



Kingston Zoning By-law Number _____

Second Draft – August 6, 2021

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Kingston Zoning By-Law Number _____

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

- 1.1.1. This By-law is composed of the text, Zoning Maps and Schedules, and may be cited as the “Kingston Zoning By-law”.
- 1.1.2. Any references to “this By-law” mean the Kingston Zoning By-law.

1.2. Area to Which This By-law Applies

- 1.2.1. The provisions of this By-law apply to all lands within the municipal boundaries of the City of Kingston as shown on the Zoning Maps in Section 20 of this By-law, attached to and forming part of this By-law.
- 1.2.2. All lands under **waterbodies** within the municipal boundaries of the City of Kingston are subject to this By-law in addition to the requirements of both federal and provincial legislation.

1.3. Compliance with Applicable Law

- 1.3.1. A **person** must not **use** or **develop** any **lot** or **building** within the City of Kingston except in full compliance with all of the provisions of this By-law.
- 1.3.2. This By-law is not interpreted so as to reduce or mitigate any other by-law, provision, 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 serves to relieve any **person** from the obligation to comply with the provisions and requirements of any by-law of the **City** in force from time to time or the obligation to obtain any 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 prevails.

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

1.4. Effective Date of This By-law

1.4.1. This By-law comes into force and takes effect the day it was passed, if no appeals are filed, or where one or more appeals are filed, when ordered by the Ontario Land Tribunal 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** as defined in Section 3 of this By-law are repealed upon the date this By-law comes into full force and effect.

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

1.6. Transition Provisions

Complete Applications for a Building Permit

1.6.1. Nothing in this By-law prevents the **development** or **use** of a **lot** or a **building** for which a complete application for a building permit was received by the **City** on or before (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 read immediately prior to the passing of this By-law.

Other Types of Complete Applications

- 1.6.2.** Where a complete application was received by the **City** on or before the date of passing of this By-law for the **development** or **use** of a **lot** or one or more **buildings**, approval may be granted in the context of the applicable **former general zoning by-law** as it read immediately prior to the passing of this By-law, for one or more of the following applications:
1. one or more minor variances pursuant to Section 45 of the *Planning Act*;
 2. site plan control approval pursuant to Section 41 of the *Planning Act*;
 3. consent pursuant to Section 53 of the *Planning Act*;
 4. draft plan of subdivision approval or draft plan of condominium approval pursuant to Section 51 of the *Planning Act*;
 5. payment in lieu of parking agreement pursuant to Section 40 of the *Planning Act*; and
 6. a part lot control exemption approval pursuant to Section 50 of the *Planning Act*.
- 1.6.3.** Where the **development** or **use** of a **lot** or one or more **buildings** qualifies under Clause 1.6.2., a building permit may be issued after final approval is received for all required applications 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 read immediately prior to the passing of this By-law.
- 1.6.4.** Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.6.1. and 1.6.2. beyond the issuance of the final building permit upon which the exemptions are founded.
- 1.6.5.** Clauses 1.6.1., 1.6.2., 1.6.3. and 1.6.4. are repealed in their entirety three years after the date of passing of this By-law.

1.7. Minor Variances

Continuation of Finally Approved Variances

- 1.7.1.** Within the three-year period following the passage of this By-law until the Clauses 1.6.1. to 1.6.4. are repealed in accordance with Clause 1.6.5., a building permit may be issued in the context of the applicable **former general zoning by-law** as it read immediately prior to the passing of this By-law for any **development** subject to one or more approved minor variances under the provisions of the applicable **former general zoning by-law**.
- 1.7.2.** After the three-year period in Clause 1.6.5. expires and Clauses 1.6.1. to 1.6.4. are repealed, finally approved minor variances under the provisions of the applicable **former general zoning by-law** may be relied upon only if the zoning provision respecting the minor variance is the same or more permissive in this By-law than in the **former general zoning by-law**.

1.8. Non-Conformity and Non-Compliance

Legal Non-Conforming Uses

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

Legal Non-Complying Buildings

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

- 1.8.4.** If a **lot** contains a legal non-complying **building**, nothing in this By-law applies to prevent the **development** of an **accessory building** on the **lot**, provided that the **development**:
- 1.** Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
 - 2.** Complies with all other applicable provisions of this By-law.

Legally Existing Lots

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

1.9. Conveyances to Public Authorities

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

1.10. Administration of This By-law

- 1.10.1. Unless otherwise stated, this By-law is administered and enforced by the Director of Planning Services, or their designate. In the event of organizational changes, this By-law is administered and enforced by another employee designated by **Council**.

Technical Revisions to this By-law

- 1.10.2. Provided that the purpose and intent of this By-law is not affected, the Director of Planning Services may undertake the following technical revisions without a formal amendment being required to this By-law:
1. Changing numbering, cross-references and the arrangement of text, tables and schedules;
 2. Revisions to the base mapping and parcel fabric updated from the Ontario Land Registry Office; and
 3. Correcting **lot** and feature boundary errors.

1.11. Remedies

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

1.12. Validity or Severability

- 1.12.1. If a decision of a court of competent jurisdiction declares that one or more of the provisions of this By-law, including anything contained in the Zoning Maps, are invalid and the judgment does not affect the validity of the remaining portions of this By-law, then the remaining portions are in full force and effect 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 by law, where a conviction has been entered, any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

Section 2: Interpretation of This By-law

2.1. Language and Meaning

General

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

Singular and Plural Words

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

Including or Excluding

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

Minimum and/or Maximum Provisions

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

Intent and Rules of Interpretation

2.1.7. This By-law is remedial in nature and must be interpreted in a benevolent manner and read and applied in a way that will ensure the effective implementation of its provisions.

2.1.8. All provisions of this By-law that apply to a **lot** must be complied with. The intended hierarchy of provisions in Sections 1 through 24, must be as follows (from the highest ranking to the lowest ranking):

- 1.** Sections 1, 2 and 3: Administration, Interpretation of this By-law and Definitions;
- 2.** Sections 5 and 21: Overlay Provisions and Overlay Schedules;
- 3.** Sections 23 and 24: Legacy Exceptions and Exceptions;
- 4.** Section 20: Zoning Maps;
- 5.** Schedule 22: Non-Overlay Schedules;
- 6.** Sections 8 through 19: Provisions for Specific Zone Categories;
- 7.** Section 6: Specific Use Provisions;
- 8.** Section 4: General Provisions; and
- 9.** Section 7: Parking, Loading and Bike Parking Provisions.

2.1.9. Notwithstanding the hierarchy of provisions in Clause 2.1.8., where two or more provisions of this By-law are applicable, all provisions must be complied with or,

where it is not possible to comply with all applicable provisions, the most restrictive provision must be complied with.

- 2.1.10.** Where a **use** takes place outside of a **building** but a provision of this By-law regulates that **use** inside of a **building**, the provision must apply as though the actual area occupied by the **use** is in a **building**, so that the true spirit, intent, and meaning of this By-law is implemented.
- 2.1.11.** Where a provision is tied to the **use** of a **lot** or **building**, such provision must apply where any portion of the **lot** or **building** is **used** for such purpose.

2.2. Parts of This By-law

Items that are Part of This By-law

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

Items that are not Part of This By-law

- 2.2.3.** Titles, headings, subheadings, diagrams, footnotes, indices, notes, table of contents, illustrations, and references to former enactments or enabling legislation do not form part of this By-law and are editorially inserted for convenience of reference only.

2.3. Structure of This By-law

System of Division

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

Section 1. - Title

Subsection 1.1. – Heading

Text - Subheading

Clause 1.1.1. – Text

Subclause 1. - Text

Paragraph (a)

Subparagraph (i)

Item (1)

2.4. 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 20 of this By-law.

Table 2.4.1. - List of Zones

Zone Name	Zone Code
Prime Agricultural Area Zone	AG
General Rural Area Zone	RU
Rural Residential Zone	RUR
Limited Service Rural Residential Zone	LSR
Rural Commercial Zone	RC
Hamlet Residential Zone	HR
Hamlet Commercial Zone	HC
Hamlet Institutional Zone	HI
Rural Industrial Zone	RM1
Rural Heavy Industrial Zone	RM2
Mineral Resource and Extraction Zone	MX1
Heritage District Zone 1 (Village of Barriefield)	HCD1
Heritage District Zone 2 (Market Square)	HCD2
Heritage District Zone 3 (Old Sydenham)	HCD3
Urban Residential Zone 1	UR1
Urban Residential Zone 2	UR2
Urban Residential Zone 3	UR3

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Zone Name	Zone Code
Urban Residential Zone 4	UR4
Urban Residential Zone 5	UR5
Urban Residential Zone 6	UR6
Urban Residential Zone 7	UR7
Urban Residential Zone 8	UR8
Urban Residential Zone 9	UR9
Urban Residential Zone 10	UR10
Urban Residential Zone 11	UR11
Urban Residential Zone 12	UR12
Urban Residential Zone 13	UR13
Urban Multi-Residential Zone 1	URM1
Urban Multi-Residential Zone 2	URM2
Urban Multi-Residential Zone 3	URM3
Urban Multi-Residential Zone 4	URM4
Urban Multi-Residential Zone 5	URM5
Urban Multi-Residential Zone 6	URM6
Urban Multi-Residential Zone 7	URM7
Urban Multi-Residential Zone 8	URM8
Urban Multi-Residential Zone 9	URM9
Urban Multi-Residential Zone 10	URM10
Urban Multi-Residential Zone 11	URM11
Urban Multi-Residential Zone 12	URM12
Urban Multi-Residential Zone 13	URM13
Institutional Minor Zone	IN1
Institutional Major Zone	IN2
Correctional Facility Zone	G1
Military Installation Zone	G2
Neighbourhood Commercial Zone	CN
Mainstreet Commercial Zone 1	CM1

Zone Name	Zone Code
Mainstreet Commercial Zone 2	CM2
Arterial Commercial Zone	CA
District Commercial Zone	CD
Regional Commercial Zone	CR
General Commercial Zone	CG
Marine Commercial Zone	CW
Central Downtown Zone 1	DT1
Central Downtown Zone 2	DT2
Harbour Zone	HB
Business Park Zone	M1
General Industrial Zone	M2
Heavy Industrial Zone	M3
Employment Service Zone	M4
Waste Management Zone	M5
Airport Zone	TA
Transportation Terminal Highway and Railway Zone	TR
Utility Installation or Corridor Zone	TU
Minor Open Space Zone	OS1
Major Open Space Zone	OS2
Development Reserve Zone	DR
Environmental Protection Area Zone	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**, **private street**, utility **right-of-way**, railway **right-of-way**, or watercourse, it must be considered to follow the **centre line** of such **street**, **private street**, 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 Maps, it must be 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 must be considered to follow the **centre line** of that closed **street**; and
4. Passes through a **lot** and the distance is not indicated, it must be 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 is not treated as a **lot line** and each portion of the **lot** must be **used** in accordance with the provisions of the underlying Zone. In the case of a conflict, the more restrictive provision applies.

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

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

2.6. Zone Labels and Provisions

Subzones (Reserved for Future Use)

2.6.1. 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 provisions of the primary Zone to the extent set out in the text of the provisions for that Subzone.

Holding Zones

2.6.2. Holding 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** or **building** in accordance with the provisions of the corresponding

Holding Zone until this By-law has been amended to remove the Holding Zone in accordance with Section 36 of the *Planning Act*. The provisions of the corresponding Holding Zone are included in Section 25 of this By-law.

- 2.6.3.** Holding Overlays are created by identifying specific lands and adding a hyphen and upper case "H" (e.g., "- H") to the Overlay Maps, and have the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of the corresponding Holding Overlay until this By-law has been amended to remove the **lot** from the Holding Overlay in accordance with Section 36 of the *Planning Act*.

Temporary Zones

- 2.6.4.** 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 must be subject to all provisions of the underlying Zone except as otherwise provided by the Temporary Zone provisions. Upon the expiry date of the Temporary Zone provisions, the temporary **use** of such **lots** or **buildings**, as may be specified, must cease, and **use** of the Temporary Zone symbol must be discontinued. The provisions of the corresponding Temporary Zone are included in Section 26 of this By-law.

Height Limit

- 2.6.5.** The maximum permitted **height** is established in the underlying Zone, Subzone, Legacy Exception Overlay, Exception Overlay or provision, in metres and/or number of **storeys**. **Height** may also be shown in terms of **height** in metres above sea level, indicated by the term 'a.s.l.' following the number in parenthesis.

Tables

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

Additional Provisions

- 2.6.7.** Additional provisions are presented in conjunction with the permitted **uses** and zoning provisions that are presented in the Tables with each Zone. The references to

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

2.7. One Lot for Zoning Purposes

- 2.7.1.** Where a **development** contains one or more **uses**, in one or more **buildings**, on one or more **lots**, the boundaries of all **lots** corresponding with such **development** is considered as one **lot** for the purposes of compliance with this By-law provided that 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. A

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

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

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

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

3.1.5. Affordable Unit means:

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

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

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

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

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

other animals for food, fur, 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.

3.1.8. Agricultural Related Use means a **use** of any **lot** or **building** for farm-related commercial and/or farm-related industrial uses that are directly related to **agricultural uses** in the area, support **agricultural uses**, benefit from being in close proximity to **agricultural uses** and provide direct products and/or services to **agricultural uses** as a primary activity.

3.1.9. Agricultural Source Material means any of the following treated or untreated materials, other than a commercial fertilizer or compost that meets the “Guideline for the Production of Compost in Ontario” prepared by the Ministry of Environment, Conservation and Parks, that is capable of being applied to land as nutrients:

1. Manure produced by farm animals, including associated bedding materials;
2. Run-off from farm-animal yards and manure storages;
3. Wash-waters from **agricultural uses** that have not been mixed with human waste;
4. Organic materials produced by intermediate operations that process materials described in 1., 2. and 3. above; and
5. Anaerobic digestion output, if:
 - (a) The anaerobic digestion materials were treated in a mixed anaerobic digestion facility; and
 - (b) At least 50%, by volume, of the total amount of anaerobic digestion materials were on-farm anaerobic digestion materials.

3.1.10. Airport Facilities means all facilities related to aircraft landing and take-off, including runways, taxiways, aprons, hangars and navigational aids. Facilities may also include terminals, maintenance, warehousing, manufacturing, training, communications, environmental reporting, aviation-related retail commercial, charter operations, air courier service, management or other related operations of the airport or airport-related tenants and may include automobile rental, **retail stores**, food concessions and **restaurants** as **accessory uses**.

- 3.1.11. Amenity Area** means an area exterior to a residential **building**, or an interior area common to all **dwelling units** within a residential **building**, which is designed and intended primarily for the leisure and recreation of the occupants of the **building**.
- 3.1.12. Angular Plane** means an imaginary upwardly inclined plane set at an angle to the horizontal, commencing either at intersection with a vertical plane, such as a **build-to-plane**, at a prescribed elevation above grade, which may coincide with a **storey** or a distance from grade, or at grade, which may coincide with a **lot line**.
- 3.1.13. Animal Care** means the **use** of any **lot** or **building** for medical, grooming, training or similar services for animals, but does not include a **kennel** or an **animal shelter**.
- 3.1.14. Animal Shelter** means the **use** of any **lot** or **building** for the care of lost, abandoned or neglected animals and operated by a **public authority** or semi-public authority or by a not-for-profit organization.
- 3.1.15. Apartment Building** means a **building** that is **used** for the purpose of four or more **dwelling units** or four or more **co-living units**, or combination thereof, and configured in such a manner that the **dwelling units** and/or **co-living units** share a common external access to the outside through a common vestibule and corridor system. An **apartment building** does not include any other type of **building** defined herein.
- 3.1.16. Attic** means unoccupied space between the roof and the ceiling of the top **storey** or between a partial wall and a sloping roof.
- 3.1.17. Automobile Body Shop** means the **use** of any **lot** or **building** for the painting and/or repairing of the exterior and/or the undercarriage of **motor vehicle** bodies but does not include a **salvage yard**.
- 3.1.18. Automobile Repair Shop** means the **use** of any **lot** or **building** for the servicing and repair of **motor vehicles** that may also be operated in conjunction with a towing service and other similar **uses**, including the sale of the required components.
- 3.1.19. Automobile Sales Establishment** means the **use** of any **lot** or **building** for the display and sale of new or used **motor vehicles** and may include **accessory uses**, including the servicing and repair of **motor vehicles**, an **automobile body shop**, the sale of **motor vehicle** parts and products and the leasing or renting of **motor vehicles**.

3.2. B

- 3.2.1. Bachelor Dwelling Unit** means a **dwelling unit** within which the common areas and areas intended for sleeping are combined into a single room. For the purpose of this By-law, a **bachelor dwelling unit** is deemed to contain one **bedroom**.
- 3.2.2. Backyard Hen** means a domesticated female chicken that is at least four months old and is registered or licensed by the **City** in accordance with the By-law to Regulate Animals.
- 3.2.3. Backyard Hen Coop** means an **accessory building** where **backyard hens** are kept and which includes nest boxes for egg laying, perches for the **backyard hens** to sleep on and food and water containers.
- 3.2.4. Backyard Hen Run** means a secure **building** attached to a **backyard hen coop** that allows **backyard hens** to access outside.
- 3.2.5. Balcony** means an unenclosed or partially enclosed platform that is attached to and only directly accessible from within a **building**. A **balcony** includes associated guards, fencing, walls, **visual screen** and other associated features.
- 3.2.6. Banquet Hall** means the **use** of any **lot** or **building** in which facilities are provided for the gathering of people for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served, but excludes a **restaurant**.
- 3.2.7. Basement** means that portion of a **building** where the ceiling is less than 1.0 metres above **finished grade**.
- 3.2.8. Basement Storey** means a **storey** that is located below the **first storey**.
- 3.2.9. Bay Window** means a window that projects outward from an exterior wall of a **building** but does not include any **gross floor area** of the **dwelling unit**.
- 3.2.10. Bedroom** means any room in a **dwelling unit** that is not:
1. A common area, being:
 - (a) A living room open to all occupants of the unit; or
 - (b) A dining room open to all occupants of the unit;
 2. An area used for sanitary purposes, such as a washroom;

3. An area used for cooking purposes, such as a kitchen;
4. An area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;
5. A circulation space, such as a stairway or hallway;
6. A room less than 6 square metres in area where there are built-in cabinets and/or closets;
7. A room less than 7 square metres in area where there are no built-in cabinets and/or closets; or
8. A room without a window or alternative source of natural light.

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

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

3.2.13. Body Rub Parlour means the **use** of any **lot** or **building** where a body rub is performed, offered, or solicited, 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.

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

1. A shipping container, sea can or similar storage container when placed on the ground for any purpose other than loading and unloading a shipment in conjunction with an industrial or commercial use for up to maximum of 28 consecutive calendar days; and
2. A **tiny house** when installed more or less permanently in one place by removing the wheels and connecting to permanent services.

This definition excludes all items that are designed to be easily portable and all items listed in Clause 4.12.1. of this By-law.

- 3.2.15. Building Depth** means the horizontal distance between the required **front setback** and the **principal building's rear wall**, measured perpendicular to the **front setback**.
- 3.2.16. Building Frontage** means the **building** façade that fronts on a **street line** where access to the **building** is available.
- 3.2.17. Building Supply Store** means the **use** of any **lot** or **building** for the retail sale or rental of equipment, construction supplies and accessories, including **outdoor storage** of **building** materials, which may include: lumber; millwork; cement; siding; roofing; plumbing or electrical supplies; heating, cooling or ventilation supplies; fireplaces; windows; paints; wall coverings; and floor coverings.
- 3.2.18. Build-to-Plane** means a vertical plane which runs parallel to, and at a specified distance from, a **street line**. The location of the **build-to-plane** is established by measuring from, and perpendicular to, the **street line** to the nearest part of any **main wall** of any **building** on a **lot**.

3.3. C

- 3.3.1. Campground** means the **use** of any **lot** or **building** for providing overnight or short term accommodation for recreational vehicles, travel trailers, motor homes, and tents, but not a **mobile home**, and includes **accessory** services and facilities normally incidental and subordinate to such a **use** including common washroom lavatory and bathing facilities, indoor and/or outdoor recreation areas, picnic areas and an entrance kiosk.
- 3.3.2. Call Centre** means the **use** of any **lot** or **building** established to transmit or receive a high volume of phone calls to provide technical support, customer service, sales or similar client services.
- 3.3.3. Canopy** means a roof-like architectural feature projecting more than 0.3 metres from the exterior face of a **building**.
- 3.3.4. Car-share** means the practice where a number of people share the use of one or more cars that are owned by a car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees

based on time and/or kilometers driven, and set membership requirements of the car-sharing organization.

- 3.3.5. Car-share Space** means a **parking space** that is reserved for the exclusive **use** of a **car-share vehicle**.
- 3.3.6. Carwash** means the **use** of any **lot** or **building** for the washing of one or more **vehicles** at any one time.
- 3.3.7. Casino Gaming Facility** means the **use** of any **lot** or **building** for the purpose of providing slot machine or table game wagering or betting, authorized and licensed by the Province of Ontario.
- 3.3.8. Catering Service** means the **use** of any **lot** or **building** for the preparation of meals in full or in part for consumption at a location other than the premises in which the meal is prepared.
- 3.3.9. Cemetery** means the **use** of any **lot** or **building**, or part thereof for the interment of human remains and which may include a crematorium, mausoleum, or columbarium as licensed under the *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33*.
- 3.3.10. Centre Line** means an imaginary line which equally divides the width of a **right-of-way** allowance, including a **street**.
- 3.3.11. Chief Building Official** means the municipal official appointed pursuant to the *Building Code Act, 1992, S.O. 1992, c. 23* and includes his or her authorized representatives.
- 3.3.12. City** means the Corporation of the City of Kingston.
- 3.3.13. Club** means the **use** of any **lot** or **building** by clubs, groups, or organizations for the purposes of providing for meeting places, social functions, and regular membership gatherings.
- 3.3.14. Commercial Motor Vehicle** means any **vehicle** which displays commercial lettering or commercial licence plates and also includes construction equipment which is self-propelled or designed to be towed, a taxi, a delivery **vehicle**, and a driving school **vehicle**, in addition to any "commercial motor vehicle" as defined under the *Highway Traffic Act, R.S.O. 1990, c. H.8*.

- 3.3.15. Commercial Parking Lot** means the **principal use** of any **lot** or **building**, with or without a fee being charged, for the parking of **motor vehicles**. **Commercial parking lot** includes **drive aisles**, **parking spaces** and components necessary to support the **use**, and excludes any area where **motor vehicles** for sale or repair are kept or stored.
- 3.3.16. Common Element** means a **lot** or **building** forming part of the common elements of a Condominium Plan pursuant to the Condominium Act. This may include private roads, common walkways, common sidewalks and common amenity areas within a plan of condominium.
- 3.3.17. Community Garden** means the **use** of any **lot** or **building** managed and maintained by a group of individuals for the purpose of cultivation of plants for personal consumption and includes other forms of urban agriculture such as tree planting projects or similar uses.
- 3.3.18. Community Centre** means the **use** of any **lot** or **building** where members of the public are provided with health services, social support services, cultural, social or recreational programs or life/work skills training programs and where neither overnight care nor living accommodation is available. Permitted **accessory uses** include **day care centres**.
- 3.3.19. Complementary Use** means the **use** of any **lot** or **building** which is separate from the **principal use** of the **lot** and is not subordinate or incidental to such **use**, but is a **use** which provides support and services to enhance the **principal use**.
- 3.3.20. Conservation Use** means the **use** of any **lot** for the protection of natural heritage features for the purpose of long-term protection of the natural heritage resource.
- 3.3.21. Construct** means to do anything in the erection, installation, extension or alteration or repair of a **building** and includes the installation of a **building** unit fabricated or moved from elsewhere.
- 3.3.22. Contractor's Yard** means the **use** of any **lot** or **building** by a construction company, landscaper, or contractor for the storage and maintenance of equipment and materials **used** or rented by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies **used** by the business.
- 3.3.23. Convert** means to change the **use** of an existing **lot** or **building**, or a part thereof, to another **use**.

- 3.3.24. Co-Living Unit** means the **use** of an **apartment building** intended for residential accommodation where private bedrooms and/or living spaces share the **use** of one common kitchen and may share common washroom facilities or living spaces.
- 3.3.25. Cornice** means an exterior horizontal projection or ornamental moulding along the top of a **building**, wall, arch or column.
- 3.3.26. 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.
- 3.3.27. Correctional College** means the **use** of any **lot** or **building** for the training of correctional service staff.
- 3.3.28. Correctional Institution** means the **use** of any **lot** or **building** for a **correctional institution** as defined by the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.
- 3.3.29. Council** means the Municipal Council of the Corporation of the City of Kingston.
- 3.3.30. Creativity Centre** means the **use** of any **lot** or **building** as the workplace of a photographer, artist, craftsperson or any other similar creative field, and includes galleries for the display of art for viewing and purchase, and any accessory instruction facilities where such creative field is taught.
- 3.4. D**
- 3.4.1. Day Care Centre** means the **use** of any **lot** or **building** licensed pursuant to the *Child Care and Early Years Act*, 2014, S.O. 2014, c.11, Sched. 1, 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 which does not provide overnight accommodation.
- 3.4.2. Deck** means a **building** component that is an uncovered and unenclosed or partially enclosed platform, which may or may not be attached to one or more walls of a **building**. A **deck** includes its associated guards, fencing, walls, **visual screens**, stairs and other associated features. A **deck** may or may not have a foundation.

- 3.4.3. Density** means the ratio of the number of **dwelling units** or **co-living units** to one net developable hectare of **lot area**.
- 3.4.4. Department Store** means the **use** of any **lot** or **building** that sells several lines of merchandise, which may include two or more of the following lines of merchandise, where no one particular line comprises the primary offering: apparel, jewelry, cosmetics and toiletries, furniture, home furnishings, appliances, electronics, sporting goods, toys, photo equipment, hardware, auto accessories, and other household goods and services.
- 3.4.5. Develop or Development** means to:
1. Create a new **lot**;
 2. Create a new **use**;
 3. **Convert** to a different **use**;
 4. Alter **landscaped open space**, a **landscaped berm**, a **planting strip** or any other landscaping feature required pursuant to this By-law;
 5. Construct **driveways**, **drive aisles**, **parking spaces**, **parking lots** or **loading spaces** on a **lot**; and
 6. Alter, enlarge, erect, build, **construct**, reconstruct, relocate, **renovate** or restore **buildings** or parts thereof;
- Develop** or **development** does not include:
1. Activities that create or maintain infrastructure authorized under an environmental assessment process;
 2. Works subject to the *Drainage Act*, R.S.O. 1990, c. D.17; or,
 3. Underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential where advanced exploration has the same meaning as under the *Mining Act*, R.S.O. 1990, c. M.14.
- 3.4.6. Ditch** means a small to moderate excavation created to channel water.
- 3.4.7. DNAPLs** (Dense Non-Aqueous Phase Liquids) means chemicals or a mixture of chemicals that are denser than water, do not mix with water and when spilled can sink and contaminate groundwater aquifers and surface water bodies. Examples of

DNAPLs include but are not limited to furniture stripper; nail polish; dry cleaning fluid; aerosols; coolants; polychlorinated biphenyls (PCBs); creosote and degreasers.

- 3.4.8. Drinking Water Threat** means an activity or condition that, according to a risk assessment prepared in accordance with the *Clean Water Act, 2006*, S.O. 2006, c.22, adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the Regulations to the *Clean Water Act* as a **drinking water threat**. A **drinking water threat** may be classified by the risk assessment as significant, moderate or low.
- 3.4.9. Drive Aisle** means an internal roadway immediately adjacent to a **parking space** which provides vehicular access to and from a **parking space** and is not a **driveway**.
- 3.4.10. Drive-Through** means a **building component** that provides or dispenses products or services through an attendant or a window or an automated machine to patrons remaining in **motor vehicles**, including associated stacking lane, speaker system, microphone system, signage, order board or other similar facilities, but does not include a **gas station** or **carwash**.
- 3.4.11. Driveway** means a defined area providing access for **motor vehicles** from a **street** or **private street** to facilities such as a **parking lot, commercial parking lot, parking space, loading space, private garage**, but excludes a **drive aisle**.
- 3.4.12. Duplex** means a residential **building** that is **used** for the purpose of two **principal dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance either directly to the outside or through a common vestibule, with one **dwelling unit** entirely above the other.
- 3.4.13. Dwelling Unit** means the **use** of a **building**, comprised of one or more **habitable rooms** designed to provide at least one washroom and kitchen for residential accommodation. This definition excludes recreational vehicles, travel trailers, tent trailers, motor homes or trailers otherwise designed.
- 3.5. E**
- 3.5.1. Elementary School** means the **use** of any **lot** or **building** for academic instruction typically offered from kindergarten to grade eight including public, private or separate schools, but does not include a **training facility**. Permitted **accessory uses** include **day care centres**.

- 3.5.2. Electric Vehicle** means a **motor vehicle** that uses electricity for propulsion, and that can use an external source of electricity to charge the vehicle’s batteries.
- 3.5.3. Electric Vehicle Ready** means a **parking space** designed and constructed to be ready for the future installation of **electric vehicle supply equipment**.
- 3.5.4. Electric Vehicle Supply Equipment** means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between a branch electric circuit and an **electric vehicle**.
- 3.5.5. End-of-Trip Bike Facility** means a dedicated area in a non-residential building where at least 1 shower and 1 private change room are provided for cyclists.
- 3.5.6. Entertainment Establishment** means the **use** of any **lot** or **building** for the provision of entertainment or amusement without the necessity of active participation by the user and includes such **uses** as an arena, movie theatre, cinema, concert hall, playhouse, arcade, bingo and public dance hall, or similar **use** when the **principal** focus of the **use** is spectating for entertainment.
- 3.5.7. Exterior Lot Line** means the **lot line**, other than a **front lot line**, of a **corner lot** which abuts the **street**.

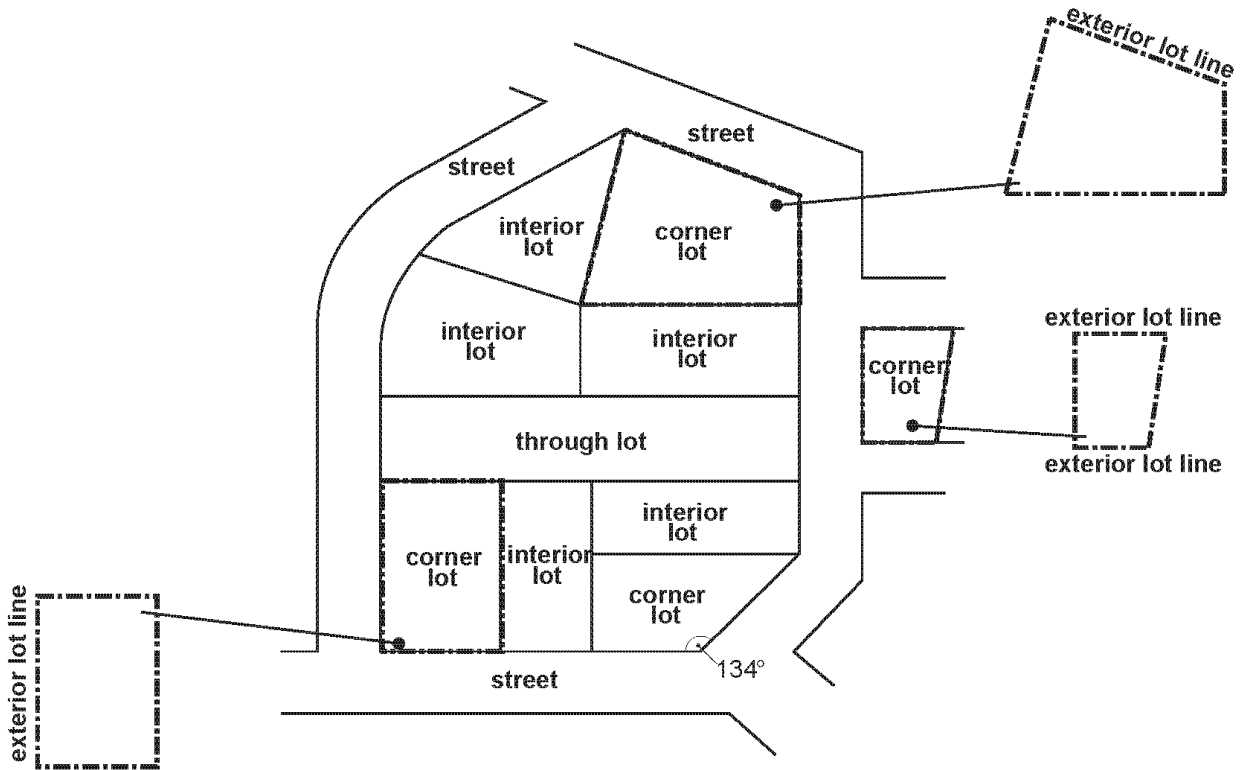


Diagram 3.5.7. – Exterior Lot Line

- 3.5.8. Exterior Setback** means the setback between the **exterior lot line** and the nearest part of any **building** on the **lot**.
- 3.5.9. Exterior Yard** means a **yard** extending from the **front yard** to the **rear lot line** between the **exterior lot line** and the nearest part of any **building** on the **lot**.

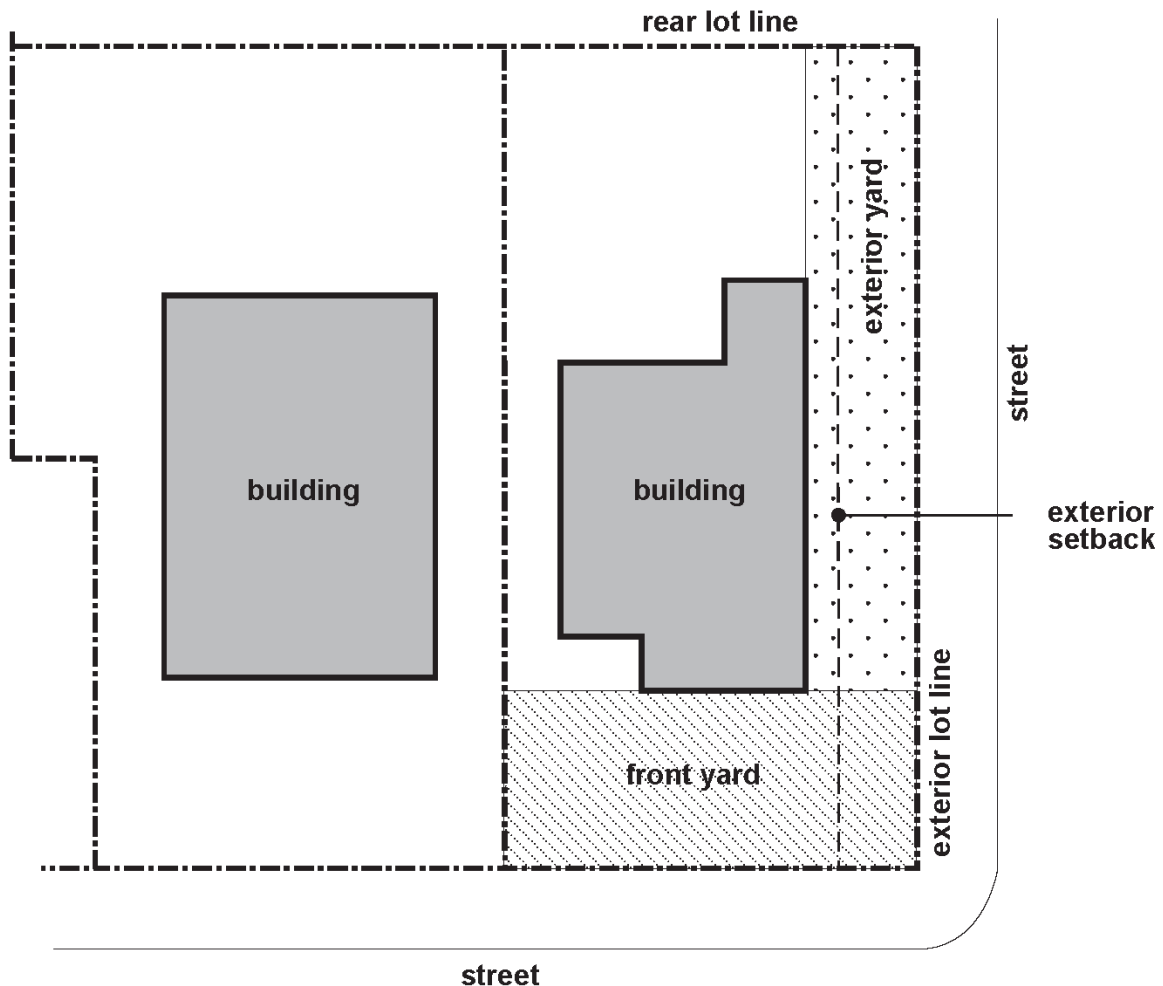


Diagram 3.5.9. – Exterior Setback and Exterior Yard

3.6. F

- 3.6.1. **Factory Outlet** means the **use** of any **lot** or **building** as an **accessory** to a manufacturing **use** offering goods for sale which are manufactured entirely on the same **lot** as the **factory outlet**.
- 3.6.2. **Fairgrounds** means the **use** of any **lot** or **building** where fairs, circuses or exhibitions are held primarily outdoors, and includes any **accessory** and temporary **buildings**.
- 3.6.3. **Feedmill** means the **use** of any **lot** or **building** as a commercial or industrial scale mill for the processing, blending, grinding and mixing of grains, seeds and concentrates.

- 3.6.4. Fence** means a physical barrier or partition made of wood, metal or other substance that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every door, gate and other closure that forms part of a fence, and which is regulated by the City of Kingston By-law Number 2003-405, A By-law to Regulate Fences, or any successor legislation.
- 3.6.5. Ferry Terminal** means the **use** of any **lot** or **building** for the docking of ferry boats which may carry **persons**, cargo, **motor vehicles** or other **vehicles** across a **waterbody**, including **accessory** administrative **offices**, food concessions, **retail stores** or other similar **uses**.
- 3.6.6. Financial Institution** means the **use** of any **lot** or **building** wherein money management services are provided and includes a bank, trust company, credit union, financial company, mortgage company, loan company, cheque cashing company, or investment company.
- 3.6.7. Finished Grade** means the average elevation of the ground surface at the base of the **main wall**, measured at the four most distant points representing the outermost corners of the **building**.
- When used in reference to any a round **building** or another **building** that does not have corners, means the average elevation of the ground surface at the base of the **building**, measured around the perimeter.
- 3.6.8. First Storey** means the **storey** with its floor closest to **finished grade** and which has a floor level that is located at or above **finished grade**.
- 3.6.9. Fitness Centre** means the **use** of any **lot** or **building** in which facilities are provided for fitness or athletic activities such as body-building, endurance training, yoga, exercise and fitness classes, or other similar **uses** where the **principal** focus is fitness. **Fitness centres may** include associated facilities such as a sauna, a **swimming pool** and a solarium and **accessory uses** such as a food concession and **retail store**.
- 3.6.10. Flat Roof** means a roof where at least 50% of the area of the roof, when viewed from a horizontal plane, has a pitch less than 10 degrees from the horizontal.
- 3.6.11. Floor Space Index** means the **gross floor area** of all **buildings** on a **lot** divided by the **lot area**. "FSI" means **floor space index**.

- 3.6.12. Food Truck** means the **use** of any **lot** for a vehicle, whether motorized or manually propelled, from which refreshments and/or food are sold for public consumption, including carts, wagons, trailers and **motor vehicles**.
- 3.6.13. Forestry Use** means the **use** of any **lot** or **building** for raising and harvesting of trees, including the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products, but excludes a **garden centre** or building product outlet.
- 3.6.14. 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; and
 9. By-law Number 32-74 of the former Township of Pittsburgh as amended, and its predecessor zoning by-laws as applicable.
- 3.6.15. Freehold** means a **lot** or **building** where the ownership does not include any **common element**.

3.6.16. 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** is deemed the **front lot line** and the longer **lot line** abutting a **street** is deemed an **exterior lot line**.

In the case of a **corner lot** which is also a **through lot**, the **front lot line** is 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 is deemed to be the **front lot line**.

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

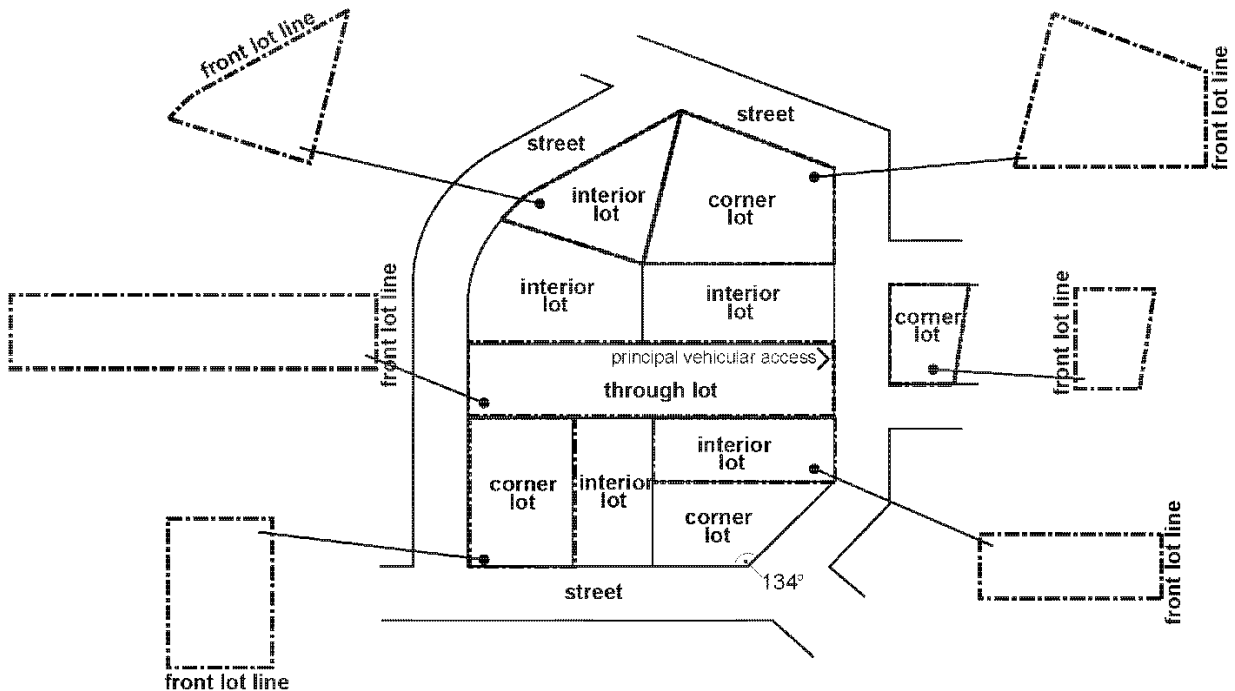


Diagram 3.6.16. – Front Lot Line

3.6.17. Front Setback means the **setback** between the **front lot line** and the nearest part of any **building** on the **lot**. Where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the **front setback** must be

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

3.6.18. 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** on the **lot**.

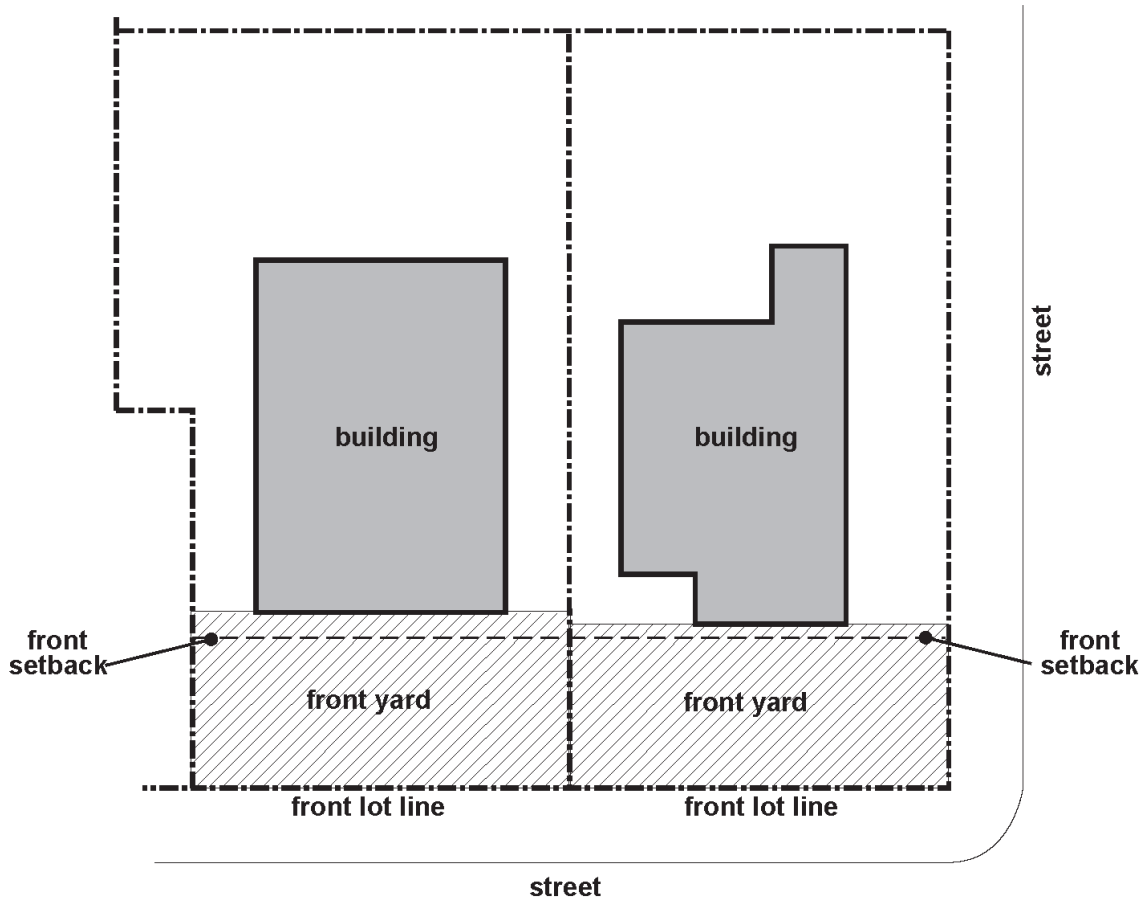


Diagram 3.6.18. – Front Setback and Front Yard

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

3.7. G

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

- 3.7.2. Garden Centre** means the **use** of any **lot** or **building** for the retail sale of trees, shrubs or plants, and which may include the **accessory** sale of soil, planting materials, fertilizers, lawn and garden tools, ornaments, and similar materials.
- 3.7.3. Gasoline Pump** means a **building** for the dispensing of **vehicle** fuels including gasoline, diesel, propane and natural gas but does not include a kiosk or any other **accessory building**.
- 3.7.4. Gas Station** means the **use** of any **lot** or **building** where **motor vehicle** fuel is kept for sale, including a **gasoline pump**, and may also include the following additional functions:
1. The sale of oil, grease, antifreeze, tire tubes, tire accessories, electrical light bulbs, spark plugs, and batteries for **motor vehicles**, etc.;
 2. The sale of convenience commercial goods and food as an **accessory use**;
 3. Facilities where **motor vehicles** are oiled, greased, and washed;
 4. Electrical charging stations for electric **motor vehicles**;
 5. Minor repairs essential to the actual operation of **motor vehicles** including ignition adjustment and tire inflation; and/or
 6. The sale of propane as an **accessory use**.
- 3.7.5. Golf Course** means the **use** of any **lot** or **building** for the purpose of playing golf and may include **accessory uses** such as a **restaurant**, food concession, driving range, the sale or rental of golf equipment, or a **banquet hall**.
- 3.7.6. Gravel Pit** means the **use** of any **lot** or **building** for open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for **construction**, manufacturing or industrial purposes, but excludes an excavation incidental to the **development** of a **building** for which a building permit has been granted by the **City**, or an excavation incidental to the **construction** of any public works. This definition includes a **wayside pit or wayside quarry**.
- 3.7.7. Grocery store** means the **use** of any **lot** or **building** devoted to the sale of perishable and non-perishable food including baked goods, fruits and vegetables, meat or butcher products and dairy products and may include an **accessory** food concession, delicatessen and **retail store**.

- 3.7.8. Gross Floor Area** means the total floor area of all floors of a **building** above **finished grade**, measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the **building** from another **building**, but excluding:
1. Areas of enclosed malls **used** as a common area between stores;
 2. Areas **used** for mechanical equipment, electrical equipment or similar service areas such as garbage or recycling rooms;
 3. Areas **used** for stairways and elevator shafts;
 4. Areas **used** as storage lockers or **balconies**;
 5. Areas **used** for loading spaces and required parking spaces;
 6. Any floor area with a floor to ceiling height of less than 1.8 metres;
 7. Area in an **attic** having headroom of 2.1 metres or less for at least half the **attic** floor area, unless otherwise specified; and
 8. **Balconies, porches, decks** and mezzanines.
- 3.7.9. Gross Leasable Area** means the total area of all floors in a **building** or part of a **building** usable for tenant occupancy and the tenants' exclusive **use**, including **basements**, mezzanines and integral storage areas, measured from the centre line of joint partitions and from outside wall faces, but not including public or common areas, such as **parking spaces** and **parking lots**, walls, corridors, stairways, elevators or machine or equipment rooms.
- 3.7.10. Group Home** means the **use** of a **lot** or **building** to provide supervised living accommodation as per the requirements of its residents, licensed and/or funded by the Province of Ontario or the Government of Canada, generally limited to 10 persons or fewer, exclusive of staff, living together as a single housekeeping unit. For the purpose of this By-law, a **group home** is considered to be a **dwelling unit**.
- 3.8. H**
- 3.8.1. Habitable Room** means any room in a **dwelling unit** that is capable of being **used** by one or more persons for living, sleeping, eating, food preparation or sanitation and includes a **bedroom**.

3.8.2. Habitation Unit means a living space in an institutional **building used** and occupied by one person.

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

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

For **principal buildings** with a **residential use**, means the vertical distance from **finished grade** to:

- 1.** In the case of a **building** with a **flat roof**, the highest point of the **building**;
- 2.** In the case of a sloped roof, the average level between the eaves and highest point of the **building**; and
- 3.** For all other roof types, including a quonset hut or dome shaped roofs, the highest point of the **building**.

For the purpose of this definition, a roof with a slope 60 degrees or more to the horizontal and which is adjacent to occupied portions of a **building** is considered to be a **main wall**. Where the soffit projects more than 0.5 metres from the **main wall** on the horizontal, the slope is calculated at a point that is 0.5 metres from the **main wall**.

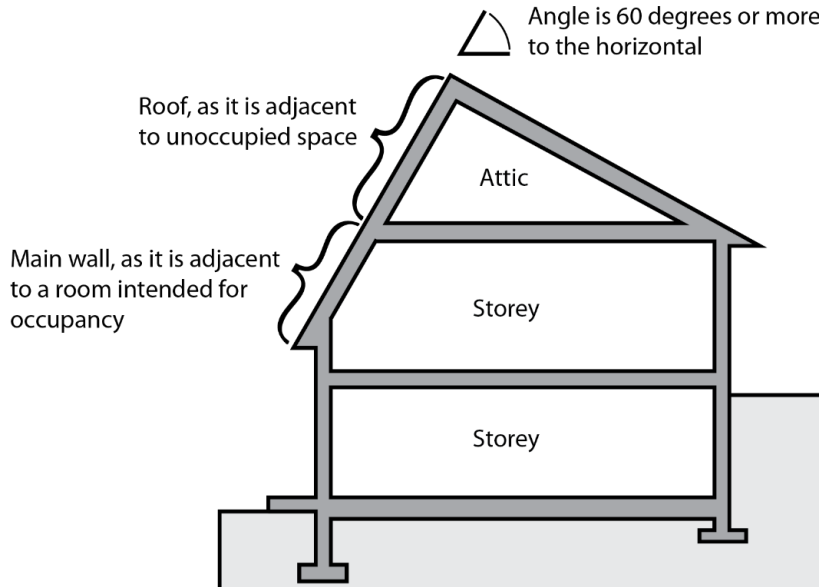


Diagram 3.8.3. – Roof with Slope of 60 Degrees or More

- 3.8.4. Heritage Building** means a **building** that is designated under the *Ontario Heritage Act*, or that is certified to be of significant architectural or historical value by a recognized, non-profit public organization whose primary object is the preservation of structures of architectural or historical significance and the certification has been accepted by the Chief Building Official.
- 3.8.5. Heavy Equipment or Truck Repair Shop** the **use** of a **lot** or **building** for the repair or servicing of heavy equipment or trucks and may include **accessory uses** such as wash facilities and driver services.
- 3.8.6. Heavy Industrial Uses** the **use** of a **lot** or **building** for:
1. The manufacture or processing or storage of products from raw materials; or
 2. The production or use or storage of flammable, explosive or other hazardous materials.
- 3.8.7. High Water Mark** means the highest water level that has been maintained for a sufficient duration (on an annual basis) as to leave physical evidence upon the landscape marking the boundary between that water level and upland areas. The boundary may be identified by:
1. An examination of the bed and bank of the waterbody, to determine where the presence and action of water has been so common and usual and long

continued in all ordinary years to mark upon the bed or bank a character distinct from that of the abutting upland; and/or

2. A distinction between either open water or dominant aquatic/wetland vegetation, and dominant upland vegetation.

- 3.8.8. Home Day Care** means the **use** of a portion of a **dwelling unit** for the 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.
- 3.8.9. Home Office** means the **use** of a portion of a **dwelling unit**, including an attached **private garage** or a detached **accessory building** located on the same **lot** as the **dwelling unit**, as an **office** space for a person residing in the **dwelling unit** where no customers, clients or in-person meetings are conducted on the **lot**. **Home office** includes remote-working and work from home arrangements where business is conducted virtually or over the phone.
- 3.8.10. Home Occupation** means a **use** of a portion of a **dwelling unit**, including an attached **private garage** or a detached **accessory building** located on the same **lot** as the **dwelling unit**, as an occupation, business, trade, **home day care** or craft for a person residing in the **dwelling unit** that is subordinate to the **principal use** of the **dwelling unit**. **Home occupation** excludes a **home office**.
- 3.8.11. Horizontal Bike Space** means a **bike space** that is provided in a horizontal format where no **bike spaces** are immediately above or below.
- 3.8.12. Hospital** means the **use** of any **lot** or **building** that is established for the purposes of the treatment of patients and that is approved as a public hospital under the *Public Hospitals Act*, R.S.O. 1990, c. P.40 and may include a gift shop, cafeteria and other similar **accessory uses** normally associated with a hospital.
- 3.8.13. Hotel** means the **use** of any **lot** or **building** for the temporary lodging of the travelling public or for recreation purposes and may include a **banquet hall**, meeting rooms, licensed lounge, **restaurant**, convenience store and gift shop as **accessory uses**, but excludes any short term rental as defined in the Short Term Rental By-law.

3.9. I

- 3.9.1. Industrial Repair Shop** means the **use** of any **lot** or **building** for the repair of industrial articles through the **use** of machining, welding or fabrication.
- 3.9.2. Institutional Use** means the **use** of any **lot** or **building** by any organization, group, or association for government, religious, charitable, educational, benevolent, health or welfare purposes and not for profit or gain, but does not include **uses** otherwise defined herein.
- 3.9.3. Intake Protection Zone (IPZ)** means the area of land and water that contributes source water to a drinking water system intake within a specified distance, period of flow time (for example, two hours), and/or watershed area.
- 3.9.4. Interior Lot** means a **lot** other than a **corner lot**.
- 3.9.5. Interior Lot Line** means a **lot line**, other than a **rear lot line** that does not abut a **street**.

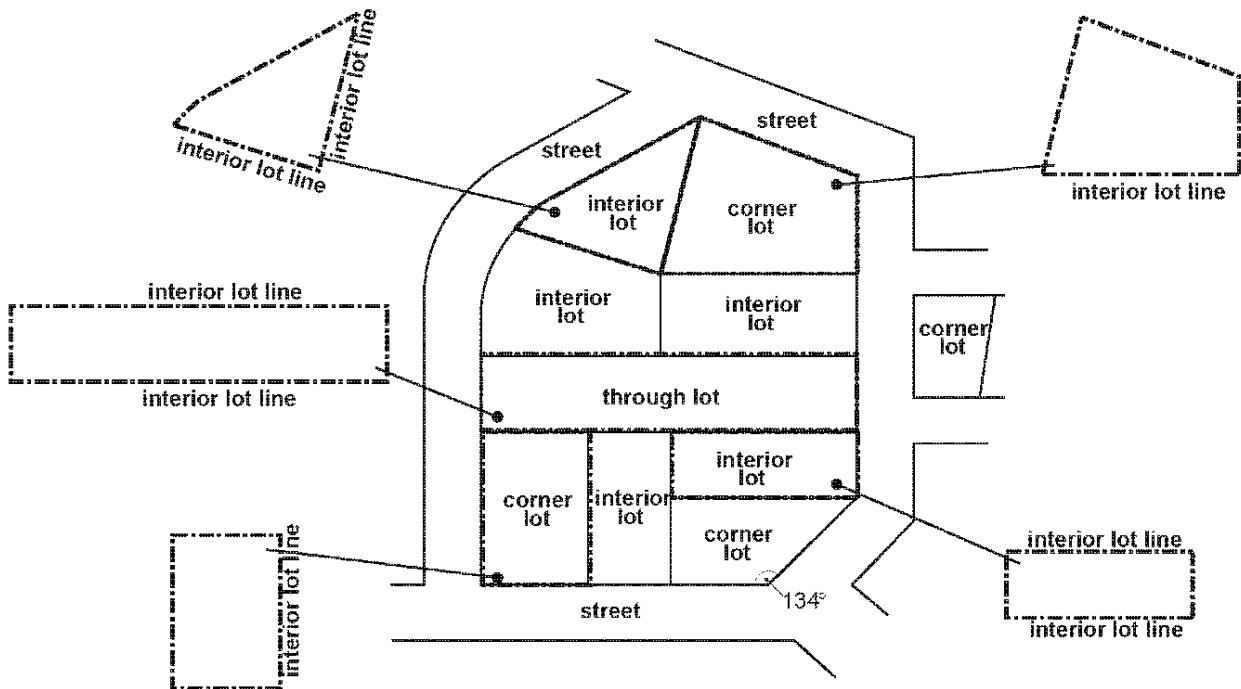


Diagram 3.9.5. – Interior Lot Line

- 3.9.6. Interior Setback** means the **setback** between the **interior lot line** and the nearest part of any **building** on the **lot**.

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

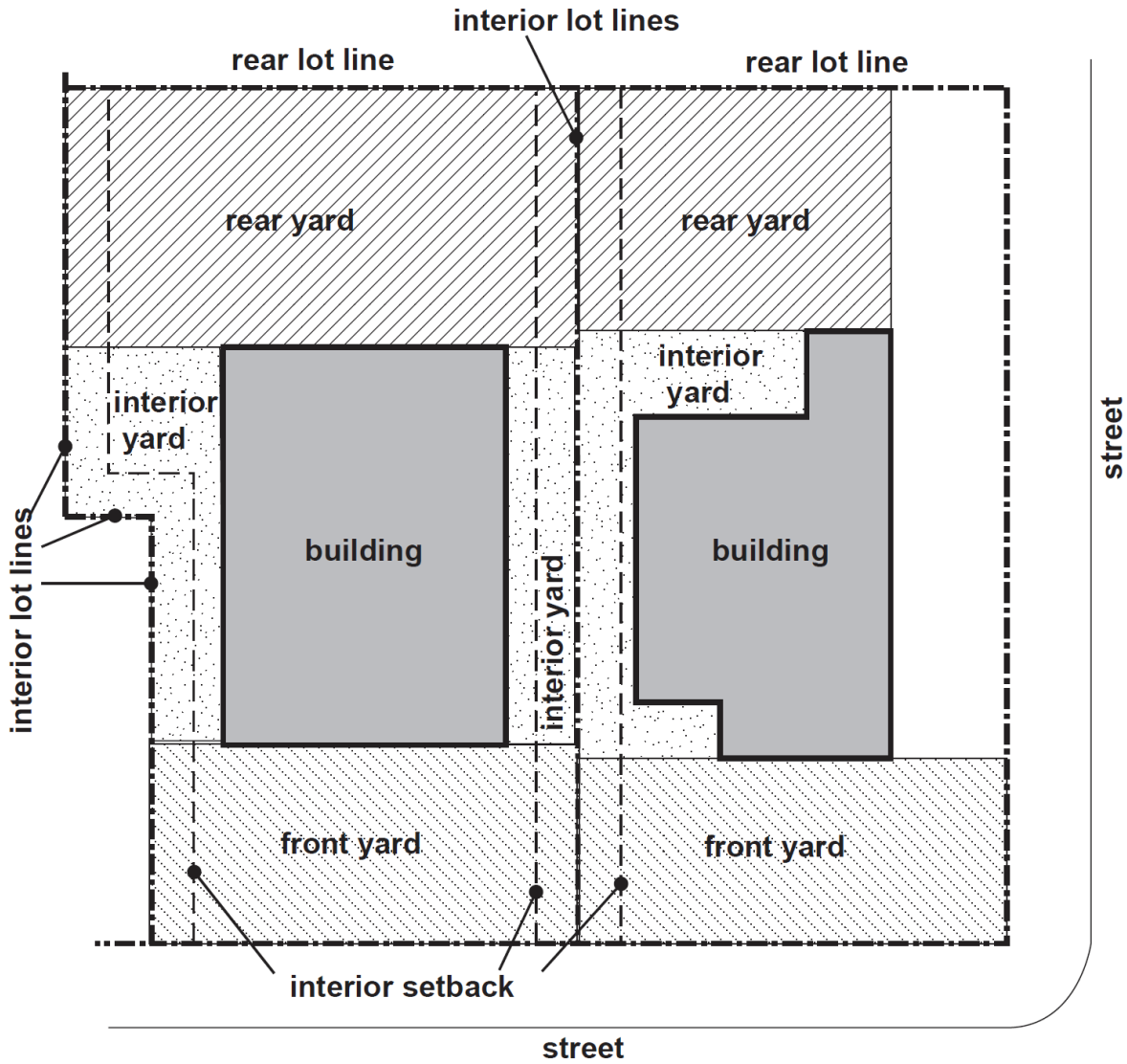


Diagram 3.9.7. – Interior Setback and Interior Yard

3.10. J

3.10.1. Reserved

3.11. K

3.11.1. Kennel means the **use** of any **lot** or **building** where the predominant economic activity consists of day boarding, overnight boarding or breeding of domestic household pets.

3.12. L

3.12.1. Laboratory means the **use** of any **lot** or **building** where experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for **use** on the **lot**. This definition excludes a **research establishment**.

3.12.2. Landscaped Berm means an outdoor area on a **lot** that has been designed for safety purposes as an earthen berm with side slopes not steeper than 2.5 to 1, adjoining and parallel to a railway **right-of-way** with returns at the ends.

3.12.3. Landscaped Open Space means an outdoor area on a **lot** that is **used** for soft landscaping that allows water to permeate into the ground (vegetation such as trees, shrubs, hedges, ornamental plantings, grass, groundcover or other similar plantings) or hard landscaping (brick, gravel, pavers, rocks, stones, **walkways**, **fences**, **patios**, exterior stairs, **porches** without a perimeter foundation, **decks** without a perimeter foundation, **swimming pools**, **outdoor patios** or other similar areas) or an area above a private sewage system, excluding:

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

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

- 3.12.5. Library** means the **use** of any **lot** or **building** for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for the purposes of study, reference and recreation.
- 3.12.6. Light Industrial Use** means the **use** of any **lot** or **building** for:
1. The manufacturing of previously prepared materials or finished parts or finished products; or
 2. Factory or assembly-line processes that involve manufacturing, processing, assembling or packaging of finished parts or products made from previously prepared materials.
- 3.12.7. Livestock** means beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals as identified in **minimum distance separation**, but excludes **backyard hens**.
- 3.12.8. Livestock Barns** means one or more permanent **buildings** located on a **lot** which are intended for housing **livestock**, and are structurally sound and reasonably capable of housing **livestock**.
- 3.12.9. Livestock Facility** means the **use** of any **lot** or **building** for **livestock barns** and **manure storage**, including all unoccupied **livestock barns** and unused manure storage.
- 3.12.10. Loading Space** means an unobstructed open, enclosed or partially enclosed area for the purpose of loading or unloading **vehicles** in conjunction with a permitted **use** or **building** on the same **lot**.
- 3.12.11. Long-term Bike Space** means a **bike space** that is **used** or
- 3.12.12. Lot** means a single parcel or tract of land that may be conveyed in compliance with the provisions of the *Planning Act*.
- 3.12.13. Lot Area** means the total surface area taken on a horizontal plane within all **lot lines** of a **lot**, excluding:
1. The area below the **high water mark** of a **waterbody**;
 2. Any lands which may be subject to the Floodplain Overlay;
 3. Any lands which have been or which will be dedicated to the **City** for public **streets**, public sidewalks, public open space, **parks** or public community

facilities including, but not limited to **libraries**, fire stations, and **recreation facilities**; and

4. Any lands zoned Environmental Protection Area.

3.12.14. Lot Coverage means the percentage of the **lot area** covered by a **building** or a **deck** that has a perimeter foundation or a **porch** that has a perimeter foundation, excluding private sewage systems, uncovered steps, patios, **swimming pools**, **decks** and **porches**, as well as **balconies**, **bay windows**, **canopies** and overhanging eaves which are 2.0 metres or more in height above the **finished grade**.

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

3.12.16. Lot Frontage means the horizontal distance between the **interior lot lines** and/or **exterior lot lines** along the **front lot line**, with such distance being measured perpendicular to the line joining the mid-point of the **front lot line** with the mid-point of the **rear lot line** and at the minimum required **front setback**. In the case of a **lot** with no **rear lot line**, the point where two **interior lot lines** intersect is the point from which a line is drawn to the mid-point of the **front lot line**. Where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the **exterior lot line** is deemed to extend to its hypothetical point of intersection with the extension of the **front lot line**.

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

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

3.13. M

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

3.13.2. Manure storage means permanent storage which is structurally sound and reasonably capable of storing manure and which typically contains liquid manure

(<18% dry matter) or solid manure (≥18% dry matter), and may exist in a variety of locations (under, within, nearby, or remote from barn); materials (concrete, earthen, steel, wood); coverings (open top, roof, tarp, or other materials); configurations (rectangle, circular); and, elevations (above, below or partially above-grade).

- 3.13.3. Marina** means the **use** of any **lot** or **building** as a commercial venture providing transient and/or seasonal docking and mooring facilities where boats are berthed, stored, serviced, repaired or launched. A **marina** may include a yacht club, land based facilities for the winter storage of boats, boat servicing establishments, sale or rental of boats and boat accessories, the sale of marine fuels and lubricants, waste water pumping facilities, washroom and shower facilities, **laundry store**, boat launching ramp, boat lift/boat lifting equipment, administrative **offices** and marine-related instructional facilities. Accessory uses may include a **restaurant** or a **hotel** that support the **marina**.
- 3.13.4. Marine Facility** means the **use** of any **lot** or **building** to take a boat into or out of a **waterbody**, or to moor, berth, store, repair or construct a boat and which abuts a shoreline. This definition may include a boathouse, vertical storage for non-motorized boats, boat slip, boat launch ramp, boat lift, boat port, dock or marine railway, but excludes any **building used** for human habitation.
- 3.13.5. Mechanical Penthouse** means an enclosed or partially enclosed **building** component which houses mechanical, ventilation, electrical or other similar equipment only, other than a bulkhead, sited on the roof of a **building**.
- 3.13.6. Military Installation** means the **use** of any **lot** or **building** for military purposes, including armories, staff colleges, military **dwelling units**, training facilities, administrative **offices**, dining areas, enclosed storage areas, residential accommodation, **recreation facilities** or **museums**.
- 3.13.7. Minimum Distance Separation** means formulae and guidelines developed by the Province of Ontario, as amended from time to time, to separate **uses** so as to reduce incompatibility concerns about odour from **livestock facilities**.
- 3.13.8. Mixed Use Building** means a **building** that is **used** for the purpose of one or more **dwelling units** and one or more permitted **non-residential uses**.
- 3.13.9. Mobile Home** means a manufactured dwelling containing one **dwelling unit** that is a **principal building** and is designed to be made mobile, and constructed or manufactured to provide year-round living accommodations, but does not include recreational vehicles, travel trailers, tent trailers, motor homes or trailers otherwise

designed. A mobile home may include a **porches** or sunrooms as an **accessory building**.

- 3.13.10. Mobile Home Park** means an area under single ownership and **used** exclusively for the siting of **mobile homes**, with **accessory** commercial facilities and recreational **uses** for residents, including any **buildings** in or on such **mobile home park**.
- 3.13.11. Model Home** means a **single detached house, semi-detached house or townhouse used** temporarily for the purpose of an **office** and/or show room and/or sales centre to promote the sale of residential units within a draft approved plan of subdivision or plan of condominium proposed for registration.
- 3.13.12. Motor Vehicle** means an automobile, motorcycle and motor-assisted bike unless otherwise indicated in the *Highway Traffic Act*, R.S.O. 1990, c. H.8. and any other **vehicle** propelled or driven otherwise than by muscular power, but does not include trains or other motorized **vehicles** running only upon rails, or a motorized snowmobile, boat, personal watercraft, trailer, camper, motor home, all-terrain vehicle, traction engine, farm tractor or road-building machine, as defined in the *Highway Traffic Act*.
- 3.13.13. Municipal Services** means a **lot** that is serviced by both municipal water and municipal sewer.
- 3.13.14. Museum** means the **use** of any **lot** or **building** that is open to the public and in which a collection of objects illustrating science, art, history or related types of information is kept for display and storage. **Museums** may include **retail stores** and food concessions as **accessory uses**.

3.14. N

- 3.14.1. Natural Gas Pipeline** means pipes and installations for the transmission of natural gas.
- 3.14.2. Non-Agricultural Source Material** means any of the following materials, excluding **Agricultural Source Materials**, if the materials are intended to be applied to land as nutrients:
1. Pulp and paper biosolids;
 2. Sewage biosolids;

3. Anaerobic digestion output, if less than 50%, by volume, of the total amount of anaerobic digestion materials that were treated in a mixed anaerobic digestion facility were on-farm anaerobic digestion materials; and
4. Any other material that is not from an agricultural source and is capable of being applied to land as a nutrient.

3.14.3. Non-Residential Building means all **buildings** occupied by **non-residential uses** only.

3.14.4. Non-Residential Use means all **uses** that are not **residential uses**.

3.15. ○

3.15.1. Occasional Use means the **use** of any **lot** or **building** which only occurs at limited and infrequent intervals.

3.15.2. Office means the **use** of any **lot** or **building** for conducting the affairs of businesses, professions, services, media studios, industries, governments, or other similar activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods. **Office** excludes a **wellness clinic**.

3.15.3. On-Farm Diversified Use means the **use** of any **lot** or **building** which is **complementary** to the **principal agricultural use** on a **lot**. **On-farm diversified uses** may include but are not limited to agri-tourism uses or other similar **uses** that produce value-added agricultural products.

3.15.4. Organic Solvent means compounds that contain carbon atoms able to dissolve solids, gases and liquids, including, but not limited to, methyl alcohol, benzene, acetone and ether. Depending on their physical properties, **organic solvents** can also be classified as **DNAPLs**.

3.15.5. Outdoor Patio means a surfaced, open space of land at grade or on the roof of a **building** which is used as an **accessory** extension of the **principal** commercial or hospitality **use** of the **lot** or **building**.

3.15.6. Outdoor Storage means the **use** of any **lot**, outside of a **building**, for the storage of goods, materials and equipment or the display and sale of goods, materials and equipment, outside of a **building**, but excludes a **parking lot**, a **loading space**, a **salvage yard** or an outside area on a permitted **agricultural use** for the storage of agricultural equipment.

3.16. P

- 3.16.1. Parapet** means the low protective or ornamental wall above the **cornice** of a **building**.
- 3.16.2. Park** means the **use** of any **lot** consisting largely of open space, which may include a outdoor recreational areas, sports fields, playgrounds, playfield, food concession, beach, outdoor theatres, or other similar **uses** in a manner that is generally accessible to the public.
- 3.16.3. Parking Lot** means the **accessory use** of any **lot** or **building** for the parking of more than 1 **motor vehicle** in a configuration where a **driveway** is not in line with and does not provide direct access to the **parking space**. **Parking lot** includes **drive aisles** and **parking spaces**, without a fee being charged, and excludes any area where **motor vehicles** for sale or repair are kept or stored. **Parking lot** excludes tandem parking spaces that are in line with and directly accessed from a **driveway**.
- 3.16.4. Parking Structure** means a **building** for the parking of four or more motor vehicles, but excludes a **private garage accessory** to a **single detached house, semi-detached house, duplex, triplex** or **townhouse**.
- 3.16.5. Parking Space** means an unobstructed area dedicated solely for the purpose of parking of a **motor vehicle** with unimpeded access directly from a **street, drive aisle** or **driveway**.
- 3.16.6. Partial Services** means a **lot** that is serviced by either municipal water or municipal sewer, but not both.
- 3.16.7. Patio** means a surfaced, open area of land at grade on a **lot** that is **used** for the purpose of amenity and provided with a stable, hard surface treatment. Patio excludes **driveways, drive aisles, parking spaces, parking lots, loading spaces** or anywhere a vehicle is parked or driven.
- 3.16.8. Person** means any human being, association, firm, partnership, corporation, agent or trustee, and their heirs, executors or other legal representatives of a **person** to whom the context can apply according to the law.
- 3.16.9. Personal Service Shop** means the **use** of any **lot** or **building** in which services involving the care of **persons** or their apparel are offered and includes a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon or similar service establishments as licensed by the **City**. The sale of merchandise is only permitted as an **accessory use** to the **principal** service provided.

- 3.16.10. Pigeon** means a bird from the family Columbidae and is registered or licensed by the **City** in accordance with the By-law to Regulate Animals.
- 3.16.11. Pigeon Loft** means an **accessory building** where **pigeons** are kept.
- 3.16.12. Place of Worship** means the **use** of any **lot** or **building** for the regular assembly of **persons** for the practice of religious worship, services, or rites.
- 3.16.13. Planting Strip** means the area of a **lot used** or intended to be **used** for the sole purpose of planting a row of trees or a continuous hedgerow of evergreens or shrubs and may include supplementary planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof. **Driveways, walkways** and similar features are permitted to cut across a planting strip perpendicularly.
- 3.16.14. Porch** means a **building** component that is an unenclosed or partially enclosed platform covered by a roof, and which is attached to a **main wall** of a **building**. A **porch** includes all associated guards, fencing, walls, **visual screens**, columns, roof, stairs and other associated features. A **porch** may or may not have a foundation.
- 3.16.15. Post-Secondary Institution** means the **use** of any **lot** or **building** 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**.
- 3.16.16. Principal** means the main or primary purpose for which any **lot** or **building** is designed, arranged or intended.
- 3.16.17. Printing Establishment** means the **use** of any **lot** or **building** in which photocopying, photography, reproduction or binding services are provided to the public and other businesses.
- 3.16.18. Private Garage** means a **building** which is designed or **used** for the sheltering of **vehicles** and storage of household equipment **accessory** to the **principal residential use**. A **private garage** includes a carport.
- 3.16.19. Private Services** means a **lot** that is not serviced by municipal water or municipal sewer.
- 3.16.20. 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 **street**.

- 3.16.21. Production Studio** means the **use** of any **lot** or **building** for producing photography, live broadcasts, motion pictures, audio or video recordings or transmissions or similar **uses**.
- 3.16.22. Public Authority** means any Federal, Provincial, Regional or Municipal agency including any commission, board authority, or department established by such agency.
- 3.16.23. Public Market** means the **use** of any **lot** or **building** where produce, meat, flowers, fruit, crafts, paintings and other items, largely produced by the vendor, are sold to the public at retail by vendors from individual stalls or stands.
- 3.16.24. Public Use** means the **use** of any **lot** or **building** for a public service by the City, 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*.
- 3.17. Q**
- 3.17.1.** Reserved
- 3.18. R**
- 3.18.1. Rear Lot Line** means the **lot line** opposite to, and most distant from, the **front lot line**. In the case of a pie shaped lot or a lot where there is no **lot line** opposite to, and most distant from, the **front lot line**, there is no **rear lot line** but **rear yard setback** and other provisions calculated from a **rear lot line** must be taken from the point of intersection of the **interior lot lines** and/or **exterior lot lines**.

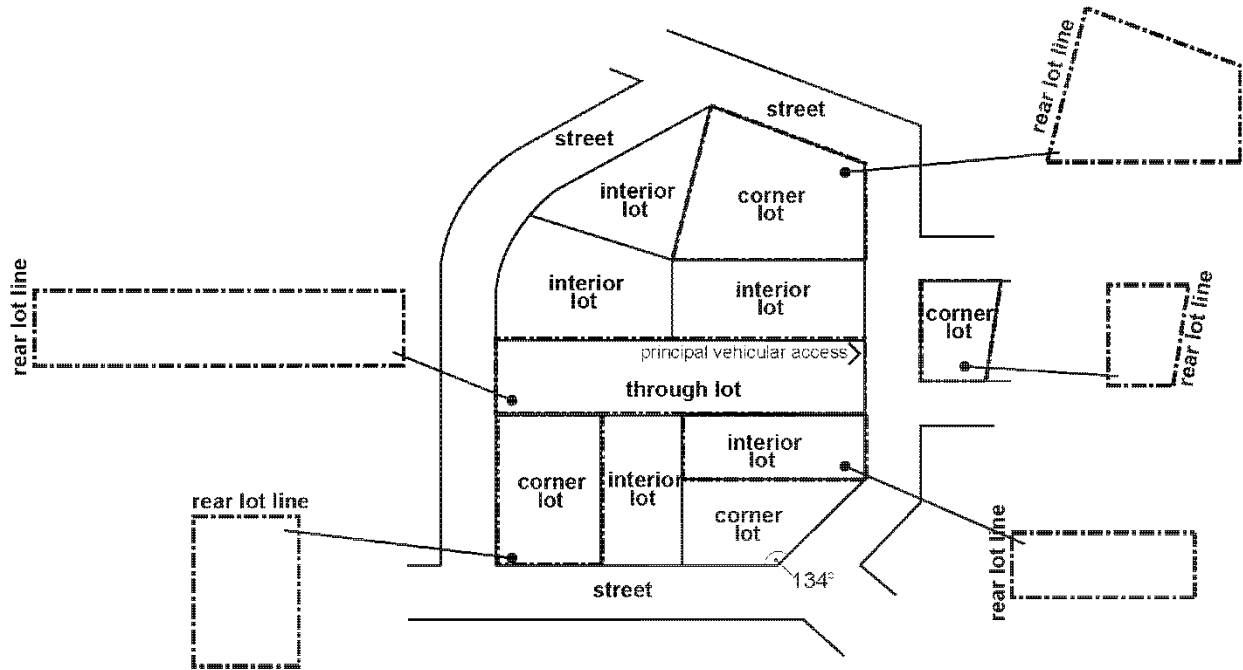


Diagram 3.18.1. – Rear Lot Line

- 3.18.2. Rear Setback** means the **setback** between the **rear lot line** and the nearest part of any **building** on the **lot**.
- 3.18.3. Rear Wall** means the portion of the **main wall** of the **principal building** that is farthest from the **front setback**. Projections, bay windows and chimney breasts of 0.5 metres or less are excluded.
- 3.18.4. 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** on the **lot**. In the case of a **corner lot**, the **rear yard** extends from the **interior lot line** to the **exterior yard** of the **lot** between the nearest part of any **building** on the **lot**.

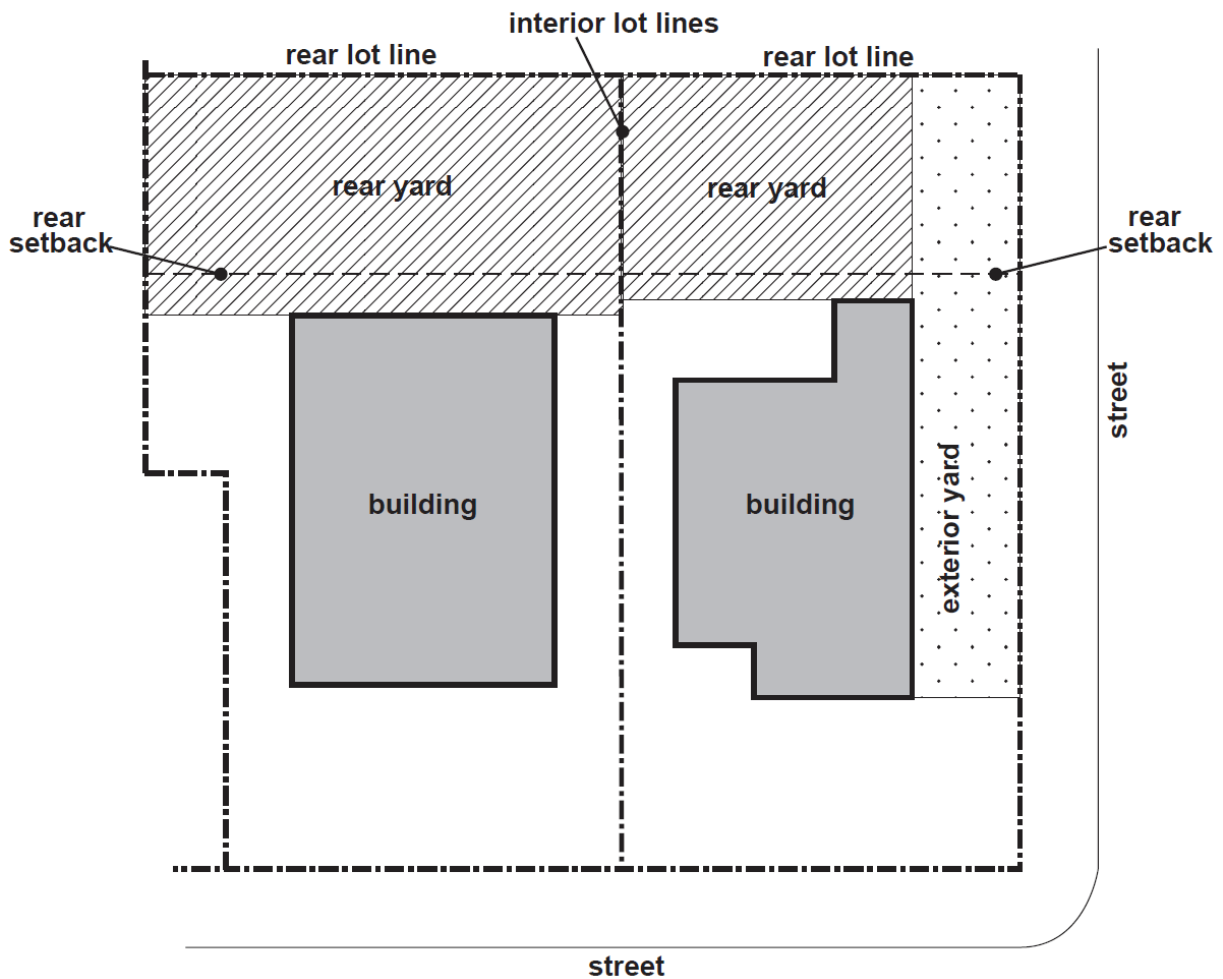


Diagram 3.18.4. – Rear Setback and Rear Yard

- 3.18.5. Recreation Facility** means the **use** of any **lot** or **building** for athletic or recreation activities, which may include a **community centre, club**, ice or roller skating rink, curling rink, indoor paintball facility, axe throwing, racquet club, **swimming pool**, golf driving range, billiard parlour and bowling alley or other similar **uses** where the **principal** focus of the **use** is the participation in athletic or recreation activities.
- 3.18.6. Recreational Vehicle Sales Establishment** means the **use** of any **lot** or **building** for the storage and display of boats, trailers, campers, motor homes, all-terrain vehicles and other similar equipment for sale, rent or lease but excludes **mobile homes** or **motor vehicles**. **Accessory uses** may include facilities for the repair and maintenance of such recreational **vehicles**.
- 3.18.7. Renovate** means the repair, strengthening, or restoration of a **building**, but does not include its replacement.

- 3.18.8. Repair Shop** means the **use** of any **lot** or **building** for the for servicing, repairing or refurbishing goods, appliances, furniture and small engines, excluding the repair of internal combustion engines, **motor vehicles** or other similar products.
- 3.18.9. Research Establishment** means the **use** of any **lot** or **building** for research, data collection and manipulation, and/or technical development of information or devices for application. This definition excludes a **laboratory**.
- 3.18.10. Residential Building** means a **single detached house, semi-detached house, duplex, triplex, townhouse, stacked townhouse, apartment** or a **mixed use building** containing a **dwelling unit**.
- 3.18.11. Residential Use** means a **dwelling unit, co-living unit, tiny house, mobile home,** or an **additional residential unit**.
- 3.18.12. Restaurant** means the **use** of any **lot** or **building** in which the **principal** business is the preparation and serving of food and/or beverages to the public for consumption on or off the premises, and which may include the preparation of food in a ready to consume state for consumption off the premises. A **restaurant** includes a take-out restaurant, a bakery, and other similar **uses**.
- 3.18.13. Retail Store** means the **use** of any **lot** or **building** for the sale, rental or lease of goods, merchandise, substances or commodities directly to the general public including pharmacies, convenience stores, markets, and other similar stores, but excludes **uses** that are otherwise defined herein.
- 3.18.14. Right-of-Way** means an area of land that is legally described in a registered deed for the provision of public or private access.
- 3.18.15. Rural Area** means the area delineated as “rural area” on Schedule 1 of this By-law.
- 3.19. S**
- 3.19.1. Salvage Yard** means the **use** of any **lot** or **building** where goods, wares, merchandise, articles or things are processed for further **use** and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open. This definition may include a junk yard, a scrap metal yard and an automobile wrecking establishment.
- 3.19.2. Second Residential Unit** means an **additional residential unit**, which is the first **accessory dwelling unit** located on the same **lot** as the **principal dwelling unit**.

- 3.19.3. Secondary School** means the **use** of any **lot** or **building** for academic instruction typically offered from grade nine to grade twelve including private, public or separate schools, but does not include a **training facility**. Permitted **accessory uses** include **day care centres**.
- 3.19.4. Self-Service Storage Facility** means the use of any **lot** or **building** for the purpose of providing individual secured storage units and other spaces to **persons** who are to have access to such units or spaces for the purpose of storing and removing property.
- 3.19.5. Semi-Detached House** means a **building** that is **used** for the purpose of two **dwelling units** and configured in such a manner that the **dwelling units** are divided vertically beside each other, with no portion of a **dwelling unit** entirely above another, with each **dwelling unit** having its own independent external access outside. The addition of an **additional residential unit** to a **semi-detached house** does not change a **semi-detached house** into any other type of **building**.
- 3.19.6. Sensitive Use** means **residential uses, day care centres, home day cares, parks, elementary schools, secondary schools, post-secondary schools, special needs facilities, hospitals** and any other similar **uses**.
- 3.19.7. Separation Distance** means the minimum horizontal distance between a **use** or **building** and a specific **use, lot, building** or other specified feature. **Separation distance** is measured as the most direct path between the two specified points, without regard to roads, **walkways**, sidewalks, or other surface transportation features.
- 3.19.8. Septage or Hauled Sewage** means raw, untreated liquids and solids that are pumped out of private sewage system tanks and holding tanks.
- 3.19.9. Setback** means the minimum horizontal distance between a **lot line** and the nearest part of any **building** on the **lot**, excluding such features that are specifically permitted to project into required **setbacks**. **Setback** includes **front setback, rear setback, interior setback** and **exterior setback**.
- 3.19.10. Shoreline** means any **lot line** or part thereof which abuts a **waterbody**.
- 3.19.11. Sight Triangle** means an unobstructed triangular area of land on a **corner lot** where the **front lot line** and **exterior lot line** intersect.
- 3.19.12. Sign** means any device, object or visual medium used to convey information by way of color, form, graphic, illumination, symbol or writing, displayed or intended to be

displayed on any **lot** or **building** to attract attention to a specific subject matter for identification, information or advertising purposes, and which is regulated by the City of Kingston By-law Number 2009-140, the By-law to Regulate Signs in the City of Kingston, or any successor legislation.

- 3.19.13. Single Detached House** means a **building** that is **used** for the purpose of one **dwelling unit** and configured in a manner that is freestanding and separate, with independent exterior walls, and does not include a **mobile home**. The addition of an **additional residential unit** to a **single detached house** does not change a **single detached house** into any other type of residential **building**.

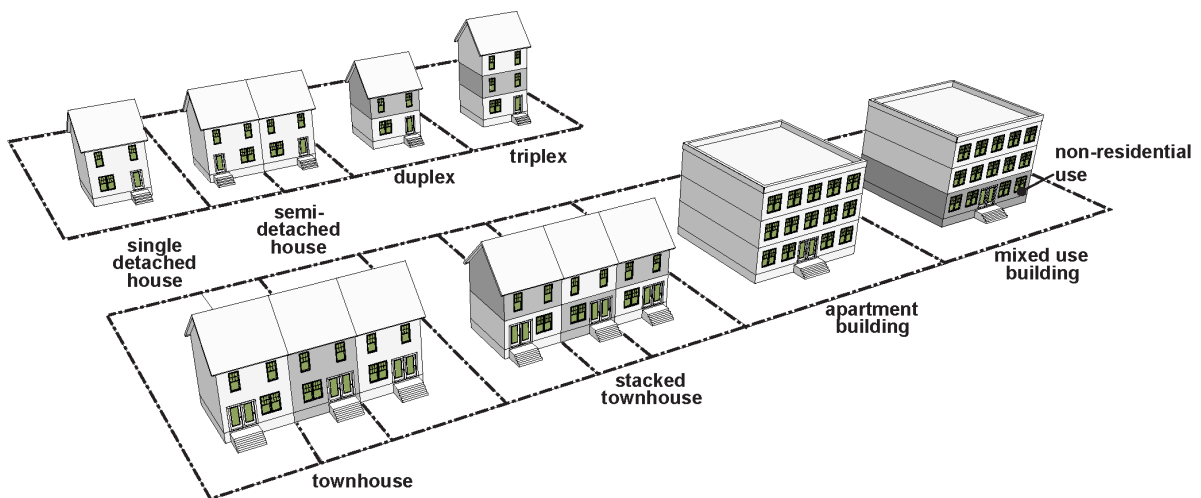


Diagram 3.19.13. – Residential Building Types

- 3.19.14. Special Needs Facility** means the **use** of any **lot** or **building** for housing providing a group living arrangement for people who have specific needs beyond economic needs and that is not a **group home**, including by not limited to needs such as mobility requirements or support functions required for daily living. This includes any dedicated facilities for such **use**.
- 3.19.15. Specific Day Retail Sales** means the use of any **lot** or **building** for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are **accessory** to the **principle** permitted **uses**.
- 3.19.16. Stacked Bike Space** means a **horizontal bike space** that is positioned above or below another **horizontal bike space**.

- 3.19.17. Stacked Townhouse** means a **building** that is **used** for the purpose of four or more **dwelling units** and configured in a manner that a portion of the **dwelling units** are located entirely or partially above the other portion of the **dwelling units**, and where each **dwelling unit** has its own independent external access outside.
- 3.19.18. Stadium** means the **use** of any **lot** where outdoor or partially enclosed facilities are provided primarily for the gathering of persons for civil, political, travel, religious, social, educational, recreational, or similar purposes or for the consumption of food or drink, excluding any other **use** otherwise defined herein.
- 3.19.19. Stepback** means the horizontal distance from the exterior wall of a specified **storey** to the exterior wall of the **storey** immediately below it. The horizontal distance must be measured in the direction that is opposite to the **lot line**, ensuring that the **stepback** moves towards the centre of the **lot**.
- 3.19.20. Stone Quarry** means the **use** of any **lot** or **building** 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**.
- 3.19.21. Storey** means occupied space of a **building** between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Any portion of a **building** partly below ground is deemed a **storey** where any part of its ceiling is 1.0 metres or more above the level of the ground. An **attic** is not a **storey**.
- 3.19.22. Street** means a public **street** or highway in accordance with the terms of the *Municipal Act*, including a road reserve. A **street** does not include a **private street**.
- 3.19.23. Street Line** means the boundary between a **street** and a **lot**.
- 3.19.24. Streetwall** means the wall of a **building** or portion of a wall facing a **street line**.
- 3.19.25. Streetwall Height** means the vertical distance between the top of the **streetwall** and the **finished grade**.
- 3.19.26. Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel for the purpose of moving or holding water.
- 3.19.27. Swimming Pool** means a **building** that is a tank, pool, or artificial body of water which may be **used** for swimming or wading purposes and which has a possible maximum depth of water greater than 0.60 metres. A **swimming pool** includes a hot tub or whirlpool and includes all of its associated and unenclosed mechanical

equipment. A **swimming pool** excludes a pond, reservoir, stormwater management facility or any natural body of water.

3.20. T

- 3.20.1. Tandem Parking Space** means a **parking space** that is only accessed by passing through another **parking space** from a **street, drive aisle** or **driveway**.
- 3.20.2. Technology Industry** means the **use** of any **lot** or **building** for the manufacturing, assembling, packaging or storage of technology devices in an office, studio or laboratory setting.
- 3.20.3. Third Residential Unit** means an **additional residential unit**, which is the second **accessory dwelling unit** located on the same **lot** as the **principal dwelling unit**.
- 3.20.4. Tiny House** means a detached residential structure containing one **dwelling unit** that is **accessory** to a **principal** residential **building** and that is designed to be portable and provide year-round living accommodations in accordance with the garden suite provisions of the *Planning Act*, but does not include recreational vehicles, travel trailers, tent trailers, motor homes or trailers otherwise designed.
- 3.20.5. 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.
- 3.20.6. Tourism Use** means the **use** of any **lot** or **building** that has been designed and equipped for the purposes of tourism and may include visitor reception, tourist information, ticket and toll booths or interpretation facilities.
- 3.20.7. Towing Compound** means the **use** of any **lot** or **building** for the temporary storage of towed **motor vehicles** and may include enclosed **outdoor storage**, but excludes a **salvage yard, automobile body shop** or **automobile repair shop**.
- 3.20.8. Townhouse** means a **building** that is **used** for the purpose of three or more **dwelling units** and configured in such a manner that no **dwelling unit** is entirely or partially above another, with each **dwelling unit** having its own independent external access outside. The addition of an **additional residential unit** to a **townhouse** does not change a **townhouse** into any other type of residential **building**.
- 3.20.9. Trade Show** means the **use** of any **lot** or **building** for an event held to bring together members of a particular industry to display, demonstrate, and promote

their latest products and services; which are **accessory** to the **principle** permitted **uses**.

- 3.20.10. Training Facility** means the **use** of any **lot** or **building** in which training or educational services are offered, but does not include an **elementary school**, **secondary school** or **post-secondary school**. A **training facility** may include but is not limited to the instruction of a trade, skill, service (such as driving), administration, dance, calisthenics, business, aviation, art, language, hairdressing, music, culture or sport.
- 3.20.11. Transformer Station** means the **use** of any **lot** or **building** for the generation, transmission or distribution of electricity.
- 3.20.12. Transportation Depot** means the **use** of any **lot** or **building** where buses, taxis, trucks, tractor trailers or other similar commercial vehicles are dispatched, rented, leased, maintained, stored or parked for commercial purposes, and includes any technical training facility directly associated with these vehicles, but excludes **uses** otherwise defined herein.
- 3.20.13. Transportation Terminal** means the **use** of any **lot** or **building** where buses or trains pick up and discharge fare-paying passengers, which may include **accessory offices**, **retail stores**, food concessions or **restaurants**.
- 3.20.14. Triplex** means a residential **building** that is **used** for the purpose of three **dwelling units** and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance, either directly from the outside, or through a common vestibule, with each **dwelling unit** entirely or partially above another. A **semi-detached house** with an **additional residential unit** is not a **triplex**.

3.21. U

- 3.21.1. Unused Manure Storage** means a **manure storage** that does not currently store any manure, but that stored manure in the past and continues to be structurally sound and reasonably capable of storing manure.
- 3.21.2. Urban Area** means the area delineated as “urban area” on Schedule 1 of this By-law.
- 3.21.3. Use**, as a noun, means the purpose for which any **lot** or **building** is arranged, designed or intended to be occupied or maintained. As a verb, **use** means the doing or permitting of anything by the owner or occupant of any **lot** or **building** directly

or indirectly or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant, for the purpose of making **use** of the said **lot** or **building**.

3.22. V

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

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

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

3.22.4. Visual Screen means an area on a **lot** that is intended to provide a visual barrier through the use of a continuous solid **fence**, solid wall or **planting strip**.

3.23. W

3.23.1. Walking Distance means the minimum linear distance between a specific **use**, **lot**, or **building** and another specified feature along a pedestrian or mode of active transportation could reasonably travel. **Walking distance** is measured as the most direct path between the two specified features along **streets**, public sidewalks, publicly accessible **walkways** or other surface transportation features that are accessible to the public.

3.23.2. Walkway means a hard surface treated path that provides pedestrian and/or active transportation access to the exterior entrance of a **building**.

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

3.23.4. Waste Disposal Area means the **use** of any **lot** or **building** providing for the long-term storage or destruction of solid waste.

- 3.23.5. Waste Processing Site** means the **use** of any **building** for the **principal** purpose of sorting and processing waste to create a new product or raw material on site, and may include a recycling centre.
- 3.23.6. Waste Transfer Station** means the **use** of any **building** for the **principal** purpose of collection and storage of waste for shipment, and may include limited sorting or preparation of that waste to facilitate its shipment.
- 3.23.7. Water Frontage** means the straight line horizontal distance between the two most widely separated points on any one **shoreline** of a **lot**.
- 3.23.8. Water Supply Plant** means the **use** of any **lot** or **building** approved by the Ministry of Environment, Conservation and Parks, where water is treated for human consumption.
- 3.23.9. Waterbody** means a lake, canal, pond, **wetland**, river, watercourse, or municipal drain as defined by the *Drainage Act*, but does not include an artificially constructed swale or ditch intended for intermittent and minor surface drainage of residential lots.
- 3.23.10. Wastewater Treatment Facility** means the **use** of any **lot** or **building** approved by the Ministry of Environment, Conservation and Parks, where domestic and/or industrial sewage waste is treated by a private individual or corporation.
- 3.23.11. Wayside Pit or Wayside Quarry** means the **use** of any **lot** or **building** as a temporary pit or quarry opened and **used** by or for a **public authority** solely for the purpose of a particular project or contract of **street** construction and not located on the **street right-of-way**.
- 3.23.12. Wellhead Protection Area (WHPA)** means an area of land surrounding a well where human activities may need to be regulated to protect the quality and quantity of groundwater that supplies that well.
- 3.23.13. Wellness Clinic** means the **use** of any **lot** or **building** by physicians, dentists, physiotherapists, chiropractors, naturopaths, osteopaths, psychologists, therapists, registered massage therapists, optometrists or other similar practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment. A **wellness clinic** may include administrative **offices**, waiting rooms, treatment rooms, **laboratories**, pharmacies and dispensaries directly associated with the clinic, but excludes a **hospital**.

3.23.14. Wetland means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of **wetlands** are swamps, marshes, bogs and fens. Periodically soaked or wet lands being **used** for **agricultural uses**, which no longer exhibit **wetland** characteristics, are not considered to be **wetlands** for the purposes of this definition.

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

3.23.16. Workshop means the **use** of any **lot** or **building** where manufacturing is performed by tradespeople requiring manual or mechanical skills and may include a machine shop, carpenter's shop, furniture maker's shop, locksmith's shop, gunsmith's shop, tinsmith's shop, commercial welder's shop or similar **uses** and excludes **uses** otherwise defined herein.

3.24. X

3.24.1. Reserved

3.25. Y

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

3.26. Z

3.26.1. Reserved

Section 4: General Provisions

4.1. Accessory Uses and Buildings

Accessory Provisions for All Uses and Buildings

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

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

Additional Accessory Provisions for Residential Uses and Buildings

4.1.2. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, or on any **lot** where the **principal use** of such **lot** is a **dwelling unit**, an **accessory building**, excluding a **marine facility**, must:

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

4. Must not be used for human habitation, except for a **tiny house**, an **additional residential unit** or a **home occupation**;
5. May encroach into the required **setback** on a **lot** provided that such **accessory building** must be **setback** a minimum of 1.2 metres from all **lot lines**;
6. Must maintain a minimum **separation distance** of 1.2 metres from the **principal building**; and
7. Must meet the minimum required **setback** from a **waterbody** in accordance with Clause 4.23.1.; and
8. Notwithstanding Subclause 7. and Clause 4.23.1., on a **lot** that existed as of the date of passing of this By-law, a maximum of one **accessory building** no greater than 10 square metres in area is permitted within the required 30 metre **setback**, provided that it maintains a minimum **setback** of 7.5 metres from the **high water mark**.

Additional Accessory Provisions for Buildings in the CM1 and CM2 Zones

- 4.1.3.** In a CM1 or CM2 Zone, an **accessory building** must be located in a **rear yard** or **interior yard** and:
1. The maximum lot coverage for all accessory buildings on one lot is 10%;
 2. The maximum **height** is 4.6 metres;
 3. May encroach into the required **rear setback** provided that such **accessory building** is **setback** a minimum of 1.2 metres from the **rear lot line**; and
 4. Must not be located closer to a **street line** than the **streetwall** of the **principal building**.

4.2. Swimming Pools

- 4.2.1.** Notwithstanding any other provisions of this By-law to the contrary, an outdoor **swimming pool**, including all of its associated and unenclosed mechanical equipment, must be **developed** in accordance with the following provisions:
1. The minimum **setback** is 1.5 metres from a **swimming pool** to any **lot line**;

2. A **swimming pool** must not be located in a **front yard, exterior yard** or within any form of drainage management system such as a **swale** or **ditch**;
3. The maximum **height** of a **swimming pool** is 2.0 metres, excluding related equipment which must not exceed a maximum **height** of 4.5 metres. For the purpose of this Subsection, height of a **swimming pool** is the difference between the highest point of the **swimming pool** and the average grade level around the perimeter of the **swimming pool**;
4. A **swimming pool** must meet the minimum required distance from a **waterbody** in accordance with Subsection 4.23. of this By-law; and
5. For the purpose of this Subsection, **decks** and **buildings accessory** to a **swimming pool** are not considered related equipment and must comply with all other provisions of this By-law.

4.3. Amenity Area

- 4.3.1. A minimum of 18.5 square metres of amenity area must be provided for each dwelling unit on a lot with 3 or more dwelling units in a triplex, townhouse, stacked townhouse, apartment building or mixed use building. Where a townhouse or stacked townhouse are configured in a manner that each dwelling unit is located on its own individual lot, this requirement does not apply.
- 4.3.2. Notwithstanding Clause 4.3.1., in the CM1, CM2, DT1, DT2 and HCD2 zones, a minimum of 10.0 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot**.
- 4.3.3. **Amenity areas**, or any part thereof, must be designed and located so that the length does not exceed four times the width.
- 4.3.4. **Amenity areas**, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54.0 square metres.

4.4. Lot Servicing

- 4.4.1. In the **urban area**, a **lot** or **building** must not be **used or developed** unless there is adequate capacity in the sanitary sewer, stormwater sewer or stormwater management facility, and adequate potable water from a public water supply system, as determined by the applicable utility provider(s).

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

4.5. Angular Planes and Build-to-Planes

Angular Planes

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

Build-to-Plane

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

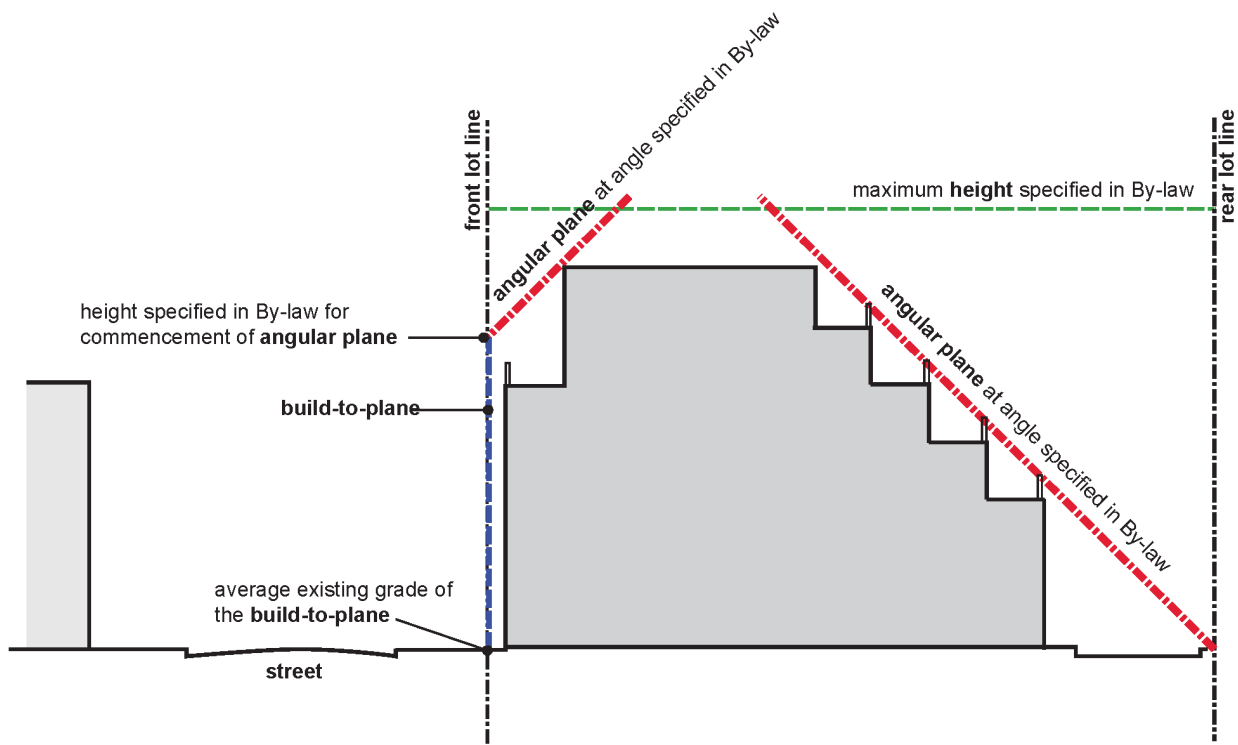


Diagram 4.5.2. – Angular Plane and Build-to-Plane

4.6. Sight Triangles

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

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

4.6.2. The area within a **sight triangle** is determined by measuring from the point of intersection of the **front lot line** and the **exterior lot line** to a point along each

such **street line** as set out in Table 4.6.2., in accordance with the **street** type identified in Schedule 1 of this By-law, and a third line connecting the two points on the two **street lines**.

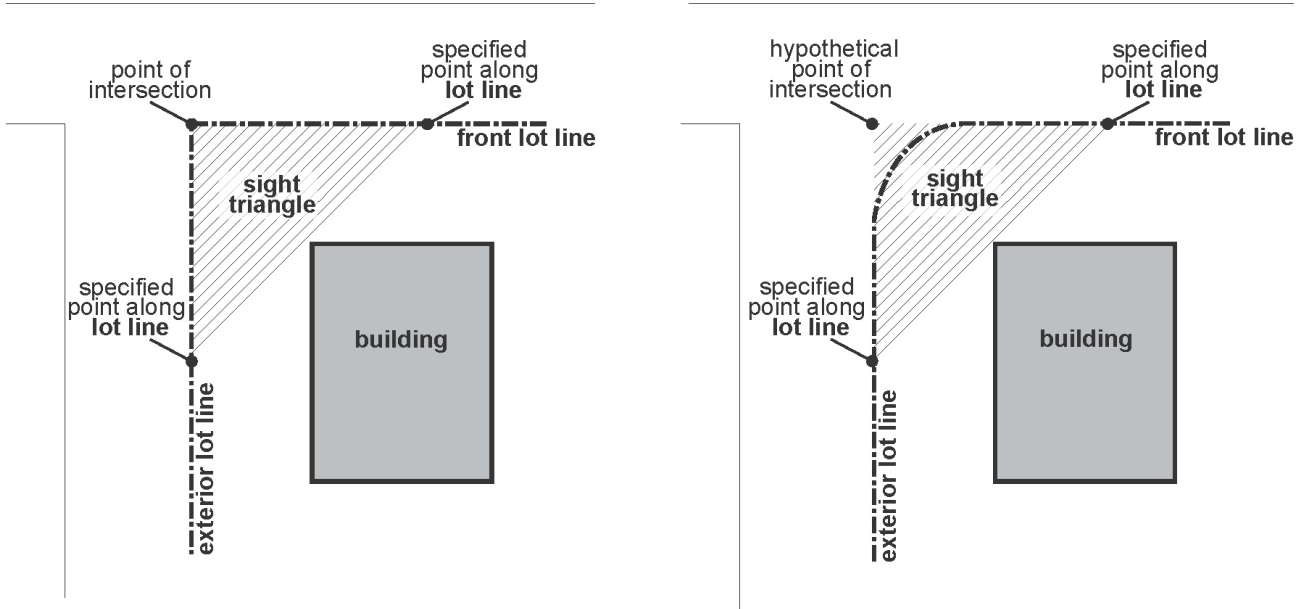


Diagram 4.6.2. – Sight Triangle

- 4.6.3.** Notwithstanding the definition of **sight triangle**, where a **corner lot** includes a **front lot line** and **exterior lot line** that do not intersect at one point, the area within the **sight triangle** is determined by measuring the hypothetical point of intersection of the extension of the **front lot line** and the extension of the **exterior lot line**.
- 4.6.4.** The provisions of this Subsection do not apply to any **lot** where the required **front setback** or **exterior setback** is zero.

Table 4.6.2. – Sight Triangle Provisions

		Type of Subject Street Line		
		Local Road	Collector Road	Arterial Road
Type of Intersecting Street Line	Local Road	4.5 metres	9.0 metres	9.0 metres
	Collector Road	9.0 metres	9.0 metres	30.0 metres
	Arterial Road	9.0 metres	30.0 metres	30.0 metres

4.7. Drive-Through Provisions

- 4.7.1. The minimum **separation distance** from a **drive-through** to a **lot** within an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone is 15.0 metres.
- 4.7.2. Where a **lot** is **used** for a **drive-through** and the **interior lot line** or **rear lot line** abuts a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, then:
1. a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **lot line** that abuts such **use** or **lot**; and
 2. the minimum height for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres.
- 4.7.3. Where a **lot** is **used** for a **drive-through** and has a **street line** located on the opposite side of the **street** from a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HR Zone, HCD1 Zone, HCD3 Zone, RUR Zone, LSR Zone or DR Zone, then:
1. a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such **use** or **lot**.

4.8. Frontage on a Public Street

- 4.8.1. A **lot** or **building** must not be **used** or **developed** unless the **lot**:
1. Has a **lot line** which is also a **street line**; and
 2. Has vehicular access to the **street** that coincides with the part of the **lot line** which is also a **street line**.
- 4.8.2. Notwithstanding the definition of **street**, the following are deemed to be **streets** for the purpose of this Subsection:
1. A **private street** in the **rural area** that is subject to a registered **right-of-way** to a **lot** that does not directly front on a **street**.

4.9. Generally Permitted Uses

Uses Permitted in all Zones

- 4.9.1.** Notwithstanding any other provision of this By-law to the contrary, except where greater restrictions are provided in Overlay Provisions in Section 5 and water setback provisions of Subsection 4.23., any **lot** or **building** may be **used** or **developed** in any Zone, except for an EPA Zone, for any of the **uses** indicated in Subclauses 1 through 10 below. All **buildings developed** in conjunction with these **uses** must comply with all provisions of this By-law that apply to the **lot**, except for minimum **lot area** or minimum **lot frontage** requirements or where a particular **use** is specifically exempt from a provision:
1. municipal infrastructure, stormwater management facilities, electricity transmission facilities, oil and natural gas pipelines;
 2. electricity generation facilities and electricity transmission and distribution infrastructure;
 3. public utility installations required by any **public authority** or private utility for the provision of gas, oil, water, electricity, sanitary, storm water management, transportation, telephone communication and other similar utilities to the general public;
 4. **public uses**, conservation areas, **conservation uses**, flood or erosion control facilities, or other similar uses;
 5. tourism uses;
 6. active and passive outdoor recreational uses;
 7. **marine facilities**, which must not obstruct navigation or infringe upon established access rights. **Setbacks** that are measured from the **rear lot line** or a **waterbody** do not apply to **marine facilities**;
 8. **community gardens** and urban agriculture that are not commercial operations, provided no **building** or part thereof, including an harbour or other such associated component, is permitted within 1.5 metres of a **street**;
 9. a public transit facility; and
 10. not-for-profit community food centres.

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

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

4.10. Complementary Uses

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

4.11. Prohibited Uses in All Zones

4.11.1. 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 incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes; and
- 3.** Any **uses** or activities deemed unlawful under other Federal, Provincial, or Municipal acts, codes, or by-laws.

4.12. Items Exempt from this By-law

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

1. signs;
2. fences;
3. retaining walls and boundary walls (except where regulated by Section 4.24);
4. drop awnings;
5. clothes poles;
6. flag poles;
7. garden trellises and open air surfaced areas such as a pergola;
8. light standards (except where regulated by Section 4.24);
9. seasonal decorations;
10. public sidewalks, curbs and bollards;
11. planters, landscaping features, birdbaths and vegetation;
12. mailboxes, newspaper or similar dispensing or receiving boxes;
13. public art, statues and sculptures;
14. furniture;
15. play equipment, including but not limited to trampolines;
16. outdoor skating surfaces;
17. public transit installations, infrastructure, equipment and other similar public transit features;
18. all structures, equipment or other similar features permitted by the City to be located within the City's **street**, including **outdoor patios**; and
19. all equipment or structures provided in a public **park**.

4.13. Building Components Exempt from Specific Provisions

- 4.13.1.** **Buildings** located in public **parks** are exempt from the provisions of this By-law which regulate the size and location of such **buildings**, including but not limited to **setbacks, height, building depth, lot coverage** and **landscaped open space**.
- 4.13.2.** Any **building** component that is located wholly below existing grade, including **basements, parking structures**, private sewage systems, or other similar **building** components, are exempt from the provisions of this By-law which regulate **setbacks** from **lot lines** or maximum **building depth**, but must comply with all other applicable provisions of this By-law.
- 4.13.3.** Notwithstanding Clause 4.13.2., **building** components that are located wholly below existing grade, including **basements, parking structures**, private sewage systems, or other similar **building** components, must comply with all **setback** provisions from **waterbodies**, natural heritage features, floodplains and other similar environmental protection areas, except:
- 1.** Where an existing private sewage system is updated or replaced with a new private sewage system, the new private sewage system must not be closer to the **waterbody**, natural heritage feature, floodplain or other environmental protection area than the existing private sewage system.
- 4.13.4.** For the purpose of this Subsection, “existing grade” means the existing grade of the portion of the **lot** immediately surrounding and/or on top of such component, prior to the **development** of such **building** or **building** component.

4.14. Temporary Uses

Temporary Retail and Seasonal Sales

- 4.14.1.** Nothing in this By-law prevents an area outside of a **building** within a CN, CM1, CM2, CA, CD, CR, CG, CW, DT1, DT2, HCD2, HB, RC and HC Zone, which is **used** in conjunction with a business located on the same **lot**, to be **used** for the display or retail sales of seasonal produce or new merchandise, provided such area:
- 1.** Is seasonal in nature and does not include a permanent retailing area; and
 - 2.** Is not located within a fire lane, a **parking lot** or a **loading space** required to fulfill the provisions of this By-law, or a **driveway** or passageway which

provides an access route for vehicular traffic across the **lot** or to an improved **street** which abuts said **lot**.

Temporary Construction Buildings and Equipment

- 4.14.2.** Notwithstanding any provision of this By-law to the contrary, the following temporary **buildings** or equipment are be permitted in any Zone, except an EPA Zone, during a period of **construction**:
- 1.** A temporary **building** or equipment essential to **construction** or a special event in progress on a **lot**;
 - 2.** A temporary **office** for the sale of residential **lots** or residential units;
 - 3.** In the **rural area**, a **mobile home** or a recreational vehicle as temporary accommodation for a period not to exceed two years while a permanent **dwelling unit** is being **developed** on the same **lot**; and
 - 4.** Any temporary sheds, scaffolds or other **buildings** incidental to **building construction** on the **lot** for so long as the same is necessary for work in progress which has neither been finished nor abandoned.
- 4.14.3.** The **setback** provisions of the underlying Zone and the parking provisions do not apply to the temporary **buildings** or equipment permitted by Subclauses 4.14.2.1., 4.14.2.3. and 4.14.2.4. All other provisions of this By-law apply, including Clause 4.23.1.
- 4.14.4.** The temporary **buildings** or equipment permitted by Clause 4.14.2. must be located on the **lot** only until such time as the **construction** has been completed or abandoned.

Temporary Housing for Seasonal Farm Labour

- 4.14.5.** Notwithstanding any provision of this By-law to the contrary, temporary housing for seasonal farm labour is permitted in the AG Zone and must be located in a **building** which complies with all provisions of this By-law applicable to the **lot**.

4.15. Occasional Uses

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

1. In a **place of worship, elementary school or secondary school** or on any **lot** in a DT1, DT2, HCD2, OS1 and OS2 Zone, auction sales, bake sales, craft sales, plant and produce sales, seasonal sales, bingo, blood donor clinics, carwashes, benefit dances, festivals, shows, concerts, banquets, or other similar special events are permitted as an **occasional use**; and
2. **Garage sales** are permitted on any **lot** as an **occasional use**, with a maximum number of two **garage sales** being conducted on any one **lot** in any calendar year. A single **garage sale** consists of a maximum of two consecutive days.

Trade Shows and Specific Day Retail Sales

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

Public Markets

- 4.15.3. **Public markets** are permitted as an **occasional use** on any **lot** in a Commercial Zone, Institutional Zone or the OS1, OS2, HCD2, RC, HC, HI Zones in accordance with the following:

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

4.16. Planting Strip Provisions for Non-Residential Uses

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

1. a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **lot line** that abuts such **use** or **lot**; and
2. the minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres.

- 4.16.2.** Where a **lot** in an RM1, RM2, MX1, M1, M2, M3, M4, M5, TA, TR or TU Zone has a **street line** located on the opposite side of the **street** from a **residential use** or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, then:
- 1.** a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such **use** or **lot**.
- 4.16.3.** Notwithstanding Clauses 4.16.1. and 4.16.2., the height of vegetation planted in a required **planting strip** must comply with Section 4.6. of this By-law, where applicable.

4.17. Minimum Distance Separation

New Non-Agricultural Uses

- 4.17.1.** The expansion or establishment of any new **use** that is not an **agricultural use** must comply with the requirements of the applicable **minimum distance separation** calculation (MDS I) from an existing **livestock facility**.
- 4.17.2.** Notwithstanding Clause 4.17.1., **minimum distance separation** calculation (MDS I) does not apply to applications for consent under Section 53 of the *Planning Act* for a residence surplus to a farming operation, where the **dwelling unit** and nearby **livestock facility** or anaerobic digester are located on a separate **lot** prior to the consent application, as the potential odour conflict already exists.

New or Expanded Livestock Facilities

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

Existing Lots of Record

- 4.17.5.** The **minimum distance separation** requirements do not apply in the case of a new **use** that is not an **agricultural use** under this Subsection where a legal **lot** of record with an area of 1.0 hectare or less, existed as of the date of passing of this By-law,

and for which the proposed **use** is listed as a permitted **use** in the Zone in which the existing **lot** is located.

Higher Standard to Govern

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

Backyard Hen Coops and Pigeon Lofts

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

4.18. Projections Above Maximum Height

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

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

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

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

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

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

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

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

4.19. Projections into Required Setbacks

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

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

Fire Escapes

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

3. The maximum horizontal projection of fire escapes towards the **rear lot line** is 1.5 metres.

Bay Windows

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

Belt Courses, Sills, Cornices and Eaves

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

Chimneys

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

Architectural Features in Other Zones

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

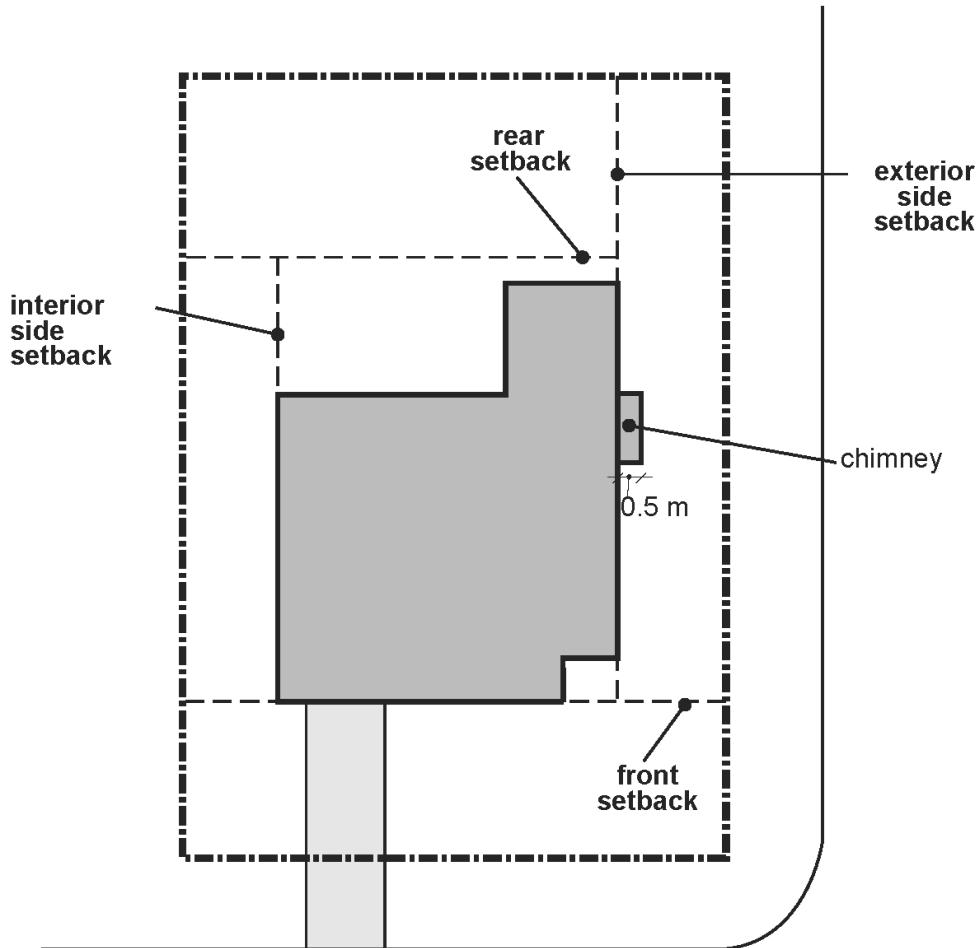


Diagram 4.19.2. – Chimney Projection

Exterior Stairs in Other Zones

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

4.20. Decks, Porches and Balconies

Balconies

- 4.20.1.** Notwithstanding the **setback** provisions of this By-law to the contrary, **balconies** that project from the **main wall** of a **building** must comply with the following provisions:
1. The maximum horizontal projection from the **main wall** is 2.0 metres;
 2. A maximum of 30% of the horizontal length of the **main wall** of each **storey** may be occupied by **balconies**; and
 3. The minimum **setback** from a **lot line** is 1.0 metres.
- 4.20.2.** Notwithstanding Clause 4.20.1., where a **balcony** is wholly enclosed and is covered with a roof, it must comply with the provisions that apply to the **principal building**.

Decks and Porches

- 4.20.3.** In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, notwithstanding the **setback** provisions of this By-law to the contrary, a **deck** or **porch** are permitted, provided they:
1. are not located within any form of drainage management system such as a **swale** or **ditch**;
 2. comply with the provisions of Subsection 4.23. regulating **setbacks** from **waterbodies**; and
 3. comply with the provisions of Table 4.20.3.
- 4.20.4.** In all Zones other than those regulated by Clause 4.20.3., **decks** and **porches** must comply with the provisions that apply to the **principal building**.

Table 4.20.3. – Decks and Porches

Zoning Provision	Height no greater than 0.6 metres	Height greater than 0.6 metres up to 1.2 metres	Height greater than 1.2 metres
1. Maximum surface area of floor level	10% of the lot area	10% of the lot area	Lesser of: 10% of the lot area or 30.0 square metres
2. Minimum front setback	3.5 metres	3.5 metres	Comply with Zone provision
3. Minimum interior setback	(a) semi-detached house and townhouse : 0.6 metres, except common party wall where it may be 0.0 metres if there is a common privacy fence at least 1.5 metres tall (b) all other uses : 0.6 metres	(a) semi-detached house and townhouse : Comply with Zone provision, except common party wall where it may be 0.0 metres if there is a common privacy fence at least 1.5 metres tall (b) all other uses : Comply with Zone provision	(a) semi-detached house and townhouse : Comply with Zone provision, except common party wall where it may be 0.0 metres if there is a common privacy fence at least 1.5 metres tall (b) all other uses : Comply with Zone provision
4. Minimum exterior setback	3.5 metres	3.5 metres	Comply with Zone provision
5. Minimum rear setback	2.0 metres	2.0 metres	4.0 metres

4.20.5. For the purpose of Clause 4.20.3., the maximum surface area of the floor level is calculated based on a cumulative floor levels of all **decks** and **porches** located on a **lot**.

4.20.6. For the purpose of Clause 4.20.3., the height of a **deck** and **porch** is measured from the average **finished grade** of the **deck** and **porch** to the top of the floor level of such **building** component, excluding the height of any safety railing, guard, privacy screen or other similar feature.

Rooftop Terraces

- 4.20.7.** The provisions of Clauses 4.20.1. to 4.20.6. do not apply to a rooftop terrace which is located on the roof of a **building** above a **storey**. Rooftop terraces are permitted on the roof of a **building** and must comply with the Projections Above Maximum Height provisions of Subsection 4.18.

4.21. Barrier-Free Buildings

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

4.22. Setbacks from Railway Rights-of-Way and Rail Yards

- 4.22.1.** Where a **lot** is adjacent to a principal main line railway **right-of-way**:

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

- 4.22.2.** Where a **lot** is adjacent to a secondary main line railway **right-of-way**:

1. The minimum required **setback** of a **building** containing a **sensitive use** is:
 - (a) 30 metres, where a minimum 2.0 metre high **landscaped berm** is provided along the **lot line** adjacent to the **right-of-way**; or
 - (b) 120 metres.

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

4.22.3. Where a **lot** is adjacent to a principal branch line, secondary branch line or spur line railway **right-of-way**:

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

4.22.4. Where a **lot** is not adjacent to such railway **right-of-way**, but is located in an area where a **building** with a **sensitive use** can be constructed within 120 metres of a railway **right-of-way**, Subclauses 4.21.1.1., 4.21.2.1. and 4.21.3.1. apply.

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

4.23. Setback from Waterbodies

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

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

6. **Marinas**, where they are permitted in the Zone applicable to the **lot**;
7. Existing **agricultural uses**;
8. Shoreline stabilization works; and
9. Utilities infrastructure including stormwater outfall, water treatment and pumping facilities and combined sewer overflow management facilities.

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

4.24. Setbacks from Natural Gas Pipelines

4.24.1. Notwithstanding any other provision of this By-law to the contrary, the minimum **setback** from a **lot line** abutting land that contains a natural gas pipeline is:

1. 7.0 metres for any **principal building**;
2. 7.0 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles; and
3. 3.0 metres for any accessory building, swimming pool, deck, patio and porch.

4.24.2. Where a natural gas pipeline is located on the same **lot**, the minimum **setback** from a registered **right-of-way** for the natural gas pipeline is:

1. 7.0 metres for any **principal building**;
2. 7.0 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles; and
3. 3.0 metres for any accessory building, swimming pool, deck, patio and porch.

4.25. Waste and Recycling

4.25.1. Waste and recycling must not be stored on any **lot** in any Zone except within the **principal building** or an **accessory building** on such **lot** or in a container located in the **interior yard** or **rear yard** of such **lot**.

4.25.2. A waste or recycling storage area, including any loading or unloading area, which is visible from an adjoining site in an Urban Residential Zone, HCD1 Zone, HCD3 Zone,

CN, CM1, CM2, CA, CD, CR, CG, CW, HB, OS1 or OS2 Zone, a public open space, a **waterbody** or a **street** must have a **visual screen** at a minimum height that is equal to any bins or dumpsters stored within the waste or recycling storage area.

- 4.25.3.** A commercial waste or recycling dumpster or bin is regulated in the same manner as an **accessory building** in the underlying Zone in which it is located.

4.26. Separation Distance for Residential Uses and MX1 Zones

- 4.26.1.** A minimum **separation distance** of 300.0 metres is required between a **residential use** and a **lot** in a MX1 Zone.

- 4.26.2.** A minimum **separation distance** of 500.0 metres is required between a **residential use** and a **lot** in the MX1 Zone with an operating quarry.

4.27. Walkways for All Residential Uses

- 4.27.1.** An **additional residential unit** and a **principal dwelling unit** in a **single detached house, semi-detached house, duplex, triplex, townhouse, stacked townhouse, apartment** or **mixed use building** must be accessed by a **walkway**, subject to the following provisions:

- 1.** The minimum width of the **walkway** is 1.2 metres wide;
- 2.** In the **urban area**, the **walkway** must be provided from the **front lot line** to the main exterior entrance, or to stairs leading to the main exterior entrance, of every **dwelling unit** on a **lot**. Where **dwelling units** share a common main exterior entrance, the **walkway** must be provided to the common main exterior entrance;
- 3.** In the **rural area**, the **walkway** must be provided from the driveway containing the **parking space** for the **dwelling unit** to the exterior entrance, or to stairs leading to an exterior entrance, of every **dwelling unit** on a **lot**;
- 4.** The **walkway** must be separately delineated and measured distinctly from a required **driveway** and **parking space**. A vehicle must not park or be permitted to drive on top of any part of the **walkway**; and
- 5.** The **walkway** must be unobstructed up to a minimum height of 2.1 metres above grade.

- 4.27.2.** Clause 4.27.1. does not prevent the establishment of a gate across a **walkway** to access an exterior entrance accessed through a **fenced yard**.
- 4.27.3.** When a **building** with a **dwelling unit** has legal non-complying status in accordance with Subsection 1.8. of this By-law due to an insufficient **walkway**, this Subsection is not interpreted to require that the deficiency be made up prior to the renovation of the existing non-complying **building**. However further **development** which has the effect of adding one or more **bedrooms** or **dwelling units** is permitted to occur unless this Subsection is complied with.
- 4.27.4.** Where a **building** contains an **additional residential unit** as of the date of passing of this By-law, which didn't comply with the terms of the **former general zoning by-laws** when such unit was developed, and such **additional residential unit** does not comply with 4.27.1., the **additional residential unit** is deemed to be legal non-complying insofar as the **walkway** requirements of 4.27.1. only, subject to and in accordance with Clause 4.27.3.

4.28. Maximum Number of Bedrooms

- 4.28.1.** A maximum of 8 **bedrooms** is permitted per **lot**, in the aggregate, on:
- 1.** Any **lot** in the Urban Residential Zones, DR Zone and the HCD1 Zone; and
 - 2.** A **lot** in the Urban Multi-Residential Zone or the HCD3 Zone where there are 2 or less **principal dwelling units**.

Section 5: Overlay Provisions

5.1. Floodplain Overlay

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

5.2. Source Water Protection Overlay

Cana Wellhead Protection Area (Overlay)

- 5.2.1. The area identified as “Cana Wellhead Protection Area” on Schedule B is subject to the following provisions:
1. Within the portions of the Cana **Wellhead Protection Area** with a vulnerability score of 10 on Schedule B, the following **uses** and activities are prohibited:
 - (a) **Waste disposal area** involving one or more of the following activities:
 - (i) the application of agricultural source material, non-agricultural source material and untreated septage (i.e., hauled sewage) to land;
 - (ii) storage of mine tailings;
 - (iii) storage of fuel;
 - (iv) land farming of petroleum refining waste;
 - (v) landfilling of hazardous, municipal, and solid non-hazardous industrial or commercial waste; or
 - (vi) liquid industrial waste injection into a well and PCB storage.
 - (b) **Wastewater treatment facilities** and related infrastructure (i.e., sanitary sewers and related pipes, sewage treatment plant effluent discharges including lagoons and storage of sewage); and
 - (c) Notwithstanding Paragraph (b), replacement, expansion or upgrade of lawfully existing **wastewater treatment facilities** is permitted.
 2. Within the portions of the Cana **Wellhead Protection Area** with a vulnerability score of 8 on Schedule B, the following **uses** and activities are prohibited:
 - (a) **Waste disposal area** involving one or more of the following activities:
 - (i) landfilling of municipal, solid non-hazardous industrial or commercial waste; or
 - (ii) liquid industrial waste injection into a well.

- (b) **Wastewater treatment facilities** involving the storage of sewage (e.g., treatment plant tanks).
 - (c) Notwithstanding Paragraph (b), replacement, expansion or upgrade of lawfully existing **wastewater treatment facilities** is permitted.
- 3. Within the Cana **Wellhead Protection Area** WHPA-A where the vulnerability score is 10 on Schedule B, any **non-residential use** that has the potential for the following activities is prohibited:
 - (a) Application of **agricultural source material** to land;
 - (b) Application of pesticides to land;
 - (c) The **use** of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard;
 - (d) The handling and storage of **DNAPLs**;
 - (e) The handling and storage of pesticide;
 - (f) The storage of **agricultural source material**;
 - (g) The handling and storage of **organic solvents**;
 - (h) The handling and storage of fertilizer;
 - (i) The handling and storage of road salt; or
 - (j) The storage of snow.
- 4. Within the Cana **Wellhead Protection Area** WHPA-B where the vulnerability score is 10 on Schedule B, any **non-residential use** that has the potential to involve the following activities is prohibited:
 - (a) Application of **agricultural source material** to land;
 - (b) The **use** of land as livestock grazing or pasturing, an outdoor confinement area or a farm animal yard;
 - (c) The handling and storage of **DNAPLs**;
 - (d) The handling and storage of pesticide;
 - (e) The storage of **agricultural source material**;
 - (f) The handling and storage of **organic solvents**;

- (g) The handling and storage of fertilizer;
 - (h) The handling and storage of road salt; and
 - (i) The storage of snow.
5. Within the Cana **Wellhead Protection Area** WHPA-B where the vulnerability score is 8 on Schedule B and within the Cana **Wellhead Protection Area** WHPA-C, any **use** that has the potential for the handling and storage of **DNAPLs** is prohibited.
6. Within the Cana **Wellhead Protection Area** where the vulnerability score is less than 8 on Schedule B, any **use** that has the potential to involve the following activities is prohibited:
- (a) The handling and/or storage of more than 25.0 litres of **organic solvents**;
 - (b) The handling and/or storage of more than 2,500.0 kilograms or litres of commercial fertilizer and/or more than 250.0 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;
 - (c) The handling and/or storage of more than 2,500.0 litres of liquid fuel;
 - (d) The handling and/or storage of more than 500.0 tonnes of road salt;
 - (e) At or above grade snow storage that is more than 1.0 hectare in area; and
 - (f) The handling and/or storage of PCBs.
7. Within the Cana **Wellhead Protection Area** WHPA-D on Schedule B the handling and/or storage of more than 25.0 litres of **DNAPLs** is not permitted.

Intake Protection Zone – 1

- 5.2.2. Notwithstanding the provisions of the underlying Zone or other zoning provisions of this By-law, **Intake Protection Zone – 1** is subject to the following provisions:
- 1. Within the **Intake Protection Zone – 1** on Schedule B, any **use** that has the potential to involve the following activities is prohibited:
 - (a) The handling and/or storage of more than 250.0 litres of **DNAPLs** and/or **organic solvents**;

- (b) The handling and/or storage of more than 2,500.0 kilograms or litres of commercial fertilizer and/or 2,500.0 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;
- (c) The handling and/or storage of more than 2,500.0 litres of liquid fuel;
- (d) The handling and/or storage of more than 500.0 tonnes of road salt; or
- (e) At or above-grade snow storage that is more than 1.0 hectare in area.

Intake Protection Zone – 2

5.2.3. Notwithstanding the provisions of the underlying Zone or other zoning provisions of this By-law, **Intake Protection Zone – 2** is subject to the following provisions:

- 1.** Within the **Intake Protection Zone – 2** on Schedule B, any **use** that has the potential to involve the following activities is prohibited:
 - (a) The handling and/or storage of more than 250.0 litres of **DNAPLs** and/or **organic solvents**;
 - (b) The handling and/or storage of more than 2,500.0 kilograms or litres of commercial fertilizer and/or 2,500.0 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;
 - (c) The handling and/or storage of more than 2,500.0 litres of liquid fuel;
 - (d) The handling and/or storage of more than 500.0 tonnes of road salt; or
 - (e) At or above-grade snow storage that is more than 1.0 hectare in area.

5.3. Airport Noise Exposure Overlay

- 5.3.1.** Notwithstanding any provision of this By-law to the contrary, **sensitive uses** are not permitted within the area above 30 NEF and NEP as shown on Schedule C of this By-law.

5.4. Additional Residential Units Overlay

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

Location of Additional Residential Units

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

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

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

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

5.4.4. In accordance with Clause 2.6.3., a Holding Overlay has been established in the area identified as “Water Supply/Water Quality Constraint Area - H” on Schedule D of this By-law. Prior to the removal of any **lot** from the Holding Overlay and the issuance of a building permit for an **additional residential unit**, the following conditions must be satisfied:

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

study to demonstrate the suitability of private water supply may be considered by the City's Environment Director (or designate). The Hydrogeological Study must also assess sewage system impact and demonstrate that:

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

- (b) Approval of the private sewage system must be obtained from the City or applicable approval authority.

5.4.5. In accordance with Clause 2.6.3., a Holding Overlay has been established in the area identified as "Servicing Capacity (Cana Subdivision) - H" on Schedule D of this By-law. Prior to the removal of any **lot** from the Holding Overlay and the issuance of a building permit for an **additional residential unit**, the following conditions must be satisfied:

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

General Provisions for Attached and Detached Additional Residential Units

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

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

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

Attached Additional Residential Unit Provisions

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

Detached Additional Residential Unit Provisions

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

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

Legal Non-Compliance

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

- 12.** Where a **principal building** is legal non-complying in accordance with Subsection 1.8. of this By-law, an **additional residential unit** is permitted in a detached **building** if the detached **building** complies with this By-law.

5.5. Exception Overlay

- 5.5.1. The Exception Overlay on Schedule E of this By-law has the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of the corresponding Legacy Exception in Section 23 and Exception in Section 24. Unless specifically amended by the Exception, all provisions of this By-law continue to apply.
- 5.5.2. Notwithstanding Clause 1.5.1. of this By-law, the applicable **former general zoning by-laws** apply to assist in the interpretation of any Legacy Exception provision in Section 23 originally enacted under the applicable **former general zoning by-law**. Where a provision of this By-law is more restrictive than the applicable **former general zoning by-law** in respect of the interpretation of any Legacy Exception, the provision of the **former general zoning by-law** that was in force at the time of passing of the Legacy Exception prevails.

Section 6: Specific Use Provisions

6.1. Tiny House

- 6.1.1. A **tiny house** is only permitted where a site-specific, Temporary Zoning By-law allows one.
- 6.1.2. Where a **tiny house** is permitted, a **tiny house** must comply with all provisions applicable to detached **additional residential units**.

6.2. Gasoline Pump

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

6.3. Home Offices and Home Occupations

- 6.3.1. **Home offices** are permitted in all legal **dwelling units** and may be located in an **accessory building** to the **principal dwelling unit**.
- 6.3.2. A **home occupation** is permitted in all legal **dwelling units** and may be located in an **accessory building** to the **principal dwelling unit**. In addition to the provisions that apply to the **principal dwelling unit** and **accessory buildings**, a **home occupation** is subject to the following provisions:
1. Where the **home occupation** is located within the **principal dwelling unit**, the **gross floor area** of the **home occupation** must be less than the **gross floor area** dedicated to the **principal dwelling unit**;
 2. A maximum of one employee, other than a resident of the **dwelling unit**, is permitted to physically work in the **home occupation**;
 3. **Outdoor storage** of materials, equipment, or containers, exterior parking or storage of commercial or industrial **vehicles** or equipment, animal enclosures

or other outdoor manufacturing or processing activities are prohibited on any **lot** in conjunction with the **home occupation**; and

4. The following activities are prohibited as a **home occupation**:
 - (a) sale and servicing of **motor vehicles**, recreational **vehicles** or any motorized equipment;
 - (b) **kennel**; and
 - (c) cannabis production for any use other than personal use.

6.4. Kennels

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

Location of Animal Runs

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

Minimum Separation

2. A minimum **separation distance** of 120.0 metres is required between a **kennel** and all **dwelling units**, except for a **dwelling unit** located on the same **lot**.
- 6.4.3. Notwithstanding Subclause 6.4.2.2., when a **kennel** is established under the provisions of this By-law, the **construction** of a new **dwelling unit** on a separate **lot** does not render such **kennel** non-complying.
 - 6.4.4. All **kennels** existing as of the date of passing of this By-law which would be made non-complying uses under Clause 6.4.2. are deemed to comply with this By-law.

6.5. Marine Facilities

- 6.5.1. A **marine facility** is permitted on any **lot** with a **lot line** that adjoins a **waterbody**. **Marine facilities** are exempt from all other provisions of this By-law, including the **waterbody** setbacks required by Clause 4.23.1., and:
1. Must have a minimum setback of 1.2 metres from the **interior lot line** and/or **exterior lot lines**, measured at the point there the **marine facility** intersects with the **lot line** that adjoins the **waterbody**;
 2. Must not encroach on an adjacent **lot** as determined by measuring the hypothetical extension of the **lot lines** into the **waterbody**;
 3. Where a **marine facility** includes a **building** with exterior walls and a roof, including a boathouse, such **building** must:
 - (a) Include a direct connection to the **waterbody**, either through an open boat slip internal to the **building** or a marine railway;
 - (b) Not exceed a height of 6.0 metres, with height being measured from **high water mark** of the **waterbody**; and
 - (c) Not exceed 1 **storey**.

6.6. Model Homes

- 6.6.1. Where a Model Home Agreement or a Subdivision Agreement permitting the construction of model homes has been executed by the owner and the City, more than one **single detached house**, **semi-detached house** or a **townhouse** may be **constructed** on a **lot** prior to registration of the plan of subdivision or plan of condominium subject to the following provisions:
1. The **use** must be permitted in the underlying Zone in which the **single detached house**, **semi-detached house** or **townhouse** is to be located;
 2. The **model home** must not be occupied as a **dwelling unit** prior to the date of the registration of the subdivision plan or condominium plan;
 3. The maximum number of **model homes** within one plan of subdivision or plan of condominium proposed for registration is equal to 10% of the total number of lots intended for **single detached house**, **semi-detached house** or

townhouse purposes within the plan of subdivision or plan of condominium proposed for registration, to a maximum of ten **model homes**;

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

6.7. Outdoor Patios

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

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

6.8. Co-Living Units

6.8.1. **Co-living units** are permitted in an **apartment building**.

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

6.9. Transportation Terminals

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

1. **financial institution**;
2. **personal service shop**;
3. **restaurant**;
4. **retail store**; and
5. **repair shop**.

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

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

6.10. Propane Transfer Facilities

6.10.1. Where a permitted **use** or **building** includes a propane transfer facility that is regulated by the *Ontario Energy Act*, such **use** or **building** must comply with all applicable provisions of this By-law and:

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

6.11. Propane and Natural Gas Handling Facilities

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

1. not be located in any required **setback**; or

2. maintain a minimum **separation distance** of 30.0 metres to any **lot** where a **dwelling unit** is a **permitted use**.

6.12. Backyard Hen Coops

6.12.1. Backyard hen coops and **backyard hen runs** are permitted as **accessory buildings** on any **lot** where the permitted **principal use** of such **lot** is a **dwelling unit** or **agricultural use** and must comply with all provisions of Subsection 4.1. except as specifically regulated by this Subsection.

6.12.2. Backyard hen coops and **backyard hen runs** must comply with the following minimum setbacks:

1. **Rear lot line:** 1.2 metres;
2. **Interior lot line:** 1.2 metres; and
3. **Exterior lot line:** 1.2 metres.

6.12.3. Backyard hen coops and **backyard hen runs** are not permitted in a **front yard**, **interior yard** or **exterior yard**.

6.12.4. Backyard hen coops and **backyard hen runs** must be located a minimum **separation distance** of:

1. 15.0 metres from any **lot** that contains an **elementary school** or **secondary school**;
2. 7.5 metres from any **lot** that contains a **place of worship** or business; and
3. 3.0 metres from all windows and doors of residential **buildings** that are located on adjacent **lots**.

6.12.5. Where a conflict exists between the terms of Section 6.12. of this By-law and the terms of the Animal Control By-law, the more restrictive provision prevails.

6.13. Pigeon Lofts

6.13.1. Pigeon lofts are permitted as **accessory buildings** on any **lot** where the permitted **principal use** of such **lot** is a **dwelling unit** where such **lot** has a minimum **lot area** of 1,350 square metres or where the permitted **principal use** of such **lot** is an

agricultural use, and must comply with all provisions of Subsection 4.1. except as specifically regulated by this Subsection.

6.13.2. Pigeon lofts must comply with the following minimum setbacks:

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

6.13.3. Pigeon lofts are not permitted in a **front yard, interior yard or exterior yard**.

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

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

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

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

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

6.14. Place of Worship

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

1. educational uses;
2. programs of community, cultural or social benefit;
3. community assembly areas;
4. catering kitchens, provided they **use** existing kitchen facilities that support the **place of worship**;
5. **offices**;

6. **day care centres;**
7. cemetery;
8. **non-residential uses** that are permitted in the CN Zone as per Table 15.1.2.;
9. other **uses** that are similar in nature to Paragraphs 1. through 6.

6.15. Schools

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

6.16. Stadiums

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

6.17. Food Trucks

- 6.17.1. **Food trucks** that stand, more or less permanently in one place on a **lot**, are considered **buildings** in accordance with this By-law and must comply with all provisions of this By-law that apply to **buildings**, in addition to the provisions of Subclauses 6.17.2.1. to 6.17.2.7.
- 6.17.2. This By-law does not apply to **food trucks** that are not considered **buildings** pursuant to Clause 6.17.1., except as set out in Clause 6.17.3.
- 6.17.3. **Food trucks** must comply with the following provisions:

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

Section 7: Parking, Loading and Bike Parking Provisions

7.1. Parking Space Ratios

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

- 7.1.7.** Notwithstanding Clause 7.1.6. of this By-law, when the computation of the required number of **accessible spaces** results in a number containing a fraction, the minimum number of **accessible spaces** is increased to the next highest whole number.
- 7.1.8.** Where the required number of **parking spaces** identified in Table 7.1.1. is identified as a ratio per “person”, the number is calculated based on the maximum number of persons which can be accommodated within the **building** according to the *Building Code Act, 1992*, unless otherwise specified in this By-law.
- 7.1.9.** Where a maximum number of **parking spaces** is identified in Table 7.1.1., the maximum applies to the number of regular **parking spaces** for the **principal use** and excludes **accessible spaces**, **car-share spaces** and **visitor spaces**.

Off-Site Parking Spaces

- 7.1.10.** Notwithstanding Clause 7.1.1. of this By-law, required **parking spaces** may be provided on a different **lot** than the **use** requiring the **parking spaces** in the following circumstances:
- 1.** For **non-residential uses**, off-site **parking spaces** must be provided within 150.0 metres of the **lot**; and
 - 2.** Where a **building** that exists as of the date of passing of this By-law is **converted** and results in an increase in the number of **dwelling units**, off-site **parking spaces** must be provided within 60.0 metres of the **lot**.

Affordable Units and Heritage Buildings

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

Incentive to Reduce Minimum Number of Parking Spaces

7.1.12. Notwithstanding Clause 7.1.1. of this By-law:

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

Incentive to Provide More Parking Spaces than the Maximum Permitted

7.1.13. Notwithstanding Clause 7.1.1. of this By-law:

- 1.** In PA1 and PA2, the maximum number of **parking spaces** permitted by this By-law may be increased to 1.25 **parking spaces** per **dwelling unit** if:
 - (a)** All parking spaces provided above the maximum ratio are **electric vehicle ready**; and
 - (b)** In addition to the **car-share spaces** required by Clause 7.1.1., 1 **car-share space** equipped with **electric vehicle ready** is provided for every 4 **parking spaces** provided above the maximum ratio.
- 2.** In PA3, PA4 and PA5, the maximum number of **parking spaces** permitted by this By-law may be increased to 1.5 **parking spaces** per **dwelling unit** if:
 - (a)** All parking spaces provided above the maximum ratio are **electric vehicle ready**; and
 - (b)** In addition to the **car-share spaces** required by Clause 7.1.1., 1 **car-share space** equipped with **electric vehicle ready** is provided for every 4 **parking spaces** provided above the maximum ratio.

Electric Vehicle Supply Equipment Permitted

7.1.14. Notwithstanding Clause 7.1.1., **parking spaces** required or provided for any **use** may be used as part of **electric vehicle supply equipment**, whether or not a fee is charged for the **use** of such **electric vehicle supply equipment**.

Car-share Spaces Permitted

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

Temporary Use of Car-share Spaces

7.1.16. Where **car-share spaces** are required on a **lot**, such **car-share spaces** may be temporarily **used** as **visitor spaces** if no **car-share vehicles** occupy such spaces.

Addition or Change to Existing Use – Parking Spaces

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

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

	use	Number of Parking Spaces (minimum, unless otherwise specified)
1.	Residential (a) apartment (b) dwelling unit in mixed use building (c) stacked townhouse (d) common element townhouse	(a) Minimum number of parking spaces: PA1, PA2: 0.4 per dwelling unit PA3: 0.6 per dwelling unit PA4: 0.8 per dwelling unit PA5: 1.0 per dwelling unit (b) Minimum number of car-share spaces: 0.05 per dwelling unit (c) Minimum number of visitor spaces: PA1, PA2: 0.1 per dwelling unit PA3, PA4, PA5: 0.15 per dwelling unit (d) Maximum number of parking spaces: 1.0 per dwelling unit
2.	(a) duplex (b) freehold townhouse (c) semi-detached house (d) single detached house (e) triplex	PA1, PA2: 0.4 per dwelling unit PA3: 0.6 per dwelling unit PA4: 0.8 per dwelling unit PA5: 1.0 per dwelling unit

	use	Number of Parking Spaces (minimum, unless otherwise specified)
3.	(a) garden suite (b) second residential unit	1 per dwelling unit
4.	home occupation	PA1: 0 spaces PA2, PA3, PA4, PA5: (i) Where an employee or customers attend on site: 1 space (ii) Where no employees or customers attend on site: 0 spaces
5.	third residential unit	0 spaces
6.	Other agricultural sales establishment	4 per 100 square metres of gross floor area
7.	agricultural use	0 spaces
8.	airport facilities	0 spaces
9.	animal care	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
10.	animal shelter	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
11.	automobile body shop	1 per bay
12.	automobile repair shop	1 per bay
13.	automobile sales establishment	1 per bay
14.	banquet hall	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
15.	building supply store	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
16.	call centre	1 per 100 square metres of gross floor area
17.	campground	1 per campsite
18.	carwash	1 per bay
19.	catering service	1 per 100 square metres of gross floor area
20.	cemetery	0 spaces

	use	Number of Parking Spaces (minimum, unless otherwise specified)
21.	club	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
22.	creativity centre	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
23.	community garden	0 spaces
24.	community centre	0.25 per person
25.	contractor's yard	1 per 100 square metres of gross floor area
26.	correctional college	0 spaces
27.	correctional institution	parking required for office area
28.	day care centre	1.5 per classroom
29.	department store	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
30.	elementary school	1.5 per classroom
31.	entertainment establishment	0.25 per person
32.	factory outlet	PA1: 0 spaces PA2, PA3, PA4, PA5: 1 per 100 square metres of gross floor area
33.	feedmill	1 per 100 square metres of gross floor area
34.	ferry terminal	1 per 100 square metres of gross floor area
35.	financial institution	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
36.	fitness centre	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
37.	food truck	0 spaces
38.	forestry use	0 spaces
39.	funeral establishment	0.25 per person
40.	garden centre	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area

	use	Number of Parking Spaces (minimum, unless otherwise specified)
41.	gas station	1 per bay
42.	golf course	2 per hole plus parking required for accessory uses
43.	gravel pit	0 spaces
44.	grocery store	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
45.	heavy equipment or truck repair shop	1 per 100 square metres of gross floor area
46.	heavy industrial use	1 per 100 square metres of gross floor area
47.	hospital	PA1: 0.5 per 100 square metres of gross floor area PA2, PA3, PA4, PA5: 1 per 100 square metres of gross floor area
48.	hotel	PA1: 0 PA2, PA3: 0.5 spaces per guest room PA4, PA5: 1 space per guest room
49.	industrial repair shop	1 per 100 square metres of gross floor area
50.	kennel	1 per animal run
51.	laboratory	1 per 100 square metres of gross floor area
52.	laundry store	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
53.	library	PA1: 0.5 per 100 square metres of gross floor area PA2, PA3, PA4, PA5: 1 per 100 square metres of gross floor area
54.	light industrial use	1 per 100 square metres of gross floor area
55.	livestock facility	0 spaces
56.	marina	1 per boat slip
57.	military installation	0 spaces
58.	museum	PA1: 0.5 per 100 square metres of gross floor area PA2, PA3, PA4, PA5: 1 per 100 square metres of gross floor area
59.	office	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area

	use	Number of Parking Spaces (minimum, unless otherwise specified)
60.	personal service shop	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
61.	place of worship	0.25 per person
62.	post-secondary institution	3 per classroom plus parking required for accessory uses
63.	printing establishment	1 per 100 square metres of gross floor area
64.	production studio	1 per 100 square metres of gross floor area
65.	recreation facility	0.25 per person
66.	recreational vehicle sales establishment	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
67.	repair shop	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
68.	research establishment	1 per 100 square metres of gross floor area
69.	restaurant	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
70.	retail store	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
71.	salvage yard	1 per 100 square metres of gross floor area
72.	secondary school	2.5 per classroom
73.	self-service storage facility	1 per 100 square metres of gross floor area
74.	stadium	0.25 per person
75.	stone quarry	0 spaces
76.	technology industry	1 per 100 square metres of gross floor area
77.	towing compound	1 per 100 square metres of gross floor area
78.	training facility	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area

	use	Number of Parking Spaces (minimum, unless otherwise specified)
79.	transformer station	0 spaces
80.	transportation depot	1 per 100 square metres of gross floor area
81.	transportation terminal	1 per 100 square metres of gross floor area
82.	warehouse	1 per 100 square metres of gross floor area
83.	waste disposal area	1 per 100 square metres of gross floor area
84.	wastewater treatment facility	1 per 100 square metres of gross floor area
85.	water supply plant	1 per 100 square metres of gross floor area
86.	wellness clinic	PA1: 0 spaces PA2, PA3: 2 per 100 square metres of gross floor area PA4, PA5: 4 per 100 square metres of gross floor area
87.	wholesale establishment	1 per 100 square metres of gross floor area
88.	workshop	1 per 100 square metres of gross floor area

7.2. Accessible Parking Provisions

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

Accessible Parking Design Standards

7.2.2. Accessible spaces must comply with the following minimum widths:

1. The minimum width of a Type A **accessible space** is 3.4 metres, with signage that identifies the space as “van accessible”; and
2. The minimum width of a Type B **accessible space** is 2.7 metres.

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

1. The minimum vertical clearance of an **accessible space** located in a **parking structure** is 2.1 metres; and
2. The minimum vertical clearance of all other **accessible spaces** is 2.9 metres.

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

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

7.2.5. All **accessible spaces** must:

- 1. Be marked by an identifying marker on the pavement consisting of the International Symbol of Access centred on the parking stall between 0.5 metres and 0.8 metres from the **drive aisle**; and
- 2. Have a maximum gradient of 5%.

Accessible Parking Ratios for Residential Uses

7.2.6. For **residential uses**, the minimum number of **accessible spaces** required by the following Subclauses must be provided on the same **lot** as the **use** or **building**:

- 1. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 1 and 12 **parking spaces**, one **parking space** must be a Type A **accessible space**;
- 2. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 13 to 100 **parking spaces**, 4% of the maximum number of permitted **parking spaces** must be **accessible spaces**;
- 3. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 101 to 200 **parking spaces**, one **parking space** plus 3% of the maximum number of permitted **parking spaces** must be **accessible spaces**;
- 4. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is between 201 to 1,000 **parking spaces**, two **parking spaces** plus 2% of the maximum number of permitted **parking spaces** must be **accessible spaces**; and
- 5. Where the maximum number of **parking spaces** permitted by Clause 7.1.1. is more than 1,000 **parking spaces**, eleven **parking spaces** plus 1% of the maximum number of permitted **parking spaces** must be **accessible spaces**.

- 7.2.7.** Notwithstanding Clause 7.2.6., where a **lot** contains a **single detached house, semi-detached house, duplex** or triplex where **parking spaces** are in line with and accessed directly from a **driveway**, no **accessible spaces** are required.

Accessible Parking Ratios for Non-Residential Uses

- 7.2.8.** For **non-residential uses**, the minimum number of **accessible spaces** required by the following Subclauses must be provided on the same **lot** as the **use** or **building**:
- 1.** Where 1 to 12 **parking spaces** are provided, one **parking space** must be a Type A **accessible space**;
 - 2.** Where 13 to 100 **parking spaces** are provided, 4% of the **parking spaces** must be **accessible spaces**;
 - 3.** Where 101 to 200 **parking spaces** are provided, one **parking space** plus 3% of the **parking spaces** must be **accessible spaces**;
 - 4.** Where 201 to 1,000 **parking spaces** are provided, two **parking spaces** plus 2% of the **parking spaces** must be **accessible spaces**; and
 - 5.** Where more than 1,000 **parking spaces** are provided, eleven **parking spaces** plus 1% of the **parking spaces** must be **accessible spaces**.
- 7.2.9.** Notwithstanding Clause 7.2.8., where the minimum number of **parking spaces** required by Clause 7.1.1. of this By-law is reduced through a minor variance or rezoning application in accordance with the *Planning Act* or by any section of this By-law or the Cash-in-Lieu of Parking By-law, the number of required **accessible spaces** is calculated based on the minimum number of spaces required by Clause 7.1.1., not the reduced number authorized by such minor variance or rezoning application or other permitted reductions.

Accessible Parking Ratio Requirements for All Uses

- 7.2.10.** Notwithstanding Clauses 7.2.6. and 7.2.8., where a **lot** contains a **use** with **parking spaces** that are reserved for exclusive use, such as law enforcement vehicles, emergency services vehicles, impounded vehicles, transportation fleets or other similar vehicles, such exclusive use **parking spaces** are not included in the calculation of the required number of **parking spaces** for the purpose of calculating **accessible spaces**.

- 7.2.11.** For the purposes of Clauses 7.2.6. and 7.2.8., the calculation of the required number of Type A and Type B **accessible spaces** must comply with the following provisions:
- 1.** Where an even number of **accessible spaces** is required, an equal number of Type A and Type B **accessible spaces** must be provided;
 - 2.** Where an odd number of **accessible spaces** is required, an equal number of Type A and Type B **accessible spaces** must be provided, but the additional **accessible space**, the odd-numbered space, may be either a Type A or a Type B **accessible space**;
 - 3.** Notwithstanding Subclause 2., where only one **accessible space** is required, it must be a Type A **accessible space**.

7.3. Bike Parking Provisions

Bike Space Ratios

- 7.3.1.** The minimum number of **long-term bike spaces** and **short-term bike spaces** required by the ratios set out in Table 7.3.1. must be provided on the same **lot** as the corresponding **use** or **building**.
- 7.3.2.** Where a **lot** contains more than one **use**, the required number of **bike spaces** is the sum of all **bike spaces** required for each **use**.
- 7.3.3.** Where a **lot** contains more than one **building**, the **bike space** requirements are calculated and provided for each **building** as though they are on their own individual **lot**, except for **common element townhouses** and **stacked townhouses** where the requirements may be calculated per **lot**.
- 7.3.4.** When the computation of required **bike spaces** results in a number containing a fraction, the minimum number of **bike spaces** required is increased to the next highest whole number if the fraction is equal to or greater than 0.5, unless otherwise required by this By-law.

Long-term Bike Space Requirements

- 7.3.5.** The **long-term bike spaces** required by Clause 7.3.1.:
- 1.** Must be provided in a secure, weather-proof enclosure accessed only by residents or occupants of the **building**;

2. Are not permitted in a **dwelling unit** or on the **balcony** of a **dwelling unit**;
3. Must be provided in a location that has access directly to a **street line** by way of a continuous pathway consisting of:
 - (a) A hallway, aisle, sidewalk or **walkway**;
 - (b) An elevator that permits bikes to the satisfaction of the City;
 - (c) A ramp, which may be provided as a wheel ramp along the side of a set of stairs if such ramp is a minimum of 0.15 metres wide and does not cut into the stair tread; and/or
 - (d) A **drive aisle** or **driveway**.

7.3.6. A minimum of 30% of the **long-term bike spaces** required by Clause 7.3.1. are required to be **horizontal bike spaces**. The remainder of the **long-term bike spaces** may be provided as **stacked bike spaces** or **vertical bike spaces**.

Short-term Bike Space Requirements

7.3.7. The **short-term bike spaces** required by Clause 7.3.1.:

1. Must be provided as **horizontal bike spaces**;
2. Must be provided at grade or on the **first storey** in a location that is accessible to the general public; and
3. Must be provided in an easily accessible and well lit location no more than 15.0 metres **walking distance** from the main pedestrian entrance to the **building**;

Bike Space and Bike Aisle Dimensions

7.3.8. **Horizontal bike spaces** must:

1. Have minimum dimensions of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.9 metres;
2. Be provided with a bike rack where a lock is capable of securing the bicycle frame and front wheel; and
3. Be accessed by an aisle with a minimum width of 1.2 metres.

7.3.9. **Vertical bike spaces** must:

1. Have minimum dimensions of 0.6 metres wide by 1.8 metres vertical length, with a minimum horizontal clearance from the wall of 1.2 metres;
2. Be equipped with a storage rack that supports the bike without having the bike suspended by its wheels, and where a lock is capable of securing the bike to the rack;
3. Be provided with an assisted lift mechanism providing floor level access to the bike rack; and
4. Be accessed by an aisle with a minimum width of 1.2 metres.

7.3.10. Stacked bike spaces must:

1. Have minimum dimensions of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.2 metres;
2. Be equipped with a storage rack where a lock is capable of securing the bike to the rack;
3. Be equipped with an assisted lift mechanism providing floor level access to both **bike spaces**; and
4. Be accessed by an aisle with a minimum width of 1.2 metres.

Enhanced Bike Parking Facilities for Multi-Unit Residential

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

1. A minimum of 10% of the **long-term bike spaces** must be provided as larger **horizontal bike spaces** with minimum dimensions of 1.0 metres wide by 2.6 metres horizontal length, with a minimum vertical clearance of 1.9 metres;
2. A minimum of 10% of the **long-term bike spaces** must be provided in secure bike lockers that are provided with individual, secure enclosures where a private lock can be affixed and must include a standard electrical outlet;
3. A minimum of 10% of the **long-term bike spaces** provided in a shared bike room must be provided with access to one standard electrical outlet;

4. Where more than 25 **long-term bike spaces** are required, a bike maintenance area must be provided that is a sufficient size to accommodate repairs and maintenance of bikes, and must include a bike pump, bike repair stand and a bench; and
5. A minimum of 50% of the **short-term bike spaces** must be weather protected.

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

- 7.3.12.** Where a **lot** or **building** is required to provide **long-term bike spaces** for any **non-residential use**, **end-of-trip bike facilities** must be provided at the following ratios:
1. Where 5 to 60 **long-term bike spaces** are required, 1 **end-of-trip bike facility**;
 2. Where 61 to 120 **long-term bike spaces** are required, 2 **end-of-trip bike facilities**;
 3. Where 121 to 180 **long-term bike spaces** are required, 3 **end-of-trip bike facilities**; and
 4. Where more than 180 **long-term bike spaces** are required, 4 **end-of-trip bike facilities**.
- 7.3.13.** Where **end-of-trip bike facilities** are required by Clause 7.3.12., clothing lockers must be provided at a minimum ratio of 1 clothing locker for every 1 **long-term bike space** required. Such clothing lockers must:
1. Have a minimum height of 0.9 metres, a minimum width of 0.3 metres and a minimum depth of 0.45 metres; and
 2. Be provided with a secure enclosure where a private lock can be affixed.

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

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

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

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	Residential (a) apartment (b) dwelling unit in mixed use building (c) stacked townhouse (d) common element townhouse	0.9 per dwelling unit	0.1 per dwelling unit
2.	(a) duplex (b) freehold townhouse (c) semi-detached house (d) single detached house (e) triplex	—	—
3.	(a) garden suite (b) second residential unit	—	—
4.	home occupation	—	—
5.	third residential unit	—	—
6.	Other agricultural sales establishment	—	—
7.	agricultural use	—	—
8.	airport facilities	—	—
9.	animal care	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
10.	animal shelter	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
11.	automobile body shop	—	—
12.	automobile repair shop	—	—
13.	automobile sales establishment	—	—
14.	banquet hall	—	3 plus 0.2 per 100 square metres of gross floor area
15.	building supply store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
16.	call centre	0.1 per 100 square metres of gross floor area	—

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
17.	campground	—	—
18.	carwash	—	—
19.	catering service	0.1 per 100 square metres of gross floor area	—
20.	cemetery	—	—
21.	club	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
22.	creativity centre	—	3 plus 0.2 per 100 square metres of gross floor area
23.	community garden	—	—
24.	community centre	—	0.1 per person
25.	contractor's yard	0.1 per 100 square metres of gross floor area	—
26.	correctional college	—	—
27.	correctional institution	—	—
28.	day care centre	—	0.5 per classroom
29.	department store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
30.	elementary school	1 per classroom	1 per classroom
31.	entertainment establishment	—	0.1 per person
32.	factory outlet	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
33.	feedmill	—	—
34.	ferry terminal	—	—
35.	financial institution	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
36.	fitness centre	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
37.	food truck	—	—
38.	forestry use	—	—
39.	funeral establishment	—	—
40.	garden centre	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
41.	gas station	—	as required for accessory uses

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
42.	golf course	—	—
43.	gravel pit	—	—
44.	grocery store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
45.	heavy equipment or truck repair shop	0.1 per 100 square metres of gross floor area	—
46.	heavy industrial use	0.1 per 100 square metres of gross floor area	—
47.	hospital	—	0.1 per 100 square metres of gross floor area
48.	hotel	—	as required for accessory uses
49.	industrial repair shop	0.1 per 100 square metres of gross floor area	—
50.	kennel	—	—
51.	laboratory	0.1 per 100 square metres of gross floor area	—
52.	laundry store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
53.	library	—	0.2 per 100 square metres of gross floor area
54.	light industrial use	0.1 per 100 square metres of gross floor area	—
55.	livestock facility	—	—
56.	marina	—	—
57.	military installation	—	—
58.	museum	—	0.2 per 100 square metres of gross floor area
59.	office	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
60.	personal service shop	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
61.	place of worship	—	0.1 per person
62.	post-secondary institution	—	3 per classroom plus parking required for accessory uses

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
63.	printing establishment	0.1 per 100 square metres of gross floor area	—
64.	production studio	0.1 per 100 square metres of gross floor area	—
65.	recreation facility	—	0.1 per person
66.	recreational vehicle sales establishment	—	—
67.	repair shop	0.1 per 100 square metres of gross floor area	—
68.	research establishment	0.1 per 100 square metres of gross floor area	—
69.	restaurant	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
70.	retail store	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
71.	salvage yard	0.1 per 100 square metres of gross floor area	—
72.	secondary school	1 per classroom	2 per classroom
73.	self-service storage facility	0.1 per 100 square metres of gross floor area	—
74.	stadium	—	0.1 per person
75.	stone quarry	—	—
76.	technology industry	0.1 per 100 square metres of gross floor area	—
77.	towing compound	0.1 per 100 square metres of gross floor area	—
78.	training facility	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
79.	transformer station	—	—
80.	transportation depot	0.1 per 100 square metres of gross floor area	—
81.	transportation terminal	0.1 per 100 square metres of gross floor area	—
82.	warehouse	0.1 per 100 square metres of gross floor area	—
83.	waste disposal area	0.1 per 100 square metres of gross floor area	—

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
84.	wastewater treatment facility	0.1 per 100 square metres of gross floor area	—
85.	water supply plant	0.1 per 100 square metres of gross floor area	—
86.	wellness clinic	0.2 per 100 square metres of gross floor area	3 plus 0.2 per 100 square metres of gross floor area
87.	wholesale establishment	0.1 per 100 square metres of gross floor area	—
88.	workshop	0.1 per 100 square metres of gross floor area	—

7.4. Shared Parking

7.4.1. Notwithstanding Clause 7.1.5. of this By-law, where a **lot** contains more than one **use**, the required number of **parking spaces** may be shared, provided that the minimum number of **parking spaces** required for a **lot** is determined as follows:

1. the minimum number of **parking spaces** required for each **use** is calculated using the applicable provisions of Subsection 7.1. of this By-law and the parking occupancy rate (% of required **parking spaces**) as set out in Table 7.4.1.;
2. the minimum number of **parking spaces** required for each parking period is the total of the **parking spaces** required for all **uses** during that parking period; and
3. the minimum number of **parking spaces** required for the **lot** is equal to the greatest number of **parking spaces** required for any parking period.

7.4.2. For the purposes of Clause 7.4.1. and Table 7.4.1., the parking periods are further defined as follows:

1. Morning – between the hours of 12:00 a.m. and 11:00 a.m.;
2. Noon – between the hours of 11:00 a.m. and 1:00 p.m.;
3. Afternoon – between the hours of 1:00 p.m. and 6:00 p.m.; and
4. Evening – between the hours of 6:00 p.m. and 12:00 a.m.

Table 7.4.1. – Parking Occupancy Rate

Use	Period	Parking Occupancy Rate (%)			
		Morning	Noon	Afternoon	Evening
visitor space	Weekday	0	35	35	100
	Weekend	10	70	70	100
office	Weekday	100	90	95	10
	Weekend	10	10	10	0
wellness clinic	Weekday	100	100	100	0
	Weekend	100	100	0	0
retail store	Weekday	60	90	90	90
	Weekend	80	100	100	70
restaurant	Weekday	20	100	30	100
	Weekend	20	100	50	100

7.5. Driveway, Drive Aisle & Parking Space Requirements

- 7.5.1.** The minimum length, width and vertical projections of **parking spaces** and minimum width of **driveways** and **drive aisles** set out in Table 7.5.1. must be complied with for all **parking spaces**, **accessible spaces** and **car-share spaces**, except as specifically required by Subsection 7.2.
- 7.5.2.** The minimum vertical clearance for all **parking spaces**, **driveways** and **drive aisles**, except for **accessible spaces**, is 2.1 metres.
- 7.5.3.** The maximum angle of intersection between a **driveway** and a **street line** is 60 degrees.
- 7.5.4.** In the **urban area**, all **parking lots**, **drive aisles**, **driveways** and **parking spaces** must be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 7.5.5.** Where **parking spaces** are accessed by a perpendicular **drive aisle**, and such **drive aisle** is a dead-end, a 1.5 metre deep turnaround area must be provided along the width of the **drive aisle**, with a 1.0 metre radius between the **parking space** and the turnaround area.
- 7.5.6.** For the purpose of this By-law, the width of a **driveway** or **drive aisle** is measured perpendicular to the direction in which a **motor vehicle** drives.

7.5.7. For the purpose of this By-law, vehicle projection for angled **parking spaces** is measured perpendicular to the **drive aisle**.

Table 7.5.1. – Minimum Parking Space and Drive Aisle Dimensions

Orientation of Parking Space Relative to Driveway or Drive Aisle	Minimum Parking Space Width	Minimum Parking Space Length or Vehicle Projection (measured perpendicular to drive aisle)	Minimum Driveway or Drive Aisle Width
In line with and accessed directly from driveway	2.6 metres	6.0 metre length	3.0 metre driveway
In line with and accessed directly from driveway in a tandem configuration	2.6 metres	12.0 metres length	3.0 metre driveway
Perpendicular to drive aisle	2.6 metres	5.5 metre length	6.7 metre drive aisle
Parallel to drive aisle	2.6 metres	6.7 metre length	6.7 metre drive aisle
45 degree angle from one-way drive aisle	2.75 metres	5.4 metre vehicle projection	4.2 metre drive aisle
50 degree angle from one-way drive aisle	2.75 metres	5.6 metre vehicle projection	4.4 metre drive aisle
55 degree angle from one-way drive aisle	2.75 metres	5.7 metre vehicle projection	4.5 metre drive aisle
60 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	4.8 metre drive aisle
65 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	5.0 metre drive aisle
70 degree angle from one-way drive aisle	2.75 metres	5.9 metre vehicle projection	5.4 metre drive aisle
75 degree angle from one-way drive aisle	2.75 metres	5.8 metre vehicle projection	5.7 metre drive aisle

Additional Driveway and Parking Space Provisions for Ground Oriented Residential

- 7.5.8.** For **single-detached houses, semi detached houses, additional residential units, duplexes, triplexes** and **freehold townhouses**, the following provisions must be complied with:
- 1.** **Parking spaces** must be located in a permitted **private garage, driveway** or **parking lot**;
 - 2.** A **driveway** or a **parking space** within the required **front setback** or **exterior setback** is not permitted parallel to the **street line** where the **driveway** gains access;
 - 3.** **Parking lots** are only permitted in a **rear yard** or **interior yard**;
 - 4.** The maximum area of **parking lot** is 40 square metres, including **drive aisles**;
 - 5.** The maximum cumulative width of all **driveways** on a **lot** within the required **front setback** or **exterior setback** is the lesser of:
 - (a)** 6.0 metres; or
 - (b)** 40% of the length of the applicable **lot line**, provided that the minimum width of the **driveway** is 3.0 metres;
 - 6.** The maximum cumulative width of all **driveways** on a **lot** beyond the required **front setback** or **exterior setback** is 6.0 metres;
 - 7.** Notwithstanding Subclause 6., where the **driveway** leads to a **private garage**, the maximum width is the greater of 6.0 metres or the width of the **private garage**;
 - 8.** In the **urban area**, the maximum number of **driveways** is 1 per **lot**, except as follows:
 - (a)** On a **corner lot**, a maximum of 2 **driveways** are permitted and must be measured in accordance with the **street line** where the **driveway** gains access; and
 - (b)** Where two **principal units** in a **semi-detached house** are located on one **lot**, a maximum of 2 **driveways** are permitted.

Additional Driveway and Parking Space Provisions for Multi-Unit Residential

7.5.9. For **common element townhouses, stacked townhouses, apartment buildings,** or a **dwelling unit** in a **mixed use building**, the following provisions must be complied with:

- 1.** Where the side of a **parking space** is obstructed by any part of a fixed object such as a wall, column, bollard, **fence** or pipe within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**, the minimum width of the **parking space** must be increased by 0.3 metres for each side that is obstructed;
- 2.** The maximum width of a **driveway** within the required **front setback** or **exterior setback** is 6.7 metres; and
- 3.** **Parking spaces** must be located in a permitted **private garage, parking structure, driveway** or **parking lot** in the **rear yard** or **interior yard**, except as follows:
 - (a)** **Visitor spaces** may be located in the **front yard** or **exterior yard** provided the **visitor space** is not closer than 3.0 metres to any **lot line** and not closer than 7.5 metres to any **street line**; and
 - (b)** A permitted **driveway** in the **front yard** or **exterior yard** may be used for the purpose of parking of a motor vehicle provided the **driveway** leads directly to one or more permitted **parking spaces**;
- 4.** Notwithstanding Clause 7.5.1., a maximum of 10% of **parking spaces** provided on a **lot**, excluding **accessible spaces, visitor spaces** and **car-share spaces**, are permitted to be **parking spaces** for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, with signage that identifies the space as "small car parking space".

Additional Driveway and Parking Space Provisions for All Other Uses

7.5.10. For all **uses** other than those specified in Clauses 7.5.9. and 7.5.10., the following provisions must be complied with:

- 1.** Where the side of a **parking space** is obstructed by any part of a fixed object such as a wall, column, bollard, **fence** or pipe within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from

the front or rear of the **parking space**, the minimum width of the **parking space** must be increased by 0.3 metres for each side that is obstructed;

2. The maximum width of a **driveway** within the required **front setback** or **exterior setback** is 9.0 metres;
3. **Parking spaces** must be located in a permitted **parking structure, driveway** or **parking lot**; and
4. **Parking spaces** and **parking lots** are permitted in the **front yard, exterior yard, interior yard** or **rear yard**, provided they comply with **sight triangle** provisions and is not located within 3.0 metres of any **street line**, except:
 - (a) **Parking spaces** and **parking lots** in Employment Zones are only permitted in the **rear yard** and **interior yard**, except a maximum of 15% of the required **parking spaces** may be located in the **front yard** or **exterior yard**, provided they are no closer than 3.0 metres to any **street line**.

Legal Non-Complying Driveways and Parking Spaces

- 7.5.11.** Notwithstanding Clauses 7.5.9., 7.5.10. and 7.5.11., an existing **driveway** or **parking space** that does not meet the provisions of this By-law, but which lawfully existed on the day of passing of this By-law, is considered to be legal non-complying. Nothing in this By-law applies to prevent a legal non-complying **driveway** or **parking space** so long as it continues to exist.
- 7.5.12.** If a **lot** contains a legal non-complying **driveway** or **parking space**, nothing in this By-law applies to prevent the further **development** of such **lot**, provided the **development**:
1. Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and
 2. Complies with all other applicable provisions of this By-law.
- 7.5.13.** If a **lot** contains a legal non-complying **driveway** or **parking space**, nothing in this By-law applies to prevent the **development** of an **accessory building** on the **lot**, provided that the **development**:
1. Does not further increase the extent or degree of non-compliance with the provisions of this By-law; and

2. Complies with all other applicable provisions of this By-law.

7.6. Loading Space Provisions

Loading Space Ratios

- 7.6.1.** The minimum number of **loading spaces** required by the ratios set out in Table 7.7.1. must be provided on the same **lot** as the corresponding **use** or **building**.
- 7.6.2.** Where a **lot** contains more than one **use**, the required number of **loading spaces** is the sum of all **loading spaces** required for each **use**.
- 7.6.3.** Where a **lot** contains more than one **building**, the required number of **loading spaces** is calculated and provided for each **building** as though it was on an individual **lot**.
- 7.6.4.** When the computation of required **loading spaces** results in a number containing a fraction, the minimum number of **loading spaces** required is increased to the next highest whole number if the fraction is equal to or greater than 0.5, unless otherwise required by this By-law.

Table 7.7.1. – Number of Required Loading Spaces

Use	Gross Floor Area or Number of Dwelling Units	Number of Loading Spaces Required
Industrial Uses	0 to 300.0 square metres	1
	Less than 300.0 to 2,500.0 square metres	2
	Less than 2,500.0 to 7,500.0 square metres	3
	More than 7,500.0 square metres	3 plus 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres
Commercial Uses	0 – 300.0 square metres	0
	Less than 300.0 to 2,500.0 square metres	1
	Less than 2,500.0 to 7,500.0 square metres	2
	More than 7,500.0 square metres	2 + 1 for each additional 9,300.0 square metres beyond 7,500.0 square metres

Use	Gross Floor Area or Number of Dwelling Units	Number of Loading Spaces Required
Residential Uses	0 to 50 dwelling units	0
	51 to 399 dwelling units	1
	400 or more dwelling units	2

Loading Space Dimensions

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

Surface Treatment of Loading Spaces

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

Location of Loading Spaces

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

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

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

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

Addition or Change to Existing Use – Loading Spaces

7.6.10. Where a **lot** or **building** has insufficient **loading spaces** on the date of passing of this By-law to conform with the provisions herein, this By-law is not interpreted to require that the deficiency be made up prior to the **construction** of any addition or a change of **use** provided, however, any additional **loading spaces** required by this

By-Law for such addition or change of **use** must be provided in accordance with all provisions respecting **loading spaces**.

7.7. Outdoor Storage of Vehicles in Urban Residential Zones

Commercial Motor Vehicles

7.7.1. One **commercial motor vehicle** per **dwelling unit** is permitted on a **lot** in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, to a maximum of 3 **commercial motor vehicles** per **lot**.

7.7.2. The maximum rated capacity of a **commercial motor vehicle** is 2.0 tonnes.

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

7.7.3. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, no boat, personal watercraft, all-terrain **vehicle**, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational **vehicle**, or a utility trailer may be stored or parked on a **lot**, except for:

1. one boat which must not exceed 8.2 metres in length;
2. one motor home which must not exceed 8.2 metres in length;
3. not more than two personal watercraft, all-terrain **vehicles**, snowmobiles or other recreational **vehicles**, or any combination thereof;
4. one travel trailer, tent trailer or camper, which must not exceed 8.2 metres in length, exclusive of hitch or tongue; and
5. one utility trailer, which must not exceed 8.2 metres in length, exclusive of hitch or tongue.

7.7.4. The storage of boat, personal watercraft, all-terrain **vehicle**, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational **vehicle**, or a utility trailer permitted by Clause 7.7.3. must be in an **interior yard** or **rear yard**, and must not be:

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

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

- 7.7.5.** Notwithstanding Clauses 7.7.3. and 7.7.4., in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, the temporary parking of the following **vehicles**, watercraft and trailers is permitted in a portion of a **driveway**, in a **front yard** or in an **exterior yard** on a **lot** between April 1 and October 31 of each year:
1. one boat which must not exceed 8.2 metres in length;
 2. no more than one motor home, travel trailer, tent trailer or camper, which must not exceed 8.2 metres in length, exclusive of hitch or tongue;
 3. no more than two personal watercraft; and
 4. no more than two all-terrain **vehicles** or a similar recreational **vehicle**.
- 7.7.6.** Notwithstanding Clauses 7.7.3. and 7.7.4., in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, HR Zone, RUR Zone, LSR Zone or DR Zone, the temporary parking of the following vehicles and trailers is permitted in a portion of a **driveway**, in a **front yard** or in an **exterior yard on a lot** between November 1 and March 31 of each year:
1. no more than two snowmobiles and associated trailers.
- 7.7.7.** The temporary parking of the **vehicles**, watercraft and trailers permitted by Clauses 7.7.5. and 7.7.6. must not be:
1. closer than 1.0 metre to any **lot line**;
 2. located in any required **parking space** or **sight triangle**; and
 3. located in the **parking lot** on a **lot** with a **mixed-use building** or an **apartment building**.

Section 8: Rural Zones

8.1. All Rural Zones

8.1.1. For the purposes of this By-law, Rural Zones include: Prime Agricultural Area Zone (AG), General Rural Area Zone (RU), Rural Residential Zone (RUR), Limited Service Rural Residential Zone (LSR) and 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**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 8.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

8.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 8.1.2., the following provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the lot.
2. New **single detached houses** are permitted only as **accessory uses** where an **agricultural use** is the **principal use** of the lot. **Single detached houses** existing as of the date of passing of this By-law are permitted to be **principal uses**.

Table 8.1.2. - Permitted Uses in the Rural Zones

Use	AG	RU	RUR	LSR	RC
Residential dwelling unit in a mixed use building	—	—	—	—	● ¹
single detached house	● ²	●	●	●	● ¹
Other agricultural sales establishment	—	●	—	—	●
agricultural use	●	●	—	—	—
animal care	—	—	—	—	●
banquet hall	—	●	—	—	●
campground	—	—	—	—	●
community centre	—	●	●	—	●

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Use	AG	RU	RUR	LSR	RC
club	—	—	—	—	●
elementary school	—	●	●	—	—
feedmill	—	●	—	—	●
fitness centre	—	—	—	—	●
forestry use	●	●	—	—	—
garden centre	—	—	—	—	●
golf course	—	—	—	—	●
hotel	—	—	—	—	●
kennel	●	●	—	—	—
library	—	●	●	—	●
livestock facility	●	●	—	—	—
marina	—	—	—	—	●
museum	—	●	●	—	●
office	—	—	—	—	● ¹
outdoor storage	—	—	—	—	● ¹
place of worship	—	●	●	—	●
recreation facility	—	—	—	—	●
retail store	—	—	—	—	● ¹
training facility	—	—	—	—	●
wholesale establishment	—	—	—	—	● ¹

8.2. Prime Agricultural Area Zone (AG)

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

Table 8.2.1. – AG Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area (square metres)	40,000.0	40,000.0
2. Minimum lot frontage (metres)	90.0	90.0
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	7.6
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	7.6
7. Minimum interior setback (metres)	9.0	12.0
8. Maximum lot coverage	10%	35%
9. Maximum number of principal dwelling units per lot	1.0	—

Additional Provisions for Lots Zoned AG

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

1. When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached house**, a severance application for the surplus **single detached house** must meet all zoning provisions of the RUR Zone in Table 8.4.1. The surplus **single detached house** is deemed to be a permitted use on the severed **lot**; and
2. It is intended that **agricultural related uses** or **on-farm diversified uses** may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the *Planning Act*.

8.3. General Rural Area Zone (RU)

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

Table 8.3.1. – RU Provisions

Zoning Provision	livestock facility	single detached house	all other permitted uses
1. Minimum lot area (square metres)	100,000.0	10,000.0	40,000.0
2. Minimum lot frontage (metres)	90.0	90.0	90.0
3. Maximum height (metres)	—	—	—
4. Minimum front setback (metres)	60.0	7.6	7.6
5. Minimum rear setback (metres)	60.0	7.6	7.6
6. Minimum exterior setback (metres)	60.0	7.6	7.6
7. Minimum interior setback (metres)	60.0	9.0	12.0
8. Maximum lot coverage	—	10%	35%
9. Maximum number of principal dwelling units per lot	—	1.0	—

Additional Provisions for Lots Zoned RU

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

1. When a **lot** with an **agricultural use** is enlarged by acquiring another **lot** with an **agricultural use** in the RU or AG Zones resulting in a surplus **single detached house**, a severance application for the surplus **single detached house** must meet all zoning provisions of the RUR Zone in Table 8.4.1. The surplus **single detached house** is deemed to be a permitted use on the severed **lot**.
2. It is intended that **agricultural related uses** or **on-farm diversified uses** may be authorized through a minor variance in accordance with the policies of the Official Plan and subject to, and in accordance with, the provisions of the *Planning Act*.

8.4. Rural Residential Zone (RUR)

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

Table 8.4.1. – RUR Provisions

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

8.5. Limited Service Rural Residential Zone (LSR)

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

Table 8.5.1. – LSR Provisions

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

8.6. Rural Commercial Zone (RC)

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

Table 8.6.1. – RC Provisions

Zoning Provision	single detached house	all other permitted uses
1. Minimum lot area (square metres)	10,000.0	10,000.0
2. Minimum lot frontage (metres)	30.0	(a) Private Services: 45.0 (b) Partial Services: 30.0
3. Maximum height (metres)	12.0	12.0
4. Minimum front setback (metres)	3.0	3.0
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	3.0	3.0
7. Minimum interior setback (metres)	0.0	0.0 ¹
8. Minimum landscaped open space	10%	10%

Additional Provisions for Lots Zoned RC

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

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

Section 9: Hamlet Zones

9.1. All Hamlet Zones

9.1.1. For the purposes of this By-law, Hamlet Zones include Hamlet Residential Zone (HR), Hamlet Commercial Zone (HC) and 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**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 9.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

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

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

Table 9.1.2. - Permitted Uses in the Hamlet Zones

Use	HR	HC	HI
Residential single detached house	●	—	—
duplex	●	—	—
dwelling unit in a mixed use building	●	●	—
Other agricultural sales establishment	—	●	—
animal care	—	●	●
automobile sales establishment	—	●	—
banquet hall	—	●	●
building supply store	—	●	—
cemetery	—	—	●
community centre	●	●	●
creativity centre	—	●	—
club	—	●	●

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Use	HR	HC	HI
day care centre	● ¹	● ¹	● ¹
laundry store	—	●	-
elementary school	●	●	●
fitness centre	—	●	●
garden centre	—	●	—
gas station	—	●	—
hotel	—	●	—
library	●	●	●
museum	●	●	●
office	—	●	—
outdoor storage	—	● ¹	—
personal service shop	—	●	—
place of worship	●	●	●
recreation facility	—	●	●
recreational vehicle sales establishment	—	●	—
repair shop	—	●	—
restaurant	—	●	—
retail store	—	●	—
secondary school	—	●	●
special needs facility	—	●	●
wellness clinic	—	●	●
wholesale establishment	—	● ¹	—

9.2. Hamlet Residential Zone (HR)

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

Table 9.2.1. – HR Provisions

Zoning Provision	Residential uses	Non-Residential Uses
1. Minimum lot area (square metres)	10,000.0	10,000.0
2. Minimum lot frontage (metres)	(a) Private Services – 36.5 (b) Partial Services – 30.0	(a) Private Services – 36.5 (b) Partial Services – 30.0
3. Maximum height (metres)	10.7	10.7
4. Minimum front setback (metres)	6.1	6.1
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	6.1	6.1
7. Minimum interior setback (metres)	1.2	3.5
8. Minimum landscaped open space	30%	30%
9. Maximum number of principal buildings per lot	1.0	1.0

9.3. Hamlet Commercial Zone (HC)

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

Table 9.3.1. – HC Provisions

Zoning Provision	dwelling unit in a mixed use building	automotive service station	all other permitted uses
1. Minimum lot area (square metres)	10,000.0	10,000.0	10,000.0
2. Minimum lot frontage (metres)	30.0	38.0	(a) Private Services: 45.0 (b) Partial Services: 30.0
3. Maximum height (metres)	10.7	10.7	10.7
4. Minimum front setback (metres)	3.0	12.0	3.0
5. Minimum rear setback (metres)	7.5	7.5	7.5
6. Minimum exterior setback (metres)	3.0	12.0	3.0
7. Minimum interior setback (metres)	0.0 ¹	6.0	0.0 ¹
8. Minimum landscaped open space	10%	5%	10%

Additional Provisions for Lots Zoned HC

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

1. Where **interior lot line** abuts a Zone other than a Hamlet Commercial Zone or Hamlet Institutional Zone, minimum **interior setback**: 6.0 metres;
2. **Outdoor storage** is only permitted in the **rear yard**, except:

- (a) In the case of an **automobile sales establishment**, **outdoor storage** is permitted in any **yard** provided that such **use** is **setback** 1.0 metres from any **street line**;
3. Notwithstanding any provisions of this By-law to the contrary, the following provisions apply to **driveways** on any **lot used** as a **gas station**:
- (a) The maximum width of a **driveway** is 9.1 metres, measured along the **street line**;
 - (b) The minimum **separation distance** between **driveways** on the same **lot** is 7.5 metres, measured along the **street line**;
 - (c) The minimum **separation distance** between a **driveway** and an intersection of **street lines** is 9.0 metres, measured along the **street line**;
 - (d) The minimum **setback** between an **interior lot line** and a **driveway** is 3.0 metres; and
 - (e) The minimum interior angle formed between the **street line** and the **centre line** of a **driveway** is 45 degrees.

9.4. Hamlet Institutional Zone (HI)

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

Table 9.4.1. – HI Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	10,000.0
2. Minimum lot frontage (metres)	30.0
3. Maximum height (metres)	12.0
4. Minimum front setback (metres)	6.1
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	6.1
7. Minimum interior setback (metres)	(a) where interior lot line abuts a Zone other than an HC or HI Zone: 7.6 metres; or (b) 0.0.
8. Maximum number of principal dwelling units per lot	1.0
9. Minimum landscaped open space	30%

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 Rural Industrial Zone (RM1), Rural Heavy Industrial Zone (RM2) and 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**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 10.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

10.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 10.1.2., the following corresponding provisions apply:

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

Table 10.1.2. - Permitted Uses in the Rural Industrial Zones

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

Use	RM1	RM2	MX1
outdoor storage	● ¹	●	●
repair shop	●	●	—
salvage yard	—	●	—
stone quarry	—	—	●
transformer station	—	●	—
transportation depot	●	●	—
transportation terminal	●	—	—
warehouse	●	●	—
waste disposal area	—	●	—
waste processing site	—	●	—
waste transfer station	—	●	—
water supply plant	—	●	—
workshop	●	—	—

10.2. Rural Industrial Zone (RM1)

10.2.1. The **use** of any **lot** or **building** in the RM1 Zone must comply with the provisions of Table 10.2.1.

Table 10.2.1. – RM1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	10,000.0
2. Minimum lot frontage (metres)	30.0
3. Maximum height (metres)	20.0
4. Minimum front setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
5. Minimum rear setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 15.0 (b) all other lots : 7.5 ¹
6. Minimum exterior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
7. Minimum interior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 6.1 (b) all other lots : 3.0 ¹
8. Minimum landscaped open space	10%
9. Maximum lot coverage	35%

Additional Provisions for Lots Zoned RM1

10.2.2. In addition to the provisions of Table 10.2.1., **uses** in the RM1 Zone must comply with the following provisions:

1. Outdoor storage must:

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

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

10.3. Rural Heavy Industrial Zone (RM2)

10.3.1. The **use** of any **lot** or **building** in the RM2 Zone must comply with the provisions of Table 10.3.1.

Table 10.3.1. – RM2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	10,000.0
2. Minimum lot frontage (metres)	30.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
5. Minimum rear setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 15.0 (b) all other lots : 7.5 ¹
6. Minimum exterior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 24.0 (b) all other lots : 15.0
7. Minimum interior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 12.0 (b) all other lots : 3.0 ¹
8. Minimum landscaped open space	—
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned RM2

10.3.2. In addition to the provisions of Table 10.3.1., **uses** in the RM2 Zone must comply with the following provisions:

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

10.4. Mineral Resource and Extraction Zone (MX1)

10.4.1. The **use** of any **lot** or **building** in the MX1 Zone must comply with the provisions of Table 10.4.1.

Table 10.4.1. – MX1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	10,000.0
2. Minimum lot frontage (metres)	30.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 22.0 ⁴
5. Minimum rear setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 15.0 ^{1,2,3,4}
6. Minimum exterior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 22.0 ⁴
7. Minimum interior setback (metres)	(a) where abutting a lot that is located in any Zone other than a Rural Industrial Zone: 30.0 (b) all other lots : 15.0 ^{1,2,3,4}
8. Minimum landscaped open space	—
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned MX1

10.4.2. In addition to the provisions of Table 10.4.1., **uses** in the MX1 Zone must comply with the following provisions:

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

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

Section 11: Urban Residential Zones

11.1. All Urban Residential Zones

- 11.1.1.** For the purposes of this By-law, Urban Residential Zones include Urban Residential Zone 1 (UR1), Urban Residential Zone 2 (UR2), Urban Residential Zone 3 (UR3), Urban Residential Zone 4 (UR4), Urban Residential Zone 5 (UR5), Urban Residential Zone 6 (UR6), Urban Residential Zone 7 (UR7), Urban Residential Zone 8 (UR8), Urban Residential Zone 9 (UR9), Urban Residential Zone 10 (UR10), Urban Residential Zone 11 (UR1), Urban Residential Zone 12 (UR12) and Urban Residential Zone 13 (UR13).
- 11.1.2.** **Uses** permitted in Urban Residential Zones are limited to the **uses** identified in Table 11.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 11.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

Table 11.1.2. - Permitted Uses in the Urban Residential Zones

Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9	UR10	UR11	UR12	UR13
Residential duplex	—	●	●	—	●	—	—	●	●	●	—	●	●
semi-detached house	—	●	●	—	—	—	—	●	●	●	●	●	●
single detached house	●	●	●	●	●	●	●	●	●	●	●	●	●
townhouse	—	—	●	—	—	—	—	—	—	—	—	—	—
triplex	—	—	●	—	—	—	—	—	—	—	—	—	—
Other community centre	●	●	●	●	●	●	●	●	●	●	●	●	●
elementary school	●	●	●	●	●	●	●	●	●	●	●	●	●
library	●	●	●	●	●	●	●	●	●	●	●	●	●
museum	●	●	●	●	●	●	●	●	●	●	●	●	●

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Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9	UR10	UR11	UR12	UR13
place of worship	•	•	•	•	•	•	•	•	•	•	•	•	•

11.2. Urban Residential Zone 1 (UR1)

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

Table 11.2.1. – UR1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	450.0
2. Minimum lot frontage (metres)	15.0
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other roof types: 10.7
4. Minimum front setback (metres)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum rear setback (metres)	The greater of: (a) 7.5 (b) 25% of the lot depth
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	3.6
8. Minimum landscaped open space	30%
9. Maximum lot coverage	35%
10. Maximum number of principal buildings per lot	1.0
11. Minimum aggregate of interior setbacks	3.6 metres, of which one interior setback must be a minimum of 0.6 metres

11.3. Urban Residential Zone 2 (UR2)

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

Table 11.3.1. – UR2 Provisions

Zoning Provision	semi-detached house	all other permitted uses
1. Minimum lot area (square metres)	425.0 per dwelling unit	360.0
2. Minimum lot frontage (metres)	10.6	12.0
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other roof types: 10.7	(a) flat roof : 9.0 (b) all other roof types: 10.7
4. Minimum front setback (metres)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum rear setback (metres)	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth
6. Minimum exterior setback (metres)	5.0	5.0
7. Minimum interior setback (metres)	(a) 1.8 metres (b) where a common party wall is located along a lot line : 0 metres	3.6
8. Minimum landscaped open space	30%	30%
9. Maximum lot coverage	40%	40%
10. Maximum number of principal buildings per lot	1.0	1.0

Zoning Provision	semi-detached house	all other permitted uses
11. Minimum aggregate of interior setbacks	—	3.6 metres, of which one interior setback must be a minimum of 0.6 metres

11.4. Urban Residential Zone 3 (UR3)

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

Table 11.4.1. – UR3 Provisions

Zoning Provision	semi-detached house, townhouse	single detached house, duplex	all other permitted uses
1. Minimum lot area (square metres)	225.0 per dwelling unit	320.0	360.0
2. Minimum lot frontage (metres)	10.6	10.6	12.0
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other roof types: 10.7	(a) flat roof : 9.0 (b) all other roof types: 10.7	(a) flat roof : 9.0 (b) all other roof types: 10.7
4. Minimum front setback (metres)	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres	The lesser of: (a) 6.0 (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0 metres
5. Minimum rear setback (metres)	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth	The greater of: (a) 7.5 metres (b) 25% of the lot depth
6. Minimum exterior setback (metres)	5.0	5.0	5.0
7. Minimum interior setback (metres)	(a) 1.8 metres (b) where a common party wall is located along a lot line : 0 metres	3.6 ³	3.6 ³
8. Minimum landscaped open space	30%	30%	30%

Zoning Provision	semi-detached house, townhouse	single detached house, duplex	all other permitted uses
9. Maximum lot coverage	45%	45%	45%
10. Maximum number of principal buildings per lot	1.0	1.0	1.0
11. Minimum aggregate of interior setbacks	—	5.0 metres, of which one interior setback must be a minimum of 0.6 metres	5.0 metres, of which one interior setback must be a minimum of 0.6 metres

11.5. Urban Residential Zone 4 (UR4)

11.5.1. Notwithstanding the provisions of Section 3 of this By-law to the contrary, the following definitions apply to **lots** in the UR4 Zone:

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

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

Table 11.5.1. – UR4 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	557.4
2. Minimum lot frontage (metres)	16.76
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other roof types: 10.7
4. Minimum front setback (metres)	6.1
5. Minimum rear setback (metres)	7.62
6. Minimum exterior setback (metres)	6.1
7. Minimum interior setback (metres)	(a) where there is an attached private garage : 1.22 metres

Zoning Provision	all permitted uses
	(b) where there is no attached private garage : 2.44 metres on one side and 1.22 metres on the other side
8. Minimum landscaped open space	30%
9. Maximum lot coverage	30%
10. Maximum number of principal buildings per lot	1.0

11.6. Urban Residential Zone 5 (UR5)

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

Table 11.6.1. – UR5 Provisions

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

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

Additional Provisions for Lots Zoned UR5

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

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

11.7. Urban Residential Zone 6 (UR6)

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

Table 11.7.1. – UR6 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	665.0
2. Minimum lot frontage (metres)	18.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Notwithstanding (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	(a) residential buildings : 1.2 (b) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) residential buildings : 3.6 metres (b) non-residential buildings : —
9. Minimum landscaped open space	30%
10. Maximum lot coverage	—
11. Maximum number of principal buildings per lot	(a) residential buildings : 1.0 (b) non-residential buildings : —

Zoning Provision	all permitted uses
12. Maximum building depth (metres)	(a) residential buildings : 18.0 (b) non-residential buildings : — (c) Notwithstanding (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line

11.8. Urban Residential Zone 7 (UR7)

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

Table 11.8.1. – UR7 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	555.0
2. Minimum lot frontage (metres)	(a) corner lot : 16.5 (b) all other lots : 15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Notwithstanding (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	(a) residential buildings : 1.2 (b) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) residential buildings : 3.6 metres (b) non-residential buildings : —
9. Minimum landscaped open space	30%
10. Maximum lot coverage	—
11. Maximum number of principal buildings per lot	(a) residential buildings : 1.0 (b) non-residential buildings : —

Zoning Provision	all permitted uses
12. Maximum building depth (metres)	(a) residential buildings : 18.0 (b) non-residential buildings : — (c) Notwithstanding (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line

11.9. Urban Residential Zone 8 (UR8)

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

Table 11.9.1. – UR8 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) single detached house : 418.0 (b) duplex, semi-detached house : 277.5 per dwelling unit
2. Minimum lot frontage (metres)	(a) corner lot : 16.5 (b) all other lots : 13.7
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 6.0 (b) Notwithstanding (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	(a) single detached house, duplex : 1.2 (b) semi-detached house : 2.4, except where a common party wall is located along a lot line , then 0 metres (c) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) single detached house, duplex : 3.0 (b) semi-detached house, non-residential buildings : —
9. Minimum landscaped open space	30%
10. Maximum lot coverage	—

Zoning Provision	all permitted uses
11. Maximum number of principal buildings per lot	(a) residential buildings: 1.0 (b) non-residential buildings: —
12. Maximum building depth (metres)	(a) residential buildings: 18.0 (b) non-residential buildings: — (c) Notwithstanding (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line

Additional Provisions for Lots Zoned UR8

- 11.9.2.** In addition to the provisions of Table 11.9.1., the **use** of any **lot** or **building** in the UR8 Zone must comply with the following provisions:
- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.9.1. that are applicable to a **single detached house**.

11.10. Urban Residential Zone 9 (UR9)

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

Table 11.10.1. – UR9 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) single detached house : 465.0 (b) duplex, semi-detached house : 418.0 per dwelling unit
2. Minimum lot frontage (metres)	(a) corner lot : 16.5 (b) all other lots : 12.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 4.5 (b) Notwithstanding (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	4.5
7. Minimum interior setback (metres)	(a) single detached house, duplex : 1.2 (b) semi-detached house : 2.4, except where a common party wall is located along a lot line , then 0 metres (c) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) single detached house, duplex : 3.6 (b) semi-detached house, non-residential buildings : —
9. Minimum landscaped open space	30%
10. Maximum lot coverage	—

Zoning Provision	all permitted uses
11. Maximum number of principal buildings per lot	(a) residential buildings: 1.0 (b) non-residential buildings: —
12. Maximum building depth (metres)	(a) residential buildings: 18.0 (b) non-residential buildings: — (c) Notwithstanding (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line

Additional Provisions for Lots Zoned UR9

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

11.11. Urban Residential Zone 10 (UR10)

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

Table 11.11.1. – UR10 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) duplex, semi-detached house : 370.0 per dwelling unit (b) all other permitted uses : 465.0
2. Minimum lot frontage (metres)	15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Notwithstanding (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	(a) single detached house, duplex : 1.2 (b) semi-detached house : 2.4, except where a common party wall is located along a lot line , then 0 metres (c) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) single detached house, duplex : 3.0 (b) semi-detached house, non-residential buildings : —
9. Minimum landscaped open space	30%
10. Maximum lot coverage	—
11. Maximum number of principal buildings per lot	(a) residential buildings : 1.0

Zoning Provision	all permitted uses
	(b) non-residential buildings : —
12. Maximum building depth (metres)	(a) residential buildings : 18.0 (b) non-residential buildings : — (c) Notwithstanding (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line

Additional Provisions for Lots Zoned UR10

- 11.11.2.** In addition to the provisions of Table 11.11.1., the **use** of any **lot** or **building** in the UR10 Zone must comply with the following provisions:
- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.11.1. that are applicable to a **single detached house**.

11.12. Urban Residential Zone 11 (UR11)

11.12.1. Notwithstanding the provisions of Section 3 of this By-law to the contrary, the following definitions apply to **lots** in the UR11 Zone:

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

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

Table 11.12.2. – UR11 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) single detached house : 320.0 (b) semi-detached house, linked dwelling : 270.0 per dwelling unit
2. Minimum lot frontage (metres)	(a) corner lot with a single detached house : 14.0 (b) corner lot with a semi-detached house, linked dwelling : 20.0 (c) other lot with a single detached house : 10.6 (d) corner lot with a semi-detached house, linked dwelling : 18.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	6.0
5. Minimum rear setback (metres)	(a) residential buildings : 6.0 (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	(a) single detached house with attached private garage : 1.2 (b) single detached house with no attached private garage : 1.2 metres on one side and 2.4 metres on other side

Zoning Provision	all permitted uses
	(c) semi-detached house or linked dwelling with attached private garage : 1.2 metres on the side that is not attached to another dwelling unit (d) semi-detached house or linked dwelling with no attached private garage : 2.4 metres on the side that is not attached to another dwelling unit (e) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) single detached house, duplex : 3.6 (b) semi-detached house, linked dwellings, non-residential buildings : —
9. Minimum landscaped open space	30%
10. Maximum lot coverage	—
11. Maximum number of principal buildings per lot	(a) residential buildings : 1.0 (b) non-residential buildings : —
12. Maximum building depth (metres)	—

Additional Provisions for Lots Zoned UR11

- 11.12.3.** In addition to the provisions of Table 11.12.2., the **use** of any **lot** or **building** in the UR11 Zone must comply with the following provisions:
- 1.** The minimum **separation distance** between the **main walls** above grade of a **linked dwelling** is 1.8 metres; and
 - 2.** Notwithstanding Clause 7.5.9., **driveway** widths that legally existed on a **lot** in the UR11 Zone as of the date of passing of this By-law are deemed to be permitted.

11.13. Urban Residential Zone 12 (UR12)

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

Table 11.13.1. – UR12 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) duplex, semi-detached house : 370.0 per dwelling unit (b) all other permitted uses : 465.0
2. Minimum lot frontage (metres)	15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 4.5 (b) Notwithstanding (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback is the existing front setback
5. Minimum rear setback (metres)	(a) residential buildings : — (b) non-residential buildings : equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 4.5 (b) Notwithstanding (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback is the existing exterior setback
7. Minimum interior setback (metres)	(a) single detached house, duplex : 1.2 (b) semi-detached house : 2.4, except where a common party wall is located along a lot line , then 0 metres (c) non-residential buildings : 3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) single detached house, duplex : 3.0 (b) semi-detached house, non-residential buildings : —
9. Minimum landscaped open space	30%

Zoning Provision	all permitted uses
10. Maximum lot coverage	—
11. Maximum number of principal buildings per lot	(a) residential buildings: 1.0 (b) non-residential buildings: —
12. Maximum building depth (metres)	(a) residential buildings: 18.0 (b) non-residential buildings: — (c) Notwithstanding (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line

11.14. Urban Residential Zone 13 (UR13)

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

Table 11.14.1. – UR13 Provisions

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

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

Additional Provisions for Lots Zoned UR13

11.14.2. In addition to the provisions of Table 11.14.1., the **use** of any **lot** or **building** in the UR13 Zone must comply with the following provisions:

- 1.** Where both **principal dwelling units** in a **semi-detached house** are located on the same **lot**, the **semi-detached house** must comply with all provisions of Table 11.14.1. that are applicable to a **single detached house**.

Section 12: Urban Multi-Residential

12.1. All Urban Multi-Residential Zones

12.1.1. For the purposes of this By-law, Urban Multi-Residential Zones include Urban Multi-Residential Zone 1 (URM1), Urban Multi-Residential Zone 2 (URM2), Urban Multi-Residential Zone 3 (URM3), Urban Multi-Residential Zone 4 (URM4), Urban Multi-Residential Zone 5 (URM5), Urban Multi-Residential Zone 6 (URM6), Urban Multi-Residential Zone 7 (URM7), Urban Multi-Residential Zone 8 (URM8), Urban Multi-Residential Zone 9 (URM9), Urban Multi-Residential Zone 10 (URM10), Urban Multi-Residential Zone 11 (URM11), Urban Multi-Residential Zone 12 (URM12) and Urban Multi-Residential Zone 13 (URM13).

12.1.2. **Uses** permitted in Urban Multi-Residential Zones are limited to the **uses** identified in Table 12.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 12.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

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

1. May only contain **non-residential uses** that are permitted in the CN Zone as per Table 15.1.2., where the **non-residential uses** are located only on the **first storey**.

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

Use	URM 1	URM 2	URM 3	URM 4	URM 5	URM 6	URM 7	URM 8	URM 9	URM 10	URM 11	URM 12	URM 13
Residential apartment building	●	●	●	●	●	●	●	●	●	●	●	●	●
duplex	●	—	●	●	●	—	—	—	—	—	—	—	—
semi-detached house	●	—	—	—	—	—	—	—	—	—	—	—	—

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Use	URM 1	URM 2	URM 3	URM 4	URM 5	URM 6	URM 7	URM 8	URM 9	URM 10	URM 11	URM 12	URM 13
single detached house	●	—	●	—	—	—	—	—	—	—	—	—	—
stacked townhouse	●	●	—	—	—	—	—	●	●	●	●	●	●
townhouse	●	●	—	●	●	—	—	—	—	—	—	—	—
triplex	●	—	●	●	●	●	●	—	—	—	—	—	—
Other community centre	●	●	●	●	●	●	●	●	●	●	●	●	●
day care centre	●	●	●	●	●	●	●	●	●	●	●	●	●
elementary school	●	●	●	●	●	●	●	●	●	●	●	●	●
library	●	●	●	●	●	●	●	●	●	●	●	●	●
mixed use building	—	—	—	—	—	—	—	● ¹	—	—	—	—	—
museum	●	●	●	●	●	●	●	●	●	●	●	●	●
place of worship	●	●	●	●	●	●	●	●	●	●	●	●	●

12.2. Urban Multi-Residential Zone 1 (URM1)

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

Table 12.2.1. – URM1 Provisions

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

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

12.3. Urban Multi-Residential Zone 2 (URM2)

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

Table 12.3.1. – URM2 Provisions

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

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

12.4. Urban Multi-Residential Zone 3 (URM3)

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

Table 12.4.1. – URM3 Provisions

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

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

12.5. Urban Multi-Residential Zone 4 (URM4)

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

Table 12.5.1. – URM4 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) duplex : 335.0 per dwelling unit (b) triplex, townhouse : 285.0 per dwelling unit (c) apartment building : 870.0
2. Minimum lot frontage (metres)	18.0
3. Maximum height	—
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5 metres for buildings up to 5 storeys , then additional 1.2 metres for every storey above 5
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	(a) non-residential buildings : equal to half the height of the building (b) residential buildings that are 1 storey : 1.8 (c) residential buildings that are 2 storeys : 3.0 (d) residential buildings that are greater than 2 storeys : 3.0 metres plus 1.2 metres for each additional storey above 2 (e) Notwithstanding (b), (c) and (d), for townhouses , where a common party wall is located along a lot line , then 0 metres
8. Minimum landscaped open space	30%

12.6. Urban Multi-Residential Zone 5 (URM5)

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

Table 12.6.1. – URM5 Provisions

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

Additional Provisions for Lots Zoned URM5

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

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

12.7. Urban Multi-Residential Zone 6 (URM6)

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

Table 12.7.1. – URM6 Provisions

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

Additional Provisions for Lots Zoned URM6

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

- 1.** Where an **interior lot line** is adjacent to a **lot** with a **single detached house, duplex or semi-detached house** a privacy **fence** with a minimum height of 1.8 metres must be provided. Such privacy **fence** must:
 - (a)** be established 0.2 metres from the **interior lot line**; and
 - (b)** extend from the intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**.

12.8. Urban Multi-Residential Zone 7 (URM7)

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

Table 12.8.1. – URM7 Provisions

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

12.9. Urban Multi-Residential Zone 8 (URM8)

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

Table 12.9.1. – URM8 Provisions

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

Additional Provisions for Lots Zoned URM8

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

- 1.** Within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must meet Subclause 4.16.1.2. of this By-law;
- 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;

3. **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
4. Notwithstanding Clause 1.8.5., the minimum **lot area** required by Table 12.9.1. must be provided for a **lot** to be **developed** with an **apartment building**, a **mixed use building**, or **stacked townhouses**;
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and must comply with the following Paragraphs:
 - (a) For **lots** in the URM8 Zone located west of Albert Street, **development** of such **uses** must comply with the provisions of the UR5 Zone; and
 - (b) For **lots** in the URM8 Zone located east of Albert Street, **development** for such **uses** must comply with the provisions of the URM3 Zone.
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
 - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.9.2.5. do not require the removal of the “-H” Holding Symbol.

12.10. Urban Multi-Residential Zone 9 (URM9)

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

Table 12.10.1. – URM9 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	apartment building, stacked townhouse: 1,200.0
2. Maximum height (metres)	Lesser of 12.0 metres or 4 storeys , excluding a basement storey
3. Minimum front setback (metres)	3.0
4. Minimum rear setback (metres)	10.0
5. Minimum exterior setback (metres)	3.0
6. Minimum interior setback (metres)	3.0
7. Minimum landscaped open space	10%
8. Maximum lot coverage	55%
9. Maximum number of principal buildings per lot	1.0
10. Maximum floor space index	2.2

Additional Provisions for Lots Zoned URM9

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

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

4. Notwithstanding Clause 1.8.5., the minimum **lot area** required by Table 12.10.1. must be provided for a **lot** to be **developed** with an **apartment building** or **stacked townhouses**;
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and must comply with the following Paragraphs:
 - (a) For **lots** in the URM9 Zone located east of Portsmouth Avenue, **development** of such **uses** must comply with the provisions of the UR6 Zone; and
 - (b) For **lots** in the URM9 Zone located west of Portsmouth Avenue, **development** of such **uses** must comply with the provisions of the UR7 Zone.
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
 - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.10.2.5 do not require the removal of the “-H” Holding Symbol.

12.11. Urban Multi-Residential Zone 10 (URM10)

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

Table 12.11.1. – URM10 Provisions

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

Additional Provisions for Lots Zoned URM10

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

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

5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR10 Zone; and
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
 - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.11.2.5. do not require the removal of the “-H” Holding Symbol.

12.12. Urban Multi-Residential Zone 11 (URM11)

12.12.1. Notwithstanding the definitions of **front lot line** and **rear lot line**, in the URM11 Zone:

1. Where a **lot** has a **street line** adjacent to Portsmouth Avenue and/or Woodstone Crescent, such **street line(s)** are deemed to be a **front lot line**.

12.12.2. The **use** of any **lot** or **building** in the URM11 Zone must comply with the provisions of Table 12.12.2.

Table 12.12.2. – URM11 Provisions

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

Additional Provisions for Lots Zoned URM11

12.12.3. In addition to the provisions of Table 12.12.2., the **use** of any **lot** or **building** in the URM11 Zone must comply with the following provisions:

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

4. Notwithstanding Clause 1.8.5., the minimum **lot area** required by Table 12.12.2. must be provided for a **lot** to be **developed** with an **apartment building** or **stacked townhouses**;
5. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR8 Zone; and
6. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
 - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.12.2.5. do not require the removal of the “-H” Holding Symbol.

12.13. Urban Multi-Residential Zone 12 (URM12)

12.13.1. For the purpose of the URM12 Zone, the following definitions apply:

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

12.13.2. Notwithstanding the definitions of **front lot line** and **rear lot line**, in the URM12 Zone:

- 1.** Where a **lot** has a **street line** adjacent to Bath Road and/or Sir John A. MacDonald Boulevard, such **street line(s)** are deemed to be a **front lot line**.

12.13.3. The **use** of any **lot** or **building** in the URM12 Zone must comply with the provisions of Table 12.13.3.

Table 12.13.3. – URM12 Provisions

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

Additional Provisions for Lots Zoned URM12

- 12.13.4.** In addition to the provisions of Table 12.13.3., the **use** of any **lot** or **building** in the URM12 Zone must comply with the following provisions:
- 1.** Where a **main wall** faces Sir John A. MacDonald Boulevard and/or Bath Road, a minimum **stepback** of 3.0 metres must be provided from the **podium** to the **tower**;
 - 2.** **Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
 - 3.** **Parking spaces** are prohibited in the **front yard** or **exterior yard**;
 - 4.** The maximum floor plate of a **tower** is 790 square metres. **Tower** floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components;
 - 5.** The minimum **separation distance** between a **tower** and another **tower** is 25.0 metres;
 - 6.** The minimum **setback** from a **tower** to a **lot line** shared with an adjacent property is 12.5 metres;
 - 7.** Notwithstanding Subclause 6., where an adjacent property has already been developed with a **tower**, the **tower** is permitted to be located closer than 12.5 metres to the **lot line** shared with that adjacent property so long as the 25.0 metre **tower separation distance** is maintained;
 - 8.** The minimum **setback** from a **tower** to the exterior wall of the podium is 2.0 metres;
 - 9.** Notwithstanding Clause 2.5.3., where a **lot** is divided into more than one Zone, the Zone boundary is treated as a **lot line** and each portion of the **lot** must be used in accordance with the provisions of the underlying Zone;
 - 10.** **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the URM4 Zone; and
 - 11.** Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:

- (a)** The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- (b)** A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
- (c)** Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.13.4.10. do not require the removal of the “-H” Holding Symbol.

12.14. Urban Multi-Residential Zone 13 (URM13)

12.14.1. The **use** of any **lot** or **building** in the URM13 Zone must comply with the provisions of Table 12.14.1.

Table 12.14.1. – URM13 Provisions

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

Additional Provisions for Lots Zoned URM13

12.14.2. In addition to the provisions of Table 12.14.1., the **use** of any **lot** or **building** in the URM13 Zone must comply with the following provisions:

- 1. Balconies** are only permitted above the second **storey**, to a maximum projection of 1.5 metres from the **main wall**;
- 2. Parking spaces** are prohibited in the **front yard** or **exterior yard**;
- 3.** Notwithstanding Clause 2.5.3., where a **lot** is divided into more than one Zone, the Zone boundary is treated as a **lot line** and each portion of the **lot** must be used in accordance with the provisions of the underlying Zone;

4. **Uses** that legally existed prior to the passage of this By-law are deemed to be permitted **uses** and **development** of such **uses** must comply with the provisions of the UR8 Zone; and
5. Holding Symbol: Prior to the removal of any **lot** from the “-H” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
 - (a) The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
 - (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the City; and
 - (c) Interim permitted uses: Notwithstanding Paragraphs (a) and (b), **uses** that are permitted in accordance with Subclause 12.14.2.4. do not require the removal of the “-H” Holding Symbol.

Section 13: Heritage Zones

13.1. All Heritage Zones

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

13.1.2. **Uses** permitted in Heritage Zones are limited to the **uses** identified in Table 13.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 13.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

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

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

Table 13.1.2. - Permitted Uses in the Heritage Zones

Use	HCD1	HCD2	HCD3
Residential apartment building	—	—	●
duplex	—	—	●
dwelling unit in a mixed use building	—	● ¹	—
semi-detached house	● ²	—	●
single detached house	● ²	—	●
stacked townhouse	—	—	—
townhouse	—	—	●
triplex	—	—	●
Other	—	●	—

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

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

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

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

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

Table 13.2.2. – HCD1 Provisions

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

Zoning Provision	Heritage Lot	Non-Heritage Lot
		height of the heritage buildings on the adjacent heritage lots (b) For all other lots: 10.0
4. Minimum front setback (metres)	Front setback existing as of the date of passing of this By-law	3.0
5. Minimum rear setback (metres)	Rear setback existing as of the date of passing of this By-law	7.0
6. Minimum exterior setback (metres)	Exterior setback existing as of the date of passing of this By-law	3.0
7. Minimum interior setback (metres)	Interior setback existing as of the date of passing of this By-law	1.2
8. Minimum aggregate of interior setbacks	Aggregate of interior setbacks that existed as of the date of passing of this By-law	6.0
9. Minimum landscaped open space	Landscaped open space existing as of the date of passing of this By-law	30%
10. Maximum lot coverage	Lot coverage existing as of the date of passing of this By-law	25%
11. Maximum number of principal buildings per lot	1	1
12. Maximum number of storeys	Number of storeys existing as of the date of passing of this By-law	2

Additional Provisions for Lots Zoned HCD1

13.2.3. In addition to the provisions of Table 13.2.2., the **use** of any **lot** or **building** in the HCD1 Zone must comply with the following provisions:

- 1.** The maximum **height** of any **fence** or wall in the **front yard** is 1.0 metres;
- 2.** Any portion of a **lot** within 30.0 metres of the **street line** of Highway 15 must be maintained as **landscaped open space**;

3. Buildings must be **setback** a minimum of 30.0 metres from the **street line** of Highway 15;
 4. **Parking** is not permitted in the **front yard** of any **lot**; and
 5. The maximum **gross floor area** of a **non-residential building** is 275.0 square metres.
- 13.2.4.** An addition to a **heritage building** must comply with the provisions that apply to a **non-heritage lot**, except the maximum **height** of an addition must not exceed a **height** that is 0.5 metres less than the **height** of the **heritage building**.

13.3. Heritage Zone 2 – Market Square (HCD2)

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

Table 13.3.1. – HCD2 Provisions

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

Additional Provisions for Lots Zoned HCD2

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

1. Height provisions:

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

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

- (d) **Drive-throughs** are prohibited; and
- (e) The maximum **gross floor area** of a **grocery store** is 275.0 square metres.

Ground Floor Commercial Uses

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

13.4. Heritage Zone 3 – Old Sydenham (HCD3)

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

Table 13.4.1. – HCD3 Provisions

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

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

Additional Provisions for Lots Zoned HCD3

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

- 1.** Dormers are permitted on a roof that is not a **flat roof**, provided that:
 - (a)** The front wall of the dormer is **setback** a minimum of 0.4 metres from the **main wall**;
 - (b)** The side wall of the dormer is **setback** a minimum of 1.0 metre from the edge of the roof on which it is located; and

- (c) The maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located;
- 2. Notwithstanding the provisions of Clause 4.1.2., the minimum **setback** for **accessory buildings** in a **yard** adjacent to Lily Lane is 2.0 metres; and
- 3. Notwithstanding the provisions of Paragraph 5.4.6.4.(a) and Subclause 5.4.6.9., **accessory buildings** in a **yard** adjacent to Lily Lane are not permitted to be **used** as a detached **additional residential unit**.

Section 14: Institutional Zones

14.1. All Institutional Zones

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

14.1.2. **Uses** permitted in Institutional Zones are limited to the **uses** identified in Table 14.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 14.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

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

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

Table 14.1.2. - Permitted Uses in the Institutional Zones

Use	IN1	IN2	G1	G2
Residential dwelling unit in a mixed use building	● ¹	●	● ¹	● ¹
Other animal care	●	—	—	●
banquet hall	●	●	●	●
cemetery	●	—	—	●
community centre	●	●	●	●
correctional college	—	—	●	—
correctional institution	—	—	●	—
day care centre	● ¹	● ¹	● ¹	● ¹
hospital	—	●	—	●
institutional use	●	●	—	—
laboratory	—	●	—	—

Use	IN1	IN2	G1	G2
library	●	●	●	●
military installation	—	—	—	●
museum	●	●	●	●
place of worship	●	●	●	●
post-secondary institution	—	●	—	●
recreational facility	●	●	—	●
restaurant	—	—	—	●
retail store	—	—	—	●
secondary school	●	●	●	●
special needs facility	●	●	●	●
wellness clinic	●	—	—	●

14.2. Institutional – Minor Zone (IN1)

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

Table 14.2.1. – IN1 Provisions

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

14.3. Institutional – Major Zone (IN2)

14.3.1. The **use** of any **lot** or **building** in the IN2 Zone must comply with the provisions of Table 14.3.1.

Table 14.3.1. – IN2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	0 ^{2,3}
5. Minimum rear setback (metres)	(a) For lots with a lot depth less than 30.0 metres: 25% of the lot depth (b) For all other lots : 7.5 ^{2,3}
6. Minimum exterior setback (metres)	50% of the height of the building to a maximum of 23.0 metres ^{1,2,3}
7. Minimum interior setback (metres)	23.0 metres ^{1,2,3}
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—
11. Maximum density of housing owned by a post-secondary institution or medical institution	519 habitation units per net hectare

Additional Provisions for Lots Zoned IN2

14.3.2. In addition to the provisions of Table 14.3.1., **uses** in the IN2 Zone must comply with the following provisions:

- 1.** Aggregate **interior setback** and **exterior setback**: 61.0 metres, of which the **interior setback** or **exterior setback** is a minimum of 23.0 metres;
- 2.** 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 required to equal 1.5 times the **height** of the **building**; and

3. 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.

14.4. Correctional Facility Zone (G1)

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

Table 14.4.1. – G1 Provisions

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

14.5. Military Installation Zone (G2)

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

Table 14.5.1. – G2 Provisions

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

Section 15: Commercial Zones

15.1. All Commercial Zones

15.1.1. For the purposes of this By-law, Commercial Zones include Neighbourhood Commercial Zone (CN), Mainstreet Commercial Zone 1 (CM1), Mainstreet Commercial Zone 2 (CM2), Arterial Commercial Zone (CA), District Commercial Zone (CD), Regional Commercial Zone (CR), General Commercial Zone (CG), Marine Commercial Zone (CW), Central Downtown Zone 1 (DT1), Central Downtown Zone 2 (DT2) and Harbour Zone (HB).

15.1.2. **Uses** permitted in Commercial Zones are limited to the **uses** identified in Table 15.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 15.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

15.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 15.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the **lot** and must be located on or above the second **storey**.
2. Is permitted only as an **accessory use** to a **principal use** on the **lot**.

Table 15.1.2. - Permitted Uses in the Commercial Zones

Use	CN	CM1, CM2	CA	CD	CR	CG	CW	DT1, DT2	HB
Residential apartment building	—	●	—	—	—	—	—	●	—
dwelling unit in a mixed use building	●	●	—	—	—	●	—	●	—
stacked townhouse	—	●	—	—	—	—	—	—	—
townhouse	—	●	—	—	—	—	—	—	—
Other agricultural sales establishment	—	—	●	—	—	—	—	—	—

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Use	CN	CM1, CM2	CA	CD	CR	CG	CW	DT1, DT2	HB
animal care	—	—	●	●	—	●	—	●	—
automobile sales establishment	—	—	●	—	—	●	—	●	—
banquet hall	—	●	●	●	●	●	—	●	—
building supply store	—	—	●	—	●	—	—	●	—
carwash	—	—	—	—	—	●	—	—	—
commercial parking lot	—	—	—	●	●	●	—	●	—
community centre	●	●	●	●	●	●	●	●	—
club	—	●	●	●	●	●	—	●	—
creativity centre	●	●	●	●	●	●	—	●	—
day care centre	● ²	●	● ²	● ²	● ²	● ²	—	●	—
department store	—	—	—	●	●	—	—	●	—
entertainment establishment	—	●	●	●	●	—	—	●	—
ferry terminal	—	—	—	—	—	—	—	—	●
financial institution	—	●	●	●	●	●	—	●	—
fitness centre	—	●	●	●	●	●	—	●	—
gas station	—	—	●	●	●	●	—	●	—
grocery store	●	●	●	●	●	●	—	●	—
funeral establishment	—	●	●	—	—	●	—	●	—
garden centre	—	—	●	●	●	—	—	—	—
hotel	—	●	●	—	—	—	●	●	—
institutional use	—	—	—	—	—	●	—	—	—
laboratory	—	●	—	—	—	—	—	—	—
laundry store	●	●	●	●	●	●	—	●	—
library	●	●	●	●	●	●	●	●	—
marina	—	—	—	—	—	—	●	—	●
museum	●	●	●	●	●	●	●	●	—

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Use	CN	CM1, CM2	CA	CD	CR	CG	CW	DT1, DT2	HB
office	●	●	● ¹	●	●	●	—	●	—
outdoor storage	—	—	—	—	—	—	● ¹	—	—
personal service shop	●	●	●	●	●	●	—	●	—
place of worship	●	●	●	●	●	●	●	●	—
public market	—	—	—	—	—	—	—	—	—
recreation facility	—	●	●	●	●	●	—	●	—
recreational vehicle sales establishment	—	—	●	—	—	●	—	—	—
repair shop	—	—	●	—	—	●	●	●	—
restaurant	●	●	●	●	—	●	●	●	●
retail store	●	●	●	●	●	●	●	●	●
secondary school	—	—	●	—	—	—	—	—	—
special needs facility	—	●	●	●	—	●	—	—	—
training facility	—	—	—	●	●	●	—	●	—
transportation depot	—	—	—	—	—	—	—	●	—
transportation terminal	—	—	—	—	—	—	—	●	—
wellness clinic	●	●	●	●	●	●	—	●	—
wholesale establishment	—	—	●	—	—	—	—	—	—

15.2. Neighbourhood Commercial Zone (CN)

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

Table 15.2.1. – CN Provisions

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

Additional Provisions for Lots Zoned CN

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

1. The maximum permitted gross floor area of a fitness centre, financial institution, laundry store, personal service shop, repair shop, retail store, restaurant or grocery store is 185.0 square metres; and
2. The maximum permitted **gross floor area** of a **building** containing more than one commercial use is 929.3 square metres.

15.3. Mainstreet Commercial Zone 1 (CM1)

15.3.1. Notwithstanding the definitions of **front lot line** and **rear lot line**, in the CM1 Zone:

1. Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
2. Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the CM1, CM2 or other Commercial Zone are considered a **rear lot line**.

15.3.2. The **use** of any **lot** or **building** in the CM1 Zone must comply with the provisions of Table 15.3.1.

Table 15.3.1. – CM1 Provisions

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

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

Additional Provisions for Lots Zoned CM1

15.3.3. In addition to the provisions of Table 15.3.1., **uses** in the CM1 Zone must comply with the following provisions:

Front Setback of Streetwall

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

Projecting Balconies

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

Ground Floor Commercial Uses

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

Loading and Parking

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

15.4. Mainstreet Commercial Zone 2 (CM2)

15.4.1. For the purpose of the CM2 Zone, the following definitions apply:

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

15.4.2. Notwithstanding the definitions of **front lot line** and **rear lot line**, in the CM2 Zone:

1. Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
2. Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the CM1, CM2 or other Commercial Zone are considered a **rear lot line**.

15.4.3. The **use** of any **lot** or **building** in the CM2 Zone must comply with the provisions of Table 15.4.1.

Table 15.4.1. – CM2 Provisions

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

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

Additional Provisions for Lots Zoned CM2

15.4.4. In addition to the provisions of Table 15.4.1., **uses** in the CM2 Zone must comply with the following provisions:

Front Setback of Streetwall

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

Projecting Balconies

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

Ground Floor Commercial Uses

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

Tower Conditions

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

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

Loading and Parking

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

15.5. Arterial Commercial Zone (CA)

15.5.1. The **use** of any **lot** or **building** in the CA Zone must comply with the provisions of Table 15.5.1.

Table 15.5.1. – CA Provisions

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

Additional Provisions for Lots Zoned CA

15.5.2. In addition to the provisions of Table 15.5.1., **uses** in the CA Zone must comply with the following provisions:

- 1.** Minimum **interior setback** where **interior lot line** abuts a Zone other than a Commercial Zone or Institutional Zone: 6.0 metres; and
- 2.** Where a **parking lot** is adjacent to a sidewalk or **walkway**, a minimum 3.0 metre wide **planting strip** must be provided between such **parking lot** and sidewalk or **walkway**.

15.6. District Commercial Zone (CD)

15.6.1. The **use** of any **lot** or **building** in the CD Zone must comply with the provisions of Table 15.6.1.

Table 15.6.1. – CD Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	60.0
3. Maximum height (metres)	The lesser of: (a) 10.7 metres (b) one storey
4. Minimum front setback (metres)	3.0
5. Minimum rear setback (metres)	15.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	0.0 ¹
8. Minimum landscaped open space	10%
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned CD

15.6.2. In addition to the provisions of Table 15.6.1., **uses** in the CD Zone must comply with the following provisions:

- 1.** Minimum **interior setback** where the **interior lot line** abuts any Zone other than a Commercial Zone: 15.0 metres; and
- 2.** **Outdoor storage** is prohibited.

15.7. Regional Commercial Zone (CR)

15.7.1. The **use** of any **lot** or **building** in the CR Zone must comply with the provisions of Table 15.7.1.

Table 15.7.1. – CR Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	60.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	3.0
5. Minimum rear setback (metres)	15.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	15.0
8. Minimum landscaped open space	10% ²
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned CR

15.7.2. In addition to the provisions of Table 15.7.1., **uses** in the CR Zone must comply with the following provisions:

- 1.** Where the **lot** is **developed** in phases, the required **landscaped open space** must be provided on a pro rata basis with the **construction** of **gross leasable area**; and
- 2.** No **outdoor storage** is permitted, except for the sole purpose of a **garden centre**.

15.8. General Commercial Zone (CG)

15.8.1. The **use** of any **lot** or **building** in the CG Zone must comply with the provisions of Table 15.8.1.

Table 15.8.1. – CG Provisions

Zoning Provision	dwelling unit in a mixed use building	gas station	all other permitted uses
1. Minimum lot area (square metres)	1,393.6	1,161.2	464.5
2. Minimum lot frontage (metres)	30.0	30.0	30.0
3. Maximum height (metres)	10.7	10.7	10.7
4. Minimum front setback (metres)	3.1	3.1	3.1
5. Minimum rear setback (metres)	7.5	7.5	7.5
6. Minimum exterior setback (metres)	3.1	15.2	3.1
7. Minimum interior setback (metres)	0.0 ¹	9.1	0.0 ¹
8. Minimum landscaped open space	10%	5%	10%
9. Maximum lot coverage	—	20%	—
10. Maximum number of dwelling units per lot	1.0	—	—

Additional Provisions for Lots Zoned CG

15.8.2. In addition to the provisions of Table 15.8.1., **uses** in the CG Zone must comply with the following provisions:

- 1.** Minimum **interior setback** where abutting any Zone other than a Commercial Zone or an Institutional Zone: 3.1 metres;
- 2.** Maximum permitted **gross leasable area** of a building containing more than one commercial use is 2,000.0 square metres, not including any floor area which is exclusively devoted to institutional, **office** or **residential use**; and
- 3.** **Outdoor storage** is prohibited.

15.9. Marine Commercial Zone (CW)

15.9.1. The **use** of any **lot** or **building** in the CW Zone must comply with the provisions of Table 15.9.1.

Table 15.9.1. – CW Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	560.0
2. Minimum lot frontage (metres)	23.0
3. Maximum height (metres)	10.7
4. Minimum front setback (metres)	3.0
5. Minimum rear setback (metres)	15.0
6. Minimum exterior setback (metres)	3.0
7. Minimum interior setback (metres)	0.0 ³
8. Minimum landscaped open space	10%
9. Maximum lot coverage	40%

Additional Provisions for Lots Zoned CW

15.9.2. In addition to the provisions of Table 15.9.1., **uses** in the CW Zone must comply with the following provisions:

1. Minimum **interior setback** where **interior lot line** abuts a Zone other than a Commercial Zone: 9.0 metres; and
2. **Outdoor storage** is only permitted in the **rear yard**, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**.

15.10. Central Downtown Zone 1 (DT1)

15.10.1. The **use** of any **lot** or **building** in the DT1 Zone must comply with the provisions of Table 15.10.1.

Table 15.10.1. – DT1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Minimum height	2 storeys , not less than 8.5 metres
4. Maximum height (metres)	(a) Height at build-to-plane: 4 storeys , not to exceed 17.0 metres (b) Height under angular plane: 6 storeys , not to exceed 25.5 metres
5. Minimum front setback (metres)	See subclause 15.10.2.1.
6. Minimum rear setback (metres)	See subclause 15.10.2.2.
7. Minimum exterior setback (metres)	0.0
8. Minimum interior setback (metres)	See subclause 15.10.2.2.
9. Minimum landscaped open space	—
10. Minimum lot coverage	50%
11. Maximum lot coverage	100%
12. Maximum number of dwelling units per lot	123 dwelling units per net hectare
13. Applicable angular plane	39 degrees
14. Height for commencement of angular plane	17.0

Additional Provisions for Lots Zoned DT1

15.10.2. In addition to the provisions of Table 15.10.1., **uses** in the DT1 Zone must comply with the following provisions:

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

Ground Floor Commercial Uses

- 11.** **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as “Required Ground Floor Commercial” on Schedule 3 of this By-Law.

- 12.** Where ground floor commercial **uses** are required by Subclause 12., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted uses, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

15.11. Central Downtown Zone 2 (DT2)

15.11.1. The **use** of any **lot** or **building** in the DT2 Zone must comply with the provisions of Table 15.11.1.

Table 15.11.1. – DT2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Minimum height	2 storeys , not less than 8.5 metres
4. Maximum height (metres)	4 storeys , not to exceed 17.0 metres
5. Minimum front setback (metres)	See subclause 15.11.2.1.
6. Minimum rear setback (metres)	See subclause 15.11.2.2.
7. Minimum exterior setback (metres)	0.0
8. Minimum interior setback (metres)	See subclause 15.11.2.2.
9. Minimum landscaped open space	—
10. Minimum lot coverage	50%
11. Maximum lot coverage	100%
12. Maximum number of dwelling units per lot	123 dwelling units per net hectare

Additional Provisions for Lots Zoned DT2

15.11.2. In addition to the provisions of Table 15.11.1., **uses** in the DT2 Zone must comply with the following provisions:

- 1.** The minimum **front setback** and **build-to-plane** is the average of the existing **front setback** of immediately adjacent **buildings** fronting on the same **street**, subject to the following provisions:

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

Ground Floor Commercial Uses

- 11. Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as “Required Ground Floor Commercial” on Schedule 3 of this By-Law.

- 12.** Where ground floor commercial **uses** are required by Subclause 12., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted uses, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

15.12. Harbour Zone (HB)

15.12.1. The **use** of any **lot** or **building** in the HB Zone must comply with the provisions of Table 15.12.1.

Table 15.12.1. – HB Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Maximum height (metres)	10.7
4. Minimum front setback (metres)	0.0
5. Minimum rear setback (metres)	0.0
6. Minimum exterior setback (metres)	0.0
7. Minimum interior setback (metres)	0.0
8. Minimum landscaped open space	—
9. Maximum lot coverage	50%

Additional Provisions for Lots Zoned HB

15.12.2. In addition to the provisions of Table 15.12.1., **uses** in the HB Zone must comply with the following provisions:

- 1.** No **loading spaces** are required;
- 2.** Notwithstanding Clause 4.23.1., the minimum **setback** from the **high water mark** of a **waterbody** for any **use** or **building** is 10.0 metres;
- 3.** No **outdoor storage** is permitted, except for **outdoor storage** associated with a **marina**, which is permitted in any **yard**;
- 4.** **Drive-throughs** are prohibited;

Ground Floor Commercial Uses

- 5.** **Buildings** are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as “Required Ground Floor Commercial” on Schedule 3 of this By-Law.

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

Section 16: Employment Zones

16.1. All Employment Zones

16.1.1. For the purposes of this By-law, Employment Zones include Business Park Zone (M1), General Industrial Zone (M2), Heavy Industrial Zone (M3), Employment Service Zone (M4) and Waste Management Zone (M5).

16.1.2. **Uses** permitted in Employment Zones are limited to the **uses** identified in Table 16.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 16.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

16.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 16.1.2., the following corresponding provisions apply:

1. Is required to operate within an enclosed **building**.
2. Is permitted only as an **accessory use** to a **principal use** on the **lot** and is limited to a maximum **gross floor area** of 25% of the **gross floor area** of the **principal use**.
3. Is limited only to convenience commercial uses in a **retail store**, in accordance with the complementary use policies of the Official Plan.
4. Is permitted only as an **accessory use** to a **principal use** on the **lot**.
5. Is permitted as a **principal use** and may occupy 100% **gross floor area** on the **lot**, in accordance with the complementary use policies of the Official Plan.

Table 16.1.2. - Permitted Uses in the Employment Zones

Use	M1	M2	M3	M4	M5
animal care	—	—	—	● ⁵	—
animal shelter	—	—	—	●	—
automobile body shop	—	●	●	—	—
automobile repair shop	—	●	●	—	—

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Use	M1	M2	M3	M4	M5
banquet hall	—	—	—	● ⁵	—
call centre	●	—	—	● ¹	—
catering service	●	●	—	● ¹	—
contractor's yard	● ¹	—	—	● ¹	—
day care centre	—	—	—	● ⁵	—
feedmill	—	●	—	—	—
financial institution	—	—	—	● ⁵	—
fitness centre	—	—	—	● ⁵	—
heavy equipment or truck repair shop	—	●	●	—	—
heavy industrial uses	—	—	●	—	—
hotel	—	—	—	● ⁵	—
industrial repair shop	—	●	●	—	—
kennel	—	—	—	●	—
laboratory	●	—	—	● ¹	—
light industrial use	● ¹	●	●	● ¹	—
office	●	—	—	● ¹	—
outdoor storage	● ⁴	● ⁴	● ⁴	—	●
personal service shop	—	—	—	● ⁵	—
place of worship	—	—	—	● ⁵	—
production studio	●	—	—	● ¹	—
recreational facility	—	—	—	● ⁵	—
repair shop	● ¹	●	●	● ¹	—
research establishment	●	—	—	● ¹	—
restaurant	—	—	—	● ⁵	—
retail store	● ²	● ²	● ²	● ³	● ²
salvage yard	—	—	—	—	●
self-service storage facility	—	●	●	—	—

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Use	M1	M2	M3	M4	M5
technology industry	● ¹	●	—	● ¹	—
towing compound	—	●	●	—	●
training facility	● ¹	—	—	● ¹	—
transportation depot	● ¹	●	●	● ¹	—
warehouse	● ¹	●	●	● ¹	—
waste disposal area	—	—	—	—	●
waste processing site	—	—	—	—	●
waste transfer station	—	—	—	—	●
wastewater treatment facility	—	—	●	—	●
water supply plant	—	—	●	—	—
wellness clinic	—	—	—	● ⁵	—
wholesale establishment	● ¹	●	●	● ¹	—
workshop	● ¹	●	●	● ¹	—

16.2. Business Park Zone (M1)

16.2.1. The **use** of any **lot** or **building** in the M1 Zone must comply with the provisions of Table 16.2.1.

Table 16.2.1. – M1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	25.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	6.0 ²
5. Minimum rear setback (metres)	7.5 ²
6. Minimum exterior setback (metres)	6.0 ²
7. Minimum interior setback (metres)	6.0 ²
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M1

16.2.2. In addition to the provisions of Table 16.2.1., **uses** in the M1 Zone must comply with the following provisions:

1. **Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in a Zone other than an Employment Zone and:
 - (a) Must comply with the **setback** provisions as if such **use** were a **building**;
 - (b) Must not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**;
 - (c) Must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone; and
 - (d) Must have an area no greater than 20% of the **lot area**;
2. Where a **lot line** abuts a **lot** in any Zone other than an Employment Zone, or has a **street line** located on the opposite side of the **street** from a **lot** in a Zone other than an Employment Zone:

- (a) A minimum 3.0 metre wide **planting strip** is required adjacent to any such **lot line** or **street line** in accordance with the provisions of Subsection 4.16. of this By-law; and
 - (b) Where the **lot line** is an **interior lot line** or **rear lot line**, the minimum **setback** from the **lot line** is 15.0 metres.
- 3. All **parking lots** must be surfaced with asphalt, concrete, lockstone or a similar material approved by the City.
- 4. It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

16.3. General Industrial Zone (M2)

16.3.1. The **use** of any **lot** or **building** in the M2 Zone must comply with the provisions of Table 16.3.1.

Table 16.3.1. – M2 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	21.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	8.0
5. Minimum rear setback (metres)	7.5 ²
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0 ²
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M2

16.3.2. In addition to the provisions of Table 16.3.1., **uses** in the M2 Zone must comply with the following provisions:

1. **Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in a Zone other than an Employment Zone and:
 - (a) Must comply with the **setback** provisions as if such **use** were a **building**;
 - (b) Must not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**;
 - (c) Must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone; and
 - (d) Must have an area no greater than 20% of the **lot area**;
2. Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 15.0 metres; and

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

16.4. Heavy Industrial Zone (M3)

16.4.1. The **use** of any **lot** or **building** in the M3 Zone must comply with the provisions of Table 16.4.1.

Table 16.4.1. – M3 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	25.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	8.0
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M3

16.4.2. In addition to the provisions of Table 16.4.1., **uses** in the M3 Zone must comply with the following provisions:

- 1. Outdoor storage** is not permitted on a **lot** that is adjacent to a **lot** in a Zone other than an Employment Zone and:
 - (a)** Must comply with the **setback** provisions as if such **use** were a **building**;
 - (b)** Must not be located in a **front yard** or **exterior yard**, and must not be located in a **rear yard** that abuts a **street line**; and
 - (c)** Must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone;
- 2.** It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

16.5. Employment Service Zone (M4)

16.5.1. The **use** of any **lot** or **building** in the M4 Zone must comply with the provisions of Table 16.5.1.

Table 16.5.1. – M4 Provisions

Zoning Provision	all other permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	25.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	6.0
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0 ¹
8. Minimum landscaped open space	15%
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M4

16.5.2. In addition to the provisions of Table 16.5.1., **uses** in the M4 Zone must comply with the following provisions:

- 1.** Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 15.0 metres; and
- 2.** **Outdoor storage** is prohibited;
- 3.** All **parking lots** must be surfaced with asphalt, concrete, or lockstone or a similar material approved by the City; and
- 4.** It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

16.6. Waste Management Zone (M5)

16.6.1. The **use** of any **lot** or **building** in the M5 Zone must comply with the provisions of Table 16.6.1.

Table 16.6.1. – M5 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Maximum height (metres)	15.0
4. Minimum front setback (metres)	15.0
5. Minimum rear setback (metres)	15.0 ¹
6. Minimum exterior setback (metres)	15.0
7. Minimum interior setback (metres)	15.0 ¹
8. Minimum landscaped open space	—
9. Maximum lot coverage	—

Additional Provisions for Lots Zoned M5

16.6.2. In addition to the provisions of Table 16.6.1., **uses** in the M5 Zone must comply with the following provisions:

- 1. Outdoor storage** must be provided with a **visual screen** a minimum height of 1.8 metres in such a manner that the **outdoor storage** is not visible from a **street** or a **lot** that is located in any Zone other than an Employment Zone;
- 2.** Where an **interior lot line** or **rear lot line** abuts a **lot** in any Zone other than an Employment Zone, the minimum **setback** from such **lot line** is 30.0 metres;
- 3.** All facilities for managing solid waste must be located within an enclosed **building** and **constructed** in such a manner that the waste material is not visible from a **street** or an adjacent non-industrial property; and
- 4.** It is intended that **complementary uses** may be authorized through a minor variance in accordance with the policies of the Official Plan, and subject to, and in accordance with, the provisions of the *Planning Act*.

Section 17: Transportation and Utilities Zones

17.1. All Transportation and Utilities Zones

17.1.1. For the purposes of this By-law, Transportation and Utilities Zones include Airport Zone (TA), Transportation Terminal Highway and Railway Zone (TR) and Utility Installation or Corridor Zone (TU).

17.1.2. **Uses** permitted in Transportation and Utilities Zones are limited to the **uses** identified in Table 17.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 17.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

17.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 17.1.2., the following corresponding provisions apply:

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

Table 17.1.2. - Permitted Uses in the Transportation and Utilities Zones

Use	TA	TR	TU
agricultural use	—	—	● ¹
airport facilities	●	—	—
club	●	—	—
ferry terminal	—	●	—
outdoor storage	—	—	● ¹
personal service shop	—	● ¹	—
restaurant	—	● ¹	—
retail store	—	● ¹	—
transformer station	—	—	●
transportation terminal	—	●	—
water supply plant	—	—	●

17.2. Airport Zone (TA)

17.2.1. The **use** of any **lot** or **building** in the TA Zone must comply with the provisions of Table 17.2.1.

Table 17.2.1. – TA Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Maximum height (metres)	15.2
4. Minimum front setback (metres)	21.3
5. Minimum rear setback (metres)	7.6
6. Minimum exterior setback (metres)	21.3
7. Minimum interior setback (metres)	3.1
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

17.3. Transportation Terminal Highway and Railway Zone (TR)

17.3.1. The **use** of any **lot** or **building** in the TR Zone must comply with the provisions of Table 17.3.1.

Table 17.3.1. – TR Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Maximum height (metres)	18.0
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	0.0 ¹
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	4.5
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned TR

17.3.2. In addition to the provisions of Table 17.3.1., **uses** in the TR Zone must comply with the following provisions:

- 1.** Bus stations must comply with the following:
 - (a)** A minimum 3.0 metre wide **planting strip** must be provided along all **lot lines**.
- 2.** Train stations must comply with the following:
 - (a)** A minimum 7.5 metre wide **planting strip** must be provided along all **lot lines**.

17.4. Utility Installation or Corridor Zone (TU)

17.4.1. The **use** of any **lot** or **building** in the TU Zone must comply with the provisions of Table 17.4.1.

Table 17.4.1. – TU Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	6.0
7. Minimum interior setback (metres)	6.0
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

Additional Provisions for Lots Zoned TU

17.4.2. In addition to the provisions of Table 17.4.1., **uses** in the TU Zone must comply with the following provisions:

- 1.** A minimum 4.5 metre wide **planting strip** must be provided along all **street lines**;
- 2.** Where a **lot** abuts a **lot** in an Institutional Zone or Commercial Zone, a minimum 3.0 metre wide **planting strip** must be provided adjacent to any such **lot line**, which must have a minimum **height** of 1.5 metres for the row of trees or a continuous hedgerow of evergreens or shrubs;

3. Where a **lot** is located on the opposite side of the **street** from an Institutional Zone or Commercial Zone, a minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is opposite to such Zone;
4. No planting strip is required adjacent to a **lot line** that abuts an Employment Zone, Transportation and Utilities Zone, or any combination of Zones thereof;
5. A minimum 4.5 metre wide **planting strip** must be provided along all other **lot lines**, which must have a minimum **height** of 1.5 metres for the row of trees or a continuous hedgerow of evergreens or shrubs.

Section 18: Open Space Zones

18.1. All Open Space Zones

18.1.1. For the purposes of this By-law, Open Space Zones include Minor Open Space Zone (OS1), Major Open Space Zone (OS2) and Development Reserve Zone (DR).

18.1.2. **Uses** permitted in Open Space Zones are limited to the **uses** identified in Table 18.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the use is not permitted in that Zone. In addition to the **uses** in Table 18.1.2., other **uses** may be permitted in accordance with the General Provisions in Section 4, the Overlay Provisions in Section 5 or the Specific Use Provisions in Section 6.

18.1.3. Where a permitted **use** includes a reference number in superscript beside the “●” symbol in Table 18.1.2., the following corresponding provisions apply:

1. Is permitted only as an **accessory use** to a **principal use** on the **lot**;
2. Is permitted if the **principal building** lawfully existed on the **lot** as of the date of passing of this By-law; and
3. Is permitted in the **rural area**.

Table 18.1.2. - Permitted Uses in the Open Space Zones

Use	OS1	OS2	DR
Residential dwelling unit in a mixed use building	—	● ¹	● ²
single detached house	—	● ¹	● ²
Other agricultural use	—	—	● ³
campground	—	●	—
cemetery	—	●	—
club	—	●	—
community centre	●	●	—
elementary school	—	●	—

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Use	OS1	OS2	DR
fitness centre	—	●	—
forestry use	—	●	—
golf course	—	●	—
library	●	●	—
marina	—	●	—
museum	●	●	—
office	—	● ¹	—
place of worship	—	—	—
recreation facility	—	●	—
secondary school	—	●	—

18.2. Minor Open Space Zone (OS1)

18.2.1. The **use** of any **lot** or **building** in the OS1 Zone must comply with the provisions of Table 18.2.1.

Table 18.2.1. – OS1 Provisions

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	0.0
2. Minimum lot frontage (metres)	0.0
3. Maximum height (metres)	—
4. Minimum front setback (metres)	4.5
5. Minimum rear setback (metres)	7.5
6. Minimum exterior setback (metres)	4.5
7. Minimum interior setback (metres)	7.5
8. Minimum landscaped open space	—
9. Maximum lot coverage	—
10. Maximum number of dwelling units per lot	—

18.3. Major Open Space Zone (OS2)

18.3.1. The **use** of any **lot** or **building** in the OS2 Zone must comply with the provisions of Table 18.3.1.

Table 18.3.1. – OS2 Provisions

Zoning Provision	dwelling unit in a mixed use building, single detached house	all other permitted uses
1. Minimum lot area (square metres)	a) Municipal Services: 371.6 b) Partial Services: 1,393.6 c) Private Services: 2,043.9	0.0
2. Minimum lot frontage (metres)	a) Municipal Services: 15.2 b) Partial Services: 30.5 c) Private Services: 45.7	0.0
3. Maximum height (metres)	23.0	23.0
4. Minimum front setback (metres)	6.1	7.5
5. Minimum rear setback (metres)	7.5	7.5
6. Minimum exterior setback (metres)	6.1	7.5
7. Minimum interior setback (metres)	1.2	7.5
8. Minimum landscaped open space	30%	—
9. Maximum lot coverage	35%	—
10. Maximum number of dwelling units per lot	1.0	—

18.4. Development Reserve Zone (DR)

18.4.1. The **use** of any **lot** or **building** in the DR Zone must comply with the provisions of Table 18.4.1.

Table 18.4.1. – DR Provisions

Zoning Provision	dwelling unit in a mixed use building, single detached house	all other permitted uses
1. Minimum lot area (square metres)	0.0	0.0
2. Minimum lot frontage (metres)	0.0	0.0
3. Maximum height (metres)	—	—
4. Minimum front setback (metres)	7.6	6.1
5. Minimum rear setback (metres)	7.6	7.6
6. Minimum exterior setback (metres)	7.6	6.1
7. Minimum interior setback (metres)	7.6	7.6
8. Minimum landscaped open space	—	—
9. Maximum lot coverage	20%	20%
10. Maximum number of dwelling units per lot	1.0	—

Section 19: Environmental Zones

19.1. Environmental Protection Area Zone (EPA)

19.1.1. No **use, building** or any part of a private sewage system is permitted in the EPA Zone, except:

1. Water quality management **uses**;
2. Flood control components or works;
3. Erosion control components or works;
4. Recreational or educational **uses**, generally of a passive nature, excluding associated **buildings**;
5. New public or private works or utilities such as pipelines, roads, bridges or parking areas, where such facilities are not feasible outside of the Environmental Protection Area;
6. **Marine facilities**;
7. **Parks and conservation uses**; and,
8. Legally existing **uses**, including **agricultural uses**, as of the date of passing of this By-law.

Section 20: Zoning Maps

Note for Second Draft: Refer to interactive map for the Zoning Maps for the second draft.

Section 21: Overlay Schedules

Note for Second Draft: Refer to interactive map for the Overlay Schedules for the second draft.

Schedule A – Floodplain Overlay

Schedule B – Source Water Protection Overlay

Schedule C – Airport Noise Exposure Overlay

Schedule D – Additional Residential Units Overlay

Schedule E – Exception Overlay

Section 22: Non-Overlay Schedules

Note for Second Draft: Refer to interactive map for the Non-Overlay Schedules for the second draft.

Schedule 1 – Road Classification

Schedule 2 – Parking Areas

Schedule 3 - Required Ground Floor Commercial

Section 23: Legacy Exceptions

Note for Second Draft: Refer to interactive map for Legacy Exceptions as per Clause 5.5.1. of this By-law. An explanation has been provided in the “Second Draft Highlights” document.

Section 24: Exceptions

Note for Second Draft: Refer to interactive map for Exception as per Clause 5.5.1. of this By-law. An explanation has been provided in the “Second Draft Highlights” document.

Section 25: Holding Zones

Note for Second Draft: Staff anticipate moving the holding provisions from the various zones and site-specific exceptions into this section for the final draft.

25.1. Provisions of Holding Zones

25.1.1. The following provisions apply to the holding zones in accordance with Clause 2.6.2.:

1. Holding Zone – “H1”

(a) Prior to the removal of any **lot** from the “-H1” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:

(i) The City is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

(b) Notwithstanding Subclause 1., **uses** that occur within the walls of a **building** that lawfully existed on the date of the passing of this By-law are permitted.

2. Holding Zone – “H2”

(a) Prior to the removal of any **lot** from the “-H2” Holding Symbol and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:

(i) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the City, or that no Record of Site Condition is required for the proposed **development**.

(b) Notwithstanding Subclause 1., **uses** that occur within the walls of a **building** that lawfully existed on the date of the passing of this By-law are permitted.

3. Holding Zone – “H3”

(a) Prior to the removal of any **lot** from the “-H3” Holding Symbol and the issuance of a building permit for a **day care centre, place of worship, and hotel**, the following conditions must be satisfied:

- (i) A noise impact study which assesses the potential impact on future employment uses on surrounding properties, prepared by a qualified person has been completed to the satisfaction of the City; and
- (ii) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the City, or that no Record of Site Condition is required for the proposed **development**.

Section 26: Temporary Zones

26.1. Provisions of Temporary Zones

26.1.1. The following provisions apply to the temporary zones in accordance with Clause 2.6.4.:

- 1.** Intentionally Left Blank
 - (a)** Intentionally Left Blank
 - (i)** Intentionally Left Blank

Section 27: Amendments to this By-law

27.1. List of Amendments

27.1.1. Table 27.1.1. is provided for reference purposes only and provides a list of the amendments that have been made to this By-law from the date of passing of this By-law until the date of the published office consolidation.

Table 27.1.1. - List of Amendments

Municipal Address	City File Number	Exception Number	By-law Number	LPAT Appeal
Intentionally Left Blank	—	—	—	—