k) All mechanical, electrical, communications, heating, ventilation and air conditioning or other equipment including satellite dishes located on the roof of a building which is located within 30 metres of a residential zone shall be screened from view to the extent that said equipment is not visible from the same elevation of a residential dwelling on an abutting lot.
- (l) Walls abutting Residential uses
- (m) The combined length of the exterior walls of any building, located within 30 metres of a residential zone, which serve to define any setback width or depth abutting the residential zone, shall not exceed 45 metres.
- (n) Commercial patios
- (o) Unenclosed porches, balconies, patios and verandahs, covered or uncovered, are permitted in a front setback and an exterior side setback only, but shall not be located closer than 30 metres to a residential zone and not closer than 3 metres to any street line.
- (p) Loading spaces - setbacks where permitted

- (q)** The loading spaces required pursuant to this By-law shall not be located in any setback abutting a residential use or undeveloped lands within a Residential Zone.
- (r)** Removal of holding provision
- (s)** Development of lands within the CG[620]-H Zone shall be delayed by use of the Holding symbol “-H”, until such time as:
 - (i)** A traffic signalization analysis, satisfactory to the City and/or the Ministry of Transportation, has been provided.
 - (ii)** Detailed storm water management considerations for the subject lands have been approved by the Cataraqui Region Conservation Authority and the appropriate road authority.
 - (iii)** All other applicable City requirements have been complied with.
 - (iv)** A Site Plan Agreement (or Agreements) has been executed.
 - (v)** The “-H” symbol has been removed by amendment to this By-law.

621. In the case of the CG[621]-H Zone, the following provisions shall apply:

- (a)** Uses permitted

In accordance with the provisions of the CG Zone.

- (b)** Gross leasable area - retail (maximum)

Up to 2,000 square metres of gross leasable area within the CG[621]-H Zone may be used for retail purposes.

- (c)** Removal of holding provision

Development of lands within the CG[621]-H Zone shall be delayed by use of the Holding symbol “-H”, until such time as:

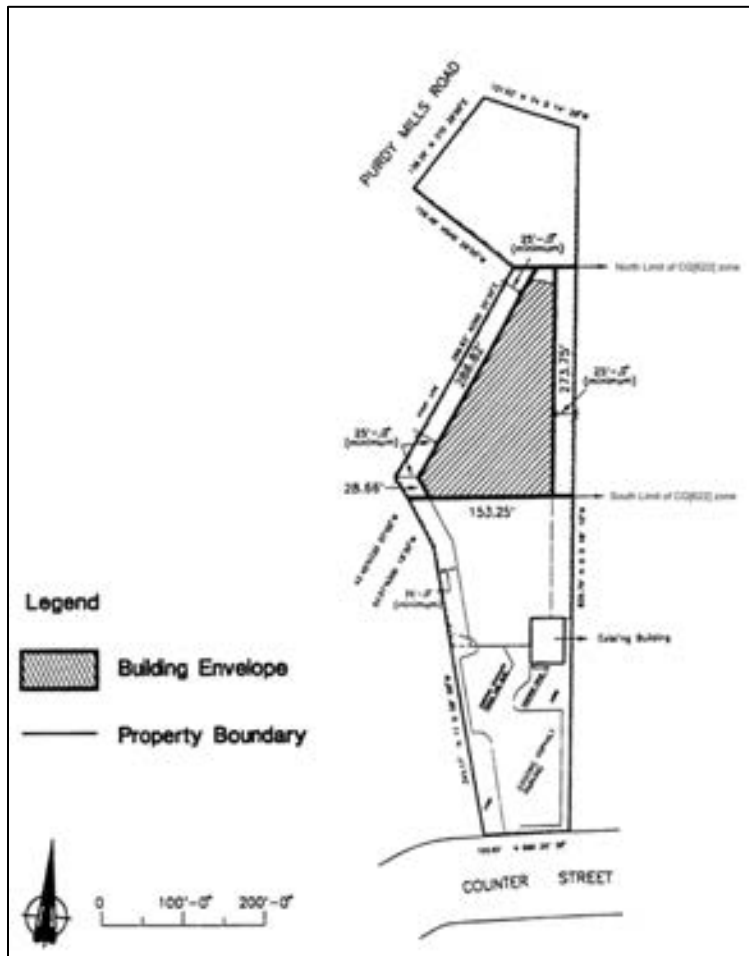
- (i)** A traffic signalization analysis, satisfactory to the City and/or the Ministry of Transportation, has been provided.
- (ii)** Detailed storm water management considerations for the subject lands have been approved by the Cataraqui Region Conservation Authority and the appropriate road authority.
- (iii)** All other applicable City requirements have been complied with.

- (iv) A Site Plan Agreement (or Agreements) has been executed.
- (v) The “-H” symbol has been removed by amendment to this By-law.

622. In the case of the CG[622]-H Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a mini self-storage facility and such land use shall be developed in accordance with the following provisions:
 - (b) Height of building (maximum): 6 metres
 - (c) Any building(s), structure(s), or parking area associated with the mini self-storage facility shall be located within the area shown on Figure 20.1.1.622. hereto, provided that a drive aisle shall be permitted within the easterly 7.62 metres setback.
 - (d) Removal of holding provision: Development of the lands with the CG[622]-H Zone shall be delayed by the use of the Holding symbol "-H" until such time as:
 - (i) a drainage plan satisfactory to the City and the Cataraqui Region Conservation Authority has been completed and approved;
 - (ii) a Site Plan Agreement has been registered on title; and,
 - (iii) the "-H" has been removed by further amendment to this By-law.

Figure 20.1.1.622.⁵



623. In the case of the CG[623]-H Zone, the following provisions shall apply:

- (a) Notwithstanding the '-H' applied pursuant to the *Planning Act*, the lands designated CG[623]-H may be used in accordance with the permitted uses and regulations contained in this By-Law for Development Zones.
- (b) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the permitted uses and regulations contained in this By-Law for the CG General Commercial Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.
- (c) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, and notwithstanding the provisions of this By-law

⁵ Formerly Schedule "B-9", Zoning By-law 76-26

to the contrary, the lands located on the south side of Coverdale Drive, designated CG[623]-H shall be developed in accordance with the following provisions:

(i) Uses permitted/prohibited

- (1) a Supermarket shall not be permitted.
- (2) A Convenience Store shall be permitted provided that the total floor area for all such uses does not exceed 300 square metres.

(ii) Gross leasable area (maximum):

The total gross leasable area of all retail commercial uses permitted within the CG[623] Zone shall not exceed 3,000 square metres.

(iii) Height of building (maximum)

The maximum building height shall be 15.2 metres .

(d) The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i)** Confirmation that sufficient servicing capacity is available in the sewage treatment plant;
- (ii)** All applicable City and Agency requirements have been complied with;
- (iii)** All necessary Agreements, including the Subdivision Agreement, have been registered on title; and
- (iv)** City Council has passed a further amendment to this By-law to remove the '-H' Symbol pursuant to the *Planning Act*.

624. In the case of the CG[624] Zone, the following provisions shall apply:

(a) Permitted Residential uses

an apartment dwelling house including a residential/commercial complex,

a senior citizens complex,

a nursing home.

(b) Permitted non-residential uses

- an arcade,
- an art gallery
- automotive centre,
- a banquet hall,
- a day nursery or day care centre,
- a department store,
- a financial institution,
- a home improvement centre,
- a laboratory,
- a motel or hotel,
- a rental outlet,
- a Nursery/Garden Centre/Greenhouse,
- a retail warehouse,
- a shopping centre

(c) Buffering

That a landscaped buffering strip of 6.0 metres shall be required between any residential use which abuts an industrial zone.

(d) Gross leasable area (maximum)

The retail gross leasable area of a shopping centre shall not exceed 10,000 square metres. For the purpose of this provision the term “gross leasable area” shall not include floor area which is exclusively devoted to institutional, office or residential use.

(e) Height of building (maximum)

The maximum permitted building height shall be 24.38 metres.

625. In the case of the CG[625] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than:

- a use authorized in the CG Zone;
- an auditorium
- an automobile dealership or an automotive centre;
- a bank
- a beverage room

- a business or professional office
- a clinic
- a commercial club
- a copy shop;
- a dry cleaning or laundry outlet
- a free standing restaurant;
- an institute;
- a parking lot;
- a personal service shop
- a private club
- a public use in accordance with the provisions of this By-law
- a recreational establishment
- a restaurant
- a retail store
- a shopping centre consisting of any of the permitted uses listed herein
- a take-out restaurant
- a vehicle sales and rental establishment;

626. In the case of the CG[626] Zone, the following provisions shall apply:

- (a)** May also be used for a rental outlet and a convenience store.

627. In the case of the CG[627]-H Zone, the following provisions shall apply:

- (a)** Uses permitted

In addition to the uses permitted in the CG Zone, as well as:

a motel, a hotel, a convention centre, a Home Improvement Store as defined herein shall be permitted, a place of worship, a day nursery, an arcade accessory to a permitted principal use, and an accessory dwelling unit located on the ground floor.

- (b)** Maximum gross floor area

A maximum gross floor area of 13 006 square metres shall be permitted for the Home Improvement Store use.

- (c)** Parking

The minimum number of required off-street parking spaces shall be 512.

(d) Definitions

For the purposes of the CG[627]-H Zone, the following definitions shall apply:

Home improvement store means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies, and including retail outside storage.

(e) Outdoor storage

Open storage of goods and materials accessory to the permitted Home Improvement Store use shall be permitted in the exterior side setback only, subject to a minimum setback of 23 metres from the street line and a maximum area of 2690 square metres, including any areas covered by a canopy.

(f) Removal of holding provision

Development of the lands within the CG[627]-H Zone shall be delayed by the use of the '-H' Holding Symbol. Use and Removal of the '-H' Symbol shall be in accordance with the provisions of this By-Law, as amended.

628. In the case of the CG[628] Zone, the following provisions shall apply:

(a) May also be used and developed for one or more of the following use:

- an auditorium
- a bank
- a beverage room
- a business or professional office
- a clinic
- a commercial club
- a dry cleaning or laundry outlet
- a free standing restaurant
- a personal service shop
- a private club

a public use in accordance with the provisions of Section 5(18) hereof

a recreational establishment

a restaurant

a retail store

a shopping centre consisting of any of the permitted uses listed herein

a take-out restaurant.

629. In the case of the CG[629] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than one or more of the following:

an auditorium

an automobile service station

an appliance rental shop

a bank

a beverage room

a boat sales establishment

a builder's merchant

a business or professional office

a clinic

a commercial club

a commercial school

a convenience store

a dry-cleaning or laundry outlet

a farm implement dealer

a gasoline retail facility

a merchandise service shop

a vehicle sales or rental establishment

a personal service shop

a copy shop

a private club

a public use in accordance with the provisions of this By-law

- a recreational establishment
- a restaurant
- a take-out restaurant
- a retail store
- a rental establishment
- a veterinary clinic
- a wholesale use
- a warehouse
- a shopping centre consisting of any of the permitted uses listed herein.

(b) Open Storage

No open storage of goods or materials shall be permitted except in accordance with the following provisions:

- (i)** Every open storage use shall be accessory to the use of the main building on the lot.
- (ii)** Every open storage use shall comply with the setback provisions of this By-law as if the open storage use were a building or structure.
- (iii)** An open storage use shall only be permitted to the rear of the existing buildings on the property.
- (iv)** Every open storage use shall be enclosed within a closed wooden, metal and/or plastic fence, extending at least 1.8 metres in height above the ground, constructed of durable materials and maintained in good condition.

630. In the case of the CG[630] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than one or more of the following:

- an auditorium
- a bank
- a beverage room a business or professional office
- a clinic
- a commercial club
- a dry cleaning or laundry outlet

- a personal service shop
- a public use in accordance with the provisions of this By-law
- a recreational establishment
- a restaurant
- a retail store
- a shopping centre consisting of any of the permitted uses
- a veterinary clinic is permitted as an accessory use to a retail store

631. In the case of the CG[631] Zone, the following provisions shall apply:

- (a)** In addition to the uses permitted in the CG Zone, a Nursery/Garden Centre/Greenhouse shall be permitted;
- (b)** Open Storage of goods or materials accessory to the permitted Nursery/Garden Centre/Greenhouse use shall be permitted in the Rear Setback and Interior Side Setback only.
- (c)** Maximum Gross Leasable Area

The gross leasable area of a shopping centre shall not exceed 3000 square metres. For the purpose of this provision the term “gross leasable area” shall not include floor area which is exclusively devoted to institutional, office or residential use.

632. In the case of the CG[632] Zone, the following provisions shall apply:

- (a)** may be used for a body shop.

633. In the case of the CG[633] Zone, the following provisions shall apply:

- (a)** Shall have a minimum parking space requirement for the existing ‘Department Store’ use of 1.7 parking spaces per 100 square metres of Gross Leasable Area.

634. In the case of the CG[634] Zone, known municipally as 743 Cataraqui Woods Drive, the following provisions shall apply:

- (a)** The only permitted uses on the property shall be the following:
 - a bank
 - a business or professional office
 - a clinic
 - a dry-cleaning or laundry outlet

- a home occupation
- a laundromat
- a merchandise service shop
- a personal service shop
- a copy shop
- a public use in accordance with the provisions of this By-law
- a restaurant, to a maximum gross floor area of 223 square metres and shall not include a drive-through window
- a take-out restaurant, to a maximum gross floor area of 223 square metres
- a retail store, to a maximum gross floor area of 223 square metres
- a veterinary clinic
- an accessory dwelling unit in the upper portion of a Non-Residential building

- (b)** Development on this site shall be subject to site plan control.
- (c)** All required loading spaces shall be located in the rear setback or side setback not abutting a residential use.
- (d)** No open storage of goods or materials shall be permitted.

635. In the case of the CG[635]-H Zone, known municipally as 1281 Midland Avenue, the following provisions shall apply:

- (a)** Notwithstanding the ‘-H’ Symbol applied pursuant to the *Planning Act*, the lands may be used in accordance with the provisions the CG Zone except that:
 - (i)** Additional permitted uses:
 - church;
 - prefabricated building products outlet;
 - vehicle sales or rental establishment excluding accessory uses for the repair and maintenance of such vehicles.
 - (ii)** Prohibited uses:
 - automatic car wash;
 - automobile service station;

boat sales establishment;
gasoline retail facility;
parking lot;
vehicle sales or rental establishment;
accessory dwelling unit.

(iii) Minimum width of a planting strip abutting a “d” zone: none

(iv) Deemed to comply:

The building existing as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of this By-Law.

(b) Subject to the removal of the ‘-H’ Symbol pursuant to the *Planning Act*, a day nursery is a permitted use.

(c) The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:

(i) Submission of a Record of Site Condition to the satisfaction of the City;

(ii) All applicable City and Agency requirements have been complied with;

(iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,

(iv) City Council has passed a further amendment to this By-law to remove the ‘-H’ Symbol pursuant to the *Planning Act*.

636. In the case of the CG[636] Zone, known municipally as 506 Cantara Court, the following provisions shall apply:

(a) Section 4.27.2 shall not apply.

(b) Additional permitted uses: apartment dwelling house

(c) Minimum lot area: 1.0 hectare

(d) Minimum lot frontage: 33.5 metres

(e) Minimum front setback: 3.0 metres

- (f)** Minimum side setback: $\frac{1}{2}$ the height of the building, or 10.6 metres, whichever is the greater, provided that an interior side setback adjoining an end wall containing no habitable room windows may be reduced to 1.8 metres where the side lot line does not adjoin an R1 or R2 zone.
- (g)** Minimum rear setback: $\frac{1}{2}$ the height of the building, or 10.6 metres, whichever is the greater, provided that a rear setback adjoining an end wall containing no habitable room windows may be reduced to 1.8 metres where the rear lot line does not adjoin a Hamlet Residential Zone.
- (h)** Minimum dwelling unit area:

 - (i)** Dwelling unit containing 1 bedroom – 55.8 square metres
 - (ii)** Dwelling unit containing 2 bedroom – 65.0 square metres
- (i)** Setback of parking area from interior side lot line: 1.5 metres
- (j)** Setback of drive-through service facility from residential use or zone: 0 metres
- (k)** Minimum required landscape open space: 37%
- (l)** Maximum height of building: 26.8 metres
- (m)** Maximum number of apartment dwelling houses permitted: 2
- (n)** Privacy setbacks: A privacy setback, clear and unobstructed by any parking area or any vehicular driveway, other than a private driveway for a dwelling unit, shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such walls it adjoins in accordance with the following:

 - (i)** Distance from ground floor living room or habitable room window to parking area or vehicular driveway: 4.6 metres
 - (ii)** Within the privacy setback, an area unobstructed by any public or joint pedestrian access surface shall be provided extending 3.0 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.4 metres above the adjacent exterior ground level.

- (o) Children’s Play Area: A children’s play area shall be provided on each lot containing more than ten dwelling units. The minimum area shall be 4% of the lot, which may be included in the area calculated as required open space on the lot. The location shall be not less than 7.6 metres from a ground floor habitable room window and not less than 15.2 metres from any street line.

- 637. In the case of the CG[637] Zone, known municipally as 351 Select Drive, the following provisions shall apply:

 - (a) Permitted Use: In addition to the permitted uses of the CG Zone a Self-Storage use is a permitted use;
 - (b) Prohibited Uses: Open Storage associated with a self-storage use is prohibited; and
 - (c) Maximum Height: the Maximum height of a self-storage use shall be 9.2 metres.

- 638. In the case of the CG[638] Zone, known municipally as 1905 John Counter Boulevard and 225 Purdy’s Court, the following provisions shall apply:

 - (a) Uses permitted:

Notwithstanding any provisions to the contrary only the following uses are permitted:

 - (i) Residential uses:

 - an accessory dwelling unit.
 - (ii) Non-residential uses:

 - an automobile service station;
 - a beverage room;
 - a boat sales establishment;
 - a clinic;
 - a commercial club;
 - a commercial school;
 - a landscape supply business;
 - a merchandise service shop;
 - a nursery/garden centre/greenhouse;
 - offices as an accessory use to a permitted use;

a public use in accordance with the provisions of this By-law;
a recreational establishment;
a rental outlet;
a restaurant;
a take-out restaurant;
a vehicle sales or rental establishment;
a veterinary clinic.

(b) Definitions:

For the purpose of the CG[638] zone, the following definition shall apply:

Landscape supply business shall mean the bulk storage and sale of landscaping and gardening supplies, such as soil, gravel, potting mix, sand and mulch, where the majority of materials sold from the premises are not in pre-packaged form

(c) Open storage area:

(i) No open storage area shall be permitted within:

- (1) 1.0 metres of a lot line abutting Princess Street
- (2) 3.0 metres of a lot line abutting John Counter Boulevard or Purdy's Court

(ii) Notwithstanding any other provision, display of pre-packaged landscape products will be permitted within the required 3.0 metres setback along John Counter Boulevard, but not within 1.5 metres of the lot line.

(iii) No storage of materials shall be greater than 4.0 metres in height

(d) Landscape strip:

(i) A minimum 3.0 metres wide landscape strip shall be provided along the lot line adjacent to Purdy's Court.

(ii) A landscape strip shall include a mixture of coniferous and deciduous trees which will provide a sight obscuring buffer.

(e) Parking:

A landscape supply business shall provide a minimum of 5 parking spaces.

- 639.** In the case of the CG[639] Zone, known municipally as 360 Select Drive and 370 Select Drive (to become 949 Futures Gate and 955 Futures Gate), the following provisions shall apply:
- (a)** Notwithstanding the provisions of this By-law, a planting strip is not required.
 - (b)** Parking Requirements – for the purpose of Parking Area Regulation requirements, the lands within the CG[639] Zone shall be calculated as a single parcel of land.
- 640.** In the case of the CG[640]-H Zone, known municipally as 50 Old Mill Road, the following provisions shall apply:
- (a)** Only Permitted Uses:
 - A bank;
 - A business office or professional office;
 - A clinic;
 - A convenience store;
 - A dry-cleaning or laundry outlet;
 - A home occupation;
 - A laundromat;
 - A mixed residential/commercial use;
 - A personal service shop;
 - A public use in accordance with the provisions of this By-law;
 - A recreational establishment;
 - A restaurant;
 - A take-out restaurant;
 - A retail store;
 - A shopping centre consisting of any of the permitted uses listed herein;
 - A supermarket; and
 - A day nursery.
 - (b)** In addition to the provisions of this By-law, Holding Zone Provisions the following additional provisions apply:

- (i) The preparation of a floodplain compensation plan to the satisfaction of the CRCA and the City, and
- (ii) The execution of the floodplain compensation plan through a permit under Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses

641. In the case of the CG[641] Zone, the following provisions shall apply:

(a) Shall be used for no purpose other than the following:

an automotive centre including an automatic car wash as an accessory use but excluding any facilities for the sale of gasoline or diesel fuel;

an appliance rental shop;

a bank;

a boat sales establishment;

a business or professional office;

a clinic;

a commercial club;

a dry cleaning or laundry outlet;

a funeral home;

a laundromat;

a merchandise service shop;

a personal service shop;

a private club;

a recreational establishment;

a restaurant;

a retail store providing for the sale of products related to home repairs and improvements;

a shopping centre consisting of any of the permitted uses listed herein;

a theatre;

a union hall;

a vehicle sales establishment;

a veterinary clinic.

(b) Restrictions Adjacent To Flood Plans:

No building or structure shall be erected or altered within 60 metres of a flood plain except with the approval of the local Conservation Authority.

(c) Gross Floor Area (maximum):

The gross floor area of a shopping centre shall not exceed 1858.1 square metres and no single use within such shopping centre shall have a gross floor area of greater than 185.9 square metres.

642. In the case of the CL[642] Zone, on the two parcels of land located on either side of Bagot Street between Charles and Dufferin Streets on the east and between John Street and Charles Street on the west the following provisions shall apply:

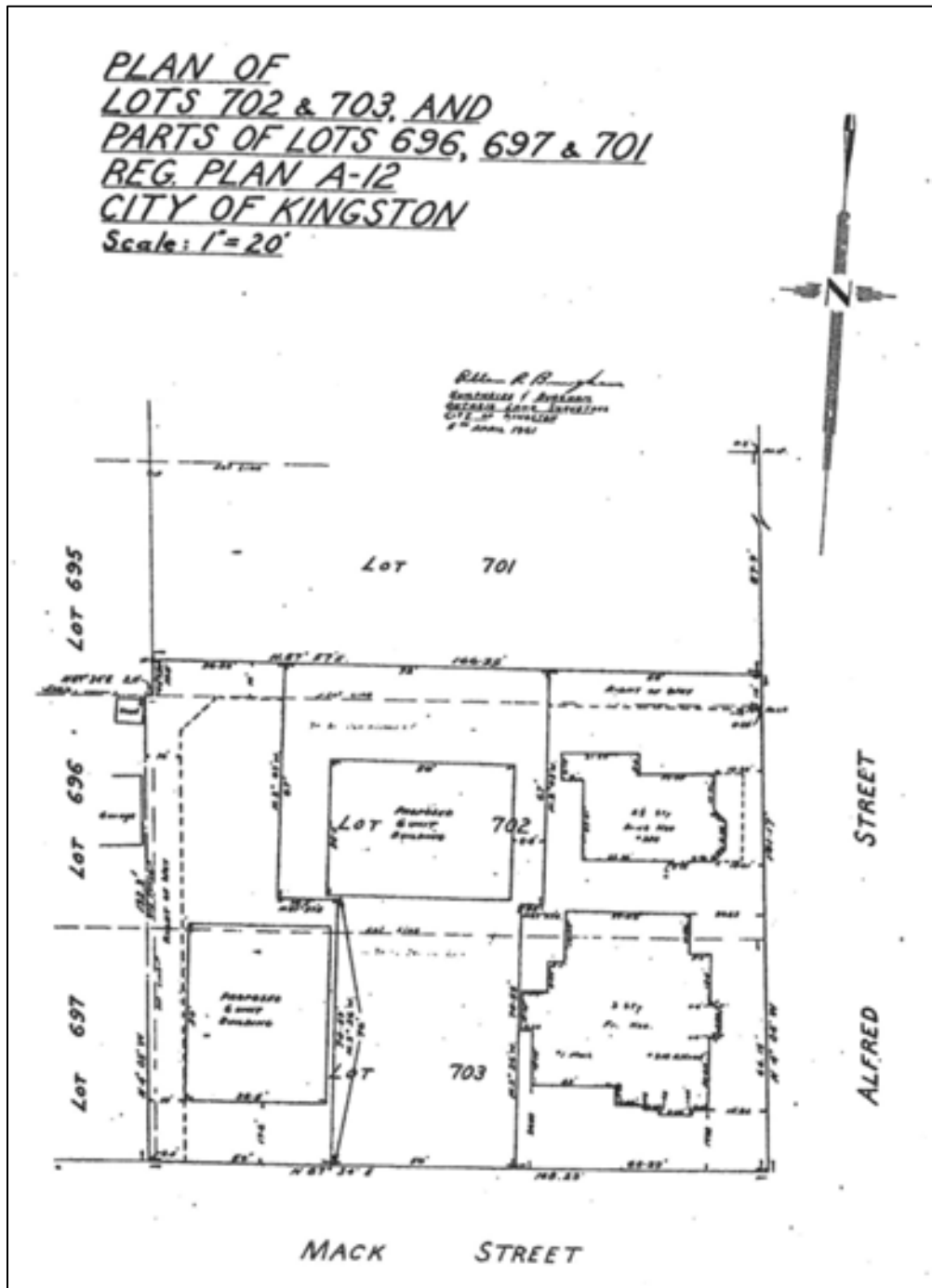
(a) The permitted uses shall only include: a grocery store, a warehouse for groceries and related products used in a wholesale business, and parking lots.

(b) The permitted uses listed in Paragraph (a) above shall only be located within the areas exclusively identified for these uses in Figure 20.1.1.642. forming part of this By-law.

(c) The minimum number of required off-street vehicular parking spaces shall be 140.

(d) No extension or enlargement to the existing buildings within the CL[642] zone shall be permitted, however, alterations, including structural alterations, necessary for the normal maintenance and repair of the existing buildings will be permitted.

Figure 20.1.1.642.⁶



643. In the case of the CL[643] Zone, on the approximately 0.001 hectare (128.1 square metres) parcel of land located on the west side of

⁶ Formerly Schedule “C”, Zoning By-law 8499

Division Street, between Brock and Garrett Streets, known municipally as 154 Division Street, the following provisions shall apply:

- (a) Notwithstanding the provisions of CL zoning, any CL use of the existing building shall be confined to the ground floor thereof;
- (b) the minimum number of required off-street parking spaces shall be two (2) which shall be exclusively devoted to the Local Commercial (CL) use of such building during normal business hours;
- (c) the existing building shall be deemed to be conforming with respect to rear setback and maximum percentage of lot coverage. There shall be no additions or expansion of the existing building which have the effect of reducing the existing rear setback or increasing the percentage of lot coverage, without prior City approval.

644. In the case of the CL[644] Zone, on the approximately 0.2 hectare parcel of land at the north-east corner of James and Montreal Street know as 351 Montreal Street, the following provisions shall apply:

- (a) (Maximum lot coverage of 58%.
- (b) Minimum rear setback of 6 metres.

645. In the case of the CL[645] Zone, on the approximately 2.53 hectare parcel of land known as 2-6 and 8 Cataraqui Streets bounded by Cataraqui Street, the Inner Harbour Area of the Great Cataraqui River, Douglas R. Fluhrer Park, and the proposed Wellington Street extension the following provisions shall apply:

- (a) Permitted uses shall also include:
 - art gallery,
 - artisan's workshops
 - artisan/residential loft,
 - bakery,
 - bakeshop,
 - bank or financial establishment,
 - bed and breakfast establishment,
 - catering establishment,
 - computer programming establishment,

commercial entertainment establishment,
commercial establishment,
commercial recreation facility,
commercial school,
day care centre,
drugstore-pharmacy,
florist,
government office,
laboratory,
office,
parking lot,
marine supply establishment,
medical clinic,
medical office,
parking structure,
photo or artist studio,
personal service establishment,
private social or cultural facility,
public market,
mixed commercial/residential development,
radio or television studio,
restaurant,
restaurant-outdoor patio,
restaurant-take-out,
specialty retail store.
storage lockers,

- (b)** 8 Cataraqui Street – Commercial/Residential Use:
- (i)** The maximum permitted number of residential dwelling units shall be fifty (50);
 - (ii)** The maximum permitted height of the building shall be 99.7 metres geodetic,

- (iii) The maximum ground floor area shall be 860 square metres;
- (iv) The maximum gross floor area shall be 5000 square metres;
- (v) The total number of parking spaces for the residential component shall be one (1) space per dwelling unit unless the provisions of the CL Zone pertain to all or a portion of the units.
- (vi) There shall be a 3 metre wide strip of land adjacent and running parallel to the Wellington Street extension which shall function as a landscaped buffer strip. This strip shall include a mix of the following design elements, ornamental lighting, deciduous tree plantings, berming, and ornamental brick walls in keeping with materials and design elements on the Woolen Mill site.

(c) 2-6 Cataraqui – Residential Use:

- (i) Shall be subject to the provisions of the R5[1215] Zone

(d) Cataraqui Street

The minimum setback for any building or structure located on the subject lands shall be 90 metres from Cataraqui Street.

646. In the case of the CL[646] Zone, on the approximately 166 square metres parcel of land located at 19 Concession Street, the following provisions shall apply:

- (a) The following uses shall be permitted; restaurant; one residential dwelling unit, provided that such dwelling unit is located within a commercial structure.
- (b) Maximum Height 12.0 metres
- (c) Minimum Rear Setback 4.0 metres
- (d) Maximum Percentage of Lot Coverage 55%

647. In the case of the CL[647] Zone, on the approximately 703 square metres parcel of land known as 70 – 72 Cataraqui Street, the following provisions shall apply:

(a) Permitted use:

A retail store; neighbourhood store; office for or in connection with a business or profession; bank or financial institution; restaurant;

library, art gallery or museum; or veterinary clinic shall be permitted provided that it is located within the walls of the existing building on the property on the date of the passing of the By-Law.

- (b) There shall be no outdoor animal kennels or animal runs located on the subject property.
- (c) That all refuse will be contained inside the main building prior to disposal.

648. In the case of the CL[648] Zone, known municipally as 372 Division Street, the following provisions shall apply:

- (a) That the following uses shall only be permitted on the ground floor:

Retail store;

Neighbourhood store;

Offices for or in connection with a business or profession;

Restaurant; and

Laundromat.

- (b) That a single residential unit be a permitted use on the second floor;
- (c) Parking regulations shall not apply to the subject property;
- (d) Maximum percentage lot coverage is 100%; and
- (e) All minimum setbacks shall be 0.0 metres.

649. In the case of the CL[649] Zone, the following provisions shall apply:

- (a) No person shall within any CL[649] Zone use any lot to erect, alter or use for any purpose except one or more of the following CL[649] uses, namely:
 - (i) Residential Uses: A maximum of two (2) dwelling units.
 - (ii) Non-residential Uses: Convenience store; A public use; Antique store; Art gallery; Artisans studio; Boutique; Clock shop; and Professional offices (medical doctor's office, lawyer, or surveyor).

- (b)** No person shall within the CL[649] Zone use the lot and existing building to erect, alter or use for any purpose except in accordance with the following provisions:
- (i)** Lot area (minimum) 1100 square metres
 - (ii)** Front setback depth (minimum) 7.5 metres
 - (iii)** Exterior side setback (minimum) 7.5 metres
 - (iv)** Interior side setback (minimum) 4.5 metres
 - (v)** Rear setback depth (minimum) 4 metres
 - (vi)** Landscaped open space (minimum) 30%
 - (vii)** Height of building (maximum) 9 metres; 4.7 metres on the easterly 6 metres of the existing building
 - (viii)** Dwelling units per lot (maximum) 2 only
 - (ix)** Parking (maximum) 6 parking spaces

650. In the case of the CL[650] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than a library, dwelling unit, dwelling house, business office, professional office, or a public use in accordance with the following provisions:

(b) Rear Setback Depth (minimum): 22.5 metres

(c) Gross Floor Area of Non-Residential uses:

The total gross floor area of business or professional office uses shall not exceed 500 square metres.

(d) Landscaped Open Space

A 4.5 metre wide landscaped open space area along the southern boundary of the CL[650] Zone shall be required.

(e) All other zone provisions shall be in accordance with the CL provisions of this By-law.

651. In the case of the CL[651] Zone, the following provisions shall apply:

(a) Additional permitted use: bank or financial institution

(b) Maximum front setback depth: 23.5 metres

- (c) Minimum rear setback depth: 7.1 metres
- (d) Minimum height of building: 5.2 metres
- (e) Minimum number of storeys: 1
- (f) There shall be no minimum number of row buildings
- (g) Parking: Parking shall be required on the basis of 1 space per 18 square metres of gross floor area
- (h) A minimum 3 metre wide planting strip shall be provided along the north and south lot line
- (i) A drive through service facility accessory to a bank or financial institution use is permitted.

652. In the case of the CL[652] Zone, known municipally as 920 Sydenham Road, the following provisions shall apply:

- (a) shall only be used for a single detached dwelling or a business or professional office.
- (b) Any non-residential uses shall be developed in accordance with the following provisions:
- (c) Gross floor area (maximum)

Maximum permitted gross floor area shall be 120 square metres and contained within the existing building at the date of the passing of this By-law.

- (d) Buffering (minimum)

A solid fence 1.8 metres in height or a buffering strip of 2 metres in width shall be provided on the property where a non-residential use abuts a residential use.

- (e) Deemed compliant

The existing building shall be deemed to comply with the minimum setback requirements

653. In the case of the CL[653] Zone, the following provisions shall apply:

- (a) Shall permit the following additional use provided said use is developed and used in accordance with the following provisions:

- (i) Funeral Home: means a commercial establishment for the purpose of furnishing funeral supplies and services to the public by a licensed undertaker, and licensed under provincial legislation.
- (ii) Parking (minimum) 80 spaces for a funeral home, in accordance with the CL provisions in this By-law for all other uses.

654. In the case of the CL[654] Zone, the following provisions shall apply:

- (a) Shall not be used for a convenience store.

655. In the case of the CL[655] Zone, the following provisions shall apply:

- (a) The gross floor area of a shopping centre shall not exceed 1,100 square metres and no single use shall have a gross floor area of greater than 280 square metres.

656. In the case of the CL[656] Zone, the following provisions shall apply:

- (a) Uses Permitted:

- a bank;
- a business or professional office;
- a clinic;
- a convenience store;
- a dry cleaning outlet or laundry outlet;
- a launderette;
- a merchandise service shop;
- a personal service shop;
- a public use in accordance with the provisions of this By-law
- a restaurant;
- a takeout restaurant;
- a retail store;
- a wholesale use accessory to a permitted use;
- a shopping centre consisting of any of the permitted uses listed herein.

- (b) Gross Floor Area (Maximum)

The combined total gross floor area of all uses shall not exceed 7293 square metres.

657. In the case of the CL[657]-H Zone, the following provisions shall apply:

- (a)** Permitted uses:
- (b)** An automobile service station;
- (c)** a bank;
- (d)** a business or professional office;
- (e)** a clinic;
- (f)** a convenience store;
- (g)** a dry cleaning outlet or laundry outlet;
- (h)** a laundrette;
- (i)** a merchandise service shop;
- (j)** a personal service shop;
- (k)** a public use in accordance with the provisions of this By-law;
- (l)** a restaurant;
- (m)** a takeout restaurant;
- (n)** a retail store;
- (o)** a wholesale use accessory to a permitted use;
- (p)** a shopping centre consisting of any of the permitted uses listed herein.
- (q)** Gross Floor Area (maximum)

The combined total gross floor area of all permitted uses shall not exceed 2000 square metres.
- (r)** Holding Symbol ‘-H’

That a Holding Symbol ‘-H’ shall be applied to the CL[657] Zone. In addition to the holding provisions of this By-Law respecting the use and removal of ‘-H’ Symbols, the following shall be provided prior to the removal of the ‘-H’ Symbol:

- (i) an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Gardiners Road and Development Drive; and,
- (ii) an executed Site Plan Control Agreement.

658. In the case of the CL[658] Zone, the following provisions shall apply:

- (a) May also be used for a merchandise service shop, a take-out restaurant, a veterinary clinic, and a retail store, provided that the merchandise service shop and take out restaurant uses are developed in accordance with the following provision:
 - (i) Gross floor area (maximum): 93 square metres

659. In the case of the CL[659] Zone, the following provisions shall apply:

- (a) Permitted non-residential uses:

An animal clinic;

A clinic;

A commercial club;

A drive-in restaurant;

A dry-cleaning or laundry outlet;

A farm produce retail outlet;

A florist shop;

A golf driving range or miniature golf course;

A home occupation;

A laundromat;

A merchandise service shop;

A public use, in accordance with the provisions of this By-law;

A rental outlet;

A restaurant;

A Nursery/Garden Centre/Greenhouse;

A wholesale use accessory to a permitted use;

A retail store;

A business or professional office;

A bank;

A convenience store;

A personal service shop;

A shopping centre consisting of any of the above permitted uses listed herein;

(b) Services

No person shall, within the CL[659] Zone, use any lot or erect, alter or use any building or structure unless such a lot is served by a public water and a sanitary sewer system.

(c) Lot frontage (minima)

(i) Lot abutting an arterial road 30.48 metres

(ii) Other lots 23 metres

(1) Interior side setback width (minima) 9.14 metres

(2) Rear setback depth (minima) 15.24 metres

(d) Gross floor area (maximum)

The gross floor area of a shopping centre shall not exceed 929 square metres and no single use shall have a gross floor area of greater than 185.81 square metres.

(e) Open storage

No open storage of goods or materials shall be permitted except in accordance with the general provisions of this By-law.

(f) No building or structure shall be erected or altered within 7.62 metres of a 100 year flood line or high-water mark.

660. In the case of the CM[660] Zone, on the approximately 0.04 hectare parcel of land located on the east side of Nelson Street, north of Princess Street, the following provisions shall apply:

(a) The permitted uses shall also include a minimum of ten parking spaces in exclusive association with uses located on the adjacent parcel of land designated CM[660] .

(b) The parking area referred to in Paragraph (a) shall be buffered with a wall or fence along the north and east boundaries.

- 661.** In the case of the CM[661] Zone, on the approximately 0.16 hectare parcel of land located on the east side of Albert Street the following provisions shall apply:
- (a)** No buildings shall be located within 15.2 metres of Albert Street and the land within 15.2 metres of Albert Street shall be used for landscaping purposes only except that underground parking shall be permitted.
- 662.** In the case of the CM[662] Zone, on the approximately 0.58 hectare parcel of land located at the southwest corner of Division and Colborne Streets, the following provisions shall apply:
- (a)** libraries, art galleries and museums subject to the provisions for the Low Density Residential Zone (R2);
 - (b)** churches, community halls and parish halls subject to the provisions of the Medium Density Low-Profile Residential Zone (R4);
 - (c)** multiple dwellings containing three or four dwelling units subject to the provisions of Medium Density Low-Profile Residential Zone (R4);
 - (d)** multiple dwellings containing five or more dwelling units;
 - (e)** undertakers' establishments;
 - (f)** offices for, or in connection with, businesses or professions;
 - (g)** group homes; accessory buildings subject to the provisions of the zone regulating the main building as set forth herein;
 - (h)** a wholesale silkscreen and sportswear business.
 - (i)** The total floor area of all buildings on the site shall not exceed 2,800.0 square metres.
- 663.** In the case of the CM[663] Zone, on the approximately 0.03 hectare parcel of land located on the east side of Drayton Avenue north of Princess Street, known municipally as 7 Drayton Avenue, the following provisions shall apply:
- (a)** The minimum number of required off-street parking spaces shall be four (4).

- (b) Any commercial floor space in addition to the ground floor area of the existing building and shop as of the date of the passing of this By-law shall be subject to the parking requirements set out in this By-law.
- 664.** In the case of the CM[664] Zone, on the approximately 0.04 hectare parcel of land located on the east side of Victoria Street north of Princess Street, known municipally as 577 Victoria Street, the following provisions shall apply:
- (a) The only permitted uses shall be those which are in exclusive association with or accessory to the commercial use on the property located immediately to the south, known municipally as 647 Princess Street.
- 665.** In the case of the CM[665] Zone, on the approximately 4.2 hectare parcel of land located on the north side of Princess Street, east of Sir John A. MacDonald Boulevard, the following provisions shall apply:
- (a) The maximum building height shall be six (6) storeys;
- (b) The maximum lot coverage shall be fifty percent (50%) and the minimum front setback on Princess Street shall be 4.5 metres;
- (c) The entire ground floor of all buildings shall be devoted to commercial uses as permitted by this By-law, and any permitted residential uses shall be limited to the upper floors;
- (d) West of Division Street, a building may be located closer to the street line of a street which intersects princess Street than a distance of 10.0 metres from the centre line of the street allowance of such an intersecting street, with the exception of Chatham and Tower Streets.
- (e) All required residential parking shall be located on-site in a parking garage or structure;
- (f) Office Buildings located on the lands zoned CM[665] shall not require off street loading facilities.
- (g) For the purpose of interpreting the provisions of the CM[665] Zone the front setback shall be interpreted as the setback abutting the Princess Street frontage of the property.
- 666.** In the case of the M1[666] Zone, the following provisions shall apply:
- (a) Landscaping:

- (i) A 15 metre landscaped open space area shall be established along the northerly boundary of the M1[1] Zone.
- (b) Building Height:
 - (i) Where a building on a lot adjacent to Highway 15 or an M1 Zone is greater than 12 metres in height then the front, side and rear building setbacks, shall be increased from those normally required at the rate of 1 metres for each 3 metres or part thereof that the building exceeds 12 metres in height.
- (c) Parking:
 - (i) Parking areas shall be prohibited in the setback that abuts the western limits of the M1[1] Zone.
 - (ii) Parking Requirements (minimum):
 - Bank or Financial Institution 5.8 per 100 square metres of gross floor area
 - Business Office 3.5 per 100 square metres of gross floor area
 - Data Processing 2.5 per 100 square metres of gross floor area
 - Laboratory, Research and Development 2.2 per 100 square metres of gross floor area
 - Warehouse 1.5 per 100 square metres of gross floor area
 - Clinic 5.0 per 100 square metres of gross floor area
 - Recreational Establishment 5.0 per 100 square metres of gross floor area, or 1 stall per 7 fixed seats (every 0.5 metres of bench seating equals a fixed seat) whichever is greater.
 - (iii) All parking areas shall be landscaped so as to block their view from abutting streets.
- (d) Open Storage:
 - (i) Where a lot abuts the northern limits of the M1[1] Zone and where a lot or any portion thereof is not located within 130 metres of the westerly limit of the M1[1] Zone measured along the northern limits of the M1[1] Zone or where a lot has frontage on the second street from Highway 15 running north-south on lands Zoned M1, then open storage shall be permitted subject to the following criteria:

- (1) The open storage is accessory to the use of the main building.
- (2) The open storage shall not be located within any required: setback, landscaped open space, buffer area, parking area or loading space area.
- (3) The open storage shall not form any part of any required landscaped open space.
- (4) The open storage shall not cover more than 15% of the lot area.
- (5) Open storage shall be screened by a planting strip including a fence or wall not less than 1.8 metres in height and landscaping materials such as trees, shrubs or hedges on all sides, other than a side abutting a building.
- (6) Refuse or garbage shall be stored within metal containers in a fenced and landscaped area designed solely for that purpose.

667. In the case of the CM[667] Zone, known municipally as 797 Princess Street, the following provisions shall apply:

- (a) Permitted Commercial Use: Commercial School
- (b) Minimum number of off-street parking: 99 spaces
- (c) Minimum number of off-street accessible parking spaces: 3

668. In the case of the CM[668] Zone, known municipally as 653-663 Princess Street and 582-604 Victoria Street, the following provisions shall apply:

- (a) Front Setback:
 - (i) That the minimum setback from the centre of the Princess Street right-of way shall be 11.0 metres;
 - (ii) That the minimum setback to a bedroom window on the first storey and facing the street shall be 1.2 metres; and
 - (iii) That along Victoria Street and Bartlett Street South decorative fencing or planting is required to be provided

between the sidewalk and any bedroom window to restrict access to the area within the required setback; and

- (iv)** That the minimum setback from Victoria Street and Bartlett Street South, excluding an exterior wall containing a bedroom window on the first storey and facing the street, shall be 0.0 metres;
- (b)** Interior Side Setback Minimum: 1.9 metres;
- (c)** Maximum Building Height: 20.6 metres;
- (d)** Bay windows and vertical projections above the first storey may extend or project into the required front setback on Princess Street not more than 0.8 metres.
- (e)** Amenity Area, means the area situated within the boundaries of any residential development site intended for recreation purposes, and may include landscaped open space, patios, private amenity areas, balconies, communal lounges, swimming pools, 'Children's Play Areas', and similar uses, but does not include any area occupied at grade by a building's service areas, parking areas, parking aisles or driveways.
- (f)** Minimum amenity area shall be not less than 6214 square metres;
- (g)** Minimum Aggregate Commercial Area shall be 525 square metres;
- (h)** Minimum Children's Play Area: 0.0 square metres;
- (i)** Balconies, excluding Juliet style window openings, below the third storey facing Princess Street are prohibited;
- (j)** Maximum number of bedrooms for a dwelling unit shall be 5;
- (k)** Maximum number of dwelling units consisting of 5 bedrooms shall be 25;
- (l)** Average number of bedrooms per dwelling unit shall be 3.5 bedrooms/unit.
- (m)** Maximum number of Dwelling units Shall be 145;
- (n)** A dwelling unit(s) is permitted in a cellar;

- (o)** Maximum aggregate total number of bedrooms shall be 505;
- (p)** bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:

 - (i)** Common areas open to all occupants of the unit;
 - (ii)** Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - (iii)** Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
- (q)** Maximum Density: The maximum permitted density may be increased to 235 units per hectare for a contribution towards the upgrading and improvement of Victoria Park in an amount equivalent to the required cash-in-lieu of parkland dedication contribution calculated for the approved development. The bonus is subject to the property owner entering into a development agreement with the City, which will establish a high quality of architectural design and human scale development consistent with the City's long term vision for the Williamsville Main Street Study area. The specific amount will be contained in the bonusing clause of the development agreement ;
- (r)** Number of required loading spaces is 0;
- (s)** Minimum Number of Commercial Parking Spaces: 10
- (t)** Minimum Number of Residential Parking Spaces shall be 0.75 spaces per dwelling unit;
- (u)** Minimum Bicycle Parking Dimensions shall be 1.8 metres x 0.3 metres and a minimum overhead clearance of 2.1 metres
- (v)** Minimum overhead clearance for an accessible parking space shall be 2.1 metres;
- (w)** Minimum standard parking dimensions, excluding accessible parking dimensions shall be 2.6 metres x 5.2 metres with a minimum aisle width of 6.0 metres; and
- (x)** That the properties subject to this zone be treated as a single parcel for the purpose of zoning interpretation.

- 669.** In the case of the CM[669] Zone, known municipally as 464 Frontenac Street and 572-574 Princess Street, the following provisions shall apply:
- (a)** 464 Frontenac Street Permitted uses shall be limited to:
 - a 21 residential dwelling units building; and
 - a home occupation.
 - (b)** Front Setback:
 - (i)** 574 Princess Street shall be a minimum setback of 4.7 metres;
 - (ii)** 464 Frontenac Street shall be a minimum setback of 1.6 metres.
 - (c)** Side and Rear Setbacks:
 - (i)** 464 Frontenac Street minimum setback from south property line shall be 7.3 metres;
 - (ii)** 464 Frontenac Street minimum setback from north property line shall be 0.0 metres;
 - (iii)** 464 Frontenac Street minimum setback from west property line shall be 2.1 metres.
 - (d)** Parking Dimensions:
 - (i)** Standard parking space: 2.6 x 5.2 metres;
 - (ii)** Barrier free parking space 3.7 x 5.2 metres;
 - (iii)** Minimum isle width shall be 6.1 metres.
 - (e)** Parking Spaces:
 - (i)** Minimum number of total parking spaces shall be 51;
 - (ii)** Minimum number of barrier free parking spaces shall be 4.
 - (f)** Play Space Area: 0.0 square metres.
 - (g)** Amenity Space Area: minimum amenity space area shall be 1265 square metres.

- (h)** Amenity Area, means the area situated within the boundaries of any residential development site intended for recreation purposes, and may include landscaped open space, patios, private amenity areas, balconies, communal lounges, swimming pools, ‘Children’s Play Areas’, and similar uses, but does not include any area occupied at grade by a building’s service areas, parking areas, parking aisles or driveways.
- (i)** The average number of bedrooms shall not exceed 3.5 bedrooms per unit.
- (j)** The maximum number of bedrooms per unit shall be 4. Additional bedrooms per unit are prohibited.
- (k)** BEDROOM: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:

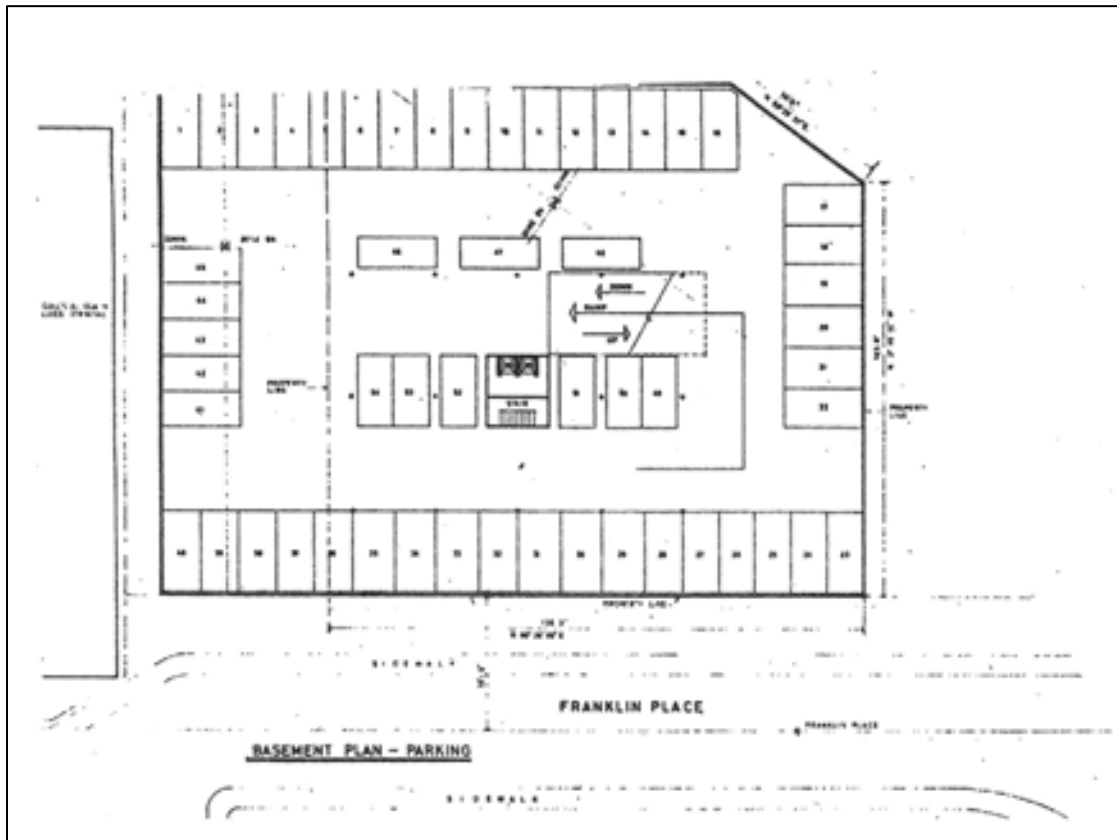
 - (i)** Common areas open to all occupants of the unit;
 - (ii)** Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - (iii)** Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
- (l)** Encroachment:

 - (i)** 464 Frontenac Street the minimum encroachment into the required front setback for porches, decks, steps and verandas, covered or uncovered shall be 1.6 metres.
- (m)** A planting strip, a minimum 3.0 metres in width, shall be established along the full extent of the south property line of 464 Frontenac Street and a planting strip shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof. A fence shall not be considered a planting strip for the purpose of zone interpretation.
- (n)** The properties within this zone shall be treated as a single parcel for the purpose of zone interpretation.

670. In the case of the CM[670] Zone, on the approximately 0.23 hectare parcel of land located on the north side of Franklin Place, the following provisions shall apply:

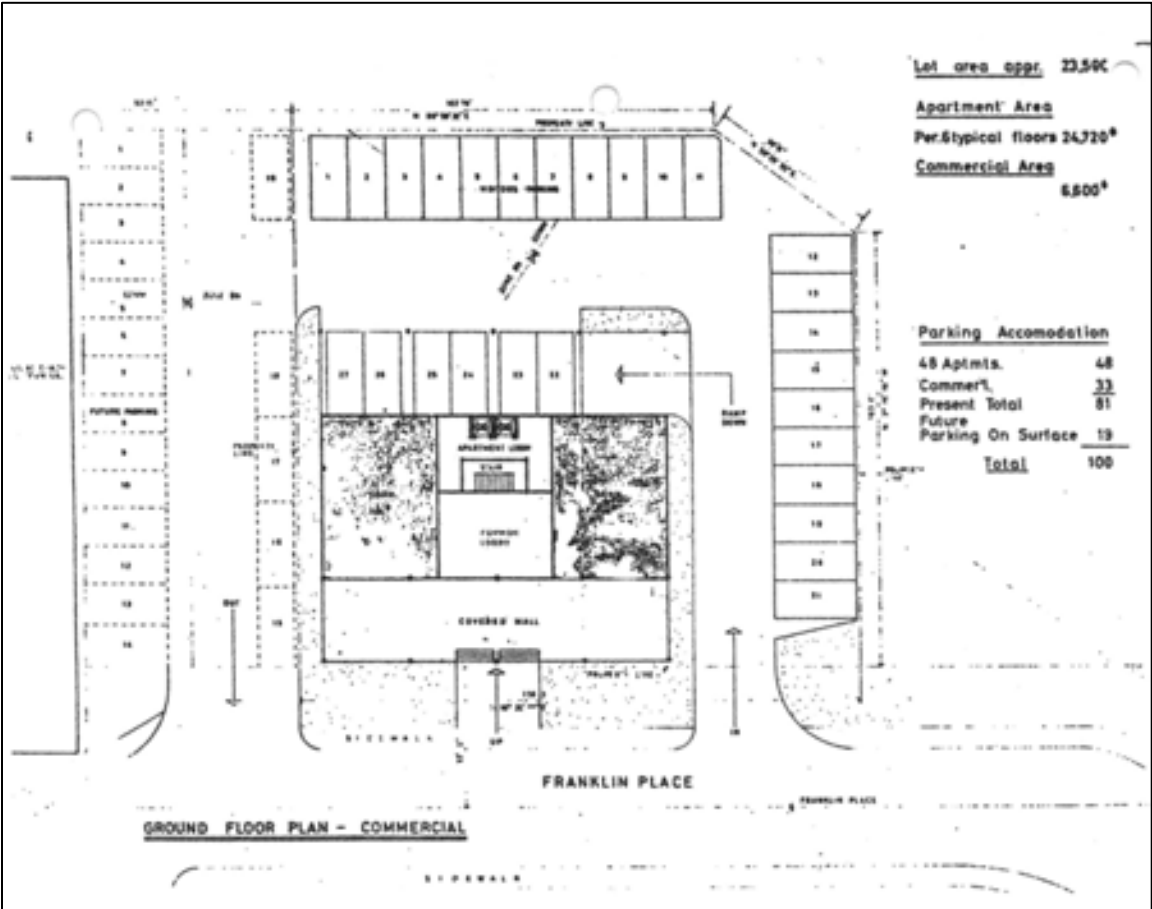
- (a)** The construction shall be restricted to a commercial and apartment complex containing a total of 48 dwelling units, 613 square metres of commercial area and a total of 100 parking spaces. It shall be substantially in conformity with the plan entitled "Proposed Commercial and Apartment Complex Scheme "F", prepared by E.A. Cromarty, Architect, dated November 1970, forming part of this By-law as Figures 20.1.1.670.1, 20.1.1.670.2, 20.1.1.670.3, 20.1.1.670.4, and 20.1.1.670.5.

Figure 20.1.1.670.1⁷



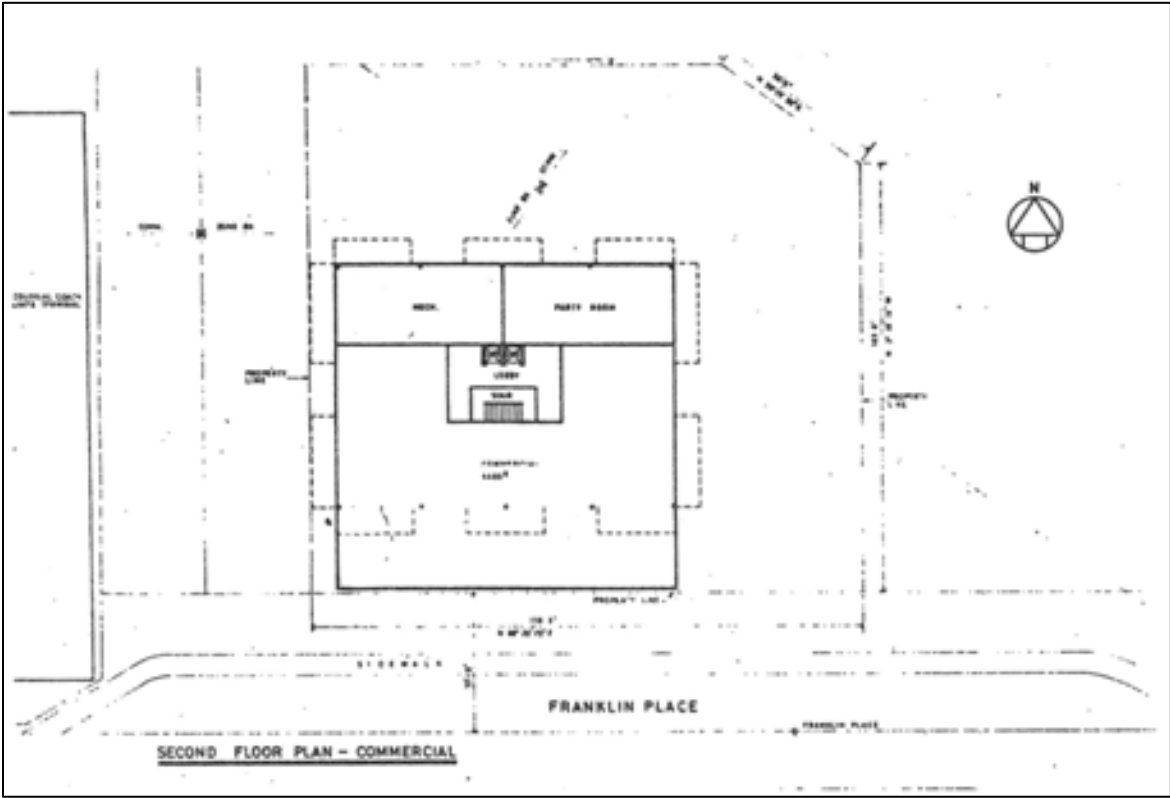
⁷ Formerly Schedule "H-1", Zoning By-law 8449.

Figure 20.1.1.670.2⁸



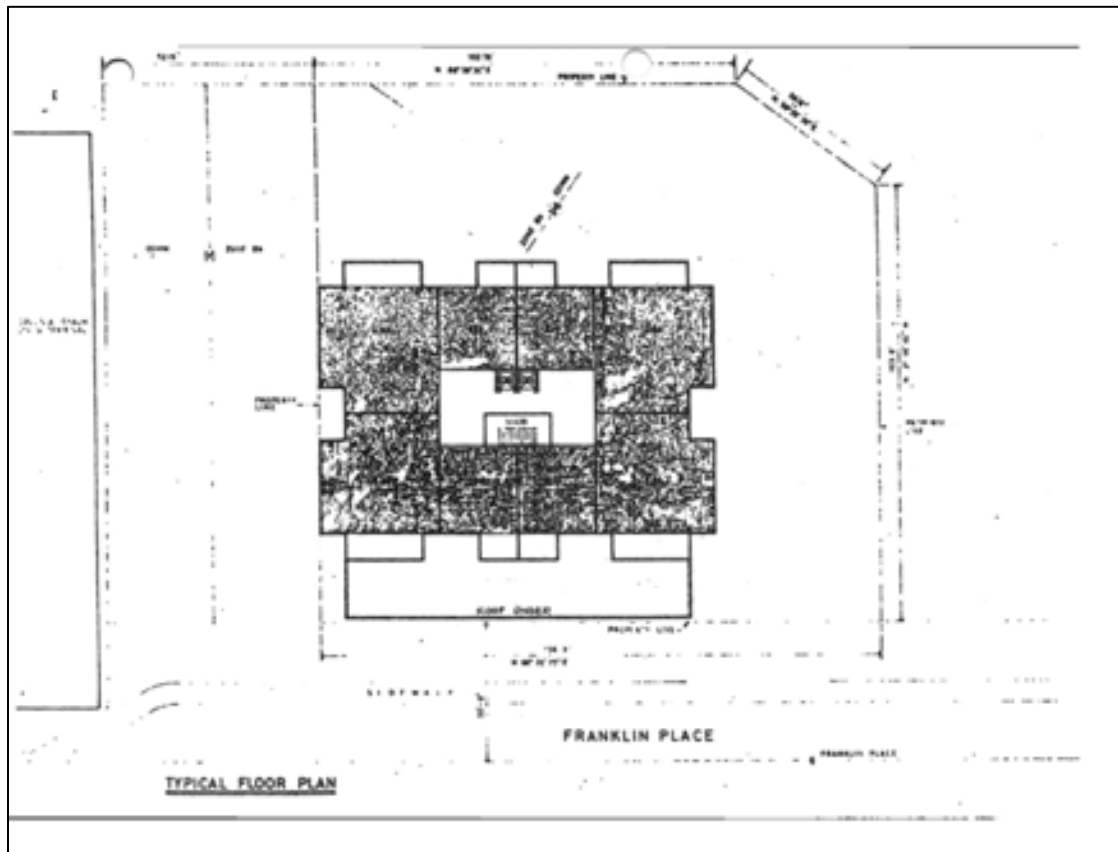
⁸ Formerly Schedule "H-2", Zoning By-law 8449.

Figure 20.1.1.670.3⁹



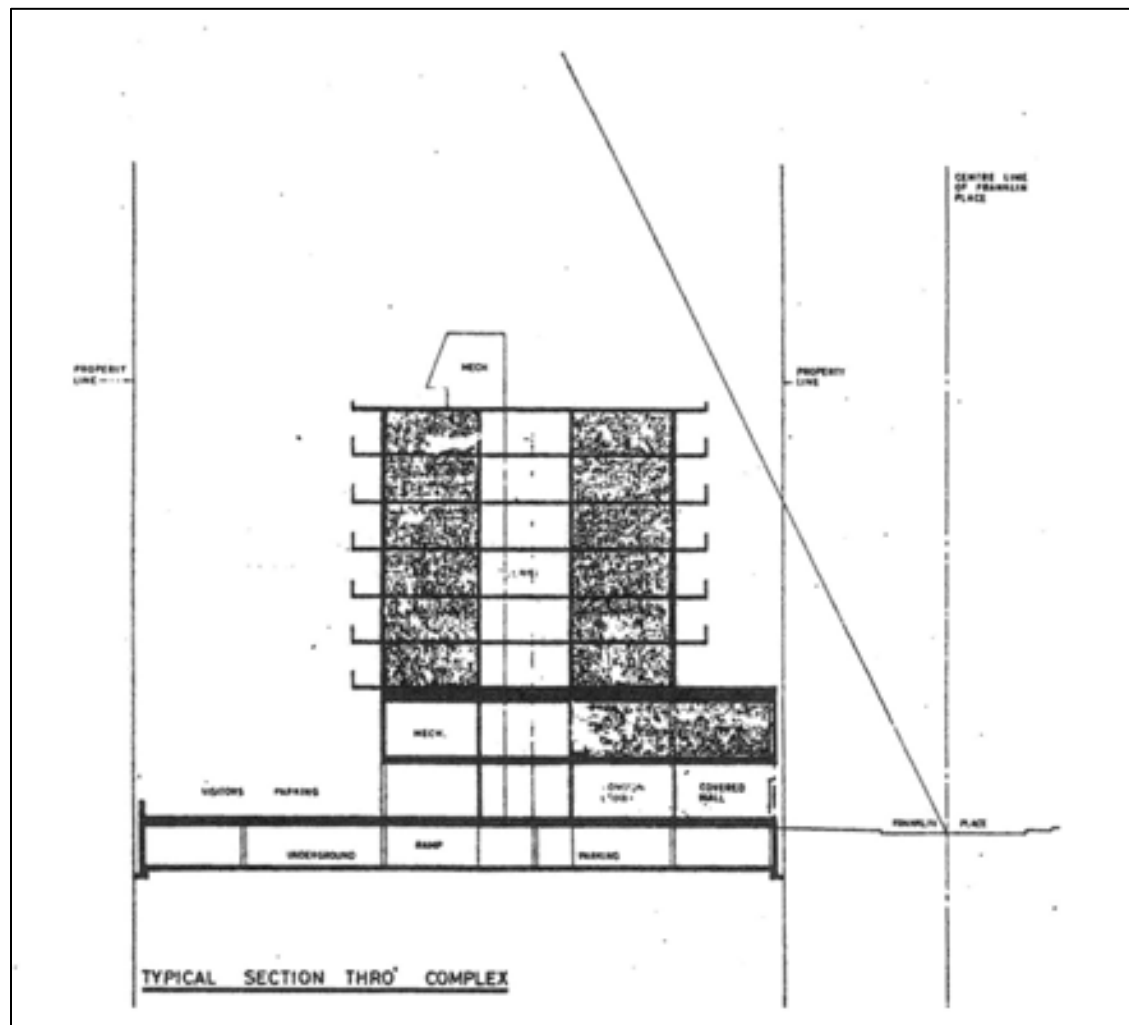
⁹ Formerly Schedule "H-3", Zoning By-law 8449.

Figure 20.1.1.670.4.¹⁰



¹⁰ Formerly Schedule "H-4", Zoning By-law 8449.

Figure 20.1.1.670.5.¹¹



- 671.** In the case of the CM[671] Zone, on the approximately 0.22 hectare parcel of land located on the east side of Regent Street approximately 106.5 metres south of Princess Street the following provisions shall apply:
- (a)** Only a parking lot in association with a hotel shall be a permitted use of the land.
- 672.** In the case of the M4[672] Zone, the north east corner of Gardiner's Road and Centennial Drive, the following provisions shall apply:
- (a)** For the purpose of this section the following definitions shall apply:

¹¹ Formerly Schedule "H-5", Zoning By-law 8449.

- (b)** Recreation Centre or Community Centre means a building, structure or lot used for recreation or social or cultural activities, meeting or other leisure activities. Common types of facilities may include: swimming pools, curling rinks, hockey rinks, racquet courts, training rooms, meeting rooms, gymnasiums, auditoriums, and an arena.
- (c)** Specialty/Limited Retail Store means a commercial establishment which offers for sale or rent one merchandise line or a limited number of closely related merchandise lines, and without limiting the forgoing, may include such establishments as an auto-oriented retail store, stores selling equipment whether for industrial or household purposes, a framing store or a convenience store. This definition shall not include a “Food Store” or a “Department Store”.
- (d)** The following non-residential uses are permitted and may be designed, developed and managed as a unit, having provided the required off-street parking on site in accordance with the provisions of the By-law:
- (i)** Non-residential uses:
- an assembly plant;
 - a bakery;
 - a bank;
 - a business office;
 - a professional office;
 - a commercial club;
 - a commercial school;
 - a convenience store;
 - a catering service;
 - an equipment sales and service;
 - a data processing and related service;
 - a day nursery accessory to a principal use;
 - a dry cleaning or laundry plant;
 - a film or recording studio;
 - a health club;
 - a hotel;

- a motel;
- a laboratory;
- a manufacturing plant
- a processing plant;
- a packaging plant;
- a parking lot;
- a photographic establishment;
- a place of entertainment;
- a printing establishment;
- a private club;
- a public use;
- a research and development facility;
- a recreation centre or community centre;
- a service shop, merchandise;
- a specialty retail store;
- a technical training facility;
- a telecommunications tower;
- a warehouse;
- a wholesale establishment.
- a coffee shop;
- a restaurant and patio;
- a take-out restaurant;
- a drive through restaurant;
- a dry cleaning or laundry service;
- a gasoline retail facility;
- an automatic car wash;
- a service shop, personal;
- vehicle rental establishment;
- a vehicle sales establishment, new;

(ii) Retail type uses:

A combined maximum of 3000 square metres of gross floor area for the following uses shall be permitted in the M4[2] Zone:

a convenience store;
vehicle sales establishment, new;
a specialty retail store; and
a gasoline retail facility.

(iii) Accessory uses

- (1) Accessory uses are permitted in accordance with the General Provisions unless otherwise specified.
 - (2) Accessory retail uses associated with the sale of products assemble or manufactured on the site for any permitted non-residential use shall be restricted to a maximum of 10% of the built gross floor area for any single tenant or business.
- (e)** Open Storage shall be prohibited, except for vehicles for sale or rent associated with a permitted use and located in accordance with a Site Plan Control approval by the City.
- (f)** Lot area (minimum) 550 square metres
- (g)** Frontage (minimum) - 0 metres
- (h)** Front Setback Depth (minimum) - 3 metres
- (i)** Exterior Side Setback Width (minimum) - 3 metres
- (j)** Interior Side Setback Width (minimum) - 0 metres
- (k)** Rear Setback Depth (minimum) - 3 metres
- (l)** Lot Coverage (maximum) - 60%
- (m)** Landscaped Open Space (minimum) - 10 percent
- (n)** Building Height (maximum) - 20 metres
- (o)** Access – notwithstanding any other provision of this By-Law to the contrary, vehicle or pedestrian access may be provided by private right-of-way.
- (p)** Required Parking Spaces

- (i) Required Parking Spaces shall be in accordance with this By-Law;
 - (ii) the property located at 1560 Centennial Drive, created by Consent Application D10-108-2005, shall require a minimum of 20 parking spaces based on the use of the building by Corcan Ltd. A change in use or tenant shall require that the parking spaces be provided in accordance with this By-Law.
 - (q) Parking Location – notwithstanding any other provision of this By-Law to the contrary, parking spaces may be located in any setback.
 - (r) All Loading Doors shall be appropriately screened.
- 673.** In the case of the CM[673] Zone, the following provisions shall apply:
- (a) The following uses only shall be permitted:
 - libraries, art galleries and museums subject to the provisions of the Low Density Residential Zone (R2),
 - churches, community halls and parish halls subject to the provisions of the Medium Density Low-Profile Residential Zone (R4),
 - community centres subject to the provisions of the Medium Density Low-Profile Residential Zone (R4),
 - sanitariums, or institutions for philanthropic or charitable uses, other than correctional uses, and other than for the treatment of inebriates or persons suffering from insanity or other mental disease, infectious disease, or contagious disease, subject to the provisions of the Medium Density Low-Profile Residential Zone (R4),
 - lay or religious fraternity houses or boarding houses where occupied by students, used exclusively for the purposes of habitation or congregational meetings and supervised by the authorities of a public educational institution, subject to the provisions of the Medium Density Low-Profile Residential Zone (R4),
 - fraternal organizations or similar institutions of public character subject to the provisions of the Medium Density Low-Profile Residential Zone (R4),
 - hospitals as defined by the *Public Hospitals Act*, R.S.O. (1970) Chapter 378,

boarding houses and rooming houses subject to the provisions of the Medium Density Low-Profile Residential Zone (R4),
multiple dwellings containing three or four dwelling units subject to the provisions of the Medium Density Low-Profile Residential Zone (R4),
multiple dwellings containing five or more dwelling units,
retail stores or shops,
undertakers' establishments,
offices for or in connection with businesses or professions,
automobile service stations,
banks,
hotels,
offices for printing and publishing,
sales rooms or yards for motor vehicles including automotive servicing facilities,
restaurants,
senior citizen apartments,
theatres,
bowling alleys, pool and billiard halls,
automotive repair shops that install and service previously manufactured parts,
marinas,

- (b)** Parking Lots are permitted uses subject to the following regulations:
- (i)** Before a building permit is issued for any Off-Street Parking Lot, a site plan accurately drawn to scale shall be submitted to the Chief Building Official or designate; such site plan shall show the following:
 - (1) all existing and proposed off-street parking spaces;
 - (2) all proposed entrances and exits to the adjoining street or streets.
 - (ii)** The surface of the Off-Street Parking Lot shall be paved or properly levelled, drained and treated to prevent the escape of dust.

- (iii)** Any lights used to illuminate the Off-Street Parking Lot shall be arranged to deflect light downward and away from adjacent premises.
 - (iv)** No parking shall be permitted in the front setback of any building.
 - (v)** No parking shall be permitted less than 1.5 metres from any adjacent residential premises.
 - (vi)** Where an Off-Street Parking Lot is adjacent to residential premises it shall be screened by a wall, fence or hedge not less than 1.4 metres high.
 - (vii)** A fence or barrier not less than 0.5 metres high shall be placed across the front of the Off Street Parking Lot except at entrances and exits and shall be placed at a distance of not more than 1.0 metre from the street line.
 - (viii)** No commercial business involving the repair of or service to vehicles shall be permitted thereon, nor shall the sale or display thereof be conducted from or upon such premises.
- (c)** Additional permitted uses include:
- Accessory buildings subject to the provisions of the zone regulating the main building as set forth herein.
 - Shopping centres.
 - Laundries and dry cleaners (provided that the cleaning operation takes place upon the same premises as an associated pick-up and delivery agency).
 - Bakeries (provided that the food products prepared on the premises are retailed directly from the same premises).
 - Community Homes, subject to the provisions of this By-law,
 - Hotel Dieu Hospital shall be permitted to establish a detoxification centre on Brock Street, between Clergy Street East and Bagot Street, or in the block bounded by Wellington Street, Clarence Street, Bagot Street and Johnson Street, as shown on the map marked as Figure 20.1.1.673. forming part of this By-law.
 - Places of amusement,
 - Crisis Care Shelters,
 - Residential Care Facilities,

Recovery Homes,

Community Support House, subject to the provisions of this By-Law.

Day Care Centre

- (d)** Height
- (i)** The height of any building shall not exceed twice the horizontal distance from the centre of the street upon which the building fronts to the face of the wall of the building fronting upon such street.
 - (ii)** The upper part of a building may be erected or altered to a height in excess of that determined by the immediately preceding regulation, provided that such excess height shall be within the angle contained between a horizontal plane at the street curb level and a line extending from the junction of such plane with the centre of the street upon which the building fronts and intersecting the prescribed line of minimum setback at a height equal to the total width of the street.
- (e)** Minimum front setback, side setback and rear setback and maximum percentage of lot coverage
- (i)** For multiple dwellings and senior citizen apartments, the minimum front setback shall be 4.5 metres except that:
 - (1) Where an immediately adjacent building has been built with a front setback of less than 4.5 metres, new buildings may conform with the front setback thus established, or
 - (2) Where an immediately adjacent building has been built with a front setback of more than 4.5 metres, new buildings must conform with the front setback thus established.
 - (ii)** For multiple dwellings and senior citizen apartments a rear setback shall be provided having a depth such that the distance from the rear lot line to any wall of the main building that is nearest to such line will not be less than one-half of the height of such rear wall, provided that in no case shall such distance be less than 6.0 metres.

- (iii)** For multiple dwellings and senior citizen apartments a side setback shall be provided on each side of the main building, the minimum width of which shall be 2.4 metres for a two-storey building. This width shall be increased by 0.6 metres for each storey in height above the second storey, but in no instance need it exceed 4.5 metres, except that when the length of any side setback is in excess of 15.0 metres, the required width shall be increased by at least 2.5 centimetres for every 0.3 metres by which such length exceeds 15.0 metres.
- (1) In computing the width of a side setback of any building on a lot which has a lane at the side, one-half of the width of such lane adjacent and opposite to such side setback may be deemed to be a portion of that lot.
- (iv)** For multiple dwellings and senior citizen apartments, the maximum percentage of lot coverage shall be sixty per cent on interior lots and seventy-five per cent on corner lots.

(1) In computing the maximum percentage of lot coverage for any building on a lot which has a lane, or right-of-way over which the owner of the said lot has legal access, extending along the side or along the rear thereof, one-half of the area of that portion of such lane or right-of-way which is adjacent to and bordering on such lot, not exceeding in any case ten per cent of the area of the lot proper, may be deemed to be a portion of that lot.
- (v)** The maximum lot coverage for all other permitted uses shall be 100 per cent except where buildings previously erected have established a front setback, the building to be erected shall have a front setback of a similar depth.
- (vi)** For all permitted uses other than multiple dwellings and senior citizen apartments on the north side of Princess from Concession Street to Nelson Street, the minimum front setback shall be 2.1 metres.
- (vii)** Within the CM[673] Zone west of Division Street, no building will be located closer to the street line of a street which intersects Princess Street than a distance of 10.0 metres from the centre line of the street allowance of such an intersecting street, with the exception of Chatham and Tower Streets.

(f) Inner courts

- (i)** For multiple dwellings and senior citizen apartments the least horizontal dimension of any inner court shall not be less than the height of such court.
- (ii)** For all other uses the least horizontal dimension of any inner court shall not be less than one-half the height of such court.

(g) Outer courts

- (i)** For multiple dwellings and senior citizen apartments the least horizontal dimension of any outer court shall not be less than the height of such court.
- (ii)** For all other uses the width of any outer court shall not be less than one-third of the height of such court, provided that it need not exceed the length; nor shall the length of the side walls forming such court be more than the height of such walls.

(h) Air wells

The cross-sectional area of any air well shall not be less than 9.0 square metres. When air well is in excess of two storeys in height, this area shall be increased throughout by ten per cent for each storey above second. Any air well shall be ventilated at its lowest level by a free air inlet and at its extreme height be a free air outlet, each of which shall have a minimum free cross-sectional area equivalent to ten per cent of the minimum cross-sectional area of the well, and shall be installed in such a manner as to ensure a free and continuous current of air.

(i) Maximum density 123 dwelling units per net hectare

(j) Places of amusement The following regulations shall apply to lands, buildings or structures which are occupied by a Place of Amusement as defined in this By-Law:

- (i)** No place of amusement shall be located closer to any school property than 300.0 metres.

Figure 20.1.1.673.¹²



674. In the case of the CM[674] Zone, known municipally as 471 Cataraqui Woods Drive, the following provisions shall apply:

- (a)** Maximum Gross Leasable Retail Area: the maximum gross leasable retail area shall be 2,999 square metres;
- (b)** Permitted Uses:

That in addition to the uses permitted in the CM Zone a retirement home use and accessory personal service shop, retail use and recreational use to be utilized exclusively by the retirement home residents and staff are permitted;

- (c)** That for the purpose of zone interpretation all parcels within the CM[674] Zone shall be treated as a single parcel;
- (d)** Maximum Building Height: a maximum building height of 26 metres for a retirement home use;

¹² Formerly Schedule “L”, Zoning By-law 8499

(e) Parking:

That for the purposes of a retirement home use the minimum of 0.60 parking spaces per dwelling unit shall be provided;

(f) The maximum residential density shall be 150 dwelling units per hectare;

(g) permit a dwelling unit equivalency ratio of 2 retirement home suites, as defined herein, to one dwelling unit (2:1 units) for a retirement home use; and

(h) Retirement Home Suite:

Shall be defined as a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven, but without full cooking facilities.

675. In the case of the CM[675] Zone, known municipally as 476 Cataraqui Woods Drive and Blocks 3 and 4, Plan 13M72, the following provisions shall apply:

(a) Prohibited Uses:

Apartment buildings, multiple dwellings and home occupations shall be a prohibited use.

676. In the case of the CM[676]-H Zone, the following provisions shall apply:

(a) The permitted uses in the CM[676]-H Zone are presented in Table 20.1.1.676. Permitted uses are noted by the letter 'X' in the column corresponding with the row for a specific permitted use. A number or numbers following the symbol 'X', indicates that one or more special provisions apply to the noted use. Special provisions are listed at the end of the table.

Table 20.1.1.676.1. - Permitted Uses in CM[676]-H Zone

Permitted Use	CM[676]-H
Apartment dwellings	X(1)(2)
Multiple dwellings	X(1)(2)
Home occupations	X
Business offices	X

Permitted Use	CM[676]-H
Clinics	X
Commercial fitness centres	X
Commercial schools	X
Community halls	X
Convenience retail stores	X
Day Nurseries	X
Dry cleaning or laundry outlet	X
Financial institutions	X
Gas bars	X
Hotels	X
Personal service shops	X
Places of worship	X
Private clubs	X
Recreational uses	X
Private schools	X
Repair shops	X
Restaurants, take-out	X
Restaurants	X
Retail stores	X
Supermarkets	X
SPECIAL PROVISIONS (_)	
1	Permitted only on any floor above the first story of buildings that are located on lots that front on Princess Street. If the lot does not front on Princess Street, residential uses are permitted on any floor.
2	The maximum number of dwelling units per hectare on a lot is 125.

(b) The Zone standards for the CM[676]-H Zone are in Table 20.1.1.676.2.

Table 20.1.1.676.2. – Zone Standards in CM[676]-H Zone

	<i>Apartment and Multiple-Unit Buildings with no non-residential uses</i>	<i>Apartment and Multiple-Unit Buildings with non-residential uses in the first storey and non-residential buildings</i>
Minimum <i>lot area</i>	Not applicable	0.4 hectare.
Minimum <i>lot frontage</i>	18.0 metres	60.0 metres
<i>Minimum required front setback</i>	4.5 metres	3.0 metres
<i>Minimum required exterior side setback</i>	2.4 metres	3.0 metres
<i>Minimum required interior side setback</i>	1.2 metres	0.0 metres
<i>Minimum required rear setback</i>	7.5 metres	13.0 metres
<i>Maximum height</i>	13.0 metres	26.0 metres

677. In the case of the CM[677]-H Zone, the following provisions shall apply:

- (a) The permitted uses in the CM[677]-H Zone are presented in Table 20.1.1.677.1. Permitted uses are noted by the letter ‘X’ in the column corresponding with the row for a specific permitted use. A number or numbers following the symbol ‘X’, indicates that one or more special provisions apply to the noted use. Special provisions are listed at the end of the table.

Table 20.1.1.677.1. Permitted Uses in CM[677]-H Zone

Permitted Use	CM[677]-H
Apartment dwellings	X(1)
Multiple dwellings	X(1)
Home occupations	X
Business offices	X

Permitted Use	CM[677]-H
Clinics	X
Commercial fitness centres	X
Commercial schools	X
Community halls	X
Convenience retail stores	X
Day Nurseries	X
Dry cleaning or laundry outlet	X
Financial institutions	X
Gas bars	X
Hotels	X
Personal service shops	X
Places of worship	X
Private clubs	X
Recreational uses	X
Private schools	X
Repair shops	X
Restaurants, take-out	X
Restaurants	X
Retail stores	X
Supermarkets	X
SPECIAL PROVISIONS (_)	
1	Permitted only on any floor above the first storey. The maximum number of dwelling units per hectare on a lot is 75.

(b) The Zone standards for the CM[677]-H Zone are in Table 20.1.1.677.2.

Table 20.1.1.677.2. – Zone Standards in CM[677]-H Zone

	<i>Apartment and Multiple-Unit Buildings with non-residential uses in the first storey and non-residential buildings</i>
Minimum lot area	0.4 hectares

Minimum lot frontage	60.0 metres
Minimum required front setback	3.0 metres
Minimum required exterior side setback	3.0 metres
Minimum required interior side setback	0.0 metres
Minimum required rear setback	13.0 metres
Maximum height	11.0 metres

678. In the case of the CMS[678] Zone, known municipally as 330 King Street located at the northwest corner of Brock and King Streets, the following provisions shall apply:

(a) Maximum building height

The maximum permissible height for any building or structure shall be four (4) storeys not to exceed 16.46 metres.

679. In the case of the CS1[679] Zone, on the approximately 6.84 hectare parcel of land located within the block bounded by Sir John A. Macdonald Blvd., Princess Street and Bath Road, the following provisions shall apply:

(a) The following uses only shall be permitted in the CS1[679] Zone:

retail stores (including retail stores selling general services),
lunch counters, restaurants,

shopping centres, department stores,

offices in connection with a business or profession,

banks,

bowling alleys, theatres, auditoriums,

automobile service stations if no machining, body or painting work is carried on and if there are no additional entrances and exits from the highway or street for such service stations other than those entrances and exits designed to serve the shopping centre,

accessory buildings to any use permitted in the CS1[679] zones,

Places of Amusement, subject to the provisions of this By-law

day care centres

- (b)** The following regulations shall apply to lands, buildings or structures erected in the CS1[679] Zone:
- (i)** Maximum height 13.7 metres
 - (ii)** Minimum front setback
 - (1) From Princess Street 45.0 metres
 - (2) From Bath Road 38.0 metres
 - (3) From Sir John A. Macdonald Blvd 38.0 metres
 - (iii)** Minimum side setback 10.7 metres
 - (iv)** Minimum rear setback 10.7 metres
 - (v)** Maximum lot occupancy 20% of lot area
 - (vi)** Minimum lot depth 45.0 metres
 - (vii)** Minimum distance between separated buildings 15.0 metres
 - (viii)** Off-street parking shall be provided as set out in this By-law and not less than one parking space for every 14.0 square metres of gross leasable area.
 - (ix)** Off-street loading
 - As per Section 5.4 of this By-law.
 - (x)** Places of amusement
 - The following regulations shall apply to lands, building or structures which are occupied by a Place of Amusement as defined in this By-law:
 - (1) No place of amusement shall be located closer to any school property than 300.0 metres
- (c)** The maximum lot occupancy shall be not greater than 30%, and the number of parking spaces provided shall be not less than 4.8 spaces per 92.9 square metres of gross leasable area.

- 680.** In the case of the CS1[680] Zone, on the approximately 2.87 hectare parcel of land located within the block bounded by Sir John A. Macdonald Blvd., Princess Street and Bath Road, the following provisions shall apply:

- (a)** The following uses only shall be permitted in the CS1[680] Zone:
- retail stores (including retail stores selling general services),
lunch counters, restaurants,
shopping centres, department stores,
offices in connection with a business or profession,
banks,
bowling alleys, theatres, auditoriums,
automobile service stations if no machining, body or painting work is carried on and if there are no additional entrances and exits from the highway or street for such service stations other than those entrances and exits designed to serve the shopping centre,
accessory buildings to any use permitted in the CS1[680] zones,
Places of Amusement, subject to the provisions of this By-law
day care centres
- (b)** The following regulations shall apply to lands, buildings or structures erected in the CS1[680] Zone:
- (i)** Maximum height 13.7 metres
- (ii)** Minimum front setback
- (1) From Princess Street 45.0 metres
- (2) From Bath Road 38.0 metres
- (3) From Sir John A. Macdonald Blvd 38.0 metres
- (iii)** Minimum side setback 10.7 metres
- (iv)** Minimum rear setback 10.7 metres
- (v)** Maximum lot occupancy 20% of lot area
- (vi)** Minimum lot depth 45.0 metres
- (vii)** Minimum distance between separated buildings 15.0 metres
- (viii)** Off-street parking shall be provided as set out in this By-law and not less than one parking space for every 14.0 square metres of gross leasable area.

(ix) Places of amusement

The following regulations shall apply to lands, building or structures which are occupied by a Place of Amusement as defined in this By-law:

- (1) No place of amusement shall be located closer to any school property than 300.0 metres

- (c)** The maximum lot occupancy shall be not greater than 36.5%, and the number of parking spaces provided shall be not less than 5.0 spaces per 92.9 square metres of gross leasable area.

681. In the case of the CS1[681] Zone, the following provisions shall apply:

- (a)** The permitted uses shall also include:

public garages, and
wholesale businesses and warehouses;

- (b)** The existing building on the westerly portion of the property shall be deemed to be conforming with respect to the minimum rear setback, maximum lot coverage and minimum landscaped area provisions of this By-law, provided there is no enlargement or expansion of the existing building.

682. In the case of the CS1[682] Zone, the following provisions shall apply:

- (a)** Shall be used in accordance with the permitted uses set out in the CS1 Zone and may include an automobile centre as defined in this section.

- (b)** Development shall be in accordance with the provisions of the CS1 Zone and the following special provisions:

- (i)** The maximum combined Gross Leasable Area of all permitted uses on the site shall be 23,000 square metres.
- (ii)** Any supermarket shall have a maximum gross leasable floor area of 5600 square metres.
- (iii)** Rear Setback (minimum) 3.0 metres
- (iv)** Parking Spaces (minimum) 5.0 parking spaces per 100 square metres of Gross Leasable Area
- (v)** Parking Module Size

Where the parking angle is 90 degrees, the stall length shall be a minimum of 6.0 metres, the aisle width shall be a minimum of 6.0 metres, the centre to centre width of a double row with an aisle in between be a minimum of 18.0 metres and shall permit 2-way movement.

(vi) Access

For driveways used for combined ingress and egress, the minimum width shall be 16 metres, measured 6 metres from the property line.

(vii) Minimum Setback along Major Arterials

The minimum building or structure setback along Gardiner's Road and Taylor Kidd Boulevard shall be 50.24 metres plus the required front or exterior side setback.

(viii) Automobile Centre

- (1) For the purposes of this section only, an automobile centre shall be defined as an establishment for the minor servicing of vehicles such as oil changing facilities and related operations. The retail sales of products related thereto shall be permitted. Vehicle bodywork and painting establishments, commercial garages, muffler shops, tire shops and similar uses shall not be permitted.
- (2) Any automobile centre operation shall be within a wholly enclosed building.

(ix) Service Bay Doors

Any service bay doors associated with a permitted use shall not be oriented to directly abut a public street.

683. In the case of the CS1[683] Zone, Wal-Mart Midland Avenue, the following provisions shall apply:

- (a)** In addition to the permitted uses in Zone CS1 the following use shall be permitted: automotive service and repair
- (b)** Maximum Lot Coverage shall be 29%
- (c)** Maximum Aggregate Gross Leasable Floor Area shall be 17873 square metres
- (d)** Minimum Rear Setback: 5.4 metres

- (e) One freestanding commercial building may be constructed for the purpose of facilitating a permitted use within the CS1 Zone
 - (f) The minimum parking ratio requirement shall be 4.38 spaces per 100 square metres of gross floor area.
 - (g) Notwithstanding any provisions of this By-law to the contrary, the following dimensions shall apply:
 - (i) A parking stall with a 90° Parking Angle shall have a minimum stall length (dimension 'C') of 6.1 metres;
 - (ii) An Aisle Width (dimension 'D') shall be a minimum of 6.1 metres on which two-way traffic shall be allowed.
 - (h) A Seasonal Outdoor Display and Sales Area shall be permitted from April 01 to November 30 with a maximum area of 670 square metres;
 - (i) Open storage shall be permitted with the following provisions applied:
 - (i) maximum aggregate area of 325 square metres
 - (ii) open storage area shall consist of the garden centre and pallet storage areas
 - (j) A Loading Door and/or Garage Door shall not face front lot line unless fully screened in accordance with a Site Plan approved by the City. Loading Door is defined as a door to allow the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials; and a Garage Door is defined as a door for the primary function of allowing automobiles into a building.
- 684.** Reserved.
- 685.** In the case of the CS1[685] Zone, Frontenac Mall, the following provisions shall apply:
- (a) May also be used for a drive in restaurant, a take-out restaurant, a free standing restaurant and one arcade provided that such arcade is located as one of the rental units within the main mall building, in accordance with the following provisions:
 - (b) Gross leasable floor area (maximum): 28,500 square metres

(c) Parking area regulations

- (i)** Parking area (minimum): 4.3 parking spaces Per 100 square metres gross leasable floor area

For the purpose of this provision "Gross Leasable Area" means the total area of all floors in a building or part of a building designated for tenant occupancy and the tenants' exclusive use including basements, cellars, mezzanines, upper floor areas 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 areas, walls, corridors, stairways, elevators or machine or equipment rooms.

- (ii)** Parking stall size (minima): Parking space dimensions shall be as defined in this By-law.

- (iii)** Parking area location: Parking areas located within 15.25 metres of Bath Road and Centennial Drive shall be designed in accordance with the City's Site Plan Design Guideline.

- (d)** Landscaped open space (minimum): 7.5%

- (e)** Lot coverage (maximum): 30%.

686. In the case of the CS1[686]-H Zone, 1600 Bath Road, the following provisions shall apply:

- (a)** Permitted uses:

- (b)** uses existing as of July 14th, 2004;

- (c)** an accessory dwelling unit (manager's residence) which shall be accessory to the indoor climate controlled self-service storage use;

- (d)** apartment dwelling houses to a total on-site maximum of 360 dwelling units, in accordance with the R5[1252] Zone requirements;

- (e)** a park, in accordance with the Major Open Space Zone (OS2) requirements.

- (f)** Parking Spaces (minimum) Off street parking shall be in accordance with the regulations of Section 5(16) of this By-Law

- (g)** The ‘-H’ Holding Symbol applicable to this property shall be used and removed in accordance with the following:

 - (i)** provisions of Section 6(6) of By-Law Number 76-26; and
 - (ii)** a Noise Study and proposed noise mitigation methods shall be provided to the satisfaction of the City.

- 687.** In the case of the CS1[687] Zone, the following provisions shall apply:

 - (a)** the maximum gross floor area of all buildings and structures permitted within the CS1[687] Zone shall not exceed 5250 square metres.

- 688.** In the case of the CS1[688] Zone, the following provisions shall apply:

 - (a)** the maximum gross leasable area of all buildings and structures permitted within the C5 6 Zone shall not exceed 10,000 square metres.

- 689.** In the case of the CS1[689] Zone, 2435 Princess Street, the following provisions shall apply:

 - (a)** Additional permitted use: an apartment dwelling house
 - (b)** Maximum lot coverage: 30%
 - (c)** Maximum height of building:

 - (i)** 27 metres where the building will not abut a residential zone
 - (ii)** 19 metres along the southern lot line of the property abutting exiting residential uses
 - (d)** Maximum gross leasable floor area:

 - (i)** retail use: 14,000 square metres
 - (ii)** office use: 4,500 square metres
 - (iii)** residential use: 39,390 square metres
 - (e)** Maximum dwelling units permitted: 351
 - (f)** Planting strip adjoining residential zone: 3.0 metres
 - (g)** Building setback abutting residential zone: 15 metres

- (i) Within the 15 metre setback there shall be no parking or provision for motorized vehicular access, with the exception of a permitted encroachment of a maximum of 3 metres for an area to permit vehicular turning movement in the south west corner of the site.
 - (h) Minimum amenity area: 2.0 square metres per dwelling unit
 - (i) For the purpose of the CS1[689] Zone, the following definitions shall apply:

“Amenity area” means an area or areas, at or above ground level, intended for recreational purposes which may include landscaped site area, patios, balconies, communal lounges, swimming pools, and similar uses, but is not deemed to include areas occupied by service areas, parking and driveways.
 - (i) Privacy setbacks: for an apartment dwelling house, a privacy setback, clear and unobstructed by any parking area or any vehicular driveway shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins in accordance with the following:
 - (i) Ground floor habitable room window: 7.6 metres
 - (ii) A passenger pick up/drop off area may encroach into the privacy setback within 15 metres of the main entrance to the building. There shall be no vehicle parking permitted within this area.
 - (iii) Within the privacy setback, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 3.5 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.5 metres above the adjacent exterior ground level.
 - (j) Minimum parking for residential use: 1.1 space per unit
 - (k) Minimum vertical clearance at accessible parking spaces, passenger loading zones, and along access routes in underground parking structure: 2.4 metres
- 690.** In the case of the CS1[690] Zone, the following provisions shall apply:

- (a) The maximum gross leasable floor area of all buildings and structures permitted within the CS1[690] Zone shall not exceed 2,445 square metres

691. In the case of the CS1[691] Zone, the following provisions shall apply:

- (a) Uses Permitted: a shopping centre which contains one or more of the following uses:

- an art gallery;
- an auditorium;
- a bank;
- a banquet hall;
- a beverage room;
- a business or professional office;
- a clinic;
- a commercial club;
- a commercial school;
- a dry cleaning or laundry outlet;
- a florist shop;
- a gasoline retail facility;
- a home improvement store;
- a laundromat;
- a library;
- a personal service shop;
- a pet store;
- a public use, in accordance with the provisions of this By-law;
- a recreational establishment;
- a restaurant;
- a restaurant; take out;
- a retail nursery;
- a retail store;
- a taxi stand or bus stop.

- (b) Definitions:

For the purpose of the CS1[691] zone the following definitions shall apply:

- (i) “Retail Store” means a building or part of a building, where a single user occupies a minimum gross leasable area of 465 square metres, and shall not exceed a maximum gross leasable area of 7432.24 square metres, and where the principal use is the sale at retail of goods, wares, merchandise, substances, articles or things, but does not include a Department Store, supermarket or any other establishment otherwise defined or specifically names elsewhere in this By-law.

The aforesaid minimum gross leasable area shall not apply to Retail Stores devoted primarily to selling, displaying or storing food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto. The maximum gross leasable area of any retail store other than a supermarket devoted primarily to selling food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto shall be 278.7 square metres. The portion of any other Retail Store other than a supermarket devoted to the sale, display and storage of food or food products shall not exceed a gross leasable area of 278.7 square metres.

- (ii) “Department Store” means a building occupied by a store primarily engaged in general merchandising at retail of a wide range of commodities organized into a number of individual departments within such building.
- (iii) “Department Store Type Merchandise (DSTM)” means a category of retail sales which covers goods typically found in Canadian department stores, as well as those sold in specialty stores which focus on only one, or a few, of the merchandise lines found in department stores, including but not limited to general merchandise, apparel/accessories, household furnishings (hardware, furniture, appliances, electronics, lighting), drugs/cosmetics, books, stationary, cards, jewellery, sporting goods, luggage, pets/pet supply, art and garden centre but excluding food stores, eating/drinking establishments, liquor/beer/wine stores, automotive related stores, home improvement/ building supply centres and personal service facilities such as barber shops, beauty salons, dry cleaners and shoe repair outlets.

- (iv)** “Non-department store dstm” means Department Store Type Merchandise (DSTM) found in a retail store, other than a department store.
- (v)** “home improvement store” means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies and including retail outside storage.

(c) Gross Leasable Area (maxima):

- (i)** Home Improvement Store 12727.72 square metres
- (ii)** Sale of Food and Food Products other than a supermarket 1672.25 square metres
- (iii)** Non-department store DSTM uses 30658 square metres
- (iv)** Retail Store Uses

A maximum of 2239 square metres of the total non-department store DSTM space permitted may be occupied by retail stores with a gross leasable area of less than 465 square metres.

(d) Phasing

The following phasing provisions shall apply to the development of the permitted uses:

(i) Phase 1

A Home Improvement Store

A maximum of 13935.5 square metres. Gross Leasable Area of non-department store DSTM uses

food and food product uses

Other uses

(ii) Phase 2

A maximum 8454.2 square metres Gross Leasable Area of non-department store DSTM uses

(iii) Phase 2 shall not proceed until:

- (1) all applicable City requirements have been complied with, including satisfactory demonstration that introduction of the additional non-department store DSTM space into the community will not result in significant and demonstrable levels of impact in the form of urban blight and/or service reductions that are clearly harmful to the planned functions of existing commercial areas in the City.
- (2) All necessary agreements, including the site plan agreement, have been executed.
- (3) After conditions (1) and (2) above have been fulfilled, development of the balance of the permitted Gross Leasable Area shall be allowed.

(e) More Than One Lot In The Zone

For the purpose of interpreting the provisions of this zone, the lands zoned CS1[691], shall be considered to be one lot, and the provisions of this zone shall apply to the CS1[691] zone as a whole.

692. In the case of the M4[692] Zone, the following provisions shall apply:

- (a)** May be used for a Physical Fitness and Racquet Sports Centre provided that such use is developed in accordance with the following provision:
 - (i)** Parking requirements (minima):
Racquet Sports Court 5 parking spaces per court
Employee Parking 1 parking space per employee
Exercise Room 1 parking space per 1.5 persons design capacity

693. In the case of the M4[693] Zone, the following provisions shall apply:

- (a)** May be used for warehousing or the sale of boats, recreational vehicles, sporting goods, auto parts, and accessories and services related to the foregoing, provided that any outside display and/or storage shall be limited to that of boats, travel trailers, camper truck caps, and motor homes only.
- (b)** Outside display and/or open storage shall be permitted provided that no such display and/or open storage is located closer than 0.91 metres to any street line and provided further that such

display and/or open storage is limited to boats, travel trailers, camper truck caps, and motor homes.

694. In the case of the M4[694] Zone, the following provisions shall apply:

(a) May also be used for an automobile service station, a gasoline retail facility, a retail store, an automatic car wash facility and a warehouse accessory to a permitted retail store; provided that the lands are developed in accordance with the following provisions:

(i) Gross leasable area (maximum)

The maximum gross leasable area of all buildings and structures permitted within the M4[694] Zone shall not exceed 13,100 square metres

(ii) Access

Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways used for combined ingress and egress at least 12 metres but not more than 15 metres in width measured along and at the streetline and within the property for the lesser of a distance of 6.1 metres beyond the landscaped strip or the initial row of parking spaces.

(iii) Open storage

Open storage of goods and materials accessory to a permitted retail garden centre use shall be permitted in the setback adjacent to the garden centre use only.

695. In the case of the M4[695] Zone, the following provisions shall apply:

(a) Uses permitted:

(b) a bank;

(c) a trust company;

(d) a business or professional office;

(e) a clinic;

(f) a day nursery;

(g) a hotel;

- (h)** a place of entertainment;
- (i)** a freestanding restaurant;
- (j)** a take-out restaurant;
- (k)** an institutional use;
- (l)** a cinema;
- (m)** a personal service shop;
- (n)** a private club;
- (o)** a dry cleaning or laundry outlet;
- (p)** a public use in accordance with the provisions of this By-law;
- (q)** a speciality food store;
- (r)** a home improvement store;
- (s)** a home furnishing outlet;
- (t)** a toy/hobby store;
- (u)** a general merchandise store, excluding department stores or junior department stores;
- (v)** a liquor/beer/wine store;
- (w)** a drug store;
- (x)** a convenience store;
- (y)** a nursery/garden centre;
- (z)** a speciality retail store;
- (aa)** an apparel store provided such apparel store contains a minimum gross floor area of 464.5 square metres.
- (bb)** Lot area (minimum): 5.6 hectares
- (cc)** Front setback depth (minimum): 13.7 metres
- (dd)** Exterior side setback width (minimum): 13.7 metres

- (ee)** Rear setback depth (minimum): 13.7 metres
- (ff)** Lot coverage (maximum): 25%
- (gg)** Height of building (maximum): 6 storeys
- (hh)** Gross leasable floor area (maximum): 14,680 square metres

For the purposes of this provision, "gross leasable floor area" shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.

- (ii)** Landscaped open space (minimum)

10%, of lot area; such landscaped open space being provided on a pro rata basis with the construction of the gross leasable area.

- (jj)** Open storage

No open storage of goods or materials shall be permitted, save and except in conjunction with and for the sole purpose of a nursery/garden centre.

- (kk)** Parking area location:

The required parking area shall not form part of any street, lane or required loading space but may be provided on a lot other than the lot occupied by the building, structure or use for which the said parking area is required. The required parking area shall also be located either in the same zone as the lot occupied by the building, structure or use for which the said parking area is required or within an abutting zone which permits a parking lot.

696. In the case of the M4[696] Zone, the following provisions shall apply:

- (a)** Uses permitted: a supermarket, in addition to the uses permitted in the M4 zone.
- (b)** Lot area (minimum): 3 hectares
- (c)** Rear setback depth (minimum): 7.5 metres
- (d)** Gross leasable floor area (maximum): 8400 metres

For the purposes of this provision, “gross leasable floor area” shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.

- 697.** In the case of the M4[697] Zone, known municipally as 2628 Princess Street, the following provisions shall apply:
- (a) may also be used for a retail store.
 - (b) Rear setback depth (minimum): no rear setback is required.
 - (c) A minimum of 34 off-street parking spaces shall be provided.
- 698.** In the case of the DR[698] Zone, known municipally as 3260 Princess Street, the following provisions shall apply:
- (a) Lot area (minimum): 1.5 hectares
 - (b) Lot frontage (Minimum): 60 metres
 - (c) Front Setback Depth (Minimum): 45 metres
 - (d) Interior Side Setback (minimum): 5 metres
 - (e) Rear Setback Depth (minimum): 90 metres
 - (f) That the minimum setback for all accessory buildings and structures shall be 7.5 metres from the lot lines for the properties municipally known as 3252 and 3244 Princess Street. The minimum setback for one accessory building and/or structure for all other lot lines shall be 2.5 metres. All additional accessory buildings and structures shall comply with the regulations for accessory buildings and structures in this By-law for the DR Zone.
 - (g) The maximum height of one accessory structure shall not exceed 6.1 metres in height. All additional accessory buildings and structures shall comply with the regulations for accessory buildings and structures in this By-law for the DR Zone.
- 699.** In the case of the EPA[699] Zone, the following provisions shall apply:
- (a) shall be used for no purpose other than conservation use. No buildings, structures or accessory uses shall be permitted.
- 700.** In the case of the EPA[700] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a conservation use. No buildings, structures or accessory uses shall be permitted.

701. In the case of the EPA[701] Zone, the following provisions shall apply:

- (a) shall be used for no other purpose than a conservation use, a public or private park, pedestrian walkways and stormwater management facilities, in accordance with the following provisions:
 - (i) only buildings or structures associated with stormwater control works shall be permitted within the EPA[701] Zone; and
 - (ii) the minimum landscaped open space is within the EPA[701] Zone shall be 30%.

702. In the case of the HB[702] Zone, Queen Street Dock, the following provisions shall apply:

- (a) Permitted uses shall be limited to:
 - a hotel with a maximum of 80 rooms;
 - a restaurant; and
 - one accessory dwelling unit to be located in the hotel.
- (b) Maximum building height
 - The maximum building height of a hotel shall be five (5 storeys) not to exceed 24.5 metres at the peak of the roof.
- (c) Maximum gross floor area
 - The maximum gross floor area of the hotel shall be 5400 square metres
- (d) Maximum lot coverage
 - The maximum lot coverage shall be 40%.
- (e) Permitted projections
 - Bay windows and towers of the hotel are permitted to project over the water lots to a maximum projection of 1.5 metres.
 - Projecting decks for public access and views of the waterfront are permitted to project over the existing waterlot areas of the property.

(f) Off street parking

The minimum number of off street parking spaces to be provided shall be 58, a minimum of two of these spaces shall be barrier free parking for the restaurant and hotel uses on the site.

(g) Minimum required building setback from water's edge

There shall be no specified building setback requirement from the water's edge.

(h) Landscaped open space

The minimum landscaped open space requirement shall be 1,040 square metres.

(i) Location of accessory building

There shall be no setback required for the garbage enclosure to be located in the north west portion of the site.

703. In the case of the HB[703]-H Zone, the following provisions shall apply:

(a) Permitted uses

The following uses only shall be permitted in the HB[703]-H Zone:

(i) Permitted interim uses

existing uses;

outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and

a waterfront pathway.

(ii) Permitted uses when holding symbol is removed

Subject to the removal of the (H) symbol pursuant to Section 36 of the *Planning Act*, R.S.O. 1990 and the provisions of the HB Zone, the following uses shall be permitted:

- (1) A hotel and optional meeting rooms, including accessory support commercial uses. Maximum gross floor area of the hotel shall be 10,400 square metres. The hotel shall have a maximum of 144 suites. A suite shall not constitute a residential unit as defined in this By-Law. Maximum gross floor area of the optional meeting rooms shall be 540 square metres;

- (2) An office / residential building. Maximum gross floor area of the office / residential building shall be 15,960 square metres. The residential portion of the building shall contain a maximum of 100 dwelling units;
 - (3) Outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses;
 - (4) Waterfront Pathway.
- (b) Maximum building height**
- (i)** All heights, except for the office / residential building, shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres geodetic datum. The height for the office / residential building shall be measured vertically from the centre line at the intersection of Ontario Street and William Street being established at 79.58 metres geodetic datum;
 - (ii)** The maximum height of the hotel shall be 32.0 metres;
 - (iii)** The maximum height of the meeting rooms shall be 9.2 metres;
 - (iv)** The maximum height of the office / residential building shall be 46.0 metres;
 - (v)** Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres above geodetic datum;
 - (vi)** For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres above 78.1 metres geodetic datum.
- (c) Minimum setbacks**
- (i)** Minimum setback from any street shall be 13 metres;
 - (ii)** Minimum setback from waterfront walkway shall be at least 10 metres over 50% of the walkway, which shall be totally accessible to the public.
- (d) Off-street parking**

Within the HB[703]-H Zone, a minimum of 292 parking spaces shall be provided on the following basis for the permitted uses:

- (i) residential uses — 1.0 parking space for each dwelling unit;
 - (ii) non-residential uses — parking for the office, hotel and meeting room uses shall be administratively and physically structured to provide for sharing of parking during alternate peak use periods;
 - (iii) occasional uses described in Section 703(a)(ii)(3) —no parking requirements.
 - (iv) Required parking shall comply with the Parking Design regulations of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision “underground” is deemed to be at or below 1.5 metres above 78.1 metres geodetic datum.
 - (v) Surface parking may be provided in the HB[703]-H Zone to a total maximum of 125 spaces.
 - (vi) Additional parking for the optional meeting rooms permitted in the HB[703]-H Zone, in excess of the total minimum number of spaces required in Subparagraph (i) above, may be located within the HB[704]-H Zone.
 - (vii) Special Vehicle Parking shall be provided in accordance with the provisions of this By-Law.
- (e) Loading areas
- 2 loading Areas shall be provided in accordance with this By-Law.
- (f) Landscaped open space
- A minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Section 703(a)(ii)(3), and which shall be physically accessible to members of the public, and which may include space provided as a result of any setback requirement of this By-Law and which may include any area designated for vehicle parking or access.
- (g) Requirements for removal of holding symbol

The (H) symbol shall be used and removed in accordance with the provisions of this By-Law and subject to the following specific requirements:

- (i) Confirmation of adequate sewage capacity has been provided by Utilities Kingston;
- (ii) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City.

704. In the case of the HB[704]-H Zone, the following provisions shall apply:

(a) Permitted interim uses

existing uses;

outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and a waterfront pathway.

(b) Permitted uses when holding symbol is removed

Subject to the removal of the (H) symbol pursuant to Section 36 of the *Planning Act*, R.S.O. 1990 and the provisions of this By-Law, the following uses shall be permitted:

- (i) Office uses to a maximum of 930 square metres of gross floor area located within the first two storeys of the residential building fronting onto Ontario Street;
- (ii) Neighbourhood convenience commercial uses, including cafes, shops and boutiques, provided such uses are restricted to the ground floor area of the buildings and no one use exceeds a gross floor area of 250 square metres;
- (iii) Residential uses, subject to the provisions of the Medium Density Mid-Profile Residential (R5) and the following provisions. Maximum gross floor area of the residential buildings, including any permitted office / commercial uses, shall be 42,915 square metres). The residential buildings shall contain a maximum of 325 dwelling units;
- (iv) Outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses;
- (v) Waterfront Pathway.

(c) Maximum building height

- (i) All heights shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres geodetic datum;
 - (ii) The maximum permitted building height shall be 52 metres;
 - (iii) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres above 78.1 metres geodetic datum;
 - (iv) For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres above 78.1 metres geodetic datum.
- (d) Minimum setbacks
 - (i) Minimum setback from any street shall be 13 metres;
 - (ii) Minimum setback from waterfront walkway shall be at least 10 metres over 50% of the walkway, which shall be totally accessible to the public.
- (e) Off-street parking
 - (i) Notwithstanding any other provisions to the contrary, parking shall be provided for the uses permitted within the HB[703]-H Zone in accordance with the provisions of this By-Law, except that for the occasional uses described in 704.(a) there shall be no parking requirements;
 - (ii) Required parking shall comply with the Parking Design regulations of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision “underground” is deemed to be at or below 1.5 metres above 78.1 metres geodetic datum.;
 - (iii) Surface parking may be provided in the HB[703]-H Zone to a total maximum of 80 spaces;
 - (iv) Additional parking for the optional meeting rooms permitted in the HB[703]-H Zone, in excess of the total minimum number of spaces required in the HB Zone, may be located within the HB[704]-H Zone.
- (f) Landscaped open space

Notwithstanding any other provisions to the contrary, a minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in 704.(a), and which shall be physically accessible to members of the public, and which may include space provided as a result of any setback requirement of this By-Law and which may include any area designed for vehicle parking or access.

(g) Requirements for removal of holding symbol

The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 “Holding Zones” of this By-Law and subject to the following specific requirements:

- (i)** Confirmation of adequate sewage capacity has been provided by Utilities Kingston;
- (ii)** A Remedial Action Plan for addressing site contamination has been submitted and approved by the City.

705. In the case of the HB[705] Zone, known municipally as 20 Gore Street, the following provisions shall apply:

(a) Permitted uses

The permitted uses shall be limited to a Mixed Commercial/ Residential Development and accessory parking structures.

(b) Number of units

The maximum number of residential units shall be eighteen (18).

(c) Maximum building height

The maximum building height shall be 6 storeys not to exceed 27 metres.

(d) Maximum commercial gross floor area

The maximum commercial gross floor area shall be contained within the ground floor of the building and shall not exceed 661 square metres.

(e) Off-street parking

The minimum number of off-street parking spaces shall be thirty-five (35).

(f) Amenity area

The minimum required Amenity Area/Children’s Play Area shall be 1442 square metres.

(g) Expansion

There shall be no further expansion of the existing building or structures.

706. In the case of the HB[706] Zone, the following provisions shall apply:

(a) Permitted uses

The permitted uses shall also include a Data Processing Establishment and a Computer Programming Establishment.

707. In the case of the HB[707] Zone, Marine Museum located at Ontario Street at Lower Union Street, the following provisions shall apply:

(a) Permitted uses

The permitted uses shall also include a Bed and Breakfast Establishment provided such use is confined within the permanently docked ship known as the Alexander Henry.

(b) Definition

For the purposes of this Section only, Bed and Breakfast Establishment means the provision of guest rooms, with or without meals, for the temporary accommodation of the travelling or vacationing public and shall not include a “Restaurant”, “Hotel”, “Motel”, “Lodging House” or “Nursing Home” as defined herein, or any home licensed, approved or supervised under any general or special Act.

(c) Off-street parking

Off-street parking for the guest rooms may be provided on site or on a lot not more than 60.0 metres from the lot upon which the Alexander Henry is located.

708. In the case of the HB[708] Zone, known municipally as 1-13 Maitland Street located at eastern end of Maitland and western end of Simcoe Streets, south of King Street and Water Lot, the following provisions shall apply:

(a) Permitted uses

The permitted uses in the HB[708] Zone shall only include:

A Yacht Club and the buildings, structures and facilities associated therewith;

Apartment dwelling.

(b) Minimum lot area

The minimum lot area shall be 1.09 hectares.

(c) Maximum building height

The maximum building height shall be as follows:

(i) The main Club House and building commonly referred to as the “Saints Rest” located at Civic Number 13, Maitland Street 10.7 metres;

(ii) All other buildings 4.6 metres

(d) Off-street parking

The minimum number of required off-street parking spaces shall be 22.

Any increase in the restaurant shall require an increase in off-street parking in accordance with the provisions of this By-law.

(e) Projections

No buildings shall be allowed to project over existing water areas.

(f) Gross floor area

The maximum total gross floor area for all buildings shall be 2620.0 square metres.

(g) Outdoor storage area

No outdoor storage, except boats and equipment, shall be permitted. The existing breakwater, located on the extension of Maitland and Simcoe Streets shall be permitted to be used as a dock or landing place and for the storing or dry mooring of boats and equipment in association with a Yacht Club.

709. In the case of the M1[709] Zone, for the parcels of land containing 19.5 hectare located on the northeast and northwest sides of Sir John A. Macdonald-Cartier Freeway, the following provisions shall apply:

(a) The maximum height shall be 25.0 metres;

(b) The minimum lot area shall be 8000 square metres;

(c) The minimum lot occupancy shall be 40%.

710. In the case of the M1[710] Zone, on the approximately 7.6 hectare parcel of land located on the north side of Dalton Avenue and west of Sir John A. Macdonald Boulevard, known municipally as 711 Dalton Avenue, the following provisions shall apply:

(a) the permitted uses shall also include:

(i) a secondary school including all of the following:

- a day care;
- a theatre auditorium;
- a cafeteria;
- ancillary playing fields;
- spectator facilities; and
- athletic facilities;

(ii) an accessory community centre including all of the following:

- administrative offices;
- meeting, conference and facility rooms;
- lounge common room; and
- professional offices;

(iii) accessory buildings and structures.

(b) The following regulations shall apply:

(i) accessory community centre uses permitted in the M1[710] zone shall not occupy an area which is greater than 20% of the total floor area;

(ii) for the purposes of the M1[710] zone the setback abutting Dalton Avenue shall be deemed to be the front setback;

(iii) lot occupancy, minimum shall be 5%;

(iv) off-street parking:

- (1) number of spaces shall be as per Section 5.3;
- (2) the location of the existing parking area shall be deemed to conform to the requirements of this By-Law;

- (v) any new parking area shall be prohibited within 10 metres of any street line;
 - (vi) parking between building and street line shall be landscaped to screen parking from the street;
 - (vii) all parking areas shall be surfaced in asphalt or concrete.
- (c) Required Landscaping Area shall be:
- (i) adjacent to existing or proposed street, not less than 7.5 metres of landscaped area, excluding driveway;
 - (ii) adjacent to each side or rear lot line, not less than 2 metres of landscaped area;
 - (iii) no structures shall be permitted in landscaped area.
- 711.** In the case of the M1[711] Zone, on the approximately 3.54 hectare parcel of land located on the west side of Sir John A. Macdonald Boulevard between Counter Street and Terry Fox Drive, known municipally as 471-475 Counter Street/16 Terry Fox Drive, the following provisions shall apply:
- (a) the permitted uses shall also include:
 - banks;
 - general offices;
 - day care centres; and
 - public or private recreation facilities which may include a bingo hall;
 - (b) Any provisions of this By-Law prohibiting parking within 10 metres of the street line and requiring a landscaped berm to screen parking located between the building and street line shall not apply; and
 - (c) Any provisions of this By-Law requiring minimum landscaping areas shall not apply.
- 712.** In the case of the M1[712] Zone, known municipally as 967 Sir John A. Macdonald Boulevard, the following provisions shall apply:
- (a) Permitted Uses shall be limited to the following:
 - Automobile service station;

accessory retail use to an automobile service station;
A restaurant, including a drive through restaurant;
A car wash; and
Accessory building to any use permitted in the M1[712] Zone.

- (b)** Maximum height 13.7 metres
- (c)** Minimum front setback 15.0 metres
- (d)** Minimum side setback
 - (i)** Wherever a CA Zone abuts upon an open space or Residential Zone, or a street, a side setback of not less than 9.0 metres wide shall be provided within the CA Zone. Nothing other than a driveway shall be located in this side setback.
 - (ii)** Wherever a CA Zone abuts upon a public walkway, a side setback of not less than 3.0 metres wide shall be provided within the CA Zone.
- (e)** Minimum rear setback 7.5 metres
- (f)** Maximum lot occupancy 50% of lot area within the CA zone.
- (g)** Minimum lot depth 45.0 metres
- (h)** Minimum ground floor area
 - Main Building 56.0 square metres
- (i)** Accessory Building No minimum area requirement.
- (j)** The following regulations shall apply to lands, buildings or structures which are occupied by a Place of Amusement as defined in this By-law.
 - (i)** place of amusement shall be located closer to any school property than 300.0 metres.

713. In the case of the M1[713] Zone, known municipally as 817 Division Street, the following provisions shall apply:

- (a)** Permitted uses:
 - corporate administrative office

day care centre, accessory to a corporate administrative office

- (b)** Minimum setbacks:
 - (i)** north property line - 10.0 metres
 - (ii)** east property line – 7.5 metres
 - (iii)** south property line - 6.0 metres
 - (iv)** west property line - 7.5 metres
- (c)** Minimum lot coverage: 12%
- (d)** Minimum off-street parking:
 - (i)** corporate administrative office: 2.96 parking spaces per 100 square metres of gross floor area
 - (ii)** day care centre: 0.85 parking spaces per 100 square metres of gross floor area
- (e)** Minimum off-street loading facilities:
 - (i)** 1 off-street loading space
 - (ii)** Loading facilities shall be located at the rear or interior side of a building only.
- (f)** Landscaping area:
 - (i)** adjacent to existing or proposed street, not less than 7.5 metres of landscaped area, excluding driveway;

714. In the case of the M2[714] Zone, on the three parcels of land located on the north side of Counter Street and between Division Street and LeRoy Grant Drive, the following provisions shall apply:

- (a)** All areas and facilities used for retail purposes as of the date of passing of this By-law shall be a permitted use. These areas may continue to be used for accessory retail uses.

715. In the case of the M2[715] Zone, on the approximately 5.5 hectare parcel of land located on the north side of Counter Street west of Sir John A. Macdonald Boulevard, the following provisions shall apply:

- (a)** The permitted uses shall also include:

Banks

Radio and Television communication facilities

Offices

Printers

Automobile Service Centres

Dry Cleaners.

716. In the case of the M2[716] Zone, on those parcels of land located north of Counter Street, west of Sir John A. Macdonald Boulevard and its extension and south of the Macdonald-Cartier Freeway (Highway Number 401), the following provisions shall apply:

(a) there shall be no outside storage or storage tanks permitted.

717. In the case of the M2[717] Zone, on the approximately 2.78 hectare parcel of land located on the east side of Steve Fonyo Drive north of Terry Fox Drive, known municipally as 31 Steve Fonyo Drive, the following provisions shall apply:

(a) The permitted uses shall also include public or private recreation facilities.

718. In the case of the M2[718] Zone, on the approximately 0.425 hectare parcel of land located on the north side of Counter Street opposite Indian Road, the following provisions shall apply:

(a) The permitted uses shall also include an office building for the Kingston Construction Association.

719. In the case of the M2[719] Zone, on the two (2) parcels of land located on the north and south sides of Dalton Avenue east of Don Street, the following provisions shall apply:

(a) The minimum elevation for any building openings shall be 76.6 metres geodetic.

720. In the case of the M2[720] Zone, on the approximately 0.48 hectare parcel of land located on the north side of Counter Street at Leroy Grant Drive, the following provisions shall apply:

(a) The permitted uses shall also include an unlicensed (under the Liquor Licence Board of Ontario) restaurant only if primarily used in association with and accessory to the bus terminal use on the property located immediately to the east.

- 721.** In the case of the M2[721] Zone, on the approximately 0.48 hectare parcel of land located on the north side of Counter Street at Leroy Grant Drive, the following provisions shall apply:
- (a) The permitted uses shall also include a restaurant only if primarily used in association with and accessory to the bus terminal use on the property located immediately to the east.
- 722.** In the case of the M2[722] Zone, on the approximately 6.04 hectare parcel of land located on the east side of Lappan's Lane, south of Dalton Avenue and immediately north of the main line of the Canadian National Railway, the following provisions shall apply:
- (a) The permitted uses shall also include:
- an automotive evolution centre and museum;
 - public or private, indoor or outdoor, recreation facilities;
 - accessory uses which are clearly subordinate to the uses permitted herein. Without limiting the generality of the foregoing, these accessory uses may include restaurants, snack bars, gift shops or pro shops; and
- (b) The accessory uses permitted in the M2[722] Zone, shall be designed to serve the principle uses on the lot and shall not occupy an area which is greater than twenty-five percent (25%) of the total floor area of all buildings on the lot;
- (c) There shall be a minimum 30 metre building setback from the Canadian National Railway right-of-way in conjunction with a minimum 2.4 metre high earthen safety berm. The berm shall be a minimum of 2.4 metre above the grade at the property line, having side slopes not steeper than 2.5 to 1 and be located adjoining and parallel to the railway right-of-way with returns at the ends;
- (d) The maximum height of any dome structure containing the permitted uses outlined in Paragraph (a) shall be 25 metres.
- 723.** In the case of the M2[723] Zone, on the approximately 0.4 hectare parcel of land located on the west side of Binnington Court, north of Dalton Avenue, known municipally as 190 Binnington Court, the following provisions shall apply:
- (a) Professional office and financial services uses shall also be permitted in addition to the existing uses, provided that said professional office and financial service uses shall be contained

within the walls of the building in existence as of the date of the passing of this By-Law;

- (b) There shall be no outside storage or storage tanks permitted;
- (c) For the purposes of this section only, the permitted professional office and financial services uses shall include a professional office in which a service or consultation is given, including, but not necessarily limited to, the offices of a lawyer, a planner, an architect, a surveyor, an engineer, an insurance broker, a union local or a chartered accountant or financial services associated with a bank, a trust company, a mortgage company or an investment company.

724. In the case of the M2[724] Zone, on the approximately 9.15 hectare parcel of land located at the north-east corner of the John Counter and Sir John A Macdonald Boulevards, the following provisions shall apply:

- (a) The following use shall also be permitted:

restaurant with food commissary and catering activities.
- (b) The use listed above shall not occupy in total more than 158 square metres of floor space.

725. In the case of the M2[725] Zone, on the approximately 0.539 hectare parcel of land known as 83 Terry Fox Drive, the following provisions shall apply:

- (a) In addition to the uses permitted in the M2 Zone, office uses shall be permitted.

726. In the case of the M2[726] Zone, known municipally as 1093 John Counter Boulevard, the following provisions shall apply:

- (a) All existing areas and facilities used for accessory retail purposes as of January 1, 2007 by a supplies dealer shall continue to be a permitted use to a maximum gross floor area of 760 square metres. The 760 square metres accessory retail use shall be a permitted use until such time as the primary use, defined herein as a “supplies dealer”, ceases to exist at which time the following provisions shall apply to the whole of the property:
 - (i) Permitted Uses:

Maximum 25% gross floor area per unit for an accessory retail use.

- (b)** All expansions to the existing building, or any new buildings, after January 1, 2007 shall be permitted a maximum 25% gross floor area per unit for an accessory retail use.
 - (c)** Maximum one vendor licensed to sell food on the subject property, excluding a restaurant.
 - (d)** For purpose of the M2[726] Zone, “supplies dealer” means an establishment where the primary purpose is the storage and sale of household and agricultural goods, wares, and merchandise to the public.
- 727.** In the case of the M2[727] Zone, known municipally as 652 Dalton Avenue, the following provisions shall apply:
- (a)** Additional permitted uses

 - Restaurant
 - Business or Professional Office
 - (b)** Minimum front setback: 8.5 metres
 - (c)** Distance from wetland

No development shall be within 30 metres of the boundary of the Little Cataraqui Creek wetland; an encroachment of up to 7 metres into the setback is permitted within 20 metres of the exterior side lot line, subject to the approval of the Cataraqui Region Conservation Authority.
- 728.** In the case of the M2[728] Zone, known municipally as 805 Dalton Avenue, the following provisions shall apply:
- (a)** Minimum front setback:

The minimum front setback may be reduced to 10 metres where a road widening has been taken by the City.
 - (b)** Open storage area:

Open storage of goods or materials shall be permitted, subject to the following provisions:

 - (i)** An open storage use shall be accessory to the principal use of the lot

- (ii) Any open storage area shall be screened by a masonry wall or solid fence not less than 1.8 metres high so that the contents of the open storage area will not be visible from any public street
- (iii) An open storage use shall not include a junkyard, vehicle wrecking yard or vehicle compound as defined in this By-law
- (iv) A minimum 3.0 metre wide landscape strip shall be provided along any street frontage, in front of the required masonry wall or solid fence, where open storage is located within a required front setback
- (v) Any access through a required landscape strip or required masonry wall or solid fence, shall include a gate which blocks the visibility of the open storage from a public street

729. In the case of the M2[729] Zone, on the approximately 12.34 hectare parcel of land located on the north side of Counter Street, west of Lappan's Lane, the following provisions shall apply:

- (a) The following uses shall also be permitted:
 - Reconditioning and selling of used machinery.
 - Scrap ferrous and non-ferrous metal storage and processing.
- (b) The land to be used for scrap ferrous and non-ferrous metal outside storage shall be restricted to an area on the subject property north of a line 58 metres from Counter Street to be adequately screened with said screening to be satisfactory to the City.

730. In the case of the M2[730] Zone, on the approximately 0.75 hectare parcel of land on the east side of Division Street immediately south of the C.N.R. main line, the following provisions shall apply:

- (a) the permitted uses shall also include:
 - furniture and floor or wall covering business;
 - machine and tool rental and accessory sale business.

731. In the case of the M2[731] Zone, on the approximately 0.83 hectare parcel of land located on the west side of Harvey Street between Hickson Avenue and Elliot Avenue, known municipally as 62-80 Harvey Street, the following provisions shall apply:

- (a) The permitted uses shall also include:

a machine and tool rental business and its accessory uses, including the sale of rental related supplies, the sale of outdoor power equipment and electrical power equipment, the sale of industrial contractors' equipment and the wholesale of a variety of products associated with the rental operation.

732. In the case of the M2[732] Zone, on the approximately 0.453 hectare parcel of land located on the south side of John Counter Boulevard between Elliott Avenue and Maple Street, known municipally as 824 John Counter Boulevard, the following provisions shall apply:

(a) The permitted uses shall also include a community hall for community functions and events, a union hall and office use.

733. In the case of the M2[733] Zone, on the approximately 1.04 hectare parcel of land located at the south west corner of Cassidy and Montreal Streets, the following provisions shall apply:

(a) The permitted uses shall also include:

the sales of motor vehicles; and

the upholstering and re-upholstering of boat covers and tops.

734. In the case of the M2[734] Zone, known municipally as 993 Princess Street, the following provisions shall apply:

(a) Additional Permitted Uses:

Recreational Use

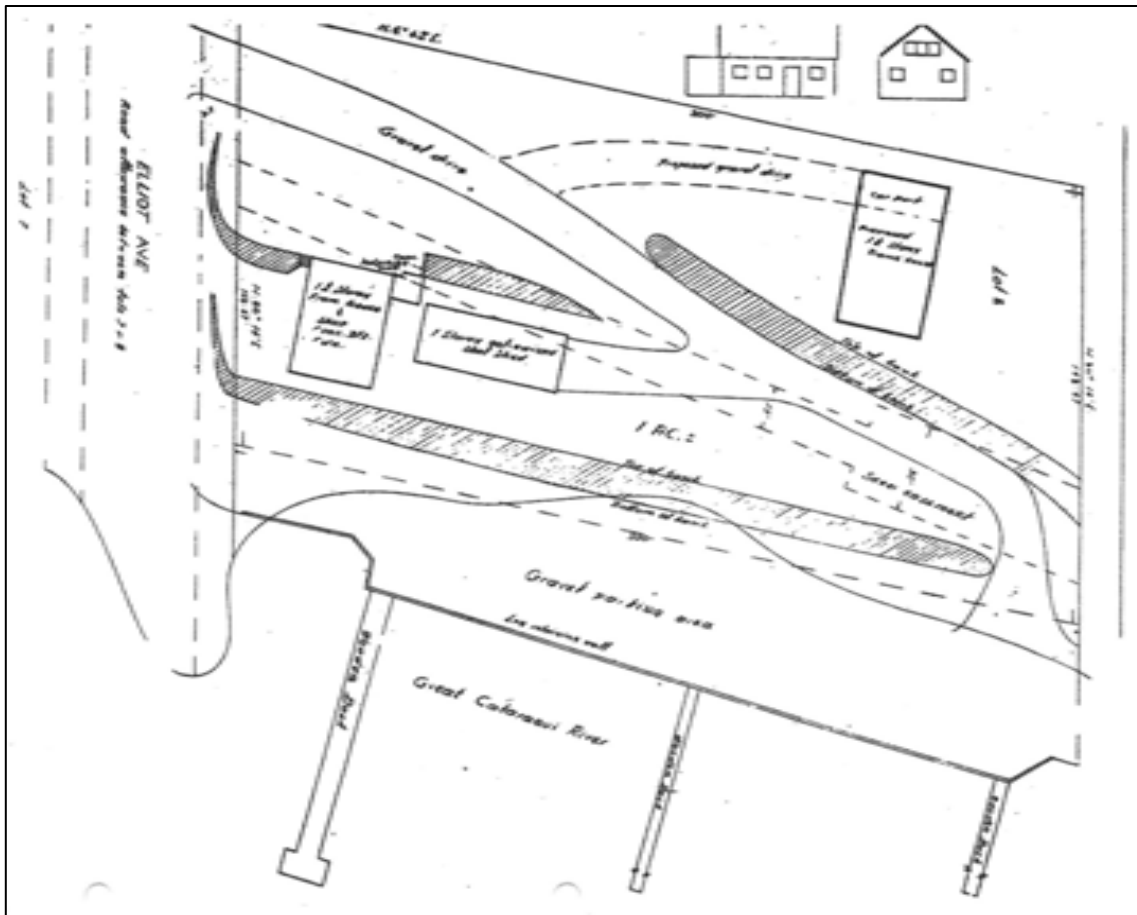
Community Centre

Creativity Centre

735. In the case of the M2[735] Zone, on the approximately 0.4 hectare parcel of land located on the north side of Elliot Avenue east of Montreal Street, the following provisions shall apply:

(a) A single detached dwelling shall be a permitted use of land which is in substantial conformity with the site plan dated September 9, 1971, a copy of which forms part of this By-law as Figure 20.1.1.735.

Figure 20.1.1.735.¹³



736. In the case of the M2[736] Zone, on those lands located west of Montreal Street and south of Railway Street, the following provisions shall apply:

- (a) The permitted uses shall also include the storage, warehousing, distribution, fabrication and otherwise processing of new steel.

737. In the case of the M2[726] Zone, on the approximately 2.0 hectare parcel of land located on the West side of Montreal Street between Railway Street and Hickson Avenue, known municipally as 734 Montreal Street, the following provisions shall apply:

- (a) The permitted uses shall also include:
 - buildings and facilities used by the Royal Canadian Legion Branch 560 for Legion and community functions and events;
 - and

¹³ Formerly Schedule "J", Zoning By-law 8499

public or private parks and recreational facilities.

738. In the case of the M2[738] Zone, the following provisions shall apply:

- (a) Any building containing one or more dwelling units constructed or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this By-law by the City, which was constructed in accordance with all By-laws of the City in force at that date, shall be deemed to be a use of land and building conforming with the provisions of this By-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in this By-law or which has the effect of creating an additional unit within or attached to the said building shall be permitted.

739. In the case of the M2[739] Zone, on those lands located west of Montreal Street and south of Railway Street, the following provisions shall apply:

- (a) The permitted uses shall also include the storage, warehousing, distribution, fabrication and otherwise processing of new steel.

740. In the case of the M2[740] Zone, the following provisions shall apply:

- (a) May be used for a sewage treatment facility.

741. In the case of the M2[741] Zone, known municipally as 1035 Gardiners Road and including a portion of 1085 Gardiners Road, the following provisions shall apply:

- (a) The following uses shall also be permitted:

home improvement retail warehouse store;

one restaurant or take-out restaurant in the interior of the home improvement and retail warehouse store;

an outdoor seasonal display and sales area accessory to the home improvement retail warehouse store; and

Open storage accessory to a home improvement retail warehouse store.

- (b) For the purposes of the M2[741] Zone, the following definition shall apply:

Home improvement retail warehouse store means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto

supply stores, home centres, building supply stores, and a garden sales centre (Garden sales centre means a part of a building and/or an enclosed area on the subject lands devoted to wholesale and retail sales of landscaping trees, shrubs and plants, and nursery materials, equipment and supplies), and includes sales of equipment and supplies, tool and equipment rental, and light truck rental for customer self-deliveries.

- (c)** Parking area regulations – parking space requirements for a home improvement retail warehouse store and accessory uses permitted in Paragraph (a) above (minimum): 498 spaces
- (d)** Setback in which required parking area permitted: all setbacks provided that no part of any parking area, other than a driveway, is located closer than:
 - (i)** 10 metres to any street line for a home improvement retail warehouse store and accessory uses permitted in Paragraph (a) above; or
 - (ii)** 15.5 metres to any street line for any other use permitted in this By-law
- (e)** Loading spaces (minimum): 3 spaces
- (f)** Rear setback depth (minimum): 11 metres
- (g)** Gross floor area for a home improvement retail warehouse store (maximum): 16,200 square metres, including the area devoted to the garden sales centre
- (h)** Height of buildings or structures (maximum): 14.5 metres
- (i)** Outdoor seasonal display and sales area accessory to the home improvement retail warehouse store shall be permitted provided:
 - (i)** The outdoor seasonal display and sales area shall be setback a minimum of 40 metres from Gardiners Road; and
 - (ii)** The outdoor seasonal display and sales area shall have a maximum area of 2,600 square metres
- (j)** Open storage accessory to the home improvement retail warehouse store shall be permitted provided:
 - (i)** The open storage is located in a front, side or rear setbacks, but shall not be located in any required front or side setback;

- (ii) The total of the area devoted to open storage shall be a maximum of 800 square metres;
- (iii) The open storage use shall comply with the setback provisions hereof, with the exception that open storage shall be a setback a minimum of 3 metres from the rear lot line and a minimum of 80 metres from the front lot line; and,
- (iv) The enclosure of temporary open storage areas within fencing shall not be required.

742. In the case of the M2[742] Zone, the following provisions shall apply:

- (a) Only permitted uses:
 - Manufacturing, assembling, fabricating, and processing operations;
 - Construction and transportation activities and facility;
 - Storage, warehousing and wholesale trade activities;
 - Communications and utilities facility;
 - Institutional uses with General Industrial characteristics, such as a trade school; and,
 - Public use in accordance with this By-law.
- (b) Only complementary permitted uses:
 - Office and business services such as printing and equipment repair intended to serve the General Industrial area;
 - Restaurant;
 - Financial institution;
 - Personal services and convenience commercial;
 - Automotive, heavy equipment or truck repair facility;
 - Public and private parks and recreation facilities; and,
 - Parking lots and structure.
- (c) Minimum front setback depth : 10 metres
- (d) Minimum exterior side setback width : 10 metres
- (e) Minimum interior side setback width: 3 metres
- (f) Minimum rear setback depth : 7.6 metres

- (g)** Maximum building height: 20 metres.
- 743.** In the case of the M2[743] Zone, Cataraqui Estates Business Park bounded by Resource Road, Venture Road, and Centennial Drive, the following provisions shall apply:
- (a)** The Venture Road frontage will be considered the front setback.
- (b)** May be used in accordance with the provisions of this By-law except that:
- (i)** Only permitted uses:
- Manufacturing, assembling, fabricating, and processing operations;
- Construction and transportation activities and facility;
- Storage, warehousing and wholesale trade activities;
- Communications and utilities facility;
- Institutional uses with General Industrial characteristics, such as a trade school;
- Business and professional office provided that such use is located within 90 metres of the Resource Road frontage;
- and,
- Public use in accordance with Section 5(18) of By-Law Number 76-26.
- (ii)** A maximum of 25% of the total floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises.
- (iii)** Only complementary permitted uses:
- (iv)** Office and business services such as printing and equipment repair intended to serve the General Industrial area;
- (v)** Restaurant;
- (vi)** Financial institution;
- (vii)** Personal services and convenience commercial;
- (viii)** Automotive, heavy equipment or truck repair facility;
- (ix)** Public and private parks and recreation facilities; and,

- (x)** Parking lots and parking structure.
- (xi)** Minimum front setback depth : 10 metres
- (xii)** Minimum exterior side setback width : 10 metres
- (xiii)** Minimum interior side setback width: 3 metres
- (xiv)** Minimum rear setback depth : 7.6 metres
- (xv)** Maximum building height: 20 metres
- (xvi)** Minimum parking requirement for manufacturing or warehouse use: 1 space per 100 square metres of gross floor area
- (xvii)** Setback in which required parking area permitted: Parking area may be permitted in the front setback, exterior side setback and rear setback provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line
- (xviii)** Setbacks in which loading spaces are permitted: Loading spaces shall be located in the exterior side setback or rear setback only provided that such loading space is located no closer than 18.3 metres to any street line.

744. In the case of the M2[744] Zone, the following provisions shall apply:

- (a)** Shall be used for no purpose other than: a cartage or transport yard; a commercial garage; a parking lot; a public garage; a public use in accordance with the provisions of Section 5(18) hereof; a retail outlet, a wholesale outlet or a business office accessory to a permitted use; a service shop; manufacturing plant; assembly plant, and a warehouse. Such lands shall be used in accordance with the following provision:
- (b)** Access to improved street:
- (c)** No person shall erect any building or structure unless the lot, upon which such building or structure is proposed to be located, is provided with access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, from such lot to an improved street.

745. In the case of the M2[745] Zone, the following provisions shall apply:

- (a) May be used for a commercial garage.
- 746.** In the case of the M2[746] Zone, the following provisions shall apply:
- (a) May be used for a business or professional office and shall be used in accordance with the following provisions:
- (i) Restrictions adjacent to flood plains:
- (ii) No building or structure shall be erected or altered within 60 metres of a flood plain except with the approval of the local Conservation Authority.
- 747.** In the case of the M2[747] Zone, the following provisions shall apply:
- (a) May be used for a recreational establishment, a commercial club, a restaurant accessory to the recreational uses, and notwithstanding the generality of the foregoing may also be used for a roller rink, discotheque, an arcade, a games room and a tennis court.
- 748.** In the case of the M2[748] Zone, the following provisions shall apply:
- (a) May be used for an existing business office and an existing professional office.
- 749.** In the case of the M2[749] Zone, the following provisions shall apply:
- (a) May be used for:
- an open air market for the sale of fruits, vegetables, meat, fish, plants, flowers, antiques, crafts, artwork and other related items;
- a recreational establishment;
- a commercial club;
- a restaurant accessory to a permitted use listed in this special M2[749] Zone.
- a roller rink, discotheque, an arcade, a games room and a tennis court except that the sale or serving of alcoholic beverages shall be prohibited.
- 750.** In the case of the M2[750] Zone, the following provisions shall apply:
- (a) May be used for a public garage.
- 751.** In the case of the M2[751] Zone, the following provisions shall apply:

(a) May be used for a freestanding restaurant.

752. In the case of the M2[752] Zone, known municipally as 619 McKay Street, the following provisions shall apply:

(a) Permitted uses:

(b) a business or professional office;

(c) a private club;

(d) an assembly plant;

(e) a fabricating plant;

(f) a manufacturing plant;

(g) a processing plant;

(h) a public use, in accordance with this By-law;

(i) a retail outlet, a wholesale outlet or a business office accessory to a permitted use;

(j) a service shop;

(k) a warehouse.

(l) Restrictions adjacent to flood plains:

(i) All exterior openings of all buildings shall be located above the minimum elevation of 85.1 metres geodetic surveys of Canada.

(ii) No building or structure shall be erected or altered within 6.5 metres of a flood plain except with the approval of the local Conservation Authority. No open storage shall be permitted on the property.

753. In the case of the M2[753] Zone, the following provisions shall apply:

(a) May also be used for a business or professional office, a union hall, a free-standing restaurant, a church, a commercial school, an animal hospital, a clinic, a health club and such uses shall be developed in accordance with the following special provision:

(b) Restrictions adjacent to flood plains:

- (c)** No building or structure shall be erected or altered within 60 metres of a floodplain except with the approval of the local Conservation Authority.

- 754.** In the case of the M2[754] Zone, Arlington Court II, the following provisions shall apply:
 - (a)** Parking requirements (minimum):
 - (b)** Clinic, The greater of:
 - (i)** 8 parking spaces per full time practitioner, or
 - (ii)** 1 parking space per 16.7 square metres of gross floor area.
 - (c)** Restrictions adjacent to flood plains:
 - (d)** No building or structure shall be erected or altered within 60 metres of a flood plain except with the approval of the local Conservation Authority.

- 755.** In the case of the M2[755] Zone, the following provisions shall apply:
 - (a)** May also be used for the purpose of a Commercial Club for health, fitness and training and accessory uses thereto, which accessory uses may include, but not necessarily be limited to, an indoor swimming pool, facilities for serving light refreshments, professional offices and personal service shops.

- 756.** In the case of the M2[756] Zone, the following provisions shall apply:
 - (a)** May also be used for the purpose of a health club provided that no portion of a health club use shall be located within 50 metres of the railway right of way, except with the written approval of Canadian National.

- 757.** In the case of the M2[757] Zone, the following provisions shall apply:
 - (a)** May also be used for the purpose of a health club, and a food catering business and associated freestanding restaurant, in accordance with the following special provision:
 - (i)** Gross floor area (maximum):
 - (ii)** The gross floor area of the freestanding restaurant shall not exceed 185.8 square metres

- 758.** In the case of the M2[758] Zone, the following provisions shall apply:
- (a)** May also be used for a commercial garage and an automobile body shop.
- 759.** In the case of the M2[759] Zone, the following provisions shall apply:
- (a)** May also be used for a business or professional office, a restaurant, a freestanding restaurant, and a take-out restaurant, provided that the aforementioned uses are developed and operated in accordance with the following special provisions:
 - (i)** Front Setback Depth (minimum) 6.1 metres
 - (ii)** Exterior Side Setback Width (minimum) 6.1 metres
- 760.** In the case of the M2[760] Zone, the following provisions shall apply:
- (a)** The permitted uses shall also include the following uses:
 - (b)** a warehouse, in which goods, wares, merchandise, substances, articles or things are stored and displayed in a warehouse format and offered for sale, at wholesale or retail, to other dealers, retail outlets, collectors and the general public, but shall not include a retail store as defined elsewhere in this By-Law. The retail sales shall not exceed 49% of the total value of sales on the property;
 - (c)** a lunch counter, intended to serve primarily the customers of the uses permitted on the property, provided such lunch counter does not occupy a floor area in excess of 45 square metres and is located within the walls of the building in existence on the day of the passing of this By-Law;
 - (d)** a seasonal outdoor market for fruits, vegetables, antiques and crafts.
 - (e)** A maximum of two (2) on-site parking spaces may be located within 7.62 metres of the street line.
- 761.** In the case of the M2[761] Zone, the following provisions shall apply:
- (a)** may also be used for a medical clinic.
- 762.** In the case of the M2[762] Zone, known municipally as 700 Gardiners Road, the following provisions shall apply:

- (a) Prohibited Use: an accessory dwelling unit
- (b) Additional Permitted Uses:
- (c) A renewable and/or alternative energy sources use;
- (d) Trade show use;
- (e) Recreational Use, maximum gross floor area of 7,700 square metres;
- (f) Additional Permitted Accessory Commercial Uses:
- (g) Professional and business office, excluding medical offices;
- (h) A daycare or day nursery;
- (i) Restaurant;
- (j) Financial institution;
- (k) Personal service establishment;
- (l) Convenience commercial (limited to 500 square metres); and
- (m) A retail use, part of and accessory to a permitted use.
- (n) Notwithstanding any provisions to the contrary an accessory retail use shall not exceed 25% of the gross floor area of a unit.
- (o) Notwithstanding any provisions to the contrary the aggregate gross floor area for all complimentary and accessory uses shall not exceed 25% of the total gross floor area.
- (p) A trade show use shall not include any permanent display of goods and/or services.
- (q) Any use accessory to a trade show use shall not exceed 25% of the gross floor area of the trade show.

763. In the case of the M2[763] Zone, known municipally as 2500 Princess Street, the following provisions shall apply:

- (a) Only the following uses shall be permitted:
- (b) a display and sales area for landscaping material;
- (c) a self-storage facility;

- (d) a construction equipment rental business;
- (e) a contractor's or tradesman's shop;
- (f) a processing plant for landscaping materials and display area
- (g) an open storage area for pre-manufactured concrete products;
- (h) a service shop;
- (i) a retail outlet, a wholesale outlet or a business office accessory to a permitted use;
- (j) a public use in accordance with the provisions of this By-law.
- (k) All open storage and display areas that are visible to non-industrial use shall be visually screened by a fence and multi-level landscaping.

764. In the case of the M2[764] Zone, the following provisions shall apply:

- (a) May be used for an equipment rental establishment.

765. In the case of the M2[765] Zone, the following provisions shall apply:

- (a) May be used for an existing shopping centre.

766. In the case of the M2[766] Zone, the following provisions shall apply:

- (a) May be used for a body shop.

767. In the case of the M2[767] Zone, the following provisions shall apply:

- (a) May be used for an animal hospital.

768. In the case of the M2[768] Zone, the following provisions shall apply:

- (a) May be used for a restaurant.

769. Reserved.

770. In the case of the M2[770] Zone, the following provisions shall apply:

- (a) May be used for one or more of the following:
 - (b) a commercial club
 - (c) a private club

- (d) a recreational establishment
- 771.** In the case of the M3[771] Zone, on the approximately 0.60 hectare parcel of land located on the southeast corner of river Street and Orchard Street, the following provisions shall apply:

 - (a) The permitted uses shall also include:
 - (b) soap manufacturing;
 - (c) chemical industries but excluding those which emit smoke or fumes obnoxious to humans or vegetation and excluding those with wastage materials unsuitable for a sewage treatment plant.
- 772.** In the case of the M3[772] Zone, the following provisions shall apply:

 - (a) The permitted uses shall also include:
 - (b) a pest control service and associated retail store;
 - (c) a bottling plant for soft drinks and associated warehouse and associated retail facilities.
- 773.** In the case of the M3[773] Zone, on the approximately 0.38 hectare parcel of land located on the south side of Railway Street between Division Street and Patrick Street, known municipally as 142 and 154 Railway Street, the following provisions shall apply:

 - (a) The permitted uses shall also include community centres and public or private recreation facilities;
 - (b) The minimum number of required parking spaces for the uses listed in Paragraph (a) shall be forty (40)
- 774.** In the case of the M3[774] Zone, on the approximately 0.21 hectare (2125.5 square metres) parcel of land located on the south side of Hickson Avenue, between McKenna Avenue and Hagerman Avenue, known municipally as 50 Hickson Avenue, the following provisions shall apply:

 - (a) The permitted uses shall also include community centres and public or private recreation facilities;
 - (b) The minimum number of required off-street parking spaces for any community centre or public or private recreation facility use shall be eighteen (18);

- (c) The minimum required front setback shall be 6.7 metres;
 - (d) The maximum percentage of lot coverage shall be 35%; and
 - (e) Any new additions to the existing buildings or any new building construction on the site shall maintain the existing building setbacks along the east and south property boundaries.
- 775.** In the case of the M3[775] Zone, known municipally as 141 Hickson Avenue, the following provisions shall apply:
- (a) the minimum front setback shall be 1.5 metres along Hickson Avenue
- 776.** In the case of the M3[776] Zone, the following provisions shall apply:
- (a) Lot area (minimum): 0.20 hectares
 - (b) Lot frontage (minimum): 30.48 metres
- 777.** In the case of the M3[777] Zone, the following provisions shall apply:
- (a) May also be used and developed in accordance with the following provisions:

 - (i) Non-residential uses
 - (ii) a bottling, food packaging or processing plant;
 - (iii) an apparel or finished textiles plant;
 - (iv) a bonded warehouse or custom brokers;
 - (v) a newspaper or printing and binding plant;
 - (vi) a wholesale establishment; and
 - (vii) a self-service storage facility
 - (b) Minimum Lot area 0.36 hectares
 - (c) Minimum Lot frontage 33.53 metres
 - (d) Minimum Front Setback:

 - (i) self-storage facility 89.9 metres;
 - (ii) all other uses 15.24 metres

- (e) Minimum Interior Side Setback (along common side setback line between 1240/1250 Gardiners Road and 1234 Gardiners Road only): 1.5 metres
- (f) Self-service storage facility – for the purposes of this Section, a self-service storage facility shall mean a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.
- (g) Any development on 1240/1250 Gardiners Road or 1234 Gardiners Road requiring a Site Plan Agreement or a Modified Site Plan Agreement shall require the said Agreement to be between the City, the Owner(s) of 1240/1250 Gardiners Road and the Owner(s) 1234 Gardiners Road.

778. In the case of the M3[778] Zone, the following provisions shall apply:

- (a) Shall be used and developed in accordance with the provisions applicable to the M3[793] except that a maximum of 6 loading spaces may be permitted in the setback adjacent to Cataraqui Woods Drive.

779. In the case of the M3[779] Zone, the following provisions shall apply:

- (a) shall be permitted an accessory retail use in accordance with the following provision:
 - (i) Maximum permitted accessory retail space: 33.45 square metres

780. Reserved.

781. In the case of the M3[778] Zone, the following provisions shall apply:

- (a) may also be used in accordance with the following:
- (b) a transportation depot;
- (c) a vehicle rental establishment;

- (d)** an accessory showroom, display area, and/or retail space associated with the following uses:
 - (i)** an assembly plant, a fabricating plant, a manufacturing plant, or a processing plant for the advertising and sale of goods produced on-site within the primary use; or
 - (ii)** a warehouse.
- (e)** Maximum Floor Area
- (f)** The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:
 - (i)** 25% of the gross floor area of an individual tenant's unit of the building, or
 - (ii)** 190 square metres of the individual tenant's unit of the building.

782. In the case of the M3[782] Zone, the following provisions shall apply:

- (a)** May also be used for the following additional uses:
- (b)** a business office and/or training facilities related to industry and commerce;
- (c)** a custom workshop;
- (d)** an industrial supply operation;
- (e)** an institutional use;
- (f)** a transportation depot (to be located within the General Industrial Designation 90-120 metres from the front property line)
- (g)** a warehouse and/or wholesale establishment; and
- (h)** Maximum Floor Area
- (i)** The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:

- (i) 25% of the gross floor area of an individual tenant's unit of the building, or
- (ii) 280 square metres of the individual tenant's unit of the building.

783. In the case of the M3[783] Zone, known municipally as 566 and 578 Cataraqui Woods Drive, the following provisions shall apply:

- (a) shall only be used in accordance with the following special provisions:
 - (i) In addition to the uses permitted by the M3 Zone, the following uses shall also be permitted:
 - (ii) transportation depot; and
 - (iii) vehicle and automotive repair.
 - (iv) Prohibited Uses:
 - (v) retail sale of automotive parts, fluids and accessories.
 - (vi) For the purposes of this Section only, the following definition shall apply:
 - (vii) vehicle and automotive repair establishment: shall mean minor repairs, incidental replacement of parts and motor service to vehicles, automobiles and trucks.
 - (viii) Notwithstanding any provisions of this By-law to the contrary, the vehicle and automotive repair use shall be restricted to 25% of the gross floor area permitted on the subject site.

784. In the case of the M3[784] Zone, the following provisions shall apply:

- (a) Permitted uses:
- (b) The permitted uses shall also include:
- (c) Accessory Wholesale Establishment; and
- (d) Accessory Retail Use.
- (e) Maximum gross floor area:

- (f)** The maximum combined gross floor area which may be devoted to an accessory wholesale use and/or accessory retail outlet use shall be equal to or lesser than the following:

 - (i)** 25% of the gross floor area of an individual tenant's unit within the building.
 - (g)** Prohibited uses:
 - (h)** Accessory Dwelling Unit
 - (i)** Lot area (minimum): 0.20 hectares
 - (j)** Lot frontage (minimum): 30.48 metres
- 785.** In the case of the M3[785] Zone, the following provisions shall apply:
- (a)** May be used as a contractor's or tradesman's shop or yard in accordance with the following provisions:

 - (i)** Lot area (minimum): 2,000 square metres
 - (ii)** Lot frontage (minimum): 30.48 metres
- 786.** In the case of the M3[786] Zone, the following provisions shall apply:
- (a)** In addition to the uses permitted in the M3 Zone, the following uses shall also be permitted:
 - (b)** Recreational uses, including an arena;
 - (c)** Free-standing restaurant; and
 - (d)** Accessory uses to the recreational uses including but not limited to a medical clinic, an office, meeting rooms, pro-shop, restaurant and coffee shop, provided such uses are ancillary to the main recreational use of the site.
 - (e)** For the purposes of this Section, a recreational use shall be defined as a building, structure or lot used for such uses as an arena, outdoor playing fields (including such uses as, but not limited to, soccer fields, tennis courts, or skateboard park), field house, indoor or outdoor pool, or fitness facility.
 - (f)** Recreational uses may be located in more than one main building on the site.

- (g) Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 30 square metres of gross floor area.

787. In the case of the M3[787] Zone, known municipally as 485 O'Connor Drive, the following provisions shall apply:

- (a) Permitted uses:
- (b) In addition to the provisions the M3 Zone, the permitted uses shall also include:
- (c) Accessory Wholesale Establishment; and
- (d) Accessory Retail Use, for the purpose of selling motor homes and travel trailers only.
- (e) Prohibited uses:
- (f) Accessory Dwelling Unit; and
- (g) Automotive Centre.
- (h) Maximum Gross Floor Area:
- (i) The maximum combined gross floor area which may be devoted to an accessory wholesale use and/or accessory retail outlet use shall be equal to or lesser than the following:
 - (i) 25% of the gross floor area of an individual tenant's unit within the building.
- (j) Lot area (minimum): 0.20 hectares
- (k) Lot frontage (minimum): 30.48 metres
- (l) Storage of motor homes:
 - (i) Notwithstanding any regulations to the contrary the indoor and outdoor storage of motor homes shall be limited to a maximum of 5% of the total lot area
- (m) Display:
- (n) Roadside displays shall be limited to the following:
 - (i) non-motorized travel trailers only;

- (ii) a maximum display of 3 travel trailers along Gardiner's Road;
- (iii) a maximum display of 3 travel trailers along O'Connor Drive; and
- (iv) displays shall not encroach into the right-of-way.

788. In the case of the M3[788] Zone, Cataraqui Estates Business Park, the following provisions shall apply:

- (a) Additional permitted uses:
- (b) Contractor's or Tradesman's shop or yard
- (c) A maximum of 25% of the total floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises
- (d) Minimum lot area: 2,000 square metres
- (e) Minimum lot frontage : 30.48 metres

789. In the case of the M3[789] Zone, known municipally at 555 O'Connor Drive, the following provisions shall apply:

- (a) A maximum of 25% of the total floor area of a truck and trailer parts warehouse use may be used for the purpose of an accessory retail and accessory wholesale use.
- (b) Minimum lot area : 2,024 square metres
- (c) Minimum lot frontage : 30.48 metres
- (d) A parking area shall be permitted in any setback provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line.
- (e) The main building existing on the site as of the date of the passing of this By-Law shall be deemed to comply with the exterior side setback width regulations of this By-Law. In the event that the existing main building on the site is removed, any new development shall be subject to the M3 Zone provisions of this By-Law.

790. In the case of the M3[790] Zone, the following provisions shall apply:

- (a)** May be used for the development of an industrial mall consisting of one or more of the following uses:
- (b)** a bank or financial institution;
- (c)** a factory retail outlet accessory to any manufacturing or similar use;
- (d)** a bottling, food packaging or processing plant;
- (e)** an apparel or finished textiles plant;
- (f)** a manufacturing plant;
- (g)** a bonded warehouse or custom brokers;
- (h)** a processing plant;
- (i)** an assembling plant;
- (j)** a newspaper or printing and binding plant;
- (k)** a dry cleaning or laundry plant;
- (l)** an industrial supply operation;
- (m)** a maintenance, service and sales operation for industrial equipment;
- (n)** a parking lot or parking garage;
- (o)** a public use including a fire hall, post office or auditorium;
- (p)** a custom workshop;
- (q)** an establishment for construction equipment sales, service and rental;
- (r)** a workers or union hall;
- (s)** business offices and/or training facilities related to industry and commerce to a maximum of 25 percent of the gross mall area;
- (t)** an ambulance dispatch facility;
- (u)** a titorial premises;
- (v)** a warehousing and/or wholesale establishment

- 791.** In the case of the M3[791] Zone, Santin Construction, the following provisions shall apply:
- (a)** May be used as a contractor's or tradesman's shop or yard or as an establishment for the sale, service and rental of construction equipment in accordance with the following provisions:
 - (i)** Lot area (minimum): 2,000 square metres
 - (ii)** Lot frontage (minimum): 30.5 metres
- 792.** In the case of the M3[792] Zone, the following provisions shall apply:
- (a)** May be served by a public water system and a private sewer system and may be used for one or more of the following uses:
 - (b)** a transportation depot
 - (c)** a vehicle rental establishment.
- 793.** In the case of the M3[793] Zone, the following provisions shall apply:
- (a)** Permitted additional uses:
 - (b)** a bank or financial institution
 - (c)** a factory retail outlet accessory to any manufacturing establishment
 - (d)** a bottling, food packaging or processing plant
 - (e)** an apparel or finished textile plant
 - (f)** a manufacturing plant
 - (g)** a processing plant
 - (h)** an assembling plant
 - (i)** a newspaper or printing and binding plant
 - (j)** an industrial supply operation
 - (k)** business offices and/or training facilities related to industry and commerce to a maximum of 25% of the gross mall area
 - (l)** an ambulance dispatch facility

- (m) a warehousing and/or wholesale establishment
- (n) a restaurant
- (o) offices ancillary to the use of the individual tenant's portion of the building
- (p) an ancillary retail use, including showrooms and display provided that such use is limited to a maximum of 30% of the total area of the individual tenant's portion of the building;
- (q) a public use in accordance with the provisions of this By-law including a fire hall and post office.

794. In the case of the M3[794] Zone, the following provisions shall apply:

- (a) May be used as a contractor's or tradesmen's shop or yard in accordance with the following provisions:
 - (i) Lot area (minimum): 2,000 square metres
 - (ii) Lot frontage (minimum): 30.5 metres
 - (iii) Front setback depth (minimum): 2.8 metres

795. In the case of the M3[795] Zone, the following provisions shall apply:

- (a) May be served by a public water system and a private sewerage system, and may be used for a transportation depot, a vehicle rental establishment, and a Truck Stop in accordance with the following provisions:
 - (i) Gross floor area of truck stop
 - (1) the maximum gross floor area of a Truck Stop permitted within the M3[795] Zone shall not exceed 3,450 square metres; and,
 - (2) the total gross floor area of all accessory retail uses permitted within a Truck Stop shall not exceed 180 square metres

796. In the case of the M3[796] Zone, the following provisions shall apply:

- (a) may be used for a Freestanding Restaurant in accordance with the following provision

- (i) Gross floor area (maximum): 25 square metres

797. In the case of the M3W[795] Zone, the following provisions shall apply:

- (a) May be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:
 - (i) "Waste processing site" means a site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.
 - (ii) "Waste transfer station" means a waste disposal site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
- (b) The following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.
- (c) Shall be used in accordance with the Zone Provisions of the General Industrial (M2) Zone.
- (d) The maximum amount of waste to be received at lands designated M3W[795] is limited to the following:
 - (i) Liquid industrial waste, including hazardous liquid waste – 125,000 litres per day
 - (ii) Non-hazardous solid waste – 100 tonnes
- (e) Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands designated M3W[795] .
- (f) Notwithstanding any provisions to the contrary the maximum amount of waste that may be stored at lands designated M3W[795], at any time is limited to:
 - (i) 125,000 litres of non-hazardous industrial waste and hazardous liquid waste;

- (ii) 6 tonnes of solid waste consisting of residual waste and hazardous liquid waste;
 - (iii) 94 tonnes of non-hazardous or hazardous solid waste.
- (g) Notwithstanding any provisions to the contrary the storage of waste is further limited to the following:
- (i) ninety six (96) 205 litre drums and/or twenty four (24) 1,000 litre totes and/or twenty four (24) 1,000 litre skids for transfer/temporary storage and/or processing of non-flammable liquids stored inside the processing building;
 - (ii) ninety-six (96) 205 litre drums for transfer and temporary storage of flammable liquids stored outside of the processing building and in accordance with the Ontario Fire Code and National Fire Code of Canada.
 - (iii) Four (4) tanks located within the beamed area of the processing building for transfer/processing and temporary storage of oily wastes, oils and concentrates from the evaporator and having the following storage capacities:
 - (1) Tank 1 – 35,000 litres;
 - (2) Tank 2 – 35,000 litres;
 - (3) Tank 3 – 35,000 litres and
 - (4) Tank 4 – 13,000 litres
 - (iv) Solid waste shall be stored within the confines of the processing building.
- 798.** In the case of the M3W[798]-H Zone, the following provisions shall apply:
- (a) May be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:
 - (i) "Waste processing site" means a site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.

- (ii) "Waste transfer station" means a waste disposal site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
 - (iii) The following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.
 - (iv) The following additional uses are permitted: an assembly plant, a business professional office, but shall not include a primary of accessory retail use, a dry-cleaning or laundry plant, a fabricating plant, a manufacturing plant, a processing plant, a public use, and a warehouse.
 - (v) Shall be used in accordance with the Zone Provisions of the General Industrial (M2) Zone.
- (b) Notwithstanding any provisions to the contrary the maximum amount of waste to be received at lands designated M3W[798] is limited to the following:
- (1) Hazardous liquid – 100 tonnes per day;
 - (2) Non-hazardous waste – 200 tonnes per day.
- (ii) Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands zoned M3W[798]-H.
 - (iii) The removal of the Holding Symbol shall be contingent upon the following condition:
 - (iv) The Owner shall obtain a Certificate of Approval from the Ministry of Environment for the 'waste processing' and 'waste transfer' uses. A copy of the Certificate of Approval will be submitted with the application for Removal of Holding Symbol.
- 799.** In the case of the M3W[799] Zone, on the approximately 0.64 hectare parcel of land located on the west side of Montreal Street north of Hickson Avenue, the following provisions shall apply:

- (a)** the permitted uses shall also include a restaurant within the limits of the existing roofed building area and adjacent outside areas;
 - (b)** there shall be no expansion or enlargement of the existing buildings.

- 800.** In the case of the OS2[800] Zone, on the publicly owned land on the south side of King Street, the following provisions shall apply:
 - (a)** The following uses shall also be permitted:
 - (b)** salt, coal, grain and sand storage.

- 801.** In the case of the TA[801] Zone, the following provisions shall apply:
 - (a)** May also be used for a golf course and driving range provided such uses are developed and operated in accordance with provision (b) below.
 - (b)** Development of a golf course and/or driving range shall not be permitted until such time as:
 - (i)** Council has approved a development concept plan showing the location of all building(s) and structures to be erected and showing location of all facilities and work to be provided in conjunction therewith. Council may require the owner of the lands to provide to the satisfaction of, and at no expense to the City, any or all of the following:
 - (1)** Vehicular parking facilities and access driveways.
 - (2)** Walkway and other means of pedestrian access
 - (3)** Lightning, including flood lighting of the lands or
 - (4)** the buildings or structures thereon.
 - (5)** Walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands.
 - (6)** Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

- (7) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water.
 - (ii) The following environmental and engineering investigations have been completed and demonstrate to the satisfaction of Council and all pertinent regulatory agencies that the golf course proposal will not have adverse environmental impacts:
 - (1) A turf management plan and a determination of impacts on storm water quality due to use of chemicals.
 - (2) A storm water quality plan detailing appropriate measures to ensure that storm water quality will not adversely impact the quality or quantity of ground water or surface water.
 - (3) A storm water quantity plan detailing anticipated increases in run-off and measures to deal with such impacts.
 - (4) A water taking plan to address the irrigation of a golf course and/or driving range in a manner which will not adversely affect ground water supply and quality and which will address impacts on Lake Ontario.
 - (5) An on-site sewage disposal plan.
 - (c) The lands Zoned TA[801] may also be used for:
 - (d) the Professional Office uses that were in existence as of the date of passing of this By-Law; and
 - (e) a golf clubhouse
- 802.** Reserved.
- 803.** In the case of the IN1[803] Zone, known municipally as 263 and 267 Weller Avenue, the following provisions shall apply:
- (a) Permitted institutional uses:
 - (i) Notwithstanding any provisions to the contrary only the following uses are permitted:

- (ii)** Administrative offices for an institutional organization, including a non-profit organization which provides healthcare, community and other social support services
 - (iii)** Church
 - (iv)** Clinic
 - (v)** Community Centre
 - (vi)** Community Hall
 - (vii)** Convents
 - (viii)** Daycare centre
 - (ix)** Education Centre
 - (x)** Education Facility
 - (xi)** Hospitals as defined by the Public Hospitals Act, R.S.O. (1970) Chapter 378,
 - (xii)** Library
 - (xiii)** School
- (b)** Neighbourhood commercial uses:
- (i)** Permitted Uses:
 - (ii)** Banks
 - (iii)** Commercial Schools
 - (iv)** Neighbourhood Stores
 - (v)** Restaurants
 - (vi)** Retail Stores
 - (vii)** Notwithstanding any provisions to the contrary the maximum permitted aggregate gross floor area of all neighbourhood commercial uses shall not exceed 25% of the total gross floor area on the property

- (viii) Notwithstanding any provisions to the contrary there shall be no more than four individual neighbourhood commercial uses
 - (c) Minimum required yards:
 - (i) Weller Street Front Yard: 9.0 metres
 - (ii) Compton Street Front Yard: 9.0 metres
 - (iii) West Side Yard: 15.0 metres
 - (iv) North Side Yard: 7.0 metres
 - (d) Landscaping strip: A minimum 5.0 metre wide landscaping strip is required along the entire western property line
 - (e) Maximum height: 15.0 metres
 - (f) Off-street parking: For uses not specifically designated in Section 5.3, a minimum of 3 parking spaces per 100 square metres of gross floor area shall be required
 - (g) Bicycle parking: A minimum of 1 bicycle parking space per 100 square metres of gross floor area shall be required.
- 804.** In the case of the IN1[804] Zone, the following provisions shall apply:
- (a) Shall be used for no purpose other than a church, an accessory dwelling house, or an accessory dwelling unit in accordance with the following provisions:
 - (i) Interior side setback width (minimum): 7.5 metres
 - (ii) Rear setback depth (minimum): 70 metres
 - (iii) Height of building:
 - (1) Minimum 6 metres
 - (2) Maximum 12 metres
 - (iv) Accessory uses, parking, etc.:
 - (v) In accordance with the provisions of this By-law except:

- (1) No part of any parking area, other than a driveway, shall be located closer than 7.5 metres to a street line or closer than 4 metres to a side lot line.
- (2) No part of any parking area including a driveway shall be located closer than 7.5 metres to a rear lot line.
- (3) Unenclosed porches, balconies, steps and ramps may project into any front setback or exterior side setback, provided they are no closer than 1.2 metres to any lot line.
- (4) There is no minimum height requirement for an accessory use, building, or structure.

805. In the case of the IN1[805] Zone, the following provisions shall apply:

- (a) The minimum number of required on-site parking spaces shall be 156.

806. In the case of the IN1[806] Zone, the following provisions shall apply:

- (a) Shall be used for a school, a single detached dwelling house, a semi-detached dwelling house a row dwelling, a home occupation, or a public use in accordance with provisions outlined in Paragraphs (b) to (e) below.

(b) School:

- (i) Lot area (minimum): 2.71 hectare
- (ii) Front setback depth (minimum): 7.5 metres
- (iii) Interior side setback (minimum): 10 metres
- (iv) Rear setback depth (minimum): 7.5 metres
- (v) Building height:
 - (1) Minimum 6 metres
 - (2) Maximum 12 metres
- (vi) Accessory uses, parking etc.:
- (vii) In accordance with the provisions of this By-law except:

- (1) No part of any parking area, other than a driveway, a bus lay-by area, or a maximum of 5 visitor parking spaces, shall be located within a front setback or exterior side setback.
 - (2) No part of any parking area including a driveway shall be located closer than 7.5 metres to an interior side lot line.
 - (3) No part of any parking area, other than a driveway, shall be located within 4 metres of a rear lot line.
 - (4) Unenclosed porches, balconies, steps and ramps may project into any front setback or exterior side setback, provided they are no closer than 1.2 metres to any lot line.
 - (5) There is no minimum height requirement for any accessory use, building, or structure.
- (c) Single detached dwelling house:**
- (i)** Lot area (minimum): 276 square metres
 - (ii)** Lot frontage (minimum):
 - (1) Corner Lot 10.8 metres
 - (2) Other Lot 9.0 metres
 - (iii)** Front setback depth:
 - (1) Minimum 3 metres
 - (2) Maximum 6 metres
 - (iv)** Exterior side setback width (minimum): 3 metres
 - (v)** Interior side setback width (minimum): 0.6 metres, on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback width shall be 3 metres.
 - (vi)** Rear setback depth (minimum): 7.4 metres
 - (vii)** Dwelling unit area (minimum): 93 square metres
 - (viii)** Landscaped open space (minimum): 30%

- (ix)** Lot coverage (maximum): 50%
- (x)** Height of building (maximum): 10.5 metres
- (xi)** Dwelling Houses Per Lot (maximum): 1 only
- (xii)** Accessory uses, parking etc.:
- (xiii)** In accordance with the provisions of this By-law except
 - (1) That notwithstanding the maximum allowable lot coverage provisions of this zone, an additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback.
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback width is required.
 - (3) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback depth is required.
 - (4) The minimum required driveway width shall be 3.0 metres.
 - (5) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (6) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (xiv)** Garage location:
- (xv)** Notwithstanding any other provision of this By-law hereof to the contrary, no garage shall be located closer than 6 metres to the street line.
- (xvi)** Sight triangles:

(xvii) That notwithstanding the provisions of this By-law, the lands designated IN1[806] shall measure the sight triangle 3 metres from the point of intersection of the street lines.

(d) Semi-detached dwelling house:

(i) Lot area (minimum): 276 square metres

(ii) Lot frontage (minimum):

(1) Corner Lot 10.8 metres

(2) Other Lot 9.0 metres

(iii) Front setback depth:

(1) Minimum 3 metres

(2) Maximum 6 metres

(iv) Exterior side setback width (minimum): 3 metres

(v) Interior side setback width (minimum): 1.2 metres, on one side and 0 metre on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback width shall be 3 metres.

(vi) Rear setback depth (minimum): 7.4 metres

(vii) Dwelling unit area (minimum): 93 square metres

(viii) Landscaped open space (minimum): 30%

(ix) Lot coverage (maximum) 50%

(x) Height of building (maximum): 10.5 metres

(xi) Dwelling Houses Per Lot (maximum): 1 only

(xii) Accessory uses, parking etc.:

(xiii) In accordance with the provisions of this By-law except

(1) That notwithstanding the maximum allowable lot coverage provisions of this zone, an additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback.

- (2) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback width is required.
 - (3) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback depth is required.
 - (4) The minimum required driveway width shall be 3.0 metres.
 - (5) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (6) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (xiv)** Garage location:
- (xv)** Notwithstanding any other provision of this By-law hereof to the contrary, no garage shall be located closer than 6 metres to the street line.
- (xvi)** Sight triangles:
- (xvii)** That notwithstanding the provisions of this By-law, the lands designated IN1[806], shall measure the sight triangle 3 metres from the point of intersection of the street lines.
- (e)** Row dwelling:
- (i)** Lot area (minimum):190 square metres
 - (ii)** Lot frontage (minimum):
 - (1) Corner Lot 9.0 metres
 - (2) Other Lot 6.0 metres
 - (iii)** Front setback depth:

- (1) Minimum 3 metres
- (2) Maximum 6 metres
- (iv)** Exterior side setback width (minimum): 3 metres
- (v)** Interior side setback width (minimum): 1.2 metres, except where the building shares a common wall with any building on an adjacent lot, the minimum shall be 0 metres
- (vi)** Rear setback depth (minimum): 7.4 metres
- (vii)** Dwelling unit area (minimum): 65 square metres
- (viii)** Landscaped open space (minimum): 30%
- (ix)** Lot coverage (maximum): 45%
- (x)** Height of building (maximum): 12 metres
- (xi)** Dwelling houses per lot (maximum): 1 only
- (xii)** Accessory uses, parking etc.:
- (xiii)** In accordance with the provisions of this By-law except
 - (1) That notwithstanding the maximum allowable lot coverage provisions of this zone, an additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback.
 - (2) The maximum required driveway width shall be 3.5 metres.
 - (3) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (4) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
 - (5) Unenclosed porches, balconies, steps and ramps may project into any front setback or exterior side setback provided they are no closer than 1.2 metres to any lot line.

- (xiv)** Garage location:
 - (xv)** Notwithstanding any other provision of this By-law hereof to the contrary, no garage shall be located closer than 6 metres to the street line.
 - (xvi)** Special provisions:
 - (xvii)** There shall be no more than seven (7) attached row dwelling houses in one continuous row.
 - (xviii)** Sight triangles:
 - (xix)** That notwithstanding the provisions of this By-law, the lands designated IN1[806], shall measure the sight triangle 3 metres from the point of intersection of the street lines.
- 807.** In the case of the IN1[807] Zone, the following provisions shall apply:
- (a)** Shall be used for no other purpose than a school or a public use.
- 808.** In the case of the IN1[808] Zone, the following provisions shall apply:
- (a)** The uses on the site shall also include a Call-Centre and General Office Uses.
 - (b)** The current shared driveway with Centre 70 shall be the permitted access into Call-Centre.
- 809.** In the case of the IN1[809]-H Zone, known municipally as 564 Tanner Drive, the following provisions shall apply:
- (a)** Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, and notwithstanding any provisions of the By-Law to the contrary, the provisions the IN1 Zone shall apply to the IN1[809]-H Zone except that:
 - (i)** Uses permitted:
 - (ii)** Institute
 - (iii)** Nursing home
 - (iv)** Associated row dwelling house

- (v) Accessory uses to be located within and related to the institute or nursing home to service only the residents, employees or visitors to the institute, nursing home and associated row dwelling houses including a day nursery, a medical clinic, personal service shop, a business or professional office, pharmacy, banking facility, convenience store, coffee shop, recreational uses, chapel and dining facilities.
- (vi) Height of building (maximum): 16 metres
- (vii) Dwelling units per lot (maximum): 23
- (viii) The '-H' Symbol shall only be removed once the following conditions have been complied with:
 - (1) Archaeological Assessment and Environmental Site Assessment to the satisfaction of the City;
 - (2) All applicable City and Agency requirements have been complied with;
 - (3) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
 - (4) City Council has passed a further amendment to this By-law to remove the '-H' Symbol pursuant to the *Planning Act*.

810. In the case of the IN1[810] Zone, the following provisions shall apply:

- (a) Shall be used for no purposes other than a church, a nursery school and a maximum of two accessory dwellings, which may consist of either accessory dwelling houses, accessory dwelling units or a combination of the foregoing.

811. In the case of the IN1[811] Zone, the following provisions shall apply:

- (a) Shall be used for no purpose other than a church, a nursery school, and/or a public use in accordance with the provisions of this By-law.

812. In the case of the IN1[812] Zone, the following provisions shall apply:

- (a) The minimum required rear setback depth for the lands designated as IN1[812] shall be 3.0 metres.

- 813.** In the case of the IN1[813] Zone, the following provisions shall apply:
- (a)** Shall be used for no purpose other than a church and an accessory dwelling unit and development on these lands shall be subject to the following provision
 - (i)** The planting of any shrubs or trees within 6.1 metres of the right-of way of Taylor Kidd Boulevard shall be prohibited.
- 814.** In the case of the IN1[814] Zone, the following provisions shall apply:
- (a)** May be used for a single detached dwelling house accessory to a church, provided that such use is developed in accordance with the following provisions:
 - (i)** Lot area (minimum): 6,272 square metres
 - (ii)** Dwelling Unit Area (minimum):
 - (1)** Single detached dwelling house 92 square metres
- 815.** In the case of the IN1[815] Zone, Kingston Christian School, the following provisions shall apply:
- (a)** Shall only be used and developed in accordance with the following special provisions:
 - (i)** Permitted uses:
 - (ii)** a Commercial School offering elementary education to children in kindergarten through Grade 8;
 - (iii)** a public use in accordance with the provisions of this By-law.
 - (iv)** Lot area (minimum):0.9 hectare
 - (v)** Lot frontage (minimum):121 metres.
 - (vi)** For the purposes of this Section only, the Woodbine Road frontage shall be considered as the Lot frontage .
 - (vii)** That any addition to the existing building located on the lands zoned IN1[815] shall be constructed in accordance with the requirements of this By-law.

- 816.** In the case of the IN2[816] Zone, on the approximately 0.24 hectare parcel of land located on the south side of Stuart Street, east of University Avenue, the following provisions shall apply:
- (a) There shall be no minimum side setback requirements.
- 817.** In the case of the IN2[817] Zone, on the approximately 0.1 hectare parcel of land located at the southwest corner of Johnson and Aberdeen Streets, the following provisions shall apply:
- (a) Two, two detached dwellings may be erected, subject to the provisions of Zone IN2, except that the minimum lot area requirement shall be 232.0 square metres per unit.
- 818.** In the case of the IN2[818] Zone, on the Approximately 0.13 hectare parcel of land located on the south side of Queen's Crescent east of Albert Street, the following provisions shall apply:
- (a) The permitted uses shall also include a day care centre.
- 819.** In the case of the IN2[819] Zone, on the approximately 1.09 hectare parcel of land located on the north side of Union Street between Alfred Street and University Avenue, the following provisions shall apply:
- (a) The minimum setback requirements for the proposed library building shall be as follows:
- (i) From Union Street 6.79 metres
- (ii) From Alfred Street 0.00 metres
- (iii) From University Avenue 0.00 metres
- (iv) Rear Setback 23.0 metres, which shall be measured between the rear wall of the library and the property line, notwithstanding any other structures located in the rear setback area.
- (b) The maximum library building height, measured to the top of the mechanical shaft on Alfred Street, shall be 31.0 metres.
- (c) A six (6) unit row dwelling shall be permitted at the northwest corner of the property subject to the following regulations:
- (i) the minimum setback from Alfred Street shall be 2.4 metres;

- (ii) the minimum side setback on the north side of the dwelling shall be 2.0 metres;
 - (iii) a minimum of six (6) off-street parking spaces shall be provided in accordance with the provisions of this By-law.
 - (d) A the existing three (3) unit dwelling located at 174 University Avenue and the existing two (2) unit dwelling located at 176 University Avenue shall be deemed to be a use of land and building conforming with the provisions of this By-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in this By-law or which has the effect of creating an additional dwelling unit within or attached to the said buildings shall be permitted. A minimum of five (5) off-street parking spaces shall be provided in accordance with the provisions of this By-law.
- 820.** In the case of the IN2[820] Zone, on the approximately 0.27 hectare parcel of land located at the southwest corner of Barrie Street and Earl Street, known municipally as 212-218 Barrie Street and 216 Earl Street, the following provisions shall apply:
- (a) The permitted uses shall also include church offices provided that this use is contained within the walls of the existing building located at 212 Barrie Street;
 - (b) The existing building at 212 Barrie Street shall be recognized as non-complying with respect to minimum front, side and rear setback requirements. No extension or enlargement of the existing building shall be permitted, however, alterations, including structural alterations, necessary for the normal maintenance and repair of the existing building shall be permitted;
 - (c) The minimum number of required off-street parking spaces for the church offices permitted in Paragraph (a) herein shall be five (5);
 - (d) Any permitted University uses, except associated surface parking, shall be contained within the walls of the existing building known municipally as 218 Barrie Street.
- 821.** In the case of the IN2[821] Zone, known municipally as 143 Union Street, the following provisions shall apply:
- (a) Minimum number of off-street parking spaces shall be 83;

- (b)** The existing Victoria School building shall be deemed to be in conformity with the minimum front, side and rear setback requirements of the By-Law.
- (c)** The minimum setback requirements for any proposed additions to the existing building shall be as follows:
 - (i)** From Union Street 20.0 metres
 - (ii)** From Alfred Street 2.7 metres
 - (iii)** From Frontenac Street 2.2 metres
 - (iv)** Rear Setback: 0.9 metres
- (d)** Minimum number of off-street loading spaces shall be 1.

822. In the case of the IN2[822] Zone, on the approximately 0.054 hectare (544 square metres) parcel of land located on the north side of William Street between Division Street and Barrie Street, known municipally as 255 and 257 William Street, the following provisions shall apply:

- (a)** The permitted uses shall also include a three unit row dwelling;
- (b)** Any three unit row dwelling constructed on the property shall be subject to the following regulations:
 - (i)** The minimum number of required off-street parking spaces shall be three;
 - (ii)** The existing building and any addition thereto shall be deemed to comply to the regulations of the Low Density Residential Zone (R2) regarding Minimum Lot area and Minimum Rear Setback;
 - (iii)** The minimum front setback for any addition shall be the established front setback of the existing building and porch;
 - (iv)** The Maximum Percentage of Lot Coverage shall be forty per cent (40%);
 - (v)** The Minimum Aggregate Side Setback shall be 3.2 metres, provided that the minimum side setback for any addition to the existing building shall be 0.76 metres;
 - (vi)** The maximum building height for any addition to the existing building shall be two storeys.

- 823.** In the case of the IN2[823] Zone, on the approximately 450 square metres parcel of land located on the southeast corner of Johnson and Division Streets, known municipally as 344 Johnson Street, the following provisions shall apply:
- (a)** The following uses shall also be permitted within the walls of the building in existence as of the date of the passing of this By-Law:
 - (b)** six (6) residential dwelling units; or
 - (c)** five (5) residential dwelling units in conjunction with a neighbourhood commercial use;
 - (d)** That the following uses shall constitute a neighbourhood commercial use as permitted in Paragraph (a) above: retail convenience store; corner food store; laundromat; restaurant; coffee shop; neighbourhood take-out food outlet; hairdresser; barber; shoe repair; and, dry cleaning pick up outlet
 - (e)** Any permitted neighbourhood commercial use shall be located on the ground floor of the building and shall not exceed 83.61 square metres of floor area.
 - (f)** The owner shall be required to provide a minimum of 10 parking spaces.
- 824.** In the case of the IN2[824] Zone, on the approximately 0.08 hectare parcel of land located on the east side of Alfred Street, between Union and Earl Streets, known municipally as 157 Alfred Street, the following provisions shall apply:
- (a)** The permitted uses shall also include two (2), three (3) unit dwellings;
 - (b)** The maximum number of permitted residential units on the lands Zoned IN2[824] shall be six (6);
 - (c)** The minimum front, side and rear setback requirements shall be as follows:
 - (i)** Existing Building & Proposed Addition
 - (ii)** Front Setback 3.3 metres (existing)
 - (iii)** Side Setback (north) 0.24 metres (existing)

- (iv) Side Setback (south) 2.3 metres
 - (v) Rear Setback 13.6 metres
 - (vi) Proposed Building
 - (vii) Front Setback 3.0 metres
 - (viii) Side Setback (north) 1.4 metres
 - (ix) Side Setback (south) 1.3 metres
 - (x) Rear Setback 17.7 metres
- (d) The minimum number of required off street parking spaces shall be six (6).
- (e) The minimum play space and amenity area requirement for the permitted three unit dwellings shall be a total of 284.5 square metres.
- 825.** In the case of the IN2[825] Zone, on the approximately 0.10 hectare parcel of land located on the east side of Alfred Street, between Johnson and Earl Streets, known municipally as 205 - 209 Alfred Street, the following provisions shall apply:
- (a) The permitted uses shall also include two (2), three (3) unit dwellings;
 - (b) The maximum number of permitted residential units on the IN2[825] Zone shall be six (6);
 - (c) The minimum front, side and rear setback requirements shall be as follows:
 - (i) 205 Alfred Street
 - (ii) Minimum Front Setback for house 5.5 metres
 - (iii) Minimum Front Setback for porch 3.75 metres
 - (iv) Minimum Side Setback (north) 0.76 metres (existing)
 - (v) Minimum Side Setback (north) 1.2 metres (proposed addition)
 - (vi) Minimum Side Setback (south) 0.06 metres (existing)

- (vii) Minimum Side Setback (south) 1.2 metres (proposed addition)
 - (viii) Minimum Rear Setback 20.4 metres
 - (ix) 209 Alfred Street
 - (x) Minimum Front Setback for house 5.75 metres
 - (xi) Minimum Front Setback for porch 4.1 metres
 - (xii) Minimum Side Setback (north) 0.0 metres (existing)
 - (xiii) Minimum Side Setback (north) 1.8 metres (proposed addition)
 - (xiv) Minimum Side Setback (south) 1.85 metres (existing)
 - (xv) Minimum Side Setback (south) 2.4 metres (proposed addition)
 - (xvi) Minimum Rear Setback 20.4 metres
- (d) The minimum number of required off street parking spaces shall be six (6).
 - (e) The minimum play space and amenity area requirement for the permitted six (6) dwelling units shall be a total of 400 square metres.
- 826.** In the case of the IN2[826] Zone, known municipally as 390 King Street West, the following provisions shall apply:
- (a) Additional Permitted uses:
 - (b) Theatre;
 - (c) Auditorium; and
 - (d) Accessory uses to a theatre and auditorium
 - (e) Prohibited Uses:
 - (f) Convocation ceremony.
 - (g) Off-Street Parking shall be provided as follows:

- (i) A total of 180 parking spaces shall be provided for Off-Street Parking. Required parking shall be provided either on-site or in off-site parking facilities, but shall not be provided using on-street parking.
 - (ii) The minimum size of a parking space located in the IN2[826] Zone shall be 2.6 metres wide and 5.2 metres long.
 - (iii) The minimum width of a drive aisle adjacent to a parking space shall be 6.7 metres.
 - (iv) Minimum Setback from Lake Ontario Waterfront to the face of any building shall be 15.8 metres.
- 827.** In the case of the IN2[827] Zone, known municipally as 222 Stuart Street, the following provisions shall apply:
- (a) Minimum side setback – 5.4 metres
 - (b) Density – The maximum habitation unit density of the IN2[827] zone of lands owned by a higher educational or medical institution shall not exceed 900 habitation units per net hectare.
 - (c) All buildings on corner lots shall be set back from the street line as to maintain the sight triangle which means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 8.0 metres from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.
 - (d) Within any area defined as a sight triangle, the following uses shall be prohibited;
 - (i) a building, structure of use which would obstruct the vision of drivers or motor vehicles which extends to a height of 4.15 metres;
 - (ii) a fence, tree, hedge, bush, or other vegetation, the top of which exceeds 1 metre in height above the elevation of the street line;
 - (iii) a finished grade which exceeds the elevation of the street line by more than 0.5 metres.

- 828.** In the case of the IN2[828] Zone, known municipally as 218 University Avenue, the following provisions shall apply:
- (a) Definitions:
 - (b) For the purpose of the IN2[828] zone, the following definition shall apply:
 - (c) Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include
 - (i) Common areas open to all occupants of the unit;
 - (ii) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (iii) Areas occupied by mechanical equipment, such as furnaces, water heaters and laundry equipment
 - (d) Maximum number of dwelling units: 2
 - (e) Maximum aggregate number of bedrooms: 8
 - (f) Minimum Lot area – two unit dwelling: 417 square metres
- 829.** In the case of the IN2[829] Zone, located within the block bounded by King Street, Collingwood Street, Queens Crescent and Albert Street, the following provisions shall apply:
- (a) Any building constructed, or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this By-law by the City, which was constructed in accordance with all By-laws of the City in force at that date, shall be deemed to be a use of land and building conforming with the provisions of this By-law.
 - (b) Density – The maximum habitation unit density of the IN2[829] zone of lands owned by a higher educational or medical institution shall not exceed 550 habitation units per net hectare.
- 830.** In the case of the IN2[830] Zone, on the approximately 3.3 hectare property, generally bounded by Union Street, Division Street, Earl Street and University Avenue, the following provisions shall apply:
- (a) The following uses shall also be permitted:

- a bank;
 - a drug and sundry store;
 - a Laundromat;
 - a dry cleaning outlet;
 - a barber shop;
 - a hairdresser or hair stylist service; and
 - a bookstore.
- (b)** the uses listed in Paragraph (a) above shall not occupy more than 882.6 square metres of floor space in total.
 - (c)** buildings within which any of the uses mentioned in Paragraph (a) above are located shall not contain any show or display windows associated with these uses and which are visible from the exterior of the building.
 - (d)** there shall be no commercial signs visible from the exterior of the building.
 - (e)** access to the uses listed in Paragraph (a) above shall not be directly from the external part of the building but shall be from common corridors within the building, except that those uses which require direct service entrances from any street may have such entrance provided that they are used for that purpose only.
 - (f)** Building Setback from University Avenue (minimum) 6.0 metres
 - (g)** Building Setback from Union Street (minimum) 9.53 metres
 - (h)** Building Setback from Division Street (minimum) 0.0 metres
 - (i)** Building Setback from Earl Street (minimum) 0.0 metres
 - (j)** Interior Side Setback - East side (minimum) 3.2 metres
 - (k)** Interior Side Setback – West side (minimum) 3.6 metres
- 831.** In the case of the IN2[831] Zone, on the approximately 1.34 hectare (13410 square metres) parcel of land located on the Northwest corner of Union and College Streets, known municipally as 421 Union Street, the following provisions shall apply:
- (a)** The only permitted uses shall be the Donald Gordon Centre and accessory uses or buildings thereto and other similar teaching or educational facilities;

- (b)** The maximum building height shall be as follows:
 - (i)** new conference wing one and one-half storeys or 6.9 metres above grade;
 - (ii)** north wing three (3) storeys or 9.3 metres above grade;
 - (iii)** west wing four (4) storeys or 11.9 metres above grade;

For the purposes of this section, "grade" shall mean 99.0 metres geodetic, which is the existing grade level at Roselawn House and the Coach House. The "height" shall be the distance from grade to the top of the roof surface.

- (c)** The minimum rear setback for any new construction shall be 4.2 metres;
- (d)** The minimum required side setback for any new construction shall be:
 - (i)** on the west side of the property 7.0 metres;
 - (ii)** on the east side (College St.) of the property 5.0 metres;
- (e)** The minimum lot width shall be 86.12 metres;
- (f)** The minimum number of required off-street parking spaces shall be eighty (80);
- (g)** The off-street loading facilities shall be located only on the west side of the property;
- (h)** There shall be no vehicle access to the site from College Street.

832. In the case of the IN2[832]-H Zone, on the approximately 26 hectare parcel of land located at the northeast corner of Portsmouth Avenue and King Street West, known municipally as 100 Portsmouth Avenue, the following provisions shall apply:

- (a)** That the site may contain one (1) wind turbine with a maximum height of 35 metres and a maximum blade diameter of 8 metres;
- (b)** 'nursing home' use shall be a permitted use;
- (c)** Notwithstanding any provisions to the contrary that the lands within the IN2[832]-H Zone shall be considered as one lot for zoning purposes; and

- (d)** Notwithstanding any other provision of this By-Law to the contrary, the Holding (H) symbol applied to the zone may be removed upon the submission of a satisfactory noise report confirming that the proposed wind turbine complies with the Ministry of Environment Guidelines.
- 833.** In the case of the IN2[833] Zone, on the approximately 2.83 hectare parcel of land located west of Sir John A. Macdonald Boulevard north of Union Street, the following provisions shall apply:
- (a)** A Maximum height of 48.8 metres or 16 storeys shall be the permitted building height.
- 834.** In the case of the IN2[834] Zone, for the parcel of land extending approximately 82.0 metres along the westerly boundary of the property owned by Queen's University, located west of Sir John A. Macdonald Boulevard, south of Johnson Street, the following provisions shall apply:
- (a)** A minimum rear setback of 10.7 metres shall be permitted.
- 835.** In the case of the OS1[835] Zone, Confederation Park, the following provisions shall apply:
- (a)** Additional permitted uses:
- (b)** accessory uses and structures to a marina use;
- (c)** accessory tourist commercial uses in an existing building or structure;
- (d)** outdoor theatres and cultural performances;
- (e)** ticket booth;
- (f)** tourism information and interpretation facility
- 836.** In the case of the OS2[836] Zone, on the approximately 0.521 hectare parcel of land located on the west side of Montreal Street south of Briceland Street, the following provisions shall apply:
- (a)** The only permitted use shall be a storm water management facility and any accessory structures required in the operation of said facility.
- 837.** In the case of the OS2[837] Zone, on the approximately 3.79 hectare parcel of land located on the north side of King Street west, known

municipally as 1097-1101 King Street West, the following provisions shall apply:

- (a)** The subject lands shall be developed with 44 single detached dwellings in accordance with the following provisions:
 - (i)** Lot area (minimum) – 500 square metres
 - (ii)** Lot frontage (minimum) – 17.1 metres (corner); 15.0 metres (interior)
 - (iii)** Front setback depth (minimum) - 6.0 metres
 - (iv)** Exterior side setback (minimum)– 3.0 metres
 - (v)** Interior side setback width – the required interior side setback on a lot with an attached garage or carport shall be 0.6 metres on one side and 1.2 metres on the other side. On a lot where there is no attached private garage or attached carport, the minimum interior side setback shall be 2.4 metres on one side and 0.6 metres on the other side.
 - (vi)** Rear setback depth (minimum) – 6.0 metres
 - (vii)** Lot coverage (maximum) – 47%
 - (viii)** Height of Building (maximum) – 10.6 metres
 - (ix)** Driveway width (maximum) – 6.7 metres

- 838.** In the case of the OS2[838] Zone, on those City parks commonly referred to as City Park, Cricket Field, McCullough Park, Shannon Park, Cataraqui Park and Lake Ontario Park the following provisions shall apply:
 - (a)** The Minimum Front, Side and Rear Setback from any street line or from any property line shall be 15.24 metres, except that there shall be no Minimum Front, Side or Rear Setback requirements for wading pools, boat houses, boat launching and hoisting equipment, public washrooms, service buildings, park furniture and existing structures or buildings.

- 839.** In the case of the OS2[839] Zone, on the approximately 4.0 hectare parcel of land located on the east side of Yonge Street south of King Street, the following provisions shall apply:
 - (a)** The permitted uses shall also be:

- (i) offices for or in connection with a business, profession or government service;
 - (ii) retail sales of marine supplies, excluding foodstuffs and drug sundries;
 - (iii) ship chandlers;
 - (iv) community schools, and educational classes or courses given under the jurisdiction of a university community college or board of education;
 - (v) social or recreational clubs or groups;
- (b) the total floor area to be occupied by (i), (ii), and (iii) above shall not exceed a total of 929.0 square metres to be confined within the Olympic Harbour building.
- 840.** In the case of the OS2[840] Zone, on the approximately 1.98 hectare parcel of land located east of Orchard Street between River and Cataraqui Streets, the following provisions shall apply:
- (a) The permitted uses shall also include a building for recreational use by the Kingston Rowing Club and the Cataraqui Canoe Club.
- 841.** In the case of the OS2[841] Zone, on those City parks commonly referred to as City Park, Cricket Field, McCullough Park, Shannon Park, Cataraqui Park and Lake Ontario Park the following provisions shall apply:
- (a) The Minimum Front, Side and Rear Setback from any street line or from any property line shall be 15.24 metres, except that there shall be no Minimum Front, Side or Rear Setback requirements for wading pools, boat houses, boat launching and hoisting equipment, public washrooms, service buildings, park furniture and existing structures or buildings.
- 842.** In the case of the OS2[842] Zone, known municipally as 370 King Street West, the following provisions shall apply:
- (a) That notwithstanding any provisions to the contrary the lands subject to the provisions of the OS2[842] Zone shall be applied as though the lands are single parcel for zoning purposes.
 - (b) Maximum Height – 33 metres – to allow for a modern interpretation of the malting tower and for rooftop mechanical

installations at the south end of the building not to exceed one-third of the rooftop area in total.

- (c) Minimum Front, Side and Rear Setbacks – 0.0 metres
 - (d) Off-Street Parking –

 - (i) Notwithstanding any provisions to the contrary no off-street parking is required; and
 - (ii) Notwithstanding any regulation to the contrary the subject property shall be deleted from Schedule K of Zoning By-Law Number 8499.
 - (e) Off-Street Loading – Notwithstanding Section 5.4 to the contrary one loading area measuring 3.0 metres wide and 7.5 metres long shall be provided within the OS2[842] Zone.
- 843.** In the case of the OS2[843] Zone, on the approximately 2.31 hectare of water located on the south side of King Street West lying immediately west of the property commonly known as the Kingston Grain Elevator, the following provisions shall apply:
- (a) The permitted uses shall also include the water based facilities necessary for the operation of a marina.
- 844.** In the case of the OS2[844] Zone, the following provisions shall apply:
- (a) Shall be used for no purpose other than a public park in accordance with the following:

 - (i) No buildings shall be permitted; and
 - (ii) Required Setbacks (minimum): 0.0 metres
- 845.** In the case of the OS2[845] Zone, the following provisions shall apply:
- (a) Shall be used for no other use than a public use or the existing freestanding sign in accordance with the Sign By-Law of the City.
- 846.** In the case of the OS2[846] Zone, the following provisions shall apply:
- (a) Shall be used for no purpose other than a tree preservation area. No buildings, structures or accessory uses shall be permitted.

- 847.** In the case of the OS2[847] Zone, the following provisions shall apply:
- (a) Front Setback Depth (minimum): 6.0 metres
 - (b) Interior Side Setback Width (minimum): 3.0 metres
 - (c) Rear Setback Depth (minimum): 3.0 metres
 - (d) Lot Coverage (maximum): 25%.
- 848.** In the case of the OS2[848] Zone, known municipally as 1 Potter Street, the following provisions shall apply:
- (a) Permitted Uses shall be limited to the following:
 - (b) A park; and
 - (c) A public use in accordance with the provisions of this By-law.
 - (d) Notwithstanding any provisions to the contrary all structures shall have a minimum setback of 15 metres from the top of the bank of the watercourse.
- 849.** In the case of the OS2[849] Zone, the following provisions shall apply:
- (a) No building or structure shall be erected or altered on the property.
- 850.** In the case of the OS2[850] Zone, Woodhaven (Tamarack) Subdivision Phase 3, the following provisions shall apply:
- (a) No building or structure shall be erected on or within 6 metres of the 100 year flood line.
- 851.** In the case of the OS2[853] Zone, known municipally as 999 Purdy's Mill Road) the following provisions shall apply:
- (a) Shall be used for only for the conservation of the existing natural heritage features.
 - (b) Alteration of the natural heritage feature, excluding enhancement and protection, is prohibited.
 - (c) The erection and alteration of any building or structure, other than a pedestrian bridge, is prohibited.
- 852.** In the case of the OS2[852] Zone, the following provisions shall apply:

- (a) shall be used for no purpose other than a private park or a public use in accordance with the provisions of Section 5(18) hereof, and the following provision:
 - (i) All exterior openings of all buildings shall be located above the minimum elevation of 76.14 metres Geodetic Surveys of Canada.
- 853.** In the case of the OS2[853] Zone, the following provisions shall apply:
 - (a) Shall be used for no purpose other than a public park or a public use in accordance with the provisions of this By-law and the following provision:
 - (b) All exterior openings of all buildings shall be located above the minimum elevation of 76.14 metres Geodetic Surveys of Canada.
- 854.** In the case of the R1[854] Zone, on the lands municipally known as 247 Portsmouth Avenue, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Supportive Living Residence
 - (b) Supportive Living Residence means: a residence providing accommodation primarily for retired persons or couples where each Supportive Living Residence Suite has a private bathroom, a separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven but without full cooking facilities. Common facilities for the preparation and consumption of food are provided. Common lounges, recreation rooms, and guest/clinic rooms may also be provided for use by residents and support staff. The Manager's residence is a dwelling unit and is permitted to have full kitchen facilities. The minimum lot frontage shall be 60.0 metres.
 - (c) Supportive Living Residence provisions:
 - (i) Maximum number of Supportive Living Residence Suites: 16
 - (ii) Maximum number of manager's residence: 1
 - (iii) Minimum front setback: 6.0 metres
 - (iv) Minimum side setback: 4.0 metres

- (v) Minimum aggregate interior side setback: 11.0 metres
 - (vi) Minimum rear setback: 19.0 metres
 - (vii) Maximum height: 12.5 metres
 - (viii) Minimum required number of parking spaces per Suite: 0.7
- 855.** In the case of the R1[855] Zone, on the approximately 1.28 hectare parcel of land located on the north side of Bath Road approximately 15.0 metres east of the intersection with Queen Mary Road, the following provisions shall apply:
- (a) Additional permitted use:
 - (i) a Nursing Home
 - (b) Maximum building height: 2 storeys
- 856.** In the case of the R1[856] Zone, on the parcels of land located on the south side of Sherwood Drive, the following provisions shall apply:
- (a) The minimum elevation for any building openings shall be 76.6 metres geodetic.
- 857.** In the case of the R1[857]-H Zone, on the approximately 3.79 hectare parcel of land located on the north side of King Street west, known municipally as 1097-1101 King Street West, the following provisions shall apply:
- (a) The subject lands shall be developed with 44 single detached dwellings in accordance with the following provisions.
 - (b) Minimum Lot Area: 500 square metres
 - (c) Minimum Lot Frontage: 17.1 metres (corner); 15.0 metres (interior)
 - (d) Minimum Front Setback: 6.0 metres
 - (e) Minimum Exterior Side Setback: 3.0 metres
 - (f) Minimum aggregate Interior Side Setback: The required interior side setback on a lot with an attached garage or carport shall be 0.6 metres on one side and 1.2 metres on the other side. On a lot where there is no attached private garage or attached

carport, the minimum interior side setback shall be 2.4 metres on one side and 0.6 metres on the other side.

- (g) Minimum Rear Setback: 6.0 metres
- (h) Maximum Lot Coverage: 47%
- (i) Maximum Building Height: 10.6 metres
- (j) Maximum Driveway Width: 6.7 metres
- (k) The lands Zoned R1[857] shall be subject to an ‘-H’ Holding symbol which shall be used and removed in accordance with the holding provisions of this By-law.

858. In the case of the R1[858] Zone, on the approximately 0.066 hectare parcel of land located on the south side of Elmwood Street known as 330 Elmwood Street, the following provisions shall apply:

- (a) In addition to the uses permitted in the R1 Zone, a triplex shall also be a permitted use, provided that the three units are contained within the walls of the building in existence as of the date of the passing of this By-law.

859. In the case of the R1[859] Zone, on the approximately 0.14 hectare parcel of land located at the north-east corner of Johnson Street and Roden Street, known municipally as 1061 Johnson Street, the following provisions shall apply:

- (a) The existing building may contain a maximum of three dwelling units.

860. In the case of the R1[860] Zone, on the lands known municipally as 1104 & 1108 Trailhead Place and 1101, 1103, 1105 & 1107 King Street West, the following provisions shall apply:

- (a) Minimum Lot Area: 500 square metres
- (b) Minimum Interior Side Setback: 0.6 metres, and 1.2 metres for lots with a rear lane access
- (c) Minimum Lot Frontage: 17.1 metres (corner); 15.0 metres (interior)
- (d) Minimum Front Setback: 6.0 metres
- (e) Minimum Exterior Side Setback: 3.0 metres

- (f) Minimum Rear Setback: 6.0 metres
 - (g) Maximum Lot Coverage: 47%
 - (h) Maximum Building Height: 10.6 metres
 - (i) Maximum Driveway Width: 6.7 metres
 - (j) A driveway and parking in the front of the lot is prohibited for the properties municipally known as 1101, 1103, 1105 and 1107 King Street West.
- 861.** In the case of R1[861] Zone, on the approximately 542 square metres parcel of land located at the north east quadrant of Forsythe Avenue and Wolfe Street known as 17 Forsythe Avenue, the following provisions shall apply:
- (a) In addition to the uses permitted in the R1 Zone, a triplex shall also be a permitted use, provided that the three units are contained within the walls of the building in existence as of the date of the passing of this By-law.
 - (b) Minimum Lot Area: 542 square metres.
 - (c) Notwithstanding any provision to the contrary in this By-law, the parking spaces size and location in existence as of the date of the passing of this By-law shall be deemed to comply.
- 862.** In the case of R1[862] Zone, on the approximately 739.1 square metres parcel of land known municipally as 322 Elmwood Street, the following provisions shall apply:
- (a) In addition to the uses permitted in the R1 Zone, a triplex shall also be a permitted use, provided that the three units are contained within the walls of the building in existence as of the date of the passing of this By-law
- 863.** In the case of the R1[863] Zone, on the parcels of land identified as Lot 441 Reg. Plan 1246 on the south side of Norman Rogers Drive east of Roden Street and on Lots 445 and 453 Reg. Plan 1246 on the east side of Roden Street north of Johnson Street, the following provisions shall apply:
- (a) Minimum Lot Areas:
 - (i) Lot 441 - 527.6 square metres more or less

- (ii) Lot 445 - 516.5 square metres more or less
- (iii) Lot 453 - 510.9 square metres more or less.

864. In the case of the R1[864] Zone, on the parcel of land identified as Lot 17, Reg. Plan 679, located on the north-west corner of Forsythe Avenue and Wolfe Street, the following provisions shall apply:

- (a) A dwelling with two units which shall be of brick or brick veneer construction, with cottage type roof and one and one-half storeys high, shall be permitted.

865. In the case of the R1[865] Zone, on the approximately 0.06 hectare parcel of land located on the south side of Johnson Street approximately 30.0 metres east of Mowat Avenue, the following provisions shall apply:

- (a) A dwelling containing two units which shall be of brick or brick veneer construction, with cottage type roof, two storeys high and of the same general appearance as the dwelling located on the lot immediately east of the subject property, shall be permitted.

866. In the case of the R1[866] Zone, on the approximately 0.1 hectare parcel of land located on the south side of Princess Street approximately 91.0 metres east of Portsmouth Avenue, the following provisions shall apply:

- (a) Additional permitted use:

- (i) a dwelling with two units

867. In the case of the R1[867] Zone, the following provisions shall apply:

- (a) No building or structure shall be located less than 15.3 metres from the high water mark of the Great Cataraqui River.

- (b) Minimum Interior Side Setback:

- (i) one storey dwelling house: 1.2 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.

- (ii) two storey dwelling house: 1.8 metres on one side and 3.0 metres on the other side, provided that on that side where

there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.

- (c)** Location of driveway:
 - (i)** Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii)** Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

868. In the case of the R1[868] Zone, the following provisions shall apply:

- (a)** Single detached dwelling on a lot served by a public water system and a sanitary sewer system:
 - (i)** Minimum Lot Area: 465 square metres
 - (ii)** Minimum Lot Frontage:
 - (1)** Corner lot: 18 metres
 - (2)** Other lot: 15 metres
 - (iii)** Minimum Front Setback: 6.1 metres
 - (iv)** Minimum Exterior Side Setback: 6.1 metres
 - (v)** Minimum Interior Side Setback: 1.2 metres on one side and 2.4 metres on the other side provided that on the side where there is an attached private garage, the minimum interior side setback may be reduced from 2.4 metres to 1.2 metres.
 - (vi)** Minimum Dwelling Unit Area: 85 square metres
 - (vii)** All other zone provisions in accordance with the provisions of the R1 Zone.
- (b)** Semi-Detached Dwelling House on a lot served by a public water system and a sanitary sewer system:

- (i)** Minimum Lot Area: 325 square metres
 - (ii)** Minimum Lot Frontage:
 - (1)** Corner lot: 15 metres
 - (2)** Other lot: 10.5 metres
 - (iii)** Minimum Front Setback: 6.1 metres
 - (iv)** Minimum Exterior Side Setback: 6.1 metres
 - (v)** Minimum Interior Side Setback: 1.2 metres plus 0.6 metres for every storey, or portion thereof, on that side where the building height exceeds one storey.
 - (vi)** Minimum Dwelling Unit Area: 78.5 square metres
 - (vii)** All other zone provisions in accordance with the provisions of the R1 Zone.
- (c)** Minimum Setbacks:
- (i)** Other road: 9 metres plus the minimum required front setback.
- (d)** Location of Accessory Uses: Nothing in this By-law shall prevent the location of accessory uses within a required interior side setback provided that no such use is located within 1.2 metres of a side lot line, except where adjoining private garages are erected on the common lot line between two lots, in which case no interior side setback is required.
- (e)** Location of Driveway:
- (i)** Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii)** Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

869. In the case of the R1[869] Zone, the following provisions shall apply:

(a) Minimum Interior Side Setback:

- (i)** one storey dwelling house: 1.2 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
- (ii)** two storey dwelling house: 1.8 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.

(b) Location of driveway:

- (i)** Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
- (ii)** Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

870. In the case of the R1[870] Zone, the following provisions shall apply:

(a) Minimum Front Setback: 6 metres, except that where the front lot line abuts Wellington Street, the front setback may be a minimum of 5 metres.

(b) Minimum Exterior Side Setback: 6 metres

(c) Minimum Interior Side Setback:

- (i)** 1.8 metres on one side and 3.04 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.04 metres to 1.8 metres.
- (ii)** Where the lot frontage exceeds 19 metres, the minimum interior side setback shall be 2.4 metres on one side and

3.04 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.04 metres to 2.4 metres.

- (d)** Location of Driveway:
 - (i)** Nothing shall prevent the location of a driveway or parking area within an interior side setback, provided that the setback is a minimum width of 3.04 metres;
 - (ii)** Nothing shall prevent the location of a driveway or parking area within 0.0 metres of an interior side lot line;
 - (iii)** Minimum driveway width: 3.0 metres;
 - (iv)** Minimum parking space width: 3.0 metres;
 - (v)** The establishment of abutting driveways along a common lot line shall be permitted if their combined width does not exceed 9 metres.
 - (e)** Minimum Setback: Except that where a lot abuts Wellington Street, the setback may be reduced to 6.1 metres plus the minimum required front setback depth.
 - (f)** For the purposes of the R1[870] Zone, "Height" shall mean the vertical distance between the ground level at the lowest exposed point of a building and the highest point of the building proper.
- 871.** In the case of the R1[871] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area: 470 square metres
 - (b)** Minimum Lot Frontage: 15.2 metres
 - (c)** Minimum Interior Side Setback:
 - (i)** one storey dwelling house: 1.2 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (ii)** two storey dwelling house: 1.8 metres on one side and 3.0 metres on the other side, provided that on that side where

there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.

- (d)** Location of driveway:
 - (i)** Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii)** Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

872. In the case of the R1[872] Zone, the following provisions shall apply:

- (a)** Minimum Lot Frontage:15 metres
- (b)** Minimum Front Setback: 6.0 metres
- (c)** Minimum Exterior Side Setback: 3.5 metres
- (d)** Minimum Interior Side Setback: 1.5 metres on one side, with a minimum aggregate of 5 metres, except where a garage or carport is attached to the main building, the minimum aggregate shall be 3 metres.
- (e)** Minimum Rear Setback:12 metres
- (f)** Dwelling Unit Area:
 - (i)** one storey dwelling (minimum):130 square metres
 - (ii)** two storey dwelling (minimum):167 square metres.
- (g)** Location of Driveway:
 - (i)** Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.5 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.

- (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.5 metres of the rear lot line.
 - (h) Accessory Uses: No accessory use shall be located closer than 1.5 metres to an interior side lot line or rear lot line.
- 873.** In the case of the R1[873] Zone, the following provisions shall apply:
- (a) Minimum Lot Area: 675 square metres
 - (b) Minimum Front Setback: 6.0 metres
 - (c) Minimum Exterior Side Setback: 3.5 metres
 - (d) Minimum Interior Side Setback: 1.5 metres on one side, with a minimum aggregate of 5 metres for both sides, except where a garage or carport is attached to the main building, the minimum aggregate shall be 3 metres.
 - (e) Minimum Rear Setback: 12 metres
 - (f) Dwelling Unit Area:
 - (i) one storey dwelling (minimum): 130 square metres
 - (ii) two storey dwelling (minimum): 167 square metres.
 - (g) Location of Driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.5 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.5 metres of the rear lot line.
 - (h) No accessory use shall be located closer than 1.5 metres to an interior side lot line or rear lot line.

- (i) Where a lot is divided into more than one zone the lot lines, not the zone boundaries, shall be used to calculate setback, lot area, lot coverage and landscaped open space requirements only, of the R1[873] Zone .
- 874.** In the case of the R1[874] Zone, the following provisions shall apply:
- (a) All uses prohibited except:
 - (b) a single detached dwelling house
 - (c) Minimum Lot Area: 670 square metres
 - (d) Minimum Lot Frontage: 15 metres
 - (e) Front setback:
 - (i) Minimum: 1.2 metres
 - (ii) Maximum: 2.4 metres
 - (f) Minimum Exterior Side Setback: 1.2 metres
 - (g) Minimum Interior Side Setback:
 - (i) In the case of only 1: 4 metres
 - (ii) In the case of more than 1: 1.2 metres on one side and 4.0 metres on any other side provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side setback may be reduced from 4.0 metres to 1.2 metres.
 - (h) Minimum Rear Setback: 10.0 metres
 - (i) Minimum Water Setback: 10.0 metres
 - (j) Minimum Setback: 6.0 metres plus the minimum required front setback.
 - (k) No accessory building or structure shall be located within any required rear setback, or within 3 metres of any front lot line, or within 1.2 metres of any interior side lot line, or within 1.2 metres of any exterior side lot line. No detached accessory building or structure shall be located closer than 1.2 metres to a main building.

- (l)** The provisions of Section 5(1)(d)(iv) shall not apply.
- (m)** Lot Coverage:
 - (i)** Exclusive of accessory buildings and structures, attached garages with or without dwelling space below or above, steps, unenclosed porches, verandahs, balconies, decks, and patios (maximum): 121 square metres
 - (ii)** Accessory buildings and structures, including attached garages with or without dwelling space below or above (maximum): 28 square metres
 - (iii)** Steps; unenclosed porches; verandahs; balconies; and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum):
 - (1)** Total: 45 square metres, where the rear setback maximum is 22.5 square metres and the front setback maximum is 22.5 square metres
 - (iv)** Decks and patios not more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
- (n)** Minimum Landscaped Open Space: 50%
- (o)** Maximum Building Height: 10 metres
 - (i)** For the purposes of the R1[874] Zone, "Height" shall mean the vertical distance between the lowest exposed ground level adjacent to a building and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney.
- (p)** Maximum Number of Storeys:
 - (i)** Facing the front of the lot: 1½
 - (1)** For the purposes of the R1[874] Zone a cellar or basement shall not be deemed to be a storey when facing the front of a lot.
 - (ii)** Facing the rear of the lot: 2½

- (1) For the purposes of the R1[874] Zone a cellar or basement shall be deemed to be a storey when facing the rear of the lot.
- (q)** Maximum Height To Eave: 4.5 metres
 - (i)** For the purposes of the R1[874] Zone, "Height to Eave" shall mean the vertical distance between the finished floor level of the storey immediately above a basement or cellar and the point at which the eave meets the exterior wall.
- (r)** All dwelling units shall have sloping roofs.
- (s)** Maximum Dwelling Houses Per Lot: 1
- (t)** Nothing shall prevent the location of a driveway within a required interior side setback, provided that no driveway is located within 0.5 metres of a side lot line. No driveway shall be located within a required exterior side setback or a required rear setback. A driveway within a front setback shall be located not less than 1.2 metres from an exterior side lot line and not less than 0.5 metres from an interior side lot line.
- (u)** Driveway Width
 - (i)** Maximum: 6.0 metres
 - (ii)** Minimum: 3.0 metres
- (v)** Parking Space and Driveway Provisions
 - (i)** Number of Driveways: 1
 - (ii)** Minimum number of parking spaces per dwelling unit: 2
 - (iii)** Minimum width of parking space: 3.0 metres
 - (iv)** Minimum length of parking space: 6.0 metres
 - (v)** Minimum area of parking space: 18.0 square metres
 - (vi)** Location of Parking Spaces: All setbacks, except a required rear setback or required exterior side setback or required front setback, provided that no part of any parking area is located closer than 0.5 metres to an interior side lot line and no closer than 1.2 metres to an exterior side lot line. Nothing shall prevent the establishment of a required parking space

directly behind or directly in front of another required parking space.

- (w)** Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
- (x)** Setback Encroachments:
 - (i)** Steps may project into any required rear setback a maximum distance of 1.5 metres and into any other required setback a maximum distance of 0.5 metres.
 - (ii)** A deck or patio with no roof structure and not more than 0.6 metres above the lowest ground level adjacent to the deck or patio, and covering not more than 18 square metres of a required rear setback may project into a required rear setback not more than 5.5 metres.
- (y)** Minimum elevation: No dwelling house shall be erected with a floor elevation below 76.6 metres (Canadian Geodetic Datum).

875. In the case of the R1[875] Zone, the following provisions shall apply:

- (a)** For the purposes of the R1[875] Zone the southern boundary of the Zone shall be deemed to be an exterior side lot line.
- (b)** All uses prohibited except:
- (c)** a single detached dwelling house
- (d)** Minimum Lot Area: 750 square metres
- (e)** Minimum Lot Frontage: 65 metres
- (f)** Minimum Front Setback: 1.2 metres
- (g)** Minimum Exterior Side Setback: 1.2 metres
- (h)** Minimum Interior Side Setback: 4 metres
- (i)** Minimum Rear Setback: 3.0 metres
- (j)** Minimum Setback: 6.0 metres, plus the minimum required front setback.

- (k)** No accessory building or structure shall be located within any required rear setback, or within 3 metres of any front lot line, or within 4 metres of any interior side lot line, or within 1.2 metres of any exterior side lot line. No detached accessory building or structure shall be located closer than 1.2 metres to a main building.
- (l)** The provisions of Section 5(1)(d)(iv) shall not apply.
- (m)** Lot Coverage:

 - (i)** exclusive of accessory buildings and structures, attached garages with or without dwelling space below or above, steps, unenclosed porches, verandahs, balconies, decks, and patios (maximum): 150 square metres
 - (ii)** accessory buildings and structures, including attached garages with or without dwelling space below or above (maximum): 50 square metres
 - (iii)** steps, unenclosed porches, verandahs, balconies, and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
 - (iv)** decks and patios not more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
- (n)** Minimum Landscaped Open Space: 50%
- (o)** Maximum Building Height: 7.8 metres

 - (i)** For the purposes of the R1[875] Zone, "Height" shall mean the vertical distance between the lowest exposed ground level adjacent to a building and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney.
- (p)** Maximum Number of Storeys: 1½
- 876.** In the case of the R1[876] Zone, the following provisions shall apply:

 - (a)** All uses prohibited except:
 - (b)** a single detached dwelling house.

- (c)** Minimum Lot Area: 490 square metres
- (d)** Minimum Lot Frontage: 17 metres
- (e)** Minimum Front Setback: 1.2 metres
- (f)** Minimum Interior Side Setback: 1.2 metres on one side and 4.0 metres on any other side provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side setback may be reduced from 4.0 metres to 1.2 metres.
- (g)** Minimum Rear Setback: 7.5 metres
- (h)** Minimum Setback: 6.1 metres, plus the minimum required front setback depth.
- (i)** No accessory use, building or structure shall be located within 1.2 metres of a front setback or within 1.2 metres of any side or rear lot line.
- (j)** The provisions of Section 5(1)(d)(iv) shall not apply.
- (k)** Maximum Lot Coverage: 35%
 - (i)** For the purposes of the R1[876] Zone, "Lot Coverage" shall mean that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures exclusive of: pools; and canopies, balconies, and overhanging eaves which are not less than 2.5 metres above finished grade.
- (l)** Maximum Lot Coverage Dwelling Unit: 121 square metres
 - (i)** For the purposes of the R1[876] Zone, "Lot Coverage Dwelling Unit" shall mean that area of the lot covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures exclusive of: accessory buildings and structures; attached garages without dwelling space below or above; unenclosed porches, verandahs, balconies, decks, patios and canopies; pools; and overhanging eaves which are not less than 2.5 metres above finished grade.
- (m)** Maximum Lot Coverage Accessory Uses, Buildings And Structures: 55 square metres

- (n)** Minimum Landscaped Open Space: 50%
- (o)** Maximum Building Height: 7.8 metres
 - (i)** For the purposes of the R1[876] Zone, "Height" shall mean the vertical distance between the lowest exposed ground level adjacent to a building and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney.
- (p)** Maximum Height to Eave: 4.5 metres
 - (i)** For the purposes of the R1[876] Zone, "Height to Eave" shall mean the vertical distance between the finished floor level of the storey immediately above a basement or cellar and the point at which the eave meets the exterior wall.
- (q)** All dwelling units shall have sloping roofs.
- (r)** Maximum Dwelling Houses Per Lot: 1
- (s)** Parking Space and Driveway Provisions:
 - (i)** Nothing shall prevent the location of a driveway within a required interior side setback, provided that no driveway is located within 0.5 metres of an interior side lot line. A driveway within a front setback shall be located not less than 4.0 metres from an exterior side lot line and not less than 0.5 metres from an interior side lot line. A driveway within a rear setback shall be located not less than 0.5 metres from a rear lot line.
 - (ii)** Width of Driveway
 - (1) Maximum: 4.0 metres
 - (2) Minimum: 3.0 metres
 - (iii)** Maximum number of driveways: 1 only
 - (iv)** Minimum number of parking spaces per dwelling unit: 2
 - (v)** Minimum width of parking space: 3.0 metres
 - (vi)** Minimum length of parking space: 6.0 metres
 - (vii)** Minimum area of parking space: 18.0 square metres

- (viii)** Location of Parking Space: All setbacks, except an exterior side setback or a front setback, provided that no part of any parking area is located closer than 0.5 metres to an interior side lot line and no closer than 4.0 metres to an exterior side lot line and no closer than 0.5 metres to a rear lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.
- (t)** Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
- (u)** Setback Encroachments:

 - (i)** Steps may project into any required rear setback a maximum distance of 1.5 metres and into any other required setback a maximum distance of 0.5 metres.
 - (ii)** The permitted projections into required setbacks as allowed by Section 4.23 of this By-law shall not apply.

877. In the case of the R1[877] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a single detached dwelling house
- (c)** Minimum Lot Area: 625 square metres
- (d)** Minimum Lot Frontage: 22 metres
- (e)** Minimum Front Setback: 1.2 metres
- (f)** Minimum Exterior Side Setback: 4.0 metres
- (g)** Minimum Interior Side Setback: 4.0 metres, provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side setback may be reduced from 4.0 metres to 1.2 metres.
- (h)** Minimum Rear Setback: 7.5 metres
- (i)** Minimum Setback: 6.1 metres, plus the minimum required front setback depth.

- (j)** No accessory use, building or structure shall be located within 1.2 metres of any front setback, nor within 1.2 metres of an exterior side setback nor within 4.0 metres of an exterior side lot line nor within 1.2 metres of any interior side or rear lot line.
- (k)** The provisions of Section 5(1)(d)(iv) shall not apply.
- (l)** Maximum Lot Coverage: 28%

 - (i)** For the purposes of the R1[877] Zone, "Lot Coverage" shall mean that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures exclusive of: pools; and canopies, balconies, and overhanging eaves which are not less than 2.5 metres above finished grade.
- (m)** Maximum Lot Coverage Dwelling Unit: 121 square metres

 - (i)** For the purposes of the R1[877] Zone, "Lot Coverage Dwelling Unit" shall mean that area of the lot covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures exclusive of: accessory buildings and structures; attached garages without dwelling space below or above; unenclosed porches, verandahs, balconies, decks, patios and canopies; pools; and overhanging eaves which are not less than 2.5 metres above finished grade.
- (n)** Maximum Lot Coverage for Accessory Uses, Buildings And Structures: 55 square metres
- (o)** Minimum Landscaped Open Space: 60%
- (p)** Maximum Building Height: 7.8 metres

 - (i)** For the purposes of the R1[877] Zone, "Height" shall mean the vertical distance between the lowest exposed ground level adjacent to a building and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney.
- (q)** Maximum Height to Eave: 4.5 metres

 - (i)** For the purposes of the R1[877] Zone, "Height to Eave" shall mean the vertical distance between the finished floor level of the storey immediately above a basement or cellar and the point at which the eave meets the exterior wall.

- (r)** All dwelling units shall have sloping roofs.
- (s)** Maximum Dwelling Houses Per Lot: 1 only
- (t)** Parking Space and Driveway Provisions
 - (i)** Nothing shall prevent the location of a driveway within a required interior side setback, provided that no driveway is located within 0.5 metres of an interior side lot line. A driveway within a front setback shall be located not less than 4.0 metres from an exterior side lot line and not less than 0.5 metres from an interior side lot line. A driveway within a rear setback shall be located not less than 0.5 metres from a rear lot line.
 - (ii)** Width of Driveway
 - (1) Maximum: 4.0 metres
 - (2) Minimum: 3.0 metres
 - (iii)** Maximum Number of Driveways: 1 only
 - (iv)** Minimum Number of Parking Spaces Per Dwelling Unit: 2
 - (v)** Minimum Width of Parking Space: 3.0 metres
 - (vi)** Minimum Length of Parking Space: 6.0 metres
 - (vii)** Minimum Area of Parking Space: 18 square metres
 - (viii)** Location of Parking Spaces: All setbacks, except an exterior side setback or a front setback, provided that no part of any parking area is located closer than 0.5 metres to an interior side lot line and no closer than 4.0 metres to an exterior side lot line and no closer than 0.5 metres to a rear lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.
- (u)** Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
- (v)** Setback Encroachments:

- (i) Steps may project into any required rear setback a maximum distance of 1.5 metres and into any other required setback a maximum distance of 0.5 metres.
 - (w) Any dwelling unit constructed shall have its principal facade facing Main Street.
- 878.** In the case of the R1[878] Zone, the following provisions shall apply:
- (a) All uses prohibited except:
 - (b) a single detached dwelling house
 - (c) Minimum Lot Area: 650 square metres
 - (d) Minimum Lot Frontage: 16 metres
 - (e) Minimum Front Setback: 9 metres
 - (f) Minimum Interior Side Setback: 1.2 metres on one side and 4.0 metres on any other side provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side setback may be reduced from 4.0 metres to 1.2 metres.
 - (g) Minimum Rear Setback: 7.5 metres
 - (h) Minimum Setback: 6.09 metres
 - (i) No accessory use, building or structure shall be located within 1.2 metres of a front setback or within 1.2 metres of any side or rear lot line.
 - (j) Maximum Lot Coverage: 176 square metres
 - (k) Maximum Lot Coverage Dwelling Unit: 121 square metres
 - (i) For the purposes of the R1[878] Zone, "Lot Coverage Dwelling Unit" shall mean that area of the lot covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures exclusive of: accessory buildings and structures; attached garages without dwelling space below or above; unenclosed porches, verandahs, balconies, decks, patios and canopies; pools; and overhanging eaves which are not less than 2.5 metres above finished grade.

- (l)** Minimum Landscaped Open Space: 50%
- (m)** Maximum Building Height: 7.8 metres
 - (i)** For the purposes of the R1[878] Zone, "height" shall mean the vertical distance between the lowest exposed ground level adjacent to a building and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney.
- (n)** Maximum Height to Eave: 4.5 metres
 - (i)** For the purposes of the R1[878] Zone, "Height to Eave" shall mean the vertical distance between the finished floor level of the storey immediately above a basement or cellar and the point at which the eave meets the exterior wall.
- (o)** All dwelling units shall have sloping roofs.
- (p)** Maximum dwelling houses per lot: 1 only
- (q)** Nothing shall prevent the location of a driveway within a required interior side setback, provided that no driveway is located within 0.5 metres of an interior side lot line. A driveway within a front setback shall be located not less than 0.5 metres from an interior side lot line. A driveway within a rear setback shall be located not less than 0.5 metres from a rear lot line.
- (r)** Width of Driveway
 - (i)** Maximum: 4.0 metres
 - (ii)** Minimum: 3.0 metres
- (s)** Maximum number of driveways: 1 only
- (t)** Minimum number of parking spaces per dwelling unit: 2
- (u)** Location of parking spaces: All setbacks, except within a front setback, provided that no part of any parking area is located closer than 0.5 metres to an interior side lot line and no closer than 0.5 metres to a rear lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.

- (v) Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.

879. In the case of the R1[879] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a single detached dwelling house
- (c) Minimum Lot Area:670 square metres
- (d) Minimum Lot Frontage:15 metres
- (e) Minimum Front Setback:1.2 metres
- (f) Minimum West Side Setback: 10 metres
- (g) Minimum East Side Setback: 4.8 metres
- (h) Minimum Rear Setback: 6 metres
- (i) Minimum Water Setback:10.0 metres
- (j) Minimum Setback: 6.0 metres plus the minimum required front setback.
- (k) No accessory building or structure shall be located within 6 metres of the north lot line, or within 4.8 metres of the east lot line, or within 10 metres of the west lot line, or within 3 metres of the south lot line.
- (l) No detached accessory building or structure shall be located closer than 1.2 metres to a main building.
- (m) Lot Coverage:
 - (i) exclusive of accessory buildings and structures, attached garages with or without dwelling space below or above, steps, unenclosed porches, verandahs, balconies, decks, and patios (maximum):121 square metres
 - (ii) accessory buildings and structures, including attached garages with or without dwelling space below or above (maximum): 28 square metres

- (iii) steps; unenclosed porches; verandahs; balconies; and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
- (iv) decks and patios not more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
- (n) Minimum Landscaped Open Space: 50%
- (o) Maximum Building Height: 8.6 metres

 - (i) For the purposes of the R1[879] Zone, "Height" shall mean the vertical distance between the lowest exposed ground level adjacent to a building and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney.
- (p) Maximum Height to Eave: 4.5 metres

 - (i) For the purposes of the R1[879] Zone, "Height to Eave" shall mean the vertical distance between the finished floor level of the storey immediately above a basement or cellar and the point at which the eave meets the exterior wall.
- (q) All dwelling units shall have sloping roofs.
- (r) Maximum dwelling houses per lot: 1 only
- (s) A driveway may be located anywhere on a lot provided it is not located within 10 metres of the west lot line or within 6 metres of the north lot line or within 1 metres of the east lot line.
- (t) Width of Driveway

 - (i) Maximum: 6.0 metres
 - (ii) Minimum: 3.0 metres
- (u) Maximum number of driveways: 1 only
- (v) Minimum number of parking spaces per dwelling unit: 2
- (w) Minimum width of parking spaces per dwelling unit: 3.0 metres
- (x) Minimum length of parking space: 6.0 metres

- (y)** Minimum area of parking spaces:18.0 square metres
 - (z)** A parking space may be located anywhere on a lot provided it is not located within 10 metres of the west lot line or within 6 metres of the north lot line or within 1 metre of the east lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.
 - (aa)** Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
 - (bb)** Setback Encroachments:
 - (i)** Steps may project into any required setback a maximum distance of 1.5 metres provided they are no closer than 1.2 metres to any lot line.
 - (ii)** Uncovered patios and uncovered decks which have a finished elevation, exclusive of handrails and other such appurtenances, not more than 0.6 metres above the finished grade of the said uncovered patio or uncovered deck and a lot coverage not greater than 18 square metres may be located in any setback provided they are not located within 5 metres of the west lot line or within 6 metres of the north lot line or within 4.8 metres of the east lot line or within 1.2 metres of the south lot line.
 - (cc)** Minimum elevation: No dwelling house shall be erected with a floor elevation below 76.6 metres (Canadian Geodetic Datum).
- 880.** In the case of the R1[880] Zone, the following provisions shall apply:
- (a)** All uses prohibited except:
 - (i)** a single detached dwelling house
 - (b)** Minimum Lot Area:460 square metres
 - (c)** Minimum Lot Frontage:15 metres
 - (d)** Minimum Front Setback: 1.2 metres
 - (e)** Minimum Interior Side Setback:1.2 metres on one side and 4.0 metres on any other side provided that on that side where there is an attached private garage with no living space above, below,

in front or behind, the minimum interior side setback may be reduced from 4.0 metres to 1.2 metres.

- (f)** Minimum Exterior Side Setback: 1.2 metres
- (g)** Minimum Rear Setback: 7.5 metres
- (h)** Minimum Setback: 6.1 metres plus the minimum required front setback depth.
- (i)** No accessory use, building or structure shall be located within 1.2 metres of a front setback or within 1.2 metres of any side or rear lot line.
- (j)** Maximum Lot Coverage: 35%
 - (i)** For the purposes of the R1[880] Zone, "Lot Coverage" shall mean that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures exclusive of: pools; and canopies, balconies, and overhanging eaves which are not less than 2.5 metres above finished grade.
- (k)** Maximum Lot Coverage Dwelling Unit: 121 square metres
 - (i)** For the purposes of the R1[880] Zone, "Lot Coverage Dwelling Unit" shall mean that area of the lot covered by the perpendicular projections onto a horizontal plane of the area of all buildings and structures exclusive of: accessory buildings and structures; attached garages without dwelling space below or above; unenclosed porches, verandahs, balconies, decks, patios and canopies; pools; and overhanging eaves which are not less than 2.5 metres above finished grade.
- (l)** Maximum Lot Coverage Accessory Uses, Buildings, and Structures: 55 square metres
- (m)** Minimum Landscaped Open Space: 50%
- (n)** Maximum Building Height: 7.8 metres
 - (i)** For the purposes of the R1[880] Zone, "Height" shall mean the vertical distance between the lowest exposed ground level adjacent to a building and the highest point of the building proper, exclusive of any accessory roof construction such as a chimney.

- (o)** Maximum Height to Eave: 4.5 metres
 - (i)** For the purposes of the R1[880] Zone, "Height to Eave" shall mean the vertical distance between the finished floor level of the storey immediately above a basement or cellar and the point at which the eave meets the exterior wall.
- (p)** All dwelling units shall have sloping roofs.
- (q)** Maximum dwelling houses per lot: 1 only
- (r)** Nothing shall prevent the establishment of a driveway within a required interior side setback, provided that no driveway is located within 0.5 metres of an interior side lot line. A driveway within a front setback shall be located not less than 4.0 metres from an exterior side lot line and not less than 0.5 metres from an interior side lot line. A driveway within a rear setback shall be located not less than 0.5 metres from a rear lot line.
- (s)** Width of Driveway:
 - (i)** Maximum: 4.0 metres
 - (ii)** Minimum: 3.0 metres
- (t)** Minimum number of driveways: 1 only
- (u)** Minimum number of parking spaces per dwelling unit: 2
- (v)** Minimum width of parking space: 3.0 metres
- (w)** Minimum length of parking space: 6.0 metres
- (x)** Minimum area of parking space: 18.0 square metres
- (y)** All setbacks, except an exterior side setback or a front setback, provided that no part of any parking area is located closer than 0.5 metres to an interior side lot line and no closer than 4.0 metres to an exterior side lot line and no closer than 0.5 metres to a rear lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.
- (z)** Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.

- 881.** In the case of the R1[881] Zone, the following provisions shall apply:
- (a) Minimum Lot Frontage: 12 metres
- 882.** In the case of the R1[882] Zone, the following provisions shall apply:
- (a) Minimum Interior Side Setback: 2 metres on one side and 4 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 4 metres to 1 metres.
 - (b) Location of Driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1 metres of the rear lot line.
- 883.** In the case of the R1[883]-H Zone, the following provisions shall apply:
- (a) All uses prohibited except:
 - (i) a single detached dwelling house
 - (b) Minimum Lot Area: 670 square metres
 - (c) Minimum Lot Frontage: 30 metres
 - (d) Minimum Front Setback: 1.2 metres
 - (e) Minimum Exterior Side Setback: 1.2 metres
 - (f) Minimum Interior Side Setback:
 - (i) in the case of only 1: 3.9 metres
 - (ii) in the case of more than 1: 1.2 metres on one side and 3.9 metres on any other side provided that on that side where there is an attached private garage with no living space

above, below, in front or behind, the minimum interior side setback may be reduced from 3.9 metres to 1.2 metres.

- (g)** Minimum Rear Setback: 10.0 metres
- (h)** Minimum Water Setback: 15.0 metres
- (i)** Minimum Setback: 6.0 metres plus the minimum required front setback depth.
- (j)** No accessory building or structure shall be located:
 - (i)** within 30 metres of the high water mark;
 - (ii)** within 1.2 metres of any interior side lot line;
 - (iii)** within 1.2 metres of any exterior side lot line;
 - (iv)** within in any front setback;
 - (v)** any closer than 1.2 metres to a main building.
- (k)** Lot Coverage:
 - (i)** exclusive of accessory buildings and structures, with or without dwelling space below or above, steps, unenclosed porches, verandahs, balconies, decks, and patios (maximum): 400 square metres
 - (ii)** accessory buildings and structures, (maximum): 28 square metres
 - (iii)** steps; unenclosed porches; verandahs; balconies; and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): in rear setback (maximum): 22.5 square metres
 - (iv)** decks and patios less than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
- (l)** Maximum Building Height:10 metres
 - (i)** For the purposes of this Zone, "Height" shall mean highest point of any structure exclusive of any accessory roof construction such as a chimney.

- (m)** Maximum dwelling houses per lot: 1 only
- (n)** Nothing shall prevent the location of a driveway within a required interior side setback, provided that no driveway is located within 0.5 metres of a side lot line. No driveway shall be located within a required exterior side setback or a required rear setback. A driveway within a front setback shall be located not less than 1.2 metres from an exterior side lot line and not less than 0.5 metres from an interior side lot line.
- (o)** Maximum width of driveway: 3.0 metres
- (p)** Number of driveways: 1 only
- (q)** Minimum number of parking spaces per dwelling unit: 2
- (r)** Minimum width of parking space: 3.0 metres
- (s)** Minimum length of a parking space: 6.0 metres
- (t)** Minimum area of parking space: 18.0 square metres
- (u)** Location of Parking Spaces: All setbacks, except a required rear setback or required front setback, provided that no part of any parking area is located closer than 1.2 metres to an interior side lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.
- (v)** Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
- (w)** Setback Encroachments:
 - (i)** Steps may project into any required rear setback a maximum distance of 1.5 metres and into any other required setback a maximum distance of 0.5 metres.
 - (ii)** A deck or patio with no roof structure not more than 0.6 metres above the lowest ground level adjacent to the deck or patio and covering not more than 18 square metres of a required rear setback may project into a required rear setback not more than 5.5 metres.
- (x)** Minimum Elevation: No dwelling house shall be erected with a floor elevation below 76.6 metres (Canadian Geodetic Datum).

- (y) Removal of “-H” Symbol: In addition to the holding provisions of this By-law, the “-H” Symbol shall not be removed until such time as an archaeological assessment has been submitted and implemented to the satisfaction of the City prior to the removal of the “-H” symbol.

884. In the case of the R1[884]-H Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (i) a single detached dwelling house
- (b) Minimum Lot Area: 630 square metres
- (c) Minimum Lot Frontage: 7 metres
- (d) Minimum Front Setback: 30.5 metres
- (e) Minimum Exterior Side Setback: 1.2 metres
- (f) Minimum Interior Side Setback:
 - (i) in the case of only 1: 3.9 metres
 - (ii) in the case of more than 1: 1.2 metres on one side and 3.9 metres on any other side provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side setback may be reduced from 3.9 metres to 1.2 metres.
- (g) Minimum Rear Setback: 10.0 metres
- (h) Minimum Water Setback: 15.0 metres
- (i) Minimum Setback: 6.0 metres, plus the minimum required front setback.
- (j) No accessory building or structure shall be located:
 - (i) within 30 metres of the high water mark;
 - (ii) within 1.2 metres of any interior side lot line;
 - (iii) within 1.2 metres of any exterior side lot line;
 - (iv) within in any front setback;
 - (v) any closer than 1.2 metres to a main building.

- (k)** Lot Coverage:
 - (i)** exclusive of accessory buildings and structures, with or without dwelling space below or above, steps, unenclosed porches, verandahs, balconies, decks, and patios (maximum): 400 square metres
 - (ii)** accessory buildings and structures, (maximum): 28 square metres
 - (iii)** steps; unenclosed porches; verandahs; balconies; and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum) total: 45 square metres;
 - (1) in rear setback (maximum): 22.5 square metres;
 - (2) in front setback (maximum): 22.5 square metres;
 - (iv)** decks and patios less than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
- (l)** Maximum Building Height: 95 metres (Canadian Geodetic Datum, this is the absolute elevation not the height above grade)
 - (i)** For the purposes of this Zone, "Height" shall mean highest point of any structure exclusive of any accessory roof construction such as a chimney.
- (m)** Maximum dwelling houses per lot: 1
- (n)** No part of any driveway shall be located within 3.5 metres of any zone other than a R1[884]-H Zone .
- (o)** Nothing shall prevent the location of a driveway within an interior side setback that abuts a R1[884]-H Zone .
- (p)** Abutting driveways are permitted.
- (q)** Maximum width of driveway: 3.0 metres
- (r)** Maximum number of driveways: 1
- (s)** Minimum number of parking spaces per dwelling unit: 2

- (t) Minimum width of parking space: 3.0 metres
 - (u) Minimum length of parking space: 6.0 metres
 - (v) Minimum area of parking space: 18.0 square metres
 - (w) Location of Parking Spaces: All setbacks, except a required rear setback or required front setback, provided that no part of any parking area is located closer than 1.2 metres to an interior side lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.
 - (x) Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
 - (y) Setback Encroachments:
 - (i) Steps may project into any required rear setback a maximum distance of 1.5 metres and into any other required setback a maximum distance of 0.5 metres.
 - (ii) A deck or patio with no roof structure not more than 0.6 metres above the lowest ground level adjacent to the deck or patio and covering not more than 18 square metres of a required rear setback may project into a required rear setback not more than 5.5 metres.
 - (z) Minimum Elevation: No dwelling house shall be erected with a floor elevation below 76.6 metres (Canadian Geodetic Datum).
 - (aa) Removal of “-H” Symbol: In addition to the holding provisions of Section 4.12 this By-law, the “-H” Symbol shall not be removed until such time as an archaeological assessment has been submitted and implemented to the satisfaction of the City prior to the removal of the “-H” symbol.
- 885.** In the case of the R1[885] Zone, the following provisions shall apply:
- (a) Additional permitted use:
 - (i) a Bed and Breakfast.
 - (b) For the purpose of the R1[885] Zone, a “bed and breakfast” shall be defined as a dwelling occupied by the owner and in

which a maximum of four (4) rooms are provided with or without meals, for hire or pay, for the travelling or vacationing public.

- (c) Five (5) parking spaces shall be provided.
 - (d) A sign identifying the “bed and breakfast” is permitted on the property; the sign shall be less than 5 square metres in area.
- 886.** In the case of the R1[886] Zone, the following provisions shall apply:
- (a) Minimum Lot Frontage:14.25 metres
 - (b) Minimum Interior Side Setback:
 - (i) one storey dwelling house: 1.2 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (ii) two storey dwelling house: 1.8 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (c) Location of driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.
- 887.** In the case of the R1[887] Zone, the following provisions shall apply:
- (a) Minimum Lot Area:
 - (i) semi-detached dwelling house: 305 square metres
 - (b) Minimum Lot Frontage:

- (i) semi-detached dwelling house: 10 metres
 - (c) Minimum Dwelling Unit Area:
 - (i) semi-detached dwelling house: 78.5 metres
 - (d) Minimum Interior Side Setback:
 - (i) single detached dwelling house
 - (1) one storey dwelling house: 1.2 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (2) two storey dwelling house: 1.8 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (ii) semi-detached dwelling house: 3 metres
 - (e) Location of Driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.
- 888.** In the case of the R1[888] Zone, the following provisions shall apply:
- (a) Minimum Lot Frontage:15.3 metres
 - (b) Minimum Rear Setback:15.3 metres
 - (c) Minimum Interior Side Setback:

- (i) one storey dwelling house: 1.2 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (ii) two storey dwelling house: 1.8 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (d) Location of driveway:
 - (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.
- 889.** In the case of the R1[889] Zone, the following provisions shall apply:
- (a) Minimum Rear Setback: 15.3 metres
 - (b) Minimum Interior Side Setback:
 - (i) one storey dwelling house: 1.2 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (ii) two storey dwelling house: 1.8 metres on one side and 3.0 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 3.0 metres to 1.2 metres.
 - (c) Location of driveway:

- (i) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
- (ii) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.

890. In the case of the R1[890] Zone, the following provisions shall apply:

- (a) Minimum Lot Area: 585 square metres
- (b) Minimum Lot Frontage:
 - (i) Corner Lot: 19.5 metres
 - (ii) Other Lot: 16.5 metres
- (c) Maximum Lot Coverage: 35%

891. In the case of the R1[891] Zone, the following provisions shall apply:

- (a) Minimum Rear Setback: 7.5 metres
- (b) Minimum Interior Side Setback: 1.2 metres

892. In the case of the R1[892] Zone, the following provisions shall apply:

- (a) Minimum Lot Area: 300 square metres
- (b) Minimum Lot Frontage:
 - (i) Corner Lot: 11 metres
 - (ii) Other Lot: 9 metres
- (c) Front Setback:
 - (i) Minimum: 3 metres
 - (ii) Maximum: 5 metres
- (d) Minimum Interior Side Setback: 0.6 metres on one side and 1.2 metres on the other side except where a side lot line abuts a 0.3

metre reserve, the minimum interior side setback shall be 3 metres.

- (e)** Minimum Rear Setback: 7.5 metres
- (f)** Minimum Dwelling Unit Area: 85 square metres
- (g)** Maximum Lot Coverage: 50%
- (h)** No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback is required;
- (i)** No accessory use, building or structure shall be located closer than 0.6 metres to the rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
- (j)** Minimum required driveway width: 3.0 metres.
- (k)** The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
- (l)** Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (m)** No garage shall be located closer than 5 metres to the street line.

893. In the case of the R1[893]-H Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
 - (i)** a single detached dwelling house;
 - (ii)** a home occupation; or
 - (iii)** a public use
- (b)** Minimum Lot Area: 270 square metres
- (c)** Minimum Lot Frontage:

- (i) Corner Lot: 11.5 metres
- (ii) Other Lot: 9.15 metres
- (iii) Lot frontage shall be measured between the side lot lines at a distance of 7.5 metres from the front lot line.
- (d) Minimum Front Setback: 3.0 metres
- (e) Minimum Exterior Side Setback: 3.0 metres
- (f) Minimum Interior Side Setback: 1.2 metres on one side, 0.6 metres on the other, except for the following:

 - (i) where a side lot line abuts a 0.3 metres reserve, the minimum interior side setback shall be 3.0 metres; and
 - (ii) on a lot where there is no attached private garage or attached carport, the minimum interior side setback shall be 2.4 metres on one side and 1.2 metres on the other.
- (g) Minimum Rear Setback: 7.4 metres
- (h) Minimum dwelling unit area: 93 square metres
- (i) Minimum Landscaped Open Space: 30%
- (j) Maximum Lot Coverage:

 - (i) 48% for lots less than 340 square metres
 - (ii) 45% for lots 340 square metres or greater in area
- (k) Maximum Building Height: 10.5 metres
- (l) Maximum dwelling houses per lot: 1 only
- (m) Notwithstanding the maximum allowable lot coverage provisions of this zone, an additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback.
- (n) No garage, either attached or detached from the dwelling, shall be located closer than 6.0 metres to the front lot line.
- (o) Sight Triangle shall be measured 3.0 metres from the point of intersection of the street lines.

- (p) The lifting of the ‘-H’ Holding Zone Provisions shall be subject to the holding provisions of this By-law.
- 894.** In the case of the R1[894] Zone, the following provisions shall apply:
- (a) Minimum Lot Area: 550 square metres
 - (b) Maximum Lot Coverage: 35%
- 895.** In the case of the R1[895] Zone, the following provisions shall apply
- (a) Minimum Interior Side Setback: 1.2 metres on one side, with a minimum aggregate of 2.4 metres except where a side lot line abuts a 0.3 metres reserve, the minimum interior side setback shall be 3 metres.
- 896.** Reserved.
- 897.** In the case of the R1[897] Zone, the following provisions shall apply:
- (a) Minimum Exterior Side Setback:
 - (i) Where an Exterior Side Setback abuts an Arterial Road: 13.716 metres
 - (ii) All other cases: 6.1 metres
- 898.** In the case of the R1[898] Zone, the following provisions shall apply:
- (a) Minimum Lot Area: 929 square metres
 - (b) Minimum Lot Frontage: 22.8 metres
- 899.** In the case of the R1[899] Zone, the following provisions shall apply:
- (a) All exterior openings of all buildings shall be located above the minimum elevation of 76.14 metres Geodetic Surveys of Canada.
- 900.** In the case of the R1[900] Zone, on the lands known as Bayhill Phase 12, the following provisions shall apply:
- (a) Minimum Lot Frontage: 15.1 metres
- 901.** In the case of the R1[901] Zone, the following provisions shall apply:
- (a) Minimum Lot Area: 668.9019 square metres

(b) Minimum Lot Frontage: 18.288 metres

902. In the case of the R1[902] Zone, the following provisions shall apply:

(a) Minimum Lot Area: As constituted on the date of the enactment of this Subclause;

(b) Minimum Lot Frontage: As constituted on the date of the enactment of this Subclause; and

(c) Minimum Interior Side Setback: 3 metres

903. In the case of the R1[903] Zone, the following provisions shall apply:

(a) All uses prohibited except:

(i) a single detached dwelling house

(b) Minimum Lot Frontage:

(i) Corner Lot: 16.8 metres

(ii) Other Lot: 15.0 metres

(c) Minimum Exterior Side Setback: In lieu of the normal exterior side setback requirement, Lots 183 and 185 of Registered Plan Numbered 1709 shall be subject to a minimum setback of 15.2 metres.

904. In the case of the R1[904] Zone, the following provisions shall apply:

(a) Minimum Lot Area: 450 square metres

(b) Minimum Lot Frontage:

(i) Corner Lot: 21.0 metres

(ii) Other Lot: 15.0 metres

905. In the case of the R1[905] Zone, the following provisions shall apply:

(a) Minimum Lot Area: 450 square metres

(b) Minimum Lot Frontage:

(i) Corner Lot: 19.0 metres

(ii) Other Lot: 15.0 metres

- 906.** In the case of the R1[906] Zone, the following provisions shall apply:
- (a)** Minimum Lot Frontage:
 - (i)** Corner Lot: 18.0 metres
 - (ii)** Other Lot: 12.0 metres
- 907.** In the case of the R1[907] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area: 557.4182 square metres
 - (b)** Minimum Lot Frontage: 16.764 metres
- 908.** In the case of the R1[908] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area: 418 square metres
 - (b)** Minimum Lot Frontage:
 - (i)** Corner Lot: 18.0 metres
 - (ii)** Other Lot: 12.0 metres
- 909.** In the case of the R1[909] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area: 390 square metres
 - (b)** Minimum Lot Frontage: 13.0 metres
- 910.** In the case of the R1[910] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area: 360 square metres
 - (b)** Minimum Lot Frontage:
 - (i)** Corner Lot: 16.8 metres
 - (ii)** Other Lot: 12.0 metres
- 911.** In the case of the R1[911] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area (for a lot served by only a public water system): 6,000 square metres.
 - (b)** Minimum Lot Frontage (for a lot served by only a public water system): 60 metres

- 912.** In the case of the R1[912] Zone, the following provisions shall apply:
- (a)** Additional permitted use(s):
 - (i)** a self-service storage facility
 - (b)** Provided that the use noted in provision (a) above is developed and used in accordance with the subsequent provisions.
 - (c)** For this Zone, a “Self-Service Storage Facility” means
 - (d)** No open storage of goods or materials shall be permitted, except in accordance with the following provisions:
 - (i)** Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers).
 - (ii)** Every open storage use shall comply with the setback provisions noted within the General Provisions of this By-law and the applicable setback provisions for Interior Side Setback and Rear Setback of the R1 Zone as if such open storage use were a building or structure provided, however, that such use complies with Subparagraph (i) above.
 - (iii)** Notwithstanding (ii) above, no open storage use shall be located in a front setback, or an interior side setback, or rear setback which abuts a Residential or a Development Reserve (DR) Zone.
- 913.** In the case of the R1[913]-H Zone, the following provisions shall apply:
- (a)** Minimum Setback from Top of Bank: No building shall be erected within 10 metres of the surveyed top-of-bank along Collins Bay.
- 914.** In the case of the R1[914] Zone, the following provisions shall apply:
- (a)** Two single detached dwelling houses are permitted in accordance with the provisions contained herein.
 - (b)** Minimum Lot Area: 16187.4 square metres
 - (c)** Minimum Dwelling Unit Area for any single detached dwelling house constructed after the enactment of this Subclause shall be: 65.0321 square metres.

915. In the case of the R1[915]-H Zone, the following provisions shall apply:

- (a)** Minimum setback from “Normal Waters Edge”: No building shall be erected within 10 metres of the surveyed top-of-bank along Collins Bay and in no instance shall any building be erected within 30 metres of the normal water’s edge of Collins Bay.

916. In the case of the R1[916] Zone, the following provisions shall apply:

- (a)** Minimum Lot Area:
 - (i)** Lots with a detached private garage: 297 square metres
 - (ii)** Other Lots: no minimum
- (b)** Minimum Lot Frontage:
 - (i)** Corner Lot: 11.0 metres
 - (ii)** Other Lot: 9.0 metres
- (c)** Minimum Front Setback: 4.5 metres
- (d)** Minimum Exterior Side Setback: 2.4 metres
- (e)** Minimum Interior Side Setback:
 - (i)** Lot with an attached private garage: 0.6 metres on one side and 1.2 metres on the other side.
 - (ii)** Lot without an attached private garage: 0.6 metres on one side and 2.5 metres on the other side
- (f)** Minimum Rear Setback (for main building):
 - (i)** Lot with an attached private garage: 7.5 metres
 - (ii)** Lot without an attached private garage: 12 metres
- (g)** Dwelling Unit Area: No minimum required.
- (h)** Landscaped Open Space: No minimum required.
- (i)** Driveways
 - (i)** Width: Driveways used for the parking of motor vehicles and used to access a single detached dwelling house shall have a maximum width of 6.0 metres or 50 percent of the lot

frontage, whichever is less. Notwithstanding this provision, the maximum driveway width at the front lot line shall not exceed 40 percent of the lot frontage.

- (ii) Location of Parking: The parking of motor vehicles outside of a private garage in the front, rear, interior and exterior side setback is only permitted on driveways.
- (iii) Size of Parking Space: The minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.

(j) Attached Private Garages

- (i) Width: The maximum width of an attached private garage shall be 6.0 metres or 50 percent of the lot frontage, whichever is less, with the width being measured from the interior faces of the walls of the attached private garage.
- (ii) Distance From Street: Attached private garages shall be located no closer than 6.0 metres from the lot line that the driveway crosses to access the attached private garage.

(k) Accessory Buildings

- (i) Lot Coverage: The total lot coverage of all accessory buildings on a lot shall not exceed 15 percent of the lot area.
- (ii) Location: Accessory buildings shall be located a minimum of:
 - (1) 0.6 metres from the interior side lot line;
 - (2) 2.4 metres from the exterior side lot line; and,
 - (3) 2.4 metres from the rear lot line.
- (iii) Notwithstanding this provision, an accessory building may share a common wall with another accessory building on an abutting lot and no setback from the interior side lot line is required on that side of the lot.

(l) Sight Triangles

- (i) Two sight triangles are required on a corner lot.
- (ii) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line

that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

- (iii) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
- (iv) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(m) Porches

- (i) Roofed porches, not exceeding 4.5 metres in height, with the height being measured from the established grade to the underside of the rafters or ceiling of the roofed porch, steps and unenclosed porches may encroach:
 - (1) into the required exterior side setback a distance of 1.2 metres;
 - (2) into the required rear setback a distance of 3.0 metres; and
 - (3) into the required front setback a distance of 1.8 metres.
- (ii) Stairs providing access to a porch can further encroach a distance of 1.2 metres into the required front setback.

917. In the case of the R1[917] Zone, the following provisions shall apply:

- (a) Minimum Lot Frontage:**
 - (i) Interior Lot: 15.0 metres
 - (ii) Corner Lot: 16.76 metres
- (b) Minimum Exterior Side Setback: 3.66 metres**
- (c) Minimum Dwelling Unit Area: 140.0 square metres**

- (d) Maximum Lot Coverage: 35%
 - (e) Minimum Off-Street Parking: There shall be a minimum of one (1) off-street parking space per dwelling unit.

- 918. In the case of the R1[918] Zone, the following provisions shall apply:
 - (a) Minimum Lot Area: 353 square metres
 - (b) Minimum Lot Frontage:
 - (i) Corner Lot: 13.7 metres
 - (ii) Interior Lot: 12.0 metres
 - (c) Minimum Exterior Side Setback: 2.44 metres
 - (d) Maximum Lot Coverage: 35%
 - (e) Minimum Off-street Parking: There shall be a minimum of one (1) off-street parking space per dwelling unit.

- 919. In the case of the R1[919] Zone, on the lands municipally known as 979 Sydenham Road, the following provisions shall apply:
 - (a) A Home Occupation may include the sale of cleaned and / or repaired antique glass, china, and porcelain not produced on the premises provided such items do not exceed 50% of any goods displayed for sale, and the balance of the goods displayed for sale must be arts and crafts that are produced on the premises.

- 920. In the case of the R1[920] Zone, on the lands municipally known as 949 Limestone Drive, the following provisions shall apply:
 - (a) A maximum of two dwelling units shall be located totally within the existing single detached dwelling house.
 - (b) The second dwelling unit shall be permitted in a cellar.

- 921. In the case of the R1[921] Zone, the following provisions shall apply:
 - (a) Minimum Lot Area: 464 square metres
 - (b) Minimum Lot Frontage: 15 metres
 - (c) Front Setback: 6.0 metres

- (d) Exterior Side Setback: 4.0 metres
- (e) Interior Side Setback: 1.2 metres
- (f) Rear Setback: No building shall be erected within 10 metres of the surveyed top-of-bank along Collins Bay and in no instance shall any building be erected within 30 metres of the normal water's edge of Collins Bay.
- (g) Minimum Landscaped Open Space: 30%

922. In the case of the R1[922] Zone, the following provisions shall apply:

- (a) Minimum Lot Area: 1486.4486 square metres
- (b) Minimum Lot Frontage: 22.86 metres
- (c) All buildings and structures shall be set back a minimum of 7.62 metres from the 102 metres geodetic contour as shown on the approved site grading plan along the east side of the property abutting the stormwater management pond.
- (d) All buildings on the property shall have a minimum building opening elevation of 102.3 metres geodetic.
- (e) Minimum driveway elevation of 102.05 metres geodetic.

923. In the case of the R1[923] Zone, the following provisions shall apply:

- (a) The following uses only shall be permitted:
 - (i) a single detached dwelling house;
 - (ii) a converted dwelling house;
 - (iii) a photo studio – does not include any form of photo processing;
 - (iv) a home occupation;
 - (v) a public use, except for an arena, open storage, salvage yard, waste management site, or school.
- (b) Minimum Lot Frontage: 27.4 metres.

924. In the case of the R1[924] Zone, the following provisions shall apply:

- (a) The maximum floor area of the business office and associated storage for the household cleaning operation shall not exceed 70 square metres.
- (b) The owner of the household cleaning operation shall reside on the premises.
- (c) No more than 20 people, other than a member of the family shall be employed by the business associated with the household cleaning operation and the office staff shall not exceed 2 persons.
- (d) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house is being used for a purpose other than residential.
- (e) There shall be no goods, wares or merchandise, offered or exposed for sale or rent on the premises.
- (f) The household cleaning operation shall not create or become a public nuisance, particularly in regard to noise, vibration, glare, fumes, odours or electrical interference in excess of that normally experienced in a residential neighbourhood.
- (g) The household cleaning operation shall not interfere with television or radio reception.
- (h) The household cleaning operation shall be restricted to the dwelling house.
- (i) Stacked parking shall be permitted. The maximum employee/business vehicles at one time shall not exceed eight (8) vehicles.
- (j) Minimum Lot Area: 1323.38 square metres.
- (k) That the hook up to a City sewer line shall take place within a six (6) month period.

925. In the case of the R1[925]-H Zone, the following provisions shall apply:

- (a) Minimum Lot Area: 370 square metres
- (b) Minimum Lot Frontage
 - (i) Interior Lot: 12.2 metres

- (ii) Corner Lot: 14 metres
 - (c) Front Setback (main structure, excluding any attached or detached garage):
 - (i) Minimum 3.5 metres
 - (ii) Maximum 6.5 metres
 - (d) Notwithstanding the foregoing Front Setback Depth regulations, for Lots 1, 2, 3, 4, 5, 6, 18, 19, 21, 22, 26, 27, 32, 37, 42, 43, 44, 45, 46, 47, 50, 52, 53, 56, 57, 59, 60, 61, 62, 63, 66, 67, 70, 75, 76, 77, 78, 79, and 81 of Registered Plan 13M-64 only, the front setback depth shall be defined as the least horizontal dimension between the front lot line and the closest portion of the main structure, including any attached garage.
 - (e) Minimum Exterior Side Setback: 3.0 metres
 - (f) Garage Location Notwithstanding any other provision of this By-law hereof to the contrary, in no case shall the wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access be located closer than 6.0 metres to the lot line abutting the public street that the driveway crosses to access the private garage.
 - (g) The lifting of the ‘-H’ Holding Symbol shall be subject to holding provisions of this By-law.
- 926.** In the case of the R1[926]-H Zone, the following provisions shall apply:
- (a) Minimum Lot Area: 360 square metres
 - (b) Minimum Lot Frontage:
 - (i) Interior Lot: 12 metres
 - (ii) Corner Lot: 15 metres
 - (c) Minimum Front Setback: 6.0 metres
 - (d) Minimum Exterior Side Setback: 4.5 metres
 - (e) Minimum Interior Side Setback: 1.2 metres provided that on a lot where there is no attached garage or attached carport, the minimum interior side setback shall be a minimum of 2.4 metres on one side and 1.2 metres on the other

- (f)** Minimum Rear Setback: 7.5 metres
- (g)** Minimum Landscaped Open Space: 30%
- (h)** Maximum Building Height: 10.5 metres
- (i)** Notwithstanding any above provisions, the minimum distance dwelling setback from railway right-of-way 30 metres
- (j)** Setback From Centre Line Of Road: Any building or structure shall be setback the minimum front setback or exterior side setback required for such use plus 9 metres to the centre line of the road, where the road right-of-way is 18 metres.
- (k)** Sight Triangles
 - (i)** Two sight triangles are required for a corner lot.
 - (ii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iv)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.
- (l)** The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, may be a minimum of 8.5 metres.
- (m)** The lifting of the '-H' Holding Symbol shall be subject to the holding provisions of this By-law.

927. In the case of the R1[927] Zone, the following provisions shall apply:

- (a)** Minimum Lot Area: 353 square metres

- (b)** Minimum Lot Frontage:
 - (i)** Corner Lot: 13.7 square metres
 - (ii)** Interior Lot: 12.0 square metres
 - (c)** Minimum Exterior Side Setback: 2.44 square metres
 - (d)** Maximum Lot Coverage: 40%
 - (e)** Minimum Off Street Parking: 1 per dwelling unit
- 928.** In the case of the R1[928] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area: 350 square metres
 - (b)** Minimum Lot Frontage: 10.5 metres
 - (c)** Minimum Lot Setback Depth: 10 metres
 - (d)** Minimum Interior Side Setback: 2.3 metres (where the property line is shared with Part 2 of Reference Plan 377, known as 1616 Anne Street).
- 929.** In the case of the R1[929] Zone, on the lands municipally known as 1208-1210 Westbrook Road, the following provisions shall apply:
- (a)** All uses prohibited except:
 - (i)** Residential Use(s):
 - (ii)** an existing semi-detached dwelling
 - (iii)** Non-residential Use(s):
 - (iv)** a home occupation;
 - (v)** a public use, except for an arena, open storage, salvage yard, waste management site, or school.
 - (b)** The existing semi-detached dwelling is required to be served by public water and sanitary sewer systems.
 - (c)** For the purpose of lot area, lot frontage and side setback regulations, the existing dwelling with common party walls shall be considered as one building occupying one lot.
 - (d)** Minimum Lot Area: 766 square metres

- (e)** Minimum Lot Frontage: 22.8 metres
 - (f)** Minimum Interior Side Setback: 2.72 metres
 - (g)** Minimum Dwelling Unit Area: 164 square metres
- 930.** In the case of the R1[930] Zone, on the lands municipally known as 776 Hillside Drive and 771 Mona Drive, the following provisions shall apply:
- (a)** All residential uses prohibited except:
 - (i)** A second dwelling unit is permitted in a detached building, with a maximum gross floor area of 75 square metres and a maximum height of 6.0 metres.
 - (b)** Minimum Lot Area: 557 square metres
 - (c)** Minimum Lot Frontage: 16.7 metres
 - (d)** For the purpose of this Zone the required setbacks are defined as:
 - (i)** Front setback: Abutting Hillside Drive
 - (ii)** Rear setback: Abutting Mona Drive
 - (iii)** Exterior side setback: Abutting Hudson Drive
 - (e)** Minimum Rear Setback: 11.0 metres
 - (f)** No accessory buildings shall be located in any required front setback; required exterior side setback; or, required rear setback.
 - (g)** A maximum of two driveways are permitted on the property, each with a maximum width of 6.0 metres, with a maximum of one driveway per public road.
- 931.** In the case of the R1[931] Zone, the following provisions shall apply:
- (a)** All uses prohibited except:
 - (i)** a single detached dwelling house.
 - (b)** Minimum Lot Area: 665 square metres
 - (c)** Minimum Lot Frontage: 18 metres

- 932.** In the case of the R1[932] Zone, the following provisions shall apply:
- (a) All uses prohibited except:
 - (b) a single detached dwelling house.
 - (c) Minimum Lot Frontage: 30 metres
- 933.** In the case of the R2[933] Zone, on the approximately 1.62 hectare parcel of land within the structure located at the rear of the Frontenac County Court House, commonly referred to as "the Gaoler's Residence", a non-profit administration office for use by the Canadian Red Cross Society shall also be a permitted.
- 934.** In the case of the R2[934] Zone, on the approximately 0.12 hectare parcel of land bounded by Barrie Street, Ordnance Street and York Street, known municipally as 391 Barrie Street, the following provisions shall apply:
- (a) Additional permitted use(s):
 - (i) a Health Care Professional Office.
 - (b) The building and site development as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-Law. No additional floor space may be created unless approved by the Committee of Adjustment or additional amendment to this By-law.
 - (c) For the purpose of the R2[934] zone, the following definition of "Health Care Professional Office" shall apply: means a building used by health practitioners such as physicians, dentists, midwives, physiotherapists, and other similar professions, their staff, and their patients for the purposes of consultation, diagnosis and office treatment. The building may include administrative offices, waiting rooms, treatment rooms and other accessory rooms. This shall not include accommodation for in-patient care or operating rooms for major surgery.
- 935.** In the case of the R2[935] Zone, on the approximately 0.04 hectare parcel of land located on the east side of Nelson Street, north of Princess Street, the following provisions shall apply:
- (a) The permitted uses shall also include a minimum of ten parking spaces in exclusive association with uses located on the adjacent parcel of land designated CM[660].

- (b) The parking area referred to in provision (a) above shall be buffered with a wall or fence along the north and east boundaries.
- 936.** In the case of the R2[936] Zone, on the approximately 0.12 hectare parcel of land located at the northwest corner of Clergy and Colborne Streets, the following provisions shall apply:
- (a) Additional permitted use:
- (i) a funeral establishment
- (b) Minimum Front Setback: 1.5 metres
- (c) Maximum Lot Coverage: 41%
- (d) Maximum total building floor area for all buildings: 975.5 square metres.
- 937.** Reserved.
- 938.** In the case of the R2[938] Zone, on the approximately 0.53 hectare parcel of land located at the northeast corner of Bagot and Cataraqui Streets, the following provisions shall apply:
- (a) Additional permitted use(s):
- (i) a Brewers Retail sales outlet and distributing warehouse
- 939.** In the case of the R2[939] Zone, on the parcel of land identified as 308 Montreal Street, the following provisions shall apply:
- (a) Additional permitted use(s):
- (i) a Neighbourhood Store
- (b) Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10% of the previously described area.
- 940.** In the case of the R2[940] Zone, on the parcel of land identified as 298-394 Montreal Street, the following provisions shall apply:
- (a) Additional permitted use(s):

- (i) a Neighbourhood Store
 - (b) The permitted uses shall also include neighbourhood shores and a retail store selling office supplies provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10% of the previously described area.
- 941. In the case of the R2[941] Zone, on the parcel of land identified as 240-246 Montreal Street, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Drive-in Restaurant
 - (ii) a Neighbourhood Store
 - (b) Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10% of the previously described area.
- 942. In the case of the R2[942] Zone, on the parcel of land identified as 235 Montreal Street, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Neighbourhood Store
- 943. In the case of the R2[943] Zone, on the parcel of land identified as 277 Montreal Street, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Neighbourhood Store
 - (b) Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10% of the previously described area.
- 944. In the case of the R2[944] Zone, on the parcel of land identified as 285 Montreal Street, the following provisions shall apply:

- (a)** Additional permitted use(s):

 - (i)** a Neighbourhood Store
 - (b)** Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10% of the previously described area.
- 945.** In the case of the R2[945] Zone, on the parcel of land identified as 303 Montreal Street, the following provisions shall apply:
- (a)** Additional permitted use(s):

 - (i)** a Neighbourhood Store
 - (b)** Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established these premises as of July 28, 1975 plus an area equal to 10% of the previously described area.
- 946.** In the case of the R2[946] Zone, on the approximately 0.08 hectare parcel of land located on the west side of Bagot Street between Bay and Ordnance Streets, the following provisions shall apply:
- (a)** Additional permitted use(s):

 - (i)** an Ambulance Service operated by the Ministry of Health
- 947.** In the case of the R2[947] Zone, on the approximately 0.04 hectare parcel of land located at the southwest corner of Rideau and Cataraqui Street, the following provisions shall apply:
- (a)** Additional permitted use(s):

 - (i)** a Group Home.
 - (b)** For the purpose of this Zone, a 'Group Home' shall be defined as a single housekeeping unit in a residential dwelling in which three to ten residents live as a family under responsible supervision, in accordance with provincial requirements, and consistent with the requirements of its residents. The home shall be licensed or approved by the Province of Ontario. "Residents" for the purpose of this Section shall be defined as to exclude staff or receiving family.

- 948.** In the case of the R2[948] Zone, on the approximately 0.07 hectare parcel of land located on the east side of Division Street south of Stephen Street, the following provisions shall apply:
- (a)** Additional permitted use(s):
 - (i)** a Business and Professional Office
 - (b)** One parking space shall be provided for each 27.78 square metres of office space.
- 949.** In the case of the R2[949] Zone, on the approximately 0.2 hectare parcel of land located at the southeast corner of King Street East and Maitland Streets, the following provisions shall apply:
- (a)** Additional permitted use(s):
 - (i)** a Professional Office
 - (b)** Maximum total floor area: 140 square metres located in the existing building;
 - (c)** A minimum of 1 parking space for every 28 square metres of professional office space shall be provided.
 - (d)** The required commercial off-street parking spaces may be located in the front setback of the building.
- 950.** In the case of the R2[950] Zone, on the parcel of land identified as 73-75 Bay Street and 442 Bagot Street, the following provisions shall apply:
- (a)** Additional permitted use(s):
 - (i)** a Neighbourhood Store
 - (b)** Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of the passing of this By-law plus an area equal to 10% of the previously described area.
- 951.** In the case of the R2[951] Zone, on the parcel of land identified as 424 Bagot Street, the following provisions shall apply:
- (a)** Additional permitted use(s):

- (i) a Neighbourhood Store
 - (b) Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this By-law, plus an area equal to 10% of the previously described area.
- 952. In the case of the R2[952] Zone, on the parcel of land identified as 212 Montreal Street and 68-70 Raglan Road, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Neighbourhood Store
 - (ii) a Retail Florist Shop
 - (b) Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this By-law plus an area equal to 10% of the previously described area.
- 953. In the case of the R2[953] Zone, on the parcel of land identified as 61-63 John Street, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Neighbourhood Store
 - (b) Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this By-law plus an area equal to 10% of the previously described area.
- 954. In the case of the R2[954] Zone, on the parcel of land identified as 330 Division Street, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Neighbourhood Store
 - (b) Provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date

of passing of this By-law plus an area equal to 10% of the previously described area.

- 955.** In the case of the R2[955] Zone, On the approximately 0.91 hectare parcel of land bounded by Ordnance Street on the south, Sydenham Street on the west, Bay Street on the north and Montreal Street on the east, known municipally as 115 Ordnance Street (Providence Manor), the following provisions shall apply:
- (a) Minimum number of off-street parking spaces: 15
 - (b) Additional required off-street parking facilities may be located on a lot not more than 200.0 metres from the subject property.
 - (c) Maximum Building Height: 5.0 metres or five (5) storeys.
 - (d) Maximum Lot Coverage: 43% (excluding the centre courtyard structure)
 - (e) The total floor area of all buildings on the site shall not exceed 17,000.0 square metres.
 - (f) The provisions of this By-law outlined in the R2 Zone for minimum front, side, and rear setbacks shall not apply.
- 956.** In the case of the R2[956] Zone, on the approximately 0.134 hectare parcel of land located at the southeast corner of Concession Street and Alfred Street, the following provisions shall apply:
- (a) Additional permitted use(s):
 - (i) a Neighbourhood Store and services
 - (b) Provided that the additional permitted uses occupy the ground floor of the building only and contain no more than 430 square metres of floor space;
 - (c) Maximum number of permitted dwelling units: 6, containing a total floor space of not more than 430 square metres;
 - (d) Minimum number of off-street parking spaces: 19
 - (e) Minimum Amenity Area: 96.8 square metres;
 - (f) Minimum Front Setback: 3.86 metres;
 - (g) Minimum Rear Setback: 0.6 metres;

(h) Minimum West Interior Side Setback: 3.86 metres.

957. In the case of the R2[957] Zone, on the approximately 0.035 hectare parcel of land located on the west side of Nelson Street South of Princess Street, known municipally as 182 Nelson Street, the following provisions shall apply:

(a) Additional permitted use(s):

(i) a Professional Office

(b) The professional office use shall be restricted to the ground floor only of the building;

(c) Maximum Building Depth: 16.95 metres;

(d) Minimum aggregate side setback: 3.0 metres

(e) Maximum Ground Floor Area: 112.6 square metres;

(f) The second floor of the building shall be used for one (1) residential dwelling unit;

(g) The minimum number of required off-street parking spaces shall be four (4) for the non-residential use on the site, and one (1) space for the residential use, which space shall be provided within 60 metres of the property. In the event that the ground floor is used for a professional office other than a chiropractic clinic, the combined parking requirements for both floors shall be four (4) parking spaces instead of the five (5) stipulated above.

(h) Access to the required off street parking spaces shall be permitted by a single combined entrance/exit lane.

958. In the case of the R2[958] Zone, on the approximately 0.02 hectare parcel of land located on the north side of Johnson Street between Toronto Street and Victoria Street, known municipally as 621 Johnson Street, the following provisions shall apply:

(a) A maximum of two (2) dwelling units shall be permitted;

(b) Where two (2) dwelling units are provided:

(i) the ground floor unit shall be either a bachelor or one-bedroom unit; and

- (ii) the unit occupying the second and third floors shall contain a maximum of two (2) bedrooms.
 - (c) There shall be no exterior expansion of the existing building in order to accommodate the proposed two dwelling units.
 - (d) Two (2) off-street parking spaces shall be provided in accordance with Section 6 of this By-law;
 - (e) The proposed two unit dwelling shall be deemed to be a conforming use with respect to setback requirements, lot area and percentage of lot coverage.

- 959.** In the case of the R2[959] Zone, on the approximately 0.027 hectare (265 square metres) parcel of land located on the northeast corner of Patrick Street and Markland Street, known municipally as 51 Patrick Street, the following provisions shall apply:
 - (a) Additional permitted use(s):
 - (i) a Triplex Dwelling
 - (b) Minimum number of off-street parking spaces: 3
 - (c) The basement dwelling unit shall be confined within the walls of the building in existence as of the date of the passing of this By-law and shall contain a maximum floor area of 50 square metres.
 - (d) The existing building shall be recognized as non-complying with respect to the regulations of the R2 Zone regarding Minimum Lot Area, Minimum Front Setback, Minimum Side Setback, Minimum Rear Setback and Maximum Percentage of Lot Coverage. No extension or enlargement of the existing building shall be permitted, however, alterations, include structural alterations, necessary for the normal maintenance and repair of the existing building will be permitted.

- 960.** In the case of the R2[960] Zone, on the approximately 0.05 hectare parcel of land located on the west side of Bagot Street, known municipally as 402 Bagot Street, the following provisions shall apply:
 - (a) A structural alteration having the effect of adding new floor area to the principal building on the subject property shall be permitted, provided that:

- (i) The gross floor area of the principal building shall not exceed 390.2 square metres;
 - (ii) The additional new floor area permitted by the passing of this By-law shall not exceed 79.2 square metres and shall be wholly contained within the third storey, and, the remaining 48 square metres of “non-permitted” space on the third storey will be rendered inaccessible for use;
 - (iii) The four (4) units shall be contained within the walls of the building in existence as of the date of the passing of this By-law; and, any extension, expansion or structural alteration which has the effect of adding new floor area or dwelling units, including dormer construction, shall be prohibited.

- 961. In the case of the R2[961] Zone, on the approximately 189.14 square metres parcel of land located at 318 Albert Street, the following provisions shall apply:
 - (a) All uses prohibited except:
 - (i) a single detached dwelling;
 - (ii) a medical or dental clinic with a maximum of 1 practitioner;
 - (iii) a professional office in which a service or consultation is given, including, but not limited to the offices of a lawyer, planner, architect, surveyor, engineer, insurance broker, or chartered accountant or financial services.
 - (b) Non-residential uses shall only be located on the ground floor.
 - (c) Where both a residential and non-residential use are located on the subject property, the residential use shall be limited to a maximum of three bedrooms.
 - (d) Minimum Lot Area: 189 square metres
 - (e) Minimum Front Setback: 3.41 metres
 - (f) Minimum Interior Side Setback: 0.27 metres
 - (g) Minimum Exterior Side Setback: 0.5 metres
 - (h) Minimum Rear Setback: 8.7 metres
 - (i) Maximum Percentage of Lot Coverage: 49 %

- (j) Maximum Permitted Building Depth: 11.43 metres
- (k) Off-street parking: 1 space minimum for the residential use, 2 spaces minimum for any non-residential use
- (l) Buffering: Fencing or other appropriate buffering that is a minimum 1.2 metres in height shall be provided along the interior side lot line extending from the rear wall of the main building to the rear lot line.

962. In the case of the R2[962] Zone, on the approximately 1358 square metres parcel of land located on the east side of Montreal Street, between James Street and Charles Street, known as 317-319 Montreal Street, the following provisions shall apply:

- (a) The existing catering operation at the date of the passing of this By-law is permitted;
- (b) A meeting room and food sampling area may be located on the second floor of the existing building;
- (c) At the time the commercial uses cease, the use of this property shall comply with the R2 Zone provisions.
- (d) Any non-residential uses shall be developed in accordance with the following provisions:
 - (i) For the purpose of this section, a meeting room and food sampling area shall be defined as follows: An area of the catering business building devoted a meeting.
 - (ii) Room and food sampling area for potential clients for the purpose of tasting food with the intent to entering into a catering contract. This use is an accessory use to the catering operation and the items to be sampled are to be prepared by the catering operation. Occasional special purpose meetings, with catering shall also be permitted. This use shall not include a restaurant or similar use, open to the general public.
 - (iii) Buffering (minimum): A solid fence, 1.8 metres in height, shall be provided on the property where a non-residential use abuts a residential use.
 - (iv) Garbage: All garbage resulting from the commercial operation shall be stored in a screened enclosure.

- (v) Vehicle Storage: The business vehicles used in conjunction with the catering business shall be parked in the garages when not in use.
- (vi) Site Access: The existing access to parking in the rear of the lot shall be deemed to conform.

963. In the case of the R2[963] Zone, on the approximately 453 square metres parcel of land known as 130 Helen Street, the following provisions shall apply:

- (a) Maximum of six dwellings units within the building in existence on the property on the day of the passing of this By-law
- (b) Minimum Lot Area: 94 square metres per dwelling unit
- (c) Minimum Rear Setback: 6.1 metres
- (d) Maximum Building Height: The maximum permitted height of any exterior wall exclusive of end gable shall be 7.9 metres
- (e) Flat Roof Height: A flat roof shall be permitted above the 7.9 metres exterior wall
- (f) Maximum Building Depth: 16.7 metres
- (g) Minimum Off-Street Vehicle Parking: 1 parking space per dwelling unit
- (h) Parking: A maximum of three parking spaces shall be permitted within the front setback.

964. In the case of the R2[964] Zone, on the approximately 650 square metres parcel of land known as 293 Division Street, the following provisions shall apply:

- (a) The following additional uses shall be permitted within the walls of the existing building on the property on the date of the passing of the By-law:
 - (i) a laundromat;
 - (ii) a retail store or shop;
 - (iii) a professional or business office.

- (b)** A minimum of six off-street parking spaces shall be provided for any use permitted in Section (a) above.
- 965.** In the case of the R2[965] Zone, on the approximately 357 square metres parcel of land located north of Princess Street and on the west side of Frontenac Street, known municipally as 544 Frontenac Street, the following provisions shall apply:
- (a)** A maximum of 3 dwelling units shall be permitted in accordance with the following provisions:
- (i)** Maximum Gross Floor Area shall be limited to the existing 580 square metres
 - (ii)** Maximum Residential Building Depth: 14.3 metres
 - (iii)** Minimum Lot Area: 350 square metres.
- 966.** In the case of the R2[966] Zone, on the approximately 546 square metres parcel of land located north of Princess Street and on the east side of Frontenac Street, known municipally as 551 Frontenac Street, the following provisions shall apply:
- (a)** The minimum side setback shall be 0.2 metres on one side and 2.7 metres on the other side;
- (b)** The maximum number of units shall be 3 units with 10 bedrooms.
- 967.** In the case of the R2[967]-H Zone, on the approximately 515 square metres parcels of land known as 467 and 471 Johnson Street, the following provisions shall apply:
- (a)** Subject to the removal of the '-H' Symbol, the provisions of the R2 Zone shall apply, except that:
- (i)** One (1) dwelling per lot containing a maximum of three (3) units for a maximum of two (2) dwellings each containing three (3) units shall be permitted.
 - (ii)** Minimum Lot Area: 84 square metres per dwelling unit
 - (iii)** Minimum Front Setback: 2.7 metres
 - (iv)** Minimum Aggregate Side Setback: 2.5 metres
 - (v)** Maximum Percentage of Lot Coverage: 43%

- (vi) Maximum Floor Space Index: 1.7
 - (vii) Minimum Number of Parking Spaces: 3
 - (viii) Maximum Number of Bedrooms Per Unit: 4
 - (ix) Maximum Number of Bedrooms: 20.
- (b) The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:
- (i) A Consent Application is approved, final and binding to adjust the property lines and create the right-of-way;
 - (ii) Submission of a Record of Site Condition to the satisfaction of the City;
 - (iii) All applicable City and Agency requirements have been complied with;
 - (iv) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
 - (v) City Council has passed a further amendment to this By-law to remove the ‘-H’ Symbol pursuant to the *Planning Act*.
- 968.** In the case of the R2[968] Zone, on the approximately 532.4 square metres parcel of land known as 349 Mack Street, the following provisions shall apply:
- (a) Additional permitted use(s):
 - (i) a Day Care Centre
 - (b) A minimum of three on-site parking spaces shall be provided for any use permitted in Section (a) above.
 - (c) The setbacks of the building existing at the date of the passing of this By-law shall be deemed to comply.
- 969.** In the case of the R2[969] Zone, on the lands known as 84 Stephen Street, the following provisions shall apply:
- (a) Additional Permitted Use(s):
 - (b) a Professional Office;
 - (c) a Multiple Dwelling.

- (d) Maximum number of permitted dwelling units: 20
 - (e) Minimum Lot Area: 3,150 square metres
 - (f) Minimum number of off-street vehicle parking: 19 spaces
 - (g) Outdoor storage / outdoor display: Outdoor storage and outdoor display associated with a professional office shall not be permitted.
- 970.** In the case of the R2[970] Zone, on the lands known as 198 Mack Street, the following provisions shall apply:
- (a) Additional permitted use(s):
 - (b) a Day Care Centre
 - (c) A maximum aggregate driveway width of 8.1 metres is permitted.
 - (d) A maximum aggregate of 4 parking spaces is permitted in the front setback and exterior side setback.
 - (e) Deemed to comply: The building and site development existing as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of this By-law.
- 971.** In the case of the R2[971] Zone, on the approximately 0.42 hectare parcel of land known municipally as 342 Patrick Street, the following provisions shall apply:
- (a) All uses prohibited except:
 - (i) a Community Facility
 - (b) For the purpose of the R2[971] Zone, the following definition shall apply:
 - (i) A Community Facility: means a building where members of the public are provided with educational, social, cultural, or religious programs and where neither overnight care nor living accommodation is available.
 - (c) A minimum of 29 off-street parking spaces shall be provided.

- (d) The building and site development as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-Law.

972. Reserved.

973. Reserved.

974. Reserved.

975. In the case of the R2[975] Zone, on the lands known as 105 Colborne Street, the following provisions shall apply:

- (a) The minimum lot area for a dwelling containing two units shall be 560 square metres.
- (b) The permitted dwelling may contain a maximum of 210 square metres of gross floor area. For the purposes of this section the area contained in the basement is excluded from the gross floor area calculation.
- (c) The total number of bedrooms shall not exceed 6 bedrooms for the entire property.
- (d) The maximum area of the rear setback that may be used for uncovered vehicle parking shall be limited to 40 square metres.

976. In the case of the R2[976] Zone, on the approximately 0.12 hectare parcel of land located on the southeast corner of Division Street and Railway Street, the following provisions shall apply:

- (a) Any building in existence on the date of passing of this By-law shall be deemed to be in conformity with all provisions of this By-law however:
- (b) The permitted uses for such building shall only be as follows:
 - (i) a bank;
 - (ii) a retail store or similar use;
 - (iii) a multiple dwelling.
- (c) No enlargement, extension or structural alteration of any kind shall be permitted.

- 977.** In the case of the R2[977] Zone, on the lands known as 195 Union Street, the following provisions shall apply:
- (a) Permitted number of residential units for the existing building: 3
 - (b) Required number of parking spaces per residential unit: 1
 - (c) Maximum lot coverage for the existing building: 53%
 - (d) Setback from lot line abutting Union Street: 0.5 metres
 - (e) Setback from lot line abutting Collingwood Street: 2.9 metres
 - (f) Setback from northerly lot line: 1.8 metres
- 978.** In the case of the R2[978] Zone, on the lands known as 171A Union Street, the following provisions shall apply:
- (a) In addition to the uses permitted in the R2 Zone, the property may be used for a dwelling containing three units.
 - (b) Maximum number of dwellings per lot: 1
 - (c) Minimum Lot Area: 712 square metres
 - (d) Maximum number of bedrooms: 7
 - (e) Minimum number of on-site parking spaces: 3 parking spaces
 - (f) Maximum size of a parking area: up to 50 square metres of the rear setback of the multiple dwelling containing three units may be used as uncovered parking area
 - (g) Deemed To Comply: The multiple dwelling containing three units existing as of the date of the passing of this By-law shall be deemed to comply with the maximum building height regulations of this By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of the R2 Zone.
- 979.** In the case of the R2[979] Zone, on the lands known as 171B Union Street, the following provisions shall apply:
- (a) Additional permitted use(s):
 - (i) a Single Detached Dwelling
 - (b) Maximum number of dwellings per lot: 1

- (c) Maximum number of bedrooms: 3
 - (d) Minimum width of driveway: 4.6 metres
- 980.** In the case of the R2[980]-H Zone, on the lands known as 274 Frontenac Street, the following provisions shall apply:
- (a) Minimum Lot Area: 254 square metres per dwelling unit;
 - (b) Minimum Side Setback from the south property line only shall be 1.2 metres; and
 - (c) An –h symbol be applied with only the following regulation and requirement:
 - (i) The –h symbol shall not prevent the issuance of a demolition permit and building permit provided said permit does not require additional excavation and/or upgrading of services outside of the building envelope. If additional excavation and/or upgrading of services is required, then an Archaeological Assessment, Stage 2 shall be completed for the areas to be disturbed shall be completed to the satisfaction of the City and the Ministry of Tourism and Culture and the -H Symbol be removed.
- 981.** In the case of the R2[981] Zone, on the lands known as 110 Centre Street, the following provisions shall apply:
- (a) Minimum Front Setback: 12.6 metres
 - (b) Unenclosed porches, decks, balconies, steps, and/or verandas, covered or uncovered, shall not be permitted to project into the front setback.
 - (c) Minimum Aggregate Side Setback: 3.05 metres.
- 982.** In the case of R2[982] Zone, on the lands known as 98 Centre Street, the following provisions shall apply:
- (a) Minimum Front Setback: 12.6 metres
 - (b) Unenclosed porches, decks, balconies, steps, and/or verandas, covered or uncovered, shall not be permitted to project into the front setback.

- 983.** In the case of R2[983] Zone, on the approximately 0.14 hectare parcel of land located on the south side of Pine Street approximately 21.0 metres from Division Street, the following provisions shall apply:
- (a)** An apartment building containing not more than 41 senior citizen apartments shall be a permitted use, subject to the provisions of Zone CM.
 - (b)** The minimum number of required off-street parking spaces shall be in the order of one parking space for every four senior citizen apartments, plus 10 additional parking spaces.
- 984.** In the case of R2[984] Zone, on the lands known as 148 Nelson Street, the following provisions shall apply:
- (a)** Minimum Lot Area for 2 dwelling units shall be 425 square metres;
 - (b)** The maximum parking area in the rear setback shall be 33 square metres;
 - (c)** Maximum aggregate total number of bedrooms permitted shall be 9; and,
 - (d)** Parking within the front setback is prohibited.
- 985.** In the case of R2[985] Zone, on the lands known as 270 Frontenac Street, the following provisions shall apply:
- (a)** The use of a cellar as a portion of an existing dwelling unit or as a habitation unit is permitted.
- 986.** In the case of R2[986] Zone, on the lands known as 618-628 Bagot Street, the following provisions shall apply:
- (a)** That the minimum lot area per unit shall be 290 square metres; and
 - (b)** That structures and buildings legally constructed prior to the passing of the By-law shall be deemed to comply.
- 987.** In the case of R2[987] Zone, on the lands known as 334 Victoria Street, the following provisions shall apply:
- (a)** Maximum 2 dwelling units are permitted;
 - (b)** The maximum aggregate number of bedrooms is 9;

- (c) The use of a cellar as a portion of an existing dwelling unit is permitted; and,
 - (d) Parking within the front setback is prohibited;
 - (e) A Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (i) Common areas open to all occupants of the unit;
 - (ii) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
 - (f) Minimum Lot Area for two dwelling units shall be 664 square metres;
 - (g) Minimum Front Setback: 2.6 metres;
- 988.** In the case of R2[988] Zone, on the lands known as A188 Ordnance Street, the following provisions shall apply:
- (a) For the purpose of the R2[988] Zone, the following definition shall apply:
 - (i) A Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment
 - (b) The use of a cellar as a portion of an existing dwelling unit or as a habitation unit is permitted.
- 989.** In the case of R2[989] Zone, on the lands known as 450 Frontenac Street, the following provisions shall apply:

- (a) The use of a cellar as a dwelling unit or as a habitation unit is permitted;
 - (b) Minimum Lot Area for two dwelling units is 556 square metres;
 - (c) Maximum number of bedrooms per dwelling unit is: 4;
 - (d) The definition for bedroom shall be as follows:
 - (i) A Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
 - (e) The second dwelling unit shall not exceed 60% of the gross floor area of the main dwelling unit.
- 990.** In the case of R2[990] Zone, on the approximately 5.87 hectare parcel of land located south of King Street, being part of Registered Plan 1069 in the City, the following provisions shall apply:
- (a) Minimum Front Setback: 4.6 metres; and
 - (b) No building or part thereof shall be so situated on a lot that any part except eaves or uncovered steps will be closer to the street line than 4.6 metres.
- 991.** In the case of R2[991] Zone, on the lands known as 301-303 Sydenham Street, the following provisions shall apply:
- (a) In addition to the uses permitted in the R2 Zone, the existing dwelling may be used for a multiple dwelling containing a maximum of six units. Extension, expansion or structural alteration to the building as it exists on the date of the passing of this By-law which has the effect of adding new floor area or dwelling units to the said dwelling shall be prohibited.
 - (b) Maximum number of bedrooms: 10

- (c)** For the purpose of the R2[991] Zone, the following definitions shall apply:
- (i)** A Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
 - (ii)** Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.
- (d)** Minimum Amenity Space area: 78 square metres
- (e)** Minimum number of on-site parking spaces: 3
- (f)** Maximum size of a parking area: up to 50 square metres of the rear setback of the multiple dwelling containing three units may be used as uncovered parking area.
- (g)** No minimum barrier free vehicle parking shall be required.
- (h)** No minimum play area shall be required.
- (i)** The use of a cellar as a habitation unit is permitted providing that the cellar complies with the applicable Ontario Building Code.
- (j)** An accessory building for a bicycle parking area shall be permitted in the interior side setback and shall be no closer than 5.5 metres to a front lot line or 1.2 metres from a side lot line.
- (k)** Deemed to comply: The lot and building existing as of the date of the passing of this By-law shall be deemed to comply with the minimum lot area, minimum front setback, minimum side setback, maximum percentage of lot coverage and maximum permitted floor space index regulations of this By-Law. In the event that the existing building on the site is removed, any new

development shall be subject to the regulations of Section 6 of this By-law.

- 992.** In the case of R2[992] Zone, on the lands known as 168 Macdonnell Street, the following provisions shall apply:
- (a)** The use of a cellar as used as a dwelling unit or as a habitation unit is permitted.
 - (b)** A maximum of two dwelling units are permitted on the property.
- 993.** In the case of R2[993] Zone, on the lands known as 37 York Street, the following provisions shall apply:
- (a)** Minimum Lot Area: 712 square metres
 - (b)** Deemed to comply: The existing residential building and shed as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-Law. In the event that the existing structures on the site are removed, any new development or re-development shall be subject to the regulations of Section 6 of this By-law.
- 994.** In the case of R2[994] Zone, on the lands know as 58 Centre Street, the following provisions shall apply:
- (a)** For the purpose of the R2[994] zone, the following definition shall apply:
 - (i)** A Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment
 - (b)** Maximum number of dwelling units: 2
 - (c)** Maximum aggregate number of bedrooms: 9

- 995.** In the case of R2[995] Zone, on the lands known as 114 Collingwood Street, the following provisions shall apply:
- (a) For the purpose of the R2[995] zone, the following definition shall apply:
 - (i) A Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment
 - (b) The use of a cellar as a portion of a dwelling unit or as a habitation unit is permitted.
 - (c) Maximum number of dwelling units: 2
 - (d) Maximum aggregate number of bedrooms: 7
 - (e) Off-street parking: A minimum of 1 parking space shall be required
 - (f) Bicycle parking: A minimum of 6 bicycle parking spaces shall be required.
- 996.** In the case of R2[996] Zone, on the approximately 0.24 hectare parcel of land located on the north side of Earl Street approximately 18.0 metres west of Alfred Street the following provisions shall apply:
- (a) The existing residential building providing accommodation primarily for students and owned by the Science 44 Co-operative Inc. shall be deemed to be a building and use of land conforming to the provisions of the R2 zone however no extension or enlargement to this building shall be permitted.
- 997.** In the case of R2[997] Zone, on the lands known as 10 and 12 Collingwood Street, the following provisions shall apply:
- (a) A three (3) unit dwelling shall be permitted subject to the following regulations which shall also apply:

- (i) For the purpose of the R2[997] zone, a bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment
- (b) The use of a cellar as a portion of a dwelling unit or as a habitation unit is permitted.
- (c) Maximum number of dwelling units: 3
- (d) Maximum Aggregate Number of Bedrooms: 10
- (e) Off-Street Vehicle Parking:
 - (i) The minimum number of residential parking spaces shall be 4 parking spaces.
 - (ii) The residential parking spaces shall occupy a maximum of 64.8 square metres of the rear of the lot
 - (iii) A separate ingress and egress lane is not required for the above number of permitted parking spaces.
- (f) Bicycle Parking Spaces: a minimum of three (3) bicycle parking spaces shall be provided on site.
- (g) Fencing
 - (i) A minimum 1.8 metres high wooden privacy fence shall be erected and maintained along the southern lot line extending from the rear wall of the dwelling to the rear lot line. The fence must visually block viewing into abutting properties.
 - (ii) A minimum 1.5 metres high privacy fence shall be maintained and/or erected along the western lot line. The fence must visually block viewing into abutting properties.
 - (iii) A minimum 1.2 metres high privacy fence shall be maintained and/or erected along the northern lot line

extending from the rear wall of the dwelling to the rear lot line. The fence must visually block viewing into abutting properties

- (h) Rear Amenity Area
 - (i) Minimum 2.4 metres wide - in the rear of the lot along the entire northern property boundary.
 - (ii) Minimum 10 metres wide - in the rear of the lot along the entire western property boundary.

998. In the case of R2[998] Zone, on the lands known as 16 James Street, the following provisions shall apply:

- (a) For the purpose of the R2[998] Zone, a Bedroom shall mean: any room within a residential unit that is suitable to be used as a sleeping room under the *Ontario Building Code*, and which for greater certainty does not include:
 - (i) Common areas open to all occupants of the unit;
 - (ii) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen); and
 - (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment
- (b) Maximum Number of Dwelling Units: 2
- (c) Maximum Aggregate Number of Bedrooms: 4
- (d) Off Street Parking:
 - (i) Parking shall only be located behind the front wall of the main building
 - (ii) Parking in a stacked/tandem arrangement shall be permitted for a maximum of two parking spaces

999. In the case of R2[999] Zone, on the lands known as 48 Colborne Street, the following provisions shall apply:

- (a) Maximum Gross Floor Area: 310 square metres
- (b) Maximum Percentage of Lot Coverage: 52%

- (c) Maximum Floor Space Index: 1.5
- (d) That the maximum height of the rear wall and the pitch and slope of the roof of the second storey addition shall match the abutting land owners second storey addition at 50 Colborne Street
- (e) That the maximum height of the rear wall of the one storey addition shall not exceed 2.75 metres
- (f) That any external openings along the eastern wall of the second storey addition be limited to transom windows at a minimum height of 2.0 metres from finished floor, subject to Ontario Building Code requirements.

1000. In the case of R2[1000] Zone, on the lands known as 7 Pine Street, the following provisions shall apply:

- (a) For the purpose of the R2[1000] Zone, a Bedroom shall mean: any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (i) Common areas open to all occupants of the unit;
 - (ii) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and,
 - (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters, and laundry equipment.
- (b) Maximum number of dwelling units: 2
- (c) Maximum number of bedrooms per dwelling unit: 2
- (d) Minimum front setback: 0.2 metres
- (e) Minimum side setback: 0.1 metres
- (f) The use of a cellar as a portion of a dwelling unit or as a habitation unit is permitted
- (g) Deemed to comply: The existing 44.5 square metres garage as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-Law. In the event that the existing garage on the site is demolished, any new development or re-development shall be subject to the R2 Zone.

1001. Reserved.

1002. In the case of R2[1002] Zone, on the approximately 0.06 hectare parcel of land located on the north side of Lower Union Street approximately 17.0 metres east of Bagot Street, the following provisions shall apply:

- (a) A hospital as defined by the *Public Hospitals Act*, R.S.O. (1970) Chapter 378, shall be a permitted use of land.

1003. In the case of R2[1003] Zone, on the approximately 11.54 hectare parcel of land located north of Kirkpatrick Street, west of Division Street, the following provisions shall apply:

(a) Minimum Side Setback

- (i) Semi Detached Dwelling (total): 4.8 metres (2.4 metres each side except where the dwellings have attached garages, in which case there shall be a total of 2.4 metres side setback width- 1.2 metres each side)
- (ii) All Other Dwellings (total): 2.4 metres (1.2 metres minimum each side)
- (iii) However on a corner lot the minimum side setback abutting a street shall be 6.0 metres.

(b) Minimum Lot Area

- (i) Single Detached Dwelling: 370.0 square metres

(c) Minimum Lot Width

- (i) Single Detached Dwelling: 12.0 metres (except 18.0 metres for a corner lot)
- (ii) Semi-Detached Dwelling or Duplex Dwelling: 18.0 metres (except 21.0 metres for a corner lot)

1004. In the case of R2[1004] Zone, on the nine parcels of land located west of Montreal Street north of Sutherland Drive, the following provisions shall apply:

(a) Minimum Lot Area

- (i) Single Detached Dwelling: 370.0 square metres

- (b)** Minimum Lot Width
 - (i)** Single detached dwelling: 12.0 metres
 - (ii)** Semi-detached dwelling or duplex dwelling: 15.0 metres

- 1005.** In the case of R2[1005] Zone, on the three parcels of land located on both sides of Aberfoyle Road between Counter Street and Inverness Crescent, consisting of a total of approximately 4.24 hectares, the following provisions shall apply:
 - (a)** Minimum Lot Area
 - (i)** Single Detached Dwelling: 370.0 square metres
 - (b)** Minimum Lot Width
 - (i)** Single Detached Dwelling - Interior Lot: 12.0 metres
 - (ii)** Single Detached Dwelling - Corner Lot: 15.0 metres
 - (c)** Minimum Side Setback - Corner Lots
 - (i)** On a corner lot the minimum side setback abutting a street shall be 4.8 metres.

- 1006.** In the case of R2[1006] Zone, on the approximately 1.1 hectare parcel of land located on the south side of Elliot Avenue West of Douglas Avenue, the following provisions shall apply:
 - (a)** Minimum Side Setback
 - (i)** Semi Detached Dwelling (total): 4.8 metres (2.4 metres each side except where the dwellings have attached garages, in which case there shall be a total of 2.4 metres side setback width - 1.2 metres each side)
 - (ii)** All Other Dwellings (total): 2.4 metres (1.2 metres minimum side setback)
 - (iii)** However on a corner lot the minimum side setback abutting a street shall be 6.0 metres.
 - (b)** Minimum Lot Area
 - (i)** Single Detached Dwelling : 370.0 square metres
 - (c)** Minimum Lot Width

- (i) Single Detached Dwelling: 12.0 metres (except 18.0 metres for a corner lot)
 - (ii) Semi-Detached Dwelling or Duplex Dwelling: 15.24 metres (except 18.288 metres for a corner lot)
 - (d) A semi-detached dwelling shall be permitted on Lot 4, Registered Plan Number 1866.
- 1007.** In the case of R2[1007] Zone, on the three parcels of land located on the north side of Union Street, east of MacDonnell Street, the following provisions shall apply:
- (a) Minimum Front Setback: 8.0 metres.
- 1008.** In the case of R2[1008] Zone, on the three parcels of land located on the north side of Union Street, east of MacDonnell Street, the following provisions shall apply:
- (a) The minimum required side setback on the west side of the lot shall be 4.0 metres, measured at right angles from the lot line to the point where the minimum side setback intersects with the minimum required front setback.
 - (b) The minimum side setback shall then be projected northerly from that point at right angles to the front lot line resulting in a minimum side setback of 9.3 metres measured at right angles from the lot line to the point where the projected setback intersects with the minimum required rear setback.
 - (c) The minimum side setback on the east side of the lot shall be 1.2 metres.
- 1009.** In the case of R2[1009] Zone, on the approximately 0.15 hectare parcel of land located on the east side of Victoria Street between Union Street and Earl Street and on the approximately 0.19 hectare parcel of land located on the east side of Victoria Street between Union Street and Earl Street, the following provisions shall apply:
- (a) Not more than a total of seven dwellings containing two units each shall be permitted to be constructed.
- 1010.** In the case of R2[1010] Zone, on the approximately 0.14 hectare parcel of land located on the west side of Mowat Avenue between Union Street and Baiden Street, the following provisions shall apply:

- (a) The permitted uses shall also include a row dwelling containing four dwelling units.
- 1011.** In the case of R2[1011] Zone, on the approximately 0.06 hectare parcel of land located on the east side of Yonge Street south of King Street West, known municipally as 97, 99, 101 Yonge Street, the following provisions shall apply:
- (a) Additional permitted use: a three (3) unit row dwelling and associated parking spaces;
- (b) The existing three (3) unit row dwelling shall be deemed to be conforming with respect to setback requirements, lot area, lot width and parking.
- 1012.** In the case of R2[1012] Zone, on the approximately 0.12 hectare parcel of land located on the east side of Montreal Street known municipally as 1135 Montreal Street, the following provisions shall apply:
- (a) Additional permitted use(s):
- (i) a Triplex
- 1013.** In the case of R2[1013] Zone, on the properties known municipally as 100 and 104 Day Street, the following provisions shall apply:
- (a) Additional permitted use(s):
- (i) a Triplex
- 1014.** In the case of R2[1014] Zone, on the approximately 0.09 hectare parcel of land located on the west side of Division Street known as 666 Division Street, the following provisions shall apply:
- (a) Additional permitted use(s):
- (i) a Triplex
- (b) Provided that the three units are contained within the walls of the building in existence as of January 21, 2003.
- 1015.** In the case of R2[1015] Zone, on the approximately 212.6 square metres parcel of land located at the south east corner of Yonge Street and Union Street, the following provisions shall apply:
- (a) Additional permitted use(s):

- (i) an Aesthetic Salon
 - (b) For the purposes of this Section, an aesthetic salon shall mean an establishment for providing personal grooming and services such as, but not limited to, manicures, pedicures, facials and waxing.
 - (c) There shall be no apparent visible indication from the exterior to show that an aesthetic salon has been established on the premises except that an identification sign, not to exceed 0.1 square metres in area, shall be permitted.
 - (d) There shall be no external storage of materials or containers which indicate to persons outside that any part of the premises are being used for any purpose other than a dwelling.
 - (e) A minimum of two (2) parking spaces shall be provided with access to Yonge Street. No parking spaces accessed by Union Street shall be permitted.
 - (f) Not more than one employee may be involved with the operation of the aesthetic salon.
 - (g) The aesthetic salon shall cease operation by September 9, 2006.
- 1016.** In the case of R2[1016] Zone, on the approximately 0.08 hectare parcel of land located on the west side of Wilson Street, known as 134 Wilson Street, the following provisions shall apply:
- (a) Additional permitted use(s):
 - (i) a Triplex
 - (b) Provided that the three units are contained within the walls of the building in existence as of September 9, 2003.
- 1017.** In the case of R2[1017] Zone, on the approximately 0.08 hectare parcel of land located on the west side of Wilson Street, known as 130 Wilson Street, the following provisions shall apply:
- (a) Additional permitted use(s):
 - (i) a Triplex

- (b)** Provided that the three units are contained within the walls of the building in existence on the date of passing of By-law Number 8499; 2004-21.

1018. In the case of R2[1018]-H Zone, on the approximately 1.87 hectare parcel of land known as Karlee Court Subdivision, being Block 'B', Registered Plan 1675, located on the north side of Guthrie Drive, east side of Virginia Street, the following provisions shall apply:

- (a)** The use and removal of the '-H' Holding Symbol shall be in accordance with the holding provisions of this By-law.
 - (i)** To ensure the proper development of the lands, development will not proceed until sufficient capacity is confirmed within the sewage network and the Ravensview Treatment Plant.
- (b)** Permitted Interim Uses: Only in accordance with the permitted uses as noted within the holding provisions of this By-law.
- (c)** Following the removal of the '-H' Symbol, the provisions of the R2 Zone apply, with the following exceptions:
 - (i)** Minimum Lot Area: 230 metres; 2 per dwelling unit
 - (ii)** Minimum Lot Frontage:
 - (1) 18.0 metres per corner lot
 - (2) 15.0 metres per lot
 - (3) 7.5 metres per dwelling unit
 - (iii)** Minimum Front Setback:
 - (1) 5.0 metres to main structure; and
 - (2) 6.0 metres (minimum) to a garage and/or carport
 - (iv)** Maximum Front Setback: 6.0 metres to main structure
 - (v)** Minimum Rear Setback for lots backing onto a freeway: 8.0 metres to main structure
 - (vi)** Minimum Side Setbacks:

- (1) A side setback shall be provided on either side of the main building.
- (2) The minimum aggregate side setback shall be no less than 2.4 metres.
- (3) Each side setback shall not, at any point in its length, be a lesser width than 1.2 metres.
- (4) A side setback along a common wall shall be 0 metres.
- (5) Main buildings other than dwellings or accessory buildings if 4.6 metres in height or less (each side) 3.0 metres, and for each additional 0.6 metres in height in excess of 4.6 metres (each side) 0.3 metres.
- (6) On a corner lot the minimum side setback abutting a street shall be 7.5 metres.

1019. In the case of R2[1019] Zone, on the lands known municipally as 880 Victoria Street, the following provisions shall apply:

- (a) Additional permitted use:
 - (i) a Day Care Centre
- (b) A minimum of 2 off-street parking spaces shall be provided for any use permitted in Provision (a) above, which spaces may be a minimum of 2.5 metres wide.
- (c) Parking may be provided within the front setback.
- (d) Deemed to Comply: The building and site development existing as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of this By-law.

1020. In the case of R2[1020] Zone, on the lands known municipally as 34 Barbara Avenue, the following provisions shall apply:

- (a) Additional permitted uses
 - (i) Multiple dwellings containing no more than three dwelling units.
- (b) Minimum Lot Area: 929 square metres

- (c) Minimum number of off-street vehicle parking spaces: 3 parking spaces
 - (d) Deemed to Comply: The building, accessory garage and site development existing as of the date of the passing of this By-law shall be deemed to comply with the regulations of this By-law. In the event that the existing building or accessory garage on the site is removed, any new development shall be subject to the regulations this By-law.
- 1021.** In the case of R2[1021] Zone, on the lands known municipally as 333 Kingscourt Avenue, the following provisions shall apply:
- (a) Additional permitted use:
 - (i) a Crisis Care Shelter
 - (b) Minimum Separation: a Crisis Care Shelter or Community Home shall be permitted to be located within 250.0 metres from any other Crisis Care Shelter, Recovery Home, Corrections Residence, Detoxification Centre, Residential Care Facility, Community Support House and Community Home.
 - (c) Minimum Front Setback: 7.0 metres
 - (d) Front Setback Parking: Parking facilities may be located in the area of the front setback. The parking facility may extend from the front of the house to the front lot line and be a maximum width of 6.0 metres.
 - (e) Projection into Front Setback: A step and covered or uncovered unenclosed porch may project out from the main building wall not closer than 5.0 metres to the front lot line.
- 1022.** In the case of R2[1022] Zone, on the lands known municipally as 12 & 14 Kingscourt Avenue, the following provisions shall apply:
- (a) For the purpose of the R2[1022] zone, the following definition shall apply:
 - (i) Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;

- (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
- (b) For the purposes of the R2[1022] Zone the subject lands shall be considered as one lot
- (c) Maximum Number of Dwelling Units:
- (i) Maximum Number of Dwelling Units: 4
 - (ii) No more than 2 dwelling units shall be permitted on each side of a common party wall
- (d) Maximum aggregate number of bedrooms on each side of the common party wall: 5
- (e) Maximum permitted parking area: a maximum area of 25 square metres shall be permitted as an uncovered parking area in the rear setback of each side of a semi-detached dwelling unit.
- (f) Parking space dimensions: Minimum size of a parking space in the rear of the lot of a semi-detached building shall be 2.7 metres wide and 5.6 metres long.
- (g) Walkway: an unobstructed 1.2 metres wide walkway, that does not impede drainage, shall be provided to all dwelling unit entrances from Kingscourt Avenue.
- 1023.** In the case of R2[1023] Zone, on the parcels of land identified as Lots 3 and 4 Reg. Plan 671 being on both sides of Hatter Street west of Yonge Street, the following provisions shall apply:
- (a) Minimum Lot Area: 297.0 square metres
 - (b) Minimum Front Setback: 4.9 metres.
- 1024.** In the case of R2[1024] Zone, on the approximately 0.07 hectare parcel of land located on the southwest corner of Mowat Avenue and Churchill Street, the following provisions shall apply:
- (a) A Physiotherapy Clinic within the same building as a place of residence shall be a permitted use,

- (b) The portion of the building so occupied by the Physiotherapy Clinic shall at no time occupy more than 116.0 square metres of floor area of the building including the basement, provided that at no time more than three Physiotherapists are engaged in the practice of physiotherapy on the subject lands.
- 1025.** In the case of R2[1025] Zone, on the approximately 0.78 hectare parcel of land located on the east side of Montreal Street south of the Macdonald-Cartier Freeway, the following provisions shall apply:
- (a) The total minimum lot area for dwellings containing two units shall be 778.0 square metres; and
- (b) The minimum lot width for dwellings containing two units shall be 20.4 metres.
- 1026.** In the case of R2[1026] Zone, the following provisions shall apply:
- (a) There shall be no lot area or lot coverage requirement.
- 1027.** In the case of R2[1027] Zone, on the lands municipally known as 200, 202, 204, 206, 208, 210, 212, 214, 216, 218 Clipper Court.; 108 Schooner Dr. 1373, 1375, 1377, 1379, 1381, 1383, 1385-1400 Waterside Way, the following provisions shall apply:
- (a) There shall be no lot area or lot coverage requirement.
- (b) Minimum Rear Setback: 6.75 metres.
- 1028.** In the case of R2[1028] Zone, on the legally known as Lot 112, 13M-85, the following provisions shall apply:
- (a) There shall be no lot area or lot coverage requirement.
- (b) Front Setback:
- (i) Minimum: 4.5 metres
- (ii) Maximum: 6.5 metres
- (c) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not

located closer to the front lot line than any other part of the dwelling unit.

(d) Minimum Rear Setback: 6.75 metres.

1029. In the case of R2[1029] Zone, on the lands legally known as Lots 107-111, 13M-85, the following provisions shall apply:

(a) There shall be no lot area or lot coverage requirement.

(b) Minimum Lot Frontage: 9.1 metres

(c) Front Setback:

(i) Minimum: 4.5 metres

(ii) Maximum: 6.5 metres

(d) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

(e) Minimum Rear Setback: 6.75 metres.

1030. In the case of R2[1030] Zone, on the lands legally known as Lots 103 - 106, 13M-85, the following provisions shall apply:

(a) There shall be no lot area or lot coverage requirement.

(b) Minimum Lot Frontage: 9.1 metres

(c) Front Setback:

(i) Minimum: 4.5 metres

(ii) Maximum: 6.5 metres

(d) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or

main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

- (e) Minimum Rear Setback: 6.0 metres.
- 1031.** In the case of R2[1031] Zone, on the lands known as Lot 13, River's Edge Subdivision, Phase 2, the following provisions shall apply:
- (a) Minimum Lot Area: 318 square metres
 - (b) Minimum Rear Setback: 6.0 metres
 - (c) Maximum Lot Coverage: 50%
- 1032.** In the case of R2[1032] Zone, on the lands known as Lots 20 and 21, River's Edge Subdivision, Phase 2, the following provisions shall apply:
- (a) Minimum Lot Area: 318 square metres
 - (b) Minimum Rear Setback: 4.5 metres, however, no part of the dwelling house shall be more than 19.0 metres from the front lot line.
 - (c) Maximum Lot Coverage: 50%
- 1033.** In the case of R2[1033] Zone, the following provisions shall apply:
- (a) Only the following uses are permitted, and only in accordance with the provisions identified in the R2[1033] Zone:
 - (i) an existing dwelling house;
 - (ii) a single detached dwelling house;
 - (iii) a converted dwelling house; or
 - (iv) a boarding house
 - (b) Minimum Lot Area: 464.5 square metres
 - (c) Minimum Lot Frontage: 15.24 metres
 - (d) Minimum Front Setback: 1.2 metres
 - (e) Minimum Exterior Side Setback: 1.2 metres
 - (f) Minimum Interior Side Setback:

- (i) In the case of only 1: 3.04 metres
 - (ii) In the case of more than 1: 1.2 metres on one side and 3.04 metres on any other side.
- (g) Minimum Dwelling Unit Area:**
- (i) Boarding house: 18.58 square metres per person
 - (ii) Other permitted dwelling house: 92.9 square metres per unit
- (h) Minimum Setbacks for Accessory Buildings:** No accessory building or structure shall be located in the front of the lot or within 1.2 metres of any lot line.
- (i) Minimum Setback:** 7.3 metres
- 1034.** In the case of R2[1034] Zone, the following provisions shall apply:
- (a)** The subject property shall be used for no other purpose other than:
 - (i)** a single detached dwelling house
 - (b)** Minimum Setback: 5 metres plus the required setback.
 - (c)** Setbacks for Accessory Buildings: No accessory building or structure shall be located in the required setback, front setback, or exterior side setback.
 - (d)** Front Lot Line: For the purposes of the R2[1034] Zone, the northern boundary of the Zone shall be deemed the front lot line.
 - (e)** All other zone provisions shall be in accordance with the provisions of the R2[1033] Zone.
- 1035.** In the case of R2[1035] Zone, the following provisions shall apply:
- (a)** The subject property shall be used for no other purpose other than:
 - (i)** a link dwelling house;
 - (ii)** a semi-detached dwelling house; or
 - (iii)** a public use

- (b) Minimum Front Setback: 6 metres
 - (c) Minimum Exterior Side Setback: 3.5 metres
 - (d) Minimum Interior Side Setback: 1.2 metres, except that on the one side of a semi-detached dwelling house the minimum shall be nil.
 - (e) Minimum Rear Setback: 12 metres
 - (f) Minimum Dwelling Unit Area: 78 square metres
 - (g) Location of Driveway: No driveway shall be established closer than 1.2 metres to a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (h) Minimum Lot Frontage: 9 metres
 - (i) Accessory Uses: No accessory use shall be located closer than 1.2 metres to an interior side lot line or rear lot line.
- 1036.** In the case of R2[1036] Zone, the following provisions shall apply:
- (a) Minimum Lot Frontage: 9.25 metres
- 1037.** In the case of R2[1037] Zone, the following provisions shall apply::
- (a) Maximum Lot Coverage: 40%
- 1038.** In the case of R2[1038] Zone, the following provisions shall apply:
- (a) All other uses prohibited except:
 - (i) a planned unit row dwelling house.
 - (b) Minimum Front Setback: 7.5 metres
 - (c) Minimum Interior Side Setback: 7.5 metres, except where more than one dwelling house is located on a lot, the minimum distance between facing end walls shall be 3.0 metres.
 - (d) Maximum Height of Building: 9 metres
 - (e) Maximum Dwelling Houses per Lot: 40

- (f) A planting strip shall be provided along the entire southern lot line.

1039. In the case of R2[1039] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (i) a row dwelling house; or
 - (ii) a public use
- (b) Minimum Lot Area: 175 square metres per dwelling unit
- (c) Minimum Lot Frontage:
 - (i) Corner Lot: 13.5 metres
 - (ii) Other Lot: 5.8 metres
- (d) Minimum Parking Requirements: 1 parking space per dwelling unit
- (e) Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways at least 2.8 metres, but not more than 9 metres in width.
- (f) No driveway shall be established closer than 0.0 metres to an interior side lot line.

1040. In the case of R2[1040]-H Zone, on the lands municipally known as 735 & 745 Highway 15, the following provisions shall apply:

- (a) Minimum Lot Area
 - (i) Apartment dwelling house: 50 square metres per dwelling unit
- (b) Minimum Dwelling Unit Area:
 - (i) Dwelling unit containing 1 bedroom: 55 square metres
 - (ii) Dwelling unit containing 2 bedrooms: 73 square metres
- (c) Maximum number of dwelling units: 356, however only 178 units are permitted until the holding symbol is removed from the property.

- (d) Maximum Building Height: 45 metres
- (e) Setbacks where parking area permitted: All setbacks, however, parking shall be prohibited within 6.0 metres of the front lot line.
- (f) Dwelling houses per lot: There shall be no maximum number of dwelling houses per lot.
- (g) Setbacks from property line for underground parking garage: 0.25 metres
- (h) Minimum vertical clearance at accessible parking spaces, passenger loading zones, and along access routes IN underground parking structure: 2.1 metres
- (i) Privacy setback: A privacy setback less than 3.5 metres shall be permitted for a pedestrian access to any habitable ground floor windows only at the front entrance pedestrian drop off.
- (j) No driveway shall be established closer than 1.0 metres to the northerly interior side lot line.
- (k) Holding provision: In addition to the provisions of Section 5, the ‘-H’ Holding Symbol shall only be removed once the following conditions have been complied with:
 - (i) Submission of a Traffic Impact Study to the satisfaction of the City and any applicable Agency and/or Provincial Ministry.
 - (l) Where any portion of this property is, subsequent to the date of passing of this amending By-law, taken or acquired by the City for the purpose of a road widening, or other public use, and such use is not required in order to provide entrances, exits, acceleration or deceleration lanes or other similar uses designed to serve this property, then the development potential as permitted in this By-law, for any building permit issued after the date of passing of this amending By-law shall be calculated on the entire lot area including the area of the proposed road widening or other public use.
- (m) For the purpose of interpretation, the lands within the R2[1040]-H Zone shall be treated as a single parcel.

1041. In the case of R2[1041] Zone, the following provisions shall apply:

- (a)** Minimum Interior Side Setback: For a row dwelling house only shall be 3 metres, provided that where an interior side lot line abuts a public walkway, the minimum interior side setback may be reduced from 3 metres to 0.6 metres.
- (b)** Additional permitted uses:
 - (i)** a single detached dwelling house;
 - (ii)** a semi-detached dwelling house
- (c)** Provisions applicable to: a single detached dwelling house
 - (i)** Minimum Lot Area:
 - (1) Lot served by a public water system and a sanitary sewer system: 550 square metres
 - (2) Lot served by a public water system or a sanitary sewer system: 1,400 square metres
 - (3) Other lots: 2,050 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Lot served by a public water system and a sanitary sewer system: 18 metres
 - (2) Lot served by a public water system or a sanitary sewer system: 30 metres
 - (3) Other lots: 36.5 metres
 - (iii)** Minimum Front Setback: 7.5 metres
 - (iv)** Minimum Exterior Side Setback: 7.5 metres
 - (v)** Minimum Interior Side Setback:
 - (1) one storey dwelling house: 1.8 metres on one side and 4.2 metres on the other side, provided that on that side where there is an attached private garage or carport, the minimum interior side setback may be reduced from 4.2 metres to 1.2 metres.
 - (2) two storey dwelling house: 1.8 metres on one side and 4.2 metres on the other side, provided that on that side

where there is an attached private garage or carport, the minimum interior side setback may be reduced from 4.2 metres to 1.2 metres.

- (vi)** Minimum Rear Setback: 7.5 metres
- (vii)** Minimum Dwelling Unit Area:
 - (1) Building containing a basement: 93 square metres
 - (2) Building not containing a basement: 100 square metres
- (viii)** Minimum Landscaped Open Space: 30%
- (ix)** Maximum Lot Coverage: 33%
- (x)** Maximum Height of Building: 9 metres
- (xi)** Maximum Dwelling Houses Per Lot: 1 only
- (xii)** Location of Driveway:
 - (1) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (2) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.
- (xiii)** Accessory Uses, Parking, etc.: In accordance with the provisions of Section 5 hereof.
- (d)** Semi-detached dwelling houses:
 - (i)** Minimum Lot Area: 325 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner lot: 15 metres
 - (2) Other lot: 10.5 metres
 - (iii)** Minimum Front Setback: 7.5 metres

- (iv)** Minimum Exterior Side Setback: 7.5 metres
- (v)** Minimum Interior Side Setback:
 - (1) One storey dwelling house: 3 metres, provided that in the case of a one storey dwelling house having an attached private garage or carport, the minimum interior side setback may be reduced from 3 metres to 1.2 metres.
 - (2) Two storey dwelling house
 - (3) with attached private garage or carport which abuts a common lot line: 1.8 metres
 - (4) with attached private garage or carport which abuts an interior side setback: 1.2 metres
 - (5) with no attached garage or carport: 3.0 metres.
- (vi)** Minimum Rear Setback: 7.5 metres
- (vii)** Minimum Dwelling Unit Area: 8.5 metres
- (viii)** Minimum Landscaped Open Space: 30%
- (ix)** Maximum Lot Coverage: 33%
- (x)** Maximum Building Height: 9 metres
- (xi)** Maximum Dwelling Houses per Lot: 1 only
- (xii)** Location of Driveway:
 - (1) Nothing shall prevent the location of a driveway within a required interior side setback provided that no driveway is located within 1.2 metres of a side lot line, provided this shall not apply to prevent the establishment of abutting driveways along a common lot line if their combined width does not exceed 9 metres.
 - (2) Nothing shall prevent the location of a driveway within a required exterior side setback provided that such driveway intersects with the exterior side lot line and is not located within 1.2 metres of the rear lot line.
- (xiii)** Accessory Uses, Parking, Etc.: In accordance with the provisions of Section 5 hereof.

- (e)** Location:
 - (i)** Where a single detached dwelling house is located on a lot, no fewer than two other single detached dwelling houses shall be located on adjacent lots along a continuous portion of the street line.
 - (ii)** Where a semi-detached dwelling house is located on a lot, no fewer than two other semi-detached dwelling houses shall be located on adjacent lots along a continuous portion of a street line.
 - (iii)** A row dwelling house shall consist of a minimum of five dwelling units.

1042. In the case of R2[1042] Zone, the following provisions shall apply: shall be used for no purpose other than an apartment dwelling house in accordance with the following provisions:

- (a)** The subject property shall be used for no other purpose other than:
 - (i)** an apartment dwelling house
- (b)** Maximum Building Height :22.8 metres, exclusive of any elevator or service penthouse
- (c)** Maximum Number of Storeys: 8
- (d)** Maximum Number of Dwelling Units Permitted: 94
- (e)** Appropriate noise abatement measures including building design, orientation, and/or other techniques shall be employed in the design of any project to minimize any potential adverse impact of noise on the project site from traffic on Highway Number 15.
- (f)** Dwelling Unit Location: One dwelling unit may be located in the cellar of an apartment dwelling house provided it contains only one (1) kitchen.

1043. In the case of R2[1043] Zone, the following provisions shall apply:

- (a)** The subject property shall be used for no other purpose other than:
 - (i)** an apartment dwelling house

- (b) Maximum Building Height: 22.8 metres, exclusive of any elevator or service penthouse.
- (c) Maximum Number of Storeys: 8
- (d) Maximum Number of Dwelling Houses Permitted: 1 per lot
- (e) Minimum Parking Requirements: 1.5 parking spaces per dwelling unit.
- (f) Exterior Side Setback: The western boundary of the zone shall be deemed to be a side lot line.
- (g) (vi)Rear Lot Line: The northern boundary of the zone shall be deemed to be a rear lot line.
- (h) Minimum setback from Highway Number 15 shall be 58.0 metres, measured from the pavement edge of Highway Number 15.
- (i) The minimum parking space size shall be 16.0 square metres, provided that every parking space shall have a minimum width of 2.75 metres.
- (j) One dwelling unit may be located in the cellar of an apartment dwelling house, provided it contains only one (1) kitchen.

1044. In the case of R2[1044] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (i) an apartment dwelling house
- (b) Maximum Building Height: 38 metres exclusive of any elevator or service penthouse.
- (c) Maximum number of storeys: 14
- (d) Maximum dwelling houses permitted: 1 per lot
- (e) Minimum Lot Area for an Apartment Dwelling House: 170 square metres per dwelling unit; however, the combined number of dwelling units in the R3-6 and R3-7 Zones shall be limited to a maximum of 276 dwelling units in total;
- (f) Minimum Dwelling Unit Area:

- (i) Dwelling unit containing 1 bedroom: 60 square metres
- (ii) Dwelling unit containing 2 bedrooms: 74 square metres
- (g) Parking areas may be provided in a required front setback, provided it is not within 1.5 metres of the road allowance.
- (h) Removal of “-H” Symbol: In addition to the holding provisions of this By-law for the removal of a “-H” Symbol, the “-H” Symbol shall not be removed until such time as:
 - (i) The Owner enters into a Site Plan Control Agreement with the City, which Agreement shall contain provisions whereby the Owner agrees to the installation of traffic lights and a left turn lane at the intersection of Barrett Court and Highway Number 15 at the Owner’s cost; and
 - (ii) An Environmental Impact Study has been accepted by the City and the recommendations of such study incorporated into the Site Plan Control Agreement.

1045. In the case of R2[1045] Zone, the following provisions shall apply:

- (a) Special Provision: Where, at the time of passing of this By-law, any existing building is not in conformity with the setback requirements then the existing setback shall be deemed to be the required setback, only in so far as it affects the existing building. Any alteration to a building or any new construction of a building or structure shall be in compliance with this By-law.
- (b) Minimum Lot Area: 200 square metres per dwelling unit
- (c) Maximum Lot Coverage: 45%
- (d) Lot Coverage for accessory buildings and structures (maximum): 6 square metres
- (e) Special Provision: Accessory buildings or structures may be erected, provided their total lot coverage does not exceed 6 square metres.
- (f) Minimum Parking Requirements: 1 parking space per dwelling unit
- (g) Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or

passageways at least 3.2 metres, but not more than 9 metres in width.

- 1046.** In the case of R2[1046] Zone, the following provisions shall apply:
- (a) Maximum Lot Coverage: 32%
- 1047.** In the case of R3[1047] Zone, on the approximately 0.233 hectare parcel of land located on the south side of Briceland Street, north of the CNR mainline, the following provisions shall apply:
- (a) Minimum Rear Setback: 8.0 metres.
- 1048.** In the case of R3[1048] Zone, on the approximately 0.056 hectare parcel of land located on the south side of Briceland Street, north of the CNR mainline, the following provisions shall apply:
- (a) Minimum East Side Setback: 0.67 metres.
 - (b) Minimum Rear Setback: 8.0 metres.
- 1049.** In the case of R3[1049] Zone, on the approximately 1590 square metres parcel of land known municipally as 48 to 56 Wiley Street, and more particularly described as Lots 54 to 58 of registered Plan 13M-55, the following provisions shall apply:
- (a) Minimum Lot Area: 311 square metres.
- 1050.** Reserved.
- 1051.** In the case of R3[1051] Zone, on the lands municipally known as 311 Conacher Drive (Lot 45 on Draft Plan of Subdivision dated April 8, 2013), the following provisions shall apply:
- (a) Minimum Exterior Side Setback: 2.7 metres
 - (b) Minimum Rear Setback: 4.9 metres
 - (c) Minimum Lot Width (Corner Lot): 8.75 metres
 - (d) Minimum Private Amenity Area: 52 square metres
- 1052.** In the case of R3[1052] Zone, on the lands municipally known as 311 Conacher Drive (Lot 75 on Draft Plan of Subdivision dated April 8, 2013), the following provisions shall apply:
- (a) Minimum Rear Setback: 4.4 metres

- (b) Minimum Private Amenity Area: 38 square metres”
- 1053.** In the case of R3[1053] Zone, on the approximately 11.13 hectare parcel of land located south of Counter Street west of Sir John A. Macdonald Boulevard, the following provisions shall apply:
- (a) Maximum Density shall not exceed 39.5 dwelling units per hectare of lot area.
- 1054.** In the case of R3[1054] Zone, on the approximately 0.80 hectare parcel of land located on the south side of Elliot Avenue between Douglas Avenue and Division Street (Block 'J', Registered Plan Number 1656), the following provisions shall apply:
- (a) The maximum permitted density shall be 42 dwelling units per net hectare.
- (b) Maximum number of dwelling units per building shall be thirty-five (35).
- 1055.** In the case of R3[1055] Zone, on the approximately 0.4 hectare parcel of land located in the block bounded by Yonge Street, Logan Street and Mowat Avenue, known municipally as 28 Yonge Street, the following provisions shall apply:
- (a) Maximum Number of Permitted Dwelling Units: 18
- (b) Maximum Building Height: 3 storeys, but no more than 9.6 metres
- (c) Minimum Front Setback:
- (i) On Yonge Street: 3.0 metres;
- (ii) On Logan Street: 2.0 metres;
- (iii) On Mowat Avenue: 3.0 metres;
- (d) Minimum Side Setback: 0.6 metres
- (e) Minimum Rear Setback: 6.4 metres;
- (f) Maximum Percentage of Lot Occupancy: 82.7%.
- 1056.** In the case of R3[1056] Zone, on the approximately 0.2 hectare parcel of land located on the east side of Yonge Street south of Logan Street, the following provisions shall apply:

- (a) Maximum Number of Permitted Dwelling Units: 11
- (b) Maximum Building Height: 3 storeys, but no more than 9.6 metres
- (c) Minimum Front Setback: 2.0 metres (on Yonge Street)
- (d) Minimum Side Setback: 2.0 metres
- (e) Minimum Rear Setback: 3.2 metres
- (f) Maximum Percentage of Lot Occupancy: 85%.

1057. In the case of R3[1057] Zone, on the approximately 1.813 hectare parcel of land located on the south side of Barbara Avenue, west of Division Street, the following provisions shall apply:

- (a) Maximum Building Height: 3 storeys, but no more than 11 metres.
- (b) Maximum number of dwelling units: 49
- (c) Minimum Rear Setback: 3.7 metres (along the southerly portion of the most northerly building)
- (d) Minimum number of required off-street parking spaces, including garages: 72
- (e) Maximum percentage of lot occupancy: 40%
- (f) The building form shall be townhouses or stacked townhouses.

1058. In the case of R3[1058] Zone, on the lands municipally known as 1337 Princess Street, the following provisions shall apply:

- (a) Maximum number of dwelling units: 103
- (b) Minimum number of parking spaces: 109
- (c) Minimum Landscaped Open Space: 12,800 square metres;
 - (i) May also be part of the area used for Play Space and Amenity Space.

1059. In the case of the R3[1059] Zone, on the lands municipally known as 637-655 Johnson Street, the following provisions shall apply:

- (a) Additional Permitted Uses: Multiple Family Dwelling

- (b)** Minimum Front Yard Setback: 3.0 metres
- (c)** Minimum Side Yard: 1.75 metres to any structure at or below grade
- (d)** Minimum Side Yard Setback to a Dwelling or Habitation Unit: 6.5 metres
- (e)** Minimum Distance Between Buildings: 4.5 metres regardless of the location of the building
- (f)** Maximum Building Height: 11.0 metres
- (g)** Maximum Lot Percentage Lot Occupancy: 145%
- (h)** Maximum Number of Dwelling Per Building: 28
- (i)** Maximum Aggregate Number of Dwelling Units: 28
- (j)** Maximum Density: 69 units per net hectare
- (k)** A density bonus may be applied to permit a density increase to 118 units per net hectare. The bonus is subject to the property owner entering into a development agreement with the City, which will establish a high quality of architectural design and human scale development consistent with the City's long term vision for the area.
- (l)** Minimum Amenity Area: 1559 square metres
- (m)** Minimum Play Space: 57.5 square metres
- (n)** For the purpose of zone interpretation the subject properties be considered as a single parcel.
- (o)** That the maximum number of bedrooms for a dwelling unit shall be 4;
- (p)** Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (i)** Common areas open to all occupants of the unit;
 - (ii)** Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and

- (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.

1060. In the case of R3[1060] Zone, the following provisions shall apply:

- (a) Front Setback:
 - (i) Minimum: 4.5 metres
 - (ii) Maximum: 13 metres
- (b) Building Depth (Maximum): 20 metres
- (c) A 6.0 metres buffer from the adjacent Environmental Protection Area shall be provided.
- (d) Minimum Rear Setback: 7.5 metres
- (e) No accessory use, building or structure (including but not limited to swimming pools, unenclosed decks, porches, patios, balconies, steps, verandas and ornamental structures, covered or uncovered) shall be permitted within 6.0 metres of the rear lot line dividing the lots from lands identified as Environmental Protection Area.

1061. In the case of the R3[1061] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (i) a Single Detached Dwelling House; or
 - (ii) a Semi-detached Dwelling House.
- (b) A Single Detached Dwelling House:
 - (i) Minimum Lot Area: 276 square metres
 - (ii) Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii) Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 5 metres

- (iv)** Minimum Interior Side Setback: 0.6 metres on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metres reserve, the minimum interior side setback shall be 3 metres.
- (v)** Minimum Rear Setback: 7.5 metres
- (vi)** Minimum Dwelling Unit Area: 0 square metres
- (vii)** Minimum Lot Coverage: 50%
- (viii)** Accessory Uses, Parking Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback is required;
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** Garage Location: No garage shall be located closer than 5 metres to the street line.
- (c)** A Semi-detached Dwelling House:
 - (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres

- (2) Other Lot: 9 metres
- (iii) Front Setback:**
 - (1) Minimum: 3 metres
 - (2) Maximum: 5 metres
- (iv) Minimum Interior Side Setback:** 1.2 metres on one side and nil on the other side, except where a side lot line abuts a 0.3 metres reserve, the minimum side setback shall be 3 metres.
- (v) Minimum Rear Setback:** 7.5 metres
- (vi) Minimum Dwelling Unit Area:** 0 square metres
- (vii) Maximum Lot Coverage:** 50%
- (viii) Accessory Uses, Parking, Etc.:**
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback is required;
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix) No garage shall be located closer than 5 metres to the street line.**

1062. In the case of the R3[1062] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a detached Single Detached Dwelling House; or
- (c)** a Semi-detached Dwelling House.
- (d)** A Single Detached Dwelling House:
 - (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii)** Minimum Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv)** Minimum Interior Side Setback: 0.6 metres on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metres reserve, the minimum interior side setback shall be 3 metres.
 - (v)** Minimum Rear Setback:
 - (1) Properties abutting the Prestige Business Park: 13 metres
 - (2) All other Properties: 7.5 metres
 - (vi)** Minimum Dwelling Unit Area: 0 square metres
 - (vii)** Maximum Lot Coverage: 50%
 - (viii)** Accessory Uses, Parking, Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum interior side setback is required.

- (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
- (3) The minimum required driveway width shall be 3.0 metres.
- (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
- (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** No garage shall be located closer than 5 metres to the street line.
- (x)** Setbacks: No person shall erect any building or structure unless such building or structure conforms to the following setback requirement:
 - (1) Road: one half of the width of the road plus the minimum required front setback.
- (e)** A Semi-detached Dwelling House:
 - (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii)** Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv)** Minimum Interior Side Setback: 1.2 metres on one side and nil on the other side, except where a side lot line abuts a 0.3 metres reserve, the minimum interior side setback shall be 3 metres.

- (v)** Minimum Rear Setback:
 - (1) Properties abutting the Prestige Business Park: 13 metres
 - (2) All other Properties: 7.5 metres
- (vi)** Minimum Dwelling Unit Area: 0 square metres
- (vii)** Maximum Lot Coverage: 50%
- (viii)** Accessory Uses, Parking, Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum interior side setback is required;
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** No garage shall be located closer than 5 metres to the street line.
- (x)** Setbacks: No person shall erect any building or structure unless such building or structure conforms to the following setback requirement:
 - (1) Road: one half of the width of the road plus the minimum required front setback.

1063. In the case of the R3[1063] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Semi-detached Dwelling House,
- (c)** A Single Detached Dwelling House:
- (d)** a Semi-detached Dwelling House,
- (e)** Single Detached Dwelling House:
 - (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii)** Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv)** Minimum Interior Side Setback: 0.6 metres on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres.
 - (v)** Minimum Rear Setback:
 - (1) Properties abutting the Prestige Business Park: 15 metres
 - (2) All other Properties: 7.5 metres
 - (vi)** Minimum Dwelling Unit Area: 0 square metres
 - (vii)** Maximum Lot Coverage: 50%
 - (viii)** Accessory Uses, Parking, Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum interior side setback is required.

- (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
- (3) The minimum required driveway width shall be 3.0 metres.
- (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
- (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** No garage shall be located closer than 5 metres to the street line.
- (x)** Setbacks: No person shall erect any building or structure unless such building or structure conforms to the following setback requirement:
 - (1) Road: one half of the width of the road plus the minimum required front setback.
- (f)** A Semi-detached Dwelling House:
 - (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii)** Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv)** Minimum Interior Side Setback: 1.2 metres on one side and nil on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres.

- (v)** Minimum Rear Setback:
 - (1) Properties abutting the Prestige Business Park: 15 metres
 - (2) All other Properties: 7.5 metres
- (vi)** Minimum Dwelling Unit Area: 0 square metres
- (vii)** Maximum Lot Coverage: 50%
- (viii)** Accessory Uses, Parking, Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum interior side setback is required;
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) That notwithstanding the provisions of Section 5(23)(a) hereof to the contrary, ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** Notwithstanding any other provision of this By-law hereof to the contrary, no garage shall be located closer than 5 metres to the street line.
- (x)** Setbacks: No person shall erect any building or structure unless such building or structure conforms to the following setback requirement:

- (1) Road: One half of the width of the road plus the minimum required front setback.

1064. In the case of the R3[1064] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Single Detached Dwelling House; or
- (c) a Semi-detached Dwelling House.
- (d) A Single Detached Dwelling House:
 - (i) Minimum Lot Area: 276 square metres
 - (ii) Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii) Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 4.8 metres
 - (iv) Minimum Interior Side Setback: 0.6 metres on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres.
 - (v) Minimum Rear Setback:
 - (1) Properties abutting the Prestige Business Park: 15 metres
 - (2) All other Properties: 7.5 metres
 - (vi) Minimum Dwelling Unit Area: 0 square metres
 - (vii) Maximum Lot Coverage: 50%
 - (viii) Accessory Uses, Parking, Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except where a mutual private garage or a mutual boathouse is

erected on the common lot line between two lots, in which case, no minimum interior side setback is required.

- (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** Notwithstanding any other provision of this By-law to the contrary, no garage shall be located closer than 4.8 metres to the street line.
- (x)** Setbacks: No person shall erect any building or structure unless such building or structure conforms to the following setback requirement:
- (1) Road: one half of the width of the road plus the minimum required front setback.
- (e)** A Semi-detached Dwelling House:
- (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii)** Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 4.8 metres

- (iv)** Minimum Interior Side Setback: 1.2 metres on one side and nil on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres.
- (v)** Rear Setback:
 - (1) Properties abutting the Prestige Business Park: 15 metres
 - (2) All other Properties: 7.5 metres
- (vi)** Minimum Dwelling Unit Area: 0 square metres
- (vii)** Maximum Lot Coverage: 50%
- (viii)** Accessory Uses, Parking, Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum interior side setback is required.
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** No garage shall be located closer than 4.8 metres to the street line.
- (x)** Setbacks: No person shall erect any building or structure unless such building or structure conforms to the following setback requirement:

- (1) Road: one half of the width of the road plus the minimum required front setback.

1065. In the case of the R3[1065] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) A Single Detached Dwelling House;
- (c) a Semi-detached Dwelling House; or
- (d) a Row Dwelling.
- (e) A Single Detached Dwelling House:
 - (i) Minimum Lot Area: 276 square metres
 - (ii) Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9.0 metres
 - (iii) Minimum Front Setback: 3 metres
 - (iv) Minimum Interior Side Setback : 0.6 metres on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metres reserve, the minimum interior side setback shall be 3 metres.
 - (v) Minimum Rear Setback: 7.4 metres
 - (vi) Maximum Lot Coverage: 50%
 - (vii) Accessory Uses, Parking Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage is erected on the common lot line between two lots, no minimum interior side setback is required;
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage is erected on the common lot line between two lots, in which case, no minimum rear setback is required.

- (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (viii)** No garage shall be located closer than 5 metres to the street line.
- (f)** A Semi-detached Dwelling House:
- (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii)** Minimum Front Setback: 3 metres
 - (iv)** Minimum Interior Side Setback: 1.2 metres on one side and nil on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum side setback shall be 3 metres.
 - (v)** Minimum Rear Setback: 7.4 metres
 - (vi)** Maximum Lot Coverage: 50%
 - (vii)** Accessory Uses, Parking Etc.:
 - (1) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage is erected on the common lot line between two lots, no minimum interior side setback is required;
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage is erected on the common lot line between two lots, in which case, no minimum rear setback is required.

- (3) The minimum required driveway width shall be 3.0 metres.
 - (4) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (5) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (viii)** No garage shall be located closer than 5 metres to the street line.
- (g)** A Row Dwelling:
- (i)** Minimum Lot Area: 190 square metres
 - (ii)** Lot Frontage:
 - (1) Corner Lot: 9.0 metres
 - (2) Other Lot: 6.0 metres
 - (iii)** Minimum Front Setback: 3 metres
 - (iv)** Minimum Exterior Side Setback: 3 metres
 - (v)** Minimum Interior Side Setback: 1.2 metres, except where the building shares a common wall with any building on an adjacent lot, the minimum shall be nil.
 - (vi)** Minimum Rear Setback: 7.4 metres
 - (vii)** Minimum Dwelling Unit Area: 65 square metres
 - (viii)** Minimum Landscaped Open Space (Minimum): 30%
 - (ix)** Maximum Lot Coverage: 45%
 - (x)** Maximum Height of Building: 12 metres
 - (xi)** Maximum Dwelling Houses Per Lot: 1 only
 - (xii)** Accessory Uses, Parking, Etc.:
 - (1) Unenclosed porches, balconies, steps and ramps may project into any front setback or exterior side setback

provided they are no closer than 1.2 metres to any lot line.

- (2) An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback.
- (3) There is no minimum height requirement for an accessory use, building or structure.
- (4) The maximum width of a driveway shall be 3.5 metres.
- (xiii)** No garage shall be located closer than 8 metres to the street line.
- (xiv)** Special Provision: There shall be no more than seven (7) attached Row Dwelling Houses in one continuous row.
- (xv)** Sight Triangles: Shall measure the sight triangle 3 metres from the point of intersection of the street lines.

1066. In the case of the R3[1066] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House;
- (c)** a Home Occupation; or
- (d)** Public Use.
- (e)** Single Detached Dwelling House / Home Occupation /
- (f)** Public Use.
 - (i)** Minimum Lot Area: 384 square metres
 - (ii)** Minimum Lot Frontage:
 - a) Corner Lot: 15 metres
 - b) Other Lot: 12 metres
 - (iii)** Front Setback:
 - (1) 210, 212, 214, 218 and 220 Rose Abbey Drive:
 - a) Minimum: 3 metres

- b) Maximum: 8 metres
- (2) All other lots:
 - a) Minimum: 3 metres
 - b) Maximum: 6 metres
- (iv) Minimum Exterior Side Setback: 3 metres
- (v) Minimum Interior Setback: 1.2 metres, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres
- (vi) Minimum Rear Setback: 7.4 metres
- (vii) Minimum Dwelling Unit Area: 93 square metres
- (viii) Minimum Landscaped Open Space: 30%
- (ix) Maximum Lot Coverage: 50%
- (x) Maximum Building Height: 10.5 metres
- (xi) Maximum Dwelling Houses Per Lot: 1 only
- (xii) Accessory Uses, Parking Etc.: An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback
- (xiii) Garage Location: No garage shall be located closer than 6 metres to the street line.
- (xiv) Sight Triangles: Shall measure the sight triangle 3 metres from the point of intersection of the street lines.

1067. In the case of the R3[1067] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Single Detached Dwelling House;
- (c) a Semi-detached Dwelling House;
- (d) a Row Dwelling, Home Occupation;
- (e) or a Public Use.

- (f)** A Single Detached Dwelling House:
 - (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (iii)** Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv)** Minimum Exterior Side Setback: 3 metres
 - (v)** Minimum Interior Side Setback: 0.6 metres on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres
 - (vi)** Minimum Rear Setback: 7.4 metres
 - (vii)** Maximum Lot Coverage: 50%
 - (viii)** Accessory uses, parking, etc.:
 - (1) An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback;
 - (2) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback is required;
 - (3) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.

- (4) The minimum required driveway width shall be 3.0 metres.
- (5) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
- (6) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** Notwithstanding any other provision of this By-law hereof to the contrary, no garage shall be located closer than 6 metres to the street line.
- (g)** Semi-detached Dwelling House:
 - (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9.0 metres
 - (iii)** Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv)** Minimum Exterior Side Setback: 3 metres
 - (v)** Minimum Interior Side Setback: 1.2 metres on one side and 0 metres on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres
 - (vi)** Minimum Rear Setback: 7.4 metres
 - (vii)** Maximum Lot Frontage: 50%
 - (viii)** Accessory uses, parking Etc.:
 - (1) An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps

or steps located in a front setback or exterior side setback

- (2) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback is required;
 - (3) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (4) The minimum required driveway width shall be 3.0 metres.
 - (5) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (6) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** Notwithstanding any other provision of this By-law hereof to the contrary, no garage shall be located closer than 6 metres to the street line.
- (h)** Row Dwelling:
- (i)** Minimum Lot Area: 190 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 9.0 metres
 - (2) Other Lot: 6.0 metres
 - (iii)** Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres

- (iv)** Minimum Exterior Side Setback: 3 metres
- (v)** Minimum Interior Side Setback: 1.2 metres, except where the building shares a common wall with any building on an adjacent lot, the minimum shall be 0 metres
- (vi)** Minimum Rear Setback: 7.4 metres
- (vii)** Minimum Dwelling Unit Area: 65 square metres
- (viii)** Minimum Landscaped Open Space: 30%
- (ix)** Maximum Lot Coverage: 45%
- (x)** Maximum Height of Building: 12 metres
- (xi)** Maximum Dwelling Houses Per Lot: 1 only
- (xii)** Accessory uses, Parking Etc.:
 - (1) An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback
 - (2) The maximum required driveway width shall be 3.5 metres.
 - (3) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (4) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
 - (5) Unenclosed porches, balconies, steps and ramps may project into any front setback or exterior side setback provided they are no closer than 1.2 metres to any lot line,
- (xiii)** No garage shall be located closer than 6 metres to the street line.
- (xiv)** Special provisions: There shall be no more than seven (7) attached Row Dwelling Houses in one continuous row.

- (xv) Sight triangles: Shall measure the sight triangle 3 metres from the point of intersection of the street lines.

1068. In the case of the R3[1068] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - a Single Detached Dwelling House;
 - a Semi-detached Dwelling House;
 - a Row Dwelling
 - a Home Occupation,
 - a Public Use.
- (b) Single Detached Dwelling house:
 - (i) Minimum Lot Area: 276 square metres
 - (ii) Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9.0 metres
 - (iii) Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv) Minimum Exterior Side Setback: 3 metres
 - (v) Minimum Interior Side Setback: 0.6 metres on one side and 1.2 metres on the other side, except where a side lot line abuts a 0.3 metre reserve, the minimum interior side setback shall be 3 metres
 - (vi) Minimum Rear Setback: 7.4 metres
 - (vii) Maximum Lot Coverage: 50%
 - (viii) Accessory Uses, Parking, etc.:
 - (1) An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback.

- (2) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback is required.
 - (3) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
 - (4) The minimum required driveway width shall be 3.0 metres.
 - (5) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
 - (6) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (ix)** Garage location: No garage shall be located closer than 6 metres to the street line.
- (c)** Semi-detached dwelling house:
- (i)** Minimum Lot Area: 276 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9.0 metres
 - (iii)** Minimum Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
 - (iv)** Minimum Exterior Side Setback: 3 metres
 - (v)** Minimum Interior Side Setback: 1.2 metres on one side and 0 metres on the other side, except where a side lot line abuts

a 0.3 metre reserve, the minimum interior side setback shall be 3 metres

(vi) Minimum Rear Setback: 7.4 metres

(vii) Maximum Lot Coverage: 50%

(viii) Accessory uses, Parking Etc.:

- (1) An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback
- (2) No accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side setback is required;
- (3) No accessory use, building or structure shall be located closer than 0.6 metres to a rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear setback is required.
- (4) The minimum required driveway width shall be 3.0 metres.
- (5) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.
- (6) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.

(ix) Garage location: No garage shall be located closer than 6 metres to the street line.

(d) Row Dwelling:

(i) Minimum Lot Area: 190 square metres

(ii) Minimum Lot Frontage:

- (1) Corner Lot: 9.0 metres
- (2) Other Lot: 6.0 metres
- (iii)** Minimum Front Setback:
 - (1) Minimum: 3 metres
 - (2) Maximum: 6 metres
- (iv)** Minimum Exterior Side Setback: 3 metres
- (v)** Minimum Interior Side Setback: 1.2 metres, except where the building shares a common wall with any building on an adjacent lot, the minimum shall be 0 metres
- (vi)** Minimum Rear Setback: 7.4 metres
- (vii)** Minimum Dwelling Unit Area: 65 square metres
- (viii)** Minimum Landscape Open Space: 30%
- (ix)** Maximum Lot Coverage: 45%
- (x)** Maximum Height of Building:
 - (1) Minimum: 6 metres, consisting of 2 storeys
 - (2) Maximum: 10.5 metres
- (xi)** Maximum Dwelling Houses Per Lot: 1 only
- (xii)** Accessory uses, Parking Etc.:
 - (1) An additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front setback or exterior side setback
 - (2) The maximum required driveway width shall be 3.5 metres.
 - (3) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.

- (4) Ornamental structures may project into any required setback a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
- (5) Unenclosed porches, balconies, steps and ramps may project into any front setback or exterior side setback provided they are no closer than 1.2 metres to any lot line.
- (xiii) No garage shall be located closer than 6 metres to the street line.
- (xiv) Special provisions: There shall be no more than seven (7) attached Row Dwelling Houses in one continuous row.
- (xv) Sight triangles: shall measure the sight triangle 3 metres from the point of intersection of the street lines.
- (xvi) Expanded Home Occupation: Expanded Home Occupations
- (xvii) shall be developed in accordance with this By-law except the following:
 - (1) one person, other than a member of the household residing in the dwelling unit may be engaged or employed in the expanded home occupation; and
 - (2) not more than 35% of the gross floor area of the dwelling unit or 46.45 square metres, whichever is less, shall be used for the purpose of the expanded home occupation.

1069. In the case of the R3[1069] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a single detached dwelling house;
- (c) a semi-detached dwelling house; or
- (d) a duplex dwelling house.

1070. In the case of the R3[1070] Zone, the following provisions shall apply:

- (a) The lot shall be limited to two dwelling houses each containing no more than 3 dwelling units located in accordance with the following provision:

- (b) Minimum Side Setback: 27 metres for the side setback on the west side of the property and 7.62 metres for all other side setbacks.

1071. In the case of the R3[1071] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Single Detached Dwelling House;
- (c) a Semi-detached Dwelling House.
- (d) Minimum Lot Area:
 - (i) Single Detached Dwelling House: 400 square metres
 - (ii) Semi-detached Dwelling House: 630 square metres
- (e) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House:
 - (1) Corner Lot: 17.0 metres
 - (2) Other Lot: 11.0 metres
 - (ii) Semi-detached Dwelling House
 - (1) Corner Lot: 22.0 metres
 - (2) Other Lot: 18.0 metres

1072. In the case of the R3[1072] Zone, the following provisions shall apply:

- (a) Minimum Lot Area:
 - (i) Semi-detached Dwelling House: 560 square metres.

1073. In the case of the R3[1073] Zone, the following provisions shall apply:

- (a) Minimum Front Setback:
 - (i) Semi-detached Dwelling House: 5.5 metres
- (b) Minimum Exterior Side Setback:
 - (i) Semi-detached Dwelling House: 3.7 metres

1074. In the case of the R3[1074] Zone, the following provisions shall apply:

- (a) Residential Uses:
- (b) a Single detached dwelling house;
- (c) a Semi-detached dwelling house;
- (d) a Community Residence.
- (e) The whole of a Single Detached Dwelling House or Semi-detached Dwelling House, permitted herein, may be used for the purpose of a Community Residence.

1075. In the case of the R3[1075] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Semi Detached Dwelling House.
- (c) Semi-detached Dwelling House:
 - (i) Minimum Lot Area:
 - (1) Semi-detached Dwelling House: 550 square metres
 - (ii) Minimum Lot Frontage:
 - (1) Semi-detached Dwelling House: 18.0 metres

1076. In the case of the R3[1076] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Group Housing consisting of three Row Dwelling Houses.
- (c) Group Housing consisting of three Row Dwelling Houses.
 - (i) Lot Area: The lot shall be divisible in such a manner that each Row Dwelling House within the group has a minimum lot area of 232 square metres.
 - (ii) Lot Frontage: The lot shall be divisible in such a manner that each Row Dwelling House within the group satisfies the following minimum requirements:
 - (1) Corner Lot: 11.6 metres

(2) Other Lot: 5.5 metres

(iii) Minimum Interior Side Setback: 1.82 metres

(iv) Minimum Dwelling Unit Area: 84 square metres

1077. In the case of the R3[1077] Zone,

(a) Additional Permitted Use:

(b) a Public Use;

(c) a Public Park.

1078. In the case of the R3[1078] Zone, the following provisions shall apply:

(a) Vehicular parking shall be permitted on a driveway in a Front Setback provided the width of such driveway does not exceed 75% of the lot width. For the purposes of calculating the maximum width of a driveway on a lot whose front lot line or rear lot line is shorter than the other, the lot width is to be measured at the midpoint of the lot depth.

1079. In the case of the R3[1079] Zone, the following provisions shall apply:

(a) The lot also may be used temporarily with a second dwelling unit provided that said temporary use is developed and operated in accordance with the following provisions:

(i) The second dwelling unit termed a "Dwelling Unit, Bachelor", shall operate and function in accordance with the definition of such a unit and shall be located totally within the existing Single Detached Dwelling House.

(ii) The temporary use authorization shall be for a period not to exceed three (3) years commencing on January 21, 2003.

(iii) The second dwelling unit, "Dwelling Unit, Bachelor" shall be permitted in a cellar.

(iv) A site total of three (3) on-site parking spaces shall be required for the two units.

1080. In the case of the R3[1080] Zone, the following provisions shall apply:

(a) All uses prohibited except:

- (b)** a Single Detached Dwelling House; and
- (c)** a Semi-detached Dwelling House.
- (d)** Single Detached Dwelling House / Semi-detached Dwelling House.
 - (i)** Minimum Lot Frontage:
 - (1) Single Detached Dwelling House
 - (2) Corner Lot: 18.288 metres
 - (3) Other Lot: 12.192 metres
 - (ii)** Minimum Interior Side Setback:
 - (1) Single Detached Dwelling House: 1.2192 metres
 - (iii)** Minimum Dwelling Unit Area:
 - (1) Single Detached Dwelling House: 83.6127 square metres

1081. In the case of the R3[1081] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Semi-detached Dwelling House.
- (c)** Semi-detached Dwelling House:
 - (i)** Minimal Lot Area:
 - (1) Semi-detached Dwelling House: 470 square metres
 - (2) Semi-detached Dwelling Unit: 230 square metres
 - (3) Single Detached Dwelling House: 470 square metres
 - (ii)** Minimal Lot Frontage:
 - (1) Semi-detached Dwelling House:
 - (2) Corner Lot: 18 metres
 - (3) Other Lot: 15 metres
 - (4) Semi-detached Dwelling Unit:

- (5) Corner Lot: 8.5 metres
- (6) Other Lot: 7 metres
- (7) Single Detached Dwelling House
- (8) Corner Lot: 18 metres
- (9) Other Lot: 15 metres
- (iii)** Minimum Exterior Side Setback: 4.3 metres
- (iv)** Minimum Interior Side Setback:
 - (1) Semi-detached Dwelling House: Minimum width for a side that is not attached to another dwelling unit and for which an attached garage or carport is provided: 1.2 metres.
 - (2) Minimum width for a side that is not attached to another dwelling unit and for which a garage or carport is not provided: 2.4 metres.
 - (3) Single Detached Dwelling House: 1.2 metres, provided that on a lot.
 - (4) Where there is no attached private garage or attached carport, the minimum interior side setback shall be 2.4 metres on one side and 1.2 metres on the other side.
- (v)** Setbacks: 10 metres, plus the minimum front setback or exterior side setback required.
- (vi)** Restrictions adjacent to flood plains:
 - (1) No building or structure shall be erected or altered within 7.62 metres of the easterly lot line.
 - (2) Lands within the 7.62 metres setback from the easterly lot line shall be used in calculating the lot area and other zone provisions for the R2 zone.
- (vii)** Building openings: All exterior openings of all buildings shall be located above the minimum elevation of 76.6 metres geodetic.

- 1082.** In the case of the R3[1082] Zone, the lot shall be used in accordance with the following provisions:
- (a)** Minimum Lot Area:
 - (i)** Single Detached Dwelling House: 288 square metres
 - (b)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House: 9 metres
 - (c)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House: On a lot with an attached garage the minimum interior side setback requirement shall be 0.6 metres on one side and 1.2 metres on the other side.
- 1083.** In the case of the R3[1083]-H Zone, the following provisions shall apply:
- (a)** Minimum Distance Setback for Attached or Detached Garages: 7.0 metres
- 1084.** In the case of the R3[1084]-H Zone, the following provisions shall apply:
- (a)** Subject to the removal of the (H) Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the following provisions:
 - (b)** Minimum Lot Area:
 - (i)** Single Detached Dwelling House: 278 square metres
 - (ii)** Semi-Dwelling House: 464 square metres
 - (iii)** Semi-detached Dwelling Unit: 230 square metres
 - (iv)** Duplex Dwelling House: 334 square metres
 - (c)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House: 9 metres
 - (ii)** Semi-detached Dwelling House: 15.24 metres
 - (iii)** Semi-detached Dwelling Unit: 7.5 metres

- (iv)** Duplex Dwelling House: 10.9 metres
- (d)** Minimum Corner Lot Frontage:
 - (i)** Single Detached Dwelling House: 1.2 metres
 - (ii)** Semi-detached Dwelling House: 17 metres
 - (iii)** Semi-detached Dwelling Unit: 9.0 metres
 - (iv)** Duplex Dwelling House: 12.5 metres
- (e)** Minimum Front Setback:
 - (i)** Single Detached Dwelling House: 4.5 metres
 - (ii)** Semi-detached Dwelling House: 4.5 metres
 - (iii)** Duplex Dwelling House: 4.5 metres
- (f)** Minimum Exterior Side Setback:
 - (i)** Single Detached Dwelling House: 3 metres
 - (ii)** Semi-detached Dwelling House: 3 metres
 - (iii)** Duplex Dwelling House: 3 metres
- (g)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House:
 - (1) the required interior side setback on a lot with an attached garage or carport is 0.6 metres on one side and 1.2 metres on the other.
 - (2) the required interior side setback where no attached garage or carport is provided shall be 0.6 metres on one side and 2.4 metres on the other side.
 - (ii)** Semi-detached Dwelling House:
 - (1) the required interior side setback on a lot with an attached garage or carport is 0.9 metres on the open side and 0.0 metres on the common wall.

- (2) the required interior side setback where there is no attached garage or carport is provided shall be 2.4 metres.
 - (iii) Duplex Dwelling House: 1.2 metres
 - (h) Minimum Rear Setback:
 - (i) Single Detached Dwelling House: 6 metres
 - (ii) Semi-detached Dwelling House: 6 metres
 - (iii) Duplex Dwelling House: 6 metres
 - (i) Maximum Lot Coverage:
 - (i) Single Detached Dwelling House: 50%
 - (ii) Semi-detached Dwelling House: 50%
 - (iii) Duplex Dwelling House: 50%
 - (j) Maximum Height of Building: 10.9 metres
 - (k) Maximum Driveway Width: 6 metres or 50% of the Lot Frontage whichever is the lesser.
 - (l) An attached garage or carport shall be located no closer than 6 metres to the lot line that the driveway crosses to access the garage.
 - (m) Front setback parking: an unenclosed surface parking area shall be permitted in the front of a lot subject to the provisions of the maximum driveway width as stated above (k) and provided that the front setback of any area used for front parking is a minimum of 6 metres.
- 1085.** In the case of the R3[1085] Zone, the lands shall be used in accordance with the following provisions:
- (a) Minimum Lot Area:
 - (i) Single Detached Dwelling House: 278 metres
 - (b) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House:

- (1) Corner Lot: 15 metres
- (2) Other Lot: 9 metres
- (c)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House:
 - (1) On a lot with an attached garage the minimum interior side setback requirement shall be 0.6 metres on one side and 1.2 metres on the other side.

1086. In the case of the R3[1086] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House; and
- (c)** a Semi-detached Dwelling House.
- (d)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House:
 - (1) Corner Lot: 15 metres
 - (2) Other Lot: 9 metres 12 metres
 - (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 24 metres
 - (2) Other Lot: 18 metres
- (e)** Minimum Interior Side Setback:
 - (i)** A Single Detached Dwelling House on a lot having a frontage of less than 18 metres shall have a minimum interior side setback of .75 metres on one side and a minimum interior side setback of 1.2 metres on the other side.
- (f)** Minimum Dwelling Unit Area: 80 square metres
- (g)** Minimum Lot Area:
 - (i)** Semi-detached Dwelling House: 557 square metres

- (ii) Single detached dwelling house: 278 square metres
 - (h) Rear Setback: Minimum 6 metres
 - (i) Lot Coverage: Notwithstanding the other provisions of this By-law to the contrary, the maximum lot coverage shall not exceed 47%.
- 1087.** In the case of the R3[1087] Zone, the lands may be used in accordance with the following special provisions:
- (a) Residential Uses:
 - (b) Single Detached Dwelling House;
 - (c) Semi-detached Dwelling House.
 - (d) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House:
 - (1) Corner Lot: 10.8 metres
 - (2) Other Lot: 9 metres
 - (ii) Semi-detached Dwelling House:
 - (1) Corner Lot: 24 metres
 - (2) Other Lot: 18 metres
 - (e) Minimum Interior Side Setback:
 - (i) A single detached dwelling house shall have a minimum interior side setback of 0.6 metres on one side and a minimum interior side setback of 1.2 metres on the other side.
 - (f) Minimum Dwelling Unit Area: 80 square metres
 - (g) Minimum Lot Area:
 - (i) Single Detached Dwelling: 276 square metres
 - (ii) Semi-detached Dwelling House: 557 square metres
 - (h) The use and removal of the '-H' Holding Symbol shall be in accordance with the holding zone provisions of this By-law.

1088. In the case of the R3[1088]-H Zone, the lands shall be used in accordance with the following special provisions:

- (a)** Residential Uses:
 - (i)** Single Detached Dwelling House;
 - (ii)** Semi-detached Dwelling House.
- (b)** Row Dwelling House:
 - (i)** Minimum Lot Area:
 - (1) Single Detached Dwelling House: 278 square metres
 - (2) Semi-detached Dwelling House: 557 square metres
 - (3) Row Dwelling House: 210 square metres
- (c)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House:
 - (1) Corner Lot: 14.0 metres
 - (2) Other Lot: 9.0 metres
 - (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 24.0 metres
 - (2) Other Lot: 18.0 metres
 - (iii)** Row Dwelling House:
 - (1) Corner Lot: 9.1 metres
 - (2) Other Lot: 6.1 metres
- (d)** Minimum Front Setback: 6.0 metres
- (e)** Minimum Exterior Setback: 3.0 metres
- (f)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House:
 - (1) 1.2 metres on one side and 0.6 metres on the other.

- (2) The 0.6 metres side setback shall be required to abut a 1.2 metres side setback on an adjacent property.
- (ii) Semi-detached Dwelling House: 1.2 metres
- (iii) Row Dwelling House: 1.2 metres
- (g) Minimum Rear Setback: 6.0 metres
- (h) Minimum Dwelling Unit Area: 80 square metres
- (i) Maximum Lot Coverage: 50%
- (j) Driveways:
 - (i) Maximum driveway width shall be 6.0 metres or 60% of lot frontage, whichever is less.
 - (ii) The minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.
- (k) Setback from Centreline of Road: Any building or structure shall be setback the minimum front setback or exterior side setback required for such use plus 9 metres to the centre line of the road.
- (l) Sight Triangles:
 - (i) Two sight triangles are required on a corner lot.
 - (ii) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iv) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of

the two lot lines shall be deemed to be the intersection of the two lot lines.

1089. In the case of the R3[1089] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House; and
- (c)** a Semi-detached Dwelling House.
- (d)** Single Detached Dwelling House / Semi-detached Dwelling House:
 - (i)** Minimum Lot Area:
 - (1) Semi-detached Dwelling House: 550 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Single detached dwelling house:
 - (2) Corner Lot: 18 metres
 - (3) Other Lot: 12 metres
 - (4) Minimum dwelling Unit Area:
 - (5) Single detached dwelling house: 83.5 square metres
- (e)** Maximum Lot Coverage:
 - (i)** Single detached house dwelling
 - (1) One storey only: 45%
 - (2) Other: 35%
 - (ii)** Semi-detached dwelling
 - (1) One storey only: 45%
 - (2) Other: 35%
- (f)** A basement is not considered a storey for dwellings built to a maximum lot coverage of 45%.

- (g)** Public Use: the term Public Use as defined in this By-law, shall be deemed to include a storm water management facility which has been approved by the City; it being understood that once the facility no longer is required it shall be removed and the lands may be developed for residential purposes in accordance with this By-law.
- 1090.** In the case of the R3[1090] Zone, the lands may be used in accordance with the following special provisions:
- (a)** A maximum width of 2.5 metres of the driveway shall be permitted to be located within the sight triangle. There shall be no parking permitted within the required sight triangle at any time.
- (b)** Any dwelling constructed on this property shall be required to be set back an additional 2.25 metres from the front lot line to provide parking on the lot in accordance with the provisions of the By-law and outside of the sight triangle.
- (c)** Minimum Exterior Side Setback: 4.5 metres
- 1091.** In the case of the R3[1091] Zone, the following provisions shall apply:
- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House.
- 1092.** In the case of the R3[1092]-H Zone, the following provisions shall apply:
- (a)** Minimum Exterior Dies Setback: 4.5 metres
- 1093.** In the case of the R3[1093]-H Zone, the following provisions shall apply:
- (a)** Minimum Lot Area:
- (i)** Interior Lots: 370 square metres
- (ii)** Corner Lots: 500 square metres
- (b)** Minimum Lot Frontage:
- (i)** Interior Lots: 12.0 metres
- (ii)** Corner Lots: 14.0 metres

- (c)** Minimum Front Setback:
 - (i)** 4.5 metres to main structure; and
 - (ii)** 6.0 metres to a garage and/or carport.
- (d)** Minimum Interior Side Setback: 1.2 metres on one side and 0.6 metres on the other. The 0.6 metres side setback shall be required to abut a 1.2 metres side setback on the adjacent property. One side shall be 3.0 metres for dwellings without an attached garage or carport, excluding corner lots.
- (e)** Minimum Rear Setback: 6.0 metres
- (f)** Minimum Unit Area: 80 square metres
- (g)** Minimum Landscaped Open Space: 30%
- (h)** Maximum Height: 10.5 metres
- (i)** Dwelling Units Per Lots: 1 unit
- (j)** Maximum Lot Coverage: 50%
- (k)** Sight Triangles:
 - (i)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (ii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.
 - (iv)** The sight triangle provisions shall not apply on lots where the site triangle has been dedicated to the City as a block or

a part on a plan subject to Site Plan Control or Plan of Subdivision.

(v) The sight triangle provisions shall not apply to lots situated on the bulb of a cul-de-sac within a plan of subdivision.

(l) Setback:

(i) Notwithstanding the provisions of this By-law to the contrary, the following provisions shall apply:

(ii) Any building or structure shall be setback the minimum front setback, side setback or exterior side setback required for such use plus 9.0 metres to the centre line of the right-of-way width for a local road or half the distance of the right-of-way width for Collins Bay Road where a lot abuts Collins Bay Road.

(m) Holding Zone Provisions: The ‘-H’ Holding Zone Provisions shall be used and removed in accordance with this By-law.

(n) Minimum Exterior Side Setback: 3.0 metres

1094. In the case of the R3[1094]-H Zone, the following provisions shall apply:

(a) Permitted Uses:

(i) Residential Uses:

(ii) a Single Detached Dwelling House;

(iii) a Semi-detached Dwelling House;

(iv) a Three and Four Unit Row Dwelling House.

(v) Non-Residential Uses:

(vi) a Home Occupation;

(vii) a Public Use

(b) Minimum Lot Frontage:

(i) Single Detached Dwelling House:

(1) Corner Lot: 12.7 metres

- (2) Other Lot: 10.0 metres
- (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 19.0 metres
 - (2) Other Lot: 15.0 metres
- (iii)** Semi-detached Dwelling Unit:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 7.5 metres
- (iv)** Row Dwelling House:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 6.1 metres
- (v)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
- (c)** Garage Location: The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d)** Front Setback:
 - (i)** Minimum setback from front lot line: 4.5 metres
 - (ii)** Maximum setback from front lot line: 7.0 metres
 - (iii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - (iv)** Notwithstanding Subparagraphs (i) and (ii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered

front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (e)** Minimum Exterior Side Setback: 4.5 metres on arterial and collector roads 3.0 on local roads
- (f)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (iii)** Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres
- (g)** Minimum Rear Setback: 6.75 metres
- (h)** Minimum Lot Area: Not applicable
- (i)** Minimum Lot Coverage: Not applicable
- (j)** Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k)** Parking: Parking is permitted in the front setback, interior side setback and rear setback. Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.
- (l)** Sight Triangles:
 - (i)** Two sight triangles are required on a corner lot.
 - (ii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

- (iii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
- (iv)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1095. Reserved.

1096. In the case of the R3[1096]-H Zone, the following provisions shall apply:

- (a)** Permitted Uses:
 - (i)** Residential Uses:
 - (ii)** a Single Detached Dwelling House;
 - (iii)** a Semi-detached Dwelling House.
 - (iv)** Non-Residential Uses:
 - (v)** a Home Occupation
 - (vi)** a Public Use
- (b)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House:
 - (1) Corner Lot: 12.7 metres
 - (2) Other Lot: 9.0 metres
 - (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 20.0 metres
 - (2) Other Lot: 15.0 metres
 - (iii)** Semi-detached Dwelling Unit:
 - (1) Corner Lot: 11.5 metres

- (2) Other Lot: 7.5 metres
- (iv) The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
- (c) The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d) Front Setback:
 - (i) Minimum setback from front lot line: 4.5 metres for the main dwelling
 - (ii) Maximum setback from front lot line: 7.0 metres
 - (iii) Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - (iv) Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e) Minimum Exterior Side Setback: 3.0 metres on local roads
- (f) Minimum Interior Side Setback:
 - (i) Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (ii) Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
- (g) Minimum Rear Setback: 6.75 metres;

- (h)** Minimum Lot Area: Not applicable
- (i)** Minimum Lot Coverage: Not applicable
- (j)** Percentage Minimum Lot Frontage: Notwithstanding any provisions to the contrary, the maximum number of single detached dwelling units with a minimum lot frontage of 9.0 metres to 10.0 metres shall not exceed 41% of the total number of dwelling units within the Zone.
- (k)** Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (l)** Parking: Parking is permitted in the front setback, interior side setback and rear setback. Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.
- (m)** Sight Triangles:
 - (i)** Uses Prohibited:
 - (1) Within any area defined as a sight triangle, the following uses shall be prohibited:
 - (2) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
 - (3) A fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0668 metres in height above the elevation of the centreline of the adjacent street;
 - (4) An uncovered surface parking area;
 - (5) A finished grade which exceeds the elevation of the centreline of the adjacent street by more than 0.9144 metres.
 - (ii)** Two sight triangles are required on a corner lot.
 - (iii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

- (iv) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
- (v) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1097. In the case of the R3[1097]-H Zone, the following provisions shall apply:

- (a) Permitted Uses:
 - (i) Residential Uses:
 - (ii) a Single Detached Dwelling House;
 - (iii) a Semi-detached Dwelling House;
 - (iv) a Three and Four Unit Row Dwelling House.
 - (v) Non-Residential Uses:
 - (vi) a Home Occupation.
- (b) Minimum Lot Frontage: Single Detached Dwelling House:
 - (1) Corner Lot: 12.7 metres
 - (2) Other Lot: 10.0 metres
- (ii) Semi-detached Dwelling House:
 - (1) Corner Lot: 19.0 metres
 - (2) Other Lot: 15.0 metres
- (iii) Three and Four Unit Row Dwelling House:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 6.1 metres

- (iv)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line of 6.0 metres.
- (c)** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d)** Front Setback:

 - (i)** Minimum setback from front lot line: 4.5 metres
 - (ii)** Maximum setback from front lot line: 7.0 metres
 - (iii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - (iv)** Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e)** Minimum Exterior Side Setback:

 - (i)** Arterial and Collector Roads: 4.5 metres
 - (ii)** Local Road: 3.0 metres
- (f)** Minimum Interior Side Setback:

 - (i)** Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres

- (iii)** Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres.
- (g)** Minimum Rear Setback: 6.75 metres

 - (i)** Those lots backing onto the buffer strip adjacent to the Collins Creek wetland shall have an additional setback of 16.0 metres from the rear property line. No accessory uses are permitted within 16.0 metres of the rear lot line abutting the buffer strip adjacent to the Collins Creek wetland.
- (h)** Minimum Lot Area: Not applicable
- (i)** Minimum Lot Coverage: Not applicable
- (j)** Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k)** Parking: Parking is permitted in the front setback, interior side setback and rear setback. Notwithstanding any provisions herein to the contrary, parking in the front setback is prohibited except where it is a driveway leading to a permitted parking area.
- (l)** Sight Triangles:

 - (i)** Two sight triangles are required on a corner lot.
 - (ii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iv)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of

the two lot lines shall be deemed to be the intersection of the two lot lines.

1098. In the case of the R3[1098] Zone, the following provisions shall apply:

- (a)** Permitted Uses:
 - (i)** Residential Uses:
 - (ii)** a Single Detached Dwelling House;
 - (iii)** a Semi-detached Dwelling House;
 - (iv)** a Three and Four Unit Row Dwelling House.
 - (v)** Non-residential uses:
 - (vi)** a Home Occupation;
 - (vii)** a Public Use.
- (b)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House:
 - (1) Corner Lot: 12.7 metres
 - (2) Other Lot: 10.0 metres
 - (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 19.0 metres
 - (2) Other Lot: 15.0 metres
 - (iii)** Semi-detached Dwelling Unit:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 7.5 metres
 - (iv)** Row Dwelling House:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 6.1 metres

- (v) The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
- (c) The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d) Front Setback:

 - (i) Minimum setback from front lot line: 4.5 metres
 - (ii) Maximum setback from front lot line: 7.0 metres
 - (iii) Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - (iv) Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e) Minimum Exterior Side Setback:

 - (i) Arterial and Collector Roads: 4.5 metres
 - (ii) Local Road: 3.0 metres
- (f) Minimum Interior Side Setback:

 - (i) Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.
 - (ii) Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.

- (iii) Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres.
- (g) Minimum Rear Setback: 6.75 metres
- (h) Minimum Lot Area: Not applicable
- (i) Minimum Coverage: Not applicable
- (j) Maximum Building Height for Lots 30 to 47 inclusive: 5 metres
- (k) Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (l) Parking: Parking is permitted in the front setback, interior side setback and rear setback. Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.
- (m) Sight Triangles:

 - (i) Two sight triangles are required on a corner lot.
 - (ii) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iv) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1099. In the case of the R3[1099]-H Zone, the following provisions shall apply:

- (a)** Permitted Uses:
 - (i)** Residential Uses:
 - (ii)** a Single Detached Dwelling House;
 - (iii)** a Semi-detached Dwelling House;
 - (iv)** a Three and Four Unit Row Dwelling House.
 - (v)** Non-Residential Uses:
 - (vi)** a Home Occupation;
 - (vii)** a Public Use.
- (b)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House:
 - (1) Corner Lot: 12.7 metres
 - (2) Other Lot: 9.0 metres
 - (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 19 metres
 - (2) Other Lot: 15.0 metres
 - (iii)** Semi-detached Dwelling Unit:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 7.5 metres
 - (iv)** Row Dwelling House:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 6.1 metres
 - (v)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
 - (vi)** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for

vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.

- (c) Front Setback:**
 - (i)** Minimum setback from front lot line: 4.5 metres
 - (ii)** Maximum setback from front lot line: 7.0 metres
 - (iii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - (iv)** Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (d) Minimum Exterior Side Setback:**
 - (i)** Arterial and Collector Road: 4.5 metres
 - (ii)** Local Road: 3.0 metres
- (e) Minimum Interior Side Setback:**
 - (i)** Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setback must be 3.0 metres
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setback must be 3.0 metres
 - (iii)** Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres
- (f) Minimum Rear Setback: 6.75 metres**

- (g)** Minimum Lot Area: Not applicable
 - (h)** Minimum Lot Coverage: Not applicable
 - (i)** Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
 - (j)** Parking: Parking is permitted in the interior side setback and rear setback. Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.
 - (k)** Sight Triangles:
 - (i)** Two sight triangles are required on a corner lot.
 - (ii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iv)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.
- 1100.** In the case of the R3[1100]-H Zone, the following provisions shall apply:
- (a)** Permitted Uses:
 - (i)** Residential Uses:
 - (ii)** a Single Detached Dwelling House;
 - (iii)** a Semi-detached Dwelling House;
 - (iv)** a Three and Four Unit Row Dwelling House.

- (v)** Non-residential Uses:
 - (vi)** a Home Occupation;
 - (vii)** a Public Use.
- (b)** Minimum Lot Frontage:
- (i)** Single Detached Dwelling House:
 - (1) Corner Lot: 12.7 metres
 - (2) Other Lot: 10.0 metres
 - (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 19 metres
 - (2) Other Lot: 15.0 metres
 - (iii)** Semi-detached Dwelling Unit:
 - (1) Corner Lot: 1.5 metres
 - (2) Other Lot: 7.5 metres
 - (iv)** Row Dwelling House:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 6.1 metres
 - (v)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
- (c)** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d)** Front Setback:
- (i)** Minimum setback from front lot line: 4.5 metres
 - (ii)** Maximum setback from front lot line: 7.0 metres

- (iii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- (iv)** Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e)** Minimum Exterior Side Setback:

 - (i)** Arterial and collector roads: 4.5 metres
 - (ii)** Local roads: 3.0 metres
- (f)** Minimum Interior Setback:

 - (i)** Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.
 - (iii)** Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres
- (g)** Minimum Rear Setback: 6.0 metres;
- (h)** Minimum Lot Area: Not applicable
- (i)** Minimum Lot Coverage: Not applicable
- (j)** Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k)** Parking: Parking is permitted in the interior side setback and rear setback. Notwithstanding any provisions herein to the

contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.

- (l)** Sight triangles
 - (i)** Two sight triangles are required on a corner lot.
 - (ii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iv)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1101. In the case of the R3[1101]-H Zone, the following provisions shall apply:

- (a)** Permitted Uses:
 - (i)** Residential Uses:
 - (ii)** a Single Detached Dwelling House;
 - (iii)** a Semi-detached Dwelling House;
 - (iv)** a Three and Four Unit Row Dwelling House.
 - (v)** Non-Residential Uses:
 - (vi)** a Home Occupation;
 - (vii)** a Public Use.
- (b)** Minimum Lot Frontage:

- (i)** Single Detached Dwelling House:
 - (1) Corner Lot: 12.7 metres
 - (2) Other Lot: 9.0 metres
- (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 19 metres
 - (2) Other Lot: 15.0 metres
- (iii)** Semi-detached Dwelling Unit:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 7.5 metres
- (iv)** Row Dwelling House:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 6.1 metres
- (v)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
- (c)** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d)** Front Setback:
 - (i)** Minimum setback from front lot line: 4.5 metres
 - (ii)** Maximum setback from front lot line: 7.0 metres
 - (iii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

- (iv)** Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e)** Minimum Exterior Side Setback:

 - (i)** Arterial and Collector Road: 4.5 metres
 - (ii)** Local Road: 3.0 metres
- (f)** Minimum Interior Side Setback:

 - (i)** Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (iii)** Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres
- (g)** Minimum Rear Setback: 6.0 metres;
- (h)** Minimum Lot Area: Not applicable
- (i)** Minimum Lot Coverage: Not applicable
- (j)** Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k)** Parking: Parking is permitted in the interior side setback and rear setback. Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.
- (l)** Sight Triangles:

 - (i)** Two sight triangles are required on a corner lot.

- (ii) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
- (iii) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
- (iv) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1102. In the case of the R3[1102]-H Zone, the following provisions shall apply:

- (a) Permitted Uses:
 - (i) Residential Uses:
 - (ii) a Single Detached Dwelling House;
 - (iii) a Semi-detached Dwelling House;
 - (iv) a Three and Four Unit Row Dwelling House.
 - (v) Non-Residential Uses:
 - (vi) a Home Occupation;
 - (vii) a Public Use.
- (b) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House:
 - (1) Corner Lot: 12.7 metres
 - (2) Other Lot: 10.0 metres
 - (ii) Semi-detached Dwelling House:

- (1) Corner Lot: 19 metres
- (2) Other Lot: 15.0 metres
- (iii)** Semi-detached Dwelling Unit:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 7.5 metres
- (iv)** Row Dwelling House:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 6.1 metres
- (v)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
- (c)** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d)** Front Setback:
 - (i)** Minimum setback from front lot line: 4.5 metres
 - (ii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - (iii)** Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e)** Minimum Exterior Side Setback: 4.5 metres on arterial and collector roads 3.0 on local roads

- (f)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres
 - (iii)** Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres
- (g)** Minimum Rear Setback: 6.75 metres
- (h)** Minimum Lot Area: Not applicable
- (i)** Minimum Lot Coverage: Not applicable
- (j)** Driveways: Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k)** Parking: Parking is permitted in the interior side setback and rear setback. Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.
- (l)** Sight Triangles:
 - (i)** Two sight triangles are required on a corner lot.
 - (ii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

- (iv) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1103. In the case of the R3[1103]-H Zone, the following provisions shall apply:

- (a) Uses Permitted:
 - (i) Residential Uses:
 - (ii) a Single Detached Dwelling House;
 - (iii) a Semi-detached Dwelling House;
 - (iv) a Row Dwelling House;
 - (v) a Duplex dwelling house.
 - (vi) Non-Residential Uses:
 - (vii) a Home Occupation;
 - (viii) a Public Use.
- (b) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House:
 - (1) Corner Lot: 11.2 metres
 - (2) Other Lot: 9.0 metres
 - (ii) Semi-detached Dwelling House:
 - (1) Corner Lot: 19.0 metres
 - (2) Other Lot: 15.0 metres
 - (iii) Semi-detached Dwelling Unit:
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 7.5 metres
 - (iv) Row Dwelling House:

- (1) Corner Lot: 11.5 metres
- (2) Other Lot: 6.1 metres
- (v)** Duplex Dwelling House:
 - (1) Corner Lot: 10.9 metres
 - (2) Other Lot: 9.0 metres
- (vi)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.
- (c)** Front Setback: Minimum setback from front lot line 4.5 metres
- (d)** Minimum Exterior Side Setback: 2.4 metres
- (e)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House: 1.2 metres on one side and 0.6 metres on the other, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.
 - (iii)** Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres.
 - (iv)** Duplex Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.
- (f)** Minimum Rear Setback: 6.0 metres
- (g)** Garage:
 - (i)** The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.

- (ii)** The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.
- (iii)** Main Entry Feature: means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.
- (iv)** Main Front Entrance: means the door which is designed as the primary access point into the dwelling unit.
- (h)** Driveway Path:

 - (i)** Single Detached Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
 - (ii)** Semi-detached Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
 - (iii)** Row Dwelling House Maximum driveway width shall be 3.5 metres Duplex Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (i)** Parking:

 - (i)** Parking is permitted in the interior side setback and rear setback.
 - (ii)** Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.
- (j)** Sight Triangle:

 - (i)** Two sight triangles are required on a corner lot. The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side

lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior lot line.

- (ii) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior lot line.
- (iii) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1104. In the case of the R3[1104] Zone, the following provisions shall apply:

- (a) Uses Permitted:
 - (i) Residential Uses:
 - (ii) a Single Detached Dwelling House;
 - (iii) a Semi-detached Dwelling House;
 - (iv) a Row Dwelling House;
 - (v) a Duplex dwelling house.
 - (vi) Non-Residential Uses:
 - (vii) a Home Occupation;
 - (viii) a Public Use.
- (b) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House:
 - (1) Corner Lot: 11.2 metres
 - (2) Other Lot: 9.0 metres
 - (ii) Semi-detached Dwelling House:
 - (1) Corner Lot: 19 metres
 - (2) Other Lot: 15.0 metres

(iii) Semi-detached Dwelling Unit:

- (1) Corner Lot: 11.5 metres
- (2) Other Lot: 7.5 metres

(iv) Row Dwelling House

- (1) Corner Lot: 11.5 metres:
- (2) Other Lot: 6.1 metres

(v) Duplex Dwelling House:

- (1) Corner Lot: 10.9 metres
- (2) Other Lot: 9.0 metres

(vi) The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) Front Setback: Minimum setback from front lot line: 4.5 metres

(d) Minimum Exterior Side Setback: 2.4 metres

(e) Minimum Interior Side Setback:

(i) Single Detached Dwelling House: 1.2 metres on one side and 0.6 metres on the other, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.

(ii) Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.

(iii) Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres.

(iv) Duplex Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side setbacks must be 3.0 metres.

- (f)** Minimum Rear Setback: 7.5 metres;
- (g)** Garage:
 - (i)** The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
 - (ii)** The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.
 - (iii)** Main Entry Feature: means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.
 - (iv)** Main Front Entrance: means the door which is designed as the primary access point into the dwelling unit.
- (h)** Driveway Width:
 - (i)** Single Detached Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
 - (ii)** Semi-detached Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
 - (iii)** Row Dwelling House Maximum driveway width shall be 3.5 metres
 - (iv)** Duplex Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (i)** Parking:
 - (1)** Parking is permitted in the interior side setback and rear setback.

- (2) Notwithstanding any provisions herein to the contrary, front setback parking is prohibited except where it is a driveway leading to a permitted parking area.

(j) Sight Triangle:

- (i)** Two sight triangles are required on a corner lot.
- (ii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior lot line.
- (iii)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior lot line.
- (iv)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1105. In the case of the R3[1105] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** Semi-detached Dwelling House
- (c)** Semi-detached Dwelling House:
- (i)** Minimum Lot Area:
- (1) Semi-detached Dwelling House: 550 square metres.

1106. In the case of the R3[1106] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House; or
- (c)** a Semi-detached Dwelling House.

1107. In the case of the R3[1107] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House; and
- (c)** a Semi-detached Dwelling House.
- (d)** Single Detached Dwelling House / Semi-detached Dwelling House:
- (e)** Minimum Lot Area:
 - (i)** Semi-detached Dwelling House: 550 square metres
- (f)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House
 - (1)** Corner Lot: 18 metres
 - (2)** Other Lot: 12 metres
- (g)** Minimum Dwelling Unit Area:
 - (i)** Single Detached Dwelling House: 83.5 square metres
 - (ii)** Public Use: For the purposes of the R2 8 Zone, the term Public Use as defined in this By-law shall be deemed to include a storm water management facility which has been approved by the City; it being understood that once such a facility no longer is required, it shall be removed and the lands may be developed for residential purposes in accordance with this By-law.

1108. In the case of the R3[1108] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House; and
- (c)** a Semi-detached Dwelling House.
- (d)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House:
 - (1)** Corner Lot: 15 metres

- (2) Other Lot: 9 metres 12 metres
- (ii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 24 metres
 - (2) Other Lot: 18 metres
- (e)** Minimum Interior Side Setback:
 - (i)** A Single Detached Dwelling House on a lot having a frontage of less than 18 metres shall have a minimum interior side setback of .75 metres on one side and a minimum interior side setback of 1.2 metres on the other side.
- (f)** Minimum Dwelling Unit Area: 80 square metres
- (g)** Minimum Lot Area:
 - (i)** Semi-detached Dwelling House: 557 square metres
 - (ii)** Single detached dwelling house: 278 square metres

1109. In the case of the R3[1109] Zone, the following provisions shall apply:

- (a)** The minimum front setback for a single detached dwelling on a lot not accessed by a rear lane shall be 4.5 metres. The wall of an attached private garage shall be setback a minimum of 6.5 metres from the lot line that the driveway crosses to access the garage.
- (b)** The maximum garage width on a lot that is not accessed by a lane shall be no greater than 50% of the lot frontage.
- (c)** The minimum required rear setback on a lot not accessed by a lane shall be 14.5 metres.

1110. In the case of the R3[1110] Zone, the following provisions shall apply:

- (a)** The maximum garage width on a lot that is not accessed by a lane shall be no greater than 50% of the lot frontage.

1111. In the case of the R3[1111] Zone, the following provisions shall apply:

- (a)** The minimum front setback for a single detached dwelling on a lot not accessed by a rear lane shall be 4.5 metres. The wall of

an attached private garage shall be setback a minimum of 6.5 metres from the lot line that the driveway crosses to access the garage.

- (b) The maximum garage width on a lot that is not accessed by a lane shall be no greater than 50% of the lot frontage.
- (c) The minimum required rear setback on a lot not accessed by a lane shall be 11 metres.

1112. In the case of the R3[1112] Zone, the provisions of Table B1 of By-law 97-102 shall apply except that:

- (a) The maximum driveway width shall be 3.5 metres for interior and interior end townhouse units.
- (b) The maximum driveway width shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser, for exterior (corner) units.
- (c) The maximum garage width shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser, for all townhouse units.

1113. In the case of the R3[1113] Zone, the following provisions shall apply:

- (a) The minimum lot frontage required for a townhouse building on a lot not accessed by a lane is 6.0 metres per unit.
- (b) Special Provisions (2) and (5) of Table B1 of By-law 97-102 shall not apply.

1114. In the case of the R3[1114]-H Zone, the following provisions shall apply:

- (a) Holding Symbol (-H) Limited Development: where the zone is subject to a Holding Symbol (-H), the following uses shall be permitted under the following condition:
 - (i) Maximum Number of Storeys: maximum number of storeys shall be one (1).
 - (ii) Provisions for the Removal of a Holding Symbol (-H):
 - (1) In addition to the holding zone provisions of this By-law, for the removal of a Holding Symbol (-H), the Holding Symbol (-H) shall not be removed until such time as the Owner(s) of the Lot(s) have coordinated with Hydro One in order to:

- (2) Enclose the shed/canopy in the Hydro Works Yard with 20-gauge steel panels damped with sprayed-on sound insulation, in accordance with the detail provided in the Noise Impact Study prepared by J.E Coulter Associates Limited dated August 21, 2007;
- (3) Correct the sound generated by the braking system of the propane-powered forklift that operates in the yard;
- (4) Replace, relocate or incorporate an acoustic silencer on the exhaust fan on the maintenance garage at the south end of the Hydro One property; and
- (5) The Owner(s) of the Lot(s) must provide to the City a certificate from an acoustical engineer certifying that the required mitigation measures on the Hydro One Property have been undertaken in order to meet the applicable noise criteria.

1115. In the case of the R3[1115] Zone, the following provisions shall apply:

- (a) **Maximum Driveway Width:** The maximum driveway width for townhouse buildings on a lot that is not accessed by a lane shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser
- (b) **Maximum Garage Width:** The maximum garage width for townhouse buildings on a lot that is not accessed by a lane shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser.

1116. In the case of the R3[1116] Zone, the lands may be used and developed the following provisions shall apply:

- (a) **Maximum Driveway Width:** The maximum driveway width for single detached dwellings on a lot that is not accessed by a lane shall be a maximum of 9.44 metres. The driveway width at the property line shall be a maximum of 6.0 metres or 50% of the lot frontage, whichever is the lesser.
- (b) **Maximum Garage Width:** The maximum garage width for single detached dwellings on a lot that is not accessed by a lane shall be a maximum of 9.44 metres.

1117. In the case of the R3[1117] Zone, the following provisions shall apply:

- (a) **Minimum Required Interior Side Setback.**

- (i) Places of worship and public schools: The minimum required interior side setback along the southern interior lot line shall be 3.7 metres.

1118. In the case of the R3[1118] Zone, the following provisions shall apply:

- (a) The permitted uses shall include a “Private Club” as defined in this By-law, subject to the following special provisions:
 - (i) Maximum Gross Floor Area: 70 square metres
 - (ii) Required Parking spaces, not stacked: 2, one (1) of which must be for the disabled
 - (iii) Permitted driveway width: 7 metres

1119. In the case of the R3[1119] Zone, the following provisions shall apply:

- (a) Permitted Uses:
- (b) a Public School.

1120. In the case of the R4[1120] Zone, the following provisions shall apply:

- (a) Additional Permitted Uses:
- (b) a coffee shop with a maximum floor area of 150 square metres, located on the ground floor of the building;
- (c) an office with a maximum floor area of 150 square metres, located on the ground floor of the building.

1121. In the case of the R4[1121] Zone, the following provisions shall apply:

- (a) The existing multiple dwelling containing seven dwelling units shall be deemed to be a use of land conforming to the provisions of this By-law. No owner of this multiple dwelling shall alter the building or permit the alteration of the building unless he applies to Council or the Committee of Adjustment and receives consent to make such alteration.

1122. In the case of the R4[1122] Zone, the following provisions shall apply:

- (a) the existing multiple dwelling containing sixteen dwelling units shall be deemed to be a use of land conforming to the provisions of this By-law. No owner of this multiple dwelling shall alter the building or permit alteration of the building unless he

applies to Council or the Committee of Adjustment and receives consent to make such alteration.

1123. In the case of the R4[1123] Zone, the following provisions shall apply:

- (a) permitted uses shall also include professional offices for architects, engineers, accountants, and lawyers provided that these uses are confined within the wall of the existing coach house building.

1124. In the case of the R4[1124] Zone, the following provisions shall apply:

- (a) all uses prohibited except:
- (b) a Single Detached Dwelling House;
- (c) a Semi-detached Dwelling House;
- (d) a Row Dwelling House; a maisonette dwelling house; or
- (e) a group dwelling house, but not including an Apartment Dwelling House.

1125. In the case of the R4[1125] Zone, the following provisions shall apply:

- (a) For construction of a four-storey Dwelling Unit Row House only:
 - (i) Minimum Front Setback: No Requirement
 - (ii) Minimum Side Setback: No Requirement
 - (iii) Minimum Rear Setback: No Requirement
 - (iv) Corner Lots, Front Setback: No Requirement
 - (v) Maximum Lot Coverage: 95%
 - (vi) Maximum Density: 135 dwelling units per hectare
 - (vii) Play Space & Amenity Area Total: 54 square metres.
 - (viii) Parking: 3 Interior Spaces

1126. In the case of the R4[1126] Zone, the following provisions shall apply:

- (a) Two dwelling units shall be permitted within the existing dwelling located thereon.

1127. In the case of the R4[1127] Zone, the following provisions shall apply:

- (a)** 180 Bagot Street and 182 Bagot Street:
- (i)** For the purposes of this Section, a Professional Office shall be defined as: an office in which a service or consultation is given, including the offices of a lawyer, a planner, an architect, a surveyor, an engineer and similar uses, and would also include a doctor's office but not a clinic.
 - (ii)** All uses prohibited except:
 - (1) a single professional office on the ground floor and basement, including a doctor's office with a maximum of one physician; and
 - (2) a single unit dwelling on the upper floors.
 - (iii)** Maximum building height shall be 13.3 metres.
 - (iv)** Minimum front setback shall be 0.3 metres on the east lot line and 0 metres on the south lot line.
 - (v)** Minimum side setback shall be 0 metres from the west lot line and 0.6 metres from the north lot line.
 - (vi)** Minimum aggregate side setback shall be 0.6 metres.
 - (vii)** Minimum rear setback shall be 0 metres.
 - (viii)** Maximum lot coverage shall be 76%.
 - (ix)** The minimum amount of outdoor amenity space shall be no less than 28 square metres and there is no requirement for a children's play space.
 - (x)** Parking:
 - (1) The minimum number of required off-street parking spaces shall be three (3) for the professional office and one (1) for the dwelling unit and these shall be provided on an adjacent lot within the same zone.
 - (2) The minimum dimensions of the parking spaces for the professional office use shall be 2.6 metres by 5.2 metres and the dimensions of the barrier-free space shall be 3.7 metres by 5.2 metres.

- (3) The minimum width for a vehicle access aisle is 3.6 metres.
- (b)** 111 William Street:
 - (i)** All uses prohibited except:
 - (1) a Single Unit Dwelling.
 - (ii)** Minimum lot area shall be 140 square metres.
 - (iii)** Minimum front setback shall be 1.4 metres.
 - (iv)** Minimum side setback along the east property line shall be 0 metres.
 - (v)** Minimum rear setback shall be 1.2 metres.
 - (vi)** Maximum lot coverage shall be 44%.
 - (vii)** The minimum amount of outdoor amenity space shall be: no less than 46 square metres and there is no requirement for a children's play space.
 - (viii)** No extension or enlargement to the existing building at 111 William Street shall be permitted.
- (c)** 184 Bagot Street:
 - (i)** All uses prohibited except:
 - (1) a single unit dwelling.
 - (ii)** Minimum lot area shall be 310 square metres.
 - (iii)** Maximum height shall be 10.62 metres.
 - (iv)** Minimum aggregate side setback shall be 3.3 metres.
 - (v)** Minimum amount of amenity space shall be no less than 31 square metres and there is no requirement for a children's play space.
- (d)** 180 Bagot Street, 182 Bagot Street, 184 Bagot Street and 111 William Street:
 - (i)** Parking:

- (1) A minimum of four (4) parking spaces will be located on this property. One (1) barrier free parking space and two (2) regular parking spaces shall be used exclusively for a professional office at 180 Bagot Street.
- (2) Minimum width for a vehicle access aisle is 3.6 metres.

1128. In the case of the R4[1128] Zone, the following provisions shall apply:

- (a)** Additional Permitted Uses:
 - (i)** a funeral home and associated parking shall also be permitted.
 - (b)** The minimum number of required off-street parking spaces for the funeral home and any upper floor residential units shall be thirty-one (31).
 - (c)** The existing funeral home shall be recognized as non-complying with respect to the minimum building setback requirements along Johnson Street, Barrie Street and the north property boundary.
 - (d)** The maximum percentage of lot coverage shall be 40%.

1129. In the case of the R4[1129] Zone, the following provisions shall apply:

- (a)** Purpose and Requirement for Removal of Holding Symbol:
 - (i)** The use and removal of the '-H' Holding Symbol shall be in accordance with the holding zone provisions of this By-law.
 - (ii)** To ensure the proper redevelopment of the lands, given the findings of the Environmental Site Assessment and Soils Investigations, development will not proceed until the following have been completed:
 - (1) an acceptable Remediation Plan is provided and carried out to the City's satisfaction;
 - (2) that a Record of Site Condition (RSC) is filed with the Ministry of the Environment or that the City has declared that a RSC is not required;
 - (3) a Site Plan Control Agreement is executed by the Owner, which Agreement shall incorporate the recommendations

for site remediation and all other applicable City conditions.

- (b)** Permitted Interim Uses: In accordance with the holding zone provisions of this By-law.
- (c)** Zone Provisions When ‘-H’ Symbol Removed: The provisions of this By-law shall apply except that:
 - (i)** Notwithstanding any provisions to the contrary, the following additional uses shall be permitted:
 - (1)** An office, not exceeding 250 square metres in gross floor area;
 - (2)** The minimum rear setback shall be 4.0 metres;
 - (3)** The minimum number of off-street parking spaces to be provided on site shall be 8;
 - (4)** The parking facilities may be located in front of the midway point between the front and rear walls of the main building;
 - (5)** Development on the site shall be subject to Site Plan Control.

1130. In the case of the R4[1130] Zone, the following provisions shall apply:

- (a)** Shall have a total of 6 dwelling units.
- (b)** Maximum Interior Side Setback of 2.50 metres.
- (c)** Maximum lot coverage of 37.5%.
- (d)** Minimum Amenity and Play Space Area of 467 square metres.
- (e)** Minimum driveway width of 2.5 metres.
- (f)** A single vehicle ingress and egress shall be permitted.

1131. In the case of the R4[1131] Zone, the following provisions shall apply:

- (a)** Maximum number of dwelling units shall be 3.
- (b)** Additional dwelling units are prohibited.
- (c)** Minimum Front Setback: 3.90 metres.

- (d) Maximum number of bedrooms per dwelling unit shall be 4.
- (e) Maximum Aggregate bedrooms shall be 12.
- (f) The Maximum parking area in the rear of the lot shall be 49 square metres.

1132. In the case of the R4[1132] Zone, the following provisions shall also apply:

- (a) Maximum permitted number of residential units: 6
- (b) Minimum setback
 - (i) Front Setback: 2.7 metres
 - (ii) Side Setback: 1.2 metres
 - (iii) Aggregate side Setback: 2.4 metres
 - (iv) From front lot line for unenclosed porches: 0.0 metres
- (c) Required number of accessible parking spaces: 0
- (d) Maximum lot coverage: 37%
- (e) Maximum density: 100 dwelling units per net hectare
- (f) Minimum required Amenity Area: 230.0 square metres

1133. In the case of the R4[1133] Zone, the following provisions shall apply:

- (a) For the purposes of this exception, the following definitions shall apply:
 - (i) Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (2) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment

(ii) Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.

(b) Maximum number of dwelling units: 3

(c) Maximum aggregate number of bedrooms: 9

(d) Minimum required setbacks:

(i) South interior side setback from the front lot line for the distance of 17.7: 0.5 metres

(ii) South interior side setback measured from the front lot line for the distance beyond 17.7 metres: 1.2 metres

1134. In the case of the R4[1134] Zone, the following provisions shall apply:

(a) Additional Permitted Uses:

(b) a building with 10 residential dwelling units.

(c) Minimum Front Setback: 3.80 metres

(d) Minimum Side Setback: 1.5 metres

(e) Minimum Aggregate Side Setback: 5.1 metres

(f) Maximum Lot Coverage: 36%

(g) Maximum Density: 69 units per net hectare

(h) A density bonus may be applied to permit a density increase to 122 units per net hectare. The bonus is subject to the property owner entering into a development agreement with the City, which will establish a high quality of architectural design and human scale development consistent with the City's long term vision for the area.

(i) Minimum Play Space: 0.0 square metres

(j) Minimum Amenity Area: 408 square metres

(k) Required Parking Spaces: 6

(l) Projection of Porch and Stairs into Front Setback: 2.7 metres

- (m)** The for the purpose of zone interpretation the subject properties be considered as a single parcel.
- (n)** That the maximum number of bedrooms for a dwelling unit shall be 4;
- (o)** Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (i)** Common areas open to all occupants of the unit;

1135. In the case of the R4[1135] Zone, the following provisions shall apply:

- (a)** Maximum number of residential units: 4
- (b)** Maximum number of bedrooms: 20
- (c)** Bedroom: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (i)** Common areas open to all occupants of the unit;
 - (ii)** Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - (iii)** Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
 - (iv)** Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.
- (d)** The minimum width of a drive aisle adjacent to a parking space shall be 3.25 metres.
- (e)** Minimum amenity space area: 260 square metres
- (f)** No minimum play area shall be required.
- (g)** Deemed to comply: The multiple dwelling existing as of the date of the passing of this By-law shall be deemed to comply with the minimum front setback and minimum side setback of this By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the provisions of Section 13 of this By-law.

1136. In the case of the R4[1136] Zone, the following provisions shall apply:

- (a)** Maximum number of dwelling units: 3
- (b)** Minimum Front Setback: 7.5 metres
- (c)** Off-street parking:
 - (i)** A minimum 1 parking space per dwelling unit shall be provided
 - (ii)** Parking shall only be located behind the front wall of the main building
 - (iii)** Parking in a stacked/tandem arrangement shall be permitted for a maximum of two parking spaces
- (d)** Landscaping: A minimum 1.0 metre wide soft landscaping strip shall be provided and maintained adjacent to the entire length of the north wall of the main building
- (e)** Flood plain setback:
 - (i)** No building or structure shall be erected within 6.0 metres of an 'EPA' zone
 - (ii)** Parking shall be permitted within this setback requirement
- (f)** Play space: There shall be no play space requirement
- (g)** Vehicle access: A maximum of one access shall be permitted to the property from Portsmouth Avenue

1137. In the case of the R4[1137] Zone, the following provisions shall apply:

- (a)** For the purpose of this exception, the following definitions shall apply:
 - (i)** Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (ii)** Common areas open to all occupants of the unit;
 - (iii)** Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and,

- (iv) Areas occupied by mechanical equipment, such as furnaces, hot water heaters, and laundry equipment.
 - (b) Maximum number of dwelling units: 3
 - (c) Maximum aggregate number of bedrooms: 11
 - (d) Maximum number of bedrooms for a dwelling unit: 4
 - (e) Minimum front setback: 4.1 metres
 - (f) Minimum side setback: 0.3 metres
 - (g) Minimum aggregate side setback: 3.0 metres
 - (h) Maximum lot coverage: 36%
 - (i) Minimum required Amenity Area: 152 square metres
 - (j) Minimum required Play Space: 0.0 metres
- 1138.** In the case of the R4[1138] Zone, on the lands known municipally as 275 Alfred Street, the following provisions shall apply:
- (a) For the purpose of this exception, the following definition shall apply:
 - (i) Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and,
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters, and laundry equipment.
 - (b) Minimum lot area for two dwelling units: 465 square metres.
 - (c) Maximum number of dwelling units: 2
 - (d) Maximum aggregate number of bedrooms: 9
 - (e) Maximum number of bedrooms for a dwelling unit: 5

- (f) Minimum aggregate side setback: 1.6 metres.
- (g) Maximum lot coverage: 36%
- (h) Maximum permitted rear parking area: 35 square metres.

1139. In the case of the R4[1139] Zone, the following provisions shall apply:

- (a) For the purpose of this exception, the following definition shall apply:
 - (i) Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and,
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment
 - (4) Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.
 - (b) The existing building shall only be converted to a maximum of 3 dwelling units, with the following requirements:
 - (i) Maximum Aggregate Number of Bedrooms: 7
 - (ii) Off-Street Parking:
 - (1) A minimum of 2 parking spaces shall be provided
 - (2) Parking in a stacked/tandem arrangement shall be permitted for a maximum of two parking spaces
 - (3) Parking shall be permitted closer to the street line than the nearest wall of the main building
 - (4) Minimum size of a parking space shall be 2.7 metres wide and 5.3 metres long

- (c) Minimum Private Amenity Space Area: Shall be provided within each unit in accordance with this By-law.
- (d) Minimum Amenity Area: 29 square metres
- (e) Minimum Play Space Area: 0.0 square metres
- (f) Entrances: A minimum 0.90 metres unobstructed clearance should be maintained in front of the entrance to each unit, including no obstruction by the required off-site parking
- (g) Landscaping: A minimum 2.0 metre wide vegetated landscaping shall be provided between the front lot line and the front wall of the main building
- (h) Projections into Setbacks:
 - (i) An unenclosed veranda with a maximum width of 5.35 metres is permitted between the front wall of the main building and the front lot line
 - (ii) A roof deck is permitted with a minimum distance of 2.0 metres from the rear lot line; 0.0 metres to the south side lot line; and, 2.75 metres from the north side lot line.

1140. In the case of the R4[1140] Zone, the following provisions shall apply:

- (a) Additional Permitted use:
- (b) a residential building containing not more than 51 senior citizen apartments plus one dwelling unit.
- (c) The minimum number of required off-street parking spaces shall be 30,
- (d) There shall be no provisions regarding:
 - (i) Percentage of Lot Occupancy
 - (ii) Minimum Front Setback
 - (iii) Minimum Rear Setback
 - (iv) Minimum Side Setback
 - (v) Courts
 - (vi) Density

1141. Reserved.

1142. In the case of the R4[1142] Zone, the following provisions shall apply:

- (a) Permitted Uses:
- (b) a residential building containing a maximum of seventeen selling units; and
- (c) a maximum of three off-street parking spaces may be located in a setback other than the rear setback.

1143. In the case of the R4[1143] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Single Detached Dwelling House;
- (c) a Semi-detached Dwelling House;
- (d) a Row Dwelling House; a maisonette dwelling house; or
- (e) a group dwelling house, but not including an Apartment Dwelling House.

1144. In the case of the R4[1144] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Semi-detached Dwelling House,
- (c) a Row Dwelling House, or
- (d) Group housing.

1145. In the case of the R4[1145] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Group Housing project consisting of a maximum of 156 Row Dwelling Houses,
- (c) a Public Use
- (d) a Group Housing; or
- (e) a Public Use:

(f) Group Housing / Row Dwelling Houses / Public Use / Group Housing / Public Use:

(i) Minimum Lot Area:

- (1) Row Dwelling House: 147 square metres
- (2) Group Housing: the lot shall be divisible in such a manner that each Row Dwelling House has adequate areas to satisfy the minimum requirement.

(ii) Minimum Lot Frontage:

- (1) Group Housing: 121 metres.

1146. In the case of the R4[1146] Zone, the following provisions shall apply:

(a) All uses prohibited except:

(b) a Semi-detached Dwelling House,

(c) a Row Dwelling House, or

(d) a Group Housing of permitted housing types.

(e) Group Housing:

(i) Parking area location and access:

- (1) Row Dwelling House:
- (2) An uncovered surface parking area shall be permitted in a front setback.

1147. In the case of the R4[1147] Zone, the following provisions shall apply:

(a) Permitted Uses:

(i) Residential uses:

(ii) a Semi-detached Dwelling House.

(iii) Non-residential uses:

(iv) a Home Occupation;

(v) a parking area consisting of no more than five (5) parking spaces;

(vi) a Public Use in accordance with the provisions of Section 5(18) hereof.

(b) Minimum Lot Area:

(i) Semi-detached Dwelling House: 560 square metres.

1148. In the case of the R4[1148] Zone, the following provisions shall apply:

(a) All uses prohibited except:

(b) a Semi Detached Dwelling House;

(c) a Row Dwelling House; or

(d) a Group Housing;

(e) a Semi-detached.

(f) Dwelling House / Row Dwelling House / Group Housing:

(i) Parking area location and access:

(1) Row Dwelling House:

(2) An uncovered surface parking area shall be permitted in a front setback, and one driveway only shall be permitted for each dwelling unit.

1149. In the case of the R4[1149]-H Zone, the following provisions shall apply:

(a) Subject to the removal of the (H) Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the following provisions:

(b) Minimum Lot Area:

(i) Single Detached Dwelling House: 278 square metres

(ii) Semi-Dwelling House: 464 square metres

(iii) Semi-detached Dwelling Unit: 230 square metres

(iv) Duplex Dwelling House: 334 square metres

(v) Triplex Dwelling House: 501 square metres

- (vi)** Townhouse (Row Dwelling House): 167 square metres
- (c)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House: 9 metres
 - (ii)** Semi-Dwelling House: 15.2 metres
 - (iii)** Semi-detached Dwelling Unit: 7.5 metres
 - (iv)** Duplex Dwelling House: 10.9 metres
 - (v)** Triplex Dwelling House: 16.4 metres
 - (vi)** Townhouse (Row Dwelling House): 5.48 metres
- (d)** Minimum Corner Lot Frontage:
 - (i)** Single Detached Dwelling House: 11.2 metres
 - (ii)** Semi-Dwelling House: 17.0 metres
 - (iii)** Semi-detached Dwelling Unit: 9.0 metres
 - (iv)** Duplex Dwelling House: 12.5 metres
 - (v)** Triplex Dwelling House: 17.9 metres
 - (vi)** Townhouse (Row Dwelling House): 8.2 metres
- (e)** Minimum Front Setback:
 - (i)** Single Detached Dwelling House: 4.5 metres
 - (ii)** (Semi-Dwelling House: 4.5 metres
 - (iii)** Semi-detached Dwelling Unit: 4.5 metres
 - (iv)** Duplex Dwelling House: 4.5 metres
 - (v)** Triplex Dwelling House: 4.5 metres
 - (vi)** Townhouse (Row Dwelling House): 4.5 metres
- (f)** Minimum Exterior Side Setback:
 - (i)** Single Detached Dwelling House: 3 metres

- (ii)** Semi-Dwelling House: 3 metres
- (iii)** Semi-detached Dwelling Unit: 3 metres
- (iv)** Duplex Dwelling House: 3 metres
- (v)** Triplex Dwelling House: 3 metres
- (vi)** Townhouse (Row Dwelling House): 3 metres
- (g)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House:
 - (1) The required interior side setback on a lot with an attached garage or carport is 0.6 metres on one side and 1.2 metres on the other.
 - (2) The required interior side setback where no attached garage or carport is provided shall be 0.6 metres on one side and 2.4 metres on the other side.
 - (ii)** Semi-detached Dwelling House:
 - (1) The required interior side setback on a lot with an attached garage or carport is 0.9 metres on the open side and 0.0 metres on the common wall.
 - (2) The required interior side setback where there is no attached garage or carport is provided shall be 2.4 metres.
 - (iii)** Duplex Dwelling House: 1.2 metres
 - (iv)** Triplex Dwelling House: 1.2 metres
 - (v)** Townhouse (Row Dwelling House): 1.2 metres / 0.0 metres interior unit
- (h)** Minimum Rear Setback:
 - (i)** Single Detached Dwelling House: 6.0 metres
 - (ii)** Semi-detached Dwelling Unit: 6.0 metres
 - (iii)** Duplex Dwelling House: 6.0 metres
 - (iv)** Triplex Dwelling House: 6.0 metres

- (v) Townhouse (Row Dwelling House): 6.0 metres
- (i) Minimum Lot Coverage:
 - (i) Single Detached Dwelling House: 50%
 - (ii) Semi-detached Dwelling Unit: 50%
 - (iii) Duplex Dwelling House: 50%
 - (iv) Triplex Dwelling House: 50%
 - (v) Townhouse (Row Dwelling House): 50%
- (j) Maximum Height of Building: 10.9 metres
- (k) Maximum driveway width: 6.0 metres or 50% of the lot frontage whichever is the lesser.
- (l) An attached garage or carport shall be located no closer than 6.0 metres to the lot line that the driveway crosses to access the garage.
- (m) Front setback parking: An unenclosed surface parking area shall be permitted in the front setback of a lot subject to the provisions of the driveway width as stated above and provided that the front setback of any area used for front parking is a minimum of 6.0 metres.

1150. In the case of the R4[1150] Zone, the following provisions shall apply:

- (a) Residential Uses:
 - (b) a Single Detached Dwelling House;
 - (c) a Semi-detached Dwelling House;
 - (d) a Row Dwelling House;
 - (e) a Group Housing of Permitted Housing Types.
- (f) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House: 9.0 metres
 - (ii) Semi-detached Dwelling House: 18.0 metres
 - (iii) Row Dwelling House (per unit): 5.4 metres

- (g)** Minimum Interior Side Setback: A single detached dwelling house shall have a minimum interior side setback of 0.6 metres on one side and a minimum interior side setback of 1.2 metres on the other side.
- (h)** Parking Area Location (Row Dwelling House):
 - (i)** An uncovered surface parking area shall be permitted in a front setback.
 - (i)** The use and removal of the ‘-H’ Holding symbol shall be in accordance with the holding zone provisions this By-law.

1151. In the case of the R4[1151] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House; or
- (c)** a Semi-detached Dwelling House.
- (d)** Single Detached Dwelling House / Semi-detached Dwelling House
 - (i)** Minimum lot area:
 - (1)** Single Detached Dwelling House: 334.450944 square metres
 - (2)** Semi-detached Dwelling House: 557.41824 square metres
 - (ii)** Minimum Lot Frontage:
 - (1)** Single Detached Dwelling House:
 - (2)** Corner Lot: 17.0688 metres
 - (3)** Other Lot: 10.9728 metres

1152. In the case of the R4[1152] Zone, the following provisions shall apply:

- (a)** Permitted Uses:
- (b)** a Single Detached Dwelling House
- (c)** a Semi-detached Dwelling House

- (d)** a Three or Four Unit Row Dwelling House
- (e)** Minimum Lot Area:
 - (i)** Single Detached Dwelling House: 292.0 square metres
 - (ii)** Semi-detached Dwelling House: 464.0 square metres
 - (iii)** Semi-detached Dwelling Unit: 232.0 square metres
 - (iv)** Row Dwelling Unit: 170.0 square metres
- (f)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House: 9.75 metres
 - (ii)** Semi-detached Dwelling House: 15.0 metres
 - (iii)** Semi-detached Dwelling Unit: 7.5 metres
 - (iv)** Row Dwelling Unit: 6.1 metres
- (g)** Minimum Corner Lot Frontage:
 - (i)** Single Detached Dwelling House: 12.75 metres
 - (ii)** Semi-detached Dwelling House: 18.5 metres
 - (iii)** Semi-detached Dwelling Unit: 10.5 metres
 - (iv)** Row Dwelling Unit: 9.2 metres
- (h)** Minimum Front Setback:
 - (i)** To House: 4.5 metres
 - (ii)** To Garage: 6.0 metres
- (i)** Minimum Interior Side Setback:
 - (i)** Single Detached Dwelling House: 1.2 metres
 - (ii)** Semi-detached Dwelling House: 1.2 metres
 - (iii)** Row Dwelling House: 1.2 metres

- (iv)** For all lots, dwellings constructed without an attached garage shall have a minimum interior side setback of 3.0 metres on one side and 1.2 metres on the other.
- (v)** Exterior Side Setback (Minimum) 3.0 metres on local roads and 6.0 metres on all other road classifications
- (j)** Minimum Rear Setback:
 - (i)** Single Detached Dwelling House: 6.0 metres
 - (ii)** Semi-detached Dwelling House: 6.0 metres
 - (iii)** Row Dwelling House: 6.0 metres
 - (iv)** Lots backing onto Cataraqui Wood Drive: 8.5 metres
- (k)** Minimum Lot Coverage:
 - (i)** Single Detached Dwelling House: 50%
 - (ii)** Semi-detached Dwelling House: 50%
 - (iii)** Semi-detached Dwelling Unit: 50%
 - (iv)** Row Dwelling House: 50%
- (l)** Interior Garage Width: For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.
- (m)** Maximum Driveway Width:
 - (i)** Single Detached Dwelling House 6.0 metres or 50% of the lot frontage,
 - (ii)** Whichever is the lesser;
 - (iii)** Semi Detached Dwelling Unit 6.0 metres or 50% of the lot frontage,
 - (iv)** whichever is the lesser, but not less than 4.0 metres;
 - (v)** Row Dwelling Unit 4 metres; and
 - (vi)** Front Setback Parking is prohibited except on a driveway leading to a garage or parking area in the interior side

setback or rear setback. The maximum parking surface provided shall be 4.0 metres wide by 6.0 metres deep.

- (n)** Landscaped Open Space: 30%
- (o)** Maximum Height: 10.5 metres
- (p)** Sight triangles:
 - (i)** Within any area defined as a sight triangle, the following uses shall be prohibited:
 - (1)** A building, structure or use which would obstruct the vision of drivers of motor vehicles;
 - (2)** A fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centreline of the adjacent street;
 - (3)** An uncovered surface parking area;
 - (4)** A finished grade which exceeds the elevation of the centreline of the adjacent street by more than 1.0 metres.
 - (ii)** Two sight triangles are required on a corner lot.
 - (iii)** The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (iv)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (v)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.
 - (vi)** Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of

the two lot lines shall be deemed to be the intersection of the two lot lines.

1153. In the case of the R4[1153] Zone, the following provisions shall apply:

- (a)** Minimum lot area:
 - (i)** Row Dwelling House: 278.70912 square metres
 - (ii)** Maisonette dwelling house: 278.70912 square metres per dwelling unit.
- (b)** Single detached dwelling house:
 - (i)** Minimum Lot Area: 278 square metres
 - (ii)** Minimum Lot Frontage: 12 metres
 - (iii)** Maximum Lot Coverage: 50%

1154. In the case of the R4[1154] Zone, the following provisions shall apply:

- (a)** Minimum Lot Area:
 - (i)** Row Dwelling House: 178.8 square metres
- (b)** Parking area location and access
 - (i)** Row Dwelling House: An uncovered surface parking area shall be permitted in a front setback, and one driveway only shall be permitted for each Row Dwelling unit.

1155. In the case of the R4[1155] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Semi Detached Dwelling House;
- (c)** a Row Dwelling House; or
- (d)** Group Housing.
- (e)** Semi-detached Dwelling House / Row Dwelling House / Group Housing:
 - (i)** Parking area location

- (1) Row Dwelling House: An uncovered surface parking area shall be permitted in a front setback.

1156. In the case of the R4[1156] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (b) a Single Detached Dwelling House; or
 - (c) a Semi Detached Dwelling House.
- (d) Single Detached Dwelling House / Semi-detached Dwelling House:
 - (i) Minimum lot area:
 - (1) Semi-detached Dwelling House: 557.4187 square metres
 - (ii) Minimum lot frontage:
 - (1) Single Detached Dwelling House:
 - (2) Corner Lot: 8.2882 metres
 - (3) Other Lot: 12.1921 metres

1157. In the case of the R4[1157] Zone, the following provisions shall apply:

- (a) Minimum Lot area:
 - (i) Single Detached Dwelling House: 335 square metres
- (b) Minimum Lot Frontage:
 - (i) Single Detached Dwelling House:
 - (1) Corner Lot: 16 metres
 - (2) Other Lot: 11 metres

1158. In the case of the R4[1158] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a Single Detached Dwelling House.
- (c) Single Detached Dwelling House:

- (i) Minimum Lot area: 312 square metres
- (ii) Minimum Lot Frontage:
 - (1) Corner Lot: 17 metres
 - (2) Other Lot: 10.7 metres

1159. In the case of the R5[1159] Zone, the following provisions shall apply:

- (a) The maximum number of permissible dwelling units shall be 326.

1160. In the case of the R5[1160] Zone, the following provisions shall apply:

- (a) the maximum density shall not be greater than 35.8 units per hectare.

1161. In the case of the R5[1161] Zone, the following provisions shall apply:

- (a) The permitted uses shall be group or Row Dwellings only;
- (b) The maximum number of dwelling units that may be permitted thereon shall be 30;
- (c) The requirements for Minimum Floor Area and Bachelor Dwelling Units shall be as follows:
- (d) Minimum Floor Area (Per Dwelling Unit):
 - (i) Two to five unit dwelling: 74.3 square metres
 - (ii) Six or more unit dwelling: 65.0 square metres
 - (iii) Bachelor Apartment: 28.0 square metres
- (e) Within a multiple dwelling, not more than one bachelor apartment shall be permitted for every four non-bachelor apartments.
 - (i) The minimum number of required off-street vehicle parking spaces shall be in the ratio of 1.3 spaces per dwelling unit.
 - (ii) Off-street vehicle parking facilities shall be provided on the same lot or premises as the referred to structure of use and may occupy any location thereon other than any required front setback space.

(iii) The Play Space requirements shall be as follows:

- (f)** Where housing units are allowed and there are more than 40 housing units with more than one bedroom contained in one or more apartment buildings on the property, a Play Space of at least 2.3 square metres per housing unit shall be provided in one location. In projects of over 100 such housing units, the required space may be separated into two or more areas provided no one space is less than 232.0 square metres.
- (g)** Play Spaces shall be located in rear areas, at ends of buildings or in other suitable locations on the property which will not impair views from living rooms or front entrances, and permit easy access from the housing units without encountering traffic hazards.
- (i)** There shall be no requirements for the provisions of Amenity Areas.

1162. In the case of the R5[1162] Zone, the following provisions shall apply:

- (a)** The permitted uses shall be multiple dwellings only.
- (b)** The maximum number of dwelling units that may be permitted thereon shall be 178 units.
- (c)** The requirements for Minimum Floor Area and Bachelor Dwelling Units shall be as follows:
 - (i)** Minimum Floor Area (Per Dwelling Unit):
 - (1) Two to five unit dwelling: 74.3 square metres
 - (2) Six or more unit dwelling: 65.0 square metres
 - (3) Bachelor apartment: 28.0 square metres
 - (d)** Within a multiple dwelling, not more than one bachelor apartment shall be permitted for every four non-bachelor apartments.
 - (i)** The minimum number of required off-street vehicle parking spaces shall be in the ratio of 1 space per dwelling unit.
 - (ii)** Off-Street vehicle parking facilities shall be provide on the same lot or premises as the referred to structure or use and

may occupy any location thereon other than any required front setback space.

(iii) The Play Space requirements shall be as follows:

- (1) Where housing units are allowed and there are more than 40 housing units with more than one bedroom contained in one or more apartment buildings on the property, a Play Space of at least 2.3 square metres per housing unit shall be provided in one location. In projects of over 100 such housing units, the required space may be separated into two or more areas provided no one space is less than 232.0 square metres.
- (2) Play Spaces shall be located in rear areas, at ends of buildings or in other suitable locations on the property which will not impair views from living rooms or front entrances, and permit easy access from the housing units without encountering traffic hazards.

(iv) There shall be no requirements for the provision of Amenity Areas.

1163. In the case of the R5[1163] Zone, the following provisions shall apply:

- (a)** The permitted uses shall only include a 12-unit apartment building and accessory buildings thereto.
- (b)** The minimum required front setback shall be 5.8 metres.
- (c)** The minimum number of required off-street parking spaces shall be 12.

1164. In the case of the R5[1164] Zone, the following provisions shall apply

- (a)** the maximum permitted height shall be 10.7 metres.

1165. In the case of the R5[1165] Zone, the following provisions shall apply:

- (a)** The maximum number of permitted dwelling unites shall be 167.
- (b)** The maximum permissible building height shall be six storeys.
- (c)** Notwithstanding Paragraph (a) the maximum number of permitted dwelling units on the property known municipally as 358 Queen Mary Road shall be 6 additional dwelling units with 5 dwelling units in a cellar.

1166. In the case of the R5[1166] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a multiple dwelling containing up to 89 dwelling units and up to 144 bedrooms and accessory buildings thereto.
- (c) The Maximum Front Setback shall be 6.10 metres and the Minimum Front Setback shall be 3.05 metres.
- (d) The Minimum Rear Setback shall be 8.2 metres.
- (e) The Minimum number of required off-street parking spaces shall be 82.
 - (i) The maximum building height shall be 20.5 metres or 98.0 metres above mean sea level, whichever is the lesser. The building shall have a maximum of seven storeys.
 - (ii) The external dimensions of the main building shall not exceed 57.0 metres by 22.0 metres.
 - (iii) Accessory buildings are to be as per Section 5.17 except that the Maximum Lot Coverage shall not exceed 10.4% of the lot area.

1167. In the case of the R5[1167] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) one multiple dwelling containing up to a maximum of 83 dwelling units located on the north side of Eldon Hall Place, and accessory buildings thereto.
- (c) The required off-street parking facilities for this use may be located on both sides of Eldon Hall Place.

1168. In the case of the R5[1168] Zone, the maximum number of permitted dwelling units shall be 88 and the maximum permitted density shall be 58 dwelling units per hectare.

1169. In the case of the R5[1169] Zone, the following provisions shall apply:

- (a) The maximum permitted density shall be 131.6 dwelling units per hectare.

- (b) The maximum number of permissible dwelling units shall be 140.
 - (c) Minimum number of required parking spaces shall be 140.
- 1170.** In the case of the R5[1170]-H Zone, the following provisions shall apply:
- (a) Maximum number of residential units: 214
 - (b) The limestone building as it exists on the date of the passing of this By-law and known municipally as 730 John Counter Boulevard may only be used as a commercial school, provided that no such operation shall emit any noise, vibration, glare, fumes, odours, Etc. which cause a nuisance or inconvenience within or outside of the premise. Subject to the removal of the holding zone provision, the existing limestone building may only be used as a single dwelling or a day nursery but not a commercial school. This single dwelling unit shall be included as part of the maximum number of permitted residential units.
 - (c) Minimum off-street parking for commercial school use:15 spaces
 - (d) Minimum setback from the adjacent rail line: 30 metres.
 - (e) The metal clad accessory building existing on the southwest corner of the site as of the date of the passing of this By-law shall be deemed to comply with the provisions of this By-Law. In the event that this existing accessory building is removed, any new accessory building or structure shall be subject to the provisions of Section 5 of this By-law.
 - (f) Parking shall be no closer to any street line than the nearest wall of the building to the street. The existing parking, as of the date of the passing of this By-law, along Maple Street shall be deemed to comply with the provisions of this By-Law.
 - (g) The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:

 - (i) Submission of a Record of Site Condition to the satisfaction of the City is required for any conversion of a commercial school to a residential or day nursery use;
 - (ii) All applicable City and Agency requirements have been complied with;

- (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
- (iv) City Council has passed a further amendment to this By-law to remove the '-H' Symbol pursuant to the *Planning Act*.

1171. In the case of the R5[1171] Zone, the following provisions shall apply:

- (a) All uses are prohibited except:
- (b) a Group Dwellings; or
- (c) a Row Dwellings
- (d) The maximum permitted density shall be 27.0 dwelling units per hectare.
- (e) All dwellings shall be located a minimum of 30 metres from the CN railway right-of-way.

1172. In the case of the R5[1172] Zone, the following provisions shall apply:

- (a) One multiple dwelling building containing a maximum of 91 residential units shall be permitted.

1173. In the case of the R5[1173] Zone, the following provisions shall apply:

- (a) The maximum density shall not be over 55 dwelling units per hectare.
- (b) Neighbourhood convenience retail commercial uses shall also be permitted to a maximum 150 square metres of floor space.
- (c) In addition to (b) above, a maximum of 350 square metres of neighbourhood service type uses shall be permitted, which may include doctors' offices, retailing of medical and pharmaceutical supplies and a restaurant, not including take-out or drive-in service.
- (d) Maximum height shall not be over 10 metres except that one residential dwelling containing not more than 1,500 square metres on any of the upper three floors may be constructed to a height of not more than 19 metres above the elevation of Montreal Street at its nearest proximity to the said dwelling, and one further residential dwelling containing not more than 1,000 square metres on any floor above the third may be constructed to a height of 13 metres.

- (e) A minimum area of 2,000 square metres shall be exclusively allocated to areas for recreation/play space. These areas may be divided into not more than three parcels provided at least one has a minimum area of 1,000 square metres.
- (f) No dwelling shall be located less than 30 metres from the boundary of the railway right of way.

1174. In the case of the R5[1174] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (i) a Row Dwellings containing not more than thirty-three (33) dwelling units; including the three (3) accessory apartments located in three of the townhouse units along Bay Street;
 - (ii) an accessory building.
- (b) The maximum building height, measured from Rideau Street, Bay Street and North Street adjacent to the site, shall be three (3) storeys.
- (c) The minimum setback requirements shall be as follows:
 - (i) For the townhouses fronting onto North Street:
 - (1) Minimum Front Setback: 6.0 metres
 - (2) Minimum Rear Setback: 6.0 metres
 - (3) Minimum Side Setback (adjacent to Wellington Street): 4.5 metres
 - (d) For the townhouses fronting onto Bay Street:
 - (1) Minimum Front Setback: 7.5 metres
 - (2) Minimum Rear Setback: 4.5 metres
 - (3) Minimum Side Setback (adjacent to Wellington Street): 4.5 metres
 - (e) For the townhouses fronting onto Rideau Street:
 - (i) Minimum Front Setback: 7.5 metres
 - (ii) Minimum Rear Setback (northerly section of building): 5.72 metres

(iii) Minimum Side Setback:

- (1) Adjacent to Bay Street: 5.73 metres
- (2) Adjacent to North Street: 5.75 metres

1175. In the case of the R5[1175] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
 - (i)** Multiple dwellings containing not more than eighty-five (85) dwelling units;
 - (ii)** an Accessory building.
- (b)** The maximum building height, measured from Wellington Street adjacent to the site, shall be seven (7) storeys.
- (c)** Any multiple dwelling constructed shall be located 7.5 metres from Wellington Street.
- (d)** Any multiple dwelling constructed shall be subject to the following minimum side setbacks:
 - (i)** South Side: 26.5 metres;
 - (ii)** North Side: 43.5 metres
- (e)** The external dimensions for any multiple dwelling constructed and measured from building corner to building corner, shall not exceed 70.8 metres in length and 22.2 metres in width.

1176. In the case of the R5[1176] Zone, the following provisions shall apply:

- (a)** Off-street vehicle parking facilities for any townhouse or Row Dwelling unit shall be provided as follows:
 - (i)** One (1) parking space per dwelling unit, provided the required parking space is located within an internal garage.
 - (ii)** 1.4 parking spaces per dwelling unit if the off-street parking is provided by means of a common parking area.

1177. In the case of the R5[1177] Zone, the following provisions shall apply:

- (a)** Permitted Uses:

- (i)** A Nursing / Retirement Home with a maximum of 220 beds and accessory medical and commercial uses related to the Nursing / Retirement Home shall also be permitted.

 - (1) The permitted accessory commercial uses may include, but not necessarily be limited to, a medical clinic, a pharmacy, a beauty salon / barber shop, or a retail store, provided that any such accessory commercial uses are located entirely within the Nursing / Retirement Home and are designed to serve only the residents or employees of the home.
- (b)** For the purposes of this exception, a Nursing / Retirement Home shall be defined as a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hallway, but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and accessory medical and commercial facilities may also be provided.
- (c)** The maximum number of permitted dwelling units shall be 110.
- (d)** Where a combined Nursing / Retirement Home and Apartment Dwelling House may be proposed, the maximum number of dwelling units / beds permitted shall not exceed a combined number that would generate more than 220 persons. The total number of persons generated by any such development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of beds / units by the number of persons in accordance with the following:

 - (i)** Number of Persons Generated:

 - (1) Dwelling Unit Type: 1.0
 - (2) Nursing Home Bed: 1.0
 - (3) Bachelor Unit: 1.5
 - (4) 1 Bedroom Unit: 1.5
 - (5) 2 Bedroom Unit: 2.5
 - (6) 3 Bedroom Unit or Greater: 3.5 plus 1.0 for each Additional Bedroom

- (ii) The maximum permitted building height shall be four (4) storeys.

1178. In the case of the R5[1178] Zone, the following provisions shall apply:

- (a) The existing building shall be deemed conforming with respect to the minimum front, side and rear setback.
- (b) Minimum lot width: 9.30 metres
- (c) Maximum density: 124 dwelling units per hectare
- (d) Minimum off-street parking: 1 space per dwelling unit; the required parking may be located in front of the midway point between the front and rear walls of the main building, and stacked parking shall be permitted.

1179. In the case of the R5[1179] Zone, the following provisions shall apply:

- (a) Permitted Uses:
 - (i) a Multiple unit dwellings, to a maximum total of 111 residential units owned and operated by a local housing corporation;
 - (ii) a multiple unit dwelling containing senior citizen apartments only, to a maximum of 49 units, owned and operated by a local housing corporation; and
 - (iii) an offices for a local housing corporation, to a maximum of 615 square metres.
- (b) Maximum density permitted: 75 dwelling units per hectare
- (c) Parking: A minimum of 102 parking spaces shall be provided.
- (d) For the purpose of this section, a local housing corporation within the meaning of the *Social Housing Reform Act, 2000*, S.O. 2000, c.27, as amended or any successor legislation thereto, that is wholly owned by a prescribed service manager for the delivery of social housing.

1180. In the case of the R5[1180] Zone, on the approximately 1.1ha parcel of land located at the south-east corner of Bath Road and Sir John A. Macdonald Boulevard, known municipally as 94 Wright Crescent, the following provisions shall apply:

(a) The maximum density shall be 105 dwelling units per hectare.

1181. In the case of the R5[1181] Zone, the following provisions shall apply in addition to Section 14:

(a) Both the minimum side setback and the minimum rear setbacks shall be 0 metres.

(b) The off-street parking requirement shall be 161 parking spaces, all of which must be located within 100 metres of the subject property.

1182. In the case of the R5[1182] Zone, the following provisions shall apply:

(a) Purpose and Requirement for Removal of Holding Symbol: The use of the '-H' Holding Symbol shall be in accordance with the holding zone provisions of this By-law. The removal shall also be subject to the following specific requirements:

(i) A remediation plan prepared by a professional engineer or professional geoscientist licensed in the Province of Ontario must be completed in accordance with Ontario Provision 153/04, as amended and to the satisfaction of the City and/or applicable approval authority; and

(ii) The Owner/Subdivider shall submit to the City an executed copy of an agreement with CN Rail relating to the mitigation of any potential adverse impacts between the existing railway and all proposed developments on the subject site.

(iii) Permitted Interim Uses: In accordance with the holding zone provisions of this By-law.

(b) Zone Provisions when '-H' Holding Symbol Removed:

(i) Notwithstanding any provisions of this By-law, as amended, to the contrary, the provisions of Section 14 of By-law 8499 for the 'B1' Multiple Family Dwelling Zone shall apply including:

(1) Setback of 30 metres from the railway rights-of-way to a habitable structure.

1183. In the case of the R5[1183] Zone, the following provisions shall apply:

(a) Minimum Front Setback: 3.0 metres

- (b) Minimum Side Setback: There shall be no minimum side setback requirement for a residential building having two storeys or less.
- (c) Maximum density: 140 dwelling units per hectare
- (d) Minimum Lot Width: 16.0 metres
- (e) Projection into setbacks:
 - (i) A covered or uncovered unenclosed porch, deck, balcony or veranda may project out from the main building wall providing it is no closer than 1.5 metres to the front lot line.
 - (ii) A step may project out from the main building wall up to the front lot line.
 - (iii) There shall be no minimum setback from the interior side lot line of a common party wall for a covered or uncovered unenclosed porch, deck, balcony, step or veranda.
- (f) Minimum number of parking spaces: 6 parking spaces
- (g) Minimum size of a parking space: 2.58 metres wide by 6.0 metres long
- (h) Minimum number of bicycle parking: 12 spaces.

1184. In the case of the R5[1184] Zone, the following provisions shall apply:

- (a) Additional Permitted Uses:
 - (b) an Office Use;
 - (c) a Transitional house;
 - (d) a Training and counseling centre.
- (e) For the purposes of this exception, the following shall be defined as:
 - (i) Transitional House: Is a residential building containing a maximum of 9 dwelling units or habitation units within a facility where the individual is participating in assistance or counseling programs in a training and counseling centre located on the subject property. The residential building is

subject to 24 hour supervision. The maximum length of stay for an individual in a transitional house shall be one year less a day. A transitional House does not include a community home, recovery home or boarding house as defined in this By-law.

(ii) Training and counseling centre: Is a place where an individual can obtain assistance through the application of mental health, psychological or human development principles, through cognitive, affective, behavioural or systematic intervention strategies that address wellness, personal growth or career development and includes programs that are designed to bring an individual to an agreed standard of proficiency in a prescribed skill or trade.

- (f)** That the aggregate parking for a combined office, transitional house units, and training and counseling centre shall be 13 parking spaces.
- (g)** A loading bay is not required for a combined office, transitional house units, and training and counseling centre.
- (h)** A play space is not required for a combined office, transitional house units, and training and counseling centre.
- (i)** The minimum area for a transitional house unit shall be 18.5 square metres.
- (j)** The minimum rear setback shall be 4.7 metres.
- (k)** The front setback parking is permitted.

1185. In the case of the R5[1185] Zone, the following provisions shall apply:

- (a)** That two dwelling units be permitted; and,
- (b)** That the aggregate total maximum number of bedrooms permitted shall be 4.

1186. In the case of the R5[1186] Zone, on the property known municipally as 540 Montreal Street, the following provisions shall apply:

- (a)** Additional Permitted Uses:
- (b)** an Office;
- (c)** a Crisis Care Shelter;

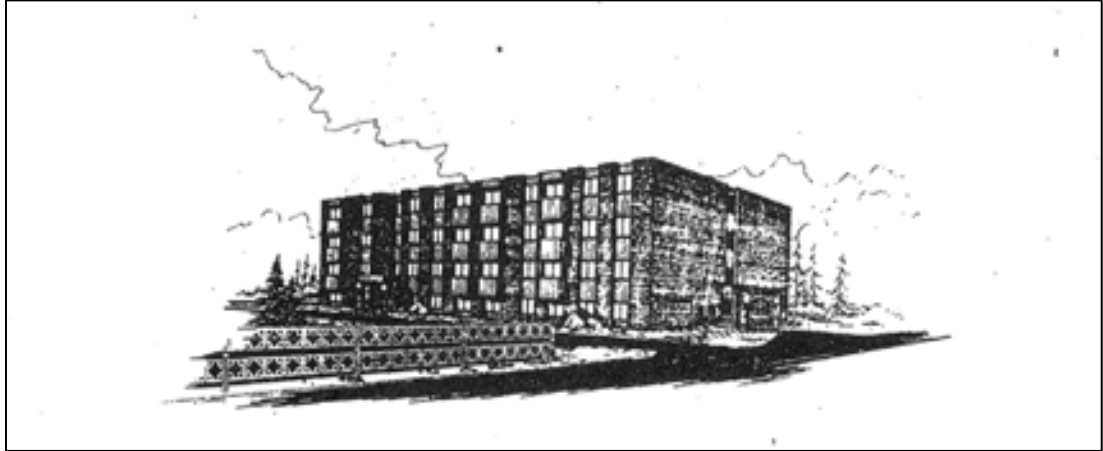
- (d)** a Recovery Home;
- (e)** a Community Centre;
- (f)** a Community Support House.
- (g)** The following Accessory Uses to an Additional Permitted Use, listed above, or a Community Home or Residential Care Facility are permitted:
 - (h)** a Clinic;
 - (i)** an Education Centre;
 - (j)** an Education Facility;
 - (k)** a Restaurant use, excluding a drive through and not greater than 60 square metres;
 - (l)** a Retail Use; not greater than 80 square metres.
 - (m)** Minimum Parking Spaces: 18
 - (n)** Offsite Parking: within 150 metres is permitted
 - (o)** Minimum Bicycle Parking Spaces: 12
 - (p)** Maximum Height: 11 metres
 - (q)** Minimum Front Setback: 1.2 metres
 - (r)** Minimum Side Setback: 1.6 metres
 - (s)** Minimum Rear Setback: 7.0 metres
 - (t)** That there are no minimum separation requirements for the following uses:
 - (i)** Community Home;
 - (ii)** Crisis Care Shelter;
 - (iii)** Residential Care Facility;
 - (iv)** Recovery Home; and
 - (v)** Community Support House.

- (u) Total minimum Amenity Area and play space shall be 46 square metres.
 - (v) No loading space is required.
 - (w) The “-H” Holding Symbol shall only be removed once the following requirements have been complied with:

 - (i) A Record of Site Condition has been approved by the Ministry of Environment and a copy received by the City;
 - (ii) That, if necessary, any remediate required to make the subject property safe for human habitation has been completed to the satisfaction of the Ministry of Environment and the City.
- 1187.** In the case of the R5[1187] Zone, on the approximately 1.32 hectare parcel of land located on the south side of Nickle Avenue west of Curtis Cres., the following provisions shall apply:
- (a) The maximum number of dwelling units that may be erected thereon shall be 120, nor shall any building be built which is over seven storeys in height.
- 1188.** In the case of the R5[1188] Zone, on the approximately 1.85 hectare parcel of land located on the west side of Portsmouth Avenue between Nickle Avenue and Curtis Crescent, the following provisions shall apply:
- (a) The maximum number of dwelling units that may be erected thereon shall be 72, nor shall any buildings be built which are over seven storeys in height.
- 1189.** In the case of the R5[1189] Zone, on the approximately 0.09 hectare parcel of land located on the south side of Johnson Street west of Yonge Street, the following provisions shall apply:
- (a) No outside stairway shall be permitted.
- 1190.** In the case of the R5[1190] Zone, on the approximately 0.3 hectare parcel of land located on the east side of Hillendale Avenue south of Princess Street, the following provisions shall apply:
- (a) The maximum density shall be 106.2 units per hectare and the structures erected thereon shall be in substantial conformity with the site plans prepared by Regent Properties Company, copies

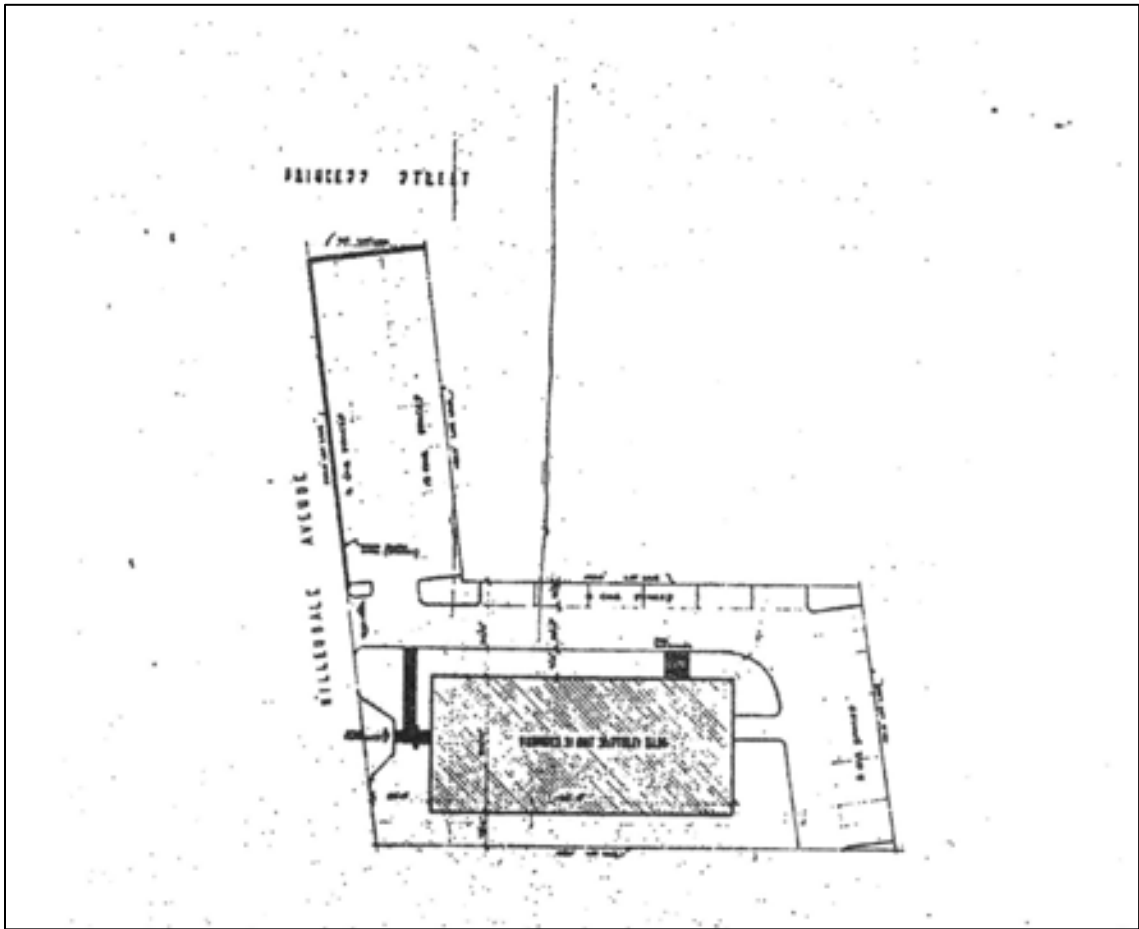
of which form part of this By-law as Figures 20.1.1.1190.1,
20.1.1.1190.2, 20.1.1.1190.3, and 20.1.1.1190.4.

Figure 20.1.1.1190.1.¹⁴



¹⁴ Formerly Schedule “D-1”, Zoning By-law 8499

Figure 20.1.1.1190.2.¹⁵

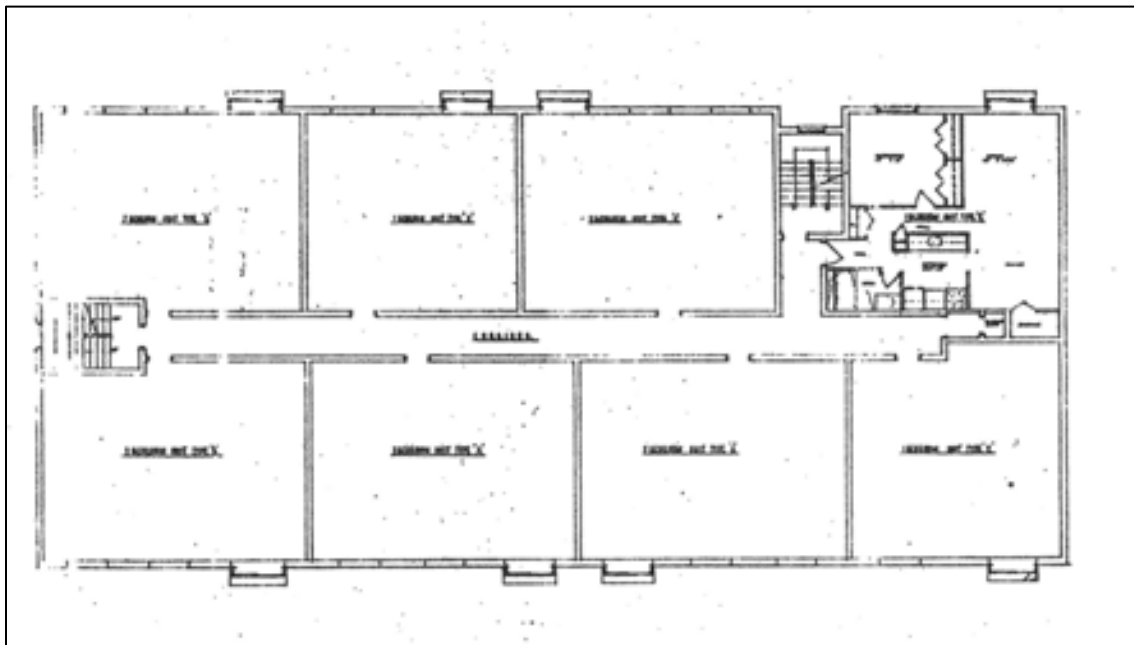


¹⁵ Formerly Schedule "D-2", Zoning By-law 8499

Figure 20.1.1.1190.3.¹⁶



Figure 20.1.1.1190.4.¹⁷



1191. In the case of the R5[1191] Zone, the following provisions shall apply:

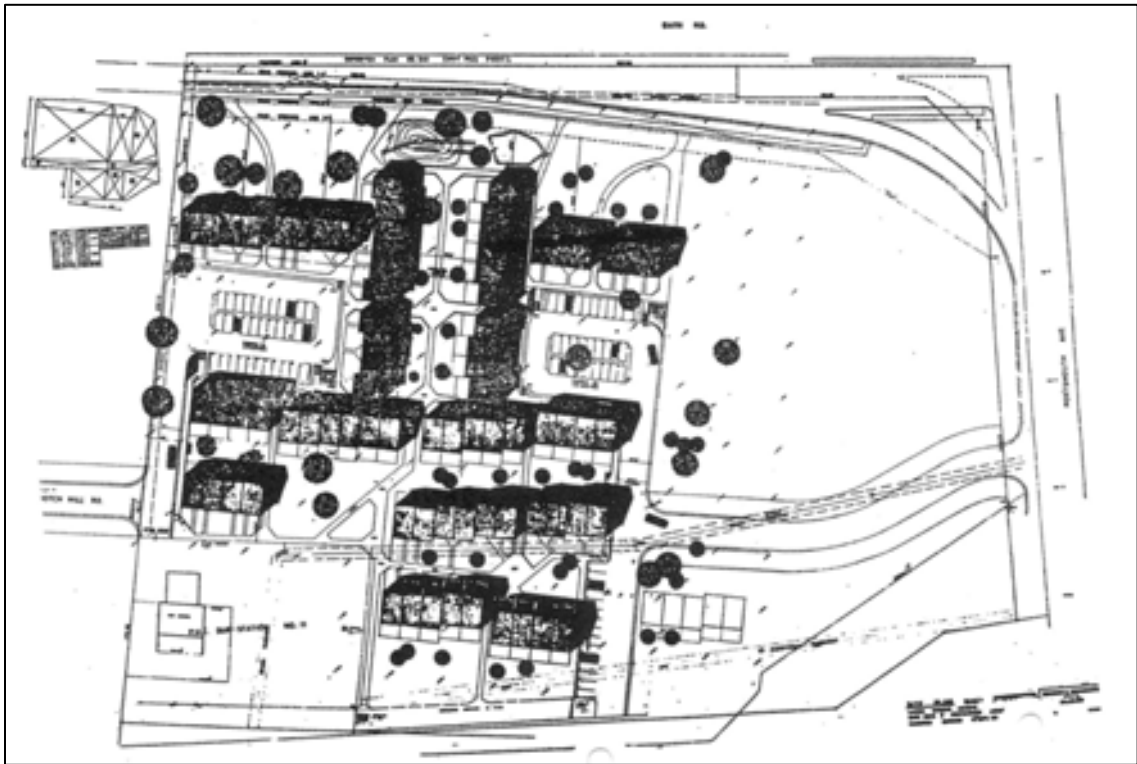
- (a) Minimum Front Setback along division street:

¹⁶ Formerly Schedule “D-3”, Zoning By-law 8499

¹⁷ Formerly Schedule “D-4”, Zoning By-law 8499

- (i) 5.0 metres for a Row Dwelling; and,
 - (ii) 7.5 metres for an apartment building
 - (b) Maximum density: 80 dwelling units per hectare
- 1192.** In the case of the R5[1192] Zone, on the approximately 0.53 hectare parcel of land located between Mowat Avenue and Yonge Street south of Logan Street, the following provisions shall apply:
- (a) The maximum building height shall be 21.3 metre.
- 1193.** In the case of the R5[1193] Zone, on the approximately 0.77 hectare parcel of land located on the North side of Barbara Avenue west of Division Street, the following provisions shall apply:
- (a) The maximum density shall be 111.2 dwelling units per hectare.
- 1194.** In the case of the R5[1194] Zone, the following provisions shall apply:
- (a) The erection and occupation of 56 three-bedroom units and 20 four-bedroom units shall be permitted provided that the location of the said buildings is in substantial conformity with the location shown on the site plan prepared by E.A. Cromarty, Architect, dated September 18, 1969, a copy of which forms part of this By-law as Figure 20.1.1.1194.

Figure 20.1.1.1194.¹⁸



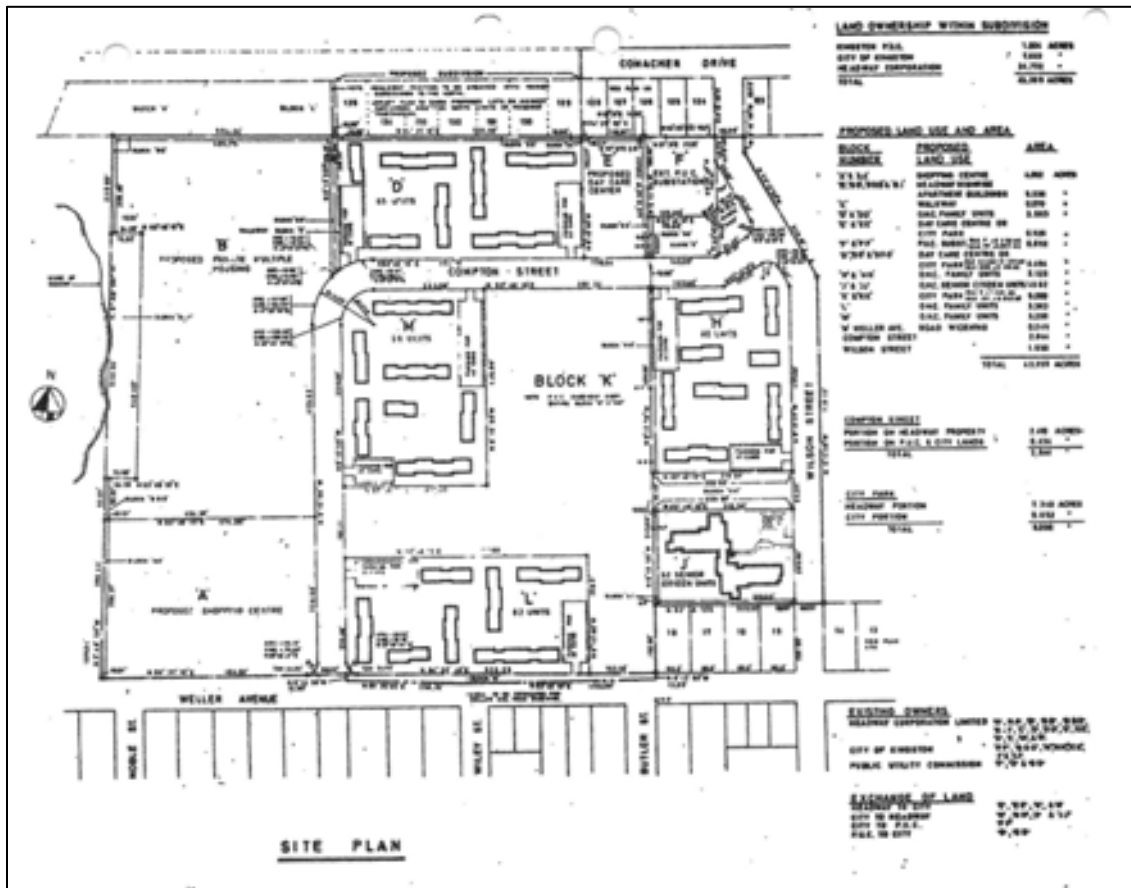
1195. In the case of the R5[1195] Zone, the following provisions shall apply, except as otherwise stipulated in Figure 20.1.1.1195. which forms part of this By-law, and/or as follows:

- (a)** Development shall be permitted only if it is in substantial conformity with the site plan prepared by Headway Corporation Limited, dated April 10, 1972, a copy of which forms part of this By-law as Figure 20.1.1.1195. Figure 20.1.1.1195. is intended to allow development subject to the provisions of the R5 zone save and except that:
 - (i)** Blocks B, D, H, J, L and M as shown on Figure 20.1.1.1195. shall be subject to the following:
 - (1)** Blocks D, H, L and M shall be used for 246 O.H.C. housing units with land area of 5.22 hectare more or less;
 - (2)** Blocks H and M shall be modified to permit 1.0 parking space per unit;

¹⁸ Formerly Schedule "F", Zoning By-law 8499

- (3) Block J shall be modified to permit 1.0 parking space for each four units;
- (4) Blocks D, H, J, L and M shall be modified to permit buildings to be erected within the required set back and side setback area;
- (5) Block B shall be modified as follows:
 - (6) to permit a maximum of 267 dwelling units in three buildings, each of which is to have a maximum height of 6 storeys;
 - (7) to provide that off-street parking facilities may be located anywhere on the lot except that no parking space may be located within 30.5 metres of a street line.
- (ii)** Blocks D, H, L and M shall be modified to permit buildings to be constructed at the rear of others and not fronting on a public street;
- (iii)** Block J shall be modified to permit a maximum of 53 dwelling units;
- (iv)** Blocks B-1, BB, BBB, C, DD, HH, and JJ as shown on Figure 20.1.1.1195. shall not permit dwelling units;
- (v)** Blocks E, EE, G, GG as shown on Figure 20.1.1.1195. shall permit a Day Care Centre only, and in the event the Blocks are not so used, then the said Blocks shall be used in perpetuity for Park purposes.

Figure 20.1.1.1195.¹⁹



1196. In the case of the R5[1196] Zone, on the approximately 1.98 hectare parcel of land located north of Elmwood Street and west of Sir John A. Macdonald Boulevard the following provisions shall apply:

- (a) The maximum number of permissible dwelling units shall be 229.

1197. In the case of the R5[1197] Zone, on the approximately 10.7 hectare parcel of land located east of Rideau Street and north of River Street, the following provisions shall apply:

- (a) The maximum number of permitted dwelling units shall be 790.

1198. In the case of the R5[1198] Zone, on the approximately 1.06 hectare parcel of land located at the northwest corner of Bath Road and Sir John A. Macdonald Boulevard, the following provisions shall apply:

¹⁹ Formerly Schedule "G", Zoning By-law 8499

- (a) the maximum permitted density shall be 131.6 dwelling units per hectare, the maximum number of permissible dwelling units shall be 140 and the minimum number of required parking spaces shall be 140.

1199. In the case of the R5[1199] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) two multiple dwellings containing up to 125 dwelling units each, and
- (c) one multiple dwelling containing up to 150 dwelling units (subject to the required amenity space (Paragraph (h)) as stated below).
- (d) The 150-unit apartment building shall have a maximum height of eleven storeys.
- (e) A coffee shop shall be a permitted accessory use within the 150 dwelling unit multiple dwelling.
- (f) The building within which the coffee shop is located shall not contain any show or display windows associated with the use which is visible from the exterior of the building.
- (g) There shall be no commercial signs visible from the exterior of the building.
- (h) Access to the coffee shop shall not be directly from the external part of the building.
- (i) Vehicle access to the property shall be limited to Portsmouth Avenue and Bath Road. There shall be no vehicle access from the property to Van Order Drive.
- (j) The minimum required amenity space shall be 15,215 square metres.
- (k) The lands shall be subject to a Holding Provision which shall only be removed once all of the applicable requirements of the holding zone provisions of this By-law have been complied with. Following removal of the Holding Provision the apartment building of up to 150 units permitted under the permitted uses as stated above will be a permitted use.

1200. In the case of the R5[1200] Zone, on the approximately 0.086 hectare parcel of land located on the east side of Alfred Street north of Princess Street, known municipally as 353-355 Alfred Street, the following provisions shall apply:

- (a) The permitted uses shall also include professional offices provided that these offices are confined within the walls of the existing building.

1201. In the case of the R5[1201] Zone, on the approximately 3.17 hectare parcel of land located on the north side of Bath Road between the two extensions of Elmwood Road, known municipally as 217-247 Bath Road, (Bowling Green Apartments), the following provisions shall apply:

- (a) The maximum number of permitted dwelling units shall be 385.
- (b) The maximum percentage of lot occupancy shall be 102.9 per cent.
- (c) The minimum required rear setback shall be 20 metres.

1202. In the case of the R5[1202] Zone, On the approximately 2.87 hectare parcel of land located on the East side of Montreal Street South of Elliot Avenue, the following provisions shall apply:

- (a) The maximum number of permitted dwelling units shall be 216.
- (b) The maximum permitted density shall be 75.3 dwelling units per hectare.

1203. Reserved.

1204. In the case of the R5[1204] Zone, on the approximately 3.72 hectare parcel of land located at the southwest corner of Queen Mary Road and Greenview Drive, the following provisions shall apply:

- (a) The maximum permitted density shall be 87.1 dwelling units per net hectare.
- (b) The maximum number of permitted dwelling units shall be 324.

1205. In the case of the R5[1205] Zone, on the approximately 3.74 hectare parcel of land located at 1102, 1106 and 1110 King Street West and commonly known as the Kingston Grain Elevator the following provisions shall apply:

- (a)** The permitted uses of the lands shall be modified as follows:
- (i)** There shall be a maximum of three buildings containing up to a maximum of 343 dwelling units and separate free standing buildings containing up to 38 townhouse units;
 - (ii)** A Retirement Home use, as defined herein, shall be a permitted use;
 - (iii)** The establishment of accessory uses complementary to a Retirement Home use, including but not limited to a hairdresser, pharmacy and small scale retail use to a maximum of 10% of the gross floor area. The accessory uses shall be exclusive to the Retirement Home residents and employees; and
 - (iv)** Also permitted shall be the on-shore facilities necessary for a marina including associated commercial and restaurant facilities, including a retail convenience store for primary use by residents as well as customers of the marina, all to a maximum floor area of 1000 square metres.
- (b)** The following provisions shall apply:
- (i)** The Front Setback provisions shall not apply;
 - (ii)** The Side Setback provisions shall not apply;
 - (iii)** The Rear Setback provisions shall not apply;
 - (iv)** The maximum lot occupancy shall be 210 percent with the lands shall being considered as one lot for zoning purposes;
 - (v)** The density provisions shall not apply;
 - (vi)** Permit a dwelling unit equivalency ratio of 2 Retirement Home suites, as defined herein, to one dwelling unit (2:1 units) for a Retirement Home use to a maximum 154 Retirement Home suites; and
 - (vii)** A reduced parking ratio of 0.60 parking spaces per Retirement Home suite shall apply to the Retirement Home use.
 - (viii)** Commercial uses, excluding the accessory Retirement Home uses but including the marina use, shall be supplied at

the rate of one parking space per each 18.5 square metres of floor area.

- (ix)** For the purposes of this Section, a Retirement Lodge or Retirement Home Use shall be defined as: a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided for the exclusive use of the residents.
- (c)** For the purposes of this Section, a Retirement Home Suite shall be defined as: a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven, but without full cooking facilities.

1206. Reserved.

1207. In the case of the R5[1207] Zone, on the approximately 2.6 hectare parcel of land located on the south side of King Street West, known municipally as 1066 King Street West and comprising the westerly portion of the property commonly known as the Richardson Dock, the following provisions shall apply:

- (a)** Two (2) multiple dwelling residential buildings containing a maximum of two hundred and twenty-five (225) residential units in total shall be permitted;
- (b)** The proposed (easterly) building on the site shall be located no further than 50 metres from King Street West;
- (c)** The total building mass for both buildings shall not exceed 27 000 square metres;
- (d)** A minimum of 220 underground parking spaces and a minimum of 109 surface parking spaces shall be provided on site for both buildings;
- (e)** Surface parking shall be permitted to within 13.5 metres of the street line;

- (f) The minimum side setback on the east side of the property shall be 9.86 metres and the minimum aggregate side setback shall be 25.8 metres.

1208. In the case of the R5[1208] Zone, On the approximately 0.67 hectare parcel of land located at 41 Joseph Street, being Part of Lots 191 to 195 of Registered Plan C22, between Joseph Street and Fraser Street the following provisions shall apply:

- (a) Purpose and Requirement for Removal of Holding Symbol:
 - (i) The use and removal of the ‘-H’ Holding Symbol shall be in accordance with the holding zone provisions of this By-law.
 - (ii) To ensure the proper redevelopment of the lands, given the findings of the Environmental Site Assessment and Soils Investigations, development for residential or community facility uses will not proceed until the following have been completed:
 - (1) An acceptable Remediation Plan is provided and carried out to the City’s satisfaction and that a Record of Site Condition is filed with the Ministry of the Environment;
 - (2) A Site Plan Control Agreement is executed by the Owner, which Agreement shall incorporate the recommendations for site remediation and all other applicable City conditions.
- (b) Permitted Interim Uses: In accordance with the holding zone provisions of this By-law.
- (c) Zone Provisions When ‘-H’ Symbol Removed:
 - (i) The following additional uses shall be permitted:
 - (1) Community Centre or Community Hall, including, but not necessarily limited to, counseling services, life skills groups, meeting spaces for clients of Home Base Non Profit Housing Inc. and other social service agencies, kitchen / cafeteria space, group counseling rooms, drop-in room, copies / supply room and offices for program staff and administration;
 - (2) Crisis Care Shelter shall be limited to a maximum occupancy of 30 persons;

- (ii) The maximum gross floor area for the additional permitted uses listed above shall be 800 square metres.
- (iii) No Crisis Care Facility, Community Centre or Community Hall use shall be located closer than 20 metres to any other residential zone.
- (iv) The maximum height of any building shall be 2 storeys, not to exceed 9.0 metres.
- (v) Off-street parking facilities for residential uses shall be provided at a ratio of 1 parking space for each of the first two units, plus 1 parking space for each additional 4 units.
- (d) The maximum permitted density shall be 69 units per net hectare.
- (e) A permitted Crisis Care Shelter use may occupy a portion of a Community Centre or Community Hall building.

1209. In the case of the R5[1209] Zone, the following provisions shall apply:

- (a) Permitted use:
 - (b) a Multiple dwelling
- (c) Minimum Setbacks:
 - (i) North property line: 4.6 metres
 - (ii) From Alfred Street: 1.5 metres
 - (iii) South property line: 8.5 metres
 - (iv) from Frontenac Street: 53 metres
- (d) Maximum Building Height: 10.5 metres
- (e) Maximum Lot occupancy: 110%
- (f) Maximum number of Residential Units: 18
- (g) Maximum number of Bedrooms per unit: 4
- (h) Maximum number of Bedrooms: 66
 - (i) For the purposes of this exception, a Bedroom shall be defined as: a residential unit that is suitable to be used as a

sleeping room under the Ontario Building Code, and which for greater certainty does not include:

- (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
 - (4) Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.
- (i) Minimum number of On-site Parking Spaces: 18 parking spaces
- (j) Minimum size of a Parking Space: 2.6 metres wide by 6.0 metres long
- (k) Minimum Amenity Space Area: 775 square metres
- (l) The following provisions shall apply:
- (i) Projection into Setbacks:
 - (1) A covered or uncovered unenclosed porch, deck, balcony or veranda may project out from the main building wall providing it is no closer than 3.7 metres to the north lot line and 7.0 metres to the south lot line.
 - (2) Uncovered steps may project 1.4 metres out from a covered or uncovered unenclosed porch, deck, or veranda providing it is no closer than 5.7 metres to the south lot line.

1210. Reserved.

1211. In the case of the R5[1211] Zone, the following provisions shall apply:

- (a) Density: maximum density shall be 159 dwelling units per hectare;
- (b) Parking: minimum parking is 1.1 spaces per unit;

- (c) Minimum height for vehicle clearance in an enclosed parking structure for a barrier free parking space shall be 2.1 metres; and
- (d) Parking is permitted in all setbacks;
- (e) Bicycle parking shall be 0.5 spaces per dwelling unit;
- (f) The minimum amenity space area shall be 16500 square metres;
- (g) The minimum aggregate side setback shall be a measurement equal to 1.25 times the height of the building; and
- (h) For the purposes of interpretation, the lands within this Zone shall be treated as a single parcel.

1212. In the case of the R5[1212] Zone, the following provisions shall apply:

- (a) Any multiple dwelling constructed, or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this By-law by the City, which was constructed in accordance with all By-laws of the City in force at that date, shall be deemed to be a use of land conforming with the provisions of this By-law. No extension, expansion or structural alteration of any kind to the said multiple dwelling may be allowed.

1213. In the case of the R5[1213] Zone, the following provisions shall apply:

- (a) Existing multiple dwelling shall be deemed to be a use of land conforming with the provisions of this By-law except that:
 - (i) No parking in association with this use shall be permitted within 36.6 metres of the south side of King Street,
 - (ii) No extension, expansion or structural alteration of any kind to the said multiple dwelling shall be allowed.

1214. In the case of the R5[1214] Zone, on the approximately 0.95 hectare parcel of land located on the east side of Ontario Street south of Lower Union Street as extended, the following provisions shall apply:

- (a) Any multiple dwelling constructed, or for the construction of which a building permit has been issued by the building Inspector, before the date of passage of this By-law by the City which was constructed in accordance with all By-laws of the

City, in force at that date, shall be deemed to be a use of land conforming with the provisions of this By-law. No extension, expansion or structural alteration of any kind to the said multiple dwelling shall be allowed.

1215. In the case of the R5[1215] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
 - an Apartment Dwelling.
- (b)** Apartment Dwelling:
 - (i)** Maximum Dwelling Units Per Block:
 - (1) 128 units, on each block shown on a registered plan of subdivision provided that the total number of units in the R4-10 Zone shall not exceed 376, and
 - (ii)** Maximum Number of Dwelling Units: The maximum number of dwelling units permitted shall not exceed a number that would generate more than 940 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:
 - (1) Number of Persons:
 - (2) Bachelor: 1.0
 - (3) 1 bedroom: 1.5
 - (4) 2 bedroom: 2.5
 - (5) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

1216. In the case of the R5[1216] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** an Apartment Dwelling House.
- (c)** Apartment Dwelling House:

- (i) **Maximum Number of Dwelling Units:** The maximum number of dwelling units permitted shall not exceed a number that would generate more than 1,743 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:

- (1) **Number of Persons:**

Bachelor: 1.0

1 bedroom: 1.5

2 bedroom: 2.5

3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

1217. In the case of the R5[1217]-H Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) an Apartment Dwelling House.
- (c) Apartment Dwelling House:
 - (i) **Maximum Height of Building:** 18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.
 - (ii) **Maximum Dwelling Units Per Lot:** 65 units
 - (iii) **Minimum Rear Setback:** Notwithstanding any provision of this By-law to the contrary, the minimum required rear setback depth for any lot which abuts the Cataraqui Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly most property boundary of the Cataraqui Cemetery.

1218. In the case of the R5[1218] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) an apartment dwelling House.
- (c) Apartment Dwelling House:

- (i) Maximum Dwelling Units Per Lot: 29 units
- (ii) Minimum Rear Setback: Notwithstanding any provision of this By-law to the contrary, the minimum required rear setback for any lot which abuts the Cataraqui Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly-most property boundary of the Cataraqui Cemetery.

1219. In the case of the R5[1219]-H Zone, the following provisions shall apply:

- (a) Notwithstanding the ‘-H’ Symbol applied pursuant to the *Planning Act*, the lands may be used in accordance with the uses and buildings existing permitted in this zone.
- (b) Removal of ‘-H’ Holding Symbol: The use and removal of the ‘-H’ Holding Symbol shall be in accordance with the holding zone provisions of this By-law.
- (c) Subject to the removal of the ‘-H’ Symbol pursuant to the *Planning Act*, on the approximately 3.9 hectare parcel of land located at 920 Gardiners Road, the following exceptions shall apply:
 - (i) The following uses only shall be permitted:
 - (ii) an Apartment Dwelling House;
 - (iii) bank;
 - (iv) a business or professional office;
 - (v) a clinic;
 - (vi) a convenience store;
 - (vii) a dry cleaning or laundry outlet;
 - (viii) a florist shop;
 - (ix) a Laundromat;
 - (x) a restaurant;
 - (xi) a take-out restaurant;

- (xii)** a retail store; and
 - (xiii)** a Public Use.
 - (d)** More than One Main Building: More than one main building may be developed on the subject property subject to compliance with all other provisions.
 - (e)** Commercial and Non-commercial Development: Where permitted commercial and non-commercial uses are located in the same building, the commercial uses shall be located on the ground floor of the building.
 - (f)** Minimum Front Setback: 6.1 metres.
 - (g)** Minimum Interior Side Setback: 8 metres.
 - (h)** Minimum Rear Setback: 7.5 metres from top of fill.
 - (i)** Flood Plain Provision: 7.5 metres from top of fill.
 - (i)** Maximum Density: 175 dwelling units per hectare.
 - (ii)** Maximum Height of Building: 39.6 metres.
 - (iii)** Parking Requirement: Subject to the parking requirements of this By-law.
 - (iv)** Loading Requirement: Subject to the parking requirements of this By-law.
 - (v)** Minimum Setback along Major Arterials
 - (vi)** The minimum building or structure setback along Gardiners Road shall be 15.24 metres plus the required front setback.
- 1220.** In the case of the R5[1220] Zone, the following provisions shall apply:
- (a)** Minimum Lot Area:
 - (i)** Single Detached Dwelling House: 312 square metres
 - (b)** Minimum Lot Frontage:
 - (i)** Single Detached Dwelling House:
 - (1)** Corner Lot: 17 metres

(2) Other Lot: 0.7 metres

(c) Maximum Number of Dwelling Units:

(i) The maximum number of dwelling units permitted shall not exceed 165.

1221. In the case of the R5[1221] Zone, the following provisions shall apply:

(a) Maximum Number of Dwelling Units: The maximum number of dwelling units permitted shall not exceed a number that would generate more than 538 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:

(i) Number of Persons

(1) Bachelor: 1.0

(2) 1 bedroom: 1.5

(3) 2 bedroom: 2.5

(4) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

(b) The density of development proposed for any single ownership within the R4-17 Zone shall not exceed 200 persons per hectare. A single ownership may involve more than one lot.

1222. In the case of the R5[1222] Zone, the following provisions shall apply:

(a) Maximum Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 140 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:

(i) Dwelling Unit Type:

(1) Number of Persons:

- (2) Bachelor: 1.0
- (3) 1 bedroom: 1.5
- (4) 2 bedroom: 2.5
- (5) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

1223. In the case of the R5[1223] Zone, the following provisions shall apply:

- (a)** Parking area location and access
 - (i)** Row Dwelling House:
 - (1) An uncovered surface parking area shall be permitted in a Front Setback.
 - (2) The number of driveways permitted on each of Blocks 106 and 107 on Registered Plan 1898 shall not exceed three (3).

1224. In the case of the R5[1224] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** an Apartment Dwelling House.
- (c)** an Apartment Dwelling House:
 - (i)** Maximum Height of Building: 18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.
 - (ii)** Maximum Dwelling Units Per Lot: 74 units, provided that the total number of units in the R4-1 Zone shall not exceed 464.
 - (iii)** Minimum Rear Setback: The minimum required rear setback for any lot which abuts the Cataraqui Cemetery shall be 30.5 metres to the easterly-most property boundary of the Cataraqui Cemetery.
 - (iv)** The lands in Auden Park known as Lot 6, Concession I: Auden Park: shall be developed in accordance with the following provisions:

- (1) Maximum Number of Dwelling Units: The maximum number of dwelling units permitted shall not exceed a number that would generate more than 275 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:
 - (2) Number of Persons
 - (3) Bachelor: 1.0
 - (4) 1 bedroom: 1.5
 - (5) 2 bedroom: 2.5
 - (6) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

1225. In the case of the R5[1225] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (b) a Nursing Home; and
 - (c) a senior citizens' Apartment Dwelling House.
 - (d) Nursing Home / senior citizens' Apartment Dwelling House:
 - (i) Minimum Setback Adjacent to Western Property Boundary:
 - (1) Nursing home: 4.0 metres.

1226. In the case of the R5[1226] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
 - (b) a Single Detached Dwelling House;
 - (c) a Semi-detached Dwelling House; or
 - (d) a Row Dwelling House.
 - (e) Single Detached Dwelling House / Semi-detached Dwelling House / Row Dwelling House:

- (i)** Minimum Lot Area:
 - (1) Semi-detached Dwelling House: 557 square metres
 - (2) Single Detached Dwelling House: 278 square metres
- (ii)** Minimum Lot Frontage:
 - (1) Single Detached Dwelling House:
 - (2) Corner Lot: 15 metres
 - (3) Other Lot: 9 metres
- (iii)** Semi-detached Dwelling House:
 - (1) Corner Lot: 24 metres
 - (2) Other Lot: 18 metres
- (iv)** Minimum Interior Side Setback:
- (v)** Single Detached Dwelling House: A Single Detached Dwelling House on a lot having a frontage of less than 18 metres shall have a minimum interior side setback of .75 metres on one side and a minimum interior side setback of 1.25 metres on the other side provided that, where the distance between the walls of two adjoining dwellings is less than 2.4 metres, no window below grade or door will be permitted in any such wall.
- (vi)** Row Dwelling House: Minimum width for a side that is not attached to another dwelling house: 1.8288 metres
- (vii)** Minimum Dwelling Unit Area: 80 square metres.

1227. In the case of the R5[1227]-H Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** a Single Detached Dwelling House;
- (c)** a Semi-detached Dwelling House; or
- (d)** a Row Dwelling House

- (e)** Single Detached Dwelling House / Semi-detached Dwelling House / Row Dwelling House:
 - (i)** Minimum Lot Area:
 - (1) Single Detached Dwelling House: 270 square metres
 - (2) Semi-detached Dwelling House: 450 square metres
 - (3) Row Dwelling House: 165 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Single Detached Dwelling House:
 - (2) Corner Lot: 11.0 metres
 - (3) Other Lot: 9.0 metres
 - (4) Semi-detached Dwelling House:
 - (5) Corner Lot: 22.0 metres
 - (6) Other Lot: 18.0 metres
 - (7) Row Dwelling House:
 - (8) Corner Lot: 10.0 metres
 - (9) Other Lot: 5.0 metres
 - (iii)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.
 - (iv)** Minimum Front Setback: 4.5 metres
 - (v)** Minimum Exterior Side Setback: 4.5 metres
 - (vi)** Minimum Interior Side Setback:
 - (vii)** Single Detached Dwelling House: 0.75 metres on one side and 1.2 metres on the other side
 - (viii)** Semi-detached Dwelling House: 1.2 metres
 - (ix)** Row Dwelling House: Minimum width for a side that is not attached to another dwelling house: 1.2 metres

- (x) Minimum Rear Setback: 6.0 metres
- (xi) Minimum Dwelling Unit Area: 80 square metres
- (xii) Maximum Lot Coverage: 50%
- (xiii) Driveways:
 - (1) Width: Driveways used for the parking of motor vehicles and used to access a permitted dwelling house shall have a maximum width of 6.0 metres or 60% of the lot frontage, whichever is less.
- (xiv) Size of Parking Space: The minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.
- (xv) Attached Private Garages: Attached private garages shall be located no closer than 6.0 metres from the lot line that the driveway crosses to access the attached private garage.

1228. In the case of the R5[1228] Zone, the following provisions shall apply:

- (a) Notwithstanding the '-H' applied pursuant to the *Planning Act*, the lands may be used in accordance with the permitted uses and provisions of the Development Reserve (DR) Zone.
- (b) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the permitted uses and provisions contained in the 'R5' the Residential Zone.
- (c) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands located on the east side of Bayridge Drive, south of Coverdale Drive, shall be developed in accordance with the following provisions:
 - (i) Additional Non-residential Permitted Uses:
 - (ii) a private club intended to serve the surrounding residential neighbourhood shall also be permitted.
 - (iii) Maximum Number of Permitted Dwelling Units: The maximum number of dwelling units permitted shall not exceed one hundred and eighty-seven (187) on all the lands of this zone.

- (iv) Single Detached Dwelling House, Semi-detached Dwelling House and Row Dwelling House: Any Single Detached Dwelling House, Semi-detached Dwelling House or Row Dwelling House constructed on the lands shall be constructed in accordance with the provisions of Section 14 (3) (o) of this By-law for Zone 'R3-15'.
- (v) The '-H' Symbol shall only be removed once the following conditions have been complied with:
 - (1) Confirmation that sufficient servicing capacity is available in the sewage treatment plant;
 - (2) All applicable City and Agency requirements have been complied with;
 - (3) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and
 - (4) City Council has passed a further amendment to this By-law to remove the '-H' Symbol pursuant to the *Planning Act*.

1229. In the case of the R5[1229]-H Zone, the following provisions shall apply:

- (a) Notwithstanding the '-H' applied pursuant to the *Planning Act*, the lands may be used in accordance with the permitted uses and provisions of the Development Reserve (DR) Zone.
- (b) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the permitted uses and provisions contained in the 'R5' the Residential Zone.
- (c) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands located at the southeast corner of Coverdale Drive and Bayridge Drive, shall be used in accordance with the following provisions:
 - (d) Permitted Uses:
 - (i) Residential Uses:
 - (ii) the residential uses permitted by the R5 Zone;
 - (iii) a Senior Citizens' Apartment Dwelling House;

- (iv)** a Nursing Home, which for the purposes of this Section shall include a rest home, Retirement Home or convalescent home.
- (v)** Non-Residential Uses:
- (vi)** a medical clinic, pharmacy and groceteria provided such uses are located within a building containing a Senior Citizens' Apartment Dwelling House or Nursing Home and provided such uses are designed to serve only the residents or employees of the Senior Citizens' Apartment Dwelling House or Nursing Home in which they are located;
- (vii)** a Home Occupation;
- (viii)** a Public Use.
- (e)** Maximum Number of Permitted Dwelling Units / Beds For any senior citizen Apartment Dwelling House or Nursing Home, or where a combined Nursing Home / Senior Citizens' Apartment Dwelling House is proposed, the maximum number of dwelling units / beds permitted shall not exceed a combined number that would generate more than 220 persons on the lands. The total number of persons generated by any such development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of beds / units by the number of persons in accordance with the following:

 - (i)** Number of Persons:

 - (1) Nursing Home Bed:1.0
 - (2) Bachelor Unit:1.0
 - (3) 1 Bedroom: 1.5
 - (4) 2 Bedroom: 2.5
 - (5) 3 Bedroom or greater: 3.5 plus 1.0 for each additional Bedroom
- (f)** Minimum Lot Coverage: The maximum percentage of lot coverage for any Nursing Home use shall be 50%.
- (g)** The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i) Confirmation that sufficient servicing capacity is available in the sewage treatment plant;
- (ii) All applicable City and Agency requirements have been complied with;
- (iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and
- (iv) City Council has passed a further amendment to this By-law to remove the ‘-H’ Symbol pursuant to the *Planning Act*.

1230. In the case of the R5[1230] Zone, the following provisions shall apply:

- (a) The lands, in accordance with this zone may be used as a parking lot for the abutting funeral home in accordance with the following provisions:
 - (i) Maximum number of parking spaces: 54 spaces.
 - (ii) No parking space or parking area shall be located closer than 1 metres from the lot line of lot 4L or Registered Plan 13M-2.
 - (iii) No access to parking spaces or parking areas shall be provided directly from a public street.
 - (iv) Use or development shall not be permitted until such time as the City has approved a site development plan; such a plan shall include but not be limited to landscaping, buffering, grading and drainage.
 - (v) In no way shall any part of the lands be used to calculate any Zoning requirement for the abutting CG[603] Zoning on the funeral home lands.

1231. In the case of the R5[1231]-H Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) an Apartment Dwelling House.
- (c) Apartment Dwelling House:
 - (i) Maximum Dwelling Units Per Lot: 43 units, provided that the total number of units in this zone shall not exceed 77.

1232. In the case of the R5[1232] Zone, the lands located at the west end of Vanguard Court shall be developed in accordance with the following provisions:

- (a)** Permitted Uses:
 - (i)** A Nursing /Retirement Home and accessory medical and commercial uses related to a Nursing/Retirement Home shall be permitted.
 - (ii)** The permitted accessory commercial uses may include, but not necessarily be limited to, a medical clinic, a pharmacy, a beauty salon/barber shop, or a groceteria, provided that any such accessory commercial uses are located within the Nursing/Retirement Home and are designed to serve only the residents or employees of the home.
- (b)** The ‘-H’ Holding Symbol applicable to this property shall be used and removed in accordance with the holding zone provisions of this By-law.

1233. In the case of the R5[1233] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** an Open Space; or
- (c)** an Amenity Area.
- (d)** Open Space / Amenity Area:
 - (i)** Minimum Lot Area:
 - (1) Semi-detached Dwelling House: 713.9599 square metres
 - (2) Semi-detached Dwelling Unit: 320.051 square metres
 - (ii)** Minimum Lot Frontage:
 - (1) Semi-detached Dwelling House: 16.764 metres
 - (2) Semi-detached Dwelling Unit: 7.62 metres
 - (iii)** Minimum Exterior Side Setback: 2.7432 metres
 - (1) Semi-detached Dwelling Unit: 2.7432 metres

1234. In the case of the R5[1234]-H Zone, the following provisions shall apply:

- (a)** Permitted Uses:
 - (i)** The residential uses subject to the zone
 - (ii)** A Senior Citizens' Apartment Dwelling House
 - (iii)** Accessory medical and commercial uses related to the Senior Citizens' Apartment Dwelling House, including but not limited to a medical clinic, personal service shop, an office, and grocery provided that any such accessory commercial uses are located within the Senior Citizens' Apartment Dwelling House and are designed to serve only the residents or employees of the house.
- (b)** Minimum Lot Frontage: 20 metres
- (c)** Maximum Height of Building: 10.5 metres
- (d)** Maximum Number of Permitted Dwelling Units: For any Senior Citizens' Apartment Dwelling House, the maximum number of dwelling units shall not exceed 160.
- (e)** The lifting of the '-H' Holding Symbol shall be subject to the holding zone provisions of this By-law.

1235. In the case of the R5[1235] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
 - (i)** a senior citizen's Apartment Dwelling House, the maximum number of dwelling units shall not exceed 170; and
 - (ii)** accessory uses to be located within and related to the senior citizen's Apartment Dwelling House, including but not limited to such uses as a medical clinic, personal service shop, an office, pharmacy, banking facility, grocery, coffee shop, recreational uses, chapel and dining facilities, provided such uses are designed to serve only the residents, employees or visitors of the house.
- (b)** Minimum Interior Side Setback: 7.5 metres
- (c)** Minimum Rear Setback: 8.0 metres

- (d)** Minimum Dwelling Unit Area:
 - (i)** Bachelor dwelling unit: 37.1612 square metres
 - (ii)** Dwelling unit containing 1 bedroom: 46.4515 square metres
 - (iii)** Dwelling unit containing 2 bedrooms: 65.0321 square metres
- (e)** Maximum Lot Coverage: 35%
- (f)** Maximum Building Height: 27.5 metres
- (g)** Minimum Privacy Setback, Ground floor living room window and habitable room window: 1.2 metres
- (h)** Children's Play Area: Not required
- (i)** Minimum Flood Plain Setback Requirement: 7.5 metres
- (j)** Setbacks Where Parking Permitted: Required parking is permitted within the front setback
- (k)** Encroachment of Ornamental Structures may project into any required setback to a maximum distance of 1 metre.
- (l)** An unenclosed porch, balcony or step may project into any required setback a maximum distance of 2 metres.
- (m)** For the purposes of this Section, the privacy setback shall be clear and unobstructed by any parking area, may be reduced to 1.2 metres, and may contain joint pedestrian access.

1236. Reserved.

1237. Reserved.

1238. In the case of the R5[1238]-H Zone, notwithstanding the provisions of this By-law, the lands may be used in accordance with the following provisions.

- (a)** Permitted Uses:
- (b)** a Row Dwelling House;
- (c)** a Semi-detached Dwelling House.
- (d)** Minimum Lot Frontage:

- (i)** Row Dwelling House
 - (1) Corner Lot: 10.0 metres
 - (2) Other Lot: 6.1 metres
- (ii)** Semi-detached Dwelling House
 - (1) Corner Lot: 20.0 metres
 - (2) Other Lot: 15.0 metres
- (iii)** Semi-detached Dwelling Unit
 - (1) Corner Lot: 11.5 metres
 - (2) Other Lot: 7.5 metres
- (iv)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.
- (e)** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6 metres from the lot line abutting the public street that the driveway crosses to access the private garage.
- (f)** Front Setback:
 - (i)** Minimum setback from front lot line: 4.5 metres for the main dwelling
 - (ii)** Maximum setback from front lot line: 7.0 metres
 - (iii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- (g)** Where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (h)** Minimum Exterior Side Setback: 3.0 metres on local roads
- (i)** Minimum Interior Side Setback:
 - (i)** Row Dwelling House: 1.2 metres for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres
 - (ii)** Semi-detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side setbacks must be 3.0 metres
- (j)** Minimum Rear Setback: 6.75 metres
- (k)** Minimum Lot Area: Not applicable
- (l)** Minimum Lot Coverage: Not applicable
- (m)** Driveways: Maximum driveway width measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is the lesser.
- (n)** Parking: Parking is permitted in the front, interior side and rear. Notwithstanding any provisions herein to the contrary, parking in the front is prohibited except where it is a driveway leading to a permitted parking area.
- (o)** Sight Triangles:
 - (i)** Uses Prohibited: Within any area defined as a sight triangle, the following uses shall be prohibited:
 - (1) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
 - (2) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0668 metres in height above the elevation of the centreline of the adjacent street;
 - (3) an uncovered surface parking area;
 - (4) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 0.9144 metres.

- (ii) Two sight triangles are required on a corner lot.
- (iii) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
- (iv) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
- (v) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1239. In the case of the R5[1239]-H Zone, the following provisions shall apply:

- (a) Permitted use:
- (b) a Row Dwelling House
- (c) Minimum Lot Area: 190 square metres
- (d) Minimum Lot Frontage on a Private Road or Lane: 6.0 metres and 12.0 metres for corner lots
- (e) Minimum Exterior Side Setback: 3.0 metres

1240. In the case of the R5[1240] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) an Apartment Dwelling House.
- (c) Apartment Dwelling House:
 - (i) Maximum Dwelling Units Per Lot: 29 units

1241. In the case of the R5[1241] Zone, the following provisions shall apply:

- (a) Lot Frontage (minimum): 20.1168 metres.

1242. In the case of the R5[1242] Zone, the following provisions shall apply:

- (a) Maximum Number of Dwelling Units: The maximum number of dwelling units permitted shall not exceed a number that would generate more than 548 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:

- (i) Number of Persons:
- (ii) Bachelor: 1.0
- (iii) 1 bedroom: 1.5
- (iv) 2 bedroom: 2.5
- (v) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

1243. In the case of the R5[1243] Zone, the following provisions shall apply:

- (a) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 240 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:

- (i) Number of Persons:
 - (1) Bachelor: 1.0
 - (2) 1 bedroom: 1.5
 - (3) 2 bedroom: 2.5
 - (4) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

1244. In the case of the R5[1244] Zone, the following provisions shall apply:

- (a)** Maximum Number of Dwelling Units: The maximum number of dwelling units permitted shall not exceed a number that would generate more than 290 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:
 - (i)** Number of Persons:
 - (1) Bachelor: 1.0
 - (2) 1 bedroom: 1.5
 - (3) 2 bedroom: 2.5
 - (4) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom.

1245. In the case of the R5[1245] Zone, the following provisions shall apply:

- (a)** All uses prohibited except:
- (b)** an Apartment Dwelling House
- (c)** Apartment Dwelling House:
 - (i)** Maximum Number of Dwelling Units: The maximum number of dwelling units permitted shall not exceed a number that would generate more than 550 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following:
 - (1) Number of Persons:
 - (2) Bachelor: 1.0
 - (3) 1 bedroom: 1.5
 - (4) 2 bedroom: 2.5
 - (5) 3 bedroom or greater: 3.5 plus 1.0 for each additional bedroom

1246. In the case of the R5[1246] Zone, the following provisions shall apply:

- (a)** The permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
- (b)** The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (c)** The minimum front setback for a single detached dwelling on a lot accessed by a rear lane shall be 3 metres. At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front.
- (d)** Single detached dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front.
- (e)** The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.
- (f)** The minimum required interior side for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
- (g)** The minimum required exterior side setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
- (h)** The minimum required rear setback shall be 14.5 metres.
- (i)** The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
- (j)** Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (k)** The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.

1247. In the case of the R5[1247] Zone, the following provisions shall apply:

- (a)** The permitted uses shall include single detached dwellings on lots accessed by a rear lane only.

- (b) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (c) The minimum front setback for a single detached dwelling on a lot accessed by a rear lane shall be 3 metres.
- (d) At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. However, for the lots at 698 and 700 Augusta Dr. as well as 1221, 1225, 1227 and 1235 Crossfield Ave. only, at least 70% of the front wall of the first storey of the main building shall be located within 4.0 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front setback.
- (e) Single detached dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front setback.
- (f) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.
- (g) The minimum required interior side for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
- (h) The minimum required exterior side setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
- (i) The minimum required rear setback shall be 14.5 metres. However, at the transition between the enclosed walkway and the rear of the main dwelling, the dwelling may project a maximum of 1.2 metres from the rear wall of the main dwelling.
- (j) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
- (k) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (l) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.

- (m) No air conditioner may be located within 1.2 metres of a rear lot line or required front setback. An air conditioner is permitted within the 1.2 metres of a side setback in a location between the midpoint of the dwelling and the rear of the dwelling only.
- (n) Enclosed walkways shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls. However, at the transition between the enclosed walkway and the rear of the main dwelling a width of up to 3.95 metres is permitted for a maximum of 1.2 metres from the rear wall of the main dwelling.

1248. In the case of the R5[1248] Zone, the following provisions shall apply:

- (a) The permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
- (b) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (c) The minimum front setback for a single detached dwelling or a semi-detached dwelling on a lot accessed by a rear lane shall be 3 metres. At least 70% of the front wall of the first storey of the main building shall be located within 2 metres of, or on, the building line. However, for the lots at 699 Augusta Dr. as well as 1261, 1263, 1269, 1271, 1273 and 1275 Crossfield Ave. only, at least 70% of the front wall of the first storey of the main building shall be located within 4.0 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front setback.
- (d) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.
- (e) The minimum required interior side setback for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
- (f) The minimum required rear setback shall be 14.5 metres. However, at the transition between the enclosed walkway and the rear of the main dwelling, the dwelling may project a maximum of 2 metres from the rear wall of the main dwelling.
- (g) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.

- (h) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (i) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage. However, for the lots at 1269, 1271, 1273, 1275 and 1277 Crossfield Ave. only, the minimum required number of parking spaces per lot shall be one (1) to be enclosed in a garage.
- (j) No air conditioner may be located within 1.2 metres of a rear lot line or required front setback. An air conditioner is permitted within the 1.2 metres of a side setback in a location between the midpoint of the dwelling and the rear of the dwelling only.
- (k) Enclosed walkways shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls. However, at the transition between the enclosed walkway and the rear of the main dwelling a width of up to 3.95 metres is permitted for a maximum of 2 metres from the rear wall of the main dwelling.

1249. In the case of the R5[1249] Zone, the following provisions shall apply:

- (a) The minimum lot frontage required for a townhouse building on a lot not accessed by a lane is 6.0 metres per unit.

1250. In the case of the R5[1250] Zone, the following provisions shall apply:

- (a) The permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
- (b) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (c) The minimum front setback for a single detached dwelling on a lot accessed by a rear lane shall be 4 metres. At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front setback.
- (d) Single detached dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front setback.

- (e) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.
- (f) The minimum required interior side setback for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
- (g) The minimum required exterior side setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
- (h) The minimum required rear setback shall be 14.5 metres.
- (i) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
- (j) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (k) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.

1251. In the case of the R5[1251] Zone, the following provisions shall apply:

- (a) The permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
- (b) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (c) The minimum front setback for a single detached dwelling on a lot accessed by a rear lane shall be 4 metres. At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front setback.
- (d) Single detached dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 10 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front setback.
- (e) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.

- (f) The minimum required interior side setback for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
- (g) The minimum required exterior side setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
- (h) The minimum required rear setback shall be 14.5 metres.
- (i) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
- (j) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (k) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.

1252. In the case of the R5[1252] Zone, the following provisions shall apply:

- (a) Maximum Height of Building:
 - (i) Apartment Dwelling House: 40 metres

1253. In the case of the R5[1253] Zone, the following provisions shall apply:

- (a) Minimum Lot Area: 1.4 hectares
- (b) Minimum Lot Frontage: 100 metres
- (c) Minimum Front Setback: 10 metres
- (d) Minimum Exterior Side Setback: 30 metres
- (e) Minimum Interior Side Setback: 10 metres
- (f) Minimum Rear Setback: 42 metres
- (g) Setbacks Where Parking is Permitted: Parking is permitted in all setbacks provided no part of any parking area, other than a driveway or any underground parking, is located no closer than 1.5 metres to a front lot line, 1.5 metres to any side lot line and 30 metres to the rear lot line.
- (h) Minimum Percentage of Landscaped Open Space: 40%
- (i) Maximum Lot Coverage: 30%

- (j)** Maximum Building Height: 45 metres
- (k)** Maximum Number of Dwelling Units per Block: 185 dwelling units
- (l)** Privacy Setbacks: A privacy setback for an apartment dwelling, unobstructed by parking area or vehicular driveway shall be provided adjoining a habitable room window with a minimum depth of 5 metres measured at right angles from such wall the window adjoins except at front entrance and loading area where a 1.5 metres setback shall be required.
- (m)** An unbroken 1.8 metres high chain link fence is required to be constructed along the westerly property line for the whole extent of this zone. The fence shall be constructed without any openings and/or gates.
- (n)** A berm(s) shall be constructed along the entire westerly property line, save and except where existing drainage and secondary emergency access need to be incorporated into the design of the berm(s) and subject to the following provisions:
 - (i)** Minimum setback from property line: 3 metres
 - (ii)** Minimum height: 4 metres at the average finished grade
 - (iii)** Minimum slope shall be: 3:1
 - (iv)** The design of the berm(s) will take into account the existing drainage from the abutting property to the west to ensure that excessive ponding does not occur as a result of the berm construction.
 - (v)** The berm(s) shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens and deciduous trees, not less than 1.524 metres high, along the crest of the berm(s); the remainder of the strip shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds or a combination thereof. The berm will be vegetated with a mix of deciduous and coniferous native species with a trunk diameter to be determined to be satisfactory to the City's Arborist in consultation with the City's Planner (Parks Development) and Senior Heritage Planner.

- (o) Minimum vertical clearance for a parking structure or underground garage shall be 2.1 metres.

1254. In the case of the R5[1254] Zone, the following provisions shall apply:

- (a) Minimum Lot Area: 1.4 hectares
- (b) Minimum Lot Frontage: 100 metres
- (c) Minimum Front Setback: 10 metres
- (d) Minimum Interior Side Setback: 10 metres
- (e) Minimum Rear Setback: 55 metres
- (f) Setbacks Where Parking is Permitted: Parking is permitted in all setbacks provided no part of any parking area, other than a driveway or any underground parking, is located no closer than 1.5 metres to a front lot line, 1.5 metres to any side lot line and 30 metres to the rear lot line.
- (g) Minimum Percentage of Landscaped Open Space: 40%
- (h) Maximum Lot Coverage: 30%
- (i) Maximum Building Height: 45 metres
- (j) Maximum Number of Dwelling Units per Block: 185 dwelling units
- (k) Privacy Setbacks: A privacy setback for an apartment dwelling, unobstructed by parking area or vehicular driveway shall be provided adjoining a habitable room window with a minimum depth of 5 metres measured at right angles from such wall the window adjoins except at front entrance and loading area where a 1.5 metres setback shall be required.
- (l) An unbroken 1.8 metres high chain link fence is required to be constructed along the westerly property line for the whole extent of this zone. The fence shall be constructed without any openings and/or gates.
- (m) A berm(s) shall be constructed along the entire westerly property line, save and except where existing drainage and secondary emergency access need to be incorporated into the design of the berm(s) and subject to the following provisions:

- (i) Minimum setback from property line: 3 metres
 - (ii) Minimum height: 4 metres at the average finished grade
 - (iii) Minimum slope shall be: 3:1
 - (iv) The design of the berm(s) will take into account the existing drainage from the abutting property to the west to ensure that excessive ponding does not occur as a result of the berm construction.
 - (v) The berm(s) shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens and deciduous trees, not less than 1.524 metres high, along the crest of the berm(s); the remainder of the strip shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds or a combination thereof. The berm will be vegetated with a mix of deciduous and coniferous native species with a trunk diameter to be determined to be satisfactory to the City's Arborist in consultation with the City's Planner (Parks Development) and Senior Heritage Planner.
 - (n) Minimum vertical clearance for a parking structure or underground garage shall be 2.1 metres.
- 1255.** In the case of the R5[1255] Zone, the lands shall be used in accordance with the following provisions:
- (a) Uses Permitted:
 - (b) an Apartment Dwelling House for the housing of the elderly;
 - (c) a church;
 - (d) a penal institution;
 - (e) a Public Use
 - (f) Minimum Lot Frontage: 20.0 metres.
 - (g) Minimum Setback Adjacent to All Property Lines: 9.0 metres
 - (h) Maximum Height of Building: 18.3 metres, provided that the total number of storeys shall not exceed six (6).
 - (i) Maximum Dwelling Units Permitted:100.

- (j) Dwelling Unit Area: 42 square metres.
- (k) Minimum Parking Requirements: 0.25 parking spaces per dwelling unit.
- (l) Parking Area Location: No parking space shall be located closer than 2.0 metres to any lot line.
- (m) Building Location and Buffering Required:
 - (i) Appropriate buffering techniques including building design, building orientation, lighting orientation and plantings shall be employed in the design of any project to both minimize any potential adverse impact of the housing project on adjacent lands and adequately protect the project site from any potential adverse impact of adjacent uses.

1256. In the case of the R5[1256] Zone, the following provisions shall apply:

- (a) Minimum Lot Area: 1.4 hectares
- (b) Minimum Lot Frontage: 100 metres
- (c) Minimum Front Setback: 10 metres
- (d) Minimum Interior Side Setback: 10 metres
- (e) Minimum Rear Setback: 65 metres
- (f) Setbacks Where Parking is Permitted: Parking is permitted in all setbacks provided no part of any parking area, other than a driveway or any underground parking, is located no closer than 1.5 metres to a front lot line, 1.5 metres to any side lot line and 30 metres to the rear lot line.
- (g) Minimum Percentage of Landscaped Open Space: 40%
- (h) Maximum Lot Coverage: 30%
- (i) Maximum Building Height: 45 metres
- (j) Maximum Number of Dwelling Units per Block: 185 dwelling units
- (k) Privacy Setbacks: A privacy setback for an apartment dwelling, unobstructed by parking area or vehicular driveway shall be provided adjoining a habitable room window with a minimum

depth of 5 metres measured at right angles from such wall the window adjoins except at front entrance and loading area where a 1.5 metres setback shall be required.

- (l) An unbroken 1.8 metres high chain link fence is required to be constructed along the westerly property line for the whole extent of this zone. The fence shall be constructed without any openings and/or gates.
- (m) A berm(s) shall be constructed along the entire westerly property line, save and except where existing drainage and secondary emergency access need to be incorporated into the design of the berm(s) and subject to the following provisions:
 - (i) Minimum setback from property line: 3 metres
 - (ii) Minimum height: 4 metres at the average finished grade
 - (iii) Minimum slope shall be: 3:1
 - (iv) The design of the berm(s) will take into account the existing drainage from the abutting property to the west to ensure that excessive ponding does not occur as a result of the berm construction.
 - (v) The berm(s) shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens and deciduous trees, not less than 1.524 metres high, along the crest of the berm(s); the remainder of the strip shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds or a combination thereof. The berm will be vegetated with a mix of deciduous and coniferous native species with a trunk diameter to be determined to be satisfactory to the City's Arborist in consultation with the City's Planner (Parks Development) and Senior Heritage Planner.
 - (vi) Minimum vertical clearance for a parking structure or underground garage shall be 2.1 metres.

1257. In the case of the R5[1257] Zone, the following provisions shall apply:

- (a) All uses prohibited except:
- (b) a housing project designed and developed solely for the purpose of housing the elderly, in accordance with the following provisions:

- (i) Minimum Rear Setback: 8.5 metres
- (ii) Maximum Height of Building: 12.2 metres
- (iii) Maximum Dwelling Units Permitted: 50

1258. In the case of the R5[1258] Zone, the following provisions shall apply:

- (a) Parking Setbacks Where Permitted: All setbacks provided that no part of any parking area, other than a driveway, is located closer than 7.62 metres to any street line or flood plain.
- (b) Maximum Height of Building:
 - (i) Apartment Dwelling House: 14.3256 metres

1259. In the case of the R5[1259] Zone, the lands shall be used in accordance with the following provisions:

- (a) Uses Permitted
- (b) a Retirement Home;
- (c) a Nursing Home;
- (d) accessory medical and commercial uses related to a Retirement Home or Nursing Home.
- (e) Minimum Interior Side Setback: $\frac{1}{2}$ the height of the building or 9.5 metres whichever is greater.

1260. In the case of the R5[1260] Zone, the following provisions shall apply:

- (a) For the purposes of defining setbacks the front setback of the property for zoning purposes shall be the property line abutting Princess Street.
- (b) Uses Permitted:
 - (i) A maximum of two apartment buildings shall be permitted with a combined maximum total of 235 apartment units.
- (c) Interior Side Setback:
 - (i) A minimum interior side setback of 19.8 metres is required abutting the adjacent CG and R1 property lines.

- (d)** Rear Setback: A minimum rear setback of 22.6 metres from Norwest Road is required.
- (e)** Maximum Building Height:
 - (i)** The maximum permitted height of the west tower shall be 39.6 metres
 - (ii)** The maximum permitted height of the east tower shall be 39.9 metres
- (f)** Required Parking Spaces: A minimum of 294 parking spaces shall be provided on the property; this total shall include the required number of barrier free parking stalls.
- (g)** Minimum Landscaped Open Space: 30% Children's Play Area
There shall be no requirement for a children's play area on this site.
- (h)** Children's Play Area: There shall be no requirement for a children's play area on this site.

1261. In the case of the R5[1261] Zone, shall be used in accordance with the following provisions:

- (a)** Minimum Interior Side Setback: 3.0 metres
- (b)** Minimum Rear Setback: 9.0 metres
- (c)** Minimum Lot Area per Unit: 69 square metres
- (d)** A Maximum of 12 parking spaces shall be permitted in the exterior side setback.
- (e)** Accessory uses are permitted in all setbacks provided the use is a minimum setback of 1.0 metres from the front lot line and 3.0 metres from any other lot line.
- (f)** For the east and north exterior walls the minimum privacy setbacks in front of a habitable window shall be 3.0 metres. No driveways or pedestrian walkways are permitted within the privacy setback.
- (g)** Children's Play Area to the contrary, a minimum of 4% of the lot area shall be used for passive recreation, which may be included in the calculation for required Open Space. The following provisions shall apply:

- (i) The passive recreational space shall be located a minimum setback of 8 metres from any ground floor habitable window and a minimum setback of 15 metres from any street line.
- (ii) A 3.0 metre strip of land along the abutting property lines shall be used for no purpose other than a planting strip. The planting strip shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof.

1262. In the case of the R5[1262] Zone, the following provisions shall apply:

- (a) Minimum Lot Frontage: 31 metres
- (b) Minimum Dwelling Unit Area:
 - (i) 1 Bedroom Dwelling Unit: 53 square metres
- (c) Within the privacy setback, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 1.09 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.5 metres above the adjacent exterior ground level.
- (d) The following provision shall apply in the setback in which required parking area permitted for a residential - Apartment Dwelling House: Rear and interior side setback only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 7.62 metres to any street line and no closer than 3.0 metres to any side lot line or rear lot line where it abuts a residential zone.
- (e) In addition to the Conditions for Removal of an –H Symbol in this By-law, a sidewalk shall be constructed on Blackburn Mews as part of the required offsite works from 810 Blackburn Mews to Taylor-Kidd Boulevard.
- (f) Notwithstanding any provisions to the contrary a children’s play area is not required.

- (g) Notwithstanding any provisions to the contrary the required parking ratio shall be 1.08 parking spaces per dwelling unit.
- (h) Notwithstanding any provisions to the contrary, the minimum privacy setback for a ground floor habitable room window for an Apartment Dwelling House of more than 10 dwelling units shall be 2.8 metres on the southwest corner of the main structure and 4.6 metres on the northwest corner of the main structure.

1263. In the case of the R5[1263] Zone, the following provisions shall apply:

- (a) Notwithstanding any provisions to the contrary, within the privacy setback, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 2.0 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.5 metres above the adjacent exterior ground level.
- (b) The following provision shall apply in the setback in which required parking area permitted for a residential - Apartment Dwelling House: Rear and interior side setback only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 7.62 metres to any street line and no closer than 1.5 metres to the lot line.
- (c) Notwithstanding any provisions to the contrary a children's play area shall consist of a minimum 2.5% of the lot area, which may be included in the area calculated as required Open Space. The play space shall not be less than 4.0 metres from a ground floor habitable room window and not less than 15.0 metres from any street line.
- (d) Off-Street Parking shall be provided as follows:
 - (i) Notwithstanding any provisions to the contrary the required parking ratio shall be 1.07 parking spaces per dwelling unit.
 - (ii) Required parking shall be provided on-site and shall not be provided using off-site and/or on-street parking.
 - (iii) The minimum size of a typical parking space located in the 'R-9' Zone shall be 2.6 metres wide and 5.2 metres long.

- (iv) The minimum width of a drive aisle adjacent to a parking space shall be 6.5 metres.
 - (e) The minimum setback from the north property line to any part of the main structure shall be 15.0 metres.
 - (f) The minimum setback for an interior side setback shall be 10.0 metres from the lot line.
 - (g) The maximum number of bedrooms permitted in the R5[1263] Zone shall be 215.
 - (h) That a secure and dry bicycle storage area shall be provided
 - (i) That the minimum number of bicycle parking spaces shall be 0.5 of a space per dwelling unit. Bicycle parking may be accommodated within the main building or structure. A minimum of 15% of the required bicycle parking shall be outside of the main structure and available for general use.
- 1264.** In the case of the RU[1264] Zone, the following provisions shall apply:
- (a) All uses prohibited except:
 - (b) the establishment of an Ontario Hydro transformer distribution station in accordance with the following provisions:
 - (i) Minimum Lot Area: 3300 square metres
 - (ii) Minimum Lot Frontage: 74 metres
 - (iii) Minimum Rear Setback: 6 metres
- 1265.** In the case of the RU[1265] Zone, the following provisions shall apply:
- (a) All uses prohibited except:
 - (b) a gas pressure provision station in accordance with the following provisions:
 - (i) Minimum Lot Area: 920 square metres
 - (ii) Minimum Lot Frontage: 20 metres
 - (iii) Minimum Interior Side Setback: 5 metres
 - (iv) Minimum Rear Setback: 10 metres

1266. In the case of the R5[1266] Zone, on those parcels of land, located east of Rideau Street between Bay Street and River Street, the following provisions shall apply:

- (a)** the only permitted uses shall be:
- multiple family dwellings;
 - group dwellings, row dwellings;
 - senior citizen apartments;
 - group homes;
 - community halls;
 - bachelor apartments;
 - accessory buildings to any use permitted in the R5[1266] zones;
 - churches and church halls.
 - municipally operated home for the aged complex as described in Paragraph (d).
- (b)** The maximum permitted density shall be 50 dwelling units per net hectare, subject to the provisions of Paragraph (d) below.
- (c)** Notwithstanding Paragraph (b) above, the maximum permitted density may be increased up to 62.5 dwelling units per net hectare pursuant to the provisions of Section 36 of the *Planning Act*, 1983 on the following basis:
- (i)** Assisted Housing: subject to Subparagraph (iv) below, one unit for each unit of assisted housing provided up to a maximum increase of 15 per cent of the maximum density provided for in Paragraph (b) above.
 - (ii)** Parkland: subject to Subparagraph (iv) below, a density increase equal to the number of dwelling units which could have been constructed on any lands dedicated as public parkland in excess of the minimum required parkland contribution up to a maximum of 15 per cent of the maximum density provided for in Paragraph (b) above.
 - (iii)** New Road Allowance: subject to Subparagraph (iv) below, a density increase equal to the number of dwelling units which could have been constructed on lands provided for a new public road allowance up to a maximum of 15 per cent of the maximum density provided for in Paragraph (b) above.

- (iv) However, in no instance shall the total increase in density provided for in Subparagraphs (i), (ii), and (iii) exceed 25% of the maximum permitted density provided for in Paragraph (b) above.
 - (v) An agreement being entered into between the property owner and the City which specifies the facilities, services or matters to be provided in exchange for an increase in density;
 - (vi) Any additional dwelling units permitted as an increase in density pursuant to (i), (ii), (iii), and (iv) above shall be subject to all applicable regulations of this By-Law.
 - (d) On the approximately 3.34 hectare parcel of land located at the northeast corner of Rideau Street and North Street, a municipally operated home for the aged complex shall be permitted. This complex shall include a 170 bed home for the aged and a 70 bed senior citizen residence and may include accessory commercial type amenities to a maximum of 1000 square metres floor area designed to provide for the day-to-day needs of the residents and staff. Also permitted shall be an auditorium primarily for use by residents and staff.

 - (i) On this site, parking may be located to within not less than 7.5 metres of any lot boundary.
- 1267.** In the Case of the R2[1267] Zone, the Creekside Valley Subdivision (1350 Woodfield Crescent) the following provisions shall apply:
- (a) Permitted Uses :

 - (i) Residential Uses:

 - (ii) Single Detached Dwelling House
 - (iii) Semi Detached Dwelling House
 - (iv) Non-Residential Uses:

 - (v) Home Occupation
 - (vi) Public Use
 - (b) Lot Frontage (minimum) Corner Lot Other Lot
 - (c) Single Detached Dwelling House 12.7 metres 9 metres

- (d)** Semi Detached Dwelling House 19 metres 15 metres
- (e)** Semi Detached Dwelling Unit 11 .5 metres 7.5 metres
- (f)** The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres. In the case of a corner lot with a sight triangle, the exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the front lot line for the purposes of calculating lot frontage.
- (g)** Front Setback
 - (i)** Minimum setback from front lot line 4.5 metres
 - (ii)** Notwithstanding Subparagraphs (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - (iii)** Notwithstanding Subparagraphs (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (h)** Exterior Side Setback (minimum): 3.0 metres
- (i)** Interior Side Setback (minimum):
 - (i)** Single Family Dwelling House: 1.5 metres
 - (ii)** Semi Detached Dwelling House: 1.5 metres for a side that is not attached to another dwelling house
- (j)** Rear Setback (minimum): 6.0 metres
- (k)** Garage:
 - (l)** The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.

- (m)** The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.
- (n)** The main entry feature means a platform, with at least one side open covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.
- (o)** The main front entrance means the door which is designed as the primary access point into the dwelling unit.
- (p)** Driveway Width
- (q)** Maximum driveway width as measured at the lot line and shall be as follows:

 - (i)** Single Detached Dwelling House: 6 .0 metres or 50% of the lot frontage, whichever is lesser
 - (ii)** Semi Detached Dwelling House: 3.5 metres
- (r)** Height (maximum)

 - (i)** Single Detached Dwelling House: 11 metres
 - (ii)** Semi Detached Dwelling House: 12 metres
- (s)** Parking
- (t)** Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (u)** Sight Triangle
- (v)** Two sight triangles are required on a corner lot. The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and

a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

- (w)** The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
- (x)** Fencing
- (y)** Fences crossing the pipeline right-of-way in Lots 46 to 49, 174 to 193 and 310 to 315 must be chain link, no taller than 1.8 metres and equipped with lock gates accessible to Trans-Northern Pipelines Inc.
- (z)** Fencing crossing the pipeline right-of-way must be chain link, no taller than 1.8 metres.

1268. In the case of the OS[1268] Zone, the following provisions shall apply:

- (a)** Existing Conditions
 - (i)** No person shall alter or remove any of the existing natural cover including shrubbery.
- (b)** Uses Permitted
 - (i)** Non-Residential Uses:
 - (ii)** a park;
 - (iii)** a stormwater management facility and associated works;
 - (iv)** a public use

1269. In the case of the EPA[1269] Zone, the following provisions shall apply:

- (a)** Additional Permitted Uses:
- (b)** Watercourse channel alignment as approved by the municipality.
- (c)** Trails:
- (d)** No trails of any kind are permitted in the EPA[1269] Zone.

1270. In the case of the R1[1270] Zone, the following provisions shall apply:

- (a)** The following uses only shall be permitted:
 - (i)** mobile home parks;
 - (ii)** commercial facilities supplying essential goods or services for exclusive use of the mobile home park residents;
 - (iii)** accessory buildings
- (b)** Minimum front yard:

No mobile home or structure may be located less than a distance of 4.5 metres from the edge of pavement of any roadway.
- (c)** Minimum side yard:

No mobile home or structure may be located less than a distance of 1.2 metres from any mobile home lot boundary.
- (d)** Minimum lot area

No mobile home or structure may be located on a mobile home lot of less than 325.0 square metres for a single width units and 418.0 square metres for double width units.
- (e)** Minimum lot width

No mobile home or structure may be located on a mobile home lot of less than 9.7 metres width for single width units and 12.0 metres width for double width units.
- (f)** Minimum and maximum mobile home size

No mobile home which is less than 12.2 metres long and 3.0 metres wide or greater than 20.0 metres long and 7.3 metres wide shall be permitted within the mobile home park. Mobile homes shall not be more than one storey in height.
- (g)** Accessory buildings
 - (i)** Maximum height is the height of the mobile home to which it is accessory.
 - (ii)** Maximum lot coverage: 10% of lot area.
- (h)** Separation

No mobile home may be located less than 4.5 metres from any other mobile home.

(i) Boundaries

No mobile home may be located less than 3.6 metres from any mobile home park boundary.

(j) No permanent commercial area shall be set aside for the sale of mobile homes within mobile home parks.

(k) No recreation vehicles as defined in this by-law shall be used for residential use.

(l) One paved parking and access pad 3.0 metres by 12.0 metres in size shall be provided on each mobile home lot.

(m) Up to 30 square metres of the rear yard or interior side yard may be used as uncovered parking area.

1271. In the case of the CD[1271] Zone, known municipally as 259-265 Princess Street, the following provisions shall apply:

(a) Requirements for Removal of Holding Symbol: The Holding Symbol shall be removed in accordance with the provisions of this By-Law and subject to the following specific requirement:

(i) Confirmation from Utilities Kingston of a contract being awarded and signed for the reconstruction of the sanitary servicing for the section of Princess Street abutting the subject property.

(b) Permitted Interim Uses: existing C1-3 uses

(c) Zone Regulations When Holding Symbol Is Removed

(i) Density: The maximum permitted density shall be 292 residential units per net hectare of land.

(d) Equipped Children's Play Area: no Children's Play Area shall be required.

(e) Height at Build-to-Plane: 4 storeys, not to exceed 17 metres.

(f) Maximum Building Height: 4 storeys, not to exceed 17 metres.

1272. In the case of the CD[1272] Zone, known municipally as 15 Earl Street, the following provisions shall apply

- (a)** Permitted Uses: The only permitted uses shall be:
- (b)** Amusement Arcade;
- (c)** Art Gallery;
- (d)** Bakery;
- (e)** Bake Shop;
- (f)** Bank or Financial Establishment;
- (g)** Bed or Breakfast Establishment;
- (h)** Church or Religious Institution;
- (i)** Commercial Entertainment Establishment;
- (j)** Commercial Establishment;
- (k)** Commercial Recreation Facility;
- (l)** Commercial School;
- (m)** Computer Programming Establishment;
- (n)** Convenience Store;
- (o)** Data Processing Establishment;
- (p)** Day Care Centre;
- (q)** Drugstore/ Pharmacy;
- (r)** Florist;
- (s)** Food Store;
- (t)** Funeral Home;
- (u)** Government Office;
- (v)** Hardware Store;
- (w)** Liquor or Beer Store;
- (x)** Medical Clinic;

- (y)** Medical Inpatient Treatment Centre;
- (z)** Medical Office;
- (aa)** Mixed Commercial/Residential Development;
- (bb)** Nursing Home;
- (cc)** Office;
- (dd)** Parking Lot;
- (ee)** Personal Service Establishment;
- (ff)** Pet-Grooming Establishment;
- (gg)** Photo or Artist Studio;
- (hh)** Private Social and Cultural Facility;
- (ii)** Public Use;
- (jj)** Rental Outlet;
- (kk)** Repair Service;
- (ll)** Restaurant;
- (mm)** Restaurant, Outdoor Patio;
- (nn)** Restaurant, Take-Out;
- (oo)** Service Establishment;
- (pp)** Specialty Retail Store;
- (qq)** Community Home;
- (rr)** Community Support House;
- (ss)** Crisis Care Shelter;
- (tt)** Home Occupation;
- (uu)** Recovery Home; and
- (vv)** Residential Care Facility.

(ww) Regulations: The regulations shall be as follows:

(i) Definitions

(ii) “Medical Inpatient Treatment Centre” – means a building providing inpatient surgical or other medical treatment for not more than four patients and may include a “Medical Clinic” use.

(iii) Holding Zone Provisions

(iv) The use and removal of the Holding (H) Symbol shall be in accordance with the provisions of this by-law.

(1) Removal of Holding Symbol: The Holding (H) Symbol shall not be removed until such time as all necessary studies as defined by City of Kingston staff are completed to the satisfaction of City of Kingston staff. Required studies shall include but are not limited to: a Heritage Impact Statement, a Noise Impact Study, a View Plane Analysis, and an Archaeological Assessment.

1273. In the case of the CD[1273] Zone, known municipally as 105 Clergy Street, the following provisions shall apply

(a) The following uses shall be permitted in addition to the uses permitted in the ‘C1’ Zone: Apartment Dwelling.

(b) Maximum Height:

(i) Maximum Height at Build-to-Plane: 4 storeys not to exceed 17 metres;

(ii) Maximum Building Height: 4 storeys not to exceed 17 metres;

(c) Parking Design:

(i) Access: Where four (4) or fewer parking spaces are required, such spaces shall be provided with one (1) combination entrance/exit lane being a minimum of three (3) metres in width;

(ii) Minimum Parking Space Dimensions: The minimum parking space dimensions for parking spaces shall be 2.6 metres wide and 5.5 metres long;

- (iii) Minimum Aisle Width: The minimum parking area aisle width providing access to the combination entrance/exit lane must have a minimum width of 5.5 metres;
- (iv) Minimum Required Number of Parking Spaces: 0.83 per dwelling unit in an Apartment Dwelling;
- (v) Minimum Lot Coverage: 35%;
- (vi) Maximum Density: 150 residential units per net hectare;
- (vii) Amenity Area:
 - (1) Minimum requirements: Common amenity area shall be provided at a rate of 10 square metres per dwelling unit;
 - (2) Design: Amenity areas must be aggregated into one area or grouped into areas of not less than 54 square metres.

1274. In the case of the CD[1274] Zone, known municipally as 122-126 Sydenham Street, the following provisions shall apply:

- (a) Zoning Interpretation: For the purposes of zoning interpretation the lands within the CD[1274] Zone shall be treated as a single parcel.
- (b) Permitted Uses shall also include: A wholly residential building containing a maximum of 12 apartment units at 228 Brock Street, including 122-126 Sydenham Street; and a maximum 3 units at 230 Brock Street;
- (c) Conversion of Commercial Buildings for Residential Use: Residential uses may be permitted on the ground floor.
- (d) Maximum Density: 235 units / net hectare;
- (e) Minimum Number of Parking Spaces: 6

1275. In the case of the CD[1275] Zone, known municipally as 232 Brock Street, the following provisions shall apply:

- (a) The following uses shall be permitted in addition to the uses permitted in the 'C1' Zone: Residential uses including residential uses on the ground floor.
- (b) Definitions: "Amenity Area" means an outdoor area exterior to the residential building, or interior area common to all residential

units within a residential building, which is designed and intended primarily for the leisure and recreation of the occupants of the building.

- (c) Maximum Height:**
 - (i) Maximum Height at Build-to-Plane:** 3 storeys not to exceed 12.75 metres;
 - (ii) Maximum Building Height:** 3 storeys not to exceed 12.75 metres.
- (d) Amenity Area:**
 - (i) Amenity areas shall be provided at a rate of 10 square metres per dwelling unit;**
 - (ii) Amenity areas, or any part thereof, shall be designed and located so that the length does not exceed four (4) times the width;**
 - (iii) Amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54 square metres.**

1276. In the case of the R1[1276] Zone, known municipally as 41 MacKenzie Crescent, the following provisions shall apply:

- (a) Additional Permitted Uses:**
- (b) A Second Residential Unit**
- (c) Prohibited Uses:**
- (d) Garden Suite;**
- (e) Boarding House;**
- (f) Lodging House.**
- (g) Second Residential Unit**
 - (i) Second Residential Unit Area:**
 - (ii) A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For**

the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (1) floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (2) an open porch or balcony; and
 - (3) areas internal to the building that are intended for the storage of vehicles.
- (iii)** Second Residential Units Per Dwelling House (maximum): 1 only
- (iv)** Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway from the front of the building to the access is provided.
- (v)** Accessory Uses, Parking, etc.:
- (1) In addition to any other parking requirements, parking space(s) required by subsection 5(16)(a) of the By-Law shall be provided for the second residential unit. Notwithstanding anything to the contrary in this By-Law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;
 - (2) An additional driveway shall not be permitted for a second residential unit.

1277. In the case of the R4[1277] Zone, known municipally as 13, 15, and 17 Grange Street, the following provisions shall apply:

- (a)** Permitted Residential Use: Row Dwelling House
- (b)** Permitted Non-Residential Use: Home Occupation, subject to this By-Law
- (c)** Maximum Number of Dwelling Units Per Property: 1

- (d) Minimum Lot Area: 180 square metres
 - (e) Minimum Lot Frontage: 5 metres
 - (f) Minimum Front Yard: 7.5 metres
 - (g) For the front yard, a covered or uncovered, unenclosed porch or steps that is greater than 1.2 metres in height may project a maximum of 2.5 metres from the main building.
 - (h) Minimum Interior Side Yard: 1.1 metres
 - (i) Minimum Aggregate Side Yard: 2.3 metres
- 1278.** In the case of the R2[1278] Zone, known municipally as 371 Division Street, the following provisions shall apply:
- (a) Permitted Uses:
 - (i) One-Family Dwelling Only
 - (b) Minimum Lot Area: 195 square metres;
 - (c) Minimum Front Yard: 0.1 metre;
 - (d) Maximum Percentage of Lot Coverage: 47%;
 - (e) Maximum Permitted Residential Building Depth: 13.4 metres;
 - (f) Parking: The minimum size of a parking space shall be 2.6 metres wide and 5.2 metres long.
- 1279.** In the case of the R2[1279] Zone, known municipally as 373 Division Street, the following provisions shall apply:
- (a) Permitted Uses:
 - (b) One-Family Dwelling
 - (c) Two-Family Dwelling
 - (d) Minimum Lot Area: 195 square metres;
 - (e) Minimum Front Yard: 1 metre;
 - (f) Maximum Permitted Residential Building Depth: 11 metres;
 - (g) Parking

- (i) The minimum size of a parking space shall be 2.6 metres wide and 5.2 metres long.

1280. In the case of the R4[1280] Zone, known municipally as 111-115 Pine Street, the following provisions shall apply:

- (a) Maximum Height: 9.5 metres;
- (b) Minimum Front Yard: 1 metre;
- (c) Minimum Side Yard: 1.3 metres;
- (d) Maximum Percentage of Lot Coverage: 36%;
- (e) Maximum Density: 77 units per net hectare;
- (f) Parking
 - (i) The minimum size of a parking space shall be 2.6 metres wide and 5.2 metres long;
 - (ii) Minimum Number of Entrance/Exit Lanes: 1 only;
 - (iii) Minimum Entrance/Exit Lane Width: 5.2 metres;
- (g) Regulations for Dwellings with Common Party Walls: For the purpose of side yard, lot width, lot area, lot coverage, lot occupancy and parking any building with common party walls shall be considered as one building occupying one lot.

1281. In the case of the IN2[1281] Zone, known municipally as 217 to 219 University Avenue and 330 William Street, the following provisions shall apply:

- (a) Uses Permitted
 - (i) Residential Uses:
 - (ii) Multiple family dwellings
 - (iii) Non-Residential Uses:
 - (iv) Neighbourhood commercial uses providing a range of convenience retail and service uses, including:
 - (v) Convenience store;
 - (vi) Food store;

- (vii)** Retail store;
 - (viii)** Laundromat;
 - (ix)** Pick-up/Drop-off Drycleaners;
 - (x)** Video Store;
 - (xi)** Take out restaurant;
 - (xii)** Coffee Shop;
 - (xiii)** Personal Services shop (i.e. hairdresser, barber, esthetician etc.)
 - (xiv)** Copy Centre.
- (b)** Zone Provisions
- (i)** Residential Uses
 - (1) Residential uses are not permitted on the first storey;
 - (2) A maximum of 8 residential dwelling units are permitted;
 - (3) A maximum of 8 bedrooms are permitted;
 - (4) A maximum of 4 bedrooms per dwelling unit is permitted;
 - (ii)** Non-Residential Uses
 - (1) A maximum of 1 non-residential unit is permitted;
 - (2) Commercial use on the first storey is mandatory;
 - (3) Non-residential uses are permitted in the first storey and cellar only;
 - (iii)** Maximum number of buildings in the IN2[1281] Zone: 1 only;
 - (iv)** Maximum Height: 12 metres,
- (c)** Roof-mounted equipment such as mechanical units and solar panels may project an additional 3 metres above the maximum permitted height.
- (d)** Minimum Front Yard: 0 metres;

- (e) Minimum Side Yard: 1.5 metres;
- (f) Aggregate Side Yard: 4.5 metres
- (g) Sight Triangles
 - (i) The first storey of all buildings on corner lots shall be set back from the street line as to maintain the sight triangle except for a single support column with a maximum horizontal cross-section of 0.65 metres.
 - (ii) The sight triangle means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 5 metres from the point of intersection of the street lines;
- (h) Amenity Space: 90 square metres;
- (i) Parking
 - (i) Minimum Number of Parking Spaces: 0 parking spaces;
 - (ii) Minimum Number of Barrier Free Parking Spaces: 0 parking spaces;
- (j) Loading Spaces
 - (i) Minimum Number of Loading Spaces: 1 Loading Space;
 - (ii) The minimum width of a loading space shall be 3 metres wide by 6 metres long;
- (k) One Lot For the Purpose of Zoning: For the purpose of zoning all lots within the IN2[1281] Zone shall be considered as one lot.

1282. In the case of the M1[1282] Zone, known municipally as 1370 John Counter Boulevard, the following provisions shall apply:

- (a) Permitted Uses are limited to:
 - (i) Prohibited uses:
 - (ii) Residential
 - (iii) Open Storage
 - (iv) Non-residential uses are limited to:

- (1) Industrial or Business Uses
 - (2) administrative, corporate, business and professional office/operations,
 - (3) commercial school,
 - (4) education centre,
 - (5) education facility,
 - (6) hotel use;
 - (7) data processing facilities, including call centres,
 - (8) film or recording studio,
 - (9) laboratory, research and development facilities,
 - (10) printing establishment
 - (11) Technologically advanced manufacturing, fabricating and assembling operations for the production high value products (non-noxious),
 - (12) Complementary/commercial uses:
 - (13) bank or financial institutions (including a maximum of one drive through),
 - (14) clinic,
 - (15) retail stores,
 - (16) restaurants (including a maximum of one drive through),
 - (17) personal service shop,
 - (18) office and business services, such as printing and equipment repair, and
 - (19) day care centre
 - (20) Public use
- (b)** Complementary/commercial uses shall be limited to a maximum of 25% of the built gross floor area.

- (c)** Accessory uses: Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;
- (d)** A maximum of 25% of the total floor area for any single tenant or business may be used for the purposes of the display and retail sale of products manufactured, processed, fabricated or assembled on the premises.
- (e)** Open storage is prohibited.
- (f)** Minimum Front Yard Depth: 3 metres
- (g)** Minimum Side Yard Depth: 3 metres
- (h)** Minimum Rear Yard Depth: 3 metres
- (i)** The minimum setback of 30 metres shall apply from Environmental Protection Area 'EPA' zone for all development (including buildings, parking areas and internal roads, but excluding stormwater management facilities).
- (j)** A landscaped area with a minimum depth of 3 metres shall be provided along arterial roads.
- (k)** A loading facility shall be provided for each building as per Section 5.4(c).
- (l)** Parking
 - (i)** The required minimum parking ratio shall be 3.0 parking spaces per 100 square metres of gross floor area
 - (ii)** The design standards of a regular parking stall shall be 2.6 metres wide by 5.2 metres long
 - (iii)** The design standards of a barrier free parking stall shall be 3.7 metres wide by 5.2 metres long.
- (m)** 'H' Holding Zone Provisions:
 - (i)** The 'H' Holding provision applies to the following uses separately or in combination:
 - (ii)** day care centre
 - (iii)** public use as per Section 5.1 (a), (b) and (c)

- (iv) education centre
- (v) education facility
- (vi) The 'H' Holding provision may be removed for any one of the above listed uses or any combination of the above uses at such time as a Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is prepared by a qualified person as defined by the City of Kingston and is completed to the satisfaction of the City of Kingston and adherence to all municipal and provincial requirements.
- (n) The 'H' Holding Zone provision will only be removed for the specified use(s) for which the Phase I Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is applicable. All other listed uses will remain subject to the holding provision. Separate assessment(s) and a Record of Site Condition and associated clearances must be submitted for all subsequent requests to remove the holding provision to permit additional listed uses.

1283. In the case of the R2[1283] Zone, known municipally at 53 West Street, the following provisions shall apply:

- (a) Additional Permitted Uses:
- (b) Semi-Detached Dwelling;
- (c) Minimum Lot Area: 260 square metres;
- (d) Minimum Front Yard: 2.4 metres;
- (e) Minimum North Interior Side Yard Setback: 0.0 metres;
- (f) Maximum Overall Building Height: 12.4 metres;
- (g) Maximum Height of Any Exterior Wall Exclusive of End Gable: 9.5 metres;
- (h) Existing Dormers: Dormers existing on the date of passage of this by-law shall be permitted;
- (i) Maximum Permitted Floor Space Index: 1.1;
- (j) Parking

- (i) Maximum Uncovered Rear Yard Parking Area: 40 Square Metres;
 - (ii) Minimum standard parking dimensions shall be 2.6 metres wide by 6.0 metres in length;
 - (k) Projections into Yards:
 - (i) A covered or uncovered, unenclosed porch and steps of any height may project into the required front yard, but shall be no closer than 0.0 metres to the front lot line;
 - (l) Regulations for Dwellings With Common Party Walls: For the purpose of side yard, lot width, lot area, lot coverage and lot occupancy regulations, the subject semi-detached dwelling unit shall be considered as a separate dwelling on a separate lot.
- 1284.** In the case of the R2[1284] Zone, known municipally as 55 West Street, the following shall apply:
- (a) Definitions:
 - (i) “Principal Residential Unit” means the main/core structure intended for human habitation, on a lot.
 - (ii) “Second Residential Unit” means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.
 - (b) Additional Permitted Uses:
 - (c) Semi-Detached Dwelling;
 - (d) A Second Residential Unit;
 - (e) Prohibited Uses:
 - (f) Garden Suite;
 - (g) Boarding House;
 - (h) Lodging House;
 - (i) Rooming House.
 - (j) Minimum Lot Area: 350 square metres;

- (k)** Minimum Front Yard: 1.2 metres;
- (l)** Minimum Interior Side Yard Setback: 0.0 metres;
- (m)** Minimum Aggregate Side Yard Setback: 0.0 metres;
- (n)** Maximum Overall Building Height: 12.5 metres;
- (o)** Maximum Height of Any Exterior Wall Exclusive of End Gable: 9.5 metres;
- (p)** Existing Dormers: Dormers existing on the date of passage of this by-law shall be permitted;
- (q)** Maximum Building Depth: 15.3 metres;
- (r)** Parking
 - (i)** Maximum Uncovered Rear Yard Parking Area: 40 Square Metres;
 - (ii)** Minimum standard parking dimensions shall be 2.6 metres wide by 6.0 metres in length;
- (s)** Projections into Yards: A covered or uncovered, unenclosed porch and steps of any height may project into the required front yard, but shall be no closer than 0.0 metres to any lot line;
- (t)** Regulations for Dwellings With Common Party Walls: For the purpose of side yard, lot width, lot area, lot coverage and lot occupancy regulations, the subject semi-detached dwelling unit shall be considered as a separate dwelling on a separate lot.
- (u)** Second Residential Unit:
 - (i)** Second Residential Unit Area: A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding
 - (1)** floor area occupied by mechanical, service, and electrical equipment that serve the building;

- (2) an open porch or balcony; and
 - (3) areas internal to the building that are intended for the storage of vehicles.
- (ii)** Second Residential Units Per Dwelling House(maximum): 1 only
- (iii)** Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway from the front of the building to the access is provided.
- (iv)** Parking and Driveway:
- (1) Second Residential Unit: 1 parking space
 - (2) An additional driveway shall not be permitted for a second residential unit.
- 1285.** In the case of the R4[1285] Zone, known municipally at 149 Collingwood Street, the following provisions shall apply:
- (a)** Maximum aggregate number of bedrooms: 12
 - (b)** Maximum number of bedrooms per dwelling unit: 2
 - (c)** Minimum front yard setback: 2.64 metres
 - (d)** Minimum side yard setback: 0.3 metres
 - (e)** Minimum aggregate side yard setback: 2.6 metres
 - (f)** Maximum percentage of lot coverage 37%
 - (g)** Minimum amenity area: 55 square metres
 - (h)** There shall be no minimum play space requirement.
 - (i)** Required number of parking spaces: 3
 - (j)** The front porch is permitted a minimum of 1.27 metres from the front lot line;
 - (k)** Bicycle parking area: overhead clearance in covered spaces shall be a minimum of 1.8 metres.

- 1286.** In the case of the CM[1286] Zone, known municipally as 83 Durham Street, the following provisions shall apply:
- (a)** Definitions:
 - (b)** “Principal Residential Unit” means the main/core structure intended for human habitation, on a lot.
 - (c)** “Second Residential Unit” means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.
 - (d)** Additional Permitted Uses:
 - (e)** A Second Residential Unit.
 - (f)** Prohibited Uses:
 - (g)** Garden Suite;
 - (h)** Boarding House;
 - (i)** Lodging House;
 - (j)** Rooming House.
 - (k)** Multiple Uses on the Same Lot: Multiple uses permitted in both the “A” Zone and the “C4” Zone are not permitted to exist at the same time on the same lot.
 - (l)** Provisions:
 - (i)** The following provisions shall apply to uses permitted in the ‘A’ Zone.
 - (ii)** Minimum Lot Area: 420 square metres;
 - (iii)** Minimum Front Yard: 4 metres;
 - (iv)** Minimum Aggregate Side Yard: 1.5 metres;
 - (v)** Uncovered Parking Area: Up to 34 square metres of the rear yard may be used as an uncovered parking area;
 - (vi)** Holding (H) Symbol: Uses permitted within the “A” Zone are not subject to the provisions of a holding (H) symbol.

- (m) Second Residential Unit:**
 - (i) Limitation:**
 - (1) A second residential unit is only permitted within a building or structure permitted in the 'A' Zone.
 - (ii) Location**
 - (1) A second residential unit is permitted to be located within a cellar.
 - (iii) Second Residential Unit Area:**
 - (iv) A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:**
 - (1) floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (2) an open porch or balcony; and
 - (3) areas internal to the building that are intended for the storage of vehicles.
 - (v) Second Residential Units Per Dwelling House (maximum): 1 only**
 - (vi) Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum .9 metre wide unobstructed walkway from the front of the building to the access is provided.**
 - (vii) Parking and Driveway:**
 - (1) Second Residential Unit: 1 parking space
 - (2) An additional driveway shall not be permitted for a second residential unit.

1287. In the case of the R2[1287] Zone, known municipally at 129 Calderwood Drive, the following provisions shall apply:

(a) Definitions:

- (i)** “Principal Residential Unit” means the main/core structure intended for human habitation, on a lot.
- (ii)** “Second Residential Unit” means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.

(b) Additional Permitted Uses:

- (i)** A Second Residential Unit

(c) Prohibited Uses:

- (i)** Garden Suite;
- (ii)** Boarding House;
- (iii)** Lodging House;
- (iv)** Rooming House.

(d) Second Residential Unit:

- (i)** Second Residential Unit Area:
- (ii)** A second residential unit shall have a gross floor area not exceeding 40 percent of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:
 - (1)** floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (2)** an open porch or balcony; and
 - (3)** areas internal to the building that are intended for the storage of vehicles.

- (iii)** Second Residential Units Per Dwelling House (maximum): 1 only
- (iv)** Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway from the front of the building to the access is provided.
- (v)** Parking and Driveway:
 - (1) Second Residential Unit: 1 parking space
 - (2) The required parking may be provided through a tandem or stacked parking arrangement on a driveway located in the side yard.
- (vi)** An additional driveway shall not be permitted for a second residential unit

1288. In the case of the CM[1288] Zone, known municipally at 14 Garrett Street, the following provisions shall apply:

- (a)** Definitions:
 - (i)** 'Parking structure' shall mean a building or structure used for the parking of vehicles above or below finished grade, and is permitted as a principle use on a lot'.
- (b)** Permitted Uses:
 - (i)** Accessory buildings subject to the provisions of the zone regulating the main building as set forth herein
 - (ii)** Bakeries (provided that the food products prepared on the premises are retailed directly from the same premises)
 - (iii)** Banks
 - (iv)** Boarding houses and rooming houses subject to the provisions of zone B
 - (v)** Bowling alleys, pool and billiard halls
 - (vi)** Churches, community halls and parish halls subject to the provisions for zone B

- (vii)** Community Centres subject to the provisions for zone B
- (viii)** Community Homes
- (ix)** Community Support House
- (x)** Crisis Care Shelters
- (xi)** Day Care Centre
- (xii)** Fraternal organizations or similar institutions of public character subject to the provisions of zone B
- (xiii)** Hospitals as defined by the Public Hospitals Act, R.S.O. (1970) Chapter 378
- (xiv)** Hotels
- (xv)** Laundries and dry cleaners (provided that the cleaning operation takes place upon the same premises as an associated pick-up and delivery agency)
- (xvi)** Lay or religious fraternity houses or boarding houses where occupied by students, used exclusively for the purposes of habitation or congregational meetings and supervised by the authorities of a public educational institution, subject to the provisions for zone B
- (xvii)** Libraries, art galleries and museums subject to the provisions for zone A
- (xviii)** Multiple family dwellings containing three or four dwelling units subject to the provisions of zone B
- (xix)** Multiple family dwellings containing five or more dwelling units
- (xx)** Offices for or in connection with businesses or professions
- (xxi)** Offices for printing or publishing
- (xxii)** Parking Lots as defined in Section 4.59 of this by-law and subject to the following regulations:
 - (1) All parking lots are subject to site plan control approval

- (2) The surface of the parking lot shall be paved or properly leveled, drained and treated to prevent the escape of dust
- (3) Any lights used to illuminate the parking lot shall be arranged to deflect light downward and away from adjacent premises.
- (4) No commercial business involving the repair of or service to vehicles shall be permitted thereon, nor the sale or display thereof shall be conducted from or upon such premises

(xxiii) Parking Structure

(xxiv) Places of amusement

(xxv) Recovery Homes

(xxvi) Retail stores or shops

(xxvii) Residential Care Facilities

(xxviii) Restaurants

(xxix) Sanitariums, or institutions for philanthropic or charitable uses, other than correctional uses, and other than for the treatment of inebriates or persons suffering from insanity or other mental disease, infectious disease, or contagious disease, subject to the provisions for zone B

(xxx) Senior citizen apartments

(xxxi) Shopping centres

(xxxii) Theatres

(xxxiii) Undertakers' establishments

(c) Ground floor commercial:

(i) The ground floor use of any building or structure is required to be commercial.

(d) Minimum Required Front Yard: 0.9 metres

(e) Surface Parking:

- (i) Surface parking is permitted within any portion of a yard.
 - (ii) Surface parking is permitted within 1.5 metres of any adjacent residential zone or zone which permits a residential use.
 - (iii) Surface parking shall be screened from any adjacent residential zone or zone which permits a residential use, by a sight obscuring buffer, such as, but not limited to; a fence; wall; hedge; or, barrier, a minimum of 1.4 metres high
 - (iv) Surface parking shall be screened from any street by a sight obscuring buffer such as, but not limited to; a fence; wall; hedge; or, barrier, a minimum of 1.0 metre high
- (f) Parking Structure:
- (i) A wall or barrier with a minimum height of 1.4 metres is required on each level of a parking structure
- (g) Angular plane: All buildings and structures adjacent to a residential zone shall fit within an angular plane taken from a height of 7.0 metres above the established grade at the lot line. Above this height, subsequent storeys shall fit within a 45 degree angular plane
- (h) Minimum Parking Space Dimensions:
- (i) 2.6 metres wide and 5.2 metres long, not including barrier free spaces.
- (i) Minimum Parking Access Lane Width: 6.0 metres.
- 1289.** In the case of the R4[1289] Zone, known municipally as 440 Brock Street, the following shall apply:
- (a) Up to three dwelling units may be developed and the following provisions shall apply:
 - (i) Maximum number of dwelling units: 3;
 - (ii) Maximum aggregate number of bedrooms: 13;
 - (iii) Maximum number of 3-bedrooms dwelling units: 1;
 - (iv) Maximum number of 5-bedrooms dwelling units: 2;

- (v) Minimum front yard setback: 2 metres;
- (vi) Minimum exterior side yard setback: 0.3 metres;
- (vii) Minimum side yard setback: 0 metres;
- (viii) Maximum percentage of lot coverage: 43%;
- (ix) Minimum amenity area: 15 square metres;
- (x) Minimum play space: 0 square metres; and
- (xi) Maximum Density: 91 dwelling units per net hectare.

1290. In the case of the R2[1290] Zone, known municipally at 84 Centre Street, the following provisions shall apply:

- (a) Definitions:
 - (i) “Principal Residential Unit” means the main/core structure intended for human habitation, on a lot.
 - (ii) “Second Residential Unit” means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.
- (b) Additional Permitted Uses:
- (c) A Second Residential Unit
- (d) Prohibited Uses:
- (e) Garden Suite;
- (f) Boarding House;
- (g) Lodging House; and
- (h) Rooming House.
- (i) Second Residential Unit:
 - (i) Second Residential Unit Area:
 - (ii) A second residential unit shall have a gross floor area not exceeding 40 percent of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For

the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (1) Floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (2) An open porch or balcony; and
 - (3) Areas internal to the building that are intended for the storage of vehicles.
- (iii)** Second Residential Units Per Dwelling House (maximum): 1 only
- (iv)** Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway, that does not impede drainage, from the front of the building to the access provided;
- (v)** Parking and Driveway:
- (1) Second Residential Unit: 1 parking space
 - (2) The required parking may be provided through a tandem or stacked parking arrangement on a driveway located in the front yard and the driveway may have a maximum width of 4.2 metres.
- (vi)** An additional driveway shall not be permitted for a second residential unit"; and

1291. In the case of the OS1[1291] Zone, known municipally as 621 and 623 King Street West, the following provisions shall apply:

- (a)** Additional Permitted Use:
- (i)** An office use within the former Portsmouth Town Hall building up to a maximum floor area of 315 square metres
- (b)** Parking:

- (i) Parking for an office use shall be provided at a rate of 1 parking space for every 28.0 square metres of gross leasable floor area.
 - (ii) Parking may be provided off-site within a radius of 400 metres from the OS1[1291] zone
 - (iii) Required barrier free parking spaces shall be provided on site.
 - (c) **Bicycle Parking:** A minimum of 3 bicycle parking spaces shall be provided on-site
- 1292.** In the case of the CM[1292] Zone, known municipally at 720 Princess Street, the following provisions shall apply:
- (a) **Definitions:**
 - (i) “Amenity Area” means an outdoor area exterior to the residential building, or interior area common to all residential units within a residential building, which is designed and intended primarily for the leisure and recreation of the occupants of the building.
 - (b) **Lot Lines:**
 - (i) **Side Lot Lines:**
 - (1) The western and eastern lot lines shall be deemed side lot lines.
 - (ii) **Rear Lot Line**
 - (1) The southern lot lines that abut the properties fronting on Durham Street shall be deemed rear lot lines.
 - (c) **Ground Floor Height (minimum):** 4.5 metres.
 - (d) A 32 square metre expansion at the northwest frontage of the property along Princess Street shall be permitted to have the same floor to ceiling height as the existing building.
 - (e) **Accessory Structures:**
 - (i) **Minimum Rear Yard:** 0 metres;
 - (f) **Parking:**

- (i)** Required Parking Spaces
 - (1) Residential: 0.5 parking spaces per dwelling unit;
 - (2) Commercial: 1 parking space for every 150 square metres of gross leasable area;
 - (ii)** The minimum size of a parking space shall be 2.6 metres wide by 5.2 metres long;
 - (iii)** Parking and loading is permitted in the yard abutting Toronto Street.
- (g)** Amenity Area:
- (i)** Amenity areas shall be provided at a rate of 10 square metres per dwelling unit;
 - (ii)** Amenity areas, or any part thereof, shall be designed and located so that the length does not exceed four (4) times the width;
 - (iii)** Amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54 square metres;
 - (iv)** No play space shall be required.

1293. In the case of the CL[1293] Zone, known municipally as 873 and 877 Division Street, the following provisions shall apply:

- (a)** Notwithstanding the provisions of Section 5 and Section 21 hereof to the contrary, the C1.487 Zone shall apply to regulate the uses within the existing structure on the date of passing of this by-law. Any new development or redevelopment of the property shall be required to comply with the performance standards of the C1 zone and all other general provisions of by-law 8499 as amended, with the exception of the following provisions:
 - (i)** Uses Permitted
 - (ii)** Residential Uses:
 - (1) Two accessory dwelling units provided that such dwelling units are located within the existing commercial structure as of the date of passing of this by-law

- (iii)** Non-Residential Uses:
 - (iv)** Neighbourhood commercial uses providing a range of convenience retail and service uses, including:
 - (1) Convenience store;
 - (2) Food store of less than 223 square metres;
 - (3) Retail store;
 - (4) Laundromat;
 - (5) Pick-up/drop-off drycleaners;
 - (6) Take-out restaurant;
 - (7) Restaurant;
 - (8) Coffee shop;
 - (9) Bakery or bake shop;
 - (10) Florist;
 - (v)** Consumer service and repair shop (i.e. Small appliance/computer repair service etc.);
 - (vi)** Offices for or in connection with a business or profession;
 - (vii)** Medical office;
 - (viii)** Banks or financial institutions;
 - (ix)** Drug store;
 - (x)** Delicatessen;
 - (xi)** Accessory buildings to any permitted use;
 - (xii)** Personal services shop (i.e. Hairdresser, barber, esthetician etc.); and Copy centre
- (b)** Zone Provisions
- (i)** Non-Residential Uses within existing structure
 - (1) Maximum Gross Leasable Area – 246 square metres;

- (2) Shall be permitted on the ground floor only.
- (3) Minimum Rear Yard for existing structure: 3.85 metres
- (ii) Any new development is required to comply with the setbacks of the C1 zone.
- (c) Parking
 - (i) Existing Parking in the front yard shall be permitted in accordance with the Amendment to Streets By-Law 2004-190, approved by council on December 1, 2015;
 - (ii) If the existing building on the property is demolished and the site is redeveloped in accordance with the C1 zone provisions all parking is required to be provided on site and shall not encroach into the municipal right of way.
- (d) Non-Residential Parking Spaces:
 - (i) Minimum number of parking spaces: One (1) per 35 square metres;
 - (ii) One (1) non-residential parking space shall be provided completely on-site;
 - (iii) Minimum of one (1) barrier free parking; and
 - (iv) No loading space is required.
- (e) Residential Parking Spaces:
 - (i) Minimum of one (1) parking space per dwelling unit.
- (f) (-H) Holding Zone Provisions
 - (i) The following uses are prohibited until such time as the (-H) Holding Symbol is removed:
 - (1) Laundromat;
 - (2) Personal service shop;
 - (3) Consumer service and repair shop; and
 - (4) Medical offices.

- (g)** Notwithstanding Section 5.39 to the contrary, the (-H) Holding Symbol shall be removed once a Municipal-Industrial Strategy for Abatement (MISA) manhole is available or can be made available;

1294. In the case of the R3[1294] Zone, known municipally at 54 Wiley Street, the following shall apply:

(a) Definitions:

- (i)** “Principal Residential Unit” means the main/core structure intended for human habitation, on a lot.
- (ii)** “Second Residential Unit” means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.

(b) Minimum Lot Area: 311 square metres

(c) Additional Permitted Uses: A Second Residential Unit

(d) Second Residential Unit:

- (i)** Second Residential Unit Area:
- (ii)** A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:
- (1)** floor area occupied by mechanical, service, and electrical equipment that serve the building
 - (2)** an open porch
 - (3)** areas internal to the building that are intended for the storage of vehicles
- (iii)** Maximum Second Residential Units Per Dwelling House: 1 unit only

(iv) Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side of the building where a minimum 1.2 metre walkway from the front of the building to the access is provided. The walkway shall be narrowed to 0.9 metres for a maximum distance of 2.0 metres.

(v) Parking:

(1) A minimum 1 parking space shall be provided for the second residential unit.”

1295. In the case of the R2[1295] Zone, known municipally at 199 Wilson Street, the following provisions shall apply:

(a) Definitions:

(i) “Lane” shall mean a private access which affords access within a property and is not assumed or maintained by a public body.

(b) Permitted Uses:

(c) Row dwellings

(d) Stacked row dwellings

(e) Second residential unit is permitted in a row dwelling

(f) Parks

(g) Home occupations

(h) Lot Frontage (minimum):

(i) on a lot accessed by a lane: 5.5 metres per unit

(ii) on a lot not accessed by a lane: 6.5 metres per unit

(i) Front Yard Depth (minimum, exclusive of garage):

(i) on a lot accessed by a lane: 1.5 metres

(ii) on a lot not accessed by a lane: 4.5 metres

(j) Interior Side Yard (minimum):

- (i) interior unit: 0.0 metres
 - (ii) end unit: 1.2 metres
- (k) Exterior Side Yard (minimum): 2.4 metres
- (l) Rear Yard (minimum):
 - (i) on a lot accessed by a lane: 14.5 metres
 - (ii) on a lot not accessed by a lane: 6.0 metres
- (m) Land Use Buffer Strip: Land within 6 metres of the rear lot line of any property with frontage on Jean Worrell Crescent shall be used for no other purposes than landscaping or open space.
- (n) Height (maximum): 12.0 metres
- (o) Density (maximum): 75 units per net hectare
- (p) Parking:
 - (i) There shall be no individual driveways permitted from MacCauley Street
 - (ii) For stacked row dwellings, a separate parking lot shall be provided within 60 metres of the stacked row dwelling units for at least 50 percent of the required parking.
 - (iii) Front yard parking is permitted for a row dwelling house that includes a second residential provided that the required parking for the residential uses is in a tandem parking alignment.
- (q) At least 70 percent of the front wall of the first storey of the main building shall be located within 1.5 metres of the building line. In no case shall the front wall be located in the minimum required front yard.
- (r) A driveway shall be a minimum of 6.0 metres long and maximum of 3.5 metres wide regardless of whether access is provided by a public street or private lane.
- (s) Second Residential Unit:
 - (i) Second residential units are permitted in row dwellings

(ii) Definitions:

- (1) “Principal Residential Unit” means the main/core structure intended for human habitation on a lot.
- (2) “Second Residential Unit” means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.

(iii) Second Residential Unit Area:

(iv) A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (1) floor area occupied by mechanical, service, and electrical equipment that serve the building
- (2) an open porch
- (3) areas internal to the building that are intended for the storage of vehicles

(v) Maximum Second Residential Units Per Dwelling House: 1 unit only

(vi) Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway from the front of the building to the access is provided.

(vii) Parking and Driveway:

- (1) A second residential unit shall have a minimum of 1 parking space.
- (2) An additional driveway shall not be permitted for a second residential unit.

- (3) Tandem parking shall be permitted for a row dwelling use with a second residential unit.

1296. In the case of the R1[1296] Zone, known municipally as 199 Wilson Street, the following provisions shall apply:

(a) Definitions:

- (i)** “Principal Residential Unit” means the main/core structure intended for human habitation, on a lot.
- (ii)** “Second Residential Unit” means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.

(b) Additional Permitted Uses: A Second Residential Unit

(c) Second Residential Unit:

(i) Second Residential Unit Area:

- (ii)** A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (1) floor area occupied by mechanical, service, and electrical equipment that serve the building
- (2) an open porch
- (3) areas internal to the building that are intended for the storage of vehicles

(iii) Maximum Second Residential Units Per Dwelling House: 1 unit only

- (iv)** Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side of the building where a minimum 1.2 metre walkway from the front of the building to the access is provided.

(v) Parking:

- (1) A second residential unit shall have a minimum of 1 parking space.
- (2) An additional driveway shall not be permitted for a second residential unit.
- (3) Tandem parking shall be permitted.

1297. In the case of the R4[1297] Zone, known municipally as 462 Barrie Street, the following provisions shall apply:

(a) Definitions:

(i) Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:

- (1) Common areas open to all occupants of the unit;
- (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and
- (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.

(b) Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.

(c) Notwithstanding the provisions of Zone R4[1297], the existing building on the passing of By-Law Number 2016-86, shall only be converted to a maximum of 3 dwelling units, with the following requirements:

- (i)** Minimum Lot Area: 275 square metres
- (ii)** Maximum Number of Dwelling Units: 3
- (iii)** Maximum Aggregate Number of Bedrooms: 3
- (iv)** Minimum Amenity Area:
- (v)** 54.1 square metres provided in the rear yard

- (vi) 10.4 square metres provided in the front yard
- (vii) Aggregate amenity area of 64.5 square metres
- (d) Off-Street Parking
 - (i) A minimum of 2 parking spaces shall be provided
 - (ii) Minimum Number of Bicycle Parking Spaces: 3
 - (iii) Minimum Bicycle Parking Space dimension shall be 0.3 metres wide by 1.8 metres in length
- (e) Projections into Yards: A covered or uncovered, enclosed stairwell 3.0 metres in height may project into the required side yard, but shall be no closer than 2.4 metres to the side lot line.

1298. In the case of the CL[1298] Zone, known municipally as 169 Union Street, the following provisions shall apply to the building as existing on the date of the passage of this by-law with approximately 500 square metres of gross floor area:

- (a) Only Permitted Uses:
 - (b) Convenience store
 - (c) Laundromat
 - (d) Pick-up/Drop-off Drycleaners
 - (e) Video Store
 - (f) Take out Restaurant
 - (g) Coffee Shop
 - (h) Personal Services Shop
 - (i) Professional office including medical office limited to a single practitioner
 - (j) Day care centre
 - (k) One-family dwellings, two-family dwellings and three family dwellings, provided that such dwellings are located within a commercial structure;
 - (l) Accessory buildings to any permitted use

- (m)** Professional dentist office, or professional office of a similar nature.
- (n)** Parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long and a minimum adjacent drive aisle width of 6.1 metres
- (o)** Barrier free parking spaces shall have minimum dimensions of 3.7 metres wide by 5.2 metres long. The drive aisle adjacent to a barrier free parking space shall have a minimum width of 6.3 metres.

1299. In the case of the R2[1299] Zone, known municipally as 358 Victoria Street, the following provisions shall apply:

- (a)** Definitions:
 - (i)** Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
 - (1) Common areas open to all occupants of the unit;
 - (2) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and
 - (3) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment
 - (b)** Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.
 - (c)** Notwithstanding the provisions of Zone R2[1299], the existing building on the passing of By-Law Number 2016-97, shall only be converted to a maximum of 2 dwelling units, with the following requirements:
 - (i)** Minimum Lot Area: 612 square metres
 - (ii)** Maximum Number of Dwelling Units: 2
 - (iii)** Maximum Aggregate Number of Bedrooms: 9
 - (iv)** Minimum Front Yard Setback: 4.73 metres

- (v) Minimum Building Depth: 18.33 metres
- (vi) The use of a cellar as a portion of a dwelling unit or as a habitation unit is permitted;
- (d) Existing Accessory Structure
 - (i) Minimum side yard (north): 0.15 metres
- (e) Access: The second residential unit shall have separate access from that of the principle residential unit. Access shall be provided at the front of the building for the principle residential unit, and at the side or rear of the building for the second dwelling unit, where there is a minimum 0.87 metre wide unobstructed walkway, that does not impede drainage.
- (f) Off-Street Parking:
 - (i) Parking in a stacked/tandem arrangement shall be permitted for a maximum of two parking spaces
 - (ii) One parking space shall be provided for each dwelling unit

1300. In the case of the CM[1300] Zone, the following provisions shall apply:

- (a) In addition to the uses permitted in the CM Zone, the permitted uses shall also include: Hospice Facility; Retirement Home; and Pharmacy/Drugstore.
- (b) For the purposes of CM[1300] Zone, a Hospice Facility shall be defined as: an establishment, where end of life care is provided consistent with the needs of the residents. Such establishment may include offices, facilities for therapy or medical treatment, and uses incidental, accessory and supportive of the hospice use.
- (c) For the purposes of the CN[1300] Zone, a Pharmacy/Drugstore shall be defined as: an establishment where prescription drugs are dispensed, medical devices and supplies and non-prescription medicines are sold, and where non-medical products may also be sold.

1301. In the case of the OS1[1301] Zone, known municipally as 809-829 Development Drive, the following shall apply:

- (a) Permitted Uses: An accessory use, to a permitted use of the 'R4-38' Zone such as a private walkway.

- (b) Buildings and Structures: No buildings or structure is permitted to be erected within an ‘OS-19’ Zone.”

1302. In the case of the R3[1302] Zone, known municipally as 2192 and 2196 Swanfield Street, the following shall apply

- (a) Residential Uses:
- (b) Single Detached Dwelling House;
- (c) Semi Detached Dwelling House;
- (d) Row Dwelling House;
- (e) Additional Permitted Uses:
- (f) A Second Residential Unit.
- (g) Prohibited Uses:
- (h) Garden Suite;
- (i) Boarding House;
- (j) Lodging House.
- (k) Lot Area (minimum):
 - (i) Single Detached Dwelling House: 278 square metres
 - (ii) Semi Detached Dwelling House: 557 square metres
 - (iii) Row Dwelling House: 210 square metres
- (l) Lot Frontage (minimum):
 - (i) Single Detached Dwelling House: 9.0 metres
 - (ii) Semi Detached Dwelling House: 18.0 metres
 - (iii) Row Dwelling House: 6.1 metres
- (m) Front Yard (minimum): 6.0 metres
- (n) Interior Side Yard (minimum):
 - (i) Single Family Dwelling House: 1.2 metres on one side and 0.6 metres on the other. The 0.6 metres side yard shall be

required to abut a 1.2 metres side yard on an adjacent property.

- (ii)** Semi Detached Dwelling House: 1.2 metres
- (iii)** Row Dwelling House: 1.2 metres
- (o)** Rear Yard (minimum): 6.0 metres
- (p)** Dwelling Unit Area (minimum): 80 square metres
- (q)** Lot Coverage (maximum): 50 %
- (r)** Driveways:
 - (i)** Maximum driveway width shall be 6.0 metres or 60% of lot frontage, whichever is less.
- (s)** Parking:
 - (i)** Required Parking Spaces: 1
 - (ii)** Parking Space Requirements: Minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.
- (t)** Setback From Centreline Of Road: Any building or structure shall be setback the minimum front yard depth or exterior side yard depth required for such use plus 9 metres to the centre line of the road.
- (u)** Second Residential Unit
 - (i)** Second Residential Unit Area: A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:
 - (1)** floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (2)** an open porch or balcony; and,

- (3) areas internal to the building that are intended for the storage of vehicles.
 - (v) Second Residential Units Per Dwelling House (maximum): 1 only
 - (w) Access: The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway from the front of the building to the access is provided.
 - (x) Accessory Uses, Parking Etc.: In addition to any other parking requirements, 1 parking space shall be provided for the second residential unit. Notwithstanding anything to the contrary in this By-Law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;
 - (y) An additional driveway shall not be permitted for a second residential unit.
- 1303.** In the case of the R4[1303] Zone, known municipally as 1024 Cataraqui Woods Drive (Phase 2), the following provisions shall apply:
- (a) Permitted Uses:
 - (b) Single Detached Dwelling House
 - (c) Semi Detached Dwelling House
 - (d) Three or Four Unit Row Dwelling House
 - (e) Lot Area (Minimum):
 - (i) Single Detached Dwelling House: 292 square metres
 - (ii) Semi Detached Dwelling Unit: 200 square metres
 - (iii) Row Dwelling Unit: 170 square metres
 - (f) Density: The minimum number of residential units per net hectare of land within the R4[1303] zone on land to be used only for dwelling units, excluding roads, parks and other uses, shall be 42 dwelling units per net hectare.

- (g)** (4) Lot Frontage – Corner Lot (Minimum):
 - (i)** Single Detached Dwelling House: 12.75 metres
 - (ii)** Semi Detached Dwelling Unit: 10.50 metres
 - (iii)** Row Dwelling Unit: 9.20 metres
- (h)** Lot Frontage – Other Lot (Minimum):
 - (i)** Single Detached Dwelling House: 9.75 metres
 - (ii)** Semi Detached Dwelling Unit: 7.50 metres
 - (iii)** Row Dwelling Unit: 6.10 metres
- (i)** Front Yard Depth (Minimum):
 - (i)** To House: 4.50 metres
 - (ii)** To Garage: 6.00 metres
- (j)** Exterior Side Yard Width (Minimum): 3.00 metres
- (k)** Interior Side Yard Width (Minimum):
 - (i)** With an attached garage: 1.20 metres
 - (ii)** Without an attached garage: 1.20 metres one side and 3.00 metres on the other side, unless there is a common party wall, in which case the minimum side yard shall be 0.0 metres.
- (l)** Rear Yard Depth (Minimum):
 - (i)** 6.00 metres
 - (ii)** Notwithstanding Section 14(3)(dd)(9)(i) all lots backing onto Cataraqui Woods Drive shall have a minimum rear yard depth of 8.50 metres
- (m)** Lot Coverage (Maximum):
 - (i)** Single Detached Dwelling House: 50 %
 - (ii)** Semi Detached Dwelling Unit: 50 %
 - (iii)** Row Dwelling Unit: 50 %

- (n)** Interior Garage Width: For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.
- (o)** Driveway Width: The maximum width of a driveway for its entire length shall be:

 - (i)** Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
 - (ii)** Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
 - (iii)** Row Dwelling Unit:

 - (1) 4.0 metres
 - (2) Corner Lots - a maximum driveway width of 5.0 metres where it is located in an exterior side yard
- (p)** Parking: Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.
- (q)** Landscaped Open Space: 30 %
- (r)** Maximum Height: 10.50 metres
- (s)** Sight Triangles:

 - (i)** Notwithstanding any regulations to the contrary:
 - (ii)** Uses Prohibited:
 - (iii)** Within any area defined as a sight triangle, the following uses shall be prohibited:

 - (1) a building, structure or use which would obstruct the vision of drivers of motor vehicles
 - (2) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
 - (3) uncovered surface parking area

- (iv) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres.
 - (v) Two sight triangles are required on a corner lot:
 - (1) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (2) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (t) Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.
 - (u) Yard Encroachments: A cantilevered fireplace may project into any required yard a maximum distance of 0.6 metres.
- 1304.** In the case of the R4[1304] Zone, known municipally as 1024 Cataragui Wood Drive (Phase 3), the following provisions shall apply:
- (a) Permitted Uses:
 - (b) Single Detached Dwelling House
 - (c) Semi Detached Dwelling House
 - (d) Three or Four Unit Row Dwelling House
 - (e) Lot Area (Minimum):
 - (i) Single Detached Dwelling House: 292 square metres
 - (ii) Semi Detached Dwelling Unit: 200 square metres
 - (iii) Row Dwelling Unit: 170 square metres

- (f)** Density: The minimum number of residential units per net hectare of land within the R3-31 zone on land to be used only for dwelling units, excluding roads, parks and other uses, shall be 21 dwelling units per net hectare.
- (g)** Lot Frontage – Corner Lot (Minimum):
 - (i)** Single Detached Dwelling House: 12.75 metres
 - (ii)** Semi Detached Dwelling Unit: 10.50 metres
 - (iii)** Row Dwelling Unit: 9.20 metres
- (h)** Lot Frontage – Other Lot (Minimum):
 - (i)** Single Detached Dwelling House: 9.75 metres
 - (ii)** Semi Detached Dwelling Unit: 7.50 metres
 - (iii)** Row Dwelling Unit: 6.10 metres
- (i)** Front Yard Depth (Minimum)
 - (i)** To House: 4.50 metres
 - (ii)** To Garage: 6.00 metres
- (j)** Exterior Side Yard Width (Minimum): 3.00 metres
- (k)** Interior Side Yard Width (Minimum):
 - (i)** With an attached garage: 1.20 metres
 - (ii)** Without an attached garage: 1.20 metres one side and 3.00 metres on the other side, unless there is a common party wall, in which case the minimum side yard shall be 0.0 metres.
- (l)** Rear Yard Depth (Minimum): 6.00 metres
- (m)** Lot Coverage (Maximum)
 - (i)** Single Detached Dwelling House: 50%
 - (ii)** Semi Detached Dwelling Unit: 50%
 - (iii)** Row Dwelling Unit: 50%

- (n)** Interior Garage Width: For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.
- (o)** Driveway Width: The maximum width of a driveway for its entire length shall be:

 - (i)** Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
 - (ii)** Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
 - (iii)** Row Dwelling Unit:

 - (1) 4.0 metres
 - (2) Corner Lots - a maximum driveway width of 5.0 metres where it is located in an exterior side yard
- (p)** Parking: Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.
- (q)** Landscaped Open Space: 30 %
- (r)** Maximum Height: 10.50 metres
- (s)** Sight Triangles: Notwithstanding any regulations to the contrary:

 - (i)** Uses Prohibited: Within any area defined as a sight triangle, the following uses shall be prohibited:

 - (1) a building, structure or use which would obstruct the vision of drivers of motor vehicles
 - (2) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
 - (3) an uncovered surface parking area
 - (4) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres.

(ii) Two sight triangles are required on a corner lot:

- (1) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
- (2) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line. Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(t) Yard Encroachments: A cantilevered fireplace may project into any required yard a maximum distance of 0.6 metres.

1305. In the case of the RUR[1305] Zone, known municipally as 530 Maple Lawn Drive, the following provisions shall apply:

- (a)** Lot Area (minimum): 1.0 hectares
- (b)** Setback from 1:100 year floodplain (minimum): 15 metres

1306. In the case of the CG[1306] Zone, known municipally as 607 and 645 Gardiners Road, the following provisions shall apply:

(a) Only Permitted Residential Uses:

An accessory dwelling unit in the upper portion of a Non-Residential building

(b) Only Permitted Non-Residential Uses:

an appliance rental shop
an auditorium
an automatic car wash
an automobile service station
a bank

- a boat sales establishment
 - a business or professional office
 - a copy shop
 - a clinic
 - a commercial club
 - a commercial school
 - a convenience store
 - a day nursery
 - a dry-cleaning or laundry outlet
 - a gasoline retail facility
 - a home occupation
 - an institute
 - a laundromat
 - a merchandise service shop
 - a personal service shop
 - a private club
 - a public use in accordance with the provisions of Section 5(18) hereof
 - a recreational establishment
 - a restaurant
 - a retail store
 - a shopping centre consisting of any of the permitted uses listed herein
 - a supermarket
 - a take-out restaurant
 - a vehicle sales or rental establishment, with limited service and/or repair operations
 - a veterinary clinic
 - a wholesale use accessory to a permitted use
- (c)** Gross Floor Area (Maximum): The combined gross floor area of all uses shall not exceed 7,293 square metres.
- (d)** ‘-H’ Holding Zone Provisions:

- (i) That a Holding Symbol ‘-H’ shall be applied to the ‘C2-72’ zone as indicated on Schedule ‘A’ attached hereto. The ‘H’ Holding provision applies to the following uses separately or in combination:
 - (1) Accessory dwelling unit in the upper portion of a non-residential building located at 607 Gardiners Road.
 - (2) A day nursery located at 607 Gardiners Road.
- (ii) In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of ‘-H’ Symbols, the following provisions shall also apply:
 - (1) The ‘H’ Holding provision may be removed for any one of the above listed uses or any combination of the above uses at such time as an applicable Record of Site Condition and all required supporting studies, prepared by a qualified person as defined by the City of Kingston, is completed to the satisfaction of the City of Kingston and adhering to all municipal and provincial requirements.
 - (2) The ‘H’ Holding Zone provision will only be removed for the specified use(s) for which an approved Record of Site Condition and supporting studies are applicable. All other listed uses will remain subject to the holding provision. A separate Record of Site Condition and supporting studies must be submitted for all subsequent requests to remove the holding provision to permit additional listed uses.

1307. In the case of the CA[1307] Zone, the following uses shall apply:

- (a) The following uses shall be permitted:
 - a single-detached dwelling house;
 - a boat sales establishment and accessory office, warehouse and showroom
 - a travel trailer and/or mobile home sales establishment;
 - a vehicles sales or rental establishment.
- (b) The subject lands lying between the fill line along Westbrook Creek (as determined by the Cataraqui Region Conservation Authority) and the existing chain link security fence will be permitted the following uses:

Outdoor storage;

Boat storage building.

- (c)** Rear yard depth (minimum): 10 feet from the existing chain link fence located south of the fill line.
- (d)** Existing buildings are hereby deemed to be in compliance with the minimum setbacks. Any new buildings or additions to existing buildings shall be built in accordance with the setback regulations of this By-Law.
- (e)** The permitted showroom use shall be associated with the boat, travel trailer, mobile homes and vehicles sales or rental establishment only and shall be attached to the northeast side of the existing one storey garage, located on the property known municipally as 3667-3669 Princess Street. The maximum floor area permitted for a showroom shall not exceed 272 square metres.
- (f)** The permitted office use shall only be associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment and shall be located within the existing one storey office building on the property known municipally as 3667-3669 Princess Street.
- (g)** The warehouse use associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment shall be located to the south of the gas pipeline easement and be located within the one storey Quonset structures. The warehouse use shall only be permitted in conjunction with the permitted boat, travel trailer, mobile home, and vehicles sales or rental establishment located at 3667-3669 Princess Street. The warehouse structures will be permitted to encroach into the rear portion of the 'C3-16' Zone, south of the fill line extending to the perimeter fence located to the north of the Westbrook Creek. The warehouse will not be permitted to extend beyond the perimeter fence into the Westbrook Creek.
- (h)** No open storage of goods or materials shall be permitted except in accordance with the following provisions:

 - (i)** Every open storage use shall be accessory to the use of the main building on the lot.
 - (ii)** An open storage use shall only be permitted in a rear yard.

- (iii) Notwithstanding Subparagraph (ii) above, in the case of a boat, travel trailer, mobile homes sales, vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer to a street than the minimum front yard setback.
 - (iv) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.
 - (i) Nothing in this By-Law shall prevent an area set aside outside of a building or structure within a commercial zone, which is used in conjunction with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment located within the building or structure and located on the same lot, to be used for the display or retail sales of seasonal produce or new merchandise, provided such area:

 - (i) Is seasonal in nature and does not include a permanent retailing area; and,
 - (ii) Is not located within a fire lane, a parking area or a loading space required to fulfill the provisions of the Zoning By-Law, or a driveway or passageway which provides an access route for vehicular traffic across the lot or to an improved street which abuts said lot.
 - (j) A minimum of 25 off street parking spaces shall be provided to accommodate all uses on the site.
 - (k) One required loading space as per the requirements of Section 5(12).
 - (l) All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.
- 1308.** In the case of the CA[1308] Zone, known municipally as 3188 Princess Street, the following provisions shall apply:
- (a) In addition to the uses permitted in Section 20(1)(a) and (b), the following uses shall also be permitted:

 - (i) a retail store; and
 - (ii) a business office accessory to a permitted use.

- (b) An accessory business office shall be restricted to a maximum of 25 percent of the gross floor area of any building or structure occupying the subject property.

1309. In the case of the M2[1309] Zone, known municipally as 1660-1674 Sydenham Road, the following provisions shall apply:

- (a) For the purposes of the M2[1309] Zone, the following definitions shall apply:

- (i) “Self-service Storage Facility” means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include personal property such as: general merchandise, furniture, household items, licensed vehicles, equipment, tractors and recreational vehicles; hazardous materials such as: explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.
- (ii) “Recreational Vehicle” means any vehicle, or portable structure designed to be towed or carried by a vehicle, which is used for temporary recreational travel and/or accommodation and shall include motor homes, camper trailers, converted buses, boats and boat trailers or similar equipment.

- (b) Permitted uses limited to:

an accessory dwelling unit.

an automobile body shop limited to a maximum floor area of 561.7 square metres;

a self-service storage facility;

an open storage area;

a warehouse.

- (c) Prohibited uses:

a salvage yard;

hazardous material storage such as that of explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours.

- (d)** For the purposes of the M2[1309] Zone, no open storage of goods or materials shall be permitted, except in accordance with the following provisions:
 - (i)** Every open storage area shall be accessory to the main use of the Self-service Storage Facility use and may include licensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles.
 - (ii)** Every open storage area shall comply with the yard setback provisions of Section 5(20) and Section 24(2)(c)(ii) hereof as if such open storage area were a building or structure.
 - (iii)** An open storage area shall be limited to an area approved through the Site Plan Control process.
 - (iv)** Notwithstanding Subparagraph (ii) above, no open storage area shall be located in a front yard, or an interior side or rear yard which abuts a Residential Zone or a Development 'D' Zone.
 - (v)** Every open storage area shall be visually screened and enclosed within a solid fence which is not less than 2.4 metres in height, constructed of durable materials and maintained in good condition.

1310. In the case of the M2[1310] Zone, known municipally as 2400 Highway 38 and part of 3175 Unity Road, the following provisions shall apply:

- (a)** Permitted uses limited to:
 - (b)** a fabricating plant;
 - (c)** a manufacturing plant;
 - (d)** a contractor's or tradesman's shop;
 - (e)** a processing plant;
 - (f)** a retail outlet, a wholesale outlet or a business office accessory to a permitted use.
- (g)** Front yard depth (minimum): 14 metres
- (h)** Visitor parking: A maximum of three visitor parking spaces may be located at a minimum distance of 2 metres from the street

line and shall be screened from the street with a landscaped planting strip, not less than 2 metres wide.

- (i) No open storage of goods or materials shall be permitted, except in accordance with the following provisions:
 - (i) Every open storage use shall be accessory to the main use of the building on the lot.
 - (ii) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and Section 25(2)(c) hereof as if such open storage area were a building or structure provided, however, that such use complies with Subparagraph (i) above.
 - (iii) Notwithstanding Subparagraph (ii) above, no open storage use shall be located in a front yard.
 - (iv) Every open storage use shall be visually screened within a closed wooden, metal, plastic fence constructed of durable materials and/or a landscaped screen consisting of coniferous planting, extending at least 1.8 metres in height above the ground and maintained in good condition.
 - (v) Notwithstanding Subparagraphs (iii) and (iv) above, a maximum of 30 square metres of open storage area may be located in the front yard without screening and shall be used for product display only.

1311. In the case of the RM1[1311] Zone, municipally known as 2185 Perth Road, the following provisions shall apply:

- (a) Permitted Uses limited to:
 - (b) commercial garage
 - (c) contractor's or tradesman's shop
 - (d) contractor's yard
 - (e) equipment maintenance and repairs
 - (f) industrial repair shop
 - (g) warehouse
 - (h) retail sales accessory to a principal use

- (i) open storage associated with a permitted use
- (j) an office associated with a permitted use
- (k) Minimum Required Yards: For the purposes of the RM1[1311] zone the zone boundaries shall be considered lot lines.
- (l) Front yard: 24 metres
- (m) Rear yard: 12 metres
- (n) Interior side yard: 12 metres
- (o) Landscape Strip:
 - (i) a minimum 5.0 metre wide landscaping strip shall be provided along the lot line adjacent to Perth Road
 - (ii) a landscape strip shall include a mixture of coniferous and deciduous trees which will provide a sight obscuring buffer, and shall include an existing quarry face.

1312. In the case of the DR[1312] Zone, municipally known as 1233 Midland Avenue, the following provisions shall apply:

- (a) the lands shall only be used for access to a use permitted in the 'C2-73' Zone.

1313. In the case of the M1[1313] Zone, municipally known as 1329-1383 Gardiners Road, the following provisions

- (a) Residential uses are prohibited
- (b) Permitted Business Park Uses:
- (c) Data processing and related services
- (d) Business offices
- (e) Professional offices
- (f) Laboratory, research, development facilities carried out within enclosed buildings
- (g) Film or Recording Studio
- (h) Printing Establishment

- (i) Public use
- (j) Permitted Commercial Uses:
- (k) Bank or financial institution
- (l) Clinic
- (m) Restaurant and patio
- (n) Restaurant, freestanding
- (o) Restaurant, take-Out
- (p) Dry cleaning and related services
- (q) Personal service shop
- (r) Minimum number of loading spaces: six
- (s) Permitted Commercial Uses: shall be restricted to a maximum of 25% of the built gross floor area, except 371.6 square metres of gross floor area of Commercial Uses may be constructed prior to the maximum 25% restriction coming into effect.
- (t) Landscaped Open Space: A 7.0 metre wide landscaped planting strip excluding driveways shall be provided along the lot line adjacent to Gardiners Road. A 2.0 metre landscaping strip abutting the rear lot line shall not be required.
- (u) For the purposes of zoning interpretation the lands within the M1[1313] Zone:
 - (i) shall be treated as a single parcel

1314. In the case of the M1[1314] Zone, municipally known as 1110 and 1150 Gardiners Road, the following provisions shall apply:

- (a) Residential uses are prohibited.
- (b) Permitted Business Park Uses:
- (c) Business Office;
- (d) Administrative, professional and technical services, such as printing and equipment repair, which are intended to support the business park area;

- (e)** Professional office;
- (f)** Data processing and related services operation;
- (g)** Film or recording studio;
- (h)** Laboratory, research, or development facility;
- (i)** Printing establishment;
- (j)** Commercial School;
- (k)** Dry cleaning and related services;
- (l)** Technologically advanced manufacturing;
- (m)** Veterinary clinic;
- (n)** Technical training facility
- (o)** Permitted Commercial Uses:
- (p)** Club, private;
- (q)** Club, commercial;
- (r)** Clinic;
- (s)** Restaurant and patio;
- (t)** Restaurant, freestanding;
- (u)** Restaurant, take-out;
- (v)** Personal service shop;
- (w)** Bank or financial institution
- (x)** Permitted uses within the existing building at 1150 Gardiners Road also include warehouse and distribution centre.
- (y)** Permitted commercial uses shall be limited to a maximum of 25% of the built gross floor area on the property.
- (z)** Accessory Uses:
 - (i)** Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;

- (ii)** Accessory retail uses associated with the sale of products assembled and manufactured on the site and any permitted non-residential uses shall be restricted to a maximum 25% of the built gross floor area of any single tenant or business.
 - (aa)** Minimum Front Yard Depth: 7 metres
 - (bb)** Minimum Side Yard Depth: 3 metres
 - (cc)** Maximum Lot coverage: 60%
 - (dd)** Landscaped Open Space:
 - (i)** 10% landscaped area at 1150 Gardiners Road;
 - (ii)** 20% landscaped area at 1110 Gardiners Road;
 - (iii)** 7 metres along an arterial road. A 2 metre landscaping strip abutting an interior lot line shall not be required. No landscape buffer shall be required for the existing building at 1150 Gardiners Road.
 - (ee)** Required parking ratio: 3.4 spaces per 100 square metres of gross floor area;
 - (ff)** Parking is prohibited within 5 metres from any street line;
 - (gg)** Parking stall design standard: 2.6 metres wide and 5.2 metres long;
 - (hh)** Barrier free parking stall design standards: 3.7 metres wide and 5.2 metres long.
- 1315.** In the case of the RUR[1315] Zone, the following provisions shall apply:
- (a)** Uses Permitted
 - (b)** a detached single unit dwelling house
 - (c)** a home occupation
 - (d)** a public use
 - (e)** Prohibited Uses: marine facilities (including but not limited to boathouses and/or docks)
 - (f)** Zone Provisions

- (g)** For lots with dual zones that include the FP-6 zone, the combined area of the two zones shall be used for the purpose of calculating minimum lot area and minimum lot frontage
- (h)** Lot Area (minimum): 1.0 hectare
- (i)** Lot Frontage (minimum): 50 metres
- (j)** Front Yard Depth (minimum): 15 metres
- (k)** Exterior Side Yard Width (minimum): 15 metres
- (l)** Interior Side Yard Width (minimum)
- (m)** For lots with one interior side yard abutting the FP-6 zone: the interior side yard setback shall be a minimum of 15 metres from the FP-6 zone and 3 metres where the interior side yard does not abut the FP-zone. The minimum setback of 15 from the FP-6 zone shall also apply to accessory structures.
- (n)** For lots that do not have interior side yards that abut the FP-6 zone, the interior side yard(s) shall be a minimum of 6 metres each.
- (o)** Rear Yard Depth (minimum): 15 metres, except for rear yards that include the FP-6 zone, where the minimum rear yard setback shall be 15 metres from the FP-6 zone.
- (p)** Height of Building (maximum): 12 metres
- (q)** No structures shall be located closer than 40 metres from the high water mark of Colonel By Lake, defined as 88.92 metres G.S.C.
- (r)** The first 30 metres inland from the high water mark of Colonel By Lake, defined as 88.92 metres GSC shall be maintained as a 'no cut' buffer area within which there is no disturbance of the soil mantle or vegetation cover.
- (s)** No structures shall be located closer than 15 metres from the 'FP-6' zone.
- (t)** No structures shall be located closer than 30 metres from the 'OS-15' zone.

1316. In the case of the RUR[1316] Zones, the following provisions shall apply:

- (a) a detached single family dwelling house
- (b) a home occupation
- (c) a public use
- (d) Prohibited Uses: marine facilities (including but not limited to boathouses and/or docks)
- (e) Lot Area (minimum): 1.0 hectare
- (f) Lot Frontage (minimum): 30 metres
- (g) Front Yard Depth (minimum): 15 metres
- (h) Exterior Side Yard Width (minimum): 15 metres
- (i) Interior Side Yard Width (minimum): 6 metres
- (j) Rear Yard Depth (minimum): 15 metres
- (k) Dwelling Unit Area (minimum): 140 square metres
- (l) Landscaped Open Space (minimum): 50%
- (m) Lot Coverage (maximum): 15%
- (n) Height of Building (maximum): 9 metres
- (o) Dwelling Houses Per Lot (maximum): 1 only
- (p) No structures shall be located closer than 5 metres of the unnamed watercourse located on Lots 1 and 11, as shown on Schedule 'B' forming part of By-Law 2016-48.
- (q) Any development/structure shall be setback a minimum of 30 metres from the 'OS-20' zone, as shown on the attached Schedule 'A' and Schedule 'B' forming part of By-Law 2016-48.
- (r) Water Setbacks from Colonel By Lake/River Styx:
 - (i) All development/structures shall be setback a minimum of 40 metres from the high water level of Colonel By Lake/River Styx, or 30 metres from the maximum recorded water level, defined as 88.92 metres G.S.C., whichever is greater, as shown on the attached Schedule 'B' forming part of By-Law 2016-48.

- (ii) The first 30 metres inland from the high water level of Colonel By Lake/River Styx or the maximum recorded water level of Colonel By Lake/River Styx, defined as 88.92 metres G.S.C., whichever is greater, as shown on the attached Schedule 'B' forming part of By-Law 2016-48, shall be maintained as a 'no cut' buffer area within which there is no disturbance of the soil mantle or vegetation cover.

1317. In the case of the RUR[1317] Zone, municipality known as 3950 6th Concession Road, the following provisions shall apply:

- (a) Existing Accessory Structure:
 - (i) Rear Yard Depth (minimum): 1.5 metres;
 - (ii) Expansion Prohibited
- (b) No expansion of an accessory building that would increase the floor area of the building within 7.5 metres of the rear lot line is permitted.

1318. In the case of the RUR[1318] Zone, municipally known as 6 Huntmill Crescent and 1075 Highway 2, the following provisions shall apply:

- (a) Definitions
 - (i) "Lot Frontage" For the purposes of the RUR[1318] Zone, "Lot Frontage" is located on Huntmill Drive and means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point thereon not less than the minimum required front yard depth and not greater than 10.67 metres from the front lot line;
- (b) Lot Area (Minimum): 2,000 square metres;
- (c) Lot Frontage (Minimum): 12 metres
- (d) Parking Area Regulations:
 - (i) Yards Where Permitted: Notwithstanding the yard provisions of this By-Law to the contrary, uncovered surface parking areas shall be permitted in the following areas:
 - (1) Rear Yard;

- (2) Interior Side Yard;
 - (3) Front Yard beyond a distance of 50 metres measured from the front lot line abutting Huntsmill Crescent.
- (e)** Existing Accessory Structure:
- (i)** Interior Side Yard (Minimum): 0.4 metres;
 - (ii)** Floor Area (Maximum): 42 square metres.
- 1319.** In the case of the R3[1319] Zone, the following provisions shall apply:
- (a)** Permitted Use: a detached single family dwelling house
 - (b)** Lot Frontage (minimum)
 - (i)** Corner Lot: 10.8 metres
 - (ii)** Other Lot: 9 metres
 - (c)** Front Yard Depth (minimum): 3.0 metres
 - (d)** Rear Yard Depth (minimum): 6.75 metres
 - (e)** Holding Provision: In addition to the provisions of Section 5, the 'H' Holding Symbol shall only be removed once the following conditions have been complied with:
 - (i)** confirmation of sufficient servicing capacity for the development to the satisfaction of the City and Utilities Kingston;
 - (ii)** submission of a Record of Site Condition for the entirety of the subject lands to the satisfaction of the City and any applicable Agency and/or Provincial Ministry;
 - (iii)** confirmation from the Ministry of Natural Resources and Forestry that the existing adjacent quarry has surrendered its license or confirmation that the appropriate assessment has been completed to demonstrate that impact from adjacent re-development work involving rock drilling, blasting, excavation or crushing on the lands to the south has been completed to a stage that potential impact on residential uses on the lots is mitigated;

- (iv) that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
- (v) that the appropriate application for an amendment to the Zoning By-Law to remove the ‘-H’ Symbol has been approved by the City.

1320. In the case of the CG[1320] Zone, known municipally as 823 Highway 15, the following provisions shall apply:

- (a) Uses Permitted:
 - (b) a bank;
 - (c) a dry cleaning or laundry outlet;
 - (d) a laundromat;
 - (e) a personal service shop;
 - (f) a public use;
 - (g) a restaurant;
 - (h) a convenience store;
 - (i) a retail store
- (j) Exterior Side Yard Width along Windfield Crescent (minimum): 2.4 metres
- (k) Landscaped Open Space (minimum): 17%
- (l) Loading Space Location: The required loading spaces shall be located in the rear yard and no closer than 9.2 metres to Windfield Crescent and no closer than 25 metres to Highway 15.
- (m) Parking Space Requirement (minimum): 32 parking spaces
- (n) Parking Space Dimensions: Each parking space shall have a minimum width of 2.6 metres and a minimum length of 5.2 metres.
- (o) Barrier Free Vehicle Parking Space Requirement (minimum): 2 parking spaces

- (p) Barrier Free Vehicle Parking Space Dimensions: Each barrier free parking space shall have a minimum width of 3.7 metres and a minimum length of 5.2 metres.
- (q) Yards Where Parking Area Permitted: No part of any parking area, other than a driveway, shall be located closer than 1.2 metres to Highway 15 and closer than 0.8 metres to Grenadier Drive.
- (r) The maximum width of any combined ingress and egress driveway, measured along the street line of Highway 15, shall be 10.5 metres.
- (s) The minimum distance between a driveway and the intersection of the street lines of Grenadier Drive and Windfield Crescent shall be 9 metres
- (t) Planting Strip: A planting strip shall be required along Windfield Crescent and shall have a minimum width of 2.4 metres.
- (u) Sight Triangle: Two sight triangles are required on a corner lot:

 - (i) The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
 - (ii) The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

1321. In the case of the OS1[1321] Zone, the following provisions shall apply:

- (a) Notwithstanding any provisions of this By-Law to the contrary, the lands shall be used for no purpose other than a tree protection area, excluding any buildings and excluding any marine facilities (including but not limited to boathouses and/or docks).

1322. In the case of the OS1[1322] Zone, the following provisions shall apply:

- (a) Notwithstanding any provisions of this By-Law to the contrary, the lands shall be used for no other purpose than a naturalized area for potential bobolink habitat.

1323. In the case of the OS1[1323] Zone, the following provisions shall apply:

- (a) The lands zoned OS-19 shall be used for no other purpose than a public park, including a public pathway. Any development/structures shall be setback a minimum of 30 metres from the maximum recorded water level of Colonel By Lake/River Styx, defined as 88.92 metres G.S.C., as shown on the attached Schedule 'B' forming part of By-Law 2016-48.
- (b) The distance of 30 metres inland from the maximum recorded water level, defined as 88.92 metres G.S.C., shall be maintained as a 'no cut' buffer area within which there is no disturbance of the soil mantle or vegetation cover, with the exception of a public pathway. Marine facilities (including but not limited to boathouses and/or docks) are prohibited.
- (c) All structures shall be setback a minimum of 5 metres from the unnamed watercourse, as shown on Schedule 'B' forming part of By-Law 2016-48.

1324. In the case of the OS1[1324] Zone, the following provisions shall apply:

- (a) Notwithstanding any provisions of this By-Law to the contrary, the lands shall be used for no other purpose than a conservation use. Structures and/or marine facilities (including but not limited to boathouses and/or docks) are prohibited.

1325. In the case of the EPA[1325] Zone, the following provisions shall apply:

- (a) Notwithstanding any provisions of this By-Law to the contrary, the lands shall be used for no purpose other than a conservation use or public use. Structures and/or marine facilities (including but not limited to boathouses and/or docks) are prohibited.

1326. In the case of the AG[1326] Zone, the following provisions shall apply:

- (a) All residential uses shall be prohibited.

1327. In the case of the AG[1327] Zone, the following provisions shall apply:

- (a) All residential uses shall be prohibited.

Note: All site specific exceptions that were final and binding following the last Exception included in this draft will be incorporated prior to the release of the second draft.

Section 21: Zoning Maps

Note: Zoning maps are provided as separate Urban Area and Rural Area map packages.

Section 22: Schedules

Note: Schedules are provided as one separate Overlay Schedules and Non-Overlay Schedules package.

22.1. Overlay Schedules

22.1.1. For the purposes of this By-law, Overlay Schedules include:

1. Schedule A: Natural Heritage Overlay;
2. Schedule B: Floodplain Overlay;
3. Schedule C: Source Water Protection Overlay;
4. Schedule D: Airport Zoning Overlay;
5. Schedule E: Airport Noise Exposure Overlay; and
6. Schedule F: Second Residential Units Overlay.

22.2. Non-Overlay Schedules

22.2.1. For the purposes of this By-law, Non-Overlay Schedules include:

1. Schedule G: Road Classification.

Section 23: List of Zoning By-law Amendments and Status

23.1. Reserved.